

**Redland**  
CITY COUNCIL

# **AGENDA**

## **GENERAL MEETING**

**Wednesday, 10 October 2018**  
**commencing at 9.30am**

The Council Chambers  
91 - 93 Bloomfield Street  
CLEVELAND QLD

## Order Of Business

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## 1 DECLARATION OF OPENING

On establishing there is a quorum, the Mayor will declare the meeting open.

### Recognition of the Traditional Owners

Council acknowledges the Quandamooka people who are the traditional custodians of the land on which we meet. Council also pays respect to their elders, past and present, and extend that respect to other indigenous Australians who are present.

## 2 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE

Motion is required to approve leave of absence for any Councillor absent from today's meeting.

## 3 DEVOTIONAL SEGMENT

Member of the Ministers' Fellowship will lead Council in a brief devotional segment.

## 4 DECLARATION OF MATERIAL PERSONAL INTEREST OR CONFLICT OF INTEREST ON ANY ITEMS OF BUSINESS

Councillors are reminded of their responsibilities in relation to a councillor's material personal interest and conflict of interest at a meeting (for full details see Division 5A of the *Local Government Act 2009*).

In summary:

### **If a councillor has a material personal interest, in a matter before the meeting:**

Under s.175C *Local Government Act 2009*, the councillor must inform the meeting of the councillor's material personal interest in the matter, including the following particulars:

- *The name of the person or other entity who stands to gain benefit or suffer a loss from the outcome of the consideration of the matter at the meeting;*
- *How the person or other entity stands to gain the benefit or suffer the loss;*
- *If the person or other entity who stands to gain the benefit or suffer the loss is not the councillor, the nature of the councillor's relationship to the person or entity.*

***If the councillor has a material personal interest they must leave the meeting, including any area set aside for the public while the matter is discussed and voted on, unless the councillor has approval from the Minister to be present while the matter is discussed and voted on pursuant to section 175F.***

### **Record of material personal interest**

*Under s.175J of the Local Government Act 2009, if a councillor has a material personal interest under section 175C of the Local Government Act 2009, the following information must **be recorded in the minutes of the meeting, and published on the local government's website**—*

- (a) the name of the councillor who has the material personal interest in the matter;*
- (b) the material personal interest including the particulars mentioned in section 175C(2)(a) as described by the councillor;*

*(c) whether the councillor participated in the meeting, or was present during the meeting, under an approval given by the Minister under section 175F.*

**If a councillor has a conflict of interest (a real conflict of interest), or could reasonably be taken to have a conflict of interest (a perceived conflict of interest) in a matter before the meeting:**

*The councillor must, under s.175E of the Local Government Act 2009, inform the meeting about the councillor's personal interests in the matter, including the following particulars:*

- *The nature of the interest;*
- *If the personal interest arises because of the councillor's relationship with, receipt of a gift from, another person-*
  - *The name of the other person;*
  - *The nature of the relationship or the value and date of the receipt of gift; and*
  - *The nature of the other person's interest in the matter.*

***If the other councillors in the meeting are informed about a councillor's personal interests in a matter and the councillor has not voluntarily left the meeting while the matter is discussed and voted on, the other councillors must decide:***

- *Whether there is a real or perceived conflict; and*
- *If the councillors decide that there is a real or perceived conflict, whether the councillor-*
  - *Must leave the meeting including any area set aside for the public, while the matter is voted on and discussed; or*
  - *May participate in the meeting in relation to the matter, including voting on the matter.*

**Record of conflict of interest**

*Under s.175J of the Local Government Act 2009, if a councillor has a conflict of interest under section 175E, the following information must be **recorded in the minutes of the meeting, and published on the local government's website**—*

*(a) the name of the councillor who has a real conflict of interest or perceived conflict of interest in the matter;*

*(b) the councillor's personal interests in the matter, including the particulars mentioned in section 175E(2) as described by the councillor;*

*(c) the decisions made by the other councillors in relation to the existence and nature of the conflict and whether the councillor was permitted to participate in the meeting in relation to the matter, and the reasons for the decisions;*

*(d) whether the councillor participated in the meeting, or was present during the meeting, under an approval under section 175F;*

*(e) if the councillor voted on the matter—how the councillor voted on the matter;*

*(f) how the majority of councillors who were entitled to vote at the meeting voted on the matter.*

**Duty to report another councillor's material personal interest or conflict of interest**

Section 175G of the *Local Government Act 2009* imposes an obligation on councillors to report undisclosed material personal interests and conflicts of interest at a meeting relating to other councillors.

**If a councillor at a meeting reasonably believes, or reasonably suspects:**

- *That another councillor at a meeting has a material personal interest or a real or perceived conflict in a matter; and*
- *The other councillor has not informed the meeting about the interest under section 175C(2) or 175E(2);*

*The councillor who has the belief or suspicion, must as soon as practicable, inform the person who is presiding at the meeting about the facts and circumstances that form the basis of the belief or suspicion.*

*Note: Section 175H makes it an offence for a person to prejudice, intimidate or harass a councillor or another person take action that is likely to be detrimental to a councillor because a councillor has complied with their disclosure obligation under s.175G.*

**5 RECOGNITION OF ACHIEVEMENT**

Mayor to present any recognition of achievement items.

**6 RECEIPT AND CONFIRMATION OF MINUTES**

General Meeting - 5 September 2018

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

There are no matters outstanding.

**8 PUBLIC PARTICIPATION**

In accordance with s.31 of POL-3127 Council Meeting Standing Orders:

1. In each meeting (other than special meetings), a period of 15 minutes may be made available by resolution to permit members of the public to address the local government on matters of public interest relating to the local government. This period may be extended by resolution.
2. Priority will be given to members of the public who make written application to the CEO no later than 4.30pm two days before the meeting. A request may also be made to the chairperson, when invited to do so, at the commencement of the public participation period of the meeting.
3. The time allocated to each speaker shall be a maximum of five minutes. The chairperson, at his/her discretion, has authority to withdraw the approval to address Council before the time period has elapsed.
4. The chairperson will consider each application on its merits and may consider any relevant matter in his/her decision to allow or disallow a person to address the local government, e.g.
  - a) Whether the matter is of public interest;
  - b) The number of people who wish to address the meeting about the same subject
  - c) The number of times that a person, or anyone else, has addressed the local government previously about the matter;
  - d) The person's behaviour at that or a previous meeting' and
  - e) If the person has made a written application to address the meeting.

5. Any person invited to address the meeting must:
- a) State their name and suburb, or organisation they represent and the subject they wish to speak about;
  - b) Stand (unless unable to do so);
  - c) Act and speak with decorum;
  - d) Be respectful and courteous; and
  - e) Make no comments directed at any individual Council employee, Councillor or member of the public, ensuring that all comments relate to Council as a whole.

## **9 PETITIONS AND PRESENTATIONS**

Councillors may present petitions or make presentations under this section.

## **10 MOTION TO ALTER THE ORDER OF BUSINESS**

The order of business may be altered for a particular meeting where the Councillors at that meeting pass a motion to that effect. Any motion to alter the order of business may be moved without notice.

## **11 REPORTS FROM THE OFFICE OF THE CEO**

Nil

## 12 REPORTS FROM ORGANISATIONAL SERVICES

### 12.1 AUGUST 2018 MONTHLY FINANCIAL REPORT

#### Objective Reference:

**Authorising Officer:** Deborah Corbett-Hall, Chief Financial Officer

**Responsible Officer:** Deborah Corbett-Hall, Chief Financial Officer

**Report Author:** Udaya Panambala Arachchilage, Corporate Financial Reporting Manager

**Attachments:** 1. August 2018 Monthly Financial Report

#### PURPOSE

The purpose of this report is to note the year to date financial results as at 31 August 2018.

#### BACKGROUND

Council adopts an annual budget and then reports on performance against the budget on a monthly basis. This is not only a legal requirement but enables the organisation to periodically review its financial performance and position and respond to changes in community requirements, market forces or other outside influences.

#### ISSUES

##### *Timing of general meeting in September 2018*

There was only one general meeting early in September where the actual financial performance for the financial year up to the end of August 2018 could be reviewed; however, it was not possible for Council's financial report to be completed by the date of that meeting. The monthly financial report for August 2018 is presented to Council at the general meeting on 10 October 2018.

##### *Opening balances for 2018-19 financial year*

The opening balances for the current financial year are still to be finalised and audited. As such, the financial position for the month of August may adjust over the coming months until Council receives Queensland Audit Office certification in October 2018.

##### *Capital carryover budget 2018-19*

Council adopted a carryover budget on 22 August 2018 to accommodate capital works straddling two financial years. The attached monthly financial report for August includes the carryover budget although as outlined above, the final audited 2017-18 balance sheet accounts will influence the opening balances and budgeted key performance indicators in 2018-19. Until the accounts have been finalised, the monthly financial report will reconcile to the financial management system.

#### STRATEGIC IMPLICATIONS

Council has either achieved or favourably exceeded the following key financial stability and sustainability ratios as at the end of August 2018.

- Operating surplus ratio
- Net financial liabilities

- Ability to pay our bills – current ratio
- Ability to repay our debt – debt servicing ratio
- Cash balance
- Cash balances – cash capacity in months
- Longer term financial stability – debt to asset ratio
- Operating performance
- Interest coverage ratio

The following ratios did not meet the target at the end of August 2018:

- Asset sustainability ratio
- Level of dependence on general rate revenue

The asset sustainability ratio did not meet the target at the end of August 2018 and continues to be a stretch target for Council with renewal spend of \$3.63M and depreciation expense of \$9.11M year to date on infrastructure assets. This ratio is an indication of how Council currently maintains, replaces and renews its existing infrastructure assets as they reach the end of their useful life. Capital spend on non-renewal projects increase the asset base and therefore increases depreciation expense, resulting in a lower asset sustainability ratio.

Council's Capital Works Prioritisation Policy (POL-3131) demonstrates its commitment to maintaining existing infrastructure and the adoption of a renewal strategy for its existing assets ahead of 'upgrade' and/or 'new' works.

The level of dependence on general rate revenue ratio moves in line with the rating cycle and for August 2018 it is 44.84% which is outside the target range of less than 40%. As the financial year progresses, receipt of grant revenue is expected to reduce this ratio to standard levels.

### **Legislative Requirements**

The August 2018 financial report is presented in accordance with the legislative requirement of section 204(2) of the *Local Government Regulation 2012*, requiring the Chief Executive Officer to present the financial report to a monthly Council meeting.

### **Risk Management**

The August 2018 financial reports has been noted by the Executive Leadership Team and relevant officers who can provide further clarification and advice around actual to budget variances.

### **Financial**

There is no direct financial impact to Council as a result of this report; however it provides an indication of financial outcomes at the end of August 2018.

### **People**

Nil impact expected as the purpose of the attached report is to provide financial information to Council based upon actual versus budgeted financial activity.

### **Environmental**

Nil impact expected as the purpose of the attached report is to provide financial information to Council based upon actual versus budgeted financial activity.

**Social**

Nil impact expected as the purpose of the attached report is to provide financial information to Council based upon actual versus budgeted financial activity.

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

This report has a relationship with the following items of the 2018-2023 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.

8.2 Council produces and delivers against sustainable financial forecasts as a result of best practice Capital and Asset Management Plans that guide project planning and service delivery across the city.

**CONSULTATION**

Council departmental officers, Financial Services Group officers and the Executive Leadership Team are consulted on financial results and outcomes throughout the period.

**OPTIONS****Option One**

That Council resolves to note the financial position, results and ratios for August 2018 as presented in the attached Monthly Financial Report.

**Option Two**

That Council requests additional information.

**OFFICER'S RECOMMENDATION**

**That Council resolves to note the financial position, results and ratios for August 2018 as presented in the attached Monthly Financial Report.**



# Monthly Financial Report

## August 2018



MAKE A  
**DIFFERENCE**  
MAKE IT  
**COUNT**





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## 1. EXECUTIVE SUMMARY

This monthly report illustrates the financial performance and position of Redland City Council compared to its adopted budget at an organisational level for the period ended 31 August 2018. The year to date and annual revised budget referred to in this report incorporates the changes from the budget capital carryovers adopted by Council on 22 August 2018.

The opening balances for the current year are still to be finalised and audited. As such, the financial position for the month of August may adjust over the coming months until Council receives Queensland Audit Office (QAO) certification in October 2018.

### Key Financial Highlights and Overview

Key Financial Results (\$'000)	Annual Revised Budget	YTD Revised Budget	YTD Actual	YTD Variance	YTD Variance %	Status Favourable ✓ Unfavourable ✗
Operating Surplus / (Deficit)	(2,951)	10,584	10,060	(524)	-5%	✗
Recurrent Revenue	279,136	53,518	52,536	(982)	-2%	✗
Recurrent Expenditure	282,087	42,934	42,476	(458)	-1%	✓
Capital Works Expenditure	83,981	6,774	8,209	1,435	21%	✗
Closing Cash & Cash Equivalents	148,305	143,681	145,395	1,714	1%	✓

Council reported an operating surplus for the month of \$10.06M. Bulk water consumption is lower than expected, resulting in lower than expected revenue. The favourable variance in depreciation expense is due to lower opening asset balances for 2018/2019 which include the results from the 2017/2018 asset revaluation decrement primarily in roads and stormwater assets, as well as lower developer contributed assets. These end of year adjustments influenced the decrease in depreciation expense and contributed to the favourable variance in recurrent expenditure.

As this is only the second month of the year, trends will start to emerge as the first quarter progresses.

Capital grants, subsidies and contributions are above budget due to timing of developer cash contributions and recognition of IndigiScapes grant income.

Council's financial position is based on unaudited opening balances which are subject to change until Queensland Audit Office certification is obtained.

Council's capital works expenditure is above budget by \$1.43M due to timing of works for a number of infrastructure projects which are being progressed earlier ahead of budget timeframe. Capital works identified that were not finalised during 2017/2018 have been carried forward to 2018/2019 in the carryover budget review finalised in August 2018.

Cash balance is higher than budget mainly due to the transfer of the \$3.8M funds held in trust to the general reserve account following Council's resolution dated 8 August. Constrained cash reserves represent 72% of the cash balance.

## 2. KEY PERFORMANCE INDICATORS

### Key Performance Indicators

Financial Stability Ratios and Measures of Sustainability	Status Achieved ✓ Not achieved ✗	Annual Revised Budget	YTD August 2018	Target
Operating Surplus Ratio (%)	✓	-1.06%	19.15%	Between 0% and 10% (on average over the long-term)
Asset Sustainability Ratio (%)	✗	54.23%	39.86%	Greater than 90% (on average over the long-term)
Net Financial Liabilities (%)*	✓	-36.82%	-200.38%	Less than 60% (on average over the long-term)
Level of Dependence on General Rate Revenue (%)	✗	34.93%	44.84%	Less than 40%
Ability to Pay Our Bills - Current Ratio	✓	3.50	3.73	Between 1.1 & 4.1
Ability to Repay Our Debt - Debt Servicing Ratio (%)	✓	2.81%	14.93%	Less than or equal to 15%
Cash Balance \$M	✓	\$148.305M	\$145.395M	Greater than or equal to \$50M
Cash Balances - Cash Capacity in Months	✓	8.19	6.45	Greater than 3 months
Longer Term Financial Stability - Debt to Asset Ratio (%)	✓	1.34%	1.19%	Less than or equal to 10%
Operating Performance (%)	✓	21.91%	28.31%	Greater than or equal to 10%
Interest Coverage Ratio (%)**	✓	-0.67%	-0.79%	Less than 5%

\* The net financial liabilities ratio exceeds the target range when current assets are greater than total liabilities (and the ratio is negative)

\*\* The interest coverage ratio exceeds the target range when interest revenue is greater than interest expense (and the ratio is negative)

The budgeted and actual results are based on unaudited opening balances which are subject to change until Queensland Audit Office certification is obtained in October 2018. The annual revised budgeted balances for 2018/2019 include the changes from the budget carryovers adopted by Council on 22 August 2018. However, until the accounts are finalised in October, the balances will reconcile to the financial management system and may be different to the published carryover budget.







### 3. STATEMENT OF COMPREHENSIVE INCOME

STATEMENT OF COMPREHENSIVE INCOME					
For the period ending 31 August 2018					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
<b>Recurrent revenue</b>					
Rates charges	100,486	100,486	24,744	24,255	(489)
Levies and utility charges	146,618	146,618	25,319	24,138	(1,181)
Less: Pensioner remissions and rebates	(3,493)	(3,493)	(849)	(748)	101
Fees	13,673	13,673	2,056	2,144	88
Rental income	912	912	117	169	52
Interest received	4,289	4,289	729	841	112
Dividend received	1,000	1,000	-	-	-
Sales revenue	3,735	3,735	663	751	88
Other income	694	694	48	172	124
Grants, subsidies and contributions	11,223	11,223	691	814	123
<b>Total recurrent revenue</b>	<b>279,136</b>	<b>279,136</b>	<b>53,518</b>	<b>52,536</b>	<b>(982)</b>
<b>Recurrent expenses</b>					
Employee benefits	86,248	86,758	14,769	14,440	(329)
Materials and services	129,100	129,190	17,201	17,573	372
Finance costs	2,840	2,840	458	510	52
Depreciation and amortisation	63,505	63,505	10,584	9,966	(618)
Other expenditure	507	507	43	96	53
Net internal costs	(713)	(713)	(121)	(109)	12
<b>Total recurrent expenses</b>	<b>281,487</b>	<b>282,087</b>	<b>42,934</b>	<b>42,476</b>	<b>(458)</b>
<b>OPERATING SURPLUS / (DEFICIT)</b>	<b>(2,351)</b>	<b>(2,951)</b>	<b>10,584</b>	<b>10,060</b>	<b>(524)</b>
<b>Capital revenue</b>					
Grants, subsidies and contributions	32,501	32,727	225	1,516	1,291
Non-cash contributions	6,868	6,868	6	-	(6)
<b>Total capital revenue</b>	<b>39,369</b>	<b>39,595</b>	<b>231</b>	<b>1,516</b>	<b>1,285</b>
<b>Capital expenses</b>					
(Gain) / loss on disposal of non-current assets	289	101	35	(61)	(96)
<b>Total capital expenses</b>	<b>289</b>	<b>101</b>	<b>35</b>	<b>(61)</b>	<b>(96)</b>
<b>TOTAL INCOME</b>	<b>318,505</b>	<b>318,731</b>	<b>53,749</b>	<b>54,052</b>	<b>303</b>
<b>TOTAL EXPENSES</b>	<b>281,776</b>	<b>282,188</b>	<b>42,969</b>	<b>42,415</b>	<b>(554)</b>
<b>NET RESULT</b>	<b>36,729</b>	<b>36,543</b>	<b>10,780</b>	<b>11,637</b>	<b>857</b>
<b>Other comprehensive income / (loss)</b>					
<b>Items that will not be reclassified to a net result</b>					
Revaluation of property, plant and equipment	-	-	-	-	-
<b>TOTAL COMPREHENSIVE INCOME</b>	<b>36,729</b>	<b>36,543</b>	<b>10,780</b>	<b>11,637</b>	<b>857</b>





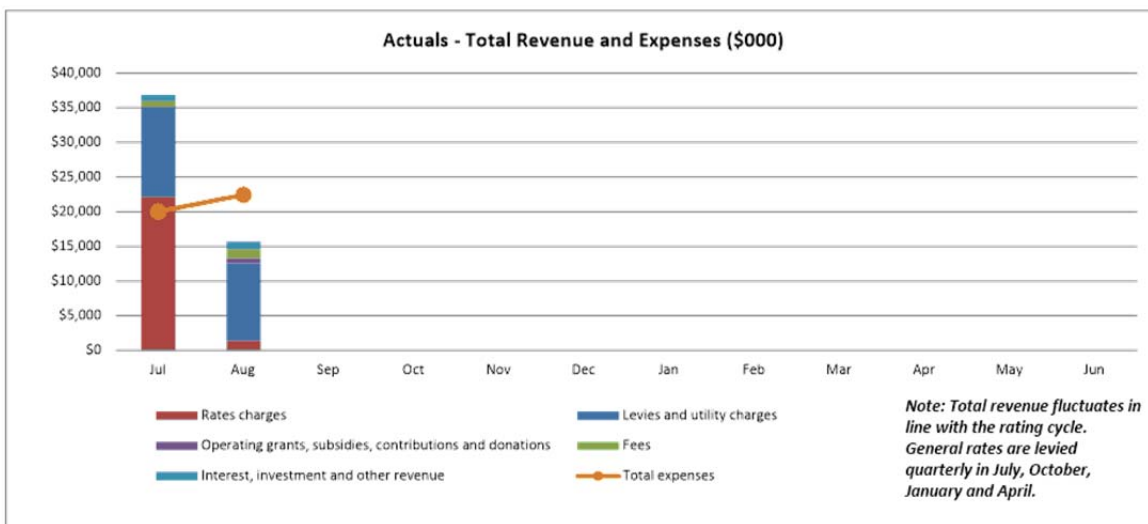
3. STATEMENT OF COMPREHENSIVE INCOME - CONTINUED

LEVIES AND UTILITY CHARGES ANALYSIS					
For the period ending 31 August 2018					
	Annual	Annual	YTD	YTD	YTD
	Original Budget \$000	Revised Budget \$000	Revised Budget \$000	Actual \$000	Variance \$000
<b>Levies and utility charges</b>					
Refuse collection rate charge	24,307	24,307	4,051	3,974	(77)
Special charges	723	723	301	302	1
SES separate charge	478	478	120	120	-
Environment separate charge	8,180	8,180	2,045	2,031	(14)
Separate charge landfill remediation	3,106	3,106	518	514	(4)
Wastewater charges	44,951	44,951	7,492	7,317	(175)
Water access charges	18,665	18,665	3,111	3,075	(36)
Water consumption charges	46,207	46,207	7,681	6,805	(876)
<b>Total levies and utility charges</b>	<b>146,618</b>	<b>146,618</b>	<b>25,319</b>	<b>24,138</b>	<b>(1,181)</b>

MATERIALS AND SERVICES ANALYSIS					
For the period ending 31 August 2018					
	Annual	Annual	YTD	YTD	YTD
	Original Budget \$000	Revised Budget \$000	Revised Budget \$000	Actual \$000	Variance \$000
<b>Materials and services</b>					
Contractors	33,755	33,740	3,151	3,924	773
Consultants	4,500	4,602	236	191	(45)
Other Council outsourcing costs*	16,902	16,972	2,472	2,473	1
Purchase of materials	48,229	48,239	7,471	7,185	(286)
Office administration costs	8,649	8,537	1,274	1,359	85
Electricity charges	5,786	5,786	963	929	(34)
Plant operations	4,190	4,220	604	577	(27)
Information technology resources	2,820	2,753	509	419	(90)
General insurance	1,423	1,423	235	229	(6)
Community assistance**	1,583	1,655	159	166	7
Other material and service expenses	1,263	1,263	127	121	(6)
<b>Total materials and services</b>	<b>129,100</b>	<b>129,190</b>	<b>17,201</b>	<b>17,573</b>	<b>372</b>

\* Other Council outsourcing costs are various outsourced costs including refuse collection and disposal, waste disposal, legal services, traffic control, external training, valuation fees, etc.

\*\* Community assistance costs represent community related costs including community grants, exhibitions & awards, donations and sponsorships.





#### 4. STATEMENT OF FINANCIAL POSITION

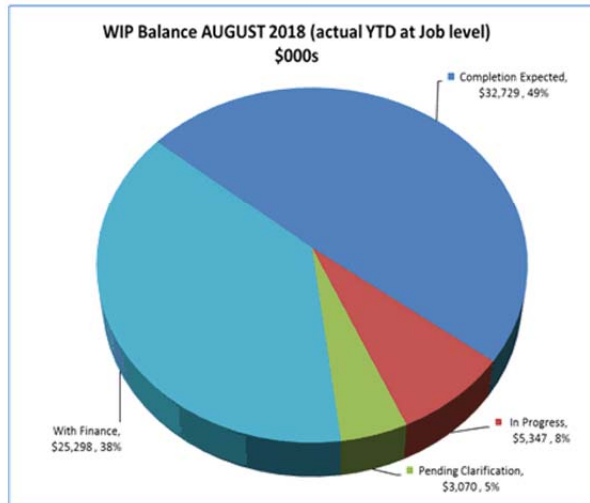
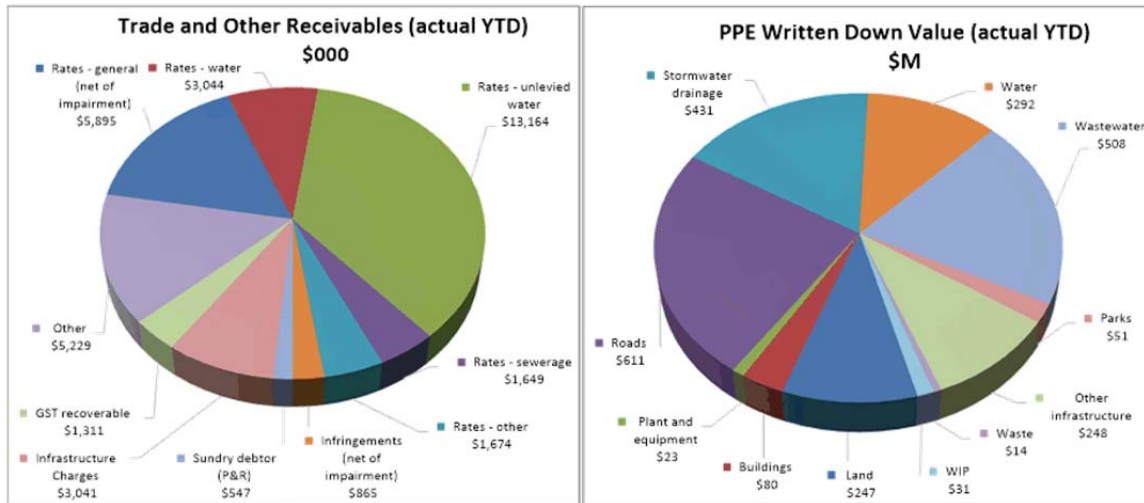
STATEMENT OF FINANCIAL POSITION As at 31 August 2018				
	Annual	Annual	YTD	YTD
	Original Budget \$000	Revised Budget \$000	Revised Budget \$000	Actual \$000
<b>CURRENT ASSETS</b>				
Cash and cash equivalents	167,263	148,305	143,681	145,395
Trade and other receivables	27,273	40,744	40,700	36,419
Inventories	556	1,108	1,108	1,012
Non-current assets held for sale	262	11,113	11,113	11,113
Other current assets	2,073	2,033	2,033	2,191
<b>Total current assets</b>	<b>197,428</b>	<b>203,303</b>	<b>198,635</b>	<b>196,130</b>
<b>NON-CURRENT ASSETS</b>				
Investment property	1,091	1,091	1,091	1,091
Property, plant and equipment	2,608,476	2,564,255	2,533,961	2,536,003
Intangible assets	826	1,014	1,825	1,864
Other financial assets	73	73	73	73
Investment in other entities	14,712	14,791	14,791	14,791
<b>Total non-current assets</b>	<b>2,625,178</b>	<b>2,581,224</b>	<b>2,551,741</b>	<b>2,553,822</b>
<b>TOTAL ASSETS</b>	<b>2,822,606</b>	<b>2,784,527</b>	<b>2,750,376</b>	<b>2,749,952</b>
<b>CURRENT LIABILITIES</b>				
Trade and other payables	40,840	31,435	21,155	20,523
Borrowings - current	7,713	7,728	7,728	7,728
Provisions - current	13,742	14,284	13,677	13,003
Other current liabilities	1,747	4,654	11,662	11,345
<b>Total current liabilities</b>	<b>64,041</b>	<b>58,101</b>	<b>54,222</b>	<b>52,599</b>
<b>NON-CURRENT LIABILITIES</b>				
Borrowings - non current	29,651	29,520	25,010	25,034
Provisions - non current	12,115	12,905	12,905	13,223
<b>Total non-current liabilities</b>	<b>41,766</b>	<b>42,425</b>	<b>37,915</b>	<b>38,257</b>
<b>TOTAL LIABILITIES</b>	<b>105,807</b>	<b>100,526</b>	<b>92,137</b>	<b>90,856</b>
<b>NET COMMUNITY ASSETS</b>	<b>2,716,799</b>	<b>2,684,001</b>	<b>2,658,239</b>	<b>2,659,096</b>
<b>COMMUNITY EQUITY</b>				
Asset revaluation surplus	1,070,838	1,003,168	1,003,168	1,003,168
Retained surplus	1,517,043	1,567,125	1,555,683	1,550,574
Constrained cash reserves	128,918	113,708	99,388	105,354
<b>TOTAL COMMUNITY EQUITY</b>	<b>2,716,799</b>	<b>2,684,001</b>	<b>2,658,239</b>	<b>2,659,096</b>

The budgeted and actual results are based on unaudited opening balances which are subject to change until Queensland Audit Office certification is obtained in October 2018. The annual revised budgeted balances for 2018/2019 include the changes from the budget carryovers adopted by Council on 22 August 2018. However, until the accounts are finalised in October, the balances will reconcile to the financial management system and may be different to the published carryover budget.





4. STATEMENT OF FINANCIAL POSITION - CONTINUED



PROPERTY, PLANT AND EQUIPMENT (PPE) MOVEMENT*				
For the period ending 31 August 2018				
	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Revised Budget \$000	YTD Actual Balance \$000
<b>PPE movement</b>				
Opening balance (includes WIP from previous years)	2,598,959	2,537,638	2,537,638	2,537,638
Acquisitions and WIP in year movement	73,748	90,848	6,780	8,185
Depreciation in year	(62,532)	(62,532)	(10,422)	(9,813)
Disposals	(1,699)	(1,699)	(35)	-
Other adjustments**	-	-	-	(7)
<b>Closing balance</b>	<b>2,608,476</b>	<b>2,564,255</b>	<b>2,533,961</b>	<b>2,536,003</b>

\* This table includes movement relating to property, plant and equipment only and is exclusive of intangible assets.

\*\* Other adjustments include transfers between asset classes, revaluation adjustments, prior period adjustments and depreciation thereon.

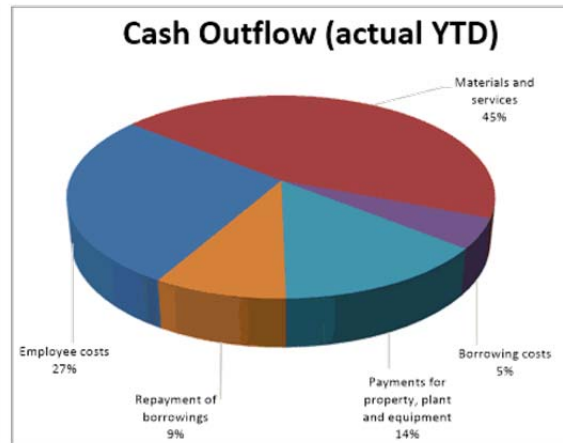
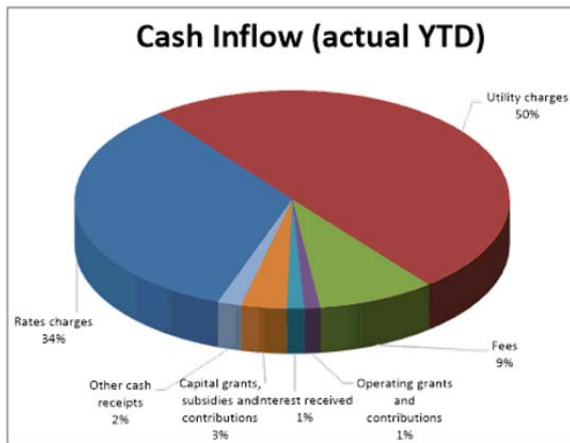






**5. STATEMENT OF CASH FLOWS**

<b>STATEMENT OF CASH FLOWS</b>				
<b>For the period ending 31 August 2018</b>				
	Annual	Annual	YTD	YTD
	Original	Revised	Revised	Actual
	Budget	Budget	Budget	\$000
	\$000	\$000	\$000	
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>				
Receipts from customers	261,712	261,712	59,033	61,164
Payments to suppliers and employees	(213,794)	(214,394)	(41,059)	(42,309)
	47,919	47,318	17,974	18,855
Interest received	4,289	4,289	730	841
Rental income	912	912	117	169
Non-capital grants and contributions	11,223	11,223	691	761
Borrowing costs	(2,809)	(2,809)	(2,809)	(2,809)
<b>Net cash inflow / (outflow) from operating activities</b>	<b>61,533</b>	<b>60,933</b>	<b>16,703</b>	<b>17,817</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>				
Payments for property, plant and equipment	(66,880)	(83,981)	(6,774)	(8,186)
Payments for intangible assets	-	-	-	(23)
Proceeds from sale of property, plant and equipment	1,410	1,598	-	61
Capital grants, subsidies and contributions	32,501	32,727	225	2,199
Other cash flows from investing activities	1,000	1,000	-	-
<b>Net cash inflow / (outflow) from investing activities</b>	<b>(31,969)</b>	<b>(48,656)</b>	<b>(6,549)</b>	<b>(5,949)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>				
Proceeds of borrowings	2,500	2,500	-	-
Repayment of borrowings	(5,035)	(5,035)	(5,035)	(5,035)
<b>Net cash inflow / (outflow) from financing activities</b>	<b>(2,535)</b>	<b>(2,535)</b>	<b>(5,035)</b>	<b>(5,035)</b>
<b>Net increase / (decrease) in cash held</b>	<b>27,030</b>	<b>9,743</b>	<b>5,119</b>	<b>6,833</b>
Cash and cash equivalents at the beginning of the year	140,234	138,562	138,562	138,562
<b>Cash and cash equivalents at the end of the financial year / period</b>	<b>167,263</b>	<b>148,305</b>	<b>143,681</b>	<b>145,395</b>



<b>Total Cash Funding (Actual YTD)</b>	<b>65,195</b>	<b>Total Cash Expenditure (Actual YTD)</b>	<b>58,362</b>
Total Cash Funding (Annual Revised Budget)	315,961	Total Cash Expenditure (Annual Revised Budget)	306,218
% of Budget Achieved YTD	21%	% of Budget Achieved YTD	19%







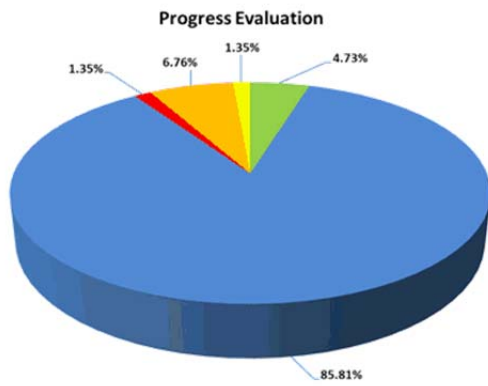
### 6. CAPITAL EXPENDITURE



	Annual Revised Budget \$000	YTD Revised Budget \$000	YTD Actual \$000	YTD Variance \$000
Capitalised goods and services	76,884	6,221	7,010	789
Capitalised employee costs	7,097	553	1,199	646
<b>Total</b>	<b>83,981</b>	<b>6,774</b>	<b>8,209</b>	<b>1,435</b>

### 7. PROGRAM AND PROJECT UPDATE

■ Favourable (budget under / schedule on track)
 ■ Meeting expectations (budget and schedule on track)
 ■ Within tolerance (one of budget or schedule not on track)
 ■ Unfavourable (budget and schedule not on track)
 ■ Others (schedule to be tracked)



Projects and Programs are what Council uses to introduce change to achieve corporate outcomes. They allow new infrastructure, products, systems, procedures and services to be delivered. Projects may be undertaken on a standalone basis or as part of a program. Programs and projects may span multiple financial years.

Council is currently progressing 148 programs and projects.

Total Programs and Projects in Progress	Annual Revised Budget \$000	YTD Actual \$000	Commitments \$000
Capital*	63,944	8,601	8,319
Operational	10,852	1,227	2,435

\*The capital spend on programs and projects is a subset of Council's total capital budget which includes business as usual capital spend such as replacement of computers, fleet etc.

#### Notable Projects

Financially significant projects with an annual budget of more than \$1M constitute 17 projects out of 148 and accounts for 63% of the total programs and project budget. The status of two notable projects are as follows:

Project description	Progress
Dredging of the Toondah Harbour Area. Will be fully funded by Department of Transport and Main Roads and is expected to be completed by December 2018.	This project is on track.
Resurfacing of roads to avoid pavement failure and to prolong the overall pavement life.	This project is on track.

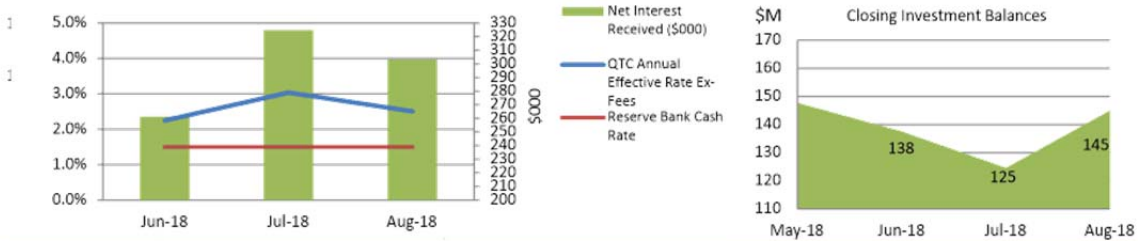




**8. INVESTMENT & BORROWINGS REPORT**

For the period ending 31 August 2018

**INVESTMENT RETURNS - QUEENSLAND TREASURY CORPORATION (QTC)**



**Total Investment at End of Month was \$145.02M**

All Council investments are currently held in the Capital Guaranteed Cash Fund, which is a fund operated by the Queensland Treasury Corporation (QTC).

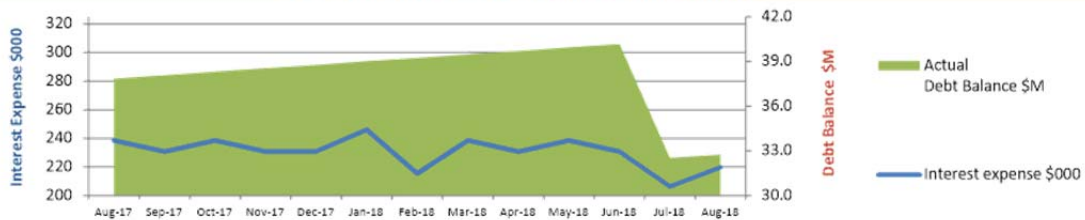
The movement in interest earned is indicative of both the interest rate and the surplus cash balances held, the latter of which is affected by business cash flow requirements on a monthly basis as well as the rating cycle.

Note: the Reserve Bank reduced the cash rate down to 1.5% in the August 2016 sitting - this has not changed in subsequent months.

On a daily basis, cash surplus to requirements is deposited with QTC to earn higher interest as QTC is offering a higher rate than what is achieved from Council's transactional bank accounts. The current annual effective interest rate paid by QTC of 2.51% exceeds the Bloomberg AusBond Bank Bill Index (previously the UBS Bank Bill Index) of 1.85% as at the end of August 2018 in accordance with Corporate POL-3013. Term deposit rates are being monitored to identify investment opportunities to ensure Council maximises its interest earnings.

Council adopted its revised Investment Policy (POL-3013) in June 2018 for the 2018/2019 financial year

**BORROWINGS AND BORROWING COSTS**



The existing loan accounts were converted to fixed rate loans on 1 April 2016 following a QTC restructure of loans and policies. In line with Council's debt policy, debt repayment of \$7.84M, being \$5.03M principal and \$2.81M interest has been made *annually* in advance for 2018/2019 which will result in the loans being repaid approximately one year earlier.

The debt balance shows a decrease as the Annual Debt Service Payment (ADSP) was made during July 2018. Interest will accrue monthly on a daily balance until next ADSP in July 19 which is reflected in the increasing debt balance.

**Total Borrowings at End of Month were \$32.76M**

General pool allocated to capital works is 99.43% and 0.57% is attributable to RedWaste.

Council adopted its revised Debt Policy (POL-1838) in June 2018 for the 2018/2019 financial year





**9. CONSTRAINED CASH RESERVES**

Reserves as at 31 August 2018	Purpose of reserve	Opening Balance	To Reserve	From Reserve	Closing Balance
		\$000	\$000	\$000	\$000
<b>Special Projects Reserve:</b>					
Weinam Creek Reserve	Maintenance and improvements associated with Weinam Creek projects	3,625	-	(5)	3,620
Red Art Gallery Commissions & Donations Reserve	Purchases of art work for the RCC art collection	7	-	-	7
Raby Bay Revetment Wall Reserve	To fund Raby Bay revetment wall works program	-	744	(8)	736
Fleet Plant & Capital Equipment Reserve	To support the long term fleet replacement program	-	5,398	-	5,398
		<b>3,632</b>	<b>6,142</b>	<b>(13)</b>	<b>9,761</b>
<b>Constrained Works Reserve:</b>					
Public Parks Trunk Infrastructure Reserve	Capital projects for public parks trunk infrastructure	7,324	193	(36)	7,481
Land for Community Facilities Trunk Infrastructure Reserve	Land for community facilities trunk infrastructure	2,192	31	-	2,223
Water Supply Trunk Infrastructure Reserve	Upgrade, expansion or new projects for water supply trunk infrastructure	10,107	3,798	-	13,905
Sewerage Trunk Infrastructure Reserve	Upgrade, expansion or new projects for sewerage trunk infrastructure	9,222	190	-	9,412
Constrained Works Reserve-Capital Grants & Contributions	Unexpended capital grants and contributions received for specific projects	651	-	(16)	635
Local Roads Trunk Infrastructure Reserve	Capital projects for local roads trunk infrastructure	35,922	385	(190)	36,117
Cycleways Trunk Infrastructure Reserve	Capital projects for cycleways trunk infrastructure	10,783	152	-	10,935
Stormwater Trunk Infrastructure Reserve	Capital projects for stormwater trunk infrastructure	8,884	72	-	8,956
Constrained Works Reserve-Operating Grants & Contributions	Unexpended operating grants and contributions received for specific projects	919	-	(18)	901
Tree Planting Reserve	Acquisition and planting of trees on footpaths	88	8	(1)	95
		<b>86,092</b>	<b>4,829</b>	<b>(261)</b>	<b>90,660</b>
<b>Separate Charge Reserve - Environment:</b>					
Environment Charge Acquisition Reserve	Acquisitions in land and facilities to support or enhance environmental outcomes	234	304	-	538
Environment Charge Maintenance Reserve	Ongoing conservation and maintenance operations	1,708	1,726	(364)	3,070
SES Separate Charge Reserve	On-going costs of maintaining the Redlands SES	-	120	(81)	39
		<b>1,942</b>	<b>2,150</b>	<b>(445)</b>	<b>3,647</b>
<b>Special Charge Reserve - Other:</b>					
Bay Island Rural Fire Levy Reserve	Pass on revenue collected from levy to the Bay Island Rural Fire Brigade	-	48	-	48
SMBI Translink Reserve	Offset payment made to the State Govt. to assist with transport service to the Bay Islands	(8)	242	-	234
		<b>(8)</b>	<b>290</b>	<b>-</b>	<b>282</b>
<b>Special Charge Reserve - Canals:</b>					
Aquatic Paradise Canal Reserve	Maintenance and repairs of Aquatic Paradise canals	743	1	-	744
Sovereign Waters Lake Reserve	Maintenance and repairs of Sovereign Lake	422	-	-	422
1718 Raby Bay Canal Reserve	Service, facility or activity of works in respect of the canals of the Raby Bay canal estate	1,036	-	(647)	389
1718 Aquatic Paradise Canal Reserve	Service, facility or activity of works in respect of the canals of the Aquatic Paradise canal estate	(495)	-	-	(495)
1718 Sovereign Waters Lake Reserve	Service, facility or activity of works in respect of the lake	(56)	-	-	(56)
		<b>1,650</b>	<b>1</b>	<b>(647)</b>	<b>1,004</b>
<b>TOTALS</b>		<b>93,308</b>	<b>13,412</b>	<b>(1,366)</b>	<b>105,354</b>
					Closing cash and cash equivalents
					145,395
					Reserves as percentage of cash balance
					72%







## 10. REDLAND WATER STATEMENTS

<b>REDLAND WATER SUMMARY OPERATING STATEMENT</b>					
<b>For the period ending 31 August 2018</b>					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
Total revenue	112,745	112,745	18,752	17,860	(892)
Total expenses	66,297	66,297	9,869	10,398	529
Earnings before interest, tax and depreciation (EBITD)	46,448	46,448	8,883	7,462	(1,421)
Interest expense	15,352	15,352	2,559	2,559	-
Depreciation	23,228	23,228	3,871	3,797	(74)
<b>Operating surplus / (deficit)</b>	<b>7,868</b>	<b>7,868</b>	<b>2,453</b>	<b>1,106</b>	<b>(1,347)</b>

<b>REDLAND WATER CAPITAL FUNDING STATEMENT</b>					
<b>For the period ending 31 August 2018</b>					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
Capital contributions, donations, grants and subsidies	6,798	6,798	-	221	221
Net transfer (to) / from constrained capital reserves	(6,608)	(4,398)	-	(3,988)	(3,988)
Non-cash contributions	6,648	6,648	-	-	-
Funding from utility revenue	5,614	6,261	180	3,869	3,689
<b>Total sources of capital funding</b>	<b>12,452</b>	<b>15,309</b>	<b>180</b>	<b>102</b>	<b>(78)</b>
Contributed assets	6,648	6,648	-	-	-
Capitalised expenditure	5,804	8,661	180	102	(78)
<b>Total application of capital funds</b>	<b>12,452</b>	<b>15,309</b>	<b>180</b>	<b>102</b>	<b>(78)</b>

## 11. REDWASTE STATEMENTS

<b>REDWASTE OPERATING STATEMENT</b>					
<b>For the period ending 31 August 2018</b>					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
Total revenue	25,901	25,901	4,325	4,281	(44)
Total expenses	19,155	19,155	3,140	3,101	(39)
Earnings before interest, tax and depreciation (EBITD)	6,746	6,746	1,185	1,180	(5)
Interest expense	30	30	5	5	-
Depreciation	216	216	36	29	(7)
<b>Operating surplus / (deficit)</b>	<b>6,500</b>	<b>6,500</b>	<b>1,144</b>	<b>1,146</b>	<b>2</b>

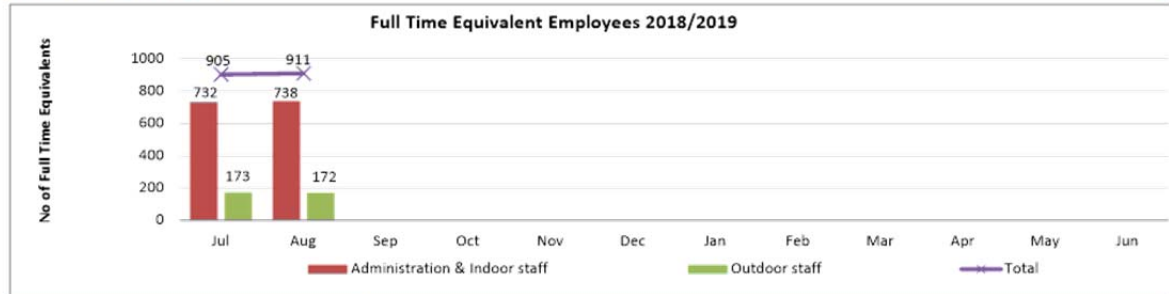
<b>REDWASTE CAPITAL FUNDING STATEMENT</b>					
<b>For the period ending 31 August 2018</b>					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
Non-cash contributions	-	-	-	-	-
Funding from utility revenue	547	547	117	114	(3)
<b>Total sources of capital funding</b>	<b>547</b>	<b>547</b>	<b>117</b>	<b>114</b>	<b>(3)</b>
Capitalised expenditure	456	456	5	2	(3)
Loan redemption	91	91	112	112	-
<b>Total application of capital funds</b>	<b>547</b>	<b>547</b>	<b>117</b>	<b>114</b>	<b>(3)</b>





12. APPENDIX: ADDITIONAL AND NON-FINANCIAL INFORMATION

Workforce Reporting



Workforce reporting - August 2018: Headcount	Employee Type						
	Casual	Contract of Service	Perm Full	Perm Part	Temp Full	Temp Part	Total
Office of CEO	4	2	30	4	5	3	48
Organisational Services	9	5	160	20	24	6	224
Community and Customer Service	28	5	236	62	28	10	369
Infrastructure and Operations	8	6	308	16	19	2	359
<b>Total</b>	<b>49</b>	<b>18</b>	<b>734</b>	<b>102</b>	<b>76</b>	<b>21</b>	<b>1000</b>

Note: Full Time Equivalent Employees includes all full time employees at a value of 1 and all other employees, at a value less than 1. The table above demonstrates the headcount by department (excluding agency staff) and does not include a workload weighting. It includes casual staff in their non-substantive roles as at the end of the period where relevant.





### 13. GLOSSARY

#### Key Terms

**Written Down Value:**

This is the value of an asset after accounting for depreciation or amortisation, and it is also called book value or net book value.

**Work In Progress:**

This represents an unfinished project that costs are still being added to. When a project is completed, the costs will be either capitalised (allocated to relevant asset class) or written off.

#### Definition of Ratios

**Operating Surplus Ratio\*:**

This is an indicator of the extent to which revenues raised cover operational expenses only or are available for capital funding purposes

Net Operating Surplus  
Total Operating Revenue

**Asset Sustainability Ratio\*:**

This ratio indicates whether Council is renewing or replacing existing non-financial assets at the same rate that its overall stock of assets is wearing out

Capital Expenditure on Replacement of Infrastructure Assets (Renewals)  
Depreciation Expenditure on Infrastructure Assets

**Net Financial Liabilities\*:**

This is an indicator of the extent to which the net financial liabilities of Council can be serviced by operating revenues

Total Liabilities - Current Assets  
Total Operating Revenue

**Level of Dependence on General Rate Revenue:**

This ratio measures Council's reliance on operating revenue from general rates (excludes utility revenues)

General Rates - Pensioner Remissions  
Total Operating Revenue - Gain on Sale of Developed Land

**Current Ratio:**

This measures the extent to which Council has liquid assets available to meet short term financial obligations

Current Assets  
Current Liabilities

**Debt Servicing Ratio:**

This indicates Council's ability to meet current debt instalments with recurrent revenue

Interest Expense + Loan Redemption  
Total Operating Revenue - Gain on Sale of Developed Land

**Cash Balance - \$M:**

Cash balance include cash on hand, cash at bank and other short term investments.

Cash Held at Period End

**Cash Capacity in Months:**

This provides an indication as to the number of months cash held at period end would cover operating cash outflows

Cash Held at Period End  
[[Cash Operating Costs + Interest Expense] / Period in Year]

**Longer Term Financial Stability - Debt to Asset Ratio:**

This is total debt as a percentage of total assets, i.e. to what extent will our long term debt be covered by total assets

Current and Non-current loans  
Total Assets

**Operating Performance:**

This ratio provides an indication of Redland City Council's cash flow capabilities

Net Cash from Operations + Interest Revenue and Expense  
Cash Operating Revenue + Interest Revenue

**Interest Coverage Ratio:**

This ratio demonstrates the extent which operating revenues are being used to meet the financing charges

Net Interest Expense on Debt Service  
Total Operating Revenue

\* These targets are set to be achieved on average over the longer term and therefore are not necessarily expected to be met on a monthly basis.



## 12.2 AUDIT COMMITTEE OF 29 AUGUST 2018

### Objective Reference:

**Authorising Officer:** John Oberhardt, General Manager Organisational Services

**Responsible Officer:** Claire Lovejoy, Acting Group Manager Corporate Governance

**Report Author:** Kailesh Naidu, Principal Adviser Internal Audit

**Attachments:** 1. Audit Committee Minutes 29 August 2018

### PURPOSE

The purpose of this report is to present the minutes of the Audit Committee meeting on 29 August 2018 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* 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 29 August 2018 where the draft annual Financial Statements for FY 2017-2018 were presented for the Committee's consideration.

### STRATEGIC IMPLICATIONS

#### Legislative Requirements

This report has been prepared in accordance with the requirements of the *Local Government Act 2009* and the *Local Government Regulation 2012*.

#### 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 impacts resulting from this report.

#### Social

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

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

This report aligns with Council's Corporate Plan 2018-2023 *Outcome 8 Inclusive and ethical governance*.

**CONSULTATION**

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

**OPTIONS****Option One**

That Council resolves to accept this report, which summarises the issues discussed at the Audit Committee meeting of 29 August 2018.

**Option Two**

That Council resolves to accept this report and requests additional information.

**OFFICER'S RECOMMENDATION**

**That Council resolves to accept this report, which summarises the issues discussed at the Audit Committee meeting of 29 August 2018.**





**Redland**  
CITY COUNCIL

# **MINUTES**

## **AUDIT COMMITTEE MEETING**

**Wednesday, 29 August 2018**

The Council Chambers  
91 - 93 Bloomfield Street  
CLEVELAND QLD

**AUDIT COMMITTEE MEETING MINUTES**

**29 AUGUST 2018**

**Order Of Business**

**1 Declaration of Opening.....2**

**2 Record of Attendance and Apologies .....2**

**3 Conflict of Interest declaration .....3**

**4 Receipt and Confirmation of Minutes .....3**

**5 Business Arising from Previous Minutes.....3**

**6 Council Financial Reports.....3**

6.1 Draft Annual Financial Statement 2017-2018.....3

**7 Update from External Auditors .....3**

7.1 Update from External Auditors .....3

**8 Meeting Closure .....3**

**AUDIT COMMITTEE MEETING MINUTES**

29 AUGUST 2018

**AUDIT COMMITTEE MEETING  
HELD AT THE COUNCIL CHAMBERS, 91 - 93 BLOOMFIELD STREET, CLEVELAND QLD  
ON WEDNESDAY, 29 AUGUST 2018 AT 2.00PM**

**1 DECLARATION OF OPENING**

The Chair declared the meeting open at 2.05pm.

**2 RECORD OF ATTENDANCE AND APOLOGIES****Membership**

Cr Paul Gleeson	Councillor Member and Chairperson
Cr Karen Williams	Councillor Member (Mayor)
Mr Virendra Dua	External Member
Mr Peter Dowling	External Member

**Secretary**

Mr Kailesh Naidu	Principal Adviser Internal Audit
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**Attendees**

Mr Andrew Chesterman	Chief Executive Officer
Mr John Oberhardt	General Manager Organisational Services
Ms Deborah Corbett-Hall	Chief Financial Officer
Ms Claire Lovejoy	Acting Group Manager Corporate Governance
Ms Joy Manalo	Finance Manager Corporate Finance
Ms Melissa Read	Queensland Audit Office (QAO)
Ms Ashley Carle	Bentleys – QAO Audit Representative
Mr Peter Paterson	Bentleys – QAO Audit Representative
Mr Grant Tanham-Kelly	Redland Investment Corporation – Chief Financial Officer
Ms Anca Butcher	Redland Investment Corporation – General Counsel and Company Secretary

**Observers**

Cr Wendy Boglary	Councillor
Cr Tracey Huges	Councillor
Cr Paul Bishop	Councillor

**Apologies**

Mr Peter Best	General Manager Infrastructure and Operations
Ms Louise Rusan	General Manager Community and Customer Services
Mr Andrew Ross	General Counsel
Ms Amanda Daly	Head of People and Culture
Mr Sean Rooney	PricewaterhouseCoopers
Ms Anita Kubler	PricewaterhouseCoopers

**Minutes**

Ms Liz Gaborit	Corporate Meetings and Registers Coordinator
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**AUDIT COMMITTEE MEETING MINUTES****29 AUGUST 2018****3 CONFLICT OF INTEREST DECLARATION**

Nil

**4 RECEIPT AND CONFIRMATION OF MINUTES**

The minutes of the Audit Committee meeting of 19 July 2018 were presented for confirmation by the Committee.

**COMMITTEE DECISION**

**The Audit Committee noted the receipt and confirmation of the prior minutes as presented.**

**5 BUSINESS ARISING FROM PREVIOUS MINUTES**

The Chair asked that any business arising from the previous minutes of this Committee be carried forward to the next scheduled Audit Committee meeting on 4 October 2018.

**COMMITTEE DECISION**

**The Audit Committee noted the business arising from previous meetings will be carried forward.**

**6 COUNCIL FINANCIAL REPORTS****6.1 DRAFT ANNUAL FINANCIAL STATEMENT 2017-2018**

Council's Chief Financial Officer presented the draft 2017-2018 annual financial statements of Council to the Audit Committee.

Redland Investment Corporation's (RIC's) Chief Financial Officer answered questions from the Audit Committee related to RIC results.

**COMMITTEE DECISION**

- 1. The Audit Committee noted Council's draft 2017-2018 annual financial statements as presented;**
- 2. The ageing of overdue rates is included in the Council's end of month financial reports; and**
- 3. Redland Investment Corporation's draft annual financial statements are to be provided to the Audit Committee each financial year alongside Council's draft financial statements. RIC is to provide its draft 2017-2018 annual financial statements to the Audit Committee in due course.**

**7 UPDATE FROM EXTERNAL AUDITORS****7.1 UPDATE FROM EXTERNAL AUDITORS**

A verbal update was provided by the external auditors.

**COMMITTEE DECISION**

**The Audit Committee noted the update as presented.**

**8 MEETING CLOSURE**

The Chair closed the meeting at 2.31pm.

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### 12.3 EXTENSION OF EXTERNAL AUDIT COMMITTEE MEMBER APPOINTMENT

**Objective Reference:****Authorising Officer:** John Oberhardt, General Manager Organisational Services**Responsible Officer:** Claire Lovejoy, Acting Group Manager Corporate Governance**Report Author:** Kailesh Naidu, Principal Adviser Internal Audit**Attachments:** Nil**PURPOSE**

The purpose of this report is to seek extension of the appointment of the external member to the Audit Committee, Mr Peter Dowling, for a two-year period from 1 December 2018 to 30 November 2020.

**BACKGROUND**

The Redland City Council *Audit Committee Charter (Corporate POL-3008)* requires that the Audit Committee comprises of two Councillors and two independent external appointees. The appointment for one of the external members, Mr Dowling, is due to expire on 30 November 2018 and extension is sought for a further two-year period. The appointment of the other external member, Mr Virendra Dua, is valid until 30 November 2020. This proposed extension of Mr Dowling's appointment will align both external audit committee members' tenure.

**ISSUES**

Mr Dowling has continued to be an active member of the Committee and has provided invaluable feedback on important matters during his tenure. Mr Dowling brings with him knowledge from his experience and membership on audit committees of other local governments and organisations. If Council does not approve this extension, an expression of interest process will be required to appoint an external Audit Committee member to ensure compliance with the *Audit Committee Charter (Corporate POL-3008)*.

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

Requirements from the *Local Government Act 2009* and *Local Government Regulation 2012* have been considered during the preparation of this report.

**Risk Management**

Having experienced external members on the Audit Committee reduces the risk and enhances the ability of Councillors to discharge their legal responsibility to exercise due care, diligence and skill in relation to compliance with applicable laws, legislation and policies.

**Financial**

The remuneration for the external Audit Committee members has been included in the budget for FY 2018-2019 and will continue to be budgeted in future years.

**People**

There are no specific implications on people due to the content of this report.

**Environmental**

There are no environmental impacts resulting from this report.

**Social**

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

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

This report aligns with Council's Corporate Plan 2018-2023 *Outcome 8 Inclusive and ethical governance*.

**CONSULTATION**

Consultation has taken place with the Mayor, Councillor Karen Williams and Councillor Paul Gleeson, as current members of the Audit Committee, the Chief Executive Officer, the external auditors Bentleys and the Queensland Audit Office.

**OPTIONS****Option One**

That Council resolves to extend the appointment of the current external Audit Committee member, Mr Peter Dowling, for a two-year period from 1 December 2018 to 30 November 2020.

**Option Two**

That Council does not accept this report and requests for an expression of interest process to be engaged in for the appointment of an external member to the Audit Committee.

**OFFICER'S RECOMMENDATION**

**That Council resolves to extend the appointment of the current external Audit Committee member, Mr Peter Dowling, for a two-year period from 1 December 2018 to 30 November 2020.**

## 12.4 REDLAND CITY COUNCIL MEETING SCHEDULE 2019

### Objective Reference:

**Authorising Officer:** John Oberhardt, General Manager Organisational Services

**Responsible Officer:** Marita West, Acting Group Manager Corporate Governance

**Report Author:** Lizzi Striplin, Corporate Meetings & Registers Supervisor

**Attachments:** 1. 2019 Council Meeting Dates - Proposed

### PURPOSE

The purpose of this report is for Council to adopt the Council meeting calendar for 2019.

### BACKGROUND

The *Local Government Act 2009* (LG Act) requires Councils to at least once in each year, publish in a newspaper, circulating generally in its area and on the local government's website a notice of the days and times when its meetings are to be held. The LG Act also requires Councils to display in a conspicuous place in its public office a notice of the days and times when its meetings will be held.

### ISSUES

The attached meeting calendar for 2019 has been developed to meet legislative requirements under the LG Act.

### STRATEGIC IMPLICATIONS

#### Legislative Requirements

The recommendations of this report are in accordance with the legislative requirements relating to the conduct of Council's meetings.

#### Risk Management

There are no significant risk management issues associated with this report.

#### Financial

There are no specific financial implications associated with this report.

#### People

Adopting Council's meetings calendar allows Council's Elected Representatives and those officers involved in Council's meetings to effectively plan for their 2019 Council meeting commitments.

#### Environmental

There are no specific environmental implications associated with this report.

#### Social

Early adoption of Council's meeting schedule provides benefit to members of the community wishing to attend Council meetings.

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

This report aligns with Council's policies and plans and contributes to Inclusive and Ethical Governance.

**CONSULTATION**

Consultation has occurred with the Executive Leadership Team, Councillors and the Corporate Meetings and Registers Team.

**OPTIONS****Option One**

That Council resolves to adopt the attached 2019 meeting calendar.

**Option Two**

That Council amends the proposed 2019 meeting calendar.

**OFFICER'S RECOMMENDATION**

**That Council resolves to adopt the attached 2019 meeting calendar.**



**REDLAND CITY COUNCIL**  
**PROPOSED MEETING SCHEDULE**  
**JANUARY – DECEMBER 2019**

<b>JANUARY 2019</b>		
23	Wednesday 9.30am	General Meeting
<b>FEBRUARY 2019</b>		
6	Wednesday 9.30am	General Meeting
20	Wednesday 9.30am	General Meeting
<b>MARCH 2019</b>		
6	Wednesday 9.30am	General Meeting
20	Wednesday 9.30am	General Meeting
<b>APRIL 2019</b>		
3	Wednesday 9.30am	General Meeting
<b>MAY 2019</b>		
8	Wednesday 9.30am	General Meeting
22	Wednesday 9.30am	General Meeting
<b>JUNE 2019</b>		
5	Wednesday 9.30am	General Meeting
19	Wednesday 9.30am	General Meeting
27	Thursday 9.30am	Special Meeting – Adoption of 2019/20 Budget
<b>JULY 2019</b>		
17	Wednesday 9.30am	General Meeting
31	Wednesday 9.30am	General Meeting
<b>AUGUST 2019</b>		
14	Wednesday 9.30am	General Meeting
28	Wednesday 9.30am	General Meeting
<b>SEPTEMBER 2019</b>		
11	Wednesday 9.30am	General Meeting
<b>OCTOBER 2019</b>		
9	Wednesday 9.30am	General Meeting
23	Wednesday 9.30am	General Meeting
<b>NOVEMBER 2019</b>		
6	Wednesday 9.30am	General Meeting
20	Wednesday 9.30am	General Meeting
<b>DECEMBER 2019</b>		
4	Wednesday 9.30am	General Meeting
18	Wednesday 9.30am	General Meeting

## 12.5 CHANGES TO POL3076 - EXPENSES REIMBURSEMENT AND PROVISION OF FACILITIES FOR COUNCILLORS

### Objective Reference:

**Authorising Officer:** John Oberhardt, General Manager Organisational Services

**Responsible Officer:** Andrew Ross, General Counsel

**Report Author:** Andrew Ross, General Counsel

**Attachments:** 1. POL-3076 Expenses Reimbursement and Provision of Facilities for Councillors

### PURPOSE

The purpose of this report is to adopt the proposed changes to the vehicle provisions within Policy POL-3076 – Expenses Reimbursement and Provision of Facilities for Councillors;

### BACKGROUND

A local government must adopt an expenses reimbursement policy section 250 of the *Local Government Regulation 2012* (the Regulation) and may amend it by resolution at any time.

Councillors have asked that this Policy be reviewed, specifically in relation to the provision of a vehicle and reimbursement for vehicle usage.

The Regulation also requires that Council must publish the policy and that any decisions relating to adopting or amending the policy must be made in public, namely at a General Meeting of Council.

### ISSUES

It is important that Councillors are provided with all the resources required to enable them to perform their roles and responsibilities under sections 4 and 12 of the *Local Government Act 2009*.

Council is committed to being accountable and transparent in making good use of resources and funds. The revised policy has a process for capturing business and private use of vehicles by Councillors based on the Australian Taxation Office (ATO) log book and Mileage claim form. The following two options and methodologies are proposed for councillors to have access to a Council vehicle or reimbursement for a private vehicle used to discharge their councillor responsibilities.

<b>Option 1</b>	Council Vehicle	<u>Level 1 E Sedan</u> - base model 4 cylinder sedan, hatch or SUVs/wagon determined by the vehicle selection process	ATO log book (supplied by Financial Services) to be completed for three months outlining all business and private use. The percentage of private use calculated in the three month period will be used for each term of the Councillor to calculate the private use component to be paid by the Councillor on a fortnightly basis through payroll
<b>Option 2</b>	Private Vehicle Use	Claim reimbursement for business use of private vehicle	Mileage claim form to be completed for each business use instance, including the reason for travel, where a reimbursement is requested. To be paid in accordance with ATO rates per Kilometre on a fortnightly basis through payroll

The proposed changes to the vehicle provisions are consistent with the commentary from Local Government Association of Queensland and other comparable Local Governments policies to ensure the public and private use ratio is regularly renewed and acquitted.

Council officers note that additional changes to the Expenses Reimbursement Policy will be part of a governance review.

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

Section 250 of the *Local Government Regulation 2012* requires Council to adopt or amend the Expenses Reimbursement Policy.

### **Risk Management**

Compliance with Section 250 of the *Local Government Regulation 2012*.

### **Financial**

The financial implications are budgeted within the Expenses Reimbursement Policy.

### **People**

### **Environmental**

There are no environment implications

### **Social**

There are no social implications.

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

This report aligns with Council's Corporate Plan 2018-2023 *Outcome 8 Inclusive and ethical governance*.

## **CONSULTATION**

Chief Executive Officer  
General Manager Organisational Services  
General Counsel  
Head of People and Culture  
Chief Financial Officer  
Group Manager Corporate Governance  
Governance Services Manager  
Financial Services Group

## **OPTIONS**

### **Option One**

That Council resolves to adopt POL-3076 Expenses Reimbursement and Provision of Facilities for Councillors Policy referred to in Attachment 1.

### **Option Two**

That Council resolves not to adopt POL-3076 Expenses Reimbursement and Provision of Facilities Policy referred to in Attachment 1.

**OFFICER'S RECOMMENDATION**

**That Council resolves to adopt POL-3076 Expenses Reimbursement and Provision of Facilities for Councillors Policy referred to in Attachment 1.**

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Statutory POL-3076

## Expenses Reimbursement and Provision of Facilities for Councillors

### Head of Power

The establishment of this policy is consistent with s250 of the *Local Government Regulation 2012*.

*"Section 250 Requirement to adopt expenses reimbursement policy or amendment*

*(1) A local government must adopt an expenses reimbursement policy.*

*(2) A local government may, by resolution, amend its expenses reimbursement policy at any time."*

### Policy Objective

The objective of this policy is to ensure the payment of legitimate and reasonable expenses incurred by Councillors for discharging their duties and responsibilities; and to provide facilities to Councillors for those purposes. This is to ensure that Councillors are not financially disadvantaged as a result of carrying out their official duties. The policy is also aimed at reflecting the community's expectations about the extent of a Councillor's duties and responsibilities and its expectations about the resources and reimbursement provided to Councillors from the public funds. This Policy does not deal with the provision of remuneration, nor does it cover non-business-related expenses or facilities incurred by other people, including a Councillor's partner.

The policy objective is aligned with the local government principles in section 4, *Local Government Act 2009* (the Act).

### Provision of Facilities

Councillors are entitled to a range of facilities for discharging their duties and responsibilities as Councillors.

No Councillor may use any Council-provided facility for any purpose in connection with an election campaign, including the use of Council equipment to contribute to social media sites containing election material. A Council provided motor-vehicle shall not have any election-related material applied to it. Adhesive temporary signs that do not damage paintwork, may be applied to indicate the name of the Councillor, his/her division, the Council name and the Councillor's photograph. No other information, including slogans, is permitted on the vehicle.

These facilities remain the property of Council and must be looked after and, where appropriate, returned at the conclusion of the electoral term.

The provided facilities include:

1. A dedicated office for each Councillors' use.
2. Access to corporate meeting rooms.
3. Shared administrative support.
4. Computer and communications equipment (generally consistent with that provided to the

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Executive Leadership Team). Limited private use of computer equipment and telephones is permitted providing that the use is lawful and that the use is appropriate (would not bring Council or the Councillor into disrepute, e.g. pornography, gambling, operating a business or running an election campaign).

5. Stationery and printing. This excludes use for personal promotion.
6. Newspapers and journals (shared access).
7. Personal protective equipment.
8. Insurance, including: public liability, professional indemnity, personal accident and travel insurance (domestic and international).
9. Newsletters. Council may publish divisional newsletters up to four times per year. None will be published in the period of three months prior to a local government election.
10. Parking space for a motor-vehicle.
11. Salary sacrificing into superannuation, subject to Australian Taxation Office rulings and any other relevant policy.
12. Salary sacrificing to lease a motor-vehicle.
13. Vehicle: Councillors may select one of the following options:

Option 1	Council Vehicle	Level 1 E Sedan - base model 4 cylinder sedan, hatch or SUVs/wagon determined by the vehicle selection process	ATO log book (supplied by Financial Services) to be completed for three months outlining all business and private use. The percentage of private use calculated in the three month period will be used for the term to calculate the private use component to be paid by the Councillor on a fortnightly basis through payroll
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A Council supplied vehicle will be limited to a Level 1 E Sedan - base model 4 cylinder sedan, hatch or SUVs/wagon determined by the vehicle selection process.

A Council vehicle approved for private use may be driven by any driver with a full class C licence, with the prior approval of the Councillor. Members of the Councillor’s immediate family who are currently provisional drivers on ‘P’ plates may drive the vehicle, however the vehicle must not be driven by anyone on ‘L’ plates. Councillors will be expected to comply with Council’s guidelines relating to motor-vehicle use to the extent that is relevant to their role, e.g. safety requirements and restrictions on the use of a fuel card.

Option 2	Private Vehicle Use	Claim reimbursement for business use of	Mileage claim form to be completed for each business use instance,
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		private vehicle	including the reason for travel. To be paid in accordance with ATO rates per KM on a fortnightly basis through payroll
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'**Council business**' means official business conducted on behalf of, and/or approved by Council, where a Councillor is required to undertake certain tasks to satisfy legislative requirements or achieve business continuity for the Council. Council business should result in a benefit being achieved either for Council, the local government area or the community.

Council business includes functions and events that are a statutory requirement of the Councillor's role; or are officially recorded in minutes or other public records. This might also include attending an event or function to perform official duties or as an official Council representative, such as:

- ceremonial openings of buildings or facilities;
- fetes, festivals and carnivals;
- annual or presentation dinners;
- public meetings;
- private meetings arranged through official council channels (i.e. documented in official records or diary) for the purpose of conducting bona fide discussions relating to the business of council;
- any other meeting, event or function described in section 107(4) *Local Government Act 2009* under 'Insurance of Councillors', for example, attendance at:
  - meetings of the local government or its committees that the Councillor is entitled or asked to attend;
  - meetings for a resident of the local government area;
  - conferences, deputations, inspections and meetings at which the Councillor's attendance is permitted by the local government; and
  - official functions organised for the local government; and
  - gathering of information by a councillor necessary to inform him or her of an incident of interest to Council or which properly falls within the responsibility of Council.

\* Participating in a community group event or being a representative on a board not associated with Council is not regarded as Council business.

### Reimbursement of Expenses

Councillors are entitled to reimbursement of expenses legitimately incurred for discharging their duties and responsibilities as Councillors:

1. Parking charges relating to attendance at meetings and other functions. This includes paid parking related to travel to and from the islands.
2. Travel by air, other public transport, hire car or taxi. Air travel must be booked through Council's Travel Coordinator. Taxi vouchers, Go Cards and ferry/barge vouchers are available upon request.
  - a. Domestic air travel will be in economy class. International air travel may be in premium economy or business class where offered.

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- b. The CEO or delegate may approve a Councillor's request to extend a business trip to include a private component subject to all the costs relating to the private component being paid for by the Councillor.
  - c. International travel requires the prior approval of Council other than as detailed in Attachment A.
  - d. The CEO or delegate may approve reimbursement of business-related expenses (within budget) incurred by a Councillor while on a privately-funded overseas trip. This is limited to costs incurred for travel, accommodation and the cost of attending a conference (if applicable). If a claim relates to a conference or other training, the Councillor's discretionary training budget shall be used.
3. Travel to/from the islands. This does not include the cost of ferry/barge transport for a Councillor who lives on one of the islands and who is travelling between his/her home and the mainland. The Policy acknowledges the special needs for Councillors whose division and electoral duties include the Moreton Bay Islands (NSI, Coochiemudlo and SMBI) who are reasonably required to attend business related and community events, meetings and functions which are subject to transport and ferry times, and who may incur incidental accommodation and related expenses, which may be paid for in accordance with this Policy.
  4. Accommodation associated with attending training, conferences, etc (must be booked through the Travel Coordinator).
  5. Meals associated with overnight stays or full-day activities where a meal is not provided.
  6. Professional development. 'Core training' and 'industry-specific training' are listed in [Attachment A](#).
    - a. Councillors undertaking 'core and industry-specific training' will have the costs met by Council. Training that does not fall within either list will have the costs met by Council, using the Councillor's discretionary training budget until that fund is exhausted.
    - b. The discretionary training budget for each Councillor is set at \$8,000 per term. The budget includes payment for costs associated with the training, e.g. travel and accommodation. The training must be approved in advance and the content must be relevant to the duties of a Councillor.
    - c. Where the training involves attendance at a conference, the Councillor must present a report to a Council meeting within three months of their attendance.
  7. Hospitality.
    - a. This includes Councillors attending events and functions as a representative of Council. This also includes Councillor attendance at events where they have been invited solely or mainly due to their role as a Councillor, albeit not in an official capacity. Examples include: fundraising events (for charity), festivals, celebratory dinners (for community groups/members) and other community events. This does not include any event, whether fundraising or not, intended to promote a candidate for election to any level of government;
    - b. Reasonable costs incurred will be reimbursed. Minor expenditure to pay for raffle tickets is acceptable, however any prizes won will be returned to be redrawn or will become the property of Council. Requests from the community for donations of gifts for raffle prizes, etc will not be refunded.

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- c. A shared pool of funds, set each year in the budget, will be used for reimbursing Councillors' hospitality expenses. Other examples of expenses that are not covered include: personal costs associated with being away from home, e.g. kennel fees, in-flight movies, hotel mini bar; and the payment of infringements.
8. The Mayor is entitled to a corporate credit card because of the larger number of transactions due to the role. The same rules apply to its use as are applied to employees with a corporate credit card.
  9. A Councillor travelling on business internationally may apply to be issued with a corporate credit card for the period of travel. These cards may only be used to pay for expenses that can be claimed under this policy.
  10. Tax receipts must be provided for each claim. If a tax receipt is lost, a statutory declaration will be required prior to reimbursement.
  11. No expenses related to any election campaign (not just local government) may be claimed.
  12. For reimbursement of expenses relating to motor-vehicles, see the 'Provision of Facilities' section above.

Authorisation of the provision of facilities and the reimbursement of expenses to any Councillor is by the CEO or his/her delegate.

The CEO or delegate may use discretion to determine a request that falls outside of this policy, making any decision in accordance with the policy objective.

### Related Policies/Legislation/Documents

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- Redland City Council Procurement Manual
- *Income Tax Assessment Act 1997*
- Taxation Rulings issued by the Australian Taxation Office
- *Redland City Council Procedure PR-2812-001-002 Driver Responsibilities for Use, Care and Maintenance of Council's Passenger Fleet Vehicles*
- *Redland City Council Guideline GL-3043-003 Fuel Card Use*

### Reporting Requirements

- Disclosure of publicly funded overseas travel – Annual Report
- Domestic and international travel – Council reports and Annual Report (international only)
- Resolutions made during the year authorising the payment or provision of remuneration, including expenses paid or facilities provided to Councillors or members of committees of the local government – Annual Report
- Particulars of the total remuneration paid or provided, including expenses paid or facilities

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provided to each Councillor during the year and the total superannuation contributions paid for each Councillor during the year – Annual Report

- A copy of POL-3076 Expenses Reimbursement and Provision of Facilities for Councillors – Annual Report and Council's website
- Changes to POL-3076 – update on Council's website

### Version Information

Version number	Date	Key changes
6	October	<ul style="list-style-type: none"> <li>• Removal of reference to DLG published guideline</li> </ul>
7	May 2016	<ul style="list-style-type: none"> <li>• Amalgamates policy and guideline into a single document</li> <li>• Redefinition of training categories</li> <li>• Simplification of facilities and reimbursement</li> </ul>
8	November 2016	<ul style="list-style-type: none"> <li>• Change reflects the additional travel and accommodation needed for Councillors who travel to and from Islands.</li> </ul>
9	March 2016	<ul style="list-style-type: none"> <li>• Annexure A – deleted item 10 (Australian Local Government Women's Association – National Conference) from industry-specific training (already listed under core training). Relocated item 11 (Australian Local Government Women's Association – Queensland State Conference) from industry-specific training to core training.</li> </ul>
10	May 2017	<p>Minor Administrative changes to include additional Core and Industry Specific training requirements as follows:</p> <ul style="list-style-type: none"> <li>• Page 2, under 'Reimbursement of Expenses', inserted c. 'International travel requires the prior approval of Council other than as detailed in Attachment A'</li> <li>• Page 6 in Attachment A Inserted dot points 11-13</li> <li>• Page 7 in Attachment A Inserted dot point 10</li> </ul>
11	July 2017	<p>Minor administrative change to remove reference to small grants programme which was incorrect.</p> <ul style="list-style-type: none"> <li>• Page 3 in section 7 item (b) removed statement "Applicants can use Council's small grants programme for such requests."</li> </ul>
12	October 2018	<ul style="list-style-type: none"> <li>• Changes to vehicles options for Councillors and the inclusion of a definition of business use.</li> </ul>

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## POL-3076

### Attachment A

#### Core & Industry Specific Training Expenses Reimbursement and Provision of Facilities for Councillors' Policy POL-3076

The following is a list of **core and industry specific training requirements** which usually require attendance by at least one, and in some cases all Councillors. Guidance is provided alongside each item.

Payment of expenses incurred in attending these events does not affect each Councillor's discretionary training budget:

1. Australian Local Government Association - National General Assembly (It is usual for one or more Councillors to attend this event. The most senior Councillor, usually the Mayor, attending the event will be the official voting delegate of Council.)
2. Local Government Association of Queensland - State Conference (It is usual for one or more Councillors to attend this event. Council will decide by resolution, prior to the event, which one or more of its attendees will have delegated voting authority as it is usual for Council to have several votes on each motion before the Conference.)
3. Australian Local Government Womens' Association – National Conference (It is usual for one or more female Councillors to attend this event, which is also open for male Councillors to attend.)
4. Australian Local Government Women's Association – Queensland State Conference (It is usual for one or more female Councillors to attend this event, which is also open for male Councillors to attend.)
5. Local Government Association of Queensland - Civic Leaders and Financial Summit (It is usual for the Mayor, Deputy Mayor and CEO only to be invited to attend this event.)
6. Local Government Association of Queensland – Elected Member Professional Development (All Councillors attend this training.)
7. Quandamooka Country Cultural Heritage Training – Delivered through QYAC on North Stradbroke Island.
8. Australian Institute of Company Directors – Completion of the Company Directors Course facilitates a high level understanding of the role of a director.
9. Courses provided by providers other than the Local Government Association of Queensland (e.g. the Department of Infrastructure, Local Government and Planning), which relate to updating Councillors with regard to their core responsibilities, e.g. changes to legislation. (All Councillors attend this training.)
10. Redland City Council training programmes which are required to enable Councillors to fulfil their core responsibilities, e.g. information technology/software, occupational health and safety, Councillor induction, code of conduct and meeting procedures. (All Councillors attend this training.)
11. Council of Mayors (SEQ) study tours/trade missions.
12. LGAQ study tours/trade missions.
13. International Friendship/Sister City visits.

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 Group: Corporate Governance  
 Approved: General Manager Organisational Services  
 Date of Approval: 6 June 2017

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# policy document

**POL-3076**

The following is a list of other local government **industry-specific training opportunities** which are of sufficient relevance to a Councillor's responsibilities to be of significant potential benefit to each elected member, and it is likely that a Councillor will wish to attend and present his/her learnings back to the full Council. In that regard, attendance, whilst not mandatory, will not require the use of a Councillor's discretionary training budget to meet the associated costs:

1. Local Government Association of Queensland – Infrastructure Summit
2. Local Government Association of Queensland – Disaster Management Conference
3. Local Government Association of Queensland – Community Wellbeing Symposium
4. Local Government Association of Queensland – Diploma in Local Government Course
5. Local Government Managers Australia – National Congress
6. Local Government Managers Australia (Queensland) – Queensland State Conference
7. Planning Institute of Australia – National Congress
8. Planning Institute of Australia – Queensland State Conference
9. Queensland Environmental Law Association – State Conference
10. Asia Pacific Cities Summits (APCS), Mayoral Forums and associated Business Missions

Other training, not mentioned above will be funded from each Councillor's discretionary training budget.

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**Department:** Organisational Services  
**Group:** Corporate Governance  
**Approved:** General Manager Organisational Services  
**Date of Approval:** 6 June 2017

**Effective Date:** 30 May 2017  
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**12.6 POL-0003 - COMPLAINTS AGAINST A PUBLIC OFFICIAL (NEW POLICY)****Objective Reference:****Authorising Officer:** John Oberhardt, General Manager Organisational Services**Responsible Officer:** Claire Lovejoy, Acting Group Manager Corporate Governance**Report Author:** Marita West, Governance Service Manager**Attachments:** 1. POL-0003 Complaints against a Public Official**PURPOSE**

The purpose of this report is to adopt a new policy on dealing with complaints against a public official in accordance with section 48A of the *Crime and Corruption Act 2001* (the CC Act). The Chief Executive Officer (CEO) is the public official of the Redland City Council within the meaning of the Act.

**BACKGROUND**

The CC Act requires that the public official of a public sector entity (which includes a local government) must, in accordance with section 38 of the CC Act, notify the Crime and Corruption Commission (CCC) of a complaint, information or matter (also called a complaint) which they reasonably suspect involves, or may involve, corrupt conduct. In relation to a complaint regarding the public official, the CC Act requires local governments to develop a policy in consultation with the Chairman of the CCC on how the local government will deal with a complaint, information or matter involving corrupt conduct of the public official. Refer to section 48A of the *Crime and Corruption Act 2001*.

The attached policy "POL-0003 Complaints about the Public Official" (refer Attachment 1) has been drafted in accordance with the suggested template provided by the CCC.

The purpose of the policy is to promote public confidence that complaints made about the public official will be dealt with properly and outline how these complaints will be managed.

The policy identifies the Mayor and General Counsel as the 'Nominated Persons' responsible for dealing with a complaint about the public official, pursuant to section 48A. This role will receive, notify (if necessary), manage and otherwise deal with any complaint, information or matter involving corrupt conduct in relation to the public official in accordance with the process identified in the policy and the requirements of the CC Act.

The policy strengthens Council's existing complaints management process which previously dealt with complaints against the public official. The attached policy has been reviewed and approved by the CCC.

**ISSUES**

By not adopting a standalone policy for Complaints against a Public Official, Council would be non-compliant with the legislative provisions within the CC Act.

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

Section 48A of the *Crime and Corruption Act 2001*.

### **Risk Management**

To promote accountability, integrity and transparency in the way Council deals with a complaint consistent with Council's Fraud and Corruption Prevention Framework.

### **Financial**

There is no financial impact.

### **People**

People issues are referred to in the report and draft policy.

### **Environmental**

There are no environmental issues.

### **Social**

Social issues of transparency and accountability are referred to in the report and policy.

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

The report and policy is aligned to the corporate vision outcome of inclusive and ethical governance.

## **CONSULTATION**

Consultation has taken place with the following:

- Chief Executive Officer, Redland City Council
- General Manager Organisational Services
- General Counsel
- Corporate Governance Team
- Queensland Crime and Corruption Commission

## **OPTIONS**

### **Option One**

That Council resolves to adopt policy POL-0003 Complaints against a Public Official as referred in Attachment 1.

### **Option Two**

That Council resolves to seek further information or changes to the policy and for the revised policy to be brought back to Council at a future General Meeting for consideration.

## **OFFICER'S RECOMMENDATION**

**That Council resolves to adopt policy POL-0003 Complaints against a Public Official as referred in Attachment 1.**

# policy document



POL-0003

## Complaints against a Public Official

### Head of Power

Section 48A of the *Crime and Corruption Act 2001* ("the Act") requires the Chief Executive Officer ("the CEO") to prepare a policy about how the Council will deal with a Complaint that involves or may involve corruption of the Public Official, so that transparency and integrity are maintained. The CEO is the public official of the Council within the meaning of the Act

### Policy Objective

This Policy is designed to assist the Council to:

1. Comply with section 48A of the Act and information from the CCC;
2. Promote public confidence in the way suspected Corrupt Conduct of the Public Official is dealt with; and
3. Promote accountability, integrity and transparency in the way the Council deals with a Complaint that is suspected to involve, or may involve, Corrupt Conduct of the Public Official.

### Definitions

In this policy, unless context otherwise requires:

Crime and Corruption Commission (CCC)	Means the Commission continued in existence under the <i>Crime and Corruption Act 2001</i>
Complaint	Includes information or matter. See definition provided by s48A(4) of the <i>Crime and Corruption Act 2001</i>
Contact details	Includes a direct telephone number, email address and postal address to enable confidential communications
Corrupt Conduct	see s15 of the <i>Crime and Corruption Act 2001</i>
Deal With	Means refer the Complaint, information or matter to the CCC Manage the Complaint as directed by the CCC See the Act Schedule 2 Dictionary for a more detailed definition
Nominated Person	Means the persons nominated by Redland City Council to manage and report Complaints of corrupt conduct by a public official to the CCC
Public Official	Means the Chief Executive Officer

### Policy Application

This policy applies:

1. If there are reasonable grounds to suspect that a Complaint may involve Corrupt Conduct of the Public Official;
2. To all persons, employees, contractors, councillors who hold an appointment with Council must report a Complaint in accordance with this policy;

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# policy document



POL-0003

3. A Complaint or information involving an allegation of corrupt conduct of the Public Official must be reported to a Nominated Person (as outlined in this policy) to assess the Complaint. If the particular Complaint also involves a Nominated Person then the Complaint must be referred to another Nominated Person and they must notify the CCC of the Complaint;
4. If a Nominated Person reasonably suspects the Complaint may involve corrupt conduct of the Public Official, they must:
  - a. Notify the CCC of the Complaint.
  - b. Deal with the Complaint subject to the CCC direction and monitoring;
5. If the Public Official reasonably suspects the Complaint may involve corrupt conduct on their part, they must:
  - a. Report the Complaint to a Nominated Person as soon as practicable and may also notify the CCC; and
  - b. Take no further action to deal with the Complaint unless requested to do so by the Nominated Person in consultation with the Council;
6. The Nominated Person responsible for dealing with the Complaint about Corrupt Conduct has a duty to maintain confidentiality of the Complaint and related information, subject to notice and direction from the CCC or as required by law;
7. The Nominated Persons will be provided sufficient resources to deal with the Complaint appropriately. Any consultations regarding resourcing must ensure that the Complaint remains confidential and is not disclosed except in accordance with paragraph 6; and
8. The Nominated Person must at all times use their best endeavours, to act independently, impartially and fairly in assessing, recording and keeping relevant parties informed about the Complaint process and outcome, having regard to:
  - a. purposes of the Act;
  - b. the importance of promoting public confidence in the way suspected corrupt conduct in Redland City Council is dealt with; and
  - c. the Council's statutory, policy and procedural framework.

## Nominated Persons

Having regard to s48A(2) and (3) of the Act, this Policy nominates:

- The Mayor; and
- CCC Liaison Officer (General Counsel)

as the Nominated Persons to notify the CCC of the Complaint and to Deal With the Complaint under the Act.

When a Complaint is received the Nominated Persons will:

- with or without consulting the CCC, decide who will be the Nominated Person for a particular Complaint; and
- Nominated Person for that particular Complaint will inform the CCC that they are the Nominated Person for the particular Complaint.

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POL-0003

Once a Nominated Person for a Complaint is appointed, the Act applies as if a reference about notifying or dealing with the Complaint to the Public Official is a reference to the Nominated Person.

#### The Nominated Persons:

- Are Delegated the same authority, functions and powers as the CEO to direct and control staff of the Council as if the Nominated Person is the CEO for the purpose of dealing with the Complaint only;
- Are delegated the same authority, functions and powers as the CEO to enter into contracts on behalf of Council for the purpose of dealing with the Complaint; and
- Do not have any authority, function or power that cannot — under the law of the Commonwealth or the State — be delegated by either the Council or the CEO to the Nominated Person.

#### Liaising with CCC

The Public Official is to keep the CCC and the Nominated Person/s (if any) informed of:

- the contact details for the Public Official and the Nominated Persons.
- any proposed changes to this policy.

#### Document Control

- The Council is responsible for reviewing and amending any changes to the Policy in consultation with CCC, noting the CEO office may approve minor administrative changes.
- Approved documents must be submitted to Corporate Meetings & Registers Team for registration on the Policies, Guidelines and Procedures Register

#### Version Information

Version number	Date	Key Changes
1	May 2018	New policy

Department: Organisational Services  
 Group: Corporate Governance  
 Approved by: General Meeting  
 Date of Approval:

CMR Team use only

Effective date:  
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## 12.7 MAKING VARIOUS LOCAL LAW AMENDMENTS

### Objective Reference:

**Authorising Officer:** John Oberhardt, General Manager Organisational Services

**Responsible Officer:** Claire Lovejoy, Acting Group Manager Corporate Governance

**Report Author:** Kristene Viller, Policy and Local Laws Coordinator

- Attachments:**
1. Local and Subordinate Local Laws Submission Review Paper
  2. State Interest Check Report
  3. Summary of Proposed Amendments from Community Consultation
  4. Amending Local Law No.1 (Miscellaneous Local Laws) 2018
  5. Amending Subordinate Local Law No. 4 (Miscellaneous Subordinate Local Laws) 2018
  6. Draft Local Law No. 1 (Administration) 2015
  7. Draft Local Law No. 2 (Animal Management) 2015
  8. Draft Local Law No. 3 (Community and Environmental Management) 2015
  9. Draft Subordinate Local Law No. 1.5 (Keeping of Animals) 2015
  10. Draft Subordinate Local Law No. 2 (Animal Management) 2015
  11. Draft Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2015
  12. Draft Subordinate Local Law No.5 (Parking) 2015
  13. Draft Subordinate Local Law No. 1.19 (Placement of Shipping Containers, Railway Carriages and other Objects on Land) 2018
  14. Review of Anti-Competitive Provisions

### PURPOSE

The purpose of this report is to:

1. Present the results of the community consultation process that was undertaken for the various local laws.
2. Present a summary of the proposed amendments arising from the community consultation.
3. Proceed with the making of *Subordinate Local Law No 1.19 (Placement of Shipping Containers, Railway Carriages and other Object on Land) 2018*.
4. Proceed with the making of *Amending Local No. 1 (Miscellaneous Local Laws) 2018*; (the Amending Instrument) that amends *Local Law No. 1 (Administration) 2015*; *Local Law No. 2 (Animal Management) 2015* and *Local Law No. 3 (Community and Environmental Management) 2015*.
5. Proceed with the making of *Amending Subordinate Local Law No. 4 (Miscellaneous Subordinate Local Laws) 2018* (the Amending instrument) that amends *Subordinate Local Law No.1.5 (Keeping of Animals) 2015*; *Subordinate Local Law No. 2 (Animal Management) 2015*; *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015* and *Subordinate Local Law No. 5 (Parking) 2015*.

## BACKGROUND

At the General Meeting on 4 October 2017 Council made a resolution to commence the process for making various amendments to local laws and subordinate local laws. At the General Meeting on 9 May 2018 Council made a further resolution to commence a community consultation process, inviting submissions on the proposed local laws and subordinate local laws.

## ISSUES

### State Interest Checks

In accordance with Council's adopted local law making process, state interest checks have been completed on the three local laws:

*Local Law No. 1 (Administration) 2015*

*Local Law No. 2 (Animal Management) 2015*

*Local Law No. 3 (Community and Environmental Management) 2015*

Section 29A of the *Local Government Act 2009* does not require state interest checks to be completed on subordinate local laws.

All relevant State Government Departments were invited to provide comments on the draft local laws. State Departments' comments and Council's response are identified in Attachment 2.

### Public Interest Review

The *Local Government Act 2009* (the Act) requires that any local law made with anti-competitive provisions is to comply with the procedures prescribed under a regulation for the review of the anti-competitive provisions. Review of the local laws and subordinate local laws found that anti-competitive provisions were present.

The *Local Government Regulation 2012* (Regulation) provides that the procedure for review of anti-competitive provisions is set out in the National Competition Policy – guidelines for conducting reviews on anti-competitive provisions in local laws (the Guideline).

Each of the potential anti-competitive provisions were reviewed in line with the procedure set out in the Guideline. It was determined that most identified provisions were excluded from the review of anti-competitive provisions under the Guideline because they were of a particular type listing in the Guideline. *Local Law No. 3 (Community and Environmental Management) 2015* was deemed as containing an anti-competitive provision that was not satisfied by an exclusion but it was determined there were no significant impacts from the provision and therefore Council was not required to undertake any further review under the Guideline. In accordance with the Guideline, however, Council must notify the community of the existence of the anti-competitive provision when the amending local law is made. The assessment of anti-competitive provisions is contained in Attachment 14.

### Community Consultation

In accordance with Council's adopted local law making process and Council resolution of 9 May 2018, community consultation was undertaken to allow the community the opportunity to provide comment on the proposed local laws and subordinate local laws. Submissions were invited from 23 May 2018 to 29 June 2018. 167 properly made submissions were received and considered. The report detailing the community feedback is provided in Attachment 1.

Proposed amendments were identified from the community consultation and are detailed in the Summary of proposed amendments from Community Consultation – Appendix 3.

### Local Law Implementation

Should Council make the local laws and subordinate local laws as attached to this report, notice must be given to the public within one month, through publication in the Queensland Government Gazette and on Council's website. The law comes into effect on either the date published in the gazette or a date nominated by Council in the gazettal notice.

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

The *Local Government Act 2009* Chapter 3, Part 1, provides power for local governments to make and enforce local laws and sets the framework that the local governments must adhere to. Council has adopted a Local Law Making Process that is consistent with the *Local Government Act 2009* provisions. This process has been followed in the making of the various local laws and subordinate local laws attached to this report.

The local laws and subordinate local laws have been drafted by Council's external solicitors in accordance with the *Local Government Act 2009*, the Guidelines for Drafting Local Laws issued by the Parliamentary Counsel and the principles under the *Legislative Standards Act 1992*.

Part D of Council's adopted Local Law Making Process sets out the required steps for making the Amending Instrument. The first 5 steps in the Local Law Making Process involve making the Amending Instrument and steps 6 to 9 relate to notifying the public and Minister about the Amending Instrument.

### **Risk Management**

The risks associated with making the local laws and subordinate local laws have been managed by:

- a) ensuring the process to make the local laws and subordinate local laws is in accordance with legislative standards and the adopted Redland City Council Local Law Making Process;
- b) comprehensive internal stakeholder engagement to ensure the local laws and subordinate local laws will promote effective governance to the community;
- c) utilising external solicitors to draft the various local laws and subordinate local laws to ensure the legislative principles are followed in the drafting; and
- d) conducting a review of the identified anti-competitive provisions to ensure adherence to the National Competition Policy Guidelines.

### **Financial**

The cost of drafting the local laws, subordinate local laws, community consultation and publications are funded through existing budget allocations within the Strategy and Governance Unit and Legal Services Unit.

### **People**

The various local laws and subordinate local laws will have an impact on the resourcing within the Development Control and Compliance Services Units, who will take on the responsibility for enforcement provisions in the local laws and subordinate local laws. It is anticipated that this work will be absorbed by current resourcing.

## Environmental

There are no environmental implications.

## Social

Local Government provides for the good governance of the local government area through their local laws. The various local laws and subordinate local laws attached to this report have the potential to impact all members of the Redlands Community.

Community consultation provided the opportunity for community members to have their say on the proposal through providing a submission. The attached Community Consultation Report details the outcome of this consultation period.

*Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015* contains provisions that are designed to regulate the behaviour of businesses by requiring approvals prior to operating and to comply with operating standards.

## Alignment with Council's Policy and Plans

The process for making the proposed local laws and subordinate local laws is in accordance with Council's adopted practice for making local laws.

This process is 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 local laws and subordinate local laws and implementing community engagement, consultation occurred with:

- All relevant operational areas of Council
- Council's Communication Engagement and Tourism Group
- External Solicitors
- Elected Representatives
- Redland City residents and the broader community through community consultation

## OPTIONS

### Option One

In accordance with Council's 'Local Law Making Process' adopted on 19 April 2017, pursuant to section 29 of the *Local Government Act 2009*, Council resolves to:

1. receive and note the Community Consultation in the attached report Community Consultation Submission Review (Attachment 1) and to implement the recommendations of this report;
2. receive and note the attached State Interest Check Report (Attachment 2) and to implement the recommended local government actions in this report;
3. receive and note the attached Anti-Competitive Provisions report (Attachment 19) and to implement the recommendations of this report;
4. proceed, as advertised with the making of:
  - a) *Amending Local Law No. 1 (Miscellaneous Local Laws) 2018*
  - b) *Amending Subordinate Local Law No. 4 (Miscellaneous Subordinate Local Laws) 2018*

- c) *Subordinate Local Law No. 1.19 (Placement of Shipping Containers, Railway Carriages and other Objects on Land) 2018*
5. make *Amending Local Law No. 1 (Miscellaneous Local Laws) 2018* (Attachment 4) as advertised;
  6. notify the community of the existence of the anti-competitive provision in *Amending Local Law No. 1 (Miscellaneous Local Laws) 2018* as it relates to an amendment made to *Local Law No. 3 (Community and Environmental Management) 2015* where no significant impacts were identified;
  7. adopt the consolidated versions of *Local Law No. 1 (Administration) 2015* (Attachment 7), *Local Law No. 2 (Animal Management) 2015* (Attachment 8) and *Local Law No. 3 (Community and Environmental Management) 2015* (Attachment 9); incorporating the amendments made by *Amending Local Law No. 1 (Miscellaneous Local Laws) 2018*, in accordance with section 32 of the *Local Government Act 2009*;
  8. make *Amending Subordinate Local Law No. 4 (Miscellaneous Subordinate Local Laws) 2018* (Attachment 6) as advertised;
  9. adopt the consolidated versions of *Subordinate Local Law No. 1.5 (Keeping of Animals) 2015* (Attachment 10); *Subordinate Local Law No. 2 (Animal Management) 2015* (Attachment 11); *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015* (Attachment 12) and *Subordinate Local Law No. 5 (Parking) 2015* (Attachment 13); incorporating the amendments made by *Amending Subordinate Local Law No. 4 (Miscellaneous Subordinate Local Laws) 2018*, in accordance with section 32 of the *Local Government Act 2009*;
  10. make *Subordinate Local Law No. 1.19 (Placement of Shipping Containers, Railway Carriages and other Objects on Land) 2018* as advertised;
  11. give notice of the making and commencement of the following local laws and subordinate local laws by publication in the Queensland Government Gazette:
    - *Amending Local Law No.1 (Miscellaneous Local Laws) 2018*;
    - *Amending Subordinate Local Law No. 4 (Miscellaneous Local Laws) 2018*; and
    - *Subordinate Local Law No. 1.19 (Placement of Shipping Containers, Railway Carriages and other Objects on Land) 2018*.
  12. authorise the Chief Executive Officer to provide the transportation feedback received during community consultation to the State for consideration in future transport initiatives;
  13. authorise the Chief Executive Officer to make any necessary administrative and formatting amendments prior to Gazettal.

### **Option Two**

That Council resolves not to make *Amending Local Law No.1 (Miscellaneous Local Laws) 2018* and *Amending Subordinate Local Law No. 4 (Miscellaneous Local Laws) 2018* or *Subordinate Local Law No. 1.19 (Placement of Shipping Containers, Railway Carriages and other Objects on Land) 2018*, (Appendix 4, 5, 6 and 14).

**OFFICER'S RECOMMENDATION**

In accordance with Council's 'Local Law Making Process' adopted on 19 April 2017, pursuant to section 29 of the *Local Government Act 2009*, Council resolves to:

1. receive and note the Community Consultation in the attached report Community Consultation Submission Review (Attachment 1) and to implement the recommendations of this report;
2. receive and note the attached State Interest Check Report (Attachment 2) and to implement the recommended local government actions in this report;
3. receive and note the attached Anti-Competitive Provisions report (Attachment 19) and to implement the recommendations of this report;
4. proceed, as advertised with the making of:
  - a) *Amending Local Law No. 1 (Miscellaneous Local Laws) 2018*
  - b) *Amending Subordinate Local Law No. 4 (Miscellaneous Subordinate Local Laws) 2018*
  - c) *Subordinate Local Law No. 1.19 (Placement of Shipping Containers, Railway Carriages and other Objects on Land) 2018*
5. make *Amending Local Law No. 1 (Miscellaneous Local Laws) 2018* (Attachment 4) as advertised;
6. notify the community of the existence of the anti-competitive provision in *Amending Local Law No. 1 (Miscellaneous Local Laws) 2018* as it relates to an amendment made to *Local Law No. 3 (Community and Environmental Management) 2015* where no significant impacts were identified;
7. adopt the consolidated versions of *Local Law No. 1 (Administration) 2015* (Attachment 7), *Local Law No. 2 (Animal Management) 2015* (Attachment 8) and *Local Law No. 3 (Community and Environmental Management) 2015* (Attachment 9); incorporating the amendments made by *Amending Local Law No. 1 (Miscellaneous Local Laws) 2018*, in accordance with section 32 of the *Local Government Act 2009*;
8. make *Amending Subordinate Local Law No. 4 (Miscellaneous Subordinate Local Laws) 2018* (Attachment 6) as advertised;
9. adopt the consolidated versions of *Subordinate Local Law No. 1.5 (Keeping of Animals) 2015* (Attachment 10); *Subordinate Local Law No. 2 (Animal Management) 2015* (Attachment 11); *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities an Roads) 2015* (Attachment 12) and *Subordinate Local Law No. 5 (Parking) 2015* (Attachment 13); incorporating the amendments made by *Amending Subordinate Local Law No. 4 (Miscellaneous Subordinate Local Laws) 2018*, in accordance with section 32 of the *Local Government Act 2009*;
10. make *Subordinate Local Law No. 1.19 (Placement of Shipping Containers, Railway Carriages and other Objects on Land) 2018* as advertised;
11. give notice of the making and commencement of the following local laws and subordinate local laws by publication in the Queensland Government Gazette:
  - *Amending Local Law No.1 (Miscellaneous Local Laws) 2018*;



- *Amending Subordinate Local Law No. 4 (Miscellaneous Local Laws) 2018; and*
  - *Subordinate Local Law No. 1.19 (Placement of Shipping Containers, Railway Carriages and other Objects on Land) 2018.*
12. authorise the Chief Executive Officer to provide the transportation feedback received during community consultation to the State for consideration in future transport initiatives;
13. authorise the Chief Executive Officer to make any necessary administrative and formatting amendments prior to Gazettal.

# Local and Subordinate Local Laws

## Community Consultation Submission Review

Prepared by Corporate Governance  
August 2018



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## Introduction

This report provides a summary of submissions received and provides recommended direction to guide the decision making process for the making of Council's local laws.

Council sought feedback from the community on a number of changes. A total of 167 submissions were received. All submissions have been read and recorded with details relating to the section or sections of the laws they addressed, the associated theme and any facts and circumstances raised to support the submission.

This report details the amendments of the draft laws about which submissions were received. Each part of the report details the:

- Section number and title or general issue raised
- Total submissions received for that section
- Number of submissions received in agreement or disagreement
- Facts and circumstances raised to support the submission and number of times these points were raised\*
- Comments
- Options
- Recommendation

\*Note – A submission may contain a number of different facts and circumstances to support the submission.

Matters raised through submissions which were outside the scope of the consultation have been referred to the relevant section of Council for appropriate action and may be considered in any future local law reviews as directed.



## Community Consultation Process

Community consultation began on 23 May and concluded on 29 June 2018. The consultation process included:

- Public notice published in Redland City Bulletin classifieds on 23 May 2018.
- Printed copies of laws, fact sheets and submission forms available at:
  - Cleveland customer service centre
  - Capalaba customer service centre
  - Victoria Point customer service centre
  - North Stradbroke Island Libraries
  - Southern Moreton Bay Island Library
- Website material with draft laws, fact sheets, process details, downloadable submission form and online submission form.
- Posters placed at IGA Crystal Waters, IGA Mount Cotton, Victoria Point Shopping Centre, Ferry terminals on Russell Island, Macleay Island, Coochiemudlo Island, Lamb Island, North Stradbroke Island and Karragarra Island.
- Correspondence sent to the CEO, Quandamooka Yoolooburabee Aboriginal Corporation.

## Local laws for which no community consultation was undertaken

By resolution on 9 May 2018 the following local law amendments were excluded from the community consultation on the basis that the changes were minor or administrative in nature and seeking feedback from the community would not be of any benefit and may detract from community input on the remaining amendments.

- *Subordinate Local Law 1.2 (Commercial Use of Local Government Controlled Area and Roads) 2015* – to allow footpath dining approvals to be transferrable to align with the other local laws and Food Business Licences;
- *Subordinate Local Law 1.8 (Operation of Accommodation Parks) 2015* – to remove the restriction of the one year term of approval for accommodation parks for operational efficiencies in the administration of these approvals;
- *Subordinate Local Law 1.10 (Operation of Public Swimming Pools) 2015* - to remove the restriction of the one year term of approval for public swimming pools for operational efficiencies in the administration of these approvals;
- *Subordinate Local Law 1.12 (Operation of Temporary Entertainment Events) 2015* – to provide clarification that a maximum number of 500 people apply to the entire duration of the event and to remove the reference to the RSPCA guideline (as RSPCA have no such guideline in relation to this).

## Local laws for which no submissions were received

- *Local Law 1 (Administration) 2015* – to provide power to remove temporary homes, objects, shanties, buses etc where no action is taken following enforcement.

**Local Law No. 2 (Animal Management) 2015**

**Part 6 – Registration of cats**

**TOTAL SUBMISSIONS RECEIVED: 5**

**Disagree**

**Total Disagree: 5**

Disagree with the removal of the requirement of registration tag	2
If no tag is required cats need to be identifiable either by an alternative method such as tattooing, painting or wearing jackets	1
Cats roam and hunt at night and kill wildlife	1
Existing Local Laws are adequate	1
Straying cats are already a problem	1
Cats should be identifiable if they are caught roaming as they are a danger to wildlife	1

Community Comments	Officer Comments	Recommendation
<b>Disagree</b>		
Disagree with removing the requirement for cats to wear registration tag.	Council must consider the welfare related concerns that wearing a collar may pose to cats.	No change to the proposed local law
If cats are exempt from wearing a registration tag they need to be identifiable by alternative methods.	Cats born after 1 July 2009 are required to be micro chipped.	No change to the proposed local law
Cats roam and hunt at night and kill wildlife.	Animal Management can undertake an educational campaign around the vicinity of offending cats.	No change to the proposed local law
Existing local laws are adequate.	Council must consider the welfare related concerns that wearing a collar may pose to cats.	No change to the proposed local law
Straying cats are already a problem.	Animal Management can undertake an educational campaign around the vicinity of offending cats.	No change to the proposed local law
Cats should be identifiable if they are caught roaming as they endanger wildlife.	Cats born after 1 July 2009 are required to be micro chipped.	No change to the proposed local law

**Options**

1. Make the section as drafted
2. Amend drafting

**Recommendation**

Make the section as drafted.



**Subordinate Local Law No. 2 (Animal Management) 2015**

**Schedule 4 – Requirements for proper enclosure for animals**

**TOTAL SUBMISSIONS RECEIVED: 5**

**Disagree**

**Total Disagree: 4**

Disagree with the removal of the requirement of registration tag	2
Cats and Dogs should be treated as equals. If my fence is capable of keeping my dog in I shouldn't have to change it	1
Four dogs on large properties will cause more attacks on wildlife	1
Four dogs on a property will cause noise nuisance from barking	1
Current requirements for third dog or cat should remain	1
Existing Local Laws are adequate	1
A residence should be considered an enclosure	1
<b>Other Total Other:</b>	<b>1</b>
Internal physical fencing of dogs still causes changes in wildlife navigation between properties	1

Community Comments	Officer Comments	Recommendation
<b>Disagree</b>		
Cats and dogs should be treated as equals. If my fence is capable of keeping my dog in I shouldn't have to change it.	The amendment provides clarity regarding the enclosure provisions specifically relating to dogs to confirm the enclosure is external to the dwelling.	No change to the proposed local law
A residence should be considered an enclosure.	The amendment provides clarity regarding the enclosure provisions specifically relating to dogs to confirm the enclosure is external to the dwelling. A cat enclosure may include a residential dwelling.	No change to the proposed local law
Fourth Dog Permit.	Please more detailed comments in the review of <i>Subordinate Local Law No. 1.5 (Keeping of Animals) 2015</i>	

**Options**

1. Make the section as drafted
2. Amend drafting

**Recommendation**

Amend drafting to remove the allowance for a fourth dog on properties over 6,000sqm.

## Subordinate Local Law No. 1.5 (Keeping of Animals) 2015

### Schedule 1

**TOTAL SUBMISSIONS RECEIVED: 97**

<b>Agree</b>	<b>Total Agree: 1</b>
A residence should be considered an enclosure	1
Pounds and rescue centres over crowded with animals that could be in loving homes	1
<b>Disagree</b>	<b>Total Disagree: 96</b>
Four dogs on large properties will cause more attacks on wildlife	85
Four dogs on a property will cause noise nuisance from barking	65
Current requirements for third dog or cat should remain	55
Increase in dogs conflicts with new branding 'Redlands Coast 'Naturally Wonderful'	50
Packs of dogs should not be kept as pets	49
Allowing more dogs in koala areas is in conflict with koala conservation initiatives	38
Potential for increase in neighbourhood conflicts due to barking and wandering dogs	16
Redlands should dare to be different from neighbouring councils	12
Council should be tightening not relaxing requirements for 3 animals in relation to size of lots	8
Relaxing the requirement for 3 dogs will cause health problems (noise and dog faeces) on small lots	5
Dogs are supposed to be locked up at night but aren't	5
Increase in dog/cat numbers will create economic issues and increase abandonment numbers	5
Inadequate enforcement of existing Laws on barking and dogs off leash	5
Increased dog numbers will cause pollution of waterways from dog faeces	4
Allowing three dogs on a suburban property will increase the noise pollution from constant barking	4
Inconsistent with Koala Conservation Program initiatives	3
Number of dog attacks on humans is increasing so why increase the number of dogs allowed	3
Cats roam and hunt at night and kill wildlife	3
Three dogs in a residential block increases danger to wildlife	3
Council nuisance inspectors are busy enough	2
With small lot subdivisions Council should restrict number of animals kept	2

Increased dog numbers will increase disease risk to humans	2
No control walking 3 large dogs	2
You can only walk two dogs so additional dogs would be neglected	1
Cats should have to wear a bell to reduce impact on wildlife	1
No compelling case to relax current restrictions	1
Proposed changes potentially place community at greater risk from dog attacks	1
Cost to care for the increased abandoned animals is passed onto ratepayers	1
Unique Wildlife is what makes Redlands a desirable place to live	1
Existing Local Laws are adequate	1
Three dogs in a residential block increase noise from barking	1

Community Comments	Officer Comments	Recommendation
<b>Agree</b>		
A residence should be considered and enclosure	Clarification has been provided in the Local Law that confirms a dwelling is not an appropriate enclosure for a dog, if an external area is available on the land. Cat enclosures may include a dwelling.	Proceed with proposed amendment to improve definition of an enclosure.
Pounds and rescue centres are overcrowded with animals that could be in loving homes	Animal Management provides an animal adoption service of unwanted animals. Animals are re-homed desexed, vaccinated, wormed, health checked and microchipped.	Proceed with proposed amendments regarding 3 <sup>rd</sup> animal approvals.  Remove provision to keep 4 dogs.
<b>Disagree</b>		
Four dogs on large properties will cause more attacks on wildlife	Special containment provisions apply to dogs that are kept within a Koala Management Area, all other dogs may be kept within their approved dog enclosure. Dogs are a known risk to wildlife if not appropriately contained or controlled.	Remove provision to keep 4 dogs.
Four dogs on a property will cause noise nuisance from barking	Increase in dog numbers may increase noise nuisances, though larger lots decrease the impact to neighbouring properties. The Local Law provides provision to address noise nuisance complaints.	Remove provision to keep 4 dogs.
Current requirements for third dog or cat should remain	Property inspection provisions consider impact of an additional dog or cat on neighbouring properties. Amendment is concerned with removing neighbours consent to apply for a third dog permit.	Proceed with proposed amendment regarding 3 <sup>rd</sup> animal approvals.
Increase in dogs conflicts with the new branding "Redlands Coast Naturally Wonderful"	The Local Law amendment process is intended to balance the needs of the animal owner as well as the community.	Proceed with proposed amendment regarding 3 <sup>rd</sup> animal approvals.  Remove provision to keep 4 dogs.
Pack of dogs should not be kept as pets	The Local Law provision refers to the keeping of 4 domestic dogs. Provisions within the Local Law define how the dogs are to be kept.	Remove provision to keep 4 dogs.

Community Comments	Officer Comments	Recommendation
Allowing more dogs in koala areas is in conflict with koala conservation initiatives	The Local Law amendment process is intended to balance the needs of the animal owner as well as the community. Dogs are a known risk to wildlife if not appropriately contained or controlled.	Remove provision to keep 4 dogs.
Increasing the number of dogs has the potential for an increase in neighbourhood conflicts due to barking and wandering dogs	Increase in dog numbers <i>may</i> increase noise nuisances, though larger lots decrease the impact to neighbouring properties. The Local Law provides conditions for how dogs are to be kept.	Proceed with proposed amendment regarding 3 <sup>rd</sup> animal approvals.  Remove provision to keep 4 dogs.
Redlands should dare to be different from neighbouring Councils (our law doesn't need to be the same)	This new provision was drafted based on applying a level of consistency with other Local Government provisions.	Proceed with proposed amendment regarding 3 <sup>rd</sup> animal approvals.  Remove provision to keep 4 dogs
Council should be tightening not relaxing requirements for 3 animals in relation to size of lots	The Local Law provides provision for a property inspection to be completed to determine the suitability of three dogs on a property, including the potential impacts on neighbours. Amendment is concerned with removing neighbours consent to apply for a third dog permit.	Proceed with proposed amendment regarding 3 <sup>rd</sup> animal approvals.
Relaxing the requirement for 3 dogs will cause health problems (noise and dog faeces) on small lots	The Local Law provides provision for a property inspection to be completed to determine the suitability of three dogs on a property, including the potential impacts on neighbours. Amendment is concerned with removing neighbours consent to apply for a third dog permit.	Proceed with proposed amendment regarding 3 <sup>rd</sup> animal approvals.
Dogs are supposed to be locked up at night but aren't (more dogs make this a bigger issue)	Special containment provisions apply to dogs that are kept within a Koala Management Area, all other dogs may be kept within their approved dog enclosure. Dogs are a known risk to wildlife if not appropriately contained or controlled.	Proceed with proposed amendment regarding 3 <sup>rd</sup> animal approvals.  Remove provision to keep 4 dogs.
Increase in dog/cat numbers will create economic issues and increase abandonment numbers	There is no evidence to suggest that an increase in dog or cat numbers will result in economic issues or increase abandonment rate.	Proceed with proposed amendment regarding 3 <sup>rd</sup> animal approvals.  Remove provision to keep 4 dogs.
Inadequate enforcement of existing Laws on barking and dogs off leash	Animal Management Officers undertake proactive and reactive patrols across the City and address dog off leash issues. Barking dog complaints are responded to by way of complaints.	Proceed with proposed amendment regarding 3 <sup>rd</sup> animal approvals.  Remove provision to keep 4 dogs.
Increased dog numbers will cause pollution to waterway from dog faeces	The Local Law provides a requirement for dog faeces to be removed and disposed of.	Proceed with proposed amendment regarding 3 <sup>rd</sup> animal approvals.  Remove provision to keep 4 dogs.
Allowing three dogs on a suburban property will increase the noise pollution from constant barking	The Local Law has provisions in place to address excessive barking, however property inspections will take into account impacts on neighbouring properties, including any history	Proceed with proposed amendment regarding 3 <sup>rd</sup> animal approval.



Community Comments	Officer Comments	Recommendation
	of noise prior to a permit being approved. Amendment is concerned with removing neighbours consent to apply for a third dog permit.	
Inconsistent with Koala Conservation Initiatives	The Local Law amendment process is intended to balance the needs of the animal owner as well as the community. Dogs are a known risk to wildlife if not appropriately contained or controlled.	Proceed with proposed amendment regarding 3 <sup>rd</sup> animal approvals.  Remove provision to keep 4 dogs.
Number of dog attacks on humans is increasing so why increase the number of dogs allowed	The Local Law provides provision of how dogs are to be kept on a property and in a public place.	Proceed with proposed amendment regarding 3 <sup>rd</sup> animal approvals.  Remove provision to keep 4 dogs.
Cats roam and hunt at night and kill wildlife	The Local Law provides provision for how cats are to be contained.	Proceed with proposed amendment to improve definition of an enclosure.
Three dogs in a residential block increases danger to wildlife	The Local Law has provisions in place relating to a dogs enclosure and special provisions apply to dogs that are kept within a Koala Management Area.	Proceed with proposed amendment regarding 3 <sup>rd</sup> animal approval.
Council nuisance inspectors are busy enough	The Local Law provides provision for how dogs are to be kept on a property and what constitutes a noise nuisance.	Proceed with proposed amendment regarding 3 <sup>rd</sup> animal approvals.  Remove provision to keep 4 dogs.
With small lot subdivisions Council should restrict the number of animals kept	The Local Law amendments are not amending property size requirements.	Proceed with proposed amendment regarding 3 <sup>rd</sup> animal approval.
Increased dog numbers will increase risk to humans of attack	The Local Law provides provision of how dogs are to be kept on a property and in a public place.	Proceed with proposed amendment regarding 3 <sup>rd</sup> animal approvals.  Remove provision to keep 4 dogs.
No control walking 3 or more large dogs	The Local Law does not address how dogs are to be exercised.	Proceed with proposed amendment regarding 3 <sup>rd</sup> animal approvals.  Remove provision to keep 4 dogs.
You can only walk two dogs so allowing additional dogs would cause neglect	There is no evidence to suggest current amendments will result in dogs being neglected.	Proceed with proposed amendment regarding 3 <sup>rd</sup> animal approvals.  Remove provision to keep 4 dogs.
Cats should have to wear a bell to reduce impact on wildlife	Concerns have been raised by cat owners regarding welfare concerns relating to cats wearing collars and their ability to get caught on objects.	Proceed with proposed amendment.
No compelling case to relax the current restrictions	The Local Law amendment process is intended to balance the needs of the animal owner as well as the community.	Proceed with proposed amendment regarding 3 <sup>rd</sup> animal approval.
Proposed changes potentially	The Local Law provides provision of how dogs	Proceed with proposed

Community Comments	Officer Comments	Recommendation
place the community at great risk from dog attacks	are to be kept on a property and in a public place.	amendment regarding 3 <sup>rd</sup> animal approvals.  Remove provision to keep 4 dogs.
Cost to care for the increase in abandoned animals is passed onto ratepayers	There is no evidence to suggest this is a relevant consideration concerning the proposed amendments.	Proceed with proposed amendment regarding 3 <sup>rd</sup> animal approvals.  Remove provision to keep 4 dogs.
Unique wildlife is what makes Redlands a desirable place to live and increasing the animal numbers will put wildlife at risk	The Local Law has provisions in place relating to a dogs enclosure and special provisions apply to dogs that are kept within a Koala Management Area. Dogs are a known risk to wildlife if not appropriately contained or controlled.	Proceed with proposed amendment regarding 3 <sup>rd</sup> animal approvals.  Remove provision to keep 4 dogs.
Existing local law is adequate	The Local Law amendment process is intended to balance the needs of the animal owner as well as the community.	Proceed with proposed amendment regarding 3 <sup>rd</sup> animal approvals.  Remove provision to keep 4 dogs.
Three dogs on a residential block will cause increase in noise from barking.	The Local Law has provisions in place to address excessive barking, however property inspections will take into account impacts on neighbouring properties, including any history of noise prior to a permit being approved.	Proceed with proposed amendment regarding 3 <sup>rd</sup> animal approval.

**Options**

1. Make the section as drafted
2. Amend drafting to remove the allowance for a fourth dog on properties over 6,000sqm.

**Recommendation**

Amend drafting to remove the allowance for a fourth dog on properties over 6,000sqm.

**Local Law No. 3 (Community and Environmental Management) 2015**

**Part 7 – Shopping Trolleys**

**TOTAL SUBMISSIONS RECEIVED: 2**

**Disagree**

**Total Disagree: 1**

Shopping trolleys need to be left at the jetty area on Russell Island 1

**Other**

**Total Other: 1**

If a retailer has fitted a containment device to a trolley - the retailer should be exempt from a penalty 1

Adequate time should be given to allow retailers to fit/source and install the containment system 1

High penalties for retailers and residents should be reconsidered as they are high and unsustainable 1

Community Comments	Officer Comments	Recommendation
<b>Disagree</b>		
Shopping trolleys need to be left at the jetty area on Russell Island.	Shopping trolleys are to facilitate shopping within the retail space and should be returned to the business to ensure availability to other customers.	No change to the proposed local law
If a retailer has fitted a containment device to a trolley – the retailer should be exempt from a penalty.	The retailer will not receive a penalty if a containment device is implemented and operational.	No change to the proposed local law
Adequate time should be given to allow retailers to fit/source and install the containment system.	Council will work with retailers to ensure adequate time is provided for implementation.	No change to the proposed local law
High penalties for retailers and residents should be reconsidered as they are high and unsustainable.	Encourages the major retailers to be proactive in this space to keep their trolleys within the shopping precinct.	No change to the proposed local law

**Options**

1. Make the section as drafted
2. Amend drafting

**Recommendation**

Make the section as drafted.



**Local Law No. 3 (Community and Environmental Management) 2015**

**Part 8 – Miscellaneous**

**Section 23 – Prohibition of Native Bird Feeding**

**TOTAL SUBMISSIONS RECEIVED: 2**

**Disagree**

**Total Disagree: 2**

Local Law should also apply to pigeons	1
Cockatoos naturally chew objects including a house	1

Community Comments	Officer Comments	Recommendation
<b>Disagree</b>		
Local law should also apply to pigeons	The amendments to section 23, Part B of the Local Law have primarily focused on providing additional criteria to determine what would be considered a nuisance for bird feeding, particularly in relation to bird droppings, food waste (seeds/husks) and offensive odour. Section 23 – Prohibition of Native Bird Feeding defines native bird as “a bird in an independent state of natural liberty”. This therefore allows Council to apply the local law for bird feeding customer requests relating to any non-domesticated birds, including wild pigeons	No change to the proposed local law
Cockatoos naturally chew objects including a house	While cockatoos do display natural habits such as chewing, the intent behind the amendments are to address the destructive behaviour that is occurring as a direct result of birds congregating in a specific area, where they normally wouldn't be located, to be provided food. This results in the birds being enticed to a residential location to be given food by a person, instead of naturally foraging for food in their natural habitat. If it was identified through the course of an investigation that cockatoos were chewing on objects, without the enticement of being fed, then the Local Law would not be applied in this instance as it only refers to property damage resulting from a person providing food to native birds	No change to the proposed local law

**Options**

1. Make the section as drafted
2. Amend drafting

**Recommendation**

Make the section as drafted.

**Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015**

**TOTAL SUBMISSIONS RECEIVED: 1**

**Disagree**

**Total Disagree: 1**

Permitting fishing from all bridges and culverts without assessment is unsafe for pedestrians and impede use of footpaths	1
Fishing from bridges can cause a hazard to pedestrians using the footpath	1
Proposal conflicts with the use of a footpath being for the carriage of pedestrians	1
Inconsistent with other Local Laws which ban fishing at public transport waiting points	1
Bridges and culverts are treated differently without defining the difference between a bridge and culvert?	1

Community Comments	Officer Comments	Recommendation
<b>Disagree</b>		
Permitting fishing from all bridges and culverts without assessment is unsafe for pedestrians and impedes use of footpaths.	This option allows Council to prohibit fishing from unsafe bridges or culverts.	No change to the proposed local law
Fishing from bridges can cause a hazard to pedestrians using the footpath.	This option allows Council to prohibit fishing from unsafe bridges or culverts.	No change to the proposed local law
Proposal conflicts with the use of a footpath being for the carriage of pedestrians.	This option allows Council to prohibit fishing from unsafe bridges or culverts.	No change to the proposed local law
Inconsistent with other Local Laws which ban fishing at public transport waiting points.	This option allows Council to prohibit fishing from unsafe bridges or culverts.	No change to the proposed local law
Bridges and culverts are treated differently without defining the difference between a bridge and culvert.	Culvert is defined in the “dictionary” of the Local Law as a structure used to enclose a flowing body of water under a road which has clear openings at both ends. A Bridge is a structure used for crossing a void or free flowing body of water etc.	No change to the proposed local law

**Options**

1. Make the section as drafted
2. Amend drafting

**Recommendation**

Make the section as drafted.

**Subordinate Local Law No. 5 (Parking) 2015****Schedule 2 – Part 1 and Part 2****TOTAL SUBMISSIONS RECEIVED: 36**

<b>Agree</b>	<b>Total Agree: 5</b>
Current parking at Victoria Point is inadequate	1
Unavailability of casual parking at Straddie Camping Visitor Centres is bad for tourism/visitors	1
Long term parking on Dunwich foreshore degrades amenity	1
Adequate parking needs to be provided in areas that won't impact on individual property owners as this does	1
Agree with proposed amendment on condition that appropriate lighting is incorporated at Redland Bay Marina car park area	1
Parking regulation will increase utilisation	1
<b>Disagree</b>	<b>Total Disagree: 28</b>
Council should consider NSI residents long term parking options before introducing regulated parking	12
NSI locals need to leave car at Dunwich for economical mainland travel	10
Parking fees would limit visitors to NSI, who keep the local economy viable	8
Already difficult to find long term parking at water taxi and barge	7
Regulated parking at Toondah harbour needs to consider island residents and suggest a 12 mth permit at reasonable cost	6
Regulating car parking is just revenue raising	5
Concerned that amendment is not clearly defined	5
Tourists need visitor parking	4
Further information on detail of parking regulation is required	4
Long term parking will need to be provided for volunteer lifesavers who provide a valuable community service	4
Holiday house owners on NSI need to be able to leave a car at Dunwich, One Mile and Cleveland	3
Unavailability of casual parking at Straddie Camping Visitor Centres is bad for tourism/visitors	2
Managing parking and imposing infringements will directly negatively impact the island economy and impose penalty on ratepayers	2
Regulating parking at flyer and ferry at Dunwich will push cars into adjacent residential streets	2

Proposed amendment regarding Parking Map 2F does not provide detail on what the actual change or regulation proposed is	1
Council could consider 'resident' stickers for island resident's cars	1
More NSI residents need to travel to mainland for employment since sand mining ended so long term parking needs have increased	1
Public Transport on the island doesn't align to the early and late ferry timetable making parking the only option	1
Long walks to cars late at night is not ideal	1

**Other Total Other: 3**

Provision of overflow parking (Redland Bay) on mainland is necessary but any action to reduce or limit parking spaces will exacerbate the current problems	1
Proposal will incur unnecessary costs when there is no problem to address relating to NSI parking	1
Further information on detail of parking regulation is required	1

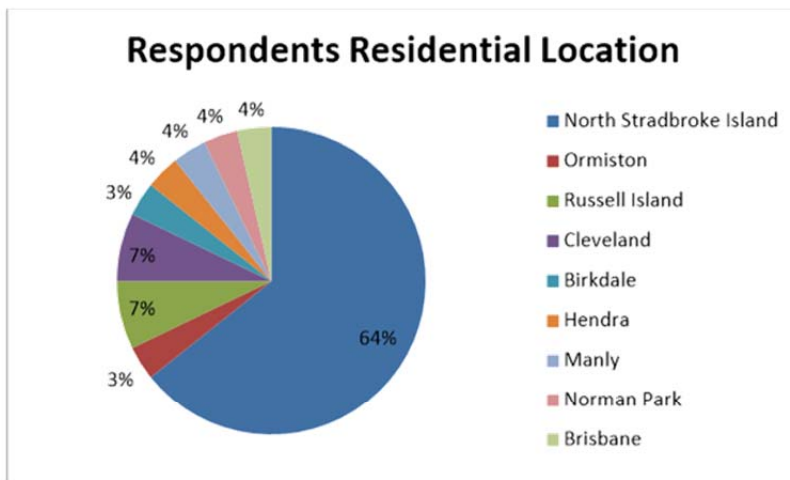
Community Comments	Officer Comments	Recommendation
<b>Disagree</b>		
Council should consider NSI residents long term parking options before introducing regulated parking.	Various parking options will be consulted on and considered prior to installation of regulated parking. The current amendments are to allow Council to install regulated parking as required within the indicated areas in the Local Law.	No change to the proposed local law
NSI locals need to leave car at Dunwich for economical mainland travel.	Various parking options will be consulted on and considered prior to installation of regulated parking. The current amendments are to allow Council to install regulated parking as required within the indicated areas in the Local Law.	No change to the proposed local law
Parking fees would limit visitors to NSI, who keep the local economy viable.	Parking fees are not proposed or considered at this time.	No change to the proposed local law
Already difficult to find long term parking at water taxi and barge.	Various parking options will be consulted on and considered prior to installation of regulated parking. The current amendments are to allow Council to install regulated parking as required within the indicated areas in the Local Law.	No change to the proposed local law
Regulated parking at Toondah harbour needs to consider island residents an suggest a 12 month permit at a reasonable cost.	Option to be considered as part of future works. The current amendments are to allow Council to install regulated parking as required within the indicated areas in the Local Law.	No change to the proposed local law
Regulating car parking is just revenue raising.	Regulated parking allows for varied parking times allowing for turning over of parking.	No change to the proposed local law
Concerned that amendment is not clearly defined.	Various parking options will be consulted on and considered prior to installation of regulated parking. The current amendments are to allow Council to install regulated parking as required within the indicated areas in the Local Law.	No change to the proposed local law



Community Comments	Officer Comments	Recommendation
Tourists need visitor parking.	Various parking options will be consulted on and considered prior to installation of regulated parking. The current amendments are to allow Council to install regulated parking as required within the indicated areas in the Local Law.	No change to the proposed local law
Further information on detail of parking regulation is required.	Various parking options will be consulted on and considered prior to installation of regulated parking. The current amendments are to allow Council to install regulated parking as required within the indicated areas in the Local Law.	No change to the proposed local law
Long term parking will need to be provided for volunteer lifesavers who provide a valuable community service.	Various parking options will be consulted on and considered prior to installation of regulated parking. The current amendments are to allow Council to install regulated parking as required within the indicated areas in the Local Law.	No change to the proposed local law
Holiday house owners on NSI need to be able to leave a car at Dunwich, One Mile and Cleveland.	Various parking options will be consulted on and considered prior to installation of regulated parking. The current amendments are to allow Council to install regulated parking as required within the indicated areas in the Local Law.	No change to the proposed local law
Unavailability of casual parking at Straddie Camping Visitor centres is bad for tourism/visitors.	Regulated parking allows for varied parking times allowing for turning over of parking.	No change to the proposed local law
Managing parking and imposing infringements will directly negatively impact the island economy and impose penalty on ratepayers.	Regulated parking allows for varied parking times allowing for turning over of off-street parking. Various parking options will be consulted on and considered prior to installation of regulated parking. The current amendments are to allow Council to install regulated parking as required within the indicated areas in the Local Law.	No change to the proposed local law
Regulating parking at flyer and ferry at Dunwich will push cars into adjacent residential streets.	Various parking options will be consulted on and considered prior to installation of regulated parking. The current amendments are to allow Council to install regulated parking as required within the indicated areas in the Local Law.	No change to the proposed local law
Proposed amendment regarding Parking Map 2F does not provide detail on what the actual change or regulation proposed is.	Various parking options will be consulted on and considered prior to installation of regulated parking. The current amendments are to allow Council to install regulated parking as required within the indicated areas in the Local Law.	No change to the proposed local law
Council could consider 'resident' stickers for island residents cars.	Difficult option to manage and regulate.	No change to the proposed local law
More NSI residents need to travel to mainland for employment since sand mining ended so long term parking needs have increased.	Various parking options will be consulted on and considered prior to installation of regulated parking. The current amendments are to allow Council to install regulated parking as required within the indicated areas in the Local Law.	No change to the proposed local law
Public transport on the island	Consultation with Public transport and Ferry	No change to the

Community Comments	Officer Comments	Recommendation
doesn't align to the early and late ferry timetable making parking the only option.	operators on the island to consider timetable adjustments if possible.	proposed local law
Long walks to cars late at night is not ideal.	Various parking options will be consulted on and considered prior to installation of regulated parking. The current amendments are to allow Council to install regulated parking as required within the indicated areas in the Local Law.	No change to the proposed local law

Graphic Representation of respondent's location



**Options**

1. Make the section as drafted
2. Amend drafting

**Recommendation**

Make the section as drafted.



## Subordinate Local Law No. 1.19 (Placement of Shipping Containers, Railway Carriages and Other Objects on Land) 2018

**TOTAL SUBMISSIONS RECEIVED: 19**

<b>Agree</b>	<b>Total Agree: 3</b>
Shipping containers are an eyesore	3
Shipping containers are a hazard	1
Shipping containers devalue properties	1
<b>Disagree</b>	<b>Total Disagree: 16</b>
Shipping containers are effective fire and theft resistant storage	4
Shipping Container local law takes away the right of land owners to use their land as they wish	4
Shipping containers should be permitted permanently on vacant land on SMBI for equipment required for property maintenance	4
Shipping containers not used for accommodation should not be regulated or treated as a building if they are movable, in good condition and used for storage	3
Shipping container should not be classified as a building	3
Shipping containers established before local laws should be excluded	2
Shipping container Local Law is vague about 'other objects'	2
Shipping Containers requiring building approval is a revenue raising exercise	2
Nothing wrong with well kept and tidy containers for temporary storage	2
Aesthetics and amenity standards should not apply on Russell Island	2
Shipping container Local Law is discriminatory to those who already have a container	2
SMBI should be treated as an exceptional case in regards to keeping shipping containers on vacant land	1
Shipping containers should be permitted before planning and building approvals are in place to allow for storage of building materials	1
Justification to keep a shipping container in good order on your own land is not valid as houses do not have to be maintained to a certain standard	1
Applicability of the Local Law to SMBI Residential Zone is ambiguous	1
Shipping Container Local Law overkill and financially restrictive	1
Shipping Container Local Law is difficult to follow and therefore comply with	1
Shipping Container approval process is not fit for purpose	1

Community Comments	Officer Comments	Recommendation
<b>Agree</b>		
Shipping containers are an eyesore.	Where not appropriately located shipping containers may not be aesthetically desirable. The local law can address this by nominating design and siting criteria.	No change to the proposed local law
Shipping containers are a hazard.	May be a hazard where not properly maintained. The local law seeks to address this by imposing conditions requiring the shipping container or object be kept in good order and repair.	No change to the proposed local law
Shipping containers devalue properties.	No comment provided.	No change to the proposed local law
<b>Disagree</b>		
Shipping containers are effective fire and theft resistant storage.	That may be the case, however the local law seeks to regulate the circumstances under which they are placed.	No change to the proposed local law
Shipping container local law takes away the right of land owners to use their land as they wish.	Ownership of land does not mean owners have the right to disregard laws.	No change to the proposed local law
Shipping containers should be permitted permanently on vacant land on SMBI for equipment required for property maintenance.	There is provision for sheds/containers less than 10m <sup>2</sup> to be located on vacant land without approval in the view of storing equipment for property maintenance.	No change to the proposed local law
Shipping containers not used for accommodation should not be regulated or treated as a building if they are moveable, in good condition and used for storage.	This one of the reasons for the local law – to regulate objects that do not constitute building work and provide an alternative approval regime. The Local Law does not define a shipping container as a building. The Building Act defines a building and structure.	No change to the proposed local law
Shipping containers should not be classified as a building.	As above. The Local Law does not define a shipping container as a building. The Building Act defines a building and structure.	No change to the proposed local law
Shipping containers established before local laws.	If shipping container has been placed lawfully under the Building Act – then the local law does not apply.	No change to the proposed local law
Shipping container local law is vague about 'other objects'.	"other objects" is clearly defined in Local Law 1.	No change to the proposed local law
Shipping containers requiring building approval is a revenue raising exercise.	The purpose of the local law is to regulate objects that do not constitute building work and provide an alternative approval regime. All shipping containers currently require a building approval so the only change is the type of assessment that some may need (based on their degree of permanency and whether they are 'fixed' to the ground or associated with other building work).	No change to the proposed local law
Nothing wrong with well-kept and tidy containers for temporary storage.	The local law outlines that a shipping container used for a temporary purpose does not require a permit. For example used for transporting	No change to the proposed local law

Community Comments	Officer Comments	Recommendation
	good associated with moving residence or is used in conjunction with building a dwelling. After which the container is no longer placed on the site. There are also certain circumstances where permanent shipping containers do not require a permit.	
Aesthetics and amenity standards should not apply to Russell Island.	The local law applies to the whole city.	No change to the proposed local law
Shipping container local law is discriminatory to those who already have a container.	Will only apply to containers that do not have a current approval.	No change to the proposed local law
SMBI should be treated as an exceptional case in regards to keeping shipping containers on vacant land.	The local law applies to the whole city. Further, exemptions apply to containers <10m2 for property maintenance storage purposes.	No change to the proposed local law
Shipping containers should be permitted before planning and building approvals are in place to allow for storage of building materials.	Holding planning and building approvals are necessary reasonably demonstrate intent to build a dwelling (and that such a dwelling will be lawful). Otherwise the property is simply considered vacant land for the purposes of the local law.	No change to the proposed local law
Justification to keep a shipping container in good order on your own land is not valid as houses do not have to be maintained to a certain standard.	Incorrect statement. The Building Act outlines that a dwelling is not to be dilapidated – refer section 248. As the process negates the need for a Building Approval, provision needs to be made to ensure containers and objects are 'fit for purpose' and not dangerous.	No change to the proposed local law
Applicability of the local law to SMBI Residential Zone is ambiguous.	The Local Law applies to all zones listed on Schedule 3 and is reflective of the zones in the draft City Plan (residential land on the SMBI's is generally to be in the Character Res Zone). It is expected that the local law will come into effect at about the same time as City Plan.	No change to the proposed local law
Shipping container local law overkill and financially restrictive.	Local law has been drafted in response to community concerns and confusion around the types of approval required. By providing an alternative approval regime (without the need for a building approval) permits are more likely to be cheaper than a Building Approval from a Certifier.	No change to the proposed local law
Shipping container local law is difficult to follow and therefore comply with.	Local law has been drafted based on the format of other current local laws. It provides a logical sequence of determining if an approval is required and the associated design and siting criteria.	No change to the proposed local law

**Options**

1. Make the section as drafted
2. Amend drafting

**Recommendation**

Make the section as drafted.



## Matters Raised outside the local law making process

**TOTAL: 4**

1. You do not possess the powers to make or change laws according to the constitution of the Commonwealth of Australia, 15A of the Acts, "every law must be made in accordance with the constitution". I believe the municipal council will be better serving of the people on the islands by leading the way in environmental issues for the bay islands. Installing "moszie-zappers" on power poles instead of the continual spraying of chemicals would be cutting edge and very viable, instead of spending untold amounts of money devising ways to strip the people of their rights so they can be sold back to them in the form of certification, licenses and fines, this is unconstitutional at best and nothing more than simple theft.
2. Parking at Victoria Point jetty area is where many residents of Coochiemudlo Island park, thus taking parking that otherwise would be available to various visitors – picnic makers visiting the water's edge, visitors to the cafe and those wishing to visit Coochiemudlo, also the many boaties. I do not believe that council have an obligation to provide residential parking for those who have chosen to live on an island. I have previously suggested that metered parking for overnight users at approx. \$3 per night would not be too much for an overnight visitor but that amount over a week would encourage families to limit the number of their vehicles parked on the mainland for long periods. This amount would also encourage people to take up the secure paid parking as I have done over the 12 years that I have lived on Coochiemudlo Island.
3. The best solution to the parking problems is to make those that don't live in Redlands pay. People from all of SEQ use this area and park for free and limit the availability for residents. Council needs to urgently install CCTV cameras in all areas, with the money raised from fines it is unconscionable not to provide this minimum service - are you waiting for a murder?
4. I propose an addition to the regulated parking amendment at the new Weinam Creek Spoil Pond off-street car park in Redland Bay- 5A (iv). I propose the council allocate a small number (2-5) of designated "Car Share" spaces. These spaces would be for the exclusive use of vehicles that are leased, hired or shared and are available to the public for short term use. Car Share companies already operating in the Brisbane region include Go Get, Flexicar, Hertz 24/7, Car Next Door and the Russell Island based SMBI Car Club. Car share has many benefits for its users and community including reducing the number of cars on the road (and in parking bays). By designating exclusive Car Share parking the council has the opportunity to promote sustainability and alleviate some of the ongoing parking congestion. A simple calculation shows that if those Island residents using their vehicles once a week or less were to make the change to car sharing it would free up significant number of spaces. 4 Car Share cars operating at this capacity has the potential to create at least 24 empty car park spaces. (7 users per car x 4 cars - 4 bays for the Car Share cars= 24 freed up spaces). The sharing economy has seen phenomenal growth in recent years and with council support it could be one part of the solution to an ongoing parking issue at Weinam Creek. Aaron Pipkorn SMBI Car Club member.

### Comment

While some comments provided from respondents were related to the draft local laws, they were unrelated to the amendments being proposed. Where relevant they have been provided to the appropriate area of Council for consideration and action.

Should Council wish to consider amending the local laws in respect of these issues, there will be opportunity to undertake a review once this current local law making process is complete.

## Recommendation

It is recommended that draft *Subordinate Local Law 1.5 (Keeping of Animals) 2015* and draft *Subordinate Local Law 2 (Animal Management) 2015* are updated with the changes as identified in the recommendation column of the Summary submission table and that Council proceed to amend the remaining local laws contained in this report without change as identified in the recommendation column of the submission tables.



### State Interest Check Report

Redland City Council				
State Interest Check on Proposed <i>Local Law No. 1 (Administration) 2015</i>				
Agency: <b>Department of Local Government Racing and Multicultural Affairs</b>				
Section	Comment Type	Agency Issue	Agency Suggested Action to rectify issue	Local Government proposed response/actions to agency comments
Section 31	1	<p>Proposed provision appears to conflict with powers to enter private property under the Local Government Act 2009.</p> <p>Section 31 of Council's Local Law is a framework established for unlawful works on Council owned property, however the new proposed paragraph (e) relates to structures on private land.</p> <p>Chapter 5, Part 2, sets out Council powers to enter private property, including through a process of issuing a remedial notice and reasonable entry notice (Section 138AA) and entry upon non-compliance with the remedial notice and reasonable entry notice (Section 42).</p> <p>The local law would be invalid to the extent of any consistency with the LGA.</p>	<p>Section 27 of the Council's local law provides the process for when a person has contravened the local law.</p>	<p>Amendments have been made to s31(1)(e) to make clear that it only applies in circumstances where Council has first entered the property in accordance with the <i>Local Government Act 2009</i>.</p>

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Redland City Council				
State Interest Check on Proposed <i>Local Law No. 1 (Administration) 2015</i>				
Agency: <b>Department of Local Government Racing and Multicultural Affairs</b>				
Section	Comment Type	Agency Issue	Agency Suggested Action to rectify issue	Local Government proposed response/actions to agency comments
Schedule 1 and 2		<p>We note the definition of ‘temporary home’ as: “a building, structure of object used or intended for temporary use as a place of residence while a lawfully approved dwelling is being constructed”.</p> <p>We also note the definition for the following prescribed activities (we have included an emphasis on certain terms):</p> <ul style="list-style-type: none"> <li>• ‘establishment or occupation of a temporary home’ being the erection, construction installation, positioning or placement of a building, structure or object used or intended for temporary use as a place of residence <i>while a lawfully approved dwelling is being constructed on the property</i> but does not include the</li> </ul>	<p>Give the narrow definition of ‘temporary home’ in the Local Law, it appears that caravans both in accommodation parks and on land generally where they are not for use as temporary place of residence while a lawfully approved dwelling is being constructed (i.e. permanent residences in caravans, caravans used for tourism purposes etc.) may require approval to be placed on the land.</p> <p>Given the exclusion of ‘temporary home’ in a camping ground or caravan park, it is unclear if this is an intended consequence. We note that Manufactured Homes may be excluded from the approval requirement by virtue of the Building Act. However, could you please confirm the Council’s intentions regarding: whether approval is intended to be obtained in respect of caravans and manufactured homes, whether they be occupied as permanent residences or as holiday</p>	<p>An amendment has been made to the definition of ‘establishment or occupation of a temporary home’ to replace the phrase ‘temporary home’ with ‘buildings, structures or objects’ so to make clear Council’s intention.</p> <p><b><i>establishment or occupation of a temporary home</i></b> means the erection, construction, installation, positioning or placement of a building, structure or object used or intended for temporary use as a place of residence while a lawfully approved dwelling is being constructed on the property but does not include the establishment or the occupation of buildings, structures or objects on or in a camping ground or caravan park.</p>

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		<p>establishment or the occupation of a temporary home on or in a camping ground or caravan park; and</p> <ul style="list-style-type: none"> <li>• ‘placement of a shipment container, railway carriage or other object upon land’ which means the erection, installation, position or placement of a shipping container, railway carriage or other object on land, whether temporarily or permanently, but does not include – establishment or occupation of a temporary home or an item of work that constitutes building or structure under the Building Act.</li> </ul>	<p>accommodation.</p>	
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Redland City Council				
State Interest Check on Proposed <i>Local Law No. 1 (Administration) 2015</i>				
Agency: <b>Department of Local Government Racing and Multicultural Affairs</b>				
Section	Comment Type	Agency Issue	Agency Suggested Action to rectify issue	Local Government proposed response/actions to agency comments
Schedule 2		The Council may wish to correct a typographical error in the new Schedule 2, part 2 definition 'placement of a shipping container, railway carriage or other object upon land'. The provision should state 'carriage or other object on land, ...'.		Amendment made to replace 'upon' with 'on'.
Schedule 1		DJAG notes that the definition of 'other object' proposed to be included in the Dictionary in Schedule 1 is very broad. Any of those objects are 'capable of being used' for storage or habitable purposes even if they are not actually used or intended for such use.	DJAG queries whether the phrase 'capable of being used' might unintentionally capture common situations of people having caravans, campervans and trailers parked in their driveways for use for holiday purposes only. DJAG notes that the more limited phrase 'used or intended for use' is used in other contexts (e.g. in defining establishment or occupation of a temporary home).	The phrase 'capable of being used' has been replaced with 'used or intended to be used'.

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Redland City Council				
State Interest Check on Proposed <i>Local Law No. 2 (Animal Management) 2015</i>				
Agency: <b>Department of Agriculture and Fisheries</b>				
Section	Comment Type	Agency Issue	Agency Suggested Action to rectify issue	Local Government proposed response/actions to agency comments
Schedule (Dictionary)	1	Query the definition of Veterinary Surgeon, needs to include those deemed under section 18B	Align the definition to that used in the Veterinary Surgeons Act 1936 to include those deemed under section 18B	Definition has been amended to refer to the definition in the <i>Veterinary Surgeons Act 1936</i> .
Agency: <b>Department of Justice and Attorney-General</b>				
Section 31		Currently, section 31 of Local Law No. 2 states that 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. This provision reflects the impounded animals register requirements of other local governments and the model provision (section 33(3)) in Model Local Law No 2. It provides not only public transparency but also helps a member of the public to be able to identify if their animal is held by the particular 'place of care for animals' and to reunite the person with the animal.	Council's proposed amendment to section 31 of Local Law No. 2 seeks to restrict inspection of the 'register at the place of care for animals or ...' to keepers of impounded animals. It appears that the effect of the amendment is to allow access to the register to persons who would already hold the register – that is the keeper of the animal. The register is generally held at the place of care for animals – that is, the place operated by the keeper. The Council may wish to clarify the intention of this amendment.	The term 'keeper' has been replaced with 'owner' to better articulate the meaning of the word as defined by Local Law 2.  The words 'of care for animals' has been replaced with 'where the animal is impounded' to clarify where the register is kept.

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Redland City Council				
State Interest Check on Proposed <i>Local Law No. 3 (Community and Environmental Management) 2015</i>				
Agency: <b>Department of Agriculture and Fisheries</b>				
Section	Comment Type	Agency Issue	Agency Suggested Action to rectify issue	Local Government proposed response/actions to agency comments
Part 2 section 6 (4)	5	Reference to <i>Biosecurity Act 2014</i> should be italicised	Italicise <i>Biosecurity Act 2014</i> in S6(4)	Reference has been italicised
Agency: <b>Queensland Fire and Emergency Services</b>				
Part 4 section 14	1	As currently drafted the local law appears to capture a fire lit in the performance of duties under the <i>Nature Conservation Act 1992</i> and the <i>Forestry Act 1959</i>	Consider alternative wording	The words 'or excluded' have been added in response to this comment.
Agency: <b>Department of Local Government Racing and Multicultural Affairs</b>				
Section 13(3)	1	Proposed new section 13(3) appears to duplicate powers contained within the LGA when a compliance notice (or remedial) is not complied with and is not clear on the requirements included in the LGA that are placed upon a council officer when exercising such powers. This local law through the footnotes to section 13, links to section 28 of Local Law No. 1, which links to the entry powers in the LGA, which is the appropriate framework for entering private land upon non-compliance notice.	Review to determine if this provision is necessary given section 28 of Local Law No. 1 and the LGA entry powers.	Without the addition of s13(4), RCC may only enter land to carry out work specified in the compliance notice under the LGA. Entry under the LGA does <i>not</i> permit RCC to seize and impound the items. Section 40 of Local Law 1 only operates once an item/object is seized and impounded. As such, in order to obtain the benefit of s40 of Local Law 1, RCC must have a head of power to seize and impound the item.  Section 13 has been amended to include two new subsections in order to (1) set out the circumstances when an officer may seize and impound an item and (2) provide a head of power

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		The proposed new provision will be invalid to the extent of any consistency with the LGA.		<p>for the officer to seize and impound the item.</p> <p>The Section 13 amendment makes it clear when an object, material or vegetation may be seized and impounded. The power to seize and impound objects, material and vegetation is still required so as to activate the return/disposal of things removed from an allotment under s40 of Local Law 1.</p>
Section 23(2)(f)	3	<p>Proposed new section 23(2)(f) makes it an offence for a person to feed native birds in a way that causes a nuisance in the opinion of an authorised person.</p> <p>Section 29(5) of the LGA requires a local government to ensure its local laws are drafted in compliance with guidelines issued by the Parliamentary Counsel.</p> <p>Section 74 of the Guidelines for drafting local laws, issued by the Parliamentary Counsel, provides for the fundamental legislative principle ensuring a law is unambiguous and drafted in a sufficiently clear and precise way. The examples provide for this</p>	<p>Council should consider whether the proposed local law has sufficient regard to this fundamental legislative principle. This is particularly relevant given that once the authorised person has formed this opinion an offence has occurred and there is no compliance notice process.</p>	<p>There is no need to include a defence of 'reasonable excuse' as one already exists for all Local Law offences pursuant to s33 of Local Law 1.</p> <p>Section 23(2)(a) to 23(2)(e) adequately covers most instances sought to be regulated by Council. As subsection (2) does not limit subsection (1), any additional circumstances where a nuisance is caused will be covered by the plain and ordinary meaning of 'nuisance'.</p> <p>Section 23(2)(f) has been removed.</p> <p>The word 'relevant' has been re-added to subsection (1) to remain consistent with subsection (2) and the definition in subsection (4).</p>

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		principle, include that if a local law is expressed to operate in particular circumstances that depend on an official's opinion, it may be necessary to state the matters to which the official should have regard in reaching the opinion.		
<b>Agency: Department of Justice and Attorney-General</b>				
Section 13		<p>Proposed new section 13(4) will enable an authorised person to seize unsightly objects, material or vegetation from an allotment (by dismantling, if necessary) and impound them if the responsible person for the allotment does not comply with a compliance notice issued by the Council; and the time for making an application for review of the compliance notice has expired.</p> <p>I draw your attention to section 142 of the <i>Local Government Act 2009</i> (LGA). This section provides that if an owner or occupier of a property fails to take action required by a remedial notice, a local government worker can enter the property</p>	<p>DJAG notes that comparable local laws in other local governments rely on section 142 of the LGA. For example, section 14(4) of the <i>Fraser Coast Regional Council Local Law No. 3 (Community and Environmental Management) 2011</i> (Fraser Coast Local Law) provides:</p> <p><i>Despite any other provision of this or the local government's other local laws, if a person fails to comply with a compliance notice given in accordance with section 14(3) and a local government worker enters the allotment pursuant to the powers in section 142 of the Act, the local government worker may take the steps required in the compliance notice, including removing the objects or materials from the allotment.</i></p> <p>You may wish to consider adopting a provision similar to section 14(4) of the Fraser Coast Local Law.</p>	See comment/response above for DLGRMA issue on some section.

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		<p>without the occupier's permission and take the required action. However, the local government worker must give a reasonable entry notice to the occupier at least seven (7) days before the entry.</p>	<p>Section 40(5) of the Redland City Council Local Law No. 1 (Administration) 2015 sets out the process for reclaiming the impounded objects and materials.</p>	
<p>Section 21 &amp; 22</p>		<p>An escalating penalty is proposed for a breach of section 21(1) (removing shopping trolleys from a shopping centre precinct) and section 22(1) (failing to take reasonable measures to ensure shopping trolleys remain within shopping centre precinct). DJAG notes that, in accordance with DJAG's <i>Guidelines for the prescription of infringement notice offences under the State Penalties Enforcement Regulation 2014</i>, escalating penalties are not appropriate for infringement notice offences. The payment of an infringement notice does not amount to an admission or finding of guilt.</p>	<p>If the Council intends to issue infringement notices for these offences, each breach should be treated as a first offence.</p>	<p>Council has amended sections 21 and 22 to reflect one penalty for all offences.</p> <p>Note: Offences that prescribe one penalty for a first offence and another penalty for subsequent offences is allowed. There are several examples of this in State legislation. DJAG's comment is about Council issuing PINs. State legislation prescribes a penalty for each provision under each Act and can distinguish between first offence and subsequent offence. There is no distinction, however, for local law PINs as they are dictated in general terms by s7 of the <i>State Penalties Enforcement Regulation 2014</i>.</p> <p>If Council wishes to retain the escalating penalty then DJAG's comment is that each offence (unless prosecuting) should be treated as the first offence when issuing a PIN.</p>

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<p>Section 23</p>		<p>DJAG notes that section 23(2) sets out the circumstances in which feeding a native bird may amount to a 'relevant nuisance' and section 23(4) defines 'relevant nuisance'. Section 23(1), which creates the actual offence, should refer to '<i>relevant nuisance</i>' rather than '<i>nuisance</i>'.</p> <p>Under section 23(2)(f), the opinion of an authorised officer will provide one ground for deciding if a relevant nuisance will or may be caused by the bird feeding. The consequence forming that opinion is the imposition of a large fine.</p>	<p>DJAG also questions whether the Council should include a defence of 'reasonable excuse' to the offence provision in sec 23(1).</p> <p>Under section 4(3)(a) of the <i>Legislative Standards Act 1992</i>, a person's rights, liberties or obligations should only be made dependent on the exercise of an administrative power if that power is sufficiently defined. Potential issues regarding section 23(2)(f) could be avoided if this paragraph was omitted. DJAG notes that section 23(1) is sufficiently general to capture the additional scenarios set out in section 23(2), including section 23(2)(f).</p>	<p>Section 23(2)(a) to 23(2)(e), adequately covers most instances sought to be regulated by Council. As subsection (2) does not limit subsection (1), any additional circumstances where a nuisance is caused will be covered by the plain and ordinary meaning of 'nuisance'.</p> <p>Section 23(2)(f) has been removed.</p> <p>The word 'relevant' has been re-added to subsection (1) to remain consistent with subsection (2) and the definition in subsection (4).</p>
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Redland City Council				
State Interest Check on Proposed <i>Amending Local Law No 1 (Miscellaneous Local Laws) 2018</i>				
Agency: <b>Department of Local Government Racing and Multicultural Affairs</b>				
Section	Comment Type	Agency Issue	Agency Suggested Action to rectify issue	MEGC comment
Section 8	5	Title should read "Obligation <b>of owner</b> of registered cat"	Correct Reference	Added 'of owner' to amending instrument
Section 20 (4)	4	The location command should refer to the specific sections being omitted. Definitions are identified in this way where they are in a Schedule without specific section numbering.	For Council's consideration	Council have amended the amending instrument to refer to specific sections

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**Summary of all proposed amendments resulting from consultation*****Subordinate Local Law No. 1.5 (Keeping of Animals) 2015***

Section	Issue	Amendment
Schedule 1 section 1(2)(c)	Community opposed to the inclusion of a 4th dog approval.	Provision removed
Schedule 1 section 6(2)	Community opposed to the inclusion of a 4th dog approval. Remove reference to the 4 <sup>th</sup> dog approval.	Amend wording to "The conditions that will ordinarily be imposed on a 3 dog approval for premises are"
Schedule 1 section 6(3)	Community opposed to the inclusion of a 4th dog approval.	Provision removed
Schedule 1 section 7(3)(c)	Community opposed to the inclusion of a 4th dog approval.	Provision removed
Schedule 2 (c)	Community opposed to the inclusion of a 4th dog approval.	Provision removed

***Subordinate Local Law No. 2 (Animal Management) 2015***

Section	Issue	Amendment
Part 2 (6)(4)	Community opposed to the inclusion of a 4 dog approval.	Provision removed
Schedule 1 (1)(ii)	Community opposed to the inclusion of a 4 dog approval.	Provision removed
Schedule 7	Community opposed to the inclusion of a 4 dog approval.	Provision removed





## **Amending Local Law No. 1 (Miscellaneous Local Laws) 2018**

It is hereby certified that this a true and correct copy of *Amending Local Law No. 1 (Miscellaneous Local Laws) 2018* made, in accordance with the *Local Government Act 2009*, by the Council of the City of Redland, by resolution dated 10 October

A. Chesterman  
Chief Executive Officer



## Redland City Council

### Amending Local Law No. 1 (Miscellaneous Local Laws) 2018

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## Redland City Council Amending Local Law No. 1 (Miscellaneous Local Laws) 2018

### Part 1 Preliminary

#### 1 Short title

This amending local law may be cited as *Amending Local Law No. 1 (Miscellaneous Local Laws) 2018*.

#### 2 Object

The object of this amending local law is to amend—

- (a) *Local Law No. 1 (Administration) 2015* to make the placement of a shipping container, a railway carriage or other object on land prescribed activities requiring an approval, to update powers associated with the new prescribed activities, to add associated definitions for new terms used and amend the definition of ‘establishment or occupation of a temporary home’; and
- (b) *Local Law No. 2 (Animal Management) 2015* to make the register of impounded animals only available for inspection to the owner of an impounded animal, to add a reasonable excuse defence to owners of registered cats for registration device offences and to make available an exemption to the requirement to attach a registration device to a collar worn by a cat; and
- (c) *Local Law No 3(Community and Environmental Management) 2015* to update references to the current *Biosecurity Act 2014*, to include a power for authorised persons to seize unsightly objects, material or vegetation when a person has failed to comply with a compliance notice, include new offences relating to shopping trolleys and to amend the criteria for native bird feeding.

#### 3 Commencement

This amending local law commences on the date of publication of the notice of the making of *Amending Local Law No. 1 (Miscellaneous Local Laws) 2018* in the gazette.

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## Part 2                   **Amendment of Local Law No. 1 (Administration) 2015**

### **4           Amendment of s 31 (Power to remove, remediate and cost recovery)**

- (1)     Section 31(d), ‘.’—  
          *omit, insert—*  
  ; or
- (2)     After section 31(d)—  
          *insert—*
- (e)   a structure (which shall include a temporary home, a shipping container, railway carriage or other object) or other material thing:
- (i)   has been erected, constructed, installed, positioned, or placed, on land, in contravention of a local law; and
- (ii)   a compliance notice requiring the removal of the structure or other material thing has been given to the owner, or person in possession, of the structure or other material thing; and
- (iii)   the structure or other material thing has not been removed in accordance with the compliance notice; and
- (iv)   an authorised person enters the land pursuant to section 142 of the *Local Government Act 2009* to remove the structure or other material thing.

### **5           Amendment of Sch 1 (Dictionary)**

- (1)     Schedule 1—  
          *insert—*
- other object* in the context of the definition of “placement of a shipping container, railway carriage or other object” means a caravan, bus, campervan, tent, trailer, shanty or other item used or intended to be used for storage or habitable purposes (including for use as a place of residence), but does not include a temporary home.
- railway carriage* in the context of the definition of “placement of a shipping container, railway carriage or other object” means a piece of railway rolling stock commonly used to carry passengers or goods were it used on a railway.
- shipping container* in the context of the definition of “placement of a shipping container, railway carriage or other object” means a reusable steel box commonly used for the storage and movement of materials and products within a freight transport system.
- temporary home* means a building, structure or object used or intended for temporary use as a place of residence while a lawfully approved dwelling

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is being constructed on the property but does not include a structure used or intended for temporary use as a place of residence on or in a camping ground or caravan park.

## 6 Amendment of Sch 2 (Prescribed activities)

- (1) Schedule 2, part 1, after ‘operation of temporary entertainment events’—  
*insert—*  
 placement of a shipping container, a railway carriage, or other object on land
- (2) Schedule 2, part 2, definition *commercial use of local government controlled areas and roads* footnote 37 and definition *undertaking regulated activities on local government controlled areas and roads* footnote 40, ‘See footnote 34’—  
*omit, insert—*  
 See footnote 35
- (3) Schedule 2, part 2, definition *establishment or occupation of a temporary home*—  
*omit, insert—*  
*establishment or occupation of a temporary home* means the erection, construction, installation, positioning or placement of a building, structure or object used or intended for temporary use as a place of residence while a lawfully approved dwelling is being constructed on the property but does not include the establishment or the occupation of buildings, structures or objects on or in a camping ground or caravan park.
- (4) Schedule 2, part 2, after definition of *operation of temporary entertainment events*—  
*insert—*  
*placement of a shipping container, railway carriage or other object on land* means the erection, installation, positioning or placement of a shipping container, railway carriage or other object on land, whether temporarily or permanently, but does not include:
- (a) the establishment or occupation of a temporary home;
  - (b) an item or work that constitutes building or structure under the Building Act.<sup>37A</sup>

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<sup>37A</sup> See the definition of *Building Act* in the Act, schedule 4



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**7 Amendment of ss 40 and 42 and Schedule 1 and Schedule 2**

- (1) Sections 40(1)(a), 40(2)(a), 42(a), 42(b), 42(c), 42(d), 42(e), 42(f), 42(g), 42(h), 42(i), 42(j), 42(k), 42(m) and 42(n), Schedule 1 definitions *authorised person* and *prescribed fee* and Schedule 2 Part 2 definitions *alteration or improvement to local government controlled areas and roads*, *commercial use of local government controlled areas and roads*, *installation of advertising devices*, *placement of a shipping container*, *railway carriage or other object on land* and *undertaking regulated activities on local government controlled areas and roads*, footnotes 18 to 37, 37A and 38—  
*renumber* as footnotes 19 to 40.

**Part 3 Amendment of Local Law No. 2 (Animal Management) 2015**

**8 Amendment of s 31 (Register of impounded animals)**

- (1) Section 31(1) to (3)—  
*renumber* as section 31(2) to (4).
- (2) Section 31—  
*insert*—
- (1) This section applies to an animal other than a dog seized under section 125 of the *Animal Management (Cats and Dogs) Act 2008*.
- (3) Section 31(4), ‘public inspection’—  
*omit, insert*—  
inspection by a person to whom section 31(5) of this local law applies,
- (4) Section 31(4), ‘of care for animals’—  
*omit, insert*—  
where the animal is impounded
- (5) After section 31(4)—  
*insert*—
- (5) A person may inspect the Register only if the person satisfies the local government that the person is the owner of an impounded animal by, for example, providing to the local government a statutory declaration detailing the facts and circumstances of the seizure or impounding of the impounded animal.
- (6) The owner of an impounded animal may only inspect that part of the information contained within the Register that relates to the

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impounding of the impounded animal for which that person is the owner.

**9 Amendment of Sch 1 (Dictionary)**

- (1) Schedule 1, definition *veterinary surgeon*, ‘means a person registered as a veterinary surgeon under the *Veterinary Surgeon’s Act 1936*’—

*omit, insert—*

has the meaning given in the *Veterinary Surgeons Act 1936*

**10 Amendment of s 49A (Obligations of owner of registered cat)**

Section 49A—

*omit, insert—*

- (1) The owner of a registered cat must not, without a reasonable excuse —
- (a) fail to ensure that the cat carries the registration device required by resolution of the local government; and
  - (b) fail to ensure that the registration device is attached to a collar worn by the cat; and
  - (c) fail to notify the local government within 14 days if the registration device for the cat has been lost or destroyed.
- Maximum penalty for each of paragraphs (a), (b) and (c)—20 penalty units.
- (2) The local government may grant an exemption to the requirement to attach the registration device to a collar worn by the cat where the owner can produce evidence to the satisfaction of the local government that reasonable circumstances for an exemption exist.

**Part 4 Amendment of Local Law No. 3 (Community and Environmental Management) 2015**

**11 Amendment of s 5 (Application of part)**

Section 5, including footnotes—

*omit, insert—*

- (1) This part does not apply to an animal or plant that is restricted matter or prohibited matter under the *Biosecurity Act 2014*.<sup>2</sup>

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<sup>2</sup> See the *Biosecurity Act 2014*, sections 19 and 21, regarding prohibited and restricted matter for the State or part of the State.

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(2) In this section—

*prohibited matter*, see the *Biosecurity Act 2014*, section 19.

*restricted matter*, see the *Biosecurity Act 2014*, section 21.

**12 Amendment of s 6 (Declaration of local pests)**

Section 6(4), '*Land Protection (Pest and Stock Route Management) Act 2002*'—  
 omit, insert—

*Biosecurity Act 2014*

**13 Amendment of s 10 (Pest control notices)**

Section 10(1), footnote 5 and 6—  
 renumber as footnote 3 and 4.

**14 Amendment of s 13 (Unightly objects, materials or vegetation)**

(1) Section 13(2), footnote 7—  
 renumber as footnote 5.

(2) Section 13(2), footnote 5, 'See footnote 5.'—  
 omit, insert—

See footnote 3.

(3) Section 13(4) to (5)—  
 renumber as section 13(6) to (7).

(4) After section 13(3)—  
 insert—

- (4) Without limiting subsection (2), subsection (5) applies if:
- (a) the responsible person does not comply with a compliance notice given to the responsible person pursuant to subsection (2); and
  - (b) the time for making an application for review of the compliance notice under section 22 of Local Law No. 1 (Administration) 2015 has expired; and
  - (c) the compliance notice includes a requirement that the responsible person remove objects, materials or vegetation from the allotment; and

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(d) an authorised person enters the allotment pursuant to section 142 of the *Local Government Act 2009* to take the action that is required under the compliance notice.

(5) Subject to subsection (4), an authorised person may seize (by dismantling if necessary) and impound any objects, materials or vegetation removed from the allotment.

(5) Section 13(6), footnote 8—  
*renumber* as footnote 6.

(6) Section 13(7), footnote 9—  
*renumber* as footnote 7.

**15 Amendment of s 14 (Regulation of lighting and maintaining fires in the open)**

(1) Section 14(1), after ‘is authorised’—  
*insert*—  
or excluded

(2) Section 14(1), footnote 10—  
*renumber* as footnote 8.

**16 Amendment of s 15 (Fire hazards)**

(1) Section 15(2), footnote 11 to 12—  
*renumber* as footnote 9 to 10.

(2) Section 15(2), footnote 9, ‘See footnote 5.’—  
*omit, insert*—  
See footnote 3.

**17 Amendment of s 18 (Removal or reduction of community safety hazards)**

(1) Section 18(2), footnote 13—  
*renumber* as footnote 11.

(2) Section 18(2), footnote 11, ‘See footnote 5.’—  
*omit, insert*—  
See footnote 3.

**18 Amendment of s 20 (Prescribed noise standards)**

(1) Section 20(1), footnote 14—

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*renumber* as footnote 12.

- (2) Section 20(2), footnote 15 to 16—  
*renumber* as footnote 13 to 14.

**19 Renumber of pt 7 (Miscellaneous) and pt 8 (Subordinate local laws)**

- (1) Part 7 to 8—  
*renumber* as part 8 to 9.

**20 Renumber of s 21 (Prohibition on feeding native birds) and s 22 (Subordinate local laws)**

- (1) Section 21 to 22—  
*renumber* as section 23 to 24.

**21 Insertion of new pt 7 (Shopping trolleys)**

- (1) Part 7—  
*insert*—

**Part 7 Shopping Trolleys**

**21 Removal of shopping trolleys**

A person must not, without the consent of the shopping trolley's owner or a reasonable excuse, remove a shopping trolley from a shopping centre precinct or leave a shopping trolley at a place that is not a shopping centre precinct.

Maximum penalty—20 penalty units.

**22 Retailers**

- (1) A retailer must take all reasonable measures to ensure that all shopping trolleys provided by the retailer for customer use remain within the shopping centre precinct.

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

- (2) A retailer must ensure that the following information is conspicuously and legibly displayed on each shopping trolley provided by the retailer for customer use:
- (a) the name of the retailer; and
  - (b) contact details, including a telephone number for the retailer; and

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- (c) any other information prescribed by subordinate local law.

Maximum penalty – 20 penalty units.

- (3) The information displayed on a shopping trolley under subsection (2) must be permanently affixed and not easily removed.

**22 Amendment of s 23 (Prohibition of feeding native birds)**

- (1) Section 23(1), ‘on’—  
*omit, insert—*  
at a residential
- (2) Section 23(1), ‘environmental’—  
*omit.*
- (3) Section 23(2)—  
*omit, insert—*
- (2) Without limiting subsection (1), a person feeds a native bird in a way that causes, or may cause, a relevant nuisance if the person—
- (a) feeds the native bird prior to 8am or after 7pm on any given day; or
- or
- (b) feeding the native bird results in excessive or unsightly accumulation of native bird droppings as a direct result of the feeding; or
- (c) feeding the native bird results in an accumulation of food waste, which may include but is not limited, to seed husks or bread; or
- (d) feeding the native bird results in offensive odour caused by accumulation of native bird droppings or food waste; or
- (e) feeding the native bird results in damage to property caused from excessive native bird droppings or destructive behaviour in the immediate area of where the birds are fed; or
- (4) Section 23(4)(a) to 23(4)(e)—  
*omit.*
- (5) Section 23(4)(f) to 23(4)(i)—  
*renumber as section 23(4)(a) to 23(4)(d).*
- (6) Section 23(4)(a)(i), definition *feed*, ‘tease or lure’—  
*omit, insert—*



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entice

- (7) Section 23(4)(a)(ii), definition *feed*, ‘feed the’—  
*omit, insert—*

provide food to the

- (8) Section 23(4)(c), definition *noise*—  
*omit.*

- (9) Section 23(4)(d), definition *relevant environmental nuisance*—  
*renumber* as section 23(4)(c).

- (10) Section 23(4)(c), definition *relevant environmental nuisance*—  
*omit, insert—*

*relevant nuisance*, for premises, means a nuisance to land adjoining, or  
in close proximity to, the premises;

- (11) After section 23(4)(c)—  
*insert—*

(d) *destructive behaviour*, means gnawing or chewing or an action of the  
native bird leading to property damage;

(e) *immediate area*, means adjoining properties.

## 23 Amendment of s 24 (Subordinate local laws)

- (1) Section 24, footnotes 17 to 22—  
*renumber* as footnotes 15 to 20.

- (2) Section 24(f), ‘.’—  
*omit, insert—*

; or

- (3) After section 24(f)—  
*insert—*

(g) shopping trolleys.<sup>21</sup>

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<sup>21</sup> See section 22(2)

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**24 Amendment of sch (Dictionary)**

(1) Schedule—

*insert—*

***retailer*** means any person who, in the connection with a retail or wholesale business, makes shopping trolleys available by whatever means for customer use.

***shopping centre precinct*** means the entire area utilised by a retailer including any area provided for the parking of vehicles, pedestrian walkways or common areas within a shopping centre.

***shopping trolley*** means any wheeled container primarily used for the carriage of goods by a customer to a retailer while at a shopping centre precinct.



**Amending Subordinate Local Law No. 4  
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2018**

It is hereby certified that this a true and correct copy of *Amending Subordinate Local Law No. 4 (Miscellaneous Subordinate Local Laws) 2018* made, in accordance with the *Local Government Act 2009*, by the Council of the City of Redland, by resolution dated 10 October 2018

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A. Chesterman  
Chief Executive Officer



## Redland City Council

### Amending Subordinate Local Law No. 4 (Miscellaneous Subordinate Local Laws) 2018

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## Redland City Council Amending Subordinate Local Law No. 4 (Miscellaneous Subordinate Local Laws) 2018

### Part 1 Preliminary

#### 1 Short title

This amending local law may be cited as *Amending Subordinate Local Law No. 4 (Miscellaneous Subordinate Local Laws) 2018*.

#### 2 Object

The object of this amending subordinate local law is to amend—

- (a) *Subordinate Local Law No. 1.5 (Keeping of Animals) 2015* to remove the requirement for adjoining land owner consent for a third animal permit, to remove the compassionate ground criteria for granting approvals and to amend and add definitions to the dictionary;
- (b) *Subordinate Local Law No. 2 (Animal Management) 2015* to update koala area maps, to clarify, amend, add and remove enclosure requires for keeping animals, make grammatical changes and update references to legislation;
- (c) *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015* to allow fishing from bridges and culverts in the Redlands where it does not interfere with the use of the bridge or operation of the culvert unless authorised signage prohibits it; and
- (d) *Subordinate Local Law No. 5 (Parking) 2015* to add new regulated parking areas, replace all maps with higher resolution images and amend Map 5B to extend the regulated area to cover the entire car park.

#### 3 Commencement

This amending subordinate local law commences on the date of publication of the notice of the making of *Amending Subordinate Local Law No. 4 (Miscellaneous Subordinate Local Laws) 2018* in the gazette.

### Part 2 Amendment of Subordinate Local Law No. 1.5 (Keeping of Animals) 2015

#### 4 Amendment of Sch 1 (Keeping of animals)

- (1) Schedule 1, section 3(1)(f), ‘;and’—

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*omit, insert—*

- (2) Schedule 1, section 3(1)(g)—  
*omit.*
- (3) Schedule 1, section 4(4) (including example)—  
*omit.*
- (4) Schedule 1, section 4(5) to 4(8)—  
*renumber* as section 4(4) to 4(7).

**5 Amendment of Sch 3 (Dictionary)**

- (1) Schedule 3, definition *proper enclosure*—  
*omit, insert—*  
*proper enclosure* means, for a particular type of animal or species or breed of animal, an enclosure meeting each of the requirements of Schedule 4 of *Subordinate Local Law No. 2 (Animal Management) 2015* for the particular animal and premises.
- (2) Schedule 3—  
*insert—*  
*SEQ urban footprint* has the meaning given in the *Planning Regulation 2017*.

**Part 3 Amendment of Subordinate Local Law No. 2 (Animal Management) 2015**

- 6 Amendment of s 5 (Circumstances in which keeping animals prohibited— Authorising local law, s5(1))**
  - (1) Heading, after ‘keeping animals’—  
*insert—*  
is
- 7 Amendment of Sch 2 (Minimum standards for keeping animals generally)**
  - (1) Schedule 2, subsection (3) to (4)—  
*omit, insert—*



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- (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 the following—
  - (a) 5m of any residence, other than a residence upon the premises on which the enclosure is to be constructed; or
  - (b) 1m of any boundary of the premises.
- (4) 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 10m of any premises used for the manufacture, preparation or storage of food for human consumption, other than food contained in hermetically sealed packages.
- (5) Subsection (4) 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.

**8 Amendment of Sch 3 (Minimum standards for keeping particular animals)**

- (1) Schedule 3, item 8 of table, column 2, paragraph (a), ‘*Apiaries Act 2014*’ (wherever occurring)—  
*omit, insert—*  
*Biosecurity Act 2014*
- (2) Schedule 3, item 9 of table, column 2, paragraph (d), ‘, drake, goose or turkey’—  
*omit, insert—*  
or drake,

**9 Amendment of Sch 4 (Requirements for proper enclosures for animals)**

- (1) Schedule 4, item 1 of table, column 2, paragraph (b), ‘fenced’—  
*omit.*
- (2) Schedule 4, item 1 of table, column 2, paragraph (c), ‘fence’—  
*omit, insert—*  
physical barrier
- (3) Schedule 4, item 4 of table, column 1, ‘A cat kept on premises pursuant to a 3 cat approval’—  
*omit, insert—*  
Cat

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- (4) Schedule 4, item 4 of table, column 2, ‘pursuant to a 3 cat approval’—  
*omit.*
- (5) Schedule 4, item 2 to 4 of table—  
*renumber* as item 3 to 5 of table.
- (6) Schedule 4, after item 1 of table—  
*insert—*

2	Dog	In addition to the criteria contained in relation to item 1, the enclosure must be external to the dwelling, where the property has external land that is for the private use of the occupier of the dwelling.
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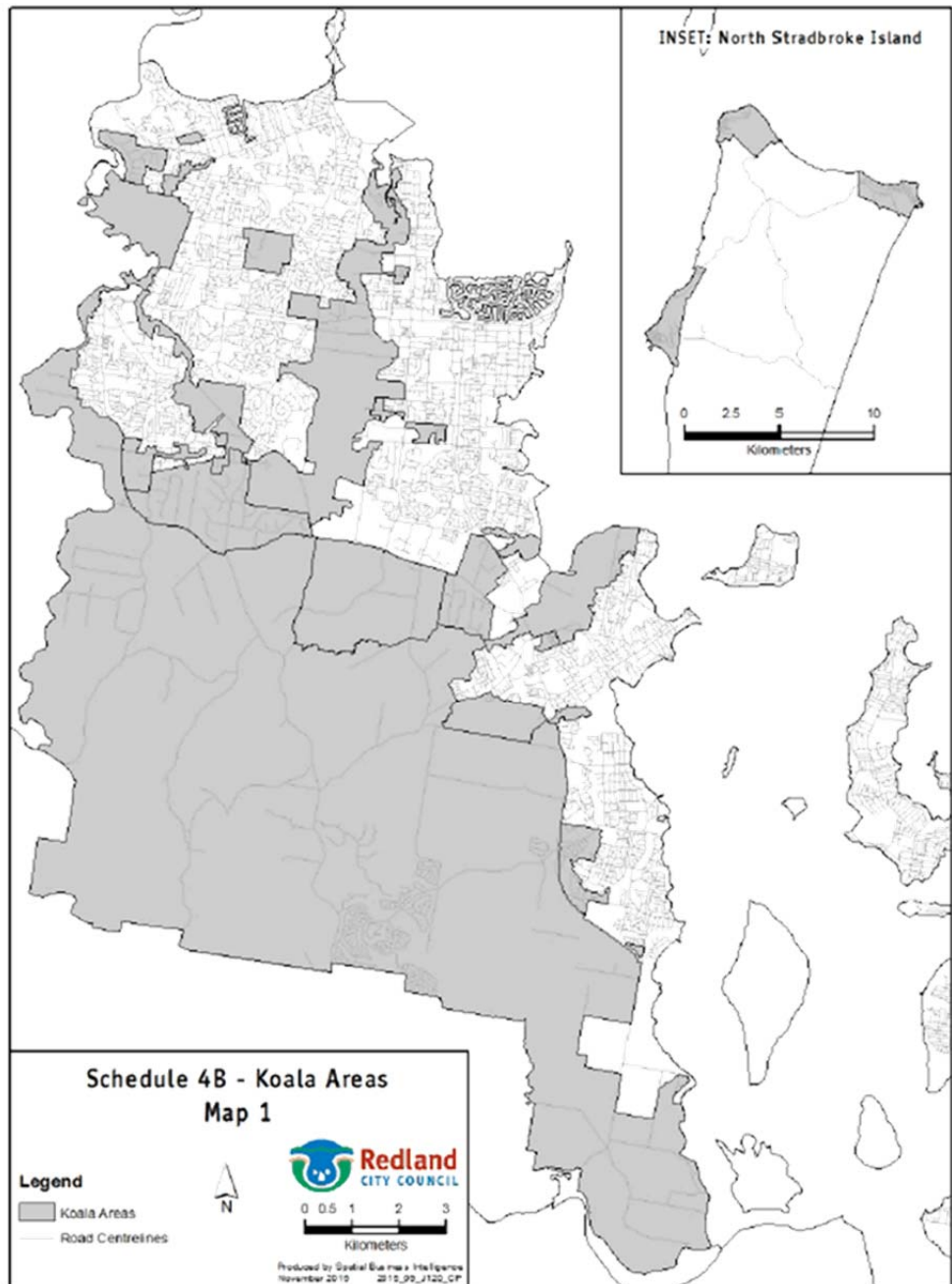
**10 Amendment of Sch 4B (Koala areas)**

- (1) Schedule 4B—  
*omit, insert—*

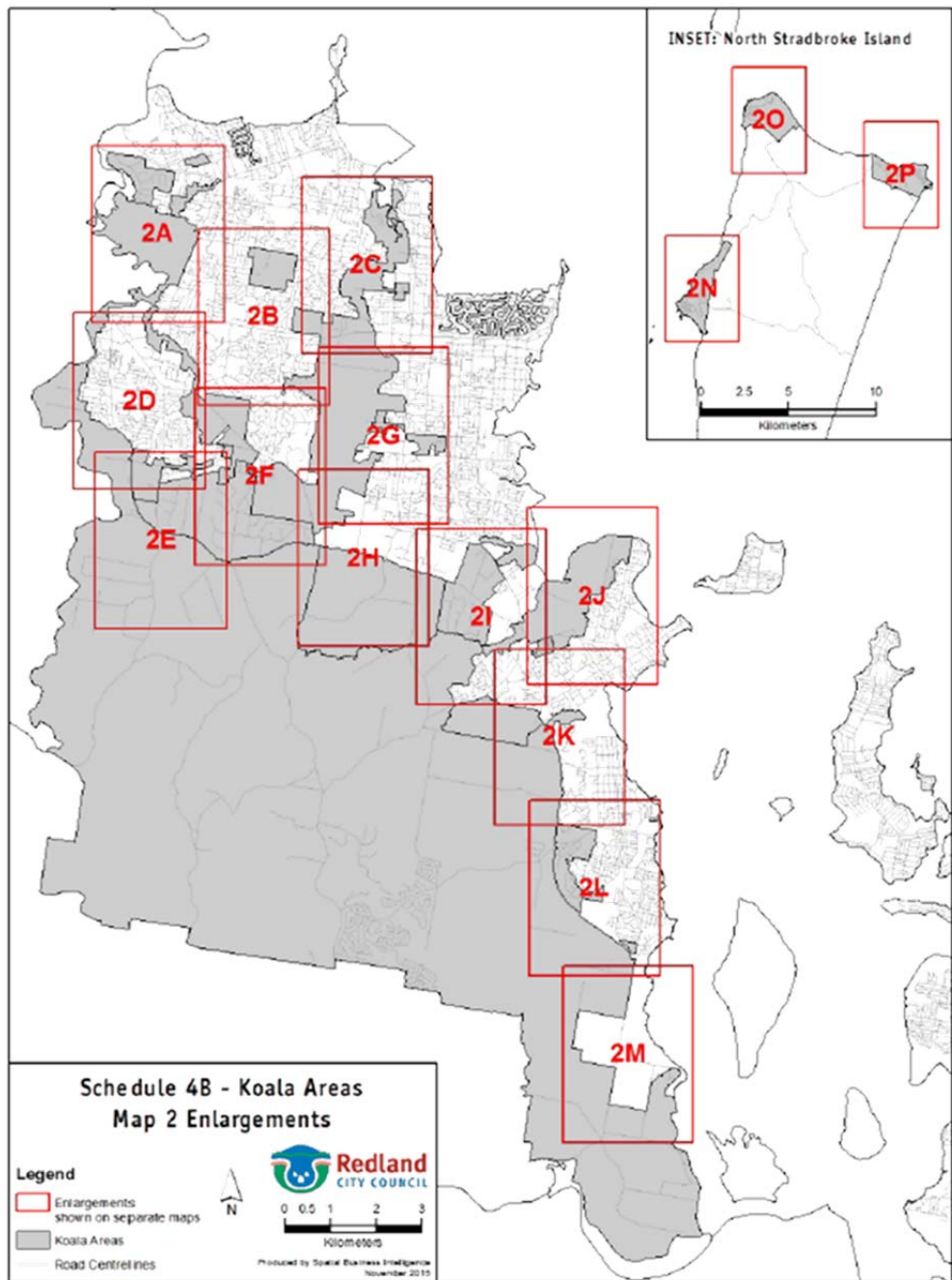
**Schedule 4B Koala areas**

Section 9A(2) and (3)

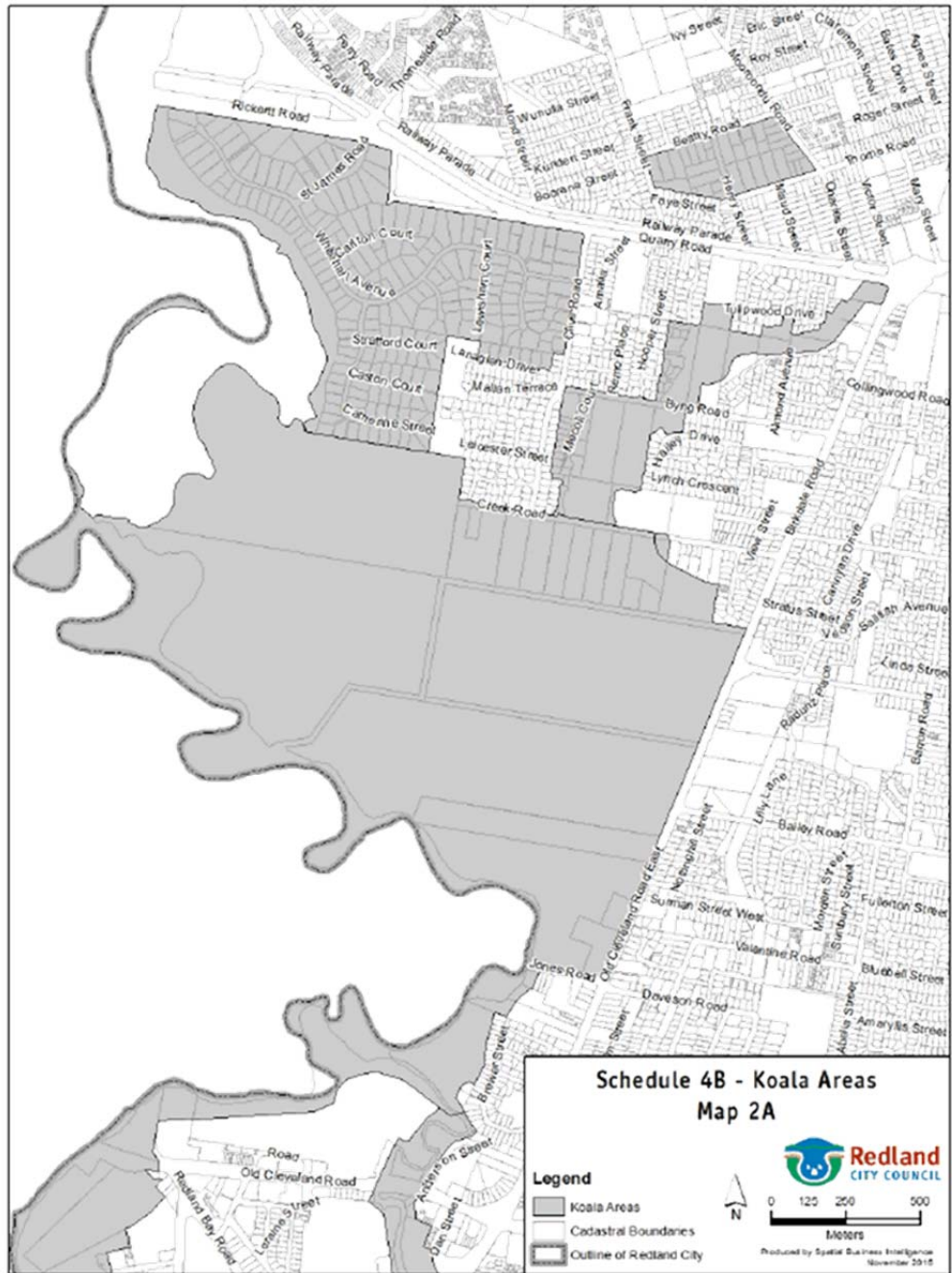
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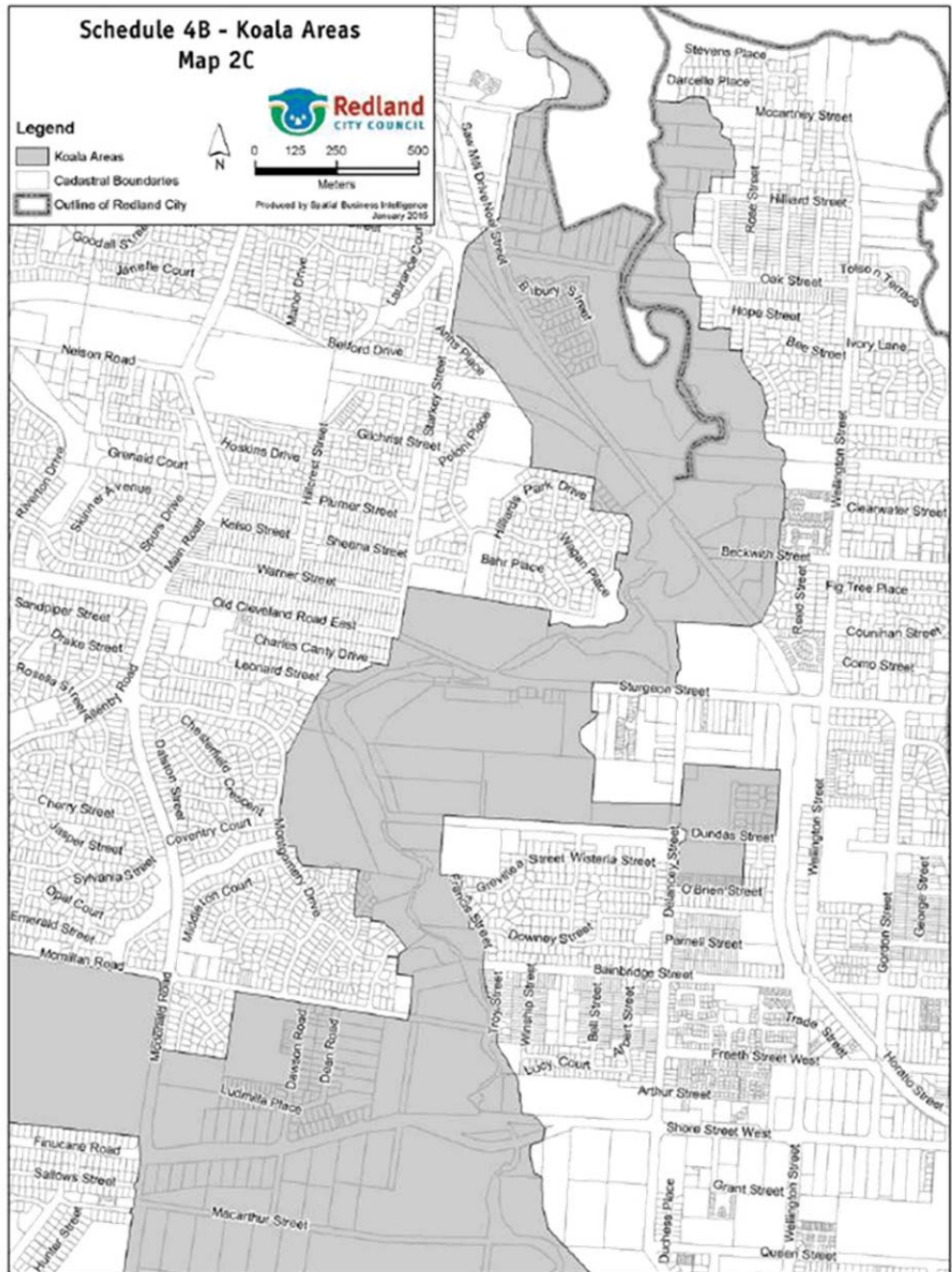




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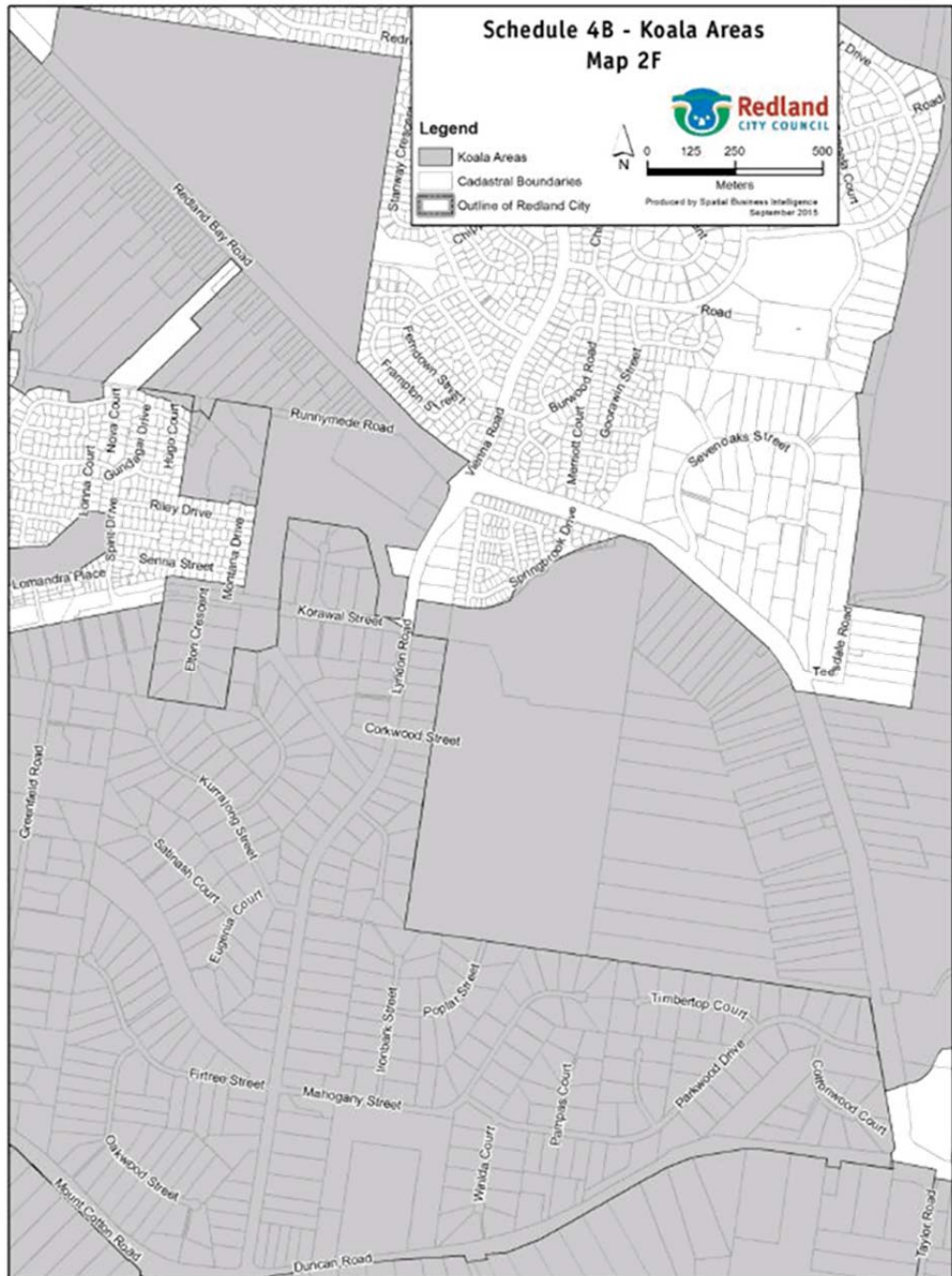
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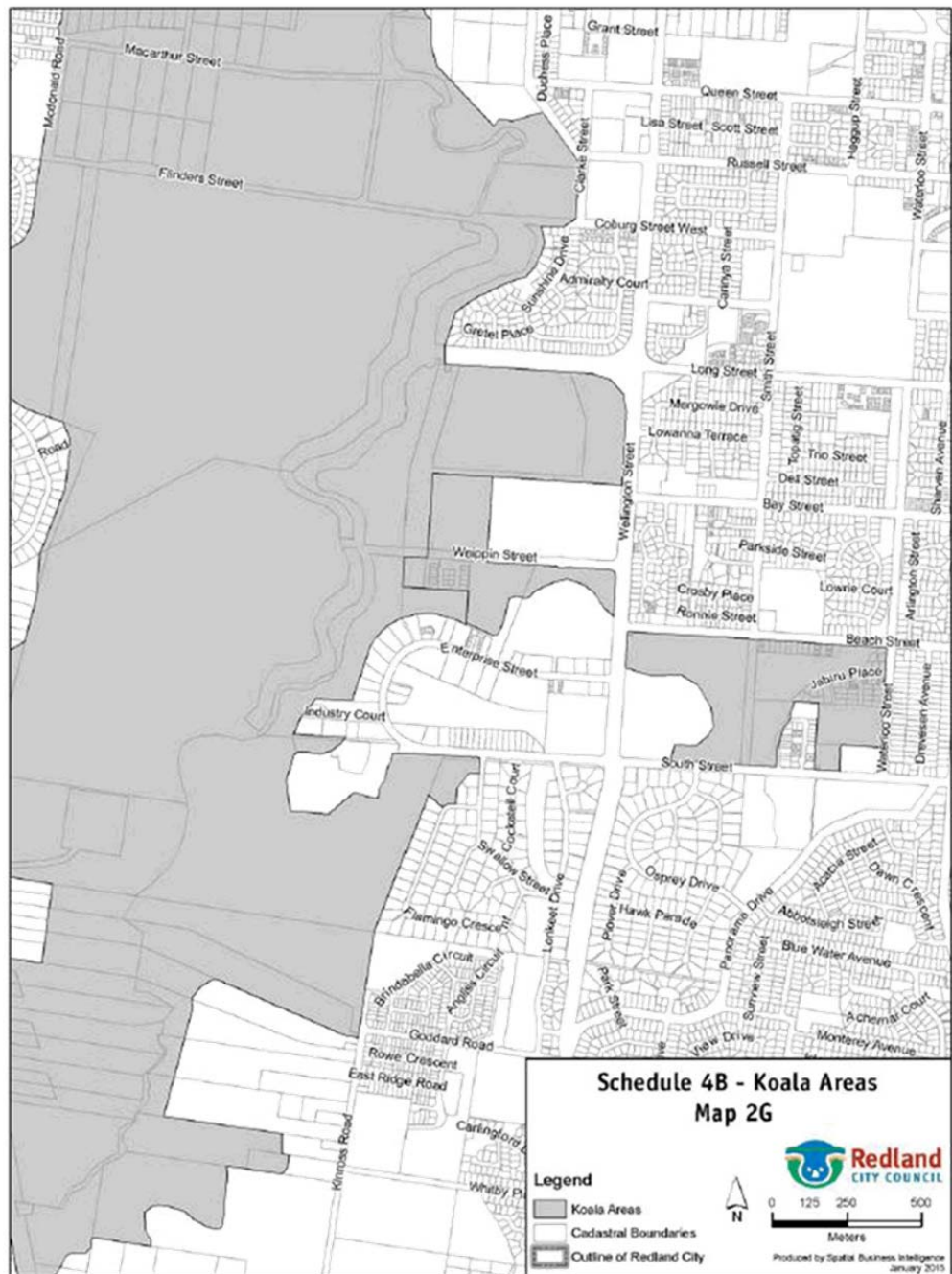


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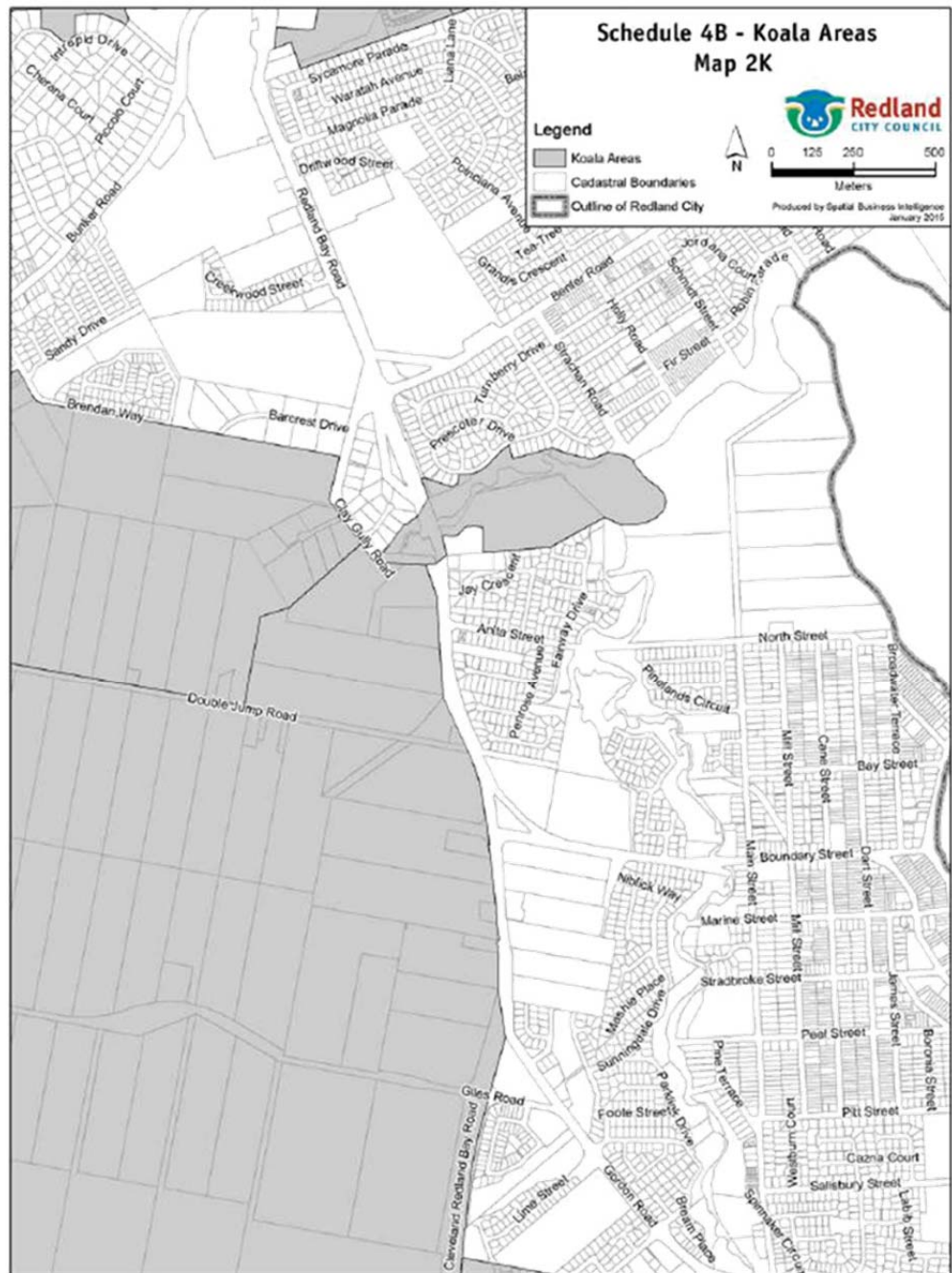


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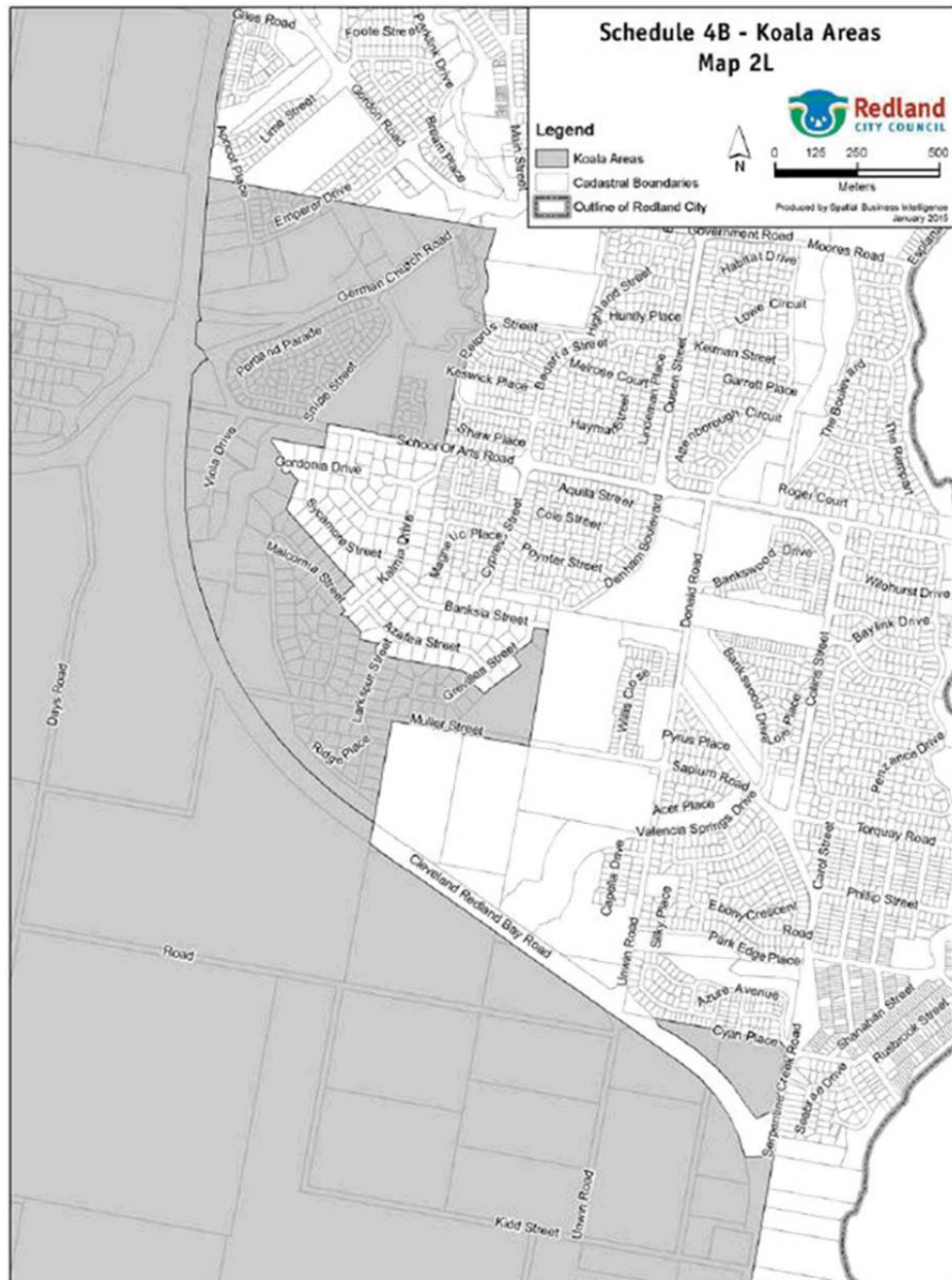




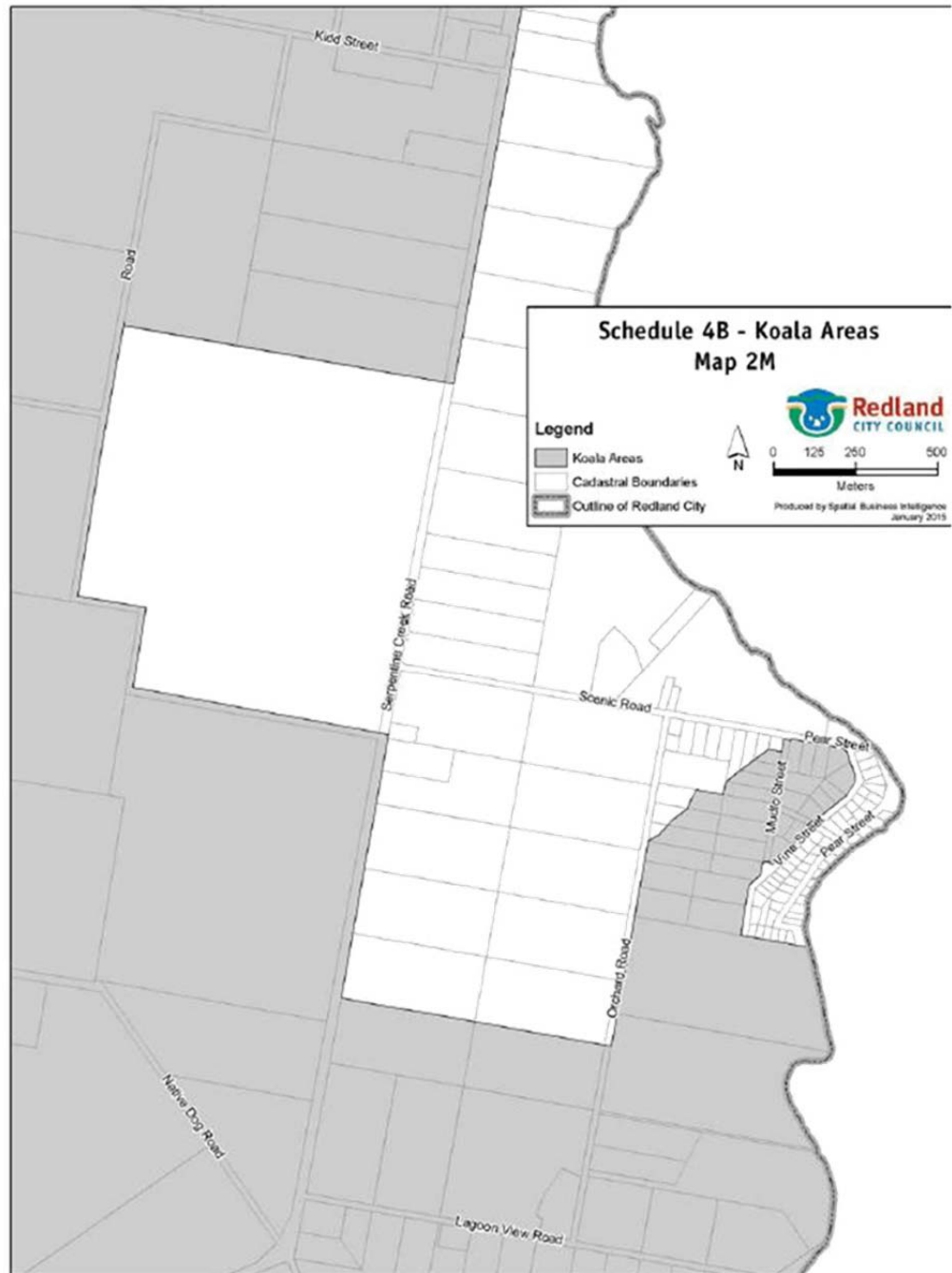
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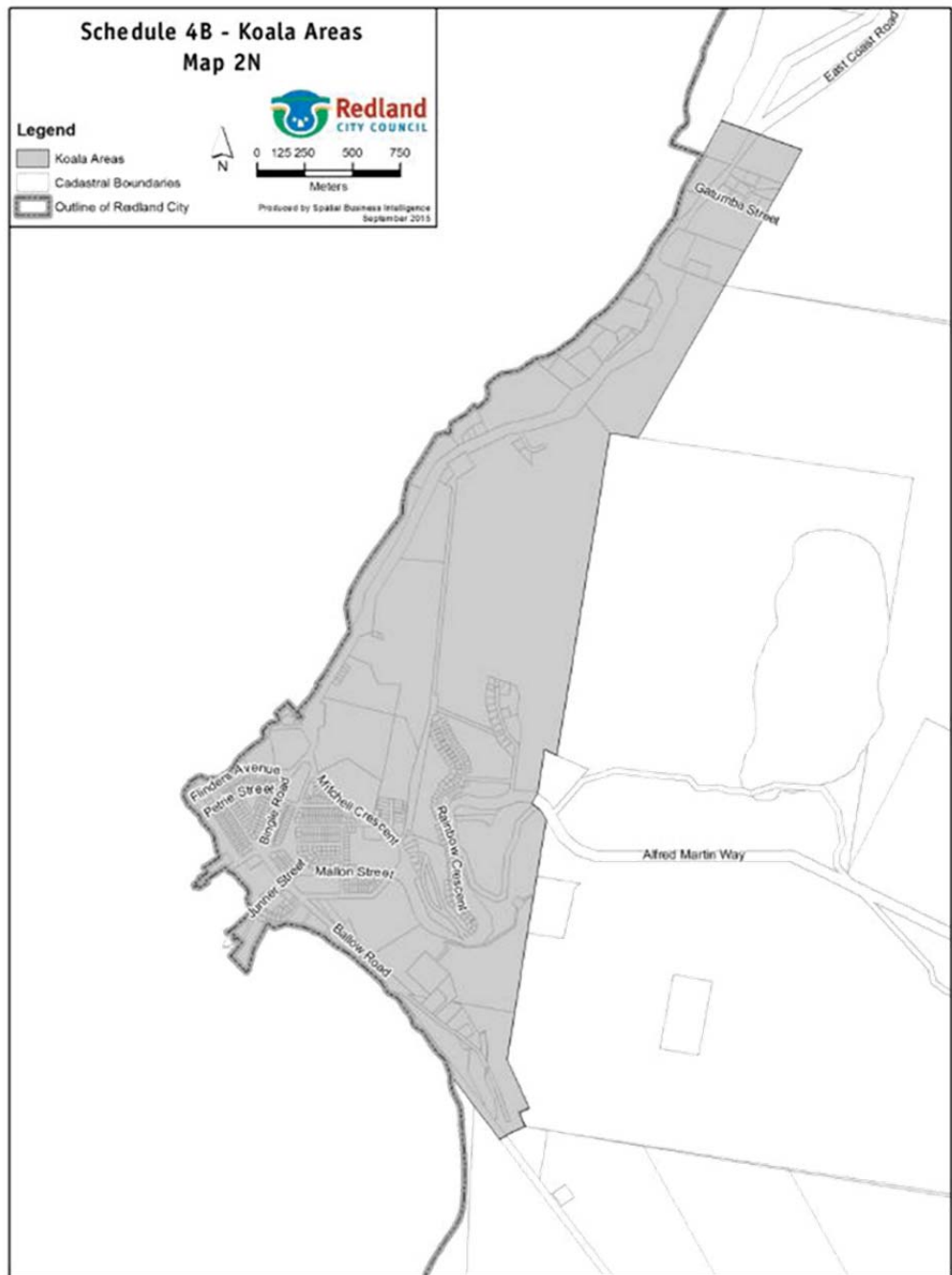
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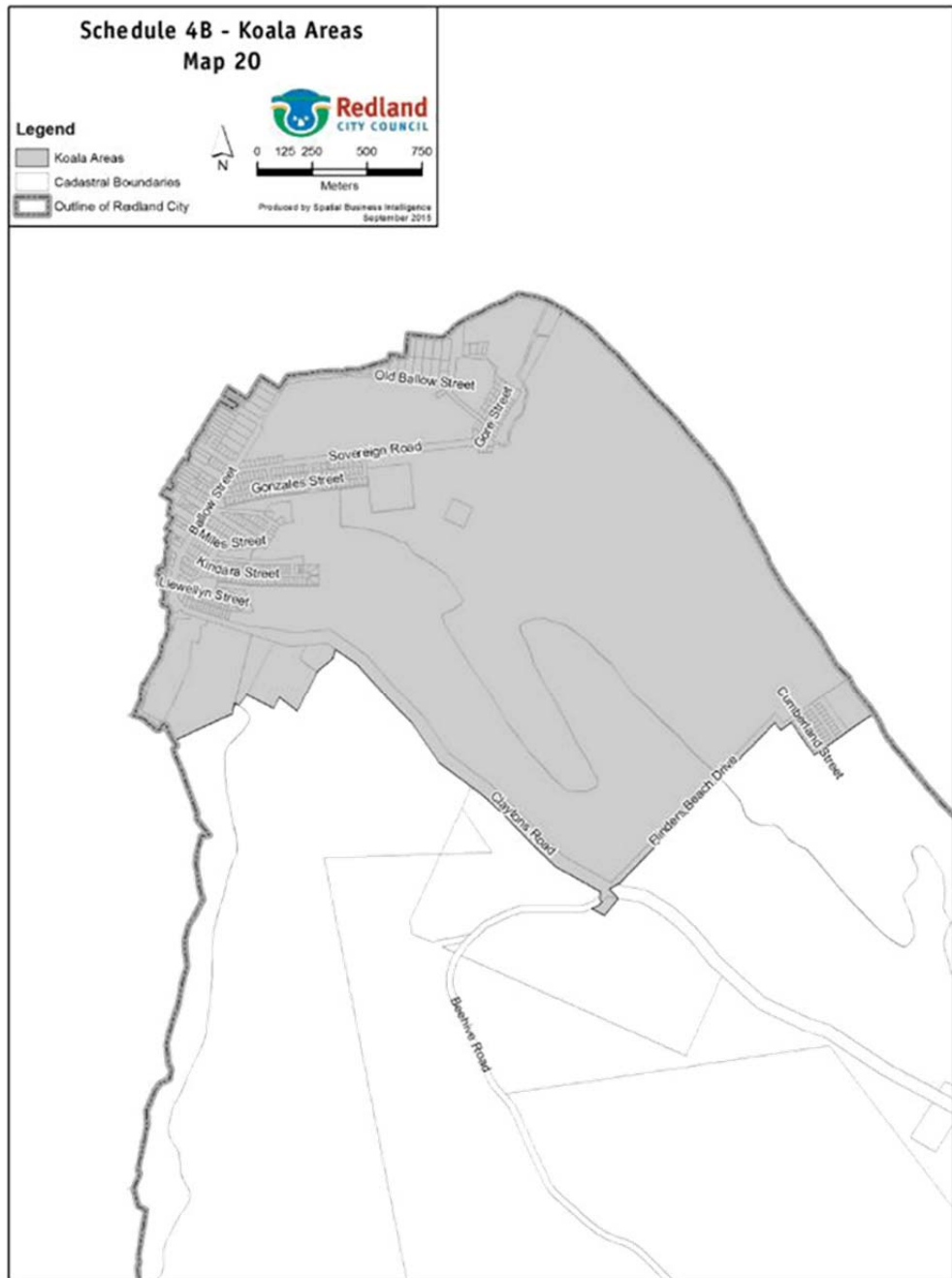
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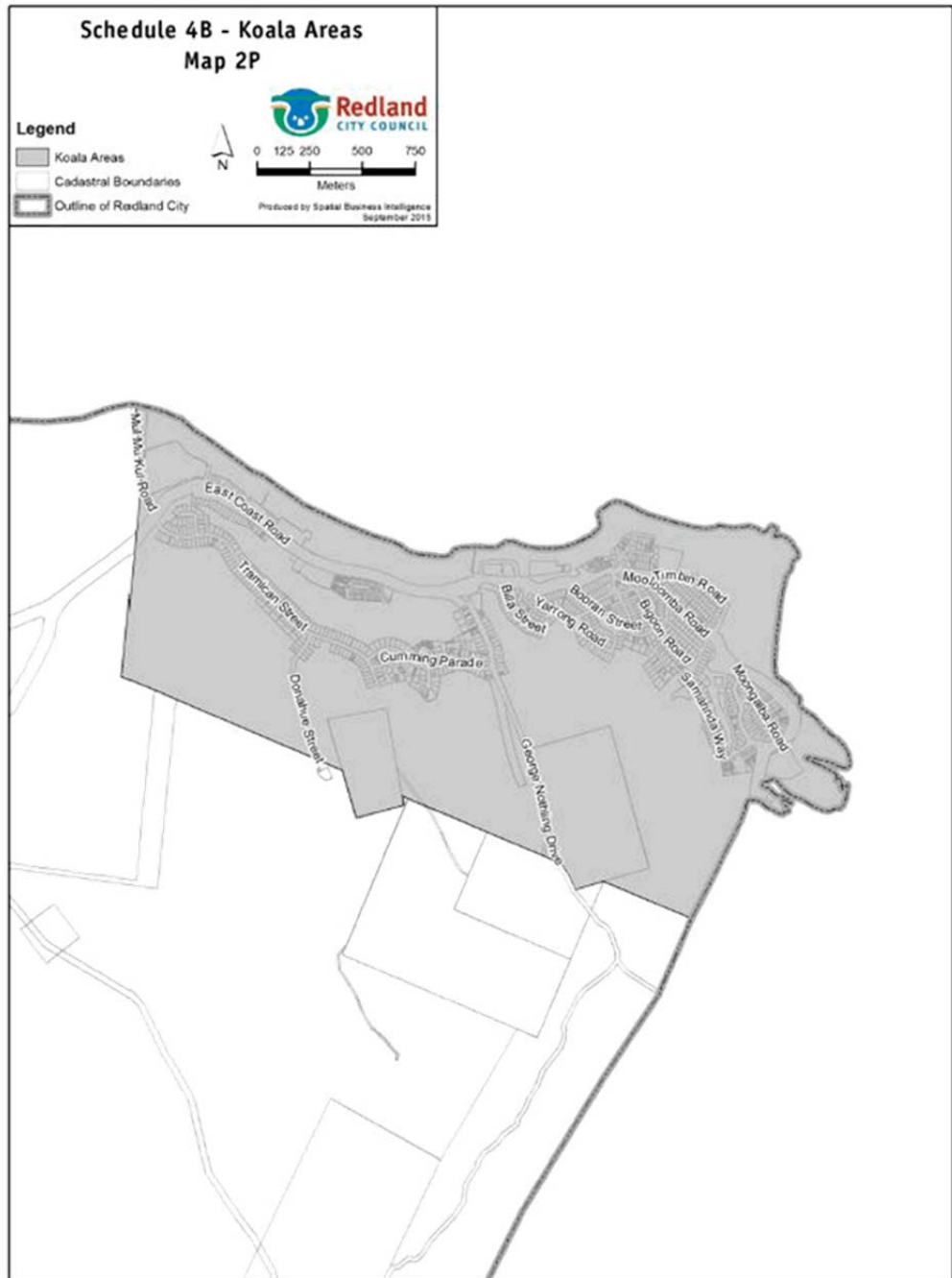
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**Part 4                      Amendment of Subordinate Local Law No. 4  
 (Local Government Controlled Areas, Facilities  
 and Roads) 2015**

**11      Amendment of Sch 2 (Restricted activities for local government controlled areas or roads)**

(1)      Schedule 2, after item 10 of table—

*insert—*

1	Local government bridges and Local government culverts within the local government area.	Fishing on a local government bridge or a local government culvert.	Permitted only if-  (i) where the activity is on a local government bridge, the activity does not obstruct or interfere with the use of the local government bridge by a vehicle or another person; and  (ii) where the activity is on a local government culvert, the activity does not obstruct or interfere with the operation of the local government culvert; and  (iii) no sign authorised by the local government is erected on or adjacent to the bridge or culvert indicating that fishing is prohibited.
---	--	---	--

**12      Amendment of Sch 7 (Dictionary)**

(1)      Schedule 7—

*insert—*

***culvert means*** a structure used to enclose a flowing body of water under a road, with such structure having clear openings at each end.

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*local government bridge* means a bridge which is under the control of the local government.

*local government culvert* means a culvert which is under the control of the local government.

## Part 5                      Amendment of Subordinate Local Law No. 5 (Parking) 2015

### 13      Amendment of Sch 2 (Declaration of off-street regulated parking areas)

- (1)      Schedule 2, part 1, item 2, 'Queen Street off-street car park (N) as identified in schedule 2, part 2.'—

*omit, insert—*

Queen Street off-street car park as identified in schedule 2, part 2.

- (2)      Schedule 2, part 1, item 2,

Queens Street off-street car park (S) as identified in schedule 2, part 2.	2E(iii)	Between Queen Street and Waters Street, Cleveland.
--	---------	--

—

*omit.*

- (3)      Schedule 2, part 1, item 2, after

Wynyard Street off-street car park as identified in schedule 2, part 2.	2E(i)	Between Middle Street and Queen Street, Cleveland.
---	-------	--

—

*insert—*

Wharf Street off-street car park as identified in schedule 2, part 2.	2F (iv)	Between Middle Street and Wharf Street, Cleveland.
William Street off-street car park as identified in schedule 2, part 2.	2G	Between William Street and Shore Street North, Cleveland.

- (4)      Schedule 2, part 1, item 4, '4A'—

*omit, insert—*

4A(i)

- (5)      Schedule 2, part 1, item 4, after

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Amending Subordinate Local Law No. 4  
(Miscellaneous Subordinate Local Laws) 2018*

One Mile Ferry Terminal car park as identified in schedule 2, part 2.	4A(i)	Yabby Street, One Mile, Dunwich, North Stradbroke Island.
---	-------	---

—

*insert—*

East Coast Road off-street car park as identified in schedule 2, part 2.	4A (ii)	East Coast Road, Dunwich, North Stradbroke Island
Junner Street Ferry Terminal car park as identified in schedule 2, part 2.	4B	Junner Street Ferry Terminal car park, Dunwich, North Stradbroke Island.
Junner Street, Cunningham Street, off-street car park as identified in schedule 2, part 2.	4C (i)	Between Cunningham Street and Ballow Road, Dunwich, North Stradbroke Island.
Junner Street, Bayly Street off-street car park as identified in schedule 2, part 2.	4C (ii)	Between Ballow Road and Bayly Street, Dunwich, North Stradbroke Island.

- (6) Schedule 2, part 1, item 5, after

Weinam Creek off-street car and boat trailer park as identified in schedule 2, part 2.	5A(iii)	Banana Street, Redland Bay.
--	---------	-----------------------------

—

*insert—*

Weinam Creek Spoil Pond off-street car park as identified in schedule 2, part 2.	5A(iv)	Banana Street, Redland Bay.
--	--------	-----------------------------

- (7) Schedule 2, part 1, item 6, after

Russell Island off-street car park as identified in schedule 2, part 2.	6A(i)	Bayview Road, Russell Island.
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—

*insert—*

Alice Street – Esplanade off-street car and boat trailer park as identified in schedule 2,	6B(i)	Corner of Alice Street and Esplanade, Russell Island
--	-------	--

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 Redland City Council  
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part 2.		
Esplanade off-street car park as identified in schedule 2, part 2.	6B(ii)	Esplanade, Russell Island

- (8) Schedule 2, part 1, item 7, ‘7A’—  
*omit, insert—*  
 7A(i)

- (9) Schedule 2, part 1, item 7, after
- |  |       |                                 |
|--|-------|---------------------------------|
| Victoria Point off-street car and boat trailer park as identified in schedule 2, part 2. | 7A(i) | Masters Avenue, Victoria Point. |
|--|-------|---------------------------------|

—  
*insert—*

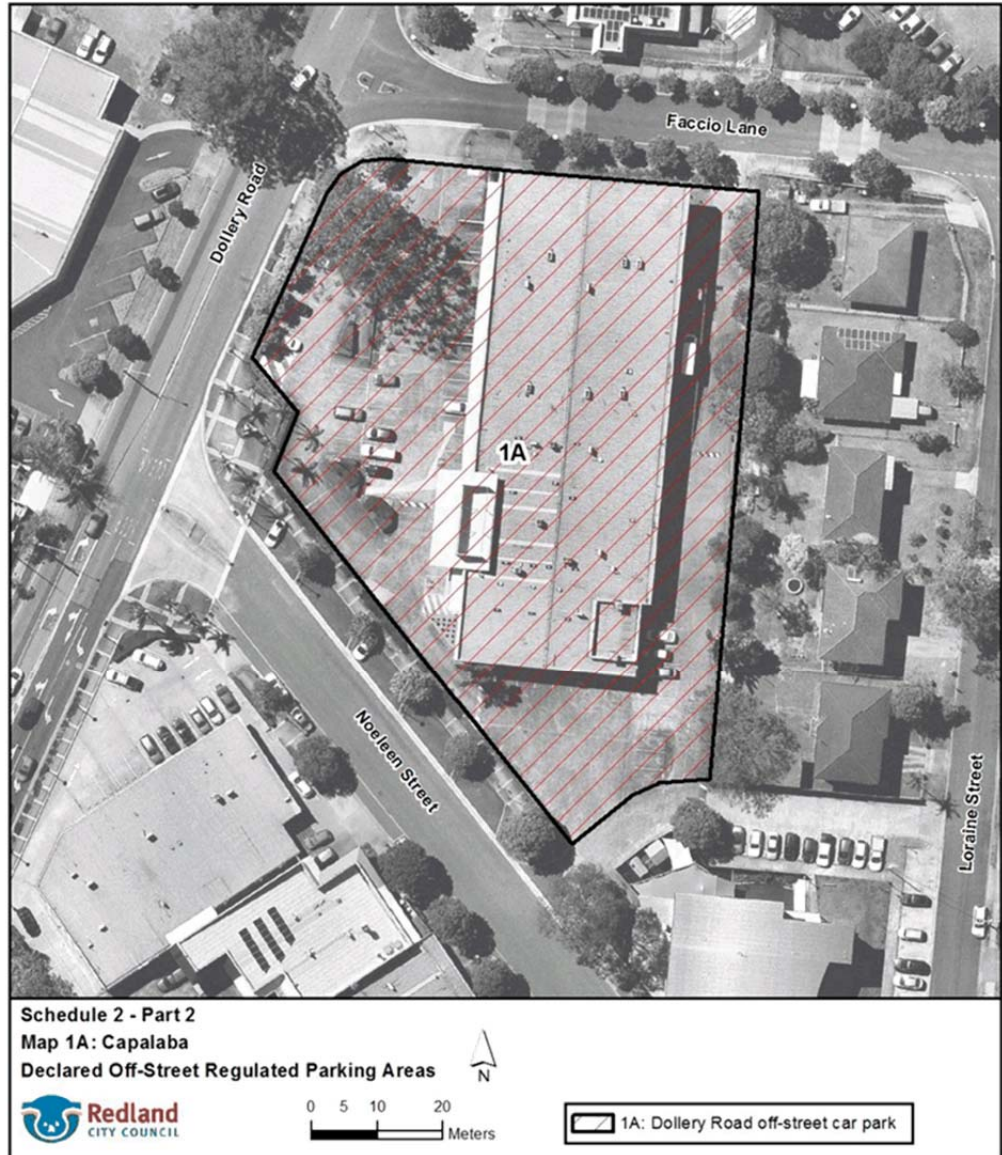
Colburn Avenue off-street car park as identified in schedule 2, part 2.	7A(ii)	Colburn Avenue, Victoria Point.
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- (10) Schedule 2, part 2—  
*omit, insert—*

**Part 2                      Maps of off-street regulated parking areas**

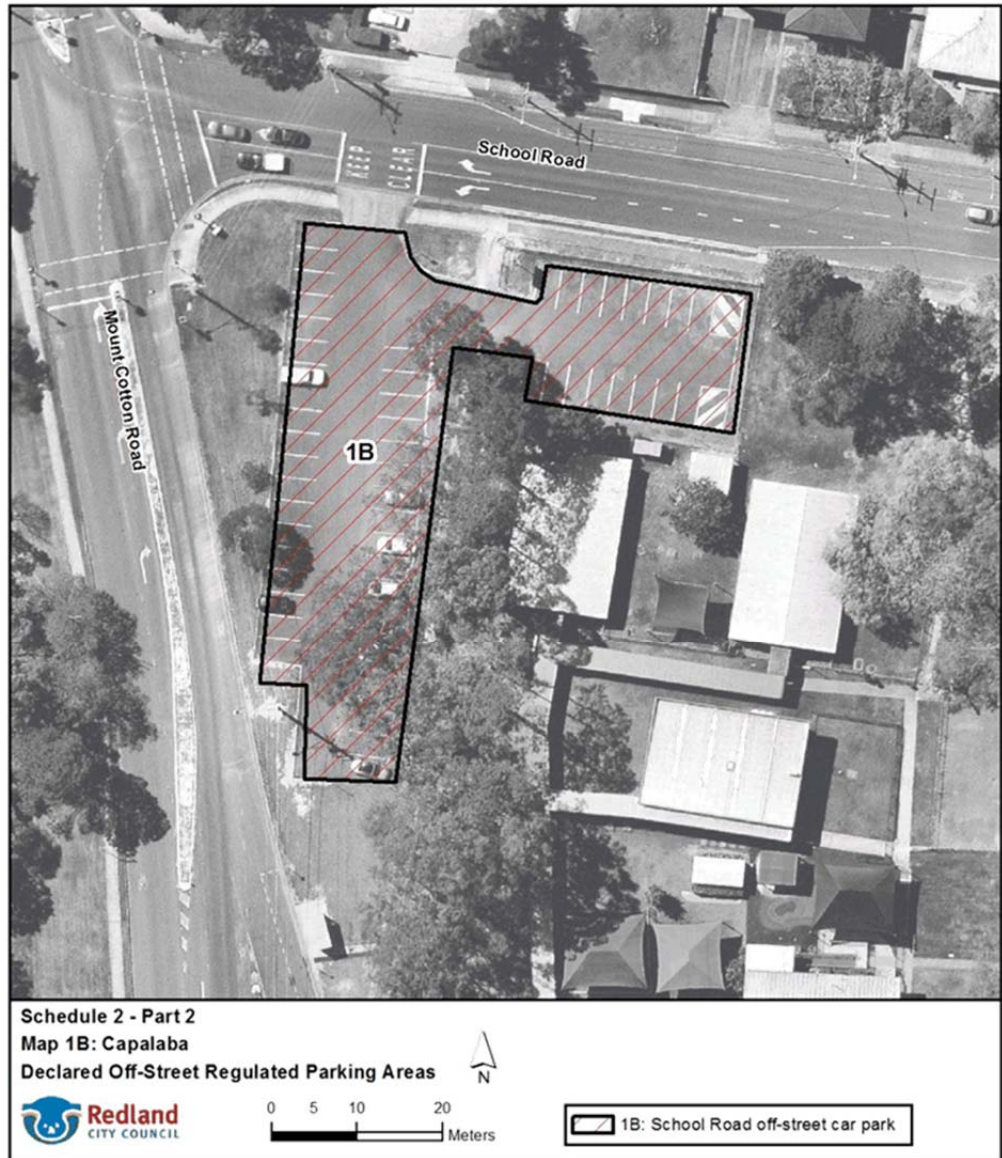
27  
Redland City Council  
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Map 1A



28  
Redland City Council  
Amending Subordinate Local Law No. 4  
(Miscellaneous Subordinate Local Laws) 2018

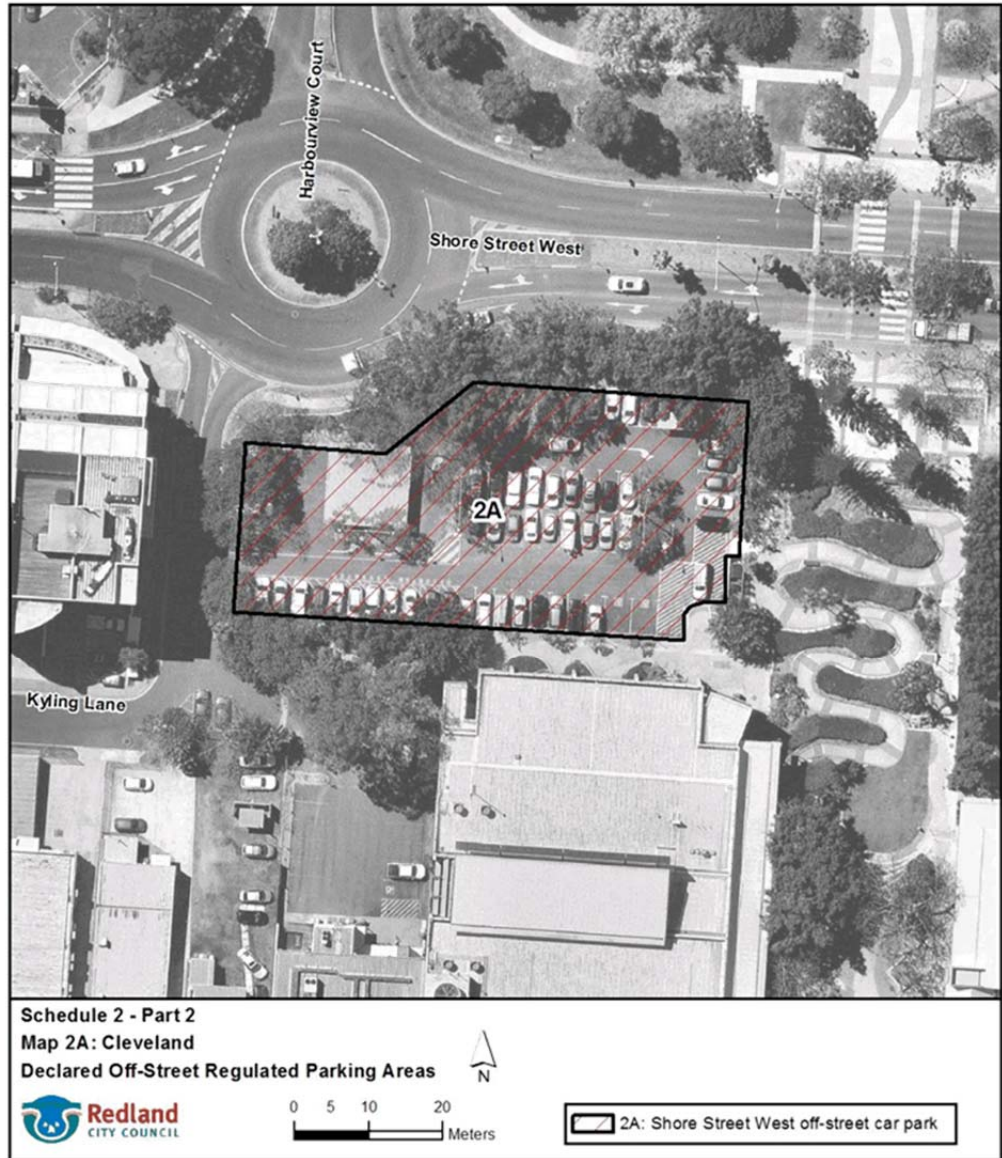
Map 1B





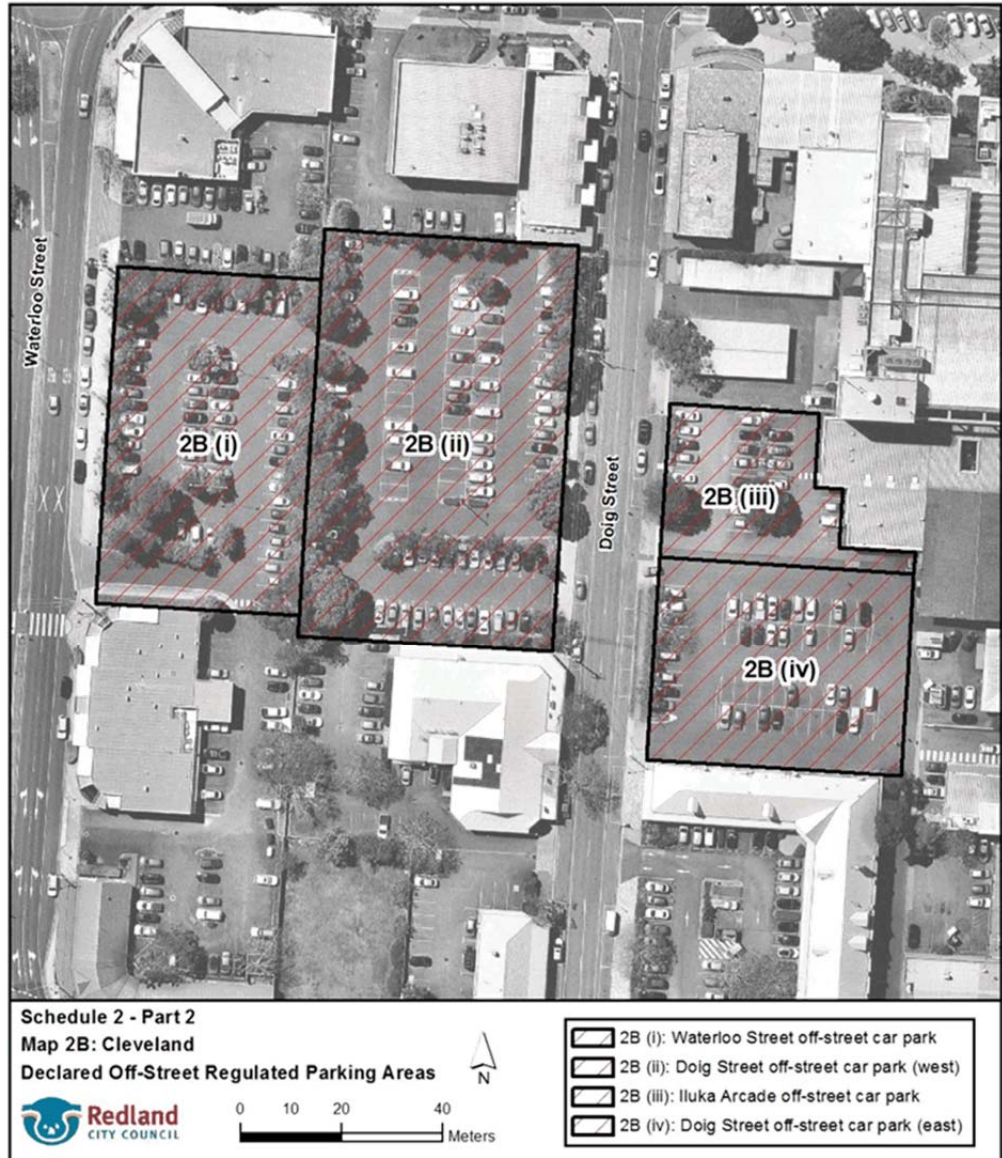
29  
Redland City Council  
Amending Subordinate Local Law No. 4  
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Map 2A



30  
Redland City Council  
Amending Subordinate Local Law No. 4  
(Miscellaneous Subordinate Local Laws) 2018

Map 2B



31  
Redland City Council  
Amending Subordinate Local Law No. 4  
(Miscellaneous Subordinate Local Laws) 2018

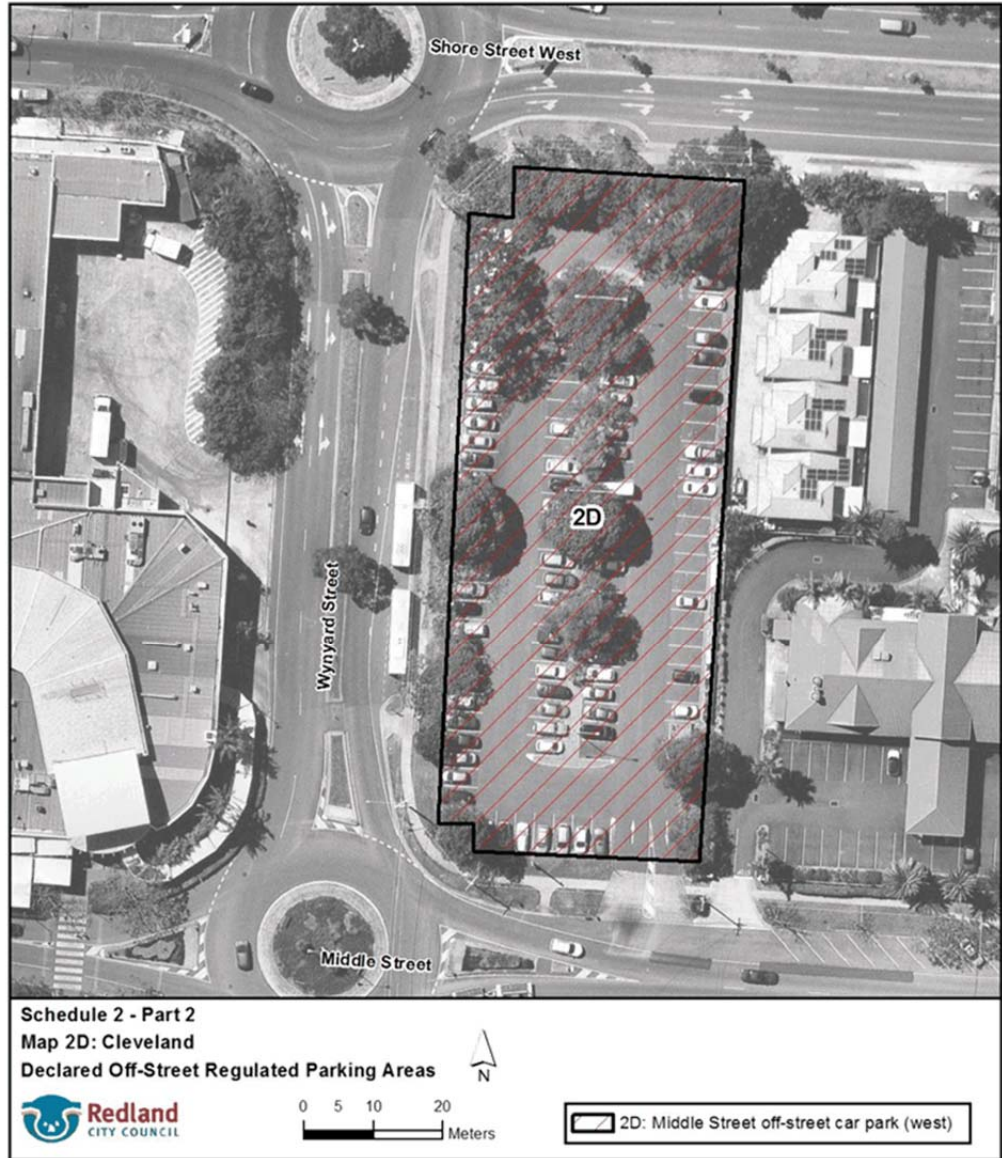
Map 2C





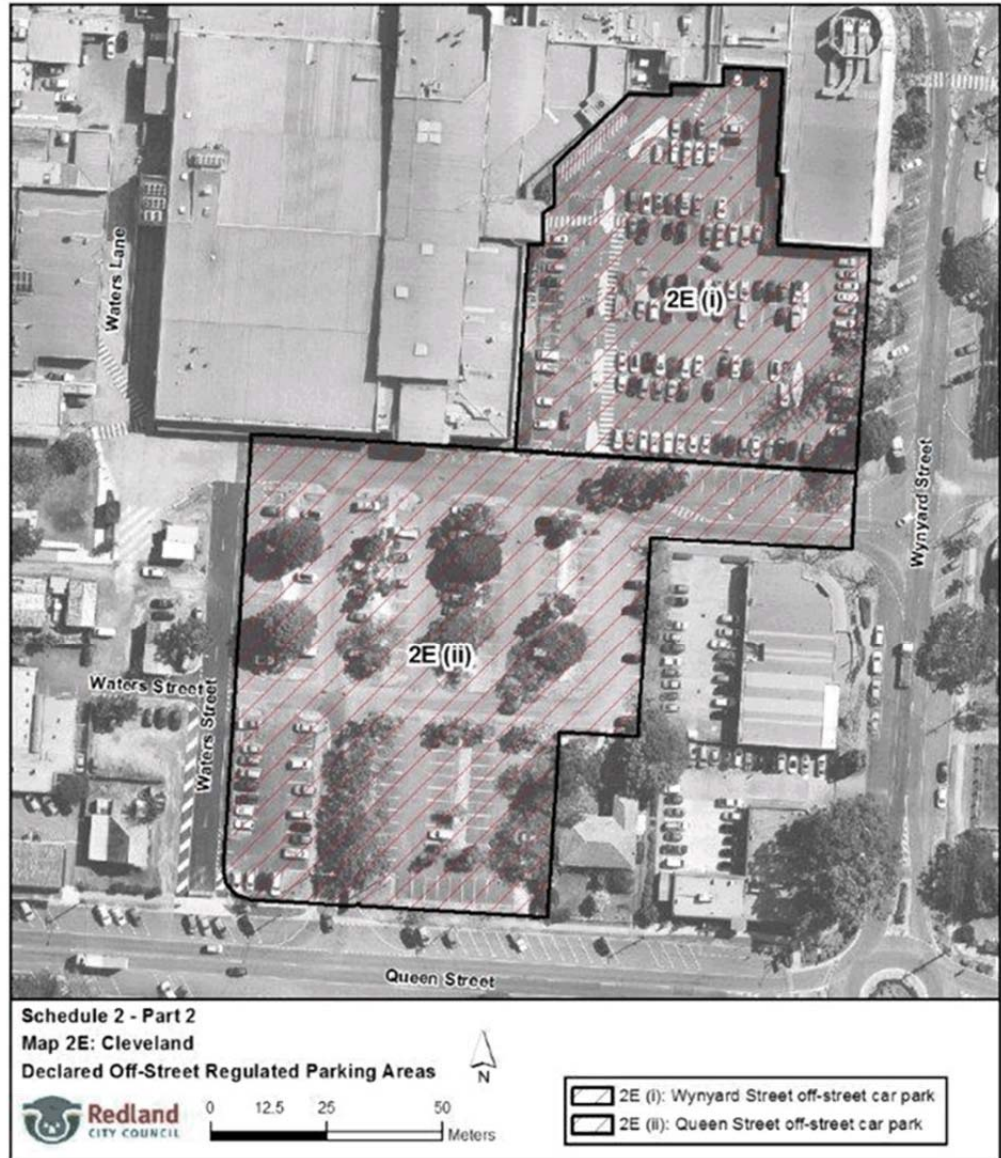
32  
Redland City Council  
Amending Subordinate Local Law No. 4  
(Miscellaneous Subordinate Local Laws) 2018

Map 2D



33  
Redland City Council  
Amending Subordinate Local Law No. 4  
(Miscellaneous Subordinate Local Laws) 2018

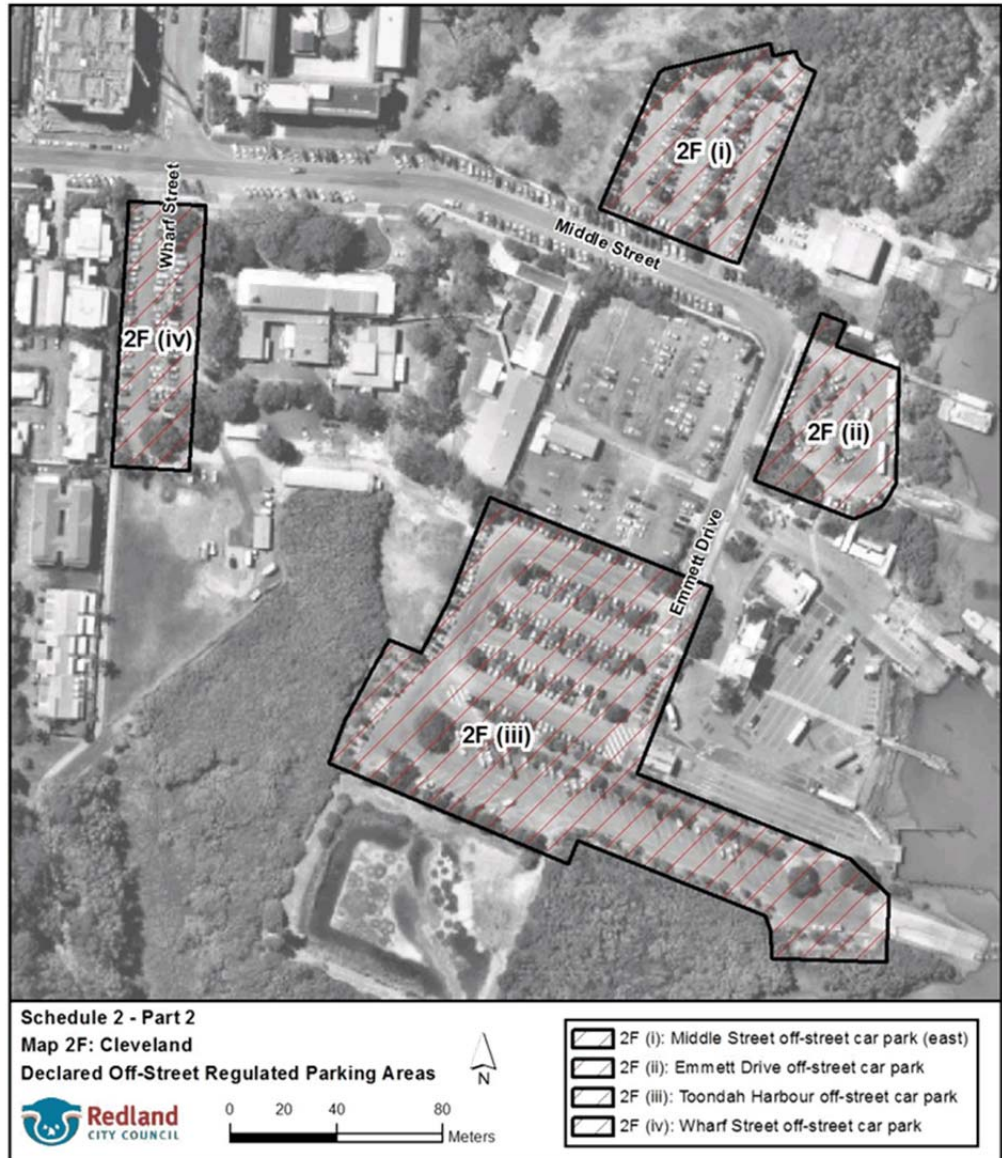
Map 2E





34  
Redland City Council  
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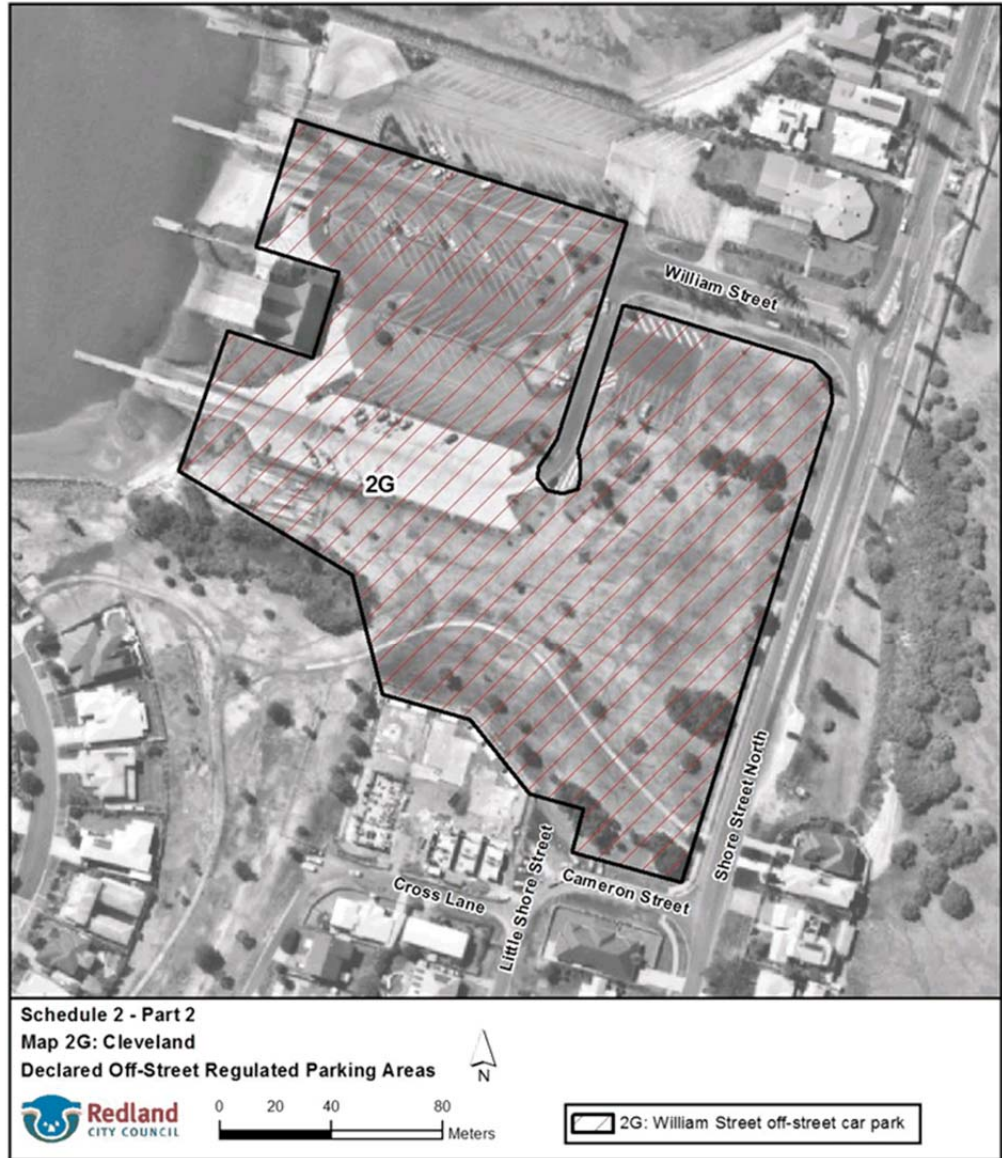
Map 2F





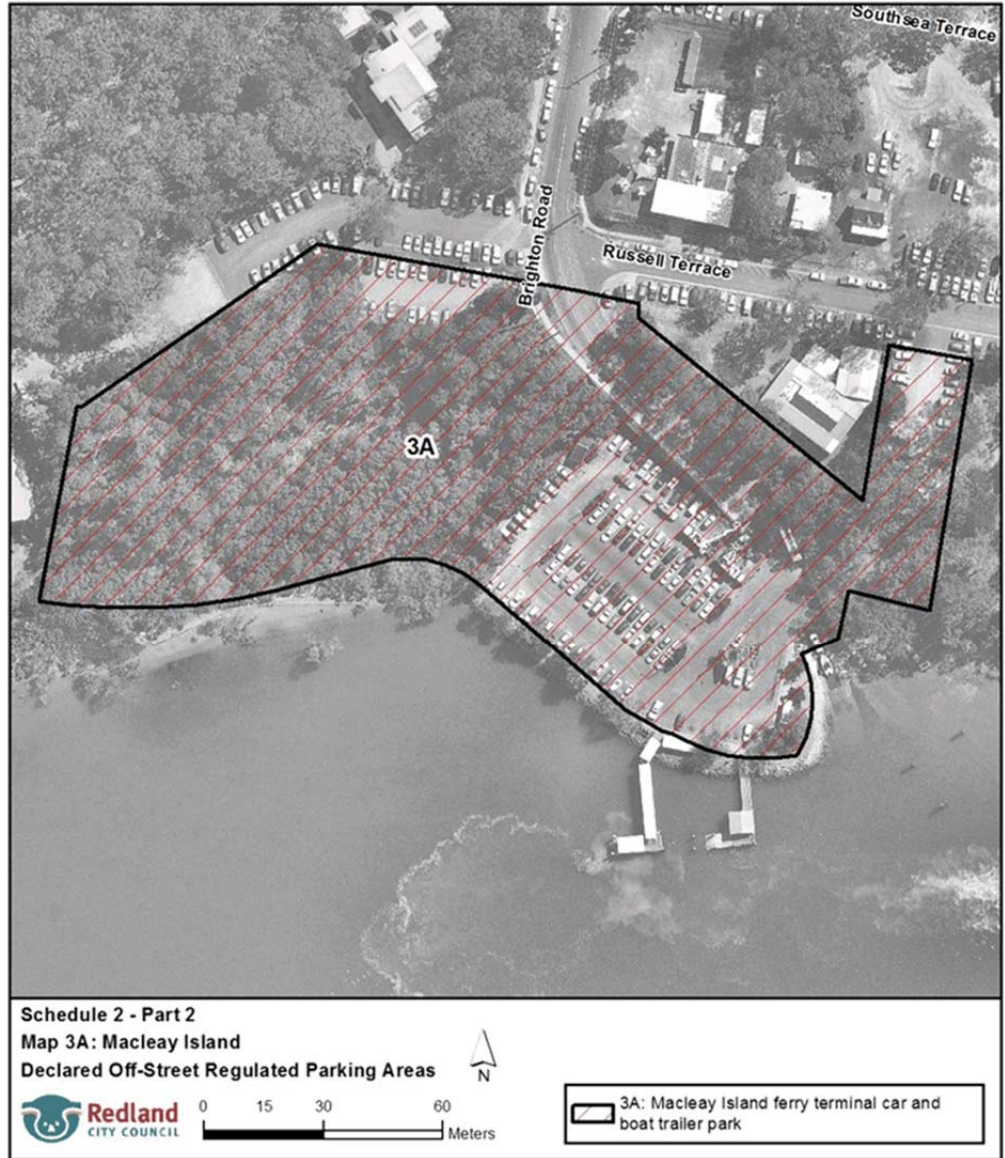
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Redland City Council  
Amending Subordinate Local Law No. 4  
(Miscellaneous Subordinate Local Laws) 2018

Map 2G



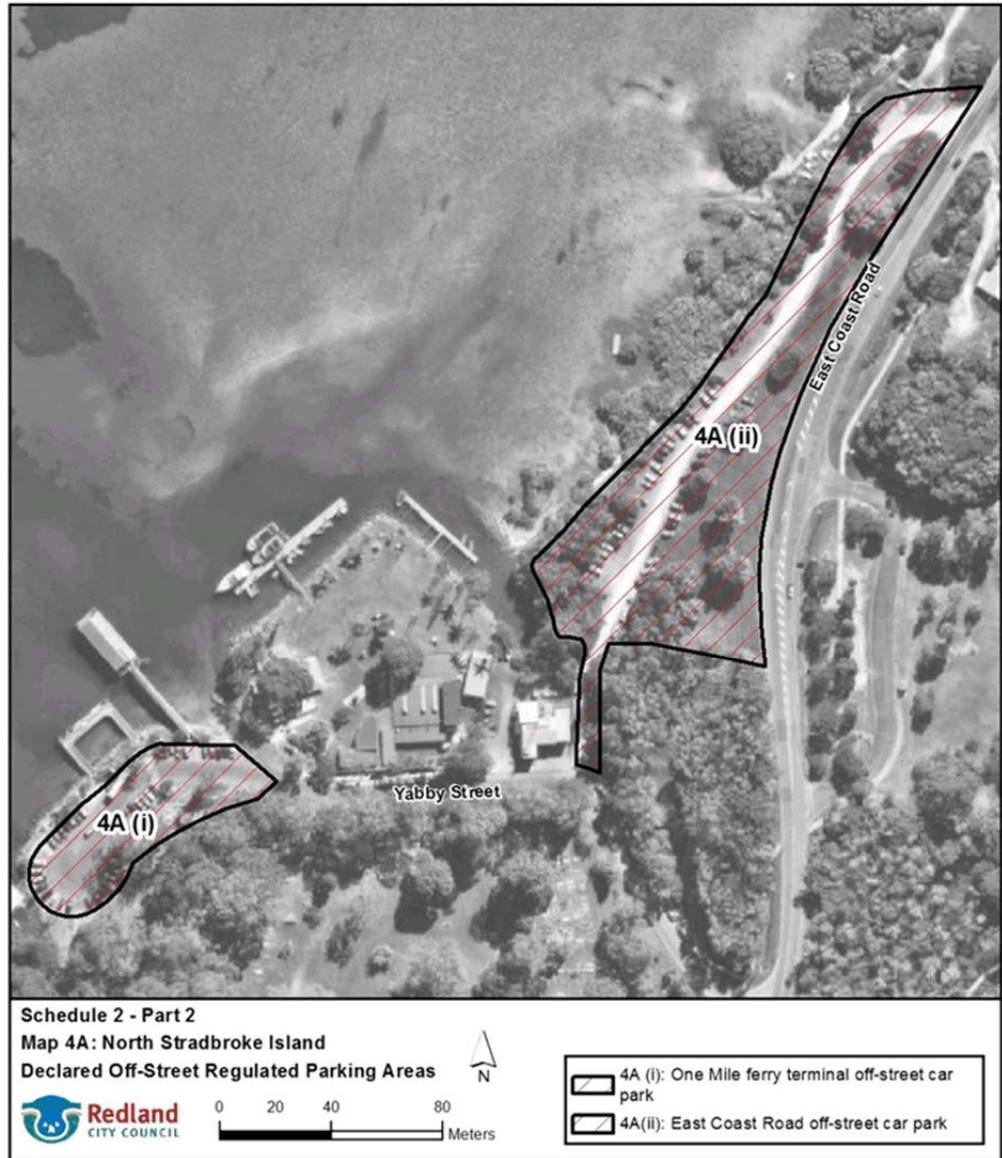
36  
Redland City Council  
Amending Subordinate Local Law No. 4  
(Miscellaneous Subordinate Local Laws) 2018

Map 3A



37  
Redland City Council  
Amending Subordinate Local Law No. 4  
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Map 4A





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Redland City Council  
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Map 4B



39  
Redland City Council  
Amending Subordinate Local Law No. 4  
(Miscellaneous Subordinate Local Laws) 2018

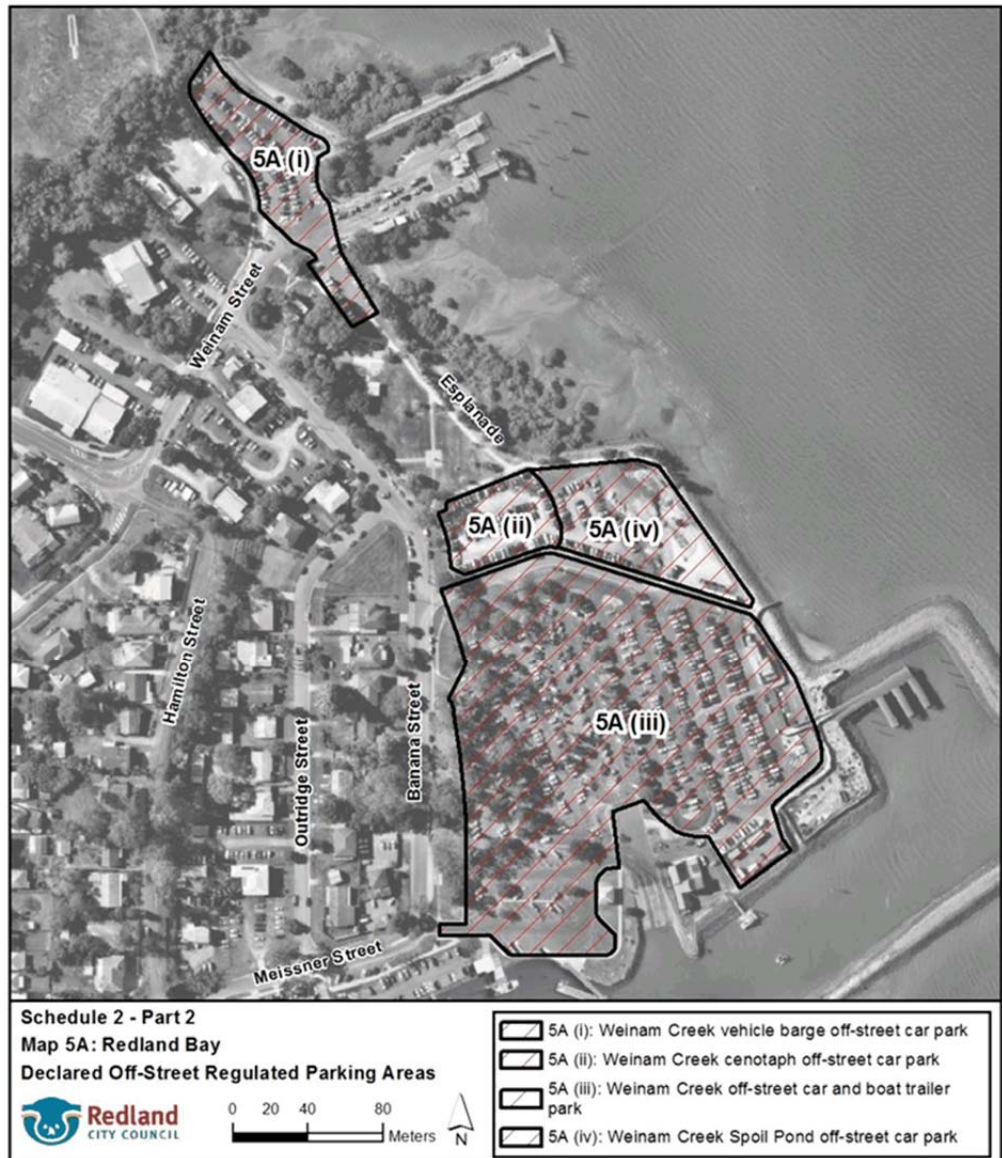
Map 4C





40  
 Redland City Council  
 Amending Subordinate Local Law No. 4  
 (Miscellaneous Subordinate Local Laws) 2018

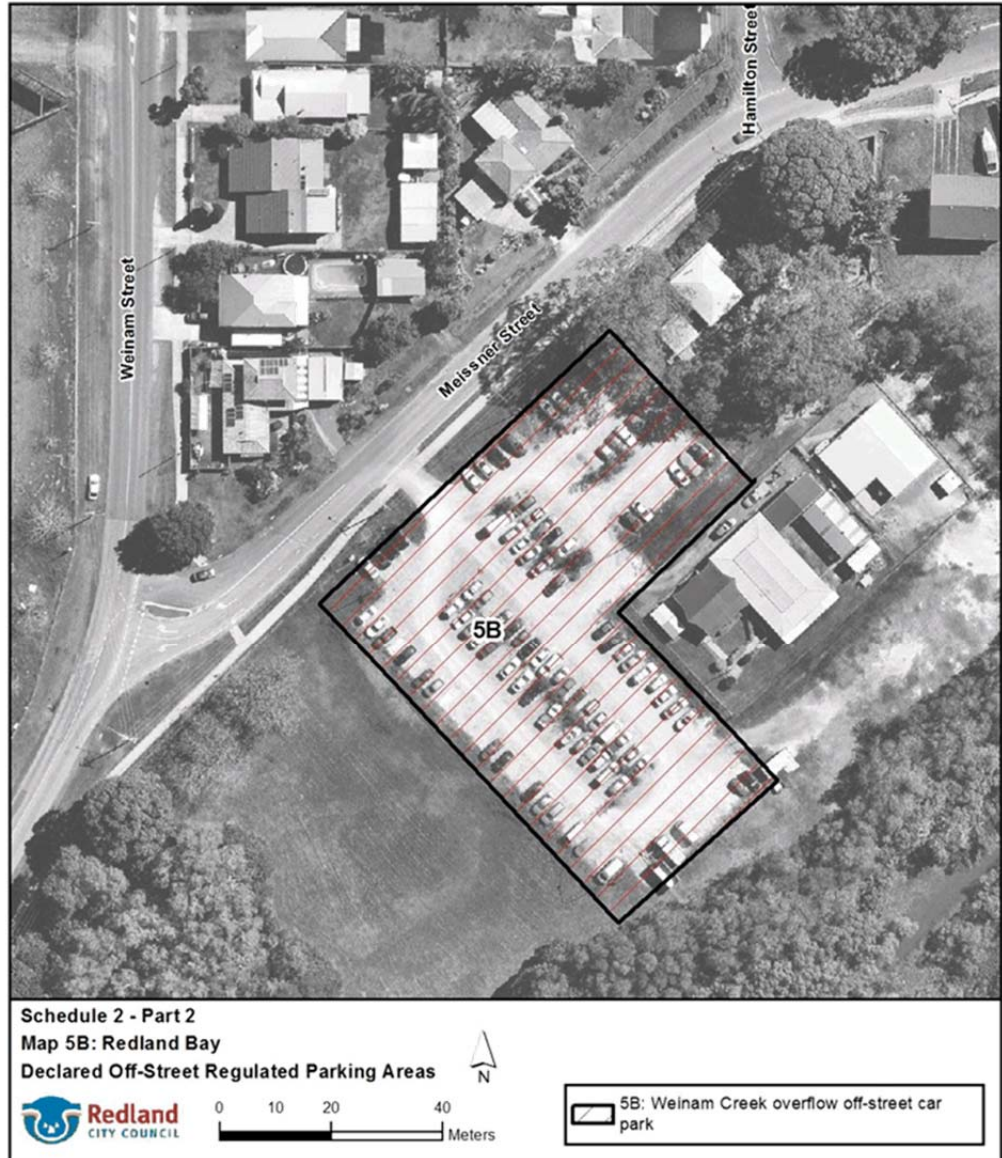
Map 5A





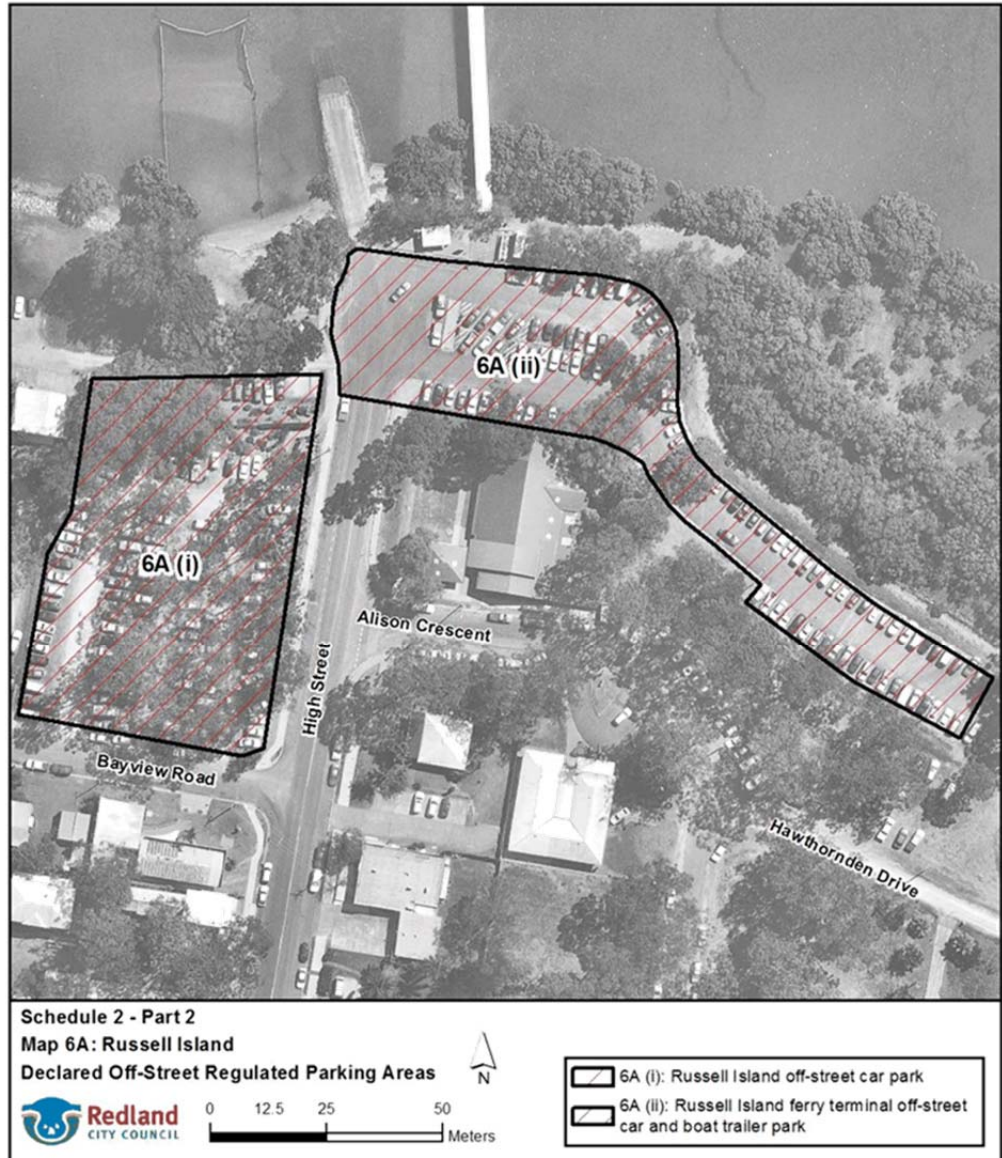
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Redland City Council  
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(Miscellaneous Subordinate Local Laws) 2018

Map 5B



42  
Redland City Council  
Amending Subordinate Local Law No. 4  
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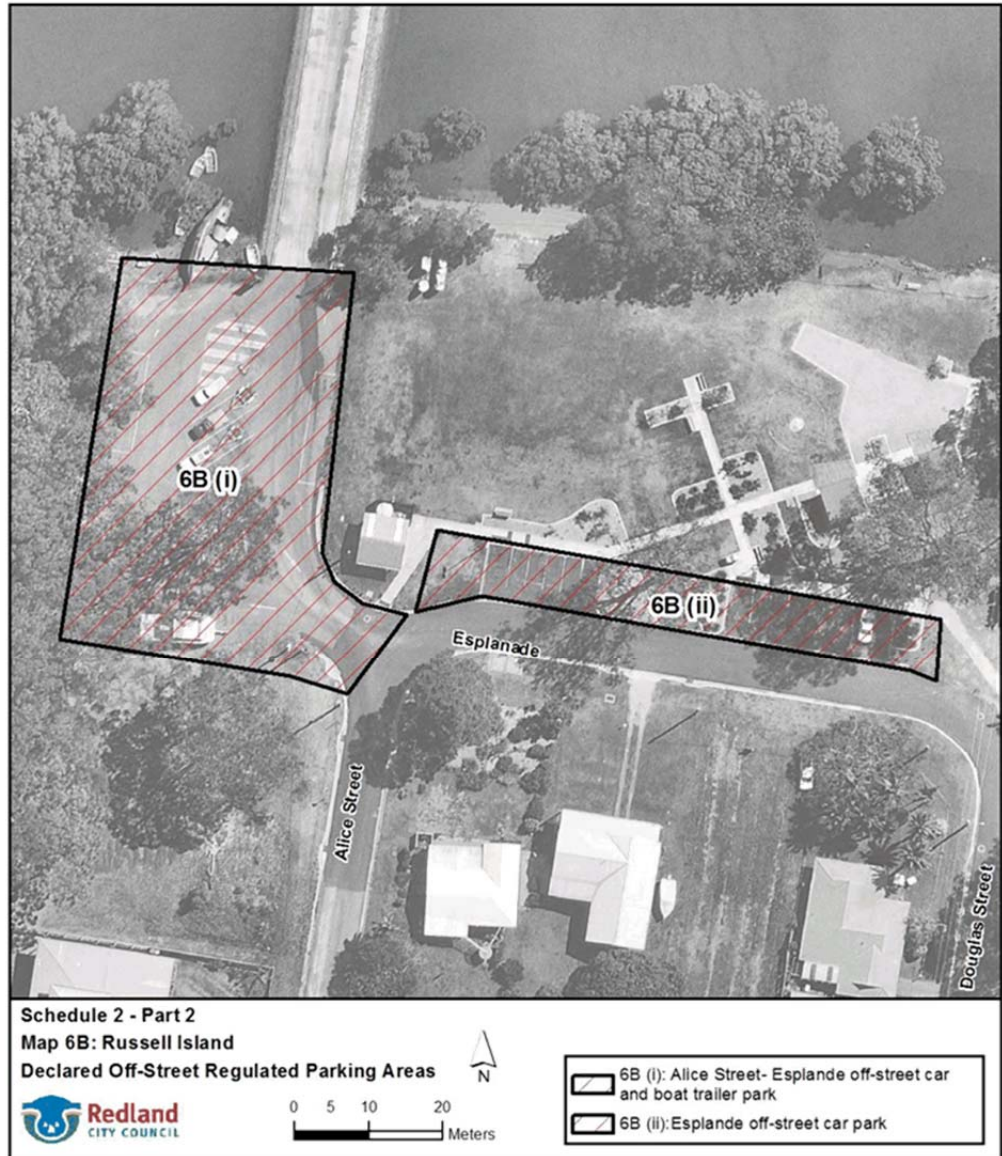
Map 6A





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Redland City Council  
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(Miscellaneous Subordinate Local Laws) 2018

Map 6B



44  
Redland City Council  
Amending Subordinate Local Law No. 4  
(Miscellaneous Subordinate Local Laws) 2018

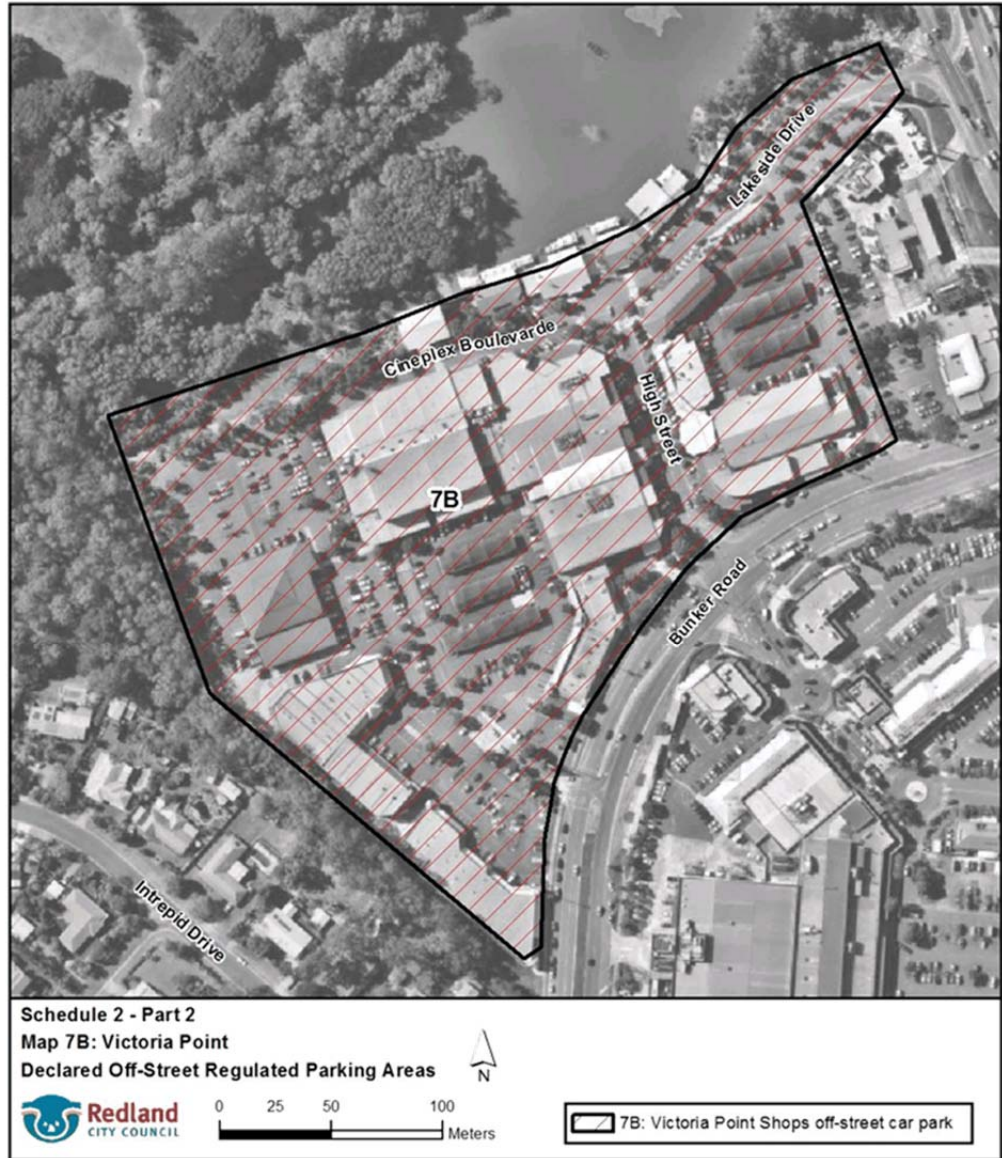
Map 7A





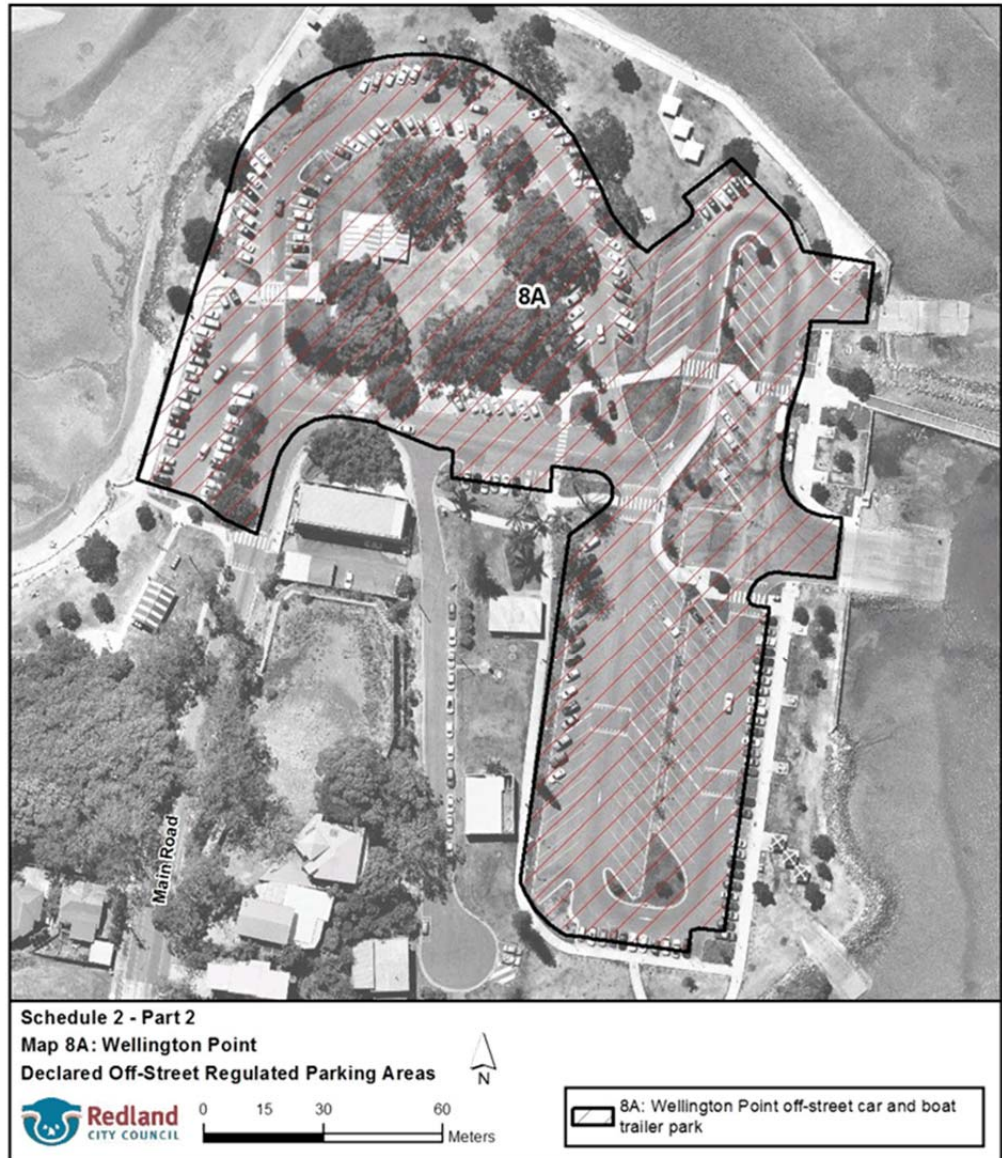
45  
Redland City Council  
Amending Subordinate Local Law No. 4  
(Miscellaneous Subordinate Local Laws) 2018

Map 7B



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Redland City Council  
Amending Subordinate Local Law No. 4  
(Miscellaneous Subordinate Local Laws) 2018

Map 8A







Redland City Council

## Local Law No. 1 (Administration) 2015

It is hereby certified that this a true and correct copy of *Local Law No. 1 (Administration) 2015* made, in accordance with the *Local Government Act 2009*, by the Council of the City of Redland, by resolution dated 10 October 2018

---

A. Chesterman  
Chief Executive Officer

BNEDOCs Attachment 7 Draft Local Law 1(Administration) 2015. docx.docx



## Redland City Council

### Local Law No. 1 (Administration) 2015

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## Part 1 Preliminary

### 1 Short title

This local law may be cited as *Local Law No. 1 (Administration) 2015*.

### 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

<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.



activity by a subordinate local law for this definition.

DRAFT

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

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

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

## 8 Form of application

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

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

A written form or an online application process.

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

*Example for paragraph (a)—*

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

*Example for paragraph (b)—*

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

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

- (7) A person must not provide information in or in connection with an application that is, to the person's knowledge, false or misleading in a material particular.  
Maximum penalty for subsection (7)—20 penalty units.

## 9 Local government's discretion in granting approvals

- (1) The local government may grant an approval for an applicant to undertake a prescribed activity only if it is satisfied that—
- (a) if the prescribed activity requires a separate approval under an Act, a law of the Commonwealth or the local government's planning scheme—the separate approval has been granted; and
  - (b) the proposed operation and management of the prescribed activity is adequate to protect public health, safety and amenity and prevent environmental harm; and
  - (c) 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>

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

*Example for paragraph (a)—*

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

- (5) In this section—

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

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

## 11 Compliance with conditions of approval

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

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

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

## 12 Third party certification

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

*Example—*

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

- (2) In this section—

**third party certifier** means—

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

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

## 13 Term of approval

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

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

#### 14 Renewal of approval

- (1) An approval holder may, before the end of the term of the approval, apply to the local government to renew or extend the approval for—
  - (a) a further term provided for the prescribed activity under a subordinate local law for this paragraph; or
  - (b) if there is no term provided for under a subordinate local law—a further term 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; or
  - (c) grants the application for a term less than the current term of the



approval.

- (9) The local government may amend the conditions of the approval under subsection (6)(b) without following the procedure in section 18.
- (10) If an approval holder applies to renew or extend the approval, the approval remains in force until—
  - (a) if the application is granted, with or without amendment of the conditions—the date the application is granted; or
  - (b) if the application is refused and the applicant applies for a review of the decision under part 4—the date the applicant is given notice of the review decision; or
  - (c) if the application is refused and the applicant has not applied for a review of the decision under part 4—14 days after the applicant is given an information notice under subsection (8).

#### 15 Transfer of approval

- (1) The holder of an approval together with another person may apply to the local government for transfer of the approval to the other person (the *proposed transferee*).<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),

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

any amendments to the conditions of the approval and the day that they take effect.

- (11) The local government must give the approval holder and the proposed transferee an information notice if the local government—
  - (a) refuses the application; or
  - (b) grants the application and amends the approval to include non-standard conditions.

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

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

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

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

- (a) amendment, suspension or cancellation is necessary—
  - (i) for the protection of public health or safety; or
  - (ii) to prevent environmental harm; or
  - (iii) to prevent property damage or loss of amenity; or
  - (iv) to allow for works on roads or local government controlled areas; or
  - (v) to improve access to a road; or
  - (vi) to improve the efficiency of vehicle or pedestrian traffic.
- (b) another approval required for the prescribed activity under an Act has been suspended or cancelled;
- (c) in undertaking the prescribed activity, the approval holder has failed to comply with a local law or an Act;

- (d) the approval holder has failed to comply with a condition of the approval;
- (e) the approval holder has failed to comply with a notice under sections 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 21 days after the notice is given, why the proposed action should not be taken.
- (3) If, after considering all submissions made within the stated time, the local government decides that a ground no longer exists to cancel, amend or suspend the approval, the local government must take no further action about the show cause notice and give written notice to the approval holder about the decision.
- (4) If, after considering all submissions made within the stated time, the local government still considers there is a ground to take the proposed action, the local government may—
  - (a) if the proposed action was to amend the approval—amend the approval; or
  - (b) if the proposed action was to suspend the approval—suspend the approval for no longer than the period stated in the notice; or
  - (c) if the proposed action was to cancel the approval—amend the approval, suspend it for a period or cancel it.
- (5) If the local government decides to amend, suspend or cancel the approval, the local government must give the approval holder an information notice.
- (6) The decision takes effect on the day the written notice mentioned in subsection (3) or (5) is given to the approval holder, or if a later day of effect is stated in the notice, the later day.
- (7) This section does not limit the power a local government may have apart from this section to amend, suspend or cancel an approval.

**19 Procedure for immediate suspension of approval**

- (1) Despite section 18, the local government may immediately suspend an approval if the local government believes that continuation of the prescribed activity by the approval holder poses—
  - (a) an urgent and serious threat to public health or safety; or
  - (b) an urgent and serious risk of environmental harm, property damage or loss of amenity.
- (2) The suspension—
  - (a) can be effected only by the local government giving a notice to the approval holder about the decision to immediately suspend the approval, together with a show cause notice about proposed action under section 18; and
  - (b) operates immediately the notices are given to the approval holder; and
  - (c) continues to operate until the earliest of the following happens—
    - (i) the local government cancels the suspension;
    - (ii) the local government gives the approval holder notice under section 18(3) or (5) of its decision about the show cause notice;
    - (iii) 14 days have passed since the expiry of the stated time for the making of written submissions regarding the show cause notice;
    - (iv) 14 days have passed since the approval holder notifies the local government that it has made its final written submissions regarding the show cause notice.

**Part 3 Authorised persons****20 Appointment**

An authorised person's instrument of 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**

<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.

## 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>
- (2) The application (a *review application*) must be made within 14 days of—
  - (a) if the person is given an information notice for the decision—the day the person is given the notice; or
  - (b) if paragraph (a) does not apply—the day the person otherwise becomes aware of the original decision.
- (3) However, the local government may, at any time, extend the time for making a review application.
- (4) The review application must be in writing and—
  - (a) accompanied by a statement of the grounds on which the applicant seeks the review of the decision; and
  - (b) supported by enough information to enable the local government to decide the application.

## 23 Review decision

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

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

<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.

## 24 Stay of operation of original decision

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

## Part 5 Enforcement

### 25 Production of records

- (1) This section applies where an authorised person has entered a property under the Act to find out whether the conditions of an approval have been complied with.<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.

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



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 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—*

<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).

- 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.

## 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>

<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.

<sup>13</sup> For example, see *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2015*, section 9(1) (Power to require owner of land adjoining road to fence land) and *Local Law No. 3 (Community & Environmental Management) 2015*, 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.

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 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; or
  - (e) a structure (which shall include a temporary home, a shipping container, railway carriage or other object) or other material thing:
    - (i) has been erected, constructed, installed, positioned, or placed, on land, in contravention of a local law<sup>17</sup>; and
    - (ii) a compliance notice requiring the removal of the structure or other material thing has been given to the owner, or person in possession, of the structure or other material thing; and
    - (iii) the structure or other material thing has not been removed in accordance with the compliance notice; and

<sup>17</sup> See part 4

- (iv) an authorised person enters the land pursuant to section 142 of the *Local Government Act 2009* to remove the structure or other material thing.
- (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 3 days, specified by the

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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>18</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>19</sup>
  - (b) a vehicle if the local government or an authorised person considers on reasonable grounds that the vehicle has been —
    - (i) abandoned on a road as described in section 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

<sup>18</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>19</sup> See *Local Law No.2 (Animal Management) 2015*, 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.

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

#### 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.

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- (3) Where this section applies, the local government or an authorised person may do 1 or more of the following—
- (a) remove the vehicle from the road;
  - (b) impound the vehicle at a place for safe keeping;
  - (c) dispose of the vehicle under this section.
- (4) Subsection (5) applies to a vehicle (a *no commercial value vehicle*) if—
- (a) the vehicle is removed or impounded under subsection (3); and
  - (b) the vehicle is deemed by the local government or an authorised person to—
    - (i) have no commercial value; or
    - (ii) have a value that would not cover the cost to the local government of the total of the following—
      - (A) if the vehicle is removed from a road—the cost of removal of the vehicle from the road; and
      - (B) if the vehicle is impounded—the cost of impounding the vehicle; and
      - (C) if the vehicle is sold at a public auction—the costs of the sale.
- Examples for paragraph (b)—*
- a burnt out vehicle; or
  - a vehicle without an engine; or
  - a vehicle from which 1 or more wheels have been removed; or
  - a vehicle that has been severely damaged; or
  - a vehicle that has been stripped of parts or wrecked; or
  - a vehicle that is dilapidated or rusted throughout.
- (5) Where subsection (4) applies to a vehicle—
- (a) the local government or an authorised person is not required to follow the procedures specified in subsections (6) to (10) inclusive in respect of the vehicle; and
  - (b) property in the vehicle vests in the local government; and
  - (c) the vehicle may be disposed of as the chief executive officer directs, including by private sale, destruction, restoring or giving away and the proceeds (if any) applied in accordance with subsection (11).
- (6) Subsections (7) to (10) apply to a vehicle if—
- (a) the vehicle is removed or impounded under subsection (3); and
  - (b) the local government or an authorised person does not deem the vehicle to be a no commercial value vehicle under subsection (4).
- (7) Where subsection (6) applies to a vehicle, a written notice (a *vehicle impounding notice*) complying with subsection (8) must be—
- (a) where the local government or the authorised person who removed or impounded the vehicle knows, or can readily find out, the name and address of the owner of the vehicle—given to the owner within 14 days of the removal or impounding of the vehicle; or

- (b) where the local government or the authorised person who removed or impounded the vehicle does not know, and cannot readily find out, the name and address of the owner of the vehicle—published on the local government’s website within 14 days of the removal or impounding of the vehicle.
- (8) For the purposes of subsection (7), a vehicle impounding notice for a vehicle must state—
- (a) a description of the vehicle; and
  - (b) if the vehicle is registered—the registration number of the vehicle; and
  - (c) if the vehicle was removed and impounded—
    - (i) the date of removal or impounding of the vehicle; and
    - (ii) a description of the location from which the vehicle was removed or impounded; and
    - (iii) the place at which the vehicle is impounded; and
  - (d) the reasons for the removal or impounding of the vehicle; and
  - (e) a statement that the owner of the vehicle, or a person acting on the owner’s behalf, may apply for the release of the vehicle; and
  - (f) a statement that an applicant for release of the vehicle must furnish proof to the satisfaction of the chief executive officer of the applicant’s ownership or of the applicant’s right to possession of the vehicle and, in the case of the applicant being a person acting on behalf of the owner, must furnish proof to the satisfaction of the chief executive officer of the applicant’s authority to act on behalf of the owner; and
  - (g) a statement that if a successful claim is not made for the return of the vehicle within 1 month of the date on which the vehicle impounding notice for the vehicle is given to the owner or published on the local government’s website, then the vehicle may be disposed of by the local government or an authorised person in accordance with subsection (10).
- (9) Subsection (10) applies to a vehicle if—
- (a) a vehicle impounding notice for the vehicle has been—
    - (i) given to the owner of the vehicle under subsection (7)(a); or
    - (ii) published on the local government’s website under subsection (7)(b); and
  - (b) a successful claim for the return of the vehicle is not made in accordance with the time period specified in the vehicle impounding notice.
- (10) Where this subsection applies to a vehicle—
- (a) property in the vehicle vests in the local government; and
  - (b) the local government or an authorised person may dispose of the vehicle—
    - (i) as the chief executive officer directs, including by private sale, destruction, restoring or giving away if—
      - (A) the vehicle has no commercial value; or
      - (B) the vehicle has a value that would not cover the cost to the local government of the total of the following—

- (a) if the vehicle is removed from a road—the cost of removal of the vehicle from the road; and
  - (b) if the vehicle is impounded—the cost of impounding the vehicle; and
  - (c) if the vehicle is sold at a public auction—the costs of the sale; or
  - (C) the vehicle cannot be sold at a public auction pursuant to paragraph (b)(ii); or
  - (D) the keeping of the vehicle is causing, or is likely to cause, a nuisance or a hazard; or
  - (ii) by sale through public auction or tender, following an advertisement published at least 14 days before the date of the proposed sale; or
  - (iii) if the vehicle has been offered for sale under paragraph (b)(ii) but has not been sold within a reasonable period—as the chief executive officer directs.
- (11) The proceeds of the sale or disposal of the vehicle must be applied in the following order—
  - (a) in payment of the reasonable expenses incurred in selling or disposing of the vehicle;
  - (b) in payment of the prescribed fee for removal and impounding of the vehicle and the service or publication of the vehicle impounding notice for the vehicle under subsection (7);
  - (c) if there is an amount owing to an entity under a security interest registered for the vehicle under the *Personal Property Securities Act 2009* (Cwlth)—in payment of the amount owing under the security interest;
  - (d) the balance to the owner of the vehicle or, if after reasonable inquiry, the owner 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 impounding notice in relation to the removal and impounding of the vehicle; and
    - (iii) the intended sale of the vehicle;
  - (d) the applicant has signed a receipt for the delivery of the vehicle to the applicant.
- (16) Any person who takes delivery, or obtains possession of or removes or attempts to remove from the detention of the local government a vehicle removed and impounded pursuant to the provisions of subsection (3) except in accordance with the provisions of subsection (15) shall be guilty of an offence.
- Maximum penalty—40 penalty units.
- (17) In this section—
- (a) *chief executive officer* means the chief executive officer of the local government;
  - (b) *vehicle* includes any part of a vehicle;
  - (c) *secured party* has the meaning given in the *Personal Property Securities Act 2009* (Commonwealth), section 10.

## Part 8 Subordinate local laws

### 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>20</sup> and
- (b) the categories of prescribed activities for the purposes of maximum penalties;<sup>21</sup>
- (c) the documents and materials that must accompany an application for an approval;<sup>22</sup> and
- (d) additional criteria for the granting of approvals for prescribed

<sup>20</sup> See section 6(3).

<sup>21</sup> See section 6(4).

<sup>22</sup> See section 8(2)(a).



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

<sup>23</sup> See section 9(1)(d).

<sup>24</sup> See section 10(3).

<sup>25</sup> See section 12(1).

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

<sup>27</sup> See section 12(2), definition of *third party certifier*, paragraph(b).

<sup>28</sup> See section 13(a).

<sup>29</sup> See section 14(1)(a).

<sup>30</sup> See section 15(2).

<sup>31</sup> See schedule 1, definition of *road*, subparagraph (b)(i).

<sup>32</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>33</sup>.

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

**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.

**day** includes—

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

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

**DOGIT land** means land that is DOGIT land under the *Aboriginal Land Act 1991*, section 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).

<sup>33</sup> See also section 20.

**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 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).

**other object** in the context of the definition of “placement of a shipping container, railway carriage or other object” means a caravan, bus, campervan, tent, trailer, shanty or other item used or intended to be used for storage or habitable purposes (including for use as a place of residence), but does not include a temporary home.

**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>34</sup>.

<sup>34</sup> See the Act, section 97.

**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).

**railway carriage** in the context of the definition of "placement of a shipping container, railway carriage or other object" means a piece of railway rolling stock commonly used to carry passengers or goods were it used on a railway.

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

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

**road** means—

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

**shipping container** in the context of the definition of "placement of a shipping container, railway carriage or other object" means a reusable steel box commonly used for the storage and movement of materials and products within a freight transport system.

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

**temporary home** means a building, structure or object used or intended for temporary use as a place of residence while a lawfully approved dwelling is being constructed on the property but does not include a structure used or intended for temporary use as a place of residence on or in a camping ground or caravan park.

**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).

## 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

placement of a shipping container, a railway carriage, or other object on land

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>35</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>36</sup>; or

<sup>35</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>36</sup> See the definition of *Planning Act* in the Act, schedule 4.

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

**commercial use of local government controlled areas<sup>37</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 building, structure or object used or intended for temporary use as a place of residence while a lawfully approved dwelling is being constructed on the property but does not include the establishment or the occupation of buildings, structures or objects 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>38</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) 2015*.

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

**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

<sup>37</sup> See footnote 35.

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



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.

**placement of a shipping container, railway carriage or other object on land** means the erection, installation, positioning or placement of a shipping container, railway carriage of other object on land, whether temporarily or permanently, but does not include:

- (a) the establishment or occupation of a temporary home;
- (b) an item or work that constitutes building or structure under the Building Act.<sup>39</sup>

**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>40</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.

<sup>39</sup> See the definition of *Building Act* in the Act, schedule 4

<sup>40</sup> See footnote 35.

**Certification**

This and the preceding 34 pages bearing my initials is a certified copy of *Local Law No. 1 (Administration) 2015* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

.....  
Chief Executive Officer

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Redland City Council

## Local Law No. 2 (Animal Management) 2015

It is hereby certified that this a true and correct copy of *Local Law No. 2 (Animal Management) 2015* made, in accordance with the *Local Government Act 2009*, by the Council of the City of Redland, by resolution dated 10 October 2018

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A. Chesterman  
Chief Executive Officer

BNEDOCs Attachment 8 Draft Local Law 2 (Animal Management) 2015.docx



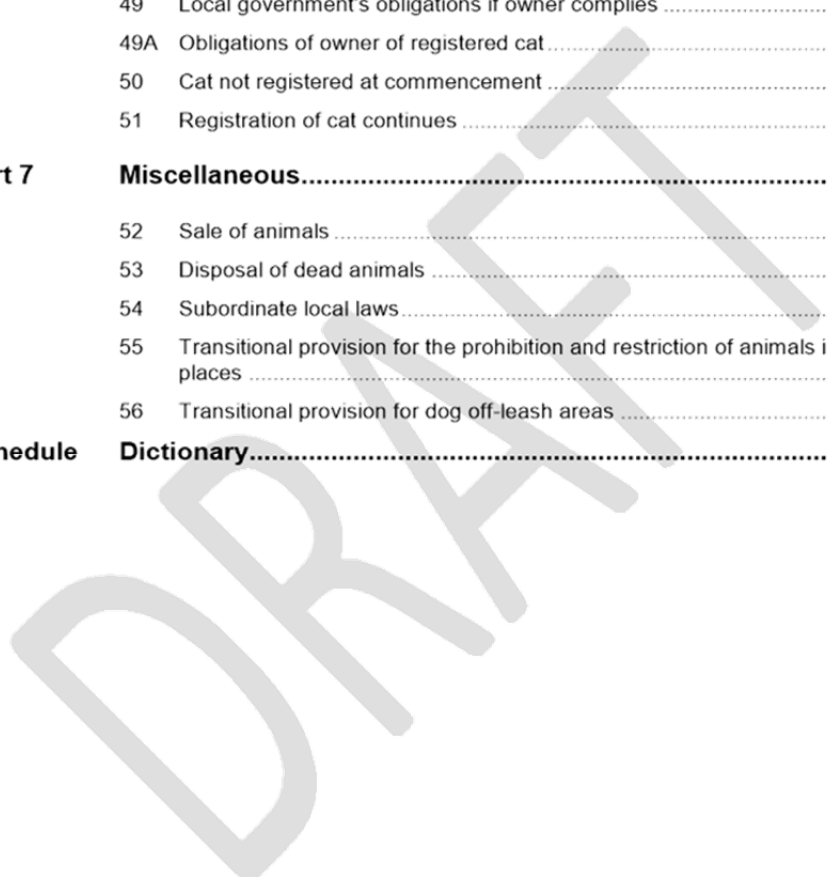
## Redland City Council Local Law No. 2 (Animal Management) 2015

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## Part 1 Preliminary

### 1 Short title

This local law may be cited as *Local Law No. 2 (Animal Management) 2015*.

### 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 koala conservation areas; 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) 2015*.

<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.

<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) 2015*. 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**

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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.

The local government may, by subordinate local law, prescribe the identification 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).

<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.

- (5) In this section—
- 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).
- (8) The repeal or amendment of a resolution about a prohibition or restriction under subsection (1) does not —
- (a) revive anything not in force or existing at the time the repeal or amendment takes effect; or
  - (b) affect the previous operation of this section or the resolution or anything suffered, done or begun under this section or the resolution; or
  - (c) affect a right, privilege or liability acquired, accrued or incurred under this section or the resolution; or
  - (d) affect a penalty incurred in relation to an offence arising under this section; or
  - (e) affect an investigation or proceeding in relation to a right, privilege, liability or penalty mentioned in paragraph (c) or (d).
- (9) The investigation or proceeding may be started, continued or completed, and the right, privilege or liability may be enforced and the penalty imposed, as if the repeal or amendment had not happened.
- (10) Without limiting subsections (8) and (9), the repeal or amendment of a resolution about a prohibition or restriction under subsection (1) does not affect—

- (a) the proof of anything that has happened; or
- (b) any right, privilege or liability saved by the operation of this section or the resolution; or
- (c) any repeal or amendment made by the resolution.

## 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).
- (7) The repeal or amendment of a resolution about a designation under subsection (1) does not —
  - (a) revive anything not in force or existing at the time the repeal or amendment takes effect; or
  - (b) affect the previous operation of any provision of this local law or the resolution or anything suffered, done or begun under any provision of this local law or the resolution; or
  - (c) affect a right, privilege or liability acquired, accrued or incurred under any provision of this local law or the resolution; or
  - (d) affect a penalty incurred in relation to an offence arising under any provision of this local law; or



- (e) affect an investigation or proceeding in relation to a right, privilege, liability or penalty mentioned in paragraph (c) or (d).
- (8) The investigation or proceeding may be started, continued or completed, and the right, privilege or liability may be enforced and the penalty imposed, as if the repeal or amendment had not happened.
- (9) Without limiting subsections (7) and (8), the repeal or amendment of a resolution about a designation under subsection (1) does not affect—
  - (a) the proof of anything that has happened; or
  - (b) any right, privilege or liability saved by the operation of this section or the resolution; or
  - (c) any repeal or amendment made by the resolution.

## 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

<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.

- (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
- (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.

### 13A Koala conservation requirements

<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.

- (1) The local government may, by subordinate local law, prescribe requirements for keeping a dog on land that is within a koala area.
- (2) The prescribed requirements may relate to one or more of the following—
  - (a) the enclosure in which the dog must be kept;
  - (b) tethering the dog between sunset and sunrise to prevent it from attacking a koala;
  - (c) fencing that must be in place to separate dogs from koalas on the land or on a part of the land;
  - (d) other measures that will be likely to prevent an attack by the dog on a koala between sunset and sunrise.
- (3) A person who keeps a dog on land that is within a koala area must comply with requirements prescribed under this section.

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

- (4) In this section—

*koala area* means—

- (a) a koala habitat area; or
- (b) an area designated by subordinate local law as a koala area.

*koala habitat area* means an area designated as a koala habitat by—

- (a) a conservation plan made under the *Nature Conservation Act 1992*; or
- (b) a State planning instrument.

### **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 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

<sup>15</sup> Aggressive behaviour by dogs is covered by the *Animal Management (Cats and Dogs) Act 2008*, sections 194 to 196.

- (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—

- (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

<sup>16</sup> See section 83 of that Act.

<sup>17</sup> Dangerous dogs are dealt with in the *Animal Management (Cats and Dogs) Act 2008*.

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 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*

<sup>18</sup> See the definition of *information notice* in *Local Law No.1 (Administration) 2015*, schedule 1.

<sup>19</sup> See *Local Law No.1 (Administration) 2015*, 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' 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.

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.
- (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**

<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 dog.



## 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>—

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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.

- (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—
    - (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
  - (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

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<sup>25</sup> See note 18.

- (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) 2015*.

*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) This section applies to an animal other than a dog seized under section 125 of the Animal Management Act.
- (2) The local government must ensure that a proper record of impounded animals (the *register of impounded animals*) is kept.
- (3) 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.
- (4) The register of impounded animals must be kept available for inspection by a person to whom section 31(5) of this local law applies, at the place where the animal is impounded or, if the place has no public office, at an office prescribed by subordinate local law.
- (5) A person may inspect the Register only if the person satisfies the local government that the person is the owner of an impounded animal by, for example, providing to the local government a statutory declaration detailing the facts and circumstances of the seizure or impounding of the impounded animal.
- (6) The owner of an impounded animal may only inspect that part of the information contained within the Register that relates to the impounding of the impounded animal for which that person is the owner.

### **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 cattery, 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.

#### **49A Obligations of owner of registered cat**

- (1) The owner of a registered cat must not, without a reasonable excuse —
  - (a) fail to ensure that the cat carries the registration device required by resolution of the local government; and
  - (b) fail to ensure that the registration device is attached to a collar worn by the cat; and
  - (c) fail to notify the local government within 14 days if the registration device for the cat has been lost or destroyed. Maximum penalty for each of paragraphs (a), (b) and (c)—20 penalty units.
- (2) The local government may grant an exemption to the requirement to attach the registration device to a collar worn by the cat where the owner can produce evidence to the satisfaction of the local government that reasonable circumstances for an exemption exist.

#### **50 Cat not registered at commencement**

- (1) This section applies to an owner of a cat other than the operator of a cattery, 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

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<sup>26</sup> See section 5(1).

<sup>27</sup> See section 6(1).

<sup>28</sup> See section 7(1).

- (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) requirements for keeping a dog within a koala area;<sup>32</sup> or
- (h) designation of an area as a koala area;<sup>33</sup> or
- (i) the criteria for declaring an animal other than a dog to be a declared dangerous animal;<sup>34</sup> or
- (j) the organisation or local government that operates a place or care for impounded animals;<sup>35</sup> or
- (k) the species, breed or class of animal that may be disposed of other than by public auction or tender;<sup>36</sup> or
- (l) the office at which the register of impounded animals is available for public inspection;<sup>37</sup> or
- (m) the class of cat prescribed for the purposes of section 40(4);<sup>38</sup> or
- (n) prescribed requirements for a registration form;<sup>39</sup> or
- (o) prescribed requirements for a registration notice;<sup>40</sup> or
- (p) prescribed requirements for a renewal notice;<sup>41</sup>
- (q) the conditions to be complied with by persons who offer animals, or a particular species of animal, for sale;<sup>42</sup> or
- (r) the exclusion of animals of a particular species from the application of this local law;<sup>43</sup> or

<sup>29</sup> See section 8.

<sup>30</sup> See section 12.

<sup>31</sup> See section 13(2).

<sup>32</sup> See section 13A(1).

<sup>33</sup> See section 13A(4).

<sup>34</sup> See section 17(1).

<sup>35</sup> See section 22(b).

<sup>36</sup> See section 30(1)(b).

<sup>37</sup> See section 31(3).

<sup>38</sup> See section 40(4).

<sup>39</sup> See section 42.

<sup>40</sup> See section 44(3).

<sup>41</sup> See section 47(3).

<sup>42</sup> See section 52(1).

<sup>43</sup> See the definition of *animal* in the schedule.

- (s) the declaration of a species of animal as a declared dangerous animal;<sup>44</sup> or
- (t) the period within which an impounded animal may be reclaimed.<sup>45</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 resolution, under section 29(1) of the *Local Government Act 2009*.

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<sup>44</sup> See the definition of *declared dangerous animal* in the schedule.

<sup>45</sup> See the definition of *prescribed period* in the schedule.

## 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.

**cattery** means the operation of premises which are used or intended for use for the keeping, boarding, breeding or training of more than 3 cats.

**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) 2015*, section 28.

**cost-recovery fee** means the fee fixed by the local government to cover the costs associated with impounding an animal.<sup>46</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).

**koala area** see section 13A(4).

**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

<sup>46</sup> See the Act, section 97 for the power of a local government to fix a cost recovery fee.

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.

**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* has the meaning given in the *Veterinary Surgeons 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.

DRAFT



**Certification**

This and the preceding 34 pages bearing my initials is a certified copy of *Local Law No. 2 (Animal Management) 2015* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the                      day of                      , 2015.

.....  
Chief Executive Officer

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## Redland City Council

# Local Law No. 3 (Community and Environmental Management) 2015

It is hereby certified that this a true and correct copy of *Local Law No. 3 (Community and Environmental Management) 2015* made, in accordance with the *Local Government Act 2009*, by the Council of the City of Redland, by resolution dated 10 October 2018

---

A. Chesterman  
Chief Executive Officer

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**Redland City Council**

**Local Law No. 3 (Community and Environmental Management) 2015**

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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) 2015*.

### 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) 2015*.

## Part 2 Declared local pests

### Division 1 Application

#### 5 Application of part

- (1) This part does not apply to an animal or plant that is restricted matter or prohibited matter under the *Biosecurity Act 2014*.<sup>2</sup>

<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 *Biosecurity Act 2014*, sections 19 and 21, regarding prohibited and restricted matter for the State or part of the State.

- (2) In this section—  
*prohibited matter*, see the *Biosecurity Act 2014*, section 19  
*restricted matter*, see the *Biosecurity Act 2014*, section 21

## 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 *Biosecurity Act 2014* 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.

### 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>3</sup> given to the owner of land, require the owner<sup>4</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
  - (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

<sup>3</sup> See *Local Law No.1 (Administration) 2015*, section 28, regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

<sup>4</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.

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;
- Broken down boats, boat trailers and dilapidated boat parts;
- 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>5</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) Without limiting subsection (2), subsection (5) applies if:
- (a) the responsible person does not comply with a compliance notice given to the responsible person pursuant to subsection (2); and
  - (b) the time for making an application for review of the compliance notice under section 22 of Local Law No. 1 (Administration) 2015 has expired; and
  - (c) the compliance notice includes a requirement that the responsible person remove objects, materials or vegetation from the allotment; and
  - (d) an authorised person enters the allotment pursuant to section 142 of the *Local Government Act 2009* to take the action that is required under the compliance notice.

<sup>5</sup> See footnote 3.

- (5) Subject to subsection (4), an authorised person may seize (by dismantling if necessary) and impound any objects, materials or vegetation removed from the allotment.
- (6) However, the notice cannot prevent a use of land authorised under the Planning Act<sup>6</sup> or the *Environmental Protection Act 1994*.
- (7) In this section—  
**vegetation** includes a tree, bush, shrub, plant or grass, but does not include vegetation that is protected under a law<sup>7</sup> of the State or Commonwealth or under the local government's planning scheme.

## 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 or excluded under the *Fire and Emergency Services Act 1990*.<sup>8</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

<sup>6</sup> See definition of *Planning Act* in the Act, schedule 4

<sup>7</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)*.

<sup>8</sup> See the *Fire and Emergency Services 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 the Queensland Fire and Emergency Service published in the gazette on 6 August 2004.

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>9</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>10</sup>
- (3) In this section—
 

*fire hazard* means—

  - (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)—*

<sup>9</sup> See footnote 3.

<sup>10</sup> See also the *Fire and Emergency Services Act 1990*, section 69, under which the Queensland Fire and Emergency Service 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.

- 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>11</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.

<sup>11</sup> See footnote 3.

**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 the *Environmental Protection Act 1994*, chapter 8, part 3B.<sup>12</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>13</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>14</sup>

**Part 7 Shopping Trolleys****21 Removal of shopping trolleys**

<sup>12</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>13</sup> See, however, *Local Law No.1 (Administration) 2015*, section 10(4)(a), regarding conditions of approvals that may authorise an act or omission that contravenes a noise standard.

<sup>14</sup> Section 440(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.



A person must not, without the consent of the shopping trolley's owner or a reasonable excuse, remove a shopping trolley from a shopping centre precinct or leave a shopping trolley at a place that is not a shopping centre precinct.

Maximum penalty—20 penalty units.

## **22 Retailers**

- (1) A retailer must take all reasonable measures to ensure that all shopping trolleys provided by the retailer for customer use remain within the shopping centre precinct.

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

- (2) A retailer must ensure that the following information is conspicuously and legibly displayed on each shopping trolley provided by the retailer for customer use:

- (a) the name of the retailer; and
- (b) contact details, including a telephone number for the retailer; and
- (c) any other information prescribed by subordinate local law.

Maximum penalty – 20 penalty units.

- (3) The information displayed on a shopping trolley under subsection (2) must be permanently affixed and not easily removed.

## **Part 8 Miscellaneous**

### **23 Prohibition on feeding native birds**

- (1) A person must not feed a native bird at a residential premises in a way that causes, or may cause, a relevant 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 nuisance if the person—

- (a) feeds the native bird prior to 8am or after 7pm on any given day; or
- (b) feeding the native bird results in excessive or unsightly accumulation of native bird droppings as a direct result of the feeding; or
- (c) feeding the native bird results in an accumulation of food waste, which may include but is not limited, to seed husks or bread; or
- (d) feeding the native bird results in offensive odour caused by accumulation of native bird droppings or food waste; or
- (e) feeding the native bird results in damage to property caused from excessive native bird droppings or destructive behaviour in the immediate area of where the birds are fed; or

- (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) **feed**, in relation to a native bird, includes—
    - (i) the use of food to entice the native bird; and
    - (ii) an attempt to provide food to the native bird; but
    - (iii) does not include planting, growing or maintaining a plant which is a source of food for a native bird;
  - (b) **native bird** means a bird in an independent state of natural liberty;
  - (c) **relevant nuisance**, for premises, means a nuisance to land adjoining, or in close proximity to, the premises;
  - (d) **destructive behaviour**, means gnawing or chewing or an action of the native bird leading to property damage;
  - (e) **immediate area**, means adjoining properties.

## Part 9 Subordinate local laws

### 24 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>15</sup> or
- (b) lighting and maintaining of fires in the open;<sup>16</sup> or
- (c) fire hazards;<sup>17</sup> or
- (d) community safety hazards;<sup>18</sup> or
- (e) prescribed requirements relating to community safety hazards;<sup>19</sup> or
- (f) prescribed noise standards for the *Environmental Protection Act 1994*;<sup>20</sup> or
- (g) shopping trolleys.<sup>21</sup>

<sup>15</sup> See section 6(1).

<sup>16</sup> See section 14(2).

<sup>17</sup> See section 15(3)(b).

<sup>18</sup> See section 16(c).

<sup>19</sup> See section 19(1).

<sup>20</sup> See section 20(2).

<sup>21</sup> See section 22(3).

## 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) 2015*, 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.

**retailer** means any person who, in the connection with a retail or wholesale business, makes shopping trolleys available by whatever means for customer use.

**shopping centre precinct** means the entire area utilised by a retailer including any area provided for the parking of vehicles, pedestrian walkways or common areas within a shopping centre.

**shopping trolley** means any wheeled container primarily used for the carriage of goods by a customer to a retailer while at a shopping centre precinct.

**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) 2015* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the  
day of \_\_\_\_\_, 2015.

.....  
Chief Executive Officer

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Redland City Council

## Subordinate Local Law No. 1.5 (Keeping of Animals) 2015

It is hereby certified that this a true and correct copy of *Subordinate Local Law No. 1.5 (Keeping of Animals) 2015* made, in accordance with the *Local Government Act 2009*, by the Council of the City of Redland, by resolution dated 10 October 2018

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A. Chesterman  
Chief Executive Officer

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## Redland City Council

### Subordinate Local Law No. 1.5 (Keeping of Animals) 2015

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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) 2015*.

### 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) 2015* 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) 2015* (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) 2015*, 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;
  - (f) a pet pig 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.
- (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

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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) 2015*.
- (4) If the application relates to the keeping of dogs or cats — whether the animals identified in the application are registered with the local government.
- (5) 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.
- (6) 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.
- (7) 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) 2015*; 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

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- 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 a pet pig approval are—
- (a) a condition requiring that the food of the pet pig is, so far as is practical, stored in a vermin proof container; and
  - (b) a condition requiring that drainage and run off from all shelters and enclosure areas be confined to the premises; and
  - (c) a condition requiring that waste material and faeces be removed daily and disposed of in a manner approved by an authorised person; and

- (d) a condition requiring that all shelters and enclosure areas be kept clean and sanitary; and
  - (e) a condition requiring that the holder of the approval ensure that all facilities for the keeping of the pet pig on the premises are structurally maintained and in an aesthetically acceptable condition; and
  - (f) a condition requiring that the keeping of the pet pig does not have an adverse impact on—
    - (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
    - (ii) the health or safety of people or other animals; and
  - (g) a condition requiring that environmental impacts from the keeping of the pet pig are properly managed; and
 

*Examples of environmental impacts include—*

    - 1 erosion;
    - 2 dust;
    - 3 weed infestation;
    - 4 water pollution.
  - (h) a condition requiring that any enclosure on the premises in which the pet pig is kept must—
    - (i) be constructed so as to prevent the pig from going within 25m of any residence, other than a residence upon the premises on which the enclosure is, or is to be, constructed; and
    - (ii) be constructed so as to prevent the pig from going within 5m of any boundary of the premises; and
    - (iii) be constructed so as to comply with the requirements of *Subordinate Local Law No. 2 (Animal Management) 2015*, section 9, including schedule 4, item 3; and
  - (i) a condition requiring that the pet pig be de-sexed; and
  - (j) if a code of practice for the keeping of pigs has been approved by the local government — a condition requiring that the pet pig must be kept in accordance with the requirements of the code of practice.
- (7) 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) 2015*—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) 2015*; 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) An approval may be granted for the period during which the animal the subject of the approval is kept on the premises identified in the approval if the approval is—
  - (a) a 3 cat approval; or
  - (b) a 3 dog approval; or
  - (c) a pet pig approval.
- (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.		

**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; and
- (c) a pet pig 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) 2015*.

***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) 2015*.

***proper enclosure*** means, for a particular type of animal or species or breed of animal, an enclosure meeting each of the requirements of Schedule 4 of Subordinate Local Law No. 2 (Animal Management) 2015 for the particular animal and premises. .

***public place*** has the meaning given in *Local Law No. 1 (Administration) 2015*.

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

***residence*** has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2015*.

***SEQ urban footprint*** has the meaning given in the *Planning Regulation 2017*.

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



Redland City Council

## Subordinate Local Law No. 2 (Animal Management) 2015

It is hereby certified that this a true and correct copy of *Subordinate Local Law No. 2 (Animal Management) 2015* made, in accordance with the *Local Government Act 2009*, by the Council of the City of Redland, by resolution dated 10 October 2018

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A. Chesterman  
Chief Executive Officer

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## Redland City Council

### Subordinate Local Law No. 2 (Animal Management) 2015

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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) 2015*.

### 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) 2015*, 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 koala conservation areas; 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) 2015* (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 is 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) An approval (a *pet pig approval*) is required to keep a pig on premises.

**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.

#### **9A Koala conservation—Authorising local law, s 13A**

- (1) For section 13A(1) of the authorising local law, schedule 4A sets out the requirements for keeping a dog on land that is within a koala area.
- (2) For section 13A(4) of the authorising local law, each area shaded in grey on a map in schedule 4B is designated as a koala area.
- (3) Each koala area on a map in schedule 4B is, for identification purposes, allocated the number which appears on the map in schedule 4B.

#### **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) pigs; and
- (f) 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—

- (a) be given at least 14 days before the period of registration for the cat expires; and
- (b) 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	<p>(a) 1 or more livestock on an allotment with an area less than 4,000m<sup>2</sup>.</p> <p>(b) 1 or more livestock on premises in the ridgewood downs prohibition area.<sup>2</sup></p>
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> .

<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
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> . (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	(a) 1 or more pigs on an allotment with an area less than 4,000m <sup>2</sup> . (b) 1 or more pigs on premises in the ridgewood downs prohibition area. <sup>3</sup> (c) 1 or more pigs on an allotment on any of the following— (i) North Stradbroke Island; (ii) Coochiemudlo Island; (iii) Russell Island; (iv) Macleay Island; (v) Lamb Island; (vi) Karragarra Island. (d) Subject to paragraphs (a), (b) and (c), more than 1 pig on an allotment with an area of 4,000m <sup>2</sup> or more. (e) Subject to paragraphs (a), (b), (c) and (d), 1 pig on an allotment with an area of 4,000m <sup>2</sup> or more unless the local government has granted, in respect of the keeping of the pig on the allotment, a pet pig approval.

<sup>3</sup> See definition of *ridgewood downs prohibition area* in the dictionary.

*Redland City Council Subordinate Local Law No. 2 (Animal Management) 2015*

10

<b>Item</b>	<b>Column 1 Animal</b>	<b>Column 2 Circumstances in which keeping of animal or animals is prohibited</b>

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.

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## **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 7a.m. to 10p.m. 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 10p.m. or before 7a.m.
- (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 the following—
  - (a) 5m of any residence, other than a residence upon the premises on which the enclosure is to be constructed; or
  - (b) 1m of any boundary of the premises.
- (4) 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 10m of any premises used for the manufacture, preparation or storage of food for human consumption, other than food contained in hermetically sealed packages.
- (5) Subsection (4) 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.

DRAFT

**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>

Redland City Council Subordinate Local Law No. 2 (Animal Management) 2015

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Item	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
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>Biosecurity Act 2014</i> or</p> <p>(ii) the holder of a permit to keep bees granted under the <i>Biosecurity Act 2014</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>

Item	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
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 or drake, 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—</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 physical barrier —</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	Dog	In addition to the criteria contained in relation to item 1, the enclosure must be external to the dwelling, where the property has external land that is for the private use of the occupier of the dwelling.

3	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> <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>
4	Stallion and pig	<p>A proper enclosure for the keeping of an animal to which this item 3 applies 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 animal is kept to a standard approved by an authorised person.</p>
5	Cat	<p>A person who keeps a cat on premises 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</li> </ul> </li> </ul> </li> </ul>

		<p>prevent the cat jumping or climbing over the building or structure; and</p> <p>(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.</p>
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## Schedule 4A Requirements for keeping a dog in a koala area

Section 9A(1)

- (1) A person who keeps a dog on a lot with an area of more than 2,000m<sup>2</sup> in a koala area must—
- (a) construct and maintain a proper enclosure<sup>4</sup> (a “koala area enclosure”) having an area not more than 2,000m<sup>2</sup> and—
    - (i) keep the dog in the koala area enclosure; and
    - (ii) prevent the dog from wandering or escaping from the koala area enclosure; and
    - (iii) ensure that the dog is kept within the koala area enclosure at all times; or
  - (b) between sunset and sunrise tether the dog by a leash or chain which is—
    - (i) not more than 3m long; and
    - (ii) securely attached to the collar of the dog and a fixed stationery object on the lot; or
  - (c) between sunset and sunrise confine the dog to an enclosure which—
    - (i) is appropriately sized so as to be capable of effectively and comfortably housing the dog; and
    - (ii) has walls which are constructed so as to prevent the dog from escaping from the enclosure; and
    - (iii) is constructed so as to prevent a koala from entering the enclosure.

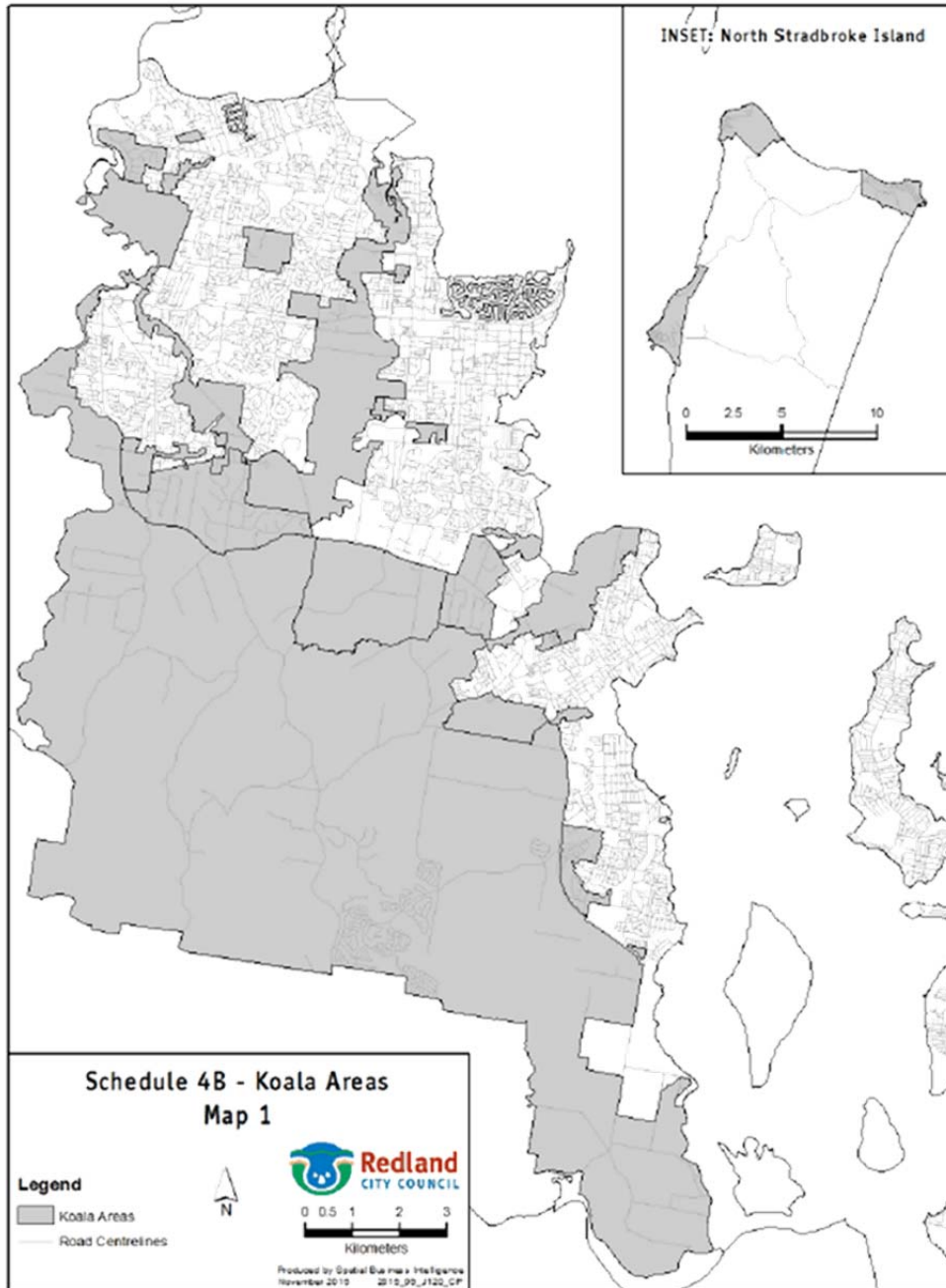
*Example for paragraph (c): the enclosure may be—*

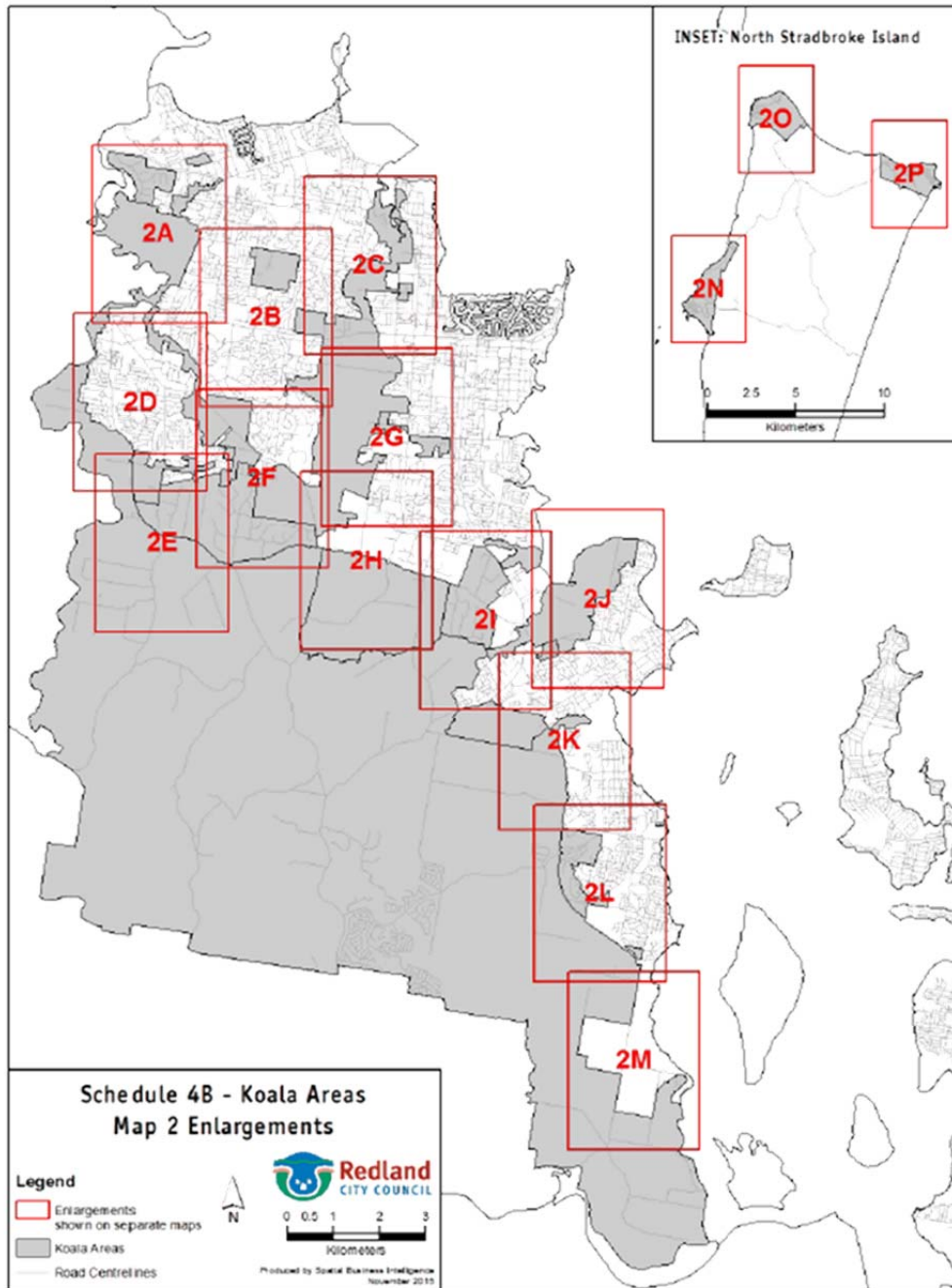
- (a) *a dwelling or part of a dwelling; or*
- (b) *a garage; or*
- (c) *a suitably fenced area which is constructed—*
  - (i) *outside a dwelling on the lot for the purpose of confining the dog between sunset and sunrise; and*
  - (ii) *so as to prevent a koala from entering the enclosure.*

<sup>4</sup> See section 9 for requirements for proper enclosures for keeping animals.

### Schedule 4B Koala areas

Section 9A(2) and (3)

















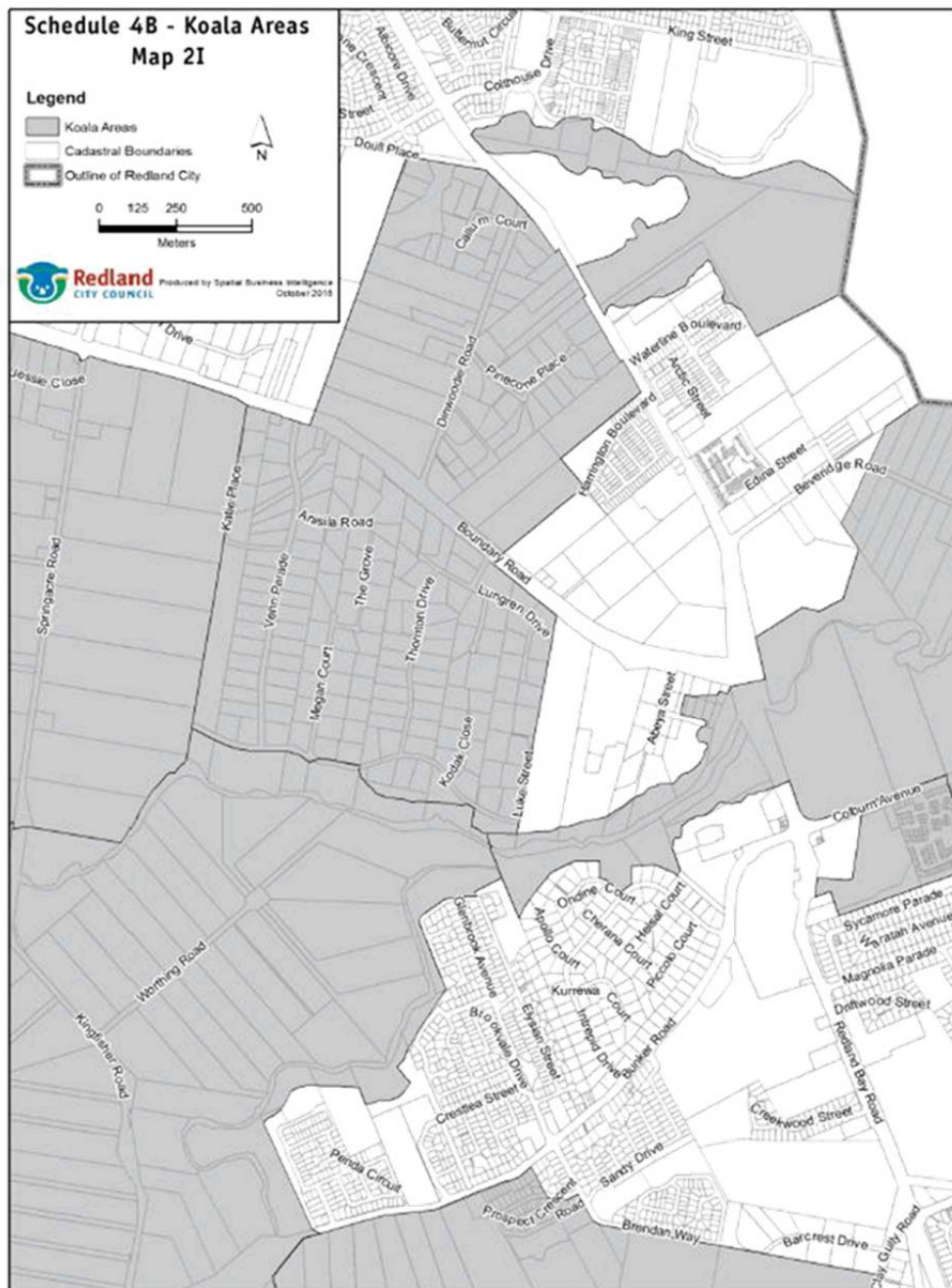






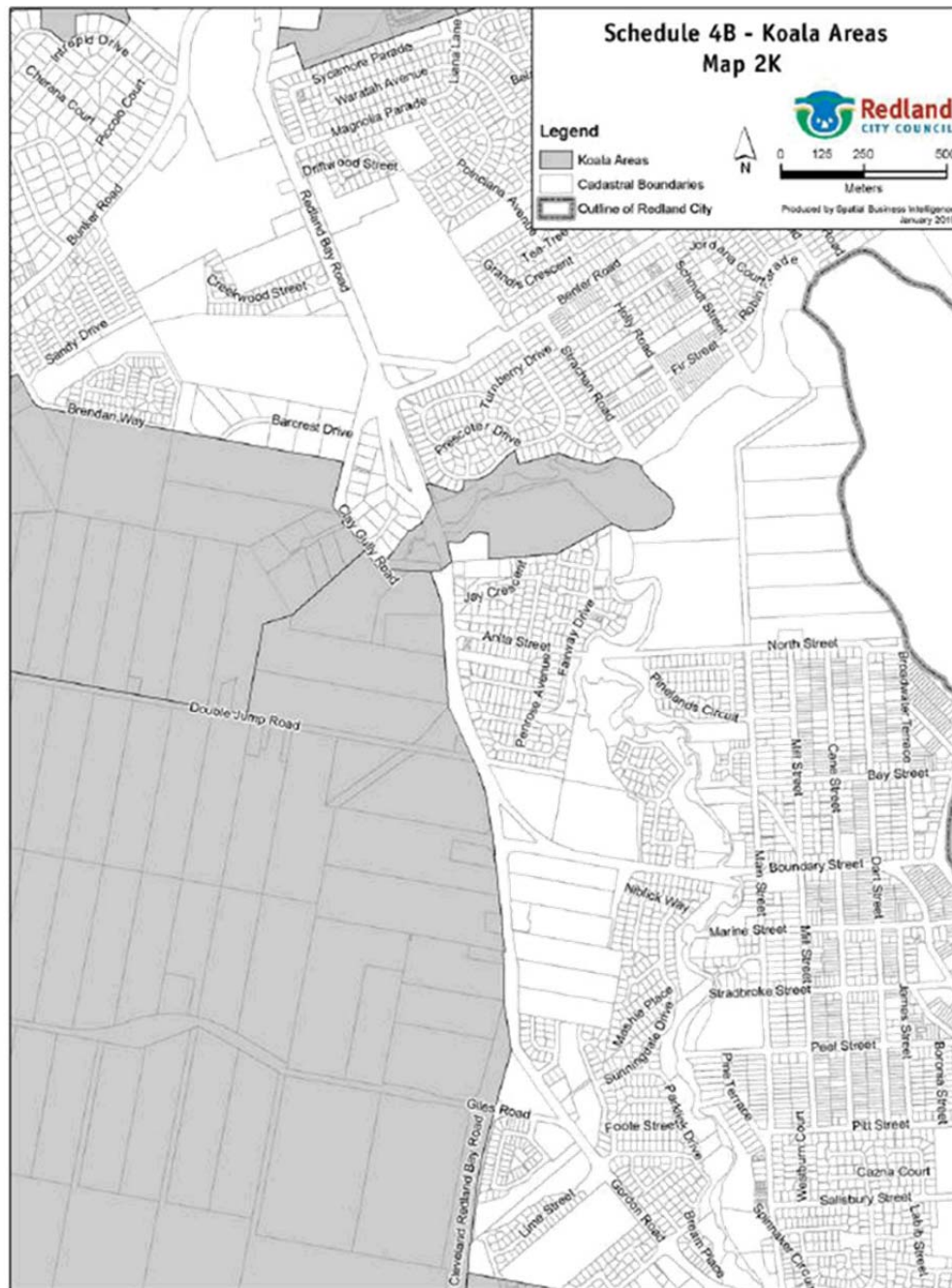


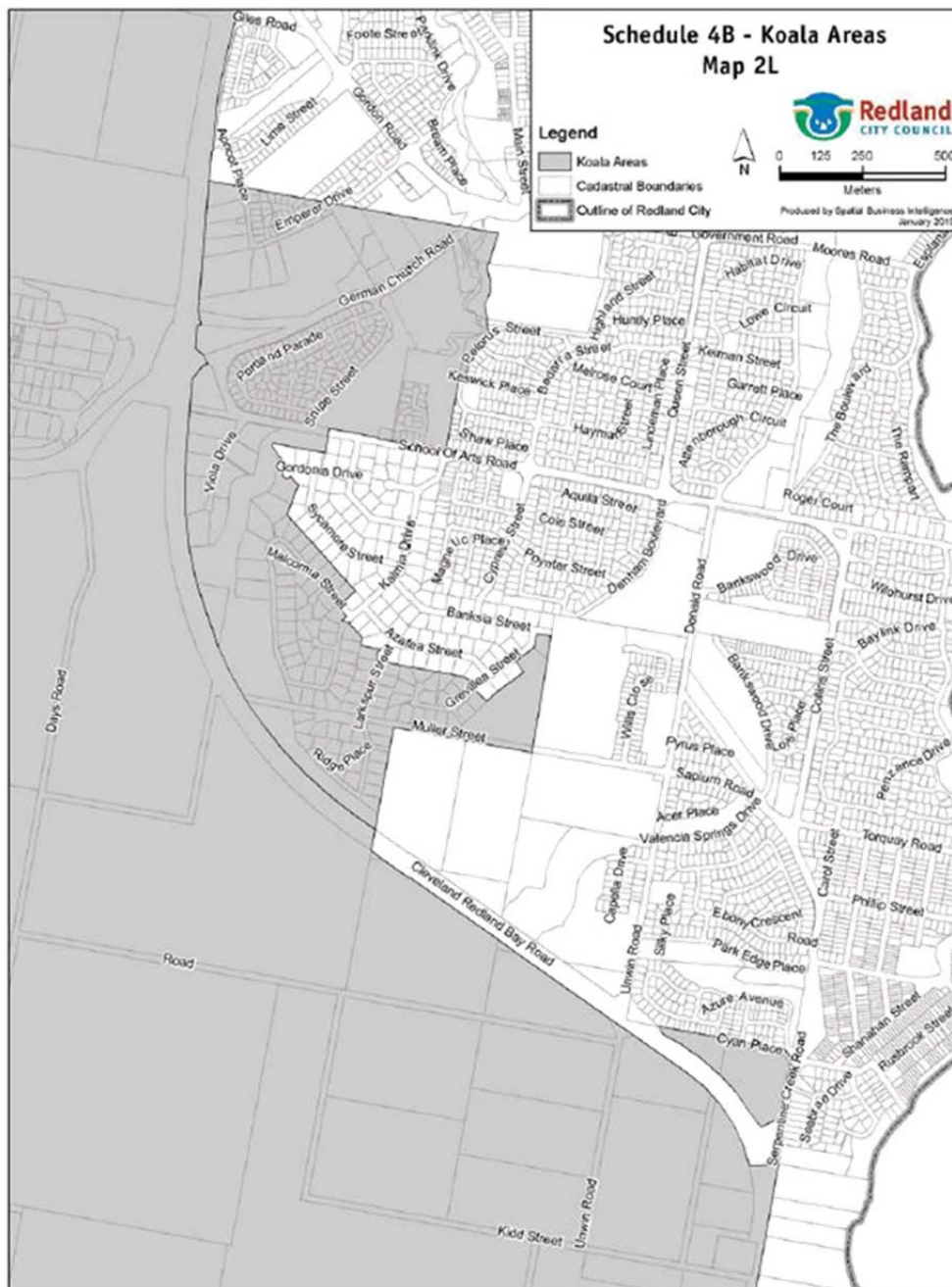


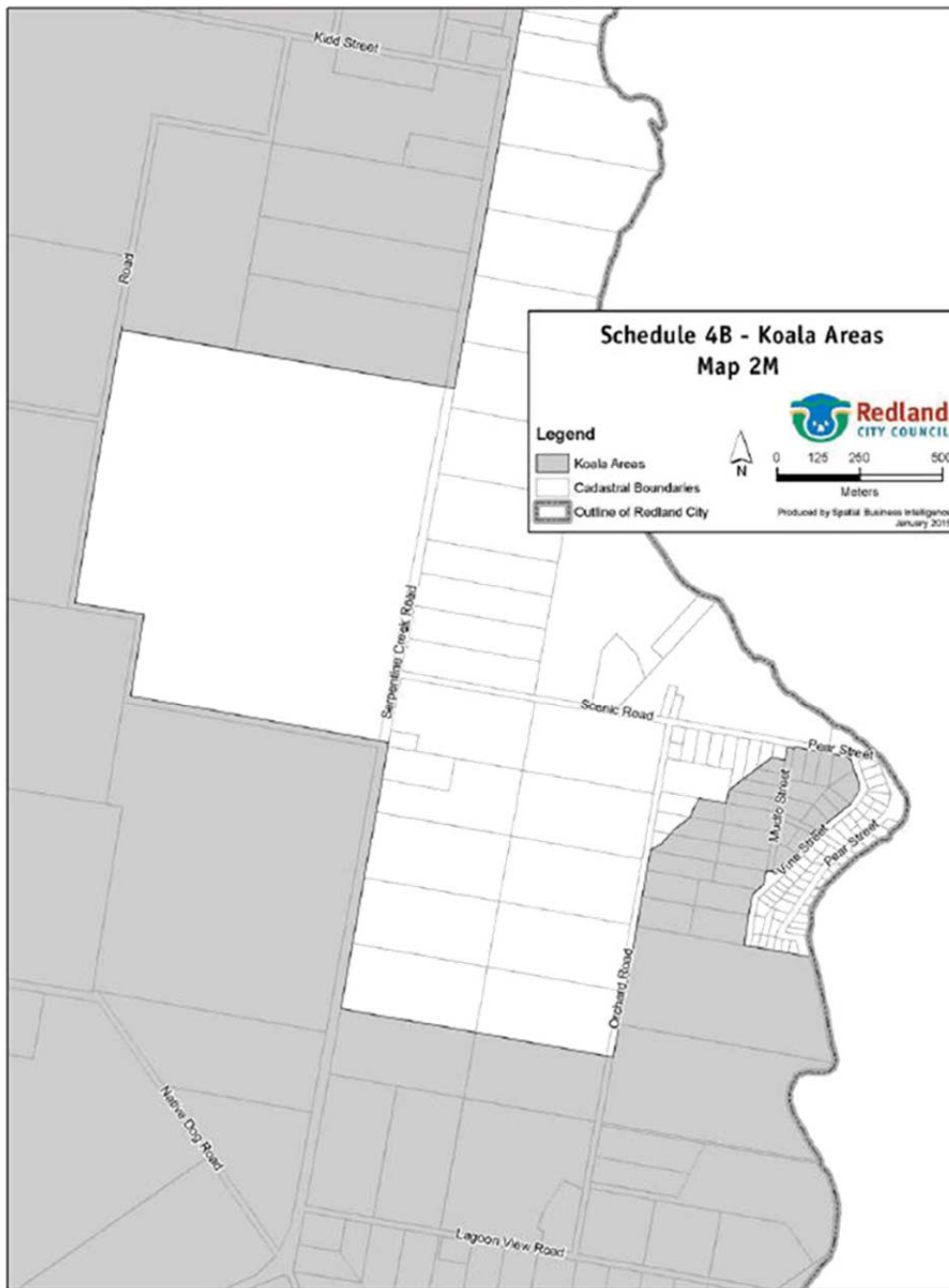


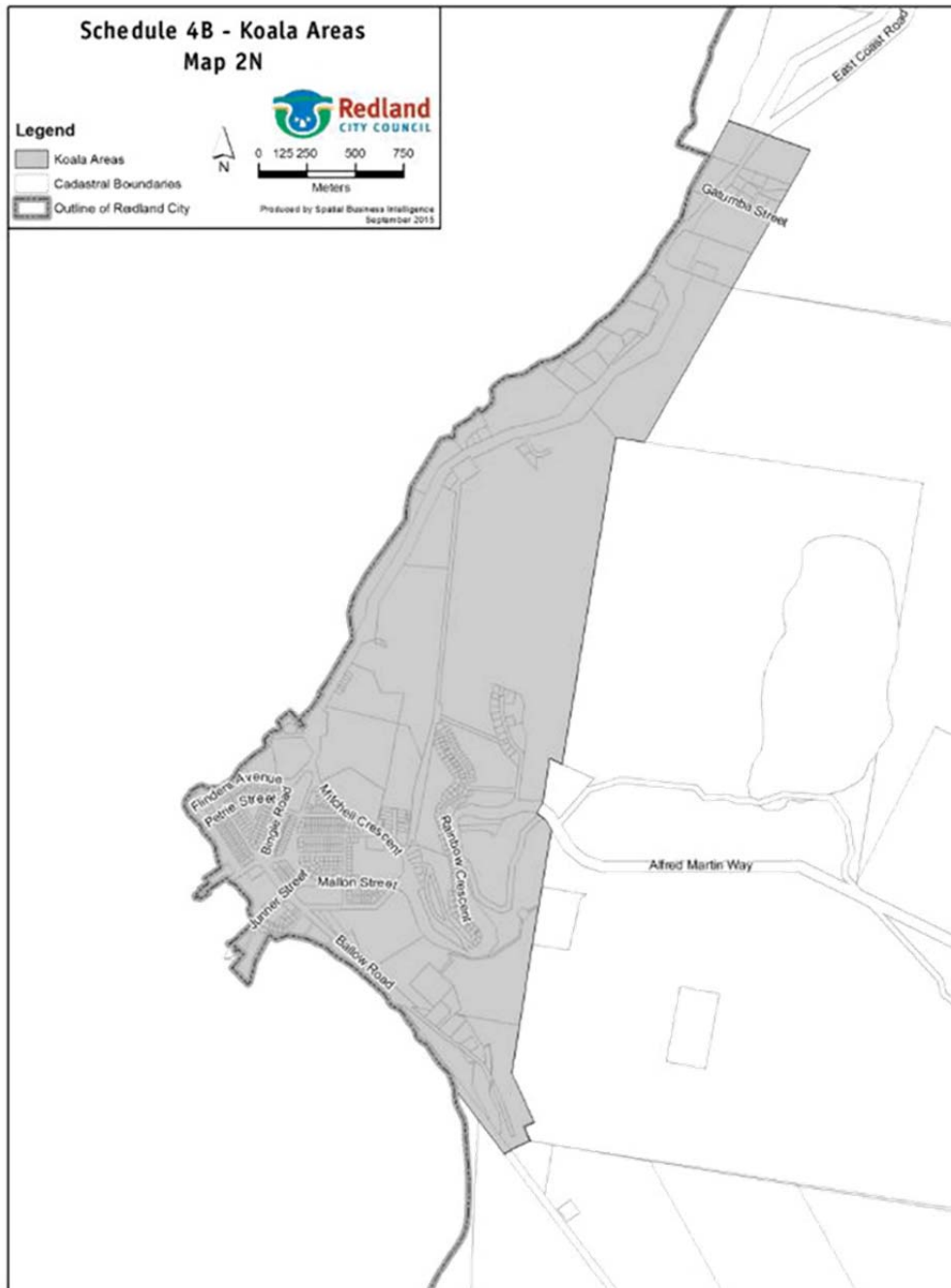




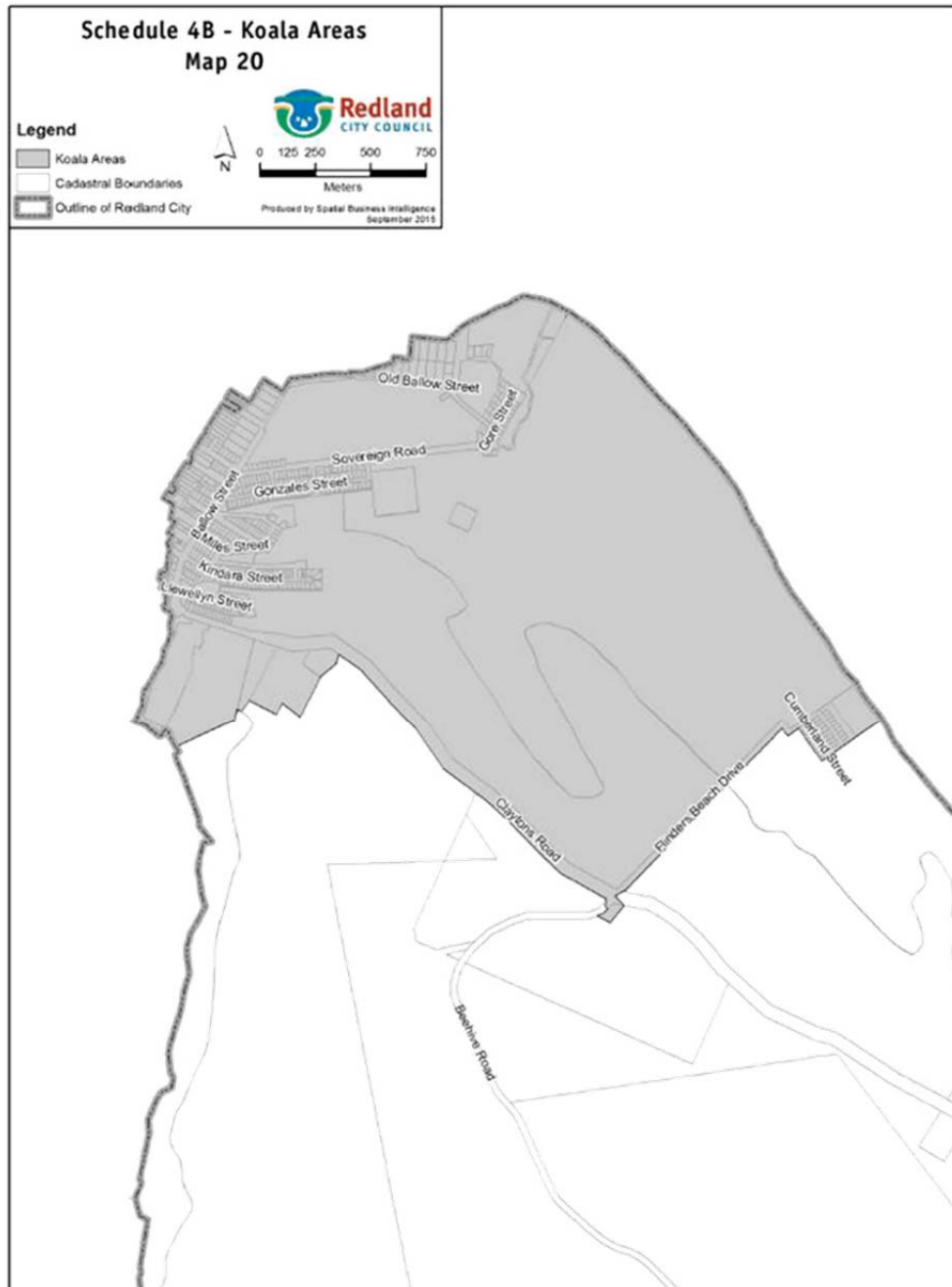


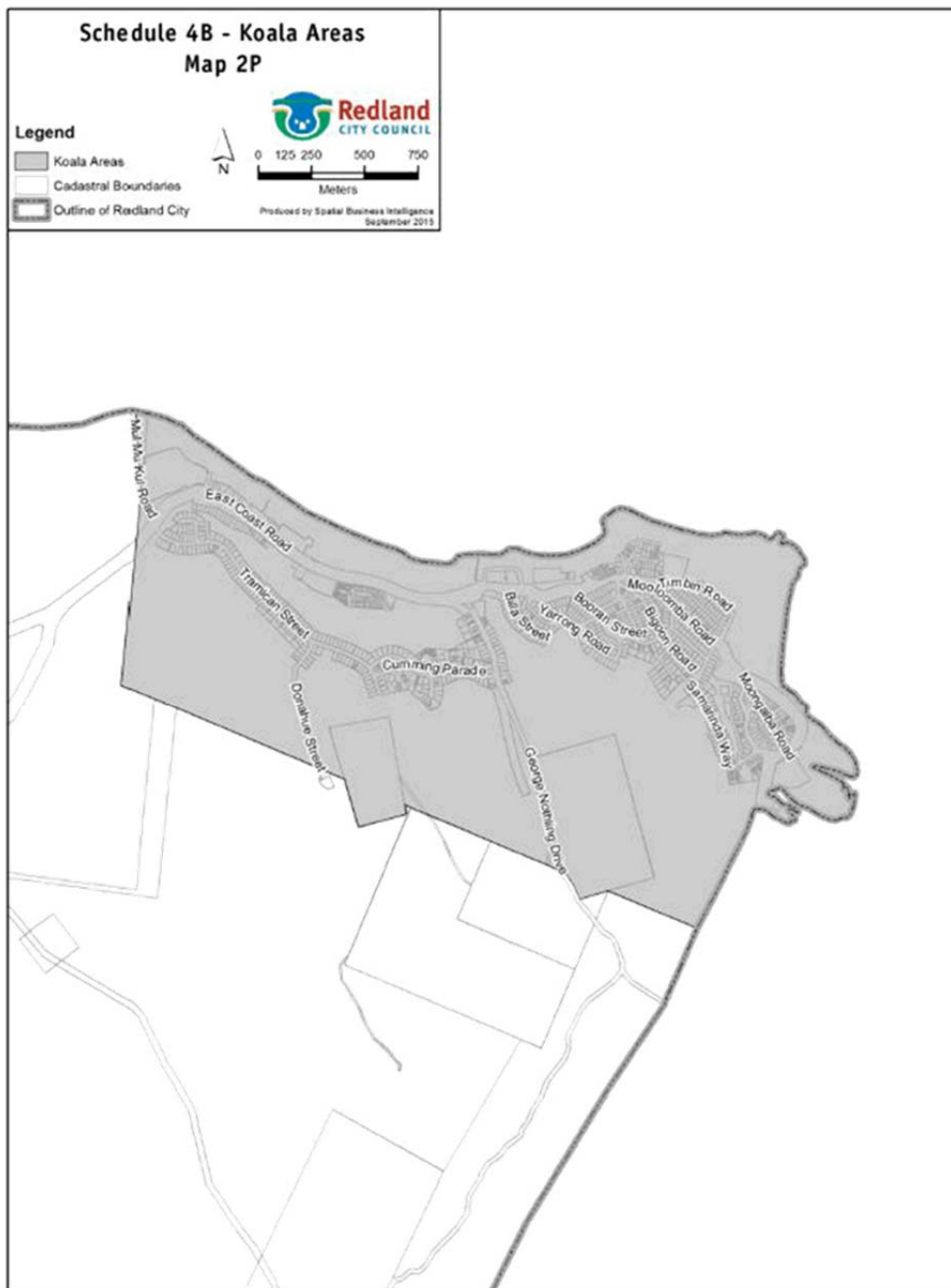














**Schedule 5 Conditions for sale of animals**

Section 17

	<p><b>Column 1</b> Species or breed of animal</p>	<p><b>Column 2</b> Conditions that must be complied with when offering animal for sale</p>
<p>1</p>	<p>A dog or a cat</p>	<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) 2015*.

**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) 2015*.

**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.

**lot** —

- (a) means a separate, distinct parcel of land created on—
  - (i) the registration of a plan of subdivision under part 4, division 3 of the *Land Title Act 1994*; or
  - (ii) the recording of particulars of an instrument in accordance with the *Land Title Act 1994*; and

includes a lot under the *Building Units and Group Titles Act 1980*.

**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 pig approval** see section 6(7).

**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*.



Redland City Council

## Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015

It is hereby certified that this a true and correct copy of *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015* made, in accordance with the *Local Government Act 2009*, by the Council of the City of Redland, by resolution dated **10 October 2018**

---

A. Chesterman  
Chief Executive Officer

BNEDOCs Attachment 12 Draft Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015 (A3258671).docx



**Redland City Council**

**Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015**

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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) 2015*.

### 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) 2015* 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) 2015* (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

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**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)

	<p align="center"><b>Column 1</b> <b>Local government controlled area or road</b></p>	<p align="center"><b>Column 2</b> <b>Prohibited activity</b></p>
<p>1</p>	<p>All local government controlled areas within the local government area</p>	<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>

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	<b>Column 1</b> <b>Local government controlled area or road</b>	<b>Column 2</b> <b>Prohibited activity</b>
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) 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) 2015</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 ordinarily involving such discharge;</li> <li>(e) Damaging or disturbing or interfering with any memorial,</li> </ul>

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	<p><b>Column 1</b> <b>Local government controlled area or road</b></p>	<p><b>Column 2</b> <b>Prohibited activity</b></p>
		<p>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>(i) for the purposes of a funeral or commemorative service; or</p> <p>(ii) a dog which is under effective control as defined in section 11 of <i>Local Law No. 2 (Animal Management) 2015</i>;</p> <p>(j) Entering or being within a local government cemetery except for the purpose of—</p> <p>(i) visiting a grave, memorial or interment site; or</p> <p>(ii) attending a funeral; or</p> <p>(iii) maintaining or repairing a grave, memorial or interment site in accordance with a written authorisation of the chief executive officer;</p> <p>(k) Taking part in any meeting other than a meeting of a religious or commemorative nature.</p>

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	<p><b>Column 1</b> <b>Local government controlled area or road</b></p>	<p><b>Column 2</b> <b>Prohibited activity</b></p>
<p>5</p>	<p>All parks and reserves within the local government area</p>	<ul style="list-style-type: none"> <li>(a) Damaging or interfering with vegetation;</li> <li>(b) Discharging or carrying a firearm or other weapon or any kind of explosive device;</li> <li>(c) Throwing a stone, projectile or other missile;</li> <li>(d) Using or carrying a trap, snare or net;</li> <li>(e) Hitting a golf ball;</li> <li>(f) Behaving in a riotous disorderly, indecent, offensive, threatening or insulting manner;</li> <li>(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;</li> <li>(h) Interfering with a plant or any turf, sand, clay, soil or other material;</li> <li>(i) Interfering with any facility or equipment located at the park or reserve;</li> <li>(j) Disposing of any waste of any kind other than in a waste container provided for that purpose;</li> <li>(k) Depositing, storing or abandoning any goods;</li> <li>(l) Bathing in any ornamental pond or lake;</li> <li>(m) Using a boat, canoe, craft, surf ski, surf board or other recreational floating device in an ornamental pond or lake;</li> </ul>

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	<p><b>Column 1</b> <b>Local government controlled area or road</b></p>	<p><b>Column 2</b> <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>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>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>

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	<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>(i) the safe, secure and efficient operation of the boat ramp or landing; or</p> <p>(ii) the protection of the environment at the boat ramp or landing; or</p> <p>(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>

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	<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>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>

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	<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>

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	<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>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>

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	<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>(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;</p> <p>(f) Interfering with any facility or equipment located at the local government controlled area;</p> <p>(g) Depositing, storing or abandoning any goods;</p> <p>(h) Any activity which fouls, litters, pollutes or interferes with the local government controlled area or a facility in the local government controlled area;</p> <p>(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;</p> <p>(j) Using any part of the local government controlled area in a manner which is inconsistent with—</p> <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>
<p>10</p>	<p>Footpaths on roads as follows—</p> <p>(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;</p>	<p>Riding a bicycle, wheeled recreational device or wheeled toy, as defined in the <i>Transport Operations (Road Use Management) Act 1995</i>.</p>

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	<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>

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	<p><b>Column 1</b>  <b>Local government controlled area or road</b></p>	<p><b>Column 2</b>  <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>(i) any waters at the Terminal; or</p> <p>(ii) any navigational channel at the Terminal; or</p> <p>(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)

	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
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.

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	<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.	

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	<b>Column 1 Local government controlled area or road</b>	<b>Column 2 Restricted activity</b>	<b>Column 3 Extent of restriction</b>
		(g) Reserving a niche or site in a local government cemetery.	(g) Permitted only under the conditions of a written authorisation of the chief executive officer of the local government.
		(h) Carrying out maintenance or repair work on a memorial to a deceased person in a local government cemetery.	(h) Permitted only— (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 (ii) with the written approval of the sexton; and (iii) subject to conditions about how the work is to be carried out as are included in the written authorisation of the sexton.
4	All parks and reserves within the local government area	(a) Lighting or maintaining a fire.	(a) Permitted only if the fire is— (i) lit and maintained in a fireplace established by the local government for the purpose; or (ii) lit and maintained in accordance with the written authorisation of the chief executive officer of the local government.
		(b) Sleeping, occupying or remaining overnight in a park or reserve.	(b) Permitted only with the written authorisation of the chief executive officer of the local government.

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	<b>Column 1 Local government controlled area or road</b>	<b>Column 2 Restricted activity</b>	<b>Column 3 Extent of restriction</b>
		(c) Erecting or installing a building, structure or facility in, on, across or over a park or reserve.	(c) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(d) Conducting or taking part in an organised sporting activity of regional, State or national significance.	(d) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(e) Operating a model vehicle or aircraft propelled by a motor.	(e) Permitted only with the written authorisation of the chief executive officer of the local government.
		(f) Using, storing or possessing fireworks.	(f) Permitted only with the written authorisation of the chief executive officer of the local government.
		(g) Displaying a sign or advertisement.	(g) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(h) Playing golf.	(h) Permitted only with the written authorisation of the chief executive officer of the local government.
		(i) Undertaking the sport of archery.	(i) Permitted only with the written authorisation of the chief executive officer of the local government.
		(j) Using a megaphone, loud speaker, or other similar amplification device.	(j) Permitted only— (i) with the written authorisation of the chief executive officer of the local

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	<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</p> <p>(ii) if authorised under the conditions of an approval for a prescribed activity.</p>
		<p>(k) Public entertainment.</p>	<p>(k) Permitted only—</p> <p>(i) with the written authorisation of the chief executive officer of the local government; or</p> <p>(ii) if authorised under the conditions of an approval for a prescribed activity.</p>

Redland City Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015

	<b>Column 1 Local government controlled area or road</b>	<b>Column 2 Restricted activity</b>	<b>Column 3 Extent of restriction</b>
		<p>(l) 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>(l) Permitted only with the written authorisation of the chief executive officer of the local government.</p>
5	All local government accommodation parks within the local government area	<p>(a) Lighting or maintaining a fire in the open.</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) Camping, sleeping, occupying or remaining overnight in a caravan or complementary accommodation at an accommodation site at a local government accommodation park.</p>	<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>



Redland City Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015

	<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>

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	<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>

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	<b>Column 1 Local government controlled area or road</b>	<b>Column 2 Restricted activity</b>	<b>Column 3 Extent of restriction</b>
			the hours of 9:30pm and 7:00am.
6	The boat ramps and landings within the local government area identified in schedule 6	<p>(a) Driving or standing a vehicle on a boat ramp.</p> <p>(b) Launching or retrieving a ship at a boat ramp.</p> <p>(c) Anchoring, mooring or placing a ship in the water around a boat ramp or a landing.</p> <p>(d) Carrying out the rigging of a sailing ship on a boat ramp or landing.</p> <p>(e) Taking or driving a vehicle onto a boat ramp.</p>	<p>(a) Permitted only to launch or retrieve a ship from the 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) 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) 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) 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>

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	<b>Column 1 Local government controlled area or road</b>	<b>Column 2 Restricted activity</b>	<b>Column 3 Extent of restriction</b>
			greater mass—the greater mass.
		(f) Taking or driving a vehicle onto a landing.	(f) Permitted only with the authorisation of an authorised person.
		(g) Taking or driving a vehicle onto a boat ramp or landing.	(g) Permitted only if the vehicle moves on wheels fitted with pneumatic or rubber tyres.
		(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.	(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.
		(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.	(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.
		(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.	(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.
		(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.	(k) Permitted only if authorised under the conditions of an approval for a prescribed activity.

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	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
		(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.	(l) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(m) Using a boat ramp or landing for a ship hire service, including operating a ship hire service from a boat ramp or landing.	(m) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(n) Packing or unpacking any goods into or from any case or container on a boat ramp or landing.	(n) Permitted only with the written authorisation of an authorised person.
		(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.	(o) Permitted with the written authorisation of the chief executive officer of the local government.
		(p) Refuelling a ship on a boat ramp or landing.	(p) Permitted only with the written authorisation of an authorised person.
		(q) Exhibiting, affixing or maintaining a bill or notice on a boat ramp or landing.	(q) Permitted with the written authorisation of the chief executive officer of the local government.
		(r) Operating a system of public address or sound amplification on— (i) a boat ramp or landing; or (ii) a ship moored at a boat ramp or	(r) Permitted only with the written authorisation of an authorised person.

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	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
		landing.	
		(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— (i) the boat ramp or landing; or (ii) any ship moored at the boat ramp or landing.	(s) Permitted only with the written authorisation of an authorised person.
		(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— (i) to permit the ship to leave the boat ramp or landing; or (ii) where to move the ship from its position would involve danger to the ship or a person.	(t) Permitted with the written authorisation of the chief executive officer of the local government.
		(u) Mooring a ship at a boat ramp or landing for longer than 20 minutes.	(u) Permitted only— (i) if authorised under the conditions of an approval for a prescribed activity; or (ii) with the written authorisation of an authorised person; or

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	<b>Column 1 Local government controlled area or road</b>	<b>Column 2 Restricted activity</b>	<b>Column 3 Extent of restriction</b>
			<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>
7	All local government swimming pools within the local government area, including each local government swimming pool identified in schedule 6	<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>

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	<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.  (b) Entering or remaining at the local government controlled area or a part of a 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) 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.
10	Local government	Fishing on a local	Permitted only if-

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	<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>bridges and Local government culverts within the local government area.</p>	<p>government bridge or a local government culvert.</p>	<p>(i) where the activity is on a local government bridge, the activity does not obstruct or interfere with the use of the local government bridge by a vehicle or another person; and</p> <p>(ii) where the activity is on a local government culvert, the activity does not obstruct or interfere with the operation of the local government culvert; and</p> <p>(iii) no sign authorised by the local government is erected on or adjacent to the bridge or culvert indicating that fishing is prohibited.</p>

**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</b> <b>Local government controlled area</b>	<b>Column 2</b> <b>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.

<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

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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) 2015*.

**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) 2015*.

**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) 2015*.

**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) 2015*.

**culvert** means a structure used to enclose a flowing body of water under a road, with such structure having clear openings at each end.

**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 bridge** means a bridge which is under the control of the local government.

**local government cemetery** has the meaning given in *Local Law No. 1 (Administration) 2015*.

**local government culvert** means a culvert which is under the control of the local government.

**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) 2015*.

**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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Redland City Council

## Subordinate Local Law No. 5 (Parking) 2015

It is hereby certified that this a true and correct copy of *Subordinate Local Law No. 5 (Parking) 2015* made, in accordance with the *Local Government Act 2009*, by the Council of the City of Redland, by resolution dated 10 October 2018

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A. Chesterman  
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## Redland City Council

### Subordinate Local Law No. 5 (Parking) 2015

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## Part 1 Preliminary

### 1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 5 (Parking) 2015*.

### 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) 2015*, 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) 2015* (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.

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

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

- (4) A parking permit (a *temporary parking permit*) may be issued to allow the holder of the parking permit to park 1 or more vehicles in a designated parking space or spaces for a period specified in the parking permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space or spaces.
- (5) A temporary parking permit may only be granted if the local government is satisfied that—
- (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> Under section 108 of the *Transport Operations (Road Use Management) Act 1995* —

- (a) a local government may, under a local law, prescribe an amount as an infringement notice penalty for a minor traffic offence; and
- (b) for the *State Penalties Enforcement Act 1999*, the minor traffic offence is an infringement notice offence and the penalty is the infringement notice penalty for the offence.

See sections 5 (Meaning of penalty unit) and 5A (Prescribed value of particular penalty unit) of the *Penalties and Sentences Act 1992* and section 2B of the *Penalties and Sentences Regulation 2005*.

**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.
Iluka 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 as identified in schedule 2, part 2.	2E(ii)	Between Wynyard 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.
Wharf Street off-street car park as identified in schedule 2, part 2.	2F (iv)	Between Middle Street and Wharf Street, Cleveland.
William Street off-street car park as identified in schedule 2, part 2.	2G	Between William Street and Shore Street North, 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(i)	Yabby Street, One Mile, Dunwich, North Stradbroke Island.
East Coast Road off-street car park as identified in schedule 2, part 2.	4A(ii)	East Coast Road, Dunwich, North Stradbroke Island
Junner Street Ferry Terminal car park as identified in schedule 2, part 2.	4B	Junner Street Ferry Terminal car park, Dunwich, North Stradbroke Island.
Junner Street, Cunningham Street, off-street car park as identified in schedule 2, part 2.	4C(i)	Between Cunningham Street and Ballow Road, Dunwich, North Stradbroke Island.
Junner Street, Bayly Street off-street car park as identified in schedule 2, part 2.	4C(ii)	Between Ballow Road and Bayly Street, 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 Spoil Pond off-street car park as identified in schedule 2, part 2.	5A(iv)	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.

Alice Street – Esplanade off-street car and boat trailer park as identified in schedule 2, part 2.	6B(i)	Corner of Alice Street and Esplanade, Russell Island
Esplanade off-street car park as identified in schedule 2, part 2.	6B(ii)	Esplanade, 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(i)	Masters Avenue, Victoria Point.
Colburn Avenue off-street car park as identified in schedule 2, part 2.	7A(ii)	Colburn 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

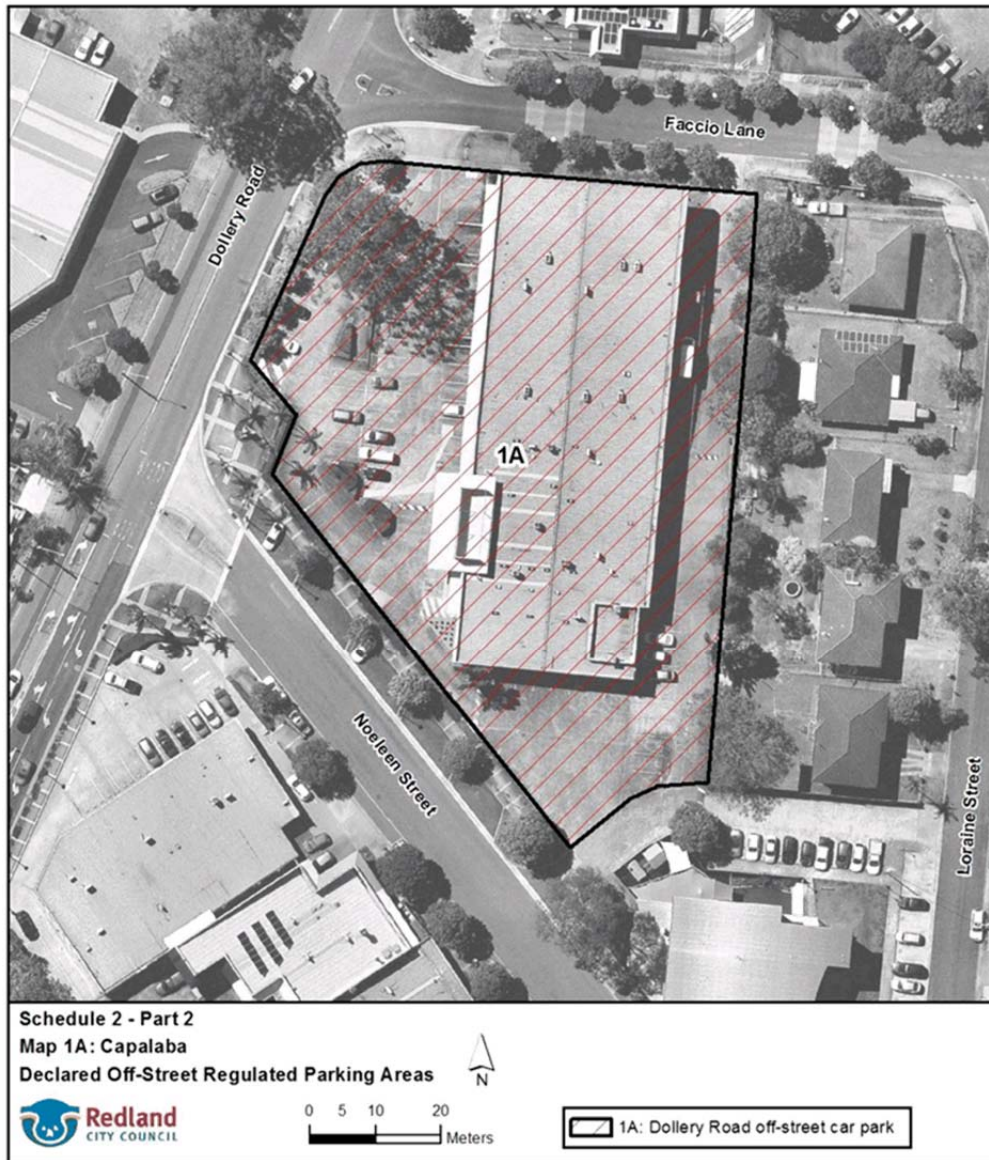
Description of car park or area	Map ref.	Location or address of car park or area
Wellington Point off-street car and boat trailer park as identified in schedule 2, part 2.	8A	Main Road, Wellington Point.

**Part 2                      Maps of off-street regulated parking areas**

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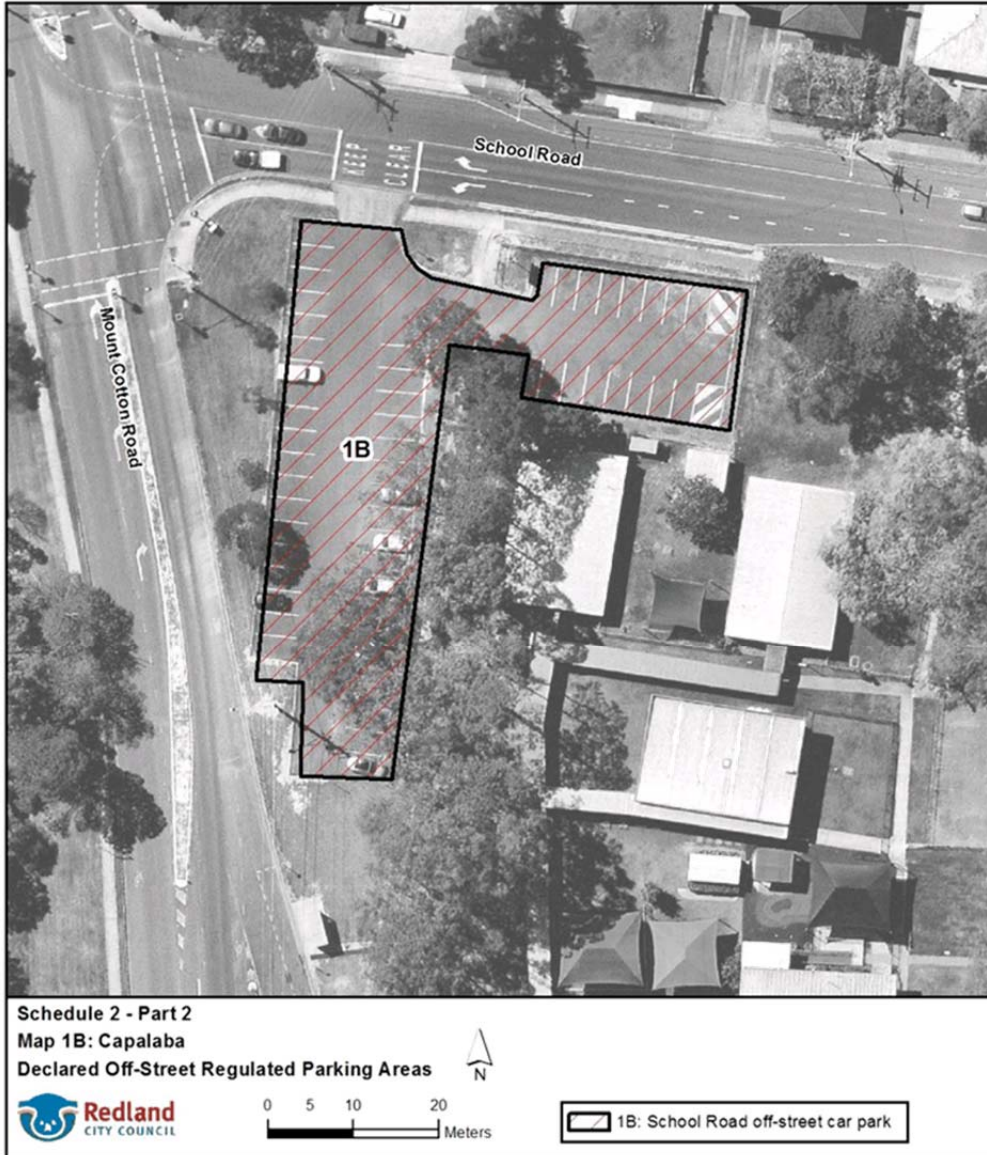
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Map 1A



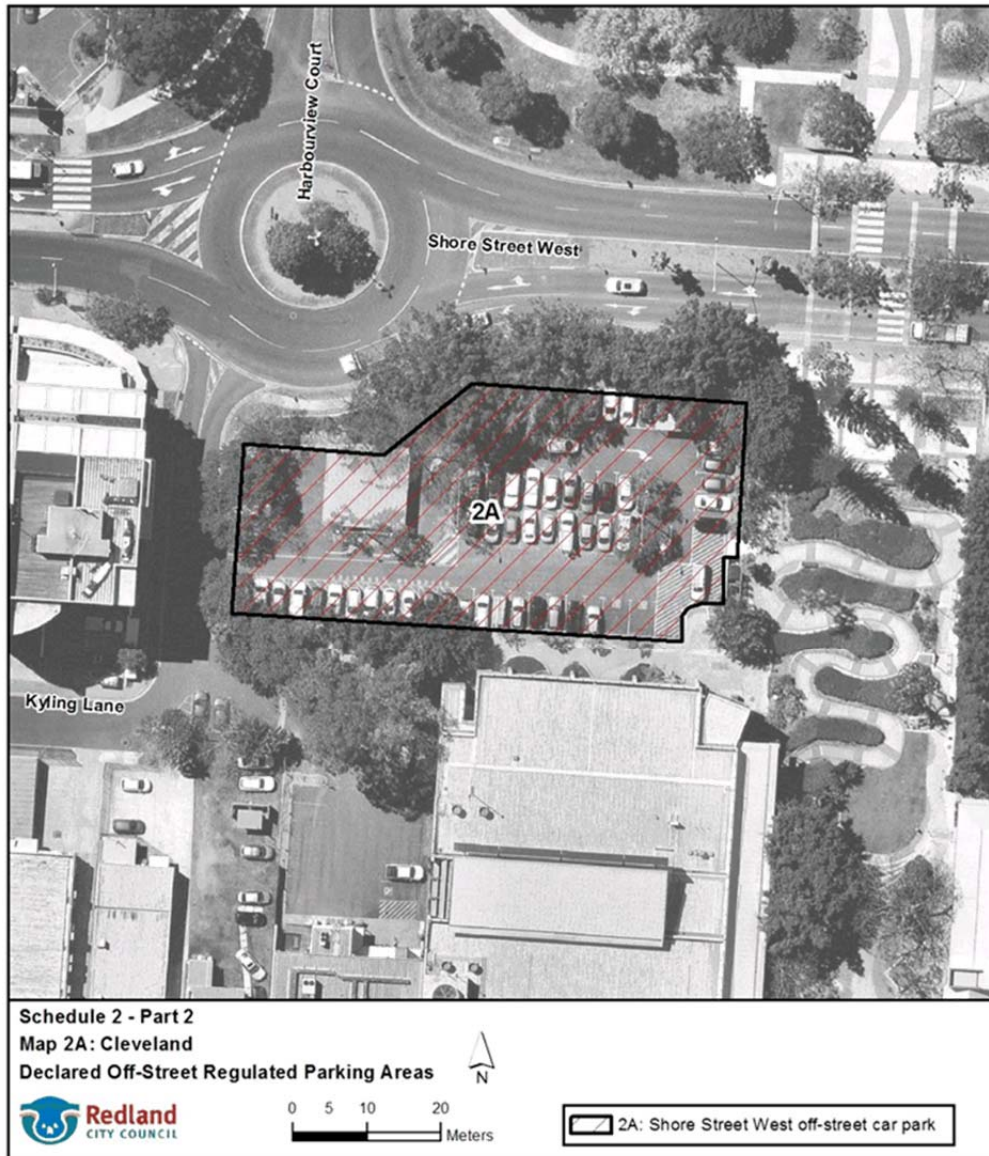
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Map 1B



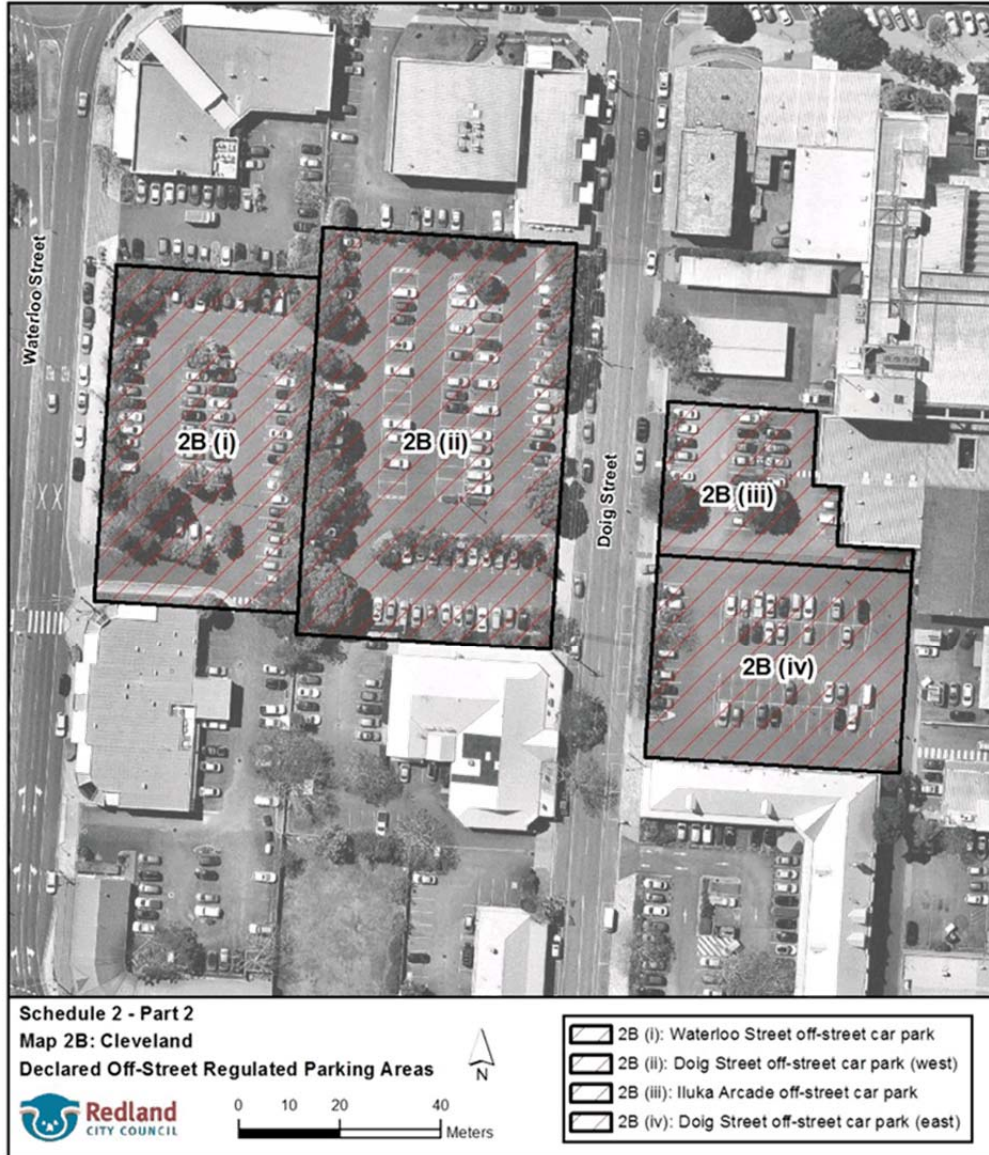


Map 2A



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Map 2B



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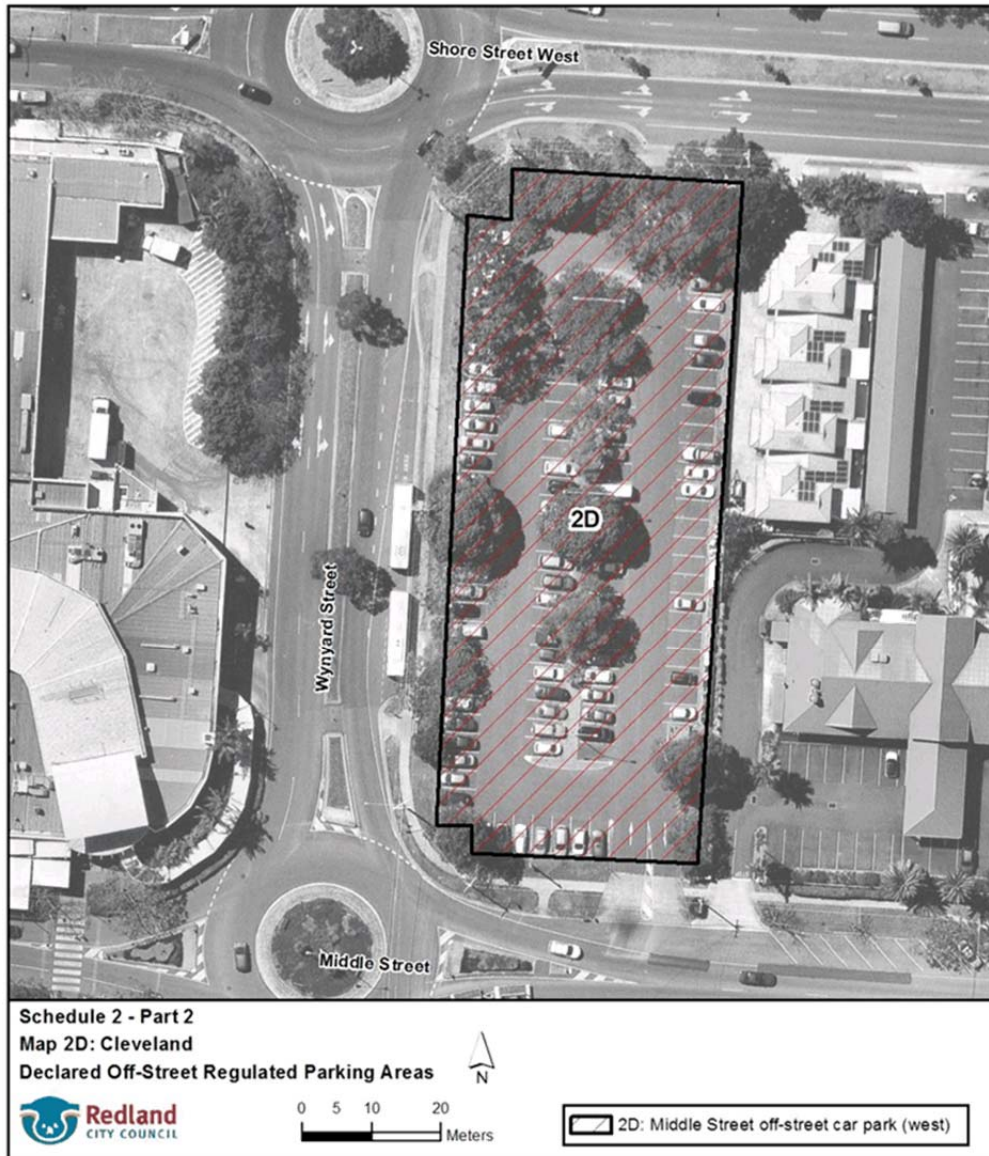


Map 2C



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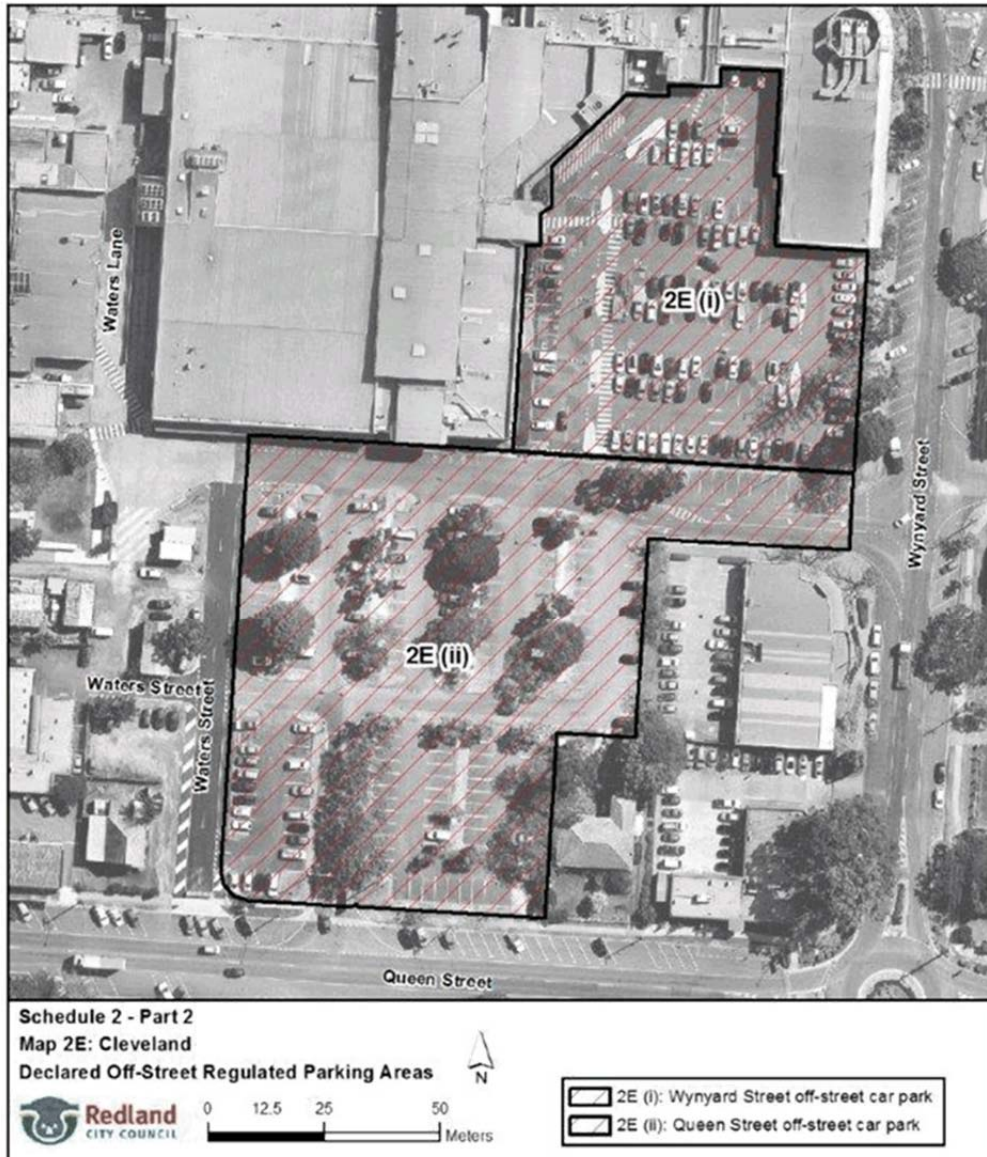
Map 2D



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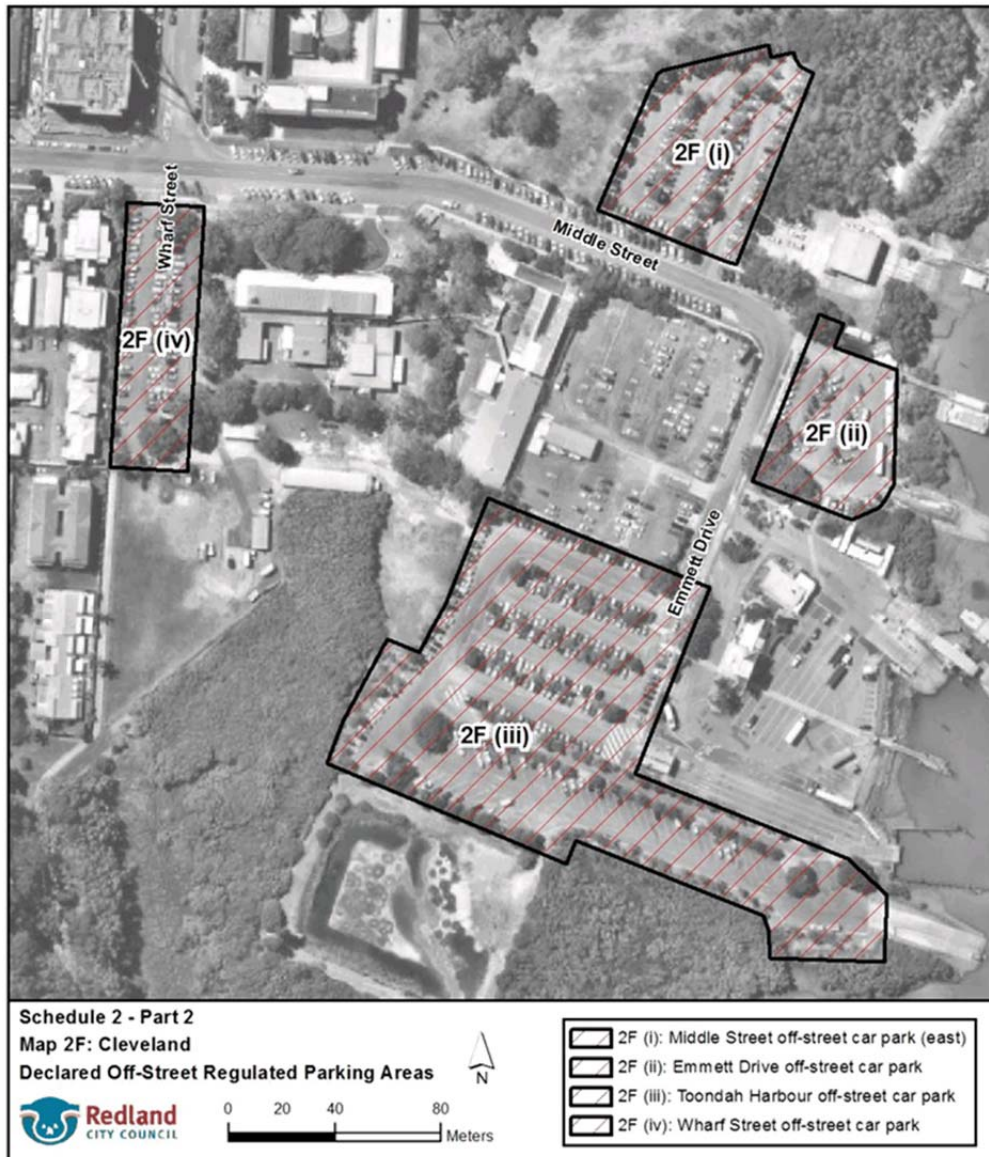


Map 2E



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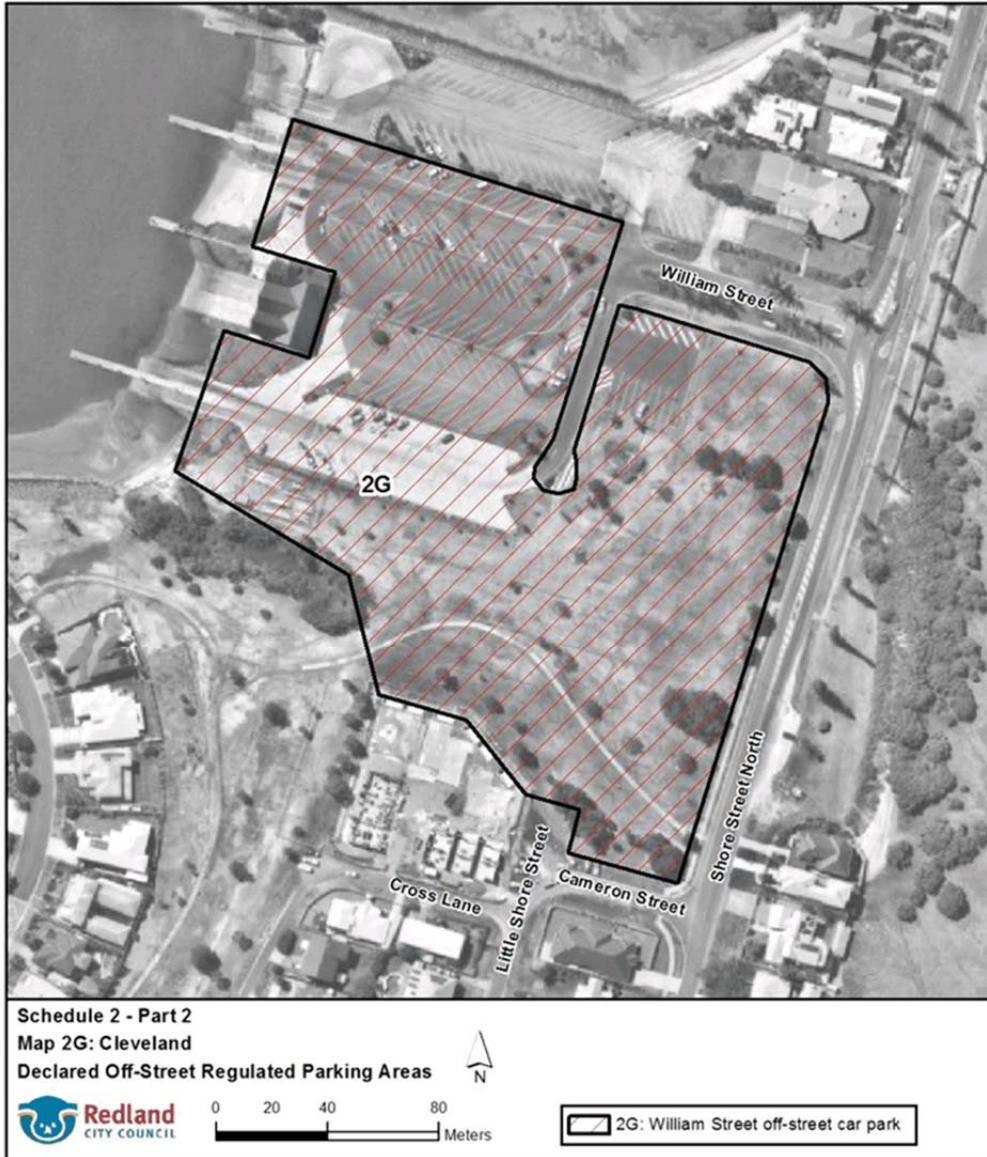
Map 2F



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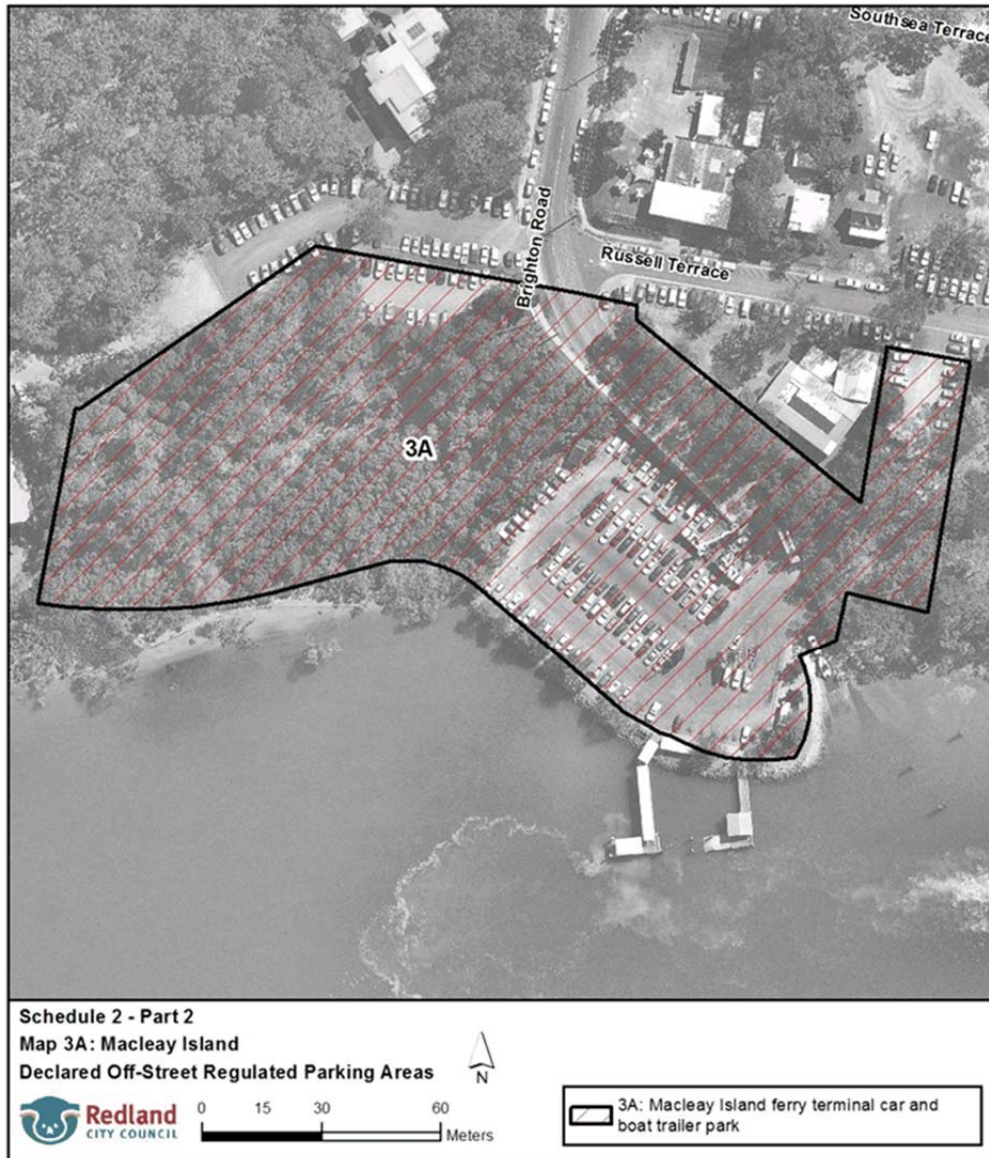


Map 2G



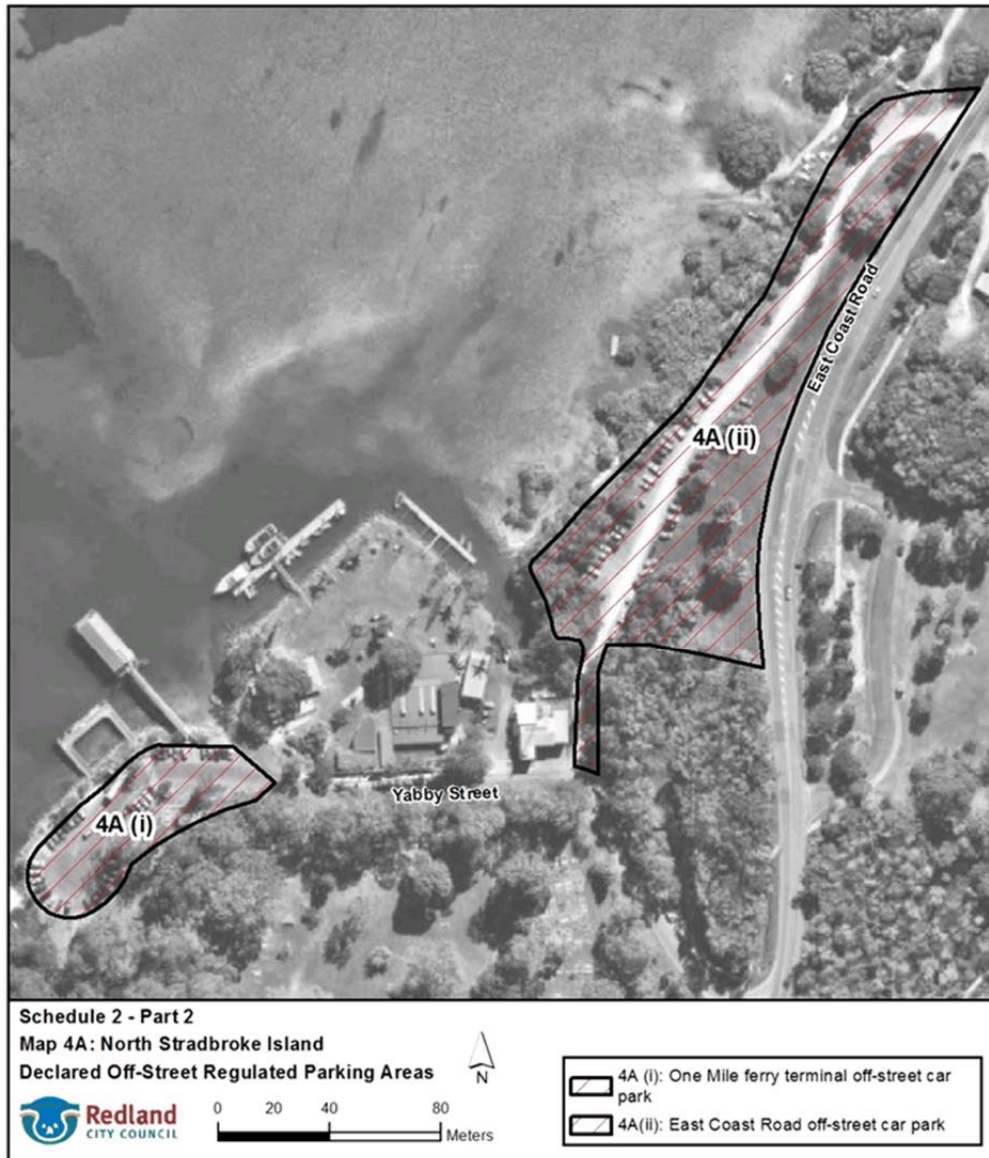
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Map 3A



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Map 4A



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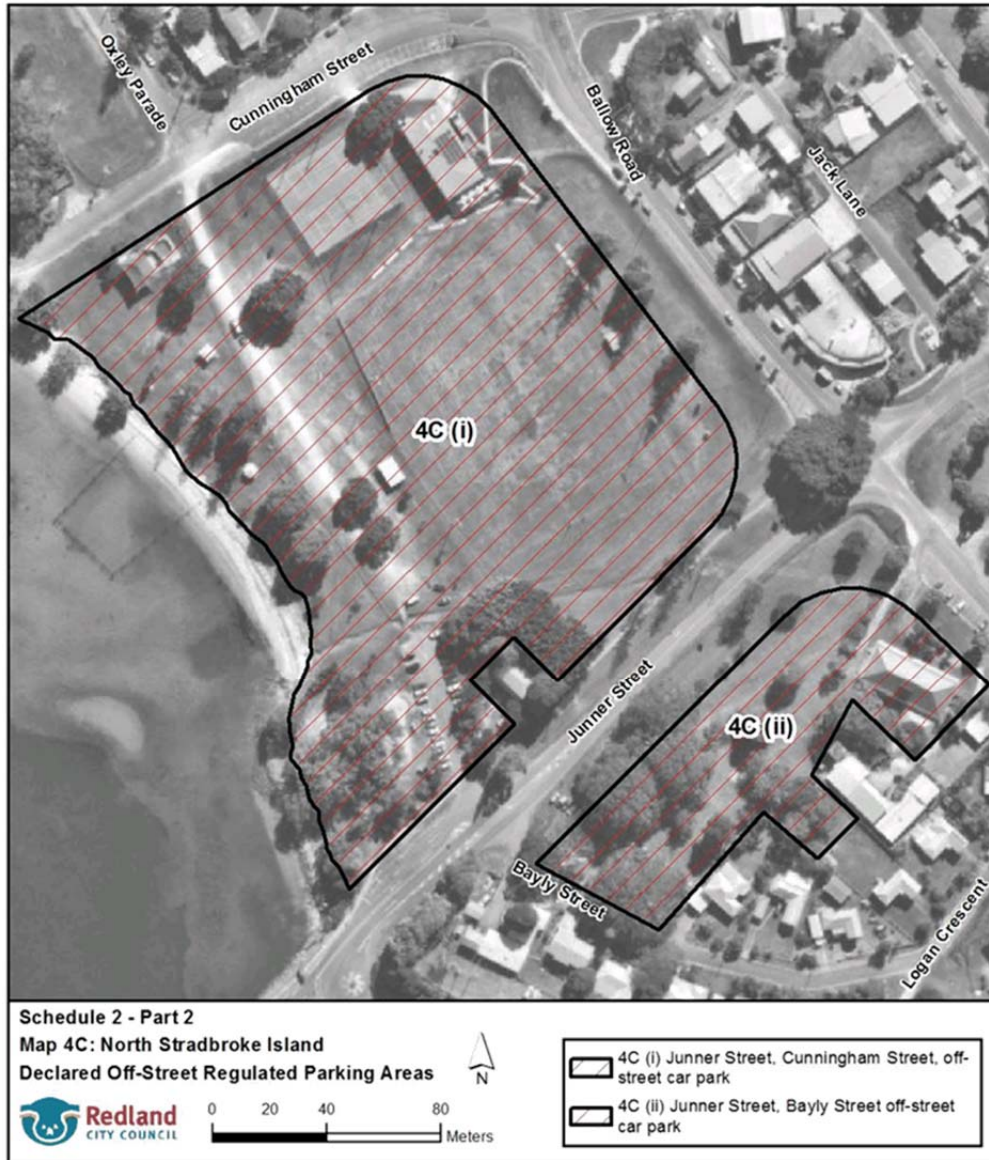


Map 4B



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Map 4C



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Map 5A



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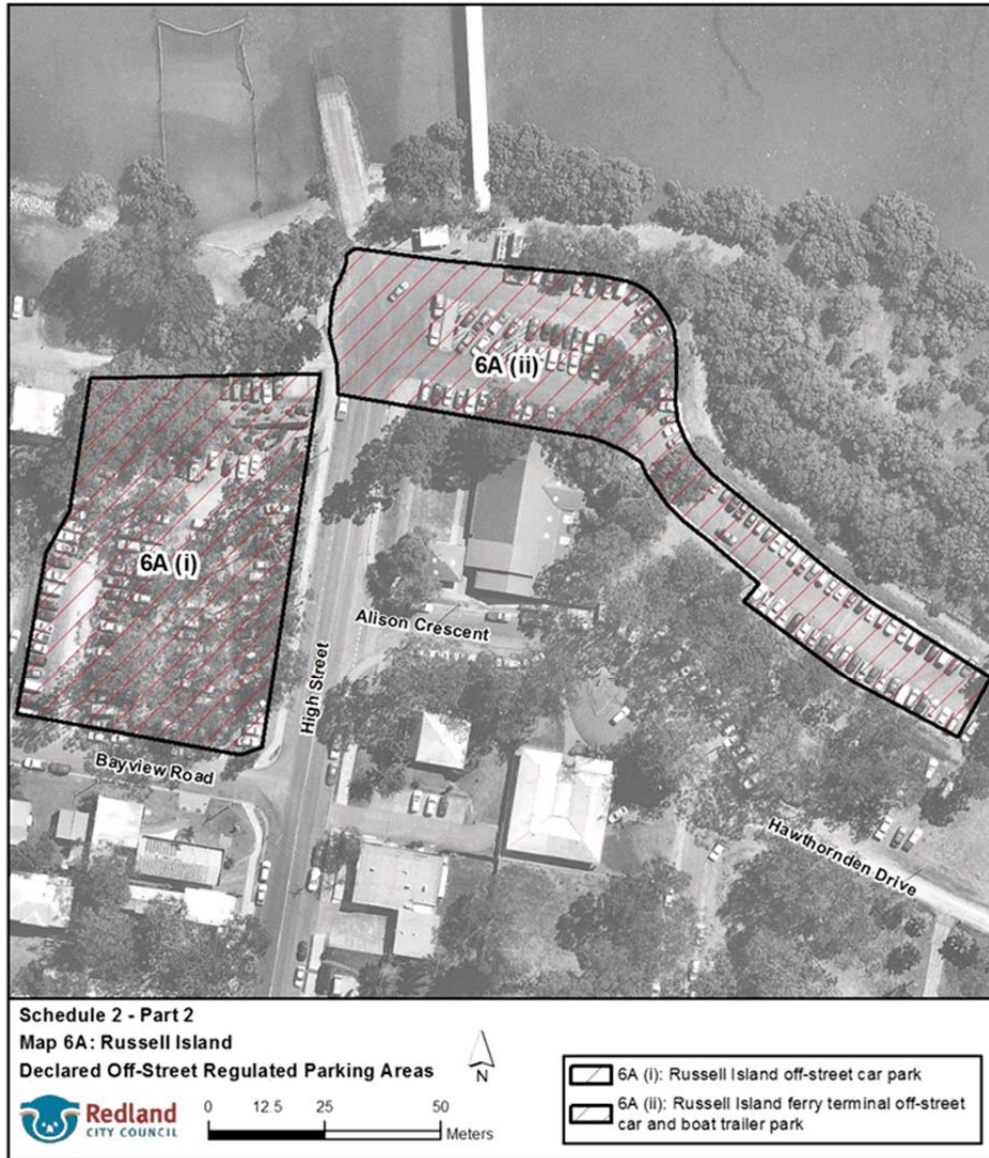
Map 5B



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Map 6A



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Map 6B



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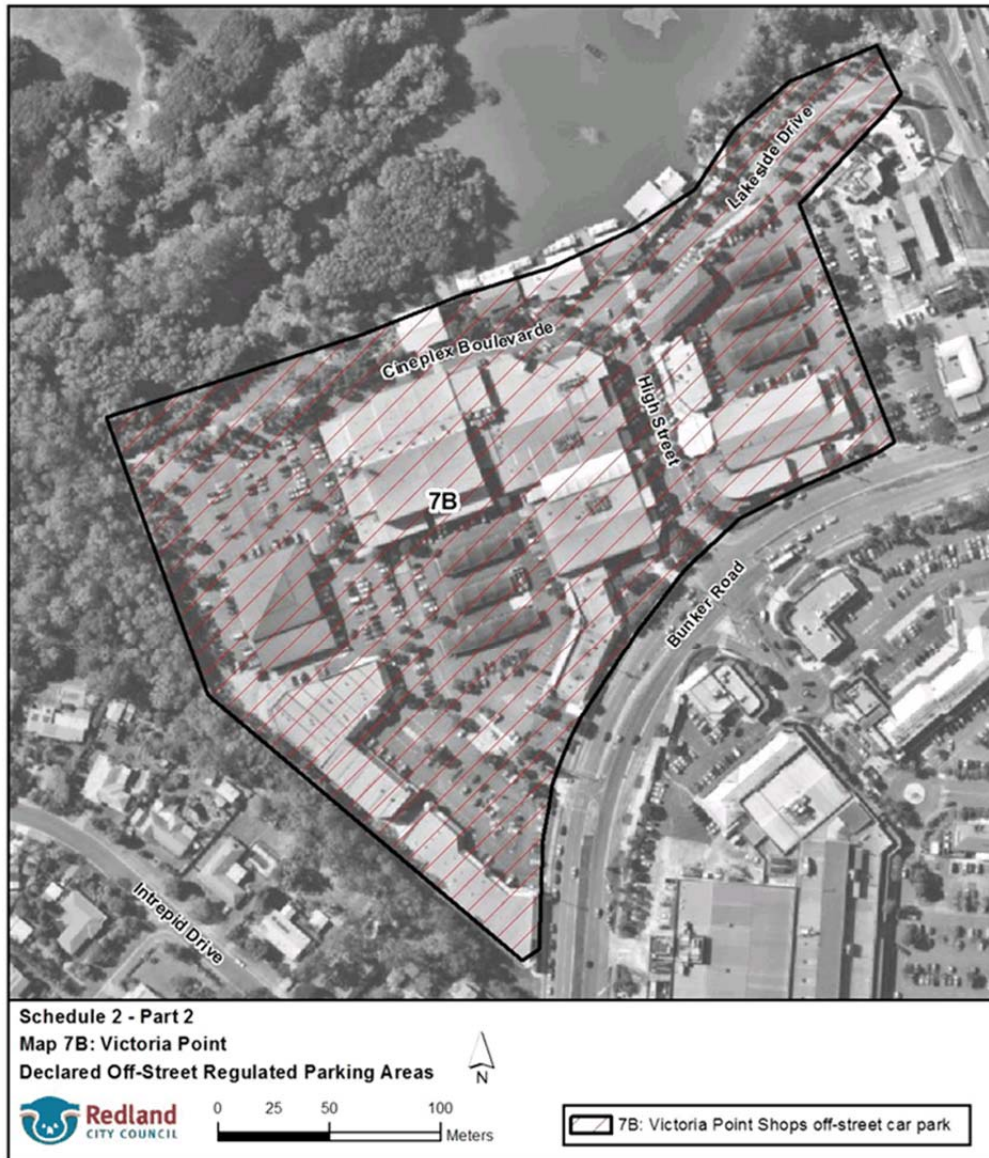


Map 7A



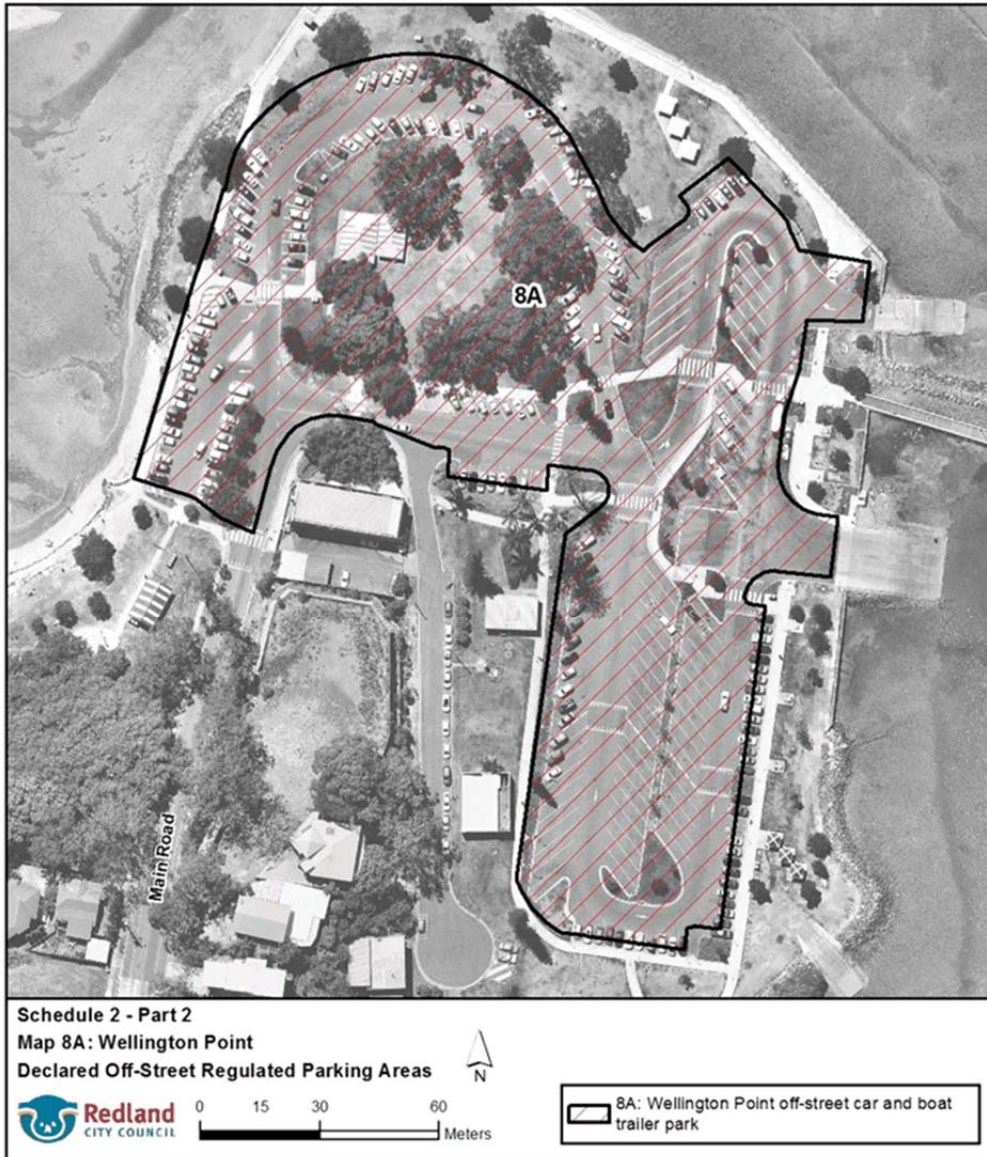


Map 7B



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Map 8A



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**Schedule 3 Definition — no parking permit area**

Section 4

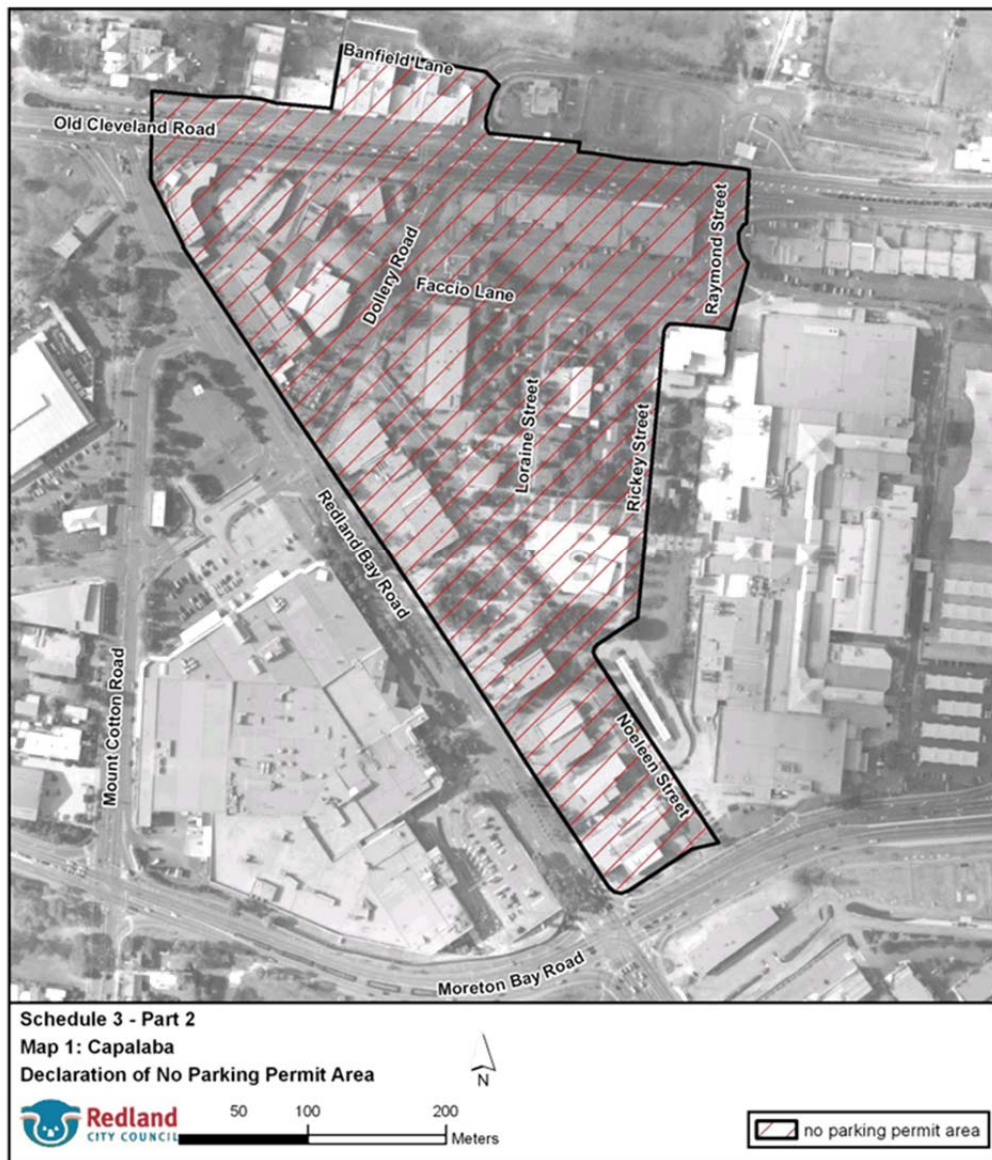
**Part 1 Description of no parking permit areas**

- (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.

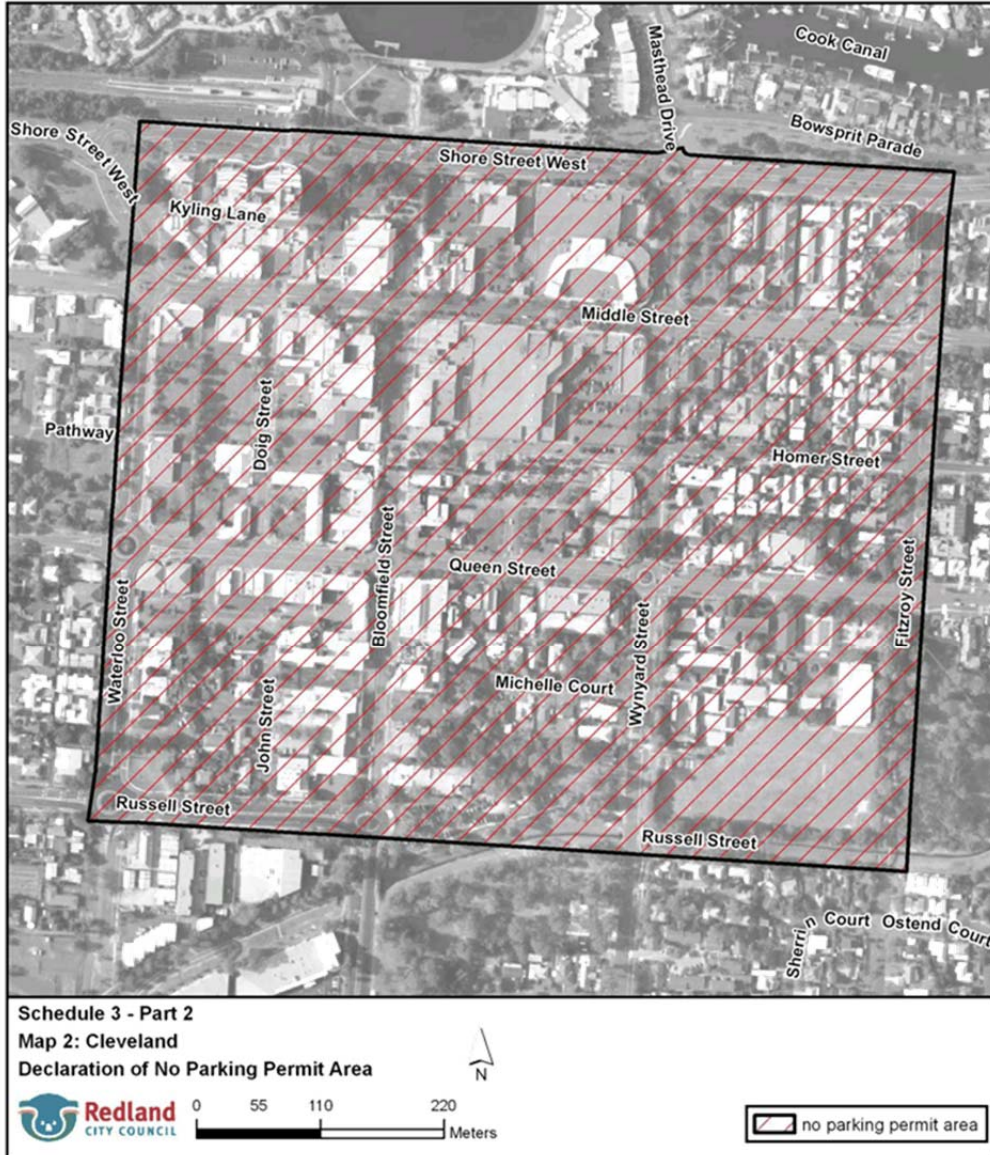


**Part 2 Maps of no parking permit areas**

**Map 1 - Capalaba**

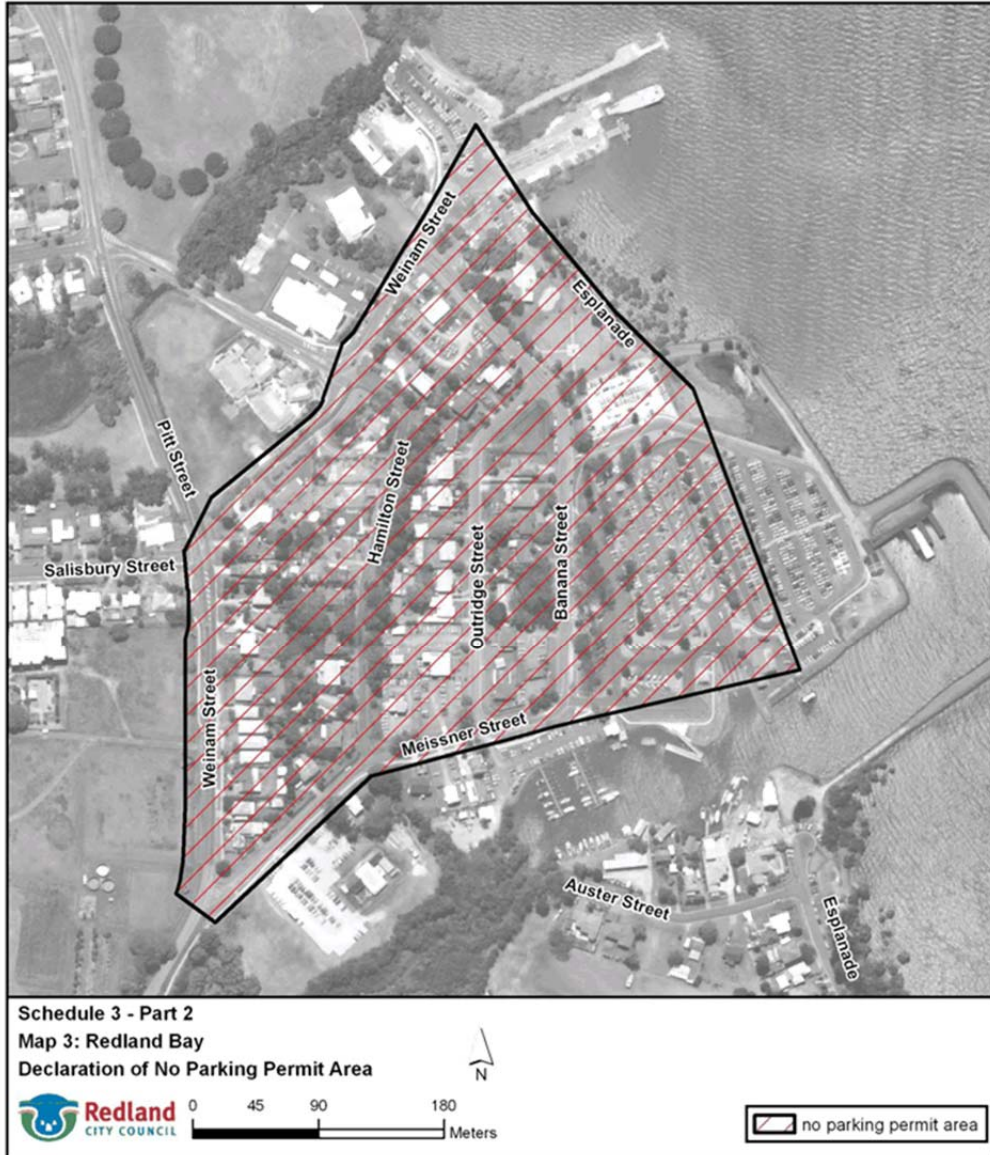


Map 2 - Cleveland





Map 3 – Redland Bay



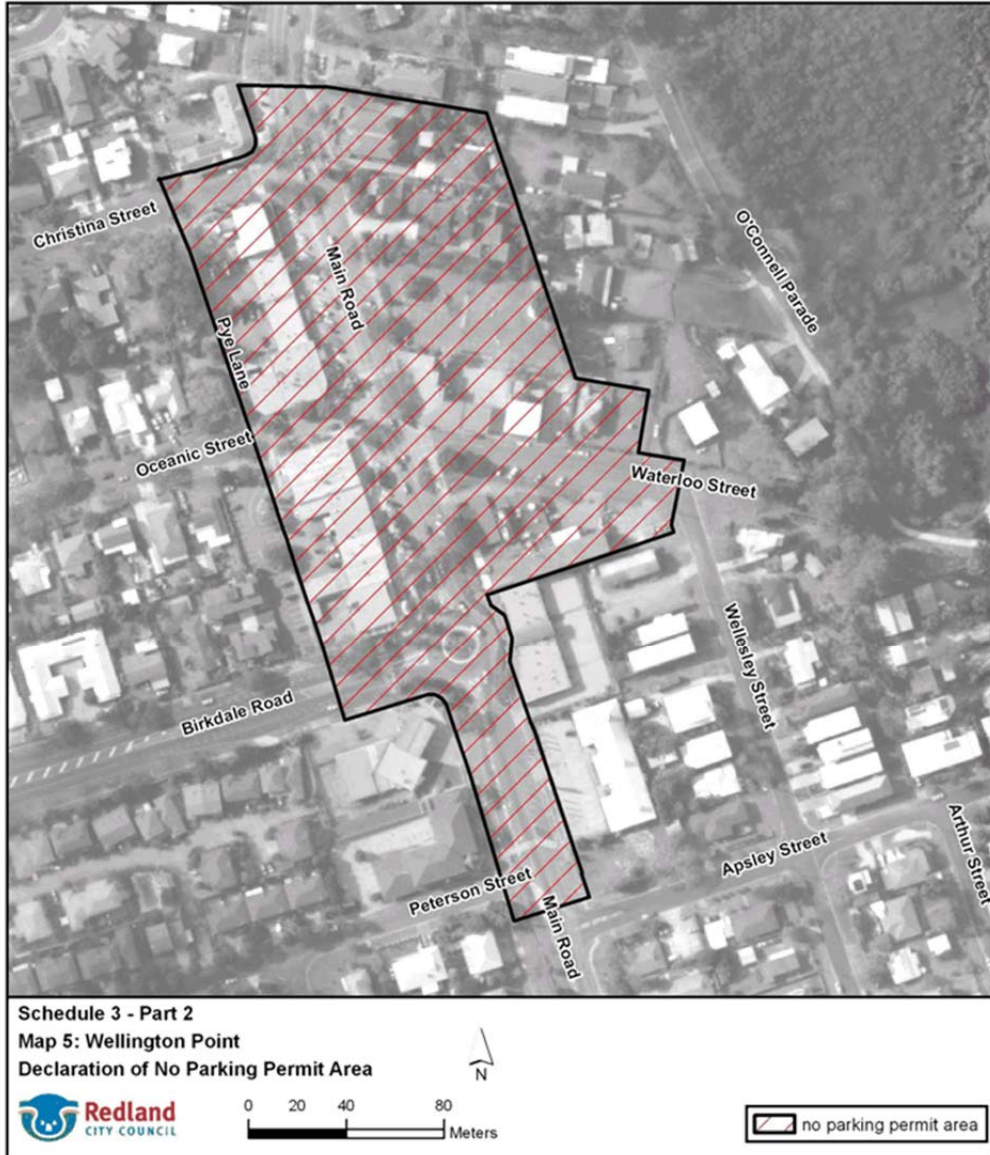
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Map 4 – Victoria Point





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 units
106(1)(a)(ii)	Parking a vehicle in a designated parking space unless the person has done what is required by an authorised system that applies in relation to the space	1 penalty units
106(1)(b)	Parking a vehicle in a designated parking space for a time longer than the maximum time indicated on the official traffic sign installed for the space	1 penalty units
106(1)(c)	Parking a vehicle in a designated parking space if another vehicle is parked in the space	1 penalty units
106(1)(d)	Parking a vehicle in a designated parking space so that the vehicle is not wholly within the space	1 penalty units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
167	Stopping on a length of road or in an area to which a no stopping sign applies	1 penalty units
168	Unauthorised driver stopping on a length of road or in an area to which a no parking sign applies	1 penalty units

	<b>Column 1</b>	<b>Column 2</b>
	<b>Minor Traffic Offence</b>	<b>Infringement notice penalty amount</b>
	<b>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</b>	
169	Stopping at the side of a road marked with a continuous yellow edge line	1 penalty units
170(1)	Stopping in an intersection	1 penalty units
171	Stopping on a children's crossing or on the road within 20m before the crossing or 10m after the crossing	1 penalty units
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 units
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 units
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 units
176(1)	Stopping on a road contrary to a clearway sign	1 penalty units
179(1)	Stopping an unauthorised vehicle in a loading zone	1 penalty units
181	Unauthorised driver stopping in a works zone	1 penalty units
182(1)	Stopping an unauthorised vehicle in a taxi zone	1 penalty units
183(1)	Stopping an unauthorised vehicle in a bus	1 penalty units

<b>Column 1</b>		<b>Column 2</b>
<b><i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i></b>	<b>Minor Traffic Offence</b>	<b>Infringement notice penalty amount</b>
	zone	
183(1)	Stopping a bus in a bus zone contrary to a bus zone sign	1 penalty units
185(1)	Stopping an unauthorised vehicle in a permit zone	1.4 penalty units
186(1)	Stopping in a mail zone	1 penalty units
189(1)(a)	Stopping on a two way road between the centre of the road and another vehicle parked at the side of the road	1 penalty units
191	Stopping on a road so as to obstruct traffic	1 penalty units
195(1)	Stopping within 20m before a bus stop unless permitted by a sign	1 penalty units
195(1)	Stopping within 10m after a bus stop unless permitted by a sign	1 penalty units
197(1)	Stopping on a bicycle path, footpath, shared path or dividing strip or a nature strip adjacent to a length of road in a built-up area unless permitted by a sign	1 penalty units
198(2)	Stopping on or across a driveway unless dropping off or picking up, passengers	1 penalty units
199	Stopping near a postbox	1 penalty units
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 shoulder of the road	1.4 penalty units
200(2)	Stopping a heavy vehicle or a long vehicle on a length of road in a built-up area for	1.4 penalty units

<b>Column 1</b>		<b>Column 2</b>
<b><i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i></b>	<b>Minor Traffic Offence</b>	<b>Infringement notice penalty amount</b>
	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	
202	Stopping contrary to a motorbike parking sign	1 penalty units
203(1)	Stopping contrary to a people with disabilities parking sign	1.4 penalty units
Part 12	Other parking offences provided for in Part 12 (Restrictions on stopping and parking)	1 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).



Redland City Council

**Subordinate Local Law No. 1.19  
(Placement of Shipping Containers,  
Railway Carriages and other Objects  
on Land) 2018**

*It is hereby certified that this a true and correct copy of Subordinate Local Law No. 1.19 (Placement of Shipping Containers, Railway Carriages and other Objects) 2018 made, in accordance with the Local Government Act 2009, by the Council of the City of Redland, by resolution dated 10 October 2018*

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A. Chesterman  
Chief Executive Officer

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## Redland City Council

### Subordinate Local Law No. 1.19 (Placement of Shipping Containers, Railway Carriages and other Objects on Land) 2018

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## **Schedule 1 Placement of Shipping Containers, Railway Carriages and Other Objects on Land**

### **1. Prescribed activity**

Placement of Shipping Containers, Railway Carriages and other Objects on Land

### **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 erection, installation, positioning or placement of a permitted shipping container, railway carriage or other object.
- (2) A permitted shipping container, railway carriage or other object is one that is erected, installed, positioned or placed in accordance with the zone categorisation criteria listed in Schedule 3 and the prescribed criteria in Schedule 4.
- (3) An approval is not required under the authorising local law for the prescribed activity if the activity is the erection, installation, positioning or placement of a shipping container that does not exceed 10m<sup>2</sup> in area

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

- (1) A drawing showing the design and dimensions of the proposed shipping container, railway carriage or other object.
- (2) A plan showing the proposed location of the shipping container, railway carriage or other object on the property.
- (3) If the applicant is not the owner of the land on which the shipping container, railway carriage or other object is (or is to be) located—the written consent of the owner.
- (4) Information on the proposed period of time the shipping container, railway carriage or other object will be placed on the land.
- (5) Details on what the shipping container, railway carriage or other object will be utilised for.

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

- (1) A lawful dwelling house exists on the property or is under construction.
- (2) The design, siting and materials of the shipping container, railway carriage or other object does not adversely affect the amenity of the surrounding area.
- (3) The erection, installation, positioning or placement of a shipping container, railway carriage or other object must comply with the zone categorisation

criteria specified in Schedule 3 and the prescribed criteria specified in schedule 4.

- (4) Compliance with the criteria in subsection (3) may be varied by the local government if, in the opinion of the local government, the undertaking of the prescribed activity complies with the criteria specified in subsections (1) and (2).

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

The conditions of an approval must require the approval holder to keep the shipping container, railway carriage or other object in good order and repair.

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

- (1) The conditions of an approval may—
  - (a) regulate the design, dimensions, and external appearance of the shipping container, railway carriage or other object; and
  - (b) require the approval holder to dismantle and/or remove the shipping container, railway carriage or other object by a specified date.

**7. Term of an approval**

- (1) The local government may specify the term of an approval. This is determined by the local government having regard to the information submitted by the applicant.
- (2) If applicable, the term of the approval must be specified in the approval.

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

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

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

Section

Nil

DRAFT

### **Schedule 3 Zone Categorisation for Placement of Shipping Containers, Railway Carriages and other Objects on Land**

1. The local government has divided the local government area into 6 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 purposes of this subordinate local law, only the following zone categories are used —
  - (a) Environmental
  - (b) Open space
  - (c) Residential
3. For the purpose of this subordinate local law, the relevant categories identified in the planning scheme of the local government are further categorized as follows—
  - (a) the environmental /rural zone category includes —
    - (i) the conservation zone; and
    - (ii) the environmental management zone; and
    - (iii) the rural non-urban zone
  - (b) the open space zone category includes the recreation and open space zone; and
  - (c) the residential zone category includes
    - (i) the emerging 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 character residential zone; and
    - (vi) the tourist accommodation zone; and
    - (vii) the low-medium density residential zone.
4. If a shipping container, railway carriage or other object is identified as ‘permitted’ in a specified zone category in the table in this schedule and meets the prescribed criteria in Schedule 4, a person may erect, install, position or place the shipping container, railway carriage or other object on the land without an approval from the local government. A permitted item that does meet the prescribed criteria in Schedule 4 becomes an ‘approval required’ item.
5. If a shipping container, railway carriage or other object is identified as ‘approval

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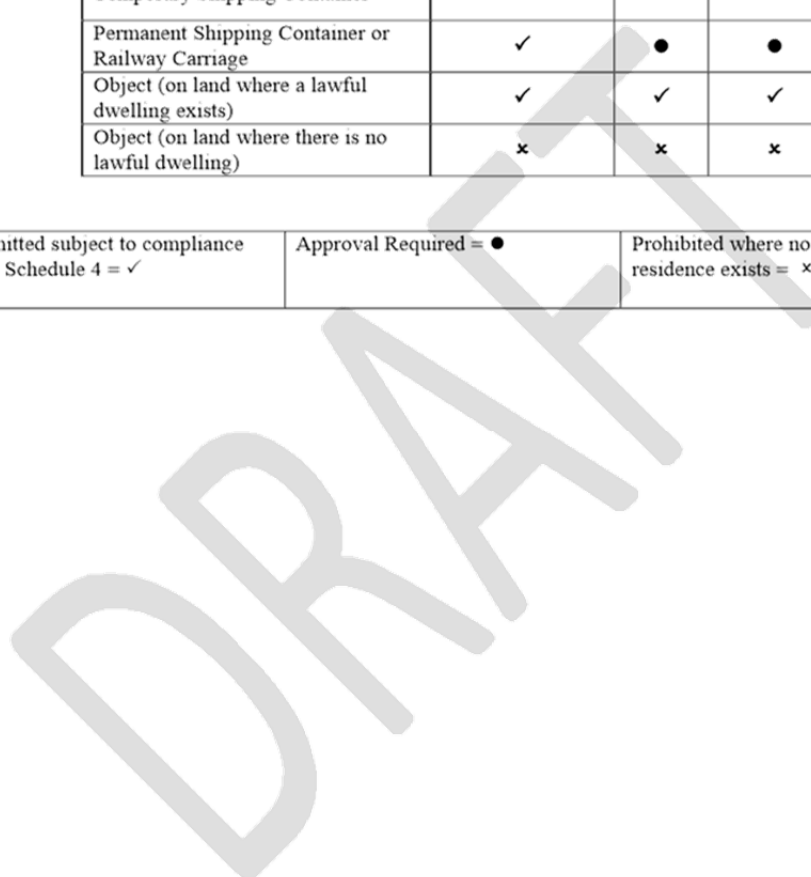
7

required' in a specified zone category in the table in this schedule, a person must not erect, install, position or place the shipping container, railway carriage or other object on the land without a current approval granted by the local government.

- 6. If a shipping container, railway carriage or other object is identified as 'prohibited' in a specified zone category in the table in this schedule, a person must not erect, install, position or place the shipping container, railway carriage or other object on the land.

Item	Zone Category		
	Environmental / Rural	Open Space	Residential
Temporary Shipping Container	✓	✓	✓
Permanent Shipping Container or Railway Carriage	✓	●	●
Object (on land where a lawful dwelling exists)	✓	✓	✓
Object (on land where there is no lawful dwelling)	✗	✗	✗

Permitted subject to compliance with Schedule 4 = ✓	Approval Required = ●	Prohibited where no lawful residence exists = ✗
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## Schedule 4 Prescribed Criteria for Placement of Shipping Containers, Railway Carriages and other Objects on Land

### Temporary shipping containers

Zone Category	Prescribed Criteria
All zone categories referred to in schedule 3 of this subordinate local law	<p>Where used for relocation purposes –</p> <ul style="list-style-type: none"> <li>- a lawful residence exists on the land ; and</li> <li>- the temporary shipping container is placed on land for no longer than four weeks</li> </ul> <p>OR</p> <p>Where used in association with the construction of a lawfully approved residence-</p> <ul style="list-style-type: none"> <li>- is removed within 2 weeks of the issuing of a final certificate in relation to, or occupation of, the residence (whichever occurs first)</li> <li>- is used only for the storage of construction related materials</li> </ul>

### Permanent shipping containers and railway carriages

Zone Category	Prescribed Criteria
Residential and Open Space	<p>A lawful residence exists on the land</p> <p>Not more than one permanent shipping container or one railway carriage is to be located on the land</p> <p>A permanent shipping container or a railway carriage is located behind the front façade of the lawful residence</p> <p>A permanent shipping container or a permanent railway carriage is set back at least 1.5 m from the side or rear boundaries of the land</p> <p>The placement of the permanent shipping container or railway carriage does not necessitate the removal of any protected vegetation</p> <p>A permanent shipping container or a permanent railway carriage is in good order and structurally sound so as to perform its purpose and avoid causing damage to other properties</p>
Environmental / Rural	<p>A lawful residence exists on the land</p> <p>Not more than one permanent shipping container or one railway carriage is to be located on the land</p>



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(Placement of Shipping Containers, Railway Carriages and other Objects on Land) 2018*

	<p>A permanent shipping container or a railway carriage is to be sited:</p> <ul style="list-style-type: none"> <li>• wholly within a development envelope; or</li> <li>• Where a development envelope does not exist, a permanent shipping container or a railway carriage is to be setback a minimum of 10 m from all boundaries of the land and is not visible from the street.</li> </ul> <p>The placement of the permanent shipping container or railway carriage does not necessitate the removal of any protected vegetation</p> <p>A permanent shipping container or a permanent railway carriage is in good order and structurally sound so as to perform its purpose and avoid causing damage to other properties</p>
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**Other objects**

<b>Zone Category</b>	<b>Prescribed Criteria</b>
All	A lawful dwelling exists on the land and the object is not occupied

## Schedule 5 Dictionary

### Section 4

**permanent shipping container** – means a shipping container that is placed on land for purposes other than for the purpose of a temporary shipping container.

**temporary shipping container** – means a shipping container that is placed on land with the sole purpose of transporting goods associated with moving from one residence house or is used in conjunction with the construction of an approved dwelling.

DRAFT

**Review of Anti-Competitive Provisions**

An anti-competitive provision in a local law is a provision which creates a barrier to entry to a market or competition within a market.

Section 38 of the *Local Government Act 2009 (Act)* provides that a local government cannot make a local law that contains an anti-competitive provision unless the local government has complied with the procedures prescribed under a regulation for the review of anti-competitive provisions. If the local government does not comply with the procedure prescribed under a regulation, the local law has no effect.

Section 15 of the *Local Government Regulation 2012 (Regulation)* provides that the procedure for review of anti-competitive provisions is set out in the National Competition Policy – guidelines for conducting reviews on anti-competitive provision in local laws (**Guideline**).

The below table sets out those provisions in the local laws and subordinate local laws attached to this paper which may be considered to be anti-competitive provisions, which exclusions apply to those provisions (if any) and any significant impacts that exist:

Local Law	Provision	What the provision provides	Reason(s)	Exclusions	Significant impacts
SLL 1.5	Schedule 1	Requires businesses to obtain a Council approval before keeping animals as a cattery, kennel or pet shop.	Possibly anti-competitive as it requires businesses to obtain approvals before operating and requires businesses to comply with standards of operation.	These local laws are designed to combat the spread of pests and disease, ensure accepted health and safety standards are met and are intended to deal with administrative procedures of Council.	N/A
SLL 1.8	Schedule 1	Requires businesses to obtain a Council approval before operating an accommodation park and imposes conditions upon the operation of the accommodation park.	Possibly anti-competitive as it requires businesses to obtain approvals before operating and requires businesses to comply with standards of operation.	These laws intend to ensure accepted public health standards are met. These laws also intend to regulate the behaviour of individuals at accommodation parks.	N/A

Local Law	Provision	What the provision provides	Reason(s)	Exclusions	Significant impacts
SLL 1.10	Schedule 1	Requires businesses to obtain a Council approval before operating a public swimming pool, and imposes conditions upon the operation of the swimming pool.	Possibly anti-competitive as it requires businesses to obtain approvals before operating and requires businesses to comply with standards of operation.	These laws intend to ensure accepted public health standards are met.	N/A
SLL 1.12	Schedule 1	Requires businesses to obtain approval before operating a temporary entertainment event, and imposes conditions upon the operation of the temporary entertainment event.	Possibly anti-competitive as it requires businesses to obtain approvals before operating and requires businesses to comply with standards of operation.	These laws intend to ensure accepted public health standards are met. These laws also intend to regulate the behaviour of individuals at temporary entertainment events.	N/A.
LL2	Section 52  (see also Schedule 5 of SLL2)	Imposes conditions upon businesses offering particular types of animals for sale.	Possibly anti-competitive as it requires businesses to comply with standards of operation.	These local laws are designed to combat the spread of pests and disease, and are intended to deal with administrative procedures of Council.	N/A

Local Law	Provision	What the provision provides	Reason(s)	Exclusions	Significant impacts
LL3	Part 7	Requires retailers to brand shopping trolleys and take all reasonable measures to keep shopping trolleys within the shopping centre precinct.	Possibly anti-competitive as it requires businesses to comply with standards of operation.	These local laws are designed to ensure accepted public health and safety standards are met.	<p>This law will impact any business which provides a wheeled shopping trolley for customer use. The size and characteristics of the affected businesses will vary business to business, but will primarily affect large businesses who provide trolleys for customer use. Having regard to the likely size of the affected businesses, the intensity of the potential impact is likely to be low.</p> <p>Businesses which provide trolleys for customer use will be disproportionately affected as compared with businesses which do not provide trolleys for customer use. The impact will be ongoing.</p> <p>It is also relevant to note that the provision may not create a barrier to entering the market as other surrounding local government areas have similar laws, which means there is not necessarily a greater obligation imposed on businesses providing shopping trolleys than what is provided in surrounding areas.</p>

Local Law	Provision	What the provision provides	Reason(s)	Exclusions	Significant impacts
					<p>The impact of the proposed local law is not significant.</p> <p>Council may pass the law, but record that it contains anti-competitive provisions, unless Council is satisfied that the purpose of the laws is to ensure accepted health and safety standards are met, in which case Council may pass the law without recording that it contains anti-competitive provisions.</p>
SLL4	Schedule 2 #3	Requires approvals to be obtained before carrying out various activities at a local government cemetery.	Possibly anti-competitive as it requires funeral businesses to obtain approvals before operating funerals at local government cemeteries.	<p>These local laws are designed to regulate the behaviour of individuals.</p> <p>These local laws are also presumably to deal with internal administrative procedures of Council for the management of its cemeteries.</p>	N/A

**RECOMMENDATION**

There are no anti-competitive provisions within the local laws which are not the subject of an exception or which would result in a significant impact requiring a comprehensive review of the local law to be conducted.

*Local Law No. 3 (Community and Environmental Management) 2015* contains anti-competitive provisions and the minutes of the meeting should reflect:

*Council notes that Local Law No 3 (Community and Environmental Management) 2015 contains anti-competitive provisions.*

A notice is to be published on Council's website noting that the local law contains anti-competitive provisions.



## 12.8 LOCAL LAW 4 (LOCAL GOVERNMENT CONTROLLED AREAS, FACILITIES AND ROADS) 2015 - AMENDMENT

### Objective Reference:

**Authorising Officer:** John Oberhardt, General Manager Organisational Services

**Responsible Officer:** Claire Lovejoy, Acting Group Manager Corporate Governance

**Report Author:** Kristene Viller, Policy and Local Laws Coordinator

**Attachments:** 1. Draft Local Law No. 4 (Local Government Controlled Areas & Roads) 2015

### PURPOSE

The purpose of this report is to recommend commencement of the Local Law Making Process to amend *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*.

### BACKGROUND

Council's local laws undergo a continual process of review to provide the best outcomes for both the community and Council. Potential amendments have been identified for *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015* that intend to enhance governance of the Redlands community and improve operational outcomes achieved through managing risks within the community.

### ISSUES

To ensure that Council parks and reserves are not being used inappropriately during the timeframes that they are closed, it is proposed to include a provision limiting use of the parks and reserves to bona fide park users. Bona fide users will be defined as a "person who is using or intends to use the park or reserves for lawful purpose relevant to the function of the park or reserve".

The inclusion of this provision will give the Queensland Police Service the head of power they require to "move on" individuals who are not undertaking activities that the park or reserve is intended for.

Council is undertaking a review of drone usage across the City to consider acceptable standards in Local Government Controlled Areas, Facilities and Roads.

### STRATEGIC IMPLICATIONS

#### Legislative Requirements

##### Local Law Making Process

The *Local Government Act 2009* (the Act), sets out a process that local governments must follow in the making of a local law. A local government can define its own process for making a local law as long as it is not inconsistent with the requirements of the Act. Council's adopted local law making process identifies stages that the process must go through to make a local law.

##### Community Consultation

Council's local law making process supports community consultation for a minimum of 21 days. This consultation allows the community to acknowledge their support for the local law

amendments or to identify any concerns they may have. All properly made submissions received during the consultation period will be reviewed and considered.

### State Interest Checking

Following community consultation, State interest checking will be undertaken.

### **Risk Management**

The risks associated with making the subordinate local laws will be managed by:

- a) ensuring the process to make the local law is in accordance with legislative standards and the adopted Redland City Council Local Law Making Process;
- b) comprehensive internal stakeholder engagement to ensure the local law will promote effective governance to the community;
- c) utilising external solicitors to draft the local law to ensure the legislative principles are followed in the drafting; and
- d) review of the identified anti-competitive provisions to ensure adherence to the National Competition Policy Guidelines.

### **Financial**

The cost of drafting the local law, community consultation and publication are funded through existing budget allocations within the Strategy and Governance Unit and the Legal Services Unit.

### **People**

The proposed amendments outlined in this report will impact operational resources throughout Council through changes to operational processes. These impacts are anticipated to be absorbed within the current resource allocations within the teams.

### **Environmental**

There are no environmental implications.

### **Social**

The proposed amendments to the local law will relate to all members of the community. There has been escalating anti-social activities occurring at some parks and reserves; the amendments will provide Queensland Police Service with the powers necessary to assist Council in "moving on" those individuals undertaking unfavourable activities. In addition it will regulate the use of drones in Local Government Controlled Areas, Facilities and Roads.

The community consultation period will provide the opportunity for community members to voice their support, concerns or suggestions regarding the proposed amendment.

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

The process for making the proposed local law is in accordance with Council's adopted practice for making local laws.

This process is 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

The following officers met on 1 August 2018 and the outcome of that meeting was to move forward with the proposed amendments to *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*:

- General Manager Community and Customer Services
- General Counsel
- Group Manager City Infrastructure
- Group Manager Environment and Regulation
- Service Manager Facilities Services
- Service Manager Strengthen Communities
- Service Manager Compliance
- Facilities Coordinator

## OPTIONS

### Option One

In accordance with Council's Local Law Making Process adopted on 19 April 2017, pursuant to section 29 of the *Local Government Act 2009*, Council resolves to:

1. commence the local law making process for *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*; and
2. undertake State interest checking on the proposed amendments to *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*.

### Option Two

That Council resolves not to proceed with making amendments to *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*.

## OFFICER'S RECOMMENDATION

In accordance with Council's Local Law Making Process adopted on 19 April 2017, pursuant to section 29 of the *Local Government Act 2009*, Council resolves to:

1. commence the local law making process for *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*; and
2. undertake State interest checking on the proposed amendments to *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*.

Attachment

Detail of Proposed Amendment

## Subordinate Local Law Amendments

### Attachment – Detail of Proposed Amendments

#### Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015

Law	Issue	Proposed Amendment
Local Law No. 4	Wellington Point Reserve has an ongoing issue of anti-social behaviour during the times the reserve is closed.	Include a provision prohibiting bringing a motor vehicle onto the reserve unless person is a bona fide park user.

Officers have reported that during the time periods that Wellington Point Reserve is closed there has been an increase in anti-social behaviour being displayed. People should not be in Council parks or reserves outside of the operating hours unless for a legitimate purpose. In the case of Wellington Point Reserve this might be to launch a boat or go fishing.

Enquiries with Queensland Police Service have identified that they are unable to 'move on' individuals that are not undertaking activities that the park/reserve is intended for as there is no head of power within Council's local law for them to act on.

In the obsolete Local Law No. 15 (Parks and Reserves) the concept of a bona fide park user was used. A bona fide user means a person who is using or intends to use a park or reserve for lawful purpose relevant to the function of the park or reserve.

Examples of persons that are not bona fide park users are: persons using a car park within a park or reserve to park their vehicles while they attend to some other business or personal affairs having nothing to do with genuine use of the park; persons who use a car park or reserve as all day or overnight parking for a private or commercial vehicle; persons who use a defined roadway with a park or reserve (not being a foreshore) as a thoroughfare rather than as a means of access to or from the park or reserve.

Local Law	Issue	Proposed Amendment
Local Law No. 4;	Section 6 Motor vehicle access to local government controlled areas does not include a provision limiting use of the park or reserve for other than bona fide reasons.	Add a provision s6(8) A person must not bring a motor vehicle onto, or drive a motor vehicle on a park or reserve, even if it would otherwise be lawful to do so under this section, unless that person is a bona fide park user.
	No definition of bona fide park user in the current drafting	Add a provision s6(9) which defines bona fide park user for the purposes of s6(8).
Schedule	No definition of bona fide park user in the dictionary	Add definition of bona fide park user 'means a person who is

Attachment

Detail of Proposed Amendment

Local Law	Issue	Proposed Amendment
		using or intends to use a park or reserve for lawful purpose relevant to the function of the park or reserve.

## 12.9 GAZETTAL OF WELLINGTON POINT AS BATHING RESERVE - COMMUNITY CONSULTATION PLAN

### Objective Reference:

**Authorising Officer:** John Oberhardt, General Manager Organisational Services

**Responsible Officer:** Claire Lovejoy, Acting Group Manager Corporate Governance

**Report Author:** Kristene Viller, Policy and Local Laws Coordinator

**Attachments:** 1. Summary of Changes to Subordinate Local Laws

### PURPOSE

The purpose of this report is to present the draft local law amendments and community consultation plan for Council to consider and approve, prior to the community consultation period commencing.

### BACKGROUND

On 3 June, 2015 Council resolved to make application to the State Government for the gazettal of part of Wellington Point as a bathing reserve. The Mayor wrote to the then Minister for Infrastructure, Local Government and Planning on behalf of Redland City Council making application. The application has not been completed to date.

On 7 March 2018 Council resolved to proceed with the process to Gazette Wellington Point Beach as a bathing reserve.

### ISSUES

Amendments to the following Subordinate Local Laws have been drafted in accordance with Council's adopted Local Law Making Process and the *Local Government Act 2009*.

#### ***Subordinate Local Law No. 7 (Bathing Reserves) 2015***

To remove non-motorised equipment such as surf skis or sail boards from the table of restricted aquatic equipment in Schedule 2 that is not permitted within 60m of a bathing reserve.

To include a provision in Schedule 2; that restricts non-motorised equipment such as surf skis or sail boards within 10 metres of a bathing reserve.

#### ***Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015***

To include Wellington Point Beach in the table of Bathing Reserves contained in Schedule 6.

In accordance with Council's adopted local law making process, the next step is to undertake community consultation on the proposed local law amendments.

This process is also a requirement of the State Government as part of the gazettal application and it is proposed to do the community consultation simultaneously.

#### Community Consultation

It is proposed that the community consultation on the draft subordinate local laws and the gazettal application is conducted for a period of 21 days commencing on 24 October 2018 and concluding on 14 November 2018.

The consultation will include:

- Public Notice in the Redland City Bulletin;
- Redland City Council website communication and online submission form;
- Display of the public notice in Council's Customer Service Centres and copy of the draft local laws available for review or purchase; and
- Printed submission forms will be available at Customer Service Centres.

#### Anti-competitive Provisions

Section 38 of the *Local Government Act 2009* requires Council to review for any possible anti-competitive provisions when making local and subordinate local laws. An anti-competitive provision is a provision that is identified as creating barriers for entry into a market, or barriers within a market.

A review of any anti-competitive provisions has been undertaken and advice sought from Council's external solicitors.

The review found there are no anti-competitive provisions within the subordinate local laws which are not the subject of an exception or which would result in a significant impact requiring a comprehensive review of the subordinate local law to be conducted.

#### Native Title Consultation

A requirement of the gazettal application is that Council undertake consultation with Native Title bodies corporate and/or claimants and all objections raised are resolved before submitting the application. Evidence of any issues or conflicts that have been resolved and the Native title claimants or title holder's agreement to Council's application for control of the foreshore must be provided.

A letter will be prepared and provided to the claimant of the Quandamooka Coast Claim (QUD126/2017 – QC2017/004).

#### Cultural Heritage

The *Aboriginal Cultural Heritage Act 2003* regulates the effective recognition, protection and conservation of Aboriginal cultural heritage. The Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC) is the registered cultural heritage body for the area covered by the Quandamooka Coast Claim. It is recommended that Council engage in consultation with QYAC through the community consultation process to provide the opportunity to consider impacts on Aboriginal cultural heritage.

### **STRATEGIC IMPLICATIONS**

#### **Legislative Requirements**

The *Local Government Act 2009* details prescriptive provisions that local governments are required to adhere to in the process of making, recording and reviewing local laws.

The amended subordinate local laws have been drafted in accordance with the *Local Government Act 2009*, the Guidelines for Drafting Local Laws issued by the Parliamentary Counsel and the principles under the *Legislative Standards Act 1992*.

Following the community consultation period the subordinate local laws will undergo a process of State interest checks and in accordance with the requirements of the gazettal application,



additional agencies must be contacted. These include Coastal Protection Authority, Maritime Transport and National Parks.

### **Risk Management**

The risks associated with making the subordinate local laws have been managed by:

- a) ensuring the process to make the subordinate local laws is in accordance with legislative standards and the adopted Redland City Council Local Law Making Process;
- b) comprehensive internal stakeholder engagement to ensure the subordinate local laws will promote effective governance to the community;
- c) utilising external solicitors to draft the various subordinate local laws to ensure the legislative principles are followed in the drafting; and
- d) review of the identified anti-competitive provisions to ensure adherence to the National Competition Policy Guidelines.

Should the application to gazette Wellington Point Beach be rejected the changes to the subordinate local laws will not proceed.

### **Financial**

The cost of drafting the subordinate local laws, community consultation and publications are funded through existing budget allocations within the Strategy and Governance Unit and the Legal Services Unit.

### **People**

The community consultation process will have an impact on resourcing within the Strategy and Governance Unit and Communications Unit. It is anticipated that this work will be absorbed by current resourcing.

### **Environmental**

There are no environmental implications.

### **Social**

Local Government provides for the good governance of the local government area through their local laws. The subordinate local laws attached to this report have the potential to impact members of the Redlands Community.

The community consultation process aims to ensure an equitable and transparent process, with opportunity for the community to voice their support, concerns or suggestions regarding the proposed amendments.

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

The process for making the proposed subordinate local laws is in accordance with Council's adopted practice for making local laws.

This process is 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 subordinate local laws, formalising the application for gazettal of the bathing reserve and developing the community engagement plan, consultation occurred with:

- Department of Local Government, Racing and Multicultural Affairs
- Department of Natural Resources, Mines and Energy (DNRME)
- Survey Services Manager
- Service Manager City Sports and Venues
- Group Manager City Operations
- Governance Service Manager
- Group Manager Corporate Governance
- External Solicitors

## OPTIONS

### Option One

In accordance with Council's Local Law Making Process adopted on 19 April 2017, pursuant to section 29 of the *Local Government Act 2009*, Council resolves to:

1. consult with the community for at least 21 days (the consultation period) about:
  - a. *Subordinate Local Law No. 7 (Bathing Reserves) 2015*;
  - b. *Subordinate local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015* by:
    - i. publishing a notice (a consultation notice) about the proposed amendments at least once in a newspaper circulating generally in the local government area;
    - ii. displaying the consultation notice in a conspicuous place at Customer Service Centres from the first day of the consultation period until the end of the last day of the consultation period;
    - iii. making particulars of the proposed amendments available for inspection at the Customer Service Centres from the first day of the consultation period until the end of the last day of the consultation period;
    - iv. making particulars of the proposed amendments available on Council's website from the first day of the consultation period until the end of the last day of the consultation period with an online submission form available; and
2. accept and consider every submission properly made to Council about the following local laws:
  - a. *Subordinate Local Law No. 7 (Bathing Reserves) 2015*; and
  - b. *Subordinate local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*.

### Option Two

That Council resolves to not continue with the local law making process.

**OFFICER'S RECOMMENDATION**

In accordance with Council's Local Law Making Process adopted on 19 April 2017, pursuant to section 29 of the *Local Government Act 2009*, Council resolves to:

1. consult with the community for at least 21 days (the consultation period) about:
  - a. *Subordinate Local Law No. 7 (Bathing Reserves) 2015*;
  - b. *Subordinate local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015* by:
    - i. publishing a notice (a consultation notice) about the proposed amendments at least once in a newspaper circulating generally in the local government area;
    - ii. displaying the consultation notice in a conspicuous place at Customer Service Centres from the first day of the consultation period until the end of the last day of the consultation period;
    - iii. making particulars of the proposed amendments available for inspection at the Customer Service Centres from the first day of the consultation period until the end of the last day of the consultation period;
    - iv. making particulars of the proposed amendments available on Council's website from the first day of the consultation period until the end of the last day of the consultation period with an online submission form available; and
2. accept and consider every submission properly made to Council about the following local laws:
  - a. *Subordinate Local Law No. 7 (Bathing Reserves) 2015*; and
  - b. *Subordinate local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*.

## Subordinate Local Law Amendments

### Attachment – Detail of Proposed Amendments

**Subordinate Local Law No. 7 (Bathing Reserves) 2015**

Law	Issue	Proposed Amendment
Subordinate Local Law No. 7	Wellington Point Reserves is a very popular beach especially in school holidays. Surf lifesaving Queensland conducted a risk assessment of the area and identified a number of issues with regard to motorised aquatic equipment.	Amend Schedule 2 (Restricted aquatic equipment for bathing reserves or parts of bathing reserves) to restrict the use of motorised aquatic equipment within 60 m of a bathing reserve and non-motorised equipment within 10 m.

Schedule 2 of Subordinate Local Law No. 7, outlines the aquatic equipment that is restricted in bathing reserves and the extent of that restriction. As currently drafted Schedule 2 (1) restricts all aquatic equipment both motorised and non-motorised to within 60m of a bathing reserve. The draft amendment (see below) will remove reference to non-motorised equipment from Schedule 2 (1) and create a new provision Schedule 2 (2) which will allow non-motorised equipment such as Kayaks; Stand up paddle boards, surf ski's etc. to be launched within 10m of the bathing reserve. It is recommended that the reference to non-motorised aquatic equipment is removed for item (1) of Schedule 2 and the new provision (2) is added.

	<b>Column 1 Bathing reserve or part of bathing reserve</b>	<b>Column 2 Restricted aquatic equipment</b>	<b>Column 3 Extent of restriction</b>
1	All bathing reserves within the local government area.	(a) a motorised boat or vessel; or (b) a jet ski; or (c) another motorised device 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. Note – The 60m distance may be determined by the placement of a black and white beach safety flag (BF04) of the design prescribed by Australian Standard No. 2416 by an authorised person.  (b) This section does not apply to life-saving equipment used by members of a life-

Attachment

Detail of Proposed Amendments

	<b>Column 1 Bathing reserve or part of bathing reserve</b>	<b>Column 2 Restricted aquatic equipment</b>	<b>Column 3 Extent of restriction</b>
			saving patrol for surveillance of the bathing reserve or to assist bathers in distress
2	All bathing reserves within the local government area.	(a) a non-motorised boat or vessel; or (b) a surf ski; or (c) a surf board; or (d) a sail board; or (f) another non-motorised device 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 10m of a bathing area in a bathing reserve. Note – The 10m distance may be determined by the placement of a black and white beach safety flag (BF04) of the design prescribed by Australian Standard No. 2416 by an authorised person. (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

**Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015**

Law	Issue	Proposed Amendment
Subordinate Local Law No. 4	Surf Lifesaving Queensland undertook a risk assessment of Wellington Point Beach in 2015. Council is unable to action all the recommendations in the report as Wellington Point Beach is not a gazetted bathing reserve.	Update schedule 6 to identify Wellington Point Beach as a bathing reserve.
Schedule 2 (a)	References section 66(3)(b) of the Transport Operations (Road Use Management) Act 1995	Following amendments to the Act the correct reference is section 66(3)(d).
Schedule 7	Bathing reserve is defined as having the meaning given in the <i>Local Government Regulation</i>	Update definition to 'means an area placed under the control of a local government as a

Attachment Detail of Proposed Amendments

Law	Issue	Proposed Amendment
	2012.	bathing reserve under section 62 (Bathing reserves) of the <i>Local Government Regulation 2012</i>
	Plant is defined as ‘has the meaning given in the <i>Land Protection (Pest and Stock Route Management) Act 2002</i> ’.	Update definition to ‘means a member of the plant kingdom, other than a protected plant under the <i>Nature Conservation Act 1992</i> , and includes all or any part of the flowers, seeds or genetic or reproductive material of the plant.
	Public transport waiting point definition references section 26ZPA of the <i>Tobacco and Other Smoking Products Act 1998</i>	Following amendments to the Act the correct reference is section 26ZKB.

Gazetted Bathing Reserves are listed in Schedule 6 of SLL 4. Each of the listed reserves has been gazetted by the State Government. The amendment to SLL4 will not be finalised until Council’s application for gazettal of Wellington Point Beach is approved by the State.

Currently the following is the list of gazetted bathing reserves contained in Schedule 6.

**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

It is proposed to include:

Wellington Point Beach	Wellington Point Reserve
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## 13 REPORTS FROM COMMUNITY & CUSTOMER SERVICES

### 13.1 DECISIONS MADE UNDER DELEGATED AUTHORITY FOR CATEGORY 1, 2 AND 3 DEVELOPMENT APPLICATIONS

**Objective Reference:**

**Authorising Officer:** Louise Rusan, General Manager Community & Customer Services

**Responsible Officer:** David Jeanes, Group Manager City Planning & Assessment

**Report Author:** Hayley Saharin, Senior Business Support Officer

**Attachments:** 1. Decisions Made under Delegated Authority 12.08.2018 to 15.09.2018

#### 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 only.

This information is provided for public interest.

#### BACKGROUND

At the General Meeting of 21 June 2017, Council resolved that development assessments be classified into the following four categories:

- Category 1 – minor code and referral agency assessments;
- Category 2 – moderately complex code and impact assessments;
- Category 3 – complex code and impact assessments; and
- Category 4 – major assessments (not included in this report)

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

**Category 1** - Minor code assessable applications, concurrence agency referral, minor operational works and minor compliance works; minor change requests and extension to currency period where the original application was Category 1 procedural delegations for limited and standard planning certificates.

Delegation Level: Chief Executive Officer, General Manager, Group Managers, Service Managers, Team Leaders and Principal Planners as identified in the officer's instrument of delegation.

**Category 2** - In addition to Category 1, moderately complex code assessable applications, including operational works and compliance works and impact assessable applications without objecting submissions; other change requests and variation requests where the original application was Category 1, 2, 3 or 4\*. Procedural delegations including approval of works on and off maintenance, release of bonds and full planning certificates.

*\* Provided the requests do not affect the reason(s) for the call in by the Councillor (or that there is agreement from the Councillor that it can be dealt with under delegation).*

Delegation Level: Chief Executive Officer, General Manager, Group Managers and Service Managers as identified in the officer's instrument of delegation.



**Category 3** - In addition to Category 1 and 2, applications for code or impact assessment with a higher level of complexity. They may have minor level aspects outside a stated policy position that are subject to discretionary provisions of the planning scheme. Impact applications may involve submissions objecting to the proposal readily addressable by reasonable and relevant conditions. Assessing superseded planning scheme requests and approving a plan of subdivision.

Delegation Level: Chief Executive Officer, General Manager and Group Managers as identified in the officer's instrument of delegation.

**OFFICER'S RECOMMENDATION**

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

## Decisions Made under Delegated Authority 12.08.2018 to 18.08.2018

### CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR18/0274	Dwelling - Build Over or Near Relevant Infrastructure	Russell TOOVEY	16-20 O'Connell Parade Wellington Point QLD 4160	Referral Agency Response - Engineering	15/08/2018	NA	Approved	1
CAR18/0300	Design and Siting - Additions and Extensions	The Certifier Pty Ltd	117 Wellington Street Ormiston QLD 4160	Referral Agency Response - Planning	14/08/2018	NA	Approved	1
CAR18/0249.01	Change to Approval - CAR18/0249 Design and Siting	The Certifier Pty Ltd	32 Gonzales Street Amity QLD 4183	Minor Change to Approval	16/08/2018	NA	Approved	2
MCU18/0121	Dwelling House (incl Secondary Dwelling)	Lm Planning Solutions Mrs Suzanne P Smith	2B Toompany Street Amity QLD 4183	Code Assessment	14/08/2018	NA	Development Permit	2
CAR18/0303	Dwelling House - Shipping Container	The Certifier Pty Ltd	14 Pelican Street Macleay Island QLD 4184	Referral Agency Response - Planning	14/08/2018	NA	Approved	5
MCU17/0162.01	Change Development Approval - MCU17/0162 Dual Occupancy on Proposed Lot 13	Ms Suzanne K Hembrow	137-139 Main Street Redland Bay QLD 4165	Minor Change to Approval	16/08/2018	NA	Approved	5
CAR18/0282	Design & Siting - Roofed Patio	Applied Building Approvals	93 Capella Drive Redland Bay QLD 4165	Referral Agency Response - Planning	16/08/2018	NA	Refused	6
CAR18/0287	Design and Siting - Carport	The Certifier Pty Ltd	10 Aquila Street Redland Bay QLD 4165	Referral Agency Response - Planning	14/08/2018	NA	Approved	6

**Decisions Made under Delegated Authority 12.08.2018 to 18.08.2018****CATEGORY1**

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR18/0306	Design and Siting	The Certifier Pty Ltd	48 Bailey Road Birkdale QLD 4159	Referral Agency Response - Planning	16/08/2018	NA	Approved	8
DBW18/0032	Domestic Outbuilding	Mr Gregory P Wark	113 Mooroondu Road Thorneside QLD 4158	Code Assessment	14/08/2018	NA	Development Permit	10

### Decisions Made under Delegated Authority 12.08.2018 to 18.08.2018

#### CATEGORY2

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
ROL006039	Combined Reconfiguration of a Lot comprising a 1 into 7 lot subdivision and Operational Works for Roads	Harridan Pty Ltd (Loganholme)	14-20 Bonnie Street Thornlands QLD 4164	Code Assessment	17/08/2018	NA	Refused	3
MCU18/0139	Change to Development Approval - Refreshment Establishment - Hungry Jacks	Lipoma Pty Ltd As Trustee Hickey Oatley Planning & Development	2-30 Bunker Road Victoria Point QLD 4165	Other Change to Approval	17/08/2018	NA	Approved	4
MCU18/0134	Extension to Currency Period - MCU013096	Victoria Point Storage Facilities Building Code Approval Group Pty Ltd	2 Williams Street Coochiemudlo Island QLD 4184	Minor Change to Approval	16/08/2018	NA	Approved	4

### Decisions Made under Delegated Authority 19.08.2018 to 25.08.2018

#### CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR18/0261	Design and Siting	The Certifier Pty Ltd	22 Erobin Street Cleveland QLD 4163	Referral Agency Response - Planning	21/08/2018	NA	Approved	2
CAR18/0292	Design and Siting	Pacific BCQ	31 Tramican Street Point Lookout QLD 4183	Referral Agency Response - Planning	23/08/2018	NA	Approved	2
CAR18/0319	Design and Siting - Dwelling House	Belco Constructions	83A Princess Street Cleveland QLD 4163	Referral Agency Response - Planning	22/08/2018	NA	Approved	2
RAL18/0089	2 Into 2 Lot Boundary Realignment	East Coast Surveys Pty Ltd	8 Binnacle Close Cleveland QLD 4163	Code Assessment	20/08/2018	NA	Approved	2
CAR18/0194	Combined Design and Siting and BOS	Aaron William VAN DE POL Alexandra Greer BURTON	19 Cabernet Crescent Thornlands QLD 4164	Referral Agency Response - Planning	21/08/2018	NA	Approved	3
CAR18/0304	Design and Siting - Carport	Titan Enterprises (Qld) Pty Ltd	38 Arlington Street Cleveland QLD 4163	Referral Agency Response - Planning	24/08/2018	NA	Approved	3
RAL18/0065	Extension to Currency Period - ROL006053	Building Code Approval Group Pty Ltd	20 Laurette Avenue Thornlands QLD 4164	Minor Change to Approval	20/08/2018	NA	Approved	3
CAR18/0318	Design and Siting - Domestic Additions	The Certifier Pty Ltd	7 Norfolk Court Victoria Point QLD 4165	Referral Agency Response - Planning	20/08/2018	NA	Approved	4

### Decisions Made under Delegated Authority 19.08.2018 to 25.08.2018

#### CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR18/0309	Design and Siting - New Dwelling	Bartley Burns Certifiers & Planners	16 Broadwater Terrace Redland Bay QLD 4165	Referral Agency Response - Planning	20/08/2018	NA	Approved	5
DBW18/0040	Domestic Outbuilding	Bay Island Designs	10 Boat Harbour Avenue Macleay Island QLD 4184	Code Assessment	24/08/2018	NA	Development Permit	5
MCU013917	Dwelling House	Debra Wood Town Planning	42 Magnolia Street Russell Island QLD 4184	Impact Assessment	20/08/2018	NA	Refused	5
MCU18/0136	Dwelling House	Bay Island Designs	35 Marine Street Macleay Island QLD 4184	Code Assessment	21/08/2018	NA	Development Permit	5
CAR18/0314	Design and Siting - Dwelling House	Clarendon Homes Qld Pty Ltd	16 Willis Close Redland Bay QLD 4165	Referral Agency Response - Planning	21/08/2018	NA	Approved	6
CAR18/0295	Design and Siting - Carport	Fluid Building Approvals	Star Place 4 Zephyr Court Birkdale QLD 4159	Referral Agency Response - Planning	21/08/2018	NA	Approved	10
CAR18/0312	Design and Siting - Domestic Outbuilding	Ian Paul WALLACE	90 Mary Pleasant Drive Birkdale QLD 4159	Referral Agency Response - Planning	24/08/2018	NA	Approved	10
DBW18/0049	Domestic Outbuilding	The Certifier Pty Ltd	12 Paul Street Birkdale QLD 4159	Code Assessment	20/08/2018	NA	Development Permit	10

### Decisions Made under Delegated Authority 19.08.2018 to 25.08.2018

#### CATEGORY2

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
RAL18/0080	Change to Development Approval - ROL005732 Standard format: 1 into 7 lots - change to lot 7	East Coast Surveys Pty Ltd	262-276 Boundary Road Thornlands QLD 4164	Minor Change to Approval	21/08/2018	NA	Approved	3
MCU18/0138	Extension to Currency Period - Shop	Lanrex Pty Ltd IVL Group Pty Ltd Pd Plan Town Plannng	Victoria Point Town Centre 349-369 Colburn Avenue Victoria Point QLD 4165	Minor Change to Approval	21/08/2018	NA	Approved	4
MCU18/0026	Change to Development Approval (MCU013962 Combined - Community Facility with Ancillary Shade Structures and Operational Works (access road, car parking and bio-swale drainage)) - Change to Greenhouse	Redland City Council City Spaces	Redlands IndigiScapes Centre 377-385 Redland Bay Road Capalaba QLD 4157	Minor Change to Approval	21/08/2018	NA	Approved	7
OPW002270	Operational Works - CIVIL ONLY - Multiple Dwelling x 5	Intrax Consulting Engineers Pty Ltd	126 Mount Cotton Road Capalaba QLD 4157	SPA - 15 Day Compliance Assessment	20/08/2018	NA	Compliance Certificate	9
OPW002275	Landscape Works - Commercial - Display Showroom and Sale Activity	Andrew Gold Landscape Architect	128 Redland Bay Road Capalaba QLD 4157	SPA - 15 Day Compliance Assessment	22/08/2018	NA	Compliance Certificate	9



### Decisions Made under Delegated Authority 26.08.2018 to 01.09.2018

#### CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
RAL18/0089	Rearranging Boundaries	East Coast Surveys Pty Ltd	8 Binnacle Close Cleveland QLD 4163	Code Assessment	28/08/2018	NA	Development Permit	2
MCU17/0046.01	Change to Development Approval - MCU013430 - Removal of Proposed Upper Level to become a single storey dwelling.	Bay Island Designs Building Code Approval Group Pty Ltd	37-47 Cavendish Street Russell Island QLD 4184	Minor Change to Approval	28/08/2018	NA	Approved	5
RAL18/0059	Standard Format - Reconfiguration - 1 into 2	JDC Designs & Planning	1 Wetheral Place Alexandra Hills QLD 4161	Code Assessment	28/08/2018	NA	Development Permit	7
OPW18/0104	Generally in Accordance - Amended Aquatic Paradise Trenchblock Dredging Plans (approved under OPW001949)	Redland City Council City Infrastructure	17 Boom Court Birkdale QLD 4159	Minor Change to Approval	29/08/2018	NA	Approved	10

**Decisions Made under Delegated Authority 26.08.2018 to 01.09.2018****CATEGORY2**

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
RAL18/0090	Change to Development Approval - ROL006001 - 8 Swansea Circuit	Inspire Style And Living - C/- Platinum Building Approvals	18 Salisbury Street Redland Bay QLD 4165	Minor Change to Approval	27/08/2018	NA	Approved	5

## Decisions Made under Delegated Authority 02.09.2018 to 08.09.2018

### CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
MCU18/0155	Dual Occupancy	Mr Peter H Bayard	46 Booran Street Point Lookout QLD 4183	Code Assessment	05/09/2018	NA	Development Permit	2
CAR18/0329	Design and Siting - Carport	Apollo Patios Brisbane C/ Fluid Building Approvals	77 Waterville Drive Thornlands QLD 4164	Referral Agency Response - Planning	06/09/2018	NA	Approved	3
CAR18/0333	Design and Siting	Strickland Certification Pty Ltd	10 Jordan Drive Victoria Point QLD 4165	Referral Agency Response - Planning	05/09/2018	NA	Approved	4
CAR18/0323	Design and Siting - Carport	The Certifier Pty Ltd	11 Glenella Court Alexandra Hills QLD 4161	Referral Agency Response - Planning	06/09/2018	NA	Approved	7
CAR18/0326	Design and Siting - Dwelling House	Cornerstone Building Certification	281A Finucane Road Alexandra Hills QLD 4161	Referral Agency Response - Planning	03/09/2018	NA	Approved	7
CAR18/0328	Design and Siting - Dwelling House	Cornerstone Building Certification	281 Finucane Road Alexandra Hills QLD 4161	Referral Agency Response - Planning	03/09/2018	NA	Approved	7
CAR18/0313	Design and Siting- Dwelling house	Anthony CREGAN	9A Albert Street Ormiston QLD 4160	Referral Agency Response - Planning	05/09/2018	NA	Approved	8

### Decisions Made under Delegated Authority 02.09.2018 to 08.09.2018

#### CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR18/0320	Design and Siting - Dwelling House	Coral Homes (Qld) Pty Ltd	2A Daveson Road Birkdale QLD 4159	Referral Agency Response - Planning	05/09/2018	NA	Approved	8
CAR18/0252	Design and Siting - Shed	The Certifier Pty Ltd	42 Whitehall Avenue Birkdale QLD 4159	Referral Agency Response - Planning	07/09/2018	NA	Approved	10
MCU18/0180	Change to Development Approval - MCU013968 Multiple Dwelling	JDC Designs & Planning	15 Maud Street Birkdale QLD 4159	Minor Change to Approval	06/09/2018	NA	Approved	10

### Decisions Made under Delegated Authority 02.09.2018 to 08.09.2018

#### CATEGORY2

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
MCU18/0122	Combined MCU - Service Restaurant with Drive Through and OPW - Advertising Devices	Collins Restaurants Management Pty Ltd	1 Grant Street Cleveland QLD 4163	Impact Assessment	06/09/2018	NA	Development Permit	2
MCU18/0104	Refreshment Establishment - Combined MCU and OPW	Leda Developments Pty Ltd	Victoria Point Shopping Centre 2-34 Bunker Road Victoria Point QLD 4165	Code Assessment	05/09/2018	NA	Development Permit	6
MCU18/0181	Change to Development Approval - MC013143 Vehicle Depot	East Coast Surveys Pty Ltd Sulcorp Pty Ltd As Trustee	529-531 Redland Bay Road Capalaba QLD 4157	Minor Change to Approval	07/09/2018	NA	Approved	7

### Decisions Made under Delegated Authority 09.09.2018 to 15.09.2018

#### CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
MCU18/0162	Dwelling House (incl Secondary Dwelling)	TDH Builders Pty Ltd	94 Main Road Wellington Point QLD 4160	Code Assessment	11/09/2018	NA	Development Permit	1
CAR18/0317	Build Near Relevant Infrastructure - Dwelling	Bartley Burns Certifiers & Planners	38 Swansea Circuit Redland Bay QLD 4165	Referral Agency Response - Engineering	12/09/2018	NA	Approved	5
DBW18/0052	Amalgamation of two units into one, inside alteration and additional balcony	The Certifier Pty Ltd	23 Winston Road Sheldon QLD 4157	Code Assessment	11/09/2018	NA	Development Permit	6
DBW18/0053	Proposed Domestic Outbuilding and Secondary Dwelling	East Coast Surveys Pty Ltd	68-70 Summit Street Sheldon QLD 4157	Code Assessment	11/09/2018	NA	Development Permit	6
DBW18/0058	Shed	Titan Enterprises (Qld) Pty Ltd	847-851 West Mount Cotton Road Sheldon QLD 4157	Code Assessment	11/09/2018	NA	Development Permit	6
CAR18/0321	Design and Siting - Carport	Capital Building Approvals	6 Iona Court Alexandra Hills QLD 4161	Referral Agency Response - Planning	11/09/2018	NA	Approved	7
CAR18/0342	Design and Siting - Carport	The Certifier Pty Ltd	5 Glenmore Court Alexandra Hills QLD 4161	Referral Agency Response - Planning	11/09/2018	NA	Approved	7
RAL18/0092	Reconfiguring a Lot - Standard Format - 1 into 2 lots	Building Code Approval Group Pty Ltd	472 Old Cleveland Road East Birkdale QLD 4159	Code Assessment	11/09/2018	NA	Development Permit	8
RAL18/0013	Reconfiguring a Lot - Standard Format - 1 into 3 lots	East Coast Surveys Pty Ltd	50 Larbonya Crescent Capalaba QLD 4157	Code Assessment	11/09/2018	NA	Development Permit	9

### Decisions Made under Delegated Authority 09.09.2018 to 15.09.2018

#### CATEGORY2

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
MCU18/0132	Extension to Relevant Period - Mixed Use Development - General Industry, Caretakers Dwelling, Garden Centre and Refreshment Establishment	Ian Robinson And Partners	6 Robert Street Russell Island QLD 4184	Minor Change to Approval	11/09/2018	NA	Approved	5
OPW18/0088	Operational Works For ROL - Boundary Realignment 2 into 2 lots with proposed Stormwater Easement	Mrs Sharon L McCabe	142 Main Street Redland Bay QLD 4165	Code Assessment	14/09/2018	NA	Development Permit	5
OPW18/0076	Operational Works For ROL - 1 into 3	Danny Snahadi AWABDY	75 Barron Road Birkdale QLD 4159	Code Assessment	12/09/2018	NA	Development Permit	8
MCU18/0169	Extension to Currency Period - Multiple Dwellings x 28	Daveson Road Pty Ltd As Trustee	7 Daveson Road Capalaba QLD 4157	Minor Change to Approval	13/09/2018	NA	Approved	9



## 13.2 LIST OF DEVELOPMENT AND PLANNING RELATED COURT MATTERS AS AT 25 SEPTEMBER 2018.

### Objective Reference:

**Authorising Officer:** Louise Rusan, General Manager Community & Customer Services

**Responsible Officer:** David Jeanes, Group Manager City Planning & Assessment

**Report Author:** Emma Martin, Senior Appeals Planner

**Attachments:** Nil

### PURPOSE

The purpose of this report is for Council to note the current development and planning related Court matters/proceedings.

### 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/services/search-for-a-court-file/search-civil-files-ecourts>

- b) Judgments 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. Court of Appeal

Information on the process and how to search for a copy of Court of Appeal documents can be found at the Supreme Court (Court of Appeal) website:

<http://www.courts.qld.gov.au/courts/court-of-appeal/the-appeal-process>

#### 3. Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP)

The DSDMIP provides a Database of Appeals that may be searched for past appeals and declarations heard by the Planning and Environment Court.

<https://planning.dsdmip.qld.gov.au/planning/spa-system/dispute-resolution-under-spa/planning-and-environment-court/planning-and-environment-court-appeals-database>

The database contains:

- a) 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.
- b) Information about the appeal or declaration, including the appeal number, name and year, the site address and local government.

#### 4. Department of Housing and Public Works (DHPW)

Information on the process and remit of development tribunals can be found at the DHPW web site:

[Http://www.hpw.qld.gov.au/construction/BuildingPlumbing/DisputeResolution/Pages/default.aspx](http://www.hpw.qld.gov.au/construction/BuildingPlumbing/DisputeResolution/Pages/default.aspx)

## PLANNING & ENVIRONMENT COURT APPEALS

<b>1.</b>	<b>File Number:</b>	4940 of 2015, 2 of 2016 and 44 of 2016 (MCU013926) / (Court of Appeal 11075 of 2017)
<b>Appellants</b>		<b>Lipoma Pty Ltd</b>
		<b>Lanrex Pty Ltd</b>
		<b>Victoria Point Lakeside Pty Ltd</b>
<b>Co-respondent (Applicant)</b>		<b>Nerinda Pty Ltd</b>
<b>Proposed Development:</b>		Preliminary Approval for Material Change of Use for Mixed Use Development and Development Permit for Reconfiguring a Lot (1 into 2 lots) 128-144 Boundary Road, Thornlands (Lot 3 on SP117065)
<b>Appeal Details:</b>		Submitter appeal against Council approval
<b>Current Status:</b>		A directions hearing was held on 1 August 2018. A further directions hearing is scheduled for 5 October 2018 to confirm the matters to be determined by the Court. The matter has been set down for a two day hearing in November 2018.

<b>2.</b>	<b>File Number:</b>	Appeal 4515 of 2017 (ROL006084)
<b>Appellant:</b>		<b>Australian Innovation Centre Pty Ltd</b>
<b>Proposed Development:</b>		Reconfiguring a Lot (1 into 22 lots and park) 289-301 Redland Bay Road, Thornlands (Lot 5 on RP14839)
<b>Appeal Details:</b>		Deemed refusal appeal
<b>Current Status:</b>		Appeal filed on 23 November 2017. On 31 January 2018 Council solicitors notified the parties that it opposed the proposed development. A mediation was held on 6 March 2018. The next Court review is 21 November 2018.

<b>3.</b>	<b>File Number:</b>	Appeal 339 of 2018 (MCU013949)
<b>Appellant:</b>		<b>Hosgood Company 3 Pty Ltd &amp; DPK Injection Pty Ltd</b>
<b>Proposed Development:</b>		Material Change of Use for a Dual Occupancy 2 Starkey Street, Wellington Point (Lot 11 on SP284567)
<b>Appeal Details:</b>		Appeal against Council refusal
<b>Current Status:</b>		Appeal filed on 30 January 2018. Mediation held on 10 April 2018. The next Court review is 11 October 2018.

<b>4.</b>	<b>File Number:</b>	Appeal 461 of 2018 (MCU013977)
<b>Appellant:</b>		<b>Robyn Edwards &amp; Ronald Edwards</b>
<b>Proposed Development:</b>		Material Change of Use for an Undefined Use (Rooming Accommodation) 41 Ziegenfusz Road, Thornlands (Lot 291 on RP801793)
<b>Appeal Details:</b>		Appeal against Council refusal
<b>Current Status:</b>		Appeal filed on 8 February 2018. A Directions Order was set down on 27 April 2018 detailing a timetable for the proceedings. Mediation held 31 May 2018. The next Court review is 12 October 2018.

<b>5.</b>	<b>File Number:</b>	Appeal 894 of 2018 (MCU013921)
<b>Appellant:</b>		<b>Palacio Property Group Pty Ltd</b>
<b>Proposed Development:</b>		Infrastructure Conversion Application (relating to the Development Permit for a Material Change of Use for Multiple Dwellings (22 units)) 4-8 Rachow Street, Thornlands (Lot 5 on SP149013)
<b>Appeal Details:</b>		Appeal against Council refusal
<b>Current Status:</b>		Appeal filed on 9 March 2018. A without prejudice meeting was held on 17 May 2018.

<b>6.</b>	<b>File Number:</b>	Appeal 1506 of 2018 (MCU17/0149)
<b>Appellant:</b>		<b>Barro Group Pty Ltd</b>
<b>Proposed Development:</b>		Request to Extend the Currency Period (relating to the Development Permit for a Material Change of Use for Extractive Industry and Environmentally Relevant Activities 8 (Chemical Storage), 16 (Extractive and Screening Activities) and 21 (Motor Vehicle Workshop Operation)) 1513 and 1515-1521 Mount Cotton Road, Mount Cotton 163-177 and 195 Gramzow Road, Mount Cotton (Lot 162 on S31962, Lot 238 on SP218968, Lot 370 on S311071, Lot 1 on RP108970, Lot 17 on RP108970, Lot 1 on SP272090, Lot 2 on SP272091, Lot 3 on SP272092 and the land comprising part of Greenhide (California) Creek located between Lot 162 on S31962 and Lot 238 on SP218968, which is the property of the State)
<b>Appeal Details:</b>		Appeal against Council refusal
<b>Current Status:</b>		Appeal filed on 24 April 2018. Without prejudice meeting required by 2 November 2018. The next review is scheduled for 16 November 2018.

<b>7.</b>	<b>File Number:</b>	Appeal 1774 of 2018 (OPW002206)
<b>Appellant:</b>		<b>Jexville Pty Ltd</b>
<b>Proposed Development:</b>		Operational Works for an Advertising Device 39 Old Cleveland Road, Capalaba (Lot 1 on RP137310)
<b>Appeal Details:</b>		Appeal against a condition of the Development Permit
<b>Current Status:</b>		Appeal filed on 15 May 2018. Mediation was held on 27 June 2018. A second mediation was held on 6 September 2018. A 2 day hearing has been set down for 25 – 26 October 2018.

<b>8.</b>	<b>File Number:</b>	Appeal 1834 of 2018 (RCC reference CAR17/058 and Development Tribunal reference 58 of 2017)
<b>Appellant:</b>		<b>Redland City Council</b>
<b>Respondents:</b>		<b>Michael Van Dyck</b> <b>Sean Carroll</b> <b>Jane Carroll</b>
<b>Proposed Development:</b>		Building Works for a Domestic Outbuilding (Carport) 22 Sommersea Court, Cleveland (Lot 666 on CP853643)
<b>Appeal Details:</b>		Appeal against the decision of the Development Tribunal (58-17)
<b>Current Status:</b>		Appeal filed on 18 May 2018. Appeal settled by consent order on 11 September 2018.

<b>9.</b>	<b>File Number:</b>	Appeal 2142 of 2018 (MCU013782)
<b>Appellant:</b>		<b>Binnaton Holdings Ltd</b>
<b>Proposed Development:</b>		Material Change of Use for an Apartment Building (39 units) 7, 9 & 11 Fernbourne Road, Wellington Point (Lots 1 & 2 on RP14166 and Lot 2 on RP14166)
<b>Appeal Details:</b>		Appeal against Council decision to issue a Preliminary Approval
<b>Current Status:</b>		Appeal filed on 11 June 2018. Without prejudice meeting held on 19 July 2018.

<b>10.</b>	<b>File Number:</b>	Appeal 2171 of 2018 (ROL006209)
<b>Appellant:</b>		<b>Lorette Margaret Wigan</b>
<b>Proposed Development:</b>		Reconfiguring a Lot for 1 into 29 lots and road 84-122 Taylor Road, Thornlands (Lot 1 on RP123222)
<b>Appeal Details:</b>		Appeal against Council decision to issue a Preliminary Approval
<b>Current Status:</b>		Appeal filed on 13 June 2018. Mediation held on 29 June 2018. A second mediation scheduled for 2 October 2018.

<b>11.</b>	<b>File Number:</b>	Appeal 2519/18 (MCU17/0123)
<b>Appellant:</b>		<b>Wellington Property Management Pty Ltd</b>
<b>Proposed Development:</b>		Material Change of Use for a Child Care Centre 100-102 Collins Street, Redland Bay (Lot 1 on RP190688)
<b>Appeal Details:</b>		Appeal against Council refusal
<b>Current Status:</b>		Appeal filed on 9 July 2018. Mediation is scheduled for 4 October 2018. The next Court review is scheduled for 15 November 2018.

<b>12.</b>	<b>File Number:</b>	Appeal 3177/18 (MCU17/0153)
<b>Appellant:</b>		<b>Geoffrey David Abbott, Anthony John Baker &amp; Anja Katrin Hoecker</b>
<b>Proposed Development:</b>		Material Change of Use for an Undefined Use 9 & 11 Tascon Street, Ormiston (Lots 72 and 73 on RP1714)
<b>Appeal Details:</b>		Appeal against Council refusal
<b>Current Status:</b>		Appeal filed on 31 August 2018.

<b>13.</b>	<b>File Number:</b>	Appeal 3291/18 (OPW18/0012)
<b>Appellant:</b>		<b>East Coast Surveys (Aust) Pty Ltd</b>
<b>Proposed Development:</b>		Operational Works for Prescribed Tidal Works (Pontoon) 11 & 11a Anchorage Drive, Cleveland (Lots 11 and 12 on SP278831)
<b>Appeal Details:</b>		Appeal against a condition of the Development Permit
<b>Current Status:</b>		Appeal filed on 12 September 2018. Directions hearing scheduled for 3 October 2018.

<b>14.</b>	<b>File Number:</b>	Appeal 3344/18 (ROL006039)
<b>Appellant:</b>		<b>Harridan Pty Ltd</b>
<b>Proposed Development:</b>		Reconfiguring a Lot for 1 into 7 Lots 14-20 Bonnie Street, Thornlands (Lot 6 on SP164062)
<b>Appeal Details:</b>		Appeal against Council refusal
<b>Current Status:</b>		Appeal filed on 12 September 2018. Directions hearing scheduled for 28 September 2018.

<b>15.</b>	<b>File Number:</b>	Appeal 135/18 (MCU013917)
<b>Appellant:</b>		<b>Maureen Joan Chapman</b>
<b>Proposed Development:</b>		Material Change of Use for a Dwelling House 42 Magnolia Street, Russell Island (Lots 77, 78, 104 & 105 on RP129012)
<b>Appeal Details:</b>		Appeal against Council refusal
<b>Current Status:</b>		Appeal filed on 21 September 2018.

#### APPEALS TO THE QUEENSLAND COURT OF APPEAL

<b>16.</b>	<b>File Number:</b>	Appeal 8114/18 (MCU012812) / (QPEC Appeal 3641 of 2015)
<b>Appellant:</b>		<b>Redland City Council</b>
<b>Respondent (applicant):</b>		<b>King of Gifts Pty Ltd and HTC Consulting Pty Ltd</b>
<b>Proposed Development:</b>		Material Change of Use for Service Station (including car wash) and Drive Through Restaurant 604-612 Redland Bay Road, Alexandra Hills
<b>Appeal Details:</b>		Appeal against the decision of the Planning and Environment Court to allow the appeal and approve the development.
<b>Current Status:</b>		Appeal filed by Council on 30 July 2018. Council's Outline of Argument was filed on 28 August 2018. The appellant's outline of argument was filed on 20 September 2018. Council has until 27 September 2018 to file a reply.

**DEVELOPMENT TRIBUNAL AND OTHER MATTERS**

<b>17.</b>	<b>File Number:</b>	1568 of 2018
<b>Applicant:</b>		<b>Redland City Council</b>
<b>Respondents:</b>		<b>Paul Michael McManus Approved Realty Pty Ltd IAApproved Pty Ltd</b>
<b>Development:</b>		Undefined Use (Rooming Accommodation) 1/139 Mount Cotton Road, Capalaba (Lot 1 on SP258938)
<b>Application Details:</b>		Unlawful Use
<b>Current Status:</b>		Application filed on 30 April 2018. Mediation held 14 June 2018. On 17 August 2018 the application was set down for a 5 day hearing commencing 24 September 2018. A second mediation was held on 21 August 2018. The application was settled by consent order on 21 September 2018.

<b>18.</b>	<b>File Number:</b>	3034/18
<b>Applicant:</b>		<b>Seventh-Day Adventist Church (South Queensland Conference) Ltd</b>
<b>Development:</b>		MCU for Aged Persons and Special Needs Housing 563-567 Redland Bay Road, Victoria Point (Lot 1 on RP113027)
<b>Application Details:</b>		To revive and extend the currency period of a lapsed approval
<b>Current Status:</b>		Application filed on 22 August 2018. Review scheduled for 12 October 2018.

<b>19.</b>	<b>File Number:</b>	3201/18
<b>Applicant:</b>		<b>Charles &amp; Howard Pty Ltd</b>
<b>Development:</b>		Reconfiguring a Lot for 2 into 9 lots 15 & 20 Albert Street, Victoria Point (Lots 1 & 2 on RP178345)
<b>Application Details:</b>		To revive, change and extend the currency period of a lapsed approval
<b>Current Status:</b>		Application filed on 4 September 2018. Directions hearing scheduled for 26 September 2018.

**OFFICER'S RECOMMENDATION**

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

### 13.3 VICTORIA POINT STRUCTURE PLAN

**Objective Reference:****Authorising Officer:** Louise Rusan, General Manager Community & Customer Services**Responsible Officer:** David Jeanes, Group Manager City Planning & Assessment**Report Author:** Lachlan McClure, Planning Officer**Attachments:** Nil**PURPOSE**

The purpose of this report is to:

1. Update Council on the proposed project to undertake a structure planning process for land located to the south west of Victoria Point.
2. Request that Council decide to commence a major amendment to the Redland City Plan to incorporate the proposed Victoria Point Structure Plan in accordance with Part 4 Section 16.1 of the Ministers Guideline and Rules under the *Planning Act 2016*.
3. Seek authority to give the chief executive a notice requesting an early confirmation of state interests in accordance with Part 4 Section 16.2 of the Ministers Guideline and Rules under the *Planning Act 2016*.

**BACKGROUND**

- Redland Planning Scheme 2006 – a small number of properties located on Bunker Road and Brendan Way were included within the Emerging Urban Community zone. The broader area was retained within a Rural Non-Urban and Conservation zone.
- SEQ Regional Plan 2009 - 2031 – the area was identified as the Victoria Point Local Development Area and placed within the Urban Footprint. This designation identified the areas potential suitability for future development subject to further investigations, structure planning and monitoring of land supply.
- March 2015 - Council received a development application over land located in the eastern portion of the area (21-29 and 31 Clay Gully Road and 39 Brendan Way) seeking approval of reconfiguration to create approximately 289 lots.
- September 2015 – the Draft City Plan released for public notification proposed to include the Victoria Point Local Development Area within the Emerging Community Zone. The Draft City Plan also proposed to include additional land on the corner of Cleveland-Redland Bay Road and Double Jump Road, Barcrest Drive and Hanlin Place within the Emerging Community Zone.
- October 2016 – the Draft SEQ Regional Plan 2016 - 2041 released for public notification proposed to remove Victoria Point Local Development Area designation but retain the area within the Urban Footprint regional land use category along with additional land on the corner of Cleveland-Redland Bay Road and Double Jump Road, Barcrest Drive and Hanlin Place.
- May 2017 – Council received a development application over land located in the western portion of the area (72-74 and 78-82 Double Jump Road and 158-178 Bunker Road) seeking approval of reconfiguration of 8 into 176 lots.



- August 2017 – the final SEQ Regional Plan 2016 - 2041 retained the previously designated Victoria Point Local Development Area within the Urban Footprint, along with additional land on the corner of Cleveland-Redland Bay Road and Double Jump Road, Barcrest Drive and Hanlin Place.
- March 2018 – Council resolved that a decision on the application lodged over 21-29 and 31 Clay Gully Road and 39 Brendan Way, be deferred until a Council led Structure Plan is completed for the whole emerging community zone or the Victoria Point Local Development Area.
- July 2018 – The applicant for the application lodged over 72-74 and 78-82 Double Jump Road and 158-178 Bunker Road responded to an information request. The information provided includes a number of technical studies and a proposed structure plan for the area.
- July 2018 – Council adopts new City Plan (to commence October 2018), with the Victoria Point Structure Plan Area in the Emerging Community Zone. The Overall Outcomes of this zone require the preparation of a structure plan.
- Council has approved the 2018/19 Operational Plan and budget which includes activity 5.2.2 - Coordinate planning and guidance for future development and infrastructure delivery for local areas in the City - Finalise a structure plan for the Victoria Point Local Development Area.

## ISSUES

### Proposed Project

The structure plan area will encompass land to the south west of Victoria Point that is within the Emerging Community zone of the adopted City Plan.

The purpose of the project is to deliver a structure plan which draws together and integrates all the necessary components of the built and natural environment in an orderly, integrated and co-ordinated land use pattern.

It is envisaged the Structure Plan will facilitate the delivery of a well-planned urban community which achieves the outcomes sought by the Emerging Community Zone:

- creation of functional, efficient and attractive communities in the newly developing parts of the city,
- interim development does not compromise or constrain the potential for well designed future urban communities;
- urban development facilitates the establishment of attractive, functional, resilient and walkable communities that are supported by accessible centres and employment opportunities, community services and public transport;
- urban residential development provides for a mix of affordable housing types and achieves a net residential density of 12-15 dwellings per hectare;
- land is developed in a logical pattern that facilitates the efficient provision of urban infrastructure;
- transport networks are coordinated and interconnected to ensure a high level of accessibility for pedestrians, cyclists, public transport and private vehicles;

- development provides effective buffering to nearby sensitive land uses, rural activities and natural areas;
- development retains significant landscape, social, recreational and cultural features and values;
- development maximises the retention of natural habitat areas and corridors, and provides effective buffers to wetlands and waterways;
- development makes a positive contribution to the attractive, green, leafy image of Redland city; and
- development is located, designed and managed to maintain public health and safety, and minimise adverse impacts on the natural environment and sensitive land uses.

The key stages that the project will follow are shown in the figure below. The indicative timeframe assumes no unforeseen issues or delays are encountered.



### **Technical Information Review**

A number of developer commissioned technical investigations have been undertaken for the study areas to support their development applications. These studies provide a source of information to assist Council to undertake its structure planning. In addition, a number of Council initiated studies are also relevant. The first stage of the project plan involves a comprehensive review of existing information to identify any potential gaps and to determine whether additional investigations are required.

### **Additional Technical Investigations**

While the existing information available to Council will help inform the structure planning process it is likely that the project will require refinement of existing work and additional investigations. The scope of additional studies will be dependent upon the level of information currently available to Council determined as part of the initial stages of the project. Based on preliminary internal review by Council officers it is expected that additional work may be required on: traffic, access and movement; infrastructure availability and servicing; and environmental assessment.

### **Preparation of a Draft Structure Plan**

The project plan envisages that Council will seek to engage a suitably qualified design consultant and an internal working group comprised of relevant officers to support and assist with the preparation of a draft land use/structure plan. Once a draft land use plan has been prepared it would be submitted to Council for approval prior to being lodged for the first state interest review.

### **Public Consultation and Engagement**

A critical component of the structure plan is effective and appropriate community engagement. The Project Plan proposes public notification and consultation in accordance with the requirements of the Ministers Guidelines and Rules. Accordingly, it is proposed to undertake public consultation following the formulation of a draft land use/structure plan and once ministerial approval to commence public consultation has been received, and subject to budget approval in 2019. It is expected this would occur in the second half of 2019 and would involve a detailed community engagement plan prepared and agreed with the Strategic Communication and Community Engagement Unit. As a minimum this would involve a newsletter, fact sheet and web page content.

Council may determine that additional community engagement over and above the statutory requirements is required.

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

The Regional Plan has included the land within the Urban Footprint. Undertaking the structure plan in a timely manner will assist Council in coordinating development to meet the dwelling targets set by the Regional Plan.

The City Plan includes the land within the Emerging Community Zone. The Overall Outcomes of the Emerging Community zone requires the completion of a structure plan before development can proceed.

### **Risk Management**

A well prepared structure plan supported by an appropriate public consultation strategy should minimise risks and ensure the area develops in an appropriate and timely manner. It may also

assist in avoiding potential developer appeals to the Planning and Environment Court if completed in a timely manner.

### **Financial**

Some funding is allocated to the project in the 2018/19 budget. Note that a typical structure planning process would require financial resources in excess of that currently allocated. The current budget assumes that the technical studies submitted by developers are of sufficient scope and quality that the requirement for further investigations is significantly reduced. If following review, these assumptions are not correct additional budget will be necessary to complete the project.

Additional budget may be required should Council determine that additional community engagement over and above the statutory requirements is required.

### **People**

The project plan proposes to establish a working group of Council officers to assist in various stages of the project. The project will also involve consultation with State officers and the engagement of a consultant to assist with certain aspects of the structure plan such as an enquiry by design process.

### **Environmental**

There are no environmental implications resulting from this report.

### **Social**

There are no social implications resulting from this report.

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

The report aligns with Council's policies and plans. Specifically, this report meets the objectives of the Corporate Plan outcome 5: Wise Planning and Design and addresses the Emerging Community designation in the City Plan.

## **CONSULTATION**

Consultation has been undertaken with other areas of Council including City Infrastructure Group, Redland Water and Economic Sustainability and Major Projects Group. The project plan proposes a working group to coordinate internal engagement and a public engagement strategy to direct public consultation efforts.

## **OPTIONS**

### **Option One**

That Council resolves to:

1. decide to commence a major amendment to City Plan to prepare a structure plan for the emerging community zoned land at Victoria Point, in accordance with Part 4 Section 16.1 of the Ministers Guideline and Rules under the *Planning Act 2016*;
2. endorse public consultation on the draft structure plan to occur in accordance Part 4 Section 18 of the Ministers Guideline and Rules under the *Planning Act 2016*; and
3. delegate authority to the Chief Executive Officer, under s.257(1)(b) of the *Local Government Act 2009*, to give the chief executive a notice requesting an early confirmation of state

interests in accordance with Part 4 Section 16.2 of the Ministers Guideline and Rules under the *Planning Act 2016*.

### **Option Two**

That Council resolves to:

1. decide to commence a major amendment to City Plan to prepare a structure plan for the emerging community zoned land at Victoria Point, in accordance with Part 4 Section 16.1 of the Ministers Guideline and Rules under the Planning Act 2016;
2. endorse public consultation on the draft structure plan to occur in accordance with Part 4 Section 18 of the Ministers Guideline and Rules under the *Planning Act 2016*, with additional community engagement activity as determined by Council (requiring additional budget and time); and
3. delegate authority to the Chief Executive Officer, under s.257(1)(b) of the *Local Government Act 2009*, to give the chief executive a notice requesting an early confirmation of state interests in accordance with Part 4 Section 16.2 of the Ministers Guideline and Rules under the *Planning Act 2016*.

### **Option Three**

That Council resolves to not proceed with structure planning of the emerging community zoned land at Victoria Point.

### **OFFICER'S RECOMMENDATION**

That Council resolves to:

1. **decide to commence a major amendment to City Plan to prepare a structure plan for the emerging community zoned land at Victoria Point, in accordance with Part 4 Section 16.1 of the Ministers Guideline and Rules under the Planning Act 2016;**
2. **endorse public consultation on the draft structure plan to occur in accordance Part 4 Section 18 of the Ministers Guideline and Rules under the *Planning Act 2016*; and**
3. **delegate authority to the Chief Executive Officer, under s.257(1)(b) of the *Local Government Act 2009*, to give the chief executive a notice requesting an early confirmation of state interests in accordance with Part 4 Section 16.2 of the Ministers Guideline and Rules under the *Planning Act 2016*.**

### 13.4 REDLANDS ECONOMIC DEVELOPMENT ADVISORY BOARD UPDATE AND ANNUAL REPORT 17/18

**Objective Reference:****Authorising Officer:** Louise Rusan, General Manager Community & Customer Services**Responsible Officer:** Kim Kerwin, Group Manager Economic Sustainability & Major Projects**Report Author:** Kristen Banks, Program Manager Economic Sustainability and Major Projects**Attachments:** 1. Redlands Economic Development Advisory Board Annual Report 2017-18**PURPOSE**

The purpose of this report is to table a report to Council on the tenth formal meeting of the Redlands Economic Development Advisory Board (Advisory Board) in accordance with the Advisory Board's Terms of Reference.

The report also presents the Redlands Economic Development Advisory Board Annual Report 2017-18 (attached).

**BACKGROUND**

Council established and appointed an Advisory Board as part of its commitment to increasing the City's economic capacity through business growth and retention, and employment generation.

The Advisory Board oversees implementation of the *Redland City Economic Development Framework 2014-2041* and assists in the development of industry sector plans.

**ISSUES**

The tenth formal Advisory Board meeting was held on Thursday 2 August 2018.

The following items formed the agenda for the meeting:

- i. Welcome and introductions
- ii. Review of previous minutes and status of actions
- iii. Economic Development Snapshot
- iv. Redlands Economic Development Advisory Board Annual Report 2017-18
- v. Workshop session – gap analysis and opportunities assessment for key industry sectors
- vi. Workshop session – approach to Investment Attraction Strategy
- vii. Update from Board members

A summary of the meeting follows:

- i. Welcome and introductions

Dr John O'Donnell officially resigned from the Board. An executive search to replace Dr O'Donnell will be undertaken.

- ii. Review of previous minutes and status of actions

- Health Care and Social Assistance Industry Action Plan 2018-2023 adopted by Council.
- Redland City Tourism Strategy and Action Plan 2015-2020 status of action items (tabled).

- Brand implementation – Chair requested document outlining digital component of the Branding Implementation Plan.

### iii. Economic Development Snapshot

- Continued interest from Advisory Board in international relations, and work continues to be done with Brisbane City and Council of Mayors SEQ.
- Advisory Board suggested that it may be more beneficial to invest resources in implementing actions from developed industry sector plans rather than developing additional industry sector plans, as much work needs to be done to implement existing plans.
- Advisory Board noted Education Roundtable to be held 14 September 2018 with suggestion for a second roundtable to be held early in 2019.
- Advisory Board noted Redland City Plan to commence on 8 October 2018.
- Advisory Board supported review of Community Grants and Sponsorship program to consider inclusion of business and innovation and proposed a weighting based on industry sector.

### iv. Redlands Economic Development Advisory Board Annual Report 2017-18

- Feedback from the Advisory Board on the draft annual report incorporated into the final version.

### v. Presentation – gap analysis and opportunities assessment for key industry sectors, by Teresa Bullock-Smith, REMPLAN

- REMPLAN presenter advised that the assessment builds on the findings of the Key Sector Validation report.
- Advisory Board discussed whether a niche industry i.e. food could drive major change (food value adding at a high level). This could potentially fit with Redlands Coast branding.
- REMPLAN presenter advised that Agribusiness was an opportunity for Redlands with the increased push for natural products.
- The Mayor suggested that there is an opportunity to link with Quandamooka activities such as honey, and highlighted that the Redland City Plan is designed to make use of opportunities in rural areas.
- REMPLAN presenter advised that it is important for the Redlands to consider how it looks at the value-add for a business to 'stack up' if producing locally, and to create a culture of value-adding by thinking like a village.
- Successful examples of 'The Farm' at Byron Bay and Brass Monkey month in Stanthorpe were discussed.
- Advisory Board felt it beneficial to focus on executing and reviewing the three existing industry sector plans (Tourism, Health Care and Social Assistance and Education and Training), and potentially developing another priority sector plan i.e. niche manufacturing.



- vi. Workshop session – approach to Investment Attraction Strategy by Shaun Drabsch, Endeavour Programme
- Workshop to determine advice to Council on approach to investment attraction.
  - Exercises with the Advisory Board included:
    - Identifying strengths and weaknesses of regional attributes;
    - Considering the culture of Council, the community and business networks toward investment;
    - Conditions for investment in example areas of Health Care and Social Assistance, High Value Added Services and North Stradbroke Island; and
    - What can Council do i.e. an investment framework.
  - Advisory Board members agreed that there is a need to involve/engage community/ stakeholders and move forward with an investment attraction strategy/prospectus
  - The Chair advised that it should be a framework in principle to support catalyst projects and target engagement.
  - Draft report summarising workshop discussion to be circulated to the Advisory Board for review.
- vii. Update from Advisory Board members
- Item carried over to next Advisory Board meeting.

#### Redlands Economic Development Advisory Board Annual Report 2017–18

The Redlands Economic Development Advisory Board Annual Report 2017-18 is presented to Council for noting (see attached). The report contains summary progress on annual performance against the *Redland City Economic Development Framework 2014-2041* key performance indicators, progress against the key action areas of the Advisory Board, key infrastructure project updates and highlights from the financial year. The report also contains details of the Advisory Board's ongoing priorities for 2018-19.

### **STRATEGIC IMPLICATIONS**

#### **Legislative Requirements**

There are no legislative requirements that affect the outcome of this report.

#### **Risk Management**

Identified risks to successful economic development in the City include:

- failure to work in partnership with the business community, and other levels of government that will inhibit the delivery of the framework; and
- failure to develop and implement industry sector plans due to inadequate resourcing.

#### **Financial**

Budget has been allocated for:

- City-wide branding project
- Economic industry sector plans
- Investment attraction

## People

Advisory Board meeting actions may impact staff resources within the Economic Sustainability and Major Projects Group and the Communication, Engagement and Tourism Group.

## Environmental

There are no identified environmental implications.

## Social

A strong and vibrant economy allows a community to reinvest its wealth back into the society that helped contribute to that growth. The wellbeing of people, the environment and the economy are intricately linked. A strong and sustainable economy will be integrated and deliver benefits from across a range of sectors, through all parts of the City and across all demographic boundaries.

## Alignment with Council's Policy and Plans

### *Relationship to Corporate Plan*

The Advisory Board, through its role of overseeing the implementation of the *Redland City Economic Development Framework 2014-2041*, supports Council's strategic priority of delivering a supportive and vibrant economy. In addition, the Framework will also:

- provide opportunity for business investment and local employment;
- develop a supportive vibrant economy that delivers business opportunities;
- promote local jobs; and
- strengthen the tourism industry.

## CONSULTATION

The tenth formal meeting of the Advisory Board was coordinated by the Economic Sustainability and Major Projects Group with input from the following:

### Internal

- Communication, Engagement and Tourism Group

### External

- REMPLAN
- Endeavour Programme

## OPTIONS

### Option One

That Council resolves to note this report including the attachment, Redlands Economic Development Advisory Board Annual Report 2017-18.

### Option Two

That Council resolves to request further information or changes to this report and/or the attachment, Redlands Economic Development Advisory Board Annual Report 2017-18.

**OFFICER'S RECOMMENDATION**

**That Council resolves to note this report including the attachment, Redlands Economic Development Advisory Board Annual Report 2017-18.**



Redlands Economic  
Development Advisory Board

# Annual Report

## 2017-2018



## Message from the Chair



I am proud to present the Redlands Economic Development Advisory Board's second annual report.

In 2017-18 the Advisory Board – working collectively with Redland City Council, government and industry stakeholders – has taken great strides in overseeing implementation of the *Redland City Economic Development Framework 2014–2021*.

Underpinning this year's work was advice from the Board for Council to consider whether any adjustments needed to be made to the Framework in light of the latest economic trends. A data validation and assessment exercise, undertaken to determine if the eight key sectors identified in the Framework were still relevant based on the 2016 Australian Bureau of Statistics Census, confirmed that those industry sectors remain key for the city.

Significant work was undertaken to progress development and implementation of key industry sector plans including Health Care and Social Assistance, Education and Training, and Tourism.

Following an extensive consultation process with industry stakeholders and the Advisory Board, draft plans were developed for both the Health Care and Social Assistance and Education and Training industry

sectors. The finalised plans will be presented to Council for consideration in early 2018–19.

A milestone for the Advisory Board was the development and adoption by Council of a City-Wide Branding Project, a key action of the *Redland City Tourism Strategy and Action Plan 2015–2020*.

On behalf of the Board, I would like to congratulate all those involved in the research, development and delivery of Redlands' new place brand: 'Redlands Coast – Naturally Wonderful'.

The Board was very pleased to be able to provide expertise to Council on all aspects of the development and delivery of the brand during 2017-18.

We are excited about this clear new identity for this wonderful city and look forward to seeing the emergence of what we believe will be positive outcomes for the Redlands Coast community, and business, trade, and tourism markets.

Bringing industry together to implement industry sector plans, particularly Health Care and Social Assistance and Education and Training, will be a focus of 2018-19. Prioritising development of other industry sector plans that are likely to result in the high economic benefit for the city is of paramount importance

The State Government's announcement of an additional funding of \$11 million toward the North Stradbroke Island Economic Transition Strategy is welcomed. However, with sand mining to cease on North Stradbroke Island in 2019, it is critical that we diversify the island's industries to create more job opportunities and enable a sustained economy. This will remain a priority for the Board working with both local, national and international stakeholders to support economic growth.

Continuing to build and enhance partnerships with international stakeholders remains a priority for attracting new investment, particularly with the city's Asia Pacific neighbours.

Enabling a "smart and connected" Redlands Coast through the delivery of initiatives including the Advancing Regional Innovation Program and the prioritisation of major infrastructure projects, particularly for transport, are pivotal to the future prosperity of the city.

Together with my Advisory Board colleagues, we remain committed to contributing to a clever, skilled and economically sustainable Redlands Coast.

Samantha Kennedy  
Chair  
Redlands Economic Development Advisory Board



## Board profile

**Samantha Kennedy**



Samantha Kennedy is Optus Director of Government Strategy and Innovation. In this role, she is focused on innovative ways to tackle challenges faced by governments as they transform and build stronger economies. Sam is a skilled natural leader and excellent communicator, with an ability to exceed expectations. Sam is widely recognised for her extensive experience and a successful track record driving profitable and sustainable growth in strategy, business and market development, sales, marketing, human resources, law and industrial relations in highly competitive markets across both the public and private sectors in Australia and Asia Pacific.

**Catherine O'Sullivan**



Catherine O'Sullivan is Director of Innovation, Industry and Employability for Laureate International University. In this leadership role Catherine drives industry engagement to ensure that curriculum is delivered in a practical and applicable way, which is globally recognised as a key attribute of Laureate's students. A former Pro Vice-Chancellor, Pathways and Partnerships at Bond University, Catherine has been recognised with various awards, which are testament to her dedication to women's leadership and education. Catherine's 'Yarning Jo' initiative for Bond University was honoured with the 2016 Queensland Premier's Reconciliation Award and the ATEM/Campus Review Award for Excellence in Community Engagement.

**Dr John O'Donnell**



Dr John O'Donnell has substantial experience in the fields of health service planning and delivery, and health innovation. John was Chief Executive Officer of Mater Health Services Brisbane from 2001 to 2015. During this time, John led Mater through a period of rapid redevelopment and growth as it expanded clinical services and health-related education and medical research. John is an Adjunct Professor at the School of Medicine, University of Queensland and School of Public Health, Queensland University of Technology. John also holds executive roles at several organisations.

**Jerry Harris**



Jerry Harris was educated in London and at the University of Durham before beginning a 35-year executive career in the media industry. Jerry has been living in Australia since 1990. In 2001, Jerry became Managing Director of Queensland Press, a position that he held until 2011, before being appointed Managing Director, Group Newspapers and Digital Products of NewsCorp Australia. Jerry is a Director of the City of Brisbane Investment Corporation and a graduate of the Australian Institute of Company Directors.

**Jordan Duffy**



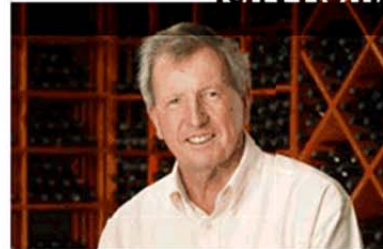
Jordan Duffy has always been a technology native. In 2011, he and Alex Buckham co-founded B&D, a business initially focused on challenging software builds and agile approaches. With a strong portfolio of delivering enterprise and government software and strategy, B&D now offers experimental technology development and enterprise software development. Jordan travels nationally and internationally to provide advice, leadership and education on innovation methods, start-up ecosystem adoption and technology acceleration. Jordan is a board and advisory member to several organisations including WEF Global Shaper, G20YEA and G20 Compliance group.

**Mayor Karen Williams**



Second term Mayor Karen Williams is passionate about promoting the Redlands as the best place to live, work, learn, play and to invest. She is determined to build a new economy based on innovation and to turn the challenges facing all local governments into opportunities for growth, job creation and economic development in the Redlands. Karen is a former small business owner and member of the Australian Institute of Company Directors with a background in the domestic and foreign exchange markets. Karen is a Trustee of CEFA – Committee for Economic Development of Australia and Director of the Council of Mayors (SEQ).

**Terry Morris**



**(July – October 2017)**

Terry Morris is Chairman and Managing Director of family-owned Morris International, a diverse business group incorporating property, manufacturing, information technology, tourism, venture capital and direct marketing. Terry's family also own Sirromet Wines, a five-star winery that has collected more than 800 prestigious national and international wine awards since its opening in 2000. Terry has more than 50 years' experience in Australian commercial life, using lessons learnt along the way to grow the Morris International Group to the successful business organisation it is today.

**John Aitken**



**(December 2017 onward)**

John Aitken is Managing Director of Inspiring Cities, specialising in economic development of globally competitive cities; inspiring precincts, destinations, tourism and major events. Since 1980 John has founded many of Queensland's major event traditions. During his tenure as CEO of Brisbane's economic development organisation Brisbane Marketing (2008–2017), some of his team's achievements included establishing Brisbane Australia's new world city positioning globally, delivering \$4B economic outcomes, creating Brisbane's Digital Strategy including The Capital innovation hub and being responsible for Brisbane's G20 leveraging strategy. John also serves on several other boards.



## Overview

Redland City Council has a number of key priorities that contribute to the economic development of the city. Having an integrated approach to actions and activities relating to these priorities is crucial.

The *Redland City Economic Development Framework 2014-2041*, adopted by Council in February 2015, aligns with Council's "Open for Business" philosophy and sets out a vision for a new city economy:

*"Redlands will be a vibrant inclusive economy and be the destination of choice for businesses, workers, residents and tourists because of its proactive, innovative, and creative approach to business development and expansion."*

Helping to achieve this vision is the Framework recommendation for the establishment of a Redlands Economic Development Advisory Board. Comprised of technical experts and industry leaders, the role of the Board is to provide strategic advice on the economic direction of the city and serve as a link between Council and key industry sectors.

This includes overseeing implementation of the Framework and assisting in the development and implementation of strategies and action plans for eight high-growth industry sectors.

These industry sectors include Accommodation and Food Services (Tourism), Education and Training, Healthcare and Social Assistance, Rural Enterprises (Agriculture, Forestry and Fishing), Manufacturing, Construction, Financial and Insurance Services and Retail Trade.

Further to this, the purpose of the Board is to:

- actively promote the city as a great place to live, work and do business
- advise Redland City Council on any necessary adjustments to the Framework based on industry or economic trends, opportunities and/or threats
- act as the link between Council and the key industry sectors and ensure communication between the public and private sectors
- partner with Council and other government bodies such as Regional Development Australia Logan and Redlands and Council of Mayors South East Queensland to attract investment into the city, including lobbying the state and federal governments on key initiatives and projects.

The importance in the relationship between all of the elements of the Framework and the premise that Council's economic development strategic direction is its centerpiece is represented in Figure 1.

This second Board annual report – a requirement under the Redlands Economic Development Advisory Board Terms of Reference – provides an overview of the Board's achievements for the period July 2017 to June 2018.



Figure 1: Integrated approach to achieving the economic vision

## Economic snapshot of Redland City

Redland City continues to be an economic leader in South East Queensland (SEQ). According to the National Institute of Economic and Industry Research (NIEIR), the local economy generated a Gross Regional Product (GRP) of \$5.47 billion in 2016–2017 – up by 0.8% from \$5.428B in the previous year.

The city has two Principal regional activity centres – Cleveland and Capalaba – with Victoria Point also a major activity hub for the southern part of the city.

The Australian Bureau of Statistics estimated resident population (ABS ERP) of the Redlands in 2017 was 154,312, up from 151,987 in the previous year.

Results showed that the city is home to 8345 additional residents since 2011 (based on the Usual Resident Population-comparison of two Census periods), indicating an annual growth rate of 1.2%.

### Industry outlook

Total output (sales) for the city were valued at \$9.3B in 2016–2017– up from \$9.2B in the previous year – with the largest output generated by Construction, followed by Rental, Hiring and Real Estate Services, Manufacturing and Health Care and Social Assistance.

Combined sales from the four industries accounted for half (50%) of the city's total output.

The most productive industry was Health Care and Social Assistance with a value-add of \$547M, followed by Construction, Retail Trade, Manufacturing, and Education and Training.

Tourism generated \$129.7M in total direct output/sales, accounting for 1.4% of the city's total direct output (2015–2016 data). The industry's contribution increased by 16.4% from the previous year (based on direct output data).

### Employment outlook

In the financial year ending June 2017 there were 46,908 jobs in the city, which indicates a loss of 299 jobs from the previous year.

The decline in the total number of local jobs was driven by job losses in Manufacturing, which mirrors state and national trends. The industry is experiencing significant shifts – structurally and technologically. There was also a decrease in the number of jobs in Construction, an industry which can be subject to job fluctuations as building and residential construction is largely dependent on population growth.

Health Care and Social Assistance is the largest employer generating 5355 full time equivalent (FTE) jobs in 2016–2017, which was an increase of 136 jobs from the previous year. The next three largest industries by employment were Construction (4994 FTE jobs), Retail Trade (4523 FTE jobs) and Education and Training (3166 FTE jobs).

The unemployment rate was 5.2% in March 2018 compared to 5.9% in December 2017. The city's unemployment rate is lower than state (6.0%) and national (5.5%) levels.

### Business outlook

There were 11,859 registered businesses in 2016–2017– an increase of 297 businesses compared to the previous year. Construction and Transport, Postal and Warehousing experienced the most growth in the number of businesses.

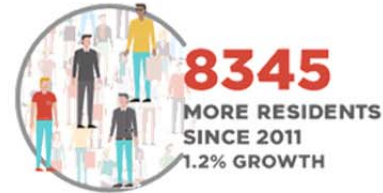
Note: Due to additional data sets becoming available in 2017–18, NIEIR adjusted the economic modelling used in 2016–17. This has resulted in some changes in comparisons to values published in the *Redland Economic Development Advisory Board Annual Report 2016–2017*.

## Framework growth measure to 2041

## 2017-18 Performance

### POPULATION TARGET

Redland City will have a population of 206,000 by 2041 with annualised average growth of 1.2%, as forecast by Queensland Treasury and Trade



Economic Development Framework  
Population Growth Target  
**ON TRACK** ✓

### GROSS REGIONAL PRODUCT

The Redland City economy will be worth \$6.8B by 2041

**Stretch target:**  
An \$8B economy



Economic Development Framework  
GRP Growth Target  
**ON TRACK** ✓

### NUMBER OF JOBS

30,000 jobs will be created in the City to 2041, with a workforce of 74,000 people

**Stretch target:**  
Creation of 40,000 local jobs  
(42,093 in 2012/13)



4,815 NEW JOBS CREATED SINCE FRAMEWORK ESTABLISHED

Economic Development Framework  
Job Growth Target  
**MONITOR** ⚠

### TOURISM GROWTH

A target of 2% of total economic output

**Stretch target:**  
Tourism to contribute more than  
3% of GRP.



Economic Development Framework  
Tourism Growth Target  
**ON TRACK** ✓



# Progress report - Year 2

Action	Performance measures	Progress
<b>Industry sector development</b>		
Oversee implementation of the <i>Redland City Economic Development Framework 2014-2041</i> and assist in the development and implementation of strategies and action plans for eight high-growth industries	<ul style="list-style-type: none"> <li>Advise Redland City Council on any necessary adjustments to the Framework based on industry or economic trends, opportunities and/or threats</li> </ul>	<p><b>Validation and assessment exercise</b></p> <ul style="list-style-type: none"> <li>On advice from the Board, Council commissioned REMPLAN to undertake a data validation and assessment exercise to determine if the eight key industry sectors identified in the <i>Redland City Economic Development Framework 2014-2041</i> were still relevant based on the latest 2016 Australian Bureau of Statistics Census.</li> <li>The validation exercise confirmed that the eight industry sectors continue to perform well in terms of output, value-add and employment, accounting for three-quarters of total regional exports, and are still considered future employment growth sectors.</li> </ul>
	<ul style="list-style-type: none"> <li>Implementation program for each industry developed and delivery of actions is underway</li> </ul>	<p><b>Tourism industry sector</b></p> <ul style="list-style-type: none"> <li>The Board continued to support the implementation of the <i>Redland City Tourism Strategy and Action Plan 2015-2020</i>.</li> <li>Of the 33 actions in the plan, 20 have been completed and 13 are on-track for completion.</li> <li>Work continued on the development of a draft memorandum of understanding to undertake a pilot program to explore opportunities including awareness, data sharing, regulation, disaster response, innovation, promotion and advocacy.</li> </ul> <p><b>Health Care and Social Assistance and Education and Training industry sectors</b></p> <ul style="list-style-type: none"> <li>Council received the Health Care and Social Assistance and Education and Training consultant reports at its General Meeting in September 2017.</li> <li>Following an extensive validation process with industry stakeholders and the Board, draft industry sector plans were developed for both sectors, including accountable parties, timeframes and resource considerations for their implementation.</li> <li>The finalised <i>Health Care and Social Assistance Industry Sector Plan 2018-2023</i> and <i>Education and Training Industry Sector Plan 2018-2023</i> will support the objectives of the <i>Redland City Economic Development Framework 2014-2041</i> and set out how Council will work with industry, businesses and governments to meet the challenges and capitalise on employment and economic opportunities in each sector. Both plans will be presented to Council for consideration in early 2018-19.</li> <li>On advice from the Board for Council to develop a plan for international education (student population, study tours and exchange opportunities). Council commissioned a consultant to undertake an environmental scan to better understand current international education and training capacity and capability in the city. It includes mapping the international education products and services (both supply and demand side components), identifying challenges, issues or constraints to market entry and/or participation in international education.</li> </ul>



Action	Performance measures	Progress
	<ul style="list-style-type: none"> <li>Industry sector strategies and action plans developed for Manufacturing and Rural Enterprises (Food and Agribusiness)</li> <li>Industry sector engagement undertaken</li> </ul>	<p><b>Rural Enterprises (Food and Agribusiness)</b></p> <ul style="list-style-type: none"> <li>Council commenced research into the industry sector including its industry output, registered businesses, regional export, subsectors, total employment, employment projections, existing agricultural and rural land uses and relevance of other rural strategies and consultation data.</li> <li>Data from the validation exercise and gap analysis and opportunities study will be used to further inform the development of the industry sector plan.</li> <li>Through COMSEQ, Council continued to actively participate in the SEQ Food Trails User Group to ensure that Redlands was featured in the SEQ Food Trails website initiative launched in July 2018.</li> </ul> <p><b>Manufacturing</b></p> <ul style="list-style-type: none"> <li>Data from the validation exercise and gap analysis and opportunities study will be used to inform the development of the industry sector plan.</li> </ul>
<b>Business attraction/facilitation</b>		
Contribute to developing an investment attraction strategy that aligns with priorities of industry sector plans	<ul style="list-style-type: none"> <li>Development and implementation of an investment attraction strategy</li> </ul>	<ul style="list-style-type: none"> <li>The Cleveland CBD and Tourism and Accommodation Incentives Package concluded on 30 June 2018. Of the 22 proposed development applications lodged during the life of the Package, all received application fee concessions (19 were for tourism accommodation). One completed development also received a concession on infrastructure charges.</li> <li>Building on the data validation and assessment exercise for the <i>Redland City Economic Development Framework 2014-2041</i>, REMPLAN commenced a gap analysis study to identify opportunities for key sectors with the potential to re-capture some of the workforce currently leaving the region, and identify import replacement opportunities for the SEQ economy. The purpose of the gap analysis is also to understand the potential future economic opportunities and identify areas of unmet demand.</li> <li>This data will be used to inform the development of the investment attraction strategy in 2018–19.</li> </ul>
<b>Marketing</b>		
City Branding and Identity Project	<ul style="list-style-type: none"> <li>Advocate for a city-wide branding and identity project to create a shared Redlands identity to underpin Redlands continued economic development</li> </ul>	<ul style="list-style-type: none"> <li>A new city brand was completed and adopted by Council on 6 June 2018.</li> <li>The brand, which was developed after extensive consultation with approximately 5,000 locals, businesses and visitors to the city, includes the name 'Redlands Coast' for marketing purposes and the tagline 'Naturally Wonderful'. A visual identity, including a logo incorporating Quandamooka design elements, was also developed and launched.</li> </ul>

Action	Performance measures	Progress
Advocacy		
Support the North Stradbroke Island Economic Transition Strategy	<ul style="list-style-type: none"> <li>Advocate for additional funding and infrastructure to help create a more resilient and diversified economy on the island</li> </ul>	<p><b>Don't Leave Straddie Stranded</b></p> <ul style="list-style-type: none"> <li>The Board provided advice to Council around the 'Don't Leave Straddie Stranded' campaign that was established in August 2017. The campaign focused on the need for more funding from the State Government to help the island transition from sand mining to other industries and was supported by businesses at North Stradbroke Island, the Straddie Chamber of Commerce and Redland City Chamber of Commerce. Sand mining will end on the island in 2019. The campaign included a 'Don't Leave Straddie Stranded' change.org petition – <a href="http://www.straddiestranded.com.au">www.straddiestranded.com.au</a> and 'Don't Leave Straddie Stranded' facebook page <a href="http://www.facebook.com/straddiestranded">www.facebook.com/straddiestranded</a>.</li> </ul> <p><b>North Stradbroke Island Economic Transition Strategy</b></p> <ul style="list-style-type: none"> <li>Council remained lead for Project 13: Location and Interpretive Signage and project partner on a further 17 of 23 projects of the State Government North Stradbroke Island Economic Transition Strategy.</li> <li>A revised scope for Project 13 was approved by the State Government, the funding agreement finalised and the project commenced.</li> <li>An internal working group established by Council, with representation from the Department of State Development, Manufacturing, Infrastructure and Planning continued to meet regularly to coordinate Council participation in projects being funded under the North Stradbroke Island Economic Transition Strategy.</li> <li>Council continued to attend North Stradbroke Island Economic Transition Strategy Implementation Committee meetings.</li> </ul> <p><b>Additional funding</b></p> <ul style="list-style-type: none"> <li>On 5 June 2018 the Queensland Government committed an extra \$11 million to support North Stradbroke Island's economic development.</li> </ul>



Action	Performance measures	Progress
Innovation		
<p>Contribute to growing the city's innovation ecosystem by supporting the Advancing Regional Innovation Program</p>	<p>⦿ Delivery of a program of initiatives designed to grow the innovation ecosystem in the Redlands</p>	<p><b>Advancing Regional Innovation Program</b></p> <ul style="list-style-type: none"> <li>☑ Funding of \$500,000 over three years was secured under the Queensland Government Advancing Regional Innovation Program (ARIP) to develop an innovation ecosystem for the Logan Redlands Region with matching industry commitment.</li> <li>☑ The \$1 million program to boost jobs and local businesses in the Redlands and Logan through innovation hubs and education centres was launched by Innovation Minister Leeanne Enoch and Mayor Williams in September 2017.</li> <li>☑ Led by Council, the project's 11 partners including Logan City Council, Griffith University, Little Tokyo 2 innovation hub and the Redland City Chamber of Commerce will match the State's funding.</li> <li>☑ Program outcomes included appointment of a regional program coordinator, delivery of a workshop series with local schools and businesses to grow and foster local innovation, representation at the annual Myriad Festival in Brisbane by local robotics/entrepreneurial businesses, and delivery of a Redlands Focus on Aged Care event in June 2018 that was attended by more than 65 people from aged care and community care networks, as a lead in to a major innovation forum to be held in 2018-19.</li> <li>☑ Council collaborated with StartUp Redlands to secure the delivery of events during 2018-19 with an entrepreneurship and innovation focus for the Redlands community and businesses. This initiative met Advancing Regional Innovation program deliverables to help further enhance the local innovation ecosystem.</li> </ul> <p><b>Maturing the Infrastructure Pipeline Program</b></p> <ul style="list-style-type: none"> <li>☑ Council secured funding for the preparation of an early stage assessment of a potential Cleveland Innovation Precinct through the Queensland Government's Maturing the Infrastructure Pipeline Program (MIPP). The MIPP, administered by the Department of State Development, Manufacturing, Infrastructure and Planning supports the development of a robust project pipeline by enabling projects to be matured from conceptually good ideas into solid proposals. The consultant appointed by the State Government Aurecon, completed an early stage assessment incorporating feedback from external stakeholders, the Board and Council outlining future options for a potential Cleveland Innovation Precinct.</li> <li>☑ The study, which is included in the <i>State Infrastructure Plan 2018</i> program update, identified an innovation precinct as a potential enabler to attracting more businesses and industry to the area.</li> <li>☑ The next steps include further analysis of the options as part of the preliminary evaluation stage.</li> </ul>



Action	Performance measures	Progress
Contribute to development of a Smart Cities Framework	<ul style="list-style-type: none"> <li>Smart Cities Framework delivered and embedded in Council processes and programs</li> </ul>	<p><b>Internet connectivity for industrial estates</b></p> <ul style="list-style-type: none"> <li>A Board recommendation to Council was that Council invests in the improvements of high speed internet connectivity in the Capalaba and Cleveland industrial estates, subject to budget review and considerations.</li> <li>A number of vendors were canvassed to seek a wireless and fixed line fibre solution to internet connectivity for industrial estates in the Redlands. At this point in time, no viable solutions have been identified.</li> <li>Further investigations of infrastructure builds within Redland City with alternative vendors will continue in 2018-19.</li> </ul> <p><b>Advocacy for Smart Region through City Deal</b></p> <ul style="list-style-type: none"> <li>In May 2017, the Australian Government invited the Queensland Government, COMSEQ, and SEQ councils to jointly develop a City Deals strategy for SEQ, as a tripartite focus on investments and actions that will help align planning, investment and governance to accelerate growth and job creation, stimulate urban renewal and support the future prosperity and liveability of the SEQ region.</li> <li>The development of the SEQ City Deal is being guided by a regional vision, desired outcomes and a dimensional employment and economic development plan that focuses on how the outcomes will be delivered.</li> <li>As a member of the State Government's SEQ City Deal Economic Narrative Reference Group, Council contributed to the SEQ City Deal Framework through the underpinning Economic Foundations Paper (addressing core themes of competitive economy, connectivity, skilled labour force, liveability and stewardship) as considerations for a SEQ City Deal.</li> <li>Gateway 2 is underway and will inform the development of design parameters and an outcomes framework to consider priority investments to be included in the SEQ City Deal.</li> </ul> <p><b>Autonomous vehicle demonstration</b></p> <ul style="list-style-type: none"> <li>Council worked with international, high-tech company EasyMile, which specialises in software-powered autonomous vehicles, and local bus operator Transdev, to trial an EasyMile EZ10 electric driverless bus in Middle Street, Cleveland on Sunday 3 March 2018.</li> <li>Council is working with South East Queensland Council of Mayors to facilitate an extended trial of an autonomous vehicle in the Redlands. Likely locations for an extended trial will be Redlands Coast islands.</li> </ul> <p><b>Mobile Black Spot Program</b></p> <ul style="list-style-type: none"> <li>North Stradbroke Island (southern end) and Russell Island (Southern Moreton Bay Islands) have been included in round 3 of the Australian Government Department of Infrastructure, Regional Development and Cities Mobile Black Spot Program.</li> <li>Telstra and Optus continue to engage with Council to try to resolve Black Spot issues in the Redlands.</li> </ul>

## Highlights

### Redlands Coast – Naturally Wonderful: a new brand to drive economic development

The Redlands Economic Development Advisory Board played a key advisory role in the development and delivery of the bold new place brand for the Redlands that was adopted by Council on 6 June 2018. The Board saw the new place brand as a priority project and provided advice around the research, engagement, creative, potential partners, launch and delivery of the new brand.

The new place brand, 'Redlands Coast- Naturally Wonderful' is the result of 10 months of research and development delivered by Redland City Council that included engagement with approximately 5000 local residents, businesses and visitors to the city.

The exhaustive and impressive engagement process was one of the largest in Australia run by a local government for a place brand and the Board was pleased to be on the journey from the start to the finish.

The Board is confident that the place brand provides a clear new identity for the city, turning the spotlight on what residents and visitors identified as the essence of the city.

That essence is the 335km of coastline, the water-based lifestyle, natural attractions from the bay to the hinterland, Quandamooka culture, and a naturally welcoming community. All these attributes, when supported and promoted, have the potential to drive an increase in visitation as well as attract a diverse range of investment and business opportunities into the area.

There is huge potential for the new and authentic place brand to support both continued growth in tourism and business investment and development in other sectors, such as education and healthcare. The Board looks forward to seeing the emergence of positive outcomes for the Redlands Coast community, and business, trade, and tourism markets

With forecasts that one in four new jobs created worldwide over the next 10 years (to 2028) will relate to tourism, destination marketing remains critical to helping the city capture a larger share of the millions of visitors to Queensland each year that deliver economic growth across many sectors.\*

With so much to offer, it is right that Redlands Coast is proudly stepping onto the world stage and speaking boldly of all the rhythm and opportunity it presents. The Board continues to assist Council as it charts the course into a new era for Redlands Coast.



Website: [www.redlandscity.qld.gov.au](http://www.redlandscity.qld.gov.au)  
 Redlands Coast logo: [www.redlandscity.qld.gov.au](http://www.redlandscity.qld.gov.au)  
 \*World Economic Forum, 'The Global Competitiveness Report 2017', p. 104. <http://www.weforum.org/publications/global-competitiveness-report-2017>

### Special business breakfast

More than 125 representatives from local businesses attended a joint business breakfast delivered by Council and the Redland City Chamber of Commerce on Wednesday 2 May 2018.

The breakfast provided an opportunity for local businesses and the community to learn how the Redlands can benefit from two once-in-a-generation projects that are right on our doorstep – the \$3 billion Queen's Wharf Brisbane integrated resort development led by consortium partner The Star Entertainment Group; and the Brisbane Airport Corporation's \$1.3 billion new runway.

Local businesses also had the opportunity to hear about local development initiatives and ask questions of keynote speakers in a facilitated panel discussion.

Keynote speakers included:

- Redland City Mayor Karen Williams
- Alison Smith, General Manager, Corporate Affairs Queensland, The Star Entertainment Group
- Michael Hodgson, General Manager, Business Development & Partnerships, The Star Entertainment Group
- Cory Heathwood, Government and Public Affairs Manager, Brisbane Airport Corporation
- Samantha Kennedy, Chair, Redlands Economic Development Advisory Board.

Board member John Aitken facilitated the panel, which also included Michael Choi, Redland City's Honorary Ambassador to China and Cameron Costello, CFO, Quandamooka Yoolooburrabee Aboriginal Corporation.

Developing a relationship with Brisbane Airport Corporation in light of potential international opportunities and giving Redland City businesses and tourism operators a chance to hear about the plans for the airport was a suggestion of the Board.







### Framework Key Sector Validation and Assessment Exercise

A key role of the Board is to advise Redland City Council on any necessary adjustments to the Framework based on industry or economic trends, opportunities and/or threats.

On advice from the Board, Council commissioned REMPLAN to undertake a data validation and assessment exercise to determine if the eight key industry sectors identified in the Framework were still relevant based on the latest 2016 Australian Bureau of Statistics Census.

The validation and assessment exercise included the following:

- a study of Redland City with benchmarks to surrounding local government areas including Logan, Brisbane, Gold Coast as well as South East Queensland
- a review of forecasts used to inform development of the Framework
- an audit of the most up-to-date economic and demographic data including what has changed over 2006, 2011 and 2016
- a study of which industries are currently driving the local economy
- identification of industries that are considered key and emerging industry sectors and are potentially future drivers for the region.

The validation exercise confirmed that the eight industry sectors continue to perform well in terms of output, value-add and employment, accounting for three-quarters of total regional exports, and are still considered future employment growth sectors. Motion Picture and Sound Recording (Film) was identified as one of the city's emerging industry sectors.

Film-friendly Redlands is fast gaining a reputation internationally as a location of choice for small and big screen productions. Noteworthy productions to have filmed in the Redlands in 2017–18 include Aquaman, Harrow and Tidelands.

Building on the momentum of the industry's presence in the city over recent years, combined with the Queensland Government's Advance Queensland 10-Year Roadmap for the Screen Industry consultation paper, positions Redland City to exploit this emerging industry as a future driver of the region.

### Hollywood comes to North Stradbroke Island

*Aquaman* – a superhero blockbuster starring Jason Momoa in the title role along with Nicole Kidman, Amber Heard and Willem Dafoe – is the latest in an impressive list of big-screen productions to film in the Redlands, showcasing our patch of paradise to the world.

The makers of *Aquaman*, directed by Australian James Wan, spent about \$100 million on physical production in Queensland, with a decent slice of that landing in the Redlands during two separate shoots.

More than 250 vehicles were ferried to North Stradbroke Island for the production, with locals contracted to help create the set. About 40 crew spent the best part of a fortnight on the island to set up and remove required equipment, including gear for special effects. It followed shooting at Amity Point in May 2017, which built on the city's relationship with major film makers which has been developed over the past five years.

*Aquaman* will open in cinemas on 21 December 2018.

### Harrow films in the Redlands

Film-friendly Redland City was a location of choice for *Harrow* – a new 10-part Australian crime drama series set in Brisbane and produced by Brisbane's Hoodlum Entertainment.

Seven regular cast members, two guest cast and about 60 crew members were on location in Cleveland in October 2017.

The series is the first drama production for the Disney-owned ABC Studios International, and Disney Media Distribution will license international rights. The series has also been supported by Screen Queensland.

Logic-nominated *Harrow*, which aired on ABC on 9 March 2018, has been renewed for a second season. With *Harrow* being produced for domestic broadcast as well as worldwide distribution, the Redlands is set to be showcased to a global audience.





## Progress on infrastructure projects

For 2017–18, the Redlands Economic Development Advisory Board noted several catalyst infrastructure projects as contributing to the objectives of the *Redland City Economic Development Framework 2014-2041*.

Project	Progress
<b>Toondah Harbour Priority Development Area</b>	<ul style="list-style-type: none"> <li>Walker Corporation released an updated master plan for the Toondah Harbour Priority Development Area in response to feedback from leading environmental and wetland experts, public submissions and the Australian Government.</li> </ul>
<b>Weinam Creek Priority Development Area</b>	<ul style="list-style-type: none"> <li>Council commenced planning for development of the Weinam Creek Priority Development Area. The master plan, being developed by Council for delivery in stages, includes significant public infrastructure and will transform the waterfront of Redland Bay and enhance the amenity and functionality of the busy local community hub.</li> </ul>
<b>Redland City Health and Wellness Precinct</b>	<ul style="list-style-type: none"> <li>Council, through a partnership with Metro South Health and Hospital Service and Mater Hospital, commenced a master planning study for the Redlands Health and Wellness Precinct. The three-stage study, being undertaken by consultants, includes an economic impact assessment, land use and planning study. The Stage 1 report (Demand Drivers Assessment) dated 5 March 2018 was received from the consultant. The report, which includes profiling of the drivers and key opportunities and challenges in the Redlands economy and identification of key learnings and lessons from best practice health precincts elsewhere in Australia and internationally, has informed Stages 2 and 3 which are currently being finalised. The project will recommend a preferred structure plan for the Health and Wellness precinct for consideration by Council and its project partners in 2018–19.</li> <li>Progressing the master plan for the precinct is an action of the Redland City <i>Health Care and Social Assistance Industry Sector Plan 2018-2023</i>.</li> </ul>
<b>Redland Aquatic and Emergency Precinct</b>	<ul style="list-style-type: none"> <li>A \$71 million surf lifesaving Centre of Excellence and Emergency Services Precinct is a step closer after Redland City Council and Surf Life Saving Queensland (SLSQ) signed a Memorandum of Understanding (MOU) on 11 October 2017. The MOU with SLSQ is for the organisation to establish a Centre of Excellence and relocate its headquarters to Redlands Coast. It would be co-located with the new Cleveland Aquatic Centre, with potential for the project to also include emergency services organisations.</li> </ul>
<b>Transport</b>	<ul style="list-style-type: none"> <li>Council continued to work with the Department of Transport and Main Roads to develop a business case that prioritises the planning and delivery of major infrastructure projects that will benefit the Redlands.</li> <li>Council worked with the Department of Transport and Main Roads to develop a project scope that focuses on upgrading the bus interchange in Capalaba. The project scope complements a study completed on the Old Cleveland Road Corridor that identified actions to improve bus prioritisation.</li> <li>A draft Redlands Transport Strategy was prepared and is being reviewed. It is intended that the draft Redlands Transport Strategy will be released for community consultation following Council endorsement with the intention of being finalised and adopted by Council in 2018.</li> <li>The Cleveland Traffic and Transport Strategy project has progressed through the community consultation stage and into the final drafting stage. It is intended that this strategy will be finalised in 2018, subject to Council adoption.</li> <li>Council continues to advocate for further investigation of a high-frequency rail public transport service to Cleveland through the SEQ Regional Plan 2017, linked to delivery of the State Government's Cross River Rail project.</li> </ul>



## Ongoing Priorities

Priority	Performance measures
<p><b>Industry sector development</b></p> <p>Continue to oversee implementation of the <i>Redland City Economic Development Framework 2014–2041</i> and assist in prioritising the development and implementation of industry sector plans</p>	<ul style="list-style-type: none"> <li>⦿ Contribute to the development of industry sector plans</li> <li>⦿ Advise on and assist with implementation programs for each developed industry sector plan</li> <li>⦿ Assist Council to establish partnerships with key industry stakeholders</li> </ul>
<p><b>Investment attraction</b></p> <p>Contribute to developing an investment attraction strategy that adopts a more targeted and strategic approach to investment attraction and the types of incentives being offered, that aligns with priorities of industry sector plans</p> <p>Provide input on the development of Sister City and Friendship City arrangements to increase the opportunities for economic benefit within Redland City</p> <p>Work collaboratively with the Redland Investment Corporation (RIC), government agencies and private sector to identify and facilitate economic opportunities for the Redlands community</p>	<ul style="list-style-type: none"> <li>⦿ Redlands Coast prospectus for investment developed</li> <li>⦿ Advise Council on strategies to develop and leverage partnerships with international stakeholders</li> <li>⦿ Provide input to RIC on opportunities to maximise benefit from the use of existing Council land and facilities</li> <li>⦿ Contribute to the identification of alternative revenue sources for Council and new business opportunities</li> </ul>
<p><b>Economic Transition of North Stradbroke Island</b></p> <p>Continue to support the economic transition of North Stradbroke Island to create more job opportunities and sustained economic growth</p>	<ul style="list-style-type: none"> <li>⦿ Advocate for infrastructure and support to create a more resilient and diversified economy on the island</li> <li>⦿ Continue to lead and partner in delivery of projects that transition the North Stradbroke Island economy</li> </ul>
<p><b>Smart and Connected Redlands</b></p> <p>Continue to contribute to growing the city's innovation ecosystem by supporting the Advancing Regional Innovation Program</p> <p>Continue to contribute to development of a Smart Cities Framework for a smart and connected Redlands</p> <p>Advocate for the prioritisation of planning and delivery of major infrastructure projects that will better connect Redlands Coast to Brisbane and the South East Queensland region</p>	<ul style="list-style-type: none"> <li>⦿ Support delivery of a program of initiatives designed to grow the innovation ecosystem in the Redlands</li> <li>⦿ Smart Cities Framework delivered and embedded in Council processes and programs</li> <li>⦿ Continue to advocate for enhanced digital connectivity to support economic and social outcomes</li> <li>⦿ Assist Council to enhance partnerships with key stakeholders</li> <li>⦿ Provide advice on how to progress catalyst infrastructure projects</li> </ul>



Redlands Economic Development Advisory Board

2017-2018

For more information on the *Redland City Economic Development Framework 2014-2041* visit [www.redland.qld.gov.au](http://www.redland.qld.gov.au).

For inquiries regarding the Redlands Economic Development Advisory Board or the implementation of the Framework, contact Redland City Council on **07 3829 8999**.



**13.5 LOWER BRISBANE-REDLANDS COASTAL CATCHMENT ACTION PLAN 2018-2021****Objective Reference:****Authorising Officer:** Louise Rusan, General Manager Community & Customer Services**Responsible Officer:** Graham Simpson, Group Manager Environment & Regulation**Report Author:** Dale Watson, Natural Environment Officer**Attachments:** 1. Lower Brisbane-Redlands Coastal Action Plan 2018-2021**PURPOSE**

To provide the background and seek endorsement of the Council of Mayors' Lower Brisbane-Redlands Coastal Catchment Action Plan 2018 – 2021, being a Resilient Rivers Initiative.

**BACKGROUND**

The Resilient Rivers Initiative (RRI) was launched in December 2014 with the aim of improving the health of South East Queensland's (SEQ) waterways by delivering a coordinated approach to catchment management. Signatories include the Council of Mayors (SEQ), Queensland Government, SeqWATER, Healthy Land and Water and Queensland Urban Utilities. The RRI was founded on the recognition that a coordinated approach to catchment management is vital to ensure future economic, social and environmental health of the region.

In December 2014 Redland City Council (Council) resolved to provide in principle support to the Council of Mayors SEQ to the establishment of a River Improvement Trust in SEQ and give further formal consideration to any participation in such a Trust when further information and details become available.

Key to the activities of the RRI is the agreement that:

1. An integrated approach to the management of the catchments of SEQ is vital to ensuring the future economic, social and environmental health of the SEQ region.
2. By working together, more efficient management and funding arrangements will result.
3. In principle, both a long term strategy and short term implementation plan will be developed.

The RRI oversees the delivery of the Resilient Rivers Regional Strategy 2015-2025 which has the vision of: "By 2045, the catchments of SEQ will support a resilient, productive, liveable and growing region".

The RRI aims to improve the health of our waterways by achieving the following goals:

- promote partnerships with strong leadership to deliver a coordinated approach to catchment management in SEQ;
- keep soil on our land and out of our waterways;
- help protect our region's water security so it can support the current and future population of SEQ; and
- improve the climate resilience of our region.

The final outcome of the RRI will be a coordinated program of works that focuses on innovative approaches to achieving these goals. There is no one single solution to these issues. It requires a collaborative and multi-pronged approach, across state and local government agencies, water utilities, regional partners and the community.

Catchment Action Plans (CAPs) are three year plans of prioritised actions developed under the RRI that identify funding priorities to mitigate risks to regionally important catchment assets. Each of SEQ's 19 catchments will be covered by a CAP aimed at mitigating risks and prioritising actions based on the overarching objectives of the RRI. Together, these CAPs will deliver a collaborative and holistic approach to improving the health of SEQ's waterways.

The principles by which the CAPs were developed are as follows:

1. For planning purposes, the catchment is the basis of the management unit.
2. The CAPs include realistic and achievable short term (over 3 years) actions appropriate for each local catchment which collectively provide the critical implementation path to achieving overall regional economic, social and environmental objectives.
3. The CAPs are developed and delivered in partnership with government, industry, non-government organisations and the community. The CAPs build on existing plans.
4. Where a catchment spans two or more council areas, the relevant councils established a collaborative arrangement to align catchment planning, activities and investment.
5. The CAP provides a single investment decision point for the catchment to align relevant resources.
6. Sound scientific and adaptive management planning basis underpins CAPs and new information, emerging technologies and the effectiveness of implemented actions will be incorporated to inform future actions.

Three other Councils, being Brisbane, Logan and Ipswich, have been asked to endorse the Lower Brisbane-Redlands Coastal CAP as stakeholders. Advice from the Council of Mayor's secretariat is that these Councils have provided endorsement.

The Lockyer, Mid Brisbane and the Pumicestone CAPs were released as part of the Resilient Rivers Initiative in 2016 and the Logan Albert CAP was released in 2017.

## ISSUES

Officers from Brisbane and Redland City Councils have assisted the secretariat of the Council of Mayors to develop the Lower Brisbane-Redlands Coastal CAP. Preparation of the Lower Brisbane-Redlands Coastal CAP commenced in February 2017 and is now complete (refer Attachment 1).

The principal focus of the Lower Brisbane-Redlands Coastal CAP is addressing the impacts of stormwater runoff (primarily sediments, nutrients, hydrocarbons and metals) from urbanised areas - both existing, and those under development - on our creeks, Brisbane River, and Moreton Bay.

The executive summary of the Lower Brisbane-Redlands Coastal CAP includes the following statement:

*"In order to secure the Resilient Rivers Initiative's vision this Plan provides an overview of the catchment's assets, threats and actions to mitigate the identified risks. The range of built and natural assets across the catchment presents a challenge for their effective management,*

*highlighting the importance of both leadership and partnership to deliver a coordinated approach to successfully delivering the Initiative's vision of a ...resilient, productive, liveable and growing region."*

Investment in the Lower Brisbane-Redlands Coastal CAP will:

- protect internationally and regionally important waterways and wetlands;
- ensure priority infrastructure is resilient to floods, droughts, storms and a changing climate;
- enhance the region's liveability; and
- demonstrate partnerships and leadership to achieve regional benefits.

The final product of the Lower Brisbane-Redlands Coastal CAP is the Risk Treatment Plan, which sets out the high-priority actions recommended for the Lower Brisbane-Redlands Coastal Catchment over the next three years (2018–20). These actions focus on either on-ground or policy actions that mitigate high risks and have a high likelihood of success. A total of 17 actions are recommended.

It is noted that some of the actions are subject to future resourcing and funding which will be subject to future consideration through Council's budget development process. The Council of Mayors is also working with other levels of government in seeking funding that may be available to assist with the actions listed in this CAP and other CAPs developed across SEQ.

Implementation of Actions 1, 2, 5, 6, 7, 8, 10, 11, 12 and 13 are recommended to occur within Redlands Coast (abbreviated actions listed below and can be read in full in Attachment 1):

Action 1. Enhance existing Erosion and Sediment Control regulatory activities. Undertaken at active development sites throughout catchments.

Action 2. Address bed and bank instability at 10 priority locations to be confirmed in Coolwypin, Erapah, Upper Tingalpa catchments (and other lower Brisbane catchments).

Action 5. Undertake trial of saltmarsh rehabilitation techniques. Locations to be determined in Ormiston, Redland Bay, Russell Island and Moreton Island.

Action 6. Identify suitable areas, retrofit innovative stormwater solutions within a precinct and apply the Living Waterways approach to deliver on broader benefits of water sensitive urban design. To occur in Thornlands, Pallara and other appropriate locations.

Action 7. Reinstate fish passage at three priority locations, as ranked in the Greater Brisbane Fish Barrier Prioritisation Study (completed 2016). Locations include Fellmonger Park on Hilliards Creek, Ormiston.

Action 8. Establish six partnership (twinning) projects to share knowledge, expertise and leverage funding to improve waterway management outcomes across the catchment. Projects and partnerships to be determined.

Action 10. Deliver the SEQ Erosion and Sediment Control and Urban Stormwater Capacity Building Program in priority locations through training in and demonstration of best practice. Delivered at Healthy Land and Water and Council's demonstration site.

Action 11. Identify key issues, information gaps and clarify the regulatory framework for the sustainable management of shallow groundwater aquifers to support waterway health, wetlands and groundwater recharge. Apply clarified framework to Leslie Harrison Dam Catchment and Oxley Creek Catchment.

Action 12. Build towards a greater body of knowledge of surface and groundwater resources on North Stradbroke Island to better inform water resource planning. Location is North Stradbroke Island groundwater catchment.

Action 13. Prepare a position paper to incorporate stormwater management hydrologic objectives in the State Planning Policy and Local Planning Schemes. To be tested in Thornlands (and Pallara, Oxley Creek Catchment).

Actions 3 and 4 from the Risk Treatment Plan (abbreviated below and in full in Attachment 1), although not directly located in Redlands Coast, will have benefits to Redlands Coast catchments or Moreton Bay:

Action 3. Bank stabilisation and riparian rehabilitation to benchmark standard in Priest Gully, Tingalpa Creek Catchment (Priestdale Road, Rochedale).

Action 4. Manage geomorphic processes at strategic locations in Oxley Creek (Johnson Road, Larapinta) to ensure long term environmental outcomes.

Actions 9, 14, 15, 16 and 17 are planning or mapping related and will provide direct benefit to Redlands Coast (abbreviated actions listed below and can be read in full in Attachment 1):

Action 9. Embed updated SEQ Environmental Values, Water Quality Objectives and accompanying aquatic ecosystem mapping under the Environmental Protection (Water) Policy 2009 into local planning schemes. Impacting across Lower Brisbane-Redlands Coastal Catchment.

Action 14. Identify Indigenous landscape values (both with Native Title and without) using the Queensland Government Department of Environment and Science (DES) ecosystems service manual. Priority sites to be identified after developing the guide.

Action 15. Embed urban waterway management technical guideline (under development) into waterway restoration designs. Projects within the Lower Brisbane-Redlands Coastal Catchment.

Action 16. Establish an agreed framework to ensure regular Lidar surveys are performed e.g. roles, funding, frequency. Location - Lower Brisbane-Redlands Coastal Catchment.

Action 17. Undertake detailed mapping and condition assessment of sub-tidal and intertidal wetlands. Undertaken for Brisbane River mouth and Moreton Bay (between SMBIs and Moreton Island).

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

Legislation relating directly to and referred to within the Lower Brisbane-Redlands Coastal CAP include:

- *Planning Act 2016*
- State Planning Policy—Water Quality
- *Environmental Protection Act 1994*
- Environmental Protection Policy
- Environmental Protection (Water) Policy 2009 – Water Quality Objectives and Environmental Values
- *Nature Conservation Act 1992*

- Queensland Sustainable Fisheries Strategy (2017–27)
- *Water Act 2000*
- *Fisheries Act 1994* - Declared Fish Habitat Areas, for any development that involves impacts on marine plants, declared Fish Habitat Areas
- *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*
- *Water Supply (Safety and Reliability) Act 2008*

### **Risk Management**

In the development of the Lower Brisbane-Redlands Coastal CAP, a risk approach was taken with regional assets identified (e.g. storm water and associated infrastructure and water supply, treatment and distribution infrastructure) and the priority actions required to mitigate risks to assets. The Lower Brisbane-Redlands Coastal CAP details on ground and policy actions, with proposed implementation pathways, without committing any organisations to any actions.

### **Financial**

The Lower Brisbane-Redlands Coastal CAP includes an analysis of risk and treatment actions to be considered during the period 2018 to 2021, including an investment prospectus for some of these actions.

Future funding opportunities and priority areas within the Redlands Coast will need to be established to determine those actions in the Lower Brisbane-Redlands Coastal CAP that Council may consider undertaking or investing in. The Council of Mayors is seeking funding from other levels of government to assist in actioning projects under the various CAP's it has produced under the RRI.

Some of the policy and planning actions could be considered under Business as Usual (BAU), whilst any infrastructure or non-BAU actions would be entirely dependent on funding being obtained and their deliverability.

### **People**

Redland City Council officers have been involved in the development of the Lower Brisbane-Redlands Coastal CAP since February 2017. If endorsed by Council, officers will continue to work with the RRI in the implementation of the Lower Brisbane-Redlands Coastal CAP.

### **Environmental**

The following natural assets will benefit from the implementation of the Lower Brisbane-Redlands Coastal CAP:

- waterways: creeks, river and Moreton Bay, coastal and freshwater wetlands
- shallow aquifers and groundwater
- terrestrial (including urban forest), subtidal and intertidal ecosystems
- seagrass, salt marsh, coral and artificial reefs
- rural and peri-urban agricultural alluvial soils

Redlands Coast wetlands and creeks provide habitat for many important species, including migratory wader birds, wallum froglets, platypus and native jute. Estuarine areas support important mangrove, saltmarsh and seagrass habitats. There are conservation and natural environments across most lower-lying areas, including large areas of mangrove forests and saltmarsh associated with Lota, Tingalpa, Hilliards and Erapah Creeks. The catchment contains a

number of protected areas, such as Venman Bushland National Park and Daisy Hill Regional Park. The national parks, waterways and wetlands provide recreational activities, such as bush walking, cycling, bird watching, boating and fishing.

Moreton Bay provides habitat for more than 1,000 species of marine wildlife including fish, sea turtles, humpback whales, dolphins, corals and several threatened species, such as grey nurse sharks and dugongs. The islands provide habitat for many rare and endangered species. The islands are a vital feeding and resting point for over 50,000 migratory waders and over 250 species of bird, including 34 migratory species listed under the China and Japan Migratory Bird Agreements. North Stradbroke Island has a complex network of wetlands that are also internationally recognised as Ramsar sites.

### **Social**

Investment in the Lower Brisbane-Redlands Coastal Catchment will ensure the area continues to maintain its green, liveable credentials while supporting a growing economy. The Lower Brisbane-Redlands Coastal Catchment sits within one of Australia's most desirable and fastest growing regions, with an expanding urban footprint and higher density development. Brisbane and Redlands Coast are the gateway to Moreton Bay and its islands. The catchment is highly valued for its sub-tropical coastal lifestyle, which is further enhanced by the visual beauty and the ecological value of the waterways, foreshores and Moreton Bay.

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

The Lower Brisbane-Redlands Coastal CAP is considered to be part of the suite of planning and delivery currently being undertaken in accordance with Councils Corporate Plan 2018-2023 outcomes associated with a Healthy Natural Environment and Embracing the Bay. Finalising Councils contribution to the CAP is an outcome under 1.1.4 of the Operational Plan 2018-2019. The Operational Plan was adopted on 25 June 2018 by Councillors which provides oversight that this work is underway and to be finalised.

### **CONSULTATION**

Development of the Lower Brisbane-Redlands Coastal CAP was achieved through the collaborative efforts of representatives from the Council of Mayors (SEQ), Brisbane, Redland, Logan, and Ipswich City Councils, Seqwater, the Port of Brisbane, Healthy Land and Water Ltd, Queensland Urban Utilities, Redland Water, and the Queensland Departments of Environment and Science (DES), Natural Resources, Mines and Energy (DNRME), and Agriculture and Fisheries (DAF). Brisbane and Redland City Councils provided project management support and coordination during the Plan's development.

As noted in this report, endorsement of the CAP simply allows each Council to consider what actions contained in the CAP it may commit funding and resources over the life of the CAP, but with the overriding perspective of promoting regional collaboration on initiatives contained within the CAP.



**OPTIONS****Option One**

That Council resolves to endorse:

1. the Lower Brisbane-Redlands Coastal Catchment Action Plan 2018 – 2021 as per the Council of Mayors' Resilient Rivers Initiative; and
2. any budget requirements are considered as part of Council's normal budget preparation and prioritisation process.

**Option Two**

That Council resolves to:

1. not endorse the lower Brisbane-Redlands Coastal Catchment Action Plan 2018-2021 as per the Council of Mayors' Resilient Rivers Initiative; and
2. seek further information from the Resilient Rivers Initiative.

**OFFICER'S RECOMMENDATION**

That Council resolves to endorse:

1. **the Lower Brisbane-Redlands Coastal Catchment Action Plan 2018-2021 as per the Council of Mayors' Resilient Rivers Initiative; and**
2. **any budget requirements are considered as part of Council's normal budget preparation and prioritisation process.**

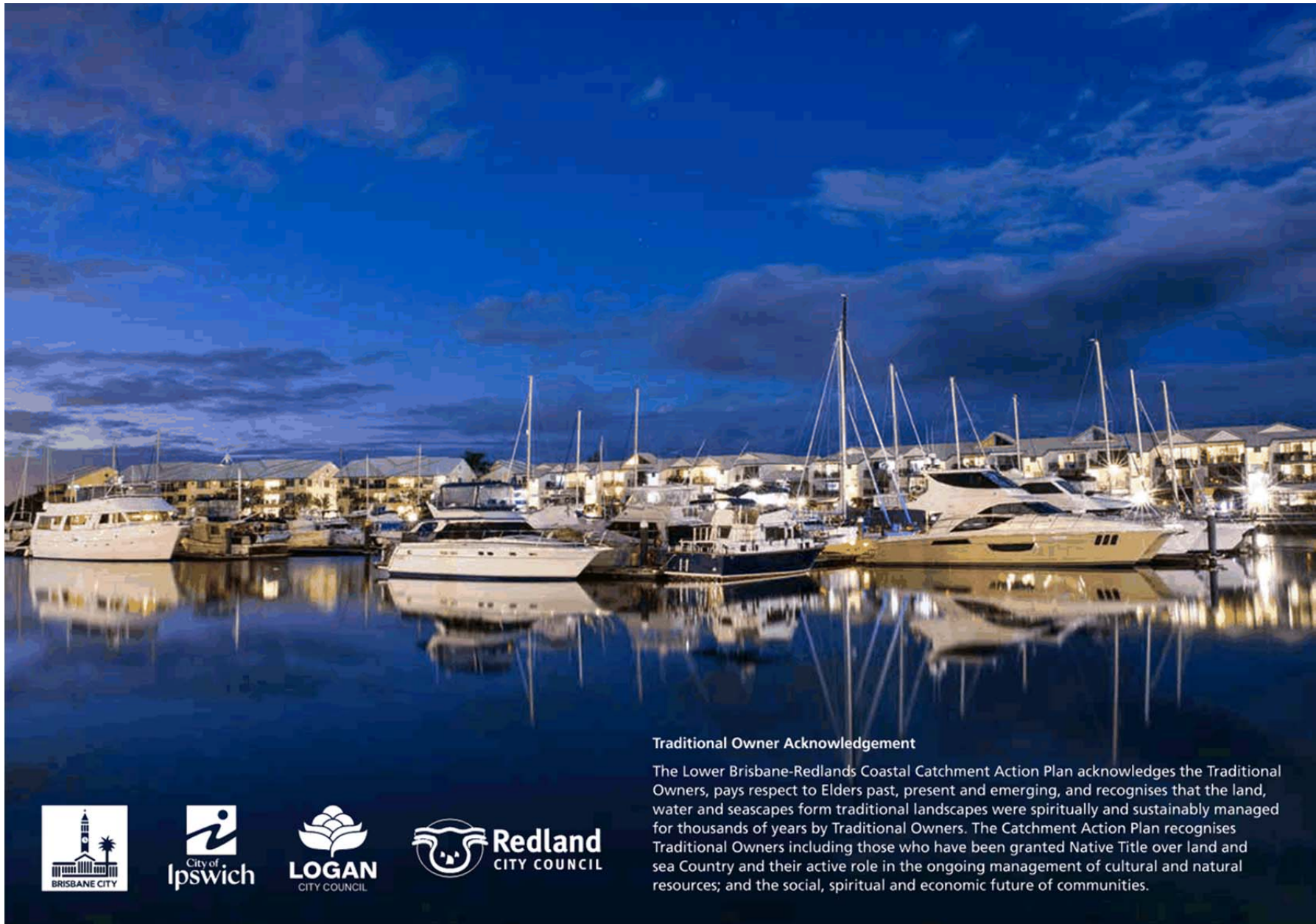
# Lower Brisbane-Redlands Coastal Catchment Action Plan 2018 - 2021

May 2018

Resilient Rivers Initiative











**Traditional Owner Acknowledgement**

The Lower Brisbane-Redlands Coastal Catchment Action Plan acknowledges the Traditional Owners, pays respect to Elders past, present and emerging, and recognises that the land, water and seascapes form traditional landscapes were spiritually and sustainably managed for thousands of years by Traditional Owners. The Catchment Action Plan recognises Traditional Owners including those who have been granted Native Title over land and sea Country and their active role in the ongoing management of cultural and natural resources; and the social, spiritual and economic future of communities.

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## Executive Summary

This Plan forms part of the Resilient Rivers Initiative, a collaborative effort between local and state governments, water utilities and key non-government organisations to improve the health and resilience of South East Queensland's catchments, rivers and Moreton Bay which are critical to ensuring our growing region's prosperity and its liveability well into the future.

The principal focus of the Lower Brisbane-Redlands Coastal Catchment Action Plan is addressing the impacts of stormwater runoff (primarily sediments, nutrients, hydrocarbons and metals) from urbanised areas—both existing, and those under development—on our creeks, Brisbane River, and Moreton Bay. As the population in South East Queensland continues to grow, our waterways are coming under increasing pressure, and therefore need proactive management to support the community's and the environment's needs, particularly in the context of changing climatic patterns.

The Brisbane River and Moreton Bay have together become one of the region's most important travel and transport corridors. The mouth of the Brisbane River has direct links to air, sea, road and rail networks, making it a global trade hub.

The catchment's drinking water supplies are also under pressure. Its many sources include dams, groundwater and other supply points in and out of the catchment.

It is those out-of-catchment sources that highlight the power of partnerships and leadership within the region.

Liveability is a high priority and preserving our natural assets is critical to upholding this value. The catchment offers a multitude of natural areas for residents and visitors to enjoy, such as Boondall Wetlands, Naree Budjong Djara National Park and Moreton Bay (Quandamooka). The catchment offers an abundance of waterway recreation, and with growing interest in enjoying our creeks, river and the Bay, it is important to ensure our waterways are safe, clean and accessible.

As well as their aesthetic and recreational value, these areas hold deep environmental, social and economic significance, and are important cultural places for Indigenous communities. The Quandamooka People have been recognised as native title holders of most of North Stradbroke Island, Peel Island, Goat Island, Bird Island, Stingaree Island, Crab Island and the surrounding waters of Moreton Bay.

The intact eucalypt forests in the west provide important soil cover, slowing down water movement through the catchment and providing flood and drought resilience. Mangrove forests that line waterways and shorelines in the east are important habitat for recreational and commercial fisheries—removing barriers to fish movement provides linear habitat connectivity, to further support recreational,

commercial, and traditional fisheries. These natural assets play an important role in building resilience across the catchment and hold significant economic potential as the ecotourism sector grows.

In order to secure the Resilient River Initiative's vision, this Plan provides an overview of the catchment's assets, threats and actions to mitigate the identified risks. The range of built and natural assets across the catchment presents a challenge for their effective management, highlighting the importance of both leadership and partnership to deliver a coordinated approach to successfully delivering the Initiative's vision of a "...resilient, productive, liveable and growing region." Table 1 outlines the recommended actions to be undertaken between 2018 and 2021.

**Table 1** Summary of the Lower Brisbane-Redlands Coastal Catchment actions to be undertaken between 2018 and 2021 (for more details see Section 5 and Attachment A.)**On-ground actions**

1. Address bed and bank instability at 10 identified priority locations including bank stabilisation, riparian and in-stream rehabilitation, and weed management to keep soil on the land and improve water quality of creeks, the river and bay.
2. Manage geomorphic processes at strategic locations in Oxley Creek to ensure long term environmental outcomes.
3. Identify cost effective saltmarsh rehabilitation techniques to minimise damage to important saltmarsh habitats on Southern Moreton Bay Islands and mainland foreshore.
4. Demonstrate how stormwater treatment can be integrated into urban design to deliver multiple benefits such as urban cooling and social amenity, using case studies (eg. Pallara).
5. Reinstate fish passage at three priority locations, as ranked in the 2016 Greater Brisbane Fish Barrier Prioritisation Study, to build resilience into native fish populations.
6. Establish six partnership projects to share knowledge, expertise and leverage funding to improve waterway management outcomes across the catchment.
7. Enhance existing Erosion and Sediment Control regulatory activities (including monitoring, auditing, reporting compliance and education using a risk-based approach) to minimise environmental impacts from approved developments and activities.
8. Deliver the SEQ Erosion and Sediment Control and Urban Stormwater Capacity Building Program in priority locations through training and demonstrations for council officers and industry.

**Policy and planning actions**

1. Embed updated SEQ Environmental Values, Water Quality Objectives and accompanying aquatic ecosystem mapping under the Environmental Protection (Water) Policy 2009 into local planning schemes.
2. Clarify the regulatory framework for the sustainable management of shallow groundwater aquifers to support waterway health, wetlands groundwater recharge to protect water security.
3. Build towards a greater body of knowledge of surface and groundwater resources on North Stradbroke Island to better inform water resource planning by identifying existing data and assessing data gaps, and establishing a centralised data collection, storage and sharing framework.
4. Identify Indigenous landscape values (both with Native Title and without) using the Department of Environment and Science's ecosystems service manual for appropriate inclusion of Indigenous landscape values in catchment and land management activities.
5. Ensure the Queensland government's waterway management technical guideline (under development) is appropriate for urban waterway restoration designs and recognises Indigenous landscape values (identified in action 4).
6. Establish an agreed framework to ensure regular Lidar surveys are performed and are suitable for the purposes of catchment planning (e.g. roles, funding, frequency).
7. Undertake detailed mapping and condition assessment of sub-tidal and intertidal wetlands for restoration and protection planning to reduce coastal erosion and impacts of climate change.

# 1. About this Action Plan

## Scope and purpose

The Lower Brisbane-Redlands Coastal Catchment Action Plan 2018–21 is the fifth plan prepared as part of the Resilient Rivers Initiative, which has the following 30-year vision:

***“By 2045, the catchments of South East Queensland will support a resilient, productive, liveable and growing region.”***

This initiative is a collaboration between local and state governments, water utilities and key non-government organisations to improve the health and resilience of South East Queensland's catchments, rivers and Moreton Bay. The Resilient Rivers Regional Strategy (2015–25) has four goals.

1. Keep soil on our land and out of our waterways.
2. Help protect our region's water security.
3. Improve the climate resilience of our region.
4. Promote partnerships with strong leadership to deliver a Provides prioritised actions to achieve the Resilient Rivers Initiative vision based on the best of our knowledge coordinated approach.

The actions identified in this Plan contribute to achieving these goals. They have been developed in partnership with key stakeholders and use existing regional and local planning frameworks.

Achieving the 2045 vision requires a multi-faceted and collaborative approach for the heavily urbanised waterways of the Lower Brisbane-Redlands Catchment. Investment is needed in both upstream catchments (Lockyer and Mid-Brisbane), and lower, coastal catchments (Brisbane-Redlands) to enable this approach, and is vital to support a resilient, productive, liveable and growing region.

This Catchment Action Plan:

- Provides prioritised actions to achieve the Resilient Rivers Initiative vision based on the best of our knowledge and understanding, and reflects the values of the key stakeholders.
- Identifies actions to mitigate risks in the Catchment within the context of the Resilient Rivers Initiative.
- Helps with preparing strategic and prioritised investment to deliver on the identified actions.
- Aligns with existing regional and local plans.



Location of the Lower Brisbane-Redlands Coastal Catchment



## Rationale for regional investment in the Lower Brisbane-Redlands Coastal Catchment

The Lower Brisbane-Redlands Coastal Catchment sits within one of Australia's most desirable and fastest growing regions, with an expanding urban footprint and higher density development. The Brisbane River, as it loops through the central business district, is key to Brisbane's global identity and brings the natural world right into the heart of the city. The river also borders the South Bank precinct, a globally significant arts, culture and entertainment destination.

The catchment is highly urbanised and is home to a growing new world city with a range of economic hubs, priority global precincts and industrial parks. The river is an important travel corridor and, together with Moreton Bay, supports TradeCoast, a global export hub with world-class infrastructure. This includes the Port of Brisbane, Australia's third busiest port, which relies on the river and bay channels for its safe and efficient operation.

The Queen's Wharf and Howard Smith Wharves developments on the Brisbane River will become world-class riverfront destinations. The Oxley Creek Transformation Pty Ltd's 20-year vision will revitalise the Oxley Creek corridor, from the Brisbane River to Larapinta, into a world-class green corridor and leisure landmark for locals and visitors to experience local flora and fauna.

Brisbane and Redlands are the gateway to Moreton Bay and its islands. The catchment is highly valued for its sub-tropical coastal lifestyle, which is further enhanced by the visual beauty and the ecological value of the waterways, foreshores and Moreton Bay.

Moreton Bay and its islands are a unique natural ecosystem with biodiversity that supports a growing ecotourism industry. The bay receives more domestic tourists than the Great Barrier Reef<sup>1</sup>. Complementing this is a unique and rich cultural heritage with the Quandamooka people, who hold Native Title with land and sea connections.

All waterways within the catchment flow into the Ramsar-listed Moreton Bay. Moreton Bay in its entirety contributes economic value and benefits to South East Queensland through industry, tourism, recreation and fishing.

The river's banks and the bay's foreshores are gathering places; the water our playground; the islands a holiday destination as well as the spiritual home of Quandamooka people. Our creeks, river, waterways and bay are the places locals and visitors choose to meet, play and celebrate festivals and events.

Investment in the Lower Brisbane-Redlands Coastal Catchment will ensure the area continues to maintain

its green, liveable credentials while supporting a growing economy. Protecting Moreton Bay, one of the region's greatest natural and economic assets, is critical to meet our international Ramsar commitments. For these reasons, Moreton Bay and its islands have been nominated for listing as a World Heritage site.

Investment in the Lower Brisbane-Redlands Coastal Catchment Action Plan will:

- Protect internationally and regionally important waterways and wetlands.
- Ensure priority infrastructure is resilient to floods, droughts, storms and a changing climate.
- Enhance the region's liveability.
- Demonstrate partnerships and leadership to achieve regional benefits.

<sup>1</sup> In 2012, Moreton Bay Marine Park received 12.4 million domestic visits and the Great Barrier Reef Marine Park 8 million.

Queensland Parks and Wildlife Service community survey 2012 - visitation study, <https://www.npsr.qld.gov.au/managing/community-survey.html>

## The Plan's development process

The Lower Brisbane-Redlands Coastal Catchment Action Plan 2018–21 came about during the period from March 2017 to March 2018 through the collaborative efforts of representatives from the Council of Mayors (SEQ), Brisbane, Redland, Logan, and Ipswich City Councils, Seqwater, the Port of Brisbane, Healthy Land and Water Ltd, Queensland Urban Utilities, Redland Water, and the Queensland Departments of Environment and Science (DES), Natural Resources, Mines and Energy (DNRME), and Agriculture and Fisheries (DAF).

Brisbane and Redland City Councils provided project management support and coordination during the Plan's development.

**The process itself followed the five steps set out by the Resilient Rivers Taskforce.**



The Lower Brisbane-Redlands Coastal Catchment Action Plan builds on existing studies and planning activities.

The Queensland Government's Wetlands Program provided invaluable data and consolidated the current understanding of the catchment processes occurring at the landscape scale. A number of other publications available from the Wetlands Program website - [wetlandinfo.ehp.qld.gov.au/wetlands/](http://wetlandinfo.ehp.qld.gov.au/wetlands/) - were also sources for the Plan.

The project team contracted environmental and water catchment specialist, LimnoLogic, to provide technical assistance in developing the Plan. This included revising the risk assessment framework, carrying out the risk assessment, identifying and prioritising actions for the Risk Treatment Plan, and providing input to the Catchment Action Plan.





## 2. The Catchment in context

This and following sections of the Plan are drawn from the Lower Brisbane and Redlands Map Journals, Brisbane's Total Water Cycle Management Plan, Redlands Catchment Description and Issues Technical Report, and ShapingSEQ 2017 which are primary reference sources. Sources other than these are referenced in the text.

### Overview of the Plan Area

The Lower Brisbane-Redlands Coastal Catchment Action Plan incorporates three distinct catchment areas: The Lower Brisbane Catchment, the Redlands Coastal Catchment, and the Moreton Bay Islands. The following section provides a separate overview of each sub-catchment, due to the varied geology, land uses, and values between them.

The combined Plan area is nearly 2 000 km<sup>2</sup>. The Lower Brisbane-Redlands Coastal Catchment spans five local government areas: Brisbane City at 58%, Redland City at 26%, Logan City at 8%, Ipswich City at 7% and 1% of Moreton Bay Regional Council's local government area.

All waterways within the catchment flow into Moreton Bay, a designated Ramsar site and Queensland Government Marine Park.

### Climate

The Plan Area has a sub-tropical climate, which is characterised by hot, humid summers, mild winters and high rainfall. Mean annual rainfall varies throughout the Plan Area (1 000–1 600 millimetres per year) but is generally slightly higher on the islands and over Mount Coot-tha.

South East Queensland is subject to extreme weather events such as heatwaves, droughts, floods, bushfires and severe storms. In the last two decades, Brisbane has experienced the Millennium Drought (1995–2009), two significant floods in the last ten years (2011 and 2013), as well as more frequent occurrences of severe storms and decaying tropical cyclones.

The future climate scenario is one of higher temperatures, longer dry periods and more frequent intense rain events.

### Modified catchments/ urban development

A significant proportion of this catchment is highly modified. Within a natural, forested catchment, most rain falls on hill slopes and vegetation. Vegetated hill slopes create minimal erosion. Vegetation stores the rain in soil, slowly releasing water over time which helps sustain flows of water during dry periods.

In a highly modified catchment, impervious or hard surfaces such as roads, buildings and roofs reduce the amount of rainfall that can infiltrate the ground, causing more runoff. This fast flowing movement of water is different to natural conditions and carries large amounts of sediment that can carry pollutants into stormwater drains and into waterways, which negatively impact waterway health, water quality and aquatic biodiversity.

Litter is also washed into waterways and is a serious pollution problem that affects our wildlife, aquatic habitats and water quality as well as the recreational use of our waterways. It is estimated that approximately 80% of all waterway litter originates from land-based activities.





## Lower Brisbane Catchment

### General description

The Lower Brisbane Catchment includes the main channel of the Lower Brisbane River and key tributaries such as Oxley, Bulimba, Enoggera and Breakfast Creeks. The Lower Brisbane River receives water from the Mid- Brisbane and Bremer River catchments. The catchment also includes a number of coastal sub-catchments to the north, Downfall, Nundah and Cabbage Tree Creeks and Kedron Brook, which flow directly into Moreton Bay.

### Hydrology and geology

The catchment covers approximately 1 195 km<sup>2</sup>, with around 2 475 km of stream network (third-order streams).

Brisbane's urban waterways are gravel and sand-bed rivers. Efforts to channelise many reaches by lining and straightening the originally sinuous channels have enhanced stream power in these reaches.

Channel instability and new suburban development is the most significant source of coarse sediment (sand and gravel) into urban creeks and Moreton Bay. Urban development also contributes suspended sediment (silt and clay) that can smother plants and animal communities and result in less sunlight striking the sea floor, affecting seagrass.

Most of the sub-catchments north of the Brisbane River support semi-natural forest on the steeper slopes of the western D'Aguilar Range. Suburban expansion mostly ceased 30 years ago in this area leading to lower sediment yields and more stable creek systems, with bank stability enhanced in many places by rock revetments.

The sub-catchments south of the Brisbane River feature low-gradient valleys and gently undulating topography with low rates of hillslope erosion. Ancient sediment that fills in valley bottoms is being eroded by channels destabilised through mining and by flash-flow, high-volume runoff. In particular, channel instability in Oxley Creek was initiated by gravel extraction, which artificially deepened the channel bed and altered the sediment transport regime. A series of floods has caused significant erosion that is migrating upstream.

### Land use

There is intensive land use—such as residential, commercial, services, manufacturing, industrial, transport and communication—across most of the catchment. There are smaller areas of rural residential and agriculture involving grazing, horticulture, horse studs and poultry farms.

Further infill development will occur throughout the catchment. Areas of new development include the state designated Priority Development Areas of Fitzgibbon, Bowen Hills, Herston Quarter, Northshore Hamilton, Queen's Wharf and Woolloongabba.

Many areas of the catchment are within the Brisbane River floodplain that is vulnerable to flooding. Flood levels are sensitive to in-filling, rainfall and sea level changes due to climate change.

### Value of the Catchment

Urban development and associated services (commercial, public, recreation and culture) are strong drivers of the local economy. It is estimated that by 2041, there will be a 53% increase in inner city jobs and a 33% increase in inner city residents.

Brisbane's city centre and major economic hubs such as Eagle Farm, Rocklea and Murrarie, make significant contributions to the local and regional economy. These locations are vulnerable to economic loss from shut downs associated with flooding.

The Australia TradeCoast Region is a unique 8 000 ha trade and industry precinct located at the mouth of the Brisbane River, with direct links to air, sea, road and rail networks, including the Port of Brisbane and Brisbane Airport.

Recreational use of Brisbane's local waterways injects over \$2.5 billion into the local economy each year and allows locals and visitors to connect to the natural environment enhancing their lifestyle and the liveability of the surrounding areas.

The catchment contains a number of protected areas, with the largest being D'Aguilar National Park, Boondall Wetlands and parts of the Moreton Bay Marine Park. The catchment also includes public nature refuges, conservation and natural areas.

The Brisbane River and the freshwater wetlands and creeks of the catchment provide habitat for important species, such as birds and platypus. Estuarine areas support many important species, including seagrass, mangroves, saltmarsh, migratory birds, fisheries species (crustaceans and fish), turtles, dugongs and dolphins.

The catchment has a rich Indigenous and European-heritage history. Today, the banks of the Brisbane River continue to have cultural importance, with South Bank, GOMA, the Queensland Performing Arts Complex and the Powerhouse all located along its banks. The annual Brisbane Festival, Quandamooka Festival and Riverfire all have international acclaim, and use the river or bay as a focal point.

Following the Millennium Drought in 2009, those who live in the catchment area have become enduring water savers. And since 2011, they have learned to live with floods, increasing their flood awareness and preparedness. These experiences have contributed to residents better understanding the water cycle and its impacts, in turn helping to build more resilient communities.





## Redlands Coastal Catchment

### General description

The Redlands Coastal Catchment is located to the southeast of Brisbane City. The catchment extends from the hinterland areas of Mount Cotton and Sheldon to Moreton Bay. The Redlands Coastal Catchment includes the Lota, Tingalpa, Coolnwynpin, Hilliards, Tarradarrapin, Erapah, Moogurrapum, Weinam and Torquay Creeks. The catchment falls mostly within the Redland City Council boundary, but also include parts of the Brisbane and Logan City Council areas.

Leslie Harrison Dam on Tingalpa Creek is one of the 12 water supply dams in the SEQ Water Grid. The dam supplies about 25% of Redland City's drinking water, with the rest sourced from North Stradbroke Island's groundwater aquifer, and supplemented by the SEQ Water Grid.

### Hydrology and geology

The southwestern area of the city is dominated by the largely uncleared steep hills of Mount Cotton, which is 234 m at its highest point. The central areas consist of rolling hills, mostly cleared for agriculture, and rural residential land use. The lowland (floodplain) areas are flat and mostly urbanised. They give way to coastal flats, estuaries, tidal mangroves, wetlands, mudflats, and to Moreton Bay.

Redlands' western creeks have their headwaters in Mount Cotton and Mount Petrie and are characterised by high-velocity runoff in the steeper areas, especially in Upper Priest Gully (Mount Petrie) and the upper reaches of Tingalpa and Erapah Creeks in Mount Cotton.

The central areas are underlain by large areas of sedimentary rock, and runoff from these areas flows into alluvium, underlain by impervious rocks, which supports wetlands and stream flow. Low-lying areas are characterised by large areas of alluvium along the channels together with Petrie formation (basalt) and swamps, which contribute the unique springs, creeks, wetlands and terrestrial vegetation found in this catchment.

### Land use

While large areas of remnant vegetation are still present across of the upper parts of some catchments, extensive clearing has occurred in the lower reaches to support agriculture and urbanisation.

Urban development is mainly focussed in the northern and eastern catchment areas, including the retail and commercial centres of Cleveland and Capalaba.

The western and southern catchments support a wide range of rural land uses including rural residential, grazing, poultry farming/processing, and horticulture, such as nursery operations, and fruit, flower and vegetable growing. There are areas of mining, including hard rock quarrying in the headwaters of Tingalpa Creek.

Redlands has two state-designated Priority Development Areas: Toondah Harbour and Weinam Creek. Areas zoned for new (greenfield) development include Kinross Road, South East Thornlands, and the Victoria Point Local Development Area.

### Value of the Catchment

Tourism is a major industry in the Redlands. Its sub-tropical climate, extensive waterway networks and access to the environmentally significant Moreton Bay, North Stradbroke and Southern Moreton Bay Islands attracts millions of visitors each year for pleasure and recreation.

The district and major centres accommodate a mix of uses, including community and employment services, retail and commercial, arts and culture, and education and health facilities. Other enterprise and industrial precincts, such as Cleveland and Capalaba industrial parks and the Redlands Business Park, provide further opportunities for industry and employment-generating activities.

The poultry industry forms a large portion of the agricultural sector and is located primarily in the southern half of the city. The fertile soils support a range of agricultural industries, including grazing, horse studs and horticulture. The extractive industry consists of the Karreman, Mount Cotton, and German Church Road Quarries.

Redlands' wetlands and creeks provide habitat for many important species, including migratory wader birds, wallum froglets, platypus and native jute. Estuarine areas support important mangrove, saltmarsh and seagrass habitats.

There are conservation and natural environments across most lower-lying areas, including large areas of mangrove forests and saltmarsh associated with Lota, Tingalpa, Hilliards and Eprapah Creeks.

The catchment contains a number of protected areas, such as Venman Bushland National Park and Daisy Hill Regional Park. The national parks, waterways and wetlands provide recreational activities, such as bush walking, cycling, bird watching, boating and fishing.

The Redlands has many significant sites of Aboriginal cultural heritage, such as stone artefacts, shell middens, scar trees, bora rings and sacred places. The Quandamooka people have been the traditional owners of the area for more than 21 000 years and currently have a pending Native Title claim over parts of the catchment, which include the mainland areas of Victoria Point, Redland Bay, Cleveland, Wellington Point and Capalaba as well as the surrounding waters of Moreton Bay.



## Moreton Bay Islands Catchment

### General description

Moreton Bay and its many islands extend 125 km from Surfers Paradise in the south to Caloundra in the north. Moreton Bay is bound to the east and separated from the Coral Sea by North Stradbroke and Moreton Islands, the second and third largest sand islands in the world respectively, behind Fraser Island further north. The catchment area includes western, central and eastern Moreton Bay, its foreshores and islands. Northern Moreton Bay, including Bribie Island and Pumicestone Passage, are not part of this catchment area.

### Hydrology and geology

Cape Moreton and Point Lookout, at the northeastern tip of Moreton and North Stradbroke Islands respectively, are the only rock outcrops. The geology for the remainder of the islands consists of coastal sand masses—high sand dunes, beach ridges and edge-of-basin sandstones. More than 170 freshwater lakes—dune, perched, and window lakes—and significant groundwater dependent ecosystems occur on the sand islands along with sedge dominated swamps. Mount Tempest is the highest point on Moreton Island at 285 m, and is thought to be the highest stabilised sand dune in the world.

Both islands are essentially large, vegetated dune systems, with rainfall filtering through the sand dunes to emerge in lakes and swamps and into Moreton Bay. There is very little surface runoff due to the high infiltration rate. Extensive meadows of seagrass occur on shallow sand and muddy sand flats in central and eastern Moreton Bay, providing habitat for fish and other marine species.

The Southern Moreton Bay Islands (SMBIs) are located to the east of the mainland within Moreton Bay. The total catchment area is 2 390 ha and includes Coochiemudlo, Macleay, Karragarra, Lamb and Russell Islands. Waterways on the islands consist of intermittent, undefined drainage lines that generally flow to wetlands, foreshore areas and Moreton Bay.

### Land use

Moreton Island, an area of approximately 18 600 ha, includes the townships of Bulwer, Cowan Cowan and Koorringal and falls under Brisbane City Council management. North Stradbroke Island, with an area of 26 937 ha, includes the townships of Point Lookout, Amity and Dunwich and, along with the Southern Moreton Bay Islands, is managed by Redland City Council.

Over 95% of Moreton and 50% of North Stradbroke Islands is national park. There are several large mining tenements across North Stradbroke Island. Some new residential development may occur on the island within the existing zoned urban areas.

While population growth is projected to be low for Moreton and North Stradbroke Islands, the population of the Southern Moreton Bay islands is projected to increase by up to 40% by 2036, likely achieved through additional residential development within the zoned urban areas.

### Value of the Catchment

Moreton Bay is a significant asset to the region, contributing economic value and benefits to South East Queensland through industry, tourism, recreation and fishing.

The mangrove forests and intertidal wetland areas provide important commercial fishing grounds for whiting, flathead, prawns and sand crabs.

Moreton Bay receives more domestic tourists each year than the Great Barrier Reef, with ecotourism a growing sector. The economy of Moreton and North Stradbroke Islands is driven by tourism and education. The sand mining on North Stradbroke Island is planned to cease in 2019 and a transition to ecotourism is underway.



(North Stradbroke Island Economic Transition Strategy, 2016). Visitation to the Bay and Islands will be further enhanced by the eco-cultural initiatives developed by QYAC and the Quandamooka people.

Moreton Bay and its islands are home to many environmentally and culturally significant sites, habitats and species.

Quandamooka People have lived on the lands and seas surrounding North Stradbroke Island (Minjerribah) for at least 21 000 years. The Quandamooka People's 2011 Native Title consent determinations cover most of North Stradbroke Island, Peel Island, Goat Island, Bird Island, Stingaree Island, Crab Island and the surrounding waters of Moreton Bay.

Moreton Bay provides habitat for more than 1 000 species of marine wildlife including fish, sea turtles, humpback whales, dolphins, corals and several threatened species, such as grey nurse sharks and dugongs.

The islands provide habitat for many rare and endangered species. The islands are a vital feeding and resting point for over 50 000 migratory waders and over 250 species of bird, including 34 migratory species listed under the China and Japan Migratory Bird Agreements. North Stradbroke Island has a complex network of wetlands that are also internationally recognised as Ramsar sites.

Moreton Island, a designated National Park, is the least disturbed, large coastal sand island in South East Queensland and has considerable value in its preservation of extensive stands of regionally significant coastal lowland vegetation communities, including mangroves, melaleuca swamps, sedgelands, heath and eucalypt woodlands, and open forests. North Stradbroke Island has a genetically distinct koala population.

Locals and visitors to the bay and its islands can participate in an extensive range of water-based recreational activities including fishing, sailing, power boating, whale watching, water skiing, parasailing, jet-skiing, sail-boarding, scuba diving, bird watching, marine study and snorkelling.



### 3. Policy and management context

The Resilient Rivers Initiative is taking a whole of catchment approach to waterway management that transcends local government boundaries. The organisations with a primary role in water and catchment policy and management interest in the Lower Brisbane-Redlands Coastal Catchment include Brisbane, Redland, Ipswich, and Logan City Councils, Moreton Bay Regional Council, the Queensland Government, Seqwater, Queensland Urban Utilities, Redland Water, and Healthy Land and Water Ltd. The community, along with Traditional Owners, are also important custodians.

#### Local councils

Local councils invest in infrastructure asset management and recreational area management. These include managing council nature reserves and parks, providing stormwater infrastructure and planning for flood risk. Local councils also provide catchment management plans, have some devolved responsibilities such as local laws relating to on-site sewerage facilities, vegetation and pest management, and waterway pollution, including enforcing the State Planning Policy and Environmental Protection Policy. Councils have a major role in land use planning and asset management.

#### Queensland Government

The Queensland Government is responsible for water security and water quality by setting policy direction and compliance.

The Department of Environment and Science (DES) has regulatory, policy and catchment management roles. DES regulates Environmentally Relevant Activities under the *Environmental Protection Act 1994* and is responsible for setting Water Quality Objectives and Environmental Values under the Environmental Protection (Water) Policy 2009. The Queensland Wetlands Program within DES provides information and tools including the “Walking the Landscape” map journals. DES also manages Moreton Bay Marine Park as a multi-use marine protected area under the *Nature Conservation Act 1992*. The object of the *Nature Conservation Act 1992* is the conservation of nature, while allowing for the social, cultural and commercial use of protected areas in a way that is consistent with the natural, cultural and other values of the areas.

The Department of Natural Resources, Mines and Energy (DNRME) is responsible for regulating activities under the *Water Act 2000*, including managing water allocation for irrigation and other purposes, and physical works within watercourses. This department works closely with Seqwater and DES.

The Department of Agriculture and Fisheries (DAF) regulates intensive livestock industries, horticultural industries, biosecurity, aquaculture, and commercial, recreational and indigenous fisheries throughout South East Queensland. Declared Fish Habitat Areas, waterways providing for fish passage, and marine plants are State Interests under the State Planning Policy and are managed under the *Fisheries Act 1994*. Compliance with Accepted Development Requirements or a Development Approval is required under the Planning Act 2016 for any development that involves impacts on marine plants, declared Fish Habitat Areas, waterway barrier works (fish passage) or aquaculture. There are several declared Fish Habitat Areas within the Moreton Bay area that recognise and protect the valuable contribution these areas provide to fisheries’ productivity in the region.

The Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) administers the *Planning Act 2016* by co-ordinating the functions of infrastructure planning and policy, regional and local government planning and services, and economic development. The State Planning Policy—Water Quality sets the state’s policy direction for protecting and enhancing environmental values and quality.

### Seqwater

Seqwater delivers water supply to South East Queensland, as well as providing essential flood mitigation services and managing catchment health. Seqwater manages bulk water supply infrastructure, such as the SEQ Water Grid. In this catchment, Seqwater owns and operates Leslie Harrison Dam and numerous water treatment plants, reservoirs, pumps and pipelines.

Seqwater's Water Security Program is a 30-year plan to provide the region's drinking water, including during times of drought and flood. Version 2 was released in 2017 and includes a revised drought response plan and planning for all off-grid communities.

Seqwater aspires to achieve the United Nations' definition of water security:

'...the capacity of a population to safeguard sustainable access to adequate quantities of acceptable quality water for sustaining livelihoods, human wellbeing, and socioeconomic development, for ensuring protection against water-borne pollution and water-related disasters, and for preserving ecosystems in a climate of peace and political stability.' (UN, 2013)

### Water Utilities

Water is distributed, and wastewater collected and treated, in the catchment by Queensland Urban Utilities, and Redland Water (a commercial business unit of Redland City Council). These entities buy bulk water from Seqwater and operate under various Acts and policies, including:

- *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*
- *Water Supply (Safety and Reliability) Act 2008*
- *Environmental Protection Act 1994*, including the *Environmental Protection (Water) Policy 2009*.

This legislation includes standards for the operation of wastewater systems, such as licensed discharge criteria for protecting environmental values.

### Natural Resource Management

Healthy Land and Water Ltd (HLW) is a not-for-profit organisation constituted by its shareholders to deliver activities that improve the sustainable use of land and waterways in South East Queensland. HLW's strategic vision is "healthy land and water supporting resilient regions". HLW operates via funding from federal, state and local government, industry, community, academics and utilities. HLW monitors and reports on





the condition of South East Queensland's waterways, develops plans and guidelines, and provides capacity building for professionals and community groups.

#### **Port of Brisbane**

Port of Brisbane is managed and developed by the Port of Brisbane Pty Ltd under 99-year leases from the Queensland Government. An economic gateway driving the state's trade growth, the Port handles almost \$50 billion in international trade annually. The Port operates in an area of high environmental significance adjacent to Moreton Bay at the mouth of the Brisbane River. Operations are underpinned by an internationally accredited Environmental Management System, and a strong record of balancing environmental responsibilities with sustainable trade growth.

#### **Quandamooka Yoolooburrabee Aboriginal Corporation**

The Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC) is the Registered Prescribed Body Corporate to manage the recognised Native Title rights and interests of the Quandamooka people. QYAC is also the registered Cultural Heritage Body under the *Aboriginal Cultural Heritage Act 2003 (Qld)*. QYAC through the Quandamooka Aboriginal Land and Sea Management Agency is responsible for

planning, managing and protecting the Quandamooka Estate, which includes freehold land, nature reserves, recreation areas and parks, marine waters, and the joint management of National Parks. QYAC also undertake land use planning on their "exclusive use" areas including stormwater infrastructure and flood risk planning. For more information, visit [qyac.com.au](http://qyac.com.au).

QYAC was involved in the development of this Catchment Action Plan however, views expressed in this document do not carry their agreement or endorsement of this plan.

#### **Traditional Owners**

Maiwar is the traditional word used to refer to the waterway known as the Brisbane River and Quandamooka Country comprises the waters and lands of and around Moorgumpin (Moreton Island), Minjerribah (North Stradbroke Island), the Southern Moreton Bay islands and South Stradbroke Island. It includes the coastal parts of the mainland from the mouth of the Brisbane River to the Logan River and crosses the boundaries of four Queensland local government areas.

#### **Community**

Those organisations with management responsibility for the river and bay work in partnership with residents, industry, and community-based organisations such as local Indigenous groups, land care and community catchment management groups to ensure waterways and catchments are managed sustainably. These individuals, businesses and groups provide information and support for delivering on-ground actions, including involving residents in citizen-science, encouraging WaterSmart actions and building awareness of environmental and cultural values of waterways, catchments and the Bay. In Lower Brisbane, the Brisbane Catchment Network is a not-for-profit organisation representing 11 member catchment groups to provide a unified voice, strategic direction and collaborative opportunities to maintain or restore our creeks and the Brisbane River.





## 4. Catchment assets and services

### Catchment assets and services

The Lower Brisbane-Redlands Coastal catchment covers a diverse range of both natural and modified environments that support a range of economic, social, natural and cultural assets. Catchment assets for this Plan were identified as being of regional significance, benefiting more than one local government area, and in the context of the four goals of the Resilient Rivers Initiative: Being affected by water quality, erosion and sediment, and/or extreme weather events (floods and storm surges), along with significant social, environmental and economic services. Table 2 details the Lower Brisbane-Redlands Coastal catchment assets and the services they provide.





**Table 2** *The Lower Brisbane-Redlands Coastal catchment assets and services.*

Regional catchment assets	Services provided
<b>Water supply, treatment and distribution infrastructure</b>	
<ul style="list-style-type: none"> <li>- Leslie Harrison Dam (Tingalpa reservoir); North Stradbroke Island groundwater resource and shallow aquifers used as alternative water supply (non-drinking water).</li> <li>- Water treatment plants and associated distribution infrastructure.</li> </ul>	Drinking water for the mainland and islands and non drinking water for a variety of uses such as industrial (cleaning, dust suppression), irrigation of sporting fields.
<b>Stormwater and associated infrastructure</b>	
<ul style="list-style-type: none"> <li>- Stormwater network infrastructure (modified and natural waterways).</li> <li>- Stormwater.</li> </ul>	Conveyance, treatment, flood mitigation, water supply (water harvesting, irrigation, agriculture and natural assets).
<b>Wastewater infrastructure</b>	
<ul style="list-style-type: none"> <li>- Western Corridor recycled water scheme.</li> <li>- Sewage treatment plants.</li> <li>- Sewerage network.</li> </ul>	Wastewater sewage management and treatment including sewage and trade waste, alternative water supply, conveyance.
<b>Transport and critical infrastructure</b>	
<ul style="list-style-type: none"> <li>- Airports (Brisbane, Archerfield, Amberley).</li> <li>- River/Bay infrastructure (Port of Brisbane, transportation corridor service).</li> <li>- State road and rail infrastructure/routes.</li> </ul>	Connectivity to critical services, global trade, transport, food security for the region.
<b>Economic hubs and Global Priority Precincts</b>	
<ul style="list-style-type: none"> <li>- Brisbane CBD, South Bank, Australia TradeCoast and regional economic centres.</li> <li>- Priority Development Areas, e.g. Queen's Wharf.</li> <li>- Major industrial areas: such as Rocklea, South West Industrial Park.</li> </ul>	Employment, knowledge centres, economic activity and industrial services, social connectivity, place-making.
<b>Natural assets</b>	
<ul style="list-style-type: none"> <li>- Waterways: creeks, river and Moreton Bay, coastal and freshwater wetlands.</li> <li>- Shallow aquifers and groundwater.</li> <li>- Terrestrial (including urban forest), subtidal and intertidal ecosystems.</li> <li>- Seagrass, salt marsh, coral and artificial reefs.</li> <li>- Rural and peri-urban agricultural alluvial soils.</li> </ul>	<p>Biodiversity, connectivity, flood mitigation, groundwater recharge, amenity, recreation, habitat, water supply, erosion protection, fisheries habitat (recreation, customary and commercial), urban cooling and shade, support groundwater dependent ecosystems.</p> <p>Productive soils, lifestyle, amenity, sediment reduction/capture.</p>
<b>Cultural and social assets</b>	
<ul style="list-style-type: none"> <li>- Indigenous cultural heritage.</li> <li>- European cultural heritage.</li> <li>- An engaged community/community as waterway custodians.</li> </ul>	<p>Cultural and spiritual values and wellbeing.</p> <p>Stewardship, on-ground actions, knowledge, partnerships, private land management.</p>

## Threats, issues and impacts

Access to safe water and sanitation and sound management of freshwater ecosystems is essential to human health, environmental sustainability and economic prosperity. The key threats to Lower Brisbane-Redlands Coastal Catchment's assets are similar to others in South East Queensland, namely population growth, extreme weather events, and land use change, particularly as our urban footprint increases. The Lower Brisbane-Redlands Coastal Catchment Action Plan identifies the following high-level threats in these categories, along with their potential impacts.

### Population growth

South East Queensland's population has consistently been Australia's fastest growing urban community since the 1980s, and is forecasted to grow further—from 3 million people in 2015 to 5 million people in 2041, with the population in the metropolitan region anticipating 40% growth in this time.

Threat or pressure	Impacts
<ul style="list-style-type: none"> <li>Altered demand for surface and groundwater.</li> <li>Increased demand for water supply.</li> </ul>	<ul style="list-style-type: none"> <li>Reduced security of surface and groundwater supplies, impacting both water supply and ecological assets, such as groundwater-dependent ecosystems.</li> <li>Reduced quality of surface and groundwater supplies due to pollution and contamination, such as saltwater intrusion into aquifers.</li> </ul>
<p>Urbanisation of waterways and land use change, including:</p> <ul style="list-style-type: none"> <li>growing areas of impervious and hard surfaces, reducing infiltration and increasing runoff.</li> <li>altered runoff and water-flow patterns.</li> <li>increasing infrastructure and waterway barriers e.g. culverts, bridges, weirs and dams.</li> <li>disturbance of acid sulfate soils.</li> <li>impacts from land use practices, e.g. sediments from urban development, and pollutants from industrial areas, commercial land uses and runoff.</li> </ul>	<ul style="list-style-type: none"> <li>Increased stormwater runoff and poor water quality entering waterways, groundwater and Moreton Bay.</li> <li>Erosion and sedimentation of waterway channels and wetlands; sedimentation of river transport and shipping routes.</li> <li>Reduced amenity and loss of recreational opportunity.</li> <li>Reduced economic productivity in some industries as a result of environmental degradation, e.g. the region's recreational fishing industry is valued at \$150 million, and the commercial fishing industry is valued at \$24 million.</li> <li>Decline in the condition of aquatic environments, creeks, freshwater wetlands, estuaries and Moreton Bay.</li> <li>Increased pest and weed species.</li> <li>Degradation or loss of important cultural assets and/or spiritual values.</li> </ul>
<p>Increased pressure on stormwater and wastewater systems, including the cumulative impacts of:</p> <ul style="list-style-type: none"> <li>stormwater and wastewater discharges.</li> <li>septic discharges.</li> <li>chemical spills and unauthorised contaminant discharges.</li> <li>licensed industrial discharges.</li> </ul>	<p>In addition to those impacts listed above, stormwater and wastewater has implications on:</p> <ul style="list-style-type: none"> <li>water quality for human health</li> <li>surface water and groundwater contamination</li> <li>assimilative capacity of natural waterways, which can reduce the resilience of these systems.</li> </ul>

## Extreme weather

Climate change is expected to amplify the frequency and severity of extreme weather events, and changes in temperature, rainfall and sea levels will impact our communities and natural systems as well as key sectors of the economy.

There is significant evidence from Australia and overseas of the role natural assets play in helping communities withstand extreme events and enhancing their resilience. Natural assets such as waterways, wetlands, forests and coastal systems can reduce physical exposure to natural hazards and mitigate their impacts by serving as protective barriers or buffers. Well managed natural assets can provide protection against common natural hazards, such as landslides, flooding, storm surges, wildfires and drought. Preventing their loss is significantly less expensive than having to restore livelihoods following extreme events.

Threat or pressure	Impacts
<ul style="list-style-type: none"> <li>• Increased frequency and severity of weather events—floods, droughts, heatwaves and bushfires.</li> <li>• Rising sea levels, increased storm surges, coastal erosion.</li> <li>• Increased water temperatures.</li> <li>• The cost of water treatment is impacted by the health of natural assets. High sediment loads such as those that occurred during the South East Queensland floods of 2011 and 2013 can threaten the short-term supply of drinking water to Brisbane.</li> </ul>	<ul style="list-style-type: none"> <li>• Potential for disruption to water supply, increased water treatment costs (alternative water from desalination costs approximately 10 times more to supply) and changes to water demand and supply.</li> <li>• Increased need for climate change adaptation and resilience to be included in water supply planning and asset management.</li> <li>• Increased risk of inundation from storms, tidal processes and environmental factors on critical infrastructure and major transport routes.</li> <li>• Excess sediment loads in navigable waterways affecting navigation maintenance regimes, for example, the Australia TradeCoast, which includes the Port of Brisbane, is a significant component of the supply chain servicing South East Queensland and the state.</li> <li>• Environmental degradation, including increased sediment and coastal erosion, negatively impacting habitat and aquatic species in waterways and Moreton Bay.</li> <li>• Reduced life span of coastal infrastructure due to rising sea levels; increased maintenance required.</li> <li>• Changes to ecosystems, including species loss and the migration of pest species, as a result of changed environmental conditions.</li> </ul>



## Land use

Around the world, valuable ecosystems are under pressure from urban expansion, agricultural clearing and the effects of climate change. In the metropolitan areas (including Brisbane and Redland local government areas), the number of dwellings is expected to increase by nearly 50% by 2041, comprising both consolidations in existing areas, and urban expansion to new areas (ShapingSEQ, 2017). As well as these growth pressures, land use practices of the past, present and future continue to impact upon regional assets.

Threat or pressure	Impacts
<ul style="list-style-type: none"> <li>• Inappropriate legacy planning decisions.</li> <li>• Inappropriate land use management.</li> <li>• Recreational impacts.</li> <li>• Vandalism and deliberate degradation.</li> </ul>	<ul style="list-style-type: none"> <li>• Decline in the condition of natural assets, including aquatic environments, fisheries, creeks, estuaries and Moreton Bay.</li> <li>• Increased pest and weed species.</li> <li>• Degradation or loss of important cultural assets and/or spiritual values.</li> <li>• Loss of diversity, culture and vibrancy associated with the area to support the high concentration of people and employment for the region, and the associated diversity in lifestyle and recreation opportunities.</li> </ul>



## 5. Risks and treatment actions

The Lower Brisbane-Redlands Coastal Catchment Action Plan Risk Assessment Framework was developed in accordance with the Resilient Rivers Taskforce guidelines on how to prepare a Catchment Action Plan, and AS/NZS ISO 31000:2009 – Risk Management Principals and Guidelines. The Risk Treatment Plan was developed in consultation with stakeholders through a series of workshops, meetings and written communications. Throughout the Risk Treatment Plan's development, the emphasis was identifying collaborative actions that promote partnerships, knowledge sharing and capacity building to complement and add value to existing plans, policies or programs. The on-ground actions for this Catchment Action Plan form the Investment Prospectus (Attachment A).

**Table 3**, the Risk Treatment Plan, sets out the high-priority actions recommended for the Lower Brisbane-Redlands Coastal Catchment over the next three years (2018–20). These actions focus on projects or policy that mitigate high risks and have a high likelihood of success. Actions are subject to funding and not limited to the possible implementation pathway listed.

Action #	Risk Treatment Actions	Risk/s and threats addressed	Possible implementation pathway	Benefits	Locations (where known)	Suggested timeframe
<b>On-ground</b>						
1	Enhance existing Erosion and Sediment Control regulatory activities (including monitoring, auditing, reporting compliance and education using a risk-based approach) to minimise environmental impacts from approved developments and activities. Includes erosion and sediment control during construction and stormwater quality improvement devices.	Threat to waterway health from rain running off construction sites and carrying sediment into waterways.	Partnership approach between local governments and developers with support from DES and HLW.	Keeps soil on land. Addresses the source (urban development) of approximately 30% of the sediments reaching waterways and Moreton Bay.	Active development sites	2018–21 (4 years)
2	Address bed and bank instability at 10 priority locations through on ground works including bank stabilisation, riparian and instream rehabilitation and weed management to benchmark standard, where possible.	Impacts to water quality, waterway health and biodiversity due to riparian habitat deterioration, fragmentation and increased erosion.	Collaboration between BCC, RCC, LCC, ICC and community groups. Possible offsite stormwater treatment or nutrient offset funding.	Regionally coordinated planning and restoration. Improved waterway health and biodiversity. Provides community education and stewardship.	Sites to be confirmed in: Norman, Cabbage Tree, Wolston, Bulimba, Enoggera, Coolnwynpin, Eprapah, Upper Tingalpa, and Woogaroo Creeks.	2018–20 (3 years)
3	Bank stabilisation and riparian rehabilitation to benchmark standard in Priest Gully, Tingalpa Creek Catchment.	Impact to water quality and waterway health due to active bank erosion.	Partnership between Seqwater, BCC and LCC. Possible offsite stormwater treatment or nutrient offset funding.	Stabilise banks and reduce sediment into Leslie Harrison Dam. Improvement to water supply catchment.	Priest Gully, Priestdale Road, Rochedale.	2018 (6 months)



Action #	Risk Treatment Actions	Risk/s and threats addressed	Possible implementation pathway	Benefits	Locations (where known)	Suggested timeframe
4	Manage geomorphic processes at strategic locations in Oxley Creek to ensure long term environmental outcomes.	Impact to infrastructure, water quality, public health and waterway health upstream and downstream of erosion scour. Risk of significant channel incision and bank failure.	Partnership between BCC, Queensland Urban Utilities and the community. Possible offsite stormwater treatment or nutrient offset funding.	Stabilises banks and reduces sediment into Moreton Bay. Avoids costs to rectify from further deterioration and avoids damage to adjacent and downstream infrastructure.	Locations to be determined and may include Johnson Road, Larapinta.	2018–21 (4 years)
5	Undertake trial of saltmarsh rehabilitation techniques (to benchmark standard) to address damage caused by vehicles, including vehicle exclusion barriers, revegetation and stabilisation	Deterioration of important saltmarsh habitats due to inappropriate recreation.	Collaborative project between HLW, RCC, BCC, QYAC and community	Improves saltmarsh habitat. Improves fisheries. Reduces mosquito breeding areas. Implements EPBC Act Recovery Plan.	Contributes to regional knowledge of building resilience. Locations to be determined, and may include Ormiston, Redland Bay, Russell Island and Moreton Island.	2018–20 (3 years)
6	Identify suitable areas, retrofit innovative stormwater solutions within a precinct and apply the Living Waterways approach to deliver on broader benefits of water sensitive urban design, such as urban cooling and social amenity through the use of emerging and innovative technologies.	Impact to water quality and waterway health from increased nutrient, sediment and contaminant loads from stormwater.	Partnership approach between local governments and developers with support from HLW and water utilities.	Urban cooling, place-making amenity and liveability. Fosters community stewardship. Reduces run off and improves waterway health. Provides flood mitigation and infiltration. Future opportunities to use stormwater as a resource.	Pallara, Thornlands and other appropriate locations, to be determined by stakeholders.	2019–20 (2 years)
7	Reinstate fish passage at three priority locations, as ranked in the Greater Brisbane Fish Barrier Prioritisation Study (completed 2016).	Impacts to fisheries due to reduced aquatic habitat connectivity and altered flow regimes.	Collaboration between DES, DAF, HLW, BCC and RCC.	Improves connectivity and native fish resilience. Allows important commercial, recreational and Indigenous fishery species to complete life cycle. Improves waterway health.	1. Fellmonger Park on Hilliards Creek, Ormiston. 2. Bancroft Weir, Hulme Street, Kelvin Grove. 3. Moggill Road, Kenmore.	2018–20 (3 years)

Action #	Risk Treatment Actions	Risk/s and threats addressed	Possible implementation pathway	Benefits	Locations (where known)	Suggested timeframe
8	Establish six partnership (twinning) projects to share knowledge, expertise and leverage funding to improve waterway management outcomes across the catchment.	Impacts to water quality and waterway health due to riparian habitat deterioration and fragmentation.	Cross-organisational partnerships between BCC, RCC, LCC, ICC, HLW, QYAC and community groups.	Promotes partnerships. Avoided costs from sharing lessons learned. Enables remarkable alliances and a stronger regional network. Enables a resilient community.	Projects and partnerships to be determined. (Two per year.)	2018–20 (3 years)
<b>Policy and planning</b>						
9	Embed updated SEQ Environmental Values, Water Quality Objectives and accompanying aquatic ecosystem mapping under the Environmental Protection (Water) Policy 2009 into local planning schemes.	Maintain and improve water quality.	Partnership approach between local governments and developers with support from DES and HLW.	Stating local water quality objectives to enhance or protect the identified environmental values. Providing a framework for making consistent, equitable and informed decisions about waters that promotes efficient use of resources and best practice environmental management. Involving the community through consultation and education.	Across Lower Brisbane-Redlands Coastal Catchment.	2019–21 (3 years)
10	Deliver the SEQ Erosion and Sediment Control and Urban Stormwater Capacity Building Program in priority locations through training in and demonstration of best practice in erosion and sediment control using high-efficiency sediment basins for treating on-site stormwater runoff for council officers and industry.	Risk of impact to water quality and waterway health from increased nutrient, sediment and contaminant loads due to ineffective erosion and sediment control during construction activities.	DES in partnership with HLW, local councils to build knowledge and, with industry, to build awareness and capacity.	Shares knowledge of best practice Erosion and Sediment Control. Builds capacity within industry.	Deliver training at the Healthy Land and Water/Redland City Council demonstration site and through training days and knowledge sharing in conjunction with local governments.	2018-2021 (4 years)
11	Identify key issues, information gaps and clarify the regulatory framework for the sustainable management of shallow groundwater aquifers to support waterway health, wetlands and groundwater recharge.	Threats to security of shallow groundwater aquifers for alternate supply and recharge of groundwater.	A committee with representatives from BCC, RCC, LCC, DNRME, DES, HLW and Seqwater.	Clarifies regulatory framework for managing groundwater resources. Increases understanding of key risks.	Apply the clarified regulatory framework in two land use management scenarios. 1. Leslie Harrison Dam Catchment (including Rochedale). 2. Oxley Creek Catchment.	2018 (6 months)

Action #	Risk Treatment Actions	Risk/s and threats addressed	Possible implementation pathway	Benefits	Locations (where known)	Suggested timeframe
12	<p>Build towards a greater body of knowledge of surface and groundwater resources on North Stradbroke Island to better inform water resource planning by:</p> <ul style="list-style-type: none"> <li>- identifying existing data and assess data gaps</li> <li>- establishing a centralised data collection, storage and sharing framework.</li> </ul>	Threats to groundwater security on North Stradbroke Island.	Collaborative project between QYAC, Seqwater, DNRME, RCC, Redland Water and DES.	<p>Centralises data collation and storage.</p> <p>Facilitates knowledge sharing.</p> <p>Provides more confidence in groundwater models and assessment of long-term risks.</p>	North Stradbroke Island groundwater catchment.	2018 (6 months)
13	<p>Prepare a position paper to incorporate stormwater management hydrologic objectives in the State Planning Policy and Local Planning Schemes.</p> <p>Building on the Living Waterways framework, consider development of broader ecosystem services objectives to complement water quality objectives (e.g. urban cooling, liveability and amenity) to sit in parallel with the water quality and hydrologic objectives.</p>	Threats to water quality and waterway health from altered hydrological processes (altered flow).	Collaborative project between DES, HLW, BCC, RCC, LCC, ICC and water utilities.	<p>Improves waterway health and keeps soil on land.</p> <p>Enables historical and cultural identity into place-making.</p> <p>Supports urban cooling.</p> <p>Promotes passive and active recreation.</p> <p>Complements existing projects.</p>	<p>Test the hydrologic objectives in the retrofit.</p> <p>Pallara, Oxley Creek Catchment.</p> <p>Thornlands, Redland City Council.</p>	2018–19 (2 years)
14	Identify Indigenous landscape values (both with Native Title and without) using the DES ecosystems service manual developed for appropriate inclusion of indigenous landscape values in catchment and land management activities.	Impact to Indigenous landscape values due to lack of information regarding cultural significance and management requirements.	Indigenous groups in partnership with DES and local governments (BCC, RCC, LCC and ICC).	<p>Enables the consideration of Traditional Owner and Indigenous landscape values when developing projects.</p> <p>Fosters and strengthens relationships between traditional owners and local governments.</p> <p>Improves recognition of Native Title and cultural heritage legislative obligations when undertaking catchment management works.</p>	Priority sites to be identified after developing the guide.	2018–20 (1–2 years)

Action #	Risk Treatment Actions	Risk/s and threats addressed	Possible implementation pathway	Benefits	Locations (where known)	Suggested timeframe
15	<p>Embed urban waterway management technical guideline (under development) into waterway restoration designs.</p> <p>Ensure the appropriateness for this catchment, that it builds on existing information, including the Streambank, in-channel and riparian rehabilitation guidelines DNRM 17102 (under development), along with recognition of Indigenous landscape values (action #6).</p>	Impact to water quality and waterway health due to land use change and creek-side habitat degradation.	<p>Collaborative project between DES, BCC, RCC, LCC, ICC and HLW.</p> <p>Building on the CRC for Sustainable Cities' riparian guideline and the DNRME guideline (under development).</p>	<p>Achieves better design outcomes for waterway management and restoration.</p> <p>Improves waterway habitat, water quality and climate resilience.</p>	To improve design outcomes on projects within the Lower Brisbane-Redlands Coastal Catchment.	2018–19 (12 months)
16	Establish an agreed framework to ensure regular Lidar surveys are performed (e.g. roles, funding, frequency).	Risk of outdated data informing management and policy decisions that may impact on human health, water quality and aquatic ecosystems, recreation, ecotourism and cultural heritage.	DNRME to lead mapping in consultation with DES, BCC, RCC, LCC, ICC and stakeholders.	<p>Provides land surface elevation data to support local planning and catchment management.</p> <p>Enables analysis of catchment changes over time (e.g. 2–5yrs).</p> <p>Multiples uses of Lidar mapping for a broad range of stakeholders.</p>	Lower Brisbane-Redlands Coastal Catchment.	2018–19 (2 years)
17	Undertake detailed mapping and condition assessment of sub-tidal and intertidal wetlands. Classify wetlands using DES's existing methodology and assess risks to key habitats to inform coastal adaptation planning and wetland rehabilitation and restoration planning.	Deterioration of sub-tidal and intertidal wetlands resulting from climate change impacts, shoreline erosion, declining water quality, physical habitat destruction and altered flow regimes.	<p>DES to undertake detailed baseline mapping.</p> <p>RCC, BCC, QYAC and HLW to assist with assessing risks.</p>	<p>Provides information for managing and restoring important coastal habitat.</p> <p>Improves fisheries habitat.</p> <p>Informs coastal adaptation planning and resilience.</p> <p>Improves understanding of key climate refugia for coastal adaptation strategies.</p>	Brisbane River mouth and Moreton Bay (between SMBIs and Moreton Island).	2018–19 (2 years)



## 6. Review

### Emerging plans and strategies

The Brisbane River Strategic Floodplain Management Plan (BRSFMP) is due for release in 2019 and will provide a number of flood mitigation recommendations relevant to this catchment area. Following the completion of the BRSFMP and proposed Local Floodplain Management Plans, relevant authorities may consider integrating their recommendations into the Catchment Action Plan in three years' time to ensure a whole-of-catchment approach.

The recently released Queensland Sustainable Fisheries Strategy (2017–27) sets out the government's reform agenda for the next 10 years. This Action Plan has identified several projects that will contribute to sustainable fisheries management throughout the Lower Brisbane-Redlands Coastal Catchment. However, further work is needed to identify linkages and opportunities, particularly in relation to regional biosecurity and pest fish management and barrier removal works.

Ipswich City Council's updated Water Health Strategy is due to be released in 2018, identifying waterway and wetland actions and activities across Ipswich. These actions should be considered for inclusion in the next review of the Catchment Action Plan.

Ecotourism and the increasing recreational use of the river, bay and waterways may require a more detailed look into the public health risks when this Plan is reviewed in three years' time.

### Links with other Catchment Areas

The Brisbane River and Moreton Bay are heavily impacted by sediment and nutrient runoff from stream and gully erosion in the upper Brisbane River catchment. It is important that Catchment Action Plans in these regions adequately identify and address these issues to ensure any efforts in the lower Brisbane and Redlands area are not undermined.

The Mount Crosby Weir was ranked as the third highest priority in the recently completed Greater Brisbane Fish Barrier Prioritisation Study. Although not specifically located in the Lower Brisbane-Redlands catchment, installation of a fishway at Mount Crosby Weir would improve fish passage and provide multiple benefits throughout the lower to mid Brisbane River catchments. It is suggested that further opportunities to progress the installation of a fishway at Mount Crosby Weir be advanced where possible.

This Action Plan identifies a range of actions and stakeholders that contribute to the vision and goals of the Resilient Rivers Initiative. However, with no single lead to coordinate the delivery of actions, there is a

risk the actions will not be implemented in a strategic and coordinated way. The Resilient Rivers Taskforce is investigating governance options to support the delivery of prioritised actions, as well as those of other Catchment Action Plans in the region.

### Known land use changes

North Stradbroke Island is the only place in Queensland where an active mining lease exists over a national park and in May 2016, the Queensland Parliament passed legislation that will substantially cease sand mining on the island by 2019. To support the transition away from sand mining, the Queensland Government has developed an Economic Transition Strategy, which sets out the government's plan for transitioning the island to become an eco-tourism hub (North Stradbroke Island Economic Transition Strategy, 2016).

### Monitoring, reporting and evaluation

A monitoring framework to assess the outcomes of each action against the four objectives of the Resilient Rivers Initiative (e.g. tonnes of sediment reduced) will be established, including an evaluation to be conducted in 2019. Ideally, a Before-After-Control-Impact-style monitoring program for each action will enable project progress and reporting back to

stakeholders and investors. The monitoring should be developed in context with the other monitoring programs in the catchment (e.g. HLW's Environmental Health Monitoring Program) to ensure a full and thorough assessment of the success of each action.

This Action Plan and its supporting documents are due to be updated by June 2021 with relevant information that arises along with the opportunity to ensure all stakeholder values, including indigenous values, can be incorporated.





## Attachment A: Investment prospectus for on-ground actions

### Enhancing Erosion and Sediment Control

#### *Enhance existing Erosion and Sediment Control regulatory activities (cost to be determined)*

Enhance existing Erosion and Sediment Control regulatory activities to minimise environmental impacts from approved developments and activities, including monitoring, auditing, reporting compliance and education using a risk-based approach. This may also include erosion and sediment control during construction and stormwater quality improvement devices.

This project aims to reduce the threat to waterways from rain running off construction sites and carrying sediment into waterways.

### Managing urban stormwater

#### *Retrofit stormwater solutions. Scope two precincts (\$150 000); pilot site (\$800 000+ estimated)*

Managing stormwater within highly developed urban catchments can be challenging. The pilot will demonstrate best practice principles for retrofit stormwater management within two existing urban precincts, in alignment with the Living Waterways approach.

Each demonstration will provide examples of innovative stormwater solutions to achieve improved waterway health, urban cooling, increased amenity and flood mitigation. Opportunities for integrating stormwater systems that are aesthetically pleasing and reflect historical and cultural identity will also be trialled. Locations include Pallara, Brisbane (Oxley Creek Catchment), and Thornlands, Redlands (Erapah Creek Catchment).

### Restoring and rehabilitating waterways

#### *Rehabilitate Priority Waterway Reaches (\$400-500 000 estimated)*

This program of works aims to rehabilitate ten priority waterway reaches, and reduce bed and bank erosion at priority locations. The work will include baseline condition assessments, weed management and rehabilitation of riparian and aquatic vegetation at identified sites to benchmark standard, where possible. Priority sites include Norman, Cabbage Tree, Wolston, Bulimba, Enoggera, Coolnwynpin, Upper Tingalpa and Woogaroo Creeks.

#### *Bank stabilisation and riparian rehabilitation in Priest Gully (\$50-100 000 scoping; cost of rehabilitation works to be determined)*

The Upper Priest Gully area is a 'hot spot' in terms of riparian degradation, bank erosion and sedimentation. Priest Gully is located upstream of Leslie Harrison Dam, and the active bank erosion resulting in increased sedimentation, has the potential to impact on the quality of drinking water supplies and waterway health.

The project will assess erosion risks, undertake baseline condition assessment and develop a rehabilitation plan, including bank stabilisation, weed removal and riparian restoration. The project will stabilise banks and reduce ongoing delivery of sediment to the water supply catchment.

#### *Manage geomorphic processes at strategic locations in Oxley Creek (cost to be determined)*

There is active erosion along reaches of Oxley Creek that is impacting water quality and waterway health. Some erosion presents a risk to nearby infrastructure due to the potential for further channel incision.

This project will develop a strategy for managing the geomorphic processes resulting in erosion in Oxley Creek. The project aims to monitor the risks to the channel and nearby infrastructure, and improve waterway health and environmental values.

#### **Improving native fish resilience**

##### ***Reinstate fish passage at three priority waterway barriers (\$250-350 000 estimated)***

Waterway barriers such as culverts, pipes, road crossings, weirs and dams may prevent, delay or obstruct the migration of native fish, impacting recruitment and reducing fish populations. The Greater Brisbane Urban Fish Barrier Prioritisation Project identified and prioritised waterway barriers in the Greater Brisbane Urban Area. Reinstating fish passage will result in improved migration and recruitment of several commercially and culturally important native fish species.

The project will remove or retrofit three of the identified high-priority waterway barriers. Potential locations include Fellmonger Park on Hilliards Creek (Redlands), Enoggera Weir (Bancroft Park, Brisbane) and Moggill Road (Brisbane). The project will improve waterway connectivity and native fish resilience, and allow important fishery species to complete their life cycle.

#### **Protecting and rehabilitating coastal wetlands**

##### ***Trial of saltmarsh rehabilitation techniques***

Subtropical coastal saltmarsh communities, such as those present in the coastal areas of lower Brisbane and the Redlands, are listed as vulnerable under the Environment Protection and Biodiversity Conservation (EPBC) Act (1999). Saltmarsh is an important habitat for shorebirds and a nursery for fish and prawn species. It also plays a role in reducing erosion, maintains water quality and is a carbon sink.

This project will undertake baseline condition assessments of key saltmarsh habitats and trial a number of saltmarsh rehabilitation techniques to address damage caused by vehicles, including vehicle exclusion barriers and revegetation. Potential locations include coastal sites along the mainland and Russell Island; however the final sites will be determined in consultation with QYAC. The outcomes will improve saltmarsh and fish habitats, reduce mosquito breeding areas, and improve understanding of successful saltmarsh rehabilitation techniques.

##### ***Build capacity through collaborative waterway rehabilitation—twinning projects (\$300 000)***

Numerous catchment, Landcare and bush-care groups are actively involved in waterway management, education and rehabilitation throughout the Lower Brisbane-Redlands Coastal CAP area. The groups, coordinated through the Brisbane Catchments Network, work in partnership with councils, government, the community, landholders and Healthy Land and Water to educate the community, encourage environmental stewardship and deliver on-ground restoration works. “Twinning” programs are similar to mentoring programs and aim to pair waterway management professionals, with the purpose of sharing information, building capacity and delivering specific waterway management projects.

The Lower Brisbane-Redlands Coastal CAP proposes implementing two twinning projects per year, over three years (six in total) to deliver waterway management and rehabilitation works. The partnerships’ aim will be to share lessons and learnings to achieve improved water quality and waterway health through restoring riparian and aquatic habitats, reducing erosion and sedimentation and improving connectivity. The projects will include a combination of planning, monitoring and “learning by doing” on-ground projects.



**14 REPORTS FROM INFRASTRUCTURE & OPERATIONS**

Nil

**15 MAYORAL MINUTE**

In accordance with s.22 of POL-3127 Council Meeting Standing Orders, the Mayor may put to the meeting a written motion called a 'Mayoral Minute', on any matter. Such motion may be put to the meeting without being seconded, may be put at that stage in the meeting considered appropriate by the Mayor and once passed becomes a resolution of Council.

**16 NOTICES OF MOTION TO REPEAL OR AMEND A RESOLUTION**

In accordance with s.262 Local Government Regulation 2012.

**17 NOTICES OF MOTION**

In accordance with s.3(4) POL-3127 Council Meeting Standing Orders.

**18 URGENT BUSINESS WITHOUT NOTICE**

In accordance with s.26 of POL-3127 Council Meeting Standing Orders, a Councillor may bring forward an item of urgent business if the meeting resolves that the matter is urgent.

<b>Urgent Business Checklist</b>	<b>YES</b>	<b>NO</b>
To achieve an outcome, does this matter have to be dealt with at a general meeting of Council?		
Does this matter require a decision that only Council make?		
Can the matter wait to be placed on the agenda for the next Council Meeting?		
Is it in the public interest to raise this matter at this meeting?		
Can the matter be dealt with administratively?		
If the matter relates to a request for information, has the request been made to the CEO or a General Manager Previously?		

## 19 CONFIDENTIAL ITEMS

### COUNCIL MOTION

That Council considers the confidential report(s) listed below in a meeting closed to the public in accordance with Section 275(1) of the *Local Government Regulation 2012*:

#### 19.1 Proposed City Plan Amendment Package - Environmental Corridors

This matter is considered to be confidential under Section 275(1) - (h) of the *Local Government Regulation 2012*, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

#### 19.2 Major Amendment to City Plan: General Major Amendment Package

This matter is considered to be confidential under Section 275(1) - (h) of the *Local Government Regulation 2012*, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

#### 19.3 Planning and Environment Court Appeal 894 of 2018 - Palacio Property Group Pty Ltd -v- Redand City Council (MCU013921 - Conversion Application for sewer works relating to a Material Change of Use for Multiple Dwellings at 4-8 Rachow Street, Thornlands)

This matter is considered to be confidential under Section 275(1) - (f) of the *Local Government Regulation 2012*, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with starting or defending legal proceedings involving the local government.

## 20 MEETING CLOSURE