



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 13 April 2022**, commencing at **9:00 AM** and the Agenda is attached.

Councillors: Andrew Willcox, Jan Clifford, Al Grundy, John Collins, Michelle Wright, Gary Simpson and Michael Brunker.

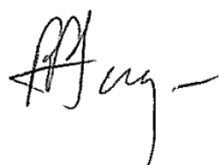
Local Government Regulation 2012

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
the Council Chambers, 83-85 Main Street, Proserpine on Wednesday 13 April 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 the
Council Chambers 83-85 Main Street, Proserpine on
Wednesday 13 April 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
8 DEPUTATIONS	14
9 PETITIONS	15
10 NOTICES OF MOTION	16
10.1 Notice of Motion - Deputy Mayor	16
11 QUESTIONS ON NOTICE	22
12 QUESTIONS FROM THE PUBLIC GALLERY	23
13 OFFICERS REPORTS	24
13.1 Office of the Mayor and CEO	24
13.1.1 Aviation and Tourism Quarterly Business Report	24
13.1.2 Funding Opportunity: Resources Community Infrastructure Fund R2	30
13.2 Corporate Services	36
13.2.1 Governance Framework	36
13.2.2 Policy Framework Review	55
13.2.3 500.2021.0144 Land Sales - Whitsunday Region	75
13.2.4 Appointment of Deputy Mayor	86
13.3 Development Services	91
13.3.1 20191424 - Negotiated Decision Notice Request - Development Application for Preliminary Approval (Variation Request) for Material Change of Use - Lot 113 SP260211 - 26-32 Port Drive, Airlie Beach	91
13.3.2 QBCC Request for Authority to Prosecute	96
13.3.3 20210931 - Development Application for Preliminary Approval (Building Works) & Material Change of Use (Dwelling House) 18-20 Satinwood Court Airlie Beach - 5SP157788	100

13.3.4 20210930 - Development Application for Preliminary Approval (Variation Request: Building Works Tables of Assessment), Material Change of Use for a Dwelling House and Material Change of Use for Short-term Accommodation	123
13.3.5 20211041 - Development Application for Reconfiguration of Lot - One (1) Lot into Four (4) Lots and Access Easement (Staged) - 227 Sugarloaf Road, Sugarloaf - Daniel Property Holdings Pty Ltd C/- Wynne Planning & Development Pty Ltd	153
13.3.6 Development Services Monthly Report - March 2022.....	175
13.4 Community Services.....	189
13.4.1 Donation on Council Fees - March 2022.....	189
13.4.2 Financial Support for a Junior Elite Athlete - April 2022.....	192
13.4.3 Sport & Recreation Clubs Grant - April 2022	194
13.4.4 500.2022.0005 Flagstaff Hill Cafe & Conference Centre - Commercial Opportunity Expression of Interest (EOI).....	197
13.4.5 Community Services Monthly Report - March 2022.....	201
13.5 Infrastructure Services	226
13.5.1 Trade Waste Policy and Environmental Management Plan Review	226
13.5.2 500.2022.0001 Design and Construct of Sewage Treatment Plant at Lake Proserpine	287
13.5.3 500.2022.0003 Provision of Waste Material Processing.....	292
13.5.4 Expression of Interest - Cannonvale Sewerage Treatment Plant Membrane Replacement	298
14 MATTERS OF IMPORTANCE	301
15 LATE REPORT ITEMS.....	302

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.

2.1 - Condolences Report

DATE: Wednesday 13 April 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.

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.

6.1 - Confirmation of Minutes

DATE: Wednesday 13 April 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 23 March 2022 are provided for Councils review and confirmation.

OFFICER'S RECOMMENDATION

That Council confirms the Minutes of the Ordinary Meeting held on 23 March 2022.

BACKGROUND

In accordance with s272 of the Local Government Regulation 2012, minutes were taken at Council's Ordinary Council Meeting held on 23 March 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 23 March 2022.

If Council is satisfied that the unconfirmed minutes are an accurate representation of what occurred at the meeting held on 23 March 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 23 March 2022 with amendments.

If Council is not satisfied that the unconfirmed minutes are an accurate representation of what occurred at the meeting held on 23 March 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 23 March 2022, the following interests were declared and recorded in the minutes:

Councillor/Officer	Prescribed or Declarable	Report No.	Particulars of the interest
Mayor Willcox	Prescribed	13.2.5	<i>Mayor Willcox advised that he has a prescribed conflict of interest in this item in accordance with section 150EL of the Local Government Act 2009, due to the following: The name of any entity, other than the councillor, that has an interest in the matter: Darren Crossley - Whitsunday Transit is one of the individuals submitting an application to Council. The nature of the councillor's relationship with the entity: Mayor Willcox used the Whitsunday Transit, by Mr Crossley for advertising for his 2016 Election Campaign. Details of the councillor's, and any other entity's, interest in the matter: Mayor Willcox originally paid for the advertising, however the money was then donated back from Mr Crossley.</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 23 March 2022, the following orders were made:

Councillor	Order Made
<i>No orders made for the meeting of 23 March 2022.</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.	The Cantamessa Bridge project has been submitted for \$500,000 in grant funding from QRRRF (Queensland Risk Reduction and Resilience Fund). Resolution OM2022/02/09.4
09/02/2022	13.2.3 - Live stream Policy OM2022/02/09.7	That the item be Tabled pending further development of the policy.	Investigations ongoing to confirm other councils operations & policy is to be refined.
09/03/2022	13.2.3 - Electoral Boundaries Structure Review	That the matter lie on the table and a report be brought back regarding Community Consultation on Electoral Divisions.	Community engagement has commenced.

CONSULTATION

Director Corporate Services
Manager Governance & Administration

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 23 March 2022 are therefore submitted for adoption of their accuracy by the Councillors at this meeting of Council.

7 BUSINESS ARISING

This item on the agenda allows Councillors the opportunity to seek clarification or updates on business arising from the minutes of the previous meeting.

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.

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.

10.1 - Notice of Motion - Deputy Mayor

DATE: Wednesday 13 April 2022

TO: Ordinary Council Meeting

AUTHOR: Cr Michelle Wright

PRESENTED FOR: Decision

ATTACHMENTS

1. Notice of Motion - Deputy Mayor - Cr Michelle Wright [**10.1.1** - 4 pages]

PURPOSE

This report presents a notice of motion submitted by Councillor Wright for the meeting to be held 13 April 2022, for consideration by Council.

COUNCILLORS RECOMMENDATION

That pursuant to section 175 of the Local Government Act 2009 and noting that Mayor Cr Andrew Willcox will be taking leave from his role for a period of time, Council agrees to:

- a) amend Resolution 2020/04/22.03 of 22 April 2020 by removing the concept of rotating the role of Deputy Mayor;
- b) repeal paragraph 3 of Resolution 2021/04/14.03 of 14 April 2021; and
- c) introduce a system of appointing a Councillor to the Deputy Mayor's role for a term of 12 months; and
- d) at the conclusion of each 12-month term the Council will resolve to appoint one of any of the current Councillors (including the Councillor currently serving as Deputy Mayor) to the role of Deputy Mayor for the following 12 months; and
- e) extend Cr Michael Bruncker's term as Deputy Mayor past the 14 April 2022 until such time as either Mayor Willcox returns to the role of Mayor, or another person takes the Oath of Office for the Office of Mayor; and
- f) at the next ordinary meeting of Council after the time identified in paragraph (e), review and appoint one of any of the current Councillors to the role of Deputy Mayor for the following 12 months.

BACKGROUND

Council has made two relevant resolutions in relation to the position of deputy mayor. At the post-election meeting of 22 April 2020, Council resolved:

*'pursuant to section 175 of the Local Government Act 2009, Council have a rotational Deputy Mayor, starting with Cr Collins until April 2021 and to be rotated each year'.
65952094v1 2 (2020 Resolution)*

On 14 April 2021, Council resolved that it:

- '1. Accept the resignation of Cr Collins as Deputy Mayor and thank him for undertaking the role of Deputy Mayor over the first year of the term.*
- 2. Resolve to appoint Councillor Bruncker as Deputy Mayor for a period of twelve months.*

3. Confirm its intention to declare the office of Deputy Mayor vacant after each twelve-month period of the remaining Council term (to 2024), and appoint a Deputy Mayor, in accordance with Section 165 of the Local Government Act 2009'

In accordance with Local Government Regulation 2012 (Qld) s 262. Council has the power to amend or repeal its previous resolutions. A previous Council resolution may only be repealed or amended if notice of intention to propose the repeal or amendment is given to each councillor at least 5 days before the meeting at which the proposal is to be made

The attached motion was received by the Chief Executive Officer on 7 April 2022 and distributed to all Councillors on the same day. The motion is being presented for Council's consideration at the meeting to be held on 13 April 2022.



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

Notice of Motion

Pursuant to the Council Meeting Standing Orders, I give notice that, at Council's Ordinary Meeting scheduled for Wednesday 13th April 2022, I intend to move the following motion:

'That pursuant to section 175 of the Local Government Act 2009 and noting that Mayor Cr Andrew Willcox has taken leave from his role for a period of time, Council agrees to:

- a) amend Resolution 2020/04/22.03 of 22 April 2020 by removing the concept of rotating the role of Deputy Mayor;**
- b) repeal paragraph 3 of Resolution 2021/04/14.03 of 14 April 2021; and**
- c) introduce a system of appointing a Councillor to the Deputy Mayor's role for a term of 12 months; and**
- d) at the conclusion of each 12-month term the Council will resolve to appoint one of any of the current Councillors (including the Councillor currently serving as Deputy Mayor) to the role of Deputy Mayor for the following 12 months; and**
- e) extend Cr Michael Bruncker's term as Deputy Mayor past the 14 April 2022 until such time as either Mayor Willcox returns to the role of Mayor, or another person takes the Oath of Office for the Office of Mayor; and**
- f) at the next ordinary meeting of Council after the time identified in paragraph (e), review and appoint one of any of the current Councillors to the role of Deputy Mayor for the following 12 months.'**

Background:

Recent advice was provided to Council that the existing system to appoint a Deputy Mayor does not allow for a period of extension or re-appointment after a Councillor's 12 month period has been served. i.e. under the current arrangements, Cr Bruncker could not be re-appointed to fill the role for the 12 month period commencing on the 15th April, 2022.

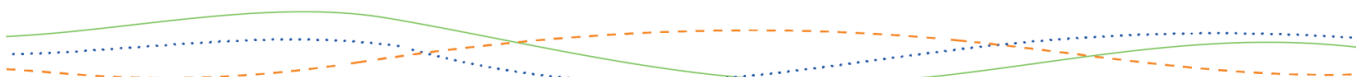
The selection of Deputy Mayor should be open to all Councillors and the proposed changes will allow for that to occur while still restricting the appointment to a 12-month period. It also provides at the completion of a 12-month period for Councillors to review and subsequently appoint any Councillor to the position of Deputy Mayor for the next 12 months.

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



If Mayor Willcox is elected to parliament, it could be 4-months from now until another Mayor is elected during which time the Deputy Mayor 'acts' in the role of Mayor.

Council is in the early stages of developing the 2022/2023 Budget and there will be considerable demand on Councillors time in the coming months in budget workshops along with the normal demands of Council's meeting schedule. It is important that Council has strong experienced leadership during that period.

The need for stability, continuity and experienced leadership during that period is essential until such time as either Mayor Willcox returns from leave, or another Mayor is elected.

After that time Council could appoint any of the Councillors to the position of Deputy Mayor for the following 12-month period.

Cr Brunker has the following attributes that would provide that stability until such time as either Mayor Willcox returns to the role of Mayor, or another Mayor is elected:

- Cr Brunker has 22 years experience as both Councillor and Mayor in this region.
- Cr Brunker has handed down 15 budgets (the Deputy Mayor will be handing down 2022/23 budget as Acting Mayor)



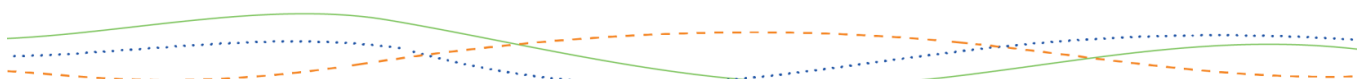
Cr Michelle Wright
Councillor Division 4
6th April, 2022

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



3. Office of the Mayor and CEO

3.2 2020/04/22.03 APPOINTMENT OF DEPUTY MAYOR

SUMMARY

Every four years in accordance with the *Local Government Act 2009*, each Queensland Council undergoes an election for new Councillors. The election date was Saturday 28 March 2020 with the declaration of poll being on Sunday 19 April 2020.

RECOMMENDATION

That pursuant to section 175 of the *Local Government Act 2009*, Council appoint Cr ... as Deputy Mayor.

RESOLUTION

Moved by: CR M BRUNKER

Seconded by: CR J COLLINS

That pursuant to section 175 of the *Local Government Act 2009*, Council have a rotational Deputy Mayor, starting with Cr Collins until April 2021 and to be rotated each year.

MEETING DETAILS:

The motion was Carried 7/0

CARRIED

Cr Simpson foreshadowed a motion to appoint Cr John Collins as Deputy Mayor for the term.

As the motion above had been carried unanimously, the foreshadowed motion was declared out of order.

~~~~~



## 12. Office of the Mayor and CEO

No Agenda Items for this section.

## 13. Corporate Services

### 13.1 2021/04/14.03 APPOINTMENT OF DEPUTY MAYOR

#### SUMMARY

Cr Collins' term as Deputy Mayor expires in April 2021 and he has recently submitted his resignation from that role (note: Cr Collins will continue as Division 3 representative), in accordance with the Council decision on 22 April 2020 and to allow the matter to be considered at this meeting. The Deputy Mayor acts as Mayor when the Mayor is absent or unavailable to undertake the mayoral duties.

There is no prescribed method to selecting the Deputy Mayor, except that they are appointed by the Council, by resolution, at its post-election meeting, or immediately after the deputy mayor position becomes vacant, however, with any public sector appointment, the generally accepted rule is 'appointment by merit', i.e., who will best perform this role and support the Mayor?

#### RECOMMENDATION

That Council:

1. Accept the resignation of Cr Collins as Deputy Mayor and thank him for undertaking the role of *Deputy Mayor* over the first year of the term.
2. Resolve to appoint *Councillor XXXX* as Deputy Mayor for a period of twelve months.
3. Confirm its intention to declare the office of Deputy Mayor vacant after each twelve-month period of the remaining Council term (to 2024), and appoint a Deputy Mayor, in accordance with Section 165 of the Local Government Act 2009.

#### RESOLUTION

Moved by: CR M WRIGHT

Seconded by: CR M BRUNKER

That Council:

1. Accept the resignation of Cr Collins as Deputy Mayor and thank him for undertaking the role of *Deputy Mayor* over the first year of the term.
2. Resolve to appoint *Councillor Brunker* as Deputy Mayor for a period of twelve months.
3. Confirm its intention to declare the office of Deputy Mayor vacant after each twelve-month period of the remaining Council term (to 2024), and appoint a Deputy Mayor, in accordance with Section 165 of the Local Government Act 2009.

#### MEETING DETAILS:

The motion was Carried 5/2

## 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, state their name and address, act and speak with decorum and frame any remarks in respectful and courteous language.

## 13 OFFICERS REPORTS

### 13.1 Office of the Mayor and CEO

#### 13.1.1 - Aviation and Tourism Quarterly Business Report

**DATE:** Wednesday 13 April 2022

**TO:** Ordinary Council Meeting

**AUTHOR:** Craig Turner - Chief Operating Officer – Aviation and Tourism

**AUTHORISING OFFICER:** Rodney Ferguson - Chief Executive Officer

**PRESENTED FOR:** Information

#### ATTACHMENTS

1. Quarter 2 Data - Aviation & Tourism [13.1.1.1 - 2 pages]

#### PURPOSE

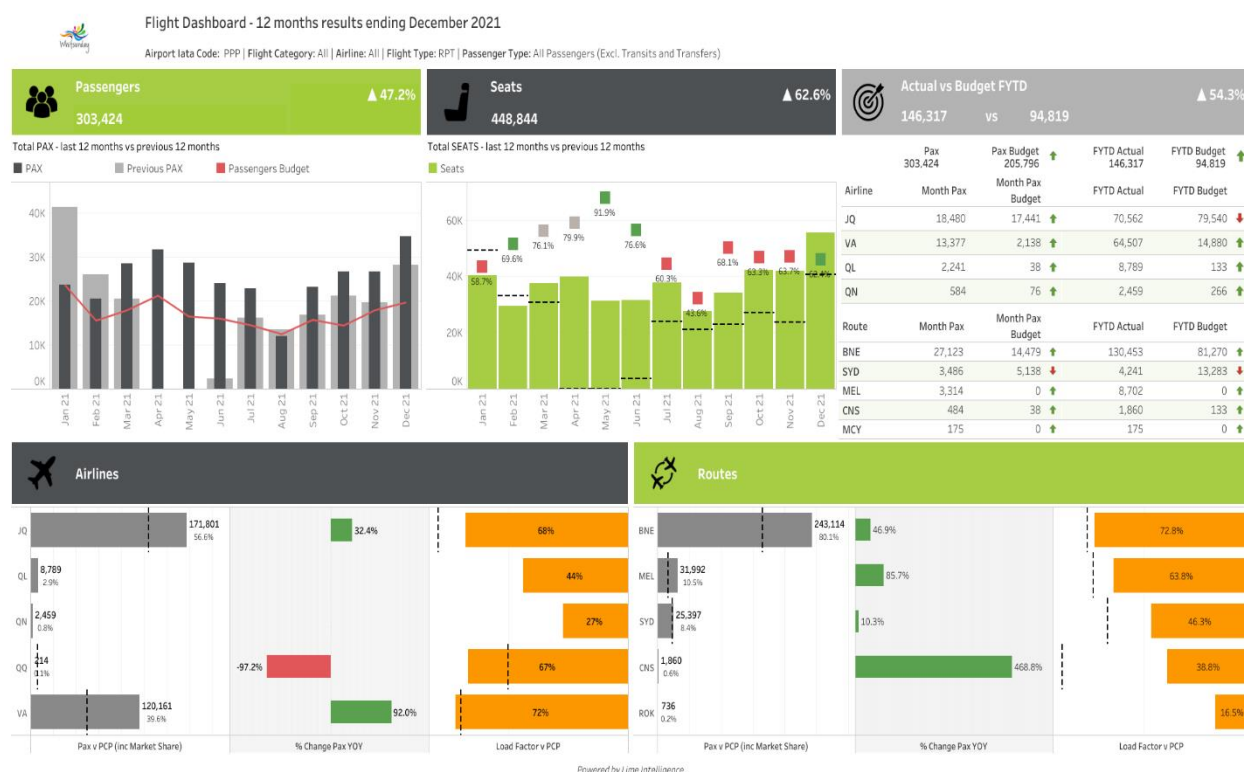
The following report details the results of the December 2021 Quarter for the Aviation and Tourism Portfolio.

#### OFFICER'S RECOMMENDATION

That Council receive the Quarterly Business Activity Report for Aviation and Tourism for the second quarter from October to December 2021.

#### BACKGROUND

The following information is the actuals to 31 December 2021 year to date.



## **DISCUSSION/CURRENT ISSUE**

### Whitsunday Coast Airport

Throughout the second quarter the Whitsunday Coast Airport had passenger movements through the terminal totalling 88,168 generating a revenue increase of 23% to the previous quarter. The uncertainty around travel restrictions continued due to Covid19 outbreaks and border closures to Victoria and New South Wales. The intrastate market continued to drive passengers and revenue however it is well noted in our data that Queensland based visitors do spend less than those from interstate and overseas. Airline load factors for Brisbane routes throughout the quarter were 68%, whilst Sydney and Melbourne routes between 1 October 2021 and 16 December 2021 were approx 4%, this increased to approx 60% once borders officially reopened on 17 December 2021. The airport is tracking well against budget and is expecting a very strong third and fourth quarter with the overall expectation to meet budget.

The Chief Operating Officer – Aviation & Tourism connected with Chief Commercial Officer of new budget airline Bonza, to negotiate new flight routes.

The upcoming lease of the current Whitsunday Coast Airport café is due to end in February 2022. Whitsunday Coast Airport management engaged with commercially competent operators to seek interest in a lease to occupy the new Whitsunday Coast Airport bar and restaurant facility commencing trading on 1 February 2022. Negotiations around a new car rental agreement have been a lengthy and ongoing process however terms have been reached with Hertz and Thrifty, with the agreement soon to be executed. Please note that Thrifty is a new entrant into the Whitsunday Coast Airport which now takes the total of car rental companies to five.

The Queensland Tourism Awards were held in Brisbane on 12 November 2021. The Whitsunday Coast Airport was awarded silver for Tourism Retail and Hire Services. This award recognised the strong retail trading through the challenging Covid19 period.

### Regional Airports

Through a 50/50 grant contribution the Bowen runway underwent a bitumen reseal. The project came in well under budget with the balance of grant funds being amended to now include a full fauna proof fence around the aerodrome. This will provide significant operational savings as runway inspections will now be reduced.

All other airports within the region have been managed without incident.

### Shute Harbour Marine Terminal

The Shute Harbour Marine terminal and berths were officially opened for commercial operation on 15 December 2021. As forecasted revenue is low, this is predicted to improve significantly over the next quarter. Marketing campaigns have commenced which will lead to fuel sales and additional revenue. The completion of the Small Transfer Operators building will also lead to improved revenue through office and storage leases.

Operational Plans, Safety Plans and Standard Operating Procedures were finalised to allow for the successful launch and management of the facility. Additionally, the team continued to focus on defects with the assistance of the projects team. All tenancies are now in place

which concludes the lease of long- term berths. All marine facilities are now fully reserved, except for the designated short- term berths.

The new Shute Harbour Marine Terminal website [www.shuteharbourmarine.com.au](http://www.shuteharbourmarine.com.au) was launched on 1 December 2021. An ongoing radio campaign launched on 15 December 2021, in conjunction with a 3 week newspaper campaign in Whitsunday Life. Shute Harbour also became a member of Superyachts Australia which will provide further exposure across Australia, ultimately leading to fuel and berthing sales.

An Expression of Interest for an onsite food van concluded with a 6 month permit (December 2021 – May 2022) signed. Quotes for the fit out of the restaurant and kitchen have been finalised and planning to find suitable tenants are under way. The tender for the Small Transfer Operators building along with the advertising tender have both concluded and are in final stages of review.

#### Lake Proserpine

Lake Proserpine had a quieter second quarter which was to be expected coming into the hotter months, traditionally this time of year sees less self- drive travellers to the region and camping. We continue to receive positive feedback from guests with a number of improvements planned to enhance their experience.

We had 1995 guests throughout the facility this quarter and generated a gross revenue 43% less than the previous quarter. Again, it should be highlighted that the lack of a sewerage treatment system is still the greatest inhibitor to Lake Proserpine breaking even financially.

#### Collinsville Visitor Information Centre & RV Park

The Collinsville Information Centre and RV Park had a relatively busy October with numbers reducing considerably in November and December. A total of 151 vehicles visited throughout the quarter with a total local spend of \$5,686.36.

The reduction in visitor numbers is mainly due to the decrease in caravanning at this time of year because of the warmer climate. The role of the consultant at the Collinsville Information Centre & RV Park has been amalgamated to encompass duties and relief at the council customer service centre, this will continue to develop and change over the coming months.

### **STATUTORY/COMPLIANCE MATTERS**

Compliance reporting is ongoing and in line with legislative, regulatory, and licencing requirements.

### **STRATEGIC IMPACTS**

Manage the aviation and tourism activities of the region as the gateway to the Whitsundays.

### **FINANCIAL IMPLICATIONS**

The financial status for the airport business still shows a small year to date deficit position as at 31 December 2021. The risk associated with a positive commercial outcome at the Whitsunday Coast Airport is still directly linked to the uncertainty around covid and the continuing border closures. Once borders reopened to interstate travel we saw a significant uplift in commercial revenue. In addition to an uplift in revenue, the airport team continues to manage expenditure below budget.

The Shute Harbour Marine Terminal are still understanding revenue and expenditure which is based solely on that fact that the terminal only opened on 15 December 2021. The revenue streams budgeted are still not online due to challenges around completion of the small tourism building and no restaurant tenancy.

## **CONSULTATION/ENGAGEMENT**

Management Accountant

## **RISK ASSESSMENT**

Operational risks will be re-examined when the Shute Harbour Terminal commences operations, and the business-as-usual approach is established. The Airport business remains exposed to current market risks associated with border closures and the ongoing impacts of the Covid19 pandemic.

## **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**

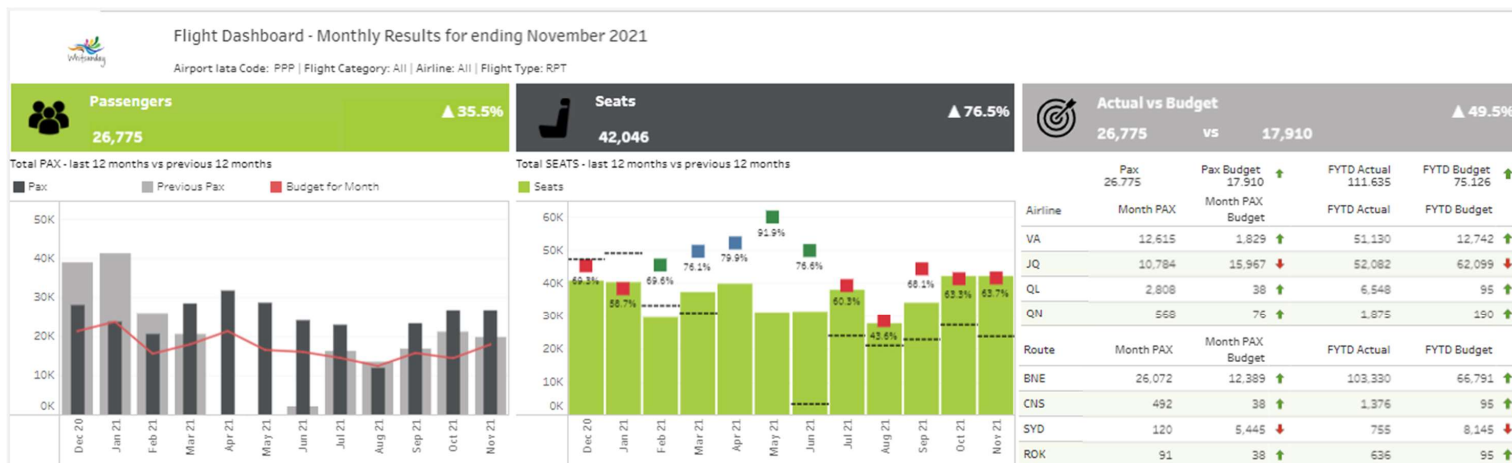
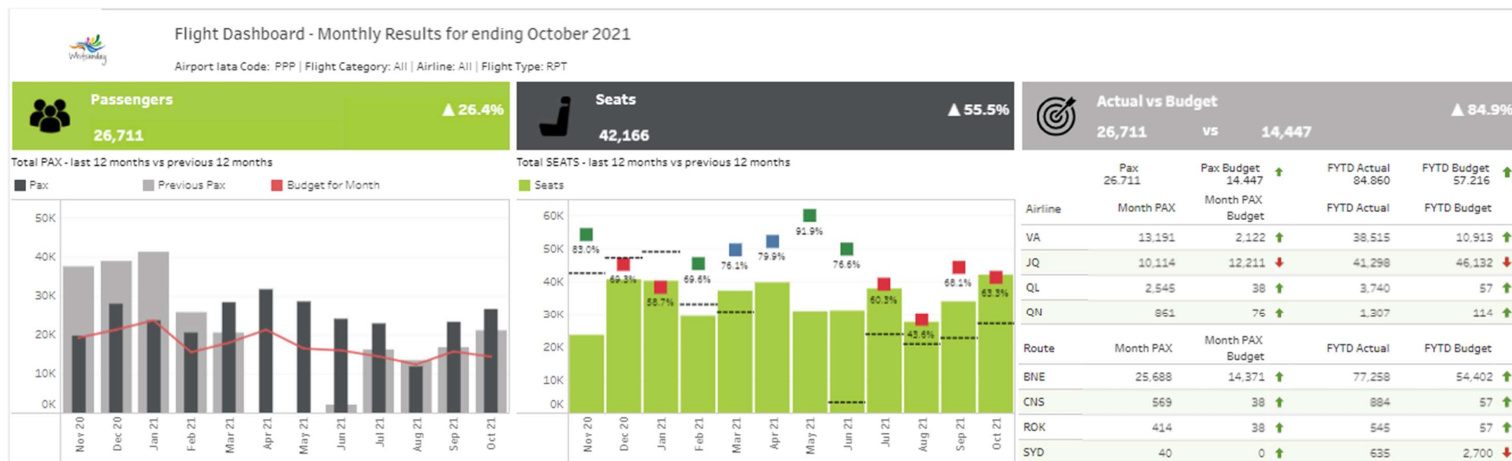
NO

## **ALTERNATIVES CONSIDERED**

N/A

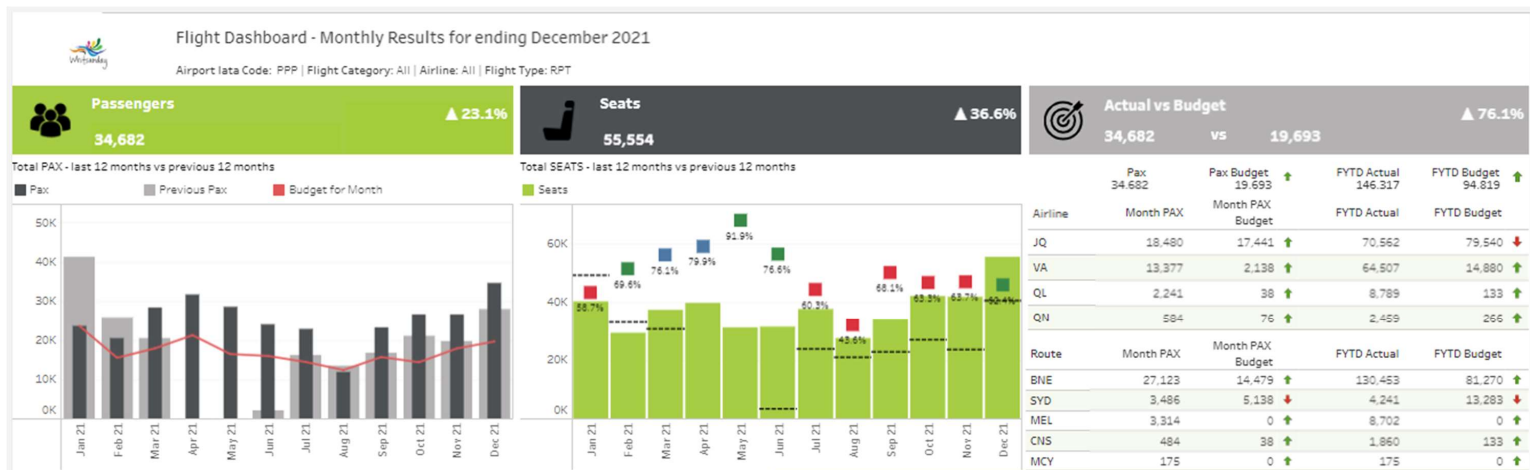
# Attachment 13.1.1.1 Quarter 2 Data - Aviation & Tourism

## Whitsunday Coast Airport





# Attachment 13.1.1.1 Quarter 2 Data - Aviation & Tourism



## Collinsville Tourist Information Centre & RV Park

| Collinsville Visitor Information Centre & RV Park |            |           |              |              |                |            |                 |
|---------------------------------------------------|------------|-----------|--------------|--------------|----------------|------------|-----------------|
| December Quarter 2021                             |            |           |              |              |                |            |                 |
| Visitor Information Centre                        |            |           |              | RV Park      |                |            |                 |
|                                                   | Resident   | Walk In   |              | QLD Vehicles | Other Vehicles | QLD Pax    | Other State Pax |
| October                                           | 184        | 53        | October      | 67           | 25             | 134        | 50              |
| November                                          | 60         | 15        | November     | 23           | 7              | 44         | 16              |
| December                                          | 58         | 16        | December     | 29           | 0              | 58         | 0               |
| <b>Total</b>                                      | <b>302</b> | <b>84</b> | <b>Total</b> | <b>119</b>   | <b>32</b>      | <b>236</b> | <b>66</b>       |

### 13.1.2 - Funding Opportunity: Resources Community Infrastructure Fund R2

**DATE:** Wednesday 13 April 2022

**TO:** Ordinary Council Meeting

**AUTHOR:** Elouise Lamb - Project Officer Economic Development and Major Grants

**AUTHORISING OFFICER:** Rodney Ferguson - Chief Executive Officer

**PRESENTED FOR:** Decision

#### ATTACHMENTS

1. Attachment 1 [13.1.2.1 - 2 pages]
2. Attachment 2 [13.1.2.2 - 1 page]

#### PURPOSE

This report provides advice on the Resources Community Infrastructure Fund (RCIF) Round 2 and seeks to attain resolution to submit projects proposed.

#### OFFICER'S RECOMMENDATION

That Council resolve to:

1. Support the below projects for submission to the Resources Community Infrastructure Fund Round 2:
  - a) Collinsville Football Club Refit and LED Lighting \$370,000
  - b) Bowen Seagulls Club Grandstand \$180,000
  - c) Collinsville Airport Runway Lighting and Seal ~\$2,000,000
  - d) Collinsville Library Upgrades \$300,000
2. Support the proposed Council co-contribution, should the Collinsville Airport Runway Lighting and Seal project application be successful, for \$225,000 from the 2022-2023 Capital budget.

#### BACKGROUND

Council Resolution from Ordinary Meeting 11 August 2021 (OM2021/08/11.21) stated:

That Council applies to the Resource Community Infrastructure Fund for funding for the Collinsville Community Upgrade and Edgecombe Bay Walking Track and that a meeting be convened to discuss the application process.

#### DISCUSSION/CURRENT ISSUE

RCIF Round 2 is open and will close 27 April 2022. Fund information is provided in attachment 1. Council can apply for up to \$8M per project to deliver infrastructure that has demonstratable benefits for mining communities. This could include Collinsville, Bowen or whole of region projects.

Council submitted Choose Collinsville (main street upgrades) and Edgecumbe Bay Walking Tracks to Round 1 of the program. Both submissions were unsuccessful. A list of Round 1 successful projects is provided in attachment 2.

Projects that could be eligible for submission for RCIF Round 2 have been identified from upcoming budget bids (22/23), or recent budgets where projects were not realised due to

funding. The Executive Leadership Team reviewed project options and the below four projects are recommended to be pursued for this funding opportunity:

| Project                                            | Cost         |
|----------------------------------------------------|--------------|
| 1. Collinsville Football Club Refit & LED Lighting | \$370,000    |
| 2. Bowen Seagulls Club Grandstand                  | \$180,000    |
| 3. Collinsville Airport Runway Lighting & Seal*    | ~\$2,000,000 |
| 4. Collinsville Library Upgrades                   | \$300,000    |

\* The breakdown of the project funding is \$400,000 for the runway sealing with the balance of funds allocated to the lighting component. Council submitted a project to seal the Collinsville Runway under the Remote Airstrip Upgrade Program (RAUP) in March 2022 for 50% of project costs.

## STATUTORY/COMPLIANCE MATTERS

N/A

## STRATEGIC IMPACTS

To support business units across Council in the delivery of their objectives through enabling access to Grants and Funding.

## FINANCIAL IMPLICATIONS

RCIF does not require co-contributions.

After consultation with the Department of State Development, Infrastructure, Local Government and Planning, and given the size of the Collinsville Airport Runway Lighting and Seal project, it was suggested that a co-contribution may provide further weighting to the success of the application. It is recommended that Council consider a co-contribution of \$225,000 from the 2022-2023 Capital budget, as had previously been supported for the RAUP program application.

While community assets and services will be improved, projects have been selected that will have minimal change to future operational and maintenance budgets.

## CONSULTATION/ENGAGEMENT

Director Corporate Services  
Director Community Services  
Director Infrastructure Services  
Director Development Services  
Chief Executive Officer  
Chief Operating Officer Aviation & Tourism  
Economic Development Manager

## RISK ASSESSMENT

Council submitted a project to seal the Collinsville Runway under the RAUP in March 2022 for 50% of project costs. If Council is successful with the Collinsville Airport submission under RCIF, Council could retract the RAUP submission or seek a variation.

In the event Council only receive the RAUP grant, the runway only will be sealed. If, in future, lighting projects are to be undertaken there may be a need to dig up and then reinstate parts of the sealed runway to install lighting

## TIMINGS/DEADLINES

Submissions due: 27 April 2022

Project start date: 1 August 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

Other projects considered in this activity include:

| Options  | Description                              | Positives                                           | Negatives                                                  |
|----------|------------------------------------------|-----------------------------------------------------|------------------------------------------------------------|
| Option 5 | Collinsville & Bowen blackspot reduction | Benefits for community and safety for mine vehicles | Costs unknown, issues with eligibility and asset ownership |
| Option 6 | Bowen Lions Park shelter improvement     | Benefits for community and in current budget bids   | Hard to justify benefits specific to mining communities    |
| Option 7 | Collinsville tennis court shelter        | Benefits for community and in current budget bids   | Hard to justify benefits specific to mining communities    |

## Resources Community Infrastructure Fund (RCIF)

|          |             |                 |          |
|----------|-------------|-----------------|----------|
| Status   | Open        | Funding         | Max \$8M |
| Closes   | 27-04-2022  | Rating          | D.I.Y.   |
| Opens    | 10-03-2022  | Co-contribution | No       |
| Priority | Nice to get | Location        | AU: QLD  |
| Stage    | Watching    |                 |          |

### Overview

This program aims to support eligible communities to further develop their economic and social infrastructure to access services that meet resource community needs and maximise and enhance community wellbeing. It is a voluntary partnership between coal and mineral companies through the Queensland Resources Council (QRC) and the Queensland Government which seeks to support infrastructure that is in addition to existing planned state and resource company funded community infrastructure.

For the purpose of this program, a resource community is a community in Queensland which hosts significant coal and minerals production or has significant coal and mineral operations in close proximity. A resource community may be near a mine, have a significant number of resource workers living there or a resources industry has a significant impact in the community.

The objectives of the program are to:

- Increase a resource community's access to services to meet that community's needs, maximise its potential or enhances community wellbeing.
- Enhance community safety, reduce social inequality or benefit disadvantaged communities.
- Supplement planned community infrastructure investment by the state and resources sector by delivering new projects as soon as possible that provide additional benefits to Queensland's Resource Communities.

There are two funding streams available:

- Minor infrastructure: For projects seeking funding of at least \$100,000 (excluding GST) to a maximum of \$1 million (excluding GST).
- Major infrastructure: For projects seeking funding of over \$1 million (excluding GST) to a maximum of \$8 million (excluding GST).

Applicants may apply for funding to reimburse 100% of their eligible project costs up to the maximum funding threshold of \$8 million (excluding GST).

There is no mandatory co-contribution, unless a project includes ineligible expenditure or the estimated total project cost exceeds the RCIF funding being sought. No requirement to provide donor workout copy. Any contributions will be well regarded in assessing applications.

A total funding pool of \$100 million is available, of which \$53 million is available in Round 2. The resources industry will be contributing \$70 million and the State contributing \$30 million.

Eligible organisations may seek funding for more than one project. Each project requires submission of a separate application.

### Who Can Apply

Eligible applicants include organisations that must:

- Be a non-government not-for-profit organisation that is a legal entity and:
  - bbb. Is incorporated.
  - ccc. Has an active Australian Business Number (ABN).
  - ddd. Is registered for the Goods and Services Tax (GST).
  - eee. Has not-for-profit objectives.
  - fff. Has a bank account in the name of the legal entity.
  - ggg. Has been operating in Queensland for at least 12 months prior to the application closing date.
  - hhh. Be registered with the Australian Charities and Not-for-profits Commission (ACNC). (For major infrastructure projects)
- Be a local Government body constituted under the Local Government Act 2009 or Weipa Town Authority.
- Own and operate the project infrastructure that is the subject of the eligible project.
- Have a project partner that will own and/or operate the project infrastructure that is the subject of the eligible project.

Eligible organisations may collaborate with local parties such as chambers of commerce, regional economic development organisations, industry groups and local businesses to progress infrastructure projects that will provide eligible community infrastructure projects in resource communities.

Please refer to the Guidelines for the complete eligibility requirements.

### Eligible Activities

Eligible projects must:

- Be for the construction of community infrastructure which may include construction of new infrastructure as well as the upgrade, extension or replacement of existing infrastructure.
- Be located in Queensland.
- Be located in a Resource Community.

Please refer to the Guidelines for the complete list of eligible costs.

### Assessment Criteria

The main assessment criteria include:

- Project demand (40%)
- Project delivery (30%)
- Project benefits and value for money (30%)

Please refer to the Guidelines for the complete list of the assessment criteria.

### Closing Information

This program is available annually. Applications must be submitted by 5pm on 27 April 2022.

### Provided by

**Name:** Department of State Development, Infrastructure, Local Government and Planning  
**Ph:** 0734527377  
**Email:** RCIF@dsdilgp.qld.gov.au  
**Web:** <https://www.statedevelopment.qld.gov.au>

### Attachment 2 - Round 1 Recipients

Successful projects for Round 1 were announced in December 2021. The full list of recipients is available below:

- **AEIOU Foundation** - \$1,000,000 for a new Townsville early-intervention childcare centre
- **Bakers Creek Australian Football Club Inc** - \$390,200 for field lighting for night matches and training at Bakers Creek, south of Mackay
- **Banana Shire Council** - \$6,000,000 for construction of the Moura Library and Museum, including a community services hub
- **Bowen Netball Association Inc** - \$122,493 to surface grass netball courts in Bowen
- **Brothers Australian Football Club** - \$335,000 for upgraded field lighting at Kele Park in West Rockhampton
- **Central Highlands Community Services** - \$980,000 to expand existing Access Accommodation facilities with a new four-unit high-needs disability accommodation facility in Emerald
- **Central Highlands Regional Council** - \$245,000 to upgrade amenities at the Bedford Weir recreational and camping area near Blackwater.
- **Charters Towers Regional Council** - \$7,800,000 to replace and expand the Kennedy Regiment Memorial Pool in Charters Towers
- **Cloncurry Justice Association** - \$619,255 for a Men's Healing Shed in Cloncurry to help address domestic violence behaviours and support Indigenous low-level parolees
- **Cloncurry Shire Council** - \$834,000 for mobile and fixed sports grandstands, shade structures and facilities for players and officials at sports fields throughout the shire
- **Cook Shire Council** - \$1,448,725 to upgrade facilities at Coen Airport
- **Isaac Affordable Housing Trust** - \$8,000,000 to build 16 affordable housing units, including five that are suitable for tenants supported by the National Disability Insurance Scheme
- **Isaac Regional Council** - \$8,000,000 to redevelop the Moranbah Community Centre
- **Outback Exploratorium** - \$1,000,000 to provide a permanent home for the Outback Exploratorium museum and science centre in Emerald.
- **Rockhampton Regional Council** - \$4,500,000 for redevelopment of the Mount Morgan Aquatic Centre.
- **Roseberry Queensland** - \$864,688 to build a housing and homelessness support hub in Gladstone
- **Royal Flying Doctor Service, Queensland section** - \$695,000 for a new patient transfer facility in Emerald
- **Rural Medical Education Australia** - \$718,000 to construct the Chinchilla Clinical Training Centre, a hub for health training.
- **Sarina and District Netball Association Inc** - \$441,295 for new netball courts in Sarina
- **selectability** - \$3,103,271 to construct the Rockhampton Mental Wellbeing Safe Haven for mental health support and suicide prevention

### 13.2.1 - Governance Framework

**DATE:** Wednesday 13 April 2022

**TO:** Ordinary Council Meeting

**AUTHOR:** James Ngoroyemoto - Manager - Governance and Administration Services

**AUTHORISING OFFICER:** Jason Bradshaw - Director Corporate Services

**PRESENTED FOR:** Decision

#### ATTACHMENTS

1. Governance Framework [13.2.1.1 - 13 pages]

#### PURPOSE

To present the proposed Governance Framework to Council for adoption.

#### OFFICER'S RECOMMENDATION

That Council adopt the proposed Governance Framework.

#### BACKGROUND

The 2002-2026 corporate plan identifies the development of a Corporate Governance Leadership Framework as one of the priorities for delivery. The Corporate Governance Review Report 2021 also identified the development of a Governance Framework as one of its recommendations which is captured on the Governance Continuous improvement Action Plan 2021-2023. The governance framework has been drafted and is being presented to Council for adoption as shown in attachment 1.

The role and responsibilities of local government in this State are established in legislation. Local governments have statutory authority through the *Local Government Act, 2009* and the supporting Local Government Regulation, 2012. The Act is founded on the following principles, which should, in turn, shape the governance arrangements of local governments:

1. transparent and effective processes and decision making that are in the public interest
2. sustainable development, asset and infrastructure management and service delivery and democratic representation
3. social inclusion and meaningful community engagement and good governance of, and by, local government, and
4. ethical and legal behaviour of local government employees.

These principles apply to anyone who is performing a responsibility under the Act, principally mayors, councillors, CEOs, and council employees.

#### DISCUSSION/CURRENT ISSUE

The proposed Governance Framework sets out council's governance principles and how council applies the governance principles to achieve good governance as detailed below.



Good governance is achieved by having efficient and effective decision-making processes and systems. The use of appropriate policy and accountability frameworks enable councils to focus on strategic rather than operational issues. Key steps to achieving good governance include:

- ensuring consistency in decision making setting a long-term strategy and following it through, for example, by identifying what the council wishes to achieve over the medium to long term and how this will be funded
- making measured, reasoned decisions based on the best available information
- effectively managing community expectations: differentiating between an ideal outcome and what is achievable in practice, and communicating this effectively to the community
- effectively managing risk: deciding what to do if there is a major shock, determining how likely it is to happen, acting to minimise risk
- asking executive staff, the right questions, and
- monitoring the performance of the CEO and the council's executive staff, for example, in terms of the council's financial performance, progress on plans and projects, and the gathering of feedback on outcomes delivered.

The Mayor is important in driving a culture of governance within council. In addition to chairing council meetings, the Mayor is also responsible for directing the CEO. It is important that there is good understanding and communication between the Mayor, the CEO and the council's executive staff to help establish and maintain a strong governance culture within the council.

Effective governance requires:

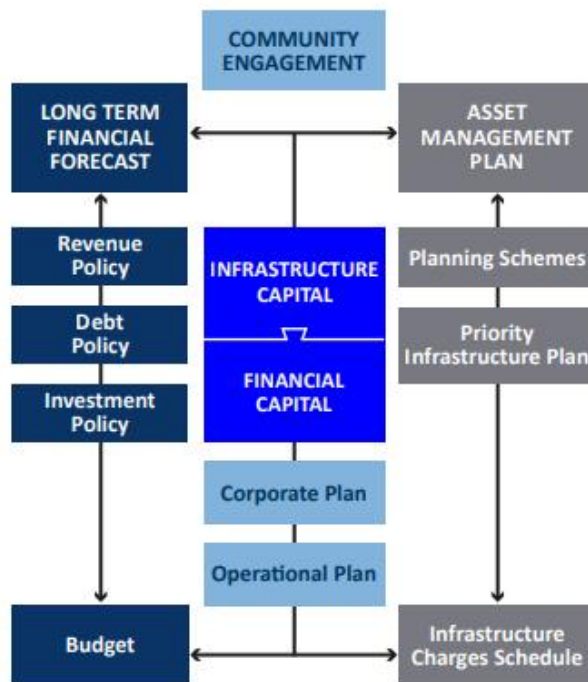
- decisions to be made in a consistent and transparent way
- elected officials and senior staff 'walking the talk', and
- the council to deliver on its undertaking to the community and implementing all of its decisions.

Annual financial reporting is a key part of the governance process and demonstrates that a council is accountable to its community. *The Local Government Act, 2009* outlines the financial and strategic documents that local governments must produce to meet their financial management and accountability obligations. These are broadly divided into:

- strategic planning documents
- financial planning documents, and
- financial accountability documents.

Strategic planning documents should include:

- a five-year corporate plan outlining the council's strategic direction, driving council's strategic policies, and forming the high-level basis for strategic decision-making
- a ten-year financial forecast outlining expected income, expenditure and likely values of assets, liabilities, and equity, and
- a long-term asset management plan linked to the ten-year financial forecast, outlining how the council will ensure the sustainable management of its asset base. This document should include an estimate of capital expenditure for asset renewals and upgrades.



Financial planning documents should include:

- an annual budget, and
- an operational plan covering the following 12-month period.

*The Local Government Act, 2009* and *Local Government Regulation, 2012* specify that a budget must be developed annually and should be consistent with a council's corporate and operational plans and revenue policy. It must be adopted by the council by 1 August in the financial year to which the budget relates. The budget is defined as 'a plan that estimates income and expenditure in order to meet financial goals. The budget identifies how a council will spend the money it receives from grants and other sources of revenue during the year.' It must include statements for the financial year for which it is prepared and for the next two financial years for the following items:

- financial position
- cashflow
- income and expenditure, and
- changes in equity.

The Regulation, 2012 states that the annual budget must include a long-term financial forecast, a revenue statement, and a community financial report, as well as the relevant measures of financial sustainability for the financial year to which it relates (in the form of financial ratios) and nine subsequent years. The measures currently required by the Department of Infrastructure, Local Government and Planning, are the:

- asset sustainability ratio
- net financial liability ratio, and
- operating surplus ratio.

Council's operational plan should cover a 12-month period and be consistent with its budget. The operational plan should show how the council intends to progress the implementation of the five-year corporate plan over the following 12-month period through specific projects and activities. It should also highlight how the council will manage its operational risks and include an annual performance plan for each of its

commercial business units (if applicable). The link between the 10-year forecast and corporate and operational plans is shown in the diagram below:



Financial accountability documents should include:

- general purpose financial statements, which must be prepared each year in accordance with the accounting standards published by the Australian Accounting Standards Board and submitted to the Auditor-General for auditing purposes. Each council must also prepare a current year financial sustainability statement and a long-term financial sustainability statement to accompany the general-purpose financial statements
- an asset register listing the council's non-current physical assets, and
- an annual report, which must be published on the council's website within two weeks of the annual report being adopted. The annual report must comprise:
  - the audited general purpose financial statement for the year
  - the external audit report on the general financial statement
  - the council's current and long-term financial sustainability statements, and
  - the Community Financial Report.

Councils need to:

- apply principles of sound financial management
- manage risks prudently
- prepare long term integrated plans and an annual budget
- maintain accurate and timely accounts and records
- monitor monthly financial reports
- have an audit committee
- invest and borrow in accordance with council policy

Council needs to make strategic financial decisions. In order to assist in achieving this outcome, each council's executive staff should report high-level, relevant financial information to councillors. The reports provided to councils need to cover key issues; they should be presented in a concise form that ensures all councillors understand the information presented for decision making.

## **STATUTORY/COMPLIANCE MATTERS**

Section 71 of the Constitution describes local government as ‘an elected body that is charged with the good rule and government of a part of Queensland.’

Relevant legislative guidance is provided principally through *the Local Government Act 2009* and *the Local Government Regulation 2012*.

## **STRATEGIC IMPACTS**

Lead and coordinate of the organisation’s corporate governance and risk management, in addition to the delivery of efficient and customer focused administration support for the organisation to ensure high levels of performance and compliance.

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**

There are no direct financial implications with this report and the legislation provides the links to the governance framework and the relevant financial reporting requirements.

## **CONSULTATION/ENGAGEMENT**

Director Community Services  
Director Infrastructure Services  
Director Development Services  
Chief Executive Officer  
Communications team  
External Graphic Designer

## **RISK ASSESSMENT**

For Council to demonstrate good governance, there needs to be a clear understanding about responsibility and accountability. This Governance Framework has been produced to set out the roles and responsibilities of Elected Members and the organisation, and their relationships, along with financial, legal and ethical considerations.

The framework outlines the need for continual performance improvement and better service delivery, balanced with the need to meet corporate obligations and legislative requirements. Council will continually evolve governance arrangements to ensure that service delivery objectives are met effectively, efficiently, and transparently. Accordingly, it will review the framework to reflect changes to strategic priorities, structural alignment, and current best practice.

Council has a duty to carry out activities according to required practice, and with the objectives of the community in mind. This framework will help Council to assess the strengths and weaknesses of current practice, and to continually improve so that stakeholders have ongoing confidence in Council’s commitment to deliver quality services to the community.

## **TIMINGS/DEADLINES**

The development of the Governance Framework is scheduled for delivery between 2021 and 2026 in the corporate plan.

## **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:

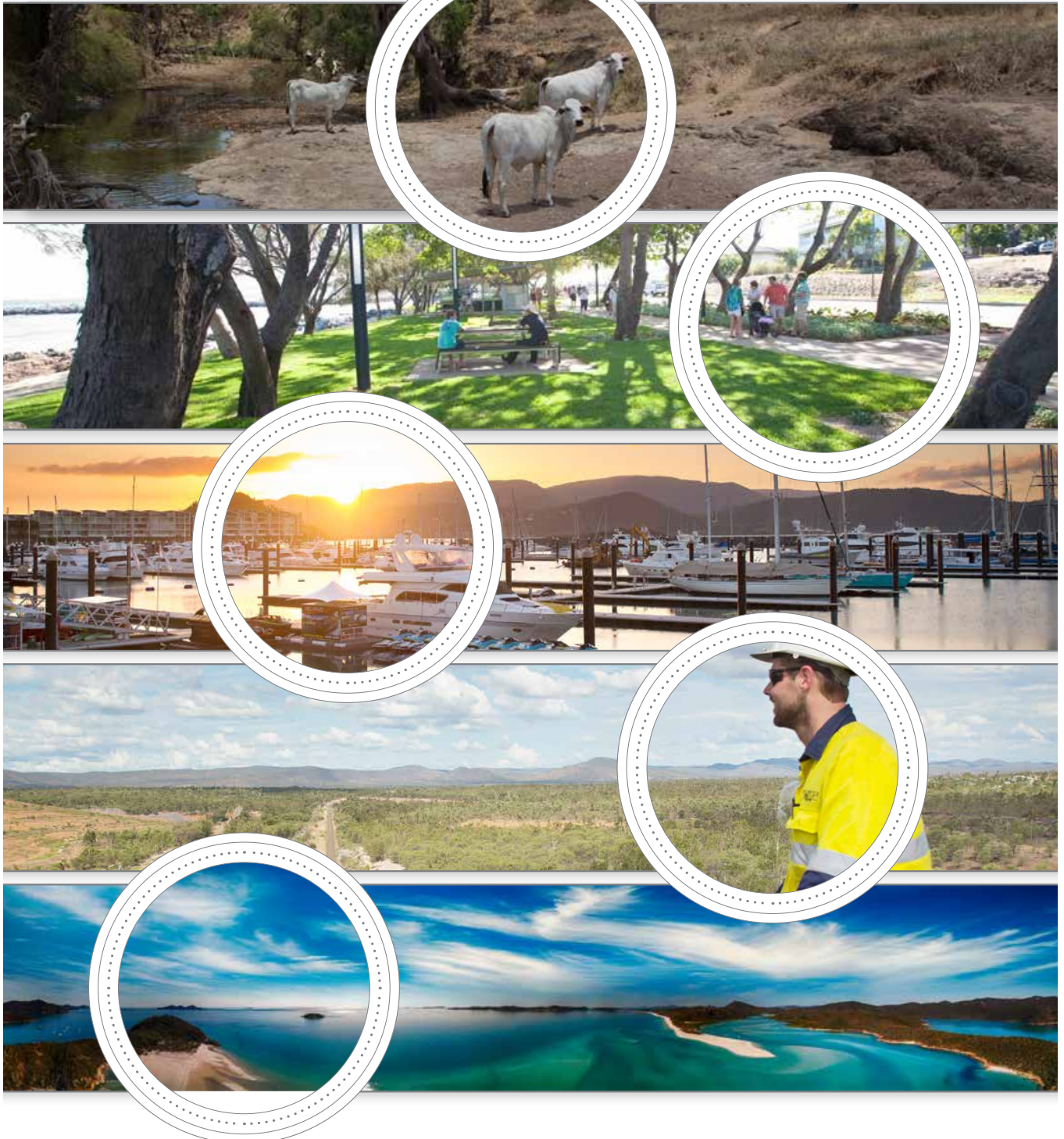
- Section 19 – Freedom of movement.
- Section 21 – Freedom of expression.
- Section 24 – Right to own property and not be arbitrarily deprived of property.
- Section 27 – Cultural rights – generally – all persons with a particular cultural, religious, racial or linguistic background have the right to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

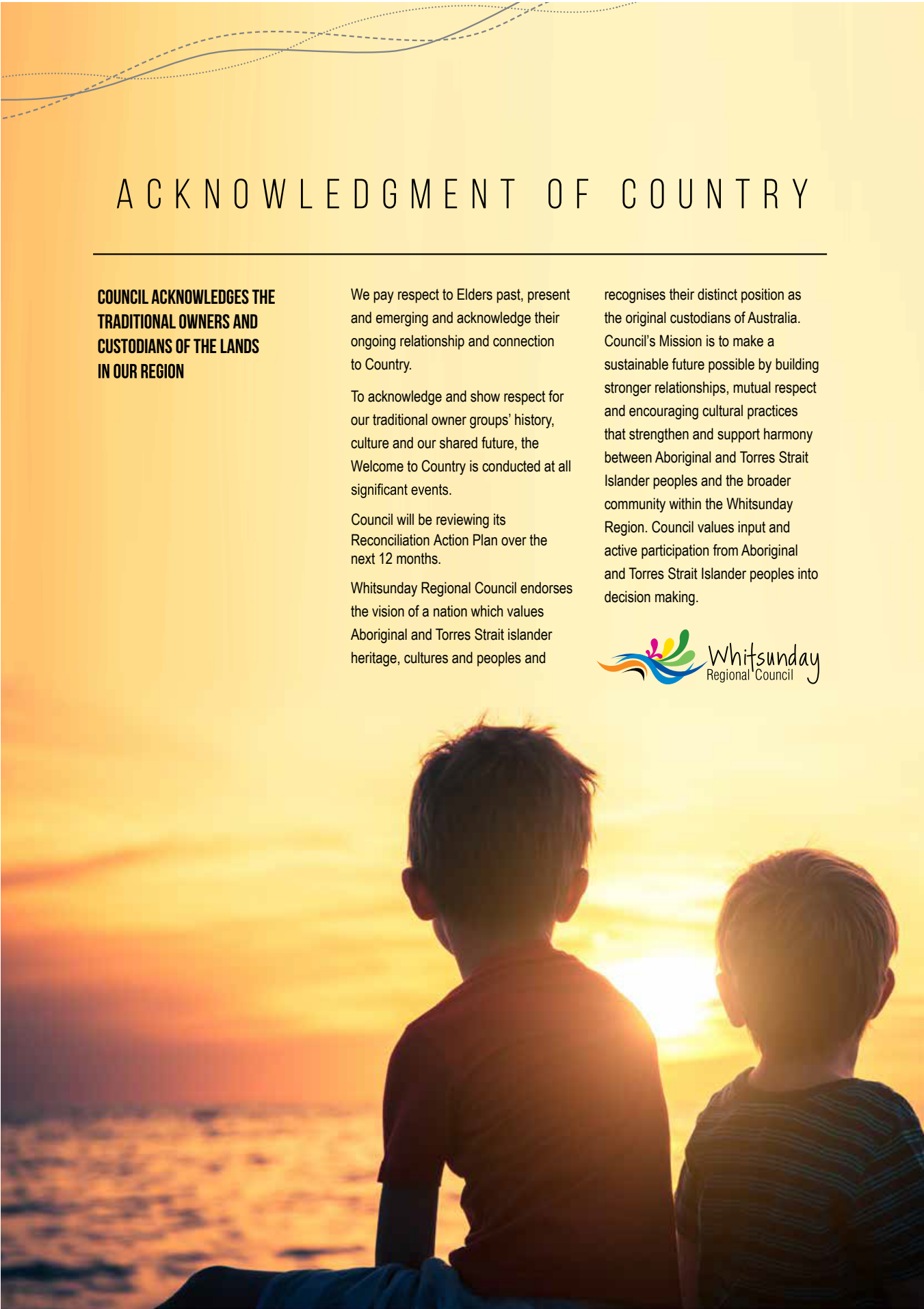
This decision does not limit the above identified human rights.

## **ALTERNATIVES CONSIDERED**

N/A







# 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 peoples into decision making.



# TABLE OF CONTENTS

**FOREWORD . . . . .2**

**GOVERNANCE IN LOCAL GOVERNMENT . . . . .4**

INTRODUCTION . . . . .5

DEFINITION OF GOVERNANCE. . . . .6

GOOD GOVERNANCE IN LOCAL GOVERNMENT . . . . .7

**GOVERNANCE FRAMEWORK . . . . .8**

GOVERNANCE STRUCTURE . . . . .9

**GOVERNANCE PRINCIPLES. . . . .10**

TRANSPARENT AND EFFECTIVE PROCESSES AND DECISION-MAKING IN THE PUBLIC INTEREST . . . . . 11

ETHICAL AND LEGAL BEHAVIOUR OF COUNCILLORS AND LOCAL GOVERNMENT EMPLOYEES . . . . . 11

SUSTAINABLE DEVELOPMENT, ASSET MANAGEMENT AND INFRASTRUCTURE MANAGEMENT . . . . . 12

SERVICE DELIVERY AND DEMOCRATIC REPRESENTATION . . . . . 12

SOCIAL INCLUSION AND MEANINGFUL COMMUNITY ENGAGEMENT. . . . 12

GOOD GOVERNANCE OF AND BY, LOCAL GOVERNMENT . . . . . 12

**CULTURE AND VISION - PRINCIPLE 2 . . . . .14**

**ROLES AND RELATIONSHIPS - PRINCIPLE 1. . . . .16**

**WORKING RELATIONSHIPS - PRINCIPLE 2 . . . . .18**

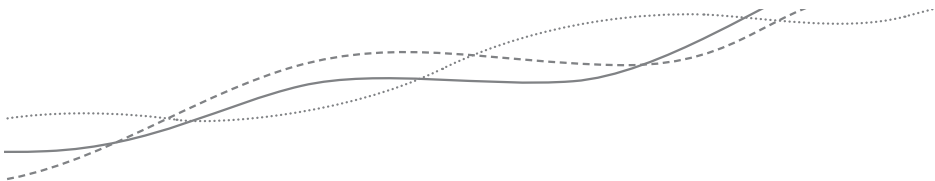
**DECISION MAKING AND MANAGEMENT - PRINCIPLE 1. . . . .18**

**FINANCIAL MANAGEMENT - PRINCIPLE 3 . . . . .19**

**RISK MANAGEMENT - PRINCIPLE 3 . . . . .20**

**CONSULTATION - PRINCIPLE 4 . . . . .21**





# MAYOR'S FOREWORD

Whitsunday Regional Council practices good governance by ensuring that the Council is legally and ethically compliant, that decisions are made in the interests of all stakeholders and that the Council behaves as a good corporate citizen.

Good governance is the heart of everything we do at Whitsunday Regional Council and ensures that the community has trust and confidence in the decisions we make together. It ensures we deliver what we say we will deliver and that we act in an ethical way.

Our governance covers the culture, systems, processes, policies and practices developed to deliver efficient and effective decisions, services and facilities so that they meet the community's objectives.

The Whitsunday Regional Council Governance Framework consists of the rules, relationships, systems and processes within and by which authority is exercised and decisions are made and actioned within the organisation to optimise Council's performance to achieve its objectives.

As Mayor, I actively promote and develop opportunities for the Whitsunday Region. This often involves developing and maintaining extensive individual and community networks and performing an important social and ceremonial role as leader of the community.

Councillors (Elected members and Mayor) are democratically elected by you, our residents and ratepayers of the Whitsunday Region. Once elected, we are responsible for reviewing matters and debating issues before the Council. We take an Oath of Office to carry out this role impartially, to the best of our abilities, and in the best interests of the Whitsunday Region.

The role of councillors is set out in the 'Local Government Act 2009' which provides clarity and guidance to councils, councillors and constituents about what is expected of councillors. There are several key elements to the role of a councillor i.e., participating in high level decision-making, setting the strategic direction of the council, and representing the local community. The role of a councillor does not include those functions performed by the Chief Executive Officer.

The Code of Conduct for councillors in Queensland sets out the values that describe the types of conduct councillors should demonstrate under each of the five principles under the legislation, and standards of behaviour expected of Councillors' and Mayors' when carrying out their role as elected representatives. By following the behaviours set out in the Code of Conduct, councillors increase public confidence in the local government and council decisions.

**Andrew Willcox**  
**Mayor**



# CEO'S FOREWORD

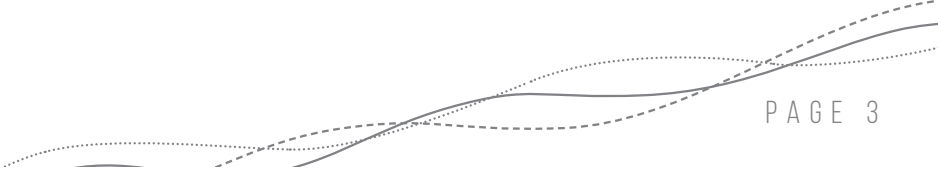
This framework sets out the governance principles and the standards for accountability that I expect of all staff and officers of the Whitsunday Regional Council (Council).

It aims to provide a comprehensive but high level account of how the Council applies the governance principles to achieve good governance.

Councillors and all Council employees must demonstrate a commitment to applying the governance principles in undertaking the duties of their roles. Effective governance arrangements, ethical leadership and decision making, accountability and role clarity underpin our governance controls.

This framework will help us to achieve and implement sound governance practices and will ensure our stakeholders and the Community can be confident in the integrity and good governance of the Council in its decision making and the quality of our services to the community.

**Rodney Ferguson**  
**Chief Executive Officer**





# GOVERNANCE IN LOCAL GOVERNMENT

## INTRODUCTION



Governance impacts all sectors of the community including industry and government. The practice of good governance is increasingly seen as critical for ensuring that Council:

- Decisions are taken in the interests of stakeholders, and
- The organisation behaves as a good corporate citizen should.
- Has a legal and ethical basis,

In order to act on behalf of the whole community and provide leadership and direction to the whole community that has elected them, democratic governments must meet specific governance demands.



DEFINITION OF GOVERNANCE

Governance is the process by which decisions are taken and implemented. It is the process organisations use to achieve their goals and produce their outputs. It is a process by which organisations are directed and held to account.

It encompasses:

- Authority
- Accountability
- Stewardship
- Leadership
- Ethics and Values
- Culture

This provides the democratic basis, which is essential to an understanding of good governance in local government. Good governance involves a focus on:

- Clarity of roles and responsibilities
- Robust systems which support both internal and external accountability
- Public access to decision-making and information



GOOD GOVERNANCE IN LOCAL GOVERNMENT

**Good governance in local government combines the characteristics of good governance, the definitions and roles of local government and requires:**

- Councils being elected by, representative of, and accountable to the community;
- Councillors making decisions in the best interests of the residents of the Council as a whole;
- Policies and programs reflecting the mandate Councils' have been given by their electors;
- Policy enactment arising from the Corporate Plan with appropriate performance management to assess the Council's progress;
- Community participation in governance;
- Mayor and Councillors providing leadership to the community and reflecting the community's collective aspirations;
- A management structure which implements the Council's goals in accordance with Council's priorities and approved budget.
- Provision of services which meet the community's needs (sometimes in partnership with other levels of government, business or community organisations)
- Local government being well placed to facilitate co-ordination and integration of services at a local level; and
- Co-operation between local governments.



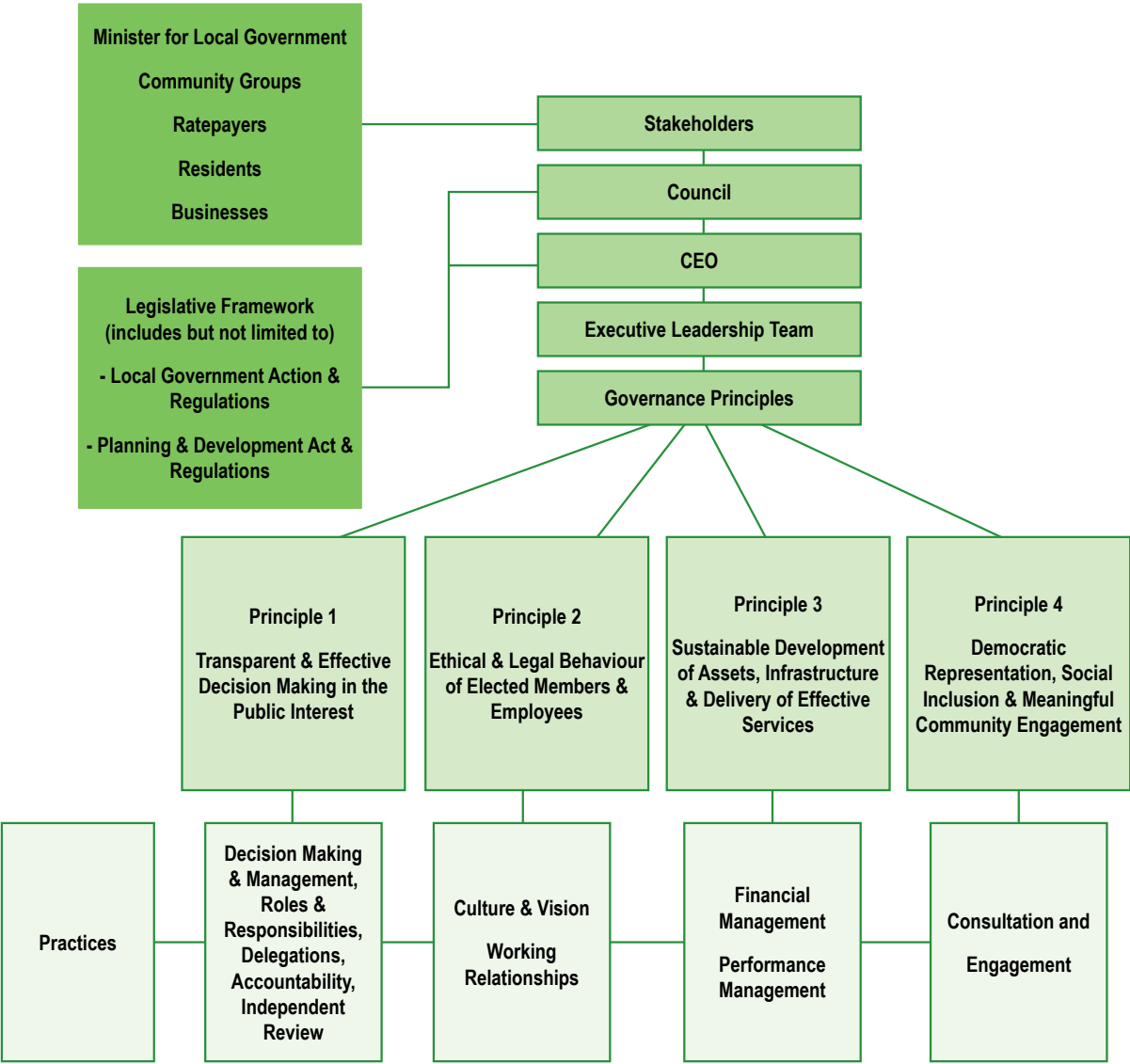


# GOVERNANCE FRAMEWORK



GOVERNANCE FRAMEWORK 2021-2026

## GOVERNANCE STRUCTURE



# GOVERNANCE PRINCIPLES

The following principles provide the foundation for good governance and a means for assessing the extent to which good governance is occurring at Whitsunday Regional Council. The principles are from Section 4 of the Local Government Act 2009.



## GOVERNANCE FRAMEWORK 2021-2026

### TRANSPARENT AND EFFECTIVE PROCESSES AND DECISION-MAKING IN THE PUBLIC INTEREST

- There are effective decision-making processes in place that reflect the transparency and accountability which underpin excellence in local government.
- The Council has internal structures that provide for independent review of processes and decision making which assist the Council to meet its accountability to stakeholders.
- Effective delegations are implemented and maintained.

### ETHICAL AND LEGAL BEHAVIOUR OF COUNCILLORS AND LOCAL GOVERNMENT EMPLOYEES

- There is a positive culture that promotes openness and honesty, in which constructive and respectful questioning is encouraged and accountability is clear.
- There is clarity about the roles within local government and there exists a sophisticated approach to defining and implementing these.
- There are effective working relationships that are promoted and supported within and between the Mayor, Councillors, Chief Executive Officer and Administration.

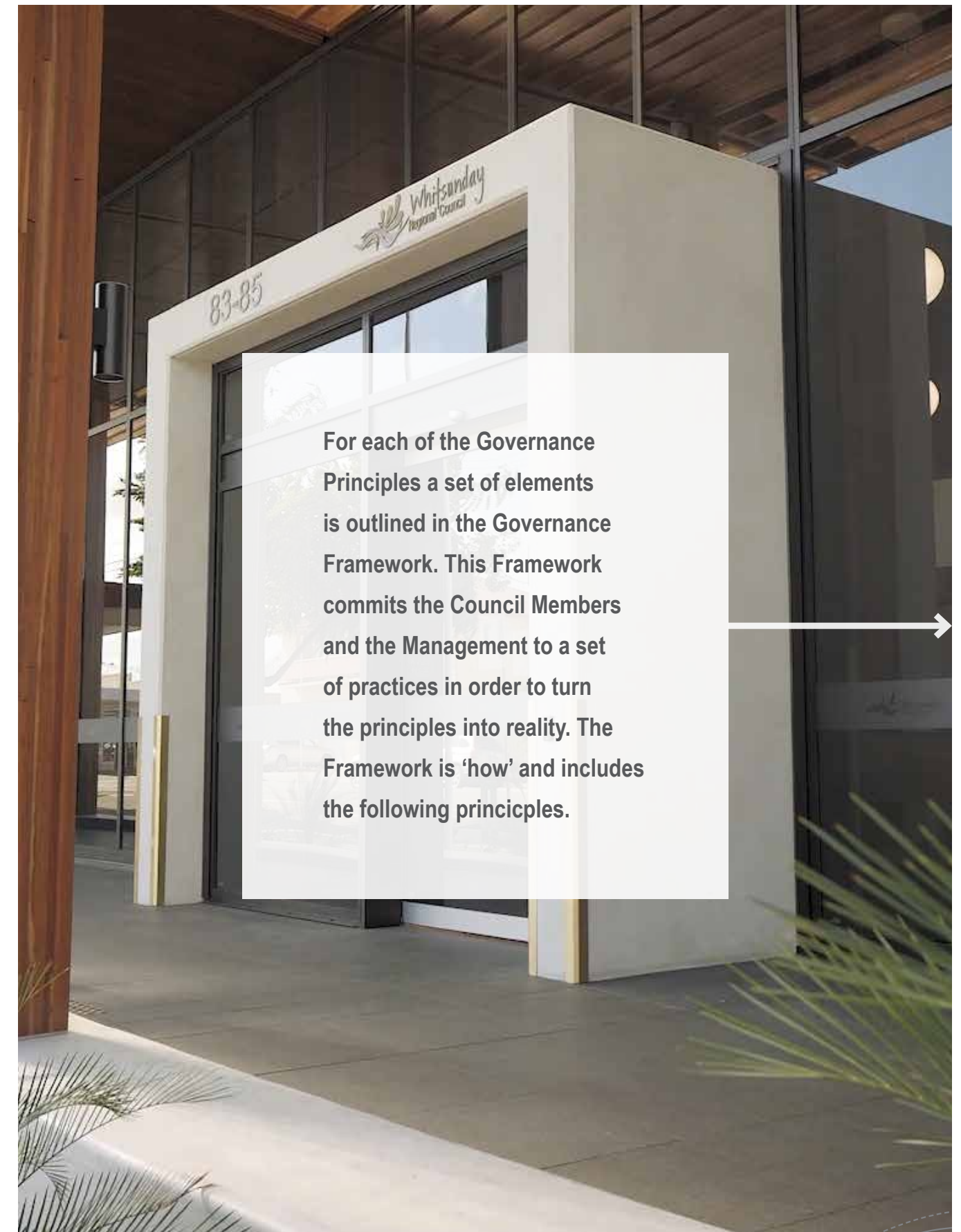


## SUSTAINABLE DEVELOPMENT AND MANAGEMENT OF ASSETS AND INFRASTRUCTURE, AND DELIVERY OF EFFECTIVE SERVICES

- There is a clear vision and strategic land use plan that is produced through a comprehensive and inclusive process, which is owned by all sectors of the local government.
- There is robust and transparent financial management established and maintained to meet the Council's accountability to its stakeholders, particularly in terms of stewardship of community assets, both now and into the future.
- An effective approach to the identification, assessment, monitoring and management of risks is established and maintained.

## DEMOCRATIC REPRESENTATION, SOCIAL INCLUSION AND MEANINGFUL COMMUNITY ENGAGEMENT AND GOOD GOVERNANCE OF, AND BY LOCAL GOVERNMENT

- Consultation is undertaken that is appropriate to the scope and potential impact of the matter. It respects the position and opinion of all stakeholders. The outcomes of the consultation are taken into account when the decision is made and feedback is provided to those who participated.
- The Council must account for its activities and have systems that support accountability.
- The Council has an active performance management system in place that enables Councillors and management to be openly accountable for their performance.



For each of the Governance Principles a set of elements is outlined in the Governance Framework. This Framework commits the Council Members and the Management to a set of practices in order to turn the principles into reality. The Framework is 'how' and includes the following principles.



CULTURE AND VISION | PRINCIPLE 2 |

SUPPORT FOR  
FRANKNESS, HONESTY  
AND QUESTIONING

Councillors debate issues openly and honestly. Staff members provide frank and timely advice to the CEO and senior management, and the CEO and senior management provide sound and frank advice to Council and Council Members.

INNOVATION

The Council considers new and better ways of going about its business in the achievement of its goals. Innovation will be assessed critically by using appropriate risk management and other analysis.

EFFECTIVE  
MANAGEMENT  
STRUCTURES AND  
PRACTICES

The organisation has a management structure that meets its goals and needs. The structure is characterised by efficient and effective use of human resources and clear accountability.

Management practices reinforce accountability and outcomes and incorporate the nurturing of people's capacities to do their jobs.

COMMUNICATION

The Council has effective communication policies both internally and externally. Council will be open to, and encourage feedback from all stakeholders.

In addition, the Council has a Communications & Marketing Strategy, Community Engagement Strategy, Social Media Strategy and Crisis Communication Plan which details various mechanisms by which communication and engagement is undertaken and reviewed.

LEARNING AND  
FEEDBACK

The Council invests in training both for Councillors and employees. Learning is focused on what is required to achieve organisational goals.

Training for Councillors is important and is offered to Councillors to assist in the development of skills required to fulfill their roles properly.

ETHICAL BEHAVIOUR

Good governance is characterised by honesty and integrity. Council Members and staff will behave in a way that generates community trust and confidence in them as individuals whilst also enhancing the role and image of both the Council and Local Government generally.

Councillors and staff are expected to own and adhere to the Council's values as contained in the Corporate Plan.

Councillors also conform to the requirements of the Local Government Act 2009 and the Councillor Code of Conduct.

INDUCTION

Induction and Training for Councillors will assist them to understand local government, governance in local government and how to operate effectively to produce good outcomes for their community. The Induction Program will focus on:

- The differing but complementary roles of Councillors and officers;
- Working relationships; Decision making processes;
- Responsibility, accountability and delegations; Code of Conduct;
- Organisational values and culture.

VISION

The Council has in place a strategic/ corporate planning process that includes a Strategic Plan, Plan for the Future of the Region, and Operational Plans. All stakeholders have the opportunity to participate in the development of the Plan for the Future of the Region. These documents form the basis for the Operational Plans and budget and underpin policy development and service delivery.

Everyone at Council is expected to have a good understanding of the Strategic Plan and the Plan for the Future of the Region, as they relate to the direction in which Council is going.





ROLES AND RELATIONSHIPS | PRINCIPLE 1 |

ROLES

An understanding and acceptance of the different roles, and co-operation between all parties underpins good governance at Council. The relationships between Council Members, and Council Officers themselves, and their interaction with the CEO, respect the diversity of opinion and the rights of all points of view to be heard with courtesy and respect.

The Council recognises that the Mayor has a general leadership role. The Local Government Act recognises the role of the Mayor, as the spokesperson for the Council, to carry out civic and ceremonial functions of the Mayoral office, and to chair the meetings of Council. The Council places great importance in the role of the Mayor as chair of the Council, as well-conducted meetings to facilitate good decision-making. Other functions of the Mayor are prescribed in the Local Government Act 2009.

The Council recognises that the Mayor’s leadership role is very important when it comes to good governance. The Mayor will seek to ensure that all Councillors are a part of the decision-making process and this will help Councillors to balance their accountabilities to their constituents and their accountability to the Council as a whole and therefore to the wider community.

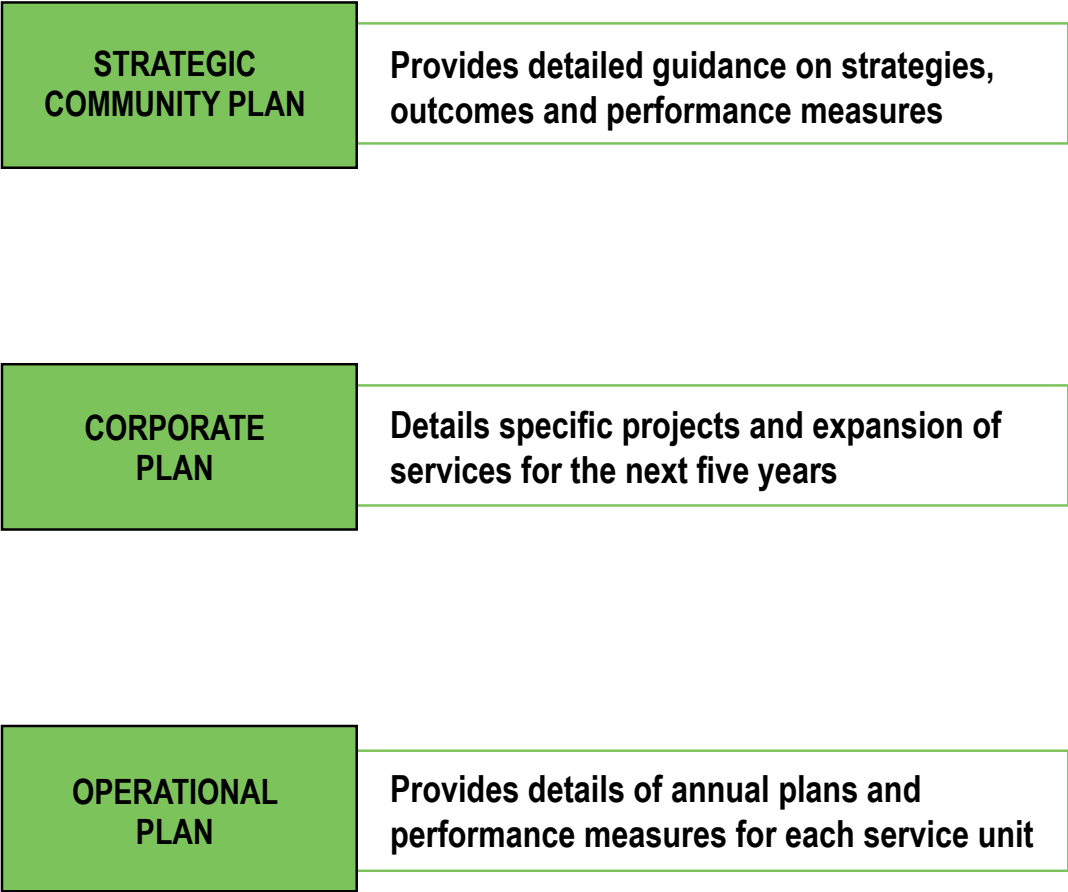
Councillors focus on outcomes, policy and strategy and in so doing are expected to:

- Represent and advocate on behalf of their constituents at the Council level;
- Facilitate communication between council and the community;
- Debate issues in an open, honest and informed manner to assist the decision making process;
- Keep the entire community in mind when considering and addressing issues and focus on the ‘big picture’;

- Inform and involve the community in all local government activities and processes;
- Work together, co-operate and respect diversity, and
- Provide model leadership and good governance.

These principles are encompassed in the statutory role of Councillors prescribed in the Act

Council recognises the CEO’s role in managing the organisation to achieve the goals and strategies endorsed by Council. The CEO is expected to fulfill these duties in a way that promotes an organisational culture of openness, accountability, fairness and good communication. The statutory functions of the CEO are:





WORKING RELATIONSHIPS | PRINCIPLE 2 |

- An effective relationship between the Mayor and councillors will help to promote the successful delivery of the strategic direction and credibility of the Council. The relationship is based on mutual respect and understanding of the different roles and is based on:

  - The Mayor having a leadership role and this role being respected by all Councillors;
- The Mayor facilitating an inclusive approach to decision-making and involvement in Council activities in general;
  - The Mayor assisting other Councillors in getting their issues considered by Council;
  - The Mayor taking some responsibility for Councillors' training and development and working with the CEO to ensure that Councillors receive necessary training opportunities;
- Councillors treating each other with respect and courtesy.
  - The Mayor and CEO work closely together and the relationship is characterised by openness and good communication, with each keeping the other informed about important and relevant issues.

DECISION MAKING AND MANAGEMENT | PRINCIPLE 1 |

- Decision-making is the most important activity undertaken by Council. Effective decision making processes increase the likelihood that the decisions themselves will be in the best interests of the entire community.

  - The Council has an effective and efficient strategic planning process in place with processes to ensure that Council plans are properly implemented.
- The CEO ensures that Council receives quality and timely reports with all the necessary information, options and clear recommendations, including financial impacts and any associated risks.
  - Alternative Motions - Where a Councillor feels that an alternative decision should be made, there is a process to assist Councillors to draft their own motions.
- Procedural Fairness - The Council has taken measures to ensure the quality and integrity of decisions made by Council and its officers. Due regard is given to statutory and policy requirements.
  - Access to Information – Councillors may seek specific information to enable them to gain sufficient knowledge or awareness of an item which is to be considered by Council.

FINANCIAL MANAGEMENT | PRINCIPLE 3 |

- The Council is ultimately responsible for the financial management of the Council. Good financial governance requires both Council and the administration to play their roles.
  - Council is developing a long-term financial plan that is consistent with the Corporate Plan. All risks are identified with mechanisms put in place to minimise such risks.
- Community input is sought at an early stage so that such input can help to shape the Plan, as part of the process of adopting the Corporate Plan.
  - Council will review its Corporate Plan every year, in accordance with the Local Government Regulations 2012.
  - On an annual basis the Council will also publish an Operational Plan.
- This document is an extension of the current budget process and will provide greater detail on the outcomes to be achieved in a particular year. It will include outcomes expected from the Corporate Plan as well as relate to the performance measures in the Operational Plan. A quarterly status report on the Operational Plan will be provided as part of the reporting on budget adjustments.

Progressively these plans move from the macro to the micro level. The relationship between each of them is shown diagrammatically below.





## CONSULTATION | PRINCIPLE 4 |

- Council ensures that it receives sufficient reports and other information to adequately monitor its performance, resource allocation, expenditure and activities, and the efficiency and effectiveness of its service delivery.
- Council ensures that it has procurement practices that are sustainable and address all aspects of environmental, social, economic and governance processes. Procurement thresholds are regularly reviewed to ensure they provide adequate balance between purchasing principles and risk.
- Council ensures that management of its assets is clearly understood and undertaken in a consistent manner to ensure the necessary protection and renewal of its assets for current and future generations.

## RISK MANAGEMENT | PRINCIPLE 3 |

- Council supports and is committed to a risk management program at a policy and strategy level through the establishment of an Audit & Risk Committee, in accordance with the Local Government Act 2009. The CEO and senior management ensure processes are in place for identifying and managing risk as well as responding to and minimising such risks.
- Under the auspice of the Audit and Risk Committee, Council will undertake regular risk assessments of identified areas of the Council's operations (eg. Information Technology) which will provide conclusions and recommendations for mitigation strategies to be implemented.
- Council will engage the services of an appropriate risk manager/ insurance broker (eg. Local Government Insurance Services) to provide adequate support and services aimed at the reduction of claims frequencies and costs, the improvement of the health and wellbeing of the work force and the development of organisation's wide risk management capacity as well as specific hazard management initiatives.
- To support this process, the Council has developed a Risk Management Framework and Corporate Risk Registers against which the Council will monitor and control its risk exposure.
- Advice – Additionally Council seeks other expert advice, including legal advice, from other practitioners qualified in areas of specific expertise. This advice is included in any recommendations that come to Council.

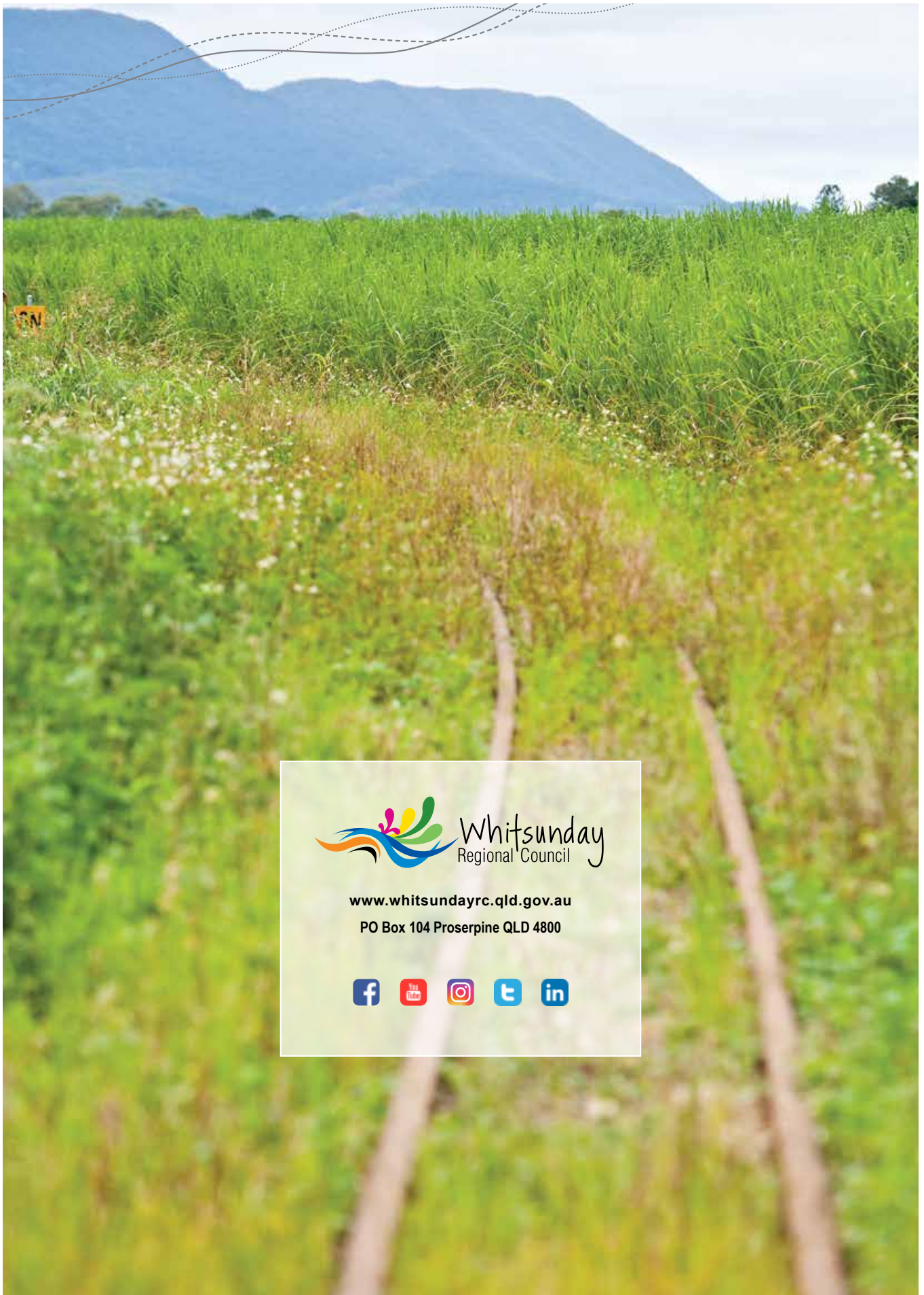
- Council recognises that consultation is a two-way interactive process that provides opportunities for the Council and community to clarify information, raise issues and discuss ideas and options. Consultation is an important dimension that informs and enhances Council's decision-making process.
- As a community leader, Council defines the Council's directions and priorities for a sustainable future by:
  - Promoting discussion and debate within the community and with other stakeholders about the priorities and needs of the Council;
  - Using research to develop Council policies and in decision-making generally;
  - Actively canvassing, and considering, the needs and opinions of the community when making decisions;
  - Translating the community's aspirations for a sustainable future through appropriate partnerships, initiatives, programs and services.

Council will also consult with other stakeholders, including members and officials of state and commonwealth governments, in seeking the best outcomes for the community.

Council will remain a member of the Local Government Association Queensland (LGAQ) in order to maximise consultation with the State Government on matters which are likely to impact on the community.

\*This framework document is available from the Whitsunday Regional Council Website:





[www.whitsundayrc.qld.gov.au](http://www.whitsundayrc.qld.gov.au)

PO Box 104 Proserpine QLD 4800





## 13.2.2 - Policy Framework Review

**DATE:** Wednesday 13 April 2022

**TO:** Ordinary Council Meeting

**AUTHOR:** James Ngoroyemoto - Manager - Governance and Administration Services

**AUTHORISING OFFICER:** Jason Bradshaw - Director Corporate Services

**PRESENTED FOR:** Decision

### ATTACHMENTS

1. Final Draft Policy Framework [13.2.2.1 - 16 pages]

### PURPOSE

To review the Policy Framework prior to ensure the framework's relevance, authority and consistency to effectively govern the development, establishment, amendment and review of policies.

### OFFICER'S RECOMMENDATION

That Council adopt the revised Policy Framework effective from the 1 May 2022.

### BACKGROUND

This Framework applies to all policy and processes developed for and on behalf of the Council. This Framework is made under the *Local Government Act 2009* and associated regulations.

A discussion paper was workshopped with Middle Management Group (MMG) to understand current gaps and identify areas of improvement. The feedback from the MMG was reviewed by the Executive leadership team and presented to a Councillor briefing session. The attached policy framework is now being presented to Council for adoption.

### DISCUSSION/CURRENT ISSUE

The proposed changes are detailed below:

1. Policy Creation. A Policy must:

- be created only where there is a clear and justifiable need, with long-term application to Council
- align with Council objects in the legislation, strategic and business plans
- be consistent with legal and regulatory requirements, other policies, and community expectations
- apply and be binding across the whole of Council
- be developed, established, amended, and reviewed in consultation with key stakeholders
- assign roles and responsibilities to ensure transparency
- align with the Council's published commitments with regard to diversity and the inclusion of all people and human rights
- be in accordance with the current Council's policy style guide
- be written in plain language to aid comprehension

- where appropriate, link to one or more relevant business processes (processes may be available to staff only)
- encourage responsible process ownership; and
- be able to be implemented within Council resources.

Policies exist within a broader hierarchical regulatory framework. In all cases, documents must be consistent with any requirements or restrictions imposed by higher-order instruments including legislation.

## 2. Approval

- Policies will be approved by Council
- Administrative Guidelines will be approved by the Chief Executive Officer. Guidelines that affect more than one department should be brought forward through ELT for review. Guidelines that affect one department can be taken directly to Chief Executive Officer for approval
- Policies that relate to the community will be assessed on an individual basis if public consultation is required before adoption by Council

## 3. Reviews

- All Council policies will be reviewed once every two (2) years, except for legislated policies which have shorter review timeframes (Annually).
- Recommendation for conducting biannual departmental policy reviews,
  - May 2022 - Office of CEO
  - November 2022 - Corporate Services
  - May 2023 - Community Services
  - November 2023 - Infrastructure
  - May 2024 - Development services
- Specialised departmental policy workshops to be undertaken as part of review, instead of Councillor briefing sessions. more frequently if required by a precipitating event (e.g., new legislative requirements).
- Ad hoc policy reviews can still come through Councillor Briefing sessions
- A review must be undertaken by the policy steward of each policy against the principles set in this Framework
- During a policy review, all processes associated with the policy must also be reviewed by the relevant process owner to ensure that consistency is retained, and any amendments cascaded to the process level.

## 4. Consultation and Communication

- Policy owner is responsible for consultation
- Governance branch to perform quality checks for all policies, post consultation and before Council presentation
- Governance branch to communicate all adopted policies after Council meeting
- Policy owner responsible for communication and implementation of policy to impacted parties
- Governance branch manages register, policy repository and website
- Internal communications from Governance branch on the Intranet, newsletters, etc.
- Inclusion of Community consultation for policies that are public facing and considered to be appropriate for public comment

## **STATUTORY/COMPLIANCE MATTERS**

There is a raft of State and Commonwealth legislation which require Council to develop a policy position on issues across the spectrum of local government responsibilities.

## **STRATEGIC IMPACTS**

Lead and coordinate of the organisation's corporate governance and risk management, in addition to the delivery of efficient and customer focused administration support for the organisation to ensure high levels of performance and compliance.

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**

Where relevant policy considerations will identify and address any financial impacts. eg. permits or licenses or other instruments that have a financial linkage will be identified and addressed.so

## **CONSULTATION/ENGAGEMENT**

Director Community Services  
Director Infrastructure Services  
Director Development Services  
Chief Executive Officer

## **RISK ASSESSMENT**

It is essential for effective and consistent communication within Council, and the provision of clear, written policies and procedures that reflect current practice and community expectations assists in accountability. Further, written policies and procedures provide tangible evidence of intended practices that are consistent with the organisation's values, and should be regularly reviewed, evaluated, and updated.

Failure to do so may result in inconsistency in standard templates for policy documents and overdue policies.

Adoption of the recommendation allows for a policy framework that can guide the development of policies and procedures to ensure those documents and processes are consistent and user friendly.

## **TIMINGS/DEADLINES**

Timeframes have been identified within the framework and other policy timings such as those which are part of the budget will be presented on an annual basis.

## **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

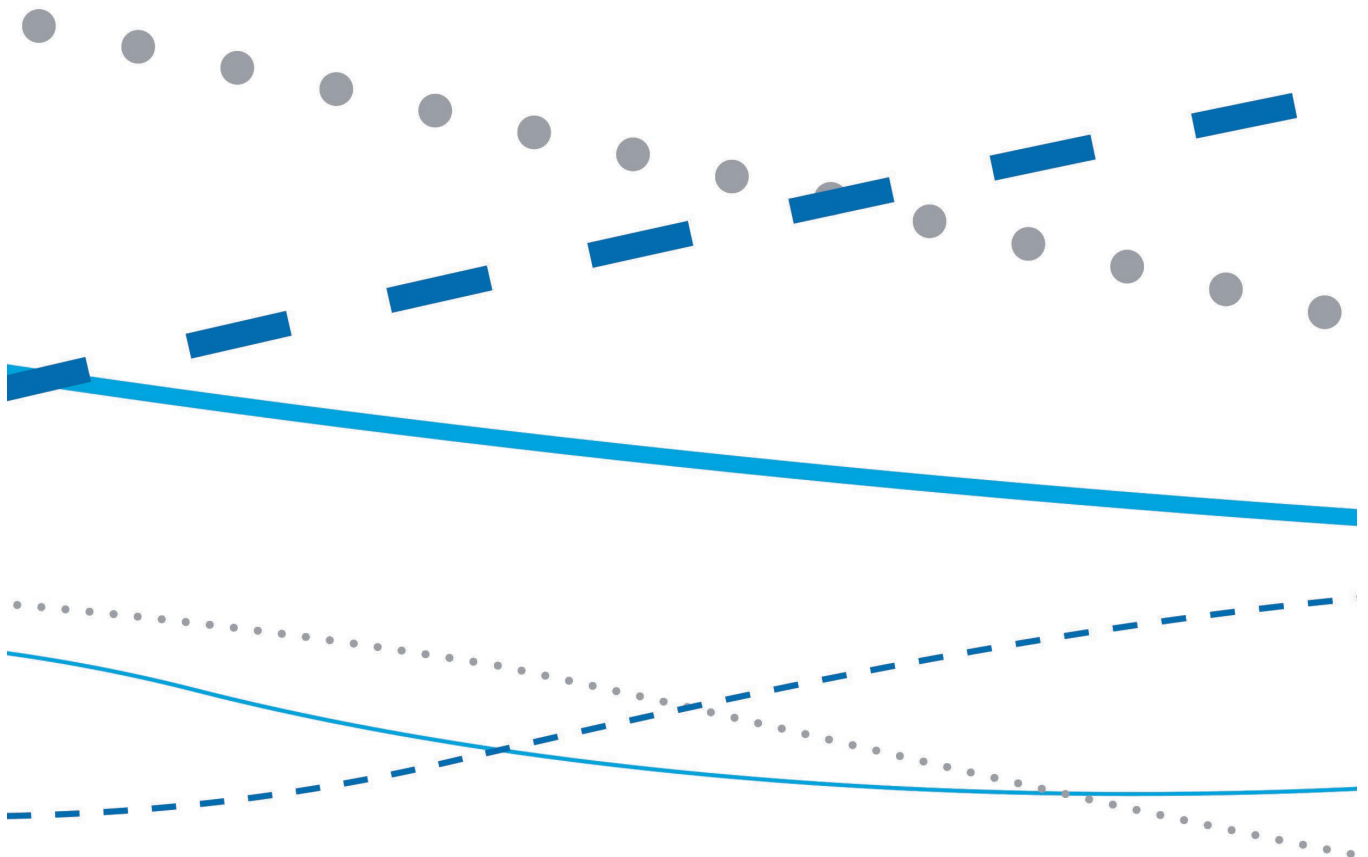




# Policy Framework

Author: Governance and Administration Manager

Date: February 2022



## Table of Contents

### Contents

|     |                                                      |    |
|-----|------------------------------------------------------|----|
| 1.  | OBJECTIVE .....                                      | 3  |
| 1.1 | What is a Policy? .....                              | 4  |
| 1.2 | What is an Administrative Guideline? .....           | 5  |
| 1.3 | What is a Procedure? .....                           | 5  |
| 2.  | POLICY SOURCES.....                                  | 6  |
| 3.  | DEVELOPING POLICIES.....                             | 7  |
| 3.1 | Role of Council .....                                | 7  |
| 3.2 | Role of the Administration.....                      | 7  |
| 3.3 | Policy Review Cycle .....                            | 8  |
| 3.4 | Consultation.....                                    | 9  |
| 3.5 | Recommending a Policy to Council .....               | 9  |
| 3.6 | Document Construction .....                          | 9  |
| 4.  | IMPLEMENTING POLICIES.....                           | 10 |
| 5.  | MANAGING/ACCESSING POLICIES.....                     | 10 |
|     | APPENDIX A: POLICY DEVELOPMENT & REVIEW PROCESS..... | 11 |
|     | APPENDIX B: COUNCIL POLICY TEMPLATE.....             | 12 |
|     | APPENDIX C: POLICY CATEGORY INDEX .....              | 13 |
|     | APPENDIX D: POLICY DEVELOPMENT GUIDE .....           | 14 |

## 1. OBJECTIVE

Laws are the highest form of policy under which everyone must live. Under the *Local Government Act 2009* (the Act) and associated regulations, Council is required to develop and adopt a number of policies. A Council developed policy cannot require a Council to act in any way contrary to any law.

The Community Plan, whilst not a policy, is the top-level document which sets out Council's aspirations for its community. As such, this document gives guidance for developing related policies, which reflect the direction of the Plan. This Policy Framework provides a structure and process for the initiation, development, adoption and review of the Council's policy documents ensuring policies:

- are developed in a consultative, comprehensive and consistent manner
- underpin and support Council's strategic objectives as articulated in the Community Plan
- provide a clear understanding of the Council and management responsibilities in policy development and review
- ensure consistency with and meet the compliance requirements of legislation

As a fundamental component of good governance, Council uses policies to:

- set direction;
- guide decision making by Elected Members and Administration;
- provide consistency
- inform the public.

Decisions made by Council impact on the lives and wellbeing of its residents, ratepayers and businesses. A decision may be perceived as arbitrary or reflecting a personal bias or preference by the decision maker, if made in the absence of any policy. A decision made in accordance with Council policy assures the decision maker and the public that the decision reflects the Council's overall aims and principles.

Policies can be used in a number of contexts, including to:

- reflect the key issues and responsibilities facing Council;
- provide a policy context and framework for developing more detailed objectives and management systems;
- guide Council employees and ensure consistency in delegated and day to day decision making; and
- clearly inform the general public of a Council's commitments.

The framework should be read in conjunction with the Council's Governance Framework and Community Engagement Framework.

## 1.1 What is a Policy?

**A course or principle of action** (having an external or community focus)

A Council policy shows the overall intention or stance that Council has taken on a matter. It provides a consistent approach to a matter or issue. A policy is general in nature, has broad application and helps to ensure compliance with applicable laws and regulations, contract requirements and delegation of authority by the Council to the Chief Executive Officer.

Policies cannot contravene a law (local laws, state or national acts and regulations). Council may have regard to a policy when considering an issue but is not bound by it.

Policies need to be formally adopted, and set out Council's position on an issue, or set of issues, to guide decision making. This document should be a higher-level statement of direction, which is short and concise, and should not include the type of detail normally found in procedures.

Policies are outward looking and provide an insight into the general philosophies and mind-set of the council over matters that impact on and are of concern to the local or wider community. Council policies underpin the objectives in the Community Plan.

Council policies are to be developed and reviewed by the leadership and may be subject to community consultation processes in recognition of the community leadership role Council has in guiding the formation and development of the Council, and in representing the values and interests of the broader community.

Council Policies are policies that are either required by legislation (i.e. procurement policy), impact on the community in some way (i.e. environmental policy) or guide how the Council itself goes about its business (i.e. code of conduct for Councillors policy). Many of these policies may have an external focus and require consultation with the community and often relate to the goods, services and activities provided to or by the Council.

It is imperative that Council policies must align with community values and aspirations and have early input from elected members. These policies may be aligned to the Community Plan by links to relevant strategies, plans or framework documents. Council should not deviate from an adopted policy without a clear, substantiated reason for doing so.

## 1.2 What is an Administrative Guideline?

**An official direction involving the management or guidance of the operations of Council.** (having an internal or corporate focus)

Administrative Guidelines are approved by the Chief Executive Officer

Administrative Guidelines are developed for operational imperatives and have an internal focus. Administrative Guidelines are made generally to support implementation of the functions of the CEO under *the Local Government Act 2009*, which includes:

- managing the day to day operations of the local government;
- responsibility for the employment, management supervision, direction and dismissal of other employees (excluding General Managers)
- ensuring that records and documents of the local government are properly kept for the purposes of the Act and any other written law; and
- performing any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

Administrative Guidelines relate primarily to operational issues, focus on internal functions and activities, and are intended for use within the organisation. These include matters to deal with employees of Council, Human Resources, Workplace Health & Safety, and the Council's administrative business.

Administrative Guidelines are made by staff and approved by the CEO. Council may call in specific Administrative guidelines, when deemed necessary.

## 1.3 What is a Procedure?

**A series of actions conducted in a certain order or manner to give effect to Policy or Administrative Guideline** (the how to)

A procedure is a document that contains information about how to implement requirements found in approved policies and administrative guidelines. A procedure is the 'how-to' document that accompanies a policy or administrative guideline.

Procedures set out the specific responsibilities and clear processes required to implement policies and administrative guidelines. There is no requirement for procedures to be adopted or reviewed by Council, although Council may note the procedure when adopting the policy.

A standard risk assessment process can be applied to determine whether there is a need for a procedure.

## 2. POLICY SOURCES

### **Elected Members**

Issues may be brought to the attention of Elected Members by community members. An Elected Member should direct these issues to the Chief Executive Officer or raise them at appropriate planning sessions/meetings or committees that might be held by Council.

### **Community**

The Chief Executive Officer and Council staff may receive written and verbal requests from the community which may require the application of policy. In the day to day operations of Council, policy issues will be raised through the service interactions between staff and the community. Where policy gaps are identified, the CEO or staff may request consideration of a formal policy to cover the situation.

### **State/Commonwealth government responses**

Council may also wish to develop policies to respond to issues raised by the State and Commonwealth Government.

### **Regulation oversight i.e. ombudsman**

Oversight bodies regularly request that Councils amend, review or develop a policy position or procedure on a range of matters.

### **Legislative requirements**

There is a raft of State and Commonwealth legislation which require Council to develop a policy position on issues across the spectrum of Local Government responsibilities.



### 3. DEVELOPING POLICIES

#### 3.1 Role of Council

Policies are an important tool in managing strategic direction. In this regard, Council should be engaged in a process which considers the need for new Council policies. In the creation of new Council policies, or where major revisions are anticipated to existing Council policies, it is important to understand the preferences of Elected Members at an early stage of the process. This may be best achieved through publishing the policies on Councillors Portal for commentary and feedback or a workshop or other form of consultation when deemed necessary.

#### 3.2 Role of the Administration

The Administration is responsible for the following activities in relation to the policy development and review process:

- Council Policies - drafting, research, consultation and preparation of reports for Council's review, consideration; and
- Administrative Guidelines - drafting, research, and approval by the Chief Executive Officer through the Executive Leadership Team.

The Council's administration staff will implement Council policies. In doing so, the staff will be following the Council's predetermined response to dealing with particular issues or problems which they are periodically confronted with.

Staff has carriage of policy implementation. They should look at the resources needed to pursue the policy objectives and identify timelines for putting policy into practice. The CEO and Executive Leadership Team will assess the impact on work activities of new or revised policies and develop processes to ensure they are integrated into general work. Processes are likely to involve:

- clear communication to relevant staff
- training; and/or
- written procedures

The Council's governance team provides quality assurance of policy documents prior to adoption, ensuring that construction of the document identifies and analyses issues, and that the document takes account of those issues. The lead business unit is responsible for reviewing policies in line with set review timeframes (these may vary according to the policy topic; and some parts of a single policy may be administered by different parts of the organisation).

### 3.3 Policy Review Cycle

All Council policies will be reviewed once two years by Council. This will be implemented through biennial departmental policy reviews, through council workshops and Ordinary Council meeting. The following continuous schedule will be followed starting in the year 2022:

|                        |   |                         |
|------------------------|---|-------------------------|
| ❖ <b>May 2022</b>      | - | Office of CEO           |
| ❖ <b>November 2022</b> | - | Corporate Services      |
| ❖ <b>May 2023</b>      | - | Community Services      |
| ❖ <b>November 2023</b> | - | Infrastructure Services |
| ❖ <b>May 2024</b>      | - | Development Services    |

These biennial policy reviews for each department will be facilitated by the governance unit, in consultation with the relevant managers and Directors.

During the departmental review period for each department, several workshops will be conducted for each business unit with the Councillors, and presented together for the whole department for adoption at an Ordinary Council meeting.

Policies are living documents, and they must be subject to evaluation and review to ensure that they continue to reflect Council's views. The Council's Policy review and approval process is detailed in **Appendix A: Policy Review and Approval Process**

Policies are reviewed in three ways:

1. **Policy revocation** – policy is no longer required or has been combined with or superseded by another policy.
2. **Requiring minor amendments** – changes to language, style, formatting, etc. that do not impact on the application of the policy.
3. **Requiring major amendments** – changes that significantly alter the Council's position on an issue or change the strategic intent of the policy.

Formal evaluation of a policy will include the collection and reporting of information about the administration of the policy. Some evaluation may be informal, such as addressing administrative matters relating to the policy, or process changes in implementing the policy.

Legislative changes may also impact policy content. A Council policy may be presented to Council at any time if there are changes to legislation, changed circumstances, or other issues that require attention. Similarly, administrative guidelines can also be affected by changes to legislation or the external environment.

Even if working well, a policy should be periodically reviewed and re-endorsed by Council. Some policies are required to be reviewed in a predetermined basis by statutory requirement.

### 3.4 Consultation

During the development of Council policies which will affect a specific sector of the community, it is important to undertake stakeholder consultation. This may occur at an early stage during the research period of a new policy, or after the Council has endorsed a draft for the purposes of consultation. This might be fulfilled through a process of public consultation or advertising before policies are adopted or amended.

All such consultation should be undertaken in accordance with Council's Community Engagement Framework. To assist, individual policies will be marked as such if they should be considered for public consultation as part of a review or redevelopment process in the accompanying information section at the end of each policy document.

### 3.5 Recommending a Policy to Council

All new Council policies, and those under review, will be provided to Councillors for review before they are considered for adoption,. The associated report to Council should:

- explain why the new document or changes to the reviewed document are required;
- describe the development process, and the steps to follow for implementation should Council adopt the policy;
- detail community consultation undertaken (if applicable), and summarise feedback received; and
- include a recommendation for adoption.

### 3.6 Document Construction

Policy documents should contain appropriate numbered sections for ease of reference, and should have consistent style and characteristics, such as:

- contain clear and concise language;
- be written in plain English without acronyms and technical jargon;
- headings which reflect the content of the section;
- statements which will date the policy, or require frequent review;
- administrative details which relate to document content management; and
- consistent formatting in accordance with corporate style guide; i.e. typography, layout, design type-faces, font sizes, numbering, colours, logo, headers, footers, title, references and pagination.

**TIP:** The Council's policy template provides for the relevant sections for a policy. Refer to Appendix B

## **4. IMPLEMENTING POLICIES**

Council employees must be made aware that a new or revised policy is in place. The Council's Records Management System and intranet allows for adopted policies to be visible to all Council employees, and previous versions to be archived from view.

The administrative information accompanying each policy designates a business unit that is responsible for implementation and reviews of a policy (or specified elements of it). The Council's governance team will maintain the policy register and ensure the appropriate policy documents are accessible to the public and that new or updated policies are communicated to staff.

## **5. MANAGING/ACCESSING POLICIES**

The Council's Records Management System and intranet contain the official, locked from editing version, of policies. Copies must not be saved outside of the records management system.

Care is taken in the naming and storage of policy documents. This ensures that:

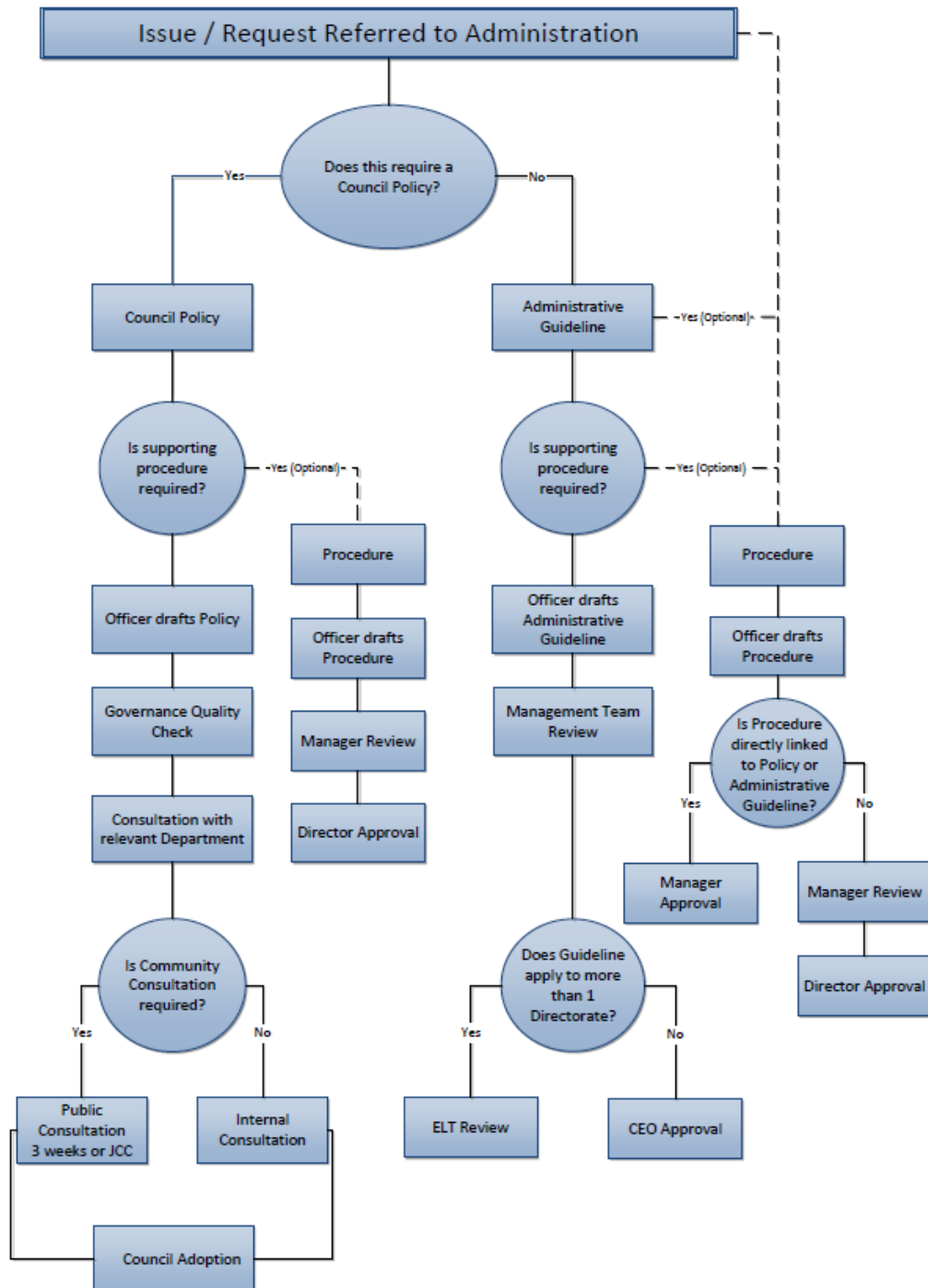
- Only current versions are present on the intranet, website, councillor portal; and
- Search engines will recover the correct document for logical searches.

Public policies are made available on the Council's website and at its main administration office, and include those that:

- apply to the community at large;
- affect residents and businesses;
- cover the actions of the Elected Members and the council as a whole; and
- refer to the management of Council property area under the Council's care, control and management.

Administrative Guidelines and Procedures intended for the management of Council employees and internal work processes do not need to be public documents, even though some may be reviewed by Council or Committee. These are available electronically on the Council's intranet.

## APPENDIX A: POLICY DEVELOPMENT & REVIEW PROCESS



## APPENDIX B: COUNCIL POLICY TEMPLATE

|                                            |                                 |
|--------------------------------------------|---------------------------------|
| <b>WHITSUNDAY REGIONAL COUNCIL POLICY:</b> |                                 |
| <b>TITLE:</b>                              | <b>POLICY REF NO:</b><br>WRCP** |

### Policy Purpose (WHY)

*This section should outline the background to the policy. For example, is it a legislative requirement? A Council directive? An audit requirement or some other reason? Is this a replacement for a previous policy?*

### Policy Statement (WHAT)

*In this section the author of the policy should outline the purpose/objectives of the policy as a clear short statement. For example, 'The purpose of this policy is to advise of the Council's position on drought relief water supply'.*

|                            |                                                                     |
|----------------------------|---------------------------------------------------------------------|
| <b>Strategic Link</b>      | Insert Relevant Strategy/Plan/Framework/legislation                 |
| <b>Category</b>            | Insert Community Function/Service                                   |
| <b>Lead Business Unit</b>  | Insert Responsible Business Unit                                    |
| <b>Public Consultation</b> | Yes/No in alignment with Community Engagement Plan                  |
| <b>Adoption Date</b>       | Insert Council Adoption Date                                        |
| <b>Next Review Due</b>     | Insert timeline for review                                          |
| <b>Document Number</b>     | Insert ECM Doc Set ID number                                        |
| <b>Record Keeping</b>      | Insert appropriate repository where document is captured/ displayed |
| <b>Related Documents</b>   | Insert relevant/supporting guidelines and procedures                |



## APPENDIX C: POLICY CATEGORY INDEX

|                         |                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                          |
|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Document Type</b>    | Council Policy (WRCP)<br>Administrative Guideline (AG)                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                          |
| <b>Strategic Link</b>   | All relevant Plans, Strategies and Frameworks to be recorded for selection                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                          |
| <b>Service Function</b> | Planning and Development<br>Building & Renovating<br>Grants and Funding<br>Arts & Culture<br>Libraries<br>Sport & Recreation<br>Rates<br>Budgeting<br>Procurement<br>Sports & Recreation<br>Heritage<br>Human Resources<br>Streetscapes & Footpaths<br>Occupational Health & Safety | Pets and Animals<br>Elected Members<br>Organisational - Governance<br>Community Development<br>Business and Economy<br>Public Health<br>Fire & Emergency Management<br>Community Safety<br>Youth Development<br>Waste and Recycling<br>Housing<br>Council Assets & Maintenance<br>Sustainability & Conservation<br>Roads |

## APPENDIX D: POLICY DEVELOPMENT GUIDE

This is a generic guide that can be used to develop or review any policy. It can also be used as a checklist. Not all headings or items will be relevant – their applicability will depend on the subject of an individual policy.

### Introduction

#### STATE IN THE POLICY

- ┌ The purpose and objectives of the policy
- ┌ The scope of the policy – who it applies to

### Specific policy provisions

#### STATE IN THE POLICY

- ┌ The organisation's commitment to the specific values that the policy applies
- ┌ The organisation's policy position on this topic

#### CHECK

- ┌ Do any responsibilities imposed by this policy conflict with any other organisational roles?
- ┌ Has the policy been tested with the staff that are responsible for implementing and enforcing it to make sure it is practicable?
- ┌ Has the policy been actively disseminated to those expected to comply with it?
- ┌ Have any additional resources required to implement the policy been identified and allocated?
- ┌ Consider how this policy should interact with the organisation's enterprise risk management.

### Administrative information

#### INCLUDE IN THE POLICY

- ┌ Adoption date (the date the policy is adopted by Council)
- ┌ Lead Business Unit: (department which questions about the policy and procedures should be directed, and responsible for managing and reviewing the policy)
- ┌ Relevant legislation or other regulatory obligations: (e.g., planning legislation).
- ┌ Strategic organisational Link strategy/plan/framework: e.g. Governance Framework, Long Term Financial Plan
- ┌ Category: Function/Service as detailed in the Policy Category Index
- ┌ Proposed review date: (e.g., as required by changes in circumstance or regulation but as a default be at least once every four years)

**HINT: It may be useful to consult people or organisations external to the organisation to make sure that the policy is comprehensive and effective**

## APPENDIX E: LEGISLATIVE POLICIES

| ITEM                        | REQUIREMENT                                                                                                                               | MANDATORY ELEMENTS                                                                                                                                                                                                                                                                                                                                                                           | WHEN     |
|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Debt Policy s192 LGR        | <ul style="list-style-type: none"> <li>• Adopt a debt policy</li> <li>• Review annually for each financial year</li> </ul>                | <ul style="list-style-type: none"> <li>• New borrowings planned for the current financial year and next nine years</li> <li>• Period over which the council plans to repay existing and new borrowings</li> </ul>                                                                                                                                                                            | Annually |
| Revenue Policy s193 LGR     | <ul style="list-style-type: none"> <li>• Adopt a revenue policy</li> <li>• Review annually in enough time before annual budget</li> </ul> | <ul style="list-style-type: none"> <li>• Principles for levying rates and charges, granting concessions for rates and charges, recovering overdue rates and charges and cost recovery methods</li> <li>• Purpose of concessions granted</li> <li>• Extent to which physical and social infrastructure costs for a new development are to be funded by charges for the development</li> </ul> | Annually |
| Procurement Policy s198 LGR | <ul style="list-style-type: none"> <li>• Adopt a procurement policy</li> <li>• Review annually for each financial year</li> </ul>         | <ul style="list-style-type: none"> <li>• The principles, including the sound contracting principles, that council will apply for purchasing goods and services</li> </ul>                                                                                                                                                                                                                    | Annually |

## Document Control

| Document Record                                            |                        |                               |               |
|------------------------------------------------------------|------------------------|-------------------------------|---------------|
| Document title                                             | WRC – Policy Framework |                               |               |
| ECM Set ID                                                 |                        |                               |               |
| ECM subject number                                         |                        |                               |               |
| Review and approval                                        |                        |                               |               |
| Maintained by                                              | Governance Unit        |                               |               |
| Version number                                             | 1                      | Version date                  | February 2022 |
| Reviewed by                                                | WOMT                   | Date reviewed                 | February 2022 |
| Approved by                                                | Council                | Date approved                 |               |
| Frequency of review                                        | 5 years                | Next review date              |               |
| NOTE: The Council will review this Framework every 5 years |                        |                               |               |
| Record of changes / issues                                 |                        |                               |               |
| Version                                                    | Date                   | Comments / reasons for change | Made by       |
|                                                            |                        |                               |               |
|                                                            |                        |                               |               |
|                                                            |                        |                               |               |
| Distribution                                               |                        |                               |               |
| Name                                                       | Position               |                               |               |
| Administration                                             | All Staff              |                               |               |
| Elected Members                                            | All Councillors        |                               |               |

### 13.2.3 - 500.2021.0144 Land Sales - Whitsunday Region

**DATE:** Wednesday 13 April 2022

**TO:** Ordinary Council Meeting

**AUTHOR:** Billie Davis - Senior Commercial Officer

**AUTHORISING OFFICER:** Jason Bradshaw - Director Corporate Services

**PRESENTED FOR:** Decision

#### ATTACHMENTS

1. 82-92 Santa Barbara Parade, Bowen [13.2.3.1 - 1 page]
2. 27-29 Queens Street, Bowen [13.2.3.2 - 1 page]
3. 31-33 Queens Street, Bowen [13.2.3.3 - 1 page]
4. 1 Industrial Road, Collinsville [13.2.3.4 - 1 page]
5. 42 Carlo Drive, Cannonvale [13.2.3.5 - 1 page]

#### PURPOSE

To present to Council for consideration the Evaluation Panel's Recommendation to award the contracts for 500.2021.0144 Land Sales Whitsunday Region.

#### OFFICER'S RECOMMENDATION

That Council award the following contracts for 500.2021.0144 Land Sales Whitsunday Region:

- a) Bright Skies Psychology - 82-92 Santa Barbara Parade, Bowen – \$320,000 (ex. GST)
- b) BlueCHP - 27-29 Queens Road, Bowen – \$159,500 (ex. GST)
- c) BlueCHP - 31-33 Queens Road, Bowen – \$159,500 (ex. GST)
- d) Initiative Capital - 1 Industrial Road, Collinsville – \$52,500 (ex. GST)
- e) Hendriksen Developments - 42 Carlo Drive, Cannonvale – \$770,355 (ex. GST)

#### BACKGROUND

Council identified various parcels of land within the Whitsunday Region that were no longer operationally required and resolved at the 24 November 2021 Ordinary Council Meeting to go to tender for the sale of land.

A Request for Tender (RFT) was released on 20 December 2021 and as advertised as follows in accordance with Section 228 of the Local Government Regulation 2012:

- a. eTenderBox;
- b. For Sale signs located on properties
- c. Newspapers:
  - i. Whitsunday News; and
  - ii. Townsville Bulletin.
  - iii. Council's website/Facebook.

The Tender closed on 31 January 2022.

## DISCUSSION/CURRENT ISSUE

### Summary of Tenders Received

The following tenders were received by the closing date of time on 2.00 pm on Monday 31 January 2022:

- a. 2 Sinclair Street, Bowen**
  - Bright Skies Psychology Pty Ltd
- b. 82-92 Santa Barbara Parade, Bowen**
  - Bright Skies Psychology Pty Ltd
- c. 9D Dalrymple Street, Bowen**
  - No submissions received
- d. 27-29 Queens Road, Bowen**
  - BlueCHP Limited
  - Regional Housing Company Limited
  - Hamptons Design Co. Pty Ltd
- e. 31-33 Queens Road, Bowen**
  - BlueCHP Limited
  - Regional Housing Limited
  - Hamptons Design Co. Pty Ltd
- f. Lot 5 King Street Bowen**
  - No submissions received
- g. 1 Industrial Road, Collinsville**
  - Initiative Capital Pty Ltd
  - Ronnle Enterprise Pty Ltd (ER Mechanical Maintenance Service)
- h. 42 Carlo Drive, Cannonvale**
  - The Trustee for Cutuli Property Trust
  - Broadhust Family Nominees Pty Ltd
  - The Trustee for the J Lock Family Trust
  - Goode Holding Company
  - H2 Boats Pty Ltd
  - Hendriksen Developments Pty Ltd
  - O'Flynn Property Development Pty Ltd
  - JC Constructions (NQ) Pty Ltd
  - KNP Plumbing & Gas Pty Ltd
  - M & J Stokes
  - Sharrocks Carpentry
  - M & T McNally



Note: An initial compliance check was conducted on the tender submissions to identify if the responses were non-conforming with the requirements of the RFT. This included compliance with contractual requirements and provision of requested information.

All of the Tenderers marked conforming progressed to the qualitative criteria assessment on the basis that all the terms, conditions and mandatory requirements of the RFT had been met.

#### Tender Evaluation Panel

The Tender Evaluation Panel (TEP) comprised:

- a. Executive Manager Procurement, Property & Fleet;
- b. Senior Commercial Officer; and
- c. Manager Strategic Planning.

#### 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:

- |                                       |     |
|---------------------------------------|-----|
| a. Pricing                            | 75% |
| b. Proposed Use of Land and Timeframe | 15% |
| c. 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 |
|-----------------------------------------|---------------------------------|------------|
| <b>2 Sinclair Street, Bowen</b>         |                                 |            |
| BRIGHT SKIES PSYCHOLOGY PTY LTD         | 49.0%                           | 1          |
| <b>82-2 Santa Barbara Parade, Bowen</b> |                                 |            |
| BRIGHT SKIES PSYCHOLOGY PTY LTD         | 64.9%                           | 1          |
| <b>27-29 Queens Road, Bowen</b>         |                                 |            |
| BLUECHP LIMITED                         | 75.0%                           | 1          |
| REGIONAL HOUSING LIMITED                | 9.4%                            | 3          |
| HAMPTON'S DESIGN CO. PTY LTD            | 29.9%                           | 2          |
|                                         |                                 |            |

| 31-33 Queens Road, Bowen                                       |       |    |
|----------------------------------------------------------------|-------|----|
| BLUECHP LIMITED                                                | 75.0% | 1  |
| REGIONAL HOUSING LIMITED                                       | 9.4%  | 3  |
| HAMPTON'S DESIGN CO. PTY LTD                                   | 29.9% | 2  |
| 1 Industrial Road, Collinsville                                |       |    |
| INITIATIVE CAPITAL PTY LTD                                     | 75.0% | 1  |
| RONNLE ENTERPRISES PTY LTD (ER MECHANICAL MAINTENANCE SERVICE) | 28.6% | 2  |
| 42 Carlo Drive, Cannonvale                                     |       |    |
| THE TRUSTEE FOR CUTULI PROPERTY TRUST                          | 48.9% | 3  |
| BRODHURST FAMILY NOMINEES PTY LTD                              | 44.8% | 6  |
| THE TRUSTEE FOR THE J LOCK FAMILY TRUST                        | 43.8% | 8  |
| GOODE HOLDING COMPANY PTY LTD                                  | 48.7% | 5  |
| H2 BOATS PTY LTD                                               | 44.5% | 7  |
| HENDRIKSEN DEVELOPMENTS PTY. LTD.                              | 75.0% | 1  |
| O'FLYNN PROPERTY DEVELOPMENTS PTY LTD                          | 38.9% | 9  |
| JC CONSTRUCTIONS (NQ) PTY LTD                                  | 8.5%  | 12 |
| KNP PLUMBING & GAS PTY LTD                                     | 51.6% | 2  |
| MATTHEW AND JULIE STOKES                                       | 48.8% | 4  |
| SHARROCK'S CARPENTRY PTY LTD                                   | 33.1% | 10 |
| M.J MCNALLY & T.R MCNALLY                                      | 24.3% | 11 |

#### Combined Weighting Summary

Based on the results from the evaluation the following recommendations are made:

- a. **2 Sinclair Street, Bowen**
  - Not to sell, as it did not meet market value.
- b. **82-92 Santa Barbara Parade, Bowen**
  - To enter into a sale of land contract with Bright Skies Psychology Pty Ltd as their proposed use of the land is consistent with the permitted use of the land.
- c. **27-29 Queens Road, Bowen**
  - To enter into a sale of land contract with BlueCHP Limited as their submission met market value and their proposed use of the land is consistent with the permitted use of the land.
- d. **31-33 Queens Road, Bowen**
  - To enter into a sale of land contract with BlueCHP Limited as their submission met market value and their proposed use of the land is consistent with the permitted use of the land.
- e. **1 Industrial Road, Collinsville**
  - To enter into a sale of land contract with Imitative Capital Pty Ltd as their submission met market value and their proposed use of the land is consistent with the permitted use of the land.

**f. 42 Carlo Drive, Cannonvale**

- To enter into a sale of land contract with Hendricksen Developments Pty Ltd as their submission met market value and their proposed use of the land is consistent with the permitted use of the land.

**STATUTORY/COMPLIANCE MATTERS**

*Local Government Act 2009*

*Local Government Regulation 2012*

**STRATEGIC IMPACTS**

Lead and improve the organisation's procurement, property and fleet functions across the organisation, including managing the centralised and specialised services to enable and achieve the operational and long-term objectives of Council.

Manage Council's property and building assets to ensure optimal community outcomes.

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**

Council will receive revenue from the sale of each parcel of land.

The costs incurred by Council will be conveyancing which will be managed in accordance with Council's Legal Services Panel and within the budget allocations.

The revenue resulting from the sale will be returned to General Revenue for consideration by Council during its normal budget process.

**CONSULTATION/ENGAGEMENT**

Director Development Services

Executive Manager Procurement, Property & Fleet

Manager Strategic Planning

**RISK ASSESSMENT**

Each sale of land will be in accordance with the appropriate Queensland Law Society, Real Estate Institute Queensland Contract depending on whether it is defined as commercial or residential land.

These contracts hold provisions protecting Council's interests when selling property and the conveyancing will be managed through Council's Legal Services Panel.

Due diligence periods will be conducted as part of the conveyancing process. During this time, the purchaser still has the opportunity to withdraw from the sale.

**TIMINGS/DEADLINES**

Due diligence periods will apply and will vary depending on the property.

Once due diligence is conducted, a period of 30 days occurs and then settlement day. Upon settlement, Council will transfer ownership over the property to the purchaser and receive the required funds.

Each property will most likely have varying settlement dates, due to the differing due diligence periods and potential other factors such as the purchasers finance etc. It will be expected that all sales will be completed by 30 June 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**

No

### **ALTERNATIVES CONSIDERED**

N/A



82-92 Santa Barbara Parade, Bowen Lot 125 on SP265790

10-Nov-2021



**Disclaimer**

This information has been prepared for Council's internal purposes and for no other purpose. No statement is made about the accuracy or suitability of the information for use for any purpose (whether the purpose has been notified to Council or not). While every care is taken to ensure the accuracy of this data, Whitsunday Regional Council makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason. © Whitsunday Regional Council 2018.

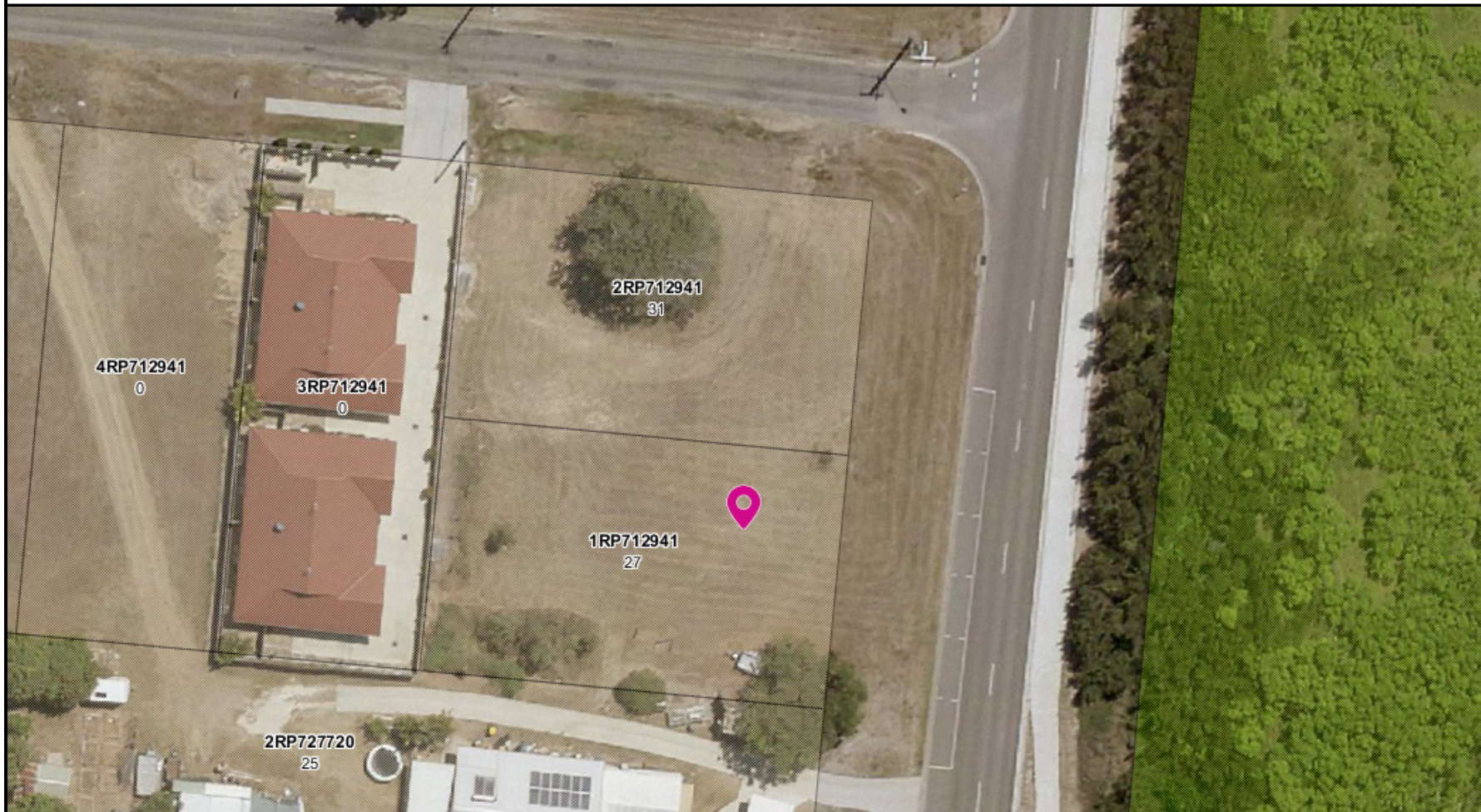
20 m





27-29 Queens Street, Bowen Lot 1 on RP712941

10-Nov-2021



**Disclaimer**

This information has been prepared for Council's internal purposes and for no other purpose. No statement is made about the accuracy or suitability of the information for use for any purpose (whether the purpose has been notified to Council or not). While every care is taken to ensure the accuracy of this data, Whitsunday Regional Council makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason. © Whitsunday Regional Council 2018.

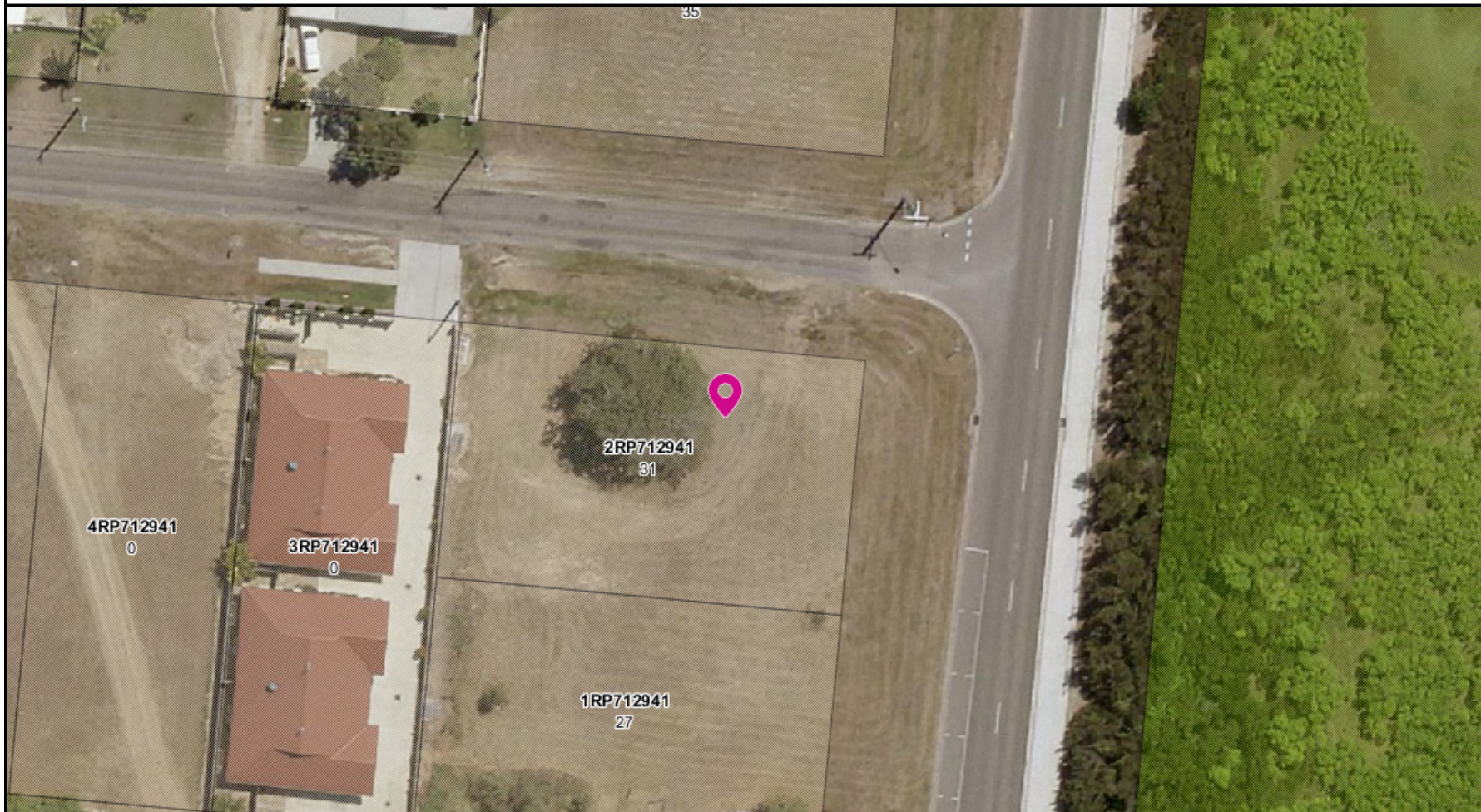
10 m





31-33 Queens Street, Bowen Lot 2 on RP712941

10-Nov-2021



**Disclaimer**

This information has been prepared for Council's internal purposes and for no other purpose. No statement is made about the accuracy or suitability of the information for use for any purpose (whether the purpose has been notified to Council or not). While every care is taken to ensure the accuracy of this data, Whitsunday Regional Council makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason. © Whitsunday Regional Council 2018.

10 m





1 Industrial Road, Collinsville Lot 10 on SP211513

10-Nov-2021



**Disclaimer**

This information has been prepared for Council's internal purposes and for no other purpose. No statement is made about the accuracy or suitability of the information for use for any purpose (whether the purpose has been notified to Council or not). While every care is taken to ensure the accuracy of this data, Whitsunday Regional Council makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason. © Whitsunday Regional Council 2018.

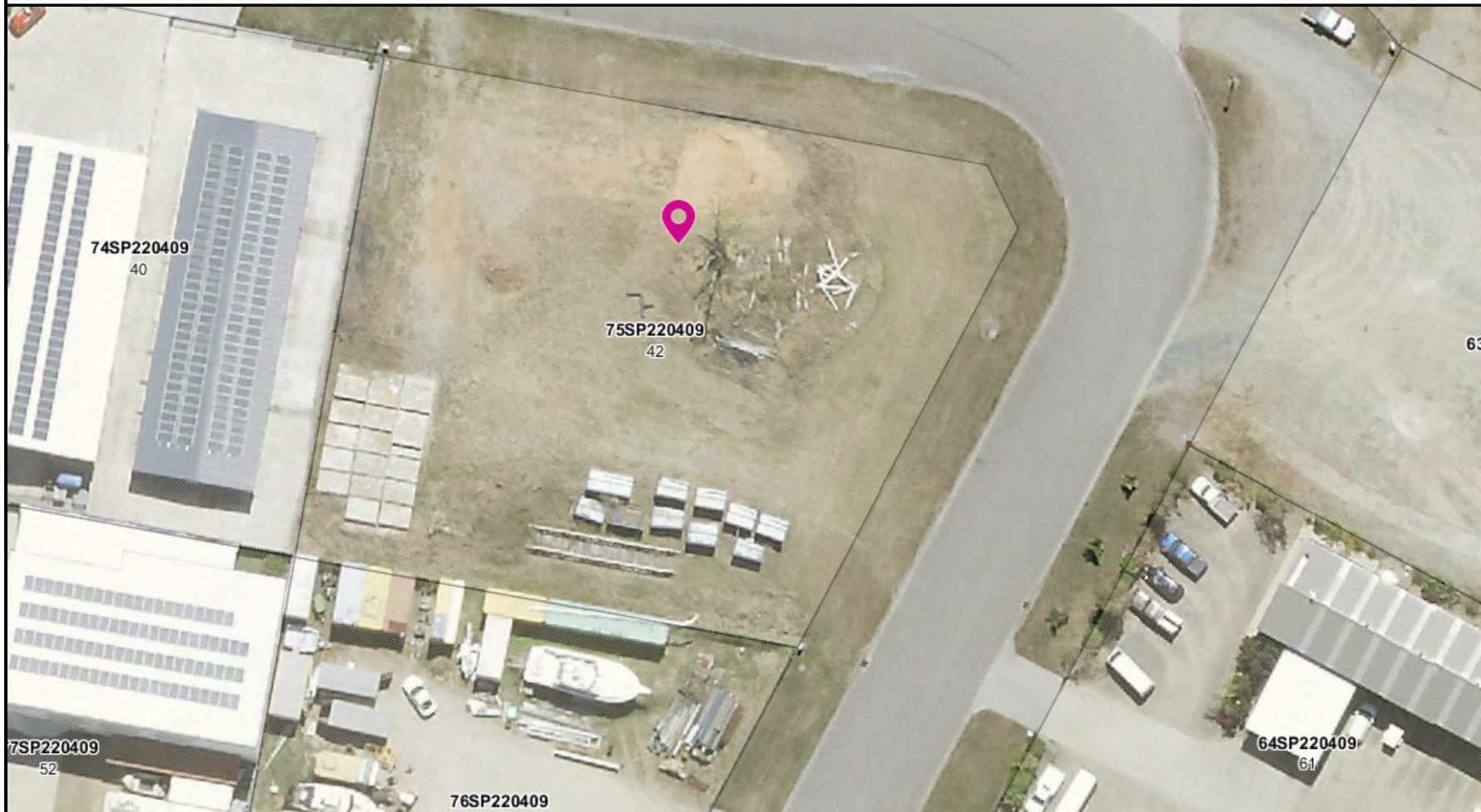
20 m





42 Carlo Drive, Cannonvale Lot 75 on SP220409

10-Nov-2021



**Disclaimer**

This information has been prepared for Council's internal purposes and for no other purpose. No statement is made about the accuracy or suitability of the information for use for any purpose (whether the purpose has been notified to Council or not). While every care is taken to ensure the accuracy of this data, Whitsunday Regional Council makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason. © Whitsunday Regional Council 2018.

10 m



### 13.2.4 - Appointment of Deputy Mayor

**DATE:** Wednesday 13 April 2022

**TO:** Ordinary Council Meeting

**AUTHOR:** Jason Bradshaw - Director Corporate Services

**AUTHORISING OFFICER:** Jason Bradshaw - Director Corporate Services

**PRESENTED FOR:** Decision

#### **ATTACHMENTS**

Nil

#### **PURPOSE**

For Council to appoint a Deputy Mayor.

#### **OFFICER'S RECOMMENDATION**

That Council:

1. Resolve to appoint *Councillor xxxx* as Deputy Mayor for a period of twelve months from 15 April 2022.
- 2.. Confirm its intention to declare the office of Deputy Mayor vacant after each twelve-month period of the remaining Council term (to 2024), and appoint a Deputy Mayor, in accordance with Section 165 of the Local Government Act 2009.

#### **BACKGROUND**

At Council's Post-Election Meeting on 22 April 2020, Council decided:

##### *RESOLUTION*

*Moved by: CR M BRUNKER*

*Seconded by: CR J COLLINS*

*That pursuant to section 175 of the Local Government Act 2009, Council has a rotational Deputy Mayor, starting with Cr Collins until April 2021 and to be rotated each year.*

*The motion was Carried 7/0*

Following the completion of Cr Collins's 12-month term as Deputy Mayor, the following resolution was passed at Council's Ordinary Council meeting held on 14 April 2021:

##### *RESOLUTION*

*Moved by: CR M WRIGHT*

*Seconded by: CR M BRUNKER*

*That Council:*

*1. Accept the resignation of Cr Collins as Deputy Mayor and thank him for undertaking the role of Deputy Mayor over the first year of the term.*

*2. Resolve to appoint Councillor Brunner as Deputy Mayor for a period of twelve months.*

*3. Confirm its intention to declare the office of Deputy Mayor vacant after each twelve-month period of the remaining Council term (to 2024), and appoint a Deputy Mayor, in accordance with Section 165 of the Local Government Act 2009.*

*The motion was Carried 5/2*

Cr Brunner's term as Deputy Mayor expires on 14 April 2022 in accordance with Council's resolution part 3 passed on 14 April 2021.

The Deputy Mayor acts as Mayor when the mayor is absent or unavailable to undertake the mayoral duties. There is no prescribed method to selecting the Deputy Mayor, except that they are appointed by the Council, by resolution, at its post-election meeting, or immediately after the Deputy Mayor position becomes vacant, however, with any public sector appointment, the generally accepted rule is 'appointment by merit', i.e., who will best perform this role and support the mayor?

## **DISCUSSION/CURRENT ISSUE**

Sections 165(3) and 165(4) of the *Local Government Act 2009(LGA)* allows Council to declare the office of Deputy Mayor vacant by resolution, if 14 days' notice is given of the resolution. Council does not need to declare the office of Deputy Mayor vacant every year in the sense the term is used in section 165 of the LGA. This is because the appointment of Cr Brunner as Deputy Mayor was for 12 months only, so as at 15 April 2022 (being 12 months after the 2021 Resolution), he will not be Deputy Mayor and, without a further resolution, Council will have no Deputy Mayor.

The 2020 Resolution, reinforced by the 2021 Resolution, makes it clear that Council intends to have a rotational Deputy Mayoral system, with 12 months of tenure. The wording of the two resolutions means that Cr Brunner cannot be reappointed as Deputy Mayor under the current system, because that is not 'rotational.' Also, that under the current system the new Deputy Mayor must be appointed for a period of 12 months (not more nor less).

Council is not locked into its current system though – Council has the power to amend or repeal its previous resolutions. A previous Council resolution may only be repealed or amended if notice of intention to propose the repeal or amendment is given to each councillor at least 5 days before the meeting at which the proposal is to be made.

Several options are available to appoint the Deputy Mayor:

### **Option 1:**

A councillor nominates another councillor as Deputy Mayor and if the motion is seconded, it is debated before being put to the vote.

Should a councillor disagree with that nomination, they would speak against the motion and foreshadow moving an alternative motion (nominating another councillor as Deputy Mayor), should the original motion not be carried.



This process would be repeated until a motion is carried and a Deputy Mayor appointed for the next 12-month period.

### **Option 2:**

Alternately, Council could suspend standing orders and adjourn the meeting for the purpose of conducting an informal discussion and/or ballot for the role of Deputy Mayor. Nominations could be called, and each nominee confirm that they accept the nomination – then a ballot could be conducted, and an agreement reached that the Councillor with highest number of votes become the nominee for Deputy Mayor. This is less transparent but is in effect a democratic process where votes are cast and counted. When the ballot is completed, the meeting resumes and the motion to appoint the Deputy Mayor for the next 12 months is put and formally voted upon.

It is suggested that formal resolutions are required to:

- appoint a new Deputy Mayor (for a period of twelve months).
- confirm Council's intention to declare the office of Deputy Mayor vacant after each twelve-month period of the remaining Council term and appoint a Deputy Mayor from its Councillors.

## **STATUTORY/COMPLIANCE MATTERS**

As the leader of the executive arm of the Council, the Mayor has a number of additional responsibilities (see section 12 of the Local Government Act 2009) and is the sole day to day link between the executive and the administration in terms of directing the activities of the Chief Executive Officer in conformity with executive decisions. Responding to the risk that the mayor may, for some reason, not be available to undertake these duties, it is prudent for Council to determine a Deputy.

Section 165 of the *Local Government Act 2009* provides that the Deputy Mayor acts for the mayor during the absence or temporary incapacity of the mayor, or a vacancy in the office of mayor. Where the office of Deputy Mayor vacant, Council must immediately appoint another Deputy Mayor from its councillors.

No procedure is established for selecting the Deputy Mayor, so all the standard meeting rules apply (see section 260 (2) of the *Local Government Regulation 2012*) requiring:

- voting is to be in open forum.
- a question is decided by a majority of the votes of the councillors present.
- each councillor present has a vote on each question to be decided and, if the votes are equal, the councillor presiding also has a casting vote; and
- if a councillor present fails to vote, the councillor is taken to have voted in the negative.

## **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**

There are limited financial implications in that the prescribed remuneration continues to be paid in accordance with the recommendations of the Local Government Remuneration Tribunal.

## **CONSULTATION/ENGAGEMENT**

Legal Services – McCullough Robertson  
Councillors  
Chief Executive Officer

## **RISK ASSESSMENT**

Cr Brunner's appointment as Deputy Mayor was for a 12-month period which expires after 14 April 2022. If no Deputy Mayor is appointed at the ordinary Council meeting scheduled for 13 April 2022, Council will have no Deputy Mayor as of 15 April 2022. Cr Brunner cannot continue as 'acting Deputy Mayor' or maintain the role on a temporary basis other than by resolution; and for completeness, Council does not need to resolve to declare the role of the Deputy Mayor vacant, because the office of Deputy Mayor will be unoccupied after Cr Brunner's 12 months expires.

## **TIMINGS/DEADLINES**

The term of Deputy Mayor expires on 14 April 2022 (being the final day for the current Deputy Mayor - 12 months after the 2021 Resolution).

## **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 |
|---------|-------------|-----------|
|---------|-------------|-----------|



|          |                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Option 2 | If the current system is changed | <p>If a motion is received from any Councillor changing the current rotational approach and passes, the Councillors will have greater flexibility in deciding what to do with the Deputy Mayoral arrangements including the following options:</p> <ul style="list-style-type: none"> <li>a) appointing Cr Brunner again in a 'temporary' role until after everything has settled down (say, July/August to account for the election of a new Mayor);</li> <li>b) (b) appointing a different Councillor as 'temporary' Deputy Mayor;</li> <li>c) appointing Cr Brunner for a further 12 months;</li> <li>d) appointing another Councillor for 12 months (for which the current system does not need to be changed, but that it still a potential outcome after the earlier resolutions were repealed);</li> <li>e) appointing the next two rotational Deputy Mayors, in order to lock in the roles for the rest of the term; or</li> <li>f) (f) appointing a Councillor as Deputy Mayor for the rest of the current term.</li> </ul> |
|----------|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**13.3.1 - 20191424 - Negotiated Decision Notice Request - Development Application for Preliminary Approval (Variation Request) for Material Change of Use - Lot 113 SP260211 - 26-32 Port Drive, Airlie Beach**

**DATE:** Wednesday 13 April 2022

**TO:** Ordinary Council Meeting

**AUTHOR:** Matthew Twomey - Snr Development Assessment Officer

**AUTHORISING OFFICER:** Neil McGaffin - Director Development Services

**PRESENTED FOR:** Decision

**ATTACHMENTS**

1. Locality Plan [13.3.1.1 - 1 page]

**PURPOSE**

To present the assessment of the development application.

**OFFICER'S RECOMMENDATION**

That Council resolve that in response to a request for a Negotiated Decision Notice for Preliminary Approval (Variation Request) for Material Change of Use - Multiple Dwelling/Short Term Accommodation/Food & Drink Outlet/Shop/Office/Health Care Service/Community Use, made by Meridien AB Pty Ltd (Receivers & Managers Appointed) & Meridien Airlie Beach Pty Ltd (Receivers & Managers Appointed), on L: 113 SP: 260211 T: & EMT E/SP260216 and located at 26-32 Port Drive, Airlie Beach:

1. Agree to amend condition 6.3 which will read as follows:

In addition to the short-term parking spaces provided within the porte cochere for passenger pick-up and drop-off, onsite car parking is provided within the basement at the following minimum rates:

| Use                                              | Minimum Rate                 |
|--------------------------------------------------|------------------------------|
| Multiple Dwelling Units/Short-Term Accommodation |                              |
| • One -Bedroom Units                             | 1 space/unit                 |
| • Two-Bedroom Units                              | 1.5 spaces/unit              |
| • Three-Bedroom Units                            | 2 spaces/unit                |
| • Visitors                                       | 1 space/5 units              |
| Business/Community Activity                      | 1 space/15m <sup>2</sup> GFA |

2. Agree to amend the Port Drive Apartment Development Code, as follows:

“Variation Approval means the material change of use preliminary approval that varies the effect of the planning scheme given under Council’s decision notice referenced 20191424 and dated 23 February 2022 (or as subsequently amended by Council).”

## **BACKGROUND**

On 23 February 2022 the development application was approved, subject to conditions.

## **APPLICATION SUMMARY**

On 11 March 2022 the applicant submitted representations requesting a changed application (negotiated decision notice). The representations requested the amendment or deletion of the following conditions of approval:

### **Condition 6.3 - original wording**

The development is to provide 107 car parking spaces.

The applicant has requested the condition be amended to provide a car parking rate based on the acceptable outcomes rates in the Port Drive Apartment Development Code (Development Code) which also formed part of the approval. For the current configuration of units. The current number of 107 carparks is in excess of the number needed for the development approved. The development is likely to be able to provide the required number of carparks regardless of the unit configuration.

### **Comment**

The applicant has requested the number of parking spaces ultimately provided to be commensurate with the final mix and yield of apartments proposed. The amendment of the condition is acceptable on the basis the ultimate car parking provided will remain consistent with the acceptable outcomes under the Transport and Parking Code of the Planning Scheme. It is a future matter for Council to decide if a change to the apartment mix and yield is consistent with the Performance Outcomes of the Development Code or not.

### **Condition 6.3 - amended wording**

In addition to the short-term parking spaces provided within the porte cochere for passenger pick- up and drop-off, onsite car parking is provided within the basement at the following minimum rates:

| Use                                              | Minimum Rate    |
|--------------------------------------------------|-----------------|
| Multiple Dwelling Units/Short-Term Accommodation |                 |
| • One -Bedroom Units                             | 1 space/unit    |
| • Two-Bedroom Units                              | 1.5 spaces/unit |

|                             |                              |
|-----------------------------|------------------------------|
| • Three-Bedroom Units       | 2 spaces/unit                |
| • Visitors                  | 1 space/5 units              |
| Business/Community Activity | 1 space/15m <sup>2</sup> GFA |

### **Port Drive Apartment Development Code**

The applicant requests that Clause 2.2 of the Development Code is amended to provide a document date.

#### **Comment**

The suggested amendment to the Development Code is supported as it provides clarity to the version of the Development Code now and into the future.

### **Amended Port Drive Apartment Development Code**

“Variation Approval means the material change of use preliminary approval that varies the effect of the planning scheme given under Council’s decision notice referenced 20191424 and dated 23 February 2022 (or as subsequently amended by Council).”

### **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 to this request.

### **CONSULTATION**

Manager Development Assessment

### **RISK ASSESSMENT**

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

### **TIMINGS/DEADLINES**

A decision is required by **15 April 2022**.

### **CONFLICT OF INTEREST DECLARATION**

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

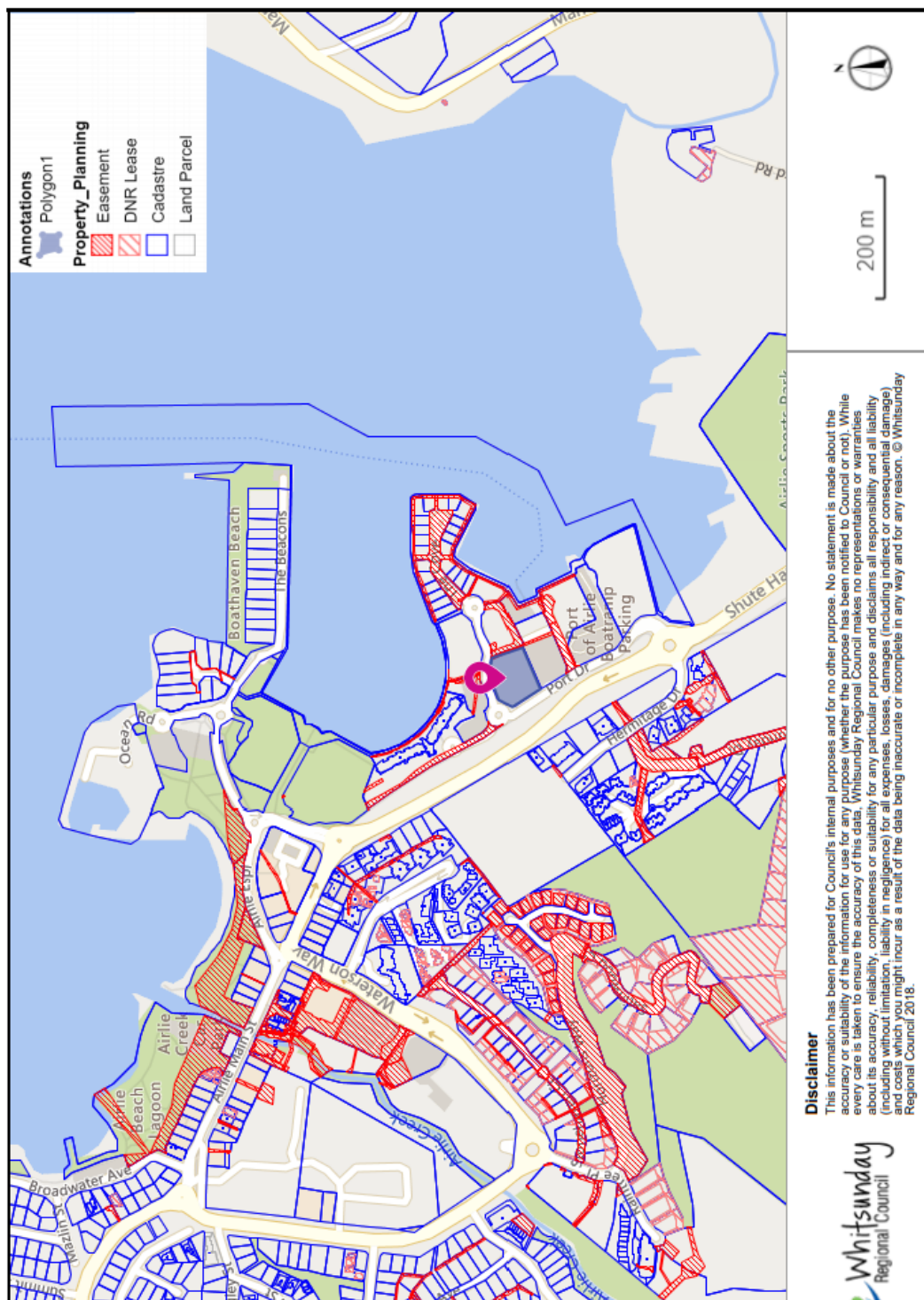
## HUMAN RIGHTS IMPACT

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.





### 13.3.2 - QBCC Request for Authority to Prosecute

**DATE:** Wednesday 13 April 2022

**TO:** Ordinary Council Meeting

**AUTHOR:** Tamara Dansie - Administration Coordinator Development Services

**AUTHORISING OFFICER:** Neil McGaffin - Director Development Services

**PRESENTED FOR:** Decision

#### **ATTACHMENTS**

1. Correspondence from QBCC dated 17 March 2022 [**13.3.2.1** - 2 pages]

#### **PURPOSE**

To advise Council of the request from Queensland Building and Construction Commission ("QBCC") to be granted authority to prosecute building owners.

#### **OFFICER'S RECOMMENDATION**

That Council grant authority to the QBCC to prosecute building owners who have failed to comply with their obligations regarding combustible external cladding materials within the Whitsunday Region.

#### **BACKGROUND**

QBCC advise that in 2018, in response to the risks posed to building occupants and emergency personnel caused by combustible external cladding materials, the Queensland Government introduced amendments to the Building Regulation 2006 with the insertion of a new Part 4A. The amendments required owners of private buildings to undertake an assessment of external cladding.

QBCC has been responsible for administering and regulating the obligations of owners of private buildings that have combustible external cladding. Several private building owners have failed to comply with their obligations and QBCC has advised their intent to proceed to prosecution.

However, the existing prosecution powers are considered inadequate. Currently a local government or a person authorised by a local government may make a complaint under the Justices Act 1886. To launch multiple summary prosecutions under the Justices Act 1886 requires the authorisation of each local government where a relevant private building is located. There are no currently known buildings of concern within the Whitsunday Region.

All costs associated with the prosecutions will be met by the QBCC. Council will not be required to contribute to the costs of any prosecution, nor will Council be exposed to a costs order due to the complaints under the Justices Act being brought in the name of the QBCC.

#### **STATUTORY/COMPLIANCE MATTERS**

Building Regulation 2006

Building Act 1975

Justices Act 1886

## **STRATEGIC IMPACTS**

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

## **FINANCIAL IMPLICATIONS**

There are no financial risks for Council, as all costs associated with the prosecutions will be met by the QBCC. Council will not be required to contribute to the costs of any prosecution, nor will Council be exposed to a costs order due to the complaints under the Justices Act being brought in the name of the QBCC.

## **CONSULTATION**

Building Certifier

## **RISK ASSESSMENT**

If authority is not granted to the QBCC, any unlawful structures and unidentified breaches located within the Whitsunday Regional Council area will remain a risk.

## **TIMINGS/DEADLINES**

A decision is required and notification received by QBCC prior to **3 May 2022** after which the opportunity to lodge proceedings has lapsed.

## **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.

DocuSign Envelope ID: 1F692DA3-BA83-41C2-A91F-59EBD514BAB6



Contact: **John Miles**  
Office: **Brisbane**  
Telephone: **07 3226 9420**

16 March 2022

Chief Executive Officer  
Mr Rodney Ferguson  
Whitsunday Regional Council  
PO Box 104  
Proserpine QLD 4800

**By email: [neil.mcgauffin@wrc.qld.gov.au](mailto:neil.mcgauffin@wrc.qld.gov.au)**

Dear Mr Ferguson

**COMBUSTIBLE CLADDING – REQUEST FOR AUTHORITY FROM WHITSUNDAY REGIONAL COUNCIL TO QBCC TO PROSECUTE**

**Request**

I am writing to formally request that the Whitsunday Regional Council authorise the Queensland Building and Construction Commission (QBCC) to prosecute offences committed under s16X(1) of the *Building Regulation* 2006.

**Background**

In 2018, in response to the risks posed to building occupants and emergency personnel caused by combustible materials in the cladding applied to the external walls of many buildings in the State, the Queensland Government introduced amendments to the *Building Regulation* 2006 (via the insertion of a new Part 4A). The amendments required owners of particular private buildings to undertake an assessment of the material used on the external walls of their building in a 3 part process.

Under the [Safer Buildings Queensland](#) program and [Part 4A of the Regulation](#), the QBCC has been responsible for administering and regulating the obligations of owners of private buildings that have combustible cladding forming part of an external wall or other external part of the building. Of particular importance in relation to this request is s16X of Part 4A of the *Regulation*.

Sections 16X(1) and (7) required the owner of a private building identified in s16V to give 3 documents to the QBCC by 3 May 2021, namely, a combustible cladding checklist (part 3), a building fire safety risk assessment, and a fire engineer statement. A failure by an owner to comply with s16X(1) attracts a maximum penalty of 165 penalty units. Further (and importantly, from a public safety perspective) the court has the power pursuant to [s16ZL of the Regulation](#) to order a building owner convicted of an offence against s16X(1) to obtain a building fire safety risk assessment and a fire engineer statement and provide those 2 documents to the QBCC in the approved way.

A number of private building owners throughout Queensland have failed to comply with their obligations under s16X(1) and the QBCC plans to prosecute them. Unfortunately, the prosecution power in [s256\(2\) of the Building Act 1975](#) does not contemplate offences against Part 4A of the *Building Regulation* 2006. However, a catch-all provision in s256(2)(k) provides that, for an offence other than those specifically mentioned in s256(2)(a)-(j), a local government or a person authorised by a local government may make a complaint under the *Justices Act* 1886.

DocuSign Envelope ID: 1F692DA3-BA83-41C2-A91F-59EBD514BAB6

**Authority from Whitsunday Regional Council to QBCC to Prosecute**

The QBCC plans to launch multiple summary prosecutions under the *Justices Act* 1886 for breaches of s16X(1). To do so, it requires the authorisation of each local government where a relevant *private building* as defined in s16O is located. Some owners of relevant private buildings in your local government area have failed to comply with their obligations under s16X(1).

Accordingly, in order for the QBCC to discharge its statutory functions, and to ensure the safety of Queenslanders from the dangers of combustible cladding, I hereby request that, pursuant to s256(2)(k) of the *Building Act* 1975, Council authorise the Commissioner of the QBCC to make complaints under the *Justices Act* in relation to breaches of s16X(1) of the *Building Regulation* 2006.

I seek a general authority from Council to prosecute breaches of s16X(1) rather than a specific authority relating to each private owner of a relevant private building. That is because there are several hundred relevant private buildings throughout the State and seeking specific authorities would be time consuming (strict time limits apply – see below) and a significant strain on the resources of both Council and the QBCC.

**Time Limit to Commence Prosecution – 3 May 2022**

There is very little time left to commence prosecutions because s256(1) of the *Building Act* sets a limitation period of 12 months after the commission of the offence or 6 months after the offence comes to the knowledge of the complainant, whichever is the later to expire. If the QBCC is authorised by Council to be the complainant, then the period expiring 6 months after the offence came to the knowledge of the QBCC arguably began on 4 May 2021, being the day after the compliance period ended on 3 May 2021. Consequently, the 6 month period would have expired in November 2021. Accordingly, the actual limitation period will expire on the later date of 3 May 2022, being 12 months after the commission of the offence.

**Resolution of Council**

I have been informed by the Chief Legal Officer of the QBCC that authority to prosecute may require a resolution passed at a sitting of Council. Given the impending expiration of the limitation period to commence prosecutions, I would be grateful if Council would give this request its urgent attention.

**Costs and Media**

All costs associated with the prosecutions will be met by the QBCC. Council will not be required to contribute to the costs of the prosecution, nor will Council be exposed to a costs order because the complaints under the *Justices Act* will be brought in the name of the QBCC. Further, any media statements will make it clear that the prosecutions are being brought by the QBCC.

Should you require any further information, please do not hesitate to contact me by email [QBCC.LegalBranch@qbcc.qld.gov.au](mailto:QBCC.LegalBranch@qbcc.qld.gov.au).

Yours faithfully,



**Amissa Levy**  
**Commissioner**  
**Queensland Building and Construction Commission**



**13.3.3 - 20210931 - Development Application for Preliminary Approval (Building Works) & Material Change of Use (Dwelling House) 18-20 Satinwood Court Airlie Beach - 5SP157788**

**DATE:** Wednesday 13 April 2022

**TO:** Ordinary Council Meeting

**AUTHOR:** Artiqua Harrison - Planner

**AUTHORISING OFFICER:** Neil McGaffin - Director Development Services

**PRESENTED FOR:** Decision

**ATTACHMENTS**

1. Conditions of Approval [13.3.3.1 - 4 pages]
2. Planning Assessment Report [13.3.3.2 - 5 pages]
3. Locality Plan [13.3.3.3 - 1 page]
4. Zoning Plan [13.3.3.4 - 1 page]
5. Plans [13.3.3.5 - 9 pages]
6. Submission Map [13.3.3.6 - 1 page]

**PURPOSE**

To present the assessment of the development application.

**OFFICER'S RECOMMENDATION**

That Council:

1. Approve the application for Preliminary Approval that is a Variation Request to the Whitsunday Regional Council Planning Scheme 2017 to vary the table of assessment for building works (Table 5.7.1) from Impact Assessable to Code Assessable where exceeding the maximum building height of 10m in the Low Density Residential Zone.
2. Approve the development application for Development Permit for Material Change of Use (Dwelling House), made by C M & E M Jensen, on Lot 5 SP157788 and located at 18-20 Satinwood Court Airlie Beach, subject to the conditions outlined in Attachment 1.

**BACKGROUND**

There is no previous Council decision relating to this matter.

**APPLICATION SUMMARY**

Council is in receipt of a Development Application for Preliminary Approval (Variation Request) & Development Permit for Material Change of Use of Premises for the construction of a dwelling house. The proposal exceeds the 10m building height of the zone, with a building height of 14.030m at its highest point. The proposed carport is located within the front setback nominated by the Queensland Development Code. The applicant has located the dwelling close to the front boundary in response to the extreme slope of the site. This siting allows for safer access to the building and minimises the maximum building height.

One (1) submission was received during the public notification period. The application is recommended for approval, subject to reasonable and relevant conditions.

## **STATUTORY/COMPLIANCE MATTERS**

Planning Act 2016  
Whitsunday Regional Council Planning Scheme 2017

## **STRATEGIC IMPACTS**

Process all statutory applications within statutory timeframes.

## **FINANCIAL IMPLICATIONS**

N/A

## **CONSULTATION**

Manager Development Assessment  
Technical Officer Engineering Assessment

## **RISK ASSESSMENT**

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

## **TIMINGS/DEADLINES**

A decision is required by 6 May 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.

## Attachment 13.3.3.1 Conditions of Approval

### **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                                   | Beachtech Designs  | 4729/ P1 Rev. E | 12 March 2022    |
| Floor Plan                                  | Beachtech Designs  | 4729/ P2 Rev. D | 9 September 2021 |
| Elevation 1                                 | Beachtech Designs  | 4729/ P3 Rev. E | 1 December 2021  |
| Elevation 2                                 | Beachtech Designs  | 4729/ P4 Rev. E | 1 December 2021  |
| Elevation 3                                 | Beachtech Designs  | 4729/ P5 Rev. E | 1 December 2021  |
| Elevation 4                                 | Beachtech Designs  | 4729/ P6 Rev. F | 1 December 2021  |
| Section AA                                  | Beachtech Designs  | 4729/ P7 Rev. G | 12 March 2022    |
| Section BB                                  | Beachtech Designs  | 4729/ P8 Rev. G | 12 March 2022    |
| Section CC                                  | Beachtech Designs  | 4729/ P9 Rev. G | 12 March 2022    |
| Preliminary Slope Stability Risk Assessment | Nepean Geotechnics | R21164. Rev 0   | December 2021    |

- 1.2 The following further development permits are required prior to commencement of work on site or commencement of the use:
- 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.
- 1.3 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.
- 1.4 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.
- 1.5 All conditions of this approval must be complied with in full to Council's satisfaction prior to 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.

## Attachment 13.3.3.1 Conditions of Approval

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 BUILDING**

- 3.1 Solid balustrades (e.g glass) are to be installed along the entire eastern deck of the dwelling.
- 3.2 Building and landscaping materials are not to be highly reflective, or likely to create glare, or slippery or otherwise hazardous conditions.
- 3.3 Buildings are to be finished with external building materials and colours to reduce scale and bulk.

### **4.0 EARTHWORKS**

- 4.1 All site works must be designed by an experienced and qualified Geotechnical Engineer and undertaken in accordance with the recommendations of the Geotechnical Investigation and Slope Stability Assessment Report by Nepean Geotechnics dated December 2021.
- 4.2 All cut/fill batter slopes are to be protected and retained in a visually acceptable manner prior to commencement of the use. Any retaining structures must be designed in accordance with the recommendations of the Geotechnical Investigation and Slope Stability Assessment Report by Nepean Geotechnics dated December 2021 and are stable and will remain so over the long term.
- 4.3 Prior to commencement of use on the site, the owner must lodge with Council, a geotechnical engineer's certification (by an experienced and qualified geotechnical engineer). The certification must be addressed to Council and must certify that the works have been constructed according to the geotechnical engineer's recommendations of the Geotechnical Investigation and Slope Stability report by Nepean Geotechnics dated December 2021 and are stable and will remain so over the long term.
- 4.4 Any application must be accompanied by engineering design drawings demonstrating compliance with the recommendations of the slope stability Assessment report by Nepean Geotechnics dated December 2021.

### **5.0 STORMWATER AND FLOODING**

- 5.1 All stormwater drainage works must be designed and constructed in accordance with the Queensland Urban Drainage Manual current at the time of development and Council's Development Manual (or equivalent replacement document current at the time of development).
- 5.2 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.

### **6.0 ENVIRONMENTAL MANAGEMENT PLAN (EMP)**

- 6.1 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.

The Erosion Prevention and Sediment Control Plan must comply with the requirements of the Whitsunday Regional Council Development Manual and the Best Practice Erosion & Sediment Control – November 2008 (IECA White Book) and the requirements of the Environmental Protection Act. The Erosion Prevention and Sediment Control Plan must include temporary and permanent erosion and sedimentation control methods, a plan showing the location of control devices and details of the maintenance program.

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).

### **7.0 GEOTECHNICAL**

## Attachment 13.3.3.1 Conditions of Approval

- 7.1 All site works must be designed and supervised by an experienced and qualified Geotechnical Engineer and undertaken in accordance with the recommendations of the Geotechnical Investigation and Stability Assessment by Nepean Geotechnics dated December 2021.
- 7.2 All cut/fill batter slopes are to be protected and retained in a visually acceptable manner prior to commencement of the use. Any retaining structures must be designed in accordance with the recommendations of the Geotechnical Investigation and Stability Assessment by Nepean Geotechnics dated December 2021 and are stable and will remain so over the long term.
- 7.3 Prior to commencement of use on the site, the owner must lodge with Council, an engineer's certification (by an experienced and qualified RPEQ Geotechnical Engineer). The certification must be addressed to Council and must certify that the works have been constructed according to the geotechnical engineer's recommendations of the Geotechnical Investigation and Stability Assessment by Nepean Geotechnics dated December 2021 and are stable and will remain so over the long term.
- 7.4 Any application must be accompanied by engineering design drawings demonstrating compliance with the recommendations of the Geotechnical Investigation and Stability Assessment by Nepean Geotechnics dated December 2021.

### **8.0 MISCELLANEOUS**

- 8.1 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](http://www.datsip.qld.gov.au)

- 8.2 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.
- 8.3 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 Satinwood Court or adjoining land unless written permission from the owner of that land and Council is provided.
- 8.4 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.
- 8.5 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.

### **9.0 ADVISORY NOTES**

- 9.1 The applicant is reminded of their obligations set out in the Covenant (ESP157787).

- 9.2 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.

- 9.3 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



## Attachment 13.3.3.1 Conditions of Approval

dust, ash, fumes, light, odour or smoke beyond the boundaries of the property during all stages of the development including earthworks and construction.

### 9.4 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.

### 9.5 Noise During Construction and Noise in General

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

### 9.6 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.

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

**20210931 – DEVELOPMENT APPLICATION FOR PRELIMINARY APPROVAL (VARIATION REQUEST) & DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE OF PREMISES – DWELLING HOUSE, 18-20 SATINWOOD COURT, AIRLIE BEACH, C M JENSEN & E M JENSEN C/- WYNNE PLANNING & DEVELOPMENT PTY LTD**

---

**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 Application for Preliminary Approval (Variation Request – Building Works) & Development Permit for Material Change of Use of Premises – Dwelling House |
| Landowner               | C M & E M Jensen                                                                                                                                                   |
| Property Address:       | 18-20 Satinwood Court Airlie Beach                                                                                                                                 |
| Property Description:   | L: 5 SP: 157788 CTS: COV E/SP157787                                                                                                                                |
| Area of Site:           | 1733                                                                                                                                                               |
| Planning Scheme Zone:   | Low density residential,                                                                                                                                           |
| Level of assessment     | Impact assessable                                                                                                                                                  |
| Overlays:               | Landslide Hazard Overlay<br>Bushfire hazard Overlay                                                                                                                |
| Existing Use:           | Vacant                                                                                                                                                             |
| Existing Approvals:     | Nil.                                                                                                                                                               |
| Public Notification:    | 20 January 2022 – 8 March 2022                                                                                                                                     |
| Submissions received:   | One (1)                                                                                                                                                            |
| State referrals:        | N/A                                                                                                                                                                |
| Infrastructure charges: | Nil.                                                                                                                                                               |

**2. Site Details**

**2.1. Location (refer to plan in attachment)**

The premises is located at 18-20 Satinwood Court, Airlie Beach.

**2.2. Zoning**

The premises is within the Low density residential zone.

**2.3. Site description**

The site is steep with a grade of 41%. The site falls from the front of the site to the rear (south to north). A covenant is registered over the site, excluding only an area for the building envelope, protecting identified areas of environmental significance.

**2.4. Access**

Access is gained via Satinwood Court which is a private road under body corporate control.

2.5. Surrounding uses

The site is surrounded by low density residential land. The adjoining sites are currently vacant.

**3. Proposal Details**

The application involves a preliminary approval (variation request) for a proposed dwelling with a maximum height of 14.030 metres at the highest point. The relevant acceptable outcome is 10.0m. The application also seeks a reduced front set back to enable a suitable grade of access to the garage.

**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)

Not Applicable.

4.2. State Planning Policy – July 2017

The Whitsunday Regional Council Planning Scheme, 2017 has been assessed by the State government to adequately reflect state interests included in the State Planning Policy 2017.

There are no applicable elements of the SPP to the proposed development.

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

Liveable communities and housing

The proposal is considered consistent with the liveable communities and housing element of the strategic framework. The subject site is consistent with the desired settlement pattern of the region.

Economic growth

No applicable.

Environment and heritage

The strategic framework outlines that the core landscape values within the Region are to be protected. The property is subject to an environmental covenant, protecting identified areas of environmental significance. The covenant will also aid in screening

the building when viewed from Shute Harbour Road and boating routes along the coastline.

### Satiety and resilience to hazards

The site is affected by landslide hazard. A geotechnical investigation has been undertaken as part of the application.

### Infrastructure

The proposal supports the coordinated, efficient and orderly provision of the region's infrastructure.

#### 4.4.2. Overlay Codes

##### Landslide Hazard Overlay

The applicant has provided a Geotechnical Investigation and Stability Assessment by Nepean Geotechnics meeting the requirements of the Code. Development conditions can be implemented to ensure compliance with the recommendations of the report at building works stage.

##### Bushfire Hazard Overlay

The bushfire hazard overlay mapping identifies medium bushfire hazard over the site. A Bushfire Attack Level report will be required to determine any requirements under the Building Code to support a building works application.

#### 4.4.3. Zone Code

##### Low Density Residential Zone Code

The proposal is consistent with the purpose of the zone as it provides for a residential use in the form of a dwelling house. The proposal is consistent with all overall outcomes of the zone except for overall outcome (h) which nominates a maximum building height of 10 metres above ground level. The maximum building height of the dwelling is 14.030 metres. The building height is exceeded at the rear of the building, where the ground level is the lowest, due to the extreme slope of the land.

#### 4.4.4. Development Code

##### Dwelling House Code

The proposal is considered to be consistent with the Performance Outcomes of the Dwelling house code.

The proposed garage does not achieve compliance with the front setbacks nominated in the acceptable outcomes of the code. The proposal seeks to locate the garage 0.650 metres from the front boundary, in lieu of 6 metres. The performance outcomes of the code allow structures to be located within the front boundary setback where the following is achieved:

*The location of a building or structure facilitates an acceptable streetscape, appropriate for:*

- (a) the bulk of the building or structure; and*
- (b) the road boundary setbacks of neighbouring buildings or structures; and*
- (c) the outlook and views of neighbouring residents; and*
- (d) nuisance and safety to the public.*

The proposed garage is considered to comply with the above performance criteria. The location of the garage responds suitably to the heavily constrained site and provides for safe access of Satinwood Court. The setback is considered consistent with that of other approved dwelling houses along Satinwood Court where structures have been required to be brought closer to the front boundary due to the extremely steep terrain. Additionally, bringing the building closer to the front boundary reduces the maximum height of the structure.

The proposed dwelling exceeds the permitted maximum building height of 10m, at the rear of the building where the ground level of the building envelope is lowest in elevation. The building envelope has a steep grade of 41%. The average building height of the proposed dwelling is approximately 9.7m. It is considered that the excess height is acceptable on the basis it will not unreasonably overshadow adjoining properties, unreasonable obstruct views or dominate the streetscape. It is considered that the environmental covenant will aid in softening the buildings appearance when viewed from the ocean and the Airlie Beach centre along with protecting the privacy and amenity of neighbouring residents. All remaining requirements of the Code are met by the development.

## 5. Public Submissions

The development application was placed on public notification between 20/01/2022 and 08/03/2022 in accordance with the relevant provisions of the Planning Act 2016. The Notice of Compliance was received 17 March 2022. One (1) submission was received during this period of Public Notification.

Submissions have been received and summarised in the below table:

| Issue                                                                                                                                                      | Comment/Condition Number                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. The location of the outdoor entertainment area (deck and pool) and the potential to cause privacy, overlooking and amenity issues in relation to noise. | The proposal is compliant with side setback requirements nominated by the Queensland Development Code. An environmental covenant separates the subject site and the adjoining land parcels along majority of the side boundary. It is recommended that a condition of approval is imposed to ensure the entire eastern deck has balustrades made from a solid material (e.g. glass) to minimise impacts on the neighbour. |
| 2. Potential for covenanted vegetation to be removed or damaged during building construction.                                                              | Should the application be granted approval, the applicant will be reminded of their responsibilities as per the covenant.                                                                                                                                                                                                                                                                                                 |
| 3. Lack of screening of the under-croft area and potential impact on amenity of                                                                            | Noted. It is considered that the environmental covenant will aid in screening the under croft of the dwelling.                                                                                                                                                                                                                                                                                                            |

|                                                      |  |
|------------------------------------------------------|--|
| neighbouring residents and views from Airlie Summit. |  |
|------------------------------------------------------|--|

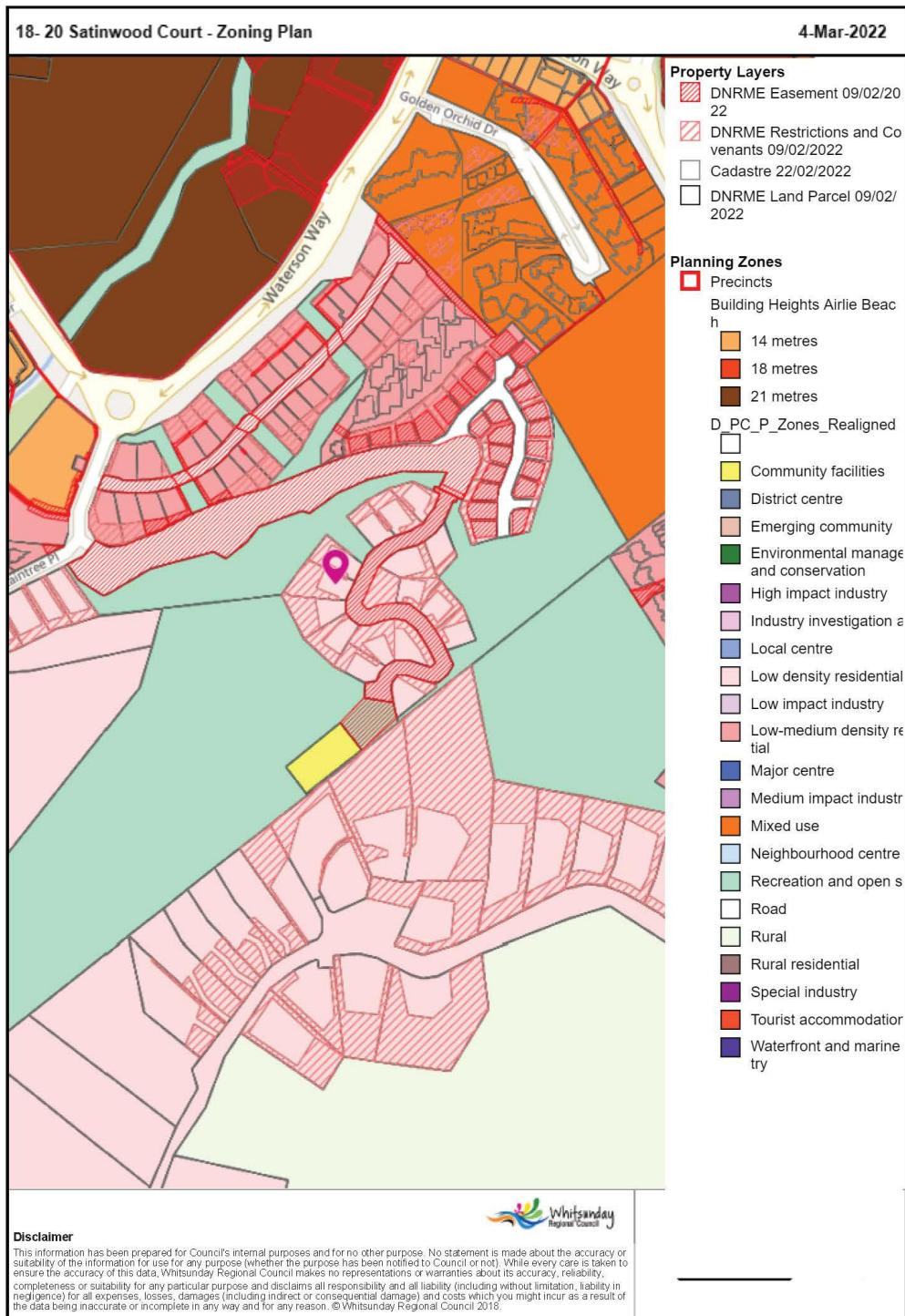
**6. Infrastructure Charges**

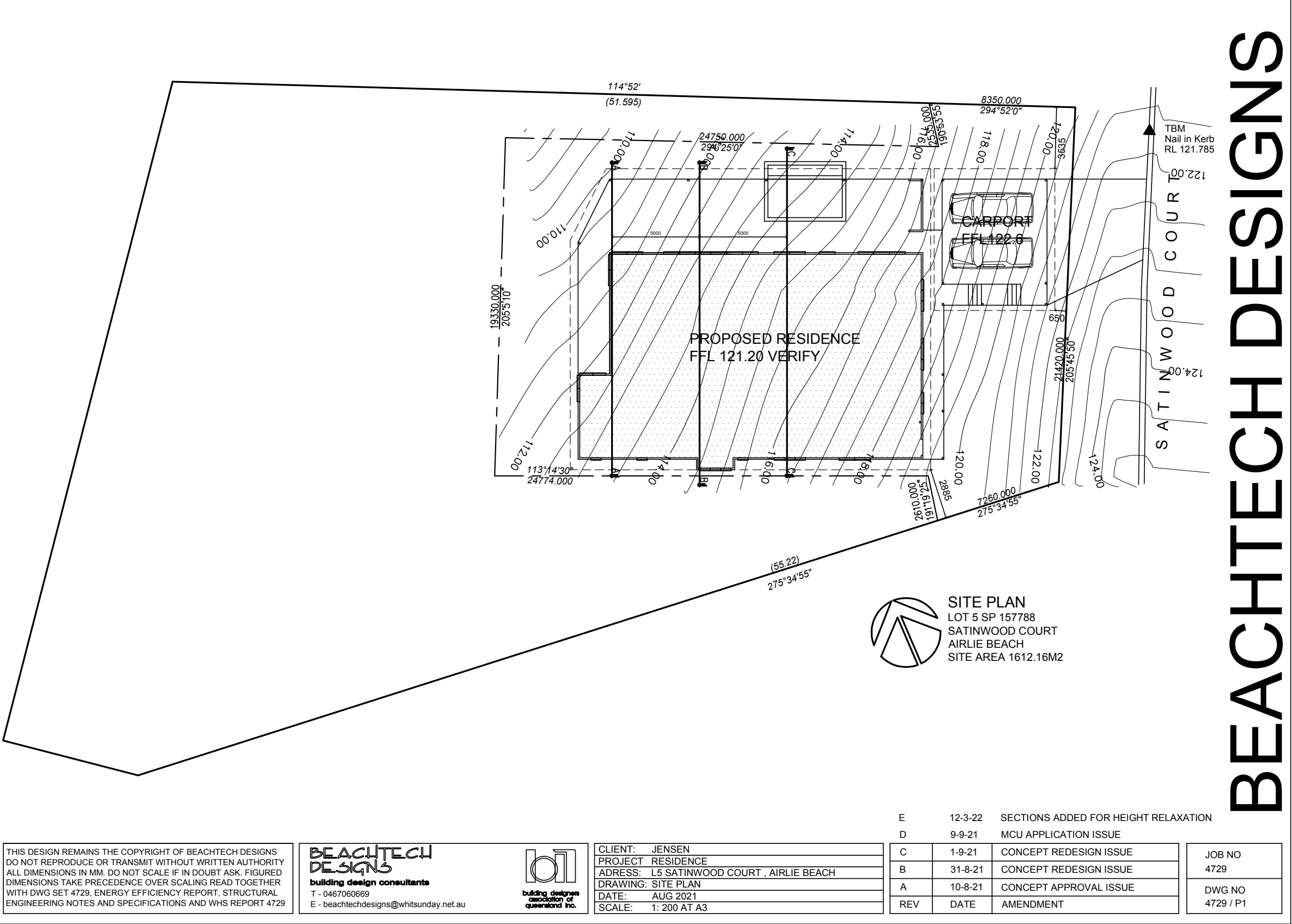
6.1. Adopted Infrastructure Charges Resolution

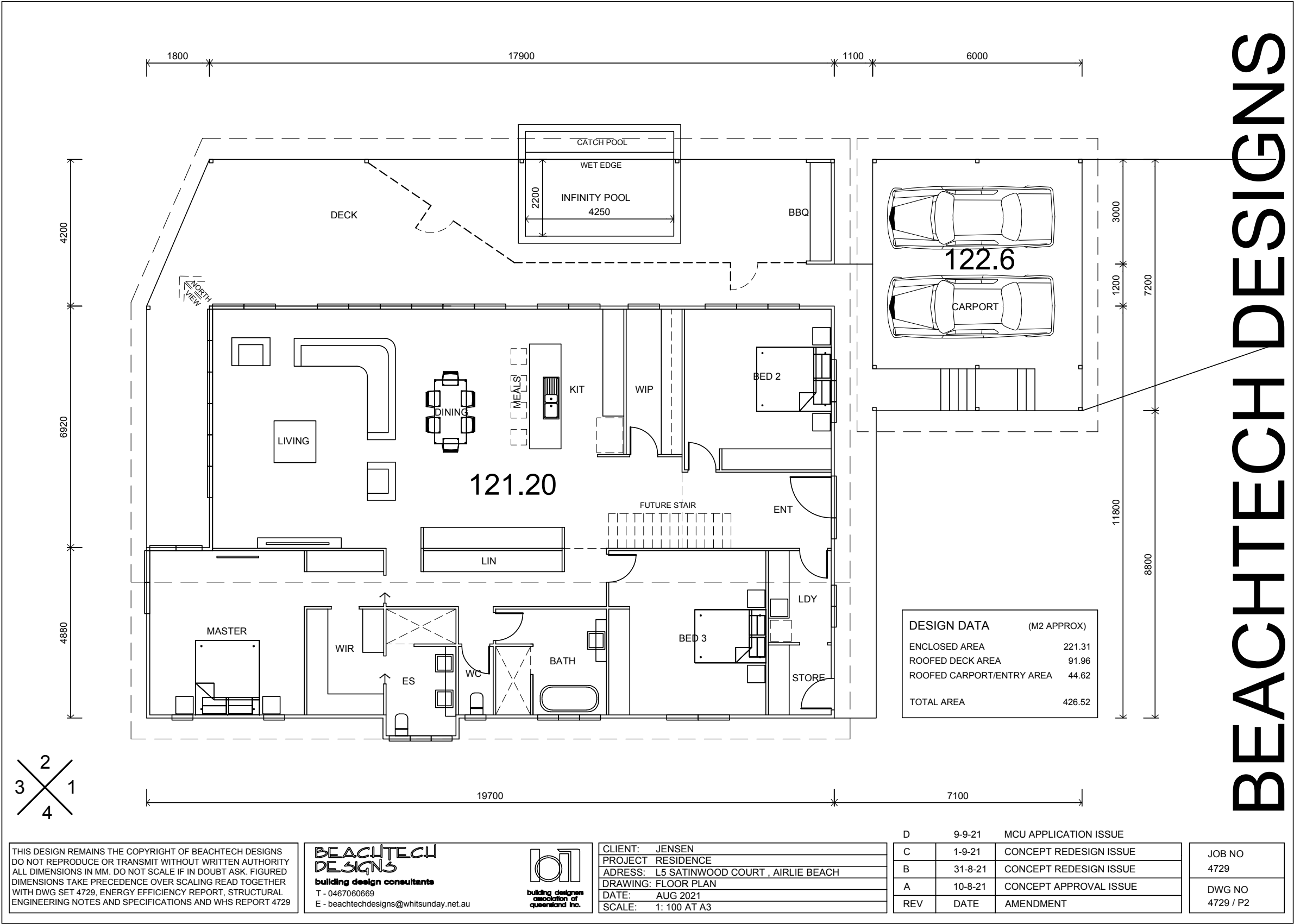
The development does not attract an infrastructure charge.

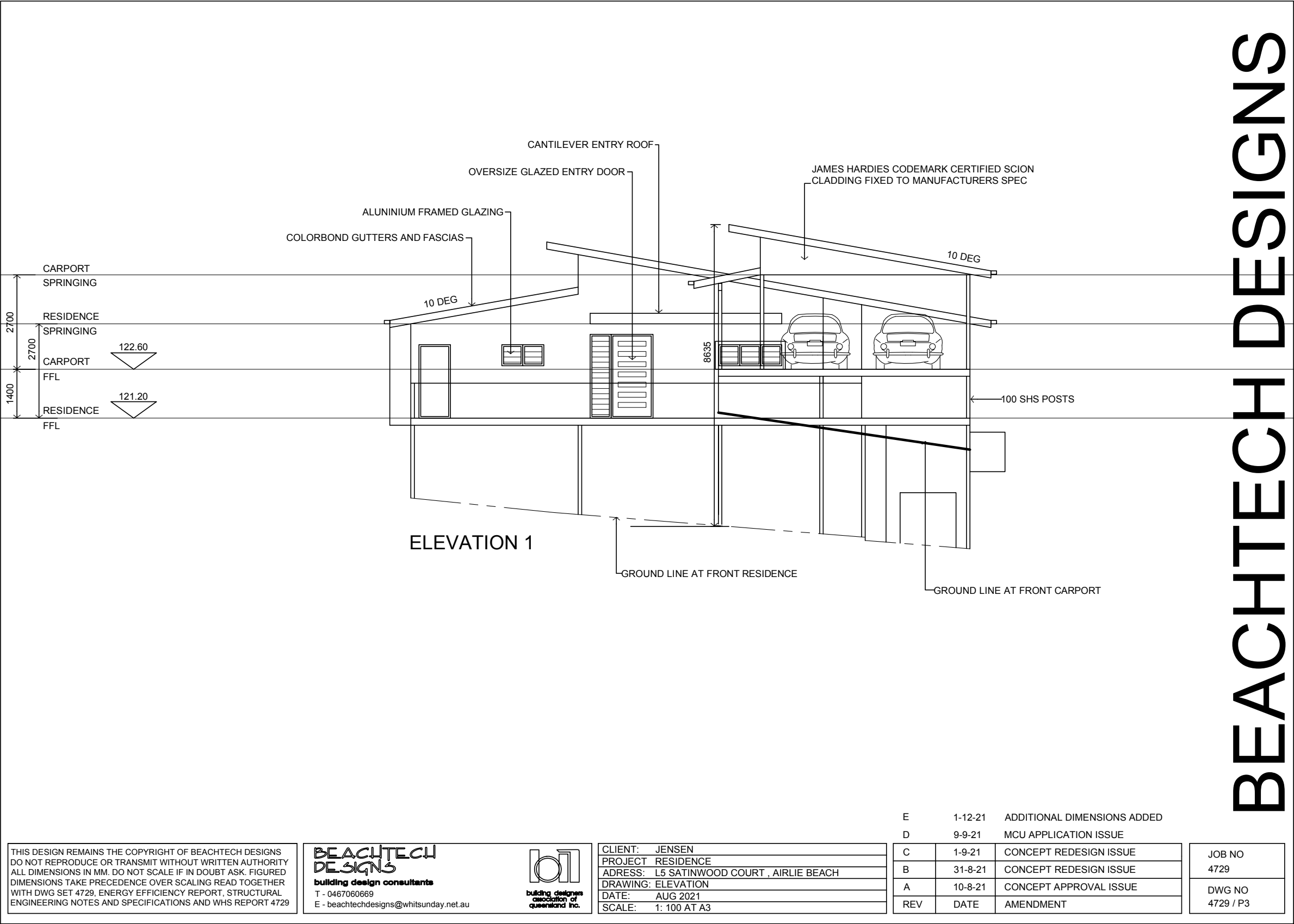


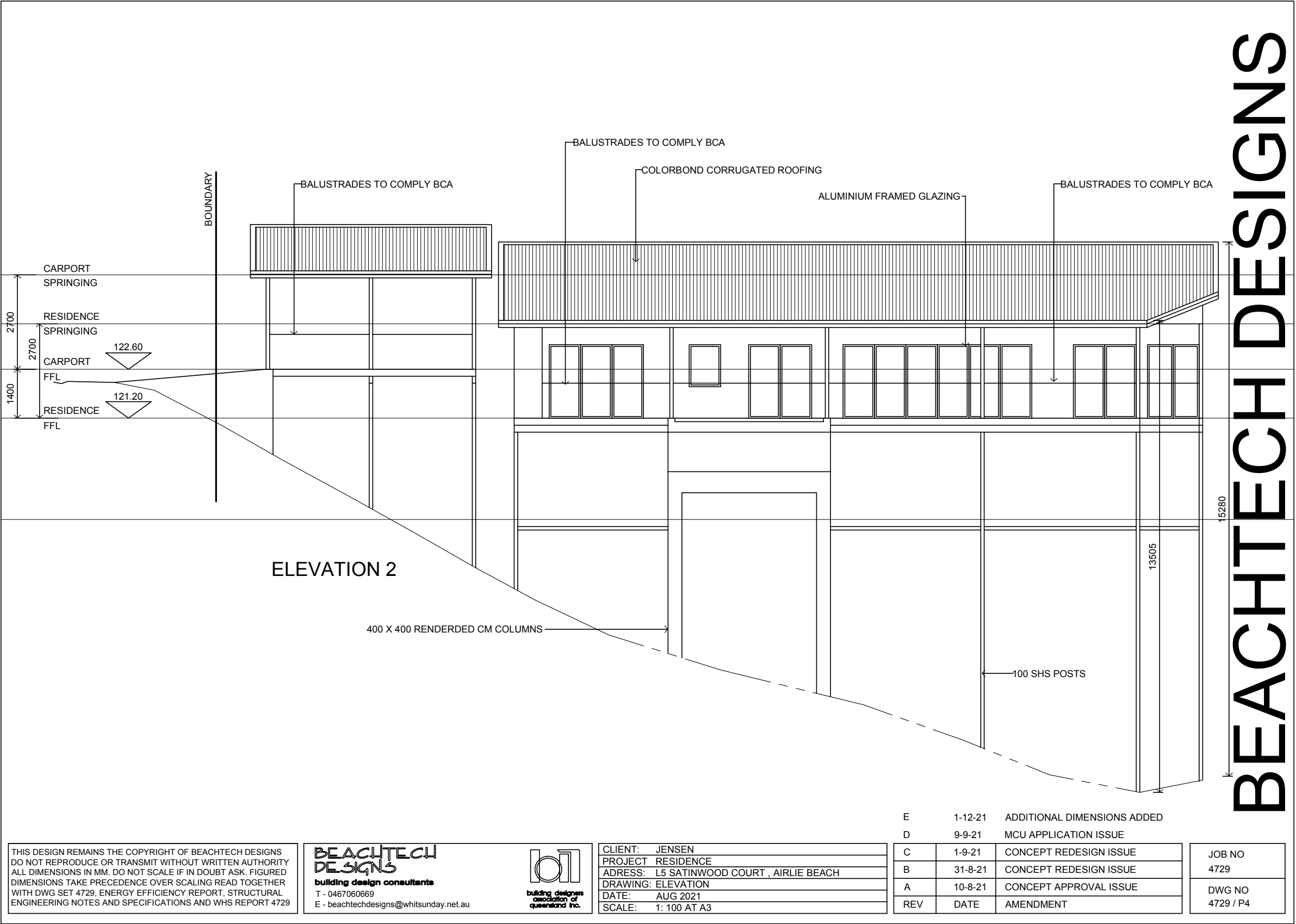




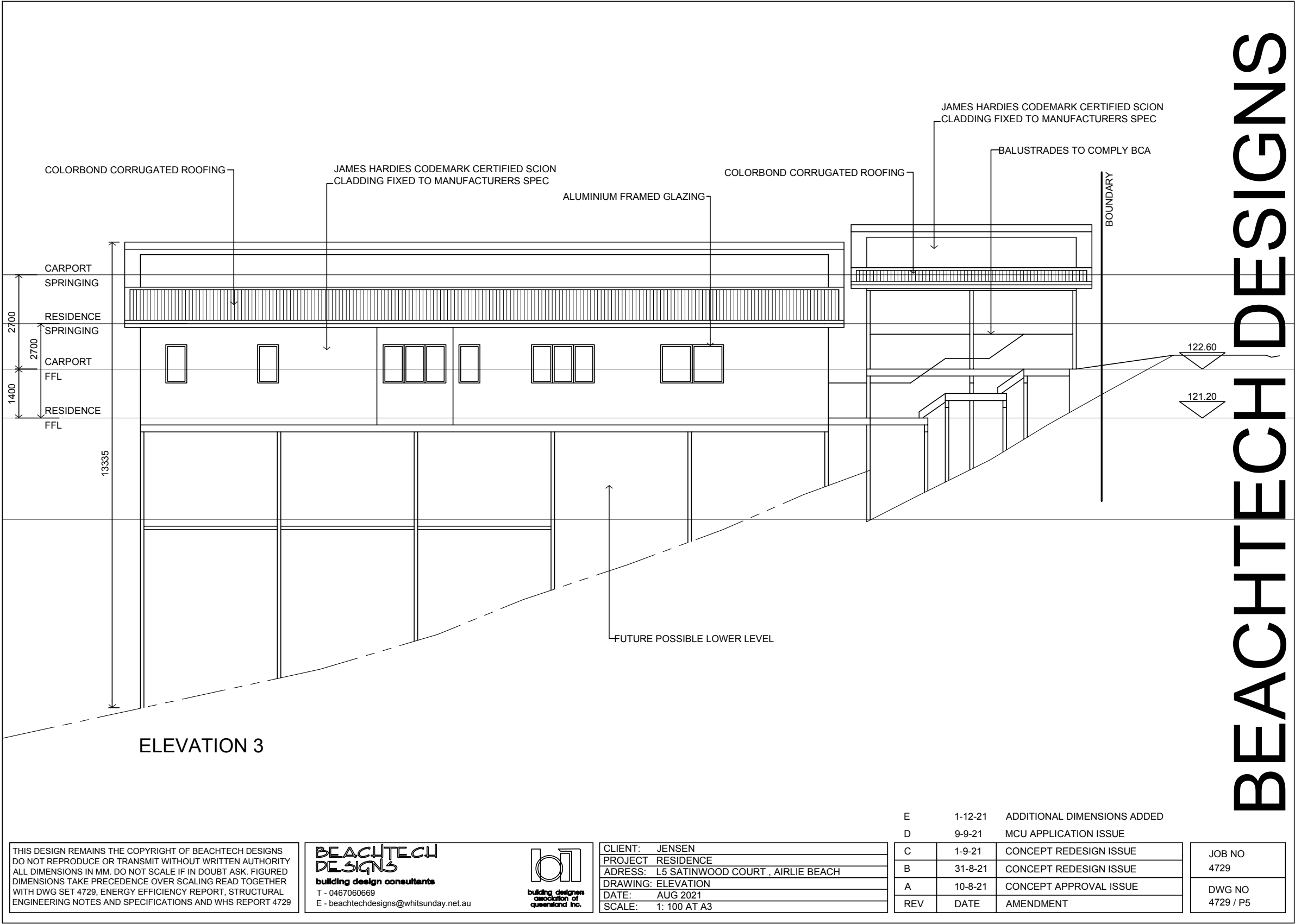


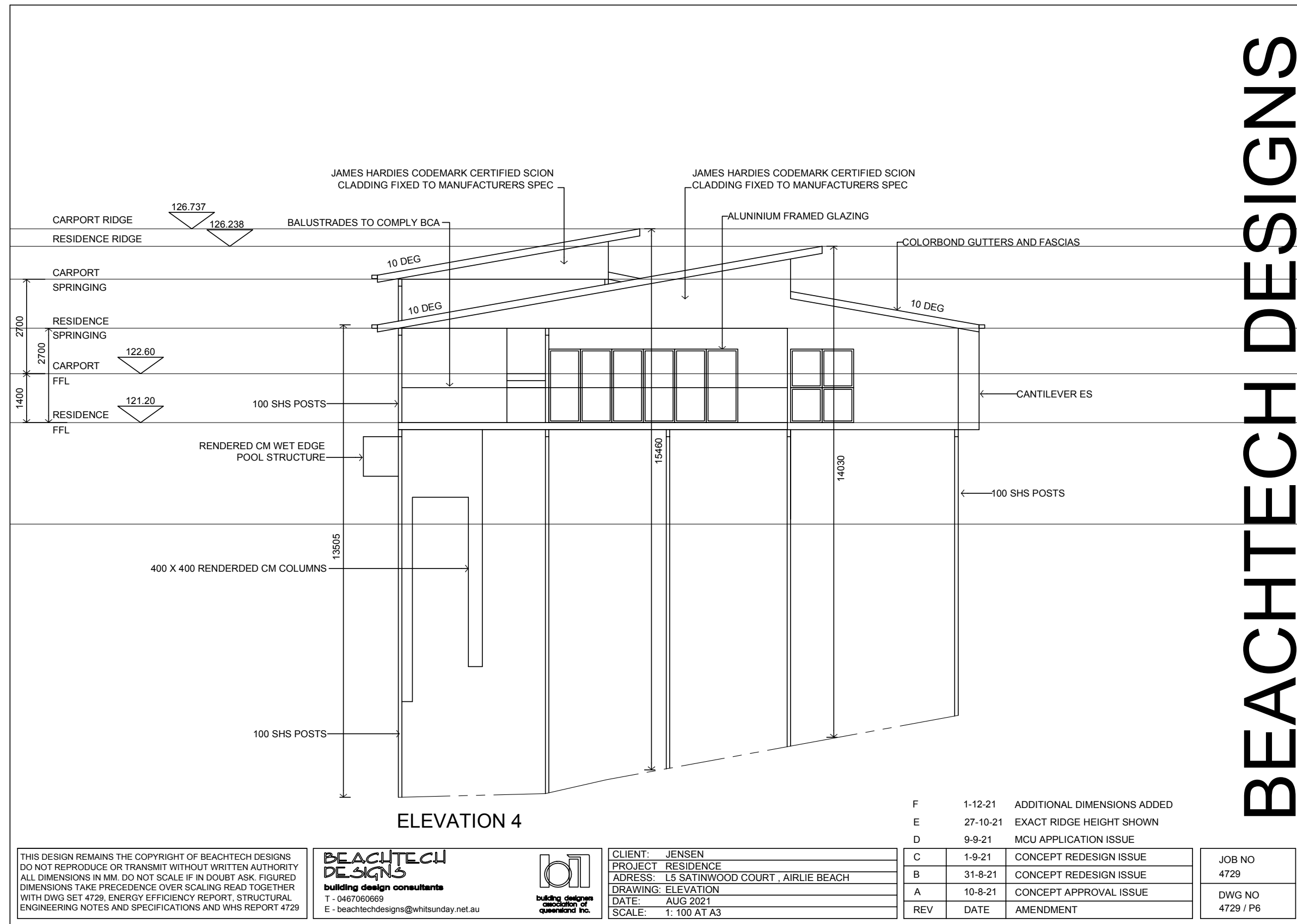


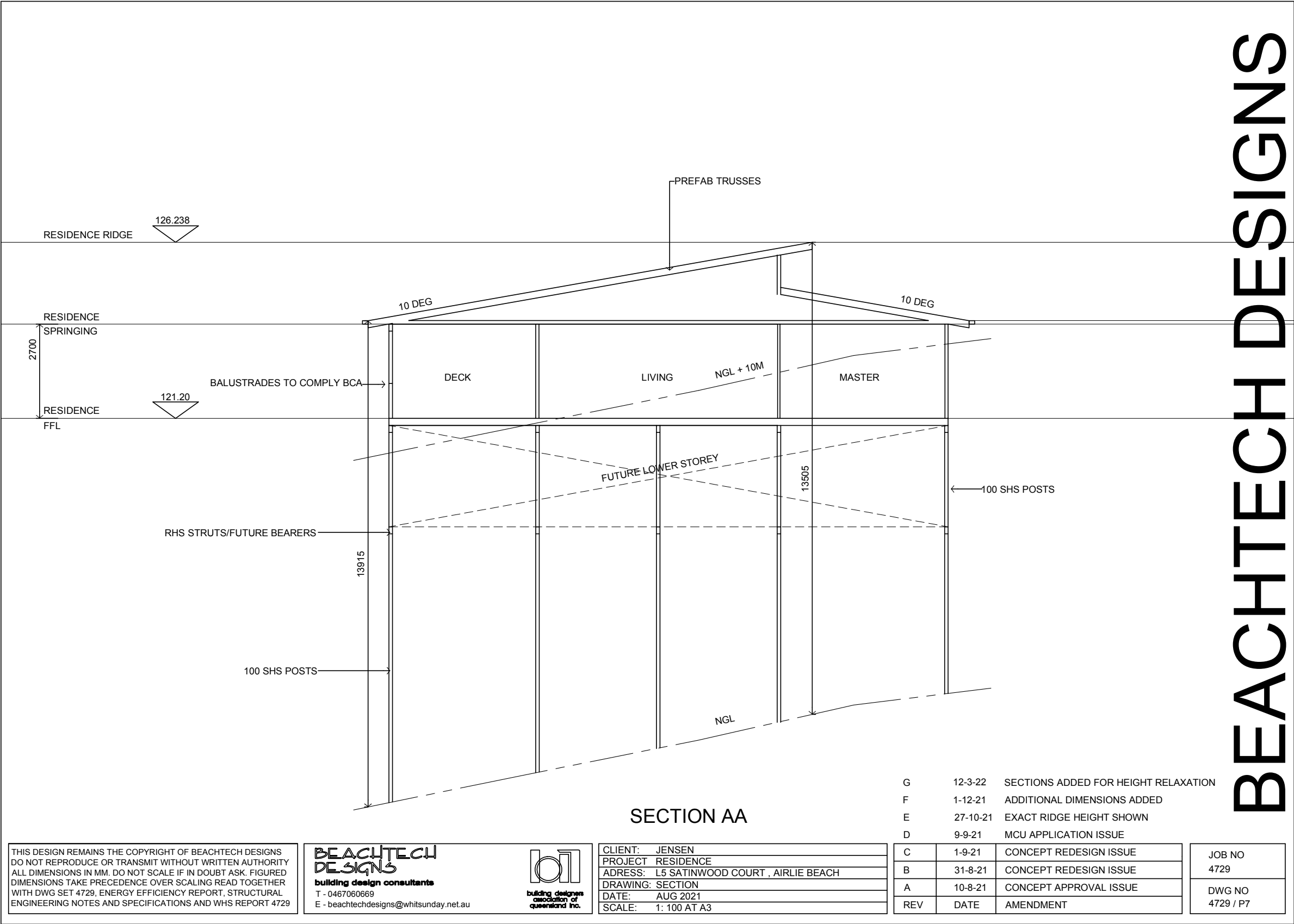




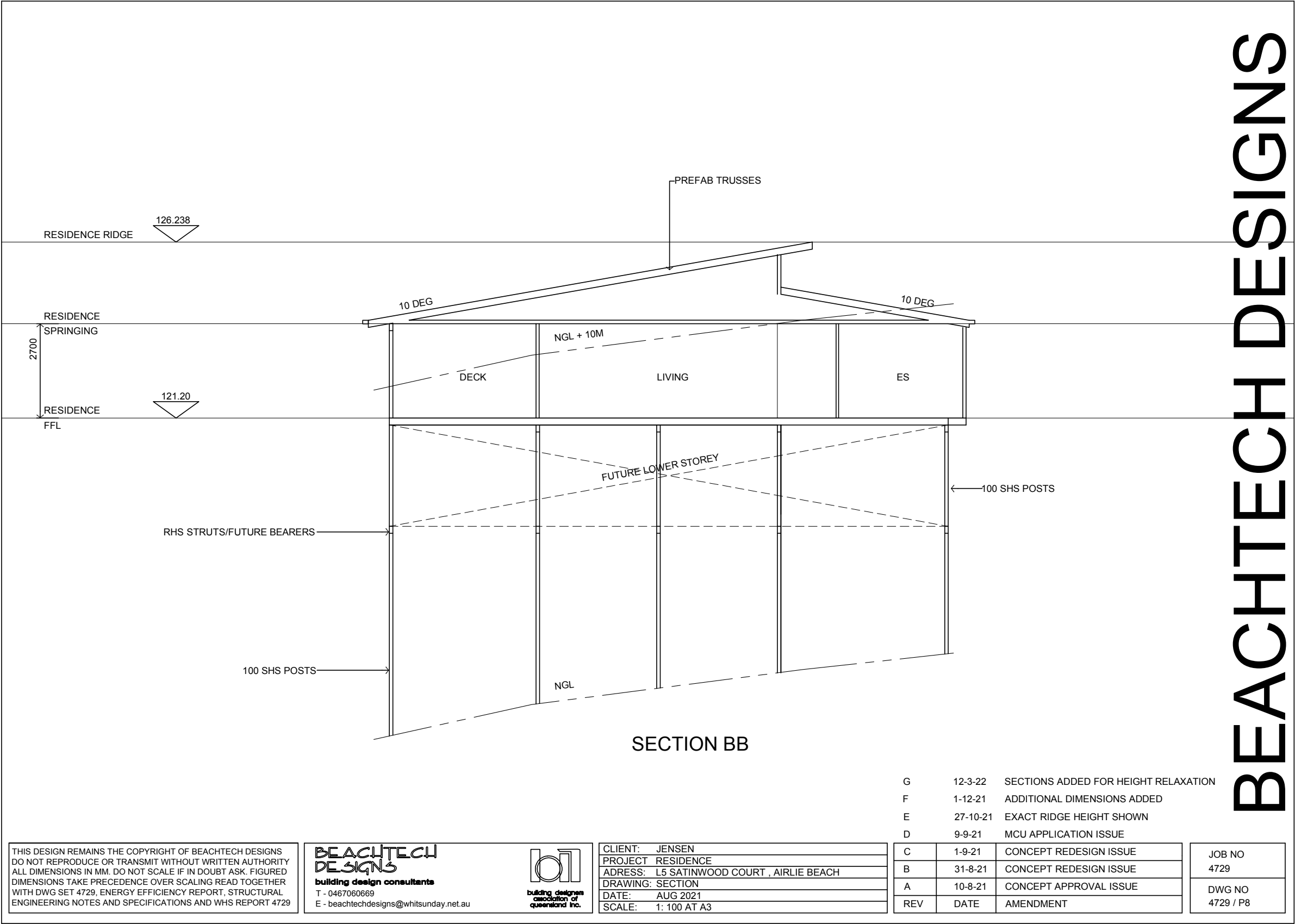


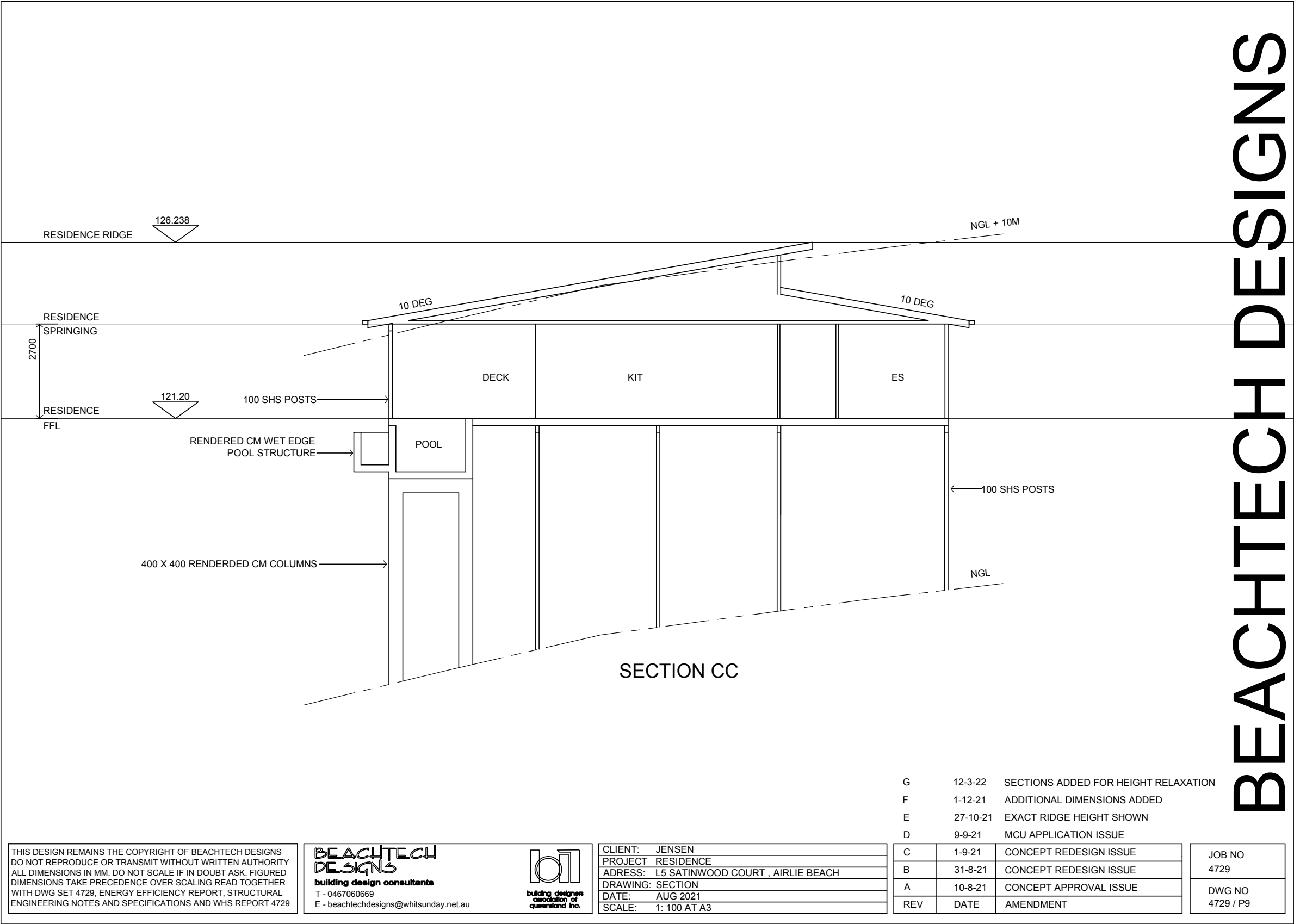


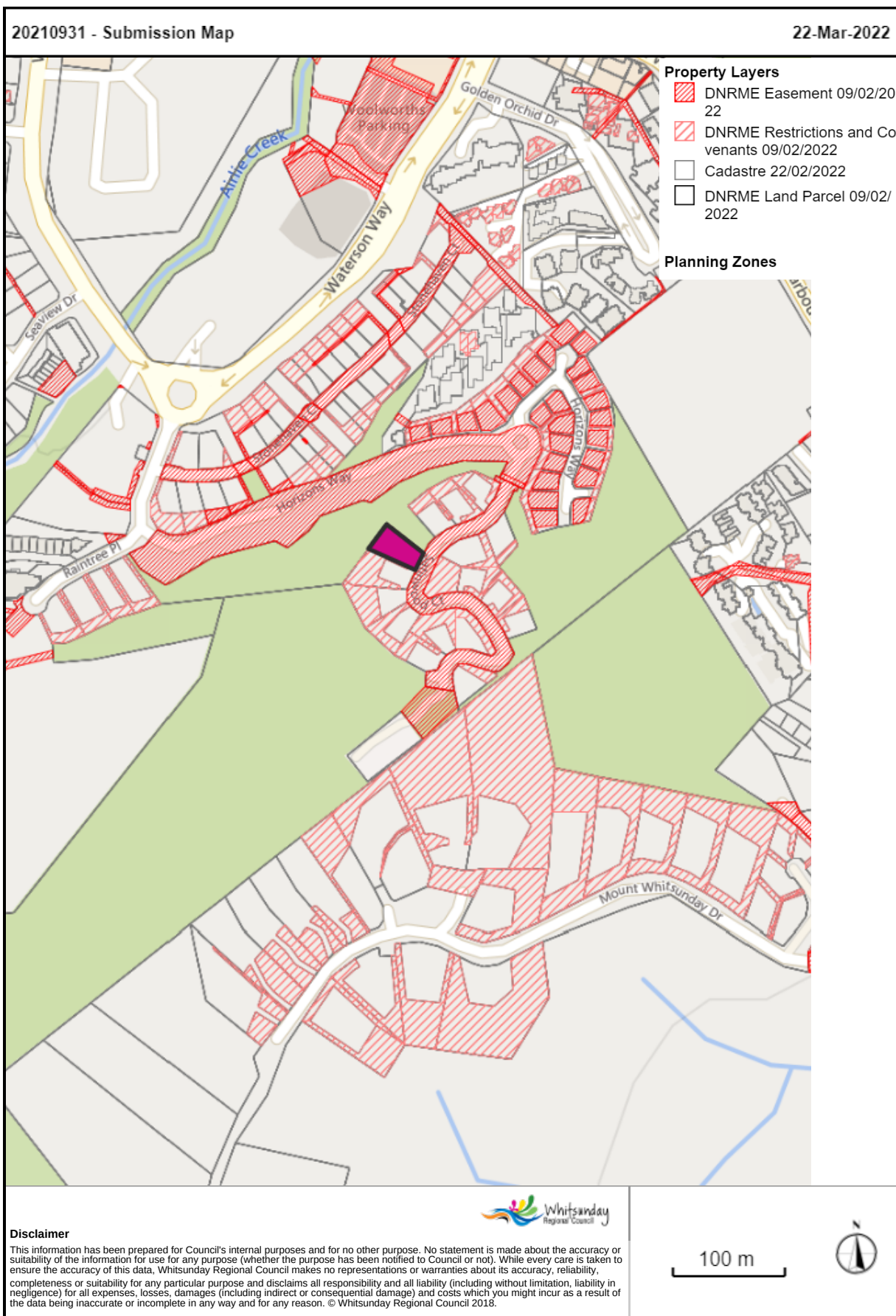




BEACHTECH DESIGNS









**13.3.4 - 20210930 - Development Application for Preliminary Approval (Variation Request: Building Works Tables of Assessment), Material Change of Use for a Dwelling House and Material Change of Use for Short-term Accommodation**

**DATE:** Wednesday 13 April 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 [13.3.4.1 - 5 pages]
2. Planning Assessment Report [13.3.4.2 - 5 pages]
3. Locality Plan [13.3.4.3 - 1 page]
4. Zoning Plan [13.3.4.4 - 1 page]
5. Proposal Plans [13.3.4.5 - 15 pages]

**PURPOSE**

To present the assessment of the development application.

**OFFICER'S RECOMMENDATION**

That Council:

1. Approve the Development Application for Preliminary Approval (Variation Request: Building Works - Tables of Assessment, height of the building).
2. Approve the Development Application for Material Change of Use for a Dwelling House (front and side setback variations).
3. Approve the Development Application for Material Change of Use for Short-term Accommodation.

Made by Quattro Investment Properties Pty Ltd as TTE C/- Wynne Planning & Development Pty Ltd, on L: 6 SP: 157788 CTS: COV F/SP157787 and located at 22 Satinwood Court- Private AIRLIE BEACH, subject to the conditions outlined in Attachment 1.

**BACKGROUND**

There is no previous Council decision relating to this matter.

**APPLICATION SUMMARY**

Council is in receipt of a Development Application that can be separated into the following three aspects:

1. Development Application for Preliminary Approval (to vary the Building Works Tables of Assessment in relation to the height of the building).
2. Development Application for Material Change of Use of premises for a Dwelling House to relax the front and side setbacks.

3. Development Application for Material Change of Use of premises for Short-term Accommodation.

The Preliminary Approval aspect and consequent Material Change of Use for a Dwelling House aspect relate to non-compliances with the Dwelling House Code regarding the proposed height and setbacks of the dwelling. The proposed dwelling house has a maximum proposed height of 10.88m and has been positioned closer to the front and side setbacks to cater for the site's average grade being 33%. Four (4) submissions were received during the submission period. All submissions were from lot owners within the Horizons Body Corporate and all of their concerns were relating to the Short-term Accommodation aspect of the application. The application is recommended for approval, subject to reasonable and relevant conditions.

### **STATUTORY/COMPLIANCE MATTERS**

Planning Act 2016

Whitsunday Regional Council Planning Scheme 2017

### **STRATEGIC IMPACTS**

Process all statutory applications within statutory timeframes.

### **FINANCIAL IMPLICATIONS**

N/A

### **CONSULTATION**

Manager Development Assessment

Assets Technical Officer – Roads & Drainage

Senior Technical Officer Engineering Assessment

### **RISK ASSESSMENT**

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

### **TIMINGS/DEADLINES**

A decision is required by **29 April 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.

## Attachment 13.3.4.1 Conditions of Approval

### **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                                   | Beachtech Designs  | 4728 / P1   | 07/09/2021   |
| Upper Level Floor Plan                      | Beachtech Designs  | 4728 / P2   | 07/09/2021   |
| Lower Floor Plan                            | Beachtech Designs  | 4728 / P3   | 07/09/2021   |
| Elevation                                   | Beachtech Designs  | 4728 / P4   | 07/09/2021   |
| Elevation                                   | Beachtech Designs  | 4728 / P5   | 07/09/2021   |
| Elevation                                   | Beachtech Designs  | 4728 / P6   | 07/09/2021   |
| Elevation                                   | Beachtech Designs  | 4728 / P7   | 07/09/2021   |
| Preliminary Slope Stability Risk Assessment | Nepean Geotechnics | R21071      | 23 June 2021 |
| Holiday Home Site Plan                      | Applicant          | N/A         | N/A          |
| Holiday Home Floor Plans                    | Applicant          | N/A         | N/A          |
| Code of Conduct                             | Applicant          | N/A         | N/A          |
| Property Management Plan                    | Applicant          | N/A         | N/A          |
| Fire and Emergency Plan                     | Applicant          | N/A         | N/A          |

- 1.2 The following further development permits are required prior to commencement of work on site or commencement of the use:
- Plumbing and Drainage Works; and
  - Building Works.
- 1.3 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.
- 1.4 All conditions of this approval must be complied with in full to Council's satisfaction prior to the commencement of the use.
- 1.5 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.
- 2.3 Any pruning works must be in accordance with AS 4373-1996 – Pruning of Amenity Tree.

## Attachment 13.3.4.1 Conditions of Approval

### **3.0 BUILDING**

- 3.1 Building and landscaping materials are not to be highly reflective, or likely to create glare, or slippery or otherwise hazardous conditions.
- 3.2 Building and landscaping materials are not to be highly reflective, or likely to create glare, or slippery or otherwise hazardous conditions.
- 3.3 Buildings are to be finished with external building materials and colours to reduce scale and bulk.
- 3.4 The maximum permissible building height of the dwelling is 10.88m.
- 3.5 The applicant is to upgrade fire safety measures to the equivalent requirement of a long-term rental property.

### **4.0 ACCESS AND PARKING**

- 4.1 A minimum of three (3) car parking spaces must be provided on site prior to commencement of the use.
- 4.2 On-site parking spaces must be located entirely on the site, be safe and practical to use, and enable cars to enter and exit the site without endangering pedestrians or vehicles.

### **5.0 OPERATING PROCEDURES**

- 5.1 Prior to commencement of the use, the applicant must advise Council of the name and contact details of the appointed local property manager who will manage the operations of the development.
- 5.2 The nominated property manager must sign and provide to Council, a Statutory Declaration affirming that at all times during the operation of the Short-term accommodation, the property manager will undertake the following actions:
  - a) Display a sign including the name of the property manager and their all-hours contact phone number. The sign is to be no larger than 0.3 square meter in sign face area, professionally made and weather-proof. For a unit, this sign can be displayed on the door of the unit. For a dwelling house, the sign must be displayed where it can be clearly read by the public.
  - b) Prior to the commencement of the use, inform in writing, the occupants of every neighbouring dwelling that the property has been approved for short-term accommodation and provide contact details including a 24-hour contact number.
  - c) Establish and maintain an accommodation register, recording names and contact details of all guests and duration of stay. The register must also include details of any complaints received and a copy of the signed acceptance of the Code of Conduct document. This register is to be provided to Council on request.
  - d) Prepare a Code of Conduct which must be provided to and agreed-to in writing by all adult guests prior to occupation. The Code of Conduct must include as a minimum:
    - i. The maximum permitted number of overnight guests on any one day.
    - ii. A set of 'good neighbour' rules, to prevent anti-social behaviour and excessive noise after 9pm, in accordance with Schedule 1 of Environmental Protection (Noise) Policy 2019.
    - iii. Information for guests, including the 24-hour contact details of the nominated property manager, on-site carparking and waste bin arrangements.
    - iv. Rules requiring eviction or forfeiture of money in the event of a significant breach of the Code of Conduct.
  - e) To meet and greet every guest prior to occupation (in person or electronically) to explain the Code of Conduct and other applicable rules.
  - f) To have two (2) 24-hour contact number that must be answered, not with a recorded

## Attachment 13.3.4.1 Conditions of Approval

message.

- g) To attend to any complaint about anti-social guest behaviour reported to the contact number, within 20 minutes. Agent response may include attendance by a private security firm.
  - h) To immediately evict any guests whose behaviour repeatedly breaches the Code of Conduct.
- 5.3 A maximum of eight (8) overnight guests (two guests per bedroom, maximum four bedrooms) will be permitted to stay in short-term accommodation at any one time.

### **6.0 EARTHWORKS**

- 6.1 All site works must be designed by an experienced and qualified Geotechnical Engineer and undertaken in accordance with the recommendations of the Geotechnical Investigation and Slope Stability Assessment Report by Nepean Geotechnics dated June 2021.
- 6.2 All cut/fill batter slopes are to be protected and retained in a visually acceptable manner prior to commencement of the use. Any retaining structures must be designed in accordance with the recommendations of the Geotechnical Investigation and Slope Stability Assessment Report by Nepean Geotechnics dated June 2021 and are stable and will remain so over the long term.
- 6.3 Prior to commencement of use on the site, the owner must lodge with Council, a geotechnical engineer's certification (by an experienced and qualified geotechnical engineer). The certification must be addressed to Council and must certify that the works have been constructed according to the geotechnical engineer's recommendations of the Geotechnical Investigation and Slope Stability report by Nepean Geotechnics dated June 2021 and are stable and will remain so over the long term.
- 6.4 Any application must be accompanied by engineering design drawings demonstrating compliance with the recommendations of the slope stability Assessment report by Nepean Geotechnics dated June 2021.

### **7.0 STORMWATER AND FLOODING**

- 7.1 All stormwater drainage works must be designed and constructed in accordance with the Queensland Urban Drainage Manual current at the time of development and Council's Development Manual (or equivalent replacement document current at the time of development).
- 7.2 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.

### **8.0 ENVIRONMENTAL MANAGEMENT PLAN (EMP)**

- 8.1 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. The Erosion Prevention and Sediment Control Plan must comply with the requirements of the Whitsunday Regional Council Development Manual and the Best Practice Erosion & Sediment Control – November 2008 (IECA White Book) and the requirements of the Environmental Protection Act. 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).

### **9.0 GEOTECHNICAL**

- 9.1 All site works must be designed and supervised by an experienced and qualified Geotechnical Engineer and undertaken in accordance with the recommendations of the Geotechnical Investigation and Stability Assessment by Nepean Geotechnics dated 23 June 2021.
- 9.2 All cut/fill batter slopes are to be protected and retained in a visually acceptable manner prior to commencement of the use. Any retaining structures must be designed in accordance with the



## Attachment 13.3.4.1 Conditions of Approval

recommendations of the Geotechnical Investigation and Stability Assessment by Nepean Geotechnics dated 23 June 2021 and are stable and will remain so over the long term.

- 9.3 Prior to commencement of use on the site, the owner must lodge with Council, an engineer's certification (by an experienced and qualified RPEQ Geotechnical Engineer). The certification must be addressed to Council and must certify that the works have been constructed according to the geotechnical engineer's recommendations of the Geotechnical Investigation and Stability Assessment by Nepean Geotechnics dated 23 June 2021 and are stable and will remain so over the long term.
- 9.4 Any application must be accompanied by engineering design drawings demonstrating compliance with the recommendations of the Geotechnical Investigation and Stability Assessment by Nepean Geotechnics dated 23 June 2021.

### **10.0 MISCELLANEOUS**

- 10.1 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](http://www.datsip.qld.gov.au)

- 10.2 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.
- 10.3 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 Satinwood Court-Private or adjoining land unless written permission from the owner of that land and Council is provided.
- 10.4 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.

### **11.0 ADVISORY NOTES**

#### **11.1 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.

#### **11.2 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.

#### **11.3 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.

#### **11.4 Noise During Construction and Noise in General**

## Attachment 13.3.4.1 Conditions of Approval

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

### 11.5 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.

### 11.6 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:               | Development Application for Preliminary Approval (Variation Request: Building Works Tables of Assessment) and Material Change of Use for a Dwelling House and Material Change of Use for Short-term Accommodation |
| Landowner               | Quattro Investment Properties Pty Ltd as TTE                                                                                                                                                                      |
| Property Address:       | 22 Satinwood Court Airlie Beach                                                                                                                                                                                   |
| Property Description:   | L: 6 SP: 157788 CTS: COV F/SP157787                                                                                                                                                                               |
| Area of Site:           | 1612                                                                                                                                                                                                              |
| Planning Scheme Zone:   | Low density residential                                                                                                                                                                                           |
| Level of assessment     | Impact Assessable                                                                                                                                                                                                 |
| Overlays:               | Bushfire Hazard<br>Landslide Hazard                                                                                                                                                                               |
| Existing Use:           | Vacant                                                                                                                                                                                                            |
| Existing Approvals:     | Nil                                                                                                                                                                                                               |
| Public Notification:    | 27/01/2022 / 14/03/2022                                                                                                                                                                                           |
| Submissions received:   | Four (4)                                                                                                                                                                                                          |
| State referrals:        | Nil                                                                                                                                                                                                               |
| Infrastructure charges: | Nil                                                                                                                                                                                                               |

### 2. Site Details

#### 2.1. Location (refer to plan in attachment)

#### 2.2. Zoning (refer to plan in attachment)

The premises is within the Low-density residential zone.

#### 2.3. Site description

The subject site is located on a private driveway in a gated community known as Horizons. The site has an extreme slope that begins from the edge of the pavement of the private driveway down to a vegetation covenant that resides over the rear of the property. Thick vegetation remains in the covenant area. The building footprint area is sparsely vegetated.

#### 2.4. Access

Access is gained via a private Body Corporate bitumen driveway.

#### 2.5. Surrounding uses

Only one house has been constructed in the estate.

### 3. Proposal Details

A new dwelling house is proposed which will be used for Short-term Accommodation. The application seeks variations from the height and setback requirements due to the average site grade of 33%. The following table demonstrates the non-compliances:

| Planning Scheme Benchmark | Planning Scheme Requirement | Proposed Dwelling House |
|---------------------------|-----------------------------|-------------------------|
| Building Height           | 10m                         | 10.88m                  |
| Front Setback             | 6m                          | 3.175m                  |
| Side Setback              | 2m                          | 900mm                   |
| Rear Setback              | 6m                          | 6m+                     |
| Site Cover                | 50%                         | 23%                     |

A Preliminary Approval for a Variation Approval has been applied for to vary the Whitsunday Regional Council Planning Scheme 2017 to assess the height relaxation requested and to permit the future building works application to be assessed as code assessable.

The proposal is also for Short-term Accommodation of the future dwelling house that will contain five bedrooms, double garage, entertainment decks and a swimming pool. The site is within the private body corporate area known as Horizons which has private water and sewer reticulation.

The applicant has provided documentation demonstrating compliance with the Short-term Accommodation Guideline, being a Code of Conduct, Property Management Plan, Statutory Declaration and Fire and Evacuation Plan for the proposed use.

### 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 did not require referral to any State Agencies.

#### 4.2. State Planning Policy – July 2017

The Whitsunday Regional Council Planning Scheme, 2017 has been assessed by the State government to adequately reflect state interests included in the State Planning Policy 2017.

#### 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

###### Liveable communities and housing

The proposal supports the settlement pattern of the region and the hierarchy of centres.

###### Economic growth

The proposal upholds the strategic intent for economic growth.

###### Environment and heritage

The proposal has not been identified as significantly impacting upon any cultural heritage or ecological features. Impacts to air, soil and water are to be managed by conditions of approval.

###### Safety and resilience to hazards

The proposal is not considered to compromise the safety of the region's community, property, and infrastructure.

###### Infrastructure

The proposal supports the coordinated, efficient and orderly provision of the region's infrastructure.

##### 4.4.2. Overlay Codes

###### Landslide Hazard Overlay

The applicant has provided a Preliminary Slope Stability Risk Assessment by Nepean Geotechnics meeting the requirements of the Code. Development conditions can be implemented to ensure compliance with the recommendations of the report at building works stage.

###### Bushfire Hazard Overlay

A medium bushfire hazard has been triggered over the site. The provisions of this overlay will be dealt with at future building works stage by the Building Certifier.

##### 4.4.3. Zone Code

###### Low Density Residential

For the Preliminary Approval and Development Permit for the Dwelling House aspects, the development is for a residential dwelling house which aligns with the purpose and overall outcomes of the zone.

Regarding the Development Permit for Short-term Accommodation aspect, the proposal generally complies with the relevant Overall Outcomes of the Low-Density Residential Zone Code and can be conditioned appropriately to be compatible with the prevailing residential character and amenity of the locality.

It is noted that in this part of the Horizons Body Corporate there are no other Short-term Accommodation premises approved by Council. It is also advised that all submissions

received were only against the Short-term Accommodation aspect of the development application and not against the over height dwelling or setback variation.

#### 4.4.4. Development Codes

##### Short-term Accommodation Guideline

- Site plan provided.
- Property management plan provided.
- Code of Conduct provided.
- Fire and emergency plan provided.
- Statutory declaration has been provided.
- Large double Garage and driveway for the parking of three (3) vehicles on-site.

##### Dwelling House Code

The dwelling complies with the code and where the Acceptable Outcomes have not been met, the Performance Outcomes have been achieved as discussed below.

The dwelling will be 3.175m setback to the front boundary. The site has an average grade of 33% which is why the applicant has requested the variation. The proposal meets the Performance Outcomes of the Dwelling House Code as it presents as a single storey dwelling from the street frontage, will not impede the outlook and views of neighbouring residents and will not impact the safety of the public.

An open deck will setback 0.9m from the southern boundary and the outermost projection of the roof will be 1.5m from the boundary. With a building height of 10.88m the required setback for this boundary is 2m. The dispensation sought for the deck is 0.6m and is considered appropriate given the site's constraints. The site adjoins Lot 5 & 7, each with side boundary covenants to protect vegetation and provide some privacy to neighbours.

The dwelling exceeds the maximum building height by 0.88m. The area of the dwelling that exceeds the height requirement is the apex of the roofline at the furthest projection of the dwelling down the allotment. At that area of the height exceedance, the dwelling will not overshadow adjoining dwellings, will not obstruct the outlook from adjoining lots and will not dominate the intended streetscape character.

##### Infrastructure Code

The proposed dwelling house will be connected to all essential services.

##### Landscaping Code

The dwelling house will be provided with landscaping by the owner.

### 5. Public Submissions

The development application was placed on public notification between 27/01/2022 and 14/03/2022 in accordance with the relevant provisions of the Planning Act 2016. The Notice of Compliance was received on 22/03/2022. Four (4) submissions were received during this period of Public Notification and one (1) additional submission received outside of the period.

Submissions have been received and summarised in the below table:

| Issue | Comment/Condition Number |
|-------|--------------------------|
|-------|--------------------------|

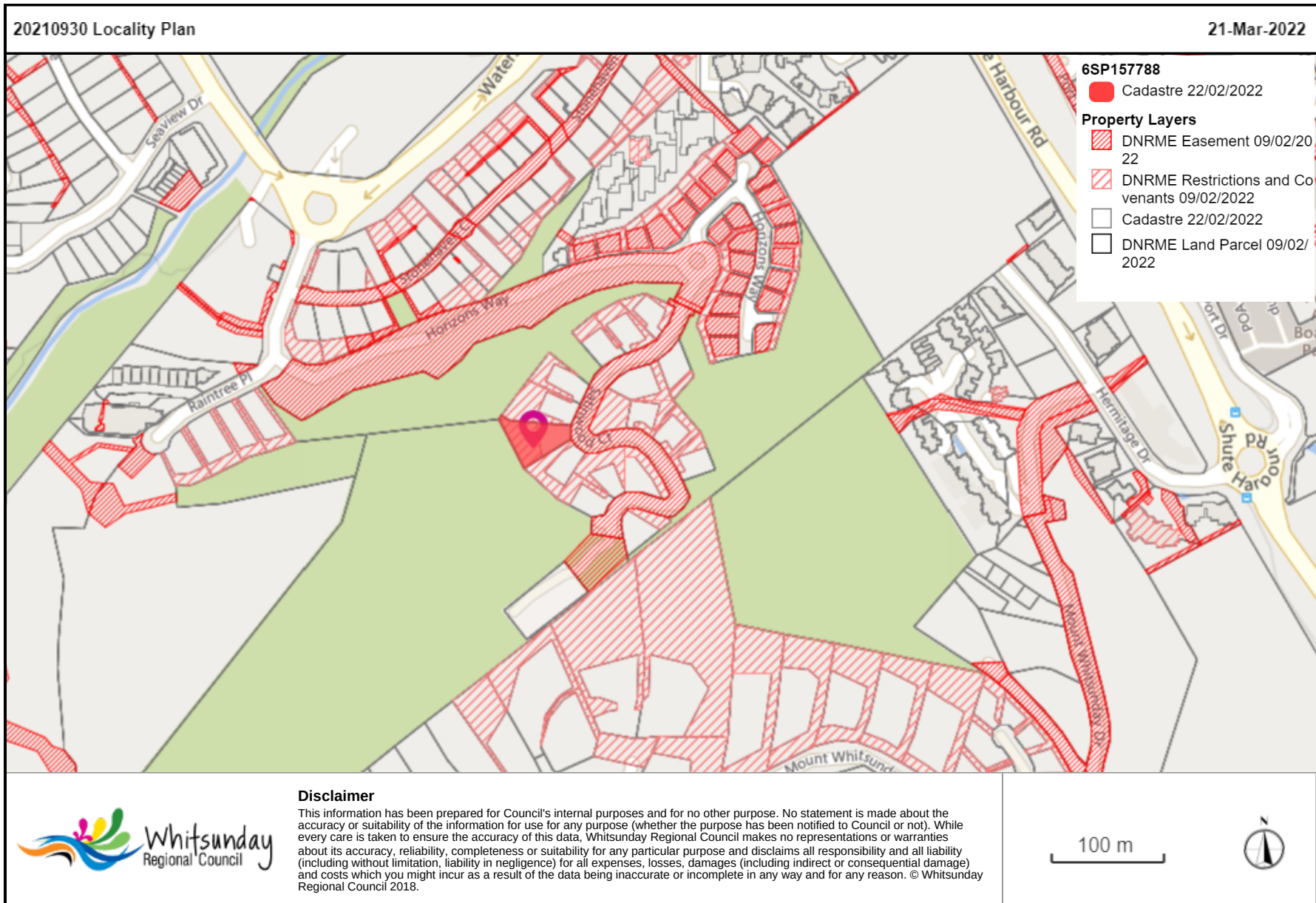


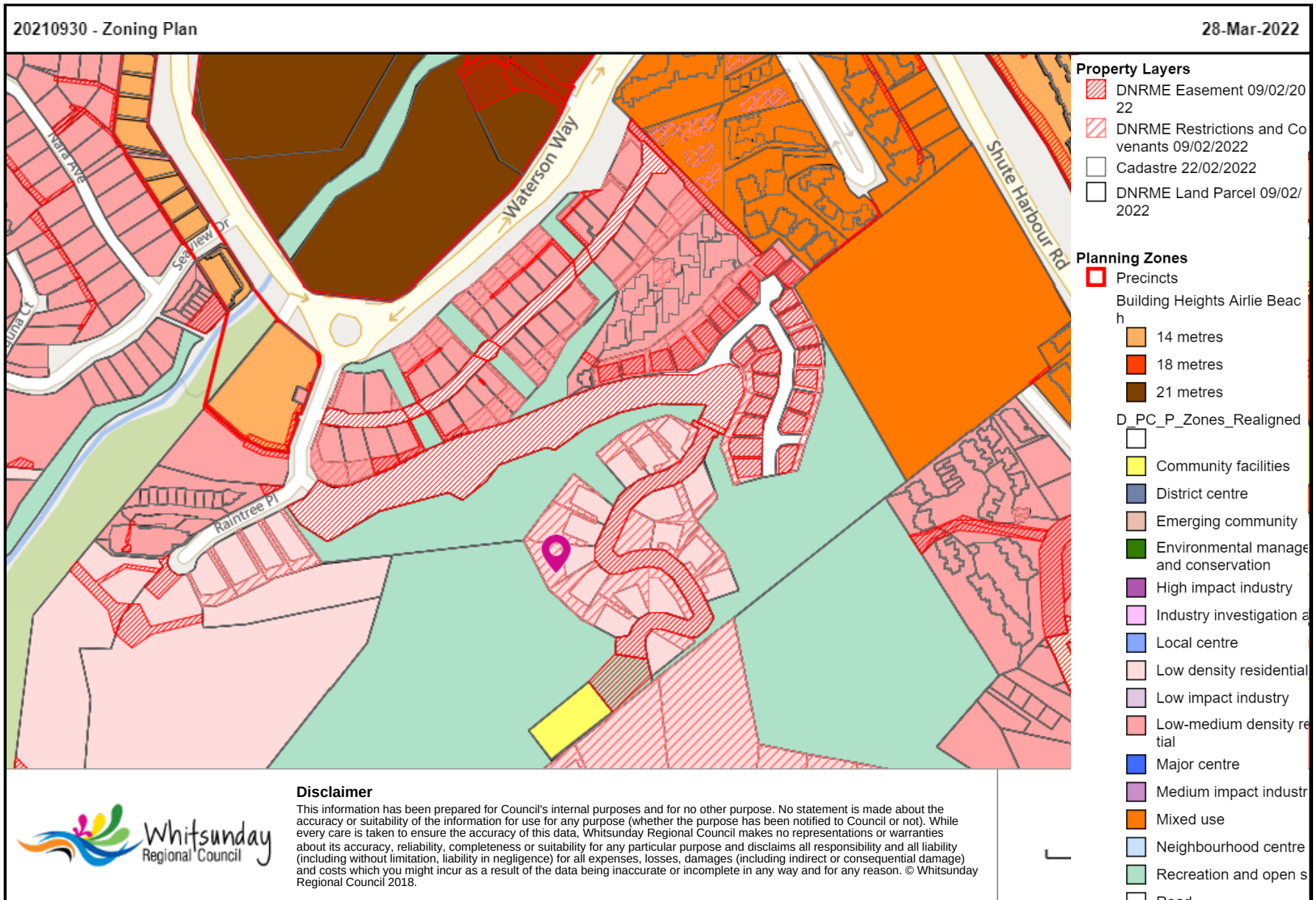
|                                                                                     |                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Dwelling is large enough to be used for 10 – 12 persons and/or 2 separate groups | The development will be conditioned to have a maximum of eight (8) persons. The duty of the property manager will be to ensure this is adhered to.                                                                                                          |
| 2. Traffic issues (parking in Body Corporate area)                                  | The dwelling has 2 garage spaces and 1 additional space in the driveway, which meets Council's requirements. The Body Corporate may have its own regulations about parking.                                                                                 |
| 3. Amenity Impacts in gated estate and Conflicts with Zone Code Overall Outcome (k) | If approved, the applicant will be conditioned to have a Code of Conduct for the operational use of the development that includes the prevention of excessive noise after 9pm, in accordance with Schedule 1 or Environment Protection (noise) Policy 2019. |
| 4. Stat Dec not applicable to future owners                                         | Development permits run with the land so irrespective of who the owner is, if they choose to operate Short-term Accommodation, they will be subject to the conditions of the permit.                                                                        |

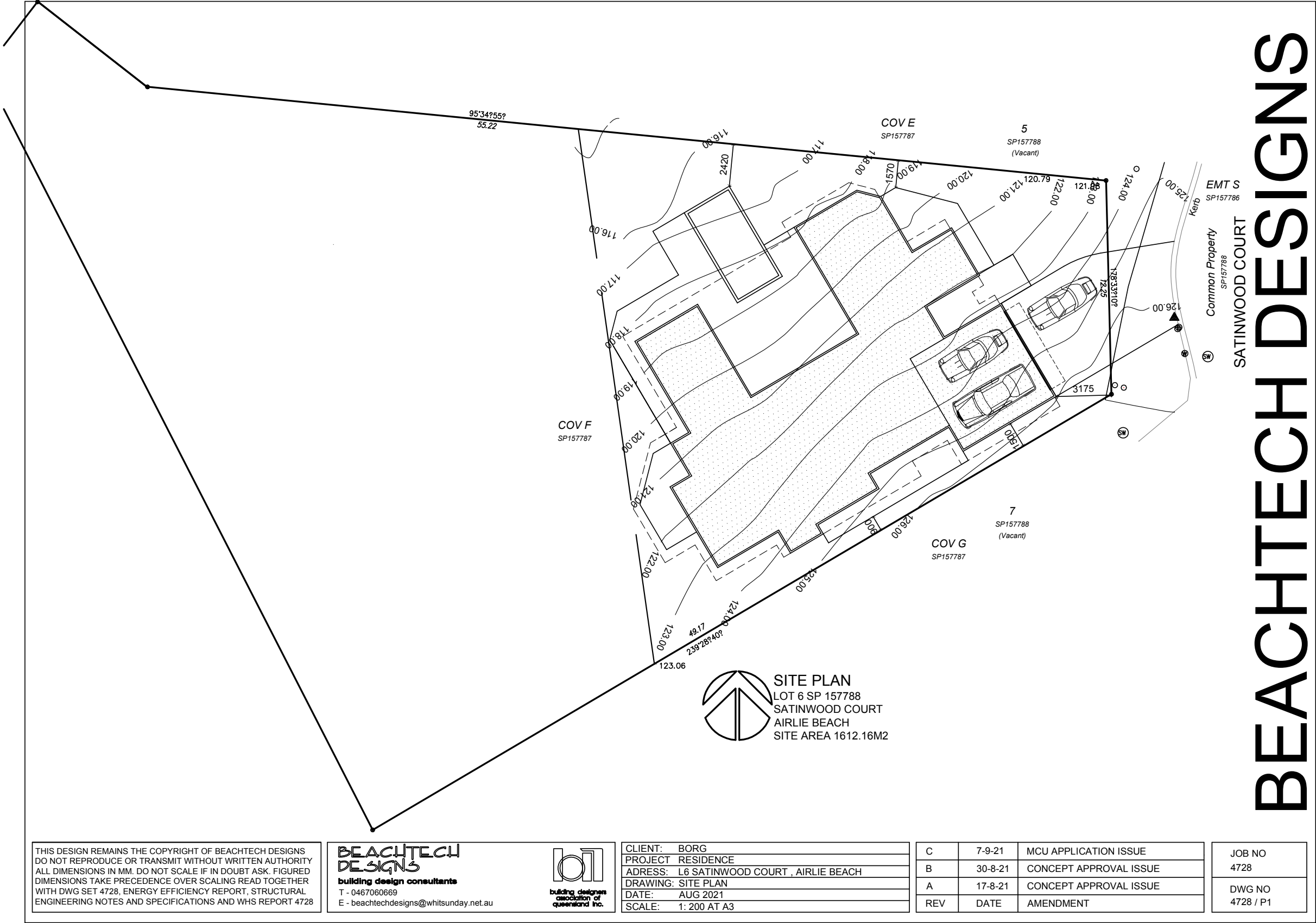
## **6. Infrastructure Charges**

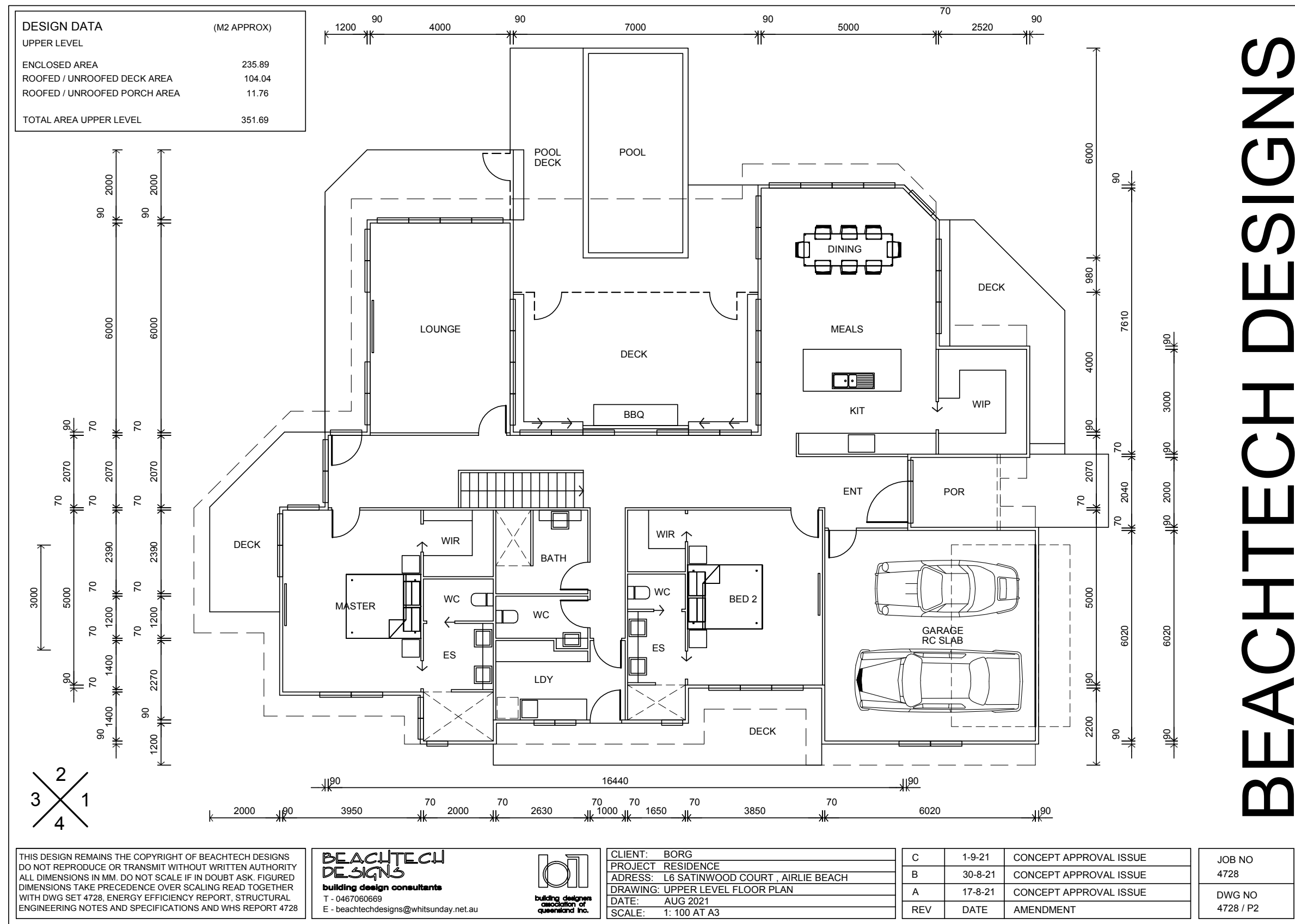
### **6.1. Adopted Infrastructure Charges Resolution**

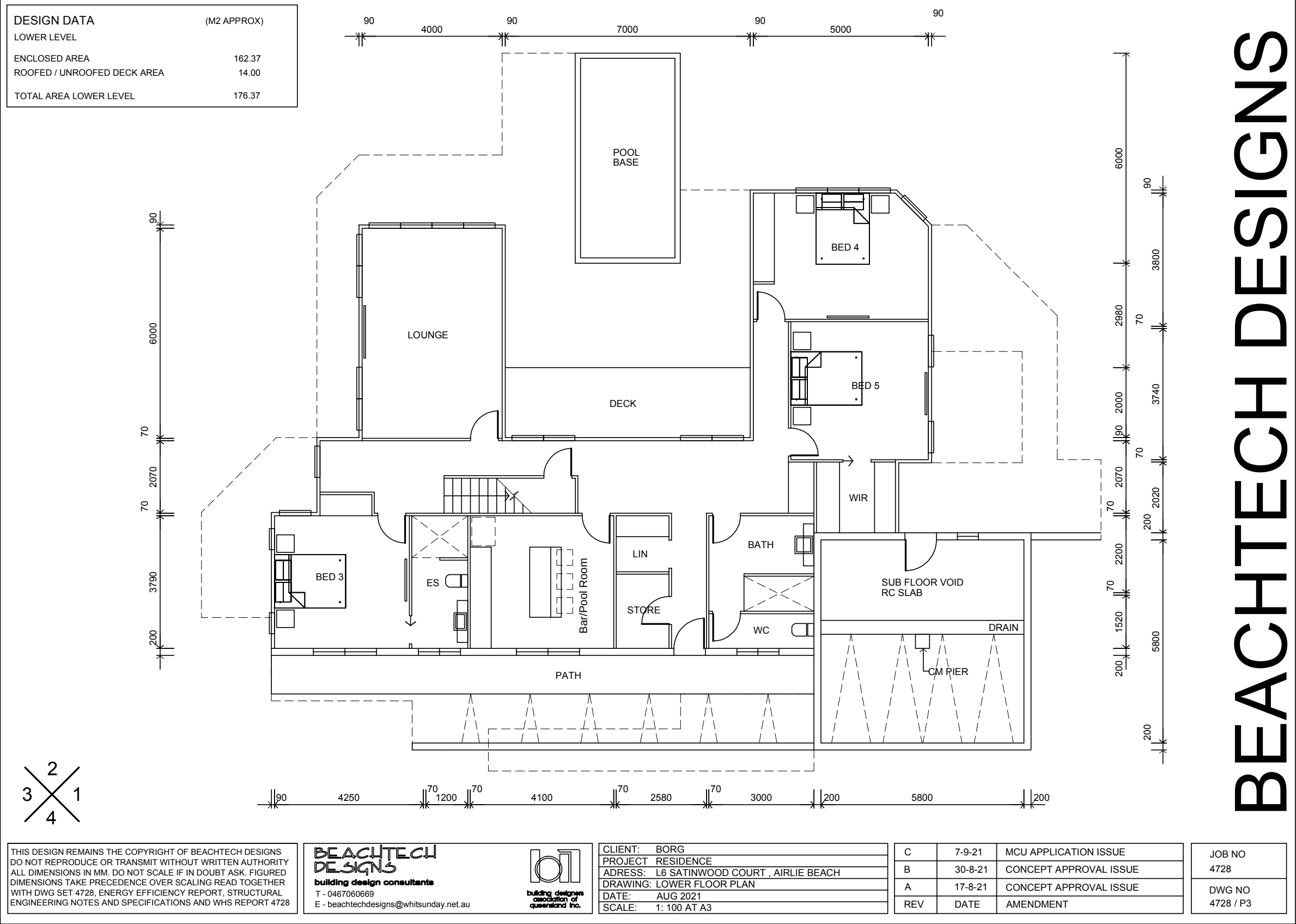
The development application does not attract an infrastructure charge.



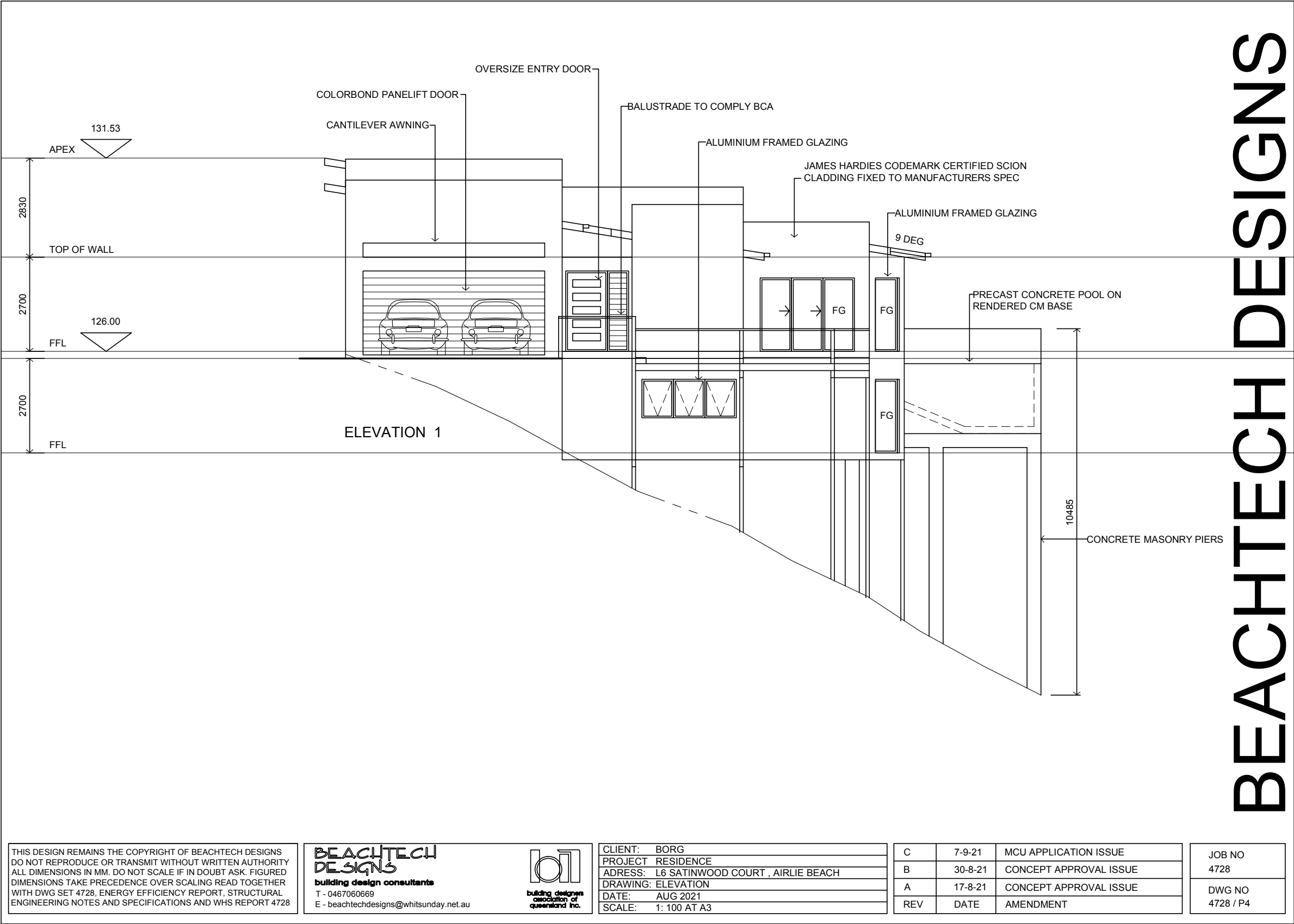


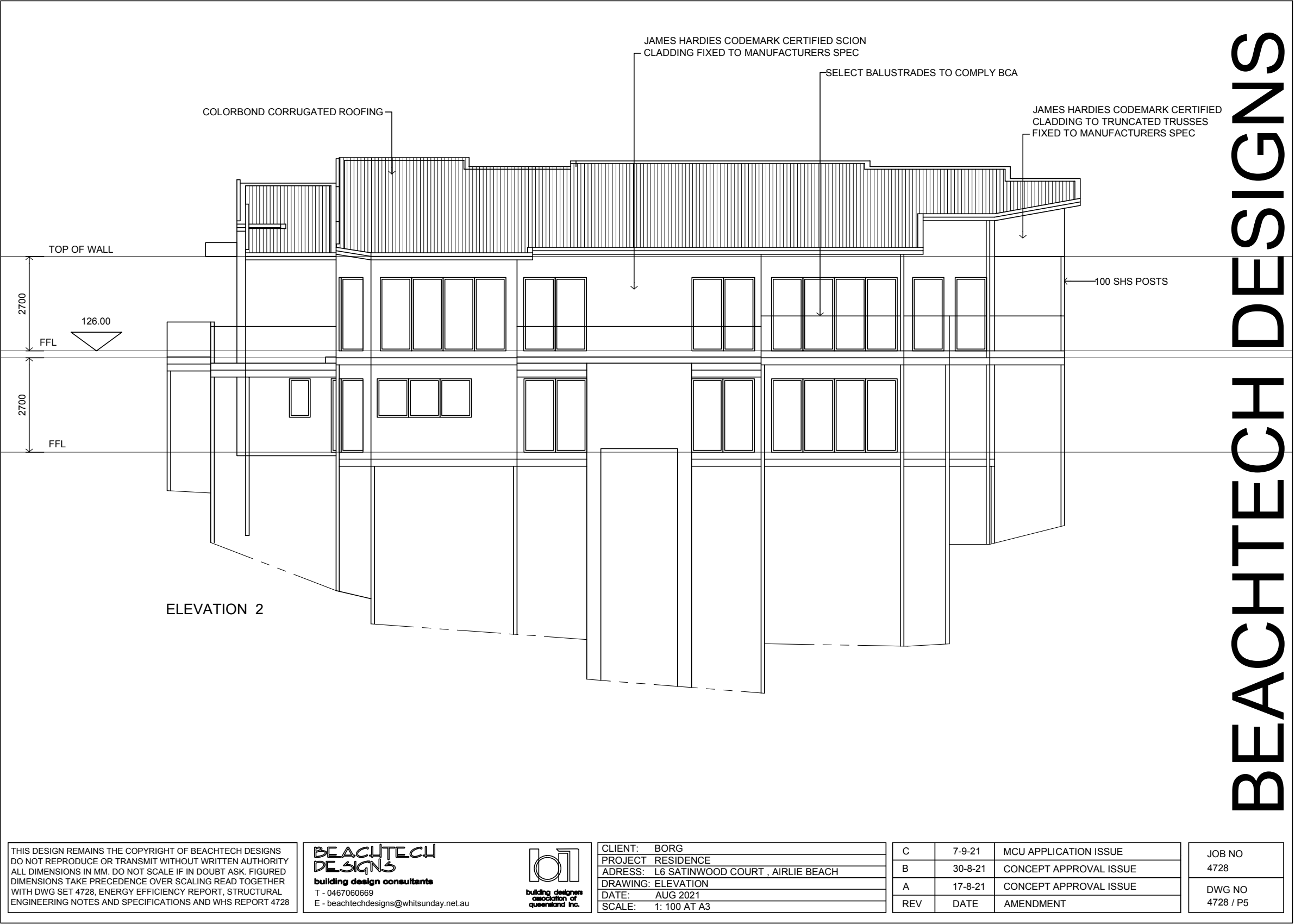




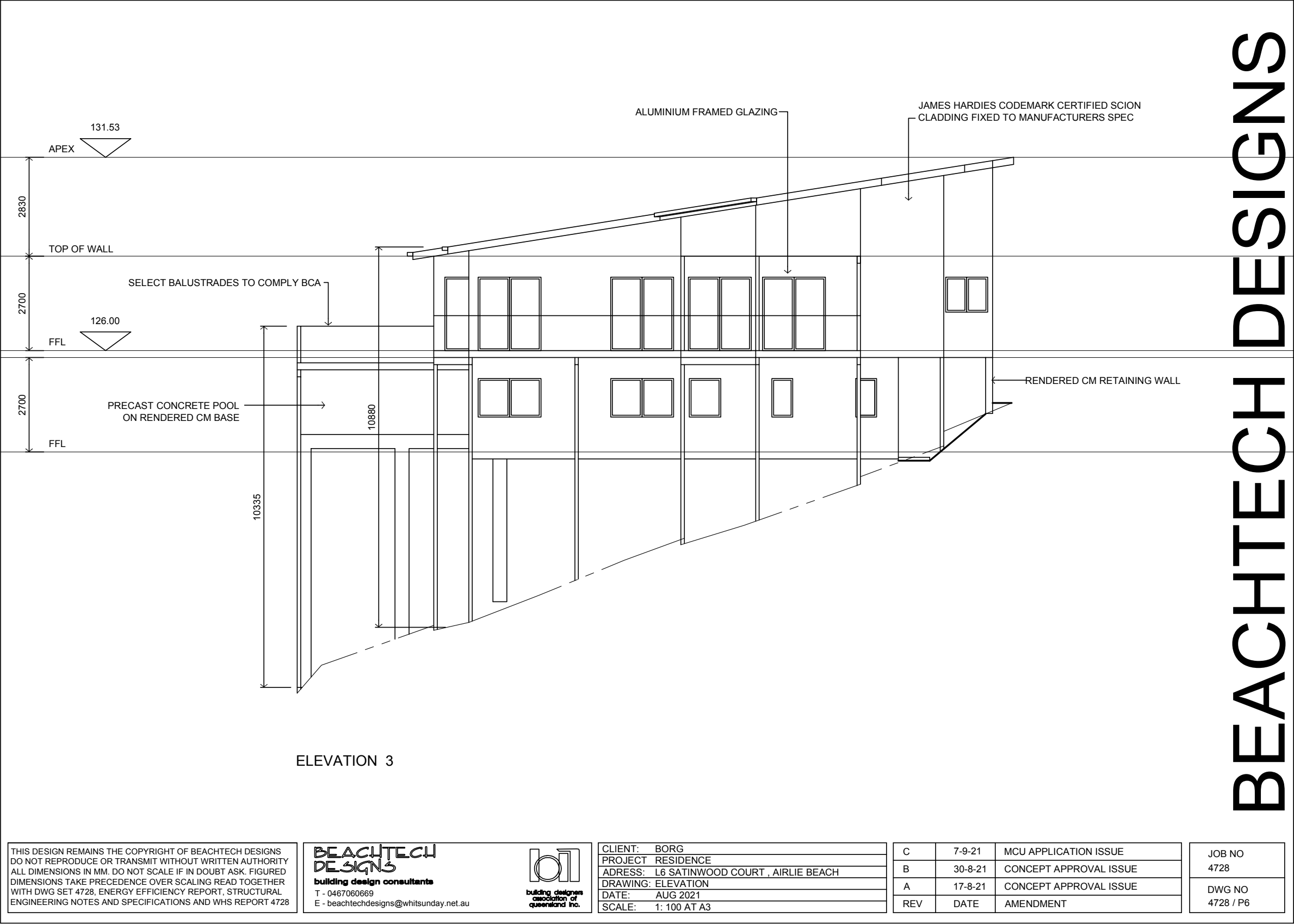


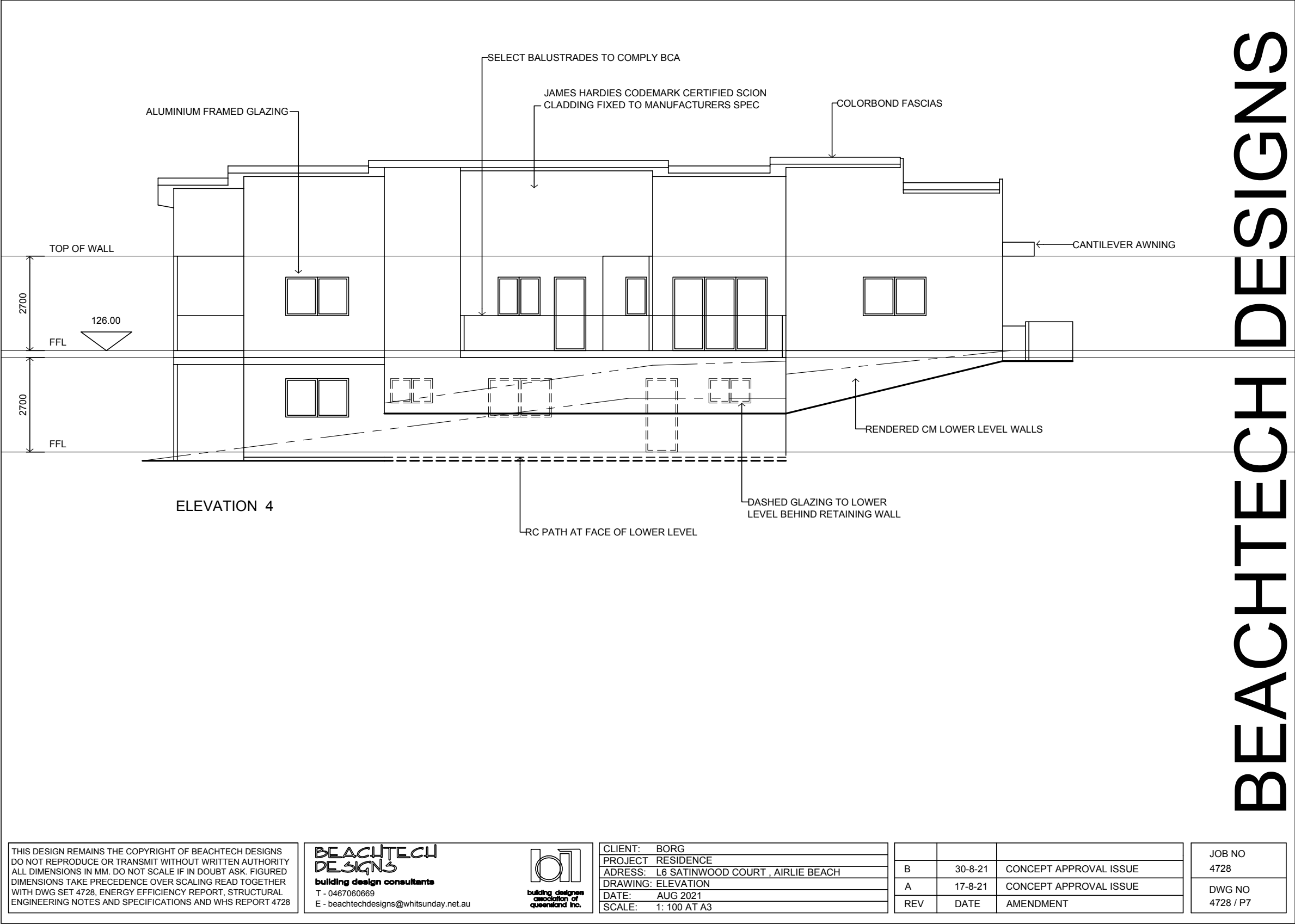






BEACHTECH DESIGNS





BEACHTECH DESIGNS

THIS DESIGN REMAINS THE COPYRIGHT OF BEACHTECH DESIGNS  
DO NOT REPRODUCE OR TRANSMIT WITHOUT WRITTEN AUTHORITY  
ALL DIMENSIONS IN MM. DO NOT SCALE. IF IN DOUBT ASK. FIGURED  
DIMENSIONS TAKE PRECEDENCE OVER SCALING READ TOGETHER  
WITH DWG SET 4728, ENERGY EFFICIENCY REPORT, STRUCTURAL  
ENGINEERING NOTES AND SPECIFICATIONS AND WHS REPORT 4728

**BEACHTECH**  
**DESIGNS**  
building design consultants  
T - 0467060669  
E - beachtechdesigns@whitsunday.net.au

building designers  
association of  
queensland inc.

|          |                                  |
|----------|----------------------------------|
| CLIENT:  | BORG                             |
| PROJECT: | RESIDENCE                        |
| ADDRESS: | L6 SATINWOOD COURT, AIRLIE BEACH |
| DRAWING: | ELEVATION                        |
| DATE:    | AUG 2021                         |
| SCALE:   | 1: 100 AT A3                     |

|     |         |                        |
|-----|---------|------------------------|
|     |         |                        |
| B   | 30-8-21 | CONCEPT APPROVAL ISSUE |
| A   | 17-8-21 | CONCEPT APPROVAL ISSUE |
| REV | DATE    | AMENDMENT              |

|                     |
|---------------------|
| JOB NO<br>4728      |
| DWG NO<br>4728 / P7 |

## HOLIDAY HOME - PROPERTY MANAGEMENT PLAN

**PROPERTY ADDRESS:** 22 Satinwood Court, AIRLIE BEACH

**PROPERTY MANAGER DETAILS:**

Name: Whitsunday Holiday Rentals

Address: 4 Waterson Way, Airlie Beach

Telephone number: 0409 831 133

Email: [bookings@whitsundayholidayrentals.com.au](mailto:bookings@whitsundayholidayrentals.com.au)

**The nominated Property Manager will:**

- *Have day-to-day management of the holiday home;*
- *Specifically respond to complaints pertaining to guest behavior made before 1am, within a two hour timeframe;*
- *In relation to any other complaints, respond within a reasonable timeframe but within 24 hours;*

**DETAILS OF RESERVATIONS ARRANGEMENTS (please tick all applicable):**

Internet (please specify): All major booking portals including Stayz/HomeAway, Trip Advisory, Airbnb, Expedia, Booking.com, Wotif and Whitsunday Holiday Rentals website

Property Manager: Whitsunday Holiday Rentals

Other (please specify) N/A

**DUTIES OF PROPERTY MANAGER**

- *Supply, readily visible in the kitchen or living area of the home, the Code of Conduct, the Property Management Plan and the Fire and Emergency Plan;*
- *Liaise with tenants for the occupancy and vacation of the premises;*
- *Ensure the correct maximum number of people are staying overnight in accordance with planning approval conditions;*
- *Ensure guests are aware of the Code of Conduct;*
- *Ensure guests are aware of the Fire and Emergency Plan;*
- *Ensure the premises are clean and maintained to a high standard;*
- *Ensure bed linen is clean and replaced upon tenant vacation; and*
- *Ensure rubbish and recycling bins are put out and collected as required.*
- *Maintain a record keeping procedure for details of each booking (guests contact names etc), copy of signed acceptance of the terms and conditions (Code of Conduct); and details of any complaints received, time, date and nature of complaint and actions taken. These documents are to be available for Council inspection as required.*

## HOLIDAY HOME - CODE OF CONDUCT

**PROPERTY ADDRESS:** 22 Satinwood Court, AIRLIE BEACH

The following Code of Conduct governs tenant behavior and use of the property. The tenant agrees to follow the guidelines below, for themselves and any visitors they allow at the property:

**TENANTS:** A responsible adult (over 18 years of age) shall be on site at all times when children are present. No unauthorised people are permitted to stay overnight.

**NOISE AND NUISANCE:** The tenants agree not to cause or permit nuisance at the property. This includes excessive noise, disruptive or anti-social behaviour. Noise should generally cease after 9pm Sunday through Thursday and 10pm Friday and Saturday.

**VEHICLE PARKING:** The tenants agree to use the parking spaces provided and not to park on lawn or garden areas on the property, or on the street verge or street itself outside the property. The guests agree not to park any additional vehicles on the property in excess of the parking spaces provided.

**COUNCIL REGULATIONS:** The tenants agree to all Council regulations, including noise and fire limitations.

**PREMISE CONDITION AND CLEANLINESS:** The tenants agree to leave the premise in a clean and tidy condition upon vacating, with all fittings and chattels in their original condition and position at the beginning of stay. Tenants are to advise the Property Manager of any damage or disrepair within 24 hours of this occurring. Any damage repairs or excessive cleaning that is attributable to the tenants stay will be paid for by the tenants.

**FIRES:** The tenants agree not to allow any candles, open fires or similar burn unsupervised within the premise. No open fires are permitted outside at any time. Barbeque facilities may be provided and used in a safe manner.

**RUBBISH DISPOSAL:** The guests agree to contain all their rubbish in the bins provided. Tenants are responsible for the putting out and collection of the bins where their stay coincides with collection days.

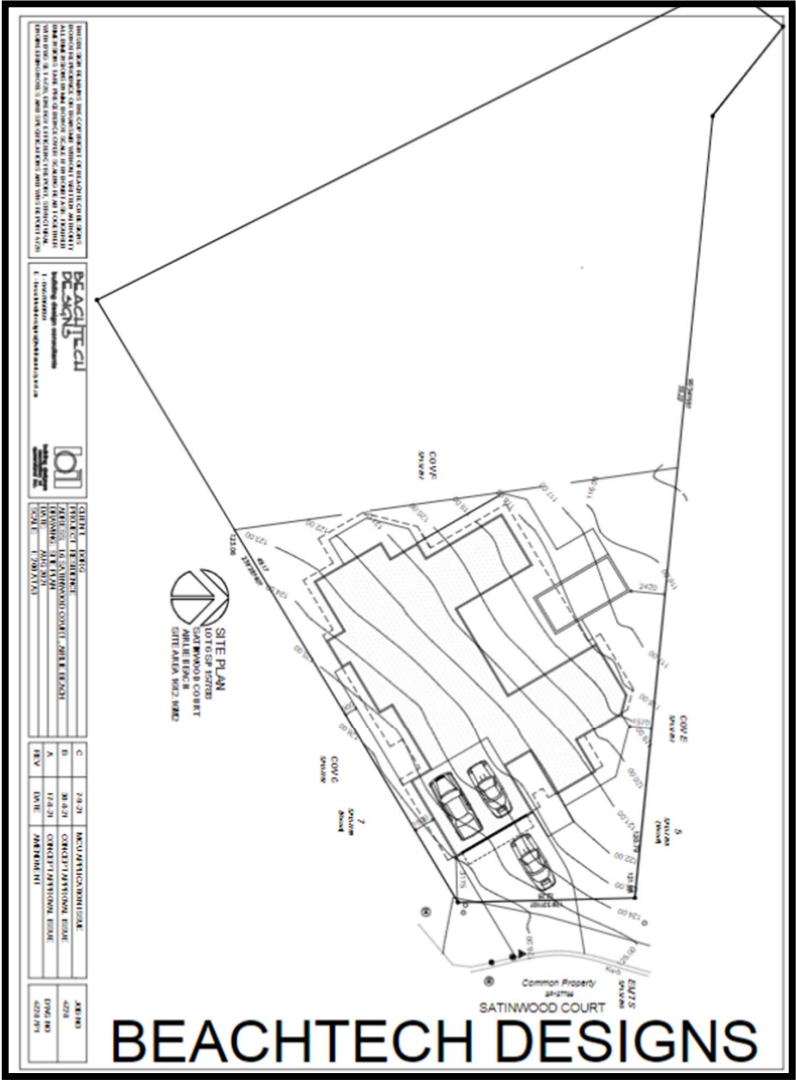
**KEYS:** At the end of the agreed tenancy, tenants agree to lock the premise, close all windows and return the keys to the Property Manager. Any lost or damaged keys will be replaced at the tenant's expense.

**TERMINATION OF ACCOMMODATION:** If tenants are found to have contravened any of the above Code of Conduct responsibilities a verbal warning will be issued. If the contravention is not rectified immediately the accommodation booking may be terminated with 2 hours' notice at the Property Manager's discretion. No refunds will be made.



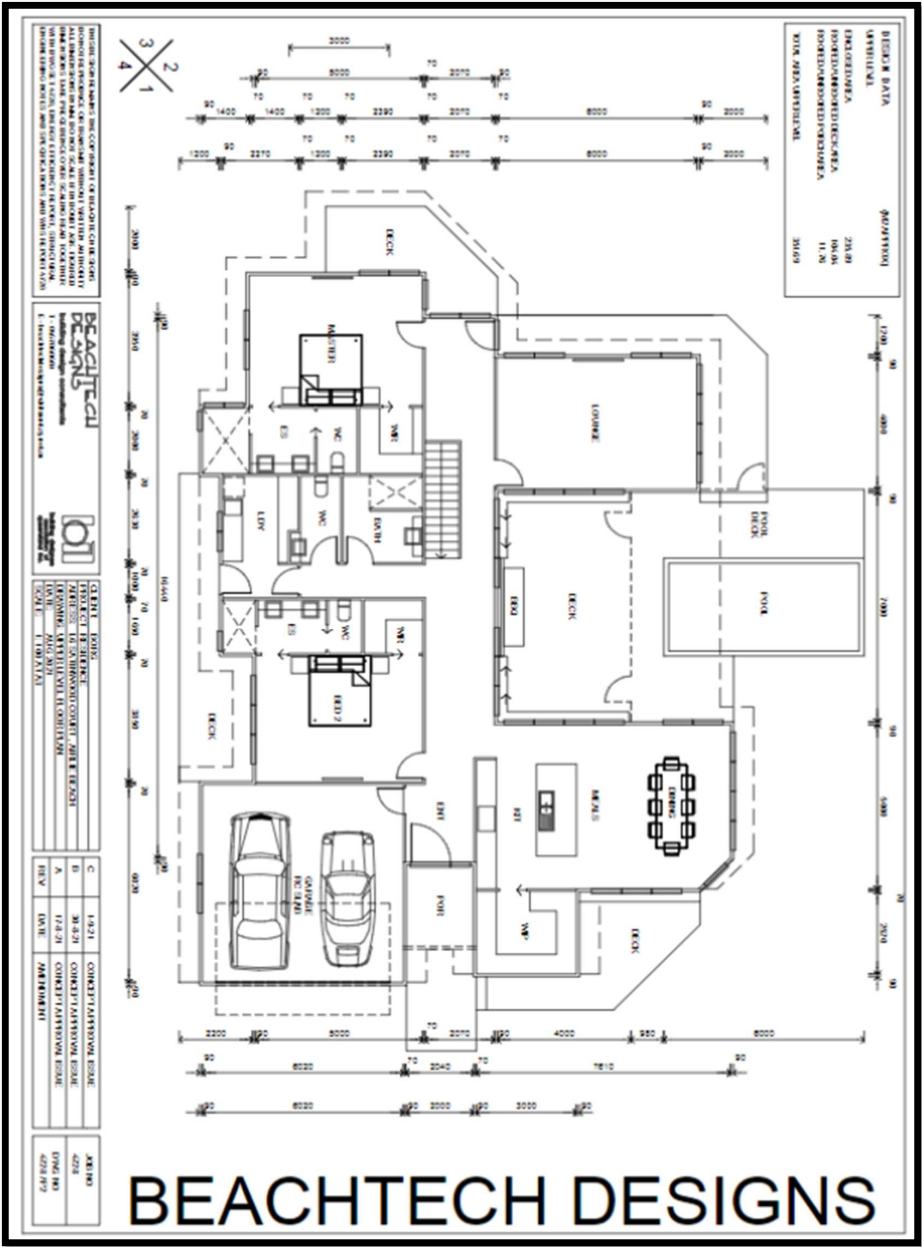
HOLIDAY HOME – SITE PLAN

PROPERTY ADDRESS: 22 Satinwood Court, AIRLIE BEACH



HOLIDAY HOME - BUILDING FLOOR PLAN

PROPERTY ADDRESS: 22 Satinwood Court, AIRLIE BEACH





## **HOLIDAY HOME - FIRE AND EMERGENCY PLAN**

**PROPERTY ADDRESS:** 22 Satinwood Court, AIRLIE BEACH

### **EMERGENCY CONTACT DETAILS**

***FOR ALL EMERGENCIES DIAL 000***

Property Manager: Whitsunday Holiday Rentals: 0409 831 133

Whitsunday Police: 4948 8888

Whitsunday Regional Council: 4945 0200

Proserpine Hospital: 4813 9400

### **DISASTER MANAGEMENT INFORMATION**

#### **DISASTER MANAGEMENT**

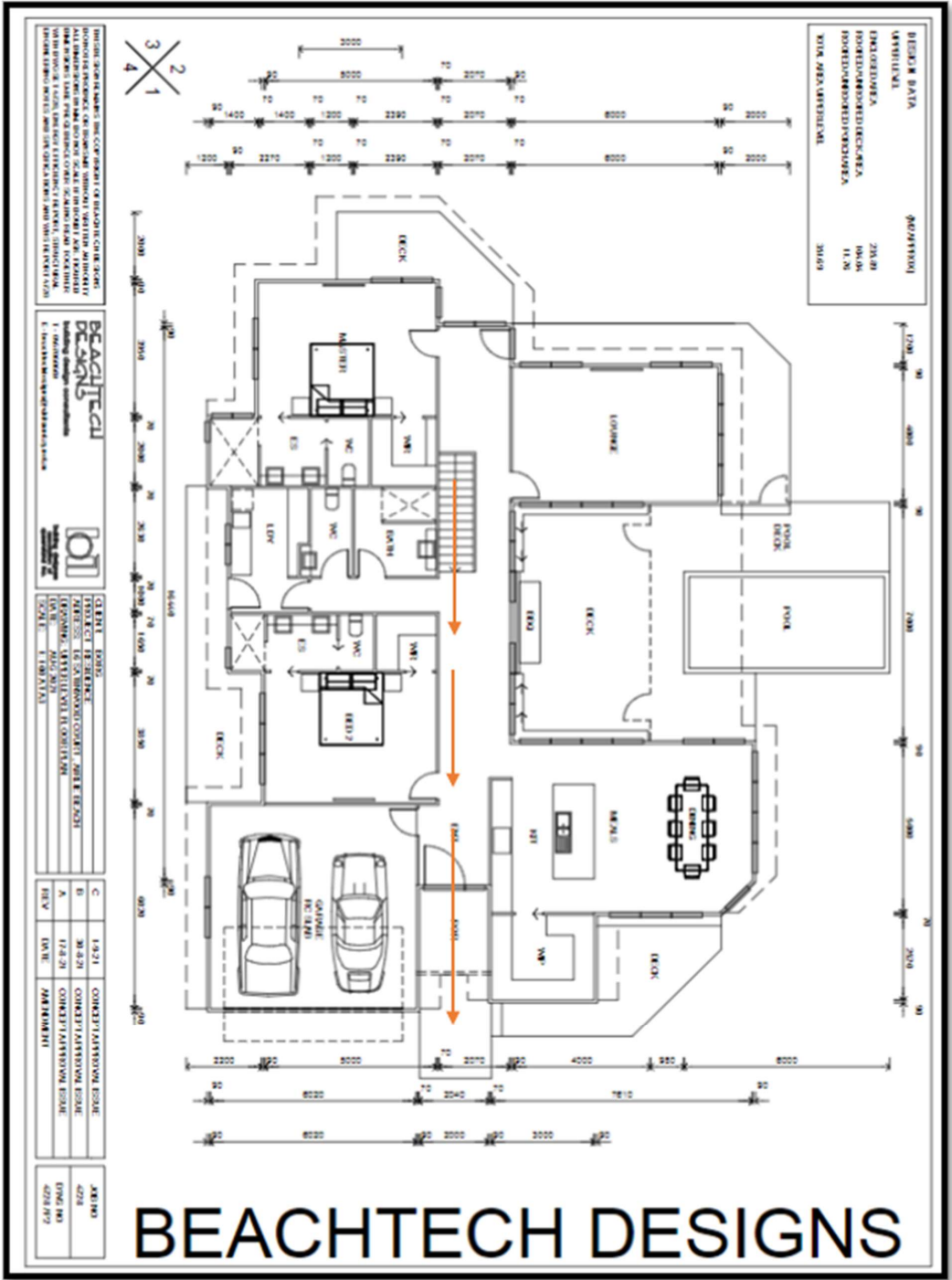
The Whitsunday Disaster Coordination Centre number is **1300 972 006**.

This number is only operational when the Centre has been officially opened by the Whitsunday Disaster Management Group. Whitsunday Regional Council will advise the public when this has occurred.

For the most up to date information in a disaster event 'Like' the

Other important disaster information can be found by navigating the left hand menu on Council's webpage at <https://www.whitsunday.qld.gov.au/140/Disaster-Management>.

HOLIDAY HOME - FIRE EVACUATION ROUTE



**IN THE EVENT OF A FIRE, PLEASE ASSEMBLE IN THE STREET AND  
TAKE DIRECTIONS FROM EMERGENCY SERVICES**



**13.3.5 - 20211041 - Development Application for Reconfiguration of Lot - One (1) Lot into Four (4) Lots and Access Easement (Staged) - 227 Sugarloaf Road, Sugarloaf - Daniel Property Holdings Pty Ltd C/- Wynne Planning & Development Pty Ltd**

**DATE:** Wednesday 13 April 2022

**TO:** Ordinary Council Meeting

**AUTHOR:** James McEvoy-Bowe - Planner

**AUTHORISING OFFICER:** Neil McGaffin - Director Development Services

**PRESENTED FOR:** Decision

**ATTACHMENTS**

1. Planning Assessment Report [13.3.5.1 - 8 pages]
2. Locality Plan [13.3.5.2 - 1 page]
3. Zoning Plan [13.3.5.3 - 1 page]
4. Proposal Plan [13.3.5.4 - 1 page]
5. SARA Response with Conditions [13.3.5.5 - 8 pages]

**PURPOSE**

To present the assessment of the development application.

**OFFICER'S RECOMMENDATION**

That Council refuse Development Application for Reconfiguration of Lot - One (1) Lot into Four (4) Lots and Access Easement (Staged), made by Daniel Property Holdings Pty Ltd C/- Wynne Planning & Development Pty Ltd, on L: 8 RP: 738971 and located at 227 Sugarloaf Road Sugarloaf.

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 recommended for refusal due to the following inconsistencies with the Planning Scheme, which cannot be satisfactorily conditioned to comply:

- a) The proposal is not consistent with the State Planning Policy in respect of fragmentation of Agricultural Land Classification (ALC) Class A and Class B land;
- b) The proposal is not consistent with the Mackay, Isaac and Whitsunday Regional Plan in respect of rural residential development in an area which is not identified as a rural living area, compromising the intent of the regional plan to protect productive agricultural land;
- c) The proposal conflicts with the Whitsunday Regional Council Planning Scheme 2017 and cannot be conditioned to comply. Specifically:
  - (i) The Rural zone is the correct zone for this site, being the default zone for the majority of the planning scheme area which is not included in an urban zone;
  - (ii) The predicted demand and supply of rural residential land within the planning scheme area was modelled by the WRC Urban Growth Study and adequate land is zoned to accommodate predicted demand;
  - (iii) The proposal is not consistent with the Rural Zone code, which specifies a minimum lot size of 100 hectares;
  - (iv) The proposal is not consistent with the agricultural land overlay, which does not support fragmentation of land.



## **BACKGROUND**

There are no previous matters in relation to this site.

## **APPLICATION SUMMARY**

Council is in receipt of a development application to reconfigure One (1) Lot into Four (4) Lots with an Access Easement in a staged configuration. The site is within the Rural Zone and the proposed allotments do not comply with the minimum lot size for the zone. The allotments range from 2.78 hectares to 28.33 hectares. Each proposed allotment is considerably burdened by Q100 storm event flows which raises the risk profile of the development by placing three additional households in land impacted by severe inundation. The application attracted one submission from a direct adjoining neighbour. The proposal is recommended for refusal due to non-compliance with the benchmarks set by the Planning Scheme and the State Planning Policy.

## **STATUTORY/COMPLIANCE MATTERS**

Planning Act 2016  
Whitsunday Regional Council Planning Scheme 2017

## **STRATEGIC IMPACTS**

Process all statutory applications within statutory timeframes.

## **FINANCIAL IMPLICATIONS**

N/A

## **CONSULTATION**

Manager Development Assessment  
Manager Strategic Planning  
Senior Technical Officer Engineering Assessment  
Civil Engineer (Network Planning)  
Environment and Climate Officer  
Team Leader Plumbing Services

## **RISK ASSESSMENT**

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

## **TIMINGS/DEADLINES**

A decision is required by **4 May 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.

## 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 Application for Reconfiguration of Lot - One (1) Lot into Four (4) Lots and Access Easement (Staged) |
| Landowner               | Daniel Property Holdings Pty Ltd                                                                                 |
| Property Address:       | 227 Sugarloaf Road Sugarloaf                                                                                     |
| Property Description:   | L: 8 RP: 738971 T: 21279095                                                                                      |
| Area of Site:           | 37.24                                                                                                            |
| Planning Scheme Zone:   | Rural                                                                                                            |
| Level of assessment     | Impact Assessable                                                                                                |
| Overlays:               | Agriculture Land<br>Bushfire Hazard<br>Environmental Significance<br>Landslide Hazard                            |
| Existing Use:           | Dwelling House                                                                                                   |
| Existing Approvals:     | Nil                                                                                                              |
| Public Notification:    | 24/02/2022 / 21/03/2022                                                                                          |
| Submissions received:   | One (1)                                                                                                          |
| State referrals:        | SARA – Native Vegetation Clearing                                                                                |
| Infrastructure charges: | \$39,574.18                                                                                                      |

### 2. Site Details

#### 2.1. Location (refer to plan in attachment)

#### 2.2. Zoning (refer to plan in attachment)

The site is within the Rural zone.

#### 2.3. Site description

The site is at the base of the Dryander National Park with steeply vegetated land at the rear and low grassland at the front. The site contains an existing dwelling, large shed, two dams and several watercourses which capture the large upstream catchments.

#### 2.4. Access

Access is gained via an un-named road that connects from Sugarloaf Road. Access to the proposed allotments will be gained via an access easement which is currently a gravel driveway. If approved, the access will require an upgrade from the existing 2.5m gravel driveway to a 5.5m wide shared driveway. Currently there are three large culvert crossings to traverse the three seasonal watercourses through the site.

### 2.5. Surrounding uses

North – Crown land and the Dryander National Park.

East – Large vacant rural property.

South – Rural land used for agricultural purposes, cane farm at present.

West – A combination of rural and rural residential properties.

### 3. **Proposal Details**

The development application aims to create four sub-minimum sized lots in the Rural Zone with the following sizes:

- Lot 1 – 2.78 hectares and contains the parent dwelling.
- Lot 2 – 2.37 hectares.
- Lot 3 – 3.76 hectares.
- Lot 4 – 28.33 hectares.

The engineering report demonstrates the level of 1%AEP flooding over the property (**Attachment 13.3.7.4**). Affected areas will be in easements. The report also advises that the current culvert will require an upgrade to ensure the access is not inundated in both a minor and major storm event. If approved, the entire access easement will trigger an upgrade to Council's Development Manual standards. Further, the Un-named Road from Sugarloaf Road requires an upgrade to the Rural Road standard in the development manual as it currently does not comply.

An effluent suitability report advises that the allotments have sufficient room to receive effluent treatment and disposal, however it has not demonstrated (as required) on a plan where those systems can be located and whether it can be done in compliance with the Queensland Plumbing and Wastewater Code subject to the identified flood areas.

### 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 recommended for refusal due to the following inconsistencies with the Planning Scheme, which cannot be satisfactorily conditioned to comply:

- a) The proposal is **not consistent** with the State Planning Policy in respect of fragmentation of Agricultural Land Classification (ALC) Class A and Class B land;
- b) The proposal is **not consistent** with the Mackay, Isaac and Whitsunday Regional Plan in respect of rural residential development in an area which is not identified as a rural living area, compromising the intent of the regional plan to protect productive agricultural land;
- c) The proposal conflicts with the Whitsunday Regional Council Planning Scheme 2017 and cannot be conditioned to comply. Specifically:
  - (i) The Rural zone is the correct zone for this site, being the default zone for the majority of the planning scheme area which is not included in an urban zone;

- (ii) The predicted demand and supply of rural residential land within the planning scheme area was modelled by the WRC Urban Growth Study and adequate land is zoned to accommodate predicted demand;
- (iii) The proposal is not consistent with the Rural Zone code, which specifies a **minimum lot size of 100 hectares**;
- (iv) The proposal is not consistent with the agricultural land overlay, which does not support fragmentation of land.

#### 4.1. State Assessment and Referral Agency (SARA)

The Application was referred to SARA for Native Vegetation Clearing. The State's approval response is provided in **Attachment 13.3.7.5**.

#### 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. The following State interest is applicable.

##### State Interest – Economic Growth – Agriculture

The subject allotment is identified on the Scheme's Agricultural Land Overlay Map (AL – 08), having Class A & B Agricultural Land Classification as well as having identified Local and State significant agricultural areas, that have historically been used for cattle grazing.

The State Planning Policy identifies that *“Agricultural Land Classification (ALC) Class A and Class B land is protected for sustainable agricultural use by:*

- a) avoiding fragmentation of ALC Class A or Class B land into lot sizes inconsistent with the current or potential use of the land for agriculture;*
- b) avoiding development that will have an irreversible impact on, or adjacent to, ALC Class A or Class B land; and*
- c) maintaining or enhancing land conditions and the biophysical resources underpinning ALC Class A or Class B land.”*

The proposed development **conflicts** with this State Interest. The creation of permanent infrastructure that comes with a reconfiguration of a lot, will create fragmentation of agricultural land and impede using the land for future rural uses. The applicant advises that the rural uses will not cease and can be continued in small hobby farms. The agricultural productivity of the land will clearly be diminished as fragmentation introduces more dwellings.

#### 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 conflicts with the following provision of the Regional Plan:

### Strategic direction – Managing Growth

The proposal will create further rural residential development in an area which is not identified as a Rural Living Area in the MIW Regional Plan. The purpose of the Rural Living Area in the regional plan is to prevent further fragmentation of productive agricultural land, by concentrating rural residential development in the identified areas within the plan. The continued loss of good quality agricultural land and strategic cropping land has the potential to reduce the future capacity and viability of the agricultural industry and associated rural support industries. The proposal does not demonstrate a need to compromise the intent of the regional plan to protect productive agricultural land. Without demonstrating a planning need to subdivide the land, it opens the Rural Zone up to non-planning-based reasons to allow rural subdivisions.

#### 4.4. Whitsunday Regional Council Planning Scheme, 2017

##### 4.4.1. Strategic Framework

The proposed development does not align with the Strategic Frameworks for the reasons identified in the Strategic Intent assessment.

##### 4.4.2. Strategic Intent

### Liveable Communities and Housing

*(7) Rural residential areas will continue to occur on the fringes of urban areas and will generally not expand into adjacent rural areas.*

The land is proposed to be subdivided down to a size that is not considered viable Rural land. The lot adjoins Rural land on three sides and as such the subdivision is not considered orderly development.

### Economic Growth

*(1) Agricultural land (including stock routes) and existing Rural activities are protected and diversified with Rural activities being intensified in areas to the west of Collinsville, along the Bowen River, west and south-west of Proserpine and between Gumlu and Bowen. The long-term viability of this agricultural land is enhanced through sustainable land management practices, the use of new technology and the improvement and expansion of supporting infrastructure, such as water storage and irrigation infrastructure*

The proposed subdivision fragments rural land and potentially constrains viable agricultural operations use by way of residents' complaints about agricultural practices like spray drift, noise, odour and machinery. The requirement of the Council through the Mackay Isaac Whitsunday Regional Plan 2012 and Whitsunday Planning Scheme is to protect and retain agricultural land for current and future uses.

##### 4.4.3. Overlay Codes

### Agricultural Land Overlay

The proposed development conflicts with the Agricultural Land Overlay. An agricultural land evaluation has not been undertaken for this proposal as per the requirements of the

overlay code. The Agricultural Land Overlay protects the Strategic Framework requirement of *Economic Growth* 3.2.2. The Agricultural Land Overlay is separated into the following two layers:

- IAA State Important Agricultural Layer; and
- Agricultural land classification class A and B.

Important agricultural areas (IAAs) are areas identified in the Queensland Agricultural Land Audit 2013 as having all the requirements for agriculture to be successful and sustainable. Productive soils that have the capacity to sustain agricultural production with few limitations cover just 2.5 per cent of Queensland. ALC Class A and Class B land constitute the most productive agricultural land in Queensland, with soil and land characteristics that allow successful crop and pasture production. The following image depicts the land as having both ALC Class A and Class B land and State important agricultural areas.

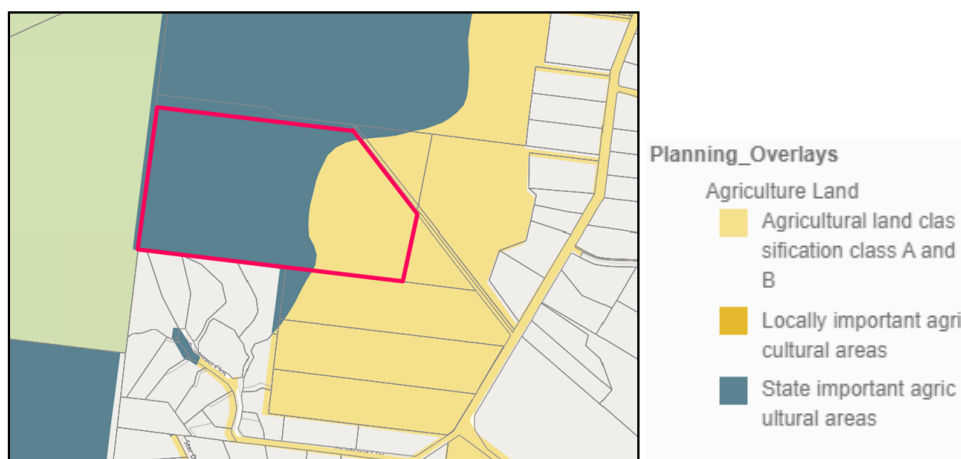


Figure 1: ALC Class A and B over 227 Sugarloaf Road, Sugarloaf

The purpose of the overlay is to avoid creating lots that are too small to support sustainable agricultural uses or are likely to encourage non-agricultural use on the land. The subject land should only be developed for non-agricultural purposes where it is demonstrated that there is an overriding public need for the non-agricultural development to be located on this land and that impacts have been minimised and mitigated to the maximum extent practicable.

No 'Need' argument has been presented to Council in the application material. It is recommended that until the supply of Rural Residential land is reviewed, no further fragmentation of Rural land within the Whitsunday should occur.

#### Bushfire Hazard Overlay

The area of the proposed new lots has been historically cleared for cattle grazing and contains very sparse vegetation that is unlikely to be capable of being a fire risk. A BAL assessment by a building certifier could be undertaken at building works to ensure compliance with the overlay.



### Environmental Significance Overlay

An Ecology Assessment Report by Earth Environmental has been provided in the Information Request response. The report concludes the proposed development is mostly located within existing disturbed and cleared areas within the site, avoiding the clearing of large trees. A 22.76 hectare covenant has been proposed on the vegetated hillside to protect the native vegetation that has been identified on the State mapping. The application was referred to SARA for potential native vegetation clearing. SARA has provided an approval subject to conditions.

### Landslide Hazard Overlay

Development is not proposed in areas of 15% slope or greater.

### Flood Hazard Overlay

The subject site is not identified in Council's Flood Hazard mapping, however Council officers identified significant drainage channels through the site and requested a Flood Hazard assessment. A flood report completed by SABAI Consulting has been supplied in the Information Request response.

The report has identified that a large portion of the proposed development is subject 1% AEP inundation. The report identifies that the most northern culvert on the access driveway *'cannot provide immunity to the shared driveway in the minor and major storm event, with significant overflow over the shared driveway.'* As proposed Lot 1 and 4 are required to traverse this culvert to gain access to the property, the applicant's engineer suggested a culvert upgrade to include the installation of 2 additional 825mm pipes to ensure the access does not significantly overtop as it does at present.

#### 4.4.4. Rural Zone Code

The proposed development conflicts with the intent and Overall Outcomes of the Rural Zone. The purpose of the Rural Zone is to provide for a wide range of Rural activities and a limited range of non-rural activities which complement or provide a service to rural areas. The proposal will remove the site's capability of providing rural activities as the permanent infrastructure required by this development will negate any future use of the land for this purpose.

The applicant's Zone Code assessment states that due to a subdivision of rural land to the North, the proposed development *'is therefore consistent with the immediate area and considered to be infill development.'* However, that parent parcel was subject to a previous historic land use approval for an Eco Resort with a much higher density than that which was consequently approved by Council. Notably, the application material has not considered the strategic cropping land directly adjacent the site to the East adjoining the Un-named Road, which may cause significant dust, odour and allergy issues for the future lot owners.

#### 4.4.5. Development Codes

### Reconfiguring a Lot Code

The proposed development is inconsistent with the Reconfiguring a Lot Code. The proposal is unable to meet the Performance Outcomes of the code whereby it does not meet the minimum lot size of 100ha listed within the code, is unable to maintain the productive use and amenity of the rural land and is not compatible with the preferred character of the zone.

### Infrastructure Code

An effluent suitability report by Ground Environments also supplied in the Information Request response advises that the allotments have sufficient room to receive effluent treatment and disposal, however it has not demonstrated (as required) on a plan where those systems can be fit on each lot and whether it can be done in compliance with the Queensland Plumbing and Wastewater Code. This plan is needed due to the significant amount of flooding that has been identified by the applicant's engineer.

In addition, there is space for the appropriate number of water tanks which is to be resolved at future building works stage. The land is capable of connection to electricity and mobile phone coverage exists in the locality.

### Landscaping Code

Landscaping does not form part of this Development Application.

### Excavation and Filling Code

No excavation or filling is proposed as part of this development.

### Transport and Parking Code

The existing access driveway is currently a single lane 2.5m gravel driveway. To allow for additional vehicle movements and to comply with the Development Manual, the battle-axe configuration driveway is required to be upgraded to a width of 5.5m to allow for safe 2-way traffic flow. The applicant's engineer has suggested a 3.0m shared access driveway with passing bays instead of the upgrade to the 5.5m development manual standard. Due to the steep batters and amount of Q100 inundation on each side of the driveway, Council deems this as an unsafe solution. In addition, the culvert upgrade identified in the Flood Hazard Overlay assessment is also required.

## **5. Public Submissions**

The development application was placed on public notification between 24/02/2022 and 21/03/2022 in accordance with the relevant provisions of the Planning Act 2016. The Notice of Compliance was received on 28/03/2022. One (1) submission was received during this period of Public Notification.

Submissions have been received and summarised in the below table:

| <b>Issue</b>                                                                                        | <b>Comment/Condition Number</b>                                 |
|-----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| 1. Development does not meet the minimum Lot size and sets precedence for further rural subdivision | This is correct and the application is recommended for refusal. |

|                                                              |                                                                                                                                               |
|--------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| 2. Shared access road will be impacted by additional traffic | The Un-named road triggers an upgrade to Council's Rural Standard. If approved, Council will maintain the upkeep of the road into the future. |
|--------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|

## 6. Infrastructure Charges

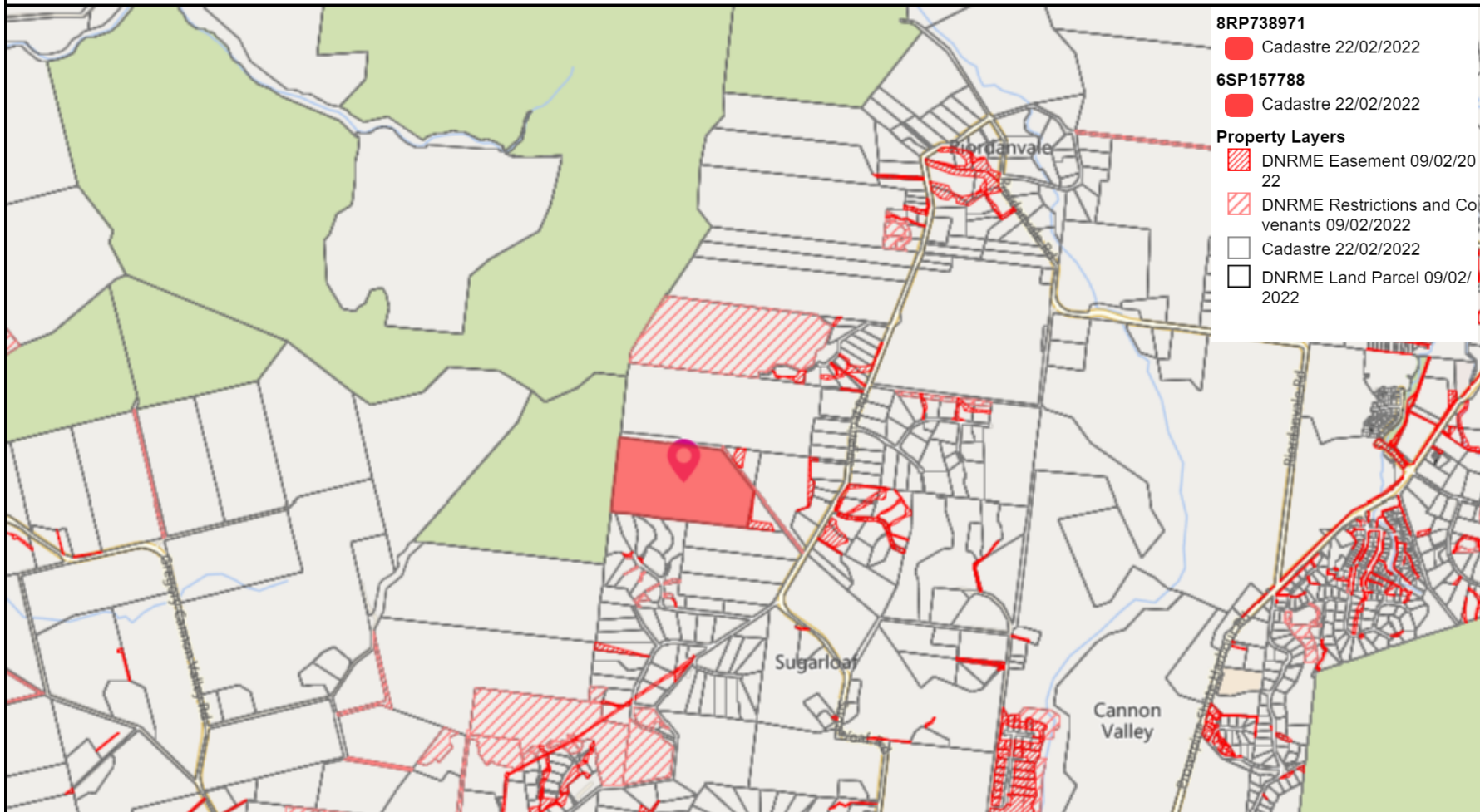
### 6.1. Adopted Infrastructure Charges Resolution

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 |
| ROL                             | Residential          | 4                 | \$30,677.65 |             | \$122,710.60   |
| Total Adopted Charge            |                      |                   |             |             | \$122,710.60   |
| Credit                          |                      |                   |             |             |                |
| Type of Development             | Development Category | Demand Unit & Qty | Charge Rate | Discount    | Total Credit   |
| Existing                        | Residential          | 1                 | \$30,677.65 | 100%        | \$30,677.65    |
| RAL                             | Water                | 3                 | \$30,677.65 | 30%         | \$27,609.88    |
| RAL                             | Sewer                | 3                 | \$30,677.65 | 27%         | \$24,848.89    |
| Total Credit                    |                      |                   |             |             | \$83,136.42    |
| Total Levied Charge             |                      |                   |             |             | \$39,574.18    |
| Current Amount of Levied Charge |                      |                   |             | \$39,574.18 |                |

20211041 Locality Plan

21-Mar-2022



**Disclaimer**

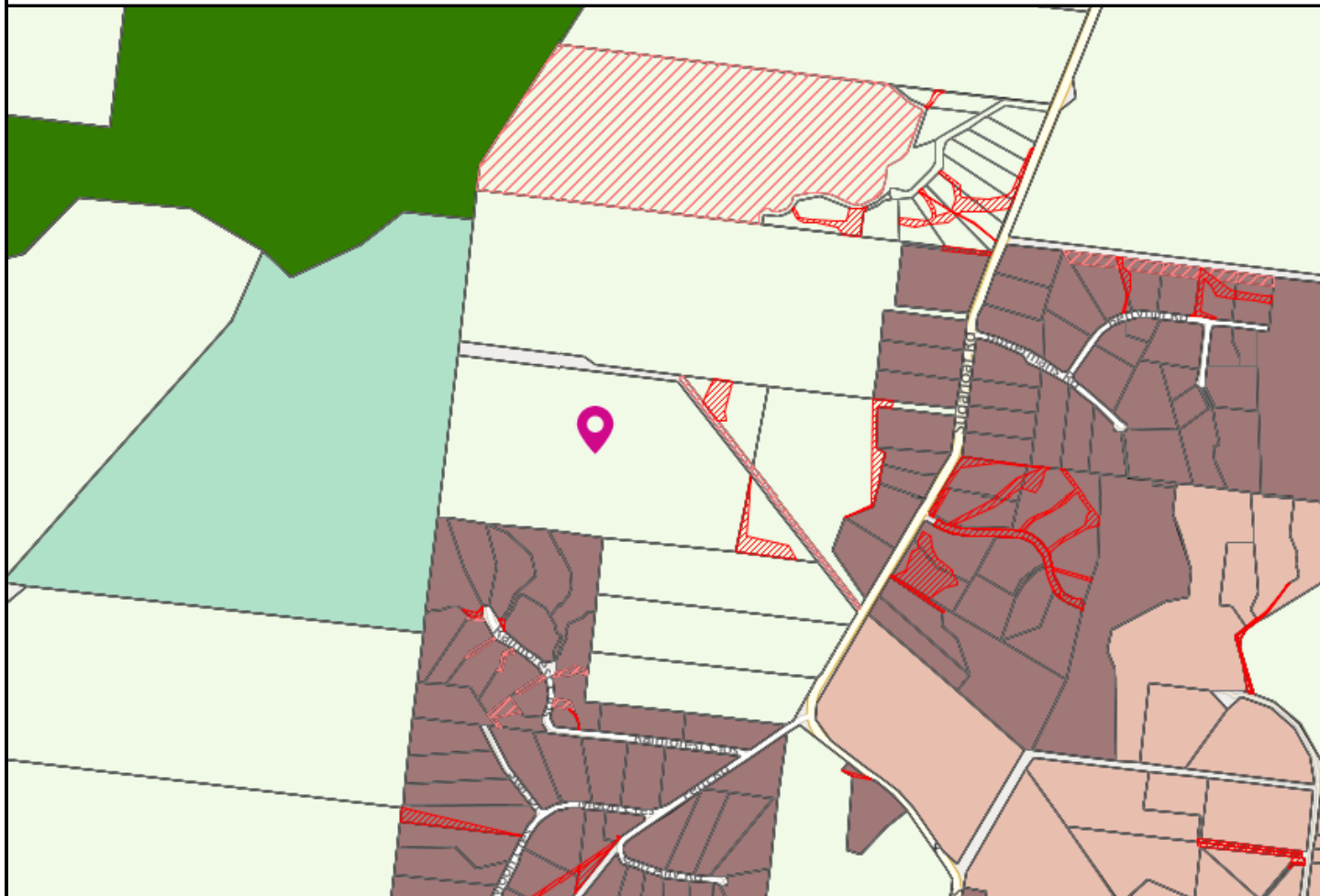
This information has been prepared for Council's internal purposes and for no other purpose. No statement is made about the accuracy or suitability of the information for use for any purpose (whether the purpose has been notified to Council or not). While every care is taken to ensure the accuracy of this data, Whitsunday Regional Council makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason. © Whitsunday Regional Council 2018.

1000 m



227 Sugarloaf Rd

30-Mar-2022



#### Property Layers

- DNRME Easement 09/02/2022
- DNRME Restrictions and Covenants 09/02/2022
- Cadastre 22/02/2022
- DNRME Land Parcel 09/02/2022

#### Planning Zones

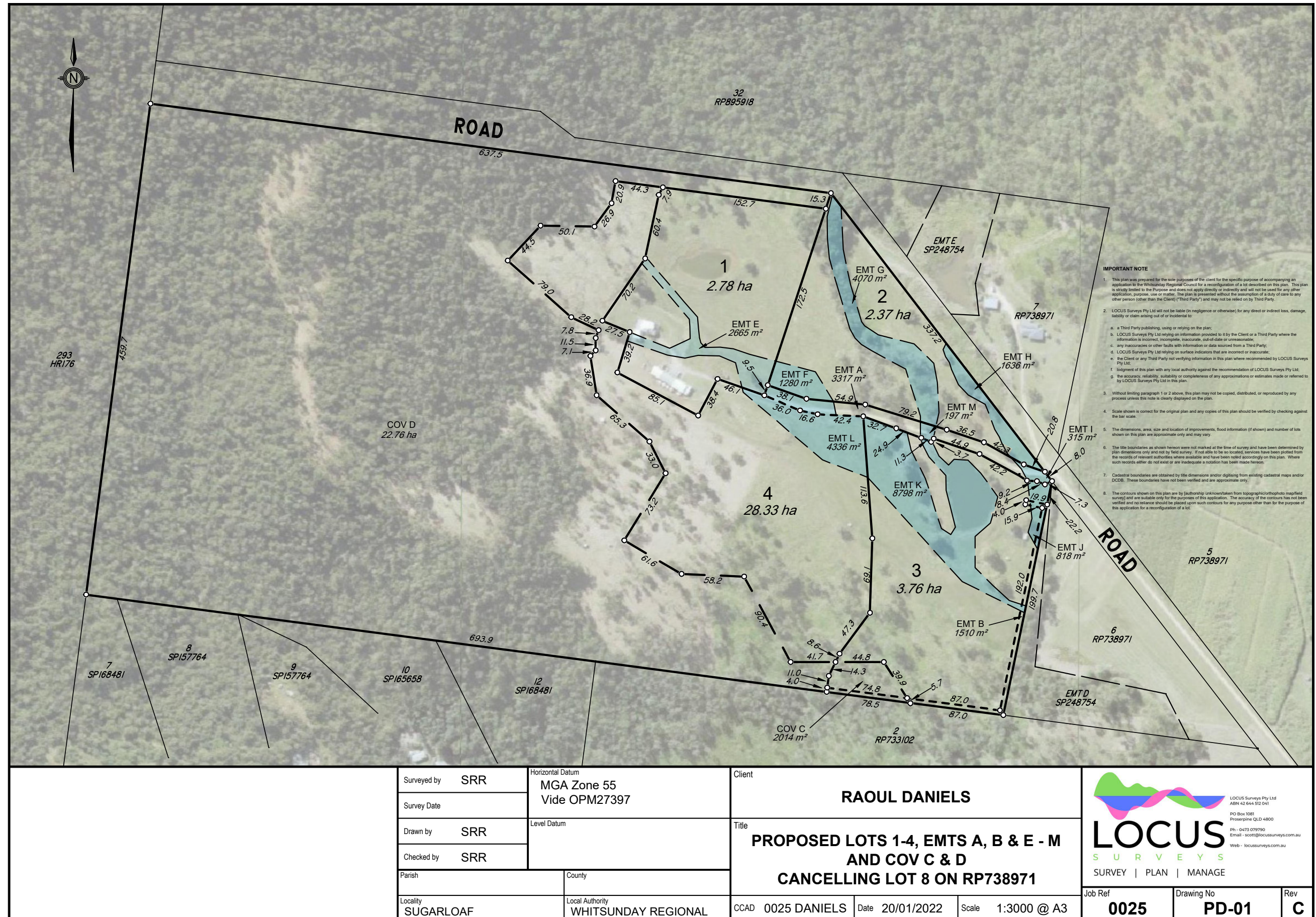
- Precincts
- Building Heights Airlie Beach
  - 14 metres
  - 18 metres
  - 21 metres
- D\_PC\_P\_Zones\_Realigned
  - Community facilities
  - District centre
  - Emerging community
  - Environmental management and conservation
  - High impact industry
  - Industry investigation and development
  - 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



#### Disclaimer

This information has been prepared for Council's internal purposes and for no other purpose. No statement is made about the accuracy or suitability of the information for use for any purpose (whether the purpose has been notified to Council or not). While every care is taken to ensure the accuracy of this data, Whitsunday Regional Council makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the data being inaccurate or incomplete in any way and for any reason. © Whitsunday Regional Council 2018.







RA6-N



SARA reference: 2201-26927 SRA  
Council reference: 20211041  
Applicant reference: 2021WRC008

24 February 2022

Chief Executive Officer  
Whitsunday Regional Council  
PO Box 104  
PROSERPINE QLD 4800  
info@whitsundayrc.qld.gov.au

**Attention: Mr James McEvoy-Bowe**

Dear Mr McEvoy-Bowe

## **SARA response—227 Sugarloaf Road, Sugarloaf**

(Referral agency response given under section 56 of the *Planning Act 2016*)

The development application described below was confirmed as properly referred by the State Assessment and Referral Agency (SARA) on 21 January 2022.

### **Response**

|                   |                                                                                     |
|-------------------|-------------------------------------------------------------------------------------|
| Outcome:          | Referral agency response – with conditions.                                         |
| Date of response: | 24 February 2022                                                                    |
| Conditions:       | The conditions in <b>Attachment 1</b> must be attached to any development approval. |
| Advice:           | Advice to the applicant is in <b>Attachment 2</b> .                                 |
| Reasons:          | The reasons for the referral agency response are in <b>Attachment 3</b> .           |

### **Development details**

|               |                                                                                    |                                                                          |
|---------------|------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| Description:  | Development permit                                                                 | Reconfiguring a lot – One (1) lot into four (4) lots and access easement |
| SARA role:    | Referral Agency.                                                                   |                                                                          |
| SARA trigger: | <b>Schedule 10, Part 3, Division 4, Table 2, Item 1</b> (Planning Regulation 2017) |                                                                          |
|               | Reconfiguring a lot that is assessable development under s 21.                     |                                                                          |



SARA reference: 2201-26927 SRA  
Assessment Manager: Whitsunday Regional Council  
Street address: 227 Sugarloaf Road, Sugarloaf  
Real property description: Lot 8 on RP738971  
Applicant name: Daniel Property Holdings Pty Ltd  
Applicant contact details: c/- Wynne Planning and Development Pty Ltd  
Shop 5 Deickie Arcade / 38 Main Street  
PROSERPINE QLD 4800  
kellianne@wynneplanninganddevelopment.com

## Representations

An applicant may make representations to a concurrence agency, at any time before the application is decided, about changing a matter in the referral agency response (s.30 Development Assessment Rules) Copies of the relevant provisions are in **Attachment 4**.

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

For further information please contact Madison Harper-McErlean, Planning Officer, on (07) 4898 6812 or via email [MIWSARA@dsdilgp.qld.gov.au](mailto:MIWSARA@dsdilgp.qld.gov.au) who will be pleased to assist.

Yours sincerely

Duncan Livingstone  
A/Manager (Planning)

cc Daniel Property Holdings Pty Ltd, [kellianne@wynneplanninganddevelopment.com](mailto:kellianne@wynneplanninganddevelopment.com)

enc Attachment 1 - Referral agency conditions  
Attachment 2 - Advice to the applicant  
Attachment 3 - Reasons for referral agency response  
Attachment 4 – Change representations provisions  
Attachment 5 - Referral plan and specifications

**Attachment 1—Referral agency conditions**

(Under section 56(1)(b)(i) of the *Planning Act 2016* the following conditions must be attached to any development approval relating to this application) =

| No. | Conditions                                                                                                                                                                                                                                                                                                                                                                              | Condition timing |
|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
|     | Reconfiguring a lot                                                                                                                                                                                                                                                                                                                                                                     |                  |
|     | Schedule 10, Part 3, Division 4, Table 2, Item 1 — The chief executive administering the Planning Act 2016 nominates the Director-General of Department of Resources 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 clearing of native vegetation, associated with this development, is limited to the areas specified on the following plan:</p> <ul style="list-style-type: none"> <li>PROPOSED LOTS 1-4, EMTS A, B &amp; E - M AND COV C &amp; D CANCELLING LOT 8 ON RP738971, prepared by LOCUS Surveys, dated 20/01/2022, reference PD-01 and revision C, as amended in red by SARA.</li> </ul> | At all times     |

## Attachment 2—Advice to the applicant

---

| General advice |                                                                                                                                                                                                                           |
|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.             | Terms and phrases used in this document are defined in the <i>Planning Act 2016</i> its regulation or the State Development Assessment Provisions (SDAP) [v2.6]. If a word remains undefined it has its ordinary meaning. |

### **Attachment 3—Reasons for referral agency response**

(Given under section 56(7) of the *Planning Act 2016*)

---

**The reasons for SARA's decision are:**

- Through an imposed condition, the development avoids impacts on vegetation and minimises and mitigates impacts on vegetation where avoidance is not possible.

**Material used in the assessment of the application:**

- The development application material and submitted plans
- *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 4—Change representation provisions**

---

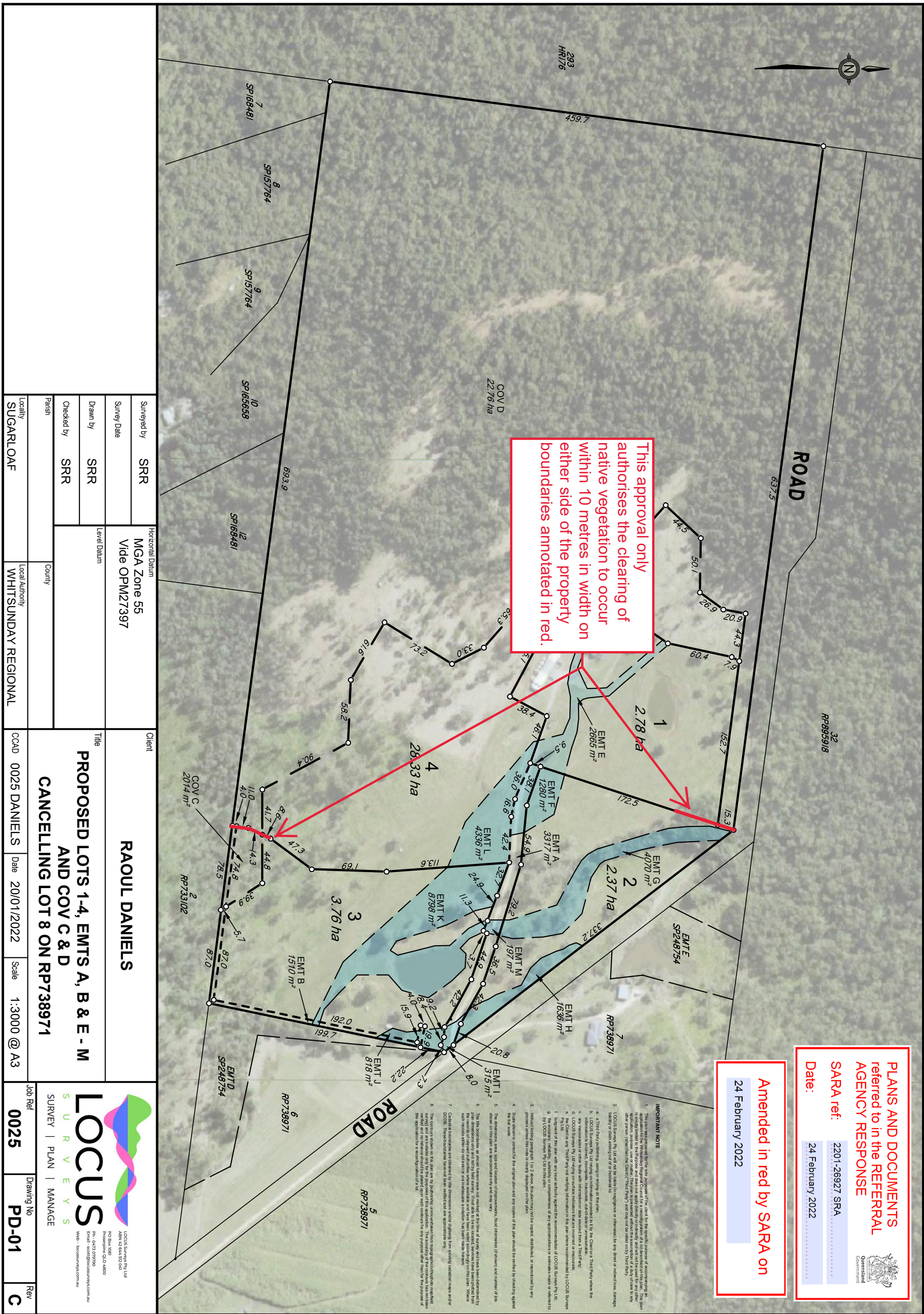
(page left intentionally blank)

## **Attachment 5—Referral plan and specifications**

---

(page left intentionally blank)







### 13.3.6 - Development Services Monthly Report - March 2022

**DATE:** Wednesday 13 April 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 March 2022 [**13.3.6.1** - 12 pages]

#### **PURPOSE**

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

#### **OFFICER'S RECOMMENDATION**

That Council notes the Development Services Monthly Report for March 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**

N/A

#### **STRATEGIC IMPACTS**

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**

N/A

## **CONSULTATION/ENGAGEMENT**

Manager Strategic Planning  
Manager Development Assessment  
Team Leader Plumbing Services

## **RISK ASSESSMENT**

N/A

## **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

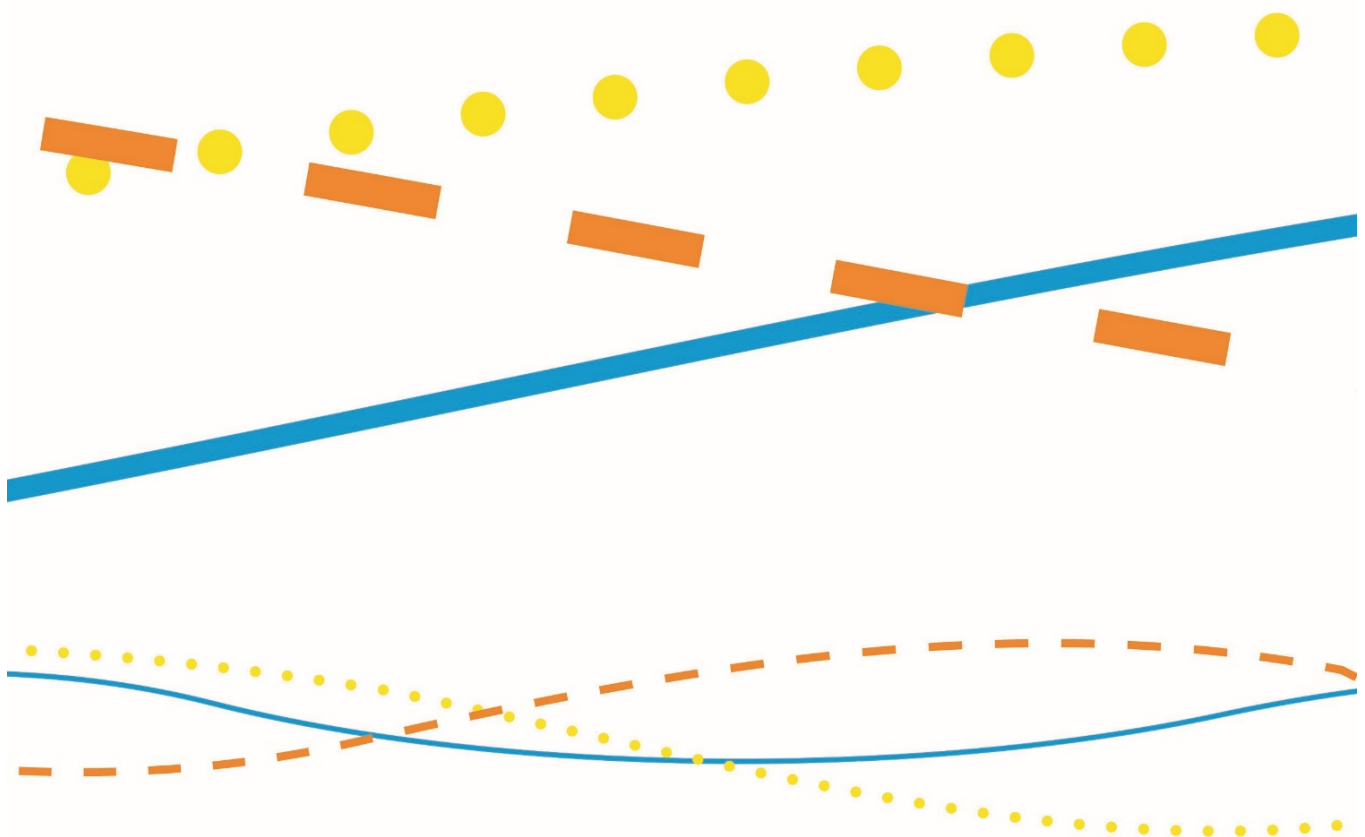
## **ALTERNATIVES CONSIDERED**

N/A



## Development Services Monthly Report

Strategic Planning  
Development Assessment  
Building, Plumbing & Compliance



## TABLE OF CONTENTS

|                                                                  |          |
|------------------------------------------------------------------|----------|
| <b>Directors Report .....</b>                                    | <b>3</b> |
| Strategic Planning .....                                         | 4        |
| Development Assessment .....                                     | 5        |
| Development Statistics .....                                     | 5        |
| Summary of Applications Refused by Council.....                  | 7        |
| Summary of Applications Approved by Council.....                 | 7        |
| Summary of Applications Approved Under Delegated Authority ..... | 7        |
| Building, Plumbing & Compliance .....                            | 11       |

# Directors Report

## STRATEGIC PLANNING

During March Council adopted an updated Infrastructure Charges Resolution (No. 1) 2022 and repealed the 2020 version. The new charges took effect on 28 March 2022. The updated version increases infrastructure charges in the Region by approximately 1.5%. Infrastructure charges need to increase in response to inflationary pressures in the infrastructure construction industry.

Community consultation on the Airlie Beach Foreshore Land Management Plan and Greater Airlie Beach Masterplan was completed and a submission analysis report will be presented to Council in April.

The Whitsunday Planning Scheme Major Amendment was originally submitted to the State for State Interest Review on 29 March 2021. While further negotiation has been undertaken, Council is still awaiting approval to commence public consultation. The Proserpine to Airlie Beach Growth Study; Proserpine to Airlie Beach Structure Plan and Heritage Placecard updates will also be advertised concurrently with the Major Amendment.

Collaboration began with the Finance team to align the Local Government Infrastructure Plan with the Long-Term Financial Forecast as the Draft Plan nears the first independent review part of the approval process.

## DEVELOPMENT ASSESSMENT

In March, 34 new Reconfiguration of a Lot and Material Change of Use applications were lodged with 46 decisions processed. This was the highest monthly total over the past 4 years. The team is not operating at full staff levels, so this is a substantial achievement.

Significant development approvals include a major expansion of Bunnings Warehouse, Operational Works for the medical centre in Carlo Drive, a service station and KFC on Leichhardt Street in Bowen and Operational Works for the Space Port at Abbott Point SDA.

Appeals have been lodged against Council's refusal of two negotiated decision requests in relation to the Port of Airlie applications on Coconut Grove. The Whitsunday Paradise Appeal has been listed for the August sittings of the Planning and Environment Court.

## BUILDING, PLUMBING & COMPLIANCE

### Building

Total of 55 private certifier applications were lodged during March, compared to 25 in February. Building within the region remains strong with a large focus on dwellings, domestic sheds and swimming pools.

### Plumbing

In March, 94 inspections were completed which is a significant increase on the previous month. The number of applications and inspections completed continue to reflect a very active building market.

### Compliance

Complaints and concerns received tend to fluctuate depending on multiple contributing factors, one being weather. As the wet weather continues, the complaints and concerns received regarding storm water runoff rise exponentially. When complaints increase, it has significant impacts on the time and resources required from the department to ensure matters are prioritised and actioned within appropriate time frames.

## 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;

- Completion of State Interest Review of the Proposed Major Amendment of the Planning Scheme;
- Summary of Public Consultation of the Airlie Beach Land Management Plan;
- Summary of Public Consultation of the Greater Airlie Beach Masterplan;
- Review of the Local Heritage Register;
- Development of the LGIP V2 Amendment;
- Brief council on the Open Space Strategy & prepare Open Space Standards (Development Manual);
- Develop Affordable Housing Strategy;
- On-going Strategic Referrals for Development Assessment; and
- On-going assessment of Façade Improvement Policy Applications.

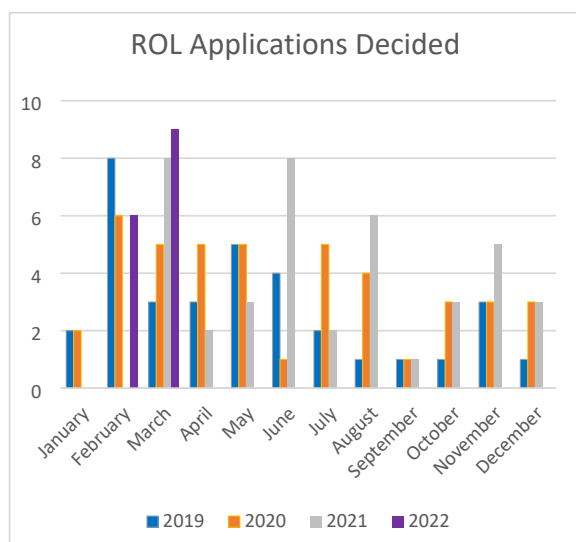
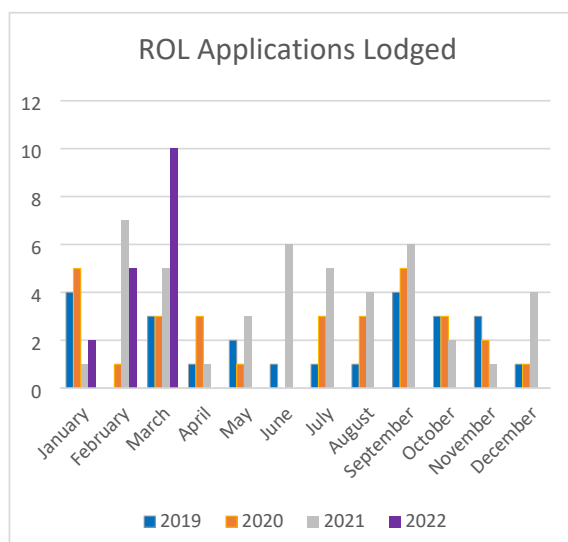
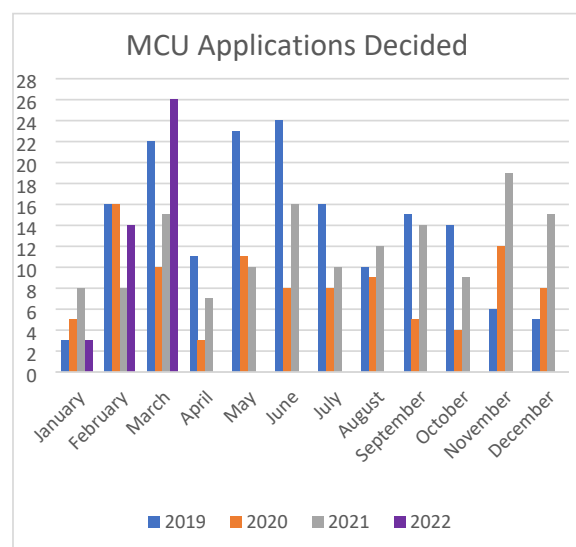
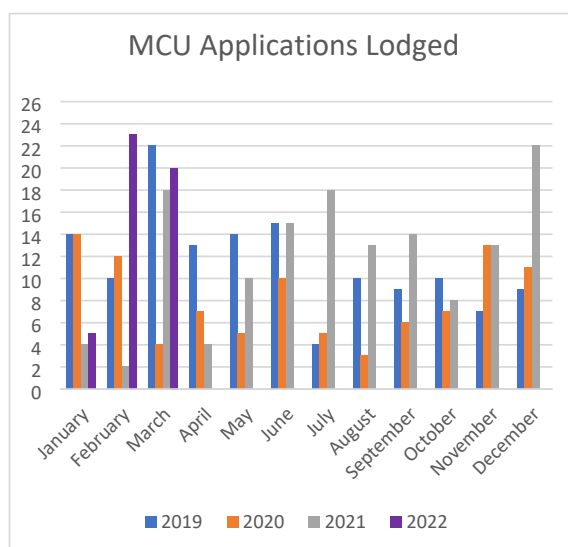


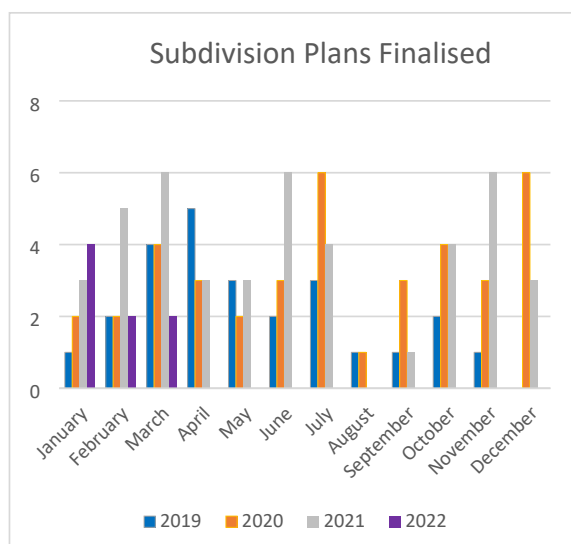
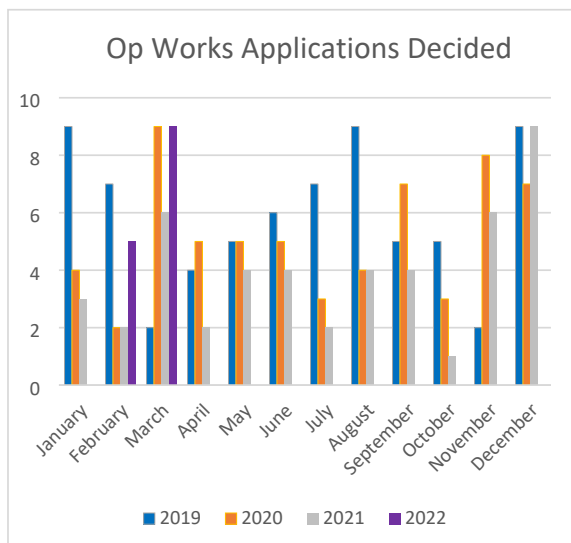
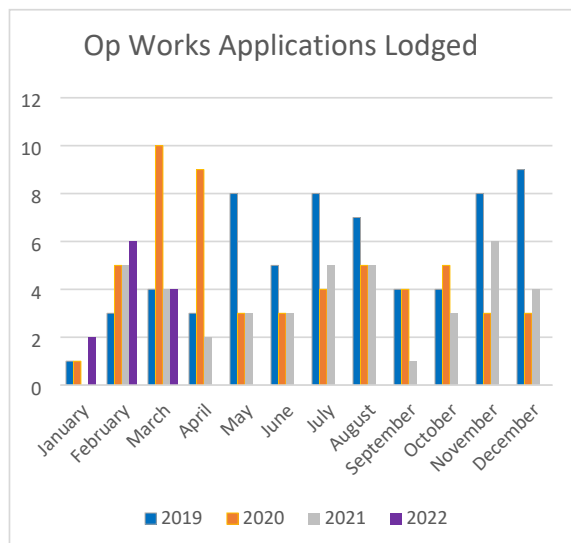
## Development Assessment

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

#### MARCH 2022





**Summary of Applications Refused By Council**

| Application # | Applicant & Location                           | Approval Details                                                                                                            |
|---------------|------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| 20220039      | 14 Erromango Drive, Jubilee Pocket<br>B Kehr   | Refusal Notice for Development Application for Material Change of Use (Short-Term Accommodation)                            |
| 20211188      | 11 Warrain Street, Shute Harbour<br>M Osbourne | Refusal Notice for Development Application for Preliminary Approval (Variation) and Material Change of Use (Dwelling House) |

**Summary of Applications Approved By Council**

| Application # | Applicant & Location                                        | Approval Details                                                                                                                             |
|---------------|-------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| 20210929      | 5 Mazlin Street, Airlie Beach<br>Carats Development Pty Ltd | Development Permit for Material Change of Use (Short-Term Accommodation)                                                                     |
| 20210921      | 21-23 The Cove, Airlie Beach<br>D L Crossley                | Development Permit for Material Change of Use (Short-Term Accommodation)                                                                     |
| 20211048      | 10 Kara Crescent, Airlie Beach<br>LA Hamilton               | Development Permit for Preliminary Approval for Building Works, Material Change of Use for Dwelling House (Siting Variation & Site Coverage) |

**Summary of Applications Approved Under Delegated Authority**

| Application # | Applicant & Location                                                 | Approval Details                                                                                                                                                                                            |
|---------------|----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 20040153      | 14 Mt Whitsunday Drive, Airlie Beach<br>The Trust Company (PTAL) Ltd | Generally in Accordance Determination (Side Boundary Setback)                                                                                                                                               |
| 20101136      | 24 Botanica Drive, Woodwark<br>Botanica Drive Pty Ltd as TTE         | Change Development Permit for Reconfiguration of a Lot (1 into 43 Lots) and Material Change of Use (43 Dwelling Houses) (Staged)                                                                            |
| 20130884      | 2-8 Ocean Road, Airlie Beach<br>One Airlie Joint Venture             | Preliminary Approval for Material Change of Use for Premises for Twelve (12) Dwelling Houses with Guest Accommodation; and Development Permit for Reconfiguration of a Lot – One (1) Lot into Ten (10) Lots |
| 20191424      | 26 - 32 Port Drive, Airlie Beach<br>Meridien Airlie Beach Pty Ltd    | Development Permit Preliminary Approval (Variation Request) for Material Change of Use - Multiple Dwelling/Short-Term Accommodation/Food & Drink Outlet/Shop/Office/Health Care Service/Community Use       |
| 20200313      | Valley Drive, Cannonvale<br>Breeze 8 Pty Ltd                         | Development Permit for Operational Works (Roadworks, Earthworks, Water, Stormwater & Erosion Sediment Control)                                                                                              |

|          |                                                                                   |                                                                                                                                                                                                                                                       |
|----------|-----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 20200314 | Valley Drive, Cannonvale<br>Breeze 8 Pty Ltd                                      | Development Permit for Operational Works (Roadworks, Earthworks, Water, Stormwater & Erosion Sediment Control) (Stage 1C)                                                                                                                             |
| 20210057 | 24 Coconut Grove, Airlie Beach<br>Meridien Airlie Beach Pty Ltd                   | Development Permit for Reconfiguration of a Lot - One (1) Lot into Seven (7) Residential Lots and a Balance Lot                                                                                                                                       |
| 20210108 | 93-115 Parker Road, Cannonvale<br>Moloko Homes                                    | Development Permit for Reconfiguration of a Lot - One (1) Lot into Twenty (20) Lots & One (1) Park Lot                                                                                                                                                |
| 20210169 | 34-44 Jubilee Pocket Road, Jubilee Pocket<br>GA & CL Smith                        | Development Permit for Reconfiguration of a Lot - One (1) Lot into Eleven (11) Lots & One (1) Drainage Lot (Staged)                                                                                                                                   |
| 20210462 | 47 Leichardt Street, Bowen<br>Brisbane Prestige Property Development              | Generally in Accordance – Development Permit for Material Change of Use (Service Station)                                                                                                                                                             |
| 20210619 | 170 Main Street, Proserpine<br>Kurl Pty Ltd                                       | Preliminary Approval that Includes a Variation Request and Development Permit for Material Change of Use (Transport Depot, Outdoor Sales, Showroom and Caretaker's Accommodation) and Development Permit for Reconfiguration of Lot - Access Easement |
| 20210759 | 18 Bay Terrace, Shute Harbour<br>J Askew & O Scott                                | Development Permit for Material Change of Use – Dwelling House (Primary & Secondary Frontage Setback Variation)                                                                                                                                       |
| 20211013 | DC & L B Stacey<br>30 Horseshoe Bay Road, Bowen                                   | Development Permit for Material Change of Use (Short-Term Accommodation)                                                                                                                                                                              |
| 20211083 | 138 Kookaburra Drive, Cannon Valley<br>M J & A G Hemsley                          | Development Permit for Operational Works (Driveway Access)                                                                                                                                                                                            |
| 20211196 | 13067 Bruce Highway, Myrtlevalle<br>Nesneros Pty Ltd                              | Development Permit for Material Change of Use – Tourist Park (Two (2) Additional Units, relocation of camping Area & Additions to common Areas)                                                                                                       |
| 20211209 | 280 Kelsey Road & 81 Reibels Road, Delta<br>B T Martin & P V Schuler & G J Martin | Development Permit for Reconfiguration of a Lot – Two (2) Lots into Two (2) Lots (Boundary Realignment)                                                                                                                                               |
| 20211212 | 1 Carlo Drive, Cannonvale<br>YPG Industries Pty Ltd as TTE                        | Development Permit for Operational Works (Earthworks, Pavements, Car Parking & Stormwater)                                                                                                                                                            |

|          |                                                                                        |                                                                                                                    |
|----------|----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| 20211214 | 6 Marina View court, Airlie Beach<br>K A & D C Clay                                    | Development Permit for Material Change of Use<br>(Short-Term Accommodation)                                        |
| 20211219 | S A Betzel<br>Dalrymple Street, Bowen                                                  | Development Permit for Material Change of Use<br>(Dwelling House)                                                  |
| 20211226 | 1 Pandanus Drive, Cannonvale<br>Bunnings                                               | Development Permit for Material Change of Use<br>– Hardware & Trade Supplies (Expansion)                           |
| 20211234 | Liberty Church Whitsunday<br>19 Philip Street, Proserpine                              | Development Permit for Material Change of Use<br>- Community Purpose (Place of Worship<br>Extensions)              |
| 20211253 | 2 Gum Tree Close, Woodwark<br>P R & W Coe                                              | Development Permit for Reconfiguration of a Lot<br>– One (1) Lot into Two (2) Lots                                 |
| 20211259 | 2-8 Ocean Road, Airlie Beach<br>R Fairweather, M Van Der Zwaard &<br>Michelbec Pty Ltd | Development Permit for Material Change of Use<br>(Dwelling House)                                                  |
| 20220053 | 27 Telford Street, Proserpine<br>K A Jamieson                                          | Development Permit for Material Change of Use<br>– Dwelling House (Shed Side Boundary Setback<br>Variation)        |
| 20220055 | 21 Gloucester Street, Queens Beach<br>N L Carrigan                                     | Development Permit for Material Change of Use<br>– Dwelling House (Shed Side & Rear Boundary<br>Setback Variation) |
| 20220056 | 7 Avoca Road, Bowen<br>Dempsey Property Investments Pty<br>Ltd As TTE                  | Development Permit for Material Change of Use<br>– Dwelling House (Shed Height Increase)                           |
| 20220090 | 10 Hermitage Drive, Airlie Beach<br>D L & R M Belvedere                                | Development Permit for Material Change of Use<br>(Short-Term Accommodation)                                        |
| 20220107 | 127 Staniland Drive, Strathdickie<br>M & J Stokes                                      | Development Permit for Material Change of Use<br>– Dwelling House (Shed/Carport Front Setback<br>Variation)        |
| 20220116 | 128 A Mt Nutt Road, Queens Beach<br>N J Carr                                           | Development Permit for Reconfiguration of Lot -<br>Two (2) Lots into Two (2) Lots (Boundary<br>Realignment)        |
| 20220127 | 9-11 Gregory Street, Bowen<br>B Ruff                                                   | Development Permit for Operational Works<br>(Road Works, Landscaping, Stormwater &<br>Footpath)                    |
| 20220132 | 8 & 10 Horseshoe Bay Road, Bowen<br>B A & T J Andison                                  | Development Permit for Reconfiguration of a Lot<br>– Two (2) Lots into Two (2) Lots (Boundary<br>Realignment)      |

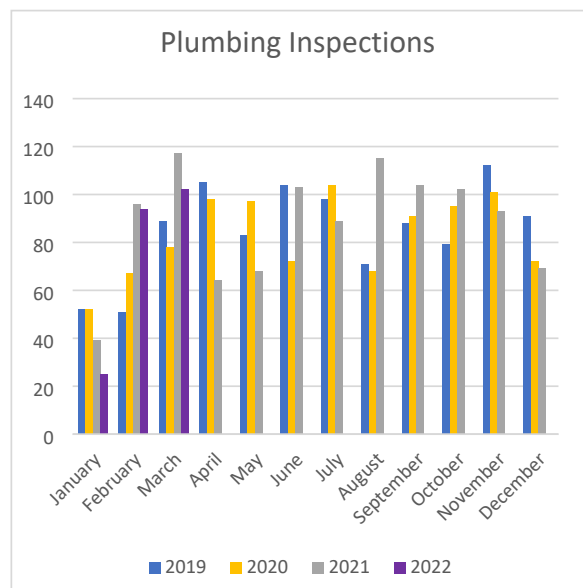
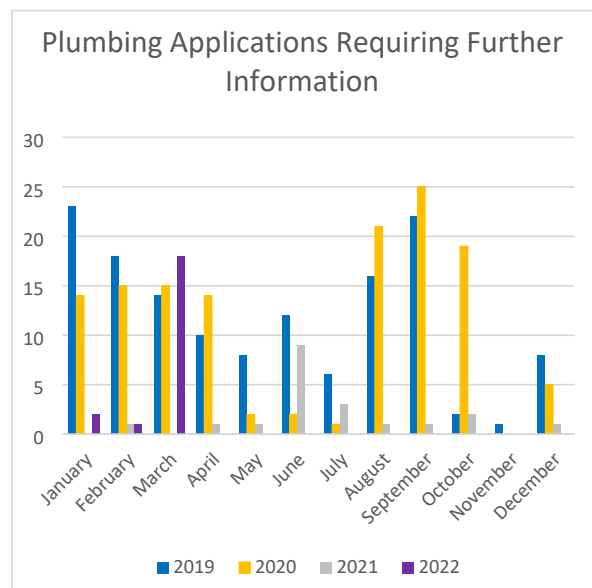
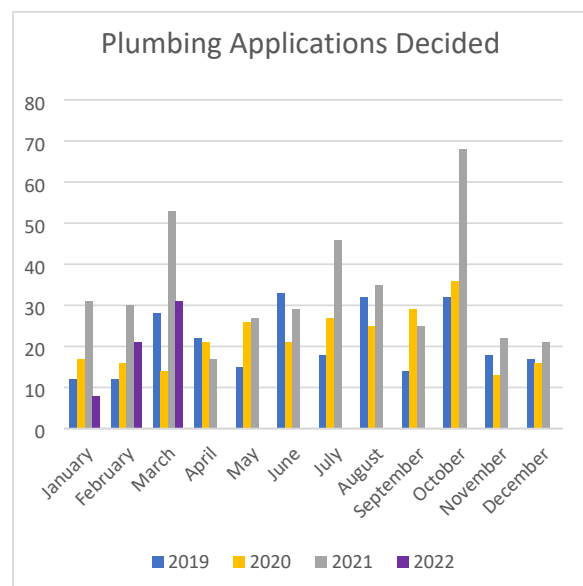
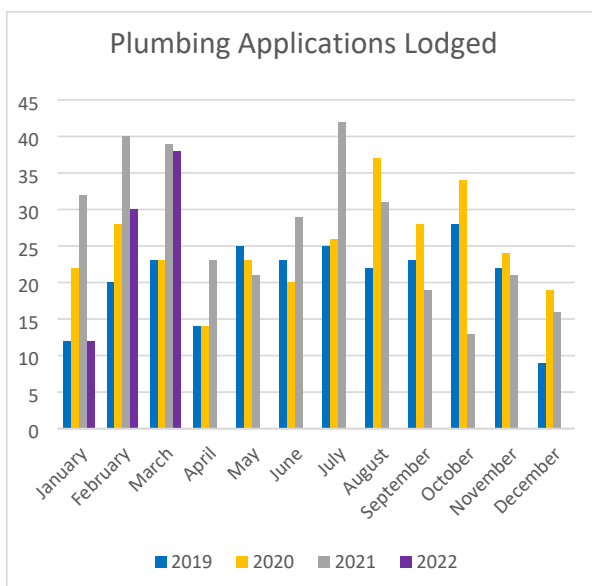
|          |                                                                         |                                                                                       |
|----------|-------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 20220150 | Bruce Highway, Bowen<br>Gilmour Space Technologies Pty Ltd              | Development Permit for Operational Works (Bulk Earthworks, Access Road & Stormwater)  |
| 20220170 | 39-41 Myles Street, Merinda<br>S R Whitaker                             | Development Permit for Material Change of Use – Dwelling House (Shed Height Increase) |
| 20220184 | 33 Don Street, Don Street & Station Street Bowen<br>N H Stone           | Development Permit for Operational Works (Driveway Access)                            |
| 20220193 | 149 Inverroona Road, Bowen<br>K R Torkington                            | Development Permit for Operational Works (Access, Drainage Works & Earthworks)        |
| 20220198 | Lot 9 Ash Rise, Sugarloaf<br>S P Lacy                                   | Development Permit for Material Change of Use – Dwelling (Over Height Class 10A Shed) |
| 20220199 | 45 Pitcairn Avenue, Heronvale<br>B L & K N Mulherin                     | Development Permit for Material Change of Use – Dwelling (Shed)                       |
| 20220225 | Hayman Island Resort/Hayman Island, Whitsundays<br>Mulpha Australia Ltd | Development Permit for Operational Works Permit (Erosion & Sediment Control Plan)     |
| 20220307 | 31 Acacia Grove, Woodwark<br>D R Allen                                  | Development Permit for Material Change of Use – Dwelling (Shed)                       |

## Building, Plumbing & Compliance

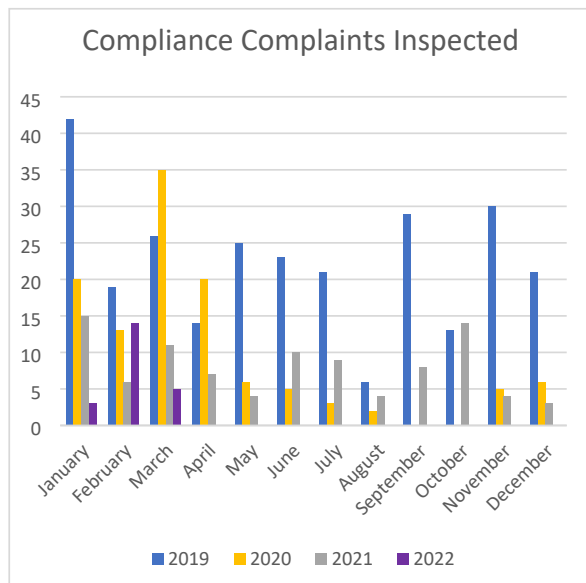
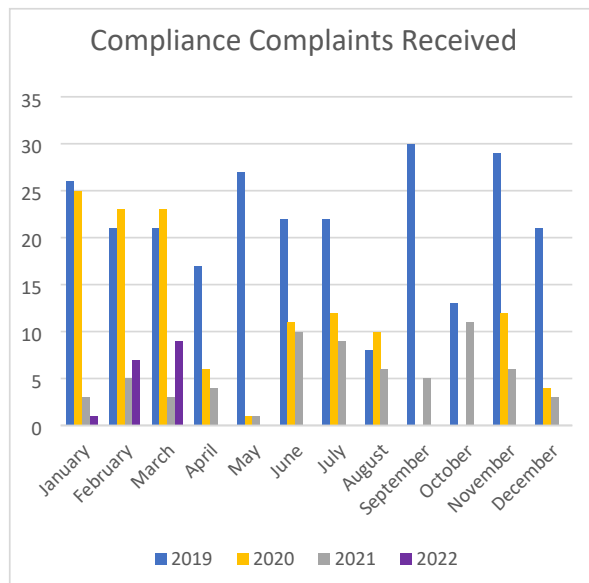
The Building, Plumbing & Compliance branch is responsible for assessing/reviewing building and plumbing applications, developing and maintaining various building and plumbing related policies and registers; carrying out Building regulatory functions; and manage and regulate enforcement and compliance procedures.

### Building, Plumbing & Compliance Statistics

#### MARCH 2022







### 13.4.1 - Donation on Council Fees - March 2022

**DATE:** Wednesday 13 April 2022

**TO:** Ordinary Council Meeting

**AUTHOR:** Meredith Davis - Administration Officer - Community Development

**AUTHORISING OFFICER:** Julie Wright - Director Community Services

**PRESENTED FOR:** Decision

#### ATTACHMENTS

Nil

#### PURPOSE

Council to consider providing financial support for Not-For-Profit organisations to enable their event and facilities to continue to be an invaluable recourse to our local communities.

#### OFFICER'S RECOMMENDATION

That Council approve the donation on Council fees for the following applicants:

1. Whitsunday Counselling and Support Inc. – Class 3 Event Application Fee - \$407
2. Whitsunday Counselling and Support Inc. – Class 3 Event Application Fee - \$407
3. Whitsunday Triathlon Club – Class 3 Event Application Fee - \$407
4. Whitsunday Regional Council – Class 3 Event Application Fee - \$407
5. Whitsunday Regional Council – Class 3 Event Application Fee - \$407
6. Variety – The Children's Charity – Class 3 Event Application Fee - \$407
7. Club Outrigger Whitsunday Inc. – Class 3 Event Application Fee - \$407
8. Airlie Beach Whitsunday RSL Sub-Branch – Class 3 Event Application Fee - \$407
9. Bowen RSL Sub-Branch – Class 3 Event Application Fee - \$407
10. Whitsunday Running Club – Class 2 Event Application Fee - \$677
11. Whitsunday Arts Festival Inc. – Class 2 Event Application Fee - \$677

#### BACKGROUND

Donations on Council Fees are only available for Not-For-Profit organisations and only apply to:

- Planning, Building and Event Applications,
- Local Law Licence Applications,
- Local Law Licence Annual Renewals, and
- Green Waste Disposal Fees.

#### DISCUSSION/CURRENT ISSUE

| Organisation                            | Event/Description                                                         | Application Type                 | Amount (\$) |
|-----------------------------------------|---------------------------------------------------------------------------|----------------------------------|-------------|
| Whitsunday Counselling and Support Inc. | DV Candle Lighting Ceremony<br>Whitsunday Lakes Estate Pond<br>4 May 2022 | Class 3 Event<br>Application Fee | 407         |
| Whitsunday Counselling and Support Inc. | DV Candle Lighting Ceremony<br>Bowen Sound Shell/Foreshore<br>4 May 2022  | Class 3 Event<br>Application Fee | 407         |

|                                        |                                                                                              |                                  |              |
|----------------------------------------|----------------------------------------------------------------------------------------------|----------------------------------|--------------|
| Whitsunday Triathlon Club              | Airlie Beach Triathlon<br>Airlie Beach Foreshore<br>4 May 2022                               | Class 3 Event<br>Application Fee | 407          |
| Whitsunday Regional Council            | Proserpine Entertainment Centre<br>Opening & Blessing of the<br>Cenotaph<br>22 March 2022    | Class 3 Event<br>Application Fee | 407          |
| Whitsunday Regional Council            | Proserpine Street Party<br>Main Street Proserpine<br>27 March 2022                           | Class 3 Event<br>Application Fee | 407          |
| Variety – The Children's Charity       | Variety Jet Trek – Trailer Parking<br>Port Denison Sailing Club Car Park<br>21-22 March 2022 | Class 3 Event<br>Application     | 407          |
| Club Outrigger<br>Whitsunday Inc.      | Outrigger Grand Prix Regatta<br>Broadwater Ave Beach Area<br>30-31 April 2022                | Class 3 Event<br>Application     | 407          |
| Airlie Beach Whitsunday RSL Sub-Branch | Anzac Day March<br>Cannonvale Cenotaph<br>25 April 2022                                      | Class 3 Event<br>Application     | 407          |
| Bowen RSL Sub-Branch                   | Anzac Day Dawn and Main Service<br>Bowen Cenotaph<br>25 April 2022                           | Class 3 Event<br>Application     | 407          |
| Whitsunday Running Club                | Tassal Group Airlie Marathon<br>Festival<br>Airlie Beach Foreshore<br>16-17 July 2022        | Class 2 Event<br>Application     | 677          |
| Whitsunday Arts Festival Inc.          | Whitsunday Arts Festival<br>Fairy Tree Park<br>24-25 September 2022                          | Class 2 Event<br>Application     | 677          |
|                                        |                                                                                              | <b>Total</b>                     | <b>5,017</b> |

## STATUTORY/COMPLIANCE MATTERS

*Local Government Act 2009*

Local Government Regulation 2012

LSP\_COMM\_08 – Community Donations 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 (2867) / Donations (11074).

| Description                 | Amount (\$)   |
|-----------------------------|---------------|
| 2021/22 Budget              | 100,000       |
| Actual + Commitment Spend   | 48,402        |
| <b>YTD Remaining Budget</b> | <b>51,598</b> |

## **CONSULTATION/ENGAGEMENT**

Manager Community Development & Libraries

## **RISK ASSESSMENT**

The donation of Council fees for activities undertaken by community groups shows Council is committed to investing in the Community, while recognising the work done by our local Not-For-Profit community Groups.

## **TIMINGS/DEADLINES**

30 June 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**

No

## **ALTERNATIVES CONSIDERED**

N/A

### 13.4.2 - Financial Support for a Junior Elite Athlete - April 2022

**DATE:** Wednesday 13 April 2022

**TO:** Ordinary Council Meeting

**AUTHOR:** Emily Hart - Community Development Officer

**AUTHORISING OFFICER:** Julie Wright - Director Community Services

**PRESENTED FOR:** Decision

#### ATTACHMENTS

Nil

#### PURPOSE

For Council to consider the application for Financial Support for a Junior Elite Athlete.

#### OFFICER'S RECOMMENDATION

That Council approve financial support of \$250 to Nelson Malady who represented North Queensland at the Queensland State Championships for Swimming, held in Brisbane on 21 March 2022.

#### 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 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                   | Competition Level | Sport    | Amount (\$) |
|---------------|-----|-------------------------------|-------------------|----------|-------------|
| Nelson Malady | 10  | U12 Years State Championships | North Queensland  | Swimming | 250         |
| Total         |     |                               |                   |          | 250         |

Nelson Malady competed in the Under 12 Male Queensland State Swimming Championships in Brisbane on 21 March 2022. Nelson has not previously received funding through the Junior Elite Athlete program.

#### STATUTORY/COMPLIANCE MATTERS

*Local Government Act 2009*

Local Government Regulation 2012

LSP\_COMM\_05 – Financial Support for a Junior Elite Athlete Policy

This is page 192 of the Agenda of Council's Ordinary Council Meeting - 13 April 2022

## 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 (\$)      |
|-----------------------------|------------------|
| 2021/22 Budget              | 100,000.00       |
| Actual + Commitment Spend   | 51,598.36        |
| <b>YTD Remaining Budget</b> | <b>48,401.64</b> |

## 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

No

## ALTERNATIVES CONSIDERED

N/A

### 13.4.3 - Sport & Recreation Clubs Grant - April 2022

**DATE:** Wednesday 13 April 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 Clubs Grant for April 2022 in accordance with Council's Sport & Recreation Grant Guidelines.

#### OFFICER'S RECOMMENDATION

That Council approve the payment of a Sport & Recreation Club Grant to the following recipients:

1. Molongle Creek Boat Club Inc. – Band 1 - \$5,500
2. Whitsunday United Football Club Inc. – Band 1 - \$5,500
3. Bowen Golf Club Inc. – Band 1 - \$5,500
4. Whitsunday Kyokushin Karate Proserpine – Band 3 - \$1,500
5. Whitsunday Basketball Inc. – Band 3 - \$1,500
6. Bowen Hockey Association Inc. – Band 3 - \$1,500
7. Whitsunday Old Iron Restorers Club Inc. – Band 4 - \$1,000
8. Bowen Bowls Club Inc. – Band 4 - \$1,000
9. Proserpine Girl Guides – Band 4 - \$1,000
10. Strings Whitsunday Inc. – Band 4 - \$1,000
11. Whitsunday Automotive & Restoration Club Inc. – Band 4 - \$1,000

#### BACKGROUND

To be eligible for the sport & recreation grant a club must meet the following criteria:

- Is incorporated and meets its obligations with the Office of Fair Trading
- Is covered with the appropriate level of public liability insurance (20 million); and
- 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 Club 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 | Amount Requested (\$) |
|-----------------------------------------------|----------------|----------------|---------------|------|-----------------------|
| Molongle Creek Boat Club Inc.                 | 0              | 300            | 300           | 1    | 5,500                 |
| Whitsunday United FC Inc.                     | 126            | 148            | 274           | 1    | 5,500                 |
| Bowen Golf Club Inc.                          | 23             | 285            | 308           | 1    | 5,500                 |
| Whitsunday Kyokushin Karate Proserpine Inc.   | 40             | 20             | 60            | 3    | 1,500                 |
| Whitsunday Basketball Inc.                    | 75             | 10             | 85            | 3    | 1,500                 |
| Bowen Hockey Association Inc.                 | 46             | 28             | 74            | 3    | 1,500                 |
| Whitsunday Old Iron Restorers Club Inc.       | 0              | 17             | 17            | 4    | 1,000                 |
| Bowen Bowls Club Inc.                         | 0              | 58             | 58            | 4    | 1,000                 |
| Proserpine Girl Guides                        | 10             | 4              | 14            | 4    | 1,000                 |
| Strings Whitsunday Inc.                       | 4              | 15             | 19            | 4    | 1,000                 |
| Whitsunday Automotive & Restoration Club Inc. | 0              | 49             | 49            | 4    | 1,000                 |
| Total                                         |                |                |               |      | 26,000                |

## STATUTORY/COMPLIANCE MATTERS

*Local Government Act 2009*

Local Government Regulation 2012

LSP\_COMM\_03 – 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 Donation (2967) / Club Grants (10250).

| Description    | Amount (\$) |
|----------------|-------------|
| 2021/22 Budget | 150,000     |

|                             |                 |
|-----------------------------|-----------------|
| Actual + Commitment         | 131,000         |
| <b>YTD Remaining Budget</b> | <b>* 19,000</b> |

\* At the quarter three budget review additional funds will be sourced from operational budgets to provide for the shortfall in the current budget.

### **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 to 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**

No

### **ALTERNATIVES CONSIDERED**

N/A

#### **13.4.4 - 500.2022.0005 Flagstaff Hill Cafe & Conference Centre - Commercial Opportunity Expression of Interest (EOI)**

**DATE:** Wednesday 13 April 2022

**TO:** Ordinary Council Meeting

**AUTHOR:** Julie Wright - Director Community Services

**AUTHORISING OFFICER:** Julie Wright - Director Community Services

**PRESENTED FOR:** Decision

#### **ATTACHMENTS**

Nil

#### **PURPOSE**

To present to Council for consideration the Evaluation Panel's recommendation as a result of the Expression of Interest process for the Flagstaff Hill Café & Conference Centre – Commercial Opportunity.

#### **OFFICER'S RECOMMENDATION**

That Council resolves to shortlist the following Respondents and Tenders be invited from that shortlist for the Flagstaff Hill Café and Conference Centre – Commercial Opportunity in accordance with Section 228 (7) Local Government Regulation 2012:

1. Starboard Café Pty Ltd; and
2. Tuan Vu Tran.

#### **BACKGROUND**

Whitsunday Regional Council (Council) resolved on the 25 January 2022 to:

- a) Not accept any submissions received in response to the Expression of Interest for 500.2021.0134 – Flagstaff Hill Cultural and Conference Centre – Cafe & Conference/Function Commercial Opportunity; and
- b) Re-release the Request for Expression of Interest to the market.

#### **DISCUSSION/CURRENT ISSUE**

#### **PROCESS**

##### **Tender Release**

The Expression of Interest (EOI) was readvertised on 8 February 2022 and advertised as follows in accordance with S228 Local Government Regulation 2012:

- a) eTenderBox;
- b) newspapers:
  - i. Whitsunday News; and
  - ii. Townsville Bulletin.
  - iii. Council's website.
- c) a video was prepared by Council's Communications Team and published on Council's Social Media Platforms; and
- d) Council's website through link to Council's eTenderBox portal displaying all current Tenders.

Both previous Respondents and the three (3) additional Respondents who showed interest after the previous EOI closed, were emailed to advise the EOI had been re-released.

An EOI briefing was conducted on Tuesday, 15th February 2022 at the facility with one attendee.

### **Evaluation Panel**

An Evaluation Panel assessed each Respondent's submission. The Evaluation Panel comprised the following personnel:

- a) Manager – Proserpine Entertainment Centre (PEC)
- b) Director Community Services; and
- c) Executive Manager Procurement, Property and Fleet

### **Summary of Tenders Received**

The following Respondents were received by the closing date of time on 2.00 pm on Wednesday, 2 March 2022 as follows:

- a) Starboard Café Pty Ltd
- b) Stone Island Holdings Pty Ltd; and
- c) Tuan Vu Tran.

An initial compliance check was conducted on the EOI submissions to identify if the responses were non-conforming with the requirements of the EOI. This included compliance with condition requirements and provision of requested information.

All submitted Respondents were deemed conforming and were progressed to the detailed Evaluation Criteria Assessment on the basis that all the terms, conditions and mandatory requirements of the EOI had been met.

### **Evaluation of Tenders**

The Respondents were assessed against the qualitative selection criteria. The qualitative criteria were weighted according to their importance as perceived and agreed by members of the Evaluation Panel. Relative weightings were published within the EOI as per below:

- a) Previous Relevant Industry Experience - 30%
- b) Business Plan/Model - 10%
- c) Innovation and Value to Flagstaff Hill Conference and Cultural Centre - 10%
- d) Financial Supplier - 40%
- e) Local Supplier - 10%

### **Summary of Evaluation Scores**

The qualitative criteria assessment was carried out by the Evaluation Panel individually on all the information provided by the Respondents according to the level of response, compliance to the requirements of the EOI to determine the overall capability and which could provide the best opportunity and value for Council.

The evaluation of the conforming submissions involved an assessment of the level of each Respondent's 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 |
|-------------------------------|---------------------------------|------------|
| Starboard Cafe Pty Ltd        | 67.2%                           | 2          |
| Stone Island Holdings Pty Ltd | 49.3%                           | 3          |
| Tuan Vu Tran                  | 74.8%                           | 1          |

### **Basis for Recommending the Shortlisting of the Respondents**

Based on the final evaluation, the Evaluation Panel recommends that the following two (2) Respondent's progress to the Tender Stage as they have demonstrated they have the experience to operate the Flagstaff Hill Cultural and Conference Centre, provide low financial risk to Council and provide a benefit to the successful commercial opportunity for this facility:

- a) Starboard Café Pty Ltd; and
- b) Tuan Vu Tran.

### **STATUTORY/COMPLIANCE MATTERS**

Process in compliance with:

- a) *Local Government Act 2009*
- b) Section 228 Local Government Regulation 2012

### **STRATEGIC IMPACTS**

As a result of the recommended action Council can fully assess the best commercial opportunity which has limited risks and will provide benefits that demonstrate the potential of this newly constructed public asset.

### **FINANCIAL IMPLICATIONS**

Through the EOI process Council has assessed those respondents with the financial capacity to fund the commencement of operations and operate the business as a success. The draft lease will include the provision of annual rental, percentage revenue on turnover and maintenance requirements.

### **CONSULTATION/ENGAGEMENT**

Executive Manager Procurement, Property & Fleet  
Manager Proserpine Entertainment Centre  
Manager Communications and Marketing  
Contracts Coordinator  
Flagstaff Hill Conference & Cultural Centre Project Control Group

### **RISK ASSESSMENT**

Through the two stages of EOI and subsequent Tender process this will reduce the associated risks with tenancy and operations of the facility. Council's commercial lease will be utilised for the tender process and negotiated with the successful parties with appropriate risk allocation.

### **TIMINGS/DEADLINES**

Subject to the approval of the shortlisting formal tenders will be issued in late April with award predicted to be in June 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**

Not Applicable

## **ALTERNATIVES CONSIDERED**

Not Applicable

## 13.4.5 - Community Services Monthly Report - March 2022

**DATE:** Wednesday 13 April 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 - Mar'22 [**13.4.5.1** - 23 pages]

### 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 March 2022.

### OFFICER'S RECOMMENDATION

That Council receive the Community Services Monthly Report for March 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 March 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

N/A

### CONSULTATION/ENGAGEMENT

Coordinator Natural Resource Management & Climate  
Manager Community Development & Libraries

This is page 201 of the Agenda of Council's Ordinary Council Meeting - 13 April 2022





Manager Customer Service  
Manager Proserpine Entertainment Centre  
Coordinator Environmental Health & Local Laws

### **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**

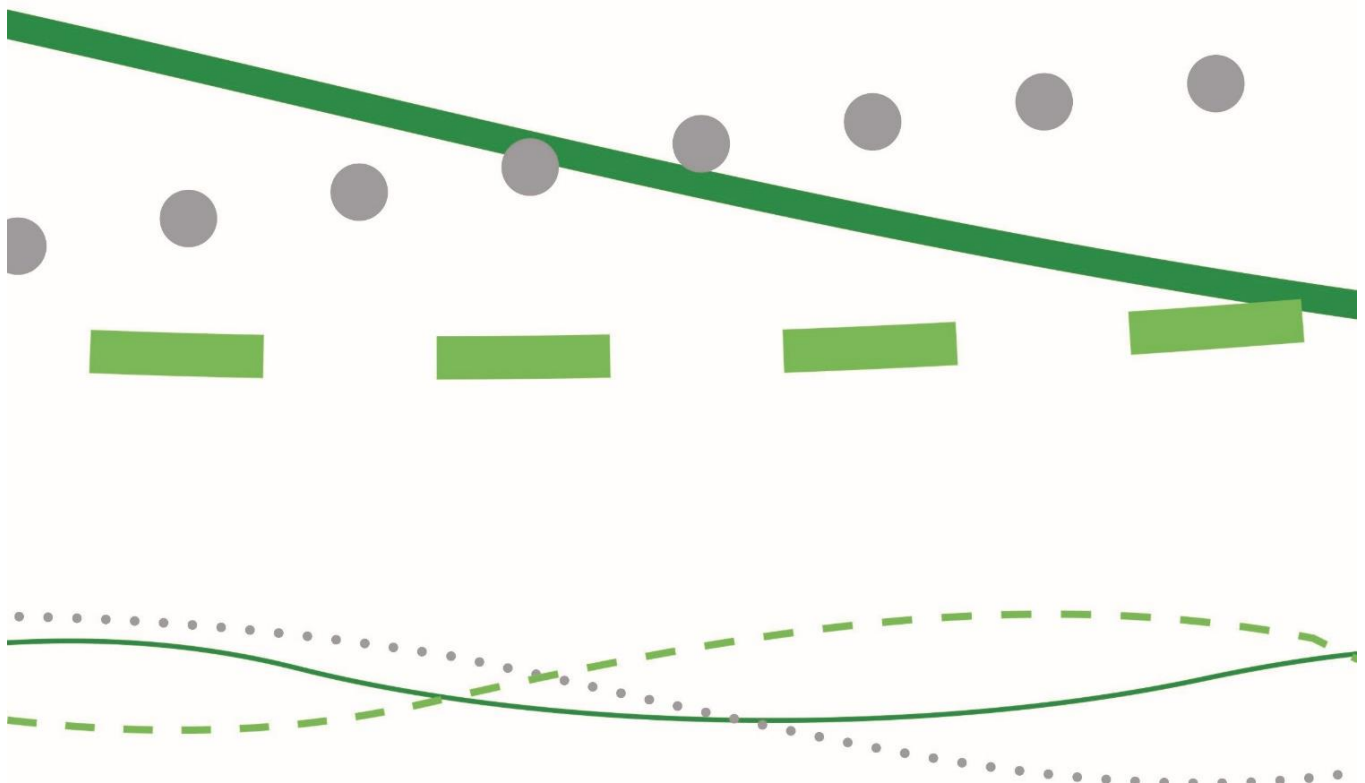
N/A



## Community Services

Community Development & Libraries  
Aquatic Facilities & Caravan Parks  
Environmental Health & Local Laws  
Natural Resource Management & Climate  
Customer Service  
Cultural Heritage

### Monthly Report | March 2022



## Director's Report

March 2022 saw the Community Services team undertake several events, activities and projects.

On Saturday 19 March the 2021 Tom and Jerry movie was played at the Airlie Beach Foreshore on the big screen for the community to enjoy.

Council acknowledged International Women's Day and Queensland Women's Week with this year's theme "Break the Bias" and recognised the women and girls in the workforce and the community by celebrating a world free of bias, stereotypes, and discrimination.

The Proserpine Street Party was held on Sunday 27 March and was extremely well received with approximately 2,000 people in attendance. There was a variety of information and market stalls, food vendors along with children's amusements which included the popular petting zoo.

The event also included live entertainment from several community groups who performed throughout the day.



**Photo 1** - Crowd - Proserpine Street Party

The Proserpine Entertainment Centre also opened their doors to approximately 750 excited community members who captured a glimpse of the new venue.

There were two community sponsorships approved in March to the total of \$6,500.00

My Community Directory + Diary searches decreased to 4,488 a decrease of 17.5% from February 2022. The top five searched categories for February are Health Services; Child Services; Community Clubs & Interest Groups; Sport and Recreation.

The libraries had good attendance at our children's programs this month, with families very engaged in activities and lots of new and regular faces.

Special disaster preparedness Storytimes were held at Cannonvale, Collinsville and Proserpine Libraries during March. With Sandra Black, Disaster Management Co-ordinator, reading *Birdie and the storm*, by Andrea Baldwin, together with special guest Turbine, Council's disaster preparedness mascot.



**Photo 2** - Disaster Preparedness Mascot Turbine

Proserpine Library joined in on the festivities of the Proserpine Street Party on Sunday, 27 March, opening the doors to over 370 members of the public, with many families utilising the children's area, resources and number of youths using the booths, playing board games, reading and engaging with each other. Staff received enquiries about children's programs, services, updated members details and signed up new ones.

Cannonvale Library hosted the second ParentMedic Baby First Aid session on 28 March. 14 adults (plus 11 babies/toddlers) took the opportunity to attend the free workshop and learn what to do in an emergency or when their baby is sick. Feedback was again positive with parents very appreciative of Council's support of this program.

The click and chat KnitWits Group ladies are currently busy making beanies, socks, and small blankets for inclusion in Senior Care packages to be donated to Whitsunday Neighbourhood Centre

## Community Services Monthly Report | March 2022

MakerSpace continues to grow in popularity, with parents and children enjoying the variety of activities and challenges facilitated by library assistant Sharon Lam.

The Region's Libraries monthly attendance and borrowings decreased however e-Library increased considerably from February 2022.

- Attendance 8,767 – 26.9% increase
- Borrowings 14,167 – 9.8% increase
- e-Library 16,065 – 3.69% decrease
- Library Website Visits 2,526 – 13.4% decrease.

Natural Resource Management's Projects for March 2022 include:

- Three (3) out of the five (5) Bushfire Management Training workshops have been held with the last 2 scheduled for the first two (2) weekends in April.
- C-CAT Executive are pursuing two (2) years' worth of C-CAT funding. The executives see value in the Alliance continuing and letters have now been sent out to seek payment for the period March – June 2022.
- Monitoring the flying fox roost in Pelican Park Carpet Snake Creek Collinsville where 170 black flying fox moved in on 1 March 2022 with numbers increasing throughout the month to 2,320 with pups present in 16 trees on 31 March 2022.
- Reef Catchments NRM have almost completed bollard work at Nelly Bay beach scrub and the Frog Rock foreshore reserve to protect the coastal beach scrub communities at both locations.



**Photo 3** - Bushfire Management Training Workshop

The Climate Hub Facebook Page reach increased by 6% to 2,835 for March from the previous month with 261 new Website Visitors (14.9% increase).

Environmental Health Food Business Inspections totalled 22 with 17 re-inspections required for the month. Re-inspections have increased considerably from February 2022.

Animal Management complaints increased by 50.09% to 83 in March 2022 from February 2022.

Local Law Compliance Notices issued decreased by 20.5% from 88 in February to 73 in March due to the decrease in the number of overgrown notices issued.

The following are the average monthly occupancy rates at each of Council's Caravan Parks:

- Proserpine Tourist Park – 39.15% a 0.75% decrease from March 2021.
- Wangaratta Caravan Park – 25.89% a 0.51% decrease from March 2021.

The Bowen Work Camp contributed a total of 592 hours during this month with mowing, landscaping and general Community and Council assistance.

The Community Services Team received 374 CRMs for March (308 completed) with the Environmental Health and Local Law units receiving 315 complaints/requests for the month.

Council's Off-Street Carparks generated \$57,323 for the month with 7,501 transactions, an increase of 12.93% from the previous month.

The Community Services Administration Officers' statistics for February 2022 include the following:

- Correspondence Generated – 633 items
- Civica & ECM Registrations – 1,828 tasks
- 1,068 Telephone Calls (internal and external)

Customer Service saw 2,825 visitors through the service centres, an increase of 20% attendance to the previous month. This is due to Rates Receipts & Water Charges.

Telephone calls received increased by 11.18% from the previous month to 5,277 calls, with 80.35% resolved at the first point of contact.

After hours calls totalled 319 for March an increase of 54.10% from last month.

BPay, Austpost, Direct Deposits & EServices payments equalled 72.1% of total payments for the month an increase of 1.52% from the previous month.

Aquatic Facility user statistics for March 2022 in comparison to March 2021 are listed below:

- Airlie Beach Lagoon increased by 56% to 16,487
- Bowen Pool increased by 10.94% to 9,141
- Proserpine Pool decreased by 83.1% to 1,138
- Collinsville Pool increased by 27.34% to 2,282

**Julie Wright**  
Director Community Services



## Community Services Monthly Report | March 2022

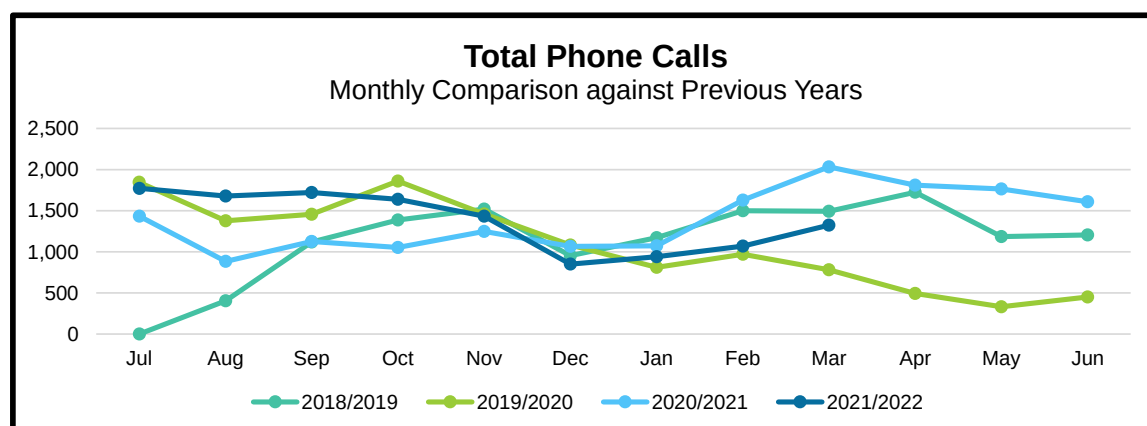
### General

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    | Jan | Feb   | Mar   | Monthly Trend |
|--------------------------|--------|-----|-------|-------|---------------|
| Correspondence Generated | 8,348  | 361 | 633   | 493   | ↓             |
| ECM Task List            | 5,881  | 367 | 388   | 385   | ↓             |
|                          |        |     |       |       |               |
| Civica Registers         | 8,023  | 448 | 604   | 666   | ↑             |
| Data Input               | 5,354  | 366 | 357   | 443   | ↑             |
|                          |        |     |       |       |               |
| CRMs Generated           | 545    | 42  | 56    | 77    | ↑             |
| CRMs Closed              | 866    | 83  | 108   | 162   | ↑             |
|                          |        |     |       |       |               |
| Phone Calls - Internal   | 7,785  | 539 | 720   | 808   | ↑             |
| Phone Calls - External   | 4,641  | 401 | 348   | 515   | ↑             |
| Phone Calls - Total      | 12,426 | 940 | 1,068 | 1,323 | ↑             |
|                          |        |     |       |       |               |
| ECM Registering          | 6,411  | 405 | 479   | 515   | ↑             |
|                          |        |     |       |       |               |
| Purchase Orders          | 652    | 41  | 72    | 79    | ↑             |
| Receipt Invoices         | 853    | 74  | 58    | 105   | ↑             |
|                          |        |     |       |       |               |
| Reports                  | 520    | 14  | 30    | 33    | ↑             |

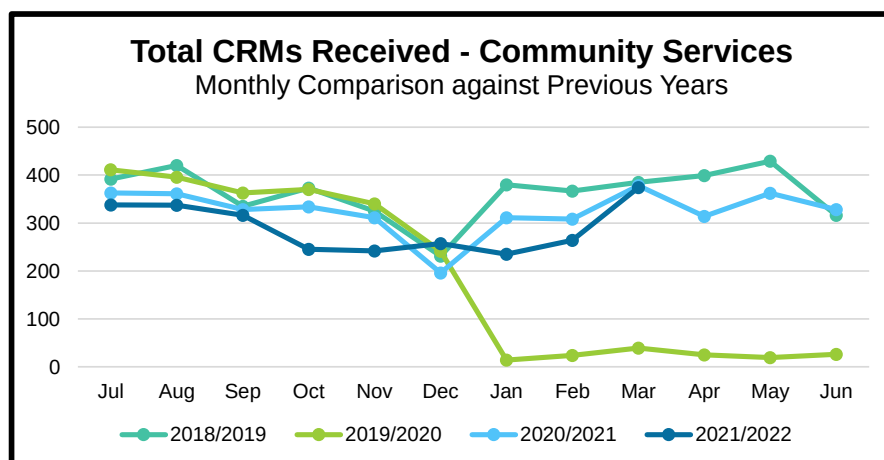




## Community Services Monthly Report | March 2022

### Customer Request Management (CRM)

| Service                                      | YTD   | Jan | Feb | Mar | Monthly Trend |
|----------------------------------------------|-------|-----|-----|-----|---------------|
| <b>Community Development</b>                 |       |     |     |     |               |
| CRM Received                                 | 61    | 8   | 5   | 10  | ↑             |
| CRM Completed                                | 42    | 4   | 4   | 7   | ↑             |
| <b>Library Services</b>                      |       |     |     |     |               |
| CRM Received                                 | 3     | 0   | 0   | 0   | –             |
| CRM Completed                                | 1     | 0   | 0   | 0   | –             |
| <b>Aquatic Facilities</b>                    |       |     |     |     |               |
| CRM Received                                 | 30    | 3   | 2   | 7   | ↑             |
| CRM Completed                                | 18    | 0   | 1   | 5   | ↑             |
| <b>Caravan Parks</b>                         |       |     |     |     |               |
| CRM Received                                 | 6     | 0   | 0   | 1   | ↑             |
| CRM Completed                                | 3     | 0   | 0   | 0   | –             |
| <b>Environmental Health &amp; Local Laws</b> |       |     |     |     |               |
| CRM Received                                 | 2,264 | 213 | 228 | 315 | ↑             |
| CRM Completed                                | 1,868 | 160 | 185 | 272 | ↑             |
| <b>Parking</b>                               |       |     |     |     |               |
| CRM Received                                 | 35    | 1   | 2   | 4   | ↑             |
| CRM Completed                                | 34    | 2   | 2   | 4   | ↑             |
| <b>NRM &amp; Climate</b>                     |       |     |     |     |               |
| CRM Received                                 | 168   | 7   | 20  | 34  | ↑             |
| CRM Completed                                | 75    | 5   | 8   | 17  | ↑             |
| <b>Customer Service / E-Services</b>         |       |     |     |     |               |
| CRM Received                                 | 41    | 3   | 7   | 3   | ↓             |
| CRM Completed                                | 35    | 3   | 5   | 3   | ↓             |
| <b>Total CRMs for Community Services</b>     |       |     |     |     |               |
| CRM Received                                 | 2,608 | 235 | 264 | 374 | ↑             |
| CRM Completed                                | 2,075 | 173 | 205 | 308 | ↑             |



## 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     | Jan    | Feb    | Mar    | Monthly Trend |
|--------------------------------------------|---------|--------|--------|--------|---------------|
| <b>Grant Applications</b>                  |         |        |        |        |               |
| Facility Management - Approved             | 3       | 0      | 2      | 0      | ↓             |
| Facility Management - Approved (\$)        | 60,000  | 0      | 20,000 | 0      | ↓             |
| Junior Elite Athlete - Approved            | 18      | 0      | 0      | 4      | ↑             |
| Junior Elite Athlete - Approved (\$)       | 5,800   | 0      | 0      | 2,500  | ↑             |
| RADF - Received                            | 7       | 0      | 3      | 0      | ↓             |
| RADF - Approved                            | 5       | 0      | 0      | 2      | ↑             |
| RADF - Approved (\$)                       | 27,606  | 0      | 0      | 14,121 | ↑             |
| RADF - Acquittals                          | 7       | 0      | 0      | 0      | –             |
| Special Projects - Received                | 16      | 0      | 0      | 2      | ↑             |
| Special Projects - Approved                | 10      | 0      | 0      | 0      | –             |
| Special Projects - Approved (\$)           | 105,092 | 0      | 0      | 0      | –             |
| Special Projects - Acquittals              | 12      | 2      | 0      | 1      | ↑             |
| Sport & Rec Club - Received                | 55      | 3      | 13     | 10     | ↓             |
| Sport & Rec Club - Approved                | 49      | 5      | 2      | 9      | ↑             |
| Sport & Rec Club - Approved (\$)           | 110,500 | 12,000 | 4,000  | 20,000 | ↑             |
| <b>Donation &amp; Sponsorship Requests</b> |         |        |        |        |               |
| Donation Requests - Received               | 53      | 1      | 4      | 6      | ↑             |
| Donation Requests - Approved               | 53      | 0      | 2      | 5      | ↑             |
| Donation Requests - Approved (\$)          | 71,408  | 0      | 1,558  | 17,969 | ↑             |
| Fee Waivers - Approved                     | 23      | 0      | 1      | 0      | ↓             |
| Fee Waivers - Approved (\$)                | 11,497  | 0      | 204    | 0      | ↓             |
| Sponsorships - Received                    | 15      | 0      | 3      | 0      | ↓             |
| Sponsorships - Approved                    | 11      | 0      | 4      | 2      | ↓             |
| Sponsorships - Approved (\$)               | 50,500  | 0      | 20,000 | 6,500  | ↓             |
| Sponsorships - Approved (in kind)          | 2       | 0      | 0      | 0      | –             |
| Sponsorships - Acquittals                  | 3       | 0      | 1      | 0      | ↓             |
| <b>Events</b>                              |         |        |        |        |               |
| Council Events - External - Completed      | 17      | 5      | 2      | 2      | –             |
| Council Events - External - Participants   | 4,422   | 450    | 292    | 2,120  | ↑             |
| Council Events - Internal - Completed      | 23      | 0      | 1      | 1      | –             |
| Council Events - Internal - Participants   | 703     | 0      | 30     | 150    | ↑             |



## Community Services Monthly Report | March 2022

### Junior Elite Athlete Recipients for March:

- Regan O'Loughlin – NQ Swimming – \$250
- Kayden Muir – NQ Swimming – \$250
- Maxwell O'Keefe – Qld Futsal in Fiji – \$1,000

### Events:

#### External:

- 5 March 2022 – Summer 10's Carnival – Bowen Seagulls Junior Rugby League – \$3,000
- The 2021 Tom & Jerry movie was held on Saturday 19 March at the movie screen at the Airlie Beach Foreshore with an approximate 120 people in attendance.

#### Internal:

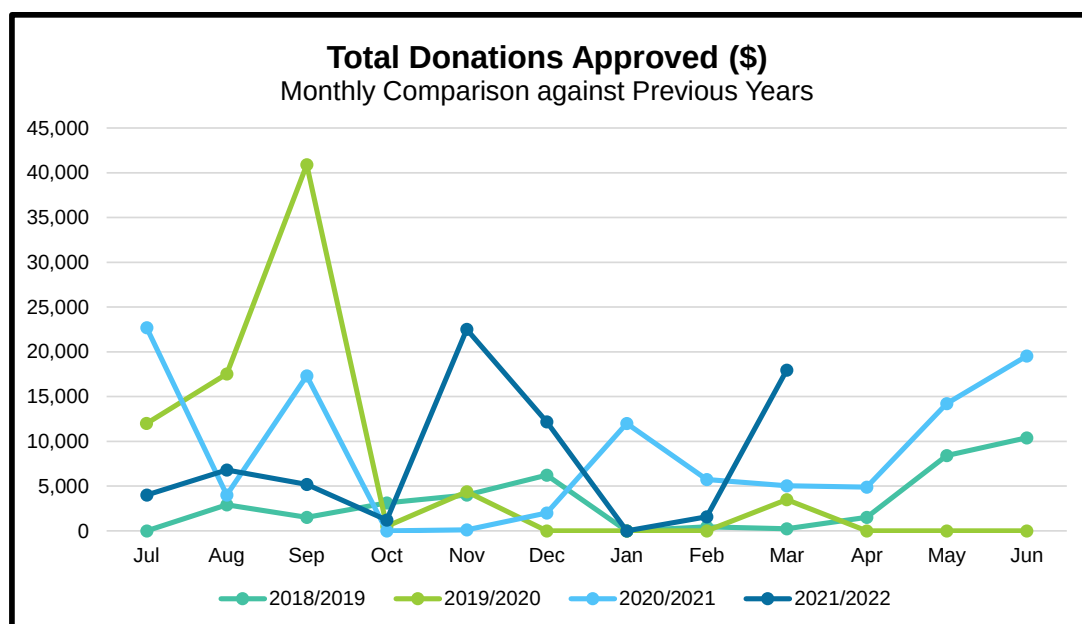
- Morning teas were held across the region to recognise women in our workforce in conjunction with International Women's Day and Queensland's Women's Week with this year's theme.

#### Event Postponed due to COVID-19:

- Nil

### Special Project Grants Successful Recipients:

- Nil



Community Services  
Monthly Report | March 2022



## Monthly Statistics and Insights

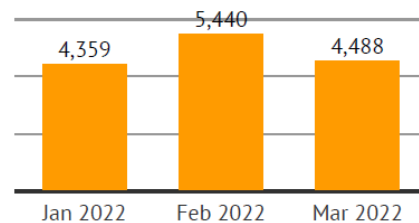
Jan 2022 - Mar 2022

461 Services listed

14,287

### Search Results

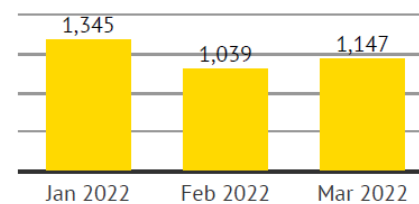
The number of people that have searched your community Directory + Diary for local information.



3,531

### Listing Views

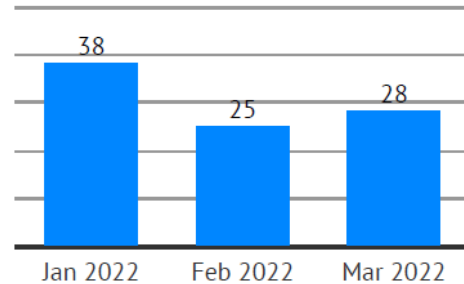
The number of people that have clicked on individual listings in your community.



91

### Event Listings

The number of events listed your platform on a month to month basis



## Top 5 searched categories for March

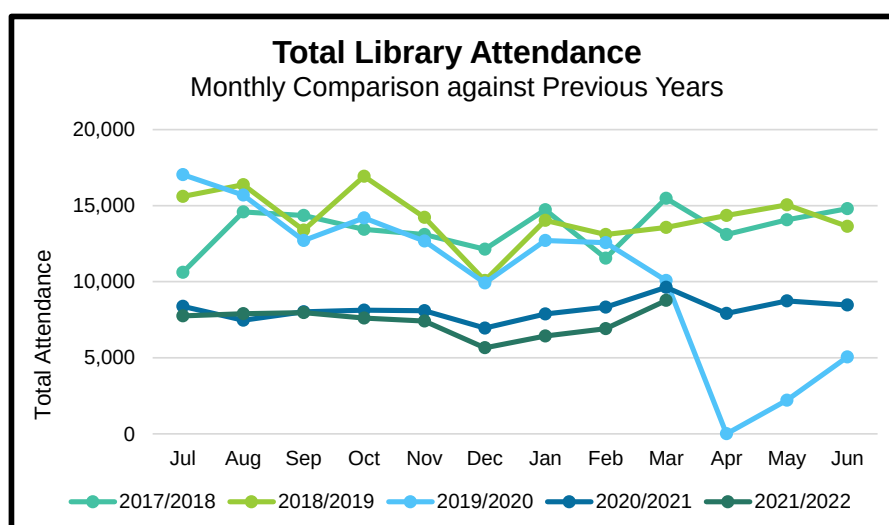
|   |                                   |            |
|---|-----------------------------------|------------|
| 1 | Health Services                   | Views: 353 |
| 2 | Child Services                    | Views: 110 |
| 3 | Community Clubs & Interest Groups | Views: 106 |
| 4 | Sport                             | Views: 97  |
| 5 | Recreation                        | Views: 74  |

## 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.

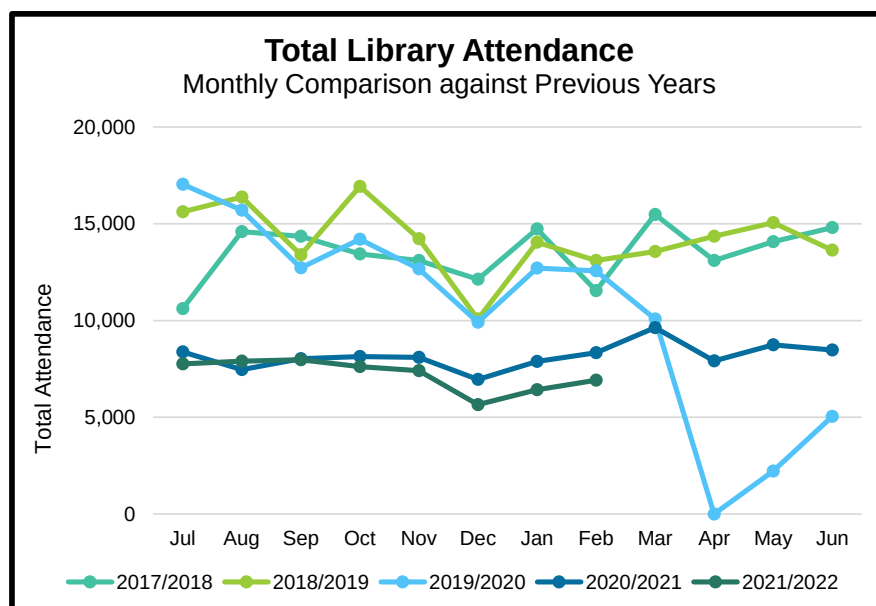
### Operations

| Service                           | YTD    | Jan   | Feb    | Mar    | Monthly Trend |
|-----------------------------------|--------|-------|--------|--------|---------------|
| <b>Library Resources Acquired</b> |        |       |        |        |               |
| Bowen & Collinsville Libraries    | 2,397  | 161   | 172    | 239    | ↑             |
| Cannonvale Library                | 3,886  | 518   | 408    | 458    | ↑             |
| Proserpine Library                | 1,543  | 222   | 196    | 211    | ↑             |
| e-Library                         | 1,325  | 81    | 163    | 342    | ↑             |
| <b>Library Resources Borrowed</b> |        |       |        |        |               |
| Bowen Library                     | 31,496 | 3,569 | 3,229  | 3,370  | ↑             |
| Cannonvale Library                | 65,186 | 7,151 | 6,413  | 7,316  | ↑             |
| Collinsville Library              | 4,297  | 455   | 368    | 470    | ↑             |
| Proserpine Library                | 17,210 | 2,627 | 2,891  | 3,011  | ↑             |
| e-Library                         | 70,564 | 5,774 | 16,681 | 16,065 | ↓             |
| Mobile Library                    | 88     | 4     | 0      | 0      | –             |
| <b>Library Attendance</b>         |        |       |        |        |               |
| Bowen Library                     | 23,215 | 1,998 | 2,190  | 2,522  | ↑             |
| Cannonvale Library                | 34,403 | 3,063 | 3,300  | 3,736  | ↑             |
| Collinsville Library              | 5,125  | 523   | 428    | 668    | ↑             |
| Proserpine Library                | 3,674  | 842   | 991    | 1,841  | ↑             |
| <b>Library Website</b>            |        |       |        |        |               |
| Website Visits                    | 20,173 | 3,005 | 2,917  | 2,526  | ↓             |



## Community Services Monthly Report | March 2022

| Service                                           | YTD   | Jan | Feb | Mar | Monthly Trend |
|---------------------------------------------------|-------|-----|-----|-----|---------------|
| <b>First 5 Forever (F5F)</b>                      |       |     |     |     |               |
| Resources - Acquired                              | 208   | 2   | 27  | 49  | ↑             |
| Resources - Borrowed by Branches                  | 421   | 0   | 44  | 68  | ↑             |
| Community Partnership Interactions                | 248   | 4   | 2   | 47  | ↑             |
| Toolkits Distributed                              | 127   | 0   | 16  | 16  | –             |
| <b>F5F In Library - Activities Held</b>           |       |     |     |     |               |
| Bowen Library                                     | 53    | 0   | 6   | 9   | ↑             |
| Cannonvale Library                                | 85    | 1   | 9   | 15  | ↑             |
| Collinsville Library                              | 27    | 0   | 3   | 5   | ↑             |
| Proserpine Library                                | 82    | 0   | 9   | 15  | ↑             |
| <b>F5F In Library - Activities Attendance</b>     |       |     |     |     |               |
| Bowen Library                                     | 531   | 0   | 54  | 125 | ↑             |
| Cannonvale Library                                | 1,664 | 20  | 152 | 254 | ↑             |
| Collinsville Library                              | 285   | 0   | 32  | 62  | ↑             |
| Proserpine Library                                | 885   | 0   | 98  | 205 | ↑             |
| <b>F5F Community Outreach - Events Held</b>       |       |     |     |     |               |
| Bowen Library                                     | 18    | 0   | 1   | 1   | –             |
| Cannonvale Library                                | 15    | 0   | 0   | 1   | ↑             |
| Collinsville Library                              | 9     | 0   | 0   | 1   | ↑             |
| Proserpine Library                                | 14    | 0   | 0   | 3   | ↑             |
| <b>F5F Community Outreach - Events Attendance</b> |       |     |     |     |               |
| Bowen Library                                     | 653   | 0   | 5   | 8   | ↑             |
| Cannonvale Library                                | 2,438 | 0   | 0   | 27  | ↑             |
| Collinsville Library                              | 163   | 0   | 0   | 11  | ↑             |
| Proserpine Library                                | 852   | 0   | 0   | 449 | ↑             |



## Community Services Monthly Report | March 2022

| Service                                        | YTD   | Jan | Feb | Mar | Monthly Trend |
|------------------------------------------------|-------|-----|-----|-----|---------------|
| <b>In Library Programs - Events Held</b>       |       |     |     |     |               |
| Bowen Library - Adults                         | 35    | 0   | 1   | 0   | ↓             |
| Bowen Library - Children                       | 49    | 4   | 5   | 5   | –             |
| Cannonvale Library - Adults                    | 45    | 2   | 6   | 7   | ↑             |
| Cannonvale Library - Children                  | 111   | 10  | 10  | 14  | ↑             |
| Collinsville Library - Adults                  | 2     | 0   | 1   | 0   | ↓             |
| Collinsville Library - Children                | 10    | 2   | 0   | 0   | –             |
| Proserpine Library - Adults                    | 6     | 0   | 1   | 4   | ↑             |
| Proserpine Library - Children                  | 11    | 2   | 4   | 4   | –             |
| <b>In Library Programs - Events Attendance</b> |       |     |     |     |               |
| Bowen Library - Adults                         | 163   | 0   | 45  | 0   | ↓             |
| Bowen Library - Children                       | 458   | 59  | 25  | 32  | ↑             |
| Cannonvale Library - Adults                    | 339   | 7   | 35  | 44  | ↑             |
| Cannonvale Library - Children                  | 2,019 | 160 | 204 | 322 | ↑             |
| Collinsville Library - Adults                  | 28    | 0   | 20  | 0   | ↓             |
| Collinsville Library - Children                | 44    | 18  | 0   | 0   | –             |
| Proserpine Library - Adults                    | 67    | 0   | 50  | 13  | ↓             |
| Proserpine Library - Children                  | 45    | 26  | 3   | 2   | ↓             |
| <b>Community Outreach - Events Held</b>        |       |     |     |     |               |
| Bowen Library - Adults                         | 38    | 4   | 4   | 4   | –             |
| Bowen Library - Children                       | 0     | 0   | 0   | 0   | –             |
| Cannonvale Library - Adults                    | 42    | 4   | 4   | 5   | ↑             |
| Cannonvale Library - Children                  | 0     | 0   | 0   | 0   | –             |
| Collinsville Library - Adults                  | 0     | 0   | 0   | 0   | –             |
| Collinsville Library - Children                | 0     | 0   | 0   | 0   | –             |
| Proserpine Library - Adults                    | 38    | 4   | 4   | 5   | ↑             |
| Proserpine Library - Children                  | 4     | 0   | 0   | 0   | –             |
| <b>Community Outreach - Events Attendance</b>  |       |     |     |     |               |
| Bowen Library - Adults                         | 176   | 18  | 19  | 18  | ↓             |
| Bowen Library - Children                       | 0     | 0   | 0   | 0   | –             |
| Cannonvale Library - Adults                    | 274   | 29  | 31  | 40  | ↑             |
| Cannonvale Library - Children                  | 0     | 0   | 0   | 0   | –             |
| Collinsville Library - Adults                  | 0     | 0   | 0   | 0   | –             |
| Collinsville Library - Children                | 0     | 0   | 0   | 0   | –             |
| Proserpine Library - Adults                    | 454   | 54  | 62  | 68  | ↑             |
| Proserpine Library - Children                  | 84    | 0   | 0   | 0   | –             |
| <b>Public Computer Usage</b>                   |       |     |     |     |               |
| Bowen Library                                  | 3,628 | 281 | 411 | 481 | ↑             |
| Cannonvale Library                             | 5,585 | 481 | 567 | 574 | ↑             |
| Collinsville Library                           | 123   | 15  | 14  | 8   | ↓             |
| Proserpine Library                             | 397   | 107 | 126 | 164 | ↑             |

## Bowen Work Camp

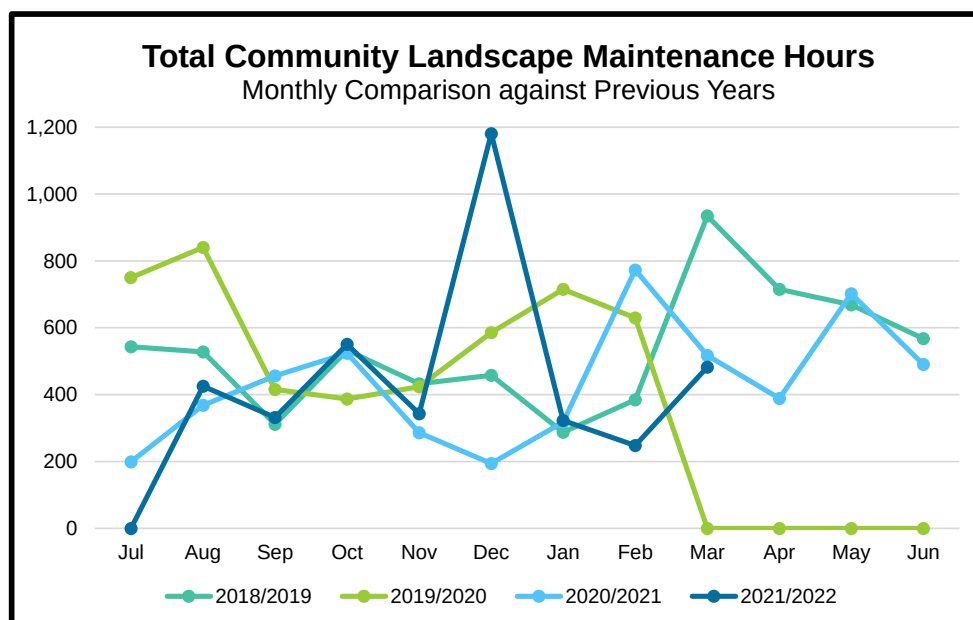
Council partners with Queensland Corrective Services to provide beneficial works projects for the community and rehabilitate offenders with their return to society. They perform a multitude of tasks including maintenance of fences, cemeteries, sportsgrounds and showgrounds, propagation of plants and they also participate in many restoration and general maintenance projects.

### Operations

| Service                                   | YTD   | Jan  | Feb    | Mar    | Monthly Trend |
|-------------------------------------------|-------|------|--------|--------|---------------|
| Community Landscape Maintenance Hours     | 3,885 | 323  | 248.25 | 482    | ↑             |
| Community Indoor Tasks Hours              | 521   | 14   | 29.50  | 73     | ↑             |
| New Project Assessment Hours              | 10    | 1    | 0      | 2      | ↑             |
| WRC Landscape Maintenance Hours           | 740   | 49.7 | 29.50  | 103.25 | ↑             |
| WRC Nursery Maintenance/Propagation Hours | 100   | 21   | 10     | 27     | ↑             |
| WRC Indoor Tasks Hours                    | 188   | 6    | 0      | 0      | –             |
| QCS Compound Duties Hours                 | 921   | 125  | 78.5   | 92     | ↑             |

### Projects

| Project                                                    | Status      | % Complete | Budget |
|------------------------------------------------------------|-------------|------------|--------|
| Whitsunday Moto Sports Club                                | In Progress | 75%        | ✓      |
| Whitsunday Sports Park                                     | Completed   | 100%       | ✓      |
| Flagstaff Hill – Zonta Viewing Binoculars re-install       | Completed   | 100%       | ✓      |
| Collinsville Youth Coalition – Installing table and chairs | Scheduled   | 0%         | ✓      |





## 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

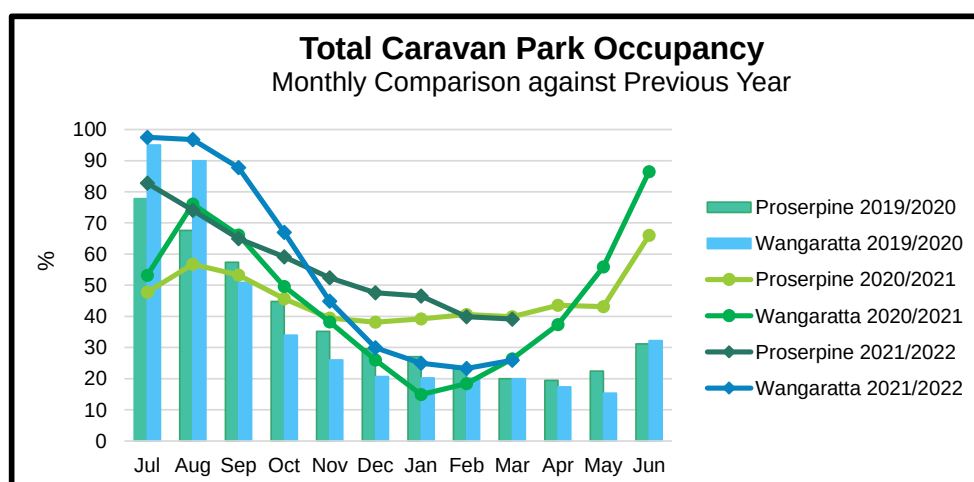
| Service                              | YTD     | Jan    | Feb    | Mar    | Monthly Trend |
|--------------------------------------|---------|--------|--------|--------|---------------|
| Airlie Beach Lagoon – Total Users    | 134,562 | 12,669 | 11,798 | 16,487 | ↑             |
| Airlie Beach Lagoon – Total Offences | 5,282   | 332    | 674    | 134    | ↓             |
| Pool Attendance – Bowen              | 52,155  | 4,576  | 7,964  | 9,141  | ↑             |
| Pool Attendance – Collinsville       | 8,988   | 2,087  | 2,187  | 2,282  | ↑             |
| Pool Attendance – Proserpine         | 25,854  | 973    | 1,213  | 1,138  | ↓             |

### Caravan Parks – Operations

| Service                                    | YTD     | Jan    | Feb    | Mar    | Monthly Trend |
|--------------------------------------------|---------|--------|--------|--------|---------------|
| Proserpine Tourist Park                    |         |        |        |        |               |
| Occupancy (%)                              | 56.3    | 46.5   | 39.93  | 39.15  | ↓             |
| Revenue (\$)                               | 295,949 | 26,489 | 18,467 | 21,843 | ↑             |
| Accumulated Revenue - Laundry Service (\$) | 5,564   | 455    | 227    | 473    | ↑             |
| Wangaratta Caravan Park                    |         |        |        |        |               |
| Occupancy (%)                              | 55.3    | 25.0   | 23.29  | 25.89  | ↑             |
| Revenue (\$)                               | 461,373 | 19,582 | 19,012 | 23,615 | ↑             |
| Accumulated Revenue - Laundry Service (\$) | 5,501   | 407    | 177    | 352    | ↑             |

### Caravan Parks Occupancy – Yearly Comparison for March

| Service                 | 2019 | 2020 | 2021 | 2022  | Yearly Trend |
|-------------------------|------|------|------|-------|--------------|
| Occupancy (%)           |      |      |      |       |              |
| Proserpine Tourist Park | 23.4 | 19.9 | 39.9 | 39.15 | ↑            |
| Wangaratta Caravan Park | 16.7 | 19.9 | 26.4 | 25.89 | ↓            |



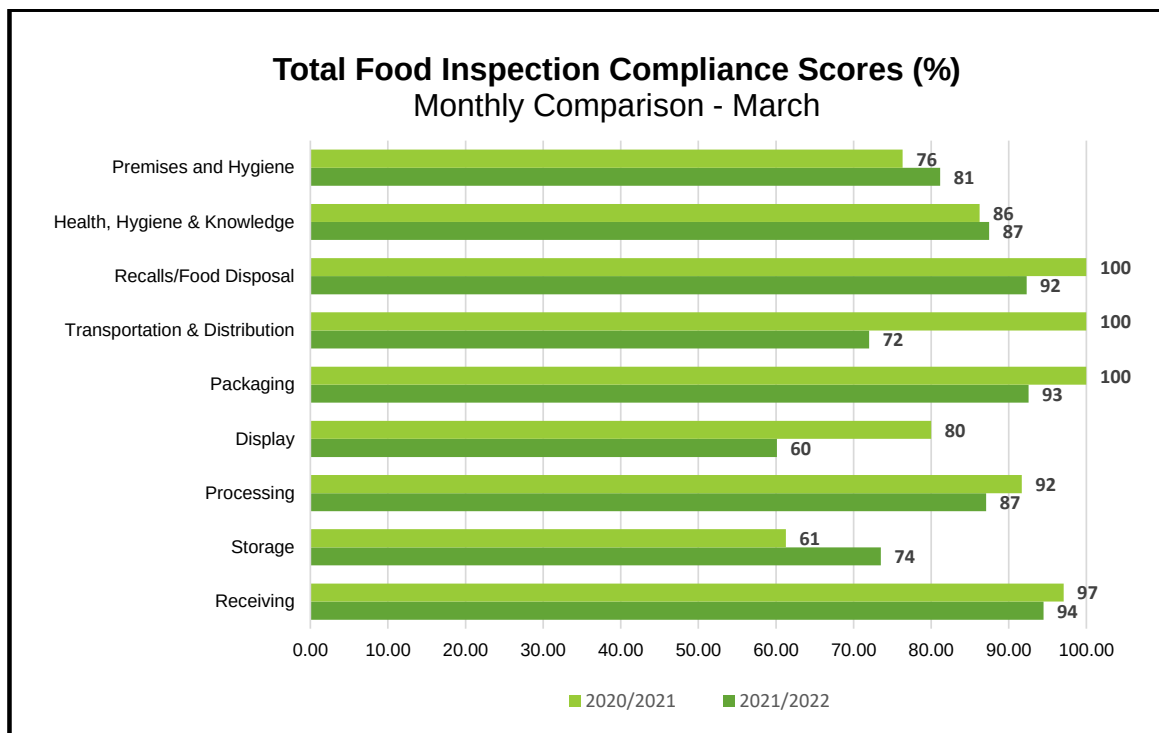
## Environmental Health & Local Laws

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 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   | Jan   | Feb   | Mar   | Monthly Trend |
|------------------------------------------------------------|-------|-------|-------|-------|---------------|
| <b>Environmental Health</b>                                |       |       |       |       |               |
| Environmental Health – Plan Approval Applications Received | 92    | 8     | 14    | 8     | ↓             |
| Environmental Health Applications Received                 | 74    | 5     | 9     | 6     | ↓             |
| Food Safety Programs Received                              | 4     | 0     | 0     | 1     | ↑             |
| Liquor Licence Referrals Received                          | 11    | 2     | 0     | 3     | ↑             |
| Food Business - Inspections                                | 164   | 13    | 16    | 22    | ↑             |
| Food Business - Re-Inspections                             | 73    | 9     | 5     | 17    | ↑             |
| Food Safety Programs Audit Reports Reviewed                | 14    | 0     | 4     | 2     | ↓             |
| Personal Appearance Services - Inspections                 | 5     | 0     | 0     | 1     | ↑             |
| ERAs - Inspections                                         | 0     | 0     | 0     | 0     | –             |
| Development Applications Referrals Received                | 8     | 0     | 0     | 2     | ↑             |
| Accommodation - Inspections                                | 25    | 3     | 0     | 1     | ↑             |
| Accommodation - Re-inspections                             | 9     | 2     | 0     | 0     | –             |
| Erosion Sediment Control - Inspections                     | 19    | 1     | 0     | 0     | –             |
| Complaints Received - Asbestos                             | 10    | 0     | 0     | 3     | ↑             |
| Complaints Received - Litter & Dumping                     | 1     | 0     | 0     | 0     | –             |
| Complaints Received - EH General                           | 125   | 7     | 7     | 21    | ↑             |
| Event Application Assessment                               | 23    | 1     | 0     | 6     | ↑             |
| <b>Food Inspection Compliance Categories</b>               |       |       |       |       |               |
| Receiving (%)                                              | 93.85 | 100   | 97.06 | 100   | ↑             |
| Storage (%)                                                | 68.11 | 84.44 | 61.27 | 40.48 | ↓             |
| Processing (%)                                             | 87.55 | 88.10 | 91.67 | 94.67 | ↑             |
| Display (%)                                                | 74.74 | 65.38 | 80    | 68    | ↓             |
| Packaging (%)                                              | 90.77 | 84.00 | 100   | 92.31 | ↓             |
| Transportation & Distribution (%)                          | 75.18 | 80.00 | 100   | 100   | –             |
| Recalls/Food Disposal (%)                                  | 92.20 | 86.67 | 100   | 100   | –             |
| Health, Hygiene & Knowledge (%)                            | 82.76 | 89.33 | 86.23 | 88.57 | ↑             |
| Premises and Hygiene (%)                                   | 76.45 | 82.96 | 76.33 | 82.09 | ↑             |

## Community Services Monthly Report | March 2022



### Local Laws – Operations

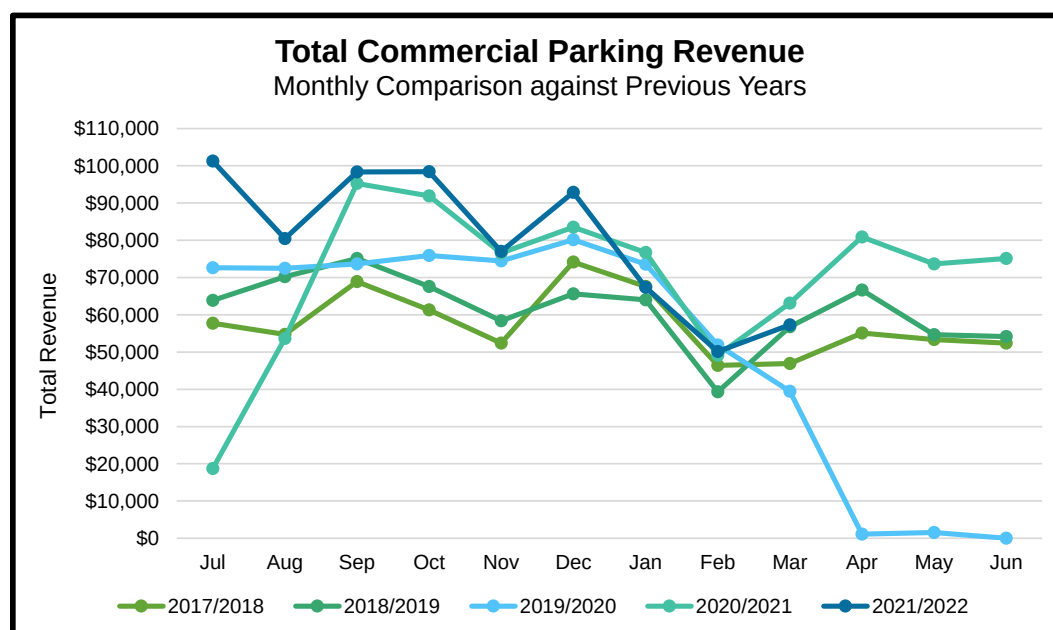
| Service                                            | YTD   | Jan | Feb | Mar | Monthly Trend |
|----------------------------------------------------|-------|-----|-----|-----|---------------|
| <b>Local Laws</b>                                  |       |     |     |     |               |
| Local Law Applications Received                    | 170   | 8   | 3   | 5   | ↑             |
| Complaints Received - Animal Management            | 745   | 103 | 55  | 83  | ↑             |
| Complaints Received - Other Local Law              | 1,156 | 133 | 132 | 169 | ↑             |
| Compliance Notices Issued                          | 346   | 46  | 88  | 73  | ↓             |
| Renewal/Reminder/Final Notices                     | 973   | 52  | 87  | 51  | ↓             |
| Infringement Responses                             | 1,086 | 64  | 60  | 57  | ↓             |
| Dog Registrations                                  | 4,120 | 45  | 36  | 39  | ↑             |
| Cat Registrations                                  | 523   | 6   | 9   | 4   | ↓             |
| Parking Infringements - Issued                     | 2,047 | 200 | 134 | 151 | ↑             |
| Parking Infringements - Waived                     | 257   | 21  | 19  | 14  | ↓             |
| Other Infringements - Issued                       | 471   | 26  | 10  | 21  | ↑             |
| Other Infringements - Waived                       | 134   | 25  | 25  | 3   | ↓             |
| Infringement Reminder Notices Sent                 | 1,162 | 83  | 87  | 8   | ↓             |
| COVID-19 Inspections                               | 3,320 | 418 | 393 | 282 | ↓             |
| Proserpine Self-Contained Vehicle Park Inspections | 3,923 | 0*  | 0*  | 0*  | –             |

\*Note – Proserpine Self-Contained Vehicle Park is closed for wet season 1 December 2021 – 31 March 2022

## Community Services Monthly Report | March 2022

### Commercial Parking – Operations

| Car Parks                                 | YTD     | Jan     | Feb     | Mar     | Monthly Trend |
|-------------------------------------------|---------|---------|---------|---------|---------------|
| <b>Heart of the Reef Transit Facility</b> |         |         |         |         |               |
| Occupancy (no.)                           | 6       | 0       | 0       | 0       | –             |
| Revenue (\$)                              | 298     | 0       | 0       | 0       | –             |
| <b>Port of Airlie</b>                     |         |         |         |         |               |
| Average Spend (\$)                        | 12.64   | 10.74   | 11.90   | 11.79   | ↓             |
| Tariff (most selected)                    | 12-24hr | 12-24hr | 12-24hr | 12-24hr | –             |
| No. of tickets purchased                  | 23,535  | 2,046   | 1,893   | 2,147   | ↑             |
| Revenue (\$)                              | 299,661 | 21,980  | 22,533  | 25,329  | ↑             |
| <b>Airlie Lagoon Precinct</b>             |         |         |         |         |               |
| Average Spend (\$)                        | 4.52    | 4.26    | 4.21    | 4.29    | ↑             |
| Tariff (most selected)                    | 2-4hr   | 2-4hr   | 2-4hr   | 2-4hr   | –             |
| No. of tickets purchased                  | 56,709  | 6,939   | 4,486   | 4,957   | ↑             |
| Revenue (\$)                              | 255,439 | 29,589  | 18,887  | 21,282  | ↑             |
| <b>Abell Point Marina</b>                 |         |         |         |         |               |
| Average Spend (\$)                        | 8.90    | 9.07    | 8.74    | 9.76    | ↑             |
| Tariff (most selected)                    | 4-12hr  | 4-12hr  | 4-12hr  | 4-12hr  | –             |
| No. of tickets purchased                  | 14,055  | 1,516   | 766     | 962     | ↑             |
| Revenue (\$)                              | 123,261 | 13,751  | 6,692   | 8,409   | ↑             |
| <b>Coconut Grove</b>                      |         |         |         |         |               |
| Average Spend (\$)                        | 5.61    | 5.23    | 5.67    | 5.69    | ↑             |
| Tariff (most selected)                    | 4-12hr  | 4-12hr  | 4-12hr  | 4-12hr  | –             |
| No. of tickets purchased                  | 7,944   | 370     | 356     | 405     | ↑             |
| Revenue (\$)                              | 44,800  | 2,045   | 2,017   | 2,303   | ↑             |



## 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   | Jan | Feb | Mar | Monthly Trend |
|---------------------------------------------------------------|-------|-----|-----|-----|---------------|
| Complaints Received - Pest & Weed                             | 89    | 5   | 13  | 22  | ↑             |
| Complaints Received - Environmental                           | 78    | 2   | 7   | 12  | ↑             |
| Property Pest Management Plan (PPMP) Implemented/Reviewed     | 32    | 4   | 2   | 1   | ↓             |
| PPMP Annual Reviews Completed                                 | 30    | 3   | 3   | 2   | ↓             |
| Notices Issued - Biosecurity                                  | 0     | 0   | 0   | 0   | –             |
| Notices Issued - Penalty Infringement                         | 0     | 0   | 0   | 0   | –             |
| Landholder Access - Herbicide Rebate                          | 54    | 9   | 7   | 7   | –             |
| Landholder Access - Mechanical Rebate                         | 2     | 0   | 0   | 0   | –             |
| Letters/Emails to Landholders - Weeds                         | 387   | 25  | 43  | 73  | ↑             |
| Property Visit/Inspections - Weeds                            | 485   | 22  | 72  | 64  | ↓             |
| Property Visit/Inspections - Feral Animals                    | 23    | 0   | 3   | 9   | ↑             |
| Feral Animals - Traps Set                                     | 8     | 0   | 0   | 1   | ↑             |
| Feral Animals - Trapped                                       | 2     | 0   | 0   | 0   | –             |
| Aerial Shooting - Flights                                     | 19    | 0   | 0   | 0   | –             |
| Aerial Shooting - Feral Animals Shot                          | 2,012 | 0   | 0   | 0   | –             |
| Properties Baited                                             | 31    | 0   | 0   | 0   | –             |
| Baits Laid (kg)                                               | 2,925 | 0   | 0   | 0   | –             |
| Length of Road Reserve Sprayed (km)                           | 0.0   | 0   | 0   | 0   | –             |
| No. of Council Lots Sprayed/Inspected                         | 18    | 8   | 0   | 3   | ↑             |
| Mixed Chemicals Used (L)                                      | 2,305 | 600 | 0   | 900 | ↑             |
| Pest Workshops                                                | 2     | 0   | 2   | 0   | ↓             |
| Field Days Run/Involved                                       | 4     | 0   | 0   | 3   | ↑             |
| Landholder Contacts                                           | 0     | 0   | 0   | 0   | –             |
| Project Reports - not to Council                              | 37    | 2   | 2   | 2   | –             |
| Briefing / Council Reports                                    | 14    | 0   | 0   | 2   | ↑             |
| Bushfire Hazard Reduction Burns                               | 0     | 0   | 0   | 0   | –             |
| Environmental Planning Projects Completed                     | 2     | 0   | 1   | 0   | ↓             |
| DA's Assessed (including RFI & Conditions & Advice) Completed | 86    | 7   | 11  | 15  | ↑             |

### Projects

| Project                           | Status      | % Complete | Budget | Time |
|-----------------------------------|-------------|------------|--------|------|
| Bushfire Management Program       | In Progress | 50%        | ✓      | ✓    |
| Reef Guardian Council Action Plan | Complete    | 100%       | ✓      | ✓    |

## Community Services Monthly Report | March 2022

### Climate Hub – Operations

| Service                  | YTD    | Jan   | Feb   | Mar   | Monthly Trend |
|--------------------------|--------|-------|-------|-------|---------------|
| Media Releases           | 11     | 0     | 1     | 2     | ↑             |
| Facebook Post Reach      | 27,311 | 1,617 | 2,674 | 2,835 | ↑             |
| Facebook Followers       | 4,876  | 572   | 578   | 595   | ↑             |
| Website Views            | 2,067  | 140   | 227   | 261   | ↑             |
| Projects Underway        | 81     | 8     | 8     | 7     | ↓             |
| Projects in Developments | 220    | 28    | 28    | 28    | –             |

### Projects

| Project                                             | Type          | Status                                                                        |
|-----------------------------------------------------|---------------|-------------------------------------------------------------------------------|
| Developing a Whitsundays Carbon Offset Project      | Economic      | BMT contracted to deliver project stage 1                                     |
| Whitsunday Industry Resilience Project              | Economic      | Final report from Griffith received - Completed                               |
| Regional Heat Mitigation                            | Social        | Planning implementation of study findings                                     |
| Funding and Financing Adaptation – A Case Study     | Economic      | Stage 2 contracted                                                            |
| Whitsunday Water Treatment and Pumping Optimisation | Economic      | Underway - CQU Masters student in year 1 of 2                                 |
| Whitsunday Healthy Heart (WHH) Project              | Social        | Underway (year 2 of 4)                                                        |
| Climate Ready Biodiversity Mapping                  | Environmental | Underway                                                                      |
| Hub Partnership Program                             | Social        | In development, risk assessment completed. Project prospectus in development. |

### Update

#### Pest Management Projects:

- Council staff attended a North Queensland Yellow Crazy Ant workshop in Townsville. The workshop was attended by Cairns, Townsville, cassowary coast, Whitsunday Regional Council, Wet Tropics Authority and the Invasive Species Council of Australia. The outcome was to discuss options to gain more funding to tackle Yellow crazy Ants across Northern Australia.
- Urban Leucaena Management Plan ready to be discussed at Council.

#### Other Natural Resource Management Projects:

##### Coastal

- Reef Catchments NRM have almost completed bollard work at nelly bay beach scrub and the Frog Rock foreshore reserve to protect the coastal beach scrub communities at both locations.

##### Bushfire Management

- Three (3) out of the five (5) Bushfire Management Training workshops have been held with the last 2 scheduled for the first two (2) weekends in April.

#### Environment Projects:

- NRM staff have been conducting site characterisation investigation for the six rural roadside sediment loss sites as part of the LGAQ rural road sediment loss project.
- Flying foxes at Collinsville. The flying fox colony at Carpet snake creek now tallies 2,300 individual Black Flying fox.

**Climate Change**

- Finalised Industry Resilience Study
- Held Green Electricity Event for business and residential.
- Masters student found for Climate Ready Biodiversity project that comes with a scholarship (value \$15000 pa for two (2) years)
- Investigating a second student to work the Whitsunday Water on optimising the treatment plant processes.
- Coordinated a visit to the Edify solar farm and new proposed battery site.
- Coordinated regional ED collaboration with climate focus.
- Project Plans for the proposed artificial reef project, shoreline bench marking has been finalised and ready to release to seek quotes.
- Project plan for the Councils Greenhouse Gas Reduction Plan has been finalised and ready to be released to seek quotes.

**C-CAT Projects:**

- C-CAT executive are pursuing two (2) years worth of C-CAT funding. The executives see value in the Alliance continuing and letters have now been sent out to seek payment for the period March – June 2022.
- Nature-based Solutions Literature Review was completed.
- NbS benchmark Assessment Report – Queensland completed.
- Nature-based Solutions Feasibility Workshops completed.



## Customer Service

### Call Centre – Operations

| Service                           | YTD    | Jan   | Feb    | Mar    | Monthly Trend |
|-----------------------------------|--------|-------|--------|--------|---------------|
| <b>Business Hours Call Centre</b> |        |       |        |        |               |
| Calls Received – Total            | 45,610 | 3,726 | 4,746  | 5,277  | ↑             |
| Calls Received – 1300 WRC QLD     | 28,475 | 2,427 | 3,254  | 3,436  | ↑             |
| Calls Answered                    | 25,681 | 2,180 | 2,994  | 3,020  | ↑             |
| Calls Overflowed                  | 1,760  | 186   | 211    | 285    | ↑             |
| Calls Abandoned                   | 563    | 40    | 42     | 63     | ↑             |
| Calls Abandoned (%)               | 1.98%  | 1.65% | 1.29%  | 1.83%  | ↑             |
| Untracked Calls (Voice Msg)       | 285    | 21    | 7      | 68     | ↑             |
| *ASL - Average Service Level (%)  | 81.8%  | 84.3% | 85.3%  | 81.6%  | ↓             |
| *ASA - Average Speed of Answer    | 17     | 16    | 16     | 19     | ↑             |
| *AHT - Average Handle Time/Secs   | 189    | 190   | 185    | 188    | ↑             |
| <b>After Hours Call Centre</b>    |        |       |        |        |               |
| Calls Received– Total (inc test)  | 1,626  | 305   | 207    | 319    | ↑             |
| Calls Answered– (Charged)         | 870    | 172   | 58     | 71     | ↑             |
| Calls Abandoned (%)               | 13.53% | 5.57% | 11.59% | 17.87% | ↑             |
| *ASL - Average Service Level (%)  | 76.75% | 76%   | 77.29% | 79.62% | ↑             |
| *ASA - Average Speed of Answer    | -      | 26    | 19     | 30     | ↑             |
| *AHT - Average Handle Time/Secs   | -      | 118   | 77     | 91     | ↑             |

### Customer Transactions

| Service                 | YTD         | Jan   | Feb    | Mar    | Monthly Trend |
|-------------------------|-------------|-------|--------|--------|---------------|
| Receipts                | 120,916     | 6,550 | 16,204 | 22,551 | ↑             |
| eServices Receipts      | 3,143       | 39    | 365    | 802    | ↑             |
| eServices Receipts (%)  | 2.60%       | 0.60% | 2.25%  | 3.56%  | ↑             |
| CRMs (within timeframe) | 9,522(8904) | 1,082 | 1,382  | 1,362  | ↓             |
| eServices CRMs          | 32          | 3     | 7      | 3      | ↓             |
| eServices CRMs (%)      | 0.39 %      | 0.28% | 0.51%  | 0.22%  | ↓             |

#### Payments:

- Total BPay, Austpost, Direct Deposits & EServices payment at **72.1%** of total payments.

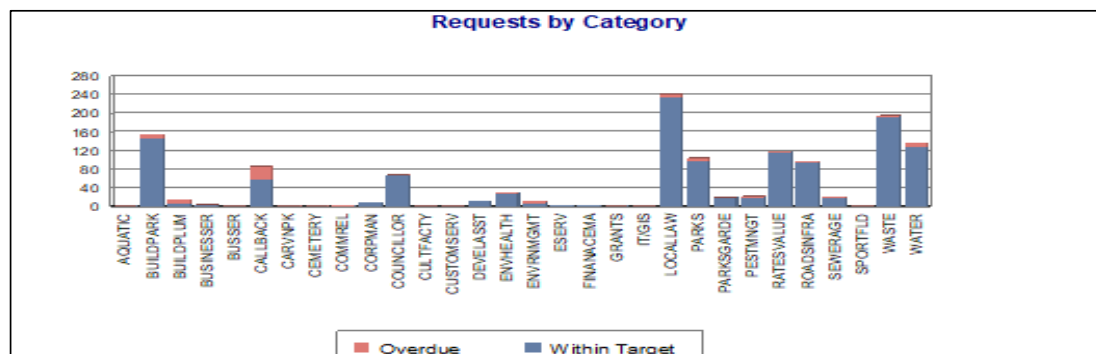
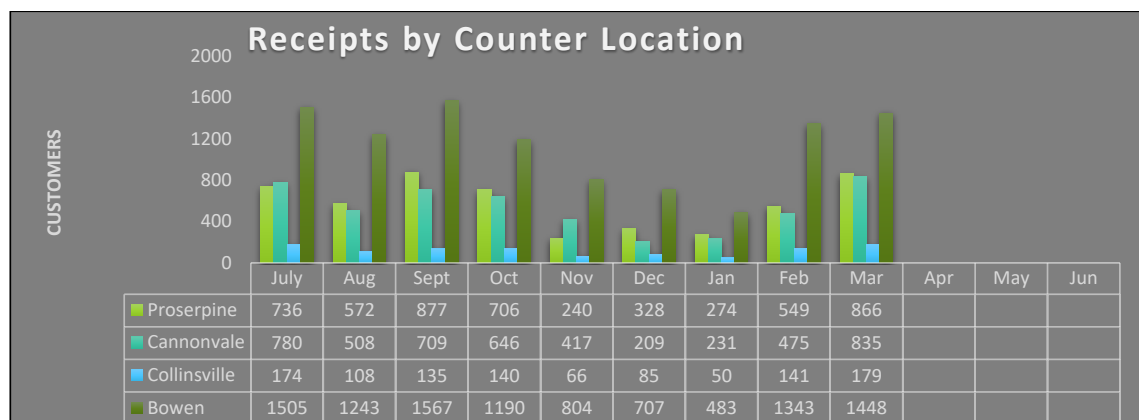
#### Incoming Calls & Requests:

- Total of **2,825** visitors through the service centres.
- WRC Call Statistics at **81.6%** of calls answered in 25 seconds.
- CRM completion was **95.1%** within timeframe (**93.2%** including call backs).
- First Point of Contact (FPOC) resolution was at **80.35%** for **March**.

## Community Services Monthly Report | March 2022

### Top Issues

| Service                                   | YTD   | Jan | Feb | Mar   | Monthly Trend |
|-------------------------------------------|-------|-----|-----|-------|---------------|
| <b>Counter Receipts</b>                   |       |     |     |       |               |
| Rates Receipt                             | 4,992 | 118 | 650 | 1,443 | ↑             |
| Water Charges                             | 2,283 | 10  | 639 | 421   | ↓             |
| Rates Search                              | 1,991 | 154 | 252 | 219   | ↓             |
| Private Certifier                         | 330   | 7   | 32  | 99    | ↑             |
| Special Water Meter                       | 820   | 65  | 96  | 91    | ↓             |
| <b>Telephone (First Point of Contact)</b> |       |     |     |       |               |
| General                                   | 2,455 | 209 | 309 | 304   | ↓             |
| Rates/Water Billing                       | 2,463 | 117 | 354 | 246   | ↓             |
| Local Laws/Compliance and Environment     | 979   | 83  | 114 | 144   | ↑             |
| Building/Plumbing/Planning and Develop    | 495   | 49  | 40  | 68    | ↑             |
| Waste (Bins/Recycling/Refuse Centres)     | 677   | 48  | 82  | 50    | ↓             |
| <b>After Hours</b>                        |       |     |     |       |               |
| Water Supply Issue                        | 220   | 51  | 22  | 16    | ↓             |
| Wandering Animals                         | 64    | 13  | 10  | 3     | ↓             |
| Sewerage Septic                           | 24    | 3   | 0   | 3     | ↑             |
| General Information                       | 54    | 4   | 3   | 3     | –             |
| Security                                  | 21    | 2   | 3   | 2     | ↓             |



## 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 | Jan | Feb | Mar | Monthly Trend |
|----------------------------------|-----|-----|-----|-----|---------------|
| Meetings with Traditional Owners | 2   | 0   | 0   | 1   | ↑             |

On-site meeting held in Collinsville with Jangga Operations on Tuesday, 29 March 2022.

### Projects

| Project                               | Status      | % Complete | Budget | Time |
|---------------------------------------|-------------|------------|--------|------|
| Reconciliation Action Plan (RAP)      | Complete    | 100%       | ✓      | ✓    |
| Indigenous Land Use Agreements (ILUA) | In Progress | 80%        | ✓      | ✓    |

### 13.5.1 - Trade Waste Policy and Environmental Management Plan Review

**DATE:** Wednesday 13 April 2022

**TO:** Ordinary Council Meeting

**AUTHOR:** Darren Raeck - Principal Engineer - Water and Wastewater Treatment Operations

**AUTHORISING OFFICER:** Adam Hagy - Director Infrastructure Services

**PRESENTED FOR:** Decision

#### ATTACHMENTS

1. WRC Trade Waste Policy March 2022 [**13.5.1.1** - 3 pages]
2. TWEMP 2020 FINAL DRAFT March 2022 [**13.5.1.2** - 51 pages]
3. Trade Waste Fees and Charges 2022 23 [**13.5.1.3** - 3 pages]

#### PURPOSE

To update the Trade Waste Policy, Trade Waste Environmental Management Plan and associated Fees and Charges.

#### OFFICER'S RECOMMENDATION

That Council adopt the revised Trade Waste Policy and the Trade Waste Environmental Management Plan.

#### BACKGROUND

The Original revised Policy and TWEMP was adopted 13 June 2017 (LSP\_C&ENV\_14). The Policy and TWEMP was then revised again in 2018, and 2019.

The Trade Waste Environmental Management Plan was adopted on 25 September 2019 and due for review on 25 September 2020 (reviewed annually).

The Trade Waste Environmental Management plan has been a contentious issue dating back to September 2015. Briefing Papers were prepared for 8 May 2016, 23 January 2017, 7 June 2017 and Ordinary Council Meeting on 13 June 2017.

#### DISCUSSION/CURRENT ISSUE

The current Trade Waste Policy was adopted on 22 August 2018 and was due for review on 22 August 2019. There are no major changes recommended for the Policy (reviewed annually).

The current review of the Trade Waste Environmental Management Plan has been carried out with a focus on simplifying the categories and moving towards a user pays system. The recommended changes ultimately allow Council to move towards a full-cost price path model as defined in the Operational Plan "Evaluate a staged full-cost water / sewerage path models in accordance with KFA2".

Whitsunday Regional Council has approximately 328 active Trade Waste customers and 19 vacant / inactive connections. Of the 328 active customers 242 customers have sub metres which command units or system which discharge directly to sewer and in some cases via a

grease trap first. These customers are compliant with the Policy and Plan and no further work are required.

257 Trade Waste customers have pre-treatment devices (1 by Agreement) which Council monitors for conformance with Councils sewer admission limits. Accurate measurement and charging of excess strength is complicated by the fact that some properties do not sub meter their trade waste and the meters are currently privately owned.

The current changes to the TWEMP include reclassification of the trade waste customers to three simple categories:

- Category 1 – No pre-treatment (66 Customers)
- Category 2 – Pre-treatment (256 Customers)
- Category 3 – by agreement (6 Customers)

Changing from a volumetric classification avoids customers frequently changing categories due to volumetric usage and removes the 350 kL ceiling currently used to define the customers category

### **Capping of excess strength bills**

A large proportion of customers discharge trade waste below the admission limit set to protect or prevent adverse effect on the sewerage system. Regular testing is carried out to determine the potential impact of trade waste on the sewerage system and charged excess strength in accordance with the excess strength charges. Because there is no upper limit on these charges the bills have a compounding multiplication effect that can sometimes cause these bills to be what is thought to be greater than the potential impact of the damage.

It is proposed to cap this at 15 times the volumetric charge thus moving more towards a user pays system whereby the more water you discharge at higher strength the greater the bill will be.

### **Removal of the Pedestal allowance of 75 kl**

The current pedestal allowance is provided as a recommendation of National Guideline for Managing Foods, Fats, Oils and Grease as a means of estimating discharge to sewer from the primary meter. This allowance generally only applies to properties that do not have sub meters and the primary meter is used to estimate discharge of a trade waste nature. The 75 kL allowance assumes water used through the toilet system is not of a trade waste nature.

The impact of COVID-19 has meant that many business have reduced their volumetric usage and as a result the application of this concession is no longer relevant.

### **Sub metering of all properties over a 4 year period**

242 customers are already sub metered and no further works are required for them to become compliant. The remaining 86 customers require sub meters in order to move to a user pays system. It is also proposed to take over ownership of these meters in order to ensure the accuracy and accountability of these meters. This also requires the introduction of fees to replace and manage the meters over time.

## **STATUTORY/COMPLIANCE MATTERS**

Water Supply (Safety & Reliability) Act 2008  
Local Government Act 2009 (QLD)  
Public Health Act 2005 (QLD)

Plumbing and Drainage Act (QLD), 2018  
Plumbing and Drainage Regulation (QLD), 2019  
Environmental Protection Act 1994 (QLD)  
Environmental Protection Act (Waste Management) Regulation 2000.  
State Penalties Enforcement Act 1999

## **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.

Improve Council's Asset Management Planning maturity and develop Long Term Financial Plans for all asset classes which are financially affordable over the long term.

Provide reliable, safe, secure, environmentally responsible, and affordable water and waste services.

## **FINANCIAL IMPLICATIONS**

Trade waste currently runs as a loss due to the resources required to administer trade waste agreements. The current system is complicated by a volumetric ceiling of 350kL on Category 1 which is subject to change depending on volumetric use (influenced by external factors). It is not proposed to vary the pricing significantly other than to apply changes to the industry charges and apply CPI.

The removal concessions provided to unmetered properties via a pedestal allowance and the completion of sub metering program will provide greater accuracy and transparency in the way bills are generated.

The completion of sub metering program (actual readings rather than estimate) will provide greater transparency in the way bills are calculated. By placing a cap on the excess strength charges will reduce the risk of bill shock and provide the customer with a greater ability to pay.

The following is an estimate of revenue changes:

- Removal of the 75 kL pedestal allowance is expected to increase revenue by +\$9,300
- Charging of Category 2 annual renewal fee, increased revenue of \$34,560
- Agreement to sub meter 86 remaining properties (\$500X4=\$2000) over 4 years (\$172,000 cost to 86 customers)
- Application of the \$1.05 kL charge to all trade waste customers (which is essentially removal of the 350 kL ceiling), increase in revenue from 215 customers of \$33,000 - \$153 / customer.
- Increasing the annual renewal fee to increase meter renewal fee (\$56.00) and testing fee for pre-treatment devices (\$403.00) where applicable. Upon completion of the automatic metering trial by WRC data costs to also be included in the annual renewal fee.
- Placing a ceiling on excess strength charges is unlikely to have a financial change as many of the bills are challenged and written off due to the inability of the customer to pay or a defined reason for the excess strength reading (i.e not refilling the grease trap with water)."

## **CONSULTATION/ENGAGEMENT**

Director Infrastructure Services  
Chief Operating Officer Whitsunday Water  
Principal Engineer Waste & Wastewater Treatment Operations  
Trade Waste Coordinator  
Trade Waste Officer

## **RISK ASSESSMENT**

A corporate risk assessment has been completed. The most significant risks are failure to adequately communicate the changes and ability for the customer to pay.

## **TIMINGS/DEADLINES**

There is a desire to implement the Trade Waste Policy and Trade Waste Environmental Management Plan changes from 1 July 2022 and adopt the Fees and Charges as part of the 2022/23 Fees and Charges Implementation.

## **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**

The Trade Waste Policy and Trade Waste Environmental Management Plan are reviewed on an annual basis. Council's Operational Plan, has prompted a move towards full-cost water / sewerage path models (KFA2 – Review of Commercial Business Operations) with the intention of providing a level of service that was affordable, transparent and accountable in both the short and long term.

Options considered the impact of COVID-19 in the current economic environment, volumetric usage (in a user pays environment) along with options to restrict excess strength fees to an affordable amount without compromising the operation of the system.





## Trade Waste Policy

### Engineering Services

LSP\_ENG\_05

| LEGISLATIVE / STRATEGIC POLICY |                               |                  |            |
|--------------------------------|-------------------------------|------------------|------------|
| Date Adopted by Council        | TBA                           | Council Minute   | TBA        |
| Effective Date                 | 25 September 2019             | Next Review Date | TBA        |
| Responsible Officers           | Director Engineering Services | Revokes          | 2017.06.01 |

## Purpose

The purpose of this policy is to:

- Provide an environmentally responsible liquid waste disposal system for commercial and industrial waste in a manner which safeguards public health;
- Prevent harm or injury to employees;
- Safeguard the sewerage system against damage, blockage or surcharging;
- Exclude non-biodegradable. Potentially harmful substances that may cause:
  - The treatment process to fail;
  - Render effluent or sludge unacceptable for reuse or disposal; or
  - Cause any other detrimental effect to the environment;
- Recover the cost of services to commerce and industry including the cost of, transmission, treatment and damage to the sewerage system;
- Encourage industrial development but at the same time achieve industry compliance with this policy and the Trade Waste Environmental Management Plan;
- Promote water conservation;
- Provide operational data on the volume and composition of industrial and commercial effluent to assist in the operation of the sewerage system and the design of augmentations or new sewerage systems; and
- Reduce waste by encouraging awareness of a product's life cycle and including environmental costs in the cost of the product.

## Scope

This policy is applicable to all industrial, commercial or other premises connected to Whitsunday Regional Council's sewerage system that may discharge trade waste for treatment within Council's sewerage system.

## Applicable Legislation

This policy is in reference to the following legislation:

- Water Supply (Safety & Reliability) Act 2008
- Local Government Act 2009
- Environmental Protection Act 1994
- Environmental Protection Regulation 2008
- Environmental Protection (Waste Management) Regulation 2000





## Trade Waste Policy

### Engineering Services

LSP\_ENG\_05

- Plumbing and Drainage Act 2018
- Plumbing and Drainage Regulation 2019
- Sustainable Planning Act 2009
- Radiation Safety Act 1999
- Radiation Safety Regulation 1999
- Gene Technology Act 2001
- Queensland Plumbing and Waste Water Code 2019

## Policy Statement

1. To ensure the continued protection of our environment and waterways, while providing a service to the commercial sector, Council shall conditionally accept trade waste into the sewerage system provided that it:
  - a. Does not contain substances in amounts that are or may be toxic or hazardous to efficient operation of the sewerage system, treatment processes, personnel or the environment; and
  - b. Is not discharged in a quantity that may exceed the system's capacity to collect, transport and treat the trade waste.
2. Council will manage trade waste in accordance with Council's Trade Waste Environmental Management plan.
3. Council shall provide technical support to promote an appropriate service to industrial and commercial customers and to protect the community, the environment, the sewerage system and the waste water treatment processes from adverse effects.
4. Council approval, including payment of any Council fees, must be obtained before trade waste is discharged from any property to Council's sewerage system.
5. It is the responsibility of the trade waste property owner to obtain approval through Council's approval process.
6. Council is not obliged to accept trade waste to sewer, but may do so, provided that:
  - a. The proposed discharge meets the criteria stipulated in Council's Trade Waste Environmental Management Plan;
  - b. The proposed discharge volumes are such that the system has adequate capacity to collect, transport and treat the waste; and
  - c. The trade waste discharger has a current Trade Waste Approval and complies with the conditions of that approval, including the payment of any fees charged by Council.
7. Any waste discharged into Council's sewerage system must comply with the Trade Waste Sewer Admission Limits.
8. To ensure recovery of costs for collection, transport, treatment and administration of trade waste, Council shall levy trade waste fees and charges in accordance with the Local Government Act 2009 and as specified in the Trade Waste Environmental Management Plan (Section 6.10) and Council's annual utility charges. These charges shall be levied on the owner of the property from which the trade waste is discharged.
9. Council shall undertake routine inspections of each trade waste discharger. Where necessary, Council Officers shall exercise their rights to access as described in the relevant legislation.
10. A trade waste discharger who is found to be non-compliant with their Trade Waste Approval, or to not have a Trade Waste Approval, shall be managed in accordance with Council's Trade Waste Environmental Management Plan and relevant legislation. This may include the cancellation of a trade waste approval and/or prosecution if appropriate.
11. Council may recover costs of repairing damaged sewerage infrastructure if a person;





## Trade Waste Policy

### Engineering Services

LSP\_ENG\_05

- a. Damages the sewerage system by discharging unauthorised material;
  - b. Makes an unauthorised connection; or
  - c. Interferes with Council infrastructure in any other manner.
12. Council may prosecute any person who commits a breach of the Water Supply (Safety and Reliability) Act 2008, the Local Government Act (2009), or the Environmental Protection Act 1994 and the subordinate legislation or regulation, or who refuses or neglects to comply with any direction or requirement of Council pursuant to the aforementioned legislation or other relevant legislation.
13. The Trade Waste Policy is required in line with the Stage Government legislation. Notwithstanding the provisions of this policy, due to the complexity of many industrial wastes and the need to protect Council's sewerage system, employees, and the environment, acceptance of any given liquid trade waste to sewer will always be at the discretion of Council. This Council has power to suspend discharge approvals when issues beyond the Council's control will prevent the Council from safely accepting a discharge. This power is to be recorded in all discharge agreements made under this policy.

## Definitions

**CEO** refers to the Chief Executive Officer of the Whitsunday Regional Council appointed in accordance with the *Local Government Act 2009*.

**Council** refers to the Whitsunday Regional Council

**Employee** refers to any employee, contractor, volunteer etc. of the Council

**Reuse** refers to in relation to recycled water, includes being treated to improve the effluent quality, but does not include merely being discharged into, or disposed of in, the environment.

**Sewerage system** refers to Council's sewers, house connection branches, access chambers, vents, engines, pumps, structures machinery, outfalls or any other works used to receive, store, transport or treat sewage.

**Trade water** refers to water-borne waste from business, trade, manufacturing or other premises, other than:

- a. Waste that is a prohibited substance; or
- b. Human waste; or
- c. Stormwater.

## Relating Documents

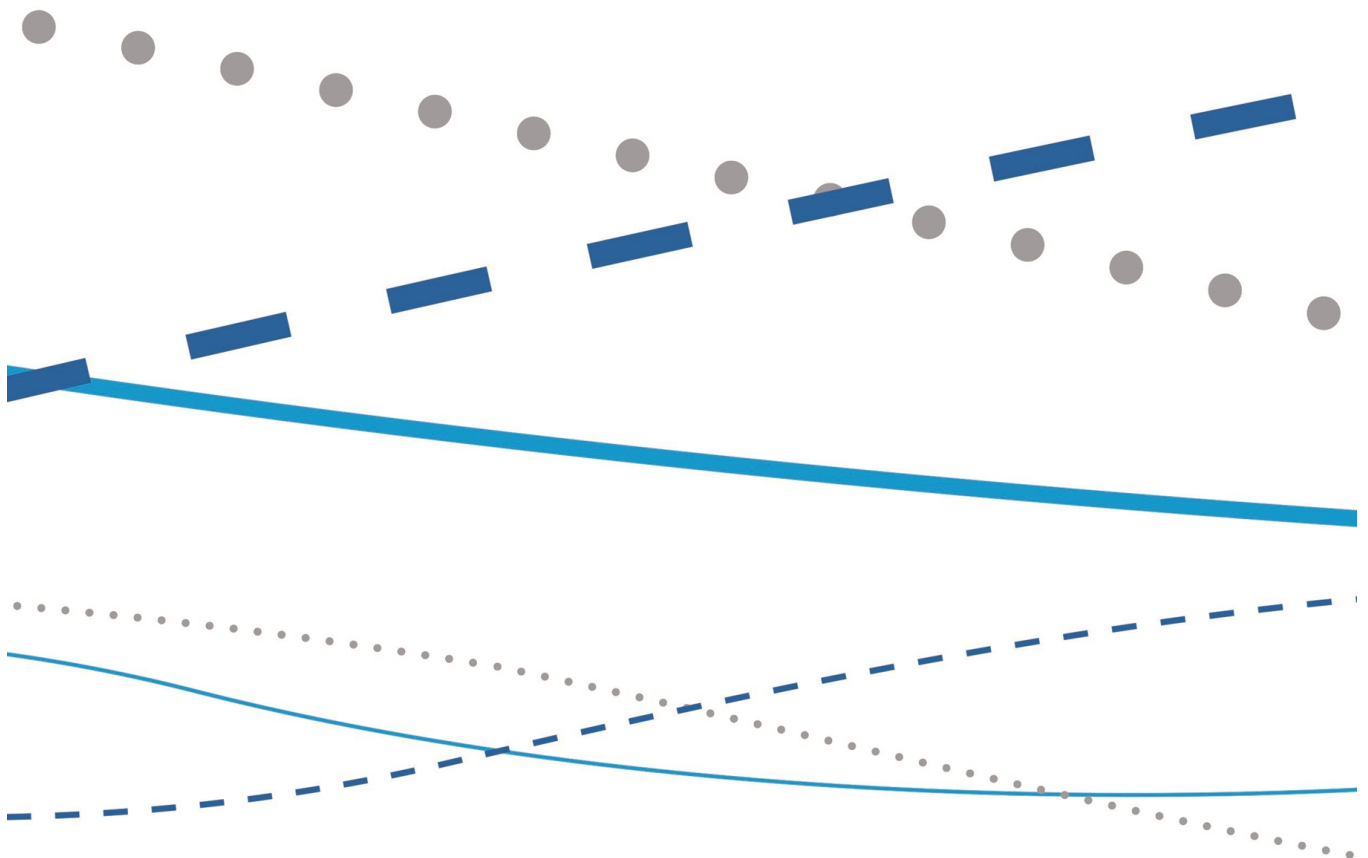
Trade Waste Environmental Management Plan





# Trade Waste Environmental Management Plan

TWEMP



## TABLE OF CONTENTS

|                                                                         |             |
|-------------------------------------------------------------------------|-------------|
| <b>Revision History.....</b>                                            | <b>4</b>    |
| <b>1. INTRODUCTION .....</b>                                            | <b>5</b>    |
| <b>2. DEFINITIONS .....</b>                                             | <b>6</b>    |
| <b>3. TRADE WASTE MANAGEMENT PLAN .....</b>                             | <b>10</b>   |
| 3.1 Purpose .....                                                       | 10          |
| 3.2 Objectives .....                                                    | 10          |
| 3.3 Management Plan Instruments .....                                   | 11          |
| <b>4. CONTROL OF TRADE WASTE .....</b>                                  | <b>11</b>   |
| 4.1 Head of Power .....                                                 | 11          |
| <b>5. TRADE WASTE APPROVALS.....</b>                                    | <b>12</b>   |
| 5.1 Application for trade waste approval .....                          | 12          |
| 5.2 Trade waste approval plan submission .....                          | 12          |
| 5.3 Application Procedures .....                                        | 13          |
| 5.4 Approvals & Contracts .....                                         | 13          |
| 5.4.1 Approval Conditions.....                                          | 13          |
| 5.4.2 Breaches of a trade waste approval.....                           | 14          |
| 5.4.3 Contract Conditions .....                                         | 14          |
| 5.4.4 Special Disposal Approval .....                                   | 15          |
| 5.5 Voluntary Cancellation of a Trade Waste Approval .....              | 16          |
| 5.6 Suspension or Cancellation of a trade waste approval/contract ..... | 16          |
| 5.7 Approval holder's responsibilities .....                            | 16          |
| 5.8 Occupiers (trade waste generator) responsibilities .....            | 16          |
| <b>6. TRADE WASTE FEES AND CHARGES.....</b>                             | <b>17</b>   |
| 6.1 Levying of charges.....                                             | 17          |
| 6.2 Trade waste charges .....                                           | 17          |
| 6.3 Application fees .....                                              | <u>1918</u> |
| 6.4 Annual renewal & approval fees.....                                 | <u>1918</u> |
| 6.5 Inspection & analysis fees .....                                    | <u>1918</u> |
| 6.6 Commercial/Industrial strata titled units.....                      | <u>1918</u> |
| 6.7 Additional charges for excess strength discharges .....             | <u>1919</u> |
| 6.8 Septic tank & regulated waste fees .....                            | <u>2019</u> |
| 6.9 Equivalent Arrester Charges .....                                   | <u>2019</u> |
| 6.10 Penalties & Recovery of Costs.....                                 | <u>2019</u> |
| 6.11 Payment of Charges and Fines.....                                  | <u>2020</u> |

|                                                                              |             |
|------------------------------------------------------------------------------|-------------|
| <b>7. SEWER ADMISSION LIMITS .....</b>                                       | <b>2120</b> |
| <b>8. EFFLUENT IMPROVEMENT PROGRAMS .....</b>                                | <b>2120</b> |
| <b>9. INSPECTION AND MONITORING .....</b>                                    | <b>2121</b> |
| 9.1 Inspection chambers and/or gauging facility .....                        | 2221        |
| <b>10. DETERMINATION OF DISCHARGE QUANTITY AND QUALITY .....</b>             | <b>2221</b> |
| 10.1 Determination of trade waste Quantity (flow) .....                      | 2221        |
| 10.1.1 Category 1a & 1b .....                                                | 2322        |
| 10.1.2 Category 2 .....                                                      | 2322        |
| 10.1.3 Trade waste meters .....                                              | 2322        |
| 10.1.4 Meter failure .....                                                   | 2323        |
| 10.2 Determination of discharge Quality .....                                | 2423        |
| 10.2.1 Low risk dischargers (Category 1a & 1b) .....                         | 2423        |
| 10.2.2 Medium to high-risk dischargers (Category 2) .....                    | 2423        |
| <b>11. CALCULATING ACTUAL DISCHARGE CHARGES .....</b>                        | <b>2424</b> |
| <b>12. SPECIFIC REQUIREMENTS FOR COMMERCIAL AND INDUSTRIAL WASTES .....</b>  | <b>2625</b> |
| 12.1 Removing regulated wastes from premises .....                           | 2625        |
| 12.2 Pre-Treatment .....                                                     | 2726        |
| 12.2.1 Grease Arrestor installation .....                                    | 2726        |
| 12.2.2 Grease Arrestor Sizing .....                                          | 2928        |
| 12.2.3 Risk Methodology within the FFOG guideline .....                      | 2928        |
| 12.2.4 Food Waste Digesters .....                                            | 3028        |
| 12.2.5 Oil Arrestors .....                                                   | 3029        |
| 12.2.6 Other Pre-treatment system Applications .....                         | 3130        |
| 12.3 Enzymes/Biological substances .....                                     | 3230        |
| 12.3.1 Enzyme and Bacterial Cultures .....                                   | 3230        |
| 12.3.2 Genetically Modified Organisms (GMO's) .....                          | 3230        |
| 12.4 Food Waste Disposal Units .....                                         | 3231        |
| 12.5 Commercial Swimming Pools/Ornamental Pools .....                        | 3231        |
| 12.6 Medical, Clinical, veterinary & infectious waste .....                  | 3231        |
| 12.7 Containment of Toxic/Hazardous Substances .....                         | 3331        |
| 12.8 Discharge of Liquid Wastes from Vessels, Vehicles & Aircraft .....      | 3331        |
| 12.8.1 Vessels .....                                                         | 3331        |
| 12.8.2 Buses, Aircraft, Recreation Vehicles .....                            | 3332        |
| <b>12.9 Discharge of Liquid Wastes from Home Based Businesses .....</b>      | <b>3332</b> |
| <b>12.10 Discharge of Liquid Wastes from Mobil Food Van Businesses .....</b> | <b>3332</b> |
| 12.11 Landfill Leachate & Disposal Facility Wastewater .....                 | 3432        |

|                                                 |                    |
|-------------------------------------------------|--------------------|
| 12.12 Discharge from Open Areas .....           | <u>3432</u>        |
| 12.13 Stormwater .....                          | <u>3433</u>        |
| 12.14 Discretionary Power .....                 | <u>3533</u>        |
| 12.15 Force Majeure (Medium to High Risk) ..... | <u>3533</u>        |
| 12.16 Records & Reporting .....                 | <u>3533</u>        |
| 12.17 Information Privacy .....                 | <u>3534</u>        |
| <b>APPENDIX 1 .....</b>                         | <b><u>3635</u></b> |
| <b>APPENDIX 2 .....</b>                         | <b><u>3736</u></b> |
| <b>APPENDIX 3 .....</b>                         | <b><u>4241</u></b> |
| <b>APPENDIX 4 .....</b>                         | <b><u>4443</u></b> |
| <b>APPENDIX 5 .....</b>                         | <b><u>4544</u></b> |
| <b>APPENDIX 6 .....</b>                         | <b><u>4645</u></b> |

|                     |                   |                   |
|---------------------|-------------------|-------------------|
| Council Meeting No. | 2019/09/25.23     |                   |
| Adopted by Council: | 25 September 2019 |                   |
| Originator:         | Raymond Smith     | 13 June 2018      |
| Checked by:         | Peter Stapleton   | 27 August 2019    |
| Approved by:        | Troy Pettiford    | 17 September 2019 |
| Next revision:      | 25 September 2020 |                   |

## Revision History

| Version | Revision Date   | Details  | Name           |
|---------|-----------------|----------|----------------|
| 1.0     | 21 October 2019 | Approved | Troy Pettiford |
| 2.0     | TBA             | Updated  | Troy Pettiford |



## 1. INTRODUCTION

Liquid wastes generated by industry, small business and commercial enterprises are referred to as trade waste. The **Water Supply (Safety & Reliability) Act 2008** prohibits the unauthorised discharge of wastes, other than domestic sewage, into the sewerage system. The options for producers of trade waste are to:

- have it treated at an approved treatment facility;
- obtain approval from Council to discharge to the sewerage system; or
- obtain an environmental authority under the Environmental Protection Act to treat the waste before discharge to the environment.

Whitsunday Regional Council (Council) provides a sewerage system primarily for transporting and treating domestic sewage. Payment for this service is collected through sewerage charges on each rateable property. This system may also be used, with the approval of Council, for the acceptance and treatment of trade waste. As trade waste imposes an additional load on the sewerage system, and hence an additional cost for treatment, trade waste charges apply.

Domestic sewage consists mostly of liquid which, after treatment to reduce biodegradable material, suspended solids and nutrients, can be disposed of in accordance with its environmental authority requirements. Where practical and cost effective, Council is actively seeking opportunities to reuse and recycle treated effluent and bio-solids.

The organic concentration of trade waste can be much greater than that of domestic sewage and may overload the treatment facility. Trade waste may also contain substances such as hydrocarbons, fats and grease, heavy metals, organic solvents and chlorinated organic substances in high concentrations, which sewerage systems are not designed to treat. These substances may:

- pose a serious risk to the safety and health of sewerage workers;
- damage sewerage system infrastructure;
- inhibit biological processes at the treatment plant;
- accumulate in bio-solids, making their reuse difficult or impracticable; or
- pass through the plant untreated resulting in environmental contamination and / or impact on Council's reuse customers.

To ensure the continued protection of our environment and waterways, Council will accept, subject to conditions, biodegradable waste into the sewerage system provided:

- the system has adequate capacity to effectively collect, transport and treat the waste; and
- the trade waste generator/approval holder has applied (to Council's satisfaction) all practicable and cost-effective waste minimisation, recycling and reuse options.

Discharge of waste containing substances in amounts liable to be toxic or hazardous to the sewerage system, treatment process, personnel or the environment is prohibited.

Council may consider accepting trade waste containing toxic or hazardous substances and non-degradable pollutants only after the waste has been pre-treated by on-site "best practicable treatment" to ensure Sewer Admission Limits are not exceeded.

## 2. DEFINITIONS

### **Approval Holder**

A person to whom Council gives a Trade Waste Approval (property owner).

### **Approval/Permit**

Council's written approvals for the discharge of liquid waste are classified as Category 1, 2 or 3. It states the terms and conditions to be met by the trade waste Generator and/or Owner with respect to the discharge of trade waste into Council's sewerage system.

### **Annual Trade Waste Approval Fee**

Means a utility charge for a category of trade waste for the cost to the Council of:

- (a) administration associated with the provision of the Trade Waste service; and
- (b) routine inspection and testing of premises the subject of a Trade Waste Approval; and
- (c) routine reading of Trade Waste meters; and
- (d) routine tracking and validation of Trade Waste.

### **Arrestor**

An apparatus designed to intercept and retain silt, sand, oil, grease, sludge and other substances in a waste discharge.

### **Applicant**

See Owner

### **Authorised Agent**

Registered real estate agent or licenced solicitor appointed by the Owner to act on their behalf. Notification of such appointment is to be lodged in writing with Council.

### **Base Charge**

A base charge is a fee for each application on a property to recover the costs associated with Council administration service.

### **Best Practice Environmental Management**

Best Practice Environmental Management of an activity is the management of the activity to achieve an on-going minimisation of the activity's environmental harm, through cost-effective measures assessed against the standards currently used nationally and internationally for the activity.

### **Bi-annual Volumetric Consumption Charge**

A bi-annual utility charge for the sewerage service provided by Council to the relevant property.

### **Biochemical Oxygen Demand**

Biochemical Oxygen Demand or BOD<sup>5</sup> is defined as the amount of oxygen utilised by micro-organisms in the process of decomposition of organic material in wastewater over a period of 5 days at 20°C. In practical terms, BOD<sup>5</sup> is a measure of the biodegradable organic content of the waste or more simply the 'organic strength' of the liquid.

### **Bio-solids**

The treated solids (sludge) mainly organic, produced by sewage treatment processes at a Council Sewage Treatment Plant.

### **Chemical Oxygen Demand**

This is a measure of the oxygen required to oxidise organic material in wastewater by a strong chemical oxidant. COD is a measure of the organic and inorganic content, both biodegradable and non-biodegradable, of the waste, or more simply, the organic and inorganic strength of the liquid.

### **Cleaner Production**

Cleaner Production means the continuous application of an integrated preventative environmental strategy to processes, products and services to increase efficiency and reduce risks to humans and the environment.

### **Commercial Swimming Pool**

For the purpose of this policy 'Commercial Swimming Pools' refers to;

- Commercial pools
- Institutional facility pools,
- Municipal facility pools
- Commercial ornamental fountains and ponds.
- Commercial spas

### **Conveyance and Treatment Charge**

means a utility charge for the cost to Council of conveying and treating the quantity and quality of Trade Waste discharged to the Sewerage System. This includes maintenance and depreciation of fixed infrastructure used in the provision of the trade waste service.

### **Council**

In this plan a reference to Council means the Whitsunday Regional Council or any person appointed or authorised by the Whitsunday Regional Council to act on behalf of Council as the case may require.

### **Domestic Sewage**

Faecal matter and urine of human origin and liquid household wastes from water closet pans, kitchen & laundry troughs, sinks, baths, showers & basins and similar fixtures designed for use in private dwellings.

### **Effluent**

The liquid discharged following a wastewater treatment process.

### **Generator**

See trade waste generator.

### **Heavy Metals**

Metals of high atomic weight, which in certain concentrations can exert a toxic effect.

### **Human Waste**

Human faecal substances and urine.

**Open Area**

This refers to any unroofed process, wash down, storage or similar area that has a drain or discharge connection to the sewerage system.

**Owner**

The property owner of the premises upon which the trade waste is generated.

**Property Owner**

Owner of land as defined in the *Local Government Act 2009*.

**pH (stands for “potential of Hydrogen”)**

This is the measure of acidity or alkalinity of the wastewater. pH 7 is neutral, below 7 is acidic and above 7 is alkaline.

**Premises**

A lot as defined in section 10 of the *Sustainable Planning Act 2009*, or for a lot under the *Body Corporate and Community Management Act 1997* or the *Building Units and Group Titles Act 1980* – the common property for the lot.

**Pre-treatment**

Primary or secondary on-site treatment prior to discharge to Council's sewer.

**Prohibited Substances**

A substance prescribed in Schedule 1 of the *Water Supply (Safety & Reliability) Act 2008* and section 79 (4) of the *Local Government Act 2009*.

**Quick Break Detergents**

Detergents which emulsify oil and grease then break the emulsion in less than one hour.

**Recycling of Wastewater**

- Reuse of wastewater in the process that generated it; or
- Reprocessing the wastewater to develop a new product; or
- Using the wastewater (whether on or off the site where it is generated).

**Regulated Waste**

Non-domestic waste as mentioned in Schedule 7 of the *Environmental Protection Regulation 2008* (whether or not it has been treated or immobilised) and includes:

- For an element – any chemical compound containing the element; and
- Anything that has contained the waste.

**Residuals**

The solids that are removed from wastewater by treatment. Bio-solids are particular residuals.

**Sewage**

The wastewater from the community including all faecal matter, urine, household and commercial wastewater that contain human waste.

### **Sewer Admission Limits**

Refer to Appendix 2

### **Sewerage or Sewerage System**

Means Council sewer, access chamber (i.e. manhole), vent, engine, pump, structure, machinery, outfall or other work used to receive, store, transport or treat sewage.

### **Storm Water Drainage**

A drain, channel, pipe, access chamber (i.e. manhole), structure, outfall or other work used to receive, store, transport or treat storm water.

### **Suspended Solids**

Suspended solids refer to the insoluble solid matter suspended in wastewater that can be separated by laboratory filtration and is retained on a filter.

### **Total Dissolved Solids**

Total dissolved solids refer to dissolved organic and inorganic matter and salts dissolved in wastewater.

### **Total Hydrocarbons**

Petroleum based residues from industrial cleansing products and other sources.

### **Trade Waste**

The waterborne waste from business, trade or manufacturing property, other than:

- Waste that is a prohibited substance; or
- Human waste; or
- stormwater.

Waste from the following fixtures/appliances are typically considered not to be Trade Waste.

- Staff room kitchenette fixtures for the use of tea and coffee making and staff lunches.
- Domestic or staff bathroom fixtures
- Hand basins for sanitation purposes, does not include hand basins in commercial kitchens.

### **Trade Waste Contract**

Trade waste approval for the discharge of liquid waste classified as Category 3 or medium to high risk. It states the terms and conditions to be met by the trade waste generator and the owner of the property where the discharge of trade waste enters Council's sewerage system.

### **Trade Waste Approval**

Written approval by Council for a person to discharge trade waste to Council's sewerage system. See Trade Waste Contract and Trade Waste Permit.

### **Trade Waste Characteristic**

Measurable component of the trade waste discharge.

### **Trade Waste Generator**

A person whose activity produces or has the potential to produce Trade Waste.

### **Trade Waste Officer**

Trade waste officer means a person holding appointment as a trade waste officer of Whitsunday Regional Council.

### **Trade Waste Permit**

A document provided by Council for a person to discharge trade waste to Council's sewerage system. See Trade Waste Contract and Trade Waste Permit.

### **Waste Minimisation:**

Procedures and processes implemented by industry and business to modify, change, alter or substitute work practices and products that will result in a reduction in the volume and / or strength of waste discharged to Council's sewer. These actions are supported and encouraged by Whitsunday Regional Council and will reduce the charges that are applied for trade waste disposal to sewer, they will also reduce the loading on the treatment plant processes, thereby improving the quality of effluent discharged to the environment from Council's sewage treatment plants.

## **3. TRADE WASTE MANAGEMENT PLAN**

### **3.1 Purpose**

The purpose of this Management Plan is to provide an environmentally sustainable liquid waste disposal service for commercial and industrial waste in a manner, which safeguards public health and environment, and is consistent with Council's responsibilities and obligations under Queensland legislation.

### **3.2 Objectives**

The objectives of the Management Plan are:

- To transport, treat and dispose of liquid waste in an environmentally sustainable manner;
- To prevent harm or injury to sewerage employees.
- To safeguard the sewerage system against damage, blockage or surcharging.
- To provide effluent of a quality suitable to be reused in industrial processes and future customers;
- To exclude non-biodegradable and potentially harmful substances that may:
  - Lead to non-compliance with the conditions of Council's environmental authority issued by DEHP;
  - Cause the treatment process to fail;
  - Interfere with recycling effluent;
  - Render effluent or bio-solids unacceptable for reuse or disposal;
  - Cause physical damage to infrastructure; or
  - Cause any other detriment to the environment.
- To equitably recover commerce and industry trade waste service costs including conveyance, treatment and disposal, maintenance and repairs;
- To improve operation and planning for the sewerage system by understanding the composition and volume of discharges;
- To encourage waste minimisation and cleaner production, including waste prevention, recycling, and pre-treatment;
- To promote water conservation;
- To assist Council to meet its statutory obligations;
- To conform with the National Water Quality Management Strategy: Guidelines for Sewerage Systems - Acceptance of Trade Wastes (Industrial Wastes) November 1994, produced by the Agriculture and Resource Management Council of Australia and New Zealand, and the Australian and New Zealand Environment and Conservation Council.

### 3.3 Management Plan Instruments

The objectives will be achieved using a combination of Management Plan instruments, including:

- Sewer Admission Limits (concentration/mass limits for severable wastes);
- Conditional Trade Waste Approvals (Permits and Contracts);
- “User pays” pricing; and
- Effluent improvement programs.

## 4. CONTROL OF TRADE WASTE

### 4.1 Head of Power

Council is required to meet conditions of licences issued by the Department of Environment and Science (DES) for its sewerage systems including the disposal and reuse of treated effluent and bio-solids. Council is also required by the *Water Supply (Safety & Reliability) Act 2008* and the *Environmental Protection Policy 2009* (EPP Water) to fully assess the effect of trade waste on the sewerage system and the environment before issuing a Trade Waste Approval.

Under the Environmental Protection Act, Council is responsible for any pollution from stormwater outfalls under its control. The discharge of trade waste to stormwater is prohibited under the *Local Government Act 2009*. The storm water system must only be used for the disposal of uncontaminated storm water runoff.

Legislation relevant to the control of Trade Waste and the acceptance of Trade Waste to the Sewerage System is listed in Appendix 1. The list of legislation in Appendix 1 is not a complete list of all legislation relating to the control of Trade Waste.

It is an offence under section 193 (Discharging particular materials) of the *Water Supply (Safety and Reliability) Act 2008* to discharge Trade Waste to the Sewerage System without a Trade Waste Approval given by the Council under section 180 (Trade Waste approvals) of the *Water Supply (Safety and Reliability) Act 2008*. Any person wishing to discharge Trade Waste to the Sewerage System shall apply for a Trade Waste Approval.

It is an offence for a person to discharge waste (including Trade Waste) other than uncontaminated stormwater to Stormwater Drainage.

Plumbing and drainage work associated with any treatment process shall comply with the *Plumbing and Drainage Act 2018* and the *Plumbing and Drainage Regulation 2019* and the Plumbing Approval. Plumbing and drainage work must be carried out by a licenced person.

Under Section 193 the *Water Supply (Safety and Reliability) Act 2008* it is an offence to:

- 193(1) Discharge trade waste into council’s infrastructure without approval.
- 193(2) Discharge a prohibited substance into council’s infrastructure.
- 193(3) Discharge water from an ornamental pond, pool or the filtration system from a swimming pool without written approval from the service provider.

Under the State Penalties Enforcement Act 1999:

- These offences are infringement notice offences for which an infringement notice fine may be issued (Schedule 1 of the State Penalties Enforcement Regulation 2014).
- If an authorised person reasonably believes a person has committed an infringement notice offence, the authorised person may serve an infringement notice on the person for the offence.



## 5. TRADE WASTE APPROVALS

### 5.1 Application for trade waste approval

The Owner of the premises and infrastructure (the applicant) from which Trade Waste will be discharged into the Sewerage System must make written application for approval to discharge. The applicant will be the Owner of the land or the owner's Authorised Agent, acting on behalf of the landowner. A Trade Waste application must be submitted by the Property Owner or Authorised Agent to obtain Council's approval for any trade waste discharge to sewer.

A Trade Waste Approval states the conditions under which discharge to sewer is allowed, and the Approval Holder accepts and agrees to be bound by the terms and conditions.

In the case of multiple businesses operating from a single strata titled property, each business is required to be separately approved based on an assessment of the application and activity proposed.

In the case of Community Title Scheme (CTS) land or strata title land, the owner of each lot within the CTS in which trade waste is generated and discharged to sewer must apply individually for a Trade Waste Approval.

Council grants two types of approval:

1. Businesses that discharge trade waste of a consistent quantity and quality that can be easily pre-treated using standard technologies such that the risk to Council's sewerage system is generally low (typically issued in Permit form).
2. Businesses that discharge trade waste with a quantity and quality categorised as medium to high risk that may have a serious detrimental effect on Council's sewerage system (typically issued in Contract form).

### 5.2 Trade waste approval plan submission

Hydraulic design plans must be submitted to the Plumbing Branch of Council for compliance assessment if trade waste drainage or pre-treatment infrastructure is proposed for premises.

It is the responsibility of the person preparing ~~the~~ hydraulic plans [for the pre-treatment device/system](#) to ensure ~~that the~~ design meets the requirements of the trade waste approval.

Where requested by the trade waste section of Council, the applicant must provide a detailed plan in a form and content acceptable by the trade waste section for review and assessment of a trade waste process, chemical storage and spill containment facility, monitoring and metering facility, ~~and~~ [pre-treatment facility etc.](#)

Council's trade waste section may require the plans [for complex pre-treatment systems](#) to be prepared [and endorsed](#) by a suitably qualified person<sup>1</sup>

Approval must be obtained from the Trade Waste section of Council before Trade Waste is discharged from any property to the Sewerage System. Responsibility for compliance with the Trade Waste Approval conditions and this Trade Waste Environmental Plan (TWEMP) resides with the Property Owner. It is the responsibility of the Property Owner to obtain approval through Council's approval process. It is also the responsibility of the property owner to pay any costs involved in obtaining and keeping approvals current.

<sup>1</sup>A suitably qualified person means a registered professional engineer or a member of the Association of Hydraulic Services Consultants Australia (AHSCA) or such other persons determined to be qualified.

### 5.3 Application Procedures

Approval to discharge trade waste to sewer Applications must be lodged prior to commencement of trading. Examples of when applications need to be lodged include:

- during the processing of a building application for new premises or extensions intended for industrial and/or commercial usage;
- change in tenancy of such premises;
- change of ownership of such premises;
- shop fitouts of such premises;
- during the processing of an application to strata title such premises;
- existing premises where trade waste is generated, and no Trade Waste Approval has been issued;
- immediately following a request from Council to obtain trade waste discharge approval; or
- where a change in process technology occurs.

Where a new business has taken ownership of an existing business, a new Trade Waste application fee is required.

Application forms may be downloaded from Council's website, [www.whitsundayrc.qld.gov.au](http://www.whitsundayrc.qld.gov.au), or obtained from Whitsunday Regional Council by telephoning 1300 972 753.

The Trade Waste Officer can give advice on the approval type, pre-treatment options and other application requirements.

Contracts must be negotiated with Council.

All applications submitted must be accompanied by:

- the application fees.
- details of the proposed method of pre-treatment.
- hydraulic design drawings.
- any other relevant information requested by Council.

Note: A plumbing application may be required separately from a trade waste approval application, please contact Council for further details

### 5.4 Approvals & Contracts

#### 5.4.1 Approval Conditions

A new application and approval is required for all new applicants and fees will apply. Trade Waste Approvals are non-transferable.

The Approval contains terms and conditions, which include but are not limited to:

- Property Owners details;
- the location of the premises and nature of the occupancy;
- the type and composition of Trade Waste that may be discharged;
- a statement that the quality of waste shall comply with Council's Sewer Admission Limits as specified in Appendix 2 (or attached to the Approval) and details of any allowed variations;
- the quantity of Trade Waste that may be discharged;
- the rate of discharge, including maximum rate of discharge;
- the time when trade waste may be discharged;
- the period for which Trade Waste may be discharged;
- the method for estimating or measuring discharge volume;
- provisions for measuring and sampling discharge prior to entry to sewer;

- details of any pre-treatment required;
- conditions for maintenance of, and removal of waste from, pre-treatment equipment including the frequency of cleaning and waste transporters to be used;
- records to be kept on site concerning the cleaning and maintenance of pre-treatment equipment;
- any other conditions considered by Council to be appropriate.

Trade Waste Approvals must be renewed on an annual basis to update any relevant information about the business and/or Trade Waste discharge.

Renewal forms with applicable fees and charges will be sent out annually. The renewal forms must be completed and returned to Council by the due date, renewal fees and charges must also be paid by the due date. If renewal forms are not returned to Council by this due date the Trade Waste Approval may become invalid. In this instance, a new application will need to be submitted at full cost to the Property Owner.

Approval Fees & Charges invoices will be issued as necessary in the name of the Approval Holder.

Approval from Council is to be obtained before any changes or variations to the Trade Waste Approval are proposed.

#### **5.4.2 Breaches of a trade waste approval**

A Trade Waste approval may be suspended or cancelled under Section 182 of *Water Supply (Safety & Reliability) Act 2008* for breaches on the conditions of an Approval. Where a Trade Waste Approval holder or Occupier becomes aware of a breach, or has the potential to breach the conditions of a Trade Waste Approval, the approval holder or Occupier must advise council:

- by telephone immediately as they become aware of the breach; and where requested:
- in writing, within timeframe set by council, setting out –
- the nature of the breach or potential breach
- an explanation of the cause of the breach or potential breach
- trade waste effluent analysis results and/or flow measurements (if relevant)
- actions that have been taken to control the non-compliant discharge.
- what action is proposed to prevent its recurrence.

If conditions of a Trade Waste Approval are not being adhered with, or a person is contravening a relevant clause of the *Water Supply (Safety & Reliability) Act 2008*, or any other relevant law, Council may issue a remedial notice to the owner of the property to take action to remedy the non-compliance issue, in accordance with the Conditions of approval, for example, a remedial notice might require:

- a Trade Waste Approval holder to have a pre-treatment device serviced and/or maintained.
- an Occupier or Owner of premises to remove any equipment that allows unauthorised trade waste discharges to council's infrastructure.

Council may also issue show cause notices and enforcement notices to address any breaches.

Depending on the nature and severity of the breach, council may also cancel or suspend the approval (see section 5.6).

Furthermore, nothing in this Management Plan derogates from or limits Councils rights and powers under the legislation to investigate or prosecute breaches of the legislation.

#### **5.4.3 Contract Conditions**

Where the trade waste generated on site is assessed by Council as being medium to high risk, the property owner may be issued with a written Trade Waste Contract.

The Contract shall remain in force for the specified period unless cancelled sooner.

Trade Waste Contracts are not transferable.

The Contract states the terms and conditions that will include but are not limited to:

- Property Owners details;
- the location of the premises and nature of the occupancy;
- quality of waste that may be discharged;
- a statement that the quality of Trade Waste shall comply with Council's Sewer Admission Limits as specified in Appendix 2 of the TWEMP (or attached to the Contract) and details of any allowed variations;
- quantity of waste that may be discharged;
- rate of discharge - maximum instantaneous, maximum daily;
- hours of day, days of week discharge is allowed;
- requirements for/details of effluent improvement program;
- details of self-regulation monitoring program including:
  - sampling/inspection point
  - frequency of sampling
  - method of sample collection and type of sample to be collected.
  - analyses required.
  - methods of analyses
  - laboratory to be used.
- data transfer and availability to Council;
- type, design and location of flow measuring equipment and requirements for calibration;
- methods to be used for estimation of data lost due to failure of sampling program or flow measurement instrumentation;
- provision for measurement and sampling of discharge prior to entry to sewer;
- pre-treatment processes to be used;
- conditions for maintenance of, and removal of waste from, pre-treatment equipment including the frequency of cleaning, waste transporters to be used;
- records to be kept concerning the cleaning and maintenance of pre-treatment equipment and disposal of waste;
- the obligation of the Trade Waste Contract holder concerning any variations to operation or treatment processes that may affect discharge quantity or quality including change of business type;
- a force majeure clause;
- a statement that Trade Waste fees & charges apply in accordance with Section 6 of this Trade Waste Environmental Management Plan; and
- any other conditions relevant to the particular discharge as agreed.

Renewal forms will be sent out annually by Council. These must be sent back to Council by the due date.

Approval from Council's Trade Waste unit is to be sought before any changes or variations to the Trade Waste Contract to discharge are made.

Any breaches of compliance to the Trade Waste agreement will incur penalty fees & charges at full cost to the Property Owner. Furthermore, any breaches may result in a remedial, show cause or enforcement notice, or any other action under the legislation.

All waste from a business considered as medium to high risk must discharge to a separate access chamber or manhole before discharging to the sewer and an appropriate flow meter installed. Independent testing must be carried out at regular intervals as stated in the Contract by Council and Property Owner.

Where a waste is deemed to be non-sewerable, an approval will not be issued and alternative arrangements for disposal of wastes will have to be made. General advice on treatment and disposal options for non-sewerable waste may be obtained from the Council's Trade Waste Unit; however detailed advice should be sought from appropriately qualified private consultants.

#### **5.4.4 Special Disposal Approval**

Council may provide a Special Disposal Approval for discharges that are temporary, irregular or need to be transported by tanker to a nominated Council discharge location. Such location may include:

- a) Ship/vessel wastewater (excluding bilge wastewater)
- b) Treated seepage water from contaminated site excavation or remediation.
- c) Commercial/municipal swimming pool water

Applicants seeking a Special Disposal Approval shall complete an application form prior to commencement of discharge to sewer.

A Special Disposal Approval is strictly at the discretion of Council.

## **5.5 Voluntary Cancellation of a Trade Waste Approval**

To cancel a Trade Waste Approval the Approval Holder must notify Council in writing and provide details of;

- a) The proposed cancellation dates.
- b) A contact person
- c) The forwarding address for any final changes

Trade Waste charges will continue to apply until Council provides a written receipt of the Approval Holder's notice to the Approval Holder. Council will not refund charges.

Drainage (including pre-treatment devices) in relation to the redundant trade waste system no longer in use shall be serviced, cleaned and sealed in accordance with Queensland plumbing and drainage regulations.

## **5.6 Suspension or Cancellation of a trade waste approval/contract**

Grounds and procedures for suspension or cancellation of a Trade Waste Approval or Contract are specified in section 182 (Suspending or cancelling Trade Waste Approval) of the *Water Supply (Safety & Reliability) Act 2008*.

For any matter occurring before the suspension or cancellation of a Trade Waste Approval, terms and conditions of the approval, including charges, shall continue to have force and effect after the suspension or cancellation of the Trade Waste Approval.

## **5.7 Approval holder's responsibilities**

The approval holder is responsible for ensuring that:

- an application is made for Trade Waste Approval
- trade waste is not discharged without a Trade Waste Approval
- the discharge complies with the conditions of the Trade Waste Approval
- the works required under any remedial notices issued by council are completed
- council is reimbursed the costs for undertaking any works required under a remedial notice, if required
- trade waste charges are paid
- all parties involved in trade waste activities are aware of their obligations under the relevant Trade Waste Approval and this TWMP.

## **5.8 Occupiers (trade waste generator) responsibilities**

Any discharge to sewer that is not in accordance with a Trade Waste Approval (i.e. illegal discharge) is the responsibility of the person undertaking that discharge, usually the occupier of the property, however, ultimately the responsibility lies with the property owner

The Owner of a property with a Trade Waste Approval may pass on trade waste charges to the business that generates the waste. This is a private arrangement between Owner and business operator that does

not involve council. Council will continue to pursue the Owner of the property for any outstanding fees despite the existence of any private arrangements.

Occupiers are responsible for ensuring safe and timely access to Council's Trade Waste Officers for the purposes of undertaking trade waste inspections.

Approval holders must make all parties involved in trade waste activities aware of their obligations under the relevant trade waste approval and this TWEMP prior to the discharge of trade waste by an occupier.

## 6. TRADE WASTE FEES AND CHARGES

### 6.1 Levying of charges

Trade Waste Charges and Trade Waste Fees are levied under Chapter 4 (Finances and Accountability) Section 92 (Types of rates and charges) and Section 94 (Power to levy rates and charges) of the *Local Government Act 2009*.

Trade Waste Charges and Trade Waste Fees to be levied for the ensuing financial year shall be determined by Council resolution passed before or at the same time as the budget in any financial year.

Both the basis for calculating Trade Waste Charges, and the existing Trade Waste Fees for the current financial year are available from Council on request.

Accounts for the Trade Waste Charges shall be a debt due by the Owner of the Premises the subject of a Trade Waste Approval. The amount owing, shall be recoverable in the same manner as general rates and shall until paid be a charge on the Premises the subject of a Trade Waste Approval, and in addition may be recovered as a debt from any subsequent Owner of the Premises.

Council may issue accounts for Trade Waste Charges at any point during a financial year. An account request may be made for special circumstances such as the closure of a business, sale of the Premises or change of management.

Trade waste fees and charges, for the current financial year, can be found on the Council's website [www.whitsundayrc.qld.gov.au](http://www.whitsundayrc.qld.gov.au) and are available upon request through Council's Trade Waste Unit.

### 6.2 Trade waste charges

Trade Waste is divided into 2-3 categories for based on risk, charging purposes, Category 1a, 1b & 2

Trade Waste charges are levied as follows:

#### Category 1a Trade Waste - Low Risk and no pre-treatment

Trade waste customers who have been assessed as low risk and have been approved to discharge directly to sewer without pre-treatment will subject to the following fees: Trade waste charge for the discharge of low risk trade waste Category 1 Trade Waste to the sewerage system shall be the sum of:

- (a) the Base Charge for Category 1 Trade Waste Annual renewal fee
- (b) Volumetric charge based on sub meter reading:  $C = V_s * k$

Where the property does not have a sub meter installed the following charges apply

- (a) Annual renewal fee
- (b) Volumetric charge based on primary meter reading multiplied by industry factor for estimated discharge:  $C = V_p * K * F_i$
- (c) In the absence of a sub meter properties will also be levied annual meter fee, payable until such time as the meter is installed



**Category 1b Trade Waste – Medium to High Risk with pre-treatment**

Trade waste customers who have been assessed as medium to high risk and have an approved pre-treatment device will be subject to the following fees:

- (c) Annual renewal fee.
- (d) One testing fee as part of the renewal.
- (e) Volumetric charge based on sub meter reading:  $C = V_s * k$ ;
- (f) Additional testing fees as part of excess strength measurement requirements.

Where the property does not have a sub meter installed the following charges apply

- (d) Annual renewal fee
- (e) One testing fee as part of the renewal.
- (f) Volumetric charge based on primary meter reading multiplied by industry factor for estimated discharge:  $C = V_p * K * F_i$ ;
- (g) In the absence of a sub meter properties will also be levied annual meter fee, payable until such time as the meter is installed

Trade Waste charge for the discharge of Category 1 Trade Waste to the Sewerage System shall be the sum of:

- (a) the Base Charge for Category 1 Trade Waste; and
- (b) the conveyance and treatment charge for Category 1 Trade Waste which is calculated as follows:

$C = V * k$  where

$C$  is the conveyance and treatment charge for the period of discharge; and

$V$  is the volume (as determined pursuant to section 10.1.1) of Category 1 Trade Waste discharged during the period of discharge (KL); and

$k$  is the unit charge rate (\$/perKL) determined by Council in its annual budget as applicable to the period of discharge.

The unit charge rate,  $k$ , is based on the average cost of collection, treatment and disposal of the total wastewater flow to Council's sewerage treatment plants, as determined by Council at its absolute discretion.

**Category 2-3 Trade Waste – High Risk or By Agreement**

Trade Waste charge for the discharge of Category 2-3 Trade Waste to the Sewerage System shall be the sum of:

- (a) the Base Charge for Category 2-3 Trade Waste; and
- (b) the conveyance and treatment charge for Category 2 Trade Waste which is calculated as follows:

$C = V * a + V * n_1 * x_1 / 1000 + V * n_2 * x_2 / 1000 + \dots$  where

$C$  is the conveyance and treatment charge for the period of discharge; and

$V$  is the volume (as determined pursuant to section 10.1.2) of Category 2 Trade Waste discharged during the period of discharge (KL); and

$a$  is the unit charge rate determined by Council in its annual budget (\$/KL) as applicable to the period of discharge; and



**n1, n2** are the unit charge rates determined by the Council in its annual budget for pollutants **N1, N2** (\$/kg); and

**x1, x2** are the average concentrations of pollutions **N1, N2** (mg/l); and

**N1, N2** are the pollutants to be charged for.

The above formula shall be used to calculate charges for TSS, COD, TOG, THc, TKN and TP.

Other pollutants are included if they exceed the Sewer Admission Limits.

There is currently a small number of trade waste customers that have had long term agreements to discharge directly to sewer in absence of a pre-treatment device. These customers are subject to the fees and charges in line with a Category 1 customer in addition to a grease trap fee as outlined in the fees and charges schedule.

#### Calculations

$$C = V_s * k \text{ or } C = V_p * k * F_i \text{ where}$$

**C** is the conveyance and treatment charge for the period of discharge; and

**V<sub>s</sub>** is the volume (as determined pursuant to **section 10.1.1**) Trade Waste discharged through the sub meter during the period of discharge (kL); and

**V<sub>p</sub>** is the volume (as determined pursuant to **section 10.1.1**) Trade Waste discharged through the sub meter during the period of discharge (kL); and

**k** is the unit charge rate (\$perkL) determined by Council in its annual budget as applicable to the period of discharge. The unit charge rate, **k**, is based on the average cost of collection, treatment and disposal of the total wastewater flow to Council's sewage treatment plants, as determined by Council at its absolute discretion.

**F<sub>i</sub>** is the industry Fraction or Factor based on the type of industry. Annexure 3 details the current industry accepted fractions.

7—

### 7.16.3 Application fees

Application for approval to discharge Trade Waste shall be accompanied by the prescribed Application Fee.

### 7.26.4 Annual renewal & approval fees

An annual renewal fee is applied to cover administration, inspections and compliance testing for each approval.

### 7.36.5 Inspection & analysis fees

The annual renewal and approval fee in all categories allows for routine inspections and a laboratory analysis by Council. Where additional inspections and laboratory analysis are required because of non-compliance and approval conditions, full costs will be recovered from the Approval Holder.

The cost of inspection shall be based on the charge out rate for the relevant Council staff involved and include time spent on site and travel to and from the site.

The full cost of any additional laboratory analysis carried out by the Council will also be recovered from the Approval Holder.

#### **7.46.6 Commercial/Industrial strata titled units**

As a condition of approval by Council, each strata title premises on a strata titled property which has a Trade Waste Generator, shall have a Trade Waste meter fitted to the water supply to the trade waste service area for the purpose of calculating the Trade Waste charges.

#### **7.56.7 Additional charges for excess strength discharges**

This charge applies:

- Where Council decides to accept Trade Waste with contaminant concentrations exceeding the Sewer Admission Limits (Schedule 1, Appendix 2);
- Where a Trade Waste Generator continually discharges waste to sewer in excess of the limits defined in the Trade Waste Approval or the Sewer Admission Limits (Schedule 1, Appendix 2) without approval to exceed the limits.

This charge shall apply to each non-complying parameter in addition to the general charges under this section.

The formula for calculation is:

**Charge (\$) = (actual/approved)d × charge rate (\$/kg) × kg pollutant**

Where **d** = is a constant to be determined by Council

The minimum ratio for (actual/approved) is 1.0; and 'approved' means the Sewer Admission Limit value or other negotiated value defined in the Trade Waste Approval.

The period of the charge will be the time period, based on the sampling frequency, over which the limits are considered by Council to have been exceeded.

#### **7.66.8 Septic tank & regulated waste fees**

Licensed waste transporters and other persons disposing of septic tank, portable toilet or other approved liquid (regulated) waste to the sewer or sewage treatment plant will be charged on a calculated volume basis (\$/kL), which takes into account the volume and strength of the waste.

Sludge and silt from a septic tank will not be permitted for disposal into the sewage treatment plant. Regulated waste disposal contractors wishing to discharge septic tank, portable toilet waste or other approved holding tank or liquid waste to Council's sewage treatment plant must be licensed. These businesses will be required to maintain and produce discharge records to Council.

#### **7.76.9 Equivalent Arrester Charges**

This charge applies at Council's sole discretion where an existing business waste stream requires the installation of an arrester to provide best practice pre-treatment for discharged wastes, but site-specific conditions do not allow for an appropriate device to be installed.

Typically, Council will not accept an application where a business type on a particular property is required to install a pre-treatment device but cannot due to site constraints.

In addition to the normal annual charges, a charge equal to the average cost paid by other Trade Waste Approval holders of similar waste type and quantity, to have arrestors regularly cleaned will apply. (Refer to current Trade Waste Fees/Charges).

#### **7.86.10 Penalties & Recovery of Costs**

Council may prosecute any person who commits a breach of the *Water Supply (Safety & Reliability) Act 2008*, the *Local Government Act 2009* or the *Environmental Protection Act 1994* and the subordinate legislation, or who refuses or neglects to comply with any direction or requirement of Council pursuant to the above legislation or other relevant legislation. Penalties are set out in the above legislation and include substantial fines.

Council may recover costs of repairing damaged sewerage infrastructure if a person,

- damages the sewerage system by discharging unauthorised material,
- makes an unauthorised connection or,
- interferes with infrastructure in any other manner.

Council may also recover compensatory costs for lost revenue or any other costs that compensate Council.

### **7.96.11 Payment of Charges and Fines**

Approval Holders must pay Council the charges and other amounts in accordance with the Schedule of Trade Waste fees & charges.

Approval Holders are liable for all fines and penalties arising from any breach of legislation and/or trade waste approval conditions.

## **7. SEWER ADMISSION LIMITS**

Any waste discharging to Council's sewer must comply with the Trade Waste Sewer Admission Limits. Sewer Admission Limits are contained in Appendix 2. The limits are the absolute maximum concentrations and are subject to periodic review.

The Trade Waste stream and domestic waste stream shall, wherever practicable, discharge separately to the sewer. Where there is a common sanitary drain, allowance for the domestic component will be made to estimate the actual Trade Waste component strength.

Council requires that Trade Waste Generators/Approval Holders implement waste minimisation practices and install best practice pre-treatment processes to reduce both the volume and the contaminant load of wastes discharged to sewer.

It is the responsibility of the Trade Waste Generator/Approval Holder to ensure the trade waste effluent meets sewer Admission Limits, however, ultimately the responsibility lies with the Approval Holder. Approval Holders may be required to have:

- a Council approved interception or pre-treatment device;
- an arrangement with a waste servicing contractor to service pre-treatment equipment on a regular basis;
- an approved maintenance program;
- an ongoing record of operation and maintenance of pre-treatment facilities.

The Approval Holder will also be required to provide devices to:

- measure Trade Waste flows;
- undertake effluent quality monitoring.

Diluting Trade Waste with water to comply with Sewer Admission Limits is prohibited.

Council has obligations to avoid sewer overflows and consequently can impose limits on the rate and timing of Trade Waste discharges.

## 8. EFFLUENT IMPROVEMENT PROGRAMS

Council may require a Trade Waste Generator/Approval Holder to undertake an Effluent Improvement Program. This program should include:

- A description of the effluent quantity and quality;
- Provision for monitoring and reporting waste quantity and quality;
- An examination of waste prevention and recycling options;
- An examination of options for the conservation of water;
- A program involving the development of waste reduction and pre-treatment aimed at reducing contaminant levels over a period of not more than three years to the prescribed Admission Limits. An action program must be provided, including expected outcomes, timelines and milestones;
- A report for Council, detailing a summary of achievements and options.

Council will advise Generators/Approval Holders in writing if an Effluent Improvement Program is required.

## 9. INSPECTION AND MONITORING

Council Trade Waste officers will routinely and randomly inspect the premises of Trade Waste Generators. Generators will permit Council officer's entry to premises at all reasonable times and will not obstruct inspections.

Inspections may include, but not be limited to, the following:

- bunding facilities and drainage routes from chemical storage areas;
- stormwater collection and disposal systems;
- Trade Waste connections and generating areas;
- pre-treatment facilities, service histories and standby equipment;
- concentration and volume measurement; and
- work practices.

### 9.1 Inspection chambers and/or gauging facility

Unless instructed otherwise by Council, all Medium to High risk waste shall be discharged to Council's sewerage system through a suitable access chamber or manhole. This manhole must be always located on the trade waste discharge line in an area accessible to Council's officers, allowing for sampling and/or monitoring equipment to be installed and operated.

A suitable 240 volt power outlet and a standard water supply outlet with back-flow prevention device installed in accordance with AS 3500 Part 1 and AS 2845.3 and approved by Council is required at all manhole sites.

Trade Waste streams must be separated from the domestic stream. For existing installations retrofitting is not required except where it may be done during any proposed upgrading or alterations to the installation or as a requirement of the Permit to discharge.

If a commercial or industrial premise generates Trade Waste discharging into Council's sewerage system but does not discharge through a pre-treatment device, a suitable sampling point (disconnecter trap) must be installed on the sanitary drain. It must be in an accessible location within the property boundary and before connecting into the Council sewer. This is to enable checks to be made to ensure that the trade waste discharge does not exceed the limitations stated in Appendix 2.

Arrestor trap installations and other pre-treatment devices on premises discharging Trade Waste to sewer must have a disconnecter trap with a capped riser provided immediately downstream of the device, within the premises, at finished ground level.

## 10. DETERMINATION OF DISCHARGE QUANTITY AND QUALITY

## 10.1 Determination of trade waste Quantity (flow)

Volumetric consumption charges are the utility charges to cover the cost of treatment, administration, and overhead costs of operating and maintaining the sewerage system associated with Trade Waste that is received at Council's sewage treatment plants. Consumption is read in Kilolitres (kL)

The volumetric charge reflects the 'user pays' principle. It is simply the amount of sewage that is discharged by the business to the sewer. Every 1b categorised business with a commercial or industrial manufacturing process will pay volumetric charges.

Volumetric consumption charges are the responsibility of the Property Owner and will be billed accordingly, typically on a bi-annual basis or other approved arrangements at the discretion of Council.

Accounts for volumetric consumption trade waste discharged to sewer will be:

- Calculated pro-rata based on time of the meter reading or time of the estimated usage calculation Biannually for Category 1b and as per Contract for Category 2. The annual allowance will be halved and incorporated accordingly into the biannual notice;
- inclusive of excess discharge fees if exceeding total substance strength limits (Appendix 2);
- a debt payable by the Property Owner;
- charged interest at a rate fixed by the Council if not paid within stated period.

Where accounts are not paid by the due date, Council will recover the fees as a debt on the property and recover the debt in accordance with the *Local Government Act 2009*.

Property Owners must contact Council as soon as possible if payment cannot be made by the due date or if there are any queries relating to the account.

### 10.1.1 Trade waste meters

All Trade Waste generating properties are required to install a Trade Waste sub water meter(s), unless at Councils discretion it is deemed unviable or uneconomical to do so.

The meter(s) shall be installed external of the building(s) in a location that is easily accessible by Council staff for monitoring.

A plan must be submitted by the Applicant/Owner or Generator (with Owner's consent) detailing the proposed location of a Trade Waste meter(s). All costs involved in purchase and installation shall be the responsibility of the Property Owner.

Trade Waste meters must be maintained as per the manufacturer's recommendations, the meter must be of brand excepted by Council.

To provide Council with accurate assumptions it is crucial that metered water supply is directed to the fixtures/fittings that are deemed to be trade waste discharge only.

A water meter for the purpose of measuring trade waste discharges from a vehicle and/or parts washing area is not permitted. An electro-magflow type meter must be installed on the inlet or outlet side to the oil separator.

### 10.1.2 Approved meters

All trade waste shall be measured by means of an approved flow/water meter. An approved flow measurement device calibrated as specified in the Contract will measure the volume of Trade Waste discharged to the sewer. This shall be located on the Trade Waste discharge stream, which shall be separate from the domestic waste discharge stream. Property owners may elect to have Council manage, maintain and replace the approved flow / water meter in accordance with the relevant metering charges

### 10.1.110.1.3 Category 1a & 1b Unmetered and private meters

All trade waste shall be measured by means of an approved flow/water meter. In the absence of an approved Trade Waste flow sub meter, Council may accept the volume of Trade Waste discharged from a standalone property be estimated by the primary metered potable water consumption to the property boundary multiplied by a discharge fraction. The discharge fraction represents the proportion of water consumed at the property which is discharged as Trade Waste.

Council will adopt/uses industry standard discharge fractions for Trade Waste businesses; these factors are included in Appendix 3. Where there is no discharge fraction available, Council will estimate a factor up to 100 percent.

In the absence of a sub meter council may charge a levy to facilitate the installation of a sub meter at a time convenient to the owner but prior to 30 June 2026. In the event that the owner facilitates the installation of their own approved Council water meter prior to 30 June 2026 the fees attributed towards the sub meter will be reimbursed to the owner.

#### 10.1.2 Category 2

All trade waste shall be measured by means of an approved flow/water meter. An approved flow measurement device calibrated as specified in the Contract will measure the volume of Trade Waste discharged to the sewer. This shall be located on the Trade Waste discharge stream, which shall be separate from the domestic waste discharge stream.

#### 10.1.3 Trade waste meters

All Trade Waste generating properties, will, at the discretion of the Council, be required to install a Trade Waste sub water meter(s).

The meter(s) shall be installed external of the building(s) in a location that is easily accessible by Council staff for monitoring.

A plan must be submitted by the Applicant/Owner or Generator (with Owner's consent) detailing the proposed location of a Trade Waste meter(s). All costs involved in purchase and installation shall be the responsibility of the Property Owner.

Trade Waste meters must be maintained as per the manufacturer's recommendations, the meter must be of brand excepted by Council.

To provide Council with accurate assumptions it is crucial that metered water supply is directed to the fixtures/fittings that are deemed to be trade waste discharge only.

A water meter for the purpose of measuring trade waste discharges from a vehicle and/or parts washing area is not permitted. An electro-magflow type meter must be installed on the inlet or outlet side to the oil separator.

#### 10.1.4 Meter failure

Should the water meter fail, readings from previous billing periods will be averaged and used to calculate the sewerage charge. If the failure occurs before four billing periods have elapsed, available data will be used.

In the event of the Trade Waste meter failing, the Trade Waste and water meter readings from the previous billing periods will be used to estimate a discharge fraction. This discharge fraction will be used in conjunction with the water meter readings from the current billing period to calculate the sewerage charge. If the failure occurs before four billing periods have elapsed, available data will be used.

### 10.2 Determination of discharge Quality

#### 10.2.1 Low risk dischargers (Category 1a & 1b1)

Quality measurements for low ~~to medium~~ risk discharges are required for compliance checks only. Council will do this as part of its inspection and monitoring regime. Where additional inspection and testing is required because of non-compliance, the Property Owner will be charged for these services.

### 10.2.2 Medium to high-risk dischargers (Category 2)

Quality measurements are required for both charging and compliance purposes.

For charging purposes, a system of self-monitoring by the Approval Holder and/or the generator will be used to collect sufficient data to enable the mass load for the designated charging period to be calculated. Where pre-treatment is required to meet Sewer Admission Limits for specified parameters, self-monitoring will be required for those parameters, or a suitable surrogate, to confirm satisfactory pre-treatment. Requirements for self-monitoring and auditing by Council shall be specified in the Contract.

The Property Owner shall meet all costs of self-monitoring.

The Property Owner shall be responsible for quality fees and charges.

Council may inspect the premises, randomly collect, and analyse samples for assessment of compliance with Contract conditions.

Where self-monitoring is not done, or additional inspection and testing is required to be done by Council because of non-compliance, Council will charge the Property Owner as prescribed in Council's Register of Regulatory fees applicable at time of discharge.

## 11. CALCULATING ACTUAL DISCHARGE CHARGES

Where information is available, charges will be based on the actual quality and quantity of discharge for the period where a Trade Waste meter is installed and not on discharge factors or figures described in the Trade Waste Approval.

Charges will be determined as follows:

| Component of volumetric charge |                 |                |
|--------------------------------|-----------------|----------------|
| Category                       | Quantity Charge | Quality Charge |



|     |                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----|---------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1a  | $V \cdot \$_{BC}$ (All volume) $\leq 350$ kL per annum* | None** (assumed domestic strength)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 1b2 | $V \cdot \$_{BCv}$ (All volume) $350 < 5000$ kL         | $\Sigma (V \cdot C_{TSS (600-1200 \text{ mg/litre})} / 1000) \cdot \$_{TSS}$ $+ (V \cdot C_{TOG (100-800 \text{ mg/litre})} / 1000) \cdot \$_{TOG}$ $+ (V \cdot C_{THC (30-90 \text{ mg/litre})} / 1000) \cdot \$_{THC}$ $+ (V \cdot C_{TKN (150-450 \text{ mg/litre})} / 1000) \cdot \$_{TKN}$ $+ (V \cdot C_{TP (50-300 \text{ mg/litre})} / 1000) \cdot \$_{pH}$ $+ (V \cdot C_{BOD (1000-3000 \text{ mg/litre})} / 1000) \cdot \$_{BOD}$ $+ (V \cdot C_{COD (2000-4000 \text{ mg/litre})} / 1000) \cdot \$_{COD}$ <p>Range (threshold ceiling for no charge – max charge point mg/Litre) for each pollutant, Maximum charge 15 times <math>V \cdot \\$_{BC}</math> through the sub meter (primary meter times industry fraction in the absence of a sub meter), None** (assumed domestic strength)</p> |
| 23  | $V \cdot \$_{vA}$ (All volume) $> 5000$ kL              | $\Sigma (V \cdot C_{TSS} / 1000) \cdot \$_{TSS}$ $+ (V \cdot C_{COD} / 1000) \cdot \$_{COD}$ $+ (V \cdot C_{BOD} / 1000) \cdot \$_{BOD}$ $+ (V \cdot C_{pH} / 1000) \cdot \$_{pH}$ $+ (V \cdot C_{TOG} / 1000) \cdot \$_{TOG}$ $+ (V \cdot C_{TKN} / 1000) \cdot \$_{TKN}$ $+ (V \cdot C_{THC} / 1000) \cdot \$_{THC} \Sigma (V \cdot C_{TSS} / 1000) \cdot \$_{TSS}$ $+ (V \cdot C_{COD} / 1000) \cdot \$_{COD}$ $+ (V \cdot C_{pH} / 1000) \cdot \$_{pH}$ $+ (V \cdot C_{TOG} / 1000) \cdot \$_{TOG}$ $+ (V \cdot C_{TKN} / 1000) \cdot \$_{TKN}$ $+ (V \cdot C_{THC} / 1000) \cdot \$_{THC}$ <p>By agreement no grease trap installed (assumed domestic strength)</p>                                                                                                                                   |
|     | $V \cdot \$_{BC}$                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

\* Where maximum permitted volume is exceeded, customer will become a category 1b business.

~~\*\* Excess strength charges still apply.~~

Where:

V is the net trade waste volume for the billing period (kL)

$\$_{RC}$  is the base charge rate for the volume and treatment costs for that category (\$/kL)

|            |                                                                                                                      |
|------------|----------------------------------------------------------------------------------------------------------------------|
| $\$_{vA}$  | is the <del>unit</del> -charge rate <u>By Agreement</u> for the volume and treatment costs for that category (\$/KL) |
| $C_{TSS}$  | is the average concentration of total suspended solids for the billing period (mg/L)                                 |
| $C_{COD}$  | is the average concentration of chemical oxygen demand for the billing period (mg/L)                                 |
| $C_{BOD}$  | is the average concentration of biochemical oxygen demand for the billing period (mg/L)                              |
| $C_{pH}$   | is the average concentration of total phosphorus for the billing period (mg/L)                                       |
| $C_{TOG}$  | is the average concentration of total oil & grease for the billing period (mg/L)                                     |
| $C_{TKN}$  | is the average concentration of total nitrogen for the billing period (mg/L)                                         |
| $C_{THC}$  | is the average concentration of total hydrocarbon for the billing period (mg/L)                                      |
| $\$_{TSS}$ | is the unit charge rate for total suspended solids (\$/kg)                                                           |
| $\$_{COD}$ | is the unit charge rate for chemical oxygen demand (\$/kg)                                                           |
| $\$_{pH}$  | is the unit charge rate for total phosphorus (\$/kg)                                                                 |
| $\$_{TOG}$ | is the unit charge rate for total oil & grease (\$/kg)                                                               |
| $\$_{TKN}$ | is the unit charge rate for total nitrogen (\$/kg)                                                                   |
| $\$_{THC}$ | is the unit charge rate total hydrocarbon (\$/kg)                                                                    |

Notes:

1. The unit charge rate (\$) reflects sewerage system operating costs. It also incorporates both volume and mass load costs based on domestic sewage.
2. Category ~~1a~~ & ~~1b2~~ and 3 Property Owners will be required to pay additional costs if trade waste discharge to sewer exceeds the limits set in Appendix 2.
3. Charges for water quality testing can be found under the 'Fees and Charges' section on the Council's website.
4. Annual Trade Waste permit-renewal fees are in addition to the quality & quantity charge. Council's Trade Waste pricing schedule is available on Council's website.

## 12. SPECIFIC REQUIREMENTS FOR COMMERCIAL AND INDUSTRIAL WASTES

### 12.1 Removing regulated wastes from premises

Regulated wastes are non-domestic wastes listed in Schedule 7 of the *Environmental Protection Regulation 2008*. Examples include:

- acids and acid solutions;
- chlorides;
- laboratory chemicals;
- fish processing waste;
- oil separator sludges;
- oil and water emulsions;
- treatment tank sludges;
- grease interceptor trap residue.

Many regulated wastes cannot be disposed to sewer. Advice on appropriate disposal methods for regulated wastes may be obtained from the Trade Waste section of Council.

Discretionary agreements between the Council and the Approval Holder/Trade Waste Generator will be developed, for these regulated wastes, upon application.

Regulated waste and waste from septic tanks, portable toilets and holding tanks can only be removed by DEHP licenced regulated waste transporters and must be disposed of in accordance with requirements in the *Environmental Protection Act 1994* and its subordinate legislation.

Licenced waste transporters must maintain records to account for all waste collected and disposed of within or outside Council's jurisdiction. These records may be required to be submitted to the Council's Trade Waste Officer and may be used by Council to audit the pre-treatment servicing arrangements of its trade waste customers.

Licenced waste transporters must be registered with Council to discharge liquid waste to Council's sewage treatment plants. Waste must be compliant with limits in this document.

No person shall discharge or cause to be discharged directly or indirectly to sewerage, wastes from any waste transport vehicle without a Trade Waste Approval.

Waste from grease and oil arrestors, other than treated effluent from approved installations will not be discharged to the sewerage system. Such waste will be disposed of in a manner and/or at a site approved by Council and in accordance with requirements of the *Environmental Protection Act 1994*, the *Environmental Protection Regulation 2008*, the *Environmental Protection (Waste Management) Regulation 2000* and the *Waste Reduction and Recycling Act 2011*.

Trade Waste charges in accordance with Council's Register of Regulatory Fees & Charges will apply to all transported liquid and sludge waste approved for discharge to sewerage.

Advice on the disposal of liquid waste not suitable for discharge to sewerage may be obtained from the Waste section of Council.

## **12.2 Pre-Treatment**

Where arrestor installations are required to pre-treat waste before discharge to sewer, they must be of a design and capacity approved by Council.

Arrangements must be made with licenced regulated waste transporters to have Arrestor installations cleaned on a regular schedule as determined by the conditions of the Trade Waste Approval or as directed by Council's Trade Waste Services. Council has the right to alter the frequency at any time and any additional cleansing costs will be at the Property Owners cost.

### **12.2.1 Grease Arrestor installation**

Guidance on the sizing and installation of grease arrestors is available from the *Queensland Plumbing & Wastewater Code 2019*, this TWEMP and from Council's Trade Waste Officer.

Adequately sized passive type grease arrestors are required at every commercial premises where:

- a) a food service business requires a Food License under Section 48(2) of the Food Act 2006; or
- b) The business generates and discharges more than 250L/day of trade waste; or
- c) Is listed in Appendix 6 of this TWEMP as being required.

Where it is intended that several trade waste generators share the use of a grease arrestor, the following information is required to be clearly tabled on the plan submitted with the application for approval:

- the size of the arrestor;
- details of the loading to be discharged by each trade waste generator;
- the names of the businesses and shop number(s) sharing the arrestor.

All newly installed grease arrestors shall be fitted with approved openings complete with gas tight covers and frames. All new concrete grease or silt arrestors installed are to be protected by an internal acid resistant protective coating.

The Property Owner shall be responsible for the on-going operation and maintenance of the facility.

Where the activity of individual tenancy/shop on a new multi-tenancy complex is unknown, Council recommends that trap sizing estimates are based where possible on a 'worst case' scenario. The trap shall be located as close as practical to the furthest connection point(s), where long pipe runs are unavoidable the pipe grade shall be increased to 1:40 minimum.

Grease arrestors must be located to allow appropriate access for inspection and servicing requirements. Council must approve the location prior to installation. A hose tap with an RPZ backflow prevention device provided for cleaning within 5 metres of the grease arrestor. Where a grease arrestor is unable to be located in an accessible area for servicing, a suitable pump out line must be installed.

The hydraulic design for venting of Grease Interceptor trap installations is as follows:

1. A 100mm induct vent to atmosphere is required on the interceptor trap itself. The vent must extend to the open air independently. The termination of the induct vent is to comply with AS3500.2.
2. A 100mm educt vent to atmosphere is required upstream of the interceptor trap. The 100mm vent is to be located between the last and second last fixture on either the main drain or branch line, whichever has the appliance with the highest volume/temperature output connected to it. This will ensure cooling of the hot discharge to be effective immediately.
3. The sizing design for all Trade Waste branch drain vents is to be in accordance with AS3500.2.

Air Admittance Valves (AAV) must not be installed upstream of any interceptor trap if the following is applicable:

- When appliance discharge temperature exceeds 60 degrees Celsius (AS3500.2)

AAV's only enable air to enter the system, not the expelling of air which aids in cooling interceptor traps and aids in removing obnoxious odours from the Trade Waste system

It is recommended considering the use of 100mm vents on all branch lines that contain high volume/ high temperature discharge appliances to ensure maximum cooling effect of the system, but it is not compulsory.

Grease arrestors that need to be installed internal of the building must be in a suitably sealed, vermin proofed room with mechanical ventilation. The room must have external access only and be completely sealed from food preparation areas. A hose cock and remote servicing pipe must be located within the room. The door of the room must remain closed when the grease arrestor is being serviced.

Remote servicing pipes for pre-treatment equipment must be sized in accordance with the waste transport contractor instructions and specifications. The pipe inlet at the device end must be positioned above the device and be complete with a cam lock fitting. The suction end of the pipe shall be easily accessible and fitted with a male cam lock fitting.

Grease arrestors installed in restricted areas must satisfy the following requirements:

- The minimum clear height above the top of the arrestor lids and the underside of the floor slab, or concrete thickening beam or any other obstruction should be 1500mm minimum for gastight screw on light duty lids and 1800mm minimum for gastight covers and frame.
- A safe working platform may be required adjacent to the arrestor to enable the gastight covers to be removed from the frame. The walkway floor of the platform should be a minimum of 2100mm clear of the underside of the floor slab, or concrete thickening beam or any other obstruction.

Grease arresters located in basements or confined spaces under a building must have servicing pipe installed for the remote pumpout of the pre-treatment device. The service pipe must be sized in accordance with the waste contractor's recommendations. The pipe inlet shall be connected directly to the trap which is purpose built for the application. The suction end of the pipe should be easily accessible and fitted with a male Camlok fitting.

Trade Waste fixtures from a food-based business to the proposed house drain or sewer connection point must be installed gravitationally where possible.

Grease arresters installed above ground must receive waste gravitationally (not from a pumped system). A pumped system may be installed downstream of the grease arrester only at the discretion of Council and only in special circumstances. Pumped systems where approved

A pump station where approved by Council shall be installed in accordance with AS3500.2, and include the following-

- Dual submersible pumps with alternating cycles.
- High level alarm mechanism.
- 100mm pump chamber/well vent.
- Where installed as a packaged unit, manufacturers details are supplied upon application for approval.

Grease arresters installed above ground must also be banded and able to hold 110% capacity of effective volume of the arrester in the event of accidental leakage to the environment.

Maintenance cleaning of grease arrestors and pump wells where applicable must be carried out on a regular basis in accordance with conditions of the Trade Waste Approval by a waste transporter licenced under the *Environmental Protection Act 1994* and the *Environmental Protection Regulation 2008*.

If the cleaning of the grease arrester is not undertaken as per Permit Conditions, Council will arrange for this to be done and all related charges (including 15% for overheads) will be at full cost to the property owner.

Guidelines for grease arrester sizing can be found in Appendix 5.

### 12.2.2 Grease Arrester Sizing

Basic Pre-Treatment Devices must be properly sized in accordance with the National Guideline for Managing FFOG (Foods, Fats, Oils and Grease) from Food Premises (WSAA 2018) (the FFOG Guideline).

Existing non-compliant pre-treatment devices need not be replaced retrospectively, except where required by Whitsunday Regional Council at their sole discretion.

The minimum capacity for new or replacement Basic Pre-Treatment Devices (grease trap) is 1000L.

The maximum allowable capacity of any individual basic pre-treatment device is 5000L.

Whitsunday Regional Council may, at its sole discretion, consent to non-standard arrester sizing if a request and justification is made in writing by a qualified registered engineer or hydraulic consultant representing the applicant.

### 12.2.3 Risk Methodology within the FFOG guideline

Section 1.2 of the FFOG Guideline allows Whitsunday Regional Council to describe its methodology for assessing food-based risk in the sizing of Grease Arrestors.

In conjunction with the categorisation of food-based risk described in section 1.2, Table 2, of the FFOG Guideline WRC applies a risk methodology as follows:

| Risk Rating                    | Low Risk                       | Medium Risk | High Risk |
|--------------------------------|--------------------------------|-------------|-----------|
| Food Preparation ( $RR_{FP}$ ) | 1                              | 2           | 3         |
| Products ( $RR_P$ )            | 1                              | 2           | 3         |
| Serving ( $RR_S$ )             | 1                              | 2           | 3         |
| <b>RISK TOTAL</b>              | $= \sum RR_{FP} + RR_P + RR_S$ |             |           |
| 3 to 4                         | Indicates LOW RISK             |             |           |
| 5 to 7                         | Indicates MEDIUM RISK          |             |           |
| 8 to 9                         | Indicates HIGH RISK            |             |           |

Where:  $RR_{FP}$  = Risk Rating for Food Preparation

$RR_P$  = Risk Rating for Products

$RR_S$  = Risk Rating for Serving

#### 12.2.4 Food Waste Digesters

Food waste digesters must be installed upstream of a properly sized grease arrester.

All digester installations must include metering for calculation of volume discharged, an inspection and sampling port must be installed downstream of the device.

#### 12.2.5 Oil Arrestors

Appropriately sized mineral (petroleum) oil arrestors for the treatment of oily wastewater will be approved in most circumstances.

Acceptable methods include:

- coalescing plate separators;
- membrane technology;
- dissolved air flotation (DAF);
- chemical precipitation;
- hydrocyclones; and
- other apparatus /methods.

Each application will be assessed on the nature of the oily waste to be treated, the proposed treatment method and site location. The unit must be located so as to allow appropriate access for inspections and servicing. Council must approve the location.

A collection well and non-emulsifying pump must be provided to collect:

- water used for washing of mechanical equipment or parts.
- floor wash-down.

A coalescing plate interceptor (CPI/CPS) with a minimum capacity of a 1000litres per hour or a vertical gravity separator (VGS) or hydrocyclone separation system (HSS) sized according to the influent flow rate must also be installed to treat the wastewater.

In instances where the flow rate will exceed 1000litres per hour, a larger capacity unit will be required and must be sized according to the influent flow rate. The applicant must provide supporting information regarding sizing and recommended maintenance schedule with the application.

The units should be installed as per the manufacturer's instructions, and where applicable the distributor or supplier must be able to guarantee supply of parts and service maintenance.

A dry basket arrestor or screen must be fitted to all floor wastes/drainage pits that drain to the holding tank, to strain out gross solids. The holding tank shall have a minimum capacity of 2,000 litres, unless otherwise approved by manufacturer.

An oil arrestor is more efficient if detergents are not used, e.g., cleaning done using high water pressure. If the use of detergents cannot be avoided, only quick-break detergents should be used. Degreasers must not be discharged into the sewerage system. Further, only non-emulsifying pumps should be used to pump the liquid waste to the separator.

Note that double and triple interceptor pits and general-purpose silt pits are not considered to be, nor are they approved as, appropriate pre-treatment equipment units for this type of wastewater.

A hose tap with an RPZ backflow prevention device is to be installed within the proximity of the arrestor/holding tank for cleaning purposes.

Above ground oil separators must be positioned within a roofed & bunded area, Bunding will hold the capacity of the pre-treatment device plus 10% or drained back to holding tank or as advised by the Trade Waste Officer

Subject to recommendations by the manufacturers of plate separators, "Quick Break Detergents" may be used with plate separation units.

Following installation, each pre-treatment facility shall be commissioned by a person or company accredited for this purpose by the manufacturer or supplier of the equipment. As part of the commissioning, the following documents shall be provided:

- (a) a certificate of commissioning to be forwarded to Council's Trade Waste officer and
- (b) a schedule of recommended cleaning and maintenance to be given to the owner and kept at the premises for reference and available for inspection by us on request. The schedule shall provide:
  - a description of activities to be undertaken (e.g., for coalescing plate separators the removal and cleaning of plates, sludge withdrawal from hopper, etc.)
  - minimum frequencies for these activities; and
  - any special observations to be made which would affect the frequency of this maintenance schedule or which may indicate conditions when qualified service personnel may need to be engaged.

Maintenance cleaning of mineral oil arrestors shall be carried out on a regular basis in accordance with conditions of the Trade Waste Approval. A regulated waste transporter licenced under the *Environmental Protection Act 1994* and the

*Environmental Protection Regulation 2008* must be employed to undertake the removal of oily waste.

#### **12.2.6 Other Pre-treatment system Applications**

Pre-treatment system installations may be used for other trade waste applications such as:

- silt separation;
- cooling;
- neutralisation; and
- other specific applications approved by Council.

Each application will be assessed on the nature of the waste to be treated, the proposed treatment method and site location. The unit must be located so as to allow appropriate access for inspection, pump out and cleaning. Council must approve the location prior to installation. A hose cock with suitable backflow prevention is to be provided for cleaning.



Maintenance cleaning of the pre-treatment system shall be carried out on a regular basis in accordance with conditions of the Trade Waste Approval by waste transporters licenced under the *Environmental Protection Act 1994* and the *Environmental Protection Regulation 2008*.

If the maintenance of the pre-treatment system is not undertaken on a regular basis, Council will arrange for this to be done and all related charges (including 15% for overheads) will be at full cost to the property owner.

## **12.3 Enzymes/Biological substances**

### **12.3.1 Enzyme and Bacterial Cultures**

The use of solvents, enzymes, mutant or natural bacterial cultures, odour control agents or pesticides in grease arrestors is prohibited. Conditional approval may be given to allow the Trade Waste Generator to demonstrate to Council that the product to be used does not adversely impact on the sewerage system or the environment.

### **12.3.2 Genetically Modified Organisms (GMO's)**

The use of genetically modified organisms (GMO's) is regulated under the Gene Technology Act 2000 (Commonwealth Legislation) and the Gene Technology Act 2001 (Queensland Legislation).

Any person wishing to discharge commercial products containing genetically modified organisms to sewerage must first obtain approval from the Gene Technology Regulator Canberra. Council may then grant approval for discharge to sewerage.

Laboratories and other facilities which culture, package or transport GMO's should have in place sufficient procedures and pre-treatment equipment to ensure that no live GMO's are discharged to sewerage.

## **12.4 Food Waste Disposal Units**

Food waste disposal units (garbage grinders/in sink waste disposal units) are not permitted to be installed.

The installation of food waste disposal units in a commercial situation place an unnecessary biological and solids load on Councils sewerage infrastructure.

## **12.5 Commercial Swimming Pools/Ornamental Pools**

A trade waste Permit or Agreement is required to discharge back wash water and water from commercial and public swimming pools or ornamental ponds to sewer. Pool backwash discharge rate may need to be limited subject to assessment. Pool overflow shall not discharge to sewer.

## **12.6 Medical, Clinical, veterinary & infectious waste**

Clinical and related waste should be managed in accordance with the requirements of the *Waste Reduction and Recycling Act 2011*, *Radiation Safety Act 1999* *Radiation Safety Regulation 2010* and the *Environmental Protection Regulation 2008*.

Solid wastes from any hospital, clinic, office or surgery of a medical or veterinary facility or laboratory, convalescent or nursing home or health transport facility including, but not limited to, hypodermic needles, syringes, instruments, utensils, swabs, dressings, bandages, or any paper or plastic item of a disposable nature, or any portions of human or animal anatomy, shall not be discharged to the sewer.

Discharging liquid wastes including faeces and body fluids to sewer from any hospital, clinic, office or surgery of a medical or veterinary facility or laboratory, convalescent or nursing home or health transport facility is permitted in accordance with the *Environmental Protection Regulation 2008*.

Infectious or hazardous liquid wastes deemed to pose a threat to public health and safety may not be discharged to the sewer without approval from Council. Such wastes shall require treatment to render them

non-infectious or non-hazardous prior to discharge. When approved for discharge, trade waste charges will apply.

## **12.7 Containment of Toxic/Hazardous Substances**

Any potentially toxic or hazardous substances shall be stored in bunded areas where leaks, spillage, or overflows cannot be drained by gravity or by any automated mechanical means to sewerage or the storm water drainage system.

Bunding of toxic or hazardous substances shall meet recommendations of applicable best practice guidelines, standards, or codes of practice.

## **12.8 Discharge of Liquid Wastes from Vessels, Vehicles & Aircraft**

### **12.8.1 Vessels**

Depending on the quality, the discharge of certain galley and toilet wastes from vessels may be permitted via approved "pump out" facilities at ports and marinas.

The waste discharged from these facilities must meet Sewer Admission Limits as set out in Appendix 2. The operator of such facilities must hold an approval for discharge to sewerage. Charges in accordance with section 6.2 will apply. The discharge of untreated bilge water to the sewer is prohibited.

### **12.8.2 Buses, Aircraft, Recreation Vehicles**

The discharge of toilet waste from buses, aircraft or recreational vehicles may be permitted at approved discharge locations such as bus or transport depots, terminals, and caravan parks. The owner of the premises on which such facilities are located must hold an approval for discharge to sewerage and discharge must be in accordance with the approval conditions. Charges in accordance with section 6 will apply.

## **12.9 Discharge of Liquid Wastes from Home Based Businesses**

A trade waste approval will be required for the property owner of a residential property that will discharge waste to sewer which is related to the operation of the business.

An application will be required for assessment prior to discharge of business waste (trade waste) to sewer.

The assessment will cover such items as-

- a) Quality & Quantity of waste
- b) Proposed days of business operation and frequency
- c) Proposed method of disposal of waste
- d) Demonstration of good waste management practices

## **12.10 Discharge of Liquid Wastes from Mobil Food Van Businesses**

A trade waste approval will be required for the owner of a food type business operating from a mobile food van.

An application will be required for assessment prior to discharge of business waste (trade waste) to sewer.

The assessment will cover such items as-

- a) Quality & Quantity of waste
- b) Proposed days of business operation and frequency
- c) Proposed method and location of disposal of waste
- d) Demonstration of good waste management practices

### 12.11 Landfill Leachate & Disposal Facility Wastewater

Leachate from landfill sites and wastewater from waste treatment/disposal facilities constitutes a trade waste and may not be discharged to sewer without approval through the issue of a Trade Waste Approval. Charges in accordance with the discharge category classification will apply.

### 12.12 Discharge from Open Areas

The discharge of rainwater and storm water to sewer is prohibited.

The ingress of surface water from a potentially contaminated open area to sewerage can cause severe operational problems for Council.

Acceptance of limited quantities of first flush water from liquid trade waste areas may be considered only if roofing cannot be provided because of safety or other important considerations. This could only be accepted in special circumstances and would be considered on a case by case basis.

First flush diversion systems divert a portion of the contaminated storm water into the sewerage system.

In cases where first flush from large open areas is accepted by Council, the proposed surface area must be sealed, discharge from the unsealed area is not allowed. The first flush water must be collected in a holding tank, and discharged at a controlled rate to an oil/water separator. The area must be kept clean and should be hosed down after each use.

The following information needs to be provided to consider the acceptance of first flush stormwater runoff to the sewerage system:

- reasons why the area cannot be roofed
- the size of the open area requested for consideration of first flush to the sewerage system
- whether the area is sealed
- the estimated volume of the first flush in m<sup>3</sup>
- information on rain gauging and stormwater diversion to the drainage system after the first flush is accepted.

### 12.13 Stormwater

The discharge of surface water, stormwater runoff and roof water into Council's sewerage system is prohibited.

Areas of the building and site that may be subject to stormwater entry into the sewerage system must be roofed and/or bunded.

The roof must have sufficient overhang from the designated area to prevent ingress of rainwater. The overhang shall be at least 10 degrees outwards from the vertical above either a bund or ground contour grading apex.

Inflow and infiltration of stormwater into Council's sewerage system causes significant operational problems and cost to the community. Due to environmental harm, property damage and public health risks from sewerage surcharge after wet weather events, unroofed trade waste generating areas will not be accepted.

Where roofing of the trade waste generating area will cause non-compliance with a law, regulation or building condition Council may under strict conditions consent the installation of an approved sewer/stormwater diversion valve system.

### **12.14 Discretionary Power**

Notwithstanding the provisions of this management plan, due to the complexity of many industrial wastes and the need to protect Council's sewerage system, employees, and the environment, acceptance of any given Trade Waste to sewer will always be at the discretion of Council.

### **12.15 Force Majeure (Medium to High Risk)**

In addition to section 12.12 (Discretionary Power), if at any time the ability of Council to accept trade waste to the Sewerage System is interfered with or prevented directly or indirectly due to force majeure, the Council may suspend the Contract to discharge trade waste under the Contract either wholly or partly for the period of such inability without any liability to the Permit holder or trade waste generator whatsoever for any losses or damage suffered or incurred by the Permit holder or Trade Waste Generator whatsoever.

### **12.16 Records & Reporting**

Council will develop a waste database for the purpose of maintaining, in a publicly accessible form, information on waste generation within Council's local government area.

A component of the database will contain Trade Waste information based on information produced by holders of Trade Waste Approvals, and from monitoring conducted by or under Council direction.

Council will report annually on the implementation of its Trade Waste Environmental Management Plan to the Environmental Protection Agency / the Department of Natural Resources, Mines and Energy through the Total Management Planning process.

### **12.17 Information Privacy**

All information developed and retained on waste generation within Council's local government area will be managed in accordance with *Local Government Act 2009*, *The Right to Information Act 2009 (the RTI Act)* and the *Information Privacy Act 2009 (the IP Act)*.

This ensures that all information is correctly managed to provide for:

- The fair collection and handling in the public-sector environment of personal information; and
- A right of access to, and amendment of, personal information in the government's possession or under the government's control unless, on balance, it is contrary to the public interest to give the access or allow the information to be amended.

## **APPENDIX 1**

### **SELECTED LEGISLATION RELEVANT TO TRADE WASTE:**

Body Corporate and Community Management Act 1997

Building Units and Group Titles Act 1980

Environmental Protection Act 1994

Environmental Protection (Water) Policy 2009

Environmental Protection Regulation 2008

Gene Technology (Queensland) Act 2016

Gene Technology Act 2000 (Commonwealth legislation)

Local Government Act 2009

Plumbing and Drainage Act 2018

Plumbing and Drainage Regulation 2019

Queensland Plumbing & Wastewater Code 2019

Radiation Safety Act 1999

Radiation Safety Regulation 2010

State Penalties Enforcement Act 1999

State Penalties Enforcement Regulations 2000

Sustainable Planning Act 2009

Water Supply (Safety & Reliability) Act 2008

Whitsunday Regional Council Local Laws

## APPENDIX 2

### SEWER ADMISSION LIMITS

The upper limits for the quality of trade waste discharged to the sewer for all categories are set out below. They are subject to periodic review.

If, in the opinion of the Trade Waste Officer, it is determined that the wastewater may have an adverse effect on the sewerage system, these limits may be reviewed and replaced with more stringent limits for a specific discharge.

#### Schedule I - GENERAL LIMITS

| PARAMETER                    | MAXIMUM LIMITS | REMARKS                                                                                                                                                                                                                                                                                                                                                                                 |
|------------------------------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Temperature                  | <38°C          | Higher sewage temperatures: <ul style="list-style-type: none"> <li>➤ cause increased damage to sewer structures.</li> <li>➤ increase the potential for anaerobic conditions to form in the wastewater.</li> <li>➤ promote the release of gases such as H<sub>2</sub>S and NH<sub>3</sub></li> <li>➤ can adversely affect the safety of operations and maintenance personnel.</li> </ul> |
| pH                           | 6 - 10         | Extremes of pH: <ul style="list-style-type: none"> <li>➤ can adversely affect biological treatment processes.</li> <li>➤ can adversely affect the safety of operations and maintenance personnel.</li> <li>➤ cause corrosion of sewer structures</li> <li>➤ increase the potential for the release of toxic gases such as H<sub>2</sub>S and HCN.</li> </ul>                            |
| Biochemical Oxygen Demand    | 500mg/L        | When required, a specific BOD <sub>5</sub> mass load limit in kilograms per day will be applied as a trade waste approval condition                                                                                                                                                                                                                                                     |
| Chemical Oxygen Demand (COD) | 2000mg/L       | The COD value indicates the mass of oxygen consumed per litre of solution and expressed in milligrams per litre (mg/L). The higher the chemical oxygen demand, the higher the amount of pollution in the water sample. High COD                                                                                                                                                         |

|                                   |                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------------|-------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                   |                                                 | levels may accelerate the generation of sulphides in sewer mains, both gravity and pressure, and consequent odours and corrosions problems.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Total Organic Carbon              | 900mg/L                                         | When required, a specific mass load limit in kilograms per day will be applied as a trade waste approval condition.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Total Suspended Solids            | 600mg/L                                         | High TSS could- <ul style="list-style-type: none"> <li>➤ cause blockages and sewage overflows in the drains of commercial and industrial properties.</li> <li>➤ form deposits in the sewer reducing its capacity and can lead to overflow conditions.</li> <li>➤ accumulate in wet wells and pumping stations resulting in increased maintenance.</li> <li>➤ deteriorate mechanical equipment (pumps and valves) by abrasion.</li> <li>➤ overload treatment units at the sewage treatment plant.</li> </ul>                                                                                                                                                                                                                                                                        |
| Total Dissolved Solids            | 4000mg/L                                        | High TDS reduces effluent options and may contribute to soil salinity.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Total Oil & Grease                | 100mg/L                                         | High TOG could- <ul style="list-style-type: none"> <li>➤ cause overflows in the drains of commercial and industrial properties.</li> <li>➤ cause the formation of deposits of greasy solids in the sewage transport system thereby reducing its capacity. These deposits can lead to the breakaway of accumulated grease at times of high or very low flow.</li> <li>➤ accumulate in wet wells of pumping stations and cause blockages and failure of the pumps and exacerbate cleaning problems.</li> <li>➤ deposit in bends of the sewer and cause restrictions and blockages.</li> <li>➤ reduce the efficiency of sewage treatment processes.</li> <li>➤ may cause non-compliance of the STW effluent with licence conditions Form an oily film in receiving waters.</li> </ul> |
| Total Hydrocarbons (for industry) | 30mg/L                                          | High hydrocarbon levels could- <ul style="list-style-type: none"> <li>➤ cause significant damage to the membranes in the receiving sewerage treatment plant.</li> <li>➤ create an explosive situation within the sewerage network system.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Solids (gross)                    | 13mm (max linear dimensions)                    | Gross solids can cause sewer blockages.<br>Non-faecal gross solids shall have a maximum linear dimension of less than 13mm and quiescent settling velocity of less than 3 m/hr.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Colour                            | Colour not noticeable after 1000 times dilution | Colour may cause: <ul style="list-style-type: none"> <li>➤ aesthetic impairment of receiving water</li> <li>➤ adverse effects on disinfection processes.</li> <li>➤ Where potential for such problems exists, a level of colour which is rendered unnoticeable after the predicted dilution is desirable. Biodegradability of the colour may be an important factor where secondary treatment is used.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                  |
| Chlorine (asCl <sub>2</sub> )     | 10mg/L                                          | Chlorine: <ul style="list-style-type: none"> <li>➤ can adversely affect the safety of operations and maintenance personnel.</li> <li>➤ can cause corrosion of sewer structures.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |



|                                          |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------------------|----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                          |          | ➤ can inhibit treatment processes.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Sulphate (as SO <sub>4</sub> )           | 1000mg/L | Sulphate: <ul style="list-style-type: none"> <li>➤ may increase the potential for the generation of sulphides in the wastewater.</li> <li>➤ may adversely affect sewer structures.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                 |
| Sulphite (as SO <sub>2</sub> )           | 50mg/L   | Sulphite is a strong reducing agent and removes dissolved oxygen thereby increasing the potential for anaerobic conditions to form in the wastewater.<br><br>In particular, values will need to be set on a case-by-case basis if the discharge is to a sewer receiving dosed oxygen by injection for odour and corrosion mitigation.<br><br>Higher values may be allowed subject to local pH and temperature conditions.<br><br>Sulphite also has the potential to release SO <sub>2</sub> gas and thus adversely affect the safety of operations and maintenance personnel. |
| Aluminium (as Al)                        | 100mg/L  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Iron (as Fe)                             | 100mg/L  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Ammonia plus ammonia ion (measured as N) | 100mg/L  | High ammonia: <ul style="list-style-type: none"> <li>➤ may adversely affect the safety of operations and maintenance personnel.</li> <li>➤ may significantly contribute to the nutrient load discharged into the receiving environment.</li> </ul> Higher values may be allowed subject to local pH and temperature conditions.                                                                                                                                                                                                                                               |
| Total Kjeldahl Nitrogen (asN)            | 150mg/L  | May significantly contribute to the nutrient load discharged to the receiving environment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Phosphorus (Total P)                     | 50mg/L   | May significantly contribute to the nutrient load discharged to the receiving environment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Manganese (as Mn)                        | 100mg/L  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

### Schedule II - SPECIFIC LIMITS – INORGANIC

| PARAMETER                  | MAXIMUM LIMITS | REMARKS                                                                                                                                              |
|----------------------------|----------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| Baron (B)                  | 100mg/L        | Boron is not removed by conventional treatment. High concentrations in effluent may restrict irrigation applications.                                |
| Bromine (Br <sub>2</sub> ) | 10mg/L         | High concentrations may adversely affect the safety of operations and maintenance personnel.                                                         |
| Fluoride (F)               | 30mg/L         | Fluoride is not removed by conventional sewage treatment; however, pre-treatment can easily and economically reduce concentrations to below 20 mg/L. |
| Cyanide (CN)               | 5mg/L          | Cyanide may produce toxic atmospheres in the sewer and adversely affect the safety of operations and maintenance personnel.                          |

|              |       |                                                                                                                                                                                                                                                                                                                     |
|--------------|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sulphide (S) | 5mg/L | <p>Sulphides in wastewater may:</p> <ul style="list-style-type: none"> <li>. cause corrosion of sewer structures</li> <li>. generate odours in sewers which could cause public nuisance</li> <li>. result in sewer gases which could adversely affect the safety of operations and maintenance personnel</li> </ul> |
|--------------|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

### Schedule III - SPECIFIC LIMITS – METALS

| PARAMETER     | MAXIMUM LIMIT | LOWER DAILY MASS LOAD* |
|---------------|---------------|------------------------|
| Arsenic (As)  | 5mg/L         | 15mg/L                 |
| Barium (Ba)   | 20mg/L        | 60mg/L                 |
| Cadmium (Cd)  | 2mg/L         | 6mg/L                  |
| Chromium (Cr) |               |                        |
| - Total       | 20mg/L        | 60mg/L#                |
| - Hexavalent  | 10mg/L        | 60mg/L#                |
| Cobalt (Co)   | 10mg/L        | 30mg/L                 |
| Copper (Cu)   | 10mg/L        | 30mg/L                 |
| Lead (Pb)     | 10mg/L        | 30mg/L                 |
| Mercury (Hg)  | 0.005mg/L     | 0.015mg/L              |
| Nickel (Ni)   | 10mg/L        | 30mg/L                 |
| Selenium (Se) | 5mg/L         | 15mg/L                 |
| Silver (Ag)   | 5mg/L         | 15mg/L                 |
| Tin (Sn)      | 10mg/L        | 30mg/L                 |
| Zinc (Zn)     | 10mg/L        | 30mg/L                 |

\*either the concentration or mass load method may be utilized, however, once the mass load is exceeded, only the concentration method is to be used. Mass load is based on discharge volume of 3kL/day.

# when considering daily mass load discharges, hexavalent Cr must be reduced to trivalent Cr

### Schedule IV - SPECIFIC LIMITS – ORGANIC

*Council may request specific demonstrable evidence based on degradability and toxicity concerning substances listed below.*

| PERAMETER                                                                                                                                                                                                                                                                                                                                                                                                                                  | MAXIMUM CONCENTRATIONS                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| Formaldehyde (HCHO)                                                                                                                                                                                                                                                                                                                                                                                                                        | 50mg/L                                                                    |
| Phenolic compounds (as Phenol)                                                                                                                                                                                                                                                                                                                                                                                                             | 100mg/L                                                                   |
| Pentachlorophenol                                                                                                                                                                                                                                                                                                                                                                                                                          | 5mg/L                                                                     |
| Petroleum hydrocarbon (non-flammable)                                                                                                                                                                                                                                                                                                                                                                                                      | 30mg/L                                                                    |
| Halogenated Aromatic Hydrocarbons (HAH)                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                           |
| - Polychlorinated biphenyls (PCB)                                                                                                                                                                                                                                                                                                                                                                                                          | 0.002mg/L                                                                 |
| - Polybrominated biphenyls (PBB)                                                                                                                                                                                                                                                                                                                                                                                                           | 0.002mg/L                                                                 |
| Polynuclear Aromatic Hydrocarbons (PAH)                                                                                                                                                                                                                                                                                                                                                                                                    | 5mg/L                                                                     |
| Pesticides                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                           |
| *General (insecticides/herbicides/fungicides)                                                                                                                                                                                                                                                                                                                                                                                              | 1.0mg/L                                                                   |
| *Organophosphates                                                                                                                                                                                                                                                                                                                                                                                                                          | 0.05mg/L                                                                  |
| <ul style="list-style-type: none"> <li>• Azinphos-methyl</li> <li>• Azinphos-ethyl</li> <li>• Coumaphos</li> <li>• Demeton</li> <li>• Dichlorvos</li> <li>• Dimethoate</li> <li>• Disulfoton</li> <li>• Fenitrothion</li> <li>• Fenthion</li> <li>• Malathion</li> <li>• Methamidophos</li> <li>• Mevinphos</li> <li>• Omethoate</li> <li>• Oxydemeton-methyl</li> <li>• Parathion</li> <li>• Triazophos</li> <li>• Trichlorfon</li> </ul> |                                                                           |
| * Organochlorines                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                           |
| <ul style="list-style-type: none"> <li>• Aldrin</li> <li>• Chlordane</li> <li>• DDT</li> <li>• Dieldrin</li> <li>• Heptachlor</li> <li>• Lindane</li> </ul>                                                                                                                                                                                                                                                                                | 0.001mg/L<br>0.006mg/L<br>0.003mg/L<br>0.001mg/L<br>0.003mg/L<br>0.05mg/L |

#### Schedule IV - OTHER SUBSTANCES

Any substance not listed in the above tables is a prohibited discharge and may not be discharged without the prior approval of Council.

Many of these substances have been demonstrated to have an adverse effect on the health of animals.

Some are also persistent and are not degraded by conventional treatment processes Council Trade Waste staff may request specific demonstrable evidence based on degradability and toxicity for any substance when assessing acceptance to sewer.

## APPENDIX 3

### TRADE WASTE DISCHARGE FRACTION

The “Discharge Fraction” is the proportion of water supplied to a property (measured by the primary/main water meter) that is discharged to the sewerage system.

Discharge fractions may range from 0 to 100% and in exceptional circumstances greater than 100% if additional material is added to the waste stream as part of the production process.

Seasonal variations can occur throughout the year. The discharge fraction method considers these factors and aims to deliver fair estimates across the year. Discharge fractions will only be adjusted by a minimum of 5% or by multiples of 5% i.e., the discharge factor will be rounded off to the nearest 5%.

**Table A3: Trade Waste Discharge Factors**

| INDUSTRY                                 | DISCHARGE FACTOR % |
|------------------------------------------|--------------------|
| Aged care/nursing home                   | 80                 |
| Animal Care                              | 70                 |
| Automotive                               | 90                 |
| Bakery                                   | 85                 |
| Boiler making/engineering                | 90                 |
| Bowling Club                             | 70                 |
| Brewery/Distillery                       | 80                 |
| Butcher                                  | 90                 |
| Car Detailing                            | 90                 |
| Car Wash                                 | 70                 |
| Carpet Cleaner                           | 90                 |
| Chemical manufacturers                   | 90                 |
| Chicken Poultry shop                     | 90                 |
| kindergartens/Day care/childcare centres | 80                 |

|                                                   |    |
|---------------------------------------------------|----|
| Commercial Laundromat                             | 92 |
| Concrete Batching Plant                           | 5  |
| Crafts/Stonemason                                 | 80 |
| Dentists                                          | 80 |
| Engineering Works/Workshop                        | 70 |
| Fast Food                                         | 80 |
| Fishery                                           | 90 |
| Food Processor                                    | 90 |
| Golf Clubs                                        | 90 |
| Guest House/Boarding house                        | 90 |
| Hairdresser/Salon                                 | 90 |
| Hospital                                          | 90 |
| Hotel/Tavern/Night Club                           | 90 |
| Marinas                                           | 90 |
| Medical Centre                                    | 80 |
| Mixed Industries                                  | 90 |
| Motels                                            | 90 |
| Nursery/Landscaping                               | 20 |
| Nursing Home                                      | 50 |
| Office Blocks                                     | 90 |
| Panel Beating/Spray Painting                      | 70 |
| Printing                                          | 85 |
| Restaurant                                        | 90 |
| Schools/Universities                              | 80 |
| Seafood (wholesale/retail)                        | 90 |
| Service Station/car washes                        | 90 |
| Shopping Centre                                   | 90 |
| Swimming Pool Complex                             | 50 |
| Takeaway                                          | 80 |
| Utility (electricity, telephone, water, sewerage) | 90 |
| Veterinary Clinic                                 | 70 |
| Workshop – mechanical/engineering                 | 90 |

## APPENDIX 4

### PROHIBITED SUBSTANCES FOR SEWERAGE

(As per *Water Supply (Safety & Reliability) Act 2008*)

A solid or viscous substance in a quantity, or of a size, that can obstruct sewerage, or interfere with the operation of sewerage.

Examples of solids or viscous substances that are prohibited substances if of a size or in the quantity mentioned in item 1 –

- ash, cinders, sand, mud, straw and shavings
  - metal, glass and plastics
  - paper and plastic dishes, cups and milk containers whether whole or ground by garbage grinders
  - rags, feathers, tar and wood
  - whole blood, paunch manure, hair and entrails
  - oil and grease.
1. A flammable or explosive solid, liquid or gaseous substance (including petrol).
  2. Floodwater, rainwater and stormwater, and roof water, seepage water, subsoil water and surface water.
  3. A substance that, given its quantity, is capable alone, or by interaction with another substance discharged into sewerage, of –
    - inhibiting or interfering with a sewage treatment process; or
    - causing damage or a hazard to sewerage; or
    - causing a hazard for humans or animals; or
    - creating a public nuisance; or
    - creating a hazard in waters into which it is discharged; or.
    - contaminating the environment in places where effluent or sludge from a sewage treatment plant is discharged or reused.

Example of substances under item 4 – substances with a pH lower than 6.0 or greater than 10.0 or having another corrosive property.

4. A substance at a temperature of more than –

- If the local government has approved a maximum temperature for the substance – the approved maximum temperature; or
- If paragraph (a) does not apply – 38°C.

## APPENDIX 5

### PEAK HOURLY FLOW RATE FOR GREASE ARRESTOR SIZING

| FIXTURES & FITTINGS                                                        | CAPACITY (L/hour)                                      |
|----------------------------------------------------------------------------|--------------------------------------------------------|
| Bain Marie Water heated                                                    | 50                                                     |
| Bratt Pan                                                                  | 100                                                    |
| Cleaners Sink                                                              | 50                                                     |
| Combi Oven / Steam roast oven                                              | 150 (up to 40 racks)                                   |
| Dishwasher – Tunnel                                                        | 300                                                    |
| Dishwasher – Large                                                         | 120                                                    |
| Dishwasher – Domestic (Under Bench)                                        | 30                                                     |
| Floor waste/bucket trap/grated strip drain                                 | 50 per 50m <sup>2</sup> of floor area, or part thereof |
| Hand Basin                                                                 | 50                                                     |
| Noodle Cooker                                                              | 100                                                    |
| Kettle / steamer cooker                                                    | 100                                                    |
| Sink – utility/pot per outlet connected separately to drain (Depth >300mm) | 150                                                    |
| Sink – Single Bowl (Depth <300mm)                                          | 75                                                     |
| Sink – Double Bowl (Depth <300mm) Fixture pair                             | 150                                                    |
| Tundish (refrigerant condensate)                                           | 3                                                      |
| Wok burner dry                                                             | 20                                                     |
| Wok burner wet                                                             | 200                                                    |

-Takeaway restaurants e.g., chain franchises – Minimum 3000lt grease trap



## APPENDIX 6

### ON-SITE PRE-TREATMENT TRADE WASTE GUIDELINES

| BUSINESS TYPE                                                                     | BASIC PRE-TREATMENT REQUIREMENTS                                                                                                                                                                                                                                                                      |
|-----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Workshops</b>                                                                  |                                                                                                                                                                                                                                                                                                       |
| <b>Automotive Industries</b><br>Service Station, Car Detailers                    | Dry basket arresters, Oil Silt interceptor with a capacity greater than the peak hourly flow (L/hour).                                                                                                                                                                                                |
| <b>Mechanical Workshops</b>                                                       | Dry basket arresters, Oil Silt interceptor with a capacity greater than the peak hourly flow (L/hour).                                                                                                                                                                                                |
| <b>Equipment hire companies, truck wash (external only)</b>                       | Dry basket arrester, silt and solid settlement pit, Oil Silt interceptor with a capacity greater than the peak hourly flow (L/hour). Medium to Large specialised type truck wash company may require a prewash facility to remove bulk soils, solids shall be removed by a certified waste contractor |
| <b>Radiator repairs</b>                                                           | Capture the radiator fluid in a tray or container before removing the radiator from the vehicle. Where possible, re-use radiator fluid, otherwise capture and store it for off-site removal by a licenced contractor. Floor must be bunded to prevent spillage draining to sewer.                     |
| <b>Service station, covered forecourt/driveway/bus/coach depot refuelling bay</b> | May require a specialist fuel diversion system incorporating alarms, emergency stop flow switches etc, case by case assessment. Oil Silt interceptor with a capacity greater than the peak hourly flow (L/hour)                                                                                       |
| <b>Food Services</b>                                                              |                                                                                                                                                                                                                                                                                                       |
| <b>café/Canteen/Cafeteria</b><br>cooking on site                                  | Grease arrester*.                                                                                                                                                                                                                                                                                     |
| <b>Chicken (Fresh)</b><br>cutting and preparation of fresh meat                   | Grease arrester*.                                                                                                                                                                                                                                                                                     |

|                                                                                                                                       |                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| <b>Chicken Cooking (Minor Retail)</b><br>BBQ, charcoal, rotisserie                                                                    | Grease arrestor*.                                                          |
| <b>Coffee Shop/Sandwich Shop/Sandwich Bar</b>                                                                                         | Grease arrestor*.                                                          |
| <b>Commercial Kitchen</b><br>hotel, motel, function centre, hospital, restaurant                                                      | Grease arrestor*.<br>Garbage grinders NOT permitted                        |
| <b>Community Hall Kitchens</b>                                                                                                        | Grease arrestor*.                                                          |
| <b>Community Hall Kitchens</b>                                                                                                        | Grease arrestor*.                                                          |
| <b>Doughnut Shop</b>                                                                                                                  | Grease arrestor*.                                                          |
| <b>Fast Food Outlet – Major Franchise</b><br>(Including McDonalds, Hungry Jack's, KFC, Pizza Hut, Nando's, Red Rooster, Brodies' etc) | Grease arrestor*. minimum of 3000lt.                                       |
| <b>Fish and Chip Shop</b>                                                                                                             | Grease arrestor*.                                                          |
| <b>Hotel/Motel/Bar/Nightclub</b><br>Bar fixtures only                                                                                 | No pre-treatment required.<br>Good clean sop keeping practices by staff    |
| <b>Hotel/Motel/Bar/Nightclub</b><br>With counter lunches, cooking at site                                                             | Grease arrestor*.                                                          |
| <b>Ice Cream Parlour</b>                                                                                                              | Grease arrestor*.                                                          |
| <b>Pizza Shop</b>                                                                                                                     | Grease arrestor*.                                                          |
| <b>School Canteen</b>                                                                                                                 | Grease arrestor*.                                                          |
| <b>School Home Science/Hospitality Kitchen</b>                                                                                        | Grease arrestor*.                                                          |
| <b>Tertiary Institution Kitchen/Canteen/Cafeteria</b>                                                                                 | Grease arrestor*.                                                          |
| <b>Specialty Foods</b>                                                                                                                |                                                                            |
| <b>Bakery (Retail)</b>                                                                                                                | Grease arrestor*.                                                          |
| <b>Butcher (Retail)</b>                                                                                                               | Grease arrestor*.                                                          |
| <b>Delicatessen</b>                                                                                                                   | Grease arrestor*.                                                          |
| <b>Seafood (Retail) – Fresh</b><br>no food cooked on site, no cooking, serving of foods or washing up on site                         | No pre-treatment required.<br>Good clean production practices by staff     |
| <b>Seafood (Wholesale) – Fresh</b><br>no food cooked on site, no cooking, serving of foods or washing up on site                      | 1000lt solids settlement pit/tank. Dry basket arresters for fish filleting |

|                                                                 |                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Food Manufacturing</b>                                       |                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Food Manufacturing – Minor</b><br>(<5000 kL/annum discharge) | No pre-treatment required.                                                                                                                                                                                                                                                                                                                                                      |
| <b>Service Industries</b>                                       |                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Beautician/ Hairdressing Salon</b>                           | Floor waste basket arrester. Head wash basin arrester. Good clean production practices by staff. Avoid discharge through grease arrester                                                                                                                                                                                                                                        |
| <b>Laundry</b><br>(Coin operated) e.g. laundromat, laundrette   | 1mm mesh lint screens must be in place (washing machine internal screens acceptable). Cooling pit may be required to ensure that discharge is below 38° C.                                                                                                                                                                                                                      |
| <b>Laundry</b><br>Commercial/Industrial                         | Trade Waste Consultant recommended                                                                                                                                                                                                                                                                                                                                              |
| <b>Dry cleaning</b>                                             | Dry cleaning fluids/solvents are prohibited substances                                                                                                                                                                                                                                                                                                                          |
| <b>School Science Laboratory</b>                                | Neutralising/silt trap with a capacity greater than the peak hourly load (L/hour).                                                                                                                                                                                                                                                                                              |
| <b>Glass cutting including windscreens</b>                      | Solids settling tanks, minimum size 1000lts                                                                                                                                                                                                                                                                                                                                     |
| <b>Care Facilities</b>                                          |                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Day Care Centre</b>                                          | Grease arrester*.                                                                                                                                                                                                                                                                                                                                                               |
| <b>Hospital Kitchen</b>                                         | Grease arrester*.                                                                                                                                                                                                                                                                                                                                                               |
| <b>Nursing Home Kitchen</b>                                     | Grease arrester*.                                                                                                                                                                                                                                                                                                                                                               |
| <b>Retirement Village Kitchen</b>                               | Grease arrester*.                                                                                                                                                                                                                                                                                                                                                               |
| <b>Health Related Industries</b>                                |                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Dental surgery</b>                                           | Amalgam separator built into cuspidor by manufacturer, Plaster arrester as required                                                                                                                                                                                                                                                                                             |
| <b>Medical facilities, Hospitals etc.</b><br>Plaster Casts      | Plaster arrester                                                                                                                                                                                                                                                                                                                                                                |
| <b>Xray</b>                                                     | Neutralising balancing tank to be installed. Silver recovery unit to be installed or remove all silver bearing material by licenced contractor                                                                                                                                                                                                                                  |
| <b>Doctors' surgery, medical centre</b>                         | Sharps are prohibited substance                                                                                                                                                                                                                                                                                                                                                 |
| <b>Optical services, grinding of plastics</b>                   | Settling tank with baffles                                                                                                                                                                                                                                                                                                                                                      |
| <b>Commercial Process</b>                                       |                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Public Swimming Pools including schools</b>                  | <p>Specialist treatment plant design, backwash shall not discharge to sewer at a rate &gt;2 litres/sec. discharge other than standard backwash must be approved by WRC officer.</p> <p>Pool overflow from rainfall or stormwater runoff shall not be discharge to sewer. Where there are environmental concerns related to the discharge of overflow WRC shall be consulted</p> |

|                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Commercial vehicle wash facility</b>                                                                           | Specialist treatment plant design, backwash shall not discharge to sewer at a rate >2 litres/sec. rainwater and stormwater are prohibited discharges, complex diversion system may be required. Maintenance schedules must be provided, water reuse is a priority                                                                                                                                                                                                                                                                   |
| <b>Bin Wash</b><br>associated with commercial food type businesses only                                           | Basket arresters with self-closing mechanism or secondary fixed strainer, provide a hose tap with RPZ Device adjacent. Bin wash Area must be roofed, bunded and graded to prevent ingress of stormwater. Details of preventative measures must be provided. Where a roofed area is unfeasible, and a diversion/first flush valve system is proposed, a strict maintenance regime must be implemented by the body corporate. 1m x 1m bunded area is acceptable in lieu of a roofed enclosure (wheelie type bins only, not bulk bins) |
| <b>Cooling Tower Condensate and Blowdown (A/C only)</b><br>where this is the only trade waste discharge from site | No specific pre-treatment required. Discharge flow rates to be controlled, the use of products containing chromate is prohibited.                                                                                                                                                                                                                                                                                                                                                                                                   |
| <b>Animal Industries</b>                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Kennels</b>                                                                                                    | Dry arrester pit, hair/lint filters                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Stables</b>                                                                                                    | Dry arrester pit, hair/lint filters                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Veterinary facility</b>                                                                                        | Solid waste and contaminated infectious waste are prohibited substances                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

\* Grease arresters determined and sized in accordance Section 12.2.1, 12.2.2 of this TWEMP:

- in-sink and floor waste dry basket arrestors with fixed secondary strainer to all food business sink wastes and floor wastes in kitchen areas.



# Attachment 13.5.1.3 Trade Waste Fees and Charges 2022 23

The following table represents what is being proposed for the recommended Trade Waste fees and charges.

*Recommended fees in yellow highlight, strikethrough prices have been increased to represent CPI and or price escalation by Contractors.*

|                                                                                             | <b><u>Category 1</u></b> | <b><u>Category 2</u></b> | <b><u>Category 3</u></b>   |
|---------------------------------------------------------------------------------------------|--------------------------|--------------------------|----------------------------|
|                                                                                             | No Pre-treatment         | Pre-treatment            | By Agreement               |
| APPLICATION FEE (one off)                                                                   | \$155                    | \$298                    | \$596                      |
|                                                                                             |                          |                          |                            |
| RENEWAL Administration fee (annual)                                                         | \$118                    | \$118                    | \$118                      |
| RENEWAL Metering Charge                                                                     | \$56                     | \$56                     | By agreement               |
| RENEWAL Testing                                                                             | N/A                      | \$403                    | \$403                      |
| <b><u>Total</u></b>                                                                         | <b><u>\$174</u></b>      | <b><u>\$521</u></b>      | <b><u>\$586</u></b>        |
|                                                                                             |                          |                          |                            |
| ADDITIONAL TESTING FEE                                                                      | N/A                      |                          | By agreement or Category 2 |
| a) Mechanical – hydrocarbons                                                                |                          | \$330                    |                            |
| b) Food / Retail / Hospitality – fats and greases                                           |                          | \$403                    |                            |
| c) Manufacturing / car washes– heavy metals and greases                                     |                          | \$330                    |                            |
| d) Laundry – Chemicals / temperature                                                        |                          | \$330                    |                            |
|                                                                                             |                          |                          |                            |
| Equivalent grease trap fee- <i>Applies where grease trap should be in place but is not.</i> | \$3,503                  | N/A                      | N/A                        |
|                                                                                             |                          |                          |                            |
| Waste discharge kL per annum (per kL)                                                       | \$1.05                   | \$1.05                   | \$1.05 or per agreement    |
|                                                                                             |                          |                          |                            |

Attachment 13.5.1.3 Trade Waste Fees and Charges 2022 23

|                                                                                                                             |       |                |                          |
|-----------------------------------------------------------------------------------------------------------------------------|-------|----------------|--------------------------|
| Excess Strength Charges (in addition to waste discharge fee)                                                                |       |                |                          |
| Chemical Oxygen Demand (COD) - per kilogram<br>(Maximum Charge Limit)<br>Applies to b) above                                | N/A   | 2.13<br>(4000) | \$0.55                   |
| Biochemical Oxygen Demand (BOD) - per kilogram<br>(Maximum Charge Limit)<br>Applies to b) above                             | N/A   | 2.13<br>(3000) | \$0.55                   |
| Total Suspended Solids (TSS) - per kilogram<br>(Maximum Charge Limit)<br>Applies to a), b), c), d) above                    | N/A   | 2.57<br>(1200) | \$0.98                   |
| Total Phosphorus (TP) - per kilogram<br>(Maximum Charge Limit)<br>Applies to b) above                                       | N/A   | 6.84<br>(300)  | \$5.26                   |
| Total Kjeldahl (TKN) - per kilogram<br>(Maximum Charge Limit)<br>Applies to b) above                                        | N/A   | 4.64<br>(450)  | \$3.06                   |
| Total Dissolved Solids (TDS) - per kilogram<br>(Maximum Charge Limit)<br>Applies to b) above                                | N/A   | 2.54<br>(1200) | \$1.27                   |
| Total Hydrocarbons (THc) - per kilogram<br>(Maximum Charge Limit)<br>Applies to a), b), c), d) above                        | N/A   | 16.76<br>(90)  | \$6.80                   |
| Total Oil & Grease (TOG) - per kilogram<br>(Maximum Charge Limit)<br>Applies to b) above<br>Applies to a), b), c), d) above | N/A   | 3.38<br>(800)  | \$1.80                   |
|                                                                                                                             |       |                |                          |
| Submeter installation fee (2023/2027 @ \$500p.a).                                                                           | \$500 | \$500          | By agreement due to size |
| Meter replacement fee (Assumes Council takes ownership – subject to Council approval)                                       | \$850 | \$850          | By agreement due to size |
| Additional inspection per hour (on site)                                                                                    | \$158 | \$158          | \$158                    |
| Trade Waste Compliance Search - (within 14 days)                                                                            | \$162 | \$162          | \$162                    |
| Urgent Trade Waste Compliance Search (within 7 days)                                                                        | \$220 | \$220          | \$220                    |





### **13.5.2 - 500.2022.0001 Design and Construct of Sewage Treatment Plant at Lake Proserpine**

**DATE:** Wednesday 13 April 2022

**TO:** Ordinary Council Meeting

**AUTHOR:** Adam Hagy - Director Infrastructure Services

**AUTHORISING OFFICER:** Adam Hagy - Director Infrastructure Services

**PRESENTED FOR:** Decision

#### **ATTACHMENTS**

Nil

#### **PURPOSE**

This report presents to Council for consideration the evaluation panel's recommendation to award Contract 500.2022.0001 Design and Construct of Sewage Treatment Plant at Lake Proserpine.

#### **OFFICER'S RECOMMENDATION**

That Council award Contract 500.2022.0001 Design and Construct of Sewage Treatment Plant at Lake Proserpine to The Water Boffins Pty Ltd for the amount of \$264,405.00 (excluding GST).

#### **BACKGROUND**

Whitsunday Regional Council (Council) require a suitably qualified and experienced Contractor to design and construct a new Sewage Treatment Plant at Lake Proserpine (Peter Faust Dam), Proserpine.

The new Sewage Treatment Plant (STP) and associated effluent disposal area are to be constructed to cater for campers and day use visitors to the new camping area. The camping facility is to be constructed over two stages, with the initial stage limited to caravan/recreational vehicles and tent sites in proximity to the lake and on the opposite side of Station Road.

The proposed works seeks to develop a camping ground at Lake Proserpine in accordance with the Whitsunday Regional Council Master Plan for the area.

#### **PROCESS**

##### **Tender Release**

A Request for Tender (RFT) was released on 25 January 2022 and as advertised as follows in accordance with *Local Government Regulation 2012 S228*:

- a) eTenderBox;
- b) Newspapers:
  - i. Whitsunday News; and
  - ii. Townsville Bulletin.
  - iii. Council's website.

### **Tender Evaluation Panel**

The Tender Evaluation Panel (TEP) comprised:

- a) Project Manager - Ranbury Management Group
- b) Manager W&S Network Operations - Infrastructure Services
- c) Contracts Officer – Corporate Services

### **Summary of Tenders Received**

The following tenders were received by the closing date on 2.00pm Wednesday 16 February 2022:

- a) Dowdens Group Pty Ltd
- b) Hydroflux Epco Pty Limited
- c) The Water Boffins Pty Ltd
- d) The Trustee for Gardner Family Trust T/As Think Water Whitsunday
- e) True Water Solutions Pty. Ltd.

Note: An initial compliance check was conducted on the tender submissions to identify if the responses were non-conforming with the requirements of the RFT. This included compliance with contractual requirements and provision of requested information.

All of the Tenderers marked conforming 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 and Key Personnel | 10%       |
| Demonstrated Understanding            | 20%       |
| Tenderers Resources and Availability  | 20%       |
| Pricing                               | 40%       |
| Local Supplier                        | 10%       |

### **Summary of Evaluation Scores**

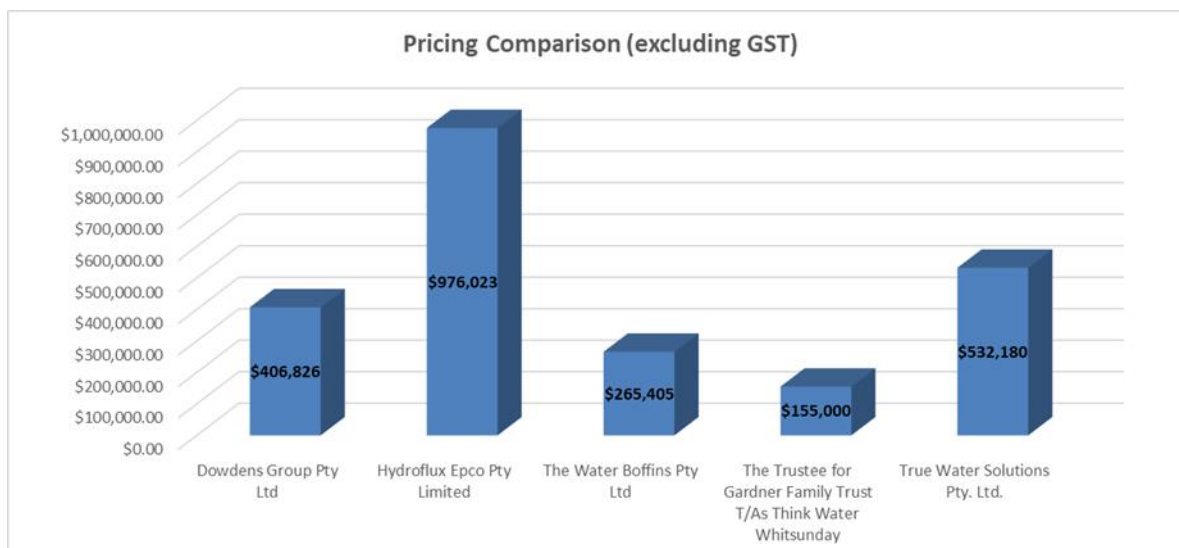
The qualitative criteria assessment was carried out by the TEP members individually on all the information provided by the Tenderers according to the level of response and compliance to the requirements of the contract to determine the overall capability and best value for money for Council.

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 |
|------------------------------------------------------------------|---------------------------------|------------|
| Dowdens Group Pty Ltd                                            | 75.3%                           | 2          |
| Hydroflux Epco Pty Limited                                       | 35.8%                           | 5          |
| The Water Boffins Pty Ltd                                        | 83.8%                           | 1          |
| The Trustee for Gardner Family Trust T/As Think Water Whitsunday | 69.7%                           | 3          |
| True Water Solutions Pty. Ltd.                                   | 54.3%                           | 4          |

The below graph shows the pricing difference between the Tenderers:



### **Combined Weighting Summary**

Based on the results from the evaluation, The Water Boffins Pty Ltd scored the highest percentage overall with 83.8%, have the required experience, understanding and resources to complete this project for Council by the end of August 2022. Their system meets all of Council's requirements with the following noted:

- They have taken into account the environmentally sensitive area at Lake Proserpine, where there would be extra concerns around environmental contamination as well as odour and visual amenity.
- The system will idle down during off-peak periods to conserve power while keeping bacteria alive, with options of sucrose dosing, the design makes use of passive technologies which saves greatly on power and maintenance.
- The anaerobic digestion process is designed to take raw sewerage, minimise de-sludge costs, reduce nitrogen, phosphorous and BOD while using no energy this type of system typically reduces the cost of removing sludge from quarterly to five yearly.
- They have appropriately addressed the requirements of wet weather storage capacities as well as reusing the storage to prevent any exceedance of the 9,300lt/per day.
- The plant is assembled from a lot of "off the shelf items" which reduces the risk of delays from supply delays.

The Evaluation Panel recommends the Contract for 500.2022.0001 Design and Construct of Sewage Treatment Plant at Lake Proserpine be awarded to The Water Boffins Pty Ltd for the amount of \$264,405.00 (excluding GST) as it represents the most advantageous outcome to Whitsunday Regional Council.

## **DISCUSSION/CURRENT ISSUE**

The requirement for a Sewer Treatment Plant/Grey Water Treatment is due to the success of visitation to the facility and is thus resulting in high operational cost from pump outs by a third party contractor. The increased capacity of the system along with the added ability to irrigate with the treated grey water will mean that the initial capital expenditure will offset the operational pump out costs. The system is modular so that in future it can be expanded as the facility grows.

## **STATUTORY/COMPLIANCE MATTERS**

*Local Government Act 2009*

Local Government Regulation 2012

Water Supply (Safety and Reliability Act 2008

Environmental Protection Act 1994

## **STRATEGIC IMPACTS**

Provide reliable, safe, secure, environmentally responsible, and affordable water and waste services.

## **FINANCIAL IMPLICATIONS**

The project is allowed for in the 21-22 Capital budget and the return on investment is high due to the treatment plant costs of \$265,405 (ex GST) being the initial capital investment. The annual operational cost of the pump outs by a third-party contractor during the 20/21 financial year was \$256,960. and during the 21/22 financial year cost to date are \$124,838. The new system has a design life of 25 years meaning that the new system will almost pay for itself in as little as 1 year and 1 month. This is a significant financial advantage for Council and a drastic reduction in operational expenditure

## **CONSULTATION/ENGAGEMENT**

Director Infrastructure Services

Project Manager - Ranbury Management Group

Manager W&S Network Operations - Infrastructure Services

Contracts Officer – Corporate Services

Executive Manager Procurement, Property and Fleet

## **RISK ASSESSMENT**

Environmental and Reputational - To decide not to proceed with the plant Council is at an increased risk of the current tank setup overflowing into the nearby lake resulting in ground and water contamination. An event such as this would be notifiable to the Department of Environment and Science and fines would be applied as well as reputational damage to Council.

Financial – The financial risks are covered off under Financial Implications.

## **TIMINGS/DEADLINES**

The Sewer Treatment Plant/ Grey Water System is intended to be in place by August 2022. Any further delays would mean the pump out cost would still apply until such time as the plant reaches practical completion.

## **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**

N/A

## **ALTERNATIVES CONSIDERED**

Do Nothing – Council would continue to incur operational cost relating to pump out services at a minimum of \$14k-22k a month on average.

### 13.5.3 - 500.2022.0003 Provision of Waste Material Processing

**DATE:** Wednesday 13 April 2022

**TO:** Ordinary Council Meeting

**AUTHOR:** David De Jager - Manager Waste and Recycling Services

**AUTHORISING OFFICER:** Adam Hagy - Director Infrastructure Services

**PRESENTED FOR:** Decision

#### **ATTACHMENTS**

Nil

#### **PURPOSE**

This report presents to Council for consideration the Evaluation Panel's Recommendation to award Contract 500.2022.0003 Provision of Waste Material Processing.

#### **OFFICER'S RECOMMENDATION**

That Council award Contract 500.2022.0003 Provision of Waste Material Processing to ARV Tree Recycling Pty Ltd for the estimated amount of \$1,089,510 (excluding GST) for the contract period of two (2) years, with an additional \$544,755 (excluding GST) for an additional twelve month extension at Council's discretion.

#### **BACKGROUND**

Whitsunday Regional Council (Council) currently operate the following waste facilities:

- a) Two (2) waste landfill facilities in Bowen and Kelsey Creek – Proserpine; and
- b) Two (2) waste transfer stations in Cannonvale and Collinsville.

These waste facilities:

- a) accept and stockpile waste concrete with the current stockpile estimated to be:
  - i. Kelsey Creek Landfill- 750 tonnes (589m<sup>3</sup> using the department of Environment and science conversion factor of 1.5 t/m<sup>3</sup>); and
  - ii. Bowen Landfill – 5,890 tonnes (3,927m<sup>3</sup> using the department of Environment and science conversion factor of 1.5 t/m<sup>3</sup>).
- b) receives and stockpiles garden organics (Green Waste) with estimated volumes of:
  - i. Bowen Landfill – 1,278 tonnes (mulching a minimum of twice (2) a year and maximum of four (4) times a year)
  - ii. Cannonvale Transfer Station – 4,089 tonnes (mulching a minimum of twice (2) a year and maximum of four (4) times a year)
  - iii. Collinsville Transfer Station – 592 tonnes (mulching on request); and
  - iv. Kelsey Creek Landfill – 1,059 tonnes (mulching a minimum of twice (2) a year and maximum of three (3) times a year).

Note: Green waste received is mulched and on sold to the community, with the exception of the Collinsville Transfer Station.

- c) receives mattresses and the stockpiling being determined using volumetric survey and shredded based on these stockpiles. The estimated frequency is:
  - i. Bowen Landfill – shredding a minimum of two (2) years and maximum of four (4) times are year; and



- ii. Kelsey Creek Landfill - shredding a minimum of two (2) years and maximum of three (3) times a year.

Note: Mattresses from the Collinsville Transfer Station are transferred to the Bowen Landfill and from the Cannonvale Transfer Station to the Kelsey Creek Landfill where they are stockpiled for processing

Whitsunday Regional Council (Council) is seeking an experienced and skilled Contractor/s for the processing of Concrete, Mulching of Green Waste, and shredding of mattresses.

This Contract will be made up of the following Parts as stated below, which Council reserves the right to award the Contract in whole or per Part.

- d) Part A – Concrete Crushing
- e) Part B – Green Waste Mulching
- f) Part C – Mattress Shredding

## **PROCESS**

### **Tender Release**

A Request for Tender (RFT) was released on 9 February 2022 and as advertised as follows in accordance with *Local Government Regulation 2012 S228*:

- a) eTenderBox;
- b) Newspapers:
  - i. Whitsunday News; and
  - ii. Townsville Bulletin.
  - iii. Council's website.

### **Tender Evaluation Panel**

The Tender Evaluation Panel (TEP) comprised:

- a) Manager Waste and Recycling Services – Infrastructure Services
- b) Waste and Recycling Management Officer – Infrastructure Services
- c) Contracts Officer - Corporate Services

### **Summary of Tenders Received**

The following tenders were received by the closing time of 2.00pm on Wednesday 2 March 2022:

- a) ARV Tree Recycling Pty Ltd
- b) Carroll Engineering Services Pty Ltd.

Note: An initial compliance check was conducted on the tender submissions to identify if the responses were non-conforming with the requirements of the RFT. This included compliance with contractual requirements and provision of requested information.

All of the Tenderers marked conforming 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 and Key Personnel | 10%       |
| Demonstrated Understanding            | 15%       |
| Tenderers Resources and Availability  | 15%       |
| Pricing                               | 50%       |
| Local Supplier                        | 10%       |

### Summary of Evaluation Scores

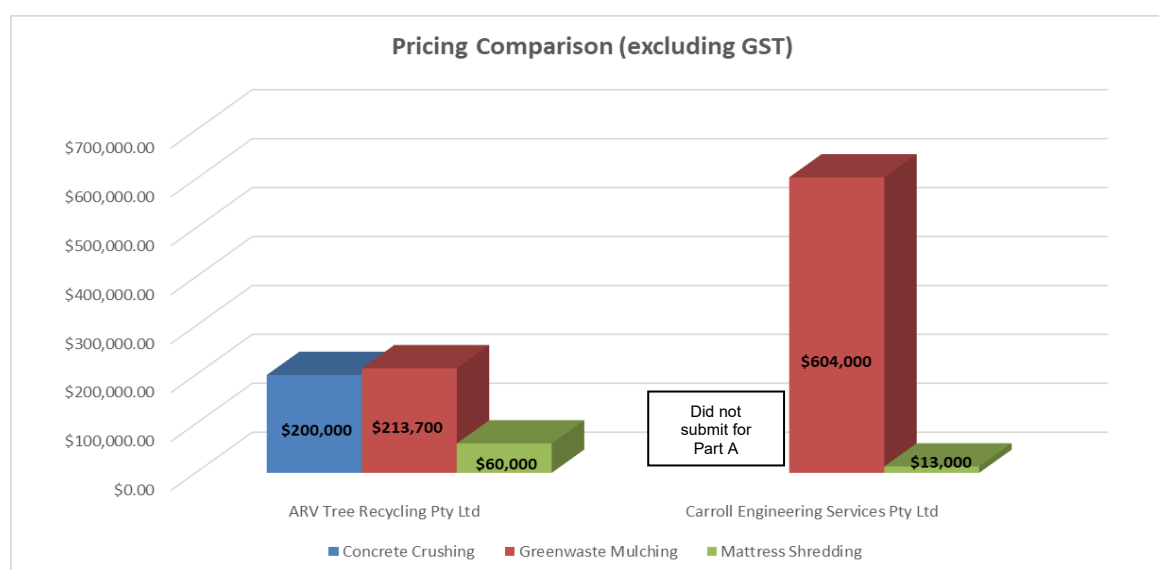
The qualitative criteria assessment was carried out by the TEP members individually on all the information provided by the Tenderers according to the level of response and compliance to the requirements of the contract to determine the overall capability and best value for money for Council.

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 |
|--------------------------------------|---------------------------------|------------|
| <b>PART A – CONCRETE CRUSHING</b>    |                                 |            |
| ARV Tree Recycling Pty Ltd           | 78.3%                           | 1          |
| <b>PART B – GREENWASTE MULCHING</b>  |                                 |            |
| ARV Tree Recycling Pty Ltd           | 88.3%                           | 1          |
| Carroll Engineering Services Pty Ltd | 21.0%                           | 2          |
| <b>PART C – MATTRESS SHREDDING</b>   |                                 |            |
| ARV Tree Recycling Pty Ltd           | 43.3%                           | 2          |
| Carroll Engineering Services Pty Ltd | 66.0%                           | 1          |

The below graph shows the pricing difference between the Tenderers:



## **Combined Weighting Summary**

Based on the results from the evaluation, the following Tenderers scored the highest percentage for each Part:

- a) Part A: ARV Tree Recycling Pty Ltd with 78.3% (only tenderer)
- b) Part B: ARV Tree Recycling Pty Ltd with 88.3%
- c) Part C: Carroll Engineering Services Pty Ltd with 66%.

Although Carroll Engineering Services Pty Ltd scored the highest overall for Part C - Mattress Shredding, they advised during clarifications that it would not be viable for their company to mobilise if only awarded this part and after review of the evaluation, it would not be beneficial for Council to award them both Part B and C as the increase to pricing would be around \$400,000 per annum.

Therefore, the evaluation panel recommend ARV Tree Recycling Pty Ltd be award all parts of the Contract as they have previous site experience, resources and understanding to provide these services to Council.

The Evaluation Panel recommends that ARV Tree Recycling Pty Ltd be awarded all Parts of Contract 500.2022.0003 Provision of Waste Material Processing for the estimated amount of \$1,089,510 (excluding GST, including 15% contingency) for the two year period, with an additional \$544,755 (excluding GST, including 15% contingency) for the twelve month extension period, as it represents the most advantageous outcome to Whitsunday Regional Council.

## **DISCUSSION/CURRENT ISSUE**

### **Current Issue**

Volumes and frequency of waste materials processed are demand driven, and services are currently procured on a request for quotations basis.

Waste concrete, and garden organics received at waste facilities are diverted from landfill and stockpiled for processing and reuse.

Mattresses received at landfill, due to their size and construction, cannot be disposed of directly to landfill, and are required to be shredded to facilitate efficient landfilling and compaction.

Waste materials are processed to achieve the following outcomes:

- safely manage stockpiles,
- ensure adequate capacity at waste facilities to receive and process waste, and ensure continuous service provision,
- provide processed materials for on sale to the community [mulch] and reuse at waste facilities [crushed concrete aggregate].

Provision for mattress shredding was made in the 2021-2022 budget; prior to this, mattresses were landfilled.

The crushing of concrete to date has been unscheduled with concrete being stockpiled, and 3,463 tonnes of concrete transported to Mackay for processing in 2020-2021 at a cost of \$252,687 funded under the Queensland Governments Regional Recycling Transport Assistance Package Program.

Garden organics are processed quarterly at the Kelsey Creek and Bowen landfills, and the Cannonvale waste transfer station.

Actual costs for the 2020-2021 financial year and forecast costs for 2021-2022 are tabled below:

| Waste Type      | Processing Cost (\$) |           |
|-----------------|----------------------|-----------|
|                 | 2020-2021            | 2021-2022 |
| Concrete        | 0                    | 100,000   |
| Garden Organics | 112,140              | 153,000   |
| Mattresses      | 0                    | 102,800   |

#### Way forward

Contracting services removes both financial and operational risk to council as follows:

- reduces administration,
- removes risk of non-compliance with *Procurement Policy LSP\_CORP\_31*,
- facilitates rapid response to emergencies and supports budget planning.

### **STATUTORY/COMPLIANCE MATTERS**

*Local Government Act 2009*

*Local Government Regulation 2012*

### **STRATEGIC IMPACTS**

Provide reliable, safe, secure, environmentally responsible, and affordable water and waste services.

### **FINANCIAL IMPLICATIONS**

Provision in budget accounts as follows:

- Concrete crushing - 5052-18893-63138 and 5053-18893-63138
- Mattress shredding - 5053-18894-63138 and 5052-18894-63138
- Green waste Mulching - 5052-11070-63138, 5053-11070-63138, 5033-11070-63138 and 5032-11070-63138

### **CONSULTATION/ENGAGEMENT**

Manager Waste and Recycling Services – Infrastructure Services  
Waste and Recycling Management Officer – Infrastructure Services  
Contracts Officer - Corporate Services  
Contracts Coordinator – Corporate Services  
Executive Manager Procurement, Property and Fleet  
Chief Operating Officer Whitsunday Water

### **RISK ASSESSMENT**

The following risks of not entering into a contract for services are as follows:

- Request for quotations to procure services on an ad-hoc basis results in price fluctuations that impact council's ability to process volumes required within budget.

- Breach of Local Government Regulation 2012 if total expected value of works procured exceeds \$200,000 for a single supplier not through a contractual arrangement.

### **TIMINGS/DEADLINES**

Services to commence in Quarter 4 of the current financial year.

### **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**

N/A

### **ALTERNATIVES CONSIDERED**

N/A

### **13.5.4 - Expression of Interest - Cannonvale Sewerage Treatment Plant Membrane Replacement**

**DATE:** Wednesday 13 April 2022

**TO:** Ordinary Council Meeting

**AUTHOR:** Darren Raeck - Principal Engineer - Water and Wastewater Treatment Operations

**AUTHORISING OFFICER:** Adam Hagy - Director Infrastructure Services

**PRESENTED FOR:** Decision

#### **ATTACHMENTS**

Nil

#### **PURPOSE**

To amend the actions to invite Expressions of Interest (EOI) for the Cannonvale Sewerage Treatment Plant Membrane Replacement and to proceed directly to public tender due the urgency required to replace assets that are approaching the end of their useful life.

#### **OFFICER'S RECOMMENDATION**

That Council proceed to invite public tenders for the Design and Installation of the Membrane Replacement for the Cannonvale Sewerage Treatment Plant.

#### **BACKGROUND**

Council resolved on 25 January 2022 to invite expressions of interest for the Cannonvale Sewerage Treatment Plant Membrane Replacement in accordance with section 225(3) Local Government regulation 2012.

Due to the current assets condition it has now become urgent to take further action to accelerate their replacement, and as such it is proposed to proceed directly to public tender to ensure replacement as soon as is practical to ensure on compliance with legislative obligations.

#### **DISCUSSION/CURRENT ISSUE**

The Cannonvale Sewerage Treatment Plant requires the replacement of the current membranes due to them reaching their end of life and previous operational management by an external party.

Advice provided by Council's consultants had determined that the Expression of Interest (EOI) process would be the preferred procurement methodology as there were only a small number of suppliers which would suit the Cannonvale Sewerage Treatment Plant.

Whilst an excellent means of shortlisting respondents the EOI process adds a further six weeks to the formal tender process which extends the engagement and delivery timeframe.

Council has recently received further correspondence from the Department of Environment and Science regarding the conformance requirements for the site which the installation of these membranes supports.

As a result the removal of the six week EOI stage would greatly assist in satisfying these requirements and reducing the procurement process.

## **STATUTORY/COMPLIANCE MATTERS**

*Section 104 Local Government Act 2009*

Section 228 (5) Local Government Regulation 2012

Public Health Act 2005 (QLD)

Waste Reduction & Recycling Act 2011

Waste Reduction and Recycling (Waste Levy) Amendment Act 2019

Environmental Protection Act 1994 (QLD)

Environmental Protection Act (Waste Management) Regulation 2000

## **STRATEGIC IMPACTS**

Lead and improve the organisation's procurement, property and fleet functions across the organisation, including managing the centralised and specialised services to enable and achieve the operational and long-term objectives of Council.

Meet Capital Works Delivery targets and ensure budget, time, and quality is maintained.

Provide reliable, safe, secure, environmentally responsible, and affordable water and waste services.

## **FINANCIAL IMPLICATIONS**

The budget allocation for the replacement of membrane bioreactors at Cannonvale STP is \$1.2M which is currently spread over the next 3 years.

Approximately \$32k has been spent with Permeate Partners to assess the membranes and provide a technical specification for the tender.

## **CONSULTATION/ENGAGEMENT**

Executive Manager Procurement, Property & Fleet

Chief Operating Officer Whitsunday Water

Executive Manager Procurement, Property and Fleet

Contracts Coordinator

Allen Dickson Services Pty Ltd

## **RISK ASSESSMENT**

A review of the initial risk assessment has been undertaken since receipt of the correspondence from the Department of Environment and Science. Expediting the tender process will reduce the risk of regulatory enforcement action as a result poor performance of the membranes.

## **TIMINGS/DEADLINES**

The membranes are rapidly reaching end of life and need to be replaced as soon as possible to avoid any potential non compliances with the Environmental Authority.

## **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**

There are no economical viable alternatives which could be installed in a suitable time frame.

## **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 meeting.