



GLADSTONE
REGIONAL COUNCIL

GENERAL MEETING AGENDA

**TO BE HELD AT THE COUNCIL CHAMBERS - CIVIC CENTRE
101 GOONDOON STREET, GLADSTONE**

On 2 October 2018

Commencing at 9.00am

**Leisa Dowling
ACTING CHIEF EXECUTIVE OFFICER**

Table of Contents

ITEM	PAGE
G/1. MAYORAL STATEMENT OF CURRENT ISSUES.....	3
G/2. CONFIRMATION OF MINUTES	4
G/2.1. CONFIRMATION OF GENERAL MEETING MINUTES FOR 18 SEPTEMBER....	4
G/3. OFFICERS' REPORTS.....	5
G/3.1. OFFICE OF THE CEO	5
G/3.2. STRATEGY AND TRANSFORMATION.....	6
G/3.3. STRATEGIC ASSET PERFORMANCE	7
G/3.3.1. TONDOON BOTANIC GARDENS WATER SUPPLY.....	7
G/3.4. OPERATIONS	10
G/3.5. COMMUNITY DEVELOPMENT AND EVENTS.....	11
G/3.5.1. GLADSTONE REGION RADF (REGIONAL ARTS DEVELOPMENT FUND) SPECIAL ROUND JULY 2018 AND ANNUAL GENERAL MEETING	11
G/3.6. CUSTOMER EXPERIENCE.....	14
G/3.7. PEOPLE CULTURE AND SAFETY.....	15
G/3.8. FINANCE GOVERNANCE AND RISK	16
G/3.8.1. DELEGATIONS - COUNCIL TO THE CEO - EXERCISE OF STATUTORY POWERS - SIX MONTHLY UPDATE AUGUST 2018.....	16
G/3.8.2. REVIEW OF COMMERCIAL ACTIVITIES ON COUNCIL LAND POLICY	22
G/4. COUNCILLORS REPORT	26
G/5. URGENT BUSINESS.....	27
G/6. NOTICE OF MOTION	28
G/6.1. NOTICE OF MOTION - FLOURIDE IN COUNCIL'S DRINKING WATER (AWOONGA DAM SCHEME).....	28
G/7. CONFIDENTIAL ITEMS	30
G/7.1. PSA 14-19 PLUMBING SERVICES	30
G/7.2. PSA 16-19 METAL FABRICATION SERVICES.....	31
G/7.3. PSA 175-18 HYDRO EXCAVATION SERVICES	32

G/1. MAYORAL STATEMENT OF CURRENT ISSUES

Nil.

G/2. CONFIRMATION OF MINUTES

G/2.1. CONFIRMATION OF GENERAL MEETING MINUTES FOR 18 SEPTEMBER 2018

Responsible Officer: Chief Executive Officer

Council Meeting Date: 2 October 2018

File Ref: CM7.2

Purpose:

Confirmation of the minutes of the General Meeting held on 18 September 2018.

Officer's Recommendation:

That the minutes of the General Meeting of Council held on 18 September 2018 be confirmed.

Attachments:

1. Minutes of the General Meeting of Council held on 18 September 2018.

Tabled Items:

Nil.

Report Prepared by: Executive Assistant

G/3. OFFICERS' REPORTS

G/3.1. OFFICE OF THE CEO

Nil.

G/3.2. STRATEGY AND TRANSFORMATION

Nil.

G/3.3. STRATEGIC ASSET PERFORMANCE

G/3.3.1. TONDOON BOTANIC GARDENS WATER SUPPLY

Responsible Officer: General Manager Strategic Asset Performance

Council Meeting Date: 2 October 2018

File Ref: PR4.1

Purpose:

The purpose of this report is to update Councillors of the water supply issues at Tondoon Botanic Gardens and seek approval to reallocate budget to undertake urgent water main works to ensure the gardens can be irrigated to sustain the plants in the living collections.

Officer's Recommendation:

That Council approve the reallocation of funds to the value of \$213,000 from Capital Budget PKC0180, Tondoon Botanic Gardens Demonstration Gardens (\$250,000.00 allocated) to Tondoon Botanic Gardens Water Supply project.

Background:

Tondoon Botanic Gardens delivers a vital conservation function providing an endangered species flora collection for plants endemic to the Port Curtis region. It furthermore provides a high-value community facility and has been recognised as one of the top ten Botanic Gardens in Australia. The preservation of this collection is reliant on sufficient long-term irrigation and water supply. The irrigation system is also utilised as a major defence for the gardens against the threat of fire.

Tondoon Botanic Gardens rely on two main water sources for irrigation:

- Town water, which is gravity fed into Tondoon's Mount Biondello reservoir from the South Gladstone reservoir and from there gravity fed to the gardens and;
- Tondoon Lake's water which is pumped into Mount Biondello reservoir and then gravity fed to the gardens.

Recently, the town water supply entering the Mount Biondello reservoir from the South Gladstone reservoir has significantly decreased in volume.

Officers liaised with Gladstone Area Water Board (GAWB) to discuss the levels of the South Gladstone reservoir in relation to the water supply received by the Mount Biondello reservoir. Due to a rise in demand for water from the South Gladstone reservoir there has been a reduction in the volume of water able to enter the reservoir. It is not feasible for alterations to be made to the operation of South Gladstone reservoir to achieve gravity supply to Mount Biondello Reservoir.

To compensate for the decrease in town water supply, water from Tondoon Lake was being pumped to the Mount Biondello reservoir. Tondoon Lake is a limited water supply and is not a sustainable solution to replenish the primary water source for Tondoon Botanic Garden irrigation.

In July and August several inspections were carried out to ensure all equipment at the Mount Biondello reservoir were operational, including an analysis to determine that there were no faults with the waterline feeding the reservoir that would contribute to a reduced water supply. No issues with either the reservoir, its equipment, or the feeding line were evident.

Options have been developed to address the lack of available water.

Consideration:

1. Undertake no work

If works are not undertaken Tondoon Botanic Gardens would either be reliant on provision of tankered water (at significant ongoing expense) or it will lose a significant number of its living collection.

If there is a loss in the living collection and thus visual amenity provided there will be a negative impact on the potential of the botanic gardens as a tourist destination and event space. The loss of irrigation may also increase the risk of fire at the venue.

Existing water supply can be supplemented by delivery of water by trucking this would not be a financially sustainable solution in the long term, with each delivery estimated at \$4,600. This represents a significant long-term cost with an estimated annual cost of \$239,200 outweighing the cost of the capital project in the initial year.

This option is not recommended.

2. Connect the potable water network directly to the irrigation network in Tondoon Gardens

It is recommended that a project is undertaken to directly connect the irrigation network to the service main providing water from Glenlyon Road to the Tondoon Botanic Gardens depot. This will allow for a reliable water source to ensure the future irrigation needs of the gardens are met. These works will bypass the Mount Biondello reservoir and therefore positioning it as a secondary water supply and reduce Council's reliance on the Tondoon Lake water supply. The water connection work will ensure irrigation can be utilised as a defense against possible fire entering the gardens.

These works will support Council's Strategic Goals "Healthy environment, healthy community" and "Grow the region".

Communication and Consultation (Internal/External):

Options and solutions have collaboratively been developed by the Tondoon Botanic Gardens Team, Strategic Asset Performance and Water Program Delivery Team.

Council has communicated with GAWB about the options. Council has also liaised with Volunteers from Tondoon Botanic Gardens.

Legal Environmental and Policy Implications:

Nil

Financial and Resource Implications:

There is no Capital Budget allocated in the 2018/19 financial year to undertake the project work required in this report.

If water is supplied by tankers this will come at a cost of \$4,600 per week (\$239,200/annum), which would need to be funded by operational funds.

Funds can be reallocated from Capital Project PKC0180 – Demonstration Gardens - \$250,000.00 to ensure this project work can be implemented. This will reduce the scope of works deliverable this year for this project and will require additional funding in future years to complete the identified scope of works.

The project is proposed to be completed in-house by the Water Program Delivery Team.

Commentary:

Nil

Summary:

Nil

Anticipated Completion Date:

The Water Program Delivery Team will deliver these works within approximately 3 months once approved.

Attachments:

Nil

Tabled Items:

Nil

Report Prepared by: Manager Tondoon Botanic Gardens

G/3.4. OPERATIONS

Nil.

G/3.5. COMMUNITY DEVELOPMENT AND EVENTS**G/3.5.1. GLADSTONE REGION RADF (REGIONAL ARTS DEVELOPMENT FUND)
SPECIAL ROUND JULY 2018 AND ANNUAL GENERAL MEETING****Responsible Officer: General Manager Community Development and Events****Council Meeting Date: 2 October 2018****File Ref: CC7.16****Purpose:**

Regional Arts Development Fund (RADF) Committee reporting on recommendations following assessment of Special Round July 2018 and Annual General Meeting (AGM). As per the RADF Agreement with Arts Queensland, there is provision for a Special Round in cases where quality applications are received and there are surplus funds within the financial year.

Officer's Recommendation:

That:

1. Council accept the recommendations of its Regional Arts Development Fund (RADF) Committee and approve funding the following applications for the Special Round July 2018:

Applicant	Project Title	Project description	Category	Artform	Total project cost	RADF investment recommended (committee meeting held 6pm 5/9/2018)
AWSUM Inc.	<i>AWSUM UKE JAM 2018</i>	Host three-day music event attracting ukulele groups and players, including performances and workshops	Cultural Tourism	Music	\$11,400.00	\$7,400.00
Baffle Art Group	<i>Life Drawing Workshop</i>	Host introduction to life drawing workshop, led by local artist Jenny Fournier	Building Community Cultural Capacity	Visual Arts	\$2,316.50	\$1,340.00
Frances Schulze	<i>National Basketry Gathering 2019</i>	Travel and attend April 2019 National Basketry Gathering, in Aldinga, SA	Developing Regional Skills	Craft	\$1,835.00	\$1,165.00
Gladstone Arts Council Inc.	<i>GAC Celebrates 50 Years – a history</i>	Research and write the 50-year history	Contemp. Collections / Stories	Writing	\$12,000.00	\$8,000.00
Jack Viljoen	<i>Music video, three songs</i>	Local film crew on location in the Gladstone Region to film three music videos, featuring local artists and stories	Cultural Tourism	New Media	\$22,300.00	\$10,600.00
Jennifer Ryan	<i>My RhuPus Life, from orange socks</i>	Solo exhibition at the Gladstone Inclusion Centre,	Contemp. Collections / Stories	Visual Arts	\$5,308.00	\$2,205.00

GLADSTONE REGIONAL COUNCIL - GENERAL MEETING AGENDA 2 OCTOBER 2018

	<i>to orange trees</i>	with multi-modal art tools to tell personal health story				
Luke Graham	<i>Sharko</i>	Project and teaser development for feature length documentary based on local rugby league immortal Mark Graham	Regional Partnerships	New Media	\$34,000.00	\$10,000.00
SES	Gladstone SES History	Artwork layout for history book of the SES in Gladstone	Contemp. Collections / Stories	Design	\$19,380.00	\$4,620.00
WIN Inc	Gladstone Inclusion Centre Art Direction	Engage local artist to develop an Art Direction plan document for the newly established Centre.	<i>Concept Development</i>	Visual Arts	\$14,800.00	\$7,000.00
TOTAL					\$123,339.50	\$52,330.00

2. Council note the acceptance of Outcome Reports for the following RADF projects:
 - a. Gladstone Festival and Events – *Recycled Instruments*
 - b. Jan Ross-Manley – *Reef: Art/Wonder/Science*

3. Council note the acceptance of ten (10) nominations. Nine (9) were received during the Annual General Meeting and a further one (1) nomination following consultation.
 - a. Tina Skyring-Quirk
 - b. Adrienne Ward
 - c. Jennie Ryan
 - d. Michael Lunan
 - e. Wesley Walker
 - f. Belynda (Bindi) Waugh
 - g. Hannah Rodda
 - h. Lorna McGrath
 - i. Michael Connolly
and
 - j. Chantelle Johnson

Background:

Regional Arts Development Fund (RADF) is a financial partnership between the Queensland Government and Gladstone Regional Council designed to support development of local arts and culture. Each year, a public invitation is advertised for people to become involved in the administration of RADF through appointment to its committee.

As per Council's RADF Agreement with Arts Queensland, there is a provision for a Special Round in the instances where Council has received quality applications that meet the RADF criteria and has surplus funding.

The RADF Special Round was advertised through a range of media channels for a 6 week period to encourage applications. In addition, the RADF Committee provided mentoring and support to several previous applicants to develop and foster their projects to achieve compliance against RADF guidelines.

Consideration:

Nil

Communication and Consultation (Internal/External):

2017-18 RADF Committee members present: Norma Tanna, Wesley Walker, Belynda (Bindi) Waugh, Jennie Ryan, Michael Lunan and Adrienne Ward

Officers present: Jo Duke Curator / Manager and Di Paddick RADF Liaison Officer, Cultural Projects Specialist

Legal Environmental and Policy Implications:

RADF is a financial partnership between the Queensland Government (Arts Queensland) and Gladstone Regional Council.

RADF is informed by Council's Arts and Culture Policy developed in conjunction with the advisory committee and is currently under review.

Financial and Resource Implications:

Council has budgeted \$132,295 (gross) for the RADF program in 2017-18 which includes \$55,000 from the Queensland Government.

Commentary:

Council initiated Strategic Projects include: *Pop Up Digital Public Art – Gladstone Region Art on Fleet and the Arts and Cultural Policy Review* completed by *ArtReach Queensland*, available for consideration.

Special Round July 2018 Funding Presentation to be held in conjunction with the official opening of the Gladstone Inclusion Centre, Thursday 4 October 2018.

Summary:

RADF and the funding partnership offered by Arts Queensland is an important component of arts and culture development in Gladstone Region.

Anticipated Completion Date:

30 October 2018

Attachments:

1. Minutes of Meeting RADF Special Round July 2018, 5 September 2018
2. Minutes of the RADF Annual General Meeting, 5 September 2018

Tabled Items:

Nil.

Report Prepared by: Cultural Projects Specialist

G/3.6. CUSTOMER EXPERIENCE

Nil.

G/3.7. PEOPLE CULTURE AND SAFETY

Nil.

G/3.8. FINANCE GOVERNANCE AND RISK

G/3.8.1. DELEGATIONS - COUNCIL TO THE CEO - EXERCISE OF STATUTORY POWERS - SIX MONTHLY UPDATE AUGUST 2018

Responsible Officer: General Manager Finance Governance & Risk

Council Meeting Date: 2 October 2018

File Ref: CM9.2

Purpose:

This report recommends changes and inclusions to Council's Register of Exercise of Statutory Powers – Council to Chief Executive Officer to reflect legislative changes as updated by the Local Government Association of Queensland for the six-month period ending 8 August 2018.

Officer's Recommendation:

That in accordance with Section 257 of the *Local Government Act 2009*, Council:

1. Repeal part of Resolution G/18/3457, be repealing existing delegations to the Chief Executive Officer under the Heavy Vehicle National Law (Qld);
2. Delegate the exercise of powers contained in Attachment 1 of the officer's report to the Chief Executive Officer for the following legislation:
 - (a) Heavy Vehicle National Law (Qld);
 - (b) *Industrial Relations Act 2016*;
 - (c) *Industrial Relations Regulation 2018*;
 - (d) *Labour Hire Licensing Act 2017*;
 - (e) *Land Title Act 1994*;
 - (f) *Strong and Sustainable Resource Communities Act 2017*;
3. Adopt the new additional delegations to the Chief Executive Officer for the following legislation as contained in Attachment 1 of the officer's report:
 - (a) *Waste Reduction and Recycling Act 2011* (acknowledging that these provisions will not commence until the 1 November 2018);
 - (b) *Work Health and Safety Act 2011*.
4. Amend the existing delegations to the Chief Executive Officer under Sections 218 and 281(3) of the *Water Act 2000* to reflect the amended scope of power under the respective delegations as contained in Attachment 1 of the officer's report.

Background:

Council will be aware that there are many pieces of legislation that Council has an obligation to administer or enforce either in whole or in part.

In many instances the power to make decisions under legislation is given to 'Local Government' or 'Council' or 'the entity'. Where a power is given in this way, it is expected that the power is to be exercised by the elected body of Council (i.e. via Council resolution at a Council Meeting). The elected body of Council has the ability to 'share' in the exercise of its powers through delegation to the Chief Executive Officer who may further sub-delegate to other positions within the organisation

(except where the legislation may specifically prohibit delegation and sub-delegation). It is important to note that Council as an elected body is not 'giving away' this power by delegating. It can still exercise any power in its own right. The process of Council sharing its legislative powers through delegation and sub-delegation allows staff to administer its legislative responsibilities and make decisions efficiently without the need for a formal Council resolution.

With the new organisation design structure now in place, officers took the opportunity to review how it administered delegations and as a result, moved to utilising the Local Government Association of Queensland's (LGAQ) delegations service which is maintained by King and Company Solicitors. Below for member's information is a brief explanation of the delegations service provided through LGAQ:

Delegations Register

The Local Government Act 2009 requires CEOs to establish a register of delegations which must record all delegations by the council, Mayor or the CEO.

LGAQ has, with the assistance of King & Company Solicitors, developed a register following a comprehensive review of State legislation impacting on Local Government.

This delegations register covers all possible delegations from council to CEO, and from CEO to employees or contractors.

The Delegation Register is usually updated by King & Company during the 2 major Queensland Parliamentary recesses (summer and winter) when there can be confidence that there will be no changes to Acts, thereby allowing a few weeks to work through changes in the previous 6 months.

LGAQ recently released their August 2018 updates. See the advice attached as Attachment 2 to this report.

Consideration:

New Registers

Members will note that there are a number of new Delegation Registers prepared as part of the 6 monthly review service as follows:

(a) Industrial Relations Act 2016 and Industrial Relations Regulation 2018

This Act and its subordinate Regulation provides the framework for cooperative industrial relations between employers and employees. The Act and Regulation applies to Local Government entities (see Section 12 of the Act). Given that the Chief Executive Officer by virtue of Section 196 of the *Local Government Act 2009* has the responsibility for appointing and managing staff, it is recommended that all the delegable powers under this legislation be delegated to the CEO.

(b) Labour Hire Licensing Act 2017

This is a new Act only having come into effect on the 13 September 2017. The purpose of the Act is shown below:

3 Main purposes of Act

- (1) The main purposes of this Act are to—
 - (a) protect workers from exploitation by providers of labour hire services; and
 - (b) promote the integrity of the labour hire industry.
- (2) The main purposes are to be primarily achieved by establishing a licensing scheme to regulate the provision of labour hire services.

Council does on occasion engage the services of labour hire to assist its permanent workforce during peak workload periods or where there is a need to temporarily fill roles due to illness or other absences of its permanent workforce. Whilst, this legislation primarily deals with the requirements governing labour hire providers/agencies, there are some provisions that apply to clients of labour hire agencies. As the Chief Executive Officer has the primary responsibility for the management of staff, it is suggested that all the delegable powers under this legislation be delegated to the Chief Executive Officer.

(c) *Strong and Sustainable Resource Communities Act 2017*

This legislation is also very new (commenced 30 March 2018) and has been enacted with the intent of ensuring that residents of communities near large resource projects benefit from the construction and operation of those projects. In relation to the designation of “nearby regional communities”, it is noted that Agnes Water, Seventeen Seventy and Miriam Vale are nominated as a nearby regional community for the Mount Rawdon Mine; and Benaraby, Calliope, Gladstone, Miriam Vale, Mount Larcom, Boyne Island, Tannum Sands and Wurdong Heights are nominated as nearby regional communities for the Callide Mine (includes Boundary Hill) so the legislation does have some relevance to our region. In relation to the delegable powers available under the legislation, it is suggested that that they be delegated to the Chief Executive Officer.

(d) *Land Title Act 1994*

The *Land Title Act 1994* has been in force for some time, however, it appears that King and Company has not previously done an assessment of delegable powers as it applies to Local Government. Council has previously had delegations under this Act to facilitate the administrative processes associated with registering easements, leases, sub-leases and survey plans and other similar matters that effect the title of land. It is recommended that the delegable powers as identified under this Act be shared with the Chief Executive Officer to continue to allow the administrative processes associated with land title dealings to be managed at a staff level.

Changes to Existing Registers

Changes to delegable powers have also been identified in the following legislation as part of the six-monthly review:

(a) *Environmental Protection Regulation 2008*

The changes identified in this Regulation relate to waste management, removing the powers associated with supplying waste containers. As Members will be aware, Council has been proactive in this area of its operations having implemented its own local law to replace the powers available under this legislation in anticipation of the expiry of these powers. Council has previously rescinded its delegations under this Regulation when it adopted its own *Local Law No. 8 (Waste Management) 2018*. Therefore, no changes to delegable powers are required under this Regulation at this time.

(b) *Heavy Vehicle National Law (Qld)*

This legislation is relatively new and was enacted to establish a national scheme for facilitating and regulating the use of heavy vehicles on roads in a way that promotes public safety; and manages the impact of heavy vehicles on the environment, road infrastructure and public amenity; and promotes industry productivity and efficiency in the road transport of goods and passengers by heavy vehicles; and encourages and promotes productive, efficient, innovative and safe business practices.

There has been a number of new delegable powers and some minor amendments to existing powers identified as part of King and Company's recent review. Given that the operation of Council's Heavy Vehicle fleet is an operational matter, it is suggested that the powers under this legislation be shared with the CEO which will facilitate further sub-delegation as required.

(c) *Local Government Act 2009*

There are two new delegable powers under the *Local Government Act 2009* which relate to Councillor conduct and the conduct of tribunals and associated costs (Section 150DL and 150DU). Given that the Councillor Code of Conduct is currently under review, it is suggested that the delegation of these powers be held over until this review is completed.

(d) *Transport Infrastructure Act 1994*

There are two new delegable powers identified under the *Transport Infrastructure Act 1994* which relate to operating toll roads. As Council does not operate any toll roads, it isn't considered necessary to delegate these powers.

(e) *Waste Reduction and Recycling Act 2011 and Waste Reduction and Recycling Regulation 2011*

There are new delegable powers identified under the *Waste Reduction and Recycling Act 2011* which are associated with container refund schemes which will be implemented from the 1 November 2018.

As members may be aware, the Queensland Government has committed to introduce a Container Refund Scheme (CRS) from 1 November 2018 to play a major role in reducing beverage container litter across the State. The Waste Reduction and Recycling Amendment Bill was passed with bipartisan support by Parliament in September 2017. It allows the Government to appoint a Product Responsibility Organisation (PRO) to establish and operate the CRS. On 24 November 2017, the Government appointed Container Exchange (CoEx) as the Product Responsibility Organisation. From 1 November 2018 the 'Containers for Change' scheme will launch with a network of more than 230 refund sites which will be available across the state and more sites will be added in the future.

The scheme will offer a 10 cent refund on an eligible containers and residents will also have the ability to have their container refunds directed to nominated charities.

It would be timely to delegate one of the new powers to the CEO in preparation for the implementation of a Container Refund Scheme (Section 99S & U). However, as Council has not proposed to operate a container refund point or material recovery facility at this time, it is suggested that the other two powers (Section 99ZB and 99ZH) not be delegated.

In relation to the Regulation, the delegation amendment identified related to the expiry of the powers to Councils to designate areas to conduct general waste and green waste collection services and its frequency. As reported earlier, Council anticipated the expiry of the waste collection provisions under both this Regulation and the *Environmental Protection Regulation 2008* by adopting its own *Local Law No. 8 (Waste Management) 2018*. As a result, no changes are required to the delegations under this Regulation at this time.

(f) *Water Act 2000*

Two minor amendments to the *Water Act 2000* were identified as part the recent review being Section 218 and 218(3) to include provision for impacts on vegetation as part of any permit to perform works in a watercourse, lake or spring. It is recommended that the amendments be made.

(g) *Work Health and Safety Act 2011* and *Work Health and Safety Regulation 2011*

There are four new additions proposed to the delegable powers under the *Work Health and Safety Act 2011* which involve the power to refuse access to information that is confidential commercial information, power to appoint a health and safety officer and instruct that officer and power to apply to a Magistrates Court relating to inducing discriminatory or coercive conduct. As the work health and safety matters are operational in nature and given that staff appointments are the responsibility of the CEO, it is suggested that these newly identified powers be delegated to the CEO.

In relation to the Regulation, one new delegable power has been identified (power as an RTO to grant a certificate of authority). As Council is not a Registered Training Organisation, it is suggested that the power not be delegated.

Communication and Consultation (Internal/External):

Manager Governance
Local Government Association of Queensland (King and Company)
Acting Chief Executive Officer and General Managers via Executive Team Agenda Review Meeting

Legal Environmental and Policy Implications:

Updating delegable powers ensures that appropriate decision-making powers are provided to the Chief Executive Officer and that these powers can be sub-delegated where appropriate.

Financial and Resource Implications:

Nil

Commentary:

Not applicable

Summary:

Not applicable

Anticipated Completion Date:

2 October 2018.

Attachments:

1. Delegation Updates – Council to CEO – August 2018
2. LGAQ Advice – Delegation Updates – August 2018

Tabled Items:

Nil.

Report Prepared by: Governance Advisor

G/3.8.2. REVIEW OF COMMERCIAL ACTIVITIES ON COUNCIL LAND POLICY

Responsible Officer: General Manager Finance Governance and Risk

Council Meeting Date: 2 October 2018

File Ref: CM28.2

Purpose:

To adopt changes to the Commercial Activities on Council Land Policy and Corporate Standard.

Officer's Recommendation:

That Council:

1. Repeal P-2017/01 - Commercial Activities on Council Land Policy;
2. Repeal CS-01-2017 - Commercial Activities on Council Land Corporate Standard;
3. Adopt P-2018-11 - Commercial Activities on Council Land Policy attached as **Addendum 1**; and
4. Endorse the Chief Executive Officer to progress adoption of proposed changes to CS-04-2018 - Commercial Activities on Council Land Corporate Standard.

Background:

Council is required under *Subordinate local Law no. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011* to review and approve the allocation and use of community land for prescribed commercial activities under *Local Law no. 1 (Administration) 2011* on Local Government Controlled areas and roads. It was requested that the current policy be reviewed and accordingly updated based on feedback from Council, operators and the community with an updated version presented for consideration and adoption.

Investigation and consideration have been given to 'council owned and controlled land' to determine how the policy applies when the land is leased. The definition in the policy 'Community Land' means public open space (including waterways) that has been set aside for the community either by the State, where Council is trustee, or by Council, in the case of freehold and leasehold land, for which Council has the responsibility to manage.

This Policy will apply to:

- Any land where Council is the owner or trustee;
- Any land owned by Council and subleased to a third party;
- Any land where Council is the trustee (not lessee) and subleased to a third party.

When a lease is in place and the land is being used for its purpose i.e. game/training days, then Commercial activities can operate without approval. Anytime outside of this, Commercial Activity operators require approval from Council in accordance with this policy.

This Policy does not apply to:

- Any land that is privately owned; and
- Any land where Council is the lessee and Council subleases to a third party.

The changes that have been made have had a focus on, anti-competitive provisions, making commercial activities in our region more equitable and safer for both customers of the commercial operator and the public who utilise the land for its general purpose. The intent is to be clear for all parties on what is required for the area to be safe, retained and available for its purpose and to ensure that Commercial activities on Council land do not compete with existing commercial activities of the same or similar type.

Stationery Vending

Changes regarding:

- Operators that “complement, not compete” with existing fixed vendors, and thus introducing ‘Like for Like’ definition for stationary and mobile vending applications. Where an existing business exists within the proximity and offers ‘Like for Like’ item the proximity is applied based on population density to ensure opportunity for all businesses. This includes conditions regarding set menu items for Stationery Vendors;
- The distance requirement applied between ‘like for like’ operators is 500m or 1km based on Population density (below).
- Population density of suburbs within the region, to ensure that the population supports the available services therefore providing opportunities to prosper and access to diversity. The denser the population the higher the need for operators;
 - Where population is less than 1.5 people per hectare the minimum distance to ‘Like for Like’ businesses must be 1km or further.
 - Where the population density is higher than 1.5 people per hectare the proximity must be 500m or further away from ‘Like for Like’ operators;
- Where the items ‘complement, not compete’ with existing business the proximity is not applied.

Commercial Beach Activities

Changes regarding:

- Consideration and changes relate to safety for community members in accessing the beach for its general purpose and ensuring that we enable this through implementing a maximum of three (3) surf school operators on Agnes Water Main Beach and implementing a maximum of eight (8) students per instructor. This is consistent with other Local Governments and accreditation bodies;
- Safety for beach activity participants both on the beach and in the water by implementing adequate space in between each licensee and a set distance from the flagged swimming area.

Additional amendments include:

- Exempting fitness activities involving 5 or less participants;
- Include ‘boat ramp/jetty’ as type of commercial beach activity for clarity on category;
- Clarifying letter of support/objection requirements for Council approval for stationary vending on State controlled roads;
- Introducing additional assessment criteria and Standard Conditions for all Commercial activity types, to ensure that these are transparent and support operators in equitable opportunity whilst maintaining public safety and access to diverse services; and
- Outline compulsory standard conditions for commercial activities.

The changed documents are attached.

Consideration:

Option 1 – Adopt the amended Policy

This option would result in the applications being assessed on the amended version of the policy and would apply to all Council Controlled and owned land, this includes land that Council is the trustee for and that they sublease to third parties. The lease agreements advise that Council maintain responsibility and decisions and that any additional activities on the land must only be ancillary to the purpose of the land, otherwise require Council approval. For example, Clinton Sports Field can have a stationary vendor present whilst game days and training is occurring, when the Sports fields are not being utilised for sporting days or training any stationary vendors would require a permit.

Option 2 – Refuse the amended Policy

This option would result in Officer's taking feedback and amending the Policy further to meet with Council's intent and strategic direction.

Alternative Recommendation 4:

Corporate Standards are internal procedural documents that are adopted and implemented by the Chief Executive Officer. If Council would prefer to adopt the proposed revision to the corporate standard, an alternate recommendation would be:

4. Adopt CS-04-2018 - Commercial Activities on Council Land Corporate Standard attached as **Addendum 2**.

Communication and Consultation (Internal/External):

Consultation has occurred with relevant internal groups, namely Environmental Health, Operations, Sport and Recreation and Finance, Governance and Risk. Externally, there has been consultation with the community, both individuals and businesses, other local governments, Department of Transport and Main Roads, Surfing Australia and a review of international reports regarding stationary vending.

Legal Environmental and Policy Implications:

Applications for Commercial Activities must be assessed and decided in accordance with *Local Law no. 1 (Administration) 2011* and *Subordinate Local Law no. 1.2 (Commercial Activities on Council Controlled Areas and Roads) 2011*. The policy and corporate standard aim to support the local law requirements and provide clarity on application and assessment requirements. The proposed drafts align with the requirements outlined within the current Local Laws.

Financial and Resource Implications:

To date there has been a significant financial and resource impact to Council to assess Commercial Activity applications. It is anticipated that the amended Policy will create efficiencies in the assessment phase and will enable more commercial activities to be approved.

Commentary:

Nil.

Summary:

The amended Policy has been drafted after consultation with all stakeholders to ensure that it meets Council's intent and strategic direction. The Policy remains equitable for all businesses within the region and to reduce unnecessary red-tape and impacts on public spaces.

Anticipated Completion Date:

16 October 2018 to update the Policy on Council's system and website and undertake notification with Permit holders and the community.

Attachments:

1. P-2018-11 - Commercial Activities on Council Land Policy (proposed);
2. CS-04-2018 - Commercial Activities on Council Land Corporate Standard (proposed);
3. Marked Up – P-2018-11 - Commercial Activities on Council Land Policy
4. Marked Up – CS-04-2018 - Commercial Activities on Council Land Corporate Standard
5. P-2017/01 - Commercial Activities on Council Land Policy (current); and
6. CS-01-2017 - Commercial Activities on Council Land Corporate Standard (current)

Tabled Items:

Nil.

Report Prepared by: Manager Biosecurity and Environmental Health and Manager Governance

G/4. COUNCILLORS REPORT

Nil.

G/5. URGENT BUSINESS

Nil.

G/6. NOTICE OF MOTION

G/6.1. NOTICE OF MOTION – FLUORIDE IN COUNCIL’S DRINKING WATER (AWOONGA DAM SCHEME)

Responsible Officer: Chief Executive Officer

Council Meeting Date: 2 October 2018

File Ref: CM7.2

Purpose:

On 20 September 2018 Cr Trevor gave a notice of intention to propose a motion at Council's General Meeting on 2 October 2018 on the matter of fluoride in Council's drinking water (Awoonga Dam Scheme) as detailed to below.

Recommendation:

OPTION 1:

That Council:

1. Advise the Gladstone Area Water Board that it supports the evidence of the National Health and Medical Research Council and supports the reintroduction of fluoride into Council's water sources at Awoonga Dam and Yarwun Treatment Plants; and
2. Council endorse the initial allocation of \$150,000 for the reinstatement of fluoride dosing infrastructure at Awoonga Dam and Yarwun Treatment Plants; noting an allocation of \$30,000 per annum in operational costs thereafter.

OPTION 2:

That Council actively seek the feedback of the community in respect to the removal of fluoride from water sources at Awoonga Dam and Yarwun Treatment Plants, through a survey of targeted communities impacted by the decision.

Background:

On 11 July 2016 Cr Goodluck gave a notice of intention to propose a motion at Council's General Meeting on 19 July 2016 on the matter of fluoride in Council's drinking water.

Following Council's resolution on 19 July 2016, Gladstone Area Water Board (GAWB) ceased fluoridation of Council's water supply at the Gladstone and Yarwun Water Treatment plants on 25 August 2016.

Queenslanders have the highest levels of tooth decay and the lowest level of access to water fluoridation in Australia.

Levels of tooth decay for Queensland children are much higher than those in other States and Territories, and the gap may be widening. 67 per cent of Queensland children have experienced tooth decay by eight years of age. Children aged 5 to 12 years in Townsville (which has been fluoridated since 1964) have 45 per cent less tooth decay than Brisbane children.

Fluoride is a naturally occurring compound found in water, plants, rocks, soil, air and foods. Topping up fluoride levels in water can reduce the risk of dental decay by up to 40 per cent.

In each Australian state or territory, the government health authority determines the appropriate operational levels within the range of 0.6 to 1.1 mg/L.

Self-management of fluoridated water supply is increasingly challenging with fluoride supplements in the form of drops or tablets no longer readily available in Australia.

There has been significant and reliable evidence undertaken by the Australian Medical Association and the Australian Government National Health and Medical Research Council that should now be considered by this Council and others in Queensland.

The reliable evidence supports that community water fluoridation helps to prevent tooth decay with NHMRC finding that water fluoridation reduces tooth decay by 26 to 44 per cent in children and adolescents, and by 27 per cent in adults.

Further, there is no reliable evidence of an association between community water fluoridation at current Australian levels and other human health conditions such as chronic kidney disease, kidney stones, hardening of the arteries (atherosclerosis), high blood pressure, low birth weight, all-cause mortality, musculoskeletal pain, osteoporosis, skeletal fluorosis, thyroid problems or self-reported ailments such as gastric discomfort, headache, and insomnia.

In consultation with GAWB, it is estimated that reinstating the fluoride dosing equipment at both Awoonga and Yarwun Treatment Plants would cost an initial \$150,000. The ongoing cost of operation and maintenance is estimated at \$30,000 per annum which is recoverable in water pricing.

The majority of Australians (around 89 per cent) have access to fluoridated drinking water.

Queensland has the lowest access to fluoridated drinking water in Australia (at 76 per cent) and the highest level of tooth decay with 67 per cent of Queensland children up to 8 years old experiencing tooth decay.

Consideration:

Nil

Report Prepared by: Councillor Trevor

G/7. CONFIDENTIAL ITEMS

G/7.1. PSA 14-19 PLUMBING SERVICES

Responsible Officer: General Manager Operations

Council Meeting Date: 2 October 2018

File Ref: PE8.2

Reason for Confidentiality:

This report is **CONFIDENTIAL** in accordance with Section 275 (1) of the Local Government Regulation 2012, the meeting is to be closed to the public to discuss business relating to the following: -

- (e) contracts proposed to be made by it.

G/7.2. PSA 16-19 METAL FABRICATION SERVICES

Responsible Officer: General Manager Operations

Council Meeting Date: 2 October 2018

File Ref: PE8.2

Reason for Confidentiality:

This report is **CONFIDENTIAL** in accordance with Section 275 (1) of the Local Government Regulation 2012, the meeting is to be closed to the public to discuss business relating to the following: -

- (e) contracts proposed to be made by it.

G/7.3. PSA 175-18 HYDRO EXCAVATION SERVICES

Responsible Officer: General Manager Operations

Council Meeting Date: 2 October 2018

File Ref: PE8.2

Reason for Confidentiality:

This report is **CONFIDENTIAL** in accordance with Section 275 (1) of the Local Government Regulation 2012, the meeting is to be closed to the public to discuss business relating to the following: -

(e) contracts proposed to be made by it.

ATTACHMENTS