



Notice of Meeting

Notice is hereby given that the **Ordinary Council Meeting** of the **Whitsunday Regional Council** will be held at the Council Chambers, 83-85 Main Street, Proserpine on **Wednesday 12 October 2022**, commencing at **9:00 AM** and the Agenda is attached.

Councillors: Julie Hall (Mayor), Jan Clifford, Al Grundy, John Collins, Michelle Wright, Gary Simpson and Michael Brunker.

Local Government Regulation 2012

254.(C) (1) Notice of each local government meeting or adjourned local government meeting must be given to each councillor or committee member at least 2 days before the day of the meeting, unless it is impracticable to give the notice before that time.

(2) The written notice must state:

- (a) state the day and time of the local government meeting; and
- (b) for a special meeting—state the business to be conducted at the meeting; and
- (c) include the agenda for the local government meeting.

(3) A **special meeting** is a meeting at which the only business that may be conducted is the business stated in the notice of meeting.



Rodney Ferguson

CHIEF EXECUTIVE OFFICER

Agenda of the Ordinary Council Meeting to be held at
Council Chambers, 83-85 Main Street, Proserpine on Wednesday 12 October 2022
commencing at **9:00 AM**

Council acknowledges and shows respect to the Traditional Custodian/owners in whose country we hold this meeting.

9:00 AM

- Formal Meeting Commences

10:00 am - 10.30 am

- Morning Tea

Whitsunday Regional Council
Agenda of the Ordinary Council Meeting held at
Council Chambers, 83-85 Main Street, Proserpine on
Wednesday 12 October 2022 commencing at 9:00 AM

1	APOLOGIES/LEAVE OF ABSENCE	5
2	CONDOLENCES	6
2.1	Condolences Report.....	6
3	DECLARATIONS OF INTEREST	7
4	MAYORAL MINUTE	8
5	MAYORAL UPDATE	9
6	CONFIRMATION OF MINUTES	10
6.1	Confirmation of Minutes.....	10
7	BUSINESS ARISING	13
7.1	Public Question Response	13
8	DEPUTATIONS	15
9	PETITIONS	16
10	NOTICES OF MOTION	17
11	QUESTIONS ON NOTICE	18
12	QUESTIONS FROM THE PUBLIC GALLERY	19
13.1	Corporate Services	20
13.1.1	Annual Revaluation - Effective 30 June 2023	20
13.1.2	Reef Guardian Council Committee Meeting.....	24
13.2	Development Services	27
13.2.1	20191416 - Development Application for Material Change of Use (Showroom) - 2 Central Avenue, Cannonvale.....	27
13.2.2	Airlie Beach Replacement Permanent and Auxiliary Fire and Rescue Station - 2-6 Banksia Court, Cannonvale QLD 4802.....	54
13.2.3	20220630 - Development Application for Material Change of Use (Adult Store) - 13 Waterson Way, Airlie Beach - D Sampson c/- Wynne Planning and Development	59
13.2.4	Development Services Monthly Report - September 2022	76
13.3	Community Services	95
13.3.1	Community Plan 2022-2032	95
13.3.2	Amendment to Local Law & Subordinate Local Law No. 1 (Administration) 2014	114
13.3.3	500.2022.0065 - W4Q – Design and Construction of Collinsville Swimming Pool Upgrades.....	278
13.3.4	Sport & Recreation Club Grants - October 2022.....	282

13.3.5 Financial Support for a Junior Elite Athlete - September 2022..... 284
13.3.6 Sponsorship Request - Keelan O'Brien - Born to Race..... 287
13.3.7 Sponsorship Request - Central Rodeo Cowboys Association Inc. 294
13.3.8 Community Services Monthly Report - September 2022 303
14 MATTERS OF IMPORTANCE 329
15 LATE REPORT ITEMS 330

1 APOLOGIES/LEAVE OF ABSENCE

This item on the agenda allows Council the opportunity to receive apologies/leave of absence from Councillors unable to attend the meeting.

2 CONDOLENCES

2.1 Condolences Report

DATE: Wednesday 12 October 2022

TO: Ordinary Council Meeting

AUTHOR: Tailah Jensen - Governance and Administration Officer

RESPONSIBLE OFFICER: Rodney Ferguson - Chief Executive Officer

PRESENTED FOR: Information

ATTACHMENTS

Nil

PURPOSE

To acknowledge and observe a minute silence for the recently deceased throughout the Whitsunday Region.

OFFICER'S RECOMMENDATION

That Council observe one (1) minute's silence for the recently deceased.

CONCLUSION

Councillors, committee members, staff, general public and anyone participating in the meeting are to stand and observe a minute silence for the recently deceased.

3 DECLARATIONS OF INTEREST

This item on the agenda allows Councillors the opportunity to declare a conflict of interest, in accordance with the *Local Government Act 2009* (the Act), in a matter that is to be discussed at this meeting of Council that is not an ordinary business matter.

Any such declarations will be managed during the meeting as required in accordance with the relevant sections of the Act.

4 MAYORAL MINUTE

This item on the agenda allows the Mayor to introduce, by a signed minute, a matter for consideration at the meeting. In accordance with Council's Standing Orders, such a matter takes precedence over all other matters for consideration at the meeting and may be adopted by a motion moved by the Mayor without the need for the motion to be seconded.

5 MAYORAL UPDATE

A verbal update will be provided.

6 CONFIRMATION OF MINUTES

6.1 Confirmation of Minutes

DATE: Wednesday 12 October 2022

TO: Ordinary Council Meeting

AUTHOR: Tailah Jensen – Governance Administration Officer

AUTHORISING OFFICER: Rodney Ferguson - Chief Executive Officer

PRESENTED FOR: Decision

ATTACHMENTS

Nil

PURPOSE

At each Council meeting, the minutes of the previous meeting must be confirmed by the councillors present and signed by the person presiding at the later meeting. The Minutes of Council's Ordinary Council Meeting held on 28 September 2022 are provided for Councils review and confirmation.

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting held on 28 September 2022.

BACKGROUND

In accordance with s272 of the Local Government Regulation 2012, minutes were taken at Council's Ordinary Council Meeting held on 28 September 2022 under the supervision of the person presiding at the meeting. These unconfirmed minutes once drafted were submitted to the Chief Executive Officer for review and are available on Council's website for public inspection.

DISCUSSION/CURRENT ISSUE

Council's options are:

Confirm the Minutes of the Ordinary Council Meeting held on 28 September 2022.

If Council is satisfied that the unconfirmed minutes are an accurate representation of what occurred at the meeting held on 28 September 2022 and comply with legislative requirements outlined in this report, no further action is required other than to confirm the minutes as per the recommendation.

Confirm the Minutes of the Ordinary Council Meeting held on 28 September 2022 with amendments.

If Council is not satisfied that the unconfirmed minutes are an accurate representation of what occurred at the meeting held on 28 September 2022 and comply with legislative requirements outlined in this report, then they move a motion that they be confirmed but with a list of amendments to ensure they are correct and compliant.

STATUTORY/COMPLIANCE MATTERS

In accordance with the Act, Council must record specified information in the minutes of a meeting regarding any declared material personal interests or conflicts of interest. At the

Ordinary Council Meeting held on 28 September 2022, the following interests were declared and recorded in the minutes:

Councillor/Officer	Prescribed or Declarable	Report No.	Particulars of the interest
<i>No declarations made for this meeting.</i>			

Additionally, the chairperson of a local government meeting must also ensure that details of an order made against a Councillor for unsuitable meeting conduct at a Council meeting are recording in the minutes of the meeting. At the Ordinary Council Meeting held on 28 September 2022, the following orders were made:

Councillor	Order Made
<i>No orders made for this meeting.</i>	

Local Government Regulation 2012

Section 272 of the Regulation stipulates that the Chief Executive Officer must ensure that minutes of each meeting of a local government are taken under the supervision of the person presiding at the meeting.

Minutes of each meeting must include the names of councillors present at the meeting and if a division is called on a question, the names of all persons voting on the question and how they voted.

At each meeting, the minutes of the previous meeting must be confirmed by the councillors present and signed by the person presiding at the later meeting.

A copy of the minutes of each meeting must be available for inspection by the public, at a local government's public office and on its website, within 10 days after the end of the meeting. Once confirmed, the minutes must also be available for purchase at the local government's public office(s).

FINANCIAL IMPLICATIONS

The price for a member of the public to purchase a copy of the minutes must not be more than the cost to the local government of having the copy printed and made available for purchase, and if the copy is supplied to the purchaser by post, the cost of the postage.

TABLED MATTERS

Unresolved Tabled Matters			
Date of Meeting	Resolution Number	Summary	Resolved
13/05/2020	20191416 - Development Permit for Material Change of Use - Showroom - 2-12 Central Avenue Cannonvale – Yoogalu Pty Ltd 2020/05/13.07	That the application lie on the table as the Applicant has 'Stopped the Clock'.	On hold pending The outcome of the intersection funding and discussion with DTMR – Corner Galbraith Park Road and Shute Harbour Road.
25/11/2020	Cantamessa Road Bridge 2020/11/25.27	That the item be Tabled pending further investigations for temporary access, replacement, or closure of the bridge and to seek further information regarding funding.	Council was notified 22 July that the grant funding was unsuccessful, a future report will be brought to Council with alternate option.
25/05/2022	13.1.3 Council Meetings Live Stream Policy	That the item be tabled until we have a full Council.	N/A

CONSULTATION

Director Corporate Services

DISCLOSURE OF OFFICER'S INTERESTS

No officer involved in the preparation of this report has an interest to declare in accordance with the provisions of the Local Government Act 2009 or the Staff Code of Conduct.

CONCLUSION

These minutes from the Ordinary Council Meeting held on 28 September 2022 are therefore submitted for adoption of their accuracy by the Councillors at this meeting of Council.

7 BUSINESS ARISING

7.1 Public Question Response

DATE: Wednesday 12 October 2022

TO: Ordinary Council Meeting

AUTHORISING OFFICER: Rodney Ferguson - Chief Executive Officer

PRESENTED FOR: Information

There was one public question submitted for the Ordinary Council Meeting held on the 28 September 2022 by Mr Phil Bryant.

The question was read out by the Chief Executive Officer in Mr Bryant's absence and was taken on notice with the response letter which has been provided. A copy of this letter is attached.

Council is not required to do anything, but note the public question response provided to Mr Brant, for information only.

ATTACHMENTS

1. Public Question Correspondence Letter – Mr Bryant



Contact: Neil McGaffin
Phone: 07 4945 0651

Correspondence:
Chief Executive Officer,
Whitsunday Regional Council,
PO Box 104, Proserpine QLD 4800
P: 1300 WRC QLD (1300 972 753)
F: (07) 4945 0222
E: info@whitsundayrc.qld.gov.au
www.whitsundayrc.qld.gov.au
ABN 63 291 580 128

14 September 2022

Mr P Bryant
Unit 42 – 159 Shingley Drive
CANNONVALE QLD 4802

Dear Phil,

RE: Question from the Public Gallery – 28 September 2022

Thank you for the question recently submitted for consideration at Council's Ordinary Meeting on 14 September 2022. Whilst it was not presented at that meeting, it was presented at the meeting on 28 September 2022.

The Planning Scheme Major Amendment is currently undergoing public consultation and accepting submissions from the public.

Your request to include "no high rise" in the Airlie Beach Local Plan will be accepted as an additional properly made submission from you on the Planning Scheme Major Amendment and will be addressed as part of Council's Submission Analysis process in due course. Once the issue has been addressed by Council you will be notified accordingly.

Should you require further information, please do not hesitate to contact Neil McGaffin, Director Development Services directly via Neil.McGaffin@wrc.qld.gov.au or 07 4945 0651.

Yours faithfully,

Rodney Ferguson
Chief Executive Officer

Bowen
Cnr Herbert & Powell Streets
Bowen QLD 4805

Proserpine
83-85 Main Street
Proserpine QLD 4800

Collinsville
Cnr Stanley & Conway Streets
Collinsville QLD 4804

Cannonvale
Shop 23, Whitsunday Plaza
Shute Harbour Road, Cannonvale QLD 4802

8 DEPUTATIONS

This item on the agenda allows persons to make a deputation to Council. Deputations are managed in accordance with Council's adopted Standing Orders.

9 PETITIONS

This item on the agenda allows for the Mayor, Councillors or Council's Chief Executive Officer to present a petition to the meeting. In accordance with Council's Standing Orders, no debate on or in relation to the tabled petition shall be allowed and the only motion which may be moved is that the petition either be received, referred to a Committee or Council officer for consideration and report back to Council, or not be received because it is deemed invalid.

10 NOTICES OF MOTION

In accordance with Council's Standing Orders, Councillors may give notice of any business they wish to be discussed at an Ordinary Meeting by way of a Notice of Motion. This item on the agenda allows Councillors to introduce and move any motions they have submitted to the Chief Executive Officer for inclusion in the agenda.

11 QUESTIONS ON NOTICE

This item on the agenda is for the inclusion of any responses prepared by officers in response to questions taken on notice at previous meetings of Council.

Excerpt from Council's Standing Orders:

1. In each Meeting, time shall be set aside to permit members of the public to address the Council on matters of public interest related to local government.
2. Questions from the Public Gallery will be taken on notice and may or may not be responded to at the Meeting.
3. The time allotted shall not exceed fifteen (15) minutes and no more than three (3) speakers shall be permitted to speak at any one (1) meeting.
4. Any person addressing the Council shall stand, act and speak with decorum and frame any remarks in respectful and courteous language.

13.1 Corporate Services

13.1.1 Annual Revaluation - Effective 30 June 2023

DATE: Wednesday 12 October 2022

TO: Ordinary Council Meeting

AUTHOR: Patricia Jago - Coordinator Rates

AUTHORISING OFFICER: Jason Bradshaw - Director Corporate Services

PRESENTED FOR: Decision

ATTACHMENTS

1. Consideration for Annual Valuation Effective - 30 June 2023 - Whitsunday Regional Council

PURPOSE

This report is seeking Council's direction about the proposed Whole of Region revaluation for the 2022/23 financial year.

OFFICER'S RECOMMENDATION

That Council ask the Department of Resources to include the Whitsunday Regional Council local government area as part of the 2023 revaluation program to take effect on 30 June 2023.

BACKGROUND

The Department of Resources have written to Council (Attachment 1) seeking our view in relation to the proposed inclusion of our Local Government Area as part of the 2023 revaluation program that will take effect on 30 June 2023. They have also provided a Market Survey Summary 2022 indicating valuation movements across six of the main differential rating classifications.

Council received and implemented the last revaluation in 2021 for the 2022 financial year, this was the first revaluation undertaken in our region since 2017. In line with the consultation requirements of the Land Valuation Act 2010, the Valuer-General has written to each local government seeking their opinion on whether the annual valuation should be undertaken.

The Department has recommended that our Local Government Area is not included in the next revaluation program based on their preliminary assessment. However, with property values being subject to fluctuation across the region, a revaluation offers an opportunity for valuations and rates to be reviewed and to consider the impacts of changes across the whole region for general rates. There is likely to be movements in the residential and multi-unit residential sector of the region based on preliminary market data.

DISCUSSION/CURRENT ISSUE

Based on the Market Survey Report, Council would expect to see an overall factor change of 7.3% based on 940 sales across all sectors.

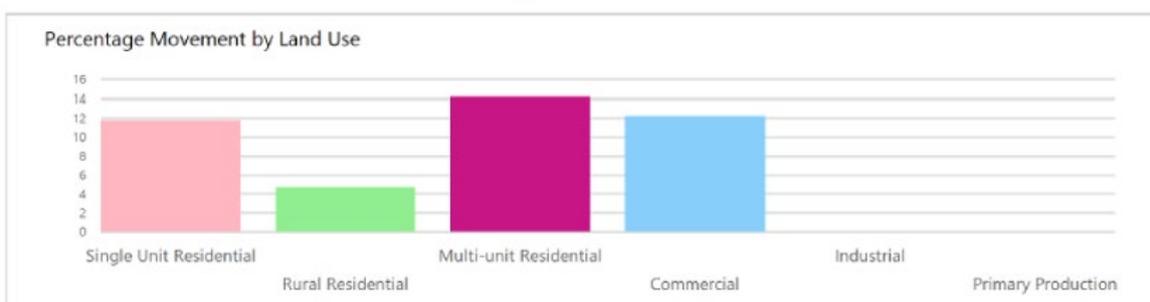
The implications of requesting inclusion in the revaluation program, will be an opportunity to address the relativities and any re-adjustments of the rates borne by individual properties within the region based on movements in the valuation. A review of the rate-in-the-dollar, applicable to each category may be required due to the significant sales of the residential and multi residential properties to help with the increase or decreases of valuations.

While current economic conditions are not conducive to implementing significant changes, given that the results of the valuations will not be applicable for some time, the conditions will hopefully have settled down by the time the changes are incorporated into the budget and rating process for the 2023/24 budget.

With the significant movements within the Single Unit Residential (11.8%), Multi-unit Residential (14.2%) and Commercial (12.2%) valuations, it would be prudent for Council to consider requesting the Revaluation effective 30 June 2023 to minimise any future significant increases in valuations and/or rates. This will ensure rates in the dollar are equitably split across Council's differential rating categories. With a valuation change, it also gives Council the ability to absorb rate increases with valuation movements summarised in Figure 1 below.

Figure 1 – Extract from Market Survey Summary 2022

Overall Factor Movement Percentage



STATUTORY/COMPLIANCE MATTERS

Land Valuation Act 2010

Local Government Act 2009

Local Government Regulation 2012

STRATEGIC IMPACTS

Maximise the organisation's financial performance, achieving a high level of customer service, productivity and efficiency through strategic direction, expert advice and leadership.

FINANCIAL IMPLICATIONS

If this valuation is realised, this will impact the budget and rates modelling considerations for the 2023/24 budget. If the revaluation is not realised, then the budget will continue based on the current valuations and the relativities are lost with keeping the valuation current and reflective of market conditions and movements.

Each year the budget contains an allocation for maintaining the land records and valuations for rateable land within the region. The cost of this is approximately \$140,000 each year, whether a revaluation occurs or not.

CONSULTATION/ENGAGEMENT

Chief Executive Officer

Director Corporate Services

Manager Financial Services

RISK ASSESSMENT

Council has seen a lot of property movement within the past 12 months and a revaluation would align the valuations with the current market as this will otherwise be the second year without a revaluation. If this is not agreed, it will compound any future valuations and potentially impact on ratepayers.

TIMINGS/DEADLINES

A response is required to the Valuer General by the 14 October 2022 otherwise our Local Government Area will not be included in the next revaluation program.

CONFLICT OF INTEREST DECLARATION

Council officers contributing to the preparation and approval of this report have no conflicts of interest to declare.

HUMAN RIGHTS IMPACT

Section 58 of the *Human Rights Act 2019* specifies required conduct for public entities when acting or making a decision. Sections 15-37 of the *Human Rights Act 2019* identifies the human rights a public entity must consider in making a decision. The human rights relevant to this decision are as follows:

- Section 19 – Freedom of movement.
- Section 21 – Freedom of expression.
- Section 24 – Right to own property and not be arbitrarily deprived of property.
- Section 27 – Cultural rights – generally – all persons with a particular cultural, religious, racial or linguistic background have the right to enjoy their culture, to declare and practice their religion and use their language.
- Section 28 – Cultural rights – Aboriginal peoples and Torres Strait Islander peoples.

This decision does not limit the above identified human rights.

ALTERNATIVES CONSIDERED

Options	Description	Positives	Negatives
Option 2	Not accept proposed revaluation program effective 30.06.2023	No impact on 2023/24 budgeted rates	Growth in values against the sales in properties has been increasing which will be compounded if not applied in 2023/24

16 September 2022

Mr Rod Ferguson
Chief Executive Officer
Whitsunday Regional Council
83-85 Main Street
Proserpine QLD 4800



Department of **Resources**

By email: info@whitsundayrc.qld.gov.au

Dear Mr Ferguson,

Proposed inclusion in the revaluation program effective 30 June 2023

I am seeking your views in relation to the proposed inclusion of your local government area as part of the 2023 revaluation program that will take effect on 30 June 2023.

The *Land Valuation Act 2010* requires that the Valuer-General undertakes an annual valuation of rateable land, but they may decide not to do so in a local government area after considering:

- a market survey report for the local government area that reviews the sales of land and the probable impact of those sales on the value of land since the last annual valuation
- the results of consultation with the local government for the area and appropriate local and industry groups.

As part of its preliminary assessment, the State Valuation Service (SVS) considered a range of factors, including the timing of the last valuation, any extreme weather events that occurred over the last year and market movements. The results of this assessment are attached for your information. Market movement is often an indicator of the need for a revaluation, but there may be further influences that support market growth or reductions. The SVS will continue to monitor the property market.

Based on the preliminary assessment, the SVS plans to recommend that your local government area is **not included** in the next revaluation program that will commence in late 2022 and take effect from 30 June 2023.

Consistent with the Act, please advise me of your support or otherwise for your local government not to be revalued in 2023. You may also wish to provide me with any additional information relevant for consideration.

Please provide your response to me **by Friday 14 October 2022** by email at valuer-general@resources.qld.gov.au. The results of this consultation will be used to inform the final decision by the Valuer-General about the 2023 revaluation program.

If you have any enquiries regarding the revaluation program, please contact Ben Ilott, Area Manager, State Valuation Service on telephone (07) 4999 6983.

Yours sincerely


Karen Hopper
Acting Executive Director
State Valuation Service

13.1.2 Reef Guardian Council Committee Meeting

DATE: Wednesday 12 October 2022

TO: Ordinary Council Meeting

AUTHOR: James Ngoroyemoto – Manager Governance and Administration

AUTHORISING OFFICER: Jason Bradshaw - Director Corporate Services

PRESENTED FOR: Decision

ATTACHMENTS

N/A

PURPOSE

To nominate a Councillor representative to attend the Reef Guardian Council's Bi-annual Executive Committee Meeting.

OFFICER'S RECOMMENDATION

That Council appoint Councillor XXXX to attend the Reef Guardian Council's Bi-annual Executive Committee Meeting.

BACKGROUND

At Council's ordinary meeting held on Wednesday 14 September 2022, the following decision was made:

That Council appoint Councillor Grundy to attend the Reef Guardian Council's Bi-annual Executive Committee Meeting.

Following the above-mentioned decision, Cr Grundy has indicated his intention to resign from the position of Councillor, Council therefore needs to appoint another Councillor to attend the event.

The Great Barrier Reef Marine Park Authority will be holding the Reef Council's Bi-annual Executive Committee Meeting and Working Group Meetings on 20 October 2022 after the conclusion of the LGAQ Conference 2022.

The Reef Guardian Council program showcases environmentally sustainable practices undertaken by councils in the Great Barrier Reef catchment. The program recognises the effective management and protection of the Reef requires a coordinated effort from industries, communities and all levels of government.

There are 19 councils between Bundaberg and Cooktown in the Reef Guardian Councils program undertaking a range of projects. This covers an area of more than 300,000 square kilometres and includes a population of approximately one million people. Whitsunday Regional Council is working together with other Councils to protect and conserve the Marine Park through activities that improve the health and resilience of the Reef.

DISCUSSION/CURRENT ISSUE

Reef Guardian Councils undertake environmental initiatives in the following areas:

- water management - waterways rehabilitation, water monitoring, urban stormwater treatment, wastewater and trade waste treatment
- waste management - source reduction, waste avoidance, waste reuse and recycling

- land management - vegetation and pest management, resource assessment, erosion control, and land planning and management
- climate change - planning and policy, energy and resource efficiency, and community education
- community - education, capacity building and developing partnerships

Reef Guardian Councils have an important role in planning for sustainable population growth, approving environmentally sound developments, and preparing the community for climate change impacts. Whether Reef Guardian Councils and their communities are large or small, they are all making continuous improvements to help the Great Barrier Reef.

Cr Grundy has been associated with discussions of this committee in the past. However, Deputy Mayor Simpson has shown interest in attending the conference and represent Council.

STATUTORY/COMPLIANCE MATTERS

Managed in accordance with the requirements for local government representatives on Committees.

STRATEGIC IMPACTS

Maximise the organisation's financial performance, achieving a high level of customer service, productivity and efficiency through strategic direction, expert advice and leadership.

FINANCIAL IMPLICATIONS

Flights and accommodation associated with the Reef Guardian Councils' events can be provided to help facilitate Councillor attendance.

CONSULTATION/ENGAGEMENT

Director of Corporate Services
Manager Governance & Administration

RISK ASSESSMENT

This meeting will promote Reef Guardian Councils and Working Groups and enable the attending Councillor to network and share learnings with attendees from 19 Reef Guardian Councils.

TIMINGS/DEADLINES

Confirmation at the present Ordinary Meeting will ensure registration and arrangements for this meeting to be completed in a timely manner.

CONFLICT OF INTEREST DECLARATION

Council officers contributing to the preparation and approval of this report have no conflicts of interest to declare.

HUMAN RIGHTS IMPACT

Section 58 of the *Human Rights Act 2019* specifies required conduct for public entities when acting or making a decision. Sections 15-37 of the *Human Rights Act 2019* identifies the human rights a public entity must consider in making a decision. The human rights relevant to this decision are as follows:

- Section 19 – Freedom of movement.
- Section 21 – Freedom of expression.
- Section 24 – Right to own property and not be arbitrarily deprived of property.
- Section 27 – Cultural rights – generally – all persons with a particular cultural, religious, racial or linguistic background have the right to enjoy their culture, to declare and practice their religion and use their language.
- Section 28 – Cultural rights – Aboriginal peoples and Torres Strait Islander peoples.

This decision does not limit the above identified human rights.

ALTERNATIVES CONSIDERED

An alternative is that a Council representative does not attend and seeks to have an update provided as part of this Meeting.

13.2 Development Services

13.2.1 20191416 - Development Application for Material Change of Use (Showroom) - 2 Central Avenue, Cannonvale

DATE: Wednesday 12 October 2022

TO: Ordinary Council Meeting

AUTHOR: Matthew Twomey - Manager Development Assessment

AUTHORISING OFFICER: Neil McGaffin - Director Development Services

PRESENTED FOR: Decision

ATTACHMENTS

1. Conditions of Approval
2. Locality and Zoning Plan
3. SARA Conditions
4. Planning Assessment
5. Plans

PURPOSE

To present the assessment of the development application.

OFFICER'S RECOMMENDATION

That Council:

1. Approve the application for Development Application for Development Permit for Material Change of Use - Showroom, made by Yoogalu Pty Ltd, on L: 1 SP: 310407 T: & EMT B and located at 2-12 Central Avenue CANNONVALE, subject to the conditions outlined in Attachment 1.
2. Not approve the request to apply the Economic Development Incentives Policy to the applicable infrastructure charges for the development.

BACKGROUND

The application has been tabled by Council since the 13 May 2020 Ordinary Council Meeting while the applicant resolved the upgrades required to the intersection of Galbraith Park Drive and Shute Harbour Road.

APPLICATION SUMMARY

This application is for a new showroom on Lot 1 in Central Avenue, Cannonvale. The proponent seeks to develop a new purpose-built Harvey Norman showroom displaying furniture, household electrical appliances goods and computer sales and service and includes an area for warehousing of goods and appliances available for purchase in the showroom.

The development has triggered the requirement for the intersection of Shute Harbour Road and Galbraith Park to be upgraded to a signalised intersection. Conditions of approval have been imposed by the State Assessment Referral Agency for this upgrade to be completed prior to the commencement of the use of the premises.

No submissions were received during the public notification period. The applicant has applied under Council's Development Incentives Policy (DIP) for a reduction of 50% of the applicable infrastructure charges. The DIP is currently funded with \$100,000 per financial year with \$50,000 already allocated for this financial year. It is at the discretion of Council if the DIP is

to be applied or not. As the applicant is not a not-for-profit it is recommended Council does not support the request.

A detailed assessment of the proposal and DIP request is provided in Attachment 4.

STATUTORY/COMPLIANCE MATTERS

Planning Act 2016

Whitsunday Regional Council Planning Scheme 2017

STRATEGIC IMPACTS

Process all statutory applications within statutory timeframes.

FINANCIAL IMPLICATIONS

The applicable infrastructure charges total \$664,070.95. Should Council approve the DIP request, with current allocated funds, Council can reduce the charge by a maximum of \$50,000.

CONSULTATION

Technical Officer Engineering Assessment
Environment and Climate Officer

RISK ASSESSMENT

The decision may be appealed in the Planning & Environment Court of Queensland.

TIMINGS/DEADLINES

A decision is required by 23 December 2022.

CONFLICT OF INTEREST DECLARATION

Council officers contributing to the preparation and approval of this report have no conflicts of interest to declare.

HUMAN RIGHTS IMPACT

Section 58 of the Human Rights Act 2019 specifies required conduct for public entities when acting or making a decision. Sections 15-37 of the Human Rights Act 2019 identifies the human rights a public entity must consider in making a decision. The human rights relevant to this decision are as follows:

- Section 19 – Freedom of movement.
- Section 21 – Freedom of expression.
- Section 24 – Right to own property and not be arbitrarily deprived of property.
- Section 27 – Cultural rights – generally – all persons with a particular cultural, religious, racial or linguistic background have the right to enjoy their culture, to declare and practice their religion and use their language.
- Section 28 – Cultural rights – Aboriginal peoples and Torres Strait Islander peoples.

This decision does not limit the above identified human rights.

1.0 **ADMINISTRATION**

- 1.1 The approved development must be completed and maintained generally in accordance with the approved drawings and documents:

Plan/Document Name	Prepared By	Plan Number	Dated
Site Plan	Leffler Architects Simes	TP-02 Rev A	10/12/2019
Floor Plan	Leffler Architects Simes	TP-03 Rev A	10/12/2019
Roof Plan	Leffler Architects Simes	TP-04 Rev A	10/12/2019
Elevation	Leffler Architects Simes	TP-05 Rev A	10/12/2019
Overall Section	Leffler Architects Simes	TP-06 Rev A	10/12/2019
Signage Schedule	Leffler Architects Simes	TP-07 Rev A	10/12/2019
Landscape Coversheet	Site Image	000 Issue A	10/12/2019
Landscape Plan	Site Image	101 Issue B	10/12/2019
Landscape Plan	Site Image	102 Issue B	10/12/2019
Landscape Details	Site Image	501 Issue B	10/12/2019
Site Based Stormwater Quality Management Plan	Premise	MIS642/R01 Rev A	20/12/2019
Transport Impact Assessment	Premise	MIS0642/R02 Rev: A	13/12/2019
Car Park Design Drawing	N/A	001	17/02/2020
Car Park Design Drawing	N/A	002	17/02/2020

- 1.2 The applicant is to comply with the Department of State Development, Manufacturing, Infrastructure and Planning's conditions as outlined in the Department's correspondence dated 31 August 2022.
- 1.3 The following further development permits are required prior to commencement of work on site or commencement of the use:
- Operational Works:
 - Roadworks;
 - Access and Parking
 - Erosion Prevention and Sediment Control;
 - Stormwater drainage; and
 - Plumbing and Drainage Works;
 - Building Works;
- All Operational Works, Plumbing and Drainage Works Development Permits must be obtained prior to the issue of a Building Works Development Permit.
- 1.4 Where a discrepancy or conflict exists between the written conditions of this approval and the approved plans, the requirements of the written condition(s) will prevail.
- 1.5 All conditions of this approval must be complied with in full to Council's satisfaction prior to the commencement of the use.
- 1.6 The applicant shall demonstrate and provide evidence that compliance with all conditions of this development approval and any other subsequent development approvals as a result of this development approval have been complied with at the time of commencement of the use.
- 1.7 A copy of this decision notice and the stamped, approved plans/drawings must be retained onsite at all times. This decision notice must be read in conjunction with the

stamped, approved plans to ensure consistency in construction, establishment and maintenance of approved works.

2.0 CLEARING, LANDSCAPING AND FENCING

- 2.1 Any vegetation removed must be disposed of to the requirements of the Council. Transplanting, chipping or removal from site are the preferred solutions.
- 2.2 All vegetative waste cleared as part of the development of the site is to be either:
 - a) stored neatly on site and shredded within sixty (60) days of clearing; or
 - b) removed off the site to an approved disposal location.
- 2.3 Landscaping is to be provided generally in accordance with the approved landscaping plans 101 Issue B, 102 Issue B and 501 Issue B, with the exception that shade trees will be provided in the car parking area at a rate of 1 tree per four parking spaces.
- 2.4 The landscaping shown on the approved plans must be maintained at all times and any dead, diseased or damaged plants are to be replaced.

3.0 BUILDING

- 3.1 Ventilation and mechanical plant must be located and designed so that prevailing breezes do not direct undesirable noise and odours towards nearby residential accommodation.
- 3.2 All air-conditioning units are not to be visible from the street or adjoining properties and are to be aesthetically screened.
- 3.3 Building and landscaping materials are not to be highly reflective, or likely to create glare, or slippery or otherwise hazardous conditions.

4.0 CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

- 4.1 The development, including all buildings, access ways, car parks, and driveways must be designed and managed to incorporate the principles and recommendations of the Crime Prevention through Environmental Design – Guidelines for Queensland. The design and management must include, but not be limited to, the following:
 - a) Landscaping of all car parking areas and pedestrian and/or vehicular access ways must be suitable to enhance safety while removing reasons for loitering;
 - b) Security surveillance cameras must be installed in all areas where the public has general access during all parts of the day, including the car park and pedestrian access ways.

5.0 LIGHTING

- 5.1 Lighting along, all internal access driveways and parking areas, is to be directed downwards so as to minimise any adverse effects of glare or direct light nuisance on all surrounding allotments, including allotments within, but must achieve a minimum level of illumination consistent with the safety of pedestrians and vehicles.

6.0 WATER INFRASTRUCTURE

- 6.1 The development must be connected to Council's water network prior to the commencement of the use. The water service connection must be sized appropriately for the use. Any upgrading works must be completed by the developer at their full cost prior to commencement of the use.
- 6.2 Prior to commencement of use on the site, the applicant must lodge with Council a civil RPEQ engineer's design and construction certification (by an experienced and qualified engineer). The certification must be addressed to Council and must certify that all Water Infrastructure works have been designed and constructed according to the conditions of this Decision Notice and the Whitsunday Regional Council Development Manual.

7.0 SEWERAGE INFRASTRUCTURE

- 7.1 The development must be connected to Council's sewerage network prior to commencement of the use.
- 7.2 The development must be constructed clear of all existing gravity and/or rising sewer mains on the property and any adjoining properties.
- 7.3 The development must be connected to Council's sewerage reticulation network, using the existing sewer jump-up prior to commencement of the use. Any upgrading works to

the existing sewer jump-up must be completed by the developer at their full cost prior to commencement of the use.

- 7.4 Prior to commencement of use on the site, the applicant must lodge with Council, a civil RPEQ engineer's design and construction certification. The certification must be addressed to Council and must certify that all Sewer Infrastructure works have been designed and constructed according to the conditions of this Decision Notice and the Whitsunday Regional Council Development Manual.

8.0 ACCESS AND PARKING

- 8.1 The external access from the pavement of Central avenue to the property boundary must be constructed to comply with the dimensions, gradients and specifications as indicated on Council's Standard Drawings prior to commencement of the use.
- 8.2 A Development Permit for Operational Works (Access and Parking) must be obtained prior to commencement of work on site. Any application for Operational Works (Access and Parking) must be accompanied by detailed engineering drawings demonstrating compliance with the Whitsunday Regional Council Development Manual, Australian Standard AS2890, AS1428 and this Decision Notice.
- 8.3 All internal accesses, driveways, circulation roads, aisles, parking bays and manoeuvring areas are to be provided generally as indicated on Concept Plan Carpark Design Drawing 001 & 002 and with the exception of shade trees to be planted at a rate of 1 tree per four parking spaces. All works to be designed and constructed so as to comply with the requirements of the Whitsunday Regional Council Development Manual, AS2890 and AS1428.
- 8.4 Accesses must be located so as to achieve Safe Intersection Sight Distance in accordance with Section 3 of Austroads Guide to Road Design – Part 4A: Unsignalised and Signalised Intersections.
- 8.5 Prior to commencement of use on the site, the applicant must lodge with Council, a civil RPEQ engineer's design and construction certification. The certification must be addressed to Council and must certify that all internal accesses, driveways, circulation roads, aisles, parking bays and manoeuvring areas comply with the requirements of the Whitsunday Regional Council Development Manual, AS2890 and AS1428.
- 8.6 A minimum of one-hundred and four (104) car parking spaces are to be provided on site prior to the commencement of the use.
- 8.7 All loading and unloading activities must be conducted onsite.
- 8.8 All vehicles entering and existing the site must do so in a forward gear.

9.0 STORMWATER AND FLOODING

- 9.1 A Development Permit for Operational Works (Stormwater Infrastructure) must be obtained prior to commencement of work on site. Any application for Operational Works (Stormwater Infrastructure) must be accompanied by engineering design drawings, including calculations and certifications of the design, demonstrating compliance with Queensland Urban Drainage Manual, Whitsunday Regional Council Development Manual and this Decision Notice.
- 9.2 The stormwater design is to provide for the developed flows from the site to be piped to a Legal Point of discharge.
- 9.3 The applicant must design and construct Roof and Allotment drainage system for the development so as to comply with **(Level V of Table 7.13.1)** of the Queensland Urban Drainage Manual as a minimum. No uncontrolled discharge will be permitted within the developed site.
- 9.4 All stormwater drainage works must be designed and constructed in accordance with the Queensland Urban Drainage Manual and the Whitsunday Regional Council Development Manual prior to commencement of the use.
- 9.5 All site works must be undertaken to ensure that there is no increase in flood levels and/or flood frequency at any locations where existing landowners and/or users are adversely affected by waterway flooding for all events up to and including Q100.

- 9.6 Stormwater for the development must include gross pollutant traps, or other appropriate water quality measures, within the system adequate to ensure stormwater from the site must not cause measurable levels of water pollutants in the receiving waters to fall outside the acceptable ranges specified in the 'Australian Water Quality Guidelines for Fresh and Marine Waters', ANZECC 2000.
- 9.7 Prior to commencement of use on the site, the applicant must lodge with Council, a civil RPEQ engineer's design and construction certification. The certification must be addressed to Council and must certify that the roof and allotment drainage works have been constructed in accordance with the requirements of Queensland Urban Drainage Manual, the Whitsunday Regional Council Development Manual and this Decision Notice and will not cause adverse effects to adjoining or downstream properties or infrastructure.

10.0 ROADWORKS

- 10.1 A Development Permit for Operational Works (Roadworks) must be obtained prior to the commencement of work on site. Any application for Operational Works (Roadworks) must be accompanied by engineering design drawings, including calculations and certifications of the design, demonstrating compliance with the Queensland Urban Drainage Manual (current at the time of development), Council's Development Manual (current at the time of development) and this Decision Notice.
- 10.2 A 1.5-metre-wide concrete, or approved alternative finish, footpath, including tactile indicators in accordance with AS1428.4, must be provided for the full frontage of the proposed development in Galbraith Park Drive and to the first driveway crossover in Central Avenue prior to commencement of the use.

11.0 ENVIRONMENTAL MANAGEMENT PLAN (EMP)

- 11.1 A Development Permit for Operational Works (Erosion Prevention and Sediment Control Management Plan) must be obtained prior to commencement of work on site.
- 11.2 Prior to commencement of any work on the site, the applicant must submit to Council for approval, a site-based Erosion Prevention and Sediment Control Plan for the site.
- 11.3 The plan must be prepared in accordance with Council's Development Manual and the Best Practice Erosion & Sediment Control – November 2008 (IECA White Book).
- 11.4 The strategy of the plan must be implemented and maintained for the duration of the operational and building works, and until exposed soil areas are permanently stabilised (e.g. turfed, concreted).
- 11.5 Discharges of water pollutants, wastewater or stormwater from the site must not cause measurable levels of water pollutants in the receiving waters to fall outside the acceptable ranges specified in the 'Australian Water Quality Guidelines for Fresh and Marine Waters', ANZECC 2000.
- 11.6 No visible emissions of dust must occur beyond the boundaries of the site during earthworks and construction activities on the site. If, at any time during the earthworks and construction activities the dust emissions exceed the levels specified above, all dust generating activities must cease until the corrective actions have been implemented to reduce dust emissions to acceptable levels or wind conditions are such that acceptable levels are achieved.

12.0 CATCHMENT AND LAND MANAGEMENT

- 12.1 Prior to the first Operational works application being lodged, an amended Stormwater Quality Management Plan (SQMP) is to be submitted. The amended SQMP is to include the following:
- a) The Rocla Enviss Sentinel device is not accepted at present. Demonstrate the effectiveness of the Rocla Enviss Sentinel system in accordance with section 6.1.4 of Council's stormwater quality guideline or provide an alternative solution;
 - b) Demonstrate on a plan that there is sufficient horizontal and vertical space for the proposed stormwater quality system;
 - c) Include the requirements of Table 5 of Council's Stormwater Guideline;

- d) Include lifecycle costs of any proprietary devices;
 - e) any relevant conditions of the development permit;
 - f) Include a detailed description of the construction and establishment method to be used as per Section 7 of Council's Stormwater Quality Management Guideline.
 - g) Is prepared in accordance with the State Planning Policy (SPP), July 2017, State interest for Water Quality and the recommendations and requirements outlined in the Whitsunday Regional Council Stormwater Quality Guideline.
- 12.2 Prior to operational works, the amended Stormwater Quality Management Plan (SQMP) is to be supported by working copies of all stormwater models and calculations are required to be submitted. The amended model must include the following:
- (a) Include any relevant changes resulting from an alternate stormwater quality device, if relevant.
 - (b) The parameters of source node for roof A and roof B are to be amended as per Table 11 of Council's Stormwater Quality Guideline.

13.0 WASTE

- 13.1 Waste and recycling facilities must be provided in accordance with the following provisions:
- a) Adequate waste containers must be provided to contain the volume and type of waste and recyclable matter generated by the development;
 - b) Waste storage areas for waste containers must be constructed of a solid concrete base or acceptable equivalent; and
 - c) Waste storage areas must be designed and constructed so it can be easily cleaned whilst ensuring that no waste or recyclable matter is released to the stormwater system or any waterway.
- 13.2 Maintenance and cleaning of waste containers must be carried out by a cleaning contractor or in an area where contaminants cannot be released into stormwater drainage, a roadside gutter, water or onto unsealed road.
- 13.3 Ensure that all reasonable and practicable measures are taken to ensure that waste storage area is kept to a standard of cleanliness where there is no accumulation of:
- a) Waste, except in waste containers;
 - b) Recycled matter, except in containers;
 - c) Grease; or
 - d) Other visible matter.
- 13.4 Waste and recycling facilities must be screened from all public roads.

14.0 MISCELLANEOUS

- 14.1 If any item of cultural heritage is identified during site works, all work must cease and the relevant State Agency must be notified. Work can resume only after State Agency clearance is obtained.
The Applicant is reminded of their obligations under the Aboriginal Cultural Heritage Act, 2003 and the Torres Strait Islander Cultural Heritage Act 2003. Further information and databases are available from the Department of Aboriginal and Torres Strait Islander Partnerships at: www.datsip.qld.gov.au.
- 14.2 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the developer.
- 14.3 Any building materials, equipment and the like must be appropriately tied down, placed indoors and secured on site at the time of preparation for cyclone events. The on site supervisor is to ensure that all contractors/employees take the necessary steps to secure the construction site in the event of a cyclone.

- 14.4 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site. No storage of materials, parking of construction machinery or contractors' vehicles will be permitted in Galbraith Park Drive, Central Avenue or adjoining land unless written permission from the owner of that land and Council is provided.
- 14.5 It is the developer's responsibility for the full rectification of any damage caused to neighbouring public infrastructure (such as footpaths, driveways, fences, gardens, trees and the like) caused by contractors, including clean up of any litter or waste that is a result of the subject development.

15.0 ADVISORY NOTES

15.1 Hours of work

It is the developer's responsibility to ensure compliance with the Environmental Protection Act 1994, which prohibits any construction, building and earthworks activities likely to cause nuisance noise (including the entry and departure of heavy vehicles) between the hours of 6.30 pm and 6.30 am from Monday to Saturday and at all times on Sundays or Public Holidays.

15.2 Dust Control

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

15.3 Sedimentation Control

It is the developer's responsibility to ensure compliance with the Environmental Protection Act 1994 and Schedule 9 of the Environmental Protection Regulation 2008 to prevent soil erosion and contamination of the stormwater drainage system and waterways.

15.4 Noise During Construction and Noise in General

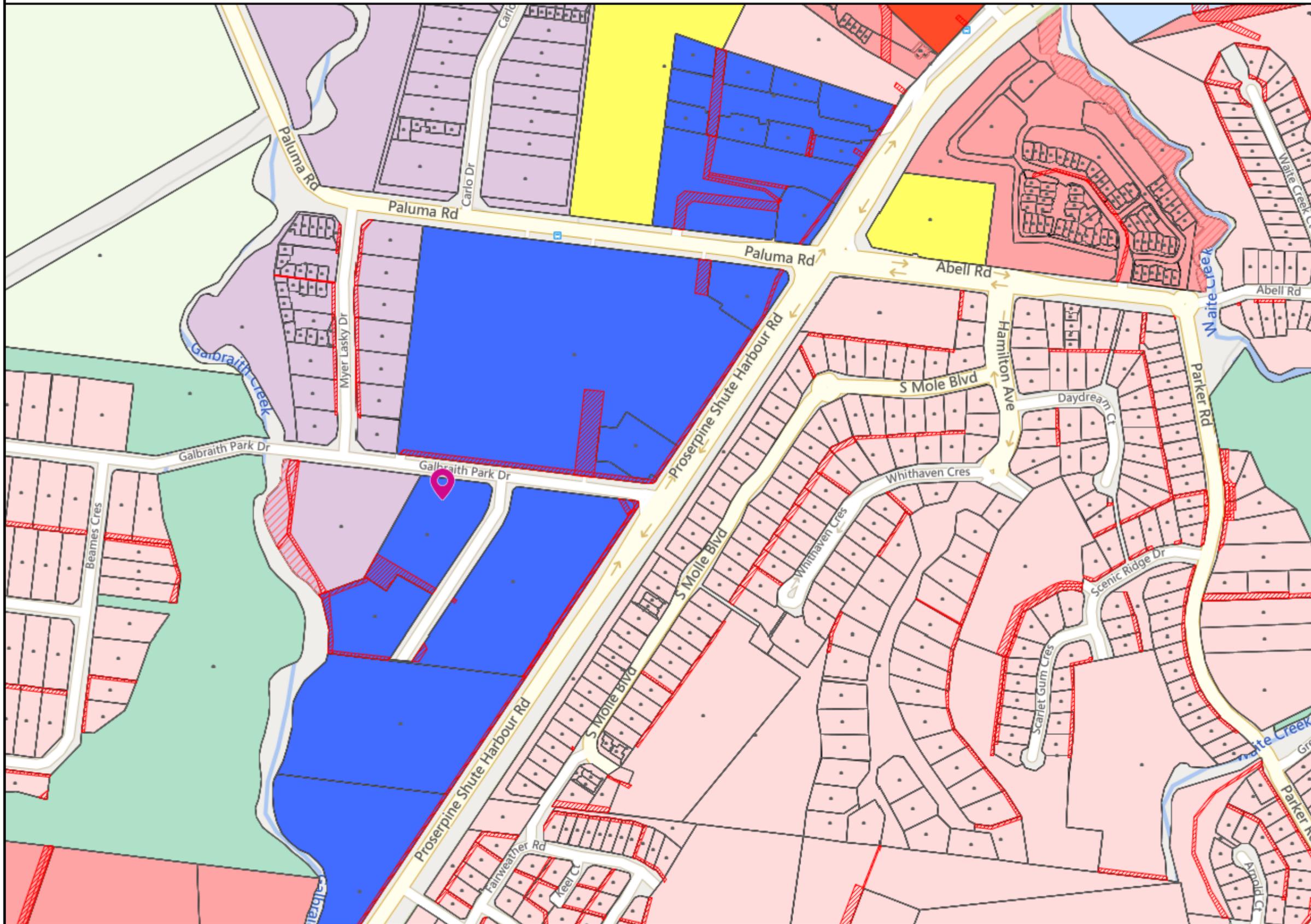
It is the developer's responsibility to ensure compliance with the Environmental Protection Act 1994.

15.5 General Safety of Public During Construction

It is the project manager's responsibility to ensure compliance with the Work Health and Safety Act 2011. It states that the project manager is obliged to ensure construction work is planned and managed in a way that prevents or minimises risks to the health and safety of members of the public at or near the workplace during construction work.

It is the principal contractor's responsibility to ensure compliance with the Work Health and Safety Act 2011. It states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace prevent or minimise risks to the health and safety of the public at or near the workplace during the work.

It is the responsibility of the person in control of the workplace to ensure compliance with the Work Health and Safety Act 2011. It states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.



- Property Layers**
- House Number 29/08/2022
 - ▨ DNRME Easement 09/08/2022
 - ▨ DNRME Restrictions and Covenants 09/08/2022
 - Cadastre 29/08/2022
 - DNRME Land Parcel 09/08/2022
- Planning Zones**
- ▭ Precincts
 - D_PC_P_Zones_Realigned
 - ▭ Community facilities
 - ▭ District centre
 - ▭ Emerging community
 - ▭ Environmental management and conservation
 - ▭ High impact industry
 - ▭ Industry investigation area
 - ▭ Local centre
 - ▭ Low density residential
 - ▭ Low impact industry
 - ▭ Low-medium density residential
 - ▭ Major centre
 - ▭ Medium impact industry
 - ▭ Mixed use
 - ▭ Neighbourhood centre
 - ▭ Recreation and open space
 - ▭ Road
 - ▭ Rural
 - ▭ Rural residential
 - ▭ Special industry
 - ▭ Tourist accommodation
 - ▭ Waterfront and marine activity

Disclaimer

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Our reference: 2002-15455 SRA
Your reference: 20191416

31 August 2022

The Chief Executive Officer
Whitsunday Regional Council
PO Box 104
Proserpine Qld 4800
Email: info@whitsundayrc.qld.gov.au

Attention: Mr Matthew Twomey

Dear Mr Twomey

Changed referral agency response—with conditions: 2-12 Central Avenue, Cannonvale
(Given under section 28 of the Development Assessment Rules)

On 19 August 2022 the SARA received representations from the applicant requesting the department change its referral agency response. The department has considered the representations and now provides this changed referral agency response which replaces the response dated 19 March 2020.

Applicant details

Applicant name: Yoogalu Pty Ltd
Applicant contact details: PO Box 2103
CANNONVALE QLD 4802
andrea@visionsurveysqld.com.au

Location details

Street address: 2-12 Central Avenue, Cannonvale
Real property description: Lot 1 on SP310407
Local government area: Whitsunday Regional Council

Application details

Development permit: Material change of use for MCU - Showroom

Referral triggers

The development application was referred to the department under the following provisions of the Planning Regulation 2017:

- Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 (Planning Regulation 2017) Development impacting on State transport infrastructure

Conditions

Under section 56(1)(b)(i) of Planning Act 2016, the conditions set out in Attachment 1 must be attached to any development approval.

Reasons for decision to impose conditions

The department must provide reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

Approved plans and specifications

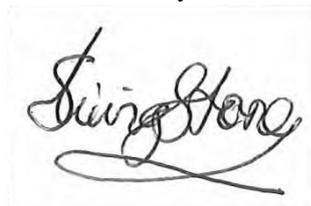
The department requires that the plans and specifications set out below and enclosed must be attached to any development approval.

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Aspect of development: Material Change of Use				
Traffic Impact Assessment	Premise	13 February 2020	MIS0642/R02	revision A
<u>Conceptual Site layout Intersection at Shute Harbour Road and Galbraith Park Drive</u>	<u>Reece Milburn</u>	<u>27.07.22</u>	<u>Drawing No. DC5</u>	<u>Issue C</u>

A copy of this response has been sent to the applicant for their information.

For further information please contact Louise McGrath, Principal Planning Officer, on (07) 3452 7786 or via email MIWSARA@dasilgp.qld.gov.au who will be pleased to assist.

Yours sincerely



Duncan Livingstone
A/Manager (Planning)

- cc Yoogalu Pty Ltd, andrea@visionsurveysqld.com.au
- enc Attachment 1—Changed conditions to be imposed
Attachment 2—Changed reasons for decision to impose conditions
Attachment 3—Changed advice to the applicant
Plan referred to in amended referral agency response

Attachment 1—Changed conditions to be imposed

No.	Conditions	Condition timing
Material Change of Use		
Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1—The chief executive administering the <i>Planning Act 2016</i> nominates the Director-General of the Department of Transport and Main Roads to be the enforcement authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	<p>The development must be generally in accordance with the Traffic Impact Assessment prepared by Premise dated 13 February 2020, reference MIS0642/R02 and revision A, as amended in red by SARA on 19 March 2020; note in particular:</p> <p>a) The Department of Transport and Main Roads does not accept SIDRA signalised intersection designs that propose optimised cycle times, that is, filtered right turns through an opposing green light (section 6.1, p47).</p> <p>b) he Department of Transport and Main Roads considers that an acceptable solution for signal cycle and phase times is possible and will be determined and agreed by the Department of Transport and Main Roads during the detailed design of the intersection.</p>	Prior to the commencement of use and to be maintained at all times.
<u>21.</u>	<p>a) Road works comprising a signalised intersection, with—</p> <ul style="list-style-type: none"> i. dual carriageways on both approaches of Shute Harbour Road, ii. protected right and left turn lanes on Shute Harbour Road, and iii. separate right and left turn lanes on Galbraith Park Drive. <p>must be provided at the intersection of Shute Harbour Road and Galbraith Park Drive <u>must be provided generally in accordance with Conceptual Site Layout Intersection at Shute Harbour Road and Galbraith Park Drive, prepared by Reece Milburn, Drawing No. DC5, Issue C, dated 27.07.22 as amended in red by SARA.</u></p> <p>b) The road works must be designed and constructed in accordance with –</p> <ul style="list-style-type: none"> i. Austroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections and ii. the Department of Transport and Main Roads' Road Planning and Design Manual, Edition 2: Volume 3: Supplement to Austroads Guide to Road Design Part 4A – Unsignalised and Signalised intersections. <u>TMRs Road Planning and Design Manual Edition 2, Volume 3, Supplement to Austroads Guide to Road Design.</u> 	a) <u>And b)</u> Prior to the commencement of use.
<u>2.</u>	<u>Provide minimum 2.0m wide concrete footpaths generally in accordance with Conceptual Site Layout Intersection of Shute</u>	<u>Prior to commencement of</u>

	<u>Harbour Road and Galbraith Park Drive, prepared by Reece Milburn, Drawing No. DC5, Issue C, dated 27.07.22 as amended in red by SARA. These footpaths are to be of sufficient length to provide adequate and safe pedestrian clearance of the Shute Harbour Road roadway.</u>	<u>use</u>
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Attachment 2—Changed reasons for decision to impose conditions

The reasons for this decision are:

- The submitted traffic report concludes that unacceptable levels of service will occur with the development and that signalisation of the intersection will be required.
- **The Shute Harbour Road / Galbraith Park Drive Intersection upgrade concept plan as conditioned adequately ameliorates the traffic impacts of the development and provides adequate pedestrian connectivity to and from the site.**
- Stormwater flows will be captured in the existing underground drainage system and will not impact on the SCR.
- The application has adequately addressed the relevant POs of State code 1.

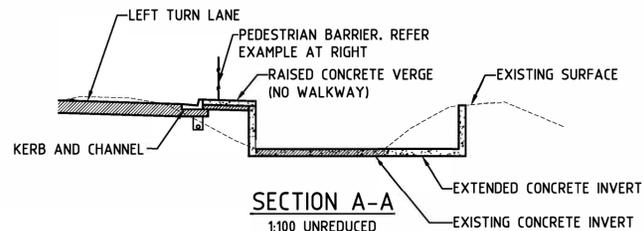
Evidence or other material on which the findings were based

- The development application material and submitted plans
- **All common material submitted with the application including change representations**
- Planning Act 2016
- Planning Regulation 2017
- The State Development Assessment Provisions (version 2.6), as published by the department
- The Development Assessment Rules
- SARA DA Mapping System

Attachment 3—Changed advice to applicant

General advice	
1.	Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) [v2.6]. If a word remains undefined it has its ordinary meaning.
2.	<p>Road works approval: Under section 33 of the Transport Infrastructure Act 1994, written approval is required from the Department of Transport and Main Roads to carry out road works on a state-controlled road. Please contact the Department of Transport and Main Roads at Mackay.Whitsunday.IDAS@tmr.qld.gov.au or ph. 4951 8555 to make an application for road works approval. This approval must be obtained prior to commencing any works on the state-controlled road reserve <u>and any required road dedications must be complete, including registration of the survey plan, prior to lodgement of the section 33 application.</u> The approval process will require the approval of engineering designs of the proposed works, certified by a Registered Professional Engineer of Queensland (RPEQ) <u>and evidence of survey plan registration.</u></p> <p>Please contact the Department of Transport and Main Roads as soon as possible to ensure that gaining approval does not delay construction.</p>

- LEGEND**
-  EXISTING DRAINAGE
 -  EXISTING ELECTRICAL (OVERHEAD)
 -  EXISTING TELECOMMUNICATIONS
 -  EXISTING WATER SERVICE
 -  INDICATIVE TRAFFIC LIGHT



Amended in red by SARA on
31 August 2022

PLANS AND DOCUMENTS referred to in the REFERRAL AGENCY RESPONSE

SARA ref: 2002-15455 SRA

Date: 31 August 2022



INSET

0 10 20 30m
(1:500 UNREDUCED)

300mm A1 SHEET
200mm
100mm
50mm

FOR CONTINUATION REFER INSET

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NOTES
Prior to commencing construction verify all dimensions against Architect's, other Consultant's and Sub-Contractor's drawings. Dimensions are not to be scaled or read electronically from this drawing. Setout dimensions, unless specifically shown, are to be obtained from the Architect's or other Consultant's drawings.

ISSUE	AMENDMENT	DATE	INITIALS	ISSUE	AMENDMENT	DATE	INITIALS
C	ISSUED FOR CONCEPTUAL APPROVAL	27.07.22	CRD				
B	ISSUED FOR CONCEPTUAL APPROVAL	21.07.22	CRD				
A	ISSUED FOR CONCEPTUAL APPROVAL	04.07.21	CRD				



CRD DRAWN	CRD DESIGNED	RDM CHECKED
RDM PROJECT ENGINEER	RDM DESIGN VERIFICATION	Copyright ©
RDM PROJECT DIRECTOR	10.02.21 DATE	

REECE MILBURN
PROJECT ENGINEER (RPEQ 4600)
PO BOX 5155
AIRLIE BEACH QLD 4802
MOBILE: 0402 121 765
EMAIL: rdmilburn@hotmail.com

PROJECT
WHITSUNDAY COMMERCIAL CENTRE
LOT 2 CENTRAL AVENUE, CANNONVALE
PROPOSED INTERSECTION UPGRADE

CLIENT
WHITSUNDAY COMMERCIAL CENTRE PTY LTD

SURVEYOR
MASTER SURVEYING

DRAWING TITLE
CONCEPTUAL SITE LAYOUT
INTERSECTION AT SHUTE HARBOUR
ROAD AND GALBRAITH PARK DRIVE

SCALES
AS SHOWN

CLIENT PROJECT No.

PROJECT No. 2001

DRAWING No. DC5

ISSUE C

FOR APPROVAL

ANALYSIS

Council has received the following Development Application, which has been assessed against the provisions of the relevant legislation as reported below.

1. Application Summary

Proposal:	Development Permit for Material Change of Use - Showroom
Landowner	Whitsunday Commercial Centre Pty Ltd
Property Address:	2-12 Central Avenue CANNONVALE
Property Description:	L: 1 SP: 310407 T: & EMT B
Area of Site:	1.023ha
Planning Scheme Zone:	Major centre zone
Level of assessment	Impact assessable
Overlays:	Acid sulfate soils
Existing Use:	Vacant
Existing Approvals:	Nil.
Public Notification:	13 March 2020 – 2 April 2020
Submissions received:	Nil.
State referrals:	Schedule 10, Part 9, Division 4, Subdivision 1, Table 1 - State Transport Infrastructure – Thresholds
Infrastructure charges:	\$664,070.95

2. Site Details

2.1. Location

The site is located at the commercial gateway to Cannonvale at 2-12 Central Avenue.

2.2. Zoning

The site is in the Major Centre Zone.

2.3. Site description

The subject land is regular in shape, generally flat and cleared of all vegetation. There are no drainage features which traverse the site with all stormwater discharging to either Central Avenue, Galbraith Park Drive or Galbraith Creek.

2.4. Access

The site will achieve access from Central Avenue. The site has a frontage of approximately 75 metres to Galbraith Park Drive and 100 metres to Central Avenue.

2.5. Surrounding uses

The site is located adjoining the Cannonvale Major Shopping Precinct. Neighbouring uses include a shopping centre to the north, industrial uses to the west, Ergon depot and then vacant land to the south and vacant Major Centre zoned land and then Proserpine Shute Harbour Road to the east.

3. Proposal Details

The proposal is for a new purpose-built Showroom displaying furniture, household electrical appliance goods and computer sales and services and includes an area for warehousing of goods and appliances available for purchase in the showroom.

The proposed building has a floor area of 4,529m². The building comprises 3,100m² of showroom area (retail), together with back of house areas and 1,380m² of warehouse area, together with loading area, offices and a mezzanine floor, allowing for expansion of the retail area into the warehouse in the future should demand/need arise.

A total of 105 on site car parking spaces are proposed which exceeds the number required by the Planning Scheme (minimum of 83 required). The applicant advises the excess car parking has been provided to cover any future expansion of the retail area into the warehouse space. The full range of urban services are provided to the site.

4. Planning Assessment

The application has been assessed against the relevant provisions of the *Planning Act, 2016* and the *Whitsunday Regional Council Planning Scheme, 2017*. The proposal is generally in accordance with the Planning Scheme and is recommended for approval in accordance with the drawings and documents submitted, subject to reasonable and relevant conditions (Attachment 1).

4.1. State Assessment and Referral Agency (SARA)

The Application was referred to (SARA) as the proposal exceed the State Transport Infrastructure Threshold for development within the region. To address the impact of the development on the state-controlled road network conditions of approval have been imposed requiring the intersection with Galbraith Park Drive and Shute Harbour Road to be upgraded to a signalised intersection. The conditions of approval issued by SARA have been included as Attachment 4 to this report.

4.2. State Planning Policy – July 2017

The State Planning Policy (SPP) includes interim development assessment requirements to ensure that State interests are appropriately considered by local government when assessing development applications where the local government Planning Scheme has not yet appropriately integrated all of the State's interests in the SPP. As the most recent SPP (July 2017) has not been reflected in the Whitsunday Regional Council Planning Scheme, Part B of the SPP confirms that it applies to the assessment of the development application.

State Interest - Water Quality

A Stormwater Management Plan has been prepared to accompany the development application. The report demonstrates that measures will be implemented as part of the development, to achieve compliance with the SPP and Council's guidelines.

4.3. Mackay Isaac and Whitsunday Regional Plan – February 2012

The Mackay, Isaac and Whitsunday Regional Plan was established to provide the vision and direction for the region to 2031. The plan provides certainty about where the region is heading in the future and provides the framework to respond to the challenges and opportunities which may arise. An assessment against the Desired Regional Outcomes is provided:

Regional Framework: - Desired Regional Outcomes:

Strategic directions – Sustainability, Climate Change and Natural Hazards

There are no identified natural hazards which impact the site.

Strategic directions – Environment

There is no impact on the natural environment from the proposal.

Strategic directions – Regional Landscapes

Not Applicable.

Strategic directions – Natural Resource Management

Not Applicable.

Strategic directions – Strong Communities

The region is made up of many local communities, each with its own unique character and identity. The region is growing rapidly, and significant growth is projected. Ensuring access to key essential community services for all residents will ensure that liveability of the region is retained and improved. The proposal is considered to provide additional commercial floor space which will facilitate the expansion of existing business and the attraction of new businesses to the region.

Strategic direction – Strong Economy

Economic viability is a key element in ensuring the region's sustainability and growth. Economic development and population growth will support the expansion of higher order services within the regional centres, contributing to lifestyle factors that will also help attract and retain skilled workers within the region. The proposal offers a diversification the region's economy.

Strategic direction – Managing Growth

Providing a more compact urban settlement pattern focusing on existing towns and cities will provide better levels of accessibility, and cost-effective provision of infrastructure and services. The proposal is suitably located to take advantage of its accessibility to the existing settlement pattern and infrastructure provision.

Strategic direction – Urban Form

Built form should respond to the region's climate with tropical design principles incorporated into development. Whilst not outwardly providing a tropical design the proposal is consistent with the expectations for a large-scale commercial development. Significant landscaping is proposed to reduce the heat island affect and present attractively to the street.

Strategic direction – Infrastructure and Servicing

Any growth in the region will inevitably add pressure to existing infrastructure networks. The proposal is suitably serviced by necessary infrastructure.

Strategic direction – Transport

Establishing a more compact urban form will improve the effectiveness and efficiency of transport. It is important that the region recognises, protects and manages major transport corridors. The proposed development will place an additional traffic load on the existing intersection with Galbraith Park Drive and Shute Harbour Road. To address the impact

conditions of approval have been imposed by SARA to upgrade the intersection to a signalised intersection.

4.4. Whitsunday Regional Council Planning Scheme, 2017

4.4.1 Strategic Framework

The Strategic framework sets the policy direction for the Planning Scheme and forms the basis for ensuring appropriate development occurs in the Planning Scheme area for the life of the Planning Scheme.

Strategic Intent

The Planning Scheme sets the policy direction to ensure that to 2036 and beyond, the Whitsundays is a prosperous, liveable and sustainable region which will be achieved through the integration of the unique attributes and competitive advantages of each township. The region's townships and communities have a strong and proud social identity. The promotion and protection of the region's environmental values is significant to the expressed identities, including the unique scenic values, which consist of key urban gateways, views and vistas.

Strategic Intent – Theme 1 - Liveable communities and housing

The proposal is consistent with the region's settlement pattern and hierarchy of centres. The proposal is located within the highest order centre which is appropriate for the development the size and scale of what is proposed.

Strategic Intent – Theme 2 - Economic growth

The proposal builds on the economic resilience, wealth creating and employment generating capacities of the Region. The proposal represents a significant investment into the region which will build upon the local capacity purchasing goods while creating additional employment opportunities as the development scales up its existing operations.

Strategic Intent – Theme 3 - Environment and heritage

The proposal is responsive of the environment in which the development is located.

Strategic Intent – Theme 4 - Safety and resilience to hazards

The subject site has been developed to respond to the identified flood hazard. The site has been filled to achieve Q100 immunity.

Strategic Intent – Theme 5 - Infrastructure

The proposal is supported by existing infrastructure networks.

4.4.1. Overlay Codes

Acid sulfate soils overlay code

The risk of encountering acid sulfate soils has been mitigated under operational works approval 20181103. However, in the unlikely circumstance, soils will be managed in accordance with the Queensland Acid Sulfate Soils Technical manual (Queensland Government, 2014).

4.4.2. Zone Code

Major centre zone code

The purpose of the Major centre zone code is to provide for a mix of uses and activities for servicing a subregion in the planning scheme area. The proposal is for a business activity which will ultimately form part of a large commercial area. The scale of the land use is consistent with the intended role and function of the Major centre zone for the highest order business activities.

The built form of the development consists of a medium-rise structure which is compatible with the character of the adjoining commercial centre to the north. The development has a reasonable level of connection to the existing pedestrian, cycle, public transport and road transport networks; however, it is noted improvements to the pedestrian and cycle network will occur when the intersection with Galbraith Park Drive and Shute Harbour Road is upgraded as conditioned by SARA. The development is not immediately serviced by public transport; however, a major bus stop is located approximately 300m from the site. As the road network develops the opportunity to install additional bus stops will be available.

The location of the development and nature of the proposed use is not considered to result in any unreasonable impacts on the amenity of surrounding development.

4.4.3. Development Codes

Business activities code

The building has been located to front Galbraith Park Drive to form, as best is achievable, a continuous edge with the adjoining Whitsunday Food Service. The main showroom entrance faces towards Central Avenue which will be the predominant pedestrian entrance. A pedestrian pathway is also provided from Galbraith Park Drive.

Due to the large volume of the car parking required to service the development (approximately 50% of the site cover) and the corner block location of the development site, the full screening of the car parking is not achievable. To soften the visual impact of the car parking, significant landscaping has been proposed.

As the proposed development is for 'big box retail' the activation of the Galbraith Park Drive and Central Avenue has not been achieved as detailed within PO3 of the Code. The non-compliance is acceptable, given the 'big-box' nature of all retail developments in the vicinity. Galbraith Park Drive will not become an activated 'main street' environment without complete re-development of the area.

The proposed site coverage is approximately 44%, with a three (3) metre setback from Galbraith Park Drive. The proposed development at its highest point is approximately 11.4 metres in height. A zero-metre setback is proposed to the western boundary adjoining Whitsunday Food Service. A setback dispensation is required as the height of the building exceeds 8.5 metres. As the built form is in line with the character and amenity of the locality a dispensation is acceptable.

The building façade incorporates awnings and windows that are protected from direct sunlight. The proposed architectural form is that associated with Harvey Norman showrooms nationwide. The distinct colours and materials in combination with appropriate landscaping elements presents as an integrated designed development, consistent with Major Centre development. The rear wall of the building located on the boundary is not articulated as it faces the adjoining Whitsunday Food Service industrial building. Approximately 19 metres of the elevation facing towards Galbraith Park Drive is not articulated, however it will be softened by appropriate landscaping and street trees. The roof form of the building is generally flat, however includes sections of varying wall heights which promotes visual interest when viewed from public streets. The single storey building is more than 8.5 metres high with architectural elements utilised to identify separate sections of the building. These performance solutions are acceptable.

Landscape code

A site-specific landscaping plan has been submitted. The landscaping design incorporates turf, ground cover, scrubs and trees which are reflective of the tropical climate of the Whitsundays and the major centre location of the proposal. The landscaping proposed has been designed to soften the scale and bulk of the showroom with a three (3) metre wide planting bed proposed adjacent to Galbraith Park Drive and a two (2) metre wide planting bed adjacent to Central Avenue. The proposed landscaping of the car parking areas does not achieve the acceptable outcome of one (1) shade tree per four (4) car parking spaces, which is not considered acceptable and has been conditioned. Streetscaping is proposed along Central Avenue incorporating shade trees consistent with those approved on the adjoining site for Ergon Energy.

Transport and parking code

The applicant has provided preliminary car parking design and turning template drawings to demonstrate the applicable Australian Standards have been achieved. 104 on-site car parking spaces will be provided to the development which exceeds 83 spaces prescribed by the Scheme. Three (3) of these spaces will be designated as disabled car parking spaces. The proposed development has two access driveways incorporated into the design from Central Avenue. The first driveway located closer to Galbraith Park Drive intersection is designed for cars, whereas the second access point is designed for heavier vehicles as well as cars. The proposed loading dock and associated service vehicle manoeuvring, and parking areas have been incorporated into the design to not dominate the street view while remaining sufficient to meet the needs of the development and applicable Australian Standards. No additional public transport facilities are proposed for the development with the existing arrangements in Paluma Road to service the locality. Extensions to the footpath network will be provided to tie into the existing network.

Infrastructure code

The proposed development will be connected to all reticulated service networks, with conditions of approval provided to ensure these works will be carried out in accordance with Council's Development Manual standards.

5. Public Submissions

The development application was placed on public notification between 13 March 2020 and 2 April 2020 in accordance with the relevant provisions of the Planning Act 2016. No submissions were received during this period of Public Notification.

6. Infrastructure Charges

6.1. Adopted Infrastructure Charges Resolution

The following is a breakdown on the Infrastructure Charges for the development:

Adopted Charge					
Type of Development	Development Category	Demand Unit & Qty	Charge Rate		Adopted Charge
MCU	Commercial (Bulk Goods)	4,529m ²	\$153.40 per m ² of GFA		\$694,748.60
Total Adopted Charge					\$694,748.60
Credit					
Type of Development	Development Category	Demand Unit & Qty	Charge Rate	Discount	Total Credit
MCU – Existing Lawful Use	Residential (3 or more-bedroom dwelling)	1	\$30,677.65	100%	\$30,677.65

Total Credit	\$30,677.65
Total Levied Charge	\$664,070.95

Development Incentives Policy Request

The applicant has requested for the application of the Development Incentives Policy (DIP) for a reduction of 50% of the applicable infrastructure charges. By way of background, the DIP identifies the circumstances where the WRC, at its absolute discretion, may agree to provide a discount to infrastructure charges levied against development. The extent of the discount to be applied is up to 50%, subject to budget constraints, with the current committed budget capped at \$100,000.00. Current allocated funds for the remainder of the financial year sit at \$50,000.

As the applicant is not a not-for-profit it is recommended that the infrastructure charges are not reduced.



NOTES:

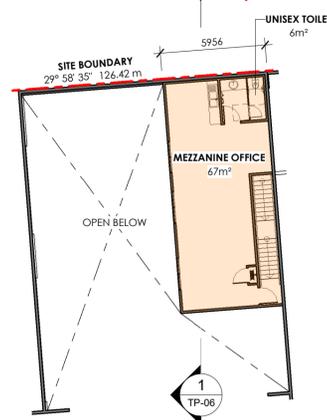
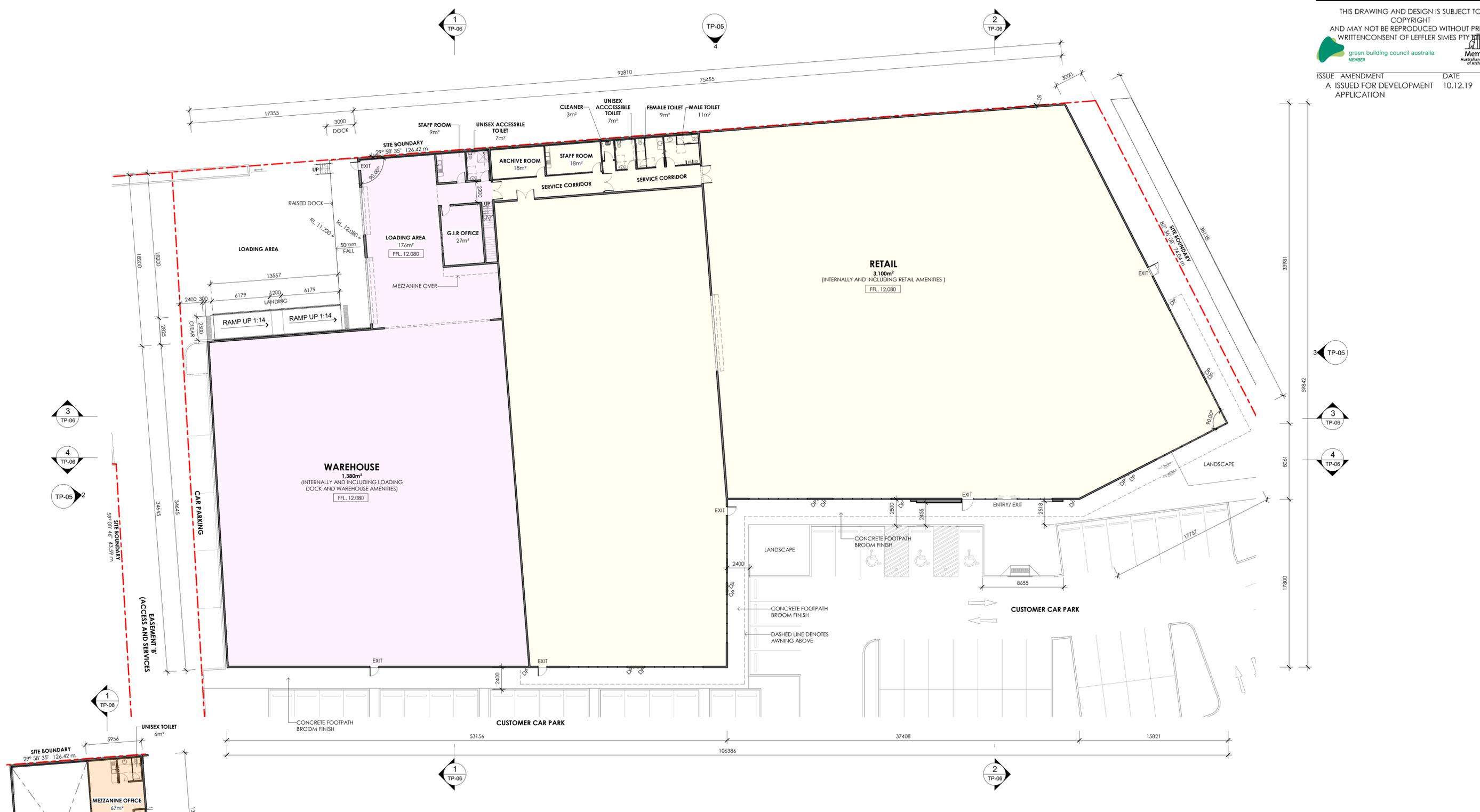
- 1- TRUCK TURNING TEMPLATE BASED ON PREMISE MISO442-SK-01 ILLUSTRATION 1 AND 2, AS RECEIVED 29.11.2019.
- 2- ENTRIES, EXIT AND CAR PARKING LAYOUTS ARE PRELIMINARY ONLY AND SUBJECT TO TRAFFIC ENGINEER'S DESIGN.
- 3- SITE BOUNDARIES AND SITE AREAS ARE INDICATIVE ONLY AND SUBJECT TO CONFIRMATION BY LICENCE SURVEYOR.
- 4- NO PLANNING ADVICE HAS BEEN SOURCED FROM COUNCIL AND LOCAL AUTHORITIES.
- 5- ALL SETBACK, PLOT RATIOS, LANDSCAPE AREAS AND CAR PARKING NUMBERS ARE SUBJECT TO COUNCIL/ LOCAL AUTHORITY / FIRE BRIGADE APPROVAL.
- 6- SIZE AND LOCATION OF ALL SERVICES TO BE CONFIRMED BY ENGINEER. ALL AREAS NOTED ARE APPROXIMATE ONLY.

SITE AREA AND CAR PARKING:	
SITE AREA	10,226 m ²
LANDSCAPE AREA:	1,063 m ²
BUILDING AREA:	
RETAIL (GFA)	3,100 m ²
RETAIL (TUA)	2,964 m ²
WAREHOUSE (GFA)	1,380 m ²
WAREHOUSE (TUA)	1,204 m ²
TOTAL BUILDING AREA	4,529 m²
SITE COVERAGE	44.29%
NUMBER OF CAR PARKS	104 CAR SPACES INCLUDING 3 ACCESSIBLE CAR SPACES

NOTE: AREAS ARE APPROXIMATE ONLY

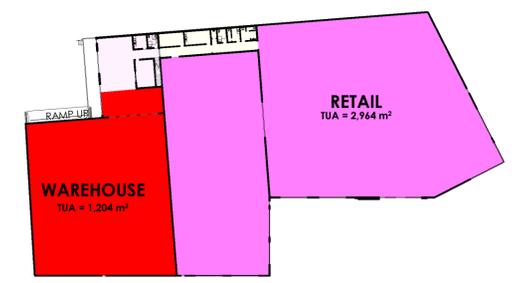
1 SITE PLAN
 Scale: 1 : 250



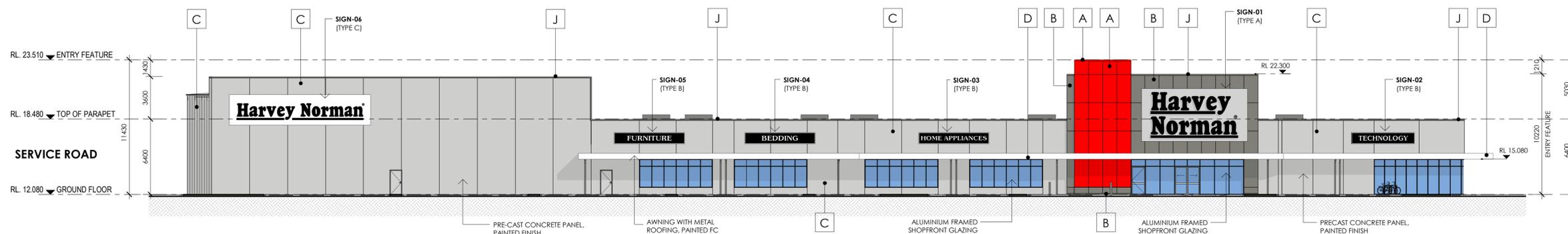


1 GROUND FLOOR PLAN
 Scale: 1 : 200

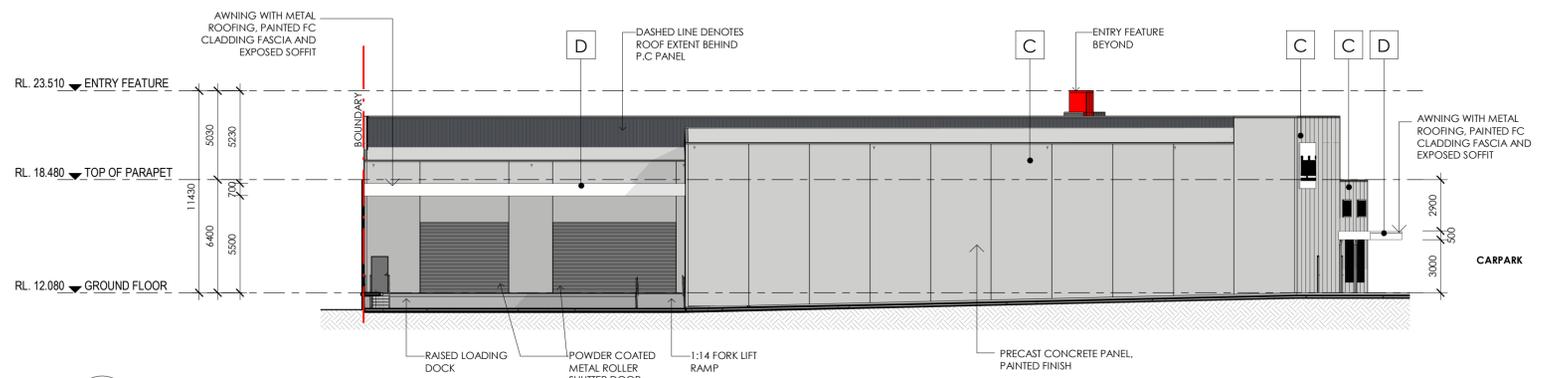
2 MEZZANINE FLOOR PLAN
 Scale: 1 : 200



3 GROUND FLOOR TUA AREA PLAN
 NTS



1 SOUTH EAST ELEVATION
 TP-03 Scale: 1 : 200



2 EAST WEST ELEVATION
 TP-03 Scale: 1 : 200



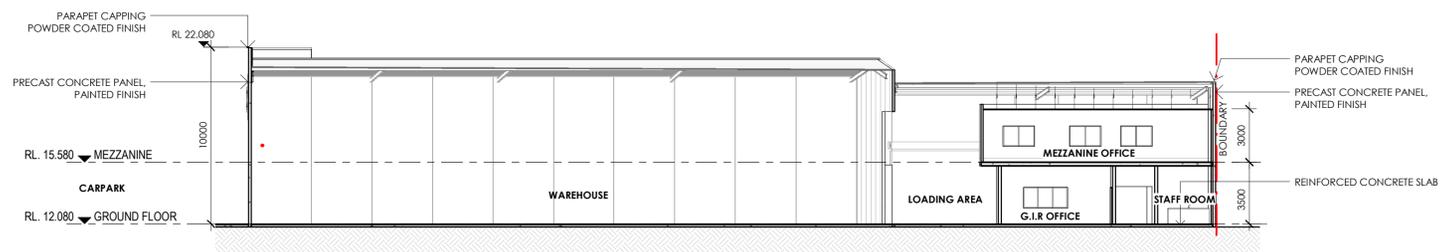
3 NORTH EAST ELEVATION
 TP-03 Scale: 1 : 200



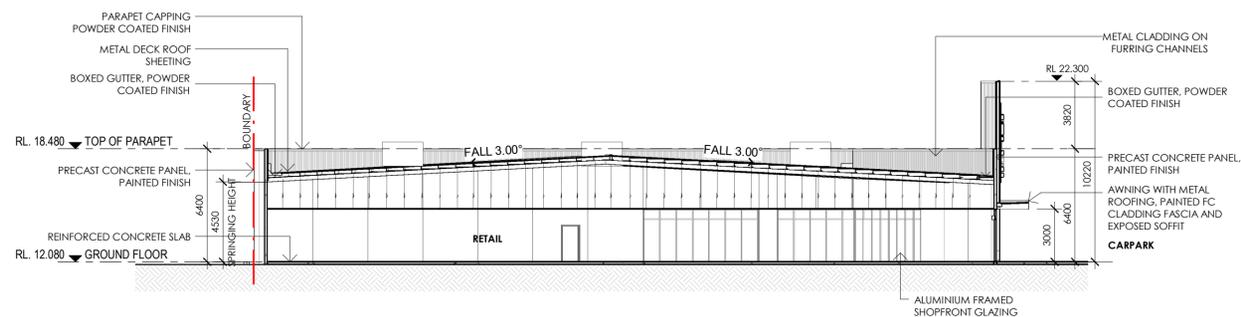
4 WEST ELEVATION
 TP-03 Scale: 1 : 200

COLOUR LEGEND

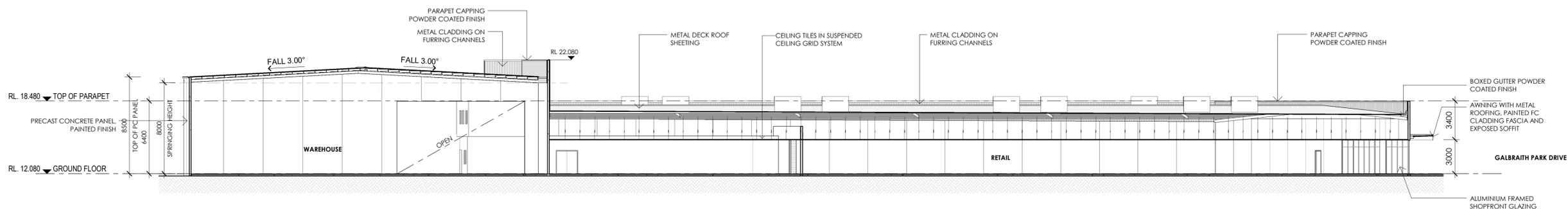
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B	DULUX MALAY GREY
C	DULUX FLOODED GUM
D	DULUX VIVID WHITE
J	DULUX - SHALE GREY



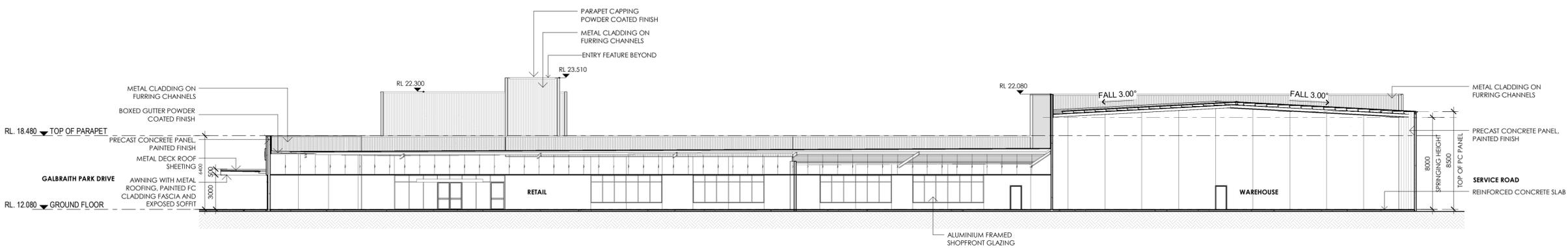
1 SECTION 1
 TP-03 Scale: 1 : 200



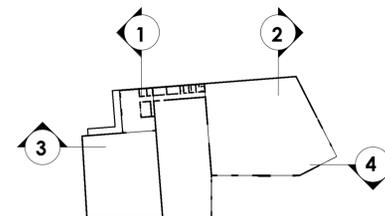
2 SECTION 2
 A520 Scale: 1 : 200



3 SECTION 3
 TP-03 Scale: 1 : 200



4 SECTION 4
 TP-03 Scale: 1 : 200



KEY PLAN

OVERALL SECTION



13.2.2 Airlie Beach Replacement Permanent and Auxiliary Fire and Rescue Station - 2-6 Banksia Court, Cannonvale QLD 4802

DATE: Wednesday 12 October 2022

TO: Ordinary Council Meeting

AUTHOR: Matthew Twomey - Manager Development Assessment

AUTHORISING OFFICER: Neil McGaffin - Director Development Services

PRESENTED FOR: Decision

ATTACHMENTS

1. Correspondence from Hon Steven Miles MP dated 16 September 2022
2. Proposal Plan

PURPOSE

To present the assessment of the Ministerial Infrastructure Designation (MID) request from Queensland Fire and Emergency Services (QFES) for a Fire and Emergency Station Permanent and Auxiliary Fire and Rescue Station at 2 – 6 Banksia Court, corner with Macarthur Drive and Shute Harbour Road Cannonvale.

OFFICER'S RECOMMENDATION

That Council delegate to the Chief Executive Officer to make a submission to the Deputy Premier and Minister for State Development Infrastructure, Local Government and Planning in response to the notice of proposed Ministerial Infrastructure Designation – Airlie Beach Fire and Rescue Station, requesting the Minister not approve the Minister Infrastructure Designation until the findings of a noise and light impact assessment are considered and, if necessary, adequately addressed by the design of the proposal.

BACKGROUND

On 3 May 2022 Council was contacted by QFES as part of the pre-engagement of the proposed fire and rescue station. QFES was advised by Council that it was aware of concerns in the community and that a formal submission may be made during public consultation once further detail was available.

APPLICATION SUMMARY

The proposal includes the following:

- Construction of a new QFES Permanent and Auxiliary Fire and Rescue Station. The designation will include a new permanent station, three (3) bay engine room, training pad, storage shed, parking and landscaping.
- Two (2) new vehicular crossovers onto Macarthur Drive and Banksia Court.
- Fifteen (15) car parks including one (1) persons with disabilities.
- Eleven (11) permanent staff and twenty (20) auxiliary staff on a 24/7 shift roster

Issues

An Environmental Assessment Report has been provided to support the MID request. The report provides an assessment of various issues. Matters which are of concern to Council and the community are:

- Traffic and Transport Infrastructure
- Noise
- Lighting
- Visual amenity/privacy

QFES has advised consultation with DTMR has resulted in the existing left out only configuration of the intersection at Shute Harbour Road being retained. To permit right out movement, active early warning signage with flashing lights (wig wags) using wireless connection technology be installed approximately 100m (beyond the crest) from the intersection and activated by the fire station when required. This arrangement is uncommon to the region, however, is ultimately a matter for DTMR to be satisfied with.

The proposal has the potential to disturb the residential amenity of the locality. Neither a Noise Impact Assessment nor Light Impact Assessment has been provided to support the proposal. To address the concerns of nearby residents it is reasonable that such reporting should be provided to inform the design and operation of the fire and rescue station.

The development layout has been designed to primarily address Macarthur Drive, with fire truck turn outs entering onto this roadway. The bulk of the building has been located away from adjoining residential uses with solid fencing and landscaping provided to increase the privacy of the adjoining unit development.

Minor items requiring further advice relate to standpipe water demand, on site water storage, trade waste and median treatment to accommodate vehicle crossing.

It was noted that no architectural plans were included in the information package. Council will include feedback in relation to this within the submission.

STATUTORY/COMPLIANCE MATTERS

Planning Act 2016

STRATEGIC IMPACTS

Provide advocacy and partnerships with government, community and business interests through effective stakeholder engagement.

FINANCIAL IMPLICATIONS

Further advice from the applicant is needed to ensure Council does not wear additional costs relating to the maintenance and repair of the median in Mccarthur Drive caused by the use.

CONSULTATION

Manager Infrastructure Assets
Chief Operating Officer Whitsunday Water

RISK ASSESSMENT

The decision of the Deputy Premier and Minister for State Development Infrastructure, Local Government and Planning may cause amenity concerns amongst the community. There may

be an expectation for Council to lobby for the refusal of the MID. Providing a submission will provide a suggested pathway to address the potential amenity concerns of the proposal.

TIMINGS/DEADLINES

A decision is required by **25 October 2022**.

CONFLICT OF INTEREST DECLARATION

Council officers contributing to the preparation and approval of this report have no conflicts of interest to declare.

HUMAN RIGHTS IMPACT

Section 58 of the Human Rights Act 2019 specifies required conduct for public entities when acting or making a decision. Sections 15-37 of the Human Rights Act 2019 identifies the human rights a public entity must consider in making a decision. The human rights relevant to this decision are as follows:

- Section 19 – Freedom of movement.
- Section 21 – Freedom of expression.
- Section 24 – Right to own property and not be arbitrarily deprived of property.
- Section 27 – Cultural rights – generally – all persons with a particular cultural, religious, racial or linguistic background have the right to enjoy their culture, to declare and practice their religion and use their language.
- Section 28 – Cultural rights – Aboriginal peoples and Torres Strait Islander peoples.

This decision does not limit the above identified human rights.



Hon Steven Miles MP
Deputy Premier
Minister for State Development, Infrastructure,
Local Government and Planning
Minister Assisting the Premier on Olympics Infrastructure

Our ref: MBN22/718
MID-0722-0627

16 SEP 2022

Mr Rod Ferguson
Chief Executive Officer
Whitsunday Regional Council
rod.ferguson@whitsundayrc.qld.gov.au

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Brisbane Queensland 4000
PO Box 15009
City East Queensland 4002
Telephone + 61 3719 7100
Email deputy.premier@ministerial.qld.gov.au
Website www.statedevelopment.qld.gov.au

ABN 65 959 415 158

Dear Mr Ferguson

Notice of proposed Ministerial Infrastructure Designation
Airlie Beach Fire and Rescue Station
(Given under section 37(2) of the *Planning Act 2016*)

I write in relation to a Ministerial Infrastructure Designation (MID) request from the Queensland Fire and Emergency Services to establish the Airlie Beach Fire and Rescue Station at 2-6 Banksia Street, Cannonvale.

The proposed works include the construction of a new single-storey station, three-bay engine room, shed, covered training pad, car parking and landscaping.

The MID proposal is available online at: <https://www.statedevelopment.qld.gov.au/mid-consultations>. The MID proposal includes an assessment of the site context and potential impacts of the MID together with a proposal plan and reports on geotechnical conditions and traffic.

I invite you to make a properly made submission on the MID proposal. I have enclosed an extract of Schedule 2 of the *Planning Act 2016* setting out the requirements for a properly made submission, and details on where to make a submission. Please make your submission to me within **25 business days** from receipt of this letter.

I have asked for Mr Paul Beutel, Manager, Development Assessment Division in the Department of State Development, Infrastructure, Local Government and Planning to assist you with any further queries. You may wish to contact Mr Beutel on (07) 3452 7693 or by email at paul.beutel@dSDLGP.qld.gov.au.

Yours sincerely,

STEVEN MILES MP
DEPUTY PREMIER
Minister for State Development, Infrastructure,
Local Government and Planning
Minister Assisting the Premier on Olympics Infrastructure

Enc

13.2.3 20220630 - Development Application for Material Change of Use (Adult Store) - 13 Waterson Way, Airlie Beach - D Sampson c/- Wynne Planning and Development

DATE: Wednesday 12 October 2022

TO: Ordinary Council Meeting

AUTHOR: James McEvoy-Bowe - Planner

AUTHORISING OFFICER: Neil McGaffin - Director Development Services

PRESENTED FOR: Decision

ATTACHMENTS

1. Conditions of Approval
2. Planning Assessment Report
3. Locality Plan
4. Zoning Plan
5. Plans of Development

PURPOSE

To present the assessment of the development application.

OFFICER'S RECOMMENDATION

That Council approve the application for Development Application for Development Permit for Material Change of Use - Adult Shop, made by D L Sampson C/- Wynne Planning and Development, on L: 42 RP: 726947 and located at 13 Waterson Way, Airlie Beach, subject to the conditions outlined in Attachment 1.

BACKGROUND

This is the first application of this type from the subject land.

APPLICATION SUMMARY

Council is in receipt of a Development Application for Material Change of Use for an Adult Store located within existing Tenancy D, of the building commonly referred to as the Whitsunday Arts and Cultural Centre (WACC) at 13 Waterson Way, Airlie Beach.

The business proposes to sell lingerie, shoes, hens party supplies and adult toys. The proposed hours of operation are from 12pm – 5.00pm and 6.00pm – 8.00pm Monday to Thursday, and 12pm – 5.00pm and 6.00pm – 10.00pm Friday and Saturday nights.

Despite being a classed as a Business Activity by the Planning Scheme the proposal triggers Impact Assessment in the Mixed use zone requiring public notification. One submission was received during the public notification period. The Mixed use zone is intended for the provision of various business, retail, residential and tourist accommodation uses. The site has existing business and retail uses and has supported these uses for many years. As the proposal is small scale and discrete, it is considered appropriate and compatible within the Mixed use zone and this site. A detailed assessment of the proposal has been provided in Attachment 2.

STATUTORY/COMPLIANCE MATTERS

Planning Act 2016

Whitsunday Regional Council Planning Scheme 2017

STRATEGIC IMPACTS

Process all statutory applications within statutory timeframes.

FINANCIAL IMPLICATIONS

There are no applicable infrastructure charges.

CONSULTATION

Manager Development Assessment
Senior Technical Officer Engineering Assessment
Civil Engineer (Network Planning)

RISK ASSESSMENT

The decision may be appealed in the Planning & Environment Court of Queensland.

TIMINGS/DEADLINES

A decision is required by 17 October 2022.

CONFLICT OF INTEREST DECLARATION

Council officers contributing to the preparation and approval of this report have no conflicts of interest to declare.

HUMAN RIGHTS IMPACT

Section 58 of the Human Rights Act 2019 specifies required conduct for public entities when acting or making a decision. Sections 15-37 of the Human Rights Act 2019 identifies the human rights a public entity must consider in making a decision. The human rights relevant to this decision are as follows:

- Section 19 – Freedom of movement.
- Section 21 – Freedom of expression.
- Section 24 – Right to own property and not be arbitrarily deprived of property.
- Section 27 – Cultural rights – generally – all persons with a particular cultural, religious, racial or linguistic background have the right to enjoy their culture, to declare and practice their religion and use their language.
- Section 28 – Cultural rights – Aboriginal peoples and Torres Strait Islander peoples.

This decision does not limit the above identified human rights.

1.0 ADMINISTRATION

1.1 The approved development must be completed and maintained generally in accordance with the approved drawings and documents:

Plan/Document Name	Prepared By	Plan Number	Dated
Site Plan	Applicant	N/A	N/A
Tenancy Floor Plan	Applicant	N/A	N/A
Basement Carpark Plan	Applicant	N/A	N/A

1.2 Where a discrepancy or conflict exists between the written conditions of this approval and the approved plans, the requirements of the written condition(s) will prevail.

1.3 All conditions of this approval must be complied with in full to Council's satisfaction prior to the commencement of the use.

1.4 The applicant shall demonstrate and provide evidence that compliance with all conditions of this development approval and any other subsequent development approvals as a result of this development approval have been complied with at the time of the commencement of the use.

2.0 CLEARING, LANDSCAPING AND FENCING

2.1 Any vegetation removed must be disposed of to the requirements of the Council. Transplanting, chipping or removal from site are the preferred solutions.

2.2 All vegetative waste cleared as part of the development of the site is to be either:

- a) stored neatly on site and shredded within sixty (60) days of clearing; or
- b) removed off the site to an approved disposal location.

3.0 ACCESS AND PARKING

3.1 A minimum of one (1) designated parking space in accordance with the approved Basement Carpark Plan, must be provided on-site prior to commencement of the use.

4.0 OPERATING PROCEDURES

4.1 One (1) A-Frame advertising device is permitted for the use. The applicant must obtain a Portable Advertising Sign Licence from Council's Local Laws Department.

4.2 Sexually explicit images and words are not included in any signage.

4.3 The windows of the premises must be covered such that the inside of the store is not visible.

4.4 The hours of operation are limited to the following:

- 12pm – 5.00pm and 6.00pm – 8.00pm Monday to Thursday; and
- 12pm – 5.00pm and 6.00pm – 10.00pm Friday and Saturday.

5.0 MISCELLANEOUS

5.1 If any item of cultural heritage is identified during site works, all work must cease and the relevant State Agency must be notified. Work can resume only after State Agency clearance is obtained.

The Applicant is reminded of their obligations under the Aboriginal Cultural Heritage Act, 2003 and the Torres Strait Islander Cultural Heritage Act 2003. Further information and databases are available from the Department of Aboriginal and Torres Strait Islander Partnerships at: www.datsip.qld.gov.au

- 5.2 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be at full cost to the developer.
- 5.3 Any building materials, equipment and the like must be appropriately tied down, placed indoors and secured on site at the time of preparation for cyclone events. The on site supervisor is to ensure that all contractors/employees take the necessary steps to secure the construction site in the event of a cyclone.
- 5.4 It is the developer's responsibility for the full rectification of any damage caused to neighbouring public infrastructure (such as footpaths, driveways, fences, gardens, trees and the like) caused by contractors, including clean up of any litter or waste that is a result of the subject development.

6.0 ADVISORY NOTES

6.1 Hours of work

It is the developer's responsibility to ensure compliance with the Environmental Protection Act 1994, which prohibits any construction, building and earthworks activities likely to cause nuisance noise (including the entry and departure of heavy vehicles) between the hours of 6.30 pm and 6.30 am from Monday to Saturday and at all times on Sundays or Public Holidays.

6.2 Dust Control

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

6.3 Sedimentation Control

It is the developer's responsibility to ensure compliance with the Environmental Protection Act 1994 and Schedule 9 of the Environmental Protection Regulation 2008 to prevent soil erosion and contamination of the stormwater drainage system and waterways.

6.4 Noise During Construction and Noise in General

It is the developer's responsibility to ensure compliance with the Environmental Protection Act 1994.

6.5 General Safety of Public During Construction

It is the project manager's responsibility to ensure compliance with the Work Health and Safety Act 2011. It states that the project manager is obliged to ensure construction work is planned and managed in a way that prevents or minimises risks to the health and safety of members of the public at or near the workplace during construction work.

It is the principal contractor's responsibility to ensure compliance with the Work Health and Safety Act 2011. It states that the principal contractor is obliged on a construction workplace to ensure that work activities at the workplace prevent or minimise risks to the health and safety of the public at or near the workplace during the work.

It is the responsibility of the person in control of the workplace to ensure compliance with the Work Health and Safety Act 2011. It states that the person in control of the workplace is obliged to ensure there is appropriate, safe access to and from the workplace for persons other than the person's workers.

- 6.6 Enquiries relating to the aforementioned conditions should be directed to the Planning and Development Directorate who will direct the enquiry to the relevant officer.

ANALYSIS

Council has received the following Development Application, which has been assessed against the provisions of the relevant legislation as reported below.

1. Application Summary

Proposal:	Material Change of Use - Adult Shop
Landowner	Waterson Way Pty Ltd As TTE
Property Address:	13 Waterson Way Airlie Beach
Property Description:	L: 42 RP: 726947
Area of Site:	1045
Planning Scheme Zone:	Mixed Use Zone
Level of assessment	Impact Assessable
Overlays:	Acid sulfate soils Overlay Bushfire hazard Overlay Infrastructure Overlay
Existing Use:	Indoor Sport & Recreation (Gym), Commercial Uses consisting of Shops, Food & Drink Outlet, Cinema, Function Space
Existing Approvals:	<ul style="list-style-type: none">• 20140639 – MCU for Commercial Use Class – 26/07/2016• 20181027 – MCU for Short-term Accommodation & Office – 08/05/2019
Public Notification:	18/08/2022 - 12/09/2022
Submissions received:	One (1)
State referrals:	Nil
Infrastructure charges:	Nil

2. Site Details

2.1. Location

The site is located centrally within Airlie Beach along Waterson Way, approximately 250m from the Airlie Beach entrance roundabout. Tenancy D is within the premises commonly referred to as the Whitsunday Arts and Cultural Centre (WACC) at 13 Waterson Way Airlie Beach.

2.2. Zoning

The land is in the Mixed-Use zone.

2.3. Site description

The WACC building is a large three storey rectangular structure with direct frontage to Waterson Way. Tenancy D, the location of the Adult Shop, is positioned inside the ground floor arcade and is away from direct view from the street.

2.4. Access

Access to the site is currently gained via a standard concrete crossover from Waterson Way. The driveway proceeds to the basement level car parking area. Direct pedestrian access to the site is via a standard footpath along Waterson Way.

2.5. Surrounding uses

North – Telstra Exchange Airlie Beach and X-Base & Nomads backpacking accommodation premises.

East – Low-medium density residential uses

South – Car rental storage area for Hertz hire cars

West – Low medium density residential uses

3. **Proposal Details**

Council is in receipt of a Development Application for Material Change of Use for an Adult Store within Tenancy D, of the WACC at 13 Waterson Way, Airlie Beach. Tenancy D is approximately 28m² and is located within the ground floor arcade of the WACC. The tenancy has no direct frontage to Waterson Way and access is gained via the pedestrian entrance from the street or via an internal staircase from the basement car park.

The store named 'Delightful Desires', proposes to sell lingerie, shoes, hens party supplies and adult toys. The proposed hours of operation are from 12pm – 5.00pm and 6.00pm – 8.00pm Monday to Thursday, and 12pm – 5.00pm and 6.00pm – 10.00pm Friday and Saturday nights.

The WACC is an established building, already connected to reticulated water and sewer services. Access is gained from an established driveway along Waterson Way through to the basement level car park, where one (1) parking space is established for Tenancy D.

The proposal triggers Impact Assessment as the 'Adult Store' use is not listed within the Tables of Assessment for the Mixed Use Zone, despite being a business activity. It is noted that the Adult Store use is not listed on any of the Tables of Assessment within the Whitsunday Regional Planning Scheme 2017 (WRCPS17) and is therefore Impact Assessable in all zones across the region.

One (1) submission was received during the Public Notification Period.

4. **Planning Assessment**

The application has been assessed against the relevant provisions of the *Planning Act, 2016* and the *Whitsunday Regional Council Planning Scheme, 2017*. The proposal is generally in accordance with the Planning Scheme and is recommended for approval in accordance with the drawings and documents submitted, subject to reasonable and relevant conditions (Attachment 1).

4.1. State Assessment and Referral Agency (SARA)

The application was not referable.

4.2. State Planning Policy – July 2017

The State Planning Policy (SPP) includes interim development assessment requirements to ensure that State interests are appropriately considered by local government when assessing development applications where the local government Planning Scheme has not yet appropriately integrated all of the State's interests in the SPP. As the most recent SPP (July 2017) has not been reflected in the Whitsunday Regional Council Planning Scheme, Part B of the SPP confirms that it applies to the assessment of the development application.

State Interest – Liveable Communities and Housing

Not Applicable.

State Interest – Economic Growth

Not Applicable.

State Interest – Environment and Heritage

Not Applicable.

State Interest – Safety and Resilience to Hazards

A small portion at the rear of the site is subject to the Bushfire Hazard overlay. Fire suppression has been considered at the time of the construction of the WACC building under the certification of the structure. The proposal does not involve any additional building or civil works that will impact on the site, surrounding properties or the general public.

State Interest – Infrastructure

Not Applicable.

4.3. Mackay Isaac and Whitsunday Regional Plan – February 2012

The Mackay, Isaac and Whitsunday Regional Plan was established to provide the vision and direction for the region to 2031. The plan provides certainty about where the region is heading in the future and provides the framework to respond to the challenges and opportunities which may arise. The proposal is generally consistent with the provisions of the plan.

4.4. Whitsunday Regional Council Planning Scheme, 2017

4.4.1. Strategic Framework

The proposal is for a business activity within the Mixed Use Zone, in an established structure that is approved for commercial and business activities. Therefore, the use is consistent with the Strategic Framework.

4.4.2. Strategic Intent

The proposed Adult Store does not conflict with any of the themes of the Strategic Intent.

4.4.3. Overlay Codes

Acid Sulfate Soils Overlay

No construction or earthmoving is required as part of the development proposal and the WACC contains the relevant building, plumbing and QFES permits. The overlay is considered not applicable.

Bushfire Hazard Overlay

Fire suppression has been considered at the time of the construction of the WACC building under the certification of the structure. The proposal does not involve any additional building or civil works that will impact on the site, surrounding properties or the general public. The development therefore complies with the overlay.

Infrastructure Overlay (Road Noise Corridor Buffer)

Similarly to the Bushfire Hazard assessment, the Infrastructure Overlay (Road Noise Corridor Buffer) has been assessed and dealt with by the building certifier under QDC MP4.4 at the time of the certification of the WACC building. The development therefore complies with the overlay.

4.4.4. Mixed Use Zone Code

The proposal is generally consistent with the overall outcomes of the Mixed Use Zone. The proposed Adult Store is a business activity within the WACC, which holds an active Development Permit for Commercial Uses (20140639), now defined as Business Activities under the WRCPS17. An Adult Store is listed as a Business Activity within Table SC 1.1.1.2 Defined Activity Groups of the WRCPS17. The Mixed use zone is intended for the provision of various business, retail, residential and tourist accommodation uses.

Overall Outcome (i) of the zone code relates to ensuring developments are designed and operated in a manner that does not unreasonably impact on the amenity of surrounding development. The Adult Store is unlikely to have any detrimental impacts to the amenity of surrounding premises for the following reasons:

- The tenancy is located within the arcade of the WACC and has no direct frontage to Waterson Way and cannot be seen from the street.
- Customers can only access the tenancy from the Waterson Way pedestrian access footpath or from the basement parking area via an internal staircase. Rear and side pedestrian access to the site is not possible due to existing security fencing.
- The use does not generate any light, odour, dust or noise emissions.
- Reasonable hours of operation have been proposed which align with other businesses with the WACC and are consistent with general business hours in Airlie Beach.
- One small A-frame advertising sign to be placed on the frontage of 13 Waterson Way for directions to the store is proposed and minimal signage is to be located on the door to the tenancy so it can be identified by customers. The nominated A-Frame sign complies with the relevant Local Law licencing requirements. Conditions of approval have been included requiring any signage does not display any sexually explicit content or language.

As the proposal is small and discrete, the proposed development is appropriate and compatible within the Mixed use zone.

4.4.5. Development Codes

Business Activities Code

The proposed Adult Store is a business activity proposed within the Mixed use zone. The use is proposed on the ground floor of the WACC, which is a three-storey building already

used for various business activities including food and drink outlets, catering business and a gym and is also approved for a cinema, indoor sport and recreation and offices. The proposal complies with the applicable elements of the code.

Infrastructure Code

The site has existing connections to reticulated water and sewer services. The proposed use will not generate any impacts on these services.

Landscaping Code

The site does not contain any landscaping and no additional landscaping elements are required to support the development.

Transport and Parking Code

The proposed use area is approximately 28m² and which generates a car parking demand of one (1) parking space. Tenancy D is provided with one parking space in the basement level. The applicant has provided a plan demonstrating the car parking requirement has been achieved. It is acknowledged that customers that attend uses within the WACC currently tend to utilise public roadside parking and/or walk to the site. The basement car parking area is deemed as suitable for the proposed use and no conditions are required to comply with the code.

5. Public Submissions

The development application was placed on public notification between 18/08/2022 and 12/09/2022 in accordance with the relevant provisions of the Planning Act 2016. The Notice of Compliance was received on 13/09/2022. One (1) submission was received during this period of Public Notification, and is summarised as follows:

Issue	Comment/Condition Number
1. Inconsistent Use within the Mixed use zone	An 'Adult Store' is defined by the Whitsunday Regional Council Planning Scheme 2017 as a 'Business Activity' in table SC 1.1.1.2 Defined Activity Groups. The Mixed use zone allows for a mixture of development types that may include business, retail, residential, tourist accommodation and associated services, service industry and low impact uses. The business is small and discrete and therefore is consistent with the Mixed Use Zone.
2. Morality Concerns	<p>The submission raises concerns that the proposed Adult Store may cause morality issues around late-night trading, potential for undesirable behaviour or unsavoury activity, potential for explicit or inappropriate signage and that there are similarities between the proposed use to a brothel use.</p> <p>The proposed Adult Store is exclusively for retail purposes only. The signage over the doors provides privacy, ensuring that passers-by are not able to view products. Positioned in the arcade, the store is not seen from the street. The use can be accommodated on-site subject to reasonable and relevant conditions.</p>

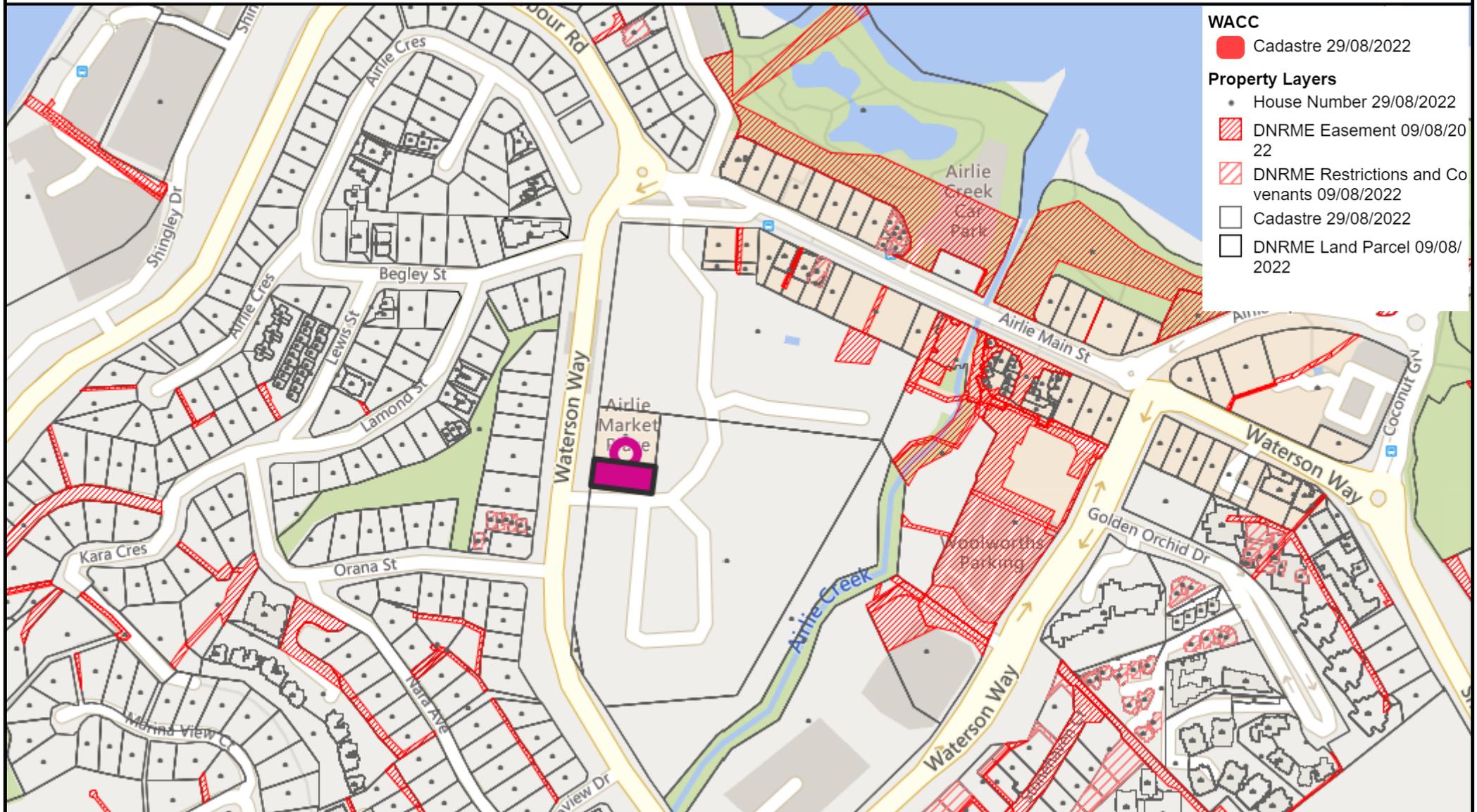
2. Hours of Operation	The proposed hours of operation are considered reasonable and are consistent with general business hours in Airlie Beach.
3. Car Parking	<p>The development has provided the correct number of parking spaces as per Table 9.4.7.3.3 Minimum on-site parking requirements. The use generates a requirement for 1 space and 1 space has been provided within the basement level.</p> <p>The submission also raises concerns that 'Hen's Parties' may occur on-site. The applicant advises that the business utilises the shop area for retail purposes only, offering mobile 'parties' only that are not held in the store.</p>
4. Advertising Signage	One small A-frame advertising sign to be placed on the frontage of 13 Waterson Way for directions to the store is proposed and minimal signage is to be located on the door to the tenancy so it can be identified by customers. The nominated A-Frame sign complies with the relevant Local Law licencing requirements. No proposed signage has any sexually explicit content or language.

6. Infrastructure Charges

6.1. Adopted Infrastructure Charges Resolution

Adopted Charge					
Type of Development	Development Category	Demand Unit & Qty	Charge Rate	Adopted Charge	
MCU	Commercial – Retail	135.71sqm	\$197.20 per sqm	\$26,762.01	
MCU	Place of Assembly – Function facility	453.57sqm	\$76.75 per sqm	\$34,811.50	
MCU	Place of Assembly – Function facility (indoor function room/bar)	106.00sqm	\$76.75 per sqm	\$8,135.50	
MCU	Entertainment – Theatre (outdoor rooftop cinema)	257.00sqm	\$219.10 per sqm	\$56,308.70	
MCU	Indoor sport & recreation – gymnasium	491.52sqm	\$21.85 per sqm	\$10,739.71	
Total Adopted Charge				\$136,757.42	
Credit					
Type of Development	Development Category	Demand Unit & Qty	Charge Rate	Discount	Total Credit
Existing - Ground floor	Commercial – Retail	135.71sqm	\$197.20 per sqm	100%	\$26,762.01
	Place of Assembly – Function facility	453.57sqm	\$76.75 per sqm	100%	\$34,811.50

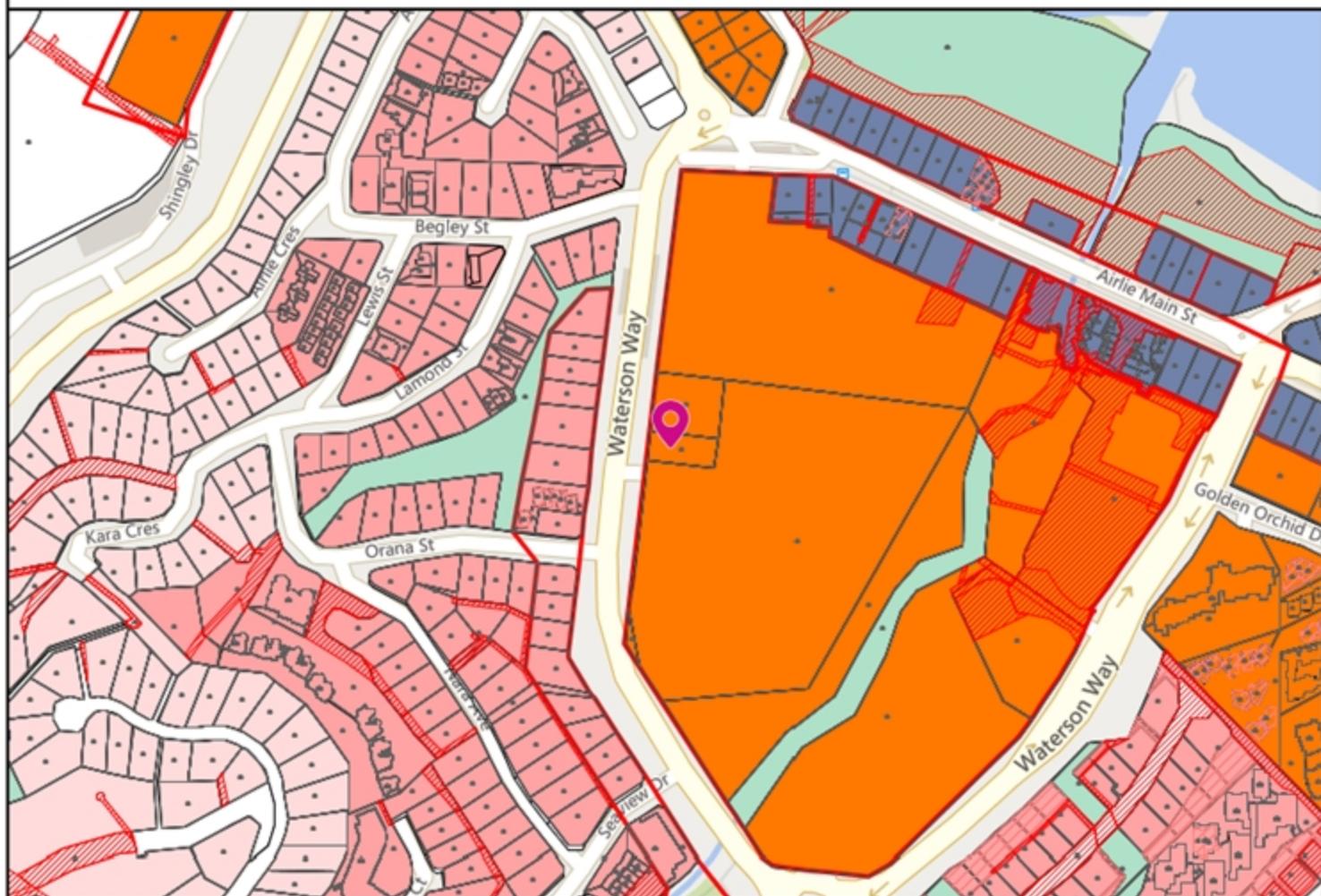
Existing First floor	– Place of Assembly – Function facility (indoor function room/bar)	106.00sqm	\$76.75 per sqm	100%	\$8,135.50
	Entertainment – Theatre (outdoor rooftop cinema)	257.00sqm	\$219.10 per sqm	100%	\$56,308.70
Existing Second floor	– Indoor sport & recreation – gymnasium	491.52sqm	\$21.85 per sqm	100%	\$10,739.71
Total Credit					\$136,757.42
Total Levied Charge					\$Nil
Current Amount of Levied Charge	\$NIL				



Disclaimer

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Property Layers

- House Number 29/08/2022
- ▨ DNRME Easement 09/08/2022
- ▨ DNRME Restrictions and Covenants 09/08/2022
- Cadastre 29/08/2022
- DNRME Land Parcel 09/08/2022

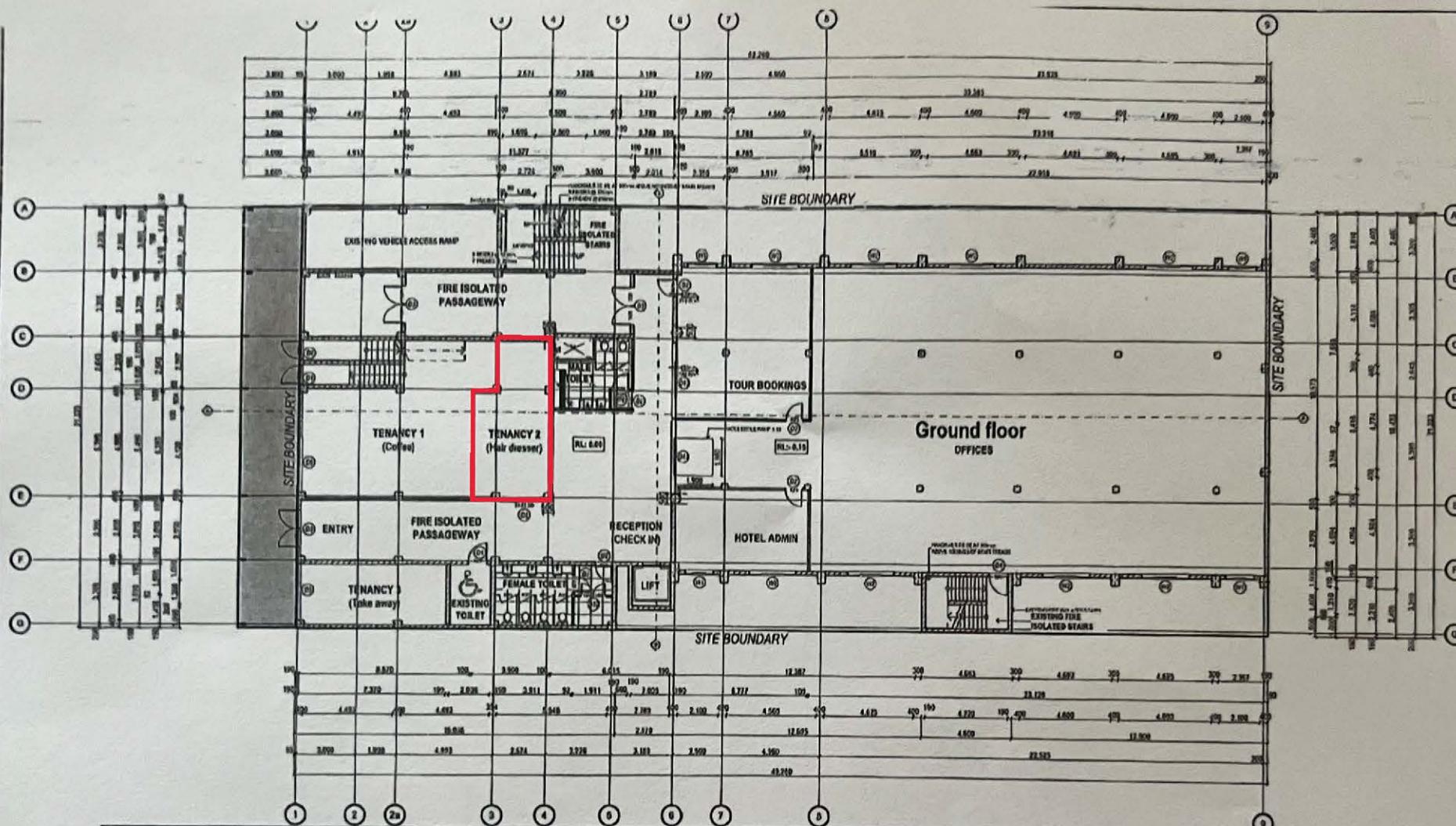
Planning Zones

- ▣ Precincts
- D_PC_P_Zones_Realigned
- Community facilities
- ▣ District centre
- ▣ Emerging community
- ▣ Environmental management and conservation
- ▣ High impact industry
- ▣ Industry investigation area
- ▣ Local centre
- ▣ Low density residential
- ▣ Low impact industry
- ▣ Low-medium density residential
- ▣ Major centre
- ▣ Medium impact industry
- ▣ Mixed use
- ▣ Neighbourhood centre

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100 m



1. ALL CONSTRUCTION SHALL COMPLY WITH THE BUILDING CODE OF AUSTRALIA AND CODES BY-LAWS.
2. EXISTING BUILDING DIMENSIONS TO BE CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORK.
3. EXISTING FOUNDATIONS AND ANY BUILDINGS STRUCTURES MUST BE CHECKED BY STRUCTURAL ENGINEER FOR ADEQUACY.
4. EXISTING SERVICES LOCATION TO BE CONFIRMED ON SITE PRIOR TO COMMENCEMENT OF WORK.
5. CONCRETE CONSTRUCTION TO COMPLY WITH AS 3600.
6. ALL BRICKWORK (INCLUDING BRICK VENEERS) SHALL BE IN ACCORDANCE WITH ASSOCIATED STANDARDS CODE.
7. TIMBER CONSTRUCTION TO COMPLY WITH AS 1684.2.
8. TENANT MANAGEMENT SYSTEM REQUIRED TO CONFORM WITH AS 4680.1.
9. ALL STRUCTURAL WORK SHALL COMPLY WITH ENGINEER DETAILS.
10. THIS DRAWING IS TO BE READ AND UNDERSTOOD IN CONNECTION WITH STRUCTURAL, MECHANICAL, ELECTRICAL AND OR ANY OTHER CONSULTANT DOCUMENTATION AS MAY BE APPLICABLE TO THE PROJECT PRIOR TO START OF WORK & IT'S DURATION.
11. ELECTRICIAN TO SUPPLY AND INSTALL APPROVED HARD WIRED SMOKE ALARMS IN ACCORDANCE WITH AS 3785.
12. DO NOT SCALE DRAWING USE PROVIDED DIMENSIONS.
13. POSITION OF DOWNPIPES APPROX ONLY AND TO BUILDERS DISCRETION.
14. BALUSTRADES SHALL COMPLY WITH BSA SECTION D ACCESS AND EGRESS / RAMP WIDTHS MUST BE ADJACENT TO THE STAIR WELL / OPENINGS IN BALUSTRADE MUST NOT ALLOW SPHERE OVER 125mm WIDE.
15. FRESH ROOF-BARRIS & NEW CEILING-BARRIS - R2.
16. FIRE SYSTEMS TO BE IN PLACE DURING CONSTRUCTION.
17. REFER TO HYDRAULIC ENGINEER DESIGN FOR ROOF DRAINAGE AND SITE DRAINAGE DETAILS.
18. WHEN IN DOUBT, ASK.

Ground Floor Level - PROPOSED

NOTE:

- All structures to be analysed in conjunction with Structural Engineering drawings;
- All wall plasterboard lining to be 2 x 16mm Gyprock Fyrchak Plasterboard;
- A lintel must have the FRL required for the part of the building in which it is situated;
- Floor waste location as per Hydraulic Engineering plans;
- Walls from SOU to have an $R_w + C_{tr}$ (Airbone) not less than 50 and provides its door assembly has an R_w not less than 30;
- All ENTRY / EXIT doors to be accessible.

Schedule of areas:

- Ground floor area: 847.60m²
- Carica area: 5.61m²
- Tenancy area 01: 38.62m²
- Tenancy area 02: 27.89m²
- Tenancy area 03: 22.06m²
- Tenancy area 04: 458.23m²

Proposed wall types:

- 92mm STEEL STUD FRAME
- 190mm BLOCK WALL

Waterproofing:

- Waterproof all walls in shower area to 1800mm above finished floor level of the shower;
- All wall and floor junctions and penetrations should be waterproofed.

NO. 1	Frame walls	10	10
NO. 2	Blockwork	10	10
NO. 3	—	10	10
NO. 4	—	10	10
NO. 5	—	10	10
NO. 6	—	10	10
NO. 7	—	10	10
NO. 8	—	10	10
NO. 9	—	10	10
NO. 10	—	10	10

BUILDING APPLICATION

WEL001 - Building Renovation

Operator: PAUL WELLARD

13 WATERLOO WAY WHEATSBURY QLD

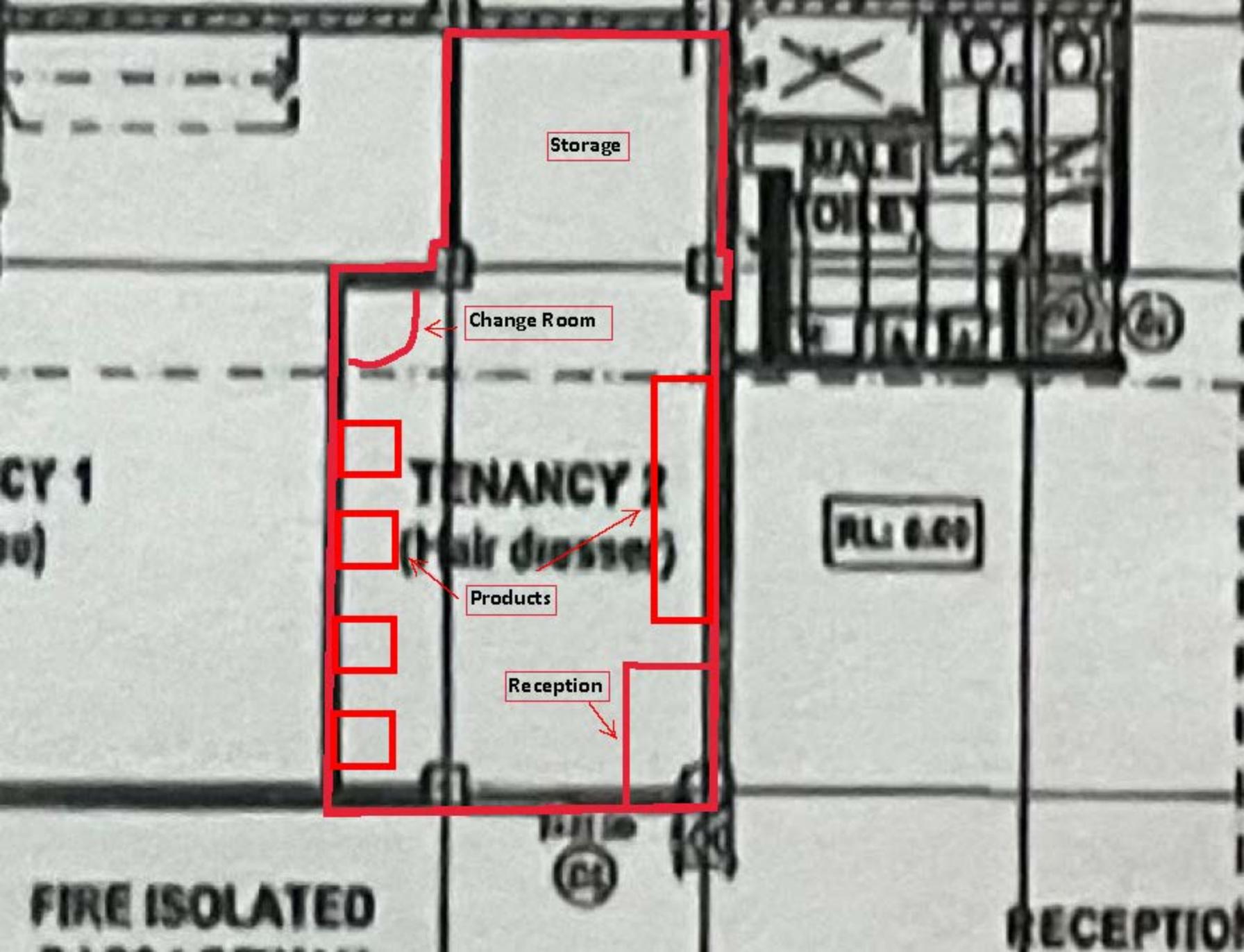
LO1 42 RP 20047

GROUND FLOOR, PROPOSED

DATE: 12/12/2019 1:20 PM

12 of 42

WEL001 BA 02.05



Storage

Change Room

TENANCY 2
(Hair dresser)

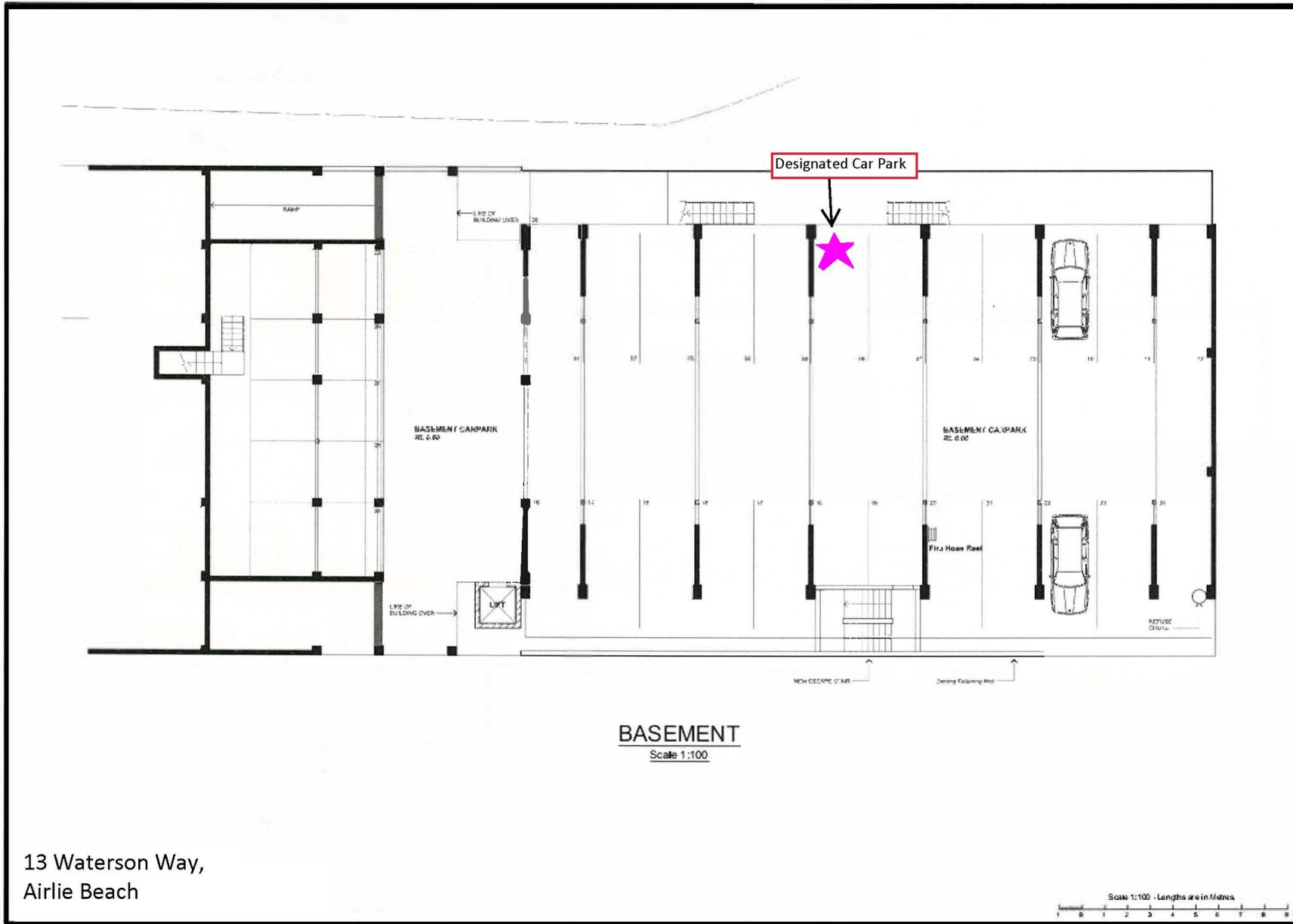
Products

Reception

RL: 6.00

FIRE ISOLATED

RECEPTION



13 Waterson Way,
Airlie Beach

13.2.4 Development Services Monthly Report - September 2022

DATE: Wednesday 12 October 2022

TO: Ordinary Council Meeting

AUTHOR: Tamara Dansie - Administration Coordinator Development Services

AUTHORISING OFFICER: Neil McGaffin - Director Development Services

PRESENTED FOR: Information

ATTACHMENTS

1. Development Services Monthly Report September 2022

PURPOSE

This report presents information relating to the operations of the Development Services Directorate for the month of September 2022.

OFFICER'S RECOMMENDATION

That Council receives the Development Services Monthly Report for September 2022.

BACKGROUND

The Development Services Directorate has a vision of a prosperous, liveable and sustainable Whitsundays.

The Directorates purpose is to lead the delivery of economic, social and environmental outcomes for the Whitsundays through services in partnership with stakeholders.

The Directorates vision is delivered by bringing together the functions of Strategic Planning, Development Assessment, Building and Plumbing Assessment and Compliance.

DISCUSSION/CURRENT ISSUE

See Attachment 1 – Development Services Monthly Report.

STATUTORY/COMPLIANCE MATTERS

All development activities have been undertaken within acceptable timeframes.

STRATEGIC IMPACTS

Process all statutory applications within statutory timeframes.

Monitor development and land use to ensure compliance with statutory requirements and development conditions.

Develop and maintain a local government infrastructure plan that aligns with Council's Asset Management Plans and long-term Financial Forecast in compliance with State Interests.

Provide a consistent and transparent strategic framework and direction for the development industry and community.

FINANCIAL IMPLICATIONS

All operations have been managed within existing budget limitations.

CONSULTATION/ENGAGEMENT

Manager Development Assessment
Manager Strategic Planning
Team Leader Plumbing

RISK ASSESSMENT

Regular reporting on the Directorate's progress and achievements ensures accountability and fosters a positive culture.

TIMINGS/DEADLINES

N/A

CONFLICT OF INTEREST DECLARATION

Council officers contributing to the preparation and approval of this report have no conflicts of interest to declare.

HUMAN RIGHTS IMPACT

Section 58 of the *Human Rights Act 2019* specifies required conduct for public entities when acting or making a decision. Sections 15-37 of the *Human Rights Act 2019* identifies the human rights a public entity must consider in making a decision. The human rights relevant to this decision are as follows:

- Section 19 – Freedom of movement.
- Section 21 – Freedom of expression.
- Section 24 – Right to own property and not be arbitrarily deprived of property.
- Section 27 – Cultural rights – generally – all persons with a particular cultural, religious, racial or linguistic background have the right to enjoy their culture, to declare and practice their religion and use their language.
- Section 28 – Cultural rights – Aboriginal peoples and Torres Strait Islander peoples.

This decision does not limit the above identified human rights.

ALTERNATIVES CONSIDERED

N/A



Development Services Monthly Report

Building
Plumbing
Strategic Planning
Development Assessment
Development Compliance

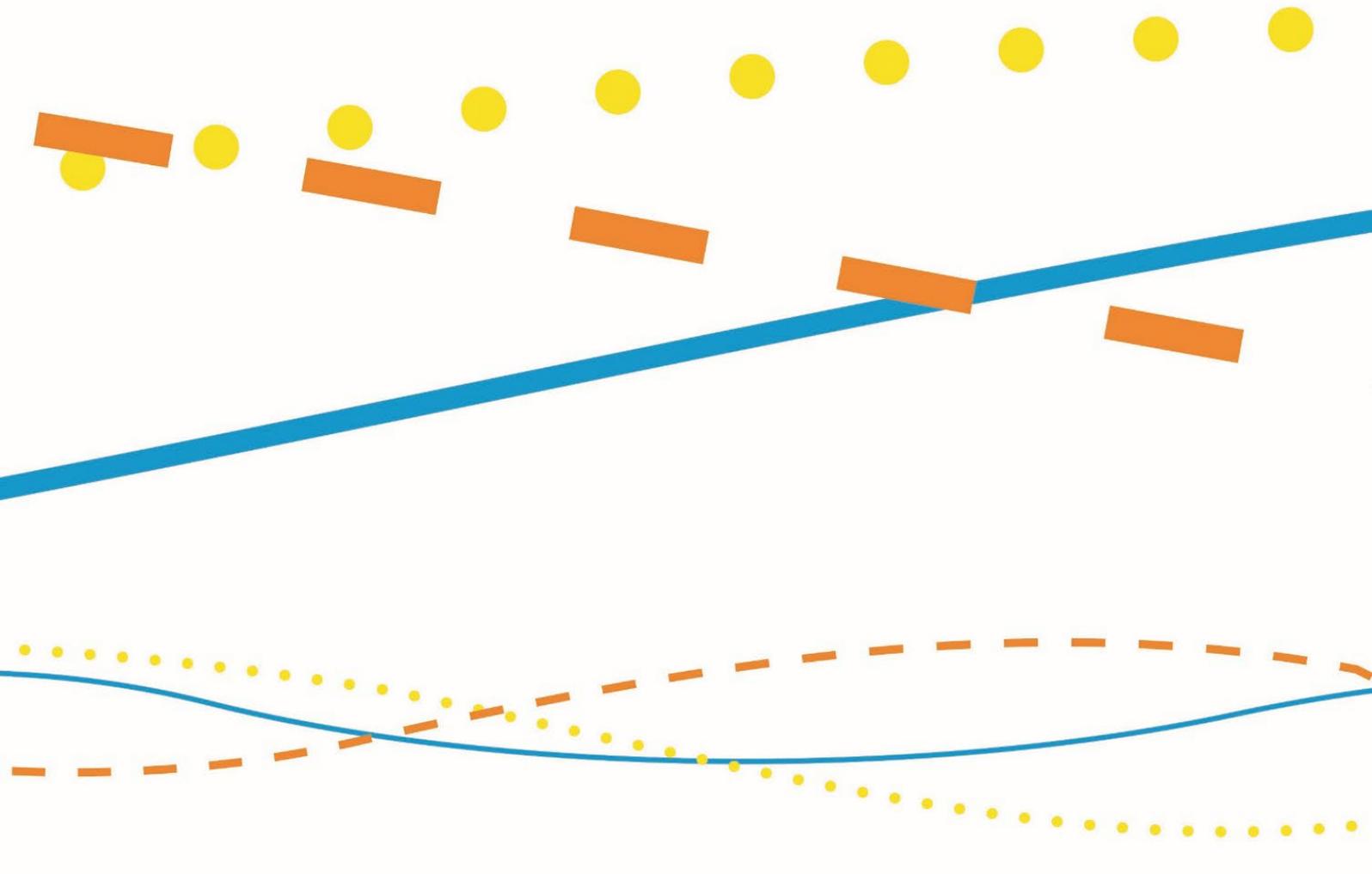


TABLE OF CONTENTS

Directors Report	Error! Bookmark not defined.
Strategic Planning	5
Development Assessment.....	6
Building.....	12
Plumbing	14
Compliance	17

Directors Report

STRATEGIC PLANNING

Public Consultation on the Whitsunday Planning Scheme Major Amendment, Heritage Placecard Amendments, Proserpine to Airlie Beach Growth Study, Proserpine to Airlie Beach Structure Plan, Open Space Strategy, Housing Affordability Study and the Planning Scheme Policy (Development Manual) Amendment has been extended until 31 October 2022. The extension takes the total submission period to 14 weeks. In the initial submission period over 1000 submissions were received, most of which were a petition style of prewritten submissions. The volume of these type of submissions makes it comparatively easy to respond to but very time consuming and resource hungry to advise each individual submitter.

The Local Government Infrastructure Plan V2 Amendment has been completed in draft and is undergoing the final internal and legal reviews before being presented to Council.

Strategic Planning continues to provide detailed strategic advice to the Development Assessment team, with a large volume of complex applications and preliminary discussions received this month.

DEVELOPMENT ASSESSMENT

The number of development applications remained steady with 23 applications lodged, with 6 being for Operational Works which is equal with the highest number recorded since April 2020. This indicates confidence in the sector to commence construction. The number of ROL applications received reduced slightly however the 3 applications that were lodged, propose to create 21 new lots being the second highest number for the calendar year. 4 survey plans were sealed creating 16 new lots.

Assessment continues on several significant development applications including the Relocatable Home Park with 402 dwellings (Over 55's Estate) south of Bowen, a Preliminary Approval for 72 allotments in Woodwark, a Hotel on Broadwater Avenue and Resort Development on Stone Island.

On the ground, works continue on Mandara Rise, Valley Drive, Airlie Summit and Botanica Estate with 17 inspections undertaken by Technical Engineering staff. A pre-start meeting has been held for the construction of nine new industrial allotments on the land behind Carlo Drive in Cannonvale.

The first of the Port of Airlie appeals related to the car parking supply for the Mixed-use developments was resolved by the Planning & Environment Court in line with the resolution passed by Council. Progress is ongoing for the second Port of Airlie appeal regarding the high-rise development with all parties consenting to resolve the car parking issue in dispute.

During a recent external review of Development Assessment procedures, it was determined that while the Development Assessment team provides a high standard of service, there were minor areas for improvement. Recommendations for improvement included introducing a Local Law for Short Term accommodation premises, ensuring all required common material regarding the assessment of a development application is made publicly available including submissions (authors and addresses) and documenting assessment benchmarks against all applications – impact and code assessable. While the Local Law is not yet in place, other recommendations have now been implemented.

BUILDING

Building within the region remains strong with a focus on domestic houses, sheds and swimming pools. The number of Applications lodged by Private Certifiers this month remain consistent with previous months and is expected to continue on a similar trajectory.

PLUMBING

The number of applications and inspections completed continue to reflect the Regions active building market. Plumbing permits issued were primarily residential builds with some commercial projects. The assessment of plumbing applications has been extended beyond the teams usually quick time frames due to the large number of incomplete applications being submitted. 62% of plumbing applications received during September were not properly made.

COMPLIANCE

Full review is underway of all existing building, plumbing and planning compliance matters with a priority on finalising all outstanding matters. Various Advice Letters were sent during September for matters including unapproved buildings, unlawful swimming pools, unapproved home-based businesses, alleged short term accommodation, tourist park and living in class 10a sheds.

Strategic Planning

The Strategic Planning Branch is responsible for developing and maintaining land use and infrastructure plans and policies, such as the Planning Scheme, as well as reviewing various planning related State planning instruments and legislation, including the Mackay, Isaac, Whitsunday Region Plan.

Operational Activities

The Strategic Planning Branch is undertaking several projects, including;

- Planning Scheme Major Amendment Public Consultation;
- Heritage Placecard Amendments Public Consultation;
- Proserpine to Airlie Beach Growth Study and Structure Plan Public Consultation;
- Open Space Strategy Public Consultation;
- Planning Scheme Policy (Development Manual) Amendment Public Consultation;
- Housing Affordability Public Consultation;
- Local Heritage Policy Review;
- State approval of the Airlie Beach Land Management Plan;
- Brief Council on the Local Government Infrastructure Plan V2 Amendment;
- Implementation of Town Master Plan Projects;
- Research and preparation of a Proserpine Industrial Structure Plan;
- On-going Strategic Referrals for Development Assessment; and
- On-going assessment of Façade Improvement Policy Applications.

Development Assessment

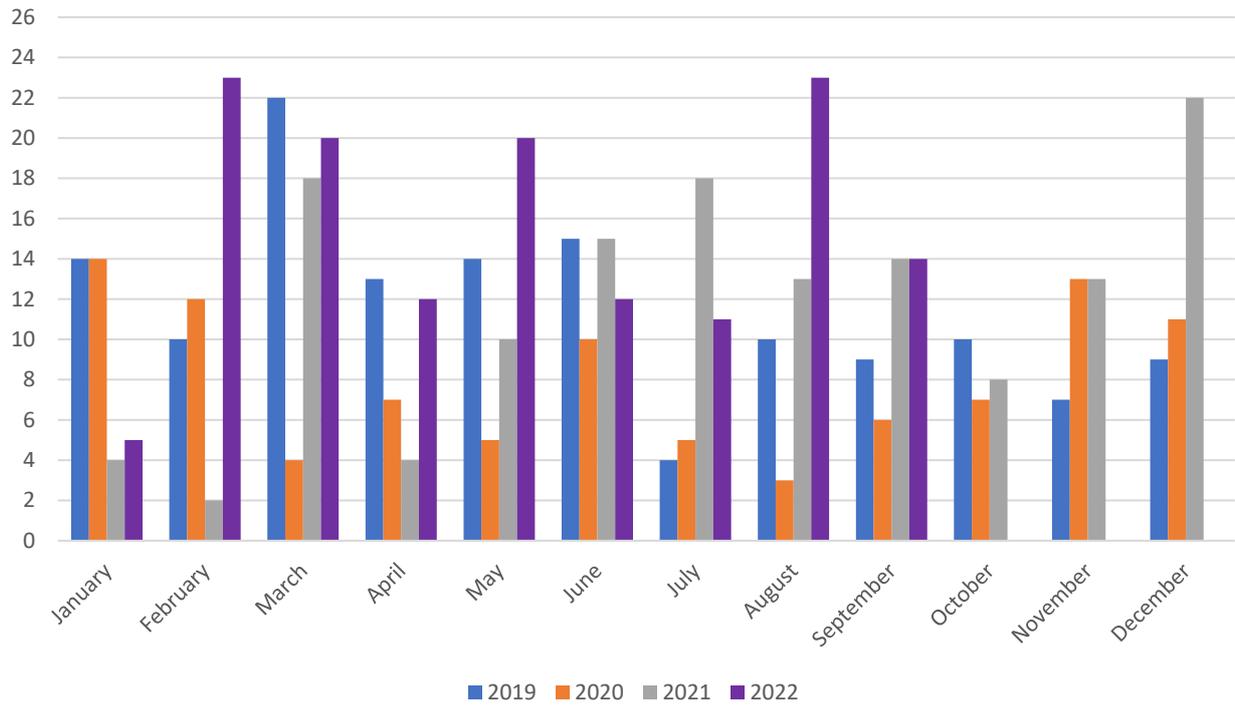
The Development Assessment Unit is responsible for assessing development applications, reviewing referrals for state land, environmental impact statements and other material for coordinated projects, activities, preparing planning and development certificates and inspecting developments for compliance with development approvals and other planning requirements.

Development Statistics

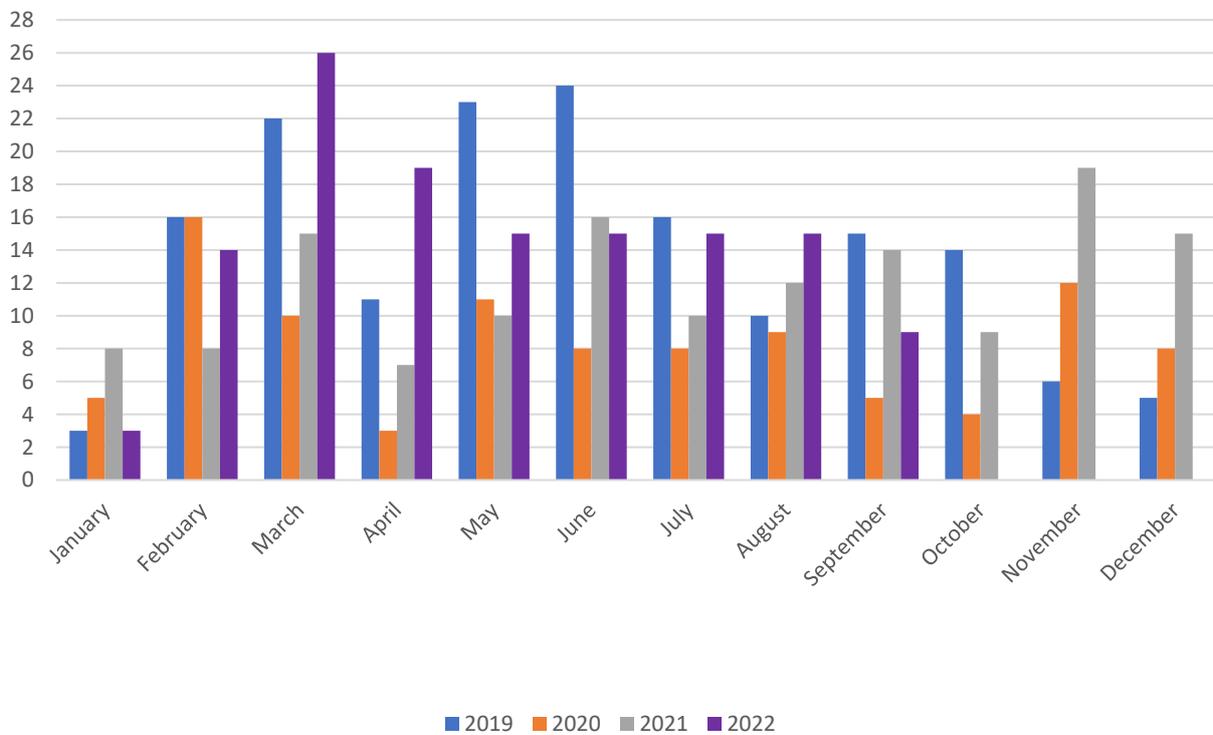
SEPTEMBER 2022

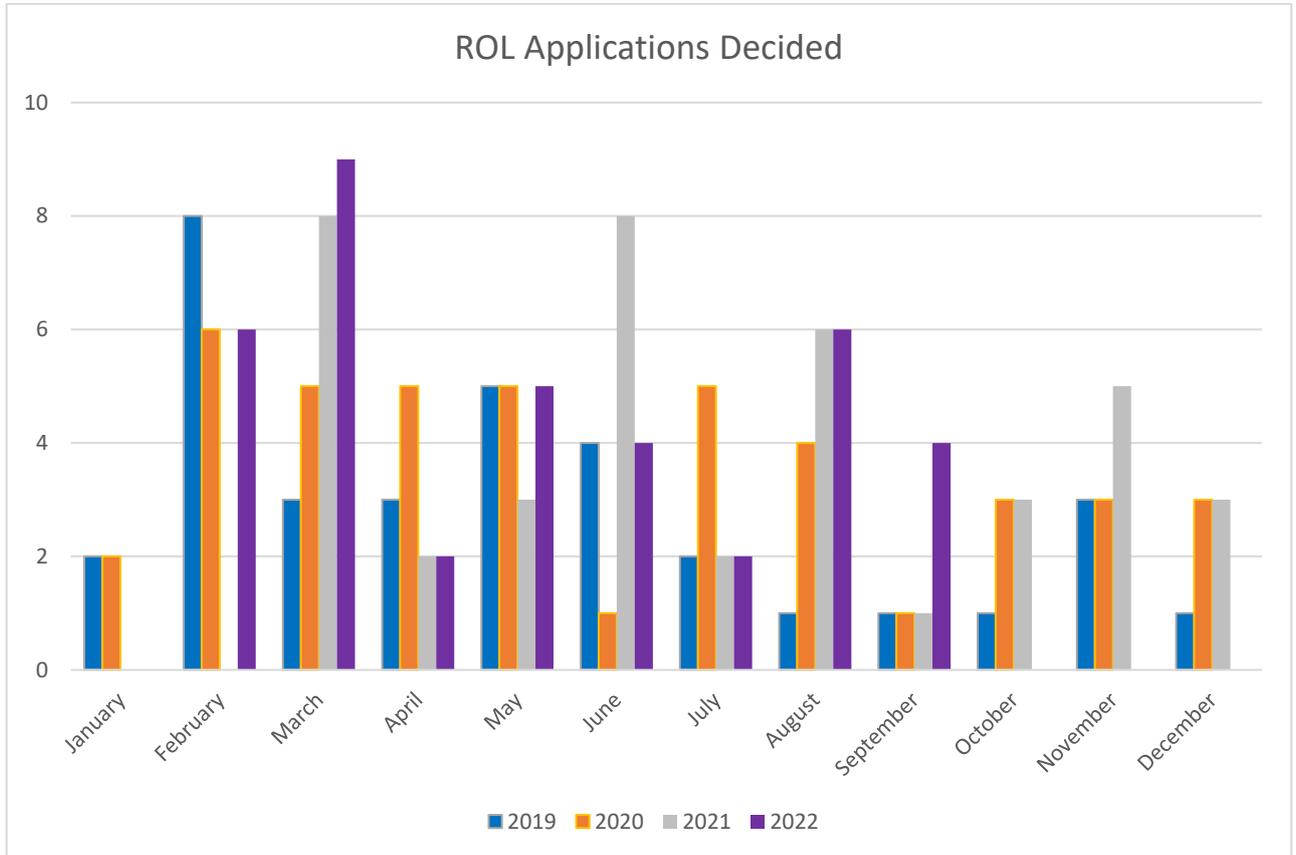
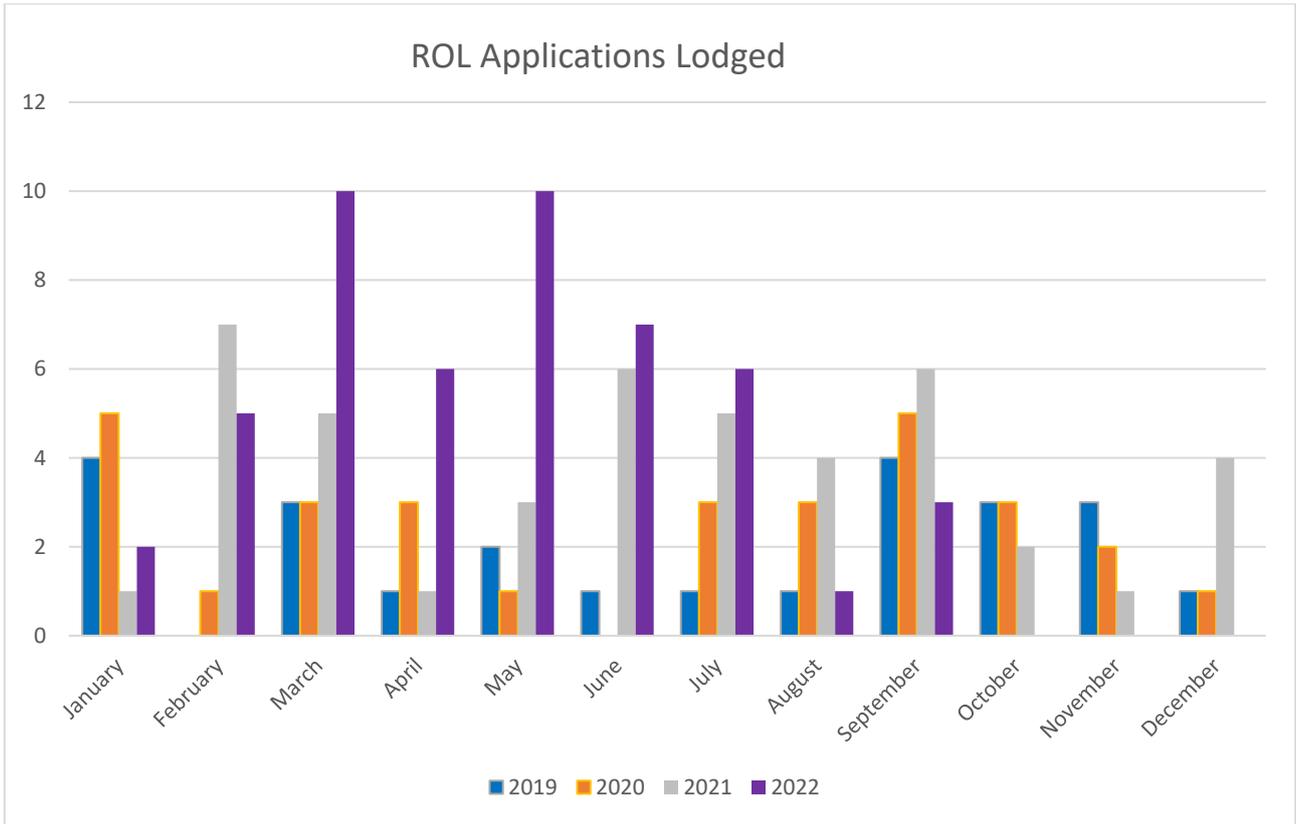


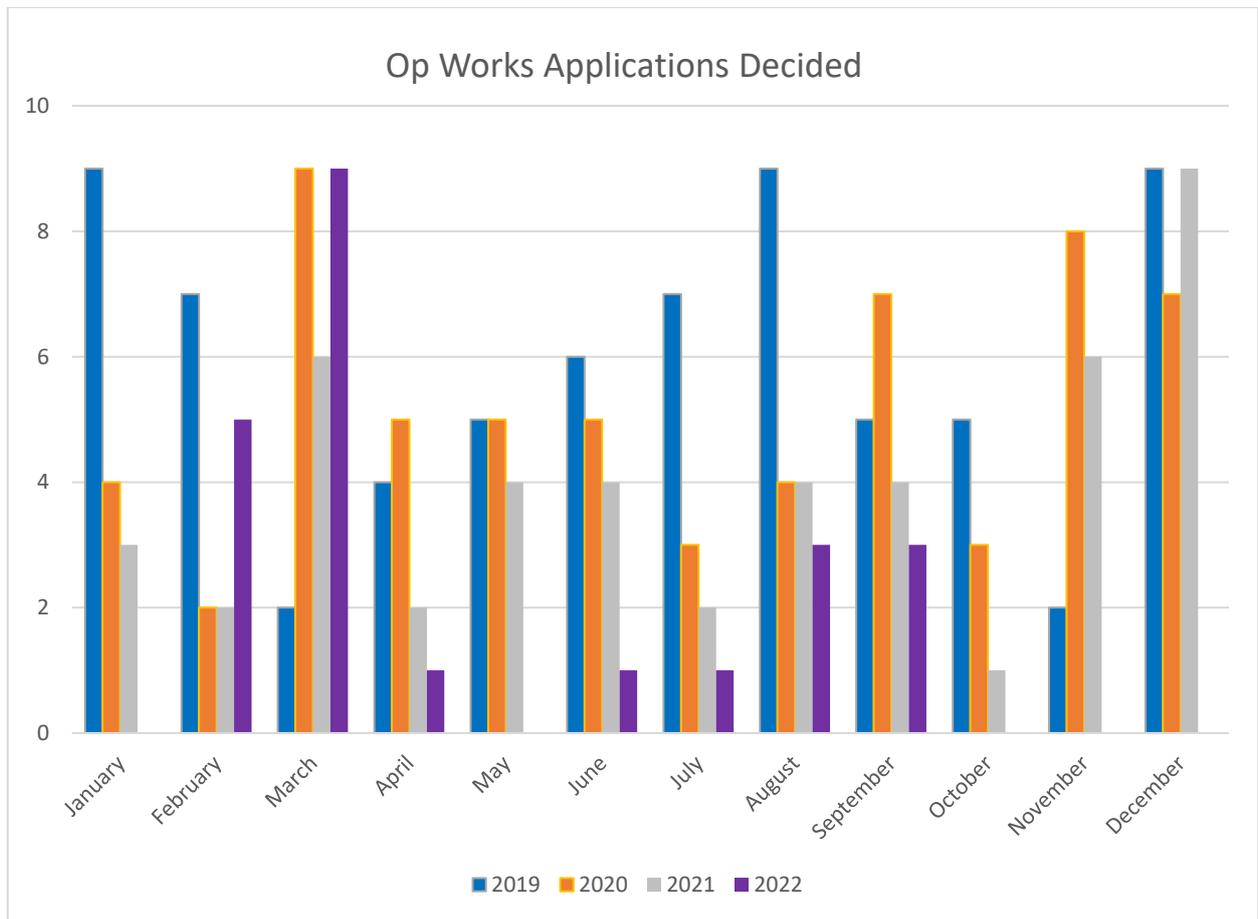
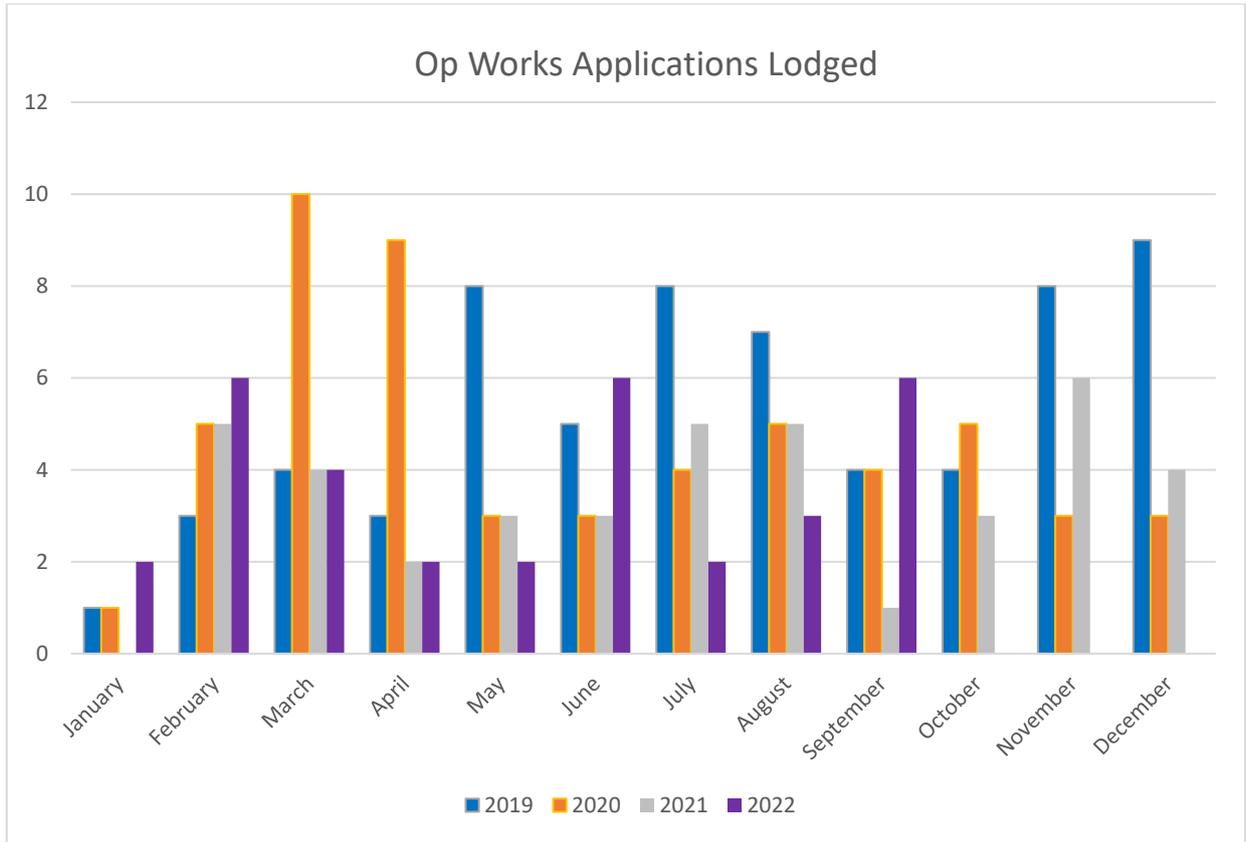
MCU Applications Lodged



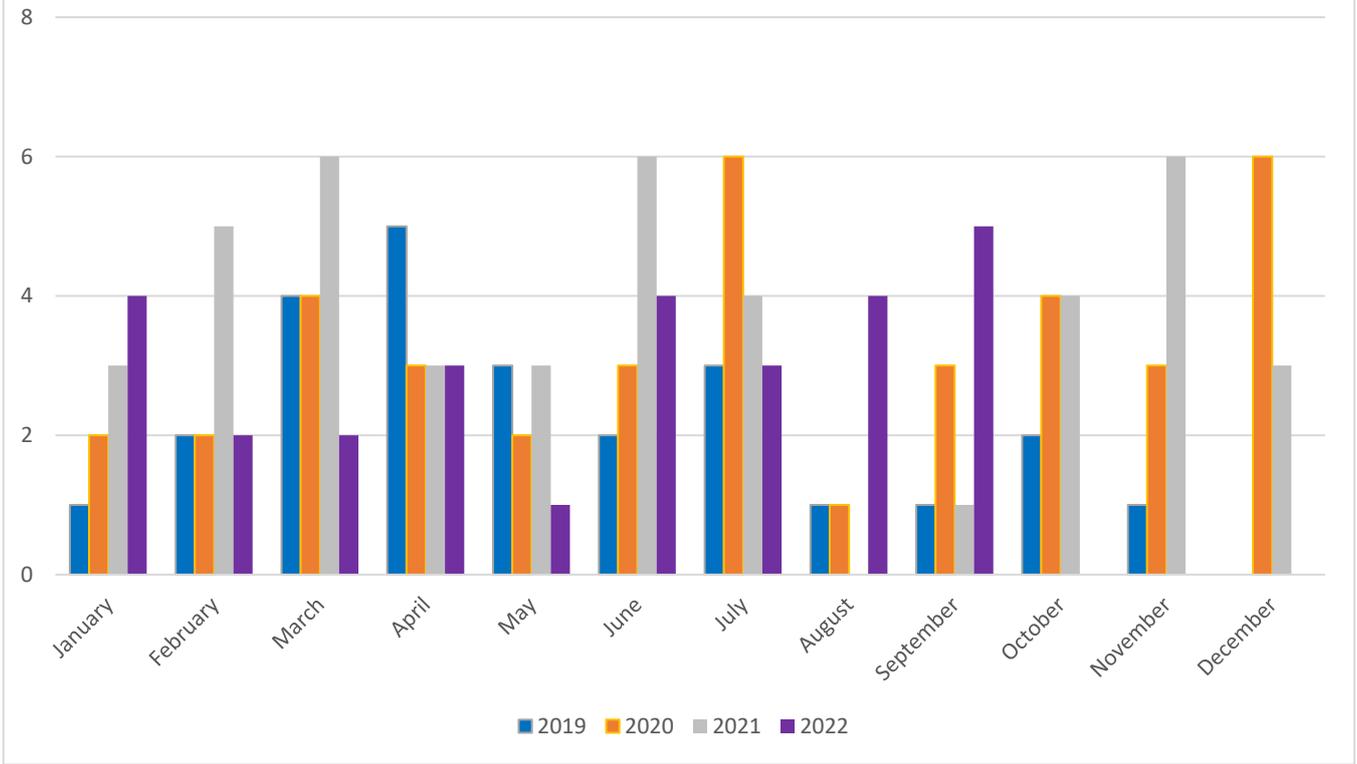
MCU Applications Decided







Subdivision Plans Finalised



Summary of Applications Approved Under Delegated Authority 1 Sept 2022 – 27 Sept 2022

Application #	Applicant & Location	Approval Details
20150972	Paluma Road Pty Ltd as TTE 48 Paluma Road, Cannonvale	Extension of Development Permit for Material Change of Use (Medial Centre & Caretakers Residence)
20220042	Our Family Pty Ltd as TTE 99, 101, 103 Faust Street, Proserpine	Development Permit for Reconfiguration of a Lot (Boundary Realignment)
20220323	Myerton Airlie Pty Ltd 9-11 Beach Road, Cannonvale	Development Permit for Reconfiguration of a Lot (2 into 4)
20220455	Collins Property Development Pty Ltd 16 Paluma Road, Cannonvale	Development Permit for Material Change of Use (Food & Drink Outlet) & Reconfiguration of a Lot (1 into 2) and Operational works (Earthworks & Signage)
20220425	Lydiard Superannuation Pty Ltd 12 Pringle Road, Woodwark	Development Permit for Material Change of Use (Short Term Accommodation)
20220494	MW Deicke 375 Dingo Beach Road, Cape Gloucester	Development Permit for Reconfiguration of a Lot (1 into 2)
20220512	CR McDonald 12 Airlie Crescent, Airlie Beach	Development Permit for Material Change of Use (Short Term Accommodation)
20220626	Honey Property Management Pty Ltd 1C & 1D Dalrymple Street, Bowen	Development Permit for Material Change of Use (Tourist Park)
20220762	AL Close 200 Shute Harbour Road, Cannonvale	Development Permit for Material Change of Use (Short Term Accommodation)
20220767	D Hinton 73 Orchid Road, Cannon Valley	Development Permit for Material Change of Use (Shed)
20220792	Project BA 80 Galbraith Park Drive, Cannon Valley	Development Permit for Material Change of Use (Shed)
20220830	KR Tuohey 8 Milkypine Place, Cannon Valley	Development Permit for Material Change of Use (Shed)

Summary of Applications Approved By Council 1 Sept 2022 – 27 Sept 2022

Application #	Applicant & Location	Approval Details
20220478	WA Begg 299 West Euri Road, Bowen	Development Permit for Reconfiguration of a Lot (1 into 2)

Building

The Building branch is responsible for reviewing building applications, developing and maintaining various related policies and registers and carrying out regulatory functions.

Building Statistics

SEPTEMBER 2022



4800

15 Lodgements



6 Houses

approved to be constructed



9 Sheds

approved to be constructed



8 Houses

approved to be constructed



2 Sheds

approved to be constructed

4803

1 Lodgement



1 Commercial

approved to be constructed

4805

5 Lodgements



5 Sheds

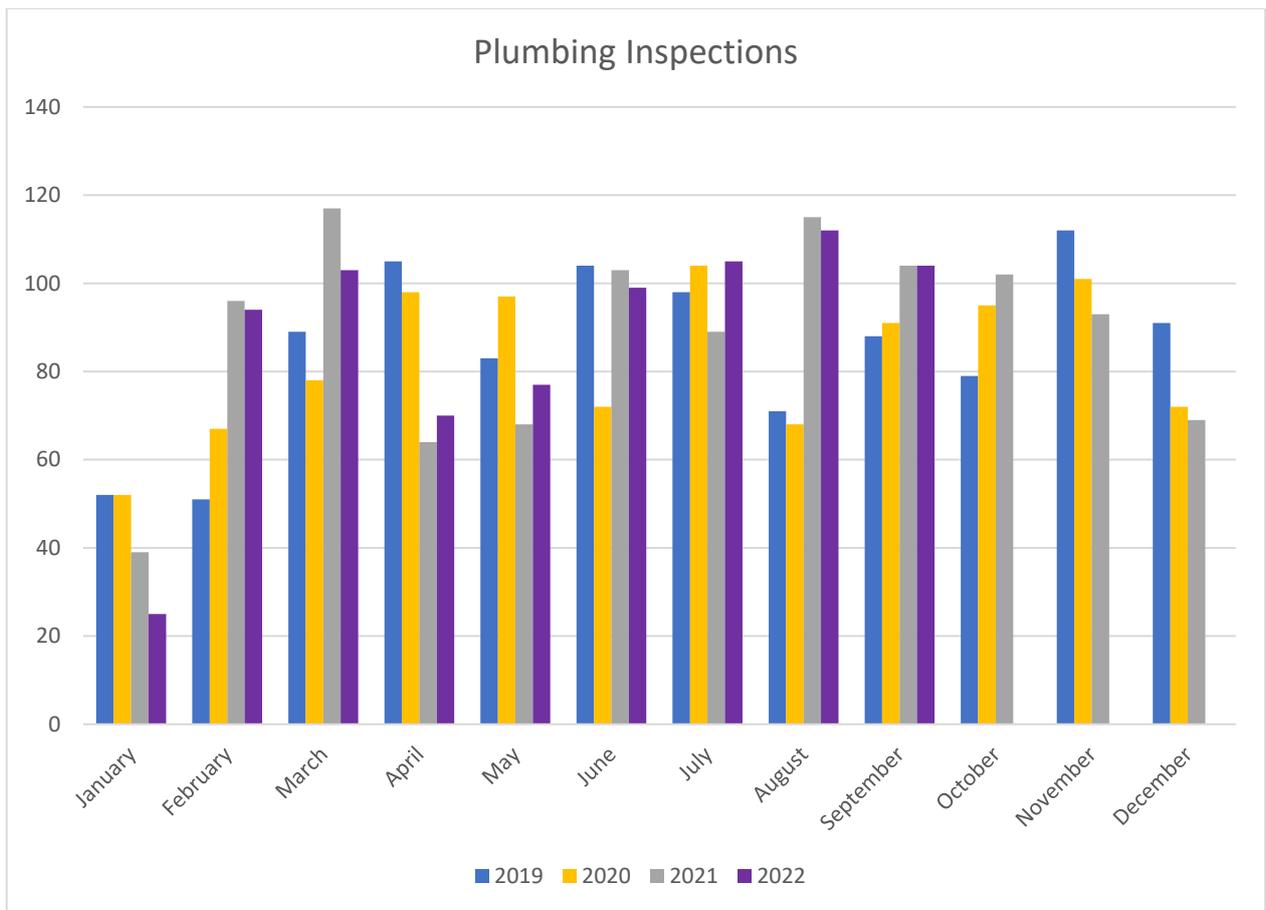
approved to be constructed

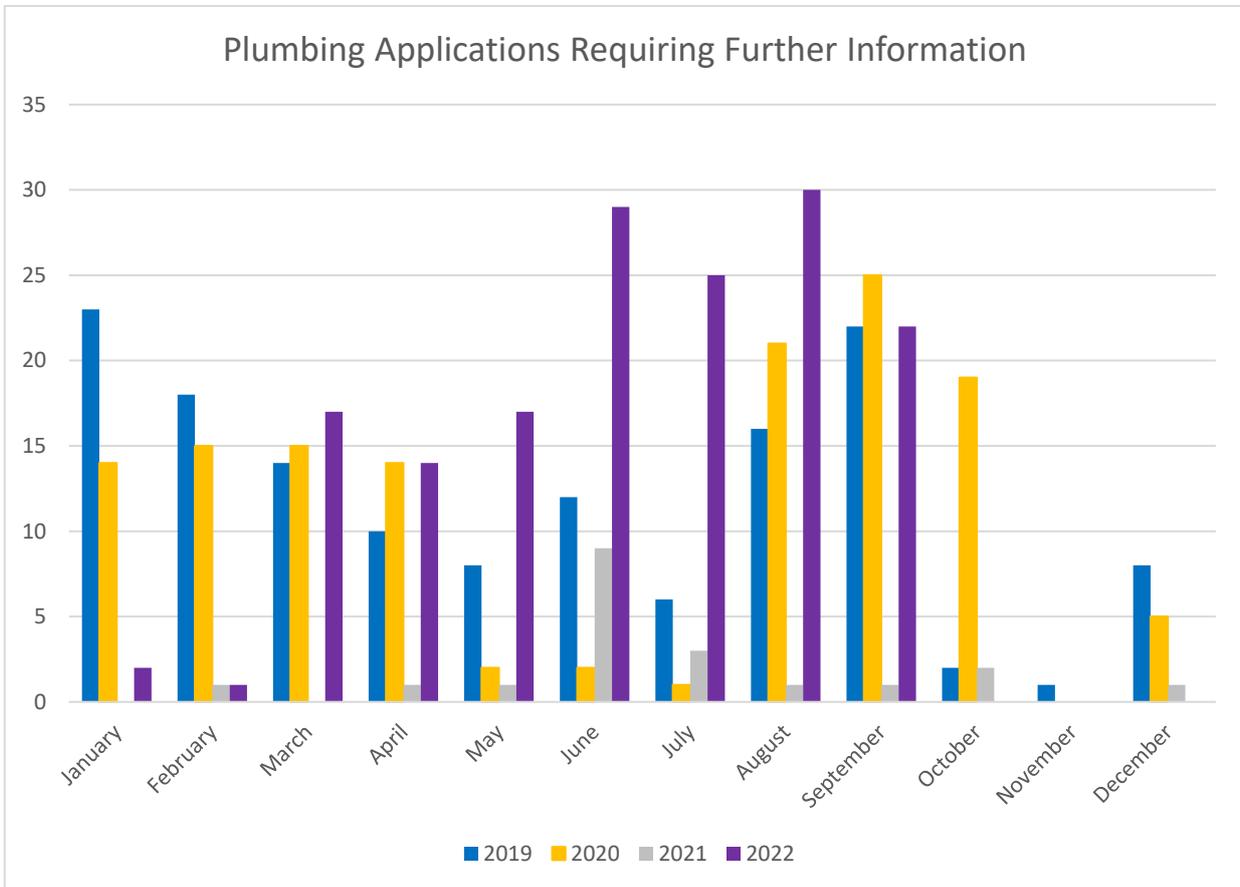
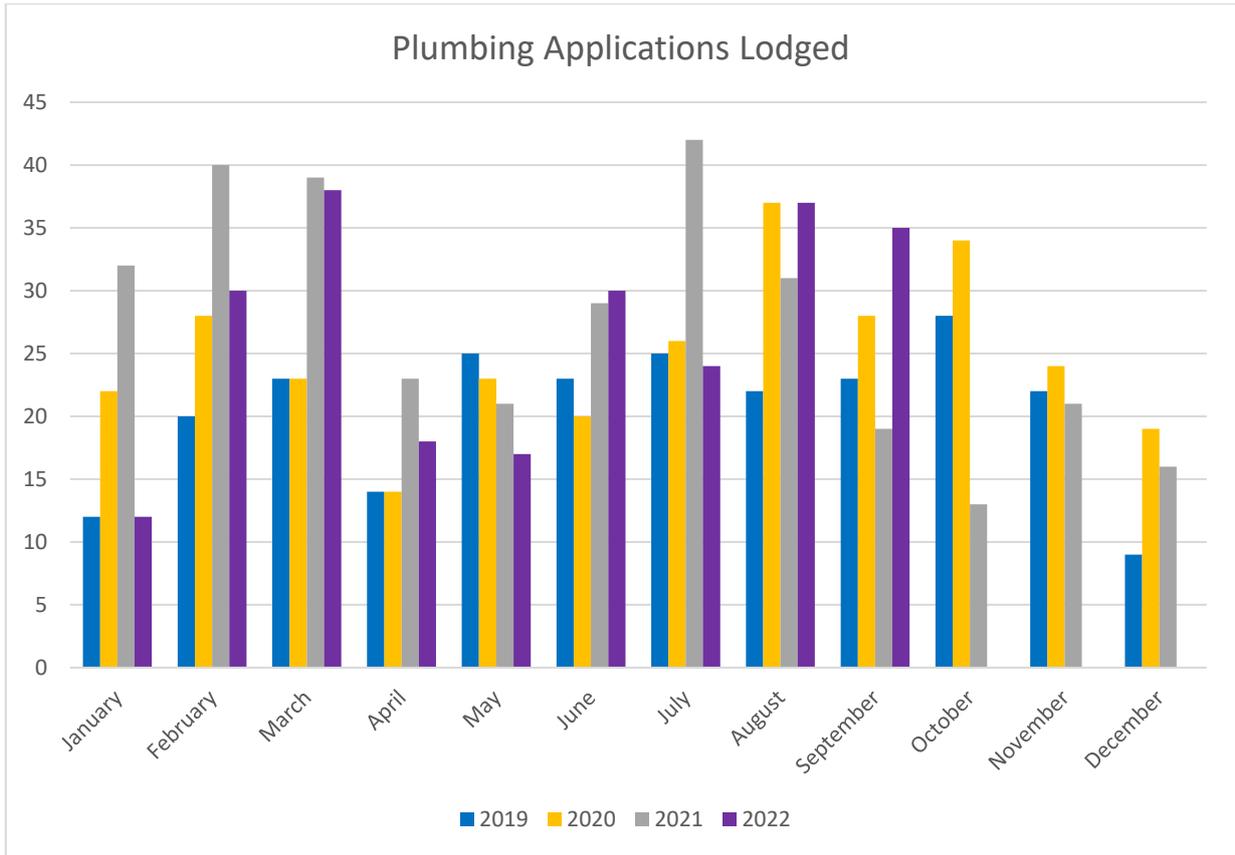
Plumbing

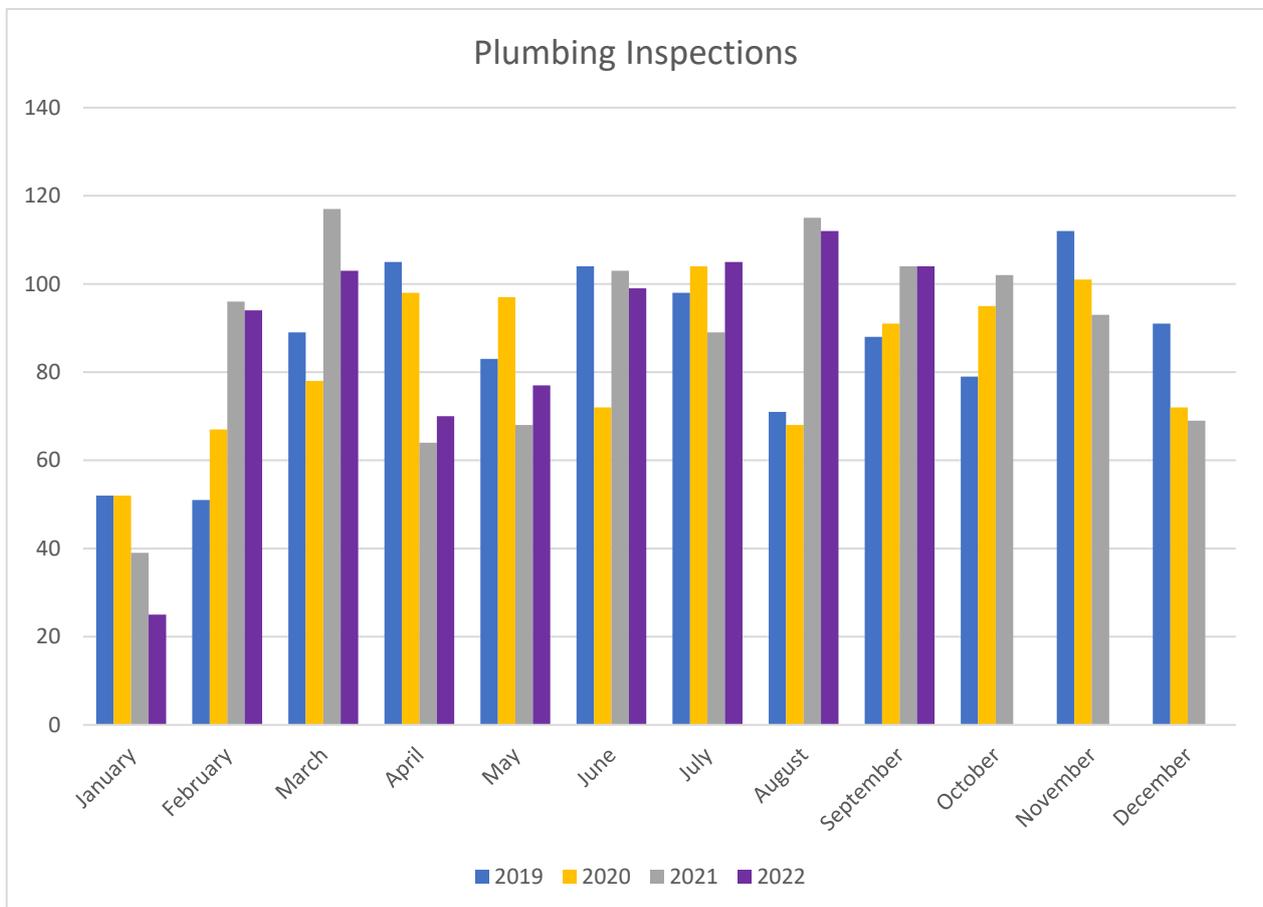
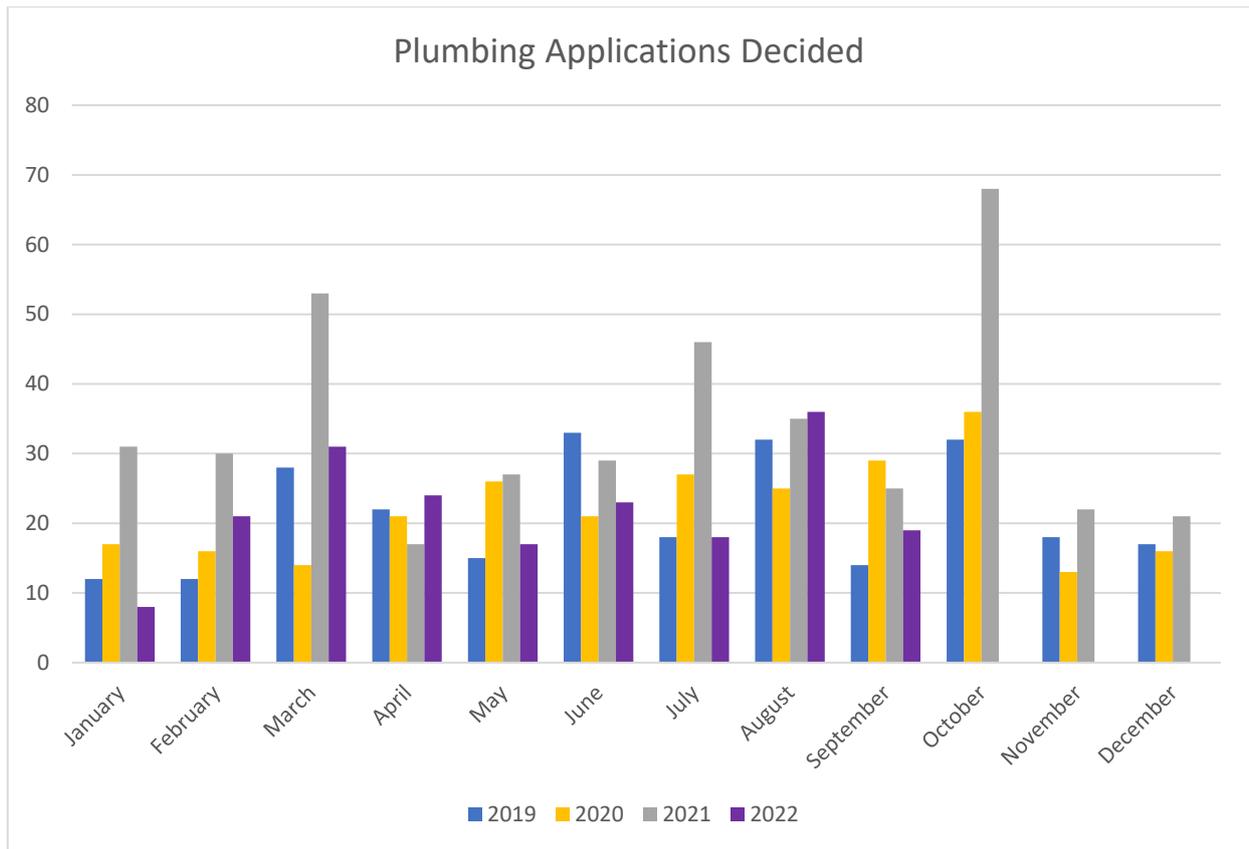
The Plumbing branch is responsible for the assessment of plumbing applications, conducting plumbing inspections, developing and maintaining related policies and registers and carrying out regulatory functions.

Plumbing Statistics

SEPTEMBER 2022







Development Compliance

Development Services manage and regulate enforcement and compliance procedures across the Building, Plumbing and Planning sectors throughout the Region.

Compliance Statistics

SEPTEMBER 2022

Summary of Ongoing Compliance Matters



Unlawful Use

3



Unlawful Building / Plumbing Works

19



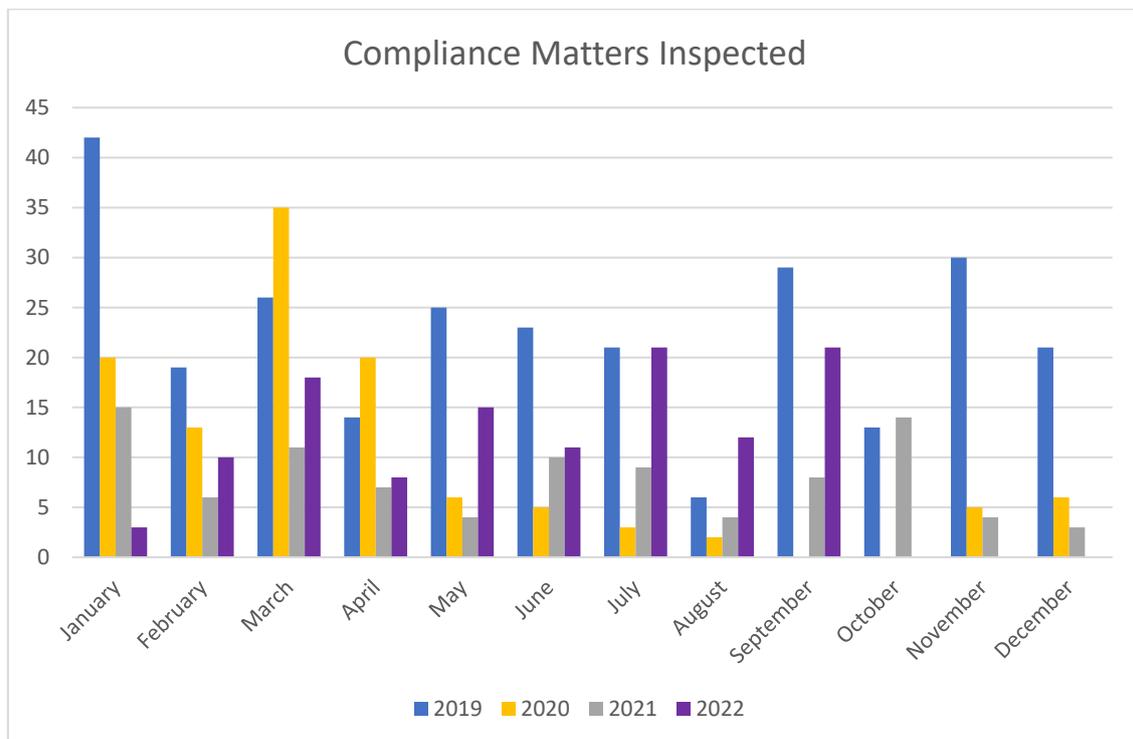
Lapsing Building Approvals

223



General Compliance Matters

14



13.3 Community Services

13.3.1 Community Plan 2022-2032

DATE: Wednesday 12 October 2022

TO: Ordinary Council Meeting

AUTHOR: Julie Wright - Director Community Services

AUTHORISING OFFICER: Julie Wright - Director Community Services

PRESENTED FOR: Decision

ATTACHMENTS

1. Community Plan 2022-2032

PURPOSE

The purpose of the report is for the adoption of the Whitsunday Regional Council Community Plan 2022-2032.

OFFICER'S RECOMMENDATION

That Council adopt the Whitsunday Regional Council Community Plan 2022-2032.

BACKGROUND

Whitsunday Regional Council's Community Plan 2011-2021 has expired. Therefore, a new long term Community Plan is required that will reflect the Whitsunday communities' vision for the next ten years (2022-2032). The plan will provide the basis for residents, businesses, organisations, and Council to collaboratively work together to enhance the Whitsunday Regional Council area.

The Community Plan is an overarching document under which Council's long term plans and corporate documents will be guided to ensure the distinctive characteristics of the region are enhanced and values of the community are maintained into the future through implementation, advocacy and strong partnerships.

DISCUSSION/CURRENT ISSUE

The draft Community Plan covers six Key Themes followed by Key Intent Statements for each.

Governance: Consistent organisational processes and legal requirements; accountability for Council to follow recommended guidelines for the structure and running of the organisation. Honesty; openness; appropriate; regulatory - processes that ensure Council provides service to the community that is legal, appropriate, and equitable.

The Community plan will inform Council when considering future governance, strategic plans, policies, and operational outcomes.

Key Intent Statements include Engaging the Community, Accountability & Leadership.

Community: The community represents our residents, who are our customers and who we serve in our roles. We also refer to groups among our residents as communities, based on location (i.e. a coastal community such as Dingo Beach) and background (i.e. our Indigenous communities). In a personal sense, community is about a sense of belonging and cohesion; being able to support one another during difficult times.

The Community plan will inform Council when considering future governance, strategic plans, policies, and operational outcomes.

Key Intent Statements include Building Community Spirit & Belonging; Safeguarding Community & Wellbeing; Inclusive Community and Embracing & Celebrating Creative Arts.

Socio-Economic Connectedness: Understanding there is a direct correlation between the strength of the economy and social capital. Investment is linked to social and community needs and outcomes. The balance between social and economic networks within a community and how they interact/support each other.

The Community plan will inform Council when considering future governance, strategic plans, policies and operational outcomes.

Key Intent Statements include Growing Local Jobs; Advocate & Promote Education; Supporting a Diverse & Innovative Economic Base and Liveability.

Environment & Climate Change: Building understanding of climate change and environmental values, growing stewardship in the community, and assisting the community to adapt, mitigate and manage climate and environmental risks and changes towards a low carbon economy.

Key Intent Statements include Protecting Restoring & Enhancing the Environment; Mainstream Environmentally Sustainable Choices and Climate Change Impacts.

Movement & Access: The ability to move freely around the region through whichever mode of transport is appropriate and the ability to safely and easily access destinations.

Linear networks for the community for connectivity between council owned land for easy safe access.

Interconnected and efficient transport services.

The community plan will inform Council when considering future governance, strategic plans, policies and operational outcomes.

Key Intent Statements include Public Transport (Airports, Harbours Roads & Rail) and Pedestrian Movement.

Places & Spaces: Hard physical components such as schools, hospitals, police stations, Neighbourhood centres, parks, sporting field, Community centres & halls, libraries etc. The service delivery functions undertaken by doctors, teachers, community service organisations, all levels of government, church organisations etc. The structures and processes, both formal and informal, that contribute toward collaborative planning and delivery of services.

The community plan will inform Council when considering future governance, strategic plans, policies and operational outcomes.

Key Intent Statements include Places & Spaces; Strong Neighbourhood Identity; Vibrant Township Centres & Civic Precincts; Managing residential Development patterns & Density; Spaces for Everyone and Service Provision & Infrastructure.

STATUTORY/COMPLIANCE MATTERS

Local Government Act 1993

STRATEGIC IMPACTS

Facilitate, foster and encourage region wide activities and programs that engage our community.

Provide high quality recreational facilities that are well utilised by the local community and visitors alike.

Provide fun, welcoming spaces that connect and engage the community through a variety of innovative resources, programs and activities

Connect with Traditional Owners within the region to recognise and support each group's rights and interests.

Research and assist in the current and future protection of the region's natural environment.

FINANCIAL IMPLICATIONS

Consultant's fees associated with the drafting of the Community Plan 2022-2032 has been budgeted in the Community Services 2022/23 budget.

CONSULTATION/ENGAGEMENT

Director Corporate Services

Director Infrastructure Services

Director Development Services

Chief Executive Officer

Project Control Group

RISK ASSESSMENT

Should the proposed Community Plan 2022/2023 not be adopted, Council long-term planning and corporate documents including the Annual Operational Plan & Budget plus Strategies, Policies and Council Resolutions may not reflect the views and values of the community.

TIMINGS/DEADLINES

Whitsunday Regional Council's Community Plan 2011-2021 has expired therefore it is considered a long term Community Plan be adopted in 2022.

CONFLICT OF INTEREST DECLARATION

Council officers contributing to the preparation and approval of this report have no conflicts of interest to declare.

HUMAN RIGHTS IMPACT

Section 58 of the *Human Rights Act 2019* specifies required conduct for public entities when acting or making a decision. Sections 15-37 of the *Human Rights Act 2019* identifies the human rights a public entity must consider in making a decision. The human rights relevant to this decision are as follows:

- Section 19 – Freedom of movement.
- Section 21 – Freedom of expression.
- Section 24 – Right to own property and not be arbitrarily deprived of property.
- Section 27 – Cultural rights – generally – all persons with a particular cultural, religious, racial or linguistic background have the right to enjoy their culture, to declare and practice their religion and use their language.
- Section 28 – Cultural rights – Aboriginal peoples and Torres Strait Islander peoples.

This decision does not limit the above identified human rights.

ALTERNATIVES CONSIDERED

Options	Description	Positives	Negatives
Option 2	Not review the long-term Community Plan	N/A	Council reputation from the community.

COMMUNITY PLAN

2022/2032



ACKNOWLEDGMENT OF COUNTRY

COUNCIL ACKNOWLEDGES THE TRADITIONAL OWNERS AND CUSTODIANS OF THE LANDS IN OUR REGION

We pay respect to Elders past, present and emerging and acknowledge their ongoing relationship and connection to Country.

To acknowledge and show respect for our traditional owner groups' history, culture and our shared future, the Welcome to Country is conducted at all significant events.

Council will be reviewing its Reconciliation Action Plan over the next 12 months.

Whitsunday Regional Council endorses the vision of a nation which values Aboriginal and Torres Strait Islander heritage, cultures and peoples and recognises their distinct position as the original custodians of Australia.

Council's Mission is to make a sustainable future possible by building stronger relationships, mutual respect and encouraging cultural practices that strengthen and support harmony between Aboriginal and Torres Strait Islander peoples and the broader community within the Whitsunday Region.

Council values input and active participation from Aboriginal and Torres Strait Islander people into decision-making.



TABLE OF CONTENTS

OUR COMMUNITY PLAN	2
OUR REGION	4
STRATEGIC PLANNING FRAMEWORK	7
OUR VALUES	8
OUR WHITSUNDAY VISION	9
KEY THEMES	10
GOVERNANCE	11
Accountability	12
Leadership	12
COMMUNITY	13
Building Community Spirit and Belonging	13
Safeguarding Community and Wellbeing	14
Inclusive Community	14
Embracing and Celebrating Creative Arts	14
SOCIO-ECONOMIC CONNECTEDNESS	15
Growing local jobs	15
Advocate and Promote Education	15
Supporting a Diverse & Innovative Economic Base	16
Liveability	17
ENVIRONMENT & CLIMATE CHANGE	18
Protecting, Restoring and Enhancing the Environment	18
Mainstreaming Environmentally Sustainable Choices	19
Climate Change Impacts	19
MOVEMENT AND ACCESS	20
Public Transport (airports, harbours, roads, rail)	20
Pedestrian Movement	21
PLACES AND SPACES	22
Places & Spaces	22
Strong Neighbourhood Identity	23
Vibrant Township Centres & Civic Precincts	23
Managing Residential Development Patterns & Density	24
Spaces for Everyone	25
Service Provision and Infrastructure	25

OUR COMMUNITY PLAN



Whitsunday Regional Council has welcomed the opportunity to develop a ten-year Community Plan to gain a clear appreciation of the needs and priorities of our residents and develop a shared vision for the future of our region.

This document will set out our community's vision and aspirations for the future and sets out the key strategies and actions required to achieve these aspirations.

The Community Plan will be used to inform our future planning documents such as the Corporate Plan, Operational Plan and Budget. **Our Community Plan 2022-2032 aims to:**

- **REFLECT** the views of the Whitsunday community in the long-term planning process, which will identify and make known the shared aspirations and vision for the region over the next ten (10) years.
- **ENGAGE** the community in a process that accurately identifies the current and future issues facing the community, both locally and regionally and to set out a series of strategies and actions to address these issues.
- **GUIDE** Council on issues including the environment, economic development, social wellbeing, infrastructure, and governance.
- **PROVIDE** a long-term focus for the delivery of facilities and Whitsunday Regional Council and other organisations working with and in the community.
- **DEVELOP** a strong, resilient and sustainable region into the future.

A Community Plan is a dynamic document which needs to be delivered and reviewed within a framework of active collaboration.

We have invited our community to participate in the Community Plan consultation process to ensure it best reflects the diversity of our community and contributes to a united vision for our future.

OUR REGION



The Whitsunday Region is home to approximately 36,660 permanent residents. Renowned for its relaxed lifestyle, the region boasts beaches, rainforests and large tracts of national parkland, encompassing a total land area of 23,862 square kilometres.

The region encompasses the five main townships of Airlie Beach, Bowen, Cannonvale, Collinsville and Proserpine with numerous rural and coastal communities and residential areas scattered throughout the region. The 74 Whitsunday Islands are also within the Council area. Many of these islands are uninhabited national parks, but four islands offer a variety of resort accommodation, all with the Great Barrier Reef and fringing coral reefs at their doorstep.

While the region is rural and coastal in its nature, residents and visitors alike enjoy access to good community infrastructure such as transportation, hospitals, educational facilities, telecommunications, power, water and sewer utilities as well as contemporary facilities including museums, art galleries, cafes, hotels and restaurants, entertainment facilities and a cinema.

The region is a well-established transport hub with the WRC owned and operated Whitsunday Coast Airport located 10 minutes' drive from the township of Proserpine, and a number of smaller aerodromes in Bowen, Collinsville and Mt Coolon. Privately owned airports are located on Hamilton Island and at Jubilee Pocket. It is less than 2 hours by air to the Queensland state capital of Brisbane from the Whitsunday Coast Airport. The Bruce highway is the major transport corridor running from Brisbane in the South to Cairns in the North.

To the year ending March 2022, the region attracted 851,000 visitors, 3.82M visitor nights and \$1.14B in expenditure with local businesses.

Over \$18 billion in major projects are currently planned or under construction in the Whitsunday Region, which will drive significant growth over the coming years. Our strong economy, well-planned infrastructure and desirable lifestyle make the Whitsunday Region an inviting investment environment.

Historic growth between 2020/2021 is 1.3% and our population projections from the Economic & Population Study 2021, projects an average regional growth rate of approximately 1.225% until 2036.

OUR ENVIRONMENT	OUR COMMUNITY	OUR ECONOMY
<p>Land area 23.862 km² 514km of coastline 11 rivers 120 Parks and Open Spaces (530 HA)</p>	<p>Population of 36,660* Families – 15,443 Average household size is 2.34 Median age 40 4 regional libraries 18 schools and 3 hospitals in the region</p>	<p>Estimated Workforce – 18,102 Top Employer – Construction GRP Estimated – \$3.49Bn Industry Output – \$6.2Bn Mining Largest Economic Output Total annual overnight visitor expenditure (OVE) for the Whitsundays increased by 11.8 per cent to a record \$1.1 billion on average over the past three years. (TEQ).</p>

*Source: The information presented here is derived <https://economy.id.com.au/whitsunday>

STRATEGIC PLANNING FRAMEWORK



OUR VALUES

TRUST
 DIVERSITY
 OPEN COMMUNICATION
 RESPECT
 HAPPY
 SAFETY
 BELONGING
 CARING
 CONFIDENT
 PROACTIVE
 FAIRNESS
 HONESTY
 SUSTAINABILITY
 COLLABORATIVE
 HEALTHY ENVIRONMENT

OUR WHITSUNDAY VISION

- Be a happy, active, healthy, safe and engaging place to live
- Have infrastructure that enables long term sustainable development and meets the ever-changing need both now and, in the future
- Promote and preserve our First Nations and other cultural heritage
- Protect our diverse, unique, natural environment (eco systems)
- Be accessible by and inclusive of all
- Encourage a choice of housing options to suit all income levels, lifestyles and life stages
- Encourage diverse employment opportunities, education and training with a robust and resilient economy
- Commit to social equity and community connectedness
- Value our natural assets and ensure that they are protected and continually improved to support livability, recreation and for the enjoyment of future generations
- Ensure safe and accessible assets for our community and visitors to the region to enjoy
- Be supported by strong governance systems which provide for us to plan and make decisions together in partnership

KEY THEMES



GOVERNANCE

Consistent organisational processes and legal requirements provide accountability for Council to follow recommended guidelines for the structure and running of the organisation.

Honesty; openness; appropriate; regulatory - processes that ensure Council provides service to the community that is legal, appropriate and equitable.

The Community plan will inform Council when considering future governance, strategic plans, policies and operational outcomes.

THEME	KEY INTENT STATEMENT
-------	----------------------

ENGAGING THE COMMUNITY

COMMUNITY PARTICIPATION

We intend to engage with the community in an open, transparent and genuine way

KEEP COMMUNITY INFORMED

We intend to provide regular, relevant, consistent communication to residents.

PROVIDE FEEDBACK TO COUNCIL & COMMUNITY

We intend to close the loop with all participants and stakeholders

AIM TO CONTINUALLY IMPROVE OUR COMMUNITY ENGAGEMENT PROCESS

We intend to improve, adapt and update engagement strategies to meet community needs and social trends

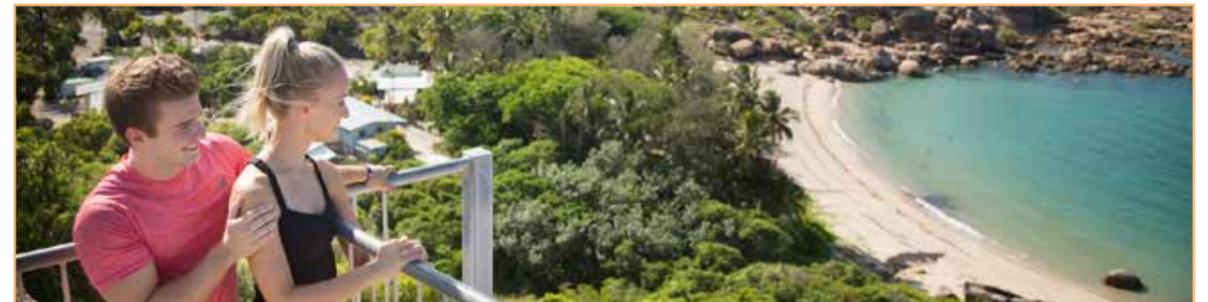
GOVERNANCE

THEME	KEY INTENT STATEMENT
<p>ACCOUNTABILITY</p>	<p>POLICY & REGULATION We intend to comply with relevant legislation and policies</p>
	<p>FINANCIAL SUSTAINABILITY We intend to responsibly spend public money</p>
	<p>BALANCED & ACCOUNTABLE DECISION MAKING We intend to make decisions that are informed, ethical and for the greater good of the community</p>
	<p>COMMUNICATION We intend to keep the community well-informed</p>
<p>LEADERSHIP</p>	<p>SUCCESSION PLANNING We intend to retain and attract quality employees</p>
	<p>ORGANISATIONAL LEADERSHIP We intend to lead by example and epitomise our cultural values</p>
	<p>SKILLED AND KNOWLEDGEABLE EMPLOYEES We intend to create opportunities and provide an environment where employees can learn and grow</p>

COMMUNITY

The community represents our residents and visitors, who are our customers and who we serve in our roles. We also refer to groups among our residents as communities, based on location (i.e. a coastal community such as Dingo Beach) and background i.e. our First Nations People. In a personal sense, community is about a sense of belonging and cohesion; being able to support one another during difficult times.

THEME	KEY INTENT STATEMENT
<p>BUILDING COMMUNITY SPIRIT AND BELONGING</p>	<p>PROVIDING ACTIVITIES AND EVENTS We intend to provide opportunities for social interaction and community involvement</p>
	<p>COMMUNITY FACILITIES We intend to provide quality, fit for purpose community facilities</p>
	<p>COMMUNITY CAPACITY We intend to look after our people by supporting, engaging and empowering them</p>
	<p>WELCOMING ENVIRONMENT We intend to provide opportunities to engage and foster relationships</p>



COMMUNITY

SOCIO-ECONOMIC CONNECTEDNESS

Understanding there is a direct correlation between the strength of the economy and social capital. Investment is linked to social and community needs and outcomes. The balance between social and economic networks within a community and how they interact/support each other.

THEME	KEY INTENT STATEMENT
SAFEGUARDING COMMUNITY AND WELLBEING	<p>SAFE PEOPLE AND PLACES We intend to provide duty of care for Council-controlled spaces</p>
	<p>HEALTHY, ACTIVE COMMUNITY We intend to provide opportunities, support initiatives and provide facilities to improve health and wellbeing</p>
	<p>ADVOCACY FOR SERVICES We intend to advocate for our community, to the relevant agencies, to increase our access to primary health care</p>
INCLUSIVE COMMUNITY	<p>INCLUSIVE COMMUNITY We intend to create opportunities, spaces and diversity within our community for everyone</p>
	<p>ADVOCACY & PARTNERSHIPS We intend to engage with relevant stakeholders to encourage diversity</p>
	<p>CAPABLE COMMUNITY We intend to develop a capable community able to welcome and support residents and visitors</p>
EMBRACING AND CELEBRATING CREATIVE ARTS	<p>CREATIVE OPPORTUNITIES AND SPACES We intend to identify, promote and provide opportunities for our community to be creative</p>

THEME	KEY INTENT STATEMENT
GROWING LOCAL JOBS	<p>DIVERSIFY INDUSTRY TYPES We intend to support traditional and new business and industry to diversify and innovate to remain viable</p>
	<p>ADVOCATE FOR ADEQUATE AFFORDABLE HOUSING We intend to advocate for affordable housing to accommodate population growth, business expansion and increased investment attraction</p>
	<p>PROMOTE OPPORTUNITIES TO FILL SKILL SHORTAGES We intend to create employment opportunities to attract new residents to the region</p>
ADVOCATE AND PROMOTE EDUCATION	<p>IDENTIFY OPPORTUNITIES FOR EDUCATION FACILITIES AND PROGRAMS We intend to advocate for systems and infrastructure to support a diverse education service framework for the community</p>
	<p>BUILD RELATIONSHIPS WITH EDUCATION PROVIDERS WITHIN THE REGION We intend to develop and maintain strong relationships with education providers</p>

SOCIO-ECONOMIC CONNECTEDNESS

SOCIO-ECONOMIC CONNECTEDNESS

THEME	KEY INTENT STATEMENT
-------	----------------------

**SUPPORTING
A DIVERSE &
INNOVATIVE
ECONOMIC BASE**

DIVERSE INDUSTRY

We intend to grow the economy of the region through the facilitation of a diverse range of industries.

ADVOCATE FOR INNOVATIVE INDUSTRIES AND SOCIAL ENTERPRISE

We intend to support the development of innovative industries and social enterprises

LOCAL BUYING CAMPAIGN

We intend to support a local buying campaign

USER FRIENDLY REGULATIONS FOR BUSINESS

We intend to support local and new business with 'friendly' regulations for ease of set up or growth

INCENTIVE PROGRAMS

We intend to investigate programs to attract new regional development

COUNCIL SUPPORTING SMALL BUSINESS

We intend to advocate for innovation in business and industry

PROMOTE WHITSUNDAY REGION AS A PREFERRED PLACE TO DO BUSINESS

We intend to promote the Whitsunday Region as a preferred place to work, live and play

THEME	KEY INTENT STATEMENT
-------	----------------------

LIVEABILITY

CREATING LIVEABLE COMMUNITIES

We intend to ensure future liveability by providing connected and vibrant communities with a high level of health care, education, employment and social services to support

IMPROVED HEALTH SERVICES

We intend to continually assess and advocate for upscaled health care to meet the needs of our growing communities

PROMOTE HEALTHY LIFESTYLES AND ENVIRONMENT FRIENDLY TRANSPORT

We intend to strive to create shaded, walkable communities for healthy lifestyles and lower carbon communities to support the Whitsunday lifestyle and agreed environmental values



ENVIRONMENT & CLIMATE CHANGE

Building understanding of climate change and environmental values, growing stewardship in the community, and assisting the community to adapt, mitigate and manage climate and environmental risks and changes towards a low carbon economy.

ENVIRONMENT & CLIMATE CHANGE

THEME	KEY INTENT STATEMENT
PROTECTING, RESTORING AND ENHANCING THE ENVIRONMENT	<p>VALUING ENVIRONMENTAL SERVICES We intend to recognise the value of the Whitsunday environment for its role in supporting an attractive place to live, it's contribution to a more liveable location and the important environmental services which it provides</p>
	<p>TERRESTRIAL AND MARINE NATURAL RESOURCES AND WILDLIFE HABITATS We intend to develop and implement plans to protect, restore and conserve terrestrial and marine natural resources and wildlife habitats</p>
	<p>REDUCE DEVELOPMENT IMPACTS ON THE ENVIRONMENT We intend to implement legislation and policies to reduce development impacts on the environment</p>
	<p>LAND MANAGEMENT We intend to develop and implement programs to support best practise land management, to reduce pollution on the environment and restore prioritised ecosystems</p>
	<p>WATER QUALITY We intend to implement programs to improve, monitor and maintain urban and rural water quality</p>
	<p>AGRICULTURAL LAND IS PRESERVED AND MAINTAINED We intend to ensure good quality agricultural land is protected from development to ensure an adequate amount of land is available to be farmed and cropped for future generations</p>

THEME	KEY INTENT STATEMENT
MAINSTREAMING ENVIRONMENTALLY SUSTAINABLE CHOICES	<p>PROMOTING SUSTAINABLE DEVELOPMENT We intend to promote sustainable development and building guides to the development and building industry to reduce environmental impacts and encourage more sustainable neighbourhoods</p>
	<p>REDUCING IMPACTS ON THE ENVIRONMENT We intend to identify sources of environmental pollution and development strategies to reduce impacts on the environment, including ways to reduce waste entering landfills</p>
	<p>PROMOTE COMMUNITY INTERACTIONS WITH THE ENVIRONMENT We intend to investigate the potential for and where feasible provide, suitable physical infrastructure, including walking tracks, interpretive education centres, signage, which aims to promote and educate the community and tourists about our natural attractions and unique biodiversity</p>
CLIMATE CHANGE IMPACTS	<p>VALUING AND PROMOTING SUSTAINABLE AGRICULTURE We intend to promote our sustainable agricultural producers and their network</p>
	<p>PREPARING OUR COMMUNITY FOR NATURAL DISASTERS We intend to develop practical and effective preparation and response plans for our high priority natural disasters</p>
	<p>URBAN HEAT ISLANDS We intend to monitor and manage heat in our urban areas which may include developing more shade areas and strategies to reduce heat absorbance</p>
	<p>CLIMATE ADAPTATION We intend to support our community to become more skilled and knowledgeable to improve their capability and resilience in times of change</p>
	<p>CLIMATE CHANGE MITIGATION We intend to support our community to reduce our carbon footprint by using well researched, practical and cost-effective methods</p>
	<p>CLIMATE RISK ASSESSMENT AND DECISION MAKING We intend to collate up to date climate risk information across the region and where appropriate, incorporate in our decisions</p>

MOVEMENT AND ACCESS

The ability to move freely around the region through whichever mode of transport is appropriate and the ability to safely and easily access destinations.

Linear networks for the community for connectivity between Council owned land for easy safe access.

Interconnected and efficient transport services.

THEME	KEY INTENT STATEMENT
-------	----------------------

**PUBLIC
TRANSPORT
(AIRPORTS,
HARBOURS,
ROADS, RAIL)**

WELL MAINTAINED TRANSPORT INFRASTRUCTURE & SERVICE INDUSTRIES

We intend to work with transport services to facilitate efficient and integrated public transport that relieves reliance on private vehicles and commutes residents to key community routes

INTRODUCE INNOVATIVE TRANSPORT MODES/PLANNING FOR FUTURE GROWTH

We intend to advocate for transport providers to develop carbon neutral public transport that services growth and allows for the integration of emerging e-vehicles

MEET ALL AGE AND ALL ABILITY ACCESS STANDARDS

We intend to consider options to increase the ability to access public transport for all ages and abilities

ADEQUATE PARKING FACILITIES

We intend to monitor and develop efficient car parking models in each town centre, considering future growth, utilising customer friendly technology

MOVEMENT AND ACCESS

THEME	KEY INTENT STATEMENT
-------	----------------------

**PEDESTRIAN
MOVEMENT**

WELL MAINTAINED PEDESTRIAN INFRASTRUCTURE

We intend to develop pedestrian infrastructure to safely and efficiently connect residential areas with commercial centres, parkland and public transport by planning for infrastructure that meets the needs of each user in the community

ADEQUATE SHADED SPACES

We intend to investigate Council's ability to enhance the comfort of the pedestrian network by providing shade through trees and other infrastructure within parks and urban areas to protect users from environmental climate impacts

INTERCONNECTIVITY FOR ALL ABILITIES INCLUDING PEDESTRIAN MOVEMENT

We intend to continue with the ongoing development of active transport networks, including shared pathways that meet the needs of the community for all ages and abilities



PLACES AND SPACES

A place is a defined precinct with a theme and guiding framework for construction of the infrastructure or business. Space is an open area, generally parkland, playground used by the community.

Social infrastructure is a framework that includes hard physical components such as schools, hospitals, police stations, neighbourhood centres, parks, sporting fields, community centres & halls and libraries. In addition, the service delivery functions undertaken by doctors, teachers and service organisations, all levels of government and church organisations are also included as social infrastructure. The structure and processes, both formal and informal that contribute to the planning and delivery of service are the final component of social infrastructure.

THEME	KEY INTENT STATEMENT
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PLACES & SPACES

PARK LAND AND OPEN SPACES

We intend to maintain park land and open spaces with plenty of shade and safe, reliable embellishment for the community and visitors to the region

SOCIAL PLACES

We intend to connect to nature and each other with social environments that are colourful, unique, vibrant, with environmentally safe lighting and landscaping to support unique wildlife



PLACES AND SPACES

THEME	KEY INTENT STATEMENT
-------	----------------------

STRONG NEIGHBOURHOOD IDENTITY

CREATING NEIGHBOURHOOD IDENTITY

We intend to facilitate neighbourhood identity through planning provisions that encourage attractive residential streetscapes and provide access to parks and public transport

NETWORK OF NEIGHBOURHOOD COMMUNITY CHAMPIONS

We intend to identify and empower community champions to function as a link between grass roots community and Council

SOCIAL SPACES AND EVENTS

We intend to identify and promote both Council and community events

VIBRANT TOWNSHIP CENTRES & CIVIC PRECINCTS

LIVELY, WELCOME, SAFE TOWN CENTRES

We intend to develop strategies and action that promote the unique character of town centres for community and visitors, utilising lighting, landscaping, murals and creative placemaking strategies

ACCESSIBLE GATHERING PLACES REFLECTING UNIQUENESS CONSIDERING TECHNOLOGY AND CLIMATE (E.G. WIFI, SHADE)

We intend to create high quality social plazas, foreshores and civic centres that attract community and visitors to interact, utilising innovative technology and landscaping designs

PLACES & SPACES

THEME	KEY INTENT STATEMENT
<p>MANAGING RESIDENTIAL DEVELOPMENT PATTERNS & DENSITY</p>	<p>PLANNING POPULATION GROWTH We intend to ensure sufficient residential development, land, parklands and infrastructure are suitably planned to accommodate future population growth whilst promoting the Whitsunday lifestyle</p>
	<p>RESPONSIBLE, SUSTAINABLE DEVELOPMENT FOOTPRINT We intend to facilitate development that is responsive to environmental constraints and ensures the resilience of communities to natural hazards in the future</p>
	<p>CONSIDER FUTURE ENVIRONMENTAL FACTORS WHEN DESIGNING SUBURBS We intend to promote sustainable, compact urban development, considering a diversity in housing styles, energy efficient buildings and neighbourhood solar micro grids</p>
	<p>PROMOTE OUR TROPICAL IDENTITY We intend to facilitate private development and public spaces to embody the tropical character of the region through building design, landscaping and integrated water sensitive urban design</p>
	<p>CULTURAL HERITAGE AND RECOGNITION We intend to ensure public space enhancements recognise and incorporate Cultural Heritage through creative placemaking that connects the community and visitors to Country</p>

PLACES & SPACES

THEME	KEY INTENT STATEMENT
<p>SPACES FOR EVERYONE</p>	<p>PLACES WITH ALL-ACCESS We intend to ensure parks and public spaces are designed to encourage participation from persons of all ages and abilities, considering access, movement and enjoyment of recreational infrastructure</p>
	<p>ENGAGEMENT We intend to continue to engage with community members to inform design and development of spaces that meet the needs and desired experience of all ages and abilities</p>
<p>SERVICE PROVISION AND INFRASTRUCTURE</p>	<p>ASSET MANAGEMENT We intend to manage assets in accordance with Council's Strategic Asset Management Plan which links Asset Management Objectives to Organisational Objectives achieving the best service outcome for the community</p>
	<p>ACCESSIBILITY We intend to meet best practice standards for accessibility</p>
	<p>SOCIAL INFRASTRUCTURE We intend to ensure our social infrastructure meets the needs of the community</p>



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13.3.2 Amendment to Local Law & Subordinate Local Law No. 1 (Administration) 2014

DATE: Wednesday 12 October 2022

TO: Ordinary Council Meeting

AUTHOR: Julie Wright - Director Community Services

AUTHORISING OFFICER: Julie Wright - Director Community Services

PRESENTED FOR: Decision

ATTACHMENTS

1. Public Interest Test Report - Amending Local Law
2. Consolidated Local Law No 1 Administration 2014
3. Consolidated Subordinate Local Law No 1 Administration 2014
4. Consultation Report Local Law Amendment

PURPOSE

To provide Council with an amendment to the Whitsunday Regional Council Local Law No.1 (Administration) 2014 & Subordinate Local Law No. 1 (Administration) 2014 to include the operation of short-term accommodation as a Prescribed Activity.

OFFICER'S RECOMMENDATION

That Council:

- (1) Note that the following contain anti-competitive provisions:
 - a) Local Law (Amending) Whitsunday Regional Council Local Law No. 1 (Administration) 2022; and
 - b) Subordinate Local Law (Amending) Whitsunday Regional Council Subordinate Local Law No. 1 (Administration) 2022, (collectively, the Proposed Local Laws).
- (2) Adopts the recommendations of the Public Interest Test Report for the Proposed Local Laws, attached to this report.
- (3) Make the Proposed Local Laws as advertised, subject to the amendments identified in Attachment A.
- (4) Adopt the consolidated version of the Proposed Local Laws pursuant to section 32(1) of the Local Government Act 2009 (LGA), in the form attached to this report.
- (5) Delegate to the Chief Executive Officer the following process and responsibilities under section 29B of the LGA, including:
 - a) advising the public that:
 - (I) the Proposed Local Laws have been made; and
 - (II) the Proposed Local Laws contain anti-competitive provisions,
 - (III) by publishing a notice in both:
 - (IV) the Government Gazette; and
 - (V) on Council's website, and

- b) giving the Minister:
 - (I) a copy of the notice in paragraph 5(a) above; and
 - (II) electronic copies of the Proposed Local Laws and the consolidated versions of the Proposed Local Laws.

BACKGROUND

Following a number of discussions at both Briefing Sessions and Ordinary Meetings it was determined to investigate amending Whitsunday Regional Council Local Law No.1 (Administration) 2014 & Subordinate Local Law No. 1 (Administration) 2014 to include the operation of short-term accommodation as a Prescribed Activity.

To enable both the Local Law and Subordinate Local Law to be changed an Amending Local Law and Subordinate Local Law was made on 11 May 2022 to enable a state interest check to be undertaken in regard to a proposed amendment plus a public interest test in relation to anti-competitive provisions that may be contained within the proposed changes.

The consultation period was advertised online on the corporate website Yoursay Whitsunday and Facebook page. Council received 9 online submissions from industry (2) and residents (7).

A number of themes emerged from the submissions received from Council, including:

- (i) amenity impacts on suburban lifestyle;
- (ii) housing affordability impact of short-term accommodation;
- (iii) inspections and compliance with regulations supported;
- (iv) pay higher rates;
- (v) duplicating planning scheme assessment;
- (vi) building classification certificate not supported;
- (vii) maximum limits on letting days; and
- (viii) 24/7 complaint call centre.

Council has prepared a consultation report providing a summary of the consultation process including the submissions received by Council during the Consultation Period. A copy of the consultation report is included as Attachment 13.4.2.4

The public interest test report (Attachment 13.4.2.1) provides a summary of the activities undertaken during the consultation process, as well as an assessment of the viability and likely impacts (both positive and negative) of any alternatives to the Proposed Local Laws with the following recommendation:

That each of the anti-competitive provisions identified in the Public Interest Test Plan be retained in the Proposed Local Laws in the overall public interest, because:

- (i) the benefit of the anti-competitive provisions to the community as a whole outweighs the cost; and
- (ii) the most appropriate way of achieving the objectives of the Proposed Local Laws (and therefore the objectives of Local Law No. 1 (Administration) 2014) is by restricting competition in the way provided in the anti-competitive provision

DISCUSSION/CURRENT ISSUE

In relation to Local Law No. 1 (Administration) 2014 (LL1):

This is page 115 of the Agenda of Council's Ordinary Council Meeting - 12 October 2022



- a) The amendments are basically limited to including the 'operation of short term accommodation' as a new prescribed activity. The same definition of 'short term accommodation' in the planning scheme has been used however have amended it slightly to specify that it does not matter whether the owner of the property resides there at the same time.

Schedule 2 prescribed activities - Part 2 Definition of prescribed activities - operation of short-term accommodation means the operation of premises used to provide accommodation of less than 3 consecutive months to tourists or travellers, whether or not the owner of the premises resides at the premises at the same time or not.

- b) Given any breach of conditions of approval is likely to be a result of the act or omission of guests (i.e. nuisance as a result of noise, additional guests staying without the owner's knowledge), it is considered that this defence is likely to impact on Council's ability to successfully enforce conditions of approval against the owner of the land therefore Section 31 – General defence for owners or occupiers of land notes the following:

(1) *This section does not apply to proceedings in relation to the operation of short-term accommodation.*

(2) *In a proceeding under a local law against the owner or occupier of land for an offence relating to an act or omission with respect to the land, it is a defence for the owner or occupier to prove that -*

a) the act or omission occurred without the owner's or occupier's knowledge or consent; and

b) the owner or occupier could not, by reasonable diligence, have prevented the act or omission.

c) It is considered the circumstances in which Council can amend, cancel or immediately suspend or cancel an approval, is broad enough to cover any issues that may arise as a result of the operation of short term accommodation.

In relation to Subordinate Local Law No. 1 (Administration) 2014 (SLL1):

- a) Schedule 3 - Inclusion of the Approval for the operation of short term accommodation is a category of approval that are non-transferable.
- b) Schedule 19 – Operation of short term accommodation is included with Section 1 – prescribed activity – Operation of short-term accommodation – Example – Airbnb.

Sections 3 – 6 set out documents and materials that must accompany applications for approval; additional criteria for the granting of approval; conditions that must be imposed on approvals and conditions that will ordinarily be imposed on approvals.

Examples of each of the sections are listed below:

Documents and materials that must accompany applications include but not limited to -

- (a) *the address of the premises, including real property description; and*
- (b) *a plan of the premises, including:*
- (i) a site plan, including details of the main building, any outdoor areas or structures including decks, swimming pool or spa, outdoor*

lighting, driveway, car parks, waste bin storage area, domestic sewerage treatment plant and dispersal area (where relevant) and the location of each window and door opening of any adjoining residence; and

(ii) a floor plan of the building, including a description of each room and the maximum number of persons to be accommodated in each bedroom;

(c) the most recent Certificate of Occupancy issued under the Building Act 1975 confirming–

(i) the premises are lawfully constructed; and

(ii) the use of the premises for short-term accommodation is authorised by the classification for the premises;

Additional criteria for the granting of approval include but not limited to –

(a) whether the premises are suitable to be used for the operation of short-term accommodation having regard to building, pool (as applicable) and electrical standards or requirements, car parking provision, and the structural soundness, pest management and current state of the premises;

(b) whether the operation of short-term accommodation at the premises would detrimentally affect the residential amenity of adjoining or surrounding premises (including, but not limited to noise, overlooking and light impacts);

(c) the applicant's history of carrying out the operation of short-term accommodation at the premises or other premises and any suspensions or cancellations of any permits issued under the authorising local law; and

(d) the proposed contact person is a suitable person to be responsible for the carrying out of the operation of short-term accommodation at the premises and meets all of the criteria for a contact person.

Conditions that must be imposed on approvals – *This section has been intentionally left blank.*

Conditions that will ordinarily be imposed on approvals include but not limited to –

(e) limit the maximum number of guests that may be accommodated at premises at any one time, and prohibit guests from sleeping anywhere other than within the main building on the premises;

(f) require a minimum number of car parking spaces to be provided and require vehicles to be stored in a way that does not cause a nuisance or inconvenience to adjoining properties;

(g) prohibit the premises from being used as a Party House;

(h) require the premises to be appropriately cleaned between each booking, including all linen and towels and waste;

(i) require a waste bin storage area be provided close to a tap and hose to enable regular cleaning, and be screened from view from neighbouring dwellings. Waste bins must be placed on and removed from the kerb in accordance with Local Law No. 7 (Waste Management) 2020;

(j) prohibit the operation of the premises as short-term accommodation from causing a nuisance or detrimentally impacting the residential amenity of adjoining and surrounding premises, including but not limited to noise, overlooking and light;

Please note - The Schedule of Fees and Charges to include the new prescribed activity will be required to be updated as a regulatory fee (fee is cost for administration of licencing only).

An agenda report will be brought back to a future Ordinary Meeting following the publishing of the making of the local laws in the Government Gazette and on Council's website, and provision of a copy of the local laws and consolidated versions of the local laws to the Minister for state Development, Infrastructure, Local Government and Planning.

STATUTORY/COMPLIANCE MATTERS

Local Government Act 2009

Local Law No. 1 (Administration) 2014

Subordinate Local Law No. 1 (Administration) 2014

STRATEGIC IMPACTS

Support the organisation in ensuring appropriate compliance with legislation and to support the elected council in its decision-making processes and obligations as a local government.

FINANCIAL IMPLICATIONS

Costs associated with the making of the Local Law (Amending) Local Law No. 1 (Administration) 2022 and the Subordinate Local Law (Amending) Subordinate Local Law No. 1 (Administration) 2022 will be \$13,000 and taken from GL 10.0.3300.6365.63240 - Legal Costs

CONSULTATION/ENGAGEMENT

Director Development Services

McCullough Robertson Lawyers

RISK ASSESSMENT

In accordance with the Local Government Act 2009 - Division 2 Section 29 - A local government must make a local law by passing a resolution to make the local law including the amendment or repeal of the inconsistent law in the same instrument.

TIMINGS/DEADLINES

31 December 2022

CONFLICT OF INTEREST DECLARATION

Council officers contributing to the preparation and approval of this report have no conflicts of interest to declare.

HUMAN RIGHTS IMPACT

Section 58 of the *Human Rights Act 2019* specifies required conduct for public entities when acting or making a decision. Sections 15-37 of the *Human Rights Act 2019* identifies the human rights a public entity must consider in making a decision. The human rights relevant to this decision are as follows:

- Section 19 – Freedom of movement.
- Section 21 – Freedom of expression.
- Section 24 – Right to own property and not be arbitrarily deprived of property.
- Section 27 – Cultural rights – generally – all persons with a particular cultural, religious, racial or linguistic background have the right to enjoy their culture, to declare and practice their religion and use their language.

- Section 28 – Cultural rights – Aboriginal peoples and Torres Strait Islander peoples.

This decision does not limit the above identified human rights.

ALTERNATIVES CONSIDERED

Options	Description	Positives	Negatives
Option 2	Not include short-term accommodation as a prescribed activity.	No changes to current activities.	Continued lengthy investigations pertaining to allegations/complaints pertaining to non-compliance of short term accommodation in accordance with the Planning Scheme.

Whitsunday Regional Council



Public Interest Test Report:

Local Law (Amending) Whitsunday Regional Council Local Law No. 1
(Administration) 2022

and

Subordinate Local Law (Amending) Whitsunday Regional Council
Subordinate Local Law No. 1 (Administration) 2022

Public Interest Test Report

Local Law (Amending) Whitsunday Regional Council Local Law No. 1 (Administration) 2022 and Subordinate Local Law (Amending) Whitsunday Regional Council Subordinate Local Law No. 1 (Administration) 2022

1 Introduction

- 1.1 In accordance with its obligations under section 38 of the *Local Government Act 2009* (Qld), Whitsunday Regional Council (**Council**) conducted a public interest test on possible anti-competitive provisions identified in proposed *Local Law (Amending) Whitsunday Regional Council Local Law No. 1 (Administration) 2022* and *Subordinate Local Law (Amending) Whitsunday Regional Council Subordinate Local Law No. 1 (Administration) 2022* (**Proposed Local Laws**).
- 1.2 This public interest test report has been prepared in accordance with the National Competition Policy Guidelines for conducting reviews on anti-competitive provisions in local laws, version 1 (**Guidelines**), issued by the then Queensland Department Local Government, Racing and Multicultural Affairs and called-up under the *Local Government Regulation 2012* (Qld). The Guidelines set out the criteria for identifying possible anti-competitive provisions and the process for conducting reviews of those provisions.
- 1.3 This public interest test report provides a summary of the activities undertaken during the consultation process, as well as an assessment of the viability and likely impacts (both positive and negative) of any alternatives to the Proposed Local Laws before providing a recommendation.

2 Background for assessment

- 2.1 Council's assessment was made against the background of the following considerations:
- (a) *Local Law (Amending) Whitsunday Regional Council Local Law No. 1 (Administration) 2022* amends *Whitsunday Regional Council Local Law No. 1 (Administration) 2014* (**LL1**);
 - (b) *Subordinate Local Law (Amending) Whitsunday Regional Council Subordinate Local Law No. 1 (Administration) 2022* amends *Whitsunday Regional Council Subordinate Local Law No. 1 (Administration) 2014* (**SLL1**);
 - (c) LL1 was enacted in 2014 to provide for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters. In particular, LL1 provides for a process for the local government to grant and regulate approvals to undertake prescribed activities, and the enforcement of local laws.
 - (d) SLL1 was enacted to supplement LL1. The purpose of SLL1 is to be achieved by providing for:
 - (i) various matters regarding the granting of approvals for prescribed activities; and
 - (ii) further specification of the definitions relevant to various prescribed activities.

- (e) The Proposed Local Laws amend LL1 and SLL1 to regulate the operation of short-term accommodation and prescribing requirements for applications and conditions of approval (**Proposed Amendments**). More particularly, the Proposed Local Laws amend LL1 and SLL1 to:
- (i) introduce a new prescribed activity of 'Operation of short-term accommodation';
 - (ii) insert and amend definitions of terms that are necessary for the implementation of the provisions of the local law;
 - (iii) introduce a new Schedule 19 in SLL1 in relation to the operation of short-term accommodation, including:
 - (A) requirements for an application for approval;
 - (B) criteria for the granting of an approval;
 - (C) conditions ordinarily imposed on approvals; and
 - (D) the term of an approval and a renewal of an approval.
- (f) Short term accommodation is currently regulated under the *Whitsunday Planning Scheme 2017* (**Planning Scheme**). The Planning Scheme regulates the 'use' of land for short-term accommodation, while the Proposed Amendments seek to regulate the 'operation' of short-term accommodation. In some circumstances, an approval for Short -term Accommodation under the Planning Scheme and a permit to operate short-term accommodation under the local laws may be required.
- (g) The Proposed Amendments are likely to decrease competition by requiring approvals to be obtained before short-term accommodation can be operated, and by restricting the operation of short-term accommodation to any conditions of approval. Further, these amendments also have the potential to confer a benefit on those to which the local government issues an approval in a way that provides them with an unfair advantage over those who do not hold such an approval.
- (h) Notwithstanding the above, the Proposed Amendments are necessary to ensure all short-term accommodation within the local government area are being operated appropriately and in accordance with appropriate standards, and to provide the local government with the power to enforce those conditions or standards, as well as the power to cancel, suspend or amend a permit. If the Proposed Local Laws are not made and the 'operation' of short-term accommodation remains unregulated, there is a risk of harm to human health or safety, damage to property or loss of amenity.

3 Type of assessment

- 3.1 Council previously decided the nature and extent of analysis and degree of rigour required for its assessment in the Public Interest Test Plan for the Proposed Local Laws. Council determined that it would be appropriate to undertake an assessment which complied with the following principles set out in the Guidelines for conducting reviews of anti-competitive provisions in local laws:
- (a) meaningful consultation with the general public and relevant businesses about the anti-competitive provisions;
 - (b) examination of the reasonable alternatives to the anti-competitive provisions;

- (c) a cost benefit analysis that involves calculating the value of the impacts, both positive and negative, of the anti-competitive provisions; and
 - (d) determining whether, on balance, the anti-competitive provisions should be retained in the Proposed Local Laws in the overall public interest.
- 3.2 Council determined that its assessment should be conducted by Council as a minor assessment with an emphasis on qualitative analysis with a monetary valuation of impacts where feasible. Council determined that the review should be conducted in-house.

4 The consultation process

- 4.1 The National Competition Policy (NCP) requires Council to undertake a public benefit test process. Under the public benefit test process, Council is required to take into consideration an array of public interest matters including the environment, employment, social welfare and community interests. Consideration of social impacts is an integral part of the NCP review process.
- 4.2 Social impacts are anything that will change a community's cultural traditions or alter the ways in which people live, work, play, relate to one another, organise to meet their needs, and generally cope as members of society. An NCP review process is not a review of economic considerations alone.
- 4.3 As part of the NCP review process, the community must be allowed sufficient time to participate in the review. The level and nature of participation is determined on a case by case basis.
- 4.4 Public consultation occurred over a 28-day period commencing on 4 July 2022 and ending on 1 August 2022 (**Consultation Period**). Public consultation was carried out by:
- (a) publishing a notice in the local newspaper advising of the review and calling for submissions; and
 - (b) publishing the Proposed Local Laws and Public Interest Test Plan on Council's website Yoursay Whitsunday and Council's Facebook page during the Public Consultation and inviting submission.
- 4.5 The public notice advised that consultation on anti-competitive provisions was being conducted in conjunction with the public consultation about the Proposed Local Laws.

Results of consultation process

- 4.6 Council received nine submissions during the Consultation Period – seven submissions from residents in support of the Proposed Amendments, and two submissions from the industry in opposition.
- 4.7 A number of themes emerged from the submissions received from Council, including:
- (a) amenity impacts on suburban lifestyle;
 - (b) housing affordability impact of short-term accommodation;
 - (c) inspections and compliance with regulations supported;
 - (d) pay higher rates;
 - (e) duplicating planning scheme assessment;

- (f) building classification certificate not supported;
- (g) maximum limits on letting days; and
- (h) 24/7 complaint call centre.

4.8 Council has prepared a consultation report providing a summary of the consultation process including the submissions received by Council during the Consultation Period. A copy of the consultation report is included as **Annexure A** to this report.

5 Reassessment of alternatives

5.1 Regulatory and non-regulatory alternatives available to Council which may achieve the objectives of the Proposed Local Laws are listed in the Guidelines. In the Public Interest Test Plan, the following alternatives were considered to be 'reasonable' alternatives and given further consideration:

- (a) co-regulation;
- (b) self-regulation;
- (c) negative licensing; and
- (d) public information and education programs.

5.2 For the reasons set out in the Public Interest Test Plan, these alternatives were not considered to be practical to achieve the objects of the Proposed Local Laws. After reviewing the submissions received during the public consultation process, Council has not changed its view in relation to the viability or practicability of the alternatives.

6 Identification of key stakeholders

6.1 Key stakeholders that are affected by a move to an alternative arrangement, include the following:

- (a) Council;
- (b) Existing and potential operators of short-term accommodation;
- (c) General public; and
- (d) Peak Business Groups (All groups that support and lobby on behalf of the local government's businesses, e.g. Chambers of Commerce and/or Industries).

6.2 The table below sets out a summary of the impacts for stakeholders as a result of Council not making the Proposed Local Laws.

Stakeholders	Impact rating and rationale
Council	<p>High negative. The local government will not achieve the objectives in the Proposed Local Laws.</p> <p>The operation of short-term accommodation will remain unregulated, resulting in a risk of harm to human health and safety, or personal injury, property damage or loss of amenity.</p> <p>Low positive. No increase in responsibilities (i.e. enforcement) or costs as a result of regulation and enforcement of the operation of short-term accommodation.</p>
Existing and potential operators	<p>Moderate positive No requirement to apply for and obtain a permit to operate short-term accommodation or comply with new conditions in addition to any development approval under Council's Planning Scheme (as required).</p> <p>No requirement to comply with additional conditions and standards.</p> <p>Moderate negative Inadequate regulation of the operation of short-term accommodation potentially resulting in damage to industry reputation and decrease in revenue.</p>
General public	<p>High negative Insufficient regulation and continued risk to the health and safety and amenity of the general public, including visitors and guests of the property.</p>
<p>Peak Business Groups</p> <p><i>(All groups that support and lobby on behalf of the local government's businesses)</i></p>	<p>Low positive No increase in number of complaints by operators about overregulation, and barriers to entry into market and competition.</p>

7 Recommendation

- 7.1 In consideration of the impacts identified above, it is recommended that each of the anti-competitive provisions identified in the Public Interest Test Plan be retained in the Proposed Local Laws in the overall public interest, because:

- (a) the benefit of the anti-competitive provisions to the community as a whole outweighs the cost; and
- (b) the most appropriate way of achieving the objectives of the Proposed Local Laws (and therefore the objectives of *Local Law No. 1 (Administration) 2014*) is by restricting competition in the way provided in the anti-competitive provisions.

Annexure A

Consultation Report

Whitsunday Regional Council

Subordinate Local Law No. 1 (Administration) 2014

Contents

Part 1	Preliminary.....	3
	1 Short title	3
	2 Purpose and how it is to be achieved	3
	3 Authorising local law	3
	4 Definitions.....	3
Part 2	Approvals for prescribed activities	3
	5 Prescribed activities that do not require an approval—Authorising local law, s 6(3)	3
	6 Categories of prescribed activities for the purposes of maximum penalties— Authorising local law, s 6(4)	3
	7 Approvals that are non-transferable—Authorising local law, s 15(2).....	4
	8 Prescribed complementary accommodation—Authorising local law, schedule 14	
	9 State-controlled roads to which the local law applies—Authorising local law, schedule 1	4
	10 Public place activities that are prescribed activities—Authorising local law, schedule 2, part 2.....	4
	11 Matters regarding prescribed activities—Authorising local law, ss 6(3), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a).....	4
Schedule 1	Prescribed activities that do not require an approval under the authorising local law.....	6
Schedule 2	Categories of prescribed activities for the purposes of maximum penalties	7
Schedule 3	Categories of approval that are non-transferable	8
Schedule 4	Prescribed complementary accommodation.....	9
Schedule 5	State-controlled roads to which the local law applies	10
Schedule 6	Public place activities that are prescribed activities	11
Schedule 7	Alteration or improvement to local government controlled areas and roads	14
Schedule 8	Commercial use of local government controlled areas and roads	18
Schedule 9	Establishment or occupation of a temporary home.....	23
Schedule 10	Installation of advertising devices.....	26
Schedule 11	Keeping of animals	38
Schedule 12	Operation of camping grounds.....	42
Schedule 13	Operation of cane railways.....	45
Schedule 14	Operation of caravan parks.....	47
Schedule 15	Operation of cemeteries	53

Schedule 16	Operation of public swimming pools	56
Schedule 17	Operation of shared facility accommodation	59
Schedule 18	Operation of temporary entertainment events	65
Schedule 19	Operation of short-term accommodation.....	69
Schedule 20	Undertaking regulated activities regarding human remains— (a) disturbance of human remains buried outside a cemetery	75
Schedule 21	Undertaking regulated activities regarding human remains— (b) burial or disposal of human remains outside a cemetery	77
Schedule 22	Undertaking regulated activities regarding human remains— (c) disturbance of human remains in a local government cemetery..	79
Schedule 23	Undertaking regulated activities on local government controlled areas and roads— (a) driving or leading of animals to cross a road	81
Schedule 24	Undertaking regulated activities on local government controlled areas and roads— (b) depositing of goods or materials	83
Schedule 25	Undertaking regulated activities on local government controlled areas and roads— (c) holding of a public place activity prescribed by subordinate local law.....	86
Schedule 26	Bringing or driving motor vehicles onto local government controlled areas	90
Schedule 27	Bringing or driving prohibited vehicles onto motor vehicle access areas.....	93
Schedule 28	Use of bathing reserves for training, competitions etc	95
Schedule 29	Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee.....	99
Schedule 30	Parking in a loading zone by displaying a commercial vehicle identification label.....	102
Schedule 31	Carrying out works on a road or interfering with a road or its operation.....	104
Schedule 32	Dictionary.....	111

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Whitsunday Regional Council Subordinate Local Law No. 1 (Administration) 2014*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Whitsunday Regional Council Local Law No. 1 (Administration) 2014*, which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by Whitsunday Regional Council Local Law No. 1 (Administration) 2014 (the **authorising local law**).

4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law—

- (a) as in the dictionary in Schedule 31 defines particular words used in this subordinate local law; and
- (b) all other words have the same meaning as in the local law.

Part 2 Approvals for prescribed activities

5 Prescribed activities that do not require an approval—Authorising local law, s 6(3)

For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the prescribed activities listed in schedule 1.

6 Categories of prescribed activities for the purposes of maximum

penalties—Authorising local law, s 6(4)

For section 6(4) of the authorising local law, it is declared that—

- (a) the prescribed activities listed in part 1 of schedule 2 are category 1 activities; and
- (b) the prescribed activities listed in part 2 of schedule 2 are category 2 activities; and
- (c) the prescribed activities listed in part 3 of schedule 2 are category 3 activities.

7 Approvals that are non-transferable—Authorising local law, s 15(2)

For section 15(2) of the authorising local law, it is declared that the categories of approval listed in schedule 3 are non-transferable.

8 Prescribed complementary accommodation—Authorising local law, schedule 1

For the purposes of the definition of *complementary accommodation* in schedule 1 of the authorising local law, the accommodation listed in schedule 4 is prescribed as appropriate for caravan parks.

9 State-controlled roads to which the local law applies—Authorising local law, schedule 1

For the purposes of the definition of *road* in schedule 1 of the authorising local law, the State-controlled roads listed in schedule 5 are roads to which the authorising local law applies unless otherwise provided in the local law.

10 Public place activities that are prescribed activities—Authorising local law, schedule 2, part 2

For the purposes of paragraph (c) of the definition of *undertaking regulated activities on local government controlled areas and roads* in part 2 of schedule 2 of the authorising local law, the holding of a public place activity listed in schedule 6 is a prescribed activity.

11 Matters regarding prescribed activities—Authorising local law, ss 6(3), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) For each prescribed activity, a schedule prescribes the matters specified in this section for the prescribed activity named in section 1 of the schedule.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to an activity stated in section 2 of the schedule relating to the prescribed activity.
- (3) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of the schedule relating to the prescribed activity.

-
- (4) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for a prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of the schedule relating to the prescribed activity.
 - (5) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for a prescribed activity are stated in section 5 of the schedule relating to the prescribed activity.
 - (6) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for a prescribed activity are stated in section 6 of the schedule relating to the prescribed activity.
 - (7) For section 13(a) of the authorising local law, the term of an approval for a prescribed activity is provided for in section 7 of the schedule relating to the prescribed activity.
 - (8) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for a prescribed activity is provided for in section 8 of the schedule relating to the prescribed activity.
 - (9) For section 12 of the authorising local law, in Table 1 of the schedule relating to a prescribed activity—
 - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
 - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
 - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

Schedule 1 Prescribed activities that do not require an approval under the authorising local law

Section 5

- (1) Rural activities authorised under the relevant local Planning scheme.
- (2) Keeping native animals with an appropriate permit.

Schedule 2 Categories of prescribed activities for the purposes of maximum penalties

Section 6

1 Part 1 Category 1 activities

- 1 Alteration or improvement to local government controlled areas and roads
- 2 Commercial use of local government controlled areas and roads
- 3 Establishment or occupation of a temporary home
- 4 Installation of advertising devices
- 5 Keeping of animals
- 6 Undertaking regulated activities regarding human remains
- 7 Undertaking regulated activities on local government controlled areas and roads
- 8 Operation of camping grounds
- 9 Operation of caravan parks
- 10 Operation of cemeteries
- 11 Operation of public swimming pools
- 12 Operation of shared facility accommodation
- 13 Operation of temporary entertainment events
- 14 Operation of cane railways
- 15 Operation of short-term accommodation

2 Part 2 Category 2 activities

No activities stated

3 Part 3 Category 3 activities

No activities stated

Schedule 3 Categories of approval that are non-transferable

Section 7

Approval to operate a caravan park.

Approval to operate a camping ground.

Temporary Home Approval.

Approval to operate a temporary entertainment event.

Approval to operate a lifesaving competition in a bathing reserve.

Approval to conduct activities on local government controlled facilities, areas and roads.

Approval to conduct commercial recreational activities.

Approval for the operation of short-term accommodation.

Schedule 4 Prescribed complementary accommodation

Section 8

Demountable accommodation units.

Converted railway carriages.

Registered caravans.

Registered motor homes.

Schedule 5 State-controlled roads to which the local law applies

Section 9

State-controlled roads can only be listed if the chief executive has given written agreement under section 66(5)(b) of the *Transport Operations (Road Use Management) Act 1995* –

All state controlled roads within the Whitsunday Regional Council Local Government Area.

Schedule 6 Public place activities that are prescribed activities

Section 10

<p style="text-align: center;">Column 1</p> <p style="text-align: center;">Local government controlled road or area</p>	<p style="text-align: center;">Column 2</p> <p style="text-align: center;">Prescribed Activity</p>
<p style="text-align: center;">The whole of the local government area including–</p> <p>(a) all parks and reserves, natural areas and cultural reserves and drainage channels;</p> <p>(b) all footpaths;</p> <p>(c) all bridges;</p> <p>(d) all roads;</p> <p>(e) all boardwalks;</p> <p>(f) all pontoons / jetties.</p>	<p>(1) Distribution of Business Advertising Publications–</p> <p>(a) if a business publication is distributed in a public place the following persons are taken to have distributed the business advertising publication–</p> <p>(i) any person who actually distributes the business advertising publication;</p> <p>(ii) any operator or person in control of a business, commercial, trade activity or premises publicised by the distribution of the business advertising publication.</p> <p>(2) Touting or Soliciting–</p> <p>(a) if touting is conducted in a public place, the following persons are taken to have touted–</p> <p>(i) any person who actually touts;</p> <p>(ii) any operator or person in control of a business, commercial, trade activity or premises publicised by the touting.</p> <p>(3) Drive a vehicle except on bridges or roads.</p> <p>(4) Activities or conduct–</p> <p>(a) formal or organised sporting or recreation activities;</p> <p>(b) social or community events for</p>

<p style="text-align: center;">Column 1</p> <p style="text-align: center;">Local government controlled road or area</p>	<p style="text-align: center;">Column 2</p> <p style="text-align: center;">Prescribed Activity</p>
	<p>more than 50 people (more than 100 people in parks);</p> <p>(c) research and scientific investigation;</p> <p>(d) marriage ceremony or marriage reception;</p> <p>(e) public meeting, public demonstration or public address;</p> <p>(f) public education information and interest display or events;</p> <p>(g) life saving competition or training or other aquatic activity;</p> <p>(h) hiring of equipment;</p> <p>(i) stage events, markets, festival or concerts;</p> <p>film and television production activities for which a development application is not required under the local government's Planning scheme;</p> <p>a training event held on no more than 1 day;</p> <p>a training event held on more than 1 day without payment of a fee;</p> <p>a display, demonstration or information booth;</p> <p>competition that involves vessels.</p> <p>(5) Busking–</p> <p>(a) performance of any entertainment or use of any sound amplifying equipment.</p> <p>(6) Erect, remove or alter a building, structure, path, facility, sign, fence, notice, equipment or any measure of access control and security.</p> <p>(7) Erect an awning or balcony over a footpath.</p> <p>(8) A cake stall, sausage sizzle, car wash or similar fundraiser held on no more than</p>

<p style="text-align: center;">Column 1</p> <p style="text-align: center;">Local government controlled road or area</p>	<p style="text-align: center;">Column 2</p> <p style="text-align: center;">Prescribed Activity</p>
	one (1) day.
<p>Cemeteries in the Local Government Area.</p>	<ul style="list-style-type: none"> (1) Bury or inter a deceased person. (2) Construct or erect a private vault or columbarium. (3) Perform any customary or religious ceremony in the burial of the deceased person in accordance with a particular custom or religious denomination to which the deceased belonged (including personally closing or covering the grave of the deceased person other than by an undertaker) (4) Have any animal in the cemetery as part of the ceremony (5) Conduct a funeral other than by an undertaker (6) Erect or install a memorial

Schedule 7 Alteration or improvement to local government controlled areas and roads

Section 11

1 Prescribed activity

Alteration or improvement to local government controlled areas and roads

Example–

Construction of a footpath, construction of a driveway

2 Activities that do not require approval under the authorising local law

- (1) An approval under the authorising local law is not required for the following activities–
- (a) vegetation maintenance by a person of a nature strip immediately adjacent to the person's property provided the maintenance is not likely to create a risk to the safety of pedestrian and vehicular traffic;
 - (b) vegetation maintenance by a person of an area of up to 1.5 metres from the person's side or rear property boundary, provided no vegetation greater than 2 metres in height is interfered with; and
 - (c) interference with landscaping or planting constructed or installed by the local government where–
 - (i) there is an immediate danger to person or property; or
 - (ii) such interference is authorised under a Community Environment Program of the local government.

In this section–

Vegetation maintenance means mowing, slashing or edging of grass, weeding or watering.

3 Documents and materials that must accompany applications for approval

Documents required include–

- (a) a completed application form–
- (i) description of works, structures or activities to be undertaken; and
 - (ii) details of how the applicant plans to carry out the works, structure or activities including, where relevant, drawn to scale plans of all structures, safety operation plans and maintenance and inspection schedules; and
 - (iii) duration of approval sought including dates and times; and
 - (iv) location of works, structures or activities; and
 - (v) details regarding compliance of any proposed structure with relevant standards, such as relevant Australian Standards, industry Code of

Practice and the Development Manual contained within the local government Planning scheme; and

- (vi) if the applicant is not the owner of the land adjoining the property site for the works – the adjoining landowner’s consent.
- (b) application fee (as determined within Council’s annual Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form.

4 Additional criteria for the granting of approval

For all approvals, the additional criteria area will include–

- (a) the physical suitability of the site for the proposed activity; and
- (b) the suitability of any proposed structure including satisfactory compliance with relevant standards of the local government; and
- (c) the likelihood of the activity causing nuisance, inconvenience or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians; and
- (d) the likelihood of the activity interfering with public access to public areas and roads; and
- (e) the likely effect on the amenity of the surrounding area; and
- (f) the likely effect on the local environment and any risk of pollution or other environmental damage.

5 Conditions that must be imposed on approvals

The following conditions are conditions that must be imposed on approvals–

- (a) the approval holder, its contractors or agents must–
 - (i) require compliance with specified safety requirements; and
 - (ii) require the approval holder to maintain structures erected or installed, or vegetation planted, under the approval in good condition; and
 - (iii) require the approval holder to remove a structure erected or installed under the approval at the end of a stated period; and
 - (iv) only carry out the approved works or activities at the location specified in the approval; and
 - (v) ensure unobstructed movement of vehicles and pedestrians; and
 - (vi) operate within the hours specified on the approval; and
 - (vii) take out public liability insurance in an amount nominated by the local government in the application for approval, and to name local government as an interested party on the policy; and
 - (viii) indemnify the local government, against claims for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the works or activity; and

- (ix) lodge a security for performance bond in the amount decided by the local government and specified in the approval; and
- (x) comply with any deadline for completion of the works or ceasing of the activity; and
- (xi) observe the standards specified in the approval in the carrying out the works or activity; and
- (xii) reinstate the area/road to the satisfaction of the local governments engineer following completion of the works or ceasing of an activity; and
- (xiii) ensure the safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades; and
- (xiv) comply with the requirements of relevant legislation and Australian Standards; and
- (xv) comply with all reasonable directions of an authorised person in the time specified by the authorised person.

6 Conditions that will ordinarily be imposed on approvals

- (1) For an approval relating to installing or changing a structure, the conditions that will ordinarily be imposed on an approval are that the approval holder—
 - (a) must, for the duration of the construction period, set out the site in accordance with the requirements of the Manual of Uniform Traffic Control Devices; and
 - (b) must monitor, maintain and, as required, repair the structure so that it remains effective for its intended purpose and does not cause a nuisance or safety hazard; and
 - (c) must remove the structure erected or installed under the approval at the end of a stated period; and
 - (d) will be responsible for keeping the works site and the structure in a neat and tidy condition; and
 - (e) will be responsible for removing the structure should it become redundant or the approval holder chooses not to renew an approval which is required to be renewed periodically; and
 - (f) must not damage any local government infrastructure in the course of the approved works, except as permitted in the approval; and
 - (g) will be responsible for locating and protecting any services within the local government controlled area or road.
- (2) For an approval relating to planting, clearing or damaging of vegetation, the conditions that will ordinarily be imposed on an approval are that the approval holder—
 - (a) is responsible for locating and protecting any services within the local government controlled area or road; and

- (b) is responsible for ongoing maintenance associated with the landscaping; and
- (c) must, for the duration of the activity, set out the site in accordance with the requirements of the Manual of Uniform Traffic Control Devices; and
- (d) must comply with a request by the local government for the landscaping to be removed.

7 Term of approval

The term of the approval will be specified in the approval.

8 Term of renewal of approval

If the local government grants the application, the local government will specify in the written notice, the term of the renewal or extension.

Schedule 8 Commercial use of local government controlled areas and roads

Section 11

1 Prescribed activity

Commercial use of local government controlled areas and roads.

2 Activities that do not require approval under the authorising local law

No activities stated.

3 Documents and materials that must accompany applications for approval

Documents required include—

(a) a completed application form—

- (i) details of the nature, time and place of the proposed activities for which the approval is sought; and
- (ii) if the applicant wants to use a particular part of a road for serving food or drink or for other business purposes—a plan showing the relevant part of the road; and
- (iii) details of the type of signage which is intended to be displayed and the method intended to be used to ensure stability of the signage; and
- (iv) a certified copy of any other registration, licence, permit or approval required for the activity under any other law; and
- (v) description of structures to be used and works or activities to be undertaken as part of the activity; and
- (vi) if the activity is to operate from a vehicle – a full description of the vehicle and its registration number.

4 Additional criteria for the granting of approval

- (1) The activities for which the approval is sought would not unduly interfere with the proper use of a road; and
- (2) The physical suitability of the area or road for the proposed use; and
- (3) The likelihood of the use causing nuisance, inconvenience or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians; and
- (4) The likely effect on the amenity of the surrounding area; and
- (5) The likely effect on the local environment and any risk of pollution or other environmental damage; and
- (6) The proximity of the activities to other existing commercial businesses; and
- (7) The appropriateness, quality and condition of equipment to be used in the activity;

and

- (8) The likely impact on the ability of the general public to use the site concurrently with the proposed activity; and
- (9) The applicant's proposals regarding the provision of shade and shelter to protect against environmental conditions; and
- (10) Whether the applicant's proposed waste management strategy makes provision for the satisfactory collection, storage and removal of all waste generated by the proposed activity.

5 Conditions that must be imposed on approvals

Conditions imposed will—

- (a) include a condition that must be imposed on an approval is that the approval holder must comply with the standard public liability insurance condition; and
- (b) restrict activities under the approval to specified days and times; and
- (c) prohibit or limit activities under the approval during periods of poor visibility; and
- (d) limit the activities authorised by the approval to a single specified location or to a specified area; and
- (e) require the holder of the approval to display the approval in a specified position or to produce the approval for inspection on demand by an authorised person or, if the approval relates to a State-controlled road, a person authorised by the chief executive; and
- (f) require the holder of the approval to take specified measures to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
- (g) require the holder of the approval to take specified measures to ensure that the activities authorised by the approval do not cause a nuisance; and
- (h) if the approval relates to an activity on a road—require the approval holder to indemnify the State; and
- (i) if the approval authorises the approval holder to use a specified part of a local government controlled area or road for carrying on a business –
 - (i) pay rental specified in the approval to the local government at specified intervals; and
 - (ii) maintain the area where the activity takes place in clean, tidy and orderly condition.

6 Conditions that will ordinarily be imposed on approvals

- (1) For all approvals, the conditions that will ordinarily be imposed on an approval are that the approval holder may—
 - (a) permit access to local government staff or contractors at all times to inspect

or service facilities;

- (b) carry out the activity in accordance with any standards of the local government applicable at the time of the approval;
- (c) conduct the activity only on the days and times, and at the specific locations or areas, specified in the approval;
- (d) display the approval in the ways stated in the approval and produce the approval for inspection on demand by an authorised person;
- (e) comply with a requirement to submit the business, vehicle or premises to be inspected by an authorised person;
- (f) maintain a defined access point for emergency vehicles at all times;
- (g) if the activity involves playing live or taped performances – obtain a casual licence from the Australasian Performing Rights Association;
- (h) if the activity involves use of a footpath – maintain a clear unobstructed pedestrian corridor of not less than 2 metres or, in the case of high usage footpaths, a distance greater than 2 metres stipulated in the approval;
- (i) seek written authorisation from an authorised person prior to playing amplified music;
- (j) comply with relevant workplace health and safety requirements;
- (k) be responsible for any costs or expenses incurred by local government for rectifying any damage caused by the activity;
- (l) ensure that vegetation, soil, sand, rocks, native animals or natural things are not interfered with, damaged or removed;
- (m) not interfere with, paint, permanently mark, damage or remove any buildings, structures, fixtures, fittings or facilities provided by local government;
- (n) not erect any permanent or temporary buildings, signs or structures upon the approved activity area without the written consent of the local government;
- (o) ensure that litter is collected and lawfully disposed at a local government waste transfer station;
- (p) ensure that portable toilets are supplied as directed by local government;
- (q) ensure that cleaning, maintaining or repairing any vehicle, vessel, aircraft or other equipment except for emergency repairs is prohibited;
- (r) ensure that activities are not permitted within 30 metres of a deployed stinger net;
- (s) advise the means by which impacts on the environment must be minimised;
- (t) advise the means by which impacts on the amenity of neighbouring areas must be minimised;
- (u) ensure that its customers and all other persons undertaking the activity are accompanied and supervised by a person holding a recognised first aid certificate and all other certifications required by any State or Commonwealth authority;
- (v) only permit experienced and competent guides, agents or supervisors to

- oversee the operation of the activity;
- (w) accept full responsibility for the safe transportation of customers and all other persons undertaking the activity;
- (x) provide information, explanations, cautions and warnings to customers and all other persons undertaking the activity regarding the hazards likely to be encountered by them when the activity is undertaken;
- (y) ensure that any motor vehicle, vessel, aircraft or other machinery used in connection with the activity, complies with all safety requirements and regulations and are operated in accordance with requirements, guidelines or recommendations published from time to time by the manufacturer or any State or Commonwealth authority;
- (z) identify the points at which an operator is to access the site for the purpose of undertaking the commercial recreation activity;
 - (aa) state the number of customers to be taken to the site at any one time;
 - (bb) include the programming of a commercial recreation activity on the site;
 - (cc) include the use of any roads, jetties, foreshores or other means of accessing the site;
 - (dd) include the amenities or facilities to be provided for use by customers.
- (2) For an approval for roadside vending, the additional conditions that will ordinarily be imposed are that the approval holder may –
 - (a) not sell, or offer for sale, any goods within 200 metres of a shopping centre or any retail business selling similar goods;
 - (b) not amplify, or cause to be made, any noise identifying, advertising or otherwise drawing attention to a roadside vending stall;
 - (c) keep the vehicle or stall and all goods contained therein or thereon, at all times in a clean, tidy and orderly condition;
 - (d) maintain the area in which the vending activity is conducted at all times in a clean and tidy condition;
 - (e) not, unless authorised by an authorised person, park the vehicle used for that activity for a period longer than is necessary to serve a customer who has hailed down the vehicle’.
- (3) For an approval for a street stall, additional conditions that will ordinarily be imposed on an approval are that the approval holder may–
 - (a) not sell perishable or potentially hazardous foods;
 - (b) not handle any food for sale at a street stall;
 - (c) unless otherwise approved for charitable purposes, not sell or offer for sale any food, goods or other articles at a street stall in direct competition with any shopkeeper operating in the immediate vicinity of the stall;
 - (d) locate the stall as close as practicable to either the shop front or the outer edge of the roadside kerb;
 - (e) not accost passers-by to encourage the purchase of goods.

-
- (4) For an approval for busking, additional conditions that will ordinarily be imposed on an approval are that the approval holder must not–
- (a) cause a nuisance to the proprietors of business premises or occupiers of any residence located in close proximity to the busking activity; and
 - (b) use any amplification equipment or cause to be made any unreasonable noise during the conduct of the busking activity; and
 - (c) accost or cause a nuisance to passers-by; and
 - (d) solicit audience participation in the busking activity.

7 Term of approval

The term of approval will be specified on the approval.

8 Term of renewal of approval

The term of the renewal of an approval is the same term as the original approval subject to compliance with all conditions stated on the approval.

Schedule 9 Establishment or occupation of a temporary home

Section 11

1 Prescribed activity

Establishment or occupation of a temporary home

2 Activities that do not require approval under the authorising local law

- (1) An approval under the authorising local law is not required for establishment or occupation of a temporary home—
 - (a) in an urban area—
 - (i) for less than two weeks in any fifty-two week period if the temporary home is established on a vacant allotment and occupied by the owners of the allotment; or
 - (ii) for less than four weeks in any fifty-two week period if—
 - (A) the temporary home is sited on an allotment occupied by an existing dwelling house; and
 - (B) the temporary home is located to the rear of the existing dwelling house.
 - (b) in a non-urban area—
 - (i) for less than two weeks in any fifty-two week period if the temporary home is established on a vacant allotment and occupied by the owners of the allotment; and
 - (ii) for less than four weeks in any fifty-two week period if—
 - (A) the temporary home is sited on an allotment occupied by an existing dwelling house; and
 - (B) the temporary home is located to the rear of the existing dwelling house.
- (2) However, subsection (1) applies only if no waste materials, including grey water, are deposited on site during occupation or left on site after departure.
- (3) Limitation of one (1) temporary home per property.
- (4) The temporary home is suitable in the opinion of an authorised person.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) a completed application form—
 - (i) details of the location of the temporary home; and
 - (ii) details of the names of the persons who are to occupy the temporary

- home; and
 - (iii) a drawing showing the design and dimensions of the proposed temporary home; and
 - (iv) details of the materials out of which the temporary home is (or is to be) constructed and other structural details of the temporary home; and
- (b) a site plan drawn at a scale of 1:200 and showing–
- (i) the immediate area of the proposed temporary home and proposed permanent residence or permanent structure; and
 - (ii) the proposed means of disposal of grey water liquid waste (for example, by way of septic or sullage trenches or chemical toilets) both from the proposed temporary home and their proposed location on the site; and
- (c) details, including a floor plan at the scale of 1:100, of the provision for basic amenities required for living and building on the site, such as kitchen facilities, bathing facilities, laundry, toilet, sleeping accommodation, storage and an impervious floor for these facilities; and
- (d) if the applicant is not the owner of the land on which the temporary home is located – the written consent of the owner; and
- (e) details of intended duration of occupancy of the temporary home, including a progress chart or similar timetable showing milestones during the construction process.

4 Additional criteria for the granting of approval

For all approvals, the additional criteria are–

- (a) that the applicant holds a current development permit for the erection of, or conversion of an existing building or structure into, a permanent residence; and
- (b) that an adequate source of water will be available to the purposed temporary home; and
- (c) that the temporary home is located in such a way as to not impact adversely on the amenity of an adjoining owner; and
- (d) that reasonable grounds exist to justify the need to establish and occupy a temporary home, including special consideration where a natural disaster or emergency situation has the existing dwelling house unsuitable for habitation.

5 Conditions that must be imposed on approvals

The conditions that must be imposed on an approval are that the approval holder must–

- (a) not cease construction of the permanent residence mentioned in section 4(a) for a period greater than three calendar months; and

- (b) ensure the provision of the basic amenities required for living such as kitchen facilities, bathing facilities, laundry, toilet, sleeping accommodation, waste water disposal, refuse disposal, storage and adequate water supply; and
- (c) keep the temporary home in good order and repair; and
- (d) ensure that the home is not unsightly or unhygienic.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval are that the approval holder must–

- (a) dismantle and remove the temporary home within 1 month of occupation of the permanent residence or the expiry of the approval; and
- (b) connect all plumbing and drainage facilities to the temporary home as soon as practicable or within 3 months of initial occupation of the temporary home so as to reasonably comply with plumbing and drainage regulations.

7 Term of approval

The approval commences on the day it is issued and concludes on the sooner of–

- (a) the expiry date, not exceeding 18 months from the date of issue, stated in the approval; or
- (b) the date that the permanent residence or proposed permanent residence becomes fit for occupation as a place of residence.

8 Term of renewal of approval

The term of a renewal of the approval will be the term stated in the renewal but must not extend beyond the expected completion date of the permanent residence unless exceptional personal circumstances exist.

Schedule 10 Installation of advertising devices

Section 11

1 Prescribed activity

Installation of advertising devices

2 Activities that do not require approval under the authorising local law

- (1) An approval under the authorising local law is not required for—
- (a) a temporary advertising device that has been authorised as part of an approval for another prescribed activity under the authorising local law; or
 - (b) a temporary advertising device that advertises a not for profit community event and—
 - (i) is installed on a lot used for community purposes; and
 - (ii) advertises activities conducted on the site; and
 - (iii) is no greater than 2 square metres; or
 - (c) an exempt temporary advertising device.

Example for paragraph (b)–

A separate approval is not required for installation of a sign advertising a temporary entertainment event if an approval for operation of the temporary entertainment event specifically authorises the installation of the sign.

- (2) On a road, an **exempt temporary advertising device** is a temporary advertising device that complies with the requirements in both of paragraphs (a) and (b)–
- (a) the device is one of the following—
 - (i) a garage sale sign that—
 - (A) is not one of more than 4 signs advertising the same garage sale; and
 - (B) is not in place earlier than the day before the commencement of the garage sale and after 24 hours of the conclusion of the sale; and
 - (C) is not in place for more than 72 hours for any one garage sale; and
 - (D) is not erected for a sale at a premises where a garage sale has been held on 4 occasions already in the previous year; or
 - (ii) a device advertising a not for profit community event that—
 - (A) is not one of more than 8 signs advertising the same event; and
 - (B) is not in place earlier than 2 weeks before the commencement of the event and after 24 hours of the conclusion of the event; or
 - (iii) a real estate directional sign that—
 - (A) has a face area not exceeding 0.4 square metres; and

- (B) is not one of more than 3 real estate directional signs installed for the same premises being offered for sale or auction; and
 - (C) is displayed only on the day prior to and on the day when a premises is open for inspection or being auctioned; and
 - (D) is located so as not to cause a hazard to traffic or pedestrians or otherwise pose a risk to public safety; and
- (b) the device meets the following requirements–
- (i) the person displaying the device has standard public liability insurance that covers the device; and
 - (ii) the device does not interfere with any underground utilities; and
 - (iii) the device does not flash, revolve, move or contain mechanisms that give the impression of movement; and
 - (iv) the device does not interfere with the road or its operation; and
 - (v) the device is not located on a motorway, freeway or road of a similar standard; and
 - (vi) the device is located as close as practicable and parallel to the property boundary; and
 - (vii) no portion of the sign projects over the carriageway or any surface used by motor vehicles; and
 - (viii) the device is not located in a place that is likely to distract motorists, restrict the visibility of other authorised signs, or otherwise impact on safety; and
 - (ix) the device is not located in a place that is likely to cause a safety hazard to other traffic (for example, pedestrians or cyclists); and
 - (x) the device is not fastened to trees or road infrastructure (for example, signs or guardrails); and
 - (xi) the device is made of a frangible material that is designed to be easily broken and the stake or frame on which the device is fastened has a cross section measurement of not more than 55 millimetres x 25 millimetres; and
 - (xii) devices adjacent to a state controlled road complies with the Department of Transport and Main Roads “Guidelines to management of roadside advertising” and must not–
 - (A) give instructions to traffic; or
 - (B) imitate a traffic control device;
 - (xiii) the device is not left in place in the event of extreme weather; and
 - (xiv) the device does not contain explicit, inappropriate, offensive or irrelevant content.
- (3) On a place other than local government controlled area or road, an ***exempt temporary advertising device*** is any of the following–
- (a) a portable ‘A’ frame or inverted ‘T’ frame board sign that is–

- (i) located within the cartilage of the principal place of business for the business being advertised on the sign; and
 - (ii) maximum dimension of 600 millimetres (width) x 900 millimetres (height); and
 - (iii) the number of advertisements do not cause visual clutter in the opinion of an authorised person;
- (b) a real estate sign that is–
- (i) not one of more than 2 signs advertising the same site and each sign has a face area not exceeding 0.54 square metres; or
 - (ii) at a site where there are no other real estate signs and it has a face area not exceeding 2.5 square metres; and
 - (iii) placed only on the site being offered for sale, lease or auction; and
 - (iv) in the case of an individual property – removed from a premises within 14 days of the property reaching settlement or being leased; and
 - (v) in the case of a group of dwellings (for example, multiple dwellings) or building sites (for example, newly subdivided estates) – removed from the premises within 14 days of the last remaining property reaching settlement or being leased;
- (c) an election sign (refer to Whitsunday Regional Council’s Guidelines for Political Advertisements);
- (d) a real estate hoarding that is–
- (i) on a lot greater than 2000 square metres; and
 - (ii) the only real estate hoarding at the site and has a sign face area not exceeding 8.0 square metres; and
 - (iii) placed only on the site being offered for sale, auction or lease; and
 - (iv) not erected in association with any other real estate sign; and
 - (v) in the case of an individual property – removed from the settlement or being leased; and
 - (vi) in the case of a group of dwellings (for example, multiple dwellings) or building sites (for example, newly subdivided estates) – removed from the premises within 7 days of the last remaining property reaching settlement or being leased;
- (e) temporary bunting that–
- (i) is displayed for a period of not more than 7 days prior to and on the day or days of the event or promotion to which it relates; and
 - (ii) is erected no higher than 6.0 metres above the original ground level of a site; and
 - (iii) is not affixed to trees, lighting standards or power poles; and
 - (iv) does not extend over car parking areas; and
 - (v) does not cause unreasonable disturbance to the general locale;

- (f) a banner, other than a third party advertising banner, that–
 - (i) is erected within, parallel to and immediately adjacent to the frontage of the premises to which it relates; and
 - (ii) is limited to a size no greater than 3.8 metres x 1 metre; and
 - (iii) consists of good quality materials and is sign written with appropriate wording; and
 - (iv) if attached to banner poles – is positioned so that pedestrian and vehicle movements are not interfered with; and
 - (v) is not attached to a tree; and
 - (vi) has either ropes stitched in or eyelets stitched into its corners; and
 - (vii) is attached by stainless steel wire ropes, or ropes or nylon with a diameter of not less than 8-10 millimetres; and
 - (viii) is displayed for no more than 10 weeks in any 52 week period;
- (g) a third party advertisement that is–
 - (i) located on residential property for the purpose of advertising activities currently conducted or directly associated with the primary use of the property; and
 - (ii) no greater than 0.6 square metres; and
 - (iii) in place only while the use referred to in subparagraph (i) is underway.

3 Documents and materials that must accompany applications for approval

- (1) To apply for an approval to display an Advertising Sign, a person must submit to the local government–
 - (a) a properly completed application form; and
 - (b) payment of the prescribed fee; and
 - (c) evidence that all other approvals under a Local Government Act, or another Act, required for the advertisement have been obtained, *example* development approval issued under *Sustainable Planning Act 2009*; and
 - (d) the name, address and telephone number of the person installing or exhibiting the advertisement; and the trading name and address of the business under which the exhibition of the advertisement is to be undertaken; and
 - (e) the registration number of any vehicle used to display the sign; and
 - (f) full details of construction and materials used; and
 - (g) a certificate of structural adequacy from a professional engineer taking into account, but not limited to, wind velocity loadings for the area; and
 - (h) if the applicant for the approval is not the owner of the premises on which the advertisement is to be installed the written consent of the owner of the premises for the installation of the advertisement; and

- (i) if the premises on which the advertisement is to be exhibited is occupied by more than 1 user or tenant particulars of all advertisements installed on the premises by each user or tenant of the premises; and
 - (j) plans, elevations, graphics, photographs and other information necessary to represent the scope and nature of the proposed advertisement which show—
 - (i) the number, size and location of any existing advertisements on the premises; and
 - (ii) the advertisement's proposed placement and visibility; and
 - (iii) all dimensions of the advertising device; and
 - (iv) the shape of the advertisement; and
 - (v) the means of illumination of the advertisement (if any) and its impact on the surrounding environment. If illuminated, a certificate indicating the level of illumination before and after the installation of the advertisement is required; and
 - (vi) animation used in the exhibition of the advertisement (if any); and
 - (vii) where the advertisement is to be used for third party advertising written details including the approval of the proposed third party advertiser; and
 - (k) a colour photograph taken from each road adjacent to the premises on which the advertisement is proposed to be exhibited showing the proposed position of the advertisement; and
 - (l) evidence of a current public liability insurance policy indemnifying the local government to the value of \$20,000,000 together with an indemnity in the local government's favour executed by the applicant.
- (2) The applicant must, if the local government so requires, furnish any further information or documents that the local government may require to decide the application for an Advertising Sign.

4 Additional criteria for the granting of approval

In addition to the general criteria in section 9(1) of *Whitsunday Regional Council Local Law No. 1 (Administration) 2014*, the following criteria are matters about which the local government must be satisfied before granting an approval for a Advertising Sign—

- (1) General Matters—
 - (a) the construction of the advertisement is structurally sound; and
 - (b) the exhibition of the advertisement causes no obstruction to pedestrians; and
 - (c) the activity being advertised on the advertisement is able to be lawfully conducted on the relevant premises; and
 - (d) the advertisement does not cause damage to public infrastructure; and
 - (e) the size and scale of the advertisement, whether attached to a building or free standing, is appropriate to the size and scale of the building (if any) and of the

premises where it is to be erected; and

Example–

The advertisement must not be oversized so as to detract from or dominate the building, premises or adjacent uses of the land, or the visual amenity of the area, on which the advertisement is proposed to be exhibited.

- (f) the advertisement is of high design standard; and
 - (g) the face area of the advertisement is appropriate for the location; and
 - (h) the height of the advertisement is appropriate for the location; and
 - (i) evidence that any approval required under another law for the construction of exhibition of the advertisement accompanies the application; and
 - (j) the advertisement has a low impact on the general amenity of the location; and
 - (k) the advertisement is complimentary with the buildings and natural features of the location; and
 - (l) if illuminated the advertisement does not diminish the amenity of the locality and does not adversely impact on residential dwellings; and
 - (m) if animated the advertisement does not diminish and has minimal impact on the amenity of the locality; and
 - (n) if audible – the advertisement does not diminish the amenity of the locality; and
 - (o) the advertisement does not cause visual clutter; and
 - (p) where numerous small advertisements are located adjacent to one another, the number, size, position and height of each advertisement is restricted, to avoid visual clutter; and
 - (q) the advertisement is harmonious with the architectural style and character of the location, including landscaping and street features e.g. where particular areas have unique or special characteristics which may affect advertisement requirements, separate guidelines or variations may be applied.
- (2) Views, vistas and visual rights–
- (a) advertisements do not block or compromise a view; and
 - (b) advertising respects the visual rights of other property owners and does not obscure, dominate or overcrowd the view of existing or prospective development on neighbouring properties.
- (3) Compatibility with sites, buildings and facades–
- (a) advertising is to be considered in relation to the scale, proportion and other characteristics of structures, landscaping and other advertising on a site; and
 - (b) an advertising proposal improves the appearance of sites by increasing landscaping, screening unsightliness or rationalising the amount of advertisements so as to reduce clutter; and
 - (c) an advertisement, including its supporting structure, fixing devices and services, should not detract from the appearance of a building façade; and
 - (d) an advertisement should be considered as another design element to be

incorporated in the existing elevational treatment of a building, in a manner which respects the style, scale, alignments, patterns and other architectural qualities of the building; and

- (e) advertisements should generally be confined to flat surfaces, such as plain walls, spandrels or parapets and should not be positioned across windows, columns or other design features.
- (4) Containment within building outline–
- (a) an advertisement should not normally extend above or beyond a building to which it is fixed. In considering such an extension, the local government will have regard to the following matters such as whether–
 - (i) the advertisement would then be more compatible with the building or its surroundings than it would otherwise be; and
 - (ii) the supporting structure for the advertisement would be more effectively screened; and
 - (iii) the advertisement and its supporting structure are designed to appear as a compatible addition to the building; and
 - (iv) the advertisement and its supporting structure are a desirable design feature in themselves; and
 - (v) the advertisement screens are unsightly; and
 - (vi) the advertisement improves the outline of a building or group of buildings.
- (5) Traffic Safety–
- (a) an advertisement does not obstruct a pedestrian’s view of traffic, or a motorist’s or cyclist’s view of pedestrians, other traffic, or the road ahead to intersections, traffic signals, railway crossings and vehicle merging situations; and
 - (b) an advertisement does not obstruct the movement of pedestrian traffic and when mounted over a footpath (other than a blind or canopy), provides a minimum clearance of at least 2.4 metres; and
- Example
- Advertisements that overhang a footpath must be positioned so as not to cause a danger to pedestrians
- (c) an advertisement does not obstruct vehicle access or egress; and
 - (d) an advertisement is not the same as, or similar to, a traffic sign; and
 - (e) an advertisement, when located where vehicles pass underneath it, provides a minimum clearance of at least 5.7 metres from ground level directly adjacent to the advertisement.
- (6) Boundary location–
- (a) on premises in a rural area, green space or open space area, an advertisement must be–
 - (i) at least 6 metres from the frontage of the premises or at least 20 metres from the centre of the road abutting the premises, whichever is

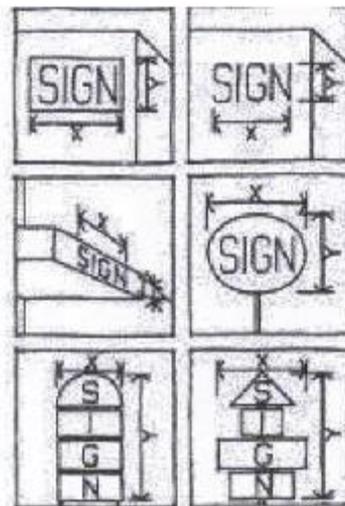
- the lesser; and
- (ii) at least 20 metres from each side boundary of the premises;
- (b) on or adjacent to a residential premises, an advertisement must be—
- (i) at least 3 metres from the frontage of the premises; and
 - (ii) at least 6 metres from any building on adjacent premises or at least 3 metres from each side boundary of the premises, whichever is the greater;
- (c) on or adjacent to a business or commercial premises, and advertisement—
- (i) must comply with any development approval issued for the premises; or
 - (ii) in any other case must be set back, whichever is greater of—
 - (A) at least 1 metre from the frontage of the premises; or
 - (B) flush with the alignment of the building on the premises.
- (d) on premises in a special use area, an advertisement must be set back at least 1 metre from the frontage of the premises.
- (7) Size—
- (a) this section specifies the size criteria that the local government will consider when deciding whether to approve an application for the exhibition of an advertisement—
 - (i) the face area of an advertisement is calculated by multiplying the advertisement face area height and width parameters and is the area bounded by the framework of a manufactured panel, hoarding or illuminated sign case. (See Table 1);
 - (ii) in the case of lettering, logos or designs applied to a lesser area than the panel parameters, or individual lettering applied to a wall or awning face, the area is calculated by drawing a rectangle around the sign lettering as indicated in Table 1;
 - (iii) in the case of irregular shaped advertisements, including words with ascending or descending upper or lower case letter strokes, or replicas or shapes, the face area is calculated as indicated in Table 1;
 - (iv) decorative lines, stripes and architectural trims of an advertisement, whether illuminated or not, form part of the face area of the advertisement;
 - (v) in calculating the size of an advertisement, v-shaped advertisements are classed as 2 advertisements unless otherwise determined by this subordinate local law;
 - (vi) the maximum face area for all advertisements is to be 1 square metre of face per 10 metres of street frontage;
 - (vii) for the avoidance of doubt, the area calculated for freestanding advertisements forms part of the maximum face area for an advertisement on premises.

Example—

An advertisement of 10 square metres on premises with a 300 metre frontage allows for 20 square metres more advertising face area on the premises.

- (8) Advertising package–
- (a) the local government will have regard to the combined effect of all proposed and any existing signage in relation to a large development; and
 - (b) an advertising package should clearly depict, or otherwise identify–
 - (i) the shapes and sizes of proposed and any existing signage; and
 - (ii) the location of all proposed signage in relation to the site or sites, buildings and other development and the scale relationships of the signs to the buildings, spaces and landscaping; and existing signage and
 - (iii) the materials, construction and means of attachment of proposed signage; and
 - (iv) the colour, reflectivity and means of illumination of proposed signage; and
 - (c) an advertising package submitted for a new residential estate identifies the locations of all off-site signage. Signage is located at a limited number of places on major roads or entrances leading to the estate sufficient to identify the development and give directions to it.

Table 1: Criteria for approval of advertisements by reference to size (table of measurements examples)



Advertisement face area = $X \times Y$

5 Conditions that must be imposed on approvals

The conditions that must be imposed on approvals for Advertising Signs are–

- (1) for all advertising devices–
 - (a) must be maintained in a safe, clean, tidy and slightly condition at all times to the satisfaction of the local government; and

- (b) an operator must accept responsibility for any damage caused to the local governments' public infrastructure from the installation of a sign; and
- (c) an operator must comply with a notice from an authorised person specifying the times on any day during which a mobile sign may, or may not, be placed on a particular footway; a notice may include making the footway available on a particular date and/or for a particular time; and
- (d) if a registration number is allocated by the local government for an advertisement it must be
 - (i) securely affixed to the advertisement for as long as it is exhibited; and
 - (ii) located at the bottom right hand corner of the face of the advertisement; and
 - (iii) clearly legible from a public place; and
 - (iv) not less than 50 millimetres in height; and
- (e) an advertisement affixed to a building must be designed, constructed and installed in compliance with the Building Act 1975 and the Standard Building Regulation 1993 as amended from time to time; and
- (f) a freestanding advertisement must be designed, constructed and erected to a standard that will withstand expected wind loadings, tension and shear forces, and
- (g) the advertiser must indemnify the local government for all public liability claims against the local government resulting from the exhibition of the sign; and
- (h) a public liability insurance policy must be maintained in an amount not less than \$20,000,000.00 together with an indemnity in the local government's favour executed by the applicant against claims for personal injury and property damage resulting from the exhibition of the sign.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on approvals for Advertising Signs are—

- (1) Traffic Safety—
 - (a) an advertisement must not obstruct the passage of pedestrians or vehicles; and
 - (b) an advertisement must not obstruct a pedestrian's view of traffic, or a motorist's or cyclist's view of pedestrians, other traffic, the road ahead to intersections, traffic signals, railway crossings and vehicle merging situations; and
 - (c) no advertisement may be designed to contain a facsimile of a traffic sign, to resemble, or otherwise be capable of being confused with a traffic control device; and
 - (d) an illuminated advertisement, particularly a flashing or animated advertisement, must not be located beside or behind a set of traffic signals.

- (2) Structural systems–
- (a) the supporting structure for the advertisement must comply with structural standards or codes under applicable laws; and
 - (b) if an advertisement is a class 10B structure under the *Building Code of Australia*, it may be subject to an approval under the *Building Act 1975* or as amended from time to time; and
 - (c) a certificate of structural adequacy from a qualified structural engineer must be produced if required by the local government; and
 - (d) no support, fixing, suspension or other system required for the proper installation of an advertisement may be exposed, unless designed and constructed in a simple, neat and tidy manner or as an integral feature of an advertisement; and
 - (e) an advertisement must be structurally sound; and
 - (f) an advertisement must be securely fixed to land, a building or premises; and
 - (g) an advertisement must be kept in good order and repair.
- (3) Electrical systems–
- (a) all electrical services and systems must comply with the current Standards Association of Australia standards for electrical wiring, fire safety requirements and the requirements of the supply authority; and
 - (b) an advertisement must be designed and constructed so as to conceal from general view–
 - (i) conduits, wiring and switches of the advertisement; and
 - (ii) mounting and other apparatus of and incidental to the advertisement; and
 - (c) both the display and structure of advertisements must be properly maintained at all times so as to maintain the amenity and safety of the area; and
 - (d) no equipment used in the construction or installation of an advertisement may be mounted on an exposed surface; and
 - (e) the electrical system for an advertisement must be maintained in a safe condition.

7 Term of approval

- (a) Inflatable advertising devices: The term of approval is for 21 consecutive days within any 90 day period, unless otherwise stated on the instrument of approval.
- (b) An approval for an advertising sign, other than an inflatable advertising device is current while the advertising device is displayed in accordance with the approval conditions.

8 Term of renewal of approval

If the local government grants the application, the local government will specify

in the written notice, the term of the renewal or extension.

Schedule 11 Keeping of animals

Section 11

1 Prescribed activity

Keeping of animals

2 Activities that do not require approval under the authorising local law

Schedule 2 of Subordinate Local Law No. 2 (*Animal Management*) 2014 sets out the details about when an approval is required.

3 Documents and materials that must accompany applications for approval

An application outlining–

- (a) the species, breed, age and gender of the animal or each of the animals for which the approval is sought; and
- (b) the number of animals to be kept; and
- (c) the area, or part of the area, in which the animal or animals are to be kept; and
- (d) the nature of the premises in which the animal or animals are to be kept; and
- (e) where relevant according to the additional criteria for particular approvals in section 4, evidence of current membership of a relevant association or club; and
- (f) where relevant according to the additional criteria for particular approvals in section 4, written consent to the keeping of the animals signed by occupiers of adjoining properties.

4 Additional criteria for the granting of approval

- (1) The local government needs to be satisfied–
 - (a) that the land is physically suitable for the keeping of the animals; and
 - (b) that the enclosures in which the animals are to be kept are structurally suitable; and
 - (c) that the animals are not likely to cause undue nuisance, inconvenience, or annoyance to the occupiers of adjoining land; and
 - (d) that the animals will not have a significant detrimental effect on the amenity of the surrounding area; and
 - (e) that the animals will not have a significant detrimental effect on the local environment or cause pollution or other environmental damage.
 - (f) any exceptional reasons why there is a necessity to keep an animal or animals of this nature and number.
- (2) For an approval to keep more than 2 dogs (except greyhounds) or cats, the

additional criteria are that–

- (a) immediately before the commencement of this subordinate local law–
 - (i) the applicant was keeping more than 2 registered dogs or cats; and
 - (ii) the local law then applicable to the applicant permitted the keeping of more than 2 dogs or cats without an approval; or
- (b) both of the following apply–
 - (i) written consent has been obtained from any occupiers of adjoining properties; and
 - (ii) either–
 - (A) in the case of dogs – the applicant requires the dogs as working dogs for the control and management of stock (cattle, horses or sheep) on a grazing property; or
 - (B) in the case of dogs or cats – other special circumstances exist justifying the need for keeping more than 2 dogs or cats.
- (3) For an approval to keep more than 6 greyhounds, the additional criteria are that–
 - (a) the applicant is a member of the Greyhound Racing Authority of Queensland; and
 - (b) the area of land for the keeping of the greyhounds is greater than 20,000 square metres; and
 - (c) written consent has been obtained from any occupiers of adjoining properties
- (4) For an approval to keep a guard dog, the additional criteria are that–
 - (a) the fencing proposed for the keeping of the dog is suitable to contain the dog at all times; and
 - (b) the applicant has demonstrated suitable measures to mitigate noise emitted by the dog; and
 - (c) a suitable person will be available to be contacted in relation to the dog at all times.
- (5) For an approval to keep pigeons or doves, the additional criteria are that–
 - (a) written consent has been obtained from any occupiers of adjoining properties; and
 - (b) if the applicant is not the owners of the land on which the animal is to be kept – written consent has been obtained from the owner of the land.
- (6) For an approval to keep chickens, the additional criteria are that–
 - (a) written consent has been obtained from any occupiers of adjoining properties; and
 - (b) if the applicant is not the owner of the land on which the animal is to be kept – written consent has been obtained from the owner of the land; and
 - (c) the applicant produces evidence of current membership of a recognised and functioning poultry club; and
 - (d) the applicant has demonstrated suitable measures to mitigate noise emitted by

the chickens.

5 Conditions that must be imposed on approvals

Conditions for these approvals will–

- (a) require the holder of the approval to care for the animals in accordance with appropriate standards; and
- (b) require that the animals be kept in enclosures that comply with specified structural requirements; and
- (c) require the holder of the approval to comply with specified standards of hygiene; and
- (d) require the holder of the approval to ensure that the animal wears or displays an appropriate identifying tag as long as this is not inconsistent with requirements of the *Animal Management (Cats and Dogs) Act 2008*; and
- (e) require the holder of the approval to take specified action to protect against possible harm to the local environment.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval are that the approval holder must–

- (a) not keep more than any maximum number of animals specified in the approval; and
- (b) except in relation to an approval for keeping pigeons or doves – not seek to use the approval to keep any animal other than the specific animal registered on the approval; and
- (c) ensure that the animal does not cause nuisance, inconvenience or annoyance to others; and
- (d) comply with all reasonable directions of an authorised person in the time specified by the authorised person; and
- (e) for the breeding of dogs–
 - (i) a maximum of two (2) adult dogs to be kept at the approved location; and
 - (ii) be appropriately vaccinated and receive worm treatment; and
 - (iii) current membership with Dogs Queensland (formerly Canine Control Council (Queensland)) and/or the Australia National Kennel Council.

7 Term of approval

The term of the approval will be specified in the approval.

8 Term of renewal of approval

The term of any renewal of an approval is the same term as the original approval subject to compliance with all conditions stated on the approval, or such lesser term as stated on the renewal.

Schedule 12 Operation of camping grounds

Section 11

1 Prescribed activity

Operation of camping grounds

2 Activities that do not require approval under the authorising local law

No activities stated.

3 Documents and materials that must accompany applications for approval

Documents and materials required include—

- (a) application form; and
- (b) application fee (as determined within Council's Schedule of Fees and Charges; and
- (c) documents, information and materials identified within the relevant approved application form; and
- (d) a plan showing the boundaries of the camping ground and the division of the camping ground into camping sites; and
- (e) if the applicant is not the owner of the land on which the camping ground is situated—the written consent of the owner to the application; and
- (f) details of the facilities to be provided for campers; and
- (g) details of water quality, reticulation and drainage; and
- (h) the proposed maximum number of occupants; and
- (i) details of waste management systems; and
- (j) projected average and maximum duration of stay of occupants; and
- (k) details of a cleaning and maintenance schedule that specifies the frequency with which camping ground facilities are to be cleaned and maintained.

4 Additional criteria for the granting of approval

- (1) The camping ground can be operated in a way which will not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land.
- (2) All facilities in the camping ground are at an acceptable standard or can be brought to acceptable standard.
- (3) Whether in the opinion of an authorised person the application is consistent with the provisions of local government's planning scheme and any development approval issued for the site.

5 Conditions that must be imposed on approvals

The conditions that must be imposed on an approval are that the approval holder must–

- (1) General–
 - (a) keep a register of campers and vehicles containing–
 - (i) the names and addresses of each person who hires a site on the camping ground; and
 - (ii) an identifying number for the accommodation or site; and
 - (iii) if a caravan is brought onto the site – the registration number of the caravan and (if applicable) the vehicle towing it; and
 - (iv) the dates when the hiring of the site begins and ends; and
 - (b) maintain any buildings, facilities, fixtures, fittings, equipment and furniture provided by the approval holder on the camping ground in good working order, in a good state of repair and in a clean, tidy and hygienic conditions; and
 - (c) ensure that all cleaning and maintenance is undertaken in accordance with the approved schedule in the approval; and
 - (d) not change the operation of the camping ground in any material particular (including the use of any site) without submitting an application for amendment of the current approval; and
- (2) Waste–
 - (a) provide sufficient waste containers to accommodate the collection and storage of all waste generated as part of the operation of the camping ground and such containers must be–
 - (i) fitted with close fitting lids; and
 - (ii) regularly serviced and maintained in a clean, tidy and hygienic condition; and
 - (iii) designed and constructed to prevent access to pests and other animals; and
 - (iv) designed and constructed to be easily and effectively cleaned and disinfected; and
 - (v) kept closed when not in use; and
 - (b) ensure that all waste generated as part of the operation of the camping ground is kept so as not to attract pests and removed and disposed of in a sanitary manner; and
- (3) Water Supply–
 - (a) ensure that any water supply outlet for non-potable water is clearly labelled with the words, ‘Unsuitable for Drinking’; and
- (4) Pest Control–
 - (a) ensure that the camping ground;

- (i) is kept free of pests; and
- (ii) is kept free of conditions that offer harbourage for pests; and
- (iii) does not attract fly breeding.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval are that the approval holder must–

- (1) General–
 - (a) limit the number of persons occupying a camping site to any number specified in the approval; and
 - (b) limit the period of the stay to a maximum 14 days; and
 - (c) ensure that campers comply with the conditions of their camping permit; and
 - (d) clearly display site numbers for each site in accordance with the approved plan of the camping ground; and
 - (e) maintain site sizes and locations in accordance with the approved plan of the camping ground; and
 - (f) ensure that persons do not camp or sleep in a place within the camping ground that is not a site nominated in the approved plan of the camping ground; and
- (2) Toilets and ablution facilities
 - (a) provide satisfactory and sufficient amenities to cater for the occupants of the camping ground; and
- (3) Water Supply
 - (a) maintain an adequate supply of water to all toilet, bathroom, laundry and drinking water facilities that form part of the camping ground; and
 - (b) maintain an adequate supply of hot water to all bathroom and laundry facilities that form part of the operation of the camping ground; and
 - (c) ensure that the water supply for drinking and ablutionary purposes is potable water; and
 - (d) notify the local government of any modification to the water supply system (for example, installation of a tank for the supply of water).

7 Term of approval

The term of approval will be specified in the approval.

8 Term of renewal of approval

If the local government grants the application, the local government will specify in the written notice, the term of the renewal or extension.

Schedule 13 Operation of cane railways

Section 11

1 Prescribed activity

Operation of cane railways.

2 Activities that do not require approval under the Authorising local law

No activities stated.

3 Documents and materials that must accompany applications for approval

The following documents and materials must accompany an application for an approval–

- (a) application form;
- (b) application fee (as determined within Council’s Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form.

4 Additional criteria for the granting of approval

The following criteria are criteria that must be considered for the granting of approval–

- (a) the cane railway must be able in the opinion of an authorised person to be–
 - (i) constructed and operated so as not to cause any inconvenience, hindrance or damage to any person using the roads or bridges upon over or under which such cane railway is constructed; and
 - (ii) constructed so as not to damage such roads or bridges; and
 - (iii) operated and adequately guarded so as protect the safety of any vehicle or pedestrian traffic.

5 Conditions that must be imposed on approvals

The following conditions are conditions that must be imposed on approvals–

- (a) the approval must include–
 - (i) the standards and method of construction including best practices for stormwater, erosion and sediment control during construction and operation; and
 - (ii) requirements for safety precautions, signs, warning devices and guard rails; and
 - (iii) the standards and methods of operation of any cane railway; and

- (iv) the standards and methods of maintenance of any cane railway; and
 - (v) requirements for the construction of any grids; and
 - (vi) drainage works; and
 - (vii) speed of operation; and
 - (viii) weight and nature of cane railway; and
 - (ix) maintenance of and repairs to roads or bridges adjoining or in the vicinity of the cane railway; and
 - (x) access for trucks; and
- (b) the approval holder, its contractors or agents are required to–
- (i) take out public liability insurance in an amount nominated by the local government and to name the local government as an interested party on the policy; and
 - (ii) indemnify the local government and any other person who has an interest in or takes a benefit from the cane railway against claims for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the construction, operation or maintenance of the cane railway; and
 - (iii) comply with all reasonable directions of an authorised person within the time specified by the authorised person.

6 Conditions that will ordinarily be imposed on approvals

As determined by an authorised person.

7 Term of approval

The term of approval is the period stated on the approval.

8 Term of renewal of approval

The term of any renewal is the same term as the original approval subject to compliance with all conditions stated on the approval.

Schedule 14 Operation of caravan parks

Section 11

1 Prescribed activity

Operation of caravan parks

2 Activities that do not require approval under the authorising local law

No activities stated.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by–

- (a) if the applicant is not the owner of the land on which the caravan park is located – the written consent of the owner; and
- (b) a site plan drawn at a scale of 1:200 showing–
 - (i) the immediate area of the proposed caravan park; and
 - (ii) the location within the local government area; and
 - (iii) the site for the parking of caravans; and
 - (iv) the locations of the roads, buildings and structure situated on the caravan park; and
 - (v) the position of all water points; and
 - (vi) the position of all refuse containers; and
 - (vii) the position of all sanitary, ablution and laundry buildings; and
 - (viii) the position of all effluent and sullage water drainage lines and final disposal area or areas; and
 - (ix) the nature and position of firefighting facilities; and
- (c) details of the proposed administration and management of the caravan park; and
- (d) the name, address and contact details of the proposed resident manager of the caravan parks; and
- (e) the maximum number of persons who can be accommodated in the caravan park.

4 Additional criteria for the granting of approval

The additional criteria for the granting of an approval are that–

- (a) the proposed resident manager is a suitable person to be manager of a caravan park; and
- (b) the caravan park can be operated in a way which will not cause a nuisance,

- inconvenience or annoyance to the occupiers of adjoining land; and
- (c) all facilities in the caravan park are of an acceptable standard or can be brought to an acceptable standard for use by residents.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank

6 Conditions that will ordinarily be imposed on approvals

- (1) The conditions that will ordinarily be imposed on an approval are that the approval holder must—
- (a) ensure that—
- (i) the caravan park is managed and supervised by an individual (the resident manager) who is resident on or near the caravan park; or
 - (ii) if there is temporarily no nominated resident manager of a caravan park – the approval holder takes reasonable steps to ensure that an individual who is a suitable person to act as resident manager is present at the caravan park at all reasonable times to ensure proper operation of the park; and
- (b) ensure that the person responsible for management of the caravan park can be contacted at all times in case of an emergency; and
- (c) ensure that the resident manager and private owners of rented caravans have access to a copy of the Residential Tenancies and Rooming Accommodation Act 2008, the Manufactured homes (Residential Parks) Act 2003, and sections 592-595 of the Police Powers and Responsibilities Act 2000; and
- (d) comply with limits in the approval on the number of persons permitted to be accommodated on a site; and
- (e) maintain buffer zones between accommodation sites and roads, external boundaries, or facilities on the caravan park; and
- (f) provide and maintain an adequate supply of water to the caravan park, including potable water for cooking and personal hygiene; and
- (g) ensure that potable water is at all times protected from contamination; and
- (h) ensure that, if water obtained from a particular water outlet in park may be unsuitable for drinking, a sign is prominently displayed at the outlet stating ‘Unsuitable for drinking’; and
- (i) maintain toilets and bathing or showering facilities for persons of both sexes (including disabled persons) using the caravan park and in accordance with the requirements in Table 1, provided that—
- (i) a cabin which is fitted with a sanitary convenience shall be deemed not to be a site for the purpose of Table 1; and
 - (ii) an approval holder may provide sanitary conveniences in addition

to those required by Table 1; and

Table 1

No. of sites	No. of water closets or pan cabinets and pans for females	No. of water closets or pan cabinets and pans for males	Length of urinals for males
Up to 40	1 for every 7 sites or part thereof	1 for every 10 sites or part thereof	0.6 metres for every 20 sites or part thereof
Over 40	6 plus an additional 1 for every 15 sites or part thereof in excess of 40 sites	4 plus an additional 1 for every 15 sites or part thereof in excess of 40 sites	0.6 metres for every 20 sites or part thereof

- (j) cause all sanitary conveniences to be constructed so as to ensure privacy; and
- (k) provide for the exclusive use of the occupants thereof separate ablutionary facilities for each sex in the ratio of one shower or bath and one hand basin to every 15 sites or part thereof, provided that a cabin which is fitted with ablutionary facilities shall be deemed not to be a site; and
- (l) cause such shower or bath to be installed in a separate compartment or cubical which is constructed so as to ensure privacy; and
- (m) cause hot and cold water to be reticulated to every shower, bath and hand basin; and
- (n) provide for the exclusive use of the occupants thereof laundry facilities in the ratio of one set of twin wash tubs and one clothes washing machine and one clothes hoist or an equivalent length of clothes line for every 20 sites or part thereof, provide that a cabin which is fitted with a set of twin wash tubs and a clothes washing machine shall be deemed not to be a site for the purpose of calculating the number of those items required to be provided; and
- (o) provide sewerage or a drainage system in conformity with the requirements of the local government for the carrying off and disposal of all wastes from every water closet fixture, urinal, ablutionary facility, laundry facility and site; and
- (p) provide, at a distance not more than 10 metres (or 20 metres where a camp kitchen is provided) from any site, a waste water disposal point which is –

- (i) provided with a water stand pipe; and
 - (ii) provided with an impervious paved area measuring not less than 1 metre x 1 metre and graded to a central drainage inlet which is connected to sewerage or a drainage system; and
- (q) maintain laundry facilities; and
- (r) provide and maintain recreational facilities; and
- (s) provide, in accordance with the requirements specified the approval, facilities for disposal of wastes; and
- (t) maintain sewerage, drainage, refuse collection, electricity supply, telephone and postal services for the benefit of residents generally or a particular class of residents; and
- (u) provide lighting of the caravan park to specified standards during specified hours; and
- (v) ensure, where bedding is provided, that—
 - (i) the bedding is kept in a clean and sanitary condition free of vermin; and
 - (ii) if bed linen is provided – the bed linen is changed and replaced with clean bed linen whenever there is a change of occupation; and
- (w) ensure that a register is kept containing—
 - (i) the names and addresses of each person who hires complementary accommodation or a site on the caravan park; and
 - (ii) an identifying number for the accommodation or site; and
 - (iii) if a caravan is brought onto the site – the registration number of the caravan and (if applicable) the vehicle towing it; and
 - (iv) the dates when the hiring of the accommodation or site begins and ends; and
- (x) produce the register for inspection at the request of an authorised person; and
- (y) not hire out a part of the caravan park for separate occupation unless it is a site approved by the local government for separate occupation; and
- (z) not permit occupation of a site by more persons than the limit for the relevant site specified in the approval; and
- (aa) not permit occupation of a caravan or other type of temporary or permanent accommodation on the caravan park by more persons than the number for which the caravan or other accommodation was designed; and
- (bb) not permit a person to bring onto a site a caravan or other type of accommodation that is not fit for human habitation (for example, a caravan that is not weatherproof); and
- (cc) maintain all buildings, structures and facilities on the caravan park in good and serviceable condition; and
- (dd) keep the caravan park (including all sites on the caravan park) clean and

- tidy; and
- (ee) maintain all buildings, playground areas and equipment used for recreation purposes in a safe and proper condition; and
 - (ff) not, unless the local government agrees in writing, change the sites in a caravan park by—
 - (i) adding to the existing sites; or
 - (ii) changing the position or boundaries of a site; and
 - (gg) not change structures or facilities in a caravan park, unless authorised by a development approval by—
 - (i) adding new structures or facilities; or
 - (ii) removing existing structures or facilities; or
 - (iii) changing the position of structures or facilities in the caravan park; and
 - (hh) impose and enforce the following conditions of use on each resident or other person who uses the caravan park—
 - (i) a resident must keep accommodation occupied in a caravan park in a sanitary, clean and tidy condition; and
 - (ii) if a resident brings a caravan or another type of accommodation onto a site, the resident must—
 - (A) keep the accommodation in good repair; and
 - (B) comply with requirements of the approval holder or an authorised person for securing the accommodation; and
 - (iii) a resident must not dispose of liquid wastes on a caravan park unless the wastes are disposed of at drainage points provide for the purpose; and
 - (iv) a resident must not dispose of refuse on a caravan park unless the refuse is placed in containers provided for the purpose; and
 - (v) a person must not use facilities on a caravan park in a way that makes them unclean or insanity; and
 - (vi) a person who occupies a site on a caravan park must not allow onto the site more persons than the limit fixed under approval and as advised by the resident manager; and
 - (vii) a person who occupies a caravan or other type of temporary or permanent accommodation must not permit occupation by more persons that the number for which the caravan or other accommodation was designed.

In this section—

Bedding includes mattresses, pillows, bed linen, blankets and bed coverings.

Cabin means an unregistered movable dwelling that is provided for hire, complying with the requirements of the *Building Act 1975* for the appropriate class of residential building.

Resident means a person who resides on a caravan park site, on a temporary or permanent basis.

Site means a part of a caravan park for parking a caravan or for complementary accommodation.

7 Term of approval

The term of approval is the period stated on the approval.

8 Term of renewal of approval

The term of a renewal of the approval shall be the term stated in the renewal.

Schedule 15 Operation of cemeteries

Section 11

1 Prescribed activity

Operation of cemeteries.

2 Activities that do not require approval under the authorising local law

No activities stated.

3 Documents and materials that must accompany applications for approval

The following documents and materials must accompany an application for an approval–

- (a) application form; and
- (b) application fee (as determined within Council’s Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form; and
- (d) a drawing showing the design and dimensions of the proposed cemetery; and
- (e) details of the materials out of which the cemetery is (or is to be) constructed and other structural details of the cemetery; and
- (f) details of the location of the cemetery; and
- (g) if the applicant is not the owner of the land on which the cemetery/crematorium is located – the written consent of the owner; and
- (h) a site plan drawn at a scale of 1:200 and showing the immediate area of the proposed cemetery and proposed burial plots, columbarium niches, walls or any associated structures, plots and layout; and
- (i) details of the proposed administration and management of the cemetery.

4 Additional criteria for the granting of approval

The following criteria are criteria that must be considered for the granting of approval–

- (a) whether in the opinion of an authorised person the application is consistent with the provisions of the local government Planning scheme and any development approval issued for the site; and
- (b) any other criteria prescribed under relevant legislation or local laws.

5 Conditions that must be imposed on approvals

The following conditions are conditions that must be imposed on an approval–

- (a) the approval holder, its contractors or agents are required to–
 - (i) keep a publicly available register containing the following information about burials and cremations at the cemetery–
 - (A) full name of deceased; and
 - (B) sex of deceased; and
 - (C) date of death; and
 - (D) age at time of death; and
 - (E) cause of death; and
 - (F) date of burial or cremation; and
 - (G) location of burial site – grave number; and
 - (H) last known address; and
 - (I) next of kin; and
 - (ii) comply with the local government’s policies about matters such as the exhumation or disturbance of human remains; and

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval are that the approval holder must–

- (a) comply with specified hours when a burial, cremation or disposal may take place in the cemetery (where not previously regulated by development approval); and
- (b) comply with specified hours when a burial, cremation or disposal make take place in the cemetery (where not previously regulated by development approval); and
- (c) give notice to the local government prior to a burial, cremation or disposal; and
- (d) permit an authorised person to inspect a burial site at any time either before or after a burial; and
- (e) comply with requirements in the approval regarding the position of grave sites; and
- (f) comply with specified standards for required minimum depth, size and other dimensions of graves and grave sites; and
- (g) comply with any relevant standard applicable to coffins (for example, an Australian Standard); and
- (h) not exceed the specified maximum number of bodies which may be buried in a single grave; and

- (i) comply with prescribed minimum periods of leases of grave sites; and
- (j) comply with specified standards applicable to the keeping of records of burials and graves; and
- (k) ensure that records of burials and graves are not destroyed or otherwise disposed of without the written approval of the local government; and
- (l) keep records of burials and graves open to inspection at all times when the person responsible for the making and retaining thereof is ordinarily in attendance at the place where the records are kept; and
- (m) keep a register of all reserved sites or niches within the cemetery; and
- (n) properly maintain memorials and other buildings and structures in the cemetery.

7 Term of approval

The term of an approval is the period stated on the approval.

8 Term of renewal of approval

The term of a renewal of the approval shall be the term stated in the renewal.

Schedule 16 Operation of public swimming pools

Section 11

1 Prescribed activity

Operation of public swimming pools

2 Activities that do not require approval under the authorising local law

No activities stated.

3 Documents and materials that must accompany applications for approval

The following documents and materials must accompany an application for an approval–

- (a) application form; and
- (b) application fee (as determined within Council’s Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form; and
- (d) the address of the swimming pool, including real property description; and
- (e) the dimensions and capacity of the pool; and
- (f) pool filtration unit details; and
- (g) pool pump details; and
- (h) pool chlorination equipment details; and
- (i) resuscitation notice details; and
- (j) details of backwash water discharge; and
- (k) plans of the site showing the immediately adjoining properties and also the position, width and name of the street or road from which the property has access and upon which it abuts.

4 Additional criteria for the granting of approval

Additional criteria for granting of approval include–

- (a) the equipment for chlorination, filtration and recirculation of swimming pool water is adequate to protect public health; and
- (b) the management and supervision of the swimming pool will be adequate to protect public safety and prevent nuisance; and
- (c) consistency with the development approval.

5 Conditions that must be imposed on approvals

Conditions imposed will–

- (a) require the provision of specified equipment for–
 - (i) emergency medical treatment and first aid; or
 - (ii) rescue of persons in difficulty; or
 - (iii) other aspects of public health and safety; and
- (b) require the erection and display of notices–
 - (i) providing information about basic lifesaving, resuscitation and first aid techniques; or
 - (ii) warning about possible dangers; and
- (c) require the regular testing of the water to ensure that biological contaminants are kept within acceptable levels; and
- (d) require the installation of special equipment for filtering, purifying and recirculating the water; and
- (e) require the operator to maintain dressing rooms and facilities for showering and sanitation; and
- (f) keep appropriate records as required by an authorised person of all testing and have it readily available for Council officers to view upon inspection; and
- (g) install special equipment for filtering, purifying and recirculating the water to the satisfaction of an authorised person; and
- (h) advise the local government in writing of any intention to empty a swimming pool, unless instruction has been received from the local government to do so; and
- (i) allow an authorised person access to the premises stated in the approval at any reasonable time to inspect a swimming pool and associated equipment; and
- (j) allow an authorised person to take samples of water from a swimming pool and have them analysed.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval are that the approval holder must–

- (a) provide separate dressing rooms for male and female users of the pool that are–
 - (i) of a size sufficient to accommodate the likely maximum number of users (at any one time) of the pool; and
 - (ii) situated and constructed so that they totally conceal persons within the dressing rooms from persons who may be outside the dressing rooms; and
- (b) provide for proper and sufficient male and female sanitary conveniences at

- the pool; and
- (c) not allow persons suffering, or appearing to suffer from an infectious, contagious or offensive disease or skin complaint to be at, or use, the public pool; and
 - (d) maintain water quality in the manner recommended by the Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines (October 2004); and
 - (e) keep the pool at all times free from extraneous matter; and
 - (f) display a notice explaining mouth to mouth resuscitation in a position that is visible from within any point of the swimming pool or spa; and
 - (g) prominently display a sign at any spa pool containing the following warning ‘IMMERSION FOR PERIODS LONGER THAN 20 MINUTES IN WATER HEATED UP TO 35°C IS CONSIDERED DANGEROUS’; and
 - (h) provide attendance and supervision at the swimming pool at all times, or at specified times by a person with appropriate qualifications and experience; and
 - (i) carry out tests at a frequency as determined by the local authority.

7 Term of approval

The term of the approval will be specified in the approval.

8 Term of renewal of approval

If the local government grants the application, the local government will specify in the written notice, the term of the renewal or extension.

Schedule 17 Operation of shared facility accommodation

Section 11

1 Prescribed activity

Operation of shared facility accommodation.

Example–

Rooming accommodation

2 Activities that do not require approval under the authorising local law

An approval under the authorising local law is not required for–

- (a) houses where accommodation is provided in accordance with a residential tenancy agreement under the *Residential Tenancies and Rooming Accommodation Act 2008*; and
- (b) accommodation for family members in exchange for a board payment; and
Examples for paragraph (b)–
Teenage or young adult children paying board to parents or aged parents living with and paying board to their adult.
- (c) accommodation at premises where professional health or welfare service are provided.

Example for paragraph (c)–

Community residence, hospitals, residential care facility, retirement facility and other institutions providing treatment for persons with a disability.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by–

- (a) details of the facilities that are to be shared by persons for whom accommodation is provided; and
- (b) a site plan of the allotment upon which the rental accommodation premises is located; and
- (c) where applicable, the most recent building work carried out in respect of the premises for which approval was obtained under the *Building Act 1975*; and
- (d) a recent Certificate of Occupancy issued under the *Building Act 1975*; and
- (e) a statement as to the number of sleeping rooms in the premises, information to identify which rooms are the sleeping rooms and the number of beds in each sleeping room; and
- (f) a statement that, to the best of the applicant's knowledge after having undertaken reasonable inquiries and investigations, the premises are structurally sound and in a state of good repair; and
- (g) details of when the premises were last treated for vermin and insect and pests; and

- (h) a plan of the premises; and
- (i) if the applicant is not the owner of the premises for which the approval is sought – the written consent of the owner in respect of the application.

4 Additional criteria for the granting of approval

The following criteria that must be considered for the granting of approval–

- (a) the premises can be used for providing the accommodation without significant risk to health or safety.
- (b) whether the approval includes a pest management plan, incorporating the–
 - (i) prevention of introduction of pests; and
 - (ii) maintenance required to prevent harbourage of pests; and
 - (iii) procedures to monitor the detection of the presence of pests; and
 - (iv) intervention strategies when pests are detected; and
 - (v) record keeping pertaining to the plan; and
- (c) whether the premises will be suitable and convenient for operation as accommodation premises and will provide a proper standard of hygiene, safety and comfort in the opinion of an authorised person.

5 Conditions that must be imposed on approvals

The following conditions are conditions that must be imposed on approvals–

- (1) Conditions will–
 - (a) require the operator not to permit a person to sleep in a part of the premises to which the approval relates unless the relevant part of the premises is approved by the local government as a dormitory or a bedroom;
 - (b) limit the number of persons for whom accommodation may be provided in the premises, or a specified part, of the premises; and
 - (c) require that specified modifications, or other specified building work related to the premises, be carried out within a specified period ; and
 - (d) require the regular maintenance of the premises (including internal and external paintwork); and
 - (e) require the provision and maintenance of specified facilities; and
 - (f) require the provision and maintenance of specified furniture and equipment; and
 - (g) require the regular cleaning of the premises; and
 - (h) if relevant to the type of accommodation provided—require the regular provision of clean linen and towels; and
 - (i) require the provision of services of specified kinds for the persons using the accommodation; and
 - (j) require the operator to keep specified records.

-
- (2) The approval holder and operator must–
- (a) ensure that the accommodation premises is kept in a clean and sanitary condition to the satisfaction of an authorised person; and
 - (b) ensure that the accommodation premises is maintained in a good state of repair and working order to the satisfaction of an authorised person; and
 - (c) ensure that all fixtures, equipment, fittings and furniture is kept in a good state of repair and working order to the satisfaction of an authorised person; and
 - (d) reside, or delegate an approved representative to reside, on the land at all times; and
 - (e) keep a register which includes the following details–
 - (i) the name and address of each occupant; and
 - (ii) the date of each occupant’s arrival at and departure from the accommodation premises; and
 - (iii) the number of the bedroom and bed allocated to each occupants; and
 - (f) keep a record of all fire safety management plans, and
 - (g) keep a record of pest control, and
 - (h) keep appropriate records for any swimming pool as required by and to the satisfaction of an authorised person; and
 - (i) keep an up-to-date site plan that identifies all rooms, bed allocation and communal facilities; and
 - (j) ensure that all records and site plans are maintained and made available for perusal by an authorised person on request, and kept at the office at all times while the office is open in a fireproof safe located at the accommodation premises when the office is not open and saved and backed up electronically off site; and
 - (k) not make any changes or alterations to the accommodation premises without prior approval by local government with such application for approval to be submitted in writing; and
 - (l) establish and maintain a clearly designated office; and
 - (m) ensure that occupants can contact emergency services at all times; and
 - (n) provide shared or communal areas and facilities and maintain such areas and facilities in a good condition to the satisfaction of an authorised person; and
 - (o) ensure, where bedding is provided, that–
 - (i) the bedding is kept in a clean and sanitary condition free of vermin; and
 - (ii) if bed linen is provided – the bed linen is changed and replaced with clean bed linen whenever there is a change of occupation; and
 - (p) ensure all light fittings and other ceiling and wall projections (including ceiling and wall fans) are provided with safety guards or positioned so as not to be a danger to any occupants of a bedroom in the accommodation

- premises to the satisfaction of an authorised person; and
- (q) ensure all rooms are clearly numbered.

6 Conditions that will ordinarily be imposed on approvals

- (1) The conditions that will ordinarily be imposed on an approval are that the approval holder must—
 - (a) ensure that the walls of each sleeping room in the premises are constructed in order to ensure privacy for the occupants of a room; and
 - (b) ensure that every common use room in the premises is situated so that any occupant can obtain access to it without passing through any sleeping room or other room which is not a common use room; and
 - (c) if a sleeping room is or becomes affected by dampness so as to interfere with the comfort or the health of a person accommodated in the room – ensure that the room is not further used as a sleeping room until the floor or ground surface has been damp-proofed in accordance with the written directions of an authorised person; and
 - (d) ensure that the premises are either—
 - (i) connected to the local government’s reticulated water supply system; or
 - (ii) provided with an adequate water supply which complies with all relevant legislation relating to the minimum standards for drinking water; and
 - (e) ensure an adequate and continuous supply of potable hot and cold water reticulated to all showers, baths, hand basins and kitchen sinks; and
 - (f) configure premises so that every person accommodated has convenient access to at least one bath or shower and at least one water closets and hand basin without having to pass through any sleeping room or any other room which is not a common use room; and
 - (g) provide as a minimum a water closet and shower or bathing facilities per ten persons accommodated; and
 - (h) treat the premises for the control of vermin and insect pests on a yearly basis, or more often if required to do so by an authorised person; and
 - (i) comply with a written request given by an authorised person to do the following—
 - (i) obtain from a regulatory electricity supplier an inspection report in that entity’s usual form in relation to the safety of electrical wiring and other electrical fittings in the premises; and
 - (ii) give a copy of that report to the local government; and
 - (iii) repair or remedy any defects specified in that report within—
 - (A) 30 days after the date of the report; or
 - (B) a longer period which may be specified by written notice given to the operator by an authorised officer.

-
- (2) The approval holder may be required to—
- (a) the approval holder may be required to—
 - (b) provide kitchen, clothes washing, clothes drying, bathroom, rooms, shower and toilet facilities and maintain such facilities in a good condition to the satisfaction of an authorised person; and
 - (c) provide furniture, fittings, equipment and chattels and maintain such items in a good condition to the satisfaction of an authorised person; and
 - (d) ensure that no cooking or facilities for cooking are allowed in any bedroom of the accommodation premises; and
 - (e) ensure that sleeping bags are not used to sleep on any bed in the accommodation premises; and
 - (f) provide a secure, lockable storage area for the purpose of storing occupants' packs and luggage; and
 - (g) ensure that in any bunk, the distance between the surface of—
 - (i) the lower bed and the base of the upper bed is at least 87cm; and
 - (ii) the upper bed and the ceiling is at least 100cm; and
 - (h) provide adequate under cover dining room seating for a minimum of 25% of the maximum potential number of occupants at the accommodation premises and in accordance with DA conditions; and
 - (i) provide the following kitchen facilities at the accommodation premises to enable occupants to prepare a substantial meal—
 - (i) one hand wash basin with hot and cold water delivered through a common outlet in each kitchen; and
 - (ii) refrigerator space which is sufficient to meet the reasonable needs of the maximum potential number of occupants at the accommodation premises; and
 - (iii) vermin proof dry food storage space which is sufficient to meet the reasonable needs of the maximum potential number of occupants at the accommodation premises; and
 - (iv) washing up sinks or dishwashers which are sufficient to meet the reasonable needs of the maximum potential number of occupants at the accommodation premises.
 - (j) the approval may state—
 - (i) the approved use of the rooms; and
 - (k) the number of beds that may be placed and the number of persons who may sleep—
 - (i) in a specified room in the premises; or
 - (ii) in the premises as a whole; and
 - (l) such other conditions as are considered appropriate by an authorised person.
- (3) In this section—

Common use room means any room which residents at any premises may need to access as part of ordinary shared living in the accommodation including, without limitation, a bathroom, washroom, sanitary convenience, kitchen, lounge room, TV room and laundry.

7 Term of approval

The term of approval is the period stated on the approval.

8 Term of renewal of approval

The term of a renewal of the approval shall be the term stated in the renewal.

Schedule 18 Operation of temporary entertainment events

Section 11

1 Prescribed activity

Operation of temporary entertainment events

Example—

Concert held for visiting performing artist.

2 Activities that do not require approval under the authorising local law

An approval under the authorising local law is not required for—

- (a) opening a house or premises to the public for the purposes of a display of a historic house, a sustainable house or a garden.

3 Documents and materials that must accompany applications for approval

The following documents and materials must accompany an application for an approval—

- (a) application form;
- (b) application fee (as defined within the Council's Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form; and
- (d) a copy of any registration, licence, permit or approval required under any other law; and
- (e) if the business or activity is to operate from a vehicle – a full description of that vehicle and its registration number; and
- (f) if the application is for a circus – documentation to demonstrate that the circus complies with the National Consultative Committee for Animal Welfare (NCCAW) *Position Statement Number 26, recommended National Circus Standards*; and
- (g) a plan of the temporary entertainment event's venue; and
- (h) details and drawings of buildings and other structural elements of the temporary entertainment event's venue; and
- (i) a detailed statement of the nature of the entertainment to be provided at the temporary entertainment event and when the event is to be open to the public; and
- (j) if the applicant is not the owner of the temporary entertainment event's venue—the written consent of the owner.

4 Additional criteria for the granting of approval

Additional criteria may include–

- (a) the design and construction of the temporary entertainment event’s venue is safe and appropriate to the nature of entertainment proposed and the number of people expected to attend the venue; and
- (b) entertainments of the proposed kind would not unreasonably detract from the amenity of the area in which the entertainment is situated; and
- (c) entertainments provided at the temporary entertainment event will not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood; and
- (d) there will be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public; and
- (e) adequate provision will exist for people and (if relevant) vehicles to enter and leave the temporary entertainment event; and
- (f) the use of the temporary entertainment venue complies with the local government’s planning scheme; and
- (g) whether the application form has been submitted more than 10 days prior to the event; and
- (h) the physical suitability of the area or road for the proposed event, including access roads servicing the event; and
- (i) the likelihood of the event causing nuisance, inconvenience or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians; and
- (j) the likely effect on the local environment and any possible environmental damage; and
- (k) the proximity of the activities to other existing commercial businesses; and
- (l) the appropriateness, quality and condition of equipment to be used in the activity; and
- (m) the likely impact on the ability of the general public to use the site concurrently with the proposed activity; and
- (n) the applicant’s proposal regarding the provision of shade and shelter to protect against environmental conditions; and
- (o) whether the applicant’s proposed waste management strategy makes provision for the satisfactory collection, storage and removal of all waste generated by the proposed activity.

5 Conditions that must be imposed on approvals

Conditions for these approvals include–

- (a) require specified action to maintain or improve the temporary entertainment event’s venue; and

- (b) require the operator to provide specified equipment, and to take specified measures, for the safety of the public; and
- (c) require the operator to provide specified facilities and amenities; and
- (d) regulate the hours of operation of the temporary entertainment event; and
- (e) regulate illumination of the temporary entertainment venue and light spillage from the temporary entertainment event's venue; and
- (f) regulate noise emission from the temporary entertainment event; and
- (g) require the operator to provide specified equipment, or take specified measures, to reduce adverse effects of activities in the temporary entertainment event's venue on the surrounding neighbourhood to acceptable levels; and
- (h) if the approval relates to an activity on a road—require the approval holder to indemnify the State; and
- (i) require the operator to maintain adequate public liability insurance.

6 Conditions that will ordinarily be imposed on approvals

For all approvals, the conditions that will ordinarily be imposed on an approval are that the approval holder must—

- (a) permit access to local government staff or contractors at all times to inspect or service facilities; and
- (b) conduct the event in accordance with any standards of the local government applicable at the time of the approval; and
- (c) conduct the event only on the days and times, and at the specific locations or areas, specified in the approval; and
- (d) display the approval in the ways stated in the approval and produce the approval for inspection on demand by an authorised person; and
- (e) comply with measures specified in the approval to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
- (f) comply with measures specified in the approval to ensure that the activities authorised by the approval do not cause a nuisance; and
- (g) maintain a defined access point for emergency vehicles at all times; and
- (h) if the approval authorises the approval holder to use a specified part of a local government controlled area or road for the event—
 - (i) pay rental specified in the approval to the local government at specified intervals; and
 - (ii) maintain the area where the activity takes place in clean, tidy and orderly condition; and if the activity involves playing live or taped performances – obtain a casual licence from the Australasian Performing Rights Association; and
 - (iii) if the activity involves use of a footpath – maintain a clear

unobstructed pedestrian corridor of not less than 2 metres or, in the case of high usage footpaths, the distance greater than 2 metres stipulated in the approval; and

- (iv) comply with relevant workplace health and safety requirements.
- (i) conduct a letter drop to residents in the vicinity of the property pursuant to a map attached to the approval (500 metre radius or some other distance determined by an authorised person). The letter must detail the nature of the event, date, hours of operation and contact details of the event organiser; and
- (j) collect and dispose of any refuse generated during the operation of the activity; and
- (k) ensure that food shall only be sold from licensed food premises and temporary food stalls are approved by local government's Public Health Unit; and
- (l) ensure that a sufficient number of security officer are present at all times during the event for crowd control purposes; and
- (m) provide adequate number of toilets to meet the reasonable needs of all attendees and staff to the satisfaction of an authorised person; and
- (n) ensure that all toilets are to be maintained in a sanitary state during the event to the satisfaction of an authorised person; and
- (o) ensure that pyrotechnics displays are carried out by an individual or corporation with the appropriate fireworks licence issued by the relevant statutory body or government department. A current public liability policy must also cover the approval holder, operator and local government in the sum determined by the local government.
- (p) ensure that the stage, including lighting and sound towers, are erected by suitably qualified persons; and
- (q) ensure that all temporary electrical work is carried out in accordance with relevant Australian Standards or Industry Codes of Practice.

7 Term of approval

The term of the approval will be specified in the approval.

8 Term of renewal of approval

If the local government grants the application, the local government will specify in the written notice, the term of the renewal or extension.

Schedule 19 Operation of short-term accommodation

Section 11

1 Prescribed activity

Operation of short-term accommodation.

Example–

Airbnb.

2 Activities that do not require approval under the authorising local law

No activities stated.

3 Documents and materials that must accompany applications for approval

The following documents and materials must accompany an application for an approval –

- (a) application form; and
- (b) application fee (as determined within the local government’s Schedule of Fees and Charges); and
- (c) documents, information and materials identified within the relevant approved application form; and
- (d) the address of the premises, including real property description; and
- (e) a plan of the premises, including:
 - (i) a site plan, including details of the main building, any outdoor areas or structures including decks, swimming pool or spa, outdoor lighting, driveway, car parks, waste bin storage area, domestic sewerage treatment plant and dispersal area (where relevant) and the location of each window and door opening of any adjoining residence; and
 - (ii) a floor plan of the building, including a description of each room and the maximum number of persons to be accommodated in each bedroom;
- (f) the most recent Certificate of Occupancy issued under the *Building Act 1975* confirming–
 - (i) the premises are lawfully constructed; and
 - (ii) the use of the premises for short-term accommodation is authorised by the classification for the premises;
- (g) if a pool is located on the premises – a copy of a current pool safety certificate issued by a QBCC licenced pool safety inspector;
- (h) a copy of a current electrical safety certificate of compliance issued by a licensed electrician for each smoke alarm at the premises;
- (i) written confirmation, in the form of a statutory declaration–

- (i) about the maximum number of guests to be accommodated on the premises and the configuration of the rooms the guests are to be accommodated in; and
- (ii) that the premises will not be operated or used as a Party House;
- (iii) that, to the best of the applicant's knowledge after having undertaken reasonable inquiries and investigations, the premises is structurally sound and in a state of good repair; and
- (iv) about when the premises were last treated for vermin, insects and pests; and
- (v) that the premises are connected to power, town water and sewerage or certification from a licensed installer that the on-site sewerage system can serve the maximum number of persons that can be accommodated at any one time;
- (vi) that the use of the premises for the operation of short-term accommodation is authorised –
 - (A) by a development approval granted by the local government; or
 - (B) as accepted development or accepted development subject to requirements under the local government's planning scheme; or
 - (C) by existing lawful use rights in the existence prior to the use of the premises for short-term accommodation becoming assessable development under the local government's planning scheme; and
- (vii) the use of the premises for the operation of short-term accommodation complies with –
 - (A) any development approval conditions that apply to the use of the premises for short-term accommodation; or
 - (B) if no development approval conditions apply to the use of the premises for short-term accommodation – the planning scheme which applied at the time the use of the premises for short-term accommodation commenced or otherwise in accordance with existing lawful use rights;
- (viii) of the details for the contact person for the purposes of the operation of short-term accommodation at the premises, including the contact person's name and telephone number. The contact person:
 - (A) may be an individual, letting agency, property manager, security firm or the like;
 - (B) must be available 24 hours a day, 7 days a week to supervise and manage the premises, including addressing complaints about the use of the premises for short-term accommodation and any guest queries; and
 - (C) must reside, or have a place of business, within a driving

distance of no more than 30 minutes from the premises.

- (j) If the nominated contact person is not the applicant – the written consent of the nominated person to be the contact person for the operation of the premises as short-term accommodation;
- (k) if the applicant is not the owner of the premises – the written consent of the owner.

4 Additional criteria for the granting of approval

The following criteria must be considered for the granting of approval –

- (a) whether the applicant is the owner of the premises or has obtained and provided the written consent of the owner of the premises to use the premises for the operation of short-term accommodation;
- (b) whether the premises can be lawfully used for the operation of short-term accommodation, including whether the use of the premises for short-term accommodation complies with:
 - (i) any current development approvals authorising the use of the premises for short-term accommodation;
 - (ii) the requirements of the local government’s planning scheme for short-term accommodation at the time the use of the premises for short-term accommodation commenced or otherwise in accordance with existing lawful use rights;
- (c) whether the premises are suitable to be used for the operation of short-term accommodation having regard to building, pool (as applicable) and electrical standards or requirements, car parking provision, and the structural soundness, pest management and current state of the premises;
- (d) whether the operation of short-term accommodation at the premises would detrimentally affect the residential amenity of adjoining or surrounding premises (including, but not limited to noise, overlooking and light impacts);
- (e) the applicant’s history of carrying out the operation of short-term accommodation at the premises or other premises and any suspensions or cancellations of any permits issued under the authorising local law; and
- (f) the proposed contact person is a suitable person to be responsible for the carrying out of the operation of short-term accommodation at the premises and meets all of the criteria for a contact person in section 3(i)(vi) above.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

- (1) The conditions that will ordinarily be imposed on an approval will –
 - (a) limit the maximum number of guests that may be accommodated at premises

- at any one time, and prohibit guests from sleeping anywhere other than within the main building on the premises;
- (b) require a minimum number of car parking spaces to be provided and require vehicles to be stored in a way that does not cause a nuisance or inconvenience to adjoining properties;
 - (c) prohibit the premises from being used as a Party House;
 - (d) require the premises to be appropriately cleaned between each booking, including all linen and towels and waste;
 - (e) require a waste bin storage area be provided close to a tap and hose to enable regular cleaning, and be screened from view from neighbouring dwellings. Waste bins must be placed on and removed from the kerb in accordance with *Local Law No. 7 (Waste Management) 2020*;
 - (f) prohibit the operation of the premises as short-term accommodation from causing a nuisance or detrimentally impacting the residential amenity of adjoining and surrounding premises, including but not limited to noise, overlooking and light;
 - (g) require a local property manager to be appointed for the premises. This may be an individual, letting agency, property manager, security firm or the like. The local property manager must:
 - (i) meet all guests upon arrival and explain the Code of Conduct and other applicable rules;
 - (ii) provide two 24-hour contact numbers that must be answered at all times;
 - (iii) if the premises form part of a body corporate – advise the body corporate of the approval to operate short term accommodation at the premises;
 - (iv) enforce the Code of Conduct, including attending (or organising a private security firm to attend) the premises within 30 minutes of receiving any complaint;
 - (v) immediately evict any guests whose behaviour breaches the Code of Conduct on two or more occasions.
 - (h) require a Code of Conduct to be submitted to and approved by the local government. The Code of Conduct must:
 - (i) be displayed in a manner so that it can be easily viewed by guests of the premises, including on any social media or websites used to advertise the operation of short-term accommodation at the premises;
 - (ii) include, as a minimum:
 - (A) the maximum number of guests permitted to reside in the premises at any one time, and a prohibition on guests sleeping anywhere other than the main building on the premises;
 - (B) requirements in relation to car parking and waste storage and

- removal;
 - (C) requirements to minimise noise and other activities and behaviour which may disturb or cause a nuisance to neighbours;
 - (D) requirements in relation to the keeping of pets on the premises, including a prohibition on pets causing a nuisance to adjoining and surrounding properties;
 - (E) requirements in relation to the general condition of the premises, including that they be kept in a safe and tidy condition;
 - (F) an emergency/fire evacuation plan;
 - (G) information about the property manager, on-site car parking and waste bin collection days;
 - (H) a building floor plan detailing the location of domestic facilities such as kitchen, dining room, laundry, outdoor clothes drying facilities and common areas to support the stay of guests;
 - (I) terms about eviction or forfeiture of money in the event of a significant breach of the Code of Conduct.
- (i) require records of the following information be kept and maintained, for a period of 2 years at a time, and made available for inspection upon request by an authorised person:
- (i) details of each booking (guests, contact details, date of arrival and departure, etc.);
 - (ii) a copy of the signed acceptance of the Code of Conduct/terms and conditions document; and
 - (iii) details of any complaints received about the operation of the short-term accommodation, including the date, time and nature of the complaint, and how the complaint was resolved.
- (j) require a professionally-made, weather proof sign be erected on the street frontage(s) (or front door for a unit). The sign is to:
- (i) be approximately 0.3m² in size;
 - (ii) display the name of the property manager and their all-hours phone number(s), and the permit number allocated by the local government;
 - (iii) be prominently and permanently displayed, and visible to members of the public at all times;
- (k) require fire safety measures for the premises to be updated to the equivalent requirement of a long-term rental property;
- (l) require a Pool Safety Certificate to be obtained and maintained (as applicable).
- (2) In this section –

Party House see section 276(5) of the Planning Act.

7 Term of approval

The term of approval is the period stated on the approval.

8 Term of renewal of approval

The term of a renewal of the approval is the period stated in the renewal.

Schedule 20 Undertaking regulated activities regarding human remains— (a) disturbance of human remains buried outside a cemetery

Section 11

1 Prescribed activity

Undertaking regulated activities regarding human remains – (a) disturbance of human remains buried outside a cemetery.

2 Activities that do not require approval under the authorising local law

An approval under the authorising local law is not required for disturbance of human remains on the order of a coroner or other lawful authority.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by–

- (a) a written statement of reasons for the proposed exhumation; and
- (b) an explanation of the applicant’s relationship (if any) to the deceased; and
- (c) written confirmation from a recognised Undertaker that he or she is prepared to carry out the exhumation; and
- (d) written consent to the proposed exhumation by the nearest living relative to the deceased; and
- (e) a certified copy of the Death Certificate; and
- (f) in the case of exhumation for the purposes of reinterment – details of the new burial place where reinterment is to take place; and
- (g) in the case of exhumation for the purposes of cremation – a completed declaration in accordance with the provisions of the *Cremations Act 2003* and the written approval of Queensland Health.

4 Additional criteria for the granting of approval

The additional criteria for approval are–

- (a) that the exhumation will take place–
 - (i) more than 12 months after the original burial of the remains; or
 - (ii) less than 12 months after the original burial of the remains and–
 - (A) special circumstances exist to justify the exhumation; and
 - (B) Queensland Health has advised that no health risk will be involved; and
- (b) the nearest living relative consents to the disturbance of the human remains.

5 Conditions that must be imposed on approvals

- (1) For an approval for exhumation for the purposes of reinterment, a condition that must be imposed on an approval is the approval holder must place the remains of the deceased in a sealed plastic bag, encased in a hermetically sealed coffin and enclosed in a wooden outer shell or coffin.
- (2) The disturbance of the human remains must only be carried out by a recognised undertaker.

6 Conditions that will ordinarily be imposed on approvals

The following conditions are conditions that will ordinarily be imposed on approvals where applicable in the opinion of an authorised person–

- (a) the local government may–
 - (i) require the approval holder, its contractors or agents to–
 - (A) give notice to the local government of the disturbance of human remains to enable an authorised person to enter the land and inspect the grave; and
 - (B) remove all markers or means of identification on or around the grave if the human remains are removed from the grave and dispose of appropriately; and
 - (C) provide Council with confirmation of the disturbance of human remains within 14 days of the event; and
 - (ii) stipulate the day on which the disturbance of human remains may be performed; and
 - (iii) stipulate the hours between which the disturbance of human remains may be performed.

7 Term of Approval

Not applicable

8 Term of renewal of approval

Not applicable

Schedule 21 Undertaking regulated activities regarding human remains— (b) burial or disposal of human remains outside a cemetery

Section 11

1 Prescribed activity

Undertaking regulated activities regarding human remains – (b) burial or disposal of human remains outside a cemetery.

2 Activities that do not require approval under the authorising local law

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by–

- (a) details of the burial site or other place in which the remains are to be buried or placed; and
- (b) details of when and how the remains are to be disposed of; and
- (c) the written consent of the owner of, and anyone else with a registered interest in, the land on which the remains are to be buried or placed.

4 Additional criteria for the granting of approval

The additional criteria for approval are that–

- (a) the grant of the permit is justified by–
 - (i) a special family, personal, cultural or historical association between the deceased person and the place in which the remains are to be buried or placed; and
 - (ii) some other special reason; and
- (b) the implementation of the proposal will not–
 - (i) create a risk to health or other nuisance; and
 - (ii) cause reasonable offence to others; and
- (c) consent has been given by the owner of the land and anyone else with a registered interest in the land on which the remains are to be buried or placed.

5 Conditions that must be imposed on approvals

The following conditions are conditions that must be imposed on an approval–

- (a) the approval holder, its contractors or agents are required to give notice to

the local government of the preparation of the grave to enable an authorised person to enter the land and inspect the grave before the burial; and

(b) the local government may–

- (i) stipulate the day on which the burial may be performed; and
- (ii) stipulate the hours between which the burial may be performed; and
- (iii) regulate the manner of the preparation of the grave.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval are that the approval holder may–

- (a) prepare the grave in accordance with any requirements specified in the approval; and
- (b) allow an authorised person to inspect the grave before burial of human remains in the grave; and
- (c) dispose of the human remains at the particular time or within the particular period specified in the approval; and
- (d) erect or install a memorial or marker to identify the site in which human remains have been buried; and
- (e) the approval holder, its contractors or agents may be required to–
 - (i) supply the Global Positioning System (G.P.S) coordinates of the grave to the local government, so that the details of the deceased person can be placed on the property record.

7 Term of approval

Not applicable

8 Term of renewal of approval

Not applicable

Schedule 22 Undertaking regulated activities regarding human remains— (c) disturbance of human remains in a local government cemetery

Section 11

1 Prescribed activity

Undertaking regulated activities regarding human remains – (c) disturbance of human remains in a local government cemetery.

2 Activities that do not require approval under the authorising local law

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by–

- (a) a written statement of reasons for the proposed exhumation; and
- (b) an explanation of the applicant’s relationship (if any) to the deceased; and
- (c) written confirmation from a recognised Undertaker that he or she is prepared to carry out the exhumation; and
- (d) written consent to the proposed exhumation by the nearest living relative to the deceased; and
- (e) a certified copy of the Death Certificate; and
- (f) in the case of exhumation for the purposes of reinterment – details of the new burial place where reinterment is to take place; and
- (g) in the case of exhumation for the purposes of cremation – a completed declaration in accordance with the provisions of the *Cremations Act 2003* and the written approval of Queensland Health.

4 Additional criteria for the granting of approval

The additional criteria for approval are–

- (a) that the exhumation will take place–
 - (i) more than 12 months after the original burial of the remains; or
 - (ii) less than 12 months after the original burial of the remains and–
- (b) special circumstances exist to justify the exhumation; and
- (c) Queensland Health has advised that no health risk will be involved; and
- (d) the nearest living relative consents to the disturbance of the human remains.

5 Conditions that must be imposed on approvals

For an approval for exhumation for the purposes of reinterment, a condition that must be imposed on an approval are that the approval holder must place the remains of the deceased in a sealed plastic bag, encased in an hermetically sealed coffin and enclosed in a wooden outer shell or coffin.

- (a) The approval holder, its contractors or agents are required to—
 - (i) remove any monuments on the existing grave and dispose of appropriately in the opinion of an authorised person; and
 - (ii) ensure that the grave is opened and closed by the local government; and
 - (iii) ensure that exhumation to be carried out by a recognised undertaker.

6 Conditions that will ordinarily be imposed on approvals

The following conditions are the conditions that will ordinarily be imposed on an approval where applicable, in the opinion of an authorised person—

- (a) the local government may—
 - (i) regulate the manner of preparation of the grave; and
 - (ii) stipulate the day on which the disturbance of human remains may be performed; and
 - (iii) stipulate the hours between which the disturbance of human remains may be performed.

7 Term of approval

The term of approval shall be the term stated on the approval.

8 Term of renewal of approval

Not applicable

Schedule 23 Undertaking regulated activities on local government controlled areas and roads— (a) driving or leading of animals to cross a road

Section 11

1 Prescribed activity

Undertaking regulated activities on local government controlled areas and roads— (a) driving or leading of animals to cross a road

2 Activities that do not require approval under the authorising local law

An approval under the authorising local law is not required for—

- (a) a person who has been granted approval for installation of a gate or grid on a road adjacent to the person's land; or
- (b) driving or leading of animals that are not livestock animals; or
- (c) leading of horses across a road by a member of a horse or pony club; or
- (d) where no more than two animals are being led by a single person; or
- (e) where the animals are being led or driven pursuant to an approval to operate a commercial recreation activity.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) application form; and
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) details of how the applicant plans to carry out the activity and the regularity and duration of the activity; and
- (d) details of the location where the activity will be carried out by way of plan or drawing and showing the location of any warning notices for the safety of road users; and
- (e) details of the type and number or approximate number of animals that will be involved.

4 Additional criteria for the granting of approval

The additional criteria for approval are that—

- (a) the physical suitability of the road or footway for the proposed use; and
- (b) the likelihood of the use causing undue nuisance, inconvenience or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians; and

- (c) the likely effect on the amenity of the surrounding area; and
- (d) the likely effect on the local environment and any possible pollution or other environmental damage.

5 Conditions that must be imposed on approvals

Conditions will—

- (a) restrict the times of day that animals may be led across the road;
- (b) restrict the number of animals that may be driven or led across the road;
- (c) require compliance with specified safety requirements;
- (d) require the approval holder to exhibit specified warning notices and to take other specified precautions for the safety of users of the road or area;
- (e) if the approval relates to an activity on a road—require the approval holder to indemnify the State; and
- (f) require the approval holder to give specified indemnities and to take out specified insurance.

6 Conditions that will ordinarily be imposed on approvals

No conditions stated.

7 Term of approval

The term of an approval will be specified in the approval.

8 Term of renewal of approval

Not applicable

Schedule 24 Undertaking regulated activities on local government controlled areas and roads— (b) depositing of goods or materials

Section 11

1 Prescribed activity

Undertaking regulated activities on local government controlled areas and roads— (b) depositing of goods or materials

2 Activities that do not require approval under the authorising local law

No activities stated.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) application form; and
- (b) application fee (as determined within Council’s Schedule of Fees and Charges); and
- (c) details of the proposed depositing of goods and materials on the local government controlled area or road; and
- (d) details of the location of where the activity will be carried out by way of plan or drawing and showing the location of any warning notices for the safety of road users; and
- (e) details of the quantity or volume and type of goods or materials that will be deposited; and
- (f) details of the duration of the depositing of the goods or materials.

4 Additional criteria for the granting of approval

The additional criteria for approval are—

- (a) the physical suitability of the road or footway for the proposed use; and
- (b) the likelihood of the use causing nuisance, inconvenience or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians; and
- (c) the likely effect on the amenity of the surrounding area; and
- (d) the likely effect on the local environment and any possible pollution or other environmental damage; and
- (e) whether the activity will have an adverse effect on an existing services in, on or over a road; and
- (f) significantly detracts from the capacity of the road to provide a vehicular and where relevant pedestrian thoroughfare; and

(g) obstructs access from the footway to kerbside parking.

5 Conditions that must be imposed on approvals

The conditions that must be imposed on an approval are that the approval holder must—

- (a) regulate the time within which the activity must be carried out; and
- (b) regulate the manner in which the goods or materials may be deposited; and
- (c) comply with the standard public liability insurance condition; and
- (d) not adversely obstruct the movement of vehicles and pedestrians along the road; and
- (e) ensure that the activity does not cause a nuisance to neighbouring residents; and
- (f) must take all reasonable steps to minimise the effect of the activity on the amenity of the surrounding area (for example, by ensuring the goods or materials are kept in a tidy and orderly manner); and
- (g) not interfere with existing services located in, on or over a road; and
- (h) the location of such works or activity; and
- (i) indemnify the local government and any other person who has an interest in or takes a benefit from the work or activity against all claims and liability, including claims for personal injury (including death) and damage to property (including economic loss) arising directly or indirectly by, through or in connection with the works or activity; and
- (j) observe standards specified by the local government in the carrying out of the works or activity; and
- (k) ensure safety of pedestrians and vehicles including but not limited to the safe temporary diversion of traffic, erection of warning lights and barricades to the satisfaction of an authorised person; and
- (l) specify a deadline for completion of the works or ceasing of the activity; and
- (m) reinstate the road to the satisfaction of an authorised person following completion of the works or ceasing of the activity.

6 Conditions that will ordinarily be imposed on approvals

- (a) if the approval relates to an activity on a road—require the approval holder to indemnify the State.
- (b) the approval holder, its contractors or agents may be required to—
 - (i) lodge security for performance of any requirement under this local law or any condition of approval.

7 Term of approval

The term of the approval will be specified in the approval.

8 Term of renewal of approval

If the local government grants the application, the local government will specify in the written notice, the term of the renewal or extension.

Schedule 25 Undertaking regulated activities on local government controlled areas and roads— (c) holding of a public place activity prescribed by subordinate local law

Section 11

1 Prescribed activity

Undertaking regulated activities on local government controlled areas and roads— (c) holding of a public place activity prescribed by subordinate local law, excluding the operation of a temporary entertainment event.

Example:

commercial filming/photography

2 Activities that do not require approval under the authorising local law

No activities stated.

3 Documents and materials that must accompany applications for approval

Documents must include—

- (a) application form; and
- (b) application fee (as determined within Council’s Schedule of Fees and Charges); and
- (c) full details of the proposed public place activity.

4 Additional criteria for the granting of approval

Criteria will include—

- (a) the event will not unduly interfere with the usual use and enjoyment of the area or road; and
- (b) the event will not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood; and
- (c) there will be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public; and
- (d) adequate provision will exist for the disposal of refuse generated by the conduct of the event; and
- (e) that the operation of the activity can be lawfully conducted on the site; and
- (f) the operation of the activity does not unreasonably detract from the established amenity in the vicinity of the temporary entertainment venue; and
- (g) the premises are suitable and convenient for use as a temporary entertainment

venue taking into account the type of activity proposed, the numbers of persons expected or likely to attend the premises, the location and appearance of the premises and the means of entry and exit for persons and, where applicable, vehicles; and

- (h) the activity complies within the environmental, health and safety standards; and
- (i) the activity complies with the local government's planning scheme.

5 Conditions that must be imposed on approvals

Conditions will include—

- (a) require the approval holder to exhibit specified warning notices and to take other specified precautions for the safety of users of the road or area; and
- (b) require the approval holder to give specified indemnities and to take out specified insurance; and
- (c) require the operator to provide specified facilities and amenities; and
- (d) regulate illumination of the event and light spillage from the event; and
- (e) regulate noise emission from the event; and
- (f) require the operator to provide specified equipment, or take specified measures, to reduce adverse effects of the event on the surrounding neighbourhood to acceptable levels; and
- (g) if the approval relates to an activity on a road—require the approval holder to indemnify the State.

6 Conditions that will ordinarily be imposed on approvals

For all approvals, the conditions that will ordinarily be imposed on an approval are that the approval holder must—

- (a) conduct the activity only on the days and times, and at the specific locations or area, specified in the approval; and
- (b) display the approval in the ways stated in the approval and produce the approval for inspection on demand by an authorised person; and
- (c) comply with measures specified in the approval to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
- (d) comply with measures specified in the approval to ensure that the activities authorised by the approval do not cause a nuisance; and
- (e) maintain a defined access point for emergency vehicles at all times; and
- (f) pay any rental specified in the approval to the local government at specified intervals; and
- (g) maintain the area where the activity takes place in clean, tidy and orderly condition; and

- (h) if the activity involves playing live or taped performances – obtain a casual licence from the Australasian Performing Rights Association; and
- (i) if the activity involves use of a footpath – maintain a clear unobstructed pedestrian corridor of not less than 2 metres or, in the case of high usage footpaths, the distance greater than 2 metres stipulated in the approval; and
- (j) comply with relevant workplace health and safety requirements; and
- (k) any permits or approvals by any Government Department are to be obtained. Compliance with the conditions of the permit or approval that any Government Department may impose is mandatory; and
- (l) the local government is to be indemnified and kept indemnified in respect of any actions, suits, proceedings, costs, claims and demands brought or made by any person or persons, corporation or corporations, authority or authorities in respect of any accident, injury or damage in consequence of or arising out of the filming operation; and
- (m) evidence that insurance has been taken out to cover any claims which may arise from injury to persons or damage to property arising from or attributable to the filming operation will be necessary. The policy is to be kept current during the continuance of the filming operation and shall be endorsed to note that the local government is a joint insured. The minimum amount of public risk cover shall be as determined by an authorised person; and
- (n) the amenity of residents is not to be disturbed or adversely impacted upon whether by noise or any other manner; and
- (o) at least seven (7) days before filming commences residents living adjacent to the filming locations are to be informed in writing by a letter drop of the approximate filming date and time and the nature and scale of proposed activities; and
- (p) filming on roads is to be carried out so as not to compromise road safety or unduly disrupt traffic. In all instances the necessary approvals are to be obtained from bodies such as Main Roads, Queensland Transport, Queensland Police etc; and
- (q) the environment, its flora and fauna are not to be adversely impacted upon in any manner; and
- (r) use of vehicles, aircraft, vessels and non-filming equipment on foreshores, parks and reserves requires special local government approval; and
- (s) vegetation growing on such areas are not to be disturbed or damaged in any manner; and
- (t) the local government is to be kept fully informed in writing of any alterations to the filming schedule; and
- (u) an adequate number of portable chemical type toilets are to be provided and services for the use of the filming crew and extras should insufficient facilities be available onsite; and
- (v) the payment in advance of all fees which are to be assessed in accordance with the rates specified by local government (refer local government's current fees and charges); and

- (w) should the applicant fail to observe any of the conditions of the approval or cause damage with necessitates remedial or reinstatement works to be performed by the local government, the costs of the works undertaken are to be met by the applicant; and
- (x) the provisions of local government's local laws relating to Parks Reserves and Foreshores are to be observed at all times; and
- (y) the permit or conditions of the permit may be altered, amended or revoked by the local government at any time and for any reason.

7 Term of approval

The term of the approval will be specified in the approval.

8 Term of renewal of approval

The term of a renewal of the approval shall be the term stated in the renewal.

Schedule 26 Bringing or driving motor vehicles onto local government controlled areas

Section 11

1 Prescribed activity

Bringing a motor vehicle onto or driving a motor vehicle on a place that is—

- (a) within a local government controlled area; and
- (b) not within a motor vehicle access area.

(Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2014, section 6(2)).

Example:

riding an unregistered motor bike on a Council reserve.

2 Activities that do not require approval under the authorising local law

Access to a local government controlled area by an authorised contractor for the purposes of repairing or maintaining a local government facility.

3 Documents and materials that must accompany applications for approval

Information required will include—

- (a) application form; and
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) full details of the reasons for bringing the motor vehicle onto the local government controlled area; and
- (d) the date and time and duration of bringing the motor vehicle onto the area; and
- (e) the parts of the area where the motor vehicle will be driven; and
- (f) the type of motor vehicle to be driven.

4 Additional criteria for the granting of approval

Criteria includes—

- (a) the vehicle access is required for—
 - (i) construction, repair and maintenance work within the park or reserve;
 - (ii) access to a temporary entertainment venue for which the applicant has received approval under another local law;
 - (iii) the purposes of commercial use of the park or reserve for which the applicant has received approval under another local law;

- (iv) holding a celebration, ceremony or competition for which the applicant has received approval under another local law;
- (b) the vehicle access will not unduly interfere with the usual use and enjoyment of the park or reserve;
- (c) the vehicle will not impact on the natural resources and native wildlife of the park or reserve;
- (d) the vehicle will not cause damage to the park or reserve;
- (e) the vehicle will not generate excessive noise or dust or any other significant adverse effects on the surrounding neighbourhood.

5 Conditions that must be imposed on approvals

Conditions will include–

- (a) the approval will be valid only for the dates specified in the approval;
- (b) the approval will be valid only for the specific vehicle or type of vehicle specified in the approval;
- (c) the approval is not transferable;
- (d) the approval holder will respect any speed limits specified in the approval;
- (e) the approval holder will comply with any restrictions specified in the approval regarding the parts of the local government controlled area that may be accessed by vehicle;
- (f) the approval must be displayed on the dashboard of the vehicle while it is within the local government controlled area;
- (g) the approval holder must have regard for the safety of other users of the local government controlled area;
- (h) the approval holder must give 24 hours notice of the vehicle access to affected neighbours of the area;
- (i) the approval holder will be liable to pay the local government the cost of rectifying any significant damage caused by the use of the vehicle in the area;

6 Conditions that will ordinarily be imposed on approvals

Under section 10(3) of the authorising local law, the local government retains the discretion as to whether to impose these conditions or not for a particular approval.

7 Term of approval

The term of the approval will be specified in the approval.

8 Term of renewal of approval

If the local government grants the application, the local government will specify in the written notice, the term of the renewal or extension.

Schedule 27 Bringing or driving prohibited vehicles onto motor vehicle access areas

Section 11

1 Prescribed activity

Bringing a prohibited vehicle onto or driving a prohibited vehicle on a specified motor vehicle access area (*Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2014*, section 6(4)).

Example:

riding an unregistered motor bike on the 'Great Walk' walking track

2 Activities that do not require approval under the authorising local law

No activities stated.

3 Documents and materials that must accompany applications for approval

Documents and materials required include–

- (a) application form; and
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) full details of the reasons for bringing the prohibited vehicle onto the motor vehicle access area; and
- (d) the date and time and duration of bringing the motor vehicle onto the area; and
- (e) the parts of the area where the motor vehicle will be driven; and
- (f) the type of motor vehicle to be driven.

4 Additional criteria for the granting of approval

Criteria with which applications for approval for the prescribed activity will include–

- (a) the vehicle access will not unduly interfere with the usual use and enjoyment of the area;
- (b) the vehicle will not cause damage to the area;
- (c) the vehicle access will not generate excessive noise or dust or other significantly adverse effects on the surrounding neighbourhood.

5 Conditions that must be imposed on approvals

Conditions imposed will–

- (a) limit the parts of the area accessed and the hours of day when vehicle access

is permitted;

- (b) require compliance with specified safety requirements;
- (c) require the operator to take specified measures to reduce adverse effects of the vehicle access on the users of the area or surrounding neighbourhood to acceptable levels in the opinion of an authorised person.

6 Conditions that will ordinarily be imposed on approvals

Under section 10(3) of the authorising local law, the local government retains the discretion as to whether to impose these conditions or not for a particular approval.

7 Term of approval

The term of the approval will be specified in the approval.

8 Term of renewal of approval

If the local government grants the application, the local government will specify in the written notice, the term of the renewal or extension.

Schedule 28 Use of bathing reserves for training, competitions etc

Section 11

1 Prescribed activity

To–

- (a) set apart a bathing reserve or a part of a bathing reserve for life-saving training on an exclusive basis; or
- (b) use any part of a bathing reserve for the conduct of a surfing competition, a life-saving competition or another aquatic activity. (Local Law No. 6 (Bathing Reserves) 2014, **section 10(1)**).

2 Activities that do not require approval under the authorising local law

An approval under the authorising local law is not required for–

- (a) undertaking training for an aquatic recreational activity, including sailing, outriggering, dragon boats, triathlons and swimming, provided that supporting motorised devices are not operated at more than 6 knots within a distance of 200 metres from the shoreline; and
- (b) the conduct of an aquatic recreational event, including sailing competitions are regattas and competitions for outriggers, dragon boats and triathlon, provided that supporting motorised devices are not operated at more than 6 knots within a distance of 200 metres from the shoreline.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by–

- (a) application form; and
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) details of the activity proposed by the applicant; and
- (d) details of any adverse environmental impact the proposed activity is likely to have on the bathing reserve; and
- (e) details of any adverse impact the proposed activity is likely to have on the area surrounding the bathing reserve; and
- (f) details of how and when existing facilities in the bathing reserve will be used for the purposes of the activity proposed in the application; and
- (g) details of measures to be taken by the applicant to ensure that the proposed activity is not likely to have an adverse impact on the safety of persons who participate in the activity or the general public; and
- (h) details of all equipment the application proposes to use; and

- (i) details of the commencement and duration of the proposed activity; and
- (j) a site plan of the area of the competition or activity, including car parks; and
- (k) if the activity involves fireworks—
 - (i) a fireworks site plan identifying location and safety distances; and
 - (ii) a current copy of the insurance policy (minimum of \$20,000,000) and shotfirer’s licence for the fireworks display company.

4 Additional criteria for the granting of approval

The additional criteria for approval are that—

- (a) the activity is appropriate for the bathing reserve; and
- (b) the facilities in the bathing reserve are adequate for the activity proposed in the application.

5 Conditions that must be imposed on approvals

The conditions that must be imposed on an approval are that the approval holder must—

- (a) comply with the standard public liability insurance condition; and
- (b) permit access to local government staff or contractors at all times to inspect or service facilities; and
- (c) maintain a defined access point for emergency vehicles at all times; and
- (d) prior to commencing the activity, the approval holder must—
 - (i) sign and return to local government a deed in a form prescribed by the local government indemnifying the local government in respect of any loss, damage, actions, claims or demands which may be incurred by the local government directly or indirectly through the granting of this approval or carrying out of the approved activity; and
 - (ii) ensure that the public liability insurance policy covers claims which may arise against the local government or the approval holder for personal injury and property damage resulting from the conduct of the activity, and that the policy is submitted to the local government for its prior consent; and
- (e) where applicable a Certificate of Company Registration must be submitted to local government within 14 days from the date the approval is granted; and
- (f) the activity must only be carried out in the location specified in the approval; and
- (g) the approval does not provide the approval holder with any exclusive rights to undertake the activity at the approved sites; and
- (h) the activity must only be conducted during the hours specified in the approval; and

- (i) only approved equipment is to be used with the activity; and
- (j) all reasonable and practicable steps are to be used to ensure that staff and customers access the approved activity area by the designated access and egress points; and
- (k) the approval holder must comply with all reasonable directions given by the local government or an authorised person regarding the use of any roads, jetties, foreshores or other means of accessing the approved activity area.

6 Conditions that will ordinarily be imposed on approvals

The conditions will ordinarily be imposed on an approval are that the approval holder must—

- (a) where the approval holder is granted the right to use a bathing reserve or a particular part of a bathing reserve on a non exclusive basis – make facilities installed under the approval available for use by the public at specified times or over specified periods; and
- (b) toilet facilities should be provided in accordance with the local government's *Guidelines for Commercial Activities and Regulated Events in Parks and Reserves*; and
- (c) remove any barrier or other structure placed on erected on the bathing reserve at the conclusion of the activity; and
- (d) provide extra refuse receptacles (including recycling receptacles) for the collection and storage of refuse generated as a result of the activity and collect and properly dispose of all waste and rubbish during and at the conclusion of the activity; and
- (e) erect temporary signs to notify the use for which the activity area is set apart at specified locations on the bathing reserve; and
- (f) ensure that vehicles are not parked in any place other than approved parking areas or adjacent roads; and
- (g) not undertake excavation, removal of vegetation, damage of modify any of the local government-owned infrastructure located within the bathing reserve; and
- (h) not occupy the bathing reserve prior to or after the approved dates and times; and
- (i) seek written authorisation from an authorised person prior to playing amplified music; and
- (j) not place signage within coastal vegetation or tree canopies; and
- (k) not locate any stall holder equipment, displays or other materials within dunal vegetation; and
- (l) ensure access and egress to the bathing reserve for the activity or setup and take down of the activity are only through approved areas; and
- (m) take necessary measures to safeguard pedestrian and vehicle safety for the period including installing all necessary barricading and signage; and
- (n) comply with relevant workplace health and safety requirements.

7 Term of approval

The term of the approval will be specified in the approval.

8 Term of renewal of approval

The term of a renewal of the approval shall be the term stated in the renewal.

Schedule 29 Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee

Section 11

1 Prescribed activity

Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee (*Local Law No. 5 (Parking) 2014, section 7(1)*).

2 Activities that do not require approval under the authorising local law

No activities stated.

3 Documents and materials that must accompany application for approval

An application for approval must be accompanied by–

- (a) application form; and
- (b) application fee (as determined within Council's Schedule of Fees and Charges); and
- (c) location where the parking permit will apply and the reason why a permit is required; and
- (d) period of time for which a permit is sought; and
- (e) details about the vehicle, such as registration number, vehicle make and type.

1 Additional criteria for the granting of approval

The following criteria are criteria that must be considered in deciding whether or not to grant an approval–

- (a) whether the approval–
 - (i) is for a designated parking space where parking is restricted to permit parking;
 - (ii) is for a regulated parking area contrary to an indication by an official parking sign;
 - (iii) is needed because access to nearby premises is restricted or difficult;
 - (iv) relates to parking if building or construction work is being conducted or proposed at nearby premises;
 - (v) relates to parking that is needed for a special event, festival or public assembly.

2 Conditions that must be imposed on approvals

The conditions that must be imposed on an approval are that–

- (a) the permit is only valid for the vehicle and the places specified in the permit; and
- (b) the permit is only valid for the dates and times specified in the permit; and
- (c) the permit must be publicly displayed within the vehicle while it is parked in the place for which the permit is valid.

3 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval are that the approval holder may–

- (a) ensure that the vehicle does not generate significant noise or dust pollution or otherwise adversely impact on the surrounding neighbourhood; and
- (b) enter into a binding agreement with the local government to indemnify the local government against claims (including claims made against the approval holder by the local government for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the vehicle access under the approval; and
- (c) where the approval holder is a business – maintain standard public liability insurance in the amount of \$20,000,000; and
- (d) comply with measures specified in the approval to reduce adverse impacts on the area and members of the public; and
- (e) the vehicle specified in the approval is used within the local government area wholly or substantially for business or commercial purposes; and
- (f) the local government may amend any condition of the approval subject to reasonable notification to the approval holder at any such time it is deemed necessary in the opinion of an authorised person; and
- (g) commercial vehicle approval–
 - (i) a vehicle displaying a commercial vehicle permit is able to park in a commercial loading zone for up to a maximum of 20 minutes unless otherwise stated. When not in a loading zone, a commercial vehicle must comply with all applicable parking requirements for the area;
- (h) parking bay approval–
 - (i) the approval holder is authorised to park only in the numbered bay to which they have been allocated;
 - (ii) the approval allows 24 hour, 7 days a week access to the parking bay;
 - (iii) Cancellation of a reserved bay must be made in writing at least one month prior to cancellation. The identification label must be destroyed by the approval holder within three (3) days after the cancellation;
 - (iv) the approval may specify a designated area for the permit holder to park within.

(i) business parking approval–

- (i) a vehicle displaying a business permit may park in a metered or pay and display or regulated bays within the local government area only;
- (ii) parking in a loading zone, no standing zone, emergency vehicle zones or disabled bays is not permitted;
- (iii) business permit does not guarantee the availability of parking bays when a vehicle is moved out of a parking bay;
- (iv) a vehicle displaying a business permit must not park adjacent or in close proximity to a business of a similar nature for no longer than a 30 minute period of any given day;

(j) residential parking approval–

- (i) a vehicle displaying a residential permit may park in a metered or pay and display or regulated bays within the local government area only;
- (ii) parking in a loading zone, no standing zone, no stopping zone, no parking zone, bus zone, taxi zone, emergency vehicle zones or disabled bays is not permitted;
- (iii) residential permit will not guarantee the availability of parking bays when a vehicle is moved out of a parking bays.

4 Term of approval

The term of the approval shall be the term stated in the approval.

5 Term of renewal of approval

The term of a renewal of the approval shall be the term stated in the renewal.

Schedule 30 Parking in a loading zone by displaying a commercial vehicle identification label

Section 11

1 Prescribed activity

Parking in a loading zone by displaying a commercial vehicle identification label (*Local Law No. 5 (Parking) 2014, section 8(1)*).

2 Activities that do not require approval under the authorising local law

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application form must be accompanied by–

- (a) application form; and
- (b) application fee (as defined within Council’s Schedule of Fees and Charges); and
- (c) details about the vehicle owner’s business; and
- (d) details about the vehicle, such as registration number, vehicle make and type.

4 Additional criteria for the granting of approval

The following criteria are criteria that must be considered in deciding whether or not to grant an approval–

- (a) whether the approval is required for demonstrated business purposes.

5 Conditions that must be imposed on approvals

The following conditions are the conditions that must be imposed on an approval–

- (a) a vehicle displaying a commercial vehicle identification label may park in a commercial loading zone for the purpose of loading or unloading for up to a maximum of 20 minutes unless otherwise stated;
- (b) when not parking in a loading zone, a commercial vehicle must comply with all applicable parking requirements;
- (c) the holder of a commercial vehicle approval must return the identification label to Council within three (3) days after expiration or revocation of the approval.

6 Conditions that will ordinarily be imposed on approvals

A condition that will ordinarily be imposed on an approval is that the approval holder must display the identification label in a prominent position whilst utilising

the loading zone.

7 Term of approval

The term of the approval shall be the term stated in the approval.

8 Term of renewal of approval

The term of a renewal of the approval shall be the term stated in the renewal.

Schedule 31 Carrying out works on a road or interfering with a road or its operation

Section 11

1 Prescribed activity

Carrying out works on a road or interfering with a road or its operation (*Local Government Act 2009*, section 75(2))

Example:

construction of kerb and channel or road works on a road associated with development activities

2 Activities that do not require approval under the authorising local law

No activities stated.

3 Documents and materials that must accompany applications for approval

Materials required include—

- (a) full details of the proposed works on the road or interference with its operation; and
- (b) if the applicant proposes to erect or install a structure on, over or under the road – plans and specifications of the structure; and
- (c) details of building or other work to be carried out under the approval; and
- (d) the applicant’s details; and
- (e) contact details for the site foreman or equivalent; and
- (f) description of works or interference with the road for which approval is sought; and
- (g) details of the applicant’s plans to carry out the works or interfere with the road; and
- (h) duration of approval sought; and
- (i) location of works or activities interfering with a road; and
- (j) a traffic management plan detailing how vehicular and pedestrian traffic is to be managed for the duration of the works or activity; and
- (k) a certificate of currency for a standard public liability insurance policy consistent with the standard public liability insurance condition; and
- (l) application fee (as determined within Council’s Schedule of Fees and Charges).

4 Additional criteria for the granting of approval

The additional criteria for approval are whether—

- (a) the application includes adequate measures to minimise the interference

- with the usual use of the road and protect public health and safety;
- (b) the works or interference with the road will–
- (i) reduce the capacity of the road to provide vehicular thoroughfare, and where relevant, pedestrian thoroughfare; and
 - (ii) constitute a nuisance; and
 - (iii) constitute a danger to any person or property; and
 - (iv) obstruct access from a footpath to kerbside parking; and
 - (v) have an adverse effect on the amenity of the area; and
 - (vi) have an adverse effect on the existing services location in, on or over a road; and
- (c) the agents or employees of the applicant who will be carrying out the works have received appropriate training in safety procedures; and
- (d) in the case of an approval for a gate or grid – the applicant has taken out a standard public liability insurance policy consistent with the requirements of section 6(a) of this schedule.

5 Conditions that must be imposed on approvals

The following conditions are the conditions that must be imposed on an approval–

- (a) compliance with specified safety requirements; and
- (b) the approval holder to give the local government specified indemnities; and
- (c) the approval holder to take out specified insurance indemnifying persons who may suffer personal injury, or loss or damage, as a result of the work; and
- (d) the approval holder to maintain structures erected or installed, or vegetation planted, under the approval in good condition; and
- (e) the approval holder to remove a structure erected or installed under the approval at the end of a stated period; and
- (f) the works or activity must not in the opinion of an authorised person significantly detract from the capacity of the road to provide a vehicular and, where relevant, pedestrian thoroughfare; and
- (g) the works or activity must not in the opinion of an authorised person significantly cause a nuisance or danger to any person or property; and
- (h) the works or activity must not in the opinion of an authorised person significantly obstruct access from the footway to kerbside parking; and
- (i) the works or activity must not in the opinion of an authorised person adversely effect the amenity of the area or the environment; and
- (j) the works or activity must not in the opinion of an authorised person adversely effect existing services located in, on, over or adjacent to a road.

6 Conditions that will ordinarily be imposed on approvals

-
- (1) for all approvals, the conditions that will ordinarily be imposed on an approval are that the approval holder must–
- (a) comply with the standard public liability insurance condition; and
 - (b) complete the works prior to the specified deadline for the completion of the works or activity; and
 - (c) undertake the works or activity only on the specified hours and days of operation; and
 - (d) make adequate provision for the direction and safety of the general public at all times in accordance with the requirements of the relevant workplace health and safety legislation and the Manual of Uniform Traffic Control Devices part 3 (MUTCD Part 3); and
 - (e) adhere to the approved traffic management plan; and
 - (f) submit a Work Method Statement to the local government prior to the commencement of work from the relevant person to provide information for controlling risks that exist in the work carried out on or near the roadway; and
 - (g) notify the local government of any deviations to the details provided in the approved application; and
 - (h) not interfere with the existing services located in, on or over a road; and
 - (i) locate and protect all existing utility services prior to the disturbance of the ground surface (for example, by using “Dial 1100 Before you Dig”); and
 - (j) ensure that any damage that occurs to utility services during the work is immediately reported to the relevant utility authority; and
 - (k) ensure that all employees or agents of the approval holder have completed an appropriate training course relating to safety standards for carrying out works or activities on roads prior to those employees or agents actually carrying out those works or activities; and
 - (l) where the works are in an area in which the Department of Transport and Main Roads has an interest – complete and forward a Form M994 to the District Director for works approval, where contracts are entered into; and
 - (m) where the works involves the laying of an underground service–
 - (i) ensure that the location and depth of the infrastructure complies with the local government’s standard drawings and specifications; and
 - (ii) ensure that the backfilling complies with the local government’s specifications; and
 - (iii) ensure that the materials used are approved by the local government in writing; and comply with any measures specified in the approval to prevent environmental harm or a nuisance to the public; and
 - (n) where the application involves temporary closure of a road or footpath–
 - (i) submit to the local government at least 7 days prior to commencement of work an advertisement for the purpose of advising the public via local newspaper of any disruption to traffic, including details of–
 - (A) the type of works or activities that will be carried out; and

- (B) the location where the works or activities will be carried out; and
 - (C) the hours and days of operation of the works or activities; and
 - (D) details of any detours; and
 - (ii) provide evidence that emergency services have been advised of the disruption; and
 - (o) remediate any damage to signs, posts, footpath, concrete, channelling, roadway and any other local government property; and
 - (p) where the works are constructed through concrete kerb and channel, footpath or kerb access ramp – ensure that the entire concrete section to the next construction joint is reconstructed as part of the restoration works; and
 - (q) where the works or activity cause damage to the road that is not rectified by the approval holder – pay the local government the amount it would cost the local government to rectify the damage to the road; and
 - (r) where the works or activity involves opening of a road surface–
 - (i) carry out backfilling and compaction of road openings and trenches in accordance with the backfilling requirements of IPWEA Standard drawing D-0030 for the relevant road classification (including ensuring that the temporary pavement reinstatement is compacted with stabilised sand); and
 - (ii) ensure that no more than half the width of a road pavement is opened at any one time; and
 - (iii) upon completion of the opening–
 - (A) carry out temporary restoration for the trench construction within roads as set out in the specification; and
 - (B) immediately notify the local government of the need for pavement reinstatement; and
 - (C) ensure worksite signage remains in place until either permanent pavement restoration has been completed or alternative signage is in place; and
 - (s) ensure that all excavated materials and surplus backfilling materials are removed from the site of the work and that the site is left in a clean condition; and
 - (t) ensure erosion and sediment control is in accordance with the local government’s standard drawings for temporary sediment and erosion control; and
 - (u) ensure that at the close of each day’s activity, the work site is left in a safe condition, having due regard to providing temporary access to private properties and public thoroughfare; and
 - (v) pay to the local government, the cost of any remediation works required to rectify an unsafe condition outside normal work hours.
- (2) For approvals to close part or all of a footpath for the purpose of undertaking

building work on a building adjacent to the footpath or for the purpose of the storage of materials on the footpath, the conditions that will ordinarily be imposed are that the approval holder must–

- (a) in the case of partial footpath closure–
 - (i) maintain a width of half or more of the footpath (being a minimum of 1 metre) adjacent to the kerb free of obstruction for pedestrian traffic; and
 - (ii) ensure that any obstruction left on the footpath at night is adequately lit with warning lamps in accordance with the requirements of the relevant workplace health and safety legislation; and
 - (iii) ensure that, on completion of the work, the site is swept clean and left in a neat and tidy condition; and
 - (b) in the case of full footpath closure – provide signs, lights, barricades and other such traffic control devices in accordance with the directions of an authorised person.
- (3) for approvals for works involving opening of a road that requires footpath closure, the conditions that will ordinarily be imposed are that the approval holder must–
- (a) submit and receive approval for a Traffic Management Plan prior to the commencement of any works; and
 - (b) ensure that a copy of all site specific workplace health and safety and traffic management records are available for inspection on the site at all times that works are taking place; and
 - (c) ensure that records of sign composition and layout are kept daily by site personnel and are available for inspection upon request.
- (4) for approvals for installing or operating gates or grids on a road, the conditions that will ordinarily be imposed are that the approval holder must–
- (a) ensure that the number for the gate or grid as per the approval is prominently displayed on the gate or grid; and
 - (b) maintain the gate or grid in good order to ensure its safe use; and
 - (c) reimburse the local government for all costs incurred by the local government should it deem it necessary to conduct urgent maintenance for safety purposes to either the gate or grid or the road approaches up to 5 metres from the gate or grid; and
 - (d) remove and destroy all declared noxious weeds and plants growing in the road reserve enclosed by a grid and up to a distance of 5 metres either side of the grid; and
 - (e) if requested by the local government, remove the grid and reinstate the road; and
 - (f) in the case of gates and grids located on public maintained roads – apply for a renewal of the approval not less than 30 days prior to the expiry date listed on the existing approval; and
 - (g) remove a structure erected or installed under the approval at the end of a

stated period.

- (5) for approvals for installing or maintaining a driveway access or vehicle crossover, the conditions that will ordinarily be imposed are that the approval holder must–
- (a) complete works in accordance with the local government’s standard drawing relevant at the time of application; and
 - (b) ensure that all existing service covers or lids are incorporated into the works and finished flush with the vehicle crossing surface finished level; and
 - (c) meet the costs of any service alteration required during the works; and
 - (d) ensure that the location of the vehicle crossing or driveway is as outlined in AS2890.1, section 3.

- (6) for approvals for roadside burning that will interfere with a road or its operation, the conditions that will ordinarily be imposed are that the approval holder must–

- (a) undertake burning only during favourable conditions to avoid the creation of a smoke hazard across the road; and

Example–

Preference is for a cool burn to be conducted to minimise fire intensity and avoid unnecessary damage to vegetation to be retained.

- (b) erect warning signs approved under the Manual of Uniform Traffic Control Devices on all approaches to the burn area; and

Example–

the SMOKE HAZARD sign (T4-6) shall be used to warn motorists of possible impaired visibility. This may be reinforced with the TRAFFIC HAZARD AHEAD sign (T1-10).

- (c) where traffic controllers are used – ensure only qualified personnel are used; and
- (d) ensure all burning off within the boundaries of rural roads is carried out by either the local rural fire brigade or with the fire brigade notified to have adequate personnel and equipment available to prevent the fire from escaping; and
- (e) take steps to ensure the safety of all local government infrastructure, including bridges, signs and delineators; and
- (f) where other facilities are located in the road reserve within the burn off area (for example, electricity poles, telecommunications infrastructure, pipelines) – notify each authority and obtain advice regarding safety of their infrastructure during burning operations; and
- (g) take care to avoid damage to other property such as fencing and to ensure that adequate firebreaks have been provided to confine the fire within the area approved for burning; and
- (h) prior to burning – ensure the area is thoroughly checked for any dumped material that may pose safety or pollution problems (for example, tyres, car bodies and bitumen drums); and
- (i) immediately extinguish any fire that is consuming dumped material that may pose safety or pollution problems; and

-
- (j) after burning off–
 - (i) check the area to ensure that the fire has been extinguished and there is no possibility of re-ignition; and
 - (ii) ensure no trees are left burning so as to cause a possible hazard to through traffic and the general public; and
 - (iii) safely fell any trees that are unstable due to fire; and
 - (iv) remove all HAZARD signs when the smoke has dissipated.

7 Term of approval

The term of the approval will be specified in the approval.

8 Term of renewal of approval

The term of a renewal of the approval shall be the term stated in the renewal.

Schedule 32 Dictionary

Section 4

Above awning sign An advertising device located on top of and attached to an awning or verandah

Act means an Act of the Queensland Parliament;

Advertisement area means the total area of an advertisement;

Ancillary Advertisement means an advertisement which provides information about a business or commercial enterprise or industry conducted on-site; excluding uses otherwise defined. The information may include—

- (a) the use of the site (including the proposed future use of the land);
- (b) the use of a building on the land;
- (c) goods manufactured or offered for sale or hire on the land;
- (d) services offered on the land;
- (e) the name and address of the owner or occupier of the land;
- (f) where a number of persons are carrying on different businesses on the land, an advertisement identifying the place;
- (g) where an event or activity is to be conducted on the land, information about the event or activity.

Animated or moving advertisement means an advertisement that has moving parts or which rotates or revolves. The term includes advertisement containing chasing or running bulbs, reader boards (electronic variable message) and similar features;

Appropriate records means, as described in Appendix 6 – Records, QLD Health Swimming and Spa Water Quality and Operational Guidelines

Awning fascia or return fascia sign An advertising device painted or otherwise affixed to a solid or flexible material suspended from an awning, verandah or wall

Banner advertisement means any advertisement;

- (a) suspended from any structure, tree or pole;
- (b) with or without supporting frame work; and
- (c) displaying an advertisement applied to paper, plastic or similar material or fabric of any kind.

The term excludes symbolic flags of any institution or business;

Blind sign An advertising device painted or otherwise affixed to a solid or flexible material suspended from an awning, verandah or wall

Business name plate An advertising device displaying the name, occupation and contact details for the business occupant and which may also include the hours of operation of the business

Bunting includes decorative flags, pennants and streamers

Canopy sign An advertising device painted on a canopy structure

Created awning sign An advertising device positioned on the face, or align with the face of an awning where the shape interrupts the natural line of the awning

Construction advertisement means a temporary advertisement used to identify the name of a development or developer during the construction of a development

Distribute a business advertising publication—

Includes make the business advertising publication available to other persons; but

Does not include merely display of the business advertising publication;

Examples

A person 'distributes' a business advertising publication if the person hands the business advertising publication out to other persons or leaves it at a place for other persons to take away, including positing the business advertising publication on a car windscreen;

A person does not 'distribute' a business advertising publication if the person attaches the business advertising publication onto walls and other structures, merely for display

Estate entrance advertisement means an advertisement placed or erected at the entrance to an industrial or residential development, identifying the particular development;

Estate sales office means any premises including a caravan or relocatable home on which a sign is exhibited for the promotion and/or sale of land within an industrial or residential development, where the use of such facilities shall not be more than two (2) years from the date of commencement, unless approved by Council

Flush wall sign An advertising device painted or otherwise affixed upon and confined within the limits of a wall

Freestanding sign An advertising device that is independent of a building and is supported by one or more columns, poles or pylons. The term includes a billboard on which the advertising may not directly relate to the business, activity or occupation carried on, in or upon the site on which the structure is located.

Ground sign An advertising device that is independent of a building and that is normally erected at a driveway entrance to identify the business or points of entry

Hamper sign An advertising device painted or otherwise affixed above the door head or its equivalent height or below the awning level or verandah of a building

Home activity advertisements means an advertisement associated with a lawful home activity limited to one advertisement per premises, not exceeding 0.3m² in size, and not illuminated

Home based business advertisements means an advertisement associated with a lawful home based business limited to one advertisement per premises, not exceeding 0.3m² in size, and not illuminated

Off-site advertisement means an advertisement, either freestanding or affixed to a building or structure that is intended to promote goods, services, a business, commercial enterprise or industry not available or conducted on-site

Planning area as defined by the Planning Scheme

Planning scheme means the Planning Schemes for the *Whitsunday Regional Council Planning Scheme*

Political advertisement means a temporary advertisement exhibited for the purposes

of an election;

Portable advertisement means a freestanding moveable advertisement placed on the footpath, road reserve or other public place. The term includes sandwich and spinning boards;

Projecting sign An advertising device attached and mounted at a right angle to the façade of a building

Public information advertisement means an advertisement erected or displayed to indicate the location of a public building, service or place of interest, and which carries no other information or advertisement;

Public place activity means an activity as described in Schedule 6 where undertaken on or in a 'Public Place' as defined in Section 125(5) of the Act

Real estate advertisement means a temporary advertisement on-site, advising of the owner's intention to sell, lease, tender or auction the land and/or building;

Sky sign An advertising device placed at or near the top of a building and projecting above the building

Stallboard sign An advertising device located below the ground storey window of a building

Structure sign An advertising device painted or otherwise affixed to any structure which is not a building

Sign written roof sign An advertising device painted or otherwise affixed to the roof cladding of a building

Temporary advertisement means an advertisement which, by its nature, is intended to be in place for only a limited amount of time, not exceeding three months. The term includes:

- (a) a political advertisement;
- (b) a real estate advertisement; or
- (c) an advertisement for the sale, lease, tender or auction of a product

Temporary entertainment event means an event that is held temporarily – not on a regular basis – to provide entertainment to the public whether or not upon payment of a fee for admission and whether or not the management reserves the right to exclude individual members of the public

Temporary Home means the erection, construction, installation, positioning or placement of a structure used or intended for temporary use as a place of residence but does not include–

- (a) a structure for erection which is constituted as development under the Planning Act; or
- (b) the establishment or the occupation of a temporary home on or in a camping ground or caravan park.

Three dimensional replica object or shaped sign An advertising device that replicates a real world object or shape. The replica may be enlarged, miniaturised or equal in scale and be freestanding or form part of another advertising device

Touting means to publicise to another person either verbally or with a publication a

business, commercial or trade activity, including by approaching that person and ‘touted’ and ‘touting’ have the corresponding meanings

Under awning sign An advertising device attached or suspended under an awning or verandah

Vehicle means any air cushion vehicle, articulated vehicle, bicycle, caravan trailer, commercial vehicle, motor car, motor cycle, motor omnibus, motor truck, motor utility, truck, motor vehicle, omnibus, side car, tractor, trailer, tricycle or vehicle as defined in schedule 4 of the *Transport Operations (Road Use Management) Act 1995*

Window sign An advertising device painted or otherwise affixed to the exterior or on the inner surface of a glazed area of any window. It includes any devices that are suspended from the window frame. The term does not include product displays or showcases for viewing by pedestrians.

Whitsunday Regional Council

Local Law No. 1 (Administration) 2014

Contents

Part 1	Preliminary.....	3
	1 Short title.....	3
	2 Purposes and how they are to be achieved	3
	3 Definitions—the dictionary.....	3
	4 Relationship with other laws	3
Part 2	Approvals for prescribed activities	3
	5 Meaning of <i>prescribed activity</i>	3
	6 Offence to undertake local law prescribed activity without approval.....	4
	7 Approvals for prescribed activities to be obtained under this part.....	5
	8 Form of application	5
	9 Local government’s discretion in granting approvals	6
	10 Conditions of approval	7
	11 Compliance with conditions of approval	Error! Bookmark not defined.
	12 Third party certification	8
	13 Term of approval.....	8
	14 Renewal of approval.....	8
	15 Transfer of approval.....	10
	16 Amending conditions at request of approval holder	10
	17 Grounds for amending, suspending or cancelling approval	11
	18 Procedure for amending, suspending or cancelling approval	11
	19 Procedure for immediate suspension of approval	12
Part 3	Authorised persons	13
	20 Appointment.....	13
	21 Threatening etc an authorised person.....	13
Part 4	Review of decisions	13
	22 Application for review.....	13
	23 Review decision	14
	24 Stay of operation of original decision.....	14
Part 5	Enforcement	14
	25 Production of records.....	14
	26 Compliance notice for contravention of local law or approval condition.....	15
	27 Compliance notice authorised by local law.....	16
	28 Power to remove and cost recovery	Error! Bookmark not defined.

	29	Stop orders	17
Part 6		Legal proceedings	18
	30	Defence of reasonable excuse	18
	31	General defence for owners or occupiers of land.....	18
	32	Joint and several liability.....	18
	33	Rewards.....	18
Part 7		Miscellaneous.....	18
	34	Maintenance of good order at meetings	18
	35	Fees	19
	36	Abandoned goods.....	19
	37	Dealing with seized and impounded items	19
	38	Repealing Local Laws.....	20
Part 8		Subordinate local laws	21
	39	Subordinate local laws	21
Schedule 1		Dictionary.....	23

Part 1 Preliminary

1 Short title

This local law may be cited as *Whitsunday Regional Council Local Law No. 1 (Administration) 2014*.

2 Purposes and how they are to be achieved

- (1) The purposes of this local law are to provide a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and specified regulatory powers under legislation, and to provide for miscellaneous administrative matters.
- (2) The purposes are to be achieved by providing for—
 - (a) consistent and comprehensive processes for the local government to grant and regulate approvals to undertake prescribed activities; and
 - (b) authorised persons for enforcing local laws; and
 - (c) review of certain decisions made under local laws; and
 - (d) enforcement of local laws; and
 - (e) matters relating to legal proceedings; and
 - (f) miscellaneous administrative matters relating to meetings, fees, abandoned goods and seized and impounded items.

3 Definitions—the dictionary

The dictionary in schedule 1 defines particular words used in this local law.

4 Relationship with other laws¹

This local law is—

- (a) in addition to, and does not derogate from, laws regulating land use planning and development assessment; and
- (b) applies to each of the local government's local laws subject to any specific provision in a local law that expresses a contrary intention.

Part 2 Approvals for prescribed activities

5 Meaning of *prescribed activity*

Prescribed activity means—

- (a) an activity prescribed in part 1 of schedule 2 and defined in part 2 of schedule 2; or

¹ This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

- (b) an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval.

6 Offence to undertake local law prescribed activity without approval

- (1) This section applies to a prescribed activity mentioned in—
- (a) section 5(a); or
- (b) section 5(b) if the Local Government Act that authorises the local government to grant the approval is a local law.²
- (2) A person must not undertake the prescribed activity without a current approval granted by the local government.

Maximum penalty for subsection (2)—

- (a) for an activity for which no category has been declared by subordinate local law—50 penalty units; or
- (b) for a category 1 activity—50 penalty units; or
- (c) for a category 2 activity—200 penalty units; or
- (d) for a category 3 activity—500 penalty units.
- (3) However, a local government may, by subordinate local law, declare that subsection (2) does not apply to a prescribed activity or a particular activity that is within the category of a prescribed activity.

Examples—

- A subordinate local law may declare that subsection (2) does not apply to installation of a specified type of advertising device (for example, a device prescribed as a ‘permitted advertising device’). These permitted advertising devices would not require an approval under this part but other types of advertising devices would continue to require an approval.
- A subordinate local law may declare that subsection (2) does not apply to the operation of a camping ground that meets certain criteria (for example, less than a certain size or in a particular location) or complies with certain conditions. A person operating such a camping ground would therefore not require an approval under this part.
- A subordinate local law may declare that subsection (2) does not apply to the establishment or operation of a temporary home in a particular part of the local government’s area.

- (4) In this section—

category 1 activity means a prescribed activity that is declared as a category 1 activity by a subordinate local law for this definition.

category 2 activity means a prescribed activity that is declared as a category 2 activity by a subordinate local law for this definition.

category 3 activity means a prescribed activity that is declared as a category 3 activity by a subordinate local law for this definition.

² For the offence for undertaking a prescribed activity mentioned in section 5(b) without a current approval if the Local Government Act is not a local law, see the relevant Local Government Act that provides for the approval.

current approval means an approval that is in force and has not been suspended at the time the prescribed activity is being undertaken.

7 Approvals for prescribed activities to be obtained under this part

An approval required for a prescribed activity must be obtained under this part.

8 Form of application

- (1) An application for the local government's approval of a prescribed activity must be made in a form approved by the local government.

Examples of a form approved by the local government—

A written form or an online application process.

- (2) The application must be accompanied by—
 - (a) documents and materials required under a subordinate local law for this paragraph; and
 - (b) proof that the applicant currently holds any separate approval relating to the prescribed activity that is required under another law; and
 - (c) the prescribed fee.

Example for paragraph (a)—

The local government may require an application to include site plans, management plans, relevant consents, evidence of public liability insurance etc.

Example for paragraph (b)—

A prescribed activity may require approvals under another Act in relation to development, building, liquor, carriage of goods, business licensing etc.

- (3) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.
- (4) The notice under subsection (3) must state—
 - (a) the grounds on which the request is made; and
 - (b) an outline of the facts and circumstances forming the basis for the grounds; and
 - (c) a detailed description of the information requested; and
 - (d) the date, not less than 7 days after the applicant receives the notice, by which the applicant must provide the information.
- (5) If the applicant does not, without reasonable excuse, provide the further information by the stated date—
 - (a) the application lapses; and
 - (b) the local government must give the applicant written notice stating that—
 - (i) under this section the application lapses; and
 - (ii) the applicant may make a new application.
- (6) However, the local government may extend the period for the applicant to provide the further information.

- (7) A person must not provide information in or in connection with an application that is, to the person's knowledge, false or misleading in a material particular.

Maximum penalty for subsection (7)—20 penalty units.

9 Local government's discretion in granting approvals

- (1) The local government may grant an approval for an applicant to undertake a prescribed activity only if it is satisfied that—
- if the prescribed activity requires a separate approval under an Act, a law of the Commonwealth or the local government's planning scheme—the separate approval has been granted; and
 - the proposed operation and management of the prescribed activity is adequate to protect public health, safety and amenity and prevent environmental harm; and
 - the grant of the approval would be consistent with the purpose of any relevant local law; and
 - the proposed operation and management of the prescribed activity would be consistent with any additional criteria prescribed for the activity under a subordinate local law for this paragraph; and
 - if the application relates to trust land—the grant of the approval would be consistent with the terms and conditions of the trust; and
 - if the application relates to a prescribed activity mentioned in section 5(b)—the grant of the approval would be consistent with any requirements or criteria specified in the relevant Local Government Act in relation to the approval.

Example for paragraph (a)—

An application for commercial use of a local government controlled area that is held in trust by the local government under the *Land Act 1994* may require registration of a trustee lease or issue of a trustee permit prior to the approval being granted for commercial use of the area.

- (2) The local government may, by written notice to the applicant—
- grant the approval unconditionally; or
 - grant the approval subject to conditions determined in accordance with section 10; or
 - refuse to grant the approval.

Examples for paragraph (b)—

- If an application for which the local government's approval is required may result in damage to property, the local government may, as a condition of giving its approval, require the applicant to give reasonable security (which may include a deposit of money, a guarantee or an insurance bond) to ensure that the damage is made good.
- The local government may grant an approval subject to the standard conditions imposed on the approval pursuant to a subordinate local law made under section 10(3) of this law.

- (3) However, the local government's powers in deciding the application are subject to the provisions of any relevant local law.
- (4) The local government must give the applicant an information notice if the local

government—

- (a) refuses to grant the approval; or
 - (b) grants the approval subject to a non-standard condition.
- (5) In this section—

non-standard condition means a condition that is not prescribed under section 10(3) as a condition that must be imposed on an approval or that will ordinarily be imposed on an approval.

10 Conditions of approval

- (1) An approval may be granted on conditions the local government considers appropriate.
- (2) However, the conditions must—
 - (a) be reasonably necessary to ensure that the operation and management of the prescribed activity will be adequate to protect public health, safety and amenity and prevent environmental harm; and
 - (b) be consistent with the purpose of any relevant local law; and
 - (c) if the approval is for a prescribed activity mentioned in section 5(b)—be consistent with any requirements or criteria specified in the relevant Local Government Act in relation to the approval; and
 - (d) not conflict with the conditions of any other relevant approval issued under an Act; and
 - (e) require the approval holder to notify the local government in writing of a suspension or cancellation of a relevant approval for the prescribed activity under an Act within 3 days of the relevant approval being suspended or cancelled.
- (3) Subject to subsection (2), the local government may, by subordinate local law, prescribe conditions that must be imposed on an approval or that will ordinarily be imposed on an approval.
- (4) To remove any doubt, it is declared that a condition of an approval may authorise an act or omission that—
 - (a) contravenes a noise standard; or
 - (b) causes an environmental nuisance.³

Example for paragraph (a)—

A condition of an approval for operation of a temporary entertainment event may authorise the operation of an amplifier device at specified times that would otherwise be a contravention of the noise standard in the *Environmental Protection Act 1994*, section 440Y.

- (5) In this section—

environmental nuisance see *Environmental Protection Act 1994*, section 15.

noise standard see *Environmental Protection Act 1994*, section 440K.

³ See *Environmental Protection Act 1994*, schedule 1, section 3(b).

11 Compliance with conditions of approval

- (1) A holder of an approval must ensure each condition of the approval is complied with.

Maximum penalty for subsection (1)—50 penalty units.

- (2) For a prescribed activity mentioned in section 5(b), this section does not apply if the Act that provides for the local government to grant an approval stipulates a penalty for contravening a condition of the approval.

12 Third party certification

- (1) In deciding an application under this part, the local government may accept the certificate of a third party certifier as evidence about any application requirement that is mentioned in a subordinate local law for this subsection.

Example—

A subordinate local law under section 9(1)(d) might specify that a criterion to be met by applicants for approval to operate a public swimming pool is a management plan that complies with the Royal Life Saving Society's *Guidelines for Safe Pool Operation*. A subordinate local law under the current section could state that compliance with this requirement is a matter about which a third party certifier may provide certification. In deciding an application, the local government may then accept a certificate of a third party certifier (approved under a subordinate local law pursuant to subsection (2) – e.g. the Royal Life Saving Society) as evidence that this requirement has been met.

- (2) In this section—

third party certifier means—

- (a) an individual or organisation declared under a subordinate local law for this paragraph as a third party certifier for particular application requirements; or
- (b) an individual or organisation that has the qualifications prescribed under a subordinate local law for this paragraph as necessary to provide a certificate about particular application requirements.

application requirement means a matter that the local government must be satisfied about, or have regard to, before granting an application for approval for a prescribed activity.

13 Term of approval

Unless sooner cancelled or suspended, an approval remains in force for—

- (a) the term provided for the prescribed activity under a subordinate local law for this paragraph; or
- (b) if there is no term provided for under a subordinate local law—one year from the date the approval is granted.

14 Renewal of approval

- (1) An approval holder may, before the end of the term of the approval, apply to the local government to renew or extend the approval for—
 - (a) a further term provided for the prescribed activity under a subordinate local law for this paragraph; or

- (b) if there is no term provided for under a subordinate local law—a further term equal to the current term of the approval.
- (2) However, an approval holder may not apply to renew or extend the approval where the local government has given the approval holder reasonable written notice that the approval is one of a class of approvals that the local government does not intend to renew or extend.

Example—

The local government might give notice to the approval holder that, in order to prevent environmental harm to an endangered ecosystem, it does not intend to grant, renew or extend any approvals for the prescribed activity in a specified part of the local government area.
- (3) The application under subsection (1) must be—
 - (a) made in a form approved by the local government; and
 - (b) accompanied by the prescribed fee.
- (4) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.
- (5) Section 8(4) to (7) applies to the notice as if it was a notice under section 8(3).
- (6) The local government may, by written notice to the applicant—
 - (a) grant the application; or
 - (b) grant the application and amend the conditions of the approval; or
 - (c) refuse the application.
- (7) In deciding under subsection (6), the local government may have regard to—
 - (a) the matters mentioned in section 9(1); and
 - (b) whether the conditions of the approval are being complied with by the applicant.
- (8) The local government must give the applicant an information notice if the local government—
 - (a) refuses the application; or
 - (b) grants the application and amends the approval to include non-standard conditions.
- (9) The local government may amend the conditions of the approval under subsection (6)(b) without following the procedure in section 18.
- (10) If an approval holder applies to renew or extend the approval, the approval remains in force until—
 - (a) if the application is granted, with or without amendment of the conditions—the date the application is granted; or
 - (b) if the application is refused and the applicant applies for a review of the decision under part 4—the date the applicant is given notice of the review decision; or
 - (c) if the application is refused and the applicant has not applied for a review of the decision under part 4—14 days after the applicant is given an information notice under subsection (8).

15 Transfer of approval

- (1) The holder of an approval together with another person may apply to the local government for transfer of the approval to the other person (the *proposed transferee*).⁴
- (2) However, an approval cannot be transferred under this section if it is of a category declared as non-transferable under a subordinate local law for this subsection.
- (3) The application under subsection (1) must be—
 - (a) made in a form approved by the local government; and
 - (b) accompanied by the prescribed fee.
- (4) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.
- (5) Section 8(4) to (7) applies to the notice as if it was a notice under section 8(3).
- (6) The local government may grant an application to transfer an approval only if it is satisfied about the matters mentioned in section 9(1).
- (7) The local government may, by written notice to the approval holder and the proposed transferee—
 - (a) grant the application to transfer the approval; or
 - (b) refuse the application to transfer the approval.
- (8) If the local government decides to grant the application to transfer the approval, the local government may amend the existing conditions of the approval.
- (9) The local government may amend the conditions of the approval under subsection (8) without following the procedure in section 18.
- (10) The local government must state, in the notice given under subsection (7)(a), any amendments to the conditions of the approval and the day that they take effect.
- (11) The local government must give the approval holder and the proposed transferee an information notice if the local government—
 - (a) refuses the application; or
 - (b) grants the application and amends the approval to include non-standard conditions.

16 Amending conditions at request of approval holder

- (1) An approval holder may apply to the local government to amend the conditions of the approval.
- (2) The application must be written and state—
 - (a) the proposed amendment; and
 - (b) the reasons for it.
- (3) The local government must consider and decide whether to grant or refuse the application.

⁴ See the Act, section 97, for the power of a local government to fix cost-recovery fees for approvals.

- (4) If the local government decides to amend the conditions as requested, the local government must, within 14 days of the decision, give the approval holder written notice of the amended conditions and the day that they take effect.
- (5) If the local government refuses to amend the conditions, the local government must give the approval holder an information notice.
- (6) The local government may amend the conditions of the approval under this section without following the procedure in section 18.

17 Grounds for amending, suspending or cancelling approval

Each of the following is a ground for amending, suspending or cancelling an approval—

- (a) amendment, suspension or cancellation is necessary—
 - (i) for the protection of public health or safety; or
 - (ii) to prevent environmental harm; or
 - (iii) to prevent property damage or loss of amenity; or
 - (iv) to allow for works on roads or local government controlled areas; or
 - (v) to improve access to a road; or
 - (vi) to improve the efficiency of vehicle or pedestrian traffic.
- (b) another approval required for the prescribed activity under an Act has been suspended or cancelled or has lapsed;
- (c) in undertaking the prescribed activity, the approval holder has failed to comply with a local law or an Act;
- (d) the approval holder has failed to comply with a condition of the approval;
- (e) the approval holder has failed to comply with a notice under sections 26 or 27 that relates to the conduct of the prescribed activity or has failed to comply with a stop order under section 29;
- (f) the approval was granted because of a document or representation that was—
 - (i) false or misleading; or
 - (ii) obtained or made in another improper way.

18 Procedure for amending, suspending or cancelling approval

- (1) This section applies if the local government considers there is a ground under section 17 to amend, suspend or cancel an approval (the *proposed action*).
- (2) Before taking the proposed action, the local government must give the approval holder a written notice (the *show cause notice*) stating—
 - (a) the proposed action; and
 - (b) the grounds for the proposed action; and
 - (c) an outline of the facts and circumstances that are the basis of the grounds; and

- (d) if the proposed action is suspension of the approval, the proposed suspension period; and
 - (e) that the approval holder may make written submissions, within a stated reasonable time of at least 21 days after the notice is given, why the proposed action should not be taken.
- (3) If, after considering all submissions made within the stated time, the local government decides that a ground no longer exists to cancel, amend or suspend the approval, the local government must take no further action about the show cause notice and give written notice to the approval holder about the decision.
- (4) If, after considering all submissions made within the stated time, the local government still considers there is a ground to take the proposed action, the local government may—
- (a) if the proposed action was to amend the approval—amend the approval; or
 - (b) if the proposed action was to suspend the approval—suspend the approval for no longer than the period stated in the notice; or
 - (c) if the proposed action was to cancel the approval—amend the approval, suspend it for a period or cancel it.
- (5) If the local government decides to amend, suspend or cancel the approval, the local government must give the approval holder an information notice.
- (6) The decision takes effect on the day the written notice mentioned in subsection (3) or (5) is given to the approval holder, or if a later day of effect is stated in the notice, the later day.
- (7) This section does not limit the power a local government may have apart from this section to amend, suspend or cancel an approval.

19 Procedure for immediate suspension of approval

- (1) Despite section 18, the local government may immediately suspend an approval if the local government believes that continuation of the prescribed activity by the approval holder poses—
- (a) an urgent and serious threat to public health or safety; or
 - (b) an urgent and serious risk of environmental harm, property damage or loss of amenity.
- (2) The suspension—
- (a) can be effected only by the local government giving a notice to the approval holder about the decision to immediately suspend the approval, together with a show cause notice about proposed action under section 18; and
 - (b) operates immediately the notices are given to the approval holder; and
 - (c) continues to operate until the earliest of the following happens—
 - (i) the local government cancels the suspension;
 - (ii) the local government gives the approval holder notice under section 18(3) or (5) of its decision about the show cause notice;
 - (iii) 14 days have passed since the expiry of the stated time for the making of written submissions regarding the show cause notice;

- (iv) 14 days have passed since the approval holder notifies the local government that it has made its final written submissions regarding the show cause notice.

Part 3 Authorised persons

20 Appointment

An authorised person's instrument of appointment⁵ must state the local laws, or the provisions of local laws, for which the person is appointed as an authorised person.

21 Threatening etc an authorised person⁶

A person must not threaten, insult or use abusive language to an authorised person.
Maximum penalty—20 penalty units.

Part 4 Review of decisions

22 Application for review

- (1) A person who is given, or is entitled to be given, an information notice for a decision under a local law (an *original decision*) may apply to the chief executive officer⁷ for a review of the decision under this part.⁸
- (2) The application (a *review application*) must be made within 14 days of—
 - (a) if the person is given an information notice for the decision—the day the person is given the notice; or
 - (b) if paragraph (a) does not apply—the day the person otherwise becomes aware of the original decision.
- (3) However, the local government may, at any time, extend the time for making a review application.
- (4) The review application must be in writing and—
 - (a) accompanied by a statement of the grounds on which the applicant seeks the review of the decision; and
 - (b) supported by enough information to enable the local government to decide the application.

⁵ See the Act, chapter 6, part 6, for the power to appoint authorised persons.

⁶ See also the Act, section 149, in relation to obstructing a person enforcing a local government Act and section 150 in relation to impersonating an authorised person.

⁷ See definition of *chief executive officer* in the Act, schedule 4.

⁸ Persons who are aggrieved by a local government decision for which they do not receive, and are not entitled to receive, an information notice may seek redress under the local government's complaints process, which is required by the Act, section 268.

23 Review decision

- (1) The local government must review the original decision within 28 days after receiving a review application and make a decision (the *review decision*) to—
 - (a) confirm the original decision; or
 - (b) amend the original decision; or
 - (c) substitute another decision for the original decision.
- (2) The application must not be dealt with by—
 - (a) the person who made the original decision; or
 - (b) a person in a less senior office than the person who made the original decision, unless the original decision was made by the chief executive officer.
- (3) The local government must, within 5 days of making the review decision, give the applicant notice of the decision (the review notice).
- (4) If the review decision is not the decision sought by the applicant, the review notice must also state the reasons for the review decision.
- (5) If the local government does not give the review notice within the 5 days, the local government is taken to have made a review decision confirming the original decision.

24 Stay of operation of original decision

- (1) A review application does not stay the original decision that is the subject of the application.
- (2) However, the applicant may, immediately after being given the information notice about the original decision, apply to the Magistrates Court for a stay of the original decision.
- (3) The court may stay the original decision to secure the effectiveness of the review.
- (4) A stay may be granted on conditions the court considers appropriate.

Part 5 Enforcement

25 Production of records

- (1) This section applies where an authorised person has entered a property under the Act to find out whether the conditions of an approval have been complied with.⁹
- (2) The authorised person may require the occupier of the property to produce for inspection records that are required by the conditions of an approval.
- (3) A person must comply with a requirement under subsection (2), unless the person has a reasonable excuse.

Maximum penalty for subsection (3)—10 penalty units.

⁹ See the Act, section 132.

26 Compliance notice for contravention of local law or approval condition

- (1) Subsection (2) applies if an authorised person is satisfied on reasonable grounds that—
- (a) a person—
 - (i) is contravening a local law or a condition of an approval; or
 - (ii) has contravened a local law or a condition of an approval in circumstances that make it likely the contravention will continue or be repeated; and
 - (b) a matter relating to the contravention can be remedied; and
 - (c) it is appropriate to give the person an opportunity to remedy the matter.

Examples for paragraph (b) of matters relating to a contravention that can be remedied—

- If the contravention relates to a person's failure to take action that is required under a local law or a condition of an approval, then the matter can be remedied by the person taking that action.
 - If the contravention relates to a person taking action that is prohibited under a local law or a condition of an approval, then the matter can be remedied by the person stopping that action.
- (2) The authorised person may give¹⁰ a written notice (a compliance notice) to the person (the recipient) requiring the person to remedy the contravention.¹¹
- (3) The compliance notice must state the following—
- (a) the particular provision of the local law or condition of an approval the authorised person believes is being, or has been, contravened; and
 - (b) briefly, how it is believed the provision of the local law or condition of an approval is being, or has been, contravened; and
 - (c) the time by which the recipient must remedy the contravention; and
 - (d) that it is an offence to fail to comply with the compliance notice; and
 - (e) the maximum penalty for failing to comply with the compliance notice.
- (4) The time under subsection (3)(c) must be reasonable having regard to—
- (a) the action required to remedy the contravention; and
 - (b) the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm posed by the contravention; and
 - (c) how long the recipient has been aware of the contravention.
- (5) The compliance notice may also state the reasonable steps the authorised person considers necessary to remedy the contravention or avoid further contravention.

Examples of reasonable steps to avoid further contravention—

- The repetition of a specified action at stated intervals for a certain period.
- Stopping taking an action that is prohibited by a local law or condition of an approval.

¹⁰ See the *Acts Interpretation Act 1954*, sections 39 and 39A, regarding the service of documents on a person.

¹¹ Where a compliance notice is given to the owner of a property and requires action to be taken in relation to that property, then it will constitute a **remedial notice** under the Act, section 138(2).

- (6) The compliance notice must include, or be accompanied by, an information notice.
- (7) The recipient must comply with the compliance notice.¹²
Maximum penalty for subsection (7)—50 penalty units.

27 Compliance notice authorised by local law

- (1) This section applies if—
 - (a) a local law provides that an authorised person may give a compliance notice to a person;¹³ and
 - (b) the authorised person gives¹⁴ a compliance notice to the person (the *recipient*).¹⁵
- (2) The compliance notice must state the following—
 - (a) the provision of the local law that authorises the authorised person to give a compliance notice; and
 - (b) the specified action that the recipient must take to comply with the notice; and
 - (c) the time by which the recipient must comply with the notice; and
 - (d) that it is an offence to fail to comply with the notice; and
 - (e) the maximum penalty for failing to comply with the notice.
- (3) The specified action in subsection (2)(b) must not be inconsistent with action required, by a remedial notice, to be taken under another Local Government Act.
- (4) The time under subsection (2)(c) must be reasonable having regard to the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm that may result from failure to comply with the notice.
- (5) The compliance notice must include, or be accompanied by, an information notice.
- (6) The recipient must comply with the compliance notice.¹⁶
Maximum penalty for subsection (6)—50 penalty units.

28 Power to remove and cost recovery

- (1) This section applies where—
 - (a) a structure or other material thing has been brought onto a local government

¹² See also sections 17(e) and 18 regarding the local government's power to amend, suspend or cancel an approval where a notice is not complied with, and the Act, section 142, regarding the local government's power to enter property and take action that is required under a remedial notice.

¹³ For example, see *Whitsunday Regional Council Local Law No.4 (Local Government Controlled Areas, Facilities & Roads) 2014*, section 9(2) (Power to require owner of land adjoining road to fence land) and *Whitsunday Regional Council Local Law No. 3 (Community & Environmental Management) 2014*, section 10(1) (Pest control notices), section 13(2) (Overgrown allotments), section 14(2) (Accumulation of objects and materials on allotments), section 16(2) (Fire hazards), section 19(2) (Community safety hazards).

¹⁴ See also footnote 10.

¹⁵ See also footnote 11.

¹⁶ See also footnote 12.

- controlled area or road in contravention of a local law; or
- (b) a structure has been erected or installed in, on, across, under or over a road in contravention of a local law.
- (2) An authorised person may seize (by dismantling if necessary) and impound the structure or thing if its immediate removal is necessary—
- (a) in the interests of public health or safety; or
 - (b) to prevent environmental harm, property damage or loss of amenity.
- (3) Where subsection (2) does not apply, an authorised person may seize (by dismantling if necessary) and impound the structure or thing if—
- (a) the owner, or person in possession, of the structure or thing has not complied with a compliance notice requiring the owner or person to remove it; and
 - (b) the time for making an application for review of the compliance notice under section 22 has expired.
- (4) The local government may recover the cost of action taken under this section as a debt from the person responsible for the activity mentioned in subsection (1).
- (5) In this section—
- thing** does not include an animal.

29 Stop orders

- (1) An authorised person may give a relevant person an order to immediately stop a prescribed activity if the authorised person believes that continuation of the activity poses—
- (a) an urgent and serious threat to public health or safety; or
 - (b) an urgent and serious risk of environmental harm, property damage or loss of amenity.
- (2) An order under this section—
- (a) may be given orally or in writing; and
 - (b) operates until the earliest of the following happens—
 - (i) the expiry of the period, of no more than 3 days, specified by the authorised person when the order is given;
 - (ii) the local government immediately suspends the approval for the prescribed activity under section 19.
- (3) An authorised person must confirm an oral order in writing by the next business day following the giving of the order.
- (4) A person who receives an order under this section must comply with the order.
- Maximum penalty for subsection (4)—50 penalty units.
- (5) This section does not affect the local government's powers under another law.
- (6) In this section—
- relevant person** means the approval holder for the prescribed activity or an employee or agent of the approval holder currently conducting the prescribed

activity.

Part 6 Legal proceedings

30 Defence of reasonable excuse

If a person is charged with an offence involving a contravention of a local law, it is a defence to prove that the person had a reasonable excuse for the contravention.

31 General defence for owners or occupiers of land

- (1) This section does not apply to proceedings in relation to the operation of short-term accommodation.
- (2) In a proceeding under a local law against the owner or occupier of land for an offence relating to an act or omission with respect to the land, it is a defence for the owner or occupier to prove that—
 - (a) the act or omission occurred without the owner's or occupier's knowledge or consent; and
 - (b) the owner or occupier could not, by reasonable diligence, have prevented the act or omission.

32 Joint and several liability

- (1) If a local law imposes a liability on an owner or occupier of property, or a person engaged in a particular activity, and 2 or more persons are the owners or occupiers of the relevant property, or are jointly engaged in the relevant activity, the liability is joint and several.
- (2) This section applies both to civil liabilities and liabilities enforced by summary proceedings under the *Justices Act 1886*.

33 Rewards

- (1) The local government may, by public notice, offer a reward for information leading to the conviction of a person for—
 - (a) an offence involving damage to, or theft of, property of the local government or under the local government's control; or
 - (b) an offence against a local law.
- (2) The amount of the reward, and the conditions on which it is payable, must be decided by resolution of the local government.

Part 7 Miscellaneous

34 Maintenance of good order at meetings

- (1) A person who is not a member of the local government or a local government committee must not obstruct the proper conduct of a meeting of the local government or committee.

Maximum penalty for subsection (1)—20 penalty units.

- (2) If a person (other than a member) obstructs the proper conduct of a meeting of the local government or committee, the chairperson may ask the person to withdraw from the meeting place.
- (3) A person asked to withdraw from a meeting place under subsection (2) must immediately withdraw from the place and remain away until the end of the meeting or for a lesser period fixed by the chairperson.

Maximum penalty for subsection (3)—20 penalty units.

- (4) If a person contravenes subsection (3), an authorised person may, at the request of the chairperson, exercise reasonable force to remove the person, and keep the person away, from the meeting place.

35 Fees

- (1) If a local law provides for payment of a fee, and does not itself fix the amount of the fee, the fee is to be fixed by resolution under the Act, chapter 4, part 2.
- (2) A resolution fixing a fee may provide for the reimbursement of the fee in appropriate circumstances.

Example—

Suppose that a person pays an approval fee appropriate to an approval of 1 year's duration but, because of unforeseen circumstances, surrenders the approval within 3 months after it is granted. A resolution might provide that, in such a case, the former approval holder is to receive a partial reimbursement of the approval fee.

- (3) Unless specific provision to the contrary is made in the local law or resolution fixing a fee, the local government may, in an appropriate case, waive or partially remit a fee.

36 Abandoned goods

- (1) This section applies where an authorised person considers on reasonable grounds that goods have been abandoned in a local government controlled area or on a road.
- (2) The authorised person may seize and impound the goods.

37 Dealing with seized and impounded items

- (1) This section applies where—
 - (a) an authorised person has exercised a power under a local law to seize and impound a structure, thing or goods (an *impounded item*);¹⁷ or
 - (b) the local government has impounded an item that has been delivered into its custody pursuant to a local law (also an *impounded item*) and the local law

¹⁷ See, for example, section 28 in relation to structures or things brought onto a local government controlled area or road in contravention of a local law and section 36 in relation to abandoned goods.

states that this section is to apply.

- (2) However, this section does not apply to an impounded item that is an animal¹⁸
- (3) If the impounded item is perishable, it may be immediately disposed of as the chief executive officer directs and the proceeds applied in accordance with subsection (6).
- (4) A person may reclaim the impounded item if—
 - (a) written application is made to the chief executive officer; and
 - (b) proof is produced to the satisfaction of the chief executive officer that the applicant is the owner of the item; and
 - (c) the applicant pays the prescribed fee for the impounding of the item.
- (5) At the expiry of 1 month since the date of impounding, the impounded item is forfeited to the local government, which may dispose of the item—
 - (a) if it has no commercial value or has a value that would not cover the costs of sale of the item—as the chief executive officer directs; or
 - (b) by sale through—
 - (iii) public auction or tender, following an advertisement published at least 14 days before the date of the proposed sale; or
 - (iv) an agent of the local government; or
 - (v) an enterprise owned by the local government; or
 - (c) if it has been offered for sale under paragraph (b) but has not been sold within a reasonable period—as the chief executive officer directs.
- (6) The proceeds of the sale or disposal of the impounded item must be applied—
 - (a) firstly, towards the costs of the sale or disposal; and
 - (b) secondly, towards the prescribed fee for impounding the impounded item; and
 - (c) thirdly, to the former owner of the impounded item.
- (7) If no person establishes a valid claim to the amount to which the former owner is entitled under subsection (6)(c) within 1 year of the date of the sale or disposal, the amount becomes the property of the local government.

38 Repealing Local Laws

This local law repeals each of the following local laws—

- (a) Whitsunday Regional Council Accommodation Premises Local Law 2011
- (b) Whitsunday Regional Council Administration Local Law 2011

¹⁸ See *Whitsunday Regional Council Local Law No.2 (Animals) 2014*, part 4, in relation to the seizure of animals. See the *Animal Management (Cats and Dogs) Act 2008* in relation to the seizure of regulated dogs.

- (c) Whitsunday Regional Council Advertising Local Law 2011
- (d) Whitsunday Regional Council Entertainment Venues Local Law 2011

Part 8 Subordinate local laws

39 Subordinate local laws

The local government may make subordinate local laws about—

- (e) prescribed activities in respect of which the requirement for an approval does not apply;¹⁹ and
- (f) the categories of prescribed activities for the purposes of maximum penalties;²⁰
- (g) the documents and materials that must accompany an application for an approval;²¹ and
- (h) additional criteria for the granting of approvals for prescribed activities;²² and
- (i) the conditions that must be imposed on an approval or that will ordinarily be imposed on an approval;²³ and
- (j) application requirements for which a third party certifier's certificate may be accepted by the local government;²⁴ and
- (k) the individuals or organisations that are declared as third party certifiers for particular application requirements;²⁵
- (l) the qualifications that are necessary for an individual or organisation to provide a third party certificate about particular application requirements;²⁶ and
- (m) the term for which an approval for a prescribed activity remains in force;²⁷ and
- (n) the further term for which an approval for a prescribed activity may be renewed or extended;²⁸ and

¹⁹ See section 6(3).

²⁰ See section 6(4).

²¹ See section 8(2)(a).

²² See section 9(1)(d).

²³ See section 10(3).

²⁴ See section 12(1).

²⁵ See section 12(2), definition of *third party certifier*, paragraph(a).

²⁶ See section 12(2), definition of *third party certifier*, paragraph(b).

²⁷ See section 13(a).

²⁸ See section 14(1)(a).

- (o) categories of approvals that are non-transferable;²⁹ and
- (p) complementary accommodation prescribed as appropriate for caravan parks;³⁰ and
- (q) a State-controlled road to which this local law applies;³¹ and
- (r) public place activities prescribed as regulated activities on local government controlled areas and roads.³²

²⁹ See section 15(2).

³⁰ See schedule 1, definition of *complementary accommodation*, paragraph (b).

³¹ See schedule 1, definition of *road*, subparagraph (b)(i).

³² See schedule 2, part 2, definition of *regulated activities on local government controlled areas and roads*, paragraph (c).

Schedule 1 Dictionary

Section 3

amend for an approval, includes varying a condition, removing a condition or adding a condition.

approval includes a consent, permission, licence, permit or authorisation.

authorised person see the Act, schedule 4³³.

caravan see *Residential Tenancies Act 1994*, section 3A.

complementary accommodation means—

- (a) accommodation in an on-site caravan, a cabin or a tent or other structure that can be readily assembled and disassembled; or
- (b) other accommodation prescribed under a subordinate local law for this paragraph as appropriate to caravan parks.

compliance notice means a compliance notice given under—

- (a) section 26; or
- (b) another local law that authorises the giving of a compliance notice.

disturbance, of human remains, includes interfering with remains, removal of remains and opening of a site of burial

DOGIT land means land that is DOGIT land under the *Aboriginal Land Act 1991*, section 13, or the *Torres Strait Islander Land Act 1991*, section 12.

entertainment includes recreation and amusement.

entertainment event means an event that is open to the public for entertainment whether or not a charge for admission is made and whether or not the person who controls admission to the place reserves a right to refuse admission.

environmental harm see *Environmental Protection Act 1994*, section 14.

goods does not include animals.

human remains means the body or part of the body of a deceased person.

information notice, for a decision, means a written notice stating the following—

- (a) the decision; and
- (b) the reasons for the decision; and
- (c) that the person to whom the notice is given may apply for a review of the decision within 14 days after the notice is given; and
- (d) how to apply for a review.

Local Government Act see the Act, schedule 4.

local government cemetery means a cemetery under the control of the local government, including a cemetery located on land owned by the local government or on land for which the local government is the trustee.

³³ See also section 20.

local government controlled area—

- (a) A *local government controlled area* means land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road.

Examples of local government controlled areas—

- parks, reserves and gazetted foreshores
- camping grounds or caravan parks on land owned or controlled by the local government
- local government swimming pools
- cemeteries
- Council Chambers and local government offices
- jetties.

- (b) A local government controlled area includes part of a local government controlled area.

- (c) A *local government controlled area* does not include a residential lot on DOGIT land.

network connection see the Act, section 35(2).

occupier has the same meaning under the Planning Act.

owner, of land, premises, or a place, has the same meaning under the Planning Act.

Planning Act means the *Planning Act 2016* (Qld).

premises has the same meaning under the Planning Act.

prescribed activity see section 5.

prescribed fee means a cost-recovery fee fixed by the local government, by local law or by resolution, under the Act³⁴.

property see *Acts Interpretation Act 1954*, section 36.

public notice means a notice published in a newspaper circulating in the local government's area.

public place see the Act, section 125(5).

residence means human habitation on a short-term or long-term basis.

review decision see section 23(1).

road means—

- (a) a road as defined in the Act, section 59; and
- (b) a State-controlled road—
- (i) prescribed under a subordinate local law for this subparagraph as a road to which this local law applies unless otherwise provided; and
 - (ii) in respect of which the chief executive has given written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b).

³⁴ See the Act, section 97.

shared facility accommodation means accommodation occupied or available for occupation by residents, in return for payment, on the basis of residents sharing 1 or more of the following facilities—

- (a) dormitories or bedrooms;
- (b) toilets;
- (c) bathrooms, showers or other bathing facilities;
- (d) laundries;
- (e) dining facilities;
- (f) cooking facilities;
- (g) recreation facilities.

show cause notice see section 18(2).

the Act means the *Local Government Act 2009*.

Schedule 2 Prescribed activities

Section 5

Part 1 Prescribed activities

alteration or improvement to local government controlled areas and roads
 commercial use of local government controlled areas and roads
 establishment or occupation of a temporary home
 installation of advertising devices
 keeping of animals
 operation of camping grounds
 operation of cane railways
 operation of caravan parks
 operation of cemeteries
 operation of public swimming pools
 operation of shared facility accommodation
 operation of short-term accommodation
 operation of temporary entertainment events
 undertaking regulated activities regarding human remains
 undertaking regulated activities on local government controlled areas and roads

Part 2 Definitions of prescribed activities

*alteration or improvement to local government controlled areas and roads*³⁵
 means—

- (1) *Alteration or improvement to local government controlled areas and roads*
 means—
 - (a) installing, changing, damaging or removing a structure in a local government controlled area or on a road; or
 - (b) planting, clearing or damaging of vegetation in a local government controlled area or on a road.
- (2) *Alteration or improvement to local government controlled areas and roads* does not include an alteration or improvement—
 - (a) that constitutes development under the Planning Act³⁶; or
 - (b) for which a tree clearing permit is required under the *Vegetation*

³⁵ Where a local government controlled area comprises land held on trust by the local government under the *Land Act 1994*, the local government must take account of, and give precedence to, its rights, powers and responsibilities as a trustee under that Act.

³⁶ See the definition of *Planning Act* in the Act, schedule 4.

Management Act 1999; or

- (c) that involves a network connection; or
- (d) for which written approval of the local government is required under section 75 of the Act.

commercial use of local government controlled areas³⁷ and roads means the use of a local government controlled area or road for soliciting or carrying on the supply of goods and services (including food or drink) for profit, but does not include the following—

- (a) the provision of a public passenger service under the *Transport Operations (Passenger Transport) Act 1994*;
- (b) a business on part of a road if the person carrying on the business is authorised by a permit under the *Land Act 1994* to occupy the relevant part of the road for carrying on the business;
- (c) a business that a person is authorised to carry on under the *Transport Infrastructure Act 1994*;
- (d) using a road for a particular purpose if the use constitutes development under the Planning Act;
- (e) operation of a temporary entertainment event;
- (f) undertaking a regulated activity on a local government controlled area or road where the activity is the holding of a public place activity.

establishment or occupation of a temporary home means the erection, construction, installation, positioning or placement of a structure used or intended for temporary use as a place of residence but does not include—

- (a) a structure for erection which is constituted as development under the Planning Act; or
- (b) the establishment or the occupation of a temporary home on or in a camping ground or caravan park.

installation of advertising devices means the installation, erection or display of an advertisement or sign that is visible from a road or other public place.³⁸

keeping of animals means the keeping of an animal or animals for which an approval is required under *Local Law No.2 (Animal Management) [insert year]*.

operation of camping grounds means to permit access to, or use of, a commercial camping ground but does not include a caravan park.

operation of cane railways means the operation of a tramway or railway—

- (a) operated, entirely or partly, on an access right under the *Sugar Industry Act 1999*, chapter 2, part 4³⁹; and
- (b) used, or proposed to be used, to transport sugar cane, sugar or sugar cane by-products; and

³⁷ See footnote 36.

³⁸ See the Act, section 37(5), regarding the relationship between a local law about advertising devices and the local government's planning scheme.

³⁹ *Sugar Industry Act 1999*, chapter 2 (Supply contracts and cane access rights), part 4 (Cane access, harvesting and mill supply).

- (c) that does not transport passengers or other freight for reward.

operation of caravan parks means to operate, on a commercial basis, a place for parking and residing in caravans, including a place that provides also for complementary accommodation.

operation of cemeteries means to operate a place for disposing of human remains by—

- (a) burial; or
- (b) cremation; or
- (c) placement in a columbarium, mausoleum or vault.

operation of public swimming pools means the operation of a swimming pool that is made available for use to—

- (a) members of the public or a section of the public; or
- (b) participants in organised swimming or diving competitions or in training for organised swimming or diving competitions; or
- (c) persons who have a commercial relationship with the owner of the pool.

operation of shared facility accommodation means the provision of shared facility accommodation to holiday makers or travellers, but does not include accommodation in a hotel or motel.

operation of short-term accommodation means the operation of premises used to provide accommodation of less than 3 consecutive months to tourists or travellers, whether or not the owner of the premises resides at the premises at the same time or not.

operation of temporary entertainment events means the opening to the public, or the preparation for opening to the public, of an entertainment event and for which the opening to the public does not constitute development under the Planning Act.

undertaking regulated activities regarding human remains means undertaking one of the following activities—

- (a) disturbance of human remains buried outside a cemetery; or
- (b) burial or disposal of human remains (excluding cremated remains) outside a cemetery; or
- (c) disturbance of human remains in a local government cemetery.

undertaking regulated activities on local government controlled areas⁴⁰ and roads means undertaking one of the following activities on a local government controlled area or road—

- (a) driving or leading of animals to cross a road; or
- (b) depositing of goods or materials; or
- (c) holding of a public place activity prescribed under a subordinate local law for this paragraph, excluding the operation of a temporary entertainment event.

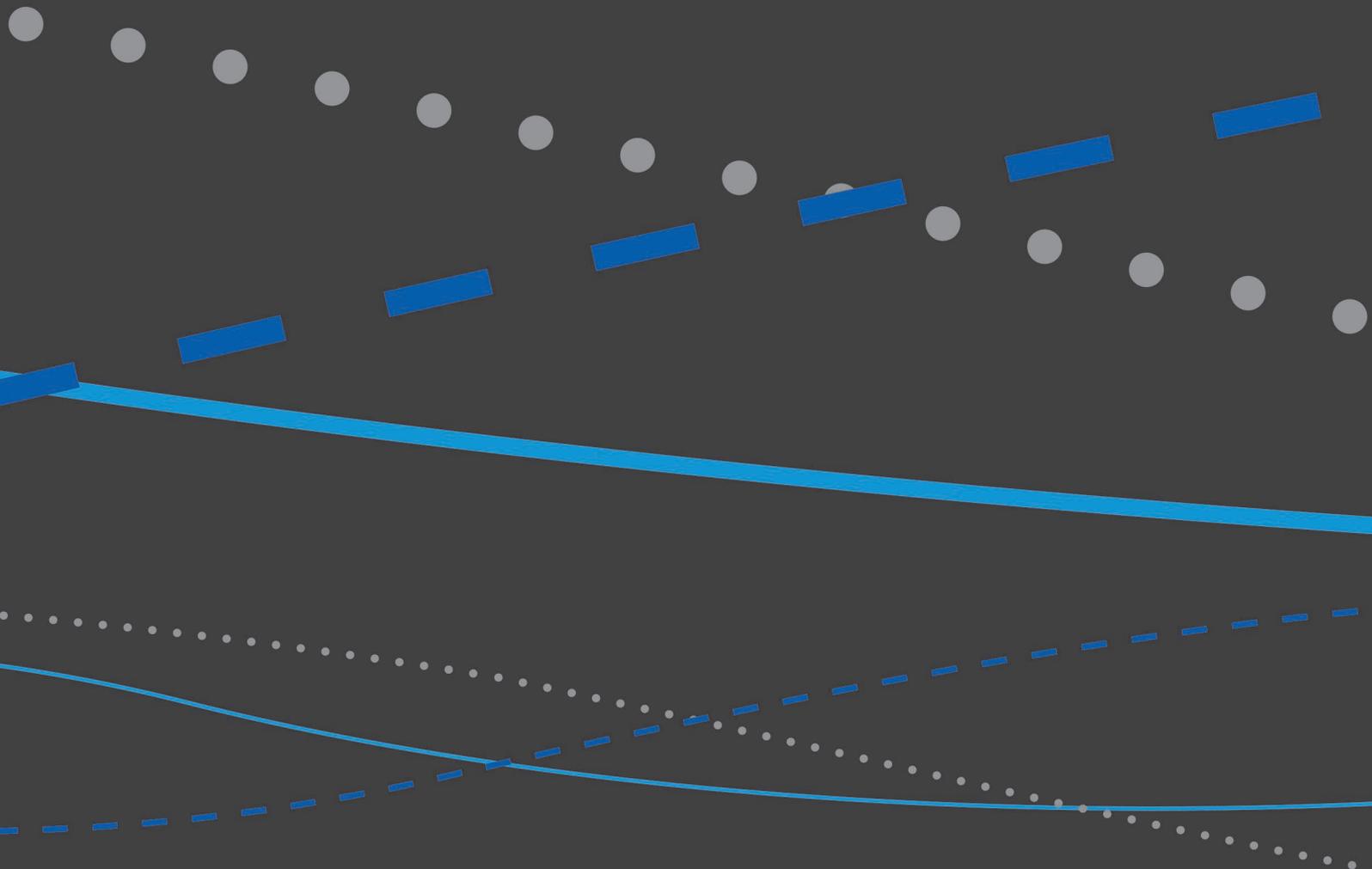
Example for paragraph (c)— A subordinate local law may prescribe that a display or information booth in a public park or on a footpath is a regulated activity.

⁴⁰ See footnote 36.



***Amendment to Local Law No.1 - Administration
2014***
Consultation Report

Date: 17 August 2022



Contents

1. Executive Summary.....	3
2. Background.....	3
3. Overview of the Consultation	3
4. Overview of the Responses.....	4
5. Recommendations.....	6
6. Next Steps	7

Document History

Title	Version No.	Date	Author	Reviewer	Approved by
Report	1.0	17 August 2022	Jonathan Cutting	Julie Wright Lisa Maher	

1. Executive Summary

Whitsunday Regional Council (WRC) recently consulted with residents about proposed amendments to *Local Law No.1 (Administration) 2014 & Subordinate Local Law No.1 (Administration) 2014* to include the operation of Short-term accommodation as a Prescribed Activity.

The consultation period was advertised online on the corporate website Yoursay Whitsunday and Facebook page. Council received 9 online submissions from industry (2) and residents (7). The feedback showed that a paid permit was generally supported by residents, but not industry. Submitters identified a number of recommendations to be considered in the proposed amendment, including, caps on annual night stays, limiting further growth in suburbs and regulation to 'formal motel' standards. Concerns from industry included a duplication of the process and concern over requirements for building certification.

All comments have been collated in this report and it is recommended this feedback be considered when deciding on the Local Law Amendment. WRC will report back to the community to close the loop and demonstrate how the feedback was taken into consideration.

2. Background

The Whitsundays is a popular tourist destination, and like many other coastal Towns, experiences challenges in moderating short-term accommodation rental platforms that facilitate 'holiday houses' in suburban areas. Council currently regulates the 'land use' aspect of Short-term accommodation through the *Whitsunday Planning Scheme 2017*, categorised as:

- *Home based business use* – where the host lives on-site and the scale is compliant with the Home-based business code.
- *Short-term accommodation use* – where the host doesn't live on-site

Land use approval limits the ability of Council to impose operational conditions on the use or define consistent standards of operation for short-term accommodation approved historically. The proposed Local law Amendment is required to create an Accommodation Licence process that governs the operational use of Short-term accommodation, ensuring a consistent framework for operation and compliance.

3. Overview of the Consultation

The consultation process occurred over 20 business days from 4 July through to 1 August 2022. Consultation included a Facebook post and public notice in the local newspaper. The Facebook post received higher than average reach and was shared to private and community pages up to 15 times (see **Figure 1** below). This reach and informal engagement didn't translate to formal submissions.

Performance



Figure 1: Performance of the WRC Facebook post promoting the consultation.

3.1 Purpose of the consultation

To consult with Whitsunday Region residents on the proposed amendment to *Local Law No.1 (Administration) 2014 & Subordinate Local Law No.1 (Administration) 2014* to include the operation of Short-term accommodation as a Prescribed Activity. Under the IAP2 Public Participation Spectrum, WRC was seeking to **inform** and **consult** the affected communities.

3.2 Who was consulted

All residents in the Whitsunday Region were invited to participate and the consultation was open to anyone online.

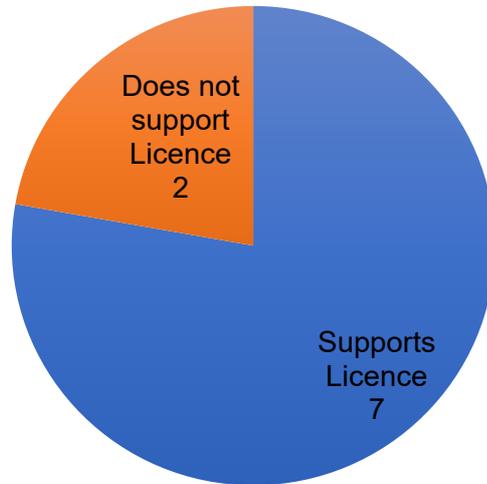
4. Overview of the Responses

Overall, there were 9 online submissions received during the consultation period. Submitters were invited to make any comment on the proposed Local Law Amendment, Public Interest Test Plan and on Short-term accommodation (STA) generally.

4.1 Analysis of Responses

Council received 9 online submissions from industry (2) and residents (7). Industry included property managers PRD and Wynne Planning and Development. The feedback showed that a paid permit was generally supported by residents, but not industry. Key themes from submission content are in **Figure 2** below:

Local Law Amendment



Local Law Amendment Submission Themes



Figure 2: Local Law Amendment submission themes.

Additional comments in support	Additional comments against
<ul style="list-style-type: none"> • Cap nights to 90 p/a in Low-density residential zone (2), or 180 p/a in Low-medium zone (1) • Limit STA in residential areas, allocate precincts for growth (1) • 12 monthly inspection certificates ensure compliance with fire, pool, insurance and health requirements (2). • Public reporting system is created with unique registration I.D for each STA to support concerned members of public and Council, including information such as number of days let, complaints and breaches of code of conduct (1) • Define maximum breaches within 12 – 24 month period before licence revoke (2) • Amenity compensation included in local law, to force up to \$2,000 compensation paid to surrounding impacted residents in instance of breach (1) • Contribution to local tourist bodies, like other accommodation providers (1) 	<ul style="list-style-type: none"> • Duplicating a planning process contravenes Division 3 of the <i>Local Government Act 2009</i> (2) • Concerns regarding building classification requirements as not all buildings receive a certificate and older stock may not have records. Case law suggests that buildings do not necessarily need to be a Class 3 building to permit short-term rental of properties. (2)

5. Recommendations

It is recommended the feedback submitted during the consultation process is considered by WRC when deciding on amendments to *Local Law No.1 (Administration) 2014* & *Subordinate Local Law No.1 (Administration) 2014* to include the operation of Short-term accommodation as a Prescribed Activity.

The feedback demonstrates:

- Support for a technology solution that can offer transparency to the public in terms of knowing who is licenced, how many nights let, number of complaints and breaches.
- Support for a 24/7 complaints call centre to help handle disruptive short-term accommodation. Do not support existing self-regulation, reliant on neighbours to complain.
- Concern about housing affordability impacts from Short-term accommodation. Additional fees and red tape are hoped to restore balance by disincentivising some short-term accommodation and transitioning it to the long-term rental pool.
- There is concern that this additional red tape and fees duplicate the development assessment process.
- There is concern that Certificate of building classification may result in additional unnecessary costs, that may not necessarily be required to operate the use (subject to review of case law referred to by submitters).

Ongoing communication and engagement about the project will keep the community informed of any updates and demonstrate that WRC has listened to the feedback provided in this report.

6. Next Steps

This report will be considered by officers when making recommendations for the Local Law Amendment and the results will be presented to Council at an upcoming meeting.

It is important to close the loop with residents and show how their input has affected the outcome. A Consultation Summary infographic document has been prepared which will be released to the public and distributed via the website and social media. The Summary will show some of the key statistics and outcomes of the consultation process. A database of participants has been collated during the consultation process and a direct email will be sent to those participants with a copy of the Consultation Summary.

The final decision on the Local Law Amendment will be made available on WRC's website and promoted to the wider community. If the Local Law Amendment is adopted by Council, a communications rollout plan will be created to assist the Short-term accommodation industry to transition.

13.3.3 500.2022.0065 - W4Q – Design and Construction of Collinsville Swimming Pool Upgrades

DATE: Wednesday 12 October 2022

TO: Ordinary Council Meeting

AUTHOR: Rod Cousins - Manager Community Development & Libraries

AUTHORISING OFFICER: Julie Wright - Director Community Services

PRESENTED FOR: Decision

ATTACHMENTS

Nil

PURPOSE

This report presents to Council for consideration the evaluation panel's recommendation to award Contract 500.2022.0065 - W4Q – Design and Construction of Collinsville Swimming Pool Upgrades.

OFFICER'S RECOMMENDATION

That Council award Contract 500.2022.0065 - W4Q – Design and Construction of Collinsville Swimming Pool Upgrades to Alto Pacific Pty Ltd for the amount of \$154,598.40 (excluding GST).

BACKGROUND

Whitsunday Regional Council (Council) has recently received funding through the latest round of State Government Works 4 Queensland (W4Q) program. The Collinsville Swimming Pool Upgrade project has been approved to be completed under this round of funding.

DISCUSSION/CURRENT ISSUE

The Collinsville Swimming Pool Upgrade project will comprise the following Separable Portions:

- a) Separable Portion 1 – Inlet/Outlet Pipe Works and Concrete Surround Repairs:
 - i. repair 13 inlet/outlet pipes to the large swimming pool; and
 - ii. removal and replacement of existing damaged concrete surround, including replacement of the all-abilities access.
- b) Separable Portion 2 - Bulkhead, Pool Retiling and Expansion Joints
 - i. draft design and for construction drawings to construct and install a bulkhead to convert the large swimming pool to be able to have a surveyed 25-meter competition pool
 - ii. supply and construct/install the new bulkhead
 - iii. remove and replace all internal tiles and repairs to expansion joints of both the large and toddler swimming pools; and
 - iv. remove and replace inlet/outlet covers.

PROCESS

Tender Release

A Request for Tender (RFT) was released on 14 July 2022 and as advertised as follows in accordance with *Local Government Regulation 2012 S228*:

- c) eTenderBox
- d) Newspapers:
 - i. Whitsunday News; and
 - ii. Townsville Bulletin.
 - iii. Council's website.

Tender Evaluation Panel

The Tender Evaluation Panel (TEP) comprised:

- a) Capital Work Officer - Parks and Gardens
- b) Manager Community Development and Libraries; and
- c) Contracts Coordinator.

Summary of Tenders Received

The following Tender was received by the closing date of time of 2.00 pm on Thursday 4 August 2022:

- a) Alto Pacific Pty Ltd

Note: An initial compliance check was conducted on the tender submission to identify if the response was non-conforming with the requirements of the RFT. This included compliance with contractual requirements and provision of requested information.

The Tenderer was marked conforming and progressed to the qualitative criteria assessment on the basis that all the terms, conditions and mandatory requirements of the RFT had been met.

Evaluation of Tenders

The Tenderers were assessed against the qualitative selection criteria. The qualitative criteria were weighted according to their importance as perceived and agreed by members of the TEP. Relative weightings were published within the RFT as per below:

Criteria	Weighting
Relevant Experience & Key Personnel	20%
Demonstrated Understanding	20%
Tenderers Resources & Availability	10%
Pricing	40%
Local Supplier	10%

Summary of Evaluation Scores

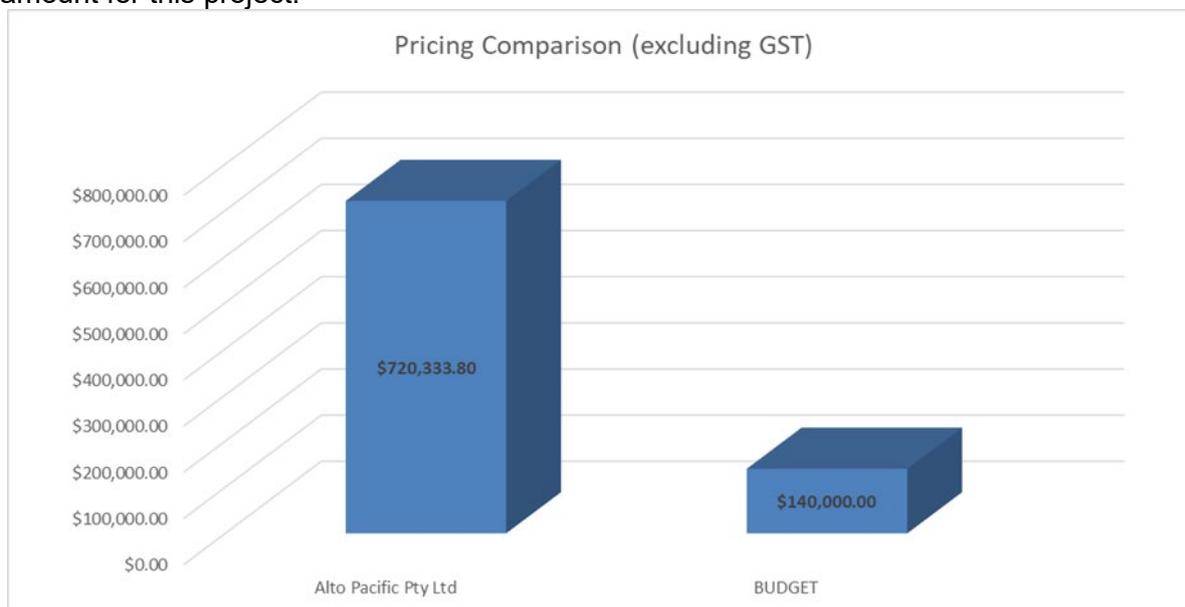
The qualitative criteria assessment was carried out by the TEP members individually on all the information provided by the Tenderers according to the level of response and compliance to the requirements of the contract to determine the overall capability and best value for money for Council.

The evaluation of the conforming tenders involved an assessment of the level of each Tenderers responses to each of the criterion and was given a score between 0-10 with each criterion having an overall % weighted proportionally of the total evaluation score.

A summary of the tender final assessment is detailed below:

Respondents	Evaluation panel averaged Score	Total rank
Alto Pacific Pty Ltd	41.0%	1

The below graph shows the pricing difference between the Tenderer and allocated funding amount for this project:



During the evaluation, discussions were carried out on the pricing received due to it being significantly over the allocated funding amount for this project. Due to the age of the Collinsville Swimming Pool:

- a) the pipe work requires repairs to mitigate the cause of higher-than-normal water usage; and
- b) the concrete surround levels and cracking being a safety risk.

It was agreed that Separable Portion A - Inlet/Outlet Pipe Works and Concrete Surround Repairs was a priority and was able to be rectified with the funding budget allocation of \$140,000 with only a small amount of \$14,000 having to be sought by the Department and should be awarded only.

Combined Weighting Summary

Based on the results from the evaluation, Alto Pacific Pty Ltd demonstrated they:

- a) they have extensive experience in large pool projects to understand the elements of this project
- b) their list of projects included many projects for other Council's in Queensland including
 - i. Bundaberg Regional Council
 - ii. Gladstone Regional Council
 - iii. Western Downs Regional Council
 - iv. Longreach Regional Council
 - v. South Burnett Regional Council.
- c) their key personnel have 16-45 years' experience in the industry and hold all necessary licencing requirements; and
- d) have the necessary resources and knowledge to successfully complete this project.

Therefore, TEP recommends that Alto Pacific Pty Ltd be awarded Contract 500.2022.0065 W4Q – Design and Construction of Collinsville Swimming Pool Upgrades for the amount of \$154,598.40 (excluding GST), as it represents the most advantageous outcome to Whitsunday Regional Council.

It is Council's expectations to conduct works during the Winter months closure; however, Council will consider alternative programs but prefer no works to be conducted during the Summer School Holidays.

STATUTORY/COMPLIANCE MATTERS

Local Government Act 2009

Local Government Regulations 2012

The procurement process has been conducted in accordance with Council's Policy and Legislative obligations.

STRATEGIC IMPACTS

Provide high quality recreational facilities that are well utilised by the local community and visitors alike.

FINANCIAL IMPLICATIONS

The funds are provided by Works 4 Queensland and will be taken from JC: 8600.10260.63138 – Bowen Aquatic Facility (8600)/town pool upgrade (10260).

CONSULTATION/ENGAGEMENT

Executive Manager Procurement, Property & Fleet
Manager Community Development & Libraries

RISK ASSESSMENT

Should Council not accept the recommendation there will be a delay with other works that need to be completed and ongoing water loss issues will continue.

TIMINGS/DEADLINES

Project commencement date 11 April 2023, with anticipated completion 3 May 2023.

CONFLICT OF INTEREST DECLARATION

Council officers contributing to the preparation and approval of this report have no conflicts of interest to declare.

HUMAN RIGHTS IMPACT

No.

ALTERNATIVES CONSIDERED

Options	Description	Positives	Negatives
Option 2	Not agree to the awarding of the tender	Budget savings	Delay of works committed to by Council.

13.3.4 Sport & Recreation Club Grants - October 2022

DATE: Wednesday 12 October 2022

TO: Ordinary Council Meeting

AUTHOR: Jacqueline Neave - Arts & Community Programs Officer

AUTHORISING OFFICER: Julie Wright - Director Community Services

PRESENTED FOR: Decision

ATTACHMENTS

Nil

PURPOSE

For Council to consider the payment of the Sport & Recreation Club Grants for October 2022 in accordance with Council's Sport & Recreation Grant Guidelines.

OFFICER'S RECOMMENDATION

That Council approve the payment of a Sport & Recreation Clubs Grant to the following recipients:

1. Music Evolution Project Inc. – Band 1 - \$5,500
2. Whitsunday Dirt Riders Inc. – Band 1 - \$5,500

BACKGROUND

To be eligible for the Sport & Recreation Grant a club must meet the following criteria:

- Is incorporated and meets the obligations with the Office of Fair Trading
- Is covered with the appropriate level of public liability insurance (20 million)
- Provides membership data (as defined by Council) to Council on an annual basis

The level of funding available to clubs will be based on a progressive scale, the larger the participation rate, the larger the support to the club. Participation is defined as being the total number of active members within the club.

The Sport & Recreation Clubs Grants are allocated based on the following:

Band Level	No. of Active Participants	Grant Allocation (\$)
Band 1	>250	5,500
Band 2	101 – 250	3,000
Band 3	51 – 100	1,500
Band 4	4 - 50	1,000

DISCUSSION/CURRENT ISSUE

The following applications were submitted:

Organisation Name	Junior Members	Senior Members	Total Members	Band	Public Liability	Amount Requested (\$)
Music Evolution Project Inc.	165	90	255	1	Yes	5,500
Whitsunday Dirt Riders Inc.	162	204	366	1	Yes	5,500
					Total	11,000

STATUTORY/COMPLIANCE MATTERS

Local Government Act 2009
Local Government Regulation 2012
LSP_COMM_ - Community Grants Policy

STRATEGIC IMPACTS

Facilitate, foster and encourage region wide activities and programs that engage our community.

FINANCIAL IMPLICATIONS

The funds will be taken from budget code: JC:2967.10250 – Community Donations (2967) / Club Grants (10250).

Description	Amount (\$)
2022-2023 Budget	150,000
Actual + Commitment	54,345
YTD Remaining Budget	95,655

CONSULTATION/ENGAGEMENT

Manager Community Development & Libraries

RISK ASSESSMENT

Reputational Risk – Providing funding support to the community and recognising the efforts of local Sport & Recreational Clubs is a positive outcome for Council.

TIMINGS/DEADLINES

Payment will be made within one month of approval.

CONFLICT OF INTEREST DECLARATION

Council officers contributing to the preparation and approval of this report have no conflicts of interest to declare.

HUMAN RIGHTS IMPACT

This decision does not limit the identified human rights.

ALTERNATIVES CONSIDERED

Options	Description	Positives	Negatives
Option 2	Not approved	Save money in the budget	Negative impact for Council not showing support to clubs

13.3.5 Financial Support for a Junior Elite Athlete - September 2022

DATE: Wednesday 12 October 2022

TO: Ordinary Council Meeting

AUTHOR: Jacqueline Neave - Arts & Community Programs Officer

AUTHORISING OFFICER: Julie Wright - Director Community Services

PRESENTED FOR: Decision

ATTACHMENTS

Nil

PURPOSE

For Council to consider the applications for Financial Support for a Junior Elite Athlete.

OFFICER'S RECOMMENDATION

That Council approve financial support for the following applicants:

- a) Lincoln Sokolski-Fricker – 2022 FQ Community Cup (Soccer) - \$250
- b) Sari Goodall – National Football (Soccer) Championships - \$1,000
- c) Fyn Gunn – Australian Hard Enduro Championships - \$1,000
- d) Lillian Kelly – Youth Volleyball Championships - \$1,000
- e) Kade Harrison – Youth Volleyball Championships - \$1,000

BACKGROUND

At the Ordinary Council Meeting held on 28 July 2021, Council resolved to adopt a policy to provide Financial Support for a Junior Elite Athlete. The level of funding available to individual Junior Elite Athletes is calculated on a progressive scale, the higher the level of representation the greater the financial support, as outlined below:

Level of Representation	Allocation (\$)
Representing North Queensland or equivalent in State level competition	250
Representing Queensland within Queensland	500
Representing Queensland Interstate	1,000
Representing Australia Overseas	up to 2,000

DISCUSSION/CURRENT ISSUE

Name	Age	Competition	Representation Level	Sport	Amount (\$)
Lincoln Sokolski-Fricker	15	2022 FQ Community Cup 20-23/09/22 Maroochydore QLD	North Queensland in State Level	Football (Soccer)	250
Sari Goodall	15	National Youth Championships 11/08/22 Coffs Harbour, NSW	Representing Queensland Interstate	Football (Soccer)	1,000

Fyn Gunn	15	Australian Hard Enduro Championships 13/08/22 Hillston, NSW	Representing Queensland Interstate	Endurance Motorbiking	1,000
Lillian Kelly	14	Youth Volleyball Championships 25-29/09/22 Bendigo, VIC	Representing Queensland Interstate	Volleyball	1,000
Kade Harrison	13	Youth Volleyball Championships 25-29/09/22 Bendigo, VIC	Representing Queensland Interstate	Volleyball	1,000
Total					4,250

Sari Goodall has previously received funding through the Junior Elite Athlete program as detailed below:

2021 – North Queensland U15 Football (Soccer)

Finn Gunn, Lincoln Sokolski-Fricker, Lillian Kelly and Kade Harrison, have not previously received funding through the Junior Elite Athlete program. It should be noted, the applications were received prior to the competition.

STATUTORY/COMPLIANCE MATTERS

Local Government Act 2009

Local Government Regulation 2012

LSP_COMM_05 – Financial Support for a Junior Elite Athlete Policy

STRATEGIC IMPACTS

Facilitate, foster, and encourage region wide activities and programs that engage our community.

FINANCIAL IMPLICATIONS

The funds will be taken from JC: 2967.11074 – Community Donations (2967) / Donations (11074).

Description	Amount (\$)
2022/23 Budget	100,000
Actual + Commitment Spend	34,765
YTD Remaining Budget	65,234

CONSULTATION/ENGAGEMENT

Manager Community Development & Libraries

RISK ASSESSMENT

The financial assistance shows Council's commitment to providing support to local junior elite athletes competing in a regional, state, or national level competition.

TIMINGS/DEADLINES

To be paid within one month of approval.

CONFLICT OF INTEREST DECLARATION

Council officers contributing to the preparation and approval of this report have no conflicts of interest to declare.

HUMAN RIGHTS IMPACT

This decision does not limit human rights.

ALTERNATIVES CONSIDERED

Options	Description	Positives	Negatives
Option 2	Not provide financial support	Maintain budget level	Community feedback due to lack of support

13.3.6 Sponsorship Request - Keelan O'Brien - Born to Race

DATE: Wednesday 12 October 2022

TO: Ordinary Council Meeting

AUTHOR: Hayley Borg - Events and Community Sponsorship Officer

AUTHORISING OFFICER: Julie Wright - Director Community Services

PRESENTED FOR: Decision

ATTACHMENTS

1. KO Racing Media Kit June 2022 print

PURPOSE

Council to consider a request for sponsorship from Keelan O'Brien to assist in competing in National motor racing events in 2022 and Bathurst 2023.

OFFICER'S RECOMMENDATION

That Council approve a sponsorship of \$5,000 cash to assist Keelan O'Brien further advance his skills and motorsport career in 2022 and 2023.

BACKGROUND

Keelan O'Brien is a 17 year old local who has been competing in racing various forms of motor vehicles since the age of seven. Keelan is the youngest and the only motorsports competitor in the state and national level in the highly competitive Excel and Toyota 86 series from the Whitsunday region. Keelan is the only competitor of his age from the Whitsundays to compete last year at Bathurst and to return next year in a Toyota 86.

For Keelan to attend practices and race meetings he may have to travel up to 1200 kilometres competing against drivers that attend weekly practices.

Keelan is also an ambassador for the local charity Horsepower Heroes raising money and awareness for the prevention of men's suicide. Supporting men's mental health attending regular meetings and displaying his car next to super car driver Cam Water at the locally organised charity car show event.

Council provided financial support for Keelan O'Brien in 2021 through bronze level sponsorship \$2,500 cash.

DISCUSSION/CURRENT ISSUE

In upcoming weeks Keelan will be competing at the nationals in Queensland's Morgan Park Raceway. In addition, Keelan will compete in the Bathurst 6 hr Enduro partnering with Holly Espray in their newly built Toyota 86 in April 2023. The coverage from this televised event will attract interest in this team as Keelan's race partner is one of only a few young female drivers, a top 5 competitor in the QLD Excels series and a strong runner in the 86's competing as support for super car series.

Local media for the Whitsundays & Mackay have already been contacted for the upcoming excel nationals and next year's Bathurst 6 hr with guaranteed multiple features.

Keelan currently requires various updated safety equipment, a new helmet fitted with up-to-date communication equipment along with fireproof race suit, gloves, boots to enter in the Nationals and Bathurst endurance race.

Council has received a request for sponsorship from Keelan O'Brien to assist him to compete in several high profile motor racing programs in 2022. There are levels of sponsorship proposed as follows:

- Naming Rights - \$10,000.00
- Gold - \$8,000.00
- Silver - \$5,000.00
- Bronze - \$2,500.00

The request for sponsorship is for the Gold level, however given these are the initial stages of Keelan's career it is recommended that Council provide a Silver Level Sponsorship of \$5,000.

In return for sponsorship, Council could have its logo on various panels of the two cars (rally and circuit), digital media exposure and podium mentions.

STATUTORY/COMPLIANCE MATTERS

Local Government Act 2009

Local Government Regulation 2012

LSP_COMM_11 - Council Sponsorship Policy

STRATEGIC IMPACTS

Facilitate, foster and encourage region wide activities and programs that engage our community.

FINANCIAL IMPLICATIONS

The funds will be taken from JC: 2967.10249.63150 – Community Donations (2967) / Sponsorship (10249).

Description	Amount (\$)
2022/23 Budget	100,000
Actual + Commitment	5,545
YTD Remaining Budget	94,455

CONSULTATION/ENGAGEMENT

Manager Community Development & Libraries

RISK ASSESSMENT

Reputational - Providing financial assistance to support local residents in pursuing endeavours while promoting the region reinforces Council's commitment to supporting the local community.

TIMINGS/DEADLINES

Sponsorship to be paid within one month of approval.

CONFLICT OF INTEREST DECLARATION

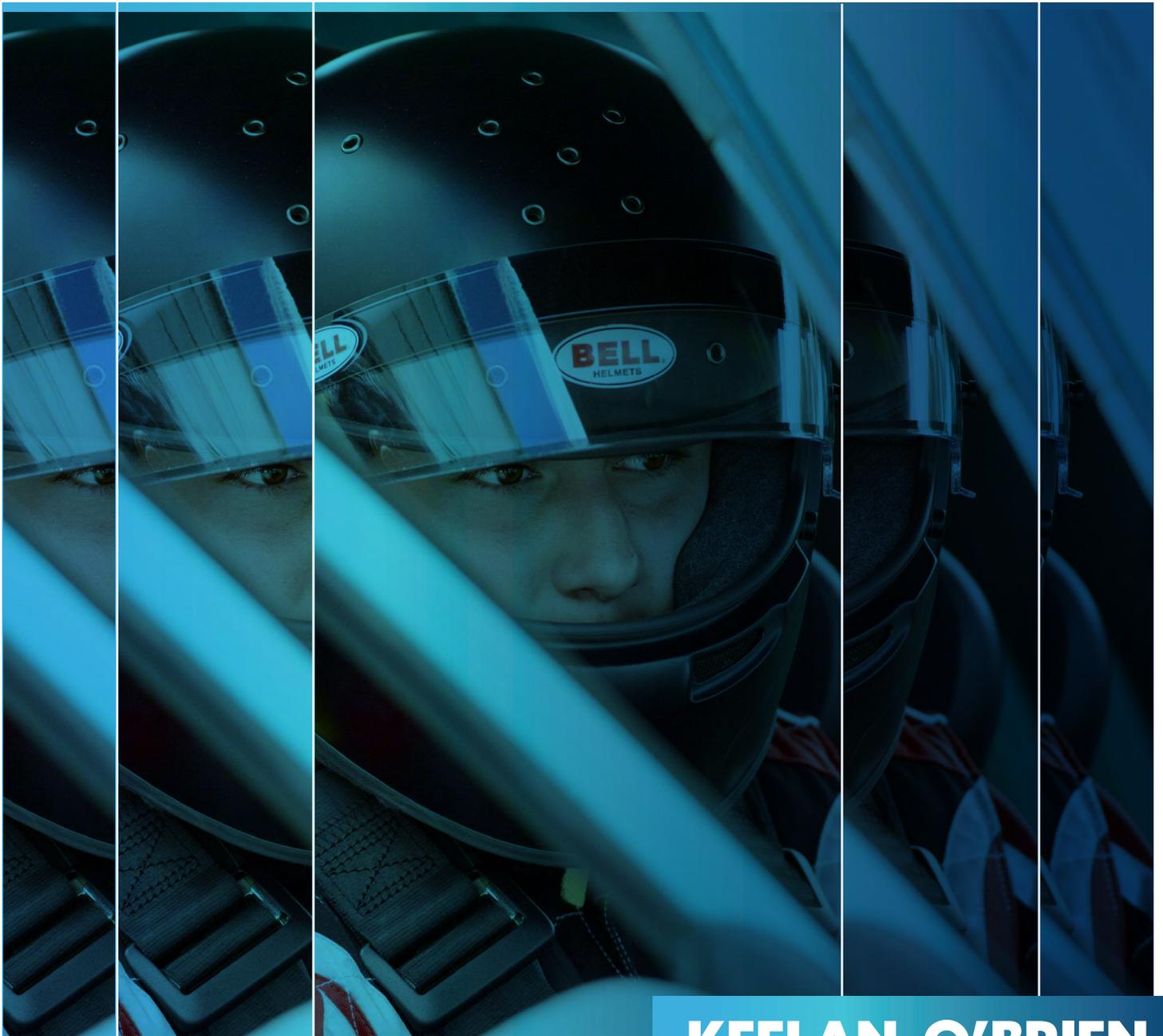
Council officers contributing to the preparation and approval of this report have no conflicts of interest to declare.

HUMAN RIGHTS IMPACT

This decision does not limit the above identified human rights.

ALTERNATIVES CONSIDERED

Options	Description	Positives	Negatives
Option 1	Not provide support	Save up to \$5,000	Negative public comment from organisers and community.



KEELAN O'BRIEN

BORN TO **RACE**



SPONSORSHIP OPPORTUNITIES

A PASSION FOR SPEED



Keelan O'Brien passion for speed was first ignited at the tender age of four when he attended his first live race with his parents, and at six, he stepped into his first go kart kicking off his racing career and cementing his position in the industry.



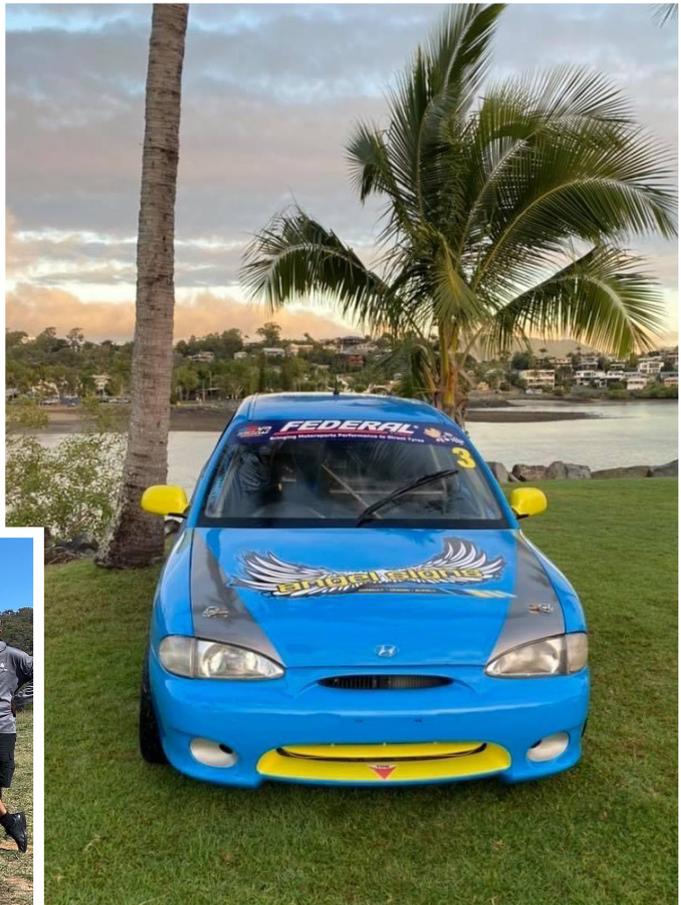
Since competing Keelan has placed in multiple statewide club meets, local championships, CQ titles, NQ titles and in the top 10 in the QLD championships.

In 2019, at 14yrs old, Keelan began attending the Whitsunday rally track competing in the local Kahana cross events and attended driver development training at Norwell Motor Plex. He made an impressionable impact with his natural speed and smoothness racing under the Norwell banner and competed at several Excel race meets.

2020 during the year of COVID, at the age of 15, Keelan gained more race experience at multiple tracks under challenging conditions and travel restrictions.

2021 brought the completion of a new race car built by Keelan and his dad in the Whitsunday's in their home shed under the guidance and wealth of experience of Zenith Racing Solutions.

Easter 2021 saw the opportunity to be a part of the lead up race to the Bathurst six-hour race, traveling 19 hours by



road from the Whitsunday's, Keelan finished his Bathurst race as the second fastest first-time competitor, over all 5th fastest up the mountain, and finished 21st out of 56 competitors. With many close encounters during the weekend Keelan proved his ability to drive under pressure and cemented a position on the race team of Zenith Racing Solutions as their youngest track race driver.

Keelan also competed in all four rounds of the Queensland titles at Morgan Park Raceway, the Excel Enduro, a 156 km race at Queensland raceway against some of Australia's best race car drivers that include Brock Feeney, Tim Slade, Nash Morris, Zane Godard, Steve Owen and Declan Fraser, to name a few, and

was 3rd fastest on track until engine issues ceased his race.

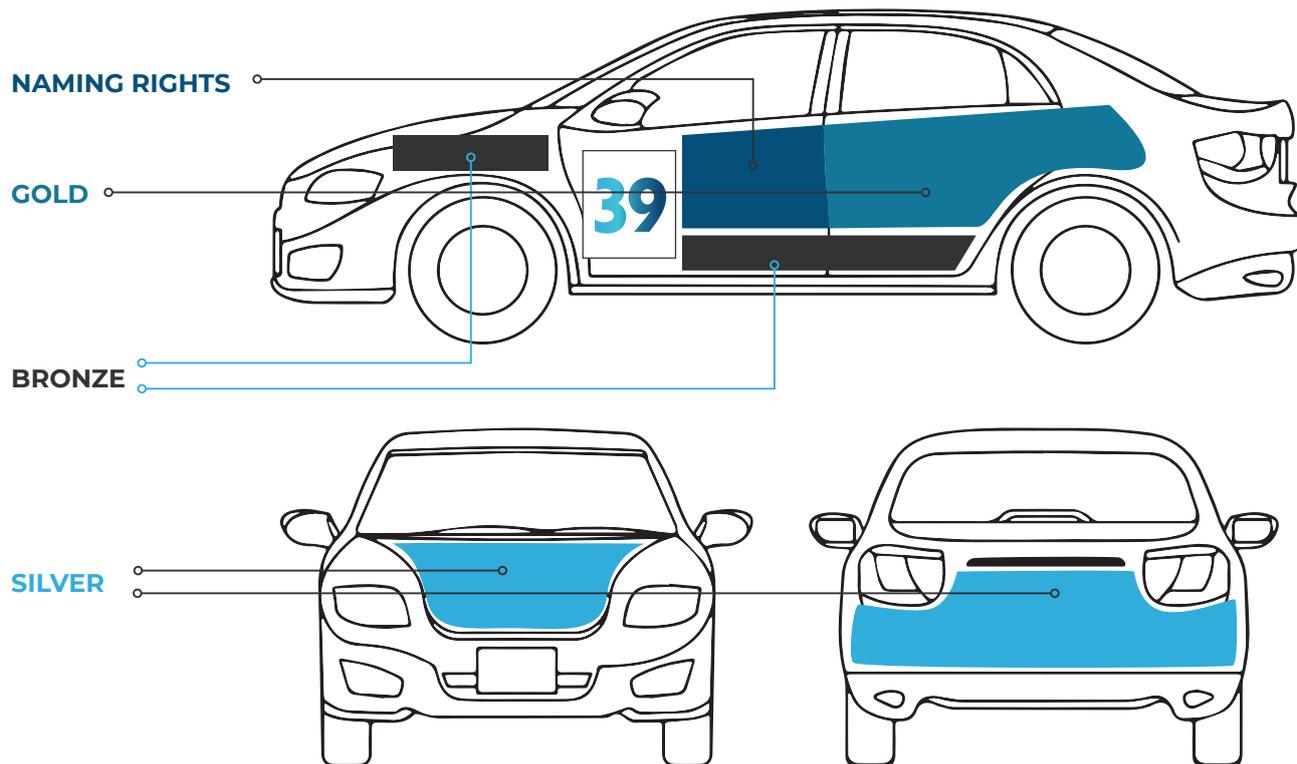
Keelan is the only Excel Race driver currently in the Whitsunday's pursuing racing as a sport and career. In order for him to attend practice and to race in this steppingstone class he travels 1200km to attend the only practice day available then competes against drivers that attended weekly practices.

Even with these given hurdles, Keelan's commitment, discipline along with a small amount of local funding and family support, Keelan finished his last race of 2021 second fastest on the track, sitting in the top 5 before a race incident cut his final race short.

SPONSORSHIP LEVELS.

NAMING RIGHTS SPONSOR: \$10,000	GOLD SPONSOR: \$8,000	SILVER SPONSOR: \$5,000	BRONZE SPONSOR: \$2,500
<p>LOGO:</p> <ul style="list-style-type: none"> • Door and side panel placement of both cars (<i>Rally + Circuit</i>) • Highly visible logo placement for in car footage • Logo placement on suit legs, hat and t-shirts <p>DIGITAL:</p> <ul style="list-style-type: none"> • Social Media mentions <p>OTHER:</p> <ul style="list-style-type: none"> • Mentioned in all interviews and podium positions • Prime position on car for all media footage & photos 	<p>LOGO:</p> <ul style="list-style-type: none"> • Door and side panel placement of both cars (<i>Rally + Circuit</i>) • Logo in car footage <p>DIGITAL:</p> <ul style="list-style-type: none"> • Social Media mentions <p>OTHER:</p> <ul style="list-style-type: none"> • Podium mention • Prime position car for media footage 	<p>LOGO:</p> <ul style="list-style-type: none"> • Both cars (<i>Rally + Circuit</i>) • Choice of boot or bonnet placement • Logo in car footage <p>DIGITAL:</p> <ul style="list-style-type: none"> • Social Media mentions <p>OTHER:</p> <ul style="list-style-type: none"> • Podium mention 	<p>LOGO:</p> <ul style="list-style-type: none"> • Both cars (<i>Rally + Circuit</i>) • Choice of lower door or front guard placement <p>DIGITAL:</p> <ul style="list-style-type: none"> • Social Media mentions

NB: All logos to be supplied in eps format.



KEELAN O'BRIEN RACING

 /Keelan-OBrien-Racing

 @keelan.o.3

LET'S CHAT.

Interested in becoming a sponsor?
Contact us on the below details.

Phone: 0428 591 519

Email: enquiries@komotorsports.com.au

13.3.7 Sponsorship Request - Central Rodeo Cowboys Association Inc.

DATE: Wednesday 12 October 2022

TO: Ordinary Council Meeting

AUTHOR: Hayley Borg - Events and Community Sponsorship Officer

AUTHORISING OFFICER: Julie Wright - Director Community Services

PRESENTED FOR: Decision

ATTACHMENTS

1. Sponsorship Package finals 2022 redacted (1)

PURPOSE

Council to consider a request for sponsorship from the Central Rodeo Cowboys Association Inc (CRCA) to assist with their event to be held on Saturday 19 November 2022.

OFFICER'S RECOMMENDATION

That Council approve a \$2,500 cash sponsorship to assist the Central Rodeo Cowboys Association Inc event organisers with the 2022 CRCA Proserpine Finals Rodeo event to be held on Saturday 19 November 2022.

BACKGROUND

The Central Rodeo Cowboys Association Inc. (CRCA) was formed in 1990 to offer competitors rodeos of a high standard throughout Central Queensland. The association has grown and currently services rodeos from Laura in the north, Bundaberg in the south and Banana in the west. Since its inception the CRCA, has become respected by all concerned and prides itself on its reputation for highly executed rodeos.

Council provided financial support to The Central Rodeo Cowboys Association Inc 4B's Rodeo Airlie Beach inaugural event in 2021 through \$3,000 cash sponsorship for the 'Open Bull Ride'.

DISCUSSION/CURRENT ISSUE

The Central Rodeo Cowboys Association Inc will be hosting the 2022 CRCA Finals Rodeo in Proserpine.

The event will consist of Open Bull Ride, Open Saddle Bronc, Open Bareback, Ladies Barrel Race, Rookie Bull Ride, Rookie Saddle Bronc, Rookie Bareback, Junior Bull Ride, 11-15 Mini Bull Ride, 11-15 Steer Ride, Under 11 Poddy Ride and Pee Wee barrel race, providing a safe and enjoyable event for the entire community.

The Central Rodeo Cowboys Association Inc event organisers require WRC support for the 2022 CRCA Proserpine Finals Rodeo event. The event is expected to provide a positive economic impact to the area, with visitors injecting money towards local businesses during the event.

In return for the 'Open Bull Ride' event sponsorship, Council will be recognised with:

- 4 VIP family passes
- Food and drink vouchers
- Announced advertising throughout the event
- Advertising in the Central Rodeo Cowboys Association Newsletter & Facebook Page

- Council signage placed around arena

It is recommended that Council continue to support the 'Open Bull Ride' event with a \$2,500 cash sponsorship.

STATUTORY/COMPLIANCE MATTERS

Local Government Act 2009

Local Government Regulation 2012

LSP_COMM_11 - Council Sponsorship Policy

STRATEGIC IMPACTS

Facilitate, foster and encourage region wide activities and programs that engage our community.

FINANCIAL IMPLICATIONS

The funds will be taken from JC: 2967.10249.63150 – Community Donations (2967) / Sponsorship (10249).

Description	Amount (\$)
2022/23 Budget	100,000
Actual + Commitment	5,545
YTD Remaining Budget	94,455

CONSULTATION/ENGAGEMENT

Manager Community Development & Libraries

RISK ASSESSMENT

Reputational - Providing financial assistance to community events reinforces Council's commitment to supporting local community groups.

TIMINGS/DEADLINES

Sponsorship to be paid within one month of approval.

CONFLICT OF INTEREST DECLARATION

Council officers contributing to the preparation and approval of this report have no conflicts of interest to declare.

HUMAN RIGHTS IMPACT

This decision does not limit the above identified human rights.

ALTERNATIVES CONSIDERED

Options	Description	Positives	Negatives
Option 1	Not provide support	Save up to \$2,500	Negative public comment from organisers and community

CENTRAL RODEO COWBOYS ASSOCIATION INC.



[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

To Whom It May Concern,

My name is [REDACTED] and on behalf of the Central Rodeo Cowboys Association Inc. (CRCA), I am helping to co-ordinate sponsorship for the 2022 CRCA Finals. The Rodeo will be held on Saturday 19th Nov 2022 at the Proserpine Showgrounds.

The top 10 qualifiers for each event will compete. The Events we will be having are Open Bull Ride, Open Saddle Bronc, Open Bareback, Ladies Barrel Race, Rookie Bull Ride, Rookie Saddle Bronc, Junior Bull Ride, Junior Barrel Race, 11-15 Mini Bull Ride, 11-15 Steer Ride, Un 11 Poddy Ride and Pee Wee Barrel Race. Something for all ages!

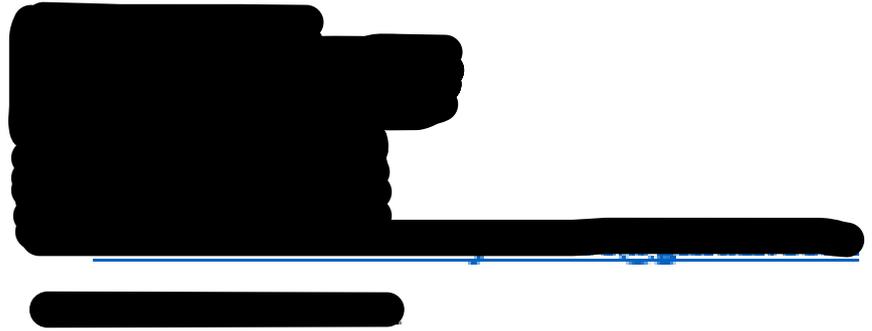
We would greatly appreciate it if you would consider becoming a Sponsor of our Rodeo. By becoming a sponsor, you will be enabling our committee to achieve our goal of running a safe and enjoyable event for the Community.

Attached is a range of Sponsorship Packages for you to choose from.

I would like to Thank You for taking the time to read this letter and hope that you will come on board as one of our 2022 CRCA Finals Sponsors.

Kind Regards,

CENTRAL RODEO COWBOYS ASSOCIATION INC.

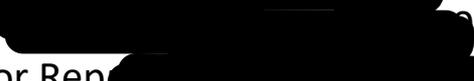


CRCA Management Committee:

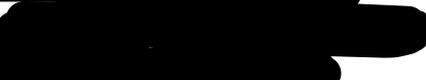
President:



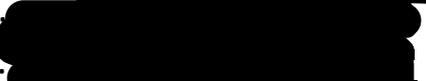
Vice President:



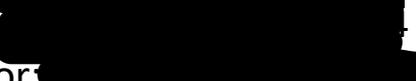
Stock Contractor Rep:



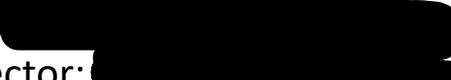
Rough Stock Rep:



Junior Event Rep:



Bull Riding Director:



Mini Bull Riding Director:



SPONSORSHIP OPTIONS



DIAMOND SPONSORSHIP \$ 10000

RODEO IS NAMED AFTER YOUR BUSINESS

- 10 VIP Passes - each pass includes a Family Pass, Seating, Food & Drink Vouchers
- Signage (supplied) placed around Arena.
- Naming rights of Rodeo
- Trade Site
- Announced Advertising throughout the Event
- Advertising in our CRCA Rodeo Newsletter & Facebook Page

CHUTE SPONSORSHIP \$ 1000

- 2 VIP Passes - each pass includes a Family Pass, Seating, Food & Drink Vouchers
- Banner above Chutes.
- Announced Advertising throughout the Event
- Advertising in our CRCA Rodeo Newsletter & Facebook Page



BULLFIGHTERS OR PICKUP MAN
SPONSORSHIP \$ 1000

- 2 VIP Passes - each pass includes a Family Pass, Seating, Food & Drink Vouchers
- Banner around the Arena.
- Announced Advertising throughout the Event
- Advertising in our CRCA Rodeo Newsletter & Facebook



EVENT SPONSORSHIP

OPEN BULL RIDE \$ 2500

- 4 VIP Family Passes
- Food & Drink Vouchers
- Announced advertising throughout the Event.
- Advertising in our CRCA Rodeo Newsletter & Facebook Page
 - Supplied Signage placed around Arena.

OPEN SADDLE BRONC \$ 2000

- 3 VIP Family Passes
- Food & Drink Vouchers
- Announced advertising throughout the Event.
- Advertising in our CRCA Rodeo Newsletter & Facebook Page
 - Supplied Signage placed around Arena.

LADIES BARREL RACE \$ 2000

- 3 VIP Family Passes
- Food & Drink Vouchers
- Announced advertising throughout the Event.
- Advertising in our CRCA Rodeo Newsletter & Facebook Page
 - Supplied Signage placed around Arena.

OPEN BAREBACK \$ 1500

- 2 VIP Family Passes
- Food & Drink Vouchers
- Announced advertising throughout the Event.
- Advertising in our CRCA Rodeo Newsletter & Facebook Page
 - Supplied Signage placed around Arena.

+EVENT SPONSORSHIP

ROOKIE SADDLE BRONC \$ 1000

ROOKIE BULL RIDE \$ 1000

ROOKIE BAREBACK \$ 1000

JUNIOR BULL RIDE + PODDY RIDE \$ 1000

JUNIOR BARREL RACE + PEE WEE BARREL RACE \$ 1000

11-15 STEER RIDE + 11-15 MINI BULL RIDE \$ 1000

ALL \$ 1000 SPONSORSHIP INCLUDE:

- 2 VIP Pass - each pass includes a Family Pass, Seating, Food & Drink Vouchers
- Supplied Signage placed around Arena.
- Announced Advertising throughout the Event
- Advertising in our CRCA Rodeo Newsletter & Facebook Page

13.3.8 Community Services Monthly Report - September 2022

DATE: Wednesday 12 October 2022

TO: Ordinary Council Meeting

AUTHOR: Erin Finau - Administration Coordinator Community Services

AUTHORISING OFFICER: Julie Wright - Director Community Services

PRESENTED FOR: Information

ATTACHMENTS

1. Community Services Monthly Report

PURPOSE

The purpose of the report is to set out an account of statistics pertaining to the functions of each branch within the Community Services Directorate for the month of September 2022.

OFFICER'S RECOMMENDATION

That Council receive the Community Services Monthly Report for September 2022.

BACKGROUND

The Community Services Directorate has a departmental vision of a prosperous, liveable, and sustainable Whitsundays. The directorate's purpose is to lead the delivery of economic, social, environmental, and recreational outcomes for the Whitsundays through services in partnership with stakeholders.

The directorate's vision is delivered by bringing together the functions of Community Development & Libraries, Aquatic Facilities & Caravan Parks, Environmental Health & Local Laws, Natural Resource Management & Climate, Customer Service, Cultural Heritage and Proserpine Entertainment Centre & Associated Venues.

DISCUSSION/CURRENT ISSUE

This report provides an overview of Whitsunday Regional Council's Community Services Directorate for the 2021/2022 financial year with particular focus on the month of September 2022.

STATUTORY/COMPLIANCE MATTERS

N/A

STRATEGIC IMPACTS

Through strong and open leadership, develop an organisation with a culture of respect, accountability and community service.

FINANCIAL IMPLICATIONS

Manage within existing budget allocation.

CONSULTATION/ENGAGEMENT

Coordinator Natural Resource Management & Climate
Manager Community Development & Libraries
Manager Customer Service
Manager Proserpine Entertainment Centre

RISK ASSESSMENT

Regular reporting on the Directorate's progress and achievements ensures accountability and fosters a positive culture.

TIMINGS/DEADLINES

N/A

CONFLICT OF INTEREST DECLARATION

Council officers contributing to the preparation and approval of this report have no conflicts of interest to declare.

HUMAN RIGHTS IMPACT

No

ALTERNATIVES CONSIDERED

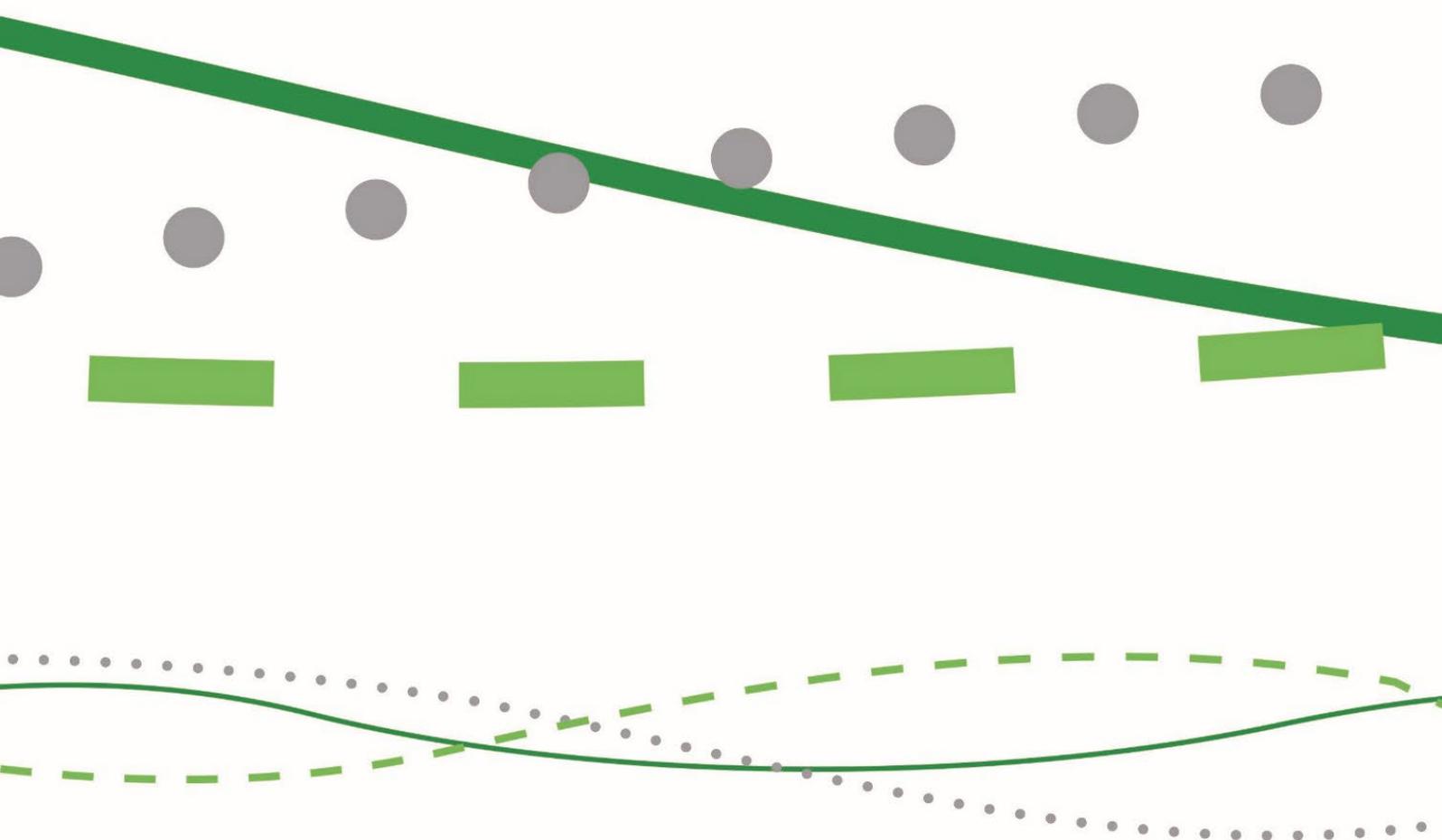
N/A



Community Services

Community Development & Libraries
Aquatic Facilities & Caravan Parks
Proserpine Entertainment Centre
Environmental Health & Local Laws
Natural Resource Management & Climate
Customer Service
Cultural Heritage

Monthly Report | September 2022



Director's Report

September 2022 saw the Community Services team undertake several events, activities, projects and compliance issues.

The second Friday of the month was the Airlie Beach Foreshore outdoor movie night. 220 people enjoyed the movie 'UP' on Friday 9 September. The next movie night is a double feature with Nanny McPhee & The Man from Snowy River – celebrating 40 years of the iconic movie scheduled on Friday 14 October 2022.



Get Active Airlie Beach was held at the foreshore on Sunday 18 September. The foreshore was a hive of free activities for people of all ages enjoying health and wellbeing, vendors providing information, activities, and live demonstrations to members of the community. The day ended with calming sunset sounds on the beach with over 300 people attending the family friendly movie Scooby Doo.



Feedback received noted the day was just what the community needed, and requests have been received from both the Bowen and Collinsville community to take Get Active to each township in 2023.

Australian Citizenship Day is celebrated each year on 17 September. The day is an opportunity for all Australians to reflect on the meaning and importance

of Australian citizenship responsibilities and privileges we have as citizens. Whitsunday Regional Council welcomed 32 new citizens over 2 ceremonies in Bowen and Cannonvale in September.



The PEC held five events for the month including:

- 4 x performances - The Gruffalo Live on Stage
- Fairytales on Ice
- Celeste (Whitsunday Arts Festival) - Film
- Parallel Mothers (Whitsunday Arts Festival) - Film

My Community Directory + Diary searches totalled 5,092 an increase of 6.36% from August 2022. The top five searched categories for September are Health Services, Recreation & Leisure, Community Clubs & Interest Groups, Environment & Conservation and Crisis & Emergency Services.

September was another busy month for libraries, commencing with promotion of adult activities, services and resources during Adult Learners Week (1-8 September) followed by the delivery of school holiday activities during the final two weeks.



The school holiday activities and sessions have been well attended across the libraries with families enjoying a variety of craft activities including egg carton flower mobiles, pot decorating and seed planting, pipe cleaner animals and jewellery in Collinsville and Bowen Libraries with a Teddy Bears picnic and family games day in Proserpine Library.



All libraries participated in the online Great Barrier Reef Marine Park webinar, Reef creatures up close, where they explored the jobs of different animals living on the Reef like sea cucumbers, sea urchins, sea stars, fish and sharks.

During September, Introduction to Watercolour Art workshops were held at Collinsville Community Centre and Bowen Library. Artist, Noel Colbert shared his expertise on how to colour mix & match and different watercolour painting techniques, with all the participants taking home two original works of art.



Proserpine Library celebrated Indigenous Literacy Day on 7 September with families enjoying a variety of indigenous themed craft activities and some morning tea at their regular Little Library Play session. A very colourful rainbow serpent was created by the littlies.

Councils libraries were represented at the Bowen Neighbourhood Centre's R U OK? event on 8 September with the Pop Up Library making an appearance with many local organisations spruiking their services to the community.

With the Gruffalo showing at the Proserpine Entertainment Centre mid-September, Proserpine Library held a special Storytime on 13 September - reading the book "The Gruffalo" by Julia Donaldson, followed by a fun craft activity and making yummy Gruffalo crumble which was a big hit with the kids.

The Region's Libraries monthly attendance, borrowings and e-Library decreased while Library Website visits increased from August 2022.

- Attendance 9,387 – 2.6%% decrease
- Borrowings 14,139 – 0.34% decrease
- e-Library 2,055 – 9.63% decrease
- Library Website Visits 3,466 – 30.59% increase.

Natural Resource Management's Projects for September 2022 include:

- Erosion and Sediment Control Workshops - Council coordinated one ESC workshop at Cannonvale which had 27 attendees and one at Bowen with 3 attendees.
- Yellow Crazy Ant aerial baiting occurred on the 8th of September at Shute Harbour.
- Collinsville Flying Fox count was 26,000 on the 20th of September. Council staff have developed a draft management plan for Pelican Park, Collinsville. Council staff are trialling the use of a 6m tall inflatable wavy man to act as a deterrent for the flying fox.
- A C-CAT executive meeting was held on the 29th of September. A flying minute was developed for Cassowary Regional Council to take on the coordination of the Program and hosting of the position.
- 66 property visits/inspections were carried in regard to pest weed detection.
- 900 Kgs of ground baits were laid across the region.



The Climate Hub Facebook Page reach decreased by 47.86% to 1,013 for September from the previous month with 699 Facebook Followers (similar to the previous month).

The following are the average monthly occupancy rates at each of Council's Caravan Parks:

- Proserpine Tourist Park – 60.3% a 4.7% decrease from September 2021.
- Wangaratta Caravan Park – 73% a 14.8% decrease from September 2021.
- Proserpine RV Park totalled 237 self-contained caravans decreased by 83 from previous month.

The Bowen Work Camp contributed a total of 354 hours during this month with mowing, landscaping and general community and Council assistance.

The Community Services Team received 308 CRMs for September (230 completed) with the Environmental Health and Local Law units receiving 257 (195 completed) complaints/requests for the month.

Council's Off-Street Carparks generated \$92,752 for the month with 14,300 transactions, an increase of 17.1% from the previous month.

The Community Services Administration Officers' statistics for September 2022 include the following:

- Correspondence Generated – 1,756 items
- Civica & ECM Registrations – 2,454 tasks
- 1,137 Telephone Calls (internal and external).

Customer Service saw 3,380 visitors through the service centres an increase of 27.98% attendance to the previous month.

Telephone calls increased from 6,516 to 6,747 a rise of 3.54% from the previous month.

After hours calls generated 155 tasks to be actioned for September 2022 (27.23% decrease).

Aquatic Facility user statistics for September 2022 in comparison to September 2021 are listed below:

- Airlie Beach Lagoon increased by 166.35% to 30,319
- Bowen Pool – increased by 2.69% to 2,894
- Proserpine Pool – increased by 31.2% to 5,390
- Collinsville Pool – increased by 138.59% to 2,269



Remedial work was conducted at the Dingo Beach Swimming Enclosure to make safe for the warm summer months ahead along with the approaching stinger season.

September 2022 saw the region host 8 Cruise Ships with a total of 18,277 passengers on board. 15,546 passengers and crew passed through the marina to enjoy tours offered throughout the area plus a visit to Airlie Beach.

Julie Wright
Director Community Services

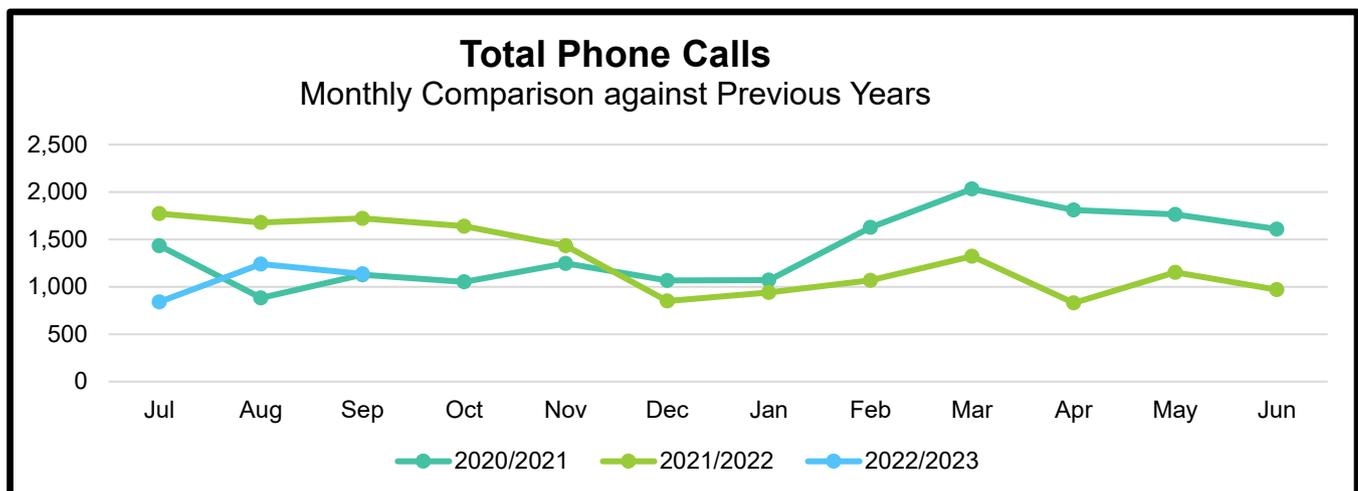
General

The Community Services Directorate has a departmental vision of a prosperous, liveable, and sustainable Whitsundays. The directorate's purpose is to lead the delivery of economic, social, environmental, and recreational outcomes for the Whitsundays through services in partnership with stakeholders.

The directorate's vision is delivered by bringing together the functions of Community Development & Libraries, Aquatic Facilities & Caravan Parks, Environmental Health & Local Laws, Natural Resource Management & Climate, Customer Service, Cultural Heritage & Collinsville Independent Living Facility.

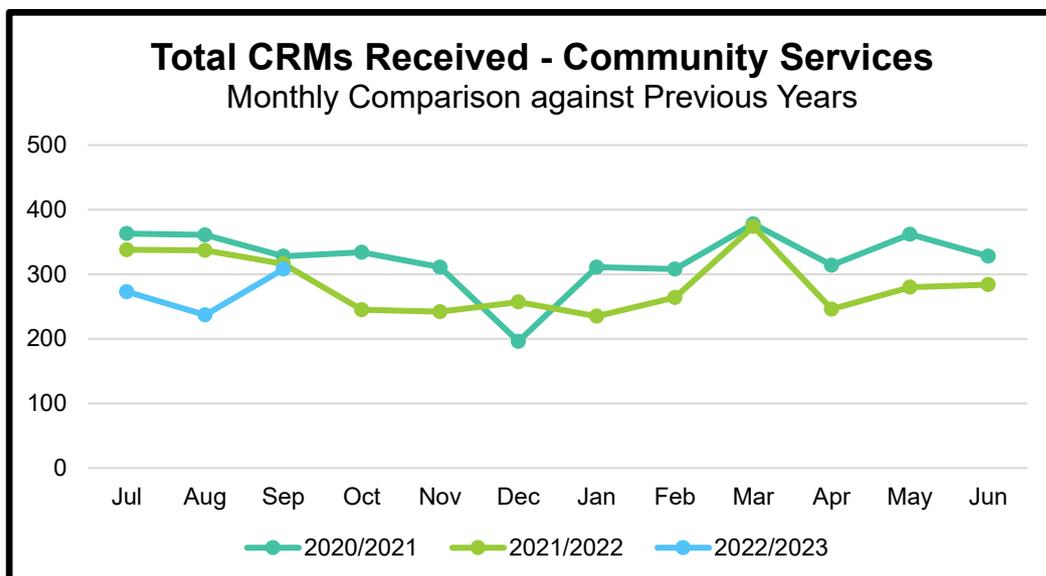
Administration Officers

Service	YTD	Jul	Aug	Sep	Monthly Trend
Correspondence Generated	3,733	553	1,424	1,756	↑
ECM Task List	2,020	698	574	748	↑
Civica Registers	3,569	1,164	760	1,645	↑
Data Input	1,197	345	349	503	↑
CRMs Generated	115	50	29	36	↑
CRMs Closed	178	75	55	48	↓
Phone Calls - Internal	1,868	530	687	651	↓
Phone Calls - External	1,350	311	553	486	↓
Phone Calls - Total	3,218	841	1,240	1,137	↓
ECM Registering	1,763	395	559	809	↑
Purchase Orders	235	56	69	110	↑
Receipt Invoices	202	59	77	66	↓
Reports	80	29	25	26	↑



Customer Request Management (CRM)

Service	YTD	Jul	Aug	Sep	Monthly Trend
Community Development					
CRM Received	13	8	2	3	↑
CRM Completed	9	6	1	2	↑
Library Services					
CRM Received	20	0	0	20	↑
CRM Completed	20	0	0	20	↑
Aquatic Facilities					
CRM Received	12	2	8	2	↓
CRM Completed	11	2	7	2	↓
Caravan Parks					
CRM Received	1	1	0	0	–
CRM Completed	1	1	0	0	–
Environmental Health & Local Laws					
CRM Received	704	235	212	257	↑
CRM Completed	557	187	175	195	↑
Parking					
CRM Received	3	3	0	0	–
CRM Completed	3	3	0	0	–
NRM & Climate					
CRM Received	52	19	12	21	↑
CRM Completed	20	10	4	6	↑
Customer Service / E-Services					
CRM Received	13	5	3	5	↑
CRM Completed	11	3	3	5	↑
Total CRMs for Community Services					
CRM Received	818	273	237	308	↑
CRM Completed	632	212	190	230	↑



Community Development

The Community Development branch is responsible for assessing and acquitting community grants, developing and maintaining various community development related policies and registers, developing, and implementing various community programs such as cultural and recreational programs as well as maintaining various community facilities.

Operations

Service	YTD	Jul	Aug	Sep	Monthly Trend
Grant Applications					
Facility Management - Approved	0	0	0	0	–
Facility Management - Approved (\$)	0	0	0	0	–
Junior Elite Athlete - Approved	22	16	3	3	–
Junior Elite Athlete - Approved (\$)	13,500	10,250	2,500	750	↓
RADF - Received	3	0	3	0	↓
RADF - Approved	3	0	0	3	↑
RADF - Approved (\$)	11,301	0	0	11,301	↑
RADF - Acquittals	2	0	0	2	↑
Special Projects - Received	5	0	2	3	↑
Special Projects - Approved	0	0	0	0	–
Special Projects - Approved (\$)	0	0	0	0	–
Special Projects - Acquittals	0	0	0	0	–
Sport & Rec Club - Received	12	7	3	2	↓
Sport & Rec Club - Approved	22	10	9	3	↓
Sport & Rec Club - Approved (\$)	48,000	22,000	19,000	7,000	↓
Donation & Sponsorship Requests					
Donation Requests - Received	28	6	18	4	↓
Donation Requests - Approved	26	4	18	4	↓
Donation Requests - Approved (\$)	18,757	7,000	6,878	4,879	↓
Fee Waivers - Approved	13	5	0	8	↑
Fee Waivers - Approved (\$)	7,139	3,324.50	0	3,814	↑
Sponsorships - Received	10	5	2	3	↑
Sponsorships - Approved	5	3	2	0	↓
Sponsorships - Approved (\$)	13,300	10,800	2,500	0	↓
Sponsorships - Approved (in kind)	27,500	5,000	22,500	0	↓
Sponsorships - Acquittals	0	0	0	0	–
Events					
Council Events - External - Completed	6	1	1	4	↑
Council Events - External - Participants	1,244	330	280	634	↑
Council Events - Internal - Completed	1	0	0	1	↑
Council Events - Internal - Participants	50	0	0	50	↑
External Event Applications Received	22	6	7	9	↑

Cruise Ship Statistics

Statistics	YTD	Jul	Aug	Sep	Monthly Trend
Total Ships	18	7	3	8	↑
Total Passengers	34,794	11,077	5,440	18,277	↑
Off Ship Passengers & Crew	28,956	8,889	4,521	15,546	↑
Through Marina	28,956	8,889	4,521	15,546	↑
Town Visits	23,896	7,290	3,679	12,927	↑
Local Tours	5,060	1,599	842	2,619	↑

Junior Elite Athlete Recipients for September:

- Karl Ward, Derek Ward, and Taleisa Savelio

Events:

External:

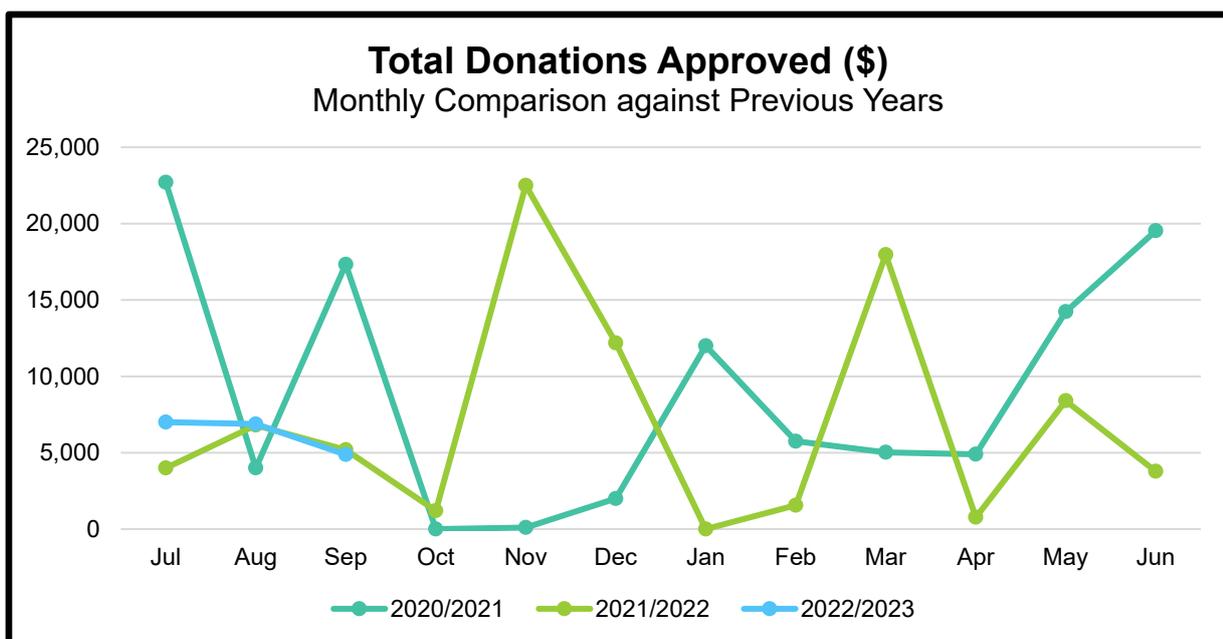
- Airlie Beach Movie Night – Up – Friday 9 September – 220 participants.
- Citizenship Ceremony – Bowen - Friday 16 September – 8 conferees/28 guests in total.
- Get Active Airlie Beach Family Fun Day – Sunday 18 September – 318 recorded watching the movie at 6.30pm.
- Citizenship Ceremony – Cannonvale – Tuesday 20 September – 24 conferees/68 guests in total.

Internal:

- R U OK Day - Thursday 8 September – 50 participants Proserpine & Bowen combined

Special Project Grants Successful Recipients:

- Nil





The report from My Community Directory + Diary is currently unavailable while they install upgrades to the software. My Community Directory + Diary have supplied the following stats for the month of September:

Year	Month	Listing Views	Results Views	Users	Events
2022	July	1,271	5,359	2,372	36
2022	August	1,474	5,434	2,918	28
2022	September	1,452	5,092	2,639	45

Top categories viewed for the month of September:

Rank	Category	Listing Views
1	Health Services	464
2	Recreation & Leisure	169
3	Community Clubs & Interest Groups	123
4	Environment & Conservation	112
5	Crisis & Emergency Services	97

List of Health Services searched:

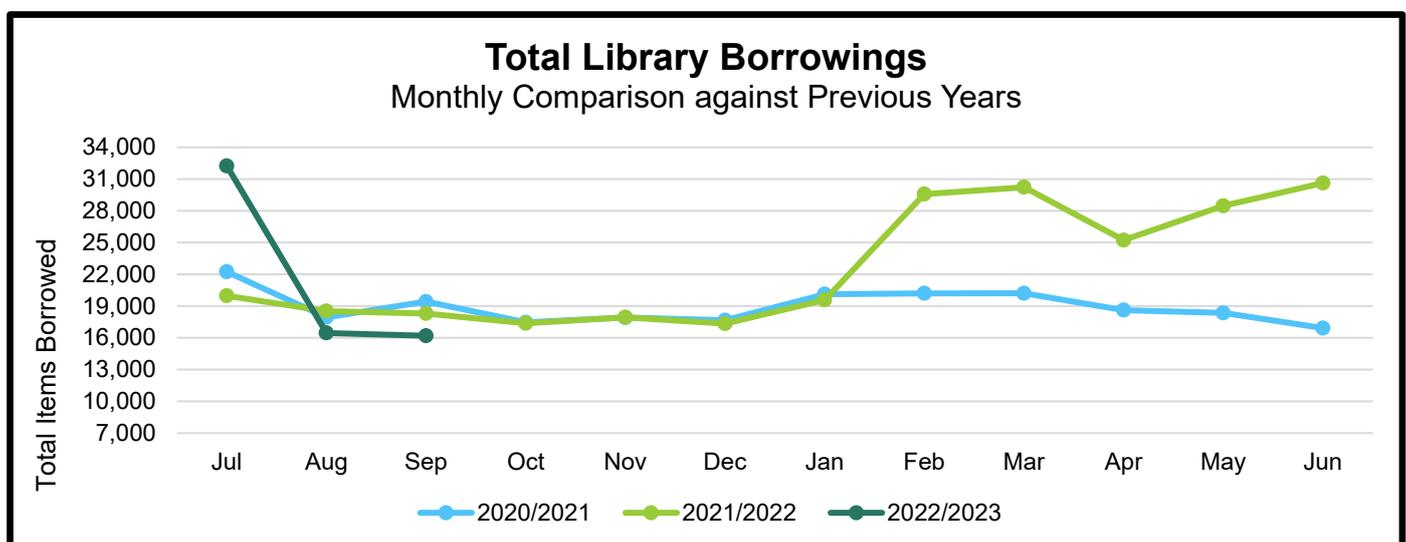
Rank	Service
1	Allied Health
2	Hospitals
3	General Health Services
4	Dental & Oral Health
5	Mental Health Services
6	Child Youth & Family Health
7	General Practice/Doctor
8	Pharmacies
9	Specialists
10	Drug & Alcohol Services

Library Services

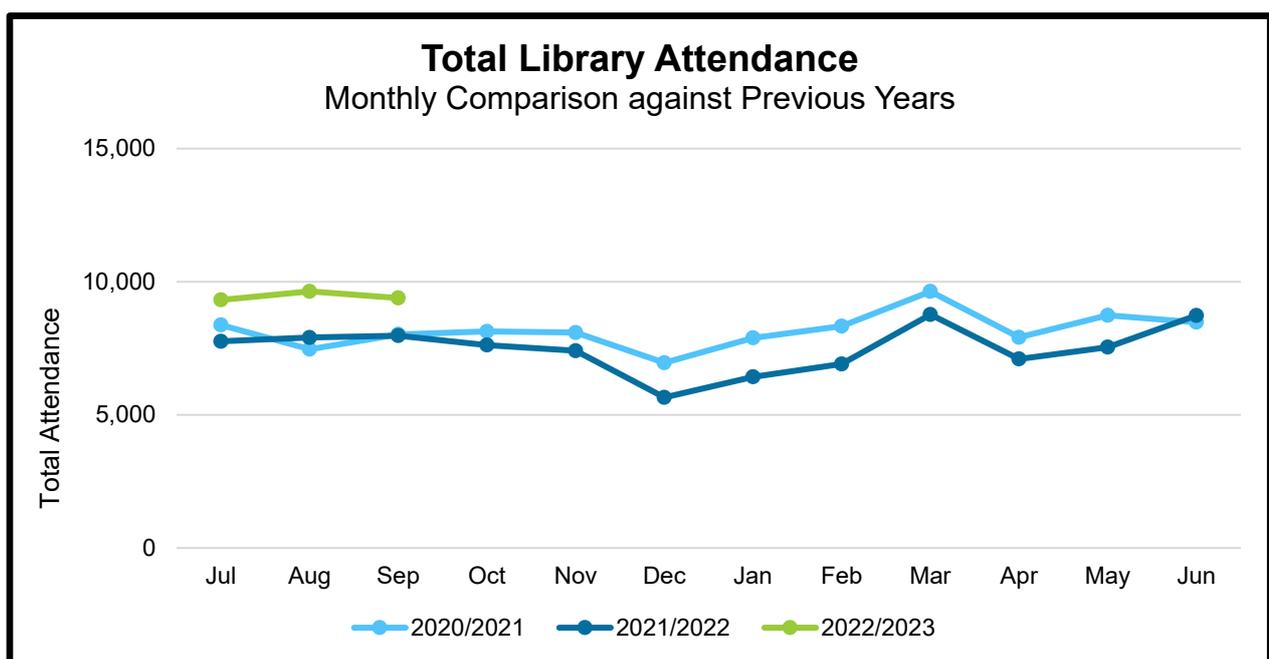
The Library Services branch is responsible for the provision of customer-centric services and resources to meet the information, recreation, cultural and lifelong learning needs of individuals and groups within the Whitsundays. The branch responsibilities include the design and delivery of library programs, promotion and marketing, collection development and maintenance, information/digital literacy opportunities, outreach, and service extension.

Operations

Service	YTD	Jul	Aug	Sep	Monthly Trend
Library Resources Acquired					
Bowen & Collinsville Libraries	791	374	271	146	↓
Cannonvale Library	1,194	412	424	358	↓
Proserpine Library	717	157	349	211	↓
e-Library	507	105	225	177	↓
Library Resources Borrowed					
Bowen Library	10,419	3,360	3,469	3,590	↑
Cannonvale Library	20,231	6,657	6,757	6,817	↑
Collinsville Library	1,462	465	527	470	↓
Proserpine Library	9,584	2,887	3,435	3,262	↓
e-Library	23,204	18,875	2,274	2,055	↓
Mobile Library	0	0	0	0	–
Library Attendance					
Bowen Library	8,243	2,714	2,824	2,705	↓
Cannonvale Library	11,623	3,973	3,879	3,771	↓
Collinsville Library	1,368	380	426	562	↑
Proserpine Library	7,107	2,249	2,509	2,349	↓
Library Website					
Website Visits	8,529	2,409	2,654	3,466	↑



Service	YTD	Jul	Aug	Sep	Monthly Trend
First 5 Forever (F5F)					
Resources - Acquired	71	13	16	42	↑
Resources - Borrowed by Branches	204	60	103	41	↓
Community Partnership Interactions	57	15	37	5	↓
Toolkits Distributed	57	20	14	23	↑
F5F In Library - Activities Held					
Bowen Library	20	6	9	5	↓
Cannonvale Library	30	9	14	7	↓
Collinsville Library	8	3	3	2	↓
Proserpine Library	30	9	15	6	↓
F5F In Library - Activities Attendance					
Bowen Library	254	49	118	87	↓
Cannonvale Library	679	180	300	199	↓
Collinsville Library	25	13	10	2	↓
Proserpine Library	407	110	219	78	↓
F5F Community Outreach - Events Held					
Bowen Library	4	1	1	2	↑
Cannonvale Library	6	2	3	1	↓
Collinsville Library	0	0	0	0	–
Proserpine Library	4	2	1	1	–
F5F Community Outreach - Events Attendance					
Bowen Library	106	55	21	30	↑
Cannonvale Library	719	288	404	27	↓
Collinsville Library	0	0	0	0	–
Proserpine Library	135	62	13	60	↑



Service	YTD	Jul	Aug	Sep	Monthly Trend
In Library Programs - Events Held					
Bowen Library - Adults	24	3	14	7	↓
Bowen Library - Children	20	7	4	9	↑
Cannonvale Library - Adults	17	10	4	3	↓
Cannonvale Library - Children	47	15	13	19	↑
Collinsville Library - Adults	2	1	0	1	↑
Collinsville Library - Children	6	2	0	4	↑
Proserpine Library - Adults	14	5	5	4	↓
Proserpine Library - Children	28	8	9	11	↑
In Library Programs - Events Attendance					
Bowen Library - Adults	66	28	16	22	↑
Bowen Library - Children	180	45	24	111	↑
Cannonvale Library - Adults	69	42	16	11	↓
Cannonvale Library - Children	836	311	197	328	↑
Collinsville Library - Adults	17	9	0	8	↑
Collinsville Library - Children	41	13	0	28	↑
Proserpine Library - Adults	61	22	23	16	↓
Proserpine Library - Children	327	47	123	157	↑
Community Outreach - Events Held					
Bowen Library - Adults	14	4	5	5	–
Bowen Library - Children	0	0	0	0	–
Cannonvale Library - Adults	13	4	5	4	↓
Cannonvale Library - Children	0	0	0	0	–
Collinsville Library - Adults	4	2	2	0	↓
Collinsville Library - Children	0	0	0	0	–
Proserpine Library - Adults	13	4	5	4	↓
Proserpine Library - Children	0	0	0	0	–
Community Outreach - Events Attendance					
Bowen Library - Adults	160	33	42	85	↑
Bowen Library - Children	0	0	0	0	–
Cannonvale Library - Adults	97	30	37	30	↓
Cannonvale Library - Children	0	0	0	0	–
Collinsville Library - Adults	3	2	1	0	↓
Collinsville Library - Children	0	0	0	0	–
Proserpine Library - Adults	166	53	60	53	↓
Proserpine Library - Children	0	0	0	0	–
Public Computer Usage					
Bowen Library	1,336	441	436	459	↑
Cannonvale Library	1,924	659	635	630	↓
Collinsville Library	78	29	17	32	↑
Proserpine Library	709	226	251	232	↓

Bowen Work Camp

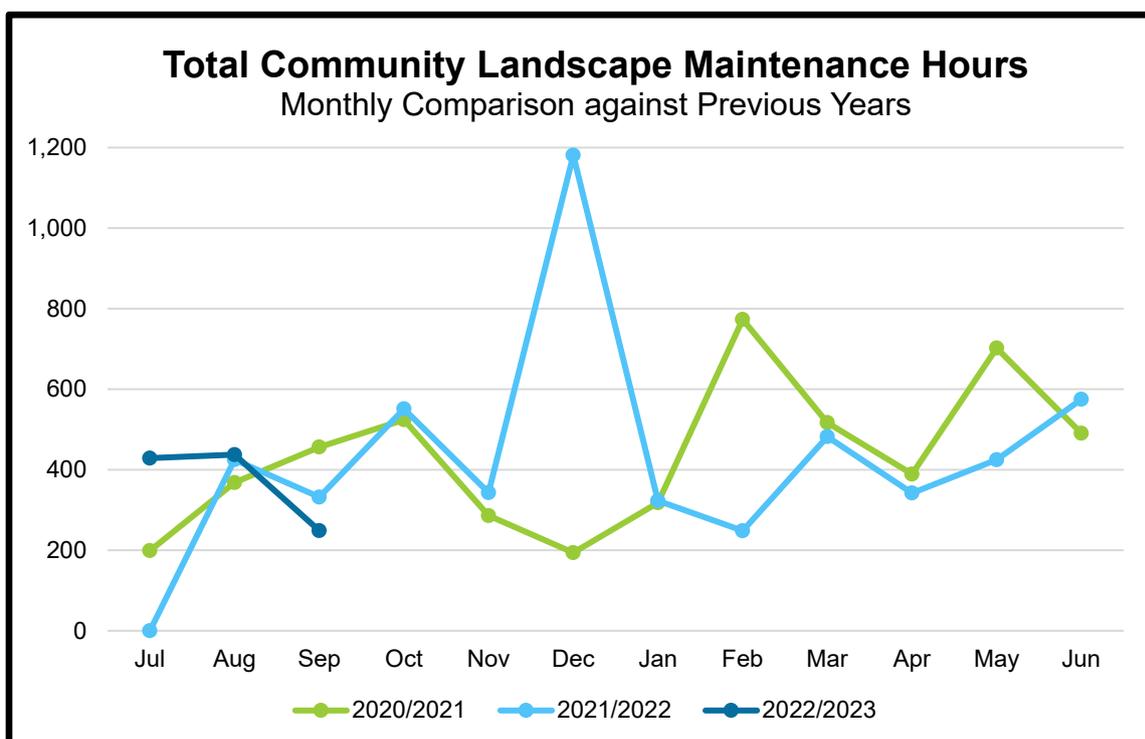
Council partners with Queensland Corrective Services to provide beneficial works projects for the community and rehabilitate offenders with their return to society. They perform a multitude of tasks including maintenance of fences, cemeteries, sportsgrounds and showgrounds, propagation of plants and they also participate in many restoration and general maintenance projects.

Operations

Service	YTD	Jul	Aug	Sep	Monthly Trend
Community Landscape Maintenance Hours	1,115	428.75	437.5	248.75	↓
Community Indoor Tasks Hours	252	77	91	84	↓
New Project Assessment Hours	0	0	0	0	–
WRC Landscape Maintenance Hours	79	44	19.5	15.25	↓
WRC Nursery Maintenance/Propagation Hours	26	15	5	6	↑
WRC Indoor Tasks Hours	0	0	0	0	–
QCS Compound Duties Hours	267	97.25	63.25	106.5	↑

Projects

Project	Status	% Complete	Budget
Whitsunday Moto Sports Club	In Progress	80%	✓
Collinsville Youth Coalition – Installing table and chairs	Scheduled	0%	✓
Bowen Neighbourhood Centre – Snipping and mowing yard until they move into new premises	In Progress	60%	✓



Aquatic Facilities & Caravan Parks

The Recreation Services branch is responsible for delivering recreation and youth programs that activate our public and open spaces, supporting recreation groups to secure funding for projects, maintaining Council's caravan parks and aquatic facilities, and master planning for future sport and recreation assets.

Aquatic Facilities – Operations

Service	YTD	Jul	Aug	Sep	Monthly Trend
Airlie Beach Lagoon – Total Users	63,614	15,162	18,133	30,319	↑
Airlie Beach Lagoon – Total Offences	559	118	267	174	↓
Pool Attendance – Bowen	5,008	926	1,188	2,894	↑
Pool Attendance – Collinsville	2,269	0*	0*	2,269	↑
Pool Attendance – Proserpine	6,952	495	1,067	5,390	↑

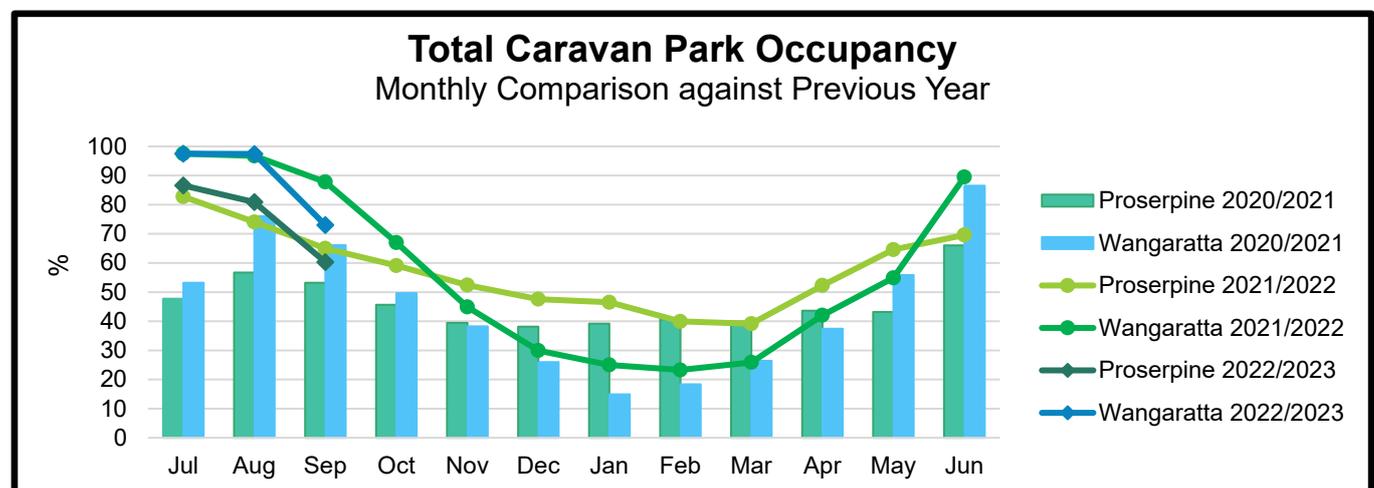
*Collinsville Swimming Pool currently closed during Winter months

Caravan Parks – Operations

Service	YTD	Jul	Aug	Sep	Monthly Trend
Proserpine Tourist Park					
Occupancy (%)	76.0	86.7	80.9	60.3	↓
Revenue (\$)	181,958	72,661	59,836	49,461	↓
Accumulated Revenue - Laundry Service (\$)	5,588	917	1,932	2,739	↑
Wangaratta Caravan Park					
Occupancy (%)	89.3	97.5	97.4	73	↓
Revenue (\$)	278,418	111,798	91,050	75,570	↓
Accumulated Revenue - Laundry Service (\$)	7,221	1,204	2,472	3,545	↑

Caravan Parks Occupancy – Yearly Comparison for September

Service	2019	2020	2021	2022	Yearly Trend
Occupancy (%)					
Proserpine Tourist Park	57.4	53.2	65.0	60.3	↓
Wangaratta Caravan Park	50.9	66.1	87.8	73	↓



Proserpine Entertainment Centre

The Proserpine Entertainment Centre facilitates and delivers a wide variety of activities and programs from live performance to cinema, workshops and masterclasses to lectures and seminars.

Operations

Service	YTD	Jul	Aug	Sep	Monthly Trend
Ticketed Events					
Events Held – Public Program	6	1	0	5	↑
Events Held – Hires	2	0	0	2	↑
Events Held - Different Movies	0	0	0	0	–
Events Held - Cinema Sessions	0	0	0	0	–
Ticket Sales					
Ticket Sales - Performance - Walk Up	349	56	5	288	↑
Ticket Sales - Performance - Internet	570	290	64	216	↑
Ticket Sales - Performance - Phone	66	6	1	59	↑
Ticket Sales - Cinema - Walk Up	0	0	0	0	–
Ticket Sales - Cinema - Internet	0	0	0	0	–
Ticket Sales - Cinema - Phone	0	0	0	0	–
Functions & Events					
Functions	1	1	0	0	–
Functions – Attendees	50	50	0	0	–
Events	0	0	0	0	–
Events – Attendees	0	0	0	0	–
Hours					
Volunteer Hours	81	21	0	60	↑
Casual Hours (Paid) - Front of Hours	305	59	69	177	↑
Casual Hours (Paid) - Technical	216.5	68	40	108.5	↑
Booking Enquiries	17	7	2	8	↑
Website Hits	8,087	2,714	2,020	3,353	↑
Facebook Reach	13,687	8,197	2,573	2,917	↑
Feedback	0	0	0	0	–
Bar Sales	1933	0	0	1,933	↑

Shows & Performances for the month of September:

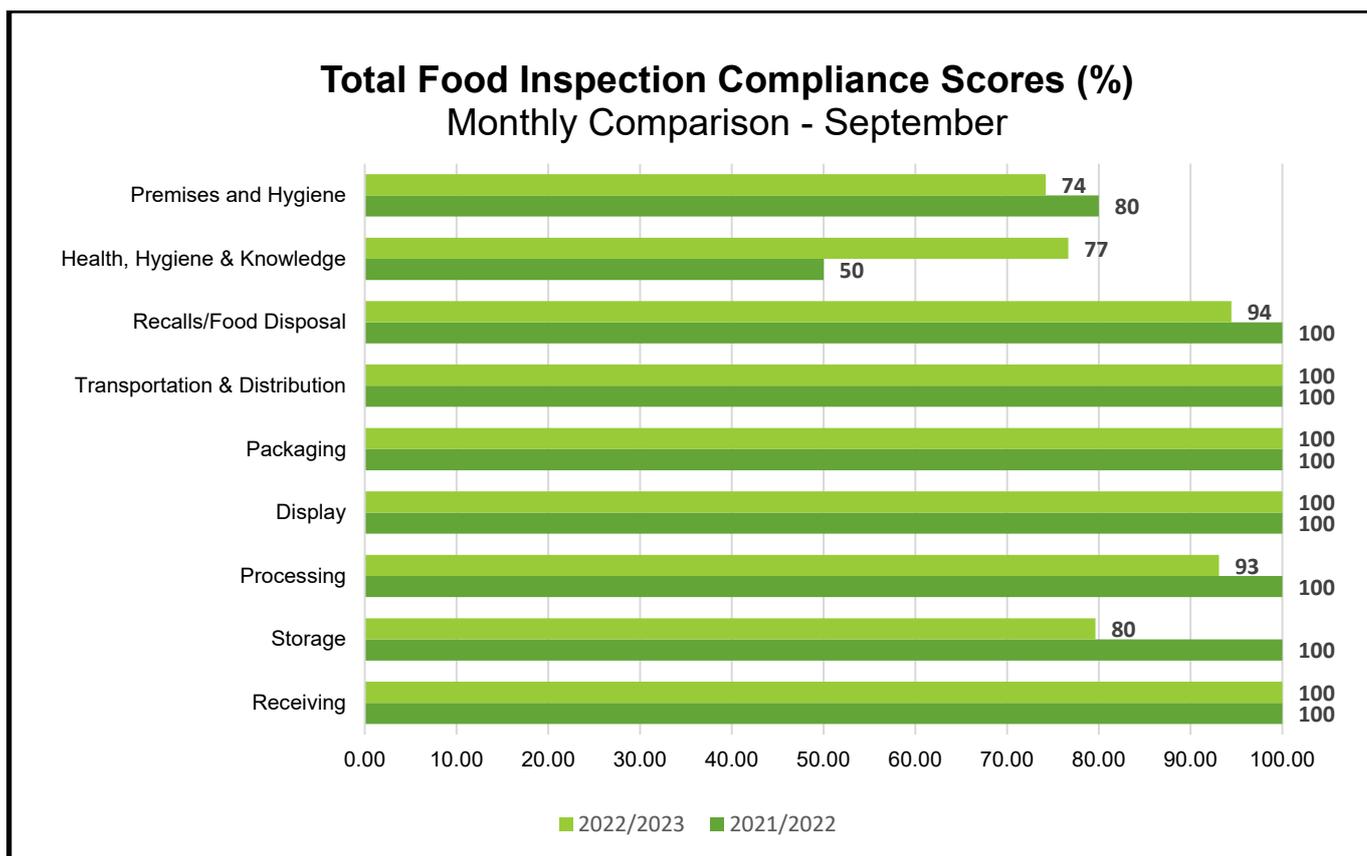
- The Gruffalo
- Fairytale on Ice
- Celeste (Whitsundays Arts Festival)
- Parallel Mothers (Whitsundays Arts Festival)

Environmental Health & Local Laws

The Environmental Health & Local Laws branch is responsible for regulation of all local laws and laws associated with Environmental Protection and Public Health. The Environmental Health Unit is responsible for licensing and inspection of food and accommodation premises, assessment of liquor licensing referrals, provides development conditions and the protection of the environment and public health. The Local Laws unit licenses prescribed activities and addresses all breaches of Local Laws including animal control and property compliance involving vegetation, accumulation of materials and temporary homes. Local Laws is also responsible for maintaining the animal impoundment facility, on/off-street car parking compliance and commercial parking operations. The branch is active in development, review and maintenance of related policies and registers.

Environmental Health – Operations

Service	YTD	Jul	Aug	Sep	Monthly Trend
Environmental Health					
Environmental Health – Plan Approval Applications Received	17	4	6	7	↑
Environmental Health Applications Received	26	9	7	10	↑
Food Safety Programs Received	1	0	1	0	↓
Liquor Licence Referrals Received	13	6	4	3	↓
Food Business - Inspections	22	8	8	6	↓
Food Business - Re-Inspections	4	2	2	0	↓
Food Safety Programs Audit Reports Reviewed	2	1	1	0	↓
Personal Appearance Services - Inspections	1	0	1	0	↓
ERAs - Inspections	1	0	1	0	↓
Development Applications Referrals Received	1	0	1	0	↓
Accommodation - Inspections	4	1	3	0	↓
Accommodation - Re-inspections	1	0	1	0	↓
Erosion Sediment Control - Inspections	0	0	0	0	–
Complaints Received - Asbestos	0	0	0	0	–
Complaints Received - Litter & Dumping	1	0	1	0	↓
Complaints Received - EH General	17	0	15	2	↓
Event Application Assessment	3	0	0	3	↑
Food Inspection Compliance Categories					
Receiving (%)	92.16	76.47	100.00	100.00	–
Storage (%)	84.90	64.71	90.00	100.00	↑
Processing (%)	85.71	63.01	94.12	100.00	↑
Display (%)	70.56	41.67	70.00	100.00	↑
Packaging (%)	92.16	76.47	100.00	100.00	–
Transportation & Distribution (%)	83.33	50.00	100.00	100.00	–
Recalls/Food Disposal (%)	91.67	75.00	100.00	100.00	–
Health, Hygiene & Knowledge (%)	72.68	70.89	97.14	50.00	↓
Premises and Hygiene (%)	80.57	67.89	93.81	80.00	↓

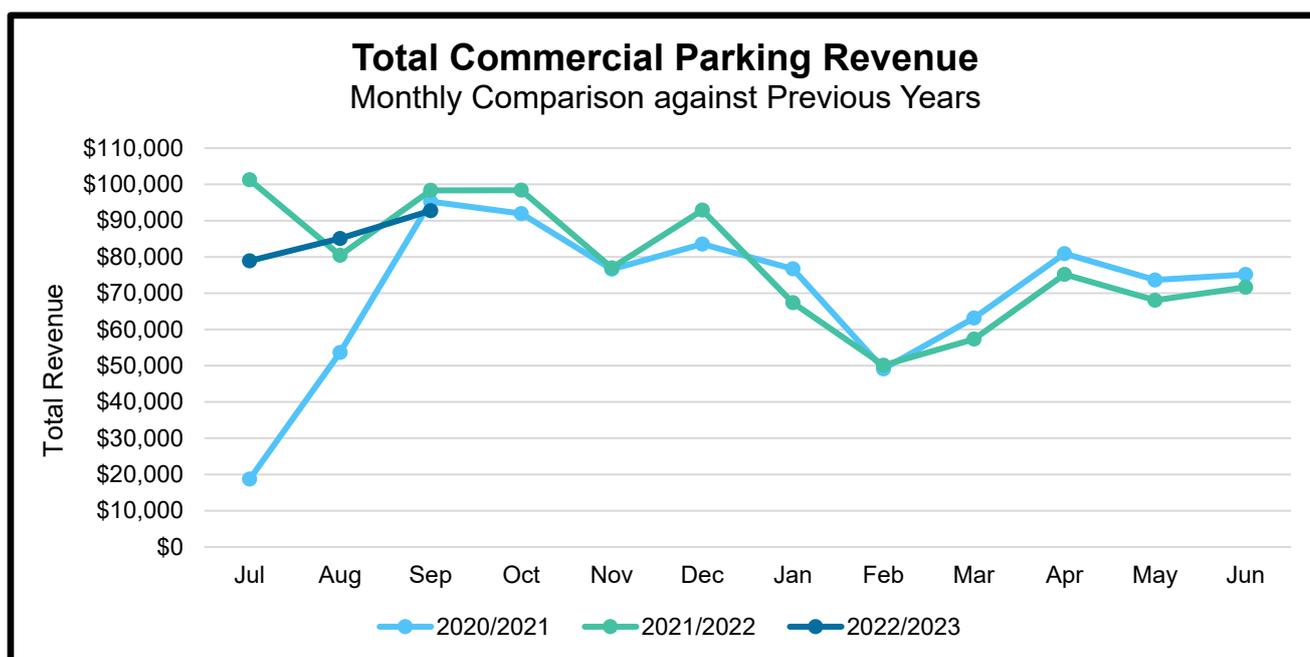


Local Laws – Operations

Service	YTD	Jul	Aug	Sep	Monthly Trend
Local Laws					
Local Law Applications Received	25	2	7	16	↑
Complaints Received - Animal Management	272	90	85	97	↑
Complaints Received - Other Local Law	278	102	80	96	↑
Compliance Notices Issued	52	19	14	19	↑
Renewal/Reminder/Final Notices	514	33	46	435	↑
Infringement Responses	257	90	62	105	↑
Dog Registrations	3,713	2,729	799	185	↓
Cat Registrations	465	356	96	13	↓
Parking Infringements - Issued	527	154	161	212	↑
Parking Infringements - Waived	46	16	12	18	↑
Other Infringements - Issued	147	31	31	85	↑
Other Infringements - Waived	19	4	4	11	↑
Infringement Reminder Notices Sent	427	18	333	76	↓
Proserpine Self-Contained Vehicle Park Inspections	916	359	320	237	↓

Commercial Parking – Operations

Car Parks	YTD	Jul	Aug	Sep	Monthly Trend
Heart of the Reef Transit Facility					
Occupancy (no.)	14	2	6	6	–
Revenue (\$)	784	112	336	336	–
Port of Airlie					
Average Spend (\$)	11.83	11.49	11.87	12.13	↑
Tariff (most selected)	12-24hr	12-24hr	12-24hr	12-24hr	–
No. of tickets purchased	7,637	2,489	2,654	2,494	↓
Revenue (\$)	90,367	28,604	31,511	30,252	↓
Airlie Lagoon Precinct					
Average Spend (\$)	4.28	4.29	4.27	4.27	–
Tariff (most selected)	1-2hr	1-2hr	1-2hr	1-2hr	–
No. of tickets purchased	20,711	6,451	6,012	8,248	↑
Revenue (\$)	88,681	27,692	25,691	35,298	↑
Abell Point Marina					
Average Spend (\$)	8.77	8.31	9.03	8.98	↓
Tariff (most selected)	4-12hr	4-12hr	4-12hr	4-12hr	–
No. of tickets purchased	6,354	1,910	2,316	2,128	↓
Revenue (\$)	55,917	15,878	20,921	19,118	↓
Coconut Grove					
Average Spend (\$)	5.60	5.46	5.69	5.65	↓
Tariff (most selected)	2-4hr	2-4hr	2-4hr	2-4hr	–
No. of tickets purchased	3,882	1,232	1,220	1,430	↑
Revenue (\$)	21,762	6,728	6,950	8,084	↑



Natural Resource Management & Climate

The Natural Resource Management & Climate branch is responsible for developing and implementing various environmental and community health and safety programs such as pest, weed and water quality programs as well as maintaining stock routes and implementing the Biosecurity Plan.

Natural Resource Management – Operations

Service	YTD	Jul	Aug	Sep	Monthly Trend
Complaints Received - Pest & Weed	25	14	4	7	↑
Complaints Received - Environmental	27	5	8	14	↑
Property Pest Management Plan (PPMP) Implemented/Reviewed	1	1	0	0	–
PPMP Annual Reviews Completed	16	4	10	2	↓
Landholder Access - Herbicide Rebate	11	5	4	2	↓
Landholder Access - Mechanical Rebate	1	1	0	0	–
Letters/Emails to Landholders - Weeds	69	41	12	16	↑
Property Visit/Inspections - Weeds	259	172	21	66	↑
Property Visit/Inspections - Feral Animals	18	0	12	6	↓
Feral Animals - Traps Set	3	0	0	3	↑
Feral Animals - Trapped	14	9	2	3	↑
Aerial Shooting - Flights	1	0	1	0	↓
Aerial Shooting - Feral Animals Shot	230	0	230	0	↓
Properties Baited	21	0	17	4	↓
Baits Laid (kg)	3,400	0	2,500	900	↓
Length of Road Reserve Sprayed (km)	0.0	0	0	0	–
No. of Council Lots Sprayed/Inspected	8	0	8	0	↓
Mixed Chemicals Used (L)	600	0	600	0	↓
Workshops/Field Days/School Talks	4	0	2	2	–
Letters/Emails to Landholders - Environment	12	0	0	12	↑
Property Visit/Site Inspection - Environment	8	0	0	8	↑
Project Reports - not to Council	12	4	6	2	↓
Briefing / Council Reports	7	4	3	0	↓
Bushfire Hazard Reduction Burns	0	0	0	0	–
Environmental Planning Projects Completed	1	0	1	0	↓
DA's Assessed (including RFI & Conditions & Advice) Completed	19	8	10	1	↑

Projects

Project	Status	% Complete	Budget	Time
Bushfire Management Program	In Progress	50%	✓	✓

Climate Hub – Operations

Service	YTD	Jul	Aug	Sep	Monthly Trend
Media Releases	3	1	2	0	↓
Facebook Post Reach	4,449	1,493	1,943	1,013	↓
Facebook Followers	2,069	680	690	699	↑
Website Views	910	268	376	266	↓
Projects Underway	30	10	10	10	–
Projects in Developments	12	4	4	4	–

Projects

Project	Type	Status
Developing a Whitsundays Carbon Offset Project	Economic	Stage 1 completed and being presented to ELT & Council.
Funding and Financing Adaptation – A Case Study	Economic	Stage 2 contracted
Whitsunday Water Treatment and Pumping Optimisation	Economic	Underway - CQU Masters student in year 2 of 2 plus two engineering sub-projects
Whitsunday Healthy Heart (WHH) Project	Social	Underway (year 2 of 4)
Climate Ready Biodiversity Mapping	Environmental	Masters student being engaged
Hub Partnership Program	Social	Developed – on hold pending Hub review
Sustainable Events Guide	Social	Completed – awaiting Council approval to release
IoT masters research development	Economic	Recruitment underway
Hydrogen Use Case Analysis	Economic	Underway

Update

Pest Management Projects:

- Yellow Crazy Ant aerial baiting occurred on 8 September 2022 at Shute Harbour.
- Council has developed a draft Grader Grass investigation report which should soon be presented to Council.

Other Natural Resource Management Projects:

Coastal

- No coastal projects this month to report on.

Bushfire Management

- The new Bushfire Officer, Kyron Richardson has now started at Council. Kyron will be coordinating the Whitsunday Bushfire Resilience Project for the next two years.

Environment Projects:

- Collinsville Flying Fox - There were 26,000 Flying Foxes in Collinsville around 20 September 2022. Council staff have developed a draft management plan for Pelican Park, Collinsville. Council staff are trialling the use of a 6m tall inflatable wavy man to act as a deterrent for the flying fox.
- Erosion and Sediment Control Workshops - Council coordinated one ESC workshop at Cannonvale which had 27 attendees and one at Bowen with 3 attendees.

Climate Change

- Hydrogen Use Case Analysis is underway.
- Council has approved applying for grant funding to extend the Whitsunday Healthy Heart Project.
- Council has approved undertaking joint advocacy for activating future fuels in the region. The project will bring ammonia to Shute Harbour and ammonia and hydrogen to the Airport.
- Stage 1 of the Feasibility Study into Local Carbon Offsets has been presented to ELT.
- Recruitment is open for a masters student to work with Council on a IoT Smart Cities study
- The regional Sustainable Events Guide is going to Council for endorsement in October
- Two third year engineering students are doing their thesis on the water treatment plants and renewable energy options.

C-CAT Projects:

- A C-CAT executive meeting was held on 29 September 2022. A flying minute was developed for Cassowary Regional Council to take on the coordination of the Program and hosting of the position.

Customer Service

Call Centre – Operations

Service	YTD	Jul	Aug	Sep	Monthly Trend
Business Hours Call Centre					
Calls Received – Total	19,143	5,880	6,516	6,747	↑
Calls Received – 1300 WRC QLD	10,440	3,168	3,841	3,431	↓
Calls Answered	9,283	2,838	3,445	3,000	↓
Calls Overflowed	657	199	249	209	↓
Calls Abandoned	410	102	119	189	↑
Calls Abandoned (%)	3.93%	3.22%	3.10%	5.51%	↑
Untracked Calls (Voice Msg)	90	29	28	33	↑
*ASL - Average Service Level (%)	76.6%	77.2%	79.6%	72.8%	↓
*ASA - Average Speed of Answer	26	23	23	32	↑
*AHT - Average Handle Time/Secs	191	194	189	190	↑
After Hours Call Centre					
Calls Received– Total (inc test)	588	220	213	155	↓
Calls Answered– (Charged)	274	105	88	81	↓
Calls Abandoned (%)	7.14%	4.55%	5.63%	12.9%	↑
*ASL - Average Service Level (%)	74.3%	75%	78.4%	72.3%	↓
*ASA - Average Speed of Answer	–	22	30	36	↑
*AHT - Average Handle Time/Secs	–	119	107	167	↑

Customer Transactions

Service	YTD	Jul	Aug	Sep	Monthly Trend
Receipts	50,848	10,132	16,815	23,901	↑
eServices Receipts	1,397	158	448	791	↑
eServices Receipts (%)	2.75%	1.56%	2.66%	3.31%	↑
Requests	6,154	2,574	1,890	1,690	↓
Counter Stats at FPOC (pay/req)	8,983	2,962	2,641	3,380	↑
eServices CRMs	13	5	3	5	↑
eServices CRMs (%logged)	0.21%	0.44%	0.28%	0.30%	↑

Payments:

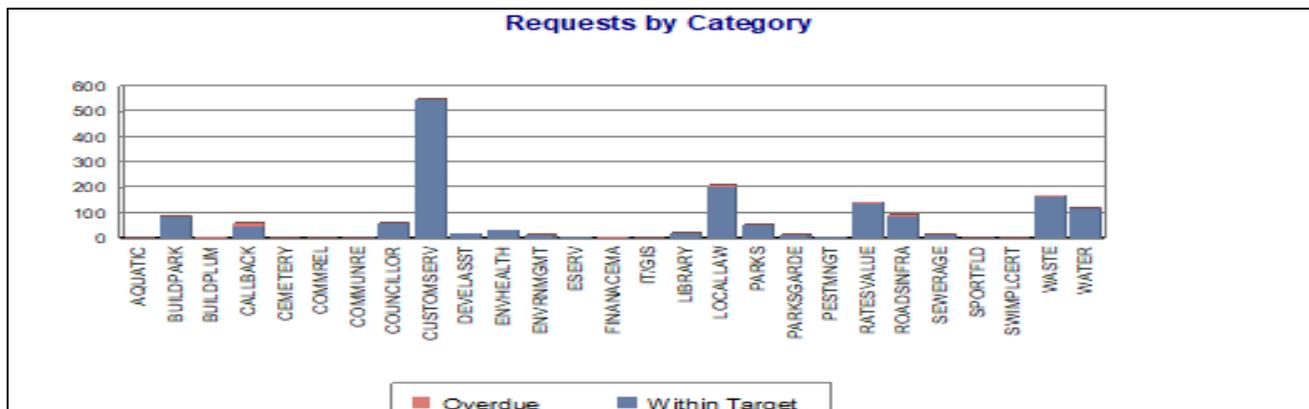
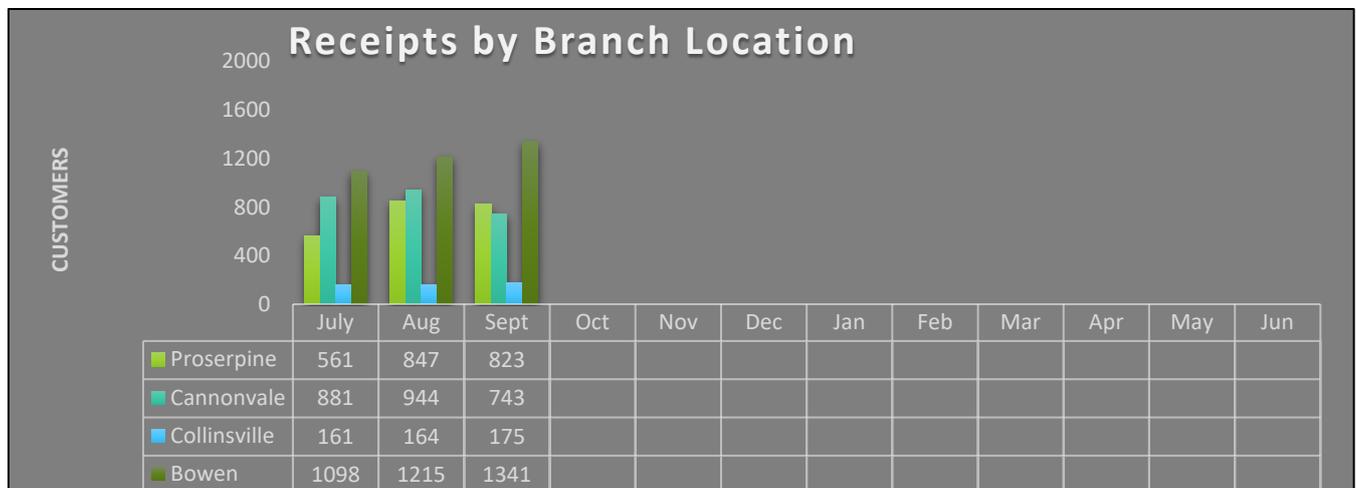
- Total BPay, Austpost, Direct Deposits & EServices payment at **73.68%** of total payments.

Incoming Calls & Requests:

- Total of **3,380** visitors through the service centres.
- WRC Call Statistics at **72.8%** of calls answered in 25 seconds.
- CRM completion was **96.9%** within timeframe.
- First Point of Contact (FPOC) resolution was at **85.9%** for September.

Top Issues

Service	YTD	Jul	Aug	Sep	Monthly Trend
Counter Receipts					
Rates Receipt	2,289	157	1,121	1,011	↓
Water Charges	1,076	16	429	631	↑
Rates Search	566	194	182	190	↑
Special Water Reads	230	63	74	93	↑
Animal Tag Renewal	1,561	1,336	169	56	↓
Telephone (First Point of Contact)					
Rates/Water Billing	714	260	454	467	↑
Local Laws/Compliance and Environment	339	173	166	174	↓
General	348	130	218	146	↓
Waste (Bins/Recycling/Refuse Centres)	204	116	88	76	↓
Building/Plumbing/Planning and Develop	194	78	116	65	↓
After Hours					
Water Supply Issue	115	58	40	17	↓
Wandering Animals	23	4	10	9	↓
Call Back During Business Hours	22	7	6	9	↑
Sewer/Septic	9	4	1	4	↑
Illegal Camping	11	4	3	4	↑



Cultural Heritage

Our Cultural Heritage includes all the elements of our cultural way of life which have gone before us, and which exist now. Cultural Heritage is an expression of the ways of living developed by a community and passed on from generation to generation, including customs, practices, places, objects, artistic expressions, and values.

Cultural Heritage includes the Reconciliation Act Plan (RAP) for increased recognition of the Indigenous People in the Whitsunday Region and the Indigenous Land Use Agreement (ILUA) sets out activities and communications with all Traditional Owners in the region. The ILUA will ensure Council is compliant and provide the community with knowledge on the Traditional Owners within our region.

Operations

Service	YTD	Jul	Aug	Sep	Monthly Trend
Meetings with Traditional Owners	1	1	0	0	↑↓-

- On-site meeting held in Collinsville with Jangga Operations on Monday, 11 July 2022.

Projects

Project	Status	% Complete	Budget	Time
Reconciliation Action Plan (RAP)	Complete	100%	✓	✓
Indigenous Land Use Agreements (ILUA)	In Progress	80%	✓	✓

14 MATTERS OF IMPORTANCE

This item on the agenda allows Councillors the opportunity to raise an item not included on the agenda for discussion as a matter of importance.

15 LATE REPORT ITEMS

No late agenda items for this section.