



ORDINARY MEETING

AGENDA

15 MAY 2018

Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 4 Lagoon Place, Yeppoon on 15 May 2018 commencing at 9:00am for transaction of the enclosed business.

A handwritten signature in black ink, appearing to read "Mark Davis", is positioned above the printed name of the Chief Executive Officer.

CHIEF EXECUTIVE OFFICER
10 May 2018

Next Meeting Date: 05.06.18

Please note:

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

TABLE OF CONTENTS

ITEM	SUBJECT	PAGE NO
1	OPENING.....	3
2	ATTENDANCE.....	3
3	LEAVE OF ABSENCE / APOLOGIES	4
	NIL	4
4	PUBLIC FORUMS/DEPUTATIONS	5
	NIL	5
5	MAYORAL MINUTE	6
	NIL	6
6	CONFIRMATION OF MINUTES OF PREVIOUS MEETING.....	7
7	DECLARATION OF INTEREST IN MATTERS ON THE AGENDA.....	8
8	BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS	9
	NIL	9
9	PRESENTATION OF PETITIONS.....	10
9.1	PETITION FROM STANAGE TOWNSHIP ORGANISATION INC - SEALING OF CAR PARK AT THE STANAGE BOAT RAMP	10
10	AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE REPORTS.....	21
	NIL	21
11	COUNCILLOR/DELEGATE REPORTS	22
	NIL	22
12	REPORTS.....	23
12.1	LOCAL LAW NO. 8 (WASTE MANAGEMENT) 2018.....	23
12.2	REGIONAL ARTS DEVELOPMENT FUND - INDIVIDUAL GRANT APPLICATIONS 2017/2018	167
12.3	QUESTIONS ON NOTICE – POOL FENCING AROUND THE YEPPON LAGOON.....	170
13	QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS	173
13.1	QUESTIONS ON NOTICE - COUNCILLOR GLENDA MATHER - THE LAGOON	173
13.2	NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - PROPOSED PLAQUE FOR WAR ANIMALS	176
13.3	NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - WATER CHARGES.....	179

14	CLOSED SESSION	182
	15.1 RESADA ESPLANADE AND COOLWATERS HOLIDAY VILLAGE	182
15	CONFIDENTIAL REPORTS.....	183
	15.1 RESADA ESPLANADE AND COOLWATERS HOLIDAY VILLAGE	183
16	URGENT BUSINESS/QUESTIONS	184
17	CLOSURE OF MEETING.....	185

1 OPENING

2 ATTENDANCE

Members Present:

Mayor, Councillor Bill Ludwig (Chairperson)
Deputy Mayor, Councillor Nigel Hutton
Councillor Adam Belot
Councillor Pat Eastwood
Councillor Jan Kelly
Councillor Glenda Mather
Councillor Tom Wyatt

In Attendance:

Mrs Chris Murdoch – Chief Executive Officer
Mr Brett Bacon – Executive Director Liveability and Wellbeing
Mr Dan Toon – Executive Director Infrastructure
Mrs Andrea Ellis – Chief Financial Officer
Mr Matthew Willcocks - Chief Technology Officer
Mr Shane Weir - Acting Chief Human Resources Officer

3 LEAVE OF ABSENCE / APOLOGIES

Nil

4 PUBLIC FORUMS/DEPUTATIONS

Nil

5 MAYORAL MINUTE

Nil

6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Minutes of the Ordinary Meeting held 1 May 2018

7 DECLARATION OF INTEREST IN MATTERS ON THE AGENDA

8 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS

Nil

9 PRESENTATION OF PETITIONS

9.1 PETITION FROM STANAGE TOWNSHIP ORGANISATION INC - SEALING OF CAR PARK AT THE STANAGE BOAT RAMP

File No: GV13.4.1

Attachments: 1. Petition from Stanage Township Organisation Inc. [↓](#)

Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

The Chief Executive Officer has received the following petition from Mr Barry Williams, President, Stanage Township Organisation Inc requesting the sealing of the car park at the Stanage Boat Ramp.

RECOMMENDATION

THAT the petition requesting the sealing of the car park at the Stanage Boat Ramp be received.

LOCAL GOVERNMENT PRINCIPLES

The local government principles are –

- (a) Transparent and effective processes, and decision-making in the public interest; and
- (b) Sustainable development and management of assets and infrastructure, and delivery of effective services; and
- (c) Democratic representation, social inclusion and meaningful community engagement; and
- (d) Good governance of, and by, local government; and
- (e) Ethical and legal behaviour of councillors and local government employees.

**9.1 - PETITION FROM STANAGE
TOWNSHIP ORGANISATION INC -
SEALING OF CAR PARK AT THE
STANAGE BOAT RAMP**

**Petition from Stanage Township
Organisation Inc.**

Meeting Date: 15 May 2018

Attachment No: 1

Doc#8827043

**STANAGE TOWNSHIP
ORGANISATION INC**
39 BANKSIA ROAD, STANAGE, QLD 4702



LSC Records Management	
File No.	2013-37
Doc No.	
Action Officer	WSEA
Retention	Yrs: Box:

The Chief Executive Officer

PO Box 2292

Yeppoon, Qld 4703

Dear Madam,

Subject: Petition re the sealing of the car park at the Stanage Boat Ramp

Please find attached a petition in relation to the sealing of the car park at the boat ramp at Stanage. As Council would be aware, the boat ramp at Stanage is due to be upgraded next Financial Year; however the sealing of the car park is Council's responsibility.

While we appreciate that Council may not have the funds available in the next Financial Year, the attached signed petition respectfully requests that the matter be included for consideration in future budgets.

Yours sincerely

Barry Williams

President

18 April 2018

DATE	NAME	ADDRESS	SIGNATURE
27/10/17	JILL BEATSON	8 CASSIA CLOSE STANAGE	Jill Beatson
31/10/17	IAN COX (-27/10/17)	81 LAUREL BR RD ALTENDOWN	Ian Cox
27/10/17	MIKE JONES	6 CASSIA CLOSE STANAGE	Mike Jones
27/10/17	PHANIE JONES	6 CASSIA CLOSE STANAGE	Phanie Jones
27/10/17	BYRON BYRON	10 CASSIA CLOSE STANAGE	Byron Byron
27/10/17	MARK I BROTSON	8 CASSIA CLOSE STANAGE	Mark I Brotson
27/10/17	Les Leisfield	6 Cassia Close Stanage	Les Leisfield
27/10/17	Lea Leisfield	6 Cassia Close Stanage	Lea Leisfield
27/10/17	NES WILKINSON	11 CASSIA CLOSE STANAGE	Nes Wilkinson
28/10/17	IVAN CAUSE	92 LANDSBERG RD STANAGE	Ivan Cause
28/10/17	JUSTIN SHAW	11 ESEY RD JIPPLY AOB	Justin Shaw
28/10/17	ANNE CAUSE	92 LANDSBERG RD STANAGE	Anne Cause
28/10/17	KEVIN CARR	18 BARRAMUNDI ST STANAGE	Kevin Carr
28/10/17	KUNNE CARR	18 BARRAMUNDI ST STANAGE	Kunne Carr
29/10/17	Ginger Hilling	8223 Stanage Tng Rd	Ginger Hilling
29/10/17	Bryce Stanfield	5 Aldridge Avenue North Rotherham	Bryce Stanfield
27/10/17	Jocelyn Stanfield	5 ALDRIDGE AVE NTH ROTHERHAM	Jocelyn Stanfield
27/10/17	Sandra Stanfield	5 Aldridge Av Nth Rdn	Sandra Stanfield
29/10/17	SANARA WILKINSON	1 JACARANDA AVE STANAGE	Sanara Wilkinson
29/10/17	Steve Poser	32 Riverside Dr Parkhurst	Steve Poser
29/10/17	P. Kelly Poser	" " "	P. Kelly Poser
29/10/17	Glen Matheson	2543 Emv Park rd COOROYNN	Glen Matheson
29/10/17	Jo Miller	94 Landsberg Rd Stanage	Jo Miller
29/10/17	Crystal Mahoney	9 Eucalyptus Avenue Cammerford	Crystal Mahoney
29/10/17	Cade Miller	4001 Stanage Bay Rd	Cade Miller
29/10/17	Shane Cullen	4/61 Stanage Bay Rd	Shane Cullen
29/10/17	DAVID COOTE	94 LANDSBERG ROAD	David Coote
29/10/17	Andrew Stanage	80 LANDSBERG RD STANAGE	Andrew Stanage
7/11/17	ROGER KAYES	172/1 Breakwater Cln Roslyn	Roger Kayes
7/11/17	PETER KAYES	LOT14 CAPE TRIB ROAD CPE TRIBULATION	Peter Kayes
7/11/17	Christina Kayes	5 Jacaranda Av Stanage	Christina Kayes
7/11/17	Gary Kayes	201 Yappaons Cres Yappaons	Gary Kayes
7/11/17	Alan Kayes	150 Kynel Bank Rd, Stanage	Alan Kayes
7/11/17	Alan Kayes	5 Jacaranda Dr Stanage	Alan Kayes
8/11/17	PAULA EDWARDS	11 CASSIA CLOSE STANAGE	Paula Edwards
8/11/17	D. Williams	11 CASSIA CLOSE STANAGE	D. Williams
10/11/17	DONNA KAYES	150 LAUREL BANK RD ALTENDOWN	Donna Kayes
22/11/17	LINDA REIDMAN	42 THOMAS ST EMV PARK	Linda Reidman
22/11/17	Wynne Boudry	Nx12 MONAGE DRIVE LITIE	Wynne Boudry
22/11/17	Bob Wooller	13 ARLING RD ST	Bob Wooller
23/11/17	CHRIS DOBIE	3 RANDALL ST DICKSON ACT	Chris Dobie
23/11/17	Derek Preece	14 Pheasant Dr Yappaons QLD	Derek Preece
23/11/17	BOB FISK	59 BOBBY CUL RD MILLINGBURY NSW	Bob Fisk
23/11/17	BEN KESSEY	257 Delford St Nth Rotherham	Ben Kessey
23/11/17	RA SMITH	1 BARRAMUNDI ST STANAGE	RA Smith
7/12/17	John Gilson	34 WOODBURY ST STANAGE	John Gilson
7/12/17	John Gilson	36 BANKSIA RD STANAGE BAY	John Gilson
7/12/17	CHIFF WHITE	26 BANKSIA RD STANAGE BAY	Chiff White
7/12/17		HOMERIAL STATION CHENBY	290/201

Doc#8827043

DATE	NAME	ADDRESS	SIGNATURE
28/10/17	Marcus Harker	353 Parkside Rd Stanage	Marcus Harker
28/10/17	Matt Gillis	99 Shrubby Street Parkhampton	Matt Gillis
28/10/17	Alice Gange	17 Givins Street Parkhampton	Alice Gange
28/10/17	Leann Barker	313 PENTHILL CRES Rd The Caves	Leann Barker
28/10/17	CHRIS BARKER	313 PENTHILL CRES Rd The Caves	Chris Barker
28/10/17	Patricia Barker	" " "	Patricia Barker
28/10/17	Sam Barker	" " "	Sam Barker
28/10/17	Barry John Williams	Lot 18, Jacaranda Dr., STANAGE	Barry John Williams
28/10/17	FRED ELLIOTT	6 BARRAMUNDI ST STANAGE	Fred Elliott
28/10/17	Brad Hynes	253 Banksia Road Stanage	Brad Hynes
28/10/17	Bill Noyes	20 BARRAMUNDI ST STANAGE	Bill Noyes
28/10/17	JANE NORD	" " "	Jane Nord
28/10/17	ALF NORD	" " "	Alf Nord
28/10/17	PETER TORRISI	11 JACARANDA DRIVE STANAGE	Peter Torrisi
28/10/17	STEVE SCHAFER	Cassia Place	Steve Schaffer
28/10/17	Kerrie Middlebrook	55 Schnapper Dr. Stanage	Kerrie Middlebrook
28/10/17	GLORIA VOSEL	NO 1 HOMANN ST BUXTON	Gloria Vossel
28/10/17	MICK GEEVER	NO 1 HOMANN ST BUXTON	Mick Geever
28/10/17	MARK HICKER	110 JACARANDA DRIVE STANAGE	Mark Hicker
28/10/17	Sam Cannon	LONG ISLAND	Sam Cannon
28/10/17	Michael Lyward	Long Island	Michael Lyward
28/10/17	Ken Hill	Long Island	Ken Hill
30/10	Wade Hynes	253 Banksia Rd Stanage	Wade Hynes
30/10	BEVAN HYNES	253 Banksia Rd Stanage	Bevan Hynes
31/10	ZORRUS TUCKER	NO 10 JACARANDA DR. STANAGE	Zorrus Tucker
1/11	ANDREW ROBERTSON	76 LANDSBERG RD STANAGE	Andrew Robertson
1/11	DEBBIE ROBERTSON	76 LANDSBERG RD STANAGE	Debbie Robertson
1/11	Sam Means	103 Landsberg Rd	Sam Means
1/11	Shawn Gedley	137 Lilligerry track Tanilba Bay	Shawn Gedley
1/11	Scott Poxey	53 Lilligerry track Tanilba Bay	Scott Poxey
1/11	Mark Gedley	137 Lilligerry track Tanilba Bay	Mark Gedley
1/11	Pat Gedley	13 Lilligerry track Tanilba Bay	Pat Gedley
1/11	BRIAN MACHAN	105 PENTHILL CRES TANILBA BAY	Brian Machan
1/11	BEN HAYES	81 SPENCER CRES TANILBA BAY	Ben Hayes
1/11/17	YVONNE PIRKINS	LAMHAN BEACH STANAGE	Yvonne Pirkins
1/11/17	Wendy Cuddy	259 Banksia Rd Stanage	Wendy Cuddy
1/11/17	BARB WOODS	259 Banksia Rd Stanage	Barb Woods
1/11/17	JENNIFER CILLEN	103 LANDSBERG RD STANAGE	Jennifer Cillen
1/11/17	Patty Bannan	7 PENTHILL CRES STANAGE	Patty Bannan
1/11/17	Mike Forsythe	80 LANDSBERG RD STANAGE	Mike Forsythe
14-11-17	Martin Flanagan	19 Torromund St Stanage	Martin Flanagan
15-11-17	Daniel Coxon	21 Lloyd George Grove Tanilba Bay	Daniel Coxon
15/11/17	MARCUS ROSS	115 CLEMENTINE CRES TANILBA BAY	Marcus Ross
15/11/17	Phillip Doucet	43 GARDEN CRES BURLINGHAM WATERS	Phillip Doucet
15/11/17	PATRICK DICKIN	9 WILLIAM CLOSE LINDEN TREE	Patrick Dickin
15-11-17	DOUG MAULE	57 LANDSBERG RD STANAGE	Doug Maule
15/11/17	Sam Watson	Taroom 4420	Sam Watson
15/11/17	Tianah Voss	Emerald Qld	Tianah Voss

Document Set ID: 8162153
Version: 1, Version Date: 23/04/2018

Doc#8827043

DATE	NAME	ADDRESS	SIGNATURE
28/10/17	DAN CLUTE	107 118 SMITH ST STANAGE B&M	
28/10/17	John Clute	4 Smith St STANAGE	
29/10/17	HELEN FILLGON	84 LANXBERG RD STANAGE	
29/10/17	Richard Llewellyn	84 LANXBERG RD STANAGE	
29/10/17	PETER LOCH	13 BOX ST ROXBURGH	
29/10/17	N WHEELER	124 LANDSBERG STANAGE	
31/10/17	M. Hope	Gladstone	
31/10/17	J HARWOOD	Gladstone	
31/10/17	A. Sullivan	Gladstone	
5/11/17	B Adams	Brestone	
5/11/17	Chris Adams	Rushmore	
5/11/17	Mike Adams	Agelaide	
5/11/17	Paul Bower	9 Towler St SPRINGWOOD	
5/11/17	MARION BOWEN	9 Towler St SPRINGWOOD	
7/11/17	JANE WILSON	88 SPRINGWOOD RD HEMMEL SOUTH	
7/11/17	Len Wilcox	88 SPRINGWOOD RD ROCHDALE SOUTH	
10/11/17	Steve Trunkus	665 Waltham Road	
10/11/17	Karen Curran	165 Waltham Road	
24/11/17	Garth Newell	9 Thirmer Close Gloucester	
24/11/17	Daniel Mahanna	18 Maitland Pl Rockhampton	
24/11/17	Paul Day	14 Pine Drive Rockhampton	
24/11/17	Glen Newell	9 Thirmer Close Gloucester	
24/11/17	Chris White	253 Cummins St Rockhampton	
24/11/17	CLIVE SUTHER	7 VINE STREET, DUNDINGHAM, HUNTER B&M	
30/11/17	Logan Cummings	25 Frogmouth Circuit Mountain Creek 4557	
1/12/17	STANLEY HARRISON	41 STANLEY ST ROCK	
1-12-17	Simon Shaw	261 Dunbar Street Rockhampton	
1/12-17	Lydia Wilcox	107 Dunbar St Rockhampton	
1/12/17	WILLIAMSON	25 RUTHERFORD ST	
1/12/17	MARC MURPHY	251 Dunbar St Rocky	
1/12/17	LYNNE	233 WINGHAM ST ROCK	
1/12/17	ROBERT SAUTER	5 BERTAM PLACE KAWARA	
3/12/17	Joel Brook	118 Alexander St Kungah	
3/12/17	Kess Hobbs	5 LOBBIA Place Rockhampton	

Document Set ID: 8162153
Version: 1, Version Date: 23/04/2018

Doc#8827043

DATE	NAME	ADDRESS	SIGNATURE
11-11-17	Sock Richmond	30 North St Taroom QLD	OK
14-11-17	Scott Kilpatrick	Stanage Bay	
	2 ANNA L WOOD	OLD MTSAMON RD CLASHBOW	
15/11/17	KATH P HAY	Rock Hill 127m 4261	
16/11/17	Kyle Mitchell	Stanage	
16/11/17	GLYN HENMUTIN	NORTH A 70N	
15/11/17	Ron Pinner	Stanage	
14/11/17	TED CAMPBELL	EMERSON	
17/11/17	GEOFF HAY	BP, STANAGE	
14/11/17	Wesley Mitchell	Stanage	
14/11/17	T. STOBBS	COXROY	
17/11/17	Megan Hewitt	Managiller	
17/11/17	Christine Figg	Morganfield	
17/11/17	Wade Hughes	Stanage	
18/11/17	Rick Cooper	Brisbane	
18/11/17	Scott Fletcher	10 BURNHAM RD	
17/11/17	Sonia Collins	Maryborough	
20-11-17	GARY M BLAIR	9 Cassia Ct - Stanage	
21/11/17	CHING Paoet HONG	Doomsboro	
22/11/17	Dani Porter	Buckham	
23/11/17	Chris Egan	Yerppan	
24/11/17	Guy Scobey	Dunbar	
24/11/17	Bob Price	2A Maresme DR GLADSTONE	
24/11/17	Heather Elliott	Yerppan	
24/11/17	CHRIS SPENCER	EMMA PARK	
24/11/17	Matthew Kairi	27 Brisbane	
24/11/17	Luke Goshawk	Brisbane	
24/11/17	JANE NOAD	STANAGE BAY	
24/11/17	ALF NOAD	STANAGE BAY	
24/11/17	BILL NOAD	STANAGE BAY	
24/11/17	JUDY MOORE	MARIAN	
24/11/17	ROB MOORE	MARIAN	
24/11/17	WAYNE NOAD	Boone Island	
24/11/17	THOMAS MITCHELL	102 LINDSEY RD STANAGE	
24/11/17	TINA MITCHELL	102 LINDSEY RD STANAGE	
24/11/17	JOSHUA MITCHELL	102 LINDSEY RD STANAGE	
24/11/17	GARY ROBBIE	138 LINDSEY RD STANAGE	
24/11/17	MARK HENDY	BERNARD RD KATUNGA	
24/11/17	NED ROBBIE	16 LORRIKET CT NTH ROCKHAMPTON	
24/11/17	M. RICHARDSON	1 CONSTANTIA CR FRENCHVILLE	
24/11/17	Don Hain	1 CONSTANTIA CR FRENCHVILLE	
24/11/17	DANIEL BURRESSON	102 LINDSEY RD STANAGE	
24/11/17	CHRIS RUSSELL	26 KAVANAH CR KURUKAL	
24/11/17	R. MOSCHIDA	23 LeJhey St Yerppan	
24/11/17	S. NAMMELSWANG	STANAGE BAY	
24/11/17	R. NAMMELSWANG	STANAGE BAY	
24/11/17	A. NOONAN	Oxenford	
24/11/17	R. G. JAMIESON	STANAGE BAY	

Document Set ID: 8162153
Version: 1, Version Date: 23/04/2018

Document Set ID: 8162153
Version: 1, Version Date: 23/04/2018

DATE	NAME	ADDRESS	SIGNATURE
30-11-17	WAYNE DUBRY	5 WARNER AVE R'PTON	[Signature]
1-12-17	Manuela Dumbas	14 Kullagong Place N/R pton	[Signature]
1-12-17	Beth Dumbas	5 WARNER AVE N/R pton	[Signature]
6/12/17	GEORGE MCCOLLISON	336 LAURENCE AVE N/Rockhampton	[Signature]
6/12/17	VICTORIA PARISH	210 POINCIANA ST NTH R'TON	[Signature]
6/12/17	CLYDE COOKE	279 ROCKONIA RD	[Signature]
6/12/17	NEV STIBBE	3 FARNELL ST RTON	[Signature]
6/12/17	Nathan Tracey	165 SPIKE ST	[Signature]
6/12/17	Kick Maas	82 DAIRY INN RD	[Signature]
6/12/17	Michelle Williams	4 LUBERIA CLAY'S APARTMENTS	[Signature]
6/12/17	COLIN STROHMEYER	5 ALDRIDGE RTON	[Signature]
6/12/17	Paul Wood	HARDING ST R'TON	[Signature]
6/12/17	KEVIN WOOD	EMU PARK	[Signature]
6/12-17	Berin McGorry	10 PLAYS ST Rockhampton	[Signature]
6/12-17	MARK CULLEN	1 MAXWELL ST N/GARDENS	[Signature]
7-12-17	Angela Thompson	23 JONES ST, PARKHURST	[Signature]
7-12-17	Kathleen Walford	117 CAPRICORN CRESCENT RTON	[Signature]
7-12-17	Nicole McGorry	10 PLAYS ST, RTON	[Signature]
7-12-17	Jon Ford	1 Red Gum Ct NARRAN CANYON	[Signature]
7-12-17	Darlene Wolkester	4 Van Haeren St, Karama 4701	[Signature]
7-12-17	Jan Martin	47 PERRARINE DRIVE, Karama 4701	[Signature]
7-12-17	Josh Frost	9 Baswood st	[Signature]
7-12-17	David Dwyer	1913 McCullough St	[Signature]
7/12/17	CLAUDE FINGLETON	9 OLD ROLLO DR RTON 4701	[Signature]
7/12/17	GARY FROST	19 RODERICKSON STREET	[Signature]
7/12/17	LUKE WALFORD	47 CAPRICORN CRESCENT, 4701	[Signature]
7/12/17	James McGeachin	205 Earl St 4701	[Signature]
7/12/17	John McGeachin	205 Alexander St Mt. Winton	[Signature]
7/12/17	Bill Armstrong	33 BROOKER ST PARK AVENUE	[Signature]
7/12/17	Murray Bell	426 MURPHY ST FRENCHVILLE	[Signature]
8/12/17	Corrina Hunt	347 HINDS ST KOONGAL	[Signature]
8/12/17	Ryan Gould	324 Blainfield st Koongal	[Signature]
8/12/17	MICHELLE RUTTER	216 PETER ST RTON	[Signature]
11-12-17	Adam Richardson	177 ALEXANDRA ST, KARAMA	[Signature]
11-12-17	Geoffrey Birt	177 ALEXANDRA ST, KARAMA	[Signature]
17/12/17	Mal Pendergast	201 MARCH AVE, FRENCHVILLE	[Signature]
17/12/17	Jason Smith	189 HATTON ST FRENCHVILLE	[Signature]
17/12/17	Debra Smith	84 HATTON ST FRENCHVILLE	[Signature]
17/12/17	Ann Price	31 ELPHINSTON ST PERSBORO	[Signature]
17/12/17	Russell Hoyle	81 THORN ST, Persbker	[Signature]
21/12/17	Brad McPherson	10 MORME ST - ROCKHAMPTON	[Signature]
17-12-17	JOHN THOMPSON	23 JONES STREET PARKHURST	[Signature]
17-12-17	Alayne Magnusson	147 Fourteen mile road DE GRUY	[Signature]
17-12-17	Phillip White	252 Boyd Street FRENCHVILLE	[Signature]
17-12-17	Garry Evans	9 Bowdler Av FRENCHVILLE	[Signature]
21-12-17	Kathy Wooller	45 Brooker St, Nth R'ton	[Signature]

Doc#8827043

Doc#8827043

DATE	NAME	ADDRESS	SIGNATURE
1-12-17	Linda Torgerson	59 Schrepper Dr. Stanage	
11-12-17	Paul Torgerson	59 Schrepper Dr. Stanage	
15-12-17	Gail Bales	Rockhampton	
3-12-17	Donation Bales	"	
12-12-17	Ching	an la conguet st erangan	
14-12-17	NELODUNNAN	139 LAWRENCE RD GARDNER	
14-12-17	GEPPY	7111 LAW BAY	
26-12-17	q' kams	Boulder Creek	
27-12-17	Deb Clark	52 Isabella AU	
27-12-17	Don Binkley	23 Ruffey Drive	
28-12-17	John Mackey	102 Campbell Rd	
28-12-17	Tammy Taylor	1 thedard st Armistade	
28-12-17	SHIMOSHILL	28 TUNE ST SPRINGBELL	
1-1-18	Robert Simpson	283 GEORGE ST	
26-12-17	Robert Simpson Inc	283 George St	
26-12-17	John Dimes	1 Widdowson St Armistade	
1-1-18	Ray Jones	80 Widdowson St Rockhampton	
19-12-17	LADLYN PATAMISI	18 KENNEDY CLOSE KERNY GLOVE	
31-1-18	Paul G. Thorne	8 BANKSIA Rd STANAGE	
1-1-18	St Farrell	38 Hill St Yeppoon	
21-12-17	Monique Woryan	50 FLOIDA Drive Bercher	
2-1-18	Jamie Wasclo	9 Gladstone	
1-1-18	Jamie Wasclo	9 Palmer Road Kyvalley	
1-1-18	Jamie Wasclo	9 Palmer Road Kyvalley	
2-1-18	Stacey Walker	Hollins Bay	
2-1-18	Jamie Walker	Hollins Bay	
3-1-18	Don WARD	16 GRANVILLE ST FHEPART	
4-1-18	DENNIS BENT	MONIVIE RD ROCKHAMPTON	
1-1-18	John Dimes	5 TUNE ST Rockhampton	
1-1-18	Clare Jones	3 Northridge Drive Collopy	
2-1-18	Jerrell Gibbs-Jones	"	
2-1-18	STEVE DUNNAN	BRISBANE	
11-1-18	Don Girthum	6 Spring St Gladstone	
11-1-18	Rae Smith	45 Inverpool St Gladstone	
1-1-18	BRIAN LIX	MEICRAH	
30-1-18	Harold Widdowson	YEPPON	
30-1-18	Don Watten	YEPPON	
30-1-18	Mark Kavanagh	YEPPON	
30-1-18	Doug Maule	87 LINDBERG RD. STANAGE	
31-1-18	Bryce Hall	Rockhampton	
21-2-18	Bob Willis	9 BROADWAY ST NORTH IPSWICH 4555	
21-2-18	Julie Willis	9 Bothwick St North Ipswich 4555	
5-3-18	BEN WESTON	14 AMALFI DRIVE, SILVER OLD	

Doc#8827043

DATE	NAME	ADDRESS	SIGNATURE
11/12/17	Ryan Daley	6433 Clifton gatton Rd Clifton	[Signature]
11/12/17	A BANOITI	630 THAMES	AK BANO
11/12/17	Nathan Daley	6433 Clifton gatton Rd Clifton	[Signature]
12/12/17	Carol Chester	19 DARRWOOD C MACKAY	[Signature]
12/12/17	BILL LANE	KONWOOD EMERALD	[Signature]
3/12/17	Lady Abell	MT Chalmers 4702	[Signature]
3/12/17	Logan Abell	MT Chalmers 4702	[Signature]
2/12/17	GEORF HAY	12 MASERTON ST KIPPA-RING	[Signature]
3/12/17	Judy Moore	169 Powells Rd Mackay	[Signature]
3/12/17	Tony Fuchs	45 Martin Rd KITTABUL	[Signature]
12/12/17	SCOTT RAMSDALE	9 ALBERIC CAT EATONS HILL	[Signature]
13/12/17	N WALKER	MATTHEW FUNDERS YERPOON	[Signature]
1-3-18	RAIPH BARTON	Fernleigh Stanage	[Signature]
10/3/18	Shere Armstrong	Mechcraft street Rton 470	[Signature]
12/3/18	NEVILLE STAGG	45 FRIZZELLS RD NEED GATE	[Signature]
17/03/18	Adam Barrow	"Tungva" Walgett NSW 2932	[Signature]
18/3/18	Stephen Ross	CAIRNSIDE Twp	[Signature]
29/3/18	Joshua Wakeling	37 Race Course Rd Gulgong	[Signature]
27/3/18	Varan Langley	Ward 1952 County Bourke RR Crocky	[Signature]
29-3-18	BOB DAVIDSON	CATE YORK	[Signature]
29-3-18	CRISTIAN KOWLER	MUNDABARRA MORAWAH	[Signature]
29-3-18	Margaret Rowles	111 St Andrews MUNDABARRA	[Signature]
29/3/18	Danielle Burdese	childrens Road childrens	[Signature]
29/3/18	Jody Burdese	childrens Rd childrens	[Signature]
2/4/18	Breanna Wright	1 Gressbrook CR Medaumbank	[Signature]
2/4/18	Linda Neilson	55 Caruthers Rd West Wambo	[Signature]
2/4/18	Terrance Neilson	55 Caruthers Rd West Wambo	[Signature]
2/4/18	Ladi Neilson	55 Caruthers Rd West Wambo	[Signature]
2/4/18	Anthony Neilson	55 Caruthers Rd West Wambo	[Signature]
9/4/18	Vernie Welford	35 Banksia Rd Stanage	[Signature]
11/4/18	Tony Gibson	" " "	[Signature]
11/4/18	Samuel Huddleston	15 Mungah street Prosser Pine	[Signature]
11/4/18	Dusty Fines	BALCE HWY MT OSSA	[Signature]
11/4/18	Victoria Wiltshire	15 MEATWORKS ROAD ST LAWRENCE Q	[Signature]
11/4/18	Gregory Wiltshire	15 MEATWORKS ROAD ST LAWRENCE Q 4707	[Signature]
11/4/18	Maggi Stanley	4 WILKIN STREET, ST LAWRENCE Q 4707	[Signature]

**10 AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE
 REPORTS**

Nil

11 COUNCILLOR/DELEGATE REPORTS

Nil

12 REPORTS

12.1 LOCAL LAW NO. 8 (WASTE MANAGEMENT) 2018

File No: 19.5.1

Attachments:

1. Marked-Up Draft Local Law No. 8 (Waste Management) 2018[↓](#)
2. Draft Local Law No. 8 (Waste Management) 2018 with mark-ups accepted[↓](#)
3. State Interest Check Submissions Report[↓](#)
4. Submission from Department of Health[↓](#)
5. Submission from Department of Environment and Science[↓](#)
6. Submission from Department of Aboriginal and Torres Strait Islander Partnerships[↓](#)
7. Submission from Department of Agriculture and Fisheries[↓](#)
8. Submission from Department of Housing and Public Works[↓](#)
9. Submission from Department of Local Government, Racing and Multicultural Affairs[↓](#)
10. Submission from Queensland Police Service[↓](#)
11. Submission from Queensland Fire and Emergency Services[↓](#)
12. Submission from Department of Transport and Main Roads[↓](#)
13. Ordinary Agenda 6 February 2018[↓](#)
14. Public Interest Test Plan[↓](#)

Responsible Officer: Dan Toon - Executive Director Infrastructure

Author: Carrie Burnett - Policy & Planning Officer

SUMMARY

Proposal to acknowledge comments received as a result of consultation with relevant government entities, amend the draft local law and delegate to the chief executive officer the power to undertake public interest testing in relation to possible anti-competitive provisions.

OFFICER'S RECOMMENDATION

THAT

1. Council resolves to note that Council has consulted with relevant government entities about the overall State interest in Local Law No. 8 (Waste Management) 2018.
2. Council resolves, as a result of consultation with relevant government entities, to amend the proposed local law, Local Law No. 8 (Waste Management) 2018, as follows—
 - a. section 5(a), before 'designate'—
insert—
'by resolution,';
 - b. section 5(a), 'and/or'—
omit, insert—

'or';

- c. section 6(1), example, ' , or a decision of a delegate of the local government, written notice of which is given to the owner or occupier,'—
omit;

- d. section 8(1), example, ' , or a decision of a delegate of the local government, written notice of which is given to the owner or occupier,'—
omit;

- e. section 9(1)(b)—
omit, insert—

'(b) the registered suitable operator for a prescribed environmentally relevant activity carried out at the premises;

(c) the holder of an environmental authority for a mining activity or petroleum activity carried out at the premises.'

- f. section 9(2), example, ' , or a decision of a delegate of the local government, written notice of which is given to the owner or occupier,'—
omit;

- g. section 9(2), example, 'for the premises'—
omit;

- h. section 12(1), example, ' , or a decision of a delegate of the local government, written notice of which is given to the owner or occupier,'—
omit;

- i. section 12(1), example, 'for the premises'—
omit;

- j. section 13(a), from 'government—' to ' ; and'—
omit, insert—
'government for disposal of the waste at a waste facility; and';

- k. section 13(a), example, ' , or a decision of a delegate of the local government, written notice of which is given to the owner or occupier,'—
omit;

- l. section 13(b), from 'waste—' to 'facility.'—
omit, insert—
'waste for disposal of the waste at a waste facility.';

- m. Schedule, dictionary, 'section 3'—
omit, insert—
'section 4';

- n. Schedule, definition **commercial premises**—
insert—

'(e) an office, shop or other premises where business or work, other than a manufacturing process, is carried out.';

- o. Schedule, dictionary—

insert—

'domestic clean-up waste' means non-putrescible, dry and inoffensive waste, other than green waste or recyclable waste, produced as a result of a clean-up of domestic premises.';

- p. Schedule, definition **penalty unit**—

omit, insert—

'penalty unit' means an amount of money prescribed under the *Penalties and Sentences Act 1992* which is used to calculate penalties for breaches of the local laws of the local government.';

- q. Schedule, dictionary, definition **premises**, ' , industrial premises'—

omit;

- r. Schedule, dictionary, definition **waste**, ' ,'

omit;

3. Council resolves, pursuant to section 257 of the *Local Government Act 2009* ('the Act'), to delegate to the Chief Executive Officer of Council its powers under section 38 of the Act and section 15 of the *Local Government Regulation 2012* to decide—
- how the public interest test of the local law particularised in the schedule is to be conducted; and
 - the matters with which the public interest test report in relation to the local law particularised in the schedule must deal; and
 - the consultation process for the public interest test and how the process is to be used in the public interest test.

SCHEDULE

Local Law No. 8 (Waste Management) 2018.

BACKGROUND

The background is addressed in the 6 February 2018 Meeting Agenda (see Attachment 13) and it is not proposed to repeat it here.

COMMENTARY

Proposed Local Law No. 8 (Waste Management) 2018 ('the draft local law') has been reviewed by relevant State Government agencies as part of the State-interest check required under the *Local Government Act 2009* ('the Act'). Consultation with the State Government agencies occurred from 8 February 2018 to 9 March 2018. There were 21 letters emailed and also posted to these agencies with 9 responses received. Attachments 4 – 12 are copies of responses received. The responses are replicated in Attachment 3 which also includes the author's comments and recommended actions. The recommended actions are reflected in the marked-up version of the draft local law at Attachment 1. Attachment 2 shows the draft local law with the mark-ups accepted.

Item 2 in the recommendation of this report identifies amendments required to the draft local law and reflects the Author's Recommendations made in Attachment 3.

Law making process

The steps identified in the Local Law Making Process which was adopted by Council at its 26 August 2014 Meeting will be followed. The current steps being Step 3 and Step 4 require Council to undertake public consultation and address anti-competitive provisions. These steps cannot commence until Council has made a resolution as detailed in the Officers

Recommendation of this report. Attachment 14 is a copy of the Public Interest Test Plan on possible anti-competitive provisions that have been identified in *the draft local law*.

PREVIOUS DECISIONS

At its 26 August 2014 Meeting, Council resolved to adopt a Local Law Making Process and at its 6 February 2018 Meeting, Council resolved to propose to make Local Law No. 8 (Waste Management) 2018.

BUDGET IMPLICATIONS

The draft local law merely replicates the provisions currently contained in *the Waste Regulation* and *the Environmental Regulation* which reflect Council's current operational activities. Therefore, making the draft local law will not impact on Council's financial operations or require any additional resources. However, failure to adopt the draft local law could expose Council to loss of revenue in the form of utility charges.

LEGISLATIVE CONTEXT

Expiry of pt 2A of the *Waste Reduction and Recycling Regulation 2011* and ch 5A of the *Environmental Protection Regulation 2008* provide the impetus for the making of *the draft local law*. Chapter 3 pt 1 div 2 of *the Act* addresses the local law making process.

LEGAL IMPLICATIONS

Not applicable.

STAFFING IMPLICATIONS

Introduction of *the draft local law* may impact on enforcement resources, however to what degree is unknown.

RISK ASSESSMENT

There is a risk that if *the draft local law* is not made there will be:

- a) no head of power or provision for Council to enforce the appropriate storage or removal of general waste from premises;
- b) loss of enforceable waste management provisions to protect public health; and
- c) a potential loss of revenue in the form of utility charges.

CORPORATE/OPERATIONAL PLAN

Corporate Plan Reference: Strategy GO2: Develop strategic plans and policies to address local and regional issues and guide service provision.

CONCLUSION

The draft local law will replace the legislative provisions that are set to expire on 1 July 2018 and will provide the regulatory flexibility necessary to facilitate the delivery of waste management services across the Council region.

12.1 - LOCAL LAW NO. 8 (WASTE MANAGEMENT) 2018

Marked-Up Draft Local Law No. 8 (Waste Management) 2018

Meeting Date: 15 May 2018

Attachment No: 1

Local Law No. 8 (Waste Management) 2018

Contents

	Page
Part 1	
Preliminary.....	34
1 Short title	34
2 Objects	34
3 Relationship to other laws	34
4 Definitions.....	34
Part 2	
Waste management.....	45
Division 1 Designation of areas for general or green waste collection	45
5 Designation of areas.....	45
Division 2 General waste	45
Subdivision 1 Storage of general waste	45
6 Owner or occupier of premises to supply waste containers.....	45
7 Requirements for storing general waste in waste containers	56
8 General requirements for keeping waste containers at serviced premises	67
9 Other requirements for storing general waste at particular serviced premises.....	78
Subdivision 2 Removal of general waste	89
10 Local government may give notice about removal of general waste	89
11 Depositing or disposal of general waste from premises other than serviced premises.....	89
Division 3 Storage and treatment of industrial waste	910
12 Requirements for storing industrial waste	910
13 Requirement to treat industrial waste for disposal	1011
Part 3	
Waste receipt and disposal	1011
14 Unlawful disposal of waste at waste facility	1011
15 Restrictions on burning waste at waste facility.....	1112
16 Restrictions on use of waste facility	1112
17 Person to comply with directions and give information	1213
Part 4	
Subordinate local laws	1213
18 Subordinate local laws	1213

Local Law No. 8 (Waste Management) 2018

Part 5	Application of Local Law No. 1 (Administration) 2011	<u>1314</u>
	19 Application of Local Law No. 1 (Administration) 2011 to this local law	<u>1314</u>
Part 6	Transitional provisions	<u>1415</u>
	20 Continuation of chapter 5A requirements	<u>1415</u>
Schedule	Dictionary	<u>1516</u>

3
Local Law No. 8 (Waste Management) 2018

Local Law No. 8 (Waste Management) 2018

Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 8 (Waste Management) 2018*.

2 Objects

The object of this local law is to protect the public health, safety and amenity related to waste management by—

- (a) regulating the storage, servicing and removal of waste; and
- (b) regulating the disposal of waste at waste facilities; and
- (c) ensuring that an act or omission does not result in—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or loss of amenity; or
 - (iii) environmental harm or environmental nuisance.

3 Relationship to other laws

- (1) This local law is—
 - (a) in addition to and does not derogate from laws about the management of waste; and
 - (b) to be read with *Local Law No. 1 (Administration) 2011*.
- (2) For the purposes of *Environmental Protection Regulation 2008*, section 81ZC, this local law replaces *Environmental Protection Regulation 2008*, chapter 5A (Waste management by local governments).

4 Definitions

The dictionary in the Schedule (Dictionary) of this local law defines the particular words used in this local law.

4
Local Law No. 8 (Waste Management) 2018

Part 2 Waste management

Division 1 Designation of areas for general or green waste collection

5 Designation of areas

The local government may—

- (a) ~~by resolution,~~ designate areas within its local government area in which the local government may conduct general waste ~~and/or or~~ green waste collection; and
- (b) decide the frequency of general waste or green waste collection in the designated areas.

Division 2 General waste

Subdivision 1 Storage of general waste

6 Owner or occupier of premises to supply waste containers

- (1) The owner or occupier of premises must—
 - (a) subject to subsection (2), supply standard general waste containers at the premises as—
 - (i) are necessary to contain the general waste produced at the premises; or
 - (ii) are prescribed by subordinate local law; or
 - (b) supply at the premises, waste containers, other than standard general waste containers, as—
 - (i) if required by the local government — are necessary to contain the general waste produced at the premises; or
 - (ii) are prescribed by subordinate local law.

Examples of ways the local government may require waste containers for paragraph 1(b)(i)—

by a resolution of the local government, ~~or a decision of a delegate of the local government,~~ written notice of which is given to the owner or occupier, or a development approval for the premises

Maximum penalty — 20 penalty units.

- (2) However, subsection (1)(a) does not apply if the local government supplies to the premises the number of standard general waste containers the local government reasonably considers is required at the premises.
- (3) If the local government supplies a standard general waste container to premises under subsection (2), the reasonable cost of supplying the container is a debt payable by the owner or occupier of the premises to the local government.
- (4) However, subsection (3) does not prevent the local government from supplying a standard general waste container to premises without cost to the owner or occupier of the premises.

7 Requirements for storing general waste in waste containers

- (1) The occupier of premises must—
 - (a) store general waste produced as a result of the ordinary use or occupation of the premises in—
 - (i) a standard general waste container; or
 - (ii) if another type of waste container is prescribed by subordinate local law — the other type of container; and
 - (b) keep each waste container clean and in good repair; and
 - (c) ensure that each waste container is securely covered, except when the waste is being placed in, or removed from, the container or the container is being cleaned.

Maximum penalty — 20 penalty units.

- (2) A person must not—
 - (a) place any of the following in a waste container—
 - (i) a liquid, semi-liquid or moist substance, unless the substance is securely wrapped or contained to prevent the substance leaking from the wrapper or container; or
 - (ii) material that is smouldering or aflame; or
 - (iii) matter or a thing that is alive; or
 - (iv) a thing stated in a subordinate local law; or
 - (b) remove or disturb the cover of a waste container, except when placing waste in or cleaning the container; or
 - (c) use or damage a waste container so that it is not weatherproof or serviceable or cannot be securely covered; or

- (d) disturb or otherwise interfere with the contents of a waste container.

Maximum penalty — 20 penalty units.

- (3) The occupier of the premises must not allow a person to place a thing in a waste container in contravention of subsection (2)(a).

Maximum penalty — 20 penalty units.

- (4) It is a defence in a proceeding against a person for an offence under subsection (3) for the person to prove the contravention was due to causes over which the person had no control.

8 General requirements for keeping waste containers at serviced premises

- (1) Subject to subsection (2), the occupier of serviced premises must ensure that a waste container supplied for the premises is kept—

- (a) if the local government requires the container to be kept at a particular place at the premises — at the place (the **waste container storage place**); or

Examples of ways the local government may require waste containers to be kept at a particular place —

by a resolution of the local government, ~~or a decision of a delegate of the local government, written notice of which is given to the owner or occupier,~~ or a development approval for the premises

- (b) if a subordinate local law requires the container to be kept at a particular place at the premises — at the place (also a **waste container storage place**); or

- (c) if paragraphs (a) and (b) do not apply — at ground level close to the rear alignment of a building at the premises.

Maximum penalty — 20 penalty units.

- (2) Subsection (1) does not prevent the occupier of the serviced premises from placing a waste container in a place outside the premises for the collection of general waste from the container, if—

- (a) the local government has arranged to collect waste from the container at the place; and

- (b) the container is in the place for no longer than—

- (i) the period, if any, allowed under a local law of the local government; or

- (ii) 24 hours before or after the scheduled collection day for the collection of the waste in the container.

Example of a place outside serviced premises—

7
Local Law No. 8 (Waste Management) 2018

the kerb adjacent to the serviced premises

- (3) If the local government has arranged for the collection of general waste from a waste container at serviced premises, the occupier of the premises must ensure there is unobstructed access to the container for removal of the waste.

Maximum penalty for subsection (3) — 20 penalty units.

- (4) It is a defence in the proceeding against a person for an offence under subsection (3) for the person to prove the contravention was due to causes over which the person had no control.

9 Other requirements for storing general waste at particular serviced premises

- (1) This section applies to any of the following persons (each a *prescribed person*) for serviced premises, other than a single detached dwelling—

- (a) the owner or occupier of the premises;
- ~~(b) if a prescribed ERA is carried out at the premises — the holder of the environmental authority for the prescribed ERA.~~
- (b) the registered suitable operator for a prescribed environmentally relevant activity carried out at the premises;
- (c) the holder of an environmental authority for a mining activity or petroleum activity carried out at the premises.

- (2) The prescribed person must ensure that the waste container storage place for the premises is supplied with—

- (a) if required by the local government — each of the following—
 - (i) either—
 - (A) an elevated stand at a level required by the local government for holding all waste containers; or
 - (B) an imperviously paved area, drained as required by the local government, where all waste containers can be placed;
 - (ii) a hose cock and hose in the vicinity of the stand or paved area;
 - (iii) a suitable enclosure for the area where the waste containers are kept; and

Examples of ways the local government may require a prescribed person to comply with subsection (2)(a) —

by a resolution of the local government, ~~or a decision of a delegate of the local government, written notice of which is given to the owner or occupier, or a development approval for the premises~~

- (b) if a requirement is prescribed by subordinate local law — facilities and structures for the placement, storage and cleaning of waste containers as prescribed by subordinate local law.

Maximum penalty for subsection (2) — 20 penalty units.

Subdivision 2 Removal of general waste

10 Local government may give notice about removal of general waste

- (1) This section applies where the local government has arranged for the removal of general waste produced at a premises.
- (2) The local government may give the occupier of the premises a written notice stating—
 - (a) the days (each a *scheduled collection day*) on which the waste is to be collected; and
 - (b) the location (*collection location*) where the waste container is to be placed for collection of the waste ; and
 - (c) the time by which the waste container is to be placed in the collection location for collection of the waste; and
 - (d) the time by which the waste container is to be removed from the collection location.

11 Depositing or disposal of general waste from premises other than serviced premises

- (1) This section applies if general waste is produced at a premises, other than serviced premises.
- (2) The local government may—
 - (a) give a written approval to the owner or occupier of the premises for depositing or disposing of the waste; and
 - (b) impose conditions on the approval, including, for example, conditions about—
 - (i) the place for depositing or disposing of the waste; or
 - (ii) the method of depositing or disposing of the waste.

-
- (3) A person must not deposit or dispose of the waste unless the person deposits or disposes of the waste—
- (a) at a waste facility in accordance with part 3; or
 - (b) in accordance with—
 - (i) an approval under subsection (2) for disposal of the waste; and
 - (ii) if the approval has been given on conditions — the conditions of the approval.

Maximum penalty for subsection (3) — 20 penalty units.

Division 3 Storage and treatment of industrial waste

12 Requirements for storing industrial waste

- (1) The occupier of premises where there is industrial waste must—
- (a) if required by the local government—
 - (i) supply at the premises the number of industrial waste containers required by the local government for storing the waste at the premises safely, efficiently and without causing a nuisance; and
 - (ii) keep the waste containers at the particular place at the premises required by the local government; and
 - (iii) keep each waste container clean and in good repair; and

Examples of ways the local government may require compliance with subsection 1(a) —

by a resolution of the local government, ~~or a decision of a delegate of the local government, written notice of which is given to the owner or occupier,~~ or a development approval for the premises

- (b) if a requirement is prescribed by subordinate local law — comply with each requirement prescribed by subordinate local law, about each of the following—
 - (i) the supply at the premises of industrial waste containers for storing the waste at the premises;
 - (ii) keeping the waste containers at a particular place at the premises;
 - (iii) keeping each waste container clean and in good repair.

Maximum penalty — 20 penalty units.

- (2) The local government may supply industrial waste containers at the premises if the occupier does not supply at the premises the number of industrial waste containers which are—
 - (a) required by the local government under subsection (1)(a); or
 - (b) prescribed by subordinate local law under subsection (1)(b).
- (3) If the local government supplies an industrial waste container to premises under subsection (2), the reasonable cost of supplying the container is a debt payable by the occupier of the premises to the local government.

13 Requirement to treat industrial waste for disposal

The occupier of premises where there is industrial waste must—

- (a) if required by the local government, treat the waste to a standard approved by the local ~~government —~~
 - (i) ~~for disposal of the waste at a waste facility; or~~
 - (ii) ~~for transport to, and disposal of the waste at, a waste facility; and government for disposal of the waste at a waste facility; and~~

Examples of ways the local government may require an occupier to treat industrial waste for disposal —

by a resolution of the local government, ~~or a decision of a delegate of the local government, written notice of which is given to the owner or occupier,~~ or a development approval for the premises

- (b) comply with requirements, as prescribed by subordinate local law, about the treatment of industrial ~~waste —~~
 - (i) ~~for disposal of the waste at a waste facility; and~~
 - (ii) ~~for transport to, and disposal of the waste at, a waste facility; waste for disposal of the waste at a waste facility.~~

Maximum penalty — 40 penalty units.

Part 3 Waste receipt and disposal

14 Unlawful disposal of waste at waste facility

- (1) A person must not deposit the following waste at a waste facility—
 - (a) liquid or semiliquid waste;

11
Local Law No. 8 (Waste Management) 2018

- (b) hot ash;
- (c) material that is smouldering or aflame;
- (d) material that can spontaneously combust;
- (e) material containing a substance that may be harmful to persons or property because, if it reacts with air or water, it may produce toxic gases or become corrosive or explosive;
- (f) an explosive;
- (g) ammunition, other than ammunition that no longer contains explosives, pyrotechnics or propellants apart from trace residues that are no longer capable of supporting combustion or an explosive reaction;
- (h) waste prescribed by subordinate local law.

Maximum penalty — 20 penalty units.

- (2) Subsection (1) does not apply to waste deposited with the consent of—
 - (a) the person who—
 - (i) is the registered suitable operator for the facility; or
 - (ii) holds an environmental authority for the facility; or
 - (b) the person in charge of the facility.

15 Restrictions on burning waste at waste facility

A person must not set fire to, or burn, waste at a waste facility other than—

- (a) under an environmental authority; or
- (b) under a development condition of a development approval; or
- (c) under the *Fire and Emergency Services Act 1990*.

Maximum penalty — 20 penalty units.

16 Restrictions on use of waste facility

- (1) A person must not, without the consent of a waste facility's owner or operator—
 - (a) enter the facility other than to deposit waste; or
 - (b) remain on the facility after depositing waste; or

12
Local Law No. 8 (Waste Management) 2018

- (c) interfere with waste at, or remove waste from, the facility.

Maximum penalty — 10 penalty units.

- (2) Subsection (1) does not apply to—
 - (a) the facility's owner or operator; or
 - (b) an authorised person; or
 - (c) a person who acquires from a waste facility, with the consent of the local government—
 - (i) recyclable waste, for example, mulch or green waste; or
 - (ii) 1 or more items of waste which are made available for sale or disposal by the local government, for example, at a "tip shop".

17 Person to comply with directions and give information

- (1) This section applies to a person who transports waste to a waste facility.
- (2) The person must—
 - (a) comply with all relevant and reasonable directions contained in any sign displayed at the facility by the facility's owner or operator; and
 - (b) comply with all reasonable instructions given by the person in charge of the facility about dealing with the waste.
 - (c) if asked by the facility's owner or operator — give information to the owner or operator about the type and amount of waste being delivered to the facility.

Maximum penalty — 10 penalty units.

Part 4 Subordinate local laws

18 Subordinate local laws

The local government may, by subordinate local law, specify—

- (a) a thing that is specified to be waste pursuant to the Schedule (Dictionary) of this local law; and
- (b) requirements about the necessity to supply standard general waste containers at premises under section 6(1)(a); and

- (c) requirements about the supply at premises of waste containers, other than standard general waste containers, to contain the general waste produced at the premises under section 6(1)(b); and
- (d) another type of waste container for the storage of general waste produced as a result of the ordinary use or occupation of premises under section 7(1); and
- (e) a thing that a person must not place in a waste container under section 7(2); and
- (f) requirements about the keeping of the waste container supplied for premises at a particular place at the premises under section 8(1)(b); and
- (g) requirements about the supply of facilities and structures for the placement, storage and cleaning of waste containers under section 9(2)(b); and
- (h) requirements about the supply at premises of industrial waste containers for storing industrial waste at the premises and other requirements about waste containers for the storage of industrial waste under section 12(1)(b); and
- (i) requirements about the treatment of industrial waste under section 13(b); and
- (j) waste that a person must not deposit at a waste facility under section 14(1).

Part 5 Application of Local Law No. 1 (Administration) 2011

19 Application of Local Law No. 1 (Administration) 2011 to this local law

- (1) To avoid any doubt, the provisions of *Local Law No. 1 (Administration) 2011* apply to this local law.
- (2) If there is a conflict between a provision of this local law and *Local Law No. 1 (Administration) 2011*, the provisions in this local law will prevail to the extent of any inconsistency.

Part 6 Transitional provisions

20 Continuation of chapter 5A requirements

- (1) This section applies if a provision of *Environmental Protection Regulation 2008*, chapter 5A (Waste management by local governments), is replaced by a provision of this local law.
- (2) In this section, **prescribed provision** means a provision of *Environmental Protection Regulation 2008*, chapter 5A (Waste management by local governments) which is replaced by a provision of this local law.
- (3) If the local government has made a requirement under a prescribed provision prior to the commencement of this local law, the requirement applies for the provision of this local law which replaced the prescribed provision from the commencement of this local law.

Example —

The local government may require that a waste container supplied for serviced premises be kept at a particular place at the premises by development approval for the premises under *Environmental Protection Regulation 2008*, section 81ZH(1). *Environmental Protection Regulation 2008*, section 81ZH(1) is a prescribed provision which is replaced by section 8 (General requirements for keeping waste containers at serviced premises). A requirement under the prescribed provision made prior to the commencement of this local law would apply for section 8 of this local law from the commencement of this local law.

Field Code Changed
Field Code Changed
Field Code Changed
Field Code Changed
Field Code Changed
Field Code Changed
Field Code Changed

Schedule Dictionary

~~section 3~~section 4

authorised person means a person appointed by the chief executive officer of the local government, pursuant to *Local Government Act 2009*, section 202, to exercise the powers of an authorised person under this local law.

collection location means a place at, or adjacent to, premises at which a standard general waste container associated with the premises can be easily accessed by a general waste collection vehicle without causing obstruction.

commercial premises means any of the following types of premises—

- (a) a hotel, motel, caravan park, cafe, food store or canteen;
- (b) an assembly building, institutional building, kindergarten, child minding centre, school or other building used for education;
- (c) premises where a sport or game is ordinarily played in public;
- ~~(d) an exhibition ground, show ground or racecourse;~~
- ~~(e) an office, shop or other premises where business or work, other than a manufacturing process, is carried out.~~

commercial waste means waste, other than green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of commercial premises.

development approval has the meaning given in the *Planning Act 2016*.

~~**domestic clean-up waste** means non-putrescible, dry and inoffensive waste, other than green waste or recyclable waste, produced as a result of a clean-up of domestic premises.~~

domestic premises means any of the following types of premises—

- (a) a single unit private dwelling;
- (b) premises containing 2 or more separate flats, apartments or other dwelling units;
- (c) a boarding house, hostel, lodging house or guest house.

domestic waste means waste, other than domestic clean-up waste, green

waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of domestic premises.

environmental authority has the meaning given in the *Environmental Protection Act 1994*.

environmental harm has the meaning given in the *Environmental Protection Act 1994*.

environmental nuisance has the meaning given in the *Environmental Protection Act 1994*.

general waste means—

- (a) waste other than regulated waste; and
- (b) for part 2, any of the following—
 - (i) commercial waste;
 - (ii) domestic waste;
 - (iii) recyclable waste.

green waste means grass cuttings, trees, bushes, shrubs, loppings of trees, bushes or shrubs, or similar matter produced as a result of the ordinary use or occupation of premises.

industrial waste means—

- (a) interceptor waste; or
- (b) waste other than the following—
 - (i) commercial waste;
 - (ii) domestic clean-up waste;
 - (iii) domestic waste;
 - (iv) green waste;
 - (v) recyclable interceptor waste;
 - (vi) recyclable waste;
 - (vii) waste discharged to a sewer.

industrial waste container means a container of a type approved by the local government for storing industrial waste at premises in the local government's area.

interceptor means a device used to intercept a substance in sewage, waste water or trade waste and prevent its discharge into a sewer, septic tank, waste water disposal system or other treatment device.

Examples of interceptors—

- neutralising interceptors for neutralising acidic and alkaline substances
- grease interceptors for collecting and solidifying fat, grease and similar matter
- oil interceptors for collecting oil and petroleum products
- silt interceptors for collecting soil, sand, gravel and other sedimentary solids

interceptor waste means matter, other than recyclable interceptor waste, intercepted by, and held in, an interceptor.

manufacturing process means a handicraft or other process relating to adapting, altering, assembling, cleaning, finishing, making, ornamenting, preparing, renovating, repairing, washing, or wrecking goods for trade, sale or gain or otherwise in connection with a business.

occupier of premises means the person who has the control or management of the premises.

owner of premises means the person for the time being entitled to receive the rent for the premises or would be entitled to receive the rent for it if it were let to a tenant at a rent.

~~**penalty unit** means an amount of money prescribed under the *Penalties and Sentences Act 1992* which is used to calculate penalties for breaches of Council's local laws.~~

penalty unit means an amount of money prescribed under the *Penalties and Sentences Act 1992* which is used to calculate penalties for breaches of the local laws of the local government.

premises includes domestic premises, government premises, ~~industrial premises~~ and commercial premises.

prescribed ERA has the meaning given in the *Environmental Protection Act 1994*.

prescribed person see section 9(1).

recyclable interceptor waste means matter that is, or is intended to be, removed from a grease interceptor and taken elsewhere for processing into a non-toxic, non-hazardous and usable substance for sale.

recyclable waste, means clean and inoffensive waste that is declared by the local government to be recyclable waste for the area of the local government.

Examples of waste that may be declared to be recyclable waste—

glass bottles, plastic containers, paper, cardboard, steel and aluminium cans, and green waste

regulated waste has the meaning given in the *Environmental Protection Regulation 2008*.

scheduled collection day see section 10(2).

serviced premises means—

- (a) premises which are in an area designated by the local government as an area in which the local government may conduct general waste collection under—
 - (i) *Waste Reduction and Recycling Regulation 2011*, section 7; or
 - (ii) section 5; and
- (b) premises for which the local government has required the owner or occupier of the premises to arrange for removal of general waste from the premises.

standard general waste container—

- (a) means a container of a type approved by the local government for storing domestic waste, commercial waste or recyclable waste at premises in the local government's area; and
- (b) for the avoidance of doubt, includes 1 or more containers each of which is approved by the local government for storing, at premises in the local government's area—
 - (i) 1 or more or multiple types of commercial waste; or
 - (ii) 1 or more or multiple types of recyclable waste.

Example for paragraph (b)—

The local government may approve 1 container for storing recyclable waste which is green waste and 1 container for storing recyclable waste other than green waste.

waste has the meaning given in the *Environmental Protection Act 1994*, and includes any thing that is specified to be waste under a subordinate local law.

waste container storage place see section 8(1).

waste facility—

- (a) for part 2, means a facility for the recycling, reprocessing, treatment, storage, incineration, conversion to energy or disposal of waste; and
- (b) for part 3, means a facility for the recycling, reprocessing, treatment, storage, incineration, conversion to energy or disposal of waste, but only if the local government is the lessee, occupier, operator or owner of the facility.

This and the preceding 18 pages bearing my initials is a certified copy of *Local Law No. 8 (Waste Management) 2018* made in accordance with the provisions of the *Local Government Act 2009* by Livingstone Shire Council by resolution dated the day of 2018.

.....

Chief Executive Officer

12.1 - LOCAL LAW NO. 8 (WASTE MANAGEMENT) 2018

Draft Local Law No. 8 (Waste Management) 2018 with mark-ups accepted

Meeting Date: 15 May 2018

Attachment No: 2

Local Law No. 8 (Waste Management) 2018

Contents

	Page
Part 1	
Preliminary.....	3
1 Short title	3
2 Objects	3
3 Relationship to other laws	3
4 Definitions	3
Part 2	
Waste management.....	4
Division 1 Designation of areas for general or green waste collection	4
5 Designation of areas.....	4
Division 2 General waste	4
Subdivision 1 Storage of general waste	4
6 Owner or occupier of premises to supply waste containers.....	4
7 Requirements for storing general waste in waste containers	5
8 General requirements for keeping waste containers at serviced premises	6
9 Other requirements for storing general waste at particular serviced premises.....	7
Subdivision 2 Removal of general waste	8
10 Local government may give notice about removal of general waste	8
11 Depositing or disposal of general waste from premises other than serviced premises	8
Division 3 Storage and treatment of industrial waste	9
12 Requirements for storing industrial waste	9
13 Requirement to treat industrial waste for disposal	10
Part 3	
Waste receipt and disposal	10
14 Unlawful disposal of waste at waste facility	10
15 Restrictions on burning waste at waste facility.....	11
16 Restrictions on use of waste facility	11
17 Person to comply with directions and give information	11
Part 4	
Subordinate local laws	12
18 Subordinate local laws	12

Local Law No. 8 (Waste Management) 2018

Part 5	Application of Local Law No. 1 (Administration) 2011	13
19	Application of Local Law No. 1 (Administration) 2011 to this local law	13
Part 6	Transitional provisions.....	14
20	Continuation of chapter 5A requirements.....	14
Schedule	Dictionary.....	15

Local Law No. 8 (Waste Management) 2018

Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 8 (Waste Management) 2018*.

2 Objects

The object of this local law is to protect the public health, safety and amenity related to waste management by—

- (a) regulating the storage, servicing and removal of waste; and
- (b) regulating the disposal of waste at waste facilities; and
- (c) ensuring that an act or omission does not result in—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or loss of amenity; or
 - (iii) environmental harm or environmental nuisance.

3 Relationship to other laws

- (1) This local law is—
 - (a) in addition to and does not derogate from laws about the management of waste; and
 - (b) to be read with *Local Law No. 1 (Administration) 2011*.
- (2) For the purposes of *Environmental Protection Regulation 2008*, section 81ZC, this local law replaces *Environmental Protection Regulation 2008*, chapter 5A (Waste management by local governments).

4 Definitions

The dictionary in the Schedule (Dictionary) of this local law defines the particular words used in this local law.

Part 2 Waste management**Division 1 Designation of areas for general or green
waste collection****5 Designation of areas**

The local government may—

- (a) by resolution, designate areas within its local government area in which the local government may conduct general waste or green waste collection; and
- (b) decide the frequency of general waste or green waste collection in the designated areas.

Division 2 General waste**Subdivision 1 Storage of general waste****6 Owner or occupier of premises to supply waste containers**

- (1) The owner or occupier of premises must—
 - (a) subject to subsection (2), supply standard general waste containers at the premises as—
 - (i) are necessary to contain the general waste produced at the premises; or
 - (ii) are prescribed by subordinate local law; or
 - (b) supply at the premises, waste containers, other than standard general waste containers, as—
 - (i) if required by the local government — are necessary to contain the general waste produced at the premises; or
 - (ii) are prescribed by subordinate local law.

Examples of ways the local government may require waste containers for paragraph 1(b)(i)—

by a resolution of the local government or a development approval for the premises

Maximum penalty — 20 penalty units.

- (2) However, subsection (1)(a) does not apply if the local government supplies to the premises the number of standard general waste containers the local government reasonably considers is required at the premises.
- (3) If the local government supplies a standard general waste container to premises under subsection (2), the reasonable cost of supplying the container is a debt payable by the owner or occupier of the premises to the local government.
- (4) However, subsection (3) does not prevent the local government from supplying a standard general waste container to premises without cost to the owner or occupier of the premises.

7 Requirements for storing general waste in waste containers

- (1) The occupier of premises must—
 - (a) store general waste produced as a result of the ordinary use or occupation of the premises in—
 - (i) a standard general waste container; or
 - (ii) if another type of waste container is prescribed by subordinate local law — the other type of container; and
 - (b) keep each waste container clean and in good repair; and
 - (c) ensure that each waste container is securely covered, except when the waste is being placed in, or removed from, the container or the container is being cleaned.

Maximum penalty — 20 penalty units.

- (2) A person must not—
 - (a) place any of the following in a waste container—
 - (i) a liquid, semi-liquid or moist substance, unless the substance is securely wrapped or contained to prevent the substance leaking from the wrapper or container; or
 - (ii) material that is smouldering or aflame; or
 - (iii) matter or a thing that is alive; or
 - (iv) a thing stated in a subordinate local law; or
 - (b) remove or disturb the cover of a waste container, except when placing waste in or cleaning the container; or
 - (c) use or damage a waste container so that it is not weatherproof or serviceable or cannot be securely covered; or

- (d) disturb or otherwise interfere with the contents of a waste container.

Maximum penalty — 20 penalty units.

- (3) The occupier of the premises must not allow a person to place a thing in a waste container in contravention of subsection (2)(a).

Maximum penalty — 20 penalty units.

- (4) It is a defence in a proceeding against a person for an offence under subsection (3) for the person to prove the contravention was due to causes over which the person had no control.

8 General requirements for keeping waste containers at serviced premises

- (1) Subject to subsection (2), the occupier of serviced premises must ensure that a waste container supplied for the premises is kept—

- (a) if the local government requires the container to be kept at a particular place at the premises — at the place (the **waste container storage place**); or

Examples of ways the local government may require waste containers to be kept at a particular place —

by a resolution of the local government or a development approval for the premises

- (b) if a subordinate local law requires the container to be kept at a particular place at the premises — at the place (also a **waste container storage place**); or

- (c) if paragraphs (a) and (b) do not apply — at ground level close to the rear alignment of a building at the premises.

Maximum penalty — 20 penalty units.

- (2) Subsection (1) does not prevent the occupier of the serviced premises from placing a waste container in a place outside the premises for the collection of general waste from the container, if—

- (a) the local government has arranged to collect waste from the container at the place; and

- (b) the container is in the place for no longer than—

- (i) the period, if any, allowed under a local law of the local government; or

- (ii) 24 hours before or after the scheduled collection day for the collection of the waste in the container.

Example of a place outside serviced premises—

the kerb adjacent to the serviced premises

- (3) If the local government has arranged for the collection of general waste from a waste container at serviced premises, the occupier of the premises must ensure there is unobstructed access to the container for removal of the waste.

Maximum penalty for subsection (3) — 20 penalty units.

- (4) It is a defence in the proceeding against a person for an offence under subsection (3) for the person to prove the contravention was due to causes over which the person had no control.

9 Other requirements for storing general waste at particular serviced premises

- (1) This section applies to any of the following persons (each a *prescribed person*) for serviced premises, other than a single detached dwelling—

- (a) the owner or occupier of the premises;
- (b) the registered suitable operator for a prescribed environmentally relevant activity carried out at the premises;
- (c) the holder of an environmental authority for a mining activity or petroleum activity carried out at the premises.

- (2) The prescribed person must ensure that the waste container storage place for the premises is supplied with—

- (a) if required by the local government — each of the following—
 - (i) either—
 - (A) an elevated stand at a level required by the local government for holding all waste containers; or
 - (B) an imperviously paved area, drained as required by the local government, where all waste containers can be placed;
 - (ii) a hose cock and hose in the vicinity of the stand or paved area;
 - (iii) a suitable enclosure for the area where the waste containers are kept; and

Examples of ways the local government may require a prescribed person to comply with subsection (2)(a) —

by a resolution of the local government or a development approval

- (b) if a requirement is prescribed by subordinate local law — facilities and structures for the placement, storage and cleaning of waste containers as prescribed by subordinate local law.

Maximum penalty for subsection (2) — 20 penalty units.

Subdivision 2 Removal of general waste

10 Local government may give notice about removal of general waste

- (1) This section applies where the local government has arranged for the removal of general waste produced at a premises.
- (2) The local government may give the occupier of the premises a written notice stating—
 - (a) the days (each a *scheduled collection day*) on which the waste is to be collected; and
 - (b) the location (*collection location*) where the waste container is to be placed for collection of the waste ; and
 - (c) the time by which the waste container is to be placed in the collection location for collection of the waste; and
 - (d) the time by which the waste container is to be removed from the collection location.

11 Depositing or disposal of general waste from premises other than serviced premises

- (1) This section applies if general waste is produced at a premises, other than serviced premises.
- (2) The local government may—
 - (a) give a written approval to the owner or occupier of the premises for depositing or disposing of the waste; and
 - (b) impose conditions on the approval, including, for example, conditions about—
 - (i) the place for depositing or disposing of the waste; or
 - (ii) the method of depositing or disposing of the waste.
- (3) A person must not deposit or dispose of the waste unless the person deposits or disposes of the waste—
 - (a) at a waste facility in accordance with part 3; or
 - (b) in accordance with—

- (i) an approval under subsection (2) for disposal of the waste; and
- (ii) if the approval has been given on conditions — the conditions of the approval.

Maximum penalty for subsection (3) — 20 penalty units.

Division 3 Storage and treatment of industrial waste

12 Requirements for storing industrial waste

- (1) The occupier of premises where there is industrial waste must—
 - (a) if required by the local government—
 - (i) supply at the premises the number of industrial waste containers required by the local government for storing the waste at the premises safely, efficiently and without causing a nuisance; and
 - (ii) keep the waste containers at the particular place at the premises required by the local government; and
 - (iii) keep each waste container clean and in good repair; and

Examples of ways the local government may require compliance with subsection 1(a) —

by a resolution of the local government or a development approval

- (b) if a requirement is prescribed by subordinate local law — comply with each requirement prescribed by subordinate local law, about each of the following—
 - (i) the supply at the premises of industrial waste containers for storing the waste at the premises;
 - (ii) keeping the waste containers at a particular place at the premises;
 - (iii) keeping each waste container clean and in good repair.

Maximum penalty — 20 penalty units.

- (2) The local government may supply industrial waste containers at the premises if the occupier does not supply at the premises the number of industrial waste containers which are—
 - (a) required by the local government under subsection (1)(a); or
 - (b) prescribed by subordinate local law under subsection (1)(b).

- (3) If the local government supplies an industrial waste container to premises under subsection (2), the reasonable cost of supplying the container is a debt payable by the occupier of the premises to the local government.

13 Requirement to treat industrial waste for disposal

The occupier of premises where there is industrial waste must—

- (a) if required by the local government, treat the waste to a standard approved by the local government for disposal of the waste at a waste facility; and

Examples of ways the local government may require an occupier to treat industrial waste for disposal —

by a resolution of the local government or a development approval for the premises

- (b) comply with requirements, as prescribed by subordinate local law, about the treatment of industrial waste for disposal of the waste at a waste facility.

Maximum penalty — 40 penalty units.

Part 3 Waste receipt and disposal

14 Unlawful disposal of waste at waste facility

- (1) A person must not deposit the following waste at a waste facility—
- (a) liquid or semiliquid waste;
 - (b) hot ash;
 - (c) material that is smouldering or aflame;
 - (d) material that can spontaneously combust;
 - (e) material containing a substance that may be harmful to persons or property because, if it reacts with air or water, it may produce toxic gases or become corrosive or explosive;
 - (f) an explosive;
 - (g) ammunition, other than ammunition that no longer contains explosives, pyrotechnics or propellants apart from trace residues that are no longer capable of supporting combustion or an explosive reaction;
 - (h) waste prescribed by subordinate local law.

Maximum penalty — 20 penalty units.

- (2) Subsection (1) does not apply to waste deposited with the consent of—
- (a) the person who—
 - (i) is the registered suitable operator for the facility; or
 - (ii) holds an environmental authority for the facility; or
 - (b) the person in charge of the facility.

15 Restrictions on burning waste at waste facility

A person must not set fire to, or burn, waste at a waste facility other than—

- (a) under an environmental authority; or
- (b) under a development condition of a development approval; or
- (c) under the *Fire and Emergency Services Act 1990*.

Maximum penalty — 20 penalty units.

16 Restrictions on use of waste facility

- (1) A person must not, without the consent of a waste facility's owner or operator—
- (a) enter the facility other than to deposit waste; or
 - (b) remain on the facility after depositing waste; or
 - (c) interfere with waste at, or remove waste from, the facility.

Maximum penalty — 10 penalty units.

- (2) Subsection (1) does not apply to—
- (a) the facility's owner or operator; or
 - (b) an authorised person; or
 - (c) a person who acquires from a waste facility, with the consent of the local government—
 - (i) recyclable waste, for example, mulch or green waste; or
 - (ii) 1 or more items of waste which are made available for sale or disposal by the local government, for example, at a “tip shop”.

17 Person to comply with directions and give information

- (1) This section applies to a person who transports waste to a waste facility.
- (2) The person must—
 - (a) comply with all relevant and reasonable directions contained in any sign displayed at the facility by the facility's owner or operator; and
 - (b) comply with all reasonable instructions given by the person in charge of the facility about dealing with the waste.
 - (c) if asked by the facility's owner or operator — give information to the owner or operator about the type and amount of waste being delivered to the facility.

Maximum penalty — 10 penalty units.

Part 4 Subordinate local laws

18 Subordinate local laws

The local government may, by subordinate local law, specify—

- (a) a thing that is specified to be waste pursuant to the Schedule (Dictionary) of this local law; and
- (b) requirements about the necessity to supply standard general waste containers at premises under section 6(1)(a); and
- (c) requirements about the supply at premises of waste containers, other than standard general waste containers, to contain the general waste produced at the premises under section 6(1)(b); and
- (d) another type of waste container for the storage of general waste produced as a result of the ordinary use or occupation of premises under section 7(1); and
- (e) a thing that a person must not place in a waste container under section 7(2); and
- (f) requirements about the keeping of the waste container supplied for premises at a particular place at the premises under section 8(1)(b); and
- (g) requirements about the supply of facilities and structures for the placement, storage and cleaning of waste containers under section 9(2)(b); and
- (h) requirements about the supply at premises of industrial waste containers for storing industrial waste at the premises and other

13
Local Law No. 8 (Waste Management) 2018

requirements about waste containers for the storage of industrial waste under section 12(1)(b); and

- (i) requirements about the treatment of industrial waste under section 13(b); and
- (j) waste that a person must not deposit at a waste facility under section 14(1).

Part 5 Application of Local Law No. 1 (Administration) 2011

19 Application of Local Law No. 1 (Administration) 2011 to this local law

- (1) To avoid any doubt, the provisions of *Local Law No. 1 (Administration) 2011* apply to this local law.
- (2) If there is a conflict between a provision of this local law and *Local Law No. 1 (Administration) 2011*, the provisions in this local law will prevail to the extent of any inconsistency.

Part 6 Transitional provisions

20 Continuation of chapter 5A requirements

- (1) This section applies if a provision of *Environmental Protection Regulation 2008*, chapter 5A (Waste management by local governments), is replaced by a provision of this local law.
- (2) In this section, **prescribed provision** means a provision of *Environmental Protection Regulation 2008*, chapter 5A (Waste management by local governments) which is replaced by a provision of this local law.
- (3) If the local government has made a requirement under a prescribed provision prior to the commencement of this local law, the requirement applies for the provision of this local law which replaced the prescribed provision from the commencement of this local law.

Example —

The local government may require that a waste container supplied for serviced premises be kept at a particular place at the premises by development approval for the premises under *Environmental Protection Regulation 2008*, section 81ZH(1). *Environmental Protection Regulation 2008*, section 81ZH(1) is a prescribed provision which is replaced by section 8 (General requirements for keeping waste containers at serviced premises). A requirement under the prescribed provision made prior to the commencement of this local law would apply for section 8 of this local law from the commencement of this local law.

Schedule Dictionary

section 4

authorised person means a person appointed by the chief executive officer of the local government, pursuant to *Local Government Act 2009*, section 202, to exercise the powers of an authorised person under this local law.

collection location means a place at, or adjacent to, premises at which a standard general waste container associated with the premises can be easily accessed by a general waste collection vehicle without causing obstruction.

commercial premises means any of the following types of premises—

- (a) a hotel, motel, caravan park, cafe, food store or canteen;
- (b) an assembly building, institutional building, kindergarten, child minding centre, school or other building used for education;
- (c) premises where a sport or game is ordinarily played in public;
- (d) an exhibition ground, show ground or racecourse;
- (e) an office, shop or other premises where business or work, other than a manufacturing process, is carried out.

commercial waste means waste, other than green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of commercial premises.

development approval has the meaning given in the *Planning Act 2016*.

domestic clean-up waste means non-putrescible, dry and inoffensive waste, other than green waste or recyclable waste, produced as a result of a clean-up of domestic premises.

domestic premises means any of the following types of premises—

- (a) a single unit private dwelling;
- (b) premises containing 2 or more separate flats, apartments or other dwelling units;
- (c) a boarding house, hostel, lodging house or guest house.

domestic waste means waste, other than domestic clean-up waste, green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of domestic premises.

environmental authority has the meaning given in the *Environmental*

Protection Act 1994.

environmental harm has the meaning given in the *Environmental Protection Act 1994*.

environmental nuisance has the meaning given in the *Environmental Protection Act 1994*.

general waste means—

- (a) waste other than regulated waste; and
- (b) for part 2, any of the following—
 - (i) commercial waste;
 - (ii) domestic waste;
 - (iii) recyclable waste.

green waste means grass cuttings, trees, bushes, shrubs, loppings of trees, bushes or shrubs, or similar matter produced as a result of the ordinary use or occupation of premises.

industrial waste means—

- (a) interceptor waste; or
- (b) waste other than the following—
 - (i) commercial waste;
 - (ii) domestic clean-up waste;
 - (iii) domestic waste;
 - (iv) green waste;
 - (v) recyclable interceptor waste;
 - (vi) recyclable waste;
 - (vii) waste discharged to a sewer.

industrial waste container means a container of a type approved by the local government for storing industrial waste at premises in the local government's area.

interceptor means a device used to intercept a substance in sewage, waste water or trade waste and prevent its discharge into a sewer, septic tank, waste water disposal system or other treatment device.

Examples of interceptors—

- neutralising interceptors for neutralising acidic and alkaline substances
- grease interceptors for collecting and solidifying fat, grease and similar matter
- oil interceptors for collecting oil and petroleum products
- silt interceptors for collecting soil, sand, gravel and other sedimentary solids

interceptor waste means matter, other than recyclable interceptor waste, intercepted by, and held in, an interceptor.

manufacturing process means a handicraft or other process relating to adapting, altering, assembling, cleaning, finishing, making, ornamenting, preparing, renovating, repairing, washing, or wrecking goods for trade, sale or gain or otherwise in connection with a business.

occupier of premises means the person who has the control or management of the premises.

owner of premises means the person for the time being entitled to receive the rent for the premises or would be entitled to receive the rent for it if it were let to a tenant at a rent.

penalty unit means an amount of money prescribed under the *Penalties and Sentences Act 1992* which is used to calculate penalties for breaches of the local laws of the local government.

premises includes domestic premises, government premises and commercial premises.

prescribed ERA has the meaning given in the *Environmental Protection Act 1994*.

prescribed person see section 9(1).

recyclable interceptor waste means matter that is, or is intended to be, removed from a grease interceptor and taken elsewhere for processing into a non-toxic, non-hazardous and usable substance for sale.

recyclable waste means clean and inoffensive waste that is declared by the local government to be recyclable waste for the area of the local government.

Examples of waste that may be declared to be recyclable waste—

glass bottles, plastic containers, paper, cardboard, steel and aluminium cans, and green waste

regulated waste has the meaning given in the *Environmental Protection Regulation 2008*.

scheduled collection day see section 10(2).

serviced premises means—

- (a) premises which are in an area designated by the local government as an area in which the local government may conduct general waste collection under—
 - (i) *Waste Reduction and Recycling Regulation 2011*, section 7; or
 - (ii) section 5; and
- (b) premises for which the local government has required the owner or occupier of the premises to arrange for removal of general waste from the premises.

standard general waste container—

- (a) means a container of a type approved by the local government for storing domestic waste, commercial waste or recyclable waste at premises in the local government's area; and
- (b) for the avoidance of doubt, includes 1 or more containers each of which is approved by the local government for storing, at premises in the local government's area—
 - (i) 1 or more or multiple types of commercial waste; or
 - (ii) 1 or more or multiple types of recyclable waste.

Example for paragraph (b)—

The local government may approve 1 container for storing recyclable waste which is green waste and 1 container for storing recyclable waste other than green waste.

waste has the meaning given in the *Environmental Protection Act 1994*, and includes any thing that is specified to be waste under a subordinate local law.

waste container storage place see section 8(1).

waste facility—

- (a) for part 2, means a facility for the recycling, reprocessing, treatment, storage, incineration, conversion to energy or disposal of waste; and
- (b) for part 3, means a facility for the recycling, reprocessing, treatment, storage, incineration, conversion to energy or disposal of waste, but only if the local government is the lessee, occupier, operator or owner of the facility.

19
Local Law No. 8 (Waste Management) 2018

This and the preceding 18 pages bearing my initials is a certified copy of *Local Law No. 8 (Waste Management) 2018* made in accordance with the provisions of the *Local Government Act 2009* by Livingstone Shire Council by resolution dated the day of 2018.

.....

Chief Executive Officer

12.1 - LOCAL LAW NO. 8 (WASTE MANAGEMENT) 2018

State Interest Check Submissions Report

Meeting Date: 15 May 2018

Attachment No: 3

State Interest Check Submissions Report
State Government submissions received and Council's consideration of comments
Local Law No 8 (Waste Management) 2018

Consultation with the State Government occurred from 8 February 2018 to 9 March 2018.
21 letters were emailed and posted to State Government agencies with 9 responses received.

Submission received from Department of Health ('DOH') and recommended actions for Council's consideration.

Department's Feedback	Author's Comment	Author's Recommended Action
'Section 5 The reference to "green waste" may not be necessary as the definition of general waste includes recyclable waste which includes in the example "green waste".'	Section 5 makes a distinction between 'general waste' and 'green waste'. The DOH is suggesting the separate reference to 'green waste' may not be required because the definition of 'general waste' includes 'recyclable waste' which in turn provides examples of what may be declared as recyclable waste including 'green waste'. Green waste has not been declared as 'recyclable waste' in s 5.8 of Council's Waste and Recycling Collection Procedure consequently it is not 'recyclable waste' therefore it cannot be classed as 'general waste'.	No action
'Section 7(2)(b) After "when placing waste in" insert "; or removing waste from". See section 7(1)(c).'	It is difficult to understand why Council would want to facilitate the removal of waste from waste containers in circumstances other than when Council's waste collection contractor is removing the waste from the waste container for collection purposes (which is clearly authorised by Council). The provision is identical to the analogous provision in the <i>Environmental Protection Regulation 2008</i> ('the <i>Environmental Regulation</i> ').	No action
'Section 9 The terms "ERA" may need to be defined.'	ERA is part of the term 'prescribed ERA' which is already defined.	No action
'Dictionary commercial premises This definition should include: (e) an office, shop or other premises where business or work, other than a manufacturing process, is carried out.'	The definition of commercial premises in the <i>Environmental Regulation</i> includes sub-s (e) which should have been included in the draft local law.	Schedule, definition commercial premises- insert '(e) an office, shop or other premises where business or work, other than a manufacturing process, is carried out.'
'Dictionary domestic clean-up waste Domestic clean-up waste is referenced in the definition for domestic waste and industrial waste. There should be a definition in the dictionary: Domestic clean-up waste means non-putrescible, dry and inoffensive waste, other than green waste or recycling waste, produced as a result of a clean-up of domestic premises. Are there any requirements for domestic clean-up waste?'	The <i>Environmental Regulation</i> includes the following definition of domestic clean-up waste and it should be included in the draft local law. 'domestic clean-up waste means non-putrescible, dry and inoffensive waste, other than green waste or recyclable waste, produced as a result of a clean-up of domestic premises.'	Schedule, dictionary- insert- ' domestic clean-up waste means non-putrescible, dry and inoffensive waste, other than green waste or recyclable waste, produced as a result of a clean-up of domestic premises.'
'Dictionary industrial waste Should this term include waste from a manufacturing process?'	Sub-section (b) of the industrial waste definition states 'waste other than the following-'. By virtue of the fact that 'waste from a manufacturing process' is excluded from the list in (i) – (vii), means it is already captured as industrial waste.	No action
'Dictionary manufacturing process This term is defined in the dictionary. However the term is not used within the local law.'	With the insertion of (e) in the definition of commercial premises, 'manufacturing process' is now used within the draft local law.	No action
'Dictionary penalty unit Omit "Council's" and insert "the local government's" to be consistent throughout the local law.'	Local government is used consistently throughout the draft local law and this amendment should be made.	Schedule, definition penalty unit- omit, insert- ' penalty unit means an amount of money prescribed under the <i>Penalties and Sentences Act 1992</i> which is used to calculate penalties for breaches of the local laws of the local government.'
'Subordinate local law Where a subordinate local law is proposed, we would be pleased to review such if required.'	No subordinate local law ('SLL') is proposed at this stage.	No action

Submission received from **Department of Environment and Science ('DES')** and recommended actions for Council's consideration.
 Department of Strategic Environment and Waste is within *DES*.

Department's Feedback	Author's Comment	Author's Recommended Action
<p>Comment</p> <p>'Part 2A of the Waste Reduction and Recycling Regulation 2011 (Waste Regulation) and chapter 5A of the Environmental Protection Regulation 2008 (EP Regulation) were amended in June 2017 so that the provisions are now due to expire on 1 July 2018. The Queensland Government and the Department of Environment and Science (the department) will continue to work with local governments, Local Government Association of Queensland and waste industry stakeholders to develop and implement options for a resolution to the issues raised about section 7 of the Waste Regulation and chapter 5A of the EP Regulation to achieve an outcome that best meets the needs of all stakeholders.'</p> <p>Suggested Action</p> <p>'It is suggested that council notes that Part 2A of the Waste Regulation and chapter 5A of the EP Regulation are now due to expire on 1 July 2018 and that the Queensland Government and the department will continue to work with key stakeholders to develop and implement options for a resolution that will best meet the needs of all stakeholders.'</p>	<p>The provisions which are due to expire on 1 July 2018 specifically provide that Council may make a local law which replaces the provisions. The State has encouraged Councils to make a local law to replace the expiring provisions and extended the date for the expiry of the relevant provisions to facilitate that course of action.</p>	No action
<p>Comment</p> <p>'Part 2A of the Waste Regulation and chapter 5A of the EP Regulation currently provide council's with the ability to management waste in their local government area. Section 81ZC provides for Council to replace these provisions with local laws.</p> <p>A number of provisions in this proposed local law appear to extend the scope and exceed the intent of the current state provisions in chapter 5A of the EP Regulation and section 7 of the Waste Regulation.'</p> <p>Suggested Action</p> <p>'Ensure that the proposed local law is consistent with chapter 5A of the EP Regulation and of part 2A and section 7 of the Waste Regulation. The department does not support provisions which will extend the powers of council to manage waste other than in the manner provided for in the current state legislation. In particular, the department does not support provisions that will limit competition in the waste market or where the provisions will extend the ability of council to regulate different types of waste.'</p>	<p>The expression 'general waste' is defined in each of <i>the Environmental Regulation</i> (ch 5A) and the draft local law (pt 2) to mean, for the purposes of the relevant provisions, any of the following:-</p> <ul style="list-style-type: none"> (a) commercial waste; (b) domestic waste; (c) recyclable waste. <p>The relevant provisions in each of <i>the Environmental Regulation</i> and the draft local law focus on the storage of general waste in standard general waste containers. Both <i>the Environmental Regulation</i> and the draft local law define the expression standard general waste container to mean, relevantly, a container for storing domestic waste, commercial waste or recyclable waste.</p> <p>The expressions 'domestic waste', 'commercial waste' and 'recyclable waste' are defined in each of <i>the Environmental Regulation</i> and the draft local law in virtually identical terms.</p> <p>Each of s 7 of the <i>Waste Reduction and Recycling Regulation 2011</i> ('the Waste Regulation') and s 5 of the draft local law refer to the designation of areas within the local government area of Council in which Council may conduct general waste or green waste collection, and decide the frequency of general waste or green waste collection in the designated areas. In the draft local law, s 5 forms part of pt 2, and, for the purposes of pt 2, general waste means commercial waste, domestic waste and recyclable waste.</p> <p>Accordingly, the scope of application of each of ch 5A of <i>the Environmental Regulation</i> and the draft local law, pt 2, is identical. Both sets of provisions apply to commercial waste, domestic waste and recyclable waste.</p> <p>There is no scope for the application of pt 2 of the draft local law to any category of waste other than general waste.</p> <p>The use of the expression 'waste' in the draft local law, s 2 (Objects) does not expand the scope of application of the local law, pt 2. The expression 'general waste' is used in pt 2 and that expression is specifically defined for the purposes of pt 2.</p>	No action
<p>LL Section</p> <p>'Section 5(a) – Designation of areas'</p> <p>Comment</p> <p>'The use of and/or is ambiguous.'</p> <p>Suggested Action</p> <p>'Ensure that the use of and/or does not change the intent of this section from that in section 7 of the Waste Regulation.'</p>	<p>At Council's 22 January 2018 Workshop, Cr Kelly requested the inclusion of 'and' in s 5 Designation of areas (shown below in red). Council has recently obtained legal advice on updating its standard easement terms. A small part of the legal advice addressed the use of 'and/or'. The solicitor states '...the use of "and/or" has been widely criticised by some Courts and 'English experts' over the years but endorsed by others. It can lead to some difficulties with its meaning in some circumstances'. This is an unnecessary deviation from the wording in <i>the Waste Regulation</i> and should be removed.</p>	<p>1. section 5(a), 'and/or'- omit, insert- 'or'</p>

	<p>In addition, to the above, the report presenting the draft local law to Council on 6 February 2018 identified that the words 'by resolution' had been removed from the beginning of s 5(a) to allow future amendments to the designated waste collection areas to be done by the CEO rather than Council resolution. The author has considered this matter further and recommends that the words 'by resolution' be reinserted for the following reasons:</p> <ul style="list-style-type: none"> a) to maintain consistency with <i>the Waste Regulation</i>; and b) Section 81ZC of <i>the Environmental Regulation</i> requires the draft local law to 'replace' the legislative provisions. Deviations of significance from the legislative provisions, such as removing a requirement for a resolution, could be argued to be creating new provisions rather replacing the existing provisions which could result in the draft local law being found to be invalid. <p>For the above reasons, 'by resolution,' should be inserted before 'designate' as shown in red below.</p> <p>5 Designation of areas The local government may—</p> <ul style="list-style-type: none"> (a) by resolution, designate areas within its local government area in which the local government may conduct general waste and/or green waste collection; and (b) decide the frequency of general waste or green waste collection in the designated areas. 	<p>2. section 5(a), before 'designate'- insert- 'by resolution,'</p>
<p>LL Section 'Section 6(1)(a)(ii); 6(1)(b)(ii); 7(2)(a)(iv); 8(1)(b); 12(1)(b); 12(2)(b);13(b) – matters prescribed by a subordinate local law.'</p> <p>Comment 'These provisions require that an owner or occupier must comply with particular matters prescribed in a subordinate local law. For sections 12(1)(b) and 13(b) methods of storage and treatment may already be prescribed for an environmentally relevant activity (ERA) under an existing Environmental Authority or in a Regulation or guideline.'</p> <p>Suggested Action 'Ensure that if a person is to comply with matters that are prescribed in a subordinate local law, the prescribed matters are consistent with the current State law and take into consideration any waste tracking requirements and considers any requirements under the environmentally relevant activity and regulated waste frameworks or End of Waste Codes that may be in effect.'</p>	<p>Pursuant to s 27 of the <i>Local Government Act 2009</i>, Council may not impose requirements which are inconsistent with a requirement of a law made by the State. Note, at this time, no SLL is proposed to be made by Council.</p>	<p>No action</p>
<p>LL Section 'Sections 6(1); 8(1); 9(2); 12(1); 13(a)-Examples'</p> <p>Comment 'These provisions provide examples of ways that Council may make a requirement. One of these examples is by a decision of a delegate of the local government, written notice of which is given to the owner or occupier. This example is not based on a statutory power or process. This is not a transparent decision or decision making process.'</p> <p>Suggested Action 'Remove from the examples –a decision of a delegate of the local government, written notice of which is given to the owner or occupier.'</p>	<p>Each provision will be amended to remove, from the example, the reference to a decision of a delegate of the local government. For practical purposes, the amendment is a nonsense because the relevant powers of delegation are contained in the <i>Local Government Act 2009</i> and may be exercise by Council regardless of whether there is a reference in the draft local law to the exercise of the power by a delegate of Council or not.</p> <p>It is noted that the words 'for the premises' have been inserted at the end of the examples in ss 9(2), 12(1). These words should be removed to maintain consistency with <i>the Environmental Regulation</i>.</p>	<p>1. Section 6(1), Section 8(1), Section 9(2), Section 12(1), Section 13(a), example 'or a decision of a delegate of the local government, written notice of which is given to the owner or occupier,'- omit</p> <p>2. Section 9(2), Section 12(1), example 'for the premises'- omit</p>

<p>LL Section</p> <p>'Section 9(1)(b)-Other requirements for storing general waste at particular serviced premises'</p> <p>Comment</p> <p>'Section 9(1) of the proposed local law appears to condense section 81ZI(1)(b) and (c) of the EP Regulation into one subsection. It is not clear whether condensing of this subsection changes or limits the definition of who is a prescribed person.'</p> <p>Suggested Action</p> <p>'Ensure that condensing of the subsections 81ZI(b) and (c) of the EP Regulation in section 9(1)(b) of the proposed local law does not change or limit the definition of a prescribed person.'</p>	<p>The deviation in wording was not previously identified by the author. To remove any uncertainty surrounding the wording, s 9(1) will be amended to ensure consistency with <i>the Environmental Regulation</i>.</p>	<p>Section 9(1)(b)- omit, insert</p> <p>'(b) the registered suitable operator for a prescribed environmentally relevant activity carried out at the premises;</p> <p>(c) the holder of an environmental authority for a mining activity or petroleum activity carried out at the premises.'</p>
<p>LL Section</p> <p>'Section 9(2)(b) – Other requirements for storing general waste at particular serviced premises'</p> <p>Comment</p> <p>'This section requires a prescribed person to comply with matters prescribed in a subordinate local law.'</p> <p>Suggested Action</p> <p>'Ensure that if a person is to comply with matters that are prescribed in a subordinate local law, the prescribed matters are consistent with requirements in chapter 5A of the EP Regulation.'</p>	<p>Pursuant to s 27 of the <i>Local Government Act 2009</i>, Council may not impose requirements which are inconsistent with a requirement of a law made by the State.</p>	<p>No action</p>
<p>LL Section</p> <p>'Section 13(a)(ii) and (b)(ii) – Requirements to treat industrial waste for disposal'</p> <p>Comment</p> <p>'The requirement for the treatment of waste to a standard approved by the local government, "for transport to, and disposal of the waste at, a waste facility" is not a requirement under the existing chapter 5A (EP Regulation) provisions (s81ZM).'</p> <p>Suggested Action</p> <p>'Ensure that s13(a)(ii) and (b) of the proposed local law are not inconsistent with State requirements for the treatment and transportation of waste to a facility including for example any waste tracking requirements and considerations under the ERA and regulated waste frameworks.'</p>	<p>Pursuant to s 27 of the <i>Local Government Act 2009</i>, Council may not impose requirements which are inconsistent with a requirement of a law made by the State.</p> <p>Council's intention is to, wherever possible, replicate the expiring legislation, therefore the references to the transport to, and disposal of, waste at a waste facility will be omitted.</p>	<p>1. Section 13(a), from 'government-' to '; and'- omit, insert- 'government for disposal of the waste at a waste facility; and'</p> <p>2. Section 13(b), from 'waste-' to 'facility.'- omit, insert- 'waste for disposal of the waste at a waste facility.'</p>
<p>LL Section</p> <p>'Section 14(1)(h) – Unlawful disposal of waste at a waste facility'</p> <p>Comment</p> <p>'The proposed provision will require a person not to deposit waste at a waste facility that is waste prescribed by a subordinate local law.'</p> <p>Suggested Action</p> <p>'Ensure that anything to be prescribed in a subordinate local law is consistent with the current State law and takes into consideration any waste tracking requirements and considers any requirements under the ERA and regulated waste frameworks or End of Waste Codes that may be in effect.'</p>	<p>Pursuant to s 27 of the <i>Local Government Act 2009</i>, Council may not impose requirements which are inconsistent with a requirement of a law made by the State.</p>	<p>No action</p>

<p>LL Section</p> <p>'18(a) – Subordinate local laws'</p> <p>Comment</p> <p>'This proposed provision will allow council to prescribe in a subordinate local law what is considered to be a waste. The State definition for waste is quite broad and it is not clear why wastes would need to be defined further.'</p> <p>Suggested Action</p> <p>'Ensure that the ability to prescribe wastes under a subordinate local law is not inconsistent with the current State definitions of waste and takes into consideration requirements under, for example, an End of Waste Code or the regulated waste framework.'</p>	<p>It is not Council's intention to make a relevant <i>SLL</i> at this time. A future amendment of the <i>Environmental Protection Act 1994</i> may trigger a requirement for the making of a <i>SLL</i>. Council may not impose requirements in a <i>SLL</i> which are inconsistent with a requirement of a law made by the State. See s 27 of the <i>Local Government Act 2009</i>.</p>	<p>No action</p>
<p>LL Section</p> <p>'Section 18(b), (c), (d), (e), (j) – Subordinate local laws'</p> <p>Comment</p> <p>'These sections refer to the section and not more specifically the subsection where there is a requirement relating to matters prescribed in a subordinate local law. 18(f), (g), (h), and (i) are more specific to the subsection. This is inconsistently handled in section 18.'</p> <p>Suggested Action</p> <p>'Consider whether all refers to provisions of the proposed local law in section 18 providing for the making of subordinate local laws should refer to the specific subsections of the proposed local law where the proposed local law refers to a matter that is prescribed by a subordinate local law.'</p>	<p>Subsection references are included where necessary so as to avoid ambiguity.</p>	<p>No action</p>
<p>LL Section</p> <p>'Sections 18(h), (i) and (j) – Subordinate local laws'</p> <p>Comment</p> <p>'The proposed provisions will allow council to prescribe certain requirements under a subordinate local law about:</p> <ul style="list-style-type: none"> - the supply at premises of industrial waste containers for storing industrial waste - the treatment of industrial waste - waste that must not be deposited at a waste facility. <p>Methods of storage and treatment may already be prescribed for an ERA under an existing Environmental Authority or in a Regulation or guideline.'</p> <p>Suggested Action</p> <p>'Ensure that anything to be prescribed in a subordinate local law is consistent with the current state law and takes into consideration any waste tracking requirements and considers any requirements under the environmentally relevant activity and regulated waste frameworks or End of Waste Codes that may be in effect.'</p>	<p>Pursuant to s 27 of the <i>Local Government Act 2009</i>, Council may not impose requirements which are inconsistent with a requirement of a law made by the State.</p>	<p>No action</p>

<p>LL Section</p> <p>'Dictionary – Commercial premises'</p> <p>Comment</p> <p>'The definition of commercial premises is not the same as in the EP Regulation. The EP Regulation definition also includes:</p> <p>(e) an office, shop or other premises where business or work other than manufacturing process is carried out.</p> <p>Leaving out this part of the definition is inconsistent with the EP Regulation. It is unclear why these particular premises types have been left out of the definition of commercial premises. Commercial premises are included in the definition of premises. If an office, shop or other premises where business or work other than manufacturing process is carried out is ultimately then left out of the definition of premises, does this mean that it is intended that these businesses are not subject to sections imposing obligations on premises and occupiers of premises (6, 7(1), 7(3) and (4), 8, 9, 10, 11, 12 and 13)?</p> <p>Suggested Action</p> <p>'Ensure that the definition of commercial premises is consistent with the EP Regulation definition or that the removal of these particular premises from the definition of commercial premises does not change the intent of the current state provisions.'</p>	<p>Paragraph (e) from the definition of commercial premises in <i>the Environmental Regulation</i> will be included in the draft local law as identified above in the feedback to the <i>DOH</i> comments.</p>	<p>No action</p>
<p>LL Section</p> <p>'Dictionary'</p> <p>Comment</p> <p>'Domestic clean up waste is not defined. This term is used in the proposed local law in other definitions.'</p> <p>Suggested Action</p> <p>'Consider defining domestic clean up waste in the dictionary using the definition in the EP Regulation.'</p>	<p>The definition of 'domestic clean-up waste' from <i>the Environmental Regulation</i> will be included in the draft local law as identified above in the feedback to the <i>DOH</i> comments.</p>	<p>No action</p>
<p>LL Section</p> <p>'Dictionary-Premises'</p> <p>Comment</p> <p>'The definition of relevant premises in the EP Regulation is only referred to as premises in the proposed local law. Premises is defined in the proposed local law to also include industrial premises and this is inconsistent with the current State provisions. This may duplicate some requirements for industrial premises and change the application of the provisions from that of the current State laws.'</p> <p>Suggested Action</p> <p>'Ensure that the inclusion of industrial premises in the definition of premises in the proposed local law is not inconsistent with current State laws and takes into consideration any waste tracking requirements and considers any requirements under the ERA and regulated waste frameworks or End of Waste Codes that may be in effect.'</p>	<p>The reference to industrial premises in the definition of premises will be omitted. Note:-</p> <ul style="list-style-type: none"> (a) the focus of Part 2 is dealings with general waste, that is, limited to commercial waste, domestic waste and recyclable waste, and specifically excluding industrial waste; and (b) the focus of Part 2 is the storage of waste in standard general waste containers and a container is not a standard general waste container unless it is approved by Council for storing domestic waste, commercial waste or recyclable waste (not industrial waste); and (c) the focus of section 12 is industrial waste, not industrial premises, and the expression industrial premises is not defined in the draft local law and, accordingly, would be given its plain English meaning; and (d) premises cannot be commercial premises if a manufacturing process (as defined) is carried out at the premises. 	<p>Schedule, dictionary, definition premises, 'industrial premises'-omit</p>
<p>LL Section</p> <p>'Dictionary-prescribed person'</p> <p>Comment</p> <p>'See comments above regarding section 9(1).'</p>	<p>Any uncertainty surrounding the wording of s 9(1) will be addressed as identified above, by amending the section so that it is consistent with <i>the Environmental Regulation</i>.</p>	<p>No action</p>

LL Section <i>'Dictionary – Waste'</i> Comment <i>'This definition of waste includes anything specified to be a waste under a subordinate local law. The State definition for waste is quite broad and it is not clear why waste would need to be defined further.'</i> Suggested Action <i>'Ensure that a thing specified to be a waste under a subordinate local law is not inconsistent with the current state definitions of waste.'</i>	As previously stated, it is not Council's intention to make a relevant <i>SLL</i> at this time. A future amendment of the <i>Environmental Protection Act 1994</i> may trigger a requirement for the making of a <i>SLL</i> . Council may not impose requirements in a <i>SLL</i> which are inconsistent with a requirement of a law made by the State. See s 27 of the <i>Local Government Act 2009</i> .	No action
LL Section <i>'Compliance notices'</i> Comment <i>'Proposed Local Law No.8 (Waste Management) 2018 is to be read with Livingstone Shire Council Local Law No.1 (Administration) 2011. The proposed local law does not include provisions relating to compliance notices. Compliance notices are dealt with in the Local Law No.1. The existing Local Law No. 1 (Administration) 2011 includes a 50 penalty unit maximum penalty for not complying with a compliance notice. The current EP Regulation (section 81ZN(4)) includes a penalty of only 10 penalty units. The penalty in Local Law No.1 is currently greater than the penalty in the current EP Regulation and would appear to be disproportionate to the offence.'</i> Suggested Action <i>'Ensure that the effect of the proposed local law read with Local Law No.1 (Administration) 2011 is consistent with the current EP Regulation in relation to the offences and level of penalty.'</i>	Under s 81ZC of the <i>Environmental Regulation</i> , Council may 'replace' ch 5A of the Regulation. Council is not obliged to replicate each requirement of ch 5A. <i>Local Law No. 1 (Administration) 2011</i> , s 27, is a model local law provision applied generally across all of the local laws of Council. The provision complies with the Guidelines for Drafting Local Laws because the penalty is proportionate to the offence. Under the <i>State Penalties Enforcement Regulation 2014</i> , s 81ZN of the <i>Environmental Regulation</i> is not an infringement notice offence (in respect of which an infringement notice may be given, and with a consequent reduction in the penalty to 5 penalty units).	No action

No Comment Submissions

Department	Submission
Department of Aboriginal and Torres Strait Islander Partnerships	<i>'nil response.'</i>
Department of Agriculture and Fisheries	<i>'We have reviewed the proposed Local Law and found no issues that would adversely reflect on DAF's State Interest or any other Departmental interests.'</i>
Department of Housing and Public Works	<i>'The Department of Housing and Public Works does not have any comments to make regarding the proposed local law.'</i>
Department of Local Government, Racing and Multicultural Affairs	<i>'The Department has completed its review of the Council's proposed Local Law having regard to matters of State interest relevant to the Department. No matters that would adversely impact State interests were identified during this process.'</i>
Queensland Police Service	<i>'Please be advised that the Queensland Police Service (QPS) have reviewed the proposed Local Law No. 8 (Waste Management) 2018 and no issues or impacts on the QPS have been identified.'</i>
Queensland Fire and Emergency Services	<i>'QFES has no issues with proposed Local Law No. 8 (Waste Management).'</i>
Department of Transport and Main Roads	<i>'The Department of Transport and Main Roads has reviewed this Local Law and has no comment.'</i>

No Submissions Received

Department of Child Safety, Youth and Women	Department of Communities, Disability Services and Seniors
Department of Education	Department of Premier and Cabinet
Department of Natural Resources, Mines & Energy	Department of Attorney-General and Justice
Public Service Commission	Department of Innovation, Tourism Industry Development and the Commonwealth Games
Corrective Services	Department of State Development, Manufacturing, Infrastructure & Planning
Queensland Treasury	

12.1 - LOCAL LAW NO. 8 (WASTE MANAGEMENT) 2018

Submission from Department of Health

Meeting Date: 15 May 2018

Attachment No: 4

Carrie Burnett

From: Paul Florian <Paul.Florian@health.qld.gov.au>
Sent: Wednesday, 7 March 2018 5:10 PM
To: Carrie Burnett
Subject: Consultation about the overall state interest in Local Law No. 8 (Waste Management) 2018

Dear Ms Burnett

Thank you for the opportunity to review the draft Local Law No. 8 (Waste Management) 2018.

Below are some comments for consideration.

Section 5	The reference to "green waste" may not be necessary as the definition of <i>general waste</i> includes <i>recyclable waste</i> which includes in the example "green waste".
Section 7(2)(b)	After "when placing waste in" insert ", or removing waste from". See section 7(1)(c).
Section 9	The term "ERA" may need to be defined.
Dictionary <i>commercial premises</i>	This definition should include: (e) an office, shop or other premises where business or work, other than a manufacturing process, is carried out.
Dictionary <i>domestic clean-up waste</i>	Domestic clean-up waste is referenced in the definition for <i>domestic waste</i> and <i>industrial waste</i> . There should be a definition in the dictionary: <i>domestic clean-up waste</i> means non-putrescible, dry and inoffensive waste, other than green waste or recyclable waste, produced as a result of a clean-up of domestic premises.
	Are there any requirements for domestic clean-up waste?
Dictionary <i>industrial waste</i>	Should this term include waste from a manufacturing process?
Dictionary <i>manufacturing process</i>	This term is defined in the dictionary. However the term is not used within the local law.
Dictionary <i>penalty unit</i>	Omit "Council's" and insert "the local government's" to be consistent throughout the local law.
Subordinate local law	Where a subordinate local law is proposed, we would be pleased to review such if required.

If further assistance is required, please contact me on the details as below.

Yours sincerely

Paul Florian

Paul Florian
 Manager Environmental Health
 Central Queensland and Central West Public Health Unit
 82-86 Bolsover Street, Rockhampton, Qld 4700
 PO Box 946, Rockhampton, Qld 4700
 T: (07) 4920 6895
 F: (07) 4921 3230
 M: 0407 374 166
 E: paul.florian@health.qld.gov.au

12.1 - LOCAL LAW NO. 8 (WASTE MANAGEMENT) 2018

Submission from Department of Environment and Science

Meeting Date: 15 May 2018

Attachment No: 5



Department of
Environment and Science

Our Ref: CTS 03643/18

8 March 2018

Mr Chris Murdoch
Chief Executive Officer
Livingstone Shire Council
PO Box 2292
YEPPOON QLD 4703

Dear Mr Murdoch

Thank you for your letter dated 8 February 2018 concerning consultation about the overall state interest in proposed Local Law No. 8 (Waste Management) 2018 (the proposed local law).

Thank you for providing the Department of Environment and Science (the department) with an opportunity to review the proposed local law. The department has reviewed the proposed local law and has provided comments for your consideration in the attachment to this letter.

Please note that the current provisions in section 7 (part 2A) of the Waste Reduction and Recycling Regulation 2011 and chapter 5A of the Environmental Protection Regulation 2008 were amended in June 2017 to expire on 1 July 2018. The Queensland Government and the department will continue to work with the Local Government Association of Queensland, local governments and waste industry stakeholders to develop and implement options for a resolution to the issues raised by stakeholders about the expiry of these provisions and potentially uncompetitive waste practices, to achieve an outcome that meets the needs of all stakeholders.

Should you require any further information, you may contact Ms Kylie Hughes, Director, Waste Policy and Legislation of the Department of Environment and Science on telephone 07 3330 5020 or by email at Kylie.Hughes@des.qld.gov.au.

Yours sincerely


Tony Roberts
Deputy Director-General
Environmental Policy and Planning

Encl. (1)

GPO Box 2454 Brisbane
Queensland 4001 Australia
Telephone 3330 5020
Website www.des.qld.gov.au

Attachment - State Interest Review Response

Livingstone Shire Council – Proposed Local Law No.8 (Waste Management) 2018			
Comments from: Department of Environment and Science			
LL Section	Comment	Suggested Action	Local Government's Response to State Agency Feedback
General	Part 2A of the Waste Reduction and Recycling Regulation 2011 (Waste Regulation) and chapter 5A of the Environmental Protection Regulation 2008 (EP Regulation) were amended in June 2017 so that the provisions are now due to expire on 1 July 2018. The Queensland Government and the Department of Environment and Science (the department) will continue to work with local governments, Local Government Association of Queensland and waste industry stakeholders to develop and implement options for a resolution to the issues raised about section 7 of the Waste Regulation and chapter 5A of the EP Regulation to achieve an outcome that best meets the needs of all stakeholders.	It is suggested that council notes that Part 2A of the Waste Regulation and chapter 5A of the EP Regulation are now due to expire on 1 July 2018 and that the Queensland Government and the department will continue to work with key stakeholders to develop and implement options for a resolution that will best meet the needs of all stakeholders.	
General	Part 2A of the Waste Regulation and chapter 5A of the EP Regulation currently provide council's with the ability to manage waste in their local government area. Section 81ZC provides for council to replace these provisions with local laws. A number of provisions in this proposed local law appear to extend the scope and exceed the intent of the current state provisions in chapter 5A of the EP Regulation and section 7 of the Waste Regulation.	Ensure that the proposed local law is consistent with chapter 5A of the EP Regulation and of part 2A and section 7 of the Waste Regulation. The department does not support provisions which will extend the powers of council to manage waste other than in the manner provided for in the current state legislation. In particular, the department does not support provisions that will limit competition in the waste market or where the provisions will extend the ability of council to regulate different types of waste.	

Livingstone Shire Council – Proposed Local Law No.8 (Waste Management) 2018			
Comments from: Department of Environment and Science			
LL Section	Comment	Suggested Action	Local Government's Response to State Agency Feedback
Section 5(a) – Designation of areas	The use of <i>and/or</i> is ambiguous.	Ensure that the use of <i>and/ or</i> does not change the intent of this section from that in section 7 of the Waste Regulation.	
Section 6(1)(a)(ii); 6(1)(b)(ii); 7(2)(a)(iv); 8(1)(b); 12(1)(b); 12(2)(b); 13(b) - matters prescribed by a subordinate local law.	These provisions require that an owner or occupier must comply with particular matters prescribed in a subordinate local law. For sections 12(1)(b) and 13(b) methods of storage and treatment may already be prescribed for an environmentally relevant activity (ERA) under an existing Environmental Authority or in a Regulation or guideline.	Ensure that if a person is to comply with matters that are prescribed in a subordinate local law, the prescribed matters are consistent with the current State law and take into consideration any waste tracking requirements and considers any requirements under the environmentally relevant activity and regulated waste frameworks or End of Waste Codes that may be in effect.	
Sections 6(1); 8(1); 9(2); 12(1); 13(a)– Examples	These provisions provide examples of ways that Council may make a requirement. One of these examples is by a decision of a delegate of the local government, written notice of which is given to the owner or occupier. This example is not based on a statutory power or process. This is not a transparent decision or decision making process.	Remove from the examples - <i>a decision of a delegate of the local government, written notice of which is given to the owner or occupier.</i>	
Section 9(1)(b) – Other requirements for storing general waste at particular serviced premises	Section 9(1) of the proposed local law appears to condense section 81Z(1)(b) and (c) of the EP Regulation into one subsection. It is not clear whether condensing of this subsection changes or limits the definition of who is a prescribed person.	Ensure that condensing of the subsections 81Z(1)(b) and (c) of the EP Regulation in section 9(1)(b) of the proposed local law does not change or limit the definition of a prescribed person.	

Livingstone Shire Council – Proposed Local Law No.8 (Waste Management) 2018			
Comments from: Department of Environment and Science			
LL Section	Comment	Suggested Action	Local Government's Response to State Agency Feedback
Section 9(2)(b) – Other requirements for storing general waste at particular serviced premises	This section requires a prescribed person to comply with matters prescribed in a subordinate local law.	Ensure that if a person is to comply with matters that are prescribed in a subordinate local law, the prescribed matters are consistent with requirements in chapter 5A of the EP Regulation.	
Section 13(a)(ii) and (b)(ii)– Requirements to treat industrial waste for disposal	The requirement for the treatment of waste to a standard approved by the local government, <i>"for transport to, and disposal of the waste at, a waste facility"</i> is not a requirement under the existing chapter 5A (EP Regulation) provisions (s81ZM).	Ensure that s13(a)(ii) and (b) of the proposed local law are not inconsistent with State requirements for the treatment and transportation of waste to a facility including for example any waste tracking requirements and considerations under the ERA and regulated waste frameworks.	
Section 14(1)(h) – Unlawful disposal of waste at a waste facility;	The proposed provision will require a person not to deposit waste at a waste facility that is waste prescribed by a subordinate local law.	Ensure that anything to be prescribed in a subordinate local law is consistent with the current State law and takes into consideration any waste tracking requirements and considers any requirements under the ERA and regulated waste frameworks or End of Waste Codes that may be in effect.	
18(a) –Subordinate local laws	This proposed provision will allow council to prescribe in a subordinate local law what is considered to be a waste. The State definition for waste is quite broad and it is not clear why wastes would need to be defined further.	Ensure that the ability to prescribe wastes under a subordinate local law is not inconsistent with the current State definitions of waste and takes into consideration requirements under, for example, an End of Waste Code or the regulated waste framework.	

Livingstone Shire Council – Proposed Local Law No.8 (Waste Management) 2018			
Comments from: Department of Environment and Science			
LL Section	Comment	Suggested Action	Local Government's Response to State Agency Feedback
Section 18(b), (c), (d), (e), (j) – Subordinate local laws	These sections refer to the section and not more specifically the subsection where there is a requirement relating to matters prescribed in a subordinate local law. 18(f), (g), (h) and (i) are more specific to the subsection. This is inconsistently handled in section 18.	Consider whether all references to provisions of the proposed local law in section 18 providing for the making of subordinate local laws should refer to the specific subsections of the proposed local law where the proposed local law refers to a matter that is prescribed by a subordinate local law.	
Sections 18(h), (i) and (j) – Subordinate local laws	<p>The proposed provisions will allow council to prescribe certain requirements under a subordinate local law about:</p> <ul style="list-style-type: none"> – the supply at premises of industrial waste containers for storing industrial waste – the treatment of industrial waste – waste that must not be deposited at a waste facility. <p>Methods of storage and treatment may already be prescribed for an ERA under an existing Environmental Authority or in a Regulation or guideline.</p>	Ensure that anything to be prescribed in a subordinate local law is consistent with the current state law and takes into consideration any waste tracking requirements and considers any requirements under the environmentally relevant activity and regulated waste frameworks or End of Waste Codes that may be in effect.	
Dictionary – Commercial premises	<p>The definition of <i>commercial premises</i> is not the same as in the EP Regulation. The EP Regulation definition also includes:</p> <p><i>(e) an office, shop or other premises where business or work other than manufacturing process is carried out.</i></p> <p>Leaving out this part of the definition is inconsistent with the EP Regulation.</p>	Ensure that the definition of <i>commercial premises</i> is consistent with the EP Regulation definition or that the removal of these particular <i>premises</i> from the definition of <i>commercial premises</i> does not change the intent of the current state provisions.	

Livingstone Shire Council – Proposed Local Law No.8 (Waste Management) 2018			
Comments from: Department of Environment and Science			
LL Section	Comment	Suggested Action	Local Government's Response to State Agency Feedback
	It is unclear why these particular premises types have been left out of the definition of <i>commercial premises</i> . <i>Commercial premises</i> are included in the definition of <i>premises</i> . If an office, shop or other premises where business or work other than manufacturing process is carried out is ultimately then left out of the definition of <i>premises</i> , does this mean that it is intended that these businesses are not subject to sections imposing obligations on premises and occupiers of premises (6, 7(1), 7(3) and (4), 8, 9, 10, 11, 12 and 13)?		
Dictionary	<i>Domestic clean up</i> waste is not defined. This term is used in the proposed local law in other definitions.	Consider defining <i>domestic clean up</i> waste in the dictionary using the definition in the EP Regulation.	
Dictionary - Premises	The definition of <i>relevant premises</i> in the EP Regulation is only referred to as <i>premises</i> in the proposed local law. <i>Premises</i> is defined in the proposed local law to also include <i>industrial premises</i> and this is inconsistent with the current State provisions. This may duplicate some requirements for industrial premises and change the application of the provisions from that of the current State laws.	Ensure that the inclusion of <i>industrial premises</i> in the definition of <i>premises</i> in the proposed local law is not inconsistent with current State laws and takes into consideration any waste tracking requirements and considers any requirements under the ERA and regulated waste frameworks or End of Waste Codes that may be in effect.	
Dictionary – prescribed person	See comments above regarding section 9(1).		
Dictionary – Waste	This definition of <i>waste</i> includes anything specified to be a waste under a subordinate local law. The State definition for <i>waste</i> is quite broad and it is not clear why <i>waste</i> would need to be defined further.	Ensure that a thing specified to be a waste under a subordinate local law is not inconsistent with the current state definitions of <i>waste</i> .	

Livingstone Shire Council – Proposed Local Law No.8 (Waste Management) 2018			
Comments from: Department of Environment and Science			
LL Section	Comment	Suggested Action	Local Government's Response to State Agency Feedback
Compliance notices	Proposed Local Law No.8 (Waste Management) 2018 is to be read with Livingstone Shire Council Local Law No.1 (Administration) 2011. The proposed local law does not include provisions relating to compliance notices. Compliance notices are dealt with in the Local Law No.1. The existing Local Law No.1 (Administration) 2011 includes a 50 penalty unit maximum penalty for not complying with a compliance notice. The current EP Regulation (section 81ZN(4)) includes a penalty of only 10 penalty units. The penalty in Local Law No.1 is currently greater than the penalty in the current EP Regulation and would appear to be disproportionate to the offence.	Ensure that the effect of the proposed local law read with Local Law No.1 (Administration) 2011 is consistent with the current EP Regulation in relation to the offences and level of penalty.	

12.1 - LOCAL LAW NO. 8 (WASTE MANAGEMENT) 2018

Submission from Department of Aboriginal and Torres Strait Islander Partnerships

Meeting Date: 15 May 2018

Attachment No: 6

Carrie Burnett

From: Valerie Musu <Valerie.Musu@atsip.qld.gov.au> on behalf of DATSIP CLLO
<CLLO@atsip.qld.gov.au>
Sent: Friday, 2 March 2018 9:09 AM
To: Carrie Burnett
Cc: Ashleigh E Schoch; Sarah K Mellors; Matthew English; DATSIP CLLO
Subject: RE: Consultation about the Overall State Interest in Local Law No. 8 (Waste Management) 2018

Good morning Carrie

Thank you for the opportunity to provide comments to the proposed Local Law No. 8 (Waste Management) 2018. The [Department of Aboriginal and Torres Strait Islander Partnerships](#) is a nil response.

Regards

Valerie Musu | Acting Cabinet and Parliamentary Services Officer
Executive Services | Corporate Services
[Department of Aboriginal and Torres Strait Islander Partnerships](#)
Level 39, 1 William Street, Brisbane City QLD 4000
T: 07 3003 6344 | E: valerie.musu@atsip.qld.gov.au

Fostering partnerships
through Aboriginal and Torres Strait Islander
cultural heritage

www.atsip.qld.gov.au/ch



This email and any attachments are confidential and subject to Cabinet in confidence privilege. You must not copy or disclose this Cabinet in confidence material without the prior approval of Executive Services (Cabinet and Parliamentary Services), Department of Aboriginal and Torres Strait Islander Partnerships. Cabinet documents are the property of the Government that created them and are held in trust by the Public Service.

Penalties apply to individuals who breach Cabinet confidentiality. Unlawful disclosure of official information may constitute an offence under the Criminal Code, official misconduct under the *Crime and Corruption Act 2001*, a breach of the *Public Sector Ethics Act 1994*, and be grounds for disciplinary action under the *Public Service Act 2008*.

Cabinet documents are diverse in their form and may broadly be defined as documents, which if disclosed, would reveal any consideration or deliberation of Cabinet, or otherwise prejudice the confidentiality of Cabinet considerations, deliberations or operations. For example, briefing notes prepared for use by the Minister and Director-General in relation to matters submitted or proposed to be submitted to Cabinet; reports that are intended to form the basis of a Cabinet document or an attachment to a Cabinet document; and correspondence that relates to Cabinet matters. Please refer to section 1.7 of The Cabinet Handbook for further details: <http://www.premiers.qld.gov.au/publications/categories/policies-and-codes/handbooks/cabinet-handbook/process/definition.aspx>

The term 'Cabinet' refers to Cabinet and Cabinet committees such as the Cabinet Budget Review Committee.

From: Matthew English
Sent: Thursday, 8 February 2018 8:48 AM
To: Ashleigh E Schoch
Cc: Valerie Musu ; Sarah K Mellors
Subject: FW: Consultation about the Overall State Interest in Local Law No. 8 (Waste Management) 2018

Attn: Acting Director-General Tammy Williams

Dear Madam,

In accordance with Section 29A of the *Local Government Act 2009*, Livingstone Shire Council is consulting with you and other relevant government entities about state interest in Council's proposed Local Law No. 8 (Waste

Management) 2018. The attached letter explains this in more detail. Also attached for your reference is the proposed Local Law No. 8 (Waste Management) 2018.

Please submit any comments before 5:00pm on the last day of the response time (four calendar weeks after the date of this email and letter). Comments should be submitted to carrie.burnett@livingstone.qld.gov.au

Regards

Carrie Burnett

Policy & Planning Officer | Infrastructure Services

Livingstone Shire Council – Cordingley Street Office

Ph: 07 4939 9857

Email: carrie.burnett@livingstone.qld.gov.au



Go Green! - Get your rates notice

Get Rates and Water correspondence sent to a nomin

- 1 Visit www.livingstone.qld.gov.au/emailnotices
- 2 Fill out your property information and provide an contact phone number.
- 3 Done! **Convenient and easy - access anywh**

This message and any attachments are for the named person's use only. It may contain confidential, proprietary or legally privileged information and may be protected by copyright. No confidentiality or privilege is waived or lost by any mistransmission. If you receive this message in error, please immediately delete it and all copies of it from your system, destroy any hard copies of it and notify the sender.

You must not, directly or indirectly use, disclose, distribute, print, or copy any part of this message if you are not the intended recipient. Livingstone Shire Council and any of its subsidiaries each reserve the right to monitor all e-mail communications through its networks. Any views expressed in this message are those of the individual sender, except where the message states otherwise and the sender is authorised to state them to be the views of any such entity. It is the addressee's responsibility to scan this message for viruses. Livingstone Shire Council does not warrant that the information is free from any virus, defect or error.

DISCLAIMER: The information contained in the above e-mail message or messages (which includes any attachments) is confidential and may be legally privileged. It is intended only for the use of the person or entity to which it is addressed. If you are not the addressee any form of disclosure, copying, modification, distribution or any action taken or omitted in reliance on the information is unauthorised. Opinions contained in the message(s) do not necessarily reflect the opinions of the Queensland Government and its authorities. If you received this communication in error, please notify the sender immediately and delete it from your computer system network.

12.1 - LOCAL LAW NO. 8 (WASTE MANAGEMENT) 2018

Submission from Department of Agriculture and Fisheries

Meeting Date: 15 May 2018

Attachment No: 7



Department of
Agriculture and Fisheries

Our ref: CTS 03744/18
Your ref: CLB – 19.5.1

1 MAR 2018

LSC Records Management	
File No.	CLB 14-4-1
Doc No.	
08 MAR 2018	
Action Officer	CEO's PA
Retention	Yrs Box

Ms Chris Murdoch
Chief Executive Officer
Livingstone Shire Council
PO Box 2292
YEPPOON QLD 4703

Dear Ms Murdoch

Thank you for your letter of 8 February 2018 in accordance with Section 29 of the *Local Government Act 2009*, providing the Department of Agriculture and Fisheries (DAF) with the opportunity to consult with Council regarding State Interest in the proposed Local Law No. 8 (Waste Management) 2018.

We have reviewed the proposed Local Law and found no issues that would adversely reflect on DAF's State Interest or any other Departmental interests.

If you require further information please contact Ms Karen Grindlay, Senior Project Officer on 4843 2670 or email karen.grindlay@daf.qld.gov.au

Yours sincerely

A handwritten signature in blue ink, appearing to read "Elizabeth Woods".

for **Dr Elizabeth Woods**
Director-General
Department of Agriculture and Fisheries

1 William Street Brisbane
GPO Box 46 Brisbane
Queensland 4001 Australia
Business Centre 13 25 23
Website www.daf.qld.gov.au
ABN 66 934 348 189

12.1 - LOCAL LAW NO. 8 (WASTE MANAGEMENT) 2018

Submission from Department of Housing and Public Works

Meeting Date: 15 May 2018

Attachment No: 8

Carrie Burnett

From: CHIANG Lily <Lily.CHIANG@hpw.qld.gov.au>
Sent: Thursday, 8 March 2018 10:41 AM
To: Carrie Burnett
Cc: HAMPSON Joanne; HINDE Jennifer; GIN Deirdre
Subject: Livingstone Shire Council re Consultation about Proposed Local Law 8 (Waste Management) 2018
Attachments: Livingstone Shire Council re Consultation about the Overall State Interest in Local Law No 8 (Waste Management) 2018.pdf

Dear Carrie

I refer to Livingstone Shire Council's letter dated 8 February 2018 in relation to:

- Consultation about the overall State Interest in Livingstone Shire Council - proposed Local Law No. 8 (Waste Management) 2018.

The Department of Housing and Public Works does not have any comments to make regarding the proposed local law.

Thank you for consulting with the department.

Kind regards
Lily

Lily Chiang

Director – Property Law | Legal Services
Corporate Services | Department of Housing and Public Works
Level 2 | 60 Albert Street | Brisbane Q 4000
GPO Box 2457 | Brisbane Q 4001
ph 07 3008 3113 | fax 07 3224 6938 | email lily.chiang@hpw.qld.gov.au
www.hpw.qld.gov.au | www.qld.gov.au/housing

Customers first | Ideas into action | Unleash potential | Be courageous | Empower people | Healthy and safe workforce

This email may contain legal advice which is confidential and is subject to legal professional privilege. Reference to the existence and content of this legal advice may result in waiver of the privilege. Please do not refer to or quote from this advice outside the department without approval from Legal Services

***** Disclaimer *****

The contents of this electronic message and any attachments are intended only for the addressee and may contain privileged or confidential information. They may only be used for the purposes for which they were supplied. If you are not the addressee, you are notified that any transmission, distribution, downloading, printing or photocopying of the contents of this message or attachments is strictly prohibited. The privilege or confidentiality attached to this message and attachments is not waived, lost or destroyed by reason of mistaken delivery to you. If you receive this message in error please notify the sender by return e-mail or telephone.

Please note: the Department of Housing and Public Works carries out automatic software scanning, filtering and blocking of E-mails and attachments (including emails of a personal nature) for detection of viruses, malicious code, SPAM, executable programs or content it deems unacceptable. All reasonable precautions will be taken to respect the privacy of individuals in accordance with the Information Privacy Act 2009 (Qld). Personal information will only be used for official purposes, e.g. monitoring Departmental Personnel's compliance with Departmental Policies. Personal information will not be divulged or disclosed to others, unless authorised or required by Departmental Policy and/or law.

Thank you.

12.1 - LOCAL LAW NO. 8 (WASTE MANAGEMENT) 2018

**Submission from Department of Local
Government, Racing and Multicultural
Affairs**

Meeting Date: 15 May 2018

Attachment No: 9



Department of Local Government,
Racing and Multicultural Affairs

Our ref: DEPC18/116

Your ref: CLB – 19.5.1

Ms Chris Murdoch
Chief Executive Officer
Livingstone Shire Council
PO Box 2292
YEPPOON QLD 4703

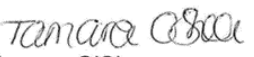
Dear Ms Murdoch

Thank you for your letter of 8 February 2018 submitting the Livingstone Shire Council's Local Law No.8 (Waste Management) 2018 (proposed Local Law) for State interest review by the Department of Local Government, Racing and Multicultural Affairs.

The Department has completed its review of the Council's proposed Local Law having regard to matters of State interest relevant to the Department. No matters that would adversely impact State interests were identified during this process.

If you require further information, I encourage you to contact Ms Denise Hallmark, Principal Advisor, Local Government and Regional Services in the Department on 4924 2908 or by email at denise.hallmark@dilgp.qld.gov.au.

Yours sincerely


Tamara O'Shea
Acting Director-General
14.02.18.

1 William Street Brisbane
PO Box 15009 City East
Queensland 4002 Australia
Telephone +61 7 3452 7009
ABN 251 66 523 889

12.1 - LOCAL LAW NO. 8 (WASTE MANAGEMENT) 2018

Submission from Queensland Police Service

Meeting Date: 15 May 2018

Attachment No: 10

Carrie Burnett

From: Lynch.JodieM[PP] <Lynch.JodieM@police.qld.gov.au>
Sent: Thursday, 15 February 2018 10:51 AM
To: Carrie Burnett
Subject: FW: Consultation about the Overall State Interest in Local Law No. 8 (Waste Management) 2018
Attachments: SKM_C30818020805495.pdf; Local Law No. 8 (Waste Management) 2018.doc

Good morning,

Please be advised that the Queensland Police Service (QPS) have reviewed the proposed Local Law No. 8 (Waste Management) 2018 and no issues or impacts on the QPS have been identified.

Kind regards,
Jodie

Jodie Lynch
Acting Inspector
Strategic Policy Branch
Policy and Performance

PHONE: 07 3364 4022
ADDRESS: Level 7, Police Headquarters, 200 Roma St, Brisbane Q 4000
EMAIL: Lynch.JodieM@police.qld.gov.au
POSTAL: GPO Box 1440, Brisbane Q 4001



Queensland Police Service

From: Carrie Burnett [<mailto:Carrie.Burnett@livingstone.qld.gov.au>]
Sent: Thursday, 8 February 2018 5:51 AM
To: COMMISSIONER <commissioner@police.qld.gov.au>
Subject: Consultation about the Overall State Interest in Local Law No. 8 (Waste Management) 2018

Attn: Commissioner of Police Ian Stewart

Dear Sir,

In accordance with Section 29A of the *Local Government Act 2009*, Livingstone Shire Council is consulting with you and other relevant government entities about state interest in Council's proposed Local Law No. 8 (Waste Management) 2018. The attached letter explains this in more detail. Also attached for your reference is the proposed Local Law No. 8 (Waste Management) 2018.

Please submit any comments before 5:00pm on the last day of the response time (four calendar weeks after the date of this email and letter). Comments should be submitted to carrie.burnett@livingstone.qld.gov.au

Regards
Carrie Burnett
Policy & Planning Officer | Infrastructure Services
Livingstone Shire Council – Cordingley Street Office
Ph: 07 4939 9857

Email: carrie.burnett@livingstone.qld.gov.au



Go Green! - Get your rates notice

Get Rates and Water correspondence sent to a nomin

- 1 Visit www.livingstone.qld.gov.au/emailnotices
- 2 Fill out your property information and provide an contact phone number.
- 3 Done! **Convenient and easy - access anywh**

This message and any attachments are for the named person's use only. It may contain confidential, proprietary or legally privileged information and may be protected by copyright. No confidentiality or privilege is waived or lost by any mistransmission. If you receive this message in error, please immediately delete it and all copies of it from your system, destroy any hard copies of it and notify the sender.

You must not, directly or indirectly use, disclose, distribute, print, or copy any part of this message if you are not the intended recipient. Livingstone Shire Council and any of its subsidiaries each reserve the right to monitor all e-mail communications through its networks. Any views expressed in this message are those of the individual sender, except where the message states otherwise and the sender is authorised to state them to be the views of any such entity. It is the addressee's responsibility to scan this message for viruses. Livingstone Shire Council does not warrant that the information is free from any virus, defect or error.

CONFIDENTIALITY: The information contained in this electronic mail message and any electronic files attached to it may be confidential information, and may also be the subject of legal professional privilege and/or public interest immunity. If you are not the intended recipient you are required to delete it. Any use, disclosure or copying of this message and any attachments is unauthorised. If you have received this electronic message in error, please inform the sender or contact securityscanner@police.qld.gov.au. This footnote also confirms that this email message has been checked for the presence of computer viruses.

12.1 - LOCAL LAW NO. 8 (WASTE MANAGEMENT) 2018

Submission from Queensland Fire and Emergency Services

Meeting Date: 15 May 2018

Attachment No: 11

Carrie Burnett

From: Lesley Syme <Lesley.Syme@qfes.qld.gov.au>
Sent: Monday, 19 February 2018 1:23 PM
To: Carrie Burnett
Subject: Proposed Local Law No. 8 (Waste Management) - Overall State Interest Consultation

Dear Mr Murdoch,

Thank you for your correspondence of 8 February 2018 to Commissioner Carroll, Fire and Emergency Services about providing comment on the State interest consultation in proposed Local Law No. 8 (Waste Management). The Commissioner has asked me to reply on her behalf.

I have perused the proposed the Law and advise that the proposed law meets legislative requirements under the Fire and Emergency Services Act 1990.

QFES has no issues with proposed Local Law No. 8 (Waste Management).

Should you require further assistance please contact Dr John Rolfe, Acting Director, Community Resilience and Risk Mitigation on telephone 07 3635 3622 or email john.rolfe@qfes.qld.gov.au.

Regards

John Rolfe
A/Director
Community Resilience and Risk Mitigation



Emergency Management and Community Capability
Queensland Fire and Emergency Services
L2/85 Hudson Road ALBION QLD 4010
GPO BOX 1425 BRISBANE QLD 4001
' (07) 3635 3622 M: 0437 964 202
✉ john.rolfe@qfes.qld.gov.au

This correspondence is for the named persons only. It may contain confidential or privileged information or both. No confidentiality or privilege is waived or lost by any mis transmission. If you receive this correspondence in error please delete it from your system immediately and notify the sender. You must not disclose, copy or relay on any part of this correspondence, if you are not the intended recipient. Any opinions expressed in this message are those of the individual sender except where the sender expressly, and with the authority, states them to be the opinions of the Queensland Government. All reasonable precautions will be taken to respect the privacy of individuals in accordance with the Information Privacy Act 2009 (Qld).

12.1 - LOCAL LAW NO. 8 (WASTE MANAGEMENT) 2018

Submission from Department of Transport and Main Roads

Meeting Date: 15 May 2018

Attachment No: 12

Carrie Burnett

From: Legislation <Legislation@tmr.qld.gov.au>
Sent: Tuesday, 6 March 2018 4:11 PM
To: Carrie Burnett
Cc: Legislation
Subject: State Interest Check - Local Law No. 8 (Waste Management) 2018
Attachments: TMR Response_Livingstone SC_SIC_DG34878.pdf; Incoming_State Interest Check_Livingstone SC.pdf; Local Law No. 8 (Waste Management) 2018.pdf

Good afternoon,

Thank you for providing the Department of Transport and Main Roads an opportunity to review Livingstone Regional Council's proposed Local Law No. 8 (Waste Management) 2018.

The Department of Transport and Main Roads has reviewed this Local Law and has no comment.

Please feel free to contact Ms Elizabeth Robinson (P: 3066 7058 or E: legislation@tmr.qld.gov.au) if any further information is required.

Kind Regards,

Cynthia Leslie

Support Officer | Legislation Services

Corporate Division | Governance Branch | Department of Transport and Main Roads

Floor 5 | 61 Mary Street | Brisbane Qld 4000

GPO Box 1549 | Brisbane Qld 4001 | P: (07) 3066 7029

E: legislation@tmr.qld.gov.au | W: www.tmr.qld.gov.au

WARNING: This email (including any attachments) may contain legally privileged, confidential or private information and may be protected by copyright. You may only use it if you are the person(s) it was intended to be sent to and if you use it in an authorised way. No one is allowed to use, review, alter, transmit, disclose, distribute, print or copy this email without appropriate authority.

If this email was not intended for you and was sent to you by mistake, please telephone or email me immediately, destroy any hardcopies of this email and delete it and any copies of it from your computer system. Any right which the sender may have under copyright law, and any legal privilege and confidentiality attached to this email is not waived or destroyed by that mistake.

It is your responsibility to ensure that this email does not contain and is not affected by computer viruses, defects or interference by third parties or replication problems (including incompatibility with your computer system).

Opinions contained in this email do not necessarily reflect the

opinions of the Department of Transport and Main Roads,
or endorsed organisations utilising the same infrastructure.

12.1 - LOCAL LAW NO. 8 (WASTE MANAGEMENT) 2018

Ordinary Agenda 6 February 2018

Meeting Date: 15 May 2018

Attachment No: 13

ORDINARY MEETING AGENDA

6 FEBRUARY 2018

12.3 WASTE MANAGEMENT LOCAL LAW

File No: 19.5.1

- Attachments:**
1. Draft Local Law No 8 (Waste Management) 2018¹
 2. Part 2A Waste Reduction and Recycling Regulation 2011²
 3. Chapter 5A Environmental Protection Regulation 2008³
 4. Summary of review process of anti-competitive provisions⁴
 5. List of Likely Anti-Competitive Provisions⁵

Responsible Officer: Dan Toon - Director Infrastructure Services

Author: Carrie Burnett - Policy & Planning Officer

SUMMARY

This report identifies important matters relating to waste and seeks a resolution of Council to commence the local law making process which was adopted on 26 August 2014 to make Local Law No 8 (Waste Management) 2018.

OFFICER'S RECOMMENDATION

THAT

- a) Council propose to make Local Law No. 8 (Waste Management) 2018;
- b) Council comply with its Local Law Making Process which was adopted at its 26 August 2014 Meeting; and
- c) The Chief Executive Officer be directed to do all things necessary to give effect to Items 1 and 2 of this resolution.

BACKGROUND

Part 2A of the *Waste Reduction and Recycling Regulation 2011* ('the Waste Regulation') (refer to Attachment 2) provides Council with a head of power to designate areas where it wishes to conduct waste collection and to decide the frequency of collection in those areas.

Council has additional powers under Ch. 5A of the *Environmental Protection Regulation 2008* ('the Environmental Regulation') (refer to Attachment 3) which relates to waste management by local governments and provides Council with the ability to enforce compliance and maintain minimum standards in relation to the provision of waste services.

It is understood that the waste industry has been pressuring the State Government to remove these two important provisions from the regulations to allow the industry to enter into waste collection activities traditionally covered by local governments. Council is aware that the Local Government Association of Queensland ('LGAQ') has been lobbying the State Government to retain these provisions. At this stage, unless there is intervention by the State Government, both provisions will expire on 1 July 2018.

In a letter to Council dated 1 August 2017, the LGAQ stated the following in relation to the expiry of these provisions:

'Without either of these provisions an individual ratepayer would have the potential to engage the services of alternative waste providers subsequently leading to a range of adhoc and unregulated waste services and potentially lead to a range of amenity issues, cherry picking of profitable waste services and a loss of economies of scale. In essence, councils would lose the ability to control the regulation of these operations in a local government area. The LGAQ has identified this as a significant risk for local government...'

ORDINARY MEETING AGENDA

6 FEBRUARY 2018

Given the risks outlined by the LGAQ, the ongoing lobbying by the waste industry and ambiguity regarding the looming expiration date of 1 July 2018 of pt 2A and ch. 5A of the regulations, it is necessary to replace the provisions in a local law on or before their expiry to ensure continuation of effective waste management services.

This matter was discussed at Council's Workshop on 22 January 2018 and is now presented to Council for a resolution to proceed with the local law making process.

At the Workshop Cr Kelly requested 'and' be included in Item 5(a) and a new definition for penalty unit. Both of the changes have been made.

COMMENTARY

If the legislative provisions expire without a replacement legal instrument such as a local law, waste management functions would be inadequately regulated, which could have significant impacts on amenity and safety. The absence of designated waste collection areas could result in a greater number of commercial and industrial waste vehicle movements and inconsistent bin types and servicing frequencies. Without a head of power to require standard kerbside collection services, residents could opt out of the standard collection service. This scenario could result in incidences of public health and amenity issues.

The proposed Local Law No. 8 (Waste Management) 2018 (*'the draft local law'*) at Attachment 1 is reflective of the legislative provisions which will expire. There have been minor amendments made to the provisions which are detailed below. The object of *the draft local law* is to protect the public health, safety and amenity related to waste management by—

- a) regulating the storage, servicing and removal of waste; and
- b) regulating the disposal of waste at waste facilities; and
- c) ensuring that an act or omission does not result in—
 - i harm to human health or safety or personal injury; or
 - ii property damage or loss of amenity; or
 - iii environmental harm or environmental nuisance.

Amendments to legislative provisions in *the draft local law*

1. Part 2A of *the Waste Regulation* has been replicated at s 5 in *the draft local law*

The words 'by resolution' have been removed from (a). Adoption of the Designated Waste Collection Areas ('DWCA') is the subject of a separate report to this Workshop. If it is necessary to amend the DWCA in the future, removing the words 'by resolution' will allow amendments to occur by delegated authority from the CEO rather than by Council resolution.

2. Section 81ZH of *the Environmental Regulation* has been replicated at s 8 in *the draft local law*

To remove any ambiguity, sub-s (2)(b)(ii) has been amended to allow waste containers (MGBs) to be placed outside the premises 24 hours before or after the scheduled collection day.

3. Section 81ZJ of *the Environmental Regulation* has been replicated at s 10 in *the draft local law*

The addition of (d) has been included to allow for a written notice about the removal of general waste to state the time by which the waste container is to be removed from the collection location. Previously it only allowed a written notice to state when a waste container is to be placed for collection, not removed.

ORDINARY MEETING AGENDA

6 FEBRUARY 2018

4. Section 81ZQ of the *Environmental Regulation* has been replicated at s 16 in the *draft local law*

The addition of (2)(c) has been included to make it clear that people are allowed to participate in certain reuse and recycling activities at waste facilities, such as the purchase of recycled goods from the tip shop or acquiring mulch. *The Environmental Regulation* does not allow for any other activities on a waste facility other than the deposit of waste.

5. Addition to examples in ss 6(1)(b), 8(1)(a), 9(2)(a), 12(1)(a), 13(a) in the *draft local law*

An example is provided as to how the local government may require compliance. These have been expanded to include written notices.

6. Throughout the *draft local law* scope has been provided to allow for future subordinate local law requirements on the following matters:

- a) supply standard general waste containers at premises – s 6(1)(a)(ii);
- b) supply of waste containers other than standard general waste containers – s 6(1)(b)(ii);
- c) other types of waste containers – s 7(1)(a)(ii);
- d) things that a person must not place in a waste container – s 7(2)(a)(iv);
- e) keeping of waste containers at a particular place – s 8(1)(b);
- f) supply of facilities and structures for placement, storage and cleaning of waste containers at premises other than separate dwellings – s 9(2)(b);
- g) supply and storage of industrial waste containers – s 12(1)(b);
- h) treatment of industrial waste – s 13(b);
- i) waste that a person must not deposit at a waste facility – s 14(1)(h).

Law making process

The steps identified in the Local Law Making Process which was adopted by Council at its 26 August 2014 Meeting will be followed.

Anti-Competitive Provisions

Pursuant to s 38 of the *Local Government Act 2009*, 'A local government must not make a local law that contains an anti-competitive provision unless the local government has complied with the procedures prescribed under a regulation for the review of anti-competitive provisions'. An anti-competitive provision means a provision that a regulation identifies as creating barriers to entry to a market or competition within a market.

Attachment 4 is a summary of the review process that must be undertaken in accordance with the 'National Competition Policy – Guidelines for conducting reviews on anti-competitive provisions in local laws' (ver 1) which is produced by the Department of Infrastructure, Local Government and Planning.

The *draft local law* contains possible anti-competitive provisions which are identified in Attachment 5.

PREVIOUS DECISIONS

At its 26 August 2014 Meeting, Council resolved to adopt a Local Law Making Process.

ORDINARY MEETING AGENDA

6 FEBRUARY 2018

BUDGET IMPLICATIONS

The draft local law merely replicate the provisions currently contained in *the Waste Regulation* and *the Environmental Regulation* which reflect Council's current operational activities. Therefore, making the draft local law will not impact on Council's financial operations or require any additional resources. However, failure to adopt the draft local law could expose Council to loss of revenue in the form of utility charges.

LEGISLATIVE CONTEXT

Expiry of pt 2A of *the Waste Regulation* and ch 5A of *the Environmental Regulation* provide the impetus for the making of *the draft local law*. Chapter 3 pt 1 div 2 of the *Local Government Act 2009* addresses the local law making process.

LEGAL IMPLICATIONS

Not applicable.

STAFFING IMPLICATIONS

Introduction of *the draft local law* may impact on enforcement resources, however to what degree is unknown.

RISK ASSESSMENT

There is a risk that if *the draft local law* is not made there will be:

- a) no head of power or provision for Council to enforce the appropriate storage or removal of general waste from premises;
- b) loss of enforceable waste management provisions to protect public health; and
- c) a potential loss of revenue in the form of utility charges.

CORPORATE/OPERATIONAL PLAN

Corporate Plan Reference: **Strategy GO2: Develop strategic plans and policies to address local and regional issues and guide service provision.**

CONCLUSION

The draft local law will replace the legislative provisions that are set to expire on 1 July 2018 and will provide the regulatory flexibility necessary to facilitate the delivery of waste management services across the Council region.

12.3 - WASTE MANAGEMENT LOCAL LAW

Draft Local Law No 8 (Waste Management) 2018

Meeting Date: 6 February 2018

Attachment No: 1

Local Law No. 8 (Waste Management) 2018

Contents

	Page
Part 1	Preliminary..... 3
1	Short title3
2	Objects3
3	Relationship to other laws3
4	Definitions3
Part 2	Waste management..... 4
Division 1	Designation of areas for general or green waste collection 4
5	Designation of areas.....4
Division 2	General waste 4
Subdivision 1	Storage of general waste 4
6	Owner or occupier of premises to supply waste containers.....4
7	Requirements for storing general waste in waste containers5
8	General requirements for keeping waste containers at serviced premises6
9	Other requirements for storing general waste at particular serviced premises.....7
Subdivision 2	Removal of general waste 8
10	Local government may give notice about removal of general waste8
11	Depositing or disposal of general waste from premises other than serviced premises8
Division 3	Storage and treatment of industrial waste 9
12	Requirements for storing industrial waste9
13	Requirement to treat industrial waste for disposal10
Part 3	Waste receipt and disposal 10
14	Unlawful disposal of waste at waste facility10
15	Restrictions on burning waste at waste facility.....11
16	Restrictions on use of waste facility11
17	Person to comply with directions and give information12
Part 4	Subordinate local laws 12
18	Subordinate local laws12

Item 12.3 - Attachment 1

Draft Local Law No 8 (Waste Management) 2018

Local Law No. 8 (Waste Management) 2018

Part 5	Application of Local Law No. 1 (Administration) 2011.....	13
19	Application of Local Law No. 1 (Administration) 2011 to this local law	13
Part 6	Transitional provisions.....	14
20	Continuation of chapter 5A requirements.....	14
Schedule	Dictionary.....	15

Local Law No. 8 (Waste Management) 2018

Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 8 (Waste Management) 2018*.

2 Objects

The object of this local law is to protect the public health, safety and amenity related to waste management by—

- (a) regulating the storage, servicing and removal of waste; and
- (b) regulating the disposal of waste at waste facilities; and
- (c) ensuring that an act or omission does not result in—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or loss of amenity; or
 - (iii) environmental harm or environmental nuisance.

3 Relationship to other laws

- (1) This local law is—
 - (a) in addition to and does not derogate from laws about the management of waste; and
 - (b) to be read with *Local Law No. 1 (Administration) 2011*.
- (2) For the purposes of *Environmental Protection Regulation 2008*, section 81ZC, this local law replaces *Environmental Protection Regulation 2008*, chapter 5A (Waste management by local governments).

4 Definitions

The dictionary in the Schedule (Dictionary) of this local law defines the particular words used in this local law.

Part 2 Waste management

**Division 1 Designation of areas for general or green
waste collection**

5 Designation of areas

The local government may—

- (a) designate areas within its local government area in which the local government may conduct general waste and/or green waste collection; and
- (b) decide the frequency of general waste or green waste collection in the designated areas.

Division 2 General waste

Subdivision 1 Storage of general waste

6 Owner or occupier of premises to supply waste containers

(1) The owner or occupier of premises must—

- (a) subject to subsection (2), supply standard general waste containers at the premises as—
 - (i) are necessary to contain the general waste produced at the premises; or
 - (ii) are prescribed by subordinate local law; or
- (b) supply at the premises, waste containers, other than standard general waste containers, as—
 - (i) if required by the local government — are necessary to contain the general waste produced at the premises; or
 - (ii) are prescribed by subordinate local law.

Examples of ways the local government may require waste containers for paragraph 1(b)(i)—

by a resolution of the local government, or a decision of a delegate of the local government, written notice of which is given to the owner or occupier, or a development approval for the premises

Maximum penalty — 20 penalty units.

- (2) However, subsection (1)(a) does not apply if the local government supplies to the premises the number of standard general waste containers the local government reasonably considers is required at the premises.
- (3) If the local government supplies a standard general waste container to premises under subsection (2), the reasonable cost of supplying the container is a debt payable by the owner or occupier of the premises to the local government.
- (4) However, subsection (3) does not prevent the local government from supplying a standard general waste container to premises without cost to the owner or occupier of the premises.

7 Requirements for storing general waste in waste containers

- (1) The occupier of premises must—
 - (a) store general waste produced as a result of the ordinary use or occupation of the premises in—
 - (i) a standard general waste container; or
 - (ii) if another type of waste container is prescribed by subordinate local law — the other type of container; and
 - (b) keep each waste container clean and in good repair; and
 - (c) ensure that each waste container is securely covered, except when the waste is being placed in, or removed from, the container or the container is being cleaned.

Maximum penalty — 20 penalty units.

- (2) A person must not—
 - (a) place any of the following in a waste container—
 - (i) a liquid, semi-liquid or moist substance, unless the substance is securely wrapped or contained to prevent the substance leaking from the wrapper or container; or
 - (ii) material that is smouldering or aflame; or
 - (iii) matter or a thing that is alive; or
 - (iv) a thing stated in a subordinate local law; or
 - (b) remove or disturb the cover of a waste container, except when placing waste in or cleaning the container; or
 - (c) use or damage a waste container so that it is not weatherproof or serviceable or cannot be securely covered; or

- (d) disturb or otherwise interfere with the contents of a waste container.

Maximum penalty — 20 penalty units.

- (3) The occupier of the premises must not allow a person to place a thing in a waste container in contravention of subsection (2)(a).

Maximum penalty — 20 penalty units.

- (4) It is a defence in a proceeding against a person for an offence under subsection (3) for the person to prove the contravention was due to causes over which the person had no control.

8 General requirements for keeping waste containers at serviced premises

- (1) Subject to subsection (2), the occupier of serviced premises must ensure that a waste container supplied for the premises is kept—

- (a) if the local government requires the container to be kept at a particular place at the premises — at the place (the *waste container storage place*); or

Examples of ways the local government may require waste containers to be kept at a particular place —

by a resolution of the local government, or a decision of a delegate of the local government, written notice of which is given to the owner or occupier, or a development approval for the premises

- (b) if a subordinate local law requires the container to be kept at a particular place at the premises — at the place (also a *waste container storage place*); or

- (c) if paragraphs (a) and (b) do not apply — at ground level close to the rear alignment of a building at the premises.

Maximum penalty — 20 penalty units.

- (2) Subsection (1) does not prevent the occupier of the serviced premises from placing a waste container in a place outside the premises for the collection of general waste from the container, if—

- (a) the local government has arranged to collect waste from the container at the place; and

- (b) the container is in the place for no longer than—

- (i) the period, if any, allowed under a local law of the local government; or

- (ii) 24 hours before or after the scheduled collection day for the collection of the waste in the container.

Example of a place outside serviced premises—

the kerb adjacent to the serviced premises

- (3) If the local government has arranged for the collection of general waste from a waste container at serviced premises, the occupier of the premises must ensure there is unobstructed access to the container for removal of the waste.
- Maximum penalty for subsection (3) — 20 penalty units.
- (4) It is a defence in the proceeding against a person for an offence under subsection (3) for the person to prove the contravention was due to causes over which the person had no control.

9 Other requirements for storing general waste at particular serviced premises

- (1) This section applies to any of the following persons (each a *prescribed person*) for serviced premises, other than a single detached dwelling—
- (a) the owner or occupier of the premises;
 - (b) if a prescribed ERA is carried out at the premises — the holder of the environmental authority for the prescribed ERA.
- (2) The prescribed person must ensure that the waste container storage place for the premises is supplied with—
- (a) if required by the local government — each of the following—
 - (i) either—
 - (A) an elevated stand at a level required by the local government for holding all waste containers; or
 - (B) an imperviously paved area, drained as required by the local government, where all waste containers can be placed;
 - (ii) a hose cock and hose in the vicinity of the stand or paved area;
 - (iii) a suitable enclosure for the area where the waste containers are kept; and

Examples of ways the local government may require a prescribed person to comply with subsection (2)(a) —

by a resolution of the local government, or a decision of a delegate of the local government, written notice of which is given to the owner or occupier, or a development approval for the premises

- (b) if a requirement is prescribed by subordinate local law — facilities and structures for the placement, storage and cleaning of waste containers as prescribed by subordinate local law.

Maximum penalty for subsection (2) — 20 penalty units.

Subdivision 2 Removal of general waste

10 Local government may give notice about removal of general waste

- (1) This section applies where the local government has arranged for the removal of general waste produced at a premises.
- (2) The local government may give the occupier of the premises a written notice stating—
 - (a) the days (each a *scheduled collection day*) on which the waste is to be collected; and
 - (b) the location (*collection location*) where the waste container is to be placed for collection of the waste ; and
 - (c) the time by which the waste container is to be placed in the collection location for collection of the waste; and
 - (d) the time by which the waste container is to be removed from the collection location.

11 Depositing or disposal of general waste from premises other than serviced premises

- (1) This section applies if general waste is produced at a premises, other than serviced premises.
- (2) The local government may—
 - (a) give a written approval to the owner or occupier of the premises for depositing or disposing of the waste; and
 - (b) impose conditions on the approval, including, for example, conditions about—
 - (i) the place for depositing or disposing of the waste; or
 - (ii) the method of depositing or disposing of the waste.
- (3) A person must not deposit or dispose of the waste unless the person deposits or disposes of the waste—

- (a) at a waste facility in accordance with part 3; or
- (b) in accordance with—
 - (i) an approval under subsection (2) for disposal of the waste; and
 - (ii) if the approval has been given on conditions — the conditions of the approval.

Maximum penalty for subsection (3) — 20 penalty units.

Division 3 Storage and treatment of industrial waste

12 Requirements for storing industrial waste

- (1) The occupier of premises where there is industrial waste must—
 - (a) if required by the local government—
 - (i) supply at the premises the number of industrial waste containers required by the local government for storing the waste at the premises safely, efficiently and without causing a nuisance; and
 - (ii) keep the waste containers at the particular place at the premises required by the local government; and
 - (iii) keep each waste container clean and in good repair; and

Examples of ways the local government may require compliance with subsection 1(a) —

by a resolution of the local government, or a decision of a delegate of the local government, written notice of which is given to the owner or occupier, or a development approval for the premises

- (b) if a requirement is prescribed by subordinate local law — comply with each requirement prescribed by subordinate local law, about each of the following—
 - (i) the supply at the premises of industrial waste containers for storing the waste at the premises;
 - (ii) keeping the waste containers at a particular place at the premises;
 - (iii) keeping each waste container clean and in good repair.

Maximum penalty — 20 penalty units.

- (2) The local government may supply industrial waste containers at the premises if the occupier does not supply at the premises the number of industrial waste containers which are—
 - (a) required by the local government under subsection (1)(a); or
 - (b) prescribed by subordinate local law under subsection (1)(b).
- (3) If the local government supplies an industrial waste container to premises under subsection (2), the reasonable cost of supplying the container is a debt payable by the occupier of the premises to the local government.

13 Requirement to treat industrial waste for disposal

The occupier of premises where there is industrial waste must—

- (a) if required by the local government, treat the waste to a standard approved by the local government—
 - (i) for disposal of the waste at a waste facility; or
 - (ii) for transport to, and disposal of the waste at, a waste facility; and

Examples of ways the local government may require an occupier to treat industrial waste for disposal—

by a resolution of the local government, or a decision of a delegate of the local government, written notice of which is given to the owner or occupier, or a development approval for the premises

- (b) comply with requirements, as prescribed by subordinate local law, about the treatment of industrial waste—
 - (i) for disposal of the waste at a waste facility; and
 - (ii) for transport to, and disposal of the waste at, a waste facility.

Maximum penalty — 40 penalty units.

Part 3 Waste receipt and disposal

14 Unlawful disposal of waste at waste facility

- (1) A person must not deposit the following waste at a waste facility—
 - (a) liquid or semiliquid waste;
 - (b) hot ash;
 - (c) material that is smouldering or aflame;

- (d) material that can spontaneously combust;
- (e) material containing a substance that may be harmful to persons or property because, if it reacts with air or water, it may produce toxic gases or become corrosive or explosive;
- (f) an explosive;
- (g) ammunition, other than ammunition that no longer contains explosives, pyrotechnics or propellants apart from trace residues that are no longer capable of supporting combustion or an explosive reaction;
- (h) waste prescribed by subordinate local law.

Maximum penalty — 20 penalty units.

- (2) Subsection (1) does not apply to waste deposited with the consent of—
 - (a) the person who—
 - (i) is the registered suitable operator for the facility; or
 - (ii) holds an environmental authority for the facility; or
 - (b) the person in charge of the facility.

15 Restrictions on burning waste at waste facility

A person must not set fire to, or burn, waste at a waste facility other than—

- (a) under an environmental authority; or
- (b) under a development condition of a development approval; or
- (c) under the *Fire and Emergency Services Act 1990*.

Maximum penalty — 20 penalty units.

16 Restrictions on use of waste facility

- (1) A person must not, without the consent of a waste facility's owner or operator—
 - (a) enter the facility other than to deposit waste; or
 - (b) remain on the facility after depositing waste; or
 - (c) interfere with waste at, or remove waste from, the facility.

Maximum penalty — 10 penalty units.

-
- (2) Subsection (1) does not apply to—
- (a) the facility's owner or operator; or
 - (b) an authorised person; or
 - (c) a person who acquires from a waste facility, with the consent of the local government—
 - (i) recyclable waste, for example, mulch or green waste; or
 - (ii) 1 or more items of waste which are made available for sale or disposal by the local government, for example, at a "tip shop".

17 Person to comply with directions and give information

- (1) This section applies to a person who transports waste to a waste facility.
- (2) The person must—
- (a) comply with all relevant and reasonable directions contained in any sign displayed at the facility by the facility's owner or operator; and
 - (b) comply with all reasonable instructions given by the person in charge of the facility about dealing with the waste.
 - (c) if asked by the facility's owner or operator — give information to the owner or operator about the type and amount of waste being delivered to the facility.

Maximum penalty — 10 penalty units.

Part 4 Subordinate local laws

18 Subordinate local laws

The local government may, by subordinate local law, specify—

- (a) a thing that is specified to be waste pursuant to the Schedule (Dictionary) of this local law; and
- (b) requirements about the necessity to supply standard general waste containers at premises under section 6(1)(a); and
- (c) requirements about the supply at premises of waste containers, other than standard general waste containers, to contain the general waste produced at the premises under section 6(1)(b); and

- (d) another type of waste container for the storage of general waste produced as a result of the ordinary use or occupation of premises under section 7(1); and
- (e) a thing that a person must not place in a waste container under section 7(2); and
- (f) requirements about the keeping of the waste container supplied for premises at a particular place at the premises under section 8(1)(b); and
- (g) requirements about the supply of facilities and structures for the placement, storage and cleaning of waste containers under section 9(2)(b); and
- (h) requirements about the supply at premises of industrial waste containers for storing industrial waste at the premises and other requirements about waste containers for the storage of industrial waste under section 12(1)(b); and
- (i) requirements about the treatment of industrial waste under section 13(b); and
- (j) waste that a person must not deposit at a waste facility under section 14(1).

Part 5 Application of Local Law No. 1 (Administration) 2011

19 Application of Local Law No. 1 (Administration) 2011 to this local law

- (1) To avoid any doubt, the provisions of *Local Law No. 1 (Administration) 2011* apply to this local law.
- (2) If there is a conflict between a provision of this local law and *Local Law No. 1 (Administration) 2011*, the provisions in this local law will prevail to the extent of any inconsistency.

Part 6 Transitional provisions

20 Continuation of chapter 5A requirements

- (1) This section applies if a provision of *Environmental Protection Regulation 2008*, chapter 5A (Waste management by local governments), is replaced by a provision of this local law.
- (2) In this section, **prescribed provision** means a provision of *Environmental Protection Regulation 2008*, chapter 5A (Waste management by local governments) which is replaced by a provision of this local law.
- (3) If the local government has made a requirement under a prescribed provision prior to the commencement of this local law, the requirement applies for the provision of this local law which replaced the prescribed provision from the commencement of this local law.

Example —

The local government may require that a waste container supplied for serviced premises be kept at a particular place at the premises by development approval for the premises under *Environmental Protection Regulation 2008*, section 81ZH(1). *Environmental Protection Regulation 2008*, section 81ZH(1) is a prescribed provision which is replaced by section 8 (General requirements for keeping waste containers at serviced premises). A requirement under the prescribed provision made prior to the commencement of this local law would apply for section 8 of this local law from the commencement of this local law.

Schedule Dictionary

section 3

authorised person means a person appointed by the chief executive officer of the local government, pursuant to *Local Government Act 2009*, section 202, to exercise the powers of an authorised person under this local law.

collection location means a place at, or adjacent to, premises at which a standard general waste container associated with the premises can be easily accessed by a general waste collection vehicle without causing obstruction.

commercial premises means any of the following types of premises—

- (a) a hotel, motel, caravan park, cafe, food store or canteen;
- (b) an assembly building, institutional building, kindergarten, child minding centre, school or other building used for education;
- (c) premises where a sport or game is ordinarily played in public;
- (d) an exhibition ground, show ground or racecourse;

commercial waste means waste, other than green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of commercial premises.

development approval has the meaning given in the *Planning Act 2016*.

domestic premises means any of the following types of premises—

- (a) a single unit private dwelling;
- (b) premises containing 2 or more separate flats, apartments or other dwelling units;
- (c) a boarding house, hostel, lodging house or guest house.

domestic waste means waste, other than domestic clean-up waste, green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of domestic premises.

environmental authority has the meaning given in the *Environmental Protection Act 1994*.

environmental harm has the meaning given in the *Environmental Protection Act 1994*.

environmental nuisance has the meaning given in the *Environmental Protection Act 1994*.

general waste means—

- (a) waste other than regulated waste; and
- (b) for part 2, any of the following—
 - (i) commercial waste;
 - (ii) domestic waste;
 - (iii) recyclable waste.

green waste means grass cuttings, trees, bushes, shrubs, loppings of trees, bushes or shrubs, or similar matter produced as a result of the ordinary use or occupation of premises.

industrial waste means—

- (a) interceptor waste; or
- (b) waste other than the following—
 - (i) commercial waste;
 - (ii) domestic clean-up waste;
 - (iii) domestic waste;
 - (iv) green waste;
 - (v) recyclable interceptor waste;
 - (vi) recyclable waste;
 - (vii) waste discharged to a sewer.

industrial waste container means a container of a type approved by the local government for storing industrial waste at premises in the local government's area.

interceptor means a device used to intercept a substance in sewage, waste water or trade waste and prevent its discharge into a sewer, septic tank, waste water disposal system or other treatment device.

Examples of interceptors—

- neutralising interceptors for neutralising acidic and alkaline substances
- grease interceptors for collecting and solidifying fat, grease and similar matter
- oil interceptors for collecting oil and petroleum products
- silt interceptors for collecting soil, sand, gravel and other sedimentary solids

interceptor waste means matter, other than recyclable interceptor waste, intercepted by, and held in, an interceptor.

manufacturing process means a handicraft or other process relating to adapting, altering, assembling, cleaning, finishing, making, ornamenting, preparing, renovating, repairing, washing, or wrecking goods for trade, sale or gain or otherwise in connection with a business.

occupier of premises means the person who has the control or management of the premises.

owner of premises means the person for the time being entitled to receive the rent for the premises or would be entitled to receive the rent for it if it were let to a tenant at a rent.

penalty unit an amount of money prescribed under the *Penalties and Sentences Act 1992* which is used to calculate penalties for breaches of Council's local laws.

premises includes domestic premises, government premises, industrial premises and commercial premises.

prescribed ERA has the meaning given in the *Environmental Protection Act 1994*.

prescribed person see section 9(1).

recyclable interceptor waste means matter that is, or is intended to be, removed from a grease interceptor and taken elsewhere for processing into a non-toxic, non-hazardous and usable substance for sale.

recyclable waste, means clean and inoffensive waste that is declared by the local government to be recyclable waste for the area of the local government.

Examples of waste that may be declared to be recyclable waste—

glass bottles, plastic containers, paper, cardboard, steel and aluminium cans, and green waste

regulated waste has the meaning given in the *Environmental Protection Regulation 2008*.

scheduled collection day see section 10(2).

serviced premises means—

- (a) premises which are in an area designated by the local government as an area in which the local government may conduct general waste collection under—

- (i) *Waste Reduction and Recycling Regulation 2011*, section 7;
or
- (ii) section 5; and
- (b) premises for which the local government has required the owner or occupier of the premises to arrange for removal of general waste from the premises.

standard general waste container—

- (a) means a container of a type approved by the local government for storing domestic waste, commercial waste or recyclable waste at premises in the local government's area; and
- (b) for the avoidance of doubt, includes 1 or more containers each of which is approved by the local government for storing, at premises in the local government's area—
 - (i) 1 or more or multiple types of commercial waste; or
 - (ii) 1 or more or multiple types of recyclable waste.

Example for paragraph (b)—

The local government may approve 1 container for storing recyclable waste which is green waste and 1 container for storing recyclable waste other than green waste.

waste, has the meaning given in the *Environmental Protection Act 1994*, and includes any thing that is specified to be waste under a subordinate local law.

waste container storage place see section 8(1).

waste facility—

- (a) for part 2, means a facility for the recycling, reprocessing, treatment, storage, incineration, conversion to energy or disposal of waste; and
- (b) for part 3, means a facility for the recycling, reprocessing, treatment, storage, incineration, conversion to energy or disposal of waste, but only if the local government is the lessee, occupier, operator or owner of the facility.

19
Local Law No. 8 (Waste Management) 2018

This and the preceding 18 pages bearing my initials is a certified copy of *Local Law No. 8 (Waste Management) 2018* made in accordance with the provisions of the *Local Government Act 2009* by Livingstone Shire Council by resolution dated the day of 2018.

.....
Chief Executive Officer

12.3 - WASTE MANAGEMENT LOCAL LAW

Part 2A Waste Reduction and Recycling Regulation 2011

Meeting Date: 6 February 2018

Attachment No: 2

Waste Reduction and Recycling Regulation 2011
Part 2A Designation of areas by local governments for general or green waste collection

[s 7]

Part 2A Designation of areas by local governments for general or green waste collection

7 Designation of areas

A local government may—

- (a) by resolution, designate areas within its local government area in which the local government may conduct general waste or green waste collection; and
- (b) decide the frequency of general waste or green waste collection in the designated areas.

Note—

If a local government conducts general waste or green waste collection as a significant business activity, see the *Local Government Act 2009*, chapter 3, part 2, division 2 (Business reform, including competitive neutrality) and the *City of Brisbane Act 2010*, chapter 3, part 3, division 2 (Business reform, including competitive neutrality).

7A Expiry

This part expires on 1 July 2018.

12.3 - WASTE MANAGEMENT LOCAL LAW

Chapter 5A Environmental Protection Regulation 2008

Meeting Date: 6 February 2018

Attachment No: 3

Environmental Protection Regulation 2008
Chapter 5A Waste management by local governments

[s 81ZC]

Chapter 5A Waste management by local governments

Part 1 Preliminary

81ZC Application of ch 5A

This chapter applies to a local government area unless—

- (a) the local government for the area makes a local law about waste management for the area; and
- (b) the local law states it replaces this chapter.

Note—

Section 81ZU states that this chapter expires on 1 July 2018.

81ZD References to local government

In this chapter, a reference to a local government in the context of dealing with waste produced at relevant premises is a reference to the local government for the local government area in which the relevant premises is situated.

81ZE Meaning of *serviced premises*

Relevant premises in a local government area are *serviced premises* if—

- (a) the relevant premises are in an area designated by the local government under the *Waste Reduction and Recycling Regulation 2011*, section 7 as an area in which the local government may conduct general waste collection; or
- (b) the local government has required the owner or occupier of the relevant premises to arrange for removal of general waste from the relevant premises.

Environmental Protection Regulation 2008
Chapter 5A Waste management by local governments

[s 81ZF]

Part 2 Waste management in local government areas

Division 1 Storage of general waste

81ZF Owner or occupier of relevant premises to supply waste containers

- (1) The owner or occupier of relevant premises in a local government area must—
- (a) subject to subsection (2), supply enough standard general waste containers at the relevant premises to contain the general waste produced at the premises; or
 - (b) if required by the local government, supply at the relevant premises, enough waste containers, other than standard general waste containers, to contain the general waste produced at the relevant premises.

Examples of ways a local government may require waste containers for paragraph (b)—

by a local law, resolution of the local government, development approval for the premises

Maximum penalty—20 penalty units.

- (2) However, subsection (1)(a) does not apply if the local government supplies to the relevant premises the number of standard general waste containers the local government reasonably considers is required at the relevant premises.
- (3) If the local government supplies a standard general waste container to relevant premises under subsection (2), the reasonable cost of supplying the container is a debt payable by the owner or occupier of the relevant premises to the local government.
- (4) However, subsection (3) does not prevent a local government from supplying a standard general waste container to relevant premises without cost to the owner or occupier of the relevant premises.

Environmental Protection Regulation 2008
Chapter 5A Waste management by local governments

[s 81ZG]

81ZG Requirements for storing general waste in waste containers

- (1) The occupier of relevant premises must—
- (a) store general waste at the relevant premises in a standard general waste container or, if required by the local government, in another type of waste container; and
Examples of ways a local government may require waste to be stored in another type of waste container—
by a local law, resolution of the local government, development approval for the premises
 - (b) keep each waste container at the relevant premises clean and in good repair; and
 - (c) ensure that each waste container at the relevant premises is securely covered, except when the waste is being placed in, or removed from, the container or the container is being cleaned.

Maximum penalty—20 penalty units.

- (2) A person must not—
- (a) place any of the following in a waste container—
 - (i) a liquid, semi-liquid or moist substance, unless the substance is securely wrapped or contained to prevent the substance leaking from the wrapper or container;
 - (ii) material that is smouldering or aflame;
 - (iii) matter or a thing that is alive; or
 - (b) remove or disturb the cover of a waste container, except when placing waste in or cleaning the container; or
 - (c) use or damage a waste container so that it is not weatherproof or serviceable or can not be securely covered; or
 - (d) disturb or otherwise interfere with the contents of a waste container.

Maximum penalty—20 penalty units.

Current as at 3 July 2017

Page 67

Authorised by the Parliamentary Counsel

Environmental Protection Regulation 2008
Chapter 5A Waste management by local governments

[s 81ZH]

- (3) The occupier of the relevant premises must not allow a person to place a thing in a waste container at the premises in contravention of subsection (2)(a).
Maximum penalty—20 penalty units.
- (4) It is a defence in a proceeding against a person for an offence under subsection (3) for the person to prove the contravention was due to causes over which the person had no control.

81ZH General requirements for keeping waste containers at serviced premises

- (1) Subject to subsection (2), the occupier of serviced premises must ensure that a waste container supplied for the premises is kept—
 - (a) if the local government requires the container be kept at a particular place at the premises—at the place; or
Examples of ways a local government may require waste containers to be kept at a particular place—
by a local law, resolution of the local government, development approval for the premises
 - (b) otherwise—at ground level close to the rear alignment of a building at the premises.Maximum penalty—20 penalty units.
- (2) Subsection (1) does not prevent the occupier of the serviced premises from placing a waste container in a place outside the premises for the collection of general waste from the container, if—
 - (a) the local government has arranged to collect waste from the container at the place; and
 - (b) the container is in the place for no longer than—
 - (i) the period, if any, allowed under a local law of the local government; or
 - (ii) is otherwise reasonably appropriate before and after the collection.

Environmental Protection Regulation 2008
Chapter 5A Waste management by local governments

[s 81ZI]

Example of a place outside serviced premises—

the kerb adjacent to the serviced premises

- (3) If a local government has arranged for the collection of general waste from a waste container at the serviced premises, the occupier of the premises must ensure there is unobstructed access to the container for removal of the waste.

Maximum penalty—20 penalty units.

- (4) It is a defence in a proceeding against a person for an offence under subsection (3) for the person to prove the contravention was due to causes over which the person had no control.

81ZI Other requirements for storing general waste at particular serviced premises

- (1) This section applies to any of the following persons (each a *prescribed person*) for serviced premises, other than a single detached dwelling—
- (a) the owner or occupier of the premises;
 - (b) the registered suitable operator for a prescribed environmentally relevant activity carried out at the premises;
 - (c) the holder of an environmental authority for a mining activity or petroleum activity carried out at the premises.
- (2) The prescribed person must, if required by the local government, ensure each of the following is supplied at the premises—
- (a) either—
 - (i) an elevated stand at a level required by the local government for holding all waste containers; or
 - (ii) an imperviously paved area, drained as required by the local government, where all waste containers can be placed;
 - (b) a hose cock and hose in the vicinity of the stand or paved area;

Current as at 3 July 2017

Page 69

Authorised by the Parliamentary Counsel

Environmental Protection Regulation 2008
Chapter 5A Waste management by local governments

[s 81ZJ]

- (c) a suitable enclosure for the area where the waste containers are kept.

Examples of ways a local government may require a prescribed person to comply with subsection (2)—

by a local law, resolution of the local government, development approval

Maximum penalty for subsection (2)—20 penalty units.

Division 2 Removal of general waste

81ZJ Local government may give notice about removal of general waste

- (1) This section applies to a local government that has arranged for the removal of general waste produced at a relevant premises.
- (2) The local government may give the occupier of the relevant premises a written notice stating—
 - (a) the days on which the waste is to be collected; and
 - (b) where the waste container is to be placed for collection of the waste (the *designated location*); and
 - (c) the time by which the waste container is to be placed in the designated location for collection of the waste.

81ZK Depositing or disposal of general waste from premises other than serviced premises

- (1) This section applies if general waste is produced at a relevant premises, other than serviced premises.
- (2) The local government may—
 - (a) give a written approval to the owner or occupier of the relevant premises for depositing or disposing of the waste; and
 - (b) impose conditions on the approval, including, for example, conditions about—

Page 70

Current as at 3 July 2017

Authorised by the Parliamentary Counsel

Environmental Protection Regulation 2008
Chapter 5A Waste management by local governments

[s 81ZL]

- (i) the place for depositing or disposing of the waste;
or
 - (ii) the method of depositing or disposing of the waste.
- (3) A person must not deposit or dispose of the waste unless the person deposits or disposes of the waste—
- (a) at a waste facility in accordance with part 3; or
 - (b) in accordance with—
 - (i) an approval under subsection (2) for disposal of the waste; and
 - (ii) if the approval has been given on conditions, the conditions of the approval.

Maximum penalty for subsection (3)—20 penalty units.

Division 3 Storage and treatment of industrial waste

81ZL Requirements for storing industrial waste

- (1) The occupier of relevant premises where there is industrial waste must, if required by the local government—
- (a) supply at the premises the number of industrial waste containers required by the local government for storing the waste at the premises safely, efficiently and without causing a nuisance; and
 - (b) keep the waste containers at a place at the premises the local government requires; and
 - (c) keep each waste container clean and in good repair.

Examples of ways a local government may require compliance with subsection (1)—

by a local law, resolution of the local government, development approval

Maximum penalty—20 penalty units.

Environmental Protection Regulation 2008
Chapter 5A Waste management by local governments

[s 81ZM]

- (2) If the occupier does not supply at the relevant premises the number of industrial waste containers required by the local government for subsection (1)(a), the local government may supply industrial waste containers at the premises.
- (3) If a local government supplies an industrial waste container to relevant premises under subsection (2), the reasonable cost of supplying the container is a debt payable by the occupier of the premises to the local government.
- (4) In this section—
industrial waste container means a waste container of a type approved by the local government for storing industrial waste at premises within the local government's area.

81ZM Requirement to treat industrial waste for disposal

The occupier of relevant premises where there is industrial waste must, if required by the local government, treat the waste to a standard approved by the local government for disposal of the waste at a waste facility.

Examples of ways a local government may require an occupier to treat industrial waste for disposal—

by a local law, resolution of the local government, development approval for the premises

Maximum penalty—40 penalty units.

Division 4 Compliance notices

81ZN Authorised person may give notice to comply

- (1) If an authorised person believes on reasonable grounds that a person (an *affected person*) has contravened division 1, 2 or 3, the authorised person may give the affected person a written notice about the contravention.
- (2) The notice must state—
 - (a) the act or omission comprising the contravention; and

Page 72

Current as at 3 July 2017

Authorised by the Parliamentary Counsel

Environmental Protection Regulation 2008
Chapter 5A Waste management by local governments

[s 81ZO]

- (b) the action the affected person must take to rectify the alleged contravention; and
 - (c) the day by which the affected person must take the action.
- (3) The stated day must be at least 28 days after the notice is given.
- (4) If an affected person is given a notice under subsection (1), the person must comply with the notice unless the person has a reasonable excuse for not complying with it.
- Maximum penalty—10 penalty units.
- (5) If an affected person is given a notice under subsection (1) in relation to an alleged contravention of division 1, 2 or 3, the person can be prosecuted for the contravention only if the person does not comply with the notice.
- (6) However, this section does not require an authorised person to give a person a notice under subsection (1) before the person may be prosecuted for a contravention of division 1, 2 or 3.

Part 3 Receiving and disposing of waste

81ZO Unlawful disposal of waste at waste facility

- (1) A person must not deposit the following waste at a waste facility—
- (a) liquid or semiliquid waste;
 - (b) hot ash;
 - (c) material that is smouldering or aflame;
 - (d) material that can spontaneously combust;
 - (e) material containing a substance that may be harmful to persons or property because, if it reacts with air or water, it may produce toxic gases or become corrosive or explosive;

Current as at 3 July 2017

Page 73

Authorised by the Parliamentary Counsel

Environmental Protection Regulation 2008
Chapter 5A Waste management by local governments

[s 81ZP]

- (f) an explosive;
- (g) ammunition, other than ammunition that no longer contains explosives, pyrotechnics or propellants apart from trace residues that are no longer capable of supporting combustion or an explosive reaction.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply to waste deposited with the consent of—
 - (a) the person who—
 - (i) is the registered suitable operator for the facility; or
 - (ii) holds an environmental authority for the facility; or
 - (b) the person in charge of the facility.

81ZP Restrictions on burning waste at waste facility

A person must not set fire to, or burn, waste at a waste facility other than—

- (a) under an environmental authority; or
- (b) under a development condition of a development approval; or
- (c) under the *Fire and Emergency Services Act 1990*.

Maximum penalty—20 penalty units.

81ZQ Restrictions on use of waste facility

- (1) A person must not, without the consent of a waste facility's owner or operator—
 - (a) enter the facility other than to deposit waste; or
 - (b) remain on the facility after depositing waste; or
 - (c) interfere with waste at, or remove waste from, the facility.

Maximum penalty—10 penalty units.

Page 74

Current as at 3 July 2017

Authorised by the Parliamentary Counsel

Environmental Protection Regulation 2008
Chapter 5A Waste management by local governments

[s 81ZR]

- (2) Subsection (1) does not apply to—
 - (a) the facility's owner or operator; or
 - (b) an authorised person.

81ZR Waste transporter to comply with directions and give information

- (1) This section applies to a person who transports waste to a waste facility.
- (2) The person must—
 - (a) comply with all relevant and reasonable directions contained in any sign displayed at the facility by the facility's owner or operator; and
 - (b) deal with the waste in accordance with reasonable instructions given by the person in charge of the facility; and
 - (c) if asked by the facility's owner or operator—give information to the owner or operator about the type and amount of waste being delivered.

Maximum penalty—10 penalty units.

Part 4 Devolution of powers

81ZS Devolution—waste management in local government areas—Act, s 514

The administration and enforcement of part 2 is devolved to each local government for its local government area.

81ZT Devolution—receiving and disposing of waste—Act, s 514

The administration and enforcement of part 3, to the extent it relates to a waste facility owned, operated or otherwise

Current as at 3 July 2017

Page 75

Authorised by the Parliamentary Counsel

Environmental Protection Regulation 2008
Chapter 6 National Pollutant Inventory

[s 81ZU]

controlled by a local government, is devolved to that local government.

Part 5 Expiry

81ZU Expiry

This chapter expires on 1 July 2018.

12.3 - WASTE MANAGEMENT LOCAL LAW

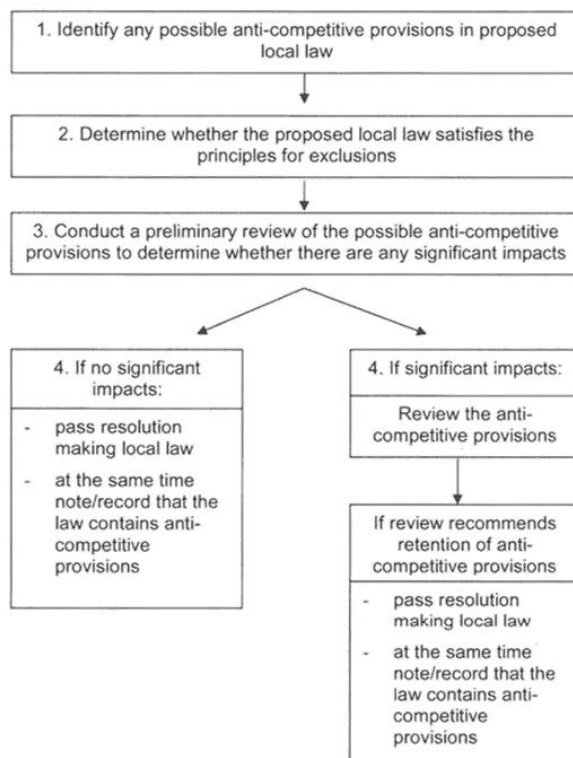
Summary of review process of anti- competitive provisions

Meeting Date: 6 February 2018

Attachment No: 4

3. Review process

The process for undertaking a review of anti-competitive provisions in a local law is set out below. The following process must be undertaken when making local laws, subordinate local laws and model local laws.



The steps in the process are detailed below.

12.3 - WASTE MANAGEMENT LOCAL LAW

List of Likely Anti-Competitive Provisions

Meeting Date: 6 February 2018

Attachment No: 5

Item 12.3 - Attachment 5

List of Likely Anti-Competitive Provisions

LOCAL LAW NO. 8 (WASTE MANAGEMENT) 2018

LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS

Local Law: Local Law No. 20 (Waste Management) 2017

Object: The object of this local law is to protect the public health, safety and amenity related to waste management by—

- (a) regulating the storage, servicing and removal of waste; and
- (b) regulating the disposal of waste at waste facilities; and
- (c) ensuring that an act or omission does not result in—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or loss of amenity; or
 - (iii) environmental harm or environmental nuisance.

Anti-competitive provisions	Effect of Provision	Possible anti-competitive effect
Section 5	Council may designate areas in which it may conduct general waste or green waste collection and decide the frequency of such collections.	The effect of designation of a waste collection area may limit opportunities for waste contractor businesses to compete with Council services. However, waste contractors may have the opportunity to compete for Council waste collection contracts when advertised.
Section 6	Council may prescribe requirements on owners or occupiers of premises to supply waste containers or may supply the waste containers itself and recoup the reasonable cost from owners or occupiers.	Compliance with the requirements may have an impact on the conduct of a business activity.
Section 7	Prescribe requirements for the storage of general waste in waste containers.	Compliance with the requirements may have an impact on the conduct of a business activity as they will apply to both commercial and domestic premises.
Section 8	Prescribes requirements for the keeping of waste containers at serviced premises.	Compliance with the requirements may have an impact on the conduct of a business activity as they will apply to both commercial and domestic premises.
Section 9	Council may impose requirements for the storage of general waste at particular serviced premises other than single detached dwellings.	Compliance with the requirements may have an impact on the conduct of a business activity, especially at commercial premises.

*Item 12.3 - Attachment 5**List of Likely Anti-Competitive Provisions*

Section 11	Council may prescribe requirements for the depositing or disposing of general waste from premises other than serviced premises.	Compliance with the requirements may have an impact on the conduct of a business activity.
Section 12	Council may require the occupier of premises where there is industrial waste to supply industrial waste containers, keep them at a required place and keep them clean and in good repair.	Compliance with the requirements may have an impact on the conduct of a business activity.
Section 13	Council may prescribe requirements about the treatment of industrial waste for disposal at a waste facility.	Compliance with the requirements may have an impact on the conduct of a business activity.
Section 14	Prohibits disposal of certain waste at a local government waste facility.	Compliance with the requirements may have an impact on the conduct of a business activity.

12.1 - LOCAL LAW NO. 8 (WASTE MANAGEMENT) 2018

Public Interest Test Plan

Meeting Date: 15 May 2018

Attachment No: 14

Public Interest Test Plan

Local Law No. 8 (Waste Management) 2018

1. Introduction

In accordance with its obligations under section 38 of the *Local Government Act 2009* (Qld), Livingstone Shire Council (Council) is conducting a public interest test on possible anti-competitive provisions identified in proposed *Local Law No. 8 (Waste Management) 2018*.

The public interest test process was instituted as a result of the National Competition Policy reforms which commenced in the mid-1990s. The test will be conducted against the principles and objectives set by the Competition Principles Agreement (CPA) which was entered into between the States and Territories and the Commonwealth of Australia as part of those reforms.

Under clause 5(1) of the CPA, Commonwealth and State governments agreed to the principle that legislation should not restrict competition unless it can be demonstrated that:

- the benefits of restriction to the community as a whole outweigh the costs; and
- the objectives of the legislation can only be achieved by restricting competition.

Under clause 5(9) of the CPA, a public interest test of legislation (including local laws) that restricts competition is required to:

- clarify the objectives of the legislation;
- identify the nature of the restriction on competition;
- analyse the likely effect of the restriction on competition and on the economy generally;
- assess and balance the costs and benefits of the restriction; and
- consider alternative means of achieving the same result including non-legislative approaches.

Without limiting the matters to be taken into account in a review, clause 1(3) of the CPA sets out matters which should be taken into account as follows:

- government legislation and policies relating to ecologically sustainable development;
- social welfare and equity considerations, including community service obligations;
- government legislation and policies relating to matters such as occupational health and safety, industrial relations and access and equity;
- economic and regional development, including employment and investment growth;
- the interests of consumers generally or of a class of consumers;
- the competitiveness of Australian businesses; and
- the efficient allocation of resources.

Public Interest Test Plan: proposed Local Law No. 8 (Waste Management) 2018

2

This public interest test plan has been prepared in accordance with the *National Competition Policy Guidelines for conducting reviews on anti-competitive provisions in local laws*, version 1 (the Guidelines), issued by the Queensland Department of Infrastructure, Local Government and Planning, (as it was at the time the Guidelines were issued) and called-up under the *Local Government Regulation 2012*. The Guidelines set out the criteria for identifying possible anti-competitive provisions and the process for conducting reviews of those provisions.

In preparing this public interest test plan, Council has also had regard to the *Public Benefit Test Guidelines* dated October 1999 issued by Queensland Treasury.

This public interest test plan details the activities to be conducted during the test and identifies the depth of analysis to be carried out on the possible anti-competitive provisions.

2. Definitions

The following expressions used in this plan have the following meanings:

- **Council** means Livingstone Shire Council.
- **Proposed Local Law** means the proposed *Local Law No. 8 (Waste Management) 2018*.

3. Objective of Proposed Local Law

The object of the Proposed Local Law is to protect the public health, safety and amenity related to waste management by—

- (a) regulating the storage, servicing and removal of waste; and
- (b) regulating the disposal of waste at waste facilities; and
- (c) ensuring that an act or omission does not result in—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or loss of amenity; or
 - (iii) environmental harm or environmental nuisance.

Specifically, the Proposed Local Law is aimed at replacing the expiring provisions in Chapter 5A of the *Environmental Protection Regulation 2008* (EP Regs) and section 7 in Part 2A of the *Waste Reduction and Recycling Regulation 2011* (WRR Regs).

Chapter 5A of the EP Regs provides Council with the ability to take action for matters relating to:

- supply of waste containers
- storage of general waste
- storage/keeping of waste containers
- removal of general waste
- storage and treatment of industrial waste

Public Interest Test Plan: proposed Local Law No. 8 (Waste Management) 2018

3

The provisions also address the following matters at waste facilities:

- unlawful disposal
- burning waste
- restrictions at the waste facility
- ability to give direction to a waste transporter.

Section 7 of the WRR Regs enables Council to designate waste collection areas.

4. Details of anti-competitive provisions

The possible anti-competitive provisions which have been identified in the Proposed Local Law are identified in the **Attachment 'A'** to this plan.

5. Current environment

The Proposed Local Law deals with waste management issues which impact on lifestyle. Its object in doing this is to protect the environment and public health, safety and amenity within the local government area. This purpose or object is achieved by providing for the elimination or reduction of risks and threats to the environment and public health, safety and amenity.

Without the Proposed Local Law in place, on the expiry of Chapter 5A of the *Environmental Protection Regulation 2008*, waste management may not be regulated or controlled to an extent necessary to protect the environment and public health, safety and amenity within the local government area. There is, potentially, an environmental, public health, safety and amenity risk which the Proposed Local Law addresses. Without the Proposed Local Law, risks associated with the regulation and control of waste management may be transferred to the general community with a resultant increase in risk to the environment, public health, safety and amenity within the local government area.

As noted above, the Proposed Local Law is aimed at replacing the expiring section 7 of part 2A of the *Waste Reduction and Recycling Regulation 2011*. In particular, section 5 of the Proposed Local Law gives Council the power to:-

- designate areas within the local government area of Council in which Council may conduct general waste or green waste collection; and
- decide the frequency of general waste or green waste collection in the designated areas.

A number of areas within Council's local government area are currently designated as areas in which Council will conduct general waste collection.

Section 5 of the Proposed Local Law is an integral, and crucial, part of how Council regulates waste management in Council's local government area.

In respect of the area which is designated as an area in which Council will conduct general waste collection, Council may, at a practical level, achieve better protection of the environment, public health and amenity. Absent the power to designate an area as an area in which Council will conduct general waste collection:

- the owners and occupiers of premises at which general waste (including commercial waste) is generated are left to make ad hoc arrangements about the collection of general waste (including commercial waste); and
- ad hoc arrangements may result in an increase in noise nuisance, a loss of amenity and an increase in public health and safety problems; and

Public Interest Test Plan: proposed Local Law No. 8 (Waste Management) 2018

4

- issues such as those identified above will arise in circumstances where the premises at which general waste collection activities are undertaken are situated in close proximity to each other, and in circumstance where, for example, commercial waste is collected from premises used for commercial purposes and the premises are situated in close proximity to premises which are used for domestic purposes.

The control that the Proposed Local Law gives the Council is, potentially, a barrier to entry to a market and a restriction on the conduct of commercial operations as follows:-

- Owners and occupiers of premises, including domestic premises and commercial premises are obliged to supply waste containers for the premises, however, Council, or its contractor, may supply the waste containers and the reasonable cost of supplying the waste containers is a debt payable by the owner or occupier of the premises to Council.
- Council prescribes requirements for storing general waste in containers at premises, including domestic premises and commercial premises.
- Council prescribes requirements for keeping waste containers at serviced premises, including domestic premises and commercial premises.
- Council prescribes other requirements for storing general waste at particular serviced premises, including domestic premises and commercial premises.
- Council may give the occupier of premises notice about the removal of general waste, including the removal of general waste from domestic premises and commercial premises.
- Council may prescribe requirements for the storage of industrial waste at premises.
- Council prescribes requirements about the treatment of industrial waste generated at commercial premises which is to be disposed of at a waste facility.
- Council prescribes requirements about the disposal of waste at waste facilities and requirements about the use of waste facilities.

In the context of waste management, it is unlikely that the Proposed Local Law will:

- impact on the business environment in terms of size, distribution and participation in the market; or
- place restrictions on business ownership, structural form, business behaviour or product/service quality.

In the context of waste management, the extent to which the Proposed Local Law impacts on Council's local government area will be dictated by the extent to which Council, under section 5 of the Proposed Local Law:

- designates areas within its local government area in which Council may conduct general waste or green waste collection; and
- decides the frequency of general waste or green waste collection in the designated areas.

The Proposed Local Law makes no distinction between commercial and non-commercial activities. The Proposed Local Law is anti-competitive to the extent that the provisions identified as possible anti-competitive provisions may have the effect of regulating some business activity. The business activity may be a business activity undertaken at premises by the owner or the occupier of the premises which results in the production of general waste. The business activity may also consist of the collection of general waste by, for example, a contractor of Council pursuant to a contractual arrangement entered into between Council and the contractor.

Public Interest Test Plan: proposed Local Law No. 8 (Waste Management) 2018

5

The Proposed Local Law may also have an impact on the undertaking of the business activity of the collection of general waste from premises used for commercial activities or non-commercial activities by, for example, a contractor other than a contractor which has entered into a contractual arrangement with Council about the collection of general waste. Such a waste contractor would have limited opportunities to compete with Council services in the waste collection market within a designated collection area.

However, where Council contracts with a waste collection contractor, there are opportunities to enter a competitive tender process to win the Council waste collection contract.

The Proposed Local Law is in addition to, and does not derogate from, State laws about environmental management and protection. This reduces the application of the Proposed Local Law in respect of commercial activities.

Without the Proposed Local Law in place, Council would be required to rely upon other mechanisms: other local laws, State legislation, common law action etc to control nuisances arising from the unregulated collection and storage of waste. Without an effective method of controlling the storage and collection of waste, environmental, health and safety risks would be imposed on the community in the local government area.

The Proposed Local Law prescribes requirements about the disposal of waste at waste facilities and requirements about the use of waste facilities. Compliance with these requirements may have the effect of regulating some business activity. In particular, contractors who are engaged in the business of the collection of waste and the delivery of waste for disposal at waste facilities may be impacted by the imposition of an obligation to comply with requirements about the disposal of waste at waste facilities and requirements about the use of waste facilities.

6. Confirm sections are anti-competitive

At this stage, the possible anti-competitive provisions that have been identified are still considered to be anti-competitive. The provisions will be reviewed again at the conclusion of the public consultation process.

7. Determination of exclusions

The Proposed Local Law is not excluded from the review of anti-competitive provisions under the Guidelines.

8. Preliminary assessment

A preliminary assessment has been conducted in accordance with the Guidelines. Council is not presently satisfied that there will not be any significant impacts from the possible anti-competitive provisions. Accordingly, the review process will be conducted in accordance with the principles set out in the Guidelines.

9. Realistic regulatory and non-regulatory alternatives

The objects of the Proposed Local Law are specified above.

Regulation is considered to be an effective and appropriate means of achieving the objectives of the Proposed Local Law. The utility of the proposed regulation is limited, absent the inclusion in the Proposed Local Law of section 5, which gives Council the power to designate areas in which Council will conduct general waste collection and decide the frequency of general waste or green waste collection in the designated areas.

Regulatory and non-regulatory alternatives available to Council which may achieve the objectives of the Proposed Local Law are listed in the Guidelines. The following alternatives were considered to be "realistic" alternatives and given further consideration:

Public Interest Test Plan: proposed Local Law No. 8 (Waste Management) 2018

6

- regulation — public vs private action;
- public information and education programs.

Council identified a further alternative of relying on the planning scheme to control storage and collection of waste issues relating to the undertaking of commercial activities.

After giving careful consideration to these alternatives all were considered to be not viable for the following reasons:

- **Regulation - public vs. private action** - This regime would involve a change to the Proposed Local Law to provide that where more than three complaints were received, Council would take action. Up to and including the third complaint, Council would not take action but it would be open to individuals to take action in respect of a nuisance caused by unsatisfactory storage and collection of waste practices. In this way, Council would only be acting in genuine situations of nuisance rather than having to respond to what are, for example, vexatious complaints.

While the alternative may provide some benefit to Council, it was considered to be only nominally less anti-competitive than the proposed regime. There was also concern that some genuine complaints would not be acted upon under this regime thereby limiting the rights of individuals and the community in respect of public health and safety and amenity. It may also be conceived by the community as an abrogation of local government responsibility and duty of care.

- **Public information and education program** - Consideration was given to this alternative but it was felt that Council does not have the necessary resources available to undertake an appropriate education program. It was also considered that some form of regulatory control was necessary in order for Council to act immediately in situations posing an unacceptable risk to public health and safety or causing a nuisance.
- **Planning scheme** - This alternative would require the local law to be amended to specify that its application relates to non-commercial activities only. Regulation of storage and collection of waste and nuisance issues with respect to commercial activities would be by way of planning instruments.

There are several impacts which would arise from this alternative. The main difficulty with moving to use of the planning scheme relates to the question of whether Council would have adequate control over existing businesses. Under the planning scheme, where new developments require some kind of approval, Council could place conditions on the approval dealing with issues such as storage and collection of waste. However, in relation to existing businesses, unless an approval under the planning scheme was required and unless that original approval made provision for the activities covered by the Proposed Local Law, Council would have no power under the planning scheme to control the activities covered by the Proposed Local Law. Council may have recourse to a variety of powers under State legislation, for example, the Environment Protection Act 1994 but it would depend on the individual situation as to whether these or other Acts could be invoked and the degree of their effectiveness is uncertain.

Also, the planning scheme cannot provide for a once-off occasion of significant intensity where the undertaking of a business activity may result in increased, or exceptional, storage and collection of waste issues, which could be the subject of Council regulation under the Proposed Local Law.

10. Key stakeholders affected by the current situation and by a move to alternative arrangements

While no alternative has been identified as being viable at this stage, the stakeholders involved in this review are considered to be the following:

Public Interest Test Plan: proposed Local Law No. 8 (Waste Management) 2018

7

- Local government
- State
- Owners and occupiers of premises used for domestic purposes at which general waste is generated
- Owners and occupiers of commercial premises at which general waste is generated
- Potential owners and occupiers of premises used for domestic purposes at which general waste is generated
- Potential owners and occupiers of commercial premises at which general waste is generated
- Waste collection contractors (other than Council's contracted waste collection contractor) responsible for the collection of general waste from premises, and in particular commercial premises, which generate general waste in Council's local government area
- Council's contracted waste collection contractor which is responsible for the collection of general waste from premises (including commercial premises) which generate general waste in Council's local government area
- Residents in close proximity to premises used for domestic purposes
- Residents in close proximity to premises used for the undertaking of commercial activities
- Conservation/environment groups

11. Type of assessment and level of resources required

The assessment will comply with the following principles set out in the Guidelines:

1. Consultation with relevant businesses about the anti-competitive provisions;
2. Examination of the reasonable alternatives to the anti-competitive provisions;
3. A cost benefit analysis that involves calculating the value of the impacts, both positive and negative, of the anti-competitive provisions.
4. Determining whether on balance the anti-competitive provisions should be retained in the Proposed Local Law in the overall public interest.

In conducting the assessment Council will also have regard to the Public Benefit Test Guidelines dated October 1999 of Queensland Treasury. The assessment will be conducted by Council as a minor assessment. The emphasis will be on qualitative analysis with key impacts expressed in monetary terms where data is available.

The review will be conducted in-house by a team of Council officers.

12. Extent of consultation to be conducted

Consultation will be conducted by giving public notice of the Proposed Local Law in the local newspaper and inviting submissions. Public notices will also be posted on the public notice boards in Council's Customer Contact Centres, on Council's website and letters will be sent to representative bodies advising of the Proposed Local Law and inviting submissions. The public notice will also advise that the consultation on anti-competitive provisions is being conducted with the public consultation for the Proposed Local Law.

Public Interest Test Plan: proposed Local Law No. 8 (Waste Management) 2018

8

The public interest test plan and copies of the Proposed Local Law will also be open to inspection at Council's Customer Contact Centres.

13. Timeframe for conducting the public interest test

The time-frames for conducting the public interest test will be as follows:

Commence public interest test	21 May 2018
Estimate of time for completing public interest test	2 months, including consultation period.
Consultation period	Minimum of 3 weeks (21 days)
Target date for presenting report to local government	The Council meeting to be convened by Council 2 months after the commencement of the public interest test.

Public Interest Test Plan: proposed Local Law No. 8 (Waste Management) 2018

9

14. Determine content of the public interest test report

The public interest test report will provide:-

- a summary of the consultation process including a list of affected groups consulted and the outcomes of consultation;
- a statement of alternatives which are assessed to be not viable;
- a summary of the positive and negative impacts associated with the alternatives compared to the existing environment;
- a summary of the net impacts (positive or negative) associated with the alternatives; and
- recommendations.

15. Public interest test plan approval

This decision has been delegated by Council to the Chief Executive Officer. The *Local Government Act 2009* allows this decision to be delegated by Council. Council will not delegate any decision in respect of recommendations contained in the actual public interest test report.

Approved by:

Chief Executive Officer

Dated: ____/____/2018

Public Interest Test Plan: proposed Local Law No. 8 (Waste Management) 2018

Attachment A

LOCAL LAW NO. 8 (WASTE MANAGEMENT) 2018

LIST OF LIKELY ANTI-COMPETITIVE PROVISIONS

Local Law: Local Law No. 8 (Waste Management) 2018

Object: The object of this local law is to protect the public health, safety and amenity related to waste management by—

- (a) regulating the storage, servicing and removal of waste; and
- (b) regulating the disposal of waste at waste facilities; and
- (c) ensuring that an act or omission does not result in—
harm to human health or safety or personal injury; or
property damage or loss of amenity; or
environmental harm or environmental nuisance.

Anti-competitive provisions	Effect of Provision	Possible anti-competitive effect
Section 5	Council may designate areas in which it may conduct general waste or green waste collection and decide the frequency of such collections.	The effect of designation of a waste collection area may limit opportunities for waste contractor businesses to compete with Council services. However, waste contractors may have the opportunity to compete for Council waste collection contracts when advertised.
Section 6	Council may prescribe requirements on owners or occupiers of premises to supply waste containers or may supply the waste containers itself and recoup the reasonable cost from owners or occupiers.	Compliance with the requirements may have an impact on the conduct of a business activity.
Section 7	Prescribe requirements for the storage of general waste in waste containers.	Compliance with the requirements may have an impact on the conduct of a business activity as they will apply to both commercial and domestic premises.

Public Interest Test Plan: proposed Local Law No. 8 (Waste Management) 2018

Section 8	Prescribes requirements for the keeping of waste containers at serviced premises.	Compliance with the requirements may have an impact on the conduct of a business activity as they will apply to both commercial and domestic premises.
Section 9	Council may impose requirements for the storage of general waste at particular serviced premises other than single detached dwellings.	Compliance with the requirements may have an impact on the conduct of a business activity, especially at commercial premises.
Section 11	Council may prescribe requirements for the depositing or disposing of general waste from premises other than serviced premises.	Compliance with the requirements may have an impact on the conduct of a business activity.
Section 12	Council may require the occupier of premises where there is industrial waste to supply industrial waste containers, keep them at a required place and keep them clean and in good repair.	Compliance with the requirements may have an impact on the conduct of a business activity.
Section 13	Council may prescribe requirements about the treatment of industrial waste for disposal at a waste facility.	Compliance with the requirements may have an impact on the conduct of a business activity.
Section 14	Prohibits disposal of certain waste at a local government waste facility.	Compliance with the requirements may have an impact on the conduct of a business activity.

12.2 REGIONAL ARTS DEVELOPMENT FUND - INDIVIDUAL GRANT APPLICATIONS 2017/2018

File No: GS15.2.5
Attachments: Nil
Responsible Officer: Trish Weir - Manager Customer Service
 Brett Bacon - Executive Director Liveability and Wellbeing
Author: Julie Bickley - Coordinator Library & Arts

SUMMARY

Three Regional Arts Development Fund Applications have been received for a total amount of \$4,060. Individual grants are available between rounds of funding.

OFFICER'S RECOMMENDATION

THAT in accordance with the recommendation of the Livingstone Regional Arts Development Fund Assessment Panel, the following grant applications be funded from the Regional Arts Development Fund.

Name	Purpose of Grant	\$Total Project Expenses	\$ Grant Requested	\$ Grant Recommended
Keppel Coast Arts Council Inc	To host an exhibition at the Mill Gallery showcasing the works of ten (10) artists who live in Livingstone Shire.	\$3080	\$1500	\$1500
Angela Burke (IPD)	Towards attending a workshop in Brisbane to develop workable clay from local soils.	\$975	\$260	\$260
Leo Honek (Tropical Bloom)	Employing Christine Holden to teach workshops on ethical art weaving, using marine debris and building a bamboo shade structure to host the workshops.	\$5260	\$2300	\$2300

BACKGROUND

Three Regional Arts Development Fund Applications outside the standard funding rounds normally associated with the Regional Arts Development Fund:

Keppel Coast Arts Council Inc	To host an exhibition at the Mill Gallery showcasing the works of ten (10) artists who live in Livingstone Shire.
Angela Burke	Towards attending a workshop in Brisbane to develop workable clay from local soils.
Leo Honek (Tropical Bloom)	Employing Christine Holden to teach workshops on ethical art weaving, using marine debris and building a bamboo shade structure to host the workshops.

Individual grants are available between rounds of funding. The total amount requested is \$4,060, which can be accommodated within the remaining Regional Arts Development Fund budget of \$4,448.50.

COMMENTARY

The Regional Arts Assessment Panel assessed the applications and nominated that these applicants met the programme criteria and are recommended to be funded for the amount of \$4,060.

PREVIOUS DECISIONS

This specific matter has not been the subject of any Council decision. At its meeting of the 20 February 2018, Council resolved to approve 14 applications. This request is consistent with previous decisions.

BUDGET IMPLICATIONS

The request can be readily accommodated within the budget allocation for the purposes of the Regional Arts Development Fund.

LEGISLATIVE CONTEXT

There is no legislative context applicable to the administration of the Regional Arts Development fund.

LEGAL IMPLICATIONS

There are no legal implications associated with administering the Regional Arts Development Fund.

STAFFING IMPLICATIONS

The administration of the Regional Arts Development Fund is managed within existing Council staff resources.

RISK ASSESSMENT

The principal risk associated with the grant is the misappropriation of money. Strict acquittal processes are established to ensure that all grant money is spent in accordance with its designated purpose.

CORPORATE/OPERATIONAL PLAN

Strategy CO2 of Council's Corporate Plan states: '*Facilitate programs and support local social, cultural, artistic and community building initiatives.*'

LOCAL GOVERNMENT PRINCIPLES

The local government principles are –

- (a) *Transparent and effective processes, and decision-making in the public interest; and*

- (b) *Sustainable development and management of assets and infrastructure, and delivery of effective services; and*
- (c) *Democratic representation, social inclusion and meaningful community engagement; and*
- (d) *Good governance of, and by, local government; and*
- (e) *Ethical and legal behaviour of councillors and local government employees.*

CONCLUSION

The Regional Arts Development Fund Assessment Panel considers that the recommended applications fulfil the criteria for this funding programme and that the proposed projects will offer benefits to the Livingstone Shire.

12.3 QUESTIONS ON NOTICE – POOL FENCING AROUND THE YEPPOON LAGOON

File No: GV13.4.4
Attachments: Nil
Responsible Officer: Chris Murdoch - Chief Executive Officer
Author: Brett Bacon - Executive Director Liveability and Wellbeing

SUMMARY

This report provides a response to Questions on Notice, which Councillor Mather proposes to tender to the Council meeting of 15 May 2018.

OFFICER'S RECOMMENDATION

THAT Council resolves to receive the report providing a response to Councillor Mather's Question on Notice regarding the Yeppoon Lagoon

BACKGROUND

At Council's Ordinary Meeting of 15 May 2018, Councillor Mather proposes to present a Question on Notice pertaining to the exemption for pool fencing around the Yeppoon Lagoon.

COMMENTARY

Councillor Mather has presented Council with a Question on Notice pertaining to the exemption for pool fencing around the Yeppoon Lagoon. The following provides a response to that question.

- 1) *what legislation does Council rely on which does not compel it to install safety fencing around the lagoon pool?*

The legislation responsible for regulating pool fencing is the *Building Act 1975*. Section 232 of the *Building Act 1975* requires the owner of a regulated pool to ensure that the pool complies with the pool safety standard for the pool and all barriers for the pool are kept in good condition.

Section 231B(4) of the *Building Act 1975* states that a regulated pool does not include a public pool and section 231B(5) defines a public pool as a '*...swimming pool open to the public, whether or not on payment of money, and operated by a local government or other statutory body...*'

The Yeppoon Lagoon falls within the definition of a public pool, as it is a swimming pool open to the public and is operated by a local government. For completeness, the relevant sections of the *Building Act 1975* are provided below:

231B What is a regulated pool

- (1) **A regulated pool—**

- (a) *is a swimming pool situated on regulated land; and*
- (b) *includes the barriers for the pool.*

- (2) **The barriers for the pool include any of the following—**

- (a) *the fencing for the pool;*
- (b) *the walls of a building enclosing the pool;*
- (c) *another form of barrier mentioned or provided for in the pool safety standard.*

Example—

Under QDC, part MP3.4, a canal, lake, river, creek, stream, pond, ocean or dam may, in particular circumstances, form part of a barrier.

- (3) *Despite subsection (1), other than in part 2A a **regulated pool** does not include a swimming pool situated on either of the following if an approved pool safety management plan is in force for the pool—*
 - (a) *common property in a class 3 building, including a class 3 building that is to be constructed;*
 - (b) *land adjacent to land on which a class 3 building is, or is to be, constructed and that is—*
 - (i) *in the same ownership as the building; or*
 - (ii) *used in association with the building.*
- (4) *Also, a **regulated pool** does not include a public pool.*
- (5) *In this section—*

***public pool** means a swimming pool open to the public, whether or not on payment of money, and operated by a local government or other statutory body under the Statutory Bodies Financial Arrangement Act 1982.*

232 Compliance with pool safety standard—regulated pool

- (1) *The owner of a regulated pool must ensure—*
 - (a) *the pool complies with the pool safety standard for the pool; and*
 - (b) *all barriers for the pool are kept in good condition.*

Maximum penalty—165 penalty units.

Note—

This provision is an executive liability provision—see section 257.

- (2) ...
- (3) ...

PREVIOUS DECISIONS

This subject matter has not been the subject of any Council resolution nor direction.

BUDGET IMPLICATIONS

There are no budget implications associated with this particular issue.

LEGISLATIVE CONTEXT

The legislation responsible for regulating pool fencing is the *Building Act 1975*.

LEGAL IMPLICATIONS

There are no legal implications for Council associated with this matter.

STAFFING IMPLICATIONS

There are no staffing implications for Council associated with this matter.

RISK ASSESSMENT

There are no risks associated with the provision of the above responses to the Questions on Notice.

CORPORATE/OPERATIONAL PLAN

Strategy GO4 of Council's Corporate Plan states: *'Provide transparent and accountable decision making reflecting positive leadership to the community.'*

LOCAL GOVERNMENT PRINCIPLES

The local government principles are –

- (a) *Transparent and effective processes, and decision-making in the public interest; and*
- (b) *Sustainable development and management of assets and infrastructure, and delivery of effective services; and*
- (c) *Democratic representation, social inclusion and meaningful community engagement; and*
- (d) *Good governance of, and by, local government; and*
- (e) *Ethical and legal behaviour of councillors and local government employees.*

CONCLUSION

Councillor Mather has presented Council with a Question on Notice pertaining to the exemption for pool fencing around the Yeppoon Lagoon. This report provides a response to that question.

13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS

13.1 QUESTIONS ON NOTICE - COUNCILLOR GLENDA MATHER - THE LAGOON

File No: GV13.4.4

Attachments: 1. The Lagoon [↓](#)

Responsible Officer: Chris Murdoch - Chief Executive Officer

SUMMARY

Councillor Glenda Mather indicated her intention to place the following Question on Notice in relation to the lagoon at the next Council Meeting 15 May 2018, as follows:

1. *What legislation does Council rely on which does not compel to install safety fencing around the lagoon pool?*

RECOMMENDATION

THAT the question on notice be received.

BACKGROUND

Refer to attached question on notice.

13.1 - QUESTIONS ON NOTICE - COUNCILLOR GLENDA MATHER - THE LAGOON

The Lagoon

Meeting Date: 15 May 2018

Attachment No: 1

PO Box 5186
Red Hill PO
Rockhampton Q 4701
8 May 2018

Chief Executive Officer
Livingstone Shire Council
Anzac Parade
Yeppoon Q 4703

Question on Notice
The Lagoon

Dear Madam CEO,

Q. Would you please advise:

"what legislation does Council rely on which does not compel it to install safety fencing around the lagoon pool?"

Background:

The public question is constantly being asked, given even a blow-up wading pool for toddlers requires one.

The close proximity of the ocean really has no bearing.

Many thanks,
Glenda Mather Clr

13.2 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - PROPOSED PLAQUE FOR WAR ANIMALS**File No:** GV13.4.4**Attachments:** 1. Notice of Motion - Proposed Plaque for War Animals [1](#)**Responsible Officer:** Chris Murdoch - Chief Executive Officer

SUMMARY

Councillor Glenda Mather has indicated her intention to move the following Notice of Motion at the next Council Meeting 15 May 2018, as follows:

RECOMMENDATION

THAT Council recognise the vital rolls the war animals played in world conflicts, and Mr Allsopp be advised Council would be honoured to receive the RSL approved plaque from The Australian War Animal Memorial Organisation Inc. and the plaque will be placed in a prominent position identifying their service.

Further, Members of the Emu Park PRSL be asked to embrace this generous offer, and identify an appropriate location for the plaque.

BACKGROUND

Refer to attached Notice of Motion.

**13.2 - NOTICE OF MOTION -
COUNCILLOR GLENDA MATHER -
PROPOSED PLAQUE FOR WAR
ANIMALS**

**Notice of Motion - Proposed Plaque for
War Animals**

Meeting Date: 15 May 2018

Attachment No: 1

PO Box 5186
Red Hill PO
Rockhampton Q 4701
8 May 2018

Chief Executive Officer
Livingstone Shire Council
Anzac Parade
Yeppoon Q 4703

Notice of Motion
Proposed Plaque for War Animals

Dear Madam CEO,

I hereby give Notice of my intention to move the following motion at the first available meeting of Council.

"That Council recognize the vital rolls the war animals played in world conflicts, and Mr Allsopp be advised Council would be honoured to receive the RSL approved plaque from The Australian War Animal Memorial Organization Inc., and the plaque will be placed in a prominent position identifying their service.

Further, Members of the Emu Park RSL be asked to embrace this generous offer, and identify an appropriate location for the plaque."

Background

Mr Allsopp was named "Queensland ANZAC of the Year."
He lives in southern Queensland and is very active promoting the ANZAC and war history. He is currently in France and then onto England.
His Organization, "The Australian War Animal Memorial Organization Inc. (AWAMO) is a registered not-for-profit Organization, and many of these plaques are already displayed at Cenotaphs around Queensland. They are about 30cm square, made of bronze, and cost (for memory) around \$1,500 to make. This offer is made with no expectation of cost to us, although I believe a modest one-off donation would show our appreciation.
I'm advised that there are many more towns, even in CQ, who wish to obtain one.
The one Mr Allsopp has offered, is currently being made, and offered to us alone.

I believe this tangible recognition of the roll the war animals played, would be a very fitting tribute to their sacrifice, and the winning of the war.

A copy of the plaque is attached, along with some information on the valuable work the Organization has undertaken - supplied by Mr Allsopp.

Many thanks,
Glenda Mather Clr

13.3 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - WATER CHARGES**File No:** GV13.4.4**Attachments:** 1. Notice of Motion [↓](#)**Responsible Officer:** Chris Murdoch - Chief Executive Officer

SUMMARY

Councillor Glenda Mather has indicated her intention to move the following Notice of Motion at the next Council Meeting 15 May 2018, as follows:

RECOMMENDATION

THAT given the circumstances surrounding the high quarterly water reading at L92 LN 2550 and Council's decision to discontinue the interest charges for the reasons provided, Council resolve to pro-rata the charge for the period in question as a one-off consideration.

BACKGROUND

Refer to attached Notice of Motion.

**13.3 - NOTICE OF MOTION -
COUNCILLOR GLENDA MATHER -
WATER CHARGES**

Notice of Motion

Meeting Date: 15 May 2018

Attachment No: 1

PO Box 5186
Red Hill PO
Rockhampton Q 4711
4 May 2018

Chief Executive Officer
Livingstone Shire Council
Anzac Parade
Yeppoon Q 4703

Notice of Motion - Amended
Water Charges

Dear Madam Chief Executive,

I hereby give Notice of my intention to move the following motion at the first available meeting of Council:

"That given the circumstances surrounding the high quarterly water reading at L92 LN 2550 and Council's decision to discontinue the interest charges for the reasons provided, Council resolve to pro-rata the charge for the period in question as a one-off consideration."

Background

I believe the Council has reasonable grounds on which to make this decision.

Regards Glenda Mather

14 CLOSED SESSION

In accordance with the provisions of section 275 of the *Local Government Regulation 2012*, a local government may resolve to close a meeting to the public to discuss confidential items, such that its Councillors or members consider it necessary to close the meeting.

RECOMMENDATION

THAT the meeting be closed to the public to discuss the following items, which are considered confidential in accordance with section 275 of the *Local Government Regulation 2012*, for the reasons indicated.

15.1 RESADA ESPLANADE AND COOLWATERS HOLIDAY VILLAGE

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by it.

15 CONFIDENTIAL REPORTS

15.1 RESADA ESPLANADE AND COOLWATERS HOLIDAY VILLAGE

File No: CP5.9.1

Attachments: 1. Confidential Report - 22 November 2016

Responsible Officer: David Mazzaferri - Manager Disaster Management,
Recovery and Resilience
Brett Bacon - Director Community & Planning Services

Author: Mark McLean - Senior Property & Contracts Officer

This report is considered confidential in accordance with section 275(1)(e), of the *Local Government Regulation 2012*, as it contains information relating to contracts proposed to be made by it.

SUMMARY

The intention of this report is to amend the resolution by Council on 22 November 2016 in relation to Resada Esplanade and Coolwaters Holiday Village.

16 URGENT BUSINESS/QUESTIONS

Urgent Business is a provision in the Agenda for members to raise questions or matters of a genuinely urgent or emergent nature, that are not a change to Council Policy and can not be delayed until the next scheduled Council or Committee Meeting

17 CLOSURE OF MEETING