

**Redland**  
CITY COUNCIL

# **MINUTES**

## **GENERAL MEETING**

**Wednesday, 23 January 2019**

The Council Chambers  
91 - 93 Bloomfield Street  
CLEVELAND QLD

## Order Of Business

<b>1</b>	<b>Declaration of Opening</b> .....	<b>1</b>
<b>2</b>	<b>Record of Attendance and Leave of Absence</b> .....	<b>1</b>
<b>3</b>	<b>Devotional Segment</b> .....	<b>2</b>
<b>4</b>	<b>Declaration of Material Personal Interest or Conflict of Interest on Any Items of Business</b> .....	<b>2</b>
<b>5</b>	<b>Recognition of Achievement</b> .....	<b>3</b>
	5.1 Domestic Violence.....	3
	5.2 Cancer Council Queensland Community Supporters.....	3
	5.3 Domestic Violence – Mayor Williams’ Recognition .....	4
<b>6</b>	<b>Receipt and Confirmation of Minutes</b> .....	<b>6</b>
<b>7</b>	<b>Matters Outstanding from Previous Council Meeting Minutes</b> .....	<b>7</b>
	7.1 Petition from Residents Requesting Weinam Creek Priority Development Area be Progressed.....	7
	7.2 Petition from Residents Requesting Council Include Anti-Social Behaviour in POL-3085 Security Camera Policy, for the Safety of the Redlands Community.....	7
	7.3 Notice of Motion – Cr Boglary– POL-3085 Security Camera Policy .....	7
	7.4 Opportunity to Participate in a Joint Local Government Activity - Regional Approach to Waste and Resource Management.....	7
<b>8</b>	<b>Public Participation</b> .....	<b>9</b>
<b>9</b>	<b>Petitions and Presentations</b> .....	<b>10</b>
	9.1 Petition Cr Mitchell – Redlands 2030 requesting wind up of Redland Investment Corporation .....	10
	9.2 Petition Cr Edwards – Redland Bay residents requesting Council not build 300 space car park on Moores farm, Redland Bay. ....	10
<b>10</b>	<b>Motion to Alter the Order of Business</b> .....	<b>10</b>
<b>11</b>	<b>Reports from the Office of the CEO</b> .....	<b>10</b>
<b>12</b>	<b>Reports from Organisational Services</b> .....	<b>11</b>
	12.1 December 2018 Monthly Financial Report .....	11
	12.2 Amendment of Local Law No. 2 (Animal Management) 2015 Register Animals in Public Places .....	28
	12.3 Proposed Review of Local Law No. 7 (Bathing Reserve) 2015 .....	88
	12.4 Review of Delegations to the Chief Executive Officer.....	110
	12.5 Redland Investment Corporation - Governance Review.....	147
<b>13</b>	<b>Reports from Community &amp; Customer Services</b> .....	<b>203</b>
	13.1 Decisions Made under Delegated Authority for Category 1, 2 and 3 Development Applications .....	203

---

13.2	List of Development and Planning Related Court Matters Current as at 3 January 2019 .....	218
13.3	Fees for Applications Submitted under new Subordinate Local Law 1.19 (Placement of Shipping Containers, Railway Carriages and Other Objects on Land) 2018. ....	223
13.4	Response to Weinam Creek Petition Dated 28 September 2018 .....	226
<b>14</b>	<b>Reports from Infrastructure &amp; Operations.....</b>	<b>230</b>
14.1	Eastern Escarpment Conservation Area Plan- Connecting With Recreation .....	230
<b>15</b>	<b>Mayoral Minute .....</b>	<b>277</b>
15.1	Federal Assistance Grants (FAGs) .....	277
15.2	Transport Plan .....	278
<b>16</b>	<b>Notices of Motion to Repeal or Amend a Resolution .....</b>	<b>280</b>
<b>17</b>	<b>Notices of Motion .....</b>	<b>280</b>
<b>18</b>	<b>Urgent Business Without Notice.....</b>	<b>280</b>
<b>19</b>	<b>Confidential Items .....</b>	<b>281</b>
	<b>MOTION TO MOVE INTO CLOSED SESSION AT 11.46AM .....</b>	<b>281</b>
19.1	Barro Group Pty Ltd - Planning and Environment Court Appeal No.1506 of 2018.....	283
19.2	Major Amendment to City Plan: Heritage Schedule .....	285
19.3	2018/2019 Projects over \$2,000,000.00 Including GST - Delegated Authority to Chief Executive Officer .....	286
19.4	Support to Redland City Chamber of Commerce.....	287
<b>20</b>	<b>Meeting Closure .....</b>	<b>287</b>

**GENERAL MEETING**  
**HELD AT THE COUNCIL CHAMBERS, 91 - 93 BLOOMFIELD STREET, CLEVELAND QLD**  
**ON WEDNESDAY, 23 JANUARY 2019 AT 9.30AM**

**1 DECLARATION OF OPENING**

The Mayor declared the meeting open at 9.33am and acknowledged the Quandamooka people, who are the traditional custodians of the land on which Council meets.

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

**2 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE**

**MEMBERS PRESENT:** Cr Karen Williams (Mayor), Cr Wendy Boglary (Division 1), Cr Peter Mitchell (Division 2), Cr Paul Gollè (Division 3), Cr Lance Hewlett (Deputy Mayor and Division 4), Cr Mark Edwards (Division 5), Cr Julie Talty (Division 6), Cr Murray Elliott (Division 7), Cr Tracey Huges (Division 8), Cr Paul Gleeson (Division 9), Cr Paul Bishop (Division 10)

**LEAVE OF ABSENCE:**

**COUNCIL RESOLUTION 2019/1**

**Moved by:** Cr Mark Edwards

**Seconded by:** Cr Tracey Huges

**That a leave of absence is granted for Cr Lance Hewlett.**

**CARRIED 8/0**

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Mark Edwards, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

Crs Julie Talty and Murray Elliott were not present when the motion was put.

Cr Lance Hewlett was absent from the meeting.

**EXECUTIVE LEADERSHIP TEAM:** Andrew Chesterman (Chief Executive Officer), John Oberhardt (General Manager Organisational Services), Louise Rusan (General Manager Community & Customer Services), Deborah Corbett-Hall (Chief Financial Officer), Emma Hoy (Acting General Counsel), Amanda Daly (Head of People and Culture), Peter Best (General Manager Infrastructure & Operations)

**MINUTES:** Danielle Bugeja (Corporate Meetings & Registers Coordinator)  
Lizzi Striplin (Corporate Meetings & Registers Supervisor)

**COUNCILLOR ABSENCES DURING THE MEETING**

Cr Julie Talty entered the meeting at 9.36am (during Item 3).

Cr Murray Elliott entered the meeting at 9.40am (after Item 3).

Cr Julie Talty left the meeting at 10.17am (during Item 8) and returned at 10.25am (during Item 12.3).

Mayor Karen Williams left the meeting at 10.53am and returned at 11.40am ( during Item 14.1).

Cr Peter Mitchell left the meeting at 11.40am and returned at 11.43am (during Item 15).

Cr Murray Elliott left the meeting at 11.46am and returned at 12.52pm (during Item 19.1).

Cr Lance Hewlett joined the meeting at 12.51pm (during Item 19.1).

Cr Paul Gleeson left the meeting at 12.56pm and returned at 1.00pm (during Item 19.1).

Cr Paul Gollè left the meeting at 1.34pm (during Item 19.2) and returned at 1.53pm (during Item 19.3).

Cr Murray Elliott left the meeting at 1.41pm and returned at 1.47pm (during Item 19.2).

Cr Mark Edwards left the meeting at 1.40pm and returned at 1.41pm (during Item 19.2).

Cr Paul Gollè left the meeting at 1.55pm and returned at 2.10pm (during Item 19.4).

Cr Peter Mitchell left the meeting at 2.42pm and returned at 2.45pm (during Item 19.4).

Cr Julie Talty left the meeting at 2.42pm and returned at 2.45pm (during Item 19.4).

Cr Julie Talty left the meeting at 2.47pm and returned at 2.48pm (during Item 19.4).

**3 DEVOTIONAL SEGMENT**

Pastor Steve Kennedy of Champions Church Thornlands, also a member of the Minister's Fellowship led Council in a brief Devotional segment.

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

Cr Mark Edwards declared a perceived conflict of interest in Item 13.3 *Fees for Applications Submitted under new Subordinate Local Law 1.19 (Placement of Shipping Containers, Railway Carriages and Other Objects on Land) 2018* (see item for details).

Cr Karen Williams declared a material personal interest in Item 14.1 *Eastern Escarpment Conservation Area Plan- Connecting With Recreation* (see item for details).

**COUNCIL RESOLUTION 2019/2**

Moved by: Cr Paul Gleeson

Seconded by: Cr Julie Talty

**That Cr Mark Edwards has a perceived conflict of interest in Item 13.3 and that he may participate in the meeting, in relation to the matter to which he has the perceived conflict, including voting on the matter.**

**CARRIED 9/0**

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

Cr Edwards was present however did not participate in the vote.

Cr Lance Hewlett was absent from the meeting.

## **5 RECOGNITION OF ACHIEVEMENT**

### **5.1 DOMESTIC VIOLENCE**

Mayor Williams acknowledged that it is always a great pleasure to recognise people in our community, and over the last 24 hours we have been doing this quite a bit with the recent Australia Day Awards. Mayor Williams also acknowledged a group of people sitting in the gallery today, who have been consistently supporting the push to have more transitional housing for domestic violence in our city. Mayor Williams gave acknowledgement to MayBanke, represented by Ros Kinder, Rosemary Skelly and Anita Taylor from Redlands City Choir who has raised about \$25,000 for this particular cause.

*We think today will be a 'Red Letter Day' for us here in Redlands and would like to thank those organisations who have worked with us through Diner en Rouge and other events in our city to do something that is pretty outstanding in this state. There's no community that has been able to come together to raise awareness and money to the value of over quarter of a million dollars that I am aware of in this state, let alone this country. It is a credit to everyone involved, some of them who are in the gallery today and I would like to acknowledge them for their great work.*

### **5.2 CANCER COUNCIL QUEENSLAND COMMUNITY SUPPORTERS**

Mayor Williams gave recognition to the Queensland Cancer Council - Redlands Branch:

*It is a great time of year to be acknowledging wonderful people in our community. We have two outstanding leaders who I am extremely privileged and pleased to welcome - Tish Henderson and Carol Underwood from Queensland Cancer Council - Redlands Branch. We have an opportunity to recognise and thank them for some outstanding fundraising achievements over the past year. We all know people who have been touched by Cancer, if we haven't been touched ourselves in our lives so this is always a very very important cause in our City. And in the true Redlands Coast spirit, we have a wonderful group of volunteers who dedicate themselves to raising funds to support Cancer research and of course all the services that are required if you are enduring a journey through cancer. To find a cure for this terrible disease is really important and we simply aim to improve the lives of people and their families who are living with it. In 2018 the Redlands Branch again took part in the 2018 Cancer Free Challenge which caused the fundraisers to commit to raising \$10,000 during the year. Well these guys have completely blown that out of the water and raised \$117,000 and they've done it through the old traditional ways of having events, selling cakes and having stalls, raffles etc. - it really is an outstanding amount. And this was*

actually \$12,000 more than they managed to raise in 2017 and they also took out the title of the Cancer Free Champions of the year, not just in the region this time but across the whole state, so it really puts the Redlands on the map and we know why we are the second happiest place in Queensland to live when we see people like this working religiously in the community. Obviously these two ladies are representing a whole group of volunteers, about 30 of them. Here's a challenge to all of us – councillors and other people in elected positions, where we can promote and help these ladies actually achieve their benchmark for next year which they have set at \$130,000. So it's a big amount of money and the community is quite capable of getting behind and helping them at least reach that and if not, surpass it. I'm going to start by offering my support to an eligible application for a councillors small grant so we can kick it off and I'm sure there are other councillors around the room who also take this cause very seriously and would like to help. These people always put their hands up when other people in the community need help and I think it's our duty and our responsibility to do that too. So I would like to once again congratulate Tish and Carol and ask you to come forward so I can present you with a very small token of our appreciation which is a certificate acknowledging your great work this year.

## SUSPEND STANDING ORDERS

### PROCEDURAL RESOLUTION 2019/3

Moved by: Cr Mark Edwards

Seconded by: Cr Julie Talty

**That standing orders be suspended to allow members of the community to speak.**

**CARRIED 10/0**

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

Cr Lance Hewlett was absent from the meeting.

## 5.3 DOMESTIC VIOLENCE – MAYOR WILLIAMS' RECOGNITION

Anita Taylor, Rosemary Skelly and Ros Kinder addressed Council about domestic violence accommodation in the Redlands and the charity efforts and support. They recognised Mayor Williams for her support for this cause:

### Anita Taylor – Redland City Choir

*Thank you for allowing me to be here this morning. I would especially would like to congratulate you as our Mayor and thank you so much for inspiring myself and the Redland City Choir to choose a wonderful cause to support. We have victims of domestic violence in the choir. It has been an incredible journey and I want to thank you from the bottom of my heart. I trust and know that you are doing everything possible to ensure the people who need the money are receiving it. I'm excited that thanks to you Mayor for singing and being a part of our show, we were able to raise another \$5,000 this Christmas. We have a cheque to give you of \$30,000 toward the cause.*

### Ros Kinder – Diner en Rouge Committee and Zonta International

*Zonta International is an International Service Organisation with a mission of empowering women through service and advocacy. I'm here today to recognise the commitment, perseverance and dedication of a councillor in this chamber - your Mayor, whose efforts will result in an announcement later today from the State Government of additional support in the form of the accommodation for women and children who are victims of family and domestic violence. Your Mayor initiated the annual Diner en Rouge function designed to raise community awareness of*

*domestic violence and family violence and also funds to support these women and children by the construction and lobbying of the State Government for additional housing units at Maybanke, which I'm sure you're going to hear about. Over four years the Diner en Rouge Committee has raised well in excess of \$250,000 toward this project. This would not have been possible without the support and drive of the Mayor, other members of the committee, the staff of Council who have been absolutely wonderful to work with, plus councillors in this room who have supported our functions. On behalf of Zonta International, the community and also the women who will benefit from today's announcement, my heartfelt thanks to you Mayor Williams for all you have done, and you continue to do. Your initiative, support and commitment will benefit many in the community and for this a really big thank you.*

**Rosemary Skelly – Resident of Victoria Point and President of Maybanke Association**

*Maybanke Association operates the accommodation and crisis support service in the Redlands for women and children affected by domestic violence. The Redlands Domestic Violence action group who saw the need for such a service was founded by a very small group of women including myself in 1988. We successfully lobbied for funding to establish a support service which has been operating ever since. In more recent times a similar committee was set up once again to lobby the State Government of the day to raise money to provide further accommodation in the Redlands, particularly for women and children from the Bay Islands effected by Domestic Violence. Over the past five years a considerable amount of money has been raised through Diner en Rouge and through the Redlands Choir with this aim in mind and that has been supported all the way by a such a high profile woman who plays a leading role our City - I am of course referring to the Mayor. And I want to thank you sincerely for the part you have played and also these women here and those that they represent. I know from past experience that supporting the Domestic Violence Sector takes 100% sustained commitment and the Mayor has shown that she was able to do that. She has consistently lobbied ministers, she rallied with the general community behind her and she gave her utmost dedication to what was needed and now this has been successful. We are expecting to hear today an announcement from the State Government from ministers about increased domestic violence support for the Redlands and we should always remember the part that all of these people have played in bringing about such an exciting outcome. I know the women and children who use our crisis service will benefit greatly from this support. I know Domestic Violence is not a Council responsibility and in fact, in my day, as a councillor we did have welfare programs which were outsourced at that time and women who were effected by violence used to go to the counter downstairs to receive emergency relief funding. But of course all that changed and it was outsourced. Over the years I have been involved in the sector and have been since 1988. Councillors both past and present in this Council have been more than supportive in many ways and I would like to thank you sincerely on behalf of our staff and for the women and the children who have passed through our service.*



## RESUME STANDING ORDERS

**PROCEDURAL RESOLUTION 2019/4**

Moved by: Cr Mark Edwards

Seconded by: Cr Murray Elliott

That standing orders resume.

**CARRIED 10/0**

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

Cr Lance Hewlett was absent from the meeting.

## PROCEDURAL MOTION

**PROCEDURAL RESOLUTION 2019/5**

Moved by: Cr Tracey Huges

Seconded by: Cr Murray Elliott

That Cr Wendy Boglary assumes the chair when Mayor Karen Williams leaves the room.

**CARRIED 10/0**

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

Cr Lance Hewlett was absent from the meeting.

**6 RECEIPT AND CONFIRMATION OF MINUTES****COUNCIL RESOLUTION 2019/6**

Moved by: Cr Tracey Huges

Seconded by: Cr Paul Bishop

That the minutes of the General Meeting held on 12 December 2018 be confirmed with the following amendments:

1. Resolution 2018/254 Item 17.1 of the minutes of 12 December 2018 *Cr Paul Bishop was absent from the meeting*, be amended to read Cr Paul Bishop was not present when the motion was put
2. Resolution 2018/255 Item 18.1 of the minutes of 12 December 2018 *Crs Lance Hewlett and Tracey Huges were absent from the meeting*, to be amended to read Crs Lance Hewlett and Tracey Huges were not present when the motion was put.

**CARRIED 10/0**

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

Cr Lance Hewlett was absent from the meeting.

**7 MATTERS OUTSTANDING FROM PREVIOUS COUNCIL MEETING MINUTES****7.1 PETITION FROM RESIDENTS REQUESTING WEINAM CREEK PRIORITY DEVELOPMENT AREA BE PROGRESSED**

At the General Meeting 24 October 2018 (Item 9.1 refers), Council resolved as follows:

*That the petition be received and referred to the Chief Executive Officer for consideration and a report to the local government.*

This report was discussed as Item 13.4 of this meeting.

**7.2 PETITION FROM RESIDENTS REQUESTING COUNCIL INCLUDE ANTI-SOCIAL BEHAVIOUR IN POL-3085 SECURITY CAMERA POLICY, FOR THE SAFETY OF THE REDLANDS COMMUNITY**

At the General Meeting 12 December 2018 (Item 9.1 refers), Council resolved as follows:

*That the petition be received for consideration and stand as an order of the day for the meeting.*

This item will be removed from the table at a future General Meeting of Council, as per resolution of Item 17.1 of meeting 12 December 2018.

**7.3 NOTICE OF MOTION – CR BOGLARY– POL-3085 SECURITY CAMERA POLICY**

At the General Meeting 12 December 2018 (Item 17.1 refers), Council resolved as follows:

*That the item lie on the table, so that the officers prepare further information for consideration which also addresses the petition tabled today.*

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

**7.4 OPPORTUNITY TO PARTICIPATE IN A JOINT LOCAL GOVERNMENT ACTIVITY - REGIONAL APPROACH TO WASTE AND RESOURCE MANAGEMENT**

At General Meeting 12 December 2018 (Item 19.8 refers) Council resolved as follows:

*That Council resolves as follows:*

- 1. In accordance with section 228 2(b) of the Local Government Regulation 2012 to invite Expressions of Interest for the provision of waste disposal services, including the use of alternative waste disposal and recycling technologies, to service the needs of the Redland City Council (Council) Local Government Area, or as part of a regional arrangement, joint government entity or joint local government with other Councils in South East Queensland.*
- 2. To record its reasons for making the resolution, as detailed in Clause 1 above, as follows:*
  - a) A regional waste management solution may make alternative waste technologies feasible and economical where those technologies would not otherwise be viable options for Council due to the relatively small volume of waste disposed of by Council each year;*
  - b) A regional waste management solution may enable Council to implement an advanced solution to waste disposal not seen before in Queensland or Australia and be at the forefront of advanced alternative waste technology in Australia;*

- c) *Redland City Council and the SEQ-West region of councils are each involved in the management of recyclables and residual waste in their respective local government area;*
  - d) *Redland City Council recognises that some existing methods of waste treatment and disposal including landfill disposal may not be sustainable in the long term;*
  - e) *Redland City Council wishes to understand and compare all available options for long term treatment and/or disposal solution(s) for residual waste under their management;*
  - f) *Redland City Council wishes to be positioned to benefit from and respond to developments in Queensland's new Waste Strategy and associated regulatory frameworks and local industry developments. Notably, the recently announced landfill levy (to be introduced in July 2019) may provide direct or indirect incentives for resource recovery projects; and*
  - g) *Redland City Council believes that it is in its interests and its community's interests to investigate a regional approach to waste treatment and disposal, consider alternative waste treatment technologies and solutions, including energy from waste solutions, and derive the benefits from greater waste volumes. Noting that this investigation opportunity does not preclude RCC from pursuing or participating in other market based waste collection and disposal service delivery options and/or maintaining an active engagement with BCC, to understand future waste disposal contract opportunities and costs that may be offered by BCC.*
3. *To delegate to the Chief Executive Officer under s.257 (1)(b) of the Local Government Act 2009, the authority to prepare and adopt a Tender Consideration Plan in accordance with section 230 of the Local Government Regulation 2012 outlining how Redland City Council can proceed to implement a local solution if required following the EOI process;*
  4. *To delegate to the Chief Executive Officer under s.257 (1)(b) of the Local Government Act 2009, the authority to execute any agreements between councils participating in the Expression of Interest process, as detailed in Clauses 1 and 3 above; and*
  5. *The Group Manager Water and Waste Infrastructure be requested to submit a report to a future meeting detailing the outcomes of the Expressions of Interest, as detailed in Clause 1 and 3 above.*

A report will be presented to a future General Meeting of Council.

**8 PUBLIC PARTICIPATION****MOTION TO ADJOURN MEETING AT 10.04AM****COUNCIL RESOLUTION 2019/7**

**Moved by:** Cr Paul Bishop

**Seconded by:** Cr Mark Edwards

**That Council adjourns the meeting for a 15 minute public participation segment.**

**CARRIED 10/0**

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

Cr Lance Hewlett was absent from the meeting.

1. Hugh Strachan, a resident of Macleay Island, addressed Council regarding a permit to operate a licensed coffee, juice and food van on Council land.
2. Anthony Moloney, a resident of Mount Cotton, addressed Council regarding Barro Group Pty Ltd V Redland City Council – P&E appeal 1506/18.
3. Chris Walker, a representative of Redlands 2030, addressed Council regarding Redland Investment Corporation and a petition submitted to Council.

**MOTION TO RESUME MEETING AT 10.18AM****COUNCIL RESOLUTION 2019/8**

**Moved by:** Cr Mark Edwards

**Seconded by:** Cr Paul Gleeson

**That the meeting proceedings resume.**

**CARRIED 10/0**

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

Cr Lance Hewlett was absent from the meeting.

**9 PETITIONS AND PRESENTATIONS****9.1 PETITION CR MITCHELL – REDLANDS 2030 REQUESTING WIND UP OF REDLAND INVESTMENT CORPORATION****COUNCIL RESOLUTION 2019/9**

Moved by: Cr Peter Mitchell

Seconded by: Cr Mark Edwards

That the petition be received for consideration and stand as an order of the day for the meeting.

**CARRIED 9/0**

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Mark Edwards, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

Cr Julie Talty was not present when the motion was put.

Cr Lance Hewlett was absent from the meeting.

**9.2 PETITION CR EDWARDS – REDLAND BAY RESIDENTS REQUESTING COUNCIL NOT BUILD 300 SPACE CAR PARK ON MOORES FARM, REDLAND BAY.****COUNCIL RESOLUTION 2019/10**

Moved by: Cr Mark Edwards

Seconded by: Cr Tracey Huges

That the petition be received and referred to the Chief Executive officer for consideration and a report to the local government.

**CARRIED 9/0**

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Mark Edwards, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

Cr Julie Talty was not present when the motion was put.

Cr Lance Hewlett was absent from the meeting.

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

There was no motion to alter the order of business.

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

There were no reports from the Office of the CEO.

**12 REPORTS FROM ORGANISATIONAL SERVICES****12.1 DECEMBER 2018 MONTHLY FINANCIAL REPORT****Objective Reference:****Authorising Officer:** Deborah Corbett-Hall, Chief Financial Officer**Responsible Officer:** Deborah Corbett-Hall, Chief Financial Officer**Report Author:** Quasir Nasir, Corporate Accountant**Attachments:** 1. December 2018 Monthly Financial Report**PURPOSE**

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

**BACKGROUND**

Council adopts an annual budget and then reports on performance against the budget on a monthly basis. This is not only a legislative 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*****2018-2019 First budget review***

Council adopted a revised 2018-2019 budget on 12 December 2018, amending previous forecasts and applying the final audited opening balances for the 2018-2019 financial year.

**STRATEGIC IMPLICATIONS**

Council has either achieved or favourably exceeded the following key financial stability and sustainability ratios as at the end of December 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 December 2018 and continues to be a stretch target for Council with renewal spend of \$14.48M and depreciation expense of \$28.28M 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 increases 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 December 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 December 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 December 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

Consulted	Date	Comment
Council departmental officers	Year to date December 2018	Consulted on financial results and outcomes
Financial Services Group officers	Year to date December 2018	Consulted on financial results and outcomes
Executive Leadership Team and Senior Leadership Team	Year to date December 2018	Recipients of variance analysis between actual and budget. Consulted as required

### OPTIONS

#### Option One

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

**Option Two**

That Council requests additional information.

**COUNCIL RESOLUTION 2019/11**

**Moved by:** Cr Mark Edwards

**Seconded by:** Cr Wendy Boglary

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

**CARRIED 9/0**

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Mark Edwards, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

Cr Julie Talty was not present when the motion was put.

Cr Lance Hewlett was absent from the meeting.



# Monthly Financial Report

## December 2018





## CONTENTS

1.	Executive Summary	3
2.	Key Performance Indicators	3
3.	Statement of Comprehensive Income	4
4.	Statement of Financial Position	6
5.	Statement of Cash Flows	8
6.	Capital Expenditure	9
7.	Program and Project Update	9
8.	Investment & Borrowings Report	10
9.	Constrained Cash Reserves	11
10.	Redland Water Statements	12
11.	RedWaste Statements	12
12.	Appendix: Additional and Non-financial Information	13
13.	Glossary	14





## 1. EXECUTIVE SUMMARY

This monthly report illustrates the financial performance and position of Redland City Council compared to its adopted budget at an organisational level for the period ended 31 December 2018. The revised annual budget referred to in this report incorporates the changes from the first budget review adopted by Council on 12 December 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)	(838)	586	1,424	170%	✓
Recurrent Revenue	279,319	138,047	135,376	(2,671)	-2%	✗
Recurrent Expenditure	282,270	138,885	134,790	(4,095)	-3%	✓
Capital Works Expenditure	83,980	35,616	31,072	(4,544)	-13%	✓
Closing Cash & Cash Equivalents	143,149	136,053	142,584	6,531	5%	✓

Council reported a year to date operating surplus of \$586K which is favourable to the revised budget by \$1.4M. Bulk water consumption is lower than expected, resulting in lower than expected revenue. The favourable variance in recurrent expenditure is mainly due to underspend in bulk water costs as well as contractor and consultant costs.

Capital grants, subsidies and contributions are below budget due to timing of developer cash contributions. Loss on disposal of non-current assets is mainly due to sale of fleet assets and replacement of road assets.

Council's capital works expenditure is below budget by \$4.5M mainly due to underspend in the fleet replacement program and timing of works for a number of infrastructure projects.

Cash balance is higher than budget mainly due to underspend on payments for property, plant and equipment and receipt of \$1.5M dividend from subsidiary. The dividend is 2017/2018 dividend declared by Redland Investment Corporation on 27 June 2018 and paid on 18 December 2018. Constrained cash reserves represent 74% 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 December 2018	Target
Operating Surplus Ratio (%)	✓	-1.06%	0.43%	Between 0% and 10% (on average over the long-term)
Asset Sustainability Ratio (%)	✗	75.05%	51.21%	Greater than 90% (on average over the long-term)
Net Financial Liabilities (%)*	✓	-32.15%	-74.06%	Less than 60% (on average over the long-term)
Level of Dependence on General Rate Revenue (%)	✓	34.92%	35.68%	Less than 40%
Ability to Pay Our Bills - Current Ratio	✓	3.29	3.72	Between 1.1 & 4.1
Ability to Repay Our Debt - Debt Servicing Ratio (%)	✓	2.81%	5.79%	Less than or equal to 15%
Cash Balance \$M	✓	\$143.149M	\$142.584M	Greater than or equal to \$50M
Cash Balances - Cash Capacity in Months	✓	7.89	7.73	Greater than 3 months
Longer Term Financial Stability - Debt to Asset Ratio (%)	✓	1.34%	1.22%	Less than or equal to 10%
Operating Performance (%)	✓	23.79%	19.97%	Greater than or equal to 10%
Interest Coverage Ratio (%)**	✓	-0.67%	-0.82%	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)





## 3. STATEMENT OF COMPREHENSIVE INCOME

STATEMENT OF COMPREHENSIVE INCOME					
For the period ending 31 December 2018					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
<b>Recurrent revenue</b>					
Rates charges	100,486	100,486	50,029	49,709	(320)
Levies and utility charges	146,618	145,046	73,178	71,151	(2,027)
Less: Pensioner remissions and rebates	(3,493)	(3,413)	(1,682)	(1,639)	43
Fees	13,673	14,357	7,797	7,271	(526)
Rental income	912	912	461	397	(64)
Interest received	4,289	4,305	2,166	2,340	174
Dividend received	1,000	1,000	-	-	-
Sales revenue	3,735	3,745	1,969	2,088	119
Other income	694	841	581	625	44
Grants, subsidies and contributions	11,223	12,040	3,548	3,434	(114)
<b>Total recurrent revenue</b>	<b>279,136</b>	<b>279,319</b>	<b>138,047</b>	<b>135,376</b>	<b>(2,671)</b>
<b>Recurrent expenses</b>					
Employee benefits	86,248	87,379	43,502	43,223	(279)
Materials and services	129,100	129,391	62,439	58,985	(3,454)
Finance costs	2,840	2,856	1,445	1,464	19
Depreciation and amortisation	63,505	62,719	31,514	31,087	(427)
Other expenditure	507	630	343	485	142
Net internal costs	(713)	(705)	(358)	(454)	(96)
<b>Total recurrent expenses</b>	<b>281,487</b>	<b>282,270</b>	<b>138,885</b>	<b>134,790</b>	<b>(4,095)</b>
<b>OPERATING SURPLUS / (DEFICIT)</b>	<b>(2,351)</b>	<b>(2,951)</b>	<b>(838)</b>	<b>586</b>	<b>1,424</b>
<b>Capital revenue</b>					
Grants, subsidies and contributions	32,501	20,549	9,402	7,081	(2,321)
Non-cash contributions	6,868	10,219	1,899	-	(1,899)
<b>Total capital revenue</b>	<b>39,369</b>	<b>30,768</b>	<b>11,301</b>	<b>7,081</b>	<b>(4,220)</b>
<b>Capital expenses</b>					
(Gain) / loss on disposal of non-current assets	289	101	(55)	2,247	2,302
<b>Total capital expenses</b>	<b>289</b>	<b>101</b>	<b>(55)</b>	<b>2,247</b>	<b>2,302</b>
<b>TOTAL INCOME</b>	<b>318,505</b>	<b>310,087</b>	<b>149,348</b>	<b>142,457</b>	<b>(6,891)</b>
<b>TOTAL EXPENSES</b>	<b>281,776</b>	<b>282,370</b>	<b>138,830</b>	<b>137,037</b>	<b>(1,793)</b>
<b>NET RESULT</b>	<b>36,729</b>	<b>27,716</b>	<b>10,518</b>	<b>5,420</b>	<b>(5,098)</b>
<b>Other comprehensive income / (loss)</b>					
Items that will not be reclassified to a net result					
Revaluation of property, plant and equipment	-	-	-	-	-
<b>TOTAL COMPREHENSIVE INCOME</b>	<b>36,729</b>	<b>27,716</b>	<b>10,518</b>	<b>5,420</b>	<b>(5,098)</b>





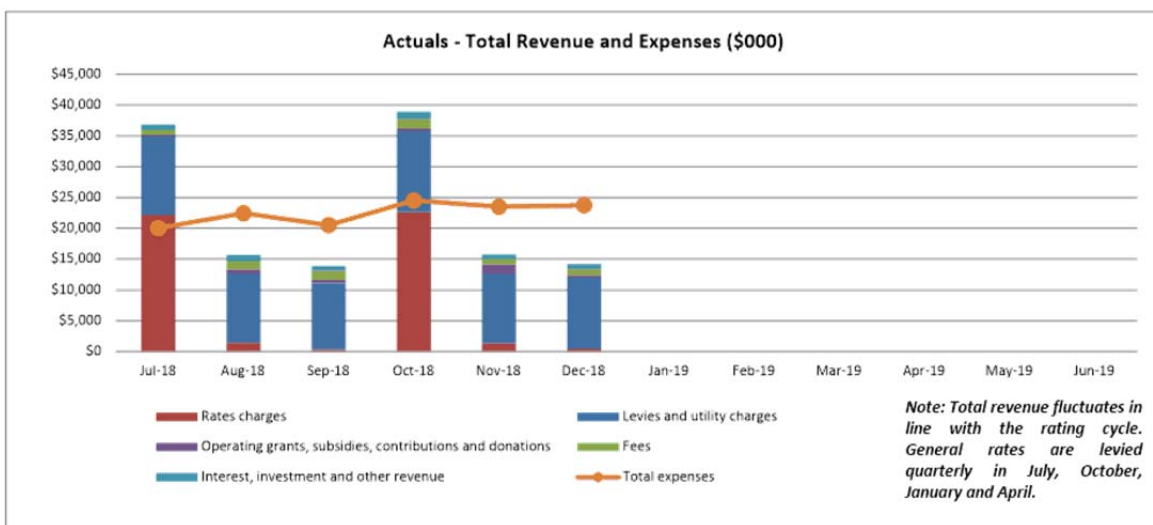
3. STATEMENT OF COMPREHENSIVE INCOME - CONTINUED

LEVIES AND UTILITY CHARGES ANALYSIS					
For the period ending 31 December 2018					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
<b>Levies and utility charges</b>					
Refuse collection rate charge	24,307	24,307	12,153	12,027	(126)
Special charges	723	723	602	605	3
SES separate charge	478	478	239	240	1
Environment separate charge	8,180	8,181	4,090	4,077	(13)
Separate charge landfill remediation	3,106	3,106	1,553	1,548	(5)
Wastewater charges	44,951	44,951	22,476	22,033	(443)
Water access charges	18,665	18,591	9,309	9,265	(44)
Water consumption charges	46,207	44,709	22,756	21,356	(1,400)
<b>Total levies and utility charges</b>	<b>146,618</b>	<b>145,046</b>	<b>73,178</b>	<b>71,151</b>	<b>(2,027)</b>

MATERIALS AND SERVICES ANALYSIS					
For the period ending 31 December 2018					
	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
<b>Materials and services</b>					
Contractors	33,755	35,362	15,969	15,095	(874)
Consultants	4,500	4,400	1,652	1,223	(429)
Other Council outsourcing costs*	16,902	17,518	8,226	8,567	341
Purchase of materials	48,229	46,709	23,916	22,230	(1,686)
Office administration costs	8,649	8,455	4,190	3,871	(319)
Electricity charges	5,786	5,786	2,971	2,680	(291)
Plant operations	4,190	4,321	2,130	1,866	(264)
Information technology resources	2,820	2,737	1,268	1,220	(48)
General insurance	1,423	1,213	648	632	(16)
Community assistance**	1,583	1,628	948	821	(127)
Other material and service expenses	1,263	1,262	521	780	259
<b>Total materials and services</b>	<b>129,100</b>	<b>129,391</b>	<b>62,439</b>	<b>58,985</b>	<b>(3,454)</b>

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

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





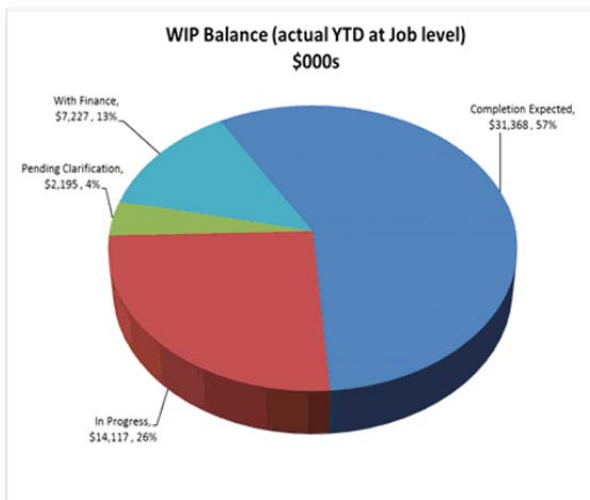
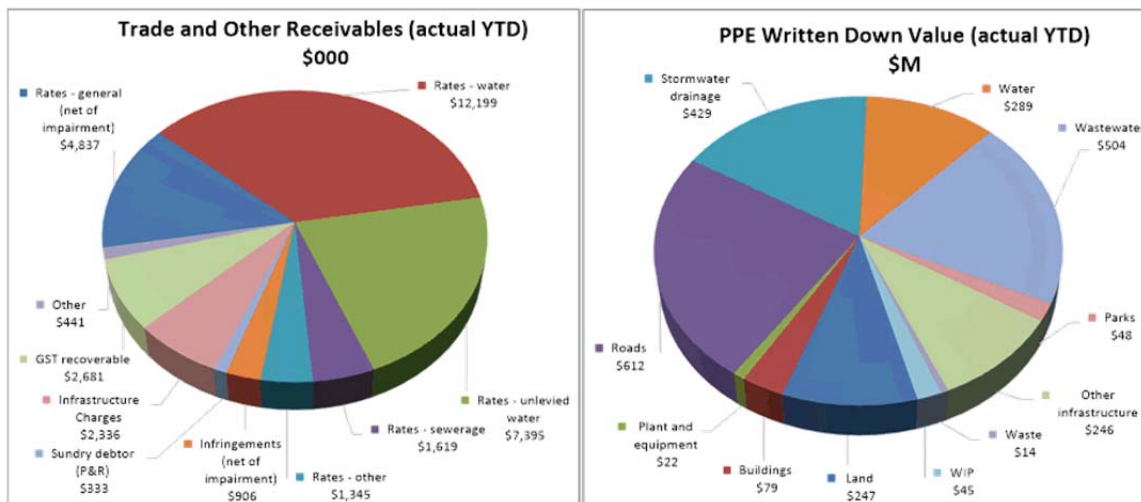
## 4. STATEMENT OF FINANCIAL POSITION

STATEMENT OF FINANCIAL POSITION				
As at 31 December 2018				
	Annual	Annual	YTD	YTD
	Original Budget \$000	Revised Budget \$000	Revised Budget \$000	Actual \$000
<b>CURRENT ASSETS</b>				
Cash and cash equivalents	167,263	143,149	136,053	142,584
Trade and other receivables	27,273	33,477	33,477	34,092
Inventories	556	1,108	1,108	937
Non-current assets held for sale	262	11,113	11,113	11,113
Other current assets	2,073	2,033	2,033	2,608
<b>Total current assets</b>	<b>197,428</b>	<b>190,880</b>	<b>183,784</b>	<b>191,334</b>
<b>NON-CURRENT ASSETS</b>				
Investment property	1,091	1,091	1,091	1,091
Property, plant and equipment	2,608,476	2,568,368	2,543,270	2,534,747
Intangible assets	826	1,038	1,518	1,918
Other financial assets	73	73	73	73
Investment in other entities	14,712	14,791	14,791	14,791
<b>Total non-current assets</b>	<b>2,625,178</b>	<b>2,585,361</b>	<b>2,560,743</b>	<b>2,552,620</b>
<b>TOTAL ASSETS</b>	<b>2,822,606</b>	<b>2,776,241</b>	<b>2,744,527</b>	<b>2,743,954</b>
<b>CURRENT LIABILITIES</b>				
Trade and other payables	40,840	31,435	21,505	27,914
Borrowings - current	7,713	7,728	7,728	7,728
Provisions - current	13,742	14,284	13,920	11,813
Other current liabilities	1,747	4,654	4,654	3,941
<b>Total current liabilities</b>	<b>64,041</b>	<b>58,101</b>	<b>47,807</b>	<b>51,396</b>
<b>NON-CURRENT LIABILITIES</b>				
Borrowings - non-current	29,651	29,537	25,840	25,840
Provisions - non-current	12,115	13,428	12,905	13,841
<b>Total non-current liabilities</b>	<b>41,766</b>	<b>42,965</b>	<b>38,745</b>	<b>39,681</b>
<b>TOTAL LIABILITIES</b>	<b>105,807</b>	<b>101,066</b>	<b>86,552</b>	<b>91,077</b>
<b>NET COMMUNITY ASSETS</b>	<b>2,716,799</b>	<b>2,675,175</b>	<b>2,657,975</b>	<b>2,652,877</b>
<b>COMMUNITY EQUITY</b>				
Asset revaluation surplus	1,070,838	1,003,168	1,003,168	1,003,168
Retained surplus	1,517,043	1,572,813	1,554,816	1,544,747
Constrained cash reserves	128,918	99,194	99,991	104,962
<b>TOTAL COMMUNITY EQUITY</b>	<b>2,716,799</b>	<b>2,675,175</b>	<b>2,657,975</b>	<b>2,652,877</b>





4. STATEMENT OF FINANCIAL POSITION - CONTINUED



PROPERTY, PLANT AND EQUIPMENT (PPE) MOVEMENT*				
For the period ending 31 December 2018				
	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Revised Budget \$000	YTD Actual Balance \$000
<b>PPE movement</b>				
Opening balance (includes WIP from previous years)	2,598,959	2,537,638	2,537,638	2,537,638
Acquisitions and WIP in year movement	73,748	94,183	37,499	30,685
Depreciation in year	(62,532)	(61,754)	(31,029)	(30,559)
Disposals	(1,699)	(1,699)	(838)	(2,811)
Other adjustments**	-	-	-	(206)
<b>Closing balance</b>	<b>2,608,476</b>	<b>2,568,368</b>	<b>2,543,270</b>	<b>2,534,747</b>

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

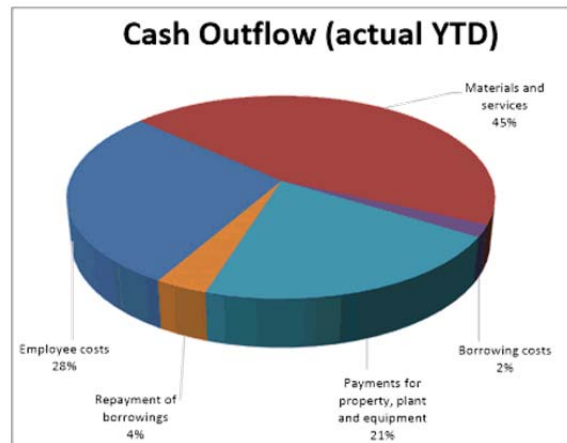
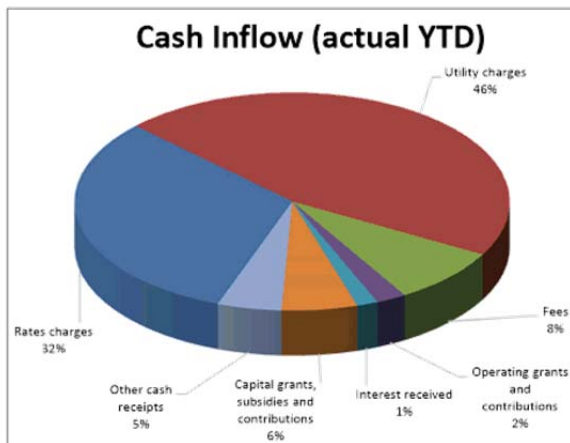
\*\* Other adjustments include transfers between asset classes, revaluation adjustments, prior period adjustments and depreciation thereon.





5. STATEMENT OF CASH FLOWS

STATEMENT OF CASH FLOWS For the period ending 31 December 2018				
	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Revised Budget \$000	YTD Actual \$000
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>				
Receipts from customers	261,712	264,828	135,639	130,582
Payments to suppliers and employees	(213,794)	(214,822)	(114,658)	(107,795)
	47,919	50,006	20,981	22,787
Interest received	4,289	4,305	2,166	2,340
Dividend received*	1,000	1,000	-	1,500
Rental income	912	912	461	397
Non-capital grants and contributions	11,223	12,040	3,548	3,381
Borrowing costs	(2,809)	(2,809)	(2,809)	(2,809)
<b>Net cash inflow / (outflow) from operating activities</b>	<b>62,533</b>	<b>65,455</b>	<b>24,347</b>	<b>27,596</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>				
Payments for property, plant and equipment	(66,880)	(83,964)	(35,600)	(30,686)
Payments for intangible assets	-	(16)	(16)	(386)
Proceeds from sale of property, plant and equipment	1,410	1,598	893	564
Capital grants, subsidies and contributions	32,501	20,549	9,402	8,469
Other cash flows from investing activities	-	3,500	3,500	3,500
<b>Net cash inflow / (outflow) from investing activities</b>	<b>(32,969)</b>	<b>(58,333)</b>	<b>(21,821)</b>	<b>(18,539)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>				
Proceeds of borrowings	2,500	2,500	-	-
Repayment of borrowings	(5,035)	(5,035)	(5,035)	(5,035)
<b>Net cash inflow / (outflow) from financing activities</b>	<b>(2,535)</b>	<b>(2,535)</b>	<b>(5,035)</b>	<b>(5,035)</b>
<b>Net increase / (decrease) in cash held</b>	<b>27,030</b>	<b>4,587</b>	<b>(2,509)</b>	<b>4,022</b>
Cash and cash equivalents at the beginning of the year	140,234	138,562	138,562	138,562
<b>Cash and cash equivalents at the end of the financial year / period</b>	<b>167,263</b>	<b>143,149</b>	<b>136,053</b>	<b>142,584</b>



<b>Total Cash Funding (Actual YTD)</b>	<b>150,733</b>	<b>Total Cash Expenditure (Actual YTD)</b>	<b>146,711</b>
Total Cash Funding (Annual Revised Budget)	311,233	Total Cash Expenditure (Annual Revised Budget)	306,646
% of Budget Achieved YTD	48%	% of Budget Achieved YTD	48%

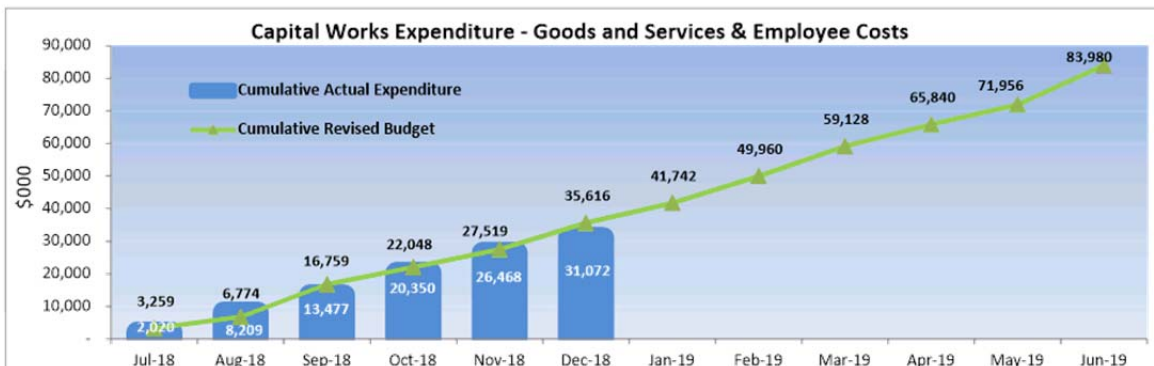
\* Reclassified as operating cash flow to align with Annual Financial Statements and permitted by Australian Accounting Standard AASB 107 Statement of Cash Flows.





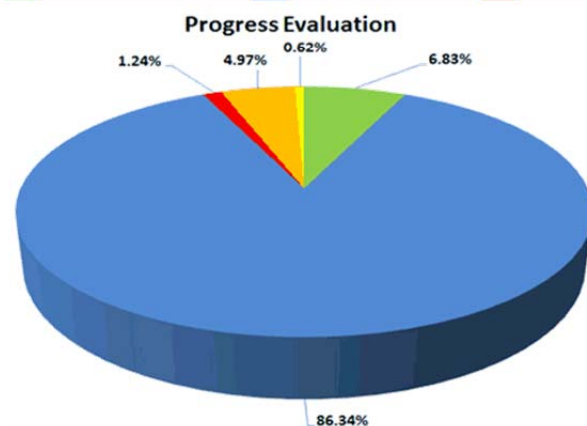
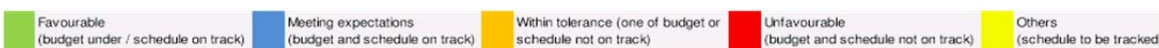


### 6. CAPITAL EXPENDITURE



	Annual Revised Budget \$000	YTD Revised Budget \$000	YTD Actual \$000	YTD Variance \$000
Capitalised goods and services	76,484	31,615	27,233	(4,382)
Capitalised employee costs	7,496	4,001	3,839	(162)
<b>Total</b>	<b>83,980</b>	<b>35,616</b>	<b>31,072</b>	<b>(4,544)</b>

### 7. PROGRAM AND PROJECT UPDATE



Programs and projects 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 161 programs and projects.

Total Programs and Projects in Progress	Annual Revised Budget \$000	YTD Actual \$000	Commitments \$000
Capital*	71,709	27,234	9,963
Operational	12,040	3,407	1,332

\*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 programs and projects with an annual budget of more than \$1M constitute 21 programs and projects out of 161 and accounts for 66.76% of the total programs and projects budget. The status of two notable projects are as follows:

Project description	Progress
Public amenities expansion program - design and construction of new public amenities	This project is on track.
Melaleuca Street tree removal and replacement with suitable species project	This project is on track.

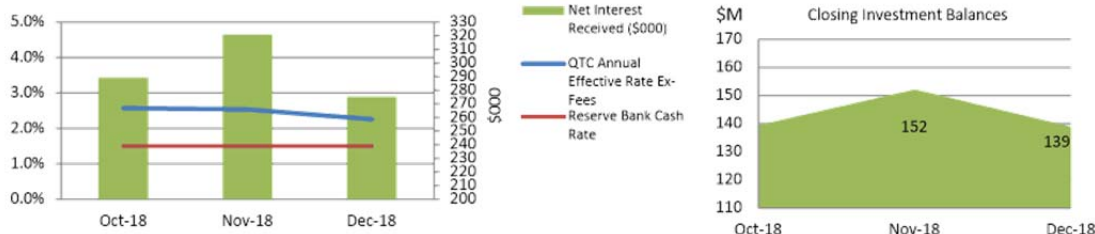




**8. INVESTMENT & BORROWINGS REPORT**

For the period ending 31 December 2018

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



**Total Investment at End of Month was \$138.90M**

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

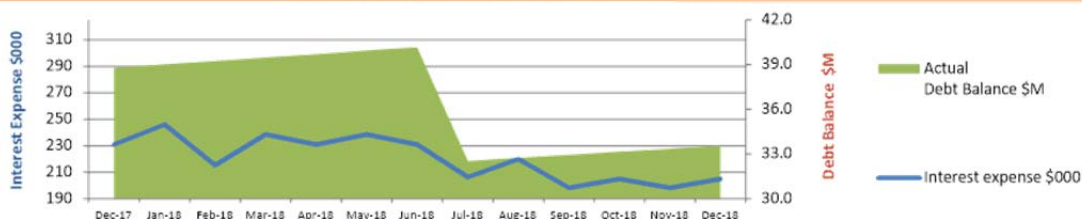
The movement in interest earned is indicative of both the interest rate and the surplus cash balances held, the latter of which is affected by business cash flow requirements on a monthly basis as well as the rating cycle.

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 2.26% exceeds the Bloomberg AusBond Bank Bill Index (previously the UBS Bank Bill Index) of 1.92% as at the end of December 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 2019 which is reflected in the increasing debt balance.

**Total Borrowings at End of Month were \$33.57M**

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 31 December 2018	Purpose of reserve	Opening Balance	To Reserve	From Reserve	Closing Balance
		\$000	\$000	\$000	\$000
<b>Special Projects Reserve:</b>					
Weinam Creek Reserve	Maintenance and improvements associated with Weinam Creek projects	3,625	300	(17)	3,908
Red Art Gallery Commissions & Donations Reserve	Purchases of art work for the RCC art collection	7	-	(7)	-
Raby Bay Revetment Wall Reserve	To fund Raby Bay revetment wall works program	-	1,489	(27)	1,462
Fleet Plant & Capital Equipment Reserve	To support the long term fleet replacement program	-	6,265	(1,857)	4,408
		<b>3,632</b>	<b>8,054</b>	<b>(1,908)</b>	<b>9,778</b>
<b>Constrained Works Reserve:</b>					
Public Parks Trunk Infrastructure Reserve	Capital projects for public parks trunk infrastructure	7,324	1,009	(2,004)	6,329
Land for Community Facilities Trunk Infrastructure Reserve	Land for community facilities trunk infrastructure	2,192	159	-	2,351
Water Supply Trunk Infrastructure Reserve	Upgrade, expansion or new projects for water supply trunk infrastructure	10,107	3,950	-	14,057
Sewerage Trunk Infrastructure Reserve	Upgrade, expansion or new projects for sewerage trunk infrastructure	9,222	1,104	(8)	10,318
Constrained Works Reserve-Capital Grants & Contributions	Unexpended capital grants and contributions received for specific projects	651	-	(109)	542
Local Roads Trunk Infrastructure Reserve	Capital projects for local roads trunk infrastructure	35,922	2,452	(2,047)	36,327
Cycleways Trunk Infrastructure Reserve	Capital projects for cycleways trunk infrastructure	10,783	813	(3)	11,593
Stormwater Trunk Infrastructure Reserve	Capital projects for stormwater trunk infrastructure	8,884	519	-	9,403
Constrained Works Reserve-Operating Grants & Contributions	Unexpended operating grants and contributions received for specific projects	919	-	(682)	237
Tree Planting Reserve	Acquisition and planting of trees on footpaths	88	17	(17)	88
		<b>86,092</b>	<b>10,023</b>	<b>(4,870)</b>	<b>91,245</b>
<b>Separate Charge Reserve - Environment:</b>					
Environment Charge Acquisition Reserve	Acquisitions of land and facilities to support or enhance environmental outcomes	234	611	-	845
Environment Charge Maintenance Reserve	Ongoing conservation and maintenance operations	1,708	3,461	(3,154)	2,015
SES Separate Charge Reserve	On-going costs of maintaining the Redland SES	-	240	(154)	86
		<b>1,942</b>	<b>4,312</b>	<b>(3,308)</b>	<b>2,946</b>
<b>Special Charge Reserve - Other:</b>					
Bay Island Rural Fire Levy Reserve	Pass on revenue collected from levy to the Bay Island Rural Fire Brigade	-	114	-	114
SMBI Translink Reserve	Offset payment made to the State Govt. to assist with transport service to the Bay Islands	(8)	483	(483)	(8)
		<b>(8)</b>	<b>597</b>	<b>(483)</b>	<b>106</b>
<b>Special Charge Reserve - Canals:</b>					
Aquatic Paradise Canal Reserve	Maintenance and repairs of Aquatic Paradise canals	743	5	-	748
Sovereign Waters Lake Reserve	Maintenance and repairs of Sovereign Lake	422	3	-	425
1718 Raby Bay Canal Reserve	Service, facility or activity of works in respect of the canals of the Raby Bay canal estate	1,036	-	(771)	265
1718 Aquatic Paradise Canal Reserve	Service, facility or activity of works in respect of the canals of the Aquatic Paradise canal estate	(495)	-	-	(495)
1718 Sovereign Waters Lake Reserve	Service, facility or activity of works in respect of the lake	(56)	-	-	(56)
		<b>1,650</b>	<b>8</b>	<b>(771)</b>	<b>887</b>
<b>TOTALS</b>		<b>93,308</b>	<b>22,994</b>	<b>(11,340)</b>	<b>104,962</b>
		Closing cash and cash equivalents			<b>142,584</b>
		Reserves as percentage of cash balance			<b>74%</b>





## 10. REDLAND WATER STATEMENTS

REDLAND WATER SUMMARY OPERATING STATEMENT For the period ending 31 December 2018					
	Annual	Annual	YTD	YTD	YTD
	Original Budget \$000	Revised Budget \$000	Revised Budget \$000	Actual \$000	Variance \$000
Total revenue	112,745	111,173	56,001	54,352	(1,649)
Total expenses	66,297	65,023	33,449	31,455	(1,994)
Earnings before interest, tax and depreciation (EBITD)	46,448	46,150	22,552	22,897	345
Interest expense	15,352	15,352	7,676	7,676	-
Depreciation	23,228	23,268	11,620	11,814	194
<b>Operating surplus / (deficit)</b>	<b>7,868</b>	<b>7,530</b>	<b>3,256</b>	<b>3,407</b>	<b>151</b>

REDLAND WATER CAPITAL FUNDING STATEMENT For the period ending 31 December 2018					
	Annual	Annual	YTD	YTD	YTD
	Original Budget \$000	Revised Budget \$000	Revised Budget \$000	Actual \$000	Variance \$000
Capital contributions, donations, grants and subsidies	6,798	6,560	3,280	1,299	(1,981)
Net transfer (to) / from constrained capital reserves	(6,608)	(4,160)	(2,905)	(5,046)	(2,141)
Non-cash contributions	6,648	6,202	-	38	38
Funding from utility revenue	5,614	6,261	790	4,603	3,813
<b>Total sources of capital funding</b>	<b>12,452</b>	<b>14,863</b>	<b>1,165</b>	<b>894</b>	<b>(271)</b>
Contributed assets	6,648	6,202	-	-	-
Capitalised expenditure	5,804	8,661	1,165	894	(271)
<b>Total application of capital funds</b>	<b>12,452</b>	<b>14,863</b>	<b>1,165</b>	<b>894</b>	<b>(271)</b>

## 11. REDWASTE STATEMENTS

REDWASTE OPERATING STATEMENT For the period ending 31 December 2018					
	Annual	Annual	YTD	YTD	YTD
	Original Budget \$000	Revised Budget \$000	Revised Budget \$000	Actual \$000	Variance \$000
Total revenue	25,901	25,901	12,949	12,971	22
Total expenses	19,155	19,607	9,709	9,556	(153)
Earnings before interest, tax and depreciation (EBITD)	6,746	6,294	3,240	3,415	175
Interest expense	30	26	13	13	-
Depreciation	216	242	112	161	49
<b>Operating surplus / (deficit)</b>	<b>6,500</b>	<b>6,026</b>	<b>3,115</b>	<b>3,241</b>	<b>126</b>

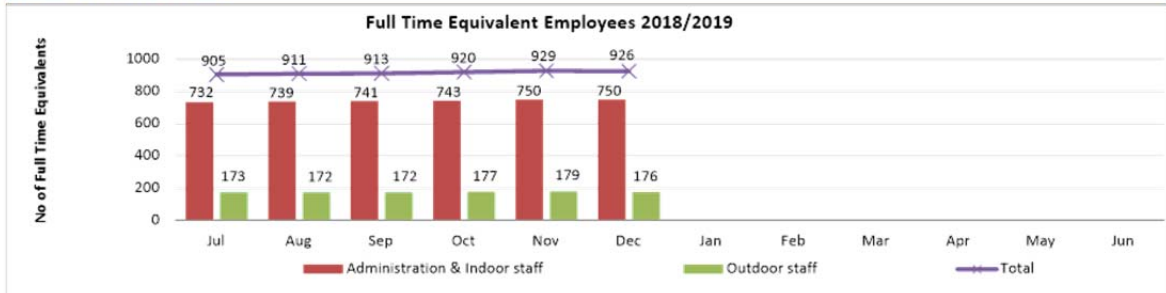
REDWASTE CAPITAL FUNDING STATEMENT For the period ending 31 December 2018					
	Annual	Annual	YTD	YTD	YTD
	Original Budget \$000	Revised Budget \$000	Revised Budget \$000	Actual \$000	Variance \$000
Non-cash contributions	-	-	-	-	-
Funding from utility revenue	547	546	331	264	(67)
<b>Total sources of capital funding</b>	<b>547</b>	<b>546</b>	<b>331</b>	<b>264</b>	<b>(67)</b>
Capitalised expenditure	456	456	228	161	(67)
Loan redemption	91	90	103	103	-
<b>Total application of capital funds</b>	<b>547</b>	<b>546</b>	<b>331</b>	<b>264</b>	<b>(67)</b>





12. APPENDIX: ADDITIONAL AND NON-FINANCIAL INFORMATION

Workforce Reporting



Department Level	Employee Type						
	Casual	Contract of Service	Perm Full	Perm Part	Temp Full	Temp Part	Total
Office of CEO	7	3	32	3	6	2	53
Organisational Services	10	5	166	15	24	5	225
Community and Customer Services	37	5	238	61	31	10	382
Infrastructure and Operations	28	7	311	12	24	1	383
<b>Total</b>	<b>82</b>	<b>20</b>	<b>747</b>	<b>91</b>	<b>85</b>	<b>18</b>	<b>1,043</b>

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

Overdue Rates Debtors

Days Overdue	Dec-18	% Overdue	Dec-17	% Overdue	\$ Variance	% Variance	Comment
0 - 30	\$39	0.0%	\$0	0.0%	\$39	0.0%	Monitoring of overdue rates will be continuously implemented. The Revenue Collection team has been running a campaign at collecting accounts overdue between 2 and 4 quarters which aims to collect \$1M within a quarter. This campaign has recovered \$560,894 between 13 November and 31 December.
31 - 60	\$3,980,475	2.9%	\$3,555,952	2.8%	\$424,523	0.1%	
61 - 90	\$157	0.0%	\$1,999	0.0%	-\$1,842	0.0%	
91 - 180	\$1,864,862	1.4%	\$1,509,368	1.2%	\$355,494	0.2%	
>180	\$3,697,187	2.7%	\$2,802,196	2.2%	\$894,991	0.5%	
<b>Total</b>	<b>\$9,542,720</b>	<b>7.0%</b>	<b>\$7,869,515</b>	<b>6.2%</b>	<b>\$1,673,205</b>	<b>0.8%</b>	





### 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

$$\frac{\text{Net Operating Surplus}}{\text{Total Operating Revenue}}$$

##### 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

$$\frac{\text{Capital Expenditure on Replacement of Infrastructure Assets (Renewals)}}{\text{Depreciation Expenditure on Infrastructure Assets}}$$

##### Net Financial Liabilities\*:

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

$$\frac{\text{Total Liabilities - Current Assets}}{\text{Total Operating Revenue}}$$

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

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

$$\frac{\text{General Rates - Pensioner Remissions}}{\text{Total Operating Revenue - Gain on Sale of Developed Land}}$$

##### Current Ratio:

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

$$\frac{\text{Current Assets}}{\text{Current Liabilities}}$$

##### Debt Servicing Ratio:

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

$$\frac{\text{Interest Expense + Loan Redemption}}{\text{Total Operating Revenue - Gain on Sale of Developed Land}}$$

##### Cash Balance - \$M:

Cash balance includes 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

$$\frac{\text{Cash Held at Period End}}{[(\text{Cash Operating Costs} + \text{Interest Expense}) / \text{Period in Year}]}$$

##### 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

$$\frac{\text{Current and Non-current loans}}{\text{Total Assets}}$$

##### Operating Performance:

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

$$\frac{\text{Net Cash from Operations + Interest Revenue and Expense}}{\text{Cash Operating Revenue + Interest Revenue}}$$

##### Interest Coverage Ratio:

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

$$\frac{\text{Net Interest Expense on Debt Service}}{\text{Total Operating Revenue}}$$

\* 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 AMENDMENT OF LOCAL LAW NO. 2 (ANIMAL MANAGEMENT) 2015 REGISTER ANIMALS IN PUBLIC PLACES

### 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 Dog off-leash areas
2. Community Consultation Report Bloomfield Street Prohibition
3. Proposed Local Law No. 2 (Animal Management) 2015, Register - Animals in Public Places

### PURPOSE

The purpose of this report is to amend *Local Law No. 2 (Animal Management) 2015, Register - Animals in Public Places* to provide greater clarity as to the location of each existing dog off-leash area; to include new dog off-leash areas (DOLAs); to remove the prohibition on dogs in Bloomfield Street, Cleveland between Queen Street and Middle Street (Cleveland Markets) during the hours of 6am to 4pm on Sundays and to remove land that Council has surrendered trusteeship over.

### BACKGROUND

At the General Meeting on 7 March 2018 Council resolved to commence the process for amending *Local Law No. 2 (Animal Management) 2015, Register - Animals in Public Places*. The amendments included the addition of dog off-leash areas at:

1. Beachwood Street Park , Redland Bay;
2. Gundagai Drive Park, Capalaba; and
3. Eprapah Creek Corridor, Victoria Point West.

A review of the existing DOLAs was also conducted and the descriptions updated to provide greater clarity as to their location. A summary of the changes are as follows:

Item	Amendment
1	Addition of wording "Point Lookout, North Stradbroke Island Area within" and "in front of the Point Lookout Hotel, Home Beach" to the description in column 1.
2	Removal of the words "skate bowl park" and inclusion of "Barton Street Park, Lot 80 on SP228347" to the description in column 1.
3	inclusion of Lot and Plan Number to the description in column 1 and restructuring of existing description.
4	inclusion of Lot and Plan Number to the description in column 1 and restructuring of existing description.
5	inclusion of Lot and Plan Number to the description in column 1 and restructuring of existing description.
6	inclusion of Lot and Plan Number to the description in column 1 and restructuring of existing description.
7	inclusion of Lot and Plan Number to the description in column 1 and restructuring of existing description.
8	inclusion of Lot and Plan Number to the description in column 1 and restructuring of existing description.
9	inclusion of Lot and Plan Number to the description in column 1 and restructuring of existing description.
10	inclusion of Lot and Plan Number to the description in column 1 and restructuring of existing description.
11	inclusion of Lot and Plan Number to the description in column 1 and restructuring of existing description.
12	Inclusion of Lot and Plan Number and Park Name to the description in column 1.
13	inclusion of Lot and Plan Number to the description in column 1 and restructuring of existing description.
14	Inclusion of Lot and Plan Number and Park Name to the description in column 1.
15	Inclusion of Lot and Plan Number and Park Name to the description in column 1.
16	Inclusion of Lot and Plan Number and Park Name to the description in column 1.

Item	Amendment
17	Inclusion of Lot and Plan Number and Park Name to the description in column 1.
18	Inclusion of Lot and Plan Number and Park Name to the description in column 1.
19	Inclusion of Lot and Plan Number and Park Name to the description in column 1.
20	Inclusion of Lot and Plan Number and Park Name to the description in column 1.
21	Inclusion of Lot and Plan Number and Park Name to the description in column 1.
22	Inclusion of Lot and Plan Number and Park Name to the description in column 1.
23	Inclusion of Lot and Plan Number and Park Name to the description in column 1.
24	Inclusion of Lot and Plan Number and Park Name to the description in column 1.
25	inclusion of Lot and Plan Number to the description in column 1 and restructuring of existing description
26	inclusion of Lot and Plan Number to the description in column 1 and restructuring of existing description
27	inclusion of Lot and Plan Number to the description in column 1 and restructuring of existing description
28	inclusion of Lot and Plan Number to the description in column 1 and restructuring of existing description
29	Updated description for new park – Beachwood Street Park, Redland Bay
30	Addition of new park – Gundagai Drive Park, Capalaba
31	Addition of new park – Eprapah Creek Corridor, Victoria Point
32	Addition of new park – Freshwater Street Park, Thornlands

At the General Meeting on 10 October 2018 Council resolved to commence a community consultation process, inviting submissions on the dog prohibitions in the Cleveland CBD. Following community consultation and an internal review of the listed prohibitions, the proposed amendments to the register are as follows:

Part 1	Amendment
Item 1 (m)	Removal of public place “Brown Lake Conservation Area” North Stradbroke Island.
Item 1 (n)	Removal of public place “The foreshore and seashore at Flinders Beach North Stradbroke Island, from Amity Point access to Geera Street Amity Point.
Item 2 (c)	Removal of public place “Bloomfield Street, Cleveland between Queen Street and Middle Street.

## ISSUES

### Dog Off-Leash Area Amendments

Section 10 of *Local Law No.2 (Animal Management) 2015* permits Council to designate by resolution, public places where dogs are permitted to be off-leash. In accordance with s10(5) these areas are recorded in a register that is available for public inspection and indicates the extent of each designation. Council’s register currently lists 29 DOLAs.

Section 10(6) of *Local Law No.2 (Animal Management) 2015* provides for the amending of a designation contained within the register.

A recent review of the DOLAs was conducted and amendments to the descriptions of existing DOLAs have been proposed. The amendments are to provide greater clarity as to the location and extent of the designation and to incorporate the real property description.

### New Dog Off-Leash Areas

Four new DOLAs have been added to the register which are located at:

1. Beachwood Street Park – Redland Bay;
2. Gundagai Drive Park – Capalaba;
3. Eprapah Creek Corridor – Victoria Point; and
4. Freshwater Street Park – Thornlands.



### Community Consultation – Dog Off-Leash Areas

*Local Law No. 2 (Animal Management) 2015* requires at s10(2) that the public be consulted for a minimum of 21 days for any proposed DOLA.

The DOLAs at Redland Bay, Capalaba and Victoria Point have been established for a number of years; however they had not been included in the register. In assessing them for inclusion, it was determined that the community consultation undertaken at the time they were being proposed did not satisfy the requirements of s10 of *Local Law No. 2 (Animal Management) 2015*.

A second community consultation was undertaken between 15 November 2018 and 6 December 2018 for all three existing DOLAs and the proposed DOLA at Thornlands. In accordance with s10(3) and (4) Council erected signs at each location which showed the extent of each designation and details of making a submission.

Three submissions in favour of the DOLAs were received, one each for Victoria Point, Capalaba and Thornlands. Full details of the submissions are contained in the consultation report (Attachment 1).

### Prohibition and Restriction of Animals in Public Places during Specified Times

Section 9 of *Local Law No. 2 (Animal Management) 2015* permits Council to designate by resolution, public places where animals, or animals of a particular species or breed, are prohibited. In accordance with s9(6) these areas must be recorded in a register that is available for public inspection and indicates the specific conditions for each prohibition.

*Local Law No. 2 (Animal Management) 2015* at s9(7) authorises Council to repeal or amend a resolution about a prohibition or restriction without the need for the public to be consulted.

### Community Consultation – Cleveland Markets Prohibition

The General Meeting held on 10 October 2018, Council resolved to seek community feedback specific to Cleveland CBD where dogs are prohibited. Part 1 of *Local Law No. 2 (Animal Management) 2015*, Register - Animals in Public Places includes a prohibition at item 2 on bringing a dog to Bloomfield Street, Cleveland between Queen Street and Middle Street – the prohibition applies only between the hours of 6.00am and 4.00pm on Sunday. This is when the Cleveland Markets are being held.

Community consultation was undertaken between 12 November 2018 and 12 December 2018. Consultation involved:

1. public notice in the Redlands Bulletin on 21 November 2018;
2. YourSay page and survey available from 12 November 2018 to 12 December 2018;
3. officers attending Cleveland Markets to undertake surveys on Sunday 25 November 2018 and Sunday 2 December 2018; and
4. social media advertising.

A total of 988 submissions were received. Details of the submissions are contained within the community consultation report (Attachment 2).

### Prohibition on Animals in Public Places at Any Time

Part 1 of *Local Law No. 2 (Animal Management) 2015*, Register - Animals in Public Places includes a prohibition at item 1 on bringing a dog at any time to the public places listed in column 2.

A review of column 2 has recently been undertaken which identified two locations where Council has surrendered its trusteeship over the land in question.

1. Column 2 (m) included Brown Lake Conservation Area, North Stradbroke Island (Lot 70 on SL 4098). Through the Indigenous Land Use Agreement (ILUA) Council surrendered its trusteeship over Brown Lake.
2. Column 2 (n) included the foreshore and seashore at Flinders Beach, North Stradbroke Island, from Amity Point access to Geera Street Amity Point. Through the ILUA, Council surrendered its trusteeship over the Flinders Beach camping area. Council's records indicate that the reserve abutting Flinders Beach is State land and/or land managed by Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC). In addition the actual foreshore with the NSI Recreation Areas Management Area is managed by the State Government and QYAC.

Due to the transfer of trusteeship these two public places can be removed from the register.

## **STRATEGIC IMPLICATIONS**

### **Legislative Requirements**

The amendments are in accordance with the requirements of *Local Law No. 2 (Animal Management) 2015*.

### **Risk Management**

The risks associated with amending *Local Law No. 2 (Animal Management) 2015*, Register - Animals in Public Places have been managed by:

- a) comprehensive internal stakeholder engagement to ensure the register will promote effective governance to the community; and
- b) ensuring the process to amend the register is in accordance with the requirements of *Local Law No.2 (Animal Management) 2015*.

### **Financial**

There are no financial implications.

### **People**

The addition of new DOLAs will have an impact on the resources within the Compliance Services Unit who will be responsible for enforcement activities. It is anticipated that this work will be absorbed by current resourcing.

### **Environmental**

There are no environmental implications.

### **Social**

Community consultation provided the opportunity for community members to provide feedback on the proposals through making submissions. The attached community consultation reports detail the outcomes of the consultations.

The dog off-leash areas are already operational and used by the community. These amendments will not impact their use. The removal of the prohibition on dogs at the Cleveland Markets is in line with the feedback received from the community during the consultation phase.

### Alignment with Council's Policy and Plans

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

Consulted	Consultation Date	Comments/Actions
Service Manager Compliance Services	10 October – 17 December 2018	Contributed to community consultation plan, assigned officers to attend the Cleveland Markets. Decision making following closure of consultation.
Group Manager Environment and Regulation	10 October – 17 December 2018	Decision making following closure of consultation.
Governance Service Manager	10 October – 14 November 2018	Provided advice on community consultation plan.
Policy and Local Laws Coordinator	19 September – 19 December 2018	Provided advice on community consultation requirements for DOLA's. Provided advice on community consultation for dog prohibitions. Consolidated changes and prepared report.
Senior Adviser Community Engagement	5 November – 18 December 2018	Preparation of YourSay site and development of survey questions for dog prohibition.
Senior Adviser Strategic Communication	5 November – 14 December 2018	Development of survey questions and collation of data on dog prohibition.
Adviser Public Place Design	30 October – 19 December 2018	Conducted community consultation on DOLA's and prepared consultation report.
Principal Strategic Planner	4 December 2018	Provided Advice on trusteeship status of NSI public spaces.
Business Support Officer Civic and Open Space Asset Management	19 September – 31 October 2018	Provided clarification on DOLA descriptions.

### OPTIONS

#### Option One

Pursuant to section 9(1) and section 10(1) of *Local Law No. 2 (Animal Management) 2015*, Council resolves to:

1. receive and note the dog off-leash area consultation report (Attachment 1) and to implement the recommendations of this report;
2. receive and note the community feedback in the attached community consultation report (Attachment 2) and to implement the recommendations of this report;
3. adopt the consolidated version of *Local Law No. 2 (Animal Management) 2015*, Register - Animals in Public Places; and

4. give notice of the amendments to the register by publication on Council's website and media release.

**Option Two**

That Council resolves not to amend *Local Law No. 2 (Animal Management) 2015*, Register - Animals in Public Places.

**COUNCIL RESOLUTION 2019/12**

Moved by: Cr Peter Mitchell

Seconded by: Cr Mark Edwards

Pursuant to section 9(1) and section 10(1) of Local Law No. 2 (Animal Management) 2015, Council resolves to:

1. receive and note the dog off-leash area consultation report (Attachment 1) and to implement the recommendations of this report;
2. receive and note the community feedback in the attached community consultation report (Attachment 2) and to implement the recommendations of this report;
3. adopt the consolidated version of Local Law No. 2 (Animal Management) 2015, Register - Animals in Public Places; and
4. give notice of the amendments to the register by publication on Council's website and media release.

**CARRIED 9/0**

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Mark Edwards, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

Cr Julie Talty was not present when the motion was put.

Cr Lance Hewlett was absent from the meeting.

# Dog off leash exercise area



## CONSULTATION REPORT

for

### Designation of dog off-leash areas

**Author:**

Report prepared by Ross Barnett – Adviser Public Place Design COSAM  
Contributing officers include Karen Triplet, Luke Duncomb and Cameron Mackay.

**Purpose:**

Consultation has occurred to allow designation of a dog off-leash area/s to address requirements of Section 10 Dog off-leash areas of Redland City Council Local Law No. 2 (Animal Management) 2015.

**Proposed designated areas:**

1. Erapah Creek Corridor, Victoria Point
2. Beachwood Street Park, Redland Bay
3. Gundagai Drive Park, Capalaba
4. Freshwater Street Park, Thornlands

**Installation date:** 15/11/2018 (Refer to Appendix 2)

**21 day timeframe:** 6/12/2018

**Repairs:** Freshwater/Beachwood weekend 7-8/12/2018

**Removal date:** 14/12/2018

**Notification period:** 28 days

**Notes:** Some minor vandalism had occurred to the signs and Freshwater and Beachwood during the notification period.

**Total submissions received: 3**

One submission each for Erapah Creek Corridor, Gundagai Drive Park and Freshwater Street Park. All submissions agree/support the designation of the dog off-leash area. No submissions received for Beachwood Street Park.

**Refer also:**

- Appendix 1 – Submission summary
- Appendix 2 – Notice installation
- Appendix 3 – Notice information

**Recommendation:** All four dog off-leash areas are added to the Register of Animals in Public Places.

**Final report:** 14/12/2018

Version 2.1

## Appendix 1 – Submission summary

Redland City Council			
Local Law No. 2 (Animal Management) 2015			
Location	Section	Submission/Link	RCC Action
Erapah Creek Corridor, Victoria Point	10	Total submissions:1 Total agree: 1  Comment: Great feedback regarding the above new dog park. Lovely space for the family and our dog. Please keep it.	Add to Register of Animals in Public Places.
Beachwood Street Park, Redland Bay	10	No submissions received	Add to Register of Animals in Public Places.
Gundagai Drive Park, Capalaba	10	Total submissions:1 Total agree: 1  Comment: Having been a resident for close to 20 years and having taken my children to a rather drab park many years ago it is great to see the park revamped and being regularly used. In addition the land behind which is now the dog park was previously never used and with its new designation is a boon to the local community.	Add to Register of Animals in Public Places.
Freshwater Street Park, Thornlands	10	Total submissions:1 Total agree: 1  Comment: I've seen your notice of proposed DOG OFF LEASH area at Waterline Estate, corner of Freshwater, Rachow Street. First of all just to let you know your sign was pulled down twice? Please monitor the proposed area or provide some sort of permanent signage to prevent scouters, vandalism, health & safety of children and residence.  It's a good idea to have the dog off leash designated area at that location. There are many residents with dogs at the Estate. Please provide contained area to separate big dogs with small dogs. You also	Add to Register of Animals in Public Places.

		<p>need to provide poo bags dispenser and few rubbish bins.</p> <p>The new playground is fantastic for the families with young children, but I've notice there are NO bins provided in the vicinity? I've notice rubbish are being left on the ground.</p> <p>I would also like to suggest a skate board or bike ramp playground in the same area as there are too many children on push bikes riding on streets, terrorising the streets annoying other retired elderly neighbours as there are NO playground for them.</p>	
--	--	--	--

**Appendix 2 – Notice Installation**

Dog off-leash area - location	Notices installed 15/11/2018
Eprapah Creek Corridor, Victoria Point	
Beachwood Street Park, Redland Bay	
Gundagai Drive Park, Capalaba	
Freshwater Street Park, Thornlands	



Appendix 3 – Notice information

# Dog off leash exercise area



Eprapah Creek Corridor – Victoria Point West  
141 Bunker Road, Victoria Point 4165 (Lot 3 RP907141)



Council is proposing to register this fenced dog off leash area through the local laws process.

Please submit your feedback regarding this dog off leash area by emailing [rcc@redland.qld.gov.au](mailto:rcc@redland.qld.gov.au) before 12 December 2018.

[redland.qld.gov.au](http://redland.qld.gov.au)



# Dog off leash exercise area



Beachwood Street Park  
72-106 Bankswood Drive, Redland Bay 4165 (Lot 900 SP267633)



Council is proposing to register this fenced dog off leash area through the local laws process.

Please submit your feedback regarding this dog off leash area by emailing [rcc@redland.qld.gov.au](mailto:rcc@redland.qld.gov.au) before 12 December 2018.

[redland.qld.gov.au](http://redland.qld.gov.au)

**Redland**  
CITY COUNCIL

# Dog off leash exercise area



Gundagai Drive Park  
30-36 Gunagai Drive, Capalaba 4159 (Lot 903 RP803254)



Council is proposing to register this fenced dog off leash area through the local laws process.

Please submit your feedback regarding this dog off leash area by emailing [rcc@redland.qld.gov.au](mailto:rcc@redland.qld.gov.au) before 12 December 2018.

redland.qld.gov.au

Redland  
CITY COUNCIL

# Dog off leash exercise area



Freshwater Street Park  
52 Freshwater Street, Thornlands 4164 (Lot 8 SP279427)



Council is proposing to register this dog off leash area through the local laws process. The proposed installation of the fenced dog off leash area is subject to budget availability and Council approvals.

Please submit your feedback regarding this dog off leash area by emailing [rcc@redland.qld.gov.au](mailto:rcc@redland.qld.gov.au) before 12 December 2018.

[redland.qld.gov.au](http://redland.qld.gov.au)



**Redland**  
CITY COUNCIL

# Local Law No. 2 (Animal Management)

## Register – Animals in Public Places

### Community Consultation Report

Prepared by Corporate Governance  
December 2018



**Contents**

Introduction ..... 3

Community Consultation Process..... 3

Submissions Received outside of the survey ..... 8

Recommendation ..... 8

Appendix 1 ..... 9

Appendix 2 .....11

**Introduction**

This report outlines the community consultation that was undertaken between 12 November 2018 and 12 December 2018. Consultation involved:

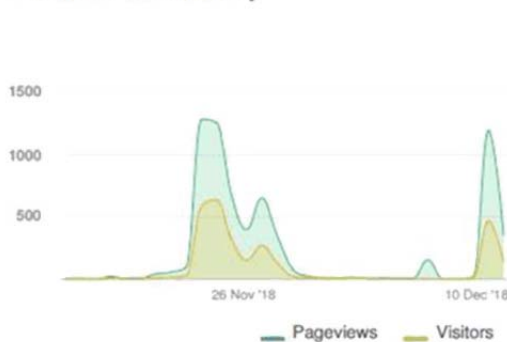
- public notice in the Redlands Bulletin on 21 November 2018;
- Yoursay page and survey available from 12 November 2018 to 12 December 2018;
- officers attending Cleveland Markets to undertake surveys on Sunday 25 November 2018 and Sunday 2 December 2018; and
- social media advertising.

A total of 988 submissions were received.

**Community Consultation Process**

During the course of the consultation period 2,900 visits to the site were recorded and 755 surveys completed. The public was also able to complete a survey on the two occasions Council officers were in attendance at the markets – Sunday 25 November and Sunday 2 December 2018. Hard copy forms were also made available at Customer Service Centres.

**Visitors Summary**



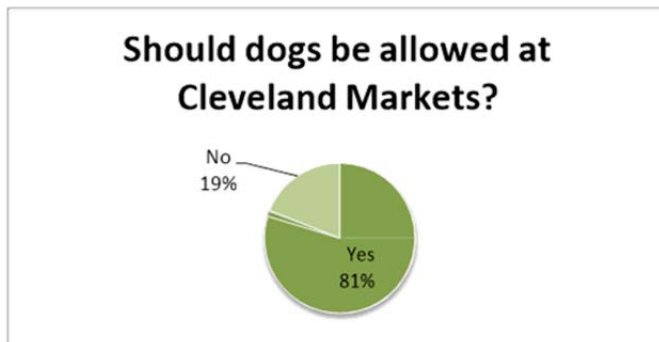
**Highlights**

TOTAL VISITS	MAX VISITORS PER DAY	
2.9 k	628	
NEW REGISTRATIONS		
19		
ENGAGED VISITORS	INFORMED VISITORS	AWARE VISITORS
755	1.2 k	2.7 k

Aware Participants	2,715	Engaged Participants	755		
Aware Actions Performed	Participants	Engaged Actions Performed	Registered	Unverified	Anonymous
Visited a Project or Tool Page	2,715	Contributed on Forums	0	0	0
Informed Participants	1,203	Participated in Surveys	27	222	506
Informed Actions Performed	Participants	Contributed to Newsfeeds	0	0	0
Viewed a video	0	Participated in Quick Polls	0	0	0
Viewed a photo	0	Posted on Guestbooks	0	0	0
Downloaded a document	0	Contributed to Stories	0	0	0
Visited the Key Dates page	0	Asked Questions	0	0	0
Visited an FAQ list Page	0	Placed Pins on Places	0	0	0
Visited Instagram Page	0	Contributed to Ideas	0	0	0
Visited Multiple Project Pages	443				
Contributed to a tool (engaged)	755				

A total of 988 responses were received; 965 surveys and 23 written submissions.

When asked if they thought dogs should be allowed at the Cleveland Markets, 800 (81%) of respondents said yes and 188 (19%) of respondents said no.



Of note is the 'conditions' that were put on a large number of the yes responses. Respondents qualified their Yes vote by noting conditions under which they were in favour of dogs at the markets. The below represents the most common conditions that were provided:

Comment	Council Response
<i>Must be kept on a short lead and not allowed near the food stalls</i>	Local Law No.2 provides for a maximum lead length of 2m.  Australia NZ Food Standards Code – Standard 3.2.2 sets out the requirements that relate to animals in/near food premises.
<i>As long as they are on a lead and dog/child friendly. Penalties should apply to those owners who's dogs are not registered with the Council and this should be part of the requirements to bring a dog to the markets</i>	Enforcement of this provision would be adhoc as it will be dependent on when officers are present at the Markets to enforce this provision. This rule does not apply to anywhere else where dogs are allowed, and therefore provides a level of inconsistency in our application of Local Law No 2.
<i>Size of dog, like requiring dogs over 20kg to be muzzled for safety</i>	Inconsistent with the Local Law No. 2 provisions and the Animal Management (Cats and Dogs) Act provisions that only require declared Dangerous dogs to be muzzled in a public place.  To limit the size of dogs at the Market is inconsistent with the Local Law No. 2 provisions as this provision does not exist elsewhere.
<i>Size of dog could be restricted to dogs under 15 kgs</i>	As above
<i>Limit it to dogs under 10 kg as most people attending have small fur babies , over that weight have them muzzled in public . Please make some rules. As bigger aggressive dogs are coming into the Redlands</i>	As above
<i>As long as the dog is on a lead and any waste picked up, I think there should be very strict rules</i>	Local Law No. 2 already provides provision for dogs to be on lead and to remove faeces whilst in



Comment	Council Response
<i>about this. Council could provide drinking fountains with a lower drinking dish for dogs like they have on Wynnum/Manly foreshore</i>	a public place.
<i>If dogs are on a leash and under control why aren't they aloud at the markets. i think having big intimidating dogs in enclosed public places needs further thought but i can't se the problem of a small or medium sized family pet</i>	As above
<i>Short lead, within 1m of owner maximum</i>	Local Law No. 2 provides provision for leads to be no longer than 2m in length, to restrict this distance at the markets would be inconsistent with the Local Law provisions.
<i>Owners to understand liability - signs not adequate - people who have come from obedience class to show a certificate - Council checking vaccination certificate</i>	<p>Enforcement of this provision would be adhoc as it will be dependent on when officers are present at the Markets to enforce this provision. This rule does not apply to anywhere else where dogs are allowed, and therefore provides a level of inconsistency in our application of Local Law No. 2.</p> <p>The latter requires dog owners to carry documentation which is unlikely to occur and therefore potentially unenforceable. This provision is inconsistent with other areas where dogs are permitted.</p>

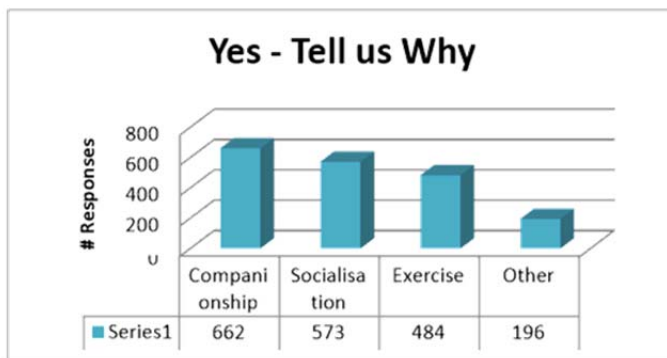
To implement any of these conditions would require changes to *Local Law No. 2 (Animal Management) 2015*.

Respondents that selected either ‘Yes’ or ‘No’ were then asked to select from a number of pre-set reasons for their answer.

Where respondents selected ‘other’ or provided additional comments, these are contained in full in Appendix 2. The following tables represent a selection of comments that provide good representation of the community’s position.

Respondents were asked to provide reasons for their response; yes responses could choose one or more of the following:

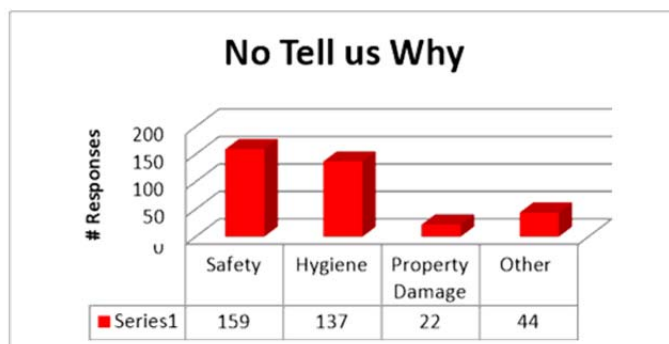
- Companionship
- Socialisation
- Exercise
- Other



Those that responded yes to “Should dogs be allowed to the Cleveland Markets?”
<i>To support local business as people like myself with dogs now go to Manly markets instead. This must have had an impact on the coffee shops and other retailers in Cleveland.</i>
<i>It's fun for other people to meet your dog. If they aren't able to have one, they get to mingle with yours. It's sweet creating a community 🐶</i>
<i>Dogs are a part of our family these days and Sundays should be spent with family. It's a family outing.</i>
<i>Part of the family don't want to leave at home. If behaved and on a lead with responsible owners then why not?</i>
<i>I have not seen any behaviour to be of a concern.</i>
<i>It changes the market vibe, my kids and I love seeing everyone's dogs.</i>
<i>It's a lovely atmosphere with dogs being welcomed to the markets AND all the adjoining coffee shops and bakeries.</i>
<i>Having dogs at the market is a positive thing. It's lovely to meet the dogs and watch them socialising.</i>
<i>Alienating dog owners from visiting the Redlands will only increase the rapid decline of Bloomfield Street. It's a disgrace now with all the empty shops.</i>

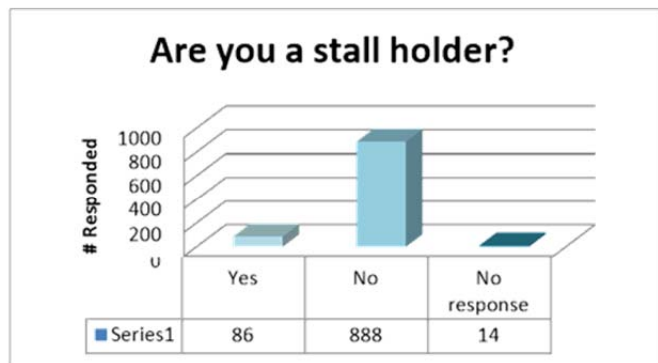
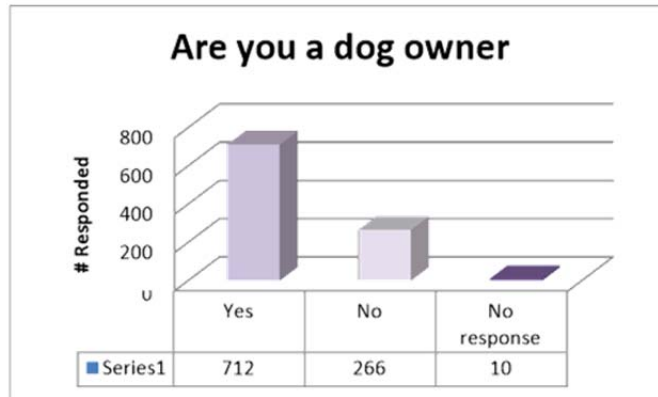
Respondents were asked to provide reasons for their response; no responses could choose one or more of the following:

- Safety
- Hygiene
- Property Damage
- Other



Those that responded no to “Should dogs be allowed at the Cleveland Markets?”
<i>Dogs should not be at the markets as some of them are quite large, so people have two dogs and it doesn't take much to start a dog fight and being not so stable on my feet as I am elderly I could very easily few knocked over and hurt .</i>
<i>Dogs should be on leash at all times, and if not well behaved, should not be brought - onus is on the owner to do this. If there is any bad behaviour, they can then be "banned" from attending.</i>
<i>Dog's can be a safety hazard with elderly people. It's extremely annoying when dogs bark also. I don't think it necessary they go to a public food area.</i>
<i>Not everyone is a dog lover ! It's a nuisance.</i>
<i>A dog tripped me and I am fearful as I have oestoporos/ brittle bones like some older folk, dogs at the markets are hazzardous and potential fractures.</i>
<i>I do not want to be licked by someone's dog, Dogs can become uncontrolled i.e if they are touched too many times either inadvertently or not in a crowded space, become dehydrated, not controlled by their owner, presence of other dogs; leave them at home where the dog is not stressed by their surroundings; It is a reason not to attend the markets.</i>
<i>The current policy of no dogs should be continued at all markets not just Cleveland. It such a pleasure now without tripping up on leads and dogs as well. Most dog owners are responsible and kept their dogs on short leads but others think long leads are OK. Also when unfamiliar dogs meet there is also an unknown reaction which no one needs to experience.</i>
<i>One can be walking thru market and often dog on leash crosses over in front of you, i.e dog one side owner using long leash on other. Easy to fall/trip over leash if you aren't looking out for it. If serious damage done e.g head hit/bleeds is Council liable or the dog owner?</i>

Respondents were also asked to indicate if they were a dog owner or a market stall holder.



Interestingly not all of the seven hundred and twelve dog owners were in favour of dogs being allowed to attend the markets, some felt that it was not appropriate to bring a dog into an environment where others might not be dog lovers or have a fear of dogs.

Of the 86 stall holders that responded, 82 were in favour of dogs being able to attend the markets, the four that were not in favour had concerns with hygiene; no analysis was done as to the type of stall operated by these four respondents.

Respondents were asked to provide any other information they believed Council needed to consider in making its decision; the full list of responses is contained in Appendix 2.

### Submissions Received outside of the survey

Two submissions were received that did not provide response's to the survey questions however the information they provided is valuable in the decision making process.

*Please don't listen to a noisy minority and ensure the happiness and lifestyle of our area is not reduced by this concept.*

*It sounds as if the attendees of these markets all have a viable reason as to why they should take their beloved pets along..but as an attendee also..I can see reasons why they should not. I am certain that the dog lovers of the redlands won't agree. I understand they are their companions..but surely an half hour jaunt through the markets could be negotiated without dogs in tow. So will that then open the field for other categories of pets to come along as well..cats on leads..polly the parrot perched on shoulder..lizards in the hand.. snakes wrapped around owners necks..it becomes endless really. They are all beloved companions of the human race. I do believe that hygiene should play a role here as well..like where n when do they toilet..do they pat their animals and then touch all the foodstuffs around. I don't wish to be confronted by any animals in the whereabouts of any food situations at all. It is becoming a nuisance factor because owners are taking dogs wherever they go and that is to coffee shops n also have seen in supermarkets. I believe that it has to be contained and controlled now. I understand dog lovers are responsible for the most part..but there are always the few who are not. I don't wish to have a licky drippy dog around me..and I think my thoughts should be recognised as well. What about a doggy sitting area whilst their owners do the rounds of the markets. Please keep your signage up..no matter who it offends. Surely the business owners at these markets aren't dependant on only dog lovers coming along to purchase their items.*

### Recommendation

Following an analysis of the data received, an assessment of the impact to the identified stakeholder groups (Appendix 1) it is recommended that the existing prohibition pertaining to the Cleveland Markets contained in *Local Law No. 2 (Animal Management) 2015, Register – Animals in Public Places* be removed.

## Appendix 1

Stakeholder	Impact (H,M,L)	Number Impacted	Position	Verbatims	Notes
Market stall holders	H (income)	82	Allow dogs	<ul style="list-style-type: none"> <li>A lot of stall holders lively hood is on the line &amp; the shop tenants as well. The markets generate a lot of people coming with their dogs &amp; also to buy from the tenants in shops.</li> <li>If council say no to dogs - Goodbye Cleveland.</li> <li>Companionship is important to the elderly. I have lost customers, lost about 10-20% in takings! I haven't shopped at market since the ban I used to go weekly. I will not go to the markets if I can't take my dogs. I have breakfast in a cafe, I buy my fruit and vegetables from the market and also dog treats and flowers for my elderly mother, usually \$40-50.</li> <li>This ban has cost stall holders and cafes income.</li> <li>We have not been to markets since the ban used to go for brekky every Sunday and fruit and veggies</li> </ul>	86 market stall holders completed the survey - 95% thought dogs should be allowed. Of those that said No the comments were related to safety and Hygiene "Dogs pee on my stall."
People with service and assistance dogs (therapy / PTSD dogs)	H (health)	1	Allow dogs	<ul style="list-style-type: none"> <li>Many people have personal trauma in their lives. Their dog may be their only form of mental security. I personally have anxiety issues when going out in public alone, having my furry friend with me makes me feel at ease. &amp; like I'm not alone.</li> <li>Some members of the community need the support of their animals to be able to interact with other people. Without their animals they withdraw. Not allowing them within the markets keeps their owns away. Health and safety of all market users, including mental health</li> </ul>	Only one survey participant advised that they personally took assistance dogs to the markets (responses from individuals citing socialisation benefits they enjoy because they can take their dogs to the market may be an indicator of more however). The current prohibition in the Register of Animals in Public Places does not apply to Service Animals as these are covered by the <i>Guide, Hearing and Assistance Dog Act 2009</i> .
People with dog allergies	H (health)	2	Don't allow dogs	<ul style="list-style-type: none"> <li>I love dogs - but am allergic. I don't put my dog on others and I don't expect others to force their dog on me in public</li> </ul>	This might be a less significant health issue than suggested (symptoms include watery eyes and sneezing ie cause 'discomfort' (which may not be 'H' impact).
People frightened of dogs	H	4	Don't allow dogs	<ul style="list-style-type: none"> <li>Personally, my daughter is terrified of dogs since she was bitten by one, so dogs in public places are always an issue for us.</li> <li>Dogs scare people. They all have diff temprements; aggressive; jumpers. This will put tourists/weekend vistors off from coming to the markets.</li> </ul>	Quite a number of the minority opposed to dogs at the markets contended that dogs frightened people. Only 4 participants however said that dogs frightened them or a member of their immediate family.
People concerned about tripping	H	20	Don't allow dogs	<ul style="list-style-type: none"> <li>A dog tripped me and I am fearful as I have oestoporosis/brittle bones like some older folk. Dogs at the markets are hazzardous and potential fractures.</li> <li>I am not a dog owner but I don't dislike dogs. I just think dogs need not attend the markets with their owners. Its not necessary and is hazadous to older people. Ive almost fallen over a dog in the way. They can be walked somewhere else later.</li> <li>Safety of people. It's not just the dog biting but their leads get tangled around legs.</li> </ul>	A common response among the minority opposed to dogs at the markets is that they are a trip hazard. However only 2 of 700 say they have actually been tripped by a dog / lead, and these respondents did not specify it occurred at Cleveland Markets. A pro dog participant jokingly argues that prams and children are dangerous and should be banned.
People concerned about biting	M	2	Don't allow dogs	<ul style="list-style-type: none"> <li>People bring poorly behaved dogs which bark or act unfriendly to other dogs or people</li> <li>Dog bite risk with small children and adults. Gets very busy and dogs become frightened when surrounded by many legs, other dogs and noise.</li> </ul>	There is a balance of opinions on this score. Not one participant claims to have been bitten by a dog or witnessed a dog biting someone at the markets. Some claim to have regularly attended the markets and never witnessed an issue. I would note that being concerned that something may occur is not the same as that thing occurring.

Stakeholder	Impact (H,M,L)	Number Impacted	Position	Verbatims	Notes
People concerned about hygiene	L-M	133	Don't allow dogs	<ul style="list-style-type: none"> <li>Dogs around food and places people are trying to eat is disgusting!</li> <li>Plenty of parks and beaches these owners can take their dogs to enjoy.</li> <li>As there are more food stalls enjoying business there it is not really "Food-Safe" to have dogs at the markets. Yesterday (24/11/2018) I witnessed a dog poking its nose into a stand that had fresh bread items on it and the owners could not care. Think off all the dog poo!</li> <li>With the amount of food stalls, it is a hygiene issue.</li> </ul>	Different pro dog participants make the point that Eumundi markets, Manly markets and Eat Street markets all allow dogs.
People whose dogs facilitate social interaction	L-M	573	Allow dogs	<ul style="list-style-type: none"> <li>They're a great conversation start and make people happy and create sense of calm and happiness.</li> <li>Dogs are a part of our lives. Animal exposure has positive impacts on the brain.</li> <li>As a community we need to support companionship and mental health.</li> <li>Interaction with other people. People regularly talk to me when I have my dogs with me. They sometimes talk to me about their pets and sometimes they ask if their children can pat my dogs, without them, nobody would talk to me.</li> <li>I take my dog with me most places and did go to the market but have stopped. I now travel to Manly markets that allow dogs.</li> <li>The ban restricts an opportunity I have for social interaction in my local area which is important for me as I live alone.</li> <li>A market place brings communities together, responsible dog owners are part of our community, so don't make it harder for people to congregate.</li> <li>That dogs are very much part of people family and in some cases for the elderly their only companion after losing a loved one.</li> </ul>	This might be a more significant mental health benefit than identified (ie higher than L-M impact).
Regular market visitors (weekly / fortnightly)	L-M	468	Allow dogs	<ul style="list-style-type: none"> <li>Dogs should be allowed at Cleveland markets as they are a part of people's families and should be allowed to enjoy a walk/exercise with their owners. They also bring happiness to people at the markets, especially young kids who love seeing dogs.</li> <li>I go to the markets weekly and love seeing the dogs and owners together</li> <li>We walk in with our family and dog every sunday, we have not done it since the ban.</li> </ul>	There were 572 participants that attended the markets on a regular basis 18% felt dogs should not be allowed.
All others (companionship, exercise, property damage, less frequent visitors)	L	1342	Allow dogs	<ul style="list-style-type: none"> <li>Cleveland has always been dog friendly. Many elderly and families walk their dogs to the markets.</li> <li>A feeling of community, we can take our dogs to share the day as a family..it brings love and laughter and even a smile on those faces who don't have family</li> <li>It's fun for other people to meet your dog. If they aren't able to have one, they get to mingle with yours. It's sweet creating a community ❤️</li> </ul>	This might have significant health benefits for the community. A number of participants identified that they walked to and from the markets with their dogs.

Appendix 2

Q5 (If you answered 'Other' please tell us why)	Q9 (What else does Council need to consider in making this decision? (255 character limit))
	They need to consider that there are all different sized dogs and breeds that could attend and this could be problematic
	Number of dogs at any one time if allowed, length of lead allowed, young children and others who may be afraid of dogs, big or small.
	Once Council has a dog ban and then removes the ban, Council is exposed to being included in litigation. I have also lived with a family who owned dog and am not necessarily against dogs in society
	A dog tripped me and I am fearful as I have osteoporosis/ brittle bones like some older folk, dogs at the markets are hazzardous and potential fractures.
	Safety of children and the elderly
	Doggy bag availability (environmentally friendly bags)
	Dogs are kept on Leash and picked up after
	Some dog owners are responsible, others not at all and ultimately they ruin it for everyone. I don't want my little kids to be scard of an enthusiastic dog not controlled by its owner, and I don't want to clean poop of my kids' shoes.
	All dogs to be on a lead and if the dog is listed as dangerous they should not be out in public
	Market desirability-is it for people or for dogs; health & safety-bites, urine/faeces, aggressive dogs, tripping hazards
	Dogs are important part of Redlands. They provide much love and companionship. Dogs ownership should be part of Redlands culture. The Council has strict rules about acceptable behaviour of both the owner and the dog.
	I walk down on a Sunday and tie my dog to a bike rack then do my shopping. Why not promote this?
	dogs and food sales don't mix. have seen a dog urinate under a cafe table at one of the raby cafes.
I have not seen any behaviour to be of a concern	If dogs are banned, ensure compliance. I wasn't aware of the ban and see dogs every Sunday
It changes the market vibe, my kids and I love seeing everyone's dogs	
	the impact it will have on the markets and surrounding businesses
	It is a great tourist destination for animal lovers and should be promoted
	Dogs allowed if on lead.
	Local businesses benefit from the Sunday market if more people attend due to be able to bring the fur babies to the market
	Banning dogs also keeps lots of potential customers away, it's a great atmosphere with dogs and their owners
	Over the last few years that we have had a stall at Cleveland Market, we haven't seen an doggie incidents. We only have seen very happy well behaved dogs.
Dogs are family too and if we start banning them everywhere they will only be allowed in their back yards and thats cruel	
	Stall holders and patrons may need to take their dog with them on occasion
	Only people with well behaved dogs take their dogs down to the markets. I have never seen an incident caused by a dog!
Opportunity for dogs to be out in social situations.	Dogs should always be kept on a leash in public market settings but should be given the opportunity to attend.
To support local business as people like myself with dogs now go to Manly markets instead. This must have had an impact on the coffee shops and other retailers in Cleveland.	
	Whilst I previously attended the markets monthly I have not attended since the new signs went up.
The vibe of the thing	Impact on the city. The market has been run on the street for years and never had issues. Wingers are on the increase though bin and dog poo bag availability.
It's fun for other people to meet your dog. If they aren't able to have one, they get to mingle with yours. It's sweet creating a community ♥	
	I believe controlled dogs on leash should be allowed to accompany their owner at a Sunday market! I personally have anxiety issues when going out in public alone, having my furry friend with me makes me feel at ease. & like I'm not alone .
	I don't think because of a limited number of people have a problem with animals that dogs should be banned in general. And I think this decision should be reversed. Punishing the majority to appease the minority is not a sustainable solution for everyone
	Keep up with the times
	Just stop minimalising people being able to take their joke places. What a joke!!!!!!



Q5 (If you answered 'Other' please tell us why)	Q9 (What else does Council need to consider in making this decision? (255 character limit))
Socialising people & children to dogs as well.	Majority of good responsible owners should not be discriminated against if a few owners fail to control their dogs.
I don't own a dog but it doesn't bother me seeing them there	
	Nothing to consider. Dont bring your dog, simple as that.
I do not have a dog so interaction with other dogs are important to me	The future of Cleveland Markets and Cleveland shopping areas
All of the above	
	Dog owners are responsible for their dogs. More accessible bins so rubbish and food scraps not left on the ground.
	Dogs are kept on a lead and under control. Most people exercise good judgement. Plus I've seen dogs at the markets, I didn't realise dogs weren't allowed. I don't take my dog because she is still a puppy. But I haven't witnessed or experienced issues
	Water troughs, cafes, children's play area. I'm all for dogs being allowed but I do understand why there can be issues too
Teaches people social responsibility, etiquette and to manage the behaviour of their animals and children consecutively	
Its nice to see	Provision of bags to collect doggie deposits, and consideration of muzzles without discriminating by breed
Family day out, socialised dogs are not bored and bark less and make better pets	
	Stop denying people the opportunity to provide their dogs from living enriched and well socialised lives. A dog out with its family is a happy dog.
Any civilised country would	Fine bad dog owners but don't let good ones suffer
	Always a popular spot with dog owners and non dog owners alike.
	Some members of the community need the support of their animals to be able to interact with other people. Without their animals they withdraw .
	Not allowing them within the markets keeps their owns away
	My dog is my family it is a regular outing for us both and we spend money in the region as well. It seems I'd that council target one day
	I go to the markets weekly and love seeing the dogs and owners together
DOgs are family and the markets are a friendly family place	The affect on alienating consumers
	Banning dogs would be detrimental to the markets and surrounding businesses. They bring a smile to people's faces and enhance the market atmosphere
Brings other joy	Community spirit
	I haven't been to the markets since the ban was introduced.
	Because dogs are apart of most social activities. They should be on a leash at all times though
	Being relaxed. It's a beautiful market and lists of people their dogs. I have never seen any dog mess or nuisances
	For a start I have never had any problems with dogs at the market. I enjoy seeing dogs out socializing with their owners. Then there are elderly people with dogs as companions. Dogs are part of our community and should not be isolated
Part of the family - ability to go where they want...they dont hurt anyone	
	I have seen dogs attack each other, the chance of a child getting in between them is too great.
Because why not? They aren't hurting anyone. We don't have a dog but have never been offended by anyone with one.	There are a lot more things council could spend their time, money & attention on. If someone does the wrong thing, sure, fine them or something, but otherwise let people spend time with their pets, getting outdoors and spending money in their community.
	It's a good idea to ban dogs from going up the middle of the markets where food and lots of people are, but I think we should be able to walk dogs on leash up either side of footpath, just like we can on any other streets.
	The joy on people's faces when they meet my dog. He is only little & everyone loves him. He loves going there to say hello to everyone. We are responsible dog owners.
	A lot of people have dogs, they are a part of the family. Have poo bags available.
Time spent with their owners instead lock up at home like they are all week.	Toilet pick up bags located in public areas.
	Dogs are apart of our familys
	Banning dogs from all eating establishments

Q5 (If you answered 'Other' please tell us why)	Q9 (What else does Council need to consider in making this decision? (255 character limit))
Sunday is the only day off most families get together on leashed dogs getting out for a hour or so with the family for the day IS NO HARM	Council need to consider being more strict on owners over the actual dogs! Council need to worry about the dogs that aren't registered and backyard breeding not the families trying to have a good time with their companions
	People cannot enjoy eating whilst there are dogs around trying to get your food. One morning a dog peed all over the tree next to where we were sitting eating. It's not nice.
	All dogs should be on a leash.
	Nothing - responsible pet owners already bring poo bags & water
	Fines for those who don't clean up after their dogs to discourage lazy dog owners
All 3, plus it gives the markets a good feel. I personally don't take my dog as she is antisocial in crowds, but I love markets that allow dogs	
	Dwindling numbers visiting the markets when people can't pop in while walking their dogs
They're a great conversation start and make people happy and create sense of calm and happiness	Maybe to keep everyone happy allow dogs but they must stay on their lead
Community building	Stall holders have built this market with dogs & dog owners in mind. Their livelihood is being affected by this ban
	Two options dog owners walk on footpath tie dog to something while they purchase or stall owners have stalls on footpath making more space for dogs and people middle of the street . I haven't shopped at market since the ban I used to go weekly
	Well behaved dogs should be allowed anywhere out doors if they're on leash
	Allowing people to take their dogs with them to the market as we need them with us to try some outfits for the pets
	Food market should not have dogs maybe a limited area with non food stalls?
	Allergies, humans over animals
Family time	
Providing more dog friendly places in Brisbane will encourage adoption of dogs	There should of course be basic rules e.g. all dogs should be on a leash and owners must pick up after them etc. The Council should consider that for many people, dogs are part of the family and the ability to bring a dog may affect their attendance
I also meet interesting people when I take my dogs, people love to interact with them. They are unusual and people stop me to ask about the breed and children like to pet them.	I will not go to the markets if I can't take my dogs. I have breakfast in a cafe, I buy my fruit and vegetables from the market and also dog treats and flowers for my elderly mother, usually \$40-50. This ban has cost stall holders and cafes income.
Our dog is part of the Family for weekend activity's we now go to Jan Powers markets instead of our local market at Cleveland	It needs to look at all other markets in brisbane which allow dogs to see how dogs behave.If they benefit the markets bringing more people and revenue for stall holders? If people do bring unsociable dogs the council should have the power to spot fine
Day trip with dog	Cleveland is a day trip destination for a lot of families which include dogs, banning dogs from public streets and parks seems ludicrous. Will go elsewhere to dog friendly places.
	Moving the stalls out wider so it doesn't get as congested in the middle
	Some children are terrified of dogs
	Dogs are part of the family and it would be nice to have a place to bring them.
	Having water and disinfectant available to help clean up messes
Attracts more people and socialise as dog people stop and talk to each other	All dogs on a lead at all times,
Dog are part of the family. The markets are a family day out.	
	The stall owners encourage it as it is a feel good atmosphere
	Some people might be afraid of dogs, and they get underfoot when you don't pay attention - I once accidentally stepped on a dog at a market because it was so crowded, and I felt horrible.
I think it's crazy to ban dogs from a street where they are normally permitted because there's a market on.	I think governments in Australia have become a nanny state and making decisions for people unnecessarily
Dog is family...	We have a few regulars living in the local area is now unable to get fresh produce as she needs a guide dog to get around!!!!

Q5 (If you answered 'Other' please tell us why)	Q9 (What else does Council need to consider in making this decision? (255 character limit))
	<i>I have never had a problem with dogs at the market, in fact some of them are so adorable I often stop and pat them and chat with the owners, the dogs that come to the market are always well trained and well behaved, I have never had a problem with them.</i>
<i>It helps all the shops owners that are open on Sunday as well as keeping the markets going. A lot of the market stall people, this is there only income and council needs to understand that by saying no to dogs, will kill shops and markets business.</i>	<i>People's lively hood. A lot of stall holders lively hood is on the line &amp; the shop tenants as well. The markets generate a lot of people coming with their dogs &amp; also to buy from the tenants in shops. If council say no to dogs - Goodbye Cleveland!</i>
	<i>The markets will be opened up to more customers with dogs and more dog focused stall holders</i>
	<i>Health and safety of all market users, including mental health</i>
	<i>For most people a dog is part of the family. We no longer frequent the market as we can't take our dog along.</i>
	<i>Owner responsibility. People need to be held accountable for their dogs behaviour so non dog owners are still safe and comfortable</i>
	<i>That it is discrimination against dogs and good dog owners. If there is an issue with a certain dog or owner ban that dog or owner or give them a chance to rectify the issue. One or more bad seed/s should not ruin it for everyone.</i>
<i>Dogs are a part of our lives. Animal exposure has positive impacts on the brain. As a community we need to support companionship and mental health.</i>	<i>Dog water and waste bags availble. A dog friendly cafe area would pool people to one area and have a positive impact</i>
<i>Dogs are apart of our family these days and Sundays should be spent with family. It's a family outing.</i>	
	<i>I think if they were to remove the ban they should have the right to refuse a dog if it is behaving poorly. Though that would be hard to impliment</i>
	<i>Nothing. Leave it how it is.</i>
	<i>If people want to use the dog beach, they may also want to utilise facilities such as the market, it's not appropriate to leave dogs in cars in Qld weather conditions. Also consider Size of dog, dog aggressiveness, hygiene, on leash only</i>
	<i>Dogs are some peoples children.</i>
	<i>Animal welfare. Risk to others safety, those who have a fear of dogs. If the market thoroughfare was not so narrow it would not be such an issue, but not much can be done to change that</i>
	<i>The owners are not controlling their animals and there is a large number of people in a small space</i>
<i>Banning dogs at an outdoor street market is ridiculous. If there are some nuisance dog owners address them, not the responsible dog owners!</i>	<i>We can take our dogs to cafes, a ban in a street market is ridiculous. I actually walked my dog through on Remembrance day and saw dogs at cafes. Was not aware there is a ban. Nothing was said.</i>
<i>Dogs are part of the family. Its nice to go places with them especially open air markets</i>	<i>It's like every other location where dogs can be on lead in tht they are under control of the person holding the lead.</i>
	<i>Too many rules in the council. I would prefer my council \$\$ be spent on officers checking planning applications more carefully to stop Redlands City from turning into a ghetto - thanks!</i>
	<i>Dogs need to be restrained and supervised (like children). There needs to be a mechanism to report and deal with uncontrolled dogs</i>
	<i>Public markets are not places for animals.</i>
	<i>Owners must pick up any meds their dogs make with bags and appropriate bin supplied by council. All dogs regardless of size should be allowed. Even dogs that are required to wear a muzzle should be allowDogs must be on standard leash (not retractable one</i>
	<i>If the markets are to be successful it needs to be easy for people to come, it's beautiful to have a family outing on a Sunday with the kids and my pups! I haven't been since the ban has been in place. It's hurting the stall owners because aren't coming</i>
	<i>That there are many many many dog owners who are voters - don't get a reperation for being dog UNfriendly</i>
	<i>Whether dogs are allowed is a key factor in whether I attend markets - I will avoid ones where I cant take dogs and go to ones that do (such as Manly and numerous northside markets).</i>
<i>To support local businesses such as the dog friendly cafe and stalls on the market that sell dog items</i>	<i>How can dogs be allowed in Cleveland every day apart from the Market? How can dog friendly businesses survive without the dogs being allowed- have you visited the market recently? The numbers have dropped in people attending because of the ban</i>
	<i>Dogs are part of the family. It was great for them to enjoy time with owners being well behaved through the market.</i>
	<i>Dont let the minority of irresponsible dog owners spoil it for the rest of us. Only ever seen well behaved dogs at the market which is now a lot quieter than it used to be because of this ban!</i>
	<i>Dogs should be leashed and under control and of course owners should pick up after them.</i>

Q5 (If you answered 'Other' please tell us why)	Q9 (What else does Council need to consider in making this decision? (255 character limit))
	Limiting areas where dogs and dog owners can go is ridiculous (including Cleveland and Wellington Point). This is why everyone I know goes to Wynnum or other council areas on weekends. We have such a beautiful region but aren't allowed to enjoy it
	People scared of dogs, dogs protecting their space and biting, people who are immunosuppressed can't be near dogs, law suits,
	If we can't take our dogs to Wellington point on weekends and now we can't take them to markets where can we go? My dog is my family and companion. Cleveland's liveability demographic will also age and not progress as young people have no where to go
	The dogs safety is my main concern. I have almost stepped on dogs many times and would hate to cause them harm or death.
	Same rules as walking dogs anywhere in Redlands should apply.
I'm a vet I could tell you 100 other reasons...	
	Owners appear to be oblivious of others safety. Dogs are a very definite trip hazard. Please also consider banning dogs from Twilight markets as well. There are many other places you can take dogs which doesn't interfere with others enjoyment.
We don't like being cooped up in our house day after day and neither do dogs!	
People should be free to do what they want as long as it does not impede on the freedoms of others. In Europe dogs can go pretty much anywhere. Why not we markets?	Ensure there is sufficient water available for the dogs to drink
	Dogs must be on a lead at all times. Responsible dog ownership needs to be enforced. However the dogs are apart of our family and community. It makes our markets look so much better having dogs being a part of our city.
	It is about Safety for all Dogs whether it the Public standing on them especially small dogs and Safety for the Public that may be attacked after someone stands on the foot of a Dog, then there is the heat in Summer.
	I don't see an issue with digs being present if under control
	Look to countries where it works. It's not an issue for responsible owners.
	You will lose a lot of interest by banning dogs. People come during their dog walk.
Makes people talk to each other, we stop walking, have a pat and a chat	
It's a public outdoor space where dogs are allowed at any time so why would the markets be any different to normal council rules i.e. cleaning up after the animal and keeping it on a lead. Aggressive/antisocial dogs should be reported and dealt with.	People have a right to public areas and be safe. Well behaved dogs should not be excluded from these areas if owners are responsible and mindful. Council could increase presence to these events and educate and even recruit volunteer groups to help.
	That dogs are very much part of people family and in some cases for the ederylvthere only companion after losing a loved one we have not been to markets since the ban used to go for brekky every Sunday and fruit and veggies
	must be on a leash
	Banning those five metre retractable leads.
	Dogs are a big part of most families. The markets will lose a lot of business and customers is the ban continues.
	A beautiful Sunday exploring the markets with your companion and family is wonderful. Doesn't seem fair to leave one family member behind because of the new rules.
	The area for the markets are not very big and is already overcrowded, having dogs in the mix is just a disaster in the making
It gives a real family feel to the markets	Length of lead could have been an issue
	Responsible dog ownership, dogs on leads, loss of people attending if no dogs allowed.
That's what we do, go to markets take our dog, no dog I may as well go to Woolworths or coles	No dogs, we don't go to market
	If you allow dogs then there must be a a size limit. Last time we were there some guy had 2 huge great dane cross dogs there. Its a small area with old people .it was ridiculous .
	I have stopped going to markets since ban introduced and now go over to manly instead. It's a pity because I prefer to support local businesses. Friends of mine with dogs have stopped going to the markets.
	Parents with prams can't go to markets if there are dogs everywhere, to hard to push the pram and watch out for dogs so you don't run over them. Its a people market, stallholders are selling human food

Q5 (If you answered 'Other' please tell us why)	Q9 (What else does Council need to consider in making this decision? (255 character limit))
Many people have personal trauma in their lives. Their dog may be their only form of mental security	Redlands should be a community friendly & inclusive environment
	Elderly people get great satisfaction from taking thier dog's out it gives them a sense of protection and it's very good exercise.
	Kids and dogs get caught in leads. I've seen people trip over dogs when crowded in other places. Some vendor specifically have dog free environments for their product manufacture. Do Hair travels in the air. And some people are allergic to dogs.
Dogs attending the markets, which are only open 8am-12.30pm are part of the family. Busy people need to squeeze in family time including with their dogs.	People from all over Brisbane attend the markets because they through that dogs are permitted. It is positive promotion for Cleveland. Cleveland locals want progress for their community.
If dogs are under control there are zero problems for people to be allowed there dogs at the markets.	
Other people's dogs have never bother me doing our Sunday shop.	Don't listen to the few anti-Animal people... usually people that don't like animals are sociopaths
If they're being taken to the markets, they must be good around people. I love patting the dogs at the markets, since I don't get to visit my own puppies very often.	People who are having issues with dogs, usually don't understand dog-etiquette. Especially children, people should be taught how to act around dogs to prevent issues. You wouldn't take a dangerous dog to the markets, so humans are the issue.
Most people have dogs..they are part of our society	there are too many restrictions already on pet owners
	Pets these days are family members, as long as owners are responsible there should be no reason why dogs are not allowed.
	It is an important social outing for older residents who are dog owners and their pet is their family
	There is no need to have dogs at the markets pooping and weeding everywhere. There will be dog fights and people bitten by dogs if many dogs are in the same vicinity. Many people have blinders on when it comes to dog behaviour.
	That limiting dogs at the markets may be contributing to the downfall of the general economy in cleveland in general
Interaction with other people. People regularly talk to me when I have my digs with me. They sometimes talk to me about their pets and sometimes they ask if their children can pat my dogs. Wthout them, nobody would talk to me.	
	I love dogs, but Unfortunately I have witnessed a minority of pet owners with large breeds who allow their pets to get up way to close to the food stalls and personal food purchases.
	Owners responsibility
	Dog waste bags and bins- water access. Such a pity council can't see how wonderful it is that we are able to have our animals with us when we go out. Hoping for a change to this decision
	outdoor area is free for all. for peoplexwho do not like dogs basically every other shop, stall ect in this council are for them. Why should all rules for all spaces be based on 1 minority.
	If the complaints are REALLY genuine issues. People complain about everything these days, and for the most part dogs are more well behaved than most humans.
	People often come from Sunday exercise/activities with their dog and a trip to the market to support small businesses would be adversely affected for those "out and about" with their dogs. The complaint/actions of a few should not penalize the majority.
	Just because the existing law has not been applied until now doesn't mean it should be abolished. People might park illegally for a long time, but they eventually get booked . The parking rules don't get altered.
Fits with Sunday morning routine	Short lead, within 1m of owner maximum
	People go out on Sunday to walk their dogs and hopefully will buy from the market.
	Space at the markets
	Nothing! Why did you do it in the first place? It's 2018 for goodness sake!
	Doggy bags. Water drink bowl areas.
Its getting dogs and other people to talk to each other. You make new friends	The older citizens of the area. Is the only time they mix and talk to other people. Some times it is the only time vthey mix which is great for them dont take that away from them and ithers.
	That people love dogs and it is just the stick up people who don't want them at the markets
	Dogs are companions owners are and should be held responsible

Q5 (If you answered 'Other' please tell us why)	Q9 (What else does Council need to consider in making this decision? (255 character limit))
	Potential shoppers who are out and about with their dogs will not visit market if dogs are prohibited.
	Maybe could trial it to see if people pick up after their dogs or just in general give it a trial and see how it goes
Common sense	When I get a dog I would stop going to the markets because I wouldn't be able to bring him on a walk there
Many people work long hours and weekends are family time. This includes all members of the family.	The fact that most markets do allow dogs so many dog owners will just choose to go elsewhere which is detrimental to the stall holders
	Fine owners who do not clean up after their dogs, but why penalise everyone for the actions of a few?
Some people need assistance dogs	Ensure dogs are on a leash and facilities for disposing of doggy droppings
	People have well trained dogs and should be responsible to take dog waste.
	Safety of children
	I have witnessed dogs slavering on the fresh fruit and vegetables numerous times. Owners say it is "cute" and "he must be hungry." I won't be buying from that stall
I take my dog with me most places and did go to the market but have stopped. I now travel to manly markets that allow dogs. The ban restricts an opportunity I have for social interaction in my local area which is important for me as I live alone.	Council needs to consider what process will be in place and how they will enforce it if there is an irresponsible dog owner rather than a blanket ban. I can't be the only person who has stopped going so the market could become unviable and cease.
	For too long the noisy minority has held sway with RCC
	On lead only
A market place brings communities together, responsible dog owners are part of our community, so don't make it harder for people to congregate	Large fines for irresponsible dog owners
	We should be encouraging people to get their fur baby out with them not making it harder! More dog friendly places, more socialised dogs, less nuisance behaviour!!
	I am not a dog owner but I don't dislike dogs. I just think dogs need not attend the markets with their owners. Its not necessary and is hazadous to older people. Ive almost fallen over a dog in the way. They can be walked somewhere else later.
A feeling of community, we can take our dogs to share the day as a family..it brings love and laughter and even a smile on those faces who don't have family	Nothing, Qld needs to stop being a Police State. We need to lighten up and stop letting the 2% of no hoppers ruin it for the rest of us. I am a Dog Trainer & I enjoyed being able to take Service, Assistance, PTSD & Therapy dogs through the markets
	Childrens safety is a priority. Most dog attacks happen with the family dog!
	Dogs around food and places people are trying to eat is disgusting! Plenty of parks and beaches these owners can take their dogs to enjoy.
	Some people just don't like dogs! Eat street allows them! The people that complain are the people that have nothing better to do with their time. Fine owners doing the wrong thing.
All the above and to enrich the market experience for all	By penalising your rate payers to enjoy the markets with their dogs is just going to deplete your customer base for the stall holders. I don't take my dog because she gets car sick. I don't have a stall but a family member does, we like the dogs..
	Being able to bring your dog to the markets will bring more shoppers who happen to be out walking their dog
	Banning dogs is a step backwards. In Europe dogs are allowed everywhere. Public transport, Cafes, Department Stores, but we still have a long way to come. Now, I wouldn't take my dog to a market which is hot and crowded , but it shouldn't be banned.
	Not everyone likes dogs! It's bad enough that we now have to share cafes with dogs, with dog owners feeling to need to bring their dogs to breakfast and lunch. The Sunday markets get very crowded and we don't need dogs to trip over.
	The markets are provided for people not dogs. It needs to be a clean, safe and family friendly space. I have owned dogs for years and am a dog lover but this is not the time nor place for dogs. They are often frightened by the noise and peo0le as well.
Part of the family don't want to leave at home. If behaved and on a lead with responsible owners then why not?	Being aware of public nuisance. Owner responsible and dog behaving then no problem. No viscous dogs obviously. Make a rule for dogs to be muzzled to make it fair
	Potential allergic reactions, fears people may have of dogs or particular breeds. Any number of things. Markets are for people. Take the dog to the park.
	All the dogs I see in Cleveland are well managed in public areas.
Lovely for people to bring their dogs, enjoy a walk around the markets and breakfast.	Other markets (eg Jan Powers) always have allowed dogs. I have just returned from Melbourne where, in some places, well behaved dogs are allowed in shops. I can't believe we are still having to have this discussion.

Q5 (If you answered 'Other' please tell us why)	Q9 (What else does Council need to consider in making this decision? (255 character limit))
Our dog is always on lead and never bothers anyone -we are responsible dog owners	By all means allow conditional entry such as on lead and clean up etc.
Benefits Redlands by attracting people to get out.	Monitor dog and owner behaviour, review public opinion occasionally The last time council banned dogs it had a detrimental effect on the markets. Dogs cause no issues.
	I drive from north side for these markets seeing friends occasionally and I love bringing The amount of current dog bans throughout Brisbane is making it increasingly difficult to find dog friendly places. As long as they're well behaved and friendly.
	People want their dogs with them on the weekends. If there's a ban less people will attend your markets.
No bans in other markets. Dog owners should be able to access other shops and cafes on the street	The impact on the markets and shops/cafes on this street. They belong at home not around food etc.. Yuk
To assist the traders and be same as surrounding councils	Traders business will be affected both market and shops if less people encouraged to attend .it is not meeting community need ,most people own dogs and if Redlands ban them then they will visit markets in surrounding areas. This divides community Will stop visiting if dogs not allowed Business growth and community opinions
	If you are going to ban dogs - then have clear portable signs around the markets. I had no clue that this was even a rule. I choose not to take my dog to the market but if I was in the area with my dog then I would like to be able to walk down Bloomfield
	Dogs to be leashed. Owners to clean up after dogs. Dogs to remain outside of stalls.
People can interact with dogs if they don't have one.	On leash is best. Where the dogs will toilet whilst visiting the markets. How dogs in crowded spaces will be fearful for young children. That people are eating at the market and dogs will also want the food. During the summer it is hot, dogs will need a drink. Obviously dogs need to be on a lead and owners have to pick up after them or they are fined.
Dogs are part of the family. Also, it's an outside activity.	I realise that Council is concerned about getting sued if there are issues. Isn't it Council's job to find a way to make it safer, to mitigate the risks?
People have enough rules to live by. This rule only prevents customers spending their weekends in our community. If we are to grow as a community we can not dictate who shall be allowed in. These people complaining are selfish. That's not a community.	Consider all walks of life. Pets are apart of us. They support us. People should be able to be with their pets. Let them enjoy our community as well. Safety
	Times have changed and dogs are more like a family member now and go everywhere with their owners
	Properly enforcing, ive encountered awful dog owners in Redlands who don't care for rules nor care about the disruption their dogs cause. I love dogs but some owners are awful and aggressive, yes I've encountered many times with my dogs been attacked. Dogs must be on a lead and it would be nice if rest areas had water available for dogs. Owners are responsible for removing any dog waste.
Humans don't own the world. Why do dogs have no rights?	
Locals should be able to walk there with dogs. The markets need all the people they can get. Dogs should be on a short leash only.	People should have clear instruction dogs on a very short leash due to width of walkway and keeping them away from people who dislike dogs. Also no allowed in the kids play area. The area can also benefit from more and clear bike racks for casual riders. Council need to consider that dogs in general make people happy, it brings a smile to most peoples faces, other dog owners or not dog owners. It will also encourage more people to get out with their dogs and more people means more happy market holders. People w/ dogs generally like to spend their wkend taking their furry friends out & about... as a change to the monotony of the working wk. Dogs calm people, reduce anxiety in humans...& help People to socialise and bring communities together...
They're a part of our families and we like to take them wherever we can!	Currently I don't go as often as I would like as I like to get out on a Sunday morning to be active and currently we can't come to cleveland markets. It can get crowded at the markets so safety for people and stall owners should come first not putting dog owners first. No only dogs but all domestic animals It is not necessary to take your dog to the market. It is crowded enough as it is. Dogs must be leashed, and cleaned up after
People are more likely to attend the markets if they can take their dogs	The markets and Cleveland shopping district are dying / already dead. Council needs to catch up with what people want

Q5 (If you answered 'Other' please tell us why)	Q9 (What else does Council need to consider in making this decision? (255 character limit))
	Not all children like dogs and this is one place now that a family can have an enjoyable day out without the terrified screaming associated with dogs. Take them to the park people.
	You would most likely see more people attend the markets if they knew they could take their dogs for a stroll with them. Manly markets don't have a ban and there are a lot of people with dogs that go there on a weekend.
	People and animals in close proximity in a small environment will cause problems. I for one like to go to markets without having to worry about other peoples dogs getting in my personal space
Dogs are allowed every other day so why should this be different. Promoting the markets as dog friendly you bring the family go to the markets have lunch or coffee take family and dog to the park.	May be look at a stroller parking area at the start and end of the markets so market goers are not getting hit in the back of the legs with strollers all the time. They could be just walk throug markets.
	It's an established part of the markets. Taking the dogs away would make it feel less like a community.
	As there are more food stalls enjoying business there it is not really "Food-Safe" to have dogs at the markets, Yesterday (24/11/2018) I witnessed a dog poking its nose into a stand that had fresh bread items on it and the owners could not care .
	They have fallen behind the times, it is quite common to see water bowls put out for pets when walking different suburbs
To socialize dogs and people	
	If you want to increase tourism to the area, you need to allow travelers to bring their dogs. A lot of people travel with their dogs.
	I love dogs but there is no place for them at the market. Even though they are on a leash, they can be unpredictable and change direction causing a tripping hazard to some people.
	The cafes and shops along Bloomfield who business has been affected by the ban.
	We need to support the markets not drive people away. I courage people to bring them to help boost numbers
Because why not	
	Less attendance due to people not being able to include their pets in their Sunday outing
	Think off all the dog poo!
	Keep dog on leash and pick up poo
Having a dog as a pet is a very Australian thing to do, not allowing dogs to an open air market is in australian.	
	Not everyone is a dog lover ! It's a nuisance
	I travel in my campervan all over Australia with my dog and dogs are allowed at markets everywhere. They are part of a Sunday family outing. How archaic is this ban!
	Maybe have dogs before or after a certain time, I dont go as some of the dogs I have seen there have been aggressive and it isnt nice
	All dogs I have seen when visiting the markets have been well behaved and in a leash. No problem
Cleveland has always been dog friendly. Many elderly and families walk their dogs to the markets.	No dogs + no people = no markets and not community Water available for dogs
Tourism	
	Size of dog could be restricted to dogs under 15 kgs.
Don't like leaving our dog at home, she comes everywhere with us.	The dogs need to be trained and on a lead.
	Dogs r better than humans!
	people have dogs for companionship, and should be able to take their dogs with them.
positive atmosphere	
	Listen to your constituents
	Cleveland markets is one of the only markets that don't allow dogs. People aren't attending the Cleveland markets because their dogs aren't allowed. Shouldn't the council be encouraging people to go the markets.
	Ongoing support of local businesses in the Cleveland business district
	We are a equal opportunity City, not full of fuddy daddies.
	We are a equal opportunity City, not full of fuddy daddies.
	I don't go to the market because it's not dog friendly



Q5 (If you answered 'Other' please tell us why)	Q9 (What else does Council need to consider in making this decision? (255 character limit))
	<i>Eumundi Markets, the largest market in the Southern Hemisphere allows them.</i>
	<i>I haven't been to the markets since they were banned and I won't go again if I can't take my dogs</i>
	<i>We need to stop legislating for the 1-2% of issues in this country. We pander to the minority and not the majority!</i>
	<i>While I support the right to dog owners to socialise with their canine companions, it is important that dog owners consider the rights and obligations of other people attending the markets..</i>
	<i>We went here to support local businesses but now we go elsewhere the Manly markets welcomes dogs we want people to visit our beautiful city not leave it for another place</i>
	<i>Residents like myself avoid going to the Sunday markets now and will walk our dogs somewhere else. This seems a punishment on the stall owners.</i>
<i>Nice to see them and all the ones I've seen are well behaved</i>	
<i>Dog rights</i>	
<i>Dogs are family and this is a family market</i>	<i>Move with the times and let responsible owners make their own choices</i>
<i>A number of people love patting our dog. He brings a lot of people joy</i>	<i>Dogs have never caused an incident</i>
	<i>By not allowing dogs you are restricting places that people can go when they have their dogs with them. In Europe dogs are allowed virtually everywhere with their owners. Dogs are part of people's families. Cleveland should be family friendly.</i>
<i>Community feel and friendship</i>	<i>Leads are a must owners must be held responsible</i>
	<i>It's a public street</i>
<i>Allows me to shop local &amp; enjoy breakfast or coffee with friends who also have dogs who are well behaved and trained.</i>	<i>Dogs act as catalysts for humans to engage with others. Walking has health, social and mental benefits for humans &amp; in turn walking in public places helps socialise dogs. Gives me great pleasure that Dante brings joy to children, elderly &amp; disabled.</i>
	<i>If a dog lashes out at a market, fine the owner. Don't take it out on the animal.</i>
<i>Convenience - I go to the market on the way home from work</i>	<i>City is renowned for being pet friendly. and if there is issues it should be dealt with on an individual basis. Most pet owners who take dogs to the market are responsible. Maybe post some information about the nature of the complaints and guidelines</i>
	<i>Ridicule that which is ridiculous. I have an assistance dog and was discriminated by a restaurant in 2016 and one of your health and safety officers Donna Chatworth I allege was supportive of refusal! This shows councils attitude to hatred of dogs.</i>
<i>To help increase amount of trade at the markets</i>	<i>There are many other options for markets that allow dogs so many people will just go elsewhere. Cleveland would be a ghost town on weekends should these markets fail.</i>
<i>we visit attractions as a family with our 2 kids and our medium sized dog..</i>	<i>if dogs are on a leash and under control why aren't they allowed at the markets. i think having big intimidating dogs in enclosed public places needs further thought but i can't see the problem of a small or medium sized family pet..</i>
<i>we visit attractions as a family with our 2 kids and our medium sized dog..</i>	<i>if dogs are on a leash and under control why aren't they allowed at the markets. i think having big intimidating dogs in enclosed public places needs further thought but i can't see the problem of a small or medium sized family pet..</i>
	<i>I don't go to the Cleveland markets because I can't take my dog</i>
<i>I want to be able to bring my dog wherever I go!</i>	
	<i>I have been going to the markets for many years and have never seen any problems with dogs there.</i>
<i>Dogs are better behaved than some kids there</i>	
	<i>was there any trouble at the recent paws in the park ?</i>
	<i>Move into this century people bring dogs everywhere these days</i>
<i>There may be the odd mishap initially, but dogs are part of life. Society needs to return to its previously more resilient form.</i>	<i>Policy on handling dog attack. Notices about responsible pet management &amp; signs at the markets to ensure vulnerable members of society are protected. Uncontrolled and aggressive dogs should be excluded.</i>
	<i>Dogs should be on leash and under control at all times</i>
	<i>I have seen dogs snarl at each other around young children, and a tripping hazard. Why take them on hot pavement. Selfish owners.</i>
	<i>Dogs should not be allowed as I have witnessed a dog defecating while I was eating at another venue and it is disgusting.</i>
	<i>Dogs can be a safety hazard with elderly people. It's extremely annoying when dogs bark also. I don't think it necessary they go to a public food area.</i>
<i>It is 2018. Get with it.</i>	<i>The livelihood of the market stall owners</i>

Q5 (If you answered 'Other' please tell us why)	Q9 (What else does Council need to consider in making this decision? (255 character limit))
	IF children are allowed, then so should dogs. Dogs are usually better behaved and dont scream and run everywhere. If you ban fur babies, then you should also ban children and babies.
	Can be very crowded so safety important consideration. I do not like buying food with animals nearby.
	Smells and droppings near food
	Maybe limit dog type. No dangerous types. Have on a lead. Etc
Inclusiveness	
It's a lovely part of the market. We are unable to have a dog so it's great to have the opportunity to meet some dogs and for my children to have exposure to them.	It's a part of the market that shouldn't be stopped. My children absolutely love meeting all the dogs at the market as we don't have one ourselves.
To go out as a family	
Why should the laws be different on this street compared to any other. Irresponsible dog owners should not spoil it for the majority.	Dog owners don't complain when people come up and pat their dogs, why are people complaining? What % are complaining? Is this a minority's opinion punishing the majority. Is this a knee jerk reaction to a few irresponsible individuals
If you are already walking them, not being able to go through the market is frustrating because you don't get to enjoy it. Also that takes away business from stall owners.	
	Dogs are part of the family and should be allowed to go to the markets. Its up to the owners to make sure they are on leads and well controlled.
	Dogs bring immense joy to the majority of people. Kids love to see dogs. Dogs on leads with responsible owners add to the wonderful atmosphere and dogs love it too.
	Listen to the public and be realistic stop try to push people away from the redlands
They are part of the family.	Council prohibits everything. Dogs makes your live better just to see it makes you happy.
	Provision of poo bags would be good too
Animals are a part of our community. I don't like how the council is making everything sterile and lifeless	
	Chikdren should be banned as well. Most dogs are better behaved than children, I have to listen to kids scream incessantly & run in front of me at the markets. Parents are rarely friendly, people with dogs always give & receive smiles. Ban kids as well.
	Families travelling from other areas of Brisbane to spend a day at Cleveland, may have their pets with them. Banning dogs may mean discouraging those visitors to enjoy the markets.
	Who has made complaints? Are they dog owners, are they a minority who attend the markets, what is the reason behind the complaints?
	The fact that most dogs are very well be ved, my son loves to see dogs out and about. I am sure there are a minority that are not well behaved at all, but how do they learn if not given the opportunity. Could we ban misbehaved children also?
	what they need to consider is the some dogs are there fur children, in Europe pets go everywhere with there owners.
	In this day and age dogs are part of the family, so a trip to the markets should allow for man's best friend to come along. Eat Street and plenty of other markets allow it so why doesn't Cleveland.
	I visited the markets last month for the first time (with my dog). No stall holder informed me of the prohibition. Instead they welcomed my dog & I spent \$60 impulsively. I was later advised if the prohibition and have since not returned.
	Sadly there are many poor dog owners out there who raise badly behaved dogs or dont control them properly in public and there are people that may be afraid of dogs to consider in spaces like this. There are ample dog parks for dog owners to take them.
	Having dogs at the market is a positive thing. It's lovely to meet the dogs and watch them socialising.
	i dont go to the markets anymore now that i cant take my cavilliers king charles
It's a community which includes dog owners. Let's not be a nanny state	
A general outing	Possibly just ensure dogs are on leash
It is a public street and as long as they are on a leash and not aggressive then the owner has the right to walk them there.	That it is a public street that we pay taxes and rego on and as long as the owners of the dogs are following the rules of leash, behaviour and poop removal then they have every right to be there.
	RCC need to allow dogs at the markets but ensure dog owners are aware of the ramifications if their dog causes problems. More ranger market patrols and zero tolerance enforcement of dog laws.

Q5 (If you answered 'Other' please tell us why)	Q9 (What else does Council need to consider in making this decision? (255 character limit))
	Dogs are always welcome at markets everywhere!! Why is Cleveland any different ???
	Not being able to take my dog to the market will effect how often I go and feel I believe people travel from outside Redlands to bring there Dogs too. Respectfully I do believe in good practice of dog restraints and a short lead is a must.
	Don't punish the many if the few are dping the wrong thing. If someone does not control their dog they should face the consequences. My friends, family and i will go to the Manly Markets till the ban is lifted.
	It's a small area really, I walk my dog and there are lots of places to take your dog, just leave the markets to the non furry residents please .
	Also I don't like eating or having coffee with dogs. Not the place for them
	Owners should clean and keep an eye on their dogs always. Even if the dog had pee, the owner should have clean water to dilute or clean the urine. Try to copy some legislations from countries were dogs are even allowed in shopping centres.
	Dogs must all be on leads at all times
	There is no such thing as bad dogs, only bad owners.
	To support stall holders and dwindling numbers since reinforcing this ban
	We often seek out places that we can go with our dog! By allowing dogs to visit the market with their owners it encourages and attracts a wide range of visitors to the city. It creates a more social environment with people meeting and interacting.
Human socialising	Responsible dog owner management
I believe dogs are good for young children to learn how to deal with animals. I think it brings people together	I think the markets are suffering due to the current ban.
Dogs are often part of family weekends and their outings. No dogs stops these people attending if they've travelled to markets.	That visitors have often come from outside Redlands with their dogs. If banned, they can no longer include the markets in their day out.
	It encourages people to get active and social. People are more likely to walk if they have their dogs with them than to drive and thereby having a knock-on effect (improvement) to parking congestion
To help non dog owners see how wonderful well socialised dogs are	Legal ramifications of damage/injury caused due to dogs being there
	What the majority of the communities opinion is.
They are family	Rubbish bins
	Signage and instructions for conditions of entry regarding dog behaviour, on leash, clean up after your animal etc.
	Impacts on number of attendees at the market
	We stopped going to the markets. People go for breakfast & take their well-behaved dog & then go to markets. My dog behaves better than many children... Consider problem for tourists too.
	Dogs should not be at the markets as some of them are quite large, so people have two dogs and it doesn't take much to start a dog fight and being not so stable on my feet as I am elderly I could very easily be knocked over and hurt .
	Dogs should be on leash at all times, and if not well behaved, should not be brought - onus is on the owner to do this. If there is any bad behaviour, they can then be "banned" from attending.
Also encourages people to socialize	
We have a right	Making sure that the dog parks are free of bates that people leave
Dogs are allowed at other Sunday markets in Brisbane	I had been to the markets since the issue was raised and there were threats of fines. I did go two weeks ago and found the markets a lot quieter than they normally would be.
	Perhaps the council should consider banning the children, the elderly and physically and mentally handicapped from the markets, as they hinder the ability of the majority to move around the markets.
If I go to the markets to buy something for my dog eg a collar or dog coat I would like to be able to try it on to make sure i get the right size.	Council needs to consider dog & people safety so in respect of this dogs should only be allowed at the markets on leash so that they are under their owners control at all times.
	Disability support animals should be allowed Patrons not comfortable against the risk of a random dog attack Trip and tangle hazards from leads in a crowded area Trauma caused by witnessing fights/attacks Legal Only fair to ban all not some dog breeds
	(Cleveland Market Submission)
	(Cleveland Market Submission)
	(Cleveland Market Submission) Make Bloomfield Street a dog free area

Q5 (If you answered 'Other' please tell us why)	Q9 (What else does Council need to consider in making this decision? (255 character limit))
	(Cleveland Market Submission) Dogs should be muzzled if here, Council approved muzzled
	(Cleveland Market Submission) The care for the dogs
	(Cleveland Market Submission)
	(Cleveland Market Submission)
	(Cleveland Market Submission) Hygiene - Dogs licking food
	(Cleveland Market Submission) peeing on stall, injuries
	(Cleveland Market Submission) Hazardous, peeing - hygiene with dogs at table
	(Cleveland Market Submission) Hazardous. Not everyone responsible
	(Cleveland Market Submission) Trip Hazard, Too Hot
	(Cleveland Market Submission) Better places to take dogs
	Just don't think the markets is the place for dogs
	(Cleveland Market Submission)
	(Cleveland Market Submission)
	Use to be dog owner
	Cant discriminate agains big dogs and they are a big problem. just too many dogs is not healthy and not controlled
	(Cleveland Market Submission)
	(Cleveland Market Submission) Dogs pee on my stall. Bigger signs
	(Cleveland Market Submission)
	(Cleveland Market Submission)
	(Cleveland Markets Submission) Nothing. Dogs are a big part of the family maybe hae doggie bags available and water
They are part of the family and they are part of my family	Type of dog
	(Cleveland Market Submission) Small dogs only. Fantastic socialising - professional handler used to comer here to get dogs used to crowds. (Airforce Dogs).
	(Cleveland Market Submission) - as long as they are on a lead and dog/child friendly. Penalties should apply to those owners who's dogs are not registered with the Council and this should be part of the requirements to bring a dog to the markets.
	(Cleveland Market Submission) Dog owner but don't bring it. Short leash is important
Community Orientation - Dogs/pets are family	(Cleveland Markets Submission) - Small dogs = no problem; larger dogs = muzzled for safety of the community and children
	(Cleveland Markets Submission) - Muzzled
encourage more people to attend the markets	(Cleveland Markets Submission) - perhaps making a section where dogs are prohibited i.e. food stalls?
companionship is important to the elderly. I have lost customers, lost about 10-20% in takings!	(Cleveland Market Submission) - maybe consider dogs only during certain hours? cooler in the morning
Dogs are an imprtant part of peoples lives and it helps some poeple to be able to enjoy the markets. some people wouldn't come otherwise.	(Cleveland Markets Submission) - commonsense - responsible dog owners - no issues
Under strict supervision	(Cleveland Market Submission) - owners to understand liability - signs no adequate - people who have come from obedience class to show a certificate - Council checking vaccination certifiat, not just tittle test - education, leaflets, dog trainers educate
	(Cleveland Markets Submission) - Responsible ownership going to be a key factor. Adds to sense of community - part of the family
	(Cleveland Market Submission) - as long as under control by a responsible owner
	(Cleveland Markets Submission) - if responsible owners
	(Cleveland Markets Submission) - as long as under control. We don't bring ours.
	(Cleveland Markets Submission) - As long as under control
As long as under control	(Cleveland Markets Submission) - was a dog owner in the past
Convenience	(Cleveland Markets Submission) - dogs on lead and under control
	(Cleveland Markets Submission) - as long as they look after them not a problem
as long as controled by owners	(Cleveland Markets Submission)
All of the above - dogs help the market atmosphere	(Cleveland Market Submission) - if on leash fine
	(Cleveland Markets Submission) - making sure it has a lead on
Because dogs are part of the family	(Cleveland Markets Submission) - to make sure all dogs are on a lead

Q5 (If you answered 'Other' please tell us why)	Q9 (What else does Council need to consider in making this decision? (255 character limit))
	(Cleveland Markets Submission) - as long as on leash. Never seen any problems
	(Cleveland Markets Submission) - as long as on leash - never seen any incidents
	(Cleveland Markets Submission) - if on leash fine. Atmosphere
	(Cleveland Markets Submission) - as long as on leash - atmosphere - hope for responsible behaviours - owners should exercise common sense like all walks of life
	(Cleveland Markets Submission) - so long as dogs are on leash and under control they should be allowed
as long as on lead	(Cleveland Markets Submission) -
	(Cleveland Markets Submission) - make sure they have a muzzle or kept close on leash
	(Cleveland Markets Submission) - nice Sunday experience - as long as under control
Cos dogs are good	(Cleveland Markets Submission)
	(Cleveland Markets Submission) - am not going anymore due to dog exclusion. Public opinion
Atmosphere, its the reson I travel from 4207 to here	(Cleveland Markets Submission) -
Great social interaction with the community	(Cleveland Markets Submission)
keeping people happy - children pat my small dogs all the time	(Cleveland Markets Submission) - requirements of the need for per companions
	(Cleveland Markets Submission) -
	(Cleveland Markets Submission)
They ar part of the community	(Cleveland Markets Submission) - dogs have never caused a problem at the markets
Better behaved than many kids	(Cleveland Markets Submission) - more leash free areas to walk with dogs
	(Cleveland Markets Submission) -
Part of the family	(Cleveland Markets Submission)
	(Cleveland Markets Submission)
	(Cleveland Markets Submissions) -
Socialising with other people. With no dogs people will go to other markets instead	(Cleveland Markets Submission) - that cleveland markets will lose business with dog ban
	(Cleveland Markets Submission)
Attract more people with pets to come to the markets	(Cleveland Markets Submission) - a little place for dogs to meet
	(Cleveland Markets Submission) -
	(Cleveland Markets Submission)
	(Cleveland Markets Submission)
	(Cleveland Markets Submission) -
	(Cleveland Markets Submission) - part of the markets
	Don't bow to the dog owners just because the pro-dog lobby use sob stories justifying why people should bring dogs; markets & cafes.
So many people use the market as a Sunday morning walk with the dog, and purchase fresh produce. Kids have a pat people stop and chat. It's part of the community feel the Cleveland markets is popular. Every one is welcome. Don't kill off a good thing	What can the council also do to improve the markets experience. Clean toilets. There has been improvement over the last 12 months, Thankyou, but still not something to be able to be proud of when promoting the place Leash constraints etc.
Promotes a community spirit when people get together and can converse about their dogs	If safety is a concern then other means could mitigate this issue, eg. A muzzle as a requirement Dogs are part of families. It's nice to be able to walk the markets on a Sunday morning with your dog. There's not many places we can do this Safety of people. It's not just the dog biting but their leads get tangled around legs. Can you ban prams as well, they are more dangerous. I had my heels run into far to many times. Dogs should be on a leash and owners forbidden if dogs are aggressive. People will stop coming if they can't bring their dogs Dog bite risk with small children and adults. Gets very busy and dogs become frightened when surrounded by many legs, other dogs and noise. I personally have had a dog lead wrap around my legs and almost trip me over. It's just a nice morning for family outing and to socialise dog, who is on a lead and well behaved, don't go as much now can't take dog

Q5 (If you answered 'Other' please tell us why)	Q9 (What else does Council need to consider in making this decision? (255 character limit))
<i>Service dogs, companion dogs.</i>	<i>Providing water stations and poo bags and enforce on unruly dogs and owners and set a lead size limit</i>
	<i>Dogs on lead that are sociable and well trained should be ok.</i>
	<i>Dog owners have no idea in handling there dogs where young children and older persons are there leads are to long and need to just think. If I had a dog this is the last place I would take my dog.</i>
	<i>Small children can fear dogs. I have seen this happen.</i>
	<i>Responsible pet owners. Just because a few are not doing the right thing doesn't mean they all are. Just crack down on those doing the wrong thing</i>
	<i>Cleveland township is tired and sleepy. You should be encouraging people to spend money and time in their community. This will turn people away to more inclusive markets and cafes.</i>
<i>This is Australia</i>	
	<i>Dogs on leads are at the same height as children &amp; toddlers in strollers. Also nothing worse than trying to dodge dogs on leads.</i>
	<i>Safety of small children. Impossibility of removing all faeces from footpath even if you try. Animals and food stalls do not mix. Some people fear dogs. This is a public space where all should feel safe.</i>
	<i>The owner of the dog must know their dog characteristics, they must be aware of there dogs behaviour and remove themselves if there dog is feeling threatened.</i>
	<i>People work during the week. They want to be able to take their dogs out on the weekend and spend time with them as well as completely tasks they need to</i>
	<i>Have there been incidents of aggressive or poorly behaved dogs? has there been dogs messing in the street? Has a dog damaged a stall ?</i>
	<i>Make poo bags available</i>
	<i>Dog should be on short leash and controlled at all times.</i>
	<i>We walk in with our family and dog every sunday, we have not done it since the ban.</i>
<i>Well behaved dogs and owners should be welcome</i>	<i>On the spot fines for irresponsible owners, eg. Not picking up waste, keeping a dog causing trouble in the market.</i>
<i>Sundays are family days, dogs are family! With so many businesses closed in Bloomfield St, we need all the people to support local businesses that we can!</i>	<i>People need places where they can go with their dogs, if not Cleveland, they'll go elsewhere. We love walking our dogs into Cleveland central on a Sunday morning. Of course, dog owners must be responsible.</i>
	<i>Maybe introduce a dog free time period for people who have a k9 phobia or simply don't like dogs.</i>
	<i>Possibly limit the time dogs are allowed , this will help both parties, dog lovers and non dog lovers</i>
	<i>This should be a confidential survey.</i>
	<i>I dont have a dog, but I dont see why you cant take your dog to the market, as long it is on a lead and kept under control</i>
<i>They are part of the family and its supposed to be a family friendly event</i>	
	<i>Don't make us an over regulated nanny community. There's too much of that thinking. It's becoming a burden on our community cohesiveness.</i>
	<i>Many of us are responsible dog owners and we train our dogs to be friendly and social.</i>
	<i>Dogs allowed early. I.E before 8:30am</i>
	<i>1) Retractable leashes do not mean you are in control of your dog 2) have witnessed a dog lunge at the face of a child in a stroller 3) trip hazards with the leads 4) most people are not educated in reading a dogs behaviour to safely assess a situation</i>
	<i>Dogs love a day out and they bring joy to lives!</i>
	<i>Just because people have pets dosnt mean they should be allowed in crowded places where food is sold.</i>
	<i>People going elsewhere</i>
<i>I don't have a dog but I like the relaxed atmosphere and having them around!</i>	<i>Please ensure doggy doo bags area available in the CBD.</i>
	<i>common sense would help</i>
	<i>How much loss of business stall holders will expect if bans are put in place. Muzzling larger dogs</i>
	<i>Dogs and people can learn to socialise and it it better for the community maybe the council could provide dog disposal units for dog droppings</i>
	<i>Enjoyment of non dog owners</i>
	<i>Manly doesn't seem to have a problem.</i>
<i>Because if I want to take my dog to the Main Street of Cleveland I should be allowed to.</i>	

Q5 (If you answered 'Other' please tell us why)	Q9 (What else does Council need to consider in making this decision? (255 character limit))
	One attack on a child or baby will be one too many
	Happy people with happy figs create happy society
	How about dealing with irresponsible pet owners on a case by case basis as apposed to banning all dogs?
Dogs become apart of your family	Rules and regulations around it. Always on leash. People need to be responsible pet owners and take responsibility for the actions of their dogs.
	That not all pet owners are responsible and it only takes one bad one to cause a lot of damage
	Dogs are often cobsidered family members
	The markets get crowded and dogs on a leash are a safety hazard
The stalls are on the ground, they are normally on stalls or in vans where dogs can't get to, As your dog has to be on a lead, and the lead is a restraint, it should make no difference as to whether they are there, as the owner has control.	the animals are extremely important to their owners. Yet the bad owners taint the passage for the good ones. If the markets are on during the day, in the summer not many owners would cause the stress to their dogs by bringing them out in the heat
	Well behaved dogs are wonderful but it is far too hard to differentiate between the two. Dogs do not need to be at the markets
My dog is 16 years old and frets when he is not with me, I am nearly 78 and I love going to the Cleveland markets and surrounding shops with my friends	As long as the dog is on a lead and any waste picked up, I think there should be very strict rules about this. Council could provide drinking fountains with a lower drinking dish for dogs like they have on Wynnum/Manly foreshore.
All of the above+ encourages community participation with the full family.	Ensuring dogs are on leashes. A dog friendly area with water perhaps?
	Do not ban dogs because a few snotty nosed individuals have a problem with enjoying the company of a canine friend whether is their's or someone elses.
Having dogs there make for a friendlier vibe about the market. There are so few dog friendly events/places these days and it's a shame.	
	The hot road is not good for the dogs to walk on and those retractable leads are a trip hazard.
	People have allergy to dogs. A child cannot should not be unsupervised at home. A dog can be left home unsupervised. If people want to have dogs. Have the markets near a dog park.
	I've seen examples of very dog friendly locales (mostly in NSW) and the interaction between dogs and people is great. This includes dogs sitting under tables at cafes. It is good for the animals and creates a nice atmosphere.
	Keep them on a leash.
	You will need signs to inform dog owners of their responsibilities. Including damage done by dogs.
	Fine people that aren't obeying the rules
	I have no problems with a well mannered dog being at the markets. Usually people are responsible and know if their dogs are good in public. I don't think we need council putting a blanket ban on all dogs.
	The council need to consider that because of a few doesn't mean all. Not a dig owner myself I love seeing dogs being part of our community and seeing them socialising. It would be a shame if this law is passed.
I take my dog everywhere and it would be a shame not too I like dogs. My son goes to the markets to see dogs.	I have never come across a disruptive dog at the markets. I am there every week from 6:30am.
I answered other because there are tens of thousands of reasons to oppose unnecessary impoundments on social freedoms to satisfy vocal minorities, that you have failed to list. There are already so many places dogs are banned for frivolous reasons.	Impingment of social freedoms is not ok. Where is the line drawn. Unless there is a significant incident and Substantial demonstrated evidence of a real problem, council should not act AT ALL.
	We will not go to the Cleveland market if we cannot take our dogs with. We will visit other dog-friendly markets instead (e.g. Manly, etc)
	Many cafes cater for dogs to sit outside providing water Etc. Allowing people to walk the dogs in the market is an important part of someone's day. I don't think I will be going to the market as often if this ridiculous ban is still in place
	What happens if someone is attacked? I think safety should be paramount so why take the risk
	I love dogs - but am allergic. I don't put my dog on others and I don't expect others to force their dog on me in public
All of the above.	

Q5 (If you answered 'Other' please tell us why)	Q9 (What else does Council need to consider in making this decision? (255 character limit))
	The space in which the market is held.
	If there is a decline in profit for the stall holders since dogs have been banned.
Dogs are a big part of the Cleveland community and interaction between people in Cleveland. Banning them would stop a lot of people attending the market.	That if an incident does occur with a dog, it is most often due to the carelessness of the people around the dog.
	Leashes dogs only and fines for not cleaning up after dogs
	Dogs are less annoying than screaming children
	Since the ban has been in place we have not visited the market as we can't take our dog. We have been going to the markets every Sunday for the last 5 years to do our vegetable shopping and now go elsewhere
	This is an area that sells and serves food. Animals shouldn't be allowed in areas with food as per the food code.
	Size of dog, like requiring dogs over 20kg to be muzzled for safety
	Pets being apart of the family and being able to go on outings
	It depends on the types of complaints. Some dog owners don't have any awareness of other people and walk them off lead. Perhaps a sign at either end with rules for dog owners would help.
It's up to the owner to have a responsible Dog. If there dog is not going to behave they shouldn't be there. Owners responsibility not everyone else's.	
	Dogs are part of society and to exclude them is unfair. Responsible dog owners would be punished by this. Punish the 2% not 100%.
	Dogs need to be leashed, and under the complete control of the owner. Owners should be held responsible for any injury where they are found to be negligent.
	I have been attending the Cleveland markets since they were introduced and have never had a problem or seen an incident involving a dog.
	Age of the dogs, how that are restricted eg, lead harness, collar
	Ensure dog owners who do not control or clean up after their dog are fined/counselled.
	Can't penalise all for behaviour of some dogs
Because they represent the lifestyle of the Redlands coast	Limiting tourism by restricting something that aren't causing any issues
	The fact that there is small children. All it takes is one dog to have a snap and that could be it for the poor child. I have seen numerous dogs without leads or on leads that are way too long to control their dog with. People do not watch their dogs.
	Must be kept on a short lead and not allowed near the food stalls.
	As a general rule dog owners are responsible. They would not bring unsocial dogs to the markets
	Have seen dogs be vicious towards other dogs at the markets. Have owned dogs but wouldn't take them to the market. My young kids find barking dogs scary so when they are snarling at each other in a confined space it's very confronting for them.
	The lack of places dogs are allowed in public. You highly restrict everywhere else
	That is all
Pets are family members, Sunday's are family day Brings happiness	Most pet owners clean up after their pets, and the majority of people enjoy interacting with dogs if they don't have one. Spread the love
	Many people have dogs. What's next? Banning dogs from walking on any street, anytime?
	The effect that's no dog policy has on the stall holders with less people coming to the markets because they cannot bring their dogs
	Dogs aren't banned for rest of week so why ban them on sundays?
	Limit it to dogs under 10 kg as most people attending have small fur babies, over that weight have them muzzled in public. Please make some rules. As bigger aggressive dogs are coming into the Redlands
	The joy of other people being around dogs
	If they are on a leash and managed by their owners there should be no reason to ban them
	People generally love interacting with dogs, in this case stall holders could lose clients.
	With the amount of food stalls, it is a hygiene issue. Personally, my daughter is terrified of dogs since she was bitten by one, so dogs in public places are always an issue for us.
It's good to tie in a walk or trip to the dog park and be able to finish off with a visit to the markets and a coffee	If stall holders are losing customers because people won't go now if they can't take their dogs.



Q5 (If you answered 'Other' please tell us why)	Q9 (What else does Council need to consider in making this decision? (255 character limit))
Travellers or passer byers shouldnt have to leave their dog in the car or carry on and miss out.	Dogs are no different to children, majority of the time children cause alot more chaos. I'm about to start travelling with my dog and the more dog unfriendly the town, the least likely I'll be to explore or contribute.
	Make guidelines and enforce them when animal owners aren't doing the right thing. But don't outright ban or the markets will lose a number of customers with disposable income.
	That not everyone likes dogs and the fact that owners don't always clean up after their dog
	People who don't like dogs or are fearful of them. Dogs don't need to go to the markets.
If they are on a leash and not causing an issue then why ban them?? My kids love seeing the various little dogs at the market, and we have not been since the ban was enforced.	I am one of many who used to go every week and took our small dog, kids and any visitors. Always had breakfast and always bought something. Now will not go due to this ridiculous rule - I'm one of many!
	Some dogs are in your face. Some are misbehaved. Some owners don't keep dogs on short leads. Some owners don't stop their dogs from annoying other people. I've seen young children scared of dogs
	Be civilised and stop discrimination. Dogs are mans best friend!
People take pleasure in the experience. Encourages healthy living. You can fit two events in at once eg walk dog visit markets for produce as well as connect with community! Good for mental health.	The passage way up the centre of street could be widening a metre.
	Nothing. It's simple. Dogs are dangerous & can scare easily. I've seen dogs scare children. Jump up & lick babies faces in prams. Steal food. It's necessary. I rarely go to the markets anymore due to it.
	Look at the trends in other councils, states and globally around more acceptance of pets with their families in markets.
	Great idea about the poll and letting the public decide
	Just not a place to take dogs.
	It's my guess the council is concerned about crowds and dogs. I guess one can never be 100 % sure, but a sensible approach is required. I travel to Europe where dog rules are way more relaxed
I take my dog for a walk and a market is a casual place to continue that. If I can't take my dog, I don't go to the markets	Community spirit and inclusion and stop being such a nanny state
	Redlands Council has way to many restrictions on responsible dog owners. Time we came inline with NSW and Vic
	Consistent with rest of week
	Many people now have dogs and like to be able to bring them along. Prime example, Raby bay, whilst beaches are empty the dog off leash is always swarming with activity!
	I buy for my pets and want my dog there for sizing
This is a free country not a dictatorship	No need for this stupid survey
	It's a lovely atmosphere with dogs being welcomed to the markets AND all the adjoining coffee shops and bakeries
	You will lose customers If you keep the ban u
Stall holder and public love the interaction	Maybe just advice to all who use a public space to be considerate, good pet control, good mobile scooter control. one show day years ago, the stalls were back to back in the middle of the street. this seemed to give more room and also helps shop
	It shouldn't be open slather. If dogs misbehave they shod be Evicted maybe a CD-R of behaviour
	Size of dog.
	Dogs on leads help create a community atmosphere and make a pleasant greeting as they pass.
	Dogs are a huge part of families now. Like children to most.
	Many people enjoy taking their 4 legged friends with them to outings. Sadly dogs are left home alone too long with working. If you are a responsible pet owner and clean up after them and control them I dont see a problem.
All the reasons above	My dogs are friendly with some dogs so I will not take them to the markets because they are selective in who they tolerate. Owners should be responsible and held accountable if their dogs do not behave.
	Safety of shoppers. Tripping over leads etc. Safety of dogs walking around crowded streets. Hot pavements burning their paws.
	It makes people happy when they see pooches walking ariund
To enhance the visitor count to the market	Alienating dog owners from visiting the Redlands will only increase the rapid decline of Bloomfield Street. It's a disgrace now with all the empty

Q5 (If you answered 'Other' please tell us why)	Q9 (What else does Council need to consider in making this decision? (255 character limit))
	shops
	<i>The animals safety and health as well as how they may react to humans in a hot and busy environment</i>
	<i>Dogs must be on a lead and under full owner control. Clean up after dogs.</i>
	<i>Dogs should be allowed at Cleveland markets as they are apart of people's familys and should be allowed to enjoy a walk/exercise with their owners. They also bring happiness to people at the markets, especially young kids who love seeing dogs.</i>
	<i>People especially the elderly seem to love seeing dogs and pat them</i>
<i>So my mate doesn't have to stay home</i>	
	<i>They are a hazard when the market is busy You trip over them</i>
	<i>Family time which includes the dog</i>
	<i>Council needs to understand the full picture. Not just negativity from those not happy about dogs. This survey is a good idea and will hopefully help - many dog owners consider their pets to be their fur kids and they are part of the family.</i>





Redland City Council

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

**Register**

**Animals in Public Places**



## Redland City Council

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

#### Contents

---

Register	Prohibition and restriction of animals in public places .....	3
Register	Dog off-leash areas .....	9
Schedule	Dictionary.....	15

## Register                      Prohibition and restriction of animals in public places

Local Law No. 2 (Animal Management) 2015

The dictionary in the schedule defines particular words used in this Register.

### Part 1                      Prohibition of animals in public places under section 9(1)(a) and (b) of Local Law No. 2 (Animal Management) 2015.

Item	Column 1 Prohibition	Column 2 Public Place
1	Public places where a person is prohibited from bringing a dog at any time.	<p>(a) Wellington Point Reserve, Wellington Point, but limited to the designated swimming beach and the playground and picnic area adjacent to the access road into Wellington Point Reserve.</p> <p>(b) The reserve and the adjacent foreshore and seashore at Beth Boyd Park, Thorneside – other than the designated walkway.</p> <p>(c) All foreshore and seashore at Raby Bay, Cleveland except the foreshore and seashore in front of Raby Bay Foreshore Park between the first groyne in an easterly direction from the intersection of Masthead Drive and Seacrest Court and the first groyne in a westerly direction from the intersection of Masthead Drive and Seacrest Court.</p> <p>(d) The foreshore and seashore adjacent to W.H. Yeo Park, Victoria Point between the intersection of Thompson Street and Thompson Esplanade and west to the mouth of Moogurrumpum Creek.</p> <p>(e) All reserves on Coochiemudlo Island and the foreshore and seashore of Coochiemudlo Island from the boat ramp at Main Beach, extending in—</p> <p>(i) an easterly direction to Norfolk</p>

Item	Column 1 Prohibition	Column 2 Public Place
		<p>Beach; and</p> <p>(ii) a northerly direction to Morwong Beach; and</p> <p>(iii) a westerly direction to the intersection of Elizabeth Street and Victoria Parade at Morwong Beach.</p> <p>(f) The foreshore and seashore adjacent to Redland Bay Esplanade, Redland Bay where Grey Street and Bay Street intersect.</p> <p>(g) The foreshore, seashore and reserve at Cylinder Beach, North Stradbroke Island between the foreshore and the roads abutting the reserve.</p> <p>(h) The foreshore and seashore at North Stradbroke Island, Main Beach between a point north east of Plant 7 Road and the access road adjacent to the Point Lookout Surf Lifesaving Club.</p> <p>(i) The foreshore and seashore in front of the swimming enclosures at Redland Bay, North Stradbroke Island, Russell Island, Macleay Island, Lamb Island and Karragarra Island.</p> <p>(j) The display garden and barbeque areas located at the Redlands Indigiscapes Centre, 17 Runnymede Road, Capalaba.</p> <p>(k) Myora Springs Reserve, North Stradbroke Island.</p> <p>(l) Empire Point Wader Roost, Ormiston (Lot 116 on SL8945).</p> <p>(m) All bathing reserves placed under the control of the local government.</p> <p>(p) Within 10 metres of any playground apparatus in a public place that is provided for the use of children.</p> <p>(q) In any shop other than —</p> <p>(i) a pet shop; or</p> <p>(ii) a veterinary shop/clinic; or</p>

Item	Column 1 Prohibition	Column 2 Public Place
		<p>(iii) if the animal is a dog or a cat – a dog grooming or pet care salon.</p> <p>(r) Swamp Box Conservation Area, Capalaba (Lot 900 on SP207204).</p>
2	Public places where a person is prohibited from bringing a dog during specified hours on specified days and particulars of the hours and days.	<p>(a) Subject to the prohibition specified in item 1(a), columns 1 and 2, Wellington Point Reserve, Wellington Point — the prohibition applies on Saturday, Sunday and statutory holidays, but only between the hours of 9.00 a.m. and 4.00 p.m.</p> <p>(b) The foreshore and seashore at the end of each of Edinburgh Street, Church Street and Wilson Street, Victoria Point — the prohibition applies on Saturday, Sunday and statutory holidays.</p> <p>(c) The reserve at W.H. Yeo Park, Victoria Point— the prohibition applies on Saturday, Sunday and statutory holidays, but only between the hours of 9.00 a.m. and 4.00 p.m.</p>
3	Public places where a person is prohibited from bringing a dog which is a declared dangerous dog or a declared menacing dog under the <i>Animal Management (Cats and Dogs) Act 2008</i> at any time.	Each public place which is designated as a dog off-leash area.
4	Public places where a person is prohibited from bringing a horse, camel or donkey at any time.	<p>(a) Wellington Point Recreation Reserve, Wellington Point.</p> <p>(b) Redlands Indigiscapes Centre, 17 Runnymede Road, Capalaba.</p> <p>(c) All bathing reserves placed under the control of the local government.</p>
5	Public places where a person is prohibited from bringing a horse at any time.	Subject to Item 4(a), (b) and (c), each park and reserve within the local government area which is designated by sign as a public place where a person is prohibited from bringing a horse at any time.



<b>Item</b>	<b>Column 1 Prohibition</b>	<b>Column 2 Public Place</b>
6	Public places where a person is prohibited from bringing a goat, pig, cow, sheep, llama, alpaca, deer, fowl, peafowl, poultry, ostrich or emu at any time.	(a) All parks and reserves within the local government area. (b) All foreshore areas within the local government area. (c) All bathing reserves placed under the control of the local government.

**Part 2      Restriction of animals in public places under section 9(1)(c) of Local Law No. 2 (Animal Management) 2015**

<b>Item</b>	<b>Column 1 Restriction</b>	<b>Column 2 Public Place</b>
1	<p>Public places where a person may only bring a camel or donkey subject to conditions and particulars of the conditions.</p> <p>The conditions applicable to the bringing of a camel or donkey onto a public place identified in Item 1, Column 2 are that the responsible person for the animal must ensure that the animal does not do any of the following—</p> <ul style="list-style-type: none"> <li>(a) enter any area which is not part of a designated trail system;</li> <li>(b) disturb feeding, resting or roosting shore birds or wading birds;</li> <li>(c) disturb mangroves, sea grass or other marine vegetation or cause other environmental harm.</li> </ul> <p>These conditions do not apply if 1 or more camels or donkeys are brought onto a park or reserve by the holder of an approval granted under <i>Local Law No. 1 (Administration) 2015</i>—</p> <ul style="list-style-type: none"> <li>(a) in the exercise of the rights of the holder of the approval; and</li> <li>(b) in accordance with the conditions specified in the approval.</li> </ul>	<ul style="list-style-type: none"> <li>(a) All parks and reserves within the local government area.</li> <li>(b) All foreshore areas within the local government area.</li> </ul>

<p>2</p>	<p>Public places where a person may only bring a horse subject to conditions and particulars of the conditions.</p> <p>The conditions applicable to the bringing of a horse onto a public place identified in Item 2, Column 2 are that the responsible person for the horse must ensure that the horse does not do any of the following—</p> <ul style="list-style-type: none"> <li>(a) disturb feeding, resting or roosting shore birds or wading birds;</li> <li>(b) disturb mangroves, sea grass or other marine vegetation or cause other environmental harm.</li> </ul> <p>These conditions do not apply if 1 or more horses are brought onto a park or reserve by the holder of an approval granted under <i>Local Law No. 1 (Administration) 2015</i>—</p> <ul style="list-style-type: none"> <li>(a) in the exercise of the rights of the holder of the approval; and</li> <li>(b) in accordance with the conditions specified in the approval.</li> </ul>	<ul style="list-style-type: none"> <li>(a) All parks and reserves within the local government area unless the park or reserve is a public place where a person is prohibited from bringing a horse at any time under Part 1, Item 4 or Item 5.</li> <li>(b) All foreshore areas within the local government area.</li> </ul>
----------	---	--

## Register                      Dog off-leash areas

Local Law No. 2 (Animal Management) 2015

**Dog off-leash areas designated under section 10 of Local No. 2 (Animal Management) 2015**

Item	Column 1 Public place designated as a dog off-leash area	Column 2 If the dog off-leash area is not a dog off-leash area at all times — the specified days and hours when a dog is not required to be on a leash
1	Point Lookout, North Stradbroke Island Area within the foreshore and seashore in front of the Point Lookout Hotel, Home Beach between Rocky Point and the Rocky Headland	
2	Dunwich - North Stradbroke Island Barton Street Park Lot 80 on SP228347 Area between the skatebowl and the fenced area at the eastern end of the park.	
3	Capalaba – Wentworth Drive Park Area within the fenced dog off leash enclosure Lot 7 on RP119832 and Lot 515 on RP159458	
4	Redland Bay – Charlie Buckler Sportsfield Area within the fenced dog off leash enclosure Lot 1 on RP 173525	

5	Thornlands - Robert Mackie Park, Thornlands Area within the fenced dog off leash enclosure Lot 200 on RP188833	
6	Birkdale – Three Paddocks Park Area within the fenced dog off leash enclosure Lot 2 on SP131666	
7	Alexandra Hills – Windemere Road Park Area within the fenced dog off leash enclosure Lot 1 on RP182975	
8	Alexandra Hills – George Street Park Area within the fenced dog off leash enclosure Lot 101 on RP138749	
9	Birkdale – Aquatic Paradise Park West Area within the unfenced area as designated by sign Lot 420 on RP801831	
10	Capalaba – Brosnan Drive Park Area within the fenced dog off leash enclosure Lot 268 on RP203284	
11	Cleveland – G>J Walter Park Area within the unfenced area as designated by sign Lot 66 on SP11554	

12	Cleveland – Raby Bay Foreshore Park Area within the foreshore and seashore in front of Raby Bay Foreshore Park between the first groyne in an easterly direction from the intersection of Masthead Drive and Seacrest Court, Cleveland and the first groyne in a westerly direction from the intersection of Masthead Drive and Seacrest Court. Lot 449 on SL12369	
13	Coochiemudlo Island – Main Beach Victoria Parade Coochiemudlo Foreshore – West Area within the foreshore and seashore at Main Beach, Coochiemudlo Island between a point 113 metres west of the barge ramp, and extending in a westerly direction to a point 293 metres west of the barge ramp . Lot 22 on SP144276	(a) At all times during the months of May, June, July and August; and (b) During the months of January, February, November and December but only before 9.00 a.m. and after 5.00 p.m. each day.
14	Russell Island – Lions Boulevard Park Area within the foreshore and seashore in front of Lions Boulevard Park. Lots 71-81 on RP122082	(a) At all times during the months of May, June, July and August; and (b) During the months of January, February, November and December but only before 9.00 a.m. and after 5.00 p.m. each day.
15	Alexandra Hills – Hanover Drive Park Area within the fenced dog off leash enclosure Lot 300 on RP192407	
16	Alexandra Hills – Valentine Park Area within the fenced dog off leash enclosure Lot 16 on RP187810	
17	Birkdale, Lachlan Street Park Area within the fenced dog off leash enclosure Lot 86 on RP206419	

18	Capalaba, Capalaba Regional Park Area within the fenced dog off leash enclosure Lot 1 on RP180899	
19	Lamb Island, Pioneer Park (Lamb) Area within the unfenced area as designated by sign Lot 15 on RP31222	
20	Macleay Island - Attunga Street Foreshore Area within the unfenced area as designated by sign Lot 528 on RP118164	
21	Mt Cotton – Mount Cotton Community Park Area within the fenced dog off leash enclosure Lot 915 on SP221149	
22	Ormiston – Redlands Softball Park Area within the fenced dog off leash enclosure Lot 1 on RP219150	
23	Russell Island – The Bay Islands Pioneer Childrens Memorial Park Area within the fenced dog off leash enclosure Lot 1 RP79337	
24	Redland Bay – Moogurrapum Creek Corridor – Gordon Road Area within the fenced dog off leash enclosure Lot 28 on SP144550	

25	Redland Bay – Orchid Beach Foreshore (South) Area within the fenced dog off leash enclosure Lot 901 on SP124449	
26	Thomlands – Manning Esplanade Foreshore Area within the fenced dog off leash enclosure Lot 805 on SP186651	
27	Victoria Point – Victoria Point Bushland Refuge Area within the fenced dog off leash enclosure Lot 4 on SP232581	
28	Victoria Point – Les Moore Park Area within the fenced dog off leash enclosure Lot 2 on RP222425	
29	Redland Bay – Beachwood Street Park Area within the fenced dog off leash enclosure Lot 900 on SP267633	
30	Capalaba – Gundagai Drive Park Area within the fenced dog off leash area enclosure Lot 903 on RP803254	
31	Victoria Point – Eprapah Creek Corridor – Victoria Point West Area within the fenced dog off leash area enclosure Lot 3 on RP907141	
32	Thomlands – Freshwater Street Park Area within the fenced dog off leash area enclosure Lot 8 on SP279427	



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

14

---

## Schedule      Dictionary

*bathing reserve* means a bathing reserve placed under the control of the local government by gazette notice.

*designated trail system* means a system of trails which are—

- (a) physically defined; and
- (b) constructed by the local government for recreational use, including, without limitation, the riding of horses, camels and donkeys.

*foreshore* has the meaning given in the *Local Government Regulation 2012*.

*park* has the meaning given in *Subordinate Local law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*.

*reserve* has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*.

*seashore* has the meaning given in section 62(2) of the *Local Government Regulation 2012*.

471125\_1

### 12.3 PROPOSED REVIEW OF LOCAL LAW NO. 7 (BATHING RESERVE) 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. Draft Local Law No. 7 (Bathing Reserves) 2015
2. Wellington Point Bathing Area

**PURPOSE**

The purpose of this report is to recommend commencement of the Local Law Making Process to amend *Local Law No. 7 (Bathing Reserves) 2015*. The amendment proposed will reduce the outward boundary of the proposed Wellington Point Bathing Area to 200m from 400m.

**BACKGROUND**

Council by resolution on 10 October 2018, approved the commencement of a community consultation process for *Subordinate Local Law No. 7 (Bathing Reserves) 2015* and *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015* to gauge public opinion on the gazetting of Wellington Point as a bathing reserve and the restrictions that would apply upon gazettal.

**ISSUES**

The community consultation was undertaken from 7 November 2018 to 5 December 2018. During the consultation period a number of interest groups, including Kiteboarding Australia; Kitesurfing Association of Queensland and Windsurfing Queensland approached Council with their concerns regarding the outer boundary which under *Local Law No. 7 (Bathing Reserves) 2015* is currently set to 400m to the seaward side. A review of the area at Wellington Point by Council officers has identified that the 400m outer boundary is not appropriate as unlike the other bathing areas, the distance from the sand to the water at Wellington Point is much shorter meaning most of the 400m will be available for bathers, and unassisted bathers rarely swim out more than 50 – 100m from the shore.

An amendment to Local Law No. 7 (Bathing Reserves) 2015 has been drafted in accordance with Council's adopted Local Law Making Process and the Local Government Act 2009. In accordance with Council's adopted Local Law Making Process the next step would be to undertake a further community consultation this time on the change to the outer boundary distance contained in Local Law No. 7 (Bathing Reserves) 2015.

The adopted Local Law Making Process specifies that where an amendment to an existing local law is to make an insubstantial change the local government may decide not to consult with the community.

The change to section 6; Bathing Areas of Local Law No. 7 (Bathing Reserves) 2015 is considered an insubstantial change because:

1. Redland City Council's Bathing Reserve Local Law is a model local law;
2. The model local law permits Council to set an outer boundary of 200m from the flags for a bathing area;

3. Council initially chose a distance of 400m but has now decided to specify the outward boundary for individual bathing areas;
4. An outer boundary will still be imposed and does not change the operation of the rest of the local law;
5. The change is within the parameters of the model local law;
6. The amendment will not change the way swimmers use the bathing area as unassisted swimmers rarely swim out more than 50-100 meters from the shore; and
7. The distance from the sand to the water at Wellington Point is much shorter than that of the other patrolled areas in Redland City, meaning most of the 200m outward boundary will be in the water for the benefit of bathing area users.

## STRATEGIC IMPLICATIONS

### Legislative Requirements

#### Local Law Making Process

The *Local Government Act 2009* (the Act), sets out a process that local governments must follow in the making of a subordinate local law. A local government can define its own process for making a subordinate local law as long as it is not inconsistent with the requirements of the Act. Council's adopted Local Law Making Process identifies stages that the process must go through to make a subordinate local law.

#### Community Consultation

Due to the insubstantial nature of the change it is recommended that no community consultation is undertaken.

#### State Interest Check

Section 29A of the *Local Government Act 2009* requires state interest checks to be completed on all local laws.

#### Anti-competitive Provisions

Section 38 of the *Local Government Act 2009* requires Council to review for any possible anti-competitive provisions when making local and subordinate local laws. An anti-competitive provision is a provision that is identified as creating barriers for entry into a market, or barriers within a market.

A review of any anti-competitive provisions has been undertaken and advice sought from Council's external lawyers.

The review found that there are no anti-competitive provisions within the local law.

### Risk Management

The risks associated with drafting the Local Law have been managed by:

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

## Financial

The costs of drafting the Local Law are funded through existing budget allocations within the Legal Services Unit.

## People

The proposed amendments outlined in this report will impact operational resources within the City Sport and Venues Unit through changes to operational processes. These impacts are anticipated to be absorbed within the current resource allocations in the team.

## Environmental

There are no environmental implications.

## Social

The proposed amendments to the Local Law will relate to all members of the community. Community Consultation undertaken on *Subordinate Local Law No. 7 (Bathing Reserves) 2015* and *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015* provided the community with an opportunity to voice their support, concerns or suggestions which led to this proposed amendment.

## Alignment with Council's Policy and Plans

The process for drafting 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

Consulted	Consultation Date	Comments/Actions
Service Manager City Sport and Venues	13 November – 5 December 2018	Participation in Community Consultation meetings and reviewing the bathing reserve communications on YourSay.
Senior Adviser Community Engagement	29 October – 18 December 2018	Provision of recommendations following the community consultation phase of the Subordinate Local Law.
Senior Adviser Strategic Communication	29 October – 18 December 2018	Provision of recommendations following the community consultation phase of the Subordinate Local Law.
Group Manager Corporate Governance	4 December – 18 December 2018	Participation in on-site meeting with representatives of the community and review of paper for Council.
Policy and Local Laws Coordinator	1 November 2018 – 18 December 2018	Coordination of drafting and preparation of paper for Council. Participation in on-site meeting with representatives of the community.
Councillor Division 1	7 November – 5 December 2018	Liaison with representatives of community groups with concerns related to the establishment of a bathing reserve. Held on-site meeting with representatives.
Representatives of Interest Groups	7 November – 5 December 2018	Communicated to Council their concerns regarding the outward boundary of the proposed bathing reserve and its impact on the outward boundary of the bathing area.

**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 as follows:

1. to commence the Local Law Making Process for *Local Law No. 7 (Bathing Reserves) 2015*;
2. to undertake a State interest check on the proposed amendments to *Local Law No. 7 (Bathing Reserves) 2015*; and
3. that the amendments to *Local Law No. 7 (Bathing Reserves) 2015* are insubstantial and do not affect anti-competitive provisions.

**Option Two**

That Council resolves to not proceed with the Local Law Making Process for *Local Law No. 7 (Bathing Reserves) 2015*.

**COUNCIL RESOLUTION 2019/13**

**Moved by:** Cr Wendy Boglary

**Seconded by:** Cr Tracey Huges

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 as follows:

1. to commence the Local Law Making Process for **Local Law No. 7 (Bathing Reserves) 2015**;
2. to undertake a State interest check on the proposed amendments to **Local Law No. 7 (Bathing Reserves) 2015**; and
3. that the amendments to **Local Law No. 7 (Bathing Reserves) 2015** are insubstantial and do not affect anti-competitive provisions.

**CARRIED 9/1**

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges and Paul Bishop voted FOR the motion.

Cr Paul Gleeson voted AGAINST the motion.

Cr Lance Hewlett was absent from the meeting.



Redland City Council

**Local Law No. 7 (Bathing Reserves)  
2015**



## Redland City Council

### Local Law No. 7 (Bathing Reserves) 2015

#### Contents

<b>Part 1</b>	<b>Preliminary.....</b>	<b>3</b>
	1 Short title.....	3
	2 Purpose and how it is to be achieved.....	3
	3 Definitions—the dictionary.....	3
	4 Relationship with other laws.....	3
<b>Part 2</b>	<b>Bathing reserves.....</b>	<b>3</b>
	<b>Division 1 Designation of bathing reserves.....</b>	<b>3</b>
	5 Signs indicating existence of bathing reserve.....	3
	<b>Division 2 Bathing areas.....</b>	<b>4</b>
	6 Bathing areas.....	4
	7 Flags to inform bathers about prevailing conditions.....	4
	8 Closure of bathing reserve.....	4
	<b>Division 3 Reservation for training, competitions and special occasions.....</b>	<b>5</b>
	9 Reservation for life-saving training.....	5
	10 Reservation for competitions and special occasions.....	5
<b>Part 3</b>	<b>Use of aquatic equipment in bathing reserves.....</b>	<b>6</b>
	11 Prohibition of use of aquatic equipment in bathing areas.....	6
	12 Restrictions on use of aquatic equipment in bathing reserves.....	6
	13 Reservation of areas for use of aquatic equipment.....	6
<b>Part 4</b>	<b>Behaviour in bathing reserves.....</b>	<b>7</b>
	14 Dangerous objects.....	7
	15 Prohibited equipment.....	7
	16 Dangerous conduct.....	7
	17 Emergency evacuation alarm.....	7
	18 False alarms.....	8
<b>Part 5</b>	<b>Life-saving clubs and powers of authorised persons.....</b>	<b>8</b>
	<b>Division 1 Life-saving clubs and patrols.....</b>	<b>8</b>



	19	Recognised life-saving clubs .....	8
	20	Enclosure for life-saving patrols.....	8
	21	Distinctive clothing .....	8
		<b>Division 2 Powers of authorised persons .....</b>	<b>8</b>
	22	Power to remove or reduce danger .....	8
	23	Power to stop dangerous and antisocial conduct.....	9
	24	Power to require bathers to leave water .....	9
	25	Seizure and detention of dangerous objects and prohibited equipment .....	9
<b>Part 6</b>		<b>Authorised persons .....</b>	<b>10</b>
	26	Who are authorised persons.....	10
	27	Limitation on authorised person's powers .....	10
	28	Authorised person's appointment conditions .....	10
	29	Authorised person's identity card .....	11
	30	Production of identity card .....	11
	31	Offence .....	12
	32	Protection from liability.....	12
<b>Part 7</b>		<b>Miscellaneous.....</b>	<b>12</b>
	33	Compliance with Australian standards .....	12
	34	Obstruction of authorised persons and life-savers .....	12
	35	Interference with flags and life-saving equipment .....	12
	36	Subordinate local laws.....	13
<b>Schedule</b>		<b>Dictionary.....</b>	<b>14</b>

## Part 1 Preliminary

### 1 Short title

This local law may be cited as *Local Law No. 7 (Bathing Reserves) 2015*.

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

- (1) The purpose of this local law is to enhance the public safety and convenience of bathing reserves placed under the local government's control<sup>1</sup> through orderly management and regulation of activities within these reserves.
- (2) The purpose is achieved by providing for—
  - (a) the designation and management of safe, supervised bathing areas within bathing reserves; and
  - (b) the regulation of conduct and the use of aquatic equipment within bathing reserves; and
  - (c) the assignment of responsibility to life-saving clubs for managing, patrolling and supervising bathing reserves; and
  - (d) the appointment and powers of authorised persons to manage and enforce the regulation of conduct within bathing reserves.

### 3 Definitions—the dictionary

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

### 4 Relationship with other laws<sup>2</sup>

- (1) This local law is to be read with *Local Law No. 1 (Administration) 2015*.
- (2) However, a reference to an authorised person in *Local Law No. 1 (Administration) 2015* does not include an authorised person appointed under this local law.

## Part 2 Bathing reserves

### Division 1 Designation of bathing reserves

#### 5 Signs indicating existence of bathing reserve

- (1) If the local government proposes to regulate the use of a bathing reserve under this local law, the local government must erect and maintain signs (*reserve signs*) in prominent positions on or adjacent to the foreshore to indicate the existence of the bathing reserve.
- (2) Reserve signs must be erected at the lateral boundaries of the bathing reserve indicating the position of the boundaries.
- (3) The signs must face both seawards and shorewards.

<sup>1</sup> As declared by gazette notice under the Act.

<sup>2</sup> This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or the Commonwealth. See the Act, section 27.

## **Division 2            Bathing areas**

### **6            Bathing areas**

- (1) An authorised person may mark out an area (a bathing area) within a bathing reserve.
- (2) The area selected as a bathing area must be the part of the bathing reserve that is, in the authorised person's opinion, the safest and most suitable for bathing in view of the prevailing conditions.
- (3) The bathing area is marked out by placing 2 patrol flags at different points on or adjacent to the foreshore.
- (4) The bathing area consists of the area defined by—
  - (a) an imaginary line between the 2 patrol flags; and
  - (b) lateral boundaries extending seaward from each patrol flag at right angles from the imaginary line; and
  - (c) for all bathing reserves other than Wellington Point—an outer boundary parallel to, and 400 metres to the seaward side of, the imaginary line-; and
  - (d) for Wellington Point bathing reserve—an outer boundary parallel to, and 200 metres to the seaward side of, the imaginary line.
- (5) Where the boundary of the bathing reserve is less than 400 metres to the seaward side of an imaginary line between the 2 patrol flags, then the boundary of the bathing area shall be the outer boundary of the bathing reserve.
- (6) An authorised person may, in view of prevailing conditions, change the boundaries of a bathing area by changing the position of the patrol flags.
- (7) Patrol flags must not be exhibited if the bathing area is not under surveillance by a life-saving patrol.

### **7            Flags to inform bathers about prevailing conditions**

- (1) This section applies if—
  - (a) an authorised person has marked out a bathing area under section 6; and
  - (b) in the authorised person's opinion, there are potentially hazardous conditions prevailing within the bathing area.
- (2) The authorised person must exhibit in a prominent position on or adjacent to the foreshore a yellow flag warning bathers of the potentially hazardous conditions.

### **8            Closure of bathing reserve**

- (1) An authorised person may close a bathing reserve or part of a bathing reserve to bathing by erecting a red flag in a prominent position on or adjacent to the foreshore.<sup>3</sup>

<sup>3</sup> Although this local law does not require strict compliance with Australian Standard No. 2416 (Design and

*Example—*

The authorised person may close the bathing reserve if the prevailing conditions pose a risk to the lives of members of the public bathing in the reserve.

- (2) If patrol flags marking out a bathing area have been placed in position, the patrol flags must be removed on closure of the bathing reserve or a part of the bathing reserve in which the bathing area is situated.
- (3) A person must not bathe in a bathing reserve or part of a bathing reserve while the reserve or the relevant part of the reserve is closed to bathing.

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

### **Division 3            Reservation for training, competitions and special occasions**

#### **9        Reservation for life-saving training**

- (1) An authorised person may—
  - (a) temporarily set apart the whole or a part of a bathing reserve for life-saving training; and
  - (b) impose restrictions on access to the area set apart.
- (2) However an authorised person may not set apart any part of a bathing reserve for life-saving training exclusively.
- (3) An area set apart under this section, and the restrictions applying to access, must be clearly indicated by signs erected in prominent positions on the bathing reserve.

#### **10      Reservation for competitions and special occasions**

- (1) For the purposes of *Local Law No.1 (Administration) 2015*, section 5(b), it is a prescribed activity<sup>4</sup> to—
  - (a) set apart a bathing reserve or a part of a bathing reserve for life-saving training on an exclusive basis; or
  - (b) use any part of a bathing reserve for the conduct of a surfing competition, a life-saving competition or another aquatic activity.
- (2) Where an approval for an activity mentioned in subsection (1) permits restrictions on access to any part of a bathing reserve, the area set apart for the activity and the restrictions applying to access must be clearly indicated by signs erected in prominent positions on the bathing reserve.
- (3) A person must not contravene a restriction on access imposed under this section.

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

---

Application of Water Safety Signs), that standard should, where practicable, be complied with.

<sup>4</sup> *Local Law No.1 (Administration) 2015*, section 6, creates an offence for a person to undertake a prescribed activity without a current approval granted by the local government. Section 7 requires that the approval be obtained under part 2 of that local law.

### **Part 3 Use of aquatic equipment in bathing reserves**

#### **11 Prohibition of use of aquatic equipment in bathing areas**

- (1) A person must not use aquatic equipment in a bathing area.  
Maximum penalty for subsection (1)—20 penalty units.
- (2) However—
  - (a) this section does not prevent the use of aquatic equipment if its use at a place within a bathing reserve is authorised under another law; and
  - (b) a rubber float or board that does not give rise to risk of injury to other bathers may be used in a bathing area; and
  - (c) if an authorised person authorises the use of other aquatic equipment in a bathing area, the equipment may be used subject to conditions fixed by the authorised person when giving the authorisation; and
  - (d) life-saving equipment may be used in a bathing area by members of a life-saving patrol for surveillance of the bathing area or to assist bathers in distress.

#### **12 Restrictions on use of aquatic equipment in bathing reserves**

- (1) The local government may, by subordinate local law, prohibit or restrict the use of aquatic equipment or a specified class of aquatic equipment within a bathing reserve or a particular part of a bathing reserve.
- (2) Notice of a prohibition or restriction imposed under this section must be included on the reserve signs or on notices adjacent to the reserve signs.
- (3) A person must not use aquatic equipment in contravention of a prohibition or restriction imposed under this section unless authorised to do so by an authorised person under section 13, or authorised under another law.  
Maximum penalty for subsection (3)—20 penalty units.

#### **13 Reservation of areas for use of aquatic equipment**

- (1) An authorised person may temporarily set apart a particular part of a bathing reserve for the use of aquatic equipment of a particular type.
- (2) A part of the bathing reserve set apart under this section must be defined by signs and flags or in some other way that clearly indicates the relevant part of the reserve and the use for which it is set apart.
- (3) If a part of a bathing reserve is set apart for the use of aquatic equipment of a particular type under this section, a person must not—
  - (a) use aquatic equipment of the relevant type in the bathing reserve outside the part of the reserve set apart for its use; or
  - (b) use aquatic equipment, in the relevant part of the reserve, that is not of the type for which the relevant part of the reserve is set apart.  
Maximum penalty for subsection (3)—20 penalty units.

## Part 4 Behaviour in bathing reserves

### 14 Dangerous objects

- (1) A person must not bring an item of aquatic equipment or other object into a bathing reserve, or use aquatic equipment or anything else in a bathing reserve, if the item or object is dangerous.

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

- (2) This section does not apply to life-saving equipment used by members of a life-saving patrol for surveillance of the bathing reserve or to assist bathers in distress.

### 15 Prohibited equipment

- (1) A person must not have prohibited equipment in a bathing reserve.

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

- (2) However, this section does not apply in circumstances excluded under a subordinate local law from the application of this section.

- (3) In this section—

*prohibited equipment* means—

- (a) a spear gun; or
- (b) a fishing spear; or
- (c) another object classified as prohibited equipment under a subordinate local law for this paragraph.

### 16 Dangerous conduct

A person must not use aquatic equipment or anything else in a bathing reserve in a way that creates a risk to the safety of others.

Maximum penalty—20 penalty units.

### 17 Emergency evacuation alarm

- (1) If an emergency evacuation alarm is given, a person within a bathing reserve—

- (a) must leave the water as soon as practicable; and
- (b) must not enter or re-enter the water until the all-clear is given.

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

- (2) An emergency evacuation alarm is given by—

- (a) the prolonged ringing of a bell or sounding of a siren; and
- (b) the exhibition of a red flag.

- (3) The all-clear is given by—

- (a) a short ringing of the bell or sounding of the siren; and
- (b) the replacement of the red flag by a yellow flag.

- (4) An emergency evacuation and the all-clear may also be given in ways recognised by SLSQ.

*Example—*

The emergency evacuation alarm may be given by holding up a red and white quartered flag and the all-clear may be given by taking down the flag when the danger has passed.

**18 False alarms**

A person must not, without the authority of an authorised person—

- (a) give an emergency evacuation alarm or do anything likely to be reasonably interpreted as an emergency evacuation alarm; or
- (b) give the all-clear after an emergency evacuation alarm or do anything likely to be reasonably interpreted as the all-clear after an emergency evacuation alarm.

Maximum penalty—50 penalty units.

**Part 5 Life-saving clubs and powers of authorised persons****Division 1 Life-saving clubs and patrols****19 Recognised life-saving clubs**

- (1) The local government may, after consultation with interested life-saving clubs, assign to a life-saving club the responsibility for patrolling a bathing reserve or a particular part of a bathing reserve.
- (2) The responsibility—
  - (a) may be assigned on conditions the local government considers appropriate; and
  - (b) may only be assigned with the agreement of the club to which the responsibility is assigned.

**20 Enclosure for life-saving patrols**

A recognised life-saving club may, with the local government's written approval, enclose a part of a bathing reserve for the exclusive use of members of life-saving patrols.

**21 Distinctive clothing**

A member of a life-saving patrol must wear a distinctive uniform appropriate to the member's rank in a design approved by SLSQ.

**Division 2 Powers of authorised persons****22 Power to remove or reduce danger**

- (1) If a person brings a dangerous object or dangerous item of aquatic equipment onto a bathing reserve, an authorised person may direct the person to take specified action to remove or reduce the danger posed by the object or item.

*Example—*

If a person brings a beach umbrella onto a bathing reserve and the umbrella appears likely to blow away, an authorised person might direct the person to take specified action to secure the umbrella.

- (2) A person must comply with a direction under this section.

Maximum penalty for subsection (2)—20 penalty units.

### **23 Power to stop dangerous and antisocial conduct**

- (1) If a person behaves in a bathing reserve in a way that endangers the safety of the person or someone else, or causes a nuisance to someone else, an authorised person may direct the person to stop the behaviour.

- (2) A person must comply with a direction under this section.

Maximum penalty for subsection (2)—20 penalty units.

### **24 Power to require bathers to leave water**

- (1) An authorised person may give a direction to a bather to leave the water if—

- (a) the bathing reserve, or the relevant part of the bathing reserve, is closed to bathing; or
- (b) an emergency evacuation alarm has been given; or
- (c) there is some other risk to the bather's safety.

- (2) A person must comply with a direction under this section.

Maximum penalty for subsection (2)—20 penalty units.

### **25 Seizure and detention of dangerous objects and prohibited equipment**

- (1) This section applies if, in a bathing reserve, a person—

- (a) possesses, uses or has used a dangerous object or dangerous item of aquatic equipment; or
- (b) uses or has used an object in a dangerous way; or
- (c) has prohibited equipment.

- (2) An authorised person may seize the object, item or equipment (the seized thing).

- (3) The authorised person must give the person from whom the seized thing is taken a receipt—

- (a) stating the nature of the seized thing; and
- (b) stating the date and time of seizure; and
- (c) stating a period (which must be at least 1 hour and not more than 6 months) for which the seized thing is to be detained; and
- (d) stating a place where the seized thing may be reclaimed.

- (4) The seized thing must, if not reclaimed on the day on which it was seized, be delivered into the custody of the local government or the life-saving club of which the authorised person is a member.

- (5) The local government or the relevant life-saving club must take all reasonable measures to ensure the safe custody of the seized thing.



- (6) At the conclusion of the period fixed for its detention under subsection (3)(c), if the seized thing is in the custody of a life-saving club it must be delivered into the custody of the local government.
- (7) At the conclusion of the period fixed for its detention under subsection (3)(c), the seized thing must be dealt with by the local government as an impounded item under *Local Law No.1 (Administration) 2015*, section 40.

## Part 6 Authorised persons

### 26 Who are authorised persons

- (1) The following persons are authorised persons for this local law—
  - (a) a person who is an authorised person under a subordinate local law for this paragraph;
  - (b) a person appointed as an authorised person for this local law under this section.

*Example for paragraph (a)—*

- The subordinate local laws might provide that a person who holds a particular rank in a life-saving patrol is an authorised person.
  - The subordinate local laws might provide that a life guard or a beach inspector is, while he or she holds that position, an authorised person.
- (2) A local government may appoint any of the following persons as authorised persons for this local law—
    - (a) employees of the local government;
    - (b) other persons who are eligible for appointment as authorised persons under the Act.<sup>5</sup>
  - (3) An appointment of a person as an authorised person under this section must state the provisions of this local law for which the person is appointed as an authorised person.
  - (4) A local government may appoint a person as an authorised person under this section only if—
    - (a) the local government considers the person has the necessary expertise or experience for the appointment; or
    - (b) the person has satisfactorily finished training approved by the local government for the appointment.

### 27 Limitation on authorised person's powers

An authorised person's powers may be limited in the person's instrument of appointment or under a subordinate local law for this section.

### 28 Authorised person's appointment conditions

- (1) An authorised person holds office on the conditions stated in the instrument of appointment or a subordinate local law for this subsection.

---

<sup>5</sup> See the Act, chapter 6, part 6.

- (2) An authorised person—
  - (a) if the instrument or subordinate local law provides for a term of appointment—ceases holding office at the end of the term; and
  - (b) if appointed as an authorised person under section 26(1)(b)—may resign by signed notice of resignation given to the local government; and
  - (c) if the person holds a particular rank or position, and is an authorised person under a subordinate local law because he or she holds the relevant rank or position—ceases holding office as an authorised person on ceasing to hold the relevant rank or position; and
  - (d) if the conditions of appointment provide—ceases holding office as an authorised person on ceasing to hold another office stated in the appointment conditions (the main office).
- (3) However, an authorised person may not resign from the office of authorised person (the secondary office) under subsection (2)(b) if a condition of the authorised person's employment in the main office requires the authorised person to hold the secondary office.

## 29 Authorised person's identity card

- (1) Each authorised person must hold an identity card issued by the local government or a recognised life-saving club.
- (2) An identity card issued by the local government must—
  - (a) contain a recent photograph of the authorised person; and
  - (b) be signed by the authorised person; and
  - (c) identify the person as an authorised person for the local government; and
  - (d) include an expiry date.
- (3) An identity card issued by a recognised life-saving club must—
  - (a) contain a recent photograph of the authorised person or state the authorised person's date of birth; and
  - (b) be signed by the authorised person; and
  - (c) identify the person as an authorised person for the life-saving club; and
  - (d) include an expiry date.
- (4) A person who ceases to be an authorised person must return the person's identity card to the local government or the life-saving club that issued it within 21 days after the person ceases to be an authorised person.  
Maximum penalty for subsection (4)—10 penalty units.
- (5) This section does not prevent the giving of a single identity card to a person for this part and for other purposes.

## 30 Production of identity card

- (1) An authorised person may exercise a power in relation to someone else (the *other person*) only if the authorised person—
  - (a) first produces his or her identity card for the other person's inspection;  
or

- (b) has the identity card displayed so it is clearly visible to the other person.
- (2) However, if for any reason it is not practicable to comply with subsection (1), the authorised person must produce the identity card for the other person's inspection at the first reasonable opportunity.

**31 Offence**

A person must not pretend to be an authorised person or a member of a life-saving patrol.

Maximum penalty—50 penalty units.

**32 Protection from liability**

- (1) This section applies to—
  - (a) an authorised person; and
  - (b) a person acting under the direction of an authorised person.
- (2) The person does not incur civil liability for an act done or omission made honestly and without negligence under this local law.
- (3) A liability that would, apart from this section, attach to the person attaches instead to the local government.

**Part 7 Miscellaneous****33 Compliance with Australian standards**

- (1) The flags and signs to be used for the purposes of this local law should comply with any relevant Australian Standard issued or approved by the Standards Association of Australia.
- (2) However, non-compliance with an applicable standard does not invalidate anything done under this local law.

**34 Obstruction of authorised persons and life-savers**

- (1) A person must not obstruct an authorised person or a member of a life-saving patrol in the conduct of their duties.  
Maximum penalty for subsection (1)—50 penalty units.
- (2) A person must not use insulting or abusive language to an authorised person or a member of a life-saving patrol.  
Maximum penalty for subsection (2)—20 penalty units.

**35 Interference with flags and life-saving equipment**

- (1) A person must not, without the approval of an authorised person, damage, destroy or interfere with a sign or flag erected or placed under this local law.  
Maximum penalty for subsection (1)—50 penalty units.
- (2) A person must not, without the approval of an authorised person, interfere with life-saving equipment on a bathing reserve.  
Maximum penalty for subsection (2)—50 penalty units.

**36 Subordinate local laws**

The local government may make subordinate local laws about—

- (a) prohibiting or restricting the use of aquatic equipment;<sup>6</sup> or
- (b) the classification of objects as prohibited equipment;<sup>7</sup> or
- (c) the circumstances in which a person may have prohibited equipment in a bathing reserve;<sup>8</sup> or
- (d) the appointment of authorised persons for this local law;<sup>9</sup> or
- (e) the limitation of an authorised person's powers;<sup>10</sup> or
- (f) conditions of office for authorised persons.<sup>11</sup>

---

<sup>6</sup> See section 12(1).

<sup>7</sup> See section 15(3).

<sup>8</sup> See section 15(2).

<sup>9</sup> See section 26(1)(a).

<sup>10</sup> See section 27.

<sup>11</sup> See section 28(1).

## Schedule Dictionary

### Section 3

**aquatic equipment** means—

- (a) a boat or vessel; or
- (b) a surf ski; or
- (c) a jet ski; or
- (d) a surf board; or
- (e) a sail board; or
- (f) a body board; or
- (g) another device (whether motorised or not) for use on or in water to carry a person or thing across or through water or for recreational use in water.

**authorised person** means a person who is an authorised person for this local law under part 6.

**bathing** includes all activities involving the immersion or partial immersion of the body in water.

**bathing area** see section 6.

**bathing reserve**—

- (a) means a part of the seashore, adjacent land under the sea, and sea placed under the control of the local government as a bathing reserve under the Act; and
- (b) includes each area of bathing reserve identified in schedule 6 of *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*.

**dangerous item of aquatic equipment** means an item of aquatic equipment that is of such a nature that, in the absence of care or precaution in its use or management, the life, safety or health of any person may be endangered.

*Examples of dangerous items of aquatic equipment—*

- A surfboard with sharp or broken edges.
- A boat with projections liable to cause injury to bathers.

**dangerous object** means an object that is of such a nature that, in the absence of care or precaution in its use or management, the life, safety or health of any person may be endangered.

**life-saving club** means a body—

- (a) affiliated with—
  - (i) Surf Life Saving Queensland Inc (SLSQ); or
  - (ii) the Head Centre of the Royal Life Saving Society; and
- (b) accredited by the Department of Community Safety.

**life-saving equipment** means equipment for use in sea rescue, life-saving, or the provision of first aid.

**life-saving patrol** means the members of a recognised life-saving club assigned by the club or SLSQ to patrol a bathing reserve, or part of a bathing reserve, at a particular time.

*patrol flag* means a red and yellow flag of the design prescribed by Australian Standard No. 2416.

*recognised life-saving club* means a life-saving club to which the local government has assigned the responsibility for patrolling a bathing reserve or a particular part of a bathing reserve.<sup>12</sup>

*reserve sign* see section 5(1).

*SLSQ* means Surf Life Saving Queensland Inc.

*surveillance* means the visual supervision of an area.

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

---

<sup>12</sup> See section 19.

**Certification**

This and the preceding 15 pages bearing my initials is a certified copy of *Local Law No. 7 (Bathing Reserves) 2015* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

.....  
Chief Executive Officer

347472\_1





## 12.4 REVIEW OF DELEGATIONS TO THE CHIEF EXECUTIVE OFFICER

### Objective Reference:

**Authorising Officer:** Deborah Corbett-Hall, Acting General Manager Organisational Services

**Responsible Officer:** Tony Beynon, Group Manager Corporate Governance

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

**Attachments:**

1. Delegations Council to CEO - Acts (under separate cover)
2. Delegations Council to CEO - Local Laws

### PURPOSE

The purpose of this report is for Council to review the delegations to the Chief Executive Officer in accordance with section 257(5) of the *Local Government Act 2009*.

### BACKGROUND

Council has a range of legislative powers conferred on it by the *Local Government Act 2009* (the Act) and other acts. For operational effectiveness a number of Council's powers are delegated to the Chief Executive Officer (CEO).

Section 257 of the Act allows a local government to delegate a power under the Act or another act, other than where an Act specifically states that the power must be exercised by Council resolution. Section 257(1)(b) of the Act specifically provides for a power to be delegated to the CEO. Section 257(5) of the Act provides that a delegation to the CEO must be reviewed annually by the local government.

The Local Government Association of Queensland (LGAQ) developed a complete register of all delegations under State and Commonwealth statutes which should be delegated to a local government CEO (the LGAQ Register). The LGAQ Register is updated regularly to reflect legislative amendments, most recently in August 2018.

### ISSUES

In late 2013, Council conducted a full review of delegations to the CEO. The CEO was delegated all powers and functions as listed at that time in the LGAQ Register (Item 5.1.6 Coordination Committee Meeting 6 November 2013). This provided a new delegation framework which ensured that the CEO's delegations were completely up to date in accordance with relevant legislation at that time.

In subsequent years, Council conducted reviews of delegations to the CEO by adopting a report highlighting legislative changes that necessitated new or amended delegations to the CEO. By providing Council with an updated register consisting only of new and amended legislative provisions, Council is not given the opportunity to revise or reconsider the delegations already issued to the CEO.

As indicated above, Section 257(5) of the Act requires that the local government annually review delegations to the CEO; this section was introduced by the *Local Government and Other Legislation Amendment Act 2012*. The Explanatory Notes to this amendment stated that the purpose of the section was to ensure that delegations to the CEO remain consistent with the local government's policy direction and intent.

It is considered that presenting Council with the complete updated LGAQ register of legislative delegations for review better meets the legislative intent of section 257(5) as Council is afforded

the opportunity to consider all delegations to the CEO, and such consideration is not confined to legislative provisions that have been amended.

Attachment 1 contains a complete register of all legislative delegations to the CEO, and indicates where such delegations require amendment or new delegations are recommended. This register is based on the LGAQ Register but has been reviewed by Legal Services with a view of previous delegations to ensure currency and consistency with existing powers of the CEO.

Attachment 2 contains a complete register of the delegations to the CEO under Redland City Council Local Laws. There are no amendments to this register.

The delegations registers refer to the legislative power to make operational decisions and not each instance that an operational decision is exercised. This report does not change any existing resolution of Council outside the scope of the matters contained in the attachments.

### Summary of Amendments to Legislative Delegations to the CEO

The amendments to existing delegations and new delegations recommended to be adopted, as identified in Attachment 1, are relatively minor in nature.

It is recommended that new delegation registers in respect of the following acts be adopted and delegated to the CEO:

- *Industrial Relations Act 2016 – refer Attachment 1 pages 197-220*
- *Industrial Relations Regulation 2018 – refer Attachment 1 page 221*
- *Labour Hire Licensing Act 2017 – refer Attachment 1 pages 233-236*
- *Land Title Act 1994 – refer Attachment 1 pages 259-268*
- *Strong and Sustainable Resource Communities Act 2017 – refer Attachment 1 page 463*

It is recommended that new and amended powers be delegated in respect of the following statutes (existing registers that have been amended):

### **Environmental Protection Regulation 2008**

Description of Power Delegated	Legislation
Power to require an owner or occupier of relevant premises to supply waste containers other than standard general waste containers. <del>##Please note this section applies only until Council passes a local law which states it replaces Chapter 5A of the Regulation or 1 September 2016 (whichever is earlier).##</del>	Section 81ZF(1)(b) <i>Environmental Protection Regulation 2008</i>
Power to supply premises with standard general waste containers. <del>##Please note this section applies only until Council passes a local law which states it replaces Chapter 5A of the Regulation or 1 September 2016 (whichever is earlier).##</del>	Section 81ZF(2) <i>Environmental Protection Regulation 2008</i>
Power to require a waste container to be kept at a particular place at a premises. <del>##Please note this section applies only until Council passes a local law which states it replaces Chapter 5A of the Regulation or 1 September 2016 (whichever is earlier).##</del>	Section 81ZH(1)(a) <i>Environmental Protection Regulation 2008</i>
Power to require a prescribed person of serviced premises, other than a detached dwelling, to supply: (a) Either (i) An elevated stand; or (ii) An imperviously paved and drained area for the waste containers, and (b) a hose cock and hose in the vicinity of the stand or paved area; and (c) a suitable enclosure for the waste containers. <del>##Please note this section applies only until Council passes a local law which states it replaces Chapter 5A of the Regulation or 1 September 2016 (whichever is earlier).##</del>	Section 81ZI(2) <i>Environmental Protection Regulation 2008</i>
Power to give a written notice about the removal of general waste. <del>##Please note this section applies only until Council passes a local law which states it replaces Chapter 5A of the Regulation or 1 September 2016 (whichever is earlier).##</del>	Section 81ZJ <i>Environmental Protection Regulation 2008</i>

Description of Power Delegated	Legislation
Power to give written approval to the owner or occupier of relevant premises for depositing and disposing of general waste and to impose conditions on the approval. <del>##Please note this section applies only until Council passes a local law which states it replaces Chapter 5A of the Regulation or 1 September 2016 (whichever is earlier).##</del>	Section 81ZK <i>Environmental Protection Regulation 2008</i>
Power to require the occupier of relevant premises where there is industrial waste to: a) supply industrial waste containers; b) keep the waste containers in a specified location; and c) keep the waste containers clean and in good repair. <del>##Please note this section applies only until Council passes a local law which states it replaces Chapter 5A of the Regulation or 1 September 2016 (whichever is earlier).##</del>	Section 81ZL <i>Environmental Protection Regulation 2008</i>
Power to require occupier of relevant premises, where there is industrial waste, to treat the waste to the standard required by Council for disposal of the waste at a waste facility. <del>##Please note this section applies only until Council passes a local law which states it replaces Chapter 5A of the Regulation or 1 September 2016 (whichever is earlier).##</del>	Section 81ZM <i>Environmental Protection Regulation 2008</i>

### Heavy Vehicle National Law (QLD)

Description of Power Delegated	Legislation
Power, as a road manager, to consent to the grant of a mass or dimension exemption (notice)	Section 118(1)(b) <i>Heavy Vehicle National Law (Qld)</i>
Power, as a road manager, to consent to the amendment of a map or list imposed on a mass or dimension exemption (notice)	Section 119(5)(b) <i>Heavy Vehicle National Law (Qld)</i>
Power, as a road manager, to consent to the grant of a mass or dimension exemption (permit)	Section 124(1)(b) <i>Heavy Vehicle National Law (Qld)</i>
Power, as a road manager, to consent to the grant of a class 2 heavy vehicle authorisation (notice)	Section 139(1)(b) <i>Heavy Vehicle National Law (Qld)</i>
Power, as a road manager, to consent to the amendment of a map or list imposed on a class 2 heavy vehicle authorisation (notice)	Section 142(6)(b) <i>Heavy Vehicle National Law (Qld)</i>
Power, as a road manager, to consent to the grant of a class 2 heavy vehicle authorisation (permit)	Section 145(1)(b) <i>Heavy Vehicle National Law (Qld)</i>
Power, as a road manager, to consent to the grant a mass or dimension authority subject to conditions.	Sections 160(1), 161(1) and 162(1) <i>Heavy Vehicle National Law (Qld)</i>
Power, as a road manager for a mass or dimension authority granted by Commonwealth gazette notice, to request the regulator to amend or cancel the authority if the circumstances of section 174(1) exist.	Section 174(2) <i>Heavy Vehicle National Law (Qld)</i>
Power, as a road manager for a mass or dimension authority granted by permit, to request the regulator to amend or cancel the authority if the circumstances of section 178(1) exist.	Section 178(2) <i>Heavy Vehicle National Law (Qld)</i>
Power, as a relevant party for the driver of a heavy vehicle, to take all reasonable steps to ensure business practices will not cause the driver to exceed a speed limit applying to the driver.	Section 204 <i>Heavy Vehicle National Law (Qld)</i>
Power, as a loading manager for goods in heavy vehicles, to take all reasonable steps to ensure the arrangements for loading goods onto and unloading goods from heavy vehicles will not cause the driver of a heavy vehicle to exceed a speed limit applying to the driver.	Section 209 <i>Heavy Vehicle National Law (Qld)</i>
Power, as a commercial consignor or a consignee of goods, to take all reasonable steps to ensure the terms of consignment will not cause the relevant driver to exceed a speed limit applying to the driver.	Section 212(1) <i>Heavy Vehicle National Law (Qld)</i>
Power, as a commercial consignor or a consignee of goods, to take all reasonable steps to ensure the terms of consignment will not cause a relevant party for the relevant driver to cause the driver to exceed a speed limit applying to the driver.	Section 212(2) <i>Heavy Vehicle National Law (Qld)</i>

Description of Power Delegated	Legislation
Power, as a party in the chain of responsibility for a fatigue-regulated heavy vehicle, to take all reasonable steps to ensure a person does not drive the vehicle on a road while the person is impaired by fatigue.	Section 229 <i>Heavy Vehicle National Law (Qld)</i>
Power, as a relevant party for the driver of a fatigue-regulated heavy vehicle, to take all reasonable steps to ensure the relevant party's business practices will not cause the driver to:- a) drive while impaired by fatigue; or b) drive while in breach of the driver's work and rest hours option; or c) and rest hours option; or d) drive in breach of another law to avoid driving while impaired by fatigue or while e) in breach of the driver's work and rest hours option.	Section 230 <i>Heavy Vehicle National Law (Qld)</i>
Power, as a consignor or consignee of goods for transport by a fatigue-regulated heavy vehicle, to take all reasonable steps to ensure the terms of consignment will not result in, encourage or provide an incentive to the vehicle's driver to:- a) drive while impaired by fatigue; or b) drive while in breach of the driver's work and rest hours option; or c) drive in breach of another law to avoid driving while impaired by fatigue or while in breach of the driver's work and rest hours option.	Section 235(1) <i>Heavy Vehicle National Law (Qld)</i>
Power, as a consignor or consignee of goods for transport by a fatigue-regulated heavy vehicle, to take all reasonable steps to ensure the terms of consignment will not result in, encourage or provide an incentive to a relevant party for the vehicle's driver to cause the driver to:- a) drive while impaired by fatigue; or b) drive while in breach of the driver's work and rest hours option; or c) drive in breach of another law in order to avoid driving while impaired by fatigue or while in breach of the driver's work and rest hours option.	Section 235(2) <i>Heavy Vehicle National Law (Qld)</i>
Power, as a loading manager for goods in heavy vehicles, to take all reasonable steps to ensure the arrangements for loading goods onto and unloading goods from fatigue-regulated heavy vehicles at or from the premises in relation to which the person is a loading manager will not cause the driver of a fatigue-regulated heavy vehicle to:- a) drive while impaired by fatigue; or b) drive while in breach of the driver's work and rest hours option; or c) and rest hours option; or d) drive in breach of another law in order to avoid driving while impaired by fatigue or while in breach of the driver's work and rest hours option.	Section 238 <i>Heavy Vehicle National Law (Qld)</i>
Power, as a loading manager, to take all reasonable steps to ensure the driver is able to rest while waiting for the goods to be loaded onto or unloaded from the fatigue-regulated heavy vehicle.	Section 239(2) <i>Heavy Vehicle National Law (Qld)</i>
Power, as a person referred to in subsection (1), to apply to the Regulator for a work and rest hours exemption and provide any additional information sought by the Regulator.	Section 274 <i>Heavy Vehicle National Law (Qld)</i>
Power, as the holder of a permit for a work and rest hours exemption, to apply to the Regulator for an amendment or cancellation of the exemption and to provide any additional information sought by the Regulator.	Section 280 <i>Heavy Vehicle National Law (Qld)</i>
Power to comply with a notice from the Regulator regarding a work and rest hours exemption.	Section 284 <i>Heavy Vehicle National Law (Qld)</i>
Power, where a permit for a work and rest hours exemption is defaced, destroyed, lost or stolen, to apply to the Regulator for a replacement permit.	Section 285 <i>Heavy Vehicle National Law (Qld)</i>
Power, as a record keeper in the circumstances listed in subsection (1), to, as soon as reasonably practicable after becoming aware of the matter or having reason to suspect the matter:- a) either:- b) if the record keeper removes any information relating to any period during the last 28 days from the work diary to make it capable of recording new information—give the driver the removed information in a way that makes the information readily available to the driver; and	Section 311 <i>Heavy Vehicle National Law (Qld)</i>

Description of Power Delegated	Legislation
<ul style="list-style-type: none"> <li>(i) make the electronic work diary capable of recording new information; or</li> <li>(ii) give the driver a new electronic work diary that is in working order; and</li> <li>c) notify the Regulator in the approved form that the electronic work diary has been filled up.</li> </ul>	
<p>Power, as a record keeper in the circumstances listed in subsection (1), to, as soon as reasonably practicable after becoming aware of the matter or having reason to suspect the matter:-</p> <ul style="list-style-type: none"> <li>a) inform the driver that the electronic work diary has been destroyed, lost or stolen unless the driver informed the record keeper about the fault under section 309; and</li> <li>b) give the driver an electronic work diary that is in working order; and</li> <li>c) give the driver any information, in a way that makes the information readily available to the driver, that was in the destroyed, lost or stolen electronic work diary that:- <ul style="list-style-type: none"> <li>i. is accessible to the record keeper; and</li> <li>ii. relates to any period during the last 28 days; and</li> <li>iii. is not stored in the new electronic work diary.</li> </ul> </li> </ul>	Section 312(2) <i>Heavy Vehicle National Law (Qld)</i>
<p>Power as a record keeper to notify the Regulator in the approved form that the electronic work diary has been destroyed, lost or stolen.</p>	Section 312(3) <i>Heavy Vehicle National Law (Qld)</i>
<p>Power, as a record keeper in the circumstances listed in subsection (1), to, as soon as reasonably practicable after becoming aware of the matter or having reason to suspect the matter inform the driver about the matter unless the driver informed the record keeper about the matter under section 309.</p>	Section 313(2) <i>Heavy Vehicle National Law (Qld)</i>
<p>Power, as a record keeper in the circumstances listed in subsection (1), to, after becoming aware of the matter or having reason to suspect the matter:-</p> <ul style="list-style-type: none"> <li>a) direct the driver in the approved form to use a supplementary record in compliance with section 305; and</li> <li>b) give the driver information that was in the electronic work diary, in a way that makes the information readily available to the driver, that:- <ul style="list-style-type: none"> <li>i. (i) is accessible to the record keeper; and</li> <li>ii. (ii) relates to any period during the last 28 days; and</li> <li>iii. (iii) is not stored in the electronic work diary because the electronic work diary is not in working order or is malfunctioning or has malfunctioned; and</li> </ul> </li> <li>c) notify the Regulator in the approved form that the electronic work diary is not in working order or is malfunctioning or has malfunctioned; and</li> <li>d) ensure the electronic work diary is examined and brought into working order and is not malfunctioning.</li> </ul>	Section 313(3) <i>Heavy Vehicle National Law (Qld)</i>
<p>Power, as a record keeper for a driver of a fatigue regulated heavy vehicle who is undertaking only 100km work under standard hours, to keep a record of the information listed in subsections (1)(a) to (b).</p>	Section 319 <i>Heavy Vehicle National Law (Qld)</i>
<p>Power, as a record keeper for a driver of a fatigue regulated heavy vehicle who is undertaking 100+km work under standard hours; or operating under BFM hours, AFM hours or exemption hours, to keep a record of the information listed in subsections (1)(a) to (c) and (3) (where relevant).</p>	Section 321 <i>Heavy Vehicle National Law (Qld)</i>
<p>Power, as a record keeper for a driver of a fatigue regulated heavy vehicle to ensure the driver complies with subsection (2).</p>	Section 322(4) <i>Heavy Vehicle National Law (Qld)</i>
<p>Power, as a new record keeper for a driver of a fatigue-regulated heavy vehicle to ensure the driver complies with subsection (2).</p>	Section 323(3) <i>Heavy Vehicle National Law (Qld)</i>
<p>Power, as a record keeper in the circumstances listed in subsection (1), to give the driver the information listed in subsection (2).</p>	Section 324(2) <i>Heavy Vehicle National Law (Qld)</i>
<p>Power, as a record keeper in the circumstances listed in subsection (1), to give the driver the information listed in subsection (2).</p>	Section 324A(2) <i>Heavy Vehicle National Law (Qld)</i>
<p>Power, as a record keeper for the driver of a fatigue-regulated heavy vehicle who knows, or has reasonable grounds to suspect, an electronic work diary has been tampered with, to report the matter to the Regulator</p>	Section 336A <i>Heavy Vehicle National Law (Qld)</i>

Description of Power Delegated	Legislation
Power as a record keeper of the driver of a fatigue regulated heavy vehicle, to keep a record (or a copy) required to be made or kept under Division 3, for the period for which, and way in which subsections (1) to (7) require.	Section 341 <i>Heavy Vehicle National Law (Qld)</i>
Power to apply to the Regulator for the approval of an electronic recording system.	Section 342 <i>Heavy Vehicle National Law (Qld)</i>
Power, as the holder of an electronic recording system approval, to apply to the Regulator for an amendment or cancellation of the approval and give any additional information sought by the Regulator.	Section 351 <i>Heavy Vehicle National Law (Qld)</i>
Power, as the holder of the approval in relation to which a direction has been given under subsection (2), to comply with the direction.	Section 354(3) <i>Heavy Vehicle National Law (Qld)</i>
Power, as a person given a notice under subsection (3), to give a copy of the notice to each other person to whom the person has supplied an electronic recording system the subject of the approval, or a device forming part of the system.	Section 354(5) <i>Heavy Vehicle National Law (Qld)</i>
Power, in the circumstance stated in subsection (1), to remove any electronic message on the system's visual display stating the system is or includes an electronic work diary.	Section 355(2) <i>Heavy Vehicle National Law (Qld)</i>
Power, in the circumstance stated in subsection (1), to give each person to whom the holder has supplied an electronic recording system the subject of the approval that constitutes an electronic work diary, or of which an electronic work diary is a part, a notice stating that the approval has been cancelled	Section 355(4) <i>Heavy Vehicle National Law (Qld)</i>
Power, as the employer of the driver of a fatigue regulated heavy vehicle to make an application under subsection (1) on behalf of the driver and give any further information sought by the Regulator.	Section 364 <i>Heavy Vehicle National Law (Qld)</i>
Power, as the record keeper for a driver of a fatigue-regulated heavy vehicle, to apply to the Regulator for a fatigue record keeping exemption (permit) and give any further information sought by the Regulator.	Section 384 <i>Heavy Vehicle National Law (Qld)</i>
Power, as the holder of a permit for a fatigue record keeping exemption, to apply to the Regulator for an amendment or cancellation of the exemption and give any further information sought by the Regulator.	Section 389 <i>Heavy Vehicle National Law (Qld)</i>
Power, as the holder of a permit for a fatigue record keeping exemption, to make submissions to the Regulator.	Section 390(2)(e) <i>Heavy Vehicle National Law (Qld)</i>
Power, as the holder of a permit for a fatigue record keeping exemption that is amended or cancelled, to comply with a notice of the Regulator given under subsection (1).	Section 392(2) <i>Heavy Vehicle National Law (Qld)</i>
Power, as the holder of a permit for a fatigue record keeping exemption that is defaced, destroyed, lost or stolen, to apply to the Regulator for a replacement permit.	Section 393(1) <i>Heavy Vehicle National Law (Qld)</i>
Power, as the owner of a fatigue-regulated heavy vehicle required by the national regulations to be fitted with an odometer, to maintain the odometer in accordance with the requirements prescribed by the national regulations.	Section 396(2) <i>Heavy Vehicle National Law (Qld)</i>
Power, as the owner of a fatigue-regulated heavy vehicle that is informed under section 397 of a malfunctioning or suspected malfunctioning odometer, to ensure the odometer is examined and brought into working order.	Section 398(2) <i>Heavy Vehicle National Law (Qld)</i>
Power, as the operator of a heavy vehicle, to apply to the Regulator for heavy vehicle accreditation, provide the declaration required by subsection (3) and give any further information or statutory declaration sought by the Regulator.	Section 459 <i>Heavy Vehicle National Law (Qld)</i>
Power, as the applicant, to consent to the Regulator obtaining prescribed criminal history information.	Section 460(3) <i>Heavy Vehicle National Law (Qld)</i>
Power as an operator to ask the Regulator for an accreditation label for the new relevant vehicle.	Section 466(2)(a) <i>Heavy Vehicle National Law (Qld)</i>
Power, as an operator of a heavy vehicle who holds a heavy vehicle accreditation, to, if the accreditation is BFM accreditation or AFM accreditation, ensure each driver who operates	Section 470(2) <i>Heavy Vehicle</i>

Description of Power Delegated	Legislation
under the accreditation:- a) is inducted into the operator's relevant management system; and b) at all times, meets the requirements relating to drivers operating under the accreditation (if any).	<i>National Law (Qld)</i>
Power, as an operator of a heavy vehicle who holds a heavy vehicle accreditation, to, if the accreditation is AFM accreditation, ensure each driver who operates under the accreditation is informed of the AFM hours applying under the accreditation.	Section 470(3) <i>Heavy Vehicle National Law (Qld)</i>
Power, as an operator of a heavy vehicle who holds a heavy vehicle accreditation, to keep the things listed in subsection (4).	Section 470(4) <i>Heavy Vehicle National Law (Qld)</i>
Power, as an operator of a heavy vehicle who holds a heavy vehicle accreditation, to comply with a requirement issued by the Regulator under subsection (7).	Section 470(8) <i>Heavy Vehicle National Law (Qld)</i>
Power, as an operator of a heavy vehicle who holds a heavy vehicle accreditation that is amended or suspended, or as an operator that ceases to hold an accreditation, to give notice to any driver of, or scheduler for, a heavy vehicle who may be affected by the amendment, suspension or cessation	Section 471(2) <i>Heavy Vehicle National Law (Qld)</i>
Power, as a person who holds a heavy vehicle accreditation, to apply to the Regulator for an amendment or cancellation of the heavy vehicle accreditation and give any further information sought by the Regulator.	Section 472 <i>Heavy Vehicle National Law (Qld)</i>
Power, as a person who holds a heavy vehicle accreditation, to make written representations in response to a notice given by the Regulator.	Section 473(2)(f) <i>Heavy Vehicle National Law (Qld)</i>
Power, as an operator of a heavy vehicle who holds a heavy vehicle accreditation that is amended, suspended or cancelled, to comply with a notice of the Regulator issued under subsection (1).	Section 476(2) <i>Heavy Vehicle National Law (Qld)</i>
Power, as a person whose accreditation certificate for a heavy vehicle accreditation is defaced, destroyed, lost or stolen, to apply to the Regulator for a replacement accreditation certificate.	Section 477(1) <i>Heavy Vehicle National Law (Qld)</i>
Power, as an occupier of a place, to consent to its entry by an authorised officer, with or without conditions, and to sign and acknowledgement of the consent.	Section 504(1) <i>Heavy Vehicle National Law (Qld)</i>
Power, as an operator of a heavy vehicle, to comply with a direction of an authorised officer to move the vehicle or cause it to be moved to a location stated in the direction.	Section 516(3) <i>Heavy Vehicle National Law (Qld)</i>
Power, as an operator of a heavy vehicle, to comply with a direction of an authorised officer to move the vehicle or cause it to be moved to a location stated in the direction and do, or cause to be done, anything else the officer reasonably requires in the direction.	Section 517(4) <i>Heavy Vehicle National Law (Qld)</i>
Power, as a registered operator or owner of a heavy vehicle, to comply with a notice of an authorised officer issued under subsection (2) and to request that the place or time of inspection be changed.	Sections 522(3) and (5) <i>Heavy Vehicle National Law (Qld)</i>
Power, as an operator of a heavy vehicle, to make a request to an authorised officer for written permission for the vehicle that is the subject of a vehicle defect notice to be used on a road during a period stated in the permission.	Section 529A <i>Heavy Vehicle National Law (Qld)</i>
Power, as an operator of a heavy vehicle, to comply with a direction of an authorised officer given under subsection (2).	Section 533(7) <i>Heavy Vehicle National Law (Qld)</i>
Power, as an operator of a heavy vehicle, to comply with a direction of an authorised officer given under subsection (2).	Section 534(5) <i>Heavy Vehicle National Law (Qld)</i>
Power, as an operator of a heavy vehicle, to comply with a direction of an authorised officer given under subsection (2).	Section 535(5) <i>Heavy Vehicle National Law (Qld)</i>
Power, as owner of a thing seized under chapter 10 and not forfeited, to apply to the relevant tribunal or court for the return of the thing.	Section 556(3) <i>Heavy Vehicle National Law (Qld)</i>
Power, as a person served with an embargo notice, to take all reasonable steps to stop any	Section 558(3)

Description of Power Delegated	Legislation
other person from doing anything prohibited in the notice.	<i>Heavy Vehicle National Law (Qld)</i>
Power, as a person served with an embargo notice, to comply with a requirement stated in the notice.	Section 559(3) <i>Heavy Vehicle National Law (Qld)</i>
Power to seek an authorised officer's approval to tamper with an embargoed thing or anything used to restrict access to the thing and enter a place in contravention of a restriction or tamper with anything used to restrict access to a place.	Sections 559(4) and (5) <i>Heavy Vehicle National Law (Qld)</i>
Power, as owner of a thing or sample seized under chapter 10 and forfeited under section 561(1), to agree with the regulator to transfer the ownership of the thing or sample to the regulator.	Section 563 <i>Heavy Vehicle National Law (Qld)</i>
Power, as a party mentioned in subsection (1), to apply to the relevant tribunal or court for:- a) ownership in the thing or sample to be transferred to Council; or b) the thing or sample to be sold and the Regulator to pay to Council, and any other persons with a registered interest in the thing or sample, an amount commensurate with the value of their respective interest.	Section 565(2) <i>Heavy Vehicle National Law (Qld)</i>
Power, as a responsible person for a heavy vehicle, to comply with a requirement issued by an authorised officer under subsection (1).	Section 569(2) <i>Heavy Vehicle National Law (Qld)</i>
Power, as a responsible person for a heavy vehicle, to comply with a requirement issued by an authorised officer under subsection (1).	Section 570(3) <i>Heavy Vehicle National Law (Qld)</i>
Power, as a person given an improvement notice, to take the steps necessary to comply with the notice.	Section 573 <i>Heavy Vehicle National Law (Qld)</i>
Power, as an occupier of a place, to comply with a requirement issued by an authorised officer under subsections (1) or (2).	Section 577(4) <i>Heavy Vehicle National Law (Qld)</i>
Power claim compensation from the Regulator if Council incurs costs, damage or loss because of the exercise, or purported exercise, of a power by or for an authorised officer.	Section 581(1) <i>Heavy Vehicle National Law (Qld)</i>
Power, as a person to whom a supervisory intervention order applies, to apply to the Court to amend or revoke the order.	Section 603 <i>Heavy Vehicle National Law (Qld)</i>
Power, as a person to whom a supervisory intervention order applies, to take the steps necessary to comply with the order.	Section 604 <i>Heavy Vehicle National Law (Qld)</i>
Power, as a person to whom a prohibition order applies, to apply to the Court to amend or revoke the order.	Section 609 <i>Heavy Vehicle National Law (Qld)</i>
Power, as a person to whom a prohibition order applies, to take the steps necessary to comply with the order.	Section 610 <i>Heavy Vehicle National Law (Qld)</i>
Power, as a public authority, to give a copy of the certificate issued pursuant to section 611(2)(c) to the defendant.	Section 613(1) <i>Heavy Vehicle National Law (Qld)</i>
Power, as a dissatisfied person for a reviewable decision, to apply to the regulator for internal review of the decision.	Section 641(1) <i>Heavy Vehicle National Law (Qld)</i>
Power, as a person who has made a review application for a reviewable decision, to apply for a stay of the decision and serve a copy of the application on the Regulator.	Sections 642(2) and (6) <i>Heavy Vehicle National Law (Qld)</i>
Power, as a person who has made a review application for a reviewable decision, to make representations to the reviewer.	Sections 644(3) <i>Heavy Vehicle National Law (Qld)</i>
Power, as a reviewer, to make a review decision.	Section 645(1) <i>Heavy Vehicle National Law (Qld)</i>



Description of Power Delegated	Legislation
	<i>National Law (Qld)</i>
Power, as a reviewer who is a road manager, to give a copy of the review decision to the Regulator.	Section 645(5) <i>Heavy Vehicle National Law (Qld)</i>
Power, as a road manager and reviewer, to agree to a longer prescribed period for a review of a reviewable decision.	Section 645(6) <i>Heavy Vehicle National Law (Qld)</i>
Power to appeal against a review decision relating to a reviewable decision made by the Regulator or an authorised officer.	Section 647(1) <i>Heavy Vehicle National Law (Qld)</i>
Power, as a person who appeals against a review decision, to apply to the relevant appeal body for a stay of the decision and to serve a copy of the application on the Regulator.	Sections 648(2) and (6) <i>Heavy Vehicle National Law (Qld)</i>
Power, as a defendant for an offence, to give the complainant notice of the intention to challenge a matter stated in a certificate mentioned in section 711, 712, 713 or 714(1).	Section 715 <i>Heavy Vehicle National Law (Qld)</i>
Power, as a defendant for an offence, to give the complainant notice of the intention to challenge a matter stated in subsection (5).	Section 722 <i>Heavy Vehicle National Law (Qld)</i>
Power, as a defendant for an offence, to give the complainant notice of the intention to challenge a matter stated in subsection (4).	Section 724 <i>Heavy Vehicle National Law (Qld)</i>

### **Local Government Act 2009**

Description of Power Delegated	Legislation
Power to request the conduct tribunal to:- a) investigate the suspected inappropriate conduct of a councillor referred to the local government, by the assessor, to be dealt with by the local government; and b) make recommendations to the local government about dealing with the conduct.	Section 150DL <i>Local Government Act 2009</i>
Power to pay the costs of the conduct tribunal in relation to the conduct tribunal:- a) conducting a hearing about the misconduct of a councillor under part 3, division 6; or b) at the request of the local government, investigating the suspected inappropriate conduct of a councillor and making recommendations to the local government about dealing with the conduct.	Section 150DU <i>Local Government Act 2009</i>

### **Transport Infrastructure Act 1994**

Description of Power Delegated	Legislation
Power, as a toll road operator, to give a single notice to a registered operator for notices under section 99 and 105ZH	Section 99AA <i>Transport Infrastructure Act 1994</i>
Power, as a toll road operator, to give a single notice to a person for notices under section 101 and 105ZK.	Section 101A <i>Transport Infrastructure Act 1994</i>

**Waste Reduction and Recycling Act 2011**

Description of Power Delegated	Legislation
Power to claim a refund amount for an empty container under chapter 4, part 3B, division 3, subdivision 1. Note: this power does not come into effect until 01 November 2018 (section 63 of the <i>Heavy Vehicle National Law and Other Legislation Amendment Act 2018</i> ).	Sections 99S and 99U <i>Waste Reduction and Recycling Act 2011</i>
Power, as the operator of a container refund point, to claim a collection amount from the Organisation for containers collected. Note: this power does not come into effect until 01 November 2018 (section 63 of the <i>Heavy Vehicle National Law and Other Legislation Amendment Act 2018</i> ).	Section 99ZB <i>Waste Reduction and Recycling Act 2011</i>
Power, as the operator of a material recovery facility, to claim the recovery amount from the Organisation. Note: this power does not come into effect until 01 November 2018 (section 63 of the <i>Heavy Vehicle National Law and Other Legislation Amendment Act 2018</i> ).	Section 99ZH <i>Waste Reduction and Recycling Act 2011</i>
Power to apply to the chief executive for an end of waste approval to conduct a trial for 1 kind of waste.	Section 173I <i>Waste Reduction and Recycling Act 2011</i>
Power to respond to a request from the chief executive for further information or documents required to decide an application under chapter 8A.	Section 173T <i>Waste Reduction and Recycling Act 2011</i>

**Water Act 2000**

Description of Power Delegated	Legislation
Power to apply to the chief executive for a permit to destroy vegetation, excavate or place fill in a watercourse, lake or spring.	Section 218 <i>Water Act 2000</i>
Power as the registered owner of land to consent to the making of an application for a permit to destroy vegetation, excavate or place fill in a watercourse, lake or spring.	Section 218(3) <i>Water Act 2000</i>

**Work Health and Safety Act 2011**

Description of Power Delegated	Legislation
Power, as person conducting a business or undertaking, to refuse to grant access to information mentioned in section 70(1)(c) if the information is confidential commercial information.	Section 71(7) <i>Work Health and Safety Act 2011</i>
Power, as a person conducting a business or undertaking, to appoint a work health and safety officer for that business or undertaking.	Section 103A <i>Work Health and Safety Act 2011</i>
Power, as a person conducting a business or undertaking, to instruct a work health and safety officer to take reasonable action to eliminate or minimise risks to health and safety.	Section 103F <i>Work Health and Safety Act 2011</i>
Power to apply to the Magistrates Court for an order under section 112 about engaging in or inducing discriminatory or coercive conduct.	Section 112, <i>Work Health and Safety Act 2011</i>

**Work Health and Safety Regulation 2011**

Description of Power Delegated	Legislation
Power, as an approved RTO, to grant a person a certificate of authority.	Section 31B <i>Work Health and Safety Regulation 2011</i>

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

Description of Power Delegated	Legislation
Power to grant an exemption to the requirement to attach the registration device to collar worn by cat	Section 49A(2)

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

Description of Power Delegated	Legislation
Power to seize and impound objects, materials or vegetation	Section 13(5)

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

Description of Power Delegated	Legislation
Power to declare opening hours for local government controlled areas	Section 8(1)

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

The review and recommendations of this report are in accordance with the legislative requirements relating to delegation of powers to the CEO and to review these delegations annually.

**Risk Management**

An entire updated register of legislative delegations to the CEO for review and revision if necessary is presented to Council to sufficiently meet the legislative intent.

**Financial**

There are no specific financial implications associated with this report.

**People**

This review and report ensures that delegations to the CEO are up to date and allows the on-delegation of powers to appropriate officers to provide for the day to day operations of Council.

**Environmental**

There are no specific environmental implications associated with this report.

**Social**

There are no specific social implications associated with this report.

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

The annual review of delegations process provides an important role in the operation of Council in accordance with Council's policies and plans.

**CONSULTATION**

Consulted	Consultation Date
LGAQ	Ongoing through 2018
Legal Officer	8 January 2019
Group Manager Corporate Governance	January 2019
Service Manager Development Control	9 January 2019

Note – further consultation will occur with all relevant areas of Council impacted by the review.

**OPTIONS****Option One**

That Council resolves to:

- confirm the existing delegated powers identified in the attachments to this report; and

2. delegate under section 257(1)(b) of the *Local Government Act 2009*, all new and amended functions and powers as identified in the attachments to this report to the Chief Executive Officer.

### **Option Two**

That Council resolves to:

1. retain the existing delegated functions and powers as listed in the attachments of this report; and
2. not delegate any additional or amended functions or powers to the Chief Executive Officer.

### **COUNCIL RESOLUTION 2019/14**

**Moved by:** Cr Tracey Huges

**Seconded by:** Cr Mark Edwards

**That Council resolves to:**

1. confirm the existing delegated powers identified in the attachments to this report; and
2. delegate under section 257(1)(b) of the *Local Government Act 2009*, all new and amended functions and powers as identified in the attachments of this report to the Chief Executive Officer.

**CARRIED 10/0**

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

Cr Lance Hewlett was absent from the meeting.

## REGISTER OF DELEGATIONS COUNCIL TO CEO

*Local Law No. 1 (Administration) 2015*

DESCRIPTION OF POWER DELEGATED	LOCAL LAW PROVISION
Power to approve an application form for approval of a prescribed activity.	Section 8(1)
Power to request, by written notice, that an applicant provide further reasonable information or clarification of information, documents or materials included in an application for approval of a prescribed activity.	Section 8(3)
Power to give an applicant for approval of a prescribed activity, written notice stating that the applicant's application has lapsed and that the applicant may make a new application.	Section 8(5)(b)
Power to extend the period for an applicant for approval of a prescribed activity to provide further information.	Section 8(6)
Power to grant approval for an applicant to undertake a prescribed activity in accordance with section 9(1).	Section 9(1)
Power to give by written notice, a decision on an application to undertake a prescribed activity.	Section 9(2)
Power to give an applicant an information notice if the application is refused or is granted subject to a non-standard condition.	Section 9(4)
Power to grant an approval for a prescribed activity on appropriate conditions.	Section 10(1)
Power to accept the certificate of a third party certifier as evidence of any application requirement.	Section 12(1)
Power to determine the term of an approval.	Section 13
Power to determine the further term of an approval.	Section 14(1)
Power to give notice that an approval is one of a class of approvals that the local government does not intend to renew or extend.	Section 14(2)
Power to approve the form of an application to renew or extend an approval.	Section 14(3)
Power to request, by written notice, that an applicant provide further reasonable information, clarification of information, documents or materials included in an application, when considering an application for renewal or extension of an approval for a prescribed activity.	Section 14(4)
Power to give, by written notice, a decision on an application for renewal or extension of approval for a prescribed activity.	Section 14(6)
Power to give an applicant for renewal or extension of approval for a prescribed activity an information notice if the application is refused or the approval contains non-standard conditions.	Section 14(8)
Power to amend existing conditions of an approval, without following the procedure in section 18, if an application for renewal or extension of approval for a prescribed activity has been granted.	Section 14(9)

## REGISTER OF DELEGATIONS COUNCIL TO CEO

*Local Law No. 1 (Administration) 2015*

DESCRIPTION OF POWER DELEGATED	LOCAL LAW PROVISION
Power to approve the form of an application for transfer of an approval.	Section 15(3)
Power to request, by written notice, that an applicant for transfer of an approval of a prescribed activity provide further reasonable information clarification of information, documents or materials included in an application.	Section 15(4)
Power to grant an application to transfer an approval.	Section 15(6)
Power to give, by written notice, a decision to grant or refuse an application to transfer an approval.	Section 15(7)
Power to amend existing conditions of an approval if an application for the transfer of the approval has been granted.	Section 15(8)
Power to amend the conditions of the approval under subsection (8) without following the procedure in section 18	Section 15 (9)
Power to give an information notice if an application for transfer of an approval is refused or granted but amended to include non- standard conditions.	Section 15(11)
Power to consider and decide whether to grant or refuse an application to amend the conditions of an approval at the request of an approval holder.	Section 16(3)
Power to give an approval holder written notice of amended conditions granted and the day that they take effect, in accordance with section 16(3).	Section 16(4)
Power to give an approval holder an information notice where an application to amend the conditions of an approval is refused under section 16(3).	Section 16(5)
Power to amend the conditions of an approval without following the procedure in section 18	Section 16(6)
Power to give a show cause notice to an approval holder in accordance with section 18(2), if there is a ground under section 17 to amend, suspend or cancel an approval.	Section 18(2)
Power to:- (a) decide that a ground no longer exists to cancel, amend or suspend an approval after considering all submissions made to a show cause notice within the stated time; and (b) give written notice to an approval holder of the decision that a ground no longer exists to cancel, amend or suspend the approval.	Section 18(3)

## REGISTER OF DELEGATIONS COUNCIL TO CEO

*Local Law No. 1 (Administration) 2015*

DESCRIPTION OF POWER DELEGATED	LOCAL LAW PROVISION
Power to:- (a) amend an approval if a ground for amendment still exists after consideration of the applicant's submissions; or (b) suspend an approval if a ground for suspension still exists after consideration of the applicant's submissions; or (c) cancel an approval if a ground for cancellation still exists after consideration of the applicant's submissions.	Section 18(4)
Power to give an approval holder an information notice if a decision is taken pursuant to section 18(4).	Section 18(5)
Power to immediately suspend an approval if the prescribed 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.	Section 19(1)
Power to give notice to an approval holder of a decision under section 19(1).	Section 19(2)(a)
Power to cancel a suspension under section 19(1).	Section 19(2)(c)
Power to extend the time for making an application for review of a decision under a local law.	Section 22(3)
Power to review an original decision after receiving a review application and make a decision to:- (a) confirm the original decision; or (b) amend the original decision; or (c) substitute another decision for the original decision.	Section 23(1)
Power to give an applicant a review notice of a decision made in accordance with section 23(1).	Section 23(3)
Power to recover the cost of action taken under section 31 as a debt from the person responsible for the activity.	Section 31(5)
Power to, 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.	Section 36(1)
Power to waive or partially remit a fee, unless specific provision to the contrary is made in the local law or resolution fixing the fee.	Section 38(3)

**REGISTER OF DELEGATIONS  
COUNCIL TO CEO**

*Local Law No. 1 (Administration) 2015*

DESCRIPTION OF POWER DELEGATED	LOCAL LAW PROVISION
Power to dispose of an item seized or impounded for more than 1 month by sale through:- (i) public auction or tender, following an advertisement published at least 14 days before the sale; (ii) an agent of the local government; or (iii) an enterprise owned by the local government.	Section 40(6)(a)
Power to consider on reasonable grounds the removal of a vehicle from a road pursuant to subsection 1	Section 41(1)
Power to remove, impound or dispose of a vehicle where section 41 applies	Section 41(3)
Power to determine if a vehicle is a no commercial value vehicle	Section 41(4)(b)
Power to not follow the procedures specified in subsections (6) to (10) in respect of a vehicle where section 41(4) applies	Section 41(5)(a)
Power to deem that a vehicle is not a no commercial vehicle under section 41(4)	Section 41(6)(b)
Power to give a written notice pursuant to section 41(8), where the owner can be identified, of the removal or impounding of a vehicle within 14 days of the removal or impounding.	Section 41(7)(a)
Power to give a written notice pursuant to 41(8), where the owner cannot be identified, on the local government website, of the removal or impounding of a vehicle within 14 days of the removal or impounding.	Section 41(7)(b)
Power to dispose of a vehicle pursuant to 41(10)(b) where 41(9) applies.	Section 41(10)(b)
Power to deal with any goods, equipment or thing contained in, on or about a vehicle in the same manner as dealing with a vehicle under this section.	Section 41(13)



## REGISTER OF DELEGATIONS COUNCIL TO CEO

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

DESCRIPTION OF POWER DELEGATED	LOCAL LAW PROVISION
Power to take reasonable steps to notify the public that animals are prohibited in a particular public place under section 9(1).	Section 9(4)
Power to keep a record available for public inspection of prohibitions specified under section 9(1)	Section 9(6)
Power to notify the public of the designation of an area as a dog off-leash area under section 10(1).	Section 10(3)
Power to keep a record for public inspection identifying each designated dog off leash area under section 10(1)	Section 10(5)
Power to recognise a body for the purposes of section 11(2)(d).	Section 11(2)(d)
Power to give the responsible person for an animal an information notice about a declaration made pursuant to section 17(2).	Section 17(3)
Power to:- (a) offer an animal, to which section 29 applies, for sale by public auction or tender; or (b) sell the animal by private agreement, dispose of the animal without destroying it, or destroy the animal if it is mentioned in section 25(2)(b) and is of a species, breed or class specified by subordinate local law.	Section 30(1)
Power to determine that the sale or disposal of an animal will not result in the animal being kept in contravention of the requirements of the local law.	Section 30(2)
Power to exhibit a notice at the local government's public office for at least 2 days before the sale, at a public auction, of an animal pursuant to section 30(1).	Section 30(3)
Power to dispose of an animal as may be considered appropriate, if the animal is not sold in accordance with section 30(3).	Section 30(6)
Power to keep a register of impounded animals for public inspection under section 31(4).	Section 31(2)
Power to allow the owner of an animal impounded under section 24 to inspect it at any reasonable time, from time to time.	Section 32(2)
Power to recover the cost of action taken under section 33(1) as a debt from the person responsible for the action.	Section 33(2)

**REGISTER OF DELEGATIONS  
COUNCIL TO CEO**

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

DESCRIPTION OF POWER DELEGATED	LOCAL LAW PROVISION
Power to ask the owner of a cat for other information or documents in a way mentioned in section 43.	Section 49(2)
Power to grant an exemption to the requirement to attach the registration device to collar worn by cat	Section 49A(2)

**REGISTER OF DELEGATIONS  
COUNCIL TO CEO**

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

DESCRIPTION OF POWER DELEGATED	LOCAL LAW PROVISION
Power to consult with the chief executive about the desirability of a declaration under section 6(1).	Section 6(2)
Power to publish notice of a declaration under section 6(1) in a newspaper circulating generally in Council's local government	Section 6(3)
Power to publish notice of a declaration under section 7(2) in a newspaper circulating generally in Council's local government area.	Section 7(3)
Power to seize and impound objects, materials or vegetation	Section 13(5)

**REGISTER OF DELEGATIONS  
COUNCIL TO CEO***Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2015*

DESCRIPTION OF POWER DELEGATED	LOCAL LAW PROVISION
Power to provide notice to the public about motor vehicle access areas.	Section 6(6)
Power to place a notice of opening hours of a local government controlled area.	Section 7(3)
Power to place notice of closure of a local government controlled area under section 8.	Section 8(4)
Power to form the opinion that section 9(1) applies, and give a compliance notice to an owner of land, requiring the owner to:- (a) fence the land if the land is not currently fenced; or (b) repair or replace the fence if the current fence on the land is in disrepair.	Section 9(2)
Power to give a compliance notice to an owner or occupier of land about a road or footpath crossing in accordance with section 11.	Section 11

**REGISTER OF DELEGATIONS  
COUNCIL TO CEO**

*Local Law No. 5 (Parking) 2015*

DESCRIPTION OF POWER DELEGATED	LOCAL LAW PROVISION
The power to issue a parking permit.	Section 7(1)
The power to issue a commercial vehicle identification label.	Section 8(1)

**REGISTER OF DELEGATIONS  
COUNCIL TO CEO***Local Law No. 7 (Bathing Reserves) 2015*

DESCRIPTION OF POWER DELEGATED	LOCAL LAW PROVISION
Power to erect and maintain reserve signs to regulate the use of a bathing reserve under the local law.	Section 5(1)
Power to consult with interested life-saving clubs and assign to a life-saving club the responsibility for patrolling a bathing reserve or a particular part of a bathing reserve.	Section 19(1)
Power to assign responsibility for patrolling a bathing reserve to a life-saving club on conditions the local government considers appropriate.	Section 19(2)(a)
Power to give written approval to the enclosure of a part of a bathing reserve for the exclusive use of members of a life-saving patrol.	Section 20
Power to appoint persons as authorised persons for the local law.	Section 26(2)
Power to issue an authorised person an identity card.	Section 29(1)

**REGISTER OF DELEGATIONS  
COUNCIL TO CEO**

*Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2015*

DESCRIPTION OF POWER DELEGATED	LOCAL LAW PROVISION
Power to specify requirements for an applicant to take out and maintain public liability insurance	Schedule 1 s6(1)(d)(ii)

**REGISTER OF DELEGATIONS  
COUNCIL TO CEO***Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015*

<b>DESCRIPTION OF POWER DELEGATED</b>	<b>LOCAL LAW PROVISION</b>
Power to specify requirements for removing a roadside vending vehicle from a road after the close of business	Schedule 1 s6(1)(p)
Power to authorise display of a sign or device within the area identified for a footpath dining approval	Schedule 1 s6(3)(h)
Power to approve the aesthetics of the furniture used for footpath dining	Schedule 1 s6(3)(j)(i)



**REGISTER OF DELEGATIONS  
COUNCIL TO CEO**

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

DESCRIPTION OF POWER DELEGATED	LOCAL LAW PROVISION
Power to specify requirements for waste containers used in the operation of a cattery or kennel	Schedule 1 s6(3)(j)

**REGISTER OF DELEGATIONS  
COUNCIL TO CEO**

*Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015*

DESCRIPTION OF POWER DELEGATED	LOCAL LAW PROVISION
Power to specify the requirements for facilities for the disposal of waste	Schedule 1 s6(13)(b)
Power to limit the number of person who may occupy a site	Schedule 1 s6(14)
Power to give written notice to the approval holder that the resident manager is not a suitable person to be resident manager and replace the resident manager with a suitable person	Schedule 1 s6(16)
Power to provide written agreement to the approval holder to change the sites at the accommodation park by— (a) adding to the existing sites; or (b) changing the position or boundaries of a site.	Schedule 1 s6(20)
Power to specify requirements for signage used in the operation of the accommodation park	Schedule 1 s6(28)
Power to specify the numbering and description of sites within an accommodation park	Schedule 1 s6(29)
Power to prescribe rules which govern the use of the accommodation park	Schedule 1 s6(30)
Power to specify the location and manner in which rules which govern the use of the accommodation park must be displayed	Schedule 1 s6(31)
Power to require the approval holder to direct a person to leave the accommodation park	Schedule 1 s6(36)
Power to require the approval holder to remove a caravan or complimentary accommodation from the accommodation park	Schedule 1 s6(37)

**REGISTER OF DELEGATIONS  
COUNCIL TO CEO**

*Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2015*

<b>DESCRIPTION OF POWER DELEGATED</b>	<b>LOCAL LAW PROVISION</b>
Power to regulate various operations of a cemetery as specified in this section	Schedule 1 s6(3)

**REGISTER OF DELEGATIONS  
COUNCIL TO CEO**

*Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015*

DESCRIPTION OF POWER DELEGATED	LOCAL LAW PROVISION
Power to specify requirements for waste containers used in the operation of the swimming pool	Schedule 1 s6(9)(b)

**REGISTER OF DELEGATIONS  
COUNCIL TO CEO**

*Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015*

<b>DESCRIPTION OF POWER DELEGATED</b>	<b>LOCAL LAW PROVISION</b>
Power to set standards and requirements for toilets and sanitary conveniences	Schedule 1 s4(4)
Power to specify requirements for an applicant to take out and maintain public liability insurance	Schedule 1 s6(f)

**REGISTER OF DELEGATIONS  
COUNCIL TO CEO**

*Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains) 2015*

DESCRIPTION OF POWER DELEGATED	LOCAL LAW PROVISION
Power to set standards for the preparation of a site	Schedule 1 s6(4)(b) and (6)(b)

**REGISTER OF DELEGATIONS  
COUNCIL TO CEO**

*Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2015*

DESCRIPTION OF POWER DELEGATED	LOCAL LAW PROVISION
Power to set standards and requirements for toilets and sanitary conveniences	Schedule 1 s4(8)(b)

**REGISTER OF DELEGATIONS  
COUNCIL TO CEO***Subordinate Local Law No. 1.15 (Carrying out Works on a Road or Interfering with a Road or its Operation) 2015*

<b>DESCRIPTION OF POWER DELEGATED</b>	<b>LOCAL LAW PROVISION</b>
Power to specify requirements for an applicant to take out and maintain public liability insurance	Schedule 1 s6(1)(d)(ii)
Power to require the installation of scaffolding in a specified manner	Schedule 1 s6(2)(i)
Power to approve a traffic control management plan	Schedule 1 s6(2)(aa)
Power to approve the removal, modification or disturbance of trees, shrubs, root systems and other vegetation when undertaking the prescribed activity	Schedule 1 s6(2)(ah)
Power to approve the use of a designated parking space when undertaking the prescribed activity	Schedule 1 s6(2)(aj)
Power to set erosion and sediment control requirements for which the prescribed activity must comply	Schedule 1 s6(2)(ak)



**REGISTER OF DELEGATIONS  
COUNCIL TO CEO**

*Subordinate Local Law No. 1.16 (Bringing or Driving a Motor Vehicle onto a Local Government Controlled Area) 2015*

<b>DESCRIPTION OF POWER DELEGATED</b>	<b>LOCAL LAW PROVISION</b>
Power to specify requirements for an applicant to take out and maintain public liability insurance	Schedule 1 s6(1)(d)(i)
Power to specify access and egress requirements for the local government controlled area	Schedule 1 s6(1)(i)

**REGISTER OF DELEGATIONS  
COUNCIL TO CEO**

*Subordinate Local Law No. 1.17 (Operation of a Ferry, Charter or Hire Service from a Local Government Controlled Boat Ramp or Landing) 2015*

DESCRIPTION OF POWER DELEGATED	LOCAL LAW PROVISION
Power to provide a trolley or other device for the conveyance of goods along a boat ramp or landing	Schedule 1 s6(q)

**REGISTER OF DELEGATIONS  
COUNCIL TO CEO**

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

DESCRIPTION OF POWER DELEGATED	LOCAL LAW PROVISION
Power to specify a prescribed fee for the installation of official traffic signs, or other signs and markings and determine their extent of appropriateness to identify the boundaries of the works zone identified in the permit	Schedule 1 s6(3)(b)
Power to fix a different term of approval if it is desirable to do so— (a) to provide common expiry dates for approvals; or (b) for some other reason	Schedule 1 s7(2)
Power to fix a different term of approval if it is desirable to do so— (a) to provide common expiry dates for approvals; or (b) for some other reason	Schedule 1 s8(3)

**REGISTER OF DELEGATIONS  
COUNCIL TO CEO***Subordinate Local Law No. 2 (Animal Management) 2015*

<b>DESCRIPTION OF POWER DELEGATED</b>	<b>LOCAL LAW PROVISION</b>
Power to consider an animal noise to be a nuisance or disturbance	Schedule 2 s2
Power to approve a code of practice for the keeping of livestock	Schedule 3 Item 5 column 2 (d)
Power to approve a code of practice for the keeping of birds of a relevant species to which item 6 applies	Schedule 3 Item 6 column 2 (e)
Power to approve a code of practice for the keeping of pigeons	Schedule 3 Item 7 column 2 (k)
Power to approve a code of practice for the keeping of bees	Schedule 3 Item 8 column 2 (b)(ii)
Power to approve a code of practice for the keeping of birds of a relevant species to which item 9 applies	Schedule 3 Item 9 column 2 (e)

**REGISTER OF DELEGATIONS  
COUNCIL TO CEO**

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

DESCRIPTION OF POWER DELEGATED	LOCAL LAW PROVISION
Power to approve and erect a notice for the maximum weight of a vehicle being taken or driven onto a boat ramp or landing	Schedule 2 s6 column 3 (e)(ii)
Power to declare opening hours for local government controlled areas	Section 8(1)

## 12.5 REDLAND INVESTMENT CORPORATION - GOVERNANCE REVIEW

### Objective Reference:

**Authorising Officer:** Deborah Corbett-Hall, Acting General Manager Organisational Services

**Responsible Officer:** Deborah Corbett-Hall, Acting General Manager Organisational Services

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

**Attachments:**

1. RIC Constitution
2. RIC Service Agreement

### PURPOSE

The purpose of this report is to recommend minor changes to the Redland Investment Corporation (RIC) Constitution and Service Agreement with Council, consistent with current governance practices. The proposed changes are identified generally in accordance with the attachments.

### BACKGROUND

On 26 November 2014 Council resolved to create RIC as a corporatised beneficial enterprise under the *Local Government Act 2009*, to deal with land as an alternative revenue source for Council and promote new business opportunities for the Redlands community.

RIC is wholly owned by Council and operates under the *Local Government Act 2009* (QLD), *Local Government Regulation 2012*, *Corporations Act 2001* and *Auditor-General Act 2009*.

RIC has a company Board consisting of independent industry directors who are responsible for setting the operational direction for the company. The Board is required to table audited financial statements and reports to Council. RIC is also accountable to Council as its shareholder for the management, strategy and governance of RIC.

This report recommendation is based on a joint officer review of the RIC Constitution and Service Agreement with Council, so as to reflect the current and proposed governance arrangements which if agreed will also formally be considered and adopted by RIC.

### PROPOSED CHANGES

#### Constitution:

1. Clause 3.1: Amend by deleting 'Local Government' and replacing with 'LG Act'. This is an administrative amendment to clarify the definition of Beneficial Enterprise as defined under the *Local Government Act 2009* ('LG Act').
2. Clause 4.1: Amend by deleting the term 'including' and replacing with phrase 'limited to'. Also delete the phrase 'Council Land' from the heading and retain 'Land'. This amendment is consistent with the intent and practice of the company objectives to focus only on land dealings.
3. Clause 27: Amend by deleting the phrase 'material personal interest' and replace with the phrase 'real or perceived conflict of interest, including a material personal interest, in any business agenda item, contract or proposed contract' and ancillary amendments to reflect the board has comparable requirements as councillors in declaring and dealing with conflicts of interests under the *Local Government Act 2009*.

#### Service Agreement:

4. Clause 1.1 Definitions: Amend “Business Day” definition to insert the phrase at the end “...or Redland City Council Local Government Area”. This is a minor amendment so that business day excludes public holidays in Brisbane City and Redland City areas.
5. Clause 2.2(c) and (d) Member Approval: Confirm existing provisions that RIC must seek Council approval before entering into any contract of service on or over \$5m; or capital expenditure exceeding \$5m.
6. Clause 2.2 Member Approval: insert new subclauses that require RIC to first obtain Council approval prior to carrying out the activity namely:
  - a) The giving of a guarantee by the Company;
  - b) Grant any mortgage, charge, lien, pledge or any other type of security interest or encumbrance over Council Land or any other assets of the Council;
  - c) Incur borrowings in excess of \$5m;
  - d) Publicly advertise concept drawings or plans regarding Council land;
  - e) Perform any work or enter into any transaction briefed by any councillor or employee of the Member other than in writing by the Chief Executive Officer or Executive Leadership Team member;
  - f) Establishing any subsidiary company.
7. Clause 3.2 (a)(i) Intended composition of Board: Amend by deleting the words 'two senior employees of the Council, to reflect current practice.
8. Clause 4.1 Governance Principles: Amend by inserting new sub-clause 4.1(c) 'participate in a joint financial and governance technical working group with employees of the Member to collaborate on joint financial, governance, accounting and reporting processes'.
9. Clause 4.2 Auditor: Amend by inserting a new sub-clause (b) 'and; the Member's internal audit office will at least annually audit part of the Company's operational risks register controls.'
10. Clause 4.3 Financial Information: insert after the *Local Government Act 2009* 'and the Member's internal audit committee' to broaden the scope of disclosure.
11. Clause 4.3(a) Financial Information: Amend to replace 'monthly' with 'quarterly' and insert a new subclause (e) 'details of all expenditures and corresponding source documentation and account statements' to broaden the particulars of disclosure consistent with practice.
12. Clause 4.4 Restricted Investments: Amend by inserting at the end 'and where reasonable to keep the Member's Chief Financial Officer informed about investment that may impact on the group financial accounts' consistent with current practices.
13. Clause 7.2 (e) and 7.6 Notices: Amend by inserting reference to official business email accounts and administrative amendments to clause 7.3 to update the address and contact details.
14. Clause 9.1 Legal Costs: Amend by clarifying that 'each party will pay their own legal and other costs in preparing and negotiating the document'.

## STRATEGIC IMPLICATIONS

### Legislative Requirements

The proposed amendments are consistent with the local government principles under the *Local Government Act 2009*.

**Risk Management**

The proposed amendments are consistent with current governance arrangements to manage risks.

**Financial**

The proposed amendments do not have a material financial implication.

**People**

The proposed amendments do not have a material impact on Council staff or the community as is generally consistent with existing governance arrangements and joint working groups.

**Environmental**

The proposed amendments do not have an environmental impact.

**Social**

The proposed amendments do not have a social impact.

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

The proposed amendments support the Redland City Council's Corporate Plan 2018-2023, particularly the 'Inclusive and Ethical Governance' key outcome.

**CONSULTATION**

Consulted	Consultation Date	Comments/Actions
General Manager Organisational Services, Chief Financial Officer; General Counsel (RCC); CEO (RIC); General Counsel (RIC)	October & November 2018	Proposed changes have been made in consultation with officers

**OPTIONS****Option One**

That Council resolves to:

1. propose and make the changes to the Redland Investment Corporation Constitution and Service Agreement respectively;
2. refer the changes to the Redland Investment Corporation to make and adopt the changes in accordance with the Corporations Law; and
1. 3. delegate authority to the Chief Executive Officer under s.257 of the *Local Government Act 2009* to make the changes including any subsequent or ancillary administrative changes to give effect to the changes and sign all relevant documentation.

**Option Two**

Council resolves not to make the proposed changes to the Redland Investment Corporation Constitution and Service Agreement respectively and to make different changes.



**COUNCIL RESOLUTION 2019/15**

Moved by: Cr Julie Talty

Seconded by: Cr Peter Mitchell

That Council resolves to:

1. propose and make the changes to the Redland Investment Corporation Constitution and Service Agreement respectively;
2. refer the changes to the Redland Investment Corporation to make and adopt the changes in accordance with the Corporations Law; and
3. delegate authority to the Chief Executive Officer under s.257 of the Local Government Act 2009 to make the changes including any subsequent or ancillary administrative changes to give effect to the changes and sign all relevant documentation.

**CARRIED 10/0**

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

Cr Lance Hewlett was absent from the meeting.

# Constitution of Redland Investment Corporation Pty Ltd

Adopted by written agreement of the person specified in the application for the Company's registration as the person who consents to become a member, pursuant to section 136(1)(a) of the Corporations Act

---

Constitution of Redland Investment Corporation

Redland Investment Corporation Pty Ltd

## Contents

<b>1</b>	<b>Name of Company</b>	<b>1</b>
<b>2</b>	<b>Status of the Constitution</b>	<b>1</b>
2.1	Constitution of the Company	1
2.2	Replaceable Rules	1
2.3	Amendment of Constitution	1
<b>3</b>	<b>Interpretation</b>	<b>1</b>
3.1	Definitions	1
3.2	Interpretation	3
<b>4</b>	<b>Objects</b>	<b>3</b>
4.1	Object to deal with Council Land	3
4.2	Ancillary activities	3
<b>5</b>	<b>Member's liability</b>	<b>4</b>
5.1	Liability to contribute	4
5.2	Limited liability	4
<b>6</b>	<b>Members</b>	<b>4</b>
6.1	Number of Members	4
6.2	Limit on number of non-employee Members	4
6.3	Becoming a Member	4
<b>7</b>	<b>Shares</b>	<b>4</b>
7.1	Allotment and issue of Shares	4
7.2	Fractional entitlement	5
7.3	Granting of options	5
7.4	Options Register	5
7.5	Share certificates	5
7.6	Joint holders of Shares	6
<b>8</b>	<b>Maintenance of Register of Members</b>	<b>6</b>
8.1	Register of Members	6
8.2	Inspection of Register of Members	6
<b>9</b>	<b>Call on Shares</b>	<b>7</b>
9.1	Power to make calls	7
9.2	Date of call and number of payments	7
9.3	Notice of call	7
9.4	Revocation, postponement or extension of calls	7
9.5	Interest on unpaid calls	8
9.6	Joint holders	8
9.7	Differentiation between Members of amounts payable on calls	8
9.8	Payment of calls in advance	8
<b>10</b>	<b>Lien</b>	<b>8</b>
10.1	Lien for unpaid amounts	8

Constitution of Redland Investment Corporation

page i

10.2	Enforcement of lien	9
10.3	Continuing liability	10
<b>11</b>	<b>Forfeiture</b>	<b>10</b>
11.1	Notice regarding forfeiture	10
11.2	Forfeiture	11
11.3	Continuing liability	12
11.4	Cancellation of forfeited Shares	12
<b>12</b>	<b>Transfers</b>	<b>12</b>
12.1	Transfer of Shares	12
12.2	Registration of transfers	12
12.3	Company's refusal to register	12
12.4	Company may suspend registration	13
12.5	Retention of instruments of transfer	13
12.6	Destroying instruments of transfer	13
12.7	Return of certificate	13
<b>13</b>	<b>Transmission of Shares</b>	<b>13</b>
13.1	Transmission of Shares on death	13
13.2	Transmission of Shares on bankruptcy	14
13.3	Transmission of Shares on mental incapacity	14
<b>14</b>	<b>Interests recognised</b>	<b>15</b>
<b>15</b>	<b>General meetings</b>	<b>15</b>
15.1	Director convening a general meeting	15
15.2	Meetings requested by Members	15
15.3	Notice of general meeting	15
15.4	Shorter notice of general meeting	15
15.5	Notice of resumption of an adjourned meeting	16
15.6	General meetings at two or more places	16
15.7	Postponement or cancellation of general meetings	16
15.8	Notice of change, postponement or cancellation of meeting	16
15.9	Omission to give notice relating to general meeting	16
<b>16</b>	<b>Proceedings at general meetings</b>	<b>16</b>
16.1	Quorum	16
16.2	Lack of quorum	17
16.3	Chairing general meetings	17
16.4	Conduct of general meetings	18
16.5	Adjournment	18
<b>17</b>	<b>Proxy</b>	<b>18</b>
17.1	Appointment of proxy	18
17.2	Proxy instruments	18
17.3	Proxy to be received by Company	19
17.4	Power to demand poll	19
17.5	Revocation of proxy	19

17.6	Validity of votes of proxy	19
17.7	No liability	20
<b>18</b>	<b>Body corporate representative</b>	<b>20</b>
18.1	Appointment of corporate representative	20
18.2	Authority to act as corporate representative	20
18.3	Instrument to be received by Company	20
18.4	Revocation and appointment of corporate representative	21
18.5	Validity of votes of corporate representative	21
18.6	No liability	21
<b>19</b>	<b>Voting</b>	<b>21</b>
19.1	Entitlement to vote	21
19.2	No casting vote	21
19.3	Proxy vote to be identified	21
19.4	Voting on resolution	21
19.5	Objection to right to vote	22
19.6	Written resolutions	22
19.7	Minutes	22
<b>20</b>	<b>Poll</b>	<b>22</b>
20.1	Chair may determine to take a poll	22
20.2	Right to demand poll	23
20.3	Procedure for demanding poll	23
<b>21</b>	<b>Appointment and removal of Directors</b>	<b>23</b>
21.1	Number of Directors	23
21.2	Appointment of Directors	23
21.3	Director may resign	24
21.4	Removal by Members	24
21.5	Cessation of Directorship	24
<b>22</b>	<b>Alternate Directors</b>	<b>24</b>
22.1	Appointment and terms of appointment	24
22.2	Company not responsible for terms of appointment	24
22.3	Remuneration of alternate	24
22.4	Notice and attendance at Board meetings	24
22.5	Voting of alternate	25
22.6	Termination of appointment of alternate	25
22.7	Cessation of appointment of alternate	25
<b>23</b>	<b>Powers and duties of Board</b>	<b>25</b>
23.1	Board to manage Company	25
23.2	Negotiable instruments	25
23.3	Delegation of Board powers	25
23.4	Wholly owned subsidiary company	26
23.5	Rules for exercise of Board's powers	26

<b>24</b>	<b>Managing Director</b>	<b>26</b>
24.1	Appointment of Managing Director	26
24.2	Terms of appointment	26
<b>25</b>	<b>Remuneration and reimbursement for expenses</b>	<b>26</b>
25.1	Remuneration of Directors	26
25.2	Reimbursement of expenses	26
<b>26</b>	<b>Board meetings</b>	<b>27</b>
26.1	Convening meetings	27
26.2	Notice of meetings	27
26.3	Omission to give notice	27
26.4	Use of technology	27
26.5	Quorum at meetings	27
26.6	Chair of meetings	27
26.7	Passing resolutions at meetings	28
26.8	Conduct of meetings	28
26.9	Written resolutions	28
26.10	Minutes of meetings	28
26.11	Committee meetings	28
26.12	Council CEO may attend Board meetings	28
<b>27</b>	<b>Director's interests</b>	<b>28</b>
27.1	Declaration of interest	28
27.2	Voting by interested Directors	29
<b>28</b>	<b>Appointment of Secretary</b>	<b>29</b>
<b>29</b>	<b>Chief Executive Officer</b>	<b>29</b>
29.1	Appointment of Chief Executive Officer	29
29.2	Delegation of powers	30
29.3	Removal of Chief Executive Officer	30
<b>30</b>	<b>Seal</b>	<b>30</b>
<b>31</b>	<b>Financial records</b>	<b>30</b>
31.1	Member's access to financial records	30
31.2	Directors' access to financial records	30
31.3	Access to financial records after ceasing to be a Director	30
<b>32</b>	<b>Distributions</b>	<b>30</b>
32.1	Payment of dividends	30
32.2	Provisions and reserves	31
32.3	Deductions from dividends	31
32.4	Unpaid calls	31
32.5	Dividends payable in cash	31
32.6	Dividends payable by the transfer of assets	31
32.7	Capitalisation of profits	32

<b>33</b>	<b>Notices</b>	<b>32</b>
33.1	General	32
33.2	How to give a communication	32
33.3	Communications by post	33
33.4	Communications by fax	33
33.5	Communications by email	33
33.6	After hours communications	33
<b>34</b>	<b>Indemnity and insurance</b>	<b>33</b>
34.1	Indemnity	33
34.2	Documenting indemnity	33
34.3	Insurance	33
<b>35</b>	<b>Winding up</b>	<b>34</b>

## 1 Name of Company

The name of the company is **Redland Investment Corporation Pty Ltd.**

## 2 Status of the Constitution

### 2.1 Constitution of the Company

This is the constitution of the Company.

### 2.2 Replaceable Rules

This Constitution displaces the Replaceable Rules, accordingly, none of the Replaceable Rules apply.

### 2.3 Amendment of Constitution

This Constitution may be amended by special resolution of the Members in accordance with the Corporations Act.

## 3 Interpretation

### 3.1 Definitions

In this Constitution these terms have the following meanings:

<b>Auditor</b>	The person appointed for the time being as the auditor of the Company.
<b>Board</b>	The Directors present at a meeting, duly convened as a Board meeting, at which a quorum is present.
<b>Beneficial Enterprise</b>	An enterprise that the Council considers is directed to benefiting, and can reasonably be expected to benefit, the whole or part of its Local Government area as defined <u>by the LG Act</u> <del>by the Local Government.</del>
<b>Business Day</b>	A day which is not a Saturday, Sunday or bank or public holiday in the place where the registered office of the Company for the time being is located.
<b>Certificate</b>	Any certificate issued by the Company on issue, or registration of transfer, of any Share, and any duplicate of that certificate.
<b>Chief Executive Officer</b>	Any person appointed for the time being as chief executive officer of the Company.
<b>Company</b>	Redland Investment Corporation Pty Ltd
<b>Constitution</b>	The constitution for the time being of the Company as constituted by this document and any resolutions of the Company modifying this document.
<b>Corporations Act</b>	The <i>Corporations Act 2001</i> (Cth).



<b>Council</b>	Redland City Council.
<b>Council Land</b>	Land acquired by the Company: (a) from Council; or (b) from any person, with Council's approval Land in which Council owns or has an interest.
<b>Director</b>	A person who is a director for the time being of the Company. <b>Directors</b> means more than one Director. In relation to rules applying to meetings of the Board, including voting by Directors and material personal interests, references to Directors include alternates.
<b>Default Rate</b>	The interest rate per annum that is the sum of 3% and the rate advised by the bank with which the Company operates the Company's main trading account (or such other bank as is nominated by the Company for the purpose of this definition) as an equivalent rate charged by that bank for overdrafts in excess of \$100,000.
<b>LG Act</b>	The <i>Local Government Act 2009</i> (Qld).
<b>Local Government Principles</b>	The local government principles referred to in the LG Act.
<b>Managing Director</b>	Any person appointed for the time being as a managing director of the Company.
<b>Member</b>	A person who is, or who is registered as, a member of the Company or, in the case of joint holders of any Share, who are, or who are registered as, joint holders of that Share, and <b>Members</b> means more than one Member.
<b>Option Holder</b>	Any person granted any option in respect of any unissued Share, and <b>Option Holders</b> is to be construed accordingly.
<b>Options Register</b>	The register of Option Holders.
<b>Register of Members</b>	The register of Members maintained pursuant to the Corporations Act.
<b>Replaceable Rules</b>	The replaceable rules applicable to a proprietary limited company with share capital, set out in the Corporations Act.
<b>Seal</b>	The common seal for the time being of the Company, if any.
<b>Secretary</b>	Any person appointed for the time being as, or to perform the functions of, secretary of the Company.
<b>Service Agreement</b>	An agreement between the Company and the Council in relation to the operation of the Company.

**Share** Any share in the share capital of the Company. **Shares** means more than one Share.

### 3.2 Interpretation

In this Constitution:

- (a) the words 'including', 'include' and 'includes' are to be construed without limitation;
- (b) a reference to legislation is to be construed as a reference to that legislation, any subordinate legislation under it, and that legislation and subordinate legislation as amended, re-enacted or replaced for the time being;
- (c) a reference to a 'person' includes a corporate representative appointed pursuant to section 250D of the Corporations Act;
- (d) headings are used for convenience only and are not intended to affect the interpretation of this Constitution; and
- (e) a word or expression defined in the Corporations Act and used, but not defined, in this Constitution has the same meaning given to it in the Corporations Act.

## 4 Objects

### 4.1 Object to deal with Council Land

The object of the Company is to conduct a Beneficial Enterprise by carrying out activities, limited to including:

- (a) to buy, sell, develop, manage, lease, license and contract in relation to Council Land;
- (b) to manage Council Land so as to:
  - (i) minimise Council's operational costs;
  - (ii) obtain the highest and best use of Council Land through obtaining development and environmental permits, business licenses and leasing arrangements;
- (c) to increase Council revenue sources through development, sale or management of Council Land;
- (d) to undertake such projects in relation to land, including Council Land.

### 4.2 Ancillary activities

The Company's objects include undertaking any activities as are necessary, desirable or incidental to the objects referred to in **rule 4.1**.

## 5 Member's liability

### 5.1 Liability to contribute

Subject to this Constitution, each person who is a Member, and each person who was a Member during the year ending on the day of the commencement of the winding up of the Company, undertakes to contribute to the property of the Company for:

- (a) payment of debts and liabilities of the Company;
- (b) payment of the costs, charges and expenses of winding up; and
- (c) any adjustment of the rights of the contributories among Members.

### 5.2 Limited liability

The amount that each Member or past Member is liable to contribute is limited to the amount unpaid on any Share of which that person is or was the registered holder.

## 6 Members

### 6.1 Number of Members

The Company must have at least one Member.

### 6.2 Limit on number of non-employee Members

- (a) The Company must have no more than 50 non-employee Members.
- (b) In determining the number of non-employee Members:
  - (i) the joint holders of any Share are counted as one Member; and
  - (ii) an employee Member is:
    - (A) a Member who is an employee of the Company or of a subsidiary of the Company; or
    - (B) a Member who was an employee of the Company, or of a subsidiary of the Company, when the Member became a Member.

### 6.3 Becoming a Member

Subject to the Corporations Act and this Constitution, a person becomes a Member on the registration of that person's name in the Register of Members.

## 7 Shares

### 7.1 Allotment and issue of Shares

- (a) Before issuing Shares, the Board must offer the Shares (**Offer Shares**) to Members. The number of Shares offered to each Member, as far as practicable, must be in proportion to the number of Shares that the Member already holds and the aggregate number of Shares already in issue.

- (b) In making the offer, the Board must give the Members a statement setting out the terms of the offer, including:
  - (i) the number of Shares offered;
  - (ii) the offer price for the Offer Shares, each call date, if the offer price is to be paid in instalments, the amount of each instalment and the amount of each call; and
  - (iii) the period of time for which the offer will remain open.
- (c) The Board may issue any Share not taken up under the offer on such terms as the Board determines.
- (d) The Board may issue Shares on any terms to any person, whether currently a Member or not, with the agreement of all the current Members.

## **7.2 Fractional entitlement**

If on any issue of Shares (including on a distribution or bonus issue), a Member is entitled to a fraction of a Share, the Board may deal with that fractional entitlement, on behalf of that Member, in any manner determined by the Board to be appropriate.

## **7.3 Granting of options**

Subject to the Corporations Act and this Constitution, the Board may grant to any person options to take up unissued Shares on such terms as the Board determines.

## **7.4 Options Register**

The Company must maintain an Options Register.

## **7.5 Share certificates**

- (a) It is a condition of the issue of any Shares that the Company is under no obligation to have ready for delivery any certificate or certificates relating to those Shares unless the person who is registered as the holder of those Shares (either as original subscriber, transferee or otherwise) makes a written request of the Company for the completion and delivery of share certificates, in which case the Company shall complete and deliver to the registered holder the relevant share certificates within one calendar month of receipt by the Company of that request.
- (b) Where a share certificate is lost or destroyed, the Board may issue a duplicate certificate to replace the lost or destroyed share certificate.
- (c) Where a share certificate is worn out or defaced, the Board may, upon its production to the Company, order the certificate to be cancelled and issue a replacement certificate to replace the worn out or defaced certificate.
- (d) The Company may charge a fee for the issue of a replacement certificate, of an amount determined by the Board but not to exceed the maximum fee (if any) prescribed under the Corporations Act.

- (e) Delivery of a certificate for a share to one of several joint holders is sufficient delivery to all such holders.

## 7.6 Joint holders of Shares

Where two or more persons are registered as the joint holders of any Share:

- (a) subject to the Corporations Act, the Company will not register more than four people as joint holder of any Share;
- (b) they hold that Share as joint tenants with rights of survivorship;
- (c) each Share certificate must set out the name of all joint holders;
- (d) on the death of any one or more of them, the survivor or survivors, as the case may be, are the only persons the Company recognises as having legal title to that Share;
- (e) each of them is jointly and severally liable to pay each call or instalment of each call and interest and any other amount payable in respect of that Share;
- (f) on transfer of that Share the instrument of transfer must be signed by all joint holders;
- (g) if the Board receives a request to convene a general meeting in accordance with this Constitution from any joint holder or any joint holders of that Share, the request must detail any proposed resolution, the name or names of the joint holder or holders requesting the meeting and be signed by all of the joint holders making the request. For this purpose, signatures of joint holders may be contained in more than one document;
- (h) if more than one joint holder attends a general meeting and purports to be entitled to vote on any resolution at that meeting, the joint holder whose name appears in the Register of Members before the names of other joint holders attending the meeting may vote;
- (i) on any resolution passed without a general meeting being held, all joint holders of that Share must sign a document containing a statement that they are in favour of the resolution set out in the document. For this purpose, signatures of joint holders may be contained in more than one document; and
- (j) any one of them may give a receipt for any amount paid in respect of that Share.

## 8 Maintenance of Register of Members

### 8.1 Register of Members

The Company must maintain a Register of Members.

### 8.2 Inspection of Register of Members

The Register of Members must be kept at the Company's registered office or the principal place of business. A Member may inspect the Register of

Members at no charge between the hours of 9.00 am and 4.00 pm on any Business Day.

## 9 Call on Shares

### 9.1 Power to make calls

Subject to the Corporations Act, this Constitution and the terms on which the Shares are on issue, the Board may make a call or calls on any Member in respect of any amount unpaid on any Share held by that Member.

### 9.2 Date of call and number of payments

- (a) Subject to the terms on which the Shares are on issue, a call is made on the date the Board resolves to make a call or, where the date of any call is specified in terms on which the Shares are on issue, on the date the Board allots the Shares.
- (b) Subject to the terms on which the Shares are on issue, a call may be payable in one payment or in instalments.

### 9.3 Notice of call

- (a) Subject to the terms on which the Shares are on issue, at least 14 days' notice must be given to the Member of the date on which the amount of the call or the instalment of the call must be paid.
- (b) Subject to the terms on which the Shares are on issue, the notice must state:
  - (i) the amount of the call or, as the case may be, the amount of each instalment;
  - (ii) the date (or dates) for payment;
  - (iii) the time (or times) for payment;
  - (iv) the place (or places) for payment;
  - (v) that interest may be payable if payment is not made on or before the date (or dates) for payment; and
  - (vi) that a lien will arise if the amount of the call or the instalment is not paid in accordance with the notice.
- (c) Any unintentional omission or error in giving or not giving notice of a call or the non-receipt of notice of a call by any person entitled to receive notice does not invalidate the call.

### 9.4 Revocation, postponement or extension of calls

Subject to the terms on which the Shares are on issue, before the Company receives any amount due under any call or instalment, the Board may resolve to revoke, postpone or extend the period within which that call or instalment must be paid. If the Board so resolves, the Board must notify all persons on whom the call was made.

**9.5 Interest on unpaid calls**

- (a) If an amount called is not paid on or before any date specified in the notice for payment, the Member must pay interest on the amount unpaid from the date specified in the notice of the call for payment until and including the date of actual payment. The interest rate may be determined by the Board, or, if the Board does not determine a rate, the interest rate is at the Default Rate. Interest will accrue and compound daily.
- (b) The Board may waive the right to require the payment of interest.

**9.6 Joint holders**

Each joint holder of any Share is jointly and severally liable to pay each call or instalment and interest and any other amount in respect of that Share.

**9.7 Differentiation between Members of amounts payable on calls**

The terms on which Shares are on issue may differ between Members as to the amount to be paid on any call or instalment and the date (or dates) on which payment is to be made.

**9.8 Payment of calls in advance**

- (a) The Board may accept any sum in respect of any amount uncalled or called but not yet payable on any Share. The Board may authorise payment by the Company of interest upon the whole or any part of any sum so accepted until the date on which the sum paid is payable under a call. The interest rate will be determined by the Board.
- (b) Any sum so accepted is:
  - (i) to be treated as a loan to the Company, not as share capital of the Company until the date on which the sum is payable under a call or instalment; and
  - (ii) not to be taken into account in determining an entitlement to vote or the amount of any distribution in respect of any Share.
- (c) The Board may repay any sum so accepted at any time on giving the Member not less than ten days' notice.

**10 Lien****10.1 Lien for unpaid amounts**

- (a) The Company has a first and paramount lien:
  - (i) on each partly paid Share (and any distribution in respect of it, including dividends) in respect of any call (including any instalment) due and payable but unpaid and any interest and any other amount owing in respect of that Share; and
  - (ii) on each Share in respect of any amount owed to or paid by the Company which the Company is required by law to pay in respect of the Share.

- (b) By notice, the Board may discharge or waive, in whole or in part, any lien or declare any Share to be wholly or partly exempt from a lien, but otherwise no act or omission is to be taken as discharging or a waiver or grant of an exemption from any lien. A lien may not be discharged or waived otherwise.
- (c) If any Share is subject to a lien and the Company registers the transfer without giving notice of the lien to the transferee of the Share, the lien is treated as waived as against the transferee.

## 10.2 Enforcement of lien

- (a) The Board may sell or otherwise dispose of any Share the subject of a lien, if:
  - (i) a sum in respect of which the lien exists is due and payable but is unpaid;
  - (ii) the Company has provided notice to the Member or, if the Company has notice of the death, bankruptcy or the mental incapacity of the Member, provided notice to the person entitled to be registered as the holder of that Share:
    - (A) setting out that amount due but unpaid paid or required to be paid or outstanding;
    - (B) requiring payment of that amount; and
    - (C) stating that the Share is liable to be sold or otherwise disposed of if payment of that amount is not made within 14 days after the date of the notice; and
  - (iii) the amount specified in the notice is not paid in full in accordance with the notice.
- (b) The terms on which and manner by which any Share may be sold or otherwise disposed of are to be determined by the Board.
- (c) Interest accrues and compounds daily at the rate determined by the Board or, if no such rate is determined, at the Default Rate on the amount due but unpaid, costs and expenses paid in connection with the enforcement of the lien and the sale or other disposal of the Shares.
- (d) The Company may receive the net proceeds of the sale or other disposal of any Share and execute an instrument of transfer in respect of the Share. The Company must apply the net proceeds of the sale or disposal of any Share in or towards satisfaction of the amount due but unpaid, costs and expenses paid or payable in connection with the enforcement of the lien and the sale or other disposal of that Share and accrued interest on all those amounts.
- (e) The Company must pay any balance of the net proceeds of sale or other disposal to the Member whose Share has been sold or otherwise disposed of.



- (f) The purchaser is entitled to assume that the proceeds of sale or other disposal have been applied in accordance with this Constitution and is not responsible for the application of the purchase money by the Company.

### 10.3 Continuing liability

If the net proceeds from the sale or other disposal of any Share are less than the sum of the amount:

- (a) due but unpaid in respect of that Share;
- (b) the costs and expenses paid or payable in connection with the enforcement of the lien and the sale or other disposal; and
- (c) interest on those amounts (**Shortfall**),

the person whose Share has been sold or otherwise disposed of, continues to be liable and must pay to the Company an amount equal to the Shortfall together with interest.

## 11 Forfeiture

### 11.1 Notice regarding forfeiture

- (a) If any Member does not pay the amount of any call or instalment in respect of any Share when it is due, the Board may give notice to the Member or, if the Company has notice of the death, bankruptcy or the mental incapacity of the Member, give notice to the person entitled to be registered as the holder of that Share:
  - (i) requiring payment of:
    - (A) the unpaid call or instalment;
    - (B) any costs and expenses incurred by the Company as a result of the non-payment of the call or instalment and the amount of the costs and expenses; and
    - (C) interest that has accrued and compounded (on a daily basis) on the amount of the unpaid call or instalment;
  - (ii) demanding payment of those amounts within 14 days after the date of the notice;
  - (iii) stating the place where payment is to be made; and
  - (iv) stating that the Share and any distribution in respect of it not yet made are liable to be forfeited and that on forfeiture the Shares may be sold or otherwise disposed of if payment of the amount demanded is not made in full within 14 days after the date of the notice.

## 11.2 Forfeiture

- (a) If payment of the amount demanded is not made in full in accordance with the notice, any Share or distribution, the subject of the notice, may be forfeited on a resolution of the Board to that effect.
- (b) The Board may accept the surrender of any Share which may be forfeited. If the Board accepts the surrender, that Share will be treated as having been forfeited.
- (c) If any Share is forfeited, notice of forfeiture will be given to the registered holder of that Share, or, as the case may be, each joint holder, and the date and details of the forfeiture will be recorded in the Register of Members.
- (d) The Board may sell or otherwise dispose of any forfeited Share on behalf of the Member. The terms and manner of sale or disposal are to be determined by the Board.
- (e) At any time before any forfeited Share is sold or otherwise disposed of, the Board may cancel the forfeiture on terms determined by it.
- (f) On forfeiture of any Share, the holder of that Share ceases to be a Member and ceases to have any right as a Member in respect of that forfeited Share (including in respect of any distribution), but remains liable to pay to the Company for:
  - (i) all amounts payable by the holder to the Company at the date of forfeiture;
  - (ii) further costs or expenses incurred by the Company in respect of the forfeiture; and
  - (iii) interest which accrues and compounds daily at a rate determined by the Board or, if no such rate is determined, at the Default Rate on those amounts from the date of forfeiture until payment of amounts and accrued interest in full.
- (g) the liability of a Member continues until:
  - (i) the Member pays all those amounts and accrued interest in full; or
  - (ii) the Company receives and applies the net proceeds from the sale or other disposal of the forfeited Share an amount which is equal to or greater than all those amounts and accrued interest.
- (h) The Company may receive the net proceeds from the sale or other disposal of any forfeited Share and execute an instrument of transfer in respect of the forfeited Share. The Company must apply the net proceeds of any sale or other disposal of any Share in or towards satisfaction of amounts due but unpaid, costs and expenses paid or payable in connection with the enforcement of the forfeiture and the sale or other disposal of that Share and accrued interest on all those amounts.

- (i) The Company must pay the balance (if any) of the net proceeds of sale or other disposal to the Member whose forfeited Share has been sold or otherwise disposed of.
- (j) The purchaser of any forfeited Share is entitled to assume that the proceeds of the sale or other disposal have been applied in accordance with this Constitution and is not responsible for the application to the purchase money by the Company.

### 11.3 Continuing liability

If the net proceeds from the sale or other disposal of any Share are less than the sum of the amount:

- (a) due but unpaid in respect of that Share;
- (b) the costs and expenses paid or payable in connection with the enforcement of the forfeiture and the sale or other disposal; and
- (c) interest on those amounts (**Forfeiture Shortfall**),

the person, whose Share has been sold or otherwise disposed of, continues to be liable and must pay to the Company an amount equal to the Forfeiture Shortfall together with interest.

### 11.4 Cancellation of forfeited Shares

By resolution passed at a general meeting, the Company may cancel any forfeited Share.

## 12 Transfers

### 12.1 Transfer of Shares

- (a) Subject to the Corporations Act and this Constitution, a Member may transfer any Share held by the Member by an instrument of transfer:
  - (i) in any form prescribed by the Board; or
  - (ii) if the Board does not prescribe a form, in any common form.
- (b) A Share may not be transferred other than in accordance with this rule.
- (c) The instrument of transfer must be signed by, or on behalf of, both the transferor and the transferee.

### 12.2 Registration of transfers

A Member transferring a Share remains the holder of that Share until the transfer is registered and the name of the person to whom the Share is being transferred is entered in the Register of Members.

### 12.3 Company's refusal to register

- (a) The Board may refuse to register any transfer of Shares for any reason.
- (b) Notice must be given to the transferee within two months after the date on which the transfer was lodged if the Board refuses to register a transfer of any Share.

**12.4 Company may suspend registration**

- (a) Subject to this Constitution, the Board may suspend the registration of transfers at the times and for the period of time it determines.
- (b) A period of suspension of registration must not exceed 30 days in any calendar year.

**12.5 Retention of instruments of transfer**

Instruments of transfer in respect of transfers that are registered may be retained by the Company for such period of time as the Board may determine.

**12.6 Destroying instruments of transfer**

- (a) Subject to the Corporations Act, the Company may destroy an instrument of transfer or any other title document five years after registration of the transfer.
- (b) The Company is not responsible for any loss in respect of any document destroyed in accordance with the Corporations Act or this Constitution.

**12.7 Return of certificate**

Any person who ceases to be a Member must return any Share certificate or, as the case may be, any other title document to the Company as soon as practicable.

**13 Transmission of Shares****13.1 Transmission of Shares on death**

- (a) On the death of a Member who does not own Shares jointly, the Company will recognise only the personal representative of the deceased Member as being entitled to the deceased's interest in the Shares.
- (b) The personal representative of the deceased Member may provide the Board with information it reasonably requires to establish conclusively that the personal representative is the personal representative of the deceased Member and the personal representative is entitled to be registered as the Member holding the Shares.
- (c) If the Board is satisfied that the personal representative is the personal representative of the deceased and is entitled to be registered as the holder of the Shares, it will notify the personal representative to that effect and accordingly, that the personal representative has the same rights as the deceased Member. At any time after the Board so notifies the personal representative, the personal representative may:
  - (i) by giving a signed notice to the Company, elect to be registered as the holder of any Share owned by the deceased; or
  - (ii) by giving a proper instrument of transfer to the Company, transfer any Share owned by the deceased to another person.

- (d) A trustee, executor or administrator of the estate of a deceased Member may be registered as the holder of any Share owned by the deceased as trustee, executor or administrator of that estate.

### 13.2 Transmission of Shares on bankruptcy

- (a) A person entitled to any Share on the bankruptcy of a Member may provide the Board with information it reasonably requires to establish conclusively that the person is entitled to be registered as the holder of any Share owned by the bankrupt Member.
- (b) If the Board is satisfied that the person is entitled to be registered as the holder of any Share, the Board will notify the person to that effect and accordingly, that the person has the same rights as the bankrupt Member. At any time after the Board so notifies the person the person may:
  - (i) by giving a signed notice to the Company, elect to be registered as the holder of any Share owned by the bankrupt Member; or
  - (ii) by giving a proper instrument of transfer to the Company, transfer any Share owned by the bankrupt Member to another person.
- (c) A trustee or administrator of a person who is bankrupt may be registered as the holder of any Share owned by that person as trustee or administrator of that person's affairs.
- (d) This rule is subject to the *Bankruptcy Act 1966* (Cth).

### 13.3 Transmission of Shares on mental incapacity

- (a) A person entitled to any Share because a Member is subject to assessment or treatment under any mental health law may provide the Board with information it reasonably requires to establish conclusively that the person is entitled to be registered as the holder of any Share owned by the Member.
- (b) If the Board is satisfied that the person is entitled to be registered as the holder of any Share, the Board will notify the person to that effect and accordingly, that the person has the same rights as the Member. At any time after the Board so notifies the person, the person may:
  - (i) by giving a signed notice to the Company, elect to be registered as the holder of any Share owned by the Member; or
  - (ii) by giving a proper instrument of transfer to the Company, transfer any Shares owned by the Member to another person.
- (c) A trustee or administrator of a person who is mentally or physically incapable of managing his or her affairs, may be registered as the holder of any Share owned by that person as trustee or administrator of that person's affairs.

## 14 Interests recognised

Subject to this Constitution, the Company is entitled to treat the Member who is the registered holder of any Share as the sole legal owner of that Share.

Subject to the Corporations Act and this Constitution, the Company is not required to recognise any other interest in respect of any Share of any other person.

## 15 General meetings

### 15.1 Director convening a general meeting

- (a) Any Director may convene a general meeting.
- (b) The Company may hold an annual general meeting, to elect Directors and transact any other business which under this Constitution is to be transacted at any annual general meeting.

### 15.2 Meetings requested by Members

- (a) If the Board receives a request from a Member or Members with at least five percent of the votes that may be cast at any general meeting or at least 100 Members who are entitled to vote at that general meeting, the Board must convene a general meeting within 21 days after the date of receipt of that request.
- (b) The request must detail any proposed resolution, the names of the Members requesting the meeting and be signed by all of the Members.
- (c) A general meeting requested by the Members must be held no later than two calendar months after the request is received.

### 15.3 Notice of general meeting

At least 21 days' notice of a general meeting must be given to the Members, Directors and Auditor (if the Company has an Auditor). The notice must:

- (a) state the date, time and place (or places) of the meeting;
- (b) state the general nature of the business to be conducted at the meeting;
- (c) state any proposed resolutions;
- (d) state the names of proxies that have been appointed (if any); and
- (e) contain a statement informing the Members of the right to appoint a proxy.

### 15.4 Shorter notice of general meeting

Subject to the Corporations Act, shorter notice of a general meeting may be given if the calling of the notice of the general meeting on shorter notice is agreed to by 95% of the Members entitled to attend and vote at the general meeting agree before the meeting, and accordingly, any such general meeting will be treated as having been duly convened.

**15.5 Notice of resumption of an adjourned meeting**

If a general meeting is adjourned for 30 days or more, at least 30 days' notice must be given to the Members, Directors and Auditor (if the Company has an Auditor) of the date, time and place (or places) for the resumption of the adjourned general meeting.

**15.6 General meetings at two or more places**

A general meeting may be held in two or more places. If a general meeting is held in two or more places, the Company must use technology that gives Members a reasonable opportunity to participate at that general meeting.

**15.7 Postponement or cancellation of general meetings**

- (a) Subject to this Constitution and the Corporations Act, the Board may change the place (or places) of, postpone or cancel a general meeting.
- (b) If a general meeting is convened pursuant to a request by Members, the Board may not postpone or cancel the general meeting without the consent of the requesting Members.

**15.8 Notice of change, postponement or cancellation of meeting**

- (a) If the Board changes the place (or places) of a general meeting, notice must be given to each Member and each person entitled to receive notice of the meeting of the new place (or places) of the meeting.
- (b) If the Board postpones a general meeting, notice must be given to each Member and each other person entitled to receive notice of the new date, time and place (or places) of the meeting.
- (c) If the Board cancels a general meeting, notice must be given to each Member and each other person entitled to receive notice of general meetings.

**15.9 Omission to give notice relating to general meeting**

No resolution passed at or proceedings at any general meeting will be invalid because of any unintentional omission or error in giving or not giving notice of:

- (a) that general meeting;
- (b) any change of place (or places) of that general meeting;
- (c) postponement of that general meeting, including the date, time and place (or places) for the resumption of the adjourned meeting; or
- (d) resumption of that adjourned general meeting.

**16 Proceedings at general meetings****16.1 Quorum**

- (a) A quorum at a general meeting is:
  - (i) where the Company has one Member only, that Member;
  - (ii) where the Company has 2 or more Members, 2 Members.

- (b) The quorum must be present at all times during the general meeting.
- (c) In determining whether a quorum is present, count individuals attending as proxies or representatives. However if a Member has appointed more than one proxy or representative, count only one of them. If an individual is attending both as a Member and as a proxy or representative, count the individual only once.

## 16.2 Lack of quorum

- (a) If a quorum is not present within 30 minutes after the time appointed for a general meeting (or any longer period of time as the chair may allow) or ceases to be present at any time during the general meeting, the general meeting:
  - (i) if convened on the request of Members, is dissolved; or
  - (ii) in any other case:
    - (A) is adjourned to be resumed on a day, time and place (or places) as the chair determines or if the chair is not present as the Directors at the meeting may determine; or
    - (B) if the Directors do not so determine, no Director is present, or no Director present determines:
      - (1) the date for the resumption of the adjourned general meeting will be on the same day in the next week;
      - (2) the time for the resumption of the adjourned general meeting will be at the same time as the adjourned meeting; and
      - (3) the place (or places) for the resumption of the adjourned general meeting, will be at the same place (or places) as the adjourned meeting.
- (b) If a quorum is not present within 30 minutes after the time appointed for the resumption of the adjourned general meeting or ceases to be present during the meeting, the general meeting is dissolved.

## 16.3 Chairing general meetings

- (a) The chair of the general meeting will be the Director elected for the time being as chair of Board meetings.
- (b) If the chair is not present within 15 minutes after the time appointed for any general meeting or if the chair is unwilling or unable to act as chair for the whole or any part of that general meeting, the Directors present may elect a Director present to chair that general meeting.
- (c) If no Director is elected or if all the Directors present decline to take the chair for the whole or any part of that general meeting, the Members present (whether in person or by proxy) may elect a Member present (in person) to chair for the whole or any part of that general meeting. If the Members do not so elect a chair, the meeting will be adjourned to be resumed on the same day, at the same time and at the same place (or places) in the following week.



#### 16.4 Conduct of general meetings

The chair of each general meeting has charge of conduct of that meeting, including the procedures to be adopted and the application of those procedures at that meeting.

#### 16.5 Adjournment

- (a) The chair of a general meeting at which a quorum is present may adjourn the meeting to another date, time and place (or places).
- (b) The chair of a general meeting may adjourn the meeting to another date, time and place (or places) if it appears to the chair that it is likely to be impracticable to hold or to continue to hold the meeting because of the number of Members who wish to attend but who are not present.
- (c) If a majority of Members present at a general meeting in person or by proxy determine that the meeting should be adjourned, the chair must adjourn the general meeting to a date, time and place (or places) determined by the chair.
- (d) No business may be transacted on the resumption of the adjourned general meeting other than the business left unfinished at the adjourned general meeting.

### 17 Proxy

#### 17.1 Appointment of proxy

- (a) A Member who is entitled to attend and to vote at a general meeting of the Company may appoint a person as proxy to attend, speak and vote for that Member. The instrument appointing a proxy may restrict the exercise of any power.
- (b) A proxy may, but does not have to, be a Member.
- (c) An appointment of a proxy may be a standing one.
- (d) A proxy is not entitled to vote if the Member who has appointed the proxy is present in person at the meeting.
- (e) If a Member is entitled to cast two or more votes at a meeting, the Member may appoint two proxies. If the Member appoints two proxies and the appointment does not specify the proportion or the number of votes each proxy may exercise, each proxy may exercise half the votes.
- (f) Any fractions of votes resulting from the application of rule 17.1(e) will be disregarded.

#### 17.2 Proxy instruments

- (a) An appointment of a proxy must be in writing and be signed by the Member appointing the proxy or by the duly authorised attorney of the Member and state:

- (i) the Member's name and address;
  - (ii) the Company's name;
  - (iii) the proxy's name or the name of the office held by the proxy; and
  - (iv) the general meeting at which the proxy may be used, or if the appointment is a standing one, a clear statement to that effect.
- (b) Where a proxy is signed pursuant to a power of attorney, a copy of the power of attorney (certified as a true copy of the original) must be attached to the proxy instrument sent to the Company.
- (c) An instrument appointing a proxy may direct the way in which a proxy is to vote on a particular resolution. If an instrument contains a direction, the proxy is not entitled to vote on the proposed resolution except as directed in the instrument.

### **17.3 Proxy to be received by Company**

- (a) An instrument purporting to appoint a proxy is not effective unless it is received, together with any additional documentation, including a copy of the power of attorney (certified as a true copy of the original), by the Company at least 48 hours before the general meeting or, as the case may be, the resumption of an adjourned general meeting, at any of the following:
- (i) the registered office;
  - (ii) a facsimile number at the registered office; or
  - (iii) a place, facsimile number or electronic address specified for that purpose in the notice of the general meeting.

### **17.4 Power to demand poll**

A proxy may demand, or join in demanding, a poll.

### **17.5 Revocation of proxy**

The appointment of a proxy may be revoked by the Member who appointed the proxy by notice to the Company from the Member or, as the case may be, the duly authorised attorney of the Member, stating that the appointment of a proxy is revoked or by appointing a new proxy.

### **17.6 Validity of votes of proxy**

A vote cast by a proxy will be valid unless before the start of a general meeting (or, in the case of an adjourned general meeting, before the resumption of the adjourned general meeting) at which a proxy votes:

- (a) the Member who appointed the proxy ceases to be a Member; or
- (b) the Company receives notice of:
  - (i) the revocation of the instrument appointing the proxy;
  - (ii) the appointment of a new proxy; or
  - (iii) the revocation of any power of attorney under which the proxy was appointed.

**17.7 No liability**

The Company is not responsible for ensuring that any directions provided in the instrument appointing the proxy or the way in which a proxy is to vote on a particular resolution are complied with, and accordingly is not liable if those directions are not complied with.

**18 Body corporate representative****18.1 Appointment of corporate representative**

- (a) If a Member is a body corporate, it may appoint a natural person as its representative to exercise on its behalf any or all of the powers it may exercise:
  - (i) at meetings of the Members;
  - (ii) at meetings of creditors or debenture holders; or
  - (iii) relating to resolutions to be passed without meetings.
- (b) The appointment of a corporate representative may be a standing one.

**18.2 Authority to act as corporate representative**

- (a) An appointment of a corporate representative must be in writing and be signed by the body corporate appointing the representative and state:
  - (i) the Member's name and address;
  - (ii) the Company's name;
  - (iii) the representative's name or the name of the office held by the representative; and
  - (iv) the general meeting at which the representative may act, or if the appointment is a standing one, a clear statement to that effect.
- (b) The instrument appointing the corporate representative may restrict the exercise of any power.

**18.3 Instrument to be received by Company**

- (a) An instrument purporting to appoint a corporate representative is not valid unless it is received by the Company before the general meeting or, in the case of an adjourned meeting, before the resumption of an adjourned general meeting.
- (b) An instrument appointing a corporate representative must be:
  - (i) received by the Company at any of the following not less than 24 hours before the meeting:
    - (A) the registered office;
    - (B) a facsimile number at the registered office; or
    - (C) a place, facsimile number or electronic address specified for that purpose in the notice of the general meeting, or

- (ii) delivered to the Secretary or the chair of the Board, at the venue where the meeting is held, before commencement of the meeting.

#### **18.4 Revocation and appointment of corporate representative**

The appointment of a corporate representative may be revoked by the Member who appointed the corporate representative by notice to the Company from the Member stating that the appointment of the corporate representative is revoked or by appointing a new corporate representative.

#### **18.5 Validity of votes of corporate representative**

A vote cast by a corporate representative will be valid unless before the start of the general meeting (or, in the case on an adjourned general meeting, before the resumption of the adjourned general meeting) at which a corporate representative votes:

- (a) the Member who appointed the corporate representative ceases to be a Member; or
- (b) the Company has received notice of:
  - (i) the revocation of the instrument appointing the corporate representative; or
  - (ii) the appointment of a new corporate representative.

#### **18.6 No liability**

The Company is not responsible for ensuring that the terms of appointment of a corporate representative are complied with, and accordingly is not liable if those terms are not complied with.

### **19 Voting**

#### **19.1 Entitlement to vote**

Each Member entitled to vote at a general meeting may vote in person or by proxy. On a show of hands, each Member has one vote, and on a poll one vote for each Share held.

#### **19.2 No casting vote**

If on any ordinary resolution an equal number of votes is cast for and against a resolution, the chair does not have a casting vote in addition to any vote cast by the chair as a Member, and the motion is not passed.

#### **19.3 Proxy vote to be identified**

Before a vote is taken the chair must inform the Members present whether any proxy votes have been received and, if so, how the proxy votes are to be cast.

#### **19.4 Voting on resolution**

At any general meeting, a resolution put to a vote must be decided by a show of hands unless a poll is demanded in accordance with this Constitution.

**19.5 Objection to right to vote**

- (a) A challenge to a right to vote at a general meeting:
  - (i) may only be made at that general meeting; and
  - (ii) must be determined by the chair.
- (b) A decision made by the chair in relation to a challenge to a right to vote is final.

**19.6 Written resolutions**

Members may pass a resolution without a general meeting being held if all the Members entitled to vote on the resolution sign a document containing a statement that they are in favour of the resolution set out in the document. For this purpose, signatures of the Members may be contained in more than one document.

**19.7 Minutes**

- (a) Unless a poll is demanded in accordance with this Constitution, a declaration by the chair that a resolution has, on a show of hands, been:
  - (i) carried;
  - (ii) carried unanimously;
  - (iii) carried by a particular majority; or
  - (iv) lost or not carried by a particular majority,is conclusive evidence of the fact declared. An entry to that effect made in the minutes book of the Company signed by the chair is evidence of that fact unless the contrary is proved.
- (b) Within one month after each general meeting, the Directors must record or cause to be recorded in the minutes book:
  - (i) the proceedings and resolutions of each general meeting;
  - (ii) any declarations at each general meeting; and
  - (iii) all resolutions passed by Members without a general meeting.
- (c) The chair, or the chair of the next meeting, must sign the minutes within one month after the general meeting.
- (d) The minute books must be kept at the registered office.
- (e) Members may inspect the minute books between the hours of 9.00 am and 5.00 pm on any Business Day. No amount may be charged for inspection.

**20 Poll****20.1 Chair may determine to take a poll**

The chair of a general meeting may determine that a poll be taken on any resolution.

## 20.2 Right to demand poll

A poll may be demanded on any resolution at a general meeting other than the election of a chair or the question of an adjournment by:

- (a) at least five Members entitled to vote on the resolution; or
- (b) Members with at least five percent of the votes that may be cast on the resolution on a poll.

## 20.3 Procedure for demanding poll

- (a) A poll may be demanded:
  - (i) before a vote on a show of hands is taken;
  - (ii) before the result of a vote on a show of hands is declared; or
  - (iii) immediately after the result of a vote on a show of hands is declared.
- (b) If a poll is demanded on the election of a chair or on the question of an adjournment, it must be taken immediately. If a poll is demanded on any other matter, it may be taken in the manner and at the time and place (or places) as the chair directs.
- (c) Other than where a poll is demanded on the election of a chair or the question of an adjournment, a demand for a poll may be withdrawn at any time by the person or persons who demanded it. A demand for a poll which is withdrawn does not invalidate the result of a show of hands declared before the demand for the poll was made.
- (d) Other than where a poll is demanded on the election of a chair or the question of an adjournment, a demand for a poll does not prevent the general meeting continuing for the transaction of any business.

## 21 Appointment and removal of Directors

### 21.1 Number of Directors

The Company must have at least one Director. At least one Director must reside ordinarily in Australia.

### 21.2 Appointment of Directors

- (a) The Company may appoint a person as a Director by resolution passed in general meeting.
- (b) An appointment of a person as a Director is not effective unless a signed consent to the appointment is provided by that person to the Company. The appointment of a person as a Director will take effect on the later of the date of appointment and the date on which the Company receives the signed consent.
- (c) Directors are not subject to retirement by rotation.
- (d) A Director is not required to have a share qualification.

**21.3 Director may resign**

A Director may resign as a director by giving a written notice of resignation to the Company at the registered office.

**21.4 Removal by Members**

The Company may by resolution passed in general meeting remove a Director from office.

**21.5 Cessation of Directorship**

A person ceases to be a Director and the office of Director is vacated if the person:

- (a) resigns as a Director in accordance with this Constitution;
- (b) is subject to assessment or treatment under any mental health law and the Board resolves that the person should cease to be a Director;
- (c) dies;
- (d) is disqualified from acting as a Director under the Corporations Act.

**22 Alternate Directors****22.1 Appointment and terms of appointment**

- (a) Any Director may appoint a natural person, approved by the Members, to act as the alternate of that Director and may specify the terms of the alternate's appointment. The terms of that appointment may provide for the alternate to exercise some or all of the powers of that Director.
- (b) A person may be appointed as the alternate of more than one Director.
- (c) An alternate is not an agent of the Director appointing the alternate.
- (d) The Director appointing an alternate must give notice to the Company of that appointment. If the notice does not detail the terms of the appointment, the alternate will have the power to exercise all of the powers of the Director. The appointment will continue until notice of termination of the appointment is received by the Company.

**22.2 Company not responsible for terms of appointment**

The Company is not responsible for ensuring that the terms of appointment of an alternate are complied with and accordingly, is not liable if those terms are not complied with.

**22.3 Remuneration of alternate**

An alternate is not entitled to receive any fee (or other remuneration) from the Company for services performed as an alternate.

**22.4 Notice and attendance at Board meetings**

If the notice appointing the alternate provides that the alternate is to receive notice of Board meetings, the Company must provide each alternate with notice. By notice to the Company, the Director who appointed an alternate

may at any time require that the notice of Board meetings cease to be given to the alternate.

#### **22.5 Voting of alternate**

An alternate is entitled to a vote for each Director that the alternate represents in addition to any vote the alternate may have as a Director in the alternate's own right.

#### **22.6 Termination of appointment of alternate**

- (a) A Director who appointed an alternate may terminate the appointment of the alternate at any time by notice to the alternate, the Directors and the Company.
- (b) An alternate may terminate the alternate's appointment at any time by notice to the Directors and the Company.
- (c) A termination of appointment does not take effect until the Company has received notice of termination.

#### **22.7 Cessation of appointment of alternate**

An alternate ceases to be an alternate if the person who appointed that alternate ceases to be a Director.

### **23 Powers and duties of Board**

#### **23.1 Board to manage Company**

- (a) Subject to this Constitution and the Corporations Act, the activities of the Company are to be managed by, or under the direction of, the Board.
- (b) Subject to this Constitution and the Corporations Act, the Board may exercise all powers of the Company that are not required to be exercised by the Company in a general meeting.
- (c) The powers of the Board include the power to:
  - (i) borrow or otherwise raise money;
  - (ii) mortgage, charge (including in the form of a floating charge) any of the Company's assets (both present and future); and
  - (iii) issue debentures and other securities, and any instrument (including any bond).

#### **23.2 Negotiable instruments**

All negotiable instruments and all receipts for money paid to the Company must be signed, drawn, accepted, endorsed or otherwise executed in such manner as the Board may determine.

#### **23.3 Delegation of Board powers**

The Board may delegate any of its powers to:

- (a) a Director;
- (b) a committee of Directors;



- (c) an employee of the Company; or
- (d) any other person.

#### **23.4 Wholly owned subsidiary company**

Where the Company is a wholly owned subsidiary of a body corporate (**holding company**), a Director may act in the best interests of the holding company where to do so is permitted under the Corporations Act.

#### **23.5 Rules for exercise of Board's powers**

The Board must exercise its powers:

- (a) in accordance with the Local Government Principles;
- (b) in the public interest; and
- (c) in accordance with the Service Agreement.

### **24 Managing Director**

#### **24.1 Appointment of Managing Director**

The Board may appoint one or more of the Directors to the office of Managing Director for such period, and on such terms (including as to remuneration), as the Board determines.

#### **24.2 Terms of appointment**

- (a) The Board may confer on a Managing Director any of the powers that the Board may exercise.
- (b) The Board may vary or revoke a conferral of any power on the Managing Director.
- (c) The Board may at any time vary or revoke an appointment of a Managing Director.
- (d) A person ceases to be a Managing Director if the person ceases to be a Director.

### **25 Remuneration and reimbursement for expenses**

#### **25.1 Remuneration of Directors**

- (a) The Directors are entitled to receive such remuneration as is from time to time determined by the Company in general meeting.
- (b) Directors' fees accrue on a day to day basis and are apportionable accordingly.

#### **25.2 Reimbursement of expenses**

Directors and alternates are entitled to be reimbursed by the Company for reasonable costs and expenses incurred or to be incurred in connection with attendance at meetings of the Board and committees of the Board.

## 26 Board meetings

### 26.1 Convening meetings

- (a) In the ordinary course, the Secretary will convene Board meetings in accordance with the determination of the Board.
- (b) A Director may at any time convene a Board meeting by notice to the other Directors.

### 26.2 Notice of meetings

- (a) Reasonable notice of each Board meeting must be given to the Directors and each alternate entitled to receive notice (if any).
- (b) Each notice must state:
  - (i) the date, time and place (or places) of the Board meeting;
  - (ii) the general nature of the business to be conducted at the Board meeting.

### 26.3 Omission to give notice

No resolution passed at or proceedings at any Board meeting will be invalid because of any unintentional omission or error in giving or not giving notice of:

- (a) that Board meeting;
- (b) any change of place (or places) of that Board meeting;
- (c) postponement of that Board meeting; or
- (d) resumption of that adjourned Board meeting.

### 26.4 Use of technology

A Board meeting may be convened or held using any technology consented to by all Directors. The consent may be a standing one. A Director may withdraw consent to the use of a particular technology within a reasonable time period before a Board meeting.

### 26.5 Quorum at meetings

A quorum at a Board meeting is at least two of the Directors present in person. The quorum must be present at all times during the Board meeting.

### 26.6 Chair of meetings

- (a) The Directors may elect a chair and may determine the period during which the chair holds office.
- (b) If the person entitled to chair a meeting is not present within 30 minutes after the time appointed for a Board meeting or if the chair is unwilling or unable to act as chair for the whole or any part of that Board meeting, the Directors present may elect a Director present to chair that Board meeting.

**26.7 Passing resolutions at meetings**

- (a) Subject to this Constitution, questions arising at a Board meeting are decided by a majority of votes of the Directors present and entitled to vote on the question.
- (b) In the case of an equality of votes, the chair of the meeting does not have a casting vote and the motion is not passed.
- (c) Each Director present in person or by alternate is entitled to vote and has one vote.

**26.8 Conduct of meetings**

The chair of each Board meeting has charge of conduct of that meeting, of the procedures to be adopted and the application of those procedures at that meeting.

**26.9 Written resolutions**

The Board may pass a resolution without a Board meeting being held if all the Directors entitled to vote on the resolution sign a document containing a statement that they are in favour of the resolution set out in the document. For this purpose, signatures can be contained in more than one document.

**26.10 Minutes of meetings**

- (a) Within one month after each Board meeting, the Directors must record or cause to be recorded in the minute books:
  - (i) the proceedings and resolutions of each Board meeting; and
  - (ii) all resolutions passed without a Board meeting.
- (b) The chair of the meeting, or the chair of the next Board meeting, must sign the minutes.
- (c) The minute books must be kept at the registered office.
- (d) The Directors may inspect the minute books at no charge between the hours of 9:00 am and 5:00 pm on any Business Day. No amount may be charged for inspection.

**26.11 Committee meetings**

The Board will determine how meetings of any committee of the Board are to be conducted, including the procedures to be adopted and the application of those procedures.

**26.12 Council CEO may attend Board meetings**

The chief executive officer of the Council is entitled to receive notice of meetings of the Board, and to attend as an observer.

**27 Director's interests****27.1 Declaration of interest**

- (a) Any Director who has a material personal interest real or perceived conflict of interest, including a material personal interest, in any business

agenda item, contract or proposed contract, holds any office or owns any property such that the Director might have duties or interests which conflict or may conflict either directly or indirectly with the Director's duties or interests as a Director, must give the Board notice of the interest at a Board meeting.

- (b) A notice of a ~~material~~-personal interest must set out:
  - (i) the nature and extent of the interest; and
  - (ii) the relation of the interest to the affairs of the Company.
- (c) The notice must be provided to the Board at a Board meeting as soon as practicable.
- (d) Details of the notice must be recorded in the minutes of the Board meeting at which the notice is provided.

## 27.2 Voting by interested Directors

If a Director who has a material personal interest in a matter that is being considered at a Board meeting has provided notice to the Board in accordance with this Constitution:

- (a) the Director may not vote on the matter at a meeting.
- ~~(b) any transactions that relate to the material personal interest may proceed;~~
- ~~(c) the Director may retain benefits under the transaction even though the Director has a material personal interest; and~~
- ~~(d) the Company cannot avoid the transaction merely because of the existence of the interest.~~

## 28 Appointment of Secretary

- (a) The Board may appoint a natural person to act as Secretary on the terms and for such a period as the Board may determine.
- (b) Any Secretary appointed may be removed at any time by the Board.

## 29 Chief Executive Officer

### 29.1 Appointment of Chief Executive Officer

- (a) The Board may appoint a Chief Executive Officer of the Company to deal with the operation of the Company in accordance with the delegated authorities approved by the Board.
- (b) The Chief Executive Officer of the Company will attend Board meetings if directed by the Board but is not a Director and has no right to vote at such meetings.

**29.2 Delegation of powers**

- (a) Subject to the Service Agreement, the Board may confer on the Chief Executive Officer of the Company any of the powers that the Board may exercise.
- (b) The Board may vary or revoke a conferral of any power on the Chief Executive Officer of the Company.

**29.3 Removal of Chief Executive Officer**

The Board may at any time vary or revoke an appointment of a Chief Executive Officer of the Company.

**30 Seal**

- (a) If the Company has a Seal the Directors must provide for the safe custody of the Seal (and any duplicate of it).
- (b) The Seal (and any duplicate of it) must not be used without the prior authority of the Board, and when used, the Seal must be used in accordance with any direction of the Board.
- (c) If a document is to be executed by the use of the Seal, the fixing of the Seal must be witnessed by two Directors or a Director and Secretary.

**31 Financial records****31.1 Member's access to financial records**

Any Member is entitled to inspect books of the Company on reasonable notice.

**31.2 Directors' access to financial records**

Any Director may at any time access and inspect any financial record and any other record of the Company.

**31.3 Access to financial records after ceasing to be a Director**

The Board may determine that any person who is to cease or has ceased to be a Director may continue to have access to and inspect any financial record and any other record of the Company relating to the time during which the person was a Director.

**32 Distributions****32.1 Payment of dividends**

- (a) Subject to rule 32.1(c), the Board may from time to time either determine or declare that a dividend is payable on a class of Shares (taking into account the terms of issue of those Shares) and fix:
  - (i) the amount of the dividend;

- (ii) the record date, being the date on which persons who hold Shares in the relevant class at midnight at the end of that date will be entitled to receive the dividend;
  - (iii) the time for payment; and
  - (iv) the method of payment which may include the payment of cash, the issue of Shares, the grant of options or the distribution of assets.
- (b) Interest is not payable on a dividend.
- (c) A dividend is payable:
- (i) out of the profits of the Company; or
  - (ii) out of such other amounts and in any circumstances permitted under the Corporations Act.

### **32.2 Provisions and reserves**

- (a) Subject to this Constitution, the Board may determine to set aside out of the profits of the Company, any provision or reserve as the Board determines.
- (b) The Board may appropriate to the Company's profits any amount previously set aside as a provision or reserve.
- (c) Any amount set aside as a provision or reserve does not have to be kept separate from any other asset of the Company and such amount may be used as the Board determines.

### **32.3 Deductions from dividends**

Without prejudice to the application of any other rule of this Constitution, the Board may deduct from any dividend payable to the Member any amount presently due but unpaid by the Member to the Company.

### **32.4 Unpaid calls**

Without prejudice to the application of any other rule of this Constitution, the Board may retain the dividends payable on Shares in respect of which there are any unpaid calls.

### **32.5 Dividends payable in cash**

A dividend payable in cash may be paid:

- (a) by cheque sent by post or by courier to the addresses of the Member or to an address directed by that Member;
- (b) by electronic funds transfer to an account nominated by and in the name of the Member; or
- (c) in any other manner determined by the Board.

### **32.6 Dividends payable by the transfer of assets**

- (a) The Board may direct payment of the dividend wholly or partly by the distribution of specific assets (including fully paid Shares and fully paid debentures or any other security) to some or all of the Members.

- (b) To give effect to any direction the Board may do all things that the Board considers appropriate including:
  - (i) fixing the value for distribution of any specific asset or any part of any such asset; or
  - (ii) making a cash payment to any Member to adjust the value of distributions made to Members.

### **32.7 Capitalisation of profits**

- (a) Subject to the Corporations Act, this Constitution and the terms of issue of Shares, the Board may determine to capitalise any amount available for distribution to Members by paying up in full unissued Shares to be issued to Members as fully paid.
- (b) Each Member is entitled to benefit from any such capitalisation on the same basis as that Member is entitled to dividends.
- (c) To give effect to any direction, the Board may do all things that the Board considers appropriate including:
  - (i) disregarding any fractional Share entitlement to any Share;
  - (ii) making a cash payment in respect of any fractional entitlement;
  - (iii) fixing the value for distribution of any specific asset or any part of any such asset; or
  - (iv) making a cash payment to any Member to adjust the value of distributions made to Members.

## **33 Notices**

### **33.1 General**

Any notice, statement or other communication under this Constitution must be in writing except that any notice convening a Board meeting does not need to be in writing.

### **33.2 How to give a communication**

In addition to any other way allowed by the Corporations Act, a notice or other communication may be given by being:

- (a) personally delivered;
- (b) left at the person's current address as recorded in the Register of Members;
- (c) sent to the person's address as recorded in the Register of Members by pre-paid ordinary mail or, if the address is outside Australia, by pre-paid airmail;
- (d) sent by fax to the person's current fax number for notices; or
- (e) sent by email to the person's current email address for notices.

**33.3 Communications by post**

A communication is given if posted:

- (a) within Australia to an Australian address, three Business Days after posting;
- (b) outside Australia to an address outside Australia, ten Business Days after posting.

**33.4 Communications by fax**

A communication is given if sent by fax, when the sender's fax machine produces a report that the fax was sent in full to the addressee. That report is conclusive evidence that the addressee received the fax in full at the time indicated on that report.

**33.5 Communications by email**

A communication is given if sent by email, when the information system from which the email was sent produces a confirmation of delivery report which indicates that the email has entered the information system of the recipient, unless the sender receives a delivery failure notification, indicating that the email has not been delivered to the information system of the recipient.

**33.6 After hours communications**

If a communication is given:

- (a) after 5:00 pm in the place of receipt; or
- (b) on a day which is a Saturday, Sunday or bank or public holiday in the place of receipt,

it is taken as having been given at 9:00 am on the next day which is not a Saturday, Sunday or bank or public holiday in that place.

**34 Indemnity and insurance****34.1 Indemnity**

To the extent permitted by the Corporations Act and subject to the Corporations Act, the Company may indemnify each officer of the Company in respect of any liability, loss, damage, cost or expense incurred or suffered or to be incurred or suffered by the officer, including legal costs and expenses incurred in defending an action, in or arising out of the conduct of any activity of the Company or the proper performance of any duty of that officer.

**34.2 Documenting indemnity**

The Company may enter into an agreement containing an indemnity in favour of an officer. The Board will determine the terms of the indemnity contained in the agreement.

**34.3 Insurance**

- (a) To the extent permitted by the Corporations Act and subject to the Corporations Act, the Company may pay any premium in respect of a



contract of insurance between an insurer and an officer, or any person who has been an officer of the Company in respect of the liability suffered or incurred in or arising out of the conduct of any activity of the Company and the proper performance by the officer of any duty.

- (b) If the Board determines, the Company may execute a document containing rules under which the Company agrees to pay any premium in relation to such a contract of insurance.

### 35 Winding up

If the Company is wound up any property that remains (after satisfaction of all debts and liabilities of the Company, the payment of the costs, charges and expenses of winding up and any adjustment of the rights of the contributories among Members) must be distributed among the Members in proportion to the number of Shares held by each Member (subject to any special rights or conditions attaching to particular classes of Shares).

Redland City Council

---

Redland City Council

---

Redland Investment Corporation

---

# Service Agreement

---

Service Agreement

page i

## Contents

<b>1</b>	<b>Definitions</b>	<b>1</b>
1.1	Definitions in this document	1
1.2	Definitions in Constitution	1
<b>2</b>	<b>Matters requiring approval of Member</b>	<b>1</b>
<b>3</b>	<b>Composition of Directors</b>	<b>2</b>
3.1	Member's right to appoint and remove Directors	2
3.2	Intended composition of Board	2
<b>4</b>	<b>Company management</b>	<b>2</b>
4.1	Governance principles	2
4.2	Auditor	2
4.3	Financial information for Member	3
4.4	Restricted investments	3
4.5	Engagement of staff	3
<b>5</b>	<b>Dividend policy</b>	<b>3</b>
<b>6</b>	<b>Duration of agreement</b>	<b>3</b>
6.1	Commencement and termination	3
6.2	Termination without prejudice to rights	3
<b>7</b>	<b>Notices</b>	<b>4</b>
7.1	General	4
7.2	How to give a communication	4
7.3	Particulars for delivery of notices	4
7.4	Communications by post	4
7.5	Communications by fax	4
7.6	Communications by email	5
7.7	After hours communications	5
7.8	Process service	5
<b>8</b>	<b>GST</b>	<b>5</b>
8.1	Construction	5
8.2	Consideration GST exclusive	5
8.3	Payment of GST	5
8.4	Timing of GST payment	5
8.5	Tax invoice	5
8.6	Adjustment event	6
8.7	Reimbursements	6
<b>9</b>	<b>General</b>	<b>6</b>
9.1	Legal costs	6
9.2	Amendment	6
9.3	Waiver and exercise of rights	6
9.4	Rights cumulative	6
9.5	Consents	6

9.6	Further steps	7
9.7	Governing law and jurisdiction	7
9.8	Assignment	7
9.9	Counterparts	7
9.10	Relationship of parties	7
9.11	Deed	7
9.12	Construction	7
9.13	Headings	8
<b>Execution</b>		<b>9</b>

---

Redland City Council

## Date

## Parties

**Redland City Council** of Cnr Bloomfield and Middle Street Cleveland (**Member**)

**Redland Investment Corporation Pty Ltd** ACN 603 164 503 of unit 17/48 Bloomfield Street Cleveland (**Company**)

---

## Background

- A The Member is the sole shareholder of the Company.
  - B The Member and the Company have entered into this document to set out their agreement in relation to aspects of the operation of the Company.
- 

## Agreed terms

### 1 Definitions

#### 1.1 Definitions in this document

In this document these terms have the following meanings:

- |                     |  |
|---------------------|--|
| <b>Agreement</b>    | The agreement set out in this document.  |
| <b>Business Day</b> | A day which is not a Saturday, Sunday or bank or public holiday in Brisbane or <u>Redland City Local Government Area</u> . |
| <b>Constitution</b> | The constitution of the Company.   |

#### 1.2 Definitions in Constitution

Terms defined in the Constitution have the same meaning in this document.

### 2 Matters requiring approval of Member

The Company and the Member agree that the Board must not undertake any of the following transactions, unless it has been approved by the Member:

- (a) issue or grant any rights in respect of Shares, notes, debentures, bonds, options, warrants or other rights convertible into Shares, loan capital (including shareholder loan capital) or any other securities in the Company;
- (b) acquire any Council land;
- (c) enter into any contract for services to the Company that has a value of \$5million or more;
- (d) incur any item of capital expenditure, the total cost of which exceeds \$5million;

- (e) approve the capitalisation of profits or reserves or the reduction of capital or write down the value of any Council land or other asset of the company;
- (f) the giving of a guarantee by the Company;
- (g) grant any mortgage, charge, lien, pledge or any other type of security interest or encumbrance over Council Land or any other assets of the Council;
- (h) incur borrowings in excess of \$5million;
- (i) publicly advertise concept drawings or plans regarding Council land;
- (j) perform any work or enter into any transaction briefed by any councillor or employee of the Member other than in writing by the Chief Executive Officer or Executive Leadership Team member;
- (k) establishing any subsidiary company.

### 3 Composition of Directors

#### 3.1 Member's right to appoint and remove Directors

It is acknowledged that under the Constitution the Member has the right to appoint and remove Directors by resolution.

#### 3.2 Intended composition of Board

- (a) At the date of this document, the Member proposes that the Directors of the Company will comprise qualified and experienced individuals including at least:
  - (i) ~~two senior employees of the Council; and~~
  - (ii) three independent Directors with expertise in the Company's activities.
- (b) However the parties note that the appointment of Directors is at the sole discretion of the Member and the composition of the Directors appointed from time to time may vary.

### 4 Company management

#### 4.1 Governance principles

The Company must:

- (a) adopt the 'local government principles' as referred to in the Local Government Act;
- (b) comply with the Local Government Principles; and
- (c) participate in a joint financial and governance technical working group with employees of the Member to collaborate on joint financial, governance, accounting and reporting processes.

#### 4.2 Auditor

- (a) the parties agree that the auditor of the Company will be the Auditor-General of Queensland; and
- (b) the Member's internal audit office will at least annually audit part of the Company's operational risks register controls.

#### 4.3 Financial information for Member

The Company must make available information to the Member and the Member's internal audit committee in relation to the Company's financial management as required by the Corporations Act and the *Local Government Act 2009* including if applicable:

- (a) monthly quarterly management accounts;
- (b) annual audited financial statements;
- (c) annual budgets;
- (d) business plans;
- (e) if requested by the Member's internal audit committee; details of all expenditures and corresponding source documentation and account statements.

#### 4.4 Restricted investments

The Company must not invest any funds of the Company other than in accordance with legislated requirements and prudent business practices and where reasonable to keep the Member's Chief Financial Officer informed about investments that may impact on the group financial accounts.

#### 4.5 Engagement of staff

The Council acknowledges and agrees that the terms on which the Company engages staff are not required to comply with the terms and conditions applicable to engagements of staff by Council.

### 5 Dividend policy

- 5.1 The Board may in consultation with the Council determine a Dividend policy and or to set aside out of the profits of the Company, any dividend, provision or reserve as the Board determines.

### 6 Duration of agreement

#### 6.1 Commencement and termination

The parties agree that the terms of this Agreement commence on execution of this document by all parties and continue to have effect until:

- (a) the agreement is terminated by mutual agreement of the parties;
- (b) the Company is dissolved and the winding up of the Company's affairs completed.

#### 6.2 Termination without prejudice to rights

Termination of this agreement pursuant to **clause 6.1**:

- (a) is without prejudice to the rights of either party against the other party for any breach of this document arising on or prior to the date of termination;
- (b) does not affect any rights or obligations expressed to survive termination of this Agreement.

## 7 Notices

### 7.1 General

A notice, demand, certification, process or other communication relating to this document must be in writing in English and may be given by an agent of the sender.

### 7.2 How to give a communication

In addition to any other lawful means, a communication may be given by being:

- (a) personally delivered;
- (b) left at the party's current delivery address for notices;
- (c) sent to the party's current postal address for notices by pre-paid ordinary mail or, if the address is outside Australia, by pre-paid airmail;
- (d) sent by fax to the party's current fax number for notices; or
- (e) sent by ~~email to the person's current email address~~ official business email address.

### 7.3 Particulars for delivery of notices

- (a) The particulars for delivery of notices are initially:

#### Member

Delivery address: 91 to 93 Bloomfield Street Cleveland

Postal address: PO Box 21 Cleveland Qld

Fax: 3829 8765

Attention: Chief Executive Officer (CEO)

#### Company

Delivery address: ~~91 to 93 Bloomfield Street Cleveland~~ 48 Bloomfield Street Cleveland

Postal address: PO Box 21 Cleveland Qld

Fax: 3829 8765

Attention: ~~Chief Finance Officer (CFO)~~ Chief Executive Officer (CEO)

- (b) Each party may change its particulars for delivery of notices by notice to each other party.

### 7.4 Communications by post

Subject to **clause 7.7**, a communication is given if posted:

- (a) within Australia to an Australian postal address, three Business Days after posting; or
- (b) outside of Australia to an Australian postal address or within Australia to an address outside of Australia, ten Business Days after posting.

### 7.5 Communications by fax

Subject to **clause 7.7**, a communication is given if sent by fax, when the sender's fax machine produces a report that the fax was sent in full to the



addressee. That report is conclusive evidence that the addressee received the fax in full at the time indicated on that report.

#### **7.6 Communications by email**

A communication is given if sent by the official business email, when the information system from which the email was sent produces a confirmation of delivery report which indicates that the email has entered the information system of the recipient, unless the sender receives a delivery failure notification, indicating that the email has not been delivered to the information system of the recipient.

#### **7.7 After hours communications**

If a communication is given:

- (a) after 4.00 pm in the place of receipt; or
- (b) on a day which is a Saturday, Sunday or bank or public holiday in the place of receipt,

it is taken as having been given at 9.00 am on the next day which is not a Saturday, Sunday or bank or public holiday in that place.

#### **7.8 Process service**

Any process or other document relating to litigation, administrative or arbitral proceedings relating to this document may be served by any method contemplated by this **clause 7** or in accordance with any applicable law.

### **8 GST**

#### **8.1 Construction**

In this **clause 8**:

- (a) words and expressions which are not defined in this document but which have a defined meaning in GST Law have the same meaning as in the GST Law; and
- (b) "**GST Law**" has the meaning given to that expression in the A New Tax System (Goods and Services Tax) Act 1999.

#### **8.2 Consideration GST exclusive**

Unless otherwise expressly stated, all prices or other sums payable or consideration to be provided under this document are exclusive of GST.

#### **8.3 Payment of GST**

If GST is payable by a supplier or by the representative member for a GST group of which the supplier is a member, on any supply made under this document, the recipient will pay to the supplier an amount equal to the GST payable on the supply.

#### **8.4 Timing of GST payment**

The recipient will pay the amount referred to in **clause 8.3** in addition to and at the same time that the consideration for the supply is to be provided under this document.

#### **8.5 Tax invoice**

The supplier must deliver a tax invoice or an adjustment note to the recipient before the supplier is entitled to payment of an amount under **clause 8.3**. The

recipient can withhold payment of the amount until the supplier provides a tax invoice or an adjustment note, as appropriate.

#### **8.6 Adjustment event**

If an adjustment event arises in respect of a taxable supply made by a supplier under this document, the amount payable by the recipient under **clause 8.3** will be recalculated to reflect the adjustment event and a payment will be made by the recipient to the supplier or by the supplier to the recipient as the case requires.

#### **8.7 Reimbursements**

Where a party is required under this document to pay or reimburse an expense or outgoing of another party, the amount to be paid or reimbursed by the first party will be the sum of:

- (a) the amount of the expense or outgoing less any input tax credits in respect of the expense or outgoing to which the other party, or to which the representative member for a GST group of which the other party is a member, is entitled; and
- (b) if the payment or reimbursement is subject to GST, an amount equal to that GST.

### **9 General**

#### **9.1 Legal costs**

- (a) The Member parties agrees to pay their own legal and other costs of the parties in preparing and negotiating this document.
- (b) Otherwise, each party must pay its own legal and other costs and expenses of performing its obligations under this document.

#### **9.2 Amendment**

This document may only be varied or replaced by a document executed by the parties.

#### **9.3 Waiver and exercise of rights**

- (a) A single or partial exercise or waiver by a party of a right relating to this document does not prevent any other exercise of that right or the exercise of any other right.
- (b) A party is not liable for any loss, cost or expense of any other party caused or contributed to by the waiver, exercise, attempted exercise, failure to exercise or delay in the exercise of a right.

#### **9.4 Rights cumulative**

Except as expressly stated otherwise in this document, the rights of a party under this document are cumulative and are in addition to any other rights of that party.

#### **9.5 Consents**

Except as expressly stated otherwise in this document, a party may conditionally or unconditionally give or withhold any consent to be given under this document and is not obliged to give its reasons for doing so.

**9.6 Further steps**

Each party must promptly do whatever any other party reasonably requires of it to give effect to this document and to perform its obligations under it.

**9.7 Governing law and jurisdiction**

- (a) This document is governed by and is to be construed in accordance with the laws applicable in Queensland.
- (b) Each party irrevocably and unconditionally submits to the non-exclusive jurisdiction of the courts exercising jurisdiction in Queensland and any courts which have jurisdiction to hear appeals from any of those courts and waives any right to object to any proceedings being brought in those courts.

**9.8 Assignment**

- (a) A party must not assign or deal with any right under this document without the prior written consent of the other parties.
- (b) Any purported dealing in breach of this clause is of no effect.

**9.9 Counterparts**

This document may consist of a number of counterparts and, if so, the counterparts taken together constitute one document.

**9.10 Relationship of parties**

This document is not intended to create a partnership, joint venture or agency relationship between the parties.

**9.11 Deed**

This document is a deed. Factors which might suggest otherwise are to be disregarded.

**9.12 Construction**

Unless expressed to the contrary, in this document:

- (a) words in the singular include the plural and vice versa;
- (b) any gender includes the other genders;
- (c) if a word or phrase is defined its other grammatical forms have corresponding meanings;
- (d) 'includes' means includes without limitation;
- (e) no rule of construction will apply to a clause to the disadvantage of a party merely because that party put forward the clause or would otherwise benefit from it;
- (f) a reference to:
  - (i) a person includes a partnership, joint venture, unincorporated association, corporation and a government or statutory body or authority;
  - (ii) a person includes the person's legal personal representatives, successors, assigns and persons substituted by novation;
  - (iii) any legislation includes subordinate legislation under it and includes that legislation and subordinate legislation as modified or replaced;

- (iv) an obligation includes a warranty or representation and a reference to a failure to comply with an obligation includes a breach of warranty or representation;
  - (v) a right includes a benefit, remedy, discretion or power;
  - (vi) time is to local time in Brisbane;
  - (vii) '\$' or 'dollars' is a reference to Australian currency;
  - (viii) this or any other document includes the document as novated, varied or replaced and despite any change in the identity of the parties;
  - (ix) writing includes any mode of representing or reproducing words in tangible and permanently visible form, and includes fax transmissions;
  - (x) this document includes all schedules and annexures to it; and
  - (xi) a clause, schedule or annexure is a reference to a clause, schedule or annexure, as the case may be, of this document;
- (g) if the date on or by which any act must be done under this document is not a Business Day, the act must be done on or by the next Business Day; and
- (h) where time is to be calculated by reference to a day or event, that day or the day of that event is excluded.

### 9.13 Headings

Headings do not affect the interpretation of this document.

## Execution

**Executed as a deed.**

**Signed by Redland City Council by its** )  
**authorised officer in the presence of:** )  
 )  
 )

.....  
Witness

.....  
Authorised Officer

.....  
Name of Witness (print)

.....  
Name of Authorised Officer (print)

**Executed by [Name of Company Pty** )  
**Ltd]** )

.....  
Company Secretary/Director

.....  
Director

.....  
Name of Company Secretary/Director  
(print)

.....  
Name of Director (print)

**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:** David Jeanes, Acting General Manager Community and Customer Services**Responsible Officer:** Kim Peeti, Acting Group Manager City Planning and Assessment**Report Author:** Hayley Saharin, Senior Business Support Officer**Attachments:** 1. Decisions Made under Delegated Authority 18.11.2018 to 22.12.2018**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.

### **COUNCIL RESOLUTION 2019/16**

**Moved by:** Cr Tracey Huges

**Seconded by:** Cr Julie Talty

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

**CARRIED 10/0**

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

Cr Lance Hewlett was absent from the meeting.

### Decisions Made under Delegated Authority 18.11.2018 to 24.11.2018

#### CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR18/0442	Design and Siting - Swimming Pool	The Certifier Pty Ltd	4 Sleath Street Ormiston QLD 4160	Referral Agency Response - Planning	23/11/2018	NA	Approved	1
CAR18/0381	Design and Siting - Dwelling House	The Certifier Pty Ltd	30 Wilson Esplanade Redland Bay QLD 4165	Referral Agency Response - Planning	22/11/2018	NA	Approved	5
CAR18/0430	Design and Siting - Dwelling House	Bartley Burns Certifiers & Planners	1 Boundary Street Redland Bay QLD 4165	Referral Agency Response - Planning	22/11/2018	NA	Approved	5
CAR18/0439	Design and Siting - Swimming Pool	All Approvals Pty Ltd	2 Amphora Street Mount Cotton QLD 4165	Referral Agency Response - Planning	20/11/2018	NA	Approved	6
CAR18/0448	Build Over or Near Relevant Infrastructure	Bartley Burns Certifiers & Planners	6 Berkingham Street Thornlands QLD 4164	Referral Agency Response - Engineering	23/11/2018	NA	Approved	7
OPW18/0140	Change to Development Approval - Landscaping	Froggatt Developments Pty Ltd	21 Pittwin Road North Capalaba QLD 4157	Minor Change to Approval	21/11/2018	NA	Approved	9



**Decisions Made under Delegated Authority 18.11.2018 to 24.11.2018****CATEGORY2**

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
OPW18/0117	Driveway Crossover	G Developments Pty Ltd	7 Simon Street Victoria Point QLD 4165	Code Assessment	23/11/2018	NA	Development Permit	4
OPW18/0100	Operational Works - Bulk Earthworks - 1 into 31	Avon Capital Estates (Australia) Limited	23A Galley Way Birkdale QLD 4159	Code Assessment	20/11/2018	NA	Development Permit	10

### Decisions Made under Delegated Authority 25.11.2018 to 01.12.2018

#### CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR18/0450	Design and Siting - Dwelling House	Building Certification Group	8A Ivory Lane Ormiston QLD 4160	Referral Agency Response - Planning	28/11/2018	NA	Approved	1
CAR18/0431	Design and Siting - Dwelling House	Strickland Certification Pty Ltd	4 Winch Close Cleveland QLD 4163	Referral Agency Response - Planning	29/11/2018	NA	Approved	2
OPW18/0136	Second Domestic - Driveway Crossover	Jason & Nicole DUMM	38 Seacrest Court Cleveland QLD 4163	Code Assessment	29/11/2018	NA	Development Permit	2
CAR18/0445	Amenity and Aesthetics	GMA Certification Group (Childers)	10 Jordan Street Macleay Island QLD 4184	Referral Agency Response - Planning	30/11/2018	NA	Approved	5
CAR18/0305	Design and Siting - Dog House and Chicken Coop	K P Building Approvals Pty Ltd	2 Dublin Street Capalaba QLD 4157	Referral Agency Response - Planning	30/11/2018	NA	Approved	9

**Decisions Made under Delegated Authority 25.11.2018 to 01.12.2018****CATEGORY2**

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
OPW18/0123	Operational Work - Excavation and Fill	Lawrence Vincent CAMILLERI	11 Duchess Place Cleveland QLD 4163	Code Assessment	27/11/2018	NA	Development Permit	2
OPW18/0138	Operational Works - Excavation & Fill	Sirromet Wines Pty Ltd	Sirromet Winery 850-938 Mount Cotton Road Mount Cotton QLD 4165	Code Assessment	29/11/2018	NA	Development Permit	6

### Decisions Made under Delegated Authority 02.12.2018 to 08.12.2018

#### CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR18/0458	Design and Siting - Carport	Professional Certification Group Pty Ltd	10 Rankin Street Wellington Point QLD 4160	Referral Agency Response - Planning	05/12/2018	NA	Approved	1
CAR18/0466	Design & Siting - Dwelling House	Building Code Approval Group Pty Ltd	26-28 Musgrave Street Wellington Point QLD 4160	Referral Agency Response - Planning	07/12/2018	NA	Approved	1
CAR18/0352	Design and Siting / Build Over/Near Infrastructure - Additions and Extensions	The Certifier Pty Ltd	2 Mainroyal Court Cleveland QLD 4163	Referral Agency Response - Planning	03/12/2018	NA	Approved	2
CAR18/0408	Design and Siting - Dwelling House	Building Code Approval Group Pty Ltd	34-36 Fitzroy Street Cleveland QLD 4163	Referral Agency Response - Planning	06/12/2018	NA	Approved	2
CAR18/0446	Design and Siting - Dwelling House	Bartley Burns Certifiers & Planners	20 Kim Jon Court Thornlands QLD 4164	Referral Agency Response - Planning	03/12/2018	NA	Approved	3
CAR18/0452	Design and Siting - Dwelling House	Suncoast Building Approvals	1B Tarina Street Cleveland QLD 4163	Referral Agency Response - Planning	04/12/2018	NA	Approved	3

### Decisions Made under Delegated Authority 02.12.2018 to 08.12.2018

#### CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR18/0460	Design and Siting - Carport	The Certifier Pty Ltd	124 South Street Thornlands QLD 4164	Referral Agency Response - Planning	03/12/2018	NA	Approved	3
CAR18/0454	Design and Siting - Alfresco	The Certifier Pty Ltd	6A Base Street Victoria Point QLD 4165	Referral Agency Response - Planning	05/12/2018	NA	Approved	4
RAL18/0112	Reconfiguring a Lot - Standard Format - 1 into 2 lots	Russell Gerard LYNAGH	2 Cupania Street Victoria Point QLD 4165	Code Assessment	03/12/2018	NA	Development Permit	4
CAR18/0456	Design and Siting - Dwelling House	Martyn W OSBORN	8 Martin Place Russell Island QLD 4184	Referral Agency Response - Planning	04/12/2018	NA	Approved	5
RAL18/0095	Reconfiguring a Lot - Standard Format - 2 into 4 Lots	Statewide Survey Group Pty Ltd Consulting Surveyors	190-194 Main Street Redland Bay QLD 4165	Code Assessment	06/12/2018	NA	Development Permit	5
DBW18/0079	Domestic Additions	Cornerstone Building Certification	52-62 Heinemann Road Redland Bay QLD 4165	Code Assessment	06/12/2018	NA	Development Permit	6
RAL18/0073.02	Change to Development Approval - RAL18/0073 1 into 2 Lot Subdivision - Standard Format	Bowbay Pty Ltd c/o DTS Group Pty Ltd	249 Finucane Road Alexandra Hills QLD 4161	Minor Change to Approval	03/12/2018	NA	Approved	7
CAR18/0464	Design and Siting - Dwelling House	Fluid Building Approvals	16 Mecoli Court Birkdale QLD 4159	Referral Agency Response - Planning	07/12/2018	NA	Approved	10
DBW18/0035	Domestic Additions	Mr Ryan Griffiths	27 Mary Pleasant Drive Birkdale QLD 4159	Code Assessment	09/10/2018	4/12/2018	Refused	10
DBW18/0036	Private Swimming Pool	Newport Consulting Engineers	23 Mary Pleasant Drive Birkdale QLD 4159	Code Assessment	04/12/2018	NA	Development Permit	10

### Decisions Made under Delegated Authority 02.12.2018 to 08.12.2018

#### CATEGORY2

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
OPW18/0155	Change to Development Approval OPW002094 - 10 Storey Apartment Building - 59 Units	Peter Matthew ENDACOTT	140 Middle Street Cleveland QLD 4163	Minor Change to Approval	03/12/2018	NA	Approved	2
OPW18/0072	Operational Works - Stormwater Drainage	John CASSIMATIS Lisa Marie CASSIMATIS	4 Park Street Thornlands QLD 4164	Code Assessment	03/12/2018	NA	Development Permit	3
RAL18/0075	Reconfiguring a Lot (Standard Format) 1 into 45	Harridan Pty Ltd C/- Urbicus Pty Ltd	84-86 Kinross Road Thornlands QLD 4164	Code Assessment	03/12/2018	NA	Development Permit	7
MCU18/0235	Change to Development Approval - MCU013968	JDC Designs & Planning	15 Maud Street Birkdale QLD 4159	Minor Change to Approval	03/12/2018	NA	Approved	10

### Decisions Made under Delegated Authority 09.12.2018 to 15.12.2018

#### CATEGORY 1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR18/0451	Design and Siting - Carport	Fastrack Building Certification	38 King Island Drive Wellington Point QLD 4160	Referral Agency Response - Planning	10/12/2018	NA	Refused	1
CAR18/0477	Design and Siting - Carport	Fluid Building Approvals	8 Anhs Place Wellington Point QLD 4160	Referral Agency Response - Planning	13/12/2018	NA	Approved	1
CAR18/0472	Design and Siting - Dwelling House	Bartley Burns Certifiers & Planners	76 Bay Street Cleveland QLD 4163	Referral Agency Response - Planning	12/12/2018	NA	Approved	2
DBW18/0023	Domestic Additions	The Certifier Pty Ltd	38 Seacrest Court Cleveland QLD 4163	Code Assessment	13/12/2018	NA	Development Permit	2
RAL18/0091	Lot Subdivision - 1 into 2 - Standard Format	East Coast Surveys Pty Ltd	74 Panorama Drive Thornlands QLD 4164	Code Assessment	10/12/2018	NA	Development Permit	3
CAR18/0457	Design & Siting - Additions	Kevin John REYNOLDS	42 Victoria Parade South Coochiemudlo Island QLD 4184	Referral Agency Response - Planning	11/12/2018	NA	Approved	4
CAR18/0475	Design and Siting - Patio Roof	Fluid Approvals	41 Seagull Street Victoria Point QLD 4165	Referral Agency Response - Planning	12/12/2018	NA	Approved	4
CAR18/0449	Design and Siting - Shed	Fluid Building Approvals	2 Pinelands Circuit Redland Bay QLD 4165	Referral Agency Response - Planning	10/12/2018	NA	Approved	5

### Decisions Made under Delegated Authority 09.12.2018 to 15.12.2018

#### CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR18/0310	Design and Siting - Shed	Pronto Building Approvals	2 Woodhaven Close Redland Bay QLD 4165	Referral Agency Response - Planning	12/12/2018	NA	Approved	6
CAR18/0459	Design and Siting - Carport	The Certifier Pty Ltd	5 Ethan Court Redland Bay QLD 4165	Referral Agency Response - Planning	11/12/2018	NA	Approved	6
OPW18/0149	Operational Works for RAL 1 into 46 - Bulk Earthworks & Vegetation Clearing	Wrightson Road Developments Pty Ltd	35-41 Wrightson Road Thornlands QLD 4164	Code Assessment	11/12/2018	NA	Development Permit	7
CAR18/0478	Design and Siting - Carport	The Certifier Pty Ltd	13 Makaha Drive Birkdale QLD 4159	Referral Agency Response - Planning	13/12/2018	NA	Approved	10



**Decisions Made under Delegated Authority 09.12.2018 to 15.12.2018****CATEGORY2**

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
MCU18/0250	Change to Development Approval C1351 - Educational Establishment	Redlands Combined Independent College Inc	Redlands College 36-44 Anson Road Wellington Point QLD 4160	Minor Change to Approval	13/12/2018	NA	Approved	1

### Decisions Made under Delegated Authority 16.12.2018 to 22.12.2018

#### CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR18/0468	Design and Siting - Dwelling	Five Star Energy Efficiency Pty Ltd	25 Flinders Avenue Dunwich QLD 4183	Referral Agency Response - Planning	17/12/2018	NA	Approved	2
CAR18/0471	Design and Siting	Stuart Building Certification	2 Cross Lane Cleveland QLD 4163	Referral Agency Response - Planning	19/12/2018	NA	Approved	2
OPW18/0163	Driveway Crossover - Secondary Driveway	Lee Daniel GRACE	5 Natalin Street Cleveland QLD 4163	Code Assessment	18/12/2018	NA	Development Permit	3
CAR18/0483	Design and Siting	Residential Building Approvals	111 Colburn Avenue Victoria Point QLD 4165	Referral Agency Response - Planning	18/12/2018	NA	Approved	4
CAR18/0447	Design and Siting - Dwelling House	Applied Building Approvals	53 Highland Street Russell Island QLD 4184	Referral Agency Response - Planning	17/12/2018	NA	Approved	5
CAR18/0473	Amenity and Aesthetics	David Wright Properties	59 Hastings Terrace Macleay Island QLD 4184	Referral Agency Response - Planning	18/12/2018	NA	Approved	5
CAR18/0486	Design and Siting	Gold Coast Building Approvals	16 Toolona Avenue Russell Island QLD 4184	Referral Agency Response - Planning	20/12/2018	NA	Approved	5

### Decisions Made under Delegated Authority 16.12.2018 to 22.12.2018

#### CATEGORY1

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
CAR18/0322	Design and Siting - Domestic Outbuilding and Domestic Addition	DBR Building Certification	26 Vanstone Way Redland Bay QLD 4165	Referral Agency Response - Planning	17/12/2018	NA	Approved	6
CAR18/0480	Design and Siting	Strickland Certification Pty Ltd	16 Leyton Street Birkdale QLD 4159	Referral Agency Response - Planning	18/12/2018	NA	Approved	8
OPW18/0134	Driveway Crossover	Andrew Douglas HIBBERD	18 Marina Street Alexandra Hills QLD 4161	Code Assessment	17/12/2018	NA	Development Permit	8
CAR18/0397	Design and Siting - Dwelling (Proposed lot 5-24 Baywalk Place Thorneside)	Bartley Burns Certifiers & Planners	24 Alma Street Thorneside QLD 4158	Referral Agency Response - Planning	20/12/2018	NA	Approved	10

### Decisions Made under Delegated Authority 16.12.2018 to 22.12.2018

#### CATEGORY 2

Application Id	Application Full Details	Applicant	Associated Property Address	Primary Category	Decision Date	Negotiated Decision Date	Decision Description	Division
OPW002280	Operational Works - Multiple Dwellings - 5 Townhouses	Civil Perspective Pty Ltd	11 Island Street Cleveland QLD 4163	SPA - 15 Day Compliance Assessment	17/12/2018	NA	Compliance Certificate Approved	2
OPW18/0095	Excavation and Fill and Landscaping - Proposed Carpark Refurbishment	Stockland Development Pty Ltd	110-112 Queen Street Cleveland QLD 4163	Code Assessment	17/12/2018	NA	Development Permit	2
OPW18/0147	Operational Works for RAL 1 into 2 - Driveway, Stormwater, Sewer & Water	CRI Consulting Engineers	16 Scott Street Cleveland QLD 4163	Code Assessment	17/12/2018	NA	Development Permit	2
RAL18/0133	Change to Development Approval - ROL006001 Combined Staged Format Subdivision with Dwelling Houses and Small lot houses - 65 Swansea Circuit	Wolter Consulting Group	18 Salisbury Street Redland Bay QLD 4165	Minor Change to Approval	17/12/2018	NA	Approved	5

## 13.2 LIST OF DEVELOPMENT AND PLANNING RELATED COURT MATTERS CURRENT AS AT 3 JANUARY 2019

### Objective Reference:

**Authorising Officer:** David Jeanes, Acting General Manager Community and Customer Services

**Responsible Officer:** Kim Peeti, Acting Group Manager City Planning and Assessment

**Report Author:** Charlotte Hughes, Principal Planner

**Attachments:** Nil

### PURPOSE

The purpose of this report is for Council to note the current development and planning related appeals and other related 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:

- c) 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.
- d) 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 website:

<http://www.hpw.qld.gov.au/construction/BuildingPlumbing/DisputeResolution/Pages/default.aspx>

## PLANNING &amp; ENVIRONMENT COURT APPEALS

<b>1.</b>	<b>File Number:</b>	CA11075/17 (MCU013296)
	<b>Appellants:</b>	<b>Lipoma Pty Ltd</b> <b>Lanrex Pty Ltd</b> <b>Victoria Point Lakeside Pty Ltd</b>
	<b>Co-respondent (Applicant)</b>	<b>Nerinda Pty Ltd</b>
	<b>Proposed Development:</b>	Preliminary Approval for Material Change of Use for Mixed Use Development and Development Permit for Reconfiguring a Lot (1 into 2 lots) 128-144 Boundary Road, Thornlands (Lot 3 on SP117065)
	<b>Appeal Details:</b>	Submitter appeal against Council approval
	<b>Current Status:</b>	A directions hearing was held on 1 August 2018. A further directions hearing was held on 5 October 2018 to confirm the matters to be determined by the Court. The matter has been set down for a hearing, commencing 4 March 2019.

<b>2.</b>	<b>File Number:</b>	Appeal 4515 of 2017 (ROL006084)
	<b>Applicant:</b>	<b>Australian Innovation Centre Pty Ltd</b>
	<b>Application Details:</b>	Reconfiguring a Lot (1 into 22 lots and park) at 289-301 Redland Bay Road, Thornlands (Lot 5 on RP14839)
	<b>Appeal Details:</b>	Deemed refusal appeal
	<b>Current Status:</b>	Appeal filed 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. A review is to be held on the week commencing 21 January 2019.

<b>3.</b>	<b>File Number:</b>	Appeal 461 of 2018 (MCU013977)
	<b>Applicant:</b>	<b>Robyn Edwards and Ronald Edwards</b>
	<b>Proposed Development:</b>	Material Change of Use for an Undefined Use (Rooming Accommodation) at 41 Ziegenfusz Road, Thornlands (Lot 291 on RP801793)
	<b>Appeal Details:</b>	Appeal against Council refusal
	<b>Current Status:</b>	Appeal filed 8 February 2018. A Directions Order was set down on 27 April 2018 detailing a timetable for the proceedings. Mediation was held on 31 May 2018. A review is to be held on 25 January 2019.

<b>4.</b>	<b>File Number:</b>	Appeal 894 of 2018 (MCU013921)
	<b>Applicant:</b>	<b>Palacio Property Group Pty Ltd</b>
	<b>Proposed Development:</b>	Infrastructure conversion application (relating to the Development Permit for a Material Change of Use for Multiple Dwellings (22 units)) 4-8 Rachow Street, Thornlands (Lot 5 on SP149013)
	<b>Appeal Details:</b>	Appeal against Council refusal
	<b>Current Status:</b>	Appeal filed 9 March 2018. A without prejudice meeting was held on 17 May 2018. Settlement offer went to Council meeting on 10 October 2018. Council resolved to decline the offer. Mediation was held on 3 December 2018. A further mediation is scheduled for 1 March 2019. Hearing to be scheduled for April.

<b>5.</b>	<b>File Number:</b>	Appeal 1506 of 2018 (MCU17/0149)
<b>Applicant:</b>		<b>Barro Group Pty Ltd</b>
<b>Proposed Development:</b>		Request to Extend the Currency Period (relating to the Development Permit for a Material Change of Use for Extractive Industry and Environmentally Relevant Activities 8 (Chemical Storage), 16 (Extractive and Screening Activities) and 21 (Motor Vehicle Workshop Operation)) 1513 and 1515 – 1521 Mount Cotton Road and 163-177 and 195 Gramzow Road, Mount Cotton (Lot 162 on S31962, Lot 238 on SP218968, Lot 370 on S311071, Lot 1 on RP108970, Lot 17 on RP108970, Lot 1 on SP272090, Lot 2 on SP272091, Lot 3 on SP272092 and the land comprising part of Greenhide (California) Creek located between Lot 162 on S31962 and Lot 238 on SP218968, which is the property of the State)
<b>Appeal Details:</b>		Appeal against Council refusal
<b>Current Status:</b>		Appeal filed on 24 April 2018. Without prejudice meeting held on 29 October 2018. A pre-call over review is scheduled for mid-February 2019.

<b>6.</b>	<b>File Number:</b>	Appeal 2142 of 2018 (MCU013782)
<b>Applicant:</b>		<b>Binnaton Holdings Ltd</b>
<b>Proposed Development:</b>		Material Change of Use for an Apartment Building (39 Units) 7, 9 & 11 Fernbourne Road, Wellington Point (Lots 1 & 2 on RP14166 and Lot 2 on RP14166)
<b>Appeal Details:</b>		Appeal against Council decision to issue a Preliminary Approval
<b>Current Status:</b>		Appeal filed on 11 June 2018. Without prejudice meeting held on 19 July 2018. Appeal adjourned for 5 months until 18 April 2019.

<b>7.</b>	<b>File Number:</b>	Appeal 2171 of 2018 (ROL006209)
<b>Applicant:</b>		<b>Lorette Margaret Wigan</b>
<b>Proposed Development:</b>		Reconfiguring a Lot for 1 into 29 lots and road
<b>Appeal Details:</b>		Appeal against Council decision to issue Preliminary Approval
<b>Current Status:</b>		Appeal filed on 13 June 2018. Mediation held on 29 June 2018. A second mediation was held on 2 October 2018. A third mediation was held on 22 October 2018. A further mediation has been booked for 30 January 2019.

<b>8.</b>	<b>File Number:</b>	Appeal 2519 of 2018 (MCU17/0123)
<b>Applicant:</b>		<b>Wellington Property Management Pty Ltd</b>
<b>Proposed Development:</b>		Material Change of Use for a Child Care Centre 100-102 Collins Street, Redland Bay (Lot 1 on RP190688)
<b>Appeal Details:</b>		Appeal against Council refusal
<b>Current Status:</b>		Appeal filed on 9 July 2018. Mediation was held on 4 October 2018. A further mediation is booked for 17 January 2019.

<b>9.</b>	<b>File Number:</b>	Appeal 3177 of 2018 (MCU17/0153)
<b>Applicant:</b>		<b>Geoffrey David Abbott, Anthony John Baker &amp; Anja Katrin Hoecker</b>
<b>Proposed Development:</b>		Material Change of Use for an Undefined Use 9 & 11 Tascon Street, Ormiston
<b>Appeal Details:</b>		Appeal against Council refusal
<b>Current Status:</b>		Appeal filed on 31 August 2018.

<b>10.</b>	<b>File Number:</b>	Appeal 3344 of 2018 (ROL006039)
<b>Applicant:</b>		<b>Harridan Pty Ltd</b>
<b>Proposed Development:</b>		Reconfiguring a Lot for 1 into 7 Lots 14-20 Bonnie Street, Thornlands (Lot 6 on SP164042)
<b>Appeal Details:</b>		Appeal against Council refusal
<b>Current Status:</b>		Appeal filed on 12 December 2018. Directions hearing held on 28 September 2018. Mediation held on 8 November 2018. A without prejudice meeting to be held before 25 January 2019.

<b>11.</b>	<b>File Number:</b>	Appeal 135 of 2018 (MCU013917)
<b>Applicant:</b>		<b>Maureen Joan Chapman</b>
<b>Proposed Development:</b>		Material Change of Use for a Dwelling House 42 Magnolia Street, Russell Island (Lots 77, 78, 104 & 105 on RP129012)
<b>Appeal Details:</b>		Appeal against Council refusal
<b>Current Status:</b>		Appeal filed on 21 September 2018.

<b>12.</b>	<b>File Number:</b>	Appeal 4270 of 2018 (MCU013936)
<b>Applicant:</b>		<b>Landmark Homes</b>
<b>Proposed Development:</b>		Material Change of Use for a Dwelling House 10 Water Street, Cleveland (Lot 57 on RP1691)
<b>Appeal Details:</b>		Appeal against Council refusal
<b>Current Status:</b>		Appeal filed on 29 November 2018. Without prejudice meeting booked for 15 January 2019.

#### APPEALS TO THE QUEENSLAND COURT OF APPEAL

<b>13.</b>	<b>File Number:</b>	Appeal 8114 of 2018 (MCU012812)/ (QPEC Appeal 3641 of 2015)
<b>Appellant:</b>		<b>Redland City Council</b>
<b>Respondent (applicant):</b>		<b>King of Gifts Pty Ltd and HTC Consulting Pty Ltd</b>
<b>Proposed Development:</b>		Material Change of Use for Service Station (including car wash) and Drive Through Restaurant 604-612 Redland Bay, Road, Alexandra Hills
<b>Appeal Details:</b>		Appeal against the decision of the Planning and Environment Court to allow the appeal and approve the development.
<b>Current Status:</b>		Appeal filed by Council on 30 July 2018. Council's outline of argument was filed on 28 August 2018. The appellant's outline of argument was filed on 20 September 2018. Council has filed a reply and a hearing is set down for 12 March 2019.

#### DEVELOPMENT TRIBUNAL APPEALS AND OTHER MATTERS

<b>14.</b>	<b>File Number:</b>	3201/18
<b>Applicant:</b>		<b>Charles &amp; Howard Pty Ltd</b>
<b>Proposed Development:</b>		Reconfiguring a Lot for 2 into 9 lots 15 & 20 Albert Street, Victoria Point (Lots 1 & 2 on RP178345)
<b>Application Details:</b>		To revive, change and extend the currency period of a lapsed approval
<b>Current Status:</b>		Application filed on 4 September 2018. Without prejudice meeting held on 8 November 2018. Review held on 14 November 2018. Set down for review on 29 January 2019 for final orders.



**COUNCIL RESOLUTION 2019/17**

Moved by: Cr Wendy Boglary

Seconded by: Cr Peter Mitchell

That Council resolves to note this report.

**CARRIED 10/0**

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

Cr Lance Hewlett was absent from the meeting.

Cr Edwards declared a perceived conflict of interest in the following item, stating that he owns shipping containers. Cr Edwards considered his position and believes he could participate in the debate and vote on this matter in the public interest. A vote was taken (refer Item 4) and it was decided that Cr Edwards did have a perceived conflict and that he could participate in the meeting, in relation to this item, including voting on the matter. Cr Edwards voted in the affirmative.

### **13.3 FEES FOR APPLICATIONS SUBMITTED UNDER NEW SUBORDINATE LOCAL LAW 1.19 (PLACEMENT OF SHIPPING CONTAINERS, RAILWAY CARRIAGES AND OTHER OBJECTS ON LAND) 2018.**

#### **Objective Reference:**

**Authorising Officer:** David Jeanes, Acting General Manager Community and Customer Services

**Responsible Officer:** Graham Simpson, Group Manager Environment & Regulation

**Report Author:** Alistair Michell, Service Manager Development Control

**Attachments:** Nil

#### **PURPOSE**

The purpose of this report is to seek Council approval to amend the 2018/2019 Register of Fees to allow fees to be applied to applications lodged under Subordinate Local Law 1.19 (Placement of Shipping Containers, Railway Carriages and Other Objects on Land) 2018.

#### **BACKGROUND**

The 2018/2019 Register of Fees was adopted by Council on the 23 May 2018. Due to the adoption of new Subordinate Local Law 1.19 by Council on 24 October 2018, amendments to the approved fees descriptions and structure are required so they are in place for commencement of Subordinate Local Law 1.19 on 4 February 2019.

#### **ISSUES**

The following fees are proposed to be included for applications required to be submitted under Subordinate Local Law 1.19:

1. Application for Permanent (as defined by the local law) Shipping Container, Railway Carriage or other Object - \$576 per application
2. Application for a Temporary Shipping Container (as defined by the Local Law) - \$374 per application

To ensure consistency in application types, the permanent application fee is based on the current fee for Concurrence Agency (Amenity & Aesthetics) applications for structures that are considered to constitute building work and involve consideration of similar issues in the assessment.

Applications for temporary shipping containers (defined as one placed on land that is being used for the transporting of goods associated with moving house or used in conjunction with the construction of an approved dwelling) attract a lesser fee due to a simpler assessment process.

An application, with associated fee, for a temporary shipping container is only required if the container does not meet the self-assessment criteria contained in Subordinate Local Law 1.19. This fee is reflective of the current fee associated with the assessment of a temporary structure in the schedule of fees.

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

Section 97 of the *Local Government Act 2009* (the Act) allows a cost recovery fee to be levied. The proposed amendments to the fees and charges schedule are in accordance with the Act.

**Risk Management**

No risks identified.

**Financial**

The proposed fees and charges amendments will have a minor positive impact on the Environment and Regulation Group's 2018/2019 predicted revenue, given this revenue stream was not forecast. Any financial implications beyond this financial year will be considered by Council during the 2019/2020 budget development as part of the annual budget submission process.

**People**

No impacts identified.

**Environmental**

No impacts identified.

**Social**

No impacts identified.

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

This report supports Council's Corporate Plan 2018-2023 outcome area of Wise Planning and Design in delivering an effective and efficient development assessment process that is consistent with legislation and community expectations.

**CONSULTATION**

Consulted	Consultation Date	Comments/Actions
Service Manager – Business Partnering	21/11/18	No comments

**OPTIONS****Option One**

That Council resolves to adopt the changes to the 2018-2019 Register of Fees by including new fees for applications submitted under Subordinate Local Law 1.19 (Placement of Shipping Containers, Railway Carriages and other Objects) 2018 as follows:

1. Application for Permanent (as defined by the Local Law) Shipping Container, Railway Carriage or other Object - \$576 per application.
2. Application for a Temporary Shipping Container (as defined by the Local Law) - \$374 per application.

**Option Two**

That Council resolves not to adopt the changes to the 2018-2019 Register of Fees.

**COUNCIL RESOLUTION 2019/18**

Moved by: Cr Peter Mitchell

Seconded by: Cr Mark Edwards

That Council resolves to adopt the changes to the 2018-2019 Register of Fees by including new fees for applications submitted under Subordinate Local Law 1.19 (Placement of Shipping Containers, Railway Carriages and other Objects) 2018 as follows:

1. Application for Permanent (as defined by the Local Law) Shipping Container, Railway Carriage or other Object - \$576 per application.
2. Application for a Temporary Shipping Container (as defined by the Local Law) - \$374 per application.

**CARRIED 9/1**

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Mark Edwards, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

Cr Julie Talty voted AGAINST the motion.

Cr Lance Hewlett was absent from the meeting.

**13.4 RESPONSE TO WEINAM CREEK PETITION DATED 28 SEPTEMBER 2018****Objective Reference:****Authorising Officer:** David Jeanes, Acting General Manager Community and Customer Services**Responsible Officer:** Andrew Ross, General Counsel**Report Author:** Andrew Ross, General Counsel**Attachments:** Nil**PURPOSE**

The purpose of this report is to provide a response to the petition presented to Council on 24 October 2018 requesting in summary that Council progress the public car parking arrangements within the Weinam Creek Priority Development Area (PDA).

**BACKGROUND**

1. On 3 May 2013, Council resolved to support the Council application for a Priority Development Area (PDA) declaration for Weinam Creek;
2. On 21 June 2013, the Weinam Creek PDA was declared by the Minister of Economic Development Queensland;
3. On 22 November 2013, the Council resolved to endorse for public notification the proposed Development Scheme for the Weinam Creek PDA. The public notification and submission period for the Weinam Creek PDA Development Scheme was undertaken from 10 January to 24 February 2014;
4. On 29 May 2014, the Weinam Creek PDA scheme was approved by the State Government;
5. On 6 September 2017, Council resolved to purchase Lot 3 on RP67164 and Lot 7 on RP7537 located at 3-11 Moores Road, Redland Bay (also known as Moores land) to build additional public carparks, road access and a boat ramp;
6. On 18 December 2017, Council purchased Moores land;
7. On 23 May 2018, Council resolved to endorse the Master Plan prepared by Redland Investment Corporation (RIC) and note the joint governance arrangements between Council and RIC for the ongoing management of the project;
8. On 24 October 2018 the petition was presented to Council General Meeting;
9. On 12 December 2018 Council resolved to contract with RIC to construct a public car park at Moores Road Redland Bay;
10. Council has budgeted approximately \$3.1 million dollars in the 2018/2019 financial year for works at Moores Road Redland Bay which is proposed to be started prior to June 2019;

**ISSUES**

Council is committed to the rejuvenation of the Weinam Creek PDA to provide the required public and community infrastructure identified through the initial PDA project public consultation process.

Council's master plan for the area is designed to transform the waterfront of Redland Bay, improve the usability of the transport hub, attract visitors, create jobs and drive economic development in the area.

The Master Plan proposes:

- additional ground level and multi-deck car park spaces over the life of project
- a reconfigured road network to ease congestion
- provision for new residential, commercial and retail spaces including cafes, restaurants and potential medical precinct
- new pedestrian walkways and cycle ways
- increased green space and open space areas
- rejuvenation of existing parks and parkland
- improved drop off and storage facilities for island residents and visitors
- a new public boat ramp and boat parking.

### **Car parking at Weinam Creek**

Weinam Creek, which is the Marina at Redland Bay, is a heavily congested parking area with an inefficient road network and parking configuration. Valuable space is taken up adjacent to the ferry terminal by the existing boat trailer parking which also cause pedestrian and vehicle interaction issues. Passenger vehicle parking is saturated where residents are utilising private lots for overflow parking. The area has been subject to vandalism and crime.

The points raised in this petition are consistent with the previous resolutions and plans of Council.

### **Response to Petition**

The petition requests that Council *“progress the redevelopment of the Weinam Creek PDA:*

*(a) With the urgent delivery of a car park at Moores Road so that cars can be relocated from the ferry terminal and bus interchange to enable the construction of a multi-level car parking station at the ferry terminal.”*

- The Master Plan for the Weinam Creek PDA endorsed by Council designates a portion of Moores Road as a public car park. Works have commenced on the car park and bridge with a PDA development application lodged for assessment.
- The Master Plan designates a multi-storey car parking facility adjacent to the ferry terminal which will be sleeved by commercial and retail premises. It is intended that a portion of this facility will become the new secured parking, including ground level parking.
- When the project is completed, there will be an increase number of car parks to cater for demand, in particular adjacent to the ferry terminal. Council is considering alternate means of transport, including share cars.
- The Moores Rd car park, once completed, will have approximately 600 car parks. During construction of the area adjacent to the ferry terminal, 450-500 car parks will be removed and relocated to Moores Rd. The Moores Rd car park will provide parking during construction of the ferry terminal car park.

- The Moores Rd car park will be retrofitted into boat trailer parking for when the new recreational boat ramp, adjoining the car park, is constructed in 3 – 4 years.
  - Detailed landscape design is currently underway to formalise the screening and shade trees for the Moores Rd car park.
- (b) *“By requesting the State Government including Economic Development Queensland, to approve the development applications without further review, consultation or delay.”*
- The request has been made to Economic Development Queensland (EDQ) and a copy of the petition has been provided to EDQ.
- (c) *“Being fully aware of the two petitions presented to it on the matter, being on 19 October 2009 signed by 1,717 people and on 16 April 2011 signed by 6,151 people and*
- (d) *Being fully aware of the petition on the matter submitted to the State Government on 19 October 2009, signed by 1,715 people.”*
- A copy of these petitions has been provided to EDQ.

## STRATEGIC IMPLICATIONS

### Legislative Requirements

Council is acting in accordance with the following legislation in making the resolution:

1. *Local Government Act (Qld) 2009;*
2. *Local Government Regulation (Qld) 2012;* and
3. *Economic Development Act (Qld) 2012.*

### Risk Management

The risks associated with the infrastructure project will be managed in accordance with Australian standard contract terms and development assessment processes within the PDA area. There will also be oversight of the development from the joint management steering committee including an independent probity auditor and Local Representative development assessment committee.

### Financial

There are no financial implications associated with this report to Council.

### People

There is no known impact to Council staff as a result of this report to Council.

### Environmental

There is no known environmental impact as a result of this report to Council.

### Social

There are no known social impacts as a result of this report to Council.

### Alignment with Council's Policy and Plans

## CONSULTATION

Consulted	Consultation Date	Comments/Actions
Weinam Creek Steering Committee.	Monthly	Representatives of RCC and RIC meet monthly to review and progress the development of the Weinam Creek Masterplan.

**OPTIONS****Option One**

That Council resolves to:

1. note this report and the progress of the public car parking arrangements within the Weinam Creek Priority Development Area (PDA); and
2. write to the Principal Petitioner accordingly.

**Option Two**

That Council requests further information.

**COUNCIL RESOLUTION 2019/19**

---

**Moved by:** Cr Mark Edwards

**Seconded by:** Cr Paul Gollè

That Council resolves to:

1. **note this report and the progress of the public car parking arrangements within the Weinam Creek Priority Development Area (PDA); and**
2. **write to the Principal Petitioner accordingly.**

**CARRIED 10/0**

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

Cr Lance Hewlett was absent from the meeting.



Mayor Williams declared a Material Personal Interest in the following item, stating that she and her husband own a property adjacent to part of Eastern Escarpment and this may add or diminish property value. Mayor Williams chose to exclude herself from the meeting while the matter was debated and the vote taken. Mayor Williams left the meeting at 10.53am (before Item 14.1) and returned at 11.40am (after Item 14.1). Cr Wendy Boglary assumed the chair while Mayor Williams was out of the room.

## **14 REPORTS FROM INFRASTRUCTURE & OPERATIONS**

### **14.1 EASTERN ESCARPMENT CONSERVATION AREA PLAN- CONNECTING WITH RECREATION**

#### **Objective Reference:**

**Authorising Officer:** Peter Best, General Manager Infrastructure & Operations

**Responsible Officer:** Bradley Salton, Group Manager City Infrastructure

**Report Author:** Leo Newlands, Policy and Strategy Officer

**Attachments:**

- 1. Eastern Escarpment Conservation Area Plan**
- 2. Seven C's & Eastern Escarpment Connections**

#### **PURPOSE**

That Council resolves to endorse the 2018 'Eastern Escarpment Conservation Area Plan: Connecting with Recreation' and prioritise implementation from 1 July 2019.

#### **BACKGROUND**

In 2008 Council acquired 186.68 hectares of land in freehold in Mount Cotton known as the Eastern Escarpment Conservation Area (EECA).

In 2011, Council adopted the Seven C's strategy to develop wildlife linkages and recreational corridors across the City; harnessing the power of communities, centres, cities, catchments, culture, conservation areas and citizens, to connect people, plants and animals across public and private lands.

Council, in 2015, adopted the Enhancing the Visitor Experience program. The purpose of the program is to make it more enjoyable and easier for residents and visitors to access and use Redland's conservation areas and waterways for enjoyment, health and wellbeing, while at the same time protecting the Redland's environmental biodiversity.

In 2015, Council adopted the Redland City Tourism Strategy and Action Plan 2015-2020, which provides the blueprint for growing tourism in our region into the future.

In 2017, Council engaged with the community and consultants to develop a recreational trails plan for the EECA (See Attachment 1).

## ISSUES

### Planning reserves

Council has developed plans for the Redlands Track Park and Bayview Conservation Area which are key areas within Council's open space network. Proactive planning ensures reserves can be structured to maximise operational, safety, recreational needs and minimise unlawful use and unplanned trails. This process has proven successful with the progressive development of both these reserves. The EECA is a large reserve that offers significant local and regional opportunities. As such, proactive planning of this reserve ensures current and proposed activities meet organisational, regional and broader community needs.

The purpose of the project was to prepare a planning and high level document to guide the development of the trail network within the Eastern Escarpment Conservation Area (EECA), enhance the visitor experience and also strengthen broader level recreational planning for city, regional connectivity and ecotourism activities.

### Context and location

The EECA is 186.68 hectares of Council freehold land, with a variety of landholders and features in proximity to the reserve such as Sirromet Winery, Karingal Scouts, Mount Cotton summit and links to other reserves and trail systems (See Attachment 2).

### History of the site

Council took ownership and management of the EECA in 2008. Historically the area was used as a source of timber, however these operations ceased prior to 2008. Many of the original timber-getting tracks still exist, although these tracks were frequently built for practicality rather than sustainability. Later years observed a prevalence of illegal dumping, 4 wheel drive and motorbike activity, leaving it in a severely degraded state prior to Council taking ownership.

### The big picture – connecting the dots

The EECA can facilitate connections from other reserves and centres within the City and also act as a conduit for regional connectivity. Some of these connections include:

- The Koala Bushland Coordinate Conservation Area (KBCCA) through State land at 610 West Mount Cotton Road,
- Emu Street reserve, Ford Road Conservation area, 267 Avalon Road (State land), Brisbane Koala Bushland and KBCCA via Schoeck Road and Avalon Road recreation trail,
- Karingal Scouts via southern boundary of reserve,
- Summit of Mount Cotton and then to West Mount Cotton Road via Billiau Road,
- Summit of Mount Cotton to Mount View Road via private property (if agreements are gained for the use) and back to EECA via Karingal Road reserve (part formed) and Karingal Scouts,
- Redlands Track Park via Woodlands Drive,
- Sirromet Winery (food and accommodation),
- Sandy Creek Reserve via Sirromet Winery (if agreements are gained for the use),
- Bayview Conservation Area via Sirromet Winery, Sandy Creek Conservation Area, 81-83 Double Jump Road and 117-131 Heinemann Road (if agreements are gained for the use) and Heinemann Road Sports Land/Conservation Area.

### An hour to one day trail (regional trail experience)

The proposed EECA trails help build a broader trail system allowing trail users to experience a short localised outing, to a full day or overnight experience, utilising accommodation and food businesses on-route as part of the experience. The trails that have been proposed have been sited to accommodate future connections, whilst meeting reserve needs.

### Engaging tourism and private public partnerships

Developing the visitor experiences of EECA provides a catalyst for engaging a range of other tourism ventures. These include:

- Queensland Scout (Scouts) land that adjoins the EECA by a common boundary. The Karingal Scout property has a trail system that has hosted walking, camping and mountain biking events. This property has basic accommodation facilities. Scouts have indicated they would like to work more closely with Council to provide a service and secure some income from the use of their land and facilities for food events and general use.
- Sirromet Winery is located to the east of EECA with adjacent boundaries only being 50m apart. The presence of this food, wine, accommodation and entertainment business offers significant opportunity to bring local, regional and national visitation to the doorstep of the EECA. Sirromet also presents an opportunity to connect EECA to other places, including Victoria Point township and Sandy Creek Conservation Area.
- Other private businesses could support tourism in the vicinity of the Mount Cotton summit. Both riders and runners are venturing eastward to visit the EECA and take in the views from the summit of Mount Cotton as part of their recreational route. However, the EECA and its immediate surrounds are currently underutilised as a tourism resource and local attraction.

### Spreading the load

The Koala Bushland Co-ordinated Conservation Area (KBCCA) comprises approximately 1,500 hectares in 7 reserves managed by Queensland Parks and Wildlife Service (QPWS), Department of Environment and Science (DES), Logan City Council and Redland City Council.

A directions paper was developed by the State in 2017 to guide KBCCA management and use. One significant challenge is managing visitor load whilst enhancing regional recreational values. Spreading the visitor load to other reserves and trail systems such as EECA helps resolve this issue and supports a recreational market desire for longer cross country trail networks.




### Trails and user experience

The EECA Plan identifies a range of trail needs, including linking disconnected internal fire trails, redirecting some trails onto public land, rerouting poorly performing fire trails (erosion) and developing walking/cycling trails based on regional, local and safety needs.

The trail network is designed to perform reserve maintenance functions as well as provide a recreational resource. Trails have been planned to provide for a range of users. Access points, signage and parking are strategically located for best access and to maximise visitor experience and minimise impact within the reserve and to neighbours.

The proposed EECA trails support a broader strategy for providing a range of user experience from easy ('relatively urban') to harder ('outback') areas across the City. Table 1 illustrates how the EECA differs from what is provided at Redland Track Park (RTP) and Bayview Conservation Area (BCA).

**Table 1**

Features	RTP	BCA	EECA
Gradient	Gentle gradients	More gradient	Hardest gradient
General trail difficulty	 Easy (green) with a few 'More Difficult' (blue) trails	 Some easier trails with some higher gradient trails and harder trail technical features. Some fire trails with steep grades.	 More Difficult to Very Difficult (black) trails.
Users	Suitable for beginners and families. Stronger riders can get still get a good workout by going faster.	For beginners and families (flatter areas) to advanced riders.	Suitable for more experienced and fitter trail users that can handle steeper technical terrain.
Loops	Loops up to 21km	Loops up to 45kms	Loops up to 10km plus regional links
Events and Activities	<ul style="list-style-type: none"> <li>• Easy cross-country events eg Chicks in the Sticks.</li> <li>• School based training courses -running and cycling</li> </ul>	<ul style="list-style-type: none"> <li>• Cross country marathon eg Bayview Blast</li> <li>• Rogaining</li> <li>• Trail-running</li> </ul>	<ul style="list-style-type: none"> <li>• Regional downhill MTB events</li> <li>• Trail-running</li> <li>• Orienteering</li> <li>• Rogaining</li> <li>• Part of 60-100km events</li> </ul>

### Existing and new trails

There are a number of fire management tracks existing on the EECA site and one recreation trail.

The recreation trail is a mountain bike downhill trail, called Westy's. This trail was constructed and maintained over the last ten years informally by bike riders. The form of this downhill trail is for experienced mountain bike riders.

The aim for proposed tracks and trails is to meet recreational and fire management needs. Vehicle width trails are a 'Class C' fire management trail and walking/cycling width trails are a 'Class D' fire access trail.

A full description of existing and proposed trails is outlined in the EECA Plan. However, Table 2 summarises the quantities of existing and proposed trails.

**Table 2**

Trail Type	Existing (m)	Proposed (m)	Gain (m)
Multiuse fire trails (horse, walking & MTB)	6,304	10,651	4,347
MTB Downhill	847	1,553	706
Shared use (MTB and walking)	0	8,398	8,398
<b>TOTAL</b>	<b>7,151</b>	<b>20,602</b>	<b>13,451</b>

### Maintenance

As with other reserves in the City, trail systems require scheduled inspection and maintenance to ensure a continued high quality visitor experience, safety of users and continued protection of the environment. The EECA Plan provides a schedule of maintenance activities, proposed costs for track maintenance and opportunities for reducing costs to Council (Page 28-29).

## STRATEGIC IMPLICATIONS

### Legislative Requirements

- *Cultural Heritage Act 2003*
- *Environmental Protection and Biodiversity Conservation Act 1999*
- *Nature Conservation Act 1992*
- *Native Title Act 1993*

As owner and land manager, Council has an obligation to conserve and protect biological and cultural values. As such, the legislation identified above has been used to guide development of the EECA Plan and inform day to day management.

### Risk Management

There are a number of trails planned for the reserve to meet operational fire management and visitor access requirements. Currently, fire management trails are not adequately located and linked to ensure optimal management of fire risk.

A number of bike riders, walkers and horse riders use the road below Karreman's Quarry known locally as 'Karreman's Hill'. This section is up to 21% grade with poor sight lines and is a high risk for non-vehicle users. As such, a track that is internal to the reserve (Multiuse link 3 for walking, cycling and horses) is proposed to be constructed as a priority, to minimise the recreational user's reliance of this section of road.

The EECA is not notification and warning signed. In order to improve visitor safety, wayfinding and ensure an enjoyable visitor experience, the reserve trails, access points and features, will be signed concurrently with the establishment of trails.

### Financial

#### Costs of implementation

A summary of estimated costs for implementing the EECA Plan is provided in Table 3. Costs for trail construction and maintenance can be significantly reduced by building a strong community trailcare group for the site. Costs for a viewing and interpretation deck at the top of Mount Cotton have been included in Table 3. Although this viewing platform sits outside the conservation area, it offers a significant attractor for tourism to the City.

Within Council's 10 year capital program a budget forecast of \$859,622 is identified in the 2019/20 financial year under the Enhancing the Visitor Experience (EVE) Program. The EVE program and associated budget offers opportunity to implement the EECA plan to practical completion and activate the reserve for users in the next financial year.

**Table 3**

Items	Cost	Contingency	CAPEX/OPEX
New trails	\$261,360	10%	OPEX
Signage	\$26,381	15%	OPEX
Summit rest point (trail hub at start of downhill trails)	\$30,000	5%	CAPEX
Gate 2 trailhead opposite Schoeck Road	\$377,203	30%	CAPEX
Existing trail rework to meet level of service standards	\$21,600	10%	OPEX
Tidy up rocks and mounds along west Mt Cotton Road boundary	\$4,320	20%	OPEX

Viewing and interpretation deck at top of Mt Cotton	\$118,758	30%	CAPEX
Short term implementation resources	\$20,000	0%	OPEX
<b>Total</b>	<b>\$859,622</b>		
Operational	\$333,661		
Capital	\$525,961		

### Maintenance costs (assuming no trailcare)

Trail maintenance of fire and single trail for a team of 3, twice a year for 10 days each time with machinery	\$32,000
Trailhead maintenance	\$5000
<b>Total</b>	<b>\$37,000</b>

Implementation of the EECA plan will require an additional investment of people resources in the short term, to direct and oversee the program of works and to ensure quality outcomes for the environment, land manager, visitors and locals, regional connectivity and outdoor tourism.

The implementation of the plan will be included into the EVE program and prioritised in conjunction with other proposed EVE projects. Implementation of the EECA Plan will require officer time for on-ground preliminary mark-out and coordination with stakeholders, regarding proposed alignments, infrastructure and signage. These resources will be forecast in future year budget bids.

### Grants

The development of the EECA has the potential to attract a number of grants, acknowledging that a successful grant application is greatly diminished without formal adoption of the EECA Plan. There are three main external funding opportunities for this type of project:

#### 1. Grants/sponsorship for sport and recreation or tourism

The project may be able to leverage sports and recreation funding such as 'Get Out, Get Active', 'Get Playing Plus', and other State Government cyclic funds which are targeted at major capital or operational infrastructure expansion and upgrades.

Council is investigating opportunities to target State Government funding rounds from a tourism and private public partnership standpoint. The project outcomes can be easily linked with tourism opportunities, providers and adjacent facilities that would provide a robust business case for the development of the trails against likely grant merit criteria, i.e. community outcomes, economic benefits, development of infrastructure and industry partnerships.

#### 2. Election Commitments

Other trails in Queensland have recently had some success in securing minor funds (<\$30,000) towards upgrades through election commitments. The Queensland Government has flagged their interest in the development of trails in Redlands and specifically in the EECA.

### 3. Community Grant Schemes

There is also an opportunity to work with clubs and trailcare organisations to support community grant applications for eligible works. These types of works are completed under the direction of a Council supervisor or contractor. Whilst this would not be a direct grant to Council, it would still offset a part of operational funds, if successful.

#### **People**

The trailcare community are expressing their desire to be involved in the construction and maintenance of recreation trails and as stewards of the reserve. The Redland trailcare community has undertaken significant work in the Redland Track Park and the Bayview Conservation Area. Trailcare groups provide a significant saving for Council in undertaking voluntary work and would be engaged in the implementation of the EECA Plan.

#### **Environmental**

The area was in a severely degraded state when Council acquired it in 2008. The site was fenced to minimise unlawful entry by motorbikes and 4 wheel drives, car bodies and refuse was collected from throughout the reserve, and many eroded areas associated with 4 wheel drive and motorbike access were closed to minimise further erosion. Full rehabilitation of erosion scars has not been completed, but when done, offer an opportunity to enhance the environmental values of the site.

As part of the project, an environmental study was commissioned to identify sensitive areas and species. The study determined there were a number of areas that may have sensitive species. Proposed new or realigned trails are to be located and designed to ensure that no known sensitive species are impacted and to ensure that any entry into sensitive areas is minimal and undertaken in the most environmentally sensitive manner. Sensitive areas and species management are identified as project objectives.

#### **Social - Cultural Heritage**

1. The Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC) was engaged to prepare a cultural heritage report for EECA. The report indicates that there were a number of potential scar trees and resource areas in the reserve, that could be associated with Aboriginal cultural heritage.

Final alignments for the proposed new trails will be surveyed in consultation with QYAC and designed to ensure that cultural heritage is protected. Further, QYAC would be engaged to provide input into the proposed interpretive signage as outlined in the EECA Plan.

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

A number of reference documents were used to inform the EECA Plan at the time of writing. Any updating of these reference documents has not altered the benefits of intent of the EECA Plan.

- **Redland City Council Corporate Plan 2015-2020**

The development of a trails network in Eastern Escarpment Conservation Area contributes to at least two of the Plan's eight Key Outcome Areas including:

- #1—Healthy natural environment
- #7—Strong and connected communities

- **Seven C's Strategy**

The Seven C's Strategy is a comprehensive policy about developing wildlife linkages and recreational corridors across the City harnessing the power of communities, centres, cities, catchments, culture, conservation areas and citizens to connect people, plants and animals across public and private lands.

The Strategy also identifies a major regional connection opportunity through Eastern Escarpment to link Sirromet Winery, Karingal Scouts, Sandy Creek; and Redland Track Park with the Daisy Hill area in Logan City Council. The Strategy also identifies a link to the top of Mt Cotton as an attractor for walkers and riders. As such, the EECA Plan will help deliver the Seven C's Strategy.

- **Enhance the Visitor Experience (EVE) Program**

The EVE program is one delivery mechanism for the Seven C's Strategy. The purpose of the program is to make it more enjoyable and easier for residents and visitors to access and use Redland's conservation areas and waterways for enjoyment, health and wellbeing while at the same time protecting the Redland's environmental biodiversity. Implementation of this program includes improving mapping of trails, increasing signage, identifying and constructing access points, working with other groups and the State Government to create multi-use recreational trails across the region (regional trails) and incorporate infrastructure outcomes in the Open Space Asset Management Plan.

The EECA Plan supports the EVE Program and delivers on the Seven C's Strategy by proposing trails, parking, signage and visitor infrastructure that will enhance appropriate use, understanding and stewardship of the reserve.

- **Redland Tourism Strategy and Action Plan 2015-2020**

The EECA Plan offers significant opportunity to support delivery of tourism investment and development actions in the Tourism Strategy and Action Plan 2015-2020 (page 77) as follows:

1. Improve mapping of tracks and trails (horse trails, bike tracks, walking and canoeing/kayaking trails)
2. Increase signage in Council's major reserves and track-parks
3. Identify access points to tracks/trails for pedestrians, cyclists and horse riders
4. Develop staging areas in popular reserves to cater for outdoor recreational events and entry points
5. Work with other groups and the State Government to create multi-use recreational trails across the region (regional trails)
6. Work with industry to develop and market a range of food and art trails throughout the Redlands, particularly in rural areas and includes options such as including coffee trails for cyclists walkers and horse riders
7. Get visitors to the Redlands, encouraging them to stay longer and spend more



- **Public Open Space Policy – POL-3110**

The EECA Plan supports the Public Open Space Strategy Policy objectives by, creating a diversity of recreation and sporting opportunities, encouraging community use and activation of public open space, complimentary commercial activities are encouraged, delivery of outdoor recreation that meets locally and regional needs, community involvement in open space planning, the City's Indigenous and European heritage and its cultural, social, and ecological values are maintained.

- **SEQ Regional Plan 2017**

The EECA Plan integrates and supports delivery of key values as identified in the SEQ Regional Plan 2017 (page 90) including providing regionally significant greenspace that is publicly owned and managed and incorporates regional recreation trails for families, bicycle tourists, mountain bike riders, historical enthusiasts, horse riders and walkers.

## CONSULTATION

### Report consultation

Consulted	Date	Comments
General Manager Infrastructure & Operations	August – November 2018	Reviewed and provided advice on content of report to Council.
Group Manager- City Operations	2016- 2018	Has guided the progress of the EECA Plan through development.
Service Manager Parks and Conservation	2016- 2018	Has guided the progress of the EECA Plan through development.
Group Manager – City Infrastructure	September – November 2018	Review and approval
Service Manager Civic and Open Space Asset Management	June 2018- November 2018	Reviewed/ approval and guided the content of the EECA report to Council

### Stakeholders

The EECA Plan was developed with the Group Manger- City Operations, Senior Conservation Officer, Parks and Conservation Service Manager and Conservation Fire Management Officer and Councillors as required. The majority of the EECA is within Division 6. The Councillor for this division participated in the consultation process and in identifying suitable community user group representatives.

A Councillor workshop was held on December 2018 with points of interest raised around safety, environment and users expectations.

A site walk-through was undertaken with a number of Councillors on 14 December 2018 to review points of interest raised at the preceding workshop. This improved understanding of site specific issues and outlined controls/processes to be implemented as the trails are rolled out.

### Public

An extensive public consultation program during the period May 2017 to August 2018, also included:

- Two public meetings
- Web-page with feedback form

- Social media updates and information distribution
- Public on-line and mail-out community survey
- Mail-out to 130 adjacent landholders and those in the vicinity of the Reserve on all sides
- Meetings with adjacent landholders
- Meetings with interested parties
- Responses to a letter sent by the Redland Bushwalking Club
- EECA Advisory Group meetings

Consensus has been gained for both the contents of the EECA Plan and this report.

**OPTIONS****Option One**

That Council resolves to endorse the 2018 'Eastern Escarpment Conservation Area Plan: Connecting with Recreation' as part of the Seven C's Strategy, for implementation to commence from 1 July 2019.

**Option Two**

That Council does not endorse the 2018 'Eastern Escarpment Conservation Area Plan: Connecting with Recreation'.

**OFFICER'S RECOMMENDATION**

That Council resolves to endorse the 2018 'Eastern Escarpment Conservation Area Plan: Connecting with Recreation' as part of the Seven C's Strategy, for implementation to commence from 1 July 2019.

**COUNCIL RESOLUTION 2019/20**

Moved by: Cr Murray Elliott

Seconded by: Cr Paul Gollè

That Council resolves to endorse the 2018 'Eastern Escarpment Conservation Area Plan: Connecting with Recreation' as part of the Seven C's Strategy. Implementation of the Plan will be subject to the annual capital works and budget prioritisation process.

**COUNCIL RESOLUTION 2019/21**

Moved by: Cr Julie Talty

Seconded by: Cr Tracey Huges

That Council resolves as follows:

1. To endorse the 2018 'Eastern Escarpment Conservation Area Plan: Connecting with Recreation' as part of the Seven C's Strategy. Implementation of the Plan will be subject to the annual capital works and budget prioritisation process; and
2. That concerns in regard to the separation of multiple uses is taken into account, including the design of specific use trails for users as appropriate.

**CARRIED 7/2**

Crs Wendy Boglary, Peter Mitchell, Paul Gollè, Mark Edwards, Julie Talty, Tracey Huges and Paul Gleeson voted FOR the motion.

Crs Murray Elliott and Paul Bishop voted AGAINST the motion.

Cr Karen Williams was not present when the motion was put.

Cr Lance Hewlett was absent from the meeting.



# Eastern Escarpment Conservation Area Plan: Connecting with Recreation

February 2018





### Corporate Data

ACN: 105 379 477 (MAK Planning and Design Pty Ltd)  
ABN: 41892553822 (The Trustee for MAK Trust)  
Trading Name: MAK Planning and Design

### Contact Details

Office Address: 59a Carlton Terrace, Wynnum Qld 4178  
Postal Address: PO Box 5249, Manly Qld 4179  
P: (07) 3102 7121  
M: 0468 630 591  
E: scott@makplanning.com

© 2018 MAK Planning and Design Pty Ltd

All rights reserved; these materials are copyright. No part may be reproduced or copied in any way, form or by any means without the prior written consent of MAK Planning and Design Pty Ltd.



# Table of Contents

**Introduction** ..... 1  
Purpose..... 1  
Background ..... 1

**Literature Review** ..... 3  
Redland City Council Corporate Plan 2015 ..... 3  
Seven Cs Connection Strategy ..... 4  
Conservation Land Management Strategy ..... 4  
Pest Management Plan 2012..... 5

**Site Analysis** ..... 7  
Site Description..... 7  
Topography, Geology and Soils ..... 7  
Ecological Values ..... 9  
Cultural Heritage ..... 9  
Weeds and Pests ..... 10  
Fire ..... 10  
Usage..... 10  
Entrances ..... 10  
Water Catchment..... 10  
Infrastructure and Facilities..... 10

**Consultation** ..... 13  
Public Program ..... 10  
Karingal Scouts..... 15  
Redland City Council..... 15

**Trail Descriptions** ..... 17  
Existing Trails..... 17  
New Trails..... 21  
Capital Improvements ..... 22  
Costs of Implementation ..... 27  
Maintenance Planning ..... 29

**Recommendations**..... 31





# Introduction

## Purpose

The purpose of this project has been to prepare a planning and design document to guide the development of the trail network within the Eastern Escarpment Conservation Area (EECA).

While it is acknowledged that there is significant potential to add value to the trails network through linking Eastern Escarpment Conservation Area by trail to other conservation areas in Redland City and Logan City this planning work has not been undertaken at this time. There are particular challenges in achieving this and Redland City Council will undertake this planning work in the future. The focus of this project has been the trails and recreational use of the Eastern Escarpment Conservation Area only.

## Background

Redland City Council has a significant portfolio of bushland and conservation areas. Council's policy has always supported public access to these areas (with a few exceptions) for recreation pursuits.

Planning for the development of the trails network within the Eastern Escarpment Conservation Area follows the recently completed Redlands Track Park at Cleveland and the developing trails network within the Bayview Conservation Area.

The Redlands Track Park should be considered as a Front Country experience and Bayview Conservation Area Trails Facility as a Back Country experience. The trails within Eastern Escarpment Conservation Area are also back country trails and given its topography, offers the only downhill mountain bike riding within Redland City and well beyond. The trails provide for people seeking that extra level of difficulty.

It is also ideally suited, when developed, to trail horse-riding, mountain biking, bushwalking, rogaining, trail running and orienteering events among others.

This plan establishes the site's master plan that will be a guide to its staged development.







# Literature Review

## Redland City Council Corporate Plan 2015

As part of the development of the 2015 Corporate Plan Council has reviewed and renewed its corporate vision, mission and values. These “articulate Council’s long-term direction”. Council’s Vision is:

*Forward thinking, engaged and focused on enriching community lifestyles.*

The development of a trails network in Eastern Escarpment Conservation Area contributes to at least two of the Plan’s eight Key Outcome Areas including:

- » #1—Healthy Natural Environment
- » #7—Strong and Connected Communities

The 2020 Outcomes under the Healthy Natural Environment Key Outcome Area are:

1. Redland’s natural assets including flora, fauna, habitats, biodiversity, ecosystems and waterways are managed, maintained and monitored.
2. Threatened species are maintained and protected, including the vulnerable koala species.
3. Community and private landholder stewardship of natural assets increases.
4. Visitors experience our natural assets through high standard facilities, trails, interpretation and low impact commercial ventures.

The first three 2020 Outcomes refer to the management of the biodiversity and conservation

values of the Eastern Escarpment Conservation Area. The fourth 2020 Outcome realises that recreation, particularly linear recreation and low impact commercial recreation, is possible in tandem with preserving and enhancing environmental outcomes. As an example it has been found that the presence of people in conservation areas that are legally using the facilities discourages the illegal use of the area such as by people on trail bikes.

The development of a trail network, apart from its recreational benefit, has key management benefits, particularly in relation to fire and weeds management.

Council’s Enhancing the Visitor Experience project embodies these concepts. This wide-ranging project has begun the process of examining low cost changes that can open the conservation estate and other natural environments for greater responsible recreation use.

The Strong and Connected Communities Key Outcome Area (#7) recognises the social and economic benefits from events held in the Redlands. It also encourages a greater volunteering culture in the Redlands and recognises the role that volunteers can take in delivering Council outcomes.

## Seven Cs Connection Strategy

The Seven Cs project is about:

*developing wildlife linkages and recreational corridors across the City harnessing the power of communities, centres, cities, catchments, culture, conservation areas and citizens to connect people, plants and animals across public and private lands.*

The network of corridors are designed to benefit animals and plants, and residents and visitors. Residents and visitors will be able to use the recreation corridors for walking, jogging, cycling and horse-riding, though the latter will be restricted to rural areas.

The stated aims of the Seven Cs Project are:

- » provide sustainable and accessible outdoor environments
- » connect people and places through recreational pathways
- » connect fauna with food, water and each other
- » create recreational, commercial, cultural, and stewardship opportunities
- » provide opportunities for people and communities to lead healthier lives.

The link of most relevance to this plan is the Avalon Road—Eastern Escarpment Conservation Area link which connects Eastern Escarpment Conservation Area into the Seven C's Network.

Eastern Escarpment Conservation Area, being at not far from the edge of the local government area, is to be connected into the network via Avalon Road and Schoek Road (which is not formed for its entire length). The Eastern Escarpment Conservation Area is a destination for trail users and the Seven C's network envisages people walking or riding to the Eastern Escarpment Conservation Area from across and outside the City.

While not discussed in any great detail in the Strategy connections beyond the Eastern Escarpment Conservation Area to Logan City and Brisbane City can be established with joint planning. For example, Schoek Road to Avalon Road Trail, Woodland Drive to Redland Track Park and other connections to the Koala Bushland Conservation Areas.

Detailed design needs to be undertaken to establish the final preferred routes.

## Conservation Land Management Strategy 2010

The Conservation Land Management Strategy 2010—A Plan for the Next 10 Years is a Redland City Council document with the intent to provide principles for the management and planning of the City's Conservation Estate.

In that light recreation is seen as a legitimate use and the Strategy has the aim to "provide recreational opportunities where possible without compromising conservation values or visitor safety".

Various principles within the Strategy are relevant to planning of the trails within the Eastern Escarpment Conservation Area. Recreation is dealt with on pages 54-56 and the most relevant principles, by activity, are listed below.

### General

The overarching philosophy of Council is to provide 'multiple-use' nature-based recreation venues that appeal to, encourage and engage the community, and:

- » the management of recreation in the city should aim to meet the requirements of the SEQ Regional Plan: "Establish and maintain a network of accessible outdoor recreation areas, including regional parks, trails and waterways, as well as private lands with the voluntary agreement of landowners"
- » reserves planning for recreation should be designed to encourage recreation that does not impact on natural communities
- » public access and recreational activities for nature based recreation will be based on Local Law No. 15<sup>1</sup> (Parks and reserves).

### Walking Tracks

Where intra-reserve walking tracks are planned or managed the Australian Standards for walking tracks should be considered (AS 2156.1-2001: Walking Tracks Classification and Signage).

### Mountain Bikes

Bicycle riding is an appropriate recreational activity in parks and reserves and a legitimate, nature-based activity and mountain biking will be encouraged in all parks and reserves where it is considered environmentally appropriate. Other principles are:

- » when constructing or closing mountain bike

<sup>1</sup> This local law has since been replaced with Local Law 4—Local Government Controlled Areas, Facilities and Roads

- trails, consultation must occur between Council, bushcare/trailcare group and other relevant mountain bike groups
- » trails constructed for the use of mountain bikes must also be compatible with, and may be used by bushwalkers. Signage should indicate that this is dual use
- » mountain bike use should be constrained to trails designated as mountain bike compatible or general cycling compatible trails
- » where construction, upgrade or management of specially designated mountain bike trails is to be undertaken, refer to IMBA (International Mountain Bicycling Association) trail construction and management principles
- » formation and maintenance of Bushcare/ trailcare groups should be based on engaging locally run groups first
- » track closures, maintenance and design must be based on understanding of broader strategic network of tracks within and between the city’s conservation reserves
- » trails should stay out of streams and wetlands unless crossing by direct route. Mountain bike tracks should not to be constructed within 30m of a waterway or area identified as being a sensitive area
- » to protect water quality and habitat, only cross streams where absolutely necessary. Where crossings are necessary, use natural rock features or bridges. If it is considered essential for a track to cross a watercourse, it must be sited to cross by the shortest and most environmentally considerate route
- » bridges and other track infrastructure for dedicated mountain bike trails (single-track) should be constructed of ‘natural’ material.

**Horses**

Horse-riding is permitted on selected conservation reserves where this use is considered environmentally and socially appropriate (note: fire road horse-riding is allowed in Eastern Escarpment Conservation Area). When considering horse-riding the following factors need to be taken into account:

- » the level of use which may be anticipated if horse-riding is officially permitted
- » alternative opportunities for horse-riding in the district
- » potential problems of access and parking.

In managing the activity consider:

- » review the existence of suitable trails and places for horses to be tethered watered and fed

- » suitable rest, picnic and toilet facilities for anticipated numbers of riders
- » the ability of management to define the permitted area and enforce any restrictions considered necessary.

Horses are to be kept to fire trails. Horses, pedestrians and bikes can use fire trails whereas ‘single-track’ can only be used by pedestrians and bikes.

**Orienteering and Rogaining**

Council recognises the use of reserves for off-track cross country navigational activities conducted by orienteering and rogaining groups.

**Motorcycling**

Motorbike activities are not allowed.

**Pest Management Plan 2012–2016**

This Council prepared document sets out how Council will respond to the management of pest weeds and animals in its 17 Environmentally Sensitive Areas (of which Eastern Escarpment Conservation Area is one) and 27 Aquatic Environments.

Managing pests is key to maintaining the City’s healthy and natural environment. The Plan recognises that managing pests requires a broad community and government commitment at all levels. The use of EECA for the permitted activities will introduce pests (see Figure 1) and these need to be managed.

Details on how Council will manage particular plant and animal pests known to occur in Redland City is set out within the document.

Figure 1: Example of weeds growing in horse manure dropped on a trail







# Site Analysis

## Site Description

### Location

The Eastern Escarpment Conservation Area is 186.68 hectares in area. For comparison the Bayview Conservation Area, including the contiguous Carbrook Wetlands, is 920 hectares in area or 772 hectares excluding the Carbrook Wetlands.

The Eastern Escarpment Conservation Area is located to the east of both Don and Christine Burnett Conservation Area and Ford Road Conservation Area alongside West Mount Cotton Road within Mount Cotton (refer to Figure 2).

The site is generally bounded by acreage residential and small farms. The Karingal Scout Camp is adjacent to the eastern boundary. The shared boundary between the two areas is approximately 1,500 metres. The boundary is not well defined on the ground and it is suspected that some of the trails may cross between the two sites. Discussion between the two land managers is ongoing in relation to this.

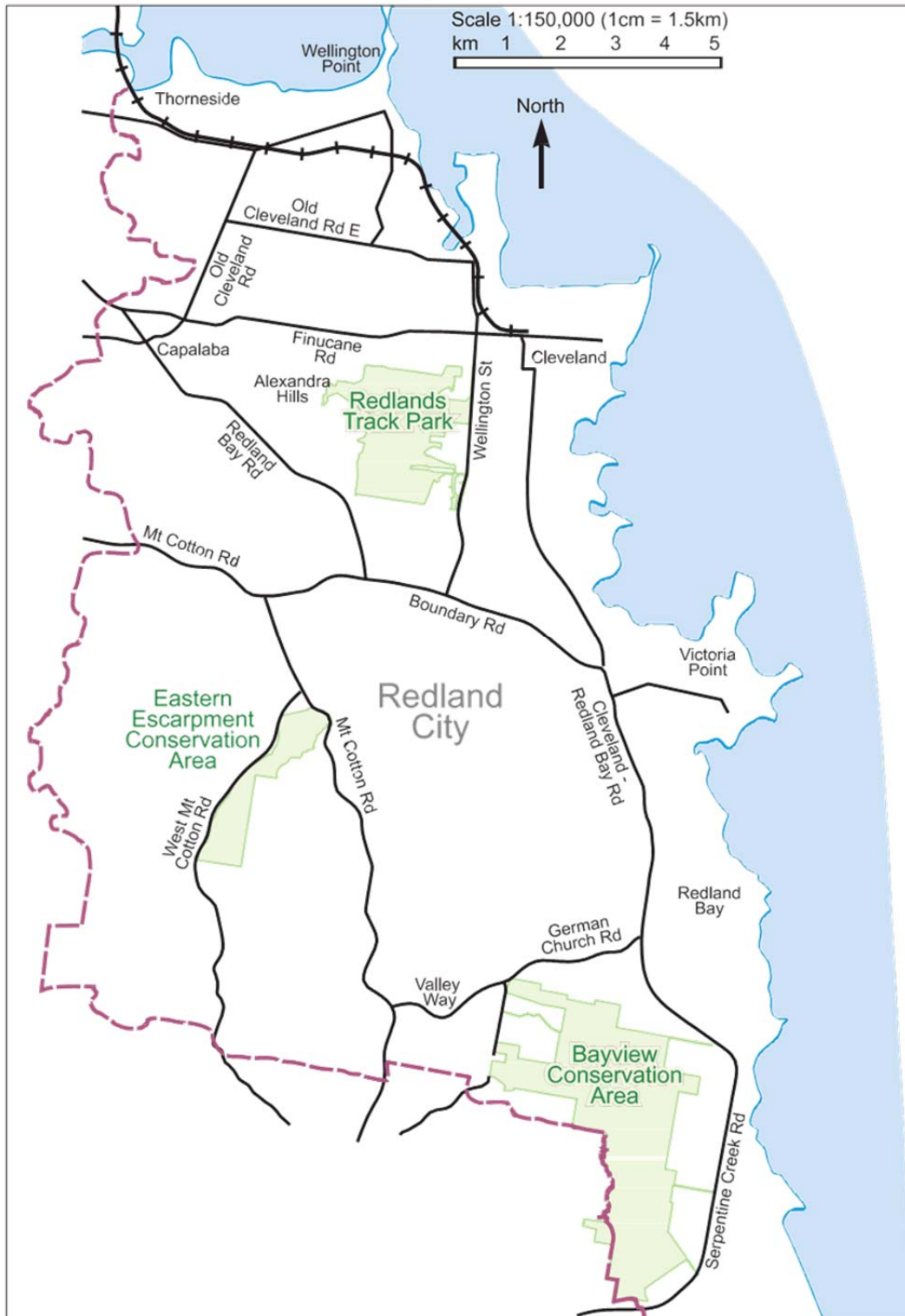
## Topography, Geology and Soils

### Topography

The Eastern Escarpment Conservation Area is aligned north-east to south-west. In the south the landform rises steeply from a creek up to the ridges of Mount Cotton. The southern slope from the creek supports a patch of endangered notophyll vine forest. A small off-shoot of Tingalpa Creek flows northwest through the Eastern Escarpment Conservation Area and then to Tingalpa Creek.

The land north of Mount Cotton and its ridges running west form part of the headwaters for Eprapah Creek and drains northeast through the Eastern Escarpment Conservation Area. Heading east from West Mount Cotton Road the land undulates and drops steeply at times before gradually flattening out to a gentle gradient at the boundary between the conservation area and the Karingal Scout Camp. The northern section of Eastern Escarpment Conservation Area is primarily open eucalyptus forest on dry Paleozoic and older moderately to strongly deformed and metamorphosed sediments and interbedded volcanics.

Figure 2: Site location in context with other Redland track parks



## Geology and Soils

The Eastern Escarpment Conservation Area consists of a combination of red and yellow podzolic soils and lithosols on high quartzite ridges and red clays on fringing slopes according to CSIRO's Soil Association Map: Brisbane—Beenleigh Area.

Podzolic soils are acid throughout and have a clear boundary between the topsoil and subsoil. The subsoils are clayey and may be very deep, the colour of the subsoil is of a red / yellow texture. Red Podzolic soils are found in well-drained humid areas on crests and upper slopes while Yellow Podzolics are more likely on lower slopes in areas of poor drainage.

The nutrient status of these soils is typically low with a range of nutrient deficiencies the most common being nitrogen, phosphorus and molybdenum; phosphorus deficiency in particular is often severe. The physical characteristics of podzolics are usually quite fair.

Lithosols are essentially stony or gravelly soils lacking horizon development and are found on the steep slopes within Eastern Escarpment Conservation Area. They are usually shallow and contain a large proportion of fragmented rock with very little binding soil material. These soils are easily eroded. The nutrient supply is usually poor to fair due to extensive leaching and the small rooting volume.

## Ecological Values

In preparing this report BAAM Ecological Consultants prepared an ecological assessment. The full document is available upon request.

BAAM's report found that in riparian communities visitor impacts and weed infestations have the potential to affect the lowland rainforests, native jute and Milkyvine (Clear and Slender types). Illegal dumping has the potential to highly impact soft-spined sunfish in the waterways and orchids and other native species could be impacted by illegal collections.

In non-riparian areas of Eastern Escarpment Conservation Area the visitor impacts to native jute and Milkyvine (Clear and Slender types) and the possibility of illegal collection of orchids and other native species remains. Unregulated fire is a high risk to a range of animals and plants in the drier parts of the reserve. Unregulated fire poses a high risk to:

- » Native Jute (and other sensitive ecotone plants)
- » Clear Milkyvine and Slender Milkyvine
- » Koala (and other arboreal mammals)
- » Greater Glider (and other gliders)

- » Powerful Owl
- » Glossy Black- Cockatoo
- » Short-beaked Echidna
- » Orchids (and other native ornamental species)

Unregulated fire would have less impact on the Grey-headed Flying- Fox and other megabats but needs to be considered in any fire management regime.

## Cultural Heritage

A Cultural Heritage report was prepared for the reserve. The report found that it is likely that significant subsurface Aboriginal cultural heritage is located within parts of the reserve.

A detailed survey was undertaken over three days. Potential Aboriginal sites were recorded including a resource area along Eprapah Creek line and fifteen potential scar trees.

The report describes the resource area:

*"Along Eprapah Creek is a resource area with an abundance of readily available, good quality stone materials, such as silcrete, quartz, quartzite, greywacke and schist. These resources are distributed throughout the shallow creek line, measuring between 100 - 150 cm deep and 200 - 250 cm across. Dense vegetation prohibited a full assessment on either side of the creek but visibility within the creek suggests these resources are available throughout the Study Area".*

The potential scar trees were located throughout the reserve and were not concentrated into a smaller area.

The report recommends that "clear communication channels between QYAC and Redland City Council need to be maintained for any proposed development plans".

There is little European history remaining on the site of any merit. There is evidence through the reserve of past logging—stumps and logging trails—but no "built assets" such as buildings or ruins. There is some evidence of a house site in the southwest corner of the reserve with a remnant rock wall, pipes and exotic tree plantings.

Despite Council's efforts over many years to remove rubbish from the reserve (the reserve was very degraded when it was acquired by Redland City Council) there are still some pockets remaining that need to be removed.



## Weeds and Pests

While no specific survey was undertaken of weed infestations in the Eastern Escarpment Conservation Area observation indicates that the reserve was generally clear of weed infestations. Council's Bushcare Officers monitor the reserve and undertake clearing works as required.

The reserve is a large area and it is possible that dogs and cats (and possibly pigs) can and do escape into the reserve but Council's pest management appears to have this under control.

At the time that the area came under Council management it was heavily weed infested and had wild pest animals such as pigs, foxes and cats. Council officers have worked diligently to remove all traces of these weed and pest infestations.

## Fire

Fire Management within the Eastern Escarpment Conservation Area is undertaken by Council, in accordance with Council's Bushfire Action Plan 2016 and Conservation Land Management Strategy 2010.

## Usage

Within the Eastern Escarpment Conservation Area there are a number of tracks and trails that are already established.

All the tracks and trails are historic or have been developed as part of the site's management (mostly fire trails which can be 80-100 years old). All other trails have been developed by users over many years. For example the downhill mountain bike trail was constructed by the mountain bike community over about eight years.

At this point there are no trails that have been constructed by Redland City Council for recreational use.

There are no signs in the reserve and little in the way of car parking and trailheads. Despite this there is evidence of use by walkers, cyclists and horse riders. Many of these people spoke passionately of the reserve at the consultation events.

Current users could be described as those seeking greater challenges; such as taking on steeper slopes on less well formed trails.

Some users of the Eastern Escarpment Conservation Area have been accessing the summit of Mount Cotton through the reserve along a historic logging trail probably more than 100

years old. This requires crossing private land and is not authorised. It is reasonable to assume that most people would not be aware that they were crossing private land as there is no demarcation (e.g. a fence) between the sites<sup>1</sup>.

Possibly due to the lack of signage and regulation of the reserve the separation of horses from walkers and cyclists on the single track is not always adhered to either.

## Entrances

There are nine entrance points, most off West Mount Cotton Road. See Figure 3 for their locations.

Gate 2, which is opposite Schoek Road, is the most popular entrance point as it has a large area suited to car and horse float parking. Perhaps the second most popular authorised entry point is Gate 6 (known as Green Box) that has parking for several cars and/or trailers. This gate is more central to the Eastern Escarpment Conservation Area but there is little scope to create significant car parking as West Mount Cotton Road is quite close to the reserve at this point and there is little remaining space in the road reserve to fashion car parking.

## Water Catchment

Eastern Escarpment Conservation Area is the headwaters of Eprapah Creek which flows into Moreton Bay at Victoria Point. An unnamed creek also flows through the reserve and then northwest to Tingalpa Creek. There are rare fish in the creek systems so water quality must be maintained to protect these animals.

## Infrastructure and Facilities

There is no service infrastructure (electricity, water, sewerage) within the reserve.

There is electricity along West Mount Cotton Road (north side) that can be accessed at the Gate 2 Trailhead if required—though that is not planned at this stage.

There is fencing of the western boundary with gates and horse stiles and several reserve name signs. Within the reserve improvements are limited to fire trails and single track trails. There are no other improvements.

There are no formal wayfinding signs on any track or trail which makes navigation difficult for the inexperienced user.

<sup>1</sup> Since this project has commenced RCC have taken steps to close this unauthorised access.

Figure 3: Existing trails and entrance points for Eastern Escarpment Conservation Area





Eastern Escarpment Conservation Area consultation event



# Consultation

## Public Program

The project has tried to consult widely using a large number of channels. The consultation program has included:

- » Two public meetings
- » Web-page with feedback form
- » Social media updates and information distribution
- » Public on-line and mail-out community survey
- » Mail-out to 130 adjacent landholders and those in the vicinity of the Reserve on all sides
- » Meetings with adjacent landholders
- » Meetings with interested parties
- » Responses to a letter sent by the Redland Bushwalking Club
- » EECA Advisory Group meetings (2)

### Public Meetings

Consultation was held at two public events that were well attended. The first meeting raised a number of concerns within the community, nearly all of them involved factors outside of the reserve such as trails being developed through private property (and private property matters in general) to boundary fences being removed and vehicles being allowed back in the Eastern Escarpment Conservation Area.

The matters that were being canvassed were generally things that were not ever going to happen. Such was the level of misinformation that Redland City Council scheduled a second

round of consultation and provided a high level of resourcing for the event—multiple staff, maps and information handouts.

While this event proved to answer many questions in the community there was still little input into trail matters within the reserve—most of the consultation had concerned quelling fears of matters external to the reserve.

To advance the trails planning and receive feedback from the various user disciplines an Advisory Group was formed.

### Eastern Escarpment Conservation Area Advisory Group

The Eastern Escarpment Conservation Area Advisory Group was setup for the sole short-term purpose of commenting on the proposed trails map as can be seen at Figure 5.

The disciplines were represented by:

- » Mountain Bike Australia
- » Redland Bushwalkers Club
- » Redland Horse Trail Riders Club
- » Trailrunning Association (Qld)
- » Birkdale Bushcare Group

After an initial meeting the disciplines consulted within their organisations and with allied organisations about the proposed trails plan.

The following is a summary of the presentations that each group made back to the Advisory Group after consultations within their community.

### Mountain Bike Australia

- » Long term it would be ideal if access to the summit of Mount Cotton was available to make best use of the downhill trails (i.e. as a drop off point)<sup>1</sup>.
- » There are very few double black diamond downhill trails in the Brisbane region so the existing and proposed trails are important for the discipline of downhill mountain biking.
- » Agree that the trailhead should be at Gate 2 (Schoeck Road).
- » The mountain bike community would like to see a trails alliance established to assist Council in looking after the trails that included all user groups.
- » A suggestion was made to consider an additional parking area between gate 8 and gate 6 (closer to gate 8) and a short link trail from the parking area to Contour Trail 2. This would suit the downhill (DH) riders and provide closer access to Trail Hub Map 4 and up to the start of DH2/1.
- » Multi-use Link 3 that moves through the remnant rainforest area is vital to providing connectivity to other mountain bike trail networks linking Daisy Hill, Cornubia Forest etc—a long term project for Redlands, Logan and other stakeholders. This trail, as with all trails, needs to be constructed sustainably and in consideration of its uniqueness.
- » Downhill (DH) Trails—Safety concerns if DH1/2 are shared use between mountain bikers and walkers/runners. There are only two downhill trails proposed for the whole site. The downhill trails should be one-way and for mountain bikers only. When riding a descending trail high speeds are reached and a rider does not expect to come across a walker/runner either ascending or descending. Downhill trails require fall lines therefore they cannot be constructed anywhere and as readily as other trail types. There are not many downhill trails in the region or the whole of Brisbane. By making DH 1 and/or DH 2 shared use trails we are effectively not providing riding opportunities for this segment of the mountain bike community—technically challenging and for gravity riders.
- » Access from the Karingal Scouts into the site will provide additional mountain bike and other event/ activity opportunities.
- » The mountain bike community ride from Ford Road through to Schoeck Rod and into the Eastern Escarpment as a training loop.

- » Signage: The mountain bike community would appreciate being consulted when naming trails/ installing signage. Also suggestion to consider Aboriginal heritage and incorporate on interpretive signage for users, particularly walkers.
- » Generally happy with the proposed separation of horses and walkers/mountain bikers.

### Redland Bushwalkers Club

- » The bushwalkers do not see how they can share the existing downhill mountain bike track (which they call the “Mongrel”) with downhill mountain bike riders. The bushwalkers currently use this track in particular for “testing” the fitness and capability of new members. They would have 20 members per week use the trail.
- » The Club have concerns about car parking. Needs organising. Do not put any car parking at Gate 8 or Gate 9 as it is too dangerous.
- » The proposed multi-use trail between Gate 8 and 9 should not be built. The Club has concerns about the remnant rainforest in the location.

### Redland Horse Trail Riders Club

- » Members are excited about the proposals, particularly good car parking and the new trails.
- » The Club agree that the rainforest area (near Gate 8 and Gate 9) is not for horses but would appreciate a walking trail through the area.
- » Given the lack of signage and other indicators in the area members did not/ do not know where private land starts and stops.
- » There is not enough directional and information signage in the Area. Signage advising which trails horse riders can use, and when, is required. Happy to share trails, just want signage saying which trails can be used by horse riders.
- » Would like access from Woodland Drive.
- » Want trails to be established as circuits.
- » Schoeck Road trailhead is good. The car parking needs to consider the needs of cars with floats. Need pull through bays and signage to say it is for vehicles with a horse trailer only.
- » Wherever there is car parking for horse trailers there should be a tie up rail.
- » Need a stile at Schoeck Road.
- » The surface of the trails should be mulch rather than gravel (Kidd Street is a good example).
- » Clean the gutters of the Trailhead buildings so that the water quality is improved for horse (in the troughs).

<sup>1</sup> It should be noted that such a route would likely involve private land and is not proposed in the short or medium term

- » To be allowed to go through Karingal, even if a payment was required, would improve the experience substantially. Karingal could serve as a “park and ride” base.
- » Would be good to see the trails connecting out e.g. through Sirromet or to Mt Cotton and beyond in the long term.
- » Would like notice of when controlled burns are to take place so that members do not turn up on that day.

### Trailrunning Association (Qld)

- » Feedback from some of the trail running community has been positive, no issues or questions to report, apart from the no access to the top of Bilau Rd, which as advised cuts through private property
- » The only other comments were that the members were hoping that the trails will be as natural as possible, taking into consideration the environmental impacts.

### Birkdale Bushcare Group

- » The organisation is “vehemently opposed” to the whole project.
- » The Group’s main concerns are erosion and fire management.
- » There is significant erosion in the Eastern Escarpment Conservation Area and more use will exacerbate it. The area is geologically unstable.
- » Council cannot keep up with the current fire management program. If a fire broke out while there were walkers in the reserve they may be in danger.
- » It is not acceptable to have a trail cross the Creek near Gate 9. This is a sensitive environment. It is not possible to provide an adequate crossing at this point.
- » Trails cannot be made stable in this Area (i.e. so that they do not erode).

### Summary

As can be seen there are diverging opinions concerning the use of Eastern Escarpment Conservation Area and the trails network. The four disciplines—bushwalking, mountain biking, trail riders and trail runners all support the trail network’s alignment (broadly) though differing in user policies that may restrict one discipline’s access rights.

The environmental group represented on the working party though is “vehemently opposed” to the whole project. The group do not believe that it is possible that the reserve can be used without significant environmental degradation.

## Karingal Scouts

The Karingal Scouts Centre is an adjacent landholder. Karingal and Eastern Escarpment Conservation Area have been used together over many years by the trail community.

There is an existing trail along the boundary of the two sites that appears to be mostly on Karingal’s land.

This plan proposes that this trail is relocated back within Eastern Escarpment Conservation Area to keep all trail activity within the reserve.

Karingal Scout Camp is prepared to maintain dialogue with Redland City Council on how the two areas can work more closely together. Karingal is looking for opportunities to secure some income from the use of their land and facilities and future talks will be focussed on extending use of their site and achieving income from its use. Talks to date have been positive.

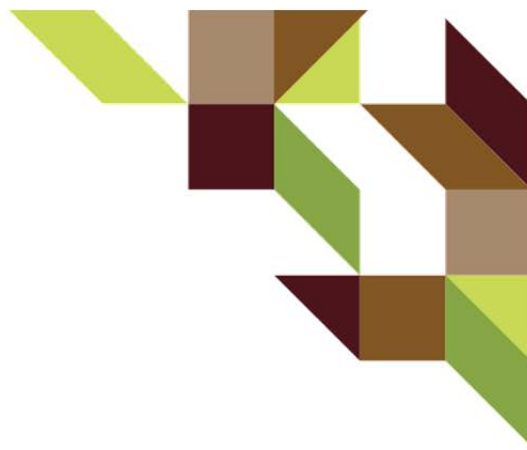
## Redland City Council

A number of staff involved in the management of Eastern Escarpment Conservation Area or involved in providing recreation opportunities were asked for input. A summary of the key points is:

- » Camping within Eastern Escarpment Conservation Area is not currently allowed (by regulation). There are no plans to change this.
- » Council are in the process of delineating the private land boundary of the trail that leads from the summit of Mount Cotton across private land to Eastern Escarpment Conservation Area with a view to stopping people using this access.
- » The addition of some interpretation within the reserve would be possible and would add interest.
- » Council will encourage, in the long term, the establishment of a Trailcare Group, which may involve broadening the scope of an existing group. There needs to be some consideration of where their tools are kept and how the group is managed.
- » The trailcare group needs to work with the Council employed Bushcare officers to plan and coordinate their work schedules.
- » Council’s policies and guidelines concerning the use of volunteers needs to be updated to allow the use of some powered equipment where it is deemed safe.



Remnant rock wall in the south-western section of the reserve



# Trail Descriptions

## Existing Trails

The Eastern Escarpment Conservation Area has a number of well-established trails developed over many years by local users though their overall length is not significant. There is also Redland City Council's Management Trails network. Due to the ad hoc nature of the user built trails many changes are recommended, mainly to improve the sustainability of the trails network. In total, there are approximately seven kilometres of Multi-use Trails and one kilometre of Downhill Trail (single-use trail). For comparison purposes Redland Track Park has 51 kilometres of trails and Bayview Conservation Area has approximately 53 kilometres of trails.

Descriptions of the existing trail system (refer to Figure 4) are set out below.

### Multi-use Trails

Two linear sections of fire road run from north to south that do not connect in the middle except by exiting through Gate 4 and re-entering at Gate 6. Both sections are undulating wide trails.

Links between the northern section of fire road to gates on West Mount Cotton Road are somewhat steep, reaching 20% gradient in places.

The multi-use trail running west to east from the roundabout to the summit is very steep for long sections, reaching 30% gradient. These areas are rocky and prone to erosion.

The section of fire road connecting the summit to Karingal Scout Camp is extremely steep and deeply eroded, not maintained to the standard of other wide trails. This trail provides the only exit from the end of the downhill trail, Westy's and is very difficult to climb/push up with a bicycle.

### Single-use (Downhill Trail)

The only mountain bike downhill trail, called Westy's, was constructed and maintained over the last ten years informally by bike riders. Descending from the summit on the steepest terrain available in the reserve, there are several gap jumps, including two challenging gap jumps near the finish. This downhill trail is for experienced mountain bike riders.

This trail is the only single-use trail in the City.

### Trail Audit

As part of the project, MAK Planning and Design's partner, Trailworx, undertook a trails audit of all trails and tracks and provided a detailed maintenance and improvement report. This report has been provided on a spreadsheet to Council separately from this report.

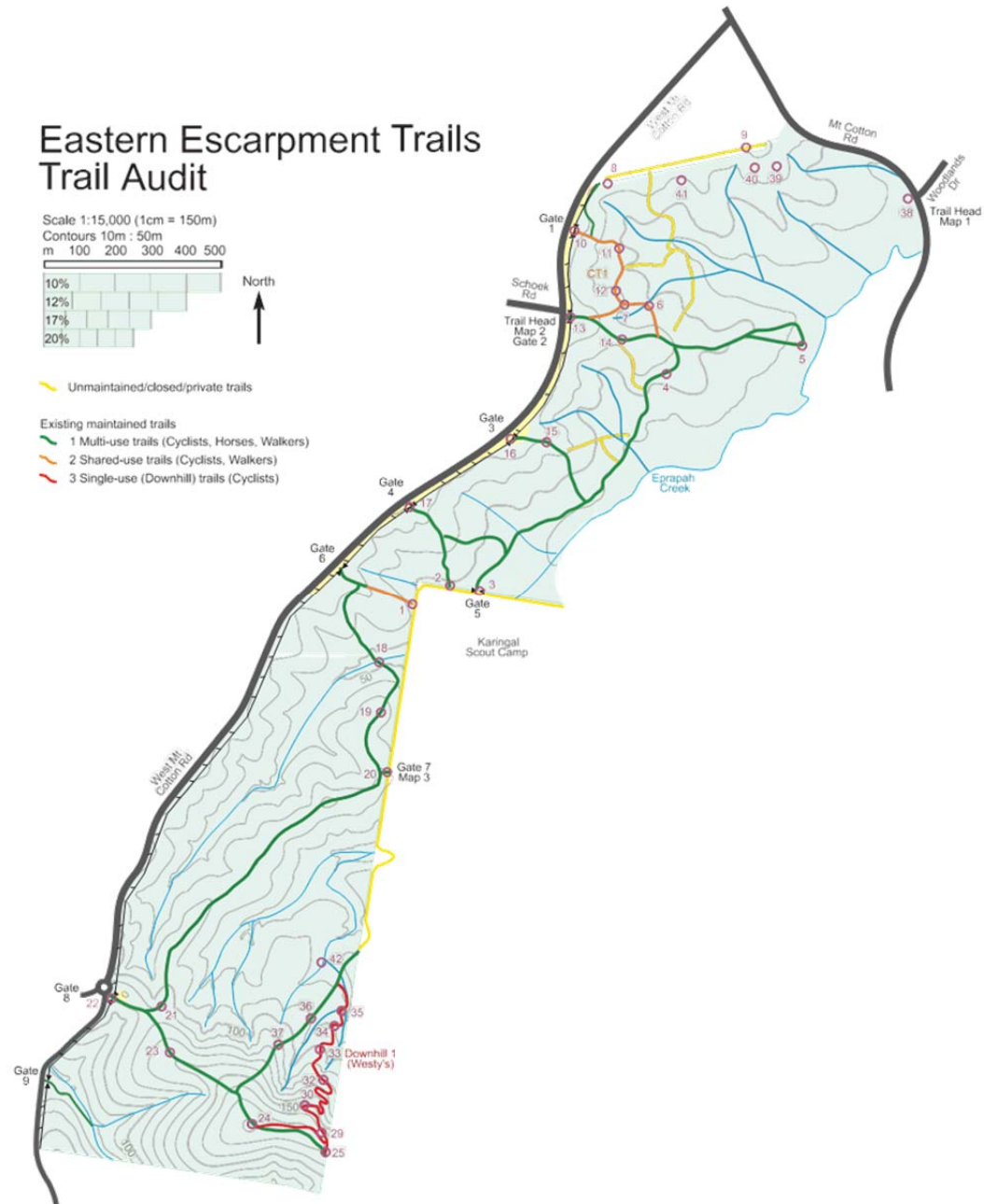
As a summary of the report though key items are:

### Trails in Northern Section

- » Install information kiosks at the Trailhead opposite Woodlands Drive; at Gate 2 end of Schoek Road and Gate 7 access to Karingal Scout Camp.
- » Install a horse stile at Gate 2 (Schoek Road).
- » Add water bars and drainage to fire roads at Waypoints 7, 15, 17, 18, and 19.
- » Close fire roads and narrow trail at Waypoints 1, 2, 5, 6, 7, 11 and 12.



Figure 4: Existing trails and audit reference points



- » Remove rubbish:
  - Waypoint 39—white goods
  - Waypoint 40—asbestos
  - Waypoint 41—large number of tyres
- » Remove fallen trees:
  - Near Waypoint 3 there are three small Casuarina trees
  - At Waypoint 4 there is a large tree.

**Trails in Southern Section**

- » Install information kiosks near Gate 8 at cross-country trail hub; at Waypoint 24 at Downhill Trail Hub and Waypoint 27 at summit.
- » Add water bars and drainage to fire road at Waypoint 21 and Waypoint 38 (if the fire road is to be maintained).
- » Re-route fire road:
  - Waypoint 23, about 265m
  - Waypoint 24, about 340m
  - Waypoint 26, about 115m
- » Remove trees at Waypoints 32, 36 and 37.
- » Downhill 1 Track:
  - At waypoints 29, 32 (x2) and 35 (x2) make 5 x gap jumps rollable.
  - At waypoint 30 rebuild rock roll over
  - At waypoint 31 repair falling turn

**Maintenance Costs**

The costs of the identified maintenance items is estimated at \$16,000. A full breakdown of that cost is contained within the spreadsheets provided to Redland City Council separately.

It is recommended that a 25% contingency be added to the figure for unexpected matters—budget should be in the order of \$20,000.

**Other Maintenance**

Along the West Mount Cotton boundary there are rocks and mounds in several places that were used to stop unlawful access. These can and should now be removed. A cost of \$4,000 is suggested.

**IMBA Trail Building Philosophy**

The International Mountain Bicycling Association (IMBA) are considered leaders in trail construction and teach their methodology throughout the world. The IMBA method for sustainable trail construction is widely adopted by land managers wherever trails are constructed in natural areas.

It is proposed that the IMBA method is adopted for Eastern Escarpment Conservation Area. The method is suited to trail construction for all activities in the reserve including walking trails and horse-riding trails. The following information is sourced from the IMBA publication “Building Better Trails”.

**What is a Sustainable Trail?**

- » It supports current and future use with minimal impact to the area’s natural systems.
- » It produces negligible soil loss or movement while allowing vegetation to inhabit the area.
- » It recognises that pruning or removal of certain plants may be necessary for proper maintenance.
- » It does not adversely affect the area’s animal life.
- » It accommodates existing use while allowing only appropriate future use.
- » It requires little re-routing and minimal long-term maintenance.

IMBA works to create sustainable trails. Two key considerations are proper siting and construction to reduce erosion. Minimal maintenance is important because trails are just one of many facilities that land managers must care for. The less time, labour and money needed for trail maintenance, the more likely trails will remain open for public use.

Achieving balance between soil protection and recreation is what good trail design and construction are all about. A good trail is both sustainable and fun. Trails also must be appealing enough to keep users from wandering off and increasing the risk of erosion.

# Eastern Escarpment Trails Draft Concept

Scale 1:15,000 (1cm = 150m)  
 Contours 10m : 50m  
 m 100 200 300 400 500



- Existing unmaintained/closed/private trails
- X Trail to be closed
- Existing maintained trails
- 1 Multi-use trails (Cyclists, Horses, Walkers)
- 2 Shared-use trails (Cyclists, Walkers)
- 3 Single-use (Downhill) trails (Cyclists)
- Proposed new trails
- 1 Multi-use trails (Cyclists, Horses, Walkers)
- 2 Shared-use trails (Cyclists, Walkers)
- 3 Single-use (Downhill) trails (Cyclists)



## New Trails

The proposed trail network, that encompasses some existing trails, some trail closures and new trails can be found in Figure 5 and is described in more detail below.

In proposing the routing of the new trail network the planners have been conscious of:

- » Environmental values
- » Fire management
- » Reserve maintenance
- » Water quality
- » Erosion and sustainability
- » Trail maintenance
- » Volunteers
- » Construction of existing trails
- » Loops and links
- » Relative size of user groups (demand and economics)
- » Safety
- » Access

### Multi-use Trails

Within the audit there are some recommendations for short sections of new multi-use trails. These are all in response to obtaining a better trail alignment so as to avoid environmentally sensitive areas (e.g. creek lines), areas subject to erosion, areas not in character with the trail rating (e.g. a short section of blue trail within a green trail), safety, avoiding roads or similar.

Multi-use link trails are recommended for consideration to provide continuous connections from north to south and more opportunities to form circuits within the reserve.

The new trails allow for better and safer fire management within the reserve as well as to external roads, general reserve maintenance and connectivity.

The new multi-use trails that are recommended for consideration total 3,485 metres in length.

- » Fire road re-route 1 and 2 equals 600 metres
- » Multi-use link 1 - 5 equals 2,885 metres.

### Shared-use trails

Contour Trails 1, 2 and 3 provide almost 5 kilometres of easy, flowing shared-use trail accessible to novice mountain bikers and casual walkers. Sited parallel to West Mount Cotton Road, this trail will connect to several access gates and the main car park at Gate 2. Running through open eucalyptus forest this interesting contour trail dips in and out of the head of numerous gullies.

Contour Link 1 and 2 form a 2.5 kilometre circuit with Contour Trail 3. This circuit skirts along the tops of steep gullies providing an elevated view over riparian and wetland areas below.

Both Contour Link 1 and 2 provide an exit from the finish of Downhill 1 and 2, and will be more challenging trails with rock and log features.

Shared-Use Gradient Trail is a shared-use trail descending 1.25 kilometres from the Summit Rest Area to Gate 9. Situated on the wetter southern slopes of the reserve there are large trees and impressive gullies falling away below the trail which finishes through a lush rainforest with rock features. Here, Multi-use Link 3 provides a safe, off-road trail back to Gate 8.

### Single-use (Downhill Trail)

Downhill Trail 2 is a mountain bike trail professionally constructed as a difficult, challenging downhill-only trail for experienced riders. With 90 vertical metres of fall over 1km, the average gradient is 10%, making for a fast, flowing ride. The trail crosses rocky gullies that fall away below the rider like a river of rock.

## Capital Improvements

### Entrance Points

Entrance points were listed earlier in this plan and can be found at Figure 3 (Page 11).

There is no main entrance point at present though Gate 2 and Gate 6 would appear to be the most popular entrance points.

It is proposed that Gate 2, which is on West Mount Cotton Road opposite Schoek Road, should be the main trailhead. The main reason for this is that only at this point is there a wide road reserve adjacent to a disturbed area in Eastern Escarpment Conservation Area that together provides an area large enough for a trailhead.

This will be the only entrance point that provides parking for vehicles with horse floats. A design for the trailhead at Gate 2 can be found at Figure 7.

A second entrance point at Gate 6, which is central to the reserve will be maintained but will be signed to the effect that horse floats are not to be parked there. Directions to Gate 2 will be provided. The reason for this is that there is not sufficient space on the road reserve to accommodate more than a few cars, let alone vehicles with horse floats in tow.

All other entrance points will be more casual and be largely left as they are.

### Map Stands

The following entrance points will have two post map stands located in an appropriate place, usually just inside the reserve beside the trail or entrance:

- » Map 1 opposite Woodlands Drive
- » Map 2 at Gate 2 opposite Schoek Road
- » Map 3 at Gate 7 entrance to Karingal Scout Camp
- » Map 4 Trail Hub near Gate 8
- » Map 5 at Summit Rest Point

### Summit Rest Point

Within the reserve, near its highest point above the existing and proposed downhill trails, a rest point is proposed.

The rest point would include seating, a hitching rail (that also doubles as a bike rack) and a map stand.

The location is at or near the convergence point of

Figure 6: Design for a rest point at the Downhill Hub





several trails. Apart from a rest point it will also be a meeting point.

A concept design can be found at Figure 6 which is drawn into the landscape at the recommended location.

**Signage**

There is almost no signage with the reserve. What exists is entirely reserve name signage at the entrance points on the boundary. There is no directional signage within the reserve.

For safety and convenience signage needs to be rolled out across the reserve.

A signage plan has been developed using a mix of bollard style signs and finger boards along the

lines of those recently installed at Redlands Track Park (see images below).

The finger boards will be almost identical to those at the Redlands Track Park (being either 2m or 3m wide) as will the totem bollards being rectangular in shape. A 200mm x 100mm x 1500mm bollard is suggested.

Trails will be named appropriately in consultation with the Indigenous community.

Signage will carry location numbers for advising emergency services where people are located.

Table 1 identifies the five sites where finger board signs will be required. There are 32 locations where bollards are recommended and these are detailed in Table 2. Figure 8 maps these locations.



Examples of bollard and finger board signage in use in the Redlands



Table 1: Text for finger boards

Site (Refer Map)	Sign Text		
	To next trail or road	Trail Name	To next trail or road
1a	← Schoek Road x m	Multi Use Link 1	Woodlands Drive x m →
2a	← Gate 6 x m	Multi Use Link 2	Schoek Road x m →
3a	← Gate 8 x m	Main trail	Gate 6 x m →
4a	← Gate 8 x m	Multi Use Link 5	Gate 7 x m →
5a	← Summit Rest Point x m	Summit trail	Gate 8 x m →

Table 2: Bollard locations (always on left at start)

Site # (refer map)	Text	Comment	Distance	(RWH) Ride, Walk, Horse
1	Contour Trail 1	From Woodlands Drive to Schoek Road	1635m	RW
2	Multi Use Link 1	From Woodlands Drive to Schoek Road		RWH
3	Contour Trail 1	From Schoek Road to Woodlands Drive	1635m	RW
4	Multi Use Link 1	From Schoek Road to Woodlands Drive		RWH
5	Contour Trail 2	From Gate 2 to Gate 6	1105m	RW
6	Multi Use Link 2	From Multi Use Link 1 to Gate 6		RWH
7	Gate 3 link	From Multi Use Link 2 to Gate 3		RWH
8	Gate 4 link	From Multi Use Link 2 to Gate 4		RWH
9	Multi Use Link 4			RWH
10	Multi Use Link 4			RWH
11	Multi Use Link 2	To Multi Use Link 1 intersection		RWH
12	Main Trail	To trail hub near Gate 8		RWH
13	Contour Trail 2	From Gate 6 to Gate 2	1105m	RW
14	Contour Trail 3	From Gate 6 to trail hub near Gate 8	2030m	RW
15	Contour Link 1	Link to Contour Trail 3		RW
16	Contour Link 1	Main trail to downhill finish		RW
17	Contour Trail 3	To trail hub		RW
18	Contour Link 2	Main trail to downhill finish	925m	RW
19	Contour Trail 3	Trail hub to Gate 6	2030m	RW
20	Main trail	Trail hub to Gate 6		RWH
21	Summit trail	West to east multi use trail		RWH
22	Multi Use Link 3	From trail hub to Gate 9	600m	RWH
23	Multi Use Link 3	Gate 9 to trail hub	600m	RWH
24	Technical Trail	Near Gate 9 to Summit Rest Point		RW
25	Technical Trail	Summit Rest Point to near Gate 9		RW
26	Downhill 2	Summit Rest Point to downhill finish	975m	R
27	Downhill 1	Summit Rest Point to downhill finish		R
28	Contour Link 2	Downhill finish to main trail	925m	RW
29	Contour Link 1	Downhill finish to main trail		RW
30	Multi Use Link 5	Summit trail to near Gate 7		RWH
31	Multi Use Link 5	Near Gate 5 to summit trail		RWH
32	Summit trail	From Gate 8 to eastern boundary		RWH



Figure 8: Locations for signage



## Costs of Implementation

### New Trails

For this plan new single track trails are costed at \$25/m. This is an average cost derived from the industry. Fire roads are more expensive. Multi-use trails (fire roads) need to be pushed in with heavy machinery and the cost can vary significantly depending upon how much rock (and its hardness) is encountered and the gradient of the trail.

Potentially the new trails may cost in the order of \$242,000 made up of:

- » Multi-use trails—\$60,000
- » Shared use trails—\$150,000
- » Downhill trail—\$32,000

It is likely that the concept trails will be longer when they are eventually flagged in the field and the calculations above have added 20% to the mapped length.

There will also be additional costs for signage and other improvements.

### Signage

The total cost for signage will be \$23,124

This is made up of:

1. 5 x two-post map stands @ \$1,300 (total \$6,500)
2. 5 x 3m finger boards @ \$600 each (total \$3,000)
3. 32 x bollard signs @ \$207 each (total \$6,624)

### Summit Rest Point

The Summit Rest Point is made up of three platforms, a hitching rail and map signage. It is estimated that the cost to develop this area is in the order of \$40,000.

### Gate 2 Trailhead

The trailhead at Gate 2 will provide a safe area to park cars and horse trailers to access Eastern Escarpment Conservation Area as well as connect into the external horse trail network. It will also include a toilet, water facility and shelter.

The layout requires pushing back the fence and gates beyond a disturbed area that has been levelled and cleared for the car park.

The total cost is estimated at \$419,115.12 and will include items as per Table 3.

### Maintenance

Existing trail maintenance has been costed at \$20,000. The clean-up of rocks and mounds along the West Mount Cotton Boundary is costed at \$4,000.

Table 3: Items for Trailhead at Gate 2

Item
<b>1. Site Works</b>
a. Levelling of site, clearing and compacting
b. Dismantling of existing fence and boulders (length of fence)
c. Clearing and grading of exit road access
<b>2. Fences, Gates and Site Furniture</b>
a. New two-rail steel fence to edge of car park
b. Relocate Rhino gate
c. New park name signage
d. Totem
e. 2-post map stand
f. horse stile
g. Water tank
h. Shelter
i. Toilet

Table 4: General maintenance activities

Activity	Site	Frequency
Undertake full inspection of the trail	Entire trail	Every second month
Check signage and clean, replace or repair as required esp. trail crossing signage and directional markers	All locations	Every second month—at each trail inspection
Check trail surface and arrange repair as required	Entire trail	Every second month. Check for erosion at each inspection. Arrange repairs immediately if serious, or schedule maintenance for six monthly work sessions if not
Maintenance of trail surface	Entire trail	Every six months
Sweep or rake debris from trail surfaces, especially at road and trail crossing points	Various locations	Every six months
Maintenance of culverts and other drainage measures	Entire trail	Every six months
Cut back regrowth, intruding and overhanging vegetation	Entire trail	Every six months, unless obviously requiring attention at regular inspections
Check structural stability of interpretive signage, and interpretive shelters	Various locations	Every six months
Undertake Hazard Inspection and prepare Hazard Inspection Report	Entire trail	Annually
Check structural integrity of bridges	Entire trail	Every three years
Major repairs and replacements	Entire trail	Every five years

## Maintenance Planning

### Trail Maintenance

Once the maintenance of the trails has brought them up to standard (as per the trails audit) it would then be prudent to approve an annual budget to keep them fit-for-purpose. It is important that a budget is allocated to trail maintenance. Trail maintenance not only protects the asset and ensures a quality recreation experience it also mitigates any risk exposure. To be seen to have a regular maintenance program is a key part of risk management.

Maintenance will generally be undertaken through a mix of Council employees (particularly fire trail maintenance), volunteers and contractors.

It is assumed that fire trail maintenance budgets are already allocated and will continue to be as part of the management of Eastern Escarpment Conservation Area. Maintenance of the single-track is not currently allocated but will need to be as the destination is promoted more widely.

Maintenance of the trails will involve regular inspections and simple repairs with programs undertaking larger jobs to ensure the safety of the trail user and address any significant signage repairs or weed/vegetation control.

Table 4 gives a suggested schedule for general maintenance activities to achieve acceptable maintenance levels.

For Eastern Escarpment Conservation Area it is suggested that a budget of approximately \$32,000 should be allocated for single track and

fire track maintenance and this would allow for a team of three to visit the reserve twice a year for ten days (each time) with machinery. This period should allow them to get across all the single-track and fix regular maintenance items. Any major maintenance items (e.g. a new bridge crossing) may need to be negotiated outside this contract.

If the Trailcare group becomes particularly active it may be possible to pare this budget.

To keep costs down liaise with Council's Works Branch to reuse old road materials such as road scalplings and broken or damaged stormwater pipes.

Council will benefit from knowing the approximate number of trail users. This knowledge will support maintenance and capital bids during budget deliberations. It will also be useful in determining the economic and social benefits derived from providing trails in the reserve

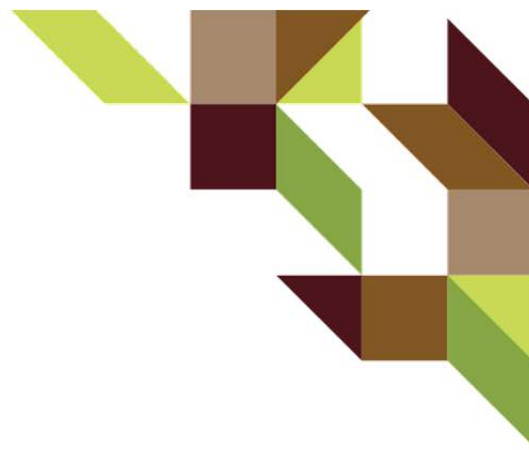
Council should use its trail counters in the reserve from time-to-time to capture user data.

### Trailhead Maintenance

The trailhead at Gate 2 as well as other entrance points and improvements within the reserve (Summit Rest Point) will need to be maintained.

Minor maintenance may be needed on furniture and signage and other capital items. A budget in the order of \$5,000 should be set as a starting point and monitored for adequacy over the first few years.

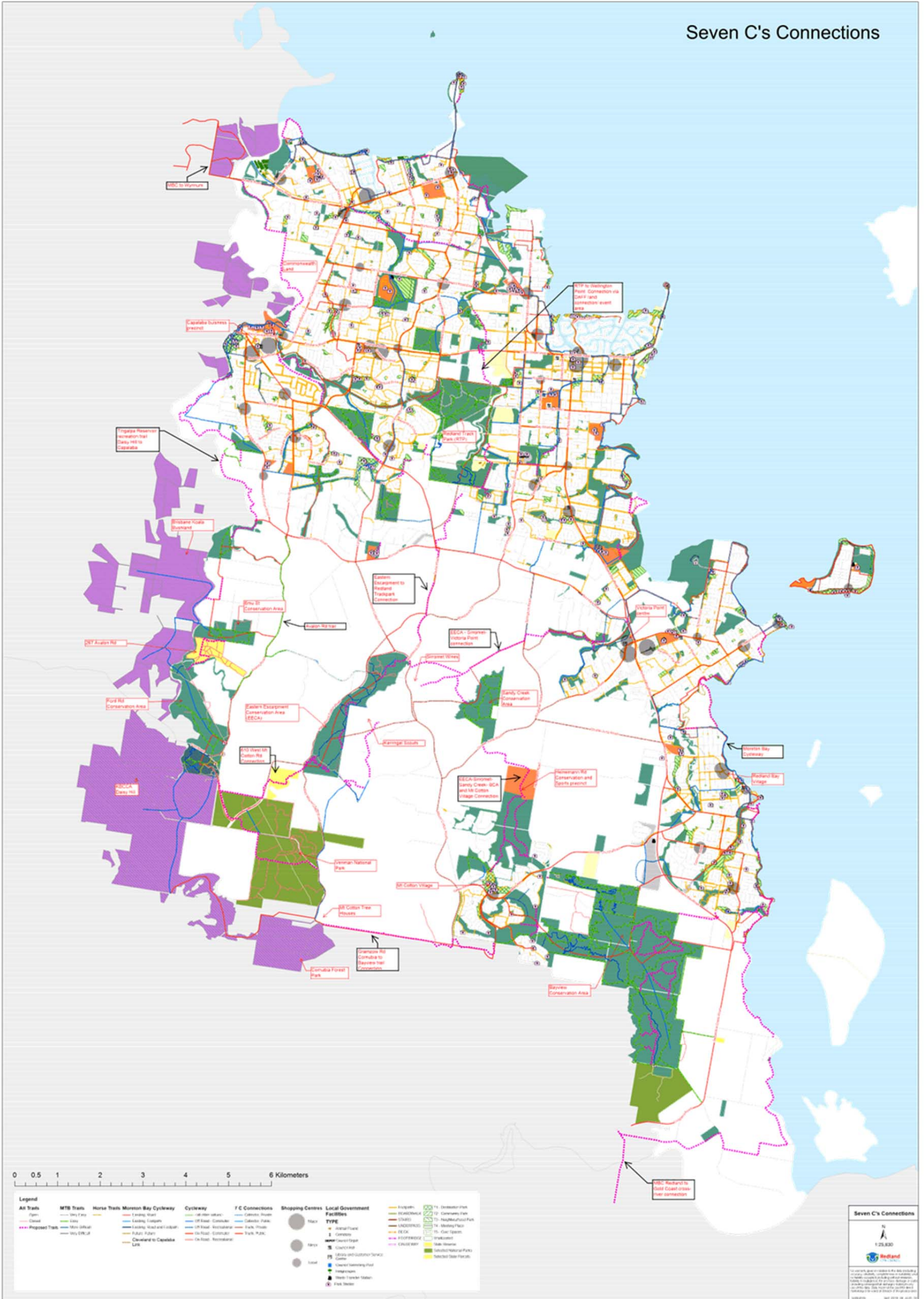




## Recommendations

1. That the Eastern Escarpment Conservation Area Plan: Connecting with Recreation be adopted by Redland City Council and actioned in forward planning.
2. In actioning the Eastern Escarpment Conservation Area Plan: Connecting with Recreation work with all stakeholders including the potential recreational users and the indigenous community.
3. Engage with Trail Care groups as much as possible to reduce costs of implementation.
4. Undertake detailed design of the Schoek Road (Gate 2) Trailhead
5. Name trails using a feature of Eastern Escarpment Conservation Area such as plants or geographic feature. Involve the Indigenous community in the process.

Seven C's Connections



**15 MAYORAL MINUTE****15.1 FEDERAL ASSISTANCE GRANTS (FAGS)****COUNCIL RESOLUTION 2019/22**

Moved by: Cr Karen Williams

In support of the Local Government Association of Queensland (LGAQ) and Australia Local Government Association (ALGA) federal election advocacy plans, Council resolves to advocate to the Federal Government to restore Financial Assistance Grants to at least one per cent of Commonwealth Taxation revenue as follows:

1. That the Mayor writes to the relevant Minister in support of this report; and
2. That this request is included in Council's 2019 Federal Election Advocacy document.

Background

As the level of government closest to the community, Local Government is responsible for delivering much of the infrastructure and services needed by residents. Local Government manages 33 per cent of public assets but collects only 3 per cent of total government taxes, to manage these assets. In contrast the Federal Government collects 80 per cent of taxes and manages 11 per cent of public assets.

The Federal Government has provided Federal Assistance Grants (FAGs) to Local Governments for a number of years, helping to fund services and infrastructure within the community. While the provision of FAGs has been consistent, the proportion of the grant allocation relative to Commonwealth taxation revenue has reduced considerably over the years.

In 1996 FAGs were equal to around one per cent of Commonwealth taxation revenue. However, a freeze on the indexation of FAGs has seen a 43 per cent decline in relative terms over the past 20 years, with them now equating to approximately 0.55% (2018) of Commonwealth tax revenue. This reduction is despite an average 3.47 per cent annual growth rate in Australia's Gross Domestic Product between 1960 and 2017. This means Local Government is effectively getting less of the nation's taxation to deliver the services and infrastructure required in their communities.

Council estimates that increasing FAGs to one per cent of Commonwealth taxation revenue would deliver an increase in the order of \$4 million to Redland City Council and approximately \$400 million for Queensland councils.

Advocating for the Federal Government to increase FAGs to at least one per cent of Commonwealth Taxation revenue is a cornerstone of both the Local Government Association of Queensland (LGAQ) and Australia Local Government Association (ALGA) advocacy plans for this year's Federal election. Similar motions will also be put by all Queensland councils in the lead up to this year's Federal election. Through this Mayoral Minute, Redland City Council is supporting the LGAQ and ALGA in their advocacy and in turn supporting our community in getting a more equitable share of the nation's taxation revenue.

**CARRIED 10/0**

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

Cr Lance Hewlett was absent from the meeting.



## 15.2 TRANSPORT PLAN

**COUNCIL RESOLUTION 2019/23**

Moved by: Cr Karen Williams

That Council resolves to:

1. extend community consultation for the Draft Redlands Coast Transport Strategy to 1 March 2019;
2. invite the State Government to join Council during the extended consultation period to seek community feedback on their Draft Regional Transport Plan;
3. note that this will align with the closing date for community engagement to 1 March 2019 and give the community the opportunity to ask questions and receive feedback on the two Draft Transport Strategies together; and
4. note that this Mayoral Minute and subsequent request to the State Government to join with Council to engage the community recognises:
  - a) The State Government's Draft Metropolitan Regional Transport Plan includes action 3.24 Redlands multi-modal area transport strategy – collaborate with Redland City Council to develop a multi-modal area transport strategy for Redland City. To allow this collaboration to occur it is important the State Government works with Council during the community engagement phase of our Draft Transport Strategy to provide the community with the opportunity to comment on both drafts together.
  - b) Delivering Council's transport strategy is highly dependent on the State's transport network, particularly the major state roads leading in and out of the city and public transport. As such it is vital community engagement on Council's draft Transport Strategy includes the State's Draft Regional Transport Plan so residents can see how State Government transport plans and infrastructure impacts our Redland City transport network.
  - c) Council officers have liaised with their state counterparts regarding their community consultation for the Draft RTP and the advice is that the State is not planning any on the ground engagement sessions. Council believes face to face engagement such as the pop up sessions and intercept surveys Council has been conducting are critical to getting meaningful feedback from the Redlands Coast community. Extending our community consultation period and inviting the Minister and State Government to stand shoulder to shoulder with Council at these sessions, gives the State the opportunity to deliver this face to face engagement, while also giving the community the opportunity to ask questions and provide feedback on both draft plans at the same time.

Background

Transport is one the most important issues for the Redlands Coast, which is why Council identified the development of a Transport Strategy as a key priority for our community. No commitments from the State Government to key projects such as upgrades to State-controlled roads, Eastern Busway and the duplication of the Cleveland rail line are impacting our community, particularly those residents travelling in and out of the city.

Council's transport strategy is highly dependant on the State Government and the two plans must be developed in coordination.

On 5 September 2018 Council adopted the Draft Redlands Coast Transport Strategy for

Community Consultation. Since that time Council has engaged with more than 3,000 people through online and face to face engagement. Council officers have indicated that much of the feedback received during this time relates to State Government Transport responsibilities such as State-controlled roads and public transport.

Council's Draft Transport Strategy includes the identification of State-controlled roads and services that Council will advocate to the State on behalf of the community for. To ensure this advocacy meets the needs of the community it is important residents have an opportunity to see what is and isn't included in the State's Regional Transport Plan so they can ask Council to advocate for those projects that aren't included.

The State Government released their Regional Transport Plans in December 2018, with the Draft Metropolitan Regional Transport Plan including the Redlands. Consultation is open until March 1 2019 with the State Government not planning any on the ground face to face engagement on the plan.

The State Government Metropolitan Regional Transport Plan includes the following as an action: ***A3.24 Redlands multi-modal area transport strategy – collaborate with Redland City Council to develop a multi-modal area transport strategy for Redland City.*** This Action has a medium to long-term delivery. By extending engagement on our Draft Transport Strategy and encouraging the State Government to take part in face to face consultation with residents, this feedback can then be fed into our final Transport Plan, allowing this Action can be completed in a shorter timeframe.

The State's Draft plan also includes ***Action 3.08 Infrastructure coordination plans***, which focuses on working with Local Governments to ensure infrastructure planning between the State Government and councils is aligned. This Mayoral Minute will provide extra time for the community to review Council's draft strategy alongside the State's Draft transport plan to better align the relevant infrastructure needs for the benefit of Redland City.

Council will also be making a formal submission to the State Government's Draft Regional Transport Plan by 1 March, 2019. This Mayoral Minute provides a chance for the community to have their say on what should be included in that submission through the extended consultation period.

**CARRIED 10/0**

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

Cr Lance Hewlett was absent from the meeting.

**16 NOTICES OF MOTION TO REPEAL OR AMEND A RESOLUTION**

Nil

**17 NOTICES OF MOTION**

Nil

**18 URGENT BUSINESS WITHOUT NOTICE**

Nil

**19 CONFIDENTIAL ITEMS****MOTION TO MOVE INTO CLOSED SESSION AT 11.46AM****COUNCIL RESOLUTION 2019/24**

**Moved by:** Cr Julie Talty

**Seconded by:** Cr Peter Mitchell

**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 Barro Group Pty Ltd - Planning and Environment Court Appeal No.1506 of 2018**

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.

**19.2 Major Amendment to City Plan: Heritage Schedule**

This matter is considered to be confidential under Section 275(1)(h) of the Local Government Regulation 2012, and the Council is satisfied that discussion of this matter in an open meeting would, on balance, be contrary to the public interest as it deals with other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

**19.3 2018/2019 Projects over \$2,000,000.00 Including GST - Delegated Authority to Chief Executive Officer**

This matter is considered to be confidential under Section 275(1)(e) 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 contracts proposed to be made by it.

**19.4 Support to Redland City Chamber of Commerce**

This matter is considered to be confidential under Section 275(1)(e) and (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 contracts proposed to be made by it and 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.

**CARRIED 9/1**

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

Cr Paul Gollè voted AGAINST the motion.

Cr Lance Hewlett was absent from the meeting.

**MOTION TO MOVE OUT OF CLOSED SESSION AT 2.54PM**

**COUNCIL RESOLUTION 2019/25**

**Moved by: Cr Mark Edwards**

**Seconded by: Cr Murray Elliott**

**That Council moves out of Closed Council into Open Council.**

**CARRIED 11/0**

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

**19.1 BARRO GROUP PTY LTD - PLANNING AND ENVIRONMENT COURT APPEAL NO.1506 OF 2018****COUNCIL RESOLUTION 2019/26**

Moved by: Cr Julie Talty

Seconded by: Cr Tracey Huges

That Council resolves as follows:

1. To provide the applicant with a pre-referral response which states that Council has no objection to the proposed minor change application to be lodged with the Minister, subject to conditions that are generally consistent with the amended draft conditions package attached to this report (see Attachment 6) and including the following matters:
  - a. Noise monitoring locations must be nominated and agreed between the noise experts before lodging the minor change, and monitoring locations should reflect all directions surrounding the site.
  - b. The noise and ambient dust monitoring must be designed and operated in a form that allows "live monitoring", so that the noise and dust levels are visible at any time and available to the public as close to real time as technology allows.
  - c. Dust monitoring should be measured on weighted instant time scale rather than 24 hour averages.
  - d. The conveyor must be enclosed with sound insulating material.
  - e. Noise and dust attenuation conditions must commence from time of commencement of preliminary works.
  - f. The applicant must negotiate with neighbouring residents with regard to compensating them for costs of installation of air conditioning units, and water filtration for drinking supply of dwelling units located within the separation area identified by the Key Resource Area map under the State Planning Policy and adjoining properties.
  - g. An annual maintenance contribution must be paid to the State government for the ongoing maintenance of Mount Cotton Road, as agreed between the parties.
  - h. The section of Mount Cotton Road used for the acceleration of heavy vehicles exiting the subject site must be constructed in concrete or otherwise engineered as agreed by State Government to extraordinary standard to ensure the surface under pressure from fully laden trucks to minimise maintenance and interruption as a result of continuing damage and repair.
  - i. The Community Consultation Group must in so much as can be reasonably managed include members who are also residents from properties that adjoin the site as sensory receptors.
2. That Council will write to the Minister further outlining its position with respect to the minor change, consistent with the conditions referenced in point 1;
3. On the basis that the minor change application is approved by the Minister in the form outlined in point 1 to the approval by Council, Council will instruct its solicitors to take all necessary steps to settle the appeal; and
4. To maintain this report as confidential until the conclusion of the appeal.

**CARRIED 6/5**

Crs Wendy Boglary, Peter Mitchell, Mark Edwards, Julie Talty, Tracey Huges and Paul Gleeson voted FOR the motion.

Crs Karen Williams, Paul Gollè, Lance Hewlett, Murray Elliott and Paul Bishop voted AGAINST the motion.

**19.2 MAJOR AMENDMENT TO CITY PLAN: HERITAGE SCHEDULE****COUNCIL RESOLUTION 2019/27**

Moved by: Cr Paul Bishop

Seconded by: Cr Murray Elliott

That Council resolves to:

1. commence a major amendment to the City Plan pursuant to Part 4 Section 16.1 of the Minister's Guideline and Rules under the Planning Act 2016;
2. undertake major amendments to the City Plan as outlined in Attachment 1: Proposed Planning Scheme Major Amendment Package;
3. submit the contents of the proposed major amendment to the Planning Minister for the purpose of completing the State Interest Review, in accordance with the process outlined in the Minister's Guidelines and Rules; and
4. maintain the contents and attachments of this report as confidential until such time that the amendment is released for public consultation, subject to Council and Ministerial approval.

**CARRIED 8/3**

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Murray Elliott, Tracey Huges and Paul Bishop voted FOR the motion.

Crs Mark Edwards, Julie Talty and Paul Gleeson voted AGAINST the motion.



**19.3 2018/2019 PROJECTS OVER \$2,000,000.00 INCLUDING GST - DELEGATED AUTHORITY TO CHIEF EXECUTIVE OFFICER****COUNCIL RESOLUTION 2019/28**

Moved by: Cr Murray Elliott

Seconded by: Cr Peter Mitchell

That Council resolves to:

1. delegate authority to the Chief Executive Officer, under s.257(1)(b) of the Local Government Act 2009, to accept a conforming tender, negotiate, make, vary, discharge and sign all relevant documentation for IndigiScapes Expansion Project contracts over \$2,000,000.00 including GST within the approved budget; and
2. retain this report as confidential until the contract is awarded and details published in accordance with legislative requirements, subject to maintaining the confidentiality of legally privileged and commercial in confidence information.

**CARRIED 11/0**

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Murray Elliott, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

19.4 SUPPORT TO REDLAND CITY CHAMBER OF COMMERCE

**COUNCIL RESOLUTION 2019/29**

Moved by: Cr Paul Bishop  
Seconded by: Cr Peter Mitchell

That Council resolves to:

1. enter into a targeted funding allocation agreement with Redland City Chamber of Commerce for 2018/19 to the value of \$30,000 excluding GST;
2. delegate authority to the Chief Executive Officer under s.257 (1)(b) of the Local Government Act 2009 to negotiate, make, vary and discharge all documents in regard to this agreement; and
3. retain the report as confidential until the agreement has been signed.

**CARRIED 10/1**

Crs Karen Williams, Wendy Boglary, Peter Mitchell, Paul Gollè, Lance Hewlett, Mark Edwards, Julie Talty, Tracey Huges, Paul Gleeson and Paul Bishop voted FOR the motion.

Cr Murray Elliott voted AGAINST the motion.

**20 MEETING CLOSURE**

On closing the meeting the Mayor thought it was appropriate for Council to acknowledge the passing of Aunty Anne Leisha an Elder of the Cooee Indigenous Group. This item was put on record as an item of Sorry Business.

*Appropriate for us to acknowledge the passing of Aunty Anne Leisha who was an elder of the Cooee Indigenous Group, and certainly on behalf of Council we have worked with Cooee on various projects over many years certainly in Capalaba and here in Cleveland, they do a lot of work with our schools. So if I could just put on record our sincerest sympathies to Cooee and of course the Leisha family on behalf of Council and the community that has valued their existence and their commitment to our indigenous communities here in Redlands.*

The Meeting closed at 3.00pm.

The minutes of this meeting were confirmed at the General Meeting held on 6 February 2019.

.....

**CHAIRPERSON**