



## **ORDINARY MEETING**

### **AGENDA**

**3 JULY 2018**

*Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 4 Lagoon Place, Yeppoon on 3 July 2018 commencing at 9:00am for transaction of the enclosed business.*

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

**CHIEF EXECUTIVE OFFICER**  
29 June 2018

Next Meeting Date: 17.07.18

**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.

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**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

## **5 MAYORAL MINUTE**

### **5.1 MAYORAL MINUTE - SUPPORT FOR REGIONAL EXPORT DISTRIBUTION CENTRE PILOT FUNDING - JOBS AND REGIONAL GROWTH FUND**

**File No:** ED8.5.19  
**Attachments:** Nil  
**Responsible Officer:** Bill Ludwig - Mayor

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#### **SUMMARY**

*The Mayor will present a Mayoral Minute in relation to Support for Regional Export Distribution Centre Pilot Funding*

#### **MOTION**

To be tabled

**5.2 MAYORAL MINUTE - COOEE BAY POOL REFURBISHMENT AND UPGRADE -  
THE RANKING OF COOEE BAY POOL A HIGH PRIORITY COMMUNITY  
INFRASTRUCTURE PROJECT FOR STATE AND/OR FEDERAL FUNDING  
APPLICATIONS.**

**File No:** GS15.2.3

**Attachments:** 1. Cooee Bay Sports Complex Master Plan  
Report - 2017 [↓](#)

**Responsible Officer:** Bill Ludwig - Mayor

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**SUMMARY**

*The Mayor will present a Mayoral Minute in relation to the refurbishment and upgrade of the Cooee Bay pool.*

**MOTION**

To be tabled

**5.2 - MAYORAL MINUTE - COOEE BAY  
POOL REFURBISHMENT AND  
UPGRADE - THE RANKING OF COOEE  
BAY POOL A HIGH PRIORITY  
COMMUNITY INFRASTRUCTURE  
PROJECT FOR STATE AND/OR  
FEDERAL FUNDING APPLICATIONS.**

**Cooee Bay Sports Complex Master  
Plan Report - 2017**

**Meeting Date: 3 July 2018**

**Attachment No: 1**





# Cooee Bay Sports Complex Concept Plan Report

FOR LIVINGSTONE SHIRE COUNCIL  
06 JUNE 2017 / ISSUE B



BLACKSMITH  
PLANNING & DESIGN





**Disclaimer**

While every care has been taken in preparing this publication, Livingstone Shire Council accepts no responsibility for decisions or actions taken as a result of any data, information, statement or advice, expressed or implied, contained within.

All plans, maps and images are intended to represent general concepts for the purpose of master planning. They do not, and are not intended to identify and give attributes or rights, to specific land parcels. To the best of our knowledge, the content was correct at the time of publishing.

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# 1. Introduction

## Project Background

Livingstone Shire Council have requested the preparation of a concept plan for the existing Cooee Bay Sports Complex on the corner of Chrisney Street and Matthew Flinders Drive, Cooee Bay. The purpose is to guide the future of the site and assist with funding submissions to attract financial resources for this development.

Cooee Bay is a small coastal suburb located immediately south of the Yeppoon Town Centre separated by the environmental and tidal areas of Ross Creek.

The site has been developed by Council, as well as individual user groups, over the past thirty years and features the following infrastructure:

- fifty (50) metre swimming pool;
- seventeen (17) metre indoor heated pool;
- wading pool;
- four (4) synthetic hard courts;
- four (4) synthetic grass courts;
- tennis clubhouse building;
- five (5) multipurpose synthetic hard courts;
- grassed area with shade shelters;
- community hall;
- rectangular playing surface currently used by Cap Coast Rugby Union;
- two (2) demountable change rooms;
- unofficial caretakers dwelling; and
- two (2) internal car parking areas.

Regular users and stakeholders of the Cooee Bay Sports Complex include, but are not limited to:

- Yeppoon Aquatics;
- Yeppoon Sharks Swimming Club;
- Yeppoon Tennis Club;
- Cooee Bay Progress and Sports Association; and
- Capricorn Coast Rugby Union.

A previous study undertaken for the site in 2004, identified the need for the development of a master plan for the Cooee Bay Sports Complex. This recommendation was realised with the completion of the 2006 Cooee Bay Sports Complex Master plan, completed by Strategic Leisure. Although the 2006 master plan provided a clear snapshot of the community's use of the facility at that time, as well as the desired outcomes for development of the site, a number of influences not captured in the 2006 master plan have rendered most of the associated recommendations redundant, or no longer applicable.

In developing a new vision for the site, Council is seeking to establish a considered and strategic approach to the future development, management, and use of the Cooee Bay Sports Complex. Council is keen to ensure the concept plan is accommodating of all reasonable suggestions by existing users and other stakeholders; however is determined to ensure the concept plan outlines realistic and achievable elements in relation to construction budget and duplication of similar facilities in the region.

The current sports facilities plays a major role in the sporting and community life of not just the locality, but the Shire more broadly providing a well recognised and well used, swimming and tennis facility. These facilities are only available here or in Rockhampton some 40 minutes away. There are no local equivalents of these facilities within the Shire.

Whilst considerable expenditure has been made on the tennis facilities, the swimming pool is dated and is in critical need of investment to update and modernise swimming facilities and equipment.

An initial meeting with stakeholders and users from the community has identified a clear need for the upgrading of the swimming pool as a matter of urgency and the retention of the tennis facilities.

## 1.2 Subject Site & Context

The subject site is split into three lease areas for the pool, the Tennis Club and the remainder including the caretakers residence, rugby field and community hall are included under a separate lease agreement all of which are due to expire in 2019.

The site has frontage to Chrisney Street to the north and the unformed Gregory Street to the west. The major entry for the site is from Matthew Flinders Drive which forms the eastern frontage of the site.

The Cooee Bay Sports complex is located centrally within the Cooee Bay suburb immediately south of the Yeppoon Town Centre. The site is surrounded by residential uses east and north of the site. To the south the PCYC operate the Capricorn Coast Leadership Development Centre which is a large facility occupying the entire southern edge of the site.

Matthew Flinders Drive is the primary access through this part of Cooee Bay and is proposed to be upgraded at some point in the future to include a dedicated bike lane.

The site also includes The Capricorn Coast Crocs rugby union football club. Their facilities consist of a number of demountable buildings adjoining Chrisney Street. This facility caters current for all junior and senior teams. The space for the field and facilities are extremely tight and there is no room for expansion.

The oval is currently contested space with limited access by adjoining residents looking to access quality open spaces locally. The PCYC are also occasional users of the space.







Figure 1: Cooee Bay Sports Complex

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## 2. Context and Constraints

### 2.1 Constraints, Issues and Responses

#### 1 Overland Flow

Perhaps the most significant constraint is the extent of overland flow from the adjoining PCYC site. A cut off drain runs along the southern boundary of the site adjoining the tennis courts to try and capture this water, however during periods of heavy downpours the internal road in the centre of the site between the oval and swimming pool receives significant flows. Additional drainage to convey stormwater from the adjoining site and additional drainage within the site will be required in times of significant rainfall events.

#### 2 Car Parking

A source of frustration for users and adjoining residents alike there is insufficient on site parking to cater for events, tournaments, games etc. Chrisney Street which runs along the northern alignment of the site caters for the high demand of parking but has insufficient carriage width to accommodate two stand up movement lanes and two lanes of parking. Additional on-site parking needs to be provided as well as additional parking regulation along Chrisney Street to ensure traffic flow is maintained during periods of high use.

#### 3 Aging facilities

As noted above the pool and community hall are both aging and in need of complete renovation and upgrading. The pool is currently losing substantial amounts of water through cracks in the pool structure which can only fixed through a complete rebuild. Similarly the rehabilitation pool which sits under a galvanised tin structure is unsuitable for use in summer months due to the heat and needs to be replaced with a more suitable housing. Change rooms and kiosk facilities are similarly outdated and in need of replacement.

The community hall similarly needs renovating and updating however this is not of the same priority at this stage as the pool.

#### 4 All Purpose Courts

The all purpose courts in the south-east corner of the site are in poor condition. At present there appears little demand for these courts and in some respects are superfluous. Their removal and reuse of the space as on site parking would provide help alleviate parking issues.

#### 5 Caretakers Residence

Depending on the governance regime proposed going forward it is unlikely there will be a need for an on-site caretaker. This land could be better incorporated into an extension to the pools facilities or to generate better access and circulation through the site.

#### Governance

Presently the site sits under a number of separate leases. This partitioning of the site makes control, maintenance and governance difficult. All leases are up for renewal in the near future as discussed above. This will enable council to review the governance of the site in view of the aims and direction of the master plan produced here.

#### Alternative Facilities

One significant driver of outcomes for this site is the presence or otherwise of viable alternative facilities for the current activities on the site. Both the tennis and pool facilities have no viable alternatives located within Livingstone Shire. Comparable facilities are located only in Rockhampton.

Rugby fields are located at both Emu Park and Barmaryee and present better alternatives for the Rugby Club. They also opportunities to expand the rugby offering for the area with further fields and facilities available should additional space be required.







Figure 2 : Cooee Bay Sports Complex Constraints

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### 3. Concept Options

#### 3.1 Rationale

The Concept Options have been developed in response to consultations with internal stakeholders and current users of the site. Two clear options are proposed both of which retain the tennis and pool facilities. These two facilities are retained on the site as there are currently no viable alternatives within close proximity of the site and indeed there are no other similar facilities within the Shire. As such the first priority of the plan is to retain and enhance these facilities to ensure their ongoing viability.

The pool facilities will be enhanced with a wellness centre providing professional suites with treatment and consultation facilities. The pool already offers remedial and rehabilitation treatment services. The Wellness centre will provide a complementary services to those already offered. The centre may include limited food and beverage and retail space associated with the pool.

The wellness centre will provide a new entry feature for the site with a small service road completing a circuit through site allowing access and servicing for the tennis centre. All turns access is maintained onto Matthew Flinders Drive whilst an egress only access point is maintained on Chrisney Street.

Both options also look to remove part of the all purpose courts and replace part of this area with additional on site parking.

#### 3.2 Key Elements - Option 1

This option explores the idea of a large active and passive recreation common for the site that is open for access by all members of the community. The following key elements are highlighted.

- 1 Existing tennis centre is retained in its current format and layout with an additional two courts provided to the tennis club for their use for tournaments and coaching.
- 2 The remainder of the existing courts on the south-eastern edge of the site are in poor condition and are removed to generate additional car parking for the tennis and swimming complex to alleviate parking issues in adjoining residential areas.
- 3 The community hall is retained and redeveloped to include small landscaped spaces surrounding the facility. These spaces allow for a range of events to be hosted by the community hall.
- 4 A new entry street is created between the pool and community hall creating a prominent entry statement for the precinct.
- 5 The pool complex is retained and expanded to include a new Wellness Centre, 25m pool and cafe. The 100m pool and rehab pool are retained and renovated.
- 6 The Wellness Centre provides professional medical suites for visiting specialist to meet and treat patients in conjunction with the rehab pool. This two storey facility has the potential to generate further revenues for the precinct through leasing of treatment and office spaces.
- 7 The Cooee Bay Common is created over the balance of the greenspace. The common is conceived as an active recreation space with full size touch football field in the centre surrounded by a skate path/walking path and a range of activity stations. This community space is available for all visitors and will contain barbecue facilities that complement the active recreation facilities surround the common.





Figure 3 : Cooee Bay Sports Complex option one

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### 3.2 Key Elements - Option 2

This option retains the Capricorn Coast Rugby Club on the site with clubhouse and associated facilities.

- 1 Existing tennis centre is retained in its current format and layout with an additional two courts provided to the tennis club for their use for tournaments and coaching.
- 2 The remainder of the existing courts on the south-eastern edge of the site are in poor condition and are removed to generate additional car parking for the tennis and swimming complex to alleviate parking issues in adjoining residential areas.
- 3 The community hall is retained and redeveloped to include small landscaped spaces surrounding the facility. These spaces allow for a range of events to be hosted by the community hall.
- 4 A new entry street is created between the pool and community hall creating a prominent entry statement for the precinct.
- 5 The pool complex is retained and expanded to include a new Wellness Centre, 25m pool and cafe. The 100m pool and rehab pool are retained and renovated.
- 6 The Wellness Centre provides professional medical suites for visiting specialist to meet and treat patients in conjunction with the rehab pool. This two storey facility has the potential to generate further revenues for the precinct through leasing of treatment and office spaces.
- 7 In this option the Cap Coast Rugby Club is retained on site. Additional car parking is provided in the unformed road reserve on the western end of the site. The field is a full size configuration in accordance with IRB requirements and fills the entire space with little room for other facilities. A club house is located on the western end of the field. The alignment of the field is however contrary to good practice and no alternative areas for training, warm up, etc are available. No other community facilities are able to be included in this layout.





Figure 4 : Cooee Bay Sports Complex option two

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## 4. Preferred Concept Options

### 4.1 Rationale

The Preferred Concept Option has been developed after further consultation with the community, internal council stakeholders and current users of the site. From discussions with the community it is clear that the use of part of the site as a grassed field capable for use as an active recreation space is highly desirable. Many people in the community use the current rugby field as an informal active play space and its size allows many groups to use the space at any one time.

Cap Coast Rugby Club currently occupy this part of the site. The club has both juniors and seniors who all use this one field for both training and playing. Should the club grow in the future which is likely as we head into a Rugby World Cup year in 2019, and with the rising popularity of the 7's format of the game, the current facilities will prove inadequate to cater for that growth.

As such there is an Interim and Ultimate Option for the site. The Interim option (figure 5) foresees the continued use of the site by the Rugby Club as it continues to grow. In the long term the Rugby Club will need to move to accommodate growth and provide better facilities. This can be accommodated at either The Barmaryee or Hartley Street sports facilities at Emu Park.

There was considerable support for other elements of the concept plan such as the additional tennis courts, new parking area in the Gregory Street road reserve, The Wellness Centre and the upgrade to the swimming pool.

One additional item is the refurbishment of the current tennis club facility. This facility contains a commercial kitchen, toilets etc and currently only serves the tennis facility. The clubhouse also overlooks the rugby fields. This presents an opportunity to reorientate the clubhouse to serve both sides with the addition of a deck extending from the clubhouse to provide a view north over the fields allowing this Council owned facility to capitalise on other activities occurring on the site allowing a more efficient use of current on site facilities.

### 4.2 Key Elements - Preferred Development Option

This option (figure 6) anticipates the current rugby club moving to a new location and the sports field retained for active recreation for the use of the community. The following key elements are highlighted.

- 1 Existing tennis centre is retained with an additional four (4) courts provided to the tennis club for their use for tournaments and coaching. The existing clubhouse is extended to allow it to front onto the sports field and service both the courts and the sports field.
- 2 The remainder of the existing courts on the south-eastern edge of the site are in poor condition and are removed to generate additional car parking for the tennis and swimming complex to alleviate parking issues in adjoining residential areas.
- 3 The community hall is retained and redeveloped to include small landscaped spaces surrounding the facility. These spaces allow for a range of events to be hosted by the community hall.
- 4 A new entry street is created between the pool and community hall creating a prominent entry statement for the precinct.
- 5 The pool complex is retained and expanded to include a new Wellness Centre, 25m pool and cafe. The 100m pool and rehab pool are retained and renovated.
- 6 The Wellness Centre provides professional medical suites for visiting specialist to meet and treat patients in conjunction with the rehab pool. This two storey facility has the potential to generate further revenues for the precinct through leasing of treatment and office spaces.
- 7 The Cooee Bay Common is created over the balance of the greenspace. The common is conceived as an active recreation space with full size touch football field in the centre surrounded by a skate path/walking path and a range of activity stations. This community space is available for all visitors and will contain barbecue facilities that complement the active recreation facilities surround the common.
- 8 Additional parking (approx 55 spaces) is created in the Gregory Street road reserve. The ultimate development option will deliver around 200 spaces over the entire precinct.
- 9 A new pedestrian access is created to the adjoining PCYC to allow joint use of facilities and car parking.



Figure 5: Cooee Bay Sports Complex interim development option

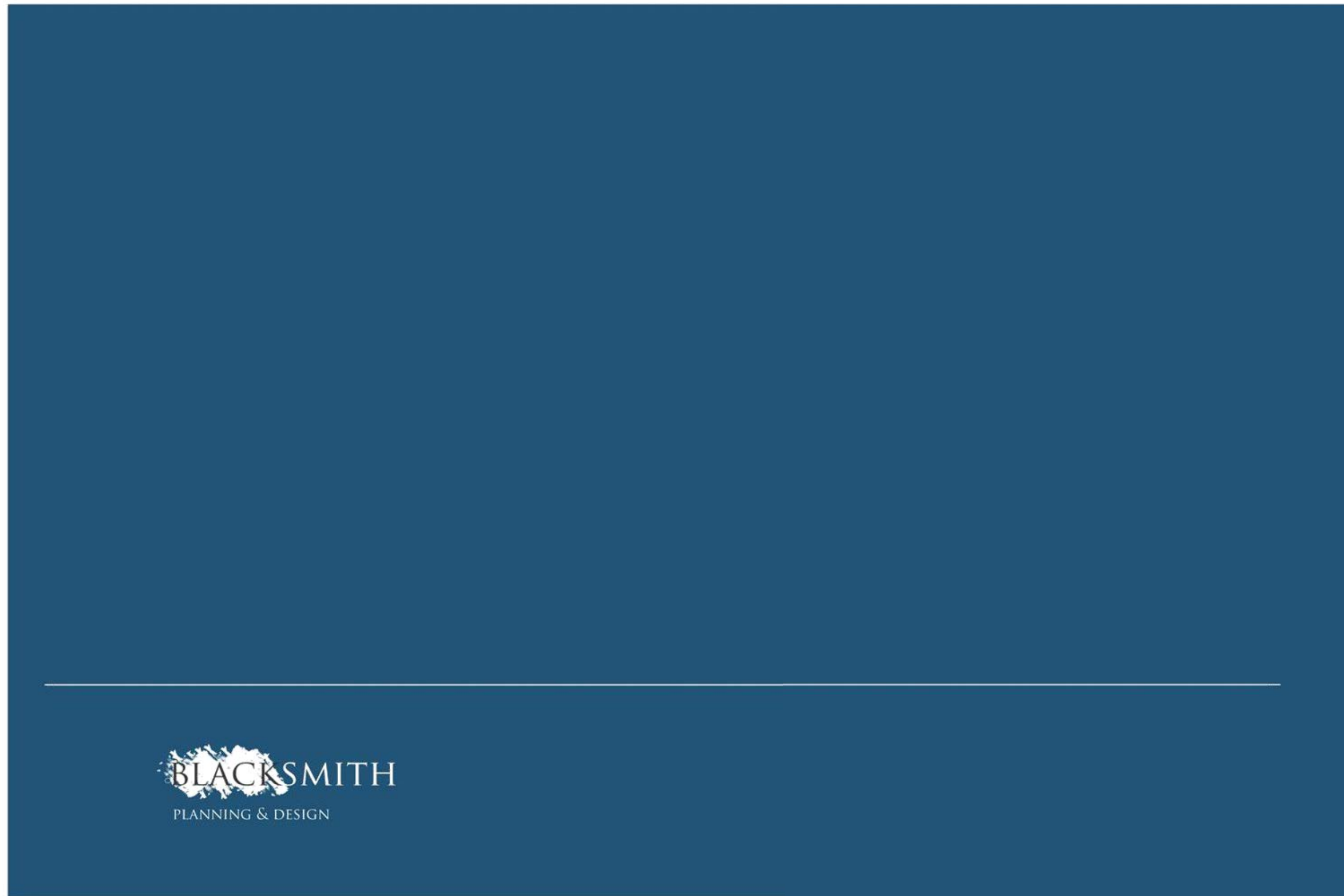




Figure 6 : Cooee Bay Sports Complex ultimate development option

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**5.3 MAYORAL MINUTE - SUBMISSION OF AN APPLICATION TO THE MATURING OUR INFRASTRUCTURE PIPELINE PROGRAMME TO EVALUATE AND ADVANCE PLANS FOR ESTABLISHMENT OF NEW YEPPON SHOWGROUNDS AND EQUESTRIAN CENTRE**

**File No:** CP5.9.1

**Attachments:** 1. Context map of possible relocation site for showgrounds [↓](#)

**Responsible Officer:** Bill Ludwig - Mayor

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**SUMMARY**

*The Mayor will present a Mayoral Minute in relation to the submission of an application to the Maturing our Infrastructure Pipeline Programme to evaluate and advance plans for establishment of new Yeppoon Showgrounds and Equestrian Centre*

**MOTION**

To be tabled

**5.3 - MAYORAL MINUTE -  
SUBMISSION OF AN APPLICATION TO  
THE MATURING OUR  
INFRASTRUCTURE PIPELINE  
PROGRAMME TO EVALUATE AND  
ADVANCE PLANS FOR  
ESTABLISHMENT OF NEW YEPPON  
SHOWGROUNDS AND EQUESTRIAN  
CENTRE**

**Context map of possible relocation site  
for showgrounds**

**Meeting Date: 3 July 2018**

**Attachment No: 1**



**5.4 MAYORAL MINUTE - MICROFACTORY OPPORTUNITIES FOR THE ESTABLISHMENT OF INNOVATIVE RESOURCE RECOVERY AND WASTE MANGEMENT PROJECTS.**

**File No:** GV13.4.1

**Attachments:** 1. Microfactory Opportunities [↓](#)

**Responsible Officer:** Bill Ludwig - Mayor

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**SUMMARY**

*The Mayor will present a Mayoral Minute in relation to the proactive identification and development of microfactory opportunities that align with and take advantage of State Government funding programs to advance feasibility studies for the establishment of innovative resource recovery and waste management projects as one of Council's and our community's highest priorities.*

**MOTION**

To be tabled.

**5.4 - MAYORAL MINUTE -  
MICROFACTORY OPPORTUNITIES  
FOR THE ESTABLISHMENT OF  
INNOVATIVE RESOURCE RECOVERY  
AND WASTE MANGEMENT  
PROJECTS.**

**Microfactory Opportunities**

**Meeting Date: 3 July 2018**

**Attachment No: 1**



Professor Veena Sahajwalla (below) and her SMaRT Centre team are turning one of Australia's biggest waste headaches into a profitable new industry.



## Job opportunities and materials security

As many rare-earth elements and other minerals get scarcer and therefore more expensive, modular factory-driven 'mining' could drive a new resource boom in Australia, one which turns e-waste into a secure source of valuable raw materials.

UNSW's modular factories transform one of Australia's biggest environmental problems into a new manufacturing industry. The patented process generates a range of value-added products, while delivering triple bottom-line benefits that are environmental (through diversion from landfill), social (through the delivery of sustainable employment) and economic (due to their strong commercial viability).

These modular factories are a potential small business booster; their small footprint lends themselves to a wide range of adaptable uses.

Cities, councils and the manufacturing industry are in the perfect position to redesign the waste stream system at a local level, benefiting local communities in cities and rural communities – and, importantly, potentially creating tens of thousands of new jobs and a range of economically competitive, locally manufactured goods.

\*Research for this project was carried out under the ARC Laureate Fellowship Grant No. FL140100215.

### FOR MORE INFORMATION

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T: (02) 9385 7734. E: [t.dobbie@unsw.edu.au](mailto:t.dobbie@unsw.edu.au)

# E-waste

## Australia's next mining boom

- ▶ Reducing waste
- ▶ Creating jobs
- ▶ Revitalising manufacturing

**The inventor**  
**Professor Veena Sahajwalla**

Scientia Professor Veena Sahajwalla credits her fascination for turning waste into wealth to her upbringing in the bustling Indian city of Mumbai, home to 18 million people – and an extraordinary amount of domestic and industrial waste. Her many research breakthroughs in the field of materials science include demonstrating the use of waste materials like plastics and rubber in steel making and a new understanding around carbon properties in high-temperature conditions. As the Director of the Sustainable Materials Research and Technology (SMaRT) Centre, Professor Sahajwalla has established significant commercial and academic partnerships. She also has a high media profile, based on her research, her mentoring of women in science and her long-standing role as a judge on the ABC's *New Inventors* program.

**UNSW SYDNEY** | Australia's Global University



## Jobs boost for regional areas

UNSW's modular factories are game-changers – creating entirely new manufacturing processes at national, regional and local levels.

UNSW has identified regional centres with a population of more than 30,000 as being ideally suited to the first roll-out of these modular factories. Historically, these centres had economies based around traditional manufacturing, but research has found they are ideally suited to a green manufacturing industry that delivers fully trained jobs in a high-tech enterprise. These areas also have suitably sized waste streams, as well as access to robust local markets to sell the finished products.

Another advantage of the modular factories is that they can be transported to where the waste is located, eliminating expensive transport costs. The factories are flexible in their component machinery, have a small physical footprint, and can be tailored to both existing waste streams, as well as new raw materials.

The commercial aspect of modular factories is also very compelling. According to UNSW's research, the initial capital investment is low enough to attract a wide range of business owners and to justify widespread adoption of the technology.

With the triple-bottom line benefits of sustainability, job creation and significant economic revenue, UNSW's modular factories have the potential to completely reshape the manufacturing sector in Australia.

### FOR MORE INFORMATION

Tom Dobbie, Business Development Manager  
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Taking science research to industry

# Green manufacturing:

## Revolutionising Australia's waste economy



### The inventor Professor Veena Sahajwalla

Scientia Professor Veena Sahajwalla credits her fascination for turning waste into wealth to her upbringing in the bustling Indian city of Mumbai, home to 18 million people – and an extraordinary amount of domestic and industrial waste. Her many research breakthroughs in the field of materials science include demonstrating the use of waste materials like plastics and rubber in steel making and a new understanding around carbon properties in high-temperature conditions. As the Director of the Sustainable Materials Research and Technology (SMaRT) Centre, Professor Sahajwalla has established significant commercial and academic partnerships. She also has a high media profile, based on her research, her mentoring of women in science and her long-standing role as a judge on the ABC's *New Inventors* program.

- ▶ Reducing waste
- ▶ Creating jobs
- ▶ Revitalising manufacturing







## Future Microfactories – delivering a true triple bottom line.

A transformative, decentralised and scalable manufacturing solution delivering new jobs, effective recycling and economic prosperity for NSW.

The Problems	The Common Sources	The SMART Solutions	The Commercial Output	Is it Available?	The Value	The Substitute Competitors
	Demolition waste, containers, residential and commercial	Engineered Stone Slabs		Yes	\$250/m <sup>2</sup> to \$300/m <sup>2</sup> wholesale target market	Ceasarstone, marble, granite, terrazzo and other engineered stones (primarily quartz based, a mined material)
	Electronics, computers, mobile phones, tablets	Filaments for 3D printing		Licensed in Australia only	\$30/kg to \$100/kg	Filaments made from virgin plastics
		Metal Alloys		Yes	Various – metals market	Metals and alloys refined from mining operations and energy intensive, non-renewable operations.
		SiC nanoparticles		Yes	\$250/kg to \$500/kg dependent on purity	Virgin SiC nanoparticles made from mined sources
		Carbon pellets for steelmaking		Global licence in place.	up to \$540/tonne (replaces coking coal)	Coal and Coke from mining operations, such as anthracite
	Demolition, commercial strip-outs, high rise, waste pallets	Sustainable furniture		Yes	Market price	Furniture made from virgin materials
		Sustainable particleboards		Yes	\$20/m <sup>2</sup> to \$40/m <sup>2</sup> dependent on application	Imported particleboards, MDF, melamine – usually containing formaldehydes and other chemicals
	Waste clothing, uniforms, bedding	Decorative Panel Products		Yes	\$100/m <sup>2</sup> to \$200/m <sup>2</sup> Wholesale target market	Natural stone, wood veneers and high priced laminates and natural timbers.
		Building insulation		Yes	\$30/m <sup>2</sup> to \$50/m <sup>2</sup>	Polyethylene insulation (highly flammable) Fibreglass insulation (non-renewable sources)
	Residential and commercial strip-outs	High grade nylon filaments		Yes	\$50/kg+	Nylon-based filaments made from virgin materials
	Small and heavy vehicles, mining and industry	Activated Carbon		Yes	Up to \$500/kg dependent on surface area	Carbon from non-renewable or mined sources
		Polymer Injection technology		Global licence in place.	Reduces steelmaking cost by \$2 to \$4 per tonne	Coal and Coke from mining operations, such as anthracite
		Carbon Black		Yes	\$600 to \$800 per tonne	Carbon from non-renewable or mined sources



## Green manufacturing: revolutionising Australia's waste economy

The creation of innovative products from waste using the latest modular factory technology from UNSW will result in thousands of new jobs across regional and metropolitan Australia

UNSW's Centre for Sustainable Materials Research and Technology (SMaRT) has developed green manufacturing technology that turns many types of common waste streams into sellable products.

Australia faces a growing waste crisis with vast stockpiles of glass, waste timbers and plastics stockpiled across the country. Glass stockpiles alone amount to more than one million tonnes per year nationally.

SMaRT's cutting-edge green manufacturing technology offers a cost-effective solution to what is one of the greatest environmental challenges of our age.

The technology is also poised to deliver new job opportunities for our cities and regions by developing a new sustainable manufacturing industry.

Green manufacturing offers a number of benefits over traditional manufacturing.

Traditional manufacturing takes place in large and immobile factory sites and usually involves a very limited input stream, relative inflexibility of output products and a large carbon footprint. Factory sites are frequently chosen for their proximity to sources of raw materials and distribution channels for output products.

In contrast, UNSW's modular factories can operate on a site as small as 50 square metres and – because they are free from connection to inflexible international raw material supply chains – are able to exploit multiple input streams and deal with waste wherever it may be found.

\*Research for this project was carried out under the ARC Research Hub for transforming waste directly in cost-effective green manufacturing (project No. IH13020025) and funded by the Australian Government.

### Wealth from waste

One of the biggest advantages of the UNSW modular factory is its flexibility and wide range of outputs, including the following examples:

#### 1. ENGINEERED STONE

UNSW's modular factories grind contaminated glass waste and re-form it into engineered stone. This stone mimics a wide variety of natural and engineered stones – including granite, marble, sandstone and terrazzo – but delivers superior mechanical and tensile properties.

This engineered stone can be used for various domestic and commercial products from kitchen bench-tops to stone slabs used in building foyers. This material could compete with other engineered stone products, such as Caesarstone, which currently wholesales for more than \$5000 per tonne.



Professor Veena Sahajwalla with engineered stone slabs created from contaminated glass waste.

#### 2. MANUFACTURED TIMBER

Waste timber can be combined with a range of mineral inputs to produce a sustainable, UV- and water-resistant and fire retardant particleboard, which can be used in anything from reusable transport pallets to internal and external building cladding.

#### 3. PLASTIC-ALLOY 3D-PRINT FILAMENTS

Compound plastic filaments, which mix plastics with a variety of different metal alloys, can be used in 3D printers as source materials to produce items that can mimic a range of components currently made from metal. These filaments will find a huge market in the fast-growing 3D-printing industry, estimated to be worth more than \$3 billion

in 2017. UNSW technology can repurpose a range of soft plastics – unsuitable for traditional large-scale industrial recycling operations – to produce compound plastic-alloy filaments.



Waste timber can be combined with a range of mineral inputs to produce UV- and water-resistant particleboard.

**FACT**  
Green manufacturing creates new jobs, new products and reduces waste.



### Current recycling challenges

- ▶ Australia produces nearly 65 million tonnes of industrial and domestic solid waste each year.
- ▶ Australia's billion-dollar recycling industry has fallen victim to a commodity price slump. Glass is now cheaper to import than to recycle.
- ▶ Recyclers locked into long-term government contracts have been forced to stockpile hundreds of thousands of tonnes of glass across Australia – much of it contaminated by chemical residue, plastic and cardboard.
- ▶ UNSW's modular factories will be game-changers – creating entirely new manufacturing processes at a national, regional and local scale.



## E-waste: Australia's new mining boom

Australia's fast-growing e-waste burden could be transformed into a profitable new source of rare-earth minerals thanks to UNSW-developed technologies

A new manufacturing paradigm is emerging which adds 'Reformation' to the sustainability trio of Reduce, Reuse, Recycle. Through 'Reformation', waste materials are transformed into valuable new products.

UNSW's Sustainable Materials Research and Technology (SMaRT) Centre has developed technology that is set to turn one of Australia's biggest waste headaches into a profitable new industry. It will safely transform hazardous domestic and industrial e-waste into valuable metal alloys, silicon carbon nanoparticles and plastics for 3D printing, via customisable modular factories.

These patented processes could help Australia become a global leader in dealing with a problematic and rapidly expanding waste stream – while also generating a secure ongoing supply of the rare source materials that are critical for our technology needs.

### FACT

One tonne of mobile phones – 6000 handsets – contains 130kg of copper, 3.5kg of silver, 340g of gold and 140g of palladium

## SMaRT solutions

The SMaRT team has developed a range of modular factory components and a demonstration e-waste modular factory on campus, thanks to a significant investment by UNSW.

In a typical e-waste modular factory, discarded circuit boards are first placed in a shredder, which breaks down the components. Then, precision high-temperature processes help destroy residual toxins.

Safety is maintained and contamination avoided by automating the next phase, with a drone using visual recognition to detect target metals, as well as identify printed circuit boards (PCBs) from an extensive database of potential matches. The PCBs are then extracted by a robot and funnelled into a small furnace, which extracts resources by discriminating between different specific temperatures.

The end result is that valuable metal alloys, such as gold, silver and palladium, are extracted from the e-waste.

The furnace can also turn glass and plastic into silicon carbide nanoparticles used in industrial-grade ceramics and plastic filaments suitable for 3D-printing applications.

Financial modelling shows that a capital investment of between \$250,000 and \$500,000 in a modular factory can generally be recouped in around two years. The modular factories deliver an internal rate of return of more than 40 per cent.

The modular systems don't need much real estate either; they fit into 50 square metres (about the size of a triple garage) and involve low operational, maintenance and training costs.

Metal alloys extracted from e-waste can be worth tens of thousands of dollars.

**FACT**  
Australia generates around 600,000 tonnes of e-waste a year

Traditional recycling centres struggle to process e-waste as it contains a complex mix of materials.

## The e-waste dilemma

- ▶ E-waste in Australia is generated three times faster than other forms of waste. We now generate around 600,000 tonnes of e-waste a year.
- ▶ An estimated 65 million tonnes of e-waste will be generated globally in 2017 alone.
- ▶ E-waste can include the circuits and electronics from discarded computers, mobile phones, household appliances, such as TVs and refrigerators, office printers and all kinds of used electronics.
- ▶ Every year, a large quantity of e-waste is illegally exported to developing nations where it exposes poor communities to dangerous toxins.
- ▶ UNSW's modular factories deliver an internal rate of return of more than 40 per cent.
- ▶ The printed circuit boards from 6000 mobile phones contain 130kg of copper, 3.5kg of silver, 340g of gold and 140g of palladium, which is worth tens of thousands of dollars to e-waste recyclers.

## **6 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

Minutes of the Ordinary Meeting held 19 June 2018

**7      DECLARATION OF INTEREST IN MATTERS ON THE AGENDA**

## **8 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS**

### **8.1 BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING**

**File No:** GV13.4.1

**Attachments:** 1. Business Outstanding Table - 3 July 2018 [1](#)

**Responsible Officer:** Chris Murdoch - Chief Executive Officer

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#### **SUMMARY**

*The Business Outstanding table is used as a tool to monitor outstanding items resolved at previous Council or Committee Meetings. The current Business Outstanding table for the Ordinary Council Meeting is presented for Councillors' information.*

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

THAT the Business Outstanding table for the Ordinary Council Meeting be received.



## **8.1 - BUSINESS OUTSTANDING TABLE FOR ORDINARY COUNCIL MEETING**

### **Business Outstanding Table - 3 July 2018**

**Meeting Date: 3 July 2018**

**Attachment No: 1**

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
25 February 2014	City Status Classification	THAT Council resolves to: 1. Proceed with a formal city status classification application for the Livingstone Shire Council area; and 2. Enter into consultation with the community to determine an appropriate name, suggesting the Capricorn Coast City Council as a possible option.	Director Strategic Growth and Development	30/06/2018	12 Jun 2018 - 3:55 PM - Elle Wallin  Mayor Ludwig has raised City Status with the Minister and discussions have occurred to progress.
08 December 2015	Notice of Motion – Councillor Glenda Mather – Drainage/Health Issue Scenic Highway, Kinka	THAT a report come back to Council as to what appropriate action may be taken to address the drainage issues at 1043 Scenic Highway, Kinka which has been allowed to become an overgrown swamp in recent years, posing a potential health hazard to residents in the area.	Executive Director Infrastructure	30/04/2018	13 Jun 2018 - 10:20 AM - Dan Toon  Report moved to Advisory Committee meeting of 6 August 2018
09 February 2016	Notice of Motion – Councillor Glenda Mather – Relocatable Dwellings Draft Policy	THAT the Planning Department be asked to report back to Council on the possibility of formulating a Draft Policy or alternatively, an enforceable procedure which would ensure Council had decision rights to determine the suitability of urban form within the Shire.	Coordinator Development Assessment	30/04/2018	27 Jun 2018 - 5:07 PM - Jo McLennan  After several discussions with staff and Councillors - the matter will be taken back to Council Workshop on 6 August 2018.
10 October 2016	Acquisition of Easements – Scenic Highway, Statue Bay – Report 1	THAT Council resolves to: 1) Serve a Notice of Intention to Resume including a background information document in accordance with section 7 of the Acquisition of Land Act 1967 and thereafter proceed in accordance with the requirements of the said Act with the intention of procuring the publication in the Queensland Government Gazette of a proclamation vesting the easement in Council subject to due consideration of all objections made in accordance with the provisions of the said Act; and	Policy and Planning Officer	30/04/2018	12 Jun 2018 - 5:12 AM - Carrie Burnett  No further action can be taken until after construction is completed. Upon completion of construction easements will be gazetted.

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
		<p>2) Authorise the Director Infrastructure Services to:</p> <p>(a) Negotiate and enter into on behalf of Council a Resumption Agreement pursuant to section 15 of the Acquisition of Land Act 1967 with the owner and any mortgagee of the land described as Lot 9 LN1023, Lot 4 LN1023 and Lot 2 LN1023, in relation to the acquisition of an easement over part of the land, being for works for any public works, or other work or purpose of a similar nature (being works to stabilise a cliff face being part of the road reserve for Scenic Highway); and</p> <p>(b) Negotiate and agree upon the amount of compensation to be paid to the landowner and any mortgagee of the land, pursuant to the Acquisition of Land Act 1967, up to the limit identified in the body of this report; and</p> <p>(c) To either;</p> <p>(i) make application to the Minister for Natural Resources and Mines in accordance with section 15C of the Acquisition of Land Act 1967 for the easement to be taken; or</p> <p>declare by gazette notice, pursuant to section 15D of the Acquisition of Land Act 1967, that the easement is taken.</p>			
10 October 2016	Acquisition of Easements – Scenic Highway Statue Bay – Report 2	<p>THAT Council resolves to:</p> <p>1) Serve a Notice of Intention to Resume including a background information document in accordance with section 7 of the Acquisition of Land Act 1967 and thereafter proceed in accordance with the requirements of the said Act with the intention of procuring the publication in the Queensland Government Gazette of a</p>	Policy and Planning Officer	30/04/2018	<p>12 Jun 2018 - 5:12 AM - Carrie Burnett</p> <p>No further action can be taken until after construction is completed. Upon completion of construction easements will be gazetted.</p>



Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
		<p>proclamation vesting the easement in Council subject to due consideration of all objections made in accordance with the provisions of the said Act; and</p> <p>2) Authorise the Director Infrastructure Services to:</p> <p>(a) Negotiate and enter into on behalf of Council a Resumption Agreement pursuant to section 15 of the Acquisition of Land Act 1967 with the owner and any mortgagee of the land described as Lot 1 LN1023 and Lot 5 LN1023, in relation to the acquisition of an easement over part of the land, being for works for any public works, or other work or purpose of a similar nature (being works to stabilise a cliff face being part of the road reserve for Scenic Highway); and</p> <p>(b) Negotiate and agree upon the amount of compensation to be paid to the landowner and any mortgagee of the land, pursuant to the Acquisition of Land Act, 1967, up to the limit identified in the body of this report; and</p> <p>(c) To either:</p> <p>(i) make application to the Minister for Natural Resources and Mines in accordance with section 15C of the Acquisition of Land Act 1967 for the easement to be taken; or</p> <p>declare by gazette notice, pursuant to section 15D of the Acquisition of Land Act 1967, that the easement is taken.</p>			
22 November 2016	Notice of Motion – Councillor Adam Belot – Livingstone Shire Council's Meeting Procedures Policy	THAT pursuant to s34(1)(d) and s37 Council Meeting Procedures the debate on the motion and/or amendment now before the meeting be adjourned until February 2017 for policy review.	Governance Officer	30/06/2018	<p>14 Feb 2018 - 2:40 PM - Lucy Merry</p> <p>Policy currently on hold awaiting implementation of</p>

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
					outcomes from review of Councillor Complaint Processes by the State Government.
13 December 2016	Yeppoon Homemaker Centre Stage 1 Business Case and Tender Report	THAT Council delegates the Chief Executive Officer to negotiate and enter into a contract for the sale of all three lots within Stage One of the Yeppoon Homemaker Centre as per the offer contained in the report.	Manager Growth and Economic Development	30/09/2018	13 Jun 2018 - 11:36 AM - Elie Wallin  Some delays have been experienced with removing the site off the Environmental Management Register; the Environmental Report is due at the end of June. This in turn delayed commencement of the civil works which is now due to commence in late June. The second phase of the contract is expected to be finalised with lots 2 & 3 settling in October 2018 and lot 1 settling in December 2018.
07 February 2017	Outstanding Policy Documents	THAT the following policies be adopted: 1. Encroachment on Public Land Policy; 2. Equal Employment Opportunity Policy; 3. Failure to Renew Licence Response Policy; 7. Telecommunications Facilities on Council Land Policy; and 8. Unlicensed Premises Response Policy. With policies 4, 5 and 6 to be further reviewed.	Governance Officer	30/06/2018	13 Jun 2017 - 4:54 PM – Governance Officer  Three policies currently under review and will be resubmitted back to Council once finalised.
07 March 2017	Councillor Interaction with the Organisation Policy	THAT Council adopts the Councillor Interaction with the Organisation Policy.  THAT the matter lay on the table pending further discussions in Workshop Meeting and to return to a future Council Meeting.	Governance Officer	30/06/2018	16 Nov 2017 - 10:56 AM – Executive Support Officer  Policy currently on hold awaiting implementation of outcomes from review of

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
					Councillor Complaint Processes by the State Government.
21 March 2017	Petition From Residents of Mt Chalmers – Sale of Mt Chalmers State School and Adjoining Land	THAT the petition against the sale of the old Mt Chalmers State School and adjoining land be received	Manager Growth and Economic Development	30/04/2018	<p>12 Jun 2018 - 3:43 PM - Elle Wallin</p> <p>An application was lodged with Council on 4 December 2017 to subdivide the lots. Council's Development Assessment issued an Information Request on 19 December 2017, the items on the information request are being addressed.</p> <p>Economy and Places met with the Planning consultant on a number of occasions to identify requirements and costs to undertake the reconfiguration of lots. Approval is being sought to continue with the plumbing and drainage works given the cost to undertake the work.</p>
18 April 2017	Standing Orders for Council Meetings Policy	THAT the matter lay on the table pending further discussion and to return to a future Council Meeting.	Governance Officer	30/04/2018	<p>8 June 2017 - 10:57 AM – Suzanne Pambid</p> <p>Policy currently on hold awaiting implementation of outcomes from review of Councillor Complaint Processes by the State Government.</p>



Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
20 June 2017	Smart Cities and Suburbs Program – Yeppoon Town Centre Smart Precinct – Solar Lighting and Interactive Kiosk	THAT Council resolve to submit an application to the Australian Government Smart Cities and Suburbs Program, seeking a grant amount of \$200,000, with the co-funding requirement of the additional \$200,000 being met from current projects towards the cost of smart energy efficient infrastructure necessary to complete the Yeppoon Town Centre Smart Precinct. The total project costs are estimated at approximately \$400,000.	Senior Economic Development Officer	30/04/2018	12 Jun 2018 - 3:48 PM - Elle Wallin  Tender for this project was released on 10 March 2018 and closed on 4 April 2018. A preferred tenderer has been chosen and details of the project being finalised.
18 July 2017	Volunteer Policy, Procedure and Handbook	THAT Council: 1. Adopt the Livingstone Shire Council Volunteer Handbook. 2. Adopt the Livingstone Shire Council Volunteer Policy. 3. Adopt the Livingstone Shire Council Volunteer Procedure.	Resilience and Volunteer Coordination Officer	31/07/2018	27 Jun 2018 - 5:05 PM - Jo McLennan  Matter ongoing. Waiting 2018/2019 budget to finalize procedure.
15 August 2017	Resident Maintenance and Enhancement of Council Land	THAT Council implement a permit process for residents to undertake unsupervised work within Council controlled reserves, foreshore and park areas. Individuals will sign an Indemnity Agreement with conditions and Council will cover public liability insurance for the individual.	Senior Land Protection Officer	30/04/2018	27 Jun 2018 - 4:36 PM - Deanne Rainbird  Discussions occurring with Executive Director Liveability & Wellbeing - Draft in preparation.
15 August 2017	Acquisition of Land for Road Purposes - Wildin Way, Mulambin	THAT Council: 1. Discontinue discussions with the owners of Lot 43 SP202178 regarding the acquisition of land for road purposes; 2. Commence negotiations with the owner of Lot 4 RP620054 to acquire a portion of their property as a 10m wide road reserve along the southern boundary; and 3. Endorse the submission of an Application to Dedicate State Land as Road to the Department of Natural	Policy and Planning Officer	30/04/2018	13 Jun 2018 - 9:05 AM - Carrie Burnett  Contract between parties signed. Development application will be lodged in near future.

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
		Resources & Mines as shown on Drawing No 17-006-51.			
03 October 2017	EOI for the Lagoon Building Tenancy	THAT Council adopts a two stage tender process consisting of an Expression of Interest (EOI) followed by an Invitation to Tender (ITT) for the lease of Lagoon Precinct building tenancies. It is in the public interest to invite EOI's prior to ITT's to manage and control the process within desired timeframes and budget resources.	Manager Growth and Economic Development	30/04/2018	13 Jun 2018 - 11:40 AM - Elle Wallin Expression of Interest process completed.  No further action required.
07 November 2017	Petition from Graham Miller, Milman – The Caves Square and Public Amenities	THAT the petition requesting maintenance of The Caves Square and public amenities be received.	Executive Director Infrastructure	30/04/2018	13 Jun 2018 - 8:00 AM - Kat Groves  Council Amenities cleaner to re-inspect to provide an up to date response to this action. Will organise this inspection to be undertaken within the next 2 weeks with issuance of up to date photos and results to then be provided to Councillors.
21 November 2017	Potential Sale of Lot 17 Macadamia Drive, The Gateway	THAT Council accept the offer outlined in this report for the vacant land at Lot 17 Macadamia Drive, Hidden Valley.	Project Support Officer	30/04/2018	13 Jun 2018 - 11:41 AM - Elle Wallin  Purchaser is progressing approvals, settlement will occur once the approval is received.
21 November 2017	Yeppoon Town Clock	THAT 1. Council defer any decision in relation to the clock until we have explored the suggestions put forward from Keppel Coast Arts (KCA) to find a decorative concept that will be in keeping with our Placemaking Strategy.	Urban Strategist	30/04/2018	12 Jun 2018 - 3:34 PM - Elle Wallin  The Place Making Reference Group has reviewed options for treatment of the clock as well as conceptual ideas proposed by Natureworks. An

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
		2. Council have further consultation with Rotary, KCA and other community stakeholders.			agenda item has been prepared for the Council meeting on 3 July 2018 to seek direction on next steps.
5 December 2017	Regulated Car Parking Yeppoon Foreshore and Town Centre	<p>THAT Council resolve to:</p> <p>1) Declare a Traffic Area having a default parking limit of one hour, with the inclusion of two and three hour designations being established in specific precincts as supported by Attachment Four Community Engagement WrAPup Car Parking Strategy Yeppoon CBD and as shown in Attachment One (Schedule One - Declaration of Traffic Area);</p> <p>(2) Endorse and enact the regulated parking strategy once the changes to the Subordinate Local Law No. 5 (Parking) 2011 Schedule One and Schedule Two take effect and regulated parking signage is in place;</p> <p>(3) Once enacted adequately inform the community of the regulated parking areas (via engagement, media and signage). An initial warning period of one month will be afforded to motorists found overstaying the timed period. After one month the monetary value of an infringement will resume;</p> <p>(4) Consider a budget allocation at the 17/18 Quarter Two Budget review for updated parking signage in the amount of \$30,000;</p> <p>(5) Endorse the installation of smart parking beacons and technology to the designated one hour regulated traffic area to be funded from the Yeppoon Town Centre Smart Lighting Project;</p>	Manager Engineering Services	30/06/2018	<p>12 Jun 2018 - 4:03 PM - Elle Wallin</p> <p>A report is being prepared for the Advisory Committee meeting on 16 July 2018.</p>



Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
		(6) Amend Subordinate Local Law No. 5 (Parking) 2011 Schedule One Declaration of traffic area to define a Traffic Area for Yeppoon as shown in Attachment One (Schedule One - Declaration of Traffic Area); (7) Amend Subordinate Local Law No. 5 (Parking) 2011 Schedule Two Declaration of off-street regulated parking areas to include off-street regulated parking for Queen Street (Lot 10 on Y17136), the Yeppoon Town Centre Car Park (Lot 10 on SP289416) and the Yeppoon Foreshore (part of Lot 65 on SP234671); and (8) Amend Subordinate Local Law No. 5 (Parking) 2011 Schedule Two Declaration of off-street regulated parking areas to rescind all reference and plans associated with the region of Rockhampton Regional Council.			
6 March 2018	Terms of Reference for Capricorn Coast Region Place Making Reference Group	THAT Council approve the Terms of Reference for the Capricorn Coast Region Place Making Reference Group with the amendments discussed for the composition of the group.	Urban Strategist	30/04/2018	12 Jun 2018 - 3:37 PM - Elle Wallin  The Place Making Reference Group has been formed and has met five times as at 12 June 2018. The Group is proactively engaged and providing excellent input on the implementation of the Yeppoon Place Making Strategy.
20 March 2018	Get Planning Spaces Funding Programme	THAT Council, pending 2018/2019 budget deliberations, resolve to confirm its support and financial commitment (up to \$25,000) to the indoor sporting facility planning project, and submit a funding	Senior Sport and Education Officer	30/06/2018	27 Jun 2018 - 4:44 PM - Jo McLennan

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
		application requesting \$75,000 from the Get Planning Spaces programme offered by the Queensland Government.			Application has been submitted - awaiting notification of outcome.
20 March 2018	Expression of Interest and Invitation to Tender for the Centre of Excellence for Disaster Management, Innovation and Community Resilience Tenancies	THAT Council adopts a two-stage tender process consisting of an Expression of Interest followed by an Invitation to Tender for the lease of tenancies within the Centre of Excellence for Disaster Management, Innovation and Community Resilience, (The Hub) at 7-9 James Street, Yeppoon and acknowledge the reason for adopting a two-stage process is to gauge the market interest and to select the best tenancy mix for the Yeppoon Town Centre.	Growth and Economic Development Officer	30/04/2018	12 Jun 2018 - 4:03 PM - Elle Wallin  Council approved a two stage Expression of Interest and Invitation to Tender process.  The Evaluation Panel are currently assessing submissions and expect to have an outcome by early July 2018.
17 April	Mayoral Minute - Councillor Portfolios	THAT the mayoral minute be received and Advisory Committees as follows be established on the basis outlined in this Mayoral Minute. Municipal Infrastructure (including planning, design, construction and asset management of roads, storm water, drainage, pathways, water and sewerage and community facilities infrastructure) Recycling & Waste Management, Water Cycle, and Local Laws Libraries, Arts, Culture, Sport & Recreation and Youth Parks, Open Spaces & Environment Community Development & Support and Senior Citizens Planning, Finance, Innovation and Business Excellence (including urban design/place making and higher level infrastructure planning and associated with the LGIP)	Coordinator Executive Support	01/05/2018	27 Jun 2018 - 1:42 PM - Justine Schofield  Council Advisory Committees have now been established (18 June 2018 onwards). This action is complete.

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
		Economic Development, Major Projects, Government Liaison and International relationships and Disaster Management (noting that PCGs will exist for each specific major project)			
17 April 2018	Livingstone Community Grants - Round 2, 2017-2018	THAT Council approve the following grant applications, to be funded through Round Two of the 2017-2018 Livingstone Community Grants programme:	Senior Sport and Education Officer	01/05/2018	27 June 2018 – Justine Schofield  Community Grants have been administered as per resolution. Complete.
17 April 2018	Notice of Motion - Councillor Glenda Mather - Disability Access 1 Adelaide Park Road	THAT due to widespread public concerns over the construction of a prominent disability access encroaching onto a traffic thoroughfare on a blind corner adjacent to 1 Adelaide Park Road, Council organise the earliest removal of the structure, and review all other alternative options for the access.	Executive Director Infrastructure		27 April 2018 – Lucy Merry  Procedural motion to read:  That the matter lay on the table pending further discussion and to return to the Council Meeting.
17 April 2018	Notice of Motion - Councillor Glenda Mather - Rating Category Issue	THAT the Finance Department prepare a comprehensive report identifying the following: - All the current shire properties within Category L24 - The valuation of each property - The size of each property - Whether a development approval has been given to any parcel, if so the type - How long the property has been within this Category - Number of appeals lodge vs the number successful	Chief Financial Officer	01/05/2018	13 Jun 2018 - 9:04 AM - Tanya Callaghan  Completed. Dealt with as part of Budget Meeting
01 May 2018	Interest Charges on outstanding water usage	THAT Council write-off the interest charges on outstanding water charges for	Chief Financial Officer	15/05/2018	10 May 2018 - 10:57 AM - Lucy Merry



Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
	charges - 15 Yeppoon Crescent	the third quarter 2017 accrued up to 30 April 2018 in relation to 15 Yeppoon Crescent Yeppoon.			Action reassigned to Andrea Ellis by: Lucy Merry  Outstanding water charges have been written off. Action complete.
01 May 2018	Notice of Motion - Councillor Adam Belot - Free Microchipping Day Venue	THAT LSC undertake to alternate the annual free microchipping days, at suitable venues across the shire with the intention that the 2019 event will be in Zilzie/Emu Park.	Executive Director Liveability and Wellbeing	15/05/2018	27 Jun 2018 - 4:45 PM - Jo McLennan  2019 Event to be planned for the Emu Park/Zilzie.
01 May 2018	Notice of Motion - Councillor Adam Belot - LSC Infrastructure Leases	THAT LSC review and refine the policy, which assess what entity (individual, business, not for profit, etc) is successful in leasing LSC infrastructure/buildings, to reflect that all Councillors will be responsible for making the final decision based on relevant information.	Chief Executive Officer		27 June 2018 – Jo McLennan  Action reassigned to Chris Murdoch by: Jo McLennan  Matter is included in the Council meeting agenda for 3 July 2018.
01 May 2018	Potential Sale of Lots 2 and 3 - The Gateway Business and Industry Park	THAT Council confirms its desire to sell Lots 2 and 3, known as 3 and 5 Pineapple Drive, Hidden Valley, within Stage 1 of The Gateway Business and Industry Park and acknowledges the Chief Executive Officer's delegated authority to finalise negotiations and execute a contract of sale for the two lots.	Project Support Officer	15/05/2018	12 Jun 2018 - 4:07 PM - Elle Wallin  Negotiations are being undertaken with the potential purchaser and a contract of sale for the two lots has been drafted and issued.
15 May 2018	Petition From Stanage Township Organisation Inc - Sealing of Car Park at the Stanage Boat Ramp	THAT the petition requesting the sealing of the car park at the Stanage Boat Ramp be received.	Executive Director Infrastructure	29/05/2018	23 May 2018 - 9:39 AM - Dan Toon  The Manager, Engineering Services is preparing a report for the Committee meeting on 6 August 2018.

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
15 May 2018	RESADA ESPLANADE AND COOLWATERS HOLIDAY VILLAGE	THAT Council amend resolution 16.1 of its Ordinary Meeting on 22 November 2016 by deleting point one: 'Council decide, by resolution, that the exception mentioned in Section 236(c)(iv) of Local Government Regulation 2012 may apply in its dealings with Coolwaters Holiday Village over part of Lot A on AP7651.'	Executive Director Liveability and Wellbeing	29/05/2018	13 Jun 2018 - 9:28 AM - Justine Schofield  Action reassigned to Brett Bacon by: Justine Schofield  Governance have advised that previous record cannot be altered. New record of amendment to be prepared.
05 June 2018	Regional Arts Development Fund - Individual Grant Application 2017/2018	THAT in accordance with the recommendation of the Livingstone Regional Arts Development Fund Assessment Panel, the following grant application be funded from the Regional Arts Development Fund.	Coordinator Library, Arts and Culture	19/06/2018	27 June 2018 - Justine Schofield  Grants have been administered as per resolution. Complete.
05 June 2018	Invitation for Deputy Mayor to attend the World Cities Summit, Singapore - 8-11 July 2018	THAT Councillor's support Councillor Hutton's attendance at the World Cities Summit, post his attendance at the Young Leaders Network and Symposium on 8 July 2018.	Coordinator Executive Support	19/06/2018	27 June 2018 - Executive Support  Council resolved to support Councillor Hutton's attendance at World Cities Summit 2018. Action now complete.
05 June 2018	Notice of Motion - Councillor Glenda Mather - Proposed Plaque for War Animals	THAT Council recognise the vital roles the war animals played in world conflicts, and Mr Alsopp 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, Council negotiate with Emu Park RSL and identify an appropriate location for the plaque on the Emu Park Foreshore.	Executive Director Liveability and Wellbeing	19/06/2018	28 June 2018 - Executive Support  A meeting will be arranged with the RSL in August 2018.

Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
05 June 2018	Notice of Motion - Councillor Glenda Mather - Tropical Bloom Festival	THAT following receipt of an Application from the organisers of the Tropical Bloom Festival to conduct an event on the Lake Mary Road property, Council refer the application to the table for deputations, discussion and appropriate conditions. That the organisers of Tropical Bloom Festival and Country Music Event be invited to make presentations to the table prior to approval of the events.	Coordinator Executive Support	19/06/2018	27 June 2018 – Executive Support  A deputation was provided at the Committee Meeting dated 18 June 2018 and consideration of approvals at the Council Meeting on 3 July 2018.
05 June 2018	Notice of Motion - Councillor Glenda Mather - High School - Emu Park	That due to the growing population at the southern end of the Capricorn Coast, Council liaise with the state government, to investigate all suitable land sites to identify the most suitable for a future high school in the Emu Park area, which will cater for future demand, and the area of land it will require. Further, as part of the investigation, a survey be conducted in the anticipated catchment area for students to establish the current numbers. That Council invite the Department of Education to make a presentation to Council about their future plans.	Executive Director Liveability and Wellbeing		27 June 2018 – Jo McLennan  Reassigned to Liam Saxby  A letter will be sent to the Department of Education inviting them to provide a presentation to Council.
05 June 2018	Questions on Notice - Councillor Glenda Mather - Taranganba School Proposed Bus Terminal	THAT the questions on notice be received.	Coordinator Executive Support	19/06/2018	27 Jun 2018 - 1:35 PM - Justine Schofield  A report has been prepared for Council meeting on 3 July 2018.
05 June 2018	Notice of Motion - Councillor Adam Belot - Procedural Motions	THAT The Livingstone Shire Council Meeting Procedure Policy be amended as follows:- 2.17 Procedural Motions 2.17.1 A Councillor at a meeting of Council, who has not spoken during the debate on a matter at the meeting, may			27 June 2018 – Executive Support  This matter was laid on the table.



Date	Report Title	Resolution	Responsible Officer	Due Date	Comments
		move as a procedural motion one of the following, only after the Mover of the original motion having obtained a seconder has spoken to the motion.			Policy currently on hold awaiting implementation of outcomes from review of Councillor Complaint Processes by the State Government
19 June 2018	Petition Requesting Installation of Traffic Calming in the Pedestrian Precinct of Queen Street, Yeppoon (from the carpark of IGA to the Yeppoon Kindergarten)	THAT the petition requesting installation of traffic calming in the pedestrian precinct of Queen Street (from the carpark of IGA to the Yeppoon Kindergarten) be received.	Executive Director Infrastructure	03/07/2018	20 Jun 2018 - 11:53 AM - Dan Toon  A report to be prepared for the next advisory committee meeting.
19 June 2018	Capricorn Coast Recreation Centre - Invitation to Lease	THAT, in line with the outcome of the Invitation to Lease process, Council issue a lease agreement over the Capricorn Coast Recreation Centre (29-35 Cordingley Street, Yeppoon) to the Yeppoon Gymnastics and Movement Centre Incorporated, with such lease being for a period of one year, with an option for a further nine years.	Senior Sport and Education Officer	03/07/2018	27 Jun 2018 - 4:57 PM - Jo McLennan  Lease documentation being prepared for execution.

## **9 PRESENTATION OF PETITIONS**

Nil

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

Nil



## **11 COUNCILLOR/DELEGATE REPORTS**

Nil

## 12 REPORTS

### 12.1 LIFTING MATTERS LYING ON THE TABLE

**File No:** GV13.4.1  
**Attachments:** Nil  
**Responsible Officer:** Chris Murdoch - Chief Executive Officer  
**Author:** Linda Benson - Coordinator Executive Support

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#### SUMMARY

*The Business Outstanding Table is used as a tool to identify when reports are due back to the table. Items lying on the table require a report to be lifted from the table before being dealt with. This report is designed to lift all necessary reports from the table to be dealt with at the current meeting on 19 June 2018.*

#### OFFICER'S RECOMMENDATION

THAT the following matters, 'lying on the table' in the Business Outstanding Table due to return to Council Meeting, be lifted from the table and be dealt with accordingly.

- Notice of Motion – Councillor Adam Belot – That LSC review and refine the policy, which assess what entity (individual, business, not for profit etc) is successful in leasing LSC infrastructure/buildings, to reflect that all Councillors will be responsible for making the final decision based on relevant information.

#### CORPORATE/OPERATIONAL PLAN

**Corporate Plan Reference:** Strategy GO1: Inform and empower the community through ongoing engagement and communication.

#### 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.

## 12.2 TROPICAL BLOOM FESTIVAL - APPLICATION FOR TEMPORARY ENTERTAINMENT EVENT ON PRIVATE LAND

**File No:** LE19.4.10

**Attachments:**

1. Application Temporary Event - Tropical Bloom Festival [↓](#)
2. Petition by Lake Mary Residents [↓](#)

**Responsible Officer:** David Battese - Manager Strategy & Development  
Brett Bacon - Executive Director Liveability and Wellbeing

**Author:** Craig Newsome - Coordinator Public Environments

### SUMMARY

*This report pertains to an application for a temporary event, pursuant to Council's Local Law No.1 (Administration) 2011, for the Tropical Bloom Festival; an art and culture event focusing on sustainability and indigenous culture.*

*The operation of the Tropical Bloom Festival as a temporary event is considered a prescribed activity requiring approval in accordance with the subordinate local law.*

### OFFICER'S RECOMMENDATION

THAT in relation to the application for a Temporary Event Permit for the Tropical Bloom Festival, made by L Honek, on Lot 3 on SP119699, and located at Lot 3 Lake Mary Road, Lake Mary, Council resolves to Approve the application subject to the following conditions:

#### 1.0 ADMINISTRATION

- 1.1 The Applicant is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Applicant.
- 1.2 Where these Conditions refer to 'Council' in relation to requiring Council to approve or to be satisfied as to any matter, or conferring on the Council a function, power or discretion, that role of the Council may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.
- 1.4 All conditions, works, or requirements of this approval must be undertaken and completed prior to the commencement of use, unless otherwise stated.
- 1.5 The following further Permits must be obtained prior to the opening of the event:
  - i) Food Licences (for any activity involving the preparation and/or handling of food for which a licence is required).
- 1.6 This permit is not transferrable and is only valid for the period specified above.

#### 2.0 APPROVED PLANS AND DOCUMENTS

- 2.1 The event must be operated in accordance with the plans and supporting information provided with the application.

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Application Form	Unreferenced	14 May 2018
Support Letter	Unreferenced	Undated



Tropical Bloom 2017 Site Plan	Unreferenced	Undated
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### 3.0 ROADWORKS

- 3.1 For the entire period of the event, including during set-up and removal of the temporary structures, the applicant must arrange for water trucks to apply water to Lake Mary Road to mitigate the impacts of dust on properties adjacent to this road. (Please contact Council's Infrastructure Services for technical advice).

The application of water to Lake Mary Road must occur along Lake Mary Road from the 1.5 kilometre mark to the seven (7) kilometre mark, measured from the Old Byfield Rod intersection.

- 3.2 Promotional material associated with the event must identify that access to the site can be obtained from Greenlake Road.

### 4.0 OPERATIONAL

- 4.1 The applicant must give seven (7) days written notice to adjoining neighbours and any other persons advised by Council, who may be affected by noise emissions, light spillage, and/or offensive odours generated by the event.
- 4.2 The event must not generate significant noise or light pollution, or otherwise adversely impact upon the surrounding area.
- 4.3 The event must not operate outside the trading hours specified within the approved documentation.
- 4.4 The venue must only be used for the purpose as specified in the application.
- 4.5 The design and construction of any infrastructure must be safe and appropriate for the nature of the entertainment proposed and the number of people expected to attend the event.
- 4.6 The event and its operation must not unreasonably detract from the amenity of the area in which the venue is located.
- 4.7 There must be adequate provision of toilets and sanitary facilities for the use of people attending the event.
- 4.8 There must be adequate provision for the collection and disposal of refuse generated by the event.
- 4.9 All car parking associated with the event must be contained within the boundaries of the subject property.
- 4.10 The applicant is required to hold a current public liability policy, with insurance for a minimum of \$10,000,000 for Council owned land or \$20,000,000 for State owned land, indemnifying the Local Government against any or all claims of damage relating to the event.

## **BACKGROUND**

The Tropical Bloom Festival is an art and culture event focusing on sustainability and indigenous culture. The event is in its fourth year and specific activities within its programme are supported through Regional Arts Development Funding.

The festival is defined as a temporary event under Local Law No.1 (Administration) 2011 and therefore subject to an application for a temporary event on private land. An application for temporary event on private land 'Tropical Bloom Festival' was submitted to Council 14 May 2018 (refer to Attachment one).

Council has received a petition from residents of Lake Mary Road, 18 May 2018, citing consideration be given to the residents of Lake Mary Road with regard excessive dust, terrible road conditions and excessive noise (refer to Attachment two).

Applications for a temporary event (Tropical Bloom Festival) have been received and approved annually since 2015. Historically, complaints about the festival have been related to dust caused by additional traffic on Lake Mary Road. Council records find no formal complaint specifically regarding noise caused by the event.

In an attempt to mitigate dust related issues, previous permits for the event have prescribed conditions relevant to dust suppression. Previous complaints regarding dust have progressively been addressed through communication with the festival director (for example, in 2017, the festival was required to undertake watering of Lake Mary Road).

As proposed within supporting documentation for the 2018 Tropical Bloom Festival application, the festival committee have reiterated their commitment to the Lake Mary Road residents, identifying an awareness of the surrounding community concerns and their desire to address concerns such as noise and dust.

## **COMMENTARY**

### **Proposal in Detail**

The proposal is for an art and culture event focusing on sustainability and indigenous culture. The event goes over three days, commencing on the evening of 27 July 2018 and concluding 29 July 2018. The event comprises a mixture of music, market stalls, arts and craft activities and wellness activities.

People attending the event can camp, with designated locations for artists, stall holders, families and general public. All facilities are contained within the property hosting the event.

### **Site and Locality**

The subject site is located on Lake Mary Road, adjoining the intersection with Serpentine Road. It has an area of approximately 260 hectares and is zoned Rural, pursuant to the *Livingstone Planning Scheme 2018*.

The western section of the property is low lying, the north-eastern corner is vegetated, as too is a pocket in the south-western corner. The balance of the land is cleared.

### **Internal advice and assessment**

#### **Infrastructure Operations Unit – 1 June 2018**

Support, subject to the requirement that *'road watering shall be undertaken from 1.5k to 7.0k along Lake Mary Road, measured from the Old Byfield Rod intersection.'*

### **Assessment**

The application for Tropical Bloom Festival is assessed against the conditional requirements prescribed under *Subordinate Local Law No 1.12 (Operation of Temporary Entertainment Events) 2011* and within Schedule One Operation of temporary entertainment events.

The requirement for a permit pursuant to the relevant local law is only necessary by virtue of the event playing music through an amplified device. Had the event not been using an amplified device, it would not require any approval from Council.

An assessment of the proposed event and its supporting documentation in conjunction with a review of the complaint has resulted in the above recommended conditions. There are several conditions which must be imposed on an approval and as such will be reflected in addition to the conditions as shown in the above recommendation.

In addition to the conditions, the approval holder must:

- (a) *display the approval in the manner, and at the locations, specified by the local government; and*



- (b) *produce the approval for inspection by an authorised person on demand.*

## **PREVIOUS DECISIONS**

Council records find no previous decisions by resolution regarding this matter

## **BUDGET IMPLICATIONS**

There are no budget implications for Council arising from the consideration of this matter. Compliance with the conditions is required to be undertaken by the proponent, at no cost to Council.

## **LEGISLATIVE CONTEXT**

The administration of Temporary Events is governed by the requirements prescribed by *Local Law No.1 (Administration) 2011*.

## **LEGAL IMPLICATIONS**

There are no legal implications associated with Council's consideration of this matter. Whilst the applicant has appeal (or review) rights available to it, there are no third party appeal rights associated with the permits or licences issued pursuant to a local law.

## **STAFFING IMPLICATIONS**

There are no staffing implications associated with the assessment and management of this application. All administrative activities are accommodated within existing workloads.

## **RISK ASSESSMENT**

The issues associated with nuisance arising from noise and dust have been addressed through the application of reasonable and relevant conditions. Furthermore, there is state legislation which provides the ability for state agencies (for example Police) and local government to address issues associated with noise and dust nuisance, should they arise.

## **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**

The assessment of this application for a temporary event concludes that the proposed event, subject to conditions, is reasonable and should be approved. Any impacts can be managed or mitigated and the proposal complies with the requirements of the relevant local law. Consequently, it is recommended for approval.

**12.2 - TROPICAL BLOOM FESTIVAL -  
APPLICATION FOR TEMPORARY  
ENTERTAINMENT EVENT ON PRIVATE  
LAND**

**Application Temporary Event - Tropical  
Bloom Festival**

**Meeting Date: 3 July 2018**

**Attachment No: 1**

Doc#8838455

## Application for Temporary Entertainment Event on Private Land

Local Law No. 1  
(Administration) 2011



Enquiries: 4913 5000 or 1300 790 915  
Address: PO Box 2292  
Yeppoon QLD 4703  
Email: [enquiries@livingstone.qld.gov.au](mailto:enquiries@livingstone.qld.gov.au)

### PRIVACY NOTICE

Livingstone Shire Council is collecting the personal information you supply on this form for the purpose of processing your application. The Council is authorised to do this under Local Law No. 1 (Administration) 2011, specifically Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011. Your personal details will not be disclosed to any other person or agency external to Council without your consent unless required or authorised by law.

This application is to be completed in full and submitted to Council at least 6 weeks prior to the event. Your application may be assessed by multiple departments within Council. If mandatory supporting documentation is not attached your application may not be processed.

APPLICANT DETAILS	
Applicant Name:	LEO HONEK
Postal Address:	112 POLKA Rd, Brfield, QLD 4703
Property Address:	Lot 3 Lake Mary Rd, Lake Mary, QLD 4703
Contact Number(s):	0448875239
Email Address:	leohonek@gmail.com
On-Site Contact:	Leo Honek
Fax Number:	
On-Site Contact Number(s):	0448875239
EVENT DETAILS	
Event Name:	Tropical Bloom Festival
Date(s):	27/07/18 - 29/07/18
Location:	
Anticipated Attendance:	900
Event Start Time:	5 PM 27/07/18
Finish Time:	5 PM 29/07/18
Is this event going to occur more than once this year?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is this a fundraising event?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If a registered charity you must supply evidence with this application	N/A <input type="checkbox"/>
If you propose to use motor vehicles, motorbikes or motorised scooters for entertainment purposes provide specific details here:	N/A
DESCRIPTION OF EVENT	
Describe the event: Art & culture Festival with a focus on Sustainability & Indigenous culture.	

Version: 2  
Approved: December 2015

RECEIVED  
14 MAY 2018

By: *[Signature]*  
Unit: Community Compliance

TEMP/2-2018  
565 715



Doc#8838455

PUBLIC LIABILITY INSURANCE			
Name of Insured:		Name of Insurer:	
Level of Cover: \$20 million	Policy Number: ARBIAE/003366	Expiry Date: 30/07/18	
A copy of Public Liability Insurance indemnifying Council must be attached and must be for a minimum of \$20 million.			
FOOD			
Will food be served / sold at the event?		<input checked="" type="radio"/> Yes <input type="radio"/> No	
An application for a Food Business Licence may be required if food is served.			
ALCOHOL			
Will alcohol be served / sold at the event?		Yes <input type="radio"/> No <input checked="" type="radio"/>	
AMENITIES			
Will toilet facilities be available at the event?		<input checked="" type="radio"/> Yes <input type="radio"/> No	
How many toilets facilities are available?	Male: 6	Female: 8	Disabled: 1
WASTE DISPOSAL			
Will waste facilities be available at the event?		<input checked="" type="radio"/> Yes <input type="radio"/> No	
How many waste facilities are available?	Waste: 8	Recyclable: 10	Other:
How often are these serviced? constantly patrolled & emptied whenever full			
Guideline <ul style="list-style-type: none"> <li>• 1 x 240L bin per 100 attendees – if no food or drinks served / sold</li> <li>• 2 x 240L bins per 100 attendees – if food or drinks served / sold</li> <li>• 2 x 240L recycle bin per 100 attendees</li> <li>• 1 x 3m front load skip bin for greater than 1,000 attendees</li> </ul>			
TEMPORARY STRUCTURES			
Will there be any temporary structures used at the event?		<input checked="" type="radio"/> Yes <input type="radio"/> No	
If yes, please provide details: marquees & shade structures (qualified rigger to sign off)			
NOISE / AMPLIFIED SOUND			
Will there be amplified music at the event?		<input checked="" type="radio"/> Yes <input type="radio"/> No	
Please describe the type of music and hours during which the it will be played: reggae, electronic, folk, down tempo			
TEMPORARY ROAD CLOSURES			
Do you require a temporary road closure for the event?		Yes <input type="radio"/> No <input checked="" type="radio"/>	
Details of Road(s) to be closed: N/A			
A copy of the Police Permit and the Traffic Management Plan including the name of the Registered Traffic Control Company must be attached (all costs associated with the Road Closure to be met by the applicant). It is important to note that road closure signage can only be erected by Registered Level 2 Traffic Management certificate holders who are employed by Traffic Control Companies registered by Queensland Transport and Main Roads and that Traffic Control Plans can only be designed by Registered Level 3 Traffic Management card holders who are employed by Traffic Control Companies registered by Queensland Transport and Main Roads.			

Doc#8838455

COMMUNITY CONSULTATION	
You must notify local residents of your event. Detail below how you propose to do this: <i>see attached letter</i>	
SIGNAGE	
Do you intend to use signage at the event? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Please provide details of any signage proposed to be used at the event and the methods for securing the signage: <i>slow down dust, toilets, drinking water, first aid, camping etc (star pickets to attach)</i>	
OWNER'S CONSENT	
Owner's Name(s): <i>ROBERT BEAK</i>	Surname: <i>BEAK</i>
Property Address: <i>1 SANDRINGHAM LAKE MARY</i>	Postal Address: <i>P.O BOX 5729 RAIL HILL ACTON</i>
Contact Number(s): <i>0419026963</i>	Email: <i>ROCKSTEADENIS@CQNET.COM AU</i>
Signature of Owner: <i>[Signature]</i>	Date: <i>14-5-18</i>
SITE PLAN	
Please attach a site plan to scale that clearly indicates all of the following applicable to the event.	
<input type="checkbox"/> Boundaries of the property <input type="checkbox"/> Side entrances / exits <input type="checkbox"/> Structures / Buildings / Facilities <input type="checkbox"/> Advertising signage	<input type="checkbox"/> Entertainment area(s) <input type="checkbox"/> Sewerage and water supply <input type="checkbox"/> Toilet facilities <input type="checkbox"/> Litter / refuse facilities
APPLICATION ATTACHMENTS	
The following documents must be attached to the application:	
<input type="checkbox"/> Evidence applicant is a registered charity (if applicable) <input type="checkbox"/> Evidence of any other approval required under legislation <input type="checkbox"/> A copy of current Public Liability Insurance indemnifying Livingstone Shire Council for a minimum of \$20 million	<input type="checkbox"/> Police Permit (for road closures) <input type="checkbox"/> Traffic Management Plan (for road closures)
You may wish to consider what measures will be taken to:	
<ul style="list-style-type: none"> <li>• Avoid environmental impacts</li> <li>• Ensure there is adequate first aid provisions</li> <li>• Ensure there is adequate parking for the event</li> <li>• Ensure there is adequate security/crowd control</li> <li>• Ensure your event does not cause a nuisance to neighbouring properties</li> </ul>	
The applicant must be the responsible person for the activity.	
I declare that the information I supplied on this application is complete, truthful and correct in every detail.	
Signature of Applicant <i>[Signature]</i>	Date <i>14/05/18</i>
Name of Signatory <i>Leo Honck</i>	Date <i>14/05/18</i>

**Payment Options**

**IN PERSON** – You can pay at Council's Customer Service Centres in **Yeppoon** (Town Hall), 25 Normanby Street or **Emu Park** (Library), 7-9 Hill Street.

**TELEPHONE** – Call 1300 790 919 or 07 4913 5000 between 8am and 5pm Monday to Friday to pay with MasterCard or Visa.

Council complies with the Payment Card Industry Data Security Standard. Compliance helps to alleviate sensitive data being compromised and protects cardholder data. Credit Card Numbers are NOT to be recorded on this form. *Customer Service staff will contact you regarding payment once this form is received.*

**MAIL** – Make your cheques payable to "Livingstone Shire Council" and send to PO Box 2292 Yeppoon Queensland 4703.



Doc#8838455

To Whom It May Concern:

This letter seeks to inform Livingstone Shire Council of some of the measures that Tropical Bloom Festival has taken to ensure that the event fits within council guidelines and community expectations. We understand that we have a duty of care for all festival patrons, and this is something we take very seriously.

**First aid:**

We have, once again, enlisted the services of MedCall Paramedical Group to serve as the first aid providers for the event. The MedCall team will have a qualified paramedic on duty at all times over the weekend. As an indication of the safety of Tropical Bloom Festival, there has been no serious medical situations at any of the previous 4 events. We will do everything in our power to keep it that way, but we are prepared for any situation.

**Security:**

Event security will be run by Wade Mann Security. They are specialists in event security and take their job seriously. Wade Mann Security has serviced Tropical Bloom Festival in each of the previous years and so far they've never had to deal with any conflict. After speaking to police about this last year, they said that it's unheard of for an event of this size and were very supportive. Another positive record which we aim to keep intact this year.

**Environmental impact:**

We are very mindful of our environmental impact, both as it relates to the disturbance of neighbouring properties, and general environmental impact.

Firstly, the main reason we have chosen the site is because of the lack of its isolation and lack of close neighbours. None of the neighbouring properties are disturbed by the noise and the vast majority of neighbours are very supportive of the event.

Last year there were some complaints about the dust on Lake Mary Rd, caused by added traffic commuting to the festival site. We are more than happy to address this issue and we will have a water truck wetting down the problem areas throughout the weekend.

As for sustainability practices, we have a ban on single-use plastic water bottles, all food stalls are required to use bio-degradable packaging and we have started to re-forest the creek bed on the host property. This year we will be meeting with Capricornia Catchments to discuss and implement their sustainable event suggestions. Our goal is to eventually shift the balance to create a positive environmental impact, not just to minimize the negative.

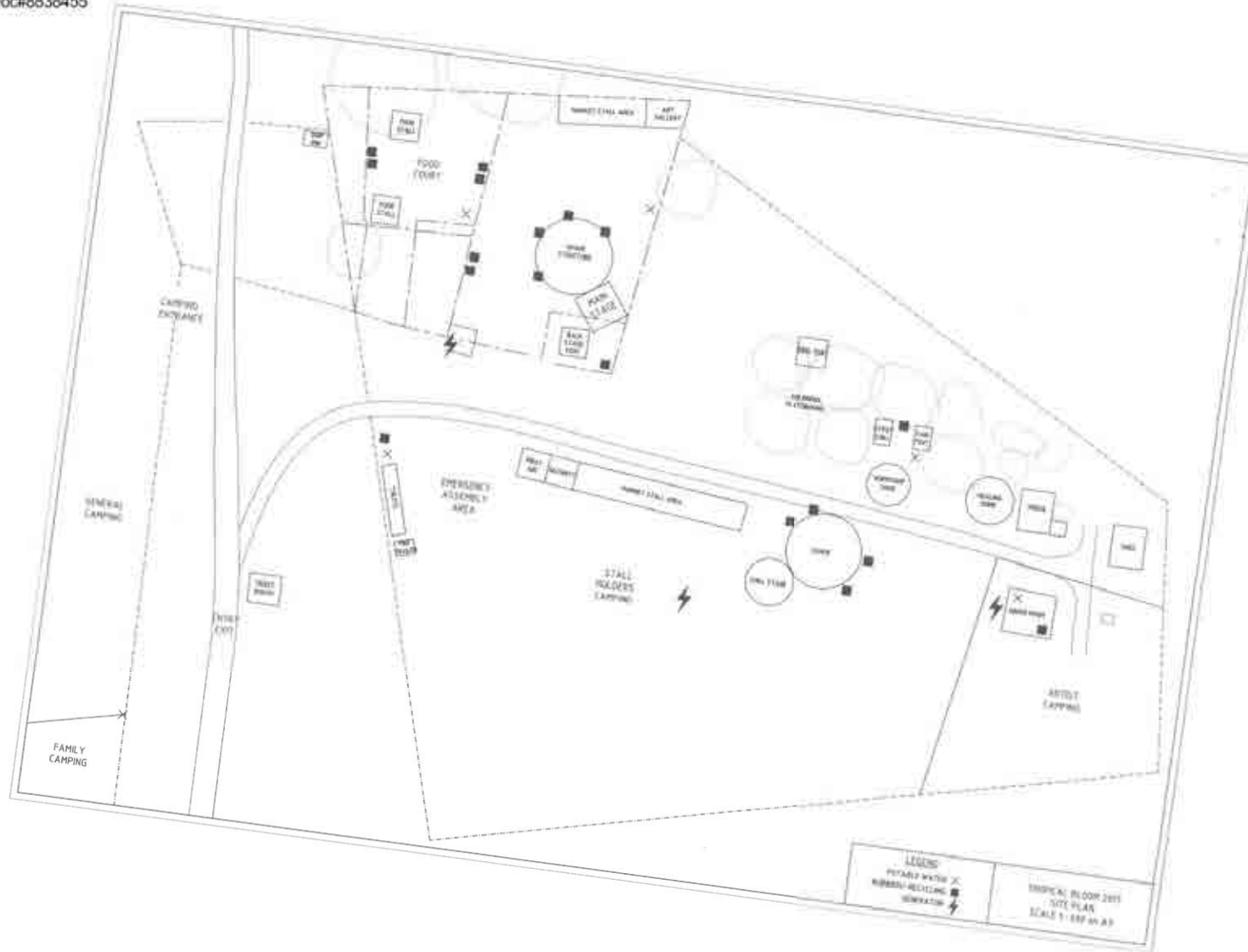
**Community notification:**

As in previous years, we will do a letterbox drop on Lake Mary Rd, eight weeks prior to the event. The letter will inform neighbours of the event, address our commitment to mitigate dust issues, notify them of half-price tickets for Lake Mary residents, and provide contact details in case they have any concerns or would like to be involved. The community overall is in support of Tropical Bloom Festival and we do what we can to foster community involvement and promote the region. We list local business and attractions on our website and encourage people to stay and have a holiday in our region. The festival is getting to a size now where the awareness for our region is growing, and the local economy is positively impacted.

Kind Regards,

Leo Honek  
Festival Director  
0448875239  
[leohonek@gmail.com](mailto:leohonek@gmail.com)  
[www.tropicalbloom.com.au](http://www.tropicalbloom.com.au)

Doc#8838455



Doc#8838455

**CERTIFICATE OF CURRENCY**

Arena/Berkley Entertainment and Events General Liability  
Our Reference: 18010190

**POLICY NUMBER:** ARBIAE/003366  
**INSURED:** Leo Monek  
**INSURED ADDRESS:** Lake Mary, QLD  
**THE BUSINESS:** Organiser of cultural event to be held at Lake Mary QLD from the 27.7.18-29.7.18  
**SECURITY:** Berkley Insurance Australia  
**PERIOD OF INSURANCE:** 26/07/18 to 30/07/18 At 4pm Local Time  
**Covering**  
 Section 1 Public Liability **INSURED**  
 Section 2 Products Liability **INSURED**

Please take note of the Exclusions that apply to this Policy. (Exclusions 4.1 to 4.19 in the Policy Wording).

It is hereby declared and agreed that:

Section 4  
 4.16 Crowd Surfing, Moshing And Stage Diving is deleted from the Policy and will have no effect.

Berkley Insurance Australia (ABN 53 126 559 706) is the Insurer of this Policy.

Arena Underwriting Pty Ltd (ABN 26 125 869 481, AFSL 317617) acts under a binding authority given to it by the Insurer to administer and issue policies, alterations and renewals, and acts on behalf of the Insurer and as agent of the Insurer, not as your agent.

**Sum Insured**

Section 1 Public Liability  
 Limit of Liability \$20,000,000 Defence Costs in Addition  
 Section 2 Products Liability  
 Limit of Liability \$20,000,000 Defence Costs in Addition

**Excess**

Section 1 Public Liability  
 Each & every occurrence: \$500  
 Alcohol related claims: \$1,500  
 Defence Cost Inclusive

PO Box 752 Hamilton NSW 2305  
 T: 02 4952 4477 F: 02 4916 5376  
 E: info@arenaunderwriting.com.au W: www.arenaunderwriting.com.au  
 AFSL: 317617 ABN: 26 125 869 481



Doc#8838455



Section 2 Products Liability  
Each & every occurrence: \$500  
Alcohol related claims: \$1,500  
Defence Cost Inclusive

**Geographical Limits**

Worldwide excluding United States of America and Canada.

**POLICY WORDING:** BIA GL G2 Arena Ent 1 - 2016

**NOTES**

Interested Parties:

Robert Beak and;  
Livingstone Shire Council

**SPECIAL NOTE**

This Certificate of Currency is prepared as a summary of the insurance policy. It is not a complete description of all the policy's terms, conditions and exclusions.

In determining a claim, or questions with regard thereto, the provisions of the policy will prevail.

-00000-



PO Box 753 Hamilton NSW 2303  
T: 02 4952 4477 F: 02 4985 5376  
E: [info@arenaunderwriting.com.au](mailto:info@arenaunderwriting.com.au) W: [www.arenaunderwriting.com.au](http://www.arenaunderwriting.com.au)  
AFSL: 317617 ABN: 26 125 869 481

# **12.2 - TROPICAL BLOOM FESTIVAL - APPLICATION FOR TEMPORARY ENTERTAINMENT EVENT ON PRIVATE LAND**

## **Petition by Lake Mary Residents**

**Meeting Date: 3 July 2018**

**Attachment No: 2**

Doc#8840406

## Petition to Livingstone Shire Council Form

Office of the Mayor &amp; CEO

Enquiries 07 4913 5000 / 1300 790 919

Email:

Address: PO Box 2292 YEPPOON QLD 4703

**PRIVACY NOTICE:** Registering or signing a petition is not anonymous. Livingstone Shire Council is collecting the personal information you supply on this form for the purpose of processing petitions. Your name, address, email address and signature may be published on Council Meeting agendas, Council's website or other publications. By submitting this information you acknowledge and accept that your personal information will be used by Council, agents and contractors acting on behalf of Council for the purpose of petitions. You agree that Council, agents and contractors are entitled to publish the information provided including your personal information for the purpose of petitions.

All fields marked \* are mandatory and must be filled appropriately in order for the petition to be considered a properly completed

## Principal Petitioner Details

Name\*

Address\*

Cameron John Reynolds

385 Lake Mary Road Yepoon

Daytime Phone Number\*

Email

Signature\*

0428 761 276

camshir@hotmail.com

## Petition Request

We the undersigned request that Council give consideration to:

The residents of Lake Mary Road petition LSC to address "Excessive Dust", "Terrible Road Conditions" and "Excessive Noise" resulting from Tropical Bloom Festival on nearby residents.

## Petitioner Details and Signatures

(If space for further signatures is required, a copy of this page must be used each time. Photocopies of signatures will not be accepted.)

Date*	Name*	Address*	Signature*
18/5/18	M Hay	323 Lake Mary Road	M Hay
18/5/18	T Warner	656 Lake Mary Rd	T Warner
18/5/18	A Willis	691 Lake Mary Rd	A Willis
18/5/18	Sam Black	656 Lake Mary Rd	Sam Black
18/5/18	Dee Kennedy	651 Lake Mary Rd	Dee Kennedy
18/5/18	A. Murray	221 Lake Mary Rd	A. Murray
18/5/18	G. TILNEY	221 Lake Mary Rd	G. TILNEY
18/5/18	Dee Kennedy	289 Lake Mary Rd	Dee Kennedy
18/5/18	Chris G. Goff	441 Lake Mary Rd	Chris G. Goff

Please include number of pages:

Page 1 / 2

Version 1, approved 10 February 2017



Doc#8840406

**Petition to Livingstone Shire Council Form**

Office of the Mayor &amp; CEO

Enquiries 07 4913 5000 / 1300 790 919 Email: [petitions@lsc.qld.gov.au](mailto:petitions@lsc.qld.gov.au)

Address PO Box 2292 YEPPOON QLD 4703

LSC Records Management	
File No:	LIVINGSTONE
Date Recd:	18 MAY 2018
Action (Initials)	

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All fields marked \* are mandatory and must be filled appropriately in order for the petition to be considered a properly completed

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Date*	Name*	Address*	Signature*
18-5-18	Cameron Reynolds	385 LAKE MARY RD	
18-5-18	Wynne Reynolds	385 LAKE MARY RD	
18-5-18	Cameron Reynolds	385 LAKE MARY RD	
18-5-18	Wynne Reynolds	385 LAKE MARY RD	
18-5-18	Megan Reynolds	385 LAKE MARY RD	
18-5-18	Antony Sykes	260 Lake Mary Rd	

Please include number of pages:

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Version 1, approved 10 February 2017

**12.3 1.30PM - PARKING (AMENDMENT) SUBORDINATE LOCAL LAW (NO. 5) 2018****File No:** TT30.13.1

**Attachments:**

1. (Consolidated) Subordinate Local law (Parking) 2018 [↓](#)
2. Resolution 20 March 2018 - Amendment to subordinate Local Law No.5 Parking [↓](#)
3. Public Notice - Parking (Amendment) Subordinate Local Law No.5 [↓](#)
4. Submission - Public Notice 25 April 2018 [↓](#)
5. Local Law Making Process Resolution [↓](#)

**Responsible Officer:** Brett Bacon - Executive Director Liveability and Wellbeing

**Author:** Craig Newsome - Coordinator Public Environments

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**SUMMARY**

This report provides a recommendation to receive proposed amendments and resolve to adopt a consolidated version of *Subordinate Local Law (Parking) 2011* to be titled *Subordinate Local Law No. 5 (Parking) 2018*.

**OFFICER'S RECOMMENDATION**

That Council resolves to:

- 1) note the submission received entities about the proposed amendments to *Subordinate Local Law No.5 (Parking) 2011* pursuant to section 29A(3) of the *Local Government Act 2009*; and
- 2) make *Parking (Amendment) Subordinate Local Law No.5 2018* as amended; and
- 3) pursuant to section 32 of the *Local Government Act 2009*, adopt a consolidated version of *Subordinate Local Law No.5 (Parking) 2011* as attached to this report.

**BACKGROUND**

At its ordinary meeting of 5 December 2017 Council discussed a report regarding proposed changes to regulated car parking within the Yeppoon Foreshore and Town Centre. Council resolved to declare a new traffic area having a default parking time limit of one hour, a declaration of three off-street parking areas and the rescinding of all references to off street parking within the local government area of Rockhampton Regional Council. All amendments are relevant to the subordinate law; there is no requirement at this time to amend the current Local Law.

The changes proposed under resolution are deemed to have no effect on *Local Law No.5 (Parking) 2011* impacting only on the subordinate local law. Collectively the proposed changes elicit the need for amendments to Schedules One and Two of the Subordinate Local Law and the repealing of all references to Rockhampton Regional Council off street parking areas and associated maps.

For the purposes of section 29 of the *Local Government Act 2009* (Local law making process), Council previously resolved on 26 August 2014 to adopt a process for making or amending local laws. The process 'Local Law Making Process Resolution' is relevant to the development or amendment of all local laws and subordinate local laws.

At its ordinary meeting 20 March 2018 Council discussed a report regarding proposed changes to *Subordinate Local Law No.5 (Parking) 2011*. All amendments were relevant to

the subordinate law; there remains no requirement at this time to amend the current Local Law.

In accordance with the adopted Local Law Making Process Resolution, Council consulted with the community advertising the proposed amendments to *Subordinate Local Law No.5 (Parking) 2011*.

One submission was received, from Council, regarding a change to the address listed for the Town Centre Parking (refer to Attachment Four). The change of address is determined as minor and therefore does not trigger further public notification.

### **COMMENTARY**

The reconfiguration of a declared traffic area and the introduction of three off-street regulated parking areas triggers amendment to Schedules one (1) and two (2) of *Subordinate Local Law No.5 (Parking) 2011*.

The proposed amendments have been considered in conjunction with the guidelines for conducting reviews on anti-competitive provisions in local laws under the National Competition Policy. In accordance with the guideline, local laws (and thus by implication subordinate local laws) regulating the behaviour of individuals (for example; regulating the parking of vehicles) are excluded from the review of anti-competitive provisions.

The principal amendments are within schedule one and schedule two of the subordinate local law and include the repealing of all references to Rockhampton Regional Council's off street parking areas and maps and the inclusion of maps relevant to the Yeppoon Traffic Area and Off Street Regulated Parking Areas.

### **PREVIOUS DECISIONS**

Council previously made the following decisions regarding the local law making process in general and the amendment of *Local Law and Subordinate Local Law No. 5 (Parking) 2011* in particular:

- 1) Ordinary Meeting 26 August 2014. Council resolved to adopt a process for making each local law of Council - Local Law Making Process Resolution;
- 2) Ordinary Meeting 5 December 2017 Council resolved to make amendments to *Local Law No.5 (Parking) 2011 and Subordinate Local Law No.5 (Parking) 2011*; and
- 3) Ordinary Meeting of 20 March 2018 Council resolved to propose to make proposed amendments to *Subordinate Local Law No.5 (Parking) 2011*.

### **BUDGET IMPLICATIONS**

If Council proceeds with declaration of a Traffic Area for the Yeppoon Town Centre, a budget provision would be required for the deployment of new signs and the alteration of existing signs. A 17/18 Quarter Two Budget review includes an amount of \$30,000 for this purpose.

Enforcement of regulated time-limited parking is likely to require either a reprioritisation of existing work or additional resources or a mix of both. The degree to which technology is applied to parking management will have a direct bearing on resourcing decisions. Deployment of a totally automated system for example may have minimal impact on resources however would have a high capital cost. Conversely a low cost system such as chalk-on-tyre, by comparison, would likely require additional resources if regulated parking were to be effectively enforced.

In November 2017, Council received funding from the Local Government Grants and Subsidies Program for the Yeppoon Town Centre Smart Lighting Project (total project value \$495,000). Part of the business case for funding application was the incorporation of smart parking services using customised applications with Council-owned branding. To reduce the cost to enforce regulated parking it is suggested that the Yeppoon Town Centre Smart Lighting Project supply Smart Parking solutions to the one hour regulated parking area funded by the project at an approximate capital cost of \$70,000 and ongoing operational



costs of approximately \$15,000 per annum (a cost effective alternative to employing additional fulltime Local Laws Officers).

Please note this is a very early estimate and further market testing once the project goes through a full tender process may deliver a more cost effective system. The system identified allows for in-ground vehicle detection sensors which provide Council live data on overstay and baseline occupancy rates, whilst providing users with an easy to use Smartapp which provides a driver with real time parking space availability.

It is premature to state whether the implementation of the regulated parking will generate a return, be cost neutral or operate at a loss.

### **LEGISLATIVE CONTEXT**

The management of local laws and the regulation of car parking is guided by:

- 1) Section 29(1) of the *Local Government Act 2009*;
- 2) *Subordinate Local Law No.5 (Parking) 2011*; and
- 3) *Legislative Standards Act 1992*.

### **LEGAL IMPLICATIONS**

There are no legal implications associated with the adoption of an amended subordinate local law. The amendments will enable Council to efficiently and effectively regulate parking within designated areas.

### **STAFFING IMPLICATIONS**

Some impact on operational, administrative and marketing resource may be incurred however should be absorbed through normal operational duties.

### **RISK ASSESSMENT**

In the absence of appropriate enforcement powers, Council is unable to positively influence driver parking patterns to achieve the optimal fifteen (15) per cent availability of parking spaces in the Yeppoon Town Centre.

### **CORPORATE/OPERATIONAL PLAN**

Strategy GO5 of Council's Corporate Plan states: *'Deliver customer focused and responsive services efficiently and effectively.'*

### **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**

Audits have confirmed that the availability of parking spaces in the Yeppoon Town Centre is below the optimal fifteen (15) per cent for both weekdays and weekends, while the new Town Centre Car Park is underutilised. Over the past twelve to eighteen months, many local business operators have voiced concerns to Councillors and Officers about overstaying, misuse of parking by other local business owners and staff and generally urged Council to address the parking situation as a matter of urgency.

The Council's newly built Yeppoon Town Centre Car Park (operational since December 2016) addresses this issue in part; however, in isolation of being able to enforce regulated parking the ultimate strategy will not be achieved. Regulated time-limited parking is a proven strategy in influencing driver behaviour to free-up on-street parking for customers in a viable central business district/town centre.

The businesses that responded to the car parking survey overall supported regulated car parking as per the proposed zones detailed in the survey and attached in Attachment One Schedule One - Declaration of Traffic Area.

Amendments to the current subordinate local law are necessary to rescind reference to Rockhampton Regional Council areas, define and include reference to traffic areas and off-street regulated parking areas therefore enabling authorised persons to effectively enforce regulated parking with the Yeppoon Town Centre.

Introducing regulated car parking in the Yeppoon Town Centre is the next stage of realising growth within the local economy.

**12.3 - 1.30PM - PARKING  
(AMENDMENT) SUBORDINATE LOCAL  
LAW (NO. 5) 2018**

**(Consolidated) Subordinate Local law  
(Parking) 2018**

**Meeting Date: 3 July 2018**

**Attachment No: 1**



## Subordinate Local Law No. 5 (Parking) 2018

### (Amended) Contents

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 5 (Parking) 2011*.

### 2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 5 (Parking) 2011*, which provides for the exercise of local government powers authorised under the TORUM Act.
- (2) The purpose is to be achieved by providing for—
  - (a) the establishment of traffic areas and off-street regulated parking areas; and
  - (b) the persons that may be issued with a parking permit; and
  - (c) the vehicles that may be issued with a commercial vehicle identification label; and
  - (d) the infringement notice penalty amounts for minor traffic offences.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 5 (Parking) 2011* (the *authorising local law*).

### 4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 4 defines particular words used in this subordinate local law.

## Part 2 Declaration of parking areas for the TORUM Act

### 5 Declaration of traffic areas—Authorising local law, s 5

- (1) For section 5(1) of the authorising local law, the part of the local government area indicated by hatching in the map in schedule 1 is declared to be a traffic area.
- (2) For section 5(2) of the authorising local law, the boundaries of the traffic area are indicated by a black line circumscribing the hatched area on the map in schedule 1.

### 6 Declaration of off-street regulated parking areas—Authorising local law, s 6

- (1) For section 6(1) of the authorising local law, each area of land identified in schedule 2 is declared to be an off-street regulated parking area.
- (2) For section 6(2) of the authorising local law, the boundaries of each off-street regulated parking area are the boundaries of the land identified in schedule 2.

### Part 3 Parking contrary to parking restriction

#### 7 Parking permits issued by local government—Authorising local law, s 7(2)

- (1) This section prescribes—
  - (a) the persons that may be issued with a parking permit mentioned in section 7(1) of the authorising local law; and
  - (b) the circumstances in which the parking permits may be issued.
- (2) A parking permit (a *resident parking permit*) may be issued to a person whose circumstances are as follows—
  - (a) the person resides in a residence<sup>1</sup> situated on a section of road and parking immediately adjacent to the residence is regulated by time; and
  - (b) the issue of the parking permit would not unduly impede the flow of traffic either on the road or in the area; and
  - (c) the residence does not have, and cannot reasonably be provided with, adequate off-street parking; and
  - (d) if the parking permit is granted — there would not be in force more than 1 resident parking permit for the same residence.
- (3) A parking permit (a *community service organisation parking permit*) may be issued to a person whose circumstances are as follows—
  - (a) the person is a community service organisation<sup>2</sup>; and
  - (b) the person will use the parking permit for an activity which is consistent with the objects of the community service organisation; and
  - (c) the activity is undertaken on a section of road where —
    - (i) parking is regulated by time; and
    - (ii) the issue of the parking permit would not unduly impede the flow of traffic either on the road or in the area.
- (4) A parking permit (a *temporary parking permit*) may be issued to allow the holder of the parking permit to park 1 or more vehicles in a designated parking space or spaces for a period specified in the parking permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space or spaces.
- (5) A temporary parking permit may only be granted if the local government is satisfied that—

<sup>1</sup> See definition of *residence* in the dictionary.

<sup>2</sup> See definition of *community service organisation* in the dictionary.



- (a) the applicant is engaged in some temporary activity affecting premises immediately adjacent to the designated parking space or spaces to which the application relates; and
  - (b) it is not reasonably practical for the applicant to carry out the activity unless the designated parking space or spaces to which the application relates are allocated to the applicant's exclusive use for the duration of the activity.
- (6) A parking permit (a *works zone parking permit*) may be issued to a person if the local government is satisfied that—
  - (a) the part of the road to which the application relates is adjacent to a site at which the person is proposing to undertake building or construction work; and
  - (b) the carrying out of the building or construction work is lawful; and
  - (c) having regard to the nature of the building or construction work and the characteristics of the site, it is not reasonably practical for all work activity involving vehicle loading and unloading and associated vehicle movements to be confined within the site.
- (7) A parking permit (a *visitor parking permit*) may be issued to a person whose circumstances are as follows—
  - (a) the person (the *resident*) resides in a residence situated on a section of road and parking immediately adjacent to the residence is regulated by time; and
  - (b) the parking permit is to be made available by the resident for use by another person who —
    - (i) is visiting or attending at the residence identified in the parking permit; and
    - (ii) intends parking on the section of road immediately adjacent to the residence; and
  - (c) the issue of the parking permit would not unduly impede the flow of traffic either on the road or in the area; and
  - (d) the residence does not have and cannot reasonably be provided with adequate off-street parking; and
  - (e) if the parking permit is granted — there would not be in force more than 1 visitor parking permit for the same residence.

## Part 4                      Minor traffic offence infringement notice penalties

### 8      Infringement notice penalty amounts—Authorising local law, s 9

For section 9 of the authorising local law, the infringement notice penalty

amount<sup>3</sup> for an offence mentioned in column 1 of schedule 3 is the corresponding amount stated in column 2 of schedule 3.

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<sup>3</sup> See section 5 of the *Penalties and Sentences Act 1992*. The value of a penalty unit is, for a local law, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law—the amount, as prescribed under a regulation. See section 3 of the *Penalties and Sentences Regulation 2015*. The value of a penalty unit for a local law made by a local government not mentioned in schedule 1 of the Regulation, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law made by a local government not mentioned in schedule 1 of the Regulation, is \$100.00.

## Schedule 1 Declaration of traffic area

## Section 5

## Traffic Area 01



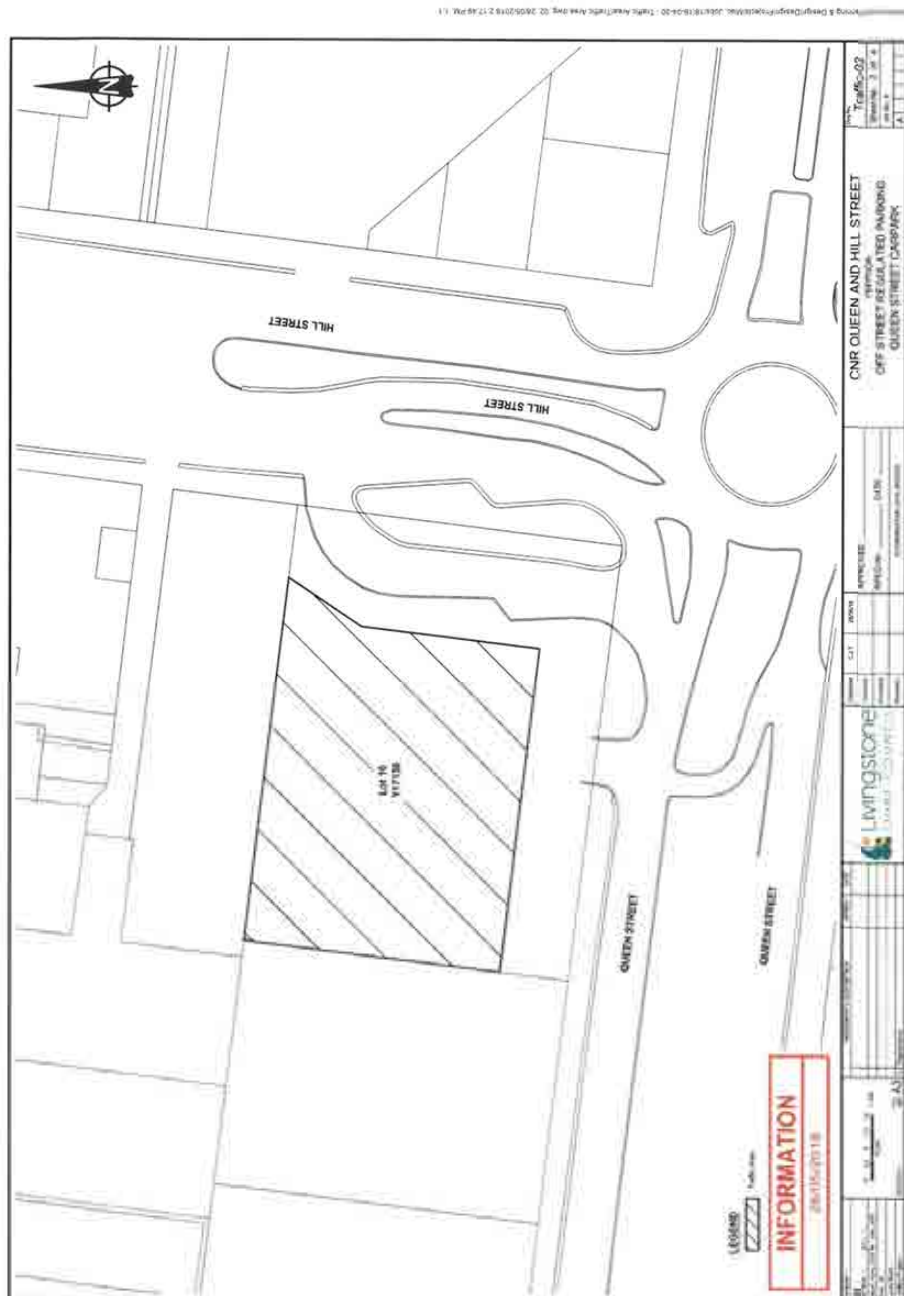


## Schedule 2 Declaration of off-street regulated parking areas

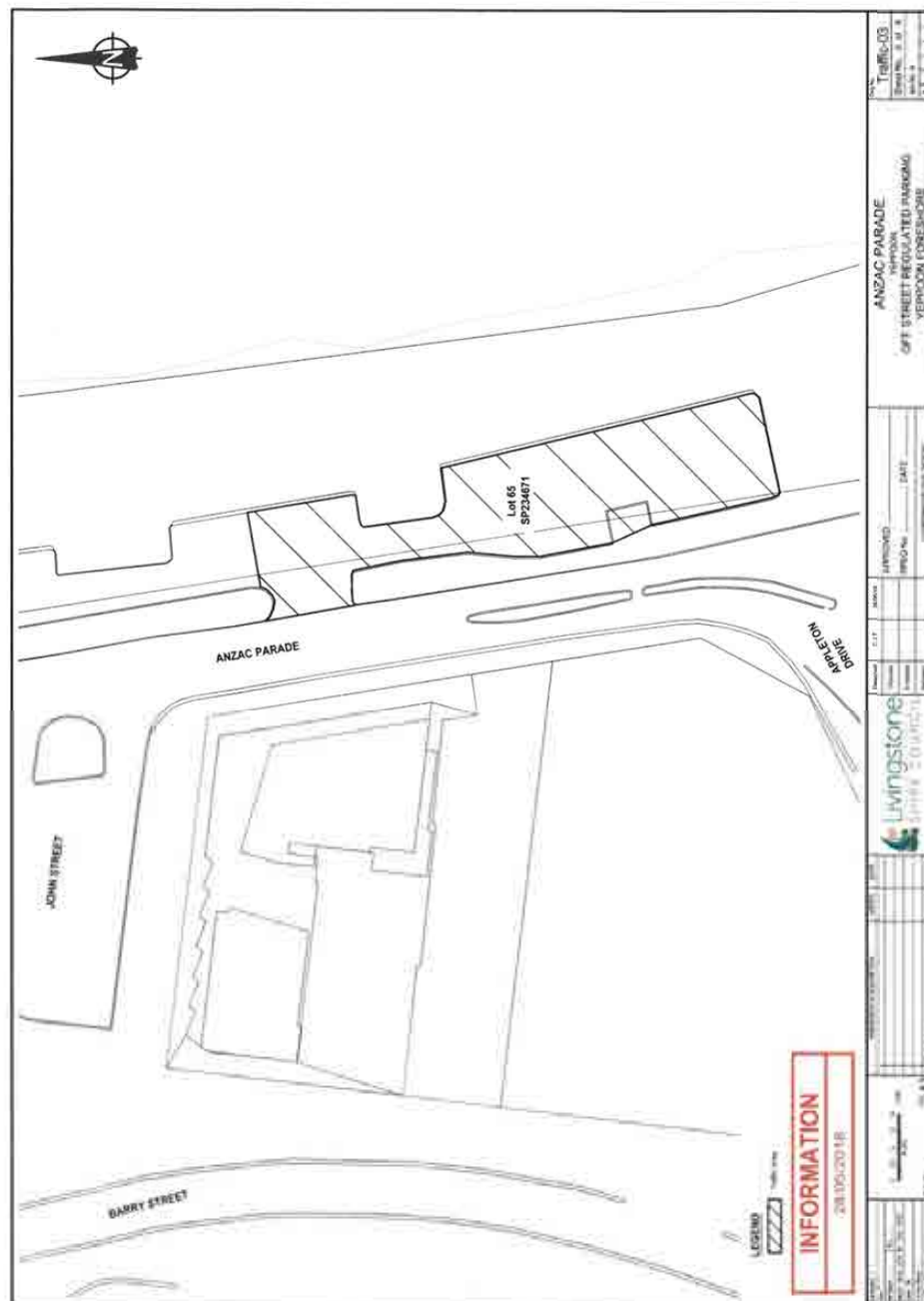
Section 6

Facility Common Name	Street Address	Real Property Description	
		Lot	Plan
Corner Queen and Hill Streets, Yeppoon	10-14 Hill Street, Yeppoon, but limited to the area shown hatched in black on the map in this schedule 2.	Lot 10	Y17136
Yeppoon Foreshore	Yeppoon Foreshore limited to the area shown hatched in black on the map in this schedule 2.	Lot 65	SP234671
Yeppoon Town Centre Car Park	17 Hill Street, but limited to the area shown hatched in black on the map in this schedule 2.	Lot 10	SP289416

## Off Street Regulated Parking Area - Corner Queen and Hill Streets, Yeppoon

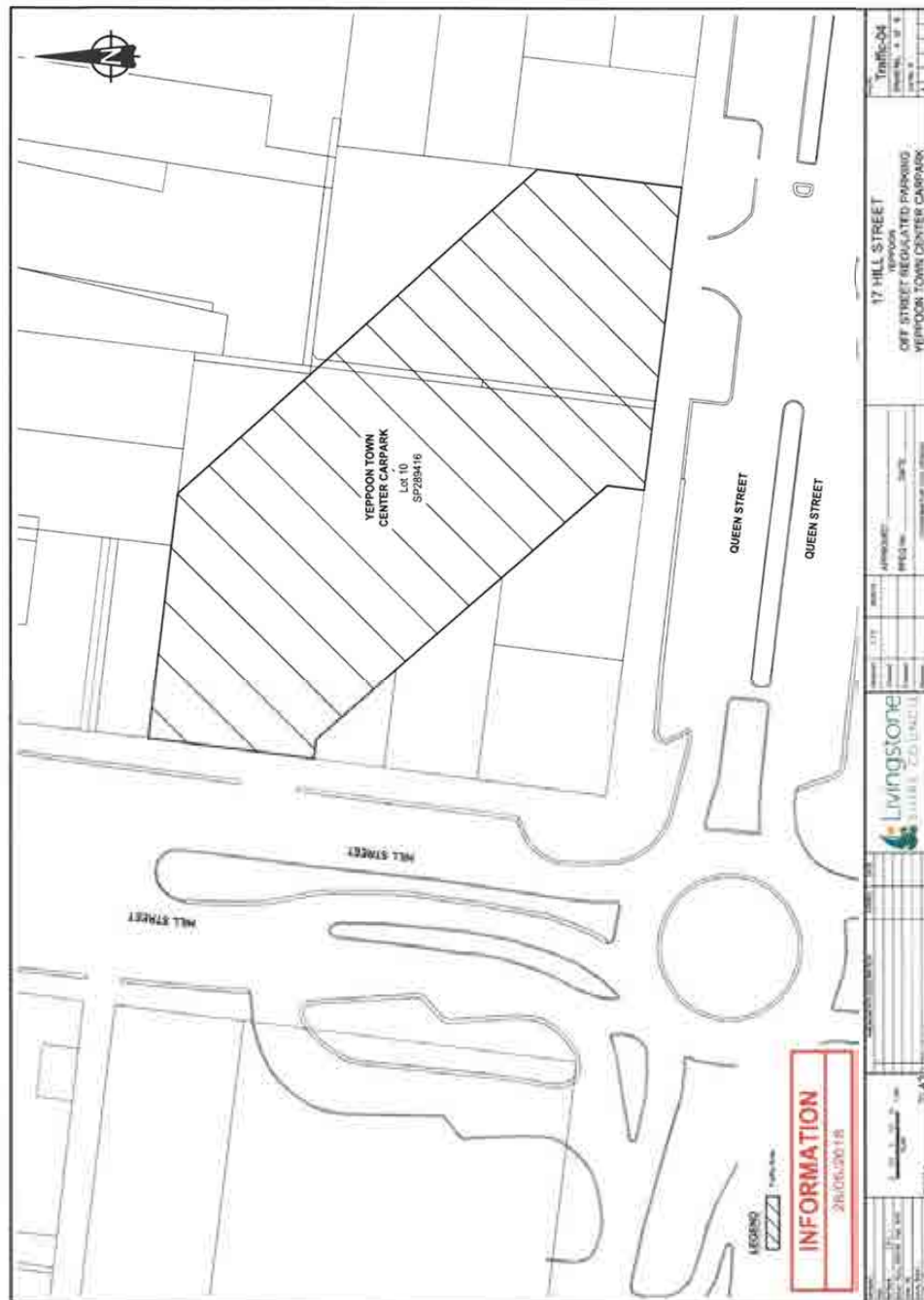


## Off Street Regulated Parking Area - Yeppoon Foreshore





5. Design[Design]Procedures: Job#181818-04-30 - Traffic Agreement App'd Date: 06/28/05/2018 2:24:48 PM. (1)



### Schedule 3      Infringement notice penalty amounts for certain minor traffic offences

Section 9

Column 1		Column 2
<i>Transport Operations (Road Use Management) Act 1995 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
106(1)(a)(i)	Parking a vehicle in a designated parking space unless a parking meter or parkatarea installed for the space indicates that the parking fee has been paid	0.4 penalty units
106(1)(a)(ii)	Parking a vehicle in a designated parking space unless the person has done what is required by an authorised system that applies in relation to the space	0.4 penalty units
106(1)(b)	Parking a vehicle in a designated parking space for a time longer than the maximum time indicated on the official traffic sign installed for the space	0.4 penalty units
106(1)(c)	Parking a vehicle in a designated parking space if another vehicle is parked in the space	0.4 penalty units
106(1)(d)	Parking a vehicle in a designated parking space so that the vehicle is not wholly within the space	0.4 penalty units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
167	Stopping on a length of road or in an area to which a no stopping sign applies	0.4 penalty units
169	Stopping at the side of a road marked with a continuous yellow edge line	0.4 penalty units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
170(1)	Stopping in an intersection	0.4 penalty units
170(2)	Stopping within 20m of an intersection with traffic lights unless permitted by a sign	0.4 penalty units
170(4)(a)	Stopping within 10m of an intersection without traffic lights unless permitted by a sign	0.4 penalty units
172(1)	Stopping within 20m before a pedestrian crossing that is not at an intersection otherwise than as permitted by a sign	0.4 penalty units
172(1)	Stopping within 10m after a pedestrian crossing that is not at an intersection otherwise than as permitted by a sign	0.4 penalty units
176(1)	Stopping on a road contrary to a clearway sign	0.4 penalty units
179(1)	Stopping an unauthorised vehicle in a loading zone	0.4 penalty units
179(2)(a)	Authorised driver stopping in a loading zone for longer than 30 mins	0.4 penalty units
179(2)(b)	Authorised driver stopping in a loading zone for longer than permitted by a sign	0.4 penalty units
181	Unauthorised driver stopping in a works zone	0.4 penalty units
182(1)	Stopping an unauthorised vehicle in a taxi zone	0.4 penalty units



Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
183(1)	Stopping an unauthorised vehicle in a bus zone	0.4 penalty units
183(1)	Stopping a bus in a bus zone contrary to a bus zone sign	0.4 penalty units
185(1)	Stopping an unauthorised vehicle in a permit zone	0.4 penalty units
186(1)	Stopping in a mail zone	0.4 penalty units
189(1)(a)	Stopping on a two way road between the centre of the road and another vehicle parked at the side of the road	0.4 penalty units
191	Stopping on a road so as to obstruct traffic	0.4 penalty units
195(1)	Stopping within 20m before a bus stop unless permitted by a sign	0.4 penalty units
195(1)	Stopping within 10m after a bus stop unless permitted by a sign	0.4 penalty units
197(1)	Stopping on a bicycle path, footpath, shared path or dividing strip or a nature strip adjacent to a length of road in a built-up area unless permitted by a sign	0.4 penalty units
198(2)	Stopping on or across a driveway unless dropping off or picking up, passengers	0.4 penalty units
199	Stopping near a postbox	0.4 penalty units
202	Stopping contrary to a motorbike parking sign	0.4 penalty units
203(1)	Stopping contrary to a people with disabilities parking sign	0.4 penalty units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
205(1)(a)	Parking for longer than the period indicated on a permissive parking sign	0.4 penalty units
208(1)	Parking on a two way road other than parallel and as near as practicable to the far left side of the road	0.4 penalty units
208(1)	Parking on a one way road other than to the far left or far right of the road unless permitted by a sign	0.4 penalty units
208(1)	Parking within 3m of a continuous dividing line or dividing strip unless permitted by a sign.	0.4 penalty units
210(1)	Angle parking - failing to properly position the vehicle.	0.4 penalty units
211(2)	Parking otherwise than completely within the confines of a parking bay	0.4 penalty units
Part 12	Other parking offences provided for in Part 12 (Restrictions on stopping and parking)	0.4 penalty units

## Schedule 4 Dictionary

### Section 4

**community service organisation** means an association incorporated under the *Associations Incorporation Act 1981* which has as the main purpose of its objects, making financial gain for community service, charitable or similar purposes.

**community service organisation parking permit** see section 7(3).

**residence** means a building, or part of a building, that is —

- (a) fixed to land; and
- (b) designed, or approved by a local government, for human habitation by a single family unit; and
- (c) used for residential purposes.

**resident** see section 7(7)(a).

**resident parking permit** see section 7(2).

**temporary parking permit** see section 7(4).

**TORUM Act** means *Transport Operations (Road Use Management) Act 1995*

**visitor parking permit** see section 7(7).

**works zone parking permit** see section 7(6).

This and the preceding 14 pages bearing my initials is a certified copy of *Subordinate Local Law No. 5 (Parking) 2018* made in accordance with the provisions of the *Local Government Act 2009* by Livingstone Shire Council by resolution dated the 19th day of June 2018.

.....  
Chris Murdoch  
Chief Executive Officer  
Livingstone Shire Council



**12.3 - 1.30PM - PARKING  
(AMENDMENT) SUBORDINATE LOCAL  
LAW (NO. 5) 2018**

**Resolution 20 March 2018 -  
Amendment to subordinate Local Law  
No.5 Parking**

**Meeting Date: 3 July 2018**

**Attachment No: 2**

**12.3 AMENDMENT TO SUBORDINATE LOCAL LAW NO 5 (PARKING) 2011****File No:** LE19.5.1**Attachments:**

1. Council Resolution of 5 December 2017
2. Proposed amendments Subordinate Local Law No.5 (Parking) 2011
3. Local Law Making Process Resolution

**Responsible Officer:** David Mazzaferri - Manager Disaster Management, Recovery and Resilience  
Brett Bacon - Director Community & Planning Services**Author:** Craig Newsome - Coordinator Public Environments

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**SUMMARY**

*This report recommends proposed amendments to Subordinate Local Law No 5 (Parking) 2011, relating to regulated car parking within the Yeppoon foreshore and Town Centre precincts.*

**COUNCIL RESOLUTION**

THAT Council:

- 1) review draft amendments to *Subordinate Local Law No 5 (Parking) 2011*; and
- 2) resolve to propose to make *Parking (Amendment) Subordinate Local Law (No. 5) 2018*.

**Moved by:** Councillor Kelly**Seconded by:** Councillor Belot**MOTION CARRIED**

**12.3 - 1.30PM - PARKING  
(AMENDMENT) SUBORDINATE LOCAL  
LAW (NO. 5) 2018**

**Public Notice - Parking (Amendment)  
Subordinate Local Law No.5**

**Meeting Date: 3 July 2018**

**Attachment No: 3**

PUBLIC NOTICE

*Local Government Act 2009*

1. Livingstone Shire Council (the "Council") has proposed to make—
  - (a) *Animal Management (Amendment) Subordinate Local Law (No. 5) 2018* (the "amending subordinate local law").
2. The amending subordinate local law amends *Subordinate Local Law No. 5 (Parking) 2011*.
3. *Local Law No. 5 (Parking) 2011* authorises the making of the amending subordinate local law.
4. The purpose and general effect of —
  - (a) the amending subordinate local law is to define the declaration of parking areas, a Traffic Area as contained in Schedule 1 of the amending subordinate local law; and
  - (b) the amending subordinate local law is to define the declaration of parking areas, Off Street Regulated Parking Areas as contained in Schedule 2 of the amending local law.
5. Written submissions by any person in support of, or objecting to, the amending subordinate local law are invited for a 21 day period commencing on **Thursday 29 March** and ending on **Wednesday 18 April** (the "consultation period").
6. During the consultation period Council will make available for inspection and purchase at Council's public office at **Yeppoon Town Hall** copies of the amending subordinate local law.
7. Submissions must be received on or before **Wednesday 18 April** stating—
  - (a) the grounds of the submission; and
  - (b) the facts and circumstances relied on in support of the grounds.

.....  
Chief Executive Officer



**12.3 - 1.30PM - PARKING  
(AMENDMENT) SUBORDINATE LOCAL  
LAW (NO. 5) 2018**

**Submission - Public Notice 25 April  
2018**

**Meeting Date: 3 July 2018**

**Attachment No: 4**

25 April 2018

Chief Executive Officer

Livingstone Shire Council

In accordance with Council's proposed Parking (Amendment) Subordinate Local Law No.5 Public Notice 25 April 2018 section 7, please note the following in submission.

- a) To notify of an incorrect address stated for Yeppoon Foreshore and incorrect Plan number for Yeppoon Town Centre Carpark.
- b) Page 7 Schedule 2 'Declaration of off-street regulated parking areas' incorrectly identifies the street address for Yeppoon Foreshore as 150 East Street Rockhampton. The Lot and Plan appear correct.

The street address should state as follows – Yeppoon Foreshore as per the corresponding map in schedule 2 on page 9.

Page 10 Schedule 2 showing a map for Yeppoon Town Centre Carpark off street regulated parking notates the Lot correctly however the plan should SP289416 as shown within the description on page 7.

Regards

Craig Newsome

Coordinator Public Environments

Livingstone shire Council

**12.3 - 1.30PM - PARKING  
(AMENDMENT) SUBORDINATE LOCAL  
LAW (NO. 5) 2018**

**Local Law Making Process Resolution**

**Meeting Date: 3 July 2018**

**Attachment No: 5**

**LOCAL LAW MAKING PROCESS RESOLUTION****Introduction**

For the purposes of section 29(1) of the *Local Government Act 2009*, the local government resolves to adopt a process for making each local law of Council as detailed below. The process applies unless the local government has begun, but not completed, its process for making a local law before the commencement of the *Local Government and Other Legislation Amendment Act 2012*.

The process—

- (a) applies to the making of—
  - (i) each local law that incorporates a model local law; and
  - (ii) each local law that is a subordinate local law; and
  - (iii) each other local law; but
- (b) does not apply to a local law that is an interim local law.

**Making a local law that incorporates a model local law**

The process (model local law making process) stated in this resolution must be used to make a local law that incorporates a model local law into the local laws of the local government.

- Step 1 — By resolution, propose to incorporate the model local law.
- Step 2 — If the model local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions.
- Step 3 — If there is an existing local law about a matter in the model local law that would be inconsistent with the matter in the model local law—amend or repeal the existing local law so that there is no inconsistency.
- Step 4 — By resolution, incorporate the model local law.
- Step 5 — Let the public know that the local law has been made, by publishing a notice of the making of the local law in accordance with the requirements of section 29B(1) to (4) inclusive of the *Local Government Act 2009*.
- Step 6 — As soon as practicable after the notice is published in the gazette, ensure that a copy of the local law may be inspected and purchased at the local government's public office.
- Step 7 — Within 14 days after the notice is published in the gazette, give the Minister—
  - (a) a copy of the notice; and
  - (b) a copy of the local law in electronic form; and



- (c) if the local law contains 1 or more anti-competitive provisions—
  - (i) advice of each anti-competitive provision; and
  - (ii) the reasons for their inclusion.

Step 8 — Update the local government's register of its local laws.

#### **Making an "other" local law**

The process (other local law making process) stated in this resolution must be used to make a local law (a proposed local law) other than—

- (a) a model local law; or
- (b) an interim local law; or
- (c) a subordinate local law.

Step 1 — By resolution, propose to make the proposed local law.

Step 2 — Consult with relevant government entities about the overall State interest in the proposed local law.

Step 3 — Consult with the public about the proposed local law for at least 21 days (the consultation period) by—

- (a) publishing a notice (a consultation notice) about the proposed local law at least once in a newspaper circulating generally in the local government's area; and
- (b) displaying the consultation notice in a conspicuous place at the local government's public office from the first day of the consultation period until the end of the last day of the consultation period; and
- (c) making a copy of the proposed local law available for inspection at the local government's public office during the consultation period; and
- (d) making copies of the proposed local law available for purchase at the local government's public office during the consultation period.

The consultation notice must state the following—

- (a) the name of the proposed local law; and
- (b) the purpose and general effect of the proposed local law; and
- (c) the length of the consultation period and the first and last days of the period; and
- (d) that written submissions by any person supporting or objecting to the proposed local law may be made and given to the local government on or before the last day of the consultation period stating—

- (i) the grounds of the submission; and
- (ii) the facts and circumstances relied on in support of the grounds.

If the local government decides, by resolution, that the proposed local law only amends an existing local law to make an insubstantial change, the local government may proceed to step 6 without satisfying step 3 or step 5.

Step 4 — If the proposed local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions. For avoidance of doubt, step 3, and this step 4, may be undertaken contemporaneously.

Step 5 — Accept and consider every submission properly made to the local government.

A submission is properly made to the local government if it —

- (a) is the written submission of any person about the proposed local law; and
- (b) states—
  - (i) the grounds of the submission; and
  - (ii) the facts and circumstances relied on in support of the grounds; and
- (c) is given to the local government on or before the last day of the consultation period.

Step 6 By resolution, decide whether to—

- (a) proceed with the making of the proposed local law as advertised; or
- (b) proceed with the making of the proposed local law with amendments; or
- (c) make the proposed local law as advertised; or
- (d) make the proposed local law with amendments; or
- (e) not proceed with the making of the proposed local law.

If the local government resolves to proceed with the making of the proposed local law with amendments, and the amendments are substantial, the local government may again —

- (a) consult with the public at step 3; and
- (b) accept and consider every submission properly made to the local government at step 5.

For the avoidance of doubt, if an amendment changes an anti-competitive provision, the local government must again comply with the procedures prescribed under a regulation for the review of anti-competitive provisions for

the amended anti-competitive provision.

- Step 7 — Let the public know that the local law has been made, by publishing a notice of the making of the local law in accordance with the requirements of section 29B(1) to (4) inclusive of the *Local Government Act 2009*.
- Step 8 — As soon as practicable after the notice is published in the gazette, ensure that a copy of the local law may be inspected and purchased at the local government's public office.
- Step 9 — Within 14 days after the notice is published in the gazette, give the Minister—
- (a) a copy of the notice; and
  - (b) a copy of the local law in electronic form; and
  - (c) if the local law contains 1 or more anti-competitive provisions—
    - (i) advice of each anti-competitive provision; and
    - (ii) the reasons for their inclusion.
- Step 10— Update the local government's register of its local laws.

#### **Making a subordinate local law**

The process (subordinate local law making process) stated in this resolution must be used to make a subordinate local law (a proposed subordinate local law).

The local government may start the process for making a subordinate local law even though the process for making the local law (including a model local law) on which the subordinate local law is to be based (the proposed authorising law) has not finished.

The local government may use steps 1 to 5 of the subordinate local law making process (other than actually making the subordinate local law) before the proposed authorising law is made if—

- (a) in making the proposed authorising law, the local government has to satisfy—
  - (i) the model local law making process; or
  - (ii) the other local law making process; and
- (b) if the proposed authorising law is made under the other local law making process— the notice about the subordinate local law under step 2 of the subordinate local law making process is published no earlier than the notice about the proposed authorising law under step 3 of the other local law making process is published.

For the avoidance of doubt, a subordinate local law made by the local government using the process detailed in this resolution may provide for the local government to, from time to time, by resolution, reference or incorporate information.

For example, under the *Local Government Regulation 2012*—

- (a) the identification guidelines for the identification of anti-competitive provisions are a document made by the department and available for inspection on the department's website; and
- (b) the public interest test procedures are a document made by the department and available for inspection on the department's website.

Step 1 — By resolution, propose to make the proposed subordinate local law.

Step 2 — Consult with the public about the proposed subordinate local law for at least 21 days (the consultation period) by—

- (a) publishing a notice (also a consultation notice) about the proposed subordinate local law at least once in a newspaper circulating generally in the local government's area; and
- (b) displaying the consultation notice in a conspicuous place in the local government's public office from the first day of the consultation period until the end of the last day of the consultation period; and
- (c) making a copy of the proposed subordinate local law available for inspection at the local government's public office during the consultation period; and
- (d) making copies of the proposed subordinate local law available for purchase at the local government's public office during the consultation period.

The consultation notice must state the following—

- (a) the name of the proposed subordinate local law; and
- (b) the name of—
  - (i) the local law allowing the proposed subordinate local law to be made; or
  - (ii) if the local government has started the process for making a subordinate local law even though the process for making the proposed authorising law on which the subordinate local law is to be based has not finished — the proposed authorising law; and
- (c) the purpose and general effect of the proposed subordinate local law; and
- (d) the length of the consultation period and the first and last days of the period; and
- (e) that written submissions by any person supporting or objecting to the proposed subordinate local law may be made and given to the local government on or before the last day of the consultation period stating—



- (i) the grounds of the submission; and
- (ii) the facts and circumstances relied on in support of the grounds.

If the local government decides, by resolution, that the proposed subordinate local law only amends an existing subordinate local law to make an insubstantial change, and the amendment does not affect an anti-competitive provision, the local government may proceed to step 5 without satisfying any of step 2 to step 4 inclusive.

Step 3 — If the proposed subordinate local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions. For avoidance of doubt, step 2, and this step 3, may be undertaken contemporaneously.

Step 4 — Accept and consider every submission properly made to the local government.

A submission is properly made to the local government if it—

- (a) is the written submission of any person about the proposed subordinate local law; and
- (b) states—
  - (i) the grounds of the submission; and
  - (ii) the facts and circumstances relied on in support of the grounds; and
- (c) is given to the local government on or before the last day of the consultation period.

Step 5 — By resolution, decide whether to—

- (a) proceed with the making of the proposed subordinate local law as advertised; or
- (b) proceed with the making of the proposed subordinate local law with amendments; or
- (c) make the proposed subordinate local law as advertised; or
- (d) make the proposed subordinate local law with amendments; or
- (e) not proceed with the making of the proposed subordinate local law.

If the local government resolves to proceed with the making of the proposed subordinate local law with amendments, and the amendments are substantial, the local government may again —

- (a) consult with the public at step 2; and
- (b) accept and consider every submission properly made to the local government at step 4.

For the avoidance of doubt, if an amendment changes an anti-competitive provision, the local government must again comply with the procedures prescribed under a regulation for the review of anti-competitive provisions for the amended anti-competitive provision.

- Step 6 — Let the public know that the subordinate local law has been made, by publishing a notice of the making of the subordinate local law in accordance with the requirements of section 29B(1) to (4) inclusive of the *Local Government Act 2009*.
- Step 7 — As soon as practicable after the notice is published in the gazette, ensure that a copy of the subordinate local law may be inspected and purchased at the local government's public office.
- Step 8 — Within 14 days after the notice is published in the gazette, give the Minister—
- (a) a copy of the notice; and
  - (b) a copy of the subordinate local law in electronic form; and
  - (c) if the subordinate local law contains 1 or more anti-competitive provisions—
    - (i) advice of each anti-competitive provision; and
    - (ii) the reasons for their inclusion.
- Step 9 — Update the local government's register of its local laws.

Local Law Making Process Resolution.doc

**12.4 VERSION 1 ASSET MANAGEMENT POLICY**

**File No:** 4.7.12  
**Attachments:** 1. Draft Policy (v1) [↓](#)  
**Responsible Officer:** Dan Toon - Executive Director Infrastructure  
**Author:** Carrie Burnett - Policy & Planning Officer

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**SUMMARY**

*This report seeks Council's adoption of version 1 of the Asset Management Policy.*

**OFFICER'S RECOMMENDATION**

THAT Council adopt the Asset Management Policy (v1).

**BACKGROUND**

The Asset Management Policy provides guiding principles and a framework to strategically manage infrastructure services and physical assets owned or under the control of Council. The aim of the policy is to ensure that a holistic asset management system is in place which supports the management of physical assets and delivery of infrastructure services.

**COMMENTARY**

The Asset Management Policy was presented for discussion to Council's 4 June 2018 Workshop and it is now presented to Council for adoption.

**PREVIOUS DECISIONS**

Not applicable.

**BUDGET IMPLICATIONS**

There will be associated costs with additional resources identified as part of the organisational health check.

**LEGISLATIVE CONTEXT**

The relevant legislation is identified in Item 3 of the Policy.

**LEGAL IMPLICATIONS**

Not applicable.

**STAFFING IMPLICATIONS**

Additional resources approved for asset management as part of the organisational health check. Recruitment is currently underway.

**RISK ASSESSMENT**

Not applicable.

**CORPORATE/OPERATIONAL PLAN**

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

**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**

It is important that Council policy documents are current and reflective of relevant work practices. Council should adopt the Asset Management Policy to ensure that a holistic asset management system is in place to support the management of physical assets and delivery of infrastructure services to the community.



## **12.4 - VERSION 1 ASSET MANAGEMENT POLICY**

### **Draft Policy (v1)**

**Meeting Date: 3 July 2018**

**Attachment No: 1**



## ASSET MANAGEMENT POLICY

### 1. Scope

The Asset Management Policy (this 'Policy') provides the guiding principles and framework to strategically manage infrastructure services and physical assets owned or controlled by Council with a focus on the organisations long life infrastructure assets such as roads, bridges, stormwater, water, waste water, buildings and open space assets.

### 2. Purpose

To ensure that a holistic asset management system is in place which supports the management of physical assets and delivery of infrastructure services to the community:

- a) in a financially sustainable manner;
- b) which supports initiatives within Council's Corporate Plan; and
- c) that supports Council's asset management obligations in accordance with the *Local Government Act 2009* and the *Local Government Regulation 2012*.

### 3. References (legislation/related documents)

#### Legislative references

*Local Government Act 2009* s 104

*Local Government Regulation 2012* ch 5 pt 2 div 2

#### Related documents

AS ISO 55000:2014 : Asset management – Overview, principles and terminology

AS ISO 55001:2014 : Asset management – Management systems – Requirements

AS ISO 55002:2014 : Asset management – Management systems – Guidelines for the application of AS ISO 55001

Australian Government – Australian Accounting Standards Board – Accounting Standards;

- AASB 116 Property, Plant and Equipment;
- AASB 136 Impairment of Assets;
- AASB 138 Intangible Assets; and
- AASB 13 Fair Value Measurement.

International Infrastructure Management Manual (Institute of Public Works Engineering Australasia)

### 4. Definitions

To assist in interpretation, the following definitions shall apply:

AMSC	Asset Management Steering Committee.
Asset Management	The systematic and coordinated activities and practices of an organisation to optimally and sustainably deliver on its objectives through the cost effective lifecycle management of assets.
Council	Livingstone Shire Council.

Asset Management Policy

Adopted/Approved: Draft

Version: 1

Portfolio: infrastructure  
Business Unit: Community Assets

Page 1 of 1

## 5. Policy Statement

Council's asset management system is comprised of an asset management strategy, policies, processes, personnel, technology and information. These elements are all necessary for the organisation to manage assets in a whole-of-life and financially sustainable manner which aligns asset management practices to Council's strategic objectives and long term financial plan while addressing the service delivery needs of the community.

This policy provides support for, and forms part of, Council's asset management system, which brings together all of the elements required to convert this policy into action and drive Council towards a more advanced asset and service management maturity status and alignment with best appropriate industry practice.

### 5.1 Governance

Council's asset management system will be guided by the AMSC which will have representation from all sections of Council that are responsible for management of physical assets owned or controlled by Council. The AMSC will:

- (a) be responsible for the currency of relevant policies and strategies to ensure asset management is performed in accordance with relevant legislation and best industry practice;
- (b) report to Council on the development of asset and services management initiatives; and
- (c) provide oversight of activities within each of the sections necessary to achieve the objectives of this policy.

### 5.2 Asset management objectives

- (a) The management of assets is to be undertaken in a structured and coordinated manner.
- (b) The effective and efficient management of assets will be achieved by:
  - i. taking a strategic, lifecycle approach using a risk management based approach while delivering services at the desired level;
  - ii. developing and maintaining asset management plans to inform Council's long term financial plan;
  - iii. preparing business cases for proposed future funding requirements prior to the introduction of new assets or services;
  - iv. monitoring asset performance and maintaining quality asset data in accordance with corporate asset data requirements;
  - v. ensuring investment decisions are based on optimised levels of service that address the needs of the community in a financially sustainable manner;
  - vi. undertaking regular audits of the asset management system to ensure alignment with industry standards and best practice; and
  - vii. ensuring all relevant employees are appropriately trained in asset and financial management principles, practices and processes.
- (c) Non-asset solutions are considered as part of the introduction of any new service or proposed expansion of an existing asset base.
- (d) Legislative and regulatory requirements are met.
- (e) The asset management, growth management and financial management functions of Council work together to address issues of financial sustainability.

**5.3 Roles and Responsibilities**

Council, the Chief Executive Officer, the AMSC, Directors, Chief Officers, Managers and project owners are responsible for ensuring this policy and associated documents are understood and adhered to by all staff.

**5.4 Implementation of policy**

Implementation of this policy will be principally achieved through the Asset Management Strategy, which will ensure that a structured set of actions aimed at enabling continuous improvement to asset management activities across the organisation is maintained.

**6. Changes to Policy**

This policy is to remain in force until any of the following occur:

1. The related information is amended/replace; or
2. Other circumstances as determined from time to time.

**7. Repeals**

This Policy repeals the former Rockhampton Regional Council Policy No POL.I4.1 titled 'Asset Management Policy – Whole of Council Infrastructure'.

**CHRIS MURDOCH**  
**CHIEF EXECUTIVE OFFICER**



**12.5 WASTE MANAGEMENT LOCAL LAW**

<b>File No:</b>	<b>19.5.1</b>
<b>Attachments:</b>	<b>1. Public Interest Test Report</b> <a href="#">↓</a> <b>2. Proposed Local Law No. 8 (Waste Management) 2018<a href="#">↓</a> <b>3. Public Notice</b><a href="#">↓</a></b>
<b>Responsible Officer:</b>	<b>Dan Toon - Executive Director Infrastructure</b>
<b>Author:</b>	<b>Carrie Burnett - Policy &amp; Planning Officer</b>

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**SUMMARY**

*The purpose of this report is for Council to resolve to implement the recommendations of a public interest test report about proposed Local Law No. 8 (Waste Management) 2018 ('the proposed local law') and complete the local law making process by resolving to make the proposed local law as advertised.*

**OFFICER'S RECOMMENDATION**

THAT Council resolves:

- (a) to implement the recommendations of the Public Interest Test Report about Local Law No. 8 (Waste Management) 2018; and
- (b) to make Local Law No. 8 (Waste Management) 2018 as advertised; and
- (c) to note that Local Law No. 8 (Waste Management) 2018 contains anti-competitive provisions.

**BACKGROUND**

At its 6 February 2018 Meeting, Council resolved to propose to make Local Law No. 8 (Waste Management) 2018. Since that time, the author has progressed the making of *the proposed local law* in accordance with Council's Local Law Making Process which was adopted on 26 August 2014.

To date progress has included consultation with the State government and the community and undertaking public interest testing of *the proposed local law* and any possible anti-competitive provisions.

Results of the consultation with relevant State entities were presented to Council for consideration at its 15 May 2018 Meeting.

**COMMENTARY**Consultation Process

Community consultation about *the proposed local law* was undertaken in accordance with the requirements of the *Local Government Act 2009* and the Local Law Making Process adopted by Council on 26 August 2014.

Public consultation included the public notice at Attachment 3 being:

- a) published in The Morning Bulletin on 23 May 2018;
- b) emailed and posted to eight key stakeholders including the Waste Recycling Industry Association of Queensland and the Waste Management Association of Australia; and
- c) placed on Council's website and the public notice board in Council's Town Hall office from 24 May 2018 to 18 June 2018.

In addition, the proposed local law and the public interest test plan were available for inspection and purchase at Council's Town Hall office and made available on the website.

The public notice identified that possible anti-competitive provisions have been identified in *the proposed local law* and that Council proposed to conduct a public interest test in relation to the possible anti-competitive provisions. Written submissions were invited in support of, or objecting to, *the proposed local law* between 24 May 2018 to 15 June 2018. No submissions were received.

#### Public Interest Testing of Possible Anti-Competitive Provisions

A public interest test has been conducted as part of the National Competition Policy reforms on anti-competitive provisions identified in *the proposed local law*. The public interest test has been conducted against the principles and objectives set by the Competition Principles Agreement which were outlined in the public interest test plan.

The public interest test report at Attachment 1 has been prepared in accordance with guidelines issued by the Department of Local Government. The guidelines have been applied by regulation under the *Local Government Act 2009*. The report recommends that each of the anti-competitive provisions identified in the public interest test plan be retained in *the proposed local law* in the overall public interest, because:

- (a) The benefit of the anti-competitive provisions to the community as a whole outweighs the cost; and
- (b) The most appropriate way of achieving the objectives of *the proposed local law* is by restricting competition in the way provided in the anti-competitive provisions.

#### Next Step in the Local Law Making Process

In accordance with the Local Law Making Process, Council may now resolve to make *the proposed local law* as advertised. Section 29B of the *Local Government Act 2009* requires Council to let the public know that a local law has been made by publishing a notice in the gazette and on Council's website within one month after the day of Council's resolution.

### **PREVIOUS DECISIONS**

1. At its 26 August 2014 Meeting, Council resolved to adopt a Local Law Making Process.
2. At its 6 February 2018 Meeting, Council resolved to propose to make Local Law No. 8 (Waste Management) 2018.
3. At its 15 May 2018 Meeting, Council resolved to:
  - a. Note that it had consulted with relevant government entities about the overall State interest;
  - b. Make various amendments to *the proposed local law*;
  - c. Delegate to the CEO certain powers to decide-
    - i. how the public interest test would be conducted;
    - ii. the matters with which the public interest test report must deal; and
    - iii. the consultation process for the public interest test and how the process is to be used in the public interest test.

### **BUDGET IMPLICATIONS**

*The proposed 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 proposed local law*. Chapter 3 pt 1 div 2 of the *Local Government Act* addresses the local law making process.

**LEGAL IMPLICATIONS**

Not applicable.

**STAFFING IMPLICATIONS**

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

**RISK ASSESSMENT**

There is a risk that if *the proposed 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 AM4: Operate, maintain and use Council assets to deliver efficient and cost effective services 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**

**Council has previously resolved to propose to make Local Law No. 8 (Waste Management) 2018 which is identified in Attachment 2 and complied with the steps detailed in its adopted Local Law Making Process and the *Local Government Act 2009*. Following community consultation, the Public Interest Test Report at Attachment 1 was prepared for the Public Interest Test Plan. The Public Interest Test Report recommends that each of the anti-competitive provisions identified in the public interest test plan be retained in *the proposed local law*. *The proposed local law* replaces powers under State legislation which are scheduled to expire on 1 July 2018. These powers will enable Council to continue managing waste across its region in the same manner it has done under the State legislation.**

## **12.5 - WASTE MANAGEMENT LOCAL LAW**

### **Public Interest Test Report**

**Meeting Date: 3 July 2018**

**Attachment No: 1**



**PUBLIC INTEREST TEST REPORT**  
**LOCAL LAW NO. 8 (WASTE MANAGEMENT) 2018**

1. A public interest test has been conducted as part of the National Competition Policy reforms on anti-competitive provisions identified in proposed Local Law No. 8 (Waste Management) 2018 ("proposed local law"). The public interest test has been conducted against the principles and objectives set by the Competition Principles Agreement which were outlined in the public interest test plan. A copy of the public interest test plan is attached as Annexure A.
2. This public interest test report has been prepared in accordance with guidelines issued by the Department of Local Government. The guidelines have been applied by regulation under the *Local Government Act 2009*.

**THE KEY NCP OBJECTIVE**

3. The key objective of the National Competition Policy ("NCP") is to develop a more open and integrated Australian market that limits anti-competitive conduct and removes the special advantages previously enjoyed by government business activities, where it is in the public interest to do so.
4. While NCP is designed to result in better use of resources and substantial and ongoing benefits to the community, the introduction of increased levels of competition will not always deliver the best overall result for the community.
5. Accordingly, governments have a responsibility to ensure that NCP reforms are only implemented where it is demonstrated that such reforms are clearly in the public interest, that is, there is a clear demonstration that competitive reform will yield a net benefit, and no significant detriment, to the community. While Council is well aware of the potential benefits that competition can bring to the community, Council will continue to ensure that competition is not pursued for competition's sake and that a considered and pragmatic approach is taken to NCP.
6. One of the elements of flexibility in Queensland's NCP review process involves the consideration of economic or social adjustment costs of moving from one regulatory situation to an alternative arrangement.
7. In some cases, reform that is clearly in the broad public interest may impose adjustment costs on a particular group. In such cases, consideration can be given to whether transitional measures are required to assist such groups. Transitional measures may, as an example, involve implementing reform over time or targeted assistance measures.
8. The aim of the NCP reform program is to deliver tangible benefits to all sectors of the community. This is to be achieved by limiting anti-competitive conduct and removing special advantages of government business activities where it is in the public interest to do so.

**THE CONSULTATION PROCESS**

9. The NCP requires Council to undertake a public benefit test process. Under the public benefit test process, Council is required to take into consideration an array of public interest matters including the environment, employment, social welfare and community

interests. Consideration of social impacts is an integral part of the NCP review process.

10. Social impacts are anything that will change a community's cultural traditions or alter the ways in which people live, work, play, relate to one another, organise to meet their needs, and generally cope as members of society. An NCP review process is not a review of economic considerations alone.
11. As part of the NCP review process, sufficient time must be allowed for informed community participation in the review. The level and nature of participation is determined on a case by case basis.
12. In this instance, Council determined that consultation should be conducted by giving public notice of the proposed local law in a local newspaper and inviting submissions. Also, public notices were posted on public noticeboards in Council's public office, and on Council's website. Letters were sent to representative bodies of stakeholder groups advising of the proposed local law and inviting submissions. The public notice advised that consultation on anti-competitive provisions was being conducted in conjunction with the public consultation about the proposed local law.
13. In response to the public consultation undertaken by Council, no properly made submission was received by Council for its consideration.

#### **REPORT ABOUT THE RESULTS OF THE CONSULTATION PROCESS**

14. The report to Council, of which this public interest test report forms part, refers to the public consultation process, including public consultation in relation to possible anti-competitive provisions.

#### **TYPE OF ASSESSMENT**

15. Council has previously made a determination about the depth of analysis and degree of rigour required for its assessment. Council determined that it would be appropriate to undertake an assessment which complied with the following principles set out in the National Competition Policy Guidelines ("Guidelines") for conducting reviews of anti-competitive provisions in local laws:-
  - (a) consultation with relevant businesses about the anti-competitive provisions;
  - (b) examination of the reasonable alternatives to the anti-competitive provisions;
  - (c) a cost benefit analysis that involves calculating the value of the impacts, both positive and negative, of the anti-competitive provisions; and
  - (d) determining whether, on balance, the anti-competitive provisions should be retained in the proposed local law in the overall public interest.
16. Council determined that its assessment should be conducted by Council as a minor assessment with an emphasis on qualitative analysis with key impacts expressed in monetary terms, but only if applicable data is available. Council determined that the review should be conducted in-house by a team of Council officers.

#### **BACKGROUND FOR ASSESSMENT**

17. Council's assessment was made against the background of the following considerations:-
  - (a) under the *Environmental Protection Regulation 2008*, Chapter 5A ("Chapter 5A"), Council is responsible for the regulation of waste management in its local

- government area and Chapter 5A applies in Council's local government area unless:-
- (i) Council makes a local law about waste management for its local government area; and
  - (ii) the local law states it replaces Chapter 5A;
- (b) the proposed local law is about waste management for the local government area of Council and, for practical purposes, replaces, and for that matter replicates, the content of Chapter 5A;
- (c) under the *Waste Reduction and Recycling Regulation 2011*, section 7 ("section 7"), Council may:-
- (i) by resolution, designate areas within its local government area in which Council may conduct general waste or green waste collection; and
  - (ii) decide the frequency of general waste or green waste collection in the designated areas.
- (d) under the proposed local law, Council preserves its right to, (as is the case under section 7):-
- (i) by resolution, designate areas within its local government area in which Council may conduct general waste or green waste collection; and
  - (ii) decide the frequency of general waste or green waste collection in the designated areas.
18. Under section 7, Council has previously adopted a restricted approach towards the designation of areas in respect of which Council may conduct general waste collection and decide the frequency of general waste collection in the designated areas. In particular:-
- (a) the designated areas in which Council may conduct general waste collection do not extend to the whole of Council's local government area and are generally limited to more densely populated areas; and
  - (b) Council's contractors currently collect:-
    - (i) commercial waste from 140/240 litre waste containers at commercial premises if they do not have approved alternative arrangements; and
    - (ii) recyclable waste from 140/240 litre waste containers at commercial premises, but only on a voluntary basis; and
    - (iii) domestic waste from 140/240 litre waste containers at domestic premises; and
    - (iv) recyclable waste from 140/240 litre waste containers at domestic premises; and
  - (c) Council's contractors do not currently collect:-
    - (i) domestic waste from bulk waste containers at domestic premises; or
    - (ii) recyclable waste from bulk waste containers at domestic premises; or
    - (iii) commercial waste from bulk waste containers at commercial premises; or
    - (iv) recyclable waste from bulk waste containers at commercial premises.
19. Each of Chapter 5A and section 7 are, as at the date of preparation of this public interest test report, due to expire on 1 July 2018.

20. 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.
21. The focus of the proposed local law is "general waste", the definition of which mirrors the definition of "general waste" in the *Environmental Protection Regulation 2008* for the purposes of Chapter 5A.
22. The definition of "general waste" includes "commercial waste", "domestic waste" and "recyclable waste". The definitions for the expressions "commercial waste", "domestic waste" and "recyclable waste" in the proposed local law mirror the definitions for those expressions in the *Environmental Protection Regulation 2008*, for the purposes of Chapter 5A.
23. Council has determined that regulation of waste management in the manner:-
  - (a) currently achieved by Chapter 5A and section 7; and
  - (b) to be achieved under the proposed local law, is an effective and appropriate means of achieving the objectives of the proposed local law.
24. Under the *Local Government Act 2009*, section 92, Council may levy utility charges for a service, facility or activity for specified utilities, including waste management. Council currently levies utility charges for waste management, including the conduct of general waste collection in reliance on the exercise of powers under, collectively, Chapter 5A and section 7.
25. Council may continue to levy utility charges for services, facilities and activities for the utility of waste management, and in particular the conduct of general waste collection, under the proposed local law.
26. Part 3 of the proposed local law deals with the issue of waste receipt and disposal, and in particular:-
  - (a) the unlawful disposal of waste at a waste facility;
  - (b) restrictions on burning waste at a waste facility;
  - (c) restrictions on the use of a waste facility; and
  - (d) a person's obligation to comply with directions and give information at a waste facility.

#### ASSESSMENT OF ALTERNATIVES

27. 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:-
  - regulation – public vs private action;
  - public information and education programs.



28. Council also identified a further alternative of relying on the planning scheme to control storage and collection of waste issues.
29. Council maintains Council's conclusion that these alternatives are not viable for the reasons detailed below.
30. *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.
31. 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.
32. *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.
33. *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.
34. 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.
35. 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.

#### STRUCTURE AND OPERATION OF THE MARKET

36. A brief description of the structure and operation of the market and who is affected is detailed below.
37. Under Chapter 5A and section 7, Council may designate areas within its local government area in which Council may conduct general waste and green waste

collection and decide the frequency of general waste and green waste collection in the designated areas.

38. Under the proposed local law, Council may designate areas within its local government area in which Council may conduct general waste and green waste collection and decide the frequency of general waste and green waste collection in the designated areas.
39. In Chapter 5A and the proposed local law, the expression "general waste" is defined to include commercial waste, domestic waste and recyclable waste and in each of Chapter 5A and the proposed local law, those expressions have, for practical purposes, an identical meaning.
40. In reliance on the content of Chapter 5A and section 7, Council may enter into contractual arrangements with an independent contractor about the conduct of general waste collection and decide the frequency of general waste collection in designated areas in Council's local government area.
41. Under the proposed local law, current, or proposed, contractual arrangements with a contractor about the conduct of general waste collection and the frequency of general waste collection in designated areas in Council's local government area may continue, or be entered into.
42. Reliance by Council on the provisions contained in Chapter 5A and section 7 is an integral part of how Council regulates waste management in its local government area.
43. On the expiry of Chapter 5A and section 7, reliance by Council on the proposed local law will be an integral part of how Council regulates waste management in its local government area.
44. For example, under each of Chapter 5A and the proposed local law, Council may supply to premises the number of standard general waste containers that Council reasonably considers is required at the premises as is necessary to contain the general waste produced at the premises and require the occupier of the premises to place the waste container outside the premises for the collection of general waste from the container on a scheduled collection day.
45. Collectively, Chapter 5A, section 7 and the utility charging provisions in the *Local Government Act 2009* result in a restriction on competition to the extent that Council designates an area within its local government area in which Council will conduct general waste or green waste collection and decides on the frequency of general waste or green waste collection in the designated areas.
46. Under the proposed local law, the extent of the restriction on competition is subject to Council's decision to, under the proposed local law, designate areas within its local government area in which Council will conduct general waste or green waste collection and decide the frequency of general waste or green waste collection in the designated areas.
47. Council is not proposing that the nature of the restriction on competition under the proposed local law will be substantively different from the nature of the restriction on competition which currently exists under Chapter 5A and section 7.
48. Each of the realistic regulatory and non-regulatory alternatives identified above would:-
  - (a) entail a local law which did not preserve Council's ability to designate areas within its local government area 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 or, alternatively, entail the making of no local law at all; and
  - (b) result in the removal of a restriction on competition.

**COMPETITIVE NEUTRALITY**

49. The *Local Government Act 2009*, chapter 3 part 2 division 2 is about the application of the National Competition Policy Agreements, including the competitive neutrality principle.
50. Under the competitive neutrality principle, an entity that is conducting a business activity in competition with the private sector should not enjoy a net advantage over competitors only because the entity is in the public sector.
51. Relevantly, a business activity is trading in goods and services by Council, for example, the utility of waste management collection.

**IDENTIFICATION OF KEY STAKEHOLDERS**

52. Key stakeholders affected by the current situation and by a move to an alternative arrangement, that is, not making the proposed local law, include the following:-
  - (a) local government;
  - (b) owners and occupiers of premises used for domestic purposes at which general waste is generated;
  - (c) owners and occupiers of commercial premises at which general waste is generated;
  - (d) potential owners and occupiers of premises used for domestic purposes at which general waste is generated;
  - (e) potential owners and occupiers of commercial premises at which general waste is generated;
  - (f) waste collection contractors (other than a contracted waste collection contractor of Council) responsible for the collection of general waste from premises, and in particular commercial premises, which generate general waste in Council's local government area;
  - (g) a Council 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;
  - (h) residents in close proximity to premises used for domestic purposes;
  - (i) residents in close proximity to premises used for the undertaking of commercial activities;
  - (j) conservation/environmental groups.

**POSITIVE AND NEGATIVE IMPACTS ON STAKEHOLDERS FROM A MOVE TO AN ALTERNATIVE ARRANGEMENT, THAT IS, NOT MAKING THE PROPOSED LOCAL LAW***Stakeholder – Local Government*

53. If Chapter 5A and section 7 do not expire, and Council does not make the proposed local law:-
  - (a) Council will not be exposed to financial liability under any current contractual arrangement with a current contractor (of Council) which is responsible for the conduct of general waste collection services in designated areas in Council's local government area;

- (b) Council will continue to incur the costs associated with the administration of waste management in Council's local government area;
  - (c) Council will continue to incur costs associated with the enforcement of Chapter 5A;
  - (d) the cost structure of the waste management industry includes significant fixed costs (which lends itself to economies of scale) and competitive tendering processes which are available to Council provide an effective means for capitalising on these potential savings while ensuring competition among waste collection service providers is preserved.
54. If Chapter 5A and section 7 expire and Council does not make the proposed local law:-
- (a) Council may be exposed to financial liability under any current contractual arrangement with a current contractor (of Council) which is responsible for the conduct of general waste collection services in designated areas in Council's local government area. This is a moderate negative impact;
  - (b) Council will continue to incur the costs associated with the administration of waste management in Council's local government area and the costs of administration of waste management may increase if the owners and occupiers of premises at which general waste is generated for collection (including commercial premises in particular) elect not to use a waste management collection service offered by Council. This is a low negative impact;
  - (c) Council will not incur costs associated with the enforcement of either Chapter 5A or the proposed local law, but will still be responsible for the regulation of waste management. This is a low negative impact;
  - (d) an increase in the number of waste collection vehicle movements may occur with limited scope for Council to control the timing of the delivery of these services, creating a range of impacts on residents and tourists relating to traffic congestion, amenity (noise), and safety. This is a low negative impact;
  - (e) Council anticipates an increased prevalence of inappropriate (or insufficient) waste containers being used, presenting potential health risks (including improper waste disposal practices). This is a low negative impact;
  - (f) there may be challenges associated with managing waste collection in the local government area if the number of waste collection service providers operating in the area increases substantially. This is a low negative impact;
  - (g) Council's ability to meet waste diversion targets and actions developed to meet statutory obligations established by the State could be reduced as recycling responsibility shifts from Council led to consumer led. In particular, given the nature of recycling, where the costs are incurred privately, but the benefits are realised publicly, the level of demand is expected to be lower than what would be deemed efficient. This is a low negative impact;
  - (h) Council anticipates an increase in complaints, for example:-
    - (i) waste collection occurring at commercial premises at inappropriate times of day
    - (ii) improper waste disposal, including overflowing bins, bin lids being left open, broken bins, waste being left next to bins, and strong odours from bins; and
    - (iii) bins placed out for collection well ahead of collection times and days or not retrieved following collection.
 This is a low negative impact;



- (i) if Council is not able to directly or indirectly influence the number of waste collection service providers serving a designated area, Council will not be able to:-
  - (i) manage the number of waste vehicle collections that occur within the area and the hours of operation of the collections; or
  - (ii) control noise issues for residents and tourists by limiting the times during which service providers may undertake waste collection activities; or
  - (iii) prescribe appropriate collection containers and the frequency of collection (with a view to ensuring that any potential health impacts associated with improper waste disposal and overflowing containers are minimised and that service standard requirements are met); or
  - (iv) adequately control Council's ability to meet targets and undertake actions in line with statutory obligations established by the Queensland Government under the *Waste Reduction and Recycling Act 2011*.

This is a low negative impact;

- (j) it is not clear that the undertaking of waste collection services by additional, or multiple, waste collection contractors will drive savings given the cost structure of waste collection services, which is dominated by fixed costs, and hence lends itself to the benefits of scale. A tendering process applied by Council in relation to the selection of a waste collection contractor would generate competition and reduce cost. This is a low negative impact;
- (k) waste management is a highly capital intensive industry with significant investment in assets. The cost structure gives rise to economies of scale, whereby the average cost to perform a collection will decline as the number of properties serviced increases. The ability of Council to invite tenders for a large number of properties requiring servicing through a competitive process allows each tenderer to determine an appropriate fleet size to achieve a level of utilisation that minimises average costs and leads to lower tendered prices. This is a low negative impact;
- (l) if a current waste collection service provider loses a segment of its current market share there would be an increase in aggregate capital costs incurred across the industry and a reduction in the average utilisation of waste collection vehicles across the industry which would likely result in an increase in average collection costs. This is a low negative impact;
- (m) the number of properties serviced and the waste tonnages to be collected may become less certain (due to greater competition within a specified area), and a contractor tendering to undertake waste collection services in Council's local government area, would need to build a greater risk component into its tendered prices in order to account for this uncertainty. This is a low negative impact;
- (n) waste collection contractors (other than Council or Council's contracted waste collection contractors) may only offer specific services, for example, recycling services for cardboard and paper which are more profitable, and could, in turn, undermine any existing recycling practices currently adopted by the owners and occupiers of premises used for commercial purposes. This is a low negative impact;
- (o) Council will not be able to ensure that collection runs are not duplicated by a number of different waste collection service providers in the same streets or localities. This is a low negative impact;

- (p) Council's ability to fund waste management facilities and broader waste management activities (street bins, landfill remediation, education, compliance functions, strategy development etc) will be reduced. This is a low negative impact;
  - (q) owners and occupiers of premises which generate limited general waste may not be effectively serviced for a reasonable price and may be required to pay considerably higher charges to get waste containers serviced in contrast to Council's service under which all waste generators pay the same for the same collection service, regardless of the location of the premises. This is a low negative impact;
  - (r) increased whole of community waste management costs will be incurred given higher servicing costs per collection due to reduced economies of scale and utilisation and greater uncertainty surrounding the properties at which waste collection services are to be provided on an opt in basis. This is a low negative impact;
  - (s) there would be increased potential for long haul transport of general waste, including recyclables, for processing and disposal at locations significantly removed from Council's local government area. This is a low negative impact.
55. In summary, the analysis of the costs and benefits of moving to the alternative arrangement, that is, not making the proposed local law, would result in a moderate negative impact for this stakeholder.

*Stakeholder – owners and occupiers of premises used for domestic purposes at which general waste is generated*

56. If Chapter 5A and section 7 do not expire, and Council does not make the proposed local law, the public health, safety and amenity relating to waste management of owners and occupiers of premises used for domestic purposes at which general waste is generated will be preserved by the enforcement of Chapter 5A by Council.
57. If Chapter 5A and section 7 expire and Council does not make the proposed local law:-
- (a) the public health, safety and amenity relating to waste management of owners and occupiers of premises used for domestic purposes at which general waste is generated may not be preserved. This is a low negative impact;
  - (b) the number of waste collection vehicle movements may increase with limited scope for Council to control the timing of the delivery of these services, creating a range of impacts on residents and tourists relating to traffic congestion, amenity (noise), and safety. This is a low negative impact;
  - (c) Council anticipates an increased prevalence of inappropriate (or insufficient) waste containers being used, presenting potential health risks (including improper waste disposal practices). This is a low negative impact;
  - (d) Council will not be able to ensure that persons who generate general waste have access to appropriate collection containers and are serviced at an appropriate frequency and that potential health impacts associated with improper waste disposal and collection are minimised. This is a low negative impact.
58. If Chapter 5A and section 7 expire and Council makes the proposed local law, the public health, safety and amenity relating to waste management of owners and occupiers of premises used for domestic purposes at which general waste is generated will be preserved by the enforcement of the proposed local law by Council.
59. In summary, the analysis of the costs and benefits of moving to the alternative arrangement, that is, not making the proposed local law, would result in a low negative impact for this stakeholder.

*Stakeholder – owners and occupiers of commercial premises at which general waste is generated*

60. If Chapter 5A and section 7 do not expire, and Council does not make the proposed local law, the public health, safety and amenity relating to waste management of owners and occupiers of commercial premises at which general waste is generated will be preserved by the enforcement of Chapter 5A by Council.
61. If Chapter 5A and section 7 expire and Council does not make the proposed local law:-
  - (a) the public health, safety and amenity relating to waste management of owners and occupiers of commercial premises at which general waste is generated may not be preserved. This is a low negative impact;
  - (b) the number of waste collection vehicle movements may increase with limited scope for Council to control the timing of the delivery of these services, creating a range of impacts on residents and tourists relating to traffic congestion, amenity (noise), and safety. This is a low negative impact;
  - (c) Council anticipates an increased prevalence of inappropriate (or insufficient) waste containers being used, presenting potential health risks (including improper waste disposal practices). This is a low negative impact;
  - (d) some occupiers of commercial premises (most likely businesses considered attractive to private waste collection contractors due to the volume and/or nature of waste generated) may enjoy reduced service costs under increased competition, but for remaining occupiers serviced by Council, or a contractor engaged by Council, service costs could increase because the same level of fixed costs would need to be recovered from a smaller collections base. This is a low positive impact;
  - (e) Council will not be able to ensure that persons who generate general waste have access to appropriate collection containers and are serviced at an appropriate frequency and that potential health impacts associated with improper waste disposal and collection are minimised. This is a low negative impact;
  - (f) waste collection contractors (other than Council or Council's contracted waste collection contractors) may only offer specific services, for example, recycling services for cardboard and paper which are more profitable which could undermine any existing recycling practices currently adopted by the owners and occupiers of premises used for commercial purposes. This is a low negative impact;
  - (g) owners and occupiers of premises which generate limited general waste may not be effectively serviced for a reasonable price and may pay considerably higher charges to get waste containers serviced in contrast to Council's service under which all waste generators pay the same for the same collection service, regardless of the location of the premises. This is a low negative impact.
62. If Chapter 5A and section 7 expire and Council makes the proposed local law, the public health, safety and amenity relating to waste management of the owners and occupiers of commercial premises at which general waste is generated will be preserved by the enforcement of the proposed local law by Council.
63. In summary, the analysis of the costs and benefits of moving to the alternative arrangement, that is, not making the proposed local law, would result in a low negative impact for this stakeholder.

*Stakeholder – potential owners and occupiers of premises used for domestic purposes at which general waste is generated*

64. If Chapter 5A and section 7 do not expire, and Council does not make the proposed local law, the public health, safety and amenity relating to waste management of potential owners and occupiers of domestic premises at which general waste is generated will be preserved by the enforcement of Chapter 5A by Council.
65. If Chapter 5A and section 7 expire, and Council does not make the proposed local law, the public health, safety and amenity relating to waste management of potential owners and occupiers of premises used for domestic purposes at which general waste is generated may not be preserved. This is a low negative impact.
66. If Chapter 5A and section 7 expire, and Council makes the proposed local law, the public health, safety and amenity relating to waste management of potential owners and occupiers of premises used for domestic purposes at which general waste is generated will be preserved by the enforcement of the proposed local law by Council.
67. In summary, the analysis of the costs and benefits of moving to the alternative arrangement, that is, not making the proposed local law, would result in a low negative impact for this stakeholder.

*Stakeholder – potential owners and occupiers of commercial premises at which general waste is generated*

68. If Chapter 5A and section 7 do not expire, and Council does not make the proposed local law, the public health, safety and amenity relating to waste management of potential owners and occupiers of commercial premises at which general waste is generated will be preserved by the enforcement of Chapter 5A by Council.
69. If Chapter 5A and section 7 expire, and Council does not make the proposed local law, the public health, safety and amenity relating to waste management of potential owners and occupiers of commercial premises at which general waste is generated may not be preserved. This is a low negative impact.
70. If Chapter 5A and section 7 expire and Council makes the proposed local law, the public health, safety and amenity relating to waste management of potential owners and occupiers of commercial premises at which general waste is generated will be preserved by the enforcement of the proposed local law by Council.
71. In summary, the analysis of the costs and benefits of moving to the alternative arrangement, that is, not making the proposed local law, would result in a low negative impact for this stakeholder.

*Stakeholder – waste collection contractors (other than Council's contracted waste collection contractors) responsible for the collection of general waste from premises, and in particular commercial premises, which generate general waste in Council's local government area*

72. If Chapter 5A and section 7 expire, and Council does not make the proposed local law:-
  - (a) waste collection contractors (other than Council's contracted waste collection contractors) may collect general waste from premises which generate general waste in Council's local government area absent the restriction on competition which flows from Chapter 5A and section 7. This is a moderate positive impact;
  - (b) there is potential for the introduction of new fixed costs into the waste collection industry (through an uplift in the number of operators providing services) that would be defrayed over the same number of customers, increasing the average cost of service provision. This is a low negative impact;



- (c) the number of properties serviced and the waste tonnages to be collected will become less certain (due to greater competition within a specified area), and a contractor tendering to undertake waste collection services in Council's local government area, would need to build a greater risk component into its tendered prices in order to account for this uncertainty. This is a neutral impact;
  - (d) there would be increased potential for long haul transport of general waste, including recyclables, for processing and disposal at locations significantly removed from Council's local government area. This is a low negative impact.
73. If Chapter 5A and section 7 expire, and Council makes the proposed local law, waste collection contractors (other than Council's contracted waste collection contractors) may collect general waste from premises which generate general waste in Council's local government area subject to the restriction on competition which flows from the making of the proposed local law. This is a low negative impact because the making of the proposed local law does not impact on Council's power to levy utility charges under the *Local Government Act 2009*.
74. In summary, the analysis of the costs and benefits of moving to the alternative arrangement, that is, not making the proposed local law, would result in a low positive impact for this stakeholder.

*Stakeholder - Council's contracted waste collection contractors which are responsible for the collection of general waste from premises (including commercial premises) which generate general waste in Council's local government area*

75. If Chapter 5A and section 7 expire, and Council does not make the proposed local law:-
- (a) the number of collections of general waste from premises which generate general waste in Council's local government area may be reduced with a consequent impact on profitability. This is a moderate negative impact;
  - (b) there may be challenges associated with managing waste collection in a local government area if multiple waste collection service providers operate in the area. This is a low negative impact;
  - (c) if a Council contractor were to lose a segment of its current market share there would be an increase in aggregate capital costs incurred across the industry and a reduction in the average utilisation of waste collection vehicles across the industry which would likely result in an increase in average collection costs. This is a low negative impact;
  - (d) the number of properties serviced and the waste tonnages to be collected will become less certain (due to greater competition within a specified area) and a contractor tendering to undertake waste collection services in Council's local government area, would need to build a greater risk component into its tendered prices in order to account for this uncertainty. This is a neutral impact.
76. If Chapter 5A and section 7 expire, and Council does make the proposed local law, Council's contracted waste collection contractors will continue to be responsible for the collection of general waste from premises which generate general waste in Council's local government area.
77. In summary, the analysis of the costs and benefits of moving to the alternative arrangement, that is, not making the proposed local law, would result in a low negative impact for this stakeholder.

*Stakeholder – Residents in close proximity to premises used for domestic purposes*

78. If Chapter 5A and section 7 do not expire and Council does not make the proposed local law, the public health, safety and amenity relating to waste management of

residents in close proximity to premises used for domestic purposes will be preserved by the enforcement of Chapter 5A by Council.

79. If Chapter 5A and section 7 expire and Council does not make the proposed local law:-
  - (a) the public health, safety and amenity relating to waste management of residents in close proximity to premises used for domestic purposes may not be preserved. This is a low negative impact;
  - (b) an increase in the number of waste collection vehicle movements may occur with limited scope for Council to control the timing of the delivery of these services, creating a range of impacts on residents and tourists relating to traffic congestion, amenity (noise), and safety. This is a low negative impact;
  - (c) Council anticipates an increased prevalence of inappropriate (or insufficient) waste containers being used, presenting potential health risks (including improper waste disposal practices). This is a low negative impact.
80. If Chapter 5A and section 7 expire and Council makes the proposed local law, the public health, safety and amenity relating to waste management of residents in close proximity to premises used for domestic purposes will be preserved by the enforcement of the proposed local law by Council.
81. In summary, the analysis of the costs and benefits of moving to the alternative arrangement, that is, not making the proposed local law, would result in a low negative impact for this stakeholder.

*Stakeholder – Residents in close proximity to premises used for the undertaking of commercial activities*

82. If Chapter 5A and section 7 do not expire and Council does not make the proposed local law, the public health, safety and amenity relating to waste management of residents in close proximity to premises used for the undertaking of commercial activities will be preserved by the enforcement of Chapter 5A by Council.
83. If Chapter 5A and section 7 expire and Council does not make the proposed local law:-
  - (a) the public health, safety and amenity relating to waste management of residents in close proximity to premises used for the undertaking of commercial activities may not be preserved. This is a low negative impact;
  - (b) an increase in the number of waste collection vehicle movements may occur with limited scope for Council to control the timing of the delivery of these services, creating a range of impacts on residents and tourists relating to traffic congestion, amenity (noise), and safety. This is a low negative impact;
  - (c) Council anticipates an increased prevalence of inappropriate (or insufficient) waste containers being used, presenting potential health risks (including improper waste disposal practices). This is a low negative impact.
84. If Chapter 5A and section 7 expire and Council makes the proposed local law, the public health, safety and amenity relating to waste management of residents in close proximity to premises used for the undertaking of commercial activities will be preserved by the enforcement of the proposed local law by Council.
85. In summary, the analysis of the costs and benefits of moving to the alternative arrangement, that is, not making the proposed local law, would result in a low negative impact for this stakeholder.

*Stakeholder – conservation/environmental groups*

86. If chapter 5A and section 7 expire and Council does not make the proposed local law:-

- (a) an increase in the number of waste collection vehicle movements may occur with limited scope for Council to control the timing of the delivery of these services, creating a range of impacts on residents and tourists relating to environmental matters, including traffic congestion and amenity (noise). This is a low negative impact;
  - (b) if Council is not able to directly or indirectly limit the number of waste collection contractors serving a designated area, Council will not be able to control noise issues for residents and tourists by limiting the times during which service providers may undertake waste collection activities and this will result in a diminution of environmental values. This is a low negative impact;
  - (c) Council's ability to fund waste management facilities and broader waste management activities (street bins, landfill remediation, education, compliance functions, strategy development etc) will be reduced and there will be a consequent reduction in environmental values. This is a low negative impact;
  - (d) there would be increased potential for long haul transport of general waste, including recyclables, for processing and disposal at locations significantly removed from Council's local government area and a consequent reduction in environmental values. This is a low negative impact.
87. In summary, the analysis of the costs and benefits of moving to the alternative arrangement, that is, not making the proposed local law, would result in a low negative impact for this stakeholder.

#### SUMMARY

88. Overall, the analysis of costs and benefits has determined there would be a net cost to the community as a whole in moving to the alternative arrangement, that is, not making the proposed local law.
89. There would be a benefit to a particular stakeholder, waste collection contractors (other than Council's contracted waste collection contractors) in the event of a move to the alternative arrangement, that is, not making the proposed local law.
90. Also, owners and occupiers of commercial premises at which general waste is generated and potential owners and occupiers of commercial premises at which general waste is generated could potentially benefit from the removal of the barrier to entry to the market, and in particular, the removal of a restriction on competition
91. However, the move to the alternative arrangement, that is, not making the proposed local law, would result in a moderate negative impact or a low negative impact for all other identified stakeholders. The move to the alternative arrangement would result in increased costs for Council. These costs could be substantial and would be passed on to the community.
92. Overall, the analysis of costs and benefits has determined that there would be a net cost in moving to the alternative arrangement, that is, not making the proposed local law. The anti-competitive provisions in the proposed local law should be retained in the public interest.

#### RECOMMENDATION

93. In consideration of the impacts identified above, it is recommended that each of the anti-competitive provisions identified in the public interest test plan be retained in Local Law No. 8 (Waste Management) 2018 in the overall public interest, because:
- (a) The benefit of the anti-competitive provisions to the community as a whole outweighs the cost; and
  - (b) The most appropriate way of achieving the objectives of Local Law No. 8 (Waste Management) 2018 is by restricting competition in the way provided in the anti-competitive provisions.

## Annexure A

**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

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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

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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

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- 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.

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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

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- 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:



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- 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.

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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	24 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.

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**14. Determine content of the public interest test report**

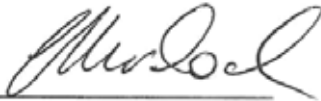
The public interest test report will provide:-

- 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: 21/05/2018

**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.

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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.



## **12.5 - WASTE MANAGEMENT LOCAL LAW**

### **Proposed Local Law No. 8 (Waste Management) 2018**

**Meeting Date: 3 July 2018**

**Attachment No: 2**

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

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## 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 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.

18  
*Local Law No. 8 (Waste Management) 2018*

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This and the preceding 17 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.

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Chief Executive Officer

# **12.5 - WASTE MANAGEMENT LOCAL LAW**

## **Public Notice**

**Meeting Date: 3 July 2018**

**Attachment No: 3**



## PUBLIC NOTICE

*Local Government Act 2009*

1. Livingstone Shire Council ("Council") has proposed to make *Local Law No. 8 (Waste Management) 2018*.
2. Possible anti-competitive provisions have been identified in the proposed local law.
3. Council has proposed to conduct a public interest test in relation to the possible anti-competitive provisions identified in the proposed local law.
4. The purpose and general effect of *Local Law No. 8 (Waste Management) 2018* 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.
5. Written submissions by any person in support of, or objecting to, the proposed local law are invited for a 21 day period commencing on 24 May 2018 and ending on 15 June 2018 (the "consultation period").
6. During the consultation period Council will make available for inspection and purchase at Council's public office at the Yeppoon Town Hall at 25 Normanby Street Yeppoon copies of —
  - (a) the proposed local law; and
  - (b) a public interest test plan about the possible anti-competitive provisions included in the proposed local law.
7. Submissions must be received on or before 15 June 2018 stating—
  - (a) the grounds of the submission; and
  - (b) the facts and circumstances relied on in support of the grounds.



.....  
Chief Executive Officer

**12.6 REVENUE POLICY****File No:** CM4.7.12**Attachments:** 1. Revenue Policy [↓](#)**Responsible Officer:** Andrea Ellis - Chief Financial Officer**Author:** Priscilla Graham - Coordinator Revenue

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**SUMMARY**

*Councils 2018/19 Revenue Policy has been reviewed and is now present to Council for adoption.*

**OFFICER'S RECOMMENDATION**

THAT Pursuant to Section 193(3) of the *Local Government Regulation 2012*, Council adopt the 2018/2019 Revenue Policy as contained in Attachment 1.

**BACKGROUND**

The purpose of the Revenue Policy is to identify Councils strategic vision and attitude in regard to raising revenue for the 2018/19 Financial Year. The Revenue Policy has been reviewed by Council Officers and King and Company Solicitors to ensure the Policy and all amendments correctly reference legislation and the document meets regulatory requirements.

The reviewed Policy is now presented to Council for adoption.

**COMMENTARY**

The Revenue Policy is used in developing Councils Budget for the financial period from 1 July 2018 to 30 June 2019. The Policy sets out the principals used by Council in the making and levying of rates and charges, exercising its power to grant rebates and concessions for rates and charges, recovery of unpaid amounts of rates and charges and cost recovery principles.

The Policy is prepared in accordance with section 104(5)(c) of the *Local Government Act 2009* and section 193 of the *Local Government Regulation 2012*.

**PREVIOUS DECISIONS**

The previous Revenue Policy was adopted 27<sup>th</sup> June 2017 for the 2017/18 Financial Year.

**BUDGET IMPLICATIONS**

The Revenue Policy forms the strategic vision and attitude in relation to raising revenue.

**LEGISLATIVE CONTEXT**

This Policy is presented in accordance with section 104(5)(c) of the *Local Government Act 2009* and section 193 of the *Local Government Regulation 2012*.

**LEGAL IMPLICATIONS**

No legal implications are foreseen.

**STAFFING IMPLICATIONS**

Not applicable

**RISK ASSESSMENT**

The policy has been reviewed by King and Company Solicitors in order to mitigate any unforeseen risks.

**CORPORATE/OPERATIONAL PLAN**

**Corporate Plan Reference:**    **Strategy GO3: Pursue financial sustainability through effective use of the Council's resources and assets and prudent management of risk.**

**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**

This Policy has been revised and replaces the current Livingstone Shire Council Policy titled 'Revenue Policy (v5) adopted on the 27<sup>th</sup> June 2017.

## **12.6 - REVENUE POLICY**

### **Revenue Policy**

**Meeting Date: 3 July 2018**

**Attachment No: 1**



## REVENUE POLICY (STATUTORY POLICY)

### 1. Scope

This Revenue Policy (this 'Policy') is effective from the date of Council's resolution and will apply for the financial period 1 July 2018 to 30 June 2019. The Council may, by resolution, amend its Revenue Policy for a financial year at any time before the year ends.

This Policy is Council's Strategic Revenue Policy, and therefore sets out Council's strategic vision and attitude in relation to raising revenue. However, there are a range of administrative policies and arrangements that make up the total Council response to revenue management.

### 2. Purpose

The purpose of this Policy is to provide Council with a contemporary Revenue Policy that:

- a) Complies with legislative requirements in all respects; and
- b) Sets out the principles used by Council in the 2018 Financial Year for:
  - i) the making and levy of rates and charges;
  - ii) exercising its powers to grant rebates and concessions for rates and charges;
  - iii) recovery of unpaid amounts of rates and charges; and
  - iv) cost recovery.

### 3. References (legislation/related documents)

*Local Government Act 2009*  
*Local Government Regulation 2012*

### 4. Definitions

To assist in interpretation, the following definitions shall apply:

CEO	<i>Chief Executive Officer</i> A person appointed under section 194 of the <i>Local Government Act 2009</i> , including a person acting in that position.
Council	Livingstone Shire Council.
LGA	<i>Local Government Act 2009</i> .
LGR	<i>Local Government Regulation 2012</i> .

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Adopted/Approved: Draft  
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 Business Unit: Finance & Business Excellence

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## 5. Policy Statement

In accordance with the *Local Government Act 2009*, this Revenue Policy will be used in developing Council's budget for the financial period from 1 July 2018 to 30 June 2019.

Where appropriate, Council will be guided by the principles of equity and user pays in the making of rates and charges so as to minimise the impact of rating on the efficiency of the local economy.

This policy is prepared in accordance with section 104(5)(c) of the *Local Government Act 2009* and section 193 of the *Local Government Regulation 2012* which provides as follows:-

- (1) A local government's revenue policy for a financial year must state—
  - (a) the principles that the local government intends to apply in the financial year for—
    - (i) levying rates and charges; and
    - (ii) granting concessions for rates and charges; and
    - (iii) recovering overdue rates and charges; and
    - (iv) cost-recovery methods; and
  - (b) if the local government intends to grant concessions for rates and charges—the purpose for the concessions; and
  - (c) the extent to which physical and social infrastructure costs for a new development are to be funded by charges for the development.
- (2) The revenue policy may state guidelines that may be used for preparing the local government's revenue statement.
- (3) A local government must review its revenue policy annually and in sufficient time to allow an annual budget that is consistent with the revenue policy to be adopted for the next financial year.

### 5.1 Making and Levying Rates and Charges

In making rates and charges, Council is required to comply with the requirements of Commonwealth and State legislation. Council will also have regard to the principles of:

- a) Equity by taking into account the actual and potential demands placed on Council, location and use of land, the unimproved and site value of land and the land's capacity to generate revenue;
- b) Transparency in the making of rates and charges;
- c) Having in place a rating regime that is simple and efficient to administer;
- d) National Competition Policy legislation where applicable (user pays);
- e) Clarity in terms of responsibilities (Council's and ratepayers') in relation to the rating process; and
- f) Timing the levy of rates to take into account the financial cycle of local economic activity, in order to assist the smooth running of the local economy.

### 5.2 Granting Rebates and Concession for Rates and Charges

**5.2.1** In considering the application of concessions, Council will be guided by the principles of:

- a) Equity - by having regard to the different levels of capacity to pay within the local community;

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Portfolio: Office of the CEO & Mayor  
Business Unit: Finance & Business Excellence

- b) Transparency - by making clear the requirements necessary to receive concessions;
- c) Flexibility – to allow Council to respond to local economic issues;
- d) Impartiality – the same treatment for ratepayers with similar circumstances; and
- e) Responsiveness - by being aware of community expectations of what activities should attract assistance.

**5.2.2** Consideration may be given by Council to granting a class concession in the event all or part of the local government area is declared a natural disaster area by the Queensland Government.

### **5.3 Recovery of Unpaid Rates and Charges**

Council will exercise its rates recovery powers pursuant to the provisions of Chapter 4, Part 12 of the *Local Government Regulation 2012*, in order to reduce the overall rate burden for ratepayers. It will be guided by the following principles:

- a) Transparency – by making clear the obligations of ratepayers, and the processes used by Council in assisting them to meet their financial obligations;
- b) Clarity and cost effectiveness – in the processes used to recover outstanding rates and charges;
- c) Equity – by having regard to the financial circumstances of different sectors of the community and providing the same treatment for ratepayers with similar circumstances; and
- d) Flexibility – by responding where necessary to changes in the local economy.

### **5.4 Payments in Advance**

Council accepts payments in advance via lump sum or instalments. Interest is not payable on any credit balances held.

### **5.5 Principles Used for Cost-Recovery Fees**

**5.5.1** Section 97 of the *Local Government Act 2009* allows Council to set cost-recovery fees.

**5.5.2** Council recognises the validity of fully imposing the user pays principle for its cost recovery fees, unless the imposition of the fee is contrary to its express social, economic, environmental and other corporate goals. This is considered to be the most equitable and effective revenue approach, and is founded on the basis that the shire's rating base cannot subsidise the specific users or clients of Council's regulatory products and services.

### **5.6 Other Matters**

#### **5.6.1 Purpose of Concessions**

Statutory capability exists for Council to rebate or defer rates in certain circumstances. In considering the application of concessions, Council will be guided by the principles set out in paragraph 5.2 of this policy.

#### **5.6.2 Physical and Social Infrastructure Costs for New Developments**

Council requires developers to pay reasonable and relevant contributions towards the cost of physical and social infrastructure required to support their development. Specific charges are set by the State Government pursuant to section 112 of the *Planning Act 2016* and section 52 and Schedule 16 of the *Planning Regulation 2017*.

Revenue Policy

Adopted/Approved: Draft  
Version: 6-When adopted

Page 3 of 4

Portfolio: Office of the CEO & Mayor  
Business Unit: Finance & Business Excellence

These charges are intended to be based on normal anticipated growth rates. Where a new development is of sufficient magnitude to accelerate the growth rate of a specific community within the shire, it may be necessary to bring forward physical and social infrastructure projects to accommodate the development. Where this occurs, Council expects developers to meet sufficient costs so that the availability of facilities is not adversely affected, and so that existing ratepayers are not burdened with the cost of providing the additional infrastructure.

#### **5.7 Delegation of Authority**

**5.7.1** Authority for the implementation of the Revenue Policy is delegated by Council to the CEO in accordance with section 257 of the *Local Government Act 2009*.

**5.7.2** Authority for the day-to-day management of the Revenue Policy is to be delegated by the CEO to the Director Corporate Services and/or the Chief Finance Officer.

#### **6. Changes to this Policy**

This Policy is to remain in force until otherwise amended/replaced by resolution of the Council or as required by legislation each year at the commencement of the annual budget process.

#### **7. Repeals**

This Policy repeals the former Livingstone Shire Council Policy titled 'Revenue Policy v5' adopted 27 June 2017.

**CHRIS MURDOCH**  
**CHIEF EXECUTIVE OFFICER**

Revenue Policy

Adopted/Approved: Draft  
Version: 6-When adopted

Page 4 of 4

Portfolio: Office of the CEO & Mayor  
Business Unit: Finance & Business Excellence

---

**12.7 AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MEETING - 14 MAY 2018**

**File No:** GV13.4.2  
**Attachments:** 1. ARaBIC Minutes Unconfirmed - 14 May 2018 [↓](#)  
**Responsible Officer:** Andrea Ellis - Chief Financial Officer  
**Author:** Tanya Callaghan - Support Services Officer

---

**SUMMARY**

*The Audit, Risk and Business Improvement Committee met on 14 May 2018 and this report provides the recommendations from the Committee for consideration and adoption by Council. The reports from the meeting are available for viewing by Councillors on the Councillor Portal.*

**OFFICER'S RECOMMENDATION**

THAT the unconfirmed minutes of the Audit, Risk and Business Improvement Committee meeting held on 14 May, 2018 be received and the following recommendations contained within those minutes be adopted.

**1 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

THAT the minutes of the Audit, Risk and Business Improvement Committee held on 14 May 2018 be taken as read and adopted as a correct record.

**6.1 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS**

THAT the Business Outstanding Table for the Audit, Risk and Business Improvement Committee meeting be received.

**7.1 COMMITTEE WORK PROGRAM STATUS**

THAT the Committee receives the status of the Annual Work Program.

**7.2 EXECUTIVE LEADERSHIP TEAM UPDATE TO THE COMMITTEE**

THAT the Committee receives the verbal updates provided by the Leadership team on key activities or issues.

**7.3 APPROACH TO COMMITTEE SELF-ASSESSMENT**

THAT ARaBIC note the status of actions, proposed approach and timetable for its annual self-assessment process.

**7.4 CFO UPDATE**

THAT the Audit Risk and Business Improvement Committee receive the Chief Financial Officer's update.

**7.5 POLICY REVIEW – ASSET CAPITALISATION POLICY**

That Committee consider the Policy and provide feedback on the proposed Livingstone Shire Council Policy document titled Asset Capitalisation Policy.

**7.6 UPDATE ON 2017-18 NON CURRENT ASSET REVALUATIONS**

THAT the Audit, Risk and Business Improvement Committee receive this report as an update on the progress of non-current asset revaluations.

**7.7 SHELL GENERAL PURPOSE FINANCIAL STATEMENTS FOR YEAR ENDING 30 JUNE 2018**

THAT the Audit, Risk and Business Improvement Committee;

- 1 Receive the draft shell financial statements for 2017-18; and
- 2 Note that any further recommended changes to the draft shell financial statements for 2017-18 be reflected in the draft financial statements that will be submitted to the Audit, Risk and Business Improvement Committee meeting on 3 September 2018.

#### **7.8 EXTERNAL AUDITOR'S UPDATE**

THAT the Committee receive the External Auditor's Update from the external auditors.

#### **7.9 SUMMARY OF QUEENSLAND AUDIT OFFICE REPORT ON AUDITS OF LOCAL GOVERNMENT ENTITIES**

THAT ARaBIC note this summary of the Queensland Audit Office Report "Local Government Entities: 2016-17 Results of Financial Audits".

#### **7.10 SUMMARY OF QAO REPORT "CONFIDENTIALITY AND DISCLOSURE OF GOVERNMENT CONTRACTS"**

THAT the Committee receive this report on the QAO report's implications for Council's contract disclosure.

#### **7.11 SUMMARY OF QAO REPORT – FRAUD RISK MANAGEMENT**

THAT the Committee receive this report on the implications for Council from the QAO report on Fraud Risk Management.

#### **7.12 DRAFT INTERNAL AUDIT PLAN FOR 2018 TO 2022**

THAT the Committee receive the Draft Internal Audit Plan.

#### **7.15 INTERNAL AUDIT UPDATE**

THAT the Committee Receive the report on internal Audit.

#### **7.16 OVERVIEW OF INFRASTRUCTURE QUALITY MANAGEMENT SYSTEM**

THAT the Committee receive the overview of the Quality Management System report.

#### **7.17 FRAUD RISK MANAGEMENT UPDATE**

THAT the Committee receive this report on Fraud Risk Management.

#### **7.18 BUSINESS TRANSFORMATION UPDATES**

THAT the Committee receive the Business Transformation activity update report.

#### **11.1 RISK MANAGEMENT**

THAT the Committee receive the Risk Management Report for information.

#### **11.3 CONFIRM WHETHER MEMBERS' BRIEFING SESSION IS REQUIRED**

THAT it is confirmed that a Member's briefing session involving only the Committee members will occur following the meeting.

#### **BACKGROUND**

The Audit, Risk and Business Improvement Committee (ARaBIC) operates in accordance with the ARaBIC Policy and ARaBIC Terms of Reference.

#### **COMMENTARY**

The chair determined that as no decisions were required, the resolution for agenda item 11.2 did not need to be moved, seconded or voted upon. For clarity, the CEO did provide a verbal update on topics consistent with the content of the report.



**PREVIOUS DECISIONS**

Not applicable, each report on a committee meeting is considered separately from previous reports.

**BUDGET IMPLICATIONS**

There are no budget implications as a result of the committee meeting.

**LEGISLATIVE CONTEXT**

Section 105 of the *Local Government Act 2009* requires Council to establish an audit committee. Section 211 of the *Local Government Regulations 2012* requires this report to be presented to Council following each meeting of the committee.

**LEGAL IMPLICATIONS**

There are no legal implications arising from the operation of the committee.

**STAFFING IMPLICATIONS**

There are no staffing implications as a result of the committee meeting.

**RISK ASSESSMENT**

The Audit, Risk and Business Improvement Committee is a key part of the governance structures established by Council that help ensure there is effective ongoing risk management.

**CORPORATE/OPERATIONAL PLAN**

**Corporate Plan Reference:**     **Strategy GO3: Pursue financial sustainability through effective use of the Council's resources and assets and prudent management of risk.**

**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**

Council is demonstrating strong governance responsibilities by enabling independent oversight of the: management of risk; compliance with legislation and standards; internal audit function; and external audit and reporting requirements

**12.7 - AUDIT, RISK AND BUSINESS  
IMPROVEMENT COMMITTEE MEETING  
- 14 MAY 2018**

**ARaBIC Minutes Unconfirmed - 14 May  
2018**

**Meeting Date: 3 July 2018**

**Attachment No: 1**



## **AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MEETING**

### **MINUTES**

**14 MAY 2018**

The resolutions contained within these minutes will be confirmed at the Audit, Risk and Business Improvement Committee Meeting on 25 June 2018.

## AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MINUTES

14 MAY 2018

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## AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MINUTES

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AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MINUTES

14 MAY 2018

MINUTES OF THE AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE  
MEETING HELD AT COUNCIL CHAMBERS, 4 LAGOON PLACE, YEPPON ON  
MONDAY, 14 MAY 2018 COMMENCING AT 1:06PM

**1 OPENING**

**2 PRESENT**

Members Present:

Councillor Jan Kelly (Chairperson)  
Councillor Nigel Hutton  
Mr Pat Connor  
Mr Russell Bickford  
Mr Tony Edwards

In Attendance:

Mrs Chris Murdoch, Chief Executive Officer  
Mr Brett Bacon, Executive Director Liveability and Wellbeing  
Mr Dan Toon, Executive Director Infrastructure  
Ms Andrea Ellis, Chief Financial Officer  
Mr Matthew Willcocks – Chief Technology Officer  
Mr Scott Williams, Internal Auditor  
Mr Dan Pearce, Manager Assets  
Ms Jenny McDonnell, Coordinator Systems and Administration  
Mr Damien Cross, Coordinator Accounting Services  
Mr Rod Chapman, Coordinator Corporate Governance  
Ms Melissa Minter, Principal Business Improvement Officer  
Ms Mayuri Rajdev, Deloitte (teleconference)  
Mr Tafadzwa Mudarikwa, Deloitte (teleconference)  
Mr Michael Keane, Queensland Audit Office (teleconference)  
Ms Lucy Merry – Executive Support Officer  
Ms Tanya Callaghan – Support Services Officer

Apologies:

Mr Tony Trace  
Mr Steve Stavrou, Deloitte

**AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MINUTES**

**14 MAY 2018**

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**3 PUBLIC FORUMS/DEPUTATIONS**

Nil

**AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MINUTES**

**14 MAY 2018**

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**4 CONFIRMATION OF MINUTES OF PREVIOUS MEETING**

**COMMITTEE RECOMMENDATION**

THAT the minutes of the Audit, Risk and Business Improvement Committee held on 26 February 2018 be taken as read and adopted as a correct record.

**Moved by:** Deputy Mayor, Councillor Hutton

**Seconded by:** Mr Bickford

**MOTION CARRIED**

**5     DECLARATIONS OF INTEREST IN MATTERS ON THE  
         AGENDA**

## AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MINUTES

14 MAY 2018

**6 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS****6.1 BUSINESS ARISING OR OUTSTANDING FROM PREVIOUS MEETINGS**

**File No:** GV13.4.2  
**Attachments:** 1. Business Outstanding Table - 14 May 2018  
**Responsible Officer:** Andrea Ellis - Chief Financial Officer  
**Author:** Linda Benson - Coordinator Executive Support

**SUMMARY**

*The Business Outstanding table is used as a tool to monitor outstanding items resolved at previous Audit Risk and Business Improvement Committee meetings. The current Business Outstanding Table for the Audit Risk and Business Improvement Committee is presented for members' information.*

**COMMITTEE RECOMMENDATION**

THAT the Business Outstanding Table for the Audit, Risk and Business Improvement Committee meeting be received.

**Moved by:** Mr Edwards  
**Seconded by:** Mr Bickford

**MOTION CARRIED**

## AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MINUTES

14 MAY 2018

---

**7 REPORTS****7.1 COMMITTEE WORK PROGRAM STATUS**

**File No:** CM4.2.1  
**Attachments:**  
1. ARaBIC Annual Program of Work - Status for May 2018  
2. Agenda Timing - May 2018

**Responsible Officer:** Andrea Ellis - Chief Financial Officer  
**Author:** Scott Williams - Internal Auditor

---

**SUMMARY**

*The Audit, Risk and Business Improvement Committee operates with reference to an Annual Work Program to help ensure it effectively meets its responsibilities. The program identifies the planned agenda items for each meeting. This report summarises the status of the planned agenda items.*

**COMMITTEE RECOMMENDATION**

THAT the Committee receives the status of the Annual Work Program.

**Moved by:** Mr Connor  
**Seconded by:** Deputy Mayor, Councillor Hutton  
**MOTION CARRIED**



---

AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MINUTES

14 MAY 2018

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7.2 EXECUTIVE LEADERSHIP TEAM UPDATE TO THE COMMITTEE

File No: CM4.2.1

Attachments:

Responsible Officer: Andrea Ellis - Acting Director Corporate Services

Author: Scott Williams - Internal Auditor

---

**SUMMARY**

*Each member of the Executive Leadership Team will provide a verbal update on key activities or issues.*

**COMMITTEE RECOMMENDATION**

THAT the Committee receives the verbal updates provided by the leadership team on key activities or issues.

## AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MINUTES

14 MAY 2018

---

7.3 APPROACH TO COMMITTEE SELF-ASSESSMENT

**File No:** CM4.2.1  
**Attachments:** 1. Self Assessment Questions 2017-18 - Draft  
**Responsible Officer:** Andrea Ellis - Acting Director Corporate Services  
**Author:** Scott Williams - Internal Auditor

---

**SUMMARY**

*This report outlines a proposed approach to performing the Audit, Risk and Business Improvement Committee (ARaBIC) annual self-assessment process looking at the preceding 12 months since the last assessment. An update on progress made on the agreed actions from the previous self-assessment is also provided.*

**COMMITTEE RECOMMENDATION**

THAT ARaBIC note the status of actions, proposed approach and timetable for its annual self-assessment process.

**Moved by:** Councillor Kelly  
**Seconded by:** Mr Edwards

**MOTION CARRIED**

## AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MINUTES

14 MAY 2018

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7.4 CFO UPDATE

**File No:** FM12.4  
**Attachments:** 1. Monthly Financial Report - March 2018

**Responsible Officer:** Chris Murdoch - Chief Executive Officer  
**Author:** Andrea Ellis - Chief Financial Officer

---

**SUMMARY**

*This report is to provide the Audit, Risk and Business Improvement Committee with an update on key accounting, financial management and reporting matters.*

**COMMITTEE RECOMMENDATION**

THAT the Audit Risk and Business Improvement Committee receive the Chief Financial Officer's update.

**Moved by:** Mr Bickford  
**Seconded by:** Deputy Mayor, Councillor Hutton  
**MOTION CARRIED**

## AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MINUTES

14 MAY 2018

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7.5 POLICY REVIEW - ASSET CAPITALISATION POLICY

**File No:** FM12.9.2  
**Attachments:** 1. Asset Capitalisation Policy  
**Responsible Officer:** Andrea Ellis - Acting Director Corporate Services  
**Author:** Damien Cross - Senior Accountant

---

**SUMMARY**

*This report presents an overview of the changes proposed to Council's current Asset Capitalisation Policy whilst recommending the updated document be adopted by Council as a policy, in compliance with Section 206 of the Local Government Regulation 2012.*

**COMMITTEE RECOMMENDATION**

THAT Committee consider the Policy and provide feedback on the proposed Livingstone Shire Council policy document titled *Asset Capitalisation Policy*.

**Moved by:** Mr Edwards  
**Seconded by:** Mr Connor

**MOTION CARRIED**

## AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MINUTES

14 MAY 2018

---

7.6 UPDATE ON 2017-18 NON CURRENT ASSET REVALUATIONS

**File No:** FM12.1.15  
**Attachments:** Nil  
**Responsible Officer:** Dan Toon - Executive Director Infrastructure  
Andrea Ellis - Chief Financial Officer  
**Author:** Daniel Pearce - Manager Assets & GIS  
Damien Cross - Senior Accountant

---

**SUMMARY**

*An update for the Audit, Risk and Business Improvement Committee on the progress of comprehensive non-current asset revaluations being undertaken by external valuation firms.*

**COMMITTEE RECOMMENDATION**

THAT the Audit, Risk and Business Improvement Committee receive this report as an update on the progress of non-current asset revaluations.

**Moved by:** Mr Connor  
**Seconded by:** Deputy Mayor, Councillor Hutton  
**MOTION CARRIED**

## AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MINUTES

14 MAY 2018

**7.7 SHELL GENERAL PURPOSE FINANCIAL STATEMENTS FOR YEAR ENDING 30 JUNE 2018****File No:** 12.3.1**Attachments:** 1. 2017-18 Shell General Purpose Financial Statements**Responsible Officer:** Andrea Ellis - Acting Director Corporate Services**Author:** Damien Cross - Senior Accountant**SUMMARY**

*The purpose of this report was to provide the Audit, Risk and Business Improvement Committee with a copy of the draft shell Financial Statements for 2017-2018.*

**COMMITTEE RECOMMENDATION**

THAT the Audit, Risk and Business Improvement Committee;

1. Receive the draft shell financial statements for 2017-2018; and
2. Note that any further recommended changes to the draft shell financial statements for 2017-2018 be reflected in the draft financial statements that will be submitted to the Audit, Risk and Business Improvement Committee meeting on 3 September 2018.

**Moved by:** Councillor Kelly**Seconded by:** Mr Edwards**MOTION CARRIED**



## AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MINUTES

14 MAY 2018

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7.8 EXTERNAL AUDITOR'S UPDATE

**File No:** CM4.2.1  
**Attachments:** 1. QAO Insights Autumn 2018

**Responsible Officer:** Andrea Ellis - Chief Financial Officer  
**Author:** Scott Williams - Internal Auditor

---

**SUMMARY**

*The External Auditors will provide an update on their audit activities and any other matters.*

**COMMITTEE RECOMMENDATION**

THAT the committee receive the External Auditor's Update from the external auditors.

**Moved by:** Deputy Mayor, Councillor Hutton  
**Seconded by:** Mr Bickford  
**MOTION CARRIED**

## AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MINUTES

14 MAY 2018

**7.9 SUMMARY OF QUEENSLAND AUDIT OFFICE REPORT ON AUDITS OF LOCAL GOVERNMENT ENTITIES**

**File No:** CM4.2.1  
**Attachments:** Nil  
**Responsible Officer:** Andrea Ellis - Acting Director Corporate Services  
**Author:** Scott Williams - Internal Auditor

**SUMMARY**

*Each year the Queensland Audit Office (QAO) presents a report to parliament summarising the results of their audits of all local government entities. No direct response to the QAO is required. The following summarises the findings in the report of relevance to Livingstone Shire Council.*

**COMMITTEE RECOMMENDATION**

THAT ARaBIC note this summary of the Queensland Audit Office Report "Local Government Entities: 2016-17 Results of Financial Audits".

**Moved by:** Mr Bickford  
**Seconded by:** Deputy Mayor, Councillor Hutton  
**MOTION CARRIED**

## AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MINUTES

14 MAY 2018

**7.10 SUMMARY OF QAO REPORT "CONFIDENTIALITY AND DISCLOSURE OF GOVERNMENT CONTRACTS"**

**File No:** CM4.2.2  
**Attachments:** Nil  
**Responsible Officer:** Andrea Ellis - Acting Director Corporate Services  
**Author:** Scott Williams - Internal Auditor

**SUMMARY**

*The Queensland Audit Office Report on Confidentiality and Disclosure of Government Contracts provides guidance that can be applied in clarifying what Council should do to meet its contract disclosure obligations.*

**COMMITTEE RECOMMENDATION**

THAT the Committee receive this report on the QAO report's implications for Council's contract disclosure.

**Moved by:** Mr Edwards  
**Seconded by:** Mr Connor

**MOTION CARRIED**

## AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MINUTES

14 MAY 2018

---

7.11 SUMMARY OF QAO REPORT - FRAUD RISK MANAGEMENT

**File No:** CM4.2.1  
**Attachments:** Nil  
**Responsible Officer:** Andrea Ellis - Acting Director Corporate Services  
**Author:** Scott Williams - Internal Auditor

---

**SUMMARY**

*The Queensland Audit Office published a report "Fraud Risk Management" on 15 February 2018. Recommendations are made for the consideration of all state government entities. Livingstone Shire Council has already addressed the majority of recommendations. This report provides a summary of the recommendations and Council's status or response.*

**COMMITTEE RECOMMENDATION**

THAT the Committee receive this report on the implications for Council from the QAO report on Fraud Risk Management.

**Moved by:** Mr Connor  
**Seconded by:** Deputy Mayor, Councillor Hutton  
**MOTION CARRIED**

## AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MINUTES

14 MAY 2018

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7.12 DRAFT INTERNAL AUDIT PLAN FOR 2018 TO 2022

File No: CM4.2.3

Attachments:

1. Draft Internal Audit Plan 2018 to 2022
2. 2018-2022 Audit Plan Draft - Comparison to Previous Plan
3. Assurance Map - Corporate Risk Register (Draft)

Responsible Officer: Andrea Ellis - Chief Financial Officer

Author: Scott Williams - Internal Auditor

---

**SUMMARY**

*A Draft Internal Audit Plan has been developed for next financial year and the three subsequent years. The draft plan is being presented for discussion and feedback before further detail is developed and a final version presented to ARaBIC at the next meeting.*

**COMMITTEE RECOMMENDATION**

THAT the Committee receive the Draft Internal Audit Plan.

Moved by: Councillor Kelly

Seconded by: Mr Edwards

**MOTION CARRIED**

## AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MINUTES

14 MAY 2018

---

7.13 INTERNAL AUDIT REPORT - PORTABLE AND ATTRACTIVE ITEMS

**File No:** CM4.2.2  
**Attachments:** 1. Internal Audit Report - Portable and Attractive Items  
**Responsible Officer:** Andrea Ellis - Chief Financial Officer  
**Author:** Scott Williams - Internal Auditor

---

**SUMMARY**

*The Internal Audit reviewing how Council manages risks related to Portable and Attractive Items has been completed. The report concluded that existing controls are satisfactory. Some recommendations were made in regards to IT equipment, disposal practices and reporting on relevant purchases.*

**COMMITTEE RECOMMENDATION**

THAT the Committee receive this report on Portable and Attractive Items.

**Moved by:** Deputy Mayor, Councillor Hutton  
**Seconded by:** Mr Bickford  
**MOTION CARRIED**



## AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MINUTES

14 MAY 2018

---

7.14 INTERNAL AUDIT REPORT - HR & PAYROLL DATA ANALYTICS

**File No:** CM4.2.2  
**Attachments:** 1. Internal Audit Report - HR Payroll Data Analytics  
**Responsible Officer:** Andrea Ellis - Acting Director Corporate Services  
**Author:** Scott Williams - Internal Auditor

---

**SUMMARY**

*Data analytics is the process of extracting data from systems and performing structured analysis of that data to reach conclusions about the operation of business processes or controls. Internal Audit has established processes for performing data analytics and completed a report on the work done on HR & Payroll. No significant control issues were identified and no recommendations are made in the report.*

**COMMITTEE RECOMMENDATION**

THAT the Committee receive this report on HR & Payroll Data Analytics.

**Moved by:** Mr Bickford  
**Seconded by:** Councillor Kelly  
**MOTION CARRIED**

## AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MINUTES

14 MAY 2018

---

7.15 INTERNAL AUDIT UPDATE

**File No:** CM4.2.3  
**Attachments:** 1. Budget vs Actual as at 4 May  
2. Audit Response Action Plan - May 2018

**Responsible Officer:** Andrea Ellis - Acting Director Corporate Services  
**Author:** Scott Williams - Internal Auditor

---

**SUMMARY**

*This report documents the status of the Annual Internal Audit Plan and provides further information on the Internal Audit Function.*

**COMMITTEE RECOMMENDATION**

THAT the Committee receive the report on Internal Audit.

**Moved by:** Mr Edwards  
**Seconded by:** Mr Connor

**MOTION CARRIED**

02:50PM Deputy Mayor, Councillor Hutton left the meeting.

02:56PM Deputy Mayor, Councillor Hutton returned to the meeting.

## AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MINUTES

14 MAY 2018

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7.16 OVERVIEW OF INFRASTRUCTURE QUALITY MANAGEMENT SYSTEM

**File No:** CM4.2.1  
**Attachments:** Nil  
**Responsible Officer:** Dan Toon - Director Infrastructure Services  
**Author:** Kat Groves - Executive Assistant to Director Infrastructure Services

---

**SUMMARY**

*The Quality Management System (QMS) is a key control mechanism for the areas within its scope. This report provides the Committee with an overview of the current system and planned activities for the year ahead.*

**COMMITTEE RECOMMENDATION**

THAT the Committee receive the overview of the Quality Management System report.

**Moved by:** Mr Connor  
**Seconded by:** Mr Bickford

**MOTION CARRIED**

## AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MINUTES

14 MAY 2018

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7.17 FRAUD RISK MANAGEMENT UPDATE

File No: CM4.2.1

Attachments:

1. Fraud and Corruption Prevention Policy
2. Fraud and Corruption Control Procedure
3. Code of Conduct
4. LSC Fraud Risk Register

Responsible Officer: Andrea Ellis - Chief Financial Officer

Author: Rodney Chapman - Coordinator Corporate Governance

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SUMMARY

*The purpose for this report is to provide ARaBIC with a more detailed update on Council's Fraud Risks and associated management process than is provided in the regular risk management updates. Council is generally meeting recommended practices of the QAO and CCC and is comfortable with the current level of residual risks.*

## COMMITTEE RECOMMENDATION

THAT the Committee receive this report on Fraud Risk Management.

Moved by: Councillor Kelly

Seconded by: Mr Edwards

MOTION CARRIED

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AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MINUTES

14 MAY 2018

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7.18 BUSINESS TRANSFORMATION UPDATES

**File No:** GV13.4.2  
**Attachments:** 1. ARaBIC May Business Transformation News  
**Responsible Officer:** Andrea Ellis - Acting Director Corporate Services  
**Author:** Melissa Minter - Principal Business Improvement Officer

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**SUMMARY**

*This report provides an update on Business Transformation activities.*

**COMMITTEE RECOMMENDATION**

THAT the Committee receive the Business Transformation activity update report.

**Moved by:** Deputy Mayor, Councillor Hutton  
**Seconded by:** Mr Connor  
**MOTION CARRIED**

**AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MINUTES**

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**8 STRATEGIC REPORTS**

Nil



**AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MINUTES**

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**9 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM  
COUNCILLORS**

Nil

## AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MINUTES

14 MAY 2018

**10 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.

**11.1 Risk Management**

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage .

**11.2 CEO Update on Emerging Issues**

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage .

**11.3 Confirm Whether Members' Briefing Session is Required**

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

CONFIDENTIAL AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MINUTES 14 MAY 2018

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## 11 CONFIDENTIAL REPORTS

### 11.1 RISK MANAGEMENT

**File No:** CM4.2.1

**Attachments:** Nil

**Responsible Officer:** Rodney Chapman - Acting Coordinator Corporate Governance  
Andrea Ellis - Acting Director Corporate Services

**Author:** Suzanne Pambid - Governance Officer

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage .

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### SUMMARY

*The Risk Management Report encompasses a number of reports previously provided separately to the ARaBIC. The report is for the ARaBIC for information only unless otherwise noted.*

### COMMITTEE RECOMMENDATION

THAT the Committee receive the Risk Management Report for information.

**Moved by:** Mr Bickford

**Seconded by:** Councillor Kelly

**MOTION CARRIED**

CONFIDENTIAL AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MINUTES 14 MAY 2018

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**11.2 CEO UPDATE ON EMERGING ISSUES**

**File No:** CM4.2.1

**Attachments:**

**Responsible Officer:** Andrea Ellis - Acting Director Corporate Services

**Author:** Scott Williams - Internal Auditor

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**SUMMARY**

*The Chief Executive Officer will provide a verbal update on confidential emerging issues.*

**COMMITTEE RECOMMENDATION**

THAT the Committee receives the verbal update provided by the Chief Executive Officer on emerging issues.

CONFIDENTIAL AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MINUTES 14 MAY 2018

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### 11.3 CONFIRM WHETHER MEMBERS' BRIEFING SESSION IS REQUIRED

**File No:** CM4.2.1

**Attachments:**

**Responsible Officer:** Andrea Ellis - Acting Director Corporate Services

**Author:** Scott Williams - Internal Auditor

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage .

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#### SUMMARY

*A Members' Briefing Session may be required if any of the Committee members want to discuss any item on the agenda or raise another matter for discussion confidentially with a selected group.*

#### COMMITTEE RECOMMENDATION

THAT it is confirmed that a Members' briefing session involving only the Committee members will occur following the meeting.

**Moved by:** Mr Edwards

**Seconded by:** Mr Bickford

**MOTION CARRIED**

CONFIDENTIAL AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MINUTES 14 MAY  
2018

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**12 URGENT BUSINESS\QUESTIONS**



**AUDIT, RISK AND BUSINESS IMPROVEMENT COMMITTEE MINUTES**

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**13 CLOSURE OF MEETING**

There being no further business the meeting closed at 3:16 PM.

\_\_\_\_\_  
Councillor Jan Kelly  
CHAIRPERSON

\_\_\_\_\_  
DATE

## **13 QUESTIONS/STATEMENT/MOTIONS ON NOTICE FROM COUNCILLORS**

### **13.1 NOTICE OF MOTION - COUNCILLOR GLENDA MATHER - YEPPON SHOWGROUNDSYEPPON SHOWGROUNDS**

**File No:** GV13.4.4

**Attachments:** 1. Notice of Motion - Yeppoon Showgrounds [↓](#)

**Responsible Officer:** Chris Murdoch - Chief Executive Officer

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#### **SUMMARY**

*Councillor Glenda Mather has indicated her intention to move the following Notice of Motion at the next Council Meeting 3 July 2018, as follows:*

#### **RECOMMENDATION**

THAT Council identify the needs of community groups, and the best use of the various lands which comprise the Yeppoon Showgrounds, otherwise known as Stevenson Park, Council initiate a meeting of all stakeholders at the earliest, prior to any new lease/s for the grounds are re-negotiated and determined.

#### **BACKGROUND**

Refer to attached Notice of Motion.

**13.1 - NOTICE OF MOTION -  
COUNCILLOR GLENDA MATHER -  
YEPPOON SHOWGROUNDS**

**Notice of Motion - Yeppoon  
Showgrounds**

**Meeting Date: 3 July 2018**

**Attachment No: 1**

PO Box 5186  
Red Hill PO  
Rockhampton Q 4701  
11 June 2018

Chief Executive Officer  
Livingstone Shire Council  
Anzac Parade  
Yeppoon Q 4703

**Notice of Motion  
Yeppoon Showgrounds**

Dear Madam CEO,

I hereby give Notice of my intention to move the following motion at the next Ordinary Meeting of Council:

**"That in order to identify the needs of community groups, and the best use of the various lands which comprise the Yeppoon Showgrounds, otherwise known as Stevenson Park, Council initiate a meeting of all stakeholders at the earliest, prior to any new lease/s for the grounds are re-negotiated and determined."**

**Background:**

Over the years the needs of community sporting and recreational groups have been partially met through lease arrangements pertaining to designated areas of land within Stephenson Park.

As interests and memberships grew, so did the need to review the various facilities to accommodate demands in the future.

Given the various parcels of land which comprise the park, and the fiercely protected use of the park for public purposes, I believe it's time to negotiate the future needs of these stakeholders, and provide them with secure tenure. This will also provide them with the ability to secure future grants.

I understand leases are on the brink of renewal. It would be short-sighted to proceed with current arrangements in the absence of any or sufficient input from representatives from these organizations. A meeting of stakeholders will identify any changes needed.

Yours faithfully,

Glenda Mather Cllr

**13.2 NOTICE OF MOTION - COUNCILLOR ADAM BELOT - LEASING LSC INFRASTRUCTURE/BUILDINGS****File No:** GV13.4.1**Attachments:** 1. Notice of Motion - LSC Infrastructure/Buildings [↓](#)**Responsible Officer:** Chris Murdoch - Chief Executive Officer

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**SUMMARY**

*Councillor Adam Belot has indicated her intention to move the following Notice of Motion at the next Ordinary Council Meeting on 3 July 2018, as follows:*

**RECOMMENDATION**

THAT LSC review and refine the policy, which assess what entity (individual, business, not for profit etc) is successful in leasing LSC infrastructure/buildings, to reflect that all Councillors will be responsible for making the final decision based on relevant information.

**BACKGROUND**

Essentially, Councillors should be involved in the final determination of who leases LSC infrastructure. Currently LSC is undergoing several Expression of Interests (EOI) and Tendering processes to gauge interest in the Disaster Management Centre (HUB). Furthermore a similar approach was undertaken to secure a tenant for the lagoon Precinct. My understanding is that the existing policy delegates this authority to the Mayor and CEO. It is my opinion that all Councillors should be involved in making a determination by way of a Council resolution. By doing so, greater transparency and community confidence will be fostered, in a similar manner, when all of Council decides on a public tender to perform works for LSC over a certain monetary threshold.

The above motion will reflect the strategy's outlined in the LSC Corporate Plan (see below).

**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.

**13.2 - NOTICE OF MOTION -  
COUNCILLOR ADAM BELOT -  
LEASING LSC  
INFRASTRUCTURE/BUILDINGS**

**Notice of Motion - LSC  
Infrastructure/Buildings**

**Meeting Date: 3 July 2018**

**Attachment No: 1**



Chief Executive Officer  
Livingstone Shire Council  
Anzac Parade  
Yeppoon Q 4703

23/04/2018

**Notice of Motion**

To whom it may concern,

I hereby give Notice of my intention to move the following motion at the next Ordinary Meeting of Council.

Chief Executive Officer  
Livingstone Shire Council  
Anzac Parade  
Yeppoon Q 4703

**Notice of Motion**

To whom it may concern,

I hereby give Notice of my intention to move the following motion at the next Ordinary Meeting of Council set down for Tuesday.

**That LSC review and refine the policy, which assess what entity (individual, business, not for profit etc.) is successful in leasing LSC infrastructure/buildings, to reflect that all Councillors will be responsible for making the final decision based on relevant information.**

Background:

Essentially, Councillors should be involved in the final determination of who leases LSC infrastructure. Currently LSC is undergoing several Expression of Interests (EOI) and Tendering processes to gauge interest in the Disaster Management Centre (HUB). Furthermore a similar approach was undertaken to secure a tenant for the lagoon Precinct.

My understanding is that the existing policy delegates this authority to the Mayor and CEO. It is my opinion that all Councillors should be involved in making a determination by way of a Council resolution. By doing so, greater transparency and community confidence will be fostered, in a similar manner, when all of Council decides on a public tender to perform works for LSC over a certain monetary threshold.

The above motion will reflect the strategy's outlined in the LSC Corporate Plan (see below)

Sincerely,

Cr Adam Belot

## Governance

### Goal:

An efficient, progressive, transparent and financially sustainable organisation which is responsive to the needs of the community through sound decision making and leadership.

### Strategies:

- ▶ Strategy GO1: Inform and empower the community through ongoing engagement and communication.
- ▶ Strategy GO2: Develop strategic plans and policies to address local and regional issues and guide service provision.
- ▶ Strategy GO3: Pursue financial sustainability through effective use of the Council's resources and assets and prudent management of risk.
- ▶ Strategy GO4: Provide transparent and accountable decision making reflecting positive leadership to the community.
- ▶ Strategy GO5: Deliver customer focused and responsive services efficiently and effectively.

## 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 Consideration of the future of the Yeppoon Town Clock

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage .

#### 15.2 Registration Infringement Process

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage .

#### 15.3 REQUEST FOR DEFERRAL OF OUTSTANDING INFRASTRUCTURE CHARGES FOR A DEVELOPMENT FOR MULTIPLE DWELLING UNITS AT 17 ROCKHAMPTON ROAD, YEPPOON

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage .

#### 15.4 Response to Questions on Notice - Taranganba School Bus Drop Off Zone

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage .

## 15 CONFIDENTIAL REPORTS

### 15.1 CONSIDERATION OF THE FUTURE OF THE YEPPOON TOWN CLOCK

**File No:** ED8.5.22

**Attachments:** 1. Attachment 1 - Concepts for Yeppoon Town Clock

**Responsible Officer:** Debra Howe - Director Strategic Growth and Development  
Brett Bacon - Executive Director Liveability and Wellbeing

**Author:** Russell Claus - Urban Strategist

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage .

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#### SUMMARY

*This report provides a review of potential options for the treatment of the Yeppoon town clock.*

**15.2 REGISTRATION INFRINGEMENT PROCESS****File No:** LE19.3.3**Attachments:**

1. Infringement review - 10 April 2018
2. Brett Bacon Workshop Report 21 May 2018 - Deputation
3. Registration Prompts

**Responsible Officer:** David Battese - Manager Strategy & Development  
Brett Bacon - Executive Director Liveability and Wellbeing**Author:** Craig Newsome - Coordinator Public Environments

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage .

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**SUMMARY**

*Council at its recent workshop 21 May 2018 received a deputation regarding compliance notice timeframes relevant to Council's animal registration process. The deputation pertained to penalty infringement notices for failing to renew registration and failing to register a new dog. This report provides further information regarding this matter, as requested by Council.*

**15.3 REQUEST FOR DEFERRAL OF OUTSTANDING INFRASTRUCTURE CHARGES  
FOR A DEVELOPMENT FOR MULTIPLE DWELLING UNITS AT 17  
ROCKHAMPTON ROAD, YEPPON****File No:** D-85-2013**Attachments:**

1. Infrastructure Charges Notice D-85-2013
2. Email correspondence from land owner
3. Development Incentives Policy for Reconfiguring a Lot

**Responsible Officer:** David Battese - Manager Strategy & Development  
Brett Bacon - Executive Director Liveability and Wellbeing**Author:** Madelaine Ward - Senior Planning Officer

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage .

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**SUMMARY**

*This report addresses a request by the landowner to defer the payment of the outstanding infrastructure charges to a future date once the first unit is on-sold following the registering of a building format plan for the premises.*



**15.4 RESPONSE TO QUESTIONS ON NOTICE - TARANGANBA SCHOOL BUS DROP OFF ZONE****File No:** 15-046

**Attachments:**

1. Confidential Ordinary Meeting report dated 9 December 2014 - Acquisition of Land for Road Purposes Taranganba School Bus Drop Off Zone
2. Action Sheet dated 9 December 2014 - Acquisition of Land For Road Purposes Taranganba School Bus Drop Off Zone

**Responsible Officer:** Dan Toon - Executive Director Infrastructure**Author:** Kat Groves - Executive Assistant to Director Infrastructure Services

This report is considered confidential in accordance with section 275(1)(h), of the *Local Government Regulation 2012*, as it contains information relating to other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage .

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**SUMMARY**

*This report provides a response to Questions on Notice which Councillor Mather tendered to the Council meeting on 5 June 2018.*

**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**