



ORDINARY MEETING

AGENDA

11 DECEMBER 2018

Your attendance is required at an Ordinary meeting of Council to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 11 December 2018 commencing at 9.00am for transaction of the enclosed business.

A handwritten signature in black ink, appearing to be "C. P.", written in a cursive style.

CHIEF EXECUTIVE OFFICER
6 December 2018

Next Meeting Date: 22.01.19

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

The opening prayer presented by Captain Dale Brooks from The Salvation Army Australia Eastern Territory.

2 PRESENT

Members Present:

The Mayor, Councillor M F Strelow (Chairperson)
Councillor C E Smith
Councillor C R Rutherford
Councillor M D Wickerson
Councillor S J Schwarten
Councillor A P Williams
Councillor R A Swadling
Councillor N K Fisher

In Attendance:

Mr E Pardon – Chief Executive Officer

3 APOLOGIES AND LEAVE OF ABSENCE**4 CONFIRMATION OF MINUTES**

Minutes of the Ordinary Meeting held 27 November 2018

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

Nil

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 COMMITTEE REPORTS

9.1 PLANNING AND REGULATORY COMMITTEE MEETING - 4 DECEMBER 2018

RECOMMENDATION

THAT the Minutes of the Planning and Regulatory Committee meeting, held on 4 December 2018 as circulated, be received and that the recommendations contained within these minutes be adopted.

(Note: The complete minutes are contained in the separate Minutes document)

Recommendation of the Planning and Regulatory Committee, 4 December 2018
9.1.1 D/97-2018 - DEVELOPMENT APPLICATION FOR A MATERIAL CHANGE OF USE FOR A LOW IMPACT INDUSTRY AND OPERATIONAL WORKS FOR ADVERTISING DEVICES

File No: D/97-2018

Attachments:

1. Locality Plan
2. Site Plan
3. Elevation Plan

Authorising Officer: Tarnya Fitzgibbon - Coordinator Development Assessment
Steven Gatt - Manager Planning and Regulatory Services
Colleen Worthy - General Manager Community Services

Author: Brandon Diplock - Planning Officer

SUMMARY

Development Application Number: D/97-2018

Applicant: Statewide Property Group Pty Ltd

Real Property Address: Lot 0 and Lot 6 on SP239584, Parish of Archer

Common Property Address: 6/235-239 Musgrave Street, Berserker

Area of Site: 365 square metres

Planning Scheme: Rockhampton Region Planning Scheme 2015

Planning Scheme Zone: Specialised Centre Zone (Mixed Use Sub-Precinct)

Planning Scheme Overlays: Not applicable

Existing Development: Vacant land/commercial shopping complex

Existing Approvals: D/46-2011

Approval Sought: Development Permit for a Material Change of Use for a Low Impact Industry and Operational Works for Advertising Devices

Level of Assessment: Impact Assessable

Submissions: Nil

Referral Agency(s): Department of State Development, Manufacturing, Infrastructure and Planning

Infrastructure Charges Area: Charge Area 1

Application Progress:

<i>Application Lodged:</i>	10 September 2018
<i>Acknowledgment Notice issued:</i>	19 September 2018
<i>Submission period commenced:</i>	5 October 2018
<i>Submission period end:</i>	26 October 2018
<i>Government Agency Response:</i>	18 October 2018

<i>Last receipt of information from applicant:</i>	<i>8 November 2018</i>
<i>Statutory due determination date:</i>	<i>18 December 2018</i>

COMMITTEE RECOMMENDATION

RECOMMENDATION A

THAT in relation to the application for a Development Permit for a Material Change of Use for Low Impact Industry and Operational Works for Advertising Devices, made by Statewide Property Group Pty Ltd, located at 6/235-239 Musgrave Street, Berserker described as Lot 0 and Lot 6 on SP239584, Council resolves to Approve the application subject to the following conditions:

Material Change of Use

1.0 ADMINISTRATION

- 1.1 The Developer and his employee, agent, contractor or invitee is responsible for ensuring compliance with the conditions of this development approval.
- 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 may be fulfilled in whole or in part by a delegate appointed for that purpose by the Council.
- 1.3 All conditions, works, or requirements of this development approval must be undertaken, completed, and be accompanied by a Compliance Certificate for any operational works required by this development approval:
 - 1.3.1 to Council's satisfaction;
 - 1.3.2 at no cost to Council; and
 - 1.3.3 prior to the commencement of the use;
 unless otherwise stated.
- 1.4 Infrastructure requirements of this development approval must be contributed to the relevant authorities, where applicable, at no cost to Council, prior to the commencement of the use, unless otherwise stated.
- 1.5 The following further Development Permits must be obtained prior to the commencement of any works associated with their purposes:
 - 1.5.1 Operational Works:
 - (i) Road Works;
 - (ii) Access and Parking Works;
 - (iii) Roof and Allotment Drainage;
 - 1.5.2 Plumbing and Drainage Works; and
 - 1.5.3 Building Works.
- 1.6 All Development Permits for Operational Works and Plumbing and Drainage Works must be obtained prior to the issue of a Development Permit for Building Works.
- 1.7 All works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards, unless otherwise stated.
- 1.8 All engineering drawings/specifications, design and construction works must be in accordance with the requirements of the relevant *Australian Standards* and must be

approved, supervised and certified by a Registered Professional Engineer of Queensland.

1.8.1 to Council's satisfaction;

1.8.2 at no cost to Council; and

1.8.3 by lodging the applications within three (3) months of the date of this development approval, and completion of the works within six (6) months from date of the approval of those works,

unless otherwise stated.

2.0 APPROVED PLANS AND DOCUMENTS

2.1 The approved development must be completed and maintained generally in accordance with the approved plans and documents, except where amended by any condition of this development approval:

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Site Plan	18013 Sheet 01, Rev 03	8 November 2018
Ground Floor Layout Plan	18013 Sheet 02, Rev 03	8 November 2018
Mezzanine Layout Plan	18013 Sheet 03, Rev 03	8 November 2018
Elevations	18013 Sheet 04, Rev 03	8 November 2018
Elevations	18013 Sheet 05, Rev 03	8 November 2018
Vehicle Swept Paths	Dwg 001	11 August 2018

2.2 Where there is any conflict between the conditions of this development approval and the details shown on the approved plans and documents, the conditions of this development approval must prevail.

2.3 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for approval by Council prior to the submission of an application for a Development Permit for Operational Works/Building Works.

3.0 ROAD WORKS

3.1 A Development Permit for Operational Works (road works) must be obtained prior to the commencement of any road works required by this development approval.

3.2 All road works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, and the provisions of a Development Permit for Operational Works (road works).

3.3 Retaining structures and their foundations must be wholly contained within private allotments and not be constructed within Council owned or controlled land. Further, Council will not accept any retaining walls to be contributed as a Council asset.

4.0 ACCESS AND PARKING WORKS

4.1 A Development Permit for Operational Works (access and parking works) must be obtained prior to the commencement of any access and parking works on the development site.

4.2 All access and parking works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines*, *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).

4.3 All car parking and access areas must be paved or sealed to Council's satisfaction. Design and construction must be in accordance with the provisions of a Development Permit for Operational Works (access and parking works).

- 4.4 Delivery vehicles for the subject site must be no larger than that specified in the approved drawings. (Detailed Site Plan NGA Dwg 001 dated 11/07/18).
- 4.5 All vehicles must ingress and egress the development in a forward gear.
- 4.6 Universal access parking spaces must be provided on-site in accordance with *Australian Standard AS2890.6 "Parking facilities - Off-street parking for people with disabilities"*.
- 4.7 Parking spaces must be line-marked in accordance with the approved Site Plan (refer to condition 2.1) and in accordance with the *Australian Standard AS2890 "Parking facilities"* and the provisions of a Development Permit for Operational Works (access and parking works).
- 4.8 All vehicle operations associated with the development must be directed by suitable directional, informative, regulatory or warning signs in accordance with *Australian Standard AS1742.1 "Manual of uniform traffic control devices"* and *Australian Standard AS2890.1 "Parking facilities – Off-street car parking"*.
- 4.9 All internal pedestrian pathways must be designed and constructed in accordance with *Australian Standard AS1428 "Design for access and mobility"*.
- 5.0 **PLUMBING AND DRAINAGE WORKS**
- 5.1 A Development Permit for Plumbing and Drainage Works must be obtained prior to the commencement of any Plumbing and Drainage works on the development site.
- 5.2 All internal plumbing and drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2002*, Council's Plumbing and Drainage Policies and the provisions of a Development Permit for Plumbing and Drainage Works.
- 5.3 The development must be connected to Council's reticulated sewerage and water networks.
- 5.4 The existing sewerage and water connection point(s) must be retained, and upgraded if necessary, to service the development.
- 5.5 Adequate domestic and fire-fighting protection must be provided to the development, and must be certified by an hydraulic engineer or other suitably qualified person.
- 5.6 All internal plumbing and sanitary drainage works must be completely independent for each unit/tenancy.
- 5.7 Sewer connections and water meter boxes located within trafficable areas must be raised or lowered to suit the finished surface levels and must be provided with heavy duty trafficable lids.
- 5.8 Alteration, disconnection or relocation of internal plumbing and sanitary drainage works associated with the existing building must be in accordance with regulated work under the *Plumbing and Drainage Act 2002* and Council's Plumbing and Drainage Policies.
- 5.9 The development must comply with *Queensland Development Code, Mandatory Part 1.4 "Building over or near relevant infrastructure."* Any permit associated with the Building Over/Adjacent to Local Government Sewerage Infrastructure Policy must be obtained prior to the issue of a Development Permit for Building Works.
- 6.0 **ROOF AND ALLOTMENT DRAINAGE WORKS**
- 6.1 A Development Permit for Operational Works (roof and allotment drainage works) must be obtained prior to the commencement of any drainage works on the development site.
- 6.2 All roof and allotment drainage works must be designed and constructed in accordance with the approved plans (refer to condition 2.1), *Queensland Urban*
-

Drainage Manual, Capricorn Municipal Development Guidelines, sound engineering practice and the provisions of a Development Permit for Operational Works (roof and allotment drainage works).

- 6.3 All roof and allotment runoff from the development must be directed to a lawful point of discharge and must not restrict, impair or change the natural flow of runoff water or cause a nuisance to surrounding land or infrastructure.

7.0 LANDSCAPING WORKS

- 7.1 All landscaping must be established generally in accordance with the approved plans (refer to condition 2.1). The landscaping must be constructed and/or established prior to the commencement of the use.

- 7.2 Large trees must not be planted within one (1) metre of the centreline of any sewerage and/or water infrastructure; small shrubs and groundcover are acceptable.

- 7.3 Landscaping, or any part thereof, upon reaching full maturity, must not:

- (i) obstruct sight visibility zones as defined in the *Austroads 'Guide to Traffic Engineering Practice'* series of publications;
- (ii) adversely affect any road lighting or public space lighting; or
- (iii) adversely affect any Council infrastructure, or public utility plant.

8.0 ELECTRICITY

- 8.1 Electricity services must be provided to the development in accordance with the standards and requirements of the relevant service provider.

9.0 TELECOMMUNICATIONS

- 9.1 Telecommunications services must be provided to the development in accordance with the standards and requirements of the relevant service provider. Unless otherwise stipulated by telecommunications legislation at the time of installation, this includes all necessary pits and pipes, and conduits that provide a connection to the telecommunications network.

Note: The *Telecommunications Act 1997* (Commonwealth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.

10.0 ASSET MANAGEMENT

- 10.1 Any alteration necessary to electricity, telephone, water mains, sewerage mains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken and completed at no cost to Council.

- 10.2 Any damage to existing stormwater, water supply and sewerage infrastructure, kerb and channel, pathway or roadway (including removal of concrete slurry from public land and Council infrastructure), that occurs while any works are being carried out in association with this development approval must be repaired at full cost to the developer. This includes the reinstatement of any existing traffic signs or pavement markings that may have been removed or damaged.

11.0 ENVIRONMENTAL

- 11.1 An Erosion Control and Stormwater Control Management Plan prepared by a Registered Professional Engineer of Queensland in accordance with the *Capricorn Municipal Design Guidelines*, must be implemented, monitored and maintained for the duration of the development works, and until all exposed soil areas are permanently stabilised (for example, turfed, hydromulched, concreted, landscaped). The plan must be available on-site for inspection by Council Officers whilst all works are being carried out.

12.0 ENVIRONMENTAL HEALTH

- 12.1 Any lighting devices associated with the development, such as sensory lighting, must be positioned on the development site and shielded so as not to cause glare or other nuisance to nearby residents and motorists. Night lighting must be designed, constructed and operated in accordance with *Australian Standard AS4282 "Control of the obtrusive effects of outdoor lighting"*.
- 12.2 Noise emitted from the activity must not cause an environmental nuisance.
- 12.3 Operations on the site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 12.4 When requested by Council, nuisance monitoring must be undertaken and recorded within three (3) months, to investigate any genuine complaint of nuisance caused by noise, light or dust. An analysis of the monitoring data and a report, including nuisance mitigation measures, must be provided to Council within fourteen (14) days of the completion of the investigation.
- 12.5 The hours of operations for the development site must be limited to:
- (i) 0700 hours to 1800 hours on Monday to Friday, and
 - (ii) 0800 hours to 1200 hours on Saturday,
- with no operations on Sundays or Public Holidays.
- 12.6 Access to, and use of, the loading area must be limited to between 0800 and 1700 hours, Monday to Friday only. Access to, and use of, the loading dock area must not occur on Saturday or Sunday or any public holiday.
- 12.7 The loading and/or unloading of delivery and waste collection vehicles is limited between the hours of 0700 and 1800 Monday to Saturday. No heavy vehicles must enter the development site outside these times to wait for unloading/loading.

13.0 OPERATING PROCEDURES

- 13.1 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the development site. Storage of materials or parking of construction machinery or contractors' vehicles must not occur within High Street or Victoria Parade.
- 13.2 Operations on the development site must have no significant impact on the amenity of adjoining premises or the surrounding area due to the emission of light, noise or dust.
- 13.3 All waste storage areas must be:
- 13.3.1 kept in a clean and tidy condition; and
 - 13.3.2 maintained in accordance with *Environmental Protection Regulation 2008*.

ADVISORY NOTES**NOTE 1. General Environmental Duty**

General environmental duty under the *Environmental Protection Act 1994* prohibits unlawful environmental nuisance caused by noise, aerosols, particles, dust, ash, fumes, light, odour or smoke beyond the boundaries of the development site during all stages of the development including earthworks, construction and operation.

NOTE 2. General Safety Of Public During Construction

The *Work Health and Safety Act 2011* and *Manual of Uniform Traffic Control Devices* must be complied with in carrying out any construction works, and to ensure safe traffic control and safe public access in respect of works being constructed on a road.

NOTE 3. Infrastructure Charges Notice

This application is subject to infrastructure charges in accordance with Council policies. The charges are presented on an Infrastructure Charges Notice.

NOTE 4. Licensable Activities

Should an activity licensable by Rockhampton Regional Council be proposed for the premises, Council's Environment and Public Health Unit should be consulted to determine whether any approvals are required. Such activities may include storage of flammable and combustible liquid and preparation & sale of food. Approval for such activities is required before 'fitout' and operation.

Operational Works (Advertising Devices)14.0 ADMINISTRATION

14.1 The Developer is responsible for ensuring compliance with this approval and the Conditions of the approval by an employee, agent, contractor or invitee of the Developer.

14.2 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.

14.3 All conditions of this approval must be undertaken and completed to the satisfaction of Council, at no cost to Council.

14.4 The following further development permits are required prior to the commencement of any works on the site:

14.4.1 Building Works.

14.5 Unless otherwise stated, all works must be designed, constructed and maintained in accordance with the relevant Council policies, guidelines and standards.

15.0 APPROVED PLANS AND DOCUMENTS

15.1 The approved signage must be completed and maintained generally in accordance with the approved drawings and documents, except where amended by the conditions of this permit.

<u>Plan/Document Name</u>	<u>Plan/Document Reference</u>	<u>Dated</u>
Elevations	18013 Sheet 04, Rev 03	8 November 2018
Elevations	18013 Sheet 05, Rev 03	8 November 2018

15.2 A set of the above approved plans are returned to you as the Consultant. The Consultant is to supply one (1) Approved set to the contractor to be retained on site at all times during construction.

15.3 Where there is any conflict between the conditions of this approval and the details shown on the approved plans and documents, the conditions of approval must prevail.

15.4 Where conditions require the above plans or documents to be amended, the revised document(s) must be submitted for endorsement by Council prior to the submission of a Development Application for Building Works.

15.5 Any proposed changes to the approved stamped plans during the works will be generally considered minor amendments and require Council's approval. The stamped amended plans and a covering letter will be forwarded to the applicant.

16.0 OPERATING PROCEDURE

16.1 All signage must only display or advertise a matter associated with the primary purpose for which the premises are used, or the purpose stated in this approval.

- 16.2 All text and images displayed on the approved signage:
- 16.2.1 must be static;
 - 16.2.2 must not imitate a traffic control device, move contrary to any traffic control device or include traffic instructions (for example 'stop'); and
 - 16.2.3 must not involve moving parts or flashing lights.
- 16.3 Any lighting devices associated with the signage, such as sensory lighting, must be positioned on the site and shielded so as not to cause glare or other nuisance to nearby residents or motorists. Night lighting must be designed, constructed and operated in accordance with '*Australian Standard AS4282 – Control of the obtrusive effects of outdoor lighting*' and '*Civil Aviation Safety Authority (CASA) Guidelines: Lighting in the vicinity of aerodromes: Advice to lighting designers*'.
- 17.0 ASSET MANAGEMENT
- 17.1 Any damage to, or alterations necessary, to electricity, telephone, water mains, sewerage mains, stormwater drains, and/or public utility installations resulting from the development or in connection with the development, must be undertaken immediately, at no cost to Council, and completed within the following timeframes:
- 17.1.1 where damage causes a hazard to pedestrian/traffic safety or interrupts a community service, immediately; or
 - 17.1.2 as soon as reasonably possible as agreed with Council.
- 18.0 SIGNAGE CONSTRUCTION AND MAINTENANCE
- 18.1 Council reserves the right for uninterrupted access to the site at all times during construction.
- 18.2 All Construction work and other associated activities are permitted only between 0630 hours and 1800 hours Monday to Saturday. No work is permitted on Sundays or public holidays. All requirements of the *Environmental Protection Act 1994* and the *Environmental Protection Regulation 2008* must be observed at all times.
- 18.3 All construction materials, waste, waste skips, machinery and contractors' vehicles must be located and stored or parked within the site.
- 18.4 Any proposed works within the vicinity (or zone of influence) of existing Council infrastructure will not adversely affect the integrity of the infrastructure. Any restoration works required on existing Council infrastructure as a result of proposed works will be at developer's expense.
- 18.5 All conduits, wiring, switches or other control apparatus installed on an Advertising Device must be concealed from general view, with control apparatus secured in a manner to prevent unauthorised entry and display setting tampering.
- 18.6 All electrical services and systems must comply with *Australian and New Zealand Standard AS/NZS 3000:2007 – "Electrical Installations"*.
- 18.7 All signage must be maintained at all times on the premises by the owner of the premises to the same standard as it was when it was installed,
- Be maintained in a safe, clean, condition that does not adversely impact the visual amenity

RECOMMENDATION B:

That in relation to the application for a Development Permit for a Material Change of Use for Low Impact Industry and Operational Works for Advertising Devices, made by Statewide Property Group Pty Ltd on behalf of Highvic Pty Ltd, located at 6/235-239 Musgrave Street, Berserker described as Lot 0 and Lot 6 on SP239584, Council resolves to issue an Infrastructure Charges Notice for the amount of \$4,759.25.

Recommendation of the Planning and Regulatory Committee, 4 December 2018**9.1.2 VECTOR MANAGEMENT PLAN 2017 - 2021**

File No: 2200

Attachments:

1. Summary of Changes - Vector Management Plan Review 2018
2. Vector Management Plan 2017 - 2021

Authorising Officer: Tarnya Fitzgibbon - Acting Manager Planning and Regulatory Services

Author: Karen Moody - Coordinator Health and Environment

SUMMARY

This report presents the annual review of the Rockhampton Regional Council Vector Management Plan 2017-2021 for Council's consideration.

COMMITTEE RECOMMENDATION

1. THAT Council adopts the amended Vector Management Plan 2017-2021.
2. THAT Council commends the officers on the amended Plan.

9.2 INFRASTRUCTURE COMMITTEE MEETING - 4 DECEMBER 2018

RECOMMENDATION

THAT the Minutes of the Infrastructure Committee meeting, held on 4 December 2018 as circulated, be received and that the recommendations contained within these minutes be adopted.

(**Note:** The complete minutes are contained in the separate Minutes document)

Recommendation of the Infrastructure Committee, 4 December 2018**9.2.1 REANEY STREET BOAT RAMP ACQUISITION**

File No: 8026

Attachments: 1. Map of Reaney Street Boat Ramp

Authorising Officer: Chris Ireland - Manager Regional Development and Promotions
Tony Cullen - General Manager Advance Rockhampton
Martin Crow - Manager Infrastructure Planning

Author: Wade Clark - Acting Senior Executive Economic and Business Development

SUMMARY

The Queensland Government, through the Department of Transport and Main Roads (TMR), is seeking to relinquish the Reaney Street boat ramp at North Rockhampton. It is recommended that Council acquires this asset and continues to manage the boat ramp site on behalf of the community.

COMMITTEE RECOMMENDATION

THAT Council agrees to acquire the Reaney Street boat ramp from the Queensland Government through Department of Transport and Main Roads.

Recommendation of the Infrastructure Committee, 4 December 2018**9.2.2 NORTH ROCKHAMPTON FLOOD MITIGATION STAGE 2**

File No:	1743
Attachments:	1. Attachment 1 - Executive Summary 2. Attachment 2 - Afflux Maps
Authorising Officer:	Martin Crow - Acting General Manager Regional Services
Author:	Stuart Harvey - Coordinator Strategic Infrastructure

SUMMARY

Council has been progressively implementing the North Rockhampton Flood Mitigation Investigation Area implementation strategy over the past 4 years. Several Stage 2 investigations have taken place to mitigate internal drainage and sewerage impacts when the NRFMA scheme is operational. A review of these options and a concept design report has been developed. This report presents this concept design report as well as an update on the Water Street Scheme.

COMMITTEE RECOMMENDATION

THAT Council:

1. endorse the North Rockhampton Flood Mitigation Investigation Stage 2 Concept Design Report;
2. pursue funding opportunities for the infrastructure works identified in the Concept Design Report; and
3. engage in community consultation with affected residents regarding the Water Street Scheme.

Recommendation of the Infrastructure Committee, 4 December 2018**9.2.3 LOCAL GOVERNMENT CYCLE NETWORK GRANTS PROGRAM**

File No: 5732
Attachments: 1. Attachment 1
Authorising Officer: Martin Crow - Acting General Manager Regional Services
Author: Stuart Harvey - Coordinator Strategic Infrastructure

SUMMARY

The Department of Transport and Main Roads have recently called for funding submissions under the Cycle Network Local Government Grants Program. Council Officers are proposing to submit a project under this program.

COMMITTEE RECOMMENDATION

THAT Council receive the report and make no application.

Recommendation of the Infrastructure Committee, 4 December 2018**9.2.4 CIVIL OPERATIONS MONTHLY OPERATIONS REPORT**

File No: 7028
Attachments: 1. Monthly Operations Report as at 20 November 2018
Authorising Officer: Martin Crow - Manager Infrastructure Planning
Author: David Bremert - Manager Civil Operations

SUMMARY

This report outlines Civil Operations Monthly Operations Report on the activities and services in November 2018.

COMMITTEE RECOMMENDATION

THAT the Civil Operations Monthly Operations Report on the activities and services in November 2018 be received.

Recommendation of the Infrastructure Committee, 4 December 2018**9.2.5 INFRASTRUCTURE PLANNING MONTHLY OPERATIONS REPORT - NOVEMBER 2018**

File No: 7028

Attachments: 1. Infrastructure Planning Monthly Operations Report - November 2018

Authorising Officer: Martin Crow - Acting General Manager Regional Services

Author: Martin Crow - Acting General Manager Regional Services

SUMMARY

This report outlines Infrastructure Planning Monthly Operations Report for the period to the end of November 2018.

COMMITTEE RECOMMENDATION

THAT the Infrastructure Planning Monthly Operations Report for November 2018 report be received.

9.3 AIRPORT, WATER AND WASTE COMMITTEE MEETING - 4 DECEMBER 2018

RECOMMENDATION

THAT the Minutes of the Airport, Water and Waste Committee meeting, held on 4 December 2018 as circulated, be received and that the recommendations contained within these minutes be adopted.

(Note: The complete minutes are contained in the separate Minutes document)

Recommendation of the Airport, Water and Waste Committee, 4 December 2018**9.3.1 REVIEW OF UNDETECTED LEAK REBATE POLICY - COMMERCIAL**

File No:	11979
Attachments:	1. Undetected Leak Rebate Policy - Non-Residential 2. Undetected Leak Rebate Policy - Non-Residential with Track Changes
Authorising Officer:	Martin Crow - Acting General Manager Regional Services
Author:	Jason Plumb - Manager Fitzroy River Water

SUMMARY

A review has been carried out of the Undetected Leak Rebate Policy – Commercial where it has been decided to re-name the policy Undetected Leak Rebate Policy – Non-Residential. The policy has also been amended to take into account circumstances of higher than usual water consumption due to reasons other than a water leak.

COMMITTEE RECOMMENDATION

THAT the Undetected Leak Rebate Policy – Non-Residential as presented, be adopted.

Recommendation of the Airport, Water and Waste Committee, 4 December 2018**9.3.2 ROCKHAMPTON AIRPORT MONTHLY OPERATIONS REPORT - NOVEMBER 2018**

File No: 7927
Attachments: 1. Rockhampton Airport Monthly Operations Report - November 2018
Authorising Officer: Tony Cullen - General Manager Advance Rockhampton
Author: Tracey Baxter - Manager Airport

SUMMARY

The Monthly Operations and Annual Performance Plan Report for the Rockhampton Airport for November 2018 is presented for Councillors information.

COMMITTEE RECOMMENDATION

THAT Council acknowledges the efforts of Airport staff during the recent bushfire emergency.

COMMITTEE RECOMMENDATION

THAT the Rockhampton Airport Operations and Annual Performance Plan Report for *November 2018* be 'received'.

9.4 COMMUNITY SERVICES COMMITTEE MEETING - 5 DECEMBER 2018

RECOMMENDATION

THAT the Minutes of the Community Services Committee meeting, held on 5 December 2018 as circulated, be received and that the recommendations contained within these minutes be adopted.

(Note: The complete minutes are contained in the separate Minutes document)

Recommendation of the Community Services Committee, 5 December 2018**9.4.1 DEMOLITION OF COMMUNITY ASSETS**

File No: 5960
Attachments: Nil
Authorising Officer: Brett Nicholls - Coordinator Community Projects and Open Space Facilities
Colleen Worthy - General Manager Community Services
Author: Darren Toohey - Project Manager

SUMMARY

Council consideration is sought in relation to the demolition/disposal of the Western Street amenities building and Victoria Park cricket club building.

COMMITTEE RECOMMENDATION

1. THAT a report be brought back on the outcome of meeting with the Brothers Club.
2. THAT a report be brought back after discussion with community groups who may wish to occupy the building.

Recommendation of the Community Services Committee, 5 December 2018**9.4.2 OPERATIONAL STRATEGIC REVIEW - NEW ROCKHAMPTON ART GALLERY - SOLE PROVIDER PROVISION**

File No: 7104
Attachments: Nil
Authorising Officer: John Webb - Manager Communities and Culture
Colleen Worthy - General Manager Community Services
Author: Bianca Acimovic - Gallery Director

SUMMARY

Subsequent to the 2018 New Rockhampton Art Gallery Business Case, retrospective approval is sought for the engagement of sub-consultants Positive Solutions. These additional consultants are to expand on the initial Business Case by undertaking a Strategic Operational Review for the New Rockhampton Art Gallery.

COMMITTEE RECOMMENDATION

1. THAT Council resolve retrospectively that 'because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders' for the supply of the Strategic Operational Review for the New Rockhampton Art Gallery as detailed in the report.
2. THAT Positive Solutions be approved as a sole supplier to Council in accordance with s.235(a) of the *Local Government Regulation 2012*.

Recommendation of the Community Services Committee, 5 December 2018**9.4.3 COMMUNITY ASSISTANCE PROGRAM - MAJOR SPONSORSHIP**

File No: 12535
Attachments: Nil
Authorising Officer: Colleen Worthy - General Manager Community Services
Author: Kerri Dorman - Administration Supervisor

SUMMARY

An application from the RACQ Capricorn Helicopter Rescue Service for Major Sponsorship Assistance towards the Colour Me Capricorn event is presented for Council consideration.

COMMITTEE RECOMMENDATION

THAT Council considers the application made under the Major Sponsorship scheme for cash assistance towards the staging of the Colour Me Capricorn event to be held on 24 March 2019 at the Rockhampton Botanic Gardens and approve a cash sponsorship of \$5,000.00.

Recommendation of the Community Services Committee, 5 December 2018
9.4.4 COMMUNITY ASSISTANCE PROGRAM - 2018/2019 ROUND 2

File No: 12535
Attachments: 1. 2018/2019 Application Summary
Authorising Officer: Colleen Worthy - General Manager Community Services
Author: Kerri Dorman - Administration Supervisor

SUMMARY

Sixteen applications for funding were received for the second round of the Community Assistance Program for the current financial year. Three applications were deemed ineligible. Thirteen applications have been assessed and recommendations for funding are presented for Council consideration.

COMMITTEE RECOMMENDATION

THAT Council approves the allocation of funding from the Community Assistance Program for the following:

Applicant	Purpose of Grant/Sponsorship	Amount
Depot Hill State School	Oval upgrade and creation of Soccer Field	\$5,000.00
C & K nGundaroo Community Childcare Centre	C & K nGundaroo Upgrade of Bathroom Project	\$5,536.00
Diggers Memorial Bowls Club Inc	Clubhouse Refurbishment - Diggers Memorial Bowls Club Inc	\$9,284.00
Mount Morgan Rodeo Association Inc	Purchase of PA System for MMRA	\$1,878.48
Multicap Limited	Multicap's Rockhampton Hub Bathroom Upgrade	\$5,000.00
Playgroup Queensland Ltd, T/A Sing & Grow	Early Intervention Music Therapy Program	\$3,250.00
Rockhampton & District Softball Association	Grounds & Facilities Upgrade	\$3,000.00
Rockhampton & District Softball Association	Softball Open Men State Championships	\$2,500.00
Rocky Flix	Rocky Flix Films Program	\$1,652.00
Rocky Roller Derby	Hall Hire Cost	\$2,000.00
Sing Australia Gracemere	Purchase a Public Address System	\$1,032.47
Wildlife Rockhampton	Purchase of Jab Sticks	\$986.70
Women's Health Centre, Rockhampton	2019 Women's Wellness Expo	\$2,721.10

Recommendation of the Community Services Committee, 5 December 2018**9.4.5 COMMUNITY ASSISTANCE PROGRAM - MAJOR SPONSORSHIP GEMBOREE**

File No: 12535
Attachments: Nil
Authorising Officer: Colleen Worthy - General Manager Community Services
Author: Kerri Dorman - Administration Supervisor

SUMMARY

An application from the Queensland Gem Clubs Association Incorporated for Major Sponsorship Assistance towards the Australia's 55th National GEMBOREE event is presented for Council consideration.

COMMITTEE RECOMMENDATION

THAT Council considers the application made under the Major Sponsorship scheme for cash assistance towards the staging of the Australia's 55th National GEMBOREE event to be held from 19 – 22 April 2019 at the Rockhampton Showgrounds and approve a cash sponsorship amount of \$25,000.00.

Recommendation of the Community Services Committee, 5 December 2018**9.4.6 COMMUNITY ASSETS AND FACILITIES MONTHLY OPERATIONAL REPORT - NOVEMBER 2018**

File No:	10097
Attachments:	1. Monthly Operational Report - Community Assets and Facilities
Authorising Officer:	Colleen Worthy - General Manager Community Services
Author:	Sophia Czarkowski - Acting Coordinator Facilities

SUMMARY

This report provides information on the activities of Community Assets and Facilities for the month of November 2018.

COMMITTEE RECOMMENDATION

THAT the Community Assets and Facilities monthly operational report for November 2018 be received.

Recommendation of the Community Services Committee, 5 December 2018**9.4.7 COMMUNITIES AND CULTURE OPERATIONAL REPORT - OCTOBER 2018****File No:** 1464**Attachments:** 1. **Communities and Culture Operational Report for October 2018****Authorising Officer:** **Colleen Worthy - General Manager Community Services****Author:** **John Webb - Manager Communities and Culture**

SUMMARY

The Report provides information on the programs and activities of the Communities and Culture section for October 2018

COMMITTEE RECOMMENDATION

THAT the Communities and Culture Operational Report for October 2018 be received.

Recommendation of the Community Services Committee, 5 December 2018**9.4.8 ROCKHAMPTON CATTLE CLUB LEASE**

File No: 8763
Attachments: 1. Rockhampton Cattle Club Inc Sketch Plan
Authorising Officer: Colleen Worthy - General Manager Community Services
Author: John Webb - Manager Communities and Culture

SUMMARY

A trustee permit between Council and the Rockhampton Cattle Club Inc. for a parcel of land and associated building, wholly contained within the Rockhampton Showgrounds, has expired and subsequently reviewed. Council's resolution is required to issue the club with a new trustee lease over the land.

COMMITTEE RECOMMENDATION

THAT:

1. Pursuant to section 236(1)(b)(ii) and (c)(iii) of the *Local Government Regulation 2012*, Council approve the issuing of a Trustee Lease to the Rockhampton Cattle Club Inc for the property as shown in the sketch plan attached to the report;
2. Council authorises the Chief Executive Officer (General Manager Community Services) to negotiate suitable terms and conditions of the agreement to ensure Council has access to the building for up to five occasions per year; and
3. Council confirms the Rockhampton Cattle Club Inc has ownership of the fixed improvements on the parcel of land shown in the sketch plan and the related responsibility for the improvements ongoing maintenance.

Recommendation of the Community Services Committee, 5 December 2018**9.4.9 AUSTRALIA DAY GRANT PROGRAM 2019****File No: 5095****Attachments:**

1. Rotary Club of Mount Morgan - Australia Day Community Event Grant Application
2. Gracemere Men's Shed - Australia Day Community Event Grant Application
3. Bouldercombe Progress Association - Australia Day Community Event Grant Application

Authorising Officer: Colleen Worthy - General Manager Community Services**Author: John Webb - Manager Communities and Culture**

SUMMARY

In 2013 Council resolved to establish an Australia Day Community Grants Program to assist local organisations to coordinate community based Australia Day celebration across the region. Applications for funding to support activities for Australia Day 2019 are now presented for Council approval.

COMMITTEE RECOMMENDATION

THAT Council:

1. award a grant of \$3,500 to the Rotary Club of Mt Morgan to assist the group in presenting a community-focused Australia Day celebration in Mt Morgan in 2019;
2. award a grant of \$1,800 to the Gracemere Men's Shed Inc. to assist the group in presenting a community-focused Australia Day celebration in Gracemere in 2019; and
3. award a grant of \$500 to the Bouldercombe Progress Association to assist the group in presenting a community-focused Australia Day celebration in Bajool in 2019.

9.5 PARKS, RECREATION AND SPORT COMMITTEE MEETING - 5 DECEMBER 2018

RECOMMENDATION

THAT the Minutes of the Parks, Recreation and Sport Committee meeting, held on 5 December 2018 as circulated, be received and that the recommendations contained within these minutes be adopted.

(**Note:** The complete minutes are contained in the separate Minutes document)

Recommendation of the Parks, Recreation and Sport Committee, 5 December 2018**9.5.1 PARKS OPERATIONAL REPORT - NOVEMBER 2018**

File No: 1464
Attachments: 1. Parks Operational Report - November 2018
Authorising Officer: Colleen Worthy - General Manager Community Services
Author: Aaron Pont - Acting Manager Parks

SUMMARY

This report provides information on the activities and services of the Parks section for November 2018.

COMMITTEE RECOMMENDATION

THAT the report on the activities and services of the Parks section for November 2018 be received, and the Operational Plan number 2.1.2.1 be amended to remove “and entertainment”.

Recommendation of the Parks, Recreation and Sport Committee, 5 December 2018**9.5.2 BERSERKER MASONIC LODGE - FEE REDUCTION REQUEST**

File No: 6424

Attachments:

1. Letter from Berserker Masonic Lodge requesting fee reduction
2. Berserker Masonic Lodge - Financials 2015/16

Authorising Officer: Aaron Pont - Acting Manager Parks
Colleen Worthy - General Manager Community Services

Author: Jacinta James - Acting Senior Sports and Education Advisor

SUMMARY

Berserker Masonic Lodge has a Freehold Lease over Musgrave Park, 19 Larnach Street, Allenstown (being Lot 2 RP610854). The Club has requested a reduction in fees for the remainder of their Lease to assist with ongoing operations.

COMMITTEE RECOMMENDATION

THAT Council approve to the request from Berserker Masonic Lodge for a reduction of Lease fees from 1 July 2018 to 30 June 2022 as outlined in the report.

Recommendation of the Parks, Recreation and Sport Committee, 5 December 2018**9.5.3 INCREASING ZOO SECURITY**

File No: 1464
Attachments: Nil
Authorising Officer: Aaron Pont - Acting Manager Parks
Colleen Worthy - General Manager Community Services
Author: Liz Bellward - Curator Rockhampton Zoo

SUMMARY

It has been observed that the current perimeter fence around the Zoo is insufficient allowing access after-hours. This report provides an overview and recommendations to address risk.

COMMITTEE RECOMMENDATION

THAT a further report on security options for the Zoo be presented at the February Committee meeting.

10 COUNCILLOR/DELEGATE REPORTS**10.1 ROCKHAMPTON SYMPHONY ORCHESTRA CDF REQUEST TO MAYOR STRELOW**

File No: 8295
Attachments: Nil
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Nicole Semfel - Acting Executive Assistant to the Mayor

SUMMARY

The Rockhampton Symphony Orchestra has made application from Mayor Strelow's Councillor Discretionary Fund for financial assistance in the sum of \$2,000 towards the costs associated with the performance, "A Night at the Proms."

OFFICER'S RECOMMENDATION

THAT Council approve the Councillor Discretionary Fund Application for the Rockhampton Symphony Orchestra for the amount of \$2,000 from Mayor Strelow's Discretionary Fund.

BACKGROUND

The Rockhampton Symphony Orchestra, an incorporated not-for-profit organisation, was established in May 2018, to create a semi-professional orchestra comprised of local musicians working in collaboration with professional conductors and soloists from around Australia. Mayor Margaret Strelow would like to donate \$2,000.00 from her Councillor Discretionary Fund to assist the Rockhampton Symphony Orchestra with their request for assistance.

11 OFFICERS' REPORTS

11.1 ANNUAL GOODS AND SERVICES SPEND ANALYSIS

File No:	5883
Attachments:	Nil
Authorising Officer:	Ross Cheesman - Deputy Chief Executive Officer
Author:	Drew Stevenson - Manager Corporate & Technology

SUMMARY

Presenting details of the annual goods and services spend analysis for the 12 month period from 1 November 2017 to 31 October 2018.

OFFICER'S RECOMMENDATION

THAT Council receives the annual goods and services spend analysis report.

COMMENTARY

Council's affirmative action to buy local and support the local economy as stipulated by the *Local Preference Policy*, continues to benefit the region's economy. The provisions of the Policy delivering positive results include:

- A 12% local preference weighting (reducing to 5% for projects greater than \$1M); and
- The Tenderer Local Content weighting of 10% for projects greater than \$150K in value. The full weighted score is awarded when the Tenderer nominates local suppliers and sub-contractors for goods and services for use in the project to a minimum value of 30% of the tendered sum.

BACKGROUND

The spend analysis detailed in this report is based on Council's expenditure on goods and services for the 12 month period from 1 November 2017 to 31 October 2018.

Goods and Services Spend Analysis

During the reporting period, Council spent **\$101M** on goods and services. Of that amount, **\$74.7M** has been spent within the RRC boundaries. That is, **74%** of Council's goods and services have been acquired from local businesses. An additional \$1.4M was spent within the CQROC (Central Queensland Region of Councils) boundaries:

- Banana Shire Council;
- Central Highlands Regional Council;
- Gladstone Regional Council;
- Livingstone Shire Council; and
- Woorabinda Aboriginal Shire Council.

Plant Hire, Trade Services and Roadmaking Materials

Further analysis of Council's goods and services expenditure in the areas of Hire of Construction Plant and Equipment, Trade Services and Roadmaking Materials shows that we have spent a total of \$22.5M, with **\$21.6M (96%)** spent on local businesses and locally supplied materials. These are the majority of our contracted small business operators.

Comparison to Previous Period

Analysis Period	Total Goods / Services	Total Local Spend	% Local	CQ Spend	Plant Hire, etc. Total	Plant Hire, etc. Local	Plant Hire, etc. CQ
*Nov 14 – Oct 15	\$95.1M	\$63.8M	67%	\$5.4M	\$23.7M	\$21.8M (92%)	\$1.9M
Nov 15 – Oct 16	\$77.3M	\$59.6M	77%	\$2M	\$24.6M	\$23.7M (96%)	\$900K
Nov 16 – Oct 17	\$94.6M	\$71.8M	76%	\$2.9M	\$24.3M	\$23.3 (96%)	\$901K
Nov 17 – Oct 18	\$101M	\$74.7M	74%	\$1.4M	\$22.5M	\$21.6M (96%)	\$856K

* NB: Results influenced by T.C. Marcia cleanup/recovery.

Breakdown and Analysis of Total Spend

Summary breakdown of the total good and services spend:

- Local (Rockhampton Region): \$74,729,897
- CQ (CQ ROC area): \$1,383,253
- Rest of QLD: \$19,341,321
- Interstate & O'Seas: \$5,562,506
- **Total Spend: \$101,016,977**

The CQ ROC result includes expenditure (\$250K) for the CQ Home Assist Secure operation providing assistance in areas throughout the CQ ROC. The total CQ Home Assist spend was just under \$1.5M (\$1.2M local).

Some of the larger projects and suppliers making-up the Rest of QLD spend includes:

- The Airport Pavement Project;
- Slurry Seal Program;
- North Rockhampton Sewage Treatment Plant Electrical Upgrade;
- Animal Management Facility;
- NDRRA Restoration Works;
- Mobile Screening and Crushing Plant;
- Plumbing pipes; and
- Kershaw gardens play equipment.

The interstate and overseas good and services spend includes:

- Water treatment chemicals;
- Synthetic hockey surface;
- Water truck trailers;

For the major projects awarded to principal contractors not based in the Rockhampton Region, the majority of local supplier and sub-contractor arrangements range from 30% to 80% of the contract sum. That is, 30% to 80% of the contract sum is awarded to local businesses.

CONCLUSION

The goods and services spend analysis for the twelve months, November 2017 to October 2018, demonstrates Council's continued commitment to supporting the region's economy with \$74.7M (74%) spent locally; including \$21.6M (96%) on hire of construction plant and equipment, trade services and roadmaking material.

11.2 LOCAL LAW MAKING PROCESS**File No:** 11698

- Attachments:**
1. **Public Interest Test Report - Administration (Amendment) Local Law (No. 1) 2018 and various subordinate local laws**[↓](#)
 2. **Public Interest Test Report - Local Law No. 8 (Waste Management) 2018**[↓](#)
 3. **Schedule of Anti-Competitive Provisions**[↓](#)
 4. **Submissions**[↓](#)
 5. **LL1 (Administration) 2011 (Consolidated)**[↓](#)
 6. **LL8 (Waste Management) 2018**[↓](#)
 7. **SLL1.3 (Establishment or Occupation of a Temporary Homes) 2011 (Consolidated)**[↓](#)
 8. **LL4 (Installation of Advertising Devices) 2018**[↓](#)
 9. **SLL1.6 (Operation of Accommodation Parks) 2018**[↓](#)
 10. **SLL1.9 (Cemeteries) 2011 (Consolidated)**[↓](#)
 11. **SLL1.12 (Operation of Temporary Entertainment Events) 2011 (Consolidated)**[↓](#)
 12. **SLL1.13 (Undertaking Regulated Activities regarding Human Remains) 2011 (Consolidated)**[↓](#)

Authorising Officer: Colleen Worthy - General Manager Community Services**Author:** Steven Gatt - Manager Planning and Regulatory Services

SUMMARY

In July 2016 the Chief Executive Officer requested that a Local Law Review Project be undertaken to review Local and Subordinate Local Laws for the Rockhampton Regional Council. Reviews have been conducted by internal stakeholders, state governing bodies and the public for Stage 1. The Council's Local and Subordinate Local Laws have now reached the final stage of the Local Law making process.

OFFICER'S RECOMMENDATION

THAT Council resolves –

- a) To implement the recommendations of the Public Interest Test Reports as follow-
 - i. Public Interest Test Report – Administration (Amendment) Local Law (No.1) 2018 and various subordinate local laws; and
 - ii. Public Interest Test Report – Local Law No.8 (Waste Management) 2018;
 - b) To make each of the following local laws, as advertised-
 - i. Administration (Amendment) Local Law (No. 1) 2018;
 - ii. Local Law No. 8 (Waste Management) 2018; and
 - c) To make each of the following subordinate local laws, as advertised-
 - i. Establishment or Occupation of a Temporary Home (Amendment) Subordinate Local Law (No. 1) 2018;
 - ii. Subordinate Local Law No. 1.6 (Operation of Accommodation Parks) 2018;
 - iii. Operation of Cemeteries (Amendment) Subordinate Local Law (No. 1) 2018;
 - iv. Operation of Temporary Entertainment Events (Amendment) Subordinate
-

- Local Law (No. 1) 2018;
- v. Undertaking Regulated Activities regarding Human Remains (Amendment) Subordinate Local Law (No. 1) 2018; and
- d) To note that the following local laws and subordinate local laws contain anti-competitive provisions-
- i. Administration (Amendment) Local Law (NO. 1) 2018;
 - ii. Subordinate Local Law No. 1.6 (Operation of Accommodation Parks) 2018;
 - iii. Operation of Temporary Entertainment Events (Amendment) Subordinate Local Law (No. 1.) 2018;
 - iv. Local Law No. 8 (Waste Management) 2018; and
- e) To adopt, pursuant to section 32 of the *Local Government Act 2009*, in the form attached to this report to Council, consolidated version of the local laws and subordinate local laws of Council as follows-
- i. *Local Law No. 1 (Administration) 2011;*
 - ii. *Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Homes) 2011;*
 - iii. *Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011;*
 - iv. *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011;*
 - v. *Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains) 2011.*

COMMENTARY

Council has consulted with relevant stakeholders and members of the public about the overall interest in each of the documents listed in the schedule below.

Following this stage council is now prepared to finalise the local law making process.

SCHEDULE

- Local Law No. 1 (Administration) 2018
- Local Law No. 8 (Waste Management) 2018
- Subordinate Local Law No. 1.3 (Establishment or Occupation of Temporary Homes) 2018
- Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2018
- Subordinate Local Law No. 1.6 (Operation of Accommodation Parks) 2018
- Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2018
- Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2018
- Subordinate Local Law No. 1.13 (Undertaking Regulated Activities Regarding Human Remains) 2018

LEGISLATIVE CONTEXT

The *Local Government Act 2009* and the *Local Government Regulation 2012* provide the legislative guidance for the making of Local and Subordinate Local Laws.

CONCLUSION

The schedule be presented to Council to finalise the local law making process.

LOCAL LAW MAKING PROCESS

Public Interest Test Report - Administration (Amendment) Local Law (No. 1) 2018 and various subordinate local laws

Meeting Date: 11 December 2018

Attachment No: 1

PUBLIC INTEREST TEST REPORT**ADMINISTRATION (AMENDMENT) LOCAL LAW (NO. 1) 2018, SUBORDINATE LOCAL LAW NO. 1.4 (INSTALLATION OF ADVERTISING DEVICES) 2018, SUBORDINATE LOCAL LAW NO. 1.6 (OPERATION OF ACCOMMODATION PARKS) 2018 AND OPERATION OF TEMPORARY ENTERTAINMENT EVENTS (AMENDMENT) SUBORDINATE LOCAL LAW (NO. 1) 2018**

A public interest test has been conducted as part of the National Competition Policy reforms on anti-competitive provisions identified in the local law and subordinate local laws identified in schedule 1. 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 has been prepared in accordance with guidelines issued by the Department of Infrastructure and Planning and called up by regulation under the *Local Government Act 2009*.

RESULTS OF CONSULTATION PROCESS

Consultation with the public and key stakeholders occurred over a three week period. An advertisement was placed in the local paper at the commencement of the consultation period advising of the review and calling for submissions. Notices were posted on notice boards within the local government area during the consultation period. Direct notification of the review was sent to all key stakeholders.

Submissions received and arguments presented (if any) are annexed to this Public Interest Test Report.

POSITIVE AND NEGATIVE IMPACTS ON STAKEHOLDERS FROM MOVING TO ALTERNATIVES

Positive and negative impacts on stakeholders from moving to alternatives are particularised in the schedules to this report as follows:-

Commercial Use of Local Government Controlled Areas and Roads — See Schedule 2

Installation of Advertising Devices — See Schedule 3

Operation of Accommodation Parks — See Schedule 4

Operation of Temporary Entertainment Events — See Schedule 5

SUMMARY OF NET IMPACTS ASSOCIATED WITH ALTERNATIVES

An analysis of the costs and benefits of moving to an identified alternative is detailed in the following schedules.

Commercial Use of Local Government Controlled Areas and Roads — See Schedule 2

Installation of Advertising Devices — See Schedule 3

Operation of Accommodation Parks — See Schedule 4

Operation of Temporary Entertainment Events — See Schedule 5

PUBLIC INTEREST TEST REPORT RECOMMENDATION

For each prescribed activity, each possible anti-competitive provision reviewed is an anti-competitive provision and should be retained in its current form in the public interest.

SCHEDULE 1 — LOCAL LAW AND SUBORDINATE LOCAL LAWS IN WHICH POSSIBLE ANTI-COMPETITIVE PROVISIONS IDENTIFIED

Administration (Amendment) Local Law (No. 1) 2018

Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2018

Subordinate Local Law No. 1.6 (Operation of Accommodation Parks) 2018

Operation of Temporary Entertainment Events (Amendment) Subordinate Local Law (No. 1) 2018

SCHEDULE 2 — COMMERCIAL USE OF LOCAL GOVERNMENT CONTROLLED AREAS AND ROADS

Positive and negative impacts on stakeholders from moving to alternatives

Local Government	Existing and Potential Business	Consumers	Community Groups
<p>Establishment costs of changing from a licence based system to a negative licensing based system such as Council time, redrafting costs, cost of community/business education programs. This is a one-off expense and therefore impact is considered to be low - low negative impact (-1).</p>	<p>Increased potential of non-compliance costs under a negative licensing regime eg. fines.</p> <p>There is a potential that minimum standards under the negative licensing regime will be misinterpreted and result in non-compliance penalties. The level of non-compliance is expected to be minimal and the impact is therefore considered to be low - low negative impact (-1).</p>	<p>Increase in market competition between existing and potential business creating innovation, efficiencies and types of product service.</p> <p>Consumers will receive the benefits from increased competition through price, product availability and product/business choice. The expected level of competition in the long term is expected to stabilise and any benefits received by the change is expected to be low - low positive impact (+1).</p>	<p>Risk of unsafe vending too high if not controlled by local government in some way. Under a negative licensing regime, as opposed to a licence based system (conventional regime) the risk of non-compliance is greater. However, local government can still take enforcement action and therefore impact is considered to be low - low negative impact (-1).</p>
<p>Increase in level of monitoring required to enforce local law from one temporary employee to one permanent full-time employee. The cost borne by this change is minimal and therefore the impact is considered to be low - low negative impact (-1).</p>	<p>Increase in market competition between existing and potential business creating a reduction in profit margin and removal of price padding. In the short term, it is expected that significant change will occur in market distribution, power and price. However, in the long term, it is expected that the market will stabilise and therefore the impact is considered to be low - low negative impact (-1).</p>		<p>Increase in cost borne for environmental damage by community. Due to the increased risk in non-compliance some of the costs from environmental damage (including public nuisance) may be borne by the community. Minimum standards under a negative licensing regime will ensure that this transfer of costs will be negligible and therefore the change will be a low negative impact (-1).</p>

Local Government	Existing and Potential Business	Consumers	Community Groups
<p>Potential for non-compliance by outside vendors at the risk of road users and community. The potential for non-compliance is higher under a negative licensing regime and local government is likely to receive more complaints. The impact is considered to be moderate - moderate negative impact (-3).</p>	<p>Removal of licence regime means savings for existing and potential businesses in not having to prepare and submit licence applications. There is also a saving from removal of licence fees. However, these cost represent a small portion of overall operating expenses and therefore the impact is considered to be low - low positive impact (1).</p>		
<p>Unable to regulate the impact on the environment by regulating the number of vendors. Regulation of vendors will be restricted to minimum standards outlined under the negative licensing regime. The level of control available will be reduced marginally. The impact is considered to be low impact - low negative impact (-1).</p>	<p>Removal of restrictions on business ownership, that is, level and number of operations. Business is no longer restricted to the level and type of operations under the licence system. Standards will still need to be met under a negative licensing regime and therefore the change is considered to be low - low positive impact (+1).</p>		
<p>The specific conditions required for each type of roadside vendor creates complexity under a negative licensing regime. The level and type of business including the various products sold require different minimum standards which will ultimately create a complex local law. This will be a moderate negative impact (-3).</p>			
<p>Loss of fees paid for licences and renewals. Fee structure was in place to cover administrative costs of the local law. This is considered to be a low negative impact (-1).</p>			

Local Government	Existing and Potential Business	Consumers	Community Groups
<p>Application and processing for licences will no longer apply. Staff will be required to maintain the negative licensing regime which is a more efficient framework to operate. This will be a low positive impact (+1).</p>			
<p>Higher fines apply under a negative licensing regime. Local government will recover some costs from higher fines but as court action is usually a last resort in terms of enforcement, the impact is considered to be low - low positive impact (+1).</p>			
<p>-8</p>	<p>+1</p>	<p>+1</p>	<p>-2</p>

Summary of net impact associated with alternatives

In summary, analysis of the costs and benefits of moving to the alternative provides the following information:

Alternative	Local Government	Business - both existing and potential	Consumers	Community/ Conservation Groups
Negative licensing Current existing local law is a licence based system. The alternative is to convert the licence process to a negative licensing regime.	Moderate/High Negative Impact The increased risk of non-compliance and potential for the maintenance of a complex local law under a negative license regime far outweighs any benefit received from reducing application processing .	Low Positive Impact Removal of the restriction on commercial use of local government controlled areas and roads results in an increase in competition, reduction in costs and removal of restrictions on business ownership.	Low Positive Impact Consumers will receive the benefits from increased competition through price, product availability and product/business choice. However, the higher enforcement costs of Council may be paid for by the general community.	Low Negative Impact Increase in the risk associated with environmental damage, aesthetic quality of the region and public health and safety.

Overall, the analysis of costs and benefits has determined there would be a net cost to the community as a whole in moving to a negative licensing regime.

There are benefits which would accrue to both business and consumers under a negative licensing regime. Potential business would benefit from removal of the barrier to entry to the market and both existing and potential business would benefit from a reduction in operating costs. Consumers would benefit from increased competition in the market.

However, these positive impacts are offset by increased costs for Council in enforcing compliance under the negative licensing regime. These costs are substantial and could be passed on to the community. Because there is the potential for non-compliance to be greater under a negative licensing regime there may be negative impacts on the environment, amenity and public health and safety.

SCHEDULE 3 — INSTALLATION OF ADVERTISING DEVICES

POSITIVE AND NEGATIVE IMPACTS ON STAKEHOLDERS FROM MOVING TO ALTERNATIVE

	Conservation Interest Groups	Community/ Consumers/ Home owners	Existing and Potential Business	Government
	Details of Impacts	Details of Impacts	Details of Impacts	Details of Impacts
negative impacts		Potential impact from non-compliance will result in a decrease in quality of life from visual pollution it is expected to have a moderate impact on the community and a high impact on home owners residing in business areas. (-5)	Increased costs in professional fees to ensure that erected signs specifically comply with local government standards. This cost was previously paid through the application fee at a subsidised rate. This increase in costs is not expected to be significant over the life of the business and a majority of professional fees paid is already required under current local law. Overall the impact is expected to be moderate. (- 3)	Increased risk of non-compliance by business when exhibiting advertising. Council has no control over the initial design and construction of physical advertising. An increased level of risk will be borne by Council in non-compliance. For advertising in the community the magnitude of non-compliance can be high. Overall, the impact is moderate. (-3)
		Decrease in level of safety provided to community because of a decrease in the quality standard of physical advertising. This will have a low impact on the community overall but a significant impact on home owners near advertising and members of the public working near signs. (-1)	Potential for deterioration of relationships between business and local government. Local government action against business for non-compliance - business resisting action because structure is already built. Though this impact is only a potential impact, it is expected to increase in importance over the longer term, therefore it is considered to be a moderate impact. (-3)	Establishment costs - change in local law so that the definition of permitted advertisement includes all classifications and attending criteria for approving/rejecting applications which currently exist, and thereby includes those advertisements in negative licensing regime. These costs occur once and are not material to the overall costs of local government. For this reason the impact is considered low. (-1)

	Conservation Interest Groups	Community/ Consumers/ Home owners	Existing and Potential Business	Government
	Details of Impacts	Details of Impacts	Details of Impacts	Details of Impacts
			<p>Increase in responsibility for business to comply with standards.</p> <p>Business will now have the responsibility for complying with the standards set in the local law, whereas previously local government ensured compliance through the permit regime. The onus of responsibility now resides with business and is therefore considered to be a moderate impact. (-3)</p>	<p>Reduction in application and penalty fee revenue. Fees received is immaterial to the overall revenue received by local government. Local government does not rely on revenue received from such fees in operations and is considered surplus to local government needs. The impact will be moderate. (-3)</p>
			<p>Potential for misuse of environment.</p> <p>There is potential for business to abuse accepted environmental standards. It is expected that this will not occur and is considered a low impact. (- 1)</p>	

	Conservation Interest Groups	Community/ Consumers/ Home owners	Existing and Potential Business	Government
	Details of Impacts	Details of Impacts	Details of Impacts	Details of Impacts
positive impacts			<p>Reduction in paperwork and time from removal of application/approval process.</p> <p>Business will no longer have to pay application fees or lose time waiting for permits to be approved.</p> <p>Application fees represented less than 1% of turnover of a business in a year and significantly less than total business capital worth. The impact is considered low. (- 1)</p>	<p>Reduction in processing applications requires the restructuring of staff duties and time. The decrease in time spent approving applications will be applied to the inspection of advertising. Some job redesign will be necessary and is therefore a moderate impact. (-3)</p>

DETERMINE NET COMMUNITY BENEFIT

In summary comparison of the alternatives provides the following information:

Alternative	Government	Business	Community/ Consumers	Conservationists
<p>Negative licensing</p> <p>Current existing local law is a combination of negative licensing and permits. The alternative is to convert the permit process to become part of the negative licensing process.</p>	<p>Moderate Negative Impact</p> <p>The increased risk of non-compliance and potential for damaged relationships between parties far outweighs any benefit received from reducing application processing requirements.</p> <p>A financial loss would result.</p>	<p>Moderate Negative Impact</p> <p>Removal of the restriction on advertising results in a transfer of responsibility in environmental management to business and an increase in the level of risk in non-compliance. The standard of advertising will remain, the only benefit being a monetary/time reduction in application process.</p>	<p>Moderate Negative Impact</p> <p>The risk of non-compliance will result in a decrease in environmental and public health/safety standards. This outweighs any benefits to the stakeholders in removing restrictions on advertising.</p>	<p>No Impact</p> <p>There are no changes in the level of environmental protection.</p>

The regulatory alternative of full negative licensing regulation is not expected to result in an overall benefit to the community. The current local law ensures that the community will not pay costs associated with exhibiting advertising in certain places resulting in increased visual pollution and decrease in public health and safety standards. Businesses are still able to compete effectively in the market with the imposition of existing restrictions.

The level of restriction on competition under the current regulatory arrangement is low compared with the impacts under the alternative arrangement. Full negative licensing is not considered a viable alternative because of the increased risk associated with non-compliance. The current local law only requires application and approval for the exhibition of advertisement in cases where the public health and safety and visual pollution aspects are highest. In other cases, advertisements are governed by a negative licensing regime.

Overall, while the provisions reviewed are clearly anti-competitive the benefits to the community of retaining them outweigh the costs and provide the most appropriate way of achieving the objectives of the local law.

SCHEDULE 4 — OPERATION OF ACCOMMODATION PARKS

POSITIVE AND NEGATIVE IMPACTS ON STAKEHOLDERS FROM MOVING TO ALTERNATIVE

Negative licensing

Stakeholders	Impacts	Weighting
Council	<p>Council would be impacted by having to implement a new regulatory system ie. amend local law, educate staff, accommodation park operators and community etc.</p> <p>Saving in administration costs through not having to process permit applications.</p> <p>Loss of fees.</p> <p>Loss of flexibility and control in regulating accommodation parks ie. loss of ability to set site specific conditions and loss of ability to cancel or suspend a permit.</p>	<p>Low negative (-1)</p> <p>Low positive (+1)</p> <p>Low negative (-1)</p> <p>Moderate negative (-3)</p> <p>Overall - Moderate negative</p>
Existing accommodation park operators	<p>Reduction in “red tape” (no requirement to renew permit) may result in reduced operating costs.</p> <p>Heavier fines for non-compliance.</p>	<p>Low positive (+1)</p> <p>Low negative (-1)</p> <p>Overall - Neutral</p>
Potential accommodation park operators	<p>Removal of barrier to entry for operators.</p> <p>Heavier fines for non-compliance.</p>	<p>Low positive (+1)</p> <p>Low negative (-1)</p> <p>Overall - Neutral</p>
Accommodation park occupants	<p>Possible decrease in standards resulting from Council’s loss of discretionary power to refuse permit applications to operate accommodation parks and loss of ability to set site specific conditions.</p> <p>Lower prices if operational savings passed on.</p> <p>Greater consumer choice and product differentiation through increased competition.</p>	<p>Low negative (-1)</p> <p>Low positive (+1)</p> <p>Low positive (+1)</p> <p>Overall - Low positive</p>
General community and residents living in close proximity to accommodation parks	<p>Possible decrease in amenity and increase in nuisances resulting from Council’s loss of discretionary power to refuse permit applications to operate accommodation parks and loss of ability to set site specific conditions.</p>	<p>Low negative (-1)</p> <p>Overall - Low negative</p>
Qld Caravan Park Owners Association	<p>Association may be called on to play a greater role in the setting standards for the operation of accommodation parks.</p>	<p>Low positive (+1)</p> <p>Overall - Low positive</p>

SUMMARY OF NET IMPACTS ASSOCIATED WITH ALTERNATIVE

Negative licensing

Council	Existing accommodati on park operators	Potential accommodati on park operators	Accommodati on park occupants	General community and residents	Qld Caravan Park Owners Association
Moderate negative impact Council would lose the ability to set site specific conditions and to cancel permits.	Neutral impact Reduction in “red tape” is offset by the risk of heavier fines for non-compliance. However, maximum fines are rarely awarded by the courts, so overall impact lends towards being positive.	Neutral impact Removal of barrier to entry is offset by risk heavier fines for non-compliance. However, maximum fines are rarely awarded by the courts, so overall impact lends towards being positive.	Low positive impact Possible decrease in standards is balanced by greater consumer choice and lower prices.	Low negative impact Possible decrease in amenity and increase in nuisances.	Low positive impact Association may be called on to play a greater role in setting standards for the operation of accommodation parks.

Overall, the analysis of costs and benefits has determined there would be a net cost in moving to a negative licensing regime. Benefits accrue to a number of stakeholder groups, viz: accommodation park occupants and the Qld Caravan Park Owners Association. A neutral outcome has been determined for existing and potential accommodation park operators. However, a low negative impact has been determined for the general community and residents living in close proximity to accommodation parks and a moderate negative impact has been assessed for the Council.

SCHEDULE 5 — OPERATION OF TEMPORARY ENTERTAINMENT EVENTS

POSITIVE AND NEGATIVE IMPACTS ON STAKEHOLDERS FROM MOVING TO ALTERNATIVES

Planning scheme

Stakeholders	Impacts	Weighting
Local government	<p>Costs of moving to new regime, ie. repealing local law, amending planning scheme, educating staff, existing operators, community etc. - but once off cost so low impact.</p> <p>Loss of fees from removal of permit regime but as fees not substantial impact low.</p> <p>Streamlining of administration procedures ie. rationalisation of regulatory instruments.</p> <p>Harder to enforce conditions through planning scheme: - loss of ability to suspend or cancel a permit; - higher costs with Planning and Environment Court; - minimal flexibility for changing operating conditions</p>	<p>Low negative (-1)</p> <p>Low negative (-1)</p> <p>Low positive (+1)</p> <p>High negative (-5)</p> <p>Overall - Low/moderate negative</p>
Existing operators	<p>No permit renewal fees.</p> <p>Some uncertainty exists as to the position of existing operators under a move to regulation by the planning scheme - that is, there may be an absence of regulatory control over existing operators from removal of the permit regime - they become non-conforming uses under the planning scheme.</p>	<p>Low positive (+1)</p> <p>Low positive (+1)</p> <p>Overall - Low positive</p>
Potential operators	<p>No permit required.</p> <p>Establishment costs are likely to be higher and time delays may result through requirement to advertise consent application.</p> <p>Appeal rights if application rejected.</p>	<p>Low positive (+1)</p> <p>Moderate negative (-3)</p> <p>Low positive (+1)</p> <p>Overall - Low negative</p>
Entertainment venue users/consumers	<p>Reduction in operating costs (ie no permit application/renewal fees) should be passed on to consumers by way of lower prices for product/service but rated low as price reductions not likely to be large.</p>	<p>Low positive (+1)</p> <p>Overall - Low</p>

Stakeholders	Impacts	Weighting
		positive
Residents in close proximity to existing entertainment venues	Through the removal of the permit regime there may be some nuisance impacts from existing operators - ie. local government loses the ability to cancel or suspend a permit - removal of permit regime could mean operators no longer have to comply with conditions of permit.	Moderate negative (-3) <u>Overall</u> - Moderate negative
General community	Under the planning scheme residents will be informed of any new proposed entertainment venue and will be able to object to the applications but considered low impact as market not likely to support many new operators.	Low positive (+1) <u>Overall</u> - Low positive
Progress Association	Under the planning scheme the Progress Association will be informed of any new proposed entertainment venue and will be able to object to applications. As a body representative of the community, the PA may be negatively impacted through the loss of local government control over existing operations ie. it will not be able to press the local government to enforce permit conditions or change permit conditions when the need arises.	Low positive (+1) Moderate negative (-3) <u>Overall</u> - Low negative

Negative licensing

Stakeholders	Impacts	Weighting
Local government	<p>Costs of moving to new regime, ie amending local law, educating staff, existing operators, community etc.</p> <p>Loss of fees from removal of permit regime but as fees not substantial impact low.</p> <p>Reduction in administrative burden ie. no processing of permit applications and renewals.</p> <p>Higher fines.</p> <p>Higher enforcement costs through necessity to take legal action, ie. not able to suspend or cancel permits.</p> <p>Loss of flexibility/control ie. not able to set site specific conditions and no control over entry to market. Standards can only be changed by changing local law.</p> <p>Better relations with business - equally applied conditions (ie. generic standards).</p>	<p>Moderate negative (-2)</p> <p>Low negative (-1)</p> <p>Low positive (+1)</p> <p>Low positive (+1)</p> <p>Moderate negative (-2)</p> <p>Moderate negative (-2)</p> <p>Neutral</p> <p>Overall – Moderate negative</p>
Existing operators	<p>No permit renewal fees.</p> <p>Higher fines for non-compliance. However, legal action is usually only taken as a last resort and therefore the impact is likely to be low.</p> <p>Potential to improve business performance and innovation to meet output standards.</p> <p>Standards applied equally to all in business sector.</p> <p>More competition.</p>	<p>Low positive (+1)</p> <p>Low negative (-1)</p> <p>Low positive (+1)</p> <p>Low positive (+1)</p> <p>Low negative (-1)</p> <p>Overall - Low positive</p>

Stakeholders	Impacts	Weighting
Potential operators	No permit required. Higher fines for non-compliance. Potential for improved business performance and innovation to meet output standards. Standards known before entering business and applied equally to all in business sector.	Low positive (+1) Low negative (-1) Low positive (+1) Low positive (+1) Overall - Low/moderate positive
Entertainment venue users/customers	Greater choice of service/product provider and greater service/product differentiation. Lower prices through more competition but not likely to be large price reductions. Possible reduction in standards at some venues through loss of local government power to apply site specific conditions.	Low positive (+1) Low positive (+1) Low negative (-1) Overall - Low positive
Residents in close proximity to existing entertainment venues	Existing venues likely to maintain operations at standard of permit conditions so not likely to be any impacts.	Neutral Overall - Neutral
General community	Not likely to be any impacts on general community.	Neutral Overall - Neutral
Progress Association	Removal of local government power to apply site specific conditions may result in lower standards in relation to new venues and therefore require increased activism. Rated low as impact in relation to new venues only.	Low negative Overall - Low negative

SUMMARY OF NET IMPACTS ASSOCIATED WITH ALTERNATIVES

In summary, analysis of the costs and benefits of moving to the alternatives provides the following information:

Planning scheme

Local government	Existing operators	Potential operators	Entertainment venue users/consumers	Residents in close proximity to existing venues	General community	Progress Association
<p>Low/ moderate negative impact</p> <p>Overall the impact on local government from moving to reliance on the planning scheme would be negative.</p> <p>The local law provides a less costly method of meeting the objectives of the local law.</p>	<p>Low positive impact</p> <p>Existing operators would save on not having to pay permit renewal fees.</p> <p>Although some uncertainty exists, savings are likely to accrue from no longer having to comply with permit conditions.</p>	<p>Low negative impact</p> <p>Overall the impact on potential operators would be negative. While small savings would result from the removal of permit application and renewal fees, establishment costs would be greater.</p>	<p>Low positive impact</p> <p>Price reductions for service/product but not likely to be large.</p>	<p>Moderate negative impact</p> <p>The impacts on residents could be substantial if local government does not have control over existing venues.</p>	<p>Low positive impact</p> <p>The general community would be impacted positively through the knowledge of proposed new business ventures and the opportunity to object or input.</p>	<p>Low negative impact</p> <p>On the one hand the Progress Association loses some ability to ensure interests of close residents are protected but on the other would have knowledge of any new proposals and have the opportunity to object or input.</p>

Overall, the analysis of costs and benefits has determined there would a net cost in moving to the alternative of reliance on the planning scheme. While some positive impacts would result, there are potentially substantial risks to public health and safety, the environment and amenity through loss of local government control over operators. Enforcement costs for local government would also be substantially higher than under the current regime.

Negative licensing

Local government	Existing operators	Potential operators	Entertainment venue users/consumers	Residents in close proximity to existing venues	General community	Progress Association
<p>Moderate negative impact</p> <p>While the administrative burden is reduced local government receives no fees and has less control over operations.</p>	<p>Low positive impact</p> <p>Reduction in “red tape” and operating costs and more freedom to meet standards in innovative ways.</p>	<p>Low/moderate positive impact</p> <p>No barrier to entry to market and freedom to meet standards in innovative ways.</p>	<p>Low positive impact</p> <p>Greater choice of service/product provider and lower prices through competition.</p>	<p>Neutral</p> <p>Not likely to be any impacts.</p>	<p>Neutral</p> <p>Not likely to be any impacts.</p>	<p>Low negative impact</p> <p>Removal of local government power to apply site specific conditions may result in lower standards at some venues resulting in need for increased activism.</p>

Overall, the analysis of costs and benefits has determined there would be a negligible benefit in moving to a negative licensing regime. Loss of local government power to set site specific conditions is offset by a range of positive impacts accruing to business and consumers from freeing up restrictions on business.

LOCAL LAW MAKING PROCESS

Public Interest Test Report - Local Law No. 8 (Waste Management) 2018

Meeting Date: 11 December 2018

Attachment No: 2

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.
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 formal written submissions were received. **PLESAE CONFIRM THIS STATEMENT IS CORRECT**

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) Council arranges for the collection of domestic waste from 240 litre standard general waste containers at domestic premises;
 - (b) Council arranges for the collection of recyclable waste from 240 litre standard general waste containers at domestic premises;
 - (c) Council arranges for the collection of commercial waste from 240 litre standard general waste containers at commercial premises;
 - (d) Council arranges for the collection of recyclable waste from 240 litre standard general waste containers at commercial premises.
 - (e) Council does not arrange for the collection of domestic waste from bulk waste containers at domestic premises;
 - (f) Council does not arrange for the collection of commercial waste from bulk waste containers at commercial premises;
 - (g) Council does not arrange for the collection of recyclable waste from bulk waste containers at domestic premises or commercial premises;
 - (h) Council arranges for the collection of waste from bulk waste containers placed by Council in rural areas;
 - (i) generally speaking, designated areas are limited to urban areas in Council’s local government area.
19. Chapter 5A of the *Environmental Protection Regulation 2008* and section 7 of the *Waste Reduction and Recycling Regulation 2011* were first designated for expiry some years ago, but the expiry of the provisions was deferred on a number of occasions. The provisions were, most recently, due to expire on 1 July 2018. However, the provisions which would have facilitated the expiry were omitted on 21 June 2018. Council has no indication, to date, about whether the provisions which were due to expire on 1 July 2018 will remain in situ, and if so, for how long, be amended or repealed, or once again subjected to expiry at a future date. To avoid uncertainty in this regard, and because section 81ZC of the *Environmental Protection Regulation 2008* specifically contemplates that Council may make a local law which replaces Chapter 5A of the *Environmental Protection Regulation 2008*, Council is proposing to make the proposed local law.

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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 the 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. In the event of the amendment, expiry or omission 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 (which form part of mixed use 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 (which form part of mixed use 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 form part of mixed use 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 at mixed use premises;
 - (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 are not amended, omitted or designated for expiry, 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 are amended, omitted or designated for expiry, 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 contractor) 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 are not amended, omitted or designated for expiry, 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 are amended, omitted or designated for expiry, 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 are amended, omitted or designated for expiry, 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 (which form part of mixed use premises) at which general waste is generated

60. If Chapter 5A and section 7 are not amended, omitted or designated for expiry, 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 are amended, omitted or designated for expiry, 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 contractor) 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 are amended, omitted or designated for expiry, 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 are not amended, omitted or designated for expiry, 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 are amended, omitted or designated for expiry, 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 are amended, omitted or designated for expiry, 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 (which form part of mixed use premises) at which general waste is generated

68. If Chapter 5A and section 7 are not amended, omitted or designated for expiry, 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 are amended, omitted or designated for expiry, 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 are amended, omitted or designated for expiry, 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 contractor) responsible for the collection of general waste from premises, and in particular commercial premises (which form part of mixed use premises), which generate general waste in Council's local government area

72. If Chapter 5A and section 7 are amended, omitted or designated for expiry, and Council does not make the proposed local law:-
- (a) waste collection contractors (other than Council's contracted waste collection contractor) 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 are amended, omitted or designated for expiry, and Council makes the proposed local law, waste collection contractors (other than Council's contracted waste collection contractor) 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 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

75. If Chapter 5A and section 7 are amended, omitted or designated for expiry, 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 are amended, omitted or designated for expiry, and Council does make the proposed local law, Council's contracted waste collection contractor 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 are not amended, omitted or designated for expiry, 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 are amended, omitted or designated for expiry, 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 are amended, omitted or designated for expiry, 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 are not amended, omitted or designated for expiry, 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 are amended, omitted or designated for expiry, 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 are amended, omitted or designated for expiry, 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 are not amended, omitted or designated for expiry, 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, and given the considerations identified in paragraph 19, 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 contractor) 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 (which are part of mixed use premises) at which general waste is generated and potential owners and occupiers of commercial premises (which are part of mixed use 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.

LOCAL LAW MAKING PROCESS

Schedule of Anti-Competitive Provisions

Meeting Date: 11 December 2018

Attachment No: 3

SCHEDULE OF ANTI COMPETITIVE PROVISIONS INCLUDED IN THE LOCAL LAWS AND SUBORDINATE LOCAL LAWS AND REASONS FOR THEIR INCLUSION

Name and number of local law	Details of anti-competitive provisions
Administration (Amendment) Local Law (No. 1) 2018	Local law section 4 (Amendment of section 9) Local law section 6 (Amendment of section 14) Local law section 7 (Amendment of section 16)
Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2018	Subordinate local law sections 5(2), (5), (6) and (7) and 6
Subordinate Local Law No. 1.6 (Operation of Accommodation Parks) 2018	Subordinate local law sections 5(2), (5), (6) and (7) and 6
Operation of Temporary Entertainment Events (Amendment) Subordinate Local Law (No. 1) 2018	Subordinate local law section 4 (Amendment of schedule 1) Subordinate local law section 5 (Amendment of schedule 2)
Local Law No. 8 (Waste Management) 2018	Local Law, sections 6(1), 7(1) and (2), 8(1) and (2), 9(1) and (2), 11, 12(1) and 13

The identified anti-competitive provisions were retained in full in the public interest, because:-

- (a) the benefit of these provisions to the community as a whole outweighs the cost; and
- (b) the most appropriate way of achieving the objectives of the relevant local laws is by restricting competition in the way provided in these provisions,

having regard to the local government duty of good rule and local government of its local government area.

LOCAL LAW MAKING PROCESS

Submissions

Meeting Date: 11 December 2018

Attachment No: 4

Section Reference	Suggested Comment (but only where further comment is considered necessary)
Section 2(4)(l)	This clause only applies to a site which is designated for a single accommodation, not multiple accommodation.
Section 2(4)(m)	A person undertaking the prescribed activity should act objectively (apply common sense) when making a determination about whether accommodation is being occupied by more persons than the accommodation is designed to accommodate.
Section 2(4)(n)	A provision of this nature has been adopted by numerous local governments throughout the State.
Section 2(4)(o)	A provision of this nature has been adopted by numerous local governments throughout the State.
Section 2(4)(p)	A person undertaking the prescribed activity should act objectively (apply common sense) when making a determination about whether a caravan or other type of accommodation is fit for human habitation or not.
Section 2(4)(u)	A person undertaking the prescribed activity should act objectively (apply common sense) when making a determination about whether particular accommodation is dilapidated, unsightly or overcrowded.
Section 2(4)(x)	A person undertaking the prescribed activity should act objectively (apply common sense) when making a determination about whether accommodation is weather proof, in good repair, fit for human habitation and in a clean and sanitary condition.
Section 2(4)(y)	A provision of this nature has been adopted by numerous local governments throughout the State, especially in circumstances where the prescribed activity is undertaken in a cyclone prone area.
Section 2(4)(z)	A provision of this nature has been adopted by numerous local governments throughout the State.
Section 2(4)(ac)	The provision requires the maintenance of adequate toilet, bathing and showering facilities and does not prescribe particular requirements, but rather, simply refers to the persons using the premises for accommodation park purposes.
Section 4(2)(c)	Council cannot unreasonably withhold its approval when making a determination about whether the operation of an accommodation park will produce inconvenience or annoyance to the occupiers of any adjoining land.
Section 6(4)(b)	Council must make a determination about what conditions will be imposed on an approval on a case-by-case basis. Council cannot impose on an approval a condition requiring that hot and cold water be reticulated otherwise than within amenity blocks which form part of the accommodation park, not an individual caravan or motorhome (as compliance with the condition would not be a matter within the control of the accommodation park operator).
Section 6(7)	Council must make a determination about what conditions will be imposed on an approval on a case-by-case basis. Council may only require the provision and maintenance of adequate toilet, bathing

	and showering facilities.
Section 6(12)(b)	Council must make a determination about what conditions will be imposed on an approval on a case-by-case basis. For example, Council may impose a condition requiring that not more than 1 accommodation may be located on a site which is designated for a single accommodation.
Section 6(13)(a)	Council must make a determination about what conditions will be imposed on an approval on a case-by-case basis.
Section 6(13)(d)	A person undertaking the prescribed activity should act objectively (apply common sense) when making a determination about whether accommodation is weatherproof, in good repair, fit for human habitation and in a clean and sanitary condition.
Section 6(13)(e)	Refer to the comment about section 2(4)(y).
Section 6(13)(g)	Refer to the comment about section 2(4)(z).
Section 6(14)	A person undertaking the prescribed activity must comply with a condition of this nature in a manner which is consistent with applicable State and Federal laws.
Section 6(15) and (16)	Refer to the comment about section 2(4)(n).
Section 6(30)	Council, acting reasonably, may specify conditions applying to the operation of the accommodation park (including after consultation with the person undertaking the prescribed activity).
Section 6(31)	A provision of this nature has been adopted by numerous local governments throughout the State.
Section 6(32)	A provision of this nature has been adopted by numerous local governments throughout the State.

General comment – the proposed amendments set an unprecedented level of specific burden on both existing businesses and potential new businesses, while duplicating existing standards set by Federal and State legislation.

The requirements of the subordinate local law are consistent with requirements imposed on accommodation park operators in comparative local government areas throughout the State and do not duplicate any existing requirement, or standard, set by Federal or State legislation.

General comment – minimum standards already exist in the form of State and Federal based legislation which are supported by both tourism and caravan park accreditation programs.

Minimum standards are not currently prescribed in State or Federal based legislation. Participation in tourism and caravan park accreditation programs is a purely voluntary matter.

General comment – the local law offers an exemption for local government to provide access to or the use of, an accommodation park on a local government controlled area, despite this potentially being a conflict with competitive neutrality principles.

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. 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. Relevantly, prescriptive requirements are detailed in each of the *Local Government Act 2009* and the *Local Government Regulation 2012* about

the application of the competitive neutrality principle. Council is obliged to comply with the prescribed requirements. An affected person who asserts that Council has failed to conduct a business activity in accordance with the competitive neutrality principle may make a competitive neutrality complaint to Council. The complaint must be resolved in accordance with the requirements of Council's competitive neutrality complaint process, the content of which is dictated by the *Local Government Act 2009* and the *Local Government Regulation 2012*.

The prescribed activity only applies if an accommodation park is operated on a commercial basis. To the extent that Kershaw Gardens has been used for overnight accommodation purposes, the prescribed activity does not apply because the overnight accommodation is not provided on a commercial basis. In any event, overnight accommodation will be prohibited in Kershaw Gardens with effect from 15 February 2019. At a specific, and relatively isolated location, Council may offer overnight accommodation otherwise than on a commercial basis in circumstances where the offering of the accommodation is not directly or indirectly in competition with the operation of accommodation parks on a commercial basis.

General comment – the overly prescriptive nature of the proposed changes such as the limitation of occupancy and definition of specific sites, will likely limit accommodation parks from being considerate of consumer needs.

By definition, local laws must be prescriptive if the local law is to be enforceable. However, there is scope for Council to tailor conditions which are actually imposed on an approval which is granted by Council having regard to the specific circumstances of an operator of an accommodation park, on a case by case basis.

General comment – existing regulation in conjunction with the current application process and authorising local law provides the necessary safeguards to address public health and safety, the environment and residents.

The commencement of a new use of land and a material change of use of land both trigger a requirement for compliance with applicable planning scheme requirements. Relevantly, planning scheme requirements are imposed when the initial use of the relevant land, for accommodation park purposes, commences. By contrast, the ongoing, day to day use of the site has always been, and continues to be, the subject of regulation under the local laws of local governments. There is scope for the prevention, control and reduction of risks to public health under State legislation, for example the *Public Health Act 2005*, particularly in the context of local government public health risks, as that expression is defined in the Act. In the event of the occurrence of a local government public health risk, Council may take action in respect of the local government public health risk under the *Public Health Act 2005*, not a local law of Council. Accordingly, the local law does not address issues which are properly characterised as a local government public health risk under the *Public Health Act 2005*.

LOCAL LAW MAKING PROCESS

LL1 (Administration) 2011 (Consolidated)

Meeting Date: 11 December 2018

Attachment No: 5

Local Law No. 1 (Administration) 2011

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 1 (Administration) 2011*.

2 Purposes and how they are to be achieved

- (1) The purposes of this local law are to provide a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and specified regulatory powers under legislation, and to provide for miscellaneous administrative matters.
- (2) The purposes are to be achieved by providing for—
 - (a) consistent and comprehensive processes for the local government to grant and regulate approvals to undertake prescribed activities; and
 - (b) authorised persons for enforcing local laws; and
 - (c) review of certain decisions made under local laws; and
 - (d) enforcement of local laws; and
 - (e) matters relating to legal proceedings; and
 - (f) miscellaneous administrative matters relating to meetings, fees, abandoned goods and seized and impounded items.

3 Definitions—the dictionary

The dictionary in schedule 1 defines particular words used in this local law.

4 Relationship with other laws¹

This local law is—

- (a) in addition to, and does not derogate from, laws regulating land use planning and development assessment; and
- (b) applies to each of the local government's local laws subject to any specific provision in a local law that expresses a contrary intention.

Part 2 Approvals for prescribed activities

5 Meaning of *prescribed activity*

Prescribed activity means—

- (a) an activity prescribed in part 1 of schedule 2 and defined in part 2 of schedule 2; or
- (b)

¹ This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval.

6 Offence to undertake local law prescribed activity without approval

- (1) This section applies to a prescribed activity mentioned in—
 - (a) section 5(a); or
 - (b) section 5(b) if the Local Government Act that authorises the local government to grant the approval is a local law.²
- (2) A person must not undertake the prescribed activity without a current approval granted by the local government.

Maximum penalty for subsection (2)—

- (a) for an activity for which no category has been declared by subordinate local law—50 penalty units; or
 - (b) for a category 1 activity—50 penalty units; or
 - (c) for a category 2 activity—200 penalty units; or
 - (d) for a category 3 activity—500 penalty units.
- (3) However, a local government may, by subordinate local law, declare that subsection (2) does not apply to a prescribed activity or a particular activity that is within the category of a prescribed activity.

Examples—

- A subordinate local law may declare that subsection (2) does not apply to installation of a specified type of advertising device (for example, a device prescribed as a ‘permitted advertising device’). These permitted advertising devices would not require an approval under this part but other types of advertising devices would continue to require an approval.
- A subordinate local law may declare that subsection (2) does not apply to the operation of a camping ground that meets certain criteria (for example, less than a certain size or in a particular location) or complies with certain conditions. A person operating such a camping ground would therefore not require an approval under this part.
- A subordinate local law may declare that subsection (2) does not apply to the establishment or operation of a temporary home in a particular part of the local government’s area.

- (4) In this section—

category 1 activity means a prescribed activity that is declared as a category 1 activity by a subordinate local law for this definition.

category 2 activity means a prescribed activity that is declared as a category 2 activity by a subordinate local law for this definition.

category 3 activity means a prescribed activity that is declared as a category 3 activity by a subordinate local law for this definition.

² For the offence for undertaking a prescribed activity mentioned in section 5(b) without a current approval if the Local Government Act is not a local law, see the relevant Local Government Act that provides for the approval.

current approval means an approval that is in force and has not been suspended at the time the prescribed activity is being undertaken.

7 Approvals for prescribed activities to be obtained under this part

An approval required for a prescribed activity must be obtained under this part.

8 Form of application

- (1) An application for the local government's approval of a prescribed activity must be made in a form approved by the local government.

Examples of a form approved by the local government—

A written form or an online application process.

- (2) The application must be accompanied by—
 - (a) documents and materials required under a subordinate local law for this paragraph; and
 - (b) proof that the applicant currently holds any separate approval relating to the prescribed activity that is required under another law; and
 - (c) the prescribed fee.

Example for paragraph (a)—

The local government may require an application to include site plans, management plans, relevant consents, evidence of public liability insurance etc.

Example for paragraph (b)—

A prescribed activity may require approvals under another Act in relation to development, building, liquor, carriage of goods, business licensing etc.

- (3) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.
- (4) The notice under subsection (3) must state—
 - (a) the grounds on which the request is made; and
 - (b) an outline of the facts and circumstances forming the basis for the grounds; and
 - (c) a detailed description of the information requested; and
 - (d) the date, not less than 7 days after the applicant receives the notice, by which the applicant must provide the information.
- (5) If the applicant does not, without reasonable excuse, provide the further information by the stated date—
 - (a) the application lapses; and
 - (b) the local government must give the applicant written notice stating that—
 - (i) under this section the application lapses; and
 - (ii) the applicant may make a new application.
- (6) However, the local government may extend the period for the applicant to provide the further information.

- (7) A person must not provide information in or in connection with an application that is, to the person's knowledge, false or misleading in a material particular.

Maximum penalty for subsection (7)—20 penalty units.

9 Local government's discretion in granting approvals

- (1) The local government may grant an approval for an applicant to undertake a prescribed activity only if it is satisfied that—
- (a) if the prescribed activity requires a separate approval under an Act, a law of the Commonwealth or the local government's planning scheme—the separate approval has been granted; and
 - (b) the proposed operation and management of the prescribed activity is adequate to protect public health, safety and amenity and prevent environmental harm; and
 - (c) the grant of the approval would be consistent with the purpose of any relevant local law; and
 - (d) the proposed operation and management of the prescribed activity would be consistent with any additional criteria prescribed for the activity under a subordinate local law for this paragraph; and
 - (e) if the application relates to trust land—the grant of the approval would be consistent with the terms and conditions of the trust; and
 - (f) if the application relates to a prescribed activity mentioned in section 5(b)—the grant of the approval would be consistent with any requirements or criteria specified in the relevant Local Government Act in relation to the approval; and
 - (g) if the prescribed activity is the commercial use of a local government controlled area or road—the grant of the approval is consistent with the objective of the local government of restriction of the commercial use of local government controlled areas and roads, where such activities are permitted, in recognition of the fact that the activities may otherwise enjoy an unfair commercial advantage over competitive activities conducted from fixed premises in the local government area for which rates and other charges are paid, and to which planning and other regulatory legislation applies.

Example for paragraph (a)—

An application for commercial use of a local government controlled area that is held in trust by the local government under the *Land Act 1994* may require registration of a trustee lease or issue of a trustee permit prior to the approval being granted for commercial use of the area.

- (2) The local government may, by written notice to the applicant—
- (a) grant the approval unconditionally; or
 - (b) grant the approval subject to conditions determined in accordance with section 10; or
 - (c) refuse to grant the approval.

Examples for paragraph (b)—

- If an application for which the local government's approval is required may result in damage to property, the local government may, as a condition of giving its approval, require the applicant to give reasonable security (which may include a deposit of money,

a guarantee or an insurance bond) to ensure that the damage is made good.

- The local government may grant an approval subject to the standard conditions imposed on the approval pursuant to a subordinate local law made under section 10(3) of this law.
- (3) However, the local government's powers in deciding the application are subject to the provisions of any relevant local law.
- (4) The local government must give the applicant an information notice if the local government—
- (a) refuses to grant the approval; or
 - (b) grants the approval subject to a non-standard condition.
- (5) In this section—

non-standard condition means a condition that is not prescribed under section 10(3) as a condition that must be imposed on an approval or that will ordinarily be imposed on an approval.

10 Conditions of approval

- (1) An approval may be granted on conditions the local government considers appropriate.
- (2) However, the conditions must—
- (a) be reasonably necessary to ensure that the operation and management of the prescribed activity will be adequate to protect public health, safety and amenity and prevent environmental harm; and
 - (b) be consistent with the purpose of any relevant local law; and
 - (c) if the approval is for a prescribed activity mentioned in section 5(b)—be consistent with any requirements or criteria specified in the relevant Local Government Act in relation to the approval; and
 - (d) not conflict with the conditions of any other relevant approval issued under an Act; and
 - (e) require the approval holder to notify the local government in writing of a suspension or cancellation of a relevant approval for the prescribed activity under an Act within 3 days of the relevant approval being suspended or cancelled.
- (3) Subject to subsection (2), the local government may, by subordinate local law, prescribe conditions that must be imposed on an approval or that will ordinarily be imposed on an approval.
- (4) To remove any doubt, it is declared that a condition of an approval may authorise an act or omission that—
- (a) contravenes a noise standard; or
 - (b) causes an environmental nuisance.³

Example for paragraph (a)—

A condition of an approval for operation of a temporary entertainment event may authorise the operation of an amplifier device at specified times that would otherwise be a contravention of the noise standard in the *Environmental Protection Act 1994*, section 440Y.

³ See *Environmental Protection Act 1994*, schedule 1, section 3(b).

- (5) In this section—

environmental nuisance see *Environmental Protection Act 1994*, section 15.

noise standard see *Environmental Protection Act 1994*, section 440K.

11 Compliance with conditions of approval

- (1) A holder of an approval must ensure each condition of the approval is complied with.

Maximum penalty for subsection (1)—50 penalty units.

- (2) For a prescribed activity mentioned in section 5(b), this section does not apply if the Act that provides for the local government to grant an approval stipulates a penalty for contravening a condition of the approval.

12 Third party certification

- (1) In deciding an application under this part, the local government may accept the certificate of a third party certifier as evidence about any application requirement that is mentioned in a subordinate local law for this subsection.

Example—

A subordinate local law under section 9(1)(d) might specify that a criterion to be met by applicants for approval to operate a public swimming pool is a management plan that complies with the Royal Life Saving Society's *Guidelines for Safe Pool Operation*. A subordinate local law under the current section could state that compliance with this requirement is a matter about which a third party certifier may provide certification. In deciding an application, the local government may then accept a certificate of a third party certifier (approved under a subordinate local law pursuant to subsection (2) – e.g. the Royal Life Saving Society) as evidence that this requirement has been met.

- (2) In this section—

third party certifier means—

- (a) an individual or organisation declared under a subordinate local law for this paragraph as a third party certifier for particular application requirements; or
- (b) an individual or organisation that has the qualifications prescribed under a subordinate local law for this paragraph as necessary to provide a certificate about particular application requirements.

application requirement means a matter that the local government must be satisfied about, or have regard to, before granting an application for approval for a prescribed activity.

13 Term of approval

Unless sooner cancelled or suspended, an approval remains in force for—

- (a) the term provided for the prescribed activity under a subordinate local law for this paragraph; or
- (b) if there is no term provided for under a subordinate local law—the term specified in the approval.

14 Renewal of approval

- (1) An approval holder may, before the end of the term of the approval, apply to the local government to renew or extend the approval for—
 - (a) a further term provided for the prescribed activity under a subordinate local law for this paragraph; or
 - (b) if there is no term provided for under a subordinate local law—a further term equal to the current term of the approval.
- (2) However, an approval holder may not apply to renew or extend the approval where the local government has given the approval holder reasonable written notice that the approval is one of a class of approvals that the local government does not intend to renew or extend.

Example—

The local government might give notice to the approval holder that, in order to prevent environmental harm to an endangered ecosystem, it does not intend to grant, renew or extend any approvals for the prescribed activity in a specified part of the local government area.

- (3) The application under subsection (1) must be—
 - (a) made in a form approved by the local government; and
 - (b) accompanied by the prescribed fee.
- (4) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.
- (5) Section 8(4) to (7) applies to the notice as if it was a notice under section 8(3).
- (6) The local government may, by written notice to the applicant—
 - (a) grant the application; or
 - (b) grant the application and amend the conditions of the approval; or
 - (c) refuse the application.
- (7) In deciding under subsection (6), the local government may have regard to—
 - (a) the matters mentioned in section 9(1); and
 - (b) whether the conditions of the approval are being complied with by the applicant.
- (8) The local government must give the applicant an information notice if the local government—
 - (a) refuses the application; or
 - (b) grants the application and amends the approval to include non-standard conditions; or
 - (c) grants the application for a term less than the current term of the approval.
- (9) The local government may amend the conditions of the approval under subsection (6)(b) without following the procedure in section 18.
- (10) If an approval holder applies to renew or extend the approval, the approval remains in force until—
 - (a) if the application is granted, with or without amendment of the conditions—the date the application is granted; or

- (b) if the application is refused and the applicant applies for a review of the decision under part 4—the date the applicant is given notice of the review decision; or
- (c) if the application is refused and the applicant has not applied for a review of the decision under part 4—14 days after the applicant is given an information notice under subsection (8).

15 Transfer of approval

- (1) The holder of an approval together with another person may apply to the local government for transfer of the approval to the other person (the *proposed transferee*).⁴
- (2) However, an approval cannot be transferred under this section if it is of a category declared as non-transferable under a subordinate local law for this subsection.
- (3) The application under subsection (1) must be—
 - (a) made in a form approved by the local government; and
 - (b) accompanied by the prescribed fee.
- (4) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.
- (5) Section 8(4) to (7) applies to the notice as if it was a notice under section 8(3).
- (6) The local government may grant an application to transfer an approval only if it is satisfied about the matters mentioned in section 9(1).
- (7) The local government may, by written notice to the approval holder and the proposed transferee—
 - (a) grant the application to transfer the approval; or
 - (b) refuse the application to transfer the approval.
- (8) If the local government decides to grant the application to transfer the approval, the local government may amend the existing conditions of the approval.
- (9) The local government may amend the conditions of the approval under subsection (8) without following the procedure in section 18.
- (10) The local government must state, in the notice given under subsection (7)(a), any amendments to the conditions of the approval and the day that they take effect.
- (11) The local government must give the approval holder and the proposed transferee an information notice if the local government—
 - (a) refuses the application; or
 - (b) grants the application and amends the approval to include non-standard conditions.

16 Amending conditions at request of approval holder

- (1) An approval holder may apply to the local government to amend the conditions of the approval.

⁴ See the Act, section 97, for the power of a local government to fix cost-recovery fees for approvals.

- (2) The application must—
 - (a) be in writing and state—
 - (i) the proposed amendment; and
 - (ii) the reasons for it; and
 - (b) be accompanied by the prescribed fee.
- (3) The local government must consider and decide whether to grant or refuse the application.
- (4) If the local government decides to amend the conditions as requested, the local government must, within 14 days of the decision, give the approval holder written notice of the amended conditions and the day that they take effect.
- (5) If the local government refuses to amend the conditions, the local government must give the approval holder an information notice.
- (6) The local government may amend the conditions of the approval under this section without following the procedure in section 18.

17 Grounds for amending, suspending or cancelling approval

Each of the following is a ground for amending, suspending or cancelling an approval—

- (a) amendment, suspension or cancellation is necessary—
 - (i) for the protection of public health or safety; or
 - (ii) to prevent environmental harm; or
 - (iii) to prevent property damage or loss of amenity; or
 - (iv) to allow for works on roads or local government controlled areas;
or
 - (v) to improve access to a road; or
 - (vi) to improve the efficiency of vehicle or pedestrian traffic.
- (b) another approval required for the prescribed activity under an Act has been suspended or cancelled;
- (c) in undertaking the prescribed activity, the approval holder has failed to comply with a local law or an Act;
- (d) the approval holder has failed to comply with a condition of the approval;
- (e) the approval holder has failed to comply with a notice under sections 26 or 27 that relates to the conduct of the prescribed activity or has failed to comply with a stop order under section 29;
- (f) the approval was granted because of a document or representation that was—
 - (i) false or misleading; or
 - (ii) obtained or made in another improper way.

18 Procedure for amending, suspending or cancelling approval

- (1) This section applies if the local government considers there is a ground under section 17 to amend, suspend or cancel an approval (the *proposed action*).
- (2) Before taking the proposed action, the local government must give the approval holder a written notice (the *show cause notice*) stating—
 - (a) the proposed action; and
 - (b) the grounds for the proposed action; and
 - (c) an outline of the facts and circumstances that are the basis of the grounds; and
 - (d) if the proposed action is suspension of the approval, the proposed suspension period; and
 - (e) that the approval holder may make written submissions, within a stated reasonable time of at least 21 days after the notice is given, why the proposed action should not be taken.
- (3) If, after considering all submissions made within the stated time, the local government decides that a ground no longer exists to cancel, amend or suspend the approval, the local government must take no further action about the show cause notice and give written notice to the approval holder about the decision.
- (4) If, after considering all submissions made within the stated time, the local government still considers there is a ground to take the proposed action, the local government may—
 - (a) if the proposed action was to amend the approval—amend the approval; or
 - (b) if the proposed action was to suspend the approval—suspend the approval for no longer than the period stated in the notice; or
 - (c) if the proposed action was to cancel the approval—amend the approval, suspend it for a period or cancel it.
- (5) If the local government decides to amend, suspend or cancel the approval, the local government must give the approval holder an information notice.
- (6) The decision takes effect on the day the written notice mentioned in subsection (3) or (5) is given to the approval holder, or if a later day of effect is stated in the notice, the later day.
- (7) This section does not limit the power a local government may have apart from this section to amend, suspend or cancel an approval.

19 Procedure for immediate suspension of approval

- (1) Despite section 18, the local government may immediately suspend an approval if the local government believes that continuation of the prescribed activity by the approval holder poses—
 - (a) an urgent and serious threat to public health or safety; or
 - (b) an urgent and serious risk of environmental harm, property damage or loss of amenity.
- (2) The suspension—
 - (a) can be effected only by the local government giving a notice to the approval

- holder about the decision to immediately suspend the approval, together with a show cause notice about proposed action under section 18; and
- (b) operates immediately the notices are given to the approval holder; and
 - (c) continues to operate until the earliest of the following happens—
 - (i) the local government cancels the suspension;
 - (ii) the local government gives the approval holder notice under section 18(3) or (5) of its decision about the show cause notice;
 - (iii) 14 days have passed since the expiry of the stated time for the making of written submissions regarding the show cause notice;
 - (iv) 14 days have passed since the approval holder notifies the local government that it has made its final written submissions regarding the show cause notice.

Part 3 Authorised persons

20 Appointment

An authorised person's instrument of appointment⁵ must state the local laws, or the provisions of local laws, for which the person is appointed as an authorised person.

21 Threatening etc an authorised person⁶

A person must not threaten, insult or use abusive language to an authorised person.

Maximum penalty—20 penalty units.

Part 4 Review of decisions

22 Application for review

- (1) A person who is given, or is entitled to be given, an information notice for a decision under a local law (an *original decision*) may apply to the chief executive officer⁷ for a review of the decision under this part.⁸
- (2) The application (a *review application*) must be made within 14 days of—
 - (a) if the person is given an information notice for the decision—the day the person is given the notice; or
 - (b) if paragraph (a) does not apply—the day the person otherwise becomes

⁵ See the Act, chapter 6, part 6, for the power to appoint authorised persons.

⁶ See also the Act, section 149, in relation to obstructing a person enforcing a local government Act and section 150 in relation to impersonating an authorised person.

⁷ See definition of *chief executive officer* in the Act, schedule 4.

⁸ Persons who are aggrieved by a local government decision for which they do not receive, and are not entitled to receive, an information notice may seek redress under the local government's complaints process, which is required by the Act, section 268.

aware of the original decision.

- (3) However, the local government may, at any time, extend the time for making a review application.
- (4) The review application must be in writing and—
 - (a) accompanied by a statement of the grounds on which the applicant seeks the review of the decision; and
 - (b) supported by enough information to enable the local government to decide the application.

23 Review decision

- (1) The local government must review the original decision within 28 days after receiving a review application and make a decision (the *review decision*) to—
 - (a) confirm the original decision; or
 - (b) amend the original decision; or
 - (c) substitute another decision for the original decision.
- (2) The application must not be dealt with by—
 - (a) the person who made the original decision; or
 - (b) a person in a less senior office than the person who made the original decision, unless the original decision was made by the chief executive officer.
- (3) The local government must, within 5 days of making the review decision, give the applicant notice of the decision (the *review notice*).
- (4) If the review decision is not the decision sought by the applicant, the review notice must also state the reasons for the review decision.
- (5) If the local government does not give the review notice within the 5 days, the local government is taken to have made a review decision confirming the original decision.

24 Stay of operation of original decision

- (1) A review application does not stay the original decision that is the subject of the application.
- (2) However, the applicant may, immediately after being given the information notice about the original decision, apply to the Magistrates Court for a stay of the original decision.
- (3) The court may stay the original decision to secure the effectiveness of the review.
- (4) A stay may be granted on conditions the court considers appropriate.

Part 5 Enforcement

25 Production of records

- (1) This section applies where an authorised person has entered a property under the

Act to find out whether the conditions of an approval have been complied with.⁹

- (2) The authorised person may require the occupier of the property or another relevant person to produce for inspection records that are required by the conditions of an approval.
- (3) A person must comply with a requirement under subsection (2), unless the person has a reasonable excuse.

Maximum penalty for subsection (3)—10 penalty units.

- (4) In this section—

relevant person, for an approval mentioned in subsection (1) or (2) includes—

- (a) the approval holder for the approval; and
- (b) an employee or agent of the approval holder who is currently conducting the prescribed activity the subject of the approval on the property.

25A Compliance directions

- (1) If a person engages in conduct that is, or is preparatory to, a contravention of this local law, an authorised person may orally direct the person to do 1 or more of the following—
 - (a) stop the conduct;
 - (b) take specified action to remedy the contravention.
- (2) A direction may be given under this section in addition to any other enforcement action prescribed by this local law.
- (3) A person must comply with a direction given under subsection (1), unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

26 Compliance notice for contravention of local law or approval condition

- (1) Subsection (2) applies if an authorised person is satisfied on reasonable grounds that—
 - (a) a person—
 - (i) is contravening a local law or a condition of an approval; or
 - (ii) has contravened a local law or a condition of an approval in circumstances that make it likely the contravention will continue or be repeated; and
 - (b) a matter relating to the contravention can be remedied; and
 - (c) it is appropriate to give the person an opportunity to remedy the matter.

Examples for paragraph (b) of matters relating to a contravention that can be remedied—

- If the contravention relates to a person's failure to take action that is required under a local law or a condition of an approval, then the matter can be remedied by the person taking that action.
- If the contravention relates to a person taking action that is prohibited under a local law or a condition of an approval, then the matter can be remedied by the person stopping that action.

⁹ See the Act, section 132.

- (2) The authorised person may give¹⁰ a written notice (a **compliance notice**) to the person (the **recipient**) requiring the person to remedy the contravention.¹¹
- (3) The compliance notice must state the following—
- (a) the particular provision of the local law or condition of an approval the authorised person believes is being, or has been, contravened; and
 - (b) briefly, how it is believed the provision of the local law or condition of an approval is being, or has been, contravened; and
 - (c) the time by which the recipient must remedy the contravention; and
 - (d) that it is an offence to fail to comply with the compliance notice; and
 - (e) the maximum penalty for failing to comply with the compliance notice.
- (4) The time under subsection (3)(c) must be reasonable having regard to—
- (a) the action required to remedy the contravention; and
 - (b) the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm posed by the contravention; and
 - (c) how long the recipient has been aware of the contravention.
- (5) The compliance notice may also state the reasonable steps the authorised person considers necessary to remedy the contravention or avoid further contravention.
- Examples of reasonable steps to avoid further contravention—*
- The repetition of a specified action at stated intervals for a certain period.
 - Stopping taking an action that is prohibited by a local law or condition of an approval.
- (6) The compliance notice must include, or be accompanied by, an information notice.
- (7) The recipient must comply with the compliance notice.¹²
- Maximum penalty for subsection (7)—50 penalty units.

27 Compliance notice authorised by local law

- (1) This section applies if—
- (a) a local law provides that an authorised person may give a compliance notice to a person;¹³ and
 - (b) the authorised person gives¹⁴ a compliance notice to the person (the

¹⁰ See the *Acts Interpretation Act 1954*, sections 39 and 39A, regarding the service of documents on a person.

¹¹ Where a compliance notice is given to the owner of a property and requires action to be taken in relation to that property, then it will constitute a **remedial notice** under the Act, section 138(2).

¹² See also sections 17(e) and 18 regarding the local government's power to amend, suspend or cancel an approval where a notice is not complied with, and the Act, section 142, regarding the local government's power to enter property and take action that is required under a remedial notice.

¹³ For example, see *Local Law No.4 (Local Government Controlled Areas, Facilities & Roads) 2011*, section 9(2) (Power to require owner of land adjoining road to fence land) and *Local Law No. 3 (Community & Environmental Management) 2011*, section 10(1) (Pest control notices), section 13(2) (Overgrown allotments), section 14(2) (Accumulation of objects and materials on allotments), section 16(2) (Fire hazards), section 19(2) (Community safety hazards).

¹⁴ See also footnote 10.

recipient).¹⁵

- (2) The compliance notice must state the following—
 - (a) the provision of the local law that authorises the authorised person to give a compliance notice; and
 - (b) the specified action that the recipient must take to comply with the notice; and
 - (c) the time by which the recipient must comply with the notice; and
 - (d) that it is an offence to fail to comply with the notice; and
 - (e) the maximum penalty for failing to comply with the notice.
- (3) The specified action in subsection (2)(b) must not be inconsistent with action required, by a remedial notice, to be taken under another Local Government Act.
- (4) The time under subsection (2)(c) must be reasonable having regard to the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm that may result from failure to comply with the notice.
- (5) The compliance notice must include, or be accompanied by, an information notice.
- (6) The recipient must comply with the compliance notice.¹⁶
Maximum penalty for subsection (6)—50 penalty units.

27A Power to require information

- (1) For monitoring or enforcing compliance with this local law an authorised person may, subject to subsection (2), require an occupier of a place, or a person at the place to give the authorised person information to help the authorised person ascertain whether the local law is being complied with.
- (2) When making a requirement under subsection (1), the authorised person must warn the person it is an offence to fail to comply with the requirement, unless the person has a reasonable excuse.

27B Failure to give information

- (1) A person of whom a requirement is made under section 27A(1) must comply with the requirement, unless the person has a reasonable excuse.
Maximum penalty—50 penalty units.
- (2) It is not a reasonable excuse for a person to fail to comply with the requirement because giving the information might tend to incriminate the person.
- (3) However, if the person is a natural person, evidence of, or evidence directly or indirectly derived from, the information that might tend to incriminate the person is not admissible in evidence against the person in a civil or criminal proceeding, other than a proceeding for an offence about the falsity of the information.

28 Power to remove, remediate and cost recovery

- (1) This section applies where—

¹⁵ See also footnote 11.

¹⁶ See also footnote 12.

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- (a) a structure or other material thing, other than a vehicle, has been brought onto a road in contravention of a local law; or
 - (b) a structure or other material thing has been brought onto a local government controlled area in contravention of a local law; or
 - (c) a structure has been erected or installed in, on, across, under or over a road in contravention of a local law; or
 - (d) damage, alteration or improvement has occurred to a local government controlled area or road in contravention of a local law.
- (2) Where this section applies, an authorised person may do 1 or more of the following—
- (a) seize (by dismantling if necessary) and impound the structure, thing or improvement;
 - (b) remediate the damage to the local government controlled area or road.
- (3) An authorised person may exercise a power under subsection (2) immediately if the immediate seizure, removal or remediation is necessary—
- (a) in the interests of public health or safety; or
 - (b) to prevent environmental harm, property damage or loss of amenity; or
 - (c) to prevent the structure, thing or damage hindering the operation of the local government controlled area or road.
- (4) Where subsection (3) does not apply, an authorised person may exercise a power under subsection (2) if—
- (a) the—
 - (i) owner, or person in possession, of the structure, thing or improvement has not complied with a compliance notice requiring the owner or person to remove it; or
 - (ii) person responsible for the damage, alteration or improvement has not complied with a compliance notice requiring the person to remediate the damage, alteration or improvement; and
 - (b) the time for making an application for review of the compliance notice under section 22 has expired.
- (5) The local government may recover the cost of action taken under this section as a debt from the person responsible for the activity mentioned in subsection (1).
- (6) In this section—
thing does not include an animal.

29 Stop orders

- (1) An authorised person may give a relevant person an order to immediately stop a prescribed activity if the authorised person believes that continuation of the activity poses—
 - (a) an urgent and serious threat to public health or safety; or
 - (b) an urgent and serious risk of environmental harm, property damage or loss of amenity.
 - (2) An order under this section—
-

- (a) may be given orally or in writing; and
- (b) operates until the earliest of the following happens—
 - (i) the expiry of the period, of no more than 3 days, specified by the authorised person when the order is given;
 - (ii) the local government immediately suspends the approval for the prescribed activity under section 19.
- (3) An authorised person must confirm an oral order in writing by the next business day following the giving of the order.
- (4) A person who receives an order under this section must comply with the order.
Maximum penalty for subsection (4)—50 penalty units.
- (5) This section does not affect the local government’s powers under another law.
- (6) In this section—
relevant person means the approval holder for the prescribed activity or an employee or agent of the approval holder currently conducting the prescribed activity.

Part 6 Legal proceedings

30 Defence of reasonable excuse

If a person is charged with an offence involving a contravention of a local law, it is a defence to prove that the person had a reasonable excuse for the contravention.

31 General defence for owners or occupiers of land

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

- (a) the act or omission occurred without the owner’s or occupier’s knowledge or consent; and
- (b) the owner or occupier could not, by reasonable diligence, have prevented the act or omission.

32 Joint and several liability

- (1) If a local law imposes a liability on an owner or occupier of property, or a person engaged in a particular activity, and 2 or more persons are the owners or occupiers of the relevant property, or are jointly engaged in the relevant activity, the liability is joint and several.
- (2) This section applies both to civil liabilities and liabilities enforced by summary proceedings under the *Justices Act 1886*.

33 Rewards

- (1) The local government may, by public notice, offer a reward for information

leading to the conviction of a person for—

- (a) an offence involving damage to, or theft of, property of the local government or under the local government's control; or
 - (b) an offence against a local law.
- (2) The amount of the reward, and the conditions on which it is payable, must be decided by resolution of the local government.

Part 7 Miscellaneous

34 Maintenance of good order at meetings

- (1) A person who is not a member of the local government or a local government committee must not obstruct the proper conduct of a meeting of the local government or committee.

Maximum penalty for subsection (1)—20 penalty units.

- (2) If a person (other than a member) obstructs the proper conduct of a meeting of the local government or committee, the chairperson may ask the person to withdraw from the meeting place.
- (3) A person asked to withdraw from a meeting place under subsection (2) must immediately withdraw from the place and remain away until the end of the meeting or for a lesser period fixed by the chairperson.

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

- (4) If a person contravenes subsection (3), an authorised person may, at the request of the chairperson, exercise reasonable force to remove the person, and keep the person away, from the meeting place.

35 Fees

- (1) If a local law provides for payment of a fee, and does not itself fix the amount of the fee, the fee is to be fixed by resolution under the Act, chapter 4, part 2.
- (2) A resolution fixing a fee may provide for the reimbursement of the fee in appropriate circumstances.

Example—

Suppose that a person pays an approval fee appropriate to an approval of 1 year's duration but, because of unforeseen circumstances, surrenders the approval within 3 months after it is granted. A resolution might provide that, in such a case, the former approval holder is to receive a partial reimbursement of the approval fee.

- (3) Unless specific provision to the contrary is made in the local law or resolution fixing a fee, the local government may, in an appropriate case, waive or partially remit a fee.

36 Abandoned goods

- (1) This section applies where an authorised person considers on reasonable grounds that goods have been abandoned in a local government controlled area or on a road.

- (2) However, this section does not apply if the local government or an authorised person considers on reasonable grounds that a vehicle has been—
 - (a) abandoned on a road as described in section 37A(1)(a); or
 - (b) left on a road as described in section 37A(1)(b)(i)(A); or
 - (c) found on a road as described in section 37A(1)(b)(i)(B).
- (3) The authorised person may seize and impound the goods.

37 Dealing with seized and impounded items

- (1) This section applies where—
 - (a) an authorised person has exercised a power under a local law to seize, confiscate, remove or impound a structure, thing or goods (an *impounded item*);¹⁷ or
 - (b) the local government has impounded an item that has been delivered into its custody pursuant to a local law (also an *impounded item*) and the local law states that this section is to apply.
- (2) However, this section does not apply to—
 - (a) an impounded item that is an animal; or¹⁸
 - (b) a vehicle if the local government or an authorised person considers on reasonable grounds that the vehicle has been —
 - (i) abandoned on a road as described in section 37A(1)(a); or
 - (ii) left on a road as described in section 37A(1)(b)(i)(A); or
 - (iii) found on a road as described in section 37A(1)(b)(i)(B).
- (3) If the impounded item is perishable, it may be immediately disposed of as the chief executive officer directs and the proceeds applied in accordance with subsection (7).
- (4) If the impounded item has no commercial value or has a value that would not cover the costs of sale of the item, it may be disposed of—as the chief executive officer directs, including by private sale, destruction, restoring or giving away and the proceeds applied in accordance with subsection (7).
- (5) A person may reclaim the impounded item if—
 - (a) written application is made to the chief executive officer; and
 - (b) proof is produced to the satisfaction of the chief executive officer that the applicant is the owner of the item; and
 - (c) the applicant pays the prescribed fee for the impounding of the item.
- (6) At the expiry of 1 month since the date of impounding, the impounded item is forfeited to the local government, which may dispose of the item—
 - (a) by sale through—
 - (i) public auction or tender, following an advertisement published at

¹⁷ See, for example, section 28 in relation to structures or things brought onto a local government controlled area or road in contravention of a local law and section 36 in relation to abandoned goods.

¹⁸ See *Local Law No. 2 (Animal Management) 2014*, part 4, in relation to the seizure of animals. See the *Animal Management (Cats and Dogs) Act 2008* in relation to the seizure of regulated dogs.

- least 14 days before the date of the proposed sale; or
- (ii) an agent of the local government; or
 - (iii) an enterprise owned by the local government; or
- (b) if it has been offered for sale under paragraph (a) but has not been sold within a reasonable period—as the chief executive officer directs.
- (7) The proceeds of the sale or disposal of the impounded item must be applied in the following order—
- (a) in payment of the reasonable expenses incurred in selling or disposing of the impounded item;
 - (b) in payment of the prescribed fee for seizing and holding the impounded item;
 - (c) if there is an amount owing to an entity under a security interest registered for the impounded item under the *Personal Property Securities Act 2009* (Cwlth)—in payment of the amount owing under the security interest;
 - (d) the balance to the owner of the impounded item.
- (8) If no person establishes a valid claim to the amount to which the former owner is entitled under subsection (7)(d) within 1 year of the date of the sale or disposal, the amount becomes the property of the local government.

37A Removal of vehicles from roads

- (1) This section applies where the local government or an authorised person considers on reasonable grounds—
- (a) that a vehicle in the local government’s area has been abandoned on a road, other than a busway, by the person who last drove or used it; or
 - (b) that—
 - (i) a vehicle in the local government’s area has been—
 - (A) left on a road unattended whether temporarily or otherwise for a time or in a place, condition, way or circumstances where its presence is hazardous; or
 - (B) found on a road in a place, condition, way or circumstances where its presence is—
 - (a) hazardous; or
 - (b) in contravention of the *Transport Operations (Road Use Management) Act 1995*; or
 - (c) in contravention of a local law; and
 - (ii) the driver of the vehicle—
 - (A) can not readily be located; or
 - (B) has failed to immediately remove the vehicle when required by an authorised person to do so.
- (2) For subsection (1), the presence of a vehicle on a road is *hazardous* if it is causing, or is likely to cause, danger, hindrance or obstruction to traffic or is preventing, hindering or obstructing, or likely to prevent, hinder or obstruct the use of the road or a part of the road for a lawful purpose.

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- (3) Where this section applies, the local government or an authorised person may do 1 or more of the following—
- (a) remove the vehicle from the road;
 - (b) impound the vehicle at a place for safe keeping;
 - (c) dispose of the vehicle under this section.
- (4) Subsection (5) applies to a vehicle (a ***no commercial value vehicle***) if—
- (a) the vehicle is removed or impounded under subsection (3); and
 - (b) the vehicle is deemed by the local government or an authorised person to—
 - (i) have no commercial value; or
 - (ii) have a value that would not cover the cost to the local government of the total of the following—
 - (A) if the vehicle is removed from a road—the cost of removal of the vehicle from the road; and
 - (B) if the vehicle is impounded—the cost of impounding the vehicle; and
 - (C) if the vehicle is sold at a public auction— the costs of the sale.

Examples for paragraph (b)—

- a burnt out vehicle; or
 - a vehicle without an engine; or
 - a vehicle from which 1 or more wheels have been removed; or
 - a vehicle that has been severely damaged; or
 - a vehicle that has been stripped of parts or wrecked; or
 - a vehicle that is dilapidated or rusted throughout.
- (5) Where subsection (4) applies to a vehicle—
- (a) the local government or an authorised person is not required to follow the procedures specified in subsections (6) to (10) inclusive in respect of the vehicle; and
 - (b) property in the vehicle vests in the local government; and
 - (c) the vehicle may be disposed of as the chief executive officer directs, including by private sale, destruction, restoring or giving away and the proceeds (if any) applied in accordance with subsection (11).
- (6) Subsections (7) to (10) apply to a vehicle if—
- (a) the vehicle is removed or impounded under subsection (3); and
 - (b) the local government or an authorised person does not deem the vehicle to be a no commercial value vehicle under subsection (4).
- (7) Where subsection (6) applies to a vehicle, a written notice (a ***vehicle impounding notice***) complying with subsection (8) must be—
- (a) where the local government or the authorised person who removed or impounded the vehicle knows, or can readily find out, the name and address of the owner of the vehicle—given to the owner within 14 days of the removal or impounding of the vehicle; or
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- (b) where the local government or the authorised person who removed or impounded the vehicle does not know, and cannot readily find out, the name and address of the owner of the vehicle—published on the local government’s website within 14 days of the removal or impounding of the vehicle.
- (8) For the purposes of subsection (7), a vehicle impounding notice for a vehicle must state—
- (a) a description of the vehicle; and
 - (b) if the vehicle is registered—the registration number of the vehicle; and
 - (c) if the vehicle was removed and impounded—
 - (i) the date of removal or impounding of the vehicle; and
 - (ii) a description of the location from which the vehicle was removed or impounded; and
 - (iii) the place at which the vehicle is impounded; and
 - (d) the reasons for the removal or impounding of the vehicle; and
 - (e) a statement that the owner of the vehicle, or a person acting on the owner’s behalf, may apply for the release of the vehicle; and
 - (f) a statement that an applicant for release of the vehicle must furnish proof to the satisfaction of the chief executive officer of the applicant’s ownership or of the applicant’s right to possession of the vehicle and, in the case of the applicant being a person acting on behalf of the owner, must furnish proof to the satisfaction of the chief executive officer of the applicant’s authority to act on behalf of the owner; and
 - (g) a statement that if a successful claim is not made for the return of the vehicle within 1 month of the date on which the vehicle impounding notice for the vehicle is given to the owner or published on the local government’s website, then the vehicle may be disposed of by the local government or an authorised person in accordance with subsection (10).
- (9) Subsection (10) applies to a vehicle if—
- (a) a vehicle impounding notice for the vehicle has been—
 - (i) given to the owner of the vehicle under subsection (7)(a); or
 - (ii) published on the local government’s website under subsection (7)(b); and
 - (b) a successful claim for the return of the vehicle is not made in accordance with the time period specified in the vehicle impounding notice.
- (10) Where this subsection applies to a vehicle—
- (a) property in the vehicle vests in the local government; and
 - (b) the local government or an authorised person may dispose of the vehicle—
 - (i) as the chief executive officer directs, including by private sale, destruction, restoring or giving away if—
 - (A) the vehicle has no commercial value; or
 - (B) the vehicle has a value that would not cover the cost to the local government of the total of the following—
 - (a) if the vehicle is removed from a road—the cost of
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- removal of the vehicle from the road; and
 - (b) if the vehicle is impounded—the cost of impounding the vehicle; and
 - (c) if the vehicle is sold at a public auction—the costs of the sale; or
 - (C) the vehicle cannot be sold at a public auction pursuant to paragraph (b)(ii); or
 - (D) the keeping of the vehicle is causing, or is likely to cause, a nuisance or a hazard; or
 - (ii) by sale through public auction or tender, following an advertisement published at least 14 days before the date of the proposed sale; or
 - (iii) if the vehicle has been offered for sale under paragraph (b)(ii) but has not been sold within a reasonable period—as the chief executive officer directs.
- (11) The proceeds of the sale or disposal of the vehicle must be applied in the following order—
- (a) in payment of the reasonable expenses incurred in selling or disposing of the vehicle;
 - (b) in payment of the prescribed fee for removal and impounding of the vehicle and the service or publication of the vehicle impounding notice for the vehicle under subsection (7);
 - (c) if there is an amount owing to an entity under a security interest registered for the vehicle under the *Personal Property Securities Act 2009* (Cwlth)—in payment of the amount owing under the security interest;
 - (d) the balance to the owner of the vehicle or, if after reasonable inquiry, the owner cannot be ascertained, into the general fund of the local government.
- (12) A secured party cannot enforce any security interest in the proceeds of sale against an entity to whom an amount is payable under subsection (11)(a) or (b).
- (13) The local government or an authorised person may deal with any goods, equipment or thing contained in, on or about the vehicle at the time of its removal in the same manner as the local government or an authorised person may deal with the vehicle pursuant to this section.
- (14) However, any perishable goods in or on the vehicle at the time of its removal may be disposed of in the way the chief executive officer shall direct and the proceeds (if any) of the disposal shall be applied in accordance with the provisions of subsection (11).
- (15) The chief executive officer must not deliver possession of the vehicle to the owner thereof, or to another person acting on the owner's behalf, or to any other person claiming a right to the possession of the vehicle unless the following provisions have been complied with—
- (a) the owner, or person acting on the owner's behalf, or other person claiming a right to possession of the vehicle, shall have applied in writing signed by the applicant to the chief executive officer for the release of the vehicle;
 - (b) the applicant shall have furnished proof to the satisfaction of the chief executive officer of the applicant's ownership or of the applicant's right to
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possession of the vehicle and, in the case of the applicant being a person acting on behalf of the owner, shall have furnished proof to the satisfaction of the chief executive officer of the applicant's authority to act on behalf of the owner;

- (c) the applicant shall have paid all expenses incurred by the local government concerned in connection with each of —
 - (i) the removal and impounding of the vehicle; and
 - (ii) the service, or publication, of any vehicle impounding notice in relation to the removal and impounding of the vehicle; and
 - (iii) the intended sale of the vehicle;
 - (d) the applicant has signed a receipt for the delivery of the vehicle to the applicant.
- (16) Any person who takes delivery, or obtains possession of or removes or attempts to remove from the detention of the local government a vehicle removed and impounded pursuant to the provisions of subsection (3) except in accordance with the provisions of subsection (15) shall be guilty of an offence.

Maximum penalty—40 penalty units.

- (17) In this section—
- (a) *chief executive officer* means the chief executive officer of the local government;
 - (b) *vehicle* includes any part of a vehicle;
 - (c) *secured party* has the meaning given in the *Personal Property Securities Act 2009* (Commonwealth), section 10.

Part 8 Subordinate local laws

38 Subordinate local laws

The local government may make subordinate local laws about—

- (a) prescribed activities in respect of which the requirement for an approval does not apply;¹⁹ and
- (b) the categories of prescribed activities for the purposes of maximum penalties;²⁰
- (c) the documents and materials that must accompany an application for an approval;²¹ and
- (d) additional criteria for the granting of approvals for prescribed activities;²² and
- (e) the conditions that must be imposed on an approval or that will ordinarily be

¹⁹ See section 6(3).

²⁰ See section 6(4).

²¹ See section 8(2)(a).

²² See section 9(1)(d).

- imposed on an approval;²³ and
- (f) application requirements for which a third party certifier's certificate may be accepted by the local government;²⁴ and
 - (g) the individuals or organisations that are declared as third party certifiers for particular application requirements;²⁵
 - (h) the qualifications that are necessary for an individual or organisation to provide a third party certificate about particular application requirements;²⁶ and
 - (i) the term for which an approval for a prescribed activity remains in force;²⁷ and
 - (j) the further term for which an approval for a prescribed activity may be renewed or extended;²⁸ and
 - (k) categories of approvals that are non-transferable;²⁹ and
 - (l) complementary accommodation prescribed as appropriate for accommodation parks;³⁰ and
 - (m) a State-controlled road to which this local law applies;³¹ and
 - (n) public place activities prescribed as regulated activities on local government controlled areas and roads.³²

²³ See section 10(3).

²⁴ See section 12(1).

²⁵ See section 12(2), definition of *third party certifier*, paragraph(a).

²⁶ See section 12(2), definition of *third party certifier*, paragraph(b).

²⁷ See section 13(a).

²⁸ See section 14(1)(a).

²⁹ See section 15(2).

³⁰ See schedule 1, definition of *complementary accommodation*, paragraph (b).

³¹ See schedule 1, definition of *road*, subparagraph (b)(i).

³² See schedule 2, part 2, definition of *regulated activities on local government controlled areas and roads*, paragraph (c).

Schedule 1 Dictionary

Section 3

accommodation park includes—

- (a) a place for parking and residing in caravans; and
- (b) a camping ground; and
- (c) a place that provides for complementary accommodation.

amend for an approval, includes varying a condition, removing a condition or adding a condition.

approval includes a consent, permission, licence, permit or authorisation.

authorised person see the Act, schedule 4³³.

business day see *Acts Interpretation Act 1954*, schedule 1.

caravan see *Residential Tenancies and Rooming Accommodation Act 2008*, section 7.

complementary accommodation means—

- (a) accommodation in an on-site caravan, a cabin, a manufactured home or a tent or other structure that can be readily assembled and disassembled; or
- (b) other accommodation prescribed under a subordinate local law for this paragraph as appropriate to an accommodation park.

compliance notice means a compliance notice given under—

- (a) section 26; or
- (b) another local law that authorises the giving of a compliance notice.

day includes—

- (a) a business day; and
- (b) a day other than a business day.

disturbance, of human remains, includes interfering with remains, removal of remains and opening of a site of burial

DOGIT land means land that is DOGIT land under the *Aboriginal Land Act 1991*, section 11, or the *Torres Strait Islander Land Act 1991*, section 12.

entertainment includes recreation and amusement.

entertainment event means an event that is open to the public for entertainment whether or not a charge for admission is made and whether or not the person who controls admission to the place reserves a right to refuse admission.

environmental harm see *Environmental Protection Act 1994*, section 14.

footpath means an area open to the public that is designated for, or has as 1 of its main uses, use by pedestrians.

goods does not include animals.

hazardous see section 37A(2).

human remains means the body or part of the body of a deceased person.

³³ See also section 20.

information notice, for a decision, means a written notice stating the following—

- (a) the decision; and
- (b) the reasons for the decision; and
- (c) that the person to whom the notice is given may apply for a review of the decision within 14 days after the notice is given; and
- (d) how to apply for a review.

local government means Rockhampton Regional Council.

Local Government Act see the Act, schedule 4.

local government area means the local government area of the local government.

local government cemetery means a cemetery under the control of the local government, including a cemetery located on land owned by the local government or on land for which the local government is the trustee.

local government controlled area—

- 1 A *local government controlled area* means land, facilities and other infrastructure owned, held in trust or otherwise controlled by the local government, other than a road.

Examples of local government controlled areas—

- land held by the local government in freehold or leasehold, or as trustee of a reserve
- parks, reserves and gazetted foreshores
- camping grounds or accommodation parks on land owned or controlled by the local government
- local government swimming pools
- cemeteries
- Council Chambers and local government offices
- jetties.

- 2 A *local government controlled area* includes part of a local government controlled area.

- 3 A *local government controlled area* does not include a residential lot on DOGIT land.

manufactured home see the *Manufactured Homes (Residential Parks) Act 2003*, section 10.

network connection see the Act, section 35(2).

no commercial value vehicle see section 37A(4).

non-standard condition see section 9(5).

prescribed activity see section 5.

prescribed fee means a cost-recovery fee fixed by the local government, by local law or by resolution, under the Act³⁴.

property see *Acts Interpretation Act 1954*, schedule 1.

proposed transferee see section 15(1).

public notice means a notice published in a newspaper circulating in the local

³⁴ See the Act, section 97.

government's area.

public place see the Act, section 125(5).

residence means human habitation on a short-term or long-term basis.

review decision see section 23(1).

road means—

- (a) a road as defined in the Act, section 59; and
- (b) a State-controlled road—
 - (i) prescribed under a subordinate local law for this subparagraph as a road to which this local law applies unless otherwise provided; and
 - (ii) in respect of which the chief executive has given written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b).

shared facility accommodation means accommodation occupied or available for occupation by residents, in return for payment, on the basis of residents sharing 1 or more of the following facilities—

- (a) dormitories or bedrooms;
- (b) toilets;
- (c) bathrooms, showers or other bathing facilities;
- (d) laundries;
- (e) dining facilities;
- (f) cooking facilities;
- (g) recreation facilities.

show cause notice see section 18(2).

the Act means the *Local Government Act 2009*.

vehicle see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

vehicle impounding notice see section 37A(7).

Schedule 2 Prescribed activities

Section 5

Part 1 Prescribed activities

alteration or improvement to local government controlled areas and roads

commercial use of local government controlled areas and roads

establishment or occupation of a temporary home

installation of advertising devices

keeping of animals

operation of accommodation parks

operation of cemeteries

operation of public swimming pools

operation of shared facility accommodation

operation of temporary entertainment events

undertaking regulated activities regarding human remains

undertaking regulated activities on local government controlled areas and roads

Part 2 Definitions of prescribed activities

*alteration or improvement to local government controlled areas and roads*³⁵
means—

- 1 *Alteration or improvement to local government controlled areas and roads*
means—
 - (a) installing, changing, damaging or removing a structure in a local government controlled area or on a road; or
 - (b) planting, clearing or damaging of vegetation in a local government controlled area or on a road.

³⁵ Where a local government controlled area comprises land held on trust by the local government under the *Land Act 1994*, the local government must take account of, and give precedence to, its rights, powers and responsibilities as a trustee under that Act.

2 *Alteration or improvement to local government controlled areas and roads* does not include an alteration or improvement—

- (a) that constitutes development under the Planning Act³⁶; or
- (b) for which a tree clearing permit is required under the *Vegetation Management Act 1999*; or
- (c) that involves a network connection; or
- (d) for which written approval of the local government is required under section 75 of the Act.

commercial use of local government controlled areas³⁷ and roads means the use of a local government controlled area or road for soliciting or carrying on the supply of goods and services (including food or drink) for profit, but does not include the following—

- (a) the provision of a public passenger service under the *Transport Operations (Passenger Transport) Act 1994*;
- (b) a business on part of a road if the person carrying on the business is authorised by a permit under the *Land Act 1994* to occupy the relevant part of the road for carrying on the business;
- (c) a business that a person is authorised to carry on under the *Transport Infrastructure Act 1994*;
- (d) using a road for a particular purpose if the use constitutes development under the Planning Act;
- (e) operation of a temporary entertainment event;
- (f) undertaking a regulated activity on a local government controlled area or road where the activity is the holding of a public place activity.

establishment or occupation of a temporary home means the erection, construction, installation, positioning or placement of a structure used or intended for temporary use as a place of residence but does not include—

- (a) a structure for erection which is constituted as development under the Planning Act; or
- (b) the establishment or the occupation of a temporary home on or in an accommodation park.

installation of advertising devices means the installation, erection or display of an advertisement or sign that is visible from a road or other public place.³⁸

keeping of animals means the keeping of an animal or animals for which an approval is required under *Local Law No.2 (Animal Management) 2011*.

operation of accommodation parks means to operate, on a commercial basis, an accommodation park.

³⁶ See the definition of *Planning Act* in the Act, schedule 4.

³⁷ See footnote 36.

³⁸ See the Act, section 37(5), regarding the relationship between a local law about advertising devices and the local government's planning scheme.

operation of cemeteries means to operate a place for disposing of human remains by—

- (a) burial; or
- (b) cremation; or
- (c) placement in a columbarium, mausoleum or vault.

operation of public swimming pools means the operation of a swimming pool that is made available for use to—

- (a) members of the public or a section of the public; or
- (b) participants in organised swimming or diving competitions or in training for organised swimming or diving competitions; or
- (c) persons who have a commercial relationship with the owner of the pool.

operation of shared facility accommodation means the provision of shared facility accommodation to holiday makers or travellers, but does not include accommodation in a hotel or motel.

operation of temporary entertainment events means the opening to the public, or the preparation for opening to the public, of an entertainment event and for which the opening to the public does not constitute development under the Planning Act.

undertaking regulated activities regarding human remains means undertaking one of the following activities—

- (a) disturbance of human remains buried outside a cemetery; or
- (b) burial or disposal of human remains (excluding cremated remains) outside a cemetery; or
- (c) disturbance of human remains in a local government cemetery.

undertaking regulated activities on local government controlled areas³⁹ and roads means undertaking one of the following activities on a local government controlled area or road—

- (a) driving or leading of animals to cross a road; or
- (b) depositing of goods or materials; or
- (c) holding of a public place activity prescribed under a subordinate local law for this paragraph, excluding the operation of a temporary entertainment event.

Example for paragraph (c)— A subordinate local law may prescribe that a display or information booth in a public park or on a footpath is a regulated activity.

This and the preceding 32 pages bearing my initials is a certified copy of the consolidated version of *Local Law No. 1 (Administration) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the _____ day of _____ (*insert the date of the relevant resolution of Council*) 2018.

.....
 Chief Executive Officer

242502_1

³⁹ See footnote 36.

LOCAL LAW MAKING PROCESS

LL8 (Waste Management) 2018

Meeting Date: 11 December 2018

Attachment No: 6

Local Law No. 8 (Waste Management) 2018**Part 1****Part 2 Contents**

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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
 - (v) if the waste container is set aside for the storage of recyclable waste—waste other than recyclable waste; 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) if a prescribed ERA is carried out at the premises — the holder of the environmental authority for the prescribed ERA.
- (2) The prescribed person must ensure that the waste container storage place for the premises is supplied with—
 - (a) if required by the local government — each of the following—
 - (i) either—
 - (A) an elevated stand at a level required by the local government for holding all waste containers; or
 - (B) an imperviously paved area, drained as required by the local government, where all waste containers can be placed;

- (ii) a hose cock and hose in the vicinity of the stand or paved area;
- (iii) a suitable enclosure for the area where the waste containers are kept; and

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

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

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

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

Subdivision 2 Removal of general waste

10 Local government may give notice about removal of general waste

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

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

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

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

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

Division 3 Storage and treatment of industrial waste

12 Requirements for storing industrial waste

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

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

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

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

Maximum penalty — 20 penalty units.

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

- (b) prescribed by subordinate local law under subsection (1)(b).
- (3) If the local government supplies an industrial waste container to premises under subsection (2), the reasonable cost of supplying the container is a debt payable by the occupier of the premises to the local government.

13 Requirement to treat industrial waste for disposal

The occupier of premises where there is industrial waste must—

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

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

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

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

Maximum penalty — 40 penalty units.

Part 3 Waste receipt and disposal

14 Unlawful disposal of waste at waste facility

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

Part 1 (a) liquid or semiliquid waste;

Part 2 (b) hot ash;

Part 3 (c) material that is smouldering or aflame;

Part 4 (d) material that can spontaneously combust;

Part 5 (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;

Part 6 (f) an explosive;

Part 7 (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;

Part 8 (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—

Part 9 (a) the person who—

(i) is the registered suitable operator for the facility; or

(ii) holds an environmental authority for the facility; or

Part 10 (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 a facility person; and
 - (b) comply with all reasonable instructions about dealing with the waste at the waste facility which are given by—
 - (i) the person in charge of the facility; or
 - (ii) a facility person; and
 - (c) if asked by a facility person — give information to the facility person about the type and amount of waste being delivered to the facility; and
 - (d) if asked by a facility person — give information to the facility person that provides satisfactory evidence of the identity and residential address of the person.

Maximum penalty — 10 penalty units.

- (3) In this section, for a waste facility, facility person means each of the following—
 - (a) the operator of the waste facility;
 - (b) the owner of the waste facility;
 - (c) the local government.

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 Transitional provisions

19 Continuation of chapter 5A requirements

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

Example —

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

Schedule Dictionary

section 3

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

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

commercial premises means any of the following types of premises—

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

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

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

prescribed person see section 9(1).

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

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

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

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

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

scheduled collection day see section 10(2).

serviced premises means—

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

standard general waste container—

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

Example for paragraph (b)—

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

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

waste container storage place see section 8(1).

waste facility—

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

This and the preceding 16 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 Rockhampton Regional Council by resolution dated the day of 2018.

.....

Chief Executive Officer

684812_1

LOCAL LAW MAKING PROCESS

SLL1.3 (Establishment or Occupation of a Temporary Homes) 2011 (Consolidated)

Meeting Date: 11 December 2018

Attachment No: 7

Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 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 3 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.
- (3) For section 6(4) of the authorising local law, it is declared that the prescribed

activity named in section 1 of schedule 1 is a category 2 activity.

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

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

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

Schedule 1 Establishment or occupation of a temporary home

Section 5

1. Prescribed activity

Establishment or occupation of a temporary home

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

The establishment of a temporary home on land, if the owner of the temporary home or, when the owner of the temporary home cannot be located, the owner of the land upon which the temporary home is established, proves to the satisfaction of an authorised person that the temporary home—

- (a) is merely being stored on the land; and
- (b) is not being used as a place of residence for more than 3 months cumulatively in a 12 month period.

3. Documents and materials that must accompany an application for an approval

- (1) A drawing showing the design and dimensions of the proposed temporary home, including the location on the land at which the temporary home is proposed to be situated.
- (2) Details of the materials out of which the temporary home is (or is to be) constructed and other structural details of the temporary home.
- (3) Details of the physical location of the temporary home.
- (4) If the applicant is not the owner of the land on which the temporary home is (or is to be) located—the written consent of the owner.
- (5) Details of the name of each person who is to occupy the temporary home.
- (6) Details of the operation of the proposed temporary home including toilet, bathing, laundry, water storage, refuse facilities, waste water and sewerage disposal.
- (7) If a permanent residence is proposed to be constructed, altered or extended on the land the subject of the application—a copy of the development approval for—
 - (a) if a permanent residence is to be constructed—the permanent residence;
 - (b) if the permanent residence is to be altered or extended—the building work the subject of the alteration or extension.
- (8) A progress chart or similar timetable showing significant milestones for the works proposed to be undertaken on the land so as to enable the term of the

proposed approval to be fixed by the local government.

4. Additional criteria for the granting of an approval

- (1) The temporary home will not be occupied as a place of residence permanently or for an indefinite period.
- (2) The applicant proposes, within the period for which the approval is granted—
 - (a) to erect, or convert an existing structure into, a permanent residence; or
 - (b) to carry out building work on a permanent residence that will make the residence temporarily unfit for occupation as a place of residence.
- (3) An adequate source of water will be available to the proposed temporary home.
- (4) Adequate means of waste disposal and sanitation will exist to ensure that reasonable standards of health and hygiene can be maintained.
- (5) The temporary home must be located on the land in such a way as to not impact adversely on the amenity of the owner or occupier of any adjoining land.
- (6) The local government may refuse an application for an approval on the ground that—
 - (a) the applicant has not made a genuine application for a development approval for—
 - (i) the proposed erection of, or conversion of an existing structure into, a permanent residence; or
 - (ii) the proposed building work on a permanent residence that will make the residence temporarily unfit for occupation as a place of residence; or
 - (b) a development approval has been granted but is likely to expire before building work to be carried out under the approval has been completed.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions of an approval may—
 - (a) regulate the design, dimensions, construction, and external appearance of the temporary home; and
 - (b) require the approval holder to provide, prior to the occupation of the temporary home as a place of residence—
 - (i) specified facilities for personal hygiene and sanitation, and for

- washing and drying clothes; and
- (ii) specified equipment or facilities so as to ensure that—
 - (A) the temporary home is adequately supplied with water; and
 - (B) waste water and refuse from the temporary home are disposed of properly; and
- (c) require the approval holder to dismantle and remove the temporary home by a specified date; and
- (d) require the approval holder to keep the temporary home in good order and repair; and
- (e) require the approval holder to ensure that the temporary home is not unsightly or unhygienic; and
- (f) restrict the number of persons who may occupy the temporary home; and
- (g) require the approval holder to advise the local government of any change of the name of the persons who are occupying the temporary home; and
- (h) require the approval holder to install smoke alarms in the temporary home in accordance with the requirements of the *Building Fire Safety Regulation 2008*, part 5A (Smoke alarms for domestic dwellings).
- (2) All water supplied for domestic purposes to the temporary home must be potable water.
- (3) All sewerage and waste water from the temporary home must be discharged safely to a septic or sewer system or other place approved by an authorised person.

7. Term of an approval

- (1) The term of an approval may be assessed by an authorised person having regard to the information submitted by the applicant.
 - (2) The term of an approval must not exceed the lawful period of the development approval for—
 - (a) if the development approval authorises the construction of a permanent residence—the construction of the permanent residence;
 - (b) if the development approval authorises the alteration or extension of a permanent residence—the alteration or extension of the permanent residence.
 - (3) The term of the approval must be specified in the approval.
 - (4) In any event, the term of an approval comes to an end on the earlier of—
-

- (a) the date on which the term of the approval ends; and
- (b) if the approval relates to the construction of a permanent residence—the date on which the permanent residence becomes fit for occupation as a place of residence; and
- (c) if the approval relates to the alteration or extension of a permanent residence—the date on which the alterations or extensions to the permanent residence have progressed to an extent that the permanent residence becomes fit for occupation as a place of residence.

8. Term of renewal of an approval

- (1) An approval cannot be renewed.
- (2) However, the local government may extend the term of an approval to coincide with the expected completion date of the building work for the erection or alteration of, or conversion of an existing structure into, a permanent residence that is, when the application for extension is made, and likely to be completed within a reasonable time.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
Consistency of the proposed operation and management of the activity with the criteria in section 4(3) and (4) of this schedule.		A builder's licence (of the class BLR, BMR, BO or BPMS) issued by the Queensland Building and Construction Commission OR A plumber's license issued by the Plumbers and Drainers Board

Schedule 2 Categories of approval that are non-transferable

Section 6

Every approval for the prescribed activity named in schedule 1, section 1 is non-transferable.

Schedule 3 Dictionary

Section 4

development approval see the *Sustainable Planning Act 2009*, schedule 3.

structure has the meaning given in the *Local Government Act 2009*.

This and the preceding 8 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the day of (*insert the date of the relevant resolution of Council*) 2018.

.....
Chief Executive Officer

713015_1

LOCAL LAW MAKING PROCESS

LL4 (Installation of Advertising Devices) 2018

Meeting Date: 11 December 2018

Attachment No: 8

Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2018

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.4 Installation of Advertising Devices) 2018*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 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 6 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), 6(4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 1 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.

6 Approvals that are non-transferable—Authorising local law, s15(2)

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

Part 3 Application to State-controlled roads

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

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

Note

The display of an advertising device which is placed on, or visible from, a State-controlled road may—

- (a) be regulated under the Roadside Advertising Guide of the Department of Transport and Main Roads; and
- (b) also require an approval from the Department.

Part 4 Repeal

8 Repeal

This subordinate local law repeals *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011*.

Schedule 1 Installation of advertising devices

Section 5

1 Prescribed activity

Installation of advertising devices.

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

- (1) An approval is not required under the authorising local law for the prescribed activity if the activity is the installation, erection or display of a permitted advertisement.
- (2) A *permitted advertisement* is an advertising device that is visible from a road or other public place which is—
 - (a) defined in schedule 3; and
 - (b) installed, erected and displayed in accordance with—
 - (i) the prescribed criteria specified in schedule 3; and
 - (ii) the general criteria specified in schedule 4.
- (3) Also, an approval is not required under the authorising local law for the prescribed activity if—
 - (a) under the planning scheme of the local government, the prescribed activity is identified as—
 - (i) development which is accepted development or prohibited development; or
 - (ii) assessable development which is subject to code assessment or impact assessment; or
 - (b) the installation, erection or display of the advertising device is undertaken by, or on behalf of, the local government.
- (4) Also, an approval is not required under the authorising local law for the prescribed activity if the activity is the installation, erection or display of an election sign that is visible from a road or other public place.
- (5) However, the activity of the installation, erection or display of an election sign that is visible from a road or other public place may be undertaken by a person only if the person complies with the following requirements—
 - (a) the election sign must be kept in good order and repair; and
 - (b) the election sign must not be exhibited on a local government controlled area, or any plant, equipment or facility of the local government; and
 - (c) the election sign must not be exhibited so as to constitute a risk to public health or safety, road safety or obstruct the use of a road (including a footpath); and

Examples of paragraph (c) — an election sign is exhibited so as to constitute a risk to public health or safety, road safety or obstruct the use of a road, if the election sign—

- is unsecured or unattended on the carriageway of a road (the carriageway of a road is the sealed section of the road between the unsealed shoulders of the road);
- obstructs, or is likely to obstruct, pedestrian or bicycle movement on a paved footpath,

walkway or bikeway;

- is positioned in a way that obstructs or hinders access to private property when exiting a road, or obstructs or hinders access to a road when exiting private property;
 - is positioned in a way that does not provide clear sight lines for drivers of vehicles or pedestrians at a road junction, vehicle access way or pedestrian crossing;
 - creates a traffic problem, or increases an existing traffic problem;
 - is not weighted, anchored or affixed so as to ensure stability and avoid falling or blowing into the path of pedestrian or vehicular traffic;
 - is exhibited on a traffic island, a median strip or the centre of a roundabout;
 - is exhibited within an intersection controlled by traffic lights or within the intersections of one or more major roads;
 - is exhibited at a bus stop or in a school zone in a way that interferes with passengers entering or exiting a bus or another vehicle;
 - obstructs a pedestrian crossing or a school crossing;
 - is rotating, audible or illuminated and likely to cause a distraction to a driver;
 - is exhibited in close proximity to an official traffic sign in a way which is likely to hinder or obstruct a driver from seeing, reading or understanding the official traffic sign whilst driving;
 - is exhibited on a road in a rural area with a speed limit of 80 km/h or less, and is located less than 3.5m from the edge of the nearest traffic lane;
 - is exhibited on a road in a rural area with a speed limit greater than 80km/h and is located less than 6m from the edge of the nearest traffic lane;
 - is exhibited on street furniture, a light pole, guard rail, tree, plant, landscaped area or other local government asset.
- (d) the election sign must not have a surface area exceeding 1.1m², unless the sign is exhibited on an approved advertisement; and
- (e) the election sign must be made of a material that is designed to be easily broken, for example, a corflute sign on a timber stake.

3 Documents and materials that must accompany an application for an approval

- (1) An application for an approval must be made to the local government on the approved form required under *Local Law No. 1 (Administration) 2011* as detailed on the local government's website.
- (2) Full details of the proposed advertising device including—
 - (a) the location at which the proposed advertising device will be installed, erected or displayed; and
 - (b) the name, address and contact details of the person responsible for the installation, erection or display of the advertising device; and
 - (c) the name and address of any business which will be advertised on the advertising device.
- (3) Details of all building work and other work to be carried out under the approval.
- (4) Details of the time and place at which the prescribed activity will be undertaken.

- (5) The proposed term of the approval.
- (6) The impact, if any, of the prescribed activity on pedestrian or vehicular traffic.
- (7) The materials, equipment and vehicles (if applicable) to be used in the undertaking of the prescribed activity.
- (8) If requested, evidence that the applicant currently holds any separate approval relating to the prescribed activity that is required under another law, for example, a certification, that the sign complies with the requirements of the Manual of Uniform Traffic Control Devices.
- (9) Plans and specifications detailing—
 - (a) the location of the proposed advertising device; and
 - (b) particulars of the content, design, dimensions and construction of the proposed advertising device; and
 - (c) a site plan and elevation, to scale, of the proposed advertising device; and
 - (d) if the applicant is not the owner of the premises on which the proposed advertising device is to be installed, erected or displayed, the consent of the owner of the premises to the installation, erection and display of the advertising device; and
 - (e) a copy of each development approval required for the installation, erection and display of the proposed advertising device; and
 - (f) if the proposed advertising device is to be installed, erected or displayed at a place which is registered as a State heritage place and an exemption certificate is required in respect of the undertaking of the prescribed activity at the place—a copy of the exemption certificate; and
 - (g) a pictorial representation of the proposed advertising device.

4 Additional criteria for the granting of an approval

- (1) The conduct of the prescribed activity must not—
 - (a) result in—
 - (i) harm to human health or safety; or
 - (ii) property damage or loss of amenity; or
 - (iii) nuisance; or
 - (iv) unsafe movement of pedestrian or vehicular traffic; or
 - (v) environmental harm; or
 - (vi) environmental nuisance; or
 - (vii) a potential road safety risk; or
 - (b) adversely affect the amenity of the area in which the prescribed activity is to be undertaken; or
 - (c) significantly obstruct the view of any premises.
- (2) Where an advertising device is to be displayed at a State heritage place, more favourable consideration will normally be given to an advertising device which is in keeping with the original character and period of the State heritage place.

5 Conditions that must be imposed on an approval

No conditions prescribed.

6 Conditions that will ordinarily be imposed on an approval

- (1) The conditions of an approval may—
 - (a) require compliance with specified safety requirements; and
 - (b) regulate the time within which the prescribed activity must be carried out; and
 - (c) specify standards with which the undertaking of the prescribed activity must comply; and
 - (d) require the approval holder to—
 - (i) carry out specified additional work such as earthwork and landscaping; and
 - (ii) take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before commencement of the prescribed activity; and
 - (iii) give the local government specified indemnities; and
 - (iv) maintain structures erected or installed, or vegetation planted, under the approval, in good condition; and
 - (v) remove a structure erected or installed, under the approval, at the end of a stated period; and
 - (vi) construct the advertising device from specified materials; and
 - (vii) maintain the advertising device in good order and repair; and
 - (viii) install the advertising device at a specified location, or in a specified manner; and
 - (ix) take specified measures to illuminate, or control the illumination of, the advertising device; and
 - (x) restrict the dimensions of the advertising device.
 - (2) The conditions of an approval may require the approval holder to take specified measures to—
 - (a) prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and
 - (b) prevent loss of amenity or nuisance resulting from the undertaking of the prescribed activity; and
 - (c) ensure that the undertaking of the prescribed activity does not cause unsafe movement or obstruction of pedestrian or vehicular traffic.
 - (3) The conditions of an approval may require the approval holder to take specified measures to ensure that the advertising device is installed, erected and displayed in accordance with—
 - (a) the prescribed criteria in schedule 3; and
-

- (b) the general criteria specified in schedule 4.

7 Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

8 Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Schedule 2 Categories of approval that are non-transferable

Section 6

Every approval for the prescribed activity named in schedule 1, section 1 is non-transferable.

Schedule 3 Definitions and prescribed criteria for installation, erection and display of advertising devices

Schedule 1, section 2(2)(a) and (b)

1 Community organisation site sign



- (1) A *community organisation site sign* is a temporary, non-illuminated advertising device which advertises a non-profit short term event such as a fete, fair, festival or other similar event organised by a charitable, religious, educational, childcare or sporting organisation or a community service organisation.
- (2) The criteria prescribed for a community organisation site sign are that the sign must—
 - (a) only be displayed for a maximum period of 30 days prior to the event advertised; and
 - (b) not have a face area in excess of—
 - (i) 2.5m² in a residential zone; or
 - (ii) 5m² in all remaining zone category areas; and
 - (c) be removed within 2 days of the event finishing.
- (3) Also, for any premises, a limit of 2 community organisation signs per street front boundary of the premises may be displayed.

2 Temporary directional community organisation sign

- (1) A *temporary directional community organisation sign* is a sign which while not displayed at the site of a fete, fair, festival or other similar event, has the primary purpose of directing the public to the fete, fair, festival or other similar event.
- (2) The criteria prescribed for a temporary directional community organisation sign are that the sign must—
 - (a) not have a face area in excess of 0.6m² when placed on a road or public place; and
 - (b) not have a face area in excess of 2.4m² when placed on private property; and
 - (c) only be displayed for a maximum period of 7 days prior to the event advertised on the sign and be removed within 2 days of the event finishing.

- (3) Also—
- (a) for signs placed on a road or public place, the advertiser must have in effect and maintain a public liability insurance policy in an amount not less than \$20,000,000.00 against claims for personal injury and property damage resulting from the display of the sign; and
 - (b) a maximum of 15 signs may be displayed on private properties; and
 - (c) on a private property — a maximum of 2 signs may be displayed on the private property; and
 - (d) a maximum of 10 signs may be displayed on roads and public places.

3 Footway sign

- (1) **Footway sign** is a portable, free-standing sign, normally supported by an ‘A’ or inverted ‘T’ frame, and typically displayed on a footway.
- (2) The criteria prescribed for a footway sign are that the sign must—
 - (a) not have a width in excess of 0.75m or a height in excess of 1m; and
 - (b) be positioned immediately adjacent to the shop frontage of the shop advertised on the sign; and
 - (c) be positioned to ensure a minimum 1.5m wide pedestrian corridor is kept clear along the footway; and
 - (d) be clear of any vehicle accessway across the footway; and
 - (e) not be positioned to obstruct or clutter the footway, street landscaping, furniture or artwork; and
 - (f) not have moving, rotating or animated parts; and
 - (g) not be displayed other than during the trading hours of the shop; and
 - (h) not be used for the display of merchandise; and
 - (i) be secured so as not to cause a pedestrian or vehicular hazard in windy conditions; and
 - (j) not have more than 2 face areas.
- (3) Also—
 - (a) the advertiser must have in effect and maintain a public liability insurance policy in an amount not less than \$20,000,000.00 against claims for personal injury and property damage resulting from the display of the sign; and
 - (b) the number of footway signs that may be displayed on premises is limited to the greater of—
 - (i) 1 sign per shop; and
 - (ii) 1 sign per full 6m of the linear street front boundary of the shop on the premises.

Example-

A shop with over 12m of linear street front boundary is permitted 2 footway signs, a shop with over 18m of linear shop front boundary is permitted 3 footway signs etc.

4 Variable message sign

- (1) A *variable message sign* is an advertising device that is—
 - (a) an electronic sign placed on a road or a road-related area to convey information or directions to road users, but is not otherwise illuminated; and
 - (b) capable of conveying varying information from time to time; and
 - (c) trailer mounted; and
 - (d) able to be programmed and varied manually, electronically or remotely.
- (2) This section specifies the criteria prescribed for a variable message sign.
- (3) A variable message sign must not be installed or displayed on a road or a road-related area unless the variable message sign—
 - (a) is installed or displayed by the local government and conveys information or directions about—
 - (i) road construction, maintenance or improvement activities of the local government; or
 - (ii) road safety activities of the local government; or
 - (b) is installed or displayed and conveys information about public consultation which has been undertaken, or is to be undertaken; or
 - (c) is installed or displayed—
 - (i) for the primary purpose of directing the public to a short term event such as a fete, fair, festival or other similar event which is advertised on the variable message sign; and
 - (ii) only on the day of the event advertised on the variable message sign, and for a period of not more than 3 days prior to the event, and is removed from the road or road-related area not more than 1 days after the event; and
 - (iii) so that the siting of the variable message sign does not cause a pedestrian or vehicular hazard.

5 Mobile motor vehicle sign

- (1) A *mobile motor vehicle sign* is an advertising device displayed on a motor vehicle or trailer which is stopped on premises in circumstances where the primary purpose for which the vehicle is being driven or stopped at the material time is business advertising.
- (2) The criteria prescribed for a mobile motor vehicle sign are that the sign must not—
 - (a) not have a face area in excess of 5m²; and
 - (b) not be an animated sign with changing display, including flashing, fibre optic or LED lights, scrolling illuminated images or any other non-static illuminated displays; and
 - (c) not contain third party advertising; and

- (d) not be displayed on a road.

6 Illuminated sign

- (1) An *illuminated sign* is a sign that has internal and/or external means of illumination of the whole or a portion of the sign.
- (2) The criteria prescribed for an illuminated sign are that the sign must—
 - (a) not be situated within 100m of a residential zone, unless the sign is not visible from any premises used for a residential purpose; and
 - (b) not have luminance in excess of 350 candelas per square metre; and
 - (c) not be located within 30m of a set of traffic signals or 20m of an intersection; and
 - (d) not be flashing or moving.

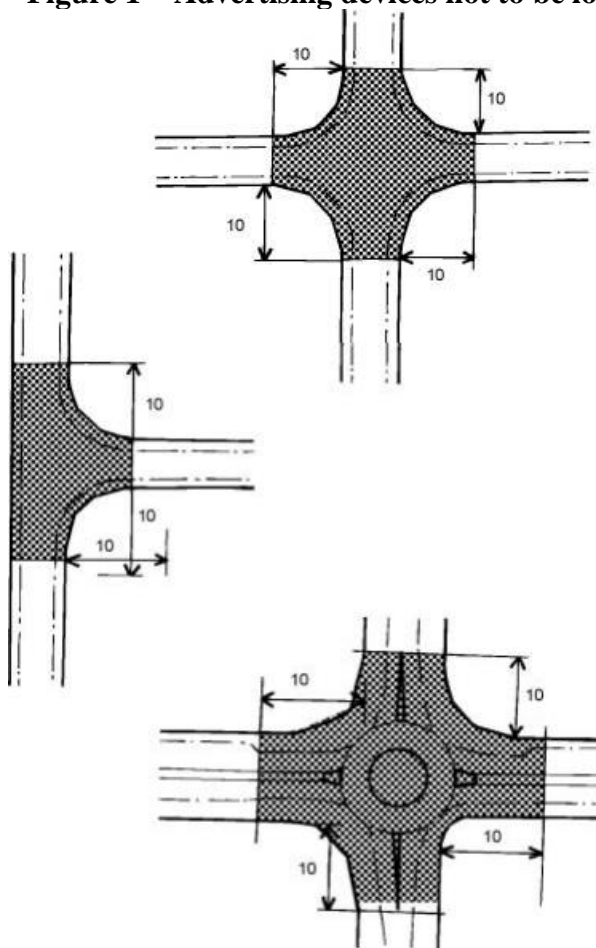
Schedule 4 General criteria for installation, erection and display of advertising devices

Schedule 1, section 2(2)(b)(ii)

- 1 This schedule specifies general criteria for the installation, erection and display of advertising devices.
- 2 The advertising device must not be erected on a road, community infrastructure or a public place unless otherwise permitted by this subordinate local law.
- 3 An advertising device must not be installed, erected or displayed at a place which is registered as a State heritage place unless an exemption certification has been granted in respect of the undertaking of the prescribed activity at the place.
- 4 The advertising device must—
 - (a) not cause a nuisance as reasonably determined by the local government; and
 - (b) not incorporate beacon lights or revolving lights, excluding emergency vehicles and other emergency devices authorised under a State Act; and
 - (c) not be illuminated, unless the illumination is permitted under this subordinate local law; and
 - (d) be kept and maintained at all times in good order and repair, and free of graffiti.
- 5 The activity being advertised on the advertising device must be able to be lawfully conducted.
- 6 The display of the advertising device must not cause—
 - (a) a safety hazard; or
 - (b) unsafe movement or obstruction of, or distraction to, pedestrian or vehicular traffic.
- 7 An advertising device mounted over a road or other place where vehicles are able to pass, must provide a clearance of not less than 5.7m above ground level directly adjacent to the advertising device.
- 8 This schedule also specifies the criteria that the local government must have regard to when deciding whether to approve the display of a free-standing advertising device by reference to the size of the advertising device.
- 9 The face area of any advertising device is the area bounded by the framework of a manufactured panel, hoarding or illuminated advertising device case and is calculated by multiplying the advertising device face area height and width parameters.
- 10 However, in the case of lettering, logos or designs applied to a lesser area than the panel parameters, or individual lettering, the area is calculated by drawing a rectangle around the advertising device lettering, logos or designs.

- 11** In the case of irregular shaped advertising devices, including words with ascending or descending upper or lower case letter strokes, or replicas or shapes, the face area is calculated by not more than 2 abutting and non-overlapping rectangles added together.
- 12** Decorative lines, stripes and architectural trims of an advertising device, whether illuminated or not, form part of the face area of the advertising device.
- 13** In calculating the size of an advertising device, v-shaped advertising devices are classed as 2 advertising devices unless otherwise determined by this subordinate local law.
- 14** Unless otherwise permitted or determined under this subordinate local law, an advertising device must not to be installed, erected or displayed on any of the following locations—
- within an intersection or roundabout shown on figure 1;
 - within, or on, a median strip, traffic island or roundabout;
 - upon any tree, shrub, pole or traffic sign support, unless on private property;
 - within 10m of a traffic warning or direction sign;
 - within 3m from the bitumen edge of a road (where no kerb and channel exists); and
 - outside the footpath area of a road (where kerb and channel exists).

Figure 1 – Advertising devices not to be located in shaded areas



All measurements in figure 1 are in shown in metres.

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

Section 7

The authorising local law does not apply to the installation of an advertising device on any State-controlled road in the local government area of the local government.

Schedule 6 Dictionary

Section 4

accepted development see *Planning Act 2016*, schedule 2.

advertiser means a person—

- (a) by whom a sign is installed, erected or displayed; or
- (b) whose business or place of business is advertised by a sign; or
- (c) who manages and controls, or has power to manage and control, the place at which a sign is installed, erected or displayed; or
- (d) who is—
 - (i) the owner of premises or a place on which a sign is installed, erected or displayed; or
 - (ii) the occupier of premises or a place on which a sign is installed, erected or displayed; or
 - (iii) the owner of a vehicle on which a sign is installed, erected or displayed.

advertising device means a structure or device which is visible from a road or other public place and which conveys information or directions of any kind (other than a structure or device displayed pursuant to the authority or requirements of an Act) and the term includes any structure forming part of the advertising device or to which the advertising device is attached or on which it is displayed.

approved advertisement means an advertisement that is—

- (a) approved by a development approval; or
- (b) deemed acceptable development under the planning scheme of the local government; or
- (c) approved in accordance with *Local Law No. 1 (Administration) 2011* and this subordinate local law; or
- (d) lawfully carried out under another local law.

assessable development see *Planning Act 2016*, schedule 2.

building has the meaning given in the *Building Act 1975*.

building work has the meaning given in the *Building Act 1975*.

code assessment see *Planning Act 2016*, schedule 2.

community infrastructure means infrastructure prescribed by regulation under the *Planning Act 2016*, section 35.

community organisation site sign see schedule 3, section 1.

development see *Planning Act 2016*, schedule 2.

election sign see *Local Government Act 2009*, section 36.

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

exemption certificate has the meaning given in the *Queensland Heritage Act 1992*.

exhibit includes, in relation to an election sign, the painting, writing, drawing, depiction, making, erection, installation, display, affixing, putting out, operation or transport of an election sign.

face area see schedule 4, sections 8 to 13 inclusive.

footway sign see schedule 3, section 3.

free-standing sign —

- (a) means a sign which does not form part of a building or other structure which is erected on a solid, free-standing structure; and
- (b) includes a footway sign.

height (of an advertising device) means the distance measured between the top of the advertising device and ground level directly adjacent to the advertising device.

illuminated sign see schedule 3, section 6.

impact assessment see *Planning Act 2016*, schedule 2.

land has the meaning given in the *Planning Act 2016*.

mobile motor vehicle sign see schedule 3, section 15.

motor vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

occupier, of premises—

- (a) means the person who has the control or management of the premises; and
- (b) includes the owner of the premises where there is no person in apparent occupation of the premises.

official traffic sign has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

owner, of premises, means the registered owner of the premises as defined in the *Land Title Act 1994*, schedule 2.

permitted advertisement see schedule 1, section 2.

premises means any land, building or structure and includes any part thereof.

prohibited development see *Planning Act 2016*, schedule 2.

public place has the meaning given in the Act.

road has the meaning given in the Act.

sign see advertising device.

State heritage place has the meaning given in the *Queensland Heritage Act 1992*.

street front boundary —

- (a) of premises, means the length, measured in metres, along the alignment of the premises abutting a road or abutting an access restriction strip directly between the premises and a road; and
- (b) if premises continuously abut more than 1 road or access restriction strip directly between the premises and a road, the street front boundary dimensions shall be the total length of those boundaries added together; and
- (c) if premises have more than 1 street front boundary that is not continuous, each street front boundary is to be considered separately.

structure has the meaning given in the Act.

temporary directional community organisation sign see schedule 3, section 2.

trailer has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

variable message sign, see schedule 3, section 4.

vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

zone means an area identified as a zone in the planning scheme of the local government.

Certification

This and the preceding 18 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2018* made in accordance with the provisions of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the day of , 2018.

.....
Chief Executive Officer

710754_1

LOCAL LAW MAKING PROCESS

SLL1.6 (Operation of Accommodation Parks) 2018

Meeting Date: 11 December 2018

Attachment No: 9

Subordinate Local Law No. 1.6 (Operation of Accommodation Parks) 2018

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.6 (Operation of Accommodation Parks) 2018*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 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) For the purposes of the definition of **complementary accommodation** in schedule 1 of the authorising local law, the accommodation listed in schedule 3 is prescribed as appropriate to accommodation parks.
- (3) The dictionary in schedule 4 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the

authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

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

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

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

Part 3 Repeal

7 Repeal of subordinate local law

This subordinate local law repeals—

- (a) *Subordinate Local Law No. 1.6 (Operation of Camping Grounds) 2011*; and
- (b) *Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2011*.

Schedule 1 Operation of accommodation parks

Section 5

1. Prescribed activity

Operation of accommodation parks.

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

- (1) Section 6(2) of the authorising local law does not apply to the undertaking of the prescribed activity if—
 - (a) the prescribed activity is undertaken contemporaneously with the operation of a temporary entertainment event; and
 - (b) the operation of the temporary entertainment event is undertaken in compliance with the requirements of the authorising local law.
- (2) For the avoidance of doubt, section 6(2) of the authorising local law does not apply if the local government permits access to, or use of, an accommodation park on a local government controlled area for no consideration.
- (3) Also, section 6(2) of the authorising local law does not apply to the undertaking of the prescribed activity on premises if the undertaking of the prescribed activity on the premises complies with the minimum standards prescribed subsection (4).
- (4) The person undertaking the prescribed activity at the premises must –
 - (a) allow an authorised person to have reasonable access to the premises during normal business hours; and
 - (b) ensure that the undertaking of the prescribed activity at the premises does not detrimentally affect the amenity of land adjoining the premises; and
 - (c) ensure that any premises, building, structure, vehicle, facility, equipment or fixture used in the undertaking of the prescribed activity is maintained in—
 - (i) good working order and condition; and
 - (ii) a clean, safe and tidy condition; and
 - (d) ensure that people, vehicles and caravans may enter and exit the premises used in the undertaking of the prescribed activity safely; and
 - (e) provide and maintain an adequate supply of water to the premises, including water suitable for drinking, cooking and personal hygiene purposes; and
 - (f) ensure that—
 - (i) hot and cold reticulated water is available for every shower and

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- bath which is made available for use by patrons of the premises; and
- (ii) reticulated water is available for every hand basin which is made available for use by patrons of the premises; and
- (g) ensure that the water supplied for drinking purposes at the premises is potable water; and
 - (h) if water supplied from a particular water outlet at the premises is unsuitable for drinking—ensure that a sign is prominently displayed at the outlet stating "unsuitable for drinking"; and
 - (i) ensure that all materials of a hazardous or dangerous nature which are used in the undertaking of the prescribed activity are stored and used in a safe manner; and
 - (j) ensure that the facilities provided at the premises for the disposal of solid waste are—
 - (i) sufficient to accommodate the collection and storage of all solid waste generated as part of the undertaking of the prescribed activity at the premises; and
 - (ii) provided in the manner, and at the locations, as specified by an authorised person from time to time; and
 - (k) not locate accommodation, or permit the accommodation to be located, at any place within the premises other than on a site which is designated for a single accommodation; and
 - (l) not locate, or permit to be located, at any 1 time, more than 1 accommodation, on a site which is designated for a single accommodation; and
 - (m) not permit accommodation to be occupied by more persons than the accommodation is designed to accommodate; and
 - (n) keep and maintain a register which details—
 - (i) the name and address of each person who hires a site or complementary accommodation at the premises; and
 - (ii) an identifying number for the site or accommodation; and
 - (iii) if a caravan is brought onto a site—the registration number of the caravan and (if applicable) the vehicle towing it; and
 - (iv) the dates when the hiring of the site or accommodation begins and ends; and
 - (o) produce the register for inspection on demand by an authorised person; and
 - (p) not permit or allow a person to bring onto a site a caravan or other type
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- of accommodation that is not fit for human habitation; and
- (q) in the undertaking of the prescribed activity, not use an extension telephone bell, open air address system or similar device if the bell, system or device causes a nuisance or annoyance to any person; and
 - (r) ensure that the undertaking of the prescribed activity does not attract fly breeding or vermin infestation; and
 - (s) dispose of all solid waste generated as part of the undertaking of the prescribed activity in a manner which maintains the undertaking of the prescribed activity at the premises and its surrounds in a clean, tidy, sanitary and hygienic condition; and
 - (t) ensure that the undertaking of the prescribed activity does not result in an accumulation, aggregation or proliferation of—
 - (i) discarded or disused machinery, goods or wares; or
 - (ii) solid waste, refuse, scrap, bottles or second hand materials of any description; or
 - (iii) dead, overgrown or untended trees or vegetation on any part of the premises; and
 - (u) promptly remove from the premises any accommodation which is dilapidated, unsightly or overcrowded; and
 - (v) not allow the disposal of greywater or blackwater on any part of the premises unless the premises contains an approved dump point; and
 - (w) not erect or locate an accommodation, or suffer or permit an accommodation to be erected or located, closer than 3m to any other accommodation; and
 - (x) not erect an accommodation, or suffer or permit an accommodation to be erected, unless and until the accommodation is weatherproof, in good repair, fit for human habitation and in a clean and sanitary condition; and
 - (y) provide ground anchor points designed to withstand heavy wind loads to enable the tie down of caravans and complementary accommodation; and
 - (z) maintain adequate recreational facilities at the premises; and
 - (aa) provide and maintain buffer zones between sites and roads, external boundaries and other facilities at the premises; and
 - (ab) provide and maintain adequate lighting at the premises; and
 - (ac) provide and maintain adequate toilet, bathing and showering facilities for persons of both sexes (including disabled persons) using the premises for accommodation park purposes.
-

3. Documents and materials that must accompany an application for approval

- (1) If the applicant is not the owner of the place at which the accommodation park is to be operated—the written consent of the owner to the application.
- (2) The name, address and contact details of the proposed resident manager of the accommodation park and the proposed resident manager's written agreement accepting the responsibilities of resident manager of the accommodation park.
- (3) A plan of the proposed accommodation park which must be drawn to scale showing—
 - (a) the location and real property description of the place at which the accommodation park is to be operated; and
 - (b) the boundaries of the accommodation park; and
 - (c) the division of the accommodation park into sites, including the location and number of potential sites, with each site clearly defined and bearing a distinguishing mark or number; and
 - (d) the location of each road and building situated within the accommodation park; and
 - (e) details of the water supply system, including the position of all water points; and
 - (f) the position of all waste containers; and
 - (g) details of the sewerage system including the position of each sanitary convenience, ablution and laundry building; and
 - (h) details of the on-site sewerage facilities; and
 - (i) the position of all fire places; and
 - (j) the nature and position of all fire alarms and fire fighting equipment; and
 - (k) the nature and position of all electrical installations.
- (4) Details of the facilities for sanitation, washing and laundry to be provided for users of the accommodation park.
- (5) Details of water quality, reticulation and drainage facilities to be provided for users of the accommodation park.
- (6) Details of the maximum number of persons who can be accommodated at—
 - (a) the accommodation park; and
 - (b) each site within the accommodation park.
- (7) Details of the rules which will govern the use of the accommodation park,

including rules which prohibit or restrict the keeping of dogs at the accommodation park.

- (8) A current certificate of compliance issued under the *Fire and Emergency Services Act 1990*.
- (9) A current certificate of testing and safety issued under the *Electrical Safety Act 2002*.

4. Additional criteria for the granting of an approval

- (1) The operation of the accommodation park must be lawfully conducted on the premises.
- (2) The operation of the accommodation park must not produce—
 - (a) environmental harm; or
 - (b) environmental nuisance; or
 - (c) inconvenience or annoyance to the occupiers of any adjoining land.
- (3) All facilities at the accommodation park must be—
 - (a) of an acceptable standard; or
 - (b) able to be brought to an acceptable standard, for use by residents of the accommodation park.

5. Conditions that must be imposed on an approval

No conditions stated.

6. Conditions that will ordinarily be imposed on an approval

- (1) The operation of the accommodation park must not detrimentally affect the amenity of adjoining land.
- (2) The operation of the accommodation park, including any premises, building, structure, vehicle, facility, equipment or fixture must be maintained in—
 - (a) good working order and condition; and
 - (b) a clean, safe and tidy condition.
- (3) Provision must be made for people, vehicles and caravans to enter and exit the accommodation park safely.
- (4) The approval holder must—
 - (a) provide and maintain an adequate supply of water to the accommodation park, including water suitable for drinking, cooking and personal hygiene; and
 - (b) cause hot and cold water to be reticulated to every shower, bath and

hand basin.

- (5) The water supply for drinking purposes must be potable water.
- (6) The approval holder must ensure that, if water obtained from a particular water outlet in the accommodation park may be unsuitable for drinking, a sign is prominently displayed at the outlet stating "Unsuitable for Drinking".
- (7) The approval holder must provide and maintain adequate toilet, bathing and showering facilities for persons of both sexes (including disabled persons) using the accommodation park, including—
 - (a) at least 2 showers or baths (in separate cubicles) for each sex, for every 15 individual sites (within the accommodation park); and
 - (b) at least 1 handbasin for every 4 shower cubicles (or baths) for each sex; and
 - (c) shower (or bath) cubicles must be constructed so as to totally conceal a person within the cubicle from persons who may be outside the cubicle; and
 - (d) for water closets—for every 12 individual sites (within the accommodation park)—
 - (i) for males—at least 2 water closet pedestals and 0.9 metres of urinal stall; and
 - (ii) for females—at least 4 water closet pedestals.
- (8) If bed linen is supplied—
 - (a) keep it in a clean and sanitary condition; and
 - (b) replace it with clean bed linen after each change of occupation of the accommodation.
- (9) All materials of a hazardous or dangerous nature which are used in the operation of the accommodation park must be stored and used in a safe manner.
- (10) Facilities for the disposal of solid waste must be—
 - (a) sufficient to accommodate the collection and storage of all solid waste generated as part of the operation of the accommodation park; and
 - (b) provided in the manner, and at the locations, specified by the local government.
- (11) The local government may limit the number of persons who may occupy a site and require the approval holder to—
 - (a) ensure that the limit is displayed on a notice erected in a prominent position at the accommodation park; and

- (b) take appropriate action to ensure that the limit is not contravened.
- (12) The approval holder must—
- (a) not locate or permit accommodation to be located at any place within the accommodation park other than on a site approved by the local government under this subordinate local law; and
 - (b) not locate or permit to be located more than 1 accommodation, on a site at any 1 time; and
 - (c) not permit accommodation to be occupied by more persons than the accommodation is designed to accommodate.
- (13) The approval holder must—
- (a) unless an accommodation is fitted with a set of twin wash tubs and a clothes washing machine or washing boiler— provide for the exclusive use of the occupants of the accommodation, laundry facilities in the ratio of 1 set of twin wash tubs and 1 clothes washing machine or washing boiler and 1 clothes hoist or an equivalent length of clothes line for every 20 sites or part of a site; and
 - (b) not erect or locate an accommodation or suffer or permit an accommodation to be erected or located, closer than 3m to any other accommodation; and
 - (c) if the local government has approved a site layout plan for the accommodation park— cause each site to be clearly defined and legibly marked in accordance with the plan; and
 - (d) not erect an accommodation or suffer or permit an accommodation to be erected, unless and until the accommodation is weatherproof, in good repair, fit for human habitation and in a clean and sanitary condition; and
 - (e) provide ground anchor points designed to withstand heavy wind loads to enable the tie-down of caravans and complementary accommodation; and
 - (f) cause sanitary conveniences and ablutionary facilities to be located—
 - (i) not more than 100 m from any site; and
 - (ii) at least 6 m from any site; and
 - (g) provide and maintain specified recreational facilities; and
 - (h) provide and maintain buffer zones between sites and roads, external boundaries and other facilities of the accommodation park; and
 - (i) provide and maintain lighting at the accommodation park—
 - (i) to a specified standard; and
-

- (ii) during specified hours.
- (14) If the local government gives written notice to the approval holder that the local government is not satisfied that the resident manager of the accommodation park is a suitable person to be the resident manager— replace the resident manager with an alternate resident manager who is acceptable to the local government within a time stated in the notice.
- (15) The approval holder must keep and maintain a register which details—
- (a) the name and address of each person who hires a site or complementary accommodation at the accommodation park; and
 - (b) an identifying number for the site or accommodation; and
 - (c) if a caravan is brought onto the site—the registration number of the caravan and (if applicable) the vehicle towing it; and
 - (d) the dates when the hiring of the site or accommodation begins and ends.
- (16) The approval holder or the resident manager must, at the request of an authorised person, produce the register for inspection.
- (17) The approval holder must not permit or allow a person to bring onto a site a caravan or other type of accommodation that is not fit for human habitation.
- Example—a caravan that is not weather proof*
- (18) The approval holder must not, unless the local government agrees in writing, change the sites at the accommodation park by—
- (a) adding to the existing sites; or
 - (b) changing the position or boundaries of a site.
- (19) The approval holder must not change any building, structure or facility at the accommodation park by—
- (a) adding new buildings, structures or facilities; or
 - (b) removing existing buildings, structures or facilities; or
 - (c) changing the position of any building, structure or facility.
- (20) However, subsections (18) and (19) do not apply if the proposed change constitutes development under the *Planning Act 2016*.
- (21) The operation of the accommodation park must not—
- (a) create a traffic problem; or
 - (b) increase an existing traffic problem; or
 - (c) detrimentally affect the efficiency of an existing road network.
-

- (22) The approval holder must not use an extension telephone bell, open air address system or similar device as part of the operation of the accommodation park if the bell, system or device causes a nuisance or annoyance to any person.
- (23) The operation of the accommodation park must not attract fly breeding or vermin infestation.
- (24) The approval holder must dispose of all solid waste generated as part of the operation of the accommodation park in a manner which maintains the operation of the accommodation park and its surrounds in a clean, tidy, sanitary and hygienic condition.
- (25) Signage used in the operation of the accommodation park must be exhibited in a manner, and at the locations, specified by the local government.
- (26) The local government may—
 - (a) prescribe rules which govern the use of the accommodation park and require the approval holder to ensure compliance with the rules by each user of the accommodation park; and
 - (b) require that the rules which govern the use of the accommodation park must be displayed in the manner, and at the locations, specified by the local government so that the rules can be viewed by users of the accommodation park.
- (27) The approval holder must comply with specified standards for the painting, paving and internal and external treatment of buildings, structures and sites.
- (28) The approval holder must ensure that no accumulation, aggregation or proliferation of—
 - (a) discarding or disused machinery, goods or wares; or
 - (b) solid waste, refuse, scrap, bottles or second hand materials of any description; or
 - (c) dead, overgrown or untended trees or vegetation,occurs on any part of the accommodation park.
- (29) The approval holder must not permit a person who occupies a place at an accommodation park, including a site or complementary accommodation at the accommodation park, to engage in a business, trade or occupation if the undertaking of the activity at the place—
 - (a) causes a nuisance or annoyance to any person; or
 - (b) has, or may have, an adverse impact on the safety or amenity of users of the accommodation park.
- (30) The local government may specify conditions applying to the operation of the accommodation park including—
 - (a) times and days for administration of the arrival and departure of hirers

- of accommodation at the accommodation park; and
- (b) conditions of stay; and
 - (c) minimum requirements for condition and maintenance of caravans and complementary accommodation; and
 - (d) conditions applying to the use of any facilities or services of the accommodation park; and
 - (e) the prohibition of specified activities.
- (31) The local government may require that the approval holder direct a person to leave the accommodation park forthwith, or within a specified time, where the person is found to be—
- (a) acting in a disorderly or objectionable manner; or
 - (b) contravening a requirement of this local law or a Local Government Act, which contravention will, in the opinion of an authorised person, adversely impact on the safety or amenity of other accommodation park users.
- (32) The local government may require that the approval holder remove from the accommodation park a caravan which, in the opinion of an authorised person, is dilapidated, unsightly or overcrowded within a specified time.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 — Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirement stated.		

Schedule 2 Categories of approval that are non-transferable

Section 6

Each approval for the prescribed activity named in schedule 1, section 1 is transferable.

Schedule 3 Prescribed complementary accommodation

Section 4

The other accommodation that is prescribed as appropriate to accommodation parks is accommodation in any of the following—

- (a) an on-site caravan;
- (b) a cabin;
- (c) a manufactured home;
- (d) a tent or other structure that can be readily assembled and disassembled.

Schedule 4 Dictionary

Section 4

accommodation means—

- (a) a caravan; or
- (b) a complementary accommodation.

building has the meaning given in the *Building Act 1975*.

cabin means a relocatable home, building or fixed structure (other than a building or structure used exclusively as the residence or office of a resident manager).

electrical installation has the meaning given in the *Electricity 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*.

facilities includes—

- (a) toilets; and
- (b) bathing and showering facilities; and
- (c) facilities for washing and drying clothes; and
- (d) facilities for cooking and food preparation; and
- (e) sporting and other recreational facilities; and
- (f) the facilities for the use or convenience of people using an accommodation park.

manufactured home has the meaning given in the *Manufactured Homes (Residential Parks) Act 2003*.

occupant (of accommodation) means a person who resides at the accommodation.

on-site sewerage facility has the meaning given in the *Plumbing and Drainage Act 2002*.

potable water means water that is free from pollution, harmful organisms and impurities.

premises means the premises used for the operation of the accommodation park.

relocatable home means a Class 1 or Class 3 building under the Building Code of Australia (or its equivalent) which is—

- (a) constructed away from the site at which it is erected; and
- (b) designed to be moved from 1 location to another; and
- (c) ordinarily able to be moved within 24 hours of commencement of work associated with the move.

resident (of an accommodation park) means a person who resides in a caravan or complementary accommodation at the accommodation park.

resident manager (of an accommodation park) means —

- (a) a person nominated by the approval holder and accepted by the local government from time to time who—
 - (i) is responsible for the management and supervision of the accommodation park; and

- (ii) resides on or near the accommodation park; and
 - (iii) is present or available at all reasonable times to ensure the operation of the accommodation park; and
- (b) if that person cannot be located, or if no such person is nominated and accepted, the approval holder.

sanitary convenience has the meaning given in the *Environmental Protection Act 1994*.

sewerage system has the meaning given in the *Plumbing and Drainage Act 2002*.

site means a part of an accommodation park which is designated for a single accommodation of a particular type.

structure has the meaning given in the *Local Government Act 2009*.

vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

waste has the meaning given in the *Environmental Protection Act 1994*.

water supply system has the meaning given in the *Standard Plumbing and Drainage Regulation 2003*.

This and the preceding 17 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.6 (Operation of Accommodation Parks) 2018* made in accordance with the provisions of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the day of (*insert the date of the relevant resolution of Council*) 2018.

.....
Chief Executive Officer

708806_1

LOCAL LAW MAKING PROCESS

SLL1.9 (Cemeteries) 2011 (Consolidated)

Meeting Date: 11 December 2018

Attachment No: 10

Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 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 3 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.
- (3) For section 6(4) of the authorising local law, it is declared that the prescribed

activity named in section 1 of schedule 1 is a category 2 activity.

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

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

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

Schedule 1 Operation of cemeteries

Section 5

1. Prescribed activity

Operation of cemeteries.

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

No activities stated.

3. Documents and materials that must accompany an application for an approval

- (1) Details of the proposed cemetery including—
 - (a) a site plan; and
 - (b) the proposed number of grave sites; and
 - (c) the proposed hours of operation.
- (2) Details of the proposed administration and management of the proposed cemetery.
- (3) If a development approval for the cemetery is required under the *Planning Act 2016* — a copy of the development approval.
- (4) If the application for an approval does not relate to a local government cemetery and the applicant is not the owner of the premises on which the prescribed activity is to be undertaken — the written consent of the owner of the premises.

4. Additional criteria for the granting of an approval

- (1) The operation of the prescribed activity must not result in—
 - (a) harm to—
 - (i) human health; or
 - (ii) safety; or
 - (b) personal injury; or
 - (c) a loss of amenity; or
 - (d) a nuisance.
- (2) The proposed administration and management of the cemetery must be appropriate.

5. Conditions that must be imposed on an approval

- (1) The approval holder must—
 - (a) keep the cemetery open to the public during particular hours as specified by the local government; and
 - (b) keep and maintain records as prescribed by the local government about each burial and cremation.
- (2) A burial, cremation or other disposal at the cemetery must not be carried out outside the hours during which the cemetery is open to the public.
- (3) All remains in the cemetery must be enclosed in a coffin or other form of container appropriate to the form of disposal.
- (4) Subsection (3) does not apply to ashes scattered after the cremation of human remains.

6. Conditions that will ordinarily be imposed on an approval

- (1) The approval holder must take specified measures to—
 - (a) prevent harm to the health and safety of persons who may be involved in, or affected by, the undertaking of the prescribed activity; and
 - (b) prevent personal injury, property damage or a loss of amenity resulting from the undertaking of the prescribed activity.
- (2) The approval holder must—
 - (a) take out and maintain specified insurance indemnifying a person who may suffer personal injury, loss or damage as a result of the undertaking of the prescribed activity; and
 - (b) give the local government specified indemnities.
- (3) The local government may regulate—
 - (a) the position of grave sites; and
 - (b) periods of leases for grave sites; and
 - (c) requirements for the proper maintenance of memorials and other buildings and structures in the cemetery; and
 - (d) the hours when the cemetery may be open to the public; and
 - (e) the hours when a burial, cremation or disposal may take place in the cemetery; and
 - (f) standards for the minimum depth, size and other dimensions of graves and grave sites; and
 - (g) standards for coffins; and

- (h) the number of bodies which may be buried in a single grave.
- (4) The approval holder must ensure that an appropriate identifying plaque is placed on or adjacent to the place of each disposal until an appropriate memorial to the deceased is erected or installed.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirement stated.		

Schedule 2 Categories of approval that are non-transferable

Section 6

Each approval for the prescribed activity named in schedule 1, section 1 is transferable.

Schedule 3 Dictionary

Section 4

development approval has the meaning given in the *Sustainable Planning Act 2009*.

memorial includes—

- (a) a headstone; and
- (b) an inscribed plaque or commemorative plate; and
- (c) monumental, ornamental or other structures erected on a grave site; and
- (d) anything else erected or placed to mark the site where human remains have been buried or placed, or to commemorate a deceased person.

This and the preceding 7 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the day of (*insert the date of the relevant resolution of Council*) 2018.

.....
Chief Executive Officer

708821_1

LOCAL LAW MAKING PROCESS

SLL1.12 (Operation of Temporary Entertainment Events) 2011 (Consolidated)

Meeting Date: 11 December 2018

Attachment No: 11

Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 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 Approval for prescribed activity

5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.
- (3) For section 6(4) of the authorising local law, it is declared that the prescribed

activity named in section 1 of schedule 1 is a category 2 activity.

- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.

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

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

Part 3 Application to State-controlled roads

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

For the purposes of the definition of *road* in schedule 1 of the authorising local law, the State-controlled roads listed in schedule 3 are roads to which the authorising local law applies unless otherwise provided in the local law.

Schedule 1 Operation of temporary entertainment events

Section 5

1. Prescribed activity

Operation of temporary entertainment events.

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

- (1) Section 6(2) of the authorising local law does not apply if—
 - (a) the opening to the public of the temporary entertainment event constitutes development under the Planning Act, for example, the use of an indoor recreation facility under the planning scheme of the local government; or
 - (b) the operation of the temporary entertainment event is undertaken by, or on behalf of, the local government; or
 - (c) the operation of the temporary entertainment event complies with the minimum standards prescribed in subsection (3).
- (2) Despite subsection (1), and for the avoidance of doubt, an approval is required under the authorising local law if—
 - (a) the place at which the temporary entertainment event is operated includes a local government controlled area or a road; or
 - (b) the operation of the temporary entertainment event—
 - (i) occurs more than once in any 12 month period; or
 - (ii) includes the playing of music or the use of a microphone through an amplifier device; or
 - (c) the temporary entertainment event includes the operation, for entertainment purposes, of 1 or more of the following—
 - (i) a motorbike;
 - (ii) a motorised scooter;
 - (iii) a motor vehicle.
- (3) The person who operates the temporary entertainment event must—
 - (a) take all necessary action to maintain the place of the temporary entertainment event; and
 - (b) provide all necessary equipment, and to take all necessary measures, for the safety of the public; and
 - (c) provide all necessary facilities and amenities for the temporary

- entertainment event; and
- (d) limit the hours of operation of the temporary entertainment event; and
 - (e) provide all necessary equipment, and take all necessary measures, to reduce the adverse effect of activities at the temporary entertainment event on the surrounding neighbourhood to acceptable levels; and
 - (f) take out and maintain public liability insurance, and, if requested by an authorised person, produce documentary evidence of the insurance to the local government before the event commences—
 - (i) if the event occurs on a local government controlled area or a road—in an amount not less than \$20,000,000.00 per occurrence;
 - (ii) if the event occurs on land other than a local government controlled area or a road—in an amount not less than \$10,000,000.00 per occurrence; and
 - (g) minimise noise emission from the temporary entertainment event to an acceptable level; and
 - (h) ensure that the design and construction of the place of the temporary entertainment event is safe and appropriate having regard to the nature of the entertainment proposed and the number of people expected to attend the place; and
 - (i) if the event includes an activity on a road—give a written indemnity to each of the State and the local government; and
 - (j) ensure that the place of the temporary entertainment event and its operation do not unreasonably detract from the amenity of the area in which the place is located; and
 - (k) provide adequate toilets and sanitary conveniences for the use of members of the public attending the temporary entertainment event; and
 - (l) adequately provide for the collection and disposal of waste generated by the temporary entertainment event; and
 - (m) adequately provide for people and (if applicable) vehicles to enter and leave the place of the temporary entertainment event; and
 - (n) ensure that any premises, building, structure, vehicle, facility or equipment used in the operation of the temporary entertainment event are maintained at all times—
 - (i) in good working order; and
 - (ii) in a good state of repair; and
 - (iii) in a clean and sanitary condition; and
 - (o) adequately provide for—
-

- (i) crowd, traffic and parking control; and
- (ii) security measures to be implemented; and
- (iii) evacuation procedures to be implemented as part of the operation of the temporary entertainment event; and
- (iv) the public display of evacuation plans and procedures as part of the operation of the temporary entertainment event; and
- (v) the exhibition of signage as part of the operation of the temporary entertainment event; and
- (vi) the removal of structures erected, and equipment used, as part of the operation of the temporary entertainment event at the completion of the event.

3. Documents and materials that must accompany an application for an approval

- (1) A site plan of the place of the temporary entertainment event which details the proposed location of, where applicable—
 - (a) the stage and direction of amplified noise; and
 - (b) each emergency response station; and
 - (c) each liquor consumption area; and
 - (d) all litter/refuse facilities; and
 - (e) the sewerage system for the place, including the position of each sanitary convenience at the place; and
 - (f) the nature and position of each installation at the place which is to be used for the preparation or sale of food; and
 - (g) each entry and exit point; and
 - (h) each registration and marshalling area.
- (2) Details and drawings of buildings and other structural elements of the place of the temporary entertainment event.
- (3) A detailed statement of the nature of the entertainment to be provided at the place of the temporary entertainment event and when the place is to be open to the public.
- (4) If the applicant is not the owner of the place of the temporary entertainment event—the written consent of the owner of the place.
- (5) The dates and times during which the temporary entertainment event is to be undertaken.
- (6) The expected attendance rate for the temporary entertainment event.

- (7) The street address, real property description and details of the owner of the place where the temporary entertainment event is to be undertaken.
- (8) The name, street address and contact details of each person and business who will operate the temporary entertainment event.
- (9) A copy of each policy of insurance of the applicant which is applicable to the undertaking of the prescribed activity including, without limitation, a public liability insurance policy which provides indemnity for each individual occurrence in an amount not less than—
 - (a) \$10,000,000.00 for an event on land other than a local government controlled area or a road;
 - (b) \$20,000,000.00 for an event on a local government controlled area or a road.
- (10) If requested—details of proposed arrangements for each of the following which may include, but is not limited to—
 - (a) consultation with key stakeholders; and
 - (b) notification of the event to the surrounding residents and businesses, including contact details for the person or business who operates the temporary entertainment event; and
 - (c) cleaning and sanitation; and
 - (d) noise management, including audio equipment; and
 - (e) waste and recycling; and
 - (f) catering services with each food business licence issued under the *Food Act 2006*; and
 - (g) toilet and wash basin facilities; and
 - (h) drinking water quality and supply; and
 - (i) security services; and
 - (j) emergency response; and
 - (k) traffic management and road closure arrangements; and
 - (l) risk assessment and management strategy; and
 - (m) fire response; and
 - (n) camping controls, including shower and ablution facilities and medical response.
- (11) Copies of applicable approvals and certifications, for example—
 - (a) a permit under the *Liquor Act 1992* if the consumption of liquor is to be

permitted ; and

- (b) a fire safety audit report conducted in accordance with AS 4655 – Fire Safety Audits, taking into account—
 - (i) AS 2444 – Portable fire extinguishers and fire blankets – selection and location; and
 - (ii) AS 2293 – Emergency escape lighting and exit signs; and
 - (iii) AS 1851 – Maintenance of fire protection system and equipment; and
- (c) a report from an approved electrical contractor, taking into account—
 - (i) AS/NZS 3760 - In-service safety inspection and testing of electrical equipment; and
 - (ii) AS/NZS 3001 - Transportable structures and vehicles including their sites; and
- (d) a certified structural safety report for all temporary construction work; and
- (e) if applicable—a fireworks licence issued by the Department of Natural Resources and Mines; and
- (f) a certificate for each amusement ride (if any) issued by Workplace Health and Safety Queensland; and
- (g) a temporary food business licence issued under the *Food Act 2006*; and
- (h) a traffic control permit; and
- (i) a special event permit issued under the *Transport Operations (Road Use Management – Accreditation and Other Provisions) Regulation 2015*.

Note: An application for an approval for the prescribed activity, and all documents and materials that must accompany the application for the approval, must be made to the local government at least 12 weeks prior to the date of commencement of the proposed entertainment event identified in the application.

Note: Rockhampton Regional Council's website provides guidance on application processes for temporary entertainment events and compliance with this subordinate local law.

4. Additional criteria for the granting of an approval

- (1) The design and construction of the place of the temporary entertainment event must be safe and appropriate to the nature of the entertainment proposed and the number of people expected to attend the place.
- (2) Entertainment of the kind proposed must not unreasonably detract from the amenity of the area in which the entertainment is, or is proposed to be,

situated.

- (3) Entertainment provided at the place must not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood.
- (4) There must be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public.
- (5) Adequate provision must exist for the disposal of waste generated by the use of the place for the temporary entertainment event.
- (6) Adequate provision must exist for people and (if relevant) vehicles to enter and leave the place of the temporary entertainment event.
- (7) The applicant for the approval must nominate a person who is responsible for —
 - (a) ensuring compliance with the authorising local law before, during and after the event; and
 - (b) handling general complaints which may be received; and
 - (c) liaising and communicating with the local government or an authorised person.
- (8) The operation of the temporary entertainment event must be lawfully conducted on the place identified in the application.
- (9) If the temporary entertainment event involves the use of 1 or more animals and is to be held on a local government controlled area or road, the use of the animals must be in accordance with any applicable guideline or policy of the Royal Society for the Prevention of Cruelty to Animals (RSPCA) Australia.

5. Conditions that must be imposed on an approval

The approval holder must produce the approval for inspection by an authorised person on demand.

6. Conditions that will ordinarily be imposed on an approval

The conditions of an approval may —

- (a) require specified action to maintain or improve the place of the temporary entertainment event; and
- (b) require the approval holder to provide specified equipment, and to take specified measures, for the safety of the public; and
- (c) require the approval holder to provide specified facilities and amenities; and
- (d) regulate the hours of operation of the temporary entertainment event; and
- (e) require the approval holder to provide specified equipment, or take specified

measures, to reduce adverse effects of activities at the temporary entertainment event on the surrounding neighbourhood to acceptable levels; and

- (f) require the approval holder to take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before the event commences; and
- (g) regulate noise emission from the temporary entertainment event; and
- (h) require the design and construction of the place of the temporary entertainment event to be safe and appropriate having regard to the nature of the entertainment proposed and the number of people expected to attend the place; and
- (i) if the approval relates to an activity on a road – require the approval holder to indemnify each of the State and the local government; and
- (j) require the approval holder to ensure that the place of the temporary entertainment event and its operation do not unreasonably detract from the amenity of the area in which the place is located; and
- (k) prescribe requirements for adequate toilets and sanitary conveniences for the use of members of the public attending the temporary entertainment event; and
- (l) prescribe requirements for the collection and disposal of waste generated by the temporary entertainment event; and
- (m) prescribe requirements for people and (if applicable) vehicles to enter and leave the place of the temporary entertainment event; and
- (n) require that any premises, building, structure, vehicle, facility or equipment used in the operation of the temporary entertainment event be maintained at all times—
 - (i) in good working order; and
 - (ii) in a good state of repair; and
 - (iii) in a clean and sanitary condition; and
- (o) prescribe requirements about—
 - (i) crowd, traffic and parking control; and
 - (ii) security measures to be implemented; and
 - (iii) evacuation procedures to be implemented as part of the operation of the temporary entertainment event; and
 - (v) the public display of evacuation plans and procedures as part of the operation of the temporary entertainment event; and
 - (iv) the exhibition of signage as part of the operation of the temporary entertainment event; and

- (vi) the removal of structures erected, and equipment used, as part of the operation of the temporary entertainment event at the completion of the event.

7. Term of an approval

- (1) The term of an approval must be determined by an authorised person having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Schedule 2 Categories of approval that are non-transferable

Section 6

Each approval for the prescribed activity named in schedule 1, section 1 is non-transferable.

**Schedule 3 State-controlled roads to which the local
law applies**

Section 7

No State-controlled roads listed.

Schedule 4 Dictionary

Section 4

amplifier device has the meaning given in the *Environmental Protection Act 1994*.

building has the meaning given in the *Building Act 1975*.

land has the meaning given in the *Sustainable Planning Act 2009*.

motorbike has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

motorised scooter has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

motor vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

premises means any land, building or structure and includes any part thereof.

sanitary convenience has the meaning given in the *Environmental Protection Act 1994*.

sewerage system has the meaning given in the *Plumbing and Drainage Act 2002*.

structure has the meaning given in the Act.

vehicle has the meaning given in the *Transport Operations (Road Use Management) Act 1995*.

waste has the meaning given in the *Environmental Protection Act 1994*.

This and the preceding 13 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the _____ day of *(insert the date of the relevant resolution of Council)* 2018.

.....
Chief Executive Officer

710747_1

LOCAL LAW MAKING PROCESS

SLL1.13 (Undertaking Regulated Activities regarding Human Remains) 2011 (Consolidated)

Meeting Date: 11 December 2018

Attachment No: 12

Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 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 3 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

5 Matters regarding the prescribed activity—Authorising local law, ss 6(3), (4), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

- (1) Schedule 1—
 - (a) names a prescribed activity in section 1; and
 - (b) prescribes the matters specified in this section for the prescribed activity.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.
- (3) For section 6(4) of the authorising local law, it is declared that the prescribed

activity named in section 1 of schedule 1 is a category 2 activity.

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

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

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

Schedule 1 Undertaking regulated activities regarding human remains

Section 5

1. Prescribed activity

Undertaking regulated activities regarding human remains, including undertaking 1 or more of the following activities—

- (a) disturbance of human remains buried outside a cemetery; and
- (b) burial or disposal of human remains outside a cemetery; and
- (c) disturbance of human remains in a local government cemetery.

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

Section 6(2) of the authorising local law does not apply to—

- (a) the burial or disposal of cremated human remains outside a cemetery;
or
- (b) the disturbance of human remains in a local government cemetery.

3. Documents and materials that must accompany an application for an approval

- (1) Details of the burial site, niche or other place or proposed burial site, niche or other place at which the human remains are buried or placed, or are proposed to be buried or placed, including GPS coordinates or similar location particulars.
- (2) Evidence of the applicant's relationship (if any) with the deceased.
- (3) A certified copy of each approval required (including authority under the *Coroners Act 2003* (if applicable)) for the undertaking of the prescribed activity.
- (4) Details of how and when the prescribed activity is to be undertaken.
- (5) Evidence of the identity of the deceased person.
- (6) Evidence of the wishes of the deceased and the relatives of the deceased.
- (7) If the prescribed activity is the disturbance of human remains buried outside a cemetery—
 - (a) a written statement of the reasons for the proposed disturbance; and
 - (b) the written agreement of the owner of, and anyone else with a registered interest in, the land on which the remains are buried.
- (8) If the prescribed activity is the burial or disposal of human remains outside a cemetery—

- (a) a written statement of how and when the remains are proposed to be disposed of or buried; and
- (b) the written agreement of the owner of, and anyone else with a registered interest in, the land on which the remains are to be buried or placed to the disposal of the remains on the land; and
- (c) details of the nature of the ceremony (if any) to be conducted at the time of the burial or disposal.

4. Additional criteria for the granting of an approval

- (1) The undertaking of the prescribed activity must—
 - (a) not result in—
 - (i) harm to health or safety; or
 - (ii) personal injury; or
 - (iii) nuisance; or
 - (iv) a loss of amenity; and
 - (b) comply with the expressed wishes of each of the deceased and the relatives of the deceased; and
 - (c) if the prescribed activity involves the opening of a grave in order to bury another deceased person in the grave—comply with the expressed wishes of all of the deceased persons who are buried or will be buried in the grave.
- (2) If the prescribed activity is the burial or disposal of human remains outside a cemetery—
 - (a) the applicant must secure ongoing access to the place at which the human remains are to be buried or disposed of if the owner of the land on which the place is located disposes of the owner's interest in the land; and
 - (b) the land on which the human remains are to be buried or disposed of must have an area not less than 20,000m²; and
 - (c) human remains of the forebears of the applicant's family are lawfully buried or disposed of on the land.

5. Conditions that must be imposed on an approval

No conditions stated.

6. Conditions that will ordinarily be imposed on an approval

- (1) The approval holder must undertake the prescribed activity at a particular time, or during a particular period.

-
- (2) Any spillage of waste, a contaminant or another material must—
 - (a) be cleaned up immediately; and
 - (b) not be cleaned up by hosing, sweeping or otherwise releasing the waste, contaminant or material to any stormwater system or other waters.
 - (3) The approval holder must take specified measures to—
 - (a) prevent harm to the health or safety of persons who may be involved in, or effected by, the undertaking of the prescribed activity; and
 - (b) prevent personal injury, property damage or loss of amenity resulting from the undertaking of the prescribed activity; and
 - (c) ensure that there is compliance with the provisions of each local government Act which regulates the undertaking of the prescribed activity.
 - (4) If the prescribed activity is the disturbance of human remains buried outside a cemetery—
 - (a) the approval holder must permit an authorised person to inspect the site at any time either before or after the disturbance; and
 - (b) the approval holder must prepare the site in accordance with particular standards as directed by the local government; and
 - (c) the prescribed activity must be undertaken by a qualified undertaker.
 - (5) If the prescribed activity is the burial or disposal of human remains outside a cemetery—
 - (a) the approval holder must ensure that an appropriate identifying memorial is placed on or adjacent to the place of the burial or disposal; and
 - (b) if a development approval is required under the *Sustainable Planning Act 2009* to erect or install a memorial—the approval holder must not erect or install the memorial without the required development approval; and
 - (c) and an approval for the undertaking of the prescribed activity on land is granted—a condition that the grant of the approval does not imply that the local government will grant any other approval for the undertaking of the prescribed activity on the land; and
 - (d) the local government may regulate—
 - (i) the number of bodies which may be buried in a single grave; and
 - (ii) the frequency with which bodies may be buried in a single grave; and
 - (iii) the position of the grave site; and
-

- (iv) standards for the minimum depth, size and other dimensions of the grave site.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

Column 1 Application requirement	Column 2 Individuals or organisations that are third party certifiers	Column 3 Qualifications necessary to be a third party certifier
No application requirement stated		

Schedule 2 Categories of approval that are non-transferable

Section 6

Every approval for the prescribed activity named in schedule 1, section 1 is non-transferable.

Schedule 3 Dictionary

Section 4

development approval has the meaning given in the *Sustainable Planning Act 2009*.

memorial includes—

- (a) a headstone; and
- (b) an inscribed plaque or commemorative plate; and
- (c) monumental, ornamental or other structures erected on a grave site; and
- (d) anything else erected or placed to mark the site where human remains have been buried or placed, or to commemorate a deceased person.

qualified undertaker means a person who carries on the business of disposing of human remains.

This and the preceding 8 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 1.13 (Undertaking Regulated Activities Regarding Human Remains) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the day of (*insert the date of the relevant resolution of Council*) 2018.

.....
Chief Executive Officer

708822_1

11.3 PLANNING ACT 2016 AND SUSTAINABLE PLANNING ACT 2009 - TEMPORARY DELEGATION OVER CHRISTMAS / NEW YEAR PERIOD

File No: 12660
Attachments: Nil
Authorising Officer: Tracy Sweeney - Manager Workforce and Governance
Author: Allysa Brennan - Coordinator Legal and Governance

SUMMARY

The purpose of this report is to obtain a temporary delegation for the Chief Executive Officer to facilitate the statutory requirements of the Planning Act 2016 and the Sustainable Planning Act 2009 to accommodate the Council meeting recess over the December 2018 to January 2019 period.

OFFICER'S RECOMMENDATION

THAT pursuant to Section 257 of the *Local Government Act 2009* Council resolves to delegate its powers as 'Assessment Manager' under the *Planning Act 2016* and the *Sustainable Planning Act 2009* to the Chief Executive Officer for the period 12 December 2018 until 21 January 2019, both dates inclusive, subject to the following limitation:

- (1) The exercise of this delegation will only occur following consultation with, and written concurrence from, two elected members with one drawn from each of the below nominated groupings:
 - (a) Mayor or Acting Mayor, and
 - (b) A member of the Planning and Regulatory Standing Committee

BACKGROUND

Council's role under the *Planning Act 2016* and the *Sustainable Planning Act 2009* is both specific and time constrained as evidenced by the following sections of the *Planning Act 2016*, *Development Assessment Rules* and transitional provisions under the *Planning Act 2016* in relation to the former *Sustainable Planning Act 2009*:

s48(1) of *Planning Act 2016*

Who is the assessment manager

- (1) *The assessment manager is the person responsible for either or both of the following*
 - (a) *administering a properly made development application;*
 - (b) *assessing and deciding part or all of a properly made development application.*

s22.1 of the *Development Assessment Rules*:

The assessment manager must:

- (a) *assess and decide the application within 35 days (decision period) in accordance with section 60 and 61 of the Act, or a further period agreed between the assessment manager and the applicant, from the end of the last relevant part in section 21.*

s247 of *Sustainable Planning Act 2009*

247 Role of assessment manager

The assessment manager for an application administers and decides the application, but may not always assess all aspects of development for the application.

S318 of *Sustainable Planning Act 2009*

s318 - *Decision-making period—generally*

- (1) *The assessment manager must decide the application within 20 business days after the day the decision stage starts (the decision-making period).*
-

- (2) *The assessment manager may, by written notice given to the applicant and without the applicant's agreement, extend the decision-making period by not more than 20 business days.*
- (3) *Only 1 notice may be given under subsection (2) and it must be given before the decision-making period ends.*

Consequently, to ensure legislative compliance during this period, Council must consider the delegation of its powers as Assessment Manager.

This delegation can be achieved under section 257 of *Local Government Act 2009*:

Delegation of local government powers

- (1) *A local government may, by resolution, delegate a power under this Act or another Act to—*
- (a) *the mayor; or*
- (b) *the chief executive officer; or*
- (c) *a standing committee, or joint standing committee, of the local government; or*
- (d) *the chairperson of a standing committee, or joint standing committee, of the local government; or*
- (e) *another local government, for the purposes of a joint government activity.*
- (2) *However, a local government must not delegate a power that an Act states must be exercised by resolution.*
- (3) *A joint standing committee, of the local government, is a committee consisting of councillors of 2 or more of the local governments.*

Delegations available to Council exist under section 257(a), (b), or (d) only as the Planning and Regulatory Standing Committee does not meet in the period under review and the provisions within section 257(e) do not apply.

In formulating a response to this need, consideration has been given to the following items:

- elected member availability;
- transparency of decision making;
- accountability of decision making;
- efficiency of decision making;

and the following table developed to illustrate the interaction of various personnel groupings:

Delegation Interaction Table		
Delegation Group	Consultation Group 1	Consultation Group 2
Chief Executive Officer	Mayor	Planning and Regulatory Committee Chairperson
Acting Chief Executive Officer As appointed for periods of absence.	Acting Mayor Initially the Deputy Mayor or another Councillor appointed for periods of absence of both the Mayor and Deputy Mayor.	Planning and Regulatory Committee – Members

The recommendation as proposed is considered to provide the greatest flexibility to Council in meeting its statutory requirements over this period whilst maintaining the integrity, transparency and accountability of the administration of planning process.

LEGISLATIVE CONTEXT

The *Planning Act 2016* identifies Council as the Assessment Manager for certain types of development. This Act, including through the Development Assessment Rules and transitional provisions in relation to the *Sustainable Planning Act 2012* prescribe the process and timeframes by which Council must discharge its obligations as an Assessment Manager. Section 288 of the *Planning Act 2016* provides that an application lodged under the *Sustainable Planning Act 2009* and not decided prior to the commencement of the *Planning Act 2016*, that the *Sustainable Planning Act 2009* continues to apply to the application instead of the *Planning Act 2016*.

Local Government Act 2009 provides the mechanism by which the Council may delegate its powers as Assessment Manager pursuant to the *Planning Act 2016*.

RISK ASSESSMENT

Failure to meet the statutory requirements of the *Planning Act 2016* and the *Sustainable Planning Act 2009* is considered to be high in the absence of mitigating action. The action as proposed alleviates the risk.

CONCLUSION

Consequently, there is a period of approximately six weeks where some development applications may not be able to be processed in accordance with the requirements of the *Planning Act 2016* and the *Sustainable Planning Act 2009*.

It is considered appropriate to provide a temporary delegation to the Chief Executive Officer, subject to the limitations identified in the recommendation, to facilitate the statutory requirements of the *Planning Act 2016* and the *Sustainable Planning Act 2009*.

11.4 COMMUNITY ASSISTANCE PROGRAM - PROPOSED ENVIRONMENT AND SUSTAINABILITY SCHEME

File No:	1174
Attachments:	Nil
Authorising Officer:	Alicia Cutler - Chief Financial Officer Ross Cheesman - Deputy Chief Executive Officer
Author:	Christine Bell - Coordinator Environmental Sustainability

SUMMARY

This report tables a proposed Environment and Sustainability Scheme for consideration and endorsement as part of Council's existing Community Assistance Program.

OFFICER'S RECOMMENDATION

That Council endorse the inclusion of an Environment and Sustainability Scheme within the existing Community Assistance Program, subject to annual funding allocation.

COMMENTARY

As part of Council's Community Grants and Minor Sponsorship Policy, the Community Assistance Program seeks to support eligible community organisations to undertake projects and events that contribute to our broader community, environment and economy. This does not require any change to the current Policy.

To better support community-led environment and sustainability initiatives, and further the objectives of Council's Environmental Sustainability Strategy, it is proposed that a new grant category be added to Council's Community Assistance Program.

The Environment and Sustainability Scheme would provide grants of up to \$3,000. Council funding should make up not more than 50% of the expected project costs. The applicant's contribution may be in the form of cash, other funding assistance or 'in kind' support (such as voluntary labour). Eligible projects may include initiatives that:

1. Protect, maintain and enhance our natural environment including:
 - Community education and awareness activities that increase the community's understanding and value of our natural environment;
 - Works projects that improve native habitat, riparian corridors and waterways; or
 - Conservation of native flora or fauna species.
2. Strengthen our community capacity to live sustainably including:
 - Community education and awareness activities that increase the community's understanding of local environmental sustainability issues, impacts and opportunities;
 - Capacity-building workshops and events;
 - Targeted energy, water or waste efficiency programs; or
 - Practical community projects.

Applications will be assessed against the following criteria:

- Strategic alignment with Council's Environmental Sustainability Strategy;
 - Expected outcomes for the community and the environment;
 - Applicant's capacity to deliver the project;
 - Applicant's approach to ensuring the project delivers long-term benefits for the community and the environment; and
 - Value for money.
-

PREVIOUS DECISIONS

25 September 2018 – Council adopted the Environmental Sustainability Strategy.

BUDGET IMPLICATIONS

The proposed Scheme is supported by a \$10,000 allocation included in the FY2018-19 Council budget. In accordance with Council's Community Grants and Minor Sponsorship Procedure, the amount of funds available each year will be determined following the adoption of the annual budget.

STAFFING IMPLICATIONS

The Scheme will provide Council with a streamlined approach for addressing project support requests. Staffing impacts are considered minor as it is proposed to integrate the new Scheme with Council's existing administrative framework for the Community Assistance Program. The Environmental Sustainability Unit will support the establishment of the Scheme, assess Scheme applications and ensure funding allocation in line with Council's Environmental Sustainability Strategy, supporting policies and procedures.

CORPORATE/OPERATIONAL PLAN

This report progresses key action items as identified in Council's Operational Plan 2018-19:

- OP 3.2.2.1 Develop and implement engagement programs that increase sustainability awareness and action; and
- OP 3.2.2.2 Facilitate implementation of Council's Environmental Sustainability Strategy.

This report also supports strategic actions outlined within Council's Environmental Sustainability Strategy:

- ESS 2.4 Provide support and funding for community-based environment and sustainability initiatives.

CONCLUSION

By establishing a new Environment and Sustainability Scheme under the existing Community Assistance Program, Council will demonstrate its commitment to environmental sustainability and better support community-led environment and sustainability initiatives within our Region.

11.5 COMMUNITY ASSISTANCE PROGRAM - MAJOR SPONSORSHIP - TEAM INDIGENOUS CORPORATION

File No: 12535
Attachments: Nil
Authorising Officer: Colleen Worthy - General Manager Community Services
Author: Kerri Dorman - Administration Supervisor

SUMMARY

An application from the Team Indigenous Corporation for Major Sponsorship assistance towards the 2019 Indigenous 20/20 Big Bash Cricket Tournament event is presented for Council consideration.

OFFICER'S RECOMMENDATION

THAT Council considers the Major Sponsorship application from Team Indigenous Corporation for funding to assist with the staging of the 2019 Indigenous 20/20 Big Bash Cricket Tournament to be held from 18 to 20 April 2019 and approves an amount of \$10,000.00 in sponsorship.

COMMENTARY

The Team Indigenous Corporation had lodged an application under the Major Sponsorship scheme seeking \$18,000 in funding to assist with the 2019 Indigenous 20/20 Big Bash Cricket Tournament (formerly Stan Alberts Shield 20/20 Cricket Carnival) which will be held at the Rockhampton Cricket Grounds in the Easter period from 18 – 20 April 2019. The corporation was established in 2016 and consists entirely of indigenous directors and members.

Event

The carnival is an indigenous 20/20 cricket event aimed at promoting the sport to indigenous cricket teams and to create pathways for juniors and seniors to play representative cricket. The application states that the event has contributed to a greater participation of Indigenous cricketers competing in the local Rockhampton Cricket competition and also teams travelling to additional cricket carnivals throughout the state.

The application states that the event will include local teams and teams from Toowoomba, Townsville, Cairns, Bowen, Ipswich and Woorabinda. The 2018 event saw 5 men's teams 2 over 45's, 4 women's teams and 4 junior teams. Anticipated attendance throughout the weekend will be around 600 spectators.

In the application it is stated that this will be the fourth year of competition and Team Indigenous Corporation have shown the ability to promote and host a state wide event. It is envisaged to involve other sporting competitions to the carnival such as Netball etc in the near future.

It is also envisaged that Bidgerdii Community Health Service will provide basic health checks again this year for players and supporters to provide early detection of chronic diseases. It also supports fundraising activities at the carnival with 2019 support been given to the Rockhampton Wheelers (a local wheelchair basketball team).

The event will be promoted via local media and social media, Koori Mail and included on the Queensland Cricket website and events calendar.

Sponsorship

The Association has requested cash sponsorship of \$18,000 from Council for the event, for which it has projected a total cost of \$39,118.20. This would represent a Council contribution of 46% of the cost of staging the event.

The budget submitted with the application details the major expenses being for:

- supply of team apparel \$12,400
- hire of equipment \$6,519.02
- prize money \$5,000
- venue hire \$5,000 (last year's cost – awaiting quote)
- security and welcome to country \$4,105.00

The estimated income for the event, including the requested sponsorship from Council is \$41,000.00. This is made up of team nomination fees and cash sponsorship.

It is proposed that Council's support would be acknowledged on game and carnival shirts, banners displayed around the grounds and in media releases.

Council's sponsorship of this event over the past three financial years is as follows:

- 2015-16 - \$332
- 2016-17 - \$10,000
- 2017-18 - \$10,000

Assessment

In accordance with the adopted Policy and Procedure applications received through the Major Sponsorship Scheme will be assessed by Council against the following criteria:

- Applicant's capacity to undertake the event including any experience with similar events, relevant approvals and permissions required
- Community need or desire for the event and how this was determined
- Economic and community outcomes anticipated from the event
- Number of participants, including out of area visitors; and
- Value for money, including realistic budget with projected cost recovery

A copy of the application has been supplied separately to Councillors for consideration, along with the rating assessment as adopted by Council.

No marketing or business plan has been supplied, and one quote only has been provided for items of expenditure.

CONCLUSION

Assessment of the information provided in the application against the rating tool suggests that cash sponsorship of \$10,000.00 be provided to assist with the staging of the event. A copy of the completed tool has been supplied separately to Councillors with the application.

11.6 COMMUNITY ASSISTANCE PROGRAM - GRANTS SCHEME APPLICATION

File No: 12535
Attachments: Nil
Authorising Officer: Colleen Worthy - General Manager Community Services
Author: Kerri Dorman - Administration Supervisor

SUMMARY

An application from the Capricorn Community Radio 4YOU Incorporated for Community Grants Scheme assistance towards the Fence for Front & Right Side of 51 Murray Street, Rockhampton project is presented for Council consideration

OFFICER'S RECOMMENDATION

THAT Council approves cash sponsorship of \$6,075.00 for the Capricorn Community Radio 4YOU Incorporated towards the Fence for Front & Right Side of 51 Murray Street, Rockhampton.

COMMENTARY

Capricorn Community Radio 4YOU Incorporated has submitted an application for assistance to help fund the Fence for Front & Right Side of 51 Murray Street, Rockhampton.

The applicant states the Studios of Capricorn Community Broadcasting 4YOU is located at 51 Murray Street, Rockhampton and transmits for their tower at Mt. Archer. The premises were officially opened by Major Strelow on 7 May 2003.

The application for fencing is to provide more adequate security for both staff and equipment. Voluntary staff work on the premises 24/7 and on many occasions are alone at the studio and wear headphones when on air.

The applicant states that in the past two years they have become alarmed at the volume of unscrupulous persons loitering in the area and continually disturbing the presenters when on air. Those of concern are especially persons who appear intoxicated and abusive.

The satellite dish has continually been vandalized as has the generator which volunteers have set to maintain on air stability. The community station have spent several thousands of dollars on the rear lane fencing, but are constantly plagued by problems associated with vandals who cannot resist the challenge of taking the station off air. This has been extremely distressing for many listeners of 4YOU as well as being very costly to call in the experts so that running repairs can be done.

The need to construct this fencing has now reached a level of urgency to the point that volunteers do not want to do many of the shifts. Safety has become a serious factor and also the damage currently being caused to the stations' equipment has cost considerable hard earned funds and is no longer able to sustain the constant repairs.

Assessment

The application has been assessed against the following criteria:

- Applicant's capacity to undertake the project including obtaining any relevant approvals and permissions;
- Community need for the project and potential for use by other groups;
- Community outcomes expected from the project, including any positive promotion of the local area;
- and Value for money with realistic scope of works and at least two quotes for all works.

The application states with the use of a high colour bond fence between 51 and 57 Murray Street the volunteers would be able to return to having open days and a sausage sizzle for visitors to the city who want to be part of the local community radio station.

The radio station have received funding of \$1,600.00 in Round One of this financial year for a Timber Letter Box and Signage. The new fence will allow access to the letter box.

CONCLUSION

Based on assessment of the information provided in the application it is recommended that cash sponsorship of \$6,075.00 be provided to assist with the Fence for Front & Right Side of 51 Murray Street, Rockhampton.

11.7 COMMUNITY ASSISTANCE PROGRAM - MINOR SPONSORSHIP SCHEME

File No: 12535
Attachments: Nil
Authorising Officer: Colleen Worthy - General Manager Community Services
Author: Kerri Dorman - Administration Supervisor

SUMMARY

An application from Rockhampton Indoor Hockey Association Inc for Minor Sponsorship assistance towards the Hockey Queensland Under 13 Girls State Indoor Hockey Team Challenge event is presented for Council consideration.

OFFICER'S RECOMMENDATION

THAT Council considers the Minor Sponsorship application from Rockhampton Indoor Hockey Association Inc for funding to assist with the staging of the Hockey Queensland Under 13 Girls State Indoor Hockey Team Challenge that was held from 9 to 11 November, 2018 and approves an amount of \$1,200.00 in sponsorship.

COMMENTARY

Rockhampton Indoor Hockey Association Inc had lodged an application under the Minor Sponsorship scheme seeking \$2,500 in funding to assist with the Hockey Queensland Under 13 Girls State Indoor Hockey Team Challenge held from 9 – 11 November 2018 at the CQU Community Sports Hall.

The applicant states that the event is expecting up to 140 players and approximately a further 120 people in attendance in a range of capacities including, umpires, coaches/managers, first aid attendants, officials, catering/coffee suppliers, parents and families at the event. Approximately 190 participants/users will be attending the event from outside the Rockhampton region.

The Association has requested cash sponsorship of \$2,500.00 from Council for the event, for which it has projected a total cost of \$4,450.00. This would represent a Council contribution of 57% of the cost of staging the event.

As the event has already occurred acknowledgement of Council will be limited.

The budget submitted with the application details the major expenses being for:

- venue hire \$3,600.00
- food/beverage (Officials lunch and dinner) \$400.00
- tape for floor \$300.00
- postage and stationery \$150.00

Assessment

In accordance with the adopted Policy and Procedure applications received through the Minor Sponsorship Scheme will be assessed by Council against the following criteria:

- Applicant's capacity to undertake the event including any experience with similar events and ability to obtain relevant approvals and permissions;
- Wide community need for the event and how this was determined;
- Community outcomes expected for the event, including number of participants;
- Positive promotional outcomes for the local area; and
- Value for money, including realistic budget and cost recovery, with at least two quotes for all items to be funded.

A copy of the application has been supplied separately to Councillors for consideration, along with the rating assessment as adopted by Council.

CONCLUSION

Assessment of the information provided in the application against the rating assessment suggests that cash sponsorship of \$1,200.00 be provided to assist with the staging of the event. A copy of the completed tool has been supplied separately to Councillors with the application.

11.8 TOURISM ACTION PLAN

File No: 1731
Attachments: 1. [Tourism Action Plan](#)↓
Authorising Officer: Tony Cullen - General Manager Advance Rockhampton
Author: Aimee Bartlett - Tourism Coordinator

SUMMARY

This report tables Advance Rockhampton's Tourism Action Plan for Council's consideration and adoption.

OFFICER'S RECOMMENDATION

THAT Council endorses Advance Rockhampton's Tourism Action Plan for implementation.

COMMENTARY

Rockhampton Regional Council has identified tourism and events as one of its major economic drivers for the region. With a strong commitment from Council, Advance Rockhampton will drive visitation and tourism products within the region through the development of the Tourism Action Plan.

The Tourism Action Plan brings a range of tourism strategies and destination plans to life and focuses on key objectives and action items that will extend visitor length of stay and overall visitation to the region.

A major part of the Tourism Action Plan is to identify and develop linkages between current products and initiatives and build on current visitation and audience.

The Tourism Action Plan focuses on a number of different elements:

- Product Development
- Soft product Development
- Marketing

A phased approach has been developed to ensure that objectives and action items are delivered:

- Phase One: Build the foundation
- Phase Two: Tell the story
- Phase Three: Increase length of stay
- Phase Four: Grow Visitation
- Phase Five: Enhance the Experience.

BUDGET IMPLICATIONS

Budgetary considerations should be given for future budgets to ensure the correct delivery of the Tourism Action Plan with Advance Rockhampton's Operational Budget.

CORPORATE/OPERATIONAL PLAN

This report progresses key action items as identified in the Operational Plan 2018-2019:

- 2.1.1.1 Engage with stakeholders to develop and implement a Destination management Plan for the Rockhampton Region
- 2.1.1.2 Develop and implement strategies and initiatives to promote and improve Regional tourism opportunities.

CONCLUSION

Tourism within the Rockhampton Region has the potential to grow and develop over a number of years to be a sustainable industry for the region.

TOURISM ACTION PLAN

Tourism Action Plan

Meeting Date: 11 December 2018

Attachment No: 1

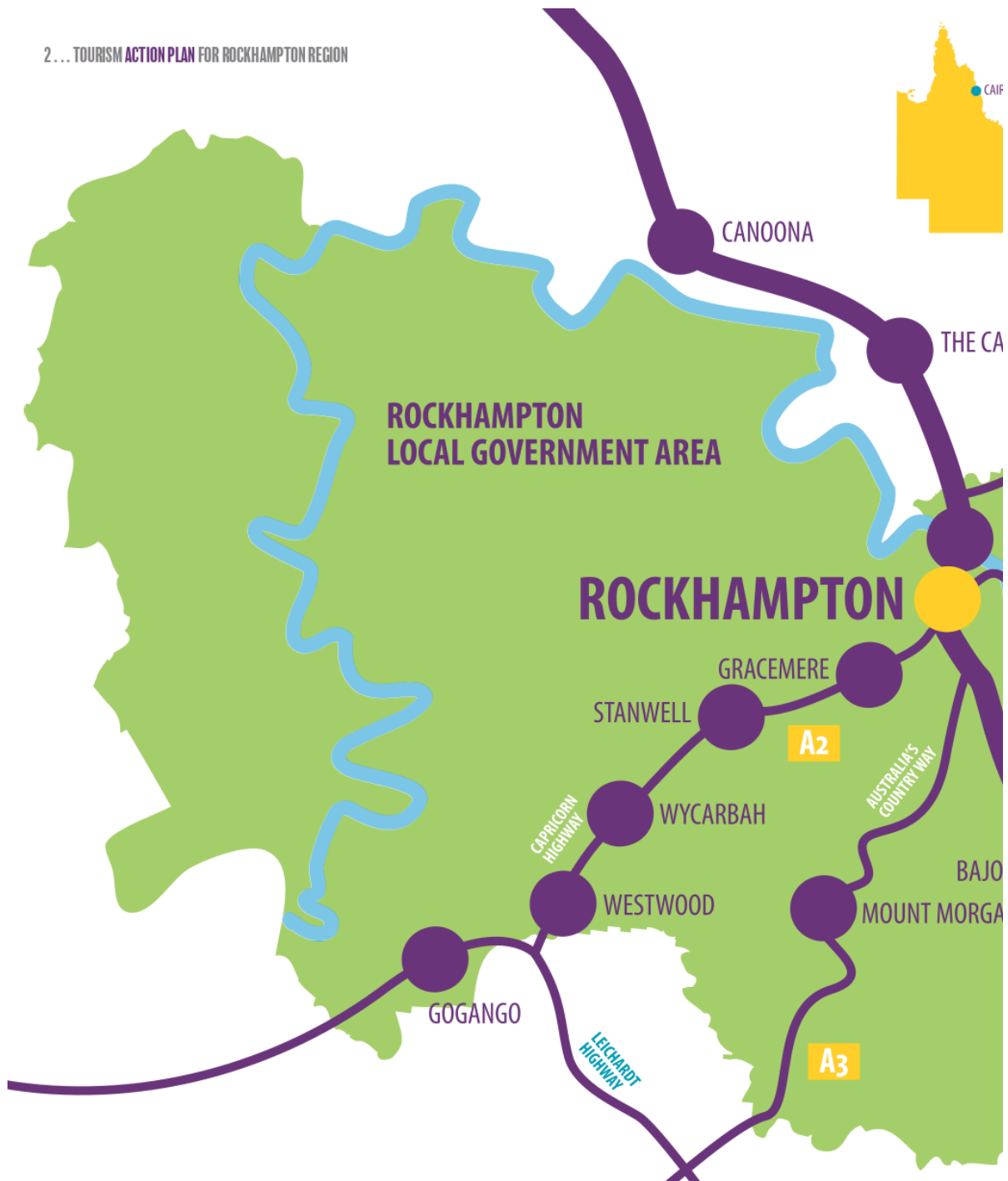
TOURISM ACTION PLAN FOR ROCKHAMPTON REGION

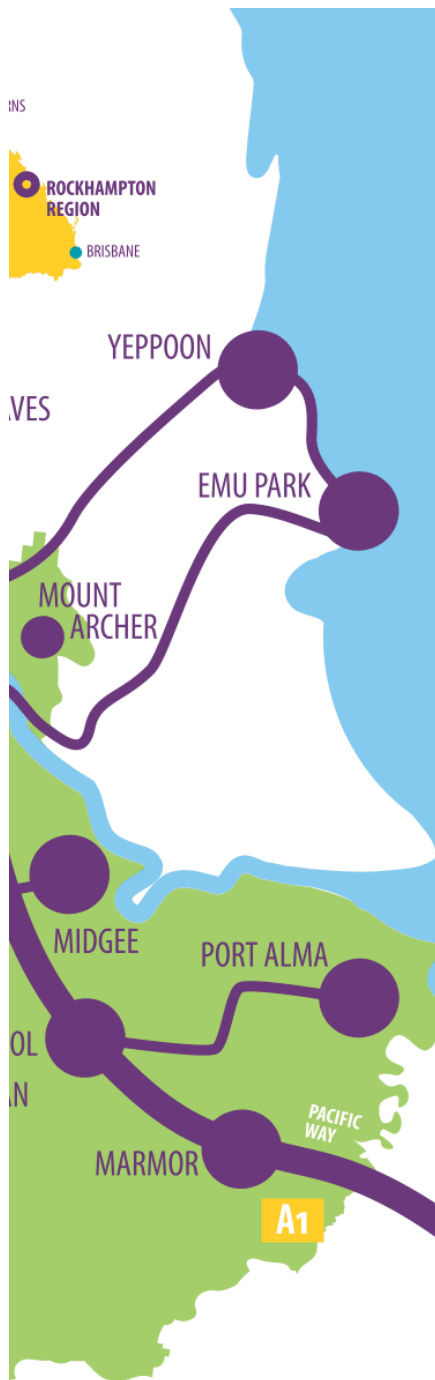


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2... TOURISM ACTION PLAN FOR ROCKHAMPTON REGION



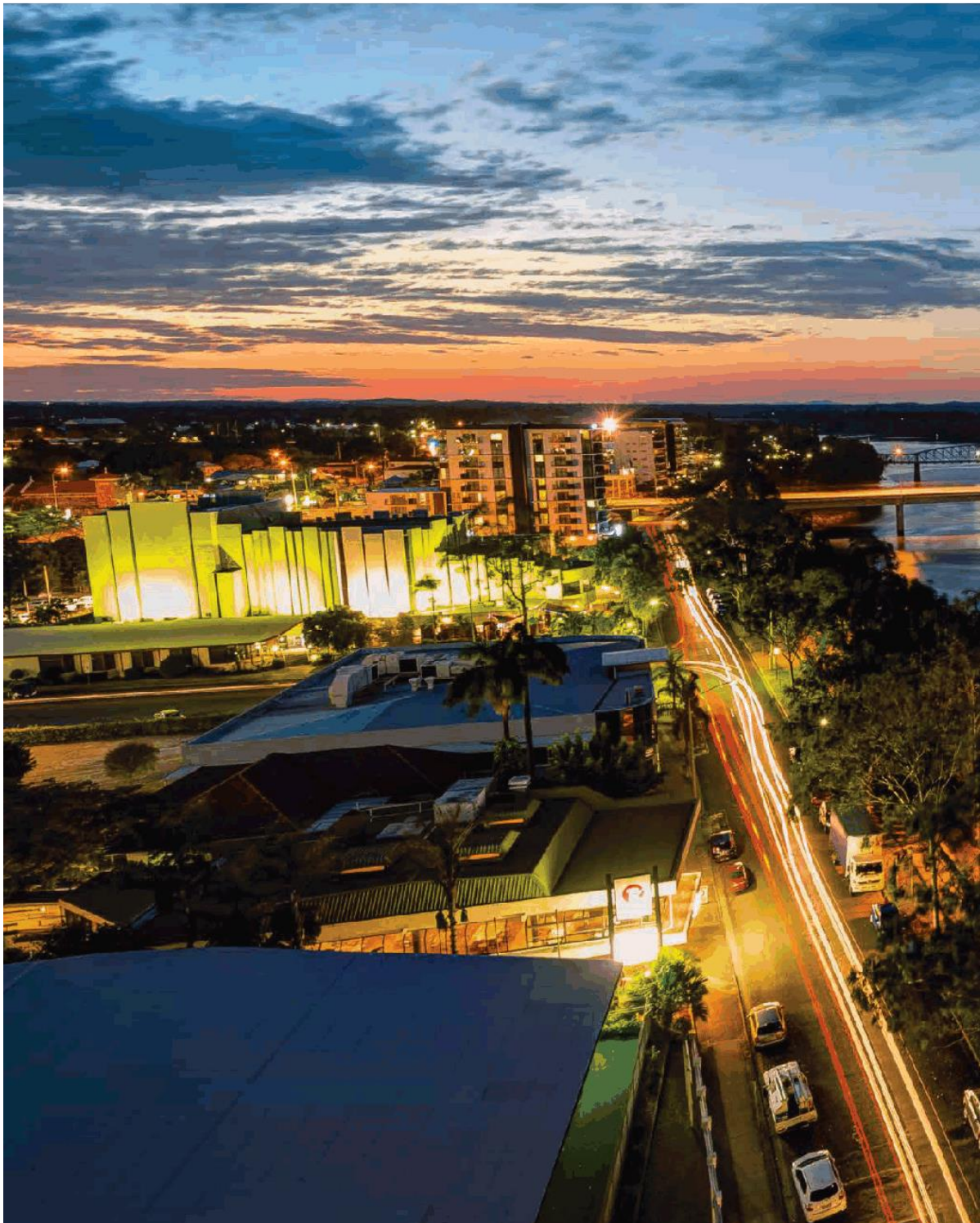


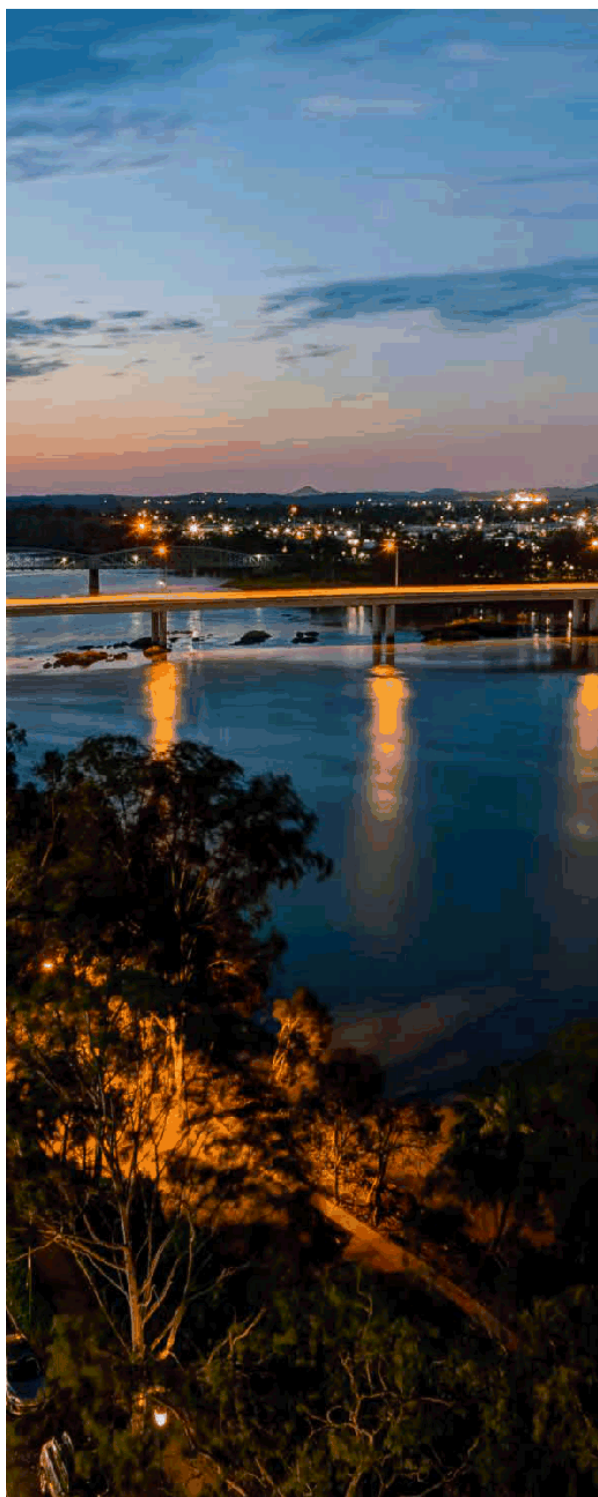
ROCKHAMPTON REGIONAL COUNCIL HAS IDENTIFIED TOURISM AND EVENTS AS ONE OF ITS MAJOR ECONOMIC DRIVERS FOR THE REGION. WITH A STRONG COMMITMENT FROM COUNCIL, ADVANCE ROCKHAMPTON HAS BEEN DEVELOPED TO DRIVE VISITATION AND TOURISM PRODUCTS WITHIN THE REGION THROUGH A SIMPLE YET EFFECTIVE ACTION PLAN.

The Rockhampton Region has been traditionally seen as a transit stop for tourers, a one night stay on the drive holiday between South and Tropical North Queensland, however, the Rockhampton Region is much more than that. Now a regional metropolitan city, the Region is a destination for events, business, holidays and visiting family and friends. This Tourism Action Plan focuses on key objectives and action items that will extend visitor length of stay and overall visitation to the region.

THE ROCKHAMPTON REGION WILL BE POSITIONED AS THE ‘REGIONAL CAPITAL’ PROVIDING A RANGE OF SERVICES AND EXPERIENCES TO VISITORS TO THE REGION.

4... TOURISM ACTION PLAN FOR ROCKHAMPTON REGION





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SOURCE MARKETS

Source of origin is a very important variable in the promotion of the Rockhampton Region as a tourist destination. It can be difficult to market destinations if you first don't analyse it across all elements. Part of this process is identifying source markets for visitors and the impact that this has on developing and shaping our destination. The Rockhampton Region has potential in the tourism market as a destination and this plan plays to current source markets by identifying those who are visiting, what they enjoy in the region and how value can be added to their experience to ultimately increase the length of stay.

REGIONAL QUEENSLAND INCLUDING BRISBANE

Grey nomads
Young families

400 KM DRIVE RADIUS

Couples and families coming to Rockhampton for a shopping, event, weekend off. Rockhampton is seen as their regional capital

INTERNATIONAL

Singaporean and USA troops/
support staff R & R while on
manoeuvres

INTERNATIONAL

Developmental Market - China

PSYCHOGRAPHICS

Health, education and retail: Rockhampton is a regional centre providing health, education and retail services to central and outback Queensland.

Military: The City is a logistics and forward deployment base for Shoalwater Bay Training Area based exercises, with both foreign and domestic service people visiting the region.

Visiting friends and relatives: with a population exceeding 80,000 many people visit Rockhampton to be with friends and relatives. Visits to friends and relatives normally include leisure activities with the benefits to the economy that this provides.

Leisure/Holiday: the Rockhampton Region offers a rich and diverse range of natural, cultural and adventure experiences.

Business: People travelling to Rockhampton to provide business services and attend meetings, conferences and exhibitions.

Travelling public: Rockhampton is midway in the journey from the south to the north of the State. The City provides a convenient place to stop and rest for the travelling public and is a popular stop for "Grey Nomads".

Major events: Rockhampton hosts a range of community and commercial events. These events build on the natural strengths and unique attributes of the Region, celebrating its history, creativity, industry and role as the capital of Central Queensland.

TOURISM ACTION OUTLINE

THIS IS A PLAN THAT BRINGS A RANGE OF TOURISM STRATEGIES AND DESTINATION MARKETING PLANS TO LIFE. EACH OBJECTIVE IS INTRODUCED WITH A SHORT EXPLANATION AND THE EMPHASIS IS ON ACTIONS TO DELIVER ON THE OBJECTIVES.

A major part of this tourism action plan is to identify and develop linkages between current products and initiatives that are in place, to add value and build on current visitation and audiences.

The Tourism Action Plan will focus on a number of elements:

PRODUCT DEVELOPMENT:

Tangible elements and experiences within the destination which visitors come into contact with.

SOFT PRODUCT DEVELOPMENT

In-tangible elements within the destination that influence and add value to the visitor experience.

MARKETING

Tactics and activities that draw visitors to the region, or encourage them to increase their length of stay.

A phased approach will be taken to ensure that objectives are delivered:

Phase one : Build the foundation

Phase two : Tell the story

Phase three : Increase length of stay

Phase four : Grow visitation

Phase five : Enhance the experience

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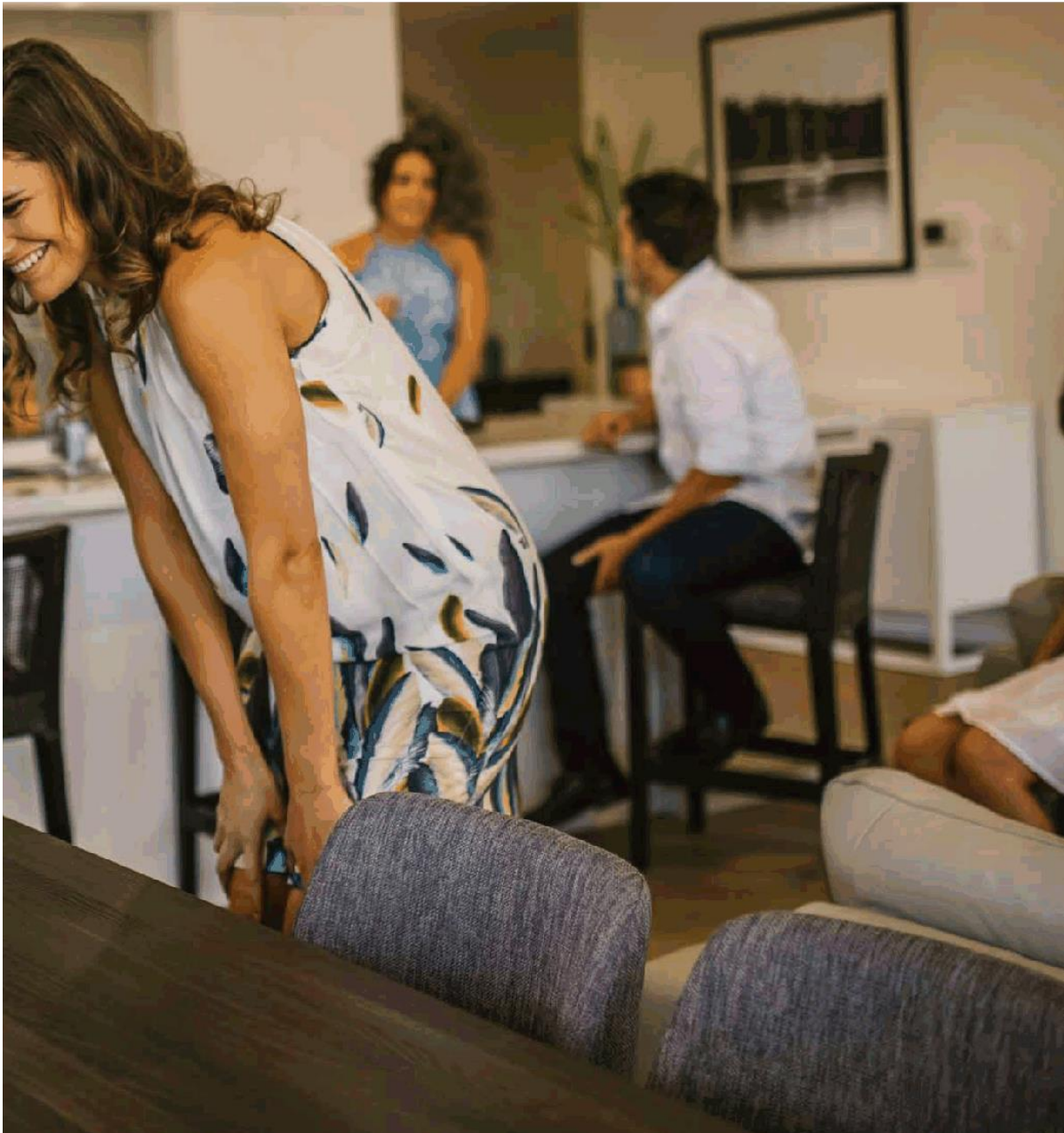
PHASE 1

BUILD THE FOUNDATION



TOURISM ACTION PLAN FOR ROCKHAMPTON REGION ... 9

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Region



10 ... TOURISM ACTION PLAN FOR ROCKHAMPTON REGION



OBJECTIVE

**PRODUCT DEVELOPMENT AND MARKETING
TOURISM PRODUCT DATABASE**

Develop a database of product (accommodation, attractions, services, events, restaurants) in the Rockhampton Region that can populate a tourism website and give prospective visitors a complete overview of the Rockhampton Region.

ACTION	BY WHOM	KPI	TIMING
Plan database, categories of entries, information required. Develop information template	Tourism Support Officer	Plan developed Categories identified Content database outline in place for all interactions moving forward	December 2018
Decide methods of data collection – telephone, personal call	Tourism Unit		Ongoing
Obtain list of prospects from other databases e.g. Yellow Pages, Google	Tourism Unit	Lists obtained	December 2018
Build database, determine access and method of updating	Tourism Support Officer	Database completed and access/updating criteria set Communication Plan developed for engagement and collection of updated details Ensure all key stakeholders are contacted	January 2019
Develop relations and network for the collation of data around bed occupancy rates and average room rates	Tourism Unit	3 month statistics occupancy developed Quarterly reporting implemented to Council and Tourism and Events Queensland	January 2019



OBJECTIVE

**MARKETING
ROCKHAMPTON TOURISM BRAND**

The Rockhampton Region has a complicated array of marketing identities, slogans and logos. For tourism this needs to be focused down to one that will be relevant to visitors and extends across copy, images, social media and hashtags.

ACTION	BY WHOM	KPI	TIMING
Discussion with Council marketing department on why tourism needs a clear brand	Tourism Unit Marketing	Develop a clear identity for tourism in the Rockhampton Region	January 2019
Ascertain what is possible			
Develop a brief for brand development	Marketing	Brand developed with full suite of collateral, images and concepts	February 2019

12... TOURISM ACTION PLAN FOR ROCKHAMPTON REGION



OBJECTIVE

MARKETING TOURISM WEBSITE AND APP

Using the database and brand, develop a consumer-friendly website that is easy to find, easy to use and has a wide range of product unfettered by membership conditions.

ACTION	BY WHOM	KPI	TIMING
Identify linkages with current Council and Advance Rockhampton platforms	Manager Regional Development and Promotions Tourism Coordinator	Development of framework and project plan	November 2018
Either brief new site or update existing site	Tourism Unit IT Services	Development of framework and project plan	November 2018
Upload information	Tourism Unit IT Services	Fully functioning website by August 2018	November 2019
Implementation of online booking system	Tourism Unit IT Services	Booking system in place 30 bookings minimum per month within booking system Training implemented with key internal and external stakeholders	January 2019



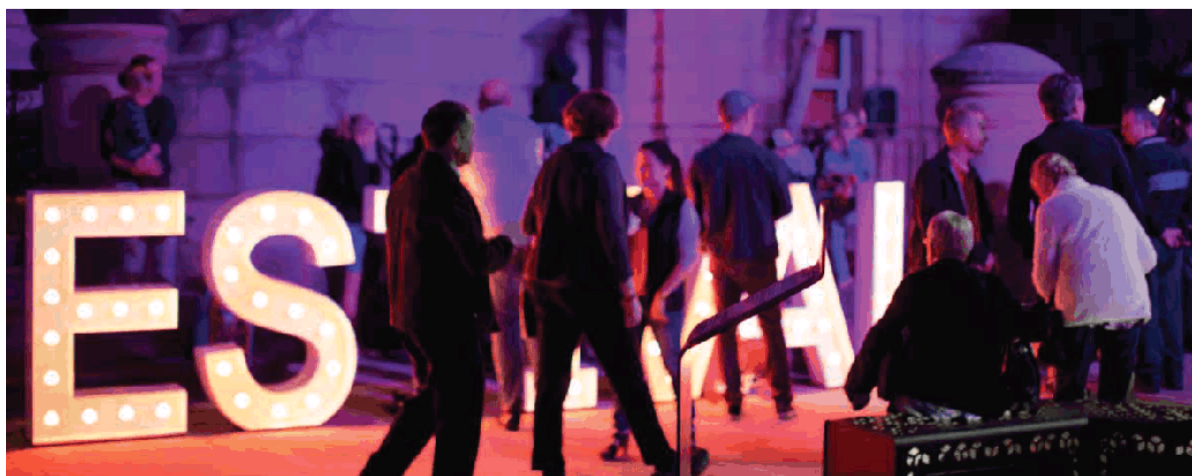
OBJECTIVE

MARKETING STILL AND MOVING IMAGES

Build an image library that reinforces our brand and shows an array of different experiences for different visitors.

ACTION	BY WHOM	KPI	TIMING
Ascertain what images Council has, whether they fit 'Brand Rockhampton'	Tourism Unit	Register of existing images Hero images identified and pushed out through key platforms	December 2018
Identify what new images might be needed	Tourism Unit	Concept Brief List of requirements	December 2018
Develop shot list including talent, time of shot, clothes, copyright permissions	Tourism Coordinator	New image gallery delivered	February 2019

14... TOURISM ACTION PLAN FOR ROCKHAMPTON REGION



OBJECTIVE

**MARKETING
SOCIAL MEDIA**

Communication – Develop appropriate social media pages for tourism that link to the brand. Promote common use hash tag.

ACTION	BY WHOM	KPI	TIMING
What social media and handles will be used	Tourism Coordinator Manager Regional Development and Promotions Coordinator Media and Communications	Identification of platforms, user names and integration of content	December 2018
Upload, monitor and respond where necessary	Tourism Unit	Year long content calendar created	Ongoing
Development of hashtag register for content	Tourism Unit Media Unit	Register of local, regional, state and national hashtags User generated content increased by 10% Profile on "This is Queensland" Instagram four times in twelve months.	November 2018



OBJECTIVE

**MARKETING
INDUSTRY EDUCATION**

Communication – regular communication by e-newsletter and cluster meetings with the tourism industry to inform them about new initiatives and to obtain feedback.

ACTION	BY WHOM	KPI	TIMING
Deliver regular e-newsletter to industry	Tourism Support Officer	Database increased by 10% by end of calendar year Newsletter delivered every two / three months	November 2018
Set up industry cluster groups	Tourism Coordinator	Cluster groups identified Database and distribution lists created.	February 2019
Hold meetings when need arises	Tourism Unit	At least one meeting held per year.	Ongoing

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PHASE 2

TELL THE STORY



TOURISM ACTION PLAN FOR ROCKHAMPTON REGION ... 17

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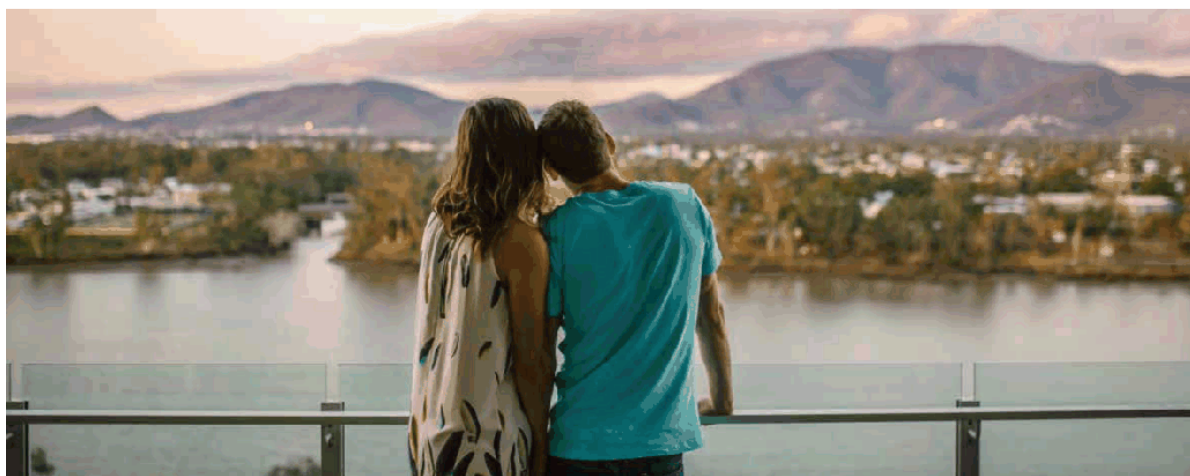


OBJECTIVE

MARKETING PROMOTE THROUGH ROCKHAMPTON SUCCESS STORIES

Identify Rockhampton "Champions". People from the Rockhampton Region across all walks of life who have succeeded in state/national/international arenas.

ACTION	BY WHOM	KPI	TIMING
Identify Rockhampton Champions	Tourism Coordinator Advance Rockhampton Executive Officer Regional Development Media Unit	Implementation of Locals Made Good Campaign 5 key Industry representatives identified	Ongoing
Identify opportunities for champions to be profiled	Tourism Unit Marketing Media Unit	4 'stars' to be profile in campaigns	Ongoing
Utilise Champions for cross promotion connecting with the campaigns ie. 101.5 Things to do	Tourism Unit	Marketing and Communication plan developed	Ongoing



OBJECTIVE

MARKETING THE SPIRE VISITOR INFORMATION CENTRE

Reinvigorate the centre through use of storytelling and photo opportunities on the Tropic of Capricorn.

ACTION	BY WHOM	KPI	TIMING
Develop photo opportunity for Tropic of Capricorn	Tourism Coordinator	Design of front of SPIRE developed Designed approved at Council Meeting	December 2018
Bring Visitor Information Centre to life and train volunteers in story telling	Tourism Coordinator Visitor Information Centre Supervisor	Monthly Toolbox Talks delivered 3 Familiarisation tours organised per year Two tours to include visitor information centre staff/volunteers from outside the region One training to be held with industry stakeholders	Ongoing
Join QICA and attend QICA conferences	Tourism Unit	Attend conference each year Team to attend or partake in training / workshops provided	Ongoing
Connect with Visitor Information Centre's within the 4 hour drive market	Visitor Information Centre Supervisor	Invitation to Familiarisation days in Rockhampton Visit and experience other VIC's within the 4 hour drive market Mailing list developed Inclusion in distribution of Explore Rockhampton Newsletter	Ongoing

20... TOURISM ACTION PLAN FOR ROCKHAMPTON REGION

**OBJECTIVE**

MARKETING TELLING THE STORY THROUGH THE MEDIA

Communication – Utilisation of relationships with media outlets.

ACTION	BY WHOM	KPI	TIMING
Determine who will be writing/despaching releases	Media Unit Tourism Unit	Process mapping completed Outline of content developed for twelve months	November 2018
Ask operators for stories	Tourism Support Officer	Outline of content developed for twelve months Three stories identified One story identified and printed in My Rockhampton Publication One story profiled in each Advance Newsletter Content database developed with key stories, profiles, and three hero images	Ongoing
Determine media contacts, conventional & digital	Media Unit Tourism Unit	Maggie Gee distribution contact database purchased Distribution list and categories developed Media contact lists for each audience identified	Ongoing
Write and despatch regular media releases	Tourism Unit Media Unit	Content database and schedule developed 3 profiled on TEQ Platform per year Five feature articles published in industry magazines per year	Ongoing



OBJECTIVE

MARKETING

TELLING THE STORY DIRECT TO CONSUMERS AND TO RESIDENTS OF THE ROCKHAMPTON REGION

Communication – Develop “101.5 Things to Do in Rockhampton”. For distribution to Rockhampton Region residents, surrounding areas, and all visitors to the Region.

ACTION	BY WHOM	KPI	TIMING
Request production quotes	Tourism Support Officer	Key campaign time frames developed 3 quotes from local companies provided	February 2019
Collect content – to include events, stories of Rockhampton stars, attractions, local picks and photo opportunities	Tourism Unit	Marketing Brief Developed List, content, hero images and Unique selling points developed Listed on explore Rockhampton, ATDW and key visitor websites	February 2019
Arrange production printing and distribution. Load onto website, publicise	Marketing Tourism Unit	20 short videos profiling unique experiences within the region Z fold booklet developed and printed Z fold booklet letter box dropped to all residents in Rockhampton Region Local and Visitor marketing campaign developed and implemented	March 2019

22... TOURISM ACTION PLAN FOR ROCKHAMPTON REGION

**OBJECTIVE****MARKETING
MOUNT ARCHER EXPERIENCE**

Promote Mount Archer experiences and new tourism developments.

ACTION	BY WHOM	KPI	TIMING
Develop a marketing plan to publicise the Mount Archer experience and activate	Tourism Unit Marketing Unit	In and outside region campaign developed Key Information Updated on websites Specific brochure developed for Mountain Biking Benchmarking done against Derby, Tasmania Mountain Biking at Mount Archer identified in the 101.5 Things to do campaign One video content developed for use across multiple platforms. Ensure at least two events are held per year at Mount Archer	January 2019
Ensure it is included in websites/ATDW		Listing on ATDW for Mount Archer and other experiences	November 2018
Communicate to local industry		Advance Rockhampton Newsletter Explore Rockhampton Newsletter 2 local media releases per year	Ongoing



OBJECTIVE

**MARKETING
RECREATIONAL FISHING**

Fishing – promote recreational fishing and the new developments arising from the Rockhampton Regional Council Recreational Fishing Strategy.

ACTION	BY WHOM	KPI	TIMING
Enact the marketing actions from the Recreational Fishing Strategy	Business Development Officer	Implement marketing campaign for positioning Rockhampton as a fishing destination	Ongoing
	Tourism Unit Marketing	Enact data collection tactics Increase recreational fishers by 10% each year	
Identify partners to take that forward	Tourism Unit	Increase length of stay of Grey Nomads by one night	Ongoing
Talk to Mackay, Whitsundays, Gladstone, Burdekin about the concept of a Barra Trail	Tourism Unit Business Development Officer	Identification of app and how it fits into other strategies	Ongoing
Ensure Recreational Fishing is incorporated into all opportunities	Tourism Unit		Ongoing

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**OBJECTIVE****MARKETING
DARUMBAL CULTURE**

Intertwine and promote our Darumbal culture and stories throughout the region.

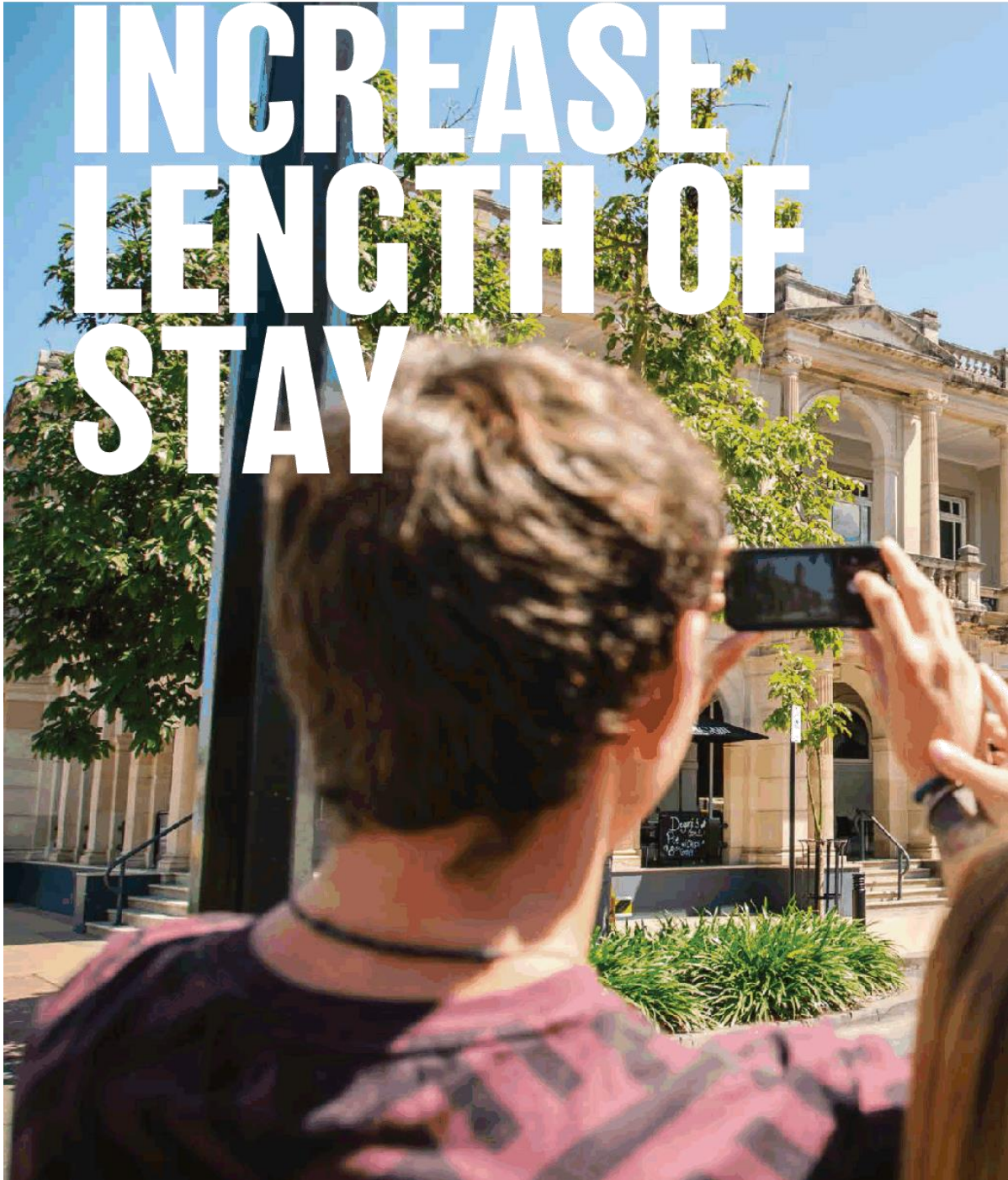
ACTION	BY WHOM	KPI	TIMING
Incorporate the Darumbal Culture into collateral as relevant	Tourism Unit	Darumbal culture acknowledged in all current marketing and collateral	Ongoing
	Tourism Unit	Indigenous itinerary developed	December 2019
Record stories of the Darumbal culture for use throughout key locations in the region	Tourism Unit	Concept and project brief developed	November 2018
	Tourism Unit	Stories recorded for Toonoonba, Bardda Moon Di and Nirum	March 2019



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PHASE 3

INCREASE LENGTH OF STAY

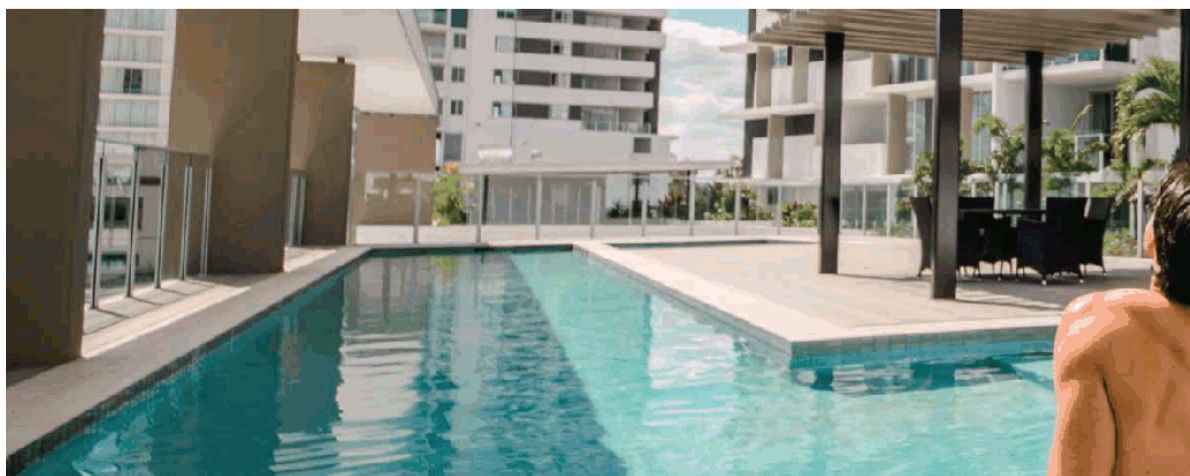


TOURISM ACTION PLAN FOR ROCKHAMPTON REGION ... 27

ADVANCE *Rockhampton*
Region



28... TOURISM ACTION PLAN FOR ROCKHAMPTON REGION



OBJECTIVE

PRODUCT DEVELOPMENT INCREASE LENGTH OF STAY

Identify opportunities that add value to the experience and help increase length of stay.

ACTION	BY WHOM	KPI	TIMING
Find an operator to run bus tours from caravan parks to connect with free council walks. Time the tours so that visitors need to stay another day at a minimum. Saves caravanners from towing their vans or unhitching them.	Tourism Unit	Identification and implementation of three new tours within the Rockhampton Region	August 2019
Find and negotiate low cost tours with local operator	Tourism Unit		August 2019
Promote on Advance Rockhampton tourism website	Tourism Unit	Tours listed Online booking forms developed	August 2019
Promote with operators	Visitor Information Centre Supervisor Tourism Support Officer	Tours promoted	August 2019
Consider offering to motels and extending route	Tourism Unit		January 2020
Obtain feedback from operators as to increase in length of stay	Tourism Support Officer	Development of survey for key stakeholders Increase of bookings Increase in occupancy rate, and length of stay	Ongoing – every three months To be implemented by September 2019



OBJECTIVE

SOFT PRODUCT DEVELOPMENT AND MARKETING DEVELOPMENT AND COMMUNICATION OF ITINERARIES

Itineraries and trails – extend stay and attract longer staying visitors by showing them how they can spend one, two or three days in the region with practical itineraries themed by interest or geographical areas.

ACTION	BY WHOM	KPI	TIMING
Develop a series of itineraries based on themes, durations	Tourism Coordinator	24, 48 and 72 Itineraries developed for key audiences	December 2018
Upload itineraries to website, promote on social media, media release	Tourism Support Officer Tourism Coordinator	All listed on ATDW, Explore Rockhampton and included in Destination Guide. Development of marketing communication plan for push out of content	January 2019
Investigate simple brochures, perhaps with map for distribution at VICs, caravan parks etc	Tourism Support Officer	Development of marketing communication plan for push out of content Development of display and collateral items	January 2019
Develop itineraries for the cruise market and pitch to appropriate organisations	Tourism Coordinator		December 2019
Training of key stakeholders	Visitor Information Centre Supervisor	3 Familiarisation tours organised per year 2 tours to include visitor information centre staff/ volunteers from outside the region 1 training to be held with industry stakeholders	Ongoing

30 ... TOURISM ACTION PLAN FOR ROCKHAMPTON REGION



OBJECTIVE

**MARKETING
DRIVE TOURISM**

Drive tourism is very important to the Rockhampton Region. Close relationship's with Drive Inland Promotions Association and attendance at trade shows are vital part of building our Region as a tourist destination.

ACTION	BY WHOM	KPI	TIMING
Involvement with Drive Inland, monitor and take up trade show opportunities, update website	Tourism Coordinator	All itineraries uploaded onto Drive Inland Website Explore Rockhampton to be present at least 3 trade show opportunities organised by Drive Inland	Ongoing
Identify other shows that Rockhampton might attend	Tourism Support Officer Advance Rockhampton Administrative Support	List of annual events developed At least 5 trade shows attend per year, one for each audience, local, regional, state and national Staffing schedule in place. Tracking of ROI for each expo developed	Ongoing
Display material, uniforms etc for independent shows	Tourism Support Officer	Development of key collateral display list to include: - Uniforms - Pull-Up banners - Brochure Outline of standard expo trade site set up and kit	Ongoing

Domestic Visitors to Queensland

Year ending December 2017



\$15.8B +4.7%
Total Expenditure Expenditure



21.8M +4.9%
Total Visitors Visitation Growth

Overnight Visitation by Source Market



15.2 Million
Intrastate Visitors ↑ 4.4%



6.6 Million
Interstate Visitors ↑ 6.0%

Domestic Overnight Visitation by Region

	Expenditure (\$M)		Visitation	
Brisbane	\$4,106.4	↑ 15.3%	6.5M	↑ 7.7%
Fraser Coast	\$370.2	↑ 8.3%	0.7M	↑ 4.5% ¹
Gold Coast	\$3,099.1	↑ 3.8%	4.0M	↑ 8.1%
Mackay	\$382.7	↑ 3.5%	0.8M	↑ 2.1%
Outback	\$584.8	↑ 12.7%	0.9M	↑ 9.7% ¹
SGBR ²	\$1,050.2	↓ -3.0%	2.0M	↑ 1.8%
SQC ³	\$676.7	↓ -7.1%	2.0M	↑ 4.6%
Sunshine Coast	\$2,045.5	↓ -3.5%	3.4M	0.0%
TNQ ⁴	\$2,036.8	↑ 3.9%	1.8M	↓ -4.2%
Townsville	\$774.8	↓ -7.9%	1.1M	↓ -7.7%
Whitsundays	\$467.3	↓ -2.8%	0.5M	↑ 5.3% ¹

Domestic Overnight Visitation by Purpose



8,542,000
Holiday ↑ 3.5%



7,301,000
VFR⁵ ↑ 1.5%



4,857,000
Business ↑ 10.4%

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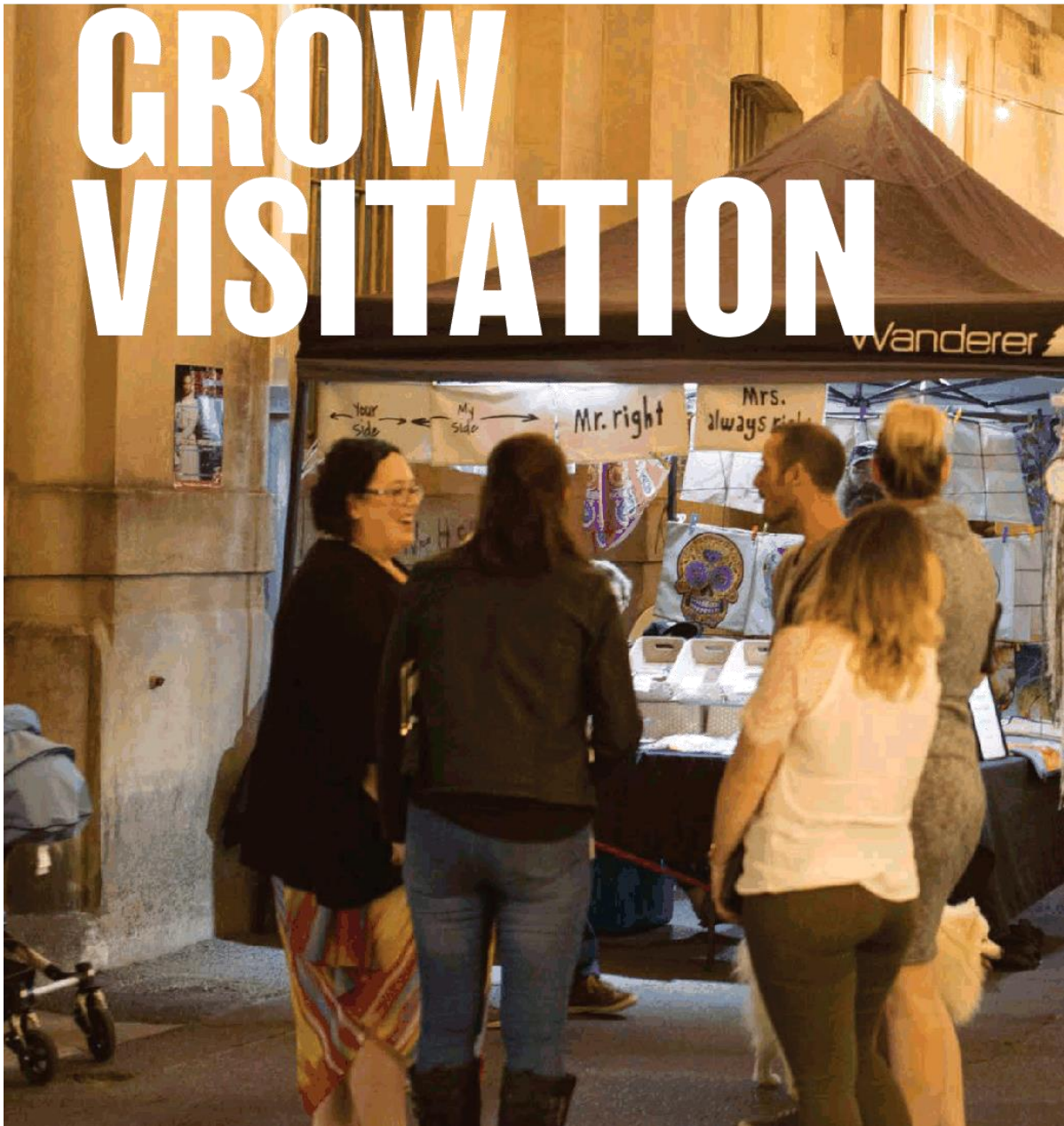
Source: Domestic Visitor Survey Year ending December 2017, Tourism Research Australia.

Notes: ¹All percentages refer to annual growth except for the Fraser Coast, Mackay, Outback, and Whitsundays regions which refer to the trend change three years.
²SGBR: Southern Great Barrier Reef; ³SQC: Southern Queensland Country; ⁴TNQ: Tropical North Queensland; ⁵VFR: Visiting Friends and Relatives.



PHASE 4

GROW VISITATION



TOURISM ACTION PLAN FOR ROCKHAMPTON REGION ... 33

ADVANCE *Rockhampton*
Region





OBJECTIVE

MARKETING PROMOTION

Identify advertising opportunities including TEQ co-op campaigns and online opportunities.

ACTION	BY WHOM	KPI	TIMING
Ensure team are on TEQ advertising opportunity mail list	Tourism Support officer	Sign up for each mailing register TEQ Key contact list developed	Ongoing
Monitor TEQ opportunities for suitability to Rockhampton and take up if so	Tourism Unit	Identify at least 3 TEQ opportunities per year to take up. Three content stories profiled on TEQ platform per year 5 posts on #thisqueensland Instagram account per year	Ongoing
Evaluate advertising opportunities based on target market, geographical coverage of media and value for money	Tourism Unit Marketing	Set target audiences in place. ROI of approximately 10% of cost	Ongoing



OBJECTIVE

**MARKETING
CONSUMER SHOW PROMOTION**

Identify suitable trade shows – fishing, leisure, caravan and camping shows to attend, intra and inter state.

ACTION	BY WHOM	KPI	TIMING
Identify shows that might be suitable to attend	Tourism Support Officer Advance Rockhampton Marketing Support	Attend all 4 hour drive expo events Attend key events in Gold Coast and Townsville All expos listed in key schedule of events	Ongoing
Seek partners to attend	Tourism Coordinator	Ensure an industry stakeholder is present at each event	Ongoing
Produce professional display and promotional material	Tourism Unit Marketing Unit	Development of key collateral display list to include: - Uniforms - Pull-Up Banners - Brochure - Media Wall - Table cloths Outline of standard expo trade site set up and kit	January 2019

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OBJECTIVE

PRODUCT DEVELOPMENT AND MARKETING BEEF CAPITAL

Bring the "Beef Capital of Australia" concept to life and utilise as a draw card for visitors.

ACTION	BY WHOM	KPI	TIMING
Meet with Beef Australia to discuss their plans and how council might assist	Tourism Coordinator General Manager Advance Rockhampton Manager Regional Development and Promotions		Ongoing
Investigate 'arrival experience' at Rockhampton airport	Tourism Unit	Records to indicate at least 60 people per day during beef are engaged with at arrival experience A 10% increase engagement per Beef Australia Expo	4 weeks before Beef



ACTION	BY WHOM	KPI	TIMING
Work with restaurant cluster group to ensure a wide range of beef is featured and that staff tell the story	Tourism Coordinator Regional Development Unit Media Events	At least 20% of local restaurants to showcase local beef 60% to identify on menu where beef has come from 20% to openly discuss and chat with customers about the beef that they are eating Push content out through all platforms At least 2 training sessions held per year	Ongoing In place by June 2019
Meet with Great Western Hotel to discuss opportunities and promotion of their activities	Tourism Coordinator	All Great Western Events listed on Explore, Advance, Live and Council Event Calendar listings At least 3 events profiled in Explore Rockhampton Destination Guide At least 1 event featured in My Rockhampton	Ongoing

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**OBJECTIVE****PRODUCT DEVELOPMENT AND MARKETING
DEFENCE R & R**

Develop and promote R & R packages for visiting defence.

ACTION	BY WHOM	KPI	TIMING
Investigate if council package and sell, or do they build itineraries and outsource on a revenue share basis	Tourism Coordinator	Plan developed for engagement moving forward	September 2019
Determine what durations are appropriate for the market, develop itineraries	Tourism Support Officer		September 2019
Investigate means of selling to armed forces	Advance Rockhampton Tourism Unit	R&R packages coordinated by Explore Rockhampton by 2020	January 2020



OBJECTIVE

MARKETING GROW VISITATION THROUGH EVENTS

Rockhampton is a service centre to a large population catchment. The attraction of substantial leisure events can attract visitors from the 400 km drive radius and fill weekends/low season periods for the city's accommodation.

ACTION	BY WHOM	KPI	TIMING
Audit of existing events, which can grow and which can attract more visitors	Events Team	Current events developed into categories Coordination of Strategic Plans for regional Significant Events	February 2019
Identify new event opportunities in infrastructure including proposed Supercar track	Advance Rockhampton	Coordination of strategic plans for regional significant events	Ongoing
Identify who might operate/ take forward new events	Manager Regional Promotions and Development		Ongoing
Work closely with TEQ's event area	Tourism Unit	Meeting with TEQ to discuss tourism and events in Rockhampton 3 formal meetings held per year TEQ event team to attend one major event in the region	Ongoing
Hold training for local event organisers to build their capacity	Events Team	2 workshops held locally 1 workshop for events that have the potential to be classed as Regional Signature Events 1 workshop for smaller community organisations	June 2019

40... TOURISM ACTION PLAN FOR ROCKHAMPTON REGION

**OBJECTIVE****MARKETING
GROW BUSINESS EVENTS**

Develop a 'Business Meetings' brochure showing meeting rooms and room stock in the Rockhampton Region.

ACTION	BY WHOM	KPI	TIMING
Conduct an audit of meeting venues in Rockhampton with details of size, capacity, facilities	Events Team Tourism Support Officer	Capabilities identified	April 2019
Develop a meetings guide with that information plus accommodation, pre and post touring options, dinners venues	Tourism Support Officer Tourism Coordinator	Guide Developed Available on Website	July 2019
Distribute through professional organisations, larger companies, government departments	Tourism Support Officer Events Advance Rockhampton	Database of connections identified Long term engagement plan developed and put into place Marketing campaign developed and implemented	December 2019



OBJECTIVE

MARKETING GROW SPORTING EVENTS

Develop fact sheets for sports organisations to assist them bid for regional/state/national carnivals.

ACTION	BY WHOM	KPI	TIMING
Develop fact sheets showing number of accommodation rooms in town, attractions, restaurants etc.	Tourism Unit	Data collection of occupancy and room rates Inclusion in Advance Rockhampton Newsletter Inclusion in Advance Rockhampton Progress Report Inclusion in major event bidding documents	Ongoing In place by December 2019
Make contact with clubs to offer support	Tourism Unit Sports and Recreation	Contact database developed At least 5 meetings held before June	Ongoing In place by August 2019
Supply information for use when sporting events are happening in the Region	Tourism Support Officer	Content developed and on hand. Information provided to at least 5 sporting groups per year	Ongoing

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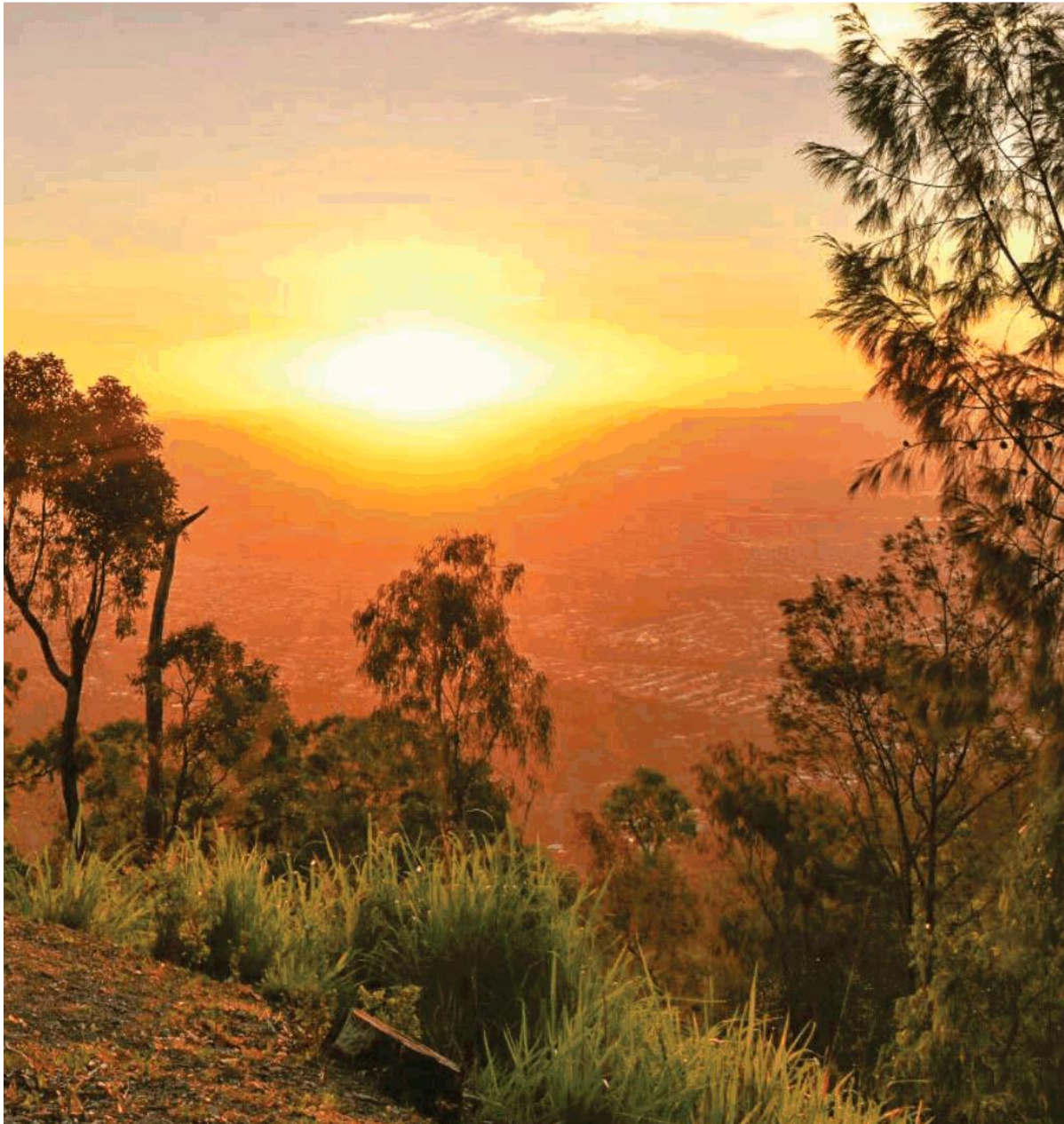
PHASE 5

ENHANCE THE EXPERIENCE



TOURISM ACTION PLAN FOR ROCKHAMPTON REGION ... 43

ADVANCE *Rockhampton*
Region



44... TOURISM ACTION PLAN FOR ROCKHAMPTON REGION

**OBJECTIVE****PRODUCT DEVELOPMENT
TOURISM OPERATORS**

Building Capacity and ability of local tourism operators

ACTION	BY WHOM	KPI	TIMING
Work with local tour operators to identify marketing opportunities	Tourism Unit	Every tourism operator listed on ATDW	Ongoing
Develop local tourism operators wholesale capability	Tourism Unit	Tourism operators utilising Explore Rockhampton Booking System Tourism operators utilising wholesale companies such as Expedia, Bookings.com, Wotif etc	Ongoing
Develop new tourism ventures with private enterprise	Tourism Coordinator	New tourism ventures and operators developing in the Rockhampton Region	Ongoing
Ensure all tourism operations know and are working towards Best Experiences of Queensland framework	Tourism Coordinator	At least 1 Tourism Operator identified as Best Experiences in Queensland	January 2019
		10% increase per year	Ongoing



OBJECTIVE

PRODUCT DEVELOPMENT DIGITAL TECHNOLOGY

Enhance the experience to the Rockhampton Region through technology and interactive elements.

ACTION	BY WHOM	KPI	TIMING
Redevelop App to be engaging for the visitor experience	Tourism Unit	Explore Rockhampton App Launched 10% increase in downloads per year	Ongoing
Integrate the Explore Rockhampton App into all marketing collateral	Tourism Unit		Ongoing
Develop and promote unique stories and content about the region through audio tours	Tourism Unit	History audio tours developed Indigenous stories recorded	October 2019 October 2019
Utilising Google maps, Street View and other opportunities to enhance the experience	Tourism Support Officer	All Tourism Attractions identified and 'owned' on Google Maps 360 degree images of all Rockhampton Attractions on Google Street View	June 2019
Development of Virtual Tours of the region	Tourism Unit	Three virtual tours of hero experiences developed for trade shows	January 2021

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OBJECTIVE

PRODUCT DEVELOPMENT ROCKHAMPTON ZOO

Enhance the experience and product offering of Rockhampton Zoo.

ACTION	BY WHOM	KPI	TIMING
Develop and implement paid guided tours of Rockhampton Botanic Gardens and Rockhampton Zoo	Tourism Coordinator Rockhampton Zoo	Guided Tour developed and implemented	December 2019
		Tours held 2-3 times per week	
		Online booking system implemented	
Wholesale guided tours	Tourism Coordinator	Tours sold wholesale	May 2019
Implement and upgrade interpretative and educational signage throughout Rockhampton zoo	Marketing Unit Rockhampton Zoo	Staged approach developed	July 2019
		Interpretive signage template developed	August 2019
		Stage one implemented	September 2019
Development of Rockhampton Zoo website	Marketing Unit	Website live	November 2018
		Tracking of visits	Ongoing
		10% increase in online visits per year	Ongoing



OBJECTIVE

**PRODUCT DEVELOPMENT
MOUNT ARCHER EXPERIENCE**

Identify opportunities for new products at Mount Archer.

ACTION	BY WHOM	KPI	TIMING
Investigate opportunity for mountain bike hire at Mount Archer	Tourism Unit Marketing Unit	One key provider in place	June 2019
Ensure Mount Archer is considered as a key destination for National Mountain Bike	Events Team Tourism Unit Sport and Recreation	Development of pitching document One national mountain bike event held in the region	June 2019

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OBJECTIVE

**PRODUCT DEVELOPMENT
HERITAGE VILLAGE**

Identify unique opportunities to develop and enhance the Heritage Village offering.

ACTION	BY WHOM	KPI	TIMING
<p>Investigate alternative uses and income streams for the Heritage Village</p> <p>In particular look at opportunities for permanent/casual tent villages for the backpacker coach touring market</p>	<p>Arts and Culture Tourism Unit</p>	<p>SWOT and Gap analysis developed Strategic Business Plan</p>	<p>April 2019</p>



OBJECTIVE

**PRODUCT DEVELOPMENT
HISTORY OF OUR REGION**

Leverage the historical aspects of the region, develop and promote opportunities that support this.

ACTION	BY WHOM	KPI	TIMING
Development of new tourism product "history tour of Rockhampton"	Tourism Rockhampton Regional Libraries History Centre	Guided tours implemented daily Content listed on all available websites including ATDW Downloadable audio tours NBN Nodes – "History Characters" concept developed	May 2019
Implementation of interpretative signage through Mount Morgan	Parks and Recreation Tourism Unit	Installation of signage Content incorporated into history tours and websites	June 2019
Implementation of interpretative signage throughout Rockhampton	Tourism Unit	Identification of key sites Installation of signage NBN Nodes – "History Characters" concept developed	Ongoing

50... TOURISM ACTION PLAN FOR ROCKHAMPTON REGION



OBJECTIVE

**PRODUCT DEVELOPMENT
DREAMTIME CULTURAL CENTRE**

Work with the Dreamtime Cultural Centre to tell the story of our Darumbal Culture and provide a unique indigenous experience.

ACTION	BY WHOM	KPI	TIMING
Meet with Dreamtime Cultural Centre to discuss and identify opportunities to invigorate product	Tourism Coordinator	Meetings held regularly	December 2018
Identify means of support to ensure that Dreamtime Cultural Centre is a key Rockhampton Tourist attraction	Advance Rockhampton Tourism Unit	Business plan and capability statement developed	Ongoing



OBJECTIVE

PRODUCT DEVELOPMENT AND MARKETING REINVIGORATE MT MORGAN

Leverage of 'new' main street development, investigate location and signage of Visitor Information Centre and overview status of dinosaur caverns, steam train, No 7 Dam, rail trail, historic drive itinerary and walking tracks.

ACTION	BY WHOM	KPI	TIMING
Review status of Mount Morgan developments – caverns, steam trains, bridge, walking tracks	Advance Rockhampton	Development of Advance Mount Morgan Document Key short term tourism opportunities identified Development of 5 year strategic plan for Mount Morgan	Ongoing
Work with State Government around the potential re-opening of the Fireclay Caverns	Advance Rockhampton	Opening of the Fireclay Caverns in some capacity	Ongoing
Devise plan for development of the Fireclay Caverns as a tourist attraction	Tourism Coordinator	Staged plan developed Development of Marketing Plan for 5 years	Ongoing
Develop itineraries and historic walk/drives of Mount Morgan	Tourism Support Officer	2 in place by end of 2019	December 2019
Investigate site and signage of VIC	Advance Rockhampton	Upgraded signage implemented	July 2019
Improve signage to No 7 Dam	Advance Rockhampton Tourism Unit Parks and Recreation	Implementation of wayfinding strategy	June 2019
Implementation of interpretative signage through Mount Morgan	Parks and Recreation Tourism	Implementation of signage	June 2019

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OBJECTIVE

**PRODUCT DEVELOPMENT
FISHING LODGES**

Provide opportunities for fishing lodges to be developed in key locations.

ACTION	BY WHOM	KPI	TIMING
Identify suitable sites for fishing lodges to support the growing leisure fishing industry in Rockhampton	Tourism Coordinator		
What actions are necessary by Rockhampton Regional Council to encourage private enterprise to establish these fishing lodges.	Advance Rockhampton Strategic Development Planning and Regulatory Services		



OBJECTIVE

**PRODUCT DEVELOPMENT
REGULATED LOW COST CARAVAN AND CAMPING**

Investigate the concept of a low-cost caravan and camping facility on the outskirts of Rockhampton to cater for the low-cost touring market.

ACTION	BY WHOM	KPI	TIMING
Talk to the CMCA about this as they have been involved in these in other areas	Tourism Coordinator	Identify standards and best practice for the industry	August 2019
If necessary develop a feasibility study and discuss with potential investors	Tourism Coordinator Regional Development Unit		
Review Council's policy on 'free' camping	Tourism Coordinator Parks and Recreation General Manager Communities		September 2019



OBJECTIVE

PRODUCT DEVELOPMENT AND MARKETING DIRECTIONAL SIGNAGE

Ensure visitor experience and travel through the region is the best it can be.

ACTION	BY WHOM	KPI	TIMING
Conduct audit of current signage locations	Tourism Unit	Audit completed Project plan of: - Urgent - Stage One - Stage Two - Stage Three Main tourist attractions to be listed in urgent or stage one	Ongoing
Implementation of Regional Signage Strategy	Advance Rockhampton Major Projects Parks and Recreation Strategic Planning	Major attractions first - Botanic Gardens and Zoo - Mount Archer - Mount Morgan No. 7 Dam	Ongoing
Development of Rockhampton Region Map	Tourism Unit Marketing	Map printed and distributed to all tourism operators in the Rockhampton Region Distributed to VIC's within 4 hour drive market	Implemented by March 2018 Ongoing
Develop and utilise Google Maps more as a marketing tool	Tourism Support Officer	Claim all Google map icons for Council owned tourist attractions / parks on Google maps. Development of tours and itineraries on Google maps	June 2018



OBJECTIVE

PRODUCT DEVELOPMENT AND MARKETING CHINA

Identify, nurture and promote Rockhampton regional product to the Chinese inbound market

ACTION	BY WHOM	KPI	TIMING
Contract China Market expert to identify/promote opportunities for the Rockhampton destination in the Chinese market	Tourism Unit	China Market Expert Engaged	December 2019
Identify China ready product	Tourism Unit	List of operators and capabilities statement	March 2020
Identify product gaps and work with industry to fill	Consultant	At least 3 tourism operators be China ready China Ready Working Group formed	March 2020
Hold China ready workshops for industry		3 workshops held Integrated into other opportunities such as Small Business Week	
Encourage/assist industry to have product in China wholesaler programs	Tourism Unit	Regular meetings with China Read Working Group 10% increase on bookings from China Market	Ongoing December 2020
Promote to Australian Chinese market	Tourism Unit	Integrated Marketing and Communication Plan developed Target audience and channels identified	December 2020
Initiate Chinese digital marketing program	Tourism Unit Marketing Unit	Digital marketing campaign developed Key objectives and statistics identified	December 2020
Work with China ready product to attend trade shows and trade missions	Advance Rockhampton Tourism Unit Regional development	Attend 3 trade shows and trade missions	December 2021
Investigate sister city and leverage trade relationships	Advance Rockhampton Office of the CEO	Leverage Current Sister City arrangements Business Plan developed	December 2020



Rockhampton
Region

#VISITROCKHAMPTON



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11.9 REEF GUARDIAN COUNCILS - MAJOR INTEGRATED PROJECTS PROPOSAL

File No: 10928
Attachments: 1. Reef Councils MIP Proposal [↓](#)
Authorising Officer: Alicia Cutler - Chief Financial Officer
Ross Cheesman - Deputy Chief Executive Officer
Author: Christine Bell - Coordinator Environmental Sustainability

SUMMARY

The Reef Councils Major Integrated Projects (MIP) Proposal provides a coordinated set of priority initiatives designed to attract external investment to improve water quality across the Great Barrier Reef catchment. The Proposal has been developed by the Local Government Association of Queensland (LGAQ) in partnership with Reef Councils and the Great Barrier Reef Marine Park Authority (GBRMPA) Reef Guardian program. Endorsement of the MIP Proposal strengthens LGAQs ability to advocate on behalf of Reef Councils but does not commit Council to participate in any subsequent initiatives or to provide any associated funding contributions.

OFFICER'S RECOMMENDATION

That Council:

1. Endorse the Reef Councils MIP Proposal as a prospectus for seeking external investment in priority collaborative actions by Queensland Reef Councils; and
2. Resolves to allow the LGAQ to include its logo for the publication and promotion of the Reef Councils MIP.

COMMENTARY

Councils across the Reef catchment make a significant collective contribution to the conservation and resilience of the Great Barrier Reef. LGAQ estimates that the investment in FY2014-15 by just 15 councils out of 32 was estimated at between \$228 and \$600 million per annum and without Federal or State funding support.

In 2016, the LGAQ hosted the first Reef Councils Roundtable where it was agreed that a coordinated set of prioritised projects should be developed for targeted investment. In response, the LGAQ facilitated the development of the Reef Councils Major Integrated Projects (MIP) Proposal in partnership with Reef Councils and the GBRMPA Reef Guardian program (Attachment 1). The MIP is principally an investment prospectus designed to attract external investment to support three priority initiatives for local government including:

1. Wastewater stewardship;
2. Fish friendly Councils (community and industry activities); and
3. Best practice erosion and sediment control for unsealed roads.

The priority initiatives have been aligned with actions in the Queensland Government's *Reef 2050 Water Quality Improvement Plan* and deliver multiple other outcomes toward actions in the Australian Government's *Reef 2050 Plan*.

LGAQ anticipates that funding for the initiatives will come from a range of external sources including the Queensland and Federal governments (direct and grants from aligned areas), the Great Barrier Reef Foundation and philanthropic and industry investment.

The MIP is designed with an initial three-year core stage to trial new approaches and refine and develop capacity (\$13.042 million) followed by a four-year accelerated implementation program (\$44.603 million) at a total cost of \$57.645 million over 7 years.

The MIP proposes a minimum 70:30 split between external investment and local government contribution, including where councils' contribution may be solely in-kind. It also identifies the need for two funded coordinators to drive the cross catchment and council collaboration and implementation of funded projects.

Final consultation on the draft MIP was completed at the end of October 2018. On 02 November 2018, the Reef Guardian Councils Steering Committee requested that the LGAQ write to all Reef Councils to request formal endorsement of the MIP by mid-January 2019. The LGAQ would like to publish the MIP by the end of January 2019 to enable its timely use in advocacy activities at the Federal level.

PREVIOUS DECISIONS

30 June 2016 – The Great Barrier Reef Marine Park Authority and Rockhampton Regional Council executed a Reef Guardian Council Program Memorandum of Understanding 2016-2020. The program aims to achieve better environmental outcomes for the Great Barrier Reef through Local Government actions in natural resource management and improvements in Local Government and community capacity.

BUDGET IMPLICATIONS

Endorsement of the MIP Proposal does not commit Council to participate in the resulting initiatives or provide any funding contribution at this time.

CONCLUSION

The Reef Councils MIP Proposal seeks to support Queensland Councils to deliver collaborative Reef water quality improvement projects. By supporting this Proposal, Council has the opportunity to benefit from significant community, environmental and economic outcomes that may come from this collaborative approach.

REEF GUARDIAN COUNCILS - MAJOR INTEGRATED PROJECTS PROPOSAL

Reef Councils MIP Proposal

Meeting Date: 11 December 2018

Attachment No: 1



Reef Councils Major Integrated Project Proposal

PREPARED BY:
Huelin Consulting

DATE: 07 November 2018
Version: Final
Authors: Leesa Huelin/Dorean Erhart

November 18
Dorean Erhart



2

Executive Summary

In 2014/15, Reef catchment councils were the single largest investor in actions that contribute to the conservation of the Great Barrier Reef. In the 2014/15 financial year, the investment of just 15 of the 32 local governments within the reef catchment is conservatively estimated to have totalled more than \$228 million in activities that directly benefited the Reef¹.

Councils are identified as a significant partner, contributing to important aspects of the Reef 2050 Plan and the Reef 2050 Water Quality Implementation Plan 2017-2022 execution. This role is not reflected in the limited funding available to local government for projects delivering improved outcomes to Reef health. Councils want to do more, and this is demonstrated through examples of innovation across many Reef catchment councils with small scale trials of new technology and partnerships with universities and industry to find new ways of delivering infrastructure and services that improve Reef outcomes.

Recognising the importance of local governments' ongoing role in protecting the Reef, the work being undertaken already and the opportunities to consolidate and accelerate progress, the Local Government Association of Queensland (LGAQ) sponsored the development of a Reef Councils Major Integrated Project (MIP) proposal. The Great Barrier Reef Marine Park Authority's Reef Guardians Program provided support through funding travel for a council representative to attend a MIP development workshop in Brisbane.

The MIP focuses on improved water quality entering the Great Barrier Reef (GBR) lagoon by identifying 3 overarching initiatives that enable community engagement, improved understanding of priorities and opportunities, trialling and implementation of innovative approaches and improving practices in council management of infrastructure and delivery of services.

The program is divided into a three-year MIP 'core' program, where leading councils will work collaboratively to develop, pilot, trial and refine the initiative activities. At the end of the proposed three-year MIP 'core' program, participating councils will have adopted new 'business as usual' that are proven to deliver better water quality outcomes. It is proposed that the 'core' program is immediately followed by a four-year accelerated implementation program where the refined practices are established widely across councils in the Reef catchment.

MIP Development

A consultative process that incorporated council elected representatives and senior officers, Great Barrier Reef Marine Park Authority, Office of the Great Barrier Reef, *qldwater*, Department of Environment and Science, Regional NRM groups and Healthy Land and Water was used to identify MIP initiatives.

Three initiatives were shortlisted and refined according to the principles developed at the first workshop (shown in Table 1 below). Proposed initiatives align with relevant objectives and actions of the Reef 2050 and the Reef 2050 Water Quality Improvement Plans.

¹ Australian Government, Queensland Government, June 2015, [Reef 2050 Plan – Investment Baseline](#)



Table 1: Principles for initiative selection and development

Principle	Description
Flexible and scalable	Initiatives need to be flexible in their application to suit the varied environments existing across Reef council areas.
Quantifiable and integrated	Understanding the return on investment and adopting an adaptive management approach relies on monitoring and evaluation. The MIP initiatives are grounded in effective monitoring across Reef councils utilising a consistent approach and common platform.
Innovation	Applying and evaluating new approaches and/or applying new approaches proven elsewhere (implemented as leading edge practice by other Reef councils) to a wider range of Reef councils to deliver improved urban water quality outcomes.
Grounded in whole of catchment/system knowledge	Initiative builds on whole of system knowledge and research so implementation occurs where highest impact for improving water quality and delivering Reef 2050 outcomes can be achieved.
Complementary	Initiative complements work being undertaken by other government, stakeholder and research agencies and aligns to local government's realm of influence and responsibility to deliver improved water quality and Reef outcomes.
Builds community ownership and capacity	Initiative builds capacity for improved practice for local government, industry or the general community and the sense of responsibility and ownership of roles in improving water quality and protecting Reef health.
Value for money	Initiative offers value for money in relation to return on investment in delivering water quality and Reef outcomes.

Initiative outlines

Initiative one: Wastewater Stewardship

There are nearly 120 council-owned sewerage treatment plants (STPs) in the Reef's catchments which provide essential services to protect public and environmental health. Even the most advanced STPs produce a residual nitrogen (and phosphorus) load. Nutrients (particularly nitrogen) significantly contribute to poor health of the GBR. Increased nutrient removal is usually directly linked to higher cost and greater energy use.

According to a *qldwater* discussion paper, to upgrade all remaining plants within 50km of the coast to tertiary treatment would require a \$719 million investment in new infrastructure and a further \$33 million per year for ongoing operational costs.² The cost for STPs in smaller councils is disproportionately higher, and with no economies of scale and a smaller rate base, they are least able to afford it. The prohibitive costs of providing STPs must also be balanced with the needs of populations and economic growth, such as tourism. There are innovative, practical and cost-effective alternatives to tertiary treatment that can be suitable, particularly for small STPs and where development requires new infrastructure.

This initiative will:

- consider STP discharge from a local and whole of catchment perspective to prioritise and manage Reef water quality impacts and identify and adopt where appropriate, innovative, pollutant mitigation approaches;
- create a rigorous framework to explore and trial innovative approaches which offer improved outcomes at less cost than traditional STP upgrades; and

² *qldwater* (2017) Sewage treatment plants in Great Barrier Reef catchments, Industry Discussion Paper (March 2017)



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- provide a decision-making structure to balance costs and risks and facilitate the delivery of the right wastewater management strategy for the location.

The benefits of the proposed initiative include:

- assurance that investment is directed to approaches that will optimise water quality and ecological, social and economic outcomes;
- addressing the question of how GBR councils can best manage their STPs to balance environmental (particularly greenhouse and nutrient) outcomes with local social and financial costs and benefits; and
- innovative approaches that in some circumstances could decrease or offset operating costs and provide improved whole of life asset costs to local government.

Initiative two: Fish Friendly Councils

Fish Friendly Councils is a suite of activities aimed at maintaining or restoring connectivity between catchment, coastal and marine ecosystems to deliver multiple social, environmental and economic outcomes. These will be delivered under a single umbrella and framed through the lens of fish species' lifecycles and habitat needs. Activities in this initiative include:

- Fish Friendly Habitats with two sub-projects:
 - Fish barrier identification and prioritisation of legacy barriers to fish migration to provide a prioritised list of sites for remediation to deliver greatest benefit to native fish populations; and
 - Fish Friendly infrastructure and operational delivery to support improving aquatic ecosystem health. Eligible projects would include fishways and fish ladders installation, hard drain naturalisation, riparian revegetation and off-site solutions.
- Be 'Fish Friendly' community campaign to increase awareness and encourage communities to adopt 'fish friendly' practices at a household and individual level.
- Be 'Fish Friendly' industry campaign to increase awareness and encourage industry to adopt 'fish friendly' practices to improve compliance to erosion and sediment control requirements.
- 'WSUD that works for everyone' which focusses on the design and implementation of Water Sensitive Urban Design (WSUD) that is regionally appropriate. The project will include several pilot sites and will demonstrate WSUD that responds to local characteristics.

Initiative three: Best Practice Erosion & Sediment Control for Unsealed Roads

Local government manages thousands of kilometres of unsealed road within the Reef catchment representing significant areas of exposed earth that is prone to erosion particularly over the wet season, contributing to gully erosion and increased sediment loads in waterways. On average, unsealed pavements lose the top 25mm of pavement material per year. This loss can vary depending on traffic volumes (particularly heavy vehicle movements), material and weather. A considerable sediment load is potentially generated when this tonnage / km is equated to the lineal kilometres of unsealed roads that report to the GBR catchments in Queensland.

Many of these roads will remain unsealed as they do not attract the volume of traffic to justify sealing. These roads are subject to regular maintenance and grading that requires access to gravel from the nearby environment and the movement of materials to improve road conditions. Traffic movement distributes dust from the road surface and heavy rain can wash out road surfaces. More frequent extreme weather events associated with climate change increases the risk of significant damage to unsealed roads with environmental, economic and community connectivity impacts.

This initiative will improve understanding of unsealed roads and their impact on water quality though:

- establishing a base line and monitoring program at selected indicative sites
- developing a suite of best practice measures
- on the ground implementation and evaluation of measures
- capacity building training and information to enable road managers to better address ESC in the design and maintenance of unsealed roads



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This initiative will also consider how water quality benefits can be considered in the cost benefit assessment of roads under consideration for sealing.

Funding required

The MIP is designed with an initial three-year core stage to trial new approaches and refine and develop capacity (\$13.042 million) followed by a four-year accelerated implementation program (\$44.603 million) at a total cost of \$57.645 million over 7 years. A breakdown of the funding for each initiative is shown in the table below.

Activity	Year 1	Year 2	Year 3	Core Stage Total	Years 4-7	TOTAL
Wastewater Stewardship	\$253,000	\$833,000	\$2,613,000	\$3,699,000	\$20,432,000	\$24,131,000
Fish Friendly	\$796,000	\$1,346,000	\$1,666,000	\$3,808,000	\$3,464,000	\$7,272,000
Unsealed Roads ESC	\$753,000	\$398,000	\$4,243,000	\$5,394,000	\$20,507,000	\$25,901,000
Program costs	\$50,000	\$50,000	\$50,000	\$150,000	\$200,000	\$350,000
TOTALS	\$1,852,000	\$2,618,000	\$8,572,000	\$13,042,000	\$44,603,000	\$57,645,000



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Introduction

The Local Government Association of Queensland (LGAQ) sponsored the development of a Reef Councils Major Integrated Project (MIP) proposal. The Great Barrier Reef Marine Park Authority's Reef Guardians Program provided support through funding travel for a council representative to attend a MIP development workshop in Brisbane.

The MIP focuses on improved water quality entering the Great Barrier Reef (GBR) lagoon by identifying initiatives that enable community engagement, improved understanding of priorities and opportunities, trialling and implementation of innovative approaches and improving practices in council management of infrastructure and delivery of services. At the end of the proposed three + four-year MIP program, councils will have adopted new 'business as usual' approaches that are proven to deliver better water quality outcomes.

What is a Major Integrated Project?

A MIP is defined by the Great Barrier Reef Water Science Taskforce³ (GBRWST), as a collaborative demonstration of all the Taskforce's recommendations in high risk areas. MIPs integrate and evaluate the combined effectiveness of a range of tools and innovative approaches. The selection of the most effective initiatives and their widespread implementation can deliver accelerated progress to the water quality targets and inform ongoing investment across Reef catchments.

Why this approach?

Although the GBRWST identified the need to deliver MIPs in two 'hotspot' catchments (Wet Tropics and Burdekin) targeting broadscale landuses, the LGAQ and Reef councils see the value in applying this approach to the urban landscape.

Local government already contribute significantly to improving the quality of water entering the Reef. The MIP approach provides the opportunity to extend and improve on the good work delivered by councils to achieve better outcomes for Reef protection, while at the same time, foster and build upon our collective knowledge on what initiatives work and where.

Reef Councils are varied in terms of geography, population, development and industry. By taking a collective approach in identifying and piloting initiatives across small and large urban settings, Reef councils will contribute to a shared knowledge of on the ground implementation considerations providing practical learnings that can inform investment in the right initiatives in the right locations.

The proposed MIP initiatives align with relevant objectives and actions of the Reef 2050 and the Reef 2050 Water Quality Improvement Plans.

The LGAQ sought participation from all 32 Reef Catchment Councils. Additionally, the project engaged critical stakeholders to ensure awareness of other projects in the catchment area and this was an important input to the proposal's design.

The Great Barrier Reef Marine Park Authority (GBRMPA) Reef Guardians program is a key partner in the project.

³ The Great Barrier Reef Water Taskforce and the Office of the Great Barrier Reef, (2016). [Final Report – Great Barrier Reef Water Science Taskforce May 2016 Clean Water for a healthy reef](#)



Part A: Background and overview

Strategic context

Reef 2050 Long Term Sustainability Plan

The Great Barrier Reef is a multi-use area that supports more than 64,000 full time jobs and is worth \$6.4 billion a year to the Australian economy. It is a \$56 billion asset.⁴ The overarching vision of the Reef 2050 Long-Term Sustainability Plan (Plan) is to ensure the Great Barrier Reef continues to improve on its Outstanding Universal Value every decade between now and 2050 to be a natural wonder for each successive generation to come.⁵

The Plan was developed by the Australian and Queensland governments to respond to a 2011 request of the World Heritage Committee for a coordinated and comprehensive long-term plan. The plan provides an overarching strategy for the Reef’s management, responding to the challenges facing the Reef with actions to protect its values, health and resilience. Figure 1 shows the Reef 2050 outcomes framework and demonstrates the interrelationships between the vision of the Reef and 2050 outcomes as well as the key themes that support achievement of the vision.



Figure 1 Reef 2050 outcomes framework (Source: Reef 2050 Long-Term Sustainability Plan, July 2018)

⁴ Deloitte, (2017). <https://www2.deloitte.com/au/en/pages/economics/articles/great-barrier-reef.html>

⁵ Commonwealth of Australia, (2018). Reef 2050 Long-Term Sustainability Plan, p1



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Implementation of the plan is supported by State and Federal funding with water quality improvement a key focus. The Plan also acknowledges the contribution of local government through land use planning, improving sewage treatment and water quality, rehabilitating waterways and coastal areas, managing the impacts of climate change, managing vegetation and pests, sustainable agricultural initiatives and local community education and awareness activities.

A revised Plan was released July 2018 after a mid-term review. It has further defined activities and programs that are 'foundational' to the achievement of specific actions and includes new actions for immediate attention between now and 2020. Actions continue to be grouped under the themes of Ecosystem Health, Biodiversity, Heritage, Water Quality, Economic Benefits, Community Benefits and Governance with many identifying local government as partners in delivery.

Reef 2050 Water Quality Improvement Plan 2017-2022

The five-year Reef 2050 Water Quality Improvement Plan⁶ (the Reef WQIP) aligns with the Reef 2050 Long-Term Sustainability Plan 2018 (Plan). The desired outcome of the Reef WQIP is to ensure that 'Good water quality sustains the Outstanding Universal Value of the Great Barrier Reef, builds resilience, improves ecosystem health and benefits communities.' The Reef WQIP aims to improve the water quality flowing from the catchments adjacent to the Reef and builds upon previous Reef water quality plans to:

- include all sources of land-based water pollution: agriculture, industry, urban and public lands, while recognising that most water pollution still arises from agricultural activities
- incorporate the human dimensions of change. These include social, cultural, institutional and economic factors: from the aspirations and capacities of landholders, industries and communities, to their stewardship practices, and broader governance of the reef.
- setting separate targets for reducing water pollution from each catchment, to enable better prioritisation of where action needs to be taken.

Figure 2 provides an overview of the Reef WQIP outcome, objectives and targets. The MIP proposed initiatives align to the outcome, objectives and targets set out in the Reef WQIP through contributing to its actions. The MIP initiatives also incorporate the adaptive management approach outlined in the Reef WQIP, where management actions are regularly monitored to gain new knowledge about how well these actions are working, so they can be continuously modified and improved. In taking this approach the MIP initiatives include a clear planning, implementation and evaluation cycle and foster a culture of information sharing and knowledge development between participating councils. This approach is shown in Figure 3.

⁶ Queensland Government, 2018, [Reef 2050 Water Quality Improvement Plan 2017-2022](#)



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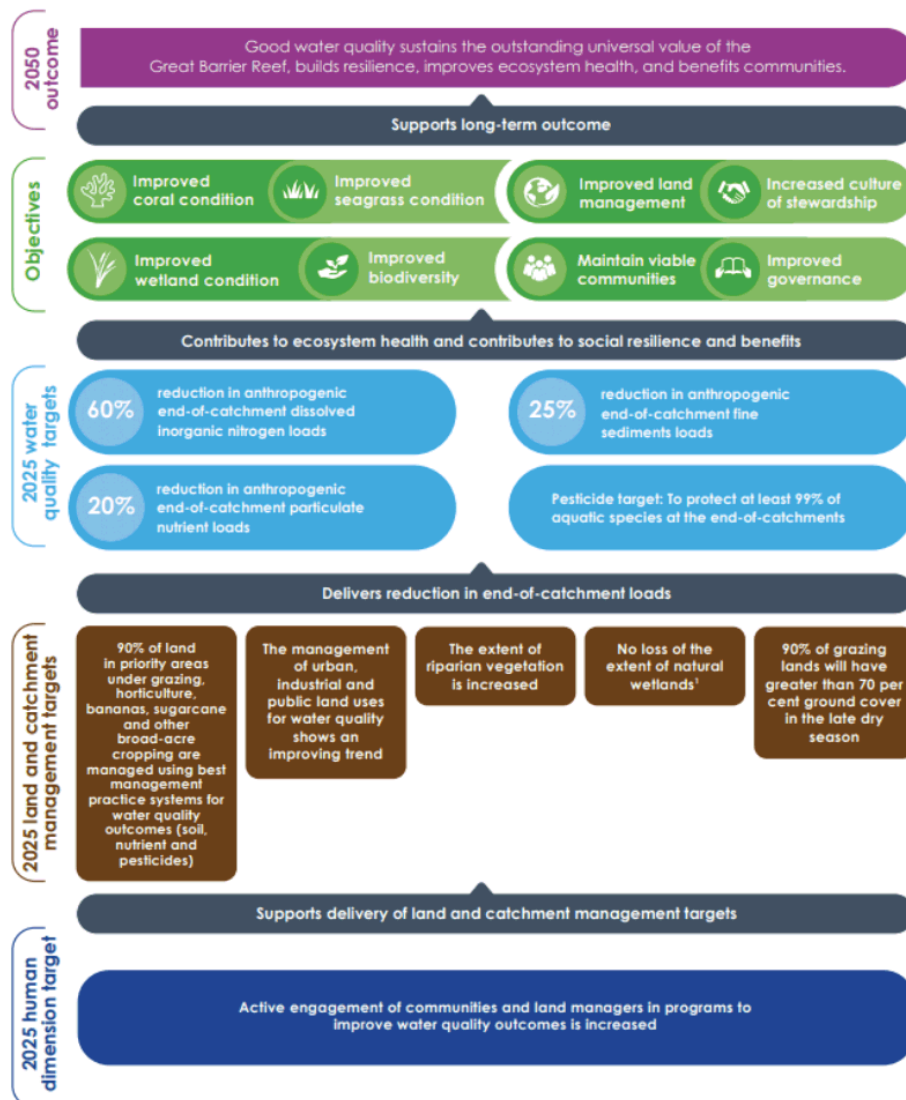


Figure 2: summary of WQIP outcome, objectives and targets (Source: Reef 2050 WQIP)



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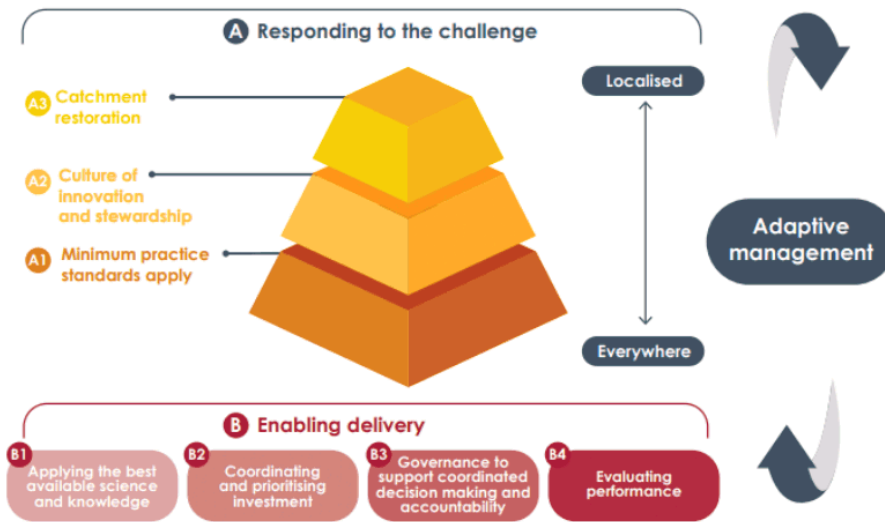


Figure 3: Adaptive management approach to implementing WQIP (Source: Reef 2050 WQIP)

Local government’s contribution to Reef health

In 2014/15, Reef catchment councils were the single largest investor in actions that contributed to the conservation of the Great Barrier Reef. In the 2014/15 financial year, the investment of just 15 of the 32 local governments within the reef catchment is conservatively estimated to have totalled more than \$228 million in activities that directly benefited that Reef.

Councils are identified as a significant partner, contributing to important aspects of the Reef 2050 Plan and the Reef 2050 WQIP 2017-2022 delivery. As such, the LGAQ recognises the need for Federal and State Governments to engage with and support councils’ activities to implement relevant actions in the plans.

A Reef Councils Roundtable, including mayors, deputy mayors, councillors and senior local government officers met in July 2016 to consider activities within the Reef 2050 Plan for local government implementation. The participants identified that a single program, with a primary focus on improving water quality from urban and point sources, could be designed to deliver a range of secondary opportunities such as ecosystem health, renewable energy generation and community benefits. The group stressed this idea was a starting point requiring further work to develop specific actions for implementation.

The MIP development process has enabled Reef catchment councils to collectively identify a range of possible projects at local and regional level that will further local government’s existing contribution toward the Reef 2050 Long-Term Sustainability Plan.

The MIP provides an ‘investment prospectus’ for sourcing additional funding to support and accelerate the delivery of activities.



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Principles for initiative selection and development

The following table outlines the principles that have guided the short listing and development of initiatives proposed in the MIP. These were developed through a criteria and short list workshop with technical stakeholders from Reef Councils, GBRMPA, Healthy Land and Water, Regional NRM groups and the Department of Environment and Science.

Table 2: Principles for initiative selection and development

Principle	Description
Flexible and scalable	Initiatives need to be flexible in their application to suit the varied environments existing across Reef council areas.
Quantifiable and integrated	Understanding the return on investment and adopting an adaptive management approach relies on monitoring and evaluation. The MIP initiatives are grounded in effective monitoring across Reef councils utilising a consistent approach and common platform.
Innovation	Applying and evaluating new approaches and/or applying new approaches proven elsewhere (implemented as leading edge practice by other Reef councils) to a wider range of Reef councils to deliver improved urban water quality outcomes.
Grounded in whole of catchment/ system knowledge	Initiative builds on whole of system knowledge and research so implementation occurs where highest impact for improving water quality and delivering Reef 2050 outcomes.
Complementary	Initiative complements work being undertaken by other government, stakeholder and research agencies and aligns to local government's realm of influence and responsibility to deliver improved water quality and Reef outcomes.
Builds community ownership and capacity	Initiative builds capacity for improved practice for local government, industry or the general community and the sense of responsibility and ownership of roles in improving water quality and protecting Reef health.
Value for money	Initiative offers value for money in relation to return on investment in delivering water quality and Reef outcomes.



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Part B Initiative Development

Introduction

This section overviews the process undertaken to identify and scope MIP initiatives and ensure appropriate participation from Reef catchment councils.

MIP development methodology

The MIP has been developed through a consultative process to identify and scope projects that align to State and Federal government policies and actions while informing, supporting and building upon what councils are already doing to varying extents on the ground. Identifying direct correlations between projects and the desired actions and outcomes of Reef 2050 Plan and the Reef WQIP provides justification for funding from State and Federal sources. A high-level methodology for the development of the MIP is shown in Figure 4 and described in Table 3.

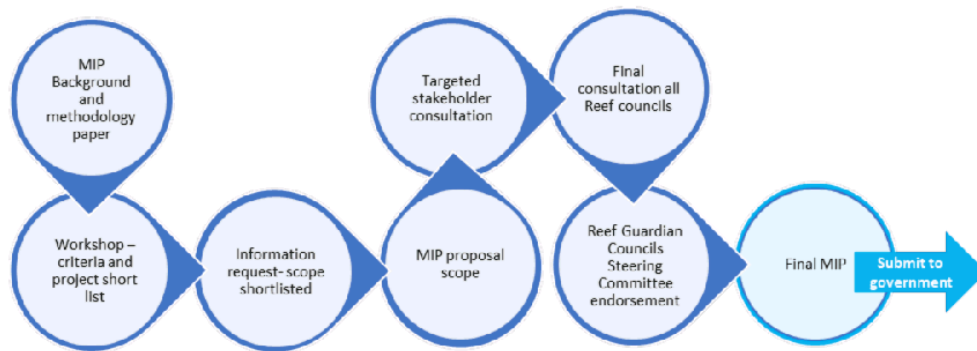


Figure 4: MIP development process





Table 3: Description of MIP development process steps and outcomes of these steps.

Process step	Description	Results
MIP Background and methodology paper	The strategic context and methodology sections of this report formed the pre-workshop paper and was distributed to set the scene for the development of the MIP and prepared participants for the first workshop.	The paper was sent with invitations to all Mayors and CEOs of the 32 Reef Catchment Councils with the pre-workshop paper to request participation and the nomination of a "suitably qualified" representative.
Workshop: criteria and project long and short lists	Participants brainstormed project ideas for inclusion in the MIP, workshoped and agreed on criteria for their assessment and shortlisted preferred projects for scoping. State, Regional NRM group and GBRMBA representation also attended.	The workshop was held on 24 April in Brisbane with 23 participants. The workshop resulted in selection criteria which were applied to the long list of initiatives to shortlist from 16 to 8. .
Reef Councils Roundtable: Short list consultation	An elected representative briefing was held following the workshop to inform and seek input. State and GBRMBA representation also attended.	A Reef Councils Roundtable was held on 26 April in Brisbane with 18 participants.
Information request: scope shortlisted projects	Workshop summary (see Appendix A) was distributed along with information requests to inform the scoping of the projects for inclusion in the MIP.	Further refinement of the shortlist was undertaken in consultation with stakeholders, in alignment with identified selection criteria and separating out innovations regarding governance and those not currently within the realm of council responsibility. This process refined the shortlist to 3 initiatives with several sub-projects.
MIP proposal scope	Project scope for MIP initiatives documented and distributed to Reef Councils for comment.	A matrix of the proposed shortlist was developed against selection criteria and is included in Table 4. A high-level draft of the MIP initiatives scope was distributed to councils with a request for feedback and input in the development of costs and timeframes. Nominations for participation in targeted meetings to seek this information was requested.
Targeted stakeholder consultation	Small group and individual meetings with state and local government officers and other key stakeholders, undertaken to prioritise and identify project delivery considerations for MIP projects proposed.	A series of stakeholder and small group teleconferences provided the details found in Part C: Initiative outlines section of this document.

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Final consultation: all Reef councils	The draft MIP distributed to Reef councils and other key stakeholders for four weeks to seek comment and confirm support.	Draft MIP sent to Mayors and CEOs of all 32 Reef councils and other key stakeholders. Four-week consultation across October 2018.
Final MIP	The MIP finalised in consideration of feedback and submitted to the Reef Guardian Councils Steering Committee for endorsement and circulation to key potential investors.	02 November 2018

Table 4 identifies the three initiatives proposed in this MIP and their alignment to the criteria used to identify and develop initiatives.

Table 4: MIP initiatives assessment matrix

Principle	Wastewater Stewardship Initiative	Fish Friendly Councils	ESC Best Practice for Unsealed Roads
Flexible and scalable	The initiative will look at several innovative STP management approaches applicable to STPs of various scales and in a range of catchments.	Initiative has a set of sub initiatives that can be implemented individually or as a whole.	Explores a range of measures to manage the impact of maintenance and operation of unsealed roads on water quality. Measures will be selected and applied to best suit the situation/environment.
Quantifiable and integrated	Monitoring and evaluation is a key element.	Integrated in terms of sub initiatives - common branding, focusses on action from multiple stakeholders and tied to a relatable outcome – fish friendly. Monitoring of outcomes of new infrastructure. Base line /evaluation of community and industry awareness and attitudes is part of the awareness and education aspect.	Monitoring and evaluation is a key element of the initiative to ensure the measures are effective and practical for implementation through regular maintenance in the first case but also infrastructure upgrades.
Innovation	New approaches will be trialled and assessed.	Innovation in packaging initiatives together to communicate the collective responsibility aspect of fostering fish friendly environments. Implementation of new regionally specific WSUD guidelines.	Identifies, tests and enables the adoption of new unsealed road construction and maintenance approaches and infrastructure upgrades to improve ESC on unsealed roads.



Principle	Wastewater Stewardship Initiative	Fish Friendly Councils	ESC Best Practice for Unsealed Roads
Grounded in whole of catchment/ system knowledge	Provides an understanding of relative need and impact of STP projects across entire catchments to prioritise investment on those projects delivering greatest benefit to water quality.	Whole of system knowledge from Walking the Landscape to provide local and regionally specific information delivered with standard initiative messages. Implementation of infrastructure focussed on where it will have greatest impact. Identifies priorities for fish connectivity.	The roll out of measures outside of improved maintenance regimes will be prioritised based on system knowledge.
Complementary	Work with researchers/universities to trial innovative approaches. Potential knowledge sharing with water quality trials currently underway through the other MIPs. STPs are a key aspect of local government responsibility.	Packages a range of initiatives being delivered by some to varying levels for delivery by more councils. Provides a vehicle to enhance delivery of ESC capacity building with industry, implement new WSUD guidelines and a community education and awareness program to focus on being fish friendly as a relatable concept. Complements the Walking the Landscape process delivered by State in implementation. Has linkages to work being undertaken with rural landholders through the other MIPs.	Provides the opportunity to demonstrate proactive management of ESC on assets under control of local government. Complements the ESC work being done across other industries and MIPs.
Builds community ownership and capacity	Builds total water cycle awareness and understanding in the community through communication strategies raising awareness of the trials.	Community and industry ownership, education and capacity building is a key element of the initiative.	Will provide better awareness of impacts on unsealed roads on water quality and build capacity of road managers in mitigating these.
Value for money	Approaches trialled will be suitable for STPs unlikely to be upgraded to tertiary standard affordably. This initiative aims to provide value for money through applying affordable approaches to gain similar water quality outcomes.	Walking the Landscape and fish barrier prioritisation key to identifying and prioritising infrastructure elements - ensures the right measures implemented where greatest benefit can be delivered. For the awareness and education, the development of resources that can be used	Considers best practice maintenance of unsealed roads and limited upgrades to infrastructure that deliver significant improvements to water quality.



Principle	Wastewater Stewardship Initiative	Fish Friendly Councils	ESC Best Practice for Unsealed Roads
		across all Councils and customised where environmental elements require, offers value for money in the development and roll out of the program.	Roads being assessed for sealing due to economic and community access reasons are to consider water quality benefits in business case.



Part C: MIP Initiative outlines

Introduction

This section outlines the three proposed initiatives and their implementation considerations including governance, resourcing and supporting activities. This section also provides a breakdown of activities and costings.

Implementation considerations

Project governance

The LGAQ sponsored the development of the MIP through hosting the workshops and the engagement of Huelin Consulting to facilitate the process. The GBRMPA provided support through their Reef Guardians Program by assisting council representatives with travel expenses.

As requested by Reef councils in the 2016 Roundtable, the GBRMPA facilitated Reef Guardian Councils Steering Committee (Steering Committee) will consider adopting the role of providing strategic oversight of the implementation of the projects. The LGAQ is a member of the Steering Committee and the Reef Advisory Committee, providing a direct linkage between the two.

The day to day delivery of the MIP will be managed by two Initiative Coordinators funded by the MIP:

1. Fish Friendly Councils Initiative Coordinator;
2. Wastewater Stewardship and ESC Best Practice for Unsealed Roads Initiatives Coordinator.

The coordinators will work with the 32 Reef councils to coordinate, facilitate and support the delivery of the MIP initiatives.

The coordinators will report to the Steering Committee.

Project management and reporting requirements will be developed and tracked by the coordinators to ensure a consistent approach in the management and tracking of delivery and the outcomes achieved by participating councils.

It is proposed the coordinators be Brisbane based to facilitate cheaper travel across the Reef catchment.

Supporting activities

The MIP engagement identified required activities that inform and underpin the effectiveness of the proposed initiatives. Essential programs for understanding the baselines and tracking the effectiveness of the Reef councils MIP implementation include:

- A. **Walking the Landscape** (Queensland Wetlands Program, DES): a whole of system framework for understanding and mapping environmental processes and values. The primary aim of the process is to develop a whole-of-landscape understanding to improve evidence-based decision making for the sustainable management and restoration of ecological systems.⁷
- B. **Urban Water Quality Monitoring and Modelling** (DNRME, Healthy Waters Partnerships, DES, Townsville City Council and Cairns Regional Council)

For some catchments, the extent of catchment knowledge and monitoring is not sufficient to provide a baseline of current conditions or to inform decision making on where investment in activities will deliver greatest benefit. In delivering the MIP, the Walking the Landscape and Urban Water Quality and

⁷ Australian Government Department of Environment and Energy, 2013, [Wetlands Australia National Wetlands Update February 2013](#)

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Monitoring and Modelling programs will be engaged to assist in addressing knowledge gaps to provide adequate baselines.

Resourcing

MIP initiatives will be supported by two full time initiative coordinators to manage cross council aspects and to support and coordinate local government delivery. These resources will manage delivery of 'all of program' aspects of the initiative:

- cross council investigations and prioritisation studies;
- engagement and alignment of projects with key stakeholder activities;
- development of marketing and communication plans;
- branding development;
- resource development for industry and community engagement;
- facilitating the development of training to be rolled out to councils; and
- monitoring and evaluation processes and reporting.

Local government

Local governments participating in the initiatives will contribute funding to aspects that are customised and/or delivered within their area. For example, the cost of the development of the Fish Friendly campaign resources will be funded through the MIP, each council will contribute up to 30% of the cost of events held in their area. They will also be responsible for ensuring adequate resourcing to effectively manage projects/trials delivered in their area within required timeframes.

Local government's 30% contribution can take the form of funding or in-kind support. In-kind funding will be in terms of total contribution of council officer time to implementation, promotion of initiatives through council's communication channels and the quantification of value added outcomes and leveraging. An agreed framework to quantify in-kind contributions will be determined and used consistently across councils.

Other agencies and stakeholders

Integration with the research and initiatives of other agencies and stakeholders will be sought where relevant to maximise reuse of data collected and research being undertaken and to ensure value for money in initiative delivery. Project management and stakeholder engagement plans will be developed for each initiative to identify related projects and key stakeholders and guide how initiatives will engage these to maximise the benefit of the initiative, council learning and overall benefit to Reef health.

Program assumptions for delivery

- There will be a program management overhead that will be fully funded by the MIP funding partners to coordinate all three initiatives.
- The MIP initiatives will be delivered on a 70/30 funding partner/local government cost split for aspects implemented within an individual LG area.
- The MIP will be delivered via a three-year trial and capacity building phase followed by a four-year rolling implementation acceleration program.
- Aim to engage all 32 Reef Councils in the seven-year life of the program.
- By the end of the three-year core program participating councils will be upskilled to adopt these new ways of delivering improved water quality outcomes as a component of business as usual.
- The four-year implementation phase will provide the funding for councils to implement these new approaches, accelerating local government contribution to improving water quality, ecosystem health, stewardship and resilience in the Reef catchment.



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Initiative one: Wastewater Stewardship Initiative

Description

Wastewater stewardship will be enhanced through a GBR-wide focus with increased knowledge sharing and collaboration across councils, and where relevant, with industry. Outcomes will be promoted through the Urban Stewardship components of the Healthy Waterways Partnerships Report Cards.

This initiative will:

- consider sewerage treatment plant (STP) discharge from a local and whole of catchment perspective to prioritise and manage Reef water quality impacts and identify and adopt where appropriate, innovative, pollutant mitigation approaches;
- create a rigorous framework to explore and trial innovative approaches which offer improved outcomes at less cost than traditional STP upgrades; and
- provide a decision-making structure to balance costs and risks and facilitate the delivery of the right wastewater management strategy for the location.

Objectives

- A. Establish an evidence-based prioritisation of STPs requiring upgrade according to performance and risk to water quality entering the Reef lagoon;
- B. Provide a decision-making framework for the assessment of traditional and innovative wastewater management options to identify the right approach to deliver value for money to ratepayers while meeting environmental requirements and improving water quality entering the Reef lagoon;
- C. Identify a suite of cost effective and innovative, non-traditional approaches to improving water quality impacted by STPs;
- D. Optimal mix of non-traditional and traditional approaches at priority STPs within the Reef catchment will inform future investment in sewage treatment;
- E. Build state and local government knowledge of technical and operational implementation of alternative wastewater management approaches;
- F. Explore opportunities for resource recovery and reuse and creating new resources from waste;
- G. Explore opportunities to reduce emissions and contribute to the State's emissions reduction target;
- H. Build community understanding of total water cycle management and the role of wastewater (in partnership with existing activities by NRM, industry and agriculture peak bodies); and
- I. Allow for urban expansion in Reef catchment local government areas while minimising costs to ratepayers through the deployment of non-traditional approaches where appropriate.

Outcomes

1. Make an equitable and proportionate contribution to meeting water quality targets in key catchments.
2. Contribute to a net decrease in nutrient in catchments.
3. Evidence based knowledge and decision-making of alternative wastewater management approaches.
4. Data sharing baselines and progress monitoring processes established and contributing to the Urban Water Management Framework.
5. Increased community awareness of total water cycle management and wastewater innovation.
6. Enable Reef Councils to more cost effectively unlock opportunities for population and tourism growth.



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Rationale

There are nearly 120 council-owned STPs in the Reef’s catchments which provide essential services to protect public and environmental health. Even the most advanced STPs produce a residual nitrogen (and phosphorus) load. Nutrients (particularly nitrogen) significantly contribute to poor health of the GBR. Increased nutrient removal is usually directly linked to higher cost and greater energy use.

Traditionally, tertiary level treatment of sewage is considered the gold standard for wastewater management. Upgrades to a tertiary level are costly in terms of capital investment and upgraded plants are more expensive to operate with higher energy needs. Not only does the cost/benefit limit greater removal of nutrients but the associated increased energy requirement is counter to strategies to mitigate climate change – the greatest threat to Reef health.

According to a *qldwater* discussion paper, to upgrade all remaining plants to tertiary treatment within 50km of the coast, a \$719 million investment in new infrastructure and a further \$33 million per year for ongoing operational costs is required.⁸ The cost for smaller STPs is disproportionately higher and with no economies of scale with a smaller population to cover the cost. The prohibitive costs of providing STPs must also be balanced with the needs of growing populations and economic growth, such as tourism.

There are innovative and practical alternatives to tertiary treatment that can be suitable, particularly for small STPs and where development requires new infrastructure.

The benefits of the proposed initiative include:

- assurance that investment is directed to approaches that will optimise water quality, ecological, social and economic outcomes;
- addressing the question of how GBR councils can best manage their STPs to balance environmental (particularly greenhouse and nutrient) outcomes with local social and financial costs and benefits; and
- innovative approaches in some circumstances could potentially decrease or off set operating costs and provide improved whole of life asset costs to local government.

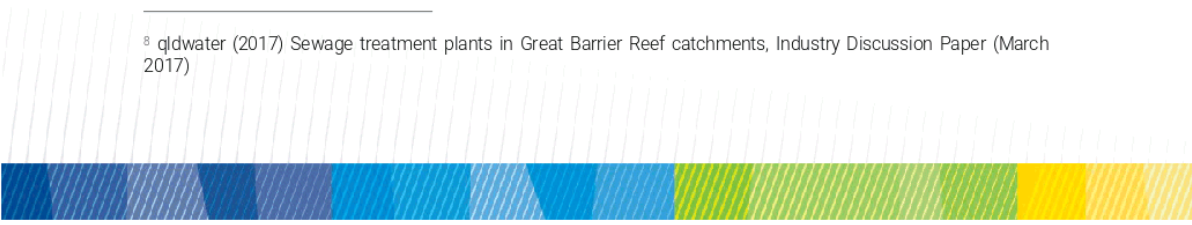
Alignment with Reef 2050 Plan actions

Initiative one will contribute to Reef 2050 Plan actions identified in the following table.

Table 5: Initiative one contributions to Reef 2050 Plan

Foundational programs and activities
Reef 2050 Water Quality Improvement Plan 2017–2022 provisions including: <ul style="list-style-type: none"> • applying minimum practice standards across all industries and land uses • supporting industries and communities to build a culture of innovation and stewardship that takes them beyond minimum standards • restoring catchments through works to improve or repair riparian vegetation, streambanks, gullies, waterways and wetlands • Regional report cards • Ongoing activities to reduce nutrients including nominated sewage treatment plant upgrades Implementing regulatory standards for stormwater run-off, dredging, sewage outfalls, mine discharges and industrial contaminants
Reef Guardians
Local Marine Advisory Committees
Regional report card partnerships

⁸ *qldwater* (2017) Sewage treatment plants in Great Barrier Reef catchments, Industry Discussion Paper (March 2017)



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Sewerage treatment plant solutions including upgrades, where appropriate, to deliver net tertiary grade treatment
Regulatory standards for storm water run-off, sewage outfalls, mine discharges and industrial contaminant
Actions
MTR EHA1 Finalise development of the Reef 2050 Net Benefit Policy and identify pathways for implementation
MTR EHA13 Finalise the Reef 2050 Cumulative Impact Management Policy and identify pathways for implementation.
MTR EBA2 Improve guidance and procedural requirements for offsetting impacts to the Reef from industry activities using standardised policies, procedures and guidelines
MTR WQA1 Implement the Reef 2050 Water Quality Improvement Plan 2017–2022 *
GA12 Prioritise and develop specific implementation plans and reporting protocols addressing the Plans targets and actions in consultation with the community.
MTR GA3 Identify, develop and implement opportunities for local governments to facilitate and support achievement of targets and objectives.

Alignment with Reef WQIP actions

Initiative one will contribute to the Reef 2050 WQIP actions identified in the following table.

Table 6: Initiative one contribution to Reef 2050 WQIP actions

Implementation Table A1: Minimum Practice standards apply everywhere	
Action	Delivery
1.2 Ensure that urban, industrial and mining activities comply with requirements under the Environment Protection and Biodiversity Conservation Act 1999, Planning Act 2016, Environmental Protection Act 1994, and Waste Reduction and Recycling Act 2011.	Additional activity that will contribute to this action's delivery*
1.3 Refine existing standards, regulations and planning frameworks as new information improves knowledge for all industries.	Update the Voluntary Market Based Nutrient Management and Point-source Water Quality Offsets Policies in line with new science and practice standards.
Implementation Table A2: Culture of innovation and stewardship	
2.1 Support land managers, industries and local governments to adopt improved management practices, e.g. through coordinated extension, education and awareness programs.	Deliver communication and education activities to foster behaviour within communities and industries that minimise negative impacts on water quality from urban areas. Build capacity of local governments and industry to design, deliver and maintain: <ul style="list-style-type: none"> • total water cycle management • water sensitive urban design into new and existing urban and industrial development
2.6 Trial and implement innovative monitoring, land management and treatment system solutions that aim to deliver water quality benefits.	Foster innovation and continuous improvement in the management and release of point-source discharges and industrial land run-off. Develop leading practice standards based on successful



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	trials to encourage broader adoption of improved management
Implementation Table A3: Catchment restoration	
3.1 Use whole-of-system catchment management, planning and information to support prioritisation.	Additional activity that will contribute to this action's delivery*
3.3 Trial and implement innovation in catchment repair projects to reduce sediment and nutrient delivery to the Reef.	Additional activity that will contribute to this action's delivery*
Implementation Table B1: Applying the best available science and knowledge	
4.2 Integrate forms of knowledge including science, policy, management, Traditional Owner and community through regular synthesis workshops and theme specific working groups to support consistent communication messages and guidance for manager	Capture on-ground management knowledge and expertise to provide guidance for program designers and managers
4.3 Deliver decision support tools, communication and education products tailored to specific audiences.	Develop new tools and technologies to support land managers and program managers
Implementation Table B2: Coordinating and prioritising investment	
5.2 Identify opportunities for co-investment or alignment of funds and resources with industry, research organisations, philanthropists, Natural Resource Management bodies, community and corporate organisations to achieve water quality objectives.	Expand on cross-government co-investment opportunities.
5.3 Prioritise investment across Reef catchments according to catchment priorities and targets.	Use decision support tools, Walking the Landscape workshops, regionally developed plans and modelling scenarios, e.g. eReefs and Source Catchments, to determine program priorities.
5.4 Identify the benefits and appropriate applications of different investment mechanisms	Additional activity that will contribute to this action's delivery*
Implementation Table B3: Governance to support coordinated decision-making and accountability	
6.4 Include all stakeholders including local organisations, communities and Traditional Owners in decision-making and priority setting	Establish mechanisms to ensure decision-making across all levels of government is coordinated and delivers water quality improvement outcomes.
Implementation Table B4: Evaluating performance	
7.5 Report progress towards targets, objectives and outcomes.	Report on implementation of Reef 2050 WQIP actions through Reef 2050 Plan implementation reporting.
7.6 Communicate regionally relevant information for management decisions and local communities.	Continue to build cultural reporting capacity in regional report cards

*Activity is in addition to activities identified under the Delivery column.

Activities

The initiative has four sub projects: strategic assessment; decision making framework, innovation trials and innovation roll out.



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Strategic assessment

Undertake a strategic assessment of STPs across the 32 Reef Catchment councils

This activity will involve partnerships across Reef councils and the Department of Environment and Science (DES) to source data and willing research institutions to frame the assessment and prioritisation methodology. This project will be accelerated through use of data from work currently underway by *q/dwater* and DES.

This project will assess STPs across the region to identify those with the highest impact to Reef water quality. Those sites most suitable for conducting innovation trials will also be selected considering suitability for acting as a surrogate for high impact STPs without increasing risk to water quality. Innovation trial sites will be rigorously assessed comparing innovative and traditional approaches to select the best options for the location, size of the STP and whole of life costs to council.

An indicative list of potential innovative approaches that may be considered for assessment and trial is included in Table 7 and presented according to the waste and resource management hierarchy.

This phase will help to refine the number of trial sites and cost of installation and maintenance of alternative approaches.

Table 7: Possible wastewater treatment approaches according to hierarchy of preferred approach

Strategy hierarchy	Possible approaches
Reduce	<ul style="list-style-type: none"> • balance production of biosolids vs effluent • sewer rehabilitation to reduce inflow and infiltration • evaporation ponds in dry areas
Recycle	<ul style="list-style-type: none"> • reuse of low grade effluent • A+ effluent reuse for public greening • direct or indirect potable reuse • nutrient recovery • beneficial reuse of biosolids • new technologies for biosolid reuse
Release to land	<ul style="list-style-type: none"> • irrigation efficiencies • joint biosolids collection • biosolid drying/treatment technologies
Release to Waters & Offset	<ul style="list-style-type: none"> • Offsets to mitigate nutrients elsewhere
Release to Waters with best practice treatment	<ul style="list-style-type: none"> • Biological nutrient removal and other 'tertiary' treatment



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Decision-making framework:

Develop a decision-making framework to support council assessment of STP upgrade options considering whole of life economic, environmental and social risks, costs and benefits. This framework will provide for the comparison of traditional and innovative approaches.

This framework will build upon the processes and learnings from the strategic assessment to develop a practical tool for use at a council and catchment wide level. The framework will be complemented by resources including factsheets, case studies and key contacts for further information.

Innovation trials:

Trials will be undertaken to test and provide demonstration sites of the innovative approaches at locations identified through the strategic assessment and in close collaboration with partners such as universities. A suite of innovations will be trialled in locations across a range of catchment typologies to test, monitor and evaluate the approaches within a pre-agreed framework. This may include approaches such as alternative nutrient management using algae, offsets, recycling wastewater and reuse of biosolids.

Community engagement will raise awareness through the trials and enhance understanding of the total water management cycle and the role each element plays - positive and negative.

Trial outcomes will be documented to formally contribute to collective scientific and practice knowledge in relation to wastewater treatment for improved water quality. The initiative coordinator and councils will work with DES to identify how successful outcomes can be used to update and support existing policies and regulatory requirements.

Innovation roll out:

A new annual wastewater management program will be sought to fund proven cost-effective methods to complement traditional approaches. The decision-making framework and information, demonstration sites and contacts for advice relating to practical considerations for the implementation of alternative measures will be available, informed by the innovation trials.

In years four of the MIP program, the first round will be funded to identified high priority STPs (identified through the strategic assessment) and is proposed to continue until year seven. Funding will be available to undertake option assessment and delivery stages on a 70/30 split. Funding will only be available to upgrade existing STPs.

Community engagement and awareness will continue to be an element. Building capacity with wastewater stewardship through knowledge sharing activities across councils will be ongoing and a requirement associated with accessing funding.



Initiative 1. Funding requirements

The following table sets out broad activities to occur under each stage, timeframes for completion and estimated resource requirements.

Table 8: Indicative costings for Wastewater Stewardship Initiative

Activity	Inputs	Delivery parties	Duration	Cost
Strategic assessment	Design communication and engagement – industry stakeholder and community awareness and engagement and associated materials	Consultant, LG, NRM, Industry, Agriculture peak bodies	4 months	\$50,000 + In kind
	Collect waste water quality data, identify loads and data gaps	SG (Current <i>qldwater</i> project and DES projects)	6 months	In kind
	Develop methodology to identify priority and trial sites and criteria to assess solutions. Identify representative small, medium and large STPs in high and low-impact catchments (based on existing reef modelling). Consider Council capacity/willingness to undertake trials and overall funding co-contribution.	Analyst LG – in kind in workshop, capacity to undertake, including possible funding co-contributions Qld Govt (DES) / Councils – modelling and science support	3 months	\$30,000 + In kind
	Identify alternative options for trial sites - desktop investigation of alternative options and seek recommendations from industry experts/service providers to the industry.	University/Consultant	2 months	\$30 000
	Undertake a detailed life cycle assessment of alternatives considering environmental, social and economic costs and benefits and apply short list of priority sites.	University/Consultant	3 months	\$70 000
	Gap resolution and stakeholder workshop using representative STPs as a focus and the criteria developed in 3.	University/Consultant, SG & LG	3-6 months	\$20,000 + In kind
	Assessment and prioritisation report on short listed opportunities	University/Consultant	1-2 months	\$15,000
	Negotiate and select alternative approaches with stakeholders at a trial site level.	University/Consultant, SG & LG	4 months	\$10,000 + In kind
	Develop testing parameters, monitoring indicators and evaluation framework.	University/Consultant	3 months	\$15,000
	Establish trial governance framework and discuss contractual arrangements with technology/approach providers	SG, LG, research and industry partners	3 months	In kind
TOTAL			12-18 months	\$240,000

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Activity	Inputs	Delivery parties	Duration	Cost
Trails	Construct and commence trials and outcome monitoring (repeat trial sites in different catchments - \$ dependent)	University/Consultant, SG & LG	18 months	\$3,000,000
	Commence community awareness and engagement activities	LG	18 months	\$150,000 + partner in kind
	TOTAL		18 months	\$3,150,000
Decision making framework	Draft decision-making framework outline for consultation with Reef councils. The outline will identify key investigation, assessment and governance process.	Consultant	2 months	\$20,000
	Workshop decision-making framework with councils to identify organisational or practical opportunities or issues in applying framework	Consultant Councils- in kind participation	1 month	\$20,000 In kind
	Develop guidance information to guide councils in the implementation of the framework including the development of fact sheets and case studies describing innovative approaches and learnings.	Consultant	3 months	\$40,000
	Test framework with councils	Councils in kind Consultant support	6 months	\$15,000 In kind
	Finalise framework incorporating amendments identified through trials.	Consultant	1 month	\$5,000
	Distribute, training and promote to Reef councils.	LGAQ/ Reef Guardian Councils	1 month	\$20,000 In-kind
	TOTAL		1 year	\$120,000
Innovation roll out program	Annual roll out by priority site	SG & LG (contribution based on LGAQ subscription formula) \$5 M/p.a. fund	Varies	\$20,000,000
	Continue outcome monitoring (number of sites)	SG, LG, NRM body	Per schedule	In-kind
	Continue community awareness and engagement approach	LG – 3 catchments @ \$15,000/catchment per annum	On-going concurrent	\$180,000
	TOTAL		4 years	\$20,180,000

Total Initiative Budget

The annual costs, total cost for the 'core' phase of the MIP and total cost of the initiative are shown in Table 9 below.

Table 9: Annual, 'core' program and total costs for the Wastewater Stewardship Initiative

Activity	Year 1	Year 2	Year 3	Core Stage Total	Years 4-7	TOTAL
Strategic Assessment	\$190,000	\$50,000	-	\$240,000	-	\$240,000
Innovation Trials + community engagement	-	\$600,000	\$2,550,000	\$3,150,000	-	\$3,150,000
STP Decision Making Framework	-	\$120,000	-	\$120,000	-	\$120,000
Innovation Roll out Program	-	-	-	-	\$20,180,000	\$20,180,000
.5 FTE Initiative Projects Coordinator (PC)	\$63,000	\$63,000	\$63,000	\$189,000	\$252,000	\$441,000
TOTAL	\$253,000	\$833,000	\$2,613,000	\$3,699,000	\$20,432,000	\$24,131,000



Case Study – Working together to explore innovation

Reef catchment councils are already actively seeking innovations, tapping into research and industry expertise, and working together to benefit GBR health and share learnings across council boundaries in the management of wastewater. This is in response to aging WTP infrastructure with high operational costs, particularly in terms of energy, combined with the drive to improve water quality entering Reef catchments. This work is currently small scale and limited with funding restricted to councils allocating what they can afford from annual budget and through submissions for funding grants that align to expected outcomes. Below are a selection of these initiatives and their status.

Burdekin Shire Council

Burdekin Shire Council (BSC), in partnership with James Cook University (JCU) and MBD Energy Ltd has been trialling the use of macro algal treatment to remove nitrogen and phosphorus from wastewater streams. The trials have been very successful and promise effective removal of both nutrient pollutants at a capital and carbon cost of perhaps as little as 10% of those associated with current treatment technologies. In the case of the Ayr/Brandon Waste Water Treatment Plant, which might require a capital investment of \$30 million dollars to meet the current standard DEHP 5N/2P licences, a solution may be found for under \$2 million dollars, including initial operational expenses in fine-tuning the new technology over the first 2 years. BSC has to date been unsuccessful in securing funding to deliver the first full-scale permanent commercial implementation of the technology to provide proof of concept in the real world. When proven successful, the solution could be applied to most of the 129 similarly problematic plants not yet upgraded in the catchment area of the Great Barrier Reef. This represents at once a saving of over 90% (billions of dollars) on current treatment solutions and a chance to make large, measurable gains in reducing the impact of human society on the Reef environment.

Cairns Regional Council

In partnership with James Cook University and Itron Australasia, Cairns Regional Council (CRC) was successful in receiving funding under Round 1 of the Federal Government's Smart Cities and Suburbs program to deliver a connected network of 30 environmental sensors installed in urban waterways to obtain real-time water quality data on discharges entering the Great Barrier Reef Marine Park. The project will deliver functional tools for CRC to make evidence-based decisions using up-to-date environmental data (nutrients, sediments and flow). By establishing baseline indicators CRC will be able to measure the efficiency and effectiveness of the environmental programs as they are delivered.

In the STP space, CRC has been actively investigating potential options for the management of organic waste (including biosolids), partnering with industry to facilitate wastewater recycling and the use of macro algae for STPs.

Townsville City Council/Townsville Water (Townsville)

Townsville has also been trialling the use of smart technology for monitoring water quality and is currently investigating flow monitoring. They are also looking at using this technology to provide sewer and stormwater overflow alerts.

Like BSC, Townsville has undertaken a small-scale trial of macro-algae treatment at their Mt St Johns WWTP and are also in the process of developing a 15ML/day recycled water scheme from Cleveland Bay WWTP.

These initiatives demonstrate leading edge practice and innovative approaches and are being undertaken locally across individual councils. Trialling innovation and then rolling out to a full-scale trial / implementation is costly. If full scale trials prove as successful as research and small trials indicate, wide spread adoption of these new ways of doing things will deliver a range of benefits including cost savings (capital and annual operational costs), lower energy use, improved water quality and the potential for new income streams.

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Initiative two: Fish Friendly Councils

Description

Fish Friendly Councils is a suite of new activities aimed at maintaining or restoring connectivity between catchment, coastal and marine ecosystems to deliver multiple social, environmental and economic outcomes. These will be delivered under a single umbrella and framed through the lens of fish species' lifecycles and habitat needs. The activities will be a mix of habitat restoration, flow reconnection and local stormwater quality improvement. The activities will: raise awareness and build capacity for behaviour change within local government, community and industry; and improve system understanding, infrastructure and maintenance regimes.

Objectives

- A. Create a community-based movement to improve fish habitat in participating Reef catchments through a series of clearly identified actions;
- B. Facilitate industry and council improvement in compliance with and enforcement of erosion and sediment control and stormwater management requirements;
- C. Establish a suite of Water Sensitive Urban Design (WSUD) solutions appropriate for different Reef catchment types and location characteristics;
- D. Build State, local government and industry knowledge of design and management of WSUD solutions;
- E. Support Reef councils in addressing barriers to fish migration;
- F. Establish demonstration sites showcasing techniques in turning stormwater management systems into fish habitats.

Outcomes

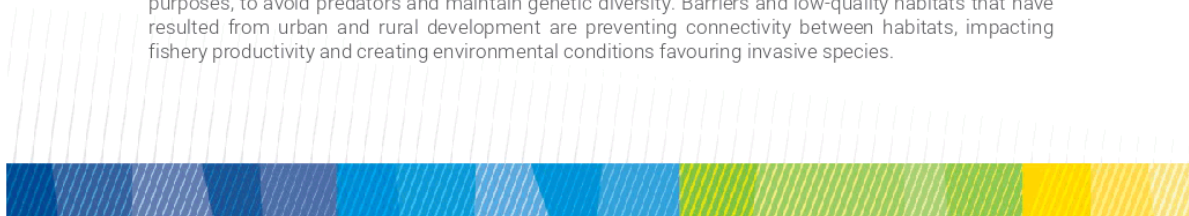
1. Increased community and industry awareness of, support for and participation in protection and restoration of fish habitats in Reef catchments.
2. Improved local government capacity to incorporate 'fish friendly' practices in maintenance of stormwater drainage systems and in meeting requirements of the Fisheries Queensland Waterways Barrier Works Accepted Development Code (Fisheries Act 1994).
3. Net increase in health of urban and peri-urban fish habitats in participating Reef catchments.
4. An equitable contribution to meeting water quality targets in key catchments.
5. Improved connectivity between fish habitats to support native fish populations.
6. Contribute to a net decrease in pollution from urban stormwater and erosion in other catchments.

Rationale

Fish Friendly Councils is immediately relatable to the broader community as an outcome and instils meaning and purpose into perceived 'bureaucratic' requirements such as erosion and sediment control (ESC), stormwater and waterway management. As a program, it taps into the recreational (and commercial) fishers audience – a large and diverse group of people – up and down the Reef catchment.

The activities focus on building social capital to act to protect and enhance high priority fish habitats in participating Reef catchments through collaboration, good design, informed management and compliance with minimum standards. It also facilitates improved understanding within local government areas of fish habitats and priorities for their management and rehabilitation.

Connectivity between catchment, coastal and marine ecosystems is a critical driver of Reef health and the resilience of native fish species. Fish migration is an essential aspect of the lifecycle of many fish species. Migration between habitats have evolved for various reasons, including feeding and reproduction purposes, to avoid predators and maintain genetic diversity. Barriers and low-quality habitats that have resulted from urban and rural development are preventing connectivity between habitats, impacting fishery productivity and creating environmental conditions favouring invasive species.



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Diadromous fish species rely on good connectivity between saltwater spawning grounds and freshwater nursery habitats. These fish are important to recreational and commercial fisheries and indigenous culture and cultural practices. Barramundi and sea mullet are diadromous and are Queensland's most valuable inshore net commercial species, contributing millions of dollars to the state's economy every year. This initiative facilitates a strategic approach to existing and proposed council and partner activities across the GBR contributing to ecosystem connectivity and function.

Alignment with Reef Plan actions

Initiative two will contribute to Reef 2050 actions identified in the following table.

Table 10: Initiative one contribution to Reef 2050 Plan actions

Foundational programs and activities
Reef 2050 Water Quality Improvement Plan 2017–2022 provisions including: <ul style="list-style-type: none"> • applying minimum practice standards across all industries and land uses • supporting industries and communities to build a culture of innovation and stewardship that takes them beyond minimum standards • restoring catchments through works to improve or repair riparian vegetation, streambanks, gullies, waterways and wetlands • Regional report cards • Ongoing activities to reduce nutrients including nominated sewage treatment plant upgrades Implementing regulatory standards for stormwater run-off, dredging, sewage outfalls, mine discharges and industrial contaminants
Queensland Wetlands Program
Local government coastal hazard adaptation strategies
QCoast 2100
Great Barrier Reef Coastal Ecosystem Assessment Framework
Reef Guardians
Local Marine Advisory Committees
Regional report card partnerships
Regulatory standards for storm water run-off, sewage outfalls, mine discharges and industrial contaminant
Action
EHA3 Support Traditional Owner stewardship activities that contribute to Reef health and resilience, including removing and, where possible, identifying the sources of marine debris.
MTR EHA3 Investigate, deliver and support active localised restoration activities, as identified in the Reef Blueprint
EHA5 Develop, implement and coordinate a protocol and knowledge management system for recording, storing, protecting and, where appropriate, sharing of knowledge, innovations and practices; conserving and cultural use of biocultural diversity; and use in decision making.
EHA27 Implement on-ground activities to reduce the volume of debris and gross pollutants generated in or entering the World Heritage Area and adjoining aquatic ecosystems, as well as undertake education and awareness raising activities to minimise the source and occurrence of debris
MTR EHA1 Finalise development of the Reef 2050 Net Benefit Policy and identify pathways for implementation
MTR EHA7 Implement the Wetlands in the Great Barrier Reef Catchments Management Strategy 2016–2021.



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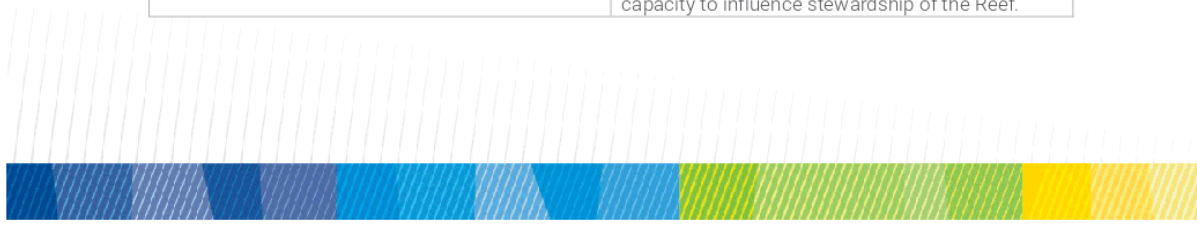
MTR EHA9 Through the Queensland Land Restoration fund, support land sector carbon reduction projects that deliver water quality, biodiversity and social cobenefits, including in Great Barrier Reef catchments
MTR EHA13 Finalise the Reef 2050 Cumulative Impact Management Policy and identify pathways for implementation.
MTR WQA1 Implement the Reef 2050 Water Quality Improvement Plan 2017–2022 *
MTR EBA2 Improve guidance and procedural requirements for offsetting impacts to the Reef from industry activities using standardised policies, procedures and guidelines
GA12 Prioritise and develop specific implementation plans and reporting protocols addressing the Plans targets and actions in consultation with the community.
MTR GA3 Identify, develop and implement opportunities for local governments to facilitate and support achievement of targets and objectives.

Alignment with Reef WQIP actions

Initiative two will contribute to the WQIP actions identified in the following table.

Table 11: Initiative two contribution to Reef 2050 WQIP actions

Implementation Table A1: Minimum Practice standards apply everywhere	
Action	Delivery
1.2 Ensure that urban, industrial and mining activities comply with requirements under the Environment Protection and Biodiversity Conservation Act 1999, Planning Act 2016, Environmental Protection Act 1994, and Waste Reduction and Recycling Act 2011.	Additional activity that will contribute to this action's delivery*
1.3 Refine existing standards, regulations and planning frameworks as new information improves knowledge for all industries.	Additional activity that will contribute to this action's delivery*
Implementation Table A2: Culture of innovation and stewardship	
2.1 Support land managers, industries and local governments to adopt improved management practices, e.g. through coordinated extension, education and awareness programs.	<p>Deliver communication and education activities to foster behaviour within communities and industries that minimise negative impacts on water quality from urban areas.</p> <p>Build capacity of local governments and industry to design, deliver and maintain:</p> <ul style="list-style-type: none"> total water cycle management water sensitive urban design into new and existing urban and industrial development <p>Facilitate erosion and sediment control training for local governments and industry to reduce pollutants from urban areas.</p>
2.2 Empower stewardship leaders to influence peers and the broader community to adopt improved practices.	<p>Facilitate peer to peer learning, mentoring and influencing opportunities.</p> <p>Ensure Reef Guardians and other stewardship leaders have knowledge and skills to enhance their capacity to influence stewardship of the Reef.</p>



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	Continue to participate in the Reef Guardian Councils program and encourage and incentivise Reef Catchment Councils to join the program.
Implementation Table A3: Catchment restoration	
3.1 Use whole-of-system catchment management, planning and information to support prioritisation.	Use modelling, gully, ground cover, riparian extent, wetland and Walking the Landscape mapping to identify sites for on-ground intervention that maximise water quality benefits and consider co-benefits. + Additional activity that will contribute to this action's delivery*
3.2 Use guidelines, Traditional knowledge and decision support tools to design and inform interventions.	Use the Gully and Stream Bank Toolbox and lessons from relevant monitoring and research projects to inform design and selection of site remediation actions. + Additional activity that will contribute to this action's delivery*
3.3 Trial and implement innovation in catchment repair projects to reduce sediment and nutrient delivery to the Reef.	Trial innovative approaches to catchment repair. Deliver targeted catchment repair projects including riparian revegetation, gully repair, streambank stabilisation and coastal wetlands rehabilitation through the Major Integrated Projects, Land Restoration Fund and Reef Trust.
3.4 Modify existing urban area stormwater management and rehabilitate urban waterways.	Additional activity that will contribute to this action's delivery*
3.5 Partner with voluntary stewardship groups, Traditional Owner groups, Indigenous Land and Sea Rangers and other organisations to deliver catchment repair projects.	Additional activity that will contribute to this action's delivery*
3.6 Support the development of ground up, multi-stakeholder programs for the delivery of catchment repair projects.	Strengthen regional partnerships (such as Reef Alliance, regional waterway health and water quality reporting partnerships) to support water quality improvement initiatives aimed at onground actions, monitoring and reporting. + Additional activity that will contribute to this action's delivery*
Implementation Table B1: Applying the best available science and knowledge	
4.2 Integrate forms of knowledge including science, policy, management, Traditional Owner and community through regular synthesis workshops and theme specific working groups to support consistent communication messages and guidance for manager	Capture on-ground management knowledge and expertise to provide guidance for program designers and managers
Implementation Table B2: Coordinating and prioritising investment	
5.2 Identify opportunities for co-investment or alignment of funds and resources with industry, research organisations, philanthropists, Natural Resource Management bodies, community and	Expand on cross-government co-investment opportunities.



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corporate organisations to achieve water quality objectives	
Implementation Table B3: Governance to support coordinated decision-making and accountability	
6.4 Include all stakeholders including local organisations, communities and Traditional Owners in decision-making and priority setting	Establish mechanisms to ensure decision-making across all levels of government is coordinated and delivers water quality improvement outcomes.
Implementation Table B4: Evaluating performance	
7.5 Report progress towards targets, objectives and outcomes.	Report on implementation of Reef 2050 WQIP actions through Reef 2050 Plan implementation reporting.
7.6 Communicate regionally relevant information for management decisions and local communities.	Continue to build cultural reporting capacity in regional report cards

*Activity is in addition to activities identified under the Delivery column.

Activities

Fish Friendly Habitats

Fish barrier prioritisation

Barriers impact fish communities, effect aquatic ecosystem resilience and reduce the value local communities place on waterways flowing into the Great Barrier Reef Marine Park. Box culverts, pipes, road crossings, weirs, dams, stream flow gauging structures, floodgates, barrages and bunds (or ponded pastures) can all block and impede connectivity and reduce fish populations. Many of these assets are owned and managed by local government.

Modern standards and legislation mitigate the risk of introducing new fish barriers. This initiative focuses on identifying and prioritising remediation of legacy structures. Removing or by-passing these barriers through appropriately designed fishways to reconnect fish habitats and support the reinstatement of natural migratory habits. Most local government areas have thousands of fish barriers in their region. Fish barrier prioritisation is a methodical and holistic approach to identify and prioritise fish barriers that will deliver greatest benefit to fish migratory outcomes. The project builds on existing information, harmonising data and filling gaps. Steps in the process include:

- identifying all potential barriers using aerial imagery and local knowledge;
- rank the large number of fish barriers using a rapid assessment GIS process that comprehensively evaluates fishery, economic, social and eco-system benefits of fish barrier removal at each site;
- ground truth highest ranking potential fish barriers in the field to validate and assess impact;
- further prioritise actual fish barriers based on configuration and ecological characteristics;
- develop and apply a decision-making process to ensure key functions of barriers (e.g. flood mitigation) are considered in the prioritisation process;
- produce a list of the highest priority fish barriers in each region where remediation activities will deliver the greatest 'Bang for Buck' to ecological and social outcomes.

The process also recommends the most suitable solutions to remediate the top 30 fish barriers in the catchment. The result is an action plan of projects that can then be programmed and delivered.

Fish Friendly infrastructure and operational delivery

A funding pool to enable strategic investment in efforts to increase fish populations and improve aquatic ecosystem health will be available to Reef councils. Eligible projects will include, but not be limited to:

- fishways and fish ladder design and construction to remediate fish barriers by allowing fish the opportunity to reach required upstream habitats and complete their life-cycle;
- off-site solutions;



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- hard drainage naturalisation;
- management of invasive species (including invasive fish species);
- riparian assisted restoration and/or revegetation.

Be 'Fish Friendly' community campaign

Campaign to increase awareness and encourage communities to adopt 'fish friendly' practices at a household and individual level. The campaign will include:

- recruit 'Be Fish Friendly' ambassadors for child, adult and industry audiences
- targeted awareness and information campaign across multiple media to increase understanding of impacts affecting fish habitats and personal actions to be 'Fish Friendly'
- local community events to migrate audiences from 'awareness to action' through connection with local fish habitats
- targeted educational program with catchment schools through the development of resources for use in classroom environments.

Be 'Fish Friendly' industry campaign

Campaign to increase awareness and encourage industry to adopt 'fish friendly' practices to improve compliance with regards to erosion and sediment control requirements. This will include the following activities:

- create simple information tools to support industry knowledge of best practice compliance (build on existing tools and resources such as the Industry App, training days and demonstration sites)
- offer Fish Friendly industry certification for developers and contractors to foster stewardship and leading practice
- provide training to Fish Friendly councils on the compliance to enforcement spectrum
- establish a self-compliance system using the Industry App and council systems (NOTE: The App and this model could also be rolled out to road construction/maintenance contractors as part of the roads initiative)
- councils set a benchmark for best practice in their own works.

WSUD that works for everyone

This project focusses on the design and implementation of Water Sensitive Urban Design (WSUD) that is regionally appropriate. Projects will include several pilot sites and will demonstrate WSUD that responds to local characteristics. This would involve:

- identify geophysical characteristics and variables that determine WSUD design constraints for each pilot catchment
- facilitate innovation sprints for local professionals to generate locally appropriate WSUD design and maintenance principles through to design ideas (series of half day workshops)
- proof of concept sites – low risk sites for testing design innovations and plant species suitability.
- monitoring and maintenance
- sites used to train council maintenance staff.

Prerequisites

These activities require holistic catchment knowledge and understanding. The State funded "Walking the Landscape" program is a key initiative as an input to identifying the 'right mix' of activities to maximise benefits to water quality flowing to the Reef. Access to fish barrier remediation funding is dependent on completing the fish barrier prioritisation process. Therefore, in some catchments more detailed Walking the Landscape assessments may be required.



Funding requirements

The following table sets out broad activities to occur under each stage, timeframes for completion and estimated resource requirements.

Table 12: Indicative program activities and costings

Activity	Inputs	Delivery parties	Duration	Cost
Program wide activities	Program development – including confirmation of 2 pilot councils	Consultant/Program coordinator, LG, SG, NRM and other key stakeholders (e.g. CAREFISH, Sunfish)	3 months	\$35,000 + In-kind
	Market research to inform pilot evaluation and review prior to wider roll out	Consultant, LG media and comms	3 months	\$35,000 + In-kind
	Marketing and communications planning	Consultant, LG media/ comms	3 months	\$45,000 + In-kind
	Resource development (technical input, professional drafting and design) website, fact sheets and other collateral, including profile and role of ambassadors and partners	Consultant, LG media and comms, SG, NRM and other key stakeholders (e.g. CAREFISH, Sunfish)	5 months	\$70,000 + In-kind
	Design monitoring and evaluation for all program sub-components	Consultant, LG, SG	5 months	\$45,000 + In-kind
	Undertake monitoring and evaluation – from year 2 for duration of program	Consultant, LG, SG	6 years from year 2	\$60,000 + In-kind
	TOTAL			12 months + 6 years



Activity	Inputs	Delivery parties	Duration	Cost
Be Fish Friendly Campaign	Recruitment of "Fish Friendly" ambassadors	Program coordinator (PC), LG, SG	4-5 months	PC salary + In-kind
	Plan and deliver launches of 'Fish Friendly' to piloting councils x 2	PC, LG, SG, partners and Ambassadors @\$10,000/event x 2 councils x 3 years	3 years	\$60,000 + In-kind
	Roll out "Fish Friendly" community events x 2 pilots x 3 years	LG, partners, PC @\$40,000/event x 2 councils x 3 years	3 years	\$240,000 + In-kind
	Promotion of "Fish Friendly" industry and habitats sub program achievements x 2 pilots x 3 years	LG, partners, PC @\$40,000/p.a.	3 years	\$120,000 + In-kind
	Roll out across approximately 10 Reef councils	PC, LG and partners	Years 4-7	\$660,000 + In-kind
TOTAL			3 + 4 years	\$1,080,000
Be Fish Friendly Industry	Resource development (technical input, professional drafting and design)	Consultant, LG media and comms, SG, NRM and other key stakeholders (e.g. CAREFISH, Sunfish)	5 months	\$60,000
	Pilot in selected councils	LG, partners, PC	2 years	In-kind
	Roll out across approximately 10 Reef councils – including adjusting and adapting resources	Consultant, LG, partners, PC	Years 4-7	\$60,000
TOTAL			2 + 4 years	\$120,000



Activity	Inputs	Delivery parties	Duration	Cost
WSUD that works for everyone	Establish project governance group and communication and engagement approach	PC, LG, SG and stakeholders	3 months	PC salary + In kind
	Identify geophysical characteristics and variables that determine WSUD design constraints for each pilot catchment in consultation with local stakeholders	SG (Urban Water Management Framework), Consultant, LG, Design/construction stakeholders	6 months	\$65,000
	Generate locally appropriate WSUD design and maintenance principles and design ideas through a series of half day "Innovation Sprint" workshops.	PC, LG and stakeholders	3 months	\$25,000 + In kind
	Identify proof of concept sites – low risk sites for testing design innovations and species suitability – in consultation with stakeholders	LG and stakeholders	6 months	In kind
	Ideas design development and technical specifications x 2 pilot catchments x 3-4 solutions for each	Local design consultant consortiums	5 months	\$120,000
	Construct trial WSUD 6-8 solutions	LG, Construction Industry partners	1 year	\$600,000
	Monitoring and maintenance	LG	3 years	In kind
	Sites used to train LG maintenance staff x 3 training days/p.a.	Consultant, LG	3 years	\$40,000
TOTAL			4 years	\$850,000



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Activity	Inputs	Delivery parties	Duration	Cost
Fish Friendly Habitats	Fish prioritisation study- undertake for coastal councils that have not yet undertaken a fish barrier assessment- assume 2-3 coastal local governments per year	Consultant, NRM, LG @ \$50,000/council x 3 p.a.	6 months each/3 years	\$450,000 + in kind
	Implementation of on the ground projects including: Off-site solutions Hard drainage naturalisation to improve management of urban/per-urban waterways (fish nurseries) to improve fish numbers Management of invasive species (including invasive fish species) Riparian revegetation x 2 catchments x 3 sites each Removal of fish barriers x 2 catchments x 3 sites each	LG, NRM, Development industry \$720,000 p.a. X 5 years	5 years	\$3,600,000 +In kind
TOTAL			7 years	\$4,050,000

Total Initiative Budget

The annual costs, total cost for the 'core' phase of the MIP and total cost of the initiative are shown in Table 13 below.

Table 13: Annual, 'core' program and total costs for the Fish Friendly Councils Initiative

Activity	Year 1	Year 2	Year 3	Core Stage Total	Years 4-7	TOTAL
Program wide activities	\$230,000	\$10,000	\$10,000	\$250,000	40,000	\$290,000
Be Fish Friendly Campaign	\$140,000	\$140,000	\$140,000	\$420,000	\$660,000	\$1,080,000
Be Fish Friendly Industry	\$60,000	-	-	\$60,000	\$60,000	\$120,000
WSUD that works for everyone	\$90,000	\$200,000	\$520,000	\$810,000	\$40,000	\$850,000
Fish Friendly Habitats	\$150,000	\$870,000	\$870,000	\$1,890,000	\$2,160,000	\$4,050,000
1 FTE Initiative Projects Coordinator (PC)	\$126,000	\$126,000	\$126,000	\$378,000	\$504,000	\$882,000
TOTAL	\$795,000	\$1,345,000	\$1,665,000	\$3,808,000	\$3,464,000	\$7,272,000

Case Study – Fish barrier prioritisation and remediation

Mackay Regional Council (MRC) is leading practice in the adoption of 'fish friendly' approaches including the management of urban stormwater, remediation of natural waterways, the identification, prioritisation and remediation of fish barriers and coastal foreshore management. With an investment of over \$8.5 million across almost 30 projects and maintenance programs, MRC is achieving improved water quality outcomes and native fish numbers.

In 2015, MRC and local NRM body (Reef Catchments) commissioned a Fish Barrier Prioritisation Report. Undertaken by Catchment Solutions, the report was developed through a similar methodology as proposed for the MIP and focussed on providing a full picture of fish barriers for the region which improved capacity amongst council staff in the identification and remediation of fish barriers. The process resulted in a prioritised list that is used to access funding through council budget processes to address high priority barriers.

The fish barrier prioritisation report identified 2,929 potential barriers to fish migration within the MRC local government area. As of July 2018, MRC has addressed 18 of its highest priority barriers with detailed planning undertaken for a further 3-4 barriers to be remediated by the end of the 2018/19 financial year. Projects delivered have seen significant improvement in fish movements. Recently, a record 31,000 fish in one day were sampled moving through the most downstream fishway at Mackay's Gooseponds. This fishway is located right on the transition zone between freshwater and saltwater environments and enabling movement from the estuary to a freshwater safe-haven is critical to the survival of these fish. (See media release - <http://reefcatchments.com.au/community/31000-fish-all-in-a-days-work/>)

MRC has also been active in changing the perception of stormwater drains and urban waterways across council, industry and the community. Urban drains and stormwater systems are potential fish habitats and have a significant connection to Reef health. The naturalisation of urban waterways through natural channel design, revegetation and weed control and community engagement associated with these projects are assisting in changing perceptions and providing water quality, ecosystem, amenity and social benefits.

MRC, as with other Reef councils are committed to improving practices. They are continuing to explore ways to improve environmental, social and economic outcomes through new ways of approaching traditional council business as usual. Funding and partnerships to trial new approaches is fundamental to achieving this and is most beneficial where councils work together to trial and share learnings and knowledge. Funding to assist in the cost of addressing legacy infrastructure in high priority, high impact locations is also important to improve outcomes for Reef health.



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Initiative three: Best Practice for Erosion & Sediment Control from Unsealed Roads

Description

This initiative will improve understanding of unsealed roads and their impact on water quality. It will inform development of a framework to enable road managers to better address ESC in the design and maintenance of unsealed roads.

This initiative will also consider how water quality benefits can be considered in the cost benefit assessment of roads under consideration for sealing, trialling the application of the Reef Net Benefit and Cumulative Impacts Policies.

Objectives

- A. Through an evidence-based assessment establish the impact of unsealed roads on water quality and gully erosion to identify high risk road segments where improved infrastructure design or maintenance processes would benefit water quality;
- B. Identify a suite of cost effective and practical measures to improve the management of water quality impacts from unsealed roads;
- C. Facilitate road manager adoption and implementation of identified impact management measures to improve water quality in Reef catchments.
- D. Provide funding to address high priority/high risk locations.

Outcomes

1. Make an equitable contribution to meeting water quality targets in key catchments.
2. Minimum practice standards are in place for the management of unsealed roads in Reef catchments.
3. Road managers actively engaged in identifying and implementing best practice measures to improve water quality outcomes.
4. Measure/s of the water quality benefits of sealing roads in Reef catchments inform business cases proposing sealing of unsealed roads.
5. Baseline data established; monitoring and data sharing processes in place.

Rationale

Local government manages thousands of kilometres of unsealed road within the Reef catchment representing significant areas of exposed earth that is prone to erosion particularly over the wet season, contributing to gully erosion and increased sediment loads in waterways. On average, unsealed pavements lose the top 25mm of pavement material per year. This loss can vary depending on traffic, volumes (particularly heavy vehicle movements), material and weather. A considerable sediment load is potentially generated when this tonnage / km is equated to the lineal kilometres of unsealed roads that report to the GBR catchments in Queensland. Of particular concern is the finer fraction of this pavement material (the plastics), being more mobile and dispersive in nature, can be transported to our major rivers draining to the GBR lagoon. This finer fraction is about 8% mass for a typical C grade pavement material.

Many of these roads will remain unsealed as they do not attract the volume of traffic to justify sealing. These roads are subject to regular maintenance and grading that requires access to gravel from the nearby environment and the movement of materials to improve road conditions. Traffic movements distribute dust from the road surface and heavy rain can wash out road surfaces. More frequent extreme weather events associated with climate change increases the risk of significant damage to unsealed roads with environmental, economic and community connectivity impacts.



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Alignment with Reef 2050 actions

Initiative three will contribute to Reef 2050 actions identified in the following table.

Table 14: Initiative three contribution to Reef 2050 WQIP actions

Foundational programs and activities
Reef 2050 Water Quality Improvement Plan 2017–2022 provisions including: <ul style="list-style-type: none"> • applying minimum practice standards across all industries and land uses • supporting industries and communities to build a culture of innovation and stewardship that takes them beyond minimum standards • Regional report cards • Ongoing activities to reduce nutrients including nominated sewage treatment plant upgrades Implementing regulatory standards for stormwater run-off, dredging, sewage outfalls, mine discharges and industrial contaminants
Queensland Wetlands Program
Great Barrier Reef Coastal Ecosystem Assessment Framework
Reef Guardians
Local Marine Advisory Committees
Regional report card partnerships
Action
EHA5 Develop, implement and coordinate a protocol and knowledge management system for recording, storing, protecting and, where appropriate, sharing of knowledge, innovations and practices; conserving and cultural use of biocultural diversity; and use in decision making.
MTR EHA1 Finalise development of the Reef 2050 Net Benefit Policy and identify pathways for implementation
MTR EHA13 Finalise the Reef 2050 Cumulative Impact Management Policy and identify pathways for implementation.
MTR WQA1 Implement the Reef 2050 Water Quality Improvement Plan 2017–2022 *
MTR EBA2 Improve guidance and procedural requirements for offsetting impacts to the Reef from industry activities using standardised policies, procedures and guidelines
GA12 Prioritise and develop specific implementation plans and reporting protocols addressing the Plans targets and actions in consultation with the community.
MTR GA3 Identify, develop and implement opportunities for local governments to facilitate and support achievement of targets and objectives.



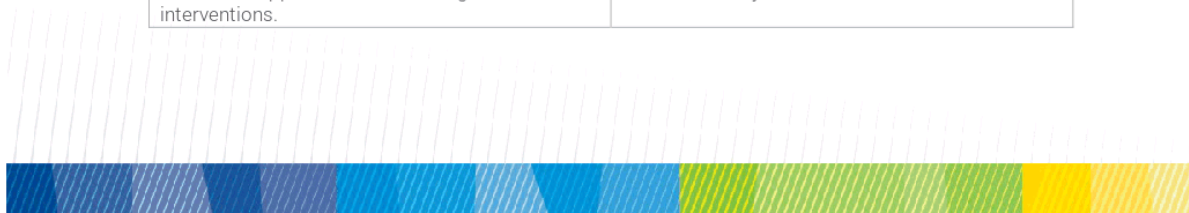
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Alignment with Reef WQIP actions

Initiative three will contribute to the WQIP actions identified in the following table.

Table 15: Initiative three contribution to Reef 2050 WQIP actions

Implementation Table A1: Minimum Practice standards apply everywhere	
Action	Delivery
1.2 Ensure that urban, industrial and mining activities comply with requirements under the Environment Protection and Biodiversity Conservation Act 1999, Planning Act 2016, Environmental Protection Act 1994, and Waste Reduction and Recycling Act 2011.	Additional activity that will contribute to this action's delivery*
1.3 Refine existing standards, regulations and planning frameworks as new information improves knowledge for all industries.	Provides frameworks and guidance for management of unsealed roads.
Implementation Table A2: Culture of innovation and stewardship	
2.1 Support land managers, industries and local governments to adopt improved management practices, e.g. through coordinated extension, education and awareness programs.	Facilitate erosion and sediment control training for local governments and industry to reduce pollutants from urban areas Additional activity that will contribute to this action's delivery*
2.2 Empower stewardship leaders to influence peers and the broader community to adopt improved practices.	Facilitate peer to peer learning, mentoring and influencing opportunities. Ensure Reef Guardians and other stewardship leaders have knowledge and skills to enhance their capacity to influence stewardship of the Reef. Continue to participate in the Reef Guardian Councils program and encourage and incentivise Reef Catchment Councils to join the program.
2.4 Identify and address barriers to change and practice improvement uptake through programs and policy.	Undertake targeted research about barriers and motivators as part of existing projects and programs, Conduct economic evaluations to validate the economics of management practices that improve water quality and provide information to landholders as part of the extension program + Additional activity that will contribute to this action's delivery*
2.6 Trial and implement innovative monitoring, land management and treatment system solutions that aim to deliver water quality benefits.	Additional activity that will contribute to this action's delivery*
Implementation Table A3: Catchment restoration	
3.1 Use whole-of-system catchment management, planning and information to support prioritisation.	Additional activity that will contribute to this action's delivery*
3.2 Use guidelines, Traditional knowledge and decision support tools to design and inform interventions.	Additional activity that will contribute to this action's delivery*



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3.3 Trial and implement innovation in catchment repair projects to reduce sediment and nutrient delivery to the Reef.	Deliver targeted catchment repair projects including riparian revegetation, gully repair, streambank stabilisation and coastal wetlands rehabilitation through the Major Integrated Projects, Land Restoration Fund and Reef Trust.
Implementation Table B1: Applying the best available science and knowledge	
4.2 Integrate forms of knowledge including science, policy, management, Traditional Owner and community through regular synthesis workshops and theme specific working groups to support consistent communication messages and guidance for manager	Capture on-ground management knowledge and expertise to provide guidance for program designers and managers
Implementation Table B2: Coordinating and prioritising investment	
5.2 Identify opportunities for co-investment or alignment of funds and resources with industry, research organisations, philanthropists, Natural Resource Management bodies, community and corporate organisations to achieve water quality objectives	Expand on cross-government co-investment opportunities.
Implementation Table B3: Governance to support coordinated decision-making and accountability	
6.4 Include all stakeholders including local organisations, communities and Traditional Owners in decision-making and priority setting	Establish mechanisms to ensure decision-making across all levels of government is coordinated and delivers water quality improvement outcomes.
Implementation Table B4: Evaluating performance	
7.5 Report progress towards targets, objectives and outcomes.	Report on implementation of Reef 2050 WQIP actions through Reef 2050 Plan implementation reporting.
7.6 Communicate regionally relevant information for management decisions and local communities.	Continue to build cultural reporting capacity in regional report cards

Activities

Site selection and baseline data collection

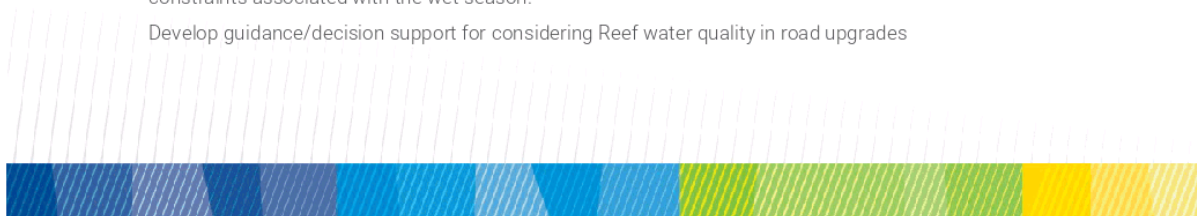
Establish criteria to select unsealed road sections for baseline monitoring and piloting of treatment approaches in consultation with the State’s Paddock 2 Reef program, councils, NRM bodies and other key stakeholders. Ideally, selection of water monitoring and gully erosion sites will include a diversity of environmentally sensitive locations across a range of climate ‘zones’ and soil types. Data collection would occur across a year and be evaluated against other available data and modelling to establish baseline water quality.

Developing a suite of impact management and best practice measures

Industry best practice will be identified, and a set of measures will be developed for trial. Consultation with road managers will ensure measures are affordable, practical and achievable.

Funding and programming will also be explored with councils and State Government to address potential programming challenges that exist with the allocation of funding in annual budgets and climatic constraints associated with the wet season.

Develop guidance/decision support for considering Reef water quality in road upgrades



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The Reef Net Benefit and Cumulative Impacts Policies will be used to support the consideration of water quality benefits in the cost benefit assessment of roads under consideration for sealing. State and local government road infrastructure planners will be engaged in the development of a guidance/decision support tool.

Testing ESC options

Treatments will be piloted across ten sites over two years. Monitoring of the test sites will continue for the remainder of the MIP program. This monitoring will seek to evaluate the impact of treatments on water quality, erosion, road network resilience and whole-of-life asset costs. This evaluation will inform recommendations for the most effective ESC practices in differing environments.

Capacity building and rollout

Deliver a toolkit of resources and guidance to support the delivery of recommended measures and road manager and industry awareness and capacity building activities. Toolkit will also provide guidance on the identification and prioritisation of sites.

Works funding

A program will be in place for the final two years of the MIP program to fund impact management at high priority sites.



Funding requirements

The following table sets out broad activities to occur under each stage, timeframes for completion and estimated resource requirements.

Table 16: Indicative initiative activities and costings

Activity	Inputs	Delivery parties	Timing	Cost
Measuring and establishing impacts	Nomination of 10 sites across 2 years for monitoring and testing of measures	PC, LG, NRM, SG, key stakeholders	2 months	PC salary
	Selection of water and erosion monitoring sites – mix of climates and soil types across a 12-month period to establish a baseline	PC, SG, LG, NRM, key stakeholders	3 months	PC salary
	Develop methodology for establishment of baselines	Consultant	2 months	\$10,000
	Installation of monitoring at pilot sites	LG	6 months	\$500,000 + In-kind
	Baseline monitoring of pilot sites	LG	12 months	\$100,000
	Finalise testing sites and monitoring report	Consultant	2 months	\$15,000
	TOTAL			25 months
Development of best practice options	Research industry best practice	Consultant	2 months	\$10,000
	Develop a set of draft measures	Consultant	2 months	\$50,000
	Consult to ensure measures are practical and achievable and identify the best toolkit format for adoption	Consultant, PC, LG road managers, NRM, SG, key stakeholders	2 months	\$20,000 + In-kind
	Prepare final toolkit of measures to be trialled	Consultant	4 months	\$40,000
	TOTAL			10 months



Activity	Inputs	Delivery parties	Timing	Cost
Design and option testing	Establish testing project governance arrangements	PC, LG and key stakeholders	1 month	PC salary
	Implement suitable measures at prioritised sites - 5 sites per year across 2 years	LG	2 years	\$4,000,000
	Monitor and evaluate success of measures 10 sites x 2 years	Consultant, PC, LG	2 years	\$80,000 In-kind
	Finalise trial report with recommendations for suitable measures	Consultant, PC, LG, SG	3 months	\$40,000 + In-kind
	Determine measure/s of water quality benefits of sealing roads in Reef catchments for adoption in Business Cases considering sealing of unsealed roads	Consultant, LG road managers, PC and key stakeholders	3 months	\$15,000 + In-kind
	TOTAL			3-4 years
Guidance for WQ in road business case	Work with councils to identify 'candidate projects' to apply Reef Net Benefit and Cumulative Impacts Policies.	LG/ Program Coordinator/ Consultant	2 months	\$15,000 + In-kind
	Identify practical considerations and guidance and add to best practice capacity building program.	Consultant	2 months	\$10,000
	TOTAL			2 months



Activity	Inputs	Delivery parties	Timing	Cost
Best practice capacity building	Amend toolkit of resources for roll out of recommended measures	Consultant	2 months	\$35,000
	Deliver road manager awareness and capacity building	Consultant	2.5 years	\$110,000
	Undertake assessment of adoption rates in year 3.	Consultant, PC, LG road managers, NRM, SG, key stakeholders	6 months	\$10,000 + In-kind
	TOTAL		3 years	\$155,000
Works funding	Identification and delivery of projects, including ongoing capacity building with each new council.	LG/Program Coordinator/Steering Committee	12 months	\$20,000,000
	TOTAL		4 years	\$20,000,000
Long term monitoring	4-year pilot site monitoring program	LG	48 months	\$400,000
	TOTAL		4 years	\$400,000



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Total Initiative Budget

The annual costs, total cost for the 'core' phase of the MIP and total cost of the initiative are shown in Table 13 below.

Table 17: Annual, 'core' program and total costs for the Best Practice for Erosion and Sediment Control from Unsealed Roads Initiative

Activity	Year 1	Year 2	Year 3	Core Stage Total	Years 4-7	TOTAL
Measuring and establishing impacts	\$510,000	\$115,000	-	\$625,000	-	\$625,000
Developing suite of best practice options	\$100,000	\$20,000	-	\$120,000	-	\$120,000
Design and option testing - 5 sites per year with year 1 design	\$80,000	-	\$4,000,000	\$4,080,000	\$55,000	\$4,135,000
Guidance for water quality consideration in Business Cases	-	\$25,000	-	\$25,000	-	\$25,000
Capacity building	-	\$75,000	\$80,000	\$155,000	-	\$155,000
Works funding	-	-	-	-	\$20,000,000	\$20,000,000
Long term monitoring	-	\$100,000	\$100,000	\$200,000	\$200,000	\$400,000
.5 FTE Initiative Projects Coordinator (PC)	\$63,000	\$63,000	\$63,000	\$189,000	\$252,000	\$441,000
TOTAL	\$753,500	\$398,500	\$4,243,000	\$5,394,000	\$20,507,000	\$25,901,000



Case Study - Cassowary Coast Regional Council

Unsealed roads represent thousands of square kilometres of exposed earth across Reef catchments, often in environmentally sensitive locations. These roads can be a major source of sediment entering waterways and making its way into the Reef lagoon and have been found to be the source points for gully erosion on nearby properties.

Cassowary Coast Regional Council (CCRC) is one of many Reef catchment councils with unsealed roads and as a case study, demonstrates the issue. The CCRC is in far north Queensland, south of Cairns and centred around the towns of Innisfail, Cardwell and Tully. The local government covers approximately 4,700km² and has a population of just under 30,000 people.

Like many councils within the GBR catchment CCRC owns and manages a significant local road network. Of CCRC's 1,200km of local road network, approximately 45% or around 550km are unsealed. Coupled with 3,134mm annual average rainfall which mostly falls between January and April, it is unsurprising that maintaining unsealed roads for safe use by residents and visitors is a significant pressure. While it must be acknowledged that the township of Tully holds the nation's annual rainfall record, the pressure of maintaining unsealed roads with significant rainfall events during the wet season is a common story across many Reef councils.

While funding sources such as the Natural Disaster Relief and Recovery Arrangements (NDRRA, to be replaced by the Disaster Funding Arrangements 2018 on 1 November 2018) provide financial assistance to affected councils during declared natural disasters, this does not provide for enhancement works leading to some locations failing regularly. Capacity to address this repeat failure, is limited by ongoing financial pressure from low rates growth and frequent, wide disruption of the rate base by disasters. This means that proactive works are often outside the reach of council's available funding. Assessment of these types of works under any traditional Cost Benefit Analysis (CBA) would never justify costly works such as sealing or targeted works at high risk, due to very low traffic volumes.

Annual road maintenance, new road construction and legacy road problems contribute to sediment levels in GBR catchments. Repeat road reconstruction and maintenance needs to be assessed with another lens with the protection of the Reef as a key outcome. Local councils such as CCRC are acutely aware of the impacts and are currently investing in exploring solutions from within their own constrained budgets, which means progress is slow. Using binding agents, varying gravel mixes, reviewing cross falls and drainage are all techniques that are being explored.



11.10 REEF TRUST PARTNERSHIP WATER QUALITY GRANT - JOINT APPLICATION OPPORTUNITY

File No:	1743
Attachments:	1. 2017 Scientific Consensus Statement: Land Use Impacts on Great Barrier Reef Water Quality and Ecosystem Condition ↓ 2. Fitzroy Catchment Water Quality Targets (extract from Reef 2050 Water Quality Improvement Plan) ↓
Authorising Officer:	Martin Crow - Acting General Manager Regional Services
Author:	Monishaa Prasad - Senior Infrastructure Planning Engineer - Floodplain Management

SUMMARY

Rockhampton Regional Council (along with Mackay and Townsville Councils) has been presented with a unique opportunity to enter a joint application for Stage 1 of the Australian Government's Reef Trust Partnerships Water Quality grant to progress Waterway Management, Stormwater Quality, and Riparian restoration works in the region. If successful, this arrangement will allow Council to leverage some of the \$201 Million funds available to implement projects to improve the long-term health of the Great Barrier Reef.

OFFICER'S RECOMMENDATION

THAT Council support participation in a joint, cross-regional funding application for Stage 1 of the Reef Trust Partnerships Water Quality grant being headed by Healthy Land and Water to progress Council's Waterway Management, Stormwater quality, and Riparian restoration initiatives to meet Council's obligations under the Reef 2050 Water Quality Improvement Plan.

COMMENTARY

The Australian Government has committed over \$700 million to the Reef Trust to provide innovative, targeted investment focused on improving water quality, restoring coastal ecosystem health and enhancing species protection in the Great Barrier Reef region. The Reef Trust is being delivered by the Australian Government, in collaboration with the Queensland Government, and the Great Barrier Reef Marine Park Authority, and is one of the key mechanisms assisting in the delivery of the *Reef 2050 Plan*.

The Reef Trust Partnerships (RTP) Water Quality grant is centered on a landmark investment of \$443.3 million to build the resilience of the Great Barrier Reef – of which \$201 million is allocated towards water quality improvement in the Great Barrier Reef. This partnership is the largest single government investment in protecting the Reef and its Outstanding Universal Value, and is expected to support delivery of the RTP over the next 6 years, with project implementation commencing from 2019.

The Reef Water Quality Improvement Grant Program - Stage 1 is inviting applications for funding projects that deliver progress towards the targets outlined in the Reef 2050 Water Quality Improvement Plan. This first round of water quality funding will focus on projects that build on existing programs whose performance has been demonstrated in the past, address clearly articulated and demonstrable needs, and lay the foundations for the longer term RTP Investment Strategy. Future funding rounds will focus on innovative or new approaches.

To be eligible for the grant, applicants need to meet the following requirements:

- put forward projects with a minimum budget of \$500,000
- have a project duration of up to 2 years, ready to commence by March 2019

- address the primary pollutants identified in the 2017 Scientific Consensus Statement and is consistent with the Reef 2050 WQIP
- put forward projects that are time critical and minimises opportunity loss. There are benefits or opportunities related to the investment that may be lost if project implementation is delayed
- be an existing or recent provider implementing a proven approach to improve water quality outcomes in the Great Barrier Reef catchment

The total funding available under this grant program is up to \$20 million per project, with minimum project funding at \$500,000. Applications for the grant close on Monday 10th December 2018.

The Reef Trust grant strongly encourages large-scale regional and integrated water quality improvement projects that are delivered in partnership with Natural Resource Management (NRM) bodies to ensure that the proposed projects align with local and state priorities under the Reef 2050 Plan, as well as achieve multiple beneficial and long-term outcomes for water quality improvement on the Great Barrier Reef.

For Rockhampton Regional Council, the Reef Trust funding presents an opportunity to implement the high priority actions identified in the recently completed Riparian Management study for Frenchmans and Thozets Creeks to reduce sediment load contributions; establish a foundation to progress Waterway health initiatives; and determine Stormwater Quality nutrient metrics via modelling to better understand and manage our contributions to the nutrient loads entering the Reef. As the Reef Trust grant is a highly lucrative and competitive grant, it is hoped that entering a joint proposal in partnership with other Councils and a highly regarded NRM body that draws together projects which address key pollutant sources from a cross-regional perspective makes for a stronger grant application that will have a higher chance of a successful submission.

To this end, a proposal which considers the interests of Rockhampton Regional Council, Mackay Regional Council, Townsville City Council, and Healthy Land and Water (the NRM body) is being put forward as part of a joint application that seeks to deliver multiple projects to meet the objectives required under the Reef 2050 Water Quality Improvement Plan. In doing so, Council can leverage some \$201 Million worth of funds to assist its catchment-scale restoration efforts to improve the long-term health of the Great Barrier Reef

BACKGROUND

The need for a collaborative, trans-regional approach

The Great Barrier Reef marine ecosystems and their associated contributing catchments are part of a dynamic, interconnected system where the condition of all parts of the system is imperative for the long-term health and functioning of the Great Barrier Reef. Each catchment has its own inherent ecosystem and biodiversity values and provides ecosystem services such as water quality improvement and carbon storage that benefit the receiving marine environment.

The greatest water quality risks to the Great Barrier Reef and coastal ecosystems arise from the discharge of:

- (a) nutrients – namely nitrogen and phosphorus which are a stress factor for many coral species, promote crown-of-thorns starfish population outbreaks with destructive effects on mid-shelf and offshore coral reefs, and promote macroalgal growth;
- (b) fine sediments, which reduce the light available to seagrass ecosystems and inshore coral reefs; and
- (c) pesticides, which pose a toxicity risk to freshwater ecosystems and some inshore and coastal habitats.

The 2017 Scientific Consensus Statement prepared for the Reef 2050 Plan (attached) found that increased loads of fine sediments, nutrients (nitrogen and phosphorus), and pesticides were all major contributors to Reef health at different scales and different locations in the

Great Barrier Reef. The risks between the individual pollutants however, differed from the source catchments and distance from the coast.

For example, the main source of excess nutrients, fine sediments and pesticides from Great Barrier Reef catchments is diffuse source pollution from agriculture. Other land uses, including urban areas, contribute relatively small but concentrated pollutant loads, which require management at the local scale. At the regional scale, the Wet Tropics, Burdekin and Fitzroy regions contribute most of the river pollutant loads. However, at the catchment scale, areas within the Mackay Whitsunday and Burnett Mary regions are also important contributors (from a cumulative perspective) – thus illustrating the value of identifying management priorities at the catchment or finer scale. Exposure to fine sediment is most significant for areas with shallow seagrass and coral reefs on the inner shelf adjacent to basins with high anthropogenic fine sediment loads i.e. the Burdekin, Fitzroy, Mary, Herbert, Johnstone and Burnett catchment areas. The Burdekin and Fitzroy catchments also contribute the greatest fine sediment risk to seagrass ecosystems.

Sugarcane areas are the largest contributors of dissolved inorganic nitrogen and pesticides, while grazing contributes the largest proportion of sediment and particulate nutrients to the Great Barrier Reef primarily through sub-surface (gully, streambank and rill) erosion.

Not surprisingly, the above catchments are considered to be key focus areas for water quality improvement in the *Reef 2050 Plan*. It is therefore of paramount importance that efforts to reduce these impacts are prioritised within these catchments

Fitzroy Catchment's role in Water Quality of the Great Barrier Reef

According to the 2017 Scientific Consensus Statement, the Fitzroy catchment contributes the largest loads of anthropogenic fine sediment in the region, and is the second biggest contributor of the 35 catchments that drain to the Great Barrier Reef. Most of the sediment comes from grazing lands, as well as gully and streambank erosion. Anthropogenic sources of fine sediment loads come from streambank erosion, grazing and dryland cropping areas, whilst most sediment erosion comes from streambanks and gullies in the Fitzroy catchment.

The 2025 Water Quality Targets identified for the Fitzroy Catchment in Reef 2050 Plan aim to have a 30% reduction in the amounts of fine sediments, and nutrients (nitrogen and phosphorus) flowing to the reef, and protect approximately 99% of aquatic species from pesticides. These targets are ecologically relevant for the Great Barrier Reef, and are necessary to ensure that broad scale land uses have no detrimental effect on the Reef's health and resilience.

The above Water Quality targets can be achieved if efforts are directed to the effective management of erosion and diffuse pollutant sources in our local catchments. Council's recently endorsed Riparian Corridor Management Study highlights a number of interventions to reduce streambank and gully erosion which will greatly assist with meeting the sediment (and to a lesser extent, nutrient) loads required under the Reef 2050 Plan. This aligns with the findings of the Scientific Consensus Statement which concluded that the Mary, Herbert, Fitzroy and Burdekin catchments offer the most cost-effective management for sediment from all Great Barrier Reef catchments. Hence, catchment restoration and waterway management activities would present great value for money when assessed against the Reef Trust funding criteria, and would also be highly beneficial to Council as it would significantly expedite Council's journey to restore and reconnect with its waterways.

PREVIOUS DECISIONS

- 30th June 2016, The Great Barrier Reef Marine Park Authority and Rockhampton Regional Council executed a Reef Guardian Council Program Memorandum of Understanding 2016-2020. The program aims to achieve better environmental outcomes for the Great Barrier Reef through Local Government actions in natural resource management and improvements in Local Government and community capacity.
- The Frenchmans and Thozets Creek Riparian Corridor Management Study was adopted by Council at the Ordinary Council Meeting on 25th September 2018.

CONCURRENT PROJECTS

Council's proposed participation in the Reef Trust Water Quality application aligns with several current initiatives including:

1. The recently announced *Reef Councils Major Integrated Projects (MIP) Proposal* which supports three priority initiatives for local government including:
 - Wastewater stewardship;
 - Fish friendly Councils (community and industry activities); and
 - Best practice erosion and sediment control for unsealed roads.
2. Alignment with actions in the Queensland Government's *Reef 2050 Water Quality Improvement Plan*, as well as actions in the Australian Government's *Reef 2050 Plan*.
3. The Reef Urban Stormwater Management Group (RUSMG)'s '*Collaboration to the rescue project*' which looks at Urban Stormwater Management and Erosion and Sediment Control
4. Healthy Land and Water's *Living Waterways Framework*; and
5. Single State Planning Policy (2017)

BUDGET IMPLICATIONS

There are no foreseen budget implications at this stage, and there is no commitment to co-contribute funds to pursue this funding application.

LEGAL IMPLICATIONS

Healthy Land and Water will be the overarching entity that enters into the deed agreement with the Reef Trust, with each of the Councils as referral partners. Healthy Land and Water will also provide the overarching governance for the duration of the project.

CORPORATE/OPERATIONAL PLAN

This study achieves the following objectives of the Corporate Plan and the 2018/2019 Operational Plan:

- 3.1 Contribute to healthy natural ecosystems (Corporate Plan)
 - 3.1.1 Ensure effective management, protection and future sustainability of the Region's wider landscapes, river network, ecosystems, ecological processes, fauna and flora (Operational Plan 2018/2019)

CONCLUSION

Council has been presented with a unique opportunity to enter into a joint funding application headed by Healthy Land and Water for Stage 1 of the Reef Trust Partnerships Water Quality grant. If successful, the grant funding will allow Council to progress Waterway Management, Stormwater quality, and Riparian restoration projects and expedite the long term restoration of our waterways and catchments. It would also allow Council to meet its obligations under the Reef 2050 Water Quality Improvement Plan. In supporting its participation in the joint application, Council has the opportunity to benefit from significant environmental, economic, and social outcomes offered by this collaborative approach.

**REEF TRUST PARTNERSHIP WATER
QUALITY GRANT - JOINT
APPLICATION OPPORTUNITY**

**2017 Scientific Consensus Statement:
Land Use Impacts on Great Barrier
Reef Water Quality and Ecosystem
Condition**

Meeting Date: 11 December 2018

Attachment No: 1

2017 Scientific Consensus Statement

LAND USE IMPACTS ON GREAT BARRIER REEF
WATER QUALITY AND ECOSYSTEM CONDITION



Lead authors: Jane Waterhouse, Britta Schaffelke, Rebecca Bartley, Rachel Eberhard, Jon Brodie, Megan Star, Peter Thorburn, John Rolfe, Mike Ronan, Bruce Taylor and Frederieke Kroon.

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This document was prepared by a panel of scientists with expertise in Great Barrier Reef water quality. This document does not represent government policy.

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2 | 2017 Scientific Consensus Statement



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1. Introduction

The 2017 Scientific Consensus Statement reviews and adds to the scientific knowledge of water quality issues in the Great Barrier Reef from the 2013 statement. It draws heavily on the regional water quality improvement plans and supporting studies, specific research and monitoring results as well as published science to date related to ecological processes operating in the Great Barrier Reef.

This Scientific Consensus Statement applies a risk management framework based on the ISO 31000 (AS/NZS, 2004) shown in Figure 1.

Chapter 1 describes Great Barrier Reef marine and coastal aquatic ecosystem status and condition, identifies the primary drivers, pressures and threats to these systems and the known effects of land-based pollutants based on understanding derived through monitoring and modelling (Schaffelke et al., 2017).

Chapter 2 describes the sources of pollutants, considered as the hazards to Great Barrier Reef ecosystems (Bartley et al., 2017).

Chapter 3 applies the risk assessment components of the framework by evaluating the likelihood, consequences and quantified risk to the Great Barrier Reef coastal aquatic and marine ecosystems, particularly from different nutrient species, suspended sediment (including different size fractions) and pesticides (Waterhouse et al., 2017).

Chapter 4 considers management of the risks (Eberhard et al., 2017).

Chapter 5 presents an overall synthesis and draws on the previous chapters to present a management prioritisation and discussion on management implications of the new knowledge (Waterhouse et al., 2017). It also identifies uncertainties and where there remain differences in the interpretation of the scientific evidence (identified in Chapters 1 to 4).

The scope of the 2017 Scientific Consensus Statement was expanded from 2013 to include additional sections to align with the water quality theme of the Reef 2050 Long-Term Sustainability Plan (Reef 2050 Plan). It covers all land-based pollutant sources including urban diffuse, point source and industrial discharge. The Reef 2050 Plan water quality theme has an additional focus on improving water quality from all sectors including marine-based impacts, such as from dredging, which remain outside the scope of the Reef 2050 Water Quality Improvement Plan 2017-2022 (previously the Reef Water Quality Protection Plan).

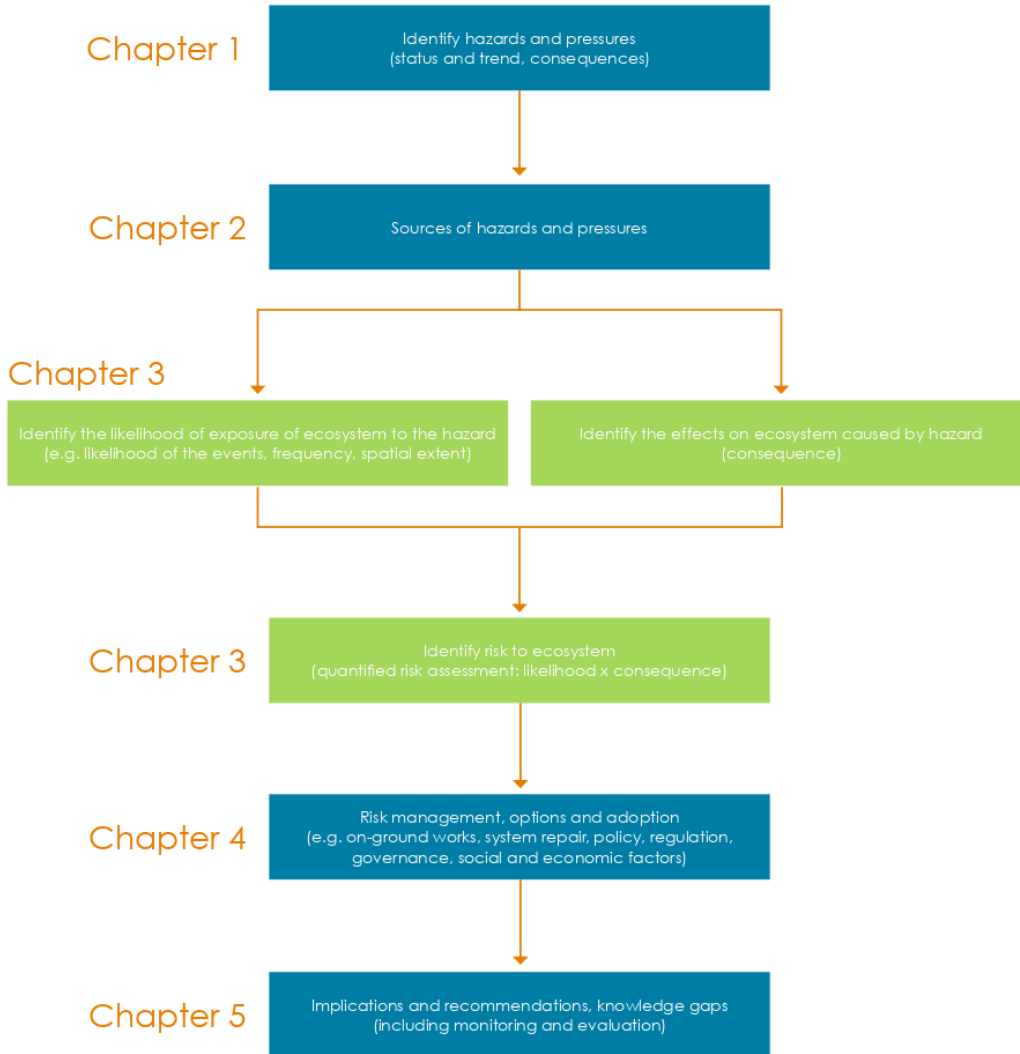
While all land-based pollutant sources have been considered as part of this Scientific Consensus Statement, the emphasis is on the agricultural diffuse sources of pollutants as the dominant contributor of land-based pollutant loads at a regional and Great Barrier Reef-wide scale. Evidence about the effectiveness of water quality management in the Great Barrier Reef reflects the focus on agricultural industries. Chapter 4 highlights there is little direct Great Barrier Reef evidence about the effectiveness of urban water quality management, wetland and treatment systems, and the social, economic and governance literature in this chapter deals almost exclusively with agricultural practice change.

The Reef 2050 Plan also links the ecosystem health theme to the water quality targets under the actions of protecting and restoring, reducing impacts and monitoring and reporting. Accordingly, new sections have been added to the Scientific Consensus Statement to cover coastal aquatic ecosystems in terms of status and water quality impacts, relative risk and management options. For some aspects of these new sections, where there is limited specific knowledge for the Great Barrier Reef, it has been necessary to draw on national and international literature. These aspects are highlighted as knowledge gaps in Chapter 5.

The primary ecosystems considered include coastal wetlands and floodplains, estuaries, marine waters and benthic marine ecosystems with a focus on coral reefs and seagrass. The geographic scope is extended to include reference to the Torres Strait and Hervey Bay. Information is reported at the scale of the six natural resource management regions, 35 main catchments and additional management units in the Burdekin and Fitzroy natural resource management regions (see Figure 2).

The primary source of information in the 2017 Scientific Consensus Statement is published, publicly available information that has undergone a peer review process.

Figure 1: Risk management framework adopted for the 2017 Scientific Consensus Statement showing how each chapter maps into the framework. Derived from AS/NZS (2004).



2. Background

The Reef 2050 Water Quality Improvement Plan 2017-2022 is a joint commitment of the Australian and Queensland governments. The plan is a collaborative program of coordinated projects and partnerships designed to improve the quality of water flowing to the Great Barrier Reef. The 2017 Scientific Consensus Statement is a foundational document which provides the scientific understanding underpinning the design and implementation of the Reef 2050 Water Quality Improvement Plan.

The Scientific Consensus Statement has been prepared by a panel of scientists with expertise in Great Barrier Reef water quality science and management. They have reviewed and synthesised the significant advances in scientific knowledge of water quality issues in the Great Barrier Reef from the 2013 Scientific Consensus Statement. The evidence reviewed is summarised in the next section.

In parallel to the update of the Scientific Consensus Statement in 2017, new catchment-based pollutant load reduction targets were developed for the Reef 2050 Water Quality Improvement Plan (Brodie et al., 2017).

Figure 2: Map of the marine natural resource management (NRM) boundaries, coastal aquatic and marine habitats, NRM regions and catchment boundaries included in the 2017 Scientific Consensus Statement. Map prepared by D. Tracey, James Cook University.





3. Scientific Consensus in 2017

This report provides the 2017 Scientific Consensus Statement for the Great Barrier Reef – a review of the significant advances in scientific knowledge of water quality issues in the Great Barrier Reef to arrive at a consensus on the current understanding of the system. The consensus statement was produced by a multidisciplinary group of scientists, with oversight from the Reef Independent Science Panel, and supports the development of the Reef 2050 Water Quality Improvement Plan 2017-2022.

The overarching consensus is:

Key Great Barrier Reef ecosystems continue to be in poor condition. This is largely due to the collective impact of land run-off associated with past and ongoing catchment development, coastal development activities, extreme weather events and climate change impacts such as the 2016 and 2017 coral bleaching events.

Current initiatives will not meet the water quality targets. To accelerate the change in on-ground management, improvements to governance, program design, delivery and evaluation systems are urgently needed. This will require greater incorporation of social and economic factors, better targeting and prioritisation, exploration of alternative management options and increased support and resources.

The evidence base supporting this consensus is provided in a series of four supporting chapters. The main conclusions were:

1. The decline of marine water quality associated with land-based run-off from the adjacent catchments is a major cause of the current poor state of many of the coastal and marine ecosystems of the Great Barrier Reef. Water quality improvement has an important role in ecosystem resilience.
2. The main source of the primary pollutants (nutrients, fine sediments and pesticides) from Great Barrier Reef catchments is diffuse source pollution from agriculture. These pollutants pose a risk to Great Barrier Reef coastal and marine ecosystems.
3. Progress towards the water quality targets has been slow and the present trajectory suggests these targets will not be met.
4. Greater effort to improve water quality is urgently required to progress substantial pollutant reductions using an expanded scope of tailored and innovative solutions. Climate change adaptation and mitigation, cumulative impact assessment for major projects and better policy coordination are also required to protect the Great Barrier Reef.
5. There is an urgent need for greater investment in voluntary practice change programs, the use of regulatory tools and other policy mechanisms to accelerate the adoption of practice change, and robust monitoring and evaluation programs to measure the rate and effectiveness of adoption.
6. Strengthened and more effective coordination of Australian and Queensland government policies and programs, further collaboration with farmers and other stakeholders, and strong evaluation systems are critical to the success of Great Barrier Reef water quality initiatives.
7. Priorities for reducing pollutant loads are now established at a catchment scale, based on the exposure of coastal and marine ecosystems to land-based pollutants, and should be used to guide investment.
8. A greater focus on experimentation, prioritisation and evaluation at different scales, coupled with the use of modelling and other approaches to understand future scenarios, could further improve water quality programs.

4. Independent Science Panel remarks

The Independent Science Panel (the panel) was established in 2009 to provide multidisciplinary scientific advice to the Australian and Queensland governments on the implementation of the Reef Water Quality Protection Plan. In this role, the panel has reviewed the 2013 and 2017 Scientific Consensus Statements.

After reviewing the 2017 Scientific Consensus Statement, the panel agreed:

1. **There has been significant progress since the 2013 Scientific Consensus Statement in understanding sediment, nutrient and pesticide delivery from Great Barrier Reef catchments and their mitigation through improved land management practices.** The new eReefs biogeochemical model tracks sediments and nutrients in the marine environment and connects the impact of these pollutants to water clarity and indicators of ecosystem health. The increased capability of terrestrial and marine models to evaluate processes in the catchments and receiving waters must be supported by additional investment in the in-situ monitoring of coastal water quality. This monitoring will also benefit regional report cards partnerships.
2. **The cumulative effects of multiple pressures substantially reduce the health and resilience of the Great Barrier Reef** including the combined impacts of extreme weather events, climate change and historical developments. In the past four years, a fourth outbreak of crown-of-thorns starfish occurred, originating from reefs impacted by river flows from the Wet Tropics region. In addition, unusually warm sea temperatures in the northern Great Barrier Reef resulted in widespread coral bleaching in 2016 and 2017. However, later low rainfall and run-off has shown the ability of seagrass ecosystems to recover from the acute impacts of run-off. Reducing land-based pollution will improve the resilience of the marine ecosystems to cope with a changing climate.
3. **The robust risk-based approach to land-based pollutants implemented in the 2017 Scientific Consensus Statement represents an improvement** of the risk assessment in the 2013 Scientific Consensus Statement and has allowed high risk pollutants and catchments to be identified. The panel notes that point sources (e.g. urban, industrial and ports) and other pollutants (e.g. marine debris/microplastics, antifouling paint components and personal care products) are included in the 2017 Scientific Consensus Statement, but require more information to understand the level of risk. The panel reaffirms the focus of the Reef Water Quality Protection Plan 2013 and updated plan on diffuse pollution from agricultural sources.
4. **The Paddock to Reef Integrated Monitoring, Modelling and Reporting Program catchment models include more robust estimates of the effectiveness of improved land management practices** as defined by the water quality risk frameworks. The rates of adoption have slowed after a period of early uptake, challenging expectations of meeting the water quality targets entirely from voluntary reforms. In addition to continuous improvement and innovation, the panel believes that transformational change will be required to reach the targets.
5. **Further consideration of economic and social dimensions is needed** in the development and implementation of programs to improve reef water quality.
6. **There is a need for a mechanism of ongoing evaluation of the reef water quality program to inform future program design** because regionally specific feedback on design and delivery can be available before it is published and/or fully evaluated by the consensus process. Future scientific consensus statements could elevate the economic and human dimensions of program design and better communicate the achievement of outcomes for improved reef water quality.
7. **Coordination and collaboration** across all sectors (particularly among levels of government responsible for managing development pressures) is needed **to reduce land-based impacts** on inshore marine water quality. It is clear that the health of the Great Barrier Reef and its catchment ecosystems are linked and need to be improved together. This will require appropriate risk assessments in the planning of all future developments in Great Barrier Reef catchments.
8. **The 2017 Scientific Consensus Statement is currently the best and most authoritative source of information to support evidence-based decisions for better water quality within the Great Barrier Reef World Heritage Area. The panel supports the general findings, conclusions and recommendations of the updated statement.**

5. Summary of evidence to support the 2017 Scientific Consensus Statement

Condition of coastal and marine ecosystems

The decline of marine water quality associated with land-based run-off from the adjacent catchments is a major cause of the current poor state of many of the Great Barrier Reef coastal and marine ecosystems. Additionally, coastal ecosystems have been highly modified and continue to be exposed to a range of pressures from catchment development. The resilience of marine ecosystems was indicated by their ability to at least partially recover from previous losses during periods of low disturbance and reduced catchment pollutant loads. The systems have been severely impacted by a number of recent events—including prolonged periods of extreme sea surface temperatures, tropical cyclones and the progression of the fourth wave of crown-of-thorns starfish population outbreaks. Climate change is predicted to increase the frequency of large-scale bleaching events and the intensity of extreme weather events.

Summary of evidence

- The Great Barrier Reef marine ecosystems and their associated catchments are part of a dynamic, interconnected system. The condition of all parts of the system, including the catchment, is important for the long-term health of the Great Barrier Reef. Each part has its own inherent ecosystem and biodiversity values and provides ecosystem services such as water quality improvement and carbon storage that benefit the receiving marine environment.
- Coastal freshwater wetlands continue to be affected by a range of chronic and acute pressures such as excess nutrient, sediment and pesticide loads; loss of connectivity; changes in hydrology and invasive species.
- Poor marine water quality associated with pollutant run-off from the adjacent catchments, especially during major floods, affects the condition of many of the key marine ecosystems of the Great Barrier Reef.
- Inshore seagrass meadows and coral reefs continue to recover from previous losses due to major run-off events and cyclones, but remain in moderate to poor condition.
- Periods of reduced catchment run-off associated with low rainfall demonstrate the inherent ability of inshore reef communities to recover from acute disturbances. This provides a strong case for reducing the pollutant loads being delivered to the Great Barrier Reef.
- Mid-shelf and outer shelf reefs in the southern half of the Great Barrier Reef have shown the capacity to rapidly recover from previous disturbances; however, a severe mass thermal coral bleaching event in 2016 resulted in significant coral mortality, especially north of Port Douglas.
- Ongoing, warmer-than-average sea temperatures resulted in a further widespread mass coral bleaching event in 2017 which was most intense on reefs between Cairns and Townsville. In addition, a severe Tropical Cyclone Debbie affected reefs in the Mackay Whitsunday region and subsequent flooding also affected the Fitzroy region. Impacts of these events have yet to be quantified.
- Climate change is predicted to increase the intensity of extreme weather events, which are significant in driving impacts to coastal and marine ecosystems.

Recommendations

- **Implement measures to better anticipate and respond to future changes including climate change, coastal urban growth, and agricultural expansion and intensification. This will require: (a) developing a coherent climate adaptation strategy for the Great Barrier Reef catchments; (b) modified water quality planning and delivery approaches; (c) strategies to manage unforeseen impacts of future land use change (e.g. coastal development or land retirement) including offsets or strict conditioning; (d) future scenario modelling; and (e) better standards for cumulative impact assessment including climate scenarios for environmental impact assessment of development proposals in the Great Barrier Reef catchments.**
- Undertake urgent action to maintain and improve the resilience of the coastal and marine ecosystems of the Great Barrier Reef through implementing more intensive management of catchment water quality and other local pressures, active landscape protection and restoration approaches to maintain as many biodiversity and ecosystem functions as possible, and more effective global climate change mitigation measures. A stronger knowledge base about the role of extreme events and a changing climate on end-of-catchment pollutant loads is essential for developing achievable water quality targets.
- Implement a more holistic and coordinated approach to managing wetlands (including rivers) and floodplains and their connections to the Great Barrier Reef by embedding the protection of catchment, estuary and floodplain functions and connectivity in Great Barrier Reef policy. This should also include increased efforts to understand how multiple and cumulative environmental pressures (including water quality) affect recovery processes, to help refine predictions of future condition and resilience of coastal and marine ecosystems.

Risk to coastal and marine ecosystems

The greatest water quality risks to the Great Barrier Reef and coastal ecosystems are from discharges of: (a) nutrients, which are an additional stress factor for many coral species, promote crown-of-thorns starfish population outbreaks with destructive effects on mid-shelf and offshore coral reefs, and promote macroalgal growth; (b) fine sediments, which reduce the light available to seagrass ecosystems and inshore coral reefs; and (c) pesticides, which pose a toxicity risk to freshwater ecosystems and some inshore and coastal habitats.

Summary of evidence

A combination of qualitative and semi-quantitative assessments were used to estimate the relative risk of water quality pollutants to Great Barrier Reef coastal aquatic and marine ecosystem health.

- Increased loads of fine sediments, nutrients (nitrogen and phosphorus) and pesticides were all found to be important at different scales and different locations in the Great Barrier Reef. However, the risks differ between the individual pollutants, source catchments and distance from the coast.
- Exposure to fine sediment is most significant for areas with shallow seagrass and coral reefs on the inner shelf adjacent to basins with high anthropogenic fine sediment loads. The greatest coral reef and seagrass exposure to fine sediment is from the Burdekin, Fitzroy, Mary, Herbert, Johnstone and Burnett catchment areas. The Burdekin and Fitzroy catchments also contribute the greatest fine sediment risk to seagrass ecosystems.
- Exposure to dissolved inorganic nitrogen is most significant for all inner shelf areas and the mid-shelf area between Lizard Island and Townsville adjacent to catchments with high anthropogenic dissolved inorganic nitrogen loads. The relative importance of dissolved inorganic nitrogen to seagrass ecosystems is still uncertain, but it may influence light availability for deep water seagrass in areas deeper than 10 to 15 metres due to increased phytoplankton growth.
- The greatest coral reef and seagrass exposure to dissolved inorganic nitrogen is from the Herbert, Houghton, Johnstone, Mulgrave-Russell, Tully, Plane and Murray catchment areas. The Herbert, Johnstone, Mulgrave-Russell and Tully also contribute the greatest dissolved inorganic nitrogen risk to coral reefs and primary crown-of-thorns starfish outbreaks. Anthropogenic particulate nitrogen is also likely to be of some importance in the same catchment areas, as well as the Fitzroy; however, our knowledge on the bioavailability of particulate nitrogen to the marine ecosystems in relation to that of dissolved inorganic nitrogen is limited.
- Anthropogenic phosphorus loads are considerable from many catchment areas. Knowledge of the relative importance of nitrogen and phosphorus is limited, but nitrogen is considered to be the limiting nutrient and, hence, more important in any form than phosphorus.
- Pesticides pose the greatest risk to ecosystems closest to the source of the pesticides; i.e. freshwater wetlands, rivers and estuaries; followed by coastal ecosystems, seagrass and coral. Catchments within the Mackay Whitsunday region and the Lower Burdekin present a very high to moderate risk to end-of-catchment ecosystems from pesticides, with diuron presenting the highest risk.
- Marine plastic pollution was found to be the highest priority among emerging pollutants. This is particularly an issue in the Cape York region due to exposure to oceanic and local shipping sources. Additionally, chronic contamination of water and sediments with antifouling paints, and exposure to certain personal care products, has been assessed as a risk in regions south of Cape York. All other emerging contaminants were assessed as relatively low risk, with some minor differences between regions.

Recommendation

- Use the Great Barrier Reef catchment-specific pollutant load reduction targets to guide actions to minimise water quality risks to the Great Barrier Reef.

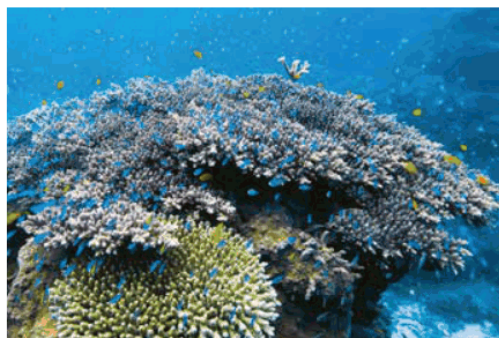


Image: © Tourism and Events Queensland

Sources of land-based pollutants

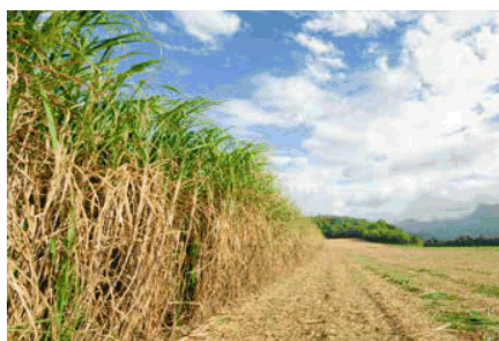
The main source of excess nutrients, fine sediments and pesticides from Great Barrier Reef catchments is diffuse source pollution from agriculture. Other land uses, including urban areas, contribute relatively small but concentrated pollutant loads, which may be important at local scales.

Summary of evidence

- Water discharged from the catchments into the Great Barrier Reef lagoon continues to be of poor quality in many locations. Knowledge of the major sources and processes contributing to these river pollutant loads has significantly improved due to better modelling and monitoring.
- Sugarcane areas are the largest contributors of dissolved inorganic nitrogen and pesticides, while grazing contributes the largest proportion of sediment and particulate nutrients to the Great Barrier Reef primarily through sub-surface (gully, streambank and rill) erosion. Contributions from other land uses, including urban, are relatively minor in comparison to agriculture but can be important locally.
- At the regional scale, the Wet Tropics, Burdekin and Fitzroy regions contribute most of these river pollutant loads. However, at the catchment scale, areas within the Mackay Whitsunday and Burnett Mary regions are also important contributors, illustrating the value of identifying management priorities at the catchment or finer scale.
- Catchment modelling shows that mean-annual fine sediment, nutrient and pesticide loads delivered to the Great Barrier Reef lagoon have increased substantially since pre-development conditions. They include an: approximate 5.0 fold increase in fine sediment for the entire Great Barrier Reef catchment (range 3.0 to 8.0 fold depending on the region); approximate 2.0 fold increase in dissolved inorganic nitrogen (range 1.2 to 6.0 fold, with the exception of Cape York); approximate 1.5 fold increase in particulate nitrogen (range 1.2 to 2.2 fold) and approximate 2.9 fold increase in particulate phosphorus (range 1.2 to 5.3 fold).
- The mean-annual loads of prevalent pesticides (ametryn, atrazine, diuron, hexazinone, tebuthiuron and simazine) are estimated (modelled) to be around 12,000kg per year across the Great Barrier Reef. The measured pesticide data suggests that most pesticides are found in all regions, even though some are in very small quantities. The catchments that contribute the most pollutants have remained reasonably consistent over the past 10 years.
- Expansion of agriculture in the Great Barrier Reef catchments (e.g. under the Northern Australia Development Plan), major development projects and anticipated growth in coastal populations adjacent to the Great Barrier Reef will increase pollutant loads delivered to the Great Barrier Reef.

Recommendation

- **Continue to prioritise agricultural sources of pollutants in Great Barrier Reef catchment management. Information on the pollutant contributions from non-agricultural sources (e.g. urban, industrial and ports) and other pollutants should be compiled as a priority to support whole-of-catchment management approaches.**



Progress to targets

Progress towards the Reef Water Quality Protection Plan 2013 targets has been slow and the present trajectory will not meet the targets. This puts the Outstanding Universal Value of the Great Barrier Reef under increasing pressure, especially in the context of other pressures such as climate change. Greater effort to improve reef water quality is urgently required to restore and protect the Great Barrier Reef ecosystems.

Summary of evidence

- The Reef Water Quality Protection Plan 2013 included land and catchment management targets to address improved agricultural management practices and the protection of natural wetlands and riparian areas. These targets were based on the conceptual understanding of the link between land condition, management practice standards and water quality outcomes.
- The annual Great Barrier Reef Report Card details progress against the Reef Water Quality Protection Plan targets, with the most recent report card providing 2014-2015 data. Most of the indicators are reported annually, except for the wetland and riparian extent indicators, which are reported every four years (the last report was in 2014).
 - » The overall condition of the inshore marine environment (water quality, seagrass and coral) remains poor, and has not changed greatly since Report Card 2011.
 - » While there has been good progress in adopting improved management practices across the agricultural industries in the Great Barrier Reef catchments, a large proportion (in some cases, up to 77%) of agricultural land is managed using practices which are below best management practice for water quality. This demonstrates the challenges associated with facilitating the adoption of improved (lower water quality risk) land management practices, and highlights the limited progress towards achieving the management practice adoption targets since 2009.
 - » An analysis of the Great Barrier Reef Report Card data indicates the rate of progress towards the targets is slowing and it is unlikely the targets will be met on the current trajectory.
 - » Catchment condition targets are tracking positively, with very good, good and moderate scores for ground cover, wetland loss and riparian extent, respectively.
- The adoption of existing best management practices for agricultural land will not be sufficient to achieve the water quality targets and additional management options need to be urgently trialled and validated in the Great Barrier Reef context and then implemented.

Recommendations

- The recommendations for these findings are combined with those for 'Efforts to improve Great Barrier Reef water quality'. The key message is **that there is a need to urgently implement more targeted and substantial effort to improve water quality in the Great Barrier Reef.**



Image: © Tourism and Events Queensland

Efforts to improve Great Barrier Reef water quality

Current management options to reduce pollutant run-off to the Great Barrier Reef provide a solid foundation for program implementation, but an expanded scope of tailored and innovative solutions is urgently required to progress the substantial pollutant load reductions required to meet the Reef 2050 Water Quality Improvement Plan targets by 2025. There is an urgent need for greater investment in voluntary practice change programs, the use of regulatory tools and other policy mechanisms to accelerate the adoption of practice change, and robust monitoring and evaluation programs to measure the rate and effectiveness of adoption.

Summary of evidence

- There is very high confidence in the Paddock to Reef Integrated Monitoring, Modelling and Reporting Program water quality risk frameworks which are used to assess the effectiveness of agricultural practices for water quality. New research has highlighted the benefits of lower fertiliser (nitrogen) application rates, and site and season-specific fertiliser recommendations, in reducing water quality risk. In grazing, land cover management has been found to be effective at generally reducing erosion. However, gully and streambank erosion remains a major problem and remediation has become a higher priority.
- The adoption of new agricultural practices depends on many factors including individual goals and circumstances, local context, perceived profitability and risk and ease of management. Farmers are diverse, with different goals, motivations and information sources. Conflicting messages about Great Barrier Reef health, blaming farmers and the over-emphasis on science (to the exclusion of local or industry knowledge) have been found to contribute to low acceptance of environmental responsibility.
- Collaborative processes to deliver interventions and improve trust in decisions and data are essential. Local, trusted intermediaries and flexible incentives need to be fostered to improve participation in reef water quality programs.
- Wetland and floodplain protection, management and restoration, as well as engineered treatment systems are required to complement on-farm practices to reduce nutrient, sediment and pesticide run-off.
- Changes in land use to less intensive options (such as from sugarcane to grazing, wetlands or conservation) warrants further consideration to accelerate pollutant load reductions. There is currently limited investigation or evidence of these options in the Great Barrier Reef catchments.
- Additional water quality benefits can be achieved from non-agricultural lands such as urban areas and ports, although our understanding of the effectiveness of different practices for water quality in the Great Barrier Reef is limited.
- Large variations exist in the costs of improving water quality between natural resource management regions, programs and industries. Investments can be better prioritised to improve the efficiency and effectiveness of practice change programs. The costs of meeting the water quality targets has been shown to be very high; much higher than previously thought. As the water quality targets are approached, the costs of additional actions are likely to rise sharply.
- Better prioritisation of investments should take into account the cost-effectiveness of agricultural management options including adoption rates, costs, time lags and climatic influences, as well as risks to the marine environment. The areas where the most cost-effective management options can be achieved are not necessarily the areas that generate the most pollutants.

Recommendations

- **Develop and implement cost-effective techniques to manage gullies and riparian erosion; further develop and implement new approaches to fertiliser management in cropping lands (including the use of enhanced efficiency fertilisers, site-specific fertiliser management, and considering seasonal climate forecasts); and investigate methods to reduce catchment run-off as a result of extreme climatic events.**
- **Introduce tailored practice change programs that target different groups of landholders and involve collaboration with landholders, industry organisations and service providers to design and deliver programs. Include programs that involve knowledge exchange between farmers, scientists and others; address perceptions of risk; provide trusted and diverse advisory services; and deliver adequate financial, cultural and social rewards.**
- **Develop and implement a broader range of management options for pollutant reduction from all land uses considering costs, water quality benefits, other trade-offs and policy instruments. In particular: (a) test and validate the water quality effectiveness of wetland and treatment systems in specific locations to support their broader application; (b) review options for voluntary land use change to less intensive uses which support water quality improvement; and (c) incorporate total water cycle management in expanding urban areas and quantify benefits at local scales. Encourage adoption of proven applications.**
- Undertake a more comprehensive and systematic evaluation of existing and proposed policies and programs to improve their effectiveness in accelerating adoption. Additionally, ensure that an economic assessment of projects, in terms of public costs and private benefits, is undertaken to better judge cost-effectiveness and likely adoption before proceeding.
- Implement regulatory and market mechanisms to favour selection of lower cost projects and faster practice change, supported by voluntary approaches to meet the pollutant reduction targets. A variety of regulatory tools already exist, and others e.g. 'smart regulation' should be considered.

Governance and program delivery arrangements

Great Barrier Reef water quality governance requires a commitment to adaptive, participatory and transdisciplinary approaches, and better use of social, economic and institutional research. There is strong evidence to show where aspects of current water quality management programs can be strengthened. Risks including climate change, major development projects and related policy areas, such as agricultural intensification and coastal development, need to be addressed more directly. Strengthened and more effective coordination of Australian and Queensland government policies and programs, further collaboration with farmers and other stakeholders, and strong evaluation systems are critical to the success of Great Barrier Reef water quality initiatives.

Summary of evidence

- Overall, the governance of the Great Barrier Reef is inherently complex. Coordination between governments and government programs is critical to provide clear policy signals and ensure effective management actions.
- There has been a lack of systematic evaluation of program design and implementation, and limited use of social, economic and institutional research to find and test new solutions and improve program delivery.
- Great Barrier Reef governance requires adaptive, participatory and transdisciplinary approaches:
 - » **Adaptive** approaches use modelling and other tools to build system understanding, encourage experimentation and evaluation, and tailor solutions to regional variations. A greater focus on experimentation and evaluation of on-ground works and program delivery would strengthen the adaptive capacity of Great Barrier Reef programs. Current governance arrangements have not effectively supported a culture of innovation for water quality outcomes.
 - » **Participatory** approaches can bring more knowledge to the debate about solutions, garner support, coordinate effort and reveal value conflicts. Participation and collaboration are features of Great Barrier Reef policy, planning and implementation. Collaboration between natural resource management organisations and industry peak bodies has facilitated coordinated program delivery. Regional capacity is, however, fragile with changes to natural resource management programs, capacity and funding commitments.
 - » **Transdisciplinary** approaches use natural and social sciences and stakeholder knowledge to test and evaluate innovative solutions.
- Climate change, the cumulative impact of major development projects and uncoordinated policies represent critical risks to Great Barrier Reef health.
- Intergovernmental coordination and policy alignment must be improved as they affect all aspects of program design and delivery. Related policy areas, such as agricultural intensification, drought relief and water resource development, and poor alignment with other regional planning and management efforts can have perverse impacts on Great Barrier Reef water quality outcomes.

Recommendations

- **Evaluate the effectiveness, efficiency and outcomes of Great Barrier Reef programs and share learnings at Great Barrier Reef and regional levels to drive improvement in program governance, design, delivery and implementation. Incorporate learnings from social research and international case studies, and commission locally relevant research, to support formal Great Barrier Reef policy review cycles.**
- **Address the significant risks to Great Barrier Reef ecosystems from other policy areas by implementing measures to reduce greenhouse gas emissions, assessing the cumulative impacts of major projects on the Great Barrier Reef, and influencing related policy areas such as agricultural intensification and coastal development that may increase risks to the Great Barrier Reef.**
- Develop stronger alignment between Great Barrier Reef management programs, wetland and floodplain management, and other regional planning and management activities such as land use planning, development assessment and floodplain management.
- Encourage and invest in core natural resource management activities such as local partnerships, planning and community engagement to strengthen the regional, catchment and property-scale delivery network. Longer term funding commitments tied to performance outcomes will provide flexibility to tailor approaches to local contexts.
- Encourage experimentation and innovation by scientists working with local stakeholders to develop, test and evaluate potential new solutions.
- Strengthen intergovernmental coordination to ensure effective management of the Great Barrier Reef. The Reef 2050 Long-Term Sustainability Plan needs greater authority and investment, clearer strategies and better stakeholder engagement.

Catchment-scale management priorities

Several catchments contribute to the highest exposure of coastal or marine ecosystems to pollutants, and are considered a high priority for water quality improvement. These include the Mulgrave-Russell, Johnstone, Tully, Herbert, Haughton, Burdekin, Pioneer, Plane, Fitzroy and Mary catchments. Social and economic information is required to prioritise efforts within catchments.

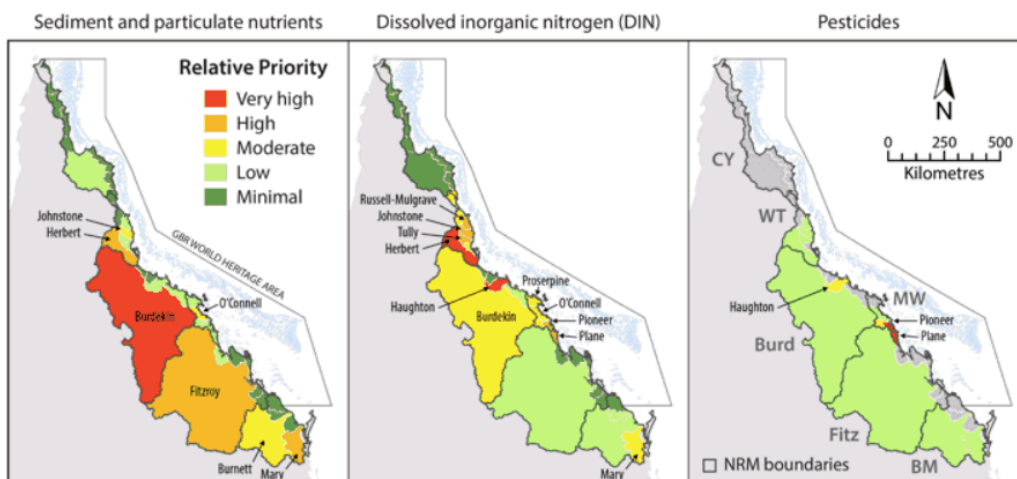
Summary of evidence

- The highest priority areas for reducing fine sediments, dissolved inorganic nitrogen and pesticides loads delivered to the Great Barrier Reef are shown in Figure 3. They are:
 - » Fine sediment and particulate nutrients: Burdekin, Herbert, Fitzroy and Mary catchments.
 - » Dissolved inorganic nitrogen: Herbert, Haughton, Mulgrave-Russell, Johnstone, Tully and Plane catchments.
 - » Pesticides: Plane, Pioneer and Haughton catchments.
- The Cape York catchments could also be a priority for protection and for maintaining current water quality given their relatively low risk contributions and relatively good condition of the adjacent marine ecosystems.
- Comparing the highest priority catchments for pollutant reduction against those with the most cost-effective management options (in \$/tonne) shows:
 - » The Mary, Herbert, Fitzroy and Burdekin catchments offer the most cost-effective management for sediment, while actions in the Burdekin, including the Bowen-Broken-Bogie catchment, provide larger scale reductions at higher cost levels.
 - » The results are less clear for dissolved inorganic nitrogen due to limited data availability across the Great Barrier Reef but indications are the Plane, Herbert, Tully and Johnstone catchments are the most cost-effective for reducing dissolved inorganic nitrogen loads through improved sugarcane management.

Recommendations

- **Develop a detailed, comprehensive and costed water quality management plan, drawing on the existing regional water quality improvement plans, to guide strategic investment in priority areas and ensure the water quality targets for the Great Barrier Reef are achieved.**
- **Undertake finer scale spatial prioritisation of management and allocate resource effort across and within the Great Barrier Reef catchments, using (a) biophysical catchment characteristics and the likelihood of exposure of coastal and marine ecosystems to pollutants to identify priority areas at a catchment scale, supported by (b) current practice adoption, and social and economic factors to inform the most cost-effective areas for increased management effort and the choice of policy mechanisms and (c) a range of agricultural management practice, landscape remediation and/or land conversion management scenarios. Incorporate risks to landholders and partners, climate, markets and time lags. Industries such as horticulture and broadacre cropping require further attention as they present an opportunity for cost-effective outcomes in short timeframes.**
- Target funding for improved land management and remediation to the priority catchments identified in the 2017 Scientific Consensus Statement. Areas of lower priority for remediation need to be maintained or improved.

Figure 3: Map illustrating the relative spatial priorities for water quality improvement in the Great Barrier Reef catchments based on the assessment of pollutant exposure and risk to coastal and marine ecosystems. Note this is a result of the biophysical assessment only, and results for particulate nutrients have been extrapolated from the fine sediment assessment and were not considered independently. Social and economic factors should determine priorities within catchments.



Monitoring and modelling

Monitoring and modelling of the Great Barrier Reef ecosystems is a strength of the Reef Water Quality Protection Plan 2013 and its programs, with some spatial limitations. However, there has been limited investment in social and institutional research and monitoring, and a lack of systematic evaluation of delivery processes and governance systems. A greater focus on experimentation, prioritisation and evaluation at different scales, coupled with the use of modelling and other approaches to understand future scenarios, could further improve water quality programs.

Summary of evidence

- The Paddock to Reef Integrating Monitoring, Modelling and Reporting Program (Paddock to Reef program) commenced in 2009 and is the central program for evaluating progress towards the Reef Water Quality Protection Plan management practice, catchment condition and pollutant reduction targets, as well as marine water quality and ecosystem health condition. The scope of the program does not include social (except for management practice adoption reporting), economic or governance indicators. There is also limited marine condition assessment in the northern (Cape York) and southern (Burnett Mary) regions.
- Almost 10 years of data collected under the Paddock to Reef program provides the basis for assessing catchment management effectiveness and catchment and marine water quality and ecosystem condition.
- Regional reporting partnerships have been established involving a broad range of stakeholders. Access to monitoring data outside of the Paddock to Reef program will become more important with the scope of the Reef 2050 Water Quality Improvement Plan 2017-2022 expanded to include non-agricultural land uses.
- The ability to quantitatively attribute changes in catchment activities and end-of-catchment water quality to coastal and marine water quality and ecosystem condition remains limited due to climate variability, sparse monitoring and incomplete operational models. Overall, catchment and marine monitoring and modelling approaches to support evaluation and reporting of the progress towards targets continues to improve. There are still challenges with the lack of data for all indicators in the Cape York and Burnett Mary regions.
- There has been little investment in social, economic and institutional research, or monitoring, evaluation and reporting of indicators related to Great Barrier Reef water quality management, and this constrains the ability to improve the effectiveness of programs.

Recommendations

- Expand the scope of the Paddock to Reef Integrated Monitoring, Modelling and Reporting program to:
 - » Include condition reporting of coastal aquatic ecosystems.
 - » Address the lack of monitoring data, validation of models and the estimation of water quality risks and ecosystem condition in the Cape York and Burnett Mary regions.
 - » Incorporate a formal social and economic monitoring and modelling component.
 - » Address the lack of monitoring data from other pollutants, e.g. marine debris, microplastics, and personal care products.
- Expand and improve public reporting of water quality data from all land uses and whole-of-catchment efforts to support broader community engagement.
- Develop the capacity to model the cumulative impacts of water quality and other pressures (major projects, coastal development) under a range of climate and other scenarios to better inform policy, planning and assessment processes.
- Develop a systematic approach to program evaluations that incorporates social, economic, governance and programmatic dimensions to inform program delivery efforts and support innovation.

6. Knowledge gaps

While a great deal of evidence is available to support the 2017 Scientific Consensus Statement, there are still many important knowledge gaps that need to be addressed to improve our understanding and management of water quality issues in the Great Barrier Reef. Key knowledge gaps and areas for further research are included in each chapter, and highlighted in Chapter 5. These will be incorporated into the updated Reef 2050 Water Quality Research, Development and Innovation Strategy.

Acknowledgements

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Supporting chapters

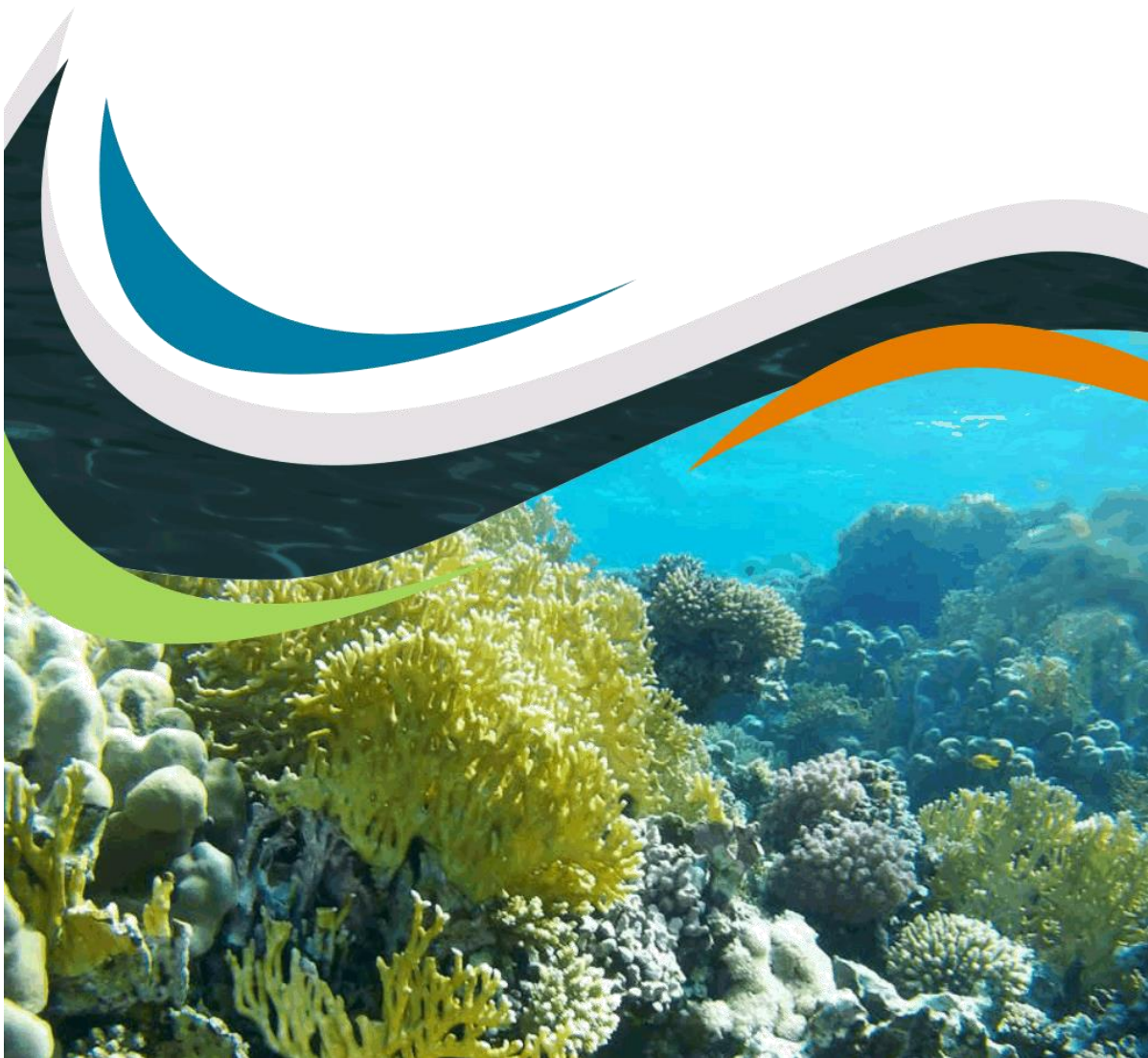
Schaffelke, B., Collier, C., Kroon, F., Lough, J., McKenzie, L., Ronan, M., Uthicke, S., Brodie, J., 2017. 2017 Scientific Consensus Statement: A synthesis of the science of land-based water quality impacts on the Great Barrier Reef, Chapter 1: The condition of coastal and marine ecosystems of the Great Barrier Reef and their responses to water quality and disturbances. State of Queensland, 2017.

Bartley, R., Waters, D., Turner, R., Kroon, F., Wilkinson, S., Garzon-Garcia, A., Kuhnert, P., Lewis, S., Smith, R., Bainbridge, Z., Olley, J., Brooks, A., Burton, J., Brodie, J., Waterhouse, J., 2017. 2017 Scientific Consensus Statement: A synthesis of the science of land-based water quality impacts on the Great Barrier Reef, Chapter 2: Sources of sediment, nutrients, pesticides and other pollutants to the Great Barrier Reef. Published by the State of Queensland, 2017.

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**REEF TRUST PARTNERSHIP WATER
QUALITY GRANT - JOINT
APPLICATION OPPORTUNITY**

**Fitzroy Catchment Water Quality
Targets (extract from Reef 2050 Water
Quality Improvement Plan)**

Meeting Date: 11 December 2018

Attachment No: 2

FITZROY REGION Fitzroy catchment water quality targets

Catchment profile

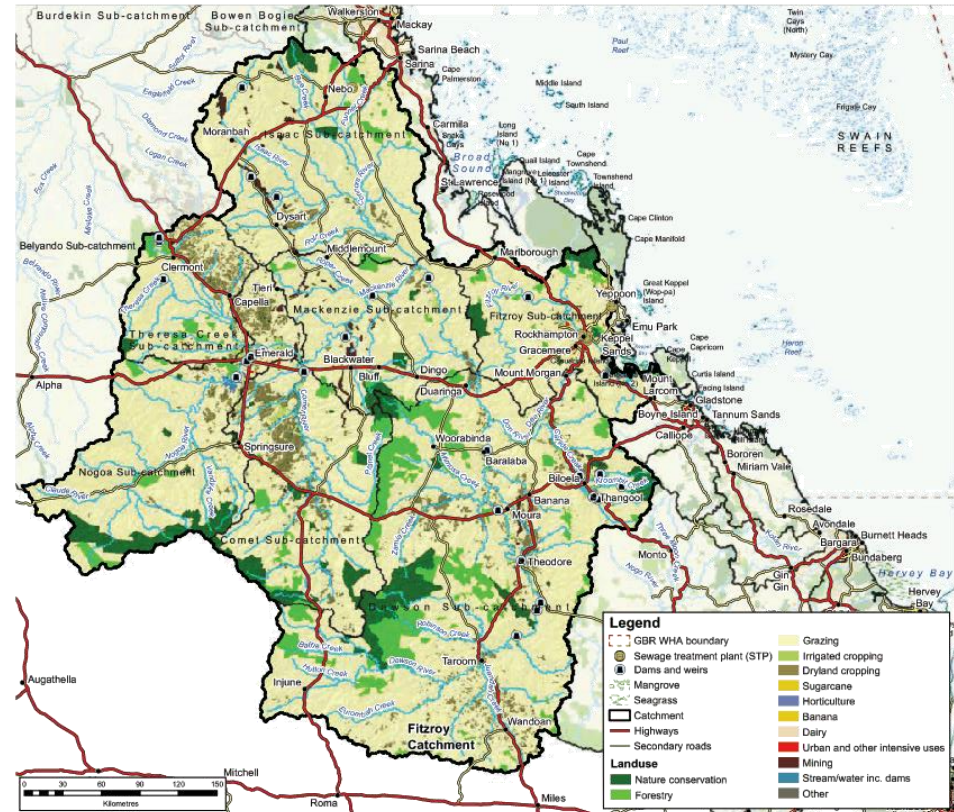
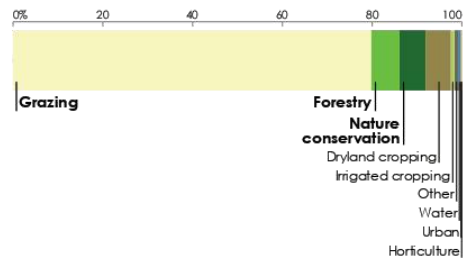
Under the Reef 2050 Water Quality Improvement Plan, water quality targets have been set for each catchment that drains to the Great Barrier Reef. These targets (given over the page) consider land use and pollutant loads from each catchment.

The Fitzroy catchment covers 142,552 km² (92% of the Fitzroy region). Rainfall averages 646 mm a year, which results in river discharges to the coast of about 6018 GL each year.

The Fitzroy catchment covers the majority of the Fitzroy region. Lying inland of the region's smaller coastal catchments, it is the largest catchment draining to the Great Barrier Reef lagoon. The Fitzroy River forms the main channel transporting run-off from the whole catchment, which comprises an extensive network of tributaries. Some of these are an extensive area in their own right. There are five main tributaries: the Connors and Isaac rivers in the north of the catchment; the Nogoia River in the western reaches of the catchment, which joins the Mackenzie; and the Dawson River in the south of the catchment, which also joins the Mackenzie to form the Fitzroy River. Agriculture is the major land use in the catchment; this is mostly grazing but also includes large areas of cropping, forestry and horticulture. The Fitzroy catchment also contains a diverse array of wetlands, waterways, floodplains and lagoon systems. It includes a number of urban centres, including Rockhampton and Emerald, and the area is known for mining.

Land uses in the Fitzroy catchment

The main land uses are grazing (80%), forestry (6%), and nature conservation (6%).



2025 water quality targets and priorities

End-of-catchment anthropogenic load reductions required from 2013 baseline				Pesticides
Dissolved inorganic nitrogen (DIN)	Fine sediment	Particulate phosphorus (PP)	Particulate nitrogen (PN)	
maintain current load	30% 390 kilotonnes	30% 380 tonnes	30% 640 tonnes	To protect at least 99% of aquatic species at the end of catchment

The 2025 targets aim to reduce the amounts of fine sediments, nutrients (nitrogen and phosphorus) and pesticides flowing to the reef. Where there are minimal anthropogenic pollutant loads, the aim is to maintain current water quality so there are no increases in loads. Each target for sediment and nutrients is expressed as: (a) the percentage load reduction required compared with the 2013 estimated load of each pollutant from the catchment; and (b) the load reductions required in tonnes. Progress made since 2013 will count towards these targets. [Previously reported](#) progress between 2009 and 2013 has already been accounted for when setting the targets. The pesticide target aims to ensure that concentrations of pesticides at the end of each catchment are low enough that 99% of aquatic species are protected. The targets are ecologically relevant for the Great Barrier Reef, and are necessary to ensure that broadscale land uses have no detrimental effect on the reef's health and resilience.

A high percentage reduction target may not necessarily mean it is the highest priority. The priorities (ranked by colour) reflect the relative risk assessment priorities for water quality improvement, based on an independent report, the [2017 Scientific Consensus Statement](#). The priorities reflect scientific assessment of the likely risks of pollutants damaging coastal and marine ecosystems.

Water quality relative priority

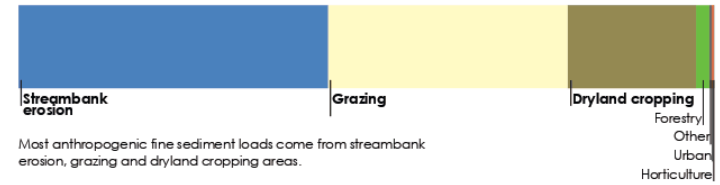
- Very high
- High
- Moderate
- Low
- Minimal
- Not assessed

Modelled water quality pollutant loads

The Fitzroy has minimal anthropogenic loads of dissolved inorganic nitrogen.

The Fitzroy catchment contributes the largest loads of anthropogenic fine sediment in the region, and is the second biggest contributor of the 35 catchments that drain to the Great Barrier Reef. Most of the sediment comes from grazing lands, and includes gully and streambank erosion.

Fine sediment



Most anthropogenic fine sediment loads come from streambank erosion, grazing and dryland cropping areas.

Types of sediment erosion



Most sediment erosion comes from streambanks and gullies in the Fitzroy catchment.



11.11 PROPOSED ENERGY ACTION PLAN

File No:	1174
Attachments:	1. Proposed Energy Action Plan 2. Sustainable Rockhampton Investment Fund Procedure
Authorising Officer:	Alicia Cutler - Chief Financial Officer Ross Cheesman - Deputy Chief Executive Officer
Author:	Christine Bell - Coordinator Environmental Sustainability

SUMMARY

This report tables Council's Energy Action Plan for consideration and endorsement.

OFFICER'S RECOMMENDATION

That Council endorse the Energy Action Plan for implementation.

COMMENTARY

Council facilities consume a significant amount of electricity. The Energy Action Plan (Attachment 1) has been developed to guide Council's approach to investment in innovative initiatives that address its operational electricity needs, whilst identifying key opportunities to reduce carbon emissions, achieve cost savings and recognise wider economic and social benefits for the Region.

The Plan recognises that, at this time, Council is likely to achieve the best return on investment by focusing on the affordable, low risk options available in renewable energy installations on key Council facilities, coupled with targeted energy efficiency projects. In the short term, implementation of the Energy Action Plan will see Council pursue initiatives such as solar power generation at the Glenmore Water Treatment Plant and participation in the Queensland Government's free ecoBiz eco-efficiency program.

PREVIOUS DECISIONS

25 July 2017 – Council resolved to prepare a report to consider the merits and feasibility of Council using solar powered energy for its operational needs.

13 July 2018 – Council's adopted FY2018-19 budget included an allocation to establish the Sustainable Rockhampton Investment Fund (SRIF). A subsequent procedure was finalised in November 2018 (Attachment 2). It is recognised that the SRIF is not only for energy reduction but could also be used for a range of initiatives. Renewable energy (Solar) however is proven and tested and has good financial indicators to support its investment.

25 Sep 2018 – Council adopted the Environmental Sustainability Strategy including a target to source the majority of Council's operational electricity from renewable energy.

BUDGET IMPLICATIONS

Council's Sustainable Rockhampton Investment Fund is available to support the Energy Action plan where there are real financial benefit. The Fund received a \$2.6m budget allocation in the FY2018-19 Council budget and is designed to support Council-managed initiatives that improve environmental sustainability, whilst delivering real financial savings. Facility specific energy improvements will be considered on a case by case basis and should be given budgetary consideration in future capital and operating budgets where appropriate.

CORPORATE/OPERATIONAL PLAN

This report progresses key action items as identified in Council's Operational Plan 2018-19:

- OP 3.2.1 Develop sustainable alternative energy sources and increased energy efficiency
- OP 3.2.2 Foster sustainable behaviour within Council and the community
- OP 3.2.3 Advocate for and support the development of new energy generation options

This report also seeks to support key items outlined within Council's Environmental Sustainability Strategy and supporting annual action plan under strategic action 4.2 - Foster sustainable behaviour, and encourage Council's wise use of resources, by exploring opportunities to use our resources more efficiently. Key actions include:

- Implement an energy action plan to guide Council's approach to investment in key energy initiatives. At a minimum, the plan should seek to improve understanding of Council's energy usage, deliver energy efficiencies at Council's top energy consuming sites and progressively increase the proportion of Council's electricity from renewable sources.
- Facilitate Council's participation in the Queensland Government's free ecoBiz program to pursue energy, water and waste efficiencies within nominated Council units.
- Establish, promote and administer the Sustainable Rockhampton Investment Fund to support initiatives that deliver positive environmental and financial benefits for Council.
- Develop Council-owned renewable energy generation infrastructure at a key site (Glenmore Water Treatment Plant).

CONCLUSION

Electricity costs exert significant and continuing pressure on Council's operating budget. Through the Energy Action Plan and associated Sustainable Rockhampton Investment Fund, Council has the opportunity to invest in energy efficiency and renewable energy initiatives that will deliver significant cost savings, whilst reducing carbon emissions and encouraging associated economic and social benefits for the Region.

PROPOSED ENERGY ACTION PLAN

Proposed Energy Action Plan

Meeting Date: 11 December 2018

Attachment No: 1

ENVIRONMENTAL
SUSTAINABILITY.

Energy Action Plan

November 2018

A plan for addressing Council's operational electricity needs, whilst identifying key opportunities to reduce carbon emissions, achieve cost savings and recognise wider economic and social benefits for the Region.

Rockhampton
Regional Council

Situation

Council facilities consume a significant amount of electricity. Increasing demands to maintain and grow Council services, coupled with continued investment in additional regional infrastructure, seem set to continue this trend.

Council has developed this Energy Action Plan to guide its approach to investment in innovative initiatives that address its operational electricity needs. The Plan aims to identify key opportunities to achieve cost savings, improve environmental sustainability and recognise wider economic and social benefits.

In July 2017, Council resolved to prepare a report for Council to consider the merits and feasibility of Council adopting or maximising solar powered energy for its operational needs. Council currently sources its electricity from two different retailers with large-scale sites supplied via a contestable electricity supply contract with the Stanwell Corporation and small-scale sites supplied with electricity by Ergon Energy Retail (see Table 1).

Table 1. Council's electricity sources and consumption as at 2018

Billing type	Site coverage and electricity consumption
Contestable electricity (contract)	<ul style="list-style-type: none"> Sites that consume more than 100 MWh per year (currently 19 sites) Contestable electricity consumption was 18,437 MWh in 2016 and 19,372 MWh in 2017 (a 5% increase) Annual contract cost is around \$4 million
Metered/non-metered electricity usage (Ergon)	<ul style="list-style-type: none"> Sites that consume less than 100MWh per year (hundreds of individually metered and billed sites) Consolidated data sets for total metered/non-metered usage are not readily available Annual supply cost is in the vicinity of \$3-4 million

In 2017, Council's top six electricity-consuming sites accounted for 76% of Council's contestable electricity consumption or around 40% of Council's total electricity consumption (see Figure 1 overleaf). This consumption pattern appears relatively consistent across contestable sites between 2016 and 2017, noting a recorded increase in net consumption of around 5% during this time.

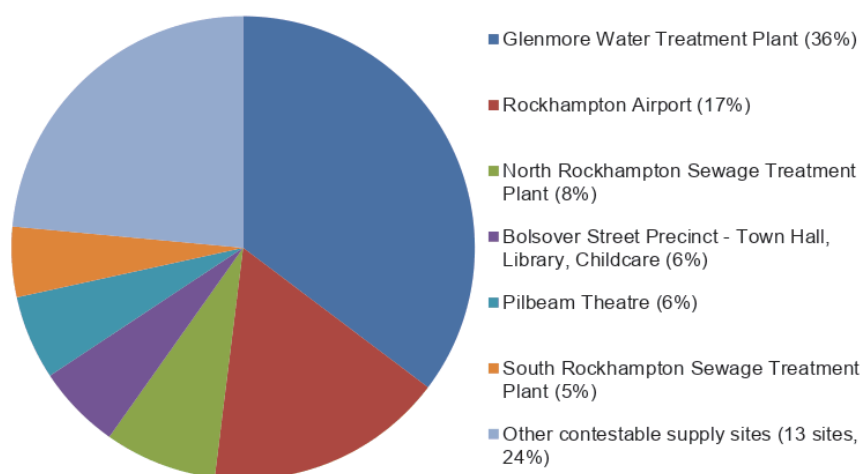


Figure 1: Breakdown of Council's contestable electricity consumption in 2017

Council has explored a number of energy efficiency and renewable energy projects in recent years. Some key examples include:

- Delivery of energy efficiency projects at various Council facilities focussing on voltage regulation and lighting improvements;
- Installation of a solar system at Gracemere Library in 2017 (the 30kW system accounts for about 25% of the facility's energy needs and has a payback period of around 3 years);
- Major efficiency upgrades targeting water pumping equipment at Fitzroy River Water;
- Feasibility assessment for a major solar installation at Glenmore Water Treatment Plant (estimated at around \$3m with a payback period of approximately 3 years);
- Purchase of 10% green power within the 2018 contestable electricity contract; and
- Participation as part of the State Government's electric vehicle super highway, including the use of Council's first electric vehicle.

Opportunities

Increasingly, electricity supply is being obtained from multiple energy generation sources with an emerging trend of energy generation being undertaken by entities other than traditional electricity generators. This is particularly evident in the generation of renewable energy from solar or other renewable resources.

The energy savings hierarchy outlines the key opportunities to use less, use efficiently and use renewable (Figure 2). Investing in energy efficiency and renewable energy initiatives has the potential to enable Council to achieve significant cost savings, whilst reducing carbon emissions and encouraging associated economic and social benefits for the community.

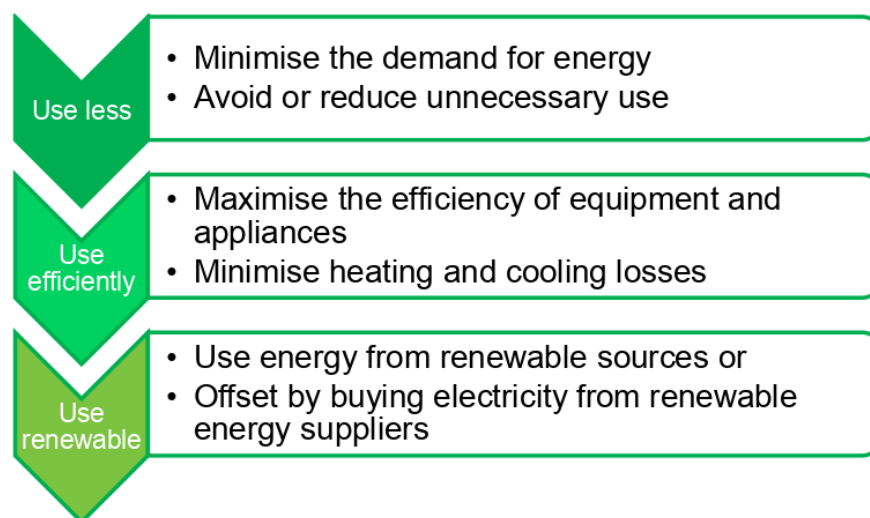


Figure 2. Energy savings hierarchy

Council has a number of options to achieve these aims:

1. Reduce Council's overall electricity use (via targeted energy efficiency projects);
2. Progressively increase the proportion of Council's electricity from self-generated renewable sources (via solar installations on key Council facilities);
3. Increase the proportion of Council's electricity from external renewable sources (by purchasing 'green power' from electricity suppliers); and/or
4. Consider investment in large scale renewable energy systems (such as solar farms).

To support investment in a wide range of opportunities that meet established criteria relating to environmental sustainability and operational cost savings, Council established the Sustainable Rockhampton Investment Fund in the FY2018-19 budget.

Proposed actions

Based on these options, Council is likely to realise the best return on investment by focussing on the affordable, low risk options available in renewable energy installations on Council facilities and targeted energy efficiency projects. These are broken into larger and smaller scale actions.

Larger scale actions include:

1. **Install renewable energy at key Council facilities** - Assess and progressively implement renewable energy installations at Council's contestable electricity sites. This will be based on the criteria set out in the Sustainable Rockhampton Investment Fund.
2. **Explore further large scale investment opportunities** - Continue to investigate the feasibility of power storage and larger scale renewable energy opportunities that have the potential to benefit the Region (such as the Bouldercombe proposal). Funded via government, private or public-private investment.

Smaller scale actions include:

3. **Install renewable energy at new / upgraded Council facilities** - Implement renewable energy installations at facilities other than contestable sites which are subject to major upgrades and renewals, where a payback period of less than 7 years can be achieved. Funded from Council's Facilities and/or capital works budget.
4. **Measure, monitor and manage energy usage** - Implement real-time monitoring of power meters to track energy usage and help pinpoint opportunities for improvement.
5. **Seek energy efficiencies** - Implement an energy efficiency program to maximise savings (this may include participation in the State Government ecoBiz program).
6. **Pursue funding** - Actively seek capital funding to support this Plan via internal sources, grants, low-interest loans and other energy incentive programs. Where practicable, re-invest savings in subsequent energy actions to ensure continued progress.
7. **Regularly update this Plan** - Regularly review this Plan to identify emerging opportunities, technologies and larger scale actions and to ensure that appropriate outcomes are delivered for Council. As implementation progresses, consider further developing this Plan to address other potential energy and emissions reduction opportunities (such as vehicle use and fuel consumption).

PROPOSED ENERGY ACTION PLAN

Sustainable Rockhampton Investment Fund Procedure

Meeting Date: 11 December 2018

Attachment No: 2

SUSTAINABLE ROCKHAMPTON INVESTMENT FUND PROCEDURE



1 Scope

This procedure applies to all initiatives seeking consideration under the Sustainable Rockhampton Investment Fund.

2 Purpose

The purpose of this procedure is to ensure that the Sustainable Rockhampton Investment Fund is administered in a consistent and transparent manner that delivers positive environmental and financial benefits for Council.

3 Related Documents

3.1 Primary

Environmental Policy

3.2 Secondary

Rockhampton Regional Council Corporate Plan

Rockhampton Regional Council Environmental Sustainability Strategy

4 Definitions

To assist in interpretation, the following definitions apply:

Council	Rockhampton Regional Council
Environmental sustainability	A state in which the demands placed on the environment can be met without reducing its capacity to allow all people to live well, now and in the future.
Low carbon economy	An economy based on low carbon power sources with a minimal output of greenhouse gas emissions into the biosphere.
Renewable energy	Energy that is collected from renewable resources, which are naturally replenished on a human timescale, such as sunlight, wind, rain, tides, waves, and geothermal heat.

5 Procedure

5.1 Eligibility

The Sustainable Rockhampton Investment Fund is available for Council-managed initiatives that will improve environmental sustainability, whilst delivering real financial savings to Council's budget. These could be initiatives that:

- (a) Accelerate the transition to a low carbon economy, such as the increased deployment of renewable energy, energy storage technologies and low emissions fuel sources;
- (b) Deliver significant waste avoidance, reuse or recycling outcomes;

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Adopted/Approved:	Approved, 22 November 2018	Department:	Corporate Services
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- (c) Deliver significant energy, water or waste efficiency outcomes;
- (d) Significantly reduce Council's impact on the environment, such as improved transport and infrastructure construction and maintenance practices; or
- (e) Significantly improve Council's use of natural resources, through approaches such as the increased use of technologies, alternative work practices or revised service delivery arrangements.

A minimum investment of \$100,000 is suggested under this fund to keep the initiatives at a significant level. Smaller type investments are still encouraged, however can be more easily found within Departmental budgets.

5.2 Application

To be considered for funding, proposals must be submitted to the Chief Financial Officer including:

- (a) A business case outlining the initiative, expected deliverables and environmental benefits;
- (b) A financial assessment demonstrating real savings and proposed payback periods; and
- (c) The level of investment sought from the fund (noting there is no project value limit but the total fund is capped at \$5m debt).

5.3 Assessment

Proposals will be assessed by the Chief Financial Officer, with assistance from the Leadership Team. Should the project satisfactorily address the assessment criteria, the initiative will be considered in Council's budget revision process. Key assessment criteria include:

- (a) Will the initiative fund the repayment of loans?
- (b) Will the benefit be long term?
- (c) Are there grants and subsidies available to part-fund the initiative?
- (d) Is this a high priority for scarce resources?
- (e) Does the Fund have sufficient capacity to support this initiative?

5.4 Delivery and Reporting

The following delivery and reporting requirements will be required for approved initiatives:

- (a) Funds will be administered including promotion by the Chief Financial Officer's office;
- (b) The total fund is capped at \$5m debt at any one time;
- (c) Pay back must be in real terms over the agreed time period (that is, it must impact Council's operating result); and
- (d) Council will be provided with an quarterly report through the Sustainability Strategy Executive Group and their existing reporting structures.

6 Review Timelines

This procedure is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by the Deputy Chief Executive Officer.

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7 Document Management

Sponsor	Chief Executive Officer
Business Owner	Deputy Chief Executive Officer
Policy Owner	Chief Financial Officer
Policy Quality Control	Legal and Governance

OUR VALUES



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11.12 FEASIBILITY OF SOLAR POWER GENERATION FOR ROCKHAMPTON REGIONAL COUNCIL

File No:	5054
Attachments:	1. Assessment of Council Sites for Small-Scale Solar ↓
Authorising Officer:	Martin Crow - Acting General Manager Regional Services
Author:	Jason Plumb - Manager Fitzroy River Water

SUMMARY

On 25 July 2017 Council resolved to request a report that considered the merits and feasibility of Council adopting or maximising solar powered energy for its operational electricity needs. This report has been prepared following the completion of planning and assessment work into the feasibility of constructing solar power generating facilities for the benefit of Council. A clear opportunity exists for Council to proceed with a capital investment in solar power generation that will achieve significant benefits of reduced operating costs and positive environmental outcomes.

OFFICER'S RECOMMENDATION

THAT Council endorse the installation of a small-scale solar facility of approximately 2.5 MW capacity at the Glenmore WTP site as a priority project for the Sustainable Rockhampton Investment Fund, and subject to available budget, the installation of small-scale solar power generation be considered for the other five Council-owned sites identified in this report as suitable.

COMMENTARY

Increasingly, all industry sectors have identified opportunities to source renewable energy from third party solar farms or are in the process of building and owning their own solar power generation. Across Australia there are multiple examples where local governments have constructed relatively large solar farms (e.g. Sunshine Coast Regional Council ~\$50 M for a 15 MW facility) or smaller solar on-site solar facilities (e.g. Whitsunday Regional Council, Bowen Water Treatment Plant ~\$1.1 M for 0.4 MW). In other examples, local governments have opted to invest in a third party solar farm in order to source their long-term renewable energy, although the cost/unit of power of these investments is not known.

The decision on how to invest in renewable energy is complex. The complexity of the project influences the capital cost, which in the two specific examples above, can be as high as \$3 million/MW installed. More recently, contracts for similar projects are being awarded with capital costs closer to \$1 million/MW installed. Risks and responsibilities associated with asset management also add to lifecycle costs and mean that the initial investment decision can have long-term implications depending on whether the solar energy facility is owned and operated internally or by a third party.

The development of solar power generation has a clear environmental benefit through the reduction in the reliance on fossil fuels and the reduced production of greenhouse gases such as carbon dioxide. It is important to understand that solar energy generation has the potential to deliver significant economic and social benefits also. These additional benefits are realised through the reduction or elimination of electricity bills that in recent years have seen annual increases in excess of 15% p.a.

A real savings in electricity allows pay-back for the investment, and then gives Council the flexibility to apply this savings towards other investments or services as decided. There is also a social benefit through improved perception amongst the community that improved environmental and social outcomes are achieved.

BACKGROUND

Selecting a Suitable Location for Solar Power Generation

Council owns or operates a range of properties including public facilities, operational infrastructure, and vacant land. Depending on their size, location, topography, existing use and current condition, these properties may or may not be well suited to being used as a site for the installation of solar panels for the generation of renewable energy. The following information provides guidance on deciding how and where to invest in the installation of solar power generation, but ultimately, the decision needs to be informed largely on the basis of value for money and the potential for return on investment.

The Queensland Solar Farm Guidelines 2018 (QSFG) provide a description of the differences between a “solar farm” versus the installation of small-scale solar power generation facilities. Whilst the exact definition of a solar farm can vary, the attributes listed in the table are factors to consider when making investment decisions.

Table 1. Typical attributes of solar farms and small-scale solar installations

Attribute	Solar Farm	Small-scale solar
Size	>5 MW	<5 MW
Location	Separate remote facility	On-site or roof-top
Grid Connection	Separate transmission lines and/or substation	No transmission, internal electrical connection only
Metering	Front of meter	Behind the meter
Planning Approval	Yes is defined as a <i>renewable energy facility</i> if majority power export	No is not defined as a <i>renewable energy facility</i> if majority power use on site

The extent to which power from a solar installation is used on-site determines whether a potential solar site is impact assessable under the *Planning Regulation 2017*. From a planning and operational cost perspective, **there is a clear advantage in identifying sites for solar power generation that are co-located with existing facilities that are likely to consume the majority of the solar power generated.**

This outcome both minimises upfront capital costs such as expensive electricity grid infrastructure and planning approvals, but also ensures direct use of the solar power at the facility to off-set grid electricity costs (including network charges).

Opportunities for Council to Install Solar Power Generation

Council has 19 sites (see Table 2) that make up the vast majority of Council’s total electricity usage. Because of their large power demand these sites are supplied with power via a Contestable Electricity Retailer (currently Stanwell) which means that bulk electricity is purchased at a cheaper rate.

The Glenmore WTP site uses the largest amount of power with ~36% of all Council’s Contestable electricity used at this site on an annual basis, with the Rockhampton Airport the second largest user at ~17%.

Attachment 1 shows supplementary information of the above sites that has been used to determine their suitability for the installation of small-scale solar, with summary comments provided in Table 2.

Considerations for rooftop installations are:

- Orientation and roof pitch angle (to maximise solar power generation)
- Roof material, age and condition
- Existing rooftop uses and equipment (e.g. Air Conditioning Units)
- Safe access for roof maintenance and renewal as well as solar panel cleaning

Considerations for ground-mounted solar installations are:

- Orientation and land pitch/angle
- Use of single-axis mechanical sun tracking (can yield an extra 15-25% power)
- Easier and safer for access and ongoing maintenance
- Suitability of land and flood risk.

Table 2. Council sites that are supplied by a Contestable Electricity Retailer and their suitability for small-scale solar power installation

Site Name	Typical Annual Usage/Cost (MWh)/(\$M)	Suitability for solar Y/N (comments)
Glenmore WTP Site	6,898/1.02	Y (Large flood-free land area)
Rockhampton Airport	3,259/0.57	Y (Moderately large roof area)
North Rockhampton STP	1,471/0.26	N (Flood impacted large land area)
Bolsover St City Hall and Library	1,131/0.25	Y (Moderately large library roof area)
Pilbeam Theatre	1,090/0.23	N (Roof renewal required)
South Rockhampton STP	933/0.17	Y (Large flood-free land post SRFL)
Thozet Rd WPS	666/0.13	N (Insufficient roof or land area)
Gracemere STP	595/0.11	N (Land area flood impacted)
Ibis Ave WPS	432/0.12	N (Insufficient roof or land area)
Norman Rd WPS	391/0.09	N (Insufficient roof or land area)
Dooley St Depot	336/0.09	Y (Moderately large roof area)
Ramsay Creek WPS	335/0.07	N (Soon to be demolished)
Rockhampton Showgrounds	272/0.12	Y (Large roof area)
North Rockhampton SPS	253/0.06	N (Insufficient roof or land area)
Lucas St WPS and Reservoir	251/0.09	N (Insufficient roof or land area)
Arthur St SPS	163/0.05	N (Insufficient roof or land area)
Agnes St WPS	141/0.09	N (Insufficient roof or land area)
Old Capricorn Hwy WPS	125/0.07	N (Insufficient roof or land area)
Memorial Gardens Cemetery	125/0.03	N (Insufficient roof or land area)

In addition to the sites listed in Attachment 1, a preliminary assessment of other available vacant or unused land that Council owns or administers was performed. In the vast majority of instances this land is either significantly flood impacted or too far away from appropriate electricity grid infrastructure or a facility that could make use of the generated electricity on-site to justify the additional capital cost to construct a solar power generation facility.

Based on the sites assessed in Attachment 1, the most suitable sites for the installation of solar power generation are:

- Land adjacent to the Glenmore WTP (Belmont Rd) for ground-mounted single axis tracking system (~45,000 m²)
- Rockhampton Airport rooftop of the main terminal building (~8,500 m²)

- South Rockhampton STP post completion of the South Rockhampton Flood Levee (~12,000 m²)
- Rockhampton Showgrounds selected rooftop areas (~10,000 m²)
- Rockhampton City Hall and Library Precinct rooftop areas (~6,000 m²)
- Dooley Street Depot selected rooftop areas (~6,000 m²)

Feasibility of the Glenmore WTP Belmont Rd Site for Solar Installation

Given the Glenmore WTP site has been under consideration for some time, there is further information that has been developed around the proposal.

- There is sufficient vacant land for a ground-mounted small-scale solar installation of up to at least 2 MW (typically 2 hectares per MW) with sufficient space for vegetation buffers and maintenance access
- The Glenmore WTP site currently has two 11 kV grid connections to the site to either import or export power and therefore requires no new grid infrastructure
- The recently completed electrical upgrade means that minimal work is required to connect the solar power source to the existing electrical infrastructure
- A small-scale solar facility can be designed to ensure that the majority of the solar power is used at the Glenmore WTP with any surplus solar power exported to the grid for maximised financial return

Financial modelling has been performed also and earlier modelling has since been updated to include the benefit of exporting surplus solar power to the electricity grid following discussions with Council's contestable electricity retailer. Information presented in Table 3 provides a summary of the modelling to determine the economic feasibility of installation solar power generation with capacity ranging from 1.5-2.5 MW. This modelling has been completed using actual power demand figures from the last 1-2 years for the Glenmore WTP site as well as the available information for energy and network tariffs.

Table 3. Summary of economic modelling for solar installations at the Glenmore WTP site modelled over a 25 year period

Financial Indicators	2.5 MW	2.0 MW	1.5 MW
Net Present Value (NPV)	\$13,572,820	\$9,959,241	\$7,417,920
Internal Rate of Return (Project – pre-tax)	37.68%	34.80%	33.74%
Return on Investment (ROI)	1040%	970%	975%
Payback Period (years)	2.80	3.05	3.18
Total Savings (over 25 years)	\$34,196,423	\$25,683,199	\$19,344,268
Ave. Annual Savings	\$1,367,856	\$1,027,328	\$773,771

The modelling shows favourable economics for each of the capacity scenarios modelled, with the exporting of solar power to the grid being a **key influence**. Payback periods for the return on capital investment for the three scenarios are **between 2.8 and 3.2 years**, with the 2.5 MW system more likely to export surplus power and therefore achieve a greater return. Solar systems in the capacity range modelled would deliver a direct operational cost saving of \$0.6-1.0 million with the large sized facility virtually zeroing the Glenmore WTP annual electricity cost. Note that the modelling does not include the use of a single axis tracking system on solar panels which could further increase solar power generation by 15-25%.

PREVIOUS DECISIONS

Two previous decisions by Council are highly relevant, being the resolution in July 2017 requesting a report on the feasibility of solar panel energy for RRC, and the inclusion in the 2018-19 Council Budget of a \$2.6 million allocation for the Sustainable Rockhampton

Investment Fund (SRIF). This allocation was nominally based on the cost to construct a small-scale solar facility at the Glenmore WTP, and forms part of a total investment of \$5 million for the SRIF. Renewable energy projects are also a key focus area in the Council's Environmental Sustainability Strategy adopted in September 2018 to help achieve the target of sourcing the majority Council's operational electricity needs from renewable energy.

BUDGET IMPLICATIONS

The \$2.6 million allocation in the 2018-19 Council Budget provides an appropriate amount of capital funding to progress the installation of a 2.0-2.5 MW solar power installation on the vacant land adjacent to the Glenmore WTP site. This allocation is split across the 2018-19 and 2019-20 financial years to reflect the likely delivery timeframe for this project. Subject to available budget, other priority sites for small-scale solar should be progressed also.

LEGISLATIVE CONTEXT

As indicated above, the *Planning Act 2017* and subordinate legislation define the approval requirements for this project opportunity. Advice has been received to indicate that the installation of a solar power generation facility on vacant land adjacent to the Glenmore WTP is not impact assessable and would not require a Material Change of Use.

CORPORATE/OPERATIONAL PLAN

Council's Corporate and Operational Plans support the installation of a solar power generation facility, either in relation to environmental sustainability or with respect to objectives for providing economic or community benefit. Indeed, two of the graphics on page 2 of the Corporate Plan highlight the *300 Days of Sunshine a Year* and *Commitment to a Smart & Prosperous Future*, each of which are key factors in support of this project.

CONCLUSION

An assessment of the feasibility of solar power generation installations for Council has identified an excellent project opportunity for the benefit of Council and the community. The installation of a solar power generation facility on land adjacent to the Glenmore WTP is economically feasibility and should be progressed immediately as Stage 1 of the Sustainable Rockhampton Investment Fund, with the operational cost savings to be returned to the fund for future initiatives. It is anticipated that the installation of small-scale solar facilities at the sites identified in this report will achieve the objective of sourcing the majority of Council's operational electricity needs from renewable energy by 2022.

FEASIBILITY OF SOLAR POWER GENERATION FOR ROCKHAMPTON REGIONAL COUNCIL

Assessment of Council Sites for Small-Scale Solar

Meeting Date: 11 December 2018

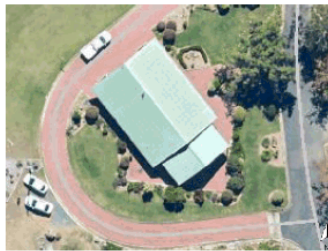
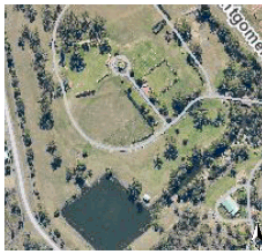
Attachment No: 1

Assessment of Suitability of Selected Council Sites for Solar Panel Installation

Summary Overview

As indicated in the accompanying report, this assessment has been limited to Council's contestable electricity sites due to their increased suitability for a 'behind the meter' solar installation where there is significant existing power demand and therefore suitably sized and designed electrical infrastructure on-site. The assessment has been completed using both desktop and site assessments to assess the external roof or land area that may be amenable to the installation of solar power. Other factors considered include the age and condition of the site and its susceptibility to flooding.

Memorial Gardens Hartington Street.



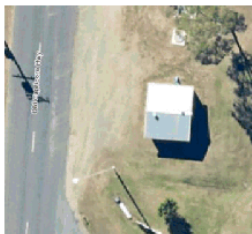
Current Use: Cemetery/parkland

Available Area for Installation: Limited roof space (Area = 300 m²)

Condition of Civil Infrastructure: Reasonable condition

Suitability of electrical equipment: Relatively small size, Assumed relatively new, digital meter

Old Cap Highway Water Pump Station



Current Use: Water Pump Station

Available Area for Installation: Limited roof space (Area = 47 m²)

Condition of Civil Infrastructure: Relatively Poor Condition

Suitability of electrical equipment: Not suitable due to age of switchboard

Rockhampton Showgrounds New Exhibition Road

Current Use: Show and event facility

Available Area for Installation: Multiple building roof area (Area = ~10,000 m²)

Condition of Civil Infrastructure: Mixed with old through to relatively new

Suitability of electrical equipment: Mixed age and condition, digital meter on site

Comment: Complex site would require more detailed inspection but two newer buildings probably the best suited.~

Ibis Avenue No 2 Water Pump Station (Kawana)

Current Use: Water Pump Station

Available Area for Installation: Limited roof area (Area = 171 m²)

Condition of Civil Infrastructure: Relatively new (<10 years)

Suitability of electrical equipment: Good condition, digital meter on site

Comment: Limited sun exposure due to surrounding hillside

Lucas Street Reservoir and Water Pump Station (Gracemere)

Current Use: Reservoir and water pump station

Available Area for Installation: Limited roof area (Area = 555 m²)

Condition of Civil Infrastructure: Reasonable condition (15 years old)

Suitability of electrical equipment: Near new, digital meter on site

Comment: Reservoir roof access required for routine maintenance so not particularly suitable.

Norman Road Water Pump Station

Current Use: Water Pump Station

Available Area for Installation: Limited roof area (Area = 70 m²)

Condition of Civil Infrastructure: Relatively old but reasonable condition

Suitability of electrical equipment: Relatively old and would require upgrade, digital meter on site

Comment: Generally insufficient area for panel installation

Gracemere Sewage Treatment Plant (Armstrong St)

Current Use: Sewage Treatment Plant

Available Area for Installation: Limited land area pending augmentation (Area = ~4,000 m²)

Condition of Civil Infrastructure: Not applicable

Suitability of electrical equipment: Not suitable and needs renewal, digital meter on site

Comment: Site not suitable due to flood inundation during 1% AEP events

Rockhampton Airport

Current Use: Domestic airport

Available Area for Installation: Large roof area (Area = 8,500 m²)

Condition of Civil Infrastructure: Good condition

Suitability of electrical equipment: Good condition, digital meter on site

Comment: Would need to consider existing roof equipment

South Rockhampton Sewage Treatment Plant (Quay St Ext)

Current Use: Sewage Treatment Plant

Available Area for Installation: Large land area (Area = 12,000 m²)

Condition of Civil Infrastructure: Not applicable

Suitability of electrical equipment: Good condition, digital meter on site

Comment: Land area currently flood impacted pending completion of South Rockhampton Flood Levee

Ramsay Creek Water Pump Station

Current Use: Water Pump Station

Available Area for Installation: Limited roof area, limited land area

Condition of Civil Infrastructure: Good condition

Suitability of electrical equipment: Old switchboard, renewal required, digital meter on site

Comment: Pump station soon to be decommissioned and demolished as part of Rockhampton Northern Access Upgrade project

Rockhampton City Hall and Library Precinct (Bolsover Street)

Current Use: City Hall and Library precinct

Available Area for Installation: Moderate roof area of variable pitch (Area = ~6,000 m²)

Condition of Civil Infrastructure: Mix of relatively old and new, further inspection required

Suitability of electrical equipment: Mix of old and new, some renewal required, digital meter on site

Comment: Other roof-top equipment and access would need to be considered.

Agnes Street Water Pump Station

Current Use: Water Pump Station and communications facility

Available Area for Installation: Limited roof area (Area = 110 m²)

Condition of Civil Infrastructure: Reasonable condition

Suitability of electrical equipment: Near new switchboard, digital meter on site

Comment: Limited roof area of suitable orientation and pitch for solar panels

Arthur Street Sewerage Pump Station

Current Use: Sewerage Pump Station

Available Area for Installation: Limited roof area (Area = 70 m²)

Condition of Civil Infrastructure: Reasonable and good condition

Suitability of electrical equipment: New switchboard, digital meter on site

Comment: Land area impacted by flooding pending completion of South Rockhampton Flood Levee

Glenmore Water Treatment Plant (Belmont Rd)

Current Use: Water Treatment Plant and Depot

Available Area for Installation: Large land area (Area = ~45,000 m²)

Condition of Civil Infrastructure: Not applicable

Suitability of electrical equipment: New switchboard, digital meter on site

Comment: Large area of vacant flood immune land adjacent to existing high voltage switchyard. Connection to new switchboard would require design but otherwise well suited to significant solar installation.

North Rockhampton Sewage Treatment Plant (Goodsall St)

Current Use: Sewage Treatment Plant

Available Area for Installation: Large land area flood impacted (Area = ~45,000 m²)

Condition of Civil Infrastructure: Generally not suited due to lack of roofs

Suitability of electrical equipment: New switchboard, digital meter on site

Comment: Land area flood impacted, potential for increased flood immunity in the future?

Pilbeam Theatre (Victoria Pde)

Current Use: Municipal theatre and art gallery precinct

Available Area for Installation: Moderate roof area (Area = ~1,800 m²)

Condition of Civil Infrastructure: Relatively old, further inspection required

Suitability of electrical equipment: Relatively old switchboard, further inspection required, digital meter on site

Comment: Variable roof pitch and orientation, with consideration of access to other equipment required

Thozet Road Water Pump Station

Current Use: Water Pump Station and reservoir

Available Area for Installation: Limited roof area (Area = 31 m²)

Condition of Civil Infrastructure: Reasonable condition

Suitability of electrical equipment: Old switchboard, renewal required, digital meter on site

Comment: Generally insufficient roof or land area, metal roof would require regular maintenance throughout life of panels

Dooley Street Depot

Current Use: Work Depot

Available Area for Installation: Large roof area (Area = ~6,000 m²)

Condition of Civil Infrastructure: Mixed condition due to varying age

Suitability of electrical equipment: Relatively old switchboard, renewal required, digital meter on site

Comment: Complex site due to varying age, orientation and pitch of roofs, further detailed inspection required

North Rockhampton Sewerage Pump Stations (Goodsall St)

Current Use: Sewerage Pump Station

Available Area for Installation: Limited roof area (Area = 40 m²)

Condition of Civil Infrastructure: Mixed condition due to varying age

Suitability of electrical equipment: New switchboard, digital meter on site

Comment: Land area impacted by flooding

11.13 DRAFT GIFTS, BENEFITS AND HOSPITALITY POLICY AND REVISED EXPENSES REIMBURSEMENT AND PROVISION OF FACILITIES FOR MAYOR AND COUNCILLORS POLICY**File No:** 5883**Attachments:**

1. **Draft Councillor Gifts, Benefits and Hospitality Policy**[↓](#)
2. **Revised Expenses Reimbursement and Provision of Facilities for Mayor and Councillors Policy - Marked Up Version**[↓](#)
3. **Gifts, Benefits and Hospitality Declaration Form - Councillors**[↓](#)
4. **Fact Sheet**[↓](#)

Authorising Officer: Evan Pardon - Chief Executive Officer**Author:** Evan Pardon - Chief Executive Officer

SUMMARY

Presenting the draft Councillor Gifts, Benefits and Hospitality Policy and revised Expenses Reimbursement and Provision of Facilities for Mayor and Councillors Policy for consideration and adoption by Council.

OFFICER'S RECOMMENDATION

THAT Council adopt the:

1. draft Councillor Gifts, Benefits and Hospitality Policy; and
2. revised Expenses Reimbursement and Provision of Facilities for Mayor and Councillors Policy

BACKGROUND

On 17 May 2018, the Queensland Parliament passed two pieces of legislation with an objective to provide for a more transparent and independent system to deal with councillor complaints as well as reinforce integrity in decisions and minimise corruption risk in relation to political donations.

The *Local Government (Councillor Complaints) and Other Legislation Amendment Bill 2018 (Qld)* (Councillor Complaints Bill) seeks to significantly tighten the regulatory controls associated with councillor behaviour and complaint procedures.

The *Local Government Electoral (Implementing Stage 1 of Belcarra) and Other Legislation Amendment Bill 2018* (Belcarra Bill) seeks to tighten the regulatory controls in relation to political donations from property developers as well as strengthen the processes associated with the management of conflicts of interest and material personal interest as well as bringing about further integrity based reforms.

Both pieces of legislation received royal assent on 21 May 2018. Parts 3 and 5 of the Belcarra Bill came into force on 2 October 2018. Part 3 of the Belcarra Bill relates to the property developer donation ban which has retrospective application for donations made to Councillors on or after 12 October 2017.

Except for the prohibition on the acceptance of donations/gifts by Councillors from property developers, neither the Councillor Complaints Bill or the Belcarra Bill have made any changes to the existing legislative requirements/obligations regarding the acceptance of gifts or hospitality by Councillors either in an official or personal capacity.

COMMENTARY

In light of these new integrity based reforms, particularly as it relates to the management of conflicts of interest and material person interest, and where the acceptance by Councillors of

gifts, benefits or hospitality from an external party while undertaking Council business and/or while representing Council may, or may be seen to affect the performance of their official duties, or influence, or be seen to influence their decision-making or behavior, a draft policy has been developed to:

- a. Provide Councillors with guidance on appropriate actions to offers of a gift and/or benefit in connection with their duties while representing Council or otherwise related to their association with Council;
- b. Provide Councillors with principles to consider when determining the appropriateness of accepting a gift and/or benefit;
- c. Provide Councillors with a process to be followed where a gift and/or benefit is accepted;
- d. Support Council's commitment to open and transparent governance; and
- e. Minimise the risk of Councillors being exposed to an actual or perceived conflict of interest.

In preparing the draft Councillor Gifts, Benefits and Hospitality Policy, policies and procedures adopted by Councils both across Queensland and inter-state, along with those adopted by the Queensland Government and a range of statutory and private organisations have been reviewed and benchmarked. Advice has also been obtained from the Department of Local Government, Racing and Multicultural Affairs.

The Expenses Reimbursement and Provision of Facilities for Mayor and Councillors Policy includes reference to the acceptance of hospitality by Councillors which will become redundant if the draft Councillor Gifts, Benefits and Hospitality Policy is adopted and has been amended accordingly for consideration.

A Gift and Hospitality Declaration Form (Attachment 3) and a Fact Sheet (Attachment 4) have been prepared to assist in the implementation of the Councillor Gifts, Benefits and Hospitality Policy.

CORPORATE/OPERATIONAL PLAN

Corporate Plan – Section 5.2 – Strong leadership that provides quality governance to support and service the community.

Operational Plan – Section 5.2.1 – Council's decision making, planning and reporting processes provide transparent and accountable governance.

CONCLUSION

The draft Councillor Gifts, Benefits and Hospitality policy and revised Expenses Reimbursement and Provision of Facilities for Mayor and Councillors Policy have been prepared and are provided to Council for consideration and adoption.

**DRAFT GIFTS, BENEFITS AND
HOSPITALITY POLICY AND REVISED
EXPENSES REIMBURSEMENT AND
PROVISION OF FACILITIES FOR
MAYOR AND COUNCILLORS POLICY**

**Draft Councillor Gifts, Benefits and
Hospitality Policy**

Meeting Date: 11 December 2018

Attachment No: 1

COUNCILLOR GIFTS, BENEFITS AND HOSPITALITY POLICY

COUNCILLOR POLICY



1 Scope

This policy applies to Rockhampton Regional Council Councillors who may be offered or may receive gifts and/or benefits whilst undertaking their duties and/or while representing Council.

This policy does not apply to:

- (a) Political donations by prohibited donors as defined by the *Electoral Act 1992*;
- (b) Gifts as defined in the *Electoral Act 1992* or *Local Government Electoral Act 2011*; and
- (c) Gifts and/or benefits received from family members or personal friends in a purely personal capacity.

2 Purpose

The purpose of this policy is to:

- (a) Provide Councillors with guidance on appropriate actions to offers of a gift and/or benefit in connection with their duties while representing Council or otherwise related to their association with Council;
- (b) Provide Councillors with principles to consider when determining the appropriateness of accepting a gift and/or benefit;
- (c) Provide Councillors with a process to be followed where a gift and/or benefit is accepted;
- (d) Support Council's commitment to open and transparent governance; and
- (e) Minimise the risk of Councillors being exposed to an actual or perceived conflict of interest.

3 Related Documents

3.1 Primary

Nil

3.2 Secondary

Electoral Act 1992

Local Government Act 2009

Local Government Electoral Act 2011

Local Government Regulation 2012

Public Sector Ethics Act 1994

Asset Disposal Policy

Councillor Code of Conduct

Expenses Reimbursement and Provision of Facilities for Mayor and Councillors Policy

Gift and Hospitality Register - Councillors

Gift and Hospitality Declaration Form – Councillors Register of Interests

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4 Definitions

To assist in interpretation, the following definitions apply:

Act	<i>Local Government Act 2009</i>
CEO	Chief Executive Officer A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position.
Conflict of Interest	Involves a conflict between your official duties and responsibilities in serving the public interest and your private interests. A conflict of interest can arise from avoiding personal losses as well as gaining personal advantage – whether financial or otherwise. This includes advantages to relatives and friends.
Council	Rockhampton Regional Council
Councillor/s	The Mayor and Councillors of Rockhampton Regional Council, within the meaning of the <i>Local Government Act 2009</i> .
Electoral Gifts	Gifts offered to candidates relating to an election and separately governed by the <i>Electoral Act 1992</i> .
Gifts and/or Benefits	Something given voluntarily to show favour toward someone, honour an occasion, or make a gesture of assistance or goodwill, which is offered outside of normal open contractual arrangements. This could include, but is not limited to the following examples: (a) Cash or the transfer of money; (b) Transfer of property of presentational or charitable nature or otherwise; (c) The provision or use of property, equipment or services free of charge, at a reduced rate, for a period of time or unspecified period; (d) Loans of money, or equipment including provision of overdraft facilities (for example, credit card) or guarantor for a loan; (e) Intangible items that have no enduring value (for example, hospitality benefit/s and/or entertainment or perishable foodstuffs); (f) The sale of property with a sale price below proper valuations; (g) Hospitality benefit/s; (h) Artworks; and (i) Souvenirs.
Hospitality Benefit/s	Includes entertainment and are generally received in the form of meals and beverages. These benefits can also include (but are not limited to): travel, accommodation, tickets to school performances or local cultural events which are in support of local community organisations and Council business.
Nominal Value	A face or estimated value that is equal to or less than \$150.
Regulation	<i>Local Government Regulation 2012</i>
Supplier	Any supplier/contractor/consultant supplying goods and/or services to Council.

5 Policy Statement

The requirements of this policy are in addition to the legislative obligations of Councillors with respect to individual register of interests as prescribed in the Regulation and the legislative obligations of Councillors prescribed by the *Local Government Electoral Act 2011*.

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The community expects Councillors to discharge their responsibilities impartially and with integrity. The acceptance of gifts and/or benefits outside of a controlled and transparent process risks creating negative perceptions.

In determining whether acceptance of a gift and/or benefit is appropriate, the two major considerations are the:

- (a) Intent in which the gift and/or benefit is given; and
- (b) Public perception of acceptance of the gift and/or benefit.

Consequently, it is not appropriate for Councillors to accept gifts and/or benefits that affect, or may be seen to affect, the performance of their official duties and responsibilities, or be seen to influence their decision-making.

Councillors must be mindful at all times of their obligation to maintain public confidence in the integrity of Council's administration and must be aware that acceptance of any gifts and/or benefits from an external party may, or may be seen to affect the performance of their official duties, or influence, or be seen to influence their decision-making or behaviour.

Councillors must not ask for, or encourage the giving of any form of gift and/or benefit in connection with the performance of their official duties or their association with Council.

Any gift and/or benefit accepted, regardless of monetary value, implies, or may imply, a relationship which may interfere with objectivity and independence.

This policy sets out the principles that apply to the offer and acceptance of gifts and/or benefits.

5.1 Prohibited Gifts and/or Benefits

5.1.1 Soliciting Gifts and/or Benefits

Soliciting gifts and/or benefits is strictly prohibited under all circumstances.

If a Councillor becomes aware of a situation of soliciting gifts and/or benefits, they must report it to the CEO immediately.

The CEO is required to notify the Crime and Corruption Commission of any soliciting of gifts and/or benefits.

5.1.2 Bribery

Acceptance of money or any other gifts and/or benefits perceived as bribery is strictly prohibited in all cases and the offer must be reported immediately to the CEO.

The CEO is required to notify the Crime and Corruption Commission of any offer of money or other inducement as soon as practicable after the offer has been made.

5.1.3 Prizes

Promotional schemes offered in conjunction with official activities, such as instant scratch-it tickets or lucky door prizes won at official functions should not be accepted.

5.1.4 Gifts and/or Benefits from Suppliers or Tenderers

Any offers of gifts and/or benefits from a supplier or tenderer for Council business or services must be immediately reported to the CEO.

5.1.5 Cash

Cash or gifts and/or benefits that could be considered substitutes for cash, such as gift cards, betting accounts and vouchers should not be accepted under any circumstances.

5.2 Principles for Acceptance of Gifts and/or Benefits

Each type of gift and/or benefit carries a level of risk that should be considered when deciding whether it should be accepted or declined.

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In determining whether acceptance of a gift and/or benefit is appropriate, the two major considerations are the:

- (a) Intent in which the gift and/or benefit is given; and
- (b) Public perception of acceptance of the gift and/or benefit.

As gifts and/or benefits can create obligations and expectations, if it can be considered in any way that the gift and/or benefit, irrespective of its value, is given with the intention of influencing or be seen as influencing a decision or action of the recipient, it must be declined.

Acceptance of a gift and/or benefit may be considered only if it complies with the following principles:

- (a) It does not influence, or have the potential or perceived potential to influence, in any way the integrity and impartiality of the recipient;
- (b) It does not, create a conflict of interest, or a perception of a conflict of interest;
- (c) It does not affect the performance of the recipient's official duties, or be seen to influence the decision-making or behaviour of the recipient, such as but not limited to:
 - (i) Granting licences;
 - (ii) Inspecting and regulating businesses;
 - (iii) Giving approvals;
 - (iv) The provision of Council services;
 - (v) The provision of a Council grant; and
 - (vi) Awarding of contracts;
- (d) Council does not incur any costs;
- (e) It is offered openly; and
- (f) It must not involve money or anything easily converted to money such as shares.

5.2.1 Gifts and/or Benefits of Nominal Value

Provided it does not breach any part of this policy or any legislative requirement, where a Councillor is offered a gift and/or benefit of nominal value Council deems it reasonable for the recipient to accept and keep the gift and/or benefit.

This gift and/or benefit is not required to be recorded in the Gifts and Hospitality Register – Councillors.

Any gift and/or benefit received by a Councillor as appreciation of a task or service carried out by a group of employees or Councillors should be shared with the members of that respective team.

The following gifts are considered low risk and may (subject to the principles outlined in paragraph 5.2) generally be accepted:

- (a) Gifts of nominal value made in gratitude for specific tasks or performance for example a small personal gift to a Councillor for speaking at an official function;
- (b) Low value corporate gifts made as a marketing/sponsor initiative for example mass produced mementoes at a professional development conference; and
- (c) Ceremonial/symbolic gifts from visiting organisations provided to Council as an organisation (as opposed to an individual Councillor) to be retained by Council for example plaque of appreciation or memento from place of origin.

If unsure, Councillors should decline offers of gifts and/or benefits courteously by explaining that acceptance would be against Council policy.

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5.2.2 Gifts and/or Benefits with a Value between \$150 and \$350

Provided it does not breach any part of this policy or any legislative requirement, any gift and/or benefit received with a value between \$150 and \$350 may remain the property of the receiving Councillor. The gift and/or benefit must be entered in the Gift and Hospitality Register - Councillors.

5.2.3 Gifts and/or Benefits with a Value of Greater than \$350

Any gift and/or benefit received with a value greater than \$350 must be reported to the CEO. The gift and/or benefit will become the property of Council in first instance and will be dealt with by the CEO in an appropriate and transparent manner. For example:

- (a) Return the gift and/or benefit to the giver;
- (b) Dispose of the gift and/or benefit in accordance with the Asset Disposal Policy;
- (c) Donate the gift and/or benefit to a charitable or community facility;
- (d) Ownership passed to Council allowing the gift and/or benefit to go on public display where appropriate.

Gifts and/or benefits with a value greater than \$350 must be entered in the Gift and Hospitality Register.

5.2.4 Cumulative Gifts and/or Benefits

Cumulative gifts and/or benefits received from the same giver which when combined exceeds the nominal value in a 12 month period must be entered individually on the Gift and Hospitality Register - Councillors.

Any gift and/or benefit received from the same giver which when combined exceeds \$350 in a 12 month period will become the property of Council in first instance and dealt with by the CEO in accordance with this policy.

5.2.5 Ceremonial, Historical or Cultural Significance Gifts

All ceremonial historical or cultural significant gifts, regardless of value, presented to a Councillor on behalf of Council or subject to a gift exchange will be the property of Council and must be passed to the CEO.

5.2.6 Hospitality Benefit

The principles under paragraph 5.2 apply to the acceptance by Councillors of hospitality benefits directly related to official Council business and/or fulfilling official duties in relation to the function and activities of Council.

Hospitality benefits such as access to a private spectator box at a sporting event or other venue, holidays, annual passes, memberships, use of facilities or tickets to music concerts or events of which there is no demonstrable benefit to the business of Council or apparent link to the course of the duties of a Councillor or relevant portfolio responsibilities should not be received/accepted as these may be seen more for private enjoyment.

5.3 Gift and Hospitality Register

When gifts and/or benefits are received, it is important that they are dealt with in a consistent and appropriate manner.

Any Councillor who receives a gift and/or benefit over \$150 is required to complete a Gift and Hospitality Declaration Form – Councillors and forward to the CEO within 21 days of receipt of the gift and/or benefit (or 21 days from the date of return to Australia if the gift and/or benefit was received overseas) for recording in the Gift and Hospitality Register - Councillors.

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The Gift and Hospitality Register – Councillors will be maintained by the Office of the CEO and will include the following information:

- (a) The name of the recipient;
- (b) Date of the offer or date received;
- (c) Description of the gift and/or benefit;
- (d) Estimated value of the gift and/or benefit;
- (e) Details of the person and/or organisation offering the gift and/or benefit;
- (f) Details of any relationship between the Councillor or Council to the person and/or organisation offering the gift and/or benefit.
- (g) Details of any other gift and/or benefit received from the same person and/or organisation in the previous 12 month period.
- (h) Information on how the gift and/or benefit was dealt with.
- (i) For gifts and/or benefits with a value greater than \$350, the decision by the CEO regarding the manner in which the gift is to be dealt with.

Whilst not required under this policy, a Councillor may record the acceptance of a gift and/or benefit estimated below the nominal value thresholds on the Gift and Hospitality Register – Councillors should they wish to do so.

Offers of gifts and/or benefits that are not accepted may also be entered on the Gift and Hospitality Register – Councillors for transparency and recording keeping purposes.

6 Review Timelines

This policy is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by the Council.

7 Document Management

Sponsor	Chief Executive Officer
Business Owner	Executive Coordinator to the Mayor
Policy Owner	Executive Coordinator to the Mayor
Policy Quality Control	Legal and Governance



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**DRAFT GIFTS, BENEFITS AND
HOSPITALITY POLICY AND REVISED
EXPENSES REIMBURSEMENT AND
PROVISION OF FACILITIES FOR
MAYOR AND COUNCILLORS POLICY**

**Revised Expenses Reimbursement and
Provision of Facilities for Mayor and
Councillors Policy - Marked Up Version**

Meeting Date: 11 December 2018

Attachment No: 2

EXPENSES REIMBURSEMENT AND PROVISION OF FACILITIES FOR MAYOR AND COUNCILLORS

STATUTORY POLICY



1 Scope

This policy applies to Councillors of Rockhampton Regional Council. This policy does not provide for salaries or other form of Councillor remuneration. Councillor remuneration is in accordance with the determination of the Local Government Remuneration and Discipline Tribunal.

2 Purpose

The purpose of this policy is to ensure accountability and transparency in the reimbursement of expenses and the provision of facilities provided or incurred by the Councillors.

3 Related Documents

3.1 Primary

Local Government Regulation 2012

3.2 Secondary

Income Tax Assessment Act 1997 (Cwth)

Local Government Act 2009

Civic Events Policy

Declaration of Travel Expenses Form

Entertainment and Hospitality General Ledger Expense Allocation Guideline

Fleet Vehicle Greenhouse Gas Emissions Reduction Policy

Notice of Incident – Insurance Purposes (Internal)

Insurance Claim Request Form

Insurance Form – Motor Vehicle

Purchasing Policy – Acquisition of Goods and Services

Taxation Rulings issued by the Australian Taxation Office

Travel and Conference Proposal Form

4 Definitions

To assist in interpretation, the following definitions apply:

Activity	Meeting, event, function, conference, training, course or other activity a Councillor may be required to attend as part of their role in attending to Council business.
CEO	Chief Executive Officer A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position.

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Civic Event	An event or ceremony which involves a guest/s of honour and invites guests approved by the Mayor. Civic events are initiated by the Mayor.
Committee	A group of Councillors created by a resolution of the Council to undertake functions as determined under the <i>Local Government Act 2009</i> or <i>Local Government Regulation 2012</i> .
Council	Rockhampton Regional Council
Council Business	Official business conducted on behalf of Council that should result in a benefit being achieved for the local government and/or local government Region (for example opening a school fete). Council business also includes where a Councillor is required to undertake certain tasks to satisfy legislative requirements or achieve business continuity for the Council (for example official Council meetings, Councillor forums and workshops, committees/boards as Council's official representative, scheduled meetings relating to portfolios or Council appointments). Participating in a community group event or being a representative on a board not associated with Council is not regarded as Council business.
Council Table	The body of elected Councillors of Council.
Councillors	The Mayor and Councillors of Council, within the meaning of the <i>Local Government Act 2009</i> .
Discretionary Training	Training a Councillor wishes to attend, outside the provisions of mandatory training.
Entertainment or Hospitality Expense	The expense to Council of providing an entertainment or hospitality service.
Entertainment or Hospitality Service	Includes the following: (a) Entertaining members of the public in order to promote a local government initiative or project; and (b) Providing food or beverages: (i) To a person visiting council in an official capacity; or (ii) For a conference, meeting, training course, seminar, workshop or another forum that is held by Council for its Councillors, employees or other persons.
Expenses	Costs reasonably incurred, or to be incurred, by a Councillor whilst fulfilling their obligations under the <i>Local Government Act 2009</i> . The expenses may be either reimbursed to Councillors or paid direct by Council.
Facilities	Facilities deemed necessary to assist Councillors in their role.
GVG	Green Vehicle Guide
Mandatory Training	Training the CEO deems mandatory for a Councillor to attend for skill development directly related to the Councillor's role.
Mayor	An elected member of Council, also referred to as a Councillor, with additional responsibilities as outlined in section 12(4) of the <i>Local Government Act 2009</i> .
Reasonable	Council must make sound judgements and consider what is prudent, responsible and acceptable to the community when determining reasonable levels of facilities and expenditure.

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Region	Rockhampton Regional Area defined by the Local Government Areas of Queensland.
Resolution	A motion passed by a majority of Councillors at the meeting. While in practice it means the "Council decision", the word "resolution" also indicates the process by which the decision was made.

5 Policy Statement

Council is committed to ensuring Councillors are provided with facilities and have Council business expenses paid or reimbursed to enable them to perform their duties.

Payment or reimbursement of expenses and provision of facilities for Councillors is:

- (a) In accordance with statutory requirements;
- (b) To be open and transparent, prudent, responsible;
- (c) Acceptable to the community;
- (d) Based on ensuring economy and efficiency; and
- (e) Subject to budget provisions.

Family members, including partners, of Councillors are not entitled to reimbursement of expenses or to have access to facilities allocated to Councillors.

This policy is deemed to be a "procedure" for the purposes of section 176(4) of the *Local Government Act 2009*.

A leave of absence is automatically granted where a Councillor is appointed as a Council representative on a committee or association by Council resolution. If there may be a lack of quorum at a committee or ordinary meeting due to the Councillor attending an activity, the CEO will refer the approval for a leave of absence to the Council table.

5.1 Expense Categories

5.1.1 General Council Business

Council pays or reimburses expenses incurred in undertaking Council business which includes:

- (a) Preparing, attending and participating in Council meetings, committee meetings, workshops, strategic briefings, deputations and inspections;
- (b) Attending civic functions or civic events to perform official duties or as an official council representative;
- (c) Attending public/community meetings, presentation dinners and annual general meetings where invited as a Councillor; or
- (d) Attending a community event where a formal invitation has been received.

5.1.2 Professional Development

Council pays or reimburses expenses incurred by a Councillor attending the following professional development:

- (a) Mandatory training; and
- (b) Discretionary training provided the expenses do not exceed the following limits:
 - (i) Mayor No limit
 - (ii) Deputy Mayor \$10,000 per year
 - (iii) Committee Chairs \$7,500 per year
 - (iv) Councillors \$5,000 per year

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If a Councillor exceeds the above limits and wishes to attend discretionary training, a Council resolution is required.

5.1.3 Travel Expenses

If in line with budget allocation, Council pays or reimburses local, interstate and overseas travel expenses incurred by a Councillor (for example, flights, car, accommodation, meals) as set out in this policy provided the expenses are deemed necessary for undertaking Council business or training.

The following travel expenses must be approved by Council resolution:

- (a) All international travel and associated costs; and
- (b) Expenses incurred outside of current budget allocation.

Councillors must take into consideration the value and benefit to Council of an activity before deciding whether or not to attend an activity.

Details of all proposed flights, accommodation, hire car and other known travel expenses must be completed on a Travel and Conference Proposal Form and submitted prior to travel. All travel arrangements must be coordinated with Committee Support.

5.1.3.1 Flights

Airline bookings are made with respect to convenience of scheduling, and where practical, to take advantage of discounted air fares.

Standard of air travel is economy class however when Councillors are required to travel on long range flights the CEO may approve travel other than economy class.

5.1.3.2 Accommodation

All Councillor accommodation should be selected having regard to:

- (a) The best price value; and
- (b) Convenience to the conference/meeting.

In determining accommodation locations and standards for all Councillors, every effort is made to minimise the total cost associated with attendance at the event. Travel time to the event, taxi costs, convenience and hotel services is considered when booking accommodation. When practical and available, accommodation is arranged within close proximity to the event venue.

When attending conferences, Councillors should utilise the costs savings from any package provided by conference organisers. Alternative accommodation arrangements may be chosen taking into account the total costs, location, value for money, convenience and safety.

One night's accommodation prior to the event is only approved where travel to the event on the day of commencement is not practical.

All expenses incurred at the accommodation venue other than accommodation and meals must be settled at the time of departure.

5.1.3.3 Private Vehicle Use

Use of private motor vehicles is not encouraged and should only be utilised where no other means of transport is available, practical or economical. The use of private vehicles for Council business is only acceptable where every effort to use Council vehicles has been explored in advance of its required need.

Council insurance does not cover private vehicles used for Council business.

Any use of private motor vehicles must be approved by the CEO prior to the commencement of travel.

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Where a Councillor utilises their own vehicle to attend an activity, the Councillor is entitled to a travel allowance in accordance with the Australian Taxation Office vehicle mileage rates per kilometre schedule.

5.1.3.4 Parking and Associated Fees

Council reimburses parking costs where a vehicle has incurred fees (excluding infringement notices) whilst attending an activity.

5.1.3.5 Public Transport/Taxi Fares

Council reimburses the cost of travel to and from activities. Where possible, cabcharge vouchers and airtrain tickets should be obtained from Committee Support prior to travel.

5.1.3.6 Conference Proceedings

Council reimburses the cost of conference proceedings where the information is deemed valuable to convey information about the conference content that could not be conveyed as well by other means.

5.1.3.7 Laundry/Dry Cleaning

Council reimburses the cost of laundry/dry cleaning charges when the Councillor's travel exceeds four consecutive days.

5.1.3.8 Business Telephone Calls, Facsimiles and Postage

Council reimburses the cost of official business telephone calls, modem and internet connections, facsimiles and correspondence, photocopying and postage.

5.1.3.9 Personal Telephone Calls and Calls from Mobile Phones

Council recognises the personal sacrifice of travelling for Council business and the impact it has on family life. In recognition of this, personal calls are allowed to a maximum of \$15.00 per day.

5.1.3.10 Meals

If breakfast is able to be purchased at the place of accommodation and can be charged to the room account, the standard hotel breakfast rate is covered.

If not included as part of the activity or accommodation package, the cost of meals allowable is up to:

- (a) Breakfast \$50.00
- (b) Lunch \$50.00
- (c) Dinner \$100.00

Meal allowances must be utilised independently for each meal type per day and not to be added together for one meal.

Should the Councillor choose not to attend a provided meal, then the full cost of the alternative meal is to be met by the Councillor.

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5.1.3.11 Non Allowable Expenditure

As a guide, expenses not normally reimbursed at home, are not reimbursed when travelling. The following expenses are not reimbursed by Council:

- (a) Beverages not included within a meal allowance;
- (b) Tips and gratuities other than where travel is to a place where tips and gratuities are the custom;
- (c) Applying for or renewing passports;
- (d) Airline club fees (that is, Qantas Frequent Flyer or Virgin Australia Velocity Club), other than approved by the CEO;
- (e) Excess baggage claims, unless items are directly related to the approved event;
- (f) Toiletries;
- (g) Barber or hair stylist;
- (h) Babysitting fees;
- (i) Kennel fees;
- (j) Tourism related costs;
- (k) Traffic parking fines;
- (l) Travel costs not applicable to the approved activity;
- (m) In-flight and in-house movies;
- (n) In-house or external entertainment not directly related to the approved activity;
- (o) Personal gifts, goods or services purchased;
- (p) Costs incurred for family members (partners and children):
 - (i) Meals;
 - (ii) Travel;
 - (iii) Incidentals, for example, laundry, in-house video hire;
 - (iv) Partner's programme; and
- (q) Public transport or taxi fares for personal matters, for example, shopping, visiting friends/relatives etc.

5.1.3.12 Other Travel Matters**5.1.3.12.1 Travel Insurance**

Councillors are covered by Council insurance while travelling on authorised Council business. Details of cover may be obtained from the Manager Corporate and Technology Services

If the level of cover is considered by the Councillor to be inadequate for their personal requirements, additional insurance can be obtained at the Councillor's expense.

5.1.3.12.2 Local Government Workcare

Councillors engaged in travel on authorised Council business, including intrastate, interstate or overseas travel are entitled to the statutory protection of WorkCare, as in the normal course of employment.

Cover is extended to Councillors for the full duration of the Councillor's absence from the normal place of work, but excludes personal/recreational activities of a high-risk nature outside the normal

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course of employment.

5.1.3.12.3 Extended Personal Travel

Should travel time be extended by the Councillor for personal reasons beyond what is necessary for the purposes of the authorised travel, all additional costs and arrangements is the responsibility of the Councillor.

5.1.3.12.4 Travel by Family Members

A Councillor may choose to have a companion travel with them to an activity. The Councillor is responsible for charges over and above the standard Council rate for one adult travelling, for example, standard room as opposed to larger room to accommodate a family or car hire to accommodate a family.

5.1.3.12.5 Rewards Programs

Councillors may accumulate reward points for travel for business and/or personal use as a result of travel in the course of their duties.

5.1.3.12.6 Non-Attendance

It is the Councillor’s responsibility to ensure they undertake the approved confirmed attendance, travel and/or accommodation booked.

Council reserves the right to recoup costs incurred for the failure of such attendance.

5.1.3.12.7 Purchase Cards

Councillors must not use corporate purchase cards to book travel arrangements, including flights, accommodation or registrations. The only exception is for emergency flight or accommodation changes outside the Councillor’s control.

5.1.3.12.8 Additional Expenses

Any additional costs not covered by this policy may be approved by the CEO provided the costs are fully substantiated and receipts or declarations of all expenditure incurred are provided on the Declaration of Travel Expenses Form.

5.1.3.12.9 Claiming and Declaration of Travel Expenses

It is the Councillor’s responsibility to seek reimbursement of legitimate expenses upon return.

Expenses incurred during travel on Council business must be declared on the Declaration of Travel Expenses Form. This includes both expenses to be reimbursed and expenses incurred on corporate purchase cards. The original itemised tax invoice/receipt must be submitted with the Declaration of Travel Expenses Form. If the original tax invoice cannot be produced, a statutory declaration must be completed.

All travel supporting documentation including unused cab charge vouchers and airtrain tickets must be returned with the Declaration of Travel Expenses Form within 14 days of completion of travel.

5.2 Entertainment and Hospitality Expenses

Council recognises that there are circumstances where incurring entertainment and hospitality expenses are appropriate in the conduct of local government business. As Council is a publicly funded body, Council must ensure entertainment and hospitality expenses are incurred for the purpose of Council operations, and a high standard of accountability for funds are maintained.

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Entertainment or hospitality expenses incurred by Councillors must be:

- (a) for official purposes;
- (b) properly documented with the purpose identified;
- (c) available for scrutiny by both internal and external audit;
- (d) be appropriate and responsible and withstand the public defensibility test; and
- (e) in accordance with the adopted budget.

Entertainment or hospitality expenses incurred by Councillors must be within the allocation of funding in the annual budget.

5.2.1 Approved Entertainment and Hospitality Expenditure

Entertainment and hospitality expenditure is allowed where it is considered important for the conduct of public business and/or facilitating corporate and professional relationships.

5.2.1.1 CEO Approval

Where practicable, entertainment and hospitality expenses must be approved by the CEO prior to spending funds.

When approving the claim, the CEO considers the following:

- (a) the frequency of claims;
- (b) factors such as accepted community practice or standard;
- (c) be satisfied it is reasonable;
- (d) includes appropriate documentary evidence; and
- (e) whether the claim withstands the public defensibility test.

5.2.1.2 Expenditure Limit

Provided entertainment and hospitality expenses are incurred in accordance with the requirements of this policy, Council pays or reimburses entertainment and hospitality expenses incurred by Councillors provided the expenses do not exceed:

- (a) \$6,000 per annum for the Mayor; and
- (b) \$1,200 per annum for each Councillor.

Hospitality expenses related to official receptions and other functions organised by Council are excluded from the expenditure limits mentioned above and are met from relevant approved budgets.

5.4.2.3 Accepting Hospitality

~~If a Councillor accepts hospitality from other organisations, officials or individuals, care should be taken to avoid any possible conflict of interest. It is important that situations are not perceived or construed as providing an incentive for any commercial transactions.~~

~~A Councillor may accept hospitality if it complies with all of the following principles:~~

- ~~(a) Refusal would offend the organisation, official or individual;~~
- ~~(b) It conforms to normal business practice or other cultural practices of the giver;~~
- ~~(c) It does not influence a Councillor in such a way as to compromise impartiality or create a conflict of interest; and~~
- ~~(d) It is received in the course of duty in respect of work area responsibilities, or prior approval has been received.~~

~~Any hospitality accepted by a Councillor, regardless of its value, must be reported~~

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on the Receipt of Gift Form and documented in the gift register held by the Office of the CEO.

5.2.1.3 Use of Corporate Purchase Card

A Councillor issued with a corporate purchase card in the name of Council may use this card to pay for entertainment and hospitality expenses subject to the terms and conditions of the card.

5.2.1.4 Reporting

Entertainment and hospitality expenses are charged to specified accounts as per the Entertainment and Hospitality General Ledger Expense Allocation Guideline to ensure compliance with tax obligations relating to goods and services tax and fringe benefits tax.

5.3 Facilities

Facilities provided for Councillors must be deemed necessary and required to assist Councillors in their official duties.

Council determines the reasonable standard for facilities for Councillors. If a Councillor chooses a higher standard of facility than prescribed by Council, any difference in cost must be met by the Councillor.

Facilities provided to Councillors remain Council's property and must be accounted for during annual equipment audits. The facilities must be returned to Council when the Councillor's term expires, unless Council agrees to dispose of the facility in some other manner.

5.3.1 Administrative Tools and Office Amenities

Council provides Councillors with the facilities listed below:

5.3.1.1 Office Space and Access to Meeting Rooms

The Mayor and Deputy Mayor are provided with a dedicated office in the Rockhampton City Hall.

Council provides access to occasional office accommodation and meeting rooms for Councillors to meet with constituents and the public.

5.3.1.2 Support

The Mayor is provided with a coordinator, an administration officer and a communications officer.

The Deputy Mayor and Councillors are provided with two and two thirds shared administrative support officers as determined by the CEO.

5.3.1.3 Computer

Councillors are provided with a laptop computer for Council business use.

An iPad or similar tablet type mobile device is made available on request to the CEO.

5.3.1.4 Photocopier and Paper Shredder

Councillors are entitled to access photocopiers and paper shredders for business use at the various Council offices.

Access to domestic photocopiers/scanners may be provided for the home based offices, on request to the CEO.

5.3.1.5 Stationery

Councillors are provided stationery for official purposes only.

Council stationery is not to be converted or modified in any way and may only be

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used for carrying out the functions of the role of Councillor.

Stationery does not include any form of advertising by Council.

5.3.1.6 Telecommunication Needs

Councillors are provided with a smartphone as designated by the CEO.

It is recognised that community obligations and demands on the Mayor, Deputy Mayor and Councillors are such that generally all calls are deemed to be Council business. Therefore, the Mayor, Deputy Mayor and Councillors are entitled to have the full cost of Council business related mobile devices charges paid by Council.

5.3.1.7 Publications

Councillors are provided access to copies of relevant legislation, books and journals considered necessary for undertaking their duties.

5.3.1.8 Advertising

Council does not reimburse or provide funds, services or facilities for the purposes of advertising for Councillors.

5.3.1.9 Community Consultation

Councillors may use Council provided facilities to correspond with community representatives for the purpose of clarifying issues relevant to their division or the Region in general. If a Councillor chooses to undertake more community consultation than the consultation approved by Council, the Councillor must pay the costs of the further consultation.

5.3.1.10 Other Equipment

Councillors may be provided with home office equipment (in addition to a laptop computer as identified in paragraph 5.3.1.3) comprising of a:

- (a) Laptop docking station;
- (b) Printer;
- (a) Computer screen;
- (c) Lockable filing cabinet;
- (d) Desk and chair; and
- (e) Internet access for business use only.

5.3.1.11 Personal Protective Equipment, Uniforms and Name Badge

Councillors are provided with any personal protective equipment such as overalls, safety shoes, safety helmets or glasses, as required.

Councillors may be provided with corporate uniforms comprising five items, a blazer and a name badge if required.

5.3.1.12 Maintenance

Council covers ongoing maintenance costs associated with fair wear and tear of Council owned equipment to ensure it is operating for optimal professional use.

5.3.2 Vehicles

5.3.2.1 Vehicle Allowance

Councillors, with the exception of the Mayor, are provided with a Council vehicle for official business use, up to Council's fleet purchase price of \$35,000 (exclusive of GST but inclusive of any extras or accessories fitted to the vehicle).

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As a result of the community expectations and demands on the Mayor, all vehicle use by the Mayor is deemed to be Council business. The Mayor is provided with a Council vehicle for Council business use, up to Council's fleet purchase price of \$65,000 (exclusive of GST but inclusive of any extras or accessories fitted to the vehicle).

During the term of Council, a Councillor or Mayor may make a request to the CEO to change vehicle arrangements providing it is cost neutral for Council. Should there be excessive costs to Council, the CEO may refuse the request or require the Councillor to reimburse such costs.

5.3.2.2 Greenhouse Gas Emissions

Council provided vehicles must meet the requirements of the Fleet Vehicle Greenhouse Gas Emissions Reduction Policy.

5.3.2.3 Private Use

Councillors may elect to have limited private use of a Council vehicle, however are required to contribute to private use operating and FBT costs. This can be contributed post-tax or salary sacrificed pre-tax pending any changes to applicable taxation laws.

Private use of Council vehicles is limited to within 100km of the Region's boundaries. Any private use outside of these boundaries requires a record to be kept and advice provided to the CEO within 30 days of the use. The CEO invoices the Councillor based on the mileage allowances recommended by the Australian Taxation Office.

Councillors who choose to elect to have limited private use are required to reimburse Council an annual amount of \$4153.43 plus yearly Council plant hire increases.

Reimbursement is not required for any business travel.

It is considered that all vehicle use by the Mayor is deemed to be Council business use, therefore this requirement to calculate private use is not applicable.

5.3.2.4 Conditions of Use

5.3.2.4.1 Roadworthiness and Appearance

It is the Councillor's responsibility to ensure the vehicle is maintained in a roadworthy condition. No vehicle is to be driven if there is doubt as to its roadworthiness.

It is a Councillor's responsibility to ensure:

- (a) servicing is carried out in accordance with manufacturer's guidelines and contractual obligations;
- (b) the vehicle is clean and maintained at a high standard to promote a positive image of Council;
- (c) regular maintenance including fluid and tyre pressure checks are carried out; and
- (d) obvious tyre, windscreen or other wear or abnormal noises are reported to Fleet Services.

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5.3.2.4.2 Authorised Drivers

Unless an emergency exists, the following are authorised drivers of a Council vehicle:

- (a) the Councillor allocated to that vehicle;
- (b) the Councillor's spouse or partner;
- (c) any other licensed driver, provided the Councillor is in the vehicle at the time; or
- (d) another licensed Council employee or Councillor for work related travel.

5.3.2.4.3 Refuelling of Vehicles

Vehicles are to be refuelled at Council's preferred supplier's service station using the supplied fuel card.

5.3.2.4.4 Infringements

Council is not liable to pay any fine or costs incurred by the driver of a Councillor allocated vehicle if that person infringes against Road Traffic Regulations, the local laws of a local government or any other regulation that relates to the use of vehicles.

The onus for payment of a fine or other costs resides with the offender. If the actual driver cannot be determined, the Councillor may be held liable for the penalties involved.

5.3.2.4.5 Insurance

Council vehicles are insured under a comprehensive policy. This insurance policy becomes null and void if the driver is:

- (a) not in possession of a current driver's licence;
- (b) convicted of being under the influence of alcohol or prohibited substances; or
- (c) not authorised to drive the relevant Council vehicle.

In such cases the driver could become personally liable for damages.

Personal property left in motor vehicles is not insured under any circumstances.

5.3.2.4.6 Theft of a Council Vehicle

In the event of the theft of a Council vehicle, Councillors are required to notify the police and CEO immediately.

5.3.2.4.7 Loss of Drivers Licence

Any Councillor disqualified or suspended from driving automatically forfeits rights for usage of a Council vehicle for at least the period of disqualification or suspension.

Councillors must report any loss of drivers licence to the CEO immediately.

5.3.2.4.8 Accidents

In the event of an accident, Councillors must comply with the Council Vehicle Incident Procedure.

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5.4 Legal Costs and Insurance Cover

Councillors are covered under Council insurance policies when discharging civic duties. Insurance cover is provided for:

- (a) public liability;
- (b) professional indemnity;
- (c) personal accident and/or workers compensation; and
- (d) international and domestic travel insurance.

Any claim over and above the stated requires the approval of a Council resolution.

Liability of legal costs incurred while discharging a Councillors civic duty also transfers to Council upon approval via a Council resolution.

5.5 Vacation of Office

In cases resulting in the vacation of office, any facilities and vehicles allocated to the Councillor (including keys, fleet cards, log books and any other documentation) must be returned to Council on cessation date.

5.6 Payment of Expenses

Councillors who require reimbursement of personal expenses incurred whilst undertaking Council duties, must submit original receipts to their Executive Support Officer to be approved by the CEO. Receipts must be submitted no later than 30 June of that year. Reimbursements must be made in the financial year they were incurred.

5.7 Reporting

Council's Annual Report must contain information on Councillor expenses reimbursement and provision of facilities as stipulated in the *Local Government Regulation 2012*.

6 Review Timelines

This policy is reviewed when any of the following occur:

- (a) As required by legislation;
- (b) The related information is amended or replaced; or
- (c) Other circumstances as determined from time to time by the Council.

7 Document Management

Sponsor	Chief Executive Officer
Business Owner	Chief Executive Officer
Policy Owner	Executive Coordinator to the Mayor
Policy Quality Control	Legal and Governance



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**DRAFT GIFTS, BENEFITS AND
HOSPITALITY POLICY AND REVISED
EXPENSES REIMBURSEMENT AND
PROVISION OF FACILITIES FOR
MAYOR AND COUNCILLORS POLICY**

**Gifts, Benefits and Hospitality
Declaration Form - Councillors**

Meeting Date: 11 December 2018

Attachment No: 3

Gift and Hospitality Declaration Form - Councillors

Privacy Notice: Rockhampton Regional Council is collecting the personal information you supply on this form for the purpose of processing your application. 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 form is to be completed when Councillors are offered or receive gifts and/or benefits whilst undertaking their duties and/or while representing Council and in accordance with the Councillors Gifts and/or Benefits Policy.



P: 4936 8278

E: ceo@rrc.qld.gov.au

City Hall, Rockhampton

Councillor Contact	
Name:	
Details of the Gift and/or Benefit Offered/Received	
Date Gift and/or Benefit Offered/Received:	
Description:	
Estimated Retail/Market Value:	
Name of Person/Organisation Offering the Gift and/or Benefit:	
Relationship with Councillor/Council:	
Reason the Gift and/or Benefit was Offered:	
Previous Offers Made by Person/Organisation in the previous 12 month period:	
How was the Gift and/or Benefit Dealt With: <input type="checkbox"/> Accepted and Retained for Personal Use <input type="checkbox"/> Accepted on Behalf of Council and Passed to CEO <input type="checkbox"/> Accepted and Shared Amongst Councillors/Officers <input type="checkbox"/> Declined	Commentary:
Additional Information (Including any Identified Conflict of Interest):	
Declaration	
I have read and understood the Councillor Gifts and and/or Benefits Policy and I declare that the details are correct to the best of my knowledge, information and belief.	
Name:	Signature: Date:
Gifts Valued Over \$350 - Office of the CEO Use Only	
CEO Action:	
Signature:	
Date:	

**DRAFT GIFTS, BENEFITS AND
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EXPENSES REIMBURSEMENT AND
PROVISION OF FACILITIES FOR
MAYOR AND COUNCILLORS POLICY**

Fact Sheet

Meeting Date: 11 December 2018

Attachment No: 4

FACT SHEET

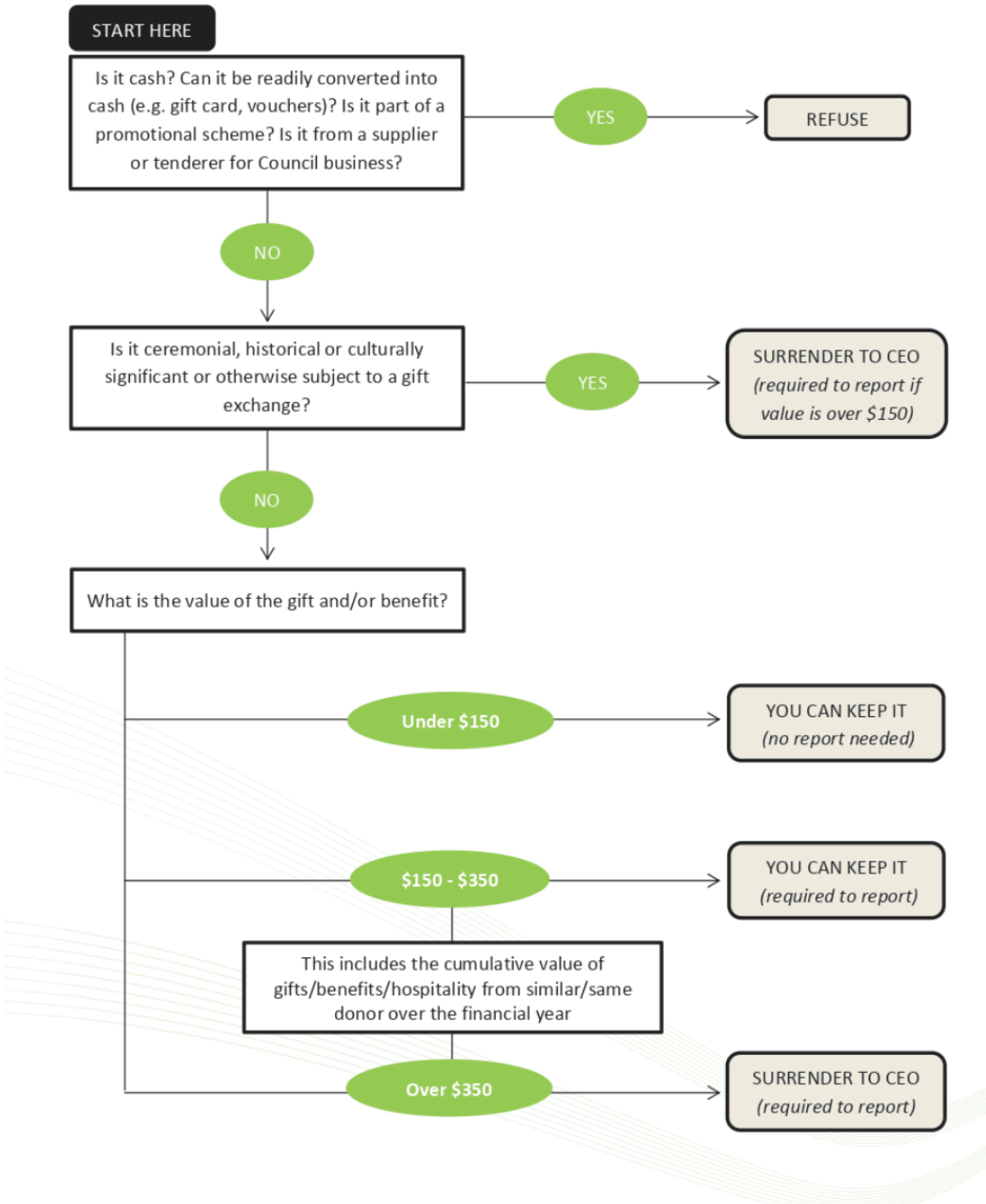
GIFTS, BENEFITS AND HOSPITALITY - COUNCILLORS



REMEMBER TO CONSIDER THE:

- (a) Intent in which the gift and/or benefit is given; and
- (b) Public perception of acceptance of the gift and/or benefit.

IF IN DOUBT, REFUSE.



THE GIFT TEST

In addition to the 'Gift, Benefits and Hospitality Policy – Councillors,' the GIFT test is a good reminder when deciding whether to accept or decline a gift, benefit or hospitality.

G**GIVER**

Who is providing the gift, benefit or hospitality and what is their relationship to me? Could the person or organisation offering the gift, benefit or hospitality benefit from a decision I make?

I**INFLUENCE**

Is the provider seeking to influence my decisions or actions?
Has the gift, benefit or hospitality been offered to me publicly or privately?
Is it a courtesy, a token of appreciation or highly valuable?
Does its timing coincide with a decision I am about to make?

F**FAVOUR**

Is the provider seeking a favour in return for the gift, benefit or hospitality?
Has the gift, benefit or hospitality been offered transparently and honestly? Has the person or organisation made several offers over the last 12 months? Would accepting it create an obligation to return a favour?

T**TRUST**

Will public trust be enhanced or diminished if the gift, benefit or hospitality is accepted? Could I publicly explain the rationale for accepting the gift, benefit or hospitality?

11.14 INTERNATIONAL TRAVEL TO SINGAPORE

File No: 8308
Attachments: Nil
Authorising Officer: Evan Pardon - Chief Executive Officer
Author: Tony Cullen - General Manager Advance Rockhampton

SUMMARY

Seeking approval for the Mayor, Chief Executive Officer and General Manager Advance Rockhampton to travel to Singapore from 22 to 24 January 2019 to meet with representatives of Singapore Defence and associated partners in relation to ongoing negotiations with military opportunities.

OFFICER'S RECOMMENDATION

THAT Council approves the international travel for the Mayor, Chief Executive Officer and General Manager Advance Rockhampton to travel to Singapore from 22 to 24 January 2019 to meet with representatives of Singapore Defence and associated partners in relation to ongoing negotiations with military opportunities.

COMMENTARY

The primary aim of the proposed visit to Singapore is to meet with Singaporean Defence to strengthen relationships and discuss future military opportunities in the region.

BUDGET IMPLICATIONS

Expenditure associated with the travel to Singapore will be funded within the relevant 2018/2019 operational budgets.

CONCLUSION

Rockhampton Regional Council is committed to the economic development of the region with the longer term aim of stimulating economic growth and employment through ongoing diversification of the region's economic base.

Establishing a strong relationship with Singaporean Defence will ensure that the region's economic development is diversified.

11.15 CAPRICON 2019 - CHANGE OF VENUE

File No: 6097
Attachments: Nil
Authorising Officer: Tony Cullen - General Manager Advance Rockhampton
Author: Chris Ireland - Manager Regional Development and Promotions

SUMMARY

In 2019 CapriCon has relocated to Rockhampton Showgrounds to handle the expected long term increase in attendees every year.

OFFICER'S RECOMMENDATION

THAT the CapriCon 2019 – Change of Venue report be received.

COMMENTARY

CapriCon is a steampunk and pop culture convention held annually in Rockhampton. Initially held in 2016, CapriCon Rockhampton has exploded in popularity to become regional Queensland's largest single day convention.

2016 – 950 attendees | 2017 – 5,500 attendees | 2018 – 8,500 attendees

Due to the increase in attendees and stallholders, attendee feedback, event logistics and to ensure that the event delivers the right experience for the audience, the decision has been made to relocate CapriCon to Rockhampton Showgrounds.

Reasons for this decision include:

- Accessibility of venue, location and amenities
- Larger footprint to deliver exceptional experience and meet expectations of attendees
- Indoor / air-conditioned area for stall holders and attendees in full costume
- Security, safety and risk management for attendees, special guests and stall holders
- Event logistics and management

With CapriCon located at Rockhampton Showgrounds, future growth of the event will continue through:

- Ability to increase event attendance to 20,000 safely and with minimal impact on surrounding businesses
- Ability to attract higher level stars and special guests
- Growth of stall holders and attendee numbers through a controlled manner to ensure long-term sustainability
- Allows CapriCon to be a unique event experience within regional Queensland, which will be used as a tourism drawcard.

CONCLUSION

Advance Rockhampton has taken into account locations, feedback, event logistics, risk and traffic management concerns and long term growth opportunities to make this informed decision.

11.16 TENDER CONSIDERATION PLAN - BILLBOARDS AND DIGITAL SIGNAGE

File No: TEN13165
Attachments: Nil
Authorising Officer: Tony Cullen - General Manager Advance Rockhampton
Author: Aimee Bartlett - Tourism Coordinator

SUMMARY

This report seeks Council approval for the Tender Consideration Plan for Billboard and Digital Signage Advertising for Council.

OFFICER'S RECOMMENDATION

THAT Council approves the Tender Consideration Plan in accordance with s230 of the Local Government Regulation.

COMMENTARY

Council engages a number of suppliers across different mediums for advertising services to promote Council and the Region. Billboard and digital signage is an important aspect of this.

For billboard and digital signage there are several companies who have market share across Queensland. These include Paradise Outdoor Advertising, Bishopp Billboards, Jam and Ooh Media.

The below Tender Consideration Plan outlines the various suppliers used for billboard and digital signage across Queensland.

All other services not outlined in the Tender Consideration Plan will continue to be issued under Contract 11637 – Register of Pre-Qualified Suppliers for the Provision of Marketing, Promotions, Advertising and Media Services. These suppliers are not considered as sole suppliers for the services they provide, but are providers who have locations across Queensland that are relevant for marketing campaigns.

Approval is being sought for the Tender Consideration Plan to allow the nominated advertising suppliers to be deemed specialised or sole suppliers in accordance with Sections 235 (a) and (b) of the Local Government Regulation 2012.

Billboard and digital signage cannot always be based on price, but is determined by availability, target audience, location, traffic counts, longevity and objectives of the campaign.

Tender Consideration Plan

Supplier	Details and Process	Potential Annual Expenditure
Bishopp Billboards	Bishopp has a number of traditional and digital billboards spread across Regional Queensland. Bishopp owns and operates the digital billboard on the corner of Fitzroy and East.	\$30,000
Jam Advertising	JAM Outdoor is an outdoor media company based in the regional Queensland city of Bundaberg. Jam currently has over 500 billboard faces across Queensland, with a number of these located on Rockhampton-Yeppoon Road.	\$20,000

Paradise Outdoor Advertising	Paradise Outdoor Advertising is a regional advertising specialty servicing Queensland. More than 1,200 outdoor sites across Queensland are available, and have the potential to reach more than 2.75 million people.	\$15,000
Ooh Media	Ooh Media is a digital signage company with billboards across Queensland, including Rockhampton on Gladstone Road.	\$15,000

Amounts identified above are not a reflection of budgeted spend with each company, but a guideline of how much may be spent across different campaigns through-out a year.

PREVIOUS DECISIONS

Tender Consideration Plan – Print, Television and Radio Advertising 9 October 2018.

BUDGET IMPLICATIONS

There will be minimal budget implications as the marketing budgets are contained within the current budget.

LEGISLATIVE CONTEXT

The Tender Consideration Plan has been prepared under Div 3 s230 of the Local Government Regulation – Exceptions for medium-sized and large-sized contractual arrangements.

CONCLUSION

Billboards and digital signage are used across a number of marketing campaigns within Council, and location decisions are based on audiences, traffic counts and desired outcomes.

12 NOTICES OF MOTION

Nil

13 QUESTIONS ON NOTICE

Nil

14 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.

15 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.

16.1 Acquisition of Land in Parkhurst for Drainage Purposes

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.

16.2 Notification of Future State-Controlled Road and Future Rail Land

This report is considered confidential in accordance with section 275(1)(g) (h), of the *Local Government Regulation 2012*, as it contains information relating to any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act; AND 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.

16.3 2018/2019 Revised Budget

This report is considered confidential in accordance with section 275(1)(c), of the *Local Government Regulation 2012*, as it contains information relating to the local government's budget.

16.4 Update on QLD Health Rockhampton Alcohol and Drug Rehabilitation Facility and Site Selection 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.

16.5 Expressions of Interest for the Redevelopment Design and Construction of the CBD Parcels of Land

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.

16 CONFIDENTIAL REPORTS

16.1 ACQUISITION OF LAND IN PARKHURST FOR DRAINAGE PURPOSES

File No: 12129

Attachments:

1. Resumption Plans
2. Background Information Document

Authorising Officer: Martin Crow - Acting General Manager Regional Services

Author: Stuart Harvey - Coordinator Strategic Infrastructure

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.

SUMMARY

This report seeks Council's approval to compulsorily acquire a portion of land at Lot 8 RP603507 and Lot 8 RP603508 for easements required for drainage infrastructure purposes.

16.2 NOTIFICATION OF FUTURE STATE-CONTROLLED ROAD AND FUTURE RAIL LAND**File No:** 8602**Attachments:** 1. Attachment 1 - Letter from DTMR**Authorising Officer:** Martin Crow - Acting General Manager Regional Services**Author:** Stuart Harvey - Coordinator Strategic Infrastructure

This report is considered confidential in accordance with section 275(1)(g) (h), of the *Local Government Regulation 2012*, as it contains information relating to any action to be taken by the local government under the Planning Act, including deciding applications made to it under that Act; AND 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.

SUMMARY

Council have received a letter from the Department of Transport and Main Roads providing notification of its intention to declare land as future state-controlled road and future railway land. This report seeks Council's support for the proposed future rail and road corridor declaration.

16.3 2018/2019 REVISED BUDGET**File No:** 8785

- Attachments:**
1. 2018/19 September Revised Budget Summary
 2. 2018/19 Revised Budget & Forward Projections
 3. Adopted Revenue Policy 2018/19 (no change)
 4. Adopted Revenue Statement 2018/19 (no change)
 5. Draft Debt (Borrowings) Policy
 6. Estimated Activity Statement for Business Activities
 7. 2018/19 Revised Capital Budget List

Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer**Author:** Alicia Cutler - Chief Financial Officer

This report is considered confidential in accordance with section 275(1)(c), of the *Local Government Regulation 2012*, as it contains information relating to the local government's budget.

SUMMARY

Chief Financial Officer presenting a budget amendment under S. 170 of the Local Government Regulation 2012.

16.4 UPDATE ON QLD HEALTH ROCKHAMPTON ALCOHOL AND DRUG REHABILITATION FACILITY AND SITE SELECTION PROCESS**File No:** 11051**Attachments:**

1. Rockhampton Alcohol and Drug Rehabilitation Facility Project Scope
2. Aerial Map View

Authorising Officer: Ross Cheesman - Deputy Chief Executive Officer**Author:** Drew Stevenson - Manager Corporate & Technology
Angus Russell - Manager Strategy and Planning

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.

SUMMARY

Reporting on discussions with Queensland Health regarding the establishment of a 42-bed alcohol and drug rehabilitation and treatment facility in Rockhampton.

16.5 EXPRESSIONS OF INTEREST FOR THE REDEVELOPMENT DESIGN AND CONSTRUCTION OF THE CBD PARCELS OF LAND**File No:** 11359**Attachments:** Nil**Authorising Officer:** Tony Cullen - General Manager Advance Rockhampton**Author:** Marcus Vycke - Manager Commercial

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.

SUMMARY

In preparation for the tender process for the redevelopment of a number of CBD parcels of land, Council has identified the need to call for Expressions of Interest (EOI). The EOI process aims to shortlist suitable, qualified and experienced Developers to express their interest in redeveloping the parcels of land on offer.

17 CLOSURE OF MEETING