

Redland
CITY COUNCIL

AGENDA

GENERAL MEETING

Wednesday, 24 October 2018
commencing at 9.30am

The Council Chambers
91 - 93 Bloomfield Street
CLEVELAND QLD

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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 - 10 October 2018

7 MATTERS OUTSTANDING FROM PREVIOUS COUNCIL MEETING MINUTES**7.1 CHANGES TO POL-3076 EXPENSES REIMBURSEMENT AND PROVISION OF FACILITIES FOR COUNCILLORS**

At the General Meeting 10 October 2018 (Item 12.5 Refers), Council resolved as follows:

That the item lie on the table.

This report will be removed from the table at a future General Meeting of Council.

7.2 MAKING VARIOUS LOCAL LAWS

At the General Meeting 10 October 2018 (Item 12.7 Refers), Council resolved as follows:

That the Chief Executive Officer be requested to bring back further reports separating each local law for individual consideration.

Three of these reports are listed in this agenda (refer items 12.3, 12.4 and 12.5). The remainder of these reports will be presented at future General Meetings of Council.

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 SEPTEMBER 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. [September 2018 Monthly Financial Report](#) ↓

PURPOSE

The purpose of this report is to note the year to date financial results as at 30 September 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

Opening balances for 2018-19 financial year

The opening balances for the current financial year are still to be certified by the Queensland Audit Office (QAO). Council has finalised and achieved audit clearance by 30 September 2018. As such, the financial position for the month of September may adjust over the coming month until Council receives QAO certification in mid-October 2018.

Capital carryover budget 2018-19

Council adopted a carryover budget on 22 August 2018 to accommodate capital works across two financial years. The attached monthly financial report for September includes the carryover budget although as outlined above, the QAO certified 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.

Overdue rates ageing analysis

During the Audit Committee on 29 August 2018, it was agreed that the ageing of overdue rates will be included in the monthly financial reports. Council noted this request at the General Meeting on 10 October 2018 and an ageing analysis on overdue rates will be included from this report; please refer to page 13 of the Monthly Financial Report.

STRATEGIC IMPLICATIONS

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

- Operating surplus ratio
- Net financial liabilities

- Level of dependence on general rate revenue
- 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 asset sustainability ratio did not meet the target at the end of September 2018 and continues to be a stretch target for Council with renewal spend of \$6.22M and depreciation expense of \$13.74M 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.

Legislative Requirements

The September 2018 financial reports are 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 September 2018 financial reports have 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 September 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 September 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 September 2018 as presented in the attached Monthly Financial Report.

Monthly Financial Report

September 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 30 September 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 certified by the Queensland Audit Office (QAO). As such, the financial position for the month of September may adjust over the coming months until Council receives QAO certification in mid-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)	715	3,434	2,719	380%	✓
Recurrent Revenue	279,136	67,638	66,438	(1,200)	-2%	✗
Recurrent Expenditure	282,087	66,923	63,004	(3,919)	-6%	✓
Capital Works Expenditure	83,981	16,759	13,477	(3,282)	-20%	✓
Closing Cash & Cash Equivalents	148,305	129,658	131,571	1,913	1%	✓

Council reported a year to date operating surplus of \$3.43M which is favourable to the revised budget by \$2.72M due to less than budget recurrent expenditure. The favourable variance in materials and services expense is attributed to lower than anticipated bulk water purchase costs. 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 along with vacancies across the organisation contributed to the favourable variance in recurrent expenditure.

Capital grants, subsidies and contributions are below budget due to timing of developer cash contributions.

Council's capital works expenditure is below budget by \$3.28M due to timing of works for a number of infrastructure projects in progress.

Cash balance is higher than budget mainly due to the transfer of \$3.8M funds held in trust to the general reserve account following Council's resolution dated 8 August. Constrained cash reserves represent 78% 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 September 2018	Target
Operating Surplus Ratio (%)	✓	-1.06%	5.17%	Between 0% and 10% (on average over the long-term)
Asset Sustainability Ratio (%)	✗	54.46%	45.26%	Greater than 90% (on average over the long-term)
Net Financial Liabilities (%)*	✓	-36.82%	-149.78%	Less than 60% (on average over the long-term)
Level of Dependence on General Rate Revenue (%)	✓	34.93%	35.97%	Less than 40%
Ability to Pay Our Bills - Current Ratio	✓	3.50	4.17	Between 1.1 & 4.1
Ability to Repay Our Debt - Debt Servicing Ratio (%)	✓	2.81%	11.80%	Less than or equal to 15%
Cash Balance \$M	✓	\$148.305M	\$131.571M	Greater than or equal to \$50M
Cash Balances - Cash Capacity in Months	✓	8.19	6.34	Greater than 3 months
Longer Term Financial Stability - Debt to Asset Ratio (%)	✓	1.34%	1.20%	Less than or equal to 10%
Operating Performance (%)	✓	21.91%	11.16%	Greater than or equal to 10%
Interest Coverage Ratio (%)**	✓	-0.67%	-0.89%	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 first budget review is adopted by Council, 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 30 September 2018					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
Recurrent revenue					
Rates charges	100,486	100,486	25,273	24,599	(674)
Levies and utility charges	146,618	146,618	36,410	34,969	(1,441)
Less: Pensioner remissions and rebates	(3,493)	(3,493)	(873)	(818)	55
Fees	13,673	13,673	3,391	3,676	285
Rental income	912	912	248	226	(22)
Interest received	4,289	4,289	1,092	1,216	124
Dividend received	1,000	1,000	-	-	-
Sales revenue	3,735	3,735	985	1,057	72
Other income	694	694	98	234	136
Grants, subsidies and contributions	11,223	11,223	1,014	1,279	265
Total recurrent revenue	279,136	279,136	67,638	66,438	(1,200)
Recurrent expenses					
Employee benefits	86,248	86,758	21,826	20,780	(1,046)
Materials and services	129,100	129,190	28,599	26,486	(2,113)
Finance costs	2,840	2,840	712	731	19
Depreciation and amortisation	63,505	63,505	15,876	15,021	(855)
Other expenditure	507	507	93	187	94
Net internal costs	(713)	(713)	(183)	(201)	(18)
Total recurrent expenses	281,487	282,087	66,923	63,004	(3,919)
OPERATING SURPLUS / (DEFICIT)	(2,351)	(2,951)	715	3,434	2,719
Capital revenue					
Grants, subsidies and contributions	32,501	32,727	7,114	2,561	(4,553)
Non-cash contributions	6,868	6,868	-	-	-
Total capital revenue	39,369	39,595	7,114	2,561	(4,553)
Capital expenses					
(Gain) / loss on disposal of non-current assets	289	101	52	(88)	(140)
Total capital expenses	289	101	52	(88)	(140)
TOTAL INCOME	318,505	318,731	74,752	68,999	(5,753)
TOTAL EXPENSES	281,776	282,188	66,975	62,916	(4,059)
NET RESULT	36,729	36,543	7,777	6,083	(1,694)
Other comprehensive income / (loss)					
Items that will not be reclassified to a net result					
Revaluation of property, plant and equipment	-	-	-	-	-
TOTAL COMPREHENSIVE INCOME	36,729	36,543	7,777	6,083	(1,694)





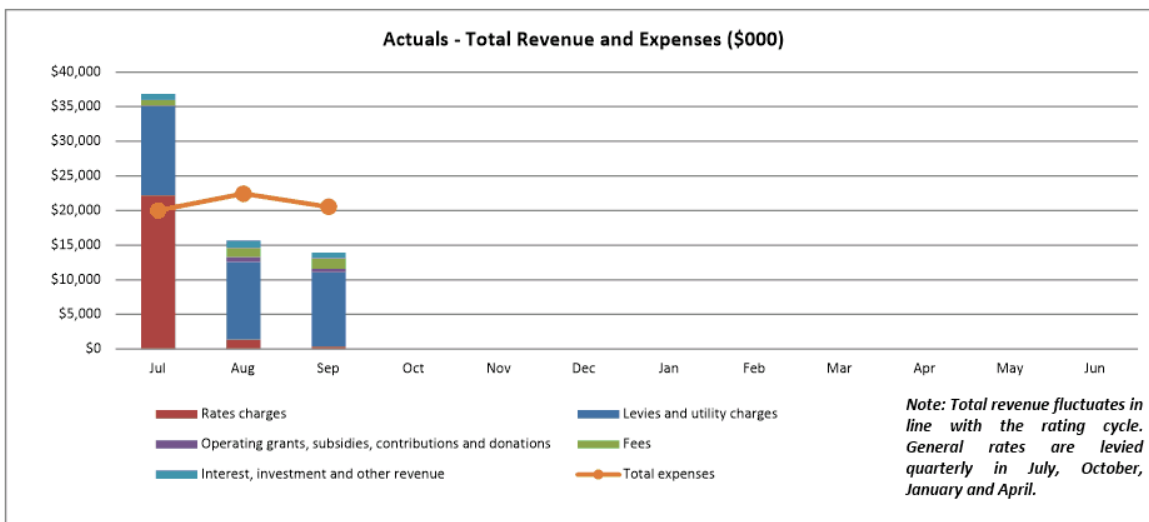
3. STATEMENT OF COMPREHENSIVE INCOME - CONTINUED

LEVIES AND UTILITY CHARGES ANALYSIS					
For the period ending 30 September 2018					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
Levies and utility charges					
Refuse collection rate charge	24,307	24,307	6,077	6,016	(61)
Special charges	723	723	301	302	1
SES separate charge	478	478	120	120	-
Environment separate charge	8,180	8,180	2,045	2,036	(9)
Separate charge landfill remediation	3,106	3,106	776	773	(3)
Wastewater charges	44,951	44,951	11,238	10,985	(253)
Water access charges	18,665	18,665	4,666	4,633	(33)
Water consumption charges	46,207	46,207	11,187	10,104	(1,083)
Total levies and utility charges	146,618	146,618	36,410	34,969	(1,441)

MATERIALS AND SERVICES ANALYSIS					
For the period ending 30 September 2018					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
Materials and services					
Contractors	33,755	33,784	6,176	6,075	(101)
Consultants	4,500	4,338	537	379	(158)
Other Council outsourcing costs*	16,902	16,972	3,788	3,861	73
Purchase of materials	48,229	48,228	12,084	10,526	(1,558)
Office administration costs	8,649	8,529	2,000	1,964	(36)
Electricity charges	5,786	5,786	1,492	1,371	(121)
Plant operations	4,190	4,223	1,075	897	(178)
Information technology resources	2,820	2,988	668	660	(8)
General insurance	1,423	1,423	353	340	(13)
Community assistance**	1,583	1,655	267	264	(3)
Other material and service expenses	1,263	1,264	159	149	(10)
Total materials and services	129,100	129,190	28,599	26,486	(2,113)

* 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

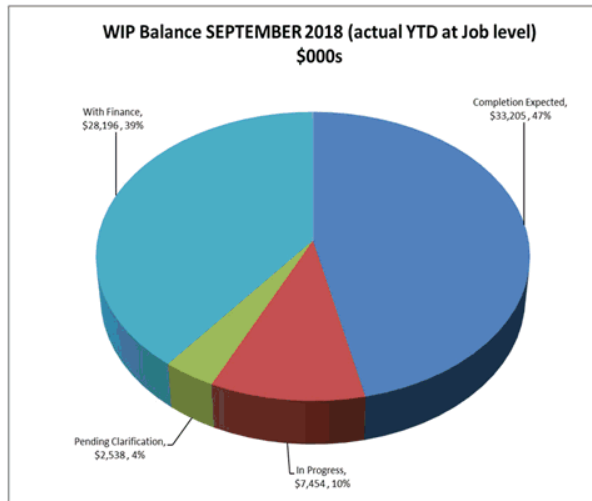
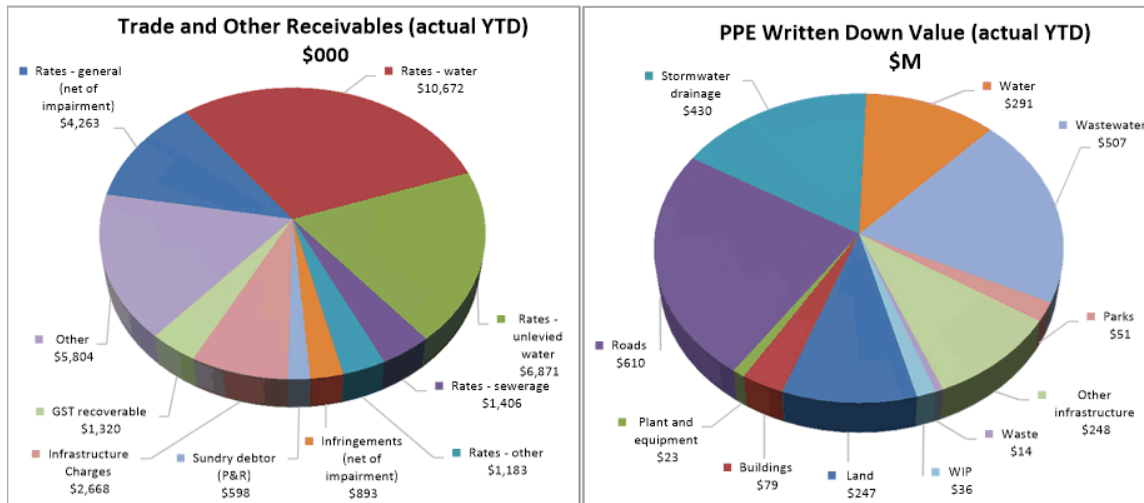
STATEMENT OF FINANCIAL POSITION As at 30 September 2018				
	Annual	Annual	YTD	YTD
	Original Budget \$000	Revised Budget \$000	Revised Budget \$000	Actual \$000
CURRENT ASSETS				
Cash and cash equivalents	167,263	148,305	129,658	131,571
Trade and other receivables	27,273	40,744	40,744	35,678
Inventories	556	1,108	1,108	985
Non-current assets held for sale	262	11,113	11,113	11,113
Other current assets	2,073	2,033	2,033	2,387
Total current assets	197,428	203,303	184,656	181,734
NON-CURRENT ASSETS				
Investment property	1,091	1,091	1,091	1,091
Property, plant and equipment	2,608,476	2,564,255	2,538,359	2,536,299
Intangible assets	826	1,014	1,744	1,782
Other financial assets	73	73	73	73
Investment in other entities	14,712	14,791	14,791	14,791
Total non-current assets	2,625,178	2,581,224	2,556,058	2,554,036
TOTAL ASSETS	2,822,606	2,784,527	2,740,714	2,735,770
CURRENT LIABILITIES				
Trade and other payables	40,840	31,435	21,243	19,214
Borrowings - current	7,713	7,728	7,728	7,728
Provisions - current	13,742	14,284	13,738	12,650
Other current liabilities	1,747	4,654	4,654	4,038
Total current liabilities	64,041	58,101	47,363	43,630
NON-CURRENT LIABILITIES				
Borrowings - non current	29,651	29,520	25,211	25,232
Provisions - non current	12,115	12,905	12,905	13,364
Total non-current liabilities	41,766	42,425	38,116	38,596
TOTAL LIABILITIES	105,807	100,526	85,479	82,226
NET COMMUNITY ASSETS	2,716,799	2,684,001	2,655,235	2,653,544
COMMUNITY EQUITY				
Asset revaluation surplus	1,070,838	1,003,168	1,003,168	1,003,168
Retained surplus	1,517,043	1,567,125	1,548,958	1,547,171
Constrained cash reserves	128,918	113,708	103,109	103,205
TOTAL COMMUNITY EQUITY	2,716,799	2,684,001	2,655,235	2,653,544

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 first budget review is adopted by Council, 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 30 September 2018				
	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Revised Budget \$000	YTD Actual Balance \$000
PPE movement				
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	16,759	13,454
Depreciation in year	(62,532)	(62,532)	(15,633)	(14,793)
Disposals	(1,699)	(1,699)	(405)	-
Other adjustments**	-	-	-	-
Closing balance	2,608,476	2,564,255	2,538,359	2,536,299

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

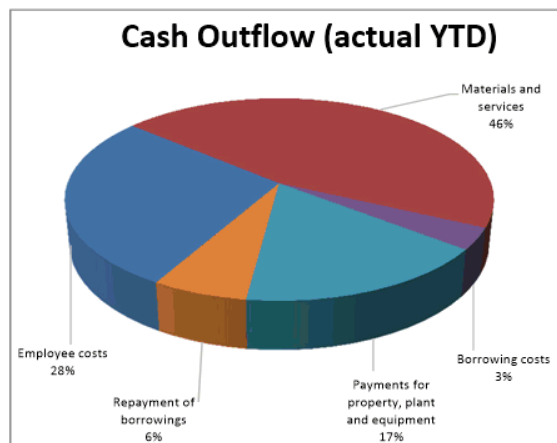
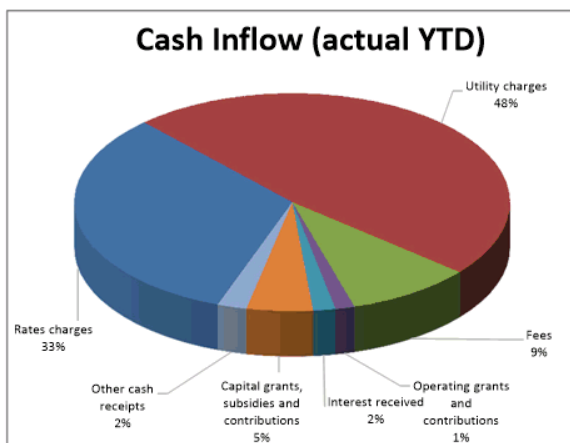
** Other adjustments include transfers between asset classes, revaluation adjustments, prior period adjustments and depreciation thereon.





5. STATEMENT OF CASH FLOWS

STATEMENT OF CASH FLOWS				
For the period ending 30 September 2018				
	Annual	Annual	YTD	YTD
	Original	Revised	Revised	Actual
	Budget	Budget	Budget	\$000
	\$000	\$000	\$000	
CASH FLOWS FROM OPERATING ACTIVITIES				
Receipts from customers	261,712	261,712	65,284	67,537
Payments to suppliers and employees	(213,794)	(214,394)	(59,407)	(59,410)
	47,919	47,318	5,877	8,127
Interest received	4,289	4,289	1,092	1,216
Rental income	912	912	248	226
Non-capital grants and contributions	11,223	11,223	1,014	1,055
Borrowing costs	(2,809)	(2,809)	(2,809)	(2,809)
Net cash inflow / (outflow) from operating activities	61,533	60,933	5,422	7,815
CASH FLOWS FROM INVESTING ACTIVITIES				
Payments for property, plant and equipment	(66,880)	(83,981)	(16,758)	(13,454)
Payments for intangible assets	-	-	-	(23)
Proceeds from sale of property, plant and equipment	1,410	1,598	353	88
Capital grants, subsidies and contributions	32,501	32,727	7,114	3,618
Other cash flows from investing activities	1,000	1,000	-	-
Net cash inflow / (outflow) from investing activities	(31,969)	(48,656)	(9,291)	(9,771)
CASH FLOWS FROM FINANCING ACTIVITIES				
Proceeds of borrowings	2,500	2,500	-	-
Repayment of borrowings	(5,035)	(5,035)	(5,035)	(5,035)
Net cash inflow / (outflow) from financing activities	(2,535)	(2,535)	(5,035)	(5,035)
Net increase / (decrease) in cash held	27,030	9,743	(8,904)	(6,991)
Cash and cash equivalents at the beginning of the year	140,234	138,562	138,562	138,562
Cash and cash equivalents at the end of the financial year / period	167,263	148,305	129,658	131,571

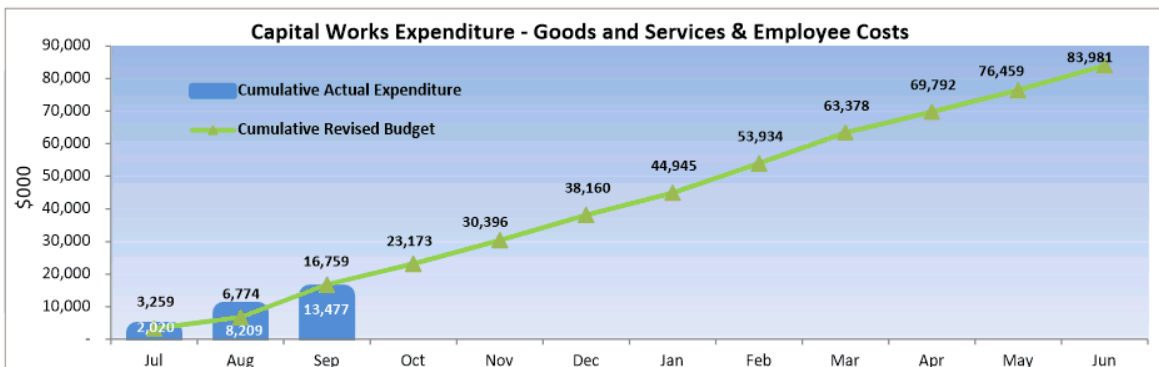


Total Cash Funding (Actual YTD)	73,740	Total Cash Expenditure (Actual YTD)	80,731
Total Cash Funding (Annual Revised Budget)	315,961	Total Cash Expenditure (Annual Revised Budget)	306,218
% of Budget Achieved YTD	23%	% of Budget Achieved YTD	26%





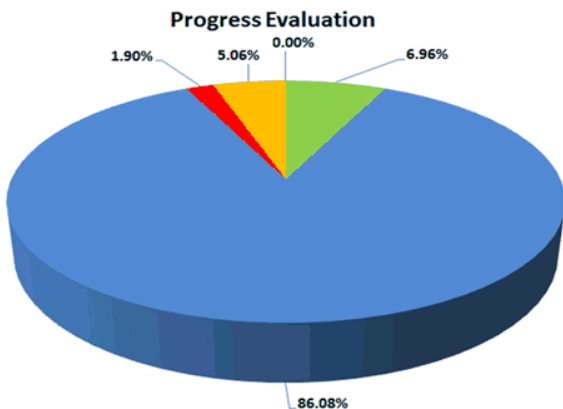
6. CAPITAL EXPENDITURE



	Annual Revised Budget \$000	YTD Revised Budget \$000	YTD Actual \$000	YTD Variance \$000
Capitalised goods and services	76,884	14,684	11,655	(3,029)
Capitalised employee costs	7,097	2,075	1,822	(253)
Total	83,981	16,759	13,477	(3,282)

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 158 programs and projects.

Total Programs and Projects in Progress	Annual Revised Budget \$000	YTD Actual \$000	Commitments \$000
Capital*	71,037	11,201	16,379
Operational	10,978	1,457	2,699

*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 20 projects out of 158 and accounts for 65% of the total programs and project budget. The status of two notable projects are as follows:

Project description	Progress
Advance Queensland funded partnership project with the goal of growing the local innovation ecosystem. Activities include mentoring, capability development and innovation spaces to connect entrepreneurs with each other and industry, and to coordinate local efforts.	This project is on track.
Upgrade and expansion of the drainage network will continue to provide the community with acceptable service levels and reduce network deficiencies and reactive maintenance requirements.	This project is on track.

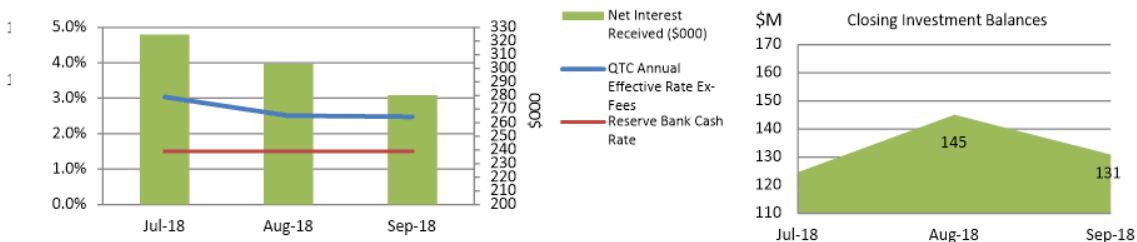




8. INVESTMENT & BORROWINGS REPORT

For the period ending 30 September 2018

INVESTMENT RETURNS - QUEENSLAND TREASURY CORPORATION (QTC)



Total Investment at End of Month was \$130.85M

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

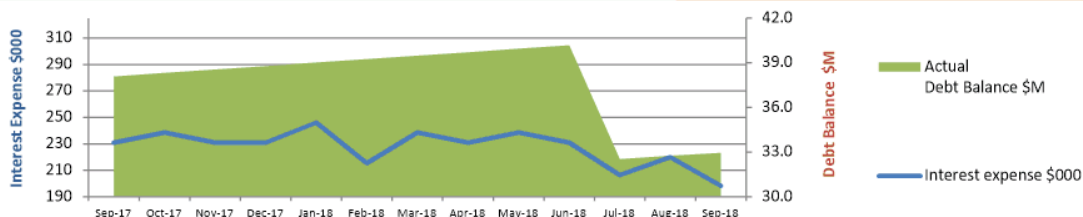
The movement in interest earned is indicative of both the interest rate and the surplus cash balances held, the latter of which is affected by business cash flow requirements on a monthly basis as well as the rating cycle.

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 2.48% exceeds the Bloomberg AusBond Bank Bill Index (previously the UBS Bank Bill Index) of 1.88% as at the end of September 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 \$32.96M

General pool allocated to capital works is 99.42% and 0.58% 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 30 September 2018	Purpose of reserve	Opening Balance	To Reserve	From Reserve	Closing Balance
		\$000	\$000	\$000	\$000
Special Projects Reserve:					
Weinam Creek Reserve	Maintenance and improvements associated with Weinam Creek projects	3,625	151	(9)	3,767
Red Art Gallery Commissions & Donations Reserve	Purchases of art work for the RCC art collection	7	-	(7)	0
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	-	5,410	(435)	4,975
		3,632	6,305	(459)	9,478
Constrained Works Reserve:					
Public Parks Trunk Infrastructure Reserve	Capital projects for public parks trunk infrastructure	7,324	307	(1,433)	6,198
Land for Community Facilities Trunk Infrastructure Reserve	Land for community facilities trunk infrastructure	2,192	49	-	2,241
Water Supply Trunk Infrastructure Reserve	Upgrade, expansion or new projects for water supply trunk infrastructure	10,107	3,819	-	13,926
Sewerage Trunk Infrastructure Reserve	Upgrade, expansion or new projects for sewerage trunk infrastructure	9,222	320	(4)	9,538
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	624	(453)	36,093
Cycleways Trunk Infrastructure Reserve	Capital projects for cycleways trunk infrastructure	10,783	259	-	11,042
Stormwater Trunk Infrastructure Reserve	Capital projects for stormwater trunk infrastructure	8,884	122	-	9,006
Constrained Works Reserve-Operating Grants & Contributions	Unexpended operating grants and contributions received for specific projects	919	-	(35)	884
Tree Planting Reserve	Acquisition and planting of trees on footpaths	88	11	(4)	95
		86,092	5,511	(1,945)	89,658
Separate Charge Reserve - Environment:					
Environment Charge Acquisition Reserve	Acquisitions in land and facilities to support or enhance environmental outcomes	234	305	-	539
Environment Charge Maintenance Reserve	Ongoing conservation and maintenance operations	1,708	1,731	(1,124)	2,315
SES Separate Charge Reserve	On-going costs of maintaining the Redlands SES	-	120	(90)	30
		1,942	2,156	(1,214)	2,884
Special Charge Reserve - Other:					
Bay Island Rural Fire Levy Reserve	Pass on revenue collected from levy to the Bay Island Rural Fire Brigade	-	55	-	55
SMBI Translink Reserve	Offset payment made to the State Govt. to assist with transport service to the Bay Islands	(8)	242	-	234
		(8)	297	-	289
Special Charge Reserve - Canals:					
Aquatic Paradise Canal Reserve	Maintenance and repairs of Aquatic Paradise canals	743	2	-	745
Sovereign Waters Lake Reserve	Maintenance and repairs of Sovereign Lake	422	1	-	423
1718 Raby Bay Canal Reserve	Service, facility or activity of works in respect of the canals of the Raby Bay canal estate	1,036	-	(757)	279
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)
		1,650	3	(757)	896
TOTALS		93,308	14,272	(4,375)	103,205
		Closing cash and cash equivalents			131,571
		Reserves as percentage of cash balance			78%





10. REDLAND WATER STATEMENTS

REDLAND WATER SUMMARY OPERATING STATEMENT					
For the period ending 30 September 2018					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
Total revenue	112,745	112,745	27,820	26,559	(1,261)
Total expenses	66,297	66,297	16,715	15,466	(1,249)
Earnings before interest, tax and depreciation (EBITD)	46,448	46,448	11,105	11,093	(12)
Interest expense	15,352	15,352	3,838	3,838	-
Depreciation	23,228	23,228	5,807	5,855	48
Operating surplus / (deficit)	7,868	7,868	1,460	1,400	(60)

REDLAND WATER CAPITAL FUNDING STATEMENT					
For the period ending 30 September 2018					
	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	1,700	372	(1,328)
Net transfer (to) / from constrained capital reserves	(6,608)	(4,398)	(1,667)	(4,135)	(2,468)
Non-cash contributions	6,648	6,648	-	-	-
Funding from utility revenue	5,614	6,261	353	4,121	3,768
Total sources of capital funding	12,452	15,309	386	358	(28)
Contributed assets	6,648	6,648	-	-	-
Capitalised expenditure	5,804	8,661	386	358	(28)
Total application of capital funds	12,452	15,309	386	358	(28)

11. REDWASTE STATEMENTS

REDWASTE OPERATING STATEMENT					
For the period ending 30 September 2018					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
Total revenue	25,901	25,901	6,473	6,499	26
Total expenses	19,155	19,155	4,788	4,633	(155)
Earnings before interest, tax and depreciation (EBITD)	6,746	6,746	1,685	1,866	181
Interest expense	30	30	8	7	(1)
Depreciation	216	216	54	42	(12)
Operating surplus / (deficit)	6,500	6,500	1,623	1,817	194

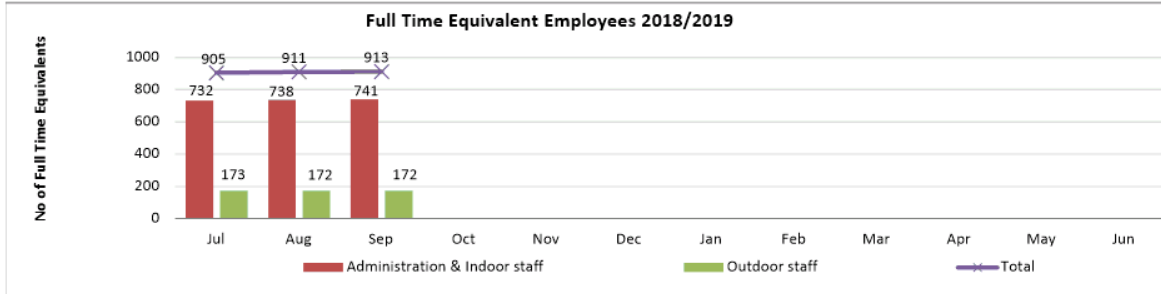
REDWASTE CAPITAL FUNDING STATEMENT					
For the period ending 30 September 2018					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
Non-cash contributions	-	-	-	-	-
Funding from utility revenue	547	547	200	164	(36)
Total sources of capital funding	547	547	200	164	(36)
Capitalised expenditure	456	456	90	54	(36)
Loan redemption	91	91	110	110	-
Total application of capital funds	547	547	200	164	(36)





12. APPENDIX: ADDITIONAL AND NON-FINANCIAL INFORMATION

Workforce Reporting



Workforce reporting - September 2018: Headcount	Employee Type						
	Casual	Contract of Service	Perm Full	Perm Part	Temp Full	Temp Part	Total
Office of CEO	6	2	30	4	6	2	50
Organisational Services	7	5	163	19	25	6	225
Community and Customer Service	31	5	238	63	26	9	372
Infrastructure and Operations	10	6	309	14	19	2	360
Total	54	18	740	100	76	19	1007

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.

Overdue Rates Debtors

Days Overdue	Sep-18	% Overdue	Sep-17	% Overdue	\$ Variance	% Variance	Comment
0 - 30	\$1,112	0.00%	\$3,477	0.01%	-\$2,365	-0.01%	Monitoring of overdue rates will be continuously implemented. Further support to the Revenue Collection team through upskilling and training of staff is expected to reduce overdue rates balance.
31 - 60	\$3,602,724	4.89%	\$3,180,950	4.63%	\$421,774	0.26%	
61 - 90	\$432	0.00%	\$2,081	0.00%	-\$1,649	0.00%	
91 - 180	\$1,714,466	2.33%	\$1,324,479	1.93%	\$389,987	0.40%	
>180	\$3,443,598	4.68%	\$2,504,929	3.65%	\$938,669	1.03%	
Total	\$8,762,332	11.90%	\$7,015,916	10.22%	\$1,746,416	1.68%	





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 QUEENSLAND AUDIT OFFICE FINANCIAL MANAGEMENT REPORT 2017/18

This report is being finalised.

12.3 MAKING SUBORDINATE LOCAL LAW NO. 1.19 (PLACEMENT OF SHIPPING CONTAINERS, RAILWAY CARRIAGES AND OTHER OBJECTS ON LAND) 2018

Objective Reference:**Authorising Officer:** John Oberhardt, General Manager Organisational Services**Responsible Officer:** Tony Beynon, Group Manager Corporate Governance**Report Author:** Kristene Viller, Policy and Local Laws Coordinator**Attachments:**

1. **Community Consultation Submission Review - Subordinate Local Law No. 1.19 (Placement of Shipping Containers, Railway Carriages and Other Objects on Land) 2018** [↓](#)
2. **Subordinate Local Law No.1.19 (Placement of Shipping Containers, Railway Carriages and Other Objects on Land) 2018** [↓](#)

PURPOSE

The purpose of this report is to:

1. Present the results of the community consultation process that was undertaken for *Subordinate Local Law No. 1.19 (Placement of Shipping Containers, Railway Carriages and Other Objects on Land) 2018*.
2. Proceed with the making of *Subordinate Local Law No. 1.19 (Placement of Shipping Containers, Railway Carriages and Other Objects on Land) 2018*.

BACKGROUND

At the General Meeting on 4 October 2017 Council made a resolution to commence the process for making *Subordinate Local Law No. 1.19 (Placement of Shipping Containers, Railway Carriages and Other Objects on Land) 2018*. The purpose of the subordinate local law is to regulate the placement of shipping containers, railway carriages and other objects where not defined as a building or structure under the *Building Act 1975*.

At the General Meeting on 9 May 2018 Council made a further resolution to commence a community consultation process, inviting submissions on *Subordinate Local Law No. 1.19 (Placement of Shipping Containers, Railway Carriages and Other Objects on Land) 2018*.

ISSUESState Interest Checks

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

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.

No anti-competitive provisions were identified in *Subordinate Local Law No. 1.19 (Placement of Shipping Containers, Railway Carriages and Other Objects on Land) 2018*.

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 subordinate local law. Submissions were invited from 23 May 2018 to 29 June 2018. All properly made submissions were considered. The report detailing the community feedback is provided in Attachment 1.

Local Law Implementation

Should Council make the subordinate local law 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 4 February 2019.

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 subordinate local law attached to this report.

The subordinate local law has 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 *Subordinate Local Law No. 1.19 (Placement of Shipping Containers, Railway Carriages and Other Objects on Land) 2018* have been managed by:

- a) ensuring the process to make the subordinate 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 subordinate local law will promote effective governance to the community;
- c) utilising external solicitors to draft the subordinate local law to ensure the legislative principles are followed in the drafting; and
- d) conducting a review of anti-competitive provisions to ensure adherence to the National Competition Policy Guidelines.

Financial

The cost of drafting the subordinate local law is funded through existing budget allocations within the Legal Services Unit.

People

The subordinate local law will have an impact on the resourcing within the Development Control and Compliance Services Units, who will take on the responsibility for the application and enforcement provisions in the subordinate local law. 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. *Subordinate Local Law No. 1.19 (Placement of Shipping Containers, Railway Carriages and Other Objects on Land) 2018* has 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.

Alignment with Council's Policy and Plans

The process for making the proposed subordinate 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

In developing the proposed subordinate local law 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. proceed:
 - a. to make *Subordinate Local Law No 1.19 (Placement of Shipping Containers, Railway Carriages and Other Objects on Land) 2018*; to commence 4 February 2019;

- b. give notice of the making and commencement of *Subordinate Local Law No. 1.19 (Placement of Shipping Containers, Railway Carriages and Other Objects on Land) 2018*, by publication in the Queensland Government Gazette; and
3. authorise the Chief Executive Officer to make any necessary administrative and formatting amendments prior to Gazettal.

Option Two

That Council resolves not to make *Subordinate Local Law No. 1.19 (Placement of Shipping Containers, Railway Carriages and Other Objects on Land) 2018*.

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. proceed:
 - a. to make *Subordinate Local Law No 1.19 (Placement of Shipping Containers, Railway Carriages and Other Objects on Land) 2018*; to commence 4 February 2019;
 - b. give notice of the making and commencement of *Subordinate Local Law No. 1.19 (Placement of Shipping Containers, Railway Carriages and Other Objects on Land) 2018*, by publication in the Queensland Government Gazette; and
3. 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 relating to *Subordinate Local Law No.1.19 (Placement of Shipping Containers, Railway Carriages and Other Objects on Land) 2018* 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 to local and subordinate local laws. 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 submissions received pertaining to *Subordinate Local Law No.1.19 (Placement of Shipping Containers, Railway Carriages and Other Objects on Land) 2018*. 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.

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

TOTAL SUBMISSIONS RECEIVED: 19

Agree	Total Agree: 3
Shipping containers are an eyesore	3
Shipping containers are a hazard	1
Shipping containers devalue properties	1
Disagree	Total Disagree: 16
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
Agree		
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
Disagree		
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 SMI for equipment required for property maintenance.	There is provision for sheds/containers less than 10m2 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 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.	No change to the proposed local law

Community Comments	Officer Comments	Recommendation
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 subordinate local law as drafted
2. Amend drafting

Recommendation

Make the subordinate local law as drafted.



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 24 October 2018

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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*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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Part 1 Preliminary

1. Commencement

The subordinate local law commences on 4 February, 2019.

Schedule 1 Placement of Shipping Containers, Railway Carriages and Other Objects on Land

2. Prescribed activity

Placement of Shipping Containers, Railway Carriages and other Objects on Land

3. 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 10m² 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.

*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 2 Categories of approval that are non-transferable

Section

Nil

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 not 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

*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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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"> - a lawful residence exists on the land ; and - the temporary shipping container is placed on land for no longer than four weeks <p>OR</p> <p>Where used in association with the construction of a lawfully approved residence-</p> <ul style="list-style-type: none"> - is removed within 2 weeks of the issuing of a final certificate in relation to, or occupation of, the residence (whichever occurs first) - is used only for the storage of construction related materials

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>

*Redland City Council Subordinate Local Law No. 1.19
(Placement of Shipping Containers, Railway Carriages and other Objects on Land) 2018* 9

	<p>A permanent shipping container or a railway carriage is to be sited:</p> <ul style="list-style-type: none"> • wholly within a development envelope; or • 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. <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

Zone Category	Prescribed Criteria
All	A lawful dwelling exists on the land and the object is not occupied

*Redland City Council Subordinate Local Law No. 1.19
(Placement of Shipping Containers, Railway Carriages and other Objects on Land) 2018*

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.

12.4 MAKING SUBORDINATE LOCAL LAW NO. 4 (LOCAL GOVERNMENT CONTROLLED AREAS, FACILITIES AND ROADS) 2015

Objective Reference:

Authorising Officer: John Oberhardt, General Manager Organisational Services

Responsible Officer: Tony Beynon, Group Manager Corporate Governance

Report Author: Kristene Viller, Policy and Local Laws Coordinator

Attachments:

1. **Community Consultation Submission Review - Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2015** [↓](#)
2. **Draft Amending Subordinate Local Law No. 8 (Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015) 2018** [↓](#)
3. **Draft Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015** [↓](#)

PURPOSE

The purpose of this report is to:

1. Present the results of the community consultation process that was undertaken on *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*;
2. Proceed with the making of *Amending Subordinate Local Law No. 8 (Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015) 2018*, to allow fishing from bridges and culverts in Redland City unless authorised signage prohibits it.

BACKGROUND

At the General Meeting on 4 October 2017 Council made a resolution to commence the process for amending *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*. The amendment will allow fishing from bridges and culverts in Redland City unless authorised signage is present that prohibits the activity. At the General Meeting on 9 May 2018 Council made a further resolution to commence a community consultation process, inviting submissions on the proposed subordinate local law.

The amendments to *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015* are detailed in the amending instrument (Attachment 2).

Please note that in the consolidated version of *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015 (Attachment 3)* the only changes made are to:

- **schedule 2 the inclusion of new item 10;**
- **schedule 7 the inclusion of definitions for culvert, local government bridge and local government culvert.**

ISSUES

State Interest Checks

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

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.

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).

Review of the subordinate local law found that anti-competitive provisions were present. Each of the potential anti-competitive provisions were reviewed in line with the procedure set out in the Guideline. It was determined that the 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.

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 subordinate local law. Submissions were invited from 23 May 2018 to 29 June 2018. All properly made submissions were considered. The report detailing the community feedback is provided in Attachment 1.

No proposed amendments were identified from the community consultation.

Local Law Implementation

Should Council make the amending subordinate local law 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 subordinate local law attached to this report.

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015 has 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 subordinate local law have been managed by:

- a) ensuring the process to make the subordinate 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 subordinate local law will promote effective governance to the community;
- c) utilising external solicitors to draft the subordinate local law 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 subordinate local law is funded through existing budget allocations within the Legal Services Unit.

People

The subordinate local law will have an impact on the resourcing within the Compliance Services Unit, who will take on the responsibility for enforcement provisions in the subordinate local law. 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 law attached to this report has 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.

Alignment with Council's Policy and Plans

The process for making the proposed subordinate 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

In developing the proposed subordinate local law 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. proceed:
 - a. as advertised with the making of *Amending Subordinate Local Law No. 8 (Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015) 2018*;
 - b. to make *Amending Subordinate Local Law No. 8 (Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015) 2018* as advertised;
 - c. to adopt the consolidated version of *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*, in accordance with section 32 of the *Local Government Act 2009*;
 - d. to give notice of the making and commencement of *Amending Subordinate Local Law No. 8 (Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015) 2018*, by publication in the Queensland Government Gazette;
3. 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 Subordinate Local Law No. 8 (Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015) 2018*.

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. proceed:
 - a. as advertised with the making of *Amending Subordinate Local Law No. 8 (Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015) 2018*;
 - b. to make *Amending Subordinate Local Law No. 8 (Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015) 2018* as advertised;
 - c. to adopt the consolidated version of *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*, in accordance with section 32 of the *Local Government Act 2009*;
 - d. to give notice of the making and commencement of *Amending Subordinate Local Law No. 8 (Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015) 2018*, by publication in the Queensland Government Gazette;
3. 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



Contents

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

Introduction

This report provides a summary of submissions received relating to *Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2015* 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 to local and subordinate local laws. 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 submissions received pertaining to *Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2015*. 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.

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
Disagree		
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.



**Amending Subordinate Local Law No. 8
(Subordinate Local Law No. 4 (Local Government
Controlled Areas, Facilities and Roads) 2015) 2018**

It is hereby certified that this a true and correct copy of *Amending Subordinate Local Law No. 4 (Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015) 2018* made, in accordance with the *Local Government Act 2009*, by the Council of the City of Redland, by resolution dated 24 October 2018

A. Chesterman
Chief Executive Officer



Redland City Council

Amending Subordinate Local Law No. 8 (Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015) 2018

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Redland City Council
Amending Subordinate Local Law No. 8
(Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015) 2018

**Redland City Council
Amending Subordinate Local Law No. 8
(Subordinate Local Law No. 4 (Local Government
Controlled Areas, Facilities and Roads) 2015) 2018**

Part 1 Preliminary

1 Short title

This amending local law may be cited as *Amending Subordinate Local Law No. 8 (Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015) 2018*.

2 Object

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

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

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. 8 (Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015) 2018* in the gazette.

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 Amending Subordinate Local Law No. 8
 (Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015) 2018

**Part 2 Amendment of Subordinate Local Law No. 4
 (Local Government Controlled Areas,
 Facilities and Roads) 2015**

4 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.
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5 Amendment of Sch 7 (Dictionary)

(1) Schedule 7—

insert—

3

*Redland City Council**Amending Subordinate Local Law No. 8**(Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015) 2018*

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

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.



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 24 October 2018

A. Chesterman
Chief Executive Officer

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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.

Schedule 1 Prohibited activities for local government controlled areas or roads

Section 5(1)

	<p align="center">Column 1 Local government controlled area or road</p>	<p align="center">Column 2 Prohibited activity</p>
<p>1</p>	<p>All local government controlled areas within the local government area</p>	<ul style="list-style-type: none"> (a) Riotous, disorderly, indecent, offensive, threatening or insulting behaviour; (b) Carrying or displaying a placard or other sign bearing an offensive or threatening message or image; (c) Injuring, misusing, defacing, marking or otherwise damaging a building or structure; (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; (e) Camping, sleeping, occupying or remaining overnight unless the local government controlled area is a park or reserve; (f) Parking or standing a vehicle bearing a sign or advertisement that the vehicle is offered for sale or hire; (g) Parking or leave standing, an unregistered vehicle.

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	Column 1 Local government controlled area or road	Column 2 Prohibited activity
2	All roads within the local government area	<ul style="list-style-type: none"> (a) Painting an object other than a vehicle in, on or over a road; (b) Repairing, altering or carrying out maintenance on an object other than a vehicle in, on or over a road; (c) Intentionally or negligently damaging a road or a structure associated with a road; (d) Creating a nuisance on a road; (e) Camping, sleeping, occupying or remaining overnight in a vehicle stopped on a footpath, shared path, water-channel or gutter; (f) Parking or standing a vehicle bearing a sign or advertisement that the vehicle is offered for sale or hire; (g) Parking or leave standing, an unregistered vehicle.
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"> (a) Interfering with a funeral or commemorative service lawfully conducted in a local government cemetery; (b) Distributing or putting up any handbill, card, circular or advertisement; (c) Interfering with any tree, shrub or plant; (d) Discharging a firearm, except at a military or police funeral or other recognised type of funeral service ordinarily involving such discharge; (e) Damaging or disturbing or interfering with any memorial,

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	<p align="center">Column 1 Local government controlled area or road</p>	<p align="center">Column 2 Prohibited activity</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 style="padding-left: 20px;">(i) for the purposes of a funeral or commemorative service; or</p> <p style="padding-left: 20px;">(ii) a dog which is under effective control as defined in section 11 of <i>Local Law No. 2 (Animal Management) 2015</i>;</p> <p>(j) Entering or being within a local government cemetery except for the purpose of—</p> <p style="padding-left: 20px;">(i) visiting a grave, memorial or interment site; or</p> <p style="padding-left: 20px;">(ii) attending a funeral; or</p> <p style="padding-left: 20px;">(iii) maintaining or repairing a grave, memorial or interment site in accordance with a written authorisation of the chief 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 align="center">Column 1 Local government controlled area or road</p>	<p align="center">Column 2 Prohibited activity</p>
<p>5</p>	<p>All parks and reserves within the local government area</p>	<ul style="list-style-type: none"> (a) Damaging or interfering with vegetation; (b) Discharging or carrying a firearm or other weapon or any kind of explosive device; (c) Throwing a stone, projectile or other missile; (d) Using or carrying a trap, snare or net; (e) Hitting a golf ball; (f) Behaving in a riotous disorderly, indecent, offensive, threatening or insulting manner; (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; (h) Interfering with a plant or any turf, sand, clay, soil or other material; (i) Interfering with any facility or equipment located at the park or reserve; (j) Disposing of any waste of any kind other than in a waste container provided for that purpose; (k) Depositing, storing or abandoning any goods; (l) Bathing in any ornamental pond or lake; (m) Using a boat, canoe, craft, surf ski, surf board or other recreational floating device in an ornamental pond or lake;

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	Column 1 Local government controlled area or road	Column 2 Prohibited activity
		<ul style="list-style-type: none"> (n) Any activity which fouls, litters, pollutes or interferes with a park or reserve or a facility in a park or reserve; (o) Permitting or allowing a water tap in a park or reserve to run water to waste; (p) Removing any timber or wood provided by the local government for use as firewood; (q) Propagating or cultivating any plant, vegetation or vegetative matter.
6	All local government accommodation parks within the local government area	<ul style="list-style-type: none"> (a) Disposing of liquid waste other than at a drainage point provided for that purpose; (b) Disposing of waste other than in a waste container provided for that purpose; (c) Using facilities in a way that makes them unclean or insanitary; (d) Behaving in a riotous disorderly, indecent, offensive, threatening or insulting manner; (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; (f) Interfering with a plant or any turf, sand, clay, soil or other material; (g) Interfering with any facility or equipment located at the local government caravan park.
7	The boat ramps and landings within the local government area identified in schedule 6	<ul style="list-style-type: none"> (a) Carrying out maintenance or repairs to a ship on a boat ramp; (b) Carrying out maintenance or repairs to a ship in the water around a boat ramp or landing unless the person has a reasonable

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	<p align="center">Column 1 Local government controlled area or road</p>	<p align="center">Column 2 Prohibited activity</p>
		<p>excuse;</p> <p>(c) Wilfully breaking, destroying, damaging, defacing, disfiguring or writing upon a boat ramp, landing or a notice erected or displayed by the local government at a boat ramp or landing;</p> <p>(d) Wilfully damaging any lighting upon a boat ramp or a landing;</p> <p>(e) Riding an animal on a boat ramp or a landing;</p> <p>(f) Carrying a loaded or cocked spear gun on a boat ramp or a landing;</p> <p>(g) Lighting a fire on a boat ramp or a landing, whether in a container or otherwise;</p> <p>(h) Diving off a boat ramp or a landing;</p> <p>(i) A person causing themselves or any other person or object to fall or be projected into waters surrounding a boat ramp or a landing;</p> <p>(j) Obstructing another person’s use of a boat ramp or landing;</p> <p>(k) Using a boat ramp or landing in a manner which is inconsistent with —</p> <p style="padding-left: 20px;">(i) the safe, secure and efficient operation of the boat ramp or landing; or</p> <p style="padding-left: 20px;">(ii) the protection of the environment at the boat ramp or landing; or</p> <p style="padding-left: 20px;">(iii) the maintenance or improvement of the convenience of users of the boat ramp or landing;</p> <p>(l) Cleaning or gutting fish or other marine life;</p> <p>(m) Casting or discharging, or causing</p>

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	<p align="center">Column 1 Local government controlled area or road</p>	<p align="center">Column 2 Prohibited activity</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">Column 1 Local government controlled area or road</p>	<p align="center">Column 2 Prohibited activity</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"> (a) Bringing any glass or any item made from glass onto the pool deck surrounding the swimming pool or into the swimming pool; (b) Engaging in conduct which is dangerous or which creates a risk to the safety of other users of the swimming pool; (c) Causing wilful damage to the swimming pool or any facilities at the swimming pool; (d) Behaving in a way that endangers the safety of, or causes a nuisance to, other users of the swimming pool; (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; (f) Entering the land on which the swimming pool is located whilst intoxicated or under the influence of a stupefying drug; (g) Entering the swimming pool whilst carrying or having possession of any alcohol or a stupefying drug; (h) Disposing of waste other than in a waste container provided by the local government for the purpose of the collection of waste; (i) Entering the water in the swimming pool if the person has an infectious or contagious disease or illness or a skin

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	<p align="center">Column 1 Local government controlled area or road</p>	<p align="center">Column 2 Prohibited activity</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">Column 1 Local government controlled area or road</p>	<p align="center">Column 2 Prohibited activity</p>
		<ul style="list-style-type: none"> (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; (f) Interfering with any facility or equipment located at the local government controlled area; (g) Depositing, storing or abandoning any goods; (h) Any activity which fouls, litters, pollutes or interferes with the local government controlled area or a facility in the local government controlled area; (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; (j) Using any part of the local government controlled area in a manner which is inconsistent with— <ul style="list-style-type: none"> (i) the safe, secure and efficient operation of the local government controlled area; or (ii) the maintenance or improvement of the convenience of users of the local government controlled area.
<p>10</p>	<p>Footpaths on roads as follows—</p> <ul style="list-style-type: none"> (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>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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	Column 1 Local government controlled area or road	Column 2 Prohibited activity
	<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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	Column 1 Local government controlled area or road	Column 2 Prohibited activity
		(d) Anchoring or mooring a ship in the approach fairway to a jetty at the Terminal; (e) Swimming or diving into, or allowing any animal under the person's control to swim in, or dive into— (i) any waters at the Terminal; or (ii) any navigational channel at the Terminal; or (iii) any waters within 100m of the edge of a navigational channel at the Terminal.
15	Each area of bathing reserve and foreshore identified in schedule 6	Bringing or driving a motor vehicle on the area of bathing reserve or foreshore.

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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	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
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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	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
		(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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	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
		(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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	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
			government; or (ii) if authorised under the conditions of an approval for a prescribed activity.
		(k) Public entertainment.	(k) Permitted only— (i) with the written authorisation of the chief executive officer of the local government; or (ii) if authorised under the conditions of an approval for a prescribed activity.

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	<p>Column 1 Local government controlled area or road</p>	<p>Column 2 Restricted activity</p>	<p>Column 3 Extent of restriction</p>
		<p>(l) Research.</p> <p><i>Examples of activities which are research for this section—</i></p> <ul style="list-style-type: none"> • <i>The collection of entire fauna or flora specimens.</i> • <i>The collection of portions of fauna or flora specimens (such as cuttings or DNA samples).</i> • <i>The installation of monitoring equipment.</i> 	<p>(l) Permitted only with the written authorisation of the chief executive officer of the local government.</p>
<p>5</p>	<p>All local government accommodation parks within the local government area</p>	<p>(a) Lighting or maintaining a fire in the open.</p> <p>(b) Camping, sleeping, occupying or remaining overnight in a caravan or complementary accommodation at an accommodation site at a local government accommodation park.</p>	<p>(a) Permitted only —</p> <ul style="list-style-type: none"> (i) if the fire is in a fireplace or incinerator approved for the purpose by the local government; or (ii) with the written authorisation of an authorised person. <p>(b) Permitted only if—</p> <ul style="list-style-type: none"> (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 (ii) the person deposits all waste in a waste container, or a waste disposal system,

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	<p>Column 1 Local government controlled area or road</p>	<p>Column 2 Restricted activity</p>	<p>Column 3 Extent of restriction</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>— 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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	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
			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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	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
			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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	<p>Column 1 Local government controlled area or road</p>	<p>Column 2 Restricted activity</p>	<p>Column 3 Extent of restriction</p>
		<p>(l) Using a boat ramp or landing for the purposes of a ship charter service, including operating a ship charter service from a boat ramp or landing.</p>	<p>(l) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p>
		<p>(m) Using a boat ramp or landing for a ship hire service, including operating a ship hire service from a boat ramp or landing.</p>	<p>(m) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p>
		<p>(n) Packing or unpacking any goods into or from any case or container on a boat ramp or landing.</p>	<p>(n) Permitted only with the written authorisation of an authorised person.</p>
		<p>(o) Erecting, installing or maintaining any sign board, notice board or other fixture or erection for the exhibition of bills or notices on a boat ramp or landing.</p>	<p>(o) Permitted with the written authorisation of the chief executive officer of the local government.</p>
		<p>(p) Refuelling a ship on a boat ramp or landing.</p>	<p>(p) Permitted only with the written authorisation of an authorised person.</p>
		<p>(q) Exhibiting, affixing or maintaining a bill or notice on a boat ramp or landing.</p>	<p>(q) Permitted with the written authorisation of the chief executive officer of the local government.</p>
		<p>(r) Operating a system of public address or sound amplification on—</p> <ul style="list-style-type: none"> (i) a boat ramp or landing; or (ii) a ship moored at a boat ramp or 	<p>(r) Permitted only with the written authorisation of an authorised person.</p>

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	<p>Column 1 Local government controlled area or road</p>	<p>Column 2 Restricted activity</p>	<p>Column 3 Extent of restriction</p>
		<p>landing.</p>	
		<p>(s) Playing music or a musical instrument at a volume, or in a manner, which interferes with another person's reasonable enjoyment or use of a boat ramp or landing on—</p> <p>(i) the boat ramp or landing; or</p> <p>(ii) any ship moored at the boat ramp or landing.</p>	<p>(s) Permitted only with the written authorisation of an authorised person.</p>
		<p>(t) Carrying out maintenance or repairs to a ship moored at a boat ramp or landing, or on a boat ramp or landing, except in an emergency situation—</p> <p>(i) to permit the ship to leave the boat ramp or landing; or</p> <p>(ii) where to move the ship from its position would involve danger to the ship or a person.</p>	<p>(t) Permitted with the written authorisation of the chief executive officer of the local government.</p>
		<p>(u) Mooring a ship at a boat ramp or landing for longer than 20 minutes.</p>	<p>(u) Permitted only—</p> <p>(i) if authorised under the conditions of an approval for a prescribed activity; or</p> <p>(ii) with the written authorisation of an authorised person; or</p>

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	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
			(iii) if authorised by a notice displayed by the local government at the boat ramp or landing; or (iv) in an emergency situation as prescribed in item 6(t).
7	All local government swimming pools within the local government area, including each local government swimming pool identified in schedule 6	(a) Conducting— (i) a swimming club competition or carnival; or (ii) an inter-school or intra-school swimming competition or carnival; or (iii) learn to swim training, lifesaving training or competitive swimming training by a swimming club or school; or (iv) a private function.	(a) Permitted only if authorised under the conditions of an approval for a prescribed activity.
		(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.	(b) Permitted only with the written authorisation of an authorised person.
		(c) Bringing a animal onto the land on which the swimming pool is situated.	(c) Permitted only if— (i) the animal is an assistance dog, a guide dog or a

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	Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
			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>Column 1 Local government controlled area or road</p>	<p>Column 2 Restricted activity</p>	<p>Column 3 Extent of restriction</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

	Column 1 Motor vehicle access areas	Column 2 Prohibited vehicles
	No motor vehicle access area prescribed.	

Schedule 4 Opening hours for local government controlled areas

Section 8

	Column 1 Local government controlled area	Column 2 Opening hours¹
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.

¹Public holidays excepted.

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**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 - Vnr 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*.

12.5 MAKING LOCAL LAW NO. 1 (ADMINISTRATION) 2015

Objective Reference:

Authorising Officer: John Oberhardt, General Manager Organisational Services

Responsible Officer: Tony Beynon, Group Manager Corporate Governance

Report Author: Kristene Viller, Policy and Local Laws Coordinator

Attachments:

1. State Interest Check Report [↓](#)
2. Draft Amending Local Law No. 1 (Local Law No. 1 (Administration) 2015) 2018 [↓](#)
3. Draft Local Law No. 1 (Administration) 2015 [↓](#)

PURPOSE

The purpose of this report is to proceed with the making of *Amending Local Law No. 1 (Local Law No.1 (Administration) 2015) 2018*.

BACKGROUND

At the General Meeting on 4 October 2017 Council made a resolution to commence the process for amending *Local Law No. 1 (Administration) 2015*. The amendment provides Council the power to remove a structure such as a shipping container, railway carriage or other object where no action is taken following enforcement. 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 law.

The amendments to *Local Law No. 1 (Administration) 2015* are detailed in the amending instrument (Attachment 2).

Please note that in the consolidated version of *Local Law No. 1 (Administration) 2015* (Attachment 3) the only changes made are to:

- Section 31, the inclusion of (e);
- Schedule 1 the inclusion of definitions for other object, railway carriage, shipping container and temporary home;
- Schedule 2, part 1, the inclusion of 'placement of shipping container, a railway carriage, or other object on land' in the list of prescribed activities;
- Schedule 2, part 2, change of reference from footnote 34 to footnote 35;
- Schedule 2, part 2 removal of existing definition of establishment or occupation of a temporary home and replaced with new definition;
- Schedule 2, part 2, inclusion of definition of placement of a shipping container, railway carriage or other object on land;
- Footnotes 18 to 37 and 37A and 38 renumbered.

ISSUES

State Interest Checks

In accordance with Council's adopted local law making process a state interest check was completed on *Local Law No. 1 (Administration) 2015*.

All relevant State Government Departments were invited to provide comments on the draft local law. State Departments' comments and Council's response are identified in Attachment 1.

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 law found no anti-competitive provisions were present.

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 law. Submissions were invited from 23 May 2018 to 29 June 2018. No submissions were received for *Local Law No. 1 (Administration) 2015*.

Local Law Implementation

Should Council make the local law 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 local law attached to this report.

The local law has 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 law have been 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) 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 law is funded through existing budget allocations within the Legal Services Unit.

People

The local law 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 law. 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 local law attached to this report has 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. No submissions were received.

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

In developing the proposed local law 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 State Interest Check Report (Attachment 1) and to implement the recommended local government actions in this report;
2. proceed:
 - a. as advertised with the making of *Amending Local Law No.1 (Local Law No.1 (Administration) 2015) 2018*;

- b. to make *Amending Local Law No.1 (Local Law No.1 (Administration) 2015) 2018*;
 - c. to adopt the consolidated version of *Local Law No. 1 (Administration) 2015*;
 - d. to give notice of the making and commencement of *Amending Local Law No. 1 (Local Law No. 1 (Administration) 2015) 2018*, by publication in the Queensland Government Gazette; and
3. 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 (Local Law No. 1 (Administration) 2015) 2018*.

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 State Interest Check Report (Attachment 1) and to implement the recommended local government actions in this report;
2. proceed:
 - a. as advertised with the making of *Amending Local Law No.1 (Local Law No.1 (Administration) 2015) 2018*;
 - b. to make *Amending Local Law No.1 (Local Law No.1 (Administration) 2015) 2018*;
 - c. to adopt the consolidated version of *Local Law No. 1 (Administration) 2015*;
 - d. to give notice of the making and commencement of *Amending Local Law No. 1 (Local Law No. 1 (Administration) 2015) 2018*, by publication in the Queensland Government Gazette; and
3. authorise the Chief Executive Officer to make any necessary administrative and formatting amendments prior to Gazettal.

State Interest Check Report – Department of Local Government, Racing and Multicultural Affairs

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>
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"> • ‘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 establishment or the occupation of a temporary home on or in a camping ground or caravan park; and • ‘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. 	<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 accommodation.</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><i>establishment or occupation of a temporary home</i> 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>
Schedule 2		<p>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, ...’.</p>		<p>Amendment made to replace ‘upon’ with ‘on’.</p>
Schedule 1		<p>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.</p>	<p>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).</p>	<p>The phrase ‘capable of being used’ has been replaced with ‘used or intended to be used’.</p>



Amending Local Law No. 1
(Local Law No. 1 (Administration) 2015)
2018

It is hereby certified that this a true and correct copy of *Amending Local Law No. 1 (Local Law No. 1 (Administration) 2015) 2018* made, in accordance with the *Local Government Act 2009*, by the Council of the City of Redland, by resolution dated 24 October 2018

A. Chesterman
Chief Executive Officer



Redland City Council

Amending Local Law No. 1 (Local Law No. 1 (Administration) 2015) 2018

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Amending Local Law No. 1
(Local Law No. 1 (Administration) 2015) 2018

**Redland City Council
Amending Local Law No. 1
(Local Law No. 1 (Administration) 2015) 2018**

Part 1 Preliminary

1 Short title

This amending local law may be cited as *Amending Local Law No. 1 (Local Law No. 1 (Administration) 2015) 2018*.

2 Object

The object of this amending local law is to amend—

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

3 Commencement

This amending local law commences on the date of publication of the notice of the making of *Amending Local Law No. 1 (Local Law No. 1 (Administration) 2015) 2018* in the gazette.

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

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 Amending Local Law No. 1
 (Local Law No. 1 (Administration) 2015) 2018

- (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 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

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(Local Law No. 1 (Administration) 2015) 2018*

- (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.^{37A}

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.

^{37A} See the definition of *Building Act* in the Act, schedule 4



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 24 October 2018

A. Chesterman
Chief Executive Officer

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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 laws¹

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

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

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

Maximum penalty for subsection (2)—

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

Examples—

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

- (4) In this section—

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

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

category 3 activity means a prescribed activity that is declared as a category 3

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

activity by a subordinate local law for this definition.

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.³

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

⁴ 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 appointment⁵ must state the local laws, or the provisions of local laws, for which the person is appointed as an authorised person.

21 Threatening etc an authorised person⁶

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

Maximum penalty—20 penalty units.

Part 4 Review of decisions

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

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

22 Application for review

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

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

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

24 Stay of operation of original decision

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

Part 5 Enforcement**25 Production of records**

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

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.

⁹ 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 give¹⁰ a written notice (a **compliance notice**) to the person (the **recipient**) requiring the person to remedy the contravention.¹¹
- (3) The compliance notice must state the following—
- (a) the particular provision of the local law or condition of an approval the authorised person believes is being, or has been, contravened; and
 - (b) briefly, how it is believed the provision of the local law or condition of an approval is being, or has been, contravened; and
 - (c) the time by which the recipient must remedy the contravention; and
 - (d) that it is an offence to fail to comply with the compliance notice; and
 - (e) the maximum penalty for failing to comply with the compliance notice.
- (4) The time under subsection (3)(c) must be reasonable having regard to—
- (a) the action required to remedy the contravention; and
 - (b) the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm posed by the contravention; and
 - (c) how long the recipient has been aware of the contravention.
- (5) The compliance notice may also state the reasonable steps the authorised person considers necessary to remedy the contravention or avoid further contravention.

Examples of reasonable steps to avoid further contravention—

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

¹¹ Where a compliance notice is given to the owner of a property and requires action to be taken in relation to that property, then it will constitute a **remedial notice** under the Act, section 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.¹²
- 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;¹³ and
 - (b) the authorised person gives¹⁴ a compliance notice to the person (the *recipient*).¹⁵
- (2) The compliance notice must state the following—
- (a) the provision of the local law that authorises the authorised person to give a compliance notice; and
 - (b) the specified action that the recipient must take to comply with the notice; and
 - (c) the time by which the recipient must comply with the notice; and
 - (d) that it is an offence to fail to comply with the notice; and
 - (e) the maximum penalty for failing to comply with the notice.
- (3) The specified action in subsection (2)(b) must not be inconsistent with action required, by a remedial notice, to be taken under another Local Government Act.
- (4) The time under subsection (2)(c) must be reasonable having regard to the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm that may result from failure to comply with the notice.
- (5) The compliance notice must include, or be accompanied by, an information notice.
- (6) The recipient must comply with the compliance notice.¹⁶

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

¹³ For example, see *Local Law No.4 (Local Government Controlled Areas, Facilities 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).

¹⁴ See also footnote 10.

¹⁵ See also footnote 11.

¹⁶ 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 law¹⁷; 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

¹⁷ 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

- 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*);¹⁸ 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; or¹⁹
 - (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

¹⁸ 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.

¹⁹ 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.

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

²⁰ See section 6(3).

²¹ See section 6(4).

²² See section 8(2)(a).

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

²³ See section 9(1)(d).

²⁴ See section 10(3).

²⁵ See section 12(1).

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

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

²⁸ See section 13(a).

²⁹ See section 14(1)(a).

³⁰ See section 15(2).

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

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

Schedule 1 Dictionary

Section 3

accommodation park includes—

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

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

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

authorised person see the Act, schedule 4³³.

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

caravan see *Residential Tenancies 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).

³³ 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 Act³⁴.

³⁴ 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*³⁵
means—

- 1 *Alteration or improvement to local government controlled areas and roads*
means—
 - (a) installing, changing, damaging or removing a structure in a local government controlled area or on a road; or
 - (b) planting, clearing or damaging of vegetation in a local government controlled area or on a road.
- 2 *Alteration or improvement to local government controlled areas and roads*
does not include an alteration or improvement—
 - (a) that constitutes development under the Planning Act³⁶; or

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

³⁶ 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 areas³⁷ and roads means the use of a local government controlled area or road for soliciting or carrying on the supply of goods and services (including food or drink) for profit, but does not include the following—

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

establishment or occupation of a temporary home means the erection, construction, installation, positioning or placement of a 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.³⁸

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

³⁷ See footnote 35.

³⁸ 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 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.³⁹

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 areas⁴⁰ 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.

³⁹ See the definition of **Building Act** in the Act, schedule 4

⁴⁰ See footnote 35.

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 16.09.2018 to 29.09.2018 [↓](#)

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 16.09.2018 to 22.09.2018

CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR18/0337	Design & Siting - Carport	Applied Building Approvals	12 Goodall Street Wellington Point QLD 4160	Referral Agency Response - Planning	19/09/2018	NA	Approved	1
CAR18/0363	Design and Siting - Dwelling House	Bartley Burns Certifiers & Planners	11 Rose Street Ormiston QLD 4160	Referral Agency Response - Planning	21/09/2018	NA	Approved	1
CAR18/0327	Design and Siting - Dwelling House by 3	Building Code Approval Group Pty Ltd Edgarange Pty Ltd	113 Passage Street Cleveland QLD 4163	Referral Agency Response - Planning	18/09/2018	NA	Approved	2
DBW18/0024	Domestic Additions	Cyber Drafting & Design	7 Piermont Place Cleveland QLD 4163	Code Assessment	21/09/2018	NA	Development Permit	2
OPW18/0113	Change to Development Approval - Landscaping Works - Apartment Building	Aft C/ Suzanne Hembrow	16 Wharf Street Cleveland QLD 4163	Minor Change to Approval	19/09/2018	NA	Approved	2
CAR18/0332	Design and Siting	Strickland Certification Pty Ltd	9 White Fig Place Thornlands QLD 4164	Referral Agency Response - Planning	20/09/2018	NA	Approved	3
CAR18/0335	Design and Siting - Carport	Adept Building Approvals	42 Seaholly Crescent Victoria Point QLD 4165	Referral Agency Response - Planning	21/09/2018	NA	Approved	4
CAR18/0344	Design and Siting - Dwelling House	Bella Qld Properties Pty Ltd	1A Moore Street Victoria Point QLD 4165	Referral Agency Response - Planning	17/09/2018	NA	Approved	4

Decisions Made under Delegated Authority 16.09.2018 to 22.09.2018

CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR18/0353	Design and Siting - Carport and Caravan Shelter	Bartley Burns Certifiers & Planners	26 Grandis Crescent Victoria Point QLD 4165	Referral Agency Response - Planning	21/09/2018	NA	Approved	4
RAL18/0096	Reconfiguring a Lot - Rearranging Boundaries - 3 into 3 Lots	Statewide Survey Group Pty Ltd Consulting Surveyors	70 Sycamore Parade Victoria Point QLD 4165	Code Assessment	21/09/2018	NA	Development Permit	4
CAR18/0340	Design and Siting - Domestic Outbuilding	Luis HENRIQUES	74 Salisbury Street Redland Bay QLD 4165	Referral Agency Response - Planning	19/09/2018	NA	Approved	5
CAR18/0343	Amenity and Aesthetics - Dwelling House	Erlinda Icao AROCHA	128-136 Jackson Road Russell Island QLD 4184	Referral Agency Response - Planning	21/09/2018	NA	Approved	5
CAR18/0354	Design and Siting - Dwelling House	Applied Building Approvals	5 Beaumont Drive Russell Island QLD 4184	Referral Agency Response - Planning	21/09/2018	NA	Approved	5
MCU18/0143	Dwelling House and Domestic Additions - Carport	Bay Island Designs	39 Jan Street Macleay Island QLD 4184	Code Assessment	18/09/2018	NA	Development Permit	5
OPW18/0107	Driveway Crossover Works	Aleisha Jane RUDKEN Travis Troy RUDKEN	13 Magnetic Place Redland Bay QLD 4165	Code Assessment	19/09/2018	NA	Development Permit	6
DBW18/0057	Domestic Additions - Deck	East Coast Surveys Pty Ltd	68 Finucane Road Capalaba QLD 4157	Code Assessment	19/09/2018	NA	Development Permit	9

Decisions Made under Delegated Authority 16.09.2018 to 22.09.2018**CATEGORY1**

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR18/0357	Design and Siting	Strickland Certification Pty Ltd	3 Roger Street Birkdale QLD 4159	Referral Agency Response - Planning	17/09/2018	NA	Approved	10

Decisions Made under Delegated Authority 16.09.2018 to 22.09.2018

CATEGORY2

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
OPW002264	Operational Works - CIVIL ONLY - Multiple Dwelling x 4	Anita Margaret AZCUNE John Augusto AZCUNE	6 Yarrow Court Cleveland QLD 4163	SPA - 15 Day Compliance Assessment	19/09/2018	NA	Compliance Certificate Approved	2
OPW18/0087	Operational Works for ROL - footpath works	Sutgold Pty Ltd	104-112 Thornlands Road Thornlands QLD 4164	Code Assessment	19/09/2018	NA	Development Permit	3
EXC18/0010	Exemption Certificate	Steve Bartley & Associates Pty Ltd	75 Main Street Redland Bay QLD 4165	Planning Act Request	18/09/2018	NA	Approved	5
RAL17/0004.02	Change to Development Approval - SB004042.9	Mr Raymond H Blumsom Mrs Robyn-Anne M Blumsom	100 Valley Way Mount Cotton QLD 4165	Minor Change to Approval	19/09/2018	NA	Approved	6
MCU18/0075	Multiple Dwelling x 4	JDC Designs & Planning	13 Oxford Street Alexandra Hills QLD 4161	Impact Assessment	20/09/2018	NA	Development Permit	7
OPW18/0086	Bulk Earthworks - ROL-68 Residential Lots and 3 Balance Lots	Andiworth Pty Ltd	53-65 Kinross Road Thornlands QLD 4164	Code Assessment	18/09/2018	NA	Development Permit	7
OPW18/0096	Operational Work - Fill to create Mound for Noise Barrier	Jeffery William TURNER	171-187 Ney Road Capalaba QLD 4157	Code Assessment	17/09/2018	NA	Development Permit	9
OPW18/0103	Boundary Re-alignment 3 into 3 lots and easement - Revised storm water design	Ashok S SIHOTA	61 Birkdale Road Birkdale QLD 4159	Minor Change to Approval	20/09/2018	NA	Approved	10
RAL18/0067.01	Change to development approval RAL18/0067 - Reconfiguration	Mr Andrew G Davies Mrs Margaret R Davies	45 Cavell Street Birkdale QLD 4159	Minor Change to Approval	20/09/2018	NA	Approved	10

Decisions Made under Delegated Authority 23.09.2018 to 29.09.2018

CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
RAL18/0060	Reconfiguring a Lot-Standard Format- 1 into 3 Lots	Ms Mary A Kamols	19 Fernbourne Road Wellington Point QLD 4160	Code Assessment	27/09/2018	NA	Development Permit	1
OPW18/0090	Hungry Jack's Victoria Point - Advertising Device x 11	Hungry Jacks Pty Ltd	Victoria Point Shopping Centre 2-34 Bunker Road Victoria Point QLD 4165	Code Assessment	24/09/2018	NA	Development Permit	4
CAR18/0365	Design & Siting - Additions, Carport and Decks	Applied Building Approvals	48 Highland Street Russell Island QLD 4184	Referral Agency Response - Planning	19/09/2018	NA	Approved	5
CAR18/0367	Design and Siting - Carport	KAM Constructions Pty Ltd	229 Mill Street Redland Bay QLD 4165	Referral Agency Response - Planning	24/09/2018	NA	Approved	5
CAR18/0349	Design and Siting - Dwelling House	Coral Homes (Qld) Pty Ltd	26 Viewland Crescent Thornlands QLD 4164	Referral Agency Response - Planning	25/09/2018	NA	Approved	7
CAR18/0368	Design and Siting - Shed	Strickland Certification Pty Ltd	21 Leyton Street Birkdale QLD 4159	Referral Agency Response - Planning	19/09/2018	NA	Approved	8
OPW18/0099	Freedom Fuels - Advertising Device x 1	Freedom Fuels Australia Pty Ltd (Head Office)	110 Redland Bay Road Capalaba QLD 4157	Code Assessment	25/09/2018	NA	Development Permit	9
CAR18/0372	Design and Siting - Additions	Bartley Burns Certifiers & Planners	5 Duck Street Birkdale QLD 4159	Referral Agency Response - Planning	20/09/2018	NA	Approved	10
DBW18/0060	Domestic Additions and Domestic Outbuilding	Site Town Planning	47 Murray Street Birkdale QLD 4159	Code Assessment	26/09/2018	NA	Development Permit	10

Decisions Made under Delegated Authority 23.09.2018 to 29.09.2018**CATEGORY2**

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
OPW18/0091	Operational Works - ROL - 1 into 2 lots	Glenda Alys LITTLE	80 Link Road Victoria Point QLD 4165	Code Assessment	26/09/2018	NA	Development Permit	4

13.2 LIST OF DEVELOPMENT AND PLANNING RELATED COURT MATTERS AS AT 5 OCTOBER 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>

PLANNING & ENVIRONMENT COURT APPEALS

1.	File Number:	4940 of 2015, 2 of 2016 and 44 of 2016 (MCU013926) / (Court of Appeal 11075 of 2017)
Appellants		Lipoma Pty Ltd Lanrex Pty Ltd Victoria Point Lakeside Pty Ltd
Co-respondent (Applicant)		Nerinda Pty Ltd
Proposed Development:		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)
Appeal Details:		Submitter appeal against Council approval
Current Status:		A directions hearing was held on 1 August 2018. A further directions hearing was held on 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.

2.	File Number:	Appeal 4515 of 2017 (ROLO06084)
Appellant:		Australian Innovation Centre Pty Ltd
Proposed Development:		Reconfiguring a Lot (1 into 22 lots and park) 289-301 Redland Bay Road, Thornlands (Lot 5 on RP14839)
Appeal Details:		Deemed refusal appeal
Current Status:		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.

3.	File Number:	Appeal 339 of 2018 (MCU013949)
Appellant:		Hosgood Company 3 Pty Ltd & DPK Injection Pty Ltd
Proposed Development:		Material Change of Use for a Dual Occupancy 2 Starkey Street, Wellington Point (Lot 11 on SP284567)
Appeal Details:		Appeal against Council refusal
Current Status:		Appeal filed on 30 January 2018. Mediation held on 10 April 2018. The next Court review is 25 October 2018.

4.	File Number:	Appeal 461 of 2018 (MCU013977)
Appellant:		Robyn Edwards & Ronald Edwards
Proposed Development:		Material Change of Use for an Undefined Use (Rooming Accommodation) 41 Ziegenfusz Road, Thornlands (Lot 291 on RP801793)
Appeal Details:		Appeal against Council refusal
Current Status:		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.

5.	File Number:	Appeal 894 of 2018 (MCU013921)
Appellant:		Palacio Property Group Pty Ltd
Proposed Development:		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)
Appeal Details:		Appeal against Council refusal
Current Status:		Appeal filed on 9 March 2018. A without prejudice meeting was held on 17 May 2018.

6.	File Number:	Appeal 1506 of 2018 (MCU17/0149)
Appellant:		Barro Group Pty Ltd
Proposed Development:		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)
Appeal Details:		Appeal against Council refusal
Current Status:		Appeal filed on 24 April 2018. Without prejudice meeting required by 2 November 2018. The next review is scheduled for 16 November 2018.

7.	File Number:	Appeal 1774 of 2018 (OPW002206)
Appellant:		Jexville Pty Ltd
Proposed Development:		Operational Works for an Advertising Device 39 Old Cleveland Road, Capalaba (Lot 1 on RP137310)
Appeal Details:		Appeal against a condition of the Development Permit
Current Status:		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.

8.	File Number:	Appeal 2142 of 2018 (MCU013782)
Appellant:		Binnaton Holdings Ltd
Proposed Development:		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)
Appeal Details:		Appeal against Council decision to issue a Preliminary Approval
Current Status:		Appeal filed on 11 June 2018. Without prejudice meeting held on 19 July 2018.

9.	File Number:	Appeal 2171 of 2018 (ROL006209)
Appellant:		Lorette Margaret Wigan
Proposed Development:		Reconfiguring a Lot for 1 into 29 lots and road 84-122 Taylor Road, Thornlands (Lot 1 on RP123222)
Appeal Details:		Appeal against Council decision to issue a Preliminary Approval
Current Status:		Appeal filed on 13 June 2018. Mediation held on 29 June 2018. A second mediation was held on 2 October 2018. Another mediation is scheduled for 22 October 2018.

10.	File Number:	Appeal 2519/18 (MCU17/0123)
Appellant:		Wellington Property Management Pty Ltd
Proposed Development:		Material Change of Use for a Child Care Centre 100-102 Collins Street, Redland Bay (Lot 1 on RP190688)
Appeal Details:		Appeal against Council refusal
Current Status:		Appeal filed on 9 July 2018. Mediation was held on 4 October 2018. The next Court review is scheduled for 15 November 2018.

11.	File Number:	Appeal 3177/18 (MCU17/0153)
Appellant:		Geoffrey David Abbott, Anthony John Baker & Anja Katrin Hoecker
Proposed Development:		Material Change of Use for an Undefined Use 9 & 11 Tascon Street, Ormiston (Lots 72 and 73 on RP1714)
Appeal Details:		Appeal against Council refusal
Current Status:		Appeal filed on 31 August 2018.

12.	File Number:	Appeal 3291/18 (OPW18/0012)
Appellant:		East Coast Surveys (Aust) Pty Ltd
Proposed Development:		Operational Works for Prescribed Tidal Works (Pontoon) 11 & 11a Anchorage Drive, Cleveland (Lots 11 and 12 on SP278831)
Appeal Details:		Appeal against a condition of the Development Permit
Current Status:		Appeal filed on 12 September 2018. Directions hearing held on 3 October 2018. Mediation due by 26 October 2018.

13.	File Number:	Appeal 3344/18 (ROL006039)
Appellant:		Harridan Pty Ltd
Proposed Development:		Reconfiguring a Lot for 1 into 7 Lots 14-20 Bonnie Street, Thornlands (Lot 6 on SP164062)
Appeal Details:		Appeal against Council refusal
Current Status:		Appeal filed on 12 September 2018. Directions hearing held on 28 September 2018. Mediation due by 19 October 2018.

14.	File Number:	Appeal 135/18 (MCU013917)
Appellant:		Maureen Joan Chapman
Proposed Development:		Material Change of Use for a Dwelling House 42 Magnolia Street, Russell Island (Lots 77, 78, 104 & 105 on RP129012)
Appeal Details:		Appeal against Council refusal
Current Status:		Appeal filed on 21 September 2018.

APPEALS TO THE QUEENSLAND COURT OF APPEAL

15.	File Number:	Appeal 8114/18 (MCU012812) / (QPEC Appeal 3641 of 2015)
Appellant:		Redland City Council
Respondent (applicant):		King of Gifts Pty Ltd and HTC Consulting Pty Ltd
Proposed Development:		Material Change of Use for Service Station (including car wash) and Drive Through Restaurant 604-612 Redland Bay Road, Alexandra Hills
Appeal Details:		Appeal against the decision of the Planning and Environment Court to allow the appeal and approve the development.
Current Status:		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 filed a reply and a hearing is set down for 12 March 2019.

DEVELOPMENT TRIBUNAL AND OTHER MATTERS

16.	File Number:	3034/18
Applicant:		Seventh-Day Adventist Church (South Queensland Conference) Ltd
Development:		MCU for Aged Persons and Special Needs Housing 563-567 Redland Bay Road, Victoria Point (Lot 1 on RP113027)
Application Details:		To revive and extend the currency period of a lapsed approval
Current Status:		Application filed on 22 August 2018. Review scheduled for 12 October 2018.

17.	File Number:	3201/18
Applicant:		Charles & Howard Pty Ltd
Development:		Reconfiguring a Lot for 2 into 9 lots 15 & 20 Albert Street, Victoria Point (Lots 1 & 2 on RP178345)
Application Details:		To revive, change and extend the currency period of a lapsed approval
Current Status:		Application filed on 4 September 2018. Directions hearing scheduled for 24 October 2018.

OFFICER'S RECOMMENDATION

That Council resolves to note this report.

13.3 2018-2019 REGISTER OF FEES MINOR AMENDMENTS**Objective Reference:****Authorising Officer:** Louise Rusan, General Manager Community & Customer Services**Responsible Officer:** Graham Simpson, Group Manager Environment & Regulation**Report Author:** Donna Wilson, Service Manager Compliance**Attachments:** Nil**PURPOSE**

The purpose of this report is to make some minor amendments to the 2018-2019 Register of Fees.

BACKGROUND

The 2018-2019 Register of Fees was adopted at the General Meeting on 23 May 2018, to take effect 1 July 2018. Following a review of the adopted schedules, some minor administrative amendments are required to effectively apply the relevant fees. At present the listed fees present some confusion and the amendments are sought to provide clarity in their application.

ISSUES

There are two minor amendments required for word clarity which will have no impact on revenue.

1. Dog/Cat Impounding Release Fees (includes kittens and puppies) to be amended from "2nd release unregistered and / or subsequent release" to "2nd release unregistered".
2. Dog/Cat Impounding Release Fees (includes kittens and puppies) to include an additional line "3rd release and subsequent releases (registered or unregistered)".

The current fees relating to 2nd release unregistered and/or subsequent release fees requires clarification to confirm that a 3rd release of either a registered or unregistered animal is \$318.55.

From:

Description	Unit	Base Charge \$	GST \$	Final Charge \$	Type
Dog / Cat Impounding Release Fees (includes Kittens & Puppies)					
<i>Note: The issuing of infringement notices commences at 2nd release unregistered</i>					
1st release registered	per animal	72.80		72.80	R
1st release unregistered	per animal	200.70		200.70	R
2nd release registered	per animal	205.70		205.70	R
2nd release unregistered and / or subsequent release	per animal	318.55		318.55	R

To:

Description	Unit	Base Charge \$	GST \$	Final Charge \$	Type
Dog / Cat Impounding Release Fees (includes Kittens & Puppies)					
<i>Note: The issuing of infringement notices commences at 2nd release unregistered</i>					
1st release registered	per animal	72.80		72.80	R
1st release unregistered	per animal	200.70		200.70	R
2nd release registered	per animal	205.70		205.70	R
2nd release unregistered	per animal	318.55		318.55	R
3rd release and subsequent releases (registered or unregistered)	per animal	318.55		318.55	R

STRATEGIC IMPLICATIONS

Legislative Requirements

Section 98 of the *Local Government Act 2009* requires a local government to keep a register of cost recovery fees. For transparency, Redland City Council publishes all its annual fees and not just cost recovery fees.

Legislation also allows Council to adjust its fees at any time by resolution of Council.

Risk Management

Council benchmarks with other local governments and similar service providers on a periodic basis. Council monitors its budget variances on a monthly basis. Additionally, Council reviews its long term financial strategy on an annual basis and considers the weighted indices, growth and price factors.

Financial

Nil impact expected as the changes are of an administrative nature and should not significantly alter expected revenue. The amendments are sought to provide enhanced clarity in regards to the application of the fee.

People

Nil impact expected as the purpose of this report is to make some minor amendments to the 2018-2019 Register of Fees for word clarity.

Environmental

Nil impact expected as the purpose of this report is to make some minor amendments to the 2018-2019 Register of Fees for word clarity.

Social

Nil impact expected as the purpose of this report is to make some minor amendments to the 2018-2019 Register of Fees for word clarity.

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

Management Accountant Commercial Business Team

OPTIONS

Option One

That Council resolves to adopt the changes to the 2018-2019 Register of Fees as follows.

Description	Unit	Base Charge \$	GST \$	Final Charge \$	Type
Dog / Cat Impounding Release Fees (includes Kittens & Puppies)					
<i>Note: The issuing of infringement notices commences at 2nd release unregistered</i>					
1st release registered	per animal	72.80		72.80	R
1st release unregistered	per animal	200.70		200.70	R
2nd release registered	per animal	205.70		205.70	R
2nd release unregistered	per animal	318.55		318.55	R
3rd release and subsequent releases (registered or unregistered)	per animal	318.55		318.55	R

Option Two

That Council resolves to request further information on the requested changes.

OFFICER'S RECOMMENDATION

That Council resolves to approve the amendments to the 2018/2019 Fees and Charges schedule as follows.

Description	Unit	Base Charge \$	GST \$	Final Charge \$	Type
Dog / Cat Impounding Release Fees (includes Kittens & Puppies)					
<i>Note: The issuing of infringement notices commences at 2nd release unregistered</i>					
1st release registered	per animal	72.80		72.80	R
1st release unregistered	per animal	200.70		200.70	R
2nd release registered	per animal	205.70		205.70	R
2nd release unregistered	per animal	318.55		318.55	R
3rd release and subsequent releases (registered or unregistered)	per animal	318.55		318.55	R

14 REPORTS FROM INFRASTRUCTURE & OPERATIONS

14.1 SCHOOL OF ARTS ROAD, ROAD DEDICATION

Objective Reference:

Authorising Officer: Peter Best, General Manager Infrastructure & Operations

Responsible Officer: Anthony Burrows, Group Manager Project Delivery

Report Author: Jason Masters, Survey Services Manager
Sharon Wynne, Survey Project Officer

Attachments:

1. School of Arts Acquisition Plan 1 [↓](#)
2. School of Arts Acquisition Plan 2 [↓](#)

PURPOSE

The purpose of this report is to seek Redland City Council (Council) approval to dedicate Lot 1 on RP222468 (153A School of Arts Road Redland Bay) and Lot 1 RP220122 (151 School of Arts Road Redland Bay) as road as per attachment 1 & 2 (40556 PROPERTY ACQUISITION PLANS v2 AC157-4-2 & 40556 PROPERTY ACQUISITION PLANS v2 AC157-4-3). The road dedications will allow the scheduled School of Arts Rd upgrade to be constructed on the appropriate tenure.

BACKGROUND

In 1989 and 1990 Council acquired Lot 1 on RP222468 and Lot 1 on RP220122. These two Council Freehold lots have a land use as Road/Road Reserve and a Zoning of Open Space.

Council will commence the construction associated with the School of Arts Road upgrade this financial year. Part of the upgrade of the road will involve increasing the width of the road pavement and the creation of pedestrian footpaths. The increased width will allow for improved road safety and pedestrian connectivity through the Weinam Creek wetlands.

The upgrade to School of Arts Road will require the dedication of Council freehold land and State Reserve to road but will also allow an opportunity to resolve existing tenure issues.

ISSUES

The upgrade to School of Arts Road will include additional turning lanes for improved access to Donald Road, Habitat Drive and Fielding Road. The turning lanes will require additional road pavement width causing the road pavement to extend into Lot 1 on RP222468 and Lot 1 on RP220122. The associated drainage and footpath will also be contained within Lot 1 on RP222468 and Lot 1 on RP220122.

State Land Lot 1 on RP106450 and Lot 900 on SP267633

To allow the footpath construction adjoining School of Arts Road the existing culverts will be removed and replaced to allow a suitable width to incorporate the road pavement and footpaths on either side of the road. This will require the end structures associated with the culverts to be constructed within the State Reserves for Park (Lot 1 on RP106450) and Park and Recreation (Lot 900 on SP267633). Advice from the Department of Natural Resources, Mines and Energy has noted that the drainage structures are to be contained within road tenure. It should be noted that currently part of the culverts are contained within Lot 1 on RP106450. In conjunction with the

dedication of the two Council Freehold lots being dedicated an application will be made to the State for the dedication of part of the adjoining reserves.

STRATEGIC IMPLICATIONS

Legislative Requirements

- Freehold Land actions will occur under Section 5(1)(b) of the *Acquisitions of Land Act 1967*.
- Freehold land will be dedicated as road pursuant to Section 51 of the *Land Title Act 1994*.
- State Land will be dedicated as road pursuant to Section 94 of the *Land Act 1994*.
- Liability will be reduced under Section 37 of the *Civil Liability Act 2003*.

Risk Management

Dedication as road will improve safety for all road users. The recognition of the area as road will introduce limited protection for Council under the *Civil Liability Act 2003*.

Financial

Funding is available in the Council FY18/19 budget JN40556 (\$4,450.00).

People

There will be no impact on Council staff as this is a business as usual activity.

Environmental

No environmental implications have been identified.

Social

There are no social implications identified.

Alignment with Council's Policy and Plans

This activity aligns with Council's policies and plans.

CONSULTATION

- Councillor Divisional 6
- Design and Technical Services Manager
- Principal Engineer Roads and Drainage
- Senior Property Officer
- Group Manager - Project Delivery Group
- Group Manager - City Operations
- Principal Engineer – Water
- Service Manager – Network Operations
- Service Manager – Compliance
- Group Manager City Planning and Assessment
- Business Partnering Unit, Financial Services

OPTIONS**Option One**

That Council resolves to:

1. dedicate the land as per attachment 1 & 2 (40556 PROPERTY AQUISITION PLANS v2 AC157-4-2 & 40556 PROPERTY AQUISITION PLANS v2 AC157-4-3), as road under s.51 of the *Land Title Act 1994*; and
2. delegate authority to the Chief Executive Officer Redland City Council, under s.257(1)(b) of the *Local Government Act 2009*, to sign any related Survey Plans and documentation.

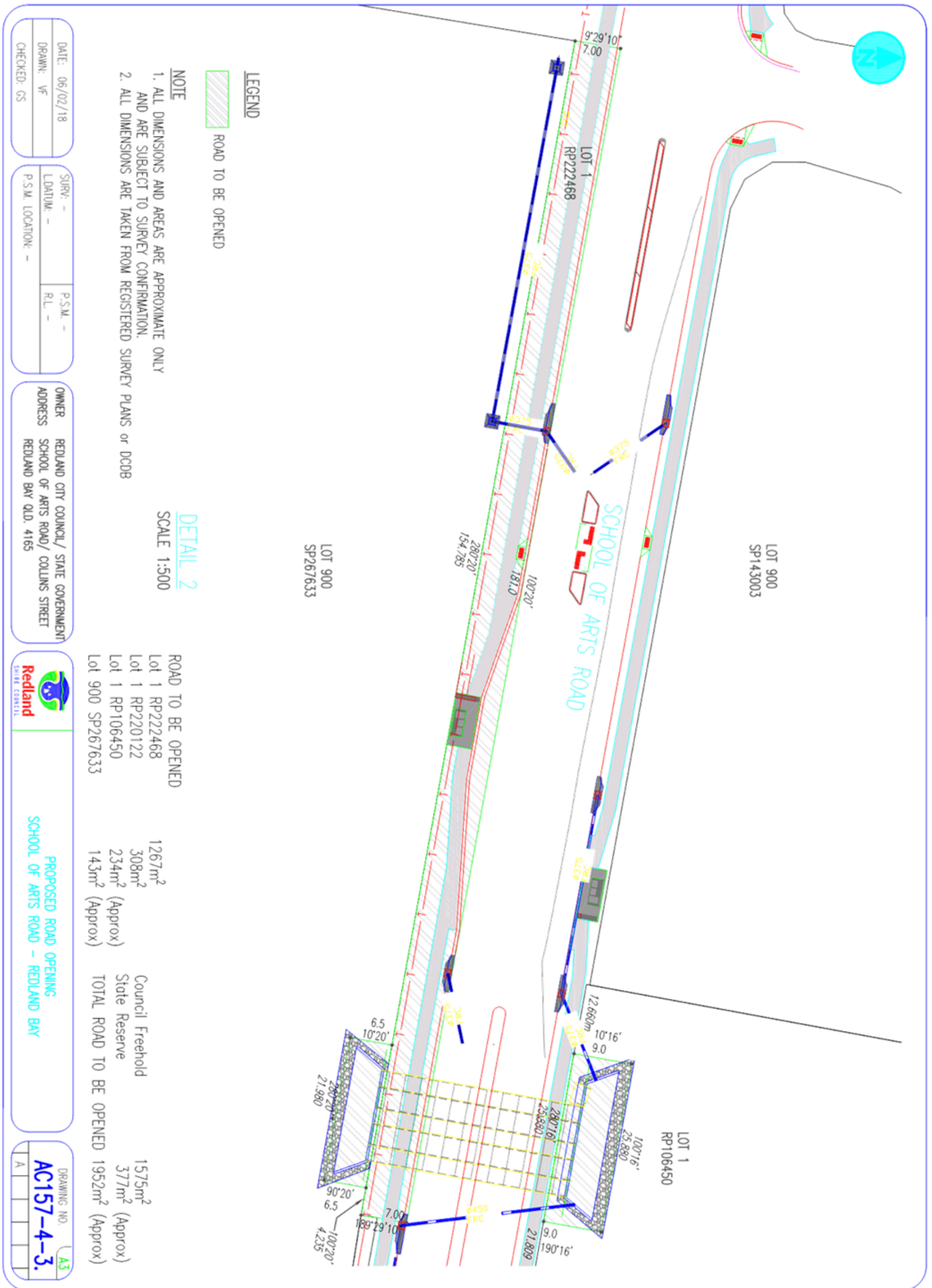
Option Two

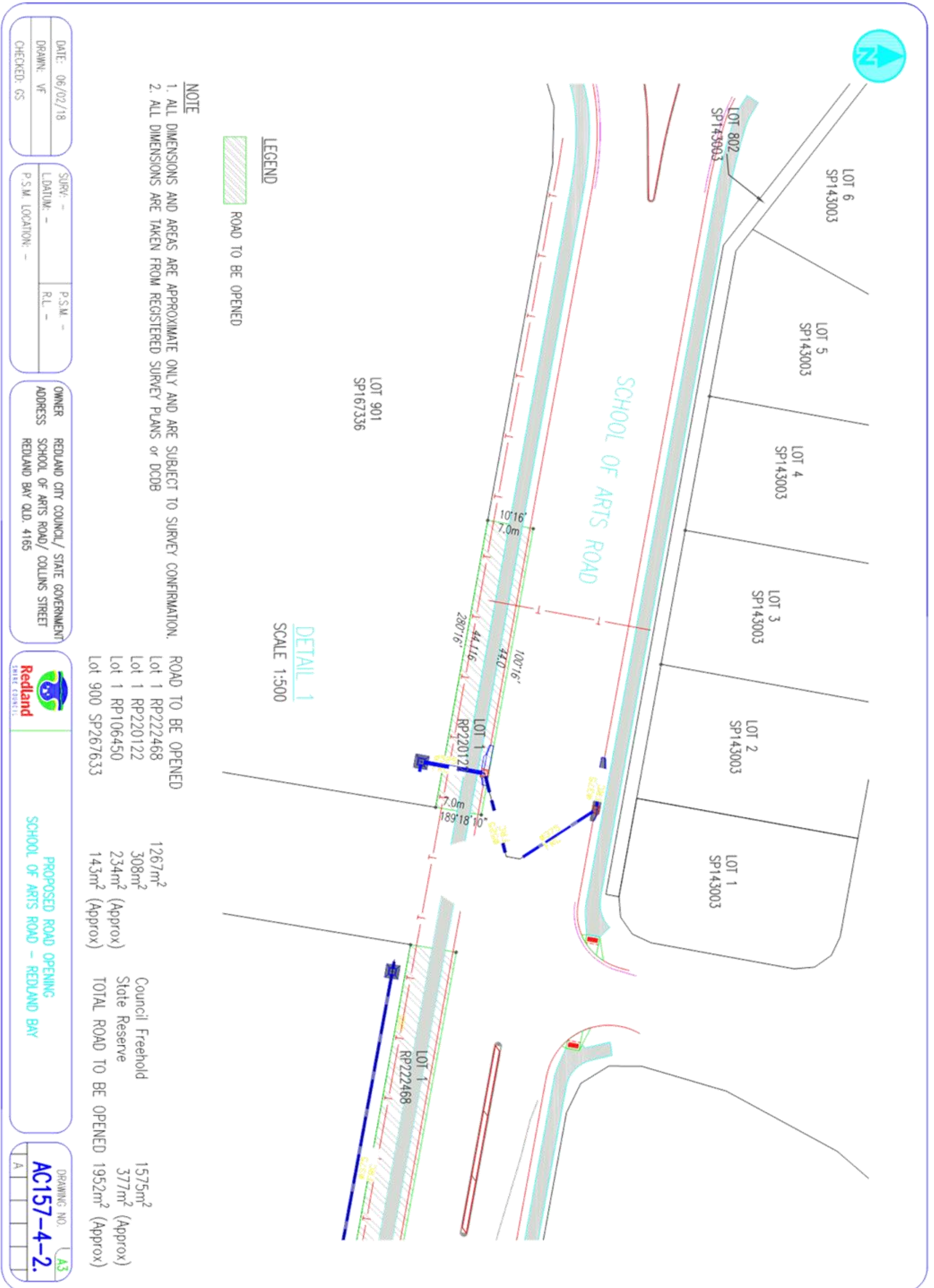
That Council resolves not to dedicate the land as road and to maintain the newly constructed road formation and associated drainage and pedestrian thoroughfares on Council freehold land.

OFFICER'S RECOMMENDATION

That Council resolves to:

1. **dedicate the land as per attachment 1 & 2 (40556 PROPERTY AQUISITION PLANS v2 AC157-4-2 & 40556 PROPERTY AQUISITION PLANS v2 AC157-4-3), as road under s.51 of the *Land Title Act 1994*; and**
2. **delegate authority to the Chief Executive Officer Redland City Council, under s.257(1)(b) of the *Local Government Act 2009*, to sign any related Survey Plans and documentation.**





14.2 RUSSELL AND MACLEAY ISLAND WASTE TRANSFER STATION OPENING HOURS**Objective Reference:****Authorising Officer:** Peter Best, General Manager Infrastructure & Operations**Responsible Officer:** Kevin McGuire, Group Manager Water & Waste Operations**Report Author:** Robert Walford, RedWaste Service Manager**Attachments:** Nil**PURPOSE**

This report sets out information resulting from the implementation of Recommendation 2 of the Redland City Council (RCC) Fire Management Plan to trial an increase in operating hours of the Russell and Macleay Island waste transfer stations (WTS) from five days to seven days per week.

This report seeks Council's decision to either revert back to five day operation or continue seven day operation of the Russell and Macleay Island waste transfer stations.

BACKGROUND

On 26 October 2017, the Russell and Macleay Island WTS increased opening hours from five to seven days each week. This followed Council's adoption of the Fire Management Plan Review Report 2017 and its recommendations prepared by Queensland Fire and Emergency Services.

On 5 February 2018, the Executive Leadership Team (ELT) confirmed RedWaste to continue seven day per week operations at the Russell and Macleay Island WTS to 30 June 2018. The trial has continued on a month to month basis to align to the Fire Management report also to be presented to Council at the General Meeting of 24 October 2018.

ISSUES**Increase of waste managed at Russell and Macleay Island WTS**

Table 1 and 2 below provide a summary of waste and recyclables handled, and customer visits for the period covering the trial (26 October 2017) to 30 September 2018 compared to the same period of the previous calendar year at Russell and Macleay Island WTS.

Analysis of the source of the green waste indicates that domestic customers accounted for almost 98% of the total increase in green waste received at Russell Island WTS and 88% at Macleay Island WTS.

- Table 1 - Russell Island WTS - waste volume and transactions**

Product	October 2016 - September 2017	October 2017 - September 2018	% Increase
Green waste (t)	2,297	3,316	44%
Waste & recyclables	706	670	-5%
Total customers	12,790	16,713	31%

- **Table 2 - Macleay Island WTS - waste volume and transactions**

Product	October 2016 - September 2017	October 2017 - September 2018	% Increase
Green waste (t)	1,707	2,237	31%
Waste & recyclables (t)	763	739	-3%
Total customers	13,514	17,766	31%

Budget

The direct cost to extend Russell and Macleay Is WTS operating hours between 26 October 2017 and 30 September 2018 was \$39,143 (Ex GST) above normal operation expenses for Russell and Macleay Is WTS of \$1,056,756 (Ex GST). This additional expenditure provided a combined 632 hours of additional customer service and opportunity to responsibly disposal of waste and recyclable material.

Continuation of seven day operation will cost an estimated \$40,609 (Ex GST) above 2018/19 forecast annual WTS operation expenditure of \$1,020,266 (Ex GST) for Russell and Macleay Is WTS. This amount would reflect a similar baseline cost per financial year not including increases due to CPI escalation.

- **Table 3 – 2018/19 Russell and Macleay Island WTS Operating Expenditure**

Waste Transfer Station	2018/19 WTS Operations Expense (Ex GST)	2018/19 Additional Gatehouse Hours Expense (Ex GST)	Total
Russell Is WTS	\$516,336	\$20,304	\$536,640
Macleay Is WTS	\$503,929	\$20,304	\$524,233
Sub Total	\$1,020,266	\$40,609	\$1,060,874

Due to the significant development activity on the SMBI, costs associated with the management of additional waste volumes are excluded from this analysis as largely this is green waste relating to the clearing of blocks for development or the maintenance of existing properties.

Illegal dumping

Data relating to illegal dumping complaints received by RCC is presented in Table 4 below. The information suggests that there is no clear link between extended opening hours and a reduction in illegal dumping complaints across the two islands.

However, the seven day a week operation has seen a significant reduction in the number of illegal dumping events at the front gates of both facilities.

- **Table 4 - Illegal dumping complaints**

	2015/16	2016/17	2017/18	Illegal dumping material
Russell Island	13	23	26	Commercial and residential green waste, household waste, builders rubble
Macleay Island	12	17	14	Commercial and residential green waste, household waste, car bodies

Customer Satisfaction

Customer service outcomes have been enhanced by the extended operating hours and the trial has been well received by the community. Feedback from both domestic and commercial customers is that they are generally happy to have the sites available seven days per week. Typical comments include the convenience in access seven days a week. However, there have been negative responses from domestic customers at Macleay Island WTS regarding the 2.00pm site closures mid-week. A return to the five day per week operation would likely be seen as a reduction in service standard by island residents and commercial operators and not accepted favourably.

Waste Transfer Station Security and Vandalism

While break-ins are still problematic and frequent at the two facilities (predominantly targeting lead acid batteries and other non-ferrous metals) the number of vandalism events where rubbish has been thrown around the sites has reduced. This is undoubtedly due to the presence by site operators seven days per week.

Waste Disposal Levy

Continuation of seven day operation may also have benefits in Council's ability to apply and recover the Waste Disposal Levy (due to commence on 4 March 2019) at the time of disposal. This will ensure that the Levy is applied to commercial waste disposal as intended and mitigate the risk of costs being absorbed by ratepayers.

STRATEGIC IMPLICATIONS

Legislative Requirements

There are no legislative implications relating to the continuation of seven day operation of the Russell and Macleay Island waste transfer stations. The facilities are not required to be licenced under the *Environmental Protection Regulation 2008* for Environmentally Relevant Activity 62 – Waste Transfer Station Operation (ERA 62), however all activities performed at the two facilities comply with the relevant waste transport legislation and general environmental duty under the *Environmental Protection Act 1994*.

Risk Management

The continuation of seven day operations of the Russell and Macleay Island waste transfer stations contributes to the reduction of risks relating to illegal dumping and supports Council's ongoing efforts in reducing fire hazards on the islands by providing convenient waste disposal services.

Financial

The direct operational expenditure of the trial from 26 October 2017 to 30 September 2018 was an additional \$39,143 (Ex GST) above normal operation expenses for Russell and Macleay Is WTS of \$1,056,756 (Ex GST). This amount provided for a combined 632 additional opening hours at the facilities.

Continuation of seven day operation will cost an estimated \$40,609 (Ex GST) above 2018/19 forecast annual WTS operation expenditure of \$1,020,266 (Ex GST) for Russell and Macleay Is WTS. This amount would reflect the baseline cost per financial year not including increases due to CPI escalation.

Operational expenditure relating to the trial was not budgeted for the 2017/18 Annual Budget.

Any financial implications beyond the current year will be considered during the 2019/20 budget developments as part of the annual budget submission process.

People

Changes to opening hours at the Russell and Macleay Island WTS are made in accordance with the Terms and Conditions of Contract T-1795-16/17-WST (Separable Portion E).

Environmental

Continuation of seven day operation of the Russell and Macleay Is WTS may have long term environmental benefits through improved amenity and access to waste disposal facilities.

Social

The extension of opening hours at Russell and Macleay Island WTS from five days per week to seven days per week has shown to have significant engagement from the communities on each island, as demonstrated in Tables 1 and 2 above.

Alignment with Council's Policy and Plans

The operation of Council's waste transfer stations supports the Redlands 2030 Community Plan Vision - 2 Green Living.

CONSULTATION

Consultation has been undertaken with:

- General Manager Infrastructure and Operations
- Group Manager Water and Waste Operations
- Island WTS management contractor (Iolar Operational Services Pty Ltd)
- RCC Finance – Business Partnering Unit

OPTIONS

Option One

That Council resolves to continue seven day operation on a permanent basis at the opening hours of 8:00am to 2:00pm Monday to Friday, and 8:00 to 4:00pm Saturday and Sunday at additional annual cost of approximately \$40,609 (exc. GST) to be funded from within the existing Redwaste budget.

Option Two

That Council resolves to cease the trial and revert back to the opening hours established prior to the trial. This option may result in a reduction in customer satisfaction and may contribute to an increase in illegal dumping, and theft and vandalism at the WTS.

Option Three

That Council resolves to direct officers to investigate further options.

OFFICER'S RECOMMENDATION

That Council resolves to continue seven day operation on a permanent basis at the opening hours of 8:00am to 2:00pm Monday to Friday, and 8:00 to 4:00pm Saturday and Sunday at additional annual cost of approximately \$40,609 (exc. GST) to be funded from within the existing Redwaste budget.

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.

Urgent Business Checklist	YES	NO
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 Voluntary Transfer of Land Concession October 2018

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 Planning and Environment Court Appeal 339 of 2018 - Hosgood Company 3 Pty Ltd & DPK Injection Pty Ltd (MCU013949 Material Change of Use for a Dual Occupancy at 2 Starkey Street, Wellington Point)

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.

19.3 Island Waste Transfer Station Asbestos and Cement Sheeting Disposal Services

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.

20 MEETING CLOSURE