



SUPPORTING INFORMATION

for respective items considered at

Coordination Committee Meeting

27 March 2018

SUPPORTING INFORMATION

Ref: A16721010 & A16467477

The following list of supporting information is provided for:

ITEM 1.1

ADOPTION OF MORETON BAY REGIONAL COUNCIL INTERIM LOCAL LAW NO. 2 (ADVERTISING DEVICES) 2018 - REGIONAL

#1 MBRC Interim Local Law No. 2 (Advertising Devices) 2018

#2 MBRC Adopted Local Law Making Process

ITEM 1.1 ADOPTION OF MORETON BAY REGIONAL COUNCIL INTERIM LOCAL LAW NO. 2 (ADVERTISING DEVICES)
2018 - REGIONAL - A16720929 : (Cont.)

#1 MBRC Interim Local Law No. 2 (Advertising Devices) 2018

MORETON BAY REGIONAL COUNCIL

Interim Local Law No. 2 (Advertising Devices) 2018

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Part 1 Preliminary

1 Short title

This interim local law may be cited as *Moreton Bay Regional Council Interim Local Law No. 2 (Advertising Devices) 2018*.

2 Term of interim local law

This interim local law commences on 27 March 2018 and expires on 26 September 2018.

3 Interim local law repealed

Moreton Bay Regional Council Interim Local Law No. 1 (Advertising Devices) 2017 is repealed.

4 Subordinate local law amended

This interim local law amends *Moreton Bay Regional Council Subordinate Local Law No. 1 (Administration) 2011*.

Part 2 Amendments to subordinate local law

5 Replacement of schedule 9 (installation of advertising devices)

Schedule 9—

omit, insert—

‘Schedule 9 Installation of Advertising Devices

1 Prescribed activity

Installation of Advertising Devices

Note-

- *The local government’s Planning Scheme regulates the Installation of permanent Advertising Devices on private land. This subordinate local law regulates the Installation of temporary Advertising Devices on Public Land or private land, and the Installation of permanent Advertising Devices on Public Land.*

2 Purpose and how it is to be achieved

- (1) The purpose of this Schedule 9 is to ensure that the Installation of Advertising Devices in the local government’s area does not:
 - (a) endanger the health and safety of any person;
 - (b) have a detrimental impact on amenity;

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- (c) cause Environmental Harm;
 - (d) damage public infrastructure or private property; or
 - (e) unduly expose a person to a risk of loss or liability.
- (2) This purpose is to be achieved by:
- (a) allowing the Installation of Exempt Signs and Self-Assessable Signs without any approval from the local government if specific requirements are satisfied; and
 - (b) establishing a process to ensure that applications to Install Licensable Signs are properly assessed and conditioned if approved.

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

- (1) A person does not require an approval from the local government to Install an Advertising Device which is:
- (a) an Exempt Sign; or
 - (b) a Self-Assessable Sign which satisfies:
 - (i) the General Self-Assessable Requirements; and
 - (ii) the Specific Requirements for the Self-Assessable Sign.

Note-

- *this section constitutes a declaration made by the local government pursuant to section 6(3) of the authorising local law;*
- *the General Self-Assessable Requirements and Specific Requirements for Self-Assessable Signs are set out at Table 2, below; and*
- *a person is still required to obtain an approval from the local government to Install an Advertising Device which is a Licensable Sign.*

4 Documents and materials that must accompany applications for approval

- (1) A person wishing to Install a Licensable Sign (Applicant) must ensure that their application is accompanied by the following documents and materials:
- (a) the contact details of the Applicant including the Applicant's full name, day time contact phone number, email address (if applicable) and mailing address;
 - (b) details of the period for which the Licensable Sign is proposed to be displayed;
 - (c) a sketch plan or plan of the proposed Licensable Sign including its dimensions, location, materials and how it will be supported;
 - (d) if applicable, details of any illumination, animation, moving parts, reflective material or Third Party Advertising that the Licensable Sign will contain and the registration details of any vehicle that will be used to display the sign;
 - (e) if the Applicant wishes to Install the Licensable Sign on land, structures or infrastructure that they do not own (other than land, structures or infrastructure owned or controlled by the local government) the owner's written consent to the Installation;

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- (f) if the Applicant requires an assessment of their application within 3 business days of Council receiving that application (**Expedited Assessment**):
- (i) a written request for an Expedited Assessment;
 - (ii) a written submission explaining how the Licensable Sign meets:
 - (A) the criteria set out at section 5 (below);
 - (B) the General Licensable Criteria; and
 - (C) the Specific Requirements for the Licensable Sign;

Note-

- *An Expedited Assessment may result in the local government deciding the Applicant's application in accordance with section 9(2) of the authorising local law. An Expedited Assessment may also result in the local government requesting further information in accordance with section 8(3) of the authorising local law.*

- (g) an indemnity in favour of the local government as set out in the prescribed form.

Note-

- *under section 8(2) of the authorising local law, the above documents and materials must accompany:*
 - *an application in the prescribed form. The prescribed form is a written document which is available from the local government's administration centres or via its website. Contact details for submitting the application are set out in the prescribed form;*
 - *the prescribed fee. Prescribed fees are fixed by the local government in accordance with section 35 of the authorising local law and the current prescribed fees can be obtained via the local government's website or by contacting the local government by phone, email or in person; and*
 - *(where applicable) proof that the applicant currently holds any separate approval relating to the prescribed activity that is required under another law.*
- *under section 8(3) of the authorising local law, the local government may request further reasonable information or clarification of information, documents or materials included in the application.*

5 Additional criteria for the granting of approval

- (1) Before granting an approval to an Applicant to Install a Licensable Sign, the local government must be satisfied that the Licensable Sign will:

- (a) not endanger the health and safety of any person;

Example-

- *the Licensable Sign must, where applicable:*
 - *be designed, constructed and Installed in accordance with any applicable laws, regulations, codes or standards;*
 - *be designed and constructed to a standard that will withstand expected wind loadings, tension and sheer forces;*
 - *not be the same as, or like, a traffic sign;*
 - *be appropriately set back from kerbsides and property boundaries;*
 - *not be likely to cause an obstruction to pedestrians or an unreasonable distraction to motorists;*
 - *not obstruct a person's view of traffic, or a motorist's or cyclist's view of pedestrians, other traffic, or the road ahead to intersections, traffic signals, railway crossings and vehicle merging situations;*

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- *not cause a potential safety hazard due to the sign's illumination, reflective material, animation, or such other thing;*
- *when mounted over a footpath (other than a blind or canopy), provide a minimum clearance of at least 2.4m;*
- *when located where vehicles pass underneath it, provide a minimum clearance of at least 5.7m from ground level;*
- *be designed and constructed to conceal conduits, wiring and switches if it contains electrical components that are not integral to the design of the Sign.*

(b) not have a Significant Impact on visual amenity;

Example-

- *the Licensable Sign should, where applicable:*
 - *be of an appropriate size, nature and scale for the location;*
 - *complement or be harmonious with the buildings and features of the location;*
 - *not cause visual clutter through a discordance of size, shape and colour with surrounding buildings and immediate local features;*
 - *not block or compromise a person's view from their private property; and*
 - *be harmonious with any existing signage, or advertising package, at the location.*

(c) not cause, or potentially cause, Environmental Harm;

Example-

- *the Licensable Sign should, where applicable:*
 - *be constructed from material that that is reusable, repurposable or recyclable whether in whole or in part; and*
 - *not be nailed or otherwise affixed to trees or other vegetation.*

(d) not cause damage to public infrastructure or private property;

Example-

- *the Licensable Sign must, where applicable:*
 - *not be affixed to infrastructure owned by the local government or a utility provider unless their written consent has been obtained;*
 - *not be Installed in such a way that it could cause damage to private property.*

(e) not constitute a Restricted Advertising Device in the proposed area or locality;

(f) be generally consistent with any Specific Requirements for that Licensable Sign and the General Licensable Criteria, where applicable.

Note-

- *under section 9(1) of the authorising local law, the local government may also have regard to other criteria.*

6 Conditions that must be imposed on approvals

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7 Conditions that will ordinarily be imposed on approvals

(1) The local government may impose the following conditions on approvals for this prescribed activity:

- (a) the Specific Conditions for the Licensable Sign set out in Table 3 (if any);
- (b) that the Applicant must only display the signs during the conditioned period;

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- (c) that the Applicant must Install and keep the Licensable Sign Installed in accordance with plans approved by the local government;
- (d) that the Licensable Sign must be maintained in a safe, clean, tidy and sightly condition;
- (e) that the Applicant must comply with a reasonable direction from an authorised person in respect of the Licensable Sign;

Example-

- *if an authorised person, acting reasonably, considers that a Licensable Sign is in an unsafe condition and requests that the Applicant remove the sign until it is repaired, the Applicant must comply with that direction.*
- (f) that if a registration number is allocated by the local government for a Licensable Sign it must be —
 - (i) securely affixed to the Licensable Sign for as long as it is exhibited;
 - (ii) located at the bottom right hand corner of the face of the Advertising Device;
 - (iii) clearly legible from a public place; and
 - (iv) not less than 50mm in height;
 - (g) that the Applicant must procure and maintain at all times whilst the Licensable Sign is Installed, a public liability insurance policy in respect of the Licensable Sign for an amount not less than \$20,000,000 per occurrence, and the Applicant must provide evidence of such policy upon request by an authorised person; and
 - (h) that if the local government considers it is reasonably necessary, that prior to the Installation of the Advertising Device, the Applicant must provide a certificate of structural adequacy from a qualified engineer in respect of the Advertising Device.

Note-

- *under section 10(1) of the authorising local law, the local government may grant an approval subject to further conditions that it considers appropriate (if those conditions satisfy the criteria set out at section 10(2) of the authorising local law).*

8 Term of approval

- (1) The term of an approval to display an inflatable advertising device is 21 consecutive days within any 90-day period, unless otherwise stated in an approval.
- (2) The term of an approval to display a Licensable Sign, other than an inflatable advertising device, is the period specified in an approval.

Note-

- *in accordance with section 13 of the authorising local law, the term of approval specified above will have effect unless an approval is sooner cancelled or suspended.*

9 Term of renewal of approval

A holder of an approval to display an inflatable advertising device may apply to the local government to extend or renew the approval for any further term that is

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specified in the approval.

Note-

- see section 14 of the authorising local law for the renewal terms of other types of Licensable Signs.

10 Transfer of approval

An approval to display a licensable sign is transferable.

Note-

- see section 15 of the authorising local law for details concerning the procedure for transferring an approval.

11 Schedule Dictionary

In this Schedule 9, the following terms have the corresponding meaning:

Advertising Device means a device which is designed to attract public attention and includes a sign but does not include:

- how-to-vote cards;
- car stickers (including car wraps which do not constitute a Self-Assessable Sign - Motor Vehicle Sign);
- clothing;
- lapel buttons or badges;
- stationery;
- newspaper advertisements;
- business or visiting cards; or
- letters or posted leaflets;

Business Centre Environment means the Planning Scheme zones identified as being in the business centre environment in Table 6;

Character/Heritage/Special Precinct Area means the Planning Scheme zones identified as being in the character/heritage/special precinct area in Table 6;

Election Period, for:

- a local government election, means the period:
 - commencing on the day when public notice of the holding of the election is published under the *Local Government Electoral Act 2011 (Qld)*; and
 - terminating at the end of the associated polling date;
- for a State government election, means the period:
 - commencing on the date that the writ for the election is issued under the *Electoral Act 1992 (Qld)* or the *Constitution of Queensland 2001 (Qld)*; and
 - terminating at the end of the associated polling date;

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- (c) for a Federal government election, means the period:
 - (i) commencing on the date that the writ for the election is issued under the *Commonwealth Electoral Act 1918 (Cth)*; and
 - (ii) terminating at the end of the associated polling date; and
- (d) for a referendum, means the period:
 - (i) commencing on the date that the writ for the referendum is issued under the *Referendum (Machinery Provisions) Act 1984 (Cth)* or *Referendums Act 1997 (Qld)*; and
 - (ii) terminating at the end of the last day upon which an elector could enter a polling booth to vote at the referendum.

Example

- *The Election Period for the election of the 56th State Parliament may commence up to 56 days prior to the polling day for that election (see section 84(1)(d) of the Electoral Act (Qld)).*

Environmental Harm means:

- (a) Material Environmental Harm;
- (b) Serious Environmental Harm; or
- (c) an Environmental Nuisance.

Environmental Nuisance has the meaning given to that term in the *Environmental Protection Act 1994 (Qld)*;

Exempt Sign means an Advertising Device that is:

- (a) assessable under the Planning Scheme;
- (b) a Public Facility Directional Advertising Device;
- (c) a Social and Welfare Advertising Device;
- (d) a Statutory Advertising Device; or
- (e) a Street Furniture Advertising Device.

Fly Poster Advertising Device means a printed paper Advertising Device glued or otherwise attached to fixtures in public places;

General Licensable Criteria means the criteria identified in Table 3 of this Schedule 9 as general licensable criteria;

General Self-Assessable Requirements means the requirements identified in Table 2 of this Schedule 9 as general self-assessable requirements;

Industry Environment means the Planning Scheme zones identified as being in the industry environment in Table 6;

Install, an Advertising Device, means to erect or display the Advertising Device in a position which is visible from Public Land;

Note-

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- The words “Installed” and “Installation” have a corresponding meaning (see section 32 of the Acts Interpretation Act 1954).

Licensable Sign means an Advertising Device which is further defined, and identified as being a licensable sign, in either Table 2 or Table 3 of this Schedule 9;

Material Environmental Harm has the meaning given to that term in the *Environmental Protection Act 1994 (Qld)*;

Planning Scheme means the local government’s planning scheme;

Political Information Booth means a person, or gathering of persons, advertising a political candidate, political party or a campaign for a government election or referendum;

Public Facility Directional Advertising Device means an Advertising Device which is displayed to advertise a non-commercial community service (e.g. a rest stop) and which:

- (a) advises persons of services on a road ahead or on a side road;
- (b) is necessary to inform a significant number of persons who may be unfamiliar with the area; and
- (c) does not detract from the amenity of the surrounding area;

Public Land means:

- (a) a Road; or
- (b) land that is reserved and set apart or held in trust by the local government for a public purpose;

Residential Environment means the Planning Scheme zones identified as being in the residential environment in Table 6;

Restricted Advertising Device means a sign designated as being “R” or “Restricted” in Table 2 or Table 3 for an environment or area;

Rural Area Greenspace / Open Space Environment means those Planning Scheme zones identified as being in the rural area greenspace / open space environment in Table 6;

Self-Assessable Sign means an Advertising Device which is further defined, and identified as being a self-assessable sign, in Table 2 of this Schedule 9;

Serious Environmental Harm has the meaning given to that term in the *Environmental Protection Act 1994 (Qld)*;

Significant Impact means an impact which is more than trivial or negligible in nature, extent or context;

Note-

- *Installing an Advertising Device which causes Significant Impacts on the environment*

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may constitute an offence under the Environmental Protection Act 1994 (Qld) - see sections 16, 438.

Social and Welfare Advertising Device means an Advertising Device which is displayed to identify a charitable institution, non-proprietary club or educational establishment which;

- (a) does not have a face area of more than 2.4m²;
- (b) is not placed on the same premises frontage as any other similar Advertising Device for the same institution, club or establishment; and
- (c) does not detract from the amenity of the surrounding area;

Specific Conditions, for a Licensable Sign, means the conditions identified in Table 3 of this Schedule 9 as specific conditions for a Licensable Sign (if any);

Specific Requirements, for:

- (a) a Self-Assessable Sign, means the requirements identified in Table 2 of this Schedule 9 as specific requirements for a Self-Assessable Sign;
- (b) a Licensable Sign, means the requirements identified in Table 3 of this Schedule 9 as specific requirements for a Licensable Sign;

Statutory Advertising Device means an Advertising Device which is displayed to comply with a statutory requirement;

Street Furniture Advertising Device means an Advertising Device placed on street furniture owned or controlled by the local government (e.g. bus shelters) pursuant to a contractual arrangement with the local government;

Third Party Advertising means using an Advertising Device to:

- (a) display the name, logo or symbol of a company, organisation or individual, other than a party or candidate for an election, not owning or substantially occupying the premises or building on which the Advertising Device is exhibited; or
- (b) advertise a product or service which is not available at the premises on which the Advertising Device is exhibited; or
- (c) advertise an activity or event which does not occur on the premises on which the Advertising Device is exhibited.

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Table 1 - Intentionally Left Blank

Table 2: General Self-Assessable Requirements

- (1) A Self-Assessable Sign must–
 - (a) not impede clear sight lines for:
 - (i) official traffic signs or other road signage;
 - (ii) vehicles or pedestrians;
 - (iii) road junctions;
 - (iv) vehicle access crossovers;
 - (v) pedestrian crossings; or
 - (vi) any other similar thing;
 - (b) be at least 1 metre from a kerb alignment;
 - (c) not obstruct access to property or cause pedestrians to need to move out from any shelter or from a footpath;
 - (d) be designed, constructed and erected to a standard that will withstand expected wind loadings, tension and sheer forces;
 - (e) be structurally sound;
 - (f) be Installed in accordance with any other relevant laws, regulations, codes or standards;
 - (g) be maintained in a good state of repair at all times;
 - (h) be covered by a public liability insurance policy for an amount not less than \$20,000,000 per occurrence (**Public Liability Cover**) procured by the Applicant and maintained at all times whilst the Self-Assessable Sign is Installed with evidence of the Public Liability Cover being provided upon request by an authorised person;
 - (i) not have any moving parts;
 - (j) not be illuminated or reflective;
 - (k) not cause, or potentially cause, Environmental Harm;
 - (l) not block or compromise a person’s view from their private property;
 - (m) where relevant, be placed at, or as near as possible to, the central point of the frontage to the premises to which the sign relates;
 - (n) not be Installed in an area or environment if it is a Restricted Advertising

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- Device within that area or environment;
- (o) not be attached in any way to trees and be clear of watercourses or any other body of water;
 - (p) not be Installed on public infrastructure unless the person Installing the Advertising Device owns that infrastructure, or, the infrastructure owner's consent to the Installation has been obtained;
 - (q) not be Installed on private property unless the person Installing the Advertising Device owns that property, or, the property owner's consent to the Installation has been obtained;
 - (r) if the Advertising Device is identified as a Class I Sign in Table 2:
 - (i) have maximum dimensions of 500mm (height) 600mm (width) and 0.3m² (area);
 - (ii) be removed from Public Land by sunset on each day;
 - (iii) be placed on Public Land only during daylight hours on the day of the relevant event; and
 - (s) be Installed in compliance with any directions specified by an authorised officer of the local government, acting reasonably, from time to time.

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Table 2 Continued: Advertising Devices and Specific Requirements

KEY: 'SA' means a Self-Assessable Sign; 'R' means a Restricted Advertising Device; 'L' means a Licensable Sign

Example 1: If an Advertising Device is identified as "SA" in the Business Centre Environment column of this Table, then that Advertising Device is a Self-Assessable Sign in the Business Centre Environment.
Example 2: If an Advertising Device is identified as "L" in the Character/Heritage/Special Precinct Area column of this Table, then that Advertising Device is a Licensable Sign if it is proposed to be Installed in the Character/Heritage/Special Precinct Area.
Example 3: If an Advertising Device is identified as "R" in the Residential Environment column of this Table, then that Advertising Device is a Restricted Advertising Device in the Residential Environment.


Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements
	Business Centre Environment	Industry Environment	Residential Environment	Rural area /Greenspace/ Openspace Environment	Character /Heritage/ Special Precinct Area	
CLASS I Signs						
Garage Sale Advertising Device	SA	SA	SA	SA	SA	<p>A Garage Sale Advertising Device means an Advertising Device advertising a garage sale.</p> <p>Specific Requirements</p> <p>(a) Only 1 sign for a garage sale may be placed on a footway on each day of the display event or garage sale; (b) No Directional/Leader Advertising Devices (as defined in this Table 2) are permitted for garage sales.</p> <p><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>
Directional/Leader Advertising Device	SA	SA	SA	SA	SA	<p>A Directional/Leader Advertising Device means an Advertising Device which is displayed for directional purposes and may be used to direct the public to an open house day, estate or auction.</p> <p>Specific Requirements</p> <p>(a) Directional/Leader Advertising Devices must not be placed on a roundabout, traffic island, median strip, footway or official traffic sign; (b) no more than 4 Directional/Leader Advertising Devices may be placed at the one time in relation to the same event.</p> <p><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>

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KEY: 'SA' means a Self-Assessable Sign; 'R' means a Restricted Advertising Device; 'L' means a Licensable Sign



Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements
	Business Centre Environment	Industry Environment	Residential Environment	Rural Area /Greenspace/ Openspace Environment	Character /Heritage/ Special Precinct Area	
CLASS II Signs						
Real Estate Advertising Device 	SA	SA	SA	SA	SA	<p>A Real Estate Advertising Device means an Advertising Device which promotes the sale, auction, lease or letting of premises.</p> <p>Specific Requirements</p> <p>(1) A Real Estate Advertising Device:</p> <p>(a) must not have a face area in excess of 0.6m²;</p> <p>(b) must not be exhibited more than 14 days after the sale of the premises identified in the Advertising Device;</p> <p>(c) must be located as close as practicable to the street front boundary of the premises;</p> <p>(d) must not interfere with the safe and convenient passage of pedestrians;</p> <p>(e) may be double sided;</p> <p>(f) must not exceed 1 Advertising Device for each agent marketing the premises up to a maximum of 3 Advertising Devices;</p> <p>(2) As an acceptable alternative to conditions (a), (e) and (f), an advertiser may exhibit one (1) Advertising Device having a maximum face area of 2.4m² at the premises.</p> <p style="text-align: center;"><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>

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KEY: 'SA' means a Self-Assessable Sign; 'R' means a Restricted Advertising Device; 'L' means a Licensable Sign


Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements
	Business Centre Environment	Industry Environment	Residential Environment	Rural Area /Greenspace/ Openspace Environment	Character /Heritage/ Special Precinct Area	
Mobile Advertising Device 	SA	SA	SA	SA	SA	<p>A Mobile Advertising Device means a temporary, portable, free standing and self-supporting Advertising Device which may be mounted on wheels to facilitate movement. A mobile Advertising Device may include an A-frame sign and a sandwich board.</p> <p>Specific Requirements</p> <p>A Mobile Advertising Device:</p> <ul style="list-style-type: none"> (a) must not exceed a maximum area of 2.4 m² (i.e. 1.2m² on each side); (b) must not exceed dimensions of vertical height 1200mm, 1000mm maximum width and 900mm maximum depth; (c) must only be placed on the premises of the shop or business it is advertising, but may encroach onto adjoining Public Land if: <ul style="list-style-type: none"> a. no part of the Advertising Device protrudes more than 1m from the street front boundary of the premises; b. the Advertising Device does not encroach onto the road frontage of an adjoining premises; and c. the Advertising Device is placed at or near a point centrally located adjacent to the premises' frontage to the road. <p style="text-align: center;"><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>
Display Home Advertising Device	SA	SA	SA	SA	L	<p>A Display Home Advertising Device means an Advertising Device for a display home in conjunction with the sale, auction or leasing of a group of dwellings or building sites.</p> <p>Specific Requirements</p> <p>A Display Home Advertising Device:</p> <ul style="list-style-type: none"> (a) must not be erected for more than 12 months; (b) must have a maximum aggregate face area of 4m², and a maximum height of 1.8m above the natural ground surface. (c) may only be located on the premises of the display home advertised if: <ul style="list-style-type: none"> a. the Advertising Device is not fixed to trees or shrubs; and b. the Advertising Device does not incorporate any moving, rotating or animated parts; and c. it presents the view of a painted surface. <p style="text-align: center;"><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>
Estate Sales Advertising Device 	SA	SA	SA	SA	L	<p>An Estate Sales Advertising Device means an Advertising Device exhibited for the primary purpose of the promotion or sale of land within an industrial or residential estate or development.</p> <p>Specific Requirements</p> <p>An Estate Sales Advertising Device:</p> <ul style="list-style-type: none"> (a) is limited to 1 sign per premises; (b) must have a maximum face area of 6m² (but the reverse side of a double-sided Advertising Device is not counted); (c) must be in close proximity to the estate or development advertised in the Advertising Device; (d) must not face adjoining premises unless it is more than 3m from each boundary of the premises; and (e) may only be exhibited on premises for, whichever is the lesser of: <ul style="list-style-type: none"> a. 12 months; or b. 14 days after the last lot comprising part of the estate or development is sold; and (f) must have content which is limited to: the name of the estate, the marketing agent's name and contact details, descriptions or illustrations of physical features of the estate, price range for land or house and land packages on the estate and sales office business hours. <p style="text-align: center;"><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>

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**ITEM 1.1 ADOPTION OF MORETON BAY REGIONAL COUNCIL INTERIM LOCAL LAW NO. 2 (ADVERTISING DEVICES)
2018 - REGIONAL - A16720929 : (Cont.)**

Moreton Bay Regional Council Interim Local Law No. 2 (Advertising Devices) 2018

KEY: 'SA' means a Self-Assessable Sign; 'R' means a Restricted Advertising Device; 'L' means a Licensable Sign


Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements
	Business Centre Environment	Industry Environment	Residential Environment	Rural Area /Greenspace/ Openspace Environment	Character /Heritage/ Special Precinct Area	
<p>Community Organisational Advertising Device</p> 	SA	SA	SA	SA	SA	<p>A Community Organisational Advertising Device means an Advertising Device which advertises a non-profit short term event such as a fete, fair, festival or similar event organised by a charitable, religious, educational, childcare or sporting organisation or a community service organisation.</p> <p><u>Specific Requirements</u></p> <p>A Community Organisational Advertising Device:</p> <ul style="list-style-type: none"> (a) must not be displayed for more than 21 days prior to the event advertised on the Advertising Device and must be removed within 1 day after the events completion; (b) must be located on the site of a fete or the property of the organisation holding the fete and may comprise either— <ul style="list-style-type: none"> a. a banner type sign of non-rigid material, suspended at both ends and having a maximum area of 8 m²; or b. a rigid type sign which would otherwise be a Wall Sign, Boundary Fence Sign or Ground Sign having a maximum area of 2.4 m²; or c. a vertical banner having a maximum area of 2.4 m²; (c) is limited to 1 Community Organisational Advertising Device at each frontage of a site. <p><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>
<p>Directional Community Organisational Advertising Device</p>	SA	SA	R	SA	SA	<p>A Directional Community Organisational Advertising Device means an Advertising Device with the primary purpose of directing the public to a fete, fair, festival or other similar event advertised on the Advertising Device.</p> <p><u>Specific Requirement</u></p> <p>A Directional Community Organisational Advertising Device must:</p> <ul style="list-style-type: none"> (a) not be installed in the Residential Environment; (b) have a maximum face area of 0.6m² if erected on a Road; and; (c) be limited to 10 Advertising Devices on a Road; and (d) may be exhibited on the day of the event, and for a period not more than 3 days prior to the event, in the vicinity of the fete, fair or festival event; and (e) be erected on private land for not more than 14 days prior to the event and must be removed within 1 day of the event. <p><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>

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Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements
	Business Centre Environment	Industry Environment	Residential Environment	Rural Area /Greenspace/ Openspace Environment	Character /Heritage/ Special Precinct Area	
<p>Election Advertising Device</p> 	SA	SA	SA	SA	SA	<p>An Election Advertising Device means an Advertising Device that is able, or is intended, to:</p> <p>(a) influence a person about voting at any government election, or referendum; or (b) affect the result of any government election, or referendum.</p> <p>Specific Requirements</p> <p>(1) an Election Advertising Device must:</p> <p>(a) if erected on privately owned land:</p> <p style="padding-left: 20px;">(i) be erected no sooner than 3 months before the polling day for the relevant election; and (ii) be removed within 7 days after the termination of the Election Period;</p> <p>(b) be portable; (c) not be joined together or placed side by side to give the impression that they are of a larger face area than that permitted; and (d) not be installed on Public Land unless it is installed at a Political Information Booth in accordance with subsection (2) of these Specific Requirements.</p> <p>(2) Election Advertising Devices Installed at a Political Information Booth must:</p> <p>(a) not exceed a total of 6 Election Advertising Devices within a 20m radius of the Political Information Booth; (b) if installed on a Road, be placed on one side of the Road only; (c) be attended by a person over the age of 17 years at all times; (d) have a maximum face area of 1.5m² (a double-sided sign with a face area of 1.5m² on either side will constitute 1 sign only); and (e) comply with subsection (1)(c), 1(d) and (3) of these Specific Requirements.</p> <p>(3) A Political Information Booth must not be installed within a 500-metre radius of another Political Information Booth.</p> <p><i>Note:</i></p> <ul style="list-style-type: none"> • there is no time limit on when a Political Information Booth can be installed; and • there is no limit on the number of Political Information Booths that can be installed. <p>(4) No more than 2 Election Advertising Devices with a total face area of 1.5m² may be displayed on privately owned land per frontage of premises.</p> <p><i>Note:</i></p> <ul style="list-style-type: none"> • there is no limit on the number of privately owned properties upon which Advertising Devices can be installed; and • these Specific Requirements are in addition to the General Self-Assessable Requirements. <p style="text-align: center;"><i>Intentionally Left Blank</i></p>

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Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements
	Business Centre Environment	Industry Environment	Residential Environment	Rural Area /Greenspace/ Openspace Environment	Character /Heritage/ Special Precinct Area	
Motor vehicle Advertising Device 	SA	SA	R	SA	R	<p>A Motor Vehicle Advertising Device means an Advertising Device displayed on a motor vehicle where the display of the Advertising Device is the primary use of the vehicle.</p> <p><u>Specific Requirements</u></p> <p>A Motor Vehicle Advertising Device must:</p> <ul style="list-style-type: none"> (a) not be installed in the Residential Environment or the Cultural/Heritage/Special Precinct Area; (b) not have a face area in excess of 2.4m²; (c) not extend beyond the dimensions of the vehicle, caravan or trailer (whichever is applicable); and (d) not be static; and (e) not be constructed from illuminated or reflective material. <p style="text-align: right;"><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>
CLASS III Signs						
Sporting Field Advertising Device 	SA	SA	SA	SA	SA	<p>A Sporting Field Advertising Device means an Advertising Device painted or otherwise fixed to a fence marking the boundaries of a sporting field.</p> <p><u>Specific Requirements</u></p> <p>A Sporting Field Advertising Device:</p> <ul style="list-style-type: none"> (a) must be exhibited on a fence surrounding the sporting field or, if no fence surrounds the sporting field; (b) must be contained within the boundaries of the fence on which it is to be exhibited; (c) must be maintained free of graffiti; and (d) must be erected or displayed immediately adjacent to the area of the advertiser's sporting activity. <p style="text-align: right;"><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>
Lantern Advertising Device	SA	SA	SA	SA	SA	<p>A Lantern Advertising Device means a fabricated or moulded light shade exhibited on premises which advertises the trade, or business but does not include a projecting Advertising Device.</p> <p><u>Specific Requirements</u></p> <p>A lantern Advertising Device:</p> <ul style="list-style-type: none"> (a) must not have a face area in excess of 0.25m²; (b) must be fixed to a wall or pole; (c) must not have a height in excess of 5m above ground level directly adjacent to the Advertising Device; (d) must only provide directional messages for vehicular traffic or pedestrians entering the premises on which the Advertising Device is exhibited; and (e) is limited to one per premises. <p style="text-align: right;"><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>

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Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements
	Business Centre Environment	Industry Environment	Residential Environment	Rural Area /Greenspace/ Openspace Environment	Character /Heritage/ Special Precinct Area	
<p>Window Advertising Device</p> 	SA	SA	SA	SA	SA	<p>A Window Advertising Device means an Advertising Device painted or otherwise fixed to the glazed area of a window; and includes devices that are suspended from a window frame; but does not include products displayed in a window.</p> <p><u>Specific Requirements</u></p> <p>A Window Advertising Device must be situated inside the window on which it is exhibited except in the case of a window Advertising Device painted directly on the outside face of the window.</p> <p style="text-align: center;"><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>
<p>Awning Face Advertising Device</p> 	SA	SA	SA	SA	L	<p>An Awning Face Advertising Device means an Advertising Device painted or otherwise affixed flat to the face of an awning which is already constructed on a building.</p> <p><u>Specific Requirements</u></p> <p>An Awning Face Advertising Device:</p> <ul style="list-style-type: none"> (a) must be contained within the outline of the fascia of the building; (b) must not exceed 50mm in thickness; and (c) must be no closer than 300mm to the vertical projection of the face of any vehicle barrier kerb below. <p style="text-align: center;"><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>
<p>Under-Awning Advertising Device</p> 	SA	SA	SA	SA	L	<p>An Under-Awning Advertising Device means an Advertising Device centrally located relative to the shop front and fixed underneath or suspended from an awning or verandah.</p> <p><u>Specific Requirements</u></p> <p>An Under-Awning Advertising Device:</p> <ul style="list-style-type: none"> (a) must have a minimum clearance of 2.4m between its lowest point and ground level; (b) must not have a horizontal dimension greater than the width of the awning, a vertical dimension of more than 0.5m or a thickness of more than 0.3m; (c) must be oriented at right angles to the shop front on which it is exhibited; (d) must not be exhibited less than 3m from another under awning Advertising Device; (e) must not be exhibited less than 1.5m from each side boundary of the premises on which it is exhibited; (f) must not project beyond the awning or verandah to which it is fixed; and (g) is limited to 1 per shop front. <p style="text-align: center;"><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>
<p>Hamper Advertising Device</p> 	SA	SA	SA	SA	SA	<p>A Hamper Advertising Device means an Advertising Device which is located above the door head or its equivalent height and below the awning level or verandah of a building; and is painted or otherwise fixed to the building.</p> <p><u>Specific Requirements</u></p> <p>A Hamper Advertising Device:</p> <ul style="list-style-type: none"> (a) must not exceed 100mm in thickness; (b) must be compatible with the design of the building on which it is exhibited; and (c) must be contained within the actual or created outline of the building on which it is to be exhibited. <p style="text-align: center;"><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>

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Moreton Bay Regional Council Interim Local Law No. 2 (Advertising Devices) 2018

KEY: 'SA' means a Self-Assessable Sign; 'R' means a Restricted Advertising Device; 'L' means a Licensable Sign

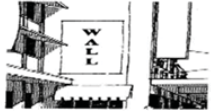


Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements
	Business Centre Environment	Industry Environment	Residential Environment	Rural Area /Greenspace/ Openspace Environment	Character /Heritage/ Special Precinct Area	
Stall Board Advertising Device 	SA	SA	SA	SA	SA	<p>A Stall Board Advertising Device means an Advertising Device painted or fixed flat to the wall of a trade or business building below the ground floor window of the building.</p> <p>Specific Requirements</p> <p>The maximum thickness of a Stall Board Advertising Device must not exceed 100mm.</p> <p style="text-align: center;"><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>
Blind/ Canopy Advertising Device 	SA	SA	SA	SA	L	<p>A Blind/Canopy Advertising Device means an Advertising Device painted or fixed to solid or flexible material suspended from an awning, verandah or wall.</p> <p>Specific Requirements</p> <p>A Blind/Canopy Advertising Device:</p> <ul style="list-style-type: none"> (a) must not be exhibited unless there is a minimum clearance of 2.4m between the Advertising Device and ground level directly adjacent to the Advertising Device; (b) must be wholly contained within the premises advertised in the Advertising Device; and (c) may only be illuminated by spill or reflected light. <p style="text-align: center;"><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>
Created Awning Line Advertising Device 	SA	SA	SA	SA	L	<p>A Created Awning Line Advertising Device means an Advertising Device positioned on the face of, or aligned with, the natural horizontal line of an awning of a building used for trade or business purposes, which creates another awning line with its shape.</p> <p>Specific Requirements</p> <p>A Created Awning Line Advertising Device:</p> <ul style="list-style-type: none"> (a) must maintain a clearance from any road related area directly adjacent to the Advertising Device of not less than 2.4m; and (b) must not extend more than 600mm above the original awning and not protrude more than 100mm from the awning. <p style="text-align: center;"><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>
Above Awning Advertising Device 	SA	SA	SA	SA	L	<p>An Above Awning Advertising Device means an Advertising Device located on top of an awning or verandah of a non-residential building.</p> <p>Specific Requirements</p> <p>An Above Awning Advertising Device:</p> <ul style="list-style-type: none"> (a) must not project: <ul style="list-style-type: none"> a. above the roof, parapet or ridge line of the building; b. beyond the edge of the awning or verandah; (b) must not have a face area in excess of 2.4m²; (c) must not have a height in excess of 1.5m above the awning on which the Advertising Device is exhibited; (d) must not be exhibited less than 3m from another above awning Advertising Device; and (e) must not be exhibited less than 1.5m from each side boundary of the premises on which it is exhibited. <p style="text-align: center;"><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>

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Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements
	Business Centre Environment	Industry Environment	Residential Environment	Rural Area /Greenspace/ Openspace Environment	Character /Heritage/ Special Precinct Area	
<p>Wall Advertising Device</p> 	SA	SA	SA	SA	SA	<p>A Wall Advertising Device means an Advertising Device painted or fixed flat to the wall of a building.</p> <p><u>Specific Requirements</u></p> <p>A Wall Advertising Device:</p> <ul style="list-style-type: none"> (a) must not project in excess of 100mm from the wall to which it is affixed; (b) must not project beyond any edge of the wall; (c) must integrate and be compatible with the architecture of the building on which it is painted or affixed; and (d) must only be exhibited on the wall of a building. <p style="text-align: right;"><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>
<p>Ground Advertising Device</p> 	SA	SA	L	SA	L	<p>A Ground Advertising Device means an Advertising Device that sits on a low level wall or completely clad vertically oriented free-standing structure which sits on or rises out of the ground.</p> <p><u>Specific Requirements</u></p> <p>A Ground Advertising Device:</p> <ul style="list-style-type: none"> (a) must have a maximum face area of 10m²; (b) must not be over 1.8m from the ground level directly adjacent the Advertising Device; (c) must be erected within a landscaped environment; (d) must not face adjoining premises unless it is more than 3m from each boundary of the premises; and (e) must have a separation distance between other boundary fence signs of 60m. <p style="text-align: right;"><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>
<p>Business nameplate Advertising Device</p> 	SA	SA	SA	SA	SA	<p>A Business Nameplate Advertising Device means an Advertising Device that displays the name or occupation of the business of the occupier of premises painted or otherwise fixed to a building, wall or fence at the premises or is free-standing on the premises.</p> <p><u>Specific Requirements</u></p> <p>A Business Nameplate Advertising Device:</p> <ul style="list-style-type: none"> (a) must not have a face area in excess of 0.3m²; (b) must comprise of content which is limited to the nature, name and contact details of the business; and (c) must not incorporate any moving, rotated or animated parts. <p style="text-align: right;"><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>

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Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements
	Business Centre Environment	Industry Environment	Residential Environment	Rural Area /Greenspace/ Openspace Environment	Character /Heritage/ Special Precinct Area	
Trade Advertising Device	SA	SA	SA	SA	SA	<p>A Trade Advertising Device means an Advertising Device which displays a trade person's activity on premises, for example, the activities of a painter or a tiler.</p> <p>Specific Requirements</p> <p>A Trade Advertising Device:</p> <p>(a) must be limited to a maximum of 1 trade Advertising Device on any premises whilst the activity is undertaken; and</p> <p>(b) must not have a face area in excess of 0.6m²;</p> <p style="text-align: right;"><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>
Blackboard sign 	SA	SA	SA	SA	SA	<p>A Blackboard sign means a blackboard, whiteboard or the like with a hand written, temporary, message displayed at a premises.</p> <p>Specific Requirements</p> <p><i>Intentionally left blank</i></p> <p style="text-align: right;"><i>Note: these Specific Requirements are in addition to the General Self-Assessable Requirements</i></p>

Table 3: General Licensable Criteria

In addition to the criteria set out at section 5 of Schedule 9 and section 9(1) of the authorising local law, the local government must be satisfied that:

- (1) a Licensable Sign will not contain Third Party Advertising unless the Licensable Sign is identified in this Table 3 as:
 - (a) a Billboard or Hoarding Advertising Device;
 - (b) a Bus Shelter Advertising Device;
 - (c) a Fly Poster Panel;
 - (d) a Miscellaneous Advertising Device;
 - (e) a Sporting Field Fence Advertising Device;
 - (f) a Sporting Complex Advertising Device; or
 - (g) an Identilite Advertising Device.

- (2) if a Licensable Sign will be visible from a Road that is a State-controlled road, the Licensable Sign is suitable to the Queensland Department of Transport and Main Roads (**DTMR**);

Note:

- *the local government may refer a proposed Advertising Device which will be visible from a State-Controlled Road to DTMR. DTMR may require that the Advertising Device be modified in some way, in which case, the local government may require an Applicant to make those modifications (see generally: section 139 of the Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2015 (Qld)).*


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Table 3 Continued: Advertising Devices and Specific Requirements & Conditions

KEY: 'R' means a Restricted Advertising Device; 'L' means a Licensable Sign

Example 1: If an Advertising Device is identified as "L" in the Business Centre Environment column of this Table, then that Advertising Device is a Licensable Sign if it is proposed to be Installed in the Business Centre Environment.
Example 2: If an Advertising Device is identified as "R" in the Residential Environment column of this Table, then that Advertising Device is a Restricted Advertising Device in the Residential Environment.

Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements & Conditions
	Business Centre Environment	Industry Environment	Residential environment	Rural area Greenspace/ Open Space Environment	Character/ heritage/special precinct area	
CLASS 1 Signs						
Commercial Flag Advertising Device 	L	L	R	R	R	<p>A Commercial Flag Advertising Device means a cloth or similar non-rigid fabric Advertising Device flown from a masthead fixed either to or in front of a building, or suspended from any structure, for advertising or identifying commercial premises.</p> <p><u>Specific Requirements</u></p> <p>A Commercial Flag Advertising Device must:</p> <ul style="list-style-type: none"> (a) have a face area no larger than 8m²; (b) be fixed to a masthead or structure and structurally secure to accommodate wind loadings in the area; (c) have a maximum height of 6.5m above ground level; (d) not to be illuminated by any means other than spill or reflected light; (e) have a minimum side boundary clearance of 3m; (f) be 1 of a maximum number of 2 commercial flags installed at premises.




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TABLE 3

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Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements & Conditions
	Business Centre Environment	Industry Environment	Residential environment	Rural area Greenspace/ Open Space Environment	Character/ heritage/special precinct area	
<p>Fly Poster Panel</p> 	L	L	L	L	L	<p>Fly Poster Panel means a panel or surface specifically provided for the display of Fly Poster Advertising Devices.</p> <p>Specific Requirements A Fly Poster Panel must:</p> <ul style="list-style-type: none"> (a) not exceed 30 m²; and (b) be fixed to a wall; and (c) not protrude more than 300 mm from the wall.
<p>Banner Advertising Device</p> 	L	L	R	L	L	<p>A Banner Advertising Device means an Advertising Device suspended from a structure or pole with or without supporting framework displaying an Advertising Device applied or painted to fabric or similar material.</p> <p>Specific Requirements A Banner Advertising Device must:</p> <ul style="list-style-type: none"> (a) only be exhibited for a maximum of 21 consecutive days within any 90-day period prior to the function or occasion advertised on the Advertising Device (unless otherwise approved by the local government); (b) be fixed to a structure that will accommodate wind loadings for the area; (c) not be erected above the gutter line or on the roof of a building; (d) be illuminated only by spill or reflected light; (e) have a maximum face area of 2.4m² and maximum width of 750mm; (f) have a maximum overall height above finished ground level of the lesser of 5m or the height of the adjacent section of the building it is attached to; (g) have a minimum clearance of 2.4m between finished ground level and the bottom of the sign; (h) have a minimum clearance of 3m to the side or rear boundary of the site; and (i) have a minimum clearance of 6m to any other banner.
<p>Vertical Banner Advertising Device</p> 	L	L	L	L	L	<p>A Vertical Banner Advertising Device means an Advertising Device comprising non-rigid material which is usually supported at 2 or more locations from brackets extending from either a pole or a building.</p> <p>Specific Requirements A Vertical Banner Advertising Device must:</p> <ul style="list-style-type: none"> (a) not be illuminated; (b) not have a face area in excess of 2.4m²; (c) not have a width in excess of 750mm; (d) not have a height in excess of 5m above ground level directly adjacent to the Advertising Device; (e) be erected within the street front boundary of the premises on which it is exhibited unless the Advertising Device is exhibited above a fixed awning; (f) not be exhibited less than 6m from another vertical banner Advertising Device; and (g) not be exhibited less than 3m from any boundary of the premises on which it is exhibited.

ITEM 1.1 ADOPTION OF MORETON BAY REGIONAL COUNCIL INTERIM LOCAL LAW NO. 2 (ADVERTISING DEVICES)
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TABLE 3

KEY: 'R' means a Restricted Advertising Device; 'L' means a Licensable Sign

Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements & Conditions
	Business Centre Environment	Industry Environment	Residential environment	Rural area Greenspace / Open Space Environment	Character/ heritage/special precinct area	
Bunting Advertising Device 	L	L	R	L	L	<p>A Bunting Advertising Device means an Advertising Device affixed to a structure which is comprised of decorative flags, pennants, streamers or such other things.</p> <p>Specific Requirements A Bunting Advertising Device must:</p> <ul style="list-style-type: none"> (a) not be fixed to a tree, lighting standard or power pole on land under the control of the local government; (b) not be placed on premises beyond the street front boundary of the premises; (c) not be placed more than 6m above ground level; and (d) only be displayed for a maximum of 21 consecutive days in any 3-month period.
Inflatable Advertising Device 	L	L	R	L	R	<p>An Inflatable Advertising Device means an Advertising Device displayed in conjunction with a special event such as a fete, fair, circus sales promotion or the like that may include lighter than air devices and cold air inflatables.</p> <p>Specific Requirements An Inflatable Advertising Device must:</p> <ul style="list-style-type: none"> (a) not be exhibited for more than 21 days in any 90-day period; (b) be fully tethered when deployed at a site approved by local government; (c) meet standards satisfactory to the local government as to physical condition, aesthetic appearance, colour, shape and means of fixing detachable signage securely to that inflatable device; (d) have electrical safety certification for any lighting, cold air blower, and any other electrical equipment associated with the Advertising Device; (e) be capable of rapid deflation and rapid storage in balloon/blimp trailer; (f) have a method of securing the Advertising Device which is certified to a standard by an accredited engineer prior to the exhibition of the Advertising Device; (g) only be flown during daylight hours if it is a lighter than air device; (h) only be inflated with cold air or a non-flammable, non-toxic gas; (i) be deployed only by an appropriately qualified operator; (j) be tethered to rise more than 45 meters above ground level; and (k) have at least 2 safety tested tether lines connected to it (if it is a lighter than air device).
Construction Site Fence Advertising Device 	L	L	L	L	L	<p>A Construction Site Fence Advertising Device means an Advertising Device fixed or painted to a temporary safety fence erected around a construction site or building under construction.</p> <p>Specific Requirements A Construction Site Fence Advertising Device must:</p> <ul style="list-style-type: none"> (a) have a maximum face area of 1.2m² unless the fence is constructed to meet wind loading standards; or (b) not have a face area in excess of 1m² for each metre of the length of the fence.




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**ITEM 1.1 ADOPTION OF MORETON BAY REGIONAL COUNCIL INTERIM LOCAL LAW NO. 2 (ADVERTISING DEVICES)
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TABLE 3

KEY: 'R' means a Restricted Advertising Device; 'L' means a Licensable Sign

Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements & Conditions
	Business Centre Environment	Industry Environment	Residential environment	Rural area Greenspace/ Open Space Environment	Character/ heritage/special precinct area	
Construction Site Advertising Device 	L	L	L	L	L	<p>A Construction Site Advertising Device means an Advertising Device that is affixed to a structure or building under construction or to on-site construction equipment such as a crane.</p> <p>Specific Requirements A Construction Site Advertising Device must:</p> <ul style="list-style-type: none"> (a) have a maximum area of 20m² per street frontage; and (b) only display the name or logo of the developer, or owner of the construction project or company.
Boundary Fence Advertising Device 	L	L	L	L	L	<p>A Boundary Fence Advertising Device means an Advertising Device painted or fixed to a fence and designed to permanently delineate or identify a boundary alignment or enclosure.</p> <p>Specific Requirements A Boundary Fence Advertising Device must:</p> <ul style="list-style-type: none"> (a) have a maximum face area of 2.4m²; (b) be wholly contained within the fence outline with a maximum height above ground level of 1.8m; (c) be located on the front property boundary of the premises if an Advertising Device is on premises adjacent to a residential building; and (d) have a minimum separation distance of 3m to the side or rear boundary of the premises.
CLASS II Signs						
High-Rise Building Advertising Device 	L	L	L	L	L	<p>A High-Rise Building Advertising Device means an Advertising Device painted or fixed upon a high-rise building; and projects less than 50mm from the building face; and is displayed not less than 20m above ground level.</p> <p>Specific Requirements A High-Rise Building Advertising Device must:</p> <ul style="list-style-type: none"> (a) be contained within the actual or created outline of the building on which it is to be exhibited; or (b) if the Advertising Device on a building creates a new outline, be designed to appear as if it were part of the original building or otherwise match or complement the architecture of the original building; and (c) have content limited to the building's name, one building occupant's name or the owner of the building's naming rights.


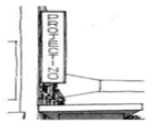

ITEM 1.1 ADOPTION OF MORETON BAY REGIONAL COUNCIL INTERIM LOCAL LAW NO. 2 (ADVERTISING DEVICES)
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Moreton Bay Regional Council Interim Local Law No. 2 (Advertising Devices) 2018

TABLE 3						
KEY: 'R' means a Restricted Advertising Device; 'L' means a Licensable Sign						
Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements & Conditions
	Business Centre Environment	Industry Environment	Residential environment	Rural area Greenspace / Open Space Environment	Character/ heritage/special precinct area	
Sign Written Non-Building Structure Advertising Device 	L	L	L	L	L	<p>A Sign Written Non-Building Structure Advertising Device means an Advertising Device painted or fixed to any structure which is not a building which may include a batching plant, conveyor housing, unroofed storage building or liquid or gas tank.</p> <p>Specific Requirements A Sign Written Non-Building Structure Advertising Device must:</p> <ul style="list-style-type: none"> (a) be contained within the height and width of the structure on which it is exhibited; and (b) not project more than 50mm from the face of the structure.
Sign Written Roof Advertising Device 	L	L	R	R	R	<p>A Sign Written Roof Advertising Device means an Advertising Device painted or fixed to the roof of a building and directed at, or visible from, a road.</p> <p>Specific Requirements A Sign Written Roof Advertising Device must:</p> <ul style="list-style-type: none"> (a) be contained within the existing or created outline of the building on which it is exhibited; (b) be of a size and scale which is consistent with the scale and character of the building on which it is exhibited; (c) not extend horizontally beyond the edge of the building roof; and (d) be compatible with other Sign Written Roof Advertising Devices (if any) exhibited on the building.
Roof/Sky Advertising Device 	L	L	R	R	R	<p>A Roof/Sky Advertising Device means an Advertising Device fitted to the roof of a building.</p> <p>Specific Requirements A Roof/Sky Advertising Device must:</p> <ul style="list-style-type: none"> (a) be contained within the existing or created outline of the building on which it is exhibited; or (b) if the Advertising Device creates a new outline for the building, be designed to appear as if it were part of the original building, or in some other way match or complement the architecture of the building; and (c) not extend horizontally beyond the edge of the roof of the building on which it is exhibited; and (d) If there is more than 1 Advertising Device on a building, match, align or otherwise be compatible with the other; and the source of illumination of the Advertising Device must be internal and not cause excessive light spill.

ITEM 1.1 ADOPTION OF MORETON BAY REGIONAL COUNCIL INTERIM LOCAL LAW NO. 2 (ADVERTISING DEVICES)
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Moreton Bay Regional Council Interim Local Law No. 2 (Advertising Devices) 2018


TABLE 3						
KEY: 'R' means a Restricted Advertising Device; 'L' means a Licensable Sign						
Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements & Conditions
	Business Centre Environment	Industry Environment	Residential environment	Rural area Greenspace / Open Space Environment	Character / heritage / special precinct area	
<p>Pole Advertising Device</p> 	L	L	R	L	R	<p>A Pole Advertising Device means a free-standing Advertising Device on 1 or more vertical supports which is not portable and which may consist of separate, removable and replaceable slats, panels or components.</p> <p>Specific Requirements A Pole Advertising Device must:</p> <ul style="list-style-type: none"> (a) have a maximum face area of 2.4m² on any side; (b) not have a height in excess of 5m above ground level directly adjacent to the Advertising Device; (c) not face adjoining premises unless it is more than 3m from each boundary of the premises; and (d) if the Advertising Device is exhibited on land in the Rural Area Greenspace / Open Space Environment: <ul style="list-style-type: none"> a. be located on land with a minimum street front boundary of 300m; b. be located at least 100m from any side boundary of the land; and c. not be located within 300m of any other Advertising Device.
<p>Projecting Advertising Device</p> 	L	L	R	L	R	<p>A Projecting Advertising Device means a double-faced Advertising Device projecting at right angles to a wall or exhibited on the wall of a building</p> <p>Specific Requirements A Projecting Advertising Device must:</p> <ul style="list-style-type: none"> (a) project at right angles to the building no more than 750mm from the wall on which it is exhibited; (b) have a maximum aggregate face area of 10m²; (c) only be placed on premises to promote or advertise an activity undertaken on the premises; (d) be installed without "guide wires" or exposed supporting framework and be positioned and designed in a manner which is compatible with the architecture of the building to which it is attached; (e) be situated a minimum of 2.4m from any road related area directly adjacent to the Advertising Device; and (f) be designed to have a minimum clearance of 2.4m between the bottom of the sign and finished ground level.
<p>Sporting Complex Advertising Device</p> 	L	L	L	L	L	<p>A Sporting Complex Advertising Device means an Advertising Device that identifies a sporting complex, club or building.</p> <p>Specific Requirements A Sporting Complex Advertising Device must:</p> <ul style="list-style-type: none"> (a) not have a face area in excess of 12m²; and (b) only exhibit third party advertising on 10% of the face area (if applicable).

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TABLE 3

KEY: 'R' means a Restricted Advertising Device; 'L' means a Licensable Sign


Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements & Conditions
	Business Centre Environment	Industry Environment	Residential environment	Rural area Greenspace / Open Space Environment	Character/ heritage/special precinct area	
Pylon Advertising Device 	L	L	R	R	R	<p>A Pylon Advertising Device means a free-standing Advertising Device normally elevated from the ground and supported by twin pole supports or covered structural supports with a face area that may consist of separate slats, panels or components which are removable and replaceable.</p> <p>Specific Requirements A Pylon Advertising Device must:</p> <ul style="list-style-type: none"> (a) have a face area greater than 2.4m²; (b) have a face area height greater than its face area width; and (c) not have a face area in excess of the maximum face area permitted for the Advertising Device calculated in accordance with Table 5; (d) not have a height in excess of the maximum height permitted for the Advertising Device calculated in accordance with Table 5; (e) be the only Pylon Advertising Device on the premises except where the street front boundary of the premises exceeds 100m; (f) if more than Pylon Advertising Device is permitted on the premises, be not less than 100m from the other Pylon Advertising Device; and (g) not be located or constructed so as to expose an unsightly back view of the Advertising Device; (h) not face adjoining premises unless it is more than 3m from each boundary of the premises; and (i) if the Advertising Device is exhibited on land in a Rural Area Greenspace / Open Space Environment: <ul style="list-style-type: none"> a. be located on land with a minimum street front boundary of 300m; and b. be located at least 100m from any side boundary of the land; and c. not be located within 300m of another Pylon or Billboard or Hoarding Advertising Device.

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Moreton Bay Regional Council Interim Local Law No. 2 (Advertising Devices) 2018

TABLE 3						
KEY: 'R' means a Restricted Advertising Device; 'L' means a Licensable Sign						
Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements & Conditions
	Business Centre Environment	Industry Environment	Residential environment	Rural area Greenspace / Open Space Environment	Character/ heritage/special precinct area	
Billboard or Hoarding Advertising Device 	L	L	R	R	R	<p>A Billboard or Hoarding Advertising Device means a free-standing structure, normally elevated from the ground and supported by 1 or more vertical columns, pylons or poles, used primarily to display advertising matter.</p> <p>Specific Requirements</p> <p>A Billboard or Hoarding Advertising Device must:</p> <ul style="list-style-type: none"> (a) have a face area greater than 2.4m²; (b) not have a face area in excess of the maximum face area permitted for the Advertising Device calculated in accordance with Table 5; (c) not have a height in excess of the maximum height permitted for the Advertising Device calculated in accordance with Table 5; (d) be the only Billboard or Hoarding Advertising Device on the premises except where the street front boundary of the premises exceeds 100m; (e) if more than 1 Billboard or Hoarding Advertising Device is permitted on the premises, be not less than 100m from the other Billboard or Hoarding Advertising Device; (f) not be located or constructed so as to expose an unsightly back view of the Advertising Device; (g) not face adjoining premises unless it is more than 3m from each boundary of the premises; and (h) if the Advertising Device is exhibited on land in a Rural Area Greenspace / Open Space Environment: <ul style="list-style-type: none"> a. be located on land with a minimum street front boundary of 300m; and b. be located at least 100m from any side boundary of the land; and c. not be located within 300m of another Pylon or Billboard or Hoarding Advertising Device;
Multiple Advertising Device	L	L	R	L	R	<p>A Multiple Advertising Device means an Advertising Device that contains 2 or more different types Advertising Devices on the same structure.</p> <p>Specific Requirements</p> <p>A Multiple Advertising Device must:</p> <ul style="list-style-type: none"> (a) have a maximum face area of 1m² of face area per metre of street front boundary length of the premises on which the Advertising Device is exhibited.


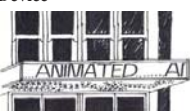
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TABLE 3

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Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements & Conditions
	Business Centre Environment	Industry Environment	Residential environment	Rural area Greenspace/ Open Space Environment	Character/ heritage/special precinct area	
Bus Shelter Advertising Device 	L	L	L	L	L	<p>A Bus Shelter Advertising Device means an Advertising Device placed on a bus shelter that is not a Street Furniture Advertising Device.</p> <p>Specific Requirements A Bus Shelter Advertising Device must:</p> <ul style="list-style-type: none"> (a) not extend beyond the dimensions of the bus shelter; and (b) be designed so that an opening is left in the side of the bus shelter that enables approaching buses to be seen by a person using the bus shelter.
Identilite Advertising Device	L	L	L	L	L	<p>An Identilite Advertising Device means an illuminated street name identification sign with attached Third Party Advertising.</p> <p>Specific Requirements An Identilite Advertising Device must:</p> <ul style="list-style-type: none"> (a) have a minimum clearance of 3m from any road related area directly adjacent to the Advertising Device; (b) have a minimum clearance of 2.4m from the bottom of the Advertising Device to ground level directly adjacent to the Advertising Device; (c) not contain Third Party Advertising with a face area in excess of 1.8m². (d) not have a street name component with a face area in excess of 0.3m²; and (e) be exhibited on a standard pole of the local government.
Animated Advertising Device 	L	L	R	R	L	<p>An Animated Advertising Device means an Advertising Device with a changing display, such as flashing or chasing fibre optic lights, scrolling illuminated images and any other non-static illuminated displays other than an Electronic Graphic Display Screen or a Projected Image Sign as defined in this Table 3.</p> <p>Specific Requirements An Animated Advertising Device must:</p> <ul style="list-style-type: none"> (a) where the Advertising Device is within 100m of the Residential Environment: <ul style="list-style-type: none"> a. have a luminance that is appropriate for a residential environment as determined by the local government; and b. be switched off between 10.00pm and sunset on the following day.

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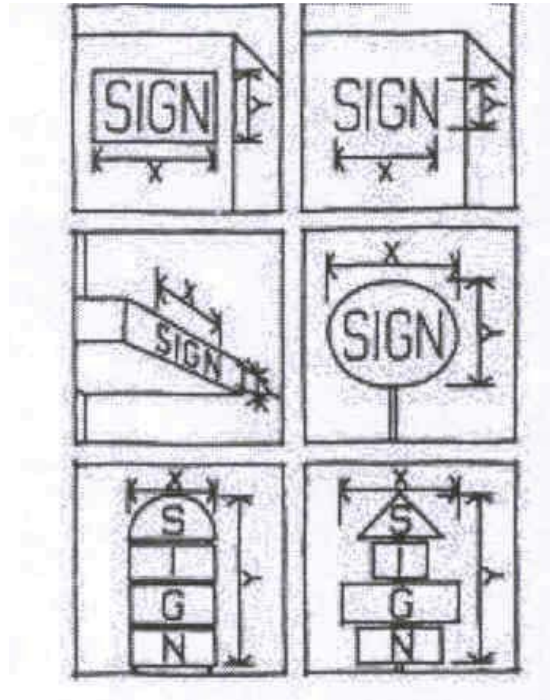
Advertising Device	Environment or Area					Advertising Device Description and Specific Requirements & Conditions
	Business Centre Environment	Industry Environment	Residential environment	Rural area Greenspace / Open Space Environment	Character/ heritage/special precinct area	
<p>Electronic Graphic Display Screen</p> 	L	L	R	R	L	<p>An Electronic Graphic Display Screen means an Advertising Device usually including Light Emitting Diode technology and associated technology and software, capable of producing still images, video replay and live television broadcasts and animations as programmed.</p> <p>Specific Requirements An Electronic Graphic Display Screen must:</p> <ul style="list-style-type: none"> (a) be a maximum of 20 m² in area; (b) be a maximum of 12 m from the ground to the highest part of the screen; (c) not project beyond the front alignment of a property; (d) not expose an unsightly back view to a road or other public place; and (e) not be located on a street frontage along which is located another Electronic Graphic Display Screen, unless such a screen is located at least 200 m away.
<p>Projected Image Advertising Device</p> 	L	L	R	R	L	<p>A Projected Image Advertising Device means an illuminated Advertising Device projected onto a display surface as a static or moving image.</p> <p>Specific Requirements <i>Intentionally Left Blank</i></p>
<p>Miscellaneous Advertising Device</p>	L	L	L	L	L	<p>A Miscellaneous Advertising Device means an Advertising Device:</p> <ul style="list-style-type: none"> (a) which is not identified in this Schedule 9; or (b) for which the Specific Requirements, General Licensable Criteria or General Self-Assessable Requirements that apply to the Advertising Device are not satisfied. <p>Specific Requirements <i>Intentionally Left Blank</i></p>

Table 4: Advertising Devices Size Calculator



Advertising Device Face Area = X x Y

Note:

- *Table 4 provides examples of how signage size will be calculated by the local government e.g. when assessing plans that are lodged with Licensable Sign applications.*
- *Each of the above examples depict various signs. The local government will compare a sign to the most relevant example above and calculate the size of the sign as per the example.*

Examples:

- *If the local government received an application from an Applicant wishing to Install a Banner Advertising Device (which should generally have a maximum face area of 2.4m²) the local government would assess the plans supplied by the Applicant to ensure that the sign had a maximum face area of 2.4m² by using the calculation method depicted in the first example above (the top-left example);*
- *If the local government received an application from an Applicant wishing to Install a Sign Written Roof Advertising Device (which had no defined border) the local government would assess the sign size by using the calculation method depicted in the second example above (the top-right example).*

ITEM 1.1 ADOPTION OF MORETON BAY REGIONAL COUNCIL INTERIM LOCAL LAW NO. 2 (ADVERTISING DEVICES) 2018 - REGIONAL - A16720929 : (Cont.)

Moreton Bay Regional Council Interim Local Law No. 2 (Advertising Devices) 2018

Table 5: Advertising Devices Size Limits

Note:

- *Schedule 9 provides that the size of certain signs must be limited in accordance with this Table 5 (see for example - Billboard or Hoarding Advertising Device)*

Street front boundary of the premises	Maximum face area per side for Advertising Device (m ²)	Maximum height for Advertising Device (metres)
up to 10 m	2	4.5
10-20	4	5.0
21-30	6	6.0
31-40	8	6.5
41-50	10	7.5
51-60	12	8.0
61-70	14	9.0
71-80	16	9.5
81-90	18	10.5
91-100	20	11.0
101-110	22	12.0
111-120	24	13.0
121-130	26	13.5
131-140	28	14.0
141-150	30	15.0
150 or greater	30	15.0

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Table 6: Moreton Bay Regional Council Environments

Planning Scheme zones are grouped into the environments and areas specified in this table:

Business Centre Environment	Industry Environment	Residential Environment	Rural area greenspace / open space Environment
<ul style="list-style-type: none"> • Centre Zone • Community Facilities Zone • Township Zone 	<ul style="list-style-type: none"> • Extractive Industry Zone • Industry Zone 	<ul style="list-style-type: none"> • Emerging Community Zone • General Residential Zone • Rural Residential Zone 	<ul style="list-style-type: none"> • Environmental Management and Conservation Zone • Limited Development Zone • Recreation and Open Space Zone • Rural Zone

Character/Heritage/Special precinct areas: Any Planning Scheme zone to the extent that it mapped within the “heritage and landscape character” overlay area under the Planning Scheme

;

ITEM 1.1 ADOPTION OF MORETON BAY REGIONAL COUNCIL INTERIM LOCAL LAW NO. 2 (ADVERTISING DEVICES)
2018 - REGIONAL - A16720929 (Cont.)

#2 Local Law Making Process

Appendix B Local Law Making Process

LOCAL LAW MAKING PROCESS

The process—

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

Making a local law that incorporates a model local law

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

Making a local law that incorporates a model local law

- Step 1 — By resolution, propose to incorporate the model local law.
- Step 2 — If the model local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions.
- Step 3 — If there is an existing local law about a matter in the model local law that would be inconsistent with the matter in the model local law—amend or repeal the existing local law so that there is no inconsistency.
- Step 4 — By resolution, incorporate the model local law.
- Step 5 — Let the public know that the local law has been made, by publishing a notice of the making of the local law in accordance with the requirements of section 29B(1) to (4) inclusive of the *Local Government Act 2009*.
- Step 6 — As soon as practicable after the notice is published in the gazette, ensure that a copy of the local law may be inspected and purchased at the local government's public office.
- Step 7 — Within 14 days after the notice is published in the gazette, give the Minister—
 - (a) a copy of the notice; and
 - (b) a copy of the local law in electronic form; and
 - (c) if the local law contains 1 or more anti-competitive provisions—
 - (i) advice of each anti-competitive provision; and
 - (ii) the reasons for their inclusion.
- Step 8 — Update the local government's register of its local laws.

ITEM 1.1 ADOPTION OF MORETON BAY REGIONAL COUNCIL INTERIM LOCAL LAW NO. 2 (ADVERTISING DEVICES)
2018 - REGIONAL - A16720929 (Cont.)

ADOPTED: COORDINATION COMMITTEE MEETING 29 JULY 2014

Making an “other” local law

The process (other local law making process) specified must be used to make a local law (a proposed local law) other than—

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

Making an “other” local law

- Step 1 — By resolution, propose to make the proposed local law.
- Step 2 — Consult with relevant government entities about the overall State interest in the proposed local law.
- Step 3 — Consult with the public about the proposed local law for at least 21 days (the consultation period) by—
 - (a) publishing a notice (a consultation notice) about the proposed local law at least once in a newspaper circulating generally in the local government’s area; and
 - (b) displaying the consultation notice in a conspicuous place at the local government’s public office from the first day of the consultation period until the end of the last day of the consultation period; and
 - (c) making a copy of the proposed local law available for inspection at the local government’s public office during the consultation period; and
 - (d) making copies of the proposed local law available for purchase at the local government’s public office during the consultation period.

The consultation notice must state the following—

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

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

ITEM 1.1 ADOPTION OF MORETON BAY REGIONAL COUNCIL INTERIM LOCAL LAW NO. 2 (ADVERTISING DEVICES)
2018 - REGIONAL - A16720929 (Cont.)

ADOPTED: COORDINATION COMMITTEE MEETING 29 JULY 2014

Making an “other” local law

- Step 4 — If the proposed local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions. For avoidance of doubt, step 3, and this step 4, may be undertaken contemporaneously.
- Step 5 — Accept and consider every submission properly made to the local government.
- A submission is properly made to the local government if it —
- (a) is the written submission of any person about the proposed local law; and
 - (b) states—
 - (i) the grounds of the submission; and
 - (ii) the facts and circumstances relied on in support of the grounds; and
 - (c) is given to the local government on or before the last day of the consultation period.
- Step 6 By resolution, decide whether to—
- (a) proceed with the making of the proposed local law as advertised; or
 - (b) proceed with the making of the proposed local law with amendments; or
 - (c) make the proposed local law as advertised; or
 - (d) make the proposed local law with amendments; or
 - (e) not proceed with the making of the proposed local law.
- If the local government resolves to proceed with the making of the proposed local law with amendments, and the amendments are substantial, the local government may again —
- (a) consult with the public at step 3; and
 - (b) accept and consider every submission properly made to the local government at step 5.
- For the avoidance of doubt, if an amendment changes an anti-competitive provision, the local government must again comply with the procedures prescribed under a regulation for the review of anti-competitive provisions for the amended anti-competitive provision.
- Step 7 — Let the public know that the local law has been made, by publishing a notice of the making of the local law in accordance with the requirements of section 29B(1) to (4) inclusive of the *Local Government Act 2009*.

ITEM 1.1 ADOPTION OF MORETON BAY REGIONAL COUNCIL INTERIM LOCAL LAW NO. 2 (ADVERTISING DEVICES)
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Making an "other" local law

- Step 8 — As soon as practicable after the notice is published in the gazette, ensure that a copy of the local law may be inspected and purchased at the local government's public office.
- Step 9 — Within 14 days after the notice is published in the gazette, give the Minister—
- (a) a copy of the notice; and
 - (b) a copy of the local law in electronic form; and
 - (c) if the local law contains 1 or more anti-competitive provisions—
 - (i) advice of each anti-competitive provision; and
 - (ii) the reasons for their inclusion.
- Step 10— Update the local government's register of its local laws.

Making a subordinate local law

The process (subordinate local law making process) specified must be used to make a subordinate local law (a proposed subordinate local law).

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

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

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

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

ITEM 1.1 ADOPTION OF MORETON BAY REGIONAL COUNCIL INTERIM LOCAL LAW NO. 2 (ADVERTISING DEVICES)
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For example, under the *Local Government Regulation 2012*—

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

Making a subordinate local law

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

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

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

The consultation notice must state the following—

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

ITEM 1.1 ADOPTION OF MORETON BAY REGIONAL COUNCIL INTERIM LOCAL LAW NO. 2 (ADVERTISING DEVICES)
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Making a subordinate local law

stating—

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

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

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

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

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

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

Step 5 — By resolution, decide whether to—

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

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

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

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

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

SUPPORTING INFORMATION

Ref: [A16722322](#)

The following list of supporting information is provided for:

ITEM 4.3

WOODFORD COMMUNITY FACILITIES MASTER PLAN - DIVISION 12

#1 Entire Master Plan

#2 Enlarged Precinct Plan

ITEM 4.3 WOODFORD COMMUNITY FACILITIES MASTER PLAN (A16146824) - DIVISION 12 (Cont.)

#1 Entire Master Plan



ITEM 4.3 WOODFORD COMMUNITY FACILITIES MASTER PLAN (A16146824) - DIVISION 12 (Cont.)

#2 Enlarged Precinct Plan



SUPPORTING INFORMATION

Ref: [A16703844](#), [A16703847](#), [A16703851](#), [A16703853](#), [A16703854](#), [A16703857](#), [A16703860](#) and [A16723464](#)

The following list of supporting information is provided for:

ITEM 4.6

MAKING OF MORETON BAY REGIONAL COUNCIL LOCAL LAW NO. 7 (WASTE MANAGEMENT) 2018 AND MORETON BAY REGIONAL COUNCIL COMMUNITY AND ENVIRONMENTAL MANAGEMENT (AMENDMENT) SUBORDINATE LOCAL LAW (NO. 1) 2018 - REGIONAL

#1 Appendix 1 - Public Submissions

#2 Appendix 2 - Response to Public Consultation Submissions

#3 Appendix 3 - Public Interest Test Report

#4 Appendix 4 - State Interest Consultation Responses

#5 Appendix 5 - Response to Submission from Depart of Environment and Sciences (Previously EHP)

#6 Appendix 6 - MBRC Local Law No. 7 (Waste Management) 2018

#7 Appendix 7 - MBRC Subordinate Local Law No. 3 (Community and Environmental Management) 2011

#8 Schedule of Anti-Competitive Provisions included in the Local Law and reasons for their inclusion

*ITEM 4.6 MAKING OF MORETON BAY REGIONAL COUNCIL LOCAL LAW NO. 7 (WASTE MANAGEMENT) 2018
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#1 Appendix 1 - Public Submissions

APPENDIX 1

PUBLIC SUBMISSIONS RECEIVED FOR
MORETON BAY REGIONAL COUNCIL LOCAL LAW
NO 7 (WASTE MANAGEMENT)

ITEM 4.6 MAKING OF MORETON BAY REGIONAL COUNCIL LOCAL LAW NO. 7 (WASTE MANAGEMENT) 2018 AND MORETON BAY REGIONAL COUNCIL COMMUNITY AND ENVIRONMENTAL MANAGEMENT (AMENDMENT) SUBORDINATE LOCAL LAW (NO. 1) 2018 - REGIONAL - A16703919 (Cont.)

- Cleanaway is concerned that Council is seeking to restrict competition in the commercial waste and recycling industry without proper consultation or genuine consideration of the impact of the proposed law to its community.
- The introduction of the proposed law will cause Moreton Bay Regional Council to violate the competitive neutrality principle. Under section 43 of the Local Government Act 2009, a local council conducting a business in competition with the private sector should not enjoy a net advantage over competitors only because the entity is the public sector. The competitive neutrality principle applies if the public benefit outweighs the costs of implementation and we submit it does not.
- If all commercial waste and recycling services were to be provided by Council's single waste contractor (currently Cleanaway), this will have a detrimental effect on all other service providers already operating within Moreton Bay Region. Small family businesses may be restricted by this proposed law resulting in the potential closure of family businesses and financial losses.

Cleanaway believes very strongly in opposing the proposed law not just relevant to Moreton Bay Regional Council but any other Councils that propose such changes to their local laws. Cleanaway is a proud National Waste and Recycling service provider. As such, we have invested in many Regional communities to provide both Municipal and Commercial services, offering both professional and a competitive service at all times. This remains both our charter and vision in making a sustainable future possible. Also, we (and other major waste and recycling companies) have an extensive number of national and Queensland wide contracts to businesses who would likely be impacted by having to utilise a service arrangement not in accordance with each national contract should this local law be implemented.

Cleanaway has worked closely with, and been the service provider for, Moreton Bay Regional Council for the last five and a half years. Our desire and intent is to further support the local community and continue to provide outstanding service delivery and compete in the commercial market for the long term.

We would be happy to elaborate further in respect of this submission or make a presentation to Council regarding such at Council's convenience.

Yours faithfully,



Colin Jennings
Regional Manager, QLD Metro collections
Solid Waste Services Qld

Contact Details: colin.jennings@cleanaway.com.au
Mobile 0498 010 094

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Angelika Hesse

From: Francine@wmaa.asn.au
Sent: Tuesday, 20 February 2018 4:53 PM
To: MBRC Incoming Mail
Subject: Public Interest Review - Proposed Local Law Waste Management

Data from form "Public Interest Review - Proposed Local Law Waste Management - Submission" was received on 20/02/2018 4:53:08 PM.

sendemail true
First Name Francine
Given names Pavkovic
Address Suite 4.08,
10 Century Circuit
Suburb Baulkham Hills
State NSW
Postcode 2153
Telephone 0424 050 726
Email Francine@wmaa.asn.au

Submission Local Law

General - Local Law No.7 (Waste Management) 2017
WMAA would like to state that it does not support the proposed repeal of the Environmental Protection Regulation 2008, Chapter 5A and it would be WMAA's preference that this head of power remain within state legislation to provide a consistent approach to the management of waste services within all Local Government Areas in Queensland. A uniform statewide approach provides a better solution for government, residents and businesses.

In the event of expiration and transition of Chapter 5A, Council is reminded that it has the ability to manage the movement of trucks, placement of storage bins, approval of waste infrastructure by mechanisms other than this Local Law, to achieve its overall environmental and amenity objectives.

Section 13 - Local Law No.7 (Waste Management) 2017
It is the view of WMAA that any introduced local law focuses only on the mandated levying and servicing of domestic waste management of residential premises, whether in a single unit dwelling or multi-unit dwelling. WMAA recognises that it is incumbent on Councils to manage the public amenity, health and environment of its local government area, and to this end the management of related transport movements and waste is key to achieving these objectives. Moreton Bay Regional Council's decision to move beyond domestic waste and regulate the collection

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of industrial waste, is outside of its core business and potentially anti- competitive, depending upon how this local law is operationalised within the Local Government Area. There is a real chance that costs will be higher to commercial premises (impacting business costs), and reducing the ability for innovation to occur such as food waste/organic collections in commercial premises and separate cardboard collections. This is not supported by WMAA.

Submission Subordinate Local Law N/A

**ITEM 4.6 MAKING OF MORETON BAY REGIONAL COUNCIL LOCAL LAW NO. 7 (WASTE MANAGEMENT) 2018
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February 18 2018

Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
Caboolture
QLD 4510

Attention: Chief Executive Officer

Mr Daryl Hitzman

Dear Sir,

Proposed Amendment Local Law No. 7 (Waste Management) 2017

We refer to your public notification inviting submissions on the proposed **Local Law No 7** and the public interest testing of the possible anti-competitive provisions.

Objective of Proposed Local Law

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

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

This submission is made on behalf of the members of the Waste, Recycling Industry Association of Queensland Inc (**WRIQ**). WRIQ is the premier industry association in Queensland, representing more than 95 Queensland-based organisations ranging from large multi-national organisations through to small family-operated enterprises.

1. Executive Summary

- (a) WRIQ opposes the introduction of the proposed local law on the following basis:
 - (i) the proposed local law is anti-competitive and will result in higher prices for consumers without a commensurate increase in quality or innovation

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- (ii) there is no demonstrated or proven evidence to suggest any public or net benefit or of the mitigations of any perceived risk or harm to human health, safety or personal injury result the making of this outdated and unnecessary regulation
- (iii) the regulation being removed by government is a carryover from the Health Act of 1937. Its intention on introduction was to protect the community from the storage and safe removal of 'nightsoil' in the community
- (iv) There is no public benefit in introducing the proposed local law, insofar as the proposed local law now relates to 'waste' and its absolute broad definition
- (v) the introduction of the proposed local law will cause the Moreton Bay Regional Council (the **Council**) to violate the competitive neutrality principle
- (vi) the consultation process with respect to the proposed local law is flawed and lacks genuine community engagement
- (vii) the Queensland Competition Authority found in June 2012 Sunshine Coast had a competitive advantage over its competitors in relation to waste and recycling services and that this advantage should be removed

2. The proposed local law

- (a) The proposed local law is intended to replace Chapter 5A: Waste Management by Local Governments of the *Environmental Protection Regulations 2008* (the **Chapter 5A provisions**) and section 7 in Part 2A of the *Waste Reduction and Recycling Regulation 2011* (**section 7**). The Chapter 5A and section 7 provisions were scheduled to expire on 1 July 2018.
- (b) Research finds, the regulation expiring evolved from the Health Act 1937. The Environmental Legislation Amendment Bill (no 2) 1995, repealed the Refuse Management Regulation 1983, and the Sanitary Conveniences and Nightsoil Disposal Regulation 1976. The regulation was remade to become sub ordinate legislation under the Environmental Protection Act 1994.

Numerous modifications have regularly been made to the original regulatory wording, but none has ever assessed the relevance of it in a 2017 modern world. The State Government by allowing it to expire has demonstrated its confidence the regulation is no longer relevant in the current regulated environment as it oversees waste management activities and has no relevance or standing for its remaking.

Demonstrating this historic link is important as its causes Council to reflect upon what is the actual intent and practical rationale for keeping the framework of an 80-year-old '1937' regulatory framework in a more modern world that now operates with fundamentally different waste management and recycling systems and practices.

Significantly Council has failed to provide any supporting evidence, statistics or studies that support its false and emotive claims the intent of making the law will protect the local community from all sorts of unqualified and stated risks in terms of environment, safety or nuisance. The fact it has simply adopted a process of cutting and pasting a template other Councils are currently using without doing any of its own investigations and designs, gives further support the making of the law is rushed and a 'knee jerk reaction' without substance or understanding by Council of its deliberations.

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- (c) The proposed local law allows the Council to designate areas within which it may conduct general waste or green waste collection¹. General waste is defined to include both domestic and commercial waste².
- (d) This is in line with powers currently granted under the Chapter 5A Provisions and section 7, **however** the objects of the proposed Local Law 7 are more broadly stated and use the singular word "waste" rather than limiting the scope of the Council's to domestic, or even general, waste³.
- (e) This Local Law provides no link between the term 'waste' and of its relationship to 'general waste'. The definition of the term Waste in the making of this law is stated as "waste" has the meaning given in the Environmental Protection Act 1994 and includes anything that is specified to be waste under a subordinate local law.
- (f) This indicates that **Council may intend to expand** the scope of the proposed local law to cover all types of waste and recyclables, in addition to domestic, commercial and green waste. This gives the proposed local law a much broader scope than the Chapter 5A and does not transcribe to the provisions. This broader scope cannot be justified by environmental concerns, health, public safety or community amenity. Environmental regulation and operating conditions of the waste management and recycling industry is well managed by existing legislation and the Department of Environment and Heritage Protection.
- (g) The Local Law being adopted is from a modified template being used by all Councils introducing this law. It does not demonstrate a genuine understanding of Councils own jurisdiction nor provide any confidence in its public interest test the Law being adopted has genuinely been constructed to fulfil Councils ratepayer needs. The flawed template design does not align with the statements that this law replaces the State Legislation therefore arguments about its impacts are false and misleading.

3. Industry's concerns about the proposed local law

- (a) WRIQ's members acknowledge that domestic waste management is one of the central roles of local government. Industry is not trying to usurp Council's legitimate role as the provider of domestic waste services as that system functions very well.
- (b) Industry is, however, gravely concerned that Council is seeking to further restrict competition in the commercial waste and recycling industry without proper consultation or genuine consideration of the impact of the proposed local law to its community, and in expanding its control over all waste activities in its jurisdiction.
- (c) WRIQ argues the public interest and state interest tests applied by Council lack all transparency and fail to genuinely engage and inform the community on such profound commercial impacts the amending of its local law will have on its ratepayers. The law fails to demonstrate the linking of the definition 'waste' with other definitions of 'general waste' provisions.

¹ Section 5, proposed local law

² Definitions in the proposed local law

³ Section 2, Objective of local law

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3.1 Anti-competitive provisions in the proposed local law

- (a) Pursuant to section 15(a) of the *Local Government Regulation 2012*, a provision is anti-competitive if it creates a barrier to:
 - (i) entry to a market; or
 - (ii) competition within a market.
- (b) The proposed local law is anti-competitive in that it allows Council to create a monopoly over commercial waste collection services in designated areas thereby creating a barrier to competition in that market. Its inclusion of the term 'waste' gives Council unilateral power to control and eliminate all competition within its jurisdiction.
- (c) In addition to WRIQ's concerns about the impact on competition in the commercial waste collection industry, the objects of the law show that the proposed local law may extend further than regulating the collection, storage and disposal of domestic and commercial waste and may extend to all forms of waste collection and disposal⁴. This creates significant investment and business risk to the industry and of great uncertainty for business moving forward. The ability of Council to interfere in the market as it chooses creates great instability and gross uncertainty. It will discourage all future investment in the industry.
- (d) Council fails to provide any material evidence in its public interest test by the making of this law with the intention to designate an area for general waste or green waste collection that will not interfere in the market by it monopolising commercial waste collections. Such actions are anti-competitive. Business will be forced to use Council's prescribed services without any option to "opt out". This not only impacts the waste management and recycling industry, it also has a negative impact on businesses who are left unable to negotiate the best deal for their waste collection services or organise their waste and recycling collection operations in a manner that best suits their business needs. It impacts all national clients and interferes in the 'free competitive operating environment'.
- (e) Council has failed to present its case in the state interest test nor the protocol and background documents that cause the making of this law.

3.2 Introduction of the proposed local law will increase prices for consumers

- (a) As set out at paragraph 3.1(b) above, the introduction of the proposed local law will allow the Council to introduce a self-imposed monopoly over waste and recycling collection services in designated areas. The fact that Council will tender for collection services in designated areas is no answer to this problem. The tender will allow one or two large waste collection companies to dominate the market for a significant period. This will have the effect of freezing the market for the length of the tender and it is unlikely that smaller businesses could continue to operate during this period.
- (b) By forcing businesses in designated areas to use the Council's waste collection services, Council eliminates the ability of business to negotiate the best rates for their rate collection services and prices will increase. As smaller operators go out of business, there will be less incentive for the remaining large operators to compete on price.
- (c) Further, the fewer operators left in the marketplace, the less incentive for operators to innovate or introduce technology and deliver higher quality services.

⁴ See: paragraph 2(c) above.

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- (d) Ultimately, the result of the proposed local law will be higher prices for lower quality and less innovative services.

3.3 No Public Benefit

- (a) In addition to those matters set out in clause 1(3) of the Competition Principles Agreement, guidance on matters to be considered when assessing the public benefit can also be found in *Re ACI Operations Pty Ltd*.⁵ In that case the following, non-exhaustive list was considered to be relevant to constituting the public benefit:
 - (i) economic development including encouragement of research and capital investment;
 - (ii) fostering business efficiency particularly when it results in improved competitiveness;
 - (iii) industrial rationalisation resulting in more efficient allocation of resources at a lower or contained unit product cost;
 - (iv) expansion of employment or prevention of unemployment through efficient industries;
 - (v) employment growth in particular regions;
 - (vi) industrial harmony;
 - (vii) assistance to make small business efficient including promoting competitiveness;
 - (viii) improvement in quality and safety services and expansion of consumer choice;
 - (ix) supplying better information to consumers and to business to permit informed choices;
 - (x) promotion of equitable dealings in the market;
 - (xi) promotion of industry cost savings resulting in a contained lower price at all levels of the food chain;
 - (xii) development of import replacements;
 - (xiii) growth of export markets;
 - (xiv) steps to protect the environment.
- (b) The effect of enacting the proposed local law would not create any public benefit and will create a long-term detriment to the public of Queensland and to the market generally across Queensland applying the criteria in *Re ACI Operations Pty Ltd* and the Competition Principles Agreement.
- (c) These detriments include the following:
 - (i) The proposed local law interferes with the normal operating market environment by forcing upon all commercial ratepayers and other businesses Council controlled waste and recycling services. This will result in significant dislocation of businesses of waste and recycling service providers throughout the Moreton Bay Regional Council and reduces choice for commercial premises in choosing their waste services.

⁵ (1991) ATPR (Com) 50-108

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- (ii) If all commercial waste and recycling services were to be provided by Council's single contractor this will have a detrimental effect on all other local business providers already operating within the region. Many small family businesses providing commercial waste and recycling services will be restricted by this law and as result companies will collapse and local families will be financially compromised.
- (iii) Council having control over all general waste will likely result in one contractor having direct access to providing all waste and recycling collections in the Council area. This will result in a long-term dislocation of the existing suppliers to the market and will reduce the number of suppliers to the market during the term of that contract. This would result in a long-term disadvantage for the commercial rate payers, not to mention the significant detriment on the public throughout the region due to the loss of competitive waste services providers.
- (iv) A Council imposed monopoly will significantly reduce the incentive for technical development, efficiencies, improvement in productivity and performance within the industry. Industry is largely self-regulated and the largest drivers for continual improvement is the competitive nature of the existing structure of the market. This would be significantly damaged if the waste stream is no longer available within any commercially foreseeable time.
- (v) Examples of innovation and technical development within the industry in recent times includes vehicle engine design that meet and exceed high international emission standards, vehicle design changes to accommodate Australian operating conditions, compactor design and capability, compactor paddle design, vehicle tracking and camera systems, GPS and other commercial logging instrumentation systems, as well the materials currently used in compactor and chassis manufacturer. Many of these innovations have a positive environmental impact, demonstrating that competition is positive for the environment while a lack of competition could stymie such beneficial developments.
- (vi) The proposed local law will not encourage economic development and research or capital investment. The number of waste disposal facilities trucks and staff will remain materially unchanged, as this is dependent totally upon the number of collection services, not the number of competitors operating within the Councils' territory. This would potentially make other facilities owned by competitors redundant and likely have a negative effect on economic growth.
- (vii) There would be no contribution to economic or employment growth within the Moreton Bay Regional Council area. In fact, if smaller operators were forced to close, this would have a detrimental impact on local employment within the region.
- (viii) There would be no incentive for the improvement of quality or safety of the services even within the Councils' areas and certainly not within the wider public. In particular there would be a reduction rather than an expansion of consumer choice of service providers.
- (ix) The State Government has announced Queensland will introduce a Container Refund Scheme (CRS) in July 2018. If the proposed local law is introduced, Council will control the recycling operations for all commercial property owners in designated precincts. Councils will, therefore, control all containers generated by all commercial premises cover by the proposed local law.

ITEM 4.6 MAKING OF MORETON BAY REGIONAL COUNCIL LOCAL LAW NO. 7 (WASTE MANAGEMENT) 2018 AND MORETON BAY REGIONAL COUNCIL COMMUNITY AND ENVIRONMENTAL MANAGEMENT (AMENDMENT) SUBORDINATE LOCAL LAW (NO. 1) 2018 - REGIONAL - A16703919 (Cont.)

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- (x) In the future, a local business owner may choose to provide its own container for recyclables covered by the CRS or alternately seek to take its bottles or cans to a local network operation, however it will still incur the full Council's rate charge regardless. Under the proposed law Council would have total control to determine what containers are approved for holding waste and recyclables and how these rules are applied.
- (xi) It is therefore very unlikely any business owner would choose to participate in the CRS and this may, in the long term, affect the success of the CRS.
- (d) The public benefit must be for the general public and the Queensland market as a whole. No such benefit is identified and indeed there is a significant potential public detriment in respect of reduced competition, reduced incentive to innovate, stymy technological development, no economic benefits to the wider community, and potentially long-term dislocation of the waste and recycling services industry that will be the result of the proposed local law.

3.4 Violation of the competitive neutrality principle

- (a) Under section 43 of the *Local Government Act 2009*, a local council conducting a business in competition with the private sector should not enjoy a net advantage over competitors only because the entity is the public sector. The competitive neutrality principle applies if the public benefit outweighs the costs of implementation.
- (b) For the reasons set out in section 2.2 above, there is no public benefit in enacting the proposed local law (insofar as it relates to commercial waste and regulating the disposal of 'waste' at waste facilities).
- (c) The imposition of a mandatory waste collection levy over businesses in designated areas, without an opt-out provision, will provide the Council with a competitive advantage because no commercial provider can charge a levy to a potential customer, even when the customer's preference is not to use the supplier's service.
- (d) In this respect, we note that in June 2012, in response to a complaint from WRIQ, the Queensland Competition Authority found provisions similar to the proposed local law that were enacted by the Sunshine Coast Council and that it violated the competitive neutrality principle. It maintains that violation in 2017 against the Authority findings.
- (e) Notably, the Council has not considered the use of tax and subsidy mechanisms as an alternative method to achieve their stated objectives.

3.5 Concerns about the consultation process

- (a) Under section 38 of the *Local Government Act 2009*, the Council cannot make a local law that contains an anti-competitive provision unless Council complies with the procedures prescribed under a regulation for the review of an anti-competitive process. Section 15(3) states that the procedures to be complied with are set out in the *National Competition Policy – Guidelines for Conducting Reviews on Anti-Competitive Provisions in Local Laws (Competition Policy Guidelines)*.
- (b) Under section 4 of the Competition Policy Guidelines, the review process must include "meaningful consultation with relevant businesses about the anti-competitive provisions".

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ITEM 4.6 MAKING OF MORETON BAY REGIONAL COUNCIL LOCAL LAW NO. 7 (WASTE MANAGEMENT) 2018 AND MORETON BAY REGIONAL COUNCIL COMMUNITY AND ENVIRONMENTAL MANAGEMENT (AMENDMENT) SUBORDINATE LOCAL LAW (NO. 1) 2018 - REGIONAL - A16703919 (Cont.)

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- (c) In WRIQ's view, Council has failed to comply with these requirements by giving stakeholders only 17 business days from when industry was advised to be consulted, informed and an ability then to provide responses. Council has not undertaken any public meetings or advertising other than publishing a notice and informing parties three Council locations at which the documents can be seen. This fails all genuine processes of public interest engagement. As such, there is no justification for Council to rush through the consultation process, particularly given the significant impact the proposed law will have on local business., and of its failure to genuinely consult and inform its community.
- (d) WRIQ reserves its rights to make future submissions in respect to the proposed local law and / or challenge the proposed local law on the basis that Council has failed to follow the Competition Policy Guidelines.

4. Conclusion

- (a) WRIQ strongly objects to the enactment of the proposed local law. As set out above, such law is anti-competitive and fails to deliver any public benefit. Further, the proposed local law will put the Council in a position to continue to breach the competitive neutrality principle enshrined in the *Local Government Act 2009*.
- (b) WRIQ does not consider that Council has adequately reviewed all alternative policy options as no tax and subsidy mechanisms appear to have been considered.

Finally, WRIQ remains concerned about the manner in which Council's review has been conducted and reserves its rights to challenge the proposed local law on this basis.

Sincerely Yours

Waste Recycling Industry Queensland (inc)



Rick Ralph
Chief Executive Officer

ITEM 4.6 MAKING OF MORETON BAY REGIONAL COUNCIL LOCAL LAW NO. 7 (WASTE MANAGEMENT) 2018 AND MORETON BAY REGIONAL COUNCIL COMMUNITY AND ENVIRONMENTAL MANAGEMENT (AMENDMENT) SUBORDINATE LOCAL LAW (NO. 1) 2018 - REGIONAL - A16703919 (Cont.)

Angelika Hesse

From: Miriam Simpson <mimsimpson66@gmail.com>
Sent: Tuesday, 30 January 2018 6:09 PM
To: MBRC Incoming Mail
Subject: Local Law 7 (Waste Management) - Submission

Re- Moreton bay Regional council local law No. 7 (waste management) 2017 and Moreton Bay regional Council community and environmental management amendment sub ordinate local law (1) 2017.

I appose the proposed changes to making the cost of the Wheelie bin to be the responsibility of the owner for the following reasons

1. Give criminals incentive to steel bins and resell them 2. People that don't have the money to replace their bin will then dump rubbish 3. We pay our rates this should be covered 4. I can't see my bin from my house how can I monitor it?

Regards
Miriam Simpson
110 Warner road
Warner Qld
Ph- 0434994337

Sent from my iPad

ITEM 4.6 MAKING OF MORETON BAY REGIONAL COUNCIL LOCAL LAW NO. 7 (WASTE MANAGEMENT) 2018 AND MORETON BAY REGIONAL COUNCIL COMMUNITY AND ENVIRONMENTAL MANAGEMENT (AMENDMENT) SUBORDINATE LOCAL LAW (NO. 1) 2018 - REGIONAL - A16703919 (Cont.)

#2 Appendix 2 - Response to Public Consultation Submissions

APPENDIX 2 - RESPONSE TO PUBLIC CONSULTATION SUBMISSIONS FOR MBRC LOCAL LAW NO 7 (WASTE MANAGEMENT)

1. CLEANAWAY PTY LTD

	Submission details	Response and proposed actions
1.	The proposed local law is likely to impact commercial and industrial businesses from having the ability to select and choose their waste and recycling service provider and that open competition for these services must prevail.	<p>For practical purposes, the scope of application of each of the proposed local law and the legislative provisions which are due to expire on 1 July 2018 are identical. It is not Council's intention to restrict competition by participation in the commercial waste or recyclable waste collection market in excess of Council's current participation in that market.</p> <p>In any event, Council may only undertake its domestic waste, commercial waste and recyclable waste collection activities subject to compliance with the competitive neutrality principle. Council applies the competitive neutrality principle in compliance with the applicable provisions of each of the <i>Local Government Act 2009</i> and the <i>Local Government Regulation 2012</i>.</p>
2.	There is no public benefit in having Council rated commercial and industrial waste and recycling services in Council's local government area in respect of traffic management or environmental benefits.	The provisions which are due to expire on 1 July 2018 have an impact on commercial and industrial businesses which require waste and recycling collection services. The proposed local law will have an identical impact on commercial and industrial businesses, which require waste and recycling collection services. The benefit to the public is that the local law facilitates the objects of the local law, that is, the protection of public health, safety and amenity related to waste management.
3.	Public interest benefit is denied to these businesses and their customers when open competition is not available and Council rated and regulated non-competitive waste and recycling services are provided.	<p>The competitive tender process periodically undertaken by Council in relation to the delivery of waste collection services preserves competition.</p> <p>Council's competitive tender process will promote technological development, efficiency and improvements in productivity in the waste collection market.</p> <p>Absent Council's periodic competitive tender process, 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 need to be defrayed over the same number of customers, resulting in an increase in the average cost of service provision.</p> <p>Absent the proposed local law, the number of properties serviced and waste tonnages to be collected would become less certain 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.</p> <p>Waste collection contractors (other than Council, or Council's contracted waste collection contractor) may only offer specific services which are more profitable which could, in turn, undermine existing waste collection practices, including recycling practices currently adopted by the owners and occupiers of premises used for commercial purposes.</p>

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ITEM 4.6 MAKING OF MORETON BAY REGIONAL COUNCIL LOCAL LAW NO. 7 (WASTE MANAGEMENT) 2018 AND MORETON BAY REGIONAL COUNCIL COMMUNITY AND ENVIRONMENTAL MANAGEMENT (AMENDMENT) SUBORDINATE LOCAL LAW (NO. 1) 2018 - REGIONAL - A16703919 (Cont.)

APPENDIX 2 - RESPONSE TO PUBLIC CONSULTATION SUBMISSIONS FOR MBRC LOCAL LAW NO 7 (WASTE MANAGEMENT)

	Submission details	Response and proposed actions
		<p>Council's ability to fund waste management facilities and broader waste management activities, for example, street bins, land remediation, education, compliance functions, strategy development etc could be reduced.</p> <p>The owner's 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 location of the premises.</p> <p>Increased whole of community waste management costs could 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.</p>
4.	The proposed local law is anti-competitive and may result in higher prices for consumers.	<p>Council may only undertake its waste collection activities subject to compliance with the competitive neutrality principle. Council applies the competitive neutrality principle in compliance with the applicable provisions of each of the <i>Local Government Act 2009</i> and the <i>Local Government Regulation 2012</i>.</p> <p>Whilst the proposed local law may result in higher prices for a limited number of consumers, the overall public benefits are identified above and result in an overall public benefit.</p>
5.	Council is seeking to restrict competition in the commercial waste and recycling industry without proper consultation or genuine consideration of the impact of the proposed local law on its community.	<p>Council undertook consultation with the public about the anti-competitive provisions included in the proposed local law contemporaneously with the undertaking of consultation with the public about the proposed local law generally. The public consultation period was 28 days and the methodology implemented by Council, for the purposes of its public consultation process, complied with all applicable requirements of the <i>Local Government Act 2009</i>, the <i>Local Government Regulation 2012</i> and the applicable Guidelines. When determining the appropriateness of the methodology proposed to be adopted by Council for public consultation about the anti-competitive provisions included in the proposed local law, Council had regard to, in addition to the applicable Guidelines referred to in the <i>Local Government Regulation 1012</i>, section 15, each of:-</p> <p>(a) the Competition Policy Agreements dated 11 April 1995; and</p> <p>(b) the Queensland Treasury Public Benefit Test Guidelines (for undertaking public benefit test assessments for legislation reviews under National Competition Policy) dated October 1999.</p>
6.	The proposed local law will cause Council to violate the competitive neutrality principle.	<p>Council may only undertake its domestic waste, commercial waste and recyclable waste collection activities subject to compliance with the competitive neutrality principle. Council applies the competitive neutrality principle in compliance with the applicable provisions of each of the <i>Local Government Act 2009</i> and the <i>Local Government Regulation 2012</i>. Council avails itself of the right, under the provisions which are due to expire on 1 July 2018, to:-</p>

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APPENDIX 2 - RESPONSE TO PUBLIC CONSULTATION SUBMISSIONS FOR MBRC LOCAL LAW NO 7 (WASTE MANAGEMENT)

	Submission details	Response and proposed actions
		<p>(a) designate areas within its local government area in which Council may conduct general waste or green waste collection; and</p> <p>(b) decide the frequency of general waste and green waste collection in the designated areas; and</p> <p>(c) supply standard general waste containers for the storage of waste.</p> <p>Council also levies utility charges for waste management (in compliance with the requirements of the <i>Local Government Act 2009</i> and the <i>Local Government Regulation 2012</i>). The replacement of the provisions which are due to expire on 1 July 2018 with the proposed local law merely preserves the status quo. The fact that Council tenders for waste collection services in designated areas is an integral part of the application of the competitive neutrality principle by Council.</p> <p>In addition, the local law facilitates the objects of the local law, that is, the protection of public health, safety and amenity related to waste management.</p>
7.	If all commercial waste and recycling services are provided by Council's contractor, this will have a detrimental effect on all other service providers already operating in Council's local government area.	<p>For practical purposes, the scope of application of each of the proposed local law and the provisions which are due to expire on 1 July, 2018 are identical. The local law merely replaces the provisions which are due to expire on 1 July 2018.</p> <p>It is not Council's intention to restrict competition by participation in the commercial waste or recyclable waste collection market in excess of Council's current participation in that market.</p>

ITEM 4.6 MAKING OF MORETON BAY REGIONAL COUNCIL LOCAL LAW NO. 7 (WASTE MANAGEMENT) 2018 AND MORETON BAY REGIONAL COUNCIL COMMUNITY AND ENVIRONMENTAL MANAGEMENT (AMENDMENT) SUBORDINATE LOCAL LAW (NO. 1) 2018 - REGIONAL - A16703919 (Cont.)

APPENDIX 2 - RESPONSE TO PUBLIC CONSULTATION SUBMISSIONS FOR MBRC LOCAL LAW NO 7 (WASTE MANAGEMENT)

2. WASTE MANAGEMENT ASSOCIATION OF AUSTRALIA

	Submission details	Response and proposed actions
1.	<p>WMAA does not support the proposed repeal of the Environmental Protection Regulation 2008, chapter 5A and would prefer a consistent approach to the management of waste services within all local government areas in Queensland. In the event of expiration, Council has the ability to manage the movement of trucks, placement of storage bins and approval of waste infrastructure by mechanisms other than the local law.</p>	<p>The expiry of the State regulation provisions on 1 July 2018 will necessitate the making of the proposed local law if Council wishes to preserve the status quo, and fulfil the objects of the local law, that is, the protection of public health, safety and amenity related to waste management.</p>
2.	<p>Any local law should focus only on the mandated levying and servicing of domestic waste of residential premises. Council's decision to move beyond domestic waste and regulate the collection of industrial waste is outside of its core business and potentially anti-competitive, depending on how this local law is operationalised within the local government area.</p>	<p>The State regulation provisions which are due to expire give Council the power to regulate the storage and collection of general waste. General waste is defined to include domestic waste, commercial waste and recyclable waste. In this regard, the proposed local law does nothing more than replicate the powers which may currently be exercised by Council under the current State regulation, that is, the regulation of the storage and collection of general waste, including domestic waste, commercial waste and recyclable waste.</p> <p>Nothing in the proposed local law gives Council the power to dictate requirements about the storage or collection of industrial waste in excess of the powers which Council currently has in relation to the storage and collection of industrial waste under the current State regulation.</p> <p>Regulation of the storage and collection of general waste, including domestic waste, commercial waste and recyclable waste, is within the core business of Council.</p> <p>Council acknowledges that in the undertaking of its waste management activities, Council is obliged to comply with the competitive neutrality principle. Also, in the making of the proposed local law, Council is obliged to comply with procedures prescribed by regulation for the review of anti-competitive provisions. Council complies with its obligations in that regard.</p>

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APPENDIX 2 - RESPONSE TO PUBLIC CONSULTATION SUBMISSIONS FOR MBRC LOCAL LAW NO 7 (WASTE MANAGEMENT)

3. WASTE RECYCLING INDUSTRY ASSOCIATION (QLD)

	Submission details	Response and proposed actions
1.	The State Government, by allowing chapter 5A of the <i>Environmental Protection Regulation 2008</i> and section 7 of the <i>Waste Reduction and Recycling Regulation 2011</i> to expire has demonstrated its confidence that the regulation is no longer relevant.	The relevant provisions were originally due to expire some years ago. However, the State has, on several occasions, delayed the expiry of the provisions to give local governments an opportunity to make a local law about waste management. The relevant provisions have always provided (and currently provide) that the provisions apply to a local government area unless:- (a) the local government for the area makes a local law about waste management for the area; and (b) the local law states it replaces the relevant provisions.
2.	The State Government has confirmed that the relevant provisions will be extended until the second quarter of 2018 during which time it will make a new Regulation resolving the need to make individual local laws.	The State has not prepared a draft Regulation the purpose of which would be to replace the provisions which are currently due to expire on 1 July 2018.
3.	The proposed local law potentially has a broader scope of operation than the provisions which are due to expire on 1 July 2018.	For practical purposes, the scope of application of each of the proposed local law and the provisions which are due to expire on 1 July, 2018 are identical. The local law merely replaces the provisions which are due to expire on 1 July 2018.
4.	Industry is concerned that Council is seeking to further restrict competition in the commercial waste and recycling industry by expanding its control over all waste activities in its jurisdiction.	For practical purposes, the scope of application of each of the proposed local law and the provisions which are due to expire on 1 July 2018 are identical. It is not Council's intention to restrict competition by participation in the commercial waste or recyclable waste collection market in excess of Council's current participation in that market.
5.	The proposed local law will allow Council to introduce a monopoly over waste and recycling collection services in designated areas. The fact that Council will tender for collection services in designated areas is no answer to this problem.	Council may only undertake its domestic waste, commercial waste and recyclable waste collection activities subject to compliance with the competitive neutrality principle. Council applies the competitive neutrality principle in compliance with the applicable provisions of each of the <i>Local Government Act 2009</i> and the <i>Local Government Regulation 2012</i> . Council avails itself of the right, under the provisions which are due to expire on 1 July 2018, to:-

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APPENDIX 2 - RESPONSE TO PUBLIC CONSULTATION SUBMISSIONS FOR MBRC LOCAL LAW NO 7 (WASTE MANAGEMENT)

	Submission details	Response and proposed actions
		<p>(d) designate areas within its local government area in which Council may conduct general waste or green waste collection; and</p> <p>(e) decide the frequency of general waste and green waste collection in the designated areas; and</p> <p>(f) supply standard general waste containers for the storage of waste.</p> <p>Council also levies utility charges for waste management (in compliance with the requirements of the <i>Local Government Act 2009</i> and the <i>Local Government Regulation 2012</i>). The replacement of the provisions which are due to expire on 1 July 2018 with the proposed local law merely preserves the status quo. The fact that Council tenders for waste collection services in designated areas is an integral part of the application of the competitive neutrality principle by Council.</p>
6.	As smaller operators go out of business, there will be less incentive for the remaining large operators to compete on price.	The purpose of replacing the provisions which are due to expire on 1 July 2018 with the proposed local law is to preserve the status quo which has been in place for many years (notwithstanding that the provisions which are due to expire on 1 July 2018 have been relocated through various pieces of legislation over many years).
7.	The proposed local law interferes with the normal operating market environment by forcing upon all commercial ratepayers and other businesses, Council controlled waste and recycling services.	The provisions which are due to expire on 1 July 2018 have an impact on commercial ratepayers and other businesses which require waste and recycling collection services. The proposed local law will have an identical impact on commercial ratepayers and other businesses, which require waste and recycling collection services. The local law facilitates the objects of the local law, that is, the protection of public health, safety and amenity related to waste management.
8.	A Council imposed monopoly will significantly reduce the incentive for technical development, efficiencies, improvement in productivity and performance within the industry.	The competitive tender process periodically undertaken by Council in relation to the delivery of waste collection services is an incentive for technical development, increased efficiency and improvement in productivity and performance in waste collection services provided in Council's local government area.
9.	If the proposed local law is introduced, Council will control the recycling operations for all commercial property owners in designated precincts.	The control by Council of recycling operations will facilitate the compliance by Council with its obligations under the proposed Container Refund Scheme.

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APPENDIX 2 - RESPONSE TO PUBLIC CONSULTATION SUBMISSIONS FOR MBRC LOCAL LAW NO 7 (WASTE MANAGEMENT)

	Submission details	Response and proposed actions
10.	Under the proposed local law, Council would have total control to determine what containers are approved for holding waste and recyclables and how these rules are applied.	Control of these activities (what containers are approved for holding waste) by Council is consistent with the objects of the proposed local law, that is, the protection of public health, safety and amenity relating to waste management.
11.	No public benefit is identified and there is a significant potential public detriment in respect of reduced competition, reduced incentive to innovate, stymy technological development and no economic benefit to the wider community.	<p>Council may preserve competition in the waste collection market by periodically tendering for the supply of waste collection services using the competitive tender process provided for under the <i>Local Government Regulation 2012</i>. The competitive tender process will promote technological development, efficiency and improvements in productivity in the waste collection market.</p> <p>Absent Council's periodic competitive tender process, 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 need to be defrayed over the same number of customers, resulting in an increase in the average cost of service provision.</p> <p>Absent the proposed local law, the number of properties serviced and waste tonnages to be collected would become less certain 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.</p> <p>Waste collection contractors (other than Council, or Council's contracted waste collection contractor) may only offer specific services which are more profitable which could, in turn, undermine existing waste collection practices, including recycling practices currently adopted by the owners and occupiers of premises used for commercial purposes.</p> <p>Council's ability to fund waste management facilities and broader waste management activities, for example, street bins, land remediation, education, compliance functions, strategy development etc could be reduced.</p> <p>The owner's 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 location of the premises.</p>

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APPENDIX 2 - RESPONSE TO PUBLIC CONSULTATION SUBMISSIONS FOR MBRC LOCAL LAW NO 7 (WASTE MANAGEMENT)

	Submission details	Response and proposed actions
		Increased whole of community waste management costs could 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.
12.	Council has not considered the use of tax and subsidy mechanisms as an alternative method to achieve the stated objectives.	Council has the power to levy rates and utility charges, but does not have the power to impose a tax. The proposed local law is an appropriate way to achieve the objects of the proposed local law.
13.	Council has failed to comply with the provisions of the <i>Local Government Act 2009</i> about making a local law that contains an anti-competitive provision, including compliance with the relevant Guidelines.	<p>Council undertook consultation with the public about the anti-competitive provisions included in the proposed local law contemporaneously with the undertaking of consultation with the public about the proposed local law generally. The public consultation period was 28 days and the methodology implemented by Council, for the purposes of its public consultation process, complied with all applicable requirements of the <i>Local Government Act 2009</i>, the <i>Local Government Regulation 2012</i> and the applicable Guidelines. When determining the appropriateness of the methodology proposed to be adopted by Council for public consultation about the anti-competitive provisions included in the proposed local law, Council had regard to, in addition to the applicable Guidelines referred to in the <i>Local Government Regulation 1012</i>, section 15, each of:-</p> <ul style="list-style-type: none"> (c) the Competition Policy Agreements dated 11 April 1995; and (d) the Queensland Treasury Public Benefit Test Guidelines (for undertaking public benefit test assessments for legislation reviews under National Competition Policy) dated October 1999.
14.	The State Government is intending to extend the chapter 5A provisions until the second quarter of 2018. As such, there is no justification for Council to rush through the consultation process.	To date, Council is unaware of any intention on the part of the State to either defer the expiry of the provisions which are currently due to expire on 1 July 2018 or, alternatively, make a new regulation to replace the expiring provisions.

ITEM 4.6 MAKING OF MORETON BAY REGIONAL COUNCIL LOCAL LAW NO. 7 (WASTE MANAGEMENT) 2018 AND MORETON BAY REGIONAL COUNCIL COMMUNITY AND ENVIRONMENTAL MANAGEMENT (AMENDMENT) SUBORDINATE LOCAL LAW (NO. 1) 2018 - REGIONAL - A16703919 (cont'd.)

#3 Appendix 3 - Public Interest Test Report 1

APPENDIX 3

PUBLIC INTEREST TEST REPORT

MBRC LOCAL LAW NO. 7 (WASTE MANAGEMENT) 2017

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. 7 (Waste Management) 2017 ("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.

APPENDIX 3

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:-
 - (a) interested stakeholders, delivered detailed submissions to Council for its consideration; and
 - (b) the industry representative body, the Waste, Recycling Industry Association of Queensland Inc ("WRIQ"), which represents more than 90 Queensland based organisations ranging from large multi-national organisations through to small family operated enterprises, delivered a detailed submission.

REPORT ABOUT THE RESULTS OF THE CONSULTATION PROCESS

14. The report to Council, of which this public interest test report forms part, refers to submissions received and arguments presented (for consideration by Council) about 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.

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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.
19. Each of Chapter 5A and section 7 are due to expire on 1 July 2018.
20. The object of the proposed local law is to protect the public health, safety and amenity related to waste management by:-
- (a) regulating the storage, servicing and removal of waste; and
 - (b) regulating the disposal of waste at waste facilities; and
 - (c) ensuring that an act or omission does not result in:-
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or loss of amenity; or
 - (iii) environmental harm or environmental nuisance.
21. The focus of the proposed local law is "general waste", the definition of which mirrors the definition of "general waste" in the *Environmental Protection Regulation 2008* for the purposes of Chapter 5A.
22. The definition of "general waste" includes "commercial waste", "domestic waste" and "recyclable waste". The definitions for the expressions "commercial waste", "domestic waste" and "recyclable waste" in the proposed local law mirror the definitions for those

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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. Consideration of the submissions received by Council supports Council's conclusion that these alternatives are not viable for the reasons detailed below.
30. *Regulation - public vs. private action* - This regime would involve a change to the proposed local law to provide that where more than three complaints were received, Council would take action. Up to and including the third complaint, Council would not take action but it would be open to individuals to take action in respect of a nuisance caused by unsatisfactory storage and collection of waste practices. In this way, Council would only be acting in genuine situations of nuisance rather than having to respond to what are, for example, vexatious complaints.
31. While the alternative may provide some benefit to Council, it was considered to be only nominally less anti-competitive than the proposed regime. There was also concern that some genuine complaints would not be acted upon under this regime thereby limiting the rights of individuals and the community in respect of public health and safety and amenity. It may also be conceived by the community as an abrogation of local government responsibility and duty of care.

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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.

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43. On the expiry of Chapter 5A and section 7, reliance by Council on the proposed local law will be an integral part of how Council regulates waste management in its local government area.
44. For example, under each of Chapter 5A and the proposed local law, Council may supply to premises the number of standard general waste containers that Council reasonably considers is required at the premises as is necessary to contain the general waste produced at the premises and require the occupier of the premises to place the waste container outside the premises for the collection of general waste from the container on a scheduled collection day.
45. Collectively, Chapter 5A, section 7 and the utility charging provisions in the *Local Government Act 2009* result in a restriction on competition to the extent that Council designates an area within its local government area in which Council will conduct general waste or green waste collection and decides on the frequency of general waste or green waste collection in the designated areas.
46. Under the proposed local law, the extent of the restriction on competition is subject to Council's decision to, under the proposed local law, designate areas within its local government area in which Council will conduct general waste or green waste collection and decide the frequency of general waste or green waste collection in the designated areas.
47. Council is not proposing that the nature of the restriction on competition under the proposed local law will be substantively different from the nature of the restriction on competition which currently exists under Chapter 5A and section 7.
48. Each of the realistic regulatory and non-regulatory alternatives identified above would:-
 - (a) entail a local law which did not preserve Council's ability to designate areas within its local government area in which Council may conduct general waste or green waste collection and decide the frequency of general waste or green waste collection in the designated areas or, alternatively, entail the making of no local law at all; and
 - (b) result in the removal of a restriction on competition.

COMPETITIVE NEUTRALITY

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

IDENTIFICATION OF KEY STAKEHOLDERS

52. Key stakeholders affected by the current situation and by a move to an alternative arrangement, that is, not making the proposed local law, include the following:-
 - (a) local government;
 - (b) owners and occupiers of premises used for domestic purposes at which general waste is generated;

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- (c) owners and occupiers of commercial premises at which general waste is generated;
- (d) potential owners and occupiers of premises used for domestic purposes at which general waste is generated;
- (e) potential owners and occupiers of commercial premises at which general waste is generated;
- (f) waste collection contractors (other than a contracted waste collection contractor of Council) responsible for the collection of general waste from premises, and in particular commercial premises, which generate general waste in Council's local government area;
- (g) a Council contracted waste collection contractor which is responsible for the collection of general waste from premises (including commercial premises) which generate general waste in Council's local government area;
- (h) residents in close proximity to premises used for domestic purposes;
- (i) residents in close proximity to premises used for the undertaking of commercial activities;
- (j) conservation/environmental groups.

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

Stakeholder – Local Government

53. If Chapter 5A and section 7 do not expire, and Council does not make the proposed local law:-
- (a) Council will not be exposed to financial liability under any current contractual arrangement with a current contractor (of Council) which is responsible for the conduct of general waste collection services in designated areas in Council's local government area;
 - (b) Council will continue to incur the costs associated with the administration of waste management in Council's local government area;
 - (c) Council will continue to incur costs associated with the enforcement of Chapter 5A;
 - (d) the cost structure of the waste management industry includes significant fixed costs (which lends itself to economies of scale) and competitive tendering processes which are available to Council provide an effective means for capitalising on these potential savings while ensuring competition among waste collection service providers is preserved.
54. If Chapter 5A and section 7 expire and Council does not make the proposed local law:-
- (a) Council may be exposed to financial liability under any current contractual arrangement with a current contractor (of Council) which is responsible for the conduct of general waste collection services in designated areas in Council's local government area. This is a moderate negative impact;
 - (b) Council will continue to incur the costs associated with the administration of waste management in Council's local government area and the costs of administration of waste management may increase if the owners and occupiers of premises at which general waste is generated for collection (including commercial premises in particular) elect not to use a waste management collection service offered by Council. This is a low negative impact;

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- (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

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- 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.

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

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

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

60. If Chapter 5A and section 7 do not expire, and Council does not make the proposed local law, the public health, safety and amenity relating to waste management of owners and occupiers of commercial premises at which general waste is generated will be preserved by the enforcement of Chapter 5A by Council.
61. If Chapter 5A and section 7 expire and Council does not make the proposed local law:-
 - (a) the public health, safety and amenity relating to waste management of owners and occupiers of commercial premises at which general waste is generated may not be preserved. This is a low negative impact;
 - (b) the number of waste collection vehicle movements may increase with limited scope for Council to control the timing of the delivery of these services, creating a range of impacts on residents and tourists relating to traffic congestion, amenity (noise), and safety This is a low negative impact;
 - (c) Council anticipates an increased prevalence of inappropriate (or insufficient) waste containers being used, presenting potential health risks (including improper waste disposal practices). This is a low negative impact;
 - (d) some occupiers of commercial premises (most likely businesses considered attractive to private waste collection contractors due to the volume and/or nature of waste generated) may enjoy reduced service costs under increased

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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 expire and Council makes the proposed local law, the public health, safety and amenity relating to waste management of the owners and occupiers of commercial premises at which general waste is generated will be preserved by the enforcement of the proposed local law by Council.

63. In summary, the analysis of the costs and benefits of moving to the alternative arrangement, that is, not making the proposed local law, would result in a low negative impact for this stakeholder.

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

64. If Chapter 5A and section 7 do not expire, and Council does not make the proposed local law, the public health, safety and amenity relating to waste management of potential owners and occupiers of domestic premises at which general waste is generated will be preserved by the enforcement of Chapter 5A by Council.

65. If Chapter 5A and section 7 expire, and Council does not make the proposed local law, the public health, safety and amenity relating to waste management of potential owners and occupiers of premises used for domestic purposes at which general waste is generated may not be preserved. This is a low negative impact.

66. If Chapter 5A and section 7 expire, and Council makes the proposed local law, the public health, safety and amenity relating to waste management of potential owners and occupiers of premises used for domestic purposes at which general waste is generated will be preserved by the enforcement of the proposed local law by Council.

67. In summary, the analysis of the costs and benefits of moving to the alternative arrangement, that is, not making the proposed local law, would result in a low negative impact for this stakeholder.

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

68. If Chapter 5A and section 7 do not expire, and Council does not make the proposed local law, the public health, safety and amenity relating to waste management of potential owners and occupiers of commercial premises at which general waste is generated will be preserved by the enforcement of Chapter 5A by Council.

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

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

72. If Chapter 5A and section 7 expire, and Council does not make the proposed local law:-
- (a) waste collection contractors (other than Council’s contracted waste collection 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 expire, 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 expire, and Council does not make the proposed local law:-
- (a) the number of collections of general waste from premises which generate general waste in Council’s local government area may be reduced with a consequent impact on profitability. This is a moderate negative impact;

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- (b) there may be challenges associated with managing waste collection in a local government area if multiple waste collection service providers operate in the area. This is a low negative impact;
 - (c) if a Council contractor were to lose a segment of its current market share there would be an increase in aggregate capital costs incurred across the industry and a reduction in the average utilisation of waste collection vehicles across the industry which would likely result in an increase in average collection costs. This is a low negative impact;
 - (d) the number of properties serviced and the waste tonnages to be collected will become less certain (due to greater competition within a specified area), and a contractor tendering to undertake waste collection services in Council's local government area, would need to build a greater risk component into its tendered prices in order to account for this uncertainty. This is a neutral impact.
76. If Chapter 5A and section 7 expire, and Council does make the proposed local law, Council's contracted waste collection 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 do not expire and Council does not make the proposed local law, the public health, safety and amenity relating to waste management of residents in close proximity to premises used for domestic purposes will be preserved by the enforcement of Chapter 5A by Council.
79. If Chapter 5A and section 7 expire and Council does not make the proposed local law:-
- (a) the public health, safety and amenity relating to waste management of residents in close proximity to premises used for domestic purposes may not be preserved. This is a low negative impact;
 - (b) an increase in the number of waste collection vehicle movements may occur with limited scope for Council to control the timing of the delivery of these services, creating a range of impacts on residents and tourists relating to traffic congestion, amenity (noise), and safety. This is a low negative impact;
 - (c) Council anticipates an increased prevalence of inappropriate (or insufficient) waste containers being used, presenting potential health risks (including improper waste disposal practices). This is a low negative impact.
80. If Chapter 5A and section 7 expire and Council makes the proposed local law, the public health, safety and amenity relating to waste management of residents in close proximity to premises used for domestic purposes will be preserved by the enforcement of the proposed local law by Council.
81. In summary, the analysis of the costs and benefits of moving to the alternative arrangement, that is, not making the proposed local law, would result in a low negative impact for this stakeholder.

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

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

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close proximity to premises used for the undertaking of commercial activities will be preserved by the enforcement of Chapter 5A by Council.

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

Stakeholder – conservation/environmental groups

86. If chapter 5A and section 7 expire and Council does not make the proposed local law:-
- (a) an increase in the number of waste collection vehicle movements may occur with limited scope for Council to control the timing of the delivery of these services, creating a range of impacts on residents and tourists relating to environmental matters, including traffic congestion and amenity (noise). This is a low negative impact;
 - (b) if Council is not able to directly or indirectly limit the number of waste collection contractors serving a designated area, Council will not be able to control noise issues for residents and tourists by limiting the times during which service providers may undertake waste collection activities and this will result in a diminution of environmental values. This is a low negative impact;
 - (c) Council's ability to fund waste management facilities and broader waste management activities (street bins, landfill remediation, education, compliance functions, strategy development etc) will be reduced and there will be a consequent reduction in environmental values. This is a low negative impact;
 - (d) there would be increased potential for long haul transport of general waste, including recyclables, for processing and disposal at locations significantly removed from Council's local government area and a consequent reduction in environmental values. This is a low negative impact.
87. In summary, the analysis of the costs and benefits of moving to the alternative arrangement, that is, not making the proposed local law, would result in a low negative impact for this stakeholder.

SUMMARY

88. Overall, the analysis of costs and benefits has determined there would be a net cost to the community as a whole in moving to the alternative arrangement, that is, not making the proposed local law.

Moreton Bay Regional Council

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*ITEM 4.6 MAKING OF MORETON BAY REGIONAL COUNCIL LOCAL LAW NO. 7 (WASTE MANAGEMENT) 2018
AND MORETON BAY REGIONAL COUNCIL COMMUNITY AND ENVIRONMENTAL MANAGEMENT (AMENDMENT)
SUBORDINATE LOCAL LAW (NO. 1) 2018 - REGIONAL - A16703919 (cont'd.)*

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APPENDIX 3

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

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SUBORDINATE LOCAL LAW (NO. 1) 2018 - REGIONAL - A16703919 (Cont.)*

#4 Appendix 4 - State Interest Consultation Responses

APPENDIX 4

STATE INTEREST CONSULTATION RESPONSES

***MORETON BAY REGIONAL COUNCIL LOCAL LAW NO 7
(WASTE MANAGEMENT) 2017***

Moreton Bay Regional Council

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SUBORDINATE LOCAL LAW (NO. 1) 2018 - REGIONAL - A16703919 (Cont.)

Sealed By: Duff/Dunlop On: 17/02/2018 4:40:50 AM Moreton Bay Regional Council - Calve/Duff/Dunlop



Queensland
Government

Metro North
Hospital and Health Service

File number: C-ECTF-17/8577 / MN J17/15222.01

Mr Daryl Hitzman
Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

Dear Mr Hitzman

Thank you for your letter dated 20 November 2017, inviting comments in relation to the proposed Moreton Bay Regional Council Local Law No. 7 (Waste Management) 2017 (the Law). Mr Michael Walsh, Director-General, Department of Health has asked that I respond on his behalf and I apologise for the delay.

Metro North Hospital and Health Service (MNHHS) provides targeted, local public health services aimed at preventing illness and protecting and promoting health. Public health activities include partnering with local governments to influence the determinants of health.

The proposed law supports these partnerships and the provisions of the *Public Health Act 2005* in preventing the public health risk from waste. The Law does not impact on existing MNHHS policies, strategies or programs. MNHHS looks forward to continued engagement in the local law process to ensure healthy public policy that supports health services and improves the health of our community.

Thank you again for your invitation to provide comment on the proposed local law. Should you require any further information in relation to this matter, I have arranged for Mr John Piispanen, Director, Metro North Public Health Unit, MNHHS on telephone 3624 1111, to be available to assist you.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Drummond'.

Shaun Drummond
Chief Executive
Metro North Hospital and Health Service

1 / 02 / 2018

Moreton Bay Regional Council
RECORDS MANAGEMENT

07 FEB 2018

OBJ ID: _____



Metro North Hospital and Health Service
Level 14, Block 7
Royal Brisbane and Women's Hospital
Herston, Queensland 4029 Australia

Telephone +61 7 3647 9501
Fax Number: +61 7 3647 9709
www.health.qld.gov.au

Moreton Bay Regional Council

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SUBORDINATE LOCAL LAW (NO. 1) 2018 - REGIONAL - A16703919 (Cont.)

Angelika Hesse

From: SOMERS Lynn <Lynn.Somers@dnrm.qld.gov.au>
Sent: Monday, 27 November 2017 10:07 AM
To: MBRC Incoming Mail
Cc: MURRAY Ken
Subject: Attent Angelika Hesse - Re: Consultation about the Overall State interest in Proposed Local Law No. 7 (Waste Management) 2017

Attention: Angelika Hesse
Your reference: A16206054 AH:ah

Dear Sir/Madam

Thank you for the opportunity to review the *Draft Moreton Bay Regional Council Local Law No. 7 (Waste Management) 2017*.

The Department of Natural Resources and Mines (DNRM) has considered the Proposed Local Law for consistency with, and any potential conflict with DNRM agency interests.

Please be advised that DNRM has identified no interest in the proposed local law.

Yours sincerely,

Lynn Somers

Lynn Somers
Senior Planning Officer
Planning Services - South
Telephone 07 45291376 **Facsimile** 07 45291562
Email: Lynn.Somers@dnrm.qld.gov.au

Department of Natural Resources and Mines
203 Tor Street, Toowoomba Q 4350
PO Box 318, Toowoomba Qld 4350
DNRM website: www.dnrm.qld.gov.au

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ITEM 4.6 MAKING OF MORETON BAY REGIONAL COUNCIL LOCAL LAW NO. 7 (WASTE MANAGEMENT) 2018 AND MORETON BAY REGIONAL COUNCIL COMMUNITY AND ENVIRONMENTAL MANAGEMENT (AMENDMENT) SUBORDINATE LOCAL LAW (NO. 1) 2018 - REGIONAL - A16703919 (Cont.)

Angelika Hesse

From: JOHNSTON Mathew <Mathew.Johnston@daf.qld.gov.au>
Sent: Friday, 1 December 2017 1:15 PM
To: Angelika Hesse
Subject: proposed Moreton Bay Regional Council Local Law No. 7 (Waste Management) 2017 - DAF comments

Hi Angelika, how are you?

I refer to a letter dated 20 November 2017 from Mr Daryl Hitzman, Chief Executive Officer of the Moreton Bay Regional Council, to Dr Beth Woods, Director General of the Department of Agriculture and Fisheries (DAF) regarding consultation about the overall state interest in proposed Moreton Bay Regional Council Local Law No. 7 (Waste Management) 2017.

DAF has reviewed the proposed amendments to the Local Law No.7 (Waste Management) 2017 to determine:

- If there is any inconsistency between the proposed local law and State legislation (relevant to DAF)
- Whether the proposed local law impacts adversely on State policies, strategies or programs
- If the proposed local law meets appropriate standards (for example, appropriate format, fundamental legislative principles)
- If the use of language and citations is correct and appropriate.

DAF advises that the proposed amendments will not adversely impact DAFs State interests, State legislation relevant to the department, or other departmental interests.

If you have any queries, please contact me

Regards

Mathew

Mathew Johnston
Rural Economic Development (South East Qld & Wide Bay Burnett)
Department of Agriculture and Fisheries
T 07 5381 1314 | M 0467 817 476 | F 07 5453 5801
Address 47 Mayers Road | PO Box 5083 SCMC, Nambour Qld 4560
Website www.daf.qld.gov.au Call Centre 13 25 23

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Moreton Bay Regional Council

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SUBORDINATE LOCAL LAW (NO. 1) 2018 - REGIONAL - A16703919 (Cont.)



Department of Infrastructure,
Local Government and Planning

Our ref: DGC17/1367

- 4 DEC 2017

Mr Daryl Hitzman
Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

Dear Mr Hitzman

Daryl,

Thank you for your letter of 20 November 2017 submitting the Moreton Bay Regional Council's proposed *Local Law No. 7 (Waste Management) 2017* (proposed local law) for state interest review by the Department of Infrastructure, Local Government and Planning (the department).

The department has completed its review of the proposed local law having regard to the matters of state interest relevant to the department. No matters that would impact adversely on the overall state interest were identified during the review.

If you require further information, I encourage you to contact Mr Kent Wain, Acting Manager, Local Government and Regional Services (South) in the department on 5352 9711 or by email at kent.wain@dilgp.qld.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read "Frankie Carroll". The signature is stylized and includes a large flourish at the end.

Frankie Carroll
Director-General

Level 39
1 William Street Brisbane
PO Box 15009 City East
Queensland 4002 Australia
Telephone +61 7 3452 7009
Website www.dilgp.qld.gov.au
ABN 251 66 523 889

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SUBORDINATE LOCAL LAW (NO. 1) 2018 - REGIONAL - A16703919 (Cont.)

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Queensland
Government

Office of the
Director-General

Department of
National Parks,
Sport and Racing

Our Ref: CTS 31471/17
Your Ref: A16206056 AH:ah

Moreton Bay Regional Council
RECORDS MANAGEMENT

- 8 DEC 2017

OBJ ID: _____

Mr Daryl Hitzman
Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

Dear Mr Hitzman

Thank you for your letter of 20 November 2017 regarding possible State interest in the proposed Moreton Bay Regional Council Local Law No. 7 (Waste Management) 2017.

I appreciate the opportunity for the Department of National Parks, Sport and Racing (department) to provide comments on the proposal.

I am pleased to advise that the department has considered the proposed amendments, and does not have any State interest with regard to this proposed legislation.

Again, thank you for the opportunity. Should your staff have any further enquiries, please have them contact Mr Todd Kelly, Manager, Policy and Legislation Unit on (07) 3199 7607 or via email todd.kelly@npsr.qld.gov.au.

Yours sincerely

Tamara O'Shea
Tamara O'Shea
Director-General
05.12.17

Level 34
1 William Street Brisbane
PO Box 15187 City East
Queensland 4002 Australia
Telephone + 61 7 3338 9304
Website www.npsr.qld.gov.au
ABN 11 322 391 452

Moreton Bay Regional Council

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SUBORDINATE LOCAL LAW (NO. 1) 2018 - REGIONAL - A16703919 (Cont.)*



Queensland
Government

Our ref DG34584
Your ref A16206050 AH:ah
Enquiries Elizabeth Robinson

Department of
Transport and Main Roads

Mr Daryl Hitzman
Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
Caboolture QLD 4510

Dear Mr Hitzman

Thank you for your letter of 20 November 2017 regarding consultation on the overall state interest for the Moreton Bay Regional Council's proposed Local Law No. 7 (Waste Management) 2017.

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

If you require further information, I encourage you to contact Ms Elizabeth Robinson, Legislation Services, Department of Transport and Main Roads (Phone 3066 7058 – Email: legislation@tmr.qld.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Katherine Mackenzie'.

Katherine Mackenzie
Corporate Counsel
Department of Transport and Main Roads

Corporate Operations Branch
Legislation Services
61 Mary Street Brisbane
GPO Box 1549 Brisbane Qld 4000

Telephone +61 7 3066 7058
Website www.tmr.qld.gov.au
Email legislation@tmr.qld.gov.au
ABN 39 407 690 291

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Angelika Hesse

From: CHIANG Lily <Lily.CHIANG@hpw.qld.gov.au>
Sent: Monday, 18 December 2017 3:28 PM
To: Angelika Hesse
Cc: HAMPSON Joanne; GIN Deirdre; HINDE Jennifer
Subject: Consultation about the overall State Interest - Moreton Bay Regional Council – Proposed Local Law No. 7 (Waste Management) 2017
Attachments: 17001 State Consultation - MBRC - Proposed Local Law No 7 (Waste Management).pdf

Dear Angelika

I refer to your letter dated 9 November 2017 in relation to:

- Consultation about the overall State Interest in Moreton Bay Regional Council - proposed Local Law No. 7 (Waste Management) 2017.

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

Thank you for consulting with the department.

Kind regards
Lily

Lily Chiang

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

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

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Thank you.

Moreton Bay Regional Council

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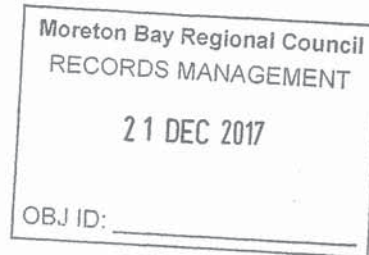
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Queensland
Government

Department of
**Environment and
Heritage Protection**



Ref CTS 31453/17

18 DEC 2017

Mr Daryl Hitzman
Chief Executive Officer
Moreton Bay Regional Council
PO Box 159
CABOOLTURE QLD 4510

Dear Mr Hitzman

Thank you for your letter of 20 November 2017 concerning the state interest review of the proposed Moreton Bay Regional Council Local Law No. 7 (Waste Management) 2017 (the "proposed local law").

The Department of Environment and Heritage Protection (the department) appreciates the opportunity to provide comment on the proposed local law. The department has reviewed the proposed local law and comments are provided for your consideration in the attachment to this letter.

Should your staff have any further enquiries, please ask them to contact Ms Kylie Hughes, Director, Waste Policy and Legislation, of the department on telephone 3330 5020.

Yours sincerely

Jim Reeves
Director-General

Att - State Interest Review Response

Moreton Bay Regional Council

ITEM 4.6 MAKING OF MORETON BAY REGIONAL COUNCIL LOCAL LAW NO. 7 (WASTE MANAGEMENT) 2018 AND MORETON BAY REGIONAL COUNCIL COMMUNITY AND ENVIRONMENTAL MANAGEMENT (AMENDMENT) SUBORDINATE LOCAL LAW (NO. 1) 2018 - REGIONAL - A16703919 (Cont.)

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Section 14(1)(h) – Unlawful disposal of waste at a waste facility; sections 18(h), (i) and (j) – Subordinate local laws; section 12(1)(b)– Requirements for storing industrial waste; section 13(b) – Requirement to treat industrial waste for disposal.	The proposed provisions will allow council to prescribe requirements in a subordinate local law about the supply at premises of industrial waste containers for storing industrial waste; about the treatment of industrial waste; and about the wastes a person must not deposit at a waste facility. Methods of storage and treatment may already be prescribed for an ERA; under an existing Environmental Authority; or in a Regulation or guideline.	Ensure that anything to be prescribed in a subordinate local law is consistent with the current state law and takes into consideration any waste tracking requirements and considers any requirements under the environmentally relevant activity and regulated waste frameworks or End of Waste Codes that may be in effect.	
Dictionary - commercial premises	The definition in the proposed local law includes “a church, or other building, used as a place of worship, or for religious purposes”. This is not consistent with the definition in the EP Regulation. The EP regulation does not include those premises.	Ensure that the definition of commercial premises is consistent with the EP Regulation definition.	
Dictionary - Domestic premises	The definition in the proposed local law includes “rooming accommodation, lodging house or guest house” as domestic premises. This is not consistent with the definition in the EP Regulation. The EP regulation does not include those premises.	Ensure that the definition of domestic premises is consistent with the EP Regulation definition.	
Dictionary – Premises	The definition of relevant premises in the EP Regulation is only referred to as premises in the proposed local law. Premises is defined in the proposed local law to also include industrial premises and this is inconsistent with the current state provisions. This may duplicate some requirements for	Ensure that the inclusion of industrial premises in the definition of premises in the proposed local law is not inconsistent with current state laws and takes into consideration any waste tracking requirements and considers any requirements under the environmentally relevant activity and	

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3

	industrial premises and change the application of the provisions from that of the current State laws.	regulated waste frameworks or End of Waste Codes that may be in effect.	
Dictionary – prescribed person	See comments above regarding section 9(1).		
Dictionary – Waste	This definition will allow council to prescribe in a subordinate local law what is considered to be a waste. The state definition for waste is quite broad and it is not clear why wastes would need to be defined further.	Ensure that the ability to prescribe wastes under a subordinate local law is not inconsistent with the current state definitions of waste.	
Compliance notice	Proposed Local Law No.7 (Waste Management) 2017 is to be read with Moreton Bay Regional Council Local Law No.1 (Administration) 2011. The existing section 27 of Local Law No.1 (Administration) 2011 relating to compliance notices currently has a penalty for non-compliance than would be greater than the penalty in the current s81ZN of the EP Regulation.	Ensure that the effect of the proposed local law read with Local Law No.1 (Administration) 2011 is consistent with the current EP Regulation.	

*ITEM 4.6 MAKING OF MORETON BAY REGIONAL COUNCIL LOCAL LAW NO. 7 (WASTE MANAGEMENT) 2018
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SUBORDINATE LOCAL LAW (NO. 1) 2018 - REGIONAL - A16703919 (Cont.)*

#5 Appendix 5 - Response to Submission from Depart of Environment and Sciences (Previously EHP)

APPENDIX 5

RESPONSE TO THE SUBMISSION FROM DEPARTMENT OF ENVIRONMENT AND SCIENCES (PREVIOUSLY EHP) FOR MBRC LOCAL LAW NO 7 (WASTE MANAGEMENT) 2017

Moreton Bay Regional Council

ITEM 4.6 MAKING OF MORETON BAY REGIONAL COUNCIL LOCAL LAW NO. 7 (WASTE MANAGEMENT) 2018 AND MORETON BAY REGIONAL COUNCIL COMMUNITY AND ENVIRONMENTAL MANAGEMENT (AMENDMENT) SUBORDINATE LOCAL LAW (NO. 1) 2018 - REGIONAL - A16703919 (Cont.)

LOCAL LAW NO. 7 (WASTE MANAGEMENT) 2017

RESPONSE TO STATE AGENCY - ENVIRONMENT AND HERITAGE PROTECTION - FEEDBACK

No.	LOCAL LAW SECTION	LOCAL GOVERNMENT RESPONSE
1.	General	Transitional requirements associated with the expiry of Part 2A of the Waste Reduction and Recycling Regulation and Chapter 5A of the <i>Environmental Protection Regulation 2008</i> are detailed in local law section 19.
2.	Section 9(1)(b)	Section 9(1) clearly defines the expression "prescribed person".
3.	Section 13(a)(ii) & (b)	Council may not impose requirements which are inconsistent with a requirement of a law made by the State. See <i>Local Government Act 2009</i> , section 27.
4.	Section 18(a)	It is not Council's intention to make a relevant subordinate local law at this time. A future amendment of the <i>Environmental Protection Act 1994</i> may trigger a requirement for the making of a subordinate local law. In any event, Council may not impose requirements in a subordinate local law which are inconsistent with a requirement of a law made by the State. See <i>Local Government Act 2009</i> , section 27.
5.	Section 18(h), (i) & (j)	It is not Council's intention to make a relevant subordinate local law at this time. In any event, Council may not impose requirements in a subordinate local law which are inconsistent with a requirement of a law made by the State. See <i>Local Government Act 2009</i> , section 27.
6.	Dictionary – commercial premises	Under the <i>Environmental Protection Regulation 2008</i> , section 81ZC:- (a) Council may make a local law about waste management; and (b) the local law replaces chapter 5A. The local law is not required to be identical to chapter 5A. In any event, the <i>Environmental Protection Regulation 2008</i> , schedule 12, Dictionary defines the expression "commercial premises" to include an assembly building.
7.	Dictionary – domestic premises	The definitions in each of the local law and the <i>Environmental Protection Regulation 2008</i> , schedule 12, Dictionary, are identical.
8.	Dictionary – premises	Each of the <i>Environmental Protection Regulation 2008</i> and the local law:- (a) define the expressions commercial premises and domestic premises ; but (b) do not define the expressions government premises or industrial premises , and as a result, these expressions should be given their plain English meaning.

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ITEM 4.6 MAKING OF MORETON BAY REGIONAL COUNCIL LOCAL LAW NO. 7 (WASTE MANAGEMENT) 2018 AND MORETON BAY REGIONAL COUNCIL COMMUNITY AND ENVIRONMENTAL MANAGEMENT (AMENDMENT) SUBORDINATE LOCAL LAW (NO. 1) 2018 - REGIONAL - A16703919 (Cont.)

LOCAL LAW NO. 7 (WASTE MANAGEMENT) 2017

RESPONSE TO STATE AGENCY - ENVIRONMENT AND HERITAGE PROTECTION - FEEDBACK

		In any event, Council may not impose requirements about industrial premises which are inconsistent with a requirement of a law made by the State. See <i>Local Government Act 2009</i> , section 27.
9.	Dictionary – <i>prescribed person</i>	Refer to the comment at item 2.
10.	Dictionary – <i>waste</i>	Refer to the comment at item 4.
11.	Compliance Notice	Under the <i>Environmental Protection Regulation 2008</i> , section 81ZC, Council may “replace” chapter 5A of the Regulation. Council is not obliged to replicate each requirement of chapter 5A. <i>Local Law No. 1 (Administration) 2011</i> , section 27, is a model local law provision applied generally across all of the local laws of Council. The provision complies with the Guidelines for Drafting Local Laws because the penalty is proportionate to the offence. Under the <i>State Penalties Enforcement Regulation 2014</i> , section 81ZN of the Regulation is not an infringement notice offence (in respect of which an infringement notice may be given).

ITEM 4.6 MAKING OF MORETON BAY REGIONAL COUNCIL LOCAL LAW NO. 7 (WASTE MANAGEMENT) 2018
AND MORETON BAY REGIONAL COUNCIL COMMUNITY AND ENVIRONMENTAL MANAGEMENT (AMENDMENT)
SUBORDINATE LOCAL LAW (NO. 1) 2018 - REGIONAL - A16703919 (Cont.)

#6 Appendix 6 MBRC Local Law No. 7 (Waste Management) 2018

**Moreton Bay Regional Council
Local Law No. 7 (Waste Management) 2018**

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 7 (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 Moreton Bay Regional Council 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 *Moreton Bay Regional Council Local Law No. 1 (Administration) 2011*.
- (2) For the purposes of the *Environmental Protection Regulation 2008*, section 81ZC, this local law replaces the *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.

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

7 Requirements for storing general waste in waste containers

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

Maximum penalty — 20 penalty units.

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

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- (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

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- (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) —

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by 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

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- (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 Moreton Bay Regional Council 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 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;

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- (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 Moreton Bay Regional Council waste facility; or
 - (ii) for transport to, and disposal of the waste at, a Moreton Bay Regional Council waste facility; and

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

by 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, as prescribed by subordinate local law, about the treatment of industrial waste—
 - (i) for disposal of the waste at a Moreton Bay Regional Council waste facility; and
 - (ii) for transport to, and disposal of the waste at, a Moreton Bay Regional Council waste facility.

Maximum penalty — 40 penalty units.

Part 3 Waste receipt and disposal

14 Unlawful disposal of waste at Moreton Bay Regional Council waste facility

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

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

Maximum penalty — 20 penalty units.

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

15 Restrictions on burning waste at a Moreton Bay Regional Council waste facility

A person must not set fire to, or burn, waste at a Moreton Bay Regional Council 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 a Moreton Bay Regional Council waste facility

- (1) A person must not, without the consent of a Moreton Bay Regional Council waste facility's owner or operator—
 - (a) enter the facility other than to deposit waste; or

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- (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 Moreton Bay Regional Council 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 Moreton Bay Regional Council 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 Moreton Bay Regional Council 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 Moreton Bay Regional Council waste facility, **facility person** means each of the following—
 - (a) the operator of the Moreton Bay Regional Council waste facility;

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- (b) the owner of the Moreton Bay Regional Council 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)(a); 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 Moreton Bay Regional Council waste facility under section 14(1).

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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.

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Schedule 1 Dictionary

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;
- (f) a church, or other building, used as a place of worship, or for religious purposes.

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

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

domestic premises means any of the following types of premises—

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

domestic waste means waste, other than domestic clean-up waste, greenwaste, 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*.

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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.

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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.

Moreton Bay Regional Council waste facility—

- (a) for part 2, means a facility for the collection, recycling, reprocessing, treatment, storage, incineration, conversion to energy or disposal of waste; and
- (b) for part 3, means a facility for the collection, 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.

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*.

rooming accommodation has the meaning given in the planning scheme of the local government.

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—

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- (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).

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This and the preceding 18 pages is a certified copy of *Moreton Bay Regional Council Local Law No. 7 (Waste Management) 2018* made in accordance with the provisions of the *Local Government Act 2009* by the Moreton Bay Regional Council by resolution dated 2018.

Daryl Hitzman
Chief Executive Officer

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ITEM 4.6 MAKING OF MORETON BAY REGIONAL COUNCIL LOCAL LAW NO. 7 (WASTE MANAGEMENT) 2018 AND MORETON BAY REGIONAL COUNCIL COMMUNITY AND ENVIRONMENTAL MANAGEMENT (AMENDMENT) SUBORDINATE LOCAL LAW (NO. 1) 2018 - REGIONAL - A16703919 (Cont.)

#7 Appendix 7 MBRC Subordinate Local Law No. 3 (Community and Environmental Management) 2011

**Moreton Bay Regional Council
Subordinate Local Law No. 3 (Community and Environmental Management) 2011**

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Moreton Bay Regional Council Subordinate Local Law No. 3 (Community and Environmental Management) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Moreton Bay Regional Council Local Law No. 3 (Community and Environmental Management) 2011*, to protect the environment and public health, safety and amenity within the local government's area.
- (2) The purpose is to be achieved by providing for—
 - (a) declaration of local pests; and
 - (b) prescribed requirements for the control of overgrown allotments; and
 - (c) prohibition of lighting or maintaining certain fires; and
 - (d) declaration of local annoyances and hazards; and
 - (e) prescribed requirements for responsible persons in relation to local annoyances and hazards; and
 - (f) declaration of noise standards.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Moreton Bay Regional Council Local Law No. 3 (Community and Environmental Management) 2011* (the *authorising local law*).

4 Definitions – the dictionary

The dictionary in Part 7 defines particular words used in this subordinate local law, otherwise words used in this subordinate local law have the same meaning as provided for in the authorising local law.

Part 2 Declared local pests

5 Declaration of local pests—Authorising local law, s 6(1)

For the purposes of section 6(1) of the authorising local law, the animal or plant prescribed in column 1 of schedule 1 is a declared pest in the corresponding part of the local government's area mentioned in column 2 of schedule 1.

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Part 3 Control of overgrown allotments

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Part 4 Fires

7 Prohibition on lighting or maintaining fires in the open—Authorising local law, s 15(2)

- (1) This section applies to the following fires¹—
 - (a) a fire in which neither the height, width nor length of the material to be consumed exceeds 2 metres; or
 - (b) A fire lit for the purpose of burning the carcass of a beast; or
 - (c) A fire lit out-doors, if enclosed in a fireplace so constructed as to prevent the escape of fire or any burning material from the fireplace.
- (2) For section 15(2) of the authorising local law —
 - (a) Lighting or maintaining a fire outdoors is prohibited on an allotment of 3000 square metres or less unless the fire is contained in a properly prepared barbeque or similar cooking apparatus using clean and dry combustible material for the purpose of cooking food for human consumption.
 - (b) Lighting or maintaining a fire outdoors is permitted on an allotment greater than 3001 square metres on the following conditions:
 - (i) only clean and dry non-toxic combustible material may be burned; and
 - (ii) only one fire may be burning at any time; and
 - (iii) appropriate fire fighting equipment, which may include water, hoses and pumps, must be on the site at all times; and
 - (iv) fires must not be lit before 7.00 am and must be extinguished no later than dusk, on the same day; and
 - (v) ashes must be thoroughly wetted down when a fire is extinguished; and
 - (vi) the person proposing to light a fire must advise all neighbours of the intention to light a fire and the date on which this will occur; and
 - (vii) fires must be set back at least 6 metres from every property boundary and building; and
 - (viii) a responsible person must be in attendance at the fire at all times until the fire is extinguished.

¹ Pursuant to a notification by the Fire and Rescue Services Commissioner published in the gazette on 6 August 2004 under section 63 of the *Fire and Rescue Service Act 1990*, the listed fires can generally be lit without a permit issued by a fire warden, provided adequate precautions are taken to prevent the spread of fire and the fire conforms with any local law. Local laws can therefore regulate these types of fire, which is the purpose of this subordinate local law.

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Part 5 Local annoyances and hazards

8 What are local annoyances and hazards—Authorising local law, s 16 (1)

(1) For section 16 (1)(e) of the authorising local law, the following are declared to be local annoyances and hazards—

- (a) barbed wire fences; or
- (b) electric fences; or
- (c) wells; or
- (d) refuse, or refuse containers; or
- (e) shopping trolleys left in public places; or
- (f) slaughtering an animal on an allotment.

9 Prescribed requirements for local annoyances and hazards—Authorising local law, s 19(1)

For section 19(1) of the authorising local law, a responsible person for a local annoyance or hazard must meet the following prescribed requirements—

(1) Structures and Materials

- (a) Any materials not fixed to a structure are to be weighted down, tied down or otherwise secured to prevent them:
 - (i) becoming airborne during high winds; or
 - (ii) being carried from the property by overland flow of water or stormwater.

(2) Fencing

- (a) Electric fences on allotments abutting public land must be set back at least 1 metre from the boundary of the public land.

(3) Wells

- (a) Wells must be securely covered to prevent unauthorised entry by a person or animal; and
- (b) the existence of a well on land must be announced by a sign with black on white lettering at least 100 mm high; and
- (c) wells must be fenced or screened to prevent unauthorised access to the well by a person or animal.

(4) Refuse and refuse containers

- (a) If the refuse container cannot be stored within the property boundary the owner or occupier shall keep the refuse container in a location as directed by an authorised person; and
- (b) Persons contracted or otherwise employed to empty a refuse container must immediately pick up any material spilled when the refuse container is emptied

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and put the material in the collection vehicle.

(5) **Shopping trolleys**

- (a) Shopping trolleys must not be taken from a shopping centre precinct without the consent of the owner of that trolley, and left in a public place outside the shopping centre precinct; and
- (b) The owner or occupier of a shopping centre which provides shopping trolleys for customer use must take all reasonable precautions to ensure that all shopping trolleys provided for customer use remain within the shopping centre precinct.

Example:

- *Fitting shopping trolleys with a wheel lock or a coin operated release.*

(6) **Slaughtering of animals**

- (a) An animal must only be slaughtered on an allotment greater than 3000 square metres; and
- (b) Only an animal that has been kept on the allotment in accordance with the provisions of the *Moreton Bay Regional Council Local Law No 2 (Animal Management) 2011* may be slaughtered; and
- (c) Slaughtering must only occur for the purpose of providing meat for the consumption of the occupiers of the premises; and
- (d) Slaughtering must be suitably screened so as not to be visible from any neighbouring property or public land; and
- (e) Slaughtering must not, or be likely to, cause a nuisance to a neighbouring property from odour, vermin, or fly breeding; and
- (f) Waste and bi-products from slaughtering must be disposed of in accordance with the provisions of the *Environmental Protection Act 1994* immediately, and the general area treated to maintain it in a clean and sanitary condition.

Part 6 Noise standards

10 Prescribed noise standards—Authorising local law, s20(2)

For section 20(2) of the authorising local law, the following noise standards are prescribed for the specified sections of the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3, for the entire local government area.

(1) **Pumps (other than pool and spa pumps) - Environmental Protection Act 1994 s440T**

- (a) An occupier of premises at or for which there is a pump must not use or allow the use of the pump -
 - (i) after 10pm on any day and before 7am of the following day if it

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- makes noise of more than 3dB(A) above the background level; or
- (ii) from 7pm to 10pm on any day if it makes a noise of more than 5dB(A) above the background level; or
 - (iii) if it makes a noise of more than 50 dB(A) between the hours of 7am to 7pm.
- (b) Subsection (a) does not apply to a noise made at an educational institution.
- (2) **Pumps (pool and spa pumps) - Environmental Protection Act 1994 s440T**
- An occupier of premises at which there is a pool or spa pump must not use or allow the use of the pump-
- (a) after 10 pm and before 7am of the following day, if it makes an audible noise; or
 - (b) from 7pm to 10pm on any day if it makes a noise of more than 5dB(A) above the background level; or
 - (c) if it makes a noise of more than 50 dB(A) between the hours of 7am to 7pm .
- (3) **Air-conditioning equipment - Environmental Protection Act 1994 s440U**
- (a) An occupier of premises, at or for which there is air conditioning equipment, must not use or allow the use of the air conditioning equipment if -
 - (i) after 10pm on any day and before 7am of the following day it makes noise of more than 3dB(A) above the background level; or
 - (ii) from 7pm to 10pm on any day if it makes a noise of more than 5dB(A) above the background level; or
 - (iii) if it makes a noise of more than 50 dB(A) between the hours of 7am to 7pm .
 - (b) Subsection (a) does not apply to a noise made at an educational institution.
- (4) **Refrigeration equipment - Environmental Protection Act 1994 s440V**
- (a) An occupier of premises at, or for which there is plant or equipment for refrigeration (refrigeration equipment) or an owner of refrigeration equipment that is on or in a vehicle, other than a vehicle used or to be used on a railway must not use or allow the use of the refrigeration equipment on any day if -
 - (i) after 10pm on any day and before 7am of the following day it makes noise of more than 3dB(A) above the background level; or.
 - (ii) from 7pm to 10pm on any day if it makes a noise of more than 5dB(A) above the background level; or
 - (iii) if it makes a noise of more than 50 dB(A) between the hours of 7am to 7pm .
 - (b) In this section *vehicle* includes a trailer.

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Part 7 Dictionary

owner for the purpose of section 7(4)(b) includes a body corporate constituted under the *Building Units and Group Titles Act 1980* for premises in a plan registered under that Act.

non-toxic means that the product is not composed of poisonous materials that could harm the environment or human health.

shopping centre means any building or structure or group of buildings or structures containing 2 or more shops.

shopping centre precinct means the area immediately surrounding and adjacent to the shopping centre which is provided and maintained for the use of customers.

slaughtering of animals means the killing of an animal for consumption by the person occupying the premises, other than in accordance with an approval under the *Food Production (Safety) Act 2000*.

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Schedule 1 Declared local pests

Section 5

Column 1 Declared local pest	Column 2 Applicable part of local government's area
Intentionally left blank	

This and the preceding 8 pages bearing my initials is a certified copy of the consolidated version of *Moreton Bay Regional Council Subordinate Local Law No. 3 (Community and Environmental Management) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Moreton Bay Regional Council by resolution dated the day of 2018.

.....
Chief Executive Officer

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Moreton Bay Regional Council

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#8 Schedule of Anti-Competitive Provisions included in the Local Law and reasons for their inclusion

Name and number of local law	Details of anti-competitive provisions
Local Law No. 7 (Waste Management) 2018	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 local law 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.

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

SUPPORTING INFORMATION

Ref: [A16726487](#) and [A16604990](#)

The following list of supporting information is provided for:

ITEM 4.7

DEED OF VARIATION TO RIVERBANK INFRASTRUCTURE AGREEMENT - DIVISION 3

#1 Aerial of Cundoot Creek

ITEM 4.7 DEED OF VARIATION TO RIVERBANK INFRASTRUCTURE AGREEMENT (Cont.)

#1 Aerial of Cundoot Creek

Date: Mon, 15 Jan 2018 Notes:

