



**Redland**  
CITY COUNCIL

# **MINUTES**

## **GENERAL MEETING**

**Wednesday, 2 April 2014**

The Council Chambers  
35 Bloomfield Street  
CLEVELAND QLD

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The Mayor is the Chair of the General Meeting. The following Portfolios are included in the General Meeting and Council's nominated spokesperson for that portfolio as follows:

PORTFOLIO	SPOKESPERSON
1. Community & Environmental Health and Wellbeing; Animal Management; Compliance & Regulatory Services	Cr Wendy Boglary
2. Economic Development, Governance, Service Delivery, Regulations and Emergency Management	Mayor Karen Williams supported by the Deputy Mayor Alan Beard
3. Tourism and CBD Activation	Cr Craig Ogilvie
4. Commercial Enterprises (Water, Waste, RPAC, etc)	Cr Kim-Maree Hardman
5. Open Space, Sport and Recreation	Cr Lance Hewlett
6. Corporate Services	Cr Mark Edwards
7. Planning and Development	Cr Julie Talty
8. Infrastructure	Cr Murray Elliott
9. Environment; Waterways and Foreshores	Cr Paul Gleeson
10. Arts, Culture and Innovation	Cr Paul Bishop

## 1 DECLARATION OF OPENING

The Mayor declared the meeting open at 9.30am and acknowledged the Quandamooka people, who are the traditional custodians of the land on which Council meets.

The Mayor also paid Council's respect to their elders, past and present, and extended that respect to other indigenous Australians who are present.

## 2 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE

### MEMBERS PRESENT:

Cr K Williams	Mayor
Cr A Beard	Deputy Mayor & Councillor Division 8
Cr W Boglary	Councillor Division 1
Cr C Ogilvie	Councillor Division 2
Cr K Hardman	Councillor Division 3
Cr L Hewlett	Councillor Division 4
Cr M Edwards	Councillor Division 5
Cr J Talty	Councillor Division 6
Cr M Elliott	Councillor Division 7 – entered at 9.31am
Cr P Gleeson	Councillor Division 9
Cr P Bishop	Councillor Division 10

### EXECUTIVE LEADERSHIP GROUP:

Mr B Lyon	Chief Executive Officer
Mr N Clarke	General Manager Organisational Services
Mr G Soutar	General Manager Infrastructure & Operations
Mrs L Rusan	General Manager Community & Customer Services
Mr G Holdway	Chief Financial Officer

**3 DEVOTIONAL SEGMENT**

Pastor Neale Collier, from Mount Cotton Fellowship, Chaplain at Cleveland District State High School and a member of the Ministers' Fellowship led Council in a brief devotional segment.

**4 RECOGNITION OF ACHIEVEMENT**

Nil.

**5 RECEIPT AND CONFIRMATION OF MINUTES**

**5.1 GENERAL MEETING MINUTES 19 MARCH 2014**

**COUNCIL RESOLUTION**

Moved by: Cr J Talty  
Seconded by: Cr P Gleeson

That the minutes of the General Meeting of Council held on 19 March 2014, as amended, be confirmed.

CARRIED 11/0

**6 MATTERS OUTSTANDING FROM PREVIOUS COUNCIL MEETING MINUTES**

There are no matters outstanding.

**7 PUBLIC PARTICIPATION**

Nil.

**8 PETITIONS/PRESENTATIONS**

Nil.

**9 MOTION TO ALTER THE ORDER OF BUSINESS**

Nil.

**10 DECLARATION OF MATERIAL PERSONAL INTEREST OR CONFLICT OF INTEREST ON ANY ITEMS OF BUSINESS**

Nil.

**11 REPORTS TO COUNCIL****11.1 PORTFOLIO 2 (MAYOR KAREN WILLIAMS)  
(SUPPORTED BY DEPUTY MAYOR CR BEARD)****ECONOMIC DEVELOPMENT, GOVERNANCE, SERVICE DELIVERY,  
REGULATIONS AND EMERGENCY MANAGEMENT****11.1.1 REPORT OF THE AUDIT COMMITTEE MEETING****Datworks Filename:** GOV Audit Committee**Attachment:** [Minutes Audit Committee 27 February 2014](#)**Authorising/Responsible Officer:****Nick Clarke**  
**General Manager Organisational Services****Author:****Siggy Covill**  
**Group Manager Internal Audit**

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**PURPOSE**

The purpose of this report is to present the minutes of the Audit Committee meeting on 27 February 2014 to Council for adoption in accordance with Section 211 of the *Local Government Regulation 2012*.

**BACKGROUND**

The primary objective of the Audit Committee is to assist Council in fulfilling its corporate governance role and oversight of financial measurement and reporting responsibilities imposed under the *Local Government Act 2009*, the *Financial Accountability Act 2009* and other relevant legislation.

To fulfil this objective and in order to enhance the ability of Councillors to discharge their legal responsibility, it is necessary that a written report is presented to Council as soon as practicable after a meeting of the Audit Committee about the matters reviewed at the meeting and the committee's recommendations about these matters.

**ISSUES**

Please refer to the attached Minutes of the Audit Committee meeting held on 27 February 2014.

**STRATEGIC IMPLICATIONS****Legislative Requirements**

Requirements from the *Local Government Act 2009*, the *Local Government Regulation 2012* and the *Financial Accountability Act 2009* have been taken into account during the preparation of this report.

**Risk Management**

There are no opportunities or risks for Council resulting from this report.

**Financial**

There are no financial implications impacting Council as a result of this report.

**People**

There are no implications on people as a result of this report.

**Environmental**

There are no environmental implications resulting from this report.

**Social**

There are no social implications as a result of this report.

**Alignment with Council's Policy and Plans**

Relationship to Corporate Plan: 8. Inclusive and ethical governance

Deep engagement, quality leadership at all levels, transparent and accountable democratic processes and a spirit of partnership between the community and Council will enrich residents' participation in local decision making to achieve the community's Redlands 2030 vision and goals

8.5 Be transparent and consistent in the way we manage the organisation, its risks and obligations and ensure we are delivering against our priorities.

**CONSULTATION**

The Audit Committee minutes are presented for confirmation as a true and accurate record of proceedings at its next meeting.

**OPTIONS**

1. That Council accept this report, which summarises the issues discussed at the Audit Committee meeting of 27 February 2014.
2. That Council accept this report and requests additional information, or
3. That Council not accept this report and request an alternative method of reporting.

**OFFICER'S RECOMMENDATION/  
COUNCIL RESOLUTION**

Moved by: Cr A Beard

Seconded by: Cr M Elliott

**That Council resolve to accept this report, which summarises the issues discussed at the Audit Committee meeting of 27 February 2014.**

**CARRIED 11/0**

**11.1.2 LOCAL LAWS****Dataworks Filename: L&E Local Laws****Attachments:**

[Local Law \(Repealing\) Local Law \(No 2\) 2014.pdf](#)  
[LL1 \(Administration\) 2014 FINAL DRAFT.pdf](#)  
[SLL1.1 \(Alteration or Improvement to LG Controlled Areas and Roads\) 2014 FINAL DRAFT.pdf](#)  
[SLL1.2 \(Commercial Use of LG Areas and Roads\) 2014 FINAL DRAFT.pdf](#)  
[SLL1.3 \(Establishment or Occupation of a Temporary Home\) 2014 FINAL DRAFT.pdf](#)  
[SLL1.4 \(Installation of Advertising Devices\) 2014 FINAL DRAFT.pdf](#)  
[SLL1.5 \(Keeping of Animals\) 2014 FINAL DRAFT.pdf](#)  
[SLL1.8 \(Operation of Accommodation Parks\) 2014 FINAL DRAFT.pdf](#)  
[SLL1.9 \(Operation of Cemeteries\) 2014 FINAL DRAFT.pdf](#)  
[SLL1.10 \(Operation of Public Swimming Pools\) 2014 FINAL DRAFT.pdf](#)  
[SLL1.12 \(Operation of Temp Entertainment Events\) 2014 FINAL DRAFT.pdf](#)  
[SLL1.13 \(Undertaking Regulated Activities Regarding Human Remains\) 2014 FINAL DRAFT.pdf](#)  
[SLL1.14 \(Undertaking Regulated Activities on LG Controlled Areas & Roads\) 2014 FINAL DRAFT.pdf](#)  
[SLL1.15 \(Carrying out Works on a Road or Interfering with a Road or its Operation\) 2014 FINAL DRAFT.pdf](#)  
[SLL1.16 \(Bringing or Driving a Motor Vehicle on to a LG Controlled Area\) 2014 FINAL DRAFT.pdf](#)  
[SLL1.17 \(Operation of a Ferry, Charter or Hire Service from a LG Controlled Boat Ramp or Landing\) 2014 FINAL DRAFT.pdf](#)  
[SLL1.18 \(Parking Contrary to Indication on Official Traffic Sign Regulated Parking by Time or Pay of Fee\) 2014 FINAL DRAFT.pdf](#)  
[LL2 \(Animal Management\) 2014 FINAL DRAFT.pdf](#)  
[LL2 \(Animal Management\) - Register\) 2014 FINAL DRAFT.pdf](#)  
[SLL2 \(Animal Management\) 2014 FINAL DRAFT.pdf](#)  
[LL3 \(Community & Environmental Management\) 2014 FINAL DRAFT.pdf](#)  
[SLL3 \(Community & Environmental Management\) 2014 FINAL DRAFT.pdf](#)  
[LL4 \(LG Controlled Areas Facilities and Roads\) 2014 FINAL DRAFT.pdf](#)  
[SLL4 \(LG Controlled Areas Facilities and Roads\) 2014 FINAL DRAFT.pdf](#)  
[LL5 \(Parking\) 2014 FINAL DRAFT.pdf](#)  
[SLL5 \(Parking\) 2014 FINAL DRAFT.pdf](#)  
[LL7 \(Bathing Reserves\) 2014 FINAL DRAFT.pdf](#)  
[SLL7 \(Bathing Reserves\) 2014 FINAL DRAFT.pdf](#)

**Responsible Officer:****Nick Clarke  
General Manager Organisational Services****Author:****Trevor Green  
Principal Advisor Corporate and Democratic  
Governance**



**PURPOSE**

The purpose of this report is to initiate the local law making process for a new set of proposed Redland City Council Local and Subordinate Local Laws under the State Model Local Law framework.

**BACKGROUND**

The State government has developed a set of model local laws, which it is encouraging Queensland local governments to adopt. Many Queensland Councils have now developed their local laws under the model local law framework. This is resulting in a more consistent approach to local laws and local law provisions throughout the State.

There are a number of advantages for Redland City Council to review its local laws and move to the model local law framework. Firstly the process provides for a review of all provisions of Council's local laws (other than vegetation management (see below)) to ensure that Council's laws are relevant, up to date and appropriate for the needs of Redland City. Secondly, the model local law framework provides a package of contemporary local laws that are:

1. Based on best practice,
2. More streamlined,
3. Principle based,
4. Reducing red tape and regulatory burden,
5. Consistent with state legislation, and
6. More flexible for accommodating future regulatory requirements of local governments.

Model Local Law 1 provides the administrative processes (authorised officers, enforcement processes, approvals, etc) for all of the laws. All matters relating to approvals are detailed in the subordinate local laws attached to Local Law 1. All other matters relating to activities are placed in the other local and subordinate local laws.

A model local law can be adopted by a local government without the need for a State Interest Check or public consultation. If altered in any way before adoption, the law ceases to be a model and is subject to the normal local law making processes.

While a local law sets the head of power and contains some provisions, most of the details (specific law provisions) are contained in the subordinate local law associated with the local law. The State has not produced model subordinate local laws, leaving each local government to draft their own individual subordinate local laws, based on the needs of the individual local government area. Subordinate local laws made under a model local law are subject to normal subordinate local law making requirements.

This item was deferred at the Coordination Committees of 6 and 20 November 2013.

## ISSUES

A new suite of proposed Redland City Council local laws and subordinate local laws (attached) have been drafted under the State's model local law framework. While this is a new format for Council's laws and significant research was undertaken during drafting, the new laws are predominantly based on a transfer of Council's existing law provisions. As such, the majority of provisions remain unchanged.

The drafting of the proposed laws has been based on the following factors:

1. In accordance with the model local law framework developed and produced by the Queensland Government;
2. From feedback received from internal engagement processes;
3. With reference to existing provisions in Council's current local and subordinate laws;
4. With reference to a number of contemporary local laws under the model local law framework, as used by other Queensland local governments;
5. From advice received from the Department of Local Government and King and Co solicitors;
6. From evaluation of current Redland City Council local law reviews;
7. From review of enforcement activities and practicality issues associated with Redland City Council's current local laws;
8. A reduction of laws:
  - Local Laws from 23 to 7;
  - Subordinate Local Laws from 23 to 21;
9. A reduction in red tape (including an engagement process with the Redland City Chamber of Commerce); and
10. From feedback received from Councillor engagement processes.

This report is to present the draft laws for Council "to propose to make the draft laws" and initiate the process for making the laws in accordance with the requirements of the *Local Government Act 2009* and Council's adopted local law making process.

In developing the draft Redland City Council local laws some minor changes have been proposed to the standard model local laws produced by the State. As such, Council will need to refer these proposed amendments to the State government for a State Interest Check. After review by the State, Council will need to consider and approve any changes they require. From here, Council will then conduct community engagement on the proposed laws.

In summary the general process for making the laws is:

1. Council proposes to make the local laws and subordinate local laws (via resolution);
2. The local laws are referred to the State government for State Interest Checking of Council's proposed amendments to the model local laws;

3. Council considers and comes to agreement on any changes to the draft local laws required by the State government (via resolution);
4. Council conducts:
  - a. a community engagement process on the draft law; and
  - b. a public interest test on the draft laws under the national competition policy;
5. Council considers the results of the community engagement (all properly made submissions) and the results of the public interest test and Council resolves to:
  - a. make the laws as proposed, or
  - b. make the laws with minor amendments (resulting from the results of the community engagement process); or
  - c. make major amendments to the draft laws (resulting from the results of the community engagement process) and repeat steps 2-5 as appropriate.
6. At the time of making the new laws, Council repeals its existing laws (other than Law and Subordinate Local Law No. 6 (Protection of Vegetation) as detailed below).
7. Council provides public notification of the making of the laws.

As there is no model local law on vegetation protection, it is intended that Council retain the existing Local Law and Subordinate Local Law No. 6 (Protection of Vegetation) until the new planning scheme is adopted. At that time Council can decide on the most appropriate course of action with regard to this local law, (retain, amend or repeal) based on the provisions of the new planning scheme. To accommodate retention of the existing local law 6, for Council's purposes the State's Model Local Law No. 6 (Bathing Reserves) has been renumbered to be Local Law 7.

As advised above, at the same time as Council is running the process to make the new laws, Council will also be running the process of repealing all existing local and subordinate local laws, other than Local Law and Subordinate Local Law No. 6 (Protection of Vegetation).

As a number of the proposed local laws contain possible anti-competitive provisions as per the National Competition Policy, Public Interest Tests will be conducted on these laws concurrently with the community engagement process. The Public Interest Test Plans will be included in the report when Council considers the results of the State Interest Check.

Council's adopted local law making process includes a step to conduct community engagement during a specified public consultation period. At this time, Council accepts and considers every properly made submission it receives. This is a standard local law making procedure and appropriate for the process for making individual laws. In this instance, Council will be making a full suite of laws, with an expectant period of approximately 3-4 months between proposing to make the laws and the start of the public consultation period. This relates to the time required to conduct the State Interest Check and then report back to Council on the results of the process.

While Council will not actively invite submissions on the proposed laws until the specified consultation period is to begin, some members of the community may make

submissions before this time. Rather than advising writers to resubmit their views during the specified official consultation period, it is recommended that, in this instance, any such correspondence be received and recorded as a submission towards this local law making process.

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

This report is in accordance with the legislative requirements of the *Local Government Act 2009* and the *Local Government Regulation 2012*.

### **Risk Management**

The risks associated with making the new laws are managed by conducting the process in accordance with the legislative requirements of the *Local Government Act 2009*, *Local Government Regulation 2012* and Council's adopted practice for making local laws. Should Council not conduct the process in accordance with these requirements, the Minister for Local Government may suspend or revoke the local laws (section 38AB of the *Local Government Act 2009*).

### **Financial**

The main costs associated with the local law making process for the new laws will be in conducting the community engagement and public notification steps. Funding for the project has been included in the 2013/2014 Budget.

### **People**

Extensive internal consultation has occurred in drafting the proposed laws. This has included both the content of the laws and their implementation.

### **Environmental**

There are no direct environmental implications associated with this report. There are environmental implications associated with Council's local laws. The community will be asked to provide their views and feedback on any environmental issues associated with the proposed laws, when the community engagement step is undertaken.

### **Social**

While the new laws are predominantly based on a transfer of Council's existing law provisions, this process places all of Council's laws open for community review. As such, it is expected that our community will take an interest in the local laws for the City. In saying this, it is hoped that the community takes the opportunity during the community engagement step to provide their input and advice on the proposed laws.

It will be particularly important that Council manage the advice provided to the community on the process for making the laws. From the time Council proposes to make the laws, there will be a number of steps (see Issues above) before community feedback will be officially sought during the community engagement step.

It will also be particularly important that the community is aware that until Council completes the entire process, the draft laws do not come into effect. Until this time the proposed laws are exactly as explained, "only proposed".

## **Alignment with Council's Policy and Plans**

The process for making the proposed laws and the associated recommendations of this report are in accordance with Council's adopted practice for making local laws. The process is also in keeping with Council's Corporate Plan Priority 8 Inclusive and Ethical Governance for deep engagement, quality leadership at all levels, transparent and accountable democratic processes and a spirit of partnership between the community and Council.

## **CONSULTATION**

In developing the proposed draft laws consultation has occurred with:

1. All internal areas of Council;
2. Elected representatives;
3. Department of Local Government;
4. King and Company Solicitors;
5. Redland City Chamber of Commerce; and
6. Other Queensland Councils which have adopted the State Model Local Laws.

In making the proposed draft laws consultation will include:

1. The State Government (State Interest Check);
2. Community engagement on the content of the laws;
3. Public Interest Test as per the National Competition Policy.

## **OPTIONS**

1. Initiate the local law making process for the laws, as attached.
2. Make amendments to the local laws and then initiate the local law making process for the laws as amended.
3. Postpone the local law making process at this time, while further review of the draft laws is conducted.
4. Cancel the project to develop new local laws for Redland City under the model local law framework and maintain Council's existing local laws.

## **OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION**

**Moved by: Cr A Beard**  
**Seconded by: Cr P Gleeson**

**That Council resolve as follows:**

1. **Propose to make each proposed local law listed in schedule 1;**
2. **Propose to make each proposed subordinate local law listed in schedule 2;**
3. **Refer the proposed local laws to the State Government for State Interest Checking; and**
4. **For this process, accept any properly made submissions received before the commencement of the consultation period.**

## **SCHEDULE 1**

1. **Local Law (Repealing) Local Law (No. 2) 2014;**
2. **Local Law No. 1 (Administration) 2014;**
3. **Local Law No. 2 (Animal Management) 2014;**

4. **Local Law No. 3 (Community and Environmental Management) 2014;**
5. **Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014;**
6. **Local Law No. 5 (Parking) 2014; and**
7. **Local Law No. 7 (Bathing Reserves) 2014.**

## **SCHEDULE 2**

1. **Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2014;**
2. **Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2014;**
3. **Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2014;**
4. **Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2014;**
5. **Subordinate Local Law No. 1.5 (Keeping of Animals) 2014;**
6. **Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2014;**
7. **Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2014;**
8. **Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2014;**
9. **Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2014;**
10. **Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains) 2014;**
11. **Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2014;**
12. **Subordinate Local Law No. 1.15 (Carrying out Works on a Road or Interfering with a Road or its Operation) 2014;**
13. **Subordinate Local Law No. 1.16 (Bringing or Driving a Motor Vehicle onto a Local Government Controlled Area) 2014;**
14. **Subordinate Local Law No. 1.17 (Operation of a Ferry, Charter or Hire Service from a Local Government Controlled Boat Ramp or Landing) 2014;**
15. **Subordinate Local Law No. 1.18 (Parking Contrary to an Indication on an Official Traffic Sign Regulating Parking by Time or Payment of a Fee) 2014;**
16. **Subordinate Local Law No. 2 (Animal Management) 2014;**
17. **Subordinate Local Law No. 3 (Community and Environmental Management) 2014;**
18. **Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014;**
19. **Subordinate Local Law No. 5 (Parking) 2014; and**
20. **Subordinate Local Law No. 7 (Bathing Reserves) 2014.**

**CARRIED 11/0**

**11.2 PORTFOLIO 7 (CR JULIE TALTY)****PLANNING & DEVELOPMENT****11.2.1 DECISIONS MADE UNDER DELEGATED AUTHORITY FOR CATEGORY 1, 2 & 3 DEVELOPMENT APPLICATIONS**

**Dataworks Filename:** Reports to Council - Portfolio 7 Planning and Development

**Attachment:** [Decisions Made Under Delegated Authority 24-02-14 to 08-03-14](#)

**Authorising Officer:**



**Louise Rusan**  
**General Manager Community & Customer Services**

**Responsible Officer:**

**David Jeanes**  
**Group Manager City Planning & Assessment**

**Author:**

**Louise Milligan**  
**Group Support Officer**

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**PURPOSE**

The purpose of this report is for Council to note that the decisions listed below were made under delegated authority for Category 1, 2 and 3 development applications.

This information is provided for public interest.

**BACKGROUND**

At the General Meeting of 27 July, 2011, Council resolved that development assessments be classified into the following four Categories:

Category 1 – Minor Complying Code Assessments and Compliance Assessments and associated administrative matters, including correspondence associated with the routine management of all development applications;

Category 2 – Complying Code Assessments and Compliance Assessments and Minor Impact Assessments;

Category 3 – Moderately Complex Code & Impact Assessments; and

Category 4 – Major and Significant Assessments.

The applications detailed in this report have been assessed under:-

- Category 1 criteria - defined as complying code and compliance assessable applications, including building works assessable against the planning scheme, and other applications of a minor nature, including all accelerated applications.
- Category 2 criteria - defined as complying code assessable and compliance assessable applications, including operational works, and Impact Assessable applications without submissions of objection. Also includes a number of

process related delegations, including issuing planning certificates, approval of works on and off maintenance and the release of bonds, and all other delegations not otherwise listed.

- Category 3 criteria that are defined as applications of a moderately complex nature, generally mainstream impact assessable applications and code assessable applications of a higher level of complexity. Impact applications may involve submissions objecting to the proposal readily addressable by reasonable and relevant conditions. Both may have minor level aspects outside a stated policy position that are subject to discretionary provisions of the Planning Scheme. Applications seeking approval of a plan of survey are included in this category. Applications can be referred to Development and Community Standards Committee for a decision.

#### **OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION**

**Moved by: Cr J Talty**  
**Seconded by: Cr W Boglary**

**That Council resolve to note this report.**

**CARRIED 11/0**



**11.2.2 APPEALS LIST CURRENT AS AT 10 MARCH 2014**

**Datworks Filename:** Reports to Council - Portfolio 7 Planning and Development

**Authorising Officer**



**Louise Rusan  
General Manager Community & Customer  
Services**

**Responsible Officer:**

**David Jeanes  
Group Manager City Planning & Assessment**

**Author:**

**Chris Vize  
Service Manager Planning Assessment**

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**PURPOSE**

The purpose of this report is for Council to note the current appeals.

**BACKGROUND**

Information on appeals may be found as follows:

**1. Planning and Environment Court**

- a) Information on current appeals and declarations with the Planning and Environment Court involving Redland City Council can be found at the District Court web site using the "Search civil files (eCourts) Party Search" service: <http://www.courts.qld.gov.au/esearching/party.asp>
- b) Judgements of the Planning and Environment Court can be viewed via the Supreme Court of Queensland Library web site under the Planning and Environment Court link: <http://www.sclqld.org.au/qjudgment/>

**2. Department of State Development, Infrastructure and Planning (SDIP)**

The DSDIP provides a Database of Appeals (<http://services.dip.qld.gov.au/appeals/>) that may be searched for past appeals and declarations heard by the Planning and Environment Court.

The database contains:

- A consolidated list of all appeals and declarations lodged in the Planning and Environment Courts across Queensland of which the Chief Executive has been notified.
- Information about the appeal or declaration, including the appeal number, name and year, the site address and local government.

**ISSUES**

<b>1.</b>	<b>File Number:</b>	Appeal 1963 of 2009 (MC010715)
<b>Applicant:</b>		<b>JT George Nominees P/L</b>
<b>Application Details:</b>		Preliminary Approval for MCU for neighbourhood centre, open space and residential uses (concept master plan). Cnr Taylor Rd & Woodlands Dve, Thornlands.
<b>Appeal Details:</b>		Applicant appeal against refusal.
<b>Current Status:</b>		Order made on 21 February 2014 allowing appellant to provide amended plans to all parties by 10 March 2014 for review and consideration.
<b>Hearing Date:</b>		Listed for review 16 May 2014.
<b>2.</b>	<b>File Number:</b>	Appeal 2675 of 2009. (MC010624)
<b>Applicant:</b>		<b>L M Wigan</b>
<b>Application Details:</b>		Material Change of Use for residential development (Res A & Res B) and preliminary approval for operational works 84-122 Taylor Road, Thornlands
<b>Appeal Details:</b>		Applicant appeal against refusal.
<b>Current Status:</b>		Council has filed an application in pending proceeding seeking a declaration that the development application was not correctly applied for, and therefore the appeal should be struck out.
<b>Hearing Date:</b>		Listed for review 26 March 2014.
<b>3.</b>	<b>File Number:</b>	Appeal 4521 of 2013 (MCU012995)
<b>Applicant:</b>		<b>D Polzi and ML Polzi</b>
<b>Application Details:</b>		Material Change of Use for a Landscape Supply Depot
<b>Appeal Details:</b>		Submitter appeal against development permit approval.
<b>Current Status:</b>		Directions Order issued 13 March 2014. Mediation booked for 10 April 2014.
<b>4.</b>	<b>File Number:</b>	Appeal 4564 of 2013 (ROL005669)
<b>Applicant:</b>		<b>Ausbuid Projects Pty Ltd</b>
<b>Application Details:</b>		Reconfiguration of Lots (6 into 259) and Material Change of Use (Dwelling Houses)
<b>Appeal Details:</b>		Applicant appeal against refusal.
<b>Current Status:</b>		Not yet listed.

**OFFICER'S RECOMMENDATION/  
COUNCIL RESOLUTION**

Moved by: **Cr J Talty**  
 Seconded by: **Cr L Hewlett**

That Council resolve to note this report.

**CARRIED 11/0**

**12 MAYORAL MINUTE**

**12.1 COUNCILLORS' CODE OF CONDUCT REFRESHER**

**COUNCIL RESOLUTION**

Moved by: Cr K Williams

That Council resolve to:

1. Undertake a review of the Councillors' Code of Conduct, as soon as is reasonably practical;
2. As the Chief Executive Officer to arrange for a refresher training for Councillors in relation to their legislative responsibilities, as soon as is reasonably practical; and
3. Determine that attendance by all Councillors at this refresher training be mandatory, in accordance with para. 1.2.1 of the Expenses Reimbursement and Provision of Facilities for Councillors Guideline (GL-3076-001).

CARRIED 11/0

**13 NOTICES OF MOTION TO REPEAL OR AMEND RESOLUTIONS**

Nil.

**14 NOTICES OF MOTION**

Nil.

**15 URGENT BUSINESS WITHOUT NOTICE**

Nil.

**16 MEETING CLOSURE**

There being no further business, the Mayor declared the meeting closed at 9.42am.

Signature of Chairperson: \_\_\_\_\_

Confirmation date: \_\_\_\_\_



**Redland**  
CITY COUNCIL

# **MINUTES**

## **AUDIT COMMITTEE MEETING**

**Thursday, 27 February 2014**

**Council Chambers  
1st floor Administration Building  
Bloomfield Street Cleveland QLD 4163**

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## 1 DECLARATION OF OPENING

The Chair declared the meeting open at 1.04pm

## 2 RECORD OF ATTENDANCE AND APOLOGIES

### Membership:

Cr Mark Edwards	Chairperson
Cr Karen Williams	Mayor
Mr Virendra Dua	External Member
Mr Peter Dowling	External Member

### Secretary:

Ms Siggy Covill	Group Manager Internal Audit
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### Invitees:

Mr Bill Lyon	Chief Executive Officer
Ms Louise Rusan	General Manager Community and Customer Services
Mr Gary Soutar	General Manager Infrastructure and Operations
Mr Nick Clarke	General Manager Organisational Services
Mr Gavin Holdway	Chief Financial Officer
Mr Luke Wallace	Group Manager Corporate Governance
Mr Peter Gould	Service Manager Workplace Health, Safety & Wellbeing
Mr Andrew Ross	General Counsel
Mr Patrick Flemming	Queensland Audit Office
Mr Martin Power	Bentleys - QAO Audit Representative
Ms Ashley Carle	Bentleys - QAO Audit Representative
Ms Deborah Corbett-Hall	Service Manager Corporate Finance

### Minutes:

Ms Elizabeth Striplin	Corporate Meetings & Registers Team
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### Apologies:

None

## 3 RECEIPT AND CONFIRMATION OF MINUTES

The minutes of the Audit Committee meeting of 21 October 2013 were confirmed as a true and accurate record of proceedings.

### 3.1 BUSINESS ARISING FROM PREVIOUS MINUTES

3.1.1 As per Item 3.1.1 (Business Arising From Previous Minutes) the Audit Committee requested to be notified at the next meeting on how many risks have actually materialised during the period. The Group Manager Corporate Governance undertook to look at different options to produce the information requested as these statistics are difficult to determine.

- *The team is currently working on a plan of how to capture the sort of data for over 500 risks in a formal capacity;*
- *Scorecard process has just been finalised;*
- *Over the next few months comparisons will be done over corporate scorecards and risk registers.*

- 3.1.2 As per Item 3.1.3 (Business Arising From Previous Minutes) the Committee suggested that a report be presented once a year on the evaluation feedback received from managers on audits performed. Internal Audit will present a full report of the evaluation feedback at the meeting in June 2014.
- 3.1.3 As per Item 3.1.6 (Business Arising From Previous Minutes) the Committee requested that a year on year comparison be presented for Workplace Health and Safety at the next meeting showing sufficient granulation and tracking and trending (e.g. age and/or seasonal related incidents) in a dashboard format. The Service Manager Workplace Health, Safety & Wellbeing reported that a spreadsheet to identify trending will be presented formally at next Audit Committee Meeting.
- *Refer to Item 11.4.*
- 3.1.4 As per Item 5.2 (Council End of Month Financial Reports) the Audit Committee requested that head count numbers be included in future reports.
- *This data has now been included in the monthly financial reports.*
- 3.1.5 As per Item 6 (Proposed Changes To Quarterly Compliance Survey) the Committee requested that future surveys would include questions relating to missing Local Government property over \$1000 (under s.307A of the LG Regulation) and questions relating to any Fraud and Corruption issues. Also, information to be collated and kept on a corporate register.
- *Refer Item 6.*
- 3.1.6 As per Item 8 (Internal Audit Reports) the Committee requested that 1) backups are performed for MYOB at IndigiScapes and kept off-site, 2) a delegate from Financial Services assists Indigiscapes regarding MYOB reporting, and 3) KPI information be recorded in all future Internal Audit reports to the extent possible.
- *Backups are done daily in a fireproof safe on-site;*
  - *Outside training will be conducted on MYOB reporting;*
  - *KPI information will be provided where possible in audit reports.*
- 3.1.7 As per Item 9.1 (Internal Audit Recommendations) the Committee requested that the CEO will report a review/update on the operational procurement program at next Audit Committee, to include key metrics and individual high rated recommendations in the audit register relating to procurement.
- *An update on the Procurement Services review will be provided at the next meeting in June 2014.*
- 3.1.8 As per Item 11.2 (Changes To Strategic And Operational Risk Registers) the Committee requested that the CEO email Mr Virendra Dua regarding mitigating strategies to reduce the residual risk on Strategic Risk S-3.
- *This has been completed.*

#### **4 UPDATE FROM THE CHIEF EXECUTIVE OFFICER**

The Chief Executive Officer reported to the Audit Committee on the following notable matters:

- LDMG - Stradbroke Fires and major Disaster Management process undertaken in last quarter. RCC performed to community expectations and overall an excellent outcome in the LDMG processes and application.

- Budget - Council is in a slightly unfavourable position with the budget and the forecast is to deliver the budget as a less than 1% variation deficit. Normal cost pressures are evident in the budget, but risk is tolerable and being actively managed. Capital Expenditure is slightly below budget, with the forecast less than -10% variation EOY.
- Certified Agreements Update - Agreements are not valid under new legislation adopted before filing of our documents. MOU's signed with all parties and negligible risk exists for RCC.
- Policy Development - Major policies are up to date and reviews are scheduled via Councillor workshops as required.
- Projects - Planning Scheme Review is progressing as planned and appropriate delegations have been passed through Council. PDA Project is starting to raise concerns with community groups and some councillors. Differing views are emerging over planning and use. Whilst emotive and gaining some public interest risks are still tolerable and project is progressing to agreed plan.
- Legal Matters – An update was provided on current legal matters.

### **COMMITTEE DECISION**

That the Audit Committee note the report of the Chief Executive Officer on operational matters as presented.

## **5 COUNCIL FINANCIAL REPORTS**

### **5.1 END OF MONTH FINANCIAL REPORTS**

Council's end of month reports for September, October, November, December 2013 and January 2014 were presented to the Audit Committee.

### **COMMITTEE DECISION**

- 1. That the Audit Committee note the financial reports as presented; and**
- 2. Concern noted regarding other source revenue. The remedy for reduction in revenue streams would be to investigate alternative revenue streams and also make sure Council is receiving its full entitlement from existing arrangements/ contracts etc. A paper on revenue to bring to Council is currently underway investigating revenue source opportunities and officers are progressing a number of alternative revenue streams for better utilising assets and exploring opportunities to increase revenue.**

## **6 QUARTERLY COMPLIANCE SURVEY**

The quarterly compliance surveys for September and December 2013 quarters were presented to the Audit Committee.

### **COMMITTEE DECISION**

- 1. That the Audit Committee note the compliance surveys as presented; and**
- 2. That the full report, including the non-compliance summary, be brought to future Audit Committees.**

## **7 INTERNAL AUDIT PLAN**

### **7.1 AUDIT PLAN STATUS**

The status of the Audit Plan was presented to the Committee for noting.

### **COMMITTEE DECISION**

**That the Audit Committee note the Status of the Audit Plan as presented.**



## **8 INTERNAL AUDIT REPORTS**

The following reports were presented for Audit Committee consideration:

### **8.1 ACROSS COUNCIL**

- Review of Contract Governance, Management and Administration Framework – Long - Term Major Contracts

### **8.2 ORGANISATIONAL SERVICES**

- Review of Social Media

#### **COMMITTEE DECISION**

1. That the Audit Committee note the reports as presented;
2. That the General Counsel will deliver the procurement review project plan and a 1-2 page summary of actions and accountabilities at the next audit committee meeting; and
3. That the CEO will provide regular updates to the Mayor regarding contract management actions.

## **9 AUDIT RECOMMENDATIONS DUE FOR IMPLEMENTATION**

### **9.1 INTERNAL AUDIT RECOMMENDATIONS**

The General Managers and Chief Financial Officer presented a progress report of audit recommendations due for implementation to the Committee.

#### **COMMITTEE DECISION**

1. That the Audit Committee note the Audit Recommendations Due For Implementation as presented; and
2. That any high-risk outstanding items have a clear explanation and timeframe in audit recommendation reports.

### **9.2 QAO RECOMMENDATIONS**

The Group Manager Internal Audit presented a progress report of QAO audit recommendations due for implementation to the Committee.

#### **COMMITTEE DECISION**

That the Audit Committee note the QAO Audit Recommendations Due For Implementation as presented.

## **10 UPDATE FROM EXTERNAL AUDITORS**

Bentleys presented their Audit Strategy for the Year Ending 30 June 2014 to the Audit Committee. The Final Management Letter for 2013 from Crowe Horwath was presented to the Committee.

#### **COMMITTEE DECISION**

1. That the Audit Committee note the documents as presented; and
2. That the final clearance of the financial statements and current year financial sustainability statement be given by the Audit Committee via email, when available, with an opportunity to provide comments prior the next meeting of 23 October 2014.

**11 OTHER BUSINESS****11.1 FRAUD AND CORRUPTION PREVENTION**

The Group Manager Internal Audit presented an update of the implementation of the Fraud and Corruption Prevention Framework to the Committee.

**COMMITTEE DECISION**

**That the Audit Committee note the update as presented.**

**11.2 CHANGES TO STRATEGIC AND OPERATIONAL RISKS**

The Group Manager Corporate Governance updated the Committee on changes to the strategic and operational risks during the quarter.

**COMMITTEE DECISION**

**That the Audit Committee note the update as presented, with the amendment to the wording of CIT103 referring to the hard drive.**

**11.3 COMPLAINTS MANAGEMENT**

The General Counsel presented an update on administrative action complaints for the quarter.

**COMMITTEE DECISION**

**That the Audit Committee note the update as presented.**

**11.4 WORKPLACE HEALTH AND SAFETY**

The Service Manager Workplace Health, Safety & Wellbeing presented an update to the Committee on the Workplace Health and Safety external audit recommendations and other statistics.

**COMMITTEE DECISION**

- 1. That the Audit Committee note the update as presented; and**
- 2. That a high level review summary be included in the next report.**

**11.5 AUDIT COMMITTEE AND INTERNAL AUDIT EVALUATION PROCESSES**

The Group Manager Internal Audit presented possible options for the evaluation of the Audit Committee and the Internal Audit function to the Committee for discussion.

**COMMITTEE DECISION**

- 1. That the Audit Committee note the presentation as discussed;**
- 2. That an Audit Committee self-assessment be conducted this year and every two years thereafter (Peter Dowling will provide a template for guidance); and**
- 3. That an external assessment on the Internal Audit function be included in next year's Internal Audit Plan and the budget at an estimated cost of \$25,000, and that the external Audit Committee members will review the brief to be provided to potential assessors.**

# Local Law (Repealing) Local Law (No. 2) 2014

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**1 Short title**

This local law may be cited as *Local Law (Repealing) Local Law (No. 2) 2014*.

**2 Commencement**

This local law commences on the date notice of the making of the local law is published in the gazette.

**3 Local laws repealed**

This local law repeals each of the following local laws—

- (a) *Local Law No.1 (Administration) 2003*;
- (b) *Redland Shire Council Local Law No.2 (Animal Management) 2007*;
- (c) *Local Law No.3 (Cemeteries)*;
- (d) *Local Law No.7 (Camping Grounds)*;
- (e) *Local Law No.8 (Swimming Pools)*;
- (f) *Local Law No.9 (Entertainment Venues)*;
- (g) *The Redland Shire Council Temporary Homes Local Law*;
- (h) *Redland Shire Council (Control of Signs) Local Law*;
- (i) *Local Law No.12 (Rental Accommodation with Shared Facilities) 2006*;
- (j) *Local Law No.13 (Control of Pests)*;
- (k) *Local Law No. 14 (Jetties, Ramps and Ferries) 2011*;
- (l) *Redland Shire Council Local Law No.15 (Parks and Reserves)*;
- (m) *Local Law No.16 (Blasting Operations)*;
- (n) *Local Law No.17 (Caravan Parks)*;
- (o) *Redland Shire Council (Control of Nuisances) Local Law No. 18*;
- (p) *Local Law No. 19 (Regulated Parking)*;
- (q) *Local law No. 20 (Commercial Use of Roads)*;
- (r) *Local Law No. 21 (Roads)*;
- (s) *Local Law No. 22 (Bathing Reserves)*;
- (t) *Local Law No. 30 (Parking of Heavy Vehicles in Residential Streets)*;
- (u) *Local Law No. 31 (Water Supply)*.

**4 Expiration**

This local law expires on the day after notice of the making of the local law is published in the gazette.

This and the preceding 2 pages bearing my initials is a certified copy of *Local Law*

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*(Repealing) Local Law (No. 2) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the                      day of *(insert the date of the relevant resolution of Council)* 2014.

.....  
Chief Executive Officer



**Redland**  
CITY COUNCIL

Redland City Council

**DRAFT Local Law No. 1  
(Administration) 2014**



**Redland**  
CITY COUNCIL

# Redland City Council

## Local Law No. 1 (Administration) 2014

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## Part 1 Preliminary

### 1 Short title

This local law may be cited as *Local Law No. 1 (Administration) 2014*.

### 2 Purposes and how they are to be achieved

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

### 3 Definitions—the dictionary

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

### 4 Relationship with other laws<sup>1</sup>

This local law—

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

## Part 2 Approvals for prescribed activities

### 5 Meaning of *prescribed activity*

*Prescribed activity* means—

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

---

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

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

## 6 Offence to undertake local law prescribed activity without approval

- (1) This section applies to a prescribed activity mentioned in—
- (a) section 5(a); or
  - (b) section 5(b) if the Local Government Act that authorises the local government to grant the approval is a local law.<sup>2</sup>

- (2) A person must not undertake the prescribed activity without a current approval granted by the local government.

Maximum penalty for subsection (2)—

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

*Examples—*

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

- (4) In this section—

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

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

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

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

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

## 7 Approvals for prescribed activities to be obtained under this part

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

## 8 Form of application

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

*Examples of a form approved by the local government—*

A written form or an online application process.

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

*Example for paragraph (a)—*

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

*Example for paragraph (b)—*

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

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

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

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

## 9 Local government's discretion in granting approvals

- (1) The local government may grant an approval for an applicant to undertake a prescribed activity only if it is satisfied that—

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

*Example for paragraph (a)—*

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

- (2) The local government may, by written notice to the applicant—

- (a) grant the approval unconditionally; or
- (b) grant the approval subject to conditions determined in accordance with section 10; or
- (c) refuse to grant the approval.

*Examples for paragraph (b)—*

- If an application for which the local government's approval is required may result in

damage to property, the local government may, as a condition of giving its approval, require the applicant to give reasonable security (which may include a deposit of money, a guarantee or an insurance bond) to ensure that the damage is made good.

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

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

## 10 Conditions of approval

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

*Example for paragraph (a)—*

<sup>3</sup> See *Environmental Protection Act 1994*, schedule 1, section 3(b).

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

- (5) In this section—

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

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

## 11 Compliance with conditions of approval

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

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

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

## 12 Third party certification

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

*Example—*

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

- (2) In this section—

***third party certifier*** means—

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

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

## 13 Term of approval

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

- (a) the term provided for the prescribed activity under a subordinate local law for this paragraph; or

- (b) if there is no term provided for under a subordinate local law— up to one year from the date the approval is granted.

## 14 Renewal of approval

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

*Example—*

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

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

remains in force until—

- (a) if the application is granted, with or without amendment of the conditions—the date the application is granted; or
- (b) if the application is refused and the applicant applies for a review of the decision under part 4—the date the applicant is given notice of the review decision; or
- (c) if the application is refused and the applicant has not applied for a review of the decision under part 4—15 days after the applicant is given an information notice under subsection (8).

## 15 Transfer of approval

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

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



- (b) grants the application and amends the approval to include non-standard conditions.

## **16 Amending conditions at request of approval holder**

- (1) An approval holder may apply to the local government to amend the conditions of the approval.
- (2) The application must—
  - (a) be in writing and state—
    - (i) the proposed amendment; and
    - (ii) the reasons for it; and
  - (b) be accompanied by the prescribed fee.
- (3) The local government must consider and decide whether to grant or refuse the application.
- (4) If the local government decides to amend the conditions as requested, the local government must, within 15 days of the decision, give the approval holder written notice of the amended conditions and the day that they take effect.
- (5) If the local government refuses to amend the conditions, the local government must give the approval holder an information notice.
- (6) The local government may amend the conditions of the approval under this section without following the procedure in section 18.

## **17 Grounds for amending, suspending or cancelling approval**

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

- (a) amendment, suspension or cancellation is necessary—
  - (i) for the protection of public health or safety; or
  - (ii) to prevent environmental harm; or
  - (iii) to prevent property damage or loss of amenity; or
  - (iv) to allow for works on roads or local government controlled areas; or
  - (v) to improve access to a road; or
  - (vi) to improve the efficiency of vehicle or pedestrian traffic.
- (b) another approval required for the prescribed activity under an Act has been suspended or cancelled;
- (c) in undertaking the prescribed activity, the approval holder has failed to comply with a local law or an Act;
- (d) the approval holder has failed to comply with a condition of the approval;
- (e) the approval holder has failed to comply with a notice under sections 27 or 28 that relates to the conduct of the prescribed activity or has failed to comply with a stop order under section 32;
- (f) the approval was granted because of a document or representation that was—

- (i) false or misleading; or
- (ii) obtained or made in another improper way.

## **18 Procedure for amending, suspending or cancelling approval**

- (1) This section applies if the local government considers there is a ground under section 17 to amend, suspend or cancel an approval (the *proposed action*).
- (2) Before taking the proposed action, the local government must give the approval holder a written notice (the *show cause notice*) stating—
  - (a) the proposed action; and
  - (b) the grounds for the proposed action; and
  - (c) an outline of the facts and circumstances that are the basis of the grounds; and
  - (d) if the proposed action is suspension of the approval, the proposed suspension period; and
  - (e) that the approval holder may make written submissions, within a stated reasonable time of at least 15 days after the notice is given, why the proposed action should not be taken.
- (3) If, after considering all submissions made within the stated time, the local government decides that a ground no longer exists to cancel, amend or suspend the approval, the local government must take no further action about the show cause notice and give written notice to the approval holder about the decision.
- (4) If, after considering all submissions made within the stated time, the local government still considers there is a ground to take the proposed action, the local government may—
  - (a) if the proposed action was to amend the approval—amend the approval; or
  - (b) if the proposed action was to suspend the approval—suspend the approval for no longer than the period stated in the notice; or
  - (c) if the proposed action was to cancel the approval—amend the approval, suspend it for a period or cancel it.
- (5) If the local government decides to amend, suspend or cancel the approval, the local government must give the approval holder an information notice.
- (6) The decision takes effect on the day the written notice mentioned in subsection (3) or (5) is given to the approval holder, or if a later day of effect is stated in the notice, the later day.
- (7) This section does not limit the power a local government may have apart from this section to amend, suspend or cancel an approval.

## **19 Procedure for immediate suspension of approval**

- (1) Despite section 18, the local government may immediately suspend an approval if the local government believes that continuation of the prescribed activity by the approval holder poses—
  - (a) an urgent and serious threat to public health or safety; or

- (b) an urgent and serious risk of environmental harm, property damage or loss of amenity.
- (2) The suspension—
- (a) can be effected only by the local government giving a notice to the approval holder about the decision to immediately suspend the approval, together with a show cause notice about proposed action under section 18; and
  - (b) operates immediately the notices are given to the approval holder; and
  - (c) continues to operate until the earliest of the following happens—
    - (i) the local government cancels the suspension;
    - (ii) the local government gives the approval holder notice under section 18(3) or (5) of its decision about the show cause notice;
    - (iii) 15 days have passed since the expiry of the stated time for the making of written submissions regarding the show cause notice;
    - (iv) 15 days have passed since the approval holder notifies the local government that it has made its final written submissions regarding the show cause notice.

## Part 3 Authorised persons

### 20 Appointment

An authorised person's instrument of appointment<sup>5</sup> must state the local laws, or the provisions of local laws, for which the person is appointed as an authorised person.

### 21 Threatening etc an authorised person<sup>6</sup>

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

Maximum penalty—20 penalty units.

## Part 4 Review of decisions

### 22 Application for review

- (1) A person who is given, or is entitled to be given, an information notice for a decision under a local law (an *original decision*) may apply to the chief executive officer<sup>7</sup> for a review of the decision under this part.<sup>8</sup>

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<sup>5</sup> See the Act, chapter 6, part 6, for the power to appoint authorised persons.

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

<sup>7</sup> See definition of *chief executive officer* in the Act, schedule 4.

- (2) The application (a **review application**) must be made within 15 days of—
  - (a) if the person is given an information notice for the decision—the day the person is given the notice; or
  - (b) if paragraph (a) does not apply—the day the person otherwise becomes aware of the original decision.
- (3) However, the local government may, at any time, extend the time for making a review application.
- (4) The review application must be in writing and—
  - (a) accompanied by a statement of the grounds on which the applicant seeks the review of the decision; and
  - (b) supported by enough information to enable the local government to decide the application.

### 23 Review decision

- (1) The local government must review the original decision within 20 days after receiving a review application and make a decision (the **review decision**) to—
  - (a) confirm the original decision; or
  - (b) amend the original decision; or
  - (c) substitute another decision for the original decision.
- (2) The application must not be dealt with by—
  - (a) the person who made the original decision; or
  - (b) a person in a less senior office than the person who made the original decision, unless the original decision was made by the chief executive officer.
- (3) The local government must, within 5 days of making the review decision, give the applicant notice of the decision (the **review notice**).
- (4) If the review decision is not the decision sought by the applicant, the review notice must also state the reasons for the review decision.
- (5) If the local government does not give the review notice within the 5 days, the local government is taken to have made a review decision confirming the original decision.

### 24 Stay of operation of original decision

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

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

- (4) A stay may be granted on conditions the court considers appropriate.

## Part 5 Enforcement

### 25 Production of records

- (1) This section applies where an authorised person has entered a property under the Act to find out whether the conditions of an approval have been complied with.<sup>9</sup>
- (2) The authorised person may require the occupier of the property or another relevant person to produce for inspection records that are required by the conditions of an approval.
- (3) A person must comply with a requirement under subsection (2), unless the person has a reasonable excuse.  
Maximum penalty for subsection (3)—10 penalty units.
- (4) In this section—  
**relevant person**, for an approval mentioned in subsection (1) or (2) includes—
- (a) the approval holder for the approval; and
  - (b) an employee or agent of the approval holder who is currently conducting the prescribed activity the subject of the approval on the property.

### 26 Compliance directions

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

Maximum penalty—50 penalty units.

### 27 Compliance notice for contravention of local law or approval condition

- (1) Subsection (2) applies if an authorised person is satisfied on reasonable grounds that—
- (a) a person—
    - (i) is contravening a local law or a condition of an approval; or
    - (ii) has contravened a local law or a condition of an approval in circumstances that make it likely the contravention will continue

<sup>9</sup> See the Act, section 132.

or be repeated; and

- (b) a matter relating to the contravention can be remedied; and
- (c) it is appropriate to give the person an opportunity to remedy the matter.

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

- If the contravention relates to a person's failure to take action that is required under a local law or a condition of an approval, then the matter can be remedied by the person taking that action.
  - If the contravention relates to a person taking action that is prohibited under a local law or a condition of an approval, then the matter can be remedied by the person stopping that action.
- (2) The authorised person may give<sup>10</sup> a written notice (a **compliance notice**) to the person (the **recipient**) requiring the person to remedy the contravention.<sup>11</sup>
  - (3) The compliance notice must state the following—
    - (a) the particular provision of the local law or condition of an approval the authorised person believes is being, or has been, contravened; and
    - (b) briefly, how it is believed the provision of the local law or condition of an approval is being, or has been, contravened; and
    - (c) the time by which the recipient must remedy the contravention; and
    - (d) that it is an offence to fail to comply with the compliance notice; and
    - (e) the maximum penalty for failing to comply with the compliance notice.
  - (4) The time under subsection (3)(c) must be reasonable having regard to—
    - (a) the action required to remedy the contravention; and
    - (b) the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm posed by the contravention; and
    - (c) how long the recipient has been aware of the contravention.
  - (5) The compliance notice may also state the reasonable steps the authorised person considers necessary to remedy the contravention or avoid further contravention.

*Examples of reasonable steps to avoid further contravention—*

- The repetition of a specified action at stated intervals for a certain period.
  - Stopping taking an action that is prohibited by a local law or condition of an approval.
- (6) The compliance notice must include, or be accompanied by, an information notice.
  - (7) The recipient must comply with the compliance notice.<sup>12</sup>

Maximum penalty for subsection (7)—50 penalty units.

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

<sup>11</sup> Where a compliance notice is given to the owner of a property and requires action to be taken in relation to that property, then it will constitute a **remedial notice** under the Act, section 138AA(1).

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

## 28 Compliance notice authorised by local law

- (1) This section applies if—
    - (a) a local law provides that an authorised person may give a compliance notice to a person;<sup>13</sup> and
    - (b) the authorised person gives<sup>14</sup> a compliance notice to the person (the *recipient*).<sup>15</sup>
  - (2) The compliance notice must state the following—
    - (a) the provision of the local law that authorises the authorised person to give a compliance notice; and
    - (b) the specified action that the recipient must take to comply with the notice; and
    - (c) the time by which the recipient must comply with the notice; and
    - (d) that it is an offence to fail to comply with the notice; and
    - (e) the maximum penalty for failing to comply with the notice.
  - (3) The specified action in subsection (2)(b) must not be inconsistent with action required, by a remedial notice, to be taken under another Local Government Act.
  - (4) The time under subsection (2)(c) must be reasonable having regard to the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm that may result from failure to comply with the notice.
  - (5) The compliance notice must include, or be accompanied by, an information notice.
  - (6) The recipient must comply with the compliance notice.<sup>16</sup>
- Maximum penalty for subsection (6)—50 penalty units.

## 29 Power to require information

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

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<sup>13</sup> For example, see *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2014*, section 9(1) (Power to require owner of land adjoining road to fence land) and *Local Law No. 3 (Community & Environmental Management) 2014*, section 10(1) (Pest control notices), section 13(2) (Overgrown allotments), section 14(2) (Accumulation of objects and materials on allotments), section 16(2) (Fire hazards), section 19(2) (Community safety hazards).

<sup>14</sup> See also footnote 10.

<sup>15</sup> See also footnote 11.

<sup>16</sup> See also footnote 12.

the person has a reasonable excuse.

### **30 Failure to give information**

- (1) A person of whom a requirement is made under section 29(1) must comply with the requirement, unless the person has a reasonable excuse.  
Maximum penalty—50 penalty units.
- (2) It is not a reasonable excuse for a person to fail to comply with the requirement because giving the information might tend to incriminate the person.
- (3) However, if the person is a natural person, evidence of, or evidence directly or indirectly derived from, the information that might tend to incriminate the person is not admissible in evidence against the person in a civil or criminal proceeding, other than a proceeding for an offence about the falsity of the information.

### **31 Power to remove, remediate and cost recovery**

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



- remediate the damage, alteration or improvement; and
- (b) the time for making an application for review of the compliance notice under section 22 has expired.
- (5) The local government may recover the cost of action taken under this section as a debt from the person responsible for the activity mentioned in subsection (1).
- (6) In this section—  
*thing* does not include an animal.

## 32 Stop orders

- (1) An authorised person may give a relevant person an order to immediately stop a prescribed activity if the authorised person believes that continuation of the activity poses—
- (a) an urgent and serious threat to public health or safety; or
  - (b) an urgent and serious risk of environmental harm, property damage or loss of amenity
- (2) An order under this section—
- (a) may be given orally or in writing; and
  - (b) operates until the earliest of the following happens—
    - (i) the expiry of the period, of no more than 5 days, specified by the authorised person when the order is given;
    - (ii) the local government immediately suspends the approval for the prescribed activity under section 19.
- (3) An authorised person must confirm an oral order in writing by the next business day following the giving of the order.
- (4) A person who receives an order under this section must comply with the order.  
Maximum penalty for subsection (4)—50 penalty units.
- (5) This section does not affect the local government's powers under another law.
- (6) In this section—  
*relevant person* means the approval holder for the prescribed activity or an employee or agent of the approval holder currently conducting the prescribed activity.

## Part 6 Legal proceedings

### 33 Defence of reasonable excuse

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

### **34 General defence for owners or occupiers of land**

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

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

### **35 Joint and several liability**

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

### **36 Rewards**

- (1) The local government may, by public notice, offer a reward for information leading to the conviction of a person for—
  - (a) an offence involving damage to, or theft of, property of the local government or under the local government's control; or
  - (b) an offence against a local law.
- (2) The amount of the reward, and the conditions on which it is payable, must be decided by resolution of the local government.

## **Part 7 Miscellaneous**

### **37 Maintenance of good order at meetings**

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

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

- (2) If a person (other than a member) obstructs the proper conduct of a meeting of the local government or committee, the chairperson may ask the person to withdraw from the meeting place.

- (3) A person asked to withdraw from a meeting place under subsection (2) must immediately withdraw from the place and remain away until the end of the meeting or for a lesser period fixed by the chairperson.

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

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

the person away, from the meeting place.

### 38 Fees

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

*Example—*

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

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

### 39 Abandoned goods

- (1) This section applies where an authorised person considers on reasonable grounds that goods have been abandoned in a local government controlled area or on a road.
- (2) However, this section does not apply if the local government or an authorised person considers on reasonable grounds that a vehicle has been—
  - (a) abandoned on a road as described in section 41(1)(a); or
  - (b) left on a road as described in section 41(1)(b)(i)(A); or
  - (c) found on a road as described in section 41(1)(b)(i)(B).
- (3) The authorised person may seize and impound the goods.

### 40 Dealing with seized and impounded items

- (1) This section applies where—
  - (a) an authorised person has exercised a power under a local law to seize and impound a structure, thing or goods (an *impounded item*);<sup>17</sup> or
  - (b) the local government has impounded an item that has been delivered into its custody pursuant to a local law (also an *impounded item*) and the local law states that this section is to apply.
- (2) However, this section does not apply to—
  - (a) an impounded item that is an animal; or<sup>18</sup>
  - (b) a vehicle if the local government or an authorised person considers on reasonable grounds that the vehicle has been —

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<sup>17</sup> See, for example, section 31 in relation to structures or things brought onto a local government controlled area or road in contravention of a local law and section 39 in relation to abandoned goods.

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

- (i) abandoned on a road as described in section 41(1)(a); or
  - (ii) left on a road as described in section 41(1)(b)(i)(A); or
  - (iii) found on a road as described in section 41(1)(b)(i)(B).
- (3) If the impounded item is perishable, it may be immediately disposed of as the chief executive officer directs and the proceeds applied in accordance with subsection (7).
- (4) If the impounded item has no commercial value or has a value that would not cover the costs of sale of the item, it may be disposed of—as the chief executive officer directs, including by private sale, destruction, restoring or giving away and the proceeds applied in accordance with subsection (7).
- (5) A person may reclaim the impounded item if—
  - (a) written application is made to the chief executive officer; and
  - (b) proof is produced to the satisfaction of the chief executive officer that the applicant is the owner of the item; and
  - (c) the applicant pays the prescribed fee for the impounding of the item.
- (6) At the expiry of 1 month since the date of impounding, the impounded item is forfeited to the local government, which may dispose of the item—
  - (a) by sale through—
    - (i) public auction or tender, following an advertisement published at least 14 days before the date of the proposed sale; or
    - (ii) an agent of the local government; or
    - (iii) an enterprise owned by the local government; or
  - (b) if it has been offered for sale under paragraph (b) but has not been sold within a reasonable period—as the chief executive officer directs.
- (7) The proceeds of the sale or disposal of the impounded item must be applied—
  - (a) firstly, towards the costs of the sale or disposal; and
  - (b) secondly, towards the prescribed fee for impounding the impounded item; and
  - (c) thirdly, to the former owner of the impounded item.
- (8) If no person establishes a valid claim to the amount to which the former owner is entitled under subsection (7)(c) within 1 year of the date of the sale or disposal, the amount becomes the property of the local government.

#### **41 Removal of vehicles from roads**

- (1) This section applies where the local government or an authorised person considers on reasonable grounds—
  - (a) that a vehicle in the local government’s area has been abandoned on a road, other than a busway, by the person who last drove or used it; or
  - (b) that—
    - (i) a vehicle in the local government’s area has been—
      - (A) left on a road unattended whether temporarily or otherwise for a

- time or in a place, condition, way or circumstances where its presence is hazardous; or
- (B) found on a road in a place, condition, way or circumstances where its presence is—
- (a) hazardous; or
  - (b) in contravention of the *Transport Operations (Road Use Management) Act 1995*; or
  - (c) in contravention of a local law; and
- (ii) the driver of the vehicle—
- (A) can not readily be located; or
  - (B) has failed to immediately remove the vehicle when required by an authorised person to do so.
- (2) For subsection (1), the presence of a vehicle on a road is ***hazardous*** if it is causing, or is likely to cause, danger, hindrance or obstruction to traffic or is preventing, hindering or obstructing, or likely to prevent, hinder or obstruct the use of the road or a part of the road for a lawful purpose.
- (3) Where this section applies, the local government or an authorised person may do 1 or more of the following—
- (a) remove the vehicle from the road;
  - (b) impound the vehicle at a place for safe keeping;
  - (c) dispose of the vehicle under this section.
- (4) Subsection (5) applies to a vehicle (a ***no commercial value vehicle***) if—
- (a) the vehicle is removed or impounded under subsection (3); and
  - (b) the vehicle is deemed by the local government or an authorised person to—
    - (i) have no commercial value; or
    - (ii) have a value that would not cover the cost to the local government of the total of the following—
      - (A) if the vehicle is removed from a road—the cost of removal of the vehicle from the road; and
      - (B) if the vehicle is impounded—the cost of impounding the vehicle; and
      - (C) if the vehicle is sold at a public auction— the costs of the sale.
- Examples for paragraph (b)—*
- *a burnt out vehicle; or*
  - *a vehicle without an engine; or*
  - *a vehicle from which 1 or more wheels have been removed; or*
  - *a vehicle that has been severely damaged; or*
  - *a vehicle that has been stripped of parts or wrecked; or*
  - *a vehicle that is dilapidated or rusted throughout.*
- (5) Where subsection (4) applies to a vehicle—

- 
- (a) the local government or an authorised person is not required to follow the procedures specified in subsections (6) to (10) inclusive in respect of the vehicle; and
  - (b) property in the vehicle vests in the local government; and
  - (c) the vehicle may be disposed of as the chief executive officer directs, including by private sale, destruction, restoring or giving away and the proceeds (if any) applied in accordance with subsection (11).
- (6) Subsections (7) to (10) apply to a vehicle if—
- (a) the vehicle is removed or impounded under subsection (3); and
  - (b) the local government or an authorised person does not deem the vehicle to be a no commercial value vehicle under subsection (4).
- (7) Where subsection (6) applies to a vehicle, a written notice (a **vehicle impounding notice**) complying with subsection (8) must be—
- (a) where the local government or the authorised person who removed or impounded the vehicle knows, or can readily find out, the name and address of the owner of the vehicle—given to the owner within 14 days of the removal or impounding of the vehicle; or
  - (b) where the local government or the authorised person who removed or impounded the vehicle does not know, and cannot readily find out, the name and address of the owner of the vehicle—published on the local government’s website within 14 days of the removal or impounding of the vehicle.
- (8) For the purposes of subsection (7), a vehicle impounding notice for a vehicle must state—
- (a) a description of the vehicle; and
  - (b) if the vehicle is registered—the registration number of the vehicle; and
  - (c) if the vehicle was removed and impounded—
    - (i) the date of removal or impounding of the vehicle; and
    - (ii) a description of the location from which the vehicle was removed or impounded; and
    - (iii) the place at which the vehicle is impounded; and
  - (d) the reasons for the removal or impounding of the vehicle; and
  - (e) a statement that the owner of the vehicle, or a person acting on the owner’s behalf, may apply for the release of the vehicle; and
  - (f) a statement that an applicant for release of the vehicle must furnish proof to the satisfaction of the chief executive officer of the applicant’s ownership or of the applicant’s right to possession of the vehicle and, in the case of the applicant being a person acting on behalf of the owner, must furnish proof to the satisfaction of the chief executive officer of the applicant’s authority to act on behalf of the owner; and
  - (g) a statement that if a successful claim is not made for the return of the vehicle within 1 month of the date on which the vehicle impounding notice for the vehicle is given to the owner or published on the local government’s website, then the vehicle may be disposed of by the local government or an authorised person in accordance with subsection (10).

- (9) Subsection (10) applies to a vehicle if—
- (a) a vehicle identification notice for the vehicle has been—
    - (i) given to the owner of the vehicle under subsection (7)(a); or
    - (ii) published on the local government’s website under subsection (7)(b); and
  - (b) a successful claim for the return of the vehicle is not made in accordance with the time period specified in the vehicle identification notice.
- (10) Where this subsection applies to a vehicle—
- (a) property in the vehicle vests in the local government; and
  - (b) the local government or an authorised person may dispose of the vehicle—
    - (i) as the chief executive officer directs, including by private sale, destruction, restoring or giving away if—
      - (A) the vehicle has no commercial value; or
      - (B) the vehicle has a value that would not cover the cost to the local government of the total of the following—
        - (a) if the vehicle is removed from a road—the cost of removal of the vehicle from the road; and
        - (b) if the vehicle is impounded—the cost of impounding the vehicle; and
        - (c) if the vehicle is sold at a public auction—the costs of the sale; or
      - (C) the vehicle cannot be sold at a public auction pursuant to paragraph (b)(ii); or
      - (D) the keeping of the vehicle is causing, or is likely to cause, a nuisance or a hazard; or
    - (ii) by sale through public auction or tender, following an advertisement published at least 14 days before the date of the proposed sale; or
    - (iii) if the vehicle has been offered for sale under paragraph (b)(ii) but has not been sold within a reasonable period—as the chief executive officer directs.
- (11) The proceeds of the sale or disposal of the vehicle must be applied in the following order—
- (a) in payment of the expenses of the sale or disposal;
  - (b) in payment of the cost of removal and impounding of the vehicle and the service or publication of the vehicle identification notice for the vehicle under subsection (7);
  - (c) if there is an amount owing to an entity under a security interest registered for the vehicle under the *Personal Property Securities Act 2009*—the amount owing under the security interest;
  - (d) in payment of the balance of the proceeds to the owner of the vehicle or, if after reasonable inquiry, the owner can not be ascertained, into the general fund of the local government.

- (12) A secured party can not enforce any security interest in the proceeds of sale against an entity to whom an amount is payable under subsection (11)(a) or (b).
- (13) The local government or an authorised person may deal with any goods, equipment or thing contained in, on or about the vehicle at the time of its removal in the same manner as the local government or an authorised person may deal with the vehicle pursuant to this section.
- (14) However, any perishable goods in or on the vehicle at the time of its removal may be disposed of in the way the chief executive officer shall direct and the proceeds (if any) of the disposal shall be applied in accordance with the provisions of subsection (11).
- (15) The chief executive officer must not deliver possession of the vehicle to the owner thereof, or to another person acting on the owner's behalf, or to any other person claiming a right to the possession of the vehicle unless the following provisions have been complied with—
- (a) the owner, or person acting on the owner's behalf, or other person claiming a right to possession of the vehicle, shall have applied in writing signed by the applicant to the chief executive officer for the release of the vehicle;
  - (b) the applicant shall have furnished proof to the satisfaction of the chief executive officer of the applicant's ownership or of the applicant's right to possession of the vehicle and, in the case of the applicant's being a person acting on behalf of the owner, shall have furnished proof to the satisfaction of the chief executive officer of the applicant's authority to act on behalf of the owner;
  - (c) the applicant shall have paid all expenses incurred by the local government concerned in connection with each of —
    - (i) the removal and impounding of the vehicle; and
    - (ii) the service, or publication, of any vehicle identification notice in relation to the removal and impounding of the vehicle; and
    - (iii) the intended sale of the vehicle;
  - (d) the applicant has signed a receipt for the delivery of the vehicle to the applicant.
- (16) Any person who takes delivery, or obtains possession of or removes or attempts to remove from the detention of the local government a vehicle removed and impounded pursuant to the provisions of subsection (3) except in accordance with the provisions of subsection (15) shall be guilty of an offence.

Maximum penalty—40 penalty units.

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



## 42 Subordinate local laws

The local government may make subordinate local laws about—

- (a) prescribed activities in respect of which the requirement for an approval does not apply;<sup>19</sup> and
- (b) the categories of prescribed activities for the purposes of maximum penalties;<sup>20</sup>
- (c) the documents and materials that must accompany an application for an approval;<sup>21</sup> and
- (d) additional criteria for the granting of approvals for prescribed activities;<sup>22</sup> and
- (e) the conditions that must be imposed on an approval or that will ordinarily be imposed on an approval;<sup>23</sup> and
- (f) application requirements for which a third party certifier's certificate may be accepted by the local government;<sup>24</sup> and
- (g) the individuals or organisations that are declared as third party certifiers for particular application requirements;<sup>25</sup>
- (h) the qualifications that are necessary for an individual or organisation to provide a third party certificate about particular application requirements;<sup>26</sup> and
- (i) the term for which an approval for a prescribed activity remains in force;<sup>27</sup> and
- (j) the further term for which an approval for a prescribed activity may be renewed or extended;<sup>28</sup> and
- (k) categories of approvals that are non-transferable;<sup>29</sup> and
- (l) complementary accommodation prescribed as appropriate for accommodation parks; and
- (m) a State-controlled road to which this local law applies;<sup>30</sup> and
- (n) public place activities prescribed as regulated activities on local

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<sup>19</sup> See section 6(3).

<sup>20</sup> See section 6(4).

<sup>21</sup> See section 8(2)(a).

<sup>22</sup> See section 9(1)(d).

<sup>23</sup> See section 10(3).

<sup>24</sup> See section 12(1).

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

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

<sup>27</sup> See section 13(a).

<sup>28</sup> See section 14(1)(a).

<sup>29</sup> See section 15(2).

<sup>30</sup> See schedule 1, definition of *road*, subparagraph (b)(i).

government controlled areas and roads.<sup>31</sup>

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<sup>31</sup> See schedule 2, part 2, definition of *regulated activities on local government controlled areas and roads*, paragraph (c).

## Schedule 1 Dictionary

### Section 3

**accommodation park** includes—

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

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

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

**authorised person** see the Act, schedule 4<sup>32</sup>.

**caravan** see *Residential Tenancies Act 1994*, section 3A.

**complementary accommodation** means each of—

- (a) accommodation in an on-site caravan, a cabin or a tent or other structure that can be readily assembled and disassembled; and
- (b) other accommodation approved by the local government as appropriate to an accommodation park.

**compliance notice** means a compliance notice given under—

- (a) section 27; or
- (b) another local law that authorises the giving of a compliance notice.

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

**DOGIT land** means land that is DOGIT land under the *Aboriginal Land Act 1991*, section 13, or the *Torres Strait Islander Land Act 1991*, section 12.

**entertainment** includes recreation and amusement.

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

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

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

**goods** does not include animals.

**hazardous** see section 41(2).

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

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

- (a) the decision; and
- (b) the reasons for the decision; and
- (c) that the person to whom the notice is given may apply for a review of the

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<sup>32</sup> See also section 20.

decision within 14 days after the notice is given; and

- (d) how to apply for a review.

**Local Government Act** see the Act, schedule 4.

**local government** means Redland City Council.

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

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

**local government controlled area**—

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

*Examples of local government controlled areas*—

- parks, reserves and gazetted foreshores
- camping grounds or caravan parks on land owned or controlled by the local government
- local government swimming pools
- cemeteries
- Council Chambers and local government offices
- jetties.

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

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

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

**no commercial value vehicle** see section 41(4).

**non-standard condition** see section 9(5).

**prescribed activity** see section 5.

**prescribed fee** means a cost-recovery fee fixed by the local government, by local law or by resolution, under the Act<sup>33</sup>.

**property** see *Acts Interpretation Act 1954*, section 36.

**public notice** means a notice published in a newspaper circulating in the local government's area.

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

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

**review decision** see section 23(1).

**road** means—

- (a) a road as defined in the Act, section 59; and
- (b) a State-controlled road—

<sup>33</sup> See the Act, section 97.

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

***show cause notice*** see section 18(2).

***the Act*** means the *Local Government Act 2009*.

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

***vehicle impounding notice*** see section 41(7).

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## Schedule 2 Prescribed activities

### Section 5

#### Part 1 Prescribed activities

alteration or improvement to local government controlled areas and roads

commercial use of local government controlled areas and roads

establishment or occupation of a temporary home

installation of advertising devices

keeping of animals

operation of accommodation parks

operation of cemeteries

operation of public swimming pools

operation of temporary entertainment events

undertaking regulated activities regarding human remains

undertaking regulated activities on local government controlled areas and roads

#### Part 2 Definitions of prescribed activities

*alteration or improvement to local government controlled areas and roads*<sup>34</sup>  
means—

- 1 *Alteration or improvement to local government controlled areas and roads*  
means—
  - (a) installing, changing, damaging or removing a structure in a local government controlled area or on a road; or
  - (b) planting, clearing or damaging of vegetation in a local government controlled area or on a road.
- 2 *Alteration or improvement to local government controlled areas and roads*  
does not include an alteration or improvement—
  - (a) that constitutes development under the *Planning Act*<sup>35</sup>; or
  - (b) for which a tree clearing permit is required under the *Vegetation Management Act 1999*; or
  - (c) that involves a network connection; or

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<sup>34</sup> Where a local government controlled area comprises land held on trust by the local government under the *Land Act 1994*, the local government must take account of, and give precedence to, its rights, powers and responsibilities as a trustee under that Act.

<sup>35</sup> See the definition of *Planning Act* in the Act, schedule 4.

- (d) for which written approval of the local government is required under section 75 of the Act.

**commercial use of local government controlled areas<sup>36</sup> and roads** means the use of a local government controlled area or road for soliciting or carrying on the supply of goods and services (including food or drink) for profit, but does not include the following—

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

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

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

**installation of advertising devices** means the installation, erection or display of an advertisement or sign that is visible from a road or other public place.<sup>37</sup>

**keeping of animals** means the keeping of an animal or animals for which an approval is required under *Local Law No.2 (Animal Management) 2014*.

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

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<sup>36</sup> See footnote 34.

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

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

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

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

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

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

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

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

***undertaking regulated activities on local government controlled areas<sup>38</sup> and roads*** means undertaking one of the following activities on a local government controlled area or road—

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

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

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<sup>38</sup> See footnote 34.



**Certification**

This and the preceding 34 pages bearing my initials is a certified copy of *Local Law No. 1 (Administration) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the                      day of                      , 2014.

.....  
Chief Executive Officer

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**Redland**  
CITY COUNCIL

Redland City Council

**DRAFT Subordinate Local Law No. 1.1  
(Alteration or Improvement to Local  
Government Controlled Areas and  
Roads) 2014**



## Redland City Council

# Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2014

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2014*.

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

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2014* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
  - (a) various matters regarding the granting of approvals for prescribed activities; and
  - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2014* (the **authorising local law**).

### 4 Definitions

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

## Part 2 Approval for prescribed activity

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

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

section 2 of schedule 1.

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

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

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

## **Part 3 Application to State-controlled roads**

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

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

## **Schedule 1      Alteration or improvement to local government controlled areas and roads**

### Section 5

#### **1.      Prescribed activity**

Alteration or improvement to local government controlled areas and roads.

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

- (1) An approval under the authorising local law is not required for the following activities—
  - (a) vegetation maintenance by a person on a footpath or nature strip immediately adjacent to the person's property provided the maintenance is not likely to create a risk to the safety of pedestrian or vehicular traffic; and
  - (b) installation at a safe location beside a road, at a site on or near where a person has been killed, of 1 memorial comprising only a white cross having—
    - (i) a height above natural ground level of not more than 750mm; and
    - (ii) a width of not more than 500mm.
- (2) In this section *vegetation maintenance* means—
  - (a) mowing, slashing or edging grass; and
  - (b) weeding or watering grass.

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

- (1) Full details of the proposed alteration or improvement including plans and specifications.
- (2) Details of all building work and other work to be carried out under the approval.
- (3) Details of the time and place at which the prescribed activity will be undertaken.
- (4) The proposed term of the approval.
- (5) The impact, if any, of the prescribed activity on pedestrian or vehicular traffic.
- (6) The materials, equipment and vehicles to be used in the undertaking of the prescribed activity.

- (7) Plans and specifications detailing—
  - (a) the relevant part of the local government controlled area or road that is to be used for the undertaking of the prescribed activity; and
  - (b) the proposed location of each structure and item of equipment to be used in the undertaking of the prescribed activity; and
  - (c) the type and location of any utility, service or infrastructure to be used in the undertaking of the prescribed activity.
- (8) If the prescribed activity is the removal of a tree or other vegetation from a footpath—details of the reason for requesting the removal of the tree or other vegetation from the footpath.

#### **4. Additional criteria for the granting of an approval**

The alteration or improvement must not—

- (a) result in—
  - (i) harm to human health or safety; or
  - (ii) property damage or loss of amenity; or
  - (iii) nuisance; or
  - (iv) obstruction of vehicular or pedestrian traffic; or
  - (v) environmental harm; or
  - (vi) environmental nuisance; or
- (b) adversely affect the amenity of the area in which the prescribed activity is to be undertaken.

#### **5. Conditions that must be imposed on an approval**

No conditions prescribed.

#### **6. Conditions that will ordinarily be imposed on an approval**

- (1) The conditions of an approval may—
  - (a) require compliance with specified safety requirements; and
  - (b) regulate the time within which the alteration or approval must be carried out; and
  - (c) specify standards with which the alteration or improvement must comply; and
  - (d) require the approval holder to—
    - (i) carry out specified additional work such as earthwork and

- drainage work; and
- (ii) take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before commencement of the alteration or improvement; and
  - (iii) give the local government specified indemnities; and
  - (iv) maintain structures erected or installed, or vegetation planted, under the approval, in good condition; and
  - (v) remove a structure erected or installed, under the approval, at the end of a stated period; and
  - (vi) exhibit specified signage warning about the conduct of the prescribed activity.
- (2) The conditions of an approval may require the approval holder to take specified measures to—
- (a) prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and
  - (b) prevent loss of amenity or nuisance resulting from the undertaking of the prescribed activity; and
  - (c) ensure that the undertaking of the prescribed activity does not cause unsafe movement or obstruction of vehicular or pedestrian traffic.

## 7. Term of an approval

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

## 8. Term of renewal of an approval

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

**Table 1 – Third party certification**

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



**Schedule 2      Categories of approval that are non-transferable**

Section 6

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

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

Section 7

Subject to the chief executive's written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b), every State-controlled road in the local government area of the local government.

DRAFT

## Schedule 4      Dictionary

### Section 4

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

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

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

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

DRAFT

**Certification**

This and the preceding 11 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Areas and Roads) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the                      day of                      , 2014.

.....  
Chief Executive Officer

395204\_1

DRAFT



**Redland**  
CITY COUNCIL

Redland City Council

**DRAFT Subordinate Local Law No. 1.2  
(Commercial Use of Local Government  
Controlled Areas and Roads) 2014**



## Redland City Council

# Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2014

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2014*.

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

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2014* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
  - (a) various matters regarding the granting of approvals for prescribed activities; and
  - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2014* (the **authorising local law**).

### 4 Definitions

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

## Part 2 Approval for prescribed activity

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

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

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

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

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

## **Part 3 Application to State-controlled roads**

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

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



## **Schedule 1      Commercial use of local government controlled areas and roads**

### Section 5

#### **1.      Prescribed activity**

Commercial use of local government controlled areas and roads.

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

No activities stated.

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

- (1) Details of the nature, time and place of the prescribed activity for which the approval is sought.
- (2) If the applicant wants to use a particular part of a local government controlled area or road for serving food and drink or for other business purposes—a plan showing the relevant part of the local government controlled area or road.
- (3) If the prescribed activity is to be operated from a site, stall or vehicle—specifications for the site, stall or vehicle which is proposed to be used in the operation of the prescribed activity.
- (4) Details of the name, street address, telephone number, facsimile number and email address of the person responsible for the operation of the prescribed activity.
- (5) A copy of the current registration certificate for each vehicle proposed to be used in the operation of the prescribed activity.
- (6) Details of the operation of the prescribed activity including—
  - (a) if goods or services are to be supplied—the nature of the goods and services to be supplied; and
  - (b) if the goods or services are to be supplied at particular times—the times during which the goods or services will be supplied; and
  - (c) if goods or services are to be supplied—the method of sale of the goods or services; and
  - (d) a copy of each policy of insurance of the applicant which relates to the operation of the prescribed activity; and
  - (e) how the applicant proposes to dispose of waste generated by the operation of the prescribed activity; and
  - (f) if signage is intended to be displayed – details of the signage and how the signage will be secured whilst displayed.

- (7) Subsection (8) applies if—
  - (a) the prescribed activity is to be operated at a place on a local government controlled area or road; and
  - (b) the place abuts, or is adjacent to, land other than a local government controlled area or road; and
  - (c) the operation of the prescribed activity may cause a nuisance, inconvenience or annoyance to the occupier of the land.
- (8) The application must be accompanied by—
  - (a) the written consent of the occupier of the land to the operation of the prescribed activity at the place; or
  - (b) a written statement from the occupier of the land in support of the operation of the prescribed activity at the place.

#### **4. Additional criteria for the granting of an approval**

- (1) The prescribed activity for which the approval is sought must not unduly interfere with the proper use of the local government controlled area or road.
- (2) There must be a public demand for the prescribed activity in respect of which the approval is sought.
- (3) The physical characteristics of the local government controlled area or road must be suitable for the prescribed activity.
- (4) The prescribed activity must not cause nuisance, inconvenience or annoyance to—
  - (a) the occupier of any land which adjoins the location of the prescribed activity; or
  - (b) vehicular traffic; or
  - (c) pedestrian traffic.
- (5) The prescribed activity must not have a detrimental effect on the amenity of the surrounding area.
- (6) If the prescribed activity is mobile roadside vending or stationary roadside vending—
  - (a) whether the prescribed activity for which the approval is sought is competitive with business activities operated from fixed premises in the local government area; and
  - (b) whether the business activities operated from the fixed premises are sufficient to meet public demand for the goods or services proposed to be sold as part of the operation of the prescribed activity; and

- (c) whether the grant of the approval will result in substantial competition between the applicant for the approval and operators of business activities operated from fixed premises in the local government area; and
- (d) whether the goods or services proposed to be sold as part of the operation of the prescribed activity, or similar goods or services, are available for sale from fixed premises near the location of the prescribed activity.

**5. Conditions that must be imposed on an approval**

No conditions prescribed.

**6. Conditions that will ordinarily be imposed on an approval**

- (1) The conditions of an approval may require that the approval holder—
  - (a) limit the activities authorised by the approval to 1 or more of—
    - (i) a single specified location;
    - (ii) a number of specified locations;
    - (iii) a specified area;
    - (iv) a number of specified areas; and
  - (b) limit the activities to specified days and times; and
  - (c) limit the activities to—
    - (i) a specified period of time; or
    - (ii) specified periods of time; and
  - (d) display the approval in a specified position, and produce the approval for inspection on demand by an authorised person; and
  - (e) take specified measures to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
  - (f) give specified indemnities and take out and maintain insurance against personal injury and property damage resulting from the activities authorised by the approval; and
  - (g) take specified measures to ensure that the activities authorised by the approval do not cause a nuisance; and
  - (h) if the approval authorises the approval holder to use a specified part of a road for the operation of the activity — pay a specified rental to the local government at specified intervals; and

- (i) submit the operation of the activity, including any vehicle or premises used in the operation of the activity, for inspection by an authorised person; and
- (j) prominently and permanently display at a specified location each of—
  - (i) the approval number granted by the local government in numbers not less than 50mm in height; and
  - (ii) the name and address of the approval holder in letters not less than 75mm in height; and
- (k) limit the activities authorised by the approval such that the activities may not be operated within a specified radius of—
  - (i) fixed premises which sell or offer for sale, the same or similar goods or services; or
  - (ii) the site of operation of another prescribed activity—
    - (A) the operation of which is authorised by an approval granted by the local government; and
    - (B) at which the same or similar goods or services are sold or offered for sale; and
- (l) limit the operation of the prescribed activity so that it does not—
  - (i) create a traffic nuisance; or
  - (ii) increase an existing traffic nuisance; or
  - (iii) detrimentally affect the efficiency of the road network in which the activity is undertaken; and
- (m) limit the operation of the prescribed activity so that it does not detrimentally affect the amenity of the neighbourhood in which the prescribed activity is undertaken; and
- (n) ensure that the operation of the prescribed activity does not create a road safety risk; and
- (o) ensure that all facilities and equipment used in the operation of the prescribed activity are, at all times, maintained—
  - (i) in good working order and condition; and
  - (ii) in a clean and sanitary condition; and
- (p) if the approval authorises the operation of a roadside vending activity on a road on specified days—remove the vehicle from the road after the close of business each day unless otherwise specified by the local government.

- (2) If the prescribed activity is mobile roadside vending, the conditions of the approval may also require that the approval holder—
- (a) limit the operation of the activity to—
    - (i) a specified vehicle; or
    - (ii) a number of specified vehicles; and
  - (b) if the approval holder is selling or offering for sale, goods, for example, food, or services—not engage in mobile roadside vending on any local government controlled area or road within a specified radius of fixed premises which sell or offer for sale, the same or similar goods or services.
  - (c) not—
    - (i) unless authorised by an authorised person—park the vehicle used for the activity for a period longer than is necessary to serve a customer who has hailed down the vehicle; or
    - (ii) amplify, or cause to be made, any noise identifying or otherwise drawing attention to the vehicle, except in accordance with standards laid down under the *Environmental Protection Act 1994*; or
    - (iii) place a sign or device advertising the activity of the approval holder on any local government controlled area or road; and
  - (d) keep and maintain the vehicle in a clean, tidy and orderly condition at all times; and
  - (e) produce the vehicle for inspection by an authorised person—
    - (i) prior to commencement of the prescribed activity; and
    - (ii) when required by the authorised person; and
  - (f) limit the operation of the activity to vehicles having specified characteristics, appropriate for the operation of the activity; and
  - (g) only serve customers from the non-traffic or kerbside side of a vehicle used in the operation of the activity; and
  - (h) not operate the activity in a manner which is, or may be, a risk to road safety; and
  - (i) unless authorised by an authorised person—not permit or allow an animal in or about any vehicle used in the operation of the activity; and
  - (j) not discharge trade waste generated by the operation of the activity otherwise than in accordance with an approval under the *Water Supply (Safety and Reliability) Act 2008*; and

- (k) for waste generated by the operation of the activity—
  - (i) only dispose of the waste—
    - (A) in a safe and sanitary manner; and
    - (B) in a manner which maintains the vehicle and its surrounds in a clean, tidy, sanitary and hygienic condition; and
  - (ii) not dispose of the waste—
    - (A) so as to attract pests; or
    - (B) at another location other than a location properly intended for the receipt of the waste.
- (3) If the prescribed activity is footpath dining, the conditions of the approval may also require that the approval holder—
  - (a) limit the operation of the activity to a specified area which is contiguous to, or in the vicinity of, a registered café, restaurant, takeaway food shop or similar premises which are operated by the approval holder (*principal premises*); and
  - (b) limit the operation of the activity to the footpath immediately adjacent to the principal premises; and
  - (c) keep and maintain a clear unobstructed pedestrian corridor of a specified width depending on the density of pedestrian traffic; and
  - (d) limit the operation of the activity to the normal business hours of the principal premises; and
  - (e) remove all tables, chairs, fixtures and fittings from the area identified in the approval when the principal premises are not open for business; and
  - (f) keep and maintain the area identified in the approval, including all tables, chairs, fixtures, fittings and equipment used in the operation of the activity at all times in a clean, sanitary and tidy condition; and
  - (g) keep and maintain in and about the area identified in the approval, adequate waste disposal facilities, for example, bins, and be responsible for the removal of all waste from the waste disposal facilities at such intervals as an authorised person may direct; and
  - (h) not place or display any sign or device advertising the activity in the area identified in the approval otherwise than in accordance with an approval of the local government which authorises the use of the footpath for that purpose; and
  - (i) not use an umbrella within the area identified in the approval unless the umbrella has not less than 2m clearance above ground level adjacent to the umbrella and is securely anchored to the satisfaction of an

- authorised person; and
- (j) only use furniture in the area identified in the approval which is—
    - (i) aesthetically acceptable to the local government; and
    - (ii) kept in a proper state of repair; and
  - (k) provide, for use by patrons of each of the principal premises and the area identified in the approval, adequate toilet facilities; and
  - (l) regularly clean the area identified in the approval—
    - (i) during business hours for the principal premises; and
    - (ii) daily, after the close of business of the principal premises.
- (4) If the prescribed activity is the display of goods for sale on a footpath, the conditions of the approval may also require that the approval holder—
- (a) limit the operation of the activity to a specified area which is contiguous to, or in the vicinity of, retail premises which are operated by the approval holder (also *principal premises*); and
  - (b) limit the operation of the activity to the footpath immediately adjacent to the principal premises; and
  - (c) keep and maintain a clear unobstructed pedestrian corridor of a specified width depending on the density of pedestrian traffic; and
  - (d) limit the operation of the activity to the normal business hours of the principal premises; and
  - (e) only use, for the purposes of display of the goods for sale, a structure which is—
    - (i) of safe construction; and
    - (ii) in good condition and repair; and
    - (iii) securely fixed to the footpath; and
  - (f) only display goods for sale if the goods are in an orderly and sightly condition; and
  - (g) only display goods for sale if the goods are the property of, or offered for sale by, the approval holder; and
  - (h) remove all goods, and any structure designed for the display of the goods for sale, when the principal premises are not open for business.

## 7. Term of an approval

- (1) The term of an approval—

- (a) must be determined by the local government having regard to the information submitted by the applicant; and
  - (b) if the approval is for the prescribed activity of footpath dining — may have an unlimited term.
- (2) The term of the approval must be specified in the approval.
- (3) Subject to subsection (1)(b), an approval may be granted for a term of up to 1 year.

**8. Term of renewal of an approval**

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



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## **Schedule 2      Categories of approval that are non-transferable**

### Section 6

- (1) Each approval for the prescribed activity of footpath dining is non-transferable.
- (2) Subject to subsection (1), each approval for the prescribe activity named in schedule 1, section 1 is transferable.

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

### Section 7

Subject to the chief executive's written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b), every State-controlled road in the local government area of the local government.

DRAFT

## Schedule 4 Dictionary

### Section 4

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

**goods** includes wares, merchandise, chattels, money, stone, timber, metal, fluid and any other article, substance or material whatsoever and also includes an animal.

**mobile roadside vending** means an operator soliciting or carrying on the supply of goods or services (including food or drink) for profit in circumstances where—

- (a) the operator travels from place to place; and
- (b) the operator supplies the goods or services to a customer in response to the customer waiving down the operator.

**principal premises** has the meaning given in schedule 1, section 6(3)(a) and (4)(a).

**sale** includes —

- (a) to sell; and
- (b) sell for resale; and
- (c) offer, or expose for sale; and
- (d) agree or attempt to sell; and
- (e) receive, keep or have in possession for sale; and
- (f) cause or permit to be sold or offered or exposed for sale; and
- (g) provide a sample; and
- (h) barter; and
- (i) auction; and
- (j) supply or have available for supply; and
- (k) suffer or permit any of the above acts.

**stationary roadside vending** means an operator soliciting or carrying on the supply of goods or services (including food or drink) for profit in circumstances where—

- (a) the operator carries on the activity from—
  - (i) a specified place; or
  - (ii) a number of specified places; but
- (b) the activity is not footpath dining.

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

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

**Certification**

This and the preceding 15 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the                      day of                      , 2014

.....  
Chief Executive Officer

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**Redland**  
CITY COUNCIL

Redland City Council

**DRAFT Subordinate Local Law No. 1.3  
(Establishment or Occupation of a  
Temporary Home) 2014**



## Redland City Council

# Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2014

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2014*.

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

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2014* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
  - (a) various matters regarding the granting of approvals for prescribed activities; and
  - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2014* (the **authorising local law**).

### 4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 3 defines particular words used in this subordinate local law.

## Part 2 Approval for prescribed activity

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

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

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

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

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



## **Schedule 1      Establishment or occupation of a temporary home**

### **Section 5**

#### **1.      Prescribed activity**

Establishment or occupation of a temporary home

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

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

- (a)      is merely being stored on the land; and
- (b)      is not being used as a place of residence.

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

- (1)      A drawing showing the design and dimensions of the proposed temporary home.
- (2)      Details of the materials out of which the temporary home is (or is to be) constructed and other structural details of the temporary home.
- (3)      Details of the location of the temporary home.
- (4)      If the applicant is not the owner of the land on which the temporary home is (or is to be) located—the written consent of the owner.
- (5)      Details of the name of each person who is to occupy the temporary home.
- (6)      Details of the operation of the proposed temporary home including toilet, bathing, laundry, water storage and refuse facilities.
- (7)      For the permanent residence proposed to be constructed, altered or extended on the land the subject of the application—a copy of the development approval for—
  - (a)      if the permanent residence is to be constructed — the permanent residence;
  - (b)      if the permanent residence is to be altered or extended — the building work, the subject of the alteration or extension.
- (8)      An independent itemised valuation of the construction cost (of both the proposed temporary home and, as the case may be, the permanent residence or the alterations or extensions to the permanent residence) including an itemised

valuation based on recognised current building industry rates covering all areas that are applicable to the construction of the temporary home and, as the case may be, the permanent residence or the alterations or extensions to the permanent residence including, without limitation, the outstanding cost of purchase of the land, the cost of construction of the proposed temporary home and, as the case may be, the cost of construction of the permanent residence or the alterations or extensions to the permanent residence.

- (9) If the applicant is an owner/builder—evidence that the applicant is registered as an owner/builder with the Queensland Building Services Authority.
- (10) A progress chart or similar timetable showing significant milestones during the process of construction of each of the temporary home and the permanent residence or permanent structure so as to enable the term of the proposed approval to be fixed by the local government.

#### **4. Additional criteria for the granting of an approval**

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

**5. Conditions that must be imposed on an approval**

No conditions prescribed.

**6. Conditions that will ordinarily be imposed on an approval**

- (1) The conditions of an approval may—
  - (a) regulate the design, dimensions, construction, and external appearance of the temporary home; and
  - (b) require the provision of specified facilities for personal hygiene and sanitation, and for washing and drying clothes; and
  - (c) require the approval holder to provide specified equipment, or take specified action, to ensure that the temporary home is adequately supplied with water; and
  - (d) regulate the disposal of waste water, sewerage and refuse from the temporary home; and
  - (e) require the approval holder to dismantle and remove the temporary home by a specified date;
  - (f) require the approval holder to keep the temporary home in good order and repair;
  - (g) require the approval holder to ensure that the temporary home is not unsightly or unhygienic; and
  - (h) restrict the number of persons who may occupy the temporary home; and
- (2) All water supplied for domestic purposes to the temporary home must be potable water.
- (3) All sewerage and waste water from the temporary home must be discharged safely.

**7. Term of an approval**

- (1) An approval may be granted for a term of up to 12 months.
- (2) The term of an approval may be assessed by an authorised person having regard to the information submitted by the applicant.
- (3) The term of an approval must not exceed the lawful period of the development approval for—
  - (a) if the development approval authorises the construction of a permanent residence—the construction of the permanent residence;

- (b) if the development approval authorises the alteration or extension of the permanent residence—the alteration or extension of the permanent residence.
- (4) The term of the approval must be specified in the approval.
- (5) In any event, the term of an approval comes to an end on the earlier of—
  - (a) the date on which the term of the approval ends; and
  - (b) if the approval relates to the construction of a permanent residence—the date on which the permanent residence becomes fit for occupation as a place of residence; and
  - (c) if the approval relates to the alteration or extension of a permanent residence—the date on which the alterations or extensions have progressed to an extent that the permanent residence is fit for occupation as a place of residence.

**8. Term of renewal of an approval**

- (1) An approval cannot be renewed.
- (2) However—
  - (a) the local government may extend the term of an approval to coincide with the expected completion date of the building work for the erection or alteration of, or conversion of an existing structure into, a permanent residence that is, when the application for extension is made, and likely to be completed within a reasonable time; and
  - (b) in any event, the term of the extension must not exceed 6 months.

**Table 1 – Third party certification**

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

**Schedule 2      Categories of approval that are non-transferable**

Section 6

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

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## Schedule 3      Dictionary

### Section 4

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

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**Certification**

This and the preceding 10 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the                    day of                    , 2014.

.....  
Chief Executive Officer

344691\_1

DRAFT



**Redland**  
CITY COUNCIL

Redland City Council

**DRAFT Subordinate Local Law No. 1.4  
(Installation of Advertising Devices)  
2014**





## Redland City Council

# Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2014

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2014*.

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

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2014* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
  - (a) various matters regarding the granting of approvals for prescribed activities; and
  - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2014* (the **authorising local law**).

### 4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 7 defines particular words used in this subordinate local law.

## Part 2 Approval for prescribed activity

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

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

of schedule 1.

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

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

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

## **Part 3 Application to State-controlled roads**

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

For the purposes of the definition of *road* in schedule 1 of the authorising local law, the State-controlled roads listed in schedule 6 are roads to which the authorising local law applies unless otherwise provided in the local law.

*Note*

*Advertising devices on or adjacent to a State Controlled Road (including being viewed from a State Controlled Road) may require permission from Department of Transport and Main Roads with reference to the Road Advertising Guideline (as amended).*

## Schedule 1 Installation of advertising devices

### Section 5

#### 1. Prescribed activity

Installation of advertising devices.

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

- (1) An approval is not required under the authorising local law for the prescribed activity if the activity is the installation, erection or display of a permitted advertisement that is visible from a road or other public place.
- (2) Also, an approval is not required under the authorising local law for the prescribed activity if—
  - (a) under the planning scheme of the local government, the prescribed activity is identified as—
    - (i) self assessable development; or
    - (ii) code assessable development; or
    - (iii) impact assessable development; and
  - (b) the advertising device is installed, erected and displayed in accordance with the general criteria specified in schedule 4, sections 3 to 6 inclusive.
- (3) A *permitted advertisement* is an advertising device that is visible from a road or other public place which is—
  - (a) defined in schedule 3; and
  - (b) installed, erected and displayed in accordance with—
    - (i) the prescribed criteria specified in schedule 3; and
    - (ii) the general criteria specified in schedule 4; and
    - (ii) the zone categorization criteria specified in schedule 5.

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

- (1) Full details of the proposed advertising device including—
  - (a) the name and address of the premises at which the proposed advertising device will be installed; and
  - (b) the name and address of the person responsible for the installation of the advertising device; and
  - (c) the name and address of any business which will be advertised on the advertising device.
- (2) Details of all building work and other work to be carried out under the approval.
- (3) Details of the time and place at which the prescribed activity will be undertaken.
- (4) The proposed term of the approval.
- (5) The impact, if any, of the prescribed activity on pedestrian or vehicular traffic.

- (6) The materials, equipment and vehicles to be used in the undertaking of the prescribed activity.
- (7) Plans and specifications detailing—
  - (a) the location of the proposed advertising device; and
  - (b) particulars of the content, design, dimensions and construction of the proposed advertising device; and
  - (c) a site plan, to scale, of the proposed advertising device; and
  - (d) if the applicant is not the owner of the premises on which the proposed advertising device is to be installed, erected or displayed, the consent of the owner of the premises to the installation, erection and display of the advertising device; and
  - (e) a copy of each development approval required for the installation, erection and display of the proposed advertising device; and
  - (f) a pictorial representation of the proposed advertising device.

#### **4. Additional criteria for the granting of an approval**

- (1) The conduct of the prescribed activity must not—
  - (a) result in—
    - (i) harm to human health or safety; or
    - (ii) property damage or loss of amenity; or
    - (iii) nuisance; or
    - (iv) obstruction of pedestrian or vehicular traffic; or
    - (v) environmental harm; or
    - (vi) environmental nuisance; or
    - (vii) a potential road safety risk; or
  - (b) adversely affect the amenity of the area in which the prescribed activity is to be undertaken; or
  - (c) significantly obstruct the view of any premises.
- (2) The installation, erection and display of the proposed advertising device must comply with—
  - (a) the prescribed criteria specified in schedule 3; and
  - (b) the general criteria specified in schedule 4; and
  - (c) the zone categorization criteria specified in schedule 5.

#### **5. Conditions that must be imposed on an approval**

No conditions prescribed.

#### **6. Conditions that will ordinarily be imposed on an approval**

- (1) The conditions of an approval may—
  - (a) require compliance with specified safety requirements; and
  - (b) regulate the time within which the prescribed activity must be carried out; and
  - (c) specify standards with which the undertaking of the prescribed activity must comply; and
  - (d) require the approval holder to—
    - (i) carry out specified additional work such as earthwork and landscaping; and
    - (ii) take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before commencement of the prescribed activity; and
    - (iii) give the local government specified indemnities; and
    - (iv) maintain structures erected or installed, or vegetation planted, under the approval, in good condition; and
    - (v) remove a structure erected or installed, under the approval, at the end of a stated period; and
    - (vi) exhibit specified signage warning about the conduct of the prescribed activity; and
    - (vii) construct the advertising device from specified materials; and
    - (viii) maintain the advertising device in good order and repair; and
    - (ix) install the advertising device at a specified location, or in a specified manner; and
    - (x) take specified measures to illuminate, or control the illumination of, the advertising device; and
    - (xi) restrict the dimensions of the advertising device.
- (2) The conditions of an approval may require the approval holder to take specified measures to—
  - (a) prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and
  - (b) prevent loss of amenity or nuisance resulting from the undertaking of the prescribed activity; and
  - (c) ensure that the undertaking of the prescribed activity does not cause unsafe movement or obstruction of pedestrian or vehicular traffic.
- (3) The conditions of an approval may require the approval holder to take specified measures to ensure that the advertising device is installed, erected and displayed in accordance with—
  - (a) the prescribed criteria in schedule 3; and
  - (b) the general criteria specified in schedule 4; and

- (c) the zone categorization criteria specified in schedule 5.

**7. Term of an approval**

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

**8. Term of renewal of an approval**

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

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## **Schedule 2      Categories of approval that are non-transferable**

### Section 6

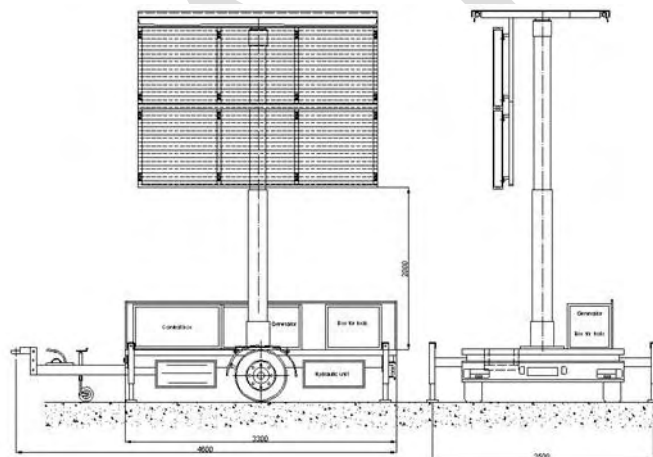
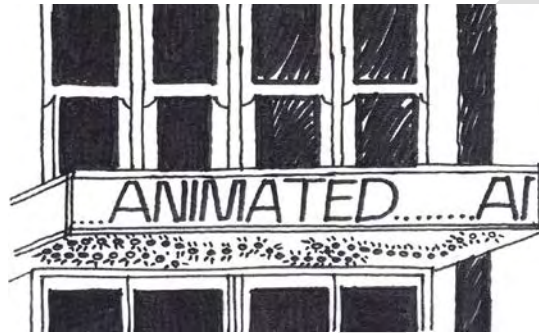
Every approval for the prescribed activity named in schedule 1, section 1 is non-transferable.

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

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

### 1 Animated sign



- (1) An *animated sign* is a sign with a changing display, including flashing, chasing fibre optic lights, scrolling illuminated images and any other non-static illuminated displays other than an Electronic Graphic Display Screen.
- (2) The criteria for prescribed for an animated sign are that the sign must—
  - (a) not have flashing, chasing, scrolling or the like display; and
  - (b) not to be displayed on a road; and
  - (c) when visible from a road (State-controlled or local government road) — be sited and displayed in accordance with the Queensland Government Roadside Advertising Guide (as amended); and
  - (d) not interfere with access to any premises; and
  - (e) if a mobile device—not occupy vehicle parking spaces or other dedicated service areas (e.g. waste collection and delivery bays); and

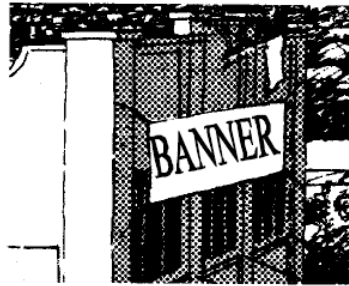
- (f) not be visible from premises used for a residential purpose.

## 2 Balloon, blimp, kite or cold air inflatable sign



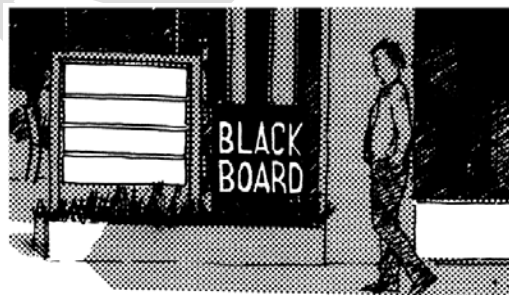
- (1) ***Balloon, blimp, kite or cold air inflatable sign*** means any fixed or captive envelope, balloon, blimp, or kite, whether a cold air inflatable or lighter than air device.
- (2) The criteria prescribed for a balloon, blimp, kite or cold air inflatable sign at premises are that the sign must—
- (a) not be illuminated; and
  - (b) only be displayed for a maximum period of 7 days in any 90 day period; and
  - (c) fit within a three dimensional space having rectangular sides, where the sum of the height, width and depth of the space does not exceed 20m; and
  - (d) not exceed 8 m in height or 6m in diameter; and
  - (e) only be inflated with cold air or non-flammable or non-toxic gas; and
  - (f) be tethered to the roof of the premises and must not be floated above the roof; and
  - (g) only be deployed by a qualified operator; and
  - (h) have engineering design and certification and be installed in accordance with the certification; and
  - (i) be limited to one balloon, blimp, kite or cold air inflatable sign per premises.
- (3) Also, the advertiser must have in effect and maintain a public liability insurance policy in an amount not less than \$20,000,000.00 against claims for personal injury and property damage resulting from the display of the sign.

### 3 Banner sign



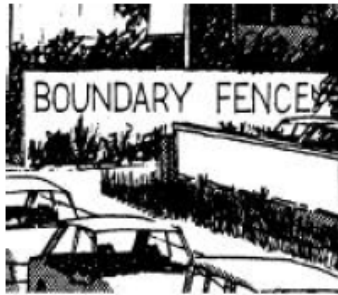
- (1) A **banner sign** is a temporary sign intended to be suspended from a structure or pole with or without supporting framework displaying a sign applied or painted to fabric or similar material of any kind.
- (2) The criteria prescribed for a banner sign are that the sign must—
  - (a) not be illuminated; and
  - (b) not have a face area in excess of 2.4m<sup>2</sup>; and
  - (c) only be displayed for a maximum period of 14 days within any 90 day period; and
  - (d) be affixed flat to a structure that will accommodate wind loadings for the area; and
  - (e) not be affixed to a tree, street light pole or power pole; and
  - (f) not be erected above the gutter line or on the roof of a building.
- (3) Also, a limit of only 1 banner sign per street frontage for any premises may be displayed.

### 4 Blackboard sign



- (1) A **blackboard sign** is a mobile blackboard, whiteboard or the like with a hand written message.
- (2) The criteria prescribed for a blackboard sign are that the sign must not have a face area in excess of 2.0m<sup>2</sup>.
- (3) Also, a limit of only 1 blackboard sign per shop front or 10 metres of linear shop frontage, whichever is the greater, may be displayed.

## 5 Boundary fence sign



- (1) A **boundary fence sign** is a sign painted or otherwise affixed to a fence that has been designed to permanently delineate or identify a boundary alignment or enclosure.
- (2) The criteria prescribed for a boundary fence sign are—
  - (a) the sign must not be illuminated; and
  - (b) the whole of the sign must be contained within the fence outline; and
  - (c) the size and form of the sign must be in scale and proportion with the fence on which it is displayed and must not have a face area in excess of 20m<sup>2</sup> or 30% of the fence, whichever is the greater; and

*Note*

*The fence area relates to the straight line portion of the fence upon which the sign is displayed.*

- (d) if the sign is not painted on the fence—it must not project more than 30mm from the fence.

## 6 Bunting sign



- (1) A **bunting sign** includes decorative flags, pennants and streamers.
- (2) The criteria prescribed for a bunting sign are that the sign must—
  - (a) not be illuminated; and
  - (b) be affixed to a structure that will accommodate wind loadings in the area; and
  - (c) not be affixed to a tree, street light pole or power pole on a local government controlled area or a road; and
  - (d) not be placed on premises more than 6m above ground level directly adjacent to the sign; and
  - (e) be placed wholly within the premises and not beyond the street front

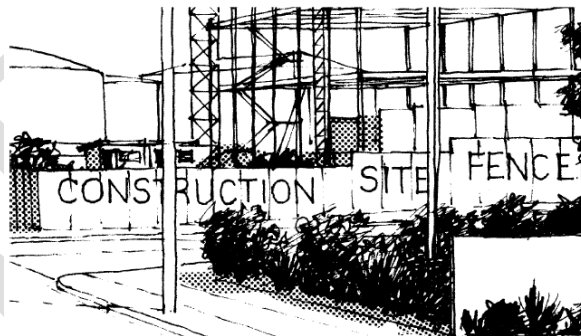
boundary of the premises.

- (3) Also, if requested by an authorised person, the advertiser must provide an engineer's certification for any structure dedicated for the support of the sign.

## 7 Construction project sign

- (1) **Construction project sign** is a sign which conveys information relating to the nature of the development project proposed for a site as well as the name and contact details of the developer and their principal consultants.
- (2) The criteria prescribed for a construction project sign are that the sign must—
  - (a) not be illuminated; and
  - (b) not have a face area in excess of—
    - (i) 5m<sup>2</sup> in an industrial zone or a centre zone; or
    - (ii) 2.5m<sup>2</sup> in all remaining zone category areas; and
  - (c) relate to a current development permit; and
  - (d) be removed upon completion of construction at the site.
- (3) Also, only 1 construction project sign per street frontage may be displayed.

## 8 Construction site fence sign



- (1) A **construction site fence sign** is a sign painted or otherwise affixed parallel with and confined to the limits of a temporary safety fence of a construction site, along the boundary or boundaries of the site.
- (2) The criteria prescribed for a construction site fence are that the sign must—
  - (a) not be illuminated; and
  - (b) only contain information related to the project under construction, for example, the project name, project slogan, project developer, construction company, proposed uses and completion date; and
  - (c) not have a face area in excess of 1m<sup>2</sup> for each metre of the length of the fence to which it is affixed, except for residential zone category areas where the face area must be limited to a maximum of 20% of the length of the fence; and

- (d) not be affixed to a fence unless the fence is constructed to withstand the consequent wind or other loads; and
- (e) relate to a construction site where there is a current building development permit and construction works have commenced; and
- (f) be removed within 7 days of a successful final building inspection or the issue of a certificate of classification; and
- (g) only be displayed for a maximum period of 12 months in a residential zone.

## 9 Community organisation site sign

- (1) A *community organisation site sign* is a sign which is displayed at the site of a fete, fair, festival or other similar event for the primary purpose of advertising the fete, fair, festival or other similar event.
- (2) The criteria prescribed for a community organisation site sign are that the sign must—
  - (a) not be illuminated; and
  - (b) only be displayed for a maximum period of 30 days prior to the event advertised; and
  - (c) not have a face area in excess of—
    - (i) 2.5m<sup>2</sup> in a residential zone; or
    - (ii) 5m<sup>2</sup> in all remaining zone category areas; and
  - (d) be removed within 2 days of the event finishing; and
  - (e) not exceed, in number, 2 community organisation site signs per street frontage.

## 10 Directional community organisation sign

- (1) A *directional community organisation sign* is a sign which while not displayed at the site of a fete, fair, festival or other similar event, has the primary purpose of directing the public to the fete, fair, festival or other similar event.
- (2) The criteria prescribed for a directional community organisation sign are that the sign must—
  - (a) not be illuminated; and
  - (b) not have a face area in excess of 0.6m<sup>2</sup> when placed on a road or public place; and
  - (c) not have a face area in excess of 2.4m<sup>2</sup> when placed on private property; and
  - (d) only be displayed for a maximum period of 14 days prior to the event advertised on the sign and be removed within 2 days of the event finishing; and

- (e) only be erected on private property other than a public place not more than 14 days prior to the event advertised on the sign, and be removed within 2 days of the event finishing; and
  - (f) be sited so as not to cause unsafe movement or obstruction of pedestrian or vehicular traffic, including complying with applicable parts of schedule 4.
- (3) Also—
- (a) for signs placed on a road or public place, the advertiser must have in effect and maintain a public liability insurance policy in an amount not less than \$20,000,000.00 against claims for personal injury and property damage resulting from the display of the sign; and
  - (b) a maximum of 15 signs may be displayed on private property; and
  - (c) a maximum of 10 signs may be displayed on roads and public places.

## 11 Display home sign



- (1) A *display home sign* is a sign which advertises a display home.
- (2) The criteria prescribed for a display home sign are that the sign must—
  - (a) not be illuminated; and
  - (b) only be displayed on premises with a lawfully approved display home; and
  - (c) only be displayed for a maximum period of 12 months; and
  - (d) not have a face area in excess of 2.4m<sup>2</sup>; and
  - (e) only be located on the premises of the display home advertised on the sign; and
  - (f) not exceed, in number, 1 display home sign per premises.

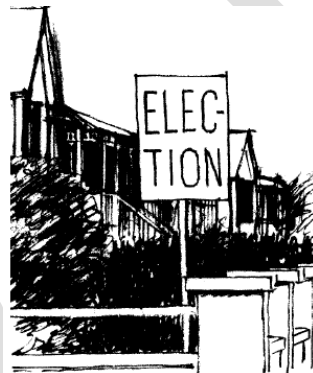
## 12 Election polling place sign

- (1) An *election polling place sign* is an election sign which—
  - (a) is on a roadway, footway or public space; and
  - (b) is in the direct control of a person; and
  - (c) is located at a polling place at which voting can occur.



- (2) The criteria prescribed for an election polling place sign are that the sign must—
  - (a) not be illuminated; and
  - (b) not have a face area in excess of 1.2m<sup>2</sup>, but may be double-sided; and
  - (c) be located adjacent to the polling place; and
  - (d) only be exhibited while the polling place is continually occupied by a person taking responsibility for the sign; and
  - (e) be sited so as not to cause unsafe movement or obstruction of pedestrian or vehicular traffic, including complying with applicable parts of schedule 4; and
  - (f) not constitute a safety hazard.
- (3) Also, no continuous signage device may be exhibited on a road or other public place.

### 13 Election sign

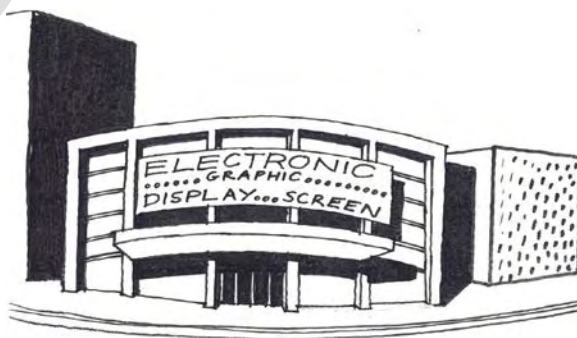


- (1) An *election sign* is a temporary sign advertising a political candidate or candidates, a registered political party, or a campaign for a Commonwealth, State, or Local Government election—
  - (a) during an election campaign; or
  - (b) in relation to a referendum.
- (2) The criteria prescribed for an election sign are that the sign must—
  - (a) not be illuminated; and
  - (b) be exhibited in a location that is not a road or other public place, unless adjacent to an election stall sign; and
  - (c) not adversely affect public safety; and
  - (d) not inappropriately impact on the use and enjoyment of land or premises; and
  - (e) not excessively affect the visual amenity of an area; and
  - (f) be removed no later than 7 days after the day of the election or referendum promoted in the sign.

## 14 Election stall sign

- (1) An *election stall sign* is an election sign which—
  - (a) is on a roadway, footway or public space; and
  - (b) is in the direct control of a person; and
  - (c) is located within 6m of an election stall.
- (2) The criteria prescribed for an election stall sign are that the sign must—
  - (a) not be illuminated; and
  - (b) not have a face area in excess of 1.2m<sup>2</sup>, but may be double-sided; and
  - (c) for each election stall—
    - (i) be integrated with the stall or be stand-alone in the form of a footway sign or a sign mounted on 1 or more vertical supports; and
    - (ii) not exceed, in number, 4 election stall signs, whether stand-alone (such as a footway sign) or integrated with the stall, or any combination of these options; and
    - (iii) be located no more than 6m from the stall; and
    - (iv) be exhibited only while the stall is continually occupied by the person taking responsibility for the stall; and
  - (d) be sited so as not to cause unsafe movement or obstruction of pedestrian or vehicular traffic, including complying with applicable parts of schedule 4; and
  - (e) not constitute a safety hazard.
- (3) Also, no continuous signage device may be exhibited on a road or other public place.

## 15 Electronic graphic display screen

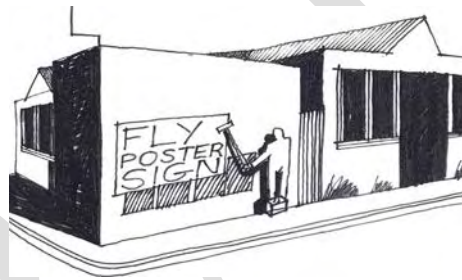


- (1) An *electronic graphic display screen* is a sign with light emitting diode (LED) technology and associated technology and software, capable of producing still

images, video replay or television broadcasts or animations as programmed.

- (2) The criteria prescribed for an electronic graphic display screen sign are that the sign must—
  - (a) not to be displayed on a road; and
  - (b) when visible from a road (State-controlled or local government road) — be sited and displayed in accordance with the Queensland Government Roadside Advertising Guide (as amended); and
  - (c) be for a specific community event of limited duration (e.g. Carols by Candlelight and Spring Festival Concert); and
  - (d) not interfere with access to any premises; and
  - (e) if a mobile device—not utilise vehicle parking spaces or other dedicated service areas (e.g. waste collection and delivery bays); and
  - (f) not be visible from premises used for a residential purpose.

## 16 Fly poster sign



- (1) A *fly poster sign* is a non-rigid, printed paper sign, multiple copies of which are glued to walls and other fixtures or structures in public places.
- (2) A fly poster sign may only be installed on a surface at a public place which is specifically provided by the local government for the installation of fly poster signs.

## 17 Footway sign

- (1) *Footway sign* is a portable, freestanding sign, normally supported by an 'A' or inverted 'T' frame, and typically displayed on a footway.
- (2) The criteria prescribed for a footway sign are that the sign must—
  - (a) not be illuminated; and
  - (b) not have a width in excess of 0.75m or a height in excess of 1m; and
  - (c) be positioned immediately adjacent to the shop frontage or near the kerb, but not closer than 1.5m to the kerb; and
  - (d) be positioned to ensure a minimum 2m wide pedestrian corridor is kept clear along the footway; and

- (e) be clear of any vehicle accessway across the footway; and
  - (f) not obstruct access for parking provided for persons with disabilities; and
  - (g) not be positioned to obstruct or clutter the footway, street landscaping, furniture or artwork; and
  - (h) not have moving, rotating or animated parts; and
  - (i) not be displayed otherwise than during trading hours; and
  - (j) not be used for the display of merchandise; and
  - (k) be secured so as not to cause a pedestrian or vehicular hazard in windy conditions; and
  - (l) not have more than 2 face areas.
- (3) Also—
- (a) the advertiser must have in effect and maintain a public liability insurance policy in an amount not less than \$20,000,000.00 against claims for personal injury and property damage resulting from the display of the sign; and
  - (b) the number of footway signs that may be erected is limited to the greater of—
    - (i) 1 sign per shop; and
    - (ii) 1 sign per full 6 metres of linear street frontage of a shop.

*Example-*

*A shop with over 12 metres of linear street frontage is permitted 2 footway signs, a shop with over 18 metres of linear shop frontage is permitted 3 footway signs etc.*

## 18 Garage sale sign



- (1) A **garage sale sign** is a sign of a temporary nature which—
  - (a) advertises a garage sale; and
  - (b) is displayed for directional purposes.
- (2) The criteria prescribed for a garage sale sign are that the sign must—
  - (a) not be illuminated; and
  - (b) not have a face area in excess of 0.6m<sup>2</sup>; and

- (c) not exceed, in number, 4 garage sale signs; and
- (d) not exceed, in number, 3 garage sale signs displayed on a road; and
- (e) when sited on a road—not be affixed to public infrastructure (e.g. street signage, power poles, street furniture, official traffic signs); and
- (f) only be displayed for a maximum period of 2 days prior to the garage sale; and
- (g) be removed within 1 day of the garage sale closing; and
- (h) be sited so as not to cause unsafe movement or obstruction of pedestrian or vehicular traffic, including complying with applicable parts of schedule 4.

## 19 Illuminated sign

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

## 20 Mobile sign



- (1) A *mobile sign* —
  - (a) is a temporary portable self supporting sign which is free-standing and may be mounted on wheels to facilitate movement; but
  - (b) does not include a footway sign or a real estate sign.
- (2) The criteria prescribed for a mobile sign are that the sign must—
  - (a) not be illuminated.
  - (b) not have a face area in excess of 2.5m<sup>2</sup> per side; and
  - (c) if the sign advertises a particular shop or business—identify the shop or business; and

- (d) only be placed on the premises of the shop or business it is advertising or promoting; and
  - (e) be placed so as to minimise visual clutter; and
  - (f) be kept erect and maintained in a good state of repair at all times; and
  - (g) be secured so as not to cause a pedestrian or vehicular hazard in windy conditions; and
  - (h) not have more than 2 face areas; and
  - (i) not occupy vehicle parking spaces; and
  - (j) not damage landscaping.
- (3) Also, the number of mobile signs that may be erected is limited to the greater of—
- (a) 1 sign per shop front; and
  - (b) 1 sign per full 12 metres of linear street frontage.

## 21 Motor vehicle sign

- (1) A *motor vehicle sign* is a sign fitted to, placed upon, or beside, a motor vehicle, motorbike, bicycle, boat, caravan or trailer apparently stopped on a road or private property for the primary purpose of displaying the sign.
- (2) A person must not install, erect or display a motor vehicle sign unless—
- (a) the sign is installed, erected or displayed on a pantechnicon, delivery truck, bus, taxi or commercial vehicle which is operating in the normal course of business of the person; or
  - (b) the person is the holder of a permit issued by the chief executive or the commissioner under section 126 or 126B of the *Traffic Regulation 1962*.

## 22 Public infrastructure sign

- (1) A *public infrastructure sign* is a sign which is affixed or attached to community infrastructure.
- (2) For the avoidance of doubt, a public infrastructure sign may include third party advertising.
- (3) The criteria prescribed for a public infrastructure sign are that—
- (a) the sign must not be installed, erected or displayed without a current approval granted by the local government; and
  - (b) the applicant must produce to the local government evidence that the applicant currently holds any separate approval relating to the prescribed activity that is required under another law, for example, a certification, that the sign complies with the requirements of the Manual of Uniform Traffic Control Devices.

## 23 Real estate land promotional sign



- (1) A *real estate land promotional sign* is a sign which is displayed for the primary purpose of the promotion or sale of land within an industrial or residential estate or development.
- (2) The criteria prescribed for a real estate land promotional sign are that the sign must—
  - (a) not have a face area in excess of 20m<sup>2</sup> per side, with a maximum of 2 sides; and
  - (b) not have a height in excess of 5m; and
  - (c) if the sign is displayed on premises in an area used for residential purposes—not detrimentally impact the visual amenity of the area; and
  - (d) not be erected so as to expose the back view of the sign structure to a road or other public place; and
  - (e) not be erected on a street front boundary along which another real estate land promotional sign or pylon sign is erected, unless those signs are located at least 60m apart; and
  - (f) not be located within 2.5m of any boundary of the premises on which the sign is located; and
  - (g) be displayed on a temporary basis only, so as to enable consideration of the continued appropriateness of the sign as the estate develops; and
  - (h) not be displayed in a built-up residential area.

## 24 Real estate sign



- (1) A *real estate sign*—

- (a) is a temporary sign which promotes the sale, auction, lease or letting of premises; and
  - (b) includes a real estate directional sign and a real estate flag sign.
- (2) The criteria prescribed for a real estate sign (other than a real estate directional sign and real estate flag sign) are that the sign must—
- (a) not be illuminated; and
  - (b) not result in the unsafe movement or obstruction of pedestrian or vehicular traffic; and
  - (c) be located along the street front boundary; and
  - (d) if located on a public place or road—be located within 1m of the fence line or boundary line of the premises; and
  - (e) not have a face area in excess of 1.2m<sup>2</sup>, but may be double-sided; and
  - (f) not exceed, in number, 1 real estate sign for each agent marketing the premises up to a maximum of 3 signs; and
  - (g) be removed within 14 days after the sale of the premises advertised on the sign; and
  - (h) be kept erect and maintained in a good state of repair at all times.
- (3) As an alternative to subsection (2)(f), an advertiser may display 1 sign having a face area not exceeding 2.4m<sup>2</sup> at the premises.

*Note*

*In this alternative no other real estate signage is to be displayed other than signage associated with open for inspection or auction day.*

- (4) A **real estate directional sign** is a temporary orientation sign erected on a road for the purpose of directing persons to real estate which is being—
- (a) offered for sale by auction; or
  - (b) open for public inspection.
- (5) The criteria prescribed for a directional real estate sign are that the sign must—
- (a) not exceed, in number, 4 signs per premises advertised; and
  - (b) not have a face area in excess of 0.6m<sup>2</sup>; and
  - (c) only be displayed on the day on which the premises are open for public inspection or offered for sale by auction; and
  - (d) be located within a 2km radius of the premises; and
  - (e) be displayed in accordance with the general criteria specified in schedule 4, including siting requirements when placed on a road or a public place.
- (6) Also, the advertiser must have in effect and maintain a public liability insurance policy in an amount not less than \$20,000,000.00 against claims for personal injury and property damage resulting from the display of the sign.
- (7) A **real estate flag sign** is a temporary flag that is erected for the purposes of identifying real estate when—



- (a) the real estate is open for public inspection; or
  - (b) an auction of the real estate is occurring.
- (8) The criteria prescribed for a real estate flag sign are that the sign must—
- (a) not exceed, in number, 1 sign per premises; and
  - (b) not have a face area in excess of 1.5m<sup>2</sup>; and
  - (c) only be displayed during the times when the premises are open for public inspection or being auctioned.
- (9) Also—
- (a) the sign may be displayed on the verge between the premises and the road pavement providing—
    - (i) the sign is affixed securely to remain safe in the prevailing weather conditions; and
    - (ii) if secured by the wheel of a registered vehicle, the sign must not be placed on the road side of the vehicle and the vehicle must be lawfully parked; and
  - (b) the advertiser must have in effect and maintain a public liability insurance policy in an amount not less than \$20,000,000.00 against claims for personal injury and property damage resulting from the display of the sign.

## 25 Social and welfare sign



- (1) A *social and welfare sign* is a sign which identifies a charitable institution, non proprietary club, educational establishment, incorporated association or the like.
- (2) The criteria prescribed for a social and welfare sign are that the sign must—
  - (a) if the content or information on a sign is such that the sign is classified as a social and welfare sign but the design, location or structure of the sign is such that the sign may be classified within another category of sign in this schedule (the *other category*)— comply with the criteria (if any) prescribed for the other category; and

*Example—*

*If the location and structure of a social and welfare sign are such that the sign may also be classified as a banner sign, the sign must comply with the criteria prescribed for a banner sign.*

- (b) not exceed, in number, 1 sign per premises, however, 2 signs may be displayed on premises if the premises have a street front boundary in excess of 100m or is a corner lot, providing the signs are at least 50m apart.

## 26 Statutory sign



- (1) A **statutory sign** is a sign exhibited pursuant to the authority or requirements of an Act.
- (2) The criterion prescribed for a statutory sign is that the sign must be exhibited in accordance with the requirements of the Act which requires the exhibition of the sign.

*Examples—*

The *Work Health and Safety Act 2011* requires the exhibition of signs regarding safety.

The *Sustainable Planning Act 2009* requires the exhibition of signs regarding town planning issues.

## 27 Third party advertising sign

- (1) A **third party advertising sign** is a sign which displays or promotes—
  - (a) the name, logo or symbol of a company, organisation or individual which does not own or substantially occupy the premises or building on which the sign is displayed; or
  - (b) a product or service which is not supplied at, or available from, the premises on which the sign is displayed; or
  - (c) an activity or event which does not occur on the premises on which the sign is displayed.
- (2) A **third party advertising sign** must not be installed, erected or displayed without a current approval granted by the local government.

## 28 Trade sign



- (1) A **trade sign** is a temporary sign which displays a trade person's activity on premises, (e.g. the activities of a painter or a tiler).
- (2) The criteria prescribed for a trade sign are that—
  - (a) a maximum of 1 sign may be displayed on any premises; and
  - (b) the sign—
    - (i) must only advertise the trade person's name, contact number and internet web address; and
    - (ii) must not have a face area in excess of 0.6m<sup>2</sup>; and
    - (iii) may only be displayed at premises for the duration of the trade person's activity on the premises.

## 29 Unclassified/special case sign

- (1) An **unclassified/special case sign** is a sign which—
  - (a) does not fall within any of the other sign definitions listed in this schedule; and
  - (b) is not identified under the planning scheme of the local government as—
    - (i) self assessable development; or
    - (ii) code assessable development; or
    - (iii) impact assessable development.
- (2) A person must not install, erect or display an unclassified/special case sign without a current approval granted by the local government.

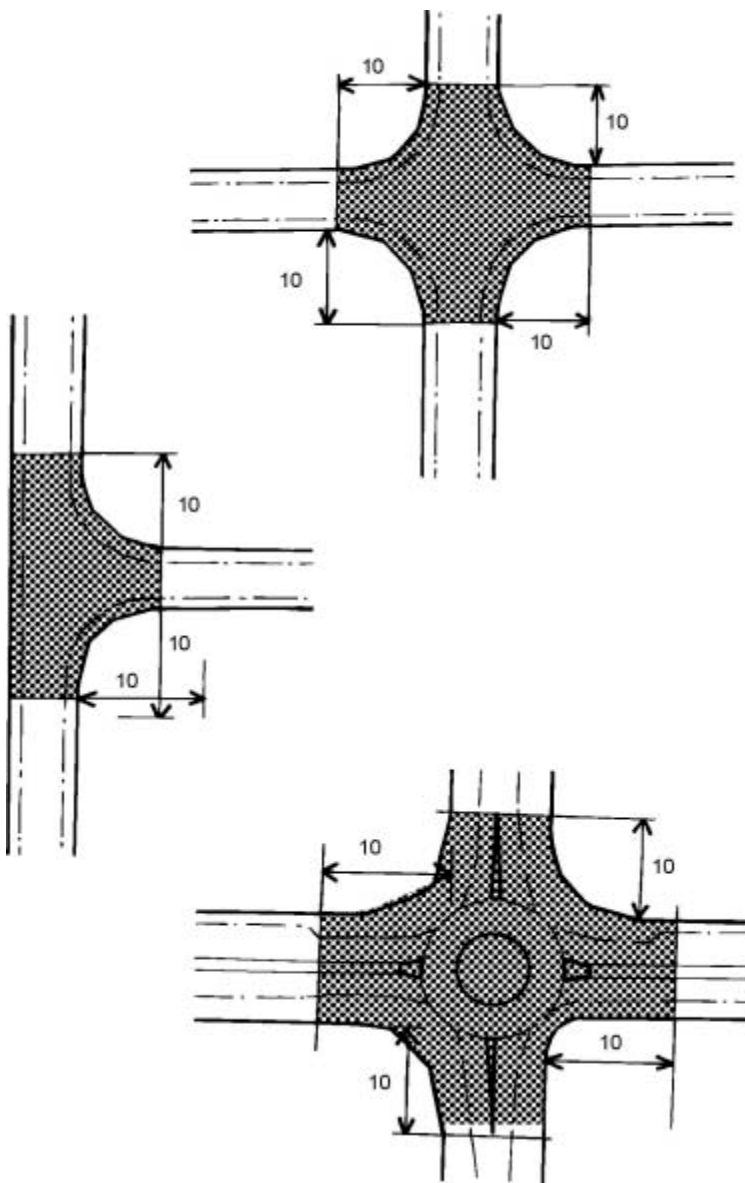
## **Schedule 4      General criteria for installation, erection and display of advertising devices**

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

1. This schedule specifies general criteria for the installation, erection and display of advertising devices.
2. The advertising device must not be erected on a road or a public place unless otherwise permitted by this subordinate local law.
3. The advertising device must—
  - (a) not display third party advertising unless otherwise permitted by this subordinate local law; and
  - (b) not cause a nuisance as reasonably determined by the local government; and
  - (c) be kept and maintained at all times in good order and repair, and free of graffiti.
4. The activity being advertised on the advertising device must be able to be lawfully conducted on the premises on which the advertising device is installed, erected or displayed.
5. The display of the advertising device must not cause obstruction of, or distraction to, pedestrian or vehicular traffic.
6. An advertising device mounted over a road or other place where vehicles are able to pass, must provide a clearance of not less than 5.7m above ground level directly adjacent to the advertising device.
7. This schedule also specifies the criteria that the local government must have regard to when deciding whether to approve the display of a free-standing advertising device by reference to the size of the advertising device.
8. The face area of any advertising device is the area bounded by the framework of a manufactured panel, hoarding or illuminated advertising device case and is calculated by multiplying the advertising device face area height and width parameters.
9. However, in the case of lettering, logos or designs applied to a lesser area than the panel parameters, or individual lettering applied to a wall or awning face, the area is calculated by drawing a rectangle around the advertising device lettering.
10. In the case of irregular shaped advertising devices, including words with ascending or descending upper or lower case letter strokes, or replicas or shapes, the face area is calculated by not more than 2 abutting and non-overlapping rectangles added together.
11. Decorative lines, stripes and architectural trims of an advertising device, whether illuminated or not, form part of the face area of the advertising device.
12. In calculating the size of an advertising device, v-shaped advertising devices are classed as 2 advertising devices unless otherwise determined by this subordinate local law.
13. The maximum face area for a free-standing advertising device is 22.5m<sup>2</sup>.
14. The maximum allowable height for a free-standing advertising device is 7.5m.
15. An advertising device must not to be installed, erected or displayed on any of the following locations—

- (a) within an intersection or roundabout shown on figure 1;
- (b) within, or on, a median strip, traffic island or roundabout;
- (c) upon any tree, shrub, pole or traffic sign support;
- (d) within 10m of a traffic warning or direction sign;
- (e) within 3m from the bitumen edge of a road (where no kerb and channel exists);
- (f) outside the footpath area of a road (where kerb and channel exists); and
- (g) where the placement of the advertising device presents a potential safety hazard to the public.

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



All measurements in figure 1 are in shown in metres.

## **Schedule 5      Zone categorization criteria for installation, erection and display of advertising devices**

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

1. The local government has divided the local government area into six zone categories as follows—
  - (a) industrial; and
  - (b) centre; and
  - (c) environmental; and
  - (d) open space; and
  - (e) residential; and
  - (f) community purposes.
2. For the purpose of this subordinate local law, the 6 categories identified in the planning scheme of the local government are further categorized as follows—
  - (a) the industrial zone category includes—
    - (i) the commercial industry zone; and
    - (ii) the general industry zone; and
    - (iii) the island industry zone; and
    - (iv) the marine activity zone; and
  - (b) the centre zone category includes—
    - (i) the district centre zone; and
    - (ii) the local centre zone; and
    - (iii) the major centre zone; and
    - (iv) the point lookout centre zone; and
    - (v) the southern moreton bay islands centre zone; and
  - (c) the environmental zone category includes —
    - (i) the conservation zone; and
    - (ii) the environmental protection zone; and
  - (d) the open space zone category includes—
    - (i) the open space zone; and
    - (ii) the park residential zone; and
  - (e) the residential zone category includes—
    - (i) the emerging urban community zone; and
    - (ii) the low density residential zone; and
    - (iii) the medium density residential zone; and

- (iv) the neighbourhood centre zone; and
  - (v) the point lookout residential zone; and
  - (vi) the point lookout tourist zone; and
  - (vii) the rural non-urban zone; and
  - (viii) the urban residential zone; and
- (f) the community purposes zone category includes the community purposes zone.
3. If an advertising device is identified as a permitted sign in a specified zone in the table in this schedule, a person may install, erect or display the advertising device without a current approval granted by the local government.
  4. If an advertising device is identified as an approval required sign in a specified zone in the table in this schedule, a person must not install, erect or display the advertising device without a current approval granted by the local government.
  5. If an advertising device is identified as a prohibited sign in a specified zone in the table in this schedule, a person must not install, erect or display the advertising device in the zone.

## Zone categorization for advertising devices

Sign Description		Zone Category					
		Industrial	Centre	Environmental	Open Space	Residential	Community Purposes
1	Animated Sign	●	●	×	●	×	●
2	Balloon, Blimp, Kite, or Inflatable Sign	✓	✓	×	●	×	●
3	Banner Sign	✓	✓	●	✓	●	✓
4	Blackboard Sign	✓	✓	×	●	×	✓
5	Boundary Fence Sign	✓	✓	×	●	×	●
6	Bunting Sign	●	●	×	×	×	×
7	Construction Project Sign	✓	✓	✓	✓	✓	✓
8	Construction Site Fence Sign	●	●	●	●	●	●
9	Community Organisation Site Sign	✓	✓	✓	✓	×	✓
10	Directional Community Organisation Sign	✓	✓	✓	✓	✓	✓
11	Display Home Sign	●	●	●	×	✓	×
12	Election Polling Place Sign	✓	✓	✓	✓	✓	✓
13	Election Sign	✓	✓	✓	✓	✓	✓
14	Election Stall Sign	✓	✓	✓	✓	✓	✓
15	Electronic Graphic Display Screen	●	●	●	●	×	●
16	Fly Poster Sign	×	×	×	×	×	×
17	Footway Sign	✓	✓	×	●	×	✓
18	Garage Sale Sign	✓	✓	✓	✓	✓	✓
19	Illuminated Sign	●	●	×	●	×	●
20	Mobile Sign	●	●	×	●	×	●
21	Motor Vehicle Sign	×	×	×	×	×	×
22	Public Infrastructure Sign	●	●	●	●	●	●
23	Real Estate Land Promotional Sign	●	●	●	●	●	●
24	Real Estate Sign	✓	✓	✓	✓	✓	✓
25	Social and Welfare Sign	✓	✓	✓	✓	✓	✓
26	Statutory Sign	✓	✓	✓	✓	✓	✓
27	Third Party Advertising Sign	×	×	×	×	×	×
28	Trade Sign	✓	✓	●	●	✓	✓
29	Unclassified/Special Case Sign	●	●	●	●	●	●

Permitted Sign = ✓

Approval Required Sign = ●

Prohibited Sign = ×



## **Schedule 6 State-controlled roads to which the local law applies**

### Section 7

Subject to the chief executive's written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b), every State-controlled road in the local government area of the local government.

DRAFT

## Schedule 7 Dictionary

### Section 4

**animated sign** see schedule 3 section 1.

**advertiser** means a person—

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

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

**balloon, blimp, kite, or inflatable signs** see schedule 3, section 2.

**banner sign** see schedule 3, section 3.

**blackboard sign** see schedule 3, section 4.

**boundary fence sign** see schedule 3, section 5.

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

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

**bunting sign** see schedule 3, section 6.

**community infrastructure** has the meaning given in the *Sustainable Planning Act 2009*.

**community organisation site sign** see schedule 3, section 9.

**community service organisation** means an incorporated association which is incorporated under the *Associations Incorporation Act 1981*.

**construction project sign** see schedule 3, section 7.

**construction site fence sign** see schedule 3, section 8.

**directional community organisation sign** see schedule 3, section 10.

**display home sign** see schedule 3, section 11.

**election polling place sign** see schedule 3, section 12.

**election sign** see schedule 3, section 13.

**election stall** means a table or other similar device from which political information is

distributed.

**election stall sign** see schedule 3, section 13.

**electronic graphic display screen** see schedule 3, section 14.

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

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

**face area** see schedule 4, sections 9 to 13 inclusive.

**fly poster** see schedule 3, section 15.

**footway sign** see schedule 3, section 16.

**free-standing sign** —

- (a) means a sign which does not form part of a building or other structure which is erected on a solid, free-standing structure; and
- (b) includes—
  - (i) a community organisation site sign; and
  - (ii) a display home sign; and
  - (iii) a garage sale sign; and
  - (iv) a real estate promotional sign; and
  - (v) a real estate sign; and
  - (vi) a real estate directional sign; and
  - (vii) a social and welfare sign; and
  - (viii) a trade sign.

**garage sale sign** see schedule 3, section 17.

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

**illuminated sign**, see schedule 3, section 18.

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

**limited access road** has the meaning given in section 54 of the *Transport Infrastructure Act 1994*.

**mobile sign** see schedule 3, section 19.

**motorway** has the meaning given in the *Transport Infrastructure Act 1994*.

**motor vehicle sign** see schedule 3, section 20.

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

**occupier**, of premises—

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

**other category** see schedule 3 section 25.

**owner**, of premises, means the person for the time being entitled to receive the rent for the

premises or who would be entitled to receive the rent for it if it were let to a tenant at a rent.

**permitted advertisement** see schedule 1, section 2(3).

**polling place** means—

- (a) for an election under the *Electoral Act 1992*—a polling place as defined in the *Electoral Act 1992*; and
- (b) for an election under the *Local Government Electoral Act 2011*—a polling booth as defined in the *Local Government Electoral Act 2011*; and
- (c) for an election under the *Commonwealth Electoral Act 1918*—a polling place as defined in the *Commonwealth Electoral Act 1918*.

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

**public infrastructure sign** see schedule 3, section 21.

**public place** has the meaning given in the Act.

**rateable land** has the meaning given in the Act.

**real estate land promotional sign** see schedule 3, section 22.

**real estate sign** see schedule 3, section 23.

**road** has the meaning given in the Act.

**road related area** has the meaning given in the *Transport Operators (Road Use Management – Road Rules) Regulation 2009*.

**roof** means the protective covering, that covers or forms the top of a building.

**sign** see advertising device.

**social and welfare sign** see schedule 3, section 24.

**statutory sign** see schedule 3, section 25.

**street front boundary** —

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

**structure** has the meaning given in the Act.

**third party advertising**, see **third party advertising sign**.

**third party advertising sign**, see schedule 3, section 26.

**trade sign** see schedule 3, section 27.

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

**unclassified/special case sign** see schedule 3, section 28.

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

**Certification**

This and the preceding 35 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the                    day of                    , 2014.

.....  
Chief Executive Officer

395274\_1

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**Redland**  
CITY COUNCIL

Redland City Council

**DRAFT Subordinate Local Law No. 1.5  
(Keeping of Animals) 2014**



## Redland City Council

### Subordinate Local Law No. 1.5 (Keeping of Animals) 2014

#### Contents

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.5 (Keeping of Animals) 2014*.

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

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2014* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
  - (a) various matters regarding the granting of approvals for prescribed activities; and
  - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2014* (the **authorising local law**).

### 4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 3 defines particular words used in this subordinate local law.

## Part 2 Approval for prescribed activity

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

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



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

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

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

## Schedule 1 Keeping of animals

### Section 5

#### 1. Prescribed activity

- (1) Keeping of animals.
- (2) Under *Local Law No. 2 (Animal Management) 2014*, the relevant approvals are described as —
  - (a) a 3 cat approval;
  - (b) a 3 dog approval;
  - (c) a cattery approval;
  - (d) a kennel approval;
  - (e) a pet shop approval.

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

The keeping of animals at an animal entertainment park or an animal sanctuary.

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

- (1) An application detailing—
  - (a) the species, breed, age and gender of each animal for which the approval is sought; and
  - (b) the number of animals to be kept; and
  - (c) the nature of the premises at which the animal or animals are to be kept; and
  - (d) the area, or the part of the area, in which the animal or animals are to be kept; and
  - (e) the materials out of which any enclosure in which the animal or animals to be kept is (or is to be) constructed and any other details of the enclosure; and
  - (f) the location of the enclosure on the premises; and
  - (g) if the application relates to a 3 cat approval or a 3 dog approval — the written consent of the occupier of any land which borders the premises on which the animals are to be kept.
- (2) If an animal the subject of the application is required to be registered under the Animal Management Act — evidence that the animal is currently registered with the local government, for example, a registration notice for the animal from the local government.

#### 4. Additional criteria for the granting of an approval

- (1) Whether the premises on which the animal or animals are to be kept is appropriately sized so that the animal or animals can be effectively and comfortably kept on the premises.
- (2) Whether a residence exists on the premises.
- (3) Whether a proper enclosure is maintained on the premises in accordance with the requirements of *Local Law No. 2 (Animal Management) 2014*.
- (4) If the application relates to a 3 cat approval or a 3 dog approval — whether compassionate grounds exist for granting the approval.

*Example –*

Compassionate grounds for the grant of an approval exist if—

- (a) 2 dogs are registered with the local government as kept by a person (the *first person*) on the premises; and
  - (b) another person (the *second person*) is the keeper of another dog (the *third dog*); and
  - (c) the second person is, due to the occurrence of an event (the *intervening event*) which is beyond the reasonable control of the second person, for example, a serious injury, sickness or the death of the second person, unable to keep the third dog; and
  - (d) the first person, as a result of, or after the occurrence of, the intervening event, wishes to keep the third dog on the premises.
- (5) If the application relates to the keeping of dogs or cats — whether the animals identified in the application are registered with the local government.
  - (6) If section 14 of the Animal Management Act applies to the applicant for the approval — whether the applicant has complied with the requirements of the section.
  - (7) Whether the grant of the approval for the prescribed activity on the premises is likely to —
    - (a) cause nuisance, inconvenience or annoyance to occupiers of adjoining land; or
    - (b) affect the amenity of the surrounding area; or
    - (c) have a deleterious effect on the local environment or cause pollution or other environmental damage.
  - (8) Whether the applicant has been refused a similar type of approval by the local government or another local government.

## **5. Conditions that must be imposed on an approval**

No conditions prescribed.

## **6. Conditions that will ordinarily be imposed on an approval**

- (1) The conditions that will ordinarily be imposed on a 3 cat approval for premises are—
  - (a) a condition limiting the approval to the cats identified in the approval; and
  - (b) a condition requiring the holder of the approval to take reasonable steps to keep the cats from breeding; and

- (c) a condition requiring that the premises be provided with an enclosure complying with the requirements of section 13 of *Local Law No 2 (Animal Management) 2014*; and
  - (d) a condition requiring that if 1 or more of the cats identified in the approval departs the premises, the approval shall be deemed to have lapsed; and
  - (e) a condition requiring the holder of the approval to take all reasonable steps to prevent the cats from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of other premises; and
  - (f) a condition requiring that waste material and cat faeces be removed daily and disposed of in a manner approved by an authorised person; and
  - (g) a condition requiring that all enclosure areas be kept clean and sanitary and disinfected on a regular basis to the satisfaction of an authorised person; and
  - (h) a condition requiring that the holder of the approval ensure that all facilities for the keeping of cats on the premises are structurally maintained and in an aesthetically acceptable condition; and
  - (i) a condition requiring that all cats are permanently identified by the implanting of a microchip capable of being read by the local government's microchip reader.
- (2) The conditions that will ordinarily be imposed on a 3 dog approval for premises are—
- (a) a condition limiting the approval to the dogs identified in the approval; and
  - (b) a condition requiring that if 1 or more of the dogs identified in the approval departs the premises, the approval shall be deemed to have lapsed; and
  - (c) a condition requiring the holder of the approval to take all reasonable steps to prevent the dogs from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of other premises; and
- Example –*
- Persistent barking, howling or whining of a dog may result in a nuisance or disturbance to the occupiers of other premises.
- (d) if a kennel, run or exercise yard is provided for the dogs — a condition requiring that the kennel, run or yard must be located not less than—
    - (i) 1m from any boundary of the premises; or
    - (ii) 5m from any residence, other than the residence upon the premises on which the enclosure is to be constructed, and
  - (e) a condition requiring that drainage and run off from kennels be confined to the premises; and
  - (f) a condition requiring that waste material and dog faeces be removed daily and disposed of in a manner approved by an authorised person; and

- (g) a condition requiring that all kennel and enclosure areas be kept clean and sanitary and disinfected on a regular basis to the satisfaction of an authorised person; and
  - (h) a condition requiring that the holder of the approval ensure that all facilities for the keeping of dogs on the premises are structurally maintained and in an aesthetically acceptable condition; and
  - (i) a condition requiring the holder of the approval to take reasonable steps to keep the dogs from breeding; and
  - (j) a condition requiring that all dogs are permanently identified by the implanting of a microchip capable of being read by the local government's microchip reader.
- (3) The conditions that will ordinarily be imposed on a cattery approval or a kennel approval are —
- (a) a condition that the operation of the cattery or kennel must not —
    - (i) cause an odour nuisance to neighbouring premises; or
    - (ii) detrimentally affect the amenity of neighbouring premises; and
  - (b) a condition that the cattery or kennel must be suitably and continuously ventilated to ensure that all areas on which animals are kept are free of dampness, nuisance odours and dust emissions; and
  - (c) a condition that the operation of the cattery or kennel must not involve the storage in the open of goods, materials or activities associated with the operation of the cattery or kennel; and
  - (d) a condition that only rain water from uncontaminated areas may drain directly into the storm water system; and
  - (e) a condition that all spillages of wastes, contaminants and other materials must be cleaned up immediately and must not be cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or materials to any storm water system or waters; and
  - (f) a condition that the operation of the cattery or kennel must not attract fly breeding or vermin infestation; and
  - (g) a condition that —
    - (i) the cattery or kennel must be kept free of pests and conditions offering harbourage for pests; and
    - (ii) all feed must be stored in insect and vermin proof containers; and
  - (h) a condition that all fixtures, fittings, equipment and facilities at the cattery or kennel must be maintained in a clean, tidy, sanitary and hygienic condition; and
  - (i) a condition that waste waters from animals and from the washing down of floors, surfaces, enclosures and other areas must be collected and drained to an approved pre-treatment device before discharge to the sewerage system; and
  - (j) a condition that waste containers sufficient to accommodate the collection and storage of all waste generated as part of the operation of

- the cattery or kennel must be provided in the manner and location specified by the local government; and
- (k) a condition that all waste containers must be regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition; and
  - (l) a condition that the cattery or kennel, including all premises, buildings, structures, vehicles, car parks, access and egress routes, facilities and equipment of and incidental to its operation, must be maintained at all times—
    - (i) in good working order and condition; and
    - (ii) in a clean and sanitary condition; and
  - (m) a condition that all enclosures which form part of the operation of the cattery or kennel must be provided and maintained in such a manner so as to—
    - (i) be clean and in a sanitary condition; and
    - (ii) prevent the escape of any animal kept in the enclosure; and
    - (iii) protect the safety of staff and the public; and
    - (iv) be in a state of good order and repair; and
    - (v) avoid injury to any animal kept in the enclosure; and
    - (vi) ensure the regular cleaning of all internal and external surfaces of the enclosures and regular checking of any animal within the enclosures; and
    - (vii) be impervious and able to be effectively cleaned and sanitised; and
    - (viii) ensure the comfort of any animal kept in the enclosure and the prevention of disease.
- (4) The conditions that will ordinarily be imposed on a pet shop approval are—
- (a) a condition that the premises must be maintained in a clean and sanitary condition at all times; and
  - (b) a condition that any excreta, offensive material or food scraps must be collected at least once each day and placed in a fly proof approved refuse receptacle for disposal; and
  - (c) a condition that no dog or cat is to be sold unless registered or, alternatively, a register is supplied to the local government on a monthly basis giving full details of all dogs and cats sold including name and address of purchaser, date sold and full description of the dog or cat; and
  - (d) a condition that no dog or cat is to be sold unless all necessary vaccinations have been implemented; and
  - (e) a condition that all pet food must be stored in sealed vermin proof containers; and
  - (f) a condition that all cages and containers used for the keeping of animals must be thoroughly disinfected on a daily basis; and
  - (g) a condition that the keeper must comply with any request or direction

- of an authorised person which is considered necessary to keep the premises free of nuisance; and
- (h) a condition that waste waters from the premises must be drained in a nuisance free manner or as directed by an authorised person.
- (5) Unless otherwise specified, the conditions in subsection (4) do not apply to the keeping of fish at premises the subject of a pet shop approval.
- (6) The conditions that will ordinarily be imposed on an approval to keep an animal (other than a dog or a cat) are—
- (a) if minimum standards for the keeping of the species or breed of the animal are prescribed in schedule 3 of *Subordinate Local Law No. 2 (Animal Management) 2014*—the animal must be kept in accordance with the minimum standards for the species or breed of animal prescribed in schedule 3 of *Subordinate Local Law No. 2 (Animal Management) 2014*; and
  - (b) if the approval relates to the keeping of 1 or more animals and the animal or animals are identified in the approval—a condition limiting the approval to the animal or animals identified in the approval.

## **7. Term of an approval**

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.
- (3) A 3 cat approval and a 3 dog approval may be granted for the period during which the animals the subject of the approval are kept on the premises.
- (4) An approval may be granted for a term of up to 2 years if the approval is —
  - (a) a cattery approval; or
  - (b) a kennel approval; or
  - (c) a pet shop approval.

## **8. Term of renewal of an approval**

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) The term for which an approval may be renewed or extended must not exceed 2 years if the approval is—
  - (a) a cattery approval; or
  - (b) a kennel approval; or
  - (c) a pet shop approval.
- (3) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

**Table 1 – Third party certification**

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

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## **Schedule 2      Categories of approval that are non-transferable**

### Section 6

The categories of approval that are non-transferable are—

- (a) a 3 cat approval; and
- (b) a 3 dog approval.

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## Schedule 3 Dictionary

### Section 4

***animal entertainment park*** means a public place which includes, as part of its entertainment, the exhibiting of animals for the amusement or entertainment of the public.

***Animal Management Act*** has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2014*.

***animal sanctuary*** means a park, reserve or other place used for the preservation, protection or rehabilitation of animals.

***premises*** has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2014*.

***proper enclosure*** has the meaning given in *Local Law No. 2 (Animal Management) 2014*.

***public place*** has the meaning given in *Local Law No. 1 (Administration) 2014*.

***registered*** has the meaning given in the Animal Management Act.

***residence*** has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2014*.

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

**Certification**

This and the preceding 12 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.5 (Keeping of Animals) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

.....  
Chief Executive Officer

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**Redland**  
CITY COUNCIL

Redland City Council

**DRAFT Subordinate Local Law No. 1.8  
(Operation of Accommodation Parks)  
2014**



## Redland City Council

# Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2014

## Contents

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2014*.

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

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2014* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
  - (a) various matters regarding the granting of approvals for prescribed activities; and
  - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2014* (the **authorising local law**).

### 4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) For the purposes of the definition of complementary accommodation in schedule 1 of the authorising local law, the accommodation listed in schedule 3 is prescribed as appropriate to accommodation parks.
- (3) The dictionary in schedule 4 defines particular words used in this subordinate local law.

## Part 2 Approval for prescribed activity

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

- (1) Schedule 1—
  - (a) names a prescribed activity in section 1; and
  - (b) prescribes the matters specified in this section for the prescribed activity.

- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.
- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.
- (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
- (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
- (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
- (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
- (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
- (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.
- (10) For section 12 of the authorising local law, in Table 1 of schedule 1—
  - (a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and
  - (b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and
  - (c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

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

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

## **Schedule 1      Operation of accommodation parks**

### **Section 5**

#### **1.      Prescribed activity**

Operation of accommodation parks

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

No activities stated.

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

- (1) If the applicant is not the owner of the place at which the accommodation park is to be operated—the written consent of the owner to the application.
- (2) The name and address of the proposed resident manager of the accommodation park and the proposed resident manager’s written agreement accepting the responsibilities of resident manager of the accommodation park.
- (3) A plan of the proposed accommodation park which must be drawn to scale showing—
  - (a) the location and real property description of the place at which the accommodation park is to be operated; and
  - (b) the boundaries of the accommodation park; and
  - (c) the division of the accommodation park into sites, including the location and number of potential sites, separation distance between each site, with each site clearly defined and bearing a distinguishing mark or number; and
  - (d) the location of each road and building situated within the accommodation park; and
  - (e) details of the water supply system, including the position of all water points; and
  - (f) the position of all waste containers; and
  - (g) details of the sewerage system including the position of each sanitary convenience, ablution and laundry building; and
  - (h) details of the on-site sewerage facilities and the waste water disposal system; and
  - (i) the position of all fire places; and
  - (j) the nature and position of—
    - (i) all fire safety installations; and
    - (ii) all electrical installations; and
    - (iii) all food preparation areas; and
    - (iv) all recreational facilities; and



- (v) all car parking facilities.
- (4) Details of the facilities for sanitation, washing and laundry to be provided for users of the accommodation park.
- (5) Details of water quality, reticulation and drainage facilities to be provided for users of the accommodation park.
- (6) Details of the maximum number of persons who can be accommodated at—
  - (a) the accommodation park; and
  - (b) each site within the accommodation park.
- (7) Details of the rules which will govern the use of the accommodation park, including rules which prohibit or control the keeping of dogs at the accommodation park.
- (8) A fire safety audit report conducted in accordance with AS 4655 – Fire Safety Audits, taking into account—
  - (a) AS 2444 – Portable fire extinguishers and fire blankets – selection and location; and
  - (b) AS 2293 – Emergency escape lighting and exit signs; and
  - (c) AS 1851 – Maintenance of fire protection system and equipment.
- (9) A report from an approved electrical contractor, taking into account—
  - (a) AS/NZS 3760 - In-service safety inspection and testing of electrical equipment; and
  - (b) AS/NZS 3001 - Transportable structures and vehicles including their sites.

#### **4. Additional criteria for the granting of an approval**

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

#### **5. Conditions that must be imposed on an approval**

No conditions stated.

#### **6. Conditions that will ordinarily be imposed on an approval**

- (1) The operation of the accommodation park must not detrimentally affect the amenity of adjoining land.
- (2) The operation of the accommodation park, including any premises, building, structure, vehicle, facility, equipment, recreational water facility or fixture must be maintained in—
  - (a) good working order and condition; and
  - (b) a clean, safe and tidy condition.
- (3) Provision must be made for people, vehicles and caravans, and complementary accommodations to enter and exit the accommodation park safely.
- (4) A fire safety audit must be conducted by a fire safety provider once every three years and a subsequent report be submitted to the local government.
- (5) The fire safety audit must be conducted in accordance with AS 4655 – Fire Safety Audits, taking into account—
  - (a) AS 2444 – Portable fire extinguishers and fire blankets – selection and location; and
  - (b) AS 2293 – Emergency escape lighting and exit signs; and
  - (c) AS 1851 – Maintenance of fire protection system and equipment.
- (6) An inspection report regarding the electrical wiring and electrical fittings on the premises must be conducted by an approved electrical contractor once every three years and a subsequent report be submitted to the local government.
- (7) The report must take into account—
  - (a) AS/NZS 3760 — In-service safety inspection and testing of electrical equipment; and
  - (b) AS/NZS 3001 — Transportable structures and vehicles including their sites.
- (8) The approval holder must—
  - (a) provide and maintain an adequate supply of water to the accommodation park, including water suitable for drinking, cooking and personal hygiene; and
  - (b) cause hot and cold water to be reticulated to every shower, bath and hand basin.
- (9) The water supply for drinking purposes must be potable water.
- (10) The approval holder must ensure that, if water obtained from a particular water outlet in the accommodation park may be unsuitable for drinking, a sign is prominently displayed at the outlet stating “Unsuitable for Drinking”.
- (11) If bed linen is supplied—
  - (a) keep it in a clean and sanitary condition; and
  - (b) replace it with clean bed linen after each change of occupation of the accommodation.
- (12) All materials of a hazardous or dangerous nature which are used in the operation of the accommodation park must be stored and used in a safe

manner.

- (13) Facilities for the disposal of waste must be—
  - (a) sufficient to accommodate the collection and storage of all waste generated as part of the operation of the accommodation park; and
  - (b) provided in the manner, and at the locations, specified by the local government.
- (14) The local government may limit the number of persons who may occupy a site and require the approval holder to—
  - (a) ensure that the limit is displayed on a notice erected in a prominent position at the accommodation park; and
  - (b) take appropriate action to ensure that the limit is not contravened.
- (15) The approval holder must—
  - (a) not locate or permit accommodation to be located at any place within the accommodation park other than on a site approved by the local government under this subordinate local law; and
  - (b) not locate or permit to be located more than 1 accommodation, on a site at any 1 time; and
  - (c) not permit accommodation to be occupied by more persons than the accommodation is designed to accommodate or permitted to accommodate under the conditions of an approval.
- (16) If the local government gives written notice to the approval holder that the local government is not satisfied that the resident manager of the accommodation park is a suitable person to be the resident manager— replace the resident manager with an alternate resident manager who is acceptable to the local government within a time stated in the notice.
- (17) The approval holder must keep and maintain a register which details—
  - (a) the name and address of each person who hires a site at the accommodation park; and
  - (b) an identifying number for the site; and
  - (c) if accommodation is brought onto the site—the registration number of the (if applicable) caravan or complementary accommodation and (if applicable) the vehicle towing it; and
  - (d) the dates when the hiring of the site begins and ends.
- (18) The approval holder or the resident manager must, at the request of an authorised person, produce the register for inspection.
- (19) The approval holder must not permit or allow a person to bring onto a site a caravan or complementary accommodation that is not fit for human habitation.

*Example—a caravan that is not weather proof.*
- (20) The approval holder must not, unless the local government agrees in writing, change the sites at the accommodation park by—
  - (a) adding to the existing sites; or
  - (b) changing the position or boundaries of a site.

- (21) The approval holder must not change any building, structure or facility at the accommodation park by—
  - (a) adding new buildings, structures or facilities; or
  - (b) removing existing buildings, structures or facilities; or
  - (c) changing the position of any building, structure or facility.
- (22) However, subsections (20) and (21) do not apply if the proposed change constitutes development under the *Sustainable Planning Act 2009*.
- (23) The operation of the accommodation park must not—
  - (a) create a traffic problem; or
  - (b) increase an existing traffic problem; or
  - (c) detrimentally affect the efficiency of an existing road network.
- (24) The approval holder must not use an extension telephone bell, open air address system or similar device as part of the operation of the accommodation park if the bell, system or device causes a nuisance or annoyance to any person.
- (25) The operation of the accommodation park must not attract fly breeding or vermin infestation.
- (26) In the operation of the accommodation park the approval holder must only use lighting which is angled or shaded so that the lighting does not cause a nuisance or inconvenience.
- (27) The approval holder must dispose of all waste generated as part of the operation of the accommodation park in a manner which maintains the operation of the accommodation park and its surrounds in a clean, tidy, sanitary and hygienic condition.
- (28) Signage used in the operation of the accommodation park must be exhibited in a manner, and at the locations, specified by the local government.
- (29) Each site used as part of the operation of the accommodation park must be individually numbered and described in the manner specified by the local government.
- (30) The local government may prescribe rules which govern the use of the accommodation park and require the approval holder to ensure compliance with the rules by each user of the accommodation park.
- (31) The rules which govern the use of the accommodation park must be displayed in the manner, and at the locations, specified by the local government so that the rules can be viewed by users of the accommodation park.
- (32) The approval holder must comply with specified standards for the painting, paving and internal and external treatment of buildings, structures and sites.
- (33) The approval holder must ensure that no accumulation, aggregation or proliferation of—
  - (a) discarding or disused machinery, goods or wares; or
  - (b) waste, refuse, scrap, bottles or second hand materials of any description; or
  - (c) dead, overgrown or untended trees or vegetation,

occurs on any part of the accommodation park.

- (34) The approval holder must not permit a person who occupies a site at the accommodation park to engage in any business, trade or occupation within—
- (a) the site; or
  - (b) the accommodation park.
- (35) The local government may specify conditions applying to the operation of the accommodation park including—
- (a) times and days for administration of the arrival and departure of hirers of accommodation at the accommodation park; and
  - (b) conditions of stay; and
  - (c) minimum requirements for condition and maintenance of caravans and complementary accommodation; and
  - (d) conditions applying to the use of any facilities or services of the accommodation park; and
  - (e) the prohibition of specified activities.
- (36) The local government may require that the approval holder direct a person to leave the accommodation park forthwith, or within a specified time, where the person is found to be—
- (a) acting in a disorderly or objectionable manner; or
  - (b) contravening a requirement of this local law or a Local Government Act, which contravention will, in the opinion of an authorised person, adversely impact on the safety or amenity of other accommodation park users.
- (37) The local government may require that the approval holder remove from the accommodation park a caravan or complementary accommodation which, in the opinion of an authorised person, is dilapidated, unsightly or overcrowded within a specified time.

## **7. Term of an approval**

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.
- (3) An approval may be granted for a term of up to 1 year.

## **8. Term of renewal of an approval**

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) The term for which an approval may be renewed or extended must not exceed 1 year.
- (3) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

**Table 1 – Third party certification**

<b>Column 1 Application requirement</b>	<b>Column 2 Individuals or organisations that are third party certifiers</b>	<b>Column 3 Qualifications necessary to be a third party certifier</b>

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## **Schedule 2      Categories of approval that are non-transferable**

### Section 6

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

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## **Schedule 3 Prescribed complementary accommodation**

### Section 4

The other accommodation that is prescribed as appropriate to accommodation parks is accommodation in—

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

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## Schedule 4 Dictionary

### Section 4

**accommodation** means—

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

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

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

**electrical installation** has the meaning given in the *Electricity Act 1994*.

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

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

**facilities** includes—

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

**fire safety installation** has the meaning given in the *Building Act 1975*.

**local government public health risk** has the meaning given in the *Public Health Act 2005*.

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

**nuisance** includes anything that—

- (a) disturbs or inconveniences people in the vicinity of an accommodation park; or
- (b) detracts from the use or enjoyment of land adjoining or in the vicinity of an accommodation park.

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

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

**potable water** means water which complies with Australian Drinking Water Guidelines.

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

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

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

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

**resident manager** (of an accommodation park) means—

- (a) a person nominated by the approval holder and accepted by the local government from time to time who—
  - (i) is responsible for the management and supervision of the accommodation park; and
  - (ii) resides on or near the accommodation park; and
  - (iii) is present or available at all reasonable times to ensure the operation of the accommodation park; and
- (b) if that person cannot be located, or if no such person is nominated and accepted, the approval holder.

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

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

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

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

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

**vermin** means—

- (a) reptiles, bed bugs, lice, fleas, parasites and cockroaches; and
- (b) guinea pigs and other rodents capable of carrying or transmitting a notifiable disease; but
- (c) does not include—
  - (i) a protected animal within the meaning of the *Nature Conservation Act 1992*; or
  - (ii) a local government public health risk.

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

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

**Certification**

This and the preceding 14 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the            day of            , 2014.

.....  
Chief Executive Officer

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Redland City Council

**DRAFT Subordinate Local Law No. 1.9  
(Operation of Cemeteries) 2014**



## Redland City Council

# Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2014

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2014*.

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

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2014* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
  - (a) various matters regarding the granting of approvals for prescribed activities; and
  - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2014* (the **authorising local law**).

### 4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 3 defines particular words used in this subordinate local law.

## Part 2 Approval for prescribed activity

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

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

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

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

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

## **Schedule 1      Operation of cemeteries**

### **Section 5**

#### **1.      Prescribed activity**

Operation of cemeteries.

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

No activities stated.

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

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

#### **4.      Additional criteria for the granting of an approval**

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

#### **5.      Conditions that must be imposed on an approval**

- (1) The approval holder must—
  - (a) keep the cemetery open to the public during particular hours as specified by the local government; and
  - (b) give the local government notice prior to any burial, cremation or other



- disposal at the cemetery; and
  - (c) ensure that an appropriate identifying plaque is placed on or adjacent to the place of each disposal until an appropriate memorial to the deceased is erected or installed.
- (2) A burial, cremation or other disposal at the cemetery must not be carried out outside the hours during which the cemetery is open to the public.
  - (3) A person must not reopen a grave, or exhume a body or the remains of a body buried in the cemetery other than—
    - (i) under the authority of an approval under the *Coroner's Act 2003* and on the production of the approval; and
    - (ii) with the approval of the local government (under the subordinate local law regulating activities regarding human remains, if applicable).
  - (4) All remains in the cemetery must be enclosed in a coffin or other form or container appropriate to the form of disposal.

## 6. Conditions that will ordinarily be imposed on an approval

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

**7. Term of an approval**

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.
- (3) An approval may be granted for a term of up to 1 year.

**8. Term of renewal of an approval**

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) The term for which an approval may be renewed or extended must not exceed 1 year.
- (3) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

**Table 1 – Third party certification**

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

## **Schedule 2      Categories of approval that are non-transferable**

### Section 6

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

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## Schedule 3 Dictionary

### Section 4

*memorial* includes—

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

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**Certification**

This and the preceding 8 pages bearing my initials is a certified copy of *Subordinate Local Law No.1.9 (Operation of Cemeteries) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

.....  
Chief Executive Officer

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Redland City Council

**DRAFT**  
**DRAFT Subordinate Local Law No.  
1.10 (Operation of Public Swimming  
Pools) 2014**



## Redland City Council

# Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2014

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2014*.

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

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2014* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
  - (a) various matters regarding the granting of approvals for prescribed activities; and
  - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2014* (the **authorising local law**).

### 4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 3 defines particular words used in this subordinate local law.

## Part 2 Approval for prescribed activity

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

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



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

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

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

## **Schedule 1      Operation of public swimming pools**

### **Section 5**

#### **1.      Prescribed activity**

Operation of public swimming pools.

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

The operation of a public swimming pool if the swimming pool is—

- (a) a swimming pool made available by a body corporate of a community titles scheme for use by the owners or occupiers of the lots of the scheme or their invitees; or
- (b) located within school premises and access to the pool is restricted by the school to students and staff of the school and school club members.

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

- (1) Details of the proposed public swimming pool including a plan or other information identifying the proposed public swimming pool and all buildings proposed to be used in the operation of the public swimming pool.
- (2) Details of the nature and extent of the public use that is proposed by the applicant.
- (3) Details of the proposed management and supervision of the public swimming pool (including the qualifications and experience of the proposed managers and supervisors).
- (4) If the applicant is not the owner of the land on which the public swimming pool is to be situated — the owner's written consent to the application.
- (5) Details of the equipment that will be used for chlorination, filtration and recirculation of water in the public swimming pool.
- (6) Details of procedures that will be adopted to ensure that the public swimming pool water is adequate to protect public health.
- (7) Details of the equipment which will be used for emergency medical treatment and first aid.
- (8) Details of the operation of the public swimming pool including —
  - (a) the hours of operation of the public swimming pool; and
  - (b) whether the public swimming pool is to be heated or non-heated; and
  - (c) the existence or otherwise of automatic dosing equipment to be used in conjunction with the chlorination, filtration and recirculation of water in the public swimming pool.

#### **4.      Additional criteria for the granting of an approval**

- (1) The equipment for chlorination, filtration and recirculation of public

swimming pool water must be adequate to protect public health.

- (2) The management and supervision of the public swimming pool must be adequate to protect public safety and prevent nuisance.
- (3) Any proposed manager or supervisor of the public swimming pool must hold a current first aid certificate and bronze medallion or other equivalent life saving qualification.
- (4) The equipment which will be used for emergency medical treatment and first aid must be situated at an appropriate location at the public swimming pool.
- (5) There must be adequate sanitary conveniences and sanitary facilities for the operation of the public swimming pool.

## **5. Conditions that must be imposed on an approval**

No conditions stated.

## **6. Conditions that will ordinarily be imposed on an approval**

- (1) The public swimming pool water must be maintained in accordance with—
  - (a) the *Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines 2004*; or
  - (b) another approved guideline or standard specified in the approval.
- (2) The operator of the public swimming pool must test the water in the public swimming pool to ensure compliance with the prescribed chemical parameters—
  - (a) at least daily; and
  - (b) more often than daily if necessary having regard to—
    - (i) bather load and likely use; and
    - (ii) environmental contamination; and
    - (iii) status of pool users.
- (3) The approval holder must—
  - (a) provide and maintain equipment for emergency medical treatment, first aid and the rescue of persons in difficulty; and
  - (b) erect and display notices at the public swimming pool that—
    - (i) provide information about basic life saving, resuscitation and first aid techniques; and
    - (ii) warn about possible dangers; and
  - (c) install and maintain specified equipment for the chlorination, filtration and recirculation of water in the public swimming pool; and
  - (d) provide and maintain specified dressing rooms and facilities for showering and sanitation; and
  - (e) not permit or allow any person under the influence of an intoxicating or stupefying substance or liquor to be at, or use, the public swimming

- pool; and
- (f) not permit or allow any person suffering, or appearing to suffer from, an infectious, contagious or offensive disease or skin complaint to enter the public swimming pool; and
  - (g) not permit or allow any animal, other than a guide, hearing or assistance dog, as defined in the *Guide, Hearing and Assistance Dogs Act 2009*, to be brought onto any part of the land upon which the public swimming pool is located; and
  - (h) immediately remove any animal, other than a guide, hearing or assistance dog, as defined in the *Guide, Hearing and Assistance Dogs Act 2009*, found on any part of the land upon which the public swimming pool is located; and
  - (i) at all times maintain the public swimming pool free of extraneous matter.
- (3) At all times while the public swimming pool is open to the public a manager or supervisor must be present and must hold a current first aid certificate, bronze medallion or other life saving qualifications specified in the approval.
  - (4) The operation of the public swimming pool must not—
    - (a) detrimentally affect the amenity of neighbouring premises; or
    - (b) cause environmental harm; or
    - (c) cause environmental nuisance.
  - (5) The operation of the public swimming pool must only be undertaken during specified hours on specified days.
  - (6) The operation of the public swimming pool, including each building, structure, facility and equipment used in the operation of the public swimming pool must be kept and maintained—
    - (a) in good working order and condition; and
    - (b) in a clean, tidy and sanitary condition.
  - (7) Lighting used to illuminate the operation of the public swimming pool must be angled or shaded so that the light does not cause a nuisance.
  - (8) Each toilet, bathroom, kitchen, laundry and drinking water facility used in the operation of the public swimming pool must be provided with an adequate and continuous supply of water.
  - (9) The approval holder must provide and maintain—
    - (a) sanitary conveniences and sanitary facilities for the operation of the public swimming pool; and
    - (b) waste containers sufficient to accommodate the collection and storage of waste generated by the operation of the public swimming pool in the manner, and at the locations, specified by the local government.

## **7. Term of an approval**

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

- (2) The term of the approval must be specified in the approval.
- (3) An approval may be granted for a term of up to 1 year.

**8. Term of renewal of an approval**

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) The term for which an approval may be renewed or extended must not exceed 1 year.
- (3) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

**Table 1 – Third party certification**

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

## **Schedule 2      Categories of approval that are non-transferable**

### Section 6

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

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## Schedule 3 Dictionary

### Section 4

**body corporate** has the meaning given in the *Body Corporate and Community Management Act 1997*.

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

**community titles scheme** has the meaning given in the *Body Corporate and Community Management Act 1997*.

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

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

**nuisance** includes anything that—

- (a) disturbs or inconveniences people in the vicinity of a public swimming pool; or
- (b) detracts from the use or enjoyment of land adjoining or in the vicinity of a public swimming pool.

**public swimming pool** means a swimming pool that is made available for use to —

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

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

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

**swimming pool** has the meaning given in the *Building Act 1975*.

**Certification**

This and the preceding 9 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the                    day of                    , 2014.

.....  
Chief Executive Officer

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**Redland**  
CITY COUNCIL

Redland City Council

**Subordinate Local Law No. 1.12  
(Operation of Temporary  
Entertainment Events) 2014**



## Redland City Council

# Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2014

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2014*.

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

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2014* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
  - (a) various matters regarding the granting of approvals for prescribed activities; and
  - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2014* (the **authorising local law**).

### 4 Definitions

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

## Part 2 Approval for prescribed activity

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

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

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

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

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

## **Part 3 Application to State-controlled roads**

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

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

## **Schedule 1      Operation of temporary entertainment events**

### **Section 5**

#### **1.      Prescribed activity**

Operation of temporary entertainment events.

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

The opening to the public, or the preparation for opening to the public, of an entertainment event if—

- (a) the opening to the public constitutes development under the Planning Act, for example, the use of indoor recreation facility under the planning scheme of the local government; or
- (b) the entertainment event is undertaken on a local government controlled area or a road and is—
  - (i) only a one-off event; and
  - (ii) only open to a maximum of 500 persons; or
- (c) the entertainment event is undertaken on a public place other than a local government controlled area or a road and is—
  - (i) only a one-off event; and
  - (ii) only open to a maximum of 5,000 persons.

*Note*

*To protect public health and safety, one-off events that do not need an approval, should follow the Redland City Council Guideline for One-off Temporary Entertainment Events.*

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

- (1) A plan of the place of the temporary entertainment event which details—
  - (a) the boundaries of the place; and
  - (b) the water supply system for the place; and
  - (c) the position of each waste container at the place; and
  - (d) each advertising device proposed to be installed, erected or displayed about the operation of the temporary entertainment event at the place; and
  - (e) the sewerage system for the place, including the position of each sanitary convenience at the place; and
  - (f) the nature and position of each installation at the place which is to be used for the preparation or sale of food.
- (2) Details and drawings of buildings and other structural elements of the place of the temporary entertainment event.

- (3) A detailed statement of the nature of the entertainment to be provided at the place of the temporary entertainment event and when the place is to be open to the public.
- (4) If the applicant is not the owner of the place of the temporary entertainment event—the written consent of the owner of the place.
- (5) The dates and times during which the temporary entertainment event is to be undertaken.
- (6) The expected attendance rate for the temporary entertainment event.
- (7) The street address, real property description and details of the owner of the place where the temporary entertainment event is to be undertaken.
- (8) The name, street address, telephone number, facsimile number and email address of each person and business who will operate the temporary entertainment event.
- (9) If requested—a copy of each policy of insurance of the applicant which is applicable to the undertaking of the prescribed activity including, without limitation, a public liability insurance policy which provides indemnity for each individual occurrence in an amount not less than \$20,000,000.00.
- (10) If requested—an event management plan which details proposed arrangements for each of the following—
  - (a) consultation with key stakeholders; and
  - (b) notification of the event to the surrounding residents, including contact details for the nominated responsible person under section 4(7); and
  - (b) cleaning and sanitation; and
  - (c) noise management, including audio equipment; and
  - (d) waste and recycling; and
  - (e) catering services with food safety plan for each service; and
  - (f) toilet and wash basin adequacy; and
  - (g) drinking water quality and supply; and
  - (h) security services; and
  - (i) emergency response; and
  - (j) traffic management; and
  - (k) risk management strategy; and
  - (l) fire response; and
  - (m) camping controls including shower and ablutions facilities and medical responses (if applicable); and
  - (n) copies of applicable approvals and certifications, for example—
    - (i) a permit under the *Liquor Act 1992* if the consumption of liquor is permitted ; and
    - (ii) a fire safety audit report conducted in accordance with AS 4655 – Fire Safety Audits, taking into account—
      - (A) AS 2444 – Portable fire extinguishers and fire

- blankets – selection and location; and
  - (B) AS 2293 – Emergency escape lighting and exit signs; and
  - (C) AS 1851 – Maintenance of fire protection system and equipment; and
  - (iii) a report from an approved electrical contractor, taking into account—
    - (A) AS/NZS 3760 - In-service safety inspection and testing of electrical equipment; and
    - (B) AS/NZS 3001 - Transportable structures and vehicles including their sites; and
  - (iv) a certified structural safety report for all temporary construction work; and
  - (v) a fireworks licence issued by the Department of Environment and Resource Management; and
  - (vi) a certificate for each amusement ride issued by Workplace Health and Safety Queensland; and
  - (vii) a current public liability insurance certificate; and
  - (viii) a temporary food business licence issued under the *Food Act 2006*; and
  - (ix) a public open space booking; and
  - (x) traffic control permit.
- (11) An application for an approval for the prescribed activity, and all documents and materials that must accompany an application for an approval, must be made to the local government at least 6 weeks prior to the date of commencement of the proposed entertainment event identified in the application.

*Note*

*Redland City Council Temporary Entertainment Events Policy, Guideline and Information Kit provides guidance on application processes for temporary entertainment events and compliance with this subordinate local law.*

#### **4. Additional criteria for the granting of an approval**

- (1) The design and construction of the place of the temporary entertainment event must be safe and appropriate to the nature of the entertainment proposed and the number of people expected to attend the place.
- (2) Entertainment of the kind proposed must not unreasonably detract from the amenity of the area in which the entertainment is, or is proposed to be, situated.
- (3) Entertainment provided at the place must not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood.
- (4) There must be enough toilets and sanitary conveniences, complying with

standards and requirements imposed by the local government, for the use of the public.

- (5) Adequate provision must exist for the disposal of waste generated by the use of the place for the temporary entertainment event.
- (6) Adequate provision must exist for people and (if relevant) vehicles to enter and leave the place of the temporary entertainment event.
- (7) The applicant for the approval must nominate a person who is responsible for —
  - (a) ensuring compliance with the authorising local law before, during and after the event; and
  - (b) handling general complaints which may be received; and
  - (c) liaising and communicating with the local government or an authorised person.
- (8) The operation of the temporary entertainment event must be lawfully conducted on the place identified in the application.
- (9) If the temporary entertainment event involves the use of 1 or more animals and is to be held on a local government controlled area, the use of animals must be in accordance with any applicable guideline or policy of the Royal Society for the Prevention of Cruelty to Animals (RSPCA) Australia.

## **5. Conditions that must be imposed on an approval**

The approval holder must—

- (a) display the approval in the manner, and at the locations, specified by the local government; and
- (b) produce the approval for inspection by an authorised person on demand.

## **6. Conditions that will ordinarily be imposed on an approval**

The conditions of an approval may —

- (a) require specified action to maintain or improve the place of the temporary entertainment event; and
- (b) require the approval holder to provide specified equipment, and to take specified measures, for the safety of the public; and
- (c) require the approval holder to provide specified facilities and amenities; and
- (d) regulate the hours of operation of the temporary entertainment event; and
- (e) require the approval holder to provide specified equipment, or take specified measures, to reduce adverse effects of activities at the temporary entertainment event on the surrounding neighbourhood to acceptable levels; and
- (f) require the approval holder to take out and maintain public liability



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

## 7. Term of an approval

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

**8. Term of renewal of an approval**

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

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**Schedule 2      Categories of approval that are non-transferable**

Section 6

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

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

### Section 7

Subject to the chief executive's written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b), every State-controlled road in the local government area of the local government.

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## Schedule 4 Dictionary

### Section 4

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

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

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

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

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

**structure** has the meaning given in the Act.

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

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

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

**Certification**

This and the preceding 12 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the                      day of                      , 2014.

.....  
Chief Executive Officer

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**Redland**  
CITY COUNCIL

Redland City Council

**DRAFT Subordinate Local Law No.  
1.13 (Undertaking Regulated Activities  
regarding Human Remains) 2014**



## Redland City Council

# Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains) 2014

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains) 2014*.

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

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2014* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
  - (a) various matters regarding the granting of approvals for prescribed activities; and
  - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2014* (the **authorising local law**).

### 4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 3 defines particular words used in this subordinate local law.

## Part 2 Approval for prescribed activity

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

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

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

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

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

## **Schedule 1      Undertaking regulated activities regarding human remains**

### **Section 5**

#### **1.      Prescribed activity**

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

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

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

No activities stated.

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

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

time of the burial or disposal.

- (9) If the prescribed activity is the disturbance of human remains in a local government cemetery—
- (a) a written statement of the reasons for the proposed disturbance; and
  - (b) the written approval of the sexton.

#### **4. Additional criteria for the granting of an approval**

The undertaking of the prescribed activity must—

- (a) not result in—
  - (i) harm to health or safety; or
  - (ii) personal injury; or
  - (iii) nuisance; or
  - (iv) a loss of amenity; and
- (b) comply with the expressed wishes of each of the deceased and the relatives of the deceased; and
- (c) if the prescribed activity involves the opening of a grave in order to bury another deceased person in the grave—comply with the expressed wishes of all of the deceased persons who are buried or will be buried in the grave.

#### **5. Conditions that must be imposed on an approval**

No conditions stated.

#### **6. Conditions that will ordinarily be imposed on an approval**

- (1) The approval holder must undertake the prescribed activity at a particular time, or during a particular period.
- (2) Any spillage of waste, a contaminant or another material must—
  - (a) be cleaned up immediately; and
  - (b) not be cleaned up by hosing, sweeping or otherwise releasing the waste, contaminant or material to any stormwater system or other waters.
- (3) The approval holder must take specified measures to—
  - (a) prevent harm to the health or safety of persons who may be involved in, or effected by, the undertaking of the prescribed activity; and
  - (b) prevent personal injury, property damage or loss of amenity resulting from the undertaking of the prescribed activity; and
  - (c) ensure that there is compliance with the provisions of each local government Act which regulates the undertaking of the prescribed activity.
- (4) If the prescribed activity is the disturbance of human remains buried outside a

cemetery—

- (a) the approval holder must permit an authorised person to inspect the site at any time either before or after the disturbance; and
  - (b) the approval holder must prepare the site in accordance with particular standards as directed by the local government; and
  - (c) the prescribed activity must be undertaken by a qualified undertaker.
- (5) If the prescribed activity is the burial or disposal of human remains outside a cemetery—
- (a) the approval holder must ensure that an appropriate identifying memorial is placed on or adjacent to the place of the burial or disposal; and
  - (b) if a development approval is required under the *Sustainable Planning Act 2009* to erect or install a memorial—the approval holder must not erect or install the memorial without the required development approval.
- (6) If the prescribed activity is the disturbance of human remains in a local government cemetery—
- (a) the prescribed activity must be undertaken by a qualified undertaker; and
  - (b) the approval holder must prepare the site in accordance with particular standards as directed by the local government.

## 7. Term of an approval

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

## 8. Term of renewal of an approval

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

**Table 1 – Third party certification**

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

## **Schedule 2      Categories of approval that are non-transferable**

### Section 6

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

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## Schedule 3      Dictionary

### Section 4

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

***memorial*** includes—

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

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

***sexton*** means a person appointed by the local government to act as the sexton of a local government cemetery.

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**Certification**

This and the preceding 8 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the                      day of                      , 2014.

.....  
Chief Executive Officer

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**Redland**  
CITY COUNCIL

Redland City Council

**DRAFT Subordinate Local Law No.  
1.14 (Undertaking Regulated Activities  
on Local Government Controlled Areas  
and Roads) 2014**



## Redland City Council

# Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2014

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2014*.

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

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2014* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
  - (a) various matters regarding the granting of approvals for prescribed activities; and
  - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2014* (the **authorising local law**).

### 4 Definitions

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

## Part 2 Approval for prescribed activity

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

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

section 2 of schedule 1.

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

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

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

## **Part 3 Application to State-controlled roads**

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

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

## Schedule 1 Undertaking regulated activities on local government controlled areas and roads

### Section 5

#### 1. Prescribed activity

- (1) Undertaking regulated activities on local government controlled areas and roads, and in particular, undertaking 1 of the following activities on a local government controlled area or road—
  - (a) driving or leading of animals to cross a road;
  - (b) depositing of goods or materials;
  - (c) holding of a public place activity prescribed under a subordinate local law but excluding the operation of a temporary entertainment event.
- (2) For the purposes of subsection (1)(c), provided the activity on the local government controlled area or road is not the use of the local government controlled area or road for soliciting or carrying on the supply of goods or services (including food or drink) for profit, **public place activity** means each of the following activities—
  - (a) the placing of a display or information booth;
  - (b) conducting a social gathering or meeting of more than 50 people;
  - (c) conducting or taking part in—
    - (i) an organised sporting activity of regional, State or national significance; or
    - (ii) a street parade or festival; or
    - (iii) a vintage car display; or
    - (iv) a novelty vehicle race, for example, a go-cart race; or
    - (v) an invitation-only ceremony, party or celebration attended by more than 50 people; or
    - (vi) a cake stall, sausage sizzle, car wash or similar fundraiser held on no more than 1 day; or
    - (vii) a training event held on no more than 1 day; or
    - (viii) a training event held on more than 1 day without payment of a fee; or
    - (ix) a musical or theatrical performance undertaken by a person to entertain the public;
  - (d) exercising a right of occupation and use of a specified part of a local government controlled area by an incorporated association.

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

No activities stated.

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

- (1) Details of the nature, time and place of the prescribed activity for which the approval is sought.
- (2) If the applicant wants to use a particular part of a local government controlled area or road for the prescribed activity—a plan showing the relevant part of the local government controlled area or road.
- (3) If the prescribed activity is to be undertaken at or in close proximity to a site, stall or vehicle—specifications for the site, stall or vehicle which is proposed to be used in the undertaking of the prescribed activity.
- (4) Details of the name, street address, telephone number, facsimile number and email address of the person responsible for the undertaking of the prescribed activity.
- (5) A copy of the current registration certificate for each vehicle proposed to be used in the undertaking of the prescribed activity.
- (6) Details of the undertaking of the prescribed activity including—
  - (a) if requested — a copy of each policy of insurance of the applicant which relates to the undertaking of the prescribed activity; and
  - (b) how the applicant proposes to dispose of waste generated by the undertaking of the prescribed activity; and
  - (c) if signage is intended to be displayed – details of the signage and how the signage will be secured whilst displayed.
- (8) If requested — an event management plan which details proposed arrangements for each of the following—
  - (a) consultation with key stakeholders; and
  - (b) cleaning and sanitation; and
  - (c) noise; and
  - (d) waste and recycling; and
  - (e) catering services with food safety plan for each service; and
  - (f) toilet and wash basin adequacy; and
  - (g) drinking water quality; and
  - (h) security services; and
  - (i) emergency response; and
  - (j) traffic management; and
  - (k) risk management strategy; and
  - (l) fire response plans; and
  - (m) camping controls including shower and ablutions facilities and medical responses (if applicable); and
  - (n) copies of applicable approvals and certifications, for example—

- (i) a permit under the *Liquor Act 1992* if the consumption of liquor is permitted; and
  - (ii) a certified electrical safety report of a qualified electrician; and
  - (iii) a certified structural safety report for all temporary construction work; and
  - (iv) a fireworks licence issued by the Department of Environment and Resource Management; and
  - (v) a fire and emergency evacuation plan certified and approved by the Queensland Fire and Rescue Authority; and
  - (vi) a certificate for each amusement ride issued by Workplace Health and Safety Queensland; and
  - (vii) a current public liability insurance certificate; and
  - (viii) a temporary road closure approval.
- (9) If requested — a traffic management plan which details—
- (a) anticipated pedestrian and vehicular traffic which will be created by the undertaking of the prescribed activity; and
  - (b) anticipated impact of the undertaking of the prescribed activity on the movement of pedestrian and vehicular traffic in the area surrounding the place at which the prescribed activity is to be undertaken; and
  - (c) how the applicant will minimise the impact of the undertaking of the prescribed activity on the movement of pedestrian and vehicular traffic in the area surrounding the place at which the prescribed activity is to be undertaken.
- (10) If requested — a report, study or certification from a suitably qualified person about —
- (a) the undertaking of the prescribed activity generally; or
  - (b) a specific aspect of the undertaking of the prescribed activity.

*Examples—*

1. A certificate of a registered professional engineer about the structural adequacy of a structure, improvement or building to be used in the undertaking of the prescribed activity.
2. A certificate of a registered professional engineer about the extent to which the undertaking of the prescribed activity will comply with relevant requirements of the Manual of Uniform Traffic Control Devices.

#### **4. Additional criteria for the granting of an approval**

- (1) The prescribed activity for which the approval is sought must not unduly interfere with the proper use of the local government controlled area or road.
- (2) There must be a public demand for the prescribed activity in respect of which the approval is sought.
- (3) The physical characteristics of the local government controlled area or road must be suitable for the prescribed activity.

- (4) The prescribed activity must not cause nuisance, inconvenience or annoyance to—
  - (a) the occupier of any land which adjoins the location of the prescribed activity; or
  - (b) vehicular traffic; or
  - (c) pedestrian traffic.
- (5) The prescribed activity must not have a detrimental effect on the amenity of the surrounding area.
- (6) If the prescribed activity is the driving or leading of animals to cross a road—the driving or leading of the animals to cross the road must not unduly interfere with the proper use of the road or create a safety hazard for users of the road.
- (7) If the prescribed activity is the depositing of goods or materials on a local government controlled area or road—the depositing of the goods or materials on the local government controlled area or road must not unduly interfere with the usual use or the amenity of the local government controlled area or road.
- (8) If the prescribed activity is the holding of a public place activity on a local government controlled area or road—
  - (a) the undertaking of the prescribed activity must not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding area; and
  - (b) there must be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public; and
  - (c) adequate provision must exist for the disposal of waste generated by the undertaking of the prescribed activity; and
  - (d) adequate provision must exist for people and (if relevant) vehicles to enter and leave the site of the prescribed activity.

## **5. Conditions that must be imposed on an approval**

No conditions prescribed.

## **6. Conditions that will ordinarily be imposed on an approval**

- (1) The conditions of an approval may require that the approval holder—
  - (a) limit the activities authorised by the approval to 1 or more of—
    - (i) a single specified location;
    - (ii) a number of specified locations;
    - (iii) a specified area;
    - (iv) a number of specified areas; and
  - (b) limit the activities to specified days and times; and
  - (c) limit the activities to—
    - (i) a specified period of time; or



- (ii) specified periods of time; and
- (d) display the approval in a specified position, and produce the approval for inspection on demand by an authorised person; and
- (e) take specified measures to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
- (f) give the local government specified indemnities and take out and maintain insurance against personal injury and property damage resulting from the activities authorised by the approval; and
- (g) take specified measures to ensure that the activities authorised by the approval do not cause environmental harm or environmental nuisance; and
- (h) if the approval authorises the approval holder to use a specified part of a local government controlled area or road for the undertaking of the activity — pay a specified rental to the local government at specified intervals; and
- (i) submit the undertaking of the activity, including any vehicle or premises used in the undertaking of the activity, for inspection by an authorised person; and
- (j) prominently and permanently display at a specified location each of—
  - (i) the approval number granted by the local government in numbers not less than 50mm in height; and
  - (ii) the name and address of the approval holder in letters not less than 75mm in height; and
- (k) if the approval relates to an activity on a road—give a written indemnity to the State; and
- (l) display specified warning notices for the safety of users of the local government controlled area or road; and
- (m) limit the undertaking of the prescribed activity so that it does not—
  - (i) create a traffic nuisance; or
  - (ii) increase an existing traffic nuisance; or
  - (iii) detrimentally affect the efficiency of the road network in which the activity is undertaken; and
- (n) limit the undertaking of the prescribed activity so that it does not detrimentally affect the amenity of the neighbourhood in which the prescribed activity is undertaken; and
- (o) ensure that the undertaking of the prescribed activity does not create a safety risk; and
- (p) at all times keep and maintain all facilities and equipment used in the undertaking of the prescribed activity—
  - (i) in good working order and condition; and
  - (ii) in a clean and sanitary condition; and
- (q) if the undertaking of the prescribed activity results in damage or loss of

- amenity to a local government controlled area or a road — promptly rectify the damage or loss of amenity.
- (2) If the prescribed activity is the driving or leading of animals to cross a road, the conditions of the approval may also require that the approval holder—
- (a) restrict the number of animals that may be driven or led across the road; and
  - (b) not conduct the prescribed activity in a manner which is, or may be, a risk to road safety.
- (3) If the prescribed activity is the depositing of goods or materials on a local government controlled area or road, the conditions of the approval may also require that the approval holder—
- (a) deposit the goods or materials—
    - (i) in a specified manner; and
    - (ii) at a specified time or during specified periods; and
  - (b) limit the deposit of the goods or materials to—
    - (i) a specified area; and
    - (ii) a specified period; and
  - (c) if the goods or materials are deposited on a footpath—keep and maintain a clear unobstructed pedestrian corridor—
    - (i) of a specified width depending on the density of pedestrian traffic; and
    - (ii) during specified periods; and
  - (d) only use, for the purposes of the deposit of the goods or materials, a structure which is—
    - (i) of safe construction; and
    - (ii) in good condition and repair; and
    - (iii) securely fixed to the land on which the prescribed activity is undertaken; and
  - (e) remove the goods or materials, and any structure used for the purposes of the depositing of the goods or materials, at a specified time, or after a specified period.
- (4) If the prescribed activity is the holding of a public place activity prescribed under a subordinate local law, the conditions of the approval may also require that the approval holder—
- (a) provide specified facilities and amenities; and
  - (b) provide specified illumination for the purposes of the undertaking of the prescribed activity and take specified measures to reduce light spillage from the undertaking of the prescribed activity; and
  - (c) take specified measures to reduce noise emission from the undertaking of the prescribed activity; and
  - (d) provide specified equipment, or take specified measures, to reduce adverse effects of the undertaking of the prescribed activity on the

- surrounding neighbourhood to acceptable levels; and
- (e) not discharge trade waste generated by the undertaking of the prescribed activity otherwise than in accordance with an approval under the *Water Supply (Safety and Reliability) Act 2008*; and
  - (f) for waste generated by the undertaking of the prescribed activity—
    - (i) only dispose of the waste—
      - (A) in a safe and sanitary manner; and
      - (B) in a manner which maintains the site of the prescribed activity and its surrounds in a clean, tidy, sanitary and hygienic condition; and
    - (ii) not dispose of the waste—
      - (A) so as to attract pests; or
      - (B) into a water course; or
      - (C) at another location other than a location properly intended for the receipt of the waste; and
  - (g) keep and maintain in and about the area identified in the approval, adequate waste disposal facilities, for example, bins, and be responsible for the removal of all waste from the waste disposal facilities at such intervals as an authorised person may direct; and
  - (h) not place or display any sign or device advertising the undertaking of the prescribed activity in the area identified in the approval otherwise than in accordance with an approval of the local government which authorises the use of the area for that purpose.

## **7. Term of an approval**

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

## **8. Term of renewal of an approval**

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

**Table 1 – Third party certification**

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

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## **Schedule 2      Categories of approval that are non-transferable**

### Section 6

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

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

### Section 7

Subject to the chief executive's written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b), every State-controlled road in the local government area of the local government.

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## Schedule 4 Dictionary

### Section 4

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

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

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

*goods* includes wares, merchandise, chattels, money, stone, timber, metal, fluid and any other article, substance or material whatsoever and also includes an animal.

*premises* means the premises used in the undertaking of the prescribed activity.

*public place activity* see schedule 1, section 1(2).

*road* has the meaning given in the authorising local law.

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

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

*trade waste* has the meaning given in the *Water Supply (Safety and Reliability) Act 2008*.

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

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

**Certification**

This and the preceding 14 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

.....  
Chief Executive Officer

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**Redland**  
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Redland City Council

**DRAFT Subordinate Local Law No.  
1.15 (Carrying Out Works on a Road or  
Interfering with a Road or its  
Operation) 2014**



## Redland City Council

# Subordinate Local Law No. 1.15 (Carrying Out Works on a Road or Interfering with a Road or its Operation) 2014

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.15 (Carrying out Works on a Road or Interfering with a Road or its Operation) 2014*.

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

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2014* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
  - (a) various matters regarding the granting of approvals for prescribed activities; and
  - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2014* (the **authorising local law**).

### 4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 3 defines particular words used in this subordinate local law.

## Part 2 Approval for prescribed activity

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

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

section 2 of schedule 1.

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

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

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

## **Schedule 1 Carrying out works on a road or interfering with a road or its operation**

### Section 5

#### **1. Prescribed activity**

Carrying out works on a road or interfering with the road or its operation (*Local Government Act 2009*, section 75(2)).

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

No activities stated.

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

- (1) Full details of the proposed works or interference including plans and specifications.
- (2) Details of all building work and other work to be carried out under the approval.
- (3) Details of the time and place at which the prescribed activity will be undertaken.
- (4) The proposed term of the approval.
- (5) The impact, if any, of the prescribed activity on pedestrian or vehicular traffic.
- (6) The materials, equipment and vehicles to be used in the undertaking of the prescribed activity.
- (7) Plans and specifications detailing—
  - (a) the relevant part of the road that is to be used for the undertaking of the prescribed activity; and
  - (b) the proposed location of each structure and item of equipment to be used in the undertaking of the prescribed activity; and
  - (c) the type and location of any utility, service or infrastructure to be used in the undertaking of the prescribed activity.
- (8) A copy of each policy of insurance of the applicant which is applicable to the undertaking of the prescribed activity including, without limitation, a public liability insurance policy which provides indemnity for each individual occurrence in an amount not less than \$10,000,000.00.

#### **4. Additional criteria for the granting of an approval**

The carrying out of the work or interference with the road or its operation must not—

- (a) result in—
  - (i) harm to human health or safety; or

- (ii) property damage or loss of amenity; or
- (iii) nuisance; or
- (iv) obstruction of vehicular or pedestrian traffic; or
- (v) environmental harm; or
- (vi) environmental nuisance; or
- (b) adversely affect the amenity of the area in which the prescribed activity is to be undertaken.

**5. Conditions that must be imposed on an approval**

No conditions prescribed.

**6. Conditions that will ordinarily be imposed on an approval**

- (1) The conditions of an approval may—
  - (a) require compliance with specified safety requirements; and
  - (b) regulate the time within which the prescribed activity must be carried out; and
  - (c) specify standards with which the prescribed activity must comply; and
  - (d) require the approval holder to—
    - (i) carry out specified additional work such as earthwork and drainage work; and
    - (ii) take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before commencement of the prescribed activity; and
    - (iii) give the local government specified indemnities; and
    - (iv) provide a bond to the local government; and
    - (v) maintain structures erected or installed, or vegetation planted, under the approval, in good condition; and
    - (vi) remove a structure erected or installed, under the approval, at the end of a stated period; and
    - (vii) exhibit specified signage warning about the conduct of the prescribed activity.
- (2) The conditions of an approval may require the approval holder to take specified measures to—
  - (a) prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and
  - (b) prevent loss of amenity or nuisance resulting from the undertaking of the prescribed activity; and
  - (c) ensure that the undertaking of the prescribed activity does not cause unsafe movement or obstruction of vehicular or pedestrian traffic; and

- (d) ensure that the works are carried out strictly in accordance with the information submitted to the local government; and
- (e) minimise obstruction or inconvenience to the public by, for example, carrying out the work during a specified period or in a specified manner so as to avoid undue inconvenience to the public; and
- (f) locate existing services, including utility services, situated in the vicinity of the area which is the subject of the work, prior to the commencement of the work and comply with the requirements of service providers; and
- (g) ensure that pedestrian and vehicular traffic is controlled in accordance with the requirements of part 3 of the Manual of Uniform Traffic Control Devices; and
- (h) give notice to emergency services, bus and taxi operators and garbage collection service providers, as appropriate, prior to the commencement of the works; and
- (i) if required by the local government—install scaffolding at the site of the works in a specified manner; and
- (j) ensure that scaffolding is located as required by the local government and, generally, located so as not to detrimentally impact on the safety and movement of vehicles on any road; and
- (k) install 1 or more barriers adjacent to the site of the works which are capable of—
  - (i) safely containing all building materials within the site of the works; and
  - (ii) preventing public use and access; and
- (l) ensure pedestrian and vehicular safety including, but not limited to, the installation and use of barricades, safety lighting, warning devices and other approved measures for providing for adequate pedestrian and vehicular access; and
- (m) ensure that access to all services, including local government services, for example water valves, fire hydrants, manholes and access pits is maintained at all times; and
- (n) if the prescribed activity requires the temporary closure of a road—give prior notice to adjoining and affected owners and occupiers of land and maintain the access of affected and adjoining owners and occupiers of land; and
- (o) monitor and restrict water usage associated with the undertaking of the prescribed activity; and
- (p) ensure the cleaning of each area of road, and adjacent buildings and land which are affected by the undertaking of the prescribed activity; and
- (q) ensure that the approval for the undertaking of the prescribed activity is available for inspection on demand by an authorised person; and
- (r) in the undertaking of the prescribed activity, ensure that all plant and equipment is used strictly in accordance with relevant manufacturers’

- specifications; and
- (s) ensure the removal of all hoardings and footpath closure devices and the resumption of normal road and footpath conditions; and
  - (t) reinstate the site at which the prescribed activity is undertaken to its original condition at no cost to the local government within a specified period; and
  - (u) reimburse the local government in respect of all costs and expenses associated with repairs and reinstatement work which are a direct or indirect consequence of the undertaking of the prescribed activity in accordance with the requirements of the approval; and
  - (v) ensure that an unobstructed pedestrian corridor or footpath having a width of not less than 2m is maintained at all times for pedestrian access and that no barrier or construction materials encroach onto the corridor or footpath area at any time whilst the prescribed activity is being undertaken; and
  - (w) if the work relates to the installation of bait stations within the footpath—
    - (i) ensure that the bait stations are flush with the surface of the footpath and that any surface breakage or chipping around any bait station is reinstated; and
    - (ii) deliver to the local government an as constructed plan of a specified size which accurately details the location of each bait station; and
  - (x) if the prescribed activity is to be undertaken on a State-controlled road—obtain relevant approvals from the State in respect of the undertaking of the prescribed activity prior to the commencement of the prescribed activity; and
  - (y) record, and deliver to the local government on a daily basis, details of—
    - (i) the location and time of erection and removal of road work signage; and
    - (ii) the occurrence of any adverse incident incidental to the undertaking of the prescribed activity; and
  - (z) ensure that the prescribed activity is not undertaken during peak periods on high volume roads in urban areas and, if works continue overnight, measures to ensure that appropriate long term signage and delineation layout is implemented; and
  - (aa) prepare a traffic control management plan for the undertaking of the prescribed activity, obtain the approval of the local government for the plan and, subject to approval of the plan, implement the plan in accordance with the conditions of the approval; and
  - (ab) ensure the installation of specified hoardings adjacent to the site of the prescribed activity; and
  - (ac) if the prescribed activity is to be undertaken over an awning—ensure that the structural integrity of the awning is assessed and certified by an



engineer as capable of supporting or containing plant, workers, tools and materials used above the awning and produce a copy of the engineer's certification prior to the commencement of the prescribed activity; and

- (ad) if the undertaking of the prescribed activity involves a temporary road closure—give public notice of the temporary road closure, for example, by the publication of notice of the temporary road closure in a newspaper circulating generally in the local government area of the local government; and
- (ae) reimburse the local government all costs and expenses incurred by the local government which directly or indirectly relate to damage sustained to any road or footpath paving or underlying footpath slab which are a direct or indirect consequence of the undertaking of the prescribed activity; and
- (af) ensure that all trees, shrubs and other vegetation which are affected, or may be affected, by the prescribed activity are retained and not damaged; and
- (ag) ensure that no chemical type material, oil, paint, bituminous product, fuel, cement, concrete or the like is placed or dumped on any tree, shrub or other vegetation as a direct or indirect consequence of the undertaking of the prescribed activity; and
- (ah) ensure that in the undertaking of the prescribed activity, no tree, shrub or other vegetation on a local government controlled area or road is removed, modified or disturbed, including the disturbance of any root system within the drip line, in the absence of an approval of the local government; and
- (ai) if any tree, shrub or vegetation is damaged as a direct or indirect consequence of the undertaking of the prescribed activity—ensure the replacement of the damaged tree, shrub or other vegetation; and
- (aj) if the undertaking of the prescribed activity affects a designated parking space—prior to the commencement of the prescribed activity, obtain from the local government an approval in respect of the use of the designated parking space; and
- (ak) ensure that the undertaking of the prescribed activity complies with erosion and sediment control requirements of the local government, for example—
  - (i) the construction of sediment fences, earth berms and temporary drainage designed to prevent sediment being transported to any adjoining land, road or drainage system; and
  - (ii) all disturbed areas must be mulched or turfed and grassed as soon as practicable during the undertaking of the prescribed activity; and
  - (iii) measures must be put in place to prevent vehicles used in the undertaking of the prescribed activity tracking sediment and other pollutants onto any road during the undertaking of the prescribed activity; and
  - (iv) any road or drainage system affected by the undertaking of the

prescribed activity must be reinstated; and

- (v) stockpiles of topsoil, sand, aggregate, spoil and other material capable of being moved by the action of wind or running water must be stored clear of any drainage path, with appropriate measures to prevent entry onto any road or drainage system; and
- (al) if the approval authorises the approval holder to use a specified part of a road for the undertaking of the prescribed activity — pay a licence fee to the local government at specified intervals.

## 7. Term of an approval

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

## 8. Term of renewal of an approval

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

**Table 1 – Third party certification**

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

## **Schedule 2 Categories of approval that are non-transferable**

### Section 6

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

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## Schedule 3 Dictionary

### Section 4

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

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

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

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

DRAFT

**Certification**

This and the preceding 11 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.15 (Carrying out Works on a Road or Interfering with a Road or its Operation) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

.....  
Chief Executive Officer

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**Redland**  
CITY COUNCIL

Redland City Council

**DRAFT Subordinate Local Law No.  
1.16 (Bringing or Driving a Motor  
Vehicle onto a Local Government  
Controlled Area) 2014**



## Redland City Council

# Subordinate Local Law No. 1.16 (Bringing or Driving a Motor Vehicle onto a Local Government Controlled Area) 2014

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.16 (Bringing or Driving a Motor Vehicle onto a Local Government Controlled Area) 2014*.

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

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2014* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
  - (a) various matters regarding the granting of approvals for prescribed activities; and
  - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2014* (the **authorising local law**).

### 4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 3 defines particular words used in this subordinate local law.

## Part 2 Approval for prescribed activity

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

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



section 2 of schedule 1.

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

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

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

## **Schedule 1 Bringing or Driving a Motor Vehicle onto a Local Government Controlled Area**

### **Section 5**

#### **1. Prescribed activity**

Bringing a motor vehicle onto or driving a motor vehicle on a place that is—

- (a) within a local government controlled area; and
- (b) not within a motor vehicle access area.

See *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014*, section 6(2).

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

An approval is not required under the authorising local law for the prescribed activity if the motor vehicle brought onto, or driven on, the place is an essential services vehicle being used to provide the service for which it is designed or ordinarily used.

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

- (1) Full details of the reason for bringing the motor vehicle onto, or driving the motor vehicle on, the local government controlled area.
- (2) Details of the time and place at which the prescribed activity will be undertaken.
- (3) Details of how the applicant proposes to obtain access to, and egress from, the local government controlled area.
- (4) Particulars of—
  - (a) the parts of the local government controlled area on which the motor vehicle will be brought or driven; and
  - (b) the name, address and driver's licence details of all potential drivers; and
  - (c) the motor vehicle which will be brought or driven onto the local government controlled area; and
  - (d) the impact, if any, of the prescribed activity on pedestrian or vehicular traffic on the local government controlled area.

#### **4. Additional criteria for the granting of an approval**

- (1) The undertaking of the prescribed activity on the local government controlled area must not—
  - (a) result in—

- (i) harm to human health or safety; or
  - (ii) property damage or loss of amenity; or
  - (iii) nuisance; or
  - (iv) obstruction of vehicular or pedestrian traffic; or
  - (v) environmental harm; or
  - (vi) environmental nuisance; or
  - (b) adversely affect the amenity of the area in which the prescribed activity is to be undertaken.
- (2) The undertaking of the prescribed activity must be—
- (a) incidental to construction, repair or maintenance work which the applicant is required to undertake within the local government controlled area; or
  - (b) necessary to facilitate—
    - (i) access to a place used for the operation of a temporary entertainment event for which the applicant has received an approval under a local law; or
    - (ii) the commercial use of a local government controlled area for which the applicant has received an approval under a local law; or
    - (iii) the undertaking of a regulated activity on a local government controlled area for which the applicant has received an approval under a local law.
- (3) The undertaking of the prescribed activity must not generate significant noise or dust, or otherwise have a significant adverse affect on the neighbourhood surrounding the local government controlled area.

## **5. Conditions that must be imposed on an approval**

No conditions prescribed.

## **6. Conditions that will ordinarily be imposed on an approval**

- (1) The conditions of an approval may—
- (a) require compliance with specified safety requirements; and
  - (b) regulate when, or the time within which, the prescribed activity must be carried out; and
  - (c) specify standards with which the prescribed activity must comply; and
  - (d) require the approval holder to—
    - (i) take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before commencement of the prescribed activity; and
    - (ii) give the local government specified indemnities; and

- (iii) exhibit specified signage warning about the conduct of the prescribed activity; and
  - (e) restrict the right to undertake the prescribed activity to a specific vehicle or type of vehicle specified in the approval; and
  - (f) require the approval holder to limit the speed of any vehicle used in the undertaking of the prescribed activity to a speed limit specified in the approval; and
  - (g) require that access to and egress from the local government controlled area be exercised—
    - (i) in a specified manner; and
    - (ii) at a specified location; and
  - (h) require the display of the approval at a specified location on each vehicle used in the undertaking of the prescribed activity; and
  - (i) require the giving of notice, in a manner specified in the approval, of the undertaking of the prescribed activity at the local government controlled area to persons residing in the vicinity of the area.
- (2) The conditions of an approval may require the approval holder to take specified measures to—
- (a) prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and
  - (b) prevent loss of amenity, environmental damage or nuisance resulting from the undertaking of the prescribed activity; and
  - (c) ensure that the undertaking of the prescribed activity does not cause unsafe movement or obstruction of vehicular or pedestrian traffic.

## 7. Term of an approval

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

## 8. Term of renewal of an approval

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

**Table 1 – Third party certification**

<b>Column 1</b> <b>Application requirement</b>	<b>Column 2</b> <b>Individuals or organisations that are third party certifiers</b>	<b>Column 3</b> <b>Qualifications necessary to be a third party certifier</b>

No application requirement stated		
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## **Schedule 2      Categories of approval that are non-transferable**

### Section 6

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

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## Schedule 3 Dictionary

### Section 4

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

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

**essential services vehicle** means a motor vehicle that is in the care or control of any officer of—

- (a) the Queensland Ambulance Service; or
- (b) the Queensland Fire and Rescue Service; or
- (c) an on-supplier who supplies gas under the *Gas Supply Act 2003*; or
- (d) an electricity entity under the *Electricity Act 1994*; or
- (e) the Queensland Police Service; or
- (f) the State Emergency Service; or
- (g) the Department of Transport and Main Roads; or
- (h) a carrier or service provider licensed under the *Telecommunications Act 1997* (Commonwealth); or
- (i) the local government; or
- (j) a contractor of the local government; or
- (j) any other department or body (whether or not incorporated) that has a function or power conferred on it under an Act; or
- (k) another entity specified by subordinate local law.

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

**Certification**

This and the preceding 9 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.16 (Bringing or Driving a Motor Vehicle onto a Local Government Controlled Area) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

.....  
Chief Executive Officer

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**Redland**  
CITY COUNCIL

Redland City Council

**DRAFT Subordinate Local Law No. 1.17  
(Operation of a Ferry, Charter or Hire  
Service from a Local Government  
Controlled Boat Ramp or Landing)  
2014**



## Redland City Council

# Subordinate Local Law No. 1.17 (Operation of a Ferry, Charter or Hire Service from a Local Government Controlled Boat Ramp or Landing) 2014

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.17 (Operation of a Ferry, Charter or Hire Service from a Local Government Controlled Boat Ramp or Landing) 2014*.

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

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2014* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
  - (a) various matters regarding the granting of approvals for activities requiring an approval; and
  - (b) further specification of the definitions relevant to various activities requiring an approval.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2014* (the **authorising local law**).

### 4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 3 defines particular words used in this subordinate local law.

## Part 2 Approval for prescribed activity

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

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

section 2 of schedule 1.

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

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

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

## **Schedule 1      Operation of a Ferry, Charter or Hire Service from a Local Government Controlled Boat Ramp or Landing**

### Section 5

#### **1.      Prescribed activity**

The prescribed activity includes each of the following—

- (a) using a boat ramp or landing for the purposes of a ferry service, including operating a ferry service from a boat ramp or landing;
- (b) using a boat ramp or landing for the purposes of a ship charter service, including operating a ship charter service from a boat ramp or landing;
- (c) using a boat ramp or landing for a ship hire service, including operating a ship hire service from a boat ramp or landing .

See *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014*, schedule 2 item 6.

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

A person may undertake the prescribed activity without a current approval if the person is —

- (a) an employee, contractor or agent of the local government; and
- (b) undertaking the prescribed activity—
  - (i) for the purpose of carrying out work for or on behalf of the local government; and
  - (ii) in the course of carrying out his or her duties for or on behalf of the local government.

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

- (1) The documents and materials that must accompany an application for an approval for the prescribed activity are—
  - (a) details of the purpose and nature of the activity the subject of the application; and
  - (b) details of the number of persons to be involved in the activity the subject of the application, including participants and employees; and
  - (c) details of any structure or equipment that is to be used for the activity the subject of the application; and
  - (d) specification of the points of entry and exit for the activity the subject of the application; and
  - (e) a statement detailing the experience and qualifications of the applicant

- and the applicant's staff in conducting the activity the subject of the application; and
- (f) if the activity the subject of the application involves a motor vehicle— details of the motor vehicle, including the motor vehicle's—
    - (i) colour, make, body and type; and
    - (ii) owner's name and address and written consent to the motor vehicle's involvement; and
    - (iii) registration number (if applicable); and
    - (iv) maximum lawful seating capacity; and
    - (v) fuel type; and
    - (vi) weight, including the weight of any load to be carried on the motor vehicle; and
  - (g) if the activity the subject of the application involves a ship —details of the ship to be used, including the ship's—
    - (i) colour, make and type; and
    - (ii) owner's name and address and written consent to the ship's involvement; and
    - (iii) registration number (if applicable); and
    - (iv) maximum lawful seating capacity; and
  - (h) if the activity the subject of the application includes a motor vehicle or a ship— evidence that use of the motor vehicle or ship on or at the boat ramp or landing is consistent with the design specifications of the boat ramp or landing.
    - (i) if the prescribed activity is a ferry service—
      - (i) a map detailing—
        - (A) the proposed route the ferry service will follow; and
        - (B) the location of any proposed stopover; and

*Example of stopovers—*

*Where people alight or goods are unloaded from a ship.*

- (ii) details of the dates, days, times, duration and purpose of each proposed stopover; and
- (iii) details of the fare structure for the ferry service.

#### **4. Additional criteria for the granting of an approval**

- (1) The undertaking of the prescribed activity at the boat ramp or landing must not—
  - (a) result in—
    - (i) harm to human health or safety; or
    - (ii) property damage or loss of amenity; or
    - (iii) nuisance; or

- (iv) obstruction of vehicular or pedestrian traffic; or
- (v) environmental harm; or
- (vi) environmental nuisance; or
- (b) adversely affect the amenity of the area in which the prescribed activity is to be undertaken.

**5. Conditions that must be imposed on an approval**

No conditions prescribed.

**6. Conditions that will ordinarily be imposed on an approval**

The conditions of an approval may—

- (a) require the approval holder to take specified measures to—
  - (i) protect the safety of persons who may be involved in, or affected by, the activity the subject of the approval; and
  - (ii) ensure that the activity, the subject of the approval, does not cause a nuisance; and
- (b) impose obligations on the approval holder in relation to other users of the boat ramp or landing; and
- (c) require the approval holder to comply with all relevant government and industry standards; and
- (d) require the approval holder to make periodic payments to the local government; and
- (e) require the approval holder to make facilities installed under the approval available for use by the public at specified times or over specified periods; and
- (f) require the provision and maintenance of furniture, fittings, equipment, chattels, services and facilities; and
- (g) prescribe the location and method of entry and exit to the boat ramp or landing; and
- (h) require the approval holder to remove any rubbish created by the activity the subject of the approval and ensure that the boat ramp or landing used is kept in the same condition as before the activity commenced; and
- (i) require the approval holder to insure the local government and the approval holder against liability for injury, loss or damage arising on the boat ramp or landing the subject of the approval; and
- (j) require the approval holder to indemnify the local government against claims for personal injury and damage to property arising by, through, or in connection with the activity the subject of the approval; and
- (k) prescribe the amount, size, content and type of signage that may be installed or erected; and
- (l) require the approval holder to reinstate the boat ramp or landing

following the completion or ceasing of the activity the subject of the approval; and

- (m) require the lodgement of a security bond by the approval holder; and
- (n) restrict the number of persons involved in the activity the subject of the approval; and
- (o) if the activity the subject of the approval involves a motor vehicle or a ship—
  - (i) prescribe the type of motor vehicle or ship that may be used; and
  - (ii) restrict the speed of the motor vehicle or ship; and
- (p) if the activity the subject of the approval involves the use of a motor vehicle on a boat ramp or landing—require that the approval holder not stand the motor vehicle at the shore end of the boat ramp or landing so as to obstruct or interfere with access to or egress from the boat ramp or landing; and
- (q) require that the approval holder use, for the conveyance of goods along the boat ramp or landing, a trolley or other device provided for that purpose by the local government.

#### **7. Term of an approval**

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

#### **8. Term of renewal of an approval**

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

**Table 1 – Third party certification**

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



**Schedule 2      Categories of approval that are non-transferable**

Section 6

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

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## Schedule 3 Dictionary

### Section 4

**boat ramp** has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014*

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

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

**ferry service** has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014*.

**landing** has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014*.

**motor vehicle** has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014*.

**ship** has the meaning given in the *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014*.

**Certification**

This and the preceding 9 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.17 (Operation of a Ferry, Charter or Hire Service from a Local Government Controlled Boat Ramp or Landing) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

.....  
Chief Executive Officer

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Redland City Council

**DRAFT Subordinate Local Law No. 1.18  
(Parking Contrary to an Indication on  
an Official Traffic Sign Regulating  
Parking by Time or Payment of a Fee)  
2014**



## Redland City Council

# Subordinate Local Law No. 1.18 (Parking Contrary to an Indication on an Official Traffic Sign Regulating Parking by Time or Payment of a Fee) 2014

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.18 (Parking Contrary to an Indication on an Official Traffic Sign Regulating Parking by Time or Payment of a Fee) 2014*.

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

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2014* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
  - (a) various matters regarding the granting of approvals for prescribed activities; and
  - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

### 3 Authorising local law

- (1) The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2014* (the **authorising local law**).
- (2) The activity named in schedule 1, section 1 is a prescribed activity for the purposes of section 5(b) of the authorising local law.

### 4 Definitions

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

## Part 2 Approval for prescribed activity

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

- (1) Schedule 1—
  - (a) names a prescribed activity in section 1; and

- (b) prescribes the matters specified in this section for the prescribed activity.<sup>1</sup>
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.
  - (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 1 activity.
  - (4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.
  - (5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.
  - (6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.
  - (7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.
  - (8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.
  - (9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.

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

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

## **Part 3 Application to State-controlled roads**

### **7 State-controlled roads to which the local law applies – authorising local law, schedule 1**

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<sup>1</sup> Section 103(4) of the TORUM Act relevantly provides that under a local law, a local government may—

- (a) allow a vehicle to park contrary to an indication on an official traffic sign regulating parking by time or payment of a fee, if the vehicle displays a permit issued by the local government; and
- (b) define the persons that may be issued with a permit (as distinct from an approval).

The local government has defined the persons that may be issued with a permit (as distinct from an approval) under *Local Law No. 5 (Parking) 2014*. *Local Law No. 1 (Administration) 2014* is a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws and provides for miscellaneous administrative matters. *Local Law No. 1 (Administration) 2014* provides for consistent and comprehensive processes for the local government to grant and regulate approvals (as distinct from permits) to undertake prescribed activities. The activity identified in schedule 1, section 1 is a prescribed activity. *Local Law No. 1 (Administration) 2014*, schedule 1 defines approval to include, relevantly, a permit. Each category of permit identified under *Local Law No. 5 (Parking) 2014* is an approval for the purposes of *Local Law No. 1 (Administration) 2014*.

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

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## **Schedule 1      Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee**

### Section 5

#### **1.      Prescribed activity**

Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee.

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

No activities stated.

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

- (1)      The name of the applicant.
- (2)      A description of the type and make of the vehicle.
- (3)      The registration number of the vehicle and the date of expiry of the registration.
- (4)      Details of the registered owner of the vehicle.
- (5)      Details of why the applicant requires the approval.
- (6)      The period during which the applicant requires the approval.
- (7)      If the application is for a works zone parking permit—
  - (a)      details of the specified part of the road adjacent to the site of the proposed building or construction work which the applicant proposes will be declared as a works zone; and
  - (b)      evidence that the applicant intends undertaking the building or construction work at the site during the term of the permit.

#### **4.      Additional criteria for the granting of an approval**

No additional criteria prescribed.

#### **5.      Conditions that must be imposed on an approval**

No conditions prescribed.

#### **6.      Conditions that will ordinarily be imposed on an approval**

- (1)      The conditions of an approval may require the approval holder to—
  - (a)      affix the approval to, or exhibit the approval on, a specified part of the vehicle identified in the approval facing outwards and as near as

- practicable to the registration label for the vehicle; and
  - (b) if the approval holder requests the issue of a replacement approval—complete a statutory declaration detailing the facts and circumstances of the loss, destruction or damage of the original approval; and
  - (c) enter into an agreement with the local government to indemnify the local government against claims (including claims made against the approval holder by the local government) for personal injury (including death) and damage to property (including economic loss) arising by, through or in connection with the use of a vehicle under the approval; and
  - (d) if the approval holder is a business—take out and maintain insurance against personal injury and property damage resulting from the activities authorised by the approval; and
  - (e) take specified measures to reduce the impact of the activities authorised by the approval so that the activities do not—
    - (i) create a traffic nuisance; or
    - (ii) increase an existing traffic nuisance; or
    - (iii) detrimentally affect the efficiency of the road network in which the activity is undertaken.
- (2) Also, the conditions of a resident parking permit may require that the approval holder—
- (a) only use the permit in respect of the parking of a vehicle identified in the permit at the location identified in the permit which must be—
    - (i) the road adjacent to the residence identified in the permit; or
    - (ii) the one or more segments of road in close proximity to the residence identified in the permit; and
  - (b) only use the permit whilst the holder resides at the residence identified in the permit.
- (3) Also, the conditions of a works zone parking permit may—
- (a) specify the part of the road to which the permit relates; and
  - (b) require the approval holder to pay a prescribed fee, as determined by the local government, for the installation of official traffic signs, or other signs and markings, as determined by the local government to be appropriate, to identify the boundaries of the works zone identified in the permit; and
  - (c) require that the approval holder not park a vehicle within the works zone except while the vehicle is being loaded or unloaded in connection with the building or construction work to which the permit relates; and
  - (d) require that materials of any kind not be stacked, placed or otherwise left on the road or footpath (either within or outside of the works zone); and
  - (e) require that a vehicle not be parked, loaded or unloaded or that other

operations be carried out, in a manner which obstructs pedestrian movement along a footpath within or adjacent to the works zone.

- (4) The conditions of a visitor parking permit may—
  - (a) require that the approval holder only use the permit in respect of the parking of a vehicle at the locations identified in the permit which must be—
    - (i) the road adjacent to the residence identified in the permit; or
    - (ii) the one or more segments of road in close proximity to the residence identified in the permit; and
  - (b) require that the permit must only be used by a person visiting or attending at the residence identified in the permit; and
  - (c) specify that the visitor parking permit is not specific to any particular vehicle.

## **7. Term of an approval**

- (1) An approval remains in force for, if the approval is—
  - (a) a resident parking permit—12 months;
  - (b) a community service organisation parking permit—1 month;
  - (c) a temporary parking permit—the term of the proposed temporary activity;
  - (d) a works zone parking permit—the term of the proposed building or construction work;
  - (e) a local government works parking permit—the term of the proposed carrying out of work for or on behalf of the local government;
  - (f) a visitor parking permit—12 months.
- (2) However, the local government may fix some other term for an approval if it is desirable to do so—
  - (a) to provide common expiry dates for approvals; or
  - (b) for some other reason.

## **8. Term of renewal of an approval**

- (1) The term for which an approval may be extended or renewed is, if the approval is—
  - (a) a resident parking permit—12 months;
  - (b) a community service organisation parking permit—1 month;
  - (c) a visitor parking permit—12 months.
- (2) No term is provided for which an approval may be extended or renewed if the approval is—
  - (a) a temporary parking permit; or
  - (b) a works zone parking permit; or

- (c) a local government works parking permit.
- (3) However, the local government may fix some other term for the extension or renewal of an approval if it is desirable to do so—
- (a) to provide common expiry dates for approvals; or
  - (b) for some other reason.

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## **Schedule 2      Categories of approval that are non-transferable**

### **Section 6**

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

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

### Section 7

Subject to the chief executive's written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b), every State-controlled road in the local government area of the local government.

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## Schedule 4 Dictionary

### Section 4

*community service organisation parking permit* see Subordinate Local Law No. 5 (Parking) 2014, schedule 4.

*local government works parking permit* see Subordinate Local Law No. 5 (Parking) 2014, schedule 4.

*resident parking permit* see Subordinate Local Law No. 5 (Parking) 2014, schedule 4.

*temporary parking permit* see Subordinate Local Law No. 5 (Parking) 2014, schedule 4.

*visitor parking permit* see Subordinate Local Law No. 5 (Parking) 2014, schedule 4.

*works zone parking permit* see Subordinate Local Law No. 5 (Parking) 2014, schedule 4.

**Certification**

This and the preceding 10 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.18 (Parking Contrary to an Indication on an Official Traffic Sign Regulating Parking by Time or Payment of a Fee) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

.....  
Chief Executive Officer

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Redland City Council

**DRAFT Local Law No. 2 (Animal  
Management) 2014**

**Register**

**Animals in Public Places**



## Redland City Council

### Local Law No. 2 (Animal Management) 2014

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## Register                      Prohibition and restriction of animals in public places

Local Law No. 2 (Animal Management) 2014

The dictionary in the schedule defines particular words used in this Register.

### Part 1                      Prohibition of animals in public places under section 9(1)(a) and (b) of Local Law No. 2 (Animal Management) 2014.

Item	Column 1 Prohibition	Column 2 Public Place
1	Public places where a person is prohibited from bringing a dog at any time.	<p>(a) Wellington Point Reserve, Wellington Point, but limited to the designated swimming beach and the playground and picnic area adjacent to the access road into Wellington Point Reserve.</p> <p>(b) The reserve and the adjacent foreshore and seashore at Beth Boyd Park, Thorneside – other than the designated walkway.</p> <p>(c) All foreshore and seashore at Raby Bay, Cleveland except the foreshore and seashore in front of Raby Bay Foreshore Park between the first groyne in an easterly direction from the intersection of Masthead Drive and Seacrest Court and the first groyne in a westerly direction from the intersection of Masthead Drive and Seacrest Court.</p> <p>(d) The foreshore and seashore adjacent to W.H. Yeo Park, Victoria Point between the intersection of Thompson Street and Thompson Esplanade and west to the mouth of Moogurrumpum Creek.</p> <p>(e) All reserves on Coochiemudlo Island and the foreshore and seashore of Coochiemudlo Island from the boat ramp at Main Beach, extending in—</p> <p>(i) an easterly direction to Norfolk</p>

Item	Column 1 Prohibition	Column 2 Public Place
		<p>Beach; and</p> <p>(ii) a northerly direction to Morwong Beach; and</p> <p>(iii) a westerly direction to the intersection of Elizabeth Street and Victoria Parade at Morwong Beach.</p> <p>(f) The foreshore and seashore adjacent to Redland Bay Esplanade, Redland Bay where Grey Street and Bay Street intersect.</p> <p>(g) The foreshore, seashore and reserve at Cylinder Beach, North Stradbroke Island between the foreshore and the roads abutting the reserve.</p> <p>(h) The foreshore and seashore at North Stradbroke Island, Main Beach between a point north east of Plant 7 Road and the access road adjacent to the Point Lookout Surf Lifesaving Club.</p> <p>(i) The foreshore and seashore in front of the swimming enclosures at Redland Bay, North Stradbroke Island, Russell Island, Macleay Island, Lamb Island and Karragarra Island.</p> <p>(j) The display garden and barbeque areas located at the Redlands Indigiscapes Centre, 17 Runnymede Road, Capalaba.</p> <p>(k) Myora Springs Reserve, North Stradbroke Island.</p> <p>(l) Empire Point Wader Roost, Ormiston (Lot 116 on SL8945).</p> <p>(m) Brown Lake Conservation Area, North Stradbroke Island (Lot 70 on SL4098).</p> <p>(n) The foreshore and seashore at Flinders Beach, North Stradbroke Island, from Amity Point access to Geera Street, Amity Point.</p> <p>(o) All bathing reserves placed under the control of the local government.</p>

Item	Column 1 Prohibition	Column 2 Public Place
		<p>(p) Within 10 metres of any playground apparatus in a public place that is provided for the use of children.</p> <p>(q) In any shop other than —</p> <ul style="list-style-type: none"> <li>(i) a pet shop; or</li> <li>(ii) a veterinary shop/clinic; or</li> <li>(iii) if the animal is a dog or a cat — a dog grooming or pet care salon.</li> </ul> <p>(r) Swamp Box Conservation Area, Capalaba (Lot 900 on SP207204).</p>
2	Public places where a person is prohibited from bringing a dog during specified hours on specified days and particulars of the hours and days	<p>(a) Subject to the prohibition specified in item 1(a), columns 1 and 2, Wellington Point Reserve, Wellington Point — the prohibition applies on Saturday, Sunday and statutory holidays, but only between the hours of 9.00 a.m. and 4.00 p.m.</p> <p>(b) The foreshore and seashore at the end of each of Edinburgh Street, Church Street and Wilson Street, Victoria Point — the prohibition applies on Saturday, Sunday and statutory holidays.</p> <p>(c) Bloomfield Street, Cleveland between Queen Street and Middle Street — the prohibition applies only between the hours of 6.00 a.m. and 4.00 p.m. on Sunday.</p> <p>(d) The reserve at W.H. Yeo Park, Victoria Point— the prohibition applies on Saturday, Sunday and statutory holidays, but only between the hours of 9.00 a.m. and 4.00 p.m.</p>
3	Public places where a person is prohibited from bringing a dog which is a declared dangerous dog or a declared menacing dog under the <i>Animal Management (Cats and Dogs) Act 2008</i> at any time.	Each public place which is designated as a dog off-leash area.
4	Public places where a person is prohibited from bringing a horse, camel or donkey at any time	<p>(a) Wellington Point Recreation Reserve, Wellington Point.</p> <p>(b) Redlands Indigiscapes Centre, 17</p>

Item	Column 1 Prohibition	Column 2 Public Place
		Runnymede Road, Capalaba. (c) All bathing reserves placed under the control of the local government.
5	Public places where a person is prohibited from bringing a goat, pig, cow, sheep, llama, alpaca, deer, fowl, peafowl, poultry, ostrich or emu at any time.	(a) All parks and reserves within the local government area. (b) All foreshore areas within the local government area. (c) All bathing reserves placed under the control of the local government.

## Part 2 Restriction of animals in public places under section 9(1)(c) of Local Law No. 2 (Animal Management) 2014

Item	Column 1 Restriction	Column 2 Public Place
1	<p>Public places where a person may only bring a horse, camel or donkey subject to conditions and particulars of the conditions.</p> <p>The conditions applicable to the bringing of a horse, camel or donkey onto a public place identified in Item 1, Column 2 are that the responsible person for the animal must ensure that the animal does not—</p> <ul style="list-style-type: none"> <li>(a) enter any area which is not part of a designated trail system; and</li> <li>(b) disturb feeding, resting or roosting shore birds or wading birds; and</li> <li>(c) disturb mangroves, sea grass or other marine vegetation or cause other environmental harm.</li> </ul> <p>These conditions do not apply if 1 or more horses, camels or donkeys are brought onto a park or reserve by the holder of an approval granted under <i>Local Law No. 1 (Administration) 2014</i>—</p> <ul style="list-style-type: none"> <li>(a) in the exercise of the rights of the holder of the approval; and</li> <li>(b) in accordance with the conditions specified in the approval.</li> </ul>	<ul style="list-style-type: none"> <li>(a) All parks and reserves within the local government area.</li> <li>(b) All foreshore areas within the local government area.</li> </ul>

## Register                      Dog off-leash areas

Local Law No. 2 (Animal Management) 2014

### Dog off-leash areas designated under section 10 of Local No. 2 (Animal Management) 2014

Item	Column 1 Public place designated as a dog off-leash area	Column 2 If the dog off-leash area is not a dog off-leash area at all times — the specified days and hours when a dog is not required to be on a leash
1	The foreshore and seashore at Home Beach, North Stradbroke Island between Rocky Point and the rocky headland in front of the Point Lookout Hotel.	
2	Skatebowl Park, Dunwich, North Stradbroke Island between the skatebowl and the fenced area at the eastern end of the park.	
3	The fenced enclosure at Wentworth Drive Park, Capalaba.	
4	The fenced enclosure at Charlie Buckler Sportsfield, Redland Bay.	
5	The fenced enclosure at Robert Mackie Park, Thornlands.	
6	The fenced enclosure at Three Paddocks Park, Birkdale.	
7	The fenced enclosure at Windermere Road Park, Alexandra Hills.	
8	The fenced enclosure at George Street Park, Alexandra Hills.	
9	The unfenced area as designated by sign at Aquatic Paradise Park West, Birkdale.	
10	The fenced enclosure at Brosnan Drive Park, Capalaba.	
11	The unfenced area as designated by sign at G.J. Walter Park, Cleveland.	



12	The foreshore and seashore in front of Raby Bay Foreshore Park between the first groyne in an easterly direction from the intersection of Masthead Drive and Seacrest Court, Cleveland and the first groyne in a westerly direction from the intersection of Masthead Drive and Seacrest Court.	
13	The foreshore and seashore at Main Beach, Coochiemudlo Island between a point 113 metres west of the barge ramp, and extending in a westerly direction to a point 293 metres west of the barge ramp .	(a) At all times during the months of May, June, July and August; and (b) During the months of January, February, November and December but only before 9.00 a.m. and after 5.00 p.m. each day.
14	The foreshore and seashore in front of Lions Park, Russell Island.	(a) At all times during the months of May, June, July and August; and (b) During the months of January, February, November and December but only before 9.00 a.m. and after 5.00 p.m. each day.
15	The fenced enclosure at Hanover Drive Park, Alexandra Hills.	
16	The fenced enclosure at Valantine Park, Valantine Road, Alexandra Hills.	
17	The fenced enclosure at Lachlan Street Park, Birkdale.	
18	The fenced enclosure at Capalaba Regional Park, Pittwin Road North, Capalaba.	
19	The unfenced area as designated by sign at Pioneer Park, Lucas Drive, Lamb Island.	
20	The unfenced area as designated by sign at Attunga Street Park, 13 Attunga Street, Macleay Island.	
21	The fenced enclosure at Mount Cotton Community Park, Valley Way entered via Bohemia Court, Mount Cotton.	
22	The fenced enclosure (adjacent to the Redlands Softball Park) at Sturgeon Street, Ormiston.	

23	The fenced enclosure at Pioneer Children's Memorial Park, corner of High Street and Jackson Road, Russell Island.	
24	The fenced enclosure at Main Street Park, corner Gordon Road, Redland Bay.	
25	The fenced enclosure at Talburpin Esplanade, corner Torquay Road, Point Talburpin, Redland Bay.	
26	The fenced enclosure at Manning Esplanade Park, Thornlands.	
27	The fenced enclosure at Fodder Forest, Link Road, Victoria Point.	
28	The fenced enclosure at Les Moore Park, Wilson Esplanade, Victoria Point.	

## Schedule      Dictionary

***bathing reserve*** means a bathing reserve placed under the control of the local government by gazette notice.

***foreshore*** has the meaning given in the *Local Government Regulation 2012*.

***park*** has the meaning given in *Subordinate Local law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014*.

***reserve*** has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014*.

***seashore*** has the meaning given in section 62(2) of the *Local Government Regulation 2012*.



**Redland**  
CITY COUNCIL

Redland City Council

**Local Law No. 2 (Animal  
Management) 2014**



## Redland City Council Local Law No. 2 (Animal Management) 2014

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## Part 1 Preliminary

### 1 Short title

This local law may be cited as *Local Law No. 2 (Animal Management) 2014*.

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

- (1) The purpose of this local law is to regulate and manage the keeping and control of animals in the local government's area in a way that—
  - (a) balances community expectations with the rights of individuals; and
  - (b) protects the community against risks to health and safety; and
  - (c) prevents pollution and other environmental damage; and
  - (d) protects the amenity of the local community and environment.
- (2) The purpose is to be achieved by providing for—
  - (a) the regulation of the keeping of animals in terms of how many, what type, how, and where animals can be kept; and
  - (b) the prescription of minimum standards for keeping animals; and
  - (c) the proper control of animals in public places; and
  - (d) the management of dangerous or aggressive animals other than dogs;<sup>1</sup> and
  - (e) the seizure and destruction of animals in certain circumstances; and
  - (f) the establishment and administration of animal pounds.

### 3 Definitions—the dictionary

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

### 4 Relationship with other laws<sup>2</sup>

This local law is—

- (a) in addition to, and does not derogate from—
  - (i) laws regulating the use or development of land; and
  - (ii) other laws about the keeping or control or welfare of animals; and
- (b) to be read with *Local Law No. 1 (Administration) 2014*.

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<sup>1</sup> The *Animal Management (Cats and Dogs) Act 2008* provides for the management of *regulated dogs*, comprising declared dangerous dogs, declared menacing dogs and restricted dogs.

<sup>2</sup> This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or Commonwealth. See the Act, section 27.



## Part 2 Keeping of animals

### Division 1 Prohibition on keeping animals

#### 5 Prohibition on keeping animals in prescribed circumstances

- (1) The local government may, by subordinate local law, prohibit the keeping of animals in prescribed circumstances.
- (2) The circumstances in which the keeping of animals is prohibited may be specified by reference to 1 or more of the following factors—
  - (a) species;
  - (b) breed;
  - (c) sex;
  - (d) age;
  - (e) number;
  - (f) whether an animal is a restricted dog;<sup>3</sup>
  - (g) the locality in which the animal would be kept;
  - (h) the nature of the premises in which the animal would be kept, including the size of the enclosure or the size of the allotment.<sup>4</sup>

*Example for subsection (2)—*

A prohibition may be imposed in relation to keeping certain species or a prescribed number of animals of a certain species in an urban locality.

- (3) A person must not keep an animal in contravention of a prohibition under this section.

Maximum penalty for subsection (3)—50 penalty units.

### Division 2 Animals for which approval is required

#### 6 Requirement for approval

- (1) Subject to subsections (3) and (4), the local government may, by subordinate local law, require an approval<sup>5</sup> for keeping an animal or animals in prescribed circumstances.

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<sup>3</sup> Section 72(3) of the *Animal Management (Cats and Dogs) Act 2008* provides: “A permit application may be made for more than 1 restricted dog for the same place only if the keeping of more than 1 restricted dog and more than 1 dog of any breed is permitted under a local law.”

<sup>4</sup> See the *Animal Management (Cats and Dogs) Act 2008*, chapter 4, regarding particular conditions on keeping regulated dogs, including requirements about enclosures.

<sup>5</sup> Keeping an animal for which an approval is required under this local law is a **prescribed activity** under schedule 2 of *Local Law No. 1 (Administration) 2014*. The process for obtaining an approval for a prescribed activity is set out in part 2 of that local law and section 6 creates an offence for a person undertaking a prescribed activity without a current approval.

- (2) The circumstances in which an approval is required may be specified by reference to 1 or more of the following factors—
  - (a) species;
  - (b) breed;
  - (c) sex;
  - (d) age;
  - (e) number;
  - (f) the locality in which the animal is to be kept, including whether it is an urban or non-urban locality;
  - (g) the nature of the premises in which the animal is to be kept, including the size of the enclosure or the size of the allotment.<sup>6</sup>
- (3) An approval under this section is not required for the keeping of animals on land if the keeping of the animals on the land is authorised by a development approval under the Planning Act<sup>7</sup>.
- (4) Under this section, the local government may not require an approval for keeping a restricted dog.<sup>8</sup>

## **Division 3            Minimum standards**

### **7        Minimum standards for keeping animals**

- (1) The local government may, by subordinate local law, specify minimum standards for the keeping of animals or a particular species or breed of animal.
- (2) A person who keeps an animal must ensure that the relevant minimum standards prescribed by a subordinate local law are complied with.<sup>9</sup>

Maximum penalty for subsection (2)—20 penalty units.
- (3) If a person is required to hold an approval to keep an animal, the obligation to comply with the minimum standards prescribed by a subordinate local law is in addition to an obligation imposed by a condition of the approval.

## **Division 4            Identification of registered dogs**

### **8        Identification for dogs in certain circumstances**

The local government may, by subordinate local law, prescribe the identification

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<sup>6</sup> See note 4.

<sup>7</sup> See the definition of *Planning Act* in the Act, schedule 4.

<sup>8</sup> Section 71 of the *Animal Management (Cats and Dogs) Act 2008* requires a permit issued by the local government for a person to own or be responsible for a restricted dog. The processes for the granting of restricted dog permits are set out under chapter 4, part 3 of that Act.

<sup>9</sup> See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, sections 4 to 5, regarding the requirements about enclosures for declared dangerous dogs, declared menacing dogs and restricted dogs.

required by the *Animal Management (Cats and Dogs) Act 2008* for a dog that is at a place other than the address stated in the registration notice for the dog.<sup>10</sup>

## Part 3 Control of animals

### Division 1 Animals in public places

#### 9 Prohibition and restriction of animals in public places

- (1) The local government may, by resolution, specify—
  - (a) public places where animals, or animals of a particular species or breed, are prohibited; and
  - (b) if the prohibition does not apply at all times — the hours and days when the prohibition applies; and
  - (c) if a person may only bring an animal, or animals of a particular species or breed, onto a public place subject to 1 or more conditions —
    - (i) the public place at which the conditions apply; and
    - (ii) particulars of the conditions which apply at the public place.
- (2) However, before making a resolution under subsection (1), the local government must—
  - (a) consult with the public for at least 21 days about—
    - (i) each prohibition proposed under subsection (1)(a) or (b); and
    - (ii) each restriction proposed under subsection (1)(c); and
  - (b) consider every submission properly made to it about—
    - (i) each prohibition proposed under subsection (1)(a) or (b); and
    - (ii) each restriction proposed under subsection (1)(c).
- (3) The owner or responsible person for an animal must ensure that the animal is not in a public place in contravention of —
  - (a) a prohibition specified under subsection (1)(a) or (b); or
  - (b) a condition specified under subsection (1)(c).Maximum penalty for subsection (3)—20 penalty units.
- (4) The local government must take reasonable steps to provide notice to members of the public regarding—
  - (a) each prohibition specified under subsection (1)(a) or (b); and
  - (b) each condition specified under subsection (1)(c).
- (5) In this section—

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<sup>10</sup> Section 45 of the *Animal Management (Cats and Dogs) Act 2008* requires a person who keeps a dog at a place other than the address in the registration notice to ensure it bears the identification prescribed by the local government under a local law.

*reasonable steps* include, as a minimum, the display of a notice at a prominent place within the particular public place, stating—

- (a) if a prohibition specified under subsection (1)(a) applies in the place —the animals that are prohibited in the place; and
  - (b) if the prohibition does not apply at all times — the hours and days when the prohibition applies; and
  - (c) if 1 or more conditions apply to the bringing of an animal or animals onto the place — particulars of the conditions which apply to the bringing of an animal or animals onto the place; and
  - (d) in general terms, the provisions of subsection (3).
- (6) The local government must keep a record available for public inspection identifying—
- (a) each prohibition specified under subsection (1)(a); and
  - (b) if the prohibition does not apply at all times — the hours and days when the prohibition applies as specified under subsection (1)(b); and
  - (c) if 1 or more conditions apply to the bringing of an animal or animals onto a public place under subsection (1)(c) —
    - (i) the public place at which the conditions apply; and
    - (ii) particulars of the conditions which apply to the bringing of the animal or animals onto the place.
- (7) For the avoidance of doubt, the local government may, from time to time, by resolution, repeal or amend a resolution about a prohibition or restriction under subsection (1).

## 10 Dog off-leash areas

- (1) The local government may, by resolution—
  - (a) designate an area within a public place as an area where a dog is not required to be on a leash (a *dog off-leash area*); and
  - (b) for a dog off-leash area — designate the dog off-leash area as an area where a dog is not required to be on a leash —
    - (i) at any time; or
    - (ii) on specified days; or
    - (iii) during specified hours on specified days.
- (2) However, before making a resolution under subsection (1), the local government must—
  - (a) consult with the public for at least 21 days about each designation proposed under subsection (1); and
  - (b) consider every submission properly made to it about each designation proposed under subsection (1).
- (3) The local government must take reasonable steps to provide notice to members of the public regarding each designation under subsection (1).

- (4) In this section—  
*reasonable steps* include, as a minimum, the display of a notice at a prominent place within the dog off-leash area indicating the extent of each designation under subsection (1).
- (5) The local government must keep a record available for public inspection identifying each designation under subsection (1).
- (6) For the avoidance of doubt, the local government may, from time to time, by resolution, repeal or amend a resolution about a designation under subsection (1).

## 11 Control of animals in public places<sup>11</sup>

- (1) The owner or responsible person for an animal must ensure that the animal is not in a public place—
- (a) unless the animal is under the effective control of someone; and
  - (b) if the animal is a declared dangerous animal<sup>12</sup>—unless the animal is securely restrained to prevent it from—
    - (i) attacking a person or animal; or
    - (ii) acting in a way that causes fear to a person or animal; or
    - (iii) causing damage to property.

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

- (2) An animal is under the *effective control* of someone only if—
- (a) a person who is physically able to control the animal—
    - (i) is holding it by an appropriate leash, halter or rein which has a length of not more than 2 m; or
    - (ii) has appropriately tethered it to an object fixed to a place from which the object can not be moved by the animal and is continuously supervising the animal; or
    - (iii) has corralled it in a temporary enclosure adequate to contain the animal and is continuously supervising the animal; or
  - (b) the animal is tethered in or on a vehicle and unable to reach beyond the vehicle extremities; or
  - (c) the animal is a dog in a dog off-leash area and under the supervision of a person who is able to control the animal by voice command; or
  - (d) the animal is participating in, or being exhibited or trained at, an exhibition or an obedience trial supervised by a body recognised for this section by the local government; or

<sup>11</sup> See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, section 3, regarding the requirement for muzzling and effective control of regulated dogs in public and section 93, which applies this requirement where a dog is subject to a proposed declaration notice.

<sup>12</sup> See the definition of *declared dangerous animal* in the schedule.

- (e) the animal is a working animal actually engaged in moving livestock and under the supervision of a person who is able to control the animal by voice command.

## 12 Person in control of dog or prescribed animal to clean up faeces

If a dog or any other animal prescribed by subordinate local law defecates in a public place, the person who has control of the dog or animal must immediately remove and dispose of the faeces in a sanitary way.

Maximum penalty—20 penalty units.

## Division 2 Restraint of animals

### 13 Duty to provide proper enclosure and prevent animal from wandering

- (1) A person who keeps an animal must maintain a proper enclosure to prevent the animal from wandering or escaping from the person's land.<sup>13</sup>

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

- (2) The local government may, by subordinate local law, prescribe requirements for a proper enclosure for an animal or species or breed of animal.

- (3) The owner of the animal must ensure that it is not wandering at large.<sup>14</sup>

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

- (4) It is a defence to a prosecution for an offence against subsection (3) for the defendant to prove that—

- (a) the defendant maintained a proper enclosure for the animal and could not, by the exercise of reasonable diligence, have prevented the escape of the animal; or

- (b) the animal was wandering at large in circumstances authorised by the conditions of an approval granted under a local law.

*Example for paragraph (b)—*

The conditions of an approval to keep racing pigeons might authorise the approval holder to release the pigeons from their enclosure for a certain amount of time each day and during official pigeon racing events.

## Division 3 Aggressive behaviour by animals other than dogs

### 14 Limited application of division to dogs<sup>15</sup>

- (1) Unless otherwise indicated, this division does not apply in relation to aggressive

<sup>13</sup> See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, sections 4 to 5, regarding the requirements about enclosures for declared dangerous dogs, declared menacing dogs and restricted dogs.

<sup>14</sup> See the definition of *wandering at large* in the schedule.

<sup>15</sup> Aggressive behaviour by dogs is covered by the *Animal Management (Cats and Dogs) Act 2008*, sections 194 to 196.

behaviour by a dog.

(2) In this section—

**aggressive behaviour** means attacking, or acting in a way that causes fear to, someone else or another animal.

## 15 Animals not to attack or cause fear to persons or animals

(1) A responsible person for an animal must take reasonable steps to ensure the animal does not attack, or act in a way that causes fear to, someone else or another animal.

Maximum penalty for subsection (1)—

- (a) if the attack causes the death of or grievous bodily harm to a person—300 penalty units; or
  - (b) if the attack causes the death of or grievous bodily harm to another animal—100 penalty units; or
  - (c) if the attack causes bodily harm to a person or another animal—50 penalty units; or
  - (d) otherwise—20 penalty units.
- (2) A person must not allow or encourage an animal to attack, or act in a way that causes fear to, a person or another animal.

Maximum penalty for subsection (2)—

- (a) if the attack causes the death of or grievous bodily harm to a person—300 penalty units; or
  - (b) if the attack causes the death of or grievous bodily harm to another animal—100 penalty units; or
  - (c) if the attack causes bodily harm to a person or another animal—50 penalty units; or
  - (d) otherwise—20 penalty units.
- (3) In this section—

**allow or encourage**, without limiting the *Criminal Code*, sections 7 and 8, includes cause to allow or encourage.

**another animal** does not include vermin that are not the property of anyone.

*Examples of vermin that are someone's property—*

- a pet mouse or guinea pig
- vermin that are protected animals under the *Nature Conservation Act 1992*.<sup>16</sup>

## 16 Defences for offence against s 15

It is a defence to a prosecution for an offence against section 15 for the defendant to prove that the animal attacked, or acted in a way that caused fear to, the person or other animal—

<sup>16</sup> See section 83 of that Act.

- (a) as a result of the animal being attacked, mistreated, teased, or provoked by the person or other animal, including a dog; or
- (b) to protect the responsible person, or a person accompanying the responsible person (the *accompanying person*), or the responsible person's or accompanying person's property.

## **Division 4            Dangerous animals other than dogs<sup>17</sup>**

### **17 Declaration of dangerous animal other than a dog**

- (1) A local government may, by subordinate local law, specify criteria for an authorised person to declare an animal other than a dog to be a declared dangerous animal.
- (2) An authorised person may declare an animal other than a dog to be a declared dangerous animal if the animal meets the criteria prescribed by subordinate local law.
- (3) A declaration under subsection (2) takes effect at the time the local government gives the responsible person for the animal an information notice<sup>18</sup> about the declaration.

### **18 Power to require responsible person for declared dangerous animal to take specified action**

An authorised person may, by giving a compliance notice,<sup>19</sup> require the responsible person for a declared dangerous animal to take specified action—

- (a) to warn persons who enter land on which the animal is kept of the presence of a declared dangerous animal on the land; and
- (b) to ensure that the animal remains in secure custody and is unable to attack or cause fear to persons or other animals or cause damage to another person's property.

## **Part 4                    Seizure, impounding or destruction of animals**

### **Division 1            Seizure of animals**

#### **19 Seizure of animals**

- (1) An authorised person may seize<sup>20</sup> an animal, other than a dog,<sup>21</sup> in the following

<sup>17</sup> Dangerous dogs are dealt with in the *Animal Management (Cats and Dogs) Act 2008*.

<sup>18</sup> See the definition of *information notice* in *Local Law No.1 (Administration) 2014*, schedule 1.

<sup>19</sup> See *Local Law No.1 (Administration) 2014*, section 28 regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

<sup>20</sup> See the *Local Government Act 2009*, chapter 5, part 2, division 1 in relation to authorised persons'



circumstances—

- (a) the animal is found wandering at large; or
  - (b) the responsible person for the animal has not complied with a compliance notice that has been issued in relation to compliance with this local law; or
  - (c) the animal has attacked, threatened to attack, or acted in a way that causes fear to, a person or another animal; or
  - (d) the authorised person considers on reasonable grounds that the animal has been abandoned, left or found on a road in the circumstances mentioned in section 100(12) of the *Transport Operations (Road Use Management) Act 1995*.<sup>22</sup>
- (2) An authorised person may seize a dog in the following circumstances—
- (a) the dog is found wandering at large; or
  - (b) the responsible person for the dog has not complied with a compliance notice that has been issued in relation to compliance with this local law; or
  - (c) the authorised person considers on reasonable grounds that the animal has been abandoned, left or found on a road in the circumstances mentioned in section 100(12) of the *Transport Operations (Road Use Management) Act 1995*.
- (3) The authorised person may seize an animal under subsection (1)(a) or a dog under subsection (2)(a) where—
- (a) another person has found the animal or dog wandering at large and delivered it to the authorised person; or
  - (b) an occupier of private land has found the animal or dog wandering at large on the land, taken it under effective control and requested the authorised person to enter the land to seize it.
- (4) However, an authorised person is not obliged to accept the custody of an animal under this section.
- (5) For the purposes of seizing an animal, an authorised person may take any action, including the use of force, which is reasonable in the circumstances to capture or control the animal.

## Division 2      Destruction of animal without notice

### 20 Power to immediately destroy seized animal

- (1) This section applies where an authorised person has seized an animal, other than a regulated dog,<sup>23</sup> under this local law or another law.

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enforcement powers, including entry to land.

<sup>21</sup> See the *Animal Management (Cats and Dogs) Act 2008*, section 125, for seizure of a dog.

<sup>22</sup> The *Transport Operations (Road Use Management) Act 1995*, section 100(13) provides: “If a local law provides for a matter mentioned in subsection (12), subsections (3) to (11) no longer apply in the local government’s area.”

<sup>23</sup> See the *Animal Management (Cats and Dogs) Act 2008*, section 127, for power to destroy a seized regulated

- (2) The authorised person may, without notice, immediately destroy the animal if—
  - (a) the authorised person reasonably believes the animal is dangerous and the authorised person can not control it; or
  - (b) the animal is significantly suffering as a result of disease, severe emaciation or serious injuries; or
  - (c) an owner of the animal has requested the authorised person to destroy it.

### **Division 3            Return or impounding of animals**

#### **21    Immediate return of animal seized wandering at large**

- (1) This section applies where—
  - (a) an animal has been seized under section 19(1)(a) or section 19(2)(a); and
  - (b) the authorised person who seizes the animal knows, or can readily find out, the name and address of the owner or responsible person for the animal.
- (2) The authorised person may return the animal to the owner or responsible person.

#### **22    Impounding of seized animal**

An authorised person who seizes an animal under this local law or another law may impound the animal at a place of care for animals operated by—

- (a) the local government; or
- (b) another organisation or local government prescribed by subordinate local law.

*Example for paragraph (a)—*

An animal pound.

*Example for paragraph (b)—*

A veterinary surgery or an animal refuge.

#### **23    What is a notice of impounding**

- (1) A ***notice of impounding*** means a written notice, given to the owner or responsible person for an animal, stating that—
  - (a) the animal has been impounded; and
  - (b) the animal may be reclaimed within the prescribed period provided that—
    - (i) the cost-recovery fee is paid; and
    - (ii) if an approval or registration is required for the keeping of the animal and the owner or responsible person does not have the approval or registration— the approval or registration is obtained; and
    - (iii) if the animal has been seized under section 19(1)(b) or 19(2)(b)—

the owner or responsible person has complied with the relevant compliance notice; and

- (iv) continued retention of the animal is not needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; and
- (v) no destruction order has been made for the animal.

(2) In this section—

*relevant compliance notice* means the compliance notice mentioned in section 19(1)(b) or 19(2)(b).

## **24 Dealing with animal seized and impounded for wandering at large**

(1) Subsection (2) applies where—

- (a) an authorised person has impounded an animal seized under section 19(1)(a) or 19(2)(a); and
- (b) the animal was not a declared dangerous animal at the time of being seized; and
- (c) the authorised person knows, or can readily find out, the name and address of the owner or responsible person for the animal.

(2) The authorised person must give the owner or responsible person a notice of impounding.

(3) Subsection (4) applies where—

- (a) an authorised person has impounded a declared dangerous animal seized under section 19(1)(a); or
- (b) an authorised person has impounded an animal that has been seized more than 3 times during a 12 month period.

(4) The authorised person may—

- (a) give the owner or responsible person for the animal a notice of impounding; or
- (b) make a destruction order for the animal under section 28.

## **25 Dealing with animal seized and impounded for non-compliance with local law**

(1) This section applies where an authorised person has impounded an animal seized under section 19(1)(b) or 19(2)(b).

(2) The authorised person may—

- (a) give the owner or responsible person for the animal a notice of impounding; or
- (b) if the animal was being kept in contravention of section 5 of this local law or is an animal for which an approval cannot be granted under this local law or is an animal for which an application for approval under this local law has been rejected— dispose of the animal under division 5.

## **26 Dealing with animal seized and impounded for attacking etc a person or another animal**

- (1) This section applies where an authorised person has impounded an animal seized under section 19(1)(c).
- (2) The authorised person may<sup>24</sup>—
  - (a) make a destruction order for the animal under section 28; or
  - (b) give the owner or responsible person a notice of impounding.

## **27 Reclaiming an impounded animal**

- (1) This section applies where—
  - (a) the owner or responsible person for an animal has been given a notice of impounding; or
  - (b) an authorised person does not know, and cannot readily find out, the name and address of an owner or responsible person for the animal.
- (2) The animal may be reclaimed by an owner or responsible person if the owner or responsible person—
  - (a) reclaims the animal within the prescribed period; and
  - (b) pays the cost-recovery fee; and
  - (c) if an approval or registration is required for the keeping of the animal and the owner or responsible person does not have the approval or registration—obtains the approval or registration; and
  - (d) if the responsible person has not complied with a current compliance notice that has been issued in relation to compliance with this local law—complies with the compliance notice.
- (3) However, the animal may not be reclaimed by an owner or responsible person if—
  - (a) continued retention of the animal is needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; or
  - (b) a destruction order has been made for the animal.
- (4) The animal may be reclaimed by an owner or responsible person for the animal if an event as follows happens—
  - (a) if subsection (3)(a) applies—
    - (i) an authorised person advises the owner or responsible person that the animal's continued retention as evidence is no longer required; and
    - (ii) the owner or responsible person has satisfied subsection (2)(b)-(d);
  - (b) if subsection (3)(b) applies—

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<sup>24</sup> An authorised person may also declare an animal as a declared dangerous animal under section 17 if specified criteria are met.

- (i) an application for a review or an appeal is made relating to the destruction order and, as a result of the review or appeal, the order is no longer in force; and
- (ii) the owner or responsible person has satisfied subsection (2)(b)-(d).

## Division 4            Destruction of animal following notice

### 28 Destruction orders

- (1) An authorised person may make an order (a *destruction order*) stating the person proposes to destroy an animal 14 days after the order is served.
- (2) A destruction order may only be made in 1 or more of the following circumstances—
  - (a) the animal has attacked, threatened to attack, or acted in a way that causes fear to, a person or another animal; or
  - (b) the animal is a declared dangerous animal and was found wandering at large; or
  - (c) the animal has been seized more than 3 times during a 12 month period.
- (3) The destruction order must—
  - (a) be served on a person who owns, or is a responsible person for, the animal; and
  - (b) include or be accompanied by an information notice.<sup>25</sup>
- (4) If a destruction order is made for the animal, the person may destroy the animal 14 days after the order is served if no review application has been made relating to the decision to make the order.
- (5) If an application for review has been made relating to the decision to make the order, the person may destroy the animal if—
  - (a) the review is finally decided or is otherwise ended; and
  - (b) the order is still in force; and
  - (c) the time allowed for filing a notice of appeal has expired and no notice of appeal has been filed.
- (6) If an appeal is made relating to the decision to make the order, the person may destroy the animal if—
  - (a) the appeal is finally decided or is otherwise ended; and
  - (b) the order is still in force.
- (7) If the animal has been impounded, the owner or responsible person for an animal may reclaim the animal if—
  - (a) a review relating to the decision to make the order is finally decided or is otherwise ended; and

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<sup>25</sup> See note 18.

- (b) no application for an appeal has been made against the order; and
  - (c) the order is no longer in force; and
  - (d) the owner or responsible person has satisfied section 27(2)(b)-(d).
- (8) If the animal has been impounded, the owner or responsible person for an animal may reclaim the animal if—
- (a) an appeal relating to the decision to make the order is finally decided or is otherwise ended; and
  - (b) the order is no longer in force; and
  - (c) the owner or responsible person has satisfied section 27(2)(b)-(d).
- (9) In this section—

*review* means a review conducted under the process mentioned in part 4 of *Local Law No.1 (Administration) 2014*.

*appeal* means an appeal under part 4 of this local law.

## **Division 5                    Disposal of impounded animals**

### **29    Application of this division**

This division applies where—

- (a) an impounded animal has not been reclaimed within the prescribed period under section 27(2); or
- (b) if section 27(3)(a) applies— the impounded animal has not been reclaimed within 3 days of an authorised person’s advice to the owner or responsible person that the animal’s continued retention as evidence is no longer required; or
- (c) if section 27(3)(b) applies—the impounded animal has not been reclaimed within 3 days of the completion of a review or appeal that caused a destruction order to no longer be in force; or
- (d) an authorised person has seized an animal mentioned in section 25(2)(b); or
- (e) the owner of an animal has surrendered the animal to the local government.

### **30    Sale, disposal or destruction of animals**

- (1) The local government may—
- (a) offer the animal for sale by public auction or by tender; or
  - (b) if the animal is an animal mentioned in section 25(2)(b) or is of a species, breed or class specified by subordinate local law for this paragraph—
    - (i) sell the animal by private agreement; or
    - (ii) dispose of the animal in some other way without destroying it; or
    - (iii) destroy the animal.

*Example for paragraph (b)—*

The subordinate local law might specify dogs, cats and other small domestic animals, for which a public auction or tender might not be practicable.

- (2) An animal may only be sold or disposed of under subsection (1) if the local government is satisfied that this will not result in the animal being kept in contravention of the requirements of this local law.

*Examples—*

- A pig that has been seized because it is being kept in an urban area in contravention of a prohibition under a subordinate local law could be sold to a person outside the urban area but not to another person in an urban area.
  - An animal that a subordinate local law has prohibited in any part of the local government area could not be sold to a person who resides within the local government area.
  - A declared dangerous animal could only be sold to a person who has complied with any specified requirements for keeping such an animal.
- (3) If an animal is to be offered for sale at a public auction under this section, notice of the time and place of the auction must be exhibited at the local government's public office for at least 2 days before the date of the auction.
- (4) An amount realised on sale of an impounded animal must be applied—
- (a) first, towards the costs of the sale; and
  - (b) second, towards the cost-recovery fee for impounding; and
  - (c) third, in payment of the remainder to the former owner of the animal, unless the owner had surrendered the animal to the local government.
- (5) If no person establishes a valid claim to the amount to which the former owner is entitled under subsection (4)(c) within 1 year of the date of the sale, the amount becomes the property of the local government.
- (6) If an animal that is offered for sale by public auction or tender is not sold through the auction or tender process, the local government may dispose of the animal as it considers appropriate.

*Examples—*

- The local government may give the animal away.
- The local government may have the animal destroyed.

## **Division 6            Other impounding matters**

### **31 Register of impounded animals**

- (1) The local government must ensure that a proper record of impounded animals (the *register of impounded animals*) is kept.
- (2) The register of impounded animals must contain the following information about each impounded animal—
- (a) the species, breed and sex of the animal; and
  - (b) the brand, colour, distinguishing markings and features of the animal; and
  - (c) if applicable—the registration number of the animal; and
  - (d) if known—the name and address of the responsible person; and

- (e) the date and time of seizure and impounding; and
  - (f) the name of the authorised person who impounded the animal; and
  - (g) the reason for the impounding; and
  - (h) a note of any order made by an authorised person relating to the animal; and
  - (i) the date and details of whether the animal was sold, released, destroyed or disposed of in some other way.
- (3) The register of impounded animals must be kept available for public inspection at the place of care for animals or, if the place has no public office, at an office prescribed by subordinate local law.

### **32 Access to impounded animal**

- (1) This section applies to an animal impounded under section 22.
- (2) The local government must allow the owner of the animal to inspect it at any reasonable time, from time to time.
- (3) Subsection (2) does not apply if it is impracticable or would be unreasonable to allow the inspection.
- (4) The inspection must be provided free of charge.

### **33 Unlawful removal of seized or impounded animal**

- (1) A person must not, without the authority of an authorised person, remove or attempt to remove—
  - (a) a seized animal from the custody or control of an authorised person; or
  - (b) an impounded animal from the local government's facility for keeping impounded animals.

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

- (2) Any costs arising from damage or loss caused by a person contravening subsection (1) are recoverable by the local government as a debt.

## **Part 5 Appeals against destruction orders**

### **34 Who may appeal**

An owner or responsible person for an animal the subject of a destruction order may appeal to the Magistrates Court against the decision to make the destruction order.

### **35 Starting appeal**

- (1) An appeal must not be started unless a review of the decision to make the destruction order has been finally decided or otherwise ended.
- (2) An appeal is started by—
  - (a) filing notice of appeal with the Magistrates Court; and



- (b) serving a copy of the notice of appeal on the local government; and
  - (c) complying with rules of court applicable to the appeal.
- (3) The notice of appeal must be filed within 14 days after the appellant is given notice by the local government about the finalisation of the review of the decision to make a destruction order.
- (4) However, the court may, at any time, extend the time for filing the notice of appeal.
- (5) The notice of appeal must state fully the grounds of the appeal and the facts relied on.

### **36 Stay of destruction order**

Upon filing the notice of appeal, the destruction order is stayed until the court decides the appeal.

### **37 Hearing procedures**

- (1) In deciding an appeal, the Magistrates Court—
- (a) has the same powers as the local government; and
  - (b) is not bound by the rules of evidence; and
  - (c) must comply with natural justice.
- (2) An appeal is by way of rehearing, unaffected by the decision appealed against.

### **38 Court's powers on appeal**

- (1) In deciding an appeal, the Magistrates Court may—
- (a) confirm the decision appealed against; or
  - (b) set aside the decision and substitute another decision; or
  - (c) set aside the decision and return the matter to the local government with directions the court considers appropriate.
- (2) If the court substitutes another decision, the substituted decision is, for the purposes of this local law, other than this part, taken to be the decision of the local government.
- (3) An order for the costs of an appeal may only be made against the local government if the court is satisfied that the animal was unlawfully seized or there was no reasonable basis for making the decision subject to the appeal.

### **39 Appeal to District Court**

An appeal lies to a District Court from a decision of the Magistrates Court, but only on a question of law.

## **Part 6 Registration of cats**

#### **40 Registration obligation**

- (1) This section does not apply to—
  - (a) the operator of a pound or shelter; or
  - (b) the owner of a cat less than 12 weeks old.
- (2) An owner of a cat must comply with section 41 to register the cat within 14 days after starting to keep the cat in the local government area unless the person has a reasonable excuse.  
Maximum penalty—20 penalty units.
- (3) A person who becomes an owner of a cat must comply with section 41 to register the cat in the local government area within 14 days unless the person has a reasonable excuse.  
Maximum penalty — 20 penalty units.
- (4) It is a defence to a prosecution for an offence against subsection (2) or (3) for the defendant to prove that the cat is of a class of cat prescribed under a subordinate local law.

#### **41 What the owner of a cat must do**

To register a cat with the local government, the owner of the cat must—

- (a) give the local government a registration form for the cat that complies with section 42; and
- (b) ensure the registration form is accompanied by—
  - (i) the registration fee for the cat; and
  - (ii) if the cat is desexed — a signed veterinary surgeon's certificate stating, or other evidence that, it has been desexed; and
- (c) if a written notice is given to the owner under section 43 — give the chief executive officer of local government any other information or documents required to be given in the notice.

#### **42 What registration form must state**

A registration form for the registration of a cat must comply with requirements prescribed by subordinate local law.

#### **43 Chief executive officer may ask for further information**

- (1) This section applies if the owner of a cat gives the local government—
  - (a) a registration form for the cat under section 41; or
  - (b) a notice mentioned in section 46(3) or 48(2) for the cat.
- (2) The chief executive officer may, by written notice, require the owner to give other information or documents reasonably required to register the cat.
- (3) The notice must state a reasonable period of at least 14 days to comply with

the notice.

#### **44 Local government must give registration notice**

- (1) This section applies if an owner of a cat complies with section 41 for the cat.
- (2) The local government must give the owner of the cat notice (a **registration notice**) that the cat has been registered by the local government.
- (3) The registration notice must—
  - (a) comply with the requirements prescribed by subordinate local law; and
  - (b) be accompanied by any registration device for the cat.

#### **45 Duration of registration**

The registration of a cat is for the period fixed by resolution of the local government for the cat.

#### **46 Amendment of registration**

- (1) If any information stated in the registration notice for a cat changes (the **changed information**), the owner of the cat must, within 7 days, give the local government notice of the changed information.  
Maximum penalty — 5 penalty units.
- (2) The notice must be—
  - (a) in the approved form; and
  - (b) accompanied by other information or documents to enable the local government to record the changed information in the local government's register of cats.
- (3) If the owner complies with subsection (2), the local government must, within 14 days after receiving the notice, ensure the owner is given a written notice for the cat that includes the changed information.

#### **47 Renewal of registration**

- (1) This section applies if—
  - (a) a cat has been registered by the local government; and
  - (b) the local government has given the owner of the cat a registration notice.
- (2) The local government must give the owner notice (a **renewal notice**) to renew the registration for the cat.
- (3) The renewal notice must comply with requirements prescribed by subordinate local law.

#### **48 What owner of a cat must do about renewal of registration**

- (1) This section applies to the owner of a cat, whether or not the owner has been given a renewal notice.
- (2) The owner of the cat must, before the period of registration for the cat expires—
  - (a) if any information on the renewal notice has changed—give the local government written notice of the change (the *changed information*); and
  - (b) pay the registration fee for the cat; and
  - (c) if the cat is desexed—ensure the fee is accompanied by a signed veterinary surgeon’s certificate stating, or other evidence that, it has been desexed.

Maximum penalty — 20 penalty units.

- (3) However, if a registration form for the cat has already been accompanied by the certificate or evidence mentioned in subsection (2) for the cat, the certificate or evidence need not accompany the fee.

#### **49 Local government’s obligations if owner complies**

- (1) This section applies if the owner of a cat given a renewal notice under section 47 complies with section 48 for the cat.
- (2) The local government may ask the owner for other information or documents in the way mentioned in section 43.
- (3) The owner must give the local government the information or documents required to be given in the notice mentioned in section 43(2).

Maximum penalty — 5 penalty units.

- (4) If the owner complies with subsection (3), the local government must—
  - (a) within 7 days after receiving the notice mentioned in section 48(2), ensure the information is updated in the local government’s register of cats in a way that reflects the change; and
  - (b) within 14 days after receiving the fee, any information or documents mentioned in section 48(2) or other information or documents given under section 43, give the owner any registration device for the cat.

#### **50 Cat not registered at commencement**

- (1) This section applies to an owner of a cat other than the operator of a shelter or pound if the cat—
  - (a) is not registered at the commencement of this local law; or
  - (b) is less than 12 weeks old.
- (2) The owner must ensure the cat is registered within 3 months after whichever is the later of—
  - (a) the commencement of this local law; and

- (b) the cat is 12 weeks old.

## 51 Registration of cat continues

A cat registered under chapter 3 of the *Animal Management (Cats and Dogs) Act 2008* before the commencement of this local law is taken to be registered under part 6.

## Part 7 Miscellaneous

### 52 Sale of animals

- (1) The local government may, by subordinate local law, specify conditions to be complied with by persons who offer animals, or a particular species of animal, for sale.
- (2) Conditions specified under subsection (1) are in addition to requirements of the *Animal Management (Cats and Dogs) Act 2008* in relation to the supply of cats and dogs.
- (3) A person must not offer or display animals for sale in the area unless the person complies with conditions specified under subsection (1).

Maximum penalty for subsection (3)—50 penalty units.

### 53 Disposal of dead animals

- (1) If an animal is found dead on any land, an authorised person may give a compliance notice to—
  - (a) a person who was the owner or responsible person for the animal prior to its death; or
  - (b) for land other than a public place, and where there is no person who is known to have been the owner or responsible person for the animal prior to its death, the occupier of the land.
- (2) The compliance notice given by an authorised person under subsection (1) may require the person to remove and dispose of the carcass in a specified manner within the time specified in the notice.
- (3) If a person fails to comply with a compliance notice given under subsection (1), a local government worker may enter the land where the carcass is situated (if it is not a public place) and—
  - (a) remove the carcass for disposal elsewhere; or
  - (b) at the authorised person's election, dispose of the carcass by burial on the land.
- (4) Subsection (3) applies—
  - (a) whether or not there has been a prosecution for an offence; and
  - (b) subject to chapter 5, part 2 of the Act.

- (5) Despite subsections (1) to (4), but subject to section 145 of the Act, a local government worker may enter the land and remove or dispose of the carcass in a manner specified in subsection (3), if the state of decomposition of the carcass creates a potentially dangerous situation.
- (6) A person must not dispose of a dead animal in or upon a public place without the permission of an authorised person.

Maximum penalty for subsection (6)—20 penalty units.

## 54 Subordinate local laws

The local government may make subordinate local laws about—

- (a) the circumstances in which the keeping of animals is prohibited;<sup>26</sup> or
- (b) the circumstances in which an approval is required for the keeping of animals;<sup>27</sup> or
- (c) minimum standards for keeping animals generally or animals of a particular species or breed;<sup>28</sup> or
- (d) the identification for dogs required under the *Animal Management (Cats and Dogs) Act 2008*;<sup>29</sup> or
- (e) animals whose faeces in public places must be removed and disposed of;<sup>30</sup> or
- (f) proper enclosure requirements;<sup>31</sup> or
- (g) the criteria for declaring an animal other than a dog to be a declared dangerous animal;<sup>32</sup> or
- (h) the organisation or local government that operates a place or care for impounded animals;<sup>33</sup> or
- (i) the species, breed or class of animal that may be disposed of other than by public auction or tender;<sup>34</sup> or
- (j) the office at which the register of impounded animals is available for public inspection;<sup>35</sup> or
- (k) the class of cat prescribed for the purposes of section 40(4);<sup>36</sup> or

<sup>26</sup> See section 5(1).

<sup>27</sup> See section 6(1).

<sup>28</sup> See section 7(1).

<sup>29</sup> See section 8.

<sup>30</sup> See section 12.

<sup>31</sup> See section 13(2).

<sup>32</sup> See section 17(1).

<sup>33</sup> See section 22(b).

<sup>34</sup> See section 30(1)(b).

<sup>35</sup> See section 31(3).

<sup>36</sup> See section 40(4).

- (l) prescribed requirements for a registration form;<sup>37</sup> or
- (m) prescribed requirements for a registration notice;<sup>38</sup> or
- (n) prescribed requirements for a renewal notice;<sup>39</sup>
- (o) the conditions to be complied with by persons who offer animals, or a particular species of animal, for sale;<sup>40</sup> or
- (p) the exclusion of animals of a particular species from the application of this local law;<sup>41</sup> or
- (q) the declaration of a species of animal as a declared dangerous animal;<sup>42</sup> or
- (r) the period within which an impounded animal may be reclaimed.<sup>43</sup>

## 55 Transitional provision for the prohibition and restriction of animals in public places

For the avoidance of doubt, the local government may make a resolution about a prohibition or restriction under section 9(1) contemporaneously with, or after, the commencement of this local law if, before making the resolution, the local government consulted with the public for at least 21 days about, and considered every submission properly made to it about—

- (a) each prohibition proposed under section 9(1)(a) or (b); and
- (b) each restriction proposed under subsection (1)(c).

*Example—*

The local government may consult with the public and consider every submission properly made to it contemporaneously with the public consultation undertaken by the local government as part of the local law making process adopted by the local government, by resolution, under section 29(1) of the *Local Government Act 2009*.

## 56 Transitional provision for dog off-leash areas

For the avoidance of doubt, the local government may make a resolution about a designation under section 10(1) contemporaneously with, or after, the commencement of this local law if, before making the resolution, the local government consulted with the public for at least 21 days about, and considered every submission properly made to it about, each designation proposed under section 10(1).

*Example—*

The local government may consult with the public and consider every submission properly made to it contemporaneously with the public consultation undertaken by the local government as part of the local law making process adopted by the local government, by

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<sup>37</sup>See section 42.

<sup>38</sup>See section 44(3).

<sup>39</sup> See section 47(3).

<sup>40</sup> See section 52(1).

<sup>41</sup> See the definition of *animal* in the schedule.

<sup>42</sup> See the definition of *declared dangerous animal* in the schedule.

<sup>43</sup> See the definition of *prescribed period* in the schedule.

resolution, under section 29(1) of the *Local Government Act 2009*.

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## Schedule Dictionary

### Section 3

**animal** includes a mammal, fish, bird, reptile, amphibian or insect but does not include an animal of a species excluded by subordinate local law from the application of this local law.

**approved form** means a form approved by the chief executive officer of the local government.

**attack**, by an animal, means—

- (a) aggressively rushing at or harassing any person or animal; or
- (b) biting, butting, kicking, or otherwise causing physical injury to, a person or an animal; or
- (c) tearing clothing on, or otherwise causing damage to the property in the immediate possession of, a person.

**changed information**—

- (a) for section 46—see section 46(1); and
- (b) for section 48—see section 48(2).

**compliance notice** means a compliance notice mentioned in *Local Law No.1 (Administration) 2014*, section 28.

**cost-recovery fee** means the fee fixed by the local government to cover the costs associated with impounding an animal.<sup>44</sup>

**declared dangerous animal** means an animal—

- (a) of a species declared by subordinate local law as a declared dangerous animal; or
- (b) declared under section 17 of this local law to be a declared dangerous animal.

**desex** see *Animal Management (Cats and Dogs) Act 2008, schedule 2*.

**destroy**, an animal, includes causing it to be destroyed.

**destruction order** see section 28(1).

**dog off-leash area** see section 10(1).

**effective control** see section 11(2).

**notice of impounding** see section 23(1).

**owner**, of an animal, means

- (a) its registered owner;
- (b) a person who owns the animal, in the sense of it being the person's personal property;
- (c) a person who usually keeps the animal, including through an agent, employee or anyone else;
- (d) if a person mentioned in paragraphs (a) to (c) is a minor—a parent or guardian of the minor.

**pound**, for part 6, means premises maintained for the purpose of impounding animals.

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<sup>44</sup> See the Act, section 97 for the power of a local government to fix a cost recovery fee.

**prescribed period** means the period, fixed by subordinate local law, of not less than—

- (a) if the animal is registered with the local government—5 days; or
- (b) if the animal is not registered with the local government—3 days;

and commencing on the day a notice of impounding is given to a person or, if no notice is given to a person, on the day of the seizure.

**registered**, for a cat, means that the information about the cat is recorded in the local government's register of cats.

**registered owner**, of an animal, means a person recorded as being the owner of the animal in a registry kept by a local government.

**registration device** means a device to assist in identifying a cat decided by resolution of the local government.

*Example of a registration device—a tag for the collar of a cat*

**registration fee**, for a cat, means the fee fixed by the local government for the registration of the cat.

**registration form**, for the registration of a cat, means the approved form for registering cats in the local government area.

**registration notice** see section 44(2).

**renewal notice** see section 47(2).

**responsible person**, for an animal, means—

- (a) the person, or the person's employee acting within the scope of the employment, who has immediate control or custody of the animal; or
- (b) if a minor has immediate control or custody of the animal — the parent or guardian of the minor; or
- (c) if a person other than a minor has immediate custody or control of the animal — the person who has immediate custody or control of the animal; or
- (d) the person who occupies the place at which the animal is usually kept,

but does not include—

- (a) a person who occupies the place at which the animal is usually kept, if someone else who is an adult and lives at the place keeps the animal; or
- (b) a person who has the control or custody of or keeps the animal as an employee of someone else, if the person is acting within the scope of the employment.

**restricted dog** see *Animal Management (Cats and Dogs) Act 2008*, section 63.

**shelter**, for part 6, means premises maintained for the purpose of providing shelter to, or finding a home for, stray, abandoned or unwanted animals.

**State planning instrument** see *Sustainable Planning Act 2009*, schedule 3.

**the Act** means the *Local Government Act 2009*.

**veterinary surgeon** means a person registered as a veterinary surgeon under the *Veterinary Surgeon's Act 1936*.

**wandering at large** means—

- (a) the animal is not under the effective control of someone; and
- (b) the animal is in either—
  - (i) a public place; or
  - (ii) a private place without the consent of the occupier.

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**Certification**

This and the preceding 32 pages bearing my initials is a certified copy of *Local Law No. 2 (Animal Management) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the                    day of                    , 2014.

.....  
Chief Executive Officer

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**Redland**  
CITY COUNCIL

Redland City Council

**DRAFT Subordinate Local Law No. 2  
(Animal Management) 2014**



## Redland City Council

### Subordinate Local Law No. 2 (Animal Management) 2014

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 2 (Animal Management) 2014*.

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

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 2 (Animal Management) 2014*, which provides for regulation of the keeping and control of animals within the local government's area.
- (2) The purpose is to be achieved by providing for—
  - (a) the circumstances in which the keeping of animals is prohibited or requires approval; and
  - (b) requirements for keeping animals, including minimum standards and proper enclosures; and
  - (c) the control of animals in public places; and
  - (d) matters regarding the impounding of animals and the sale or disposal of impounded animals; and
  - (e) the conditions to be complied with by persons who offer animals, or a particular species of animal, for sale; and
  - (f) the declaration of a species of animal as a declared dangerous animal and the criteria for declaration of a specific animal as a declared dangerous animal.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 2 (Animal Management) 2014* (the **authorising local law**).

### 4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 7 defines particular words used in this subordinate local law.

## Part 2 Keeping of animals

### 5 Circumstances in which keeping animals prohibited—Authorising local law, s 5(1)

For section 5(1) of the authorising local law, keeping an animal or animals mentioned in column 1 of schedule 1 is prohibited in the circumstances described in column 2 of schedule 1.



**6 Circumstances in which keeping animals requires approval—Authorising local law, s 6(1)**

- (1) For section 6(1) of the authorising local law, an approval is required for the keeping of an animal or animals in the circumstances specified in this section.
- (2) An approval (a **3 cat approval**) is required to keep 3 cats over the age of 3 months on premises unless a cattery approval or a pet shop approval has been granted in respect of the keeping of the cats on the premises.
- (3) An approval (a **3 dog approval**) is required to keep 3 dogs over the age of 3 months on premises unless a kennel approval or a pet shop approval has been granted in respect of the keeping of the dogs on the premises.
- (4) An approval (a **cattery approval**) is required to operate premises which are used or intended for use for the keeping, boarding, breeding or training of more than 3 cats.
- (5) An approval (a **kennel approval**) is required to operate premises which are used or intended for use for the keeping, boarding, breeding or training of more than 3 dogs.
- (6) An approval (a **pet shop approval**) is required to keep animals if the animals are kept for the purposes of the operation of a pet shop.

**7 Minimum standards for keeping animals—Authorising local law, s 7(1)**

- (1) For section 7(1) of the authorising local law, the minimum standards for the keeping of animals are set out in schedule 2.
- (2) For section 7(1) of the authorising local law, column 2 of schedule 3 sets out the minimum standards for keeping an animal of the species or breed mentioned in column 1 of schedule 3.

**8 Identification for dogs in certain circumstances—Authorising local law, s 8**

For section 8 of the authorising local law, the identification required for a dog that is at a place other than the address stated in the registration notice for the dog is an identifying tag supplied by the local government—

- (a) stating the registration number of the dog; and
- (b) indicating that the identifying tag has been issued by the local government; and
- (c) containing other information the local government considers appropriate.

**Part 3 Control of animals****9 Requirements for proper enclosures for keeping animals—Authorising local law, s 13(2)**

For section 13(2) of the authorising local law, column 2 of schedule 4 sets out the requirements for proper enclosures for an animal of the species or breed

mentioned in column 1 of schedule 4.

#### **10 Criteria for declared dangerous animals—Authorising local law, s 17(1)**

For section 17(1) of the authorising local law, an animal may be declared a dangerous animal where there is a high likelihood of the animal causing injury to a person or animal or damage to property, taking into account—

- (a) its prior history of attacking or causing fear to persons or animals or damaging property; and
- (b) the extent of injury or damage that could potentially be inflicted by an animal of its size and species or breed.

### **Part 4 Seizure, impounding or destruction of animals**

#### **11 Place of care for impounded animals—Authorising local law, s 22**

For section 22 of the authorising local law, the place of care for animals impounded by the local government will be operated by the local government.

#### **12 Animals that may be disposed of without auction or tender—Authorising local law, s 30(1)(b)**

For section 30(1)(b) of the authorising local law, the species, breeds or classes of animal that may be sold by private agreement, destroyed or disposed of in some other way are the following—

- (a) dogs; and
- (b) cats; and
- (c) livestock; and
- (d) poultry and birds; and
- (e) other small domestic animals, including guinea pigs, rats and mice.

#### **13 Register of impounded animals—Authorising local law, s 31(3)**

For section 31(3) of the authorising local law, the register of impounded animals will be kept at the local government's public office.

### **Part 5 Registration of cats**

#### **14 What registration form must state—Authorising local law, s42**

- (1) For section 42 of the authorising local law, a registration form for the registration of a cat must—
  - (a) be in the approved form; and
  - (b) state all of the following information about the owner of the cat—

- (i) name;
  - (ii) residential address;
  - (iii) contact telephone number;
  - (iv) email address, if any; and
  - (c) state all of the following information about the cat—
    - (i) age;
    - (ii) breed;
    - (iii) colour;
    - (iv) sex;
    - (v) any other noticeable distinguishing features or marks;
    - (vi) address;
    - (vii) if it is desexed—that it is desexed.
- (2) In this section, the *address* for a cat is the address of the place where the cat is usually kept or proposed to be kept.

**15 Local government must give registration notice — Authorising local law, s44(3)**

For section 44(3) of the authorising local law, a registration notice must—

- (a) be given to the owner within 14 days after the cat is registered by the local government; and
- (b) state—
  - (i) the information, for the owner and the cat, required to be given under sections 42 and 43(2) of the authorising local law; and
  - (ii) the period of the registration.

**16 Local government must give renewal notice — Authorising local law, s47(3)**

For section 47(3) of the authorising local law, a renewal notice must—

- (c) be given at least 14 days before the period of registration for the cat expires; and
- (d) state—
  - (i) the information, for the owner and the cat, stated in the register of cats maintained by the local government; and
  - (ii) the period of renewal of registration; and
  - (iii) that the owner must, within 7 days, give the local government notice of any change to the information.

## Part 6 Miscellaneous

### 17 Conditions regarding sale of animals—Authorising local law, s 52(1)

For the purposes of section 52(1) of the authorising local law, persons who offer for sale an animal of a species or breed mentioned in column 1 of schedule 5 must comply with the conditions set out in column 2 of schedule 5.

### 18 Animals excluded from application of the local law—Authorising local law, schedule

For the purposes of the definition of “*animal*” in the schedule to the authorising local law, fish are excluded from the application of the authorising local law.

### 19 Prescribed period for reclaiming animals—Authorising local law, schedule

For the purposes of the definition of “*prescribed period*” in the schedule to the authorising local law, the period within which an animal may be reclaimed is—

- (a) if the animal is a horse, cow, registered cat, registered dog or other identifiable animal—5 days; and
- (b) if the animal is an unregistered cat, unregistered dog or an animal which is not an identifiable animal—3 days.

## Schedule 1 Prohibition on keeping animals

### Section 5

Item	Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
1	Dog	<p>(a) More than 2 dogs over the age of 3 months on premises unless the local government has granted, in respect of the keeping of the dogs on the premises—</p> <ul style="list-style-type: none"> <li>(i) a 3 dog approval; or</li> <li>(ii) a kennel approval; or</li> <li>(iii) a pet shop approval.</li> </ul> <p>(b) Any of the following breeds, and a cross-breed of any of the following breeds, anywhere in the local government area: American pit bull terrier or pit bull terrier; dogo Argentino; fila Brasileiro; Japanese tosa; Perro de Presa Canario or Presa Canario.</p>
2	Cat	<p>(a) More than 2 cats over the age of 3 months on premises unless the local government has granted, in respect of the keeping of the cats on the premises—</p> <ul style="list-style-type: none"> <li>(i) a 3 cat approval; or</li> <li>(ii) a cattery approval; or</li> <li>(iii) a pet shop approval.</li> </ul> <p>(b) A cat on premises in the ridgewood downs prohibition area.<sup>1</sup></p>
3	Livestock	1 or more livestock on an allotment with an area less than 4,000m <sup>2</sup> in the ridgewood downs prohibition area. <sup>2</sup>
4	Rooster, ostrich, emu, peacock, peahen, guinea fowl or similar bird	A bird to which this item 4 applies on an allotment with an area less than 4,000m <sup>2</sup> .
5	Domestic chicken, duck or drake	(a) A bird to which this item 5 applies on an allotment with an area less than 500m <sup>2</sup> .

<sup>1</sup> See definition of *ridgewood downs prohibition area* in the dictionary.

<sup>2</sup> See definition of *ridgewood downs prohibition area* in the dictionary.

Item	Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
		(b) More than 6 birds to which this item 5 applies on an allotment with an area between 500m <sup>2</sup> and 2,000m <sup>2</sup> . (c) More than 12 birds to which this item 5 applies on an allotment with an area between 2001m <sup>2</sup> and 4,000m <sup>2</sup> .
6	Goose or turkey	A bird to which this item 6 applies on an allotment with an area less than 2,000 m <sup>2</sup> .
7	Large parrot, cockatoo, galah or other bird of a similar size	(a) A bird to which this item 7 applies on— (i) multi-residential premises; or (ii) an allotment with an area less than 1,000m <sup>2</sup> . (b) More than 1 bird to which this item 7 applies on an allotment with an area between 1000m <sup>2</sup> and 3000m <sup>2</sup> . (c) More than 2 birds to which this item 7 applies on an allotment with an area of 3001m <sup>2</sup> or more.
8	Pig	1 or more pigs on any premises.

A prohibition prescribed in this schedule does not apply to the keeping of an animal or animals on premises if—

- (a) the animal or animals were kept on the premises before the commencement of the authorising local law; and
- (b) the keeping of the animal or animals on the premises immediately before the commencement of the authorising local law did not contravene any provision of a local law of the local government that was repealed contemporaneously with the making of the authorising local law.

## Schedule 2 Minimum standards for keeping animals generally

### Section 7(1)

- (1) A person who keeps an animal on premises must—
  - (a) ensure that the animal is adequately identified so that the owner's name, address and telephone number are readily ascertainable; and
  - (b) ensure that waste waters from enclosures are drained in a nuisance free manner and that run-off is kept off adjoining premises or as otherwise directed by an authorised person; and
  - (c) ensure that excreta, food scraps and other material that is, or is likely to become, offensive is collected at least daily and, if not immediately removed from the premises, is kept in a waste container of a kind approved by an authorised person; and
  - (d) ensure that any enclosure in which the animal is kept is properly maintained in—
    - (i) a clean and sanitary condition; and
    - (ii) an aesthetically acceptable condition; and
  - (e) take all reasonable steps to prevent the animal from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of—
    - (i) adjoining premises; or
    - (ii) premises in the vicinity of the land on which the animal is ordinarily kept; and
  - (f) ensure that the area available to the animal kept on the premises is appropriately sized so that the animal can be effectively and comfortably kept.
- (2) For the purposes of subsection (1)(e), the local government may consider a noise to be a nuisance or disturbance if—
  - (a) the noise is made for more than a total of 6 minutes in any hour from 7am to 10pm on any day; or
  - (b) the noise is made for more than a total of 3 minutes in any 30 minute period on any day after 10pm or before 7am.
- (3) Where an enclosure is to be built specifically for the purpose of housing an animal on premises, the enclosure must be constructed to prevent the animal from going within any of the following—
  - (a) 5m of any residence, other than a residence upon the premises on which the enclosure is to be constructed;
  - (b) 1m of any boundary of the premises;
  - (c) 10m of any premises used for the manufacture, preparation or storage of food for human consumption, other than food contained in hermetically sealed packages.
- (4) Subsection (3)(c) does not apply where an enclosure is built for the purpose of housing the animal if the premises are a domestic kitchen used solely for domestic purposes by the owner of, or responsible person for, the animal.

## Schedule 3 Minimum standards for keeping particular animals

Section 7(2)

Item	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
1	Dog	<p>Each owner of, and responsible person for, a dog kept on premises must—</p> <p>(a) provide and maintain on any part of the premises which is accessible by the dog, structures or facilities which facilitate the escape of koalas from the premises; and</p> <p><i>Examples of structures or facilities which facilitate the escape of koalas—</i></p> <ol style="list-style-type: none"> <li>1 Fences which do not create a physical barrier to the movement of koalas.</li> <li>2 Trees planted adjacent to the inside of a fence (which fence creates a physical barrier to the movement of koalas) to allow a koala to climb to the top of the fence.</li> <li>3 A “koala pole” leant against the inside of a fence (which fence creates a physical barrier to the movement of koalas), to allow a koala to climb to the top of the fence.</li> </ol> <p>(b) if a koala is on land to which the dog has access—</p> <ol style="list-style-type: none"> <li>(i) protect the koala by restraining the dog until the koala has left the land; and</li> <li>(ii) confine the dog so that the dog can not attack the koala until the koala has left the land; and</li> </ol> <p>(c) ensure that—</p> <ol style="list-style-type: none"> <li>(i) a residence exists on the premises; and</li> <li>(ii) someone is usually living in the residence; and</li> </ol> <p>(d) ensure that the premises are provided with an enclosure which complies with the requirements of schedule 4.</p>
2	Cat	<p>Each owner of, and responsible person for, a cat kept on premises must ensure that—</p> <ol style="list-style-type: none"> <li>(a) a residence exists on the premises; and</li> <li>(b) someone is usually living in the residence; and</li> <li>(c) the premises are provided with an enclosure which complies with the requirements of schedule 4.</li> </ol>



<b>Item</b>	<b>Column 1 Species or breed of animal</b>	<b>Column 2 Minimum standards for keeping animals</b>
3	Guard dog	<p>Each owner of, and responsible person for, a guard dog kept on premises must—</p> <ul style="list-style-type: none"> <li>(a) keep the dog in an enclosure approved by an authorised person; and</li> <li>(b) ensure that the enclosure is constructed so as to prevent a koala from entering the enclosure; and</li> <li>(c) take such measures and do all such acts as may be required by an authorised person or, as the case may be, as may be necessary, to prevent the dog from escaping from the premises; and</li> <li>(d) display conspicuously at all times at each entrance to the premises, a notice in white lettering on a black background, the lettering being not less than 50mm in height and readily legible with the words— “BEWARE – DANGEROUS GUARD DOG”; and</li> <li>(e) ensure that the dog is under effective control at all times when the premises are open to access by the public.</li> </ul>
4	Greyhound	<p>Each owner of, and responsible person for, a greyhound must ensure that the dog is kept—</p> <ul style="list-style-type: none"> <li>(a) without nuisance; and</li> <li>(b) if a code of practice for the keeping of greyhounds has been approved by the Greyhound Racing Authority of Queensland—in accordance with the requirements of the code of practice.</li> </ul>
5	Livestock	<p>Each owner of, and responsible person for, an animal to which this item 5 applies which is kept on premises must ensure that—</p> <ul style="list-style-type: none"> <li>(a) the food of the animal is, so far as is practical, stored in a vermin proof container; and</li> <li>(b) the keeping of the animal does not have an adverse impact on— <ul style="list-style-type: none"> <li>(i) the ability of occupiers of premises in the surrounding area to carry out the ordinary activities of the area and enjoy its amenity; and</li> <li>(ii) the health or safety of people or other animals; and</li> </ul> </li> <li>(c) environmental impacts from the keeping of the animal are properly managed; and</li> </ul>

Item	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
		<p><i>Examples of environmental impacts include—</i></p> <ol style="list-style-type: none"> <li>1 erosion;</li> <li>2 dust;</li> <li>3 weed infestation;</li> <li>4 water pollution.</li> </ol> <p>(d) if a code of practice for the keeping of an animal to which item 5 applies has been approved by the local government—the animal is kept in accordance with the requirements of the code of practice.</p>
6	A bird other than a bird described in any of items 4, 5, 6 or 7 of schedule 1	<p>Each owner of, and responsible person for, a bird to which this item 6 applies must ensure that—</p> <ol style="list-style-type: none"> <li>(a) the bird is kept without nuisance; and</li> <li>(b) the bird is contained within an enclosed cage or aviary; and</li> <li>(c) the bird's food is kept in a properly sealed, vermin proof container; and</li> <li>(d) the cage or aviary in which the bird is kept is thoroughly cleaned at least once each week; and</li> <li>(e) if a code of practice for the keeping of birds of a relevant species has been approved by the local government—the bird is kept in accordance with the requirements of the code of practice.</li> </ol>
7	Pigeon	<p>Each owner of, and responsible person for, 1 or more pigeons kept on premises must ensure that—</p> <ol style="list-style-type: none"> <li>(a) the pigeons are kept without nuisance; and</li> <li>(b) the pigeons are contained within an enclosed cage or aviary; and</li> <li>(c) the pigeon's food is kept in a properly sealed, vermin proof container; and</li> <li>(d) the cage or aviary in which the pigeons are kept is— <ol style="list-style-type: none"> <li>(i) thoroughly cleaned at least once each week; and</li> <li>(ii) located at the rear of, and behind, any residence situated on the premises; and</li> </ol> </li> <li>(e) if the pigeons are kept in an urban area— the uncontrolled release of the pigeons (free lofting) is not permitted; and</li> <li>(f) if the pigeons are permitted to have free non-flight</li> </ol>

Item	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
		<p>time — the free non-flight time is only conducted under the close supervision of the responsible person for the pigeons; and</p> <p>(g) the entry and exit of the pigeons from any loft, aviary or cage on the premises is fully controlled; and</p> <p>(h) if the pigeons are released from a loft, aviary or cage — the pigeons may only return through a one-way entrance to the loft, aviary or cage, which does not permit the uncontrolled exit of pigeons; and</p> <p>(h) if pigeons are released from the premises — every reasonable attempt is made to retrieve any pigeon that does not return to the premises; and</p> <p>(i) if pigeons are released from the premises — the pigeons are not permitted to roost on any land or premises adjoining the premises on which the pigeons are kept; and</p> <p>(j) the behaviour of the pigeons is appropriately conditioned to ensure rapid and voluntary return of the pigeons to the loft, aviary or cage at the premises after liberation; and</p> <p>(k) if a code of practice for the keeping of pigeons has been approved by the local government—the pigeons must be kept in accordance with the requirements of the code of practice.</p>
8	Bees	<p>(a) Each owner of, and responsible person for, bees must —</p> <p>(i) be a registered beekeeper under the <i>Apiaries Act 1982</i>; or</p> <p>(ii) the holder of a permit to keep bees granted under the <i>Apiaries Act 1982</i>.</p> <p>(b) Each owner of, and responsible person for, bees must ensure that —</p> <p>(i) the bees are kept without nuisance; and</p> <p>(ii) if a code of practice for the keeping of bees has been approved by the local government — the bees are kept in accordance with the requirements of the code of practice.</p>

<b>Item</b>	<b>Column 1 Species or breed of animal</b>	<b>Column 2 Minimum standards for keeping animals</b>
9	Duck, drake, goose, turkey, rooster, peacock, peahen, ostrich, emu, guinea fowl, and poultry	<p>Each owner of, and responsible person for, a bird to which this item 9 applies which is kept on premises must ensure that—</p> <ul style="list-style-type: none"> <li>(a) the bird is kept without nuisance; and</li> <li>(b) the bird is contained within an enclosure; and</li> <li>(c) the bird's food is kept in a properly sealed, vermin proof container; and</li> <li>(d) the enclosure in which the bird is kept is— <ul style="list-style-type: none"> <li>(i) thoroughly cleaned at least once each week; and</li> <li>(ii) if the bird is a domestic chicken, duck, drake, goose or turkey and the bird is kept on an allotment with an area less than 2000m<sup>2</sup>— located at the rear of, and behind, any residence situated on the premises; and</li> </ul> </li> <li>(e) if a code of practice for the keeping of birds of a relevant species has been approved by the local government — the bird must be kept in accordance with the requirements of the code of practice.</li> </ul>

## Schedule 4 Requirements for proper enclosures for animals

### Section 9

	Column 1 Species or breed of animal	Column 2 Requirements for proper enclosures
1	All animals regardless of species or breed	<p>(a) A proper enclosure is an area of the land on which the animal is kept, appropriately sized so as to be capable of effectively and comfortably housing the animal.</p> <p>(b) The area must be suitably fenced—</p> <ul style="list-style-type: none"> <li>(i) appropriate to the species and breed of the animal to be enclosed; and</li> <li>(ii) so as to effectively enclose the animal on the land on which it is kept at all times; and</li> <li>(iii) so as to prevent any part of the animal from encroaching onto a public place or neighbouring property.</li> </ul> <p>(c) For the purposes of this item 1, <i>suitably fenced</i> means enclosed by a fence —</p> <ul style="list-style-type: none"> <li>(i) constructed of materials which are of sufficient strength to prevent the animal from escaping over, under or through the fence; and</li> <li>(ii) of a height which is sufficient to prevent the animal jumping or climbing over the fence; and</li> <li>(iii) where the animal has the ability to dig — which includes a barrier installed directly below the fence to prevent the animal digging its way out; and</li> <li>(iv) where the animal has the ability to climb— designed and constructed in such a way as to prevent the animal from climbing over the fence; and</li> <li>(v) of which all gates are kept closed and latched except when in immediate use by a person entering or leaving the land on which the animal is kept.</li> </ul>
2	A dog kept at a caravan park	<p>The proper enclosure requirements for a person who keeps a dog at a caravan park site at a caravan park, are that the enclosure must—</p> <ul style="list-style-type: none"> <li>(a) comprise part, or the whole, of the caravan park site; but</li> </ul>

		<ul style="list-style-type: none"> <li>(b) not extend beyond the external boundaries of the caravan park site; and</li> <li>(c) be appropriately sized so as to be capable of effectively and comfortably housing the dog; and</li> <li>(d) be suitably fenced— <ul style="list-style-type: none"> <li>(i) appropriate to the species and breed of the dog to be enclosed; and</li> <li>(ii) so as to at all times effectively enclose the dog within— <ul style="list-style-type: none"> <li>(A) if the area of the enclosure comprises the whole of the caravan park site — the caravan park site to the satisfaction of an authorised person; or</li> <li>(B) if the area of the enclosure comprises only part of the caravan park site — the area of the enclosure to the satisfaction of an authorised person.</li> </ul> </li> </ul> </li> </ul>
3	Stallion	A proper enclosure for the keeping of a stallion must, in addition to the requirements specified in item 1, be constructed within an additional or second suitable and adequate fence or enclosure that is provided at the land on which the stallion is kept to a standard approved by an authorised person.
4	A cat kept on premises pursuant to a 3 cat approval	<p>A person who keeps a cat on premises pursuant to a 3 cat approval may comply with the requirements prescribed in item 1 if—</p> <ul style="list-style-type: none"> <li>(a) a building or structure (other than a fence) forms part, or the whole, of the proper enclosure; and</li> <li>(b) the building or structure— <ul style="list-style-type: none"> <li>(i) is appropriately sized so as to be capable of effectively and comfortably housing the cat; and</li> <li>(ii) the building or structure effectively encloses the cat on the premises at all times; and</li> <li>(iii) the building or structure is— <ul style="list-style-type: none"> <li>(A) constructed of materials which are of sufficient strength to prevent the cat from escaping over, under or through the building or structure; and</li> <li>(B) of a height which is sufficient to prevent the cat jumping or climbing over the building or structure; and</li> </ul> </li> </ul> </li> <li>(c) all gates and doors of the building or structure are kept closed and latched except when in immediate use by a person entering or leaving the premises on which the cat is kept.</li> </ul>

## Schedule 5      Conditions for sale of animals

### Section 17

	<p style="text-align: center;"><b>Column 1</b></p> <p style="text-align: center;"><b>Species or breed of animal</b></p>	<p style="text-align: center;"><b>Column 2</b></p> <p style="text-align: center;"><b>Conditions that must be complied with when offering animal for sale</b></p>
1	A dog or a cat	<p>(a) A person who offers an animal of a species specified in this item 1 for sale must keep and maintain a written register detailing —</p> <ul style="list-style-type: none"> <li>(i) the particulars and description of each animal offered for sale including breed, name, date of birth, identifying tag and any other form of identification; and</li> <li>(ii) a medical history for each animal listing vaccinations, inoculations and treatments that have been carried out; and</li> <li>(iii) if the animal is sold or otherwise disposed of — the name and address of the new owner of the animal and the date of sale or disposal of the animal.</li> </ul> <p>(b) If section 44 of the Animal Management Act applies to an animal which is offered for sale by the person—the person must comply with the requirements of the section before the sale of the animal by the person.</p> <p>(c) If section 44 of the Animal Management Act does not apply to the animal offered for sale by the person—the person must supply a register to the local government, at least monthly, giving full details of —</p> <ul style="list-style-type: none"> <li>(i) all animals sold or otherwise disposed of including the name and address of the new owner of the animal; and</li> <li>(ii) a full description of each animal sold or otherwise disposed of; and</li> <li>(iii) the date of sale or disposal of each animal.</li> </ul> <p>(d) A person must not offer an animal of a species specified in column 1 item 1 for sale unless the animal has received all necessary vaccinations, inoculations and treatments which are appropriate according to the age of the animal.</p>

# Schedule 6 Ridgewood downs prohibition area

## Section 4





## Schedule 7 Dictionary

### Section 4

**3 cat approval** see section 6(2).

**3 dog approval** see section 6(3).

**accommodation** (at a caravan park) means—

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

**allotment** means a single parcel of land, or several contiguous parcels of land where all of the contiguous parcels of land are in —

- (a) the same ownership; or
- (b) the same occupation.

**Animal Management Act** see *Animal Management (Cats and Dogs) Act 2008*.

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

**caravan** has the meaning given in *Local Law No. 1 (Administration) 2014*.

**caravan park** —

- (a) means a place operated on a commercial basis for parking and residing in caravans; and
- (b) includes a place that provides for complimentary accommodation.

**caravan park site** (at a caravan park) means a part of the caravan park which is designated for a single accommodation of a particular type.

**cat**—

- (a) has the meaning given in section 11 of the *Animal Management Act*; and
- (b) includes a kitten regardless of age.

**cattery approval** see section 6(4).

**complimentary accommodation** has the meaning given in *Local Law No. 1 (Administration) 2014*.

**destroy**, an animal, includes causing it to be destroyed.

**dog**—

- (a) has the meaning given in section 11 of the *Animal Management Act*; and
- (b) includes a puppy regardless of age.

**domestic purposes** means the purposes of—

- (a) human consumption; or
- (b) food preparation; or
- (c) washing; or
- (d) other normal domestic duties.

**guard dog**—

- (a) means a dog released on residential premises or non-residential premises in the area of the local government without a handler for the purpose of guarding either persons or property if the dog has been trained to attack; but
- (b) includes a dog released on residential premises or non-residential premises in the area of the local government without a handler for the primary purpose of acting as a deterrent to intruders.

**horse** includes a pony and a miniature horse.

**identifiable animal** means an animal—

- (a) wearing an identifying tag issued by the local government; or
- (b) otherwise identified so that the local government is able to ascertain the owner of the animal.

**keep** (an animal)—

- (a) includes board, breed and train; and
- (b) in the absence of evidence to the contrary, a person is presumed to keep an animal on land if the person —
  - (i) feeds and cares for the animal on the land; and
  - (ii) the animal is observed by an authorised person on the land on more than 1 occasion during a month.

**kennel approval** see section 6(5).

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

**livestock** includes a horse, donkey, cow, bull, ox, deer, sheep, goat, camel, llama and an alpaca.

**multi-residential premises** means —

- (a) a residence which forms part of a group of 2 or more residences in circumstances where 2 or more of the residences of the group are directly adjacent to each other and share—
  - (i) a common wall; or
  - (ii) a ceiling in circumstances where 1 residence is directly under the floor of another residence; and
- (b) a residence situated on a lot which forms part of a community titles scheme as defined in the *Body Corporate and Community Management Act 1997*.

**Examples of multi-residential premises** —

Flats, boarding houses, tenement buildings, home units, townhouses and duplexes.

**non-residential premises** means premises other than residential premises.

**occupier**, of premises—

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

**pet shop** means a shop or a stall at a market at which animals are offered for sale.

**pet shop approval** see section 6(6).

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

**registered** has the meaning given in the *Animal Management (Cats and Dogs) Act 2008*.

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

- (a) fixed to land; and
- (b) a self-contained unit used by, or intended for the exclusive residential use of, one household.

**residential premises** means premises used, or intended to be used, predominantly as a place of residence.

**ridgewood downs prohibition area** means the area shaded in grey on the map in schedule 6.

**stallion** means an uncastrated adult male horse.

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

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

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**Certification**

This and the preceding 23 pages bearing my initials is a certified copy of *Subordinate Local Law No. 2 (Animal Management) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

.....  
Chief Executive Officer

395398\_1

DRAFT



**Redland**  
CITY COUNCIL

Redland City Council

**DRAFT Local Law No. 3 (Community  
and Environmental Management) 2014**



## Redland City Council

# Local Law No. 3 (Community and Environmental Management) 2014

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## Part 1 Preliminary

### 1 Short title

This local law may be cited as *Local Law No. 3 (Community and Environmental Management) 2014*.

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

- (1) The purpose of this local law is 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 the elimination or reduction of risks and threats to the environment and public health, safety and amenity resulting from—
  - (a) inadequate protection against animal and plant pests; and
  - (b) vegetation overgrowth; and
  - (c) visual pollution resulting from accumulation of objects and materials; and
  - (d) fires and fire hazards not regulated by State law; and
  - (e) community safety hazards; and
  - (f) noise that exceeds noise standards.

### 3 Definitions—the dictionary

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

### 4 Relationship with other laws<sup>1</sup>

This local law is—

- (a) in addition to and does not derogate from laws for pest management, regulation of fires and environmental protection; and
- (b) to be read with *Local Law No. 1 (Administration) 2014*.

## Part 2 Declared local pests

### Division 1 Application

#### 5 Application of part

- (1) This part does not apply to—
  - (a) an animal or plant that is a declared pest under the *Land Protection (Pest and Stock Route Management) Act 2002*<sup>2</sup> or the *Plant Protection*

---

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

<sup>2</sup> See the *Land Protection (Pest and Stock Route Management) Act 2002*, sections 36 and 37, regarding the declaration of plants and animals as declared pests for the State or part of the State.



Act 1989<sup>3</sup>; or

(b) noxious fisheries resources or diseased fisheries resources<sup>4</sup>.

(2) In this section—

**declared pest** see the *Land Protection (Pest and Stock Route Management) Act 2002*, section 8 and the *Plant Protection Act 1989*, section 4.

**diseased fisheries resources** see the *Fisheries Act 1994*, section 94.

**noxious fisheries resources** see the *Fisheries Act 1994*, schedule.

## Division 2 Declaration of local pests

### 6 Declaration of local pests

(1) The local government may, by subordinate local law, declare an animal or plant of a specified species to be a local pest.

(2) Before the local government makes a declaration under this section, it must consult with the chief executive about the desirability of the declaration.

(3) A declaration under this section—

(a) must be published in a newspaper circulating generally in the local government's area; and

(b) comes into force on the date of publication.

(4) In this section—

**chief executive** means the chief executive of the department in which the *Land Protection (Pest and Stock Route Management) Act 2002* is administered.

### 7 Emergency declarations

(1) This section applies if the local government is satisfied urgent action is needed to avoid or minimise an immediate risk of environmental harm posed by a plant or animal.

(2) The local government may, by resolution, declare an animal or plant of the relevant species to be a local pest.

(3) A declaration under this section—

(a) must be published in a newspaper circulating generally in the local government's area; and

(b) comes into force on the date of publication; and

(c) comes to an end three months after the date of publication.

(4) In this section—

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

<sup>3</sup> See the *Plant Protection Act 1989*, section 4, regarding the declaration of pests that are harmful to the growth or quality of crop plants.

<sup>4</sup> See the *Fisheries Act 1994*, section 94, regarding the declaration of diseased fisheries resources.

## **8 Application of declaration**

A declaration may apply—

- (a) to the whole of the local government's area or in a specified part or parts of the area; and
- (b) generally or only in specified circumstances.

## **Division 3 Control of local pests**

### **9 Power to search for declared local pests**

- (1) This section applies if an authorised person wants to enter a property to search for declared local pests.
- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—
  - (a) enter the property without the permission of the occupier; and
  - (b) take reasonable action to search for declared local pests.
- (3) However, the authorised person—
  - (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
    - (i) of the reason for entering the property; and
    - (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and
  - (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

### **10 Pest control notices**

- (1) An authorised person may, by compliance notice<sup>5</sup> given to the owner of land, require the owner<sup>6</sup> to take specified action to control declared local pests.
- (2) The specified action may include action to—
  - (a) destroy declared local pests on the land; or
  - (b) minimise the risk of an outbreak of declared local pests on the land; or

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<sup>5</sup> See *Local Law No.1 (Administration) 2014*, section 28, regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

<sup>6</sup> See the Act, section 140, in relation to the owner's right to enter property where the owner is not the occupier to take action to comply with a remedial notice, and section 141, in relation to an occupier's right to recover amounts incurred to satisfy an owner's obligations.

- (c) prevent or minimise seeding or reproduction by declared local pests; or
  - (d) contain infestation by declared local pests within a localised area; or
  - (e) reduce the density or extent of infestation by declared local pests; or
  - (f) remove harbour provided to declared local pests.
- (3) The notice may require the repetition of a specified action at stated intervals or on the reappearance of the declared local pest within a specified period.

## **Division 4 Prohibition of sale and propagation**

### **11 Prohibition on sale**

A person must not—

- (a) sell or supply a declared local pest; or
- (b) offer or display a declared local pest for sale or supply.

Maximum penalty—50 penalty units.

### **12 Prohibition on introducing, propagating etc a declared local pest**

(1) A person must not—

- (a) introduce, propagate or breed a declared local pest; or
- (b) provide harbour to a declared local pest.

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

(2) However, subsection (1) does not apply to a person who has been prescribed under a subordinate local law for this subsection as exempt from the offence in subsection (1) in relation to a specified pest.

*Example of persons that might be exempted from subsection (1) in relation to specified pests—*

- Staff of research organisations such as universities or the CSIRO who require a particular pest for research purposes.
- An employee of a circus using a particular pest to provide entertainment to the public.
- Staff of an organisation using a particular pest as part of an education program.
- An employee of a zoo that keeps a particular pest.

(3) In this section—

*introduce* means to introduce, or cause to introduce, into the local government's area.

## **Part 3 Overgrown and unsightly allotments**

### **13 Unsightly objects, materials or vegetation**

(1) The responsible person for an allotment must not—

- (a) bring on to the allotment; or
- (b) allow to remain on the allotment; or
- (c) allow to accumulate on the allotment; or
- (d) place on the allotment,

any objects, materials or vegetation which, in the opinion of an authorised person, is unsightly or not in accordance with the amenity of the locality in which the allotment is located.

*Examples of objects or materials which may be unsightly or not in accordance with the amenity of the locality—*

- Broken down vehicles and car bodies;
- Scrap machinery or machinery parts;
- Discarded bottles, containers or packaging;
- Dilapidated or unsightly building hoardings;
- Shopping trolleys;
- Overgrown vegetation that seriously affects the visual amenity of the allotment or is likely to attract or harbour reptiles.

Maximum penalty—20 penalty units.

- (2) The authorised person may, by compliance notice<sup>7</sup> given to the responsible person for the allotment, require the responsible person to—
  - (a) remove objects, materials or vegetation that is causing the circumstance mentioned in subsection (1)(a), (b), (c) or (d); or
  - (b) take other specified action to remedy the circumstance mentioned in subsection (1)(a), (b), (c) or (d).

*Example of action that might be required under paragraph (b)—*

Erecting an appropriate structure (in accordance with requirements under the Planning Act) to screen unsightly objects or materials from public view.

- (3) A notice issued under subsection (2) may also require the repetition of the specified action at stated intervals or on the reappearance of the accumulation of objects, materials or vegetation on the allotment within a specified period.
- (4) However, the notice cannot prevent a use of land authorised under the Planning Act<sup>8</sup> or the *Environmental Protection Act 1994*.
- (5) In this section—

**vegetation** includes a tree, bush, shrub, plant or grass, but does not include vegetation that is protected under a law<sup>9</sup> of the State or Commonwealth or under the local government's planning scheme.

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<sup>7</sup> See footnote 5.

<sup>8</sup> See definition of *Planning Act* in the Act, schedule 4

<sup>9</sup> For example, vegetation may be protected under the *Nature Conservation Act 1994*, the *Vegetation Management Act 1999*, the *Planning Act*, the *Queensland Heritage Act 1992*, the *Fisheries Act 1994* and the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth).

## Part 4 Fires and fire hazards

### 14 Regulation of lighting and maintaining fires in the open

- (1) This section does not apply to the lighting or maintaining of a fire that is authorised under the *Fire and Rescue Service Act 1990*.<sup>10</sup>
- (2) The local government may, by subordinate local law, prohibit or restrict the lighting or maintaining of fires in the open in the whole, or designated parts, of the local government's area.

*Example—*

The subordinate local law might prohibit the lighting of fires, or a particular type of fire, in the open, unless 1 or more of the following conditions is met—

- the fire is contained in an approved incinerator;
  - the fire is established in a specified way and specified precautions are taken to prevent the spread of fire;
  - the fire is lit and extinguished within a specified time.
- (3) A person must comply with a prohibition or restriction imposed under this section.

Maximum penalty for subsection (3)—50 penalty units.

- (4) A person must not light or maintain a fire if the fire exposes property to the risk of damage or destruction by fire.

Maximum penalty for subsection (4)—50 penalty units.

- (5) However, a person does not commit an offence under subsection (3) or (4) if the person is authorised or required to light or maintain the fire in the performance of duties under another Act.

### 15 Fire hazards

- (1) This section applies where an authorised person forms the opinion that a fire hazard exists on an allotment.
- (2) The authorised person may, by compliance notice<sup>11</sup> given to the responsible person for the allotment, require the responsible person to take specified action to reduce or remove the fire hazard.<sup>12</sup>
- (3) In this section—

*fire hazard* means—

<sup>10</sup> See the *Fire and Rescue Service Act 1990*, section 63, regarding fires authorised by notification, section 65 regarding fires authorised by permit and section 69, regarding notices requiring occupiers to take measures to reduce the risk of fire. For fires authorised by notification under section 63, see the Notification by the Commissioner of Fire and Rescue Service published in the gazette on 6 August 2004.

<sup>11</sup> See footnote 5.

<sup>12</sup> See also the *Fire and Rescue Service Act 1990*, section 69, under which the Fire Services Commissioner can publish a general notification in the gazette requiring occupiers of land to take measures to reduce the risk of fire occurring or the risk to persons, property or environment in the event of fire occurring.

- (a) anything that, because of its flammable nature, its position or its quantity, exposes property to significant risk of damage or destruction by fire; or
- (b) a thing that is declared to be a fire hazard under a subordinate local law for this paragraph.

*Examples of fire hazards for paragraph (a)—*

- Live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash.
- A substantial accumulation of grass clippings that is liable to spontaneous combustion.
- Dry vegetation that could be easily ignited or other flammable materials.

## **Part 5 Community safety hazards**

### **16 What is a community safety hazard**

*A community safety hazard is—*

- (a) a fence or structure on land that, because of its nature or its position, poses a significant risk of causing injury to a person or damage to property; or
- (b) objects or materials on land that are likely to become airborne in periods of high wind in a way that poses a significant risk of causing injury to a person or damage to property; or
- (c) a thing that is declared to be a community safety hazard under a subordinate local law for this paragraph.

*Examples of a fence or structure that may be a community safety hazard for paragraph (a)—*

- Barbed wire fencing adjoining a public park or reserve or located in an urban area.
- Electric fences adjoining public land.
- An unfenced dam adjacent to a public park or reserve.

### **17 Power to enter property to inspect for community safety hazards**

- (1) This section applies if an authorised person wants to enter a property to inspect it to identify any community safety hazards.
- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—
  - (a) enter the property without the permission of the occupier; and
  - (b) take reasonable action to inspect the property for community safety hazards.
- (3) However, the authorised person—
  - (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
    - (i) of the reason for entering the property; and

- (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and
  - (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

## **18 Removal or reduction of community safety hazards**

- (1) This section applies where an authorised person forms the opinion that a community safety hazard exists on an allotment.
- (2) The authorised person may, by compliance notice<sup>13</sup> given to the responsible person for the allotment, require the responsible person to take specified action in relation to the community safety hazard to—
  - (a) remove the hazard; or
  - (b) reduce the level of risk to persons or property.

*Example of specified action that might be required under paragraph (b) to reduce the risk to the community from a community safety hazard—*

Securing objects or materials that may become airborne in periods of high wind.

## **19 Prescribed requirements**

- (1) The local government may, by subordinate local law, prescribe requirements that must be met by responsible persons relating to specified types of community safety hazards located on the owner's land.

*Example of prescribed requirements—*

- A requirement to place signs on electric fences or barbed wire fences adjoining public land to warn persons of the risk of injury.
  - A requirement to install and maintain an electric fence in accordance with appropriate standards.
- (2) A responsible person must comply with requirements prescribed under this section.

Maximum penalty for subsection (2)—50 penalty units.

# **Part 6 Noise standards**

## **20 Prescribed noise standards**

- (1) This section applies if the local government is the administering authority for

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<sup>13</sup> See footnote 5.

the *Environmental Protection Act 1994*, chapter 8, part 3B.<sup>14</sup>

- (2) The local government may, by subordinate local law, prescribe a noise standard in the whole, or designated parts, of the local government's area by—
  - (a) prohibiting the making of a stated noise (for example, by reference to the activity making the noise and the time at which the noise is made);<sup>15</sup> and
  - (b) stating the section, in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3, for which the subordinate local law provision is prescribing a noise standard.<sup>16</sup>

## Part 7                      Miscellaneous

### 21      Prohibition on feeding native birds

- (1) A person must not feed a native bird on premises in a way that causes, or may cause, a relevant environmental nuisance.  
Maximum penalty — 50 penalty units.
- (2) Without limiting subsection (1), a person feeds a native bird in a way that causes, or may cause, a relevant environmental nuisance if—
  - (a) the person feeds the native bird in a way that causes the bird to move from the place where it is located to the premises at which the person is providing the food; and
  - (b) the movement of the native bird causes, or may cause, a relevant environmental nuisance.
- (3) For the avoidance of doubt, a person does not commit an offence under subsection (1) if the person commits an offence under section 340 of the *Nature Conservation (Wildlife Management) Regulation 2006*.
- (4) In this section —
  - (a) **contaminant** has the meaning given in the *Environmental Protection Act 1994*;
  - (b) **contamination** has the meaning given in the *Environmental Protection Act 1994*;

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<sup>14</sup> See the *Environmental Protection Act 1994*, section 514, for the making of a regulation to devolve the administration and enforcement of parts of the Act to local governments as the administering authority. The *Environmental Protection Regulation 2008*, section 99, devolves the administration and enforcement of noise standards to local governments. Section 109 of the Regulation declares local government authorised persons to be authorised persons under the *Environmental Protection Act 1994*, section 445(1)(c). Chapter 9 of that Act provides for the investigation and enforcement powers of authorised persons.

<sup>15</sup> See, however, *Local Law No.1 (Administration) 2014*, section 10(4)(a), regarding conditions of approvals that may authorise an act or omission that contravenes a noise standard.

<sup>16</sup> Section 440O(3) provides that a local law that prescribes a noise standard replaces the nominated default noise standard in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3.



- (c) **environment** has the meaning given in the *Environmental Protection Act 1994*;
- (d) **environmental nuisance** means an unreasonable interference, or likely interference, with an environmental value caused by—
  - (i) light, noise, odour or particles; or
  - (ii) an unhealthy, offensive or unsightly condition because of contamination;
- (e) **environmental value** has the meaning given in the *Environmental Protection Act 1994*;
- (f) **feed**, in relation to a native bird, includes—
  - (i) the use of food to tease or lure the native bird; and
  - (ii) an attempt to feed the native bird; but
  - (iii) does not include planting, growing or maintaining a plant which is a source of food for a native bird;
- (g) **native bird** means a bird in an independent state of natural liberty;
- (h) **noise** has the meaning given in the *Environmental Protection Act 1994*;
- (i) **relevant environmental nuisance**, for premises, means an environmental nuisance to land adjoining, or in close proximity to, the premises.

## Part 8 Subordinate local laws

### 22 Subordinate local laws

The local government may make subordinate local laws about—

- (a) declaring animals or plants of specified species to be local pests;<sup>17</sup> or
- (b) lighting and maintaining of fires in the open;<sup>18</sup> or
- (c) fire hazards;<sup>19</sup> or
- (d) community safety hazards;<sup>20</sup> or
- (e) prescribed requirements relating to community safety hazards;<sup>21</sup> or
- (f) prescribed noise standards for the *Environmental Protection Act 1994*.<sup>22</sup>

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<sup>17</sup> See section 6(1).

<sup>18</sup> See section 14(2).

<sup>19</sup> See section 15(3)(b).

<sup>20</sup> See section 16(c).

<sup>21</sup> See section 19(1).

<sup>22</sup> See section 20(2).

## Schedule Dictionary

### Section 3

**allotment** means an individual parcel or piece of land.

**animal** means an organism (other than a human being) that is not a plant and includes eggs and semen.

**compliance notice** means a compliance notice mentioned in *Local Law No.1 (Administration) 2014*, section 28.

**declared local pest** means a plant or animal declared to be a pest under section 6 or 7.

**plant** means vegetation of any type, including its flowers, roots, seeds and other parts.

**reasonable written notice** means a written notice given at least 7 days before a property is to be entered, that informs the owner and the occupier of the property of—

- (a) the local government's intention to enter the property; and
- (b) the reason for entering the property; and
- (c) the days and times when the property is to be entered.

**responsible person** (for an allotment) means the person who has control or management of the allotment and includes a person in charge of activities or structures on the allotment that may result in a contravention of this local law.

**the Act** means the *Local Government Act 2009*.

**Certification**

This and the preceding 13 pages bearing my initials is a certified copy of *Local Law No. 3 (Community and Environmental Management) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the  
day of , 2014.

.....  
Chief Executive Officer

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**DRAFT Subordinate Local Law No. 3  
(Community and Environmental  
Management) 2014**



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## Redland City Council

# Subordinate Local Law No. 3 (Community and Environmental Management) 2014

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## **Part 1 Preliminary**

### **1 Short title**

This subordinate local law may be cited as *Subordinate Local Law No. 3 (Community and Environmental Management) 2014*.

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

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 3 (Community and Environmental Management) 2014*, which provides for protecting 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) prohibition of lighting or maintaining certain fires; and
  - (c) declaration of fire hazards; and
  - (d) declaration of community safety hazards; and
  - (e) prescribed requirements for owners of land containing community safety hazards; and
  - (f) declaration of noise standards.

### **3 Authorising local law**

The making of the provisions in this subordinate local law is authorised by *Local Law No. 3 (Community and Environmental Management) 2014* (the *authorising local law*).

### **4 Definitions**

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 6 defines particular words used in this subordinate local law.

## **Part 2 Declared local pests**

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

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

### **6 Persons exempted from introducing etc a declared local pest—Authorising local law, s 12(2)**

For section 12(2) of the authorising local law, a person mentioned in column 1 of schedule 2 is exempt from section 12(1) of the authorising local law in

relation to introducing, propagating, breeding or providing harbour to a declared local pest mentioned in the corresponding part of column 2 of schedule 2.

### **Part 3 Overgrown and unsightly allotments**

*This part in the authorising local law does not contain any matters to be provided for by subordinate local law.*

### **Part 4 Fires and fire hazards**

#### **7 Prohibition on lighting or maintaining fires—Authorising local law, s 14(2)**

- (1) This section applies to the following fires<sup>1</sup>—
- (a) a fire in which neither the height, width nor length of the material to be consumed exceeds 2 metres;
  - (b) a fire lit for the purpose of burning the carcass of a beast;
  - (c) a fire lit out-doors, if enclosed in a fireplace so constructed as to prevent the escape of fire or any burning material therefrom.
- (2) For section 14(2) of the authorising local law, lighting or maintaining a fire described in column 2 of schedule 3 is declared to be prohibited or restricted in the corresponding part of the local government's area mentioned in column 1 of schedule 3.

#### **8 Fire hazards—Authorising local law, s 15(3)(b)**

For section 15(3)(b) of the authorising local law, the following are declared to be fire hazards—

- (a) live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash; and
- (b) a substantial accumulation of grass clippings that is liable to spontaneous combustion; and
- (c) dry vegetation that could be easily ignited or other flammable materials.

### **Part 5 Community safety hazards**

#### **9 Community safety hazards—Authorising local law, s 16(c)**

For section 16(c) of the authorising local law, the following are declared to be community safety hazards—

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<sup>1</sup> 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 2004*, 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.



- (a) a plant on premises which—
  - (i) is dangerous or attracts vermin; or
  - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
    - (A) personal injury or property damage; or
    - (B) a negative impact on the amenity of the surrounding area; and
- (b) an act or omission on premises which—
  - (i) is dangerous or attracts vermin; or
  - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
    - (A) personal injury or property damage; or
    - (B) a negative impact on the amenity of the surrounding area; and
- (c) a dead animal on premises which—
  - (i) is dangerous or attracts vermin; or
  - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
    - (A) personal injury or property damage; or
    - (B) a negative impact on the amenity of the surrounding area.

## **10 Prescribed requirements for community safety hazards—Authorising local law, s 19(1)**

For section 19(1) of the authorising local law, a responsible person for a community safety hazard listed in column 1 of schedule 4 must meet the requirements prescribed in the corresponding part of column 2 of schedule 4.

## **Part 6 Noise standards**

### **11 Prescribed noise standards—Authorising local law, s 20(2)**

- (1) For section 20(2) of the authorising local law, the noise standard in column 2 of schedule 5 is prescribed for the section of the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3 stated in column 1 of schedule 5.
- (2) For section 20(2) of the authorising local law, the noise standard in column 2 of schedule 5 applies in the corresponding part of the local government's area mentioned in column 3 of schedule 5.

## **Part 7 Miscellaneous**

*This part in the authorising local law does not contain any matters to be provided for by subordinate local law.*

## Schedule 1 Declared local pests

### Section 5

<b>Column 1</b> <b>Applicable part of local government's area</b>	<b>Column 2</b> <b>Declared local pest</b>
Entire local government area	Barner Grass/Cow cane (pennisetum fp) Green Cestrum (Cestrum parqui)

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**Schedule 2      Persons exempted from offence of  
introducing etc declared local pest**

Section 6

<b>Column 1 Exempt person</b>	<b>Column 2 Declared local pest</b>
No exempt person prescribed.	

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## Schedule 3 Prohibited fires

Section 7(2)

<b>Column 1</b> <b>Applicable part of local government's area</b>	<b>Column 2</b> <b>Prohibition or restriction on the lighting or maintaining of fires in the open</b>
<p>That part of the local government area comprising—</p> <ul style="list-style-type: none"><li>(a) all land in each zone identified in the planning scheme of the local government, other than land in the Rural (Non-Urban) Zone; and</li><li>(b) the land in the Rural (Non-Urban) Zone in the planning scheme of the local government, but only if the land is within 500m of a zone other than the Rural (Non-Urban) Zone.</li></ul>	<p>The lighting or maintaining of a fire in the open is prohibited unless the fire is—</p> <ul style="list-style-type: none"><li>(a) contained in a commercial standard incinerator; or</li><li>(b) lit for the purpose of—<ul style="list-style-type: none"><li>(i) the preparation and cooking of food in an appropriately constructed barbeque; or</li><li>(ii) the cooking of food; or</li><li>(iii) an activity undertaken by the scouts, girl guides or a similar organisation; or</li><li>(iv) indoor cooking or heating and contained within an enclosed fireplace, stove or heater; or</li><li>(v) outdoor heating and contained within an enclosed fireplace or similar device which is constructed so as to prevent the escape of fire or any burning material therefrom, for example, heat beads within a brazier.</li></ul></li></ul>

## Schedule 4 Prescribed requirements for community safety hazards

### Section 10

	<b>Column 1 Community safety hazard</b>	<b>Column 2 Prescribed requirements to be met by responsible person</b>
1	Barbed wire fencing	<ul style="list-style-type: none"> <li>(a) Fencing not to be installed along a boundary adjoining a public park;</li> <li>(b) Barbed wire to be used in urban areas only in a security fence with the barbed wire to be more than 2m off the ground.</li> </ul>
2	Electric fencing	<ul style="list-style-type: none"> <li>(a) Fencing installed in an urban area that adjoins any road or public land to have warning signs of a size that can be read from a distance of 5m and fixed at 5m intervals along the fence;</li> <li>(b) Fencing installed in an urban area must be situated at least 1.5m from a fence located on or within the boundary of the premises OR such that if the fencing is installed on the boundary of the premises the lowest point of the fencing capable of imparting an electric shock when touched is at least 2m off the ground;</li> <li>(c) Fencing must be installed, operated and maintained in accordance with AS/NZS 3014:2003;</li> <li>(d) Fencing for security must be installed, operated and maintained in accordance with AS/NZS 3016:2002.</li> </ul>
3	Roof sheeting, guttering and sheet metal	Any materials not fixed to a structure must be weighted down or tied down to prevent them from becoming airborne during high winds.
4	A well on land	(a) The well must be securely covered

		<p>to prevent unauthorised entry by a person or an animal;</p> <p>(b) The existence of the well on the land must be announced by a sign with black on white lettering at least 100 mm high; and</p> <p>(c) The well must be fenced or screened to prevent unauthorised access to the well by a person or an animal.</p>
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## Schedule 5 Prescribed noise standards

Section 11

<b>Column 1</b> Section of the <i>Environmental Protection Act 1994</i> , chapter 8, part 3B, division 3	<b>Column 2</b> Prescribed noise standard	<b>Column 3</b> Applicable part of local government's area
No noise standard is prescribed.		

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## Schedule 6 Dictionary

### Section 4

**local government public health risk** has the meaning given in the *Public Health Act 2005*.

**plant** has the meaning given in the *Land Protection (Pest and Stock Route Management) Act 2002*.

**urban area** means an area forming the whole or part of an urban district.

**urban district** has the meaning given in the *Fire and Rescue Service Act 1990*.

**vermin** means—

- (a) reptiles, bed bugs, lice, fleas, parasites and cockroaches; and
- (b) guinea pigs and other rodents capable of carrying or transmitting a notifiable disease; but
- (c) does not include—
  - (i) a protected animal within the meaning of the *Nature Conservation Act 1992*; or
  - (ii) a local government public health risk.



**Certification**

This and the preceding 12 pages bearing my initials is a certified copy of *Subordinate Local Law No. 3 (Community and Environmental Management) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

.....  
Chief Executive Officer

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Redland City Council

**DRAFT Local Law No. 4 (Local  
Government Controlled Areas,  
Facilities and Roads) 2014**



## Redland City Council

# Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014

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## Part 1 Preliminary

### 1 Short title

This local law may be cited as *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014*.

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

- (1) The purpose of this local law is to—
  - (a) protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads; and
  - (b) preserve features of the natural and built environment and other aspects of the amenity of local government controlled land, facilities, infrastructure and roads.
- (2) The purpose is to be achieved by providing for—
  - (a) the regulation of access to local government controlled areas; and
  - (b) the prohibition or restriction of particular activities on local government controlled areas or roads; and
  - (c) miscellaneous matters affecting roads.

### 3 Definitions—the dictionary

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

### 4 Relationship with other laws<sup>1</sup>

This local law is—

- (a) in addition to and does not derogate from laws<sup>2</sup> regulating the use of trust land and roads; and
- (b) to be read with *Local Law No. 1 (Administration) 2014*.

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

<sup>2</sup> Other legislation that may be relevant in the application of this local law includes the *Land Act 1994*, the *Land Regulation 1995* and the *Land Protection (Pest and Stock Route Management) Act 2002*.

## Part 2 Use of local government controlled areas, facilities and roads<sup>3</sup>

### 5 Prohibited and restricted activities

- (1) The local government may, under a subordinate local law, declare an activity to be—
  - (a) prohibited in a local government controlled area or road (a ***prohibited activity***); or
  - (b) restricted in a local government controlled area or road (a ***restricted activity***).

*Example for paragraph (a)—*

The local government may declare that the lighting of fires is a prohibited activity in all local government controlled areas, in a particular local government controlled area or in a part of a local government controlled area.

*Example for paragraph (b)—*

The local government may declare that the playing of sport generally, or the playing of certain sports, is a restricted activity in that it is restricted to particular times of the day, week, month or year in all local government controlled areas, in a particular local government controlled area or in a part of a local government controlled area.

- (2) The local government must take reasonable steps to provide notice to members of the public regarding restricted activities declared for local government controlled areas or roads.
- (3) In this section—

***reasonable steps*** may include the display of a notice at a prominent place within each local government controlled area for which a declaration under subsection (1)(b) has been made, stating—

  - (a) if the declaration relates to the whole area—the restricted activities for the area; and
  - (b) if the declaration relates to a part of the area—the restricted activities and a description of the part of the area to which the declaration applies; and
  - (c) in general terms, the provisions of subsection (4).
- (4) A person must not engage in a prohibited activity or a restricted activity.  
Maximum penalty—20 penalty units

### 6 Motor vehicle access to local government controlled areas

- (1) A motor vehicle access area is an area within a local government controlled area that is—

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<sup>3</sup> *Local Law No. 1 (Administration) 2014* deals with activities on local government controlled areas and roads that require the local government's approval, such as commercial use of local government controlled areas and roads, alterations or improvements to local government controlled areas, and other miscellaneous regulated activities.

- (a) a car park or roadway for which there is no sign or traffic control device indicating that vehicles owned by members of the public are excluded; or
  - (b) declared under a subordinate local law for this paragraph as a motor vehicle access area.
- (2) For the purposes of *Local Law No.1 (Administration) 2014*, section 5(b), it is a prescribed activity<sup>4</sup> to bring a motor vehicle onto or drive a motor vehicle on any part of a local government controlled area that is not a motor vehicle access area.
- (3) The local government may, by subordinate local law, declare a specific type of motor vehicle (a ***prohibited vehicle***) as prohibited in a specified motor vehicle access area.
- (4) For the purposes of *Local Law No.1 (Administration) 2014*, section 5(b), it is a prescribed activity<sup>5</sup> to bring a prohibited vehicle onto or drive a prohibited vehicle on the specified motor vehicle access area.
- (5) However, subsections (2) and (4) do not apply for an emergency vehicle.
- (6) The local government must take reasonable steps to provide notice to members of the public regarding—
- (a) declarations of motor vehicle access areas under subsection (1)(b); and
  - (b) declarations of prohibited vehicles under subsection (3).
- (7) In this section—
- emergency vehicle*** includes the following—
- (a) an ambulance;
  - (b) a fire-engine;
  - (c) a police vehicle;
  - (d) another vehicle, including a tow truck, helicopter or mobile crane, if used in circumstances of an emergency.
- reasonable steps*** include, as a minimum, the display of a notice at a prominent place within each declared motor vehicle access area stating—
- (a) a description of the declared motor vehicle access area; and
  - (b) a description of prohibited vehicles for the area; and
  - (c) in general terms, the provisions of subsections (2) and (4).

## 7 Opening hours of local government controlled areas

- (1) The local government may, by subordinate local law, declare the times when a

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<sup>4</sup> *Local Law No.1 (Administration) 2014*, section 6, creates an offence for a person to undertake a prescribed activity without a current approval granted by the local government. Section 7 requires that the approval be obtained under part 2 of that local law.

<sup>5</sup> See footnote 3.

local government controlled area is open to the public (the *opening hours*).

- (2) A person must not enter or remain in a local government controlled area outside the opening hours unless the person is authorised to do so by the chief executive officer<sup>6</sup>.

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

- (3) If the local government declares the opening hours for a local government controlled area under subsection (1), it must place a notice showing the opening hours at each public entrance to the area.

## **8 Power of closure of local government controlled areas**

- (1) The local government may, by resolution, temporarily close a local government controlled area to public access—
- (a) to carry out construction, maintenance, repair or restoration work; or
  - (b) to protect the health and safety of a person or the security of a person's property; or
  - (c) because of a fire or other natural disaster; or
  - (d) to conserve or protect the cultural or natural resources of the area or native wildlife.
- (2) A resolution under subsection (1)—
- (a) must state a period, not greater than 6 months, during which the area will be closed; and
  - (b) must be revoked by the local government as soon as practicable after the local government becomes satisfied that the reason for making the resolution no longer exists.
- (3) The local government may, by subordinate local law, permanently close a local government controlled area to public access for any of the following reasons—
- (a) the conservation of the cultural or natural resources of the area, including, for example—
    - (i) to protect significant cultural or natural resources; or
    - (ii) to enable the restoration or rehabilitation of the area; or
    - (iii) to protect a breeding area for native wildlife; or
    - (iv) to manage a significant Aboriginal area in the area in a way that is consistent with Aboriginal tradition; or
    - (v) to manage a significant Torres Strait Islander area in the area in a way that is consistent with Island custom;
  - (b) protection of the health and safety of members of the public;
  - (c) protection of a facility or service in the area, including, for example, infrastructure, water supply facilities or power generating equipment;

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<sup>6</sup> See definition of *chief executive officer* in the Act, schedule 4.

- (d) protection of the amenity of an area adjacent to the area;
  - (e) the orderly or proper management of the area.
- (4) If the local government closes a local government controlled area under subsections (1) or (3), it must place at each public entrance to the area a notice of the closure, including a statement of the duration of the closure.

*Example—*

If the local government closes an area that is part of a wider local government controlled area, it must place notices at each public entrance to the closed area.

- (5) A person must not enter or remain in a local government controlled area while it is closed to public access under this section, unless the person is authorised to do so by the chief executive officer.

Maximum penalty for subsection (5)—20 penalty units.

- (6) In this section—

*significant Aboriginal area* see the *Aboriginal Cultural Heritage Act 2003*, section 9.

*significant Torres Strait Islander area* see the *Torres Strait Islander Cultural Heritage Act 2003*, section 9.

## Part 3                      Matters affecting roads

### 9            Power to require owner of land adjoining road to fence land

- (1) This section applies if, in the local government's opinion, it is necessary for land adjoining a road to be fenced to prevent the risk of—
- (a) animals escaping from the land onto the road; or
  - (b) interference with the safe movement of traffic or the safe use of the road.
- (2) The local government may, by giving a compliance notice<sup>7</sup> to the owner—
- (a) if the land is not currently fenced—require the owner to fence the land; or
  - (b) if a current fence on the land is in disrepair—require the owner to repair or replace the fence.
- (3) The local government may, by subordinate local law, set out the minimum standards with which the fence must comply.
- (4) In this section—

*animal* does not include a native animal, feral animal or pest animal.

*feral animal* see *Animal Care and Protection Act 2001*, section 42.

*pest animal* see *Animal Care and Protection Act 2001*, section 42.

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<sup>7</sup> See *Local Law No.1 (Administration) 2014*, section 28, regarding the requirements for compliance notices.



## 10 Numbering of premises and allotments adjoining a road<sup>8</sup>

- (1) An owner of land must not adopt a number for a building or allotment that is inconsistent with a numbering system adopted by the local government under this section.

Maximum penalty for subsection (1)—10 penalty units.

- (2) An owner of land (other than vacant land) must display the number allocated so as to be easily identified from the adjoining road.

Maximum penalty for subsection (2)—10 penalty units.

## 11 Compliance notice about a road or footpath crossing

The local government may give a compliance notice to—

- (a) the owner of land adjoining or adjacent to a road to perform work on the land or the road if the work to be carried out is required as a direct result of the actions of the owner or occupier of the land or will confer a direct benefit on the owner or occupier and, in the opinion of an authorised person, the work should be performed to—
- (i) protect public health, safety or amenity; or
  - (ii) prevent environmental harm or environmental nuisance; or
  - (iii) prevent interference with the safe movement of traffic or the safe use of a road; or
- (b) the owner of land adjoining or adjacent to a road to—
- (i) construct a vehicle crossing to provide vehicular access between the road and the land to a standard specified by the local government in the compliance notice; or
  - (ii) maintain or repair a vehicle crossing which provides vehicular access between the road and the land to a standard specified by the local government in the compliance notice if, in the opinion of an authorised person, the vehicle crossing—
    - (A) is not effective for its intended purpose; or
    - (B) is causing a nuisance or poses a risk of a nuisance; or
    - (C) constitutes an actual or potential safety hazard; or
  - (iii) alter a vehicle crossing, or construct a new or modified vehicle crossing to a standard specified by the local government in the compliance notice if, in the opinion of an authorised person, the vehicle crossing is no longer adequate having regard to—
    - (A) the volume or nature of traffic using the vehicle crossing; or
    - (B) the manner in which the vehicle crossing is used by traffic; or

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<sup>8</sup> See the Act, section 60, regarding control of roads by a local government.

- (C) changes in the use of the land to which the vehicle crossing provides access; or
- (D) changes in the usual or expected standard of vehicle crossing provision in the relevant locality.

## **Part 4                      Miscellaneous**

### **12      Subordinate local laws**

The local government may make subordinate local laws about—

- (a) the declaration of prohibited activities or restricted activities;<sup>9</sup> or
- (b) the declaration of motor vehicle access areas;<sup>10</sup> or
- (c) the declaration of prohibited vehicles;<sup>11</sup> or
- (d) the opening hours for a local government controlled area;<sup>12</sup> or
- (e) closing a local government controlled area to public access;<sup>13</sup> or
- (f) minimum standards for fences on land adjoining a road.<sup>14</sup>

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<sup>9</sup> See section 5(1).

<sup>10</sup> See section 6(1).

<sup>11</sup> See section 6(3).

<sup>12</sup> See section 7(1).

<sup>13</sup> See section 8(3).

<sup>14</sup> See section 9(3).

## Schedule Dictionary

### Section 3

**environmental nuisance** see *Environmental Protection Act 1994*, schedule 4.

**land** see *Local Government Act 2009*, schedule 4.

**local government controlled area** see *Local Law No.1 (Administration) 2014*, schedule 1.

**occupier** see *Local Government Act 2009*, schedule 4.

**owner** see *Local Government Act 2009*, schedule 4.

**road** see *Local Law No.1 (Administration) 2014*, schedule 1.

**vehicle crossing** means facilities provided for the purpose of vehicles making entry or exit at, or substantially at, right angles between a road and land adjoining or adjacent to the road and may include an invert, pipe or driveway at, or adjacent to, the boundary of the land.

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**Certification**

This and the preceding 9 pages bearing my initials is a certified copy of *Local Law No. 4 (Controlled Areas Facilities and Roads) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

.....  
Chief Executive Officer

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**Redland**  
CITY COUNCIL

Redland City Council

**DRAFT Subordinate Local Law No. 4  
(Local Government Controlled Areas,  
Facilities and Roads) 2014**



## Redland City Council

# Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014*.

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

- (1) The purpose of this subordinate local law is to supplement *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2014* in order to protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads and preserve features of the natural and built environment and other aspects of the amenity of local government controlled land, facilities, infrastructure and roads.
- (2) The purpose is to be achieved by providing for—
  - (a) the regulation of access to local government controlled areas; and
  - (b) the prohibition or restriction of particular activities in local government controlled areas or roads.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2014* (the *authorising local law*).

### 4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 7 defines particular words used in this subordinate local law.

## Part 2 Use of local government controlled areas, facilities and roads

### 5 Prohibited and restricted activities—Authorising local law, s 5(1)

- (1) For section 5(1)(a) of the authorising local law, the activities prescribed in column 2 of schedule 1 are declared to be prohibited in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 1.
- (2) For section 5(1)(b) of the authorising local law, the activities prescribed in column 2 of schedule 2 are declared to be restricted in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 2, to the extent described in column 3 of schedule 2.



**6 Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b)**

For section 6(1)(b) of the authorising local law, the areas prescribed in column 1 of schedule 3 are declared to be motor vehicle access areas.

**7 Prohibited vehicles—Authorising local law, s 6(3)**

For section 6(3) of the authorising local law, the specific types of motor vehicle prescribed in column 2 of schedule 3 are declared to be prohibited vehicles in the corresponding specified motor vehicle access area in column 1 of schedule 3.

**8 Opening hours for local government controlled areas—Authorising local law, s 7(1)**

- (1) For section 7(1) of the authorising local law, the times prescribed in column 2 of schedule 4 are declared to be the opening hours for the local government controlled areas mentioned in column 1 of schedule 4.
- (2) However, the local government may, from time to time, by resolution, declare other times when a local government controlled area is open to the public.

**9 Permanent closure of local government controlled area—Authorising local law, s 8(3)**

For section 8(3) of the authorising local law, the local government controlled areas described in schedule 5 are permanently closed to public access.

**Part 3 Matters affecting roads**

**10 Notice requiring owner of land adjoining road to fence land—Authorising local law, s 9(3)**

For section 9(3) of the authorising local law, the minimum standards for a fence that is the subject of a compliance notice under section 9(2) of the authorising local law are as follows—

- (a) the fence must be constructed of materials which are of sufficient strength to—
  - (i) restrain the types of animals to be contained in the area adjacent to the fence; and
  - (ii) stop the animals from escaping over, under or through the fence; and
- (b) the height of the fence must be sufficient to restrain the types of animals to be contained in the area adjacent to the fence from jumping or climbing over the fence; and
- (c) if an animal to be contained in the area adjacent to the fence has the ability to dig — the fence must include a barrier installed directly below the fence to prevent the animal digging its way underneath the fence; and

- (d) if the fence includes a gate — the gate must be kept closed and latched except when in immediate use by a person entering or leaving the area adjacent to the fence.

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## Schedule 1 Prohibited activities for local government controlled areas or roads

Section 5(1)

	<b>Column 1</b> <b>Local government controlled area or road</b>	<b>Column 2</b> <b>Prohibited activity</b>
1	All local government controlled areas within the local government area	<ul style="list-style-type: none"><li>(a) Riotous, disorderly, indecent, offensive, threatening or insulting behaviour;</li><li>(b) Carrying or displaying a placard or other sign bearing an offensive or threatening message or image;</li><li>(c) Injuring, misusing, defacing, marking or otherwise damaging a building or structure;</li><li>(d) Entering or interfering with a building or structure associated with the water supply system, stormwater drain system or sewerage system of the local government unless the person entering or interfering with the building or structure is an emergency services officer entering or interfering with the building or structure in the course of his or her duties as an emergency services officer;</li><li>(e) Camping, sleeping, occupying or remaining overnight unless the local government controlled area is a park or reserve;</li><li>(f) Parking or standing a vehicle bearing a sign or advertisement that the vehicle is offered for sale or hire;</li><li>(g) Parking or leave standing, an unregistered vehicle.</li></ul>

	<p style="text-align: center;"><b>Column 1</b></p> <p style="text-align: center;"><b>Local government controlled area or road</b></p>	<p style="text-align: center;"><b>Column 2</b></p> <p style="text-align: center;"><b>Prohibited activity</b></p>
2	All roads within the local government area	<ul style="list-style-type: none"> <li>(a) Painting an object other than a vehicle in, on or over a road;</li> <li>(b) Repairing, altering or carrying out maintenance on an object other than a vehicle in, on or over a road;</li> <li>(c) Intentionally or negligently damaging a road or a structure associated with a road;</li> <li>(d) Creating a nuisance on a road;</li> <li>(e) Camping, sleeping, occupying or remaining overnight in a vehicle stopped on a footpath, shared path, water-channel or gutter;</li> <li>(f) Parking or standing a vehicle bearing a sign or advertisement that the vehicle is offered for sale or hire;</li> <li>(g) Storing a waste container on a road 24 hours before or after the collection day for the waste container;</li> <li>(h) Parking or leave standing, an unregistered vehicle.</li> </ul>
3	All off-street regulated parking areas within the local government area as declared in section 6 of <i>Local Law No. 5 (Parking) 2014</i>	Parking or leave standing, an unregistered vehicle.
4	All local government cemeteries within the local government area	<ul style="list-style-type: none"> <li>(a) Interfering with a funeral or commemorative service lawfully conducted in a local government cemetery;</li> <li>(b) Distributing or putting up any handbill, card, circular or advertisement;</li> <li>(c) Interfering with any tree, shrub or plant;</li> <li>(d) Discharging a firearm, except at a military or police funeral or other recognised type of funeral service</li> </ul>

	<p style="text-align: center;"><b>Column 1</b></p> <p style="text-align: center;"><b>Local government controlled area or road</b></p>	<p style="text-align: center;"><b>Column 2</b></p> <p style="text-align: center;"><b>Prohibited activity</b></p>
		<p>ordinarily involving such discharge;</p> <p>(e) Damaging or disturbing or interfering with any memorial, inscription plaque, epitaph or inscription, or any flowers or tokens placed on or adjacent to a grave or niche;</p> <p>(f) Riding or driving or permitting to be ridden or driven, any vehicle of any description or any horse otherwise than on a paved roadway or path;</p> <p>(g) Engaging in conduct which is dangerous or creates a risk to the safety of members of the public;</p> <p>(h) Deliberately or recklessly damaging or destroying any building, fence, structure, improvement or other property;</p> <p>(i) Bringing an animal into or allowing an animal to be within a local government cemetery other than—</p> <p style="padding-left: 20px;">(i) for the purposes of a funeral or commemorative service; or</p> <p style="padding-left: 20px;">(ii) a dog which is under effective control as defined in section 11 of <i>Local Law No. 2 (Animal Management) 2014</i>;</p> <p>(j) Entering or being within a local government cemetery except for the purpose of—</p> <p style="padding-left: 20px;">(i) visiting a grave, memorial or interment site; or</p> <p style="padding-left: 20px;">(ii) attending a funeral; or</p> <p style="padding-left: 20px;">(iii) maintaining or repairing a grave, memorial or interment site in accordance with a written authorisation of the chief</p>

	<p align="center"><b>Column 1</b></p> <p align="center"><b>Local government controlled area or road</b></p>	<p align="center"><b>Column 2</b></p> <p align="center"><b>Prohibited activity</b></p>
		<p align="center">executive officer;</p> <p>(k) Taking part in any meeting other than a meeting of a religious or commemorative nature.</p>
<p>5</p>	<p>All parks and reserves within the local government area</p>	<p>(a) Damaging or interfering with vegetation;</p> <p>(b) Discharging or carrying a firearm or other weapon or any kind of explosive device;</p> <p>(c) Throwing a stone, projectile or other missile;</p> <p>(d) Using or carrying a trap, snare or net;</p> <p>(e) Hitting a golf ball;</p> <p>(f) Behaving in a riotous disorderly, indecent, offensive, threatening or insulting manner;</p> <p>(g) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person;</p> <p>(h) Interfering with a plant or any turf, sand, clay, soil or other material;</p> <p>(i) Interfering with any facility or equipment located at the park or reserve;</p> <p>(j) Disposing of any waste of any kind other than in a waste container provided for that purpose;</p> <p>(k) Depositing, storing or abandoning any goods;</p> <p>(l) Bathing in any ornamental pond or lake;</p> <p>(m) Using a boat, canoe, craft, surf ski, surf board or other recreational floating device in an ornamental pond or lake;</p>

	<p style="text-align: center;"><b>Column 1</b></p> <p style="text-align: center;"><b>Local government controlled area or road</b></p>	<p style="text-align: center;"><b>Column 2</b></p> <p style="text-align: center;"><b>Prohibited activity</b></p>
		<ul style="list-style-type: none"> <li>(n) Any activity which fouls, litters, pollutes or interferes with a park or reserve or a facility in a park or reserve;</li> <li>(o) Permitting or allowing a water tap in a park or reserve to run water to waste;</li> <li>(p) Removing any timber or wood provided by the local government for use as firewood;</li> <li>(q) Propagating or cultivating any plant, vegetation or vegetative matter.</li> </ul>
<p style="text-align: center;">6</p>	<p>All local government accommodation parks within the local government area</p>	<ul style="list-style-type: none"> <li>(a) Disposing of liquid waste other than at a drainage point provided for that purpose;</li> <li>(b) Disposing of waste other than in a waste container provided for that purpose;</li> <li>(c) Using facilities in a way that makes them unclean or insanitary;</li> <li>(d) Behaving in a riotous disorderly, indecent, offensive, threatening or insulting manner;</li> <li>(e) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person;</li> <li>(f) Interfering with a plant or any turf, sand, clay, soil or other material;</li> <li>(g) Interfering with any facility or equipment located at the local government caravan park.</li> </ul>
<p style="text-align: center;">7</p>	<p>The boat ramps and landings within the local government area identified in schedule 6</p>	<ul style="list-style-type: none"> <li>(a) Carrying out maintenance or repairs to a ship on a boat ramp;</li> <li>(b) Carrying out maintenance or repairs to a ship in the water around a boat ramp or landing unless the person has a reasonable</li> </ul>

	<p align="center"><b>Column 1</b></p> <p align="center"><b>Local government controlled area or road</b></p>	<p align="center"><b>Column 2</b></p> <p align="center"><b>Prohibited activity</b></p>
		<p>excuse;</p> <p>(c) Wilfully breaking, destroying, damaging, defacing, disfiguring or writing upon a boat ramp, landing or a notice erected or displayed by the local government at a boat ramp or landing;</p> <p>(d) Wilfully damaging any lighting upon a boat ramp or a landing;</p> <p>(e) Riding an animal on a boat ramp or a landing;</p> <p>(f) Carrying a loaded or cocked spear gun on a boat ramp or a landing;</p> <p>(g) Lighting a fire on a boat ramp or a landing, whether in a container or otherwise;</p> <p>(h) Diving off a boat ramp or a landing;</p> <p>(i) A person causing themselves or any other person or object to fall or be projected into waters surrounding a boat ramp or a landing;</p> <p>(j) Obstructing another person's use of a boat ramp or landing;</p> <p>(k) Using a boat ramp or landing in a manner which is inconsistent with —</p> <p style="padding-left: 20px;">(i) the safe, secure and efficient operation of the boat ramp or landing; or</p> <p style="padding-left: 20px;">(ii) the protection of the environment at the boat ramp or landing; or</p> <p style="padding-left: 20px;">(iii) the maintenance or improvement of the convenience of users of the boat ramp or landing;</p> <p>(l) Cleaning or gutting fish or other marine life;</p> <p>(m) Casting or discharging, or causing</p>



	<p style="text-align: center;"><b>Column 1</b></p> <p style="text-align: center;"><b>Local government controlled area or road</b></p>	<p style="text-align: center;"><b>Column 2</b></p> <p style="text-align: center;"><b>Prohibited activity</b></p>
		<p>to be cast or discharged, any material, object or substance from a boat ramp or landing;</p> <p>(n) Occupying a ship or mooring a ship at a boat ramp or landing for the purpose of habitation;</p> <p>(o) While involved in the use of a ship at a boat ramp or landing, casting or discharging, or causing to be cast or discharged, from the ship, any material, object or substance into the waters surrounding the ship;</p> <p>(p) Mooring a ship at a boat ramp or landing except to a bollard or other fastening appliance that is provided for that purpose at the boat ramp or landing;</p> <p>(q) Mooring a ship to any steps or landing place for passengers or cargo at a boat ramp or landing;</p> <p>(r) Permitting a ship to lie alongside a boat ramp or landing, unless it is properly moored;</p> <p>(s) Placing or mooring a ship in the approach fairway to a boat ramp or landing;</p> <p>(t) If a ship is moored at a boat ramp or landing—allowing the ship to lie alongside, or remain attached to, the boat ramp or landing, except for the purpose of embarking or disembarking passengers or crew, or loading or unloading cargo, stores or goods from the boat ramp or landing;</p> <p>(u) Operating a ship in a manner that obstructs or interferes with the use of a boat ramp or landing by another ship;</p> <p>(v) If the boat ramp or landing is used by a ship (a <i>ferry service ship</i>) for the purposes of a ferry service—mooring, or allowing a ship to lie</p>

	<p align="center"><b>Column 1</b></p> <p align="center"><b>Local government controlled area or road</b></p>	<p align="center"><b>Column 2</b></p> <p align="center"><b>Prohibited activity</b></p>
		<p>alongside the boat ramp or landing in a manner that obstructs or interferes with the use of the boat ramp or landing by a ferry service ship used in the operation of the ferry service.</p>
<p>8</p>	<p>All local government swimming pools within the local government area, including each local government swimming pool identified in schedule 6</p>	<ul style="list-style-type: none"> <li>(a) Bringing any glass or any item made from glass onto the pool deck surrounding the swimming pool or into the swimming pool;</li> <li>(b) Engaging in conduct which is dangerous or which creates a risk to the safety of other users of the swimming pool;</li> <li>(c) Causing wilful damage to the swimming pool or any facilities at the swimming pool;</li> <li>(d) Behaving in a way that endangers the safety of, or causes a nuisance to, other users of the swimming pool;</li> <li>(e) If a person is more than 5 years of age — entering any part of the swimming pool which is set apart for the exclusive use of the opposite sex, other than for the purpose of rendering emergency assistance;</li> <li>(f) Entering the land on which the swimming pool is located whilst intoxicated or under the influence of a stupefying drug;</li> <li>(g) Entering the swimming pool whilst carrying or having possession of any alcohol or a stupefying drug;</li> <li>(h) Disposing of waste other than in a waste container provided by the local government for the purpose of the collection of waste;</li> <li>(i) Entering the water in the swimming pool if the person has an infectious or contagious disease or illness or a skin</li> </ul>

	<p style="text-align: center;"><b>Column 1</b></p> <p style="text-align: center;"><b>Local government controlled area or road</b></p>	<p style="text-align: center;"><b>Column 2</b></p> <p style="text-align: center;"><b>Prohibited activity</b></p>
		<p>complaint;</p> <p>(j) Interfering with the property of another person on the land on which the swimming pool is located other than with the consent of the other person;</p> <p>(k) Entering the land on which the swimming pool is located unless the person has paid the entrance fee prescribed by the local government from time to time for entry to the swimming pool;</p> <p>(l) Using a season ticket for the swimming pool otherwise than in accordance with the rules of the local government for the use of a season ticket for the swimming pool;</p> <p>(m) Behaving in a threatening, abusive or insulting manner to another person at the swimming pool;</p> <p>(n) Leaving a child or children under the age of 10 at the land on which the swimming pool is located otherwise than under the direct supervision of a person who is a parent or guardian of the child or children and at least 16.</p>
<p>9</p>	<p>All local government offices, libraries and depots within the local government area</p>	<p>(a) Obstructing or interfering with a person who is a local government employee or a contractor of the local government in the performance of the duties to be performed by the person at the local government controlled area;</p> <p>(b) Disposing of waste other than in a waste container provided for that purpose;</p> <p>(c) Using facilities in a way that makes them unclean or insanitary;</p> <p>(d) Behaving in a riotous, disorderly, indecent, offensive, threatening or insulting manner;</p>

	<p align="center"><b>Column 1</b></p> <p align="center"><b>Local government controlled area or road</b></p>	<p align="center"><b>Column 2</b></p> <p align="center"><b>Prohibited activity</b></p>
		<ul style="list-style-type: none"> <li>(e) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person;</li> <li>(f) Interfering with any facility or equipment located at the local government controlled area;</li> <li>(g) Depositing, storing or abandoning any goods;</li> <li>(h) Any activity which fouls, litters, pollutes or interferes with the local government controlled area or a facility in the local government controlled area;</li> <li>(i) Wilfully breaking, destroying, damaging, defacing, disfiguring or writing upon any part of the local government controlled area or a notice erected or displayed by the local government at the local government controlled area;</li> <li>(j) Using any part of the local government controlled area in a manner which is inconsistent with— <ul style="list-style-type: none"> <li>(i) the safe, secure and efficient operation of the local government controlled area; or</li> <li>(ii) the maintenance or improvement of the convenience of users of the local government controlled area.</li> </ul> </li> </ul>
<p>10</p>	<p>Footpaths on roads as follows—</p> <ul style="list-style-type: none"> <li>(a) the footpath on either side of each road within the Cleveland Central Business District bounded by, and including, each of Wynyard, Shore, Waterloo and Queen Streets;</li> </ul>	<p>Riding a bicycle, wheeled recreational device or wheeled toy, as defined in the <i>Transport Operations (Road Use Management) Act 1995</i>.</p>

	<b>Column 1</b> <b>Local government controlled area or road</b>	<b>Column 2</b> <b>Prohibited activity</b>
	<p>(b) the footpath commonly known as Capalaba Place between Noeleen Street and Capalaba Central Shopping Centre;</p> <p>(c) the footpath on either side of Main Road, Wellington Point, from the intersection with Apsley Street to the intersection with Douro Road.</p>	
11	The public transport waiting points at each boat ramp and landing within the local government area identified in schedule 6	<p>(a) Smoking;</p> <p>(b) Fishing;</p> <p>(c) Using a cast net or other bait collecting device;</p> <p>(d) Using a crab pot or other device for catching a crustacean.</p>
12	The Swan Bay region of Main Beach, North Stradbroke Island	<p>(a) Camping;</p> <p>(b) Bringing onto, or driving a vehicle, including a motor vehicle, on the local government controlled area.</p>
13	Brown Lake, North Stradbroke Island	<p>(a) Using a motorised ship on the local government controlled area;</p> <p>(b) Bringing onto, or driving a vehicle, including a motor vehicle, on the foreshore of the local government controlled area;</p> <p>(c) Washing or cleansing a vehicle on the foreshore, or in the near vicinity of, the local government controlled area.</p>
14	Weinam Creek Commuter Terminal	<p>(a) Obstructing or impeding another person's use of the Terminal;</p> <p>(b) Mooring or fastening a ship to any part of the Terminal, except to a fastening that is provided for that purpose;</p> <p>(c) Carrying out repairs on a jetty at the Terminal whilst moored at the jetty;</p>

	<p align="center"><b>Column 1</b></p> <p align="center"><b>Local government controlled area or road</b></p>	<p align="center"><b>Column 2</b></p> <p align="center"><b>Prohibited activity</b></p>
		<p>(d) Anchoring or mooring a ship in the approach fairway to a jetty at the Terminal;</p> <p>(e) Swimming or diving into, or allowing any animal under the person's control to swim in, or dive into—</p> <p style="padding-left: 20px;">(i) any waters at the Terminal; or</p> <p style="padding-left: 20px;">(ii) any navigational channel at the Terminal; or</p> <p style="padding-left: 20px;">(iii) any waters within 100m of the edge of a navigational channel at the Terminal.</p>
<p>15</p>	<p>Each area of bathing reserve and foreshore identified in schedule 6</p>	<p>Bringing or driving a motor vehicle on the area of bathing reserve or foreshore.</p>

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## Schedule 2 Restricted activities for local government controlled areas or roads

Section 5(2)

	<b>Column 1 Local government controlled area or road</b>	<b>Column 2 Restricted activity</b>	<b>Column 3 Extent of restriction</b>
1	All local government controlled areas within the local government area	(a) Busking	(a) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(b) Depositing, storing, dumping or leaving unattended a shopping trolley.	(b) Permitted only in the area of a shopping centre car park that is open to or used by the public and is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles.
2	All roads within the local government area	(a) The painting, repairing, alteration or maintenance of vehicles on a road' (see s.66(3)(b) of the <i>Transport Operations (Road Use Management) Act 1995</i> , which permits local laws to regulate these activities on roads).	(a) Permitted only if the vehicle is temporarily disabled with a minor fault and the driver of the vehicle stops for no longer than is necessary for the performance of maintenance work limited to the minimum necessary to allow the vehicle to be moved from the road.
		(b) Temporarily closing a road to all traffic, or traffic of a particular class.	(b) Permitted only with the written authorisation of the chief executive officer of the local government.
		(c) Depositing, storing, dumping or leaving unattended a shopping trolley.	(c) Permitted only in the area of a shopping centre car park that is open to or used by the public and is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles.

	<b>Column 1 Local government controlled area or road</b>	<b>Column 2 Restricted activity</b>	<b>Column 3 Extent of restriction</b>
3	All local government cemeteries within the local government area	(a) Carrying out a burial outside the hours during which burials may be performed as fixed by the local government.	(a) Permitted only— (i) between the hours of 9am and 4pm; or (ii) with the written authorisation of the chief executive officer of the local government.
(b) Disposing of human remains in a local government cemetery.		(b) Permitted only with the written authorisation of the chief executive officer of the local government.	
(c) Digging or preparing a grave in a local government cemetery.		(c) Permitted only if the grave is dug or prepared by a person employed by the local government or with the written authorisation of the sexton.	
(d) After a burial — reopening a grave for a further burial.		(d) Permitted only with the written authorisation of the sexton.	
(e) Bringing human remains into a local government cemetery.		(e) Permitted only— (i) with the written authorisation of the chief executive officer of the local government; and (ii) if the remains are enclosed in a coffin or other form of container appropriate to the proposed form of disposal.	
(f) Erecting or installing a memorial to a deceased person in a local government cemetery.		(f) Permitted only with the written authorisation of the chief executive officer of the local government.	



	<p><b>Column 1</b> <b>Local government controlled area or road</b></p>	<p><b>Column 2</b> <b>Restricted activity</b></p>	<p><b>Column 3</b> <b>Extent of restriction</b></p>
		<p>(g) Reserving a niche or site in a local government cemetery.</p>	<p>(g) Permitted only under the conditions of a written authorisation of the chief executive officer of the local government.</p>
		<p>(h) Carrying out maintenance or repair work on a memorial to a deceased person in a local government cemetery.</p>	<p>(h) Permitted only—</p> <ul style="list-style-type: none"> <li>(i) by a member of the family of the deceased person, or another person who has a proper interest in the maintenance of the memorial to the deceased person; and</li> <li>(ii) with the written approval of the sexton; and</li> <li>(iii) subject to conditions about how the work is to be carried out as are included in the written authorisation of the sexton.</li> </ul>
<p>4</p>	<p>All parks and reserves within the local government area</p>	<p>(a) Lighting or maintaining a fire.</p>	<p>(a) Permitted only if the fire is—</p> <ul style="list-style-type: none"> <li>(i) lit and maintained in a fireplace established by the local government for the purpose; or</li> <li>(ii) lit and maintained in accordance with the written authorisation of the chief executive officer of the local government.</li> </ul>
		<p>(b) Sleeping, occupying or remaining overnight in a park or reserve.</p>	<p>(b) Permitted only with the written authorisation of the chief executive officer of the local government.</p>

	<p><b>Column 1</b> <b>Local government controlled area or road</b></p>	<p><b>Column 2</b> <b>Restricted activity</b></p>	<p><b>Column 3</b> <b>Extent of restriction</b></p>
		<p>(c) Erecting or installing a building, structure or facility in, on, across or over a park or reserve.</p>	<p>(c) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p>
		<p>(d) Conducting or taking part in an organised sporting activity of regional, State or national significance.</p>	<p>(d) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p>
		<p>(e) Operating a model vehicle or aircraft propelled by a motor.</p>	<p>(e) Permitted only with the written authorisation of the chief executive officer of the local government.</p>
		<p>(f) Using, storing or possessing fireworks.</p>	<p>(f) Permitted only with the written authorisation of the chief executive officer of the local government.</p>
		<p>(g) Displaying a sign or advertisement.</p>	<p>(g) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p>
		<p>(h) Playing golf.</p>	<p>(h) Permitted only with the written authorisation of the chief executive officer of the local government.</p>
		<p>(i) Undertaking the sport of archery.</p>	<p>(i) Permitted only with the written authorisation of the chief executive officer of the local government.</p>
		<p>(j) Using a megaphone, loud speaker, or other similar amplification device.</p>	<p>(j) Permitted only— (i) with the written authorisation of the chief executive officer of the local</p>

	<p><b>Column 1</b>  <b>Local government controlled area or road</b></p>	<p><b>Column 2</b>  <b>Restricted activity</b></p>	<p><b>Column 3</b>  <b>Extent of restriction</b></p>
			<p>government; or                      (ii) if authorised under the conditions of an approval for a prescribed activity.</p>
		<p>(k) Public entertainment.</p>	<p>(k) Permitted only—                      (i) with the written authorisation of the chief executive officer of the local government; or                      (ii) if authorised under the conditions of an approval for a prescribed activity.</p>

	<p><b>Column 1</b></p> <p><b>Local government controlled area or road</b></p>	<p><b>Column 2</b></p> <p><b>Restricted activity</b></p>	<p><b>Column 3</b></p> <p><b>Extent of restriction</b></p>
		<p>(1) Research.</p> <p><i>Examples of activities which are research for this section—</i></p> <ul style="list-style-type: none"> <li>• <i>The collection of entire fauna or flora specimens.</i></li> <li>• <i>The collection of portions of fauna or flora specimens (such as cuttings or DNA samples).</i></li> <li>• <i>The installation of monitoring equipment.</i></li> </ul>	<p>(1) Permitted only with the written authorisation of the chief executive officer of the local government.</p>
<p>5</p>	<p>All local government accommodation parks within the local government area</p>	<p>(a) Lighting or maintaining a fire in the open.</p> <p>(b) Camping, sleeping, occupying or remaining overnight in a caravan or complementary accommodation at an accommodation site at a local government accommodation park.</p>	<p>(a) Permitted only —</p> <ul style="list-style-type: none"> <li>(i) if the fire is in a fireplace or incinerator approved for the purpose by the local government; or</li> <li>(ii) with the written authorisation of an authorised person.</li> </ul> <p>(b) Permitted only if—</p> <ul style="list-style-type: none"> <li>(i) the person undertaking the activity maintains the accommodation site and any caravan or complementary accommodation on the accommodation site in a clean and sanitary condition; and</li> <li>(ii) the person deposits all waste in a waste container, or a waste disposal system,</li> </ul>

	<p><b>Column 1</b> <b>Local government controlled area or road</b></p>	<p><b>Column 2</b> <b>Restricted activity</b></p>	<p><b>Column 3</b> <b>Extent of restriction</b></p>
			<p>provided by the local government for the purpose; and</p> <p>(iii) the person does not use facilities at the local government accommodation park in a way that makes them unclean or unsanitary; and</p> <p>(iv) the person who occupies the accommodation site allows onto the site no more persons than the limit fixed under a relevant approval or as notified by notice displayed by the local government at the local government accommodation park; and</p> <p>(v) the person pays all fees for use of the accommodation site in advance to the local government; and</p> <p>(vi) if required by the local government or an Act—the person enters into a written agreement with the local government about undertaking the activity at the local government accommodation park; and</p> <p>(vii) at the end of the period of occupation of the accommodation site</p>

	<p><b>Column 1</b> <b>Local government controlled area or road</b></p>	<p><b>Column 2</b> <b>Restricted activity</b></p>	<p><b>Column 3</b> <b>Extent of restriction</b></p>
			<p>— the person vacates and leaves the accommodation site in a clean and tidy condition; and</p> <p>(viii) the person ensures that the caravan or complementary accommodation is not let or hired to another person; and</p> <p>(ix) the person ensures that the accommodation site is kept and maintained in good repair and clean, tidy and sanitary condition; and</p> <p>(x) the person ensures that the accommodation site is not left unoccupied for more than 2 days; and</p> <p>(xi) the person ensures that the activity does not cause a nuisance, annoyance, disturbance or inconvenience to other persons using the local government accommodation park.</p>
		<p>(c) Use or operation of a generator in a part of a local government accommodation park that is made available for camping overnight or for a period longer than overnight.</p>	<p>(c) Permitted only—</p> <p>(i) with the written authorisation of an authorised person ; and</p> <p>(ii) in any event (even where written authorisation is granted) not between</p>

	<p align="center"><b>Column 1</b></p> <p align="center"><b>Local government controlled area or road</b></p>	<p align="center"><b>Column 2</b></p> <p align="center"><b>Restricted activity</b></p>	<p align="center"><b>Column 3</b></p> <p align="center"><b>Extent of restriction</b></p>
			<p align="center">the hours of 9:30pm and 7:00am.</p>
<p>6</p>	<p>The boat ramps and landings within the local government area identified in schedule 6</p>	<p>(a) Driving or standing a vehicle on a boat ramp.</p>	<p>(a) Permitted only to launch or retrieve a ship from the boat ramp.</p>
		<p>(b) Launching or retrieving a ship at a boat ramp.</p>	<p>(b) Permitted only if the person launching or retrieving the ship does so as quickly as is reasonably possible.</p>
		<p>(c) Anchoring, mooring or placing a ship in the water around a boat ramp or a landing.</p>	<p>(c) Permitted only if the anchoring, mooring or placing of the ship is not likely to obstruct another person's use of the boat ramp or landing.</p>
		<p>(d) Carrying out the rigging of a sailing ship on a boat ramp or landing.</p>	<p>(d) Permitted only if the carrying out of the rigging does not, or is not likely to, impede access to the boat ramp or landing.</p>
		<p>(e) Taking or driving a vehicle onto a boat ramp.</p>	<p>(e) Permitted only if the mass of the vehicle and its load (if any), together with any trailer that the vehicle is towing and its load (if any), is not more than—</p> <p>(i) 5 tonnes; or</p> <p>(ii) if the local government erects on or near the boat ramp a notice approved by the local government and displaying a</p>

	<p><b>Column 1</b> <b>Local government controlled area or road</b></p>	<p><b>Column 2</b> <b>Restricted activity</b></p>	<p><b>Column 3</b> <b>Extent of restriction</b></p>
			<p>greater mass—the greater mass.</p>
		<p>(f) Taking or driving a vehicle onto a landing.</p>	<p>(f) Permitted only with the authorisation of an authorised person.</p>
		<p>(g) Taking or driving a vehicle onto a boat ramp or landing.</p>	<p>(g) Permitted only if the vehicle moves on wheels fitted with pneumatic or rubber tyres.</p>
		<p>(h) Fishing on a boat ramp or landing, or a part of a boat ramp or landing, that is not a public transport waiting point.</p>	<p>(h) Permitted only if the activity does not obstruct or interfere with the use of the boat ramp or landing by a ship, vehicle or another person.</p>
		<p>(i) Using a cast net or other bait collecting device on a boat ramp or landing, or a part of a boat ramp or landing, that is not a public transport waiting point.</p>	<p>(i) Permitted only if the activity does not obstruct or interfere with the use of the boat ramp or landing by a ship, vehicle or another person.</p>
		<p>(j) Using a crab pot or other device for catching a crustacean on a boat ramp or landing, or a part of a boat ramp or landing, that is not a public transport waiting point.</p>	<p>(j) Permitted only if the activity does not obstruct or interfere with the use of the boat ramp or landing by a ship, vehicle or another person.</p>
		<p>(k) Using a boat ramp or landing for the purposes of a ferry service, including operating a ferry service from a boat ramp or landing.</p>	<p>(k) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p>



	<p align="center"><b>Column 1</b></p> <p align="center"><b>Local government controlled area or road</b></p>	<p align="center"><b>Column 2</b></p> <p align="center"><b>Restricted activity</b></p>	<p align="center"><b>Column 3</b></p> <p align="center"><b>Extent of restriction</b></p>
		<p>(l) Using a boat ramp or landing for the purposes of a ship charter service, including operating a ship charter service from a boat ramp or landing.</p>	<p>(l) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p>
		<p>(m) Using a boat ramp or landing for a ship hire service, including operating a ship hire service from a boat ramp or landing.</p>	<p>(m) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p>
		<p>(n) Packing or unpacking any goods into or from any case or container on a boat ramp or landing.</p>	<p>(n) Permitted only with the written authorisation of an authorised person.</p>
		<p>(o) Erecting, installing or maintaining any sign board, notice board or other fixture or erection for the exhibition of bills or notices on a boat ramp or landing.</p>	<p>(o) Permitted with the written authorisation of the chief executive officer of the local government.</p>
		<p>(p) Refuelling a ship on a boat ramp or landing.</p>	<p>(p) Permitted only with the written authorisation of an authorised person.</p>
		<p>(q) Exhibiting, affixing or maintaining a bill or notice on a boat ramp or landing.</p>	<p>(q) Permitted with the written authorisation of the chief executive officer of the local government.</p>
		<p>(r) Operating a system of public address or sound amplification on—</p> <p>(i) a boat ramp or landing; or</p> <p>(ii) a ship moored at a boat ramp or</p>	<p>(r) Permitted only with the written authorisation of an authorised person.</p>

	<p><b>Column 1</b> <b>Local government controlled area or road</b></p>	<p><b>Column 2</b> <b>Restricted activity</b></p>	<p><b>Column 3</b> <b>Extent of restriction</b></p>
		<p>landing.</p>	
		<p>(s) Playing music or a musical instrument at a volume, or in a manner, which interferes with another person's reasonable enjoyment or use of a boat ramp or landing on—</p> <p>(i) the boat ramp or landing; or</p> <p>(ii) any ship moored at the boat ramp or landing.</p>	<p>(s) Permitted only with the written authorisation of an authorised person.</p>
		<p>(t) Carrying out maintenance or repairs to a ship moored at a boat ramp or landing, or on a boat ramp or landing, except in an emergency situation—</p> <p>(i) to permit the ship to leave the boat ramp or landing; or</p> <p>(ii) where to move the ship from its position would involve danger to the ship or a person.</p>	<p>(t) Permitted with the written authorisation of the chief executive officer of the local government.</p>
		<p>(u) Mooring a ship at a boat ramp or landing for longer than 20 minutes.</p>	<p>(u) Permitted only—</p> <p>(i) if authorised under the conditions of an approval for a prescribed activity; or</p> <p>(ii) with the written authorisation of an authorised person; or</p>

	<p><b>Column 1</b> <b>Local government controlled area or road</b></p>	<p><b>Column 2</b> <b>Restricted activity</b></p>	<p><b>Column 3</b> <b>Extent of restriction</b></p>
			<p>(iii) if authorised by a notice displayed by the local government at the boat ramp or landing; or</p> <p>(iv) in an emergency situation as prescribed in item 6(t).</p>
<p>7</p>	<p>All local government swimming pools within the local government area, including each local government swimming pool identified in schedule 6</p>	<p>(a) Conducting—</p> <p>(i) a swimming club competition or carnival; or</p> <p>(ii) an inter-school or intra-school swimming competition or carnival; or</p> <p>(iii) learn to swim training, lifesaving training or competitive swimming training by a swimming club or school; or</p> <p>(iv) a private function.</p> <p>(b) Bringing an object (including water sports equipment) into a swimming pool if the object is dangerous or may be used in a dangerous way.</p> <p>(c) Bringing a animal onto the land on which the swimming pool is situated.</p>	<p>(a) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p> <p>(b) Permitted only with the written authorisation of an authorised person.</p> <p>(c) Permitted only if—</p> <p>(i) the animal is an assistance dog, a guide dog or a</p>

	<b>Column 1 Local government controlled area or road</b>	<b>Column 2 Restricted activity</b>	<b>Column 3 Extent of restriction</b>
			hearing dog; and (ii) the person is the handler of the dog.
8	All local government offices, libraries and depots within the local government area.	(a) Bringing an animal onto, or permitting or allowing an animal to remain on, the local government controlled area.	(a) Permitted only if— (i) the animal is an assistance dog, a guide dog or a hearing dog; and (ii) the person is the handler of the dog.
		(b) Entering or remaining at the local government controlled area or a part of a local government controlled area.	(b) Permitted if— (i) the local government controlled area or relevant part of the local government controlled area is a public place; and (ii) if the local government erects on or near the local government controlled area or the relevant part of the local government controlled area, a notice that is approved by the local government which authorises entry to the local government controlled area or the relevant part of the local government controlled area—the person complies with the requirements of the notice.
9	Point Halloran Conservation Area Reserve, Orana Street, Victoria Point	Public access	Permitted only on the constructed boardwalk and paths throughout the Conservation Area.

**Schedule 3      Motor vehicle access areas in local government controlled areas**

Sections 6 and 7

	<b>Column 1</b> <b>Motor vehicle access areas</b>	<b>Column 2</b> <b>Prohibited vehicles</b>
	No motor vehicle access area prescribed.	

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## Schedule 4      Opening hours for local government controlled areas

Section 8

	<b>Column 1 Local government controlled area</b>	<b>Column 2 Opening hours<sup>1</sup></b>
1	All parks and reserves within the local government area.	4.00a.m. to 10.00p.m. daily.
2	All boat ramps and landings within the local government area identified in schedule 6.	All times.

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<sup>1</sup>Public holidays excepted.

**Schedule 5      Permanent closure of local government controlled areas**

Section 9

No local government controlled area described.

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## Schedule 6 Identification of local government controlled areas

### Section 5

#### Boat ramps and landings

Description	Location Description
Jetty, Fixed Platform - Banana St Harbour	Mainland Areas - Redland Bay
Jetty, Fixed Platform - Elizabeth St Harbour	Coochiemudlo Island - Elizabeth Street
Jetty, Fixed Platform - Ron Field	Moreton Bay - Macleay Island
Jetty, Fixed Platform - High St Harbour	Moreton Bay - Russell Island
Jetty, Fixed Platform - Brighton Rd Harbour	Macleay Island - Brighton Road
Jetty, Fixed Platform - Masters Ave Harbour	Victoria Point - Masters Avenue
Jetty, Fixed Platform - Yabby Street	Dunwich - Yabby Street
Jetty, Fixed Platform - Junner St Harbour	Dunwich - Junner Street
Jetty, Fixed Platform - Clayton Rd Harbour	Amity - Claytons Road
Jetty, Fixed Platform - Main Rd Boat Haven	Wellington Point - Main Road Foreshore
Jetty, Fixed Platform - Banana St Harbour	Mainland Areas - Redland Bay
Jetty, Pontoon - High St Harbour	Russell Island - High Street
Jetty, Pontoon - Lucas Drive Harbour	Lamb Island - Lucas Drive
Jetty, Pontoon - The Esplanade Harbour	Karragarra Island - The Esplanade
Jetty, Pontoon - Brighton Rd Harbour	Macleay Island - Brighton Road
Jetty, Pontoon - Weinam Creek Marine Facility	Mainland Areas - Redland Bay
Jetty, Pontoon - Raby Bay Canals	Cleveland - Raby Bay Harbour Park
Jetty, Pontoon - Banana St Harbour	Mainland Areas - Redland Bay
Weinam Creek Pontoon Landing Upgrade	

Description	Location Description
Ramp - Main Road, Wellington Point	Wellington Point - Main Road
Ramp - Vmr Cleveland	Cleveland - William Street
Ramp, Barge - Brighton Rd Harbour	Macleay Island - Brighton Road
Ramp, Barge - Junner St Harbour	Dunwich - Junner Street
Ramp, Barge - Weinam Street	Redland Bay - Weinam Street
Ramp, Barge - Weinam Street	Redland Bay - Weinam Street
Ramp, Boat - Banana Street	Redland Bay - Weinam Creek Marine Commuter Facility
Ramp, Boat - Boulevard Esplanade	Redland Bay - The Boulevard
Ramp, Boat - Brighton Rd Harbour	Moreton Bay - Macleay Island
Ramp, Boat - Clayton Rd Harbour	Amity - Claytons Road
Ramp, Boat - Colburn Avenue	Victoria Point - Colburn Avenue
Ramp, Boat - Dalpura Street Road Reserve	Macleay Island - Dalpura Street Road Reserve
Ramp, Boat - Emmett Drive	Cleveland Emmett Drive - Toondah Harbour Carpark
Ramp, Boat - Helen Street	Thorneside - Helen Street
Ramp, Boat - Main Road	Mainland Areas - Wellington Point
Ramp, Boat - Main Road - North Of Jetty	Wellington Point - Main Road Foreshore
Ramp, Boat - Main Road 4 Lane Ramp	Wellington Point - Main Road Foreshore
Ramp, Boat - Toondah Harbour	Cleveland Emmett Drive - Toondah Harbour Carpark
Ramp, Boat - Wahine Drive	Moreton Bay - Russell Island
Boat Ramp - William Street	Cleveland - William Street
Ramp, Boat - Yabby Street	Dunwich - Yabby Street
Ramp, Combined - Elizabeth St Harbour	Coochiemudlo Island - Elizabeth Street
Ramp, Combined - High St Harbour	Russell Island - High Street
Ramp, Combined - Lucas Drive Harbour	Lamb Island - Lucas Drive
Ramp, Combined - Masters Ave Harbour	Victoria Point - Masters Avenue



Ramp, Combined - The Esplanade Harbour	Karragarra Island - The Esplanade
Ramp, Boat - Jock Kennedy Park	Russell Island – Jock Kennedy Park
Ramp, Recreational - Ferry Road	Thorneside - Ferry Road

### Local government swimming pools

1. Cleveland Aquatic Centre
2. Russel Island Aquatic Centre

### Bathing reserves

Description	Location Description
Main Beach	Coochiemudlo Island
Thompsons Beach	Victoria Point
Cylinder Beach	Point Lookout, North Stradbroke Island
Main Beach	Point Lookout, North Stradbroke island
Amity	Amity, North Stradbroke Island

### Foreshore Swimming Enclosures

Description	Location Description
Foreshore Swimming Enclosure	Amity Point - Cabarita Park
Foreshore Swimming Enclosure	Dunwich - Ron Stark Oval
Foreshore Swimming Enclosure	Karragarra Island - Karragarra Island Foreshore (North)
Foreshore Swimming Enclosure	Lamb Island - Pioneer Park
Foreshore Swimming Enclosure	Macleay Island - Pat's Park
Foreshore Swimming Enclosure	Moreton Bay - Russell Island
Foreshore Swimming Enclosure	Redland Bay - Rusters Reserve

## Schedule 7 Dictionary

### Section 4

**accommodation**, at a local government accommodation park, means—

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

**accommodation park** means a place for parking and residing in caravans, including a place that provides also for complementary accommodation.

**accommodation site**, at a local government accommodation park, means a part of the local government accommodation park which is designated for a single accommodation of a particular type.

**animal** has the meaning given in *Local Law No. 2 (Animal Management) 2014*.

**assistance dog** has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

**authorised person** has the meaning given in *Local Law No. 1 (Administration) 2014*.

**barge loading ramp** means a ramp or other device or structure which is—

- (a) owned, held in trust or otherwise controlled by the local government; and
- (b) used or capable of use, or designed or intended for use, for the purpose of—
  - (i) loading or unloading goods; or
  - (ii) loading or unloading vehicles between a ship and the barge loading ramp; and
- (c) includes part of a barge loading ramp.

**bathing reserve** has the meaning given in the *Local Government Regulation 2012*.

**boat ramp** —

- (a) means a ramp or other device or structure which is—
  - (i) owned, held in trust or otherwise controlled by the local government; and
  - (ii) used or capable of use, or designed or intended for use, for the purpose of launching and retrieving trailerable ships; and
  - (iii) includes a part of a boat ramp; and
- (b) includes a barge loading ramp.

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

**busking** means a musical or theatrical performance undertaken by a person—

- (a) to entertain the public; and
- (b) seeking voluntary reward for the performance.

**camping**, at a place, includes sleeping, occupying or remaining overnight at the place.

**caravan** has the meaning given in *Local Law No. 1 (Administration) 2014*.

**collection day**, for a waste container, means, if the local government has arranged for the collection of waste from a waste container at premises—each day on which the local government has arranged for the collection of waste from the waste container at the premises.

**complementary accommodation** has the meaning given in *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2014*.

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

**emergency services officer** means—

- (a) an officer of the Queensland Ambulance Service or an Ambulance Service of another State; or
- (b) an officer of the Queensland Fire and Rescue Service or a Fire and Rescue Service of another State; or
- (c) an officer or employee of another entity with the written permission of the Commissioner of the Police Service; or
- (d) an officer of the State Emergency Service or a State Emergency Service of another State; or
- (e) an officer or employee of an authority permitted by law to conduct utility installation or utility maintenance; or
- (f) an officer of Emergency Management Queensland.

**ferry** has the meaning given in the *Transport Operations (Passenger Transport) Act 1994*.

**ferry service** has the meaning given in the *Transport Operations (Passenger Transport) Act 1994*.

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

**foreshore** has the meaning given in the *Local Government Regulation 2012*.

**goods** includes wares, merchandise, chattels, money, stone, timber, metal, fluid and any other article, substance or material whatsoever.

**guide dog** has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

**handler** has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

**hearing dog** has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

**interfere** means prevent from continuing or being carried out properly, get in the way of, or handle or adjust without permission, and **interference** has a corresponding meaning.

**jetty** includes—

- (a) any jetty, landing place, launching ramp, pier, platform, quay, stage, or like premises which is—
  - (i) owned, held in trust or otherwise controlled by the local government; and
  - (ii) used or capable of use, or designed or intended for use, for the purpose of taking goods or persons to, or removal of goods or persons from, a ship; and
- (b) where necessary, all buildings, railways, tramways and other works on the jetty and the appurtenances of the jetty, and the approaches to the jetty; and

- (c) a part of a jetty.

**landing** includes jetty, pontoon and wharf.

**local government accommodation park** means an accommodation park under the control of the local government, including an accommodation park located on land owned by the local government or on land for which the local government is the trustee.

**local government cemetery** has the meaning given in *Local Law No. 1 (Administration) 2014*.

**local government employee** has the meaning given in the *Local Government Act 2009*.

**local government office** includes—

- (a) the public office of the local government; and
- (b) each place used by the local government for local government administration or management purposes.

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

**memorial** includes—

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

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

**non-public place** means—

- (a) the whole or any part of a local government office that is not a public place; and
- (b) the whole or any part of a local government office, including a public place, that is designated as a non-public place by—
  - (i) an authorised person; or
  - (ii) a notice displayed at a prominent place at—
    - (A) if the whole of the local government office is a non-public place—the local government office; or
    - (B) if a part of the local government office is a non-public place—the part of the local government office.

**park** means a public place which the local government has, by resolution, set apart for park, recreational or environmental purposes, and includes land designated as a park in the planning scheme of the local government.

**plant** has the meaning given in the *Land Protection (Pest and Stock Route Management) Act 2002*.

**public office** has the meaning given in the *Local Government Act 2009*.

**public place** —

- (a) has the meaning given in the *Local Government Act 2009*; but

(b) does not include a non-public place.

**public transport waiting point** has the meaning given in section 26ZPA of the *Tobacco and Other Smoking Products Act 1998*.

**reserve** means land dedicated as a reserve, or granted in trust, under the *Land Act 1994* and for which the local government is a trustee under that Act and other land held in trust by the local government which the local government has, by resolution, set apart for recreational or environmental purposes, and includes land designated as a reserve in the planning scheme of the local government.

**road** has the meaning given in the *Local Law No. 1 (Administration) 2014*.

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

**sexton** means a person appointed by the local government to act as the sexton of a local government cemetery

**ship** has the meaning given in the *Transport Operations (Marine Safety) Act 1994*.

**shopping trolley** means a wheeled basket or frame used for transporting purchases from a supermarket or shop.

**stormwater drain** has the meaning given in the *Local Government Act 2009*.

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

**swimming pool** has the meaning given in the *Building Act 1975*.

**unregistered**, for a vehicle that is required to be registered under the *Transport Operations (Road Use Management – Vehicle Registration) Regulation 2010*, means that a current registration certificate has not been issued by the chief executive for the vehicle.

**utility installation** means—

- (a) the supply of water, hydraulic power, electricity or gas; or
- (b) the provision of sewerage or drainage services; or
- (c) the provision of telecommunications services.

**utility maintenance** means the maintenance of—

- (a) water, hydraulic power, electricity or gas services; or
- (b) sewerage or drainage services; or
- (c) telecommunications services.

**vegetation** means trees, plants and all other organisms of vegetable origin (whether living or dead).

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

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

**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; but
- (b) does not include a bin placed by the local government in a public place for the purpose of the collection of waste.

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

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**Certification**

This and the preceding 41 pages bearing my initials is a certified copy of *Subordinate Local Law No. 4 (Local Government Controlled Areas Facilities and Roads) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the                      day of                      , 2014.

.....  
Chief Executive Officer

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**Redland**  
CITY COUNCIL

Redland City Council

**DRAFT Local Law No. 5 (Parking) 2014**





## Redland City Council

### Local Law No. 5 (Parking) 2014

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## Part 1 Preliminary

### 1 Short title

This local law may be cited as *Local Law No. 5 (Parking) 2014*.

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

- (1) The purpose of this local law is to complement the regulated parking provisions in chapter 5, part 6 of the TORUM Act by providing for the exercise of local government powers authorised under that Act.
- (2) The purpose is achieved by providing for—
  - (a) the establishment of traffic areas and off-street regulated parking areas; and
  - (b) lawfully parking contrary to an indication on an official traffic sign with a parking permit or in a loading zone with a commercial vehicle identification label; and
  - (c) the prescribing of infringement notice penalties for minor traffic offences.

### 3 Definitions—the dictionary

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

### 4 Relationship with other laws<sup>1</sup>

This local law is—

- (a) in addition to, and does not derogate from, the TORUM Act, chapter 5, part 6<sup>2</sup>; and
- (b) to be read with *Local Law No. 1 (Administration) 2014*.

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

### 5 Declaration of traffic areas

- (1) The local government may, by subordinate local law, declare the whole or a part of its area to be a traffic area.<sup>3 4</sup>
- (2) The subordinate local law must define the boundaries of the traffic area.

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

<sup>2</sup> A local government cannot regulate parking on a State-controlled road unless the written agreement of the chief executive has been obtained under the TORUM Act, section 101(1)(b).

<sup>3</sup> See the TORUM Act, sections 102(3)(a) and 102(2)(b).

<sup>4</sup> The TORUM Act, section 69(4), provides: “A local government may install or remove an official traffic sign that will result in a change to the management of a local government road, of a kind mentioned in the *Transport Planning and Coordination Act 1994*, section 8D(1), only if the chief executive has approved the proposed change under the *Transport Planning and Coordination Act 1994*, section 8D.”

## 6 Declaration of off-street regulated parking areas

- (1) The local government may, by subordinate local law, declare an area of land controlled<sup>5</sup> by the local government, including structures on the land, as an off-street regulated parking area.<sup>6</sup>
- (2) The subordinate local law must define the boundaries of the off-street regulated parking area.

## Part 3 Parking contrary to parking restriction

### 7 Parking permits<sup>7</sup>

- (1) The local government may issue a parking permit.<sup>8</sup>  
The local government may prescribe, by subordinate local law, the persons that may be issued with a permit mentioned in subsection (1).
- (2) A vehicle may be parked contrary to an indication on an official traffic sign regulating parking by time or payment of a fee, if the vehicle displays—
  - (a) a parking permit for people with disabilities;<sup>9</sup> or
  - (b) a permit issued by the local government and valid for the place and time at which the vehicle is parked.

### 8 Commercial vehicle identification labels<sup>10</sup>

- (1) The local government may issue a commercial vehicle identification label.<sup>11</sup>
- (2) The local government may, by subordinate local law, prescribe vehicles that may be issued with a commercial vehicle identification label.<sup>12</sup>
- (3) A vehicle displaying a current commercial vehicle identification label may be lawfully parked in a loading zone.<sup>13</sup>

<sup>5</sup> See the TORUM Act, section 104(2).

<sup>6</sup> See the TORUM Act, sections 104(1)(b) and 101(1)(c).

<sup>7</sup> See the TORUM Act, section 103(4).

<sup>8</sup> *Local Law No. 1 (Administration) 2014*, section 5(b), provides that a **prescribed activity** includes “an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval.” Section 7 of *Local Law No. 1 (Administration) 2014* provides that an approval required for a prescribed activity must be obtained under part 2 of *Local Law No. 1 (Administration) 2014*. As a result, an approval for a parking permit must be obtained under that part.

<sup>9</sup> Parking permits for people with disabilities are issued under the TORUM Act, section 111, by the chief executive of the department administering the TORUM Act.

<sup>10</sup> See the TORUM Act, section 103(5).

<sup>11</sup> *Local Law No. 1 (Administration) 2014*, section 5(b), provides that a **prescribed activity** includes “an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval.” Section 7 of *Local Law No. 1 (Administration) 2014* provides that an approval required for a prescribed activity must be obtained under part 2 of *Local Law No. 1 (Administration) 2014*. As a result, an approval for a commercial vehicle identification label must be obtained under that part.

<sup>12</sup> The TORUM Act already defines certain vehicles designed for the carriage of goods as commercial vehicles – see schedule 4, definition, **commercial vehicle**.

<sup>13</sup> See also *Transport Operations (Road Use Management-Road Rules) Regulation 1999*, section 179, relating to drivers who are permitted to stop in a loading zone.

## **Part 4 Minor traffic offence infringement notice penalties**

### **9 Minor traffic offence infringement notice penalties**

- (1) The local government may prescribe, by subordinate local law, an amount (in penalty units) as the infringement notice penalty for a minor traffic offence.<sup>14</sup>
- (2) However, a subordinate local law under subsection (1) may not prescribe an amount greater than 5 penalty units.

## **Part 5 Miscellaneous**

### **10 Subordinate local laws**

The local government may make subordinate local laws about—

- (a) the declaration of traffic areas;<sup>15</sup> or
- (b) the declaration of off-street regulated parking areas;<sup>16</sup> or
- (c) the persons who may be issued with a permit to park a vehicle contrary to an indication on an official traffic sign;<sup>17</sup> or
- (d) vehicles that may be issued with a commercial vehicle identification label;<sup>18</sup> or
- (e) infringement notice penalty amounts that apply for minor traffic offences.<sup>19</sup>

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<sup>14</sup> See the TORUM Act, section 108(1). The maximum penalty for an offence relating to paid parking is 40 penalty units under the TORUM Act, section 106(1). The maximum penalty for other parking offences is 40 penalty units under the TORUM Act, section 74.

<sup>15</sup> See section 5(1).

<sup>16</sup> See section 6.

<sup>17</sup> See section 7(2).

<sup>18</sup> See section 8(2).

<sup>19</sup> See section 9(1).

**Schedule Dictionary****Section 3**

***commercial vehicle identification label*** means a label of the type depicted in the Manual of Uniform Traffic Control Devices as a commercial vehicle identification label.

***indication***, on an official traffic sign, see TORUM Act, schedule 4.

***infringement notice penalty*** means an infringement notice fine under the *State Penalties Enforcement Act 1999*.

***minor traffic offence*** see TORUM Act, section 108(4).

***official traffic sign*** see TORUM Act, schedule 4.

***off-street regulated parking area*** see TORUM Act, schedule 4.

***parking permit for people with disabilities*** see TORUM Act, schedule 4.

***traffic area*** see TORUM Act, schedule 4.

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

**Certification**

This and the preceding 5 pages bearing my initials is a certified copy of *Local Law No. 5 (Parking) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

.....  
Chief Executive Officer

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Redland City Council

**DRAFT Subordinate Local Law No. 5  
(Parking) 2014**



## Redland City Council

### Subordinate Local Law No. 5 (Parking) 2014

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 5 (Parking) 2014*.

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

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 5 (Parking) 2014*, which provides for the exercise of local government powers authorised under the TORUM Act.
- (2) The purpose is to be achieved by providing for—
  - (a) the establishment of traffic areas and off-street regulated parking areas; and
  - (b) the persons that may be issued with a parking permit; and
  - (c) the vehicles that may be issued with a commercial vehicle identification label; and
  - (d) the infringement notice penalty amounts for minor traffic offences.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 5 (Parking) 2014* (the *authorising local law*).

### 4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 5 defines particular words used in this subordinate local law.

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

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

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

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

- (1) For section 6(1) of the authorising local law, the areas of land which are declared

to be an off-street regulated parking area are—

- (a) described in schedule 2 part 1; and
  - (b) indicated by hatching on a map in schedule 2 part 2.
- (2) For section 6(2) of the authorising local law, the boundaries of each off-street regulated parking area are indicated by a bold line circumscribing a hatched area on a map in schedule 2 part 2.

## Part 3 Parking contrary to parking restriction

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

- (1) This section prescribes—
- (a) the persons that may be issued with a parking permit mentioned in section 7(1) of the authorising local law; and
  - (b) the circumstances in which a parking permit may be issued.
- (2) A parking permit (a *resident parking permit*)—
- (a) may be issued to a person whose circumstances are as follows—
    - (i) the person resides in a residence<sup>1</sup> situated on a section of road and parking immediately adjacent to the residence is regulated by time; and
    - (ii) the issue of the parking permit would not unduly impede the flow of traffic either on the road or in the area; and
    - (iii) the residence does not have, and cannot reasonably be provided with, adequate off-street parking; and
    - (iv) if the parking permit is granted — there would not be in force more than 3 resident parking permits for the same residence; but
  - (b) must not be issued to permit a vehicle to be parked contrary to an indication on an official traffic sign installed on a road in a no parking permit area.
- (3) A parking permit (a *community service organisation parking permit*) may be issued to a person whose circumstances are as follows—
- (a) the person is a community service organisation<sup>2</sup>; and
  - (b) the person will use the parking permit for an activity which is consistent with the objects of the community service organisation; and
  - (c) the activity is undertaken on a section of road where —
    - (i) parking is regulated by time; and
    - (ii) the issue of the parking permit would not unduly impede the flow of traffic either on the road or in the area.
- (4) A parking permit (a *temporary parking permit*) may be issued to allow the holder

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

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

of the parking permit to park 1 or more vehicles in a designated parking space or spaces for a period specified in the parking permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space or spaces.

- (5) A temporary parking permit may only be granted if the local government is satisfied that—
  - (a) the applicant is engaged in some temporary activity affecting premises immediately adjacent to the designated parking space or spaces to which the application relates; and
  - (b) it is not reasonably practical for the applicant to carry out the activity unless the designated parking space or spaces to which the application relates are allocated to the applicant's exclusive use for the duration of the activity.
- (6) A parking permit (a **works zone parking permit**) may be issued to a person if the local government is satisfied that—
  - (a) the part of the road to which the application relates is adjacent to a site at which the person is proposing to undertake building or construction work; and
  - (b) the carrying out of the building or construction work is lawful; and
  - (c) having regard to the nature of the building or construction work and the characteristics of the site, it is not reasonably practical for all work activity involving vehicle loading and unloading and associated vehicle movements to be confined within the site.
- (7) A parking permit (a **local government works parking permit**) may be issued to allow a person to park 1 or more vehicles in a designated parking space or spaces, and for a period specified in the parking permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space or spaces if the person is—
  - (a) an employee, contractor or agent of the local government; and
  - (b) parking the vehicle or vehicles in the space or spaces—
    - (i) for the purpose of carrying out work for or on behalf of the local government; and
    - (ii) in the course of carrying out his or her duties for or on behalf of the local government.
- (8) A parking permit (a **visitor parking permit**)—
  - (a) may be issued to a person whose circumstances are as follows—
    - (i) the person (the **resident**) resides in a residence situated on a section of road and parking immediately adjacent to the residence is regulated by time; and
    - (ii) the parking permit is to be made available by the resident for use by another person who —
      - (A) is visiting or attending at the residence identified in the parking permit; and

- (B) intends parking on the section of road immediately adjacent to the residence; and
  - (iii) the issue of the parking permit would not unduly impede the flow of traffic either on the road or in the area; and
  - (iv) the residence does not have and cannot reasonably be provided with adequate off-street parking; and
  - (v) if the parking permit is granted — there would not be in force more than 2 visitor parking permits for the same residence; but
- (b) must not be issued to permit a vehicle to be parked contrary to an indication on an official traffic sign installed on a road in a no parking permit area.

## **8 Commercial vehicle identification labels—Authorising local law, s 8(2)**

- (1) For section 8(2) of the authorising local law, this section prescribes the vehicles that may be issued with a commercial vehicle identification label.
- (2) A vehicle may be issued with a commercial vehicle identification label if the vehicle—
  - (a) is used for carrying on a business that requires the regular use of loading zones; and
  - (b) is—
    - (i) a horse drawn vehicle constructed, fitted or equipped for the carriage of goods; or
    - (ii) a motor vehicle (excluding any car or motorbike) constructed, fitted or equipped for the carriage of goods; or
    - (iii) a motor vehicle constructed, fitted or equipped for the carriage of persons.
- (3) Also, a vehicle may be issued with a commercial vehicle identification label if a commercial vehicle identification label is displayed on the vehicle and—
  - (a) the vehicle on which the label is displayed is the vehicle specified on the label; and
  - (b) the date specified on the label has not passed.

## **Part 4 Minor traffic offence infringement notice penalties**

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

For section 9 of the authorising local law, the infringement notice penalty amount<sup>3</sup> for an offence mentioned in column 1 of schedule 4 is the corresponding amount stated in column 2 of schedule 4.

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<sup>3</sup> See section 5 of the *Penalties and Sentences Act 1992*. The value of a penalty unit is, for a local law, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law—the amount, not more than \$100.00, prescribed under a regulation. See section 2A of the *Penalties and Sentences Regulation 2005*. The value of the penalty unit for a local law made by a local government mentioned in schedule 2 of the Regulation, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law made by a local government mentioned in schedule 2 of the Regulation is \$75.00. The value of a penalty unit for a local law made by a local government not mentioned in schedule 2 of the Regulation, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law made by a local government not mentioned in schedule 2 of the Regulation, is \$100.00.

**Schedule 1 Declaration of traffic area**

**Section 5**

No traffic area declared.

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

Section 6

### Part 1 Areas declared to be an off-street regulated parking area.

#### 1. Capalaba

Description of car park or area	Map ref.	Location or address of car park or area
Dollery Road off-street car park as identified in schedule 2, part 2.	1A	Between Faccio Lane and Noeleen Street, Capalaba.
School Road off-street car park as identified in schedule 2, part 2.	1B	Between Mount Cotton Road, Capalaba and Burns Street, Capalaba.

#### 2. Cleveland

Description of car park or area	Map ref.	Location or address of car park or area
Doig Street off-street car park (E) as identified in schedule 2, part 2.	2B(iv)	Between Middle Street and Queen Street, Cleveland.
Doig Street off-street car park (W) as identified in schedule 2, part 2.	2B(ii)	Between Queen Street and Middle Street, Cleveland.
Emmett Drive off-street car park as identified in schedule 2, part 2.	2F(ii)	Between Emmett Drive, Cleveland and Wharf Street, Cleveland.
Iuka Arcade off-street car park as identified in schedule 2, part 2.	2B(iii)	Doig Street, Cleveland.
John Street off-street car park as identified in schedule 2, part 2.	2C	Between Queen Street and Russell Street, Cleveland.
Middle Street (East) off-street car park as identified in schedule 2, part 2.	2F(i)	Middle Street, Cleveland, Cleveland.
Middle Street (West) off-street car park as identified in schedule 2, part 2.	2D	Corner Wynyard Street, Cleveland and Middle Street, Cleveland.
Queen Street off-street car park (N) as identified in schedule 2, part 2.	2E(ii)	Between Wynyard Street and Waters Street, Cleveland.
Queen Street off-street car park (S) as identified in schedule 2, part 2.	2E(iii)	Between Queen Street and Waters Street, Cleveland.
Shore Street West off-street car park as identified in schedule 2, part 2.	2A	Between Shore Street West and Kyling Lane, Cleveland.
Toondah Harbour off-street car park as identified in schedule 2, part 2.	2F(iii)	Emmett Drive, Cleveland.
Waterloo Street off-street car park as identified in schedule 2, part 2.	2B(i)	Between Middle Street and Queen Street, Cleveland.
Wynyard Street off-street car park as identified in schedule 2, part 2.	2E(i)	Between Middle Street and Queen Street, Cleveland.

**3. Macleay Island**

Description of car park or area	Map ref.	Location or address of car park or area
Macleay Island Ferry Terminal car and boat trailer park as identified in schedule 2, part 2.	3A	Brighton Road and Russell Terrace, Macleay Island.

**4. North Stradbroke Island**

Description of car park or area	Map ref.	Location or address of car park or area
One Mile Ferry Terminal car park as identified in schedule 2, part 2.	4A	Yabby Street, One Mile, Dunwich, North Stradbroke Island.

**5. Redland Bay**

Description of car park or area	Map ref.	Location or address of car park or area
Weinam Creek Cenotaph off-street car park as identified in schedule 2, part 2.	5A(ii)	Banana Street, Redland Bay.
Weinam Creek off-street car and boat trailer park as identified in schedule 2, part 2.	5A(iii)	Banana Street, Redland Bay.
Weinam Creek Overflow car park as identified in schedule 2, part 2.	5B	Meissner Street, Redland Bay.
Weinam Creek vehicle barge off-street car park as identified in schedule 2, part 2.	5A(i)	Weinam Street and Esplanade, Redland Bay.

**6. Russell Island**

Description of car park or area	Map ref.	Location or address of car park or area
Russell Island Ferry Terminal car and boat trailer park as identified in schedule 2, part 2.	6A(ii)	Alison Crescent, Hawthornden Drive and High Street, Russell Island.
Russell Island off-street car park as identified in schedule 2, part 2.	6A(i)	Bayview Road, Russell Island.

**7. Victoria Point**

Description of car park or area	Map ref.	Location or address of car park or area
Victoria Point off-street car and boat trailer park as identified in schedule 2, part 2.	7A	Masters Avenue, Victoria Point.
Victoria Point shops off-street car park as identified in schedule 2, part 2.	7B	Bunker Road and Cleveland – Redland Bay Road, Victoria Point.



**8. Wellington Point**

Description of car park or area	Map ref.	Location or address of car park or area
Wellington Point off-street car and boat trailer park as identified in schedule 2, part 2.	8A	Main Road, Wellington Point.

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**Part 2**

**Maps of off-street regulated parking areas**

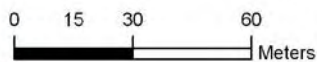
**Map 1A**




Schedule 2 - Part 2

Map 1A: Capalaba

Declared Off-Street Regulated Parking Areas



 1A: Dolley Road off-street car park

### Map 1B

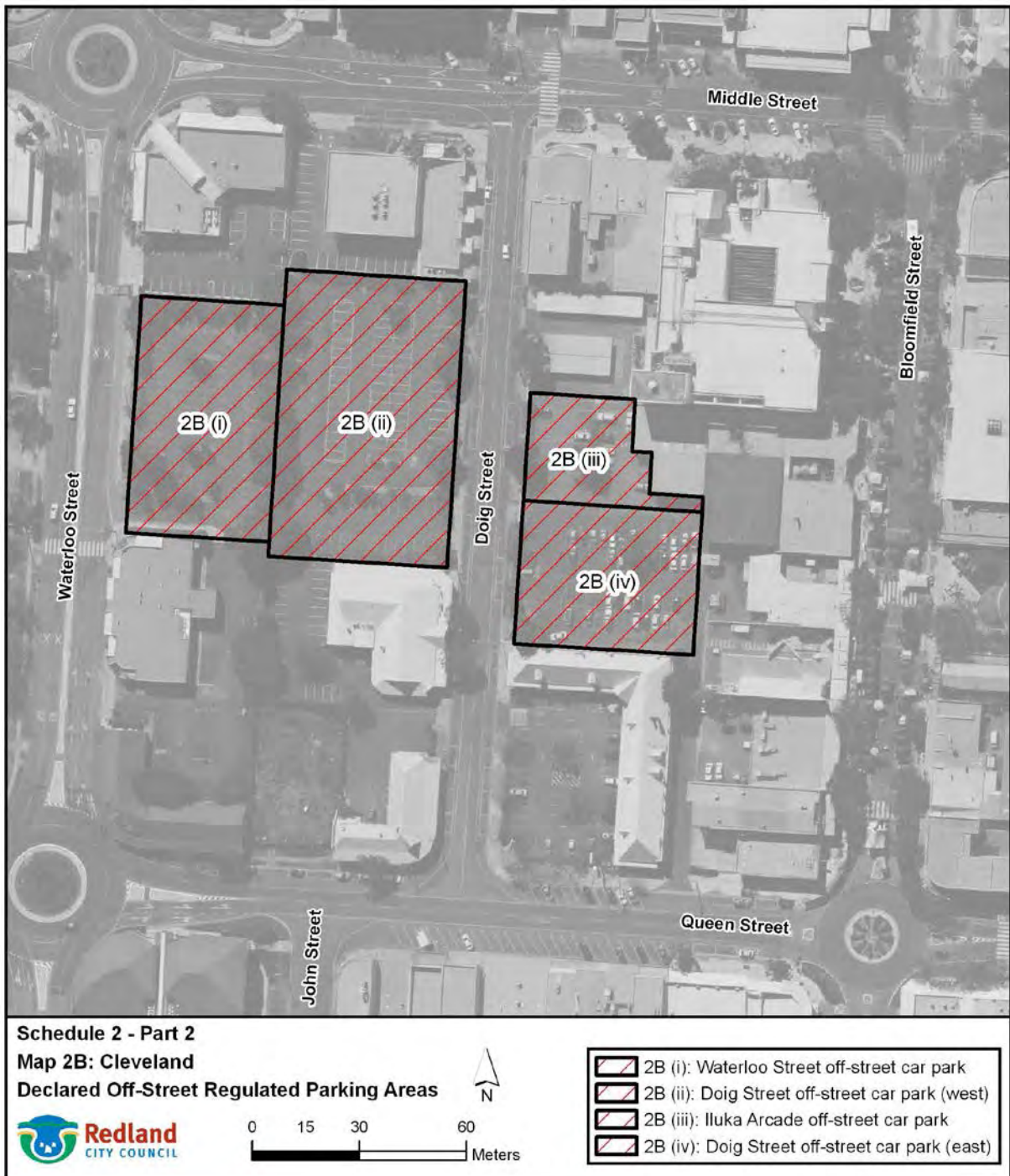


### Map 2A





### Map 2B



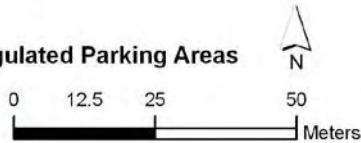
### Map 2C




Schedule 2 - Part 2

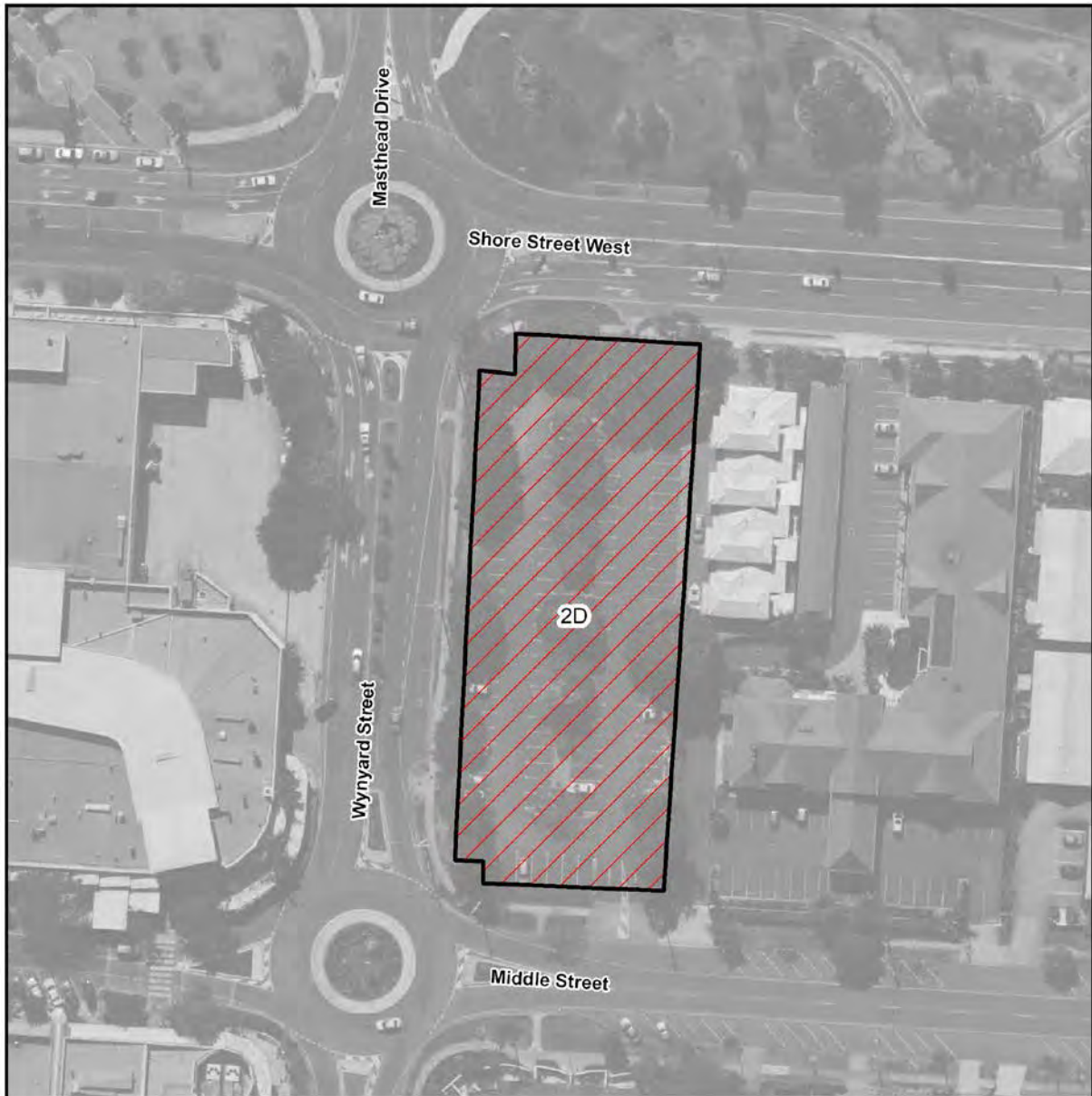
Map 2C: Cleveland

Declared Off-Street Regulated Parking Areas



 2C: John Street off-street car park

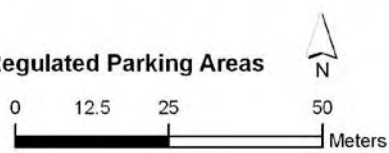
### Map 2D




Schedule 2 - Part 2

Map 2D: Cleveland

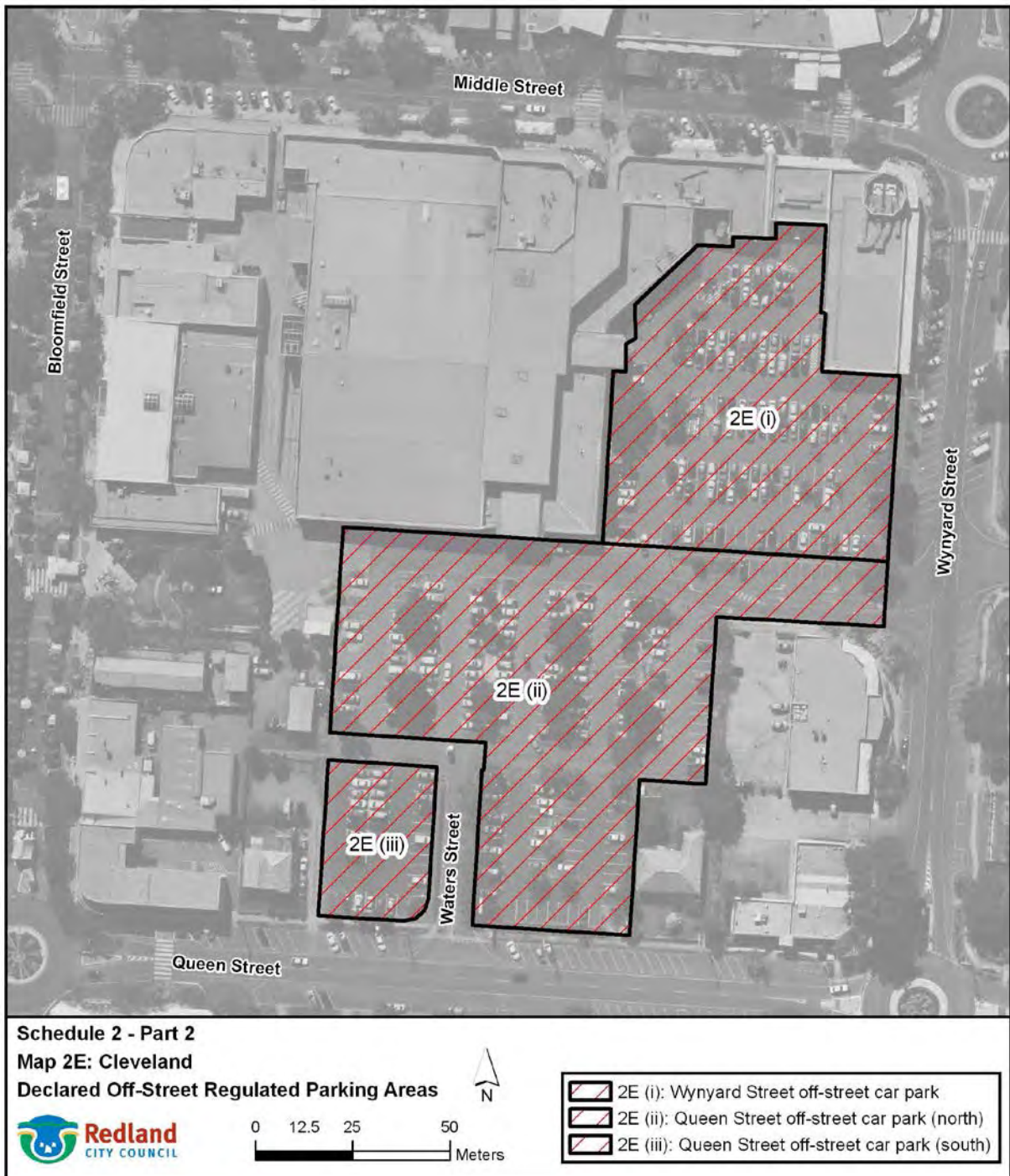
Declared Off-Street Regulated Parking Areas



 2D: Middle Street off-street car park (west)

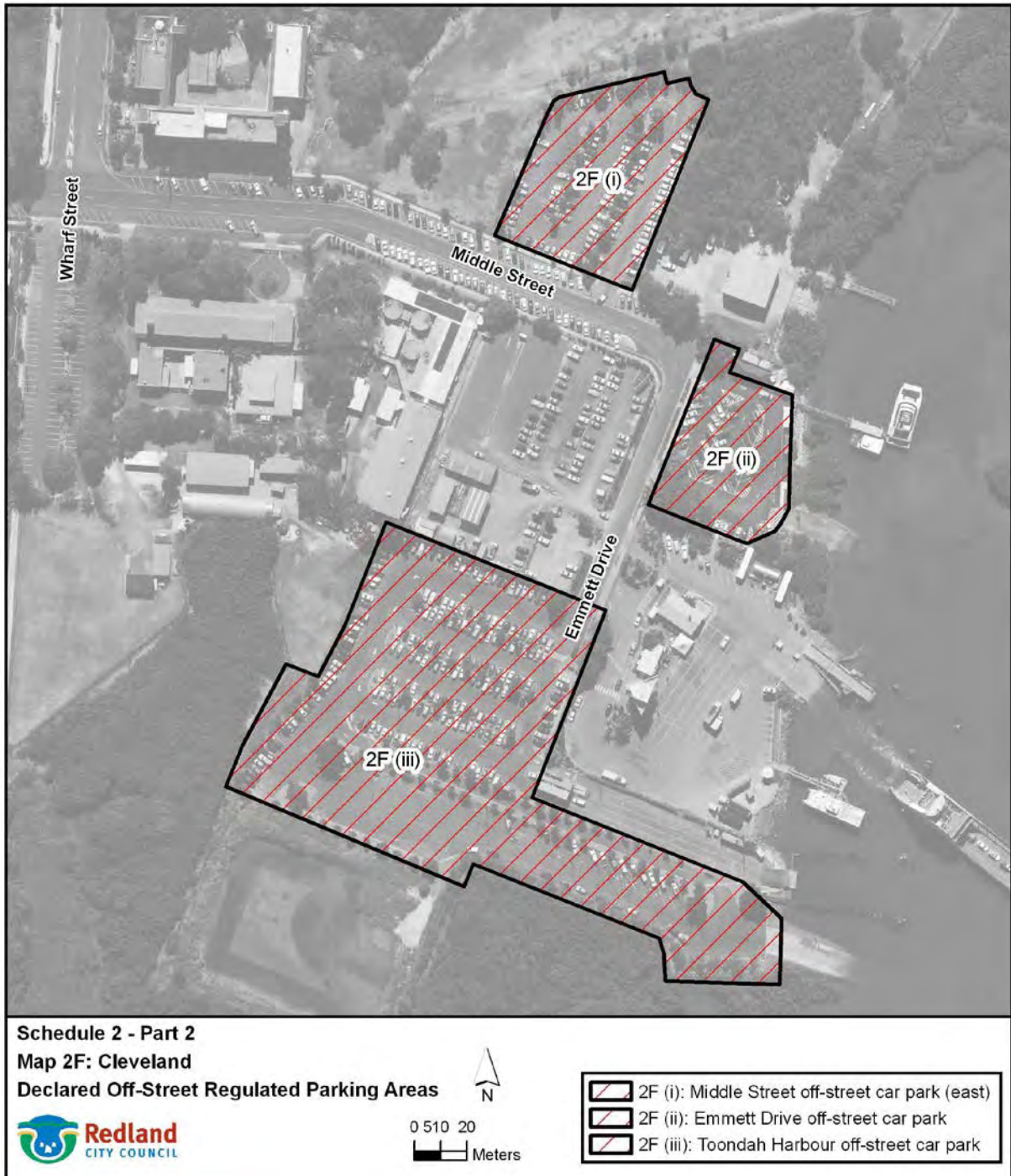


### Map 2E

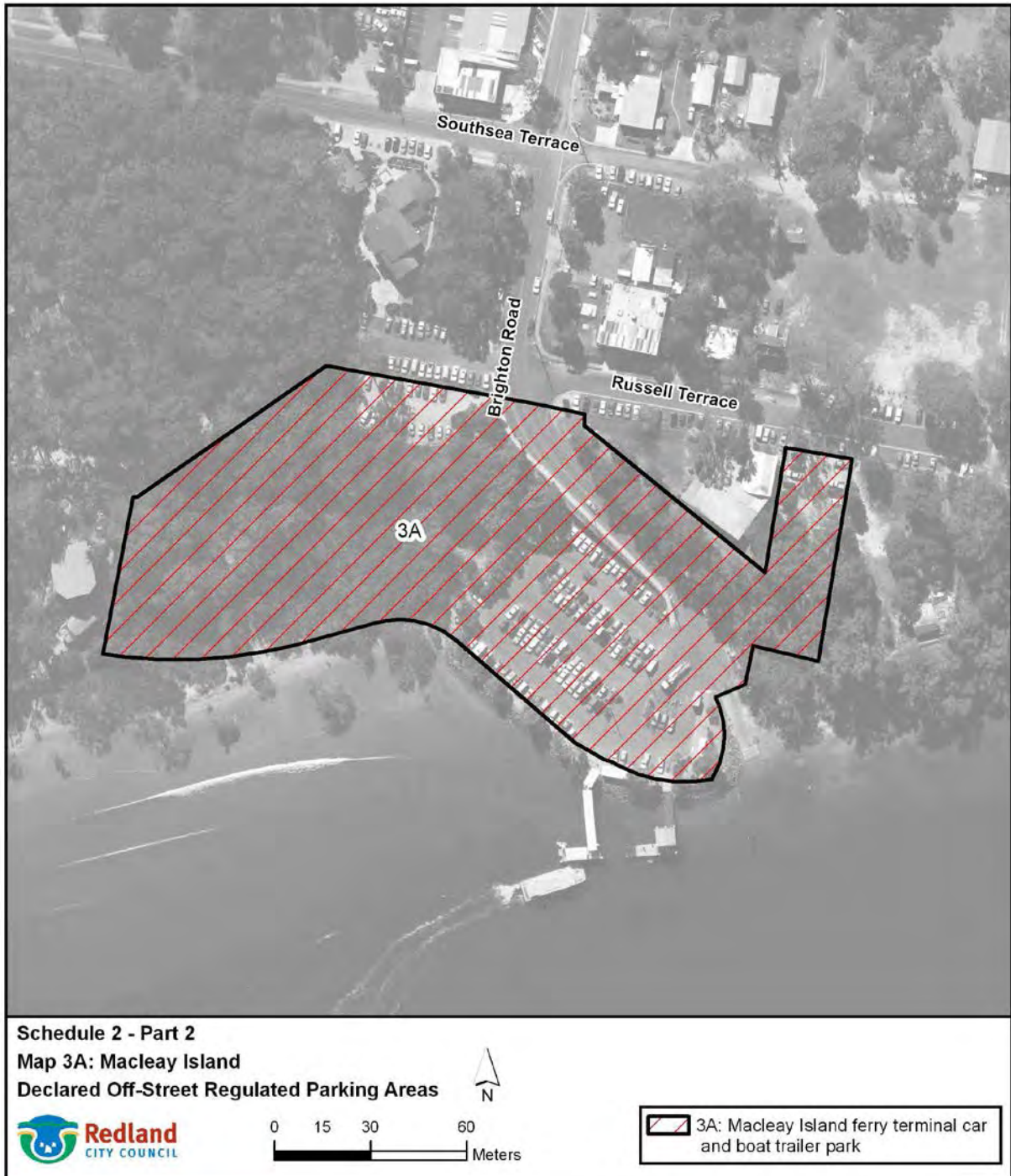




### Map 2F

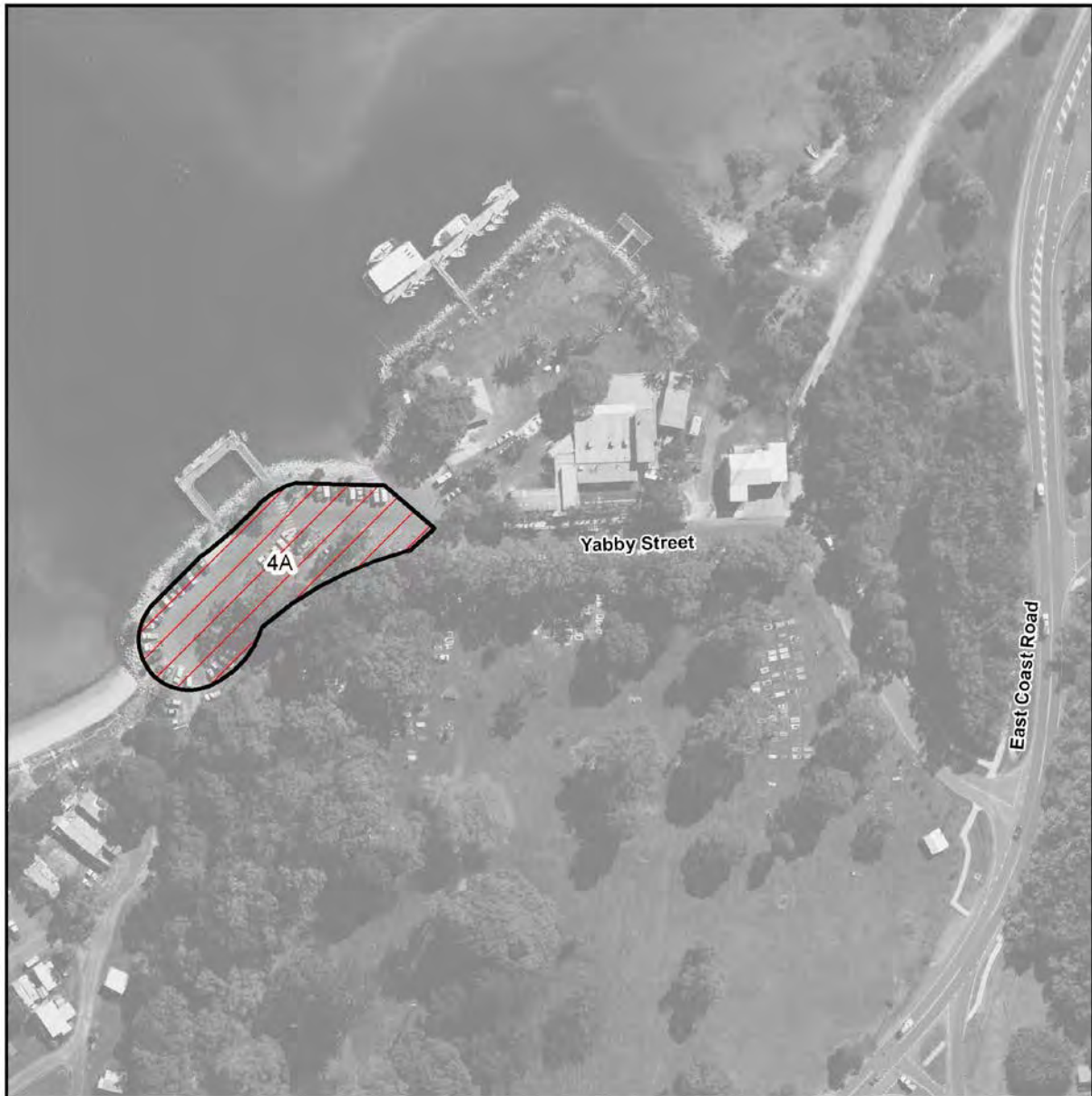


### Map 3A





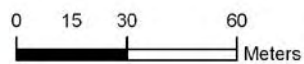
### Map 4A




Schedule 2 - Part 2

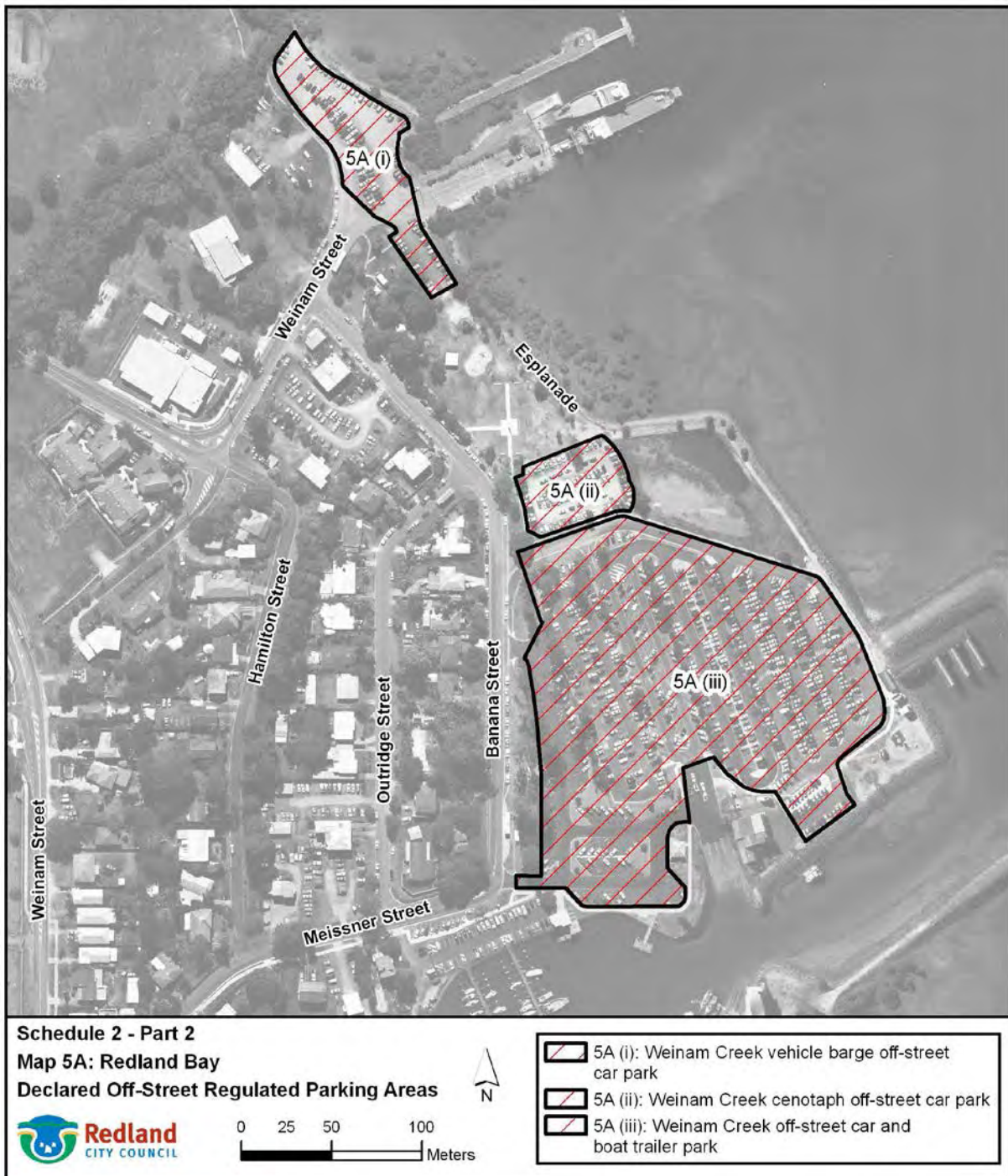
Map 4A: North Stradbroke Island

Declared Off-Street Regulated Parking Areas



 4A: One Mile ferry terminal off-street car park

### Map 5A



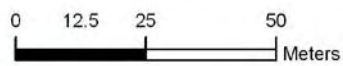
### Map 5B




Schedule 2 - Part 2

Map 5B: Redland Bay

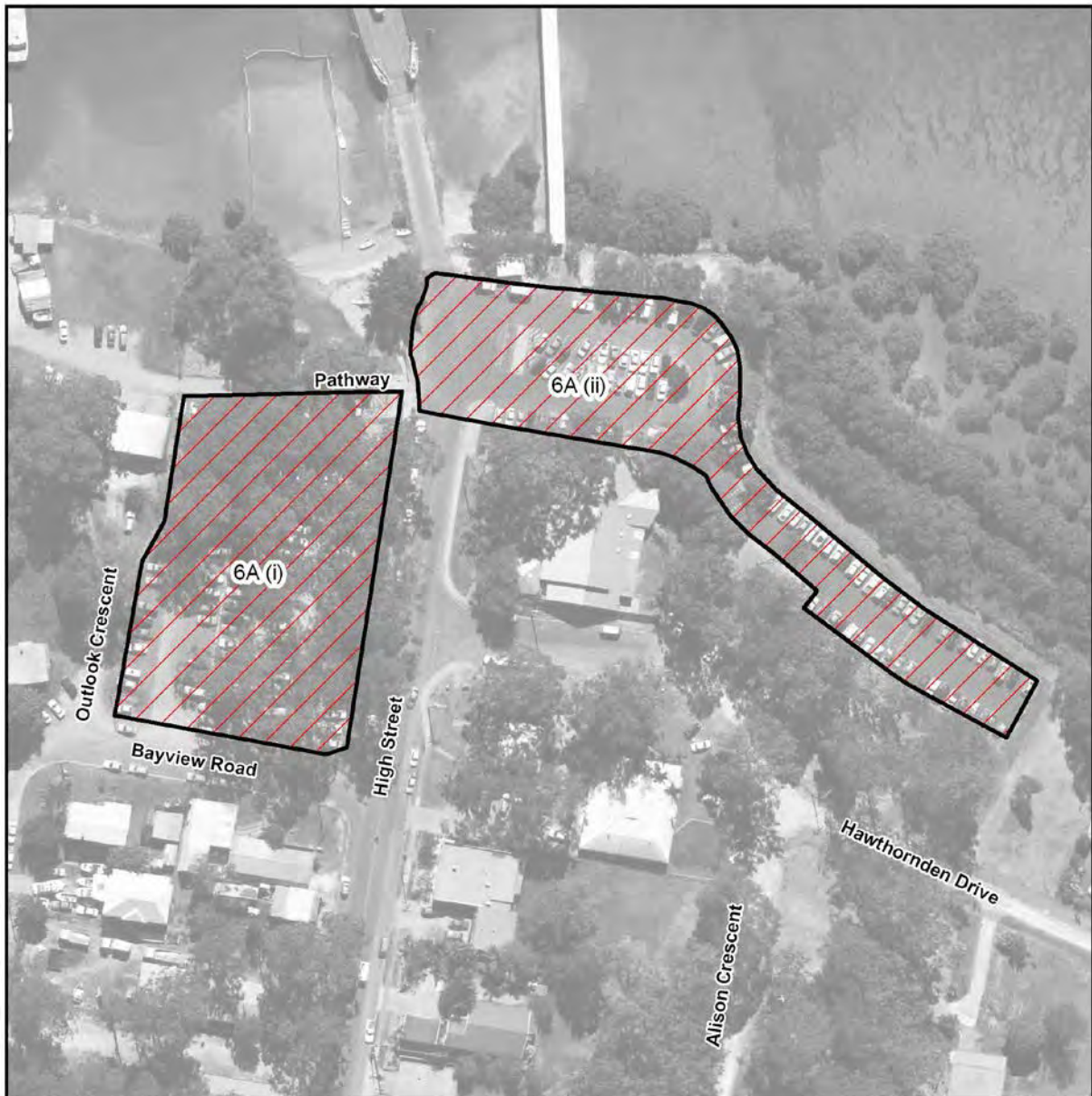
Declared Off-Street Regulated Parking Areas



 5B: Weinam Creek overflow off-street car park



### Map 6A





Schedule 2 - Part 2

Map 6A: Russell Island

Declared Off-Street Regulated Parking Areas



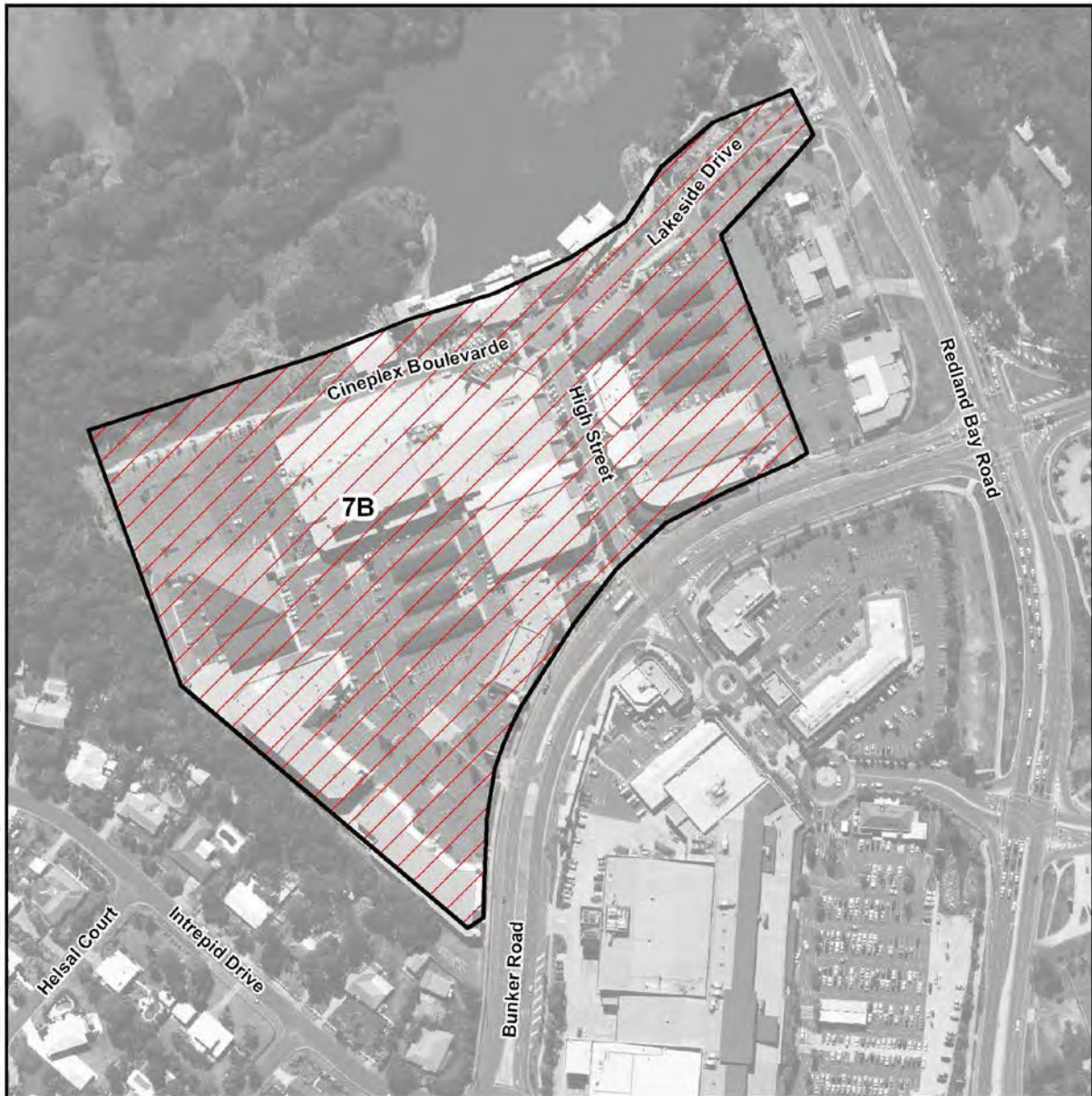
-  6A (i): Russell Island off-street car park
-  6A (ii): Russell Island ferry terminal off-street car and boat trailer park

### Map 7A





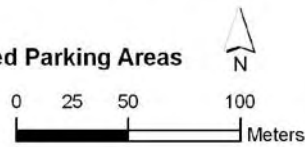
### Map 7B




Schedule 2 - Part 2

Map 7B: Victoria Point

Declared Off-Street Regulated Parking Areas



 7B: Victoria Point Shops off-street car park



### Map 8A



## **Schedule 3      Definition — no parking permit area**

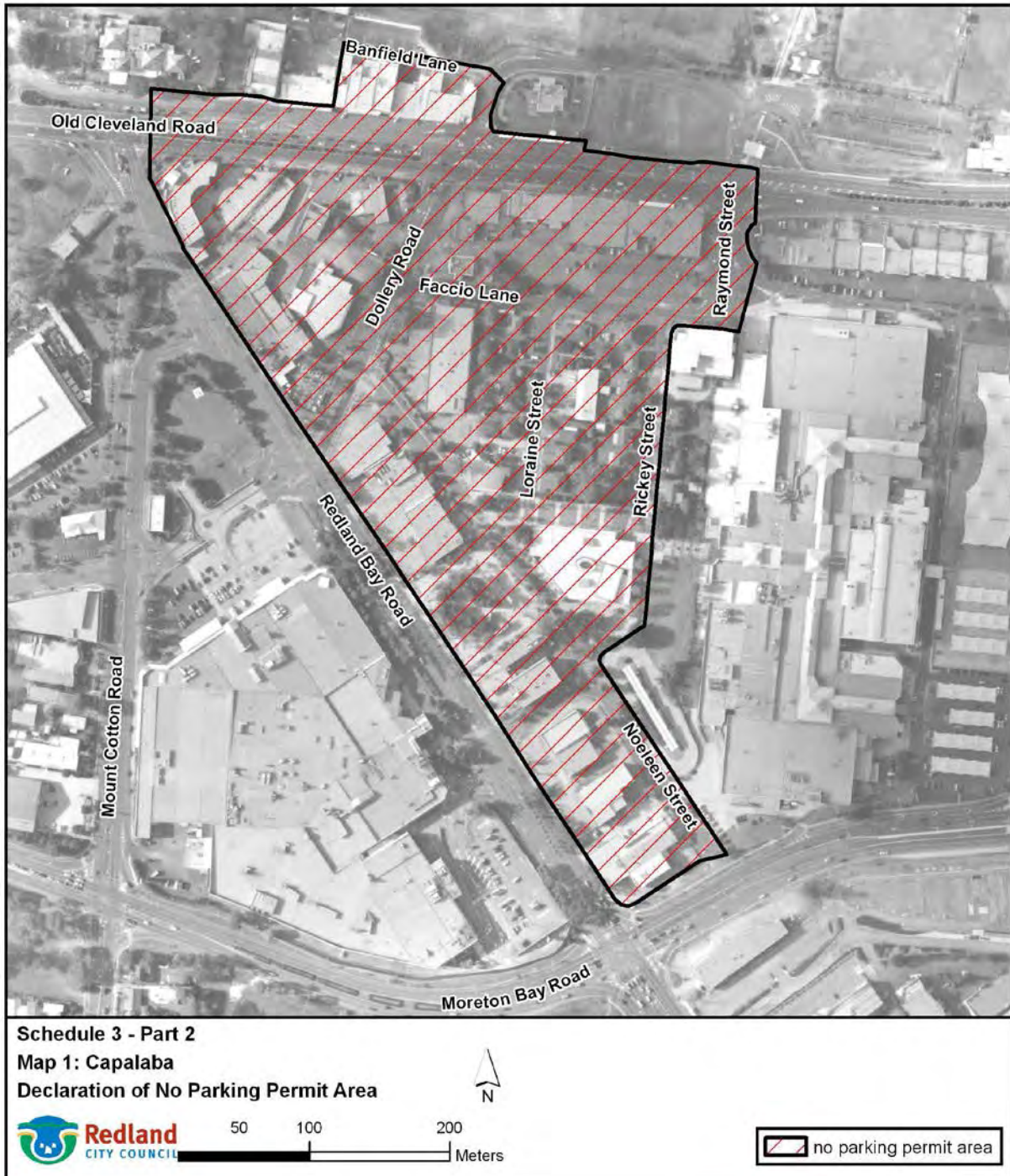
Section 4

### **Part 1              Description of no parking permit areas**

- (1) The Capalaba no parking permit area being the area indicated by hatching on part 2 map 1.
- (2) The Cleveland no parking permit area being the area indicated by hatching on part 2 map 2.
- (3) The Redland Bay no parking permit area being the area indicated by hatching on part 2 map 3.
- (4) The Victoria Point no parking permit area being the area indicated by hatching on part 2 map 4.
- (5) The Wellington Point no parking permit area being the area indicated by hatching on part 2 map 5.

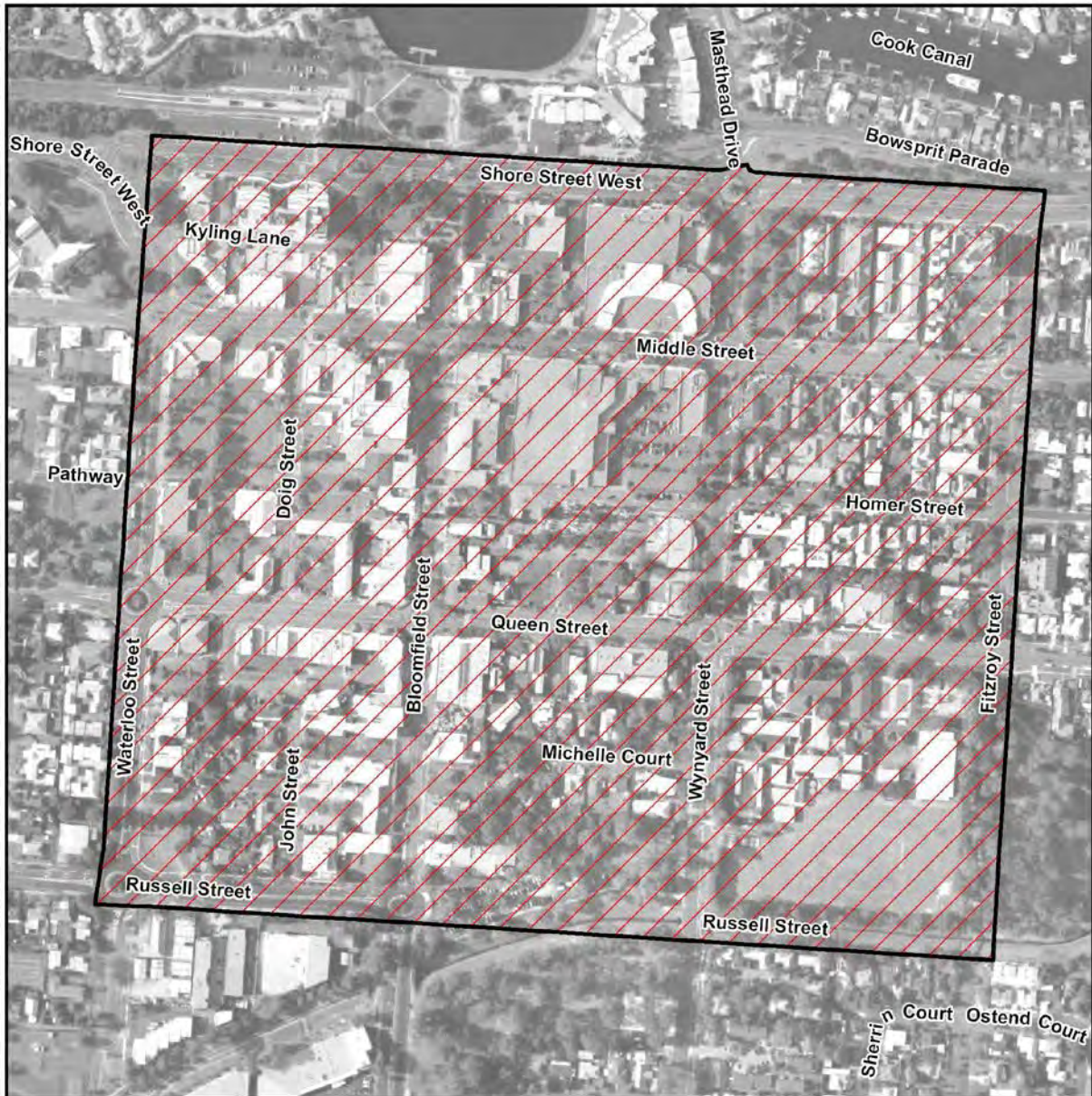
## Part 2 Maps of no parking permit areas

### Map 1 - Capalaba

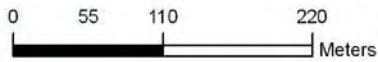





### Map 2 - Cleveland



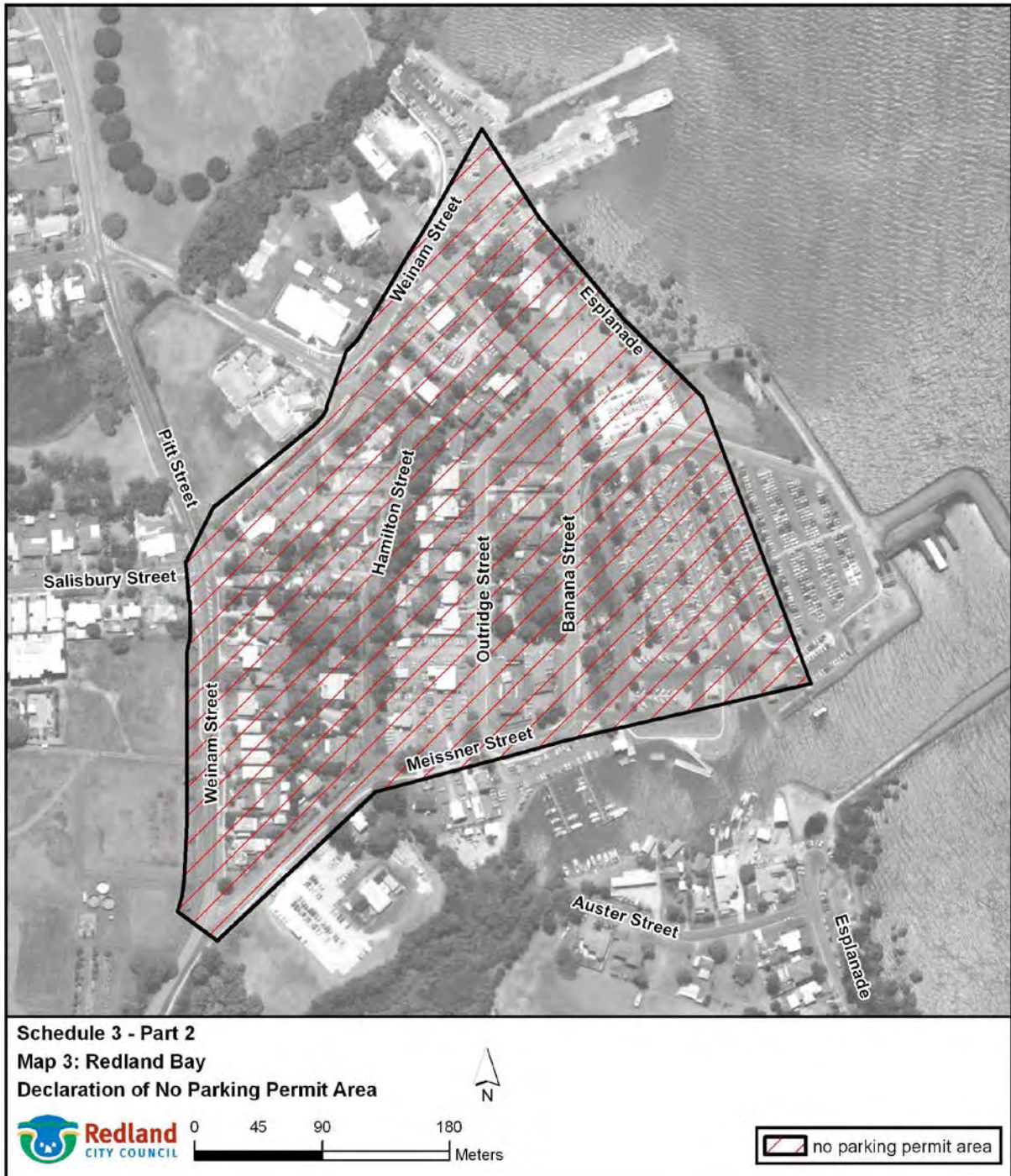
Schedule 3 - Part 2  
Map 2: Cleveland  
Declaration of No Parking Permit Area



 no parking permit area



### Map 3 – Redland Bay

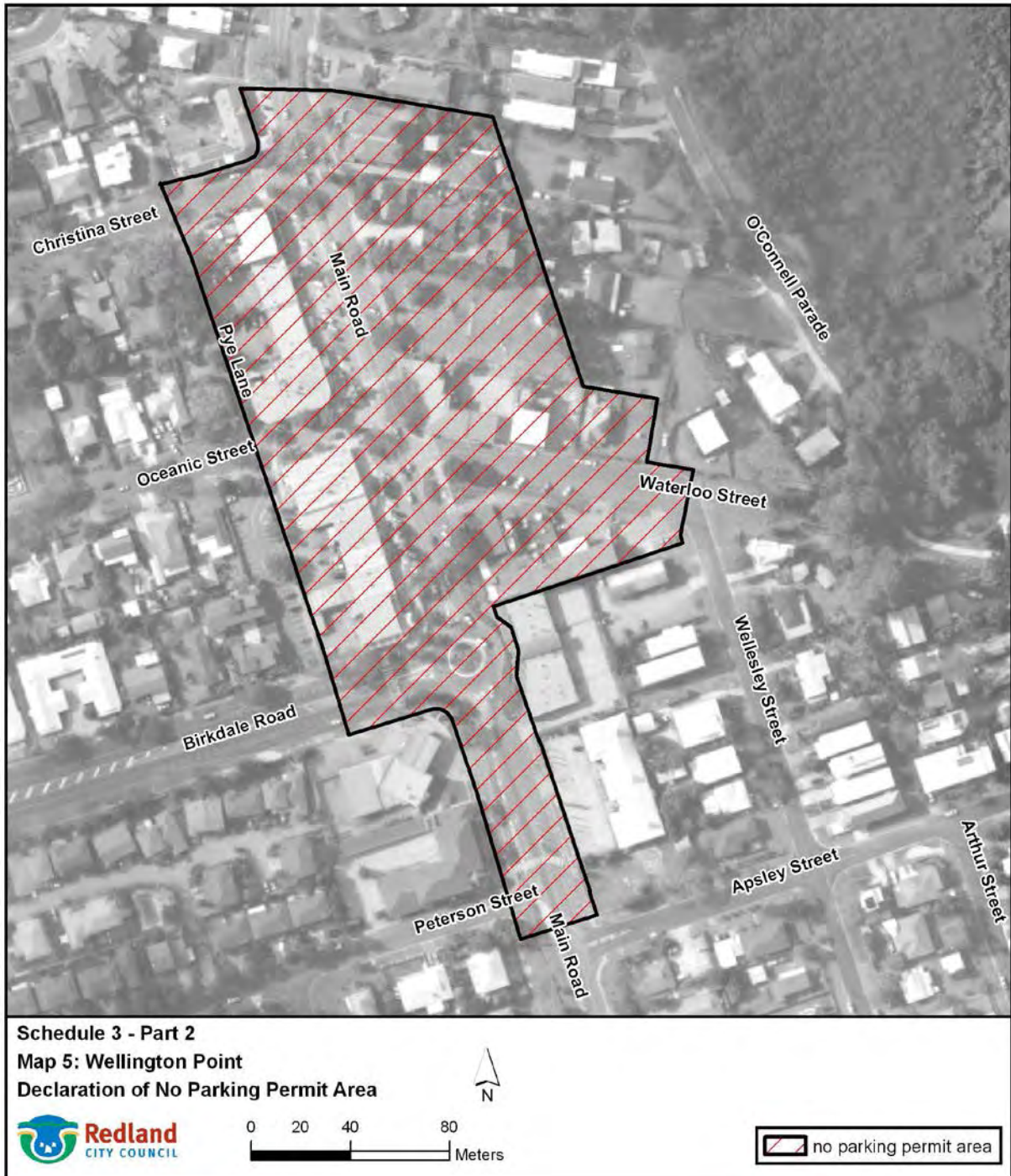


### Map 4 – Victoria Point





### Map 5 – Wellington Point



## Schedule 4 Infringement notice penalty amounts for certain minor traffic offences

## Section 9

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

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
167	Stopping on a length of road or in an area to which a no stopping sign applies	1 penalty unit
168	Unauthorised driver stopping on a length of road or in an area to which a no parking sign applies	1 penalty unit



Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
169	Stopping at the side of a road marked with a continuous yellow edge line	1 penalty unit
170(1)	Stopping in an intersection	1 penalty unit
171	Stopping on a children's crossing or on the road within 20m before the crossing or 10m after the crossing	1 penalty unit
172(1)	Stopping on a pedestrian crossing that is not at an intersection or on a road within 20m before a crossing and 10m after the crossing otherwise than as permitted by a sign	1 penalty unit
173	Stopping on a marked foot crossing that is not at an intersection, or on a road within 10m before the traffic lights pole nearest to the driver at the crossing and 3m after the crossing unless permitted by a sign	1 penalty unit
175	Stopping on a level crossing, or on a road within 20m before the nearest rail or track to the driver approaching the crossing and 20m after the nearest rail or track to the driver leaving the crossing unless permitted by a sign	1 penalty unit
176(1)	Stopping on a road contrary to a clearway sign	1 penalty unit
179(1)	Stopping an unauthorised vehicle in a loading zone	1 penalty unit
181	Unauthorised driver stopping in a works zone	1 penalty unit
182(1)	Stopping an unauthorised vehicle in a taxi zone	1 penalty unit

<b>Column 1</b>		<b>Column 2</b>
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	<b>Minor Traffic Offence</b>	<b>Infringement notice penalty amount</b>
183(1)	Stopping an unauthorised vehicle in a bus zone	1 penalty unit
183(1)	Stopping a bus in a bus zone contrary to a bus zone sign	1 penalty unit
185(1)	Stopping an unauthorised vehicle in a permit zone	1 penalty unit
186(1)	Stopping in a mail zone	1 penalty unit
189(1)(a)	Stopping on a two way road between the centre of the road and another vehicle parked at the side of the road	1 penalty unit
191	Stopping on a road so as to obstruct traffic	1 penalty unit
195(1)	Stopping within 20m before a bus stop unless permitted by a sign	1 penalty unit
195(1)	Stopping within 10m after a bus stop unless permitted by a sign	1 penalty unit
197(1)	Stopping on a bicycle path, footpath, shared path or dividing strip or a nature strip adjacent to a length of road in a built-up area unless permitted by a sign	1 penalty unit
198(2)	Stopping on or across a driveway unless dropping off or picking up, passengers	1 penalty unit
199	Stopping near a postbox	1 penalty unit
200(1)	Stopping a heavy vehicle or a long vehicle on a length of road that is not in a built-up area otherwise than on the	2 penalty units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
	shoulder of the road	
200(2)	Stopping a heavy vehicle or a long vehicle on a length of road in a built-up area for longer than 1 hour unless permitted to stop on the length of road for longer than 1 hour by information on or with a traffic controlled device	2 penalty units
202	Stopping contrary to a motorbike parking sign	1 penalty unit
203(1)	Stopping contrary to a people with disabilities parking sign	2 penalty units
Part 12	Other parking offences provided for in Part 12 (Restrictions on stopping and parking)	0.8 penalty units

## Schedule 5 Dictionary

### Section 4

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

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

**local government works parking permit** see section 7(7).

**no parking permit area** means an area—

- (a) described in schedule 3 part 1; and
- (b) indicated by hatching on a map in schedule 3 part 2; and
- (c) the boundaries of which are indicated by a bold line circumscribing a hatched area on a map in schedule 3 part 2.

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

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

**resident** see section 7(8)(a)(i).

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

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

**visitor parking permit** see section 7(8).

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

**Certification**

This and the preceding 38 pages bearing my initials is a certified copy of *Subordinate Local Law No. 5 (Parking) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the                    day of                    , 2014.

.....  
Chief Executive Officer

347478\_1

DRAFT



**Redland**  
CITY COUNCIL

Redland City Council

**DRAFT Local Law No. 7 (Bathing  
Reserves) 2014**



## Redland City Council

# Local Law No. 7 (Bathing Reserves) 2014

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## Part 1 Preliminary

### 1 Short title

This local law may be cited as *Local Law No. 7 (Bathing Reserves) 2014*.

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

- (1) The purpose of this local law is to enhance the public safety and convenience of bathing reserves placed under the local government's control<sup>1</sup> through orderly management and regulation of activities within these reserves.
- (2) The purpose is achieved by providing for—
  - (a) the designation and management of safe, supervised bathing areas within bathing reserves; and
  - (b) the regulation of conduct and the use of aquatic equipment within bathing reserves; and
  - (c) the assignment of responsibility to life-saving clubs for managing, patrolling and supervising bathing reserves; and
  - (d) the appointment and powers of authorised persons to manage and enforce the regulation of conduct within bathing reserves.

### 3 Definitions—the dictionary

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

### 4 Relationship with other laws<sup>2</sup>

- (1) This local law is to be read with *Local Law No. 1 (Administration) 2014*.
- (2) However, a reference to an authorised person in *Local Law No. 1 (Administration) 2014* does not include an authorised person appointed under this local law.

## Part 2 Bathing reserves

### Division 1 Designation of bathing reserves

#### 5 Signs indicating existence of bathing reserve

- (1) If the local government proposes to regulate the use of a bathing reserve under this local law, the local government must erect and maintain signs (*reserve signs*) in prominent positions on or adjacent to the foreshore to indicate the existence of the bathing reserve.
- (2) Reserve signs must be erected at the lateral boundaries of the bathing reserve indicating the position of the boundaries.
- (3) The signs must face both seawards and shorewards.

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<sup>1</sup> As declared by gazette notice under the Act.

<sup>2</sup> This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

## Division 2            **Bathing areas**

### **6        Bathing areas**

- (1) An authorised person may mark out an area (a bathing area) within a bathing reserve.
- (2) The area selected as a bathing area must be the part of the bathing reserve that is, in the authorised person's opinion, the safest and most suitable for bathing in view of the prevailing conditions.
- (3) The bathing area is marked out by placing 2 patrol flags at different points on or adjacent to the foreshore.
- (4) The bathing area consists of the area defined by—
  - (a) an imaginary line between the 2 patrol flags; and
  - (b) lateral boundaries extending seaward from each patrol flag at right angles from the imaginary line; and
  - (c) an outer boundary parallel to, and 400 metres to the seaward side of, the imaginary line.
- (5) Where the boundary of the bathing reserve is less than 400 metres to the seaward side of an imaginary line between the 2 patrol flags, then the boundary of the bathing area shall be the outer boundary of the bathing reserve.
- (6) An authorised person may, in view of prevailing conditions, change the boundaries of a bathing area by changing the position of the patrol flags.
- (7) Patrol flags must not be exhibited if the bathing area is not under surveillance by a life-saving patrol.

### **7        Flags to inform bathers about prevailing conditions**

- (1) This section applies if—
  - (a) an authorised person has marked out a bathing area under section 6; and
  - (b) in the authorised person's opinion, there are potentially hazardous conditions prevailing within the bathing area.
- (2) The authorised person must exhibit in a prominent position on or adjacent to the foreshore a yellow flag warning bathers of the potentially hazardous conditions.

### **8        Closure of bathing reserve**

- (1) An authorised person may close a bathing reserve or part of a bathing reserve to bathing by erecting a red flag in a prominent position on or adjacent to the foreshore.<sup>3</sup>

*Example—*

The authorised person may close the bathing reserve if the prevailing conditions pose a risk

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<sup>3</sup> Although this local law does not require strict compliance with Australian Standard No. 2416 (Design and Application of Water Safety Signs), that standard should, where practicable, be complied with.

to the lives of members of the public bathing in the reserve.

- (2) If patrol flags marking out a bathing area have been placed in position, the patrol flags must be removed on closure of the bathing reserve or a part of the bathing reserve in which the bathing area is situated.
- (3) A person must not bathe in a bathing reserve or part of a bathing reserve while the reserve or the relevant part of the reserve is closed to bathing.

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

### **Division 3                    Reservation for training, competitions and special occasions**

#### **9                    Reservation for life-saving training**

- (1) An authorised person may—
  - (a) temporarily set apart the whole or a part of a bathing reserve for life-saving training; and
  - (b) impose restrictions on access to the area set apart.
- (2) However an authorised person may not set apart any part of a bathing reserve for life-saving training exclusively.
- (3) An area set apart under this section, and the restrictions applying to access, must be clearly indicated by signs erected in prominent positions on the bathing reserve.

#### **10                    Reservation for competitions and special occasions**

- (1) For the purposes of *Local Law No.1 (Administration) 2014*, section 5(b), it is a prescribed activity<sup>4</sup> to—
  - (a) set apart a bathing reserve or a part of a bathing reserve for life-saving training on an exclusive basis; or
  - (b) use any part of a bathing reserve for the conduct of a surfing competition, a life-saving competition or another aquatic activity.
- (2) Where an approval for an activity mentioned in subsection (1) permits restrictions on access to any part of a bathing reserve, the area set apart for the activity and the restrictions applying to access must be clearly indicated by signs erected in prominent positions on the bathing reserve.
- (3) A person must not contravene a restriction on access imposed under this section.

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

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<sup>4</sup> *Local Law No.1 (Administration) 2014*, section 6, creates an offence for a person to undertake a prescribed activity without a current approval granted by the local government. Section 7 requires that the approval be obtained under part 2 of that local law.

## **Part 3                    Use of aquatic equipment in bathing reserves**

### **11       Prohibition of use of aquatic equipment in bathing areas**

- (1)     A person must not use aquatic equipment in a bathing area.  
Maximum penalty for subsection (1)—20 penalty units.
- (2)     However—
  - (a)     this section does not prevent the use of aquatic equipment if its use at a place within a bathing reserve is authorised under another law; and
  - (b)     a rubber float or board that does not give rise to risk of injury to other bathers may be used in a bathing area; and
  - (c)     if an authorised person authorises the use of other aquatic equipment in a bathing area, the equipment may be used subject to conditions fixed by the authorised person when giving the authorisation; and
  - (d)     life-saving equipment may be used in a bathing area by members of a life-saving patrol for surveillance of the bathing area or to assist bathers in distress.

### **12       Restrictions on use of aquatic equipment in bathing reserves**

- (1)     The local government may, by subordinate local law, prohibit or restrict the use of aquatic equipment or a specified class of aquatic equipment within a bathing reserve or a particular part of a bathing reserve.
- (2)     Notice of a prohibition or restriction imposed under this section must be included on the reserve signs or on notices adjacent to the reserve signs.
- (3)     A person must not use aquatic equipment in contravention of a prohibition or restriction imposed under this section unless authorised to do so by an authorised person under section 13, or authorised under another law.  
Maximum penalty for subsection (3)—20 penalty units.

### **13       Reservation of areas for use of aquatic equipment**

- (1)     An authorised person may temporarily set apart a particular part of a bathing reserve for the use of aquatic equipment of a particular type.
- (2)     A part of the bathing reserve set apart under this section must be defined by signs and flags or in some other way that clearly indicates the relevant part of the reserve and the use for which it is set apart.
- (3)     If a part of a bathing reserve is set apart for the use of aquatic equipment of a particular type under this section, a person must not—
  - (a)     use aquatic equipment of the relevant type in the bathing reserve outside the part of the reserve set apart for its use; or
  - (b)     use aquatic equipment, in the relevant part of the reserve, that is not of the type for which the relevant part of the reserve is set apart.

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

## Part 4 Behaviour in bathing reserves

### 14 Dangerous objects

- (1) A person must not bring an item of aquatic equipment or other object into a bathing reserve, or use aquatic equipment or anything else in a bathing reserve, if the item or object is dangerous.

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

- (2) This section does not apply to life-saving equipment used by members of a life-saving patrol for surveillance of the bathing reserve or to assist bathers in distress.

### 15 Prohibited equipment

- (1) A person must not have prohibited equipment in a bathing reserve.

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

- (2) However, this section does not apply in circumstances excluded under a subordinate local law from the application of this section.

- (3) In this section—

*prohibited equipment* means—

- (a) a spear gun; or
- (b) a fishing spear; or
- (c) another object classified as prohibited equipment under a subordinate local law for this paragraph.

### 16 Dangerous conduct

A person must not use aquatic equipment or anything else in a bathing reserve in a way that creates a risk to the safety of others.

Maximum penalty—20 penalty units.

### 17 Emergency evacuation alarm

- (1) If an emergency evacuation alarm is given, a person within a bathing reserve—

- (a) must leave the water as soon as practicable; and
- (b) must not enter or re-enter the water until the all-clear is given.

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

- (2) An emergency evacuation alarm is given by—

- (a) the prolonged ringing of a bell or sounding of a siren; and
- (b) the exhibition of a red flag.

- (3) The all-clear is given by—

- (a) a short ringing of the bell or sounding of the siren; and
- (b) the replacement of the red flag by a yellow flag.

- (4) An emergency evacuation and the all-clear may also be given in ways recognised by SLSQ.

*Example—*

The emergency evacuation alarm may be given by holding up a red and white quartered flag and the all-clear may be given by taking down the flag when the danger has passed.

## **18 False alarms**

A person must not, without the authority of an authorised person—

- (a) give an emergency evacuation alarm or do anything likely to be reasonably interpreted as an emergency evacuation alarm; or
- (b) give the all-clear after an emergency evacuation alarm or do anything likely to be reasonably interpreted as the all-clear after an emergency evacuation alarm.

Maximum penalty—50 penalty units.

# **Part 5 Life-saving clubs and powers of authorised persons**

## **Division 1 Life-saving clubs and patrols**

### **19 Recognised life-saving clubs**

- (1) The local government may, after consultation with interested life-saving clubs, assign to a life-saving club the responsibility for patrolling a bathing reserve or a particular part of a bathing reserve.
- (2) The responsibility—
  - (a) may be assigned on conditions the local government considers appropriate; and
  - (b) may only be assigned with the agreement of the club to which the responsibility is assigned.

### **20 Enclosure for life-saving patrols**

A recognised life-saving club may, with the local government's written approval, enclose a part of a bathing reserve for the exclusive use of members of life-saving patrols.

### **21 Distinctive clothing**

A member of a life-saving patrol must wear a distinctive uniform appropriate to the member's rank in a design approved by SLSQ.

## **Division 2 Powers of authorised persons**

### **22 Power to remove or reduce danger**

- (1) If a person brings a dangerous object or dangerous item of aquatic equipment onto a bathing reserve, an authorised person may direct the person to take specified action to remove or reduce the danger posed by the object or item.

*Example—*

If a person brings a beach umbrella onto a bathing reserve and the umbrella appears likely to blow away, an authorised person might direct the person to take specified action to secure the umbrella.

- (2) A person must comply with a direction under this section.

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

### **23 Power to stop dangerous and antisocial conduct**

- (1) If a person behaves in a bathing reserve in a way that endangers the safety of the person or someone else, or causes a nuisance to someone else, an authorised person may direct the person to stop the behaviour.

- (2) A person must comply with a direction under this section.

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

### **24 Power to require bathers to leave water**

- (1) An authorised person may give a direction to a bather to leave the water if—

- (a) the bathing reserve, or the relevant part of the bathing reserve, is closed to bathing; or
- (b) an emergency evacuation alarm has been given; or
- (c) there is some other risk to the bather's safety.

- (2) A person must comply with a direction under this section.

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

### **25 Seizure and detention of dangerous objects and prohibited equipment**

- (1) This section applies if, in a bathing reserve, a person—

- (a) possesses, uses or has used a dangerous object or dangerous item of aquatic equipment; or
- (b) uses or has used an object in a dangerous way; or
- (c) has prohibited equipment.

- (2) An authorised person may seize the object, item or equipment (the seized thing).

- (3) The authorised person must give the person from whom the seized thing is taken a receipt—

- (a) stating the nature of the seized thing; and
- (b) stating the date and time of seizure; and
- (c) stating a period (which must be at least 1 hour and not more than 6 months) for which the seized thing is to be detained; and
- (d) stating a place where the seized thing may be reclaimed.

- (4) The seized thing must, if not reclaimed on the day on which it was seized, be delivered into the custody of the local government or the life-saving club of which the authorised person is a member.

- (5) The local government or the relevant life-saving club must take all reasonable measures to ensure the safe custody of the seized thing.

- (6) At the conclusion of the period fixed for its detention under subsection (3)(c), if the seized thing is in the custody of a life-saving club it must be delivered into the custody of the local government.
- (7) At the conclusion of the period fixed for its detention under subsection (3)(c), the seized thing must be dealt with by the local government as an impounded item under *Local Law No.1 (Administration) 2014*, section 40.

## Part 6 Authorised persons

### 26 Who are authorised persons

- (1) The following persons are authorised persons for this local law—
  - (a) a person who is an authorised person under a subordinate local law for this paragraph;
  - (b) a person appointed as an authorised person for this local law under this section.

*Example for paragraph (a)—*

- The subordinate local laws might provide that a person who holds a particular rank in a life-saving patrol is an authorised person.
  - The subordinate local laws might provide that a life guard or a beach inspector is, while he or she holds that position, an authorised person.
- (2) A local government may appoint any of the following persons as authorised persons for this local law—
    - (a) employees of the local government;
    - (b) other persons who are eligible for appointment as authorised persons under the Act.<sup>5</sup>
  - (3) An appointment of a person as an authorised person under this section must state the provisions of this local law for which the person is appointed as an authorised person.
  - (4) A local government may appoint a person as an authorised person under this section only if—
    - (a) the local government considers the person has the necessary expertise or experience for the appointment; or
    - (b) the person has satisfactorily finished training approved by the local government for the appointment.

### 27 Limitation on authorised person's powers

An authorised person's powers may be limited in the person's instrument of appointment or under a subordinate local law for this section.

### 28 Authorised person's appointment conditions

- (1) An authorised person holds office on the conditions stated in the instrument of appointment or a subordinate local law for this subsection.

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<sup>5</sup> See the Act, chapter 6, part 6.



- (2) An authorised person—
  - (a) if the instrument or subordinate local law provides for a term of appointment—ceases holding office at the end of the term; and
  - (b) if appointed as an authorised person under section 26(1)(b)—may resign by signed notice of resignation given to the local government; and
  - (c) if the person holds a particular rank or position, and is an authorised person under a subordinate local law because he or she holds the relevant rank or position—ceases holding office as an authorised person on ceasing to hold the relevant rank or position; and
  - (d) if the conditions of appointment provide—ceases holding office as an authorised person on ceasing to hold another office stated in the appointment conditions (the main office).
- (3) However, an authorised person may not resign from the office of authorised person (the secondary office) under subsection (2)(b) if a condition of the authorised person's employment in the main office requires the authorised person to hold the secondary office.

## **29 Authorised person's identity card**

- (1) Each authorised person must hold an identity card issued by the local government or a recognised life-saving club.
- (2) An identity card issued by the local government must—
  - (a) contain a recent photograph of the authorised person; and
  - (b) be signed by the authorised person; and
  - (c) identify the person as an authorised person for the local government; and
  - (d) include an expiry date.
- (3) An identity card issued by a recognised life-saving club must—
  - (a) contain a recent photograph of the authorised person or state the authorised person's date of birth; and
  - (b) be signed by the authorised person; and
  - (c) identify the person as an authorised person for the life-saving club; and
  - (d) include an expiry date.
- (4) A person who ceases to be an authorised person must return the person's identity card to the local government or the life-saving club that issued it within 21 days after the person ceases to be an authorised person.

Maximum penalty for subsection (4)—10 penalty units.
- (5) This section does not prevent the giving of a single identity card to a person for this part and for other purposes.

## **30 Production of identity card**

- (1) An authorised person may exercise a power in relation to someone else (the *other person*) only if the authorised person—
  - (a) first produces his or her identity card for the other person's inspection;  
or

- (b) has the identity card displayed so it is clearly visible to the other person.
- (2) However, if for any reason it is not practicable to comply with subsection (1), the authorised person must produce the identity card for the other person's inspection at the first reasonable opportunity.

### **31 Offence**

A person must not pretend to be an authorised person or a member of a life-saving patrol.

Maximum penalty—50 penalty units.

### **32 Protection from liability**

- (1) This section applies to—
  - (a) an authorised person; and
  - (b) a person acting under the direction of an authorised person.
- (2) The person does not incur civil liability for an act done or omission made honestly and without negligence under this local law.
- (3) A liability that would, apart from this section, attach to the person attaches instead to the local government.

## **Part 7 Miscellaneous**

### **33 Compliance with Australian standards**

- (1) The flags and signs to be used for the purposes of this local law should comply with any relevant Australian Standard issued or approved by the Standards Association of Australia.
- (2) However, non-compliance with an applicable standard does not invalidate anything done under this local law.

### **34 Obstruction of authorised persons and life-savers**

- (1) A person must not obstruct an authorised person or a member of a life-saving patrol in the conduct of their duties.  
Maximum penalty for subsection (1)—50 penalty units.
- (2) A person must not use insulting or abusive language to an authorised person or a member of a life-saving patrol.  
Maximum penalty for subsection (2)—20 penalty units.

### **35 Interference with flags and life-saving equipment**

- (1) A person must not, without the approval of an authorised person, damage, destroy or interfere with a sign or flag erected or placed under this local law.  
Maximum penalty for subsection (1)—50 penalty units.
- (2) A person must not, without the approval of an authorised person, interfere with life-saving equipment on a bathing reserve.  
Maximum penalty for subsection (2)—50 penalty units.

### 36 Subordinate local laws

The local government may make subordinate local laws about—

- (a) prohibiting or restricting the use of aquatic equipment;<sup>6</sup> or
- (b) the classification of objects as prohibited equipment;<sup>7</sup> or
- (c) the circumstances in which a person may have prohibited equipment in a bathing reserve;<sup>8</sup> or
- (d) the appointment of authorised persons for this local law;<sup>9</sup> or
- (e) the limitation of an authorised person's powers;<sup>10</sup> or
- (f) conditions of office for authorised persons.<sup>11</sup>

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<sup>6</sup> See section 12(1).

<sup>7</sup> See section 15(3).

<sup>8</sup> See section 15(2).

<sup>9</sup> See section 26(1)(a).

<sup>10</sup> See section 27.

<sup>11</sup> See section 28(1).

## Schedule Dictionary

### Section 3

**aquatic equipment** means—

- (a) a boat or vessel; or
- (b) a surf ski; or
- (c) a jet ski; or
- (d) a surf board; or
- (e) a sail board; or
- (f) a body board; or
- (g) another device (whether motorised or not) for use on or in water to carry a person or thing across or through water or for recreational use in water.

**authorised person** means a person who is an authorised person for this local law under part 6.

**bathing** includes all activities involving the immersion or partial immersion of the body in water.

**bathing area** see section 6.

**bathing reserve** means a part of the seashore, adjacent land under the sea, and sea placed under the control of the local government as a bathing reserve under the Act.

**dangerous item of aquatic equipment** means an item of aquatic equipment that is of such a nature that, in the absence of care or precaution in its use or management, the life, safety or health of any person may be endangered.

*Examples of dangerous items of aquatic equipment—*

- A surfboard with sharp or broken edges.
- A boat with projections liable to cause injury to bathers.

**dangerous object** means an object that is of such a nature that, in the absence of care or precaution in its use or management, the life, safety or health of any person may be endangered.

**life-saving club** means a body—

- (a) affiliated with—
  - (i) Surf Life Saving Queensland Inc (SLSQ); or
  - (ii) the Head Centre of the Royal Life Saving Society; and
- (b) accredited by the Department of Community Safety.

**life-saving equipment** means equipment for use in sea rescue, life-saving, or the provision of first aid.

**life-saving patrol** means the members of a recognised life-saving club assigned by the club or SLSQ to patrol a bathing reserve, or part of a bathing reserve, at a particular time.

**patrol flag** means a red and yellow flag of the design prescribed by Australian Standard No. 2416.

**recognised life-saving club** means a life-saving club to which the local government has assigned the responsibility for patrolling a bathing reserve or a particular part of a bathing reserve.<sup>12</sup>

**reserve sign** see section 5(1).

**SLSQ** means Surf Life Saving Queensland Inc.

**surveillance** means the visual supervision of an area.

**the Act** means the *Local Government Act 2009*.

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<sup>12</sup> See section 19.

**Certification**

This and the preceding 15 pages bearing my initials is a certified copy of *Local Law No. 7 (Bathing Reserves) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

.....  
Chief Executive Officer

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**Redland**  
CITY COUNCIL

Redland City Council

**DRAFT Subordinate Local Law No. 7  
(Bathing Reserves) 2014**



## Redland City Council

### Subordinate Local Law No. 7 (Bathing Reserves) 2014

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 7 (Bathing Reserves) 2014*.

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

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 7 (Bathing Reserves) 2014*, which provides for the orderly management and regulation of activities within bathing reserves placed under the local government's control.
- (2) The purpose is to be achieved by providing for—
  - (a) the regulation of the use of aquatic equipment within bathing reserves; and
  - (b) the appointment and powers of authorised persons to manage and enforce the regulation of conduct within bathing reserves.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 7 (Bathing Reserves) 2014* (the *authorising local law*).

### 4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

## Part 2 Bathing reserves

*This part in the authorising local law does not contain any matters to be provided for by subordinate local law.*

## Part 3 Use of aquatic equipment in bathing reserves

### 5 Prohibition or restriction of aquatic equipment—Authorising local law, s 12(1)

- (1) For section 12(1) of the authorising local law, the equipment mentioned in column 2 of schedule 1 is prohibited in the corresponding bathing reserve or part of a bathing reserve mentioned in column 1 of schedule 1.
- (2) For section 12(1) of the authorising local law, the equipment mentioned in column 2 of schedule 2 is restricted in the corresponding bathing reserve or part of a bathing reserve mentioned in column 1 of schedule 2, to the extent described in column 3 of schedule 2.

## **Part 4 Behaviour in bathing reserves**

### **6 Prohibited equipment—Authorising local law, s 15(3)**

For section 15(3) of the authorising local law, the following equipment is prohibited equipment—

- (a) any item of equipment which, in the opinion of an authorised person, could cause injury or danger to others; and
- (b) any item of equipment which has sharp broken edges or projections liable to cause injury.

### **7 Circumstances where prohibited equipment permitted—Authorising local law, s 15(2)**

For section 15(2) of the authorising local law, the circumstances excluded from the application of the section are—

- (a) where the prohibited equipment is used during a competition or event approved by the local government; and
- (b) where the prohibited equipment is used for surveillance of a bathing reserve or to assist a bather in distress by a member of a life-saving patrol; and
- (c) where the use of the prohibited equipment is necessary in an emergency.

## **Part 5 Life-saving clubs and powers of authorised persons**

*This part in the authorising local law does not contain any matters to be provided for by subordinate local law.*

## **Part 6 Authorised persons**

### **8 Appointment of authorised persons—Authorising local law, s 26(1)(a)**

For section 26(1)(a) of the authorising local law, an authorised person for the local law is a person who holds the rank of patrol captain in a life-saving patrol organised by a life-saving club that has been assigned the responsibility for patrolling a bathing reserve or a part of a bathing reserve under section 19 of the authorising local law.

### **9 Limitation of authorised persons' powers—Authorising local law, s 27**

For section 27 of the authorising local law, the powers of an authorised person appointed under section 8 of this subordinate local law are limited as follows—

- (a) an authorised person may only exercise the powers of an authorised

person in the part of the bathing reserve assigned to the life-saving club under section 19 of the authorising local law and during the times that the person is part of a life-saving patrol; and

- (b) an authorised person who is a captain of a life-saving patrol may only exercise the powers under sections 6(1) and (6), 7(1) and (2), 8(1), 11(2)(c), 12(3), 13(1), 18, 22(1), 23(1), 24(1), 25(2) and 35(1) and (2) of the authorising local law.

**10 Conditions of office for authorised persons—Authorising local law, s 28(1)**

For section 28(1) of the authorising local law, an authorised person appointed under section 8 of this subordinate local law holds office on the condition that if there is any conflict between an authorised person appointed under section 26(1)(b) of the authorising local law and an authorised person appointed under section 8 of this subordinate local law regarding the way the powers of an authorised person should be exercised under the local law, the powers shall be exercised as directed by the authorised person appointed under section 26(1)(b).

**Part 7 Miscellaneous**

*This part in the authorising local law does not contain any matters to be provided for by subordinate local law.*

**Schedule 1      Prohibited aquatic equipment for bathing reserves or parts of bathing reserves**

Section 5(1)

	<b>Column 1</b> <b>Bathing reserve or part of bathing reserve</b>	<b>Column 2</b> <b>Prohibited aquatic equipment</b>
		No equipment mentioned

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## Schedule 2      Restricted aquatic equipment for bathing reserves or parts of bathing reserves

Section 5(2)

	<b>Column 1</b> <b>Bathing reserve or part of bathing reserve</b>	<b>Column 2</b> <b>Restricted aquatic equipment</b>	<b>Column 3</b> <b>Extent of restriction</b>
1	All bathing reserves within the local government area.	(a) a boat or vessel; or (b) a surf ski; or (c) a jet ski; or (d) a surf board; or (e) a sail board; or (f) another device (whether motorised or not) for use on or in water to carry a person or thing across or through water or for recreational use in water.	(a) Not permitted within 60m of a bathing area in a bathing reserve. (b) This section does not apply to life-saving equipment used by members of a life-saving patrol for surveillance of the bathing reserve or to assist bathers in distress.

**Certification**

This and the preceding 6 pages bearing my initials is a certified copy of *Subordinate Local Law No. 7 (Bathing Reserves) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

.....  
Chief Executive Officer

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**Decisions Made Under Delegated Authority 24/02/14 to 01/03/14**

<b>Application</b>	<b>Description</b>	<b>Category</b>	<b>Applicant</b>	<b>Property Address</b>	<b>Application Type</b>	<b>Decision Date</b>	<b>Decision</b>	<b>Division Number</b>
<b>Category 1</b>								
BWP002186	Design and Siting - Dwelling	Category1	Indigo Homes Pty Ltd	22 Hoskins Drive Wellington Point QLD 4160	Concurrence Agency Response	28/02/2014	Approved	1
ROL005707	Standard Format 1 into 2 lots	Category1	Antech Constructions Pty Ltd	62 Gordon Street Ormiston QLD 4160	Code Assessment	25/02/2014	Permissible Change - Development Permit	1
BWP002169	Design & Siting - Deck	Category1	The Certifier Pty Ltd	7 Cronin Drive Wellington Point QLD 4160	Concurrence Agency Response	26/02/2014	Approved	1
BWP002176	Design & Siting - Dwelling House	Category1	Henley Properties Qld Pty Ltd	20 Fernbourne Road Wellington Point QLD 4160	Concurrence Agency Response	27/02/2014	Approved	1
BWP002177	Design and Siting - Carport	Category1	Strickland Certification Pty Ltd	55 High View Drive Cleveland QLD 4163	Concurrence Agency Response	27/02/2014	Approved	2
OPW001607	Operational Works - Advertising Device	Category1	Tryzalot Pty Ltd Atf Hicks Family Settlement Trust	33-39 Shore Street West Cleveland QLD 4163	Code Assessment	26/02/2014	Development Permit	2
BWP002172	Design & Siting - Dwelling House	Category1	Casey Jackson Homes Pty Ltd	48 Omega Avenue Cleveland QLD 4163	Concurrence Agency Response	26/02/2014	Approved	3
BWP002180	Design and Siting - Domestic Additions	Category1	Reliable Certification Services	45 George Thorn Drive Thornlands QLD 4164	Concurrence Agency Response	25/02/2014	Approved	3

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division Number
BWP002188	Domestic Outbuilding	Category1	The Certifier Pty Ltd	3 Morell Street Victoria Point QLD 4165	Concurrence Agency Response	28/02/2014	Approved	4
MCU013188	Dual Occupancy	Category1	Javica Pty Ltd	13 Elderberry Street Thornlands QLD 4164	Code Assessment	28/02/2014	Development Permit	4
BWP002170	Design & Siting - Carport & shed	Category1	The Certifier Pty Ltd	7 Marine Street Redland Bay QLD 4165	Concurrence Agency Response	27/02/2014	Approved	5
MCU013197	ADA- Dwelling House	Category1	Bay Island Designs	61 Beelong Street Macleay Island QLD 4184	Code Assessment	25/02/2014	Development Permit	5
BWP002175	Design & Siting - Dwelling	Category1	Building Code Approval Group Pty Ltd	4 Pinevale Court Victoria Point QLD 4165	Concurrence Agency Response	25/02/2014	Approved	5
BWP002155	Domestic Outbuilding	Category1	Anthony Ian Grey	58 Campbell Road Sheldon QLD 4157	Code Assessment	26/02/2014	Development Permit	6
BWP002160	Building Over/Near Relevant Infrastructure - Retaining Wall for new Dwelling House	Category1	Henley Properties (Qld) Pty Ltd	5 Sugargum Avenue Mount Cotton QLD 4165	Concurrence Agency Response	27/02/2014	Approved	6
BWP002196	Design & Siting - Dwelling House	Category1	Stephen James Menzies	22 Cornwall Crescent Alexandra Hills QLD 4161	Concurrence Agency Response	27/02/2014	Approved	7
BWP002167	Design & Siting - Roofed Patio	Category1	John Douglas Clark	5 Carole Street Capalaba QLD 4157	Concurrence Agency Response	25/02/2014	Approved	9



Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division Number
<b>Category 2</b>								
OPW001574	Operational Works - Dual Occupancy	Category2	DEQ Consulting Engineers	682 Old Cleveland Road East Wellington Point QLD 4160	Compliance Assessment	27/02/2014	Compliance Certificate	1
OPW001515	Operational works - Extension to Redlands Sporting Club carpark (2 of 2)	Category2	Bartley Burns Certifiers & Planners	E G W Wood Sportsfield 347-371 Birkdale Road Wellington Point QLD 4160	Compliance Assessment	24/02/2014	Approved	1
OPW001514	Operational works - Extension to Redlands Sporting Club carpark (1 of 2)	Category2	Bartley Burns Certifiers & Planners Redlands Sporting Club Inc	E G W Wood Sportsfield 347-371 Birkdale Road Wellington Point QLD 4160	Compliance Assessment	24/02/2014	Approved	1
OPW001574	Operational Works - Dual Occupancy	Category2	AKS Homes Pty Ltd	682 Old Cleveland Road East Wellington Point QLD 4160	Compliance Assessment	27/02/2014	Compliance Certificate	1
OPW001515	Operational works - Extension to Redlands Sporting Club carpark (2 of 2)	Category2	Redlands Sporting Club Inc	E G W Wood Sportsfield 347-371 Birkdale Road Wellington Point QLD 4160	Compliance Assessment	24/02/2014	Approved	1
MCU012519	Dwelling House	Category2	Building Code Approval Group Pty Ltd Brit Andresen	6 Booran Street Point Lookout QLD 4183	Code Assessment	26/02/2014	Permissible Change - Development Permit	2
MCU013149	Multiple Dwellings X 10 - (PDA)	Category2	Hamilton Street Project Pty Ltd	95-97 Hamilton Street Redland Bay QLD 4165	Code Assessment	27/02/2014	Development Permit	5

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division Number
OPW001588	Operational Works - ROL 2 into 23 Lots	Category2	Harridan Pty Ltd (Loganholme)	41 Bankswood Drive Redland Bay QLD 4165	Code Assessment	24/02/2014	Development Permit	6
<b>Category 3</b>								
MC011264	Multiple Dwelling x 18	Category3	Platinum Design	38 School Road Capalaba QLD 4157	Code Assessment	27/02/2014	Permissible Change - Development Permit	9
MC011264	Multiple Dwelling x 18	Category3	Dirk Erich Heinz Arnold	38 School Road Capalaba QLD 4157	Code Assessment	27/02/2014	Permissible Change - Development Permit	9

**Decisions Made Under Delegated Authority 02.03.14 to 08.03.14**

<b>Application</b>	<b>Description</b>	<b>Category</b>	<b>Applicant</b>	<b>Property Address</b>	<b>Application Type</b>	<b>Decision Date</b>	<b>Decision</b>	<b>Division Number</b>
<b>Category 1</b>								
BWP002193	Design & Siting - Dwelling House	Category1	Building Code Approval Group Pty Ltd	9 Fulbeck Place Wellington Point QLD 4160	Concurrence Agency Response	04/03/2014	Approved	1
MCU013210	Home Business ADA - Dog Grooming	Category1	Elizabeth-Jane Barr-Brown	62 Channel Street Cleveland QLD 4163	Code Assessment	05/03/2014	Development Permit	2
ROL005736	Standard Format 1 into 2 lots	Category1	Andrew Charles Laming	6 Tarina Street Cleveland QLD 4163	Compliance Assessment	06/03/2014	Compliance Permit	3
BWP002198	Design & Siting - Carport	Category1	All Star Energy	6 Bangalow Street Victoria Point QLD 4165	Concurrence Agency Response	07/03/2014	Approved	4
MCU013185	Telecommunications Facility	Category1	Telstra Corporation Limited	252 Gordon Road Redland Bay QLD 4165	Code Assessment	06/03/2014	Development Permit	5
BWP002202	Design & Siting - Dwelling House	Category1	Chelbrooke Homes Pty Ltd	41 Balthazar Circuit Mount Cotton QLD 4165	Concurrence Agency Response	06/03/2014	Approved	6
BWP002213	Design & Siting - Domestic Outbuilding	Category1	Freedom Patios	10 Sapium Road Redland Bay QLD 4165	Concurrence Agency Response	07/03/2014	Approved	6
BWP002191	Design & Siting - Domestic Outbuilding	Category1	DBR Building Certification	49 Lyndon Road Capalaba QLD 4157	Concurrence Agency Response	06/03/2014	Approved	7
BWP002212	Design and Siting - Domestic Additions	Category1	Freedom Patios	3A Elizabeth Drive Alexandra Hills QLD 4161	Concurrence Agency Response	07/03/2014	Approved	7

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division Number
ROL005667	Stage 1 & 2 - Standard Format Reconfiguration - (3 into 36 lots and park)	Category1	Ausbuid Plus Pty Ltd	19 Burbank Road Birkdale QLD 4159	Code Assessment	06/03/2014	Permissible Change - Development Permit	8
BWP002194	Design & Siting - Dwelling House	Category1	The Certifier Pty Ltd	48 Bates Drive Birkdale QLD 4159	Concurrence Agency Response	06/03/2014	Approved	10
ROL005731	Standard Format 1 into 2	Category1	Sutgold Pty Ltd	271 Railway Parade Birkdale QLD 4159	Code Assessment	05/03/2014	Development Permit	10
ROL005731	Standard Format 1 into 2	Category1	Zack Wilson Pty Ltd	271 Railway Parade Birkdale QLD 4159	Code Assessment	05/03/2014	Development Permit	10
<b>Category 2</b>								
OPW001573	Operational Works - Dual Occupancy	Category2	DEQ Consulting Engineers AKS Homes Pty Ltd	684 Old Cleveland Road East Wellington Point QLD 4160	Compliance Assessment	05/03/2014	Compliance Certificate	1
OPW001610	Operational Works - MCU - Multiple Dwellings x 4	Category2	Structerre Consulting Engineers	76-78 Queen Street Cleveland QLD 4163	Compliance Assessment	06/03/2014	Compliance Certificate	2
OPW001612	Landscaping Work - Extension of shopping centre	Category2	MPN Consulting Pty Ltd	101 Valley Way Mount Cotton QLD 4165	Compliance Assessment	06/03/2014	Compliance Certificate	6
ROL005526	Standard Format - 28 Lots	Category2	Wilson Four Pty Ltd	62-70 Birkdale Road Birkdale QLD 4159	Code Assessment	05/03/2014	Permissible Change - Development Permit	10