



Redland
CITY COUNCIL

AGENDA

GENERAL MEETING

Wednesday, 28 January 2015
commencing at 9.30am

The Council Chambers
35 Bloomfield Street
CLEVELAND QLD

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

PORTFOLIO	SPOKESPERSON
1. Office of the CEO (including Internal Audit)	Cr Mark Edwards
2. Organisational Services (excluding Internal Audit and Emergency Management)	Mayor Karen Williams
3. City Planning and Assessment	Cr Julie Talty
4. Community & Cultural Services, Environment & Regulation	Cr Lance Hewlett
5. Infrastructure & Operations	Cr Paul Gleeson
6. Emergency Management	Cr Alan Beard

1 DECLARATION OF OPENING

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

Recognition of the Traditional Owners

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

2 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE

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

3 DEVOTIONAL SEGMENT

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

4 RECOGNITION OF ACHIEVEMENT

Mayor to present any recognition of achievement items.

5 RECEIPT AND CONFIRMATION OF MINUTES

5.1 GENERAL MEETING MINUTES 10 DECEMBER 2014

Motion is required to confirm the Minutes of the General Meeting of Council held on 10 December 2014.

5.2 SPECIAL MEETING MINUTES 17 DECEMBER 2014

Motion is required to confirm the Minutes of the Special Meeting of Council held on 17 December 2014.

6 MATTERS OUTSTANDING FROM PREVIOUS COUNCIL MEETING MINUTES

6.1 REQUEST FOR REPORT – PUBLIC VEHICLE ACCESS TO ‘THE BASIN’ AT AMITY

At the General Meeting of 17 September 2014 (Item 14.1.1 refers) Council resolved that a report be prepared for Council’s consideration on the potential of facilitating public vehicle access to the area known as ‘The Basin’ at Amity.

A report will be presented to a future General Meeting for consideration.

6.2 REQUEST FOR REPORT – SHARK NET ENCLOSURE, RABY BAY FORESHORE

At the General Meeting of 17 September 2014 (Item 14.1.2 refers) Council resolved to:

1. Investigate the need and opportunity for a shark net enclosure to be installed on the Raby Bay (Masthead Drive) foreshore; and
2. That the report to Council include financial implications so that consideration can be given to possible inclusion in the Capital Works program.

A report will be presented to a future General Meeting for consideration.

7 PUBLIC PARTICIPATION

In accordance with s.42 Redland City Council Meetings – Standing Orders:

1. Council may by resolution set aside a maximum of 15 minutes to permit members of the public to address the local government on matters of public interest relating to local government. The time given to each member of the public for their address will not exceed 5 minutes and the maximum number of speakers will be decided by the Chairperson.
2. A member of the public wishing to attend and address a meeting may either:
 - (a) make a [Written Application](#) to address the meeting, which must be received by the Chief Executive Officer, no later than 4.30pm two days before the meeting; or
 - (b) make a request to the Chairperson at the commencement of the public participation period, when invited to do so by the Chairperson.
3. The right of any member of the public to address the local government is at the absolute discretion of Council. Priority will be given to persons who have made a written application to speak at a meeting, in accordance with Council’s Meetings Standing Orders.
4. If any address or comment made by a member of the public addressing a meeting is irrelevant, offensive, or unduly long, the Chairperson may require the person to cease their address.
5. Any person addressing a meeting will -
 - (a) unless they are incapacitated or it is otherwise unreasonable for them to do so, stand; and
 - (b) speak with decorum; and
 - (c) frame any remarks in respectful and courteous language.

6. If a person is considered by the local government, Mayor or Chairperson to be unsuitably dressed, the person may be directed to immediately withdraw from the meeting. Failure to comply with a direction may be considered an act of disorder.

8 PETITIONS AND PRESENTATIONS

Councillors may present petitions or make presentations under this section.

9 MOTION TO ALTER THE ORDER OF BUSINESS

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

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

Councillors are reminded of their responsibilities in relation to a Councillor's material personal interest and conflict of interest at a meeting (for full details see sections 172 and 173 of the *Local Government Act 2009*). In summary:

If a Councillor has a material personal interest in a matter before the meeting:

The Councillor must—

- *inform the meeting of the Councillor's material personal interest in the matter; and*
- *leave the meeting room (including any area set aside for the public), and stay out of the meeting room while the matter is being discussed and voted on.*

The following information must be recorded in the minutes of the meeting, and on the local government's website—

- *the name of the Councillor who has the material personal interest, or possible material personal interest, in a matter;*
- *the nature of the material personal interest, or possible material personal interest, as described by the Councillor.*

A Councillor has a **material personal interest** in the matter if any of the following persons stands to gain a benefit, or suffer a loss, (either directly or indirectly) depending on the outcome of the consideration of the matter at the meeting—

- (a) the Councillor;
- (b) a spouse of the Councillor;
- (c) a parent, child or sibling of the Councillor;
- (d) a partner of the Councillor;
- (e) an employer (other than a government entity) of the Councillor;
- (f) an entity (other than a government entity) of which the Councillor is a member;
- (g) another person prescribed under a regulation.

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

The Councillor must—

- *deal with the real conflict of interest or perceived conflict of interest in a transparent and accountable way.*
- *Inform the meeting of—*
 - (a) *the Councillor's personal interests in the matter; and*
 - (b) *if the Councillor participates in the meeting in relation to the matter, how the Councillor intends to deal with the real or perceived conflict of interest.*

The following must be recorded in the minutes of the meeting, and on the local government's website—

- (a) *the name of the Councillor who has the real or perceived conflict of interest;*
- (b) *the nature of the personal interest, as described by the Councillor;*
- (c) *how the Councillor dealt with the real or perceived conflict of interest;*
- (d) *if the Councillor voted on the matter—how the Councillor voted on the matter;*
- (e) *how the majority of persons who were entitled to vote at the meeting voted on the matter.*

A conflict of interest *is a conflict between—*

- (a) *a Councillor's personal interests (including personal interests arising from the Councillor's relationships, for example); and*
- (b) *the public interest;*

that might lead to a decision that is contrary to the public interest.

11 REPORTS TO COUNCIL

11.1 PORTFOLIO 1 (CR MARK EDWARDS)

OFFICE OF CEO (INCLUDING INTERNAL AUDIT)

11.1.1 DECEMBER 2014 MONTHLY FINANCIAL REPORTS

Datworks Filename: FM Monthly Financial Reports

Attachment: [Monthly Financial Report December 2014](#)

Authorising Officer:



Bill Lyon
Chief Executive Officer

Responsible Officer: Linnet Batz
Chief Financial Officer

Author: Deborah Corbett-Hall
Service Manager Corporate Finance

PURPOSE

The purpose is to present the December 2014 Monthly Financial Performance Report to Council and explain the content and analysis of the report. Section 204(2) of the *Local Government Regulation 2012* requires the Chief Executive Officer of a local government to present statements of its accounts to the local government on a monthly basis.

BACKGROUND

Council adopts an annual budget and then reports on performance against the budget on a monthly basis. This is not only a legal requirement but enables the organisation to periodically review its financial performance and position and respond to changes in community requirements, market forces or other outside influences. The Corporate Financial Reporting Team compiled the attached document following end of month accruals, deferrals, allocation journals and reconciliations.

ISSUES

First Budget Review

Council has recently undertaken a first budget review (outside of capital carryovers) in the 2014-15 financial year. The attached document for the end of December includes the revised budget figures, adopted on 10 December 2014.

Constrained Cash Reserves

Following the adoption of the 2014-15 first budget review on 10 December 2014, the budgeted constrained cash reserve balances exceeded the budgeted cash balances at 30 June 2015. This forecast is in breach of Council's Constrained Cash Reserve Policy and the Executive Leadership Team had already undertaken an operational

review of the constrained cash reserves, proposing a reduction to reserve balances at the same General Meeting in December:

On 10 December 2014 Council resolved to close the following reserves on or before 30 June 2015 (accommodating timeframes for budgeted reserve utilisation):

1. Car Parking Reserve (this reserve has not been utilised since 2009-10);
2. SMBI Capital Reserve (these funds will extinguish the associated SMBI debt);
3. RedWaste Reserve (the funds will transfer to the RedWaste retained earnings account for utilisation by the commercial business); and
4. Redland Workcover (Council's liability is allocated on the balance sheet so an additional reserve of this quantum is no longer required).

Additionally, Council resolved to fully utilise the monies constrained in the following reserves during the remainder of the 2014-15 financial year and retain the reserves with nil balances for potential future developer contributions:

1. Street Tree Planting Reserve;
2. SP1 Wellington Point Road Infrastructure Reserve; and
3. Redland Bay South Road Infrastructure Reserve.

Departmental support officers are presently liaising with reserve users to determine the most appropriate time to close and utilise the reserves respectively.

STRATEGIC IMPLICATIONS

Council has either achieved or favourably exceeded the following Key Financial Stability and Sustainability Ratios as at the end of December 2014:

- 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 sustainability – debt to asset ratio;
- Operating surplus ratio;
- Net financial liabilities;
- Interest cover ratio; and
- Asset consumption ratio.

The following measures were not met during the first half of the financial year:

- Operating performance; and
- Asset sustainability ratio.

The operating performance ratio is a cash measure and cash from customers peaks when rates are levied and due. As December is the last month in a quarterly rating cycle (rates are not levied or due), it is not concerning that the operating performance ratio came in slightly below the target.

The asset sustainability ratio was not achieved as at the end of December 2014 – the target is long-term and renewal expenditure is undertaken in line with the requirements of Council's asset and service management plans. Council is forecasting an increase in performance towards the stretch target over the coming months, supported by the Capital Works Prioritisation Policy.

LEGISLATIVE REQUIREMENTS

The December 2014 financials 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

December 2014 revenues and expenditures have been noted by the Executive Leadership Team and relevant officers who can provide further clarification and advise around actual to budget variances.

Financial

There are no direct financial impacts to Council resulting from this report; however it provides an indication of financial outcomes at the end of December 2014.

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 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.

- 8.7 Ensure Council resource allocation is sustainable and delivers on Council and community priorities; and
- 8.8 Provide clear information to citizens about how rates, fees and charges are set and how Council intends to finance the delivery of the Community Plan and Corporate Plan

CONSULTATION

Consultation has taken place amongst Council departmental officers, Financial Services Group Officers and the Executive Leadership Team.

OPTIONS

1. Council resolves to note the End of Month Financial Reports for December 2014 and explanations as presented in the attached Monthly Financial Performance Report.
2. Council requests additional information.

OFFICER'S RECOMMENDATION

Council resolves to note the End of Month Financial Reports for December 2014 and explanations as presented in the attached Monthly Financial Performance Report.



Monthly Financial Report

December 2014

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1. INTRODUCTION AND OVERVIEW

This monthly report is designed to illustrate the financial performance and position of Redland City Council compared to its adopted budget at an organisational level for the period ended 31 December 2014. The year to date and annual budget referred to in this report reflects the Revised Budget as adopted by Council on 10 December 2014. Note: all amounts are rounded to the nearest thousand dollars.

Key financial highlights and overview

Key Financial Results	Annual Revised Budget \$000	YTD Revised Budget \$000	YTD Actual \$000	YTD Variance \$000	YTD Variance %	Status
Operating Surplus/(Deficit)	(4,718)	(1,909)	4,726	6,635	348%	✔
Recurrent Revenue	234,786	115,392	117,760	2,368	2%	✔
Recurrent Expenditure	239,504	117,301	113,034	(4,267)	-4%	✔
Capital Works Expenditure	69,892	20,321	21,208	887	4%	⚠
Closing Cash & Investments	59,298	88,023	104,220	16,197	18%	✔

Status Legend:

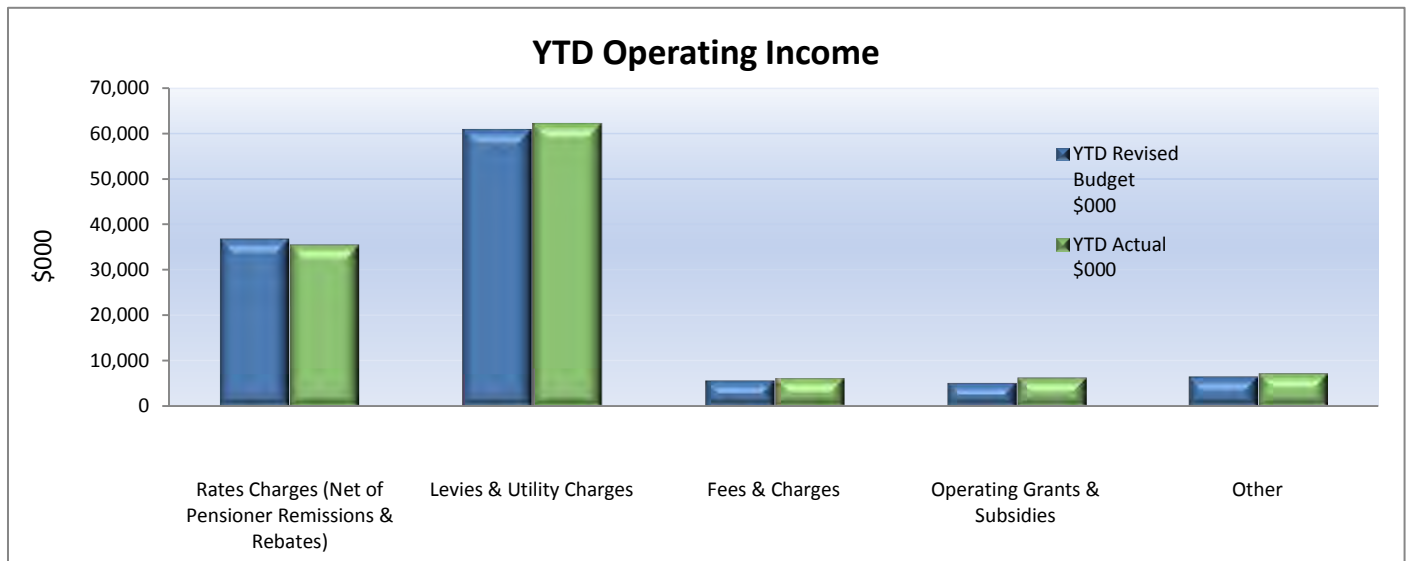
Above budgeted revenue or under budgeted expenditure	✔
Below budgeted revenue or over budgeted expenditure <10%	⚠
Below budgeted revenue or over budgeted expenditure >10%	✘

Operating results (p.7)

The year to date operating surplus of \$4.73M is \$6.64M above the year to date revised budget. The year to date favourable variance is primarily due to operating revenue higher than budget by \$2.37M and operating expenses being lower than budget by \$4.86M.

The favourable variance in revenue is mainly attributable to levies & utility charges and operating grants & subsidies higher than budget by \$1.28M and \$1.15M respectively. Employee costs and goods & services are under budget by \$1.17M and \$3.63M respectively.

The graph below depicts the actual results compared to the revised budget for each of the five main income categories. Council monitors its reliance on general rates revenue through a key performance indicator to gauge the need to generate income from other sources. Refer to Key Performance Indicators (p.5).

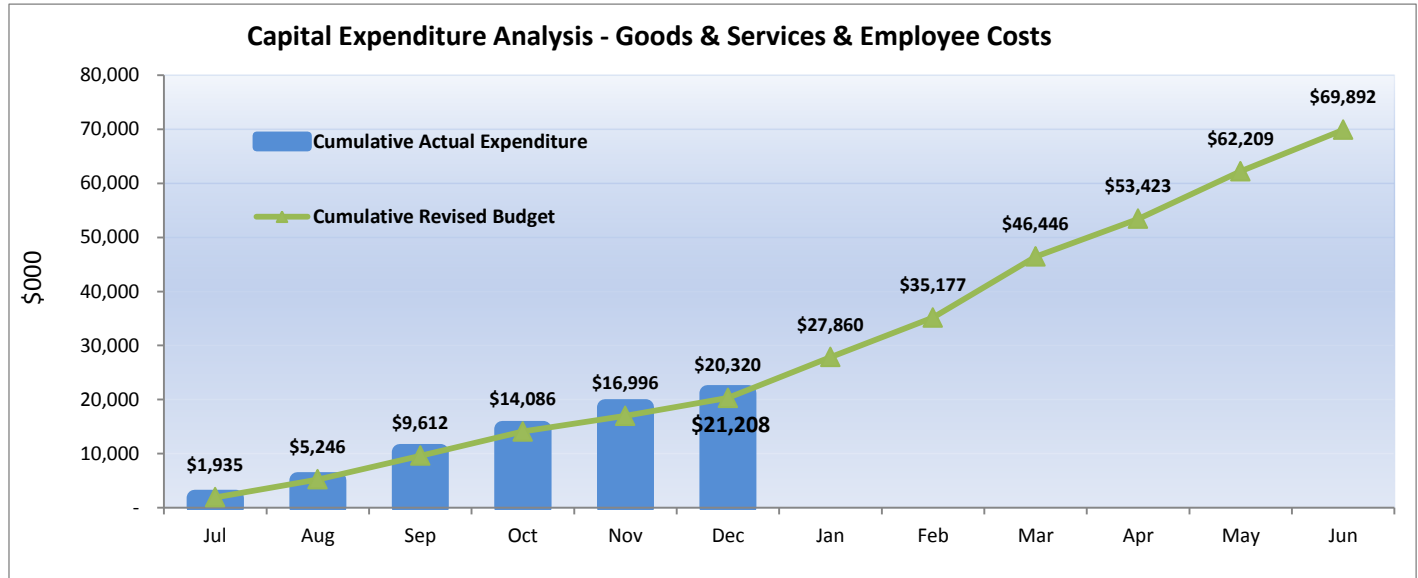


1. INTRODUCTION AND OVERVIEW (cont.)

Capital works

Council's capital works expenditure is on track with year to date actual expenditure of \$21.21M which is \$0.89M above year to date budget of \$20.32M.

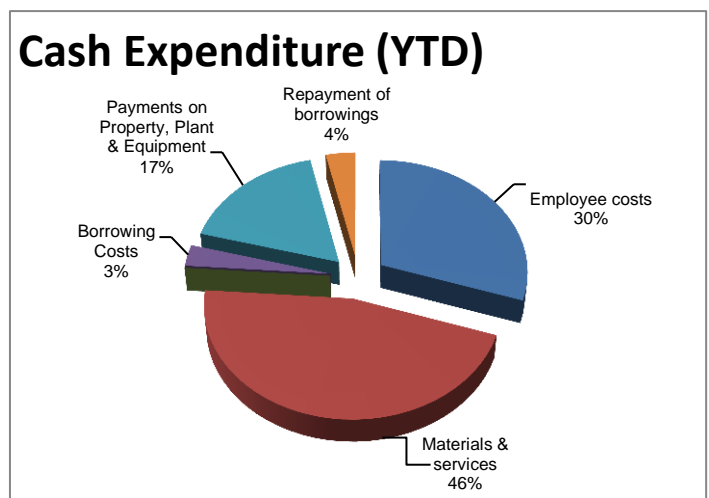
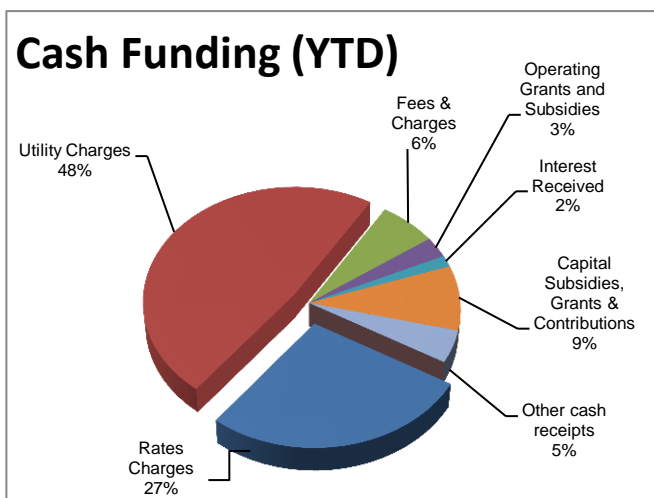
Total capital commitments at the end of December 2014 (where budget is approved) was \$3.81M.



Financial position and cash flow results

Council's Balance Sheet depicts a sustainable result with total current assets of \$137.01M and total current liabilities of \$38.72M (current ratio of 3.54).

Council's cash flow for the first six months exceeded the budgeted cash balance at the end of December 2014 (refer p.3). This result is attributable mainly to higher than anticipated cash collection from utility charges derived mainly by water consumption and payments to employees lower than expected. Of the \$104.22M cash balance at the end of the period, \$82.76M is held as cash constrained reserves. On 10 December 2014 Council resolved to close four reserves and utilise a further three reserves on or before 30 June 2015 (refer p.13). \$103.62M of the total cash balance was invested with Queensland Treasury Corporation (QTC) at the end of the period. The two graphs below depict the various range of sources of Council's cash funding, as well as the allocation of funding to services and activities needed to support the Redlands community, capital programs and other activities at Council.



Total Cash Funding (Actual YTD)	130,338
Total Cash Funding (Annual Revised Budget)	235,703
% of Budget Achieved YTD	55%

Total Cash Expenditure (Actual YTD)	122,353
Total Cash Expenditure (Annual Revised Budget)	272,640
% of Budget Achieved YTD	45%

2. KEY PERFORMANCE INDICATORS

Financial Stability Ratios	Target	Annual Revised Budget 2014/2015	December 2014	Status
Level of Dependence on General Rate Revenue (%)	Target less than 37.5%	32.44%	30.14%	✓
Ability to Pay Our Bills - Current Ratio	Target between 1.1 and 4.1	2.88	3.54	✓
Ability to Repay Our Debt - Debt Servicing Ratio (%)	Target less than or equal to 10%	3.39%	3.23%	✓
Cash Balance \$M	Target greater than or equal to \$40M	\$59.298	\$104.22M	✓
Cash Balances - Cash Capacity in Months	Target 3 to 4 months	3.59	6.45	✓
Longer Term Financial Stability - Debt to Asset Ratio (%)	Target less than or equal to 10%	2.46%	2.56%	✓
Operating Performance (%)	Target greater than or equal to 20%	8.65%	17.78%	✗

Financial Sustainability Ratios	Target	Annual Revised Budget 2014/2015	December 2014	Status
Operating Surplus Ratio (%)	Target between 0% and 10% (on average over the long-term)	-2.01%	4.01%	✓
Net Financial Liabilities (%)	Target less than 60% (on average over the long-term)	1.27%	-21.36%	✓
Interest Cover Ratio (%)	Target between 0% and 5%	-0.21%	-0.33%	✓
Asset Sustainability Ratio (%)	Target greater than 90% (on average over the long-term)	49.82%	26.15%	✗
Asset Consumption Ratio (%)	Target between 40% and 80%	66.87%	67.71%	✓

Status Legend

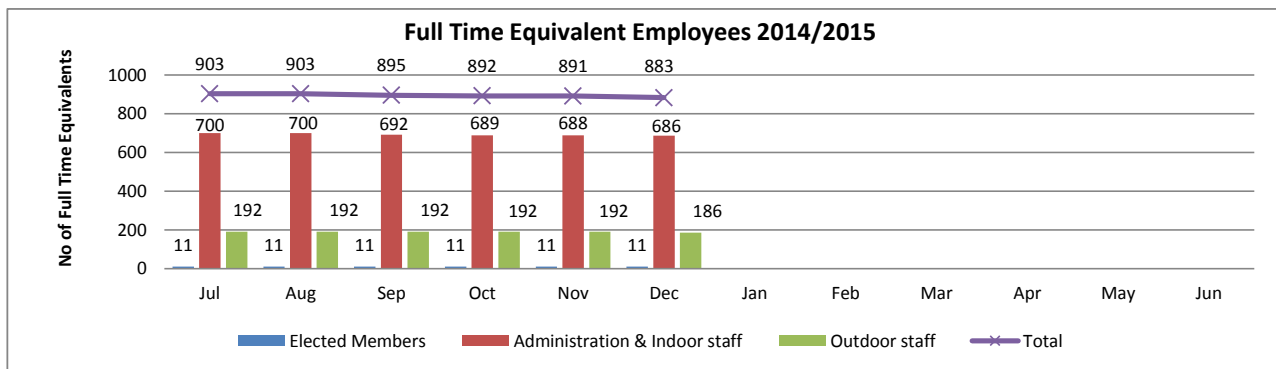
KPI target achieved or exceeded



KPI target not achieved



3. KEY NON-FINANCIAL INFORMATION



Workforce reporting - December 2014: Headcount	Employee Type						
	Casual	Contract of Service	Perm Full	Perm Part	Temp Full	Temp Part	Grand Total
Office of CEO	21	4	79	12	4	2	122
Organisational Services	3	6	98	8	7	4	126
Community and Customer Service	30	5	251	50	21	8	365
Infrastructure and Operations	11	6	313	9	18	1	358
Total	65	21	741	79	50	15	971

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 and does not include a workload weighting.



4. STATEMENT OF COMPREHENSIVE INCOME

STATEMENT OF COMPREHENSIVE INCOME For the period ending 31 December 2014

	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Revised Budget \$000	YTD Actual \$000	YTD Variance \$000
Recurrent Revenue					
Rates Charges	81,366	81,366	40,683	39,690	(993)
Levies & Utility Charges	124,757	124,781	60,916	62,197	1,281
Less: Pensioner Remissions & Rebates	(2,743)	(5,197)	(3,825)	(4,198)	(373)
Fees & Charges	10,629	10,814	5,747	6,339	592
Operating Grants & Subsidies	3,983	11,975	5,281	6,430	1,149
Operating Contributions & Donations	260	260	84	231	147
Interest External	3,872	3,872	1,936	2,071	135
Other Revenue	4,021	6,915	4,570	5,000	430
Total Recurrent Revenue	226,144	234,786	115,392	117,760	2,368
Capital revenue					
Grants, Subsidies & Contributions	15,050	14,724	9,837	11,824	1,987
Non-Cash Contributions	3,146	3,226	40	-	(40)
Total Capital Revenue	18,196	17,950	9,877	11,824	1,947
TOTAL REVENUE	244,340	252,736	125,269	129,584	4,315
Recurrent Expenses					
Employee Costs	76,094	77,352	39,135	37,966	(1,169)
Goods & Services	106,425	110,565	52,727	49,023	(3,704)
Finance Costs	3,643	3,709	1,852	1,868	16
Depreciation & Amortisation	51,209	47,878	23,587	24,177	590
Total Recurrent Expenses	237,370	239,504	117,301	113,034	(4,267)
Capital Expenses					
(Gain)/Loss on Disposal of Non-Current Assets	(3,192)	(2,940)	(1,025)	(180)	845
Total Capital Expenses	(3,192)	(2,940)	(1,025)	(180)	845
TOTAL EXPENSES	234,178	236,564	116,276	112,854	(3,422)
NET RESULT	10,161	16,172	8,993	16,730	7,737
Other Comprehensive Income					
Increase/(Decrease) in Asset Revaluation Surplus	-	-	-	-	-
TOTAL COMPREHENSIVE INCOME	10,161	16,172	8,993	16,730	7,737



5. OPERATING STATEMENT

OPERATING STATEMENT For the period ending 31 December 2014

	Annual	Annual	YTD	YTD	YTD
	Original Budget \$000	Revised Budget \$000	Revised Budget \$000	Actual \$000	Variance \$000
Revenue					
Rates Charges	81,366	81,366	40,683	39,690	(993)
Levies & Utility Charges	124,757	124,781	60,916	62,197	1,281
<i>Less: Pensioner Remissions & Rebates</i>	(2,743)	(5,197)	(3,825)	(4,198)	(373)
Fees & Charges	10,629	10,814	5,747	6,339	592
Operating Grants & Subsidies	3,983	11,975	5,281	6,430	1,149
Operating Contributions & Donations	260	260	84	231	147
Interest External	3,872	3,872	1,936	2,071	135
Other Revenue	4,021	6,915	4,570	5,000	430
Total Revenue	226,144	234,786	115,392	117,760	2,368
Expenses					
Employee Costs	76,094	77,352	39,135	37,966	(1,169)
Goods & Services	107,098	111,238	53,074	49,443	(3,631)
Finance Costs Other	281	329	168	184	16
Other Expenditure	315	315	147	81	(66)
Net Internal Costs	(988)	(988)	(494)	(501)	(7)
Total Expenses	182,799	188,246	92,030	87,173	(4,857)
Earnings Before Interest, Tax & Depreciation (EBITD)	43,345	46,540	23,362	30,587	7,225
Interest Expense	3,362	3,380	1,684	1,684	-
Depreciation	51,209	47,878	23,587	24,177	590
Operating Surplus/(Deficit)	(11,226)	(4,718)	(1,909)	4,726	6,635

Utility Charges Breakup For the period ending 31 December 2014

	Annual	Annual	YTD	YTD	YTD
	Original Budget \$000	Revised Budget \$000	Revised Budget \$000	Actual \$000	Variance \$000
Utility Charges					
Refuse Charges	18,797	18,821	9,402	9,459	57
Special Charges	3,795	3,795	1,884	1,900	16
Environment Levy	5,637	5,637	2,818	2,836	18
Landfill Remediation Charge	4,102	4,102	2,051	2,069	18
Wastewater Charges	38,161	38,161	19,080	20,221	1,141
Water Access Charges	17,592	17,592	8,797	8,611	(186)
Water Consumption Charges	36,673	36,673	16,884	17,101	217
Total Utility Charges	124,757	124,781	60,916	62,197	1,281



5. OPERATING STATEMENT (cont.)

REDLAND WATER SUMMARY OPERATING STATEMENT For the period ending 31 December 2014

	Annual	Annual	YTD	YTD	YTD
	Original Budget \$000	Revised Budget \$000	Budget \$000	Actual \$000	Variance \$000
Total Revenue	94,706	95,053	46,084	47,070	986
Total Expenses	49,157	48,956	25,190	25,163	(27)
Earnings Before Interest, Tax & Depreciation (EBITD)	45,550	46,097	20,894	21,907	1,013
Interest Internal	21,681	21,681	10,841	10,841	-
Depreciation	16,987	16,551	8,263	8,242	(21)
Operating Surplus/(Deficit)	6,881	7,865	1,790	2,824	1,034

REDWASTE OPERATING STATEMENT For the period ending 31 December 2014

	Annual	Annual	YTD	YTD	YTD
	Original Budget \$000	Revised Budget \$000	Budget \$000	Actual \$000	Variance \$000
Total Revenue	19,967	20,204	9,891	10,005	114
Total Expenses	16,200	15,020	7,852	7,032	(820)
Earnings Before Interest, Tax & Depreciation (EBITD)	3,767	5,184	2,039	2,973	934
Interest Expense External	42	42	21	20	(1)
Interest Internal	313	313	157	157	-
Depreciation	556	545	274	255	(18)
Operating Surplus/(Deficit)	2,856	4,284	1,587	2,541	953



6. STATEMENT OF FINANCIAL POSITION

STATEMENT OF FINANCIAL POSITION As at 31 December 2014

	Annual	Annual	YTD
	Original Budget \$000	Revised Budget \$000	Actual Balance \$000
CURRENT ASSETS			
Cash & Investments	49,157	59,298	104,220
Accounts Receivable	34,311	39,519	25,474
Inventories	943	844	855
Prepaid Expenses	1,320	1,155	6,111
Non-Current Assets - Held for Sale	467	354	354
Total Current Assets	86,199	101,170	137,014
NON-CURRENT ASSETS			
Property, Plant & Equipment	2,021,416	2,107,640	2,080,069
Total Non-Current Assets	2,021,416	2,107,640	2,080,069
TOTAL ASSETS	2,107,615	2,208,810	2,217,083
CURRENT LIABILITIES			
Accounts Payable	17,301	18,913	11,642
Current Employee Provisions	2,468	9,493	13,074
Current Loans	5,247	5,498	4,375
Current Landfill Rehabilitation Provisions	1,144	-	5,938
Other Liabilities	3,201	1,283	3,692
Total Current Liabilities	29,361	35,187	38,721
NON-CURRENT LIABILITIES			
Non-Current Loans	49,149	48,897	52,491
Non-Current Employee Provisions	10,998	2,013	2,594
Non-Current Landfill Rehabilitation Provisions	28,189	17,578	17,578
Non-Current Trade & Other Payables	693	478	478
Total Non-Current Liabilities	89,029	68,966	73,141
TOTAL LIABILITIES	118,390	104,153	111,862
NET ASSETS	1,989,225	2,104,658	2,105,221
COMMUNITY EQUITY			
Retained Earnings	1,943,302	2,038,010	2,022,460
Cash Constrained Reserves	45,923	66,648	82,761
TOTAL COMMUNITY EQUITY	1,989,225	2,104,658	2,105,221



7. CAPITAL FUNDING STATEMENT

CAPITAL FUNDING STATEMENT For the period ending 31 December 2014

	Annual	Annual	YTD	YTD	YTD
	Original Budget \$000	Revised Budget \$000	Revised Budget \$000	Actual \$000	Variance \$000
Sources of Capital Funding					
Capital Contributions & Donations	6,188	8,008	7,470	9,451	1,981
Capital Grants & Subsidies	8,862	6,715	2,368	2,373	5
Proceeds on Disposal of Non-current Assets	4,049	4,049	1,705	652	(1,053)
Capital Transfers (To)/From Reserves	4,602	6,029	(5,113)	(6,896)	(1,783)
Non-Cash Contributions	3,146	3,226	40	-	(40)
New Loans	-	-	-	-	-
Funding from General Revenue	42,787	49,680	16,185	17,745	1,560
Total Sources of Capital Funding	69,633	77,707	22,655	23,325	670
Applications of Capital Funds					
Contributed Assets	3,146	3,226	40	-	(40)
Capitalised Goods & Services	56,263	64,378	18,493	18,711	218
Capitalised Employee Costs	5,636	5,514	1,828	2,497	669
Loan Redemption	4,589	4,589	2,294	2,117	(177)
Total Applications of Capital Funds	69,633	77,707	22,655	23,325	670
Other Budgeted Items					
WDV of Assets Disposed	(857)	(1,109)	(680)	(472)	208
Transfers to Constrained Operating Reserves	(13,124)	(12,996)	(6,488)	(6,617)	(129)
Transfer from Constrained Operating Reserves	12,180	13,000	3,892	3,433	(459)



8. STATEMENT OF CASH FLOWS

STATEMENT OF CASH FLOWS For the period ending 31 December 2014

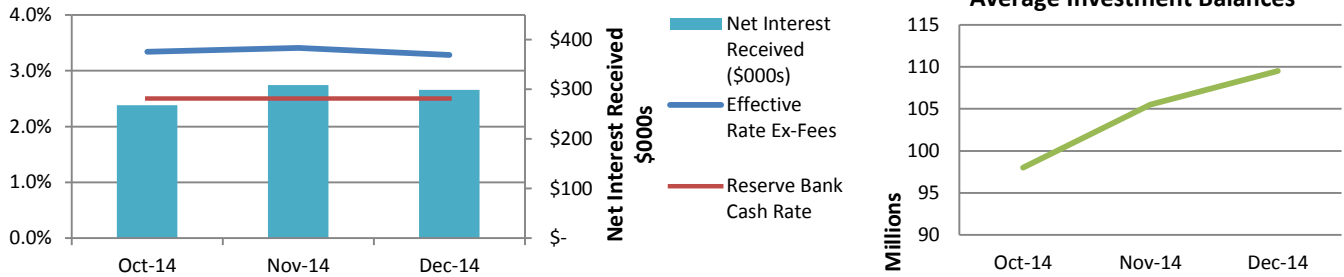
	Annual	Annual	YTD
	Original Budget \$000	Revised Budget \$000	Actual \$000
CASH FLOWS FROM OPERATING ACTIVITIES			
Rates Charges (net)	78,623	76,169	35,492
Utility Charges	111,427	111,451	62,856
Fees & Charges	10,879	11,064	8,430
Operating Grants & Subsidies	3,983	7,199	3,782
Cash Contributions	260	260	231
Other Revenue	4,021	6,915	5,000
Receipts from Customers	209,192	213,058	115,791
Employee costs	(79,473)	(80,732)	(36,831)
Materials & services	(109,237)	(113,403)	(56,074)
Other expenses	(596)	(644)	(287)
Payments to Suppliers & Employees	(189,306)	(194,779)	(93,192)
Interest Received	3,872	3,872	2,071
Borrowing Costs	(3,362)	(3,380)	(3,719)
Net Cash Inflow / (Outflow) from Operating Activities	20,396	18,771	20,951
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments - Property, Plant & Equipment	(61,899)	(69,892)	(21,208)
Proceeds - Capital Subsidies, Grants & Contributions	15,050	14,724	11,824
Proceeds - Sale of Property, Plant & Equipment	4,049	4,049	652
Net Cash Inflow / (Outflow) from Investing Activities	(42,800)	(51,119)	(8,732)
Proceeds of Borrowings	-	-	-
Repayment of borrowings	(4,589)	(4,589)	(4,234)
Net Cash Inflow / (Outflow) from Financing Activities	(4,589)	(4,589)	(4,234)
Net Increase / (Decrease) in Cash Held	(26,993)	(36,937)	7,985
Cash at Beginning of Year	76,150	96,235	96,235
Cash at End of Financial Period	49,157	59,298	104,220



9. INVESTMENT & BORROWINGS REPORT

For the Period Ending 31 December 2014

INVESTMENT RETURNS



Total Investment at End of Month was \$103.62M

Current Position

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. The lower average investment balance in October is a reflection of the rating cycle.

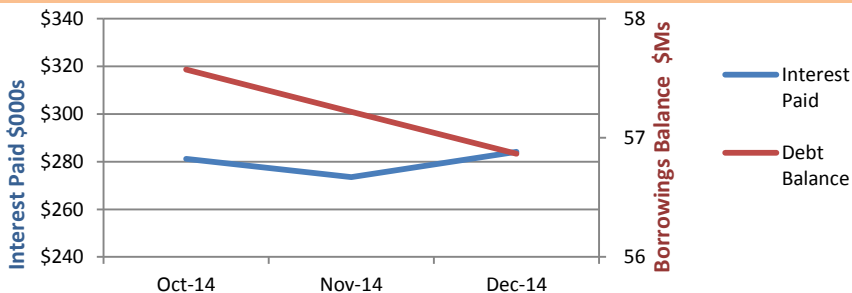
The QTC interest rate has consistently outperformed the UBS Australia Bank Bill Index benchmark in recent history.

Future Strategy

The Tax and Treasury Team's recommendation that Council diversify its investments outside of QTC to maximise returns has received approval from management. The Team is following procurement procedures to achieve this outcome. This will also require a change to the investment policy. In the meantime the Team ensures Council maximises its interest on a *daily* basis by depositing surplus funds at QTC for a higher rate than is achieved from the bank transaction account.

Council adopted its revised Investment Policy in April 2014 for the 2014-15 financial year

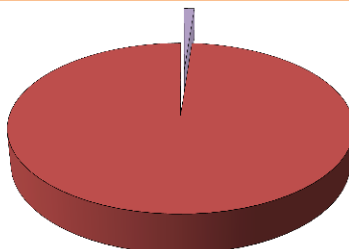
BORROWING COSTS



Current Position

Debt is split into 9 and 12 year pools with repayment made *annually* in advance for 2014-15.

Total Borrowings at End of Month was \$56.87M



- RedWaste 1.19%
- General Pool allocated to capital works 98.81%

Future Strategy

Future strategy is to review the implications of continuing to repay debt annually in advance to ensure that there is no market value realisation adjustments under the accounting standards in order to minimise interest expenses. Further analysis will also be undertaken as to the potential to better allocate the debt across Council business in order to appreciate the true cost of capital projects undertaken.

Council adopted its revised Debt Policy in June 2014 for the 2014-15 financial year

10. CONSTRAINED CASH RESERVES

Reserves as at 31 December 2014	Opening Balance	To Reserve	From Reserve	Closing Balance
	\$000	\$000	\$000	\$000
Special Projects Reserve:				
Weinam Creek Reserve	2,782	267	(65)	2,984
Redland Work Cover Reserve *	4,965	54	(306)	4,714
Red Art Gallery Commissions & Donations Res	17	-	-	17
SMBI Capital Reserve *	3,894	579	(78)	4,395
	11,659	900	(448)	12,111
Utilities Reserve:				
RedWaste Reserve *	3,118	498	-	3,616
Redland Water Reserve	8,300	-	-	8,300
Redland WasteWater Reserve	1,600	-	-	1,600
	13,018	498	-	13,516
Constrained Works Reserve:				
Tree Planting Reserve **	70	10	-	80
Parks Reserve	2,408	1,195	-	3,603
SP1 Wellington Pt Rd Infra Reserve **	463	-	-	463
Redland Bay Sth Rd Infra Reserve **	647	-	-	647
East Thornlands Road Infra Reserve	674	-	-	674
Contributions to Car Parking Reserve *	340	-	-	340
Community Facility Infrastructure Reserve	441	162	-	603
Retail Water Renewal & Purchase Reserve	5,505	1,533	(520)	6,518
Sewerage Renewal & Purchase Reserve	7,384	2,328	(637)	9,075
Constrained Works Res-Cap Grants & Contribs	4,389	-	(106)	4,283
Transport Trunk Infrastructure Reserve	5,846	2,880	-	8,726
Cycling Trunk Infrastructure Reserve	706	704	-	1,410
Stormwater Infrastructure Reserve	1,938	451	-	2,389
Constrained Works Res-Opr Grants & Contribs	919	-	(130)	788
	31,731	9,263	(1,394)	39,600
Separate Charge Reserve - Environment:				
Environment Charge Acquisition Reserve	6,936	-	-	6,936
Environment Charge Maintenance Reserve	1,505	2,837	(2,276)	2,065
	8,441	2,837	(2,276)	9,001
Special Charge Reserve - Other:				
Bay Island Rural Fire Levy Reserve	-	82	(78)	4
SMBI Translink Reserve	3	474	(474)	3
	3	556	(552)	7
Special Charge Reserve - Canals:				
Raby Bay Canal Reserve	5,187	1,349	(1,040)	5,495
Aquatic Paradise Canal Reserve	2,163	448	(61)	2,549
Sovereign Waters Lake Reserve	480	30	(28)	481
	7,830	1,826	(1,130)	8,526
TOTALS	72,680	15,881	(5,800)	82,761

* On 10 December 2014 Council resolved to close these reserves in the 2014-15 financial year. Department support officers are currently liaising with the reserve users as to the timing of the closure.

** On 10 December 2014 Council resolved to utilise these reserves in the 2014-15 financial year. The reserves will be retained for possible future use and department support officers are currently liaising with reserve users as to the timing of utilisation.



11. OVERDUE RATES DEBTORS

Comparison December 2013 to December 2014

The December 2014 result shows a marginal increase of 0.4% on the December 2013 position.

Payments

The payment pattern for December 2014 shows that Internet and IVR payments were favoured more strongly than in December 2013. However, overall the number of payments made for the month reflects the time of year where household budgets stretch to accommodate the Christmas holiday period.

Month/Year	AustPost		Bpay		IVR		Direct Debit		Receipt		Internet		Total	
	Count of Transactions	Sum of Amount	Count of Transactions	Sum of Amount	Count of Transactions	Sum of Amount	Count of Transactions	Sum of Amount	Count of Transactions	Sum of Amount	Count of Transactions	Sum of Amount	Count of Transactions	Sum of Amount
Dec-13	486	-\$108,550	8,302	-\$1,364,210	302	-\$165,300	1,892	-\$156,876	629	-\$407,493	247	-\$110,425	11,858	-\$2,312,854
Dec-14	481	-\$177,859	8,108	-\$1,637,720	338	-\$187,972	1,934	-\$170,441	718	-\$528,212	456	-\$151,430	12,035	-\$2,853,633
Variance	-5	-\$69,309.28	-194	-\$273,510.19	36	-\$22,671.28	42	-\$13,565.22	89	-\$120,718.69	209	-\$41,004.16	177	-\$540,778.82
% Variance	-1%	64%	-2%	20%	12%	14%	2%	9%	14%	30%	85%	37%	1%	23%

The December percentage of 5.9 is a decrease of 2% on November. In comparison to the same period in 2013 this is a good result.

The Sale of Land auction held on 24 November 2014 has contributed to the reduction in the amount overdue for SMBI properties >180 days. In the first quarter of 2015 an assessment will be made on a further 282 properties situated across the Redlands that may qualify for consideration for Sale of Land for unpaid rates and charges.

Comparison December 2013 to December 2014

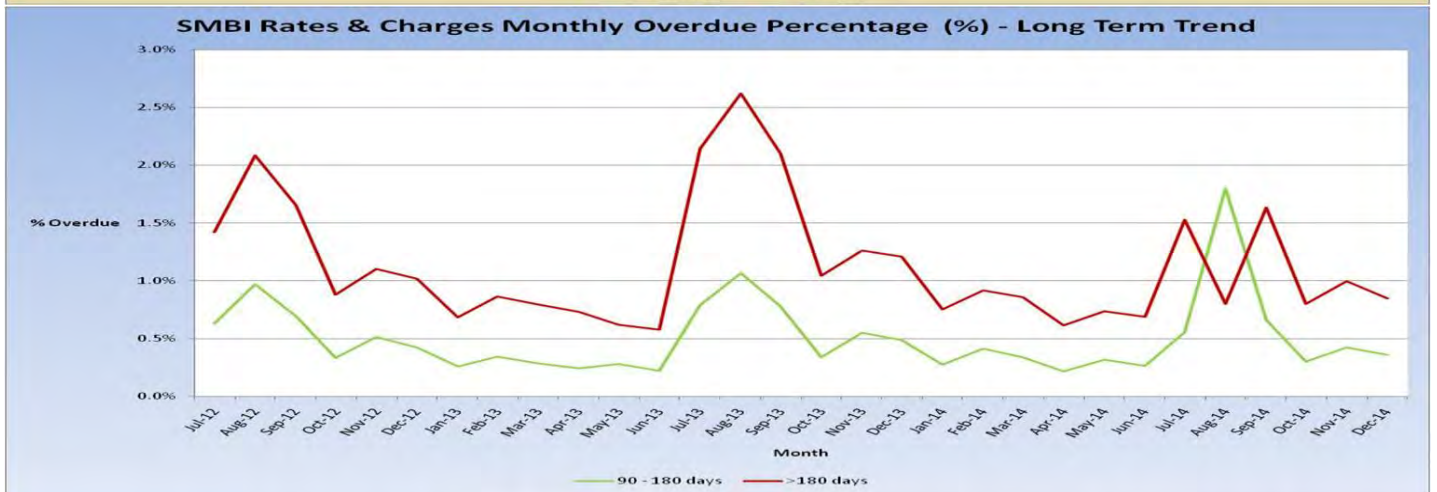
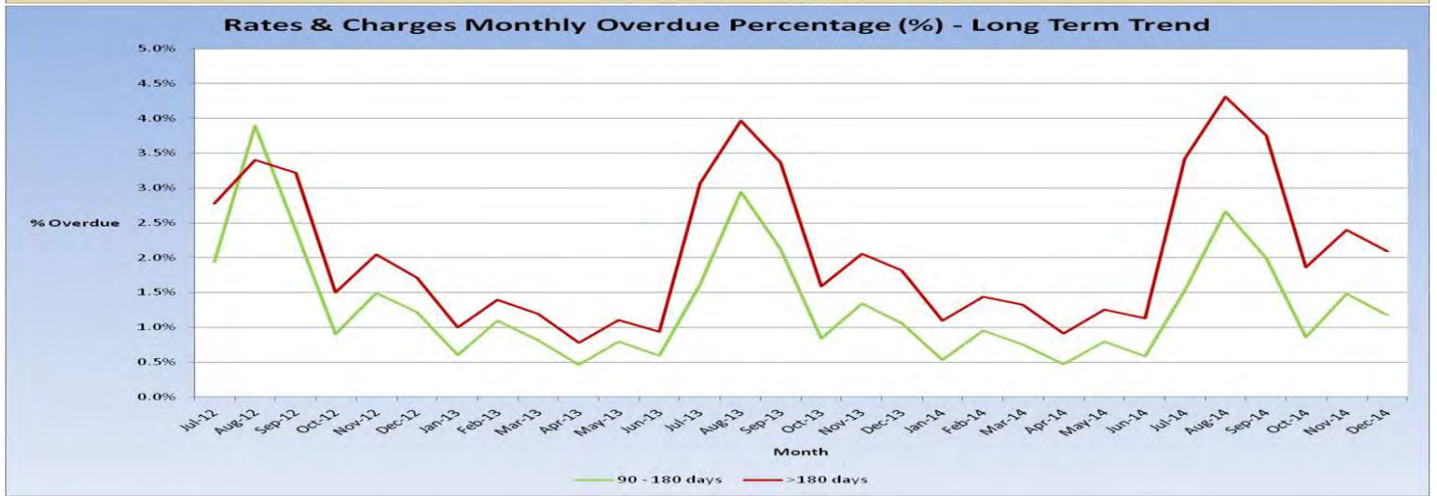
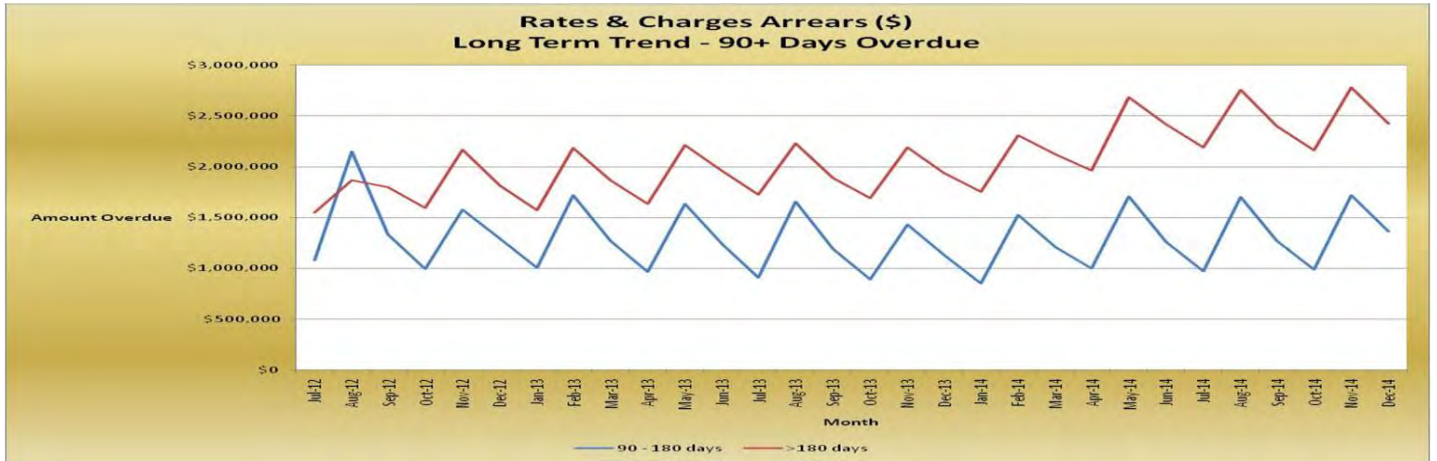
Total							Mainland						
Days Overdue	Dec-13	% Overdue	Dec-14	% Overdue	\$ Variance	% Variance	Days Overdue	Dec-13	% Overdue	Dec-14	% Overdue	\$ Variance	% Variance
<90	\$2,766,368	2.6%	\$3,048,558	2.6%	\$282,189	0.04%	<90	\$1,996,288	1.9%	\$2,265,149	2.0%	\$268,861	0.09%
90 - 180 days	\$1,134,962	1.1%	\$1,362,242	1.2%	\$227,280	0.11%	90 - 180 days	\$742,337	0.7%	\$916,172	0.8%	\$173,835	0.10%
>180 days	\$1,941,406	1.8%	\$2,423,644	2.1%	\$482,238	0.28%	>180 days	\$810,047	0.8%	\$1,198,154	1.0%	\$388,107	0.28%
Total	\$5,842,737	5.47%	\$6,834,444	5.90%	\$991,707	0.43%	Total	\$3,548,672	3.32%	\$4,379,475	3.78%	\$830,803	0.46%

Nth Stradbroke Is / Coochiemudlo Is / Garden Is							SMBI						
Days Overdue	Dec-13	% Overdue	Dec-14	% Overdue	\$ Variance	% Variance	Days Overdue	Dec-13	% Overdue	Dec-14	% Overdue	\$ Variance	% Variance
<90	\$92,238	0.1%	\$119,706	0.1%	\$27,467	0.02%	<90	\$677,842	0.6%	\$663,703	0.6%	-\$14,139	-0.06%
90 - 180 days	\$35,438	0.0%	\$53,628	0.0%	\$18,191	0.01%	90 - 180 days	\$357,188	0.3%	\$392,442	0.3%	\$35,255	0.00%
>180 days	\$40,266	0.0%	\$61,462	0.1%	\$21,196	0.02%	>180 days	\$1,091,094	1.0%	\$1,164,028	1.0%	\$72,934	-0.02%
Total	\$167,942	0.16%	\$234,796	0.20%	\$66,854	0.05%	Total	\$2,126,123	1.99%	\$2,220,172	1.92%	\$94,050	-0.07%

Trend - November 2014 to December 2014

Total							Mainland						
Days Overdue	Nov-14	% Overdue	Dec-14	% Overdue	\$ Variance	% Variance	Days Overdue	Nov-14	% Overdue	Dec-14	% Overdue	\$ Variance	% Variance
<90	\$4,673,568	4.0%	\$3,048,558	2.6%	-\$1,625,010	-1.40%	<90	\$3,382,715	2.9%	\$2,265,149	2.0%	-\$1,117,566	-0.97%
90 - 180 days	\$1,720,774	1.5%	\$1,362,242	1.2%	-\$358,532	-0.31%	90 - 180 days	\$1,122,638	1.0%	\$916,172	0.8%	-\$206,466	-0.18%
>180 days	\$2,782,156	2.4%	\$2,423,644	2.1%	-\$358,512	-0.31%	>180 days	\$1,271,649	1.1%	\$1,198,154	1.0%	-\$73,495	-0.06%
Total	\$9,176,498	7.93%	\$6,834,444	5.90%	-\$2,342,055	-2.02%	Total	\$5,777,002	4.99%	\$4,379,475	3.78%	-\$1,397,527	-1.21%

Nth Stradbroke Is / Coochiemudlo Is / Garden Is							SMBI						
Days Overdue	Nov-14	% Overdue	Dec-14	% Overdue	\$ Variance	% Variance	Days Overdue	Nov-14	% Overdue	Dec-14	% Overdue	\$ Variance	% Variance
<90	\$177,056	0.2%	\$119,706	0.1%	-\$57,351	-0.05%	<90	\$1,113,797	1.0%	\$663,703	0.6%	-\$450,094	-0.39%
90 - 180 days	\$60,468	0.1%	\$53,628	0.0%	-\$6,840	-0.01%	90 - 180 days	\$537,668	0.5%	\$392,442	0.3%	-\$145,226	-0.13%
>180 days	\$66,212	0.1%	\$61,462	0.1%	-\$4,750	0.00%	>180 days	\$1,444,295	1.2%	\$1,164,028	1.0%	-\$280,268	-0.24%
Total	\$303,736	0.26%	\$234,796	0.20%	-\$68,940	-0.06%	Total	\$3,095,760	2.67%	\$2,220,172	1.92%	-\$875,588	-0.76%



12. GLOSSARY

Definition of Ratios

Level of Dependence on General Rate Revenue: <i>This ratio measures Council's reliance on operating revenue from general rates (excludes utility revenues)</i>	$\frac{\text{General Rates - Pensioner Remissions}}{\text{Total Operating Revenue - Gain on Sale of Developed Land}}$
Current Ratio: <i>This measures the extent to which Council has liquid assets available to meet short term financial obligations</i>	$\frac{\text{Current Assets}}{\text{Current Liabilities}}$
Debt Servicing Ratio: <i>This indicates Council's ability to meet current debt instalments with recurrent revenue</i>	$\frac{\text{Interest Expense + Loan Redemption}}{\text{Total Operating Revenue - Gain on Sale of Developed Land}}$
Cash Balance - \$M:	Cash Held at Period End
Cash Capacity in Months: <i>This provides an indication as to the number of months cash held at period end would cover operating cash outflows</i>	$\frac{\text{Cash Held at Period End}}{[(\text{Cash Operating Costs} + \text{Interest Expense}) / \text{Period in Year}]}$
Debt to Asset Ratio: <i>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</i>	$\frac{\text{Current and Non-current loans}}{\text{Total Assets}}$
Operating Performance: <i>This ratio provides an indication of Redland City Council's cash flow capabilities</i>	$\frac{\text{Net Cash from Operations + Interest Revenue and Expense}}{\text{Cash Operating Revenue + Interest Revenue}}$
Operating Surplus Ratio*: <i>This is an indicator of the extent to which revenues raised cover operational expenses only or are available for capital funding purposes</i>	$\frac{\text{Net Operating Surplus}}{\text{Total Operating Revenue}}$
Net Financial Liabilities*: <i>This is an indicator of the extent to which the net financial liabilities of Council can be serviced by operating revenues</i>	$\frac{\text{Total Liabilities - Current Assets}}{\text{Total Operating Revenue}}$
Interest Cover Ratio: <i>This ratio demonstrates the extent which operating revenues are being used to meet the financing charges</i>	$\frac{\text{Net Interest Expense on Debt Service}}{\text{Total Operating Revenue}}$
Asset Sustainability Ratio*: <i>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</i>	$\frac{\text{Capital Expenditure on Replacement of Assets (Renewals)}}{\text{Depreciation Expenditure}}$
Asset Consumption Ratio: <i>The average proportion of 'as new' value remaining in the infrastructure assets. This ratio seeks to highlight the aged condition of our physical assets</i>	$\frac{\text{WDV of Infrastructure Assets}}{\text{Gross Current Replacement Cost of Infrastructure Assets}}$

* 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.

11.2 PORTFOLIO 2 (MAYOR KAREN WILLIAMS)**ORGANISATIONAL SERVICES (EXCLUDING INTERNAL AUDIT AND EMERGENCY MANAGEMENT)****11.2.1 LOCAL LAWS CONSULTATION**

Datworks Filename: L&E Local Laws

Attachments:

[Attach 1 - Schedule 2 – Amendments to Draft Local Laws](#)

[Attach 2 - Community Consultation Submission Review](#)

[Attach 3 - Subordinate Local Law 1.1 \(Alteration or Improvement to Local Government Controlled Areas and Roads\) 2015](#)

[Attach 4 - Subordinate Local Law 1.3 \(Establishment or Occupation of a Temporary Home\) 2015](#)

[Attach 5 - Subordinate Local Law 1.4 \(Installation of Advertising Devices\) 2015](#)

[Attach 6 - Subordinate Local Law No. 1.12 \(Operation of Temporary Entertainment Events\) 2015](#)

[Attach 7 - Subordinate Local Law No. 1.14 \(Undertaking Regulated Activities on Local Government Controlled Areas and Roads\) 2015](#)

[Attach 8 - Local Law No. 2 \(Animal Management\) 2015](#)

[Attach 9 - Subordinate Local Law No. 2 \(Animal Management\) 2015](#)

[Attach 10 - Subordinate Local Law No. 1.5 \(Keeping of Animals\) 2015](#)

[Attach 11 - Local Law No. 3 \(Community and Environmental Management\) 2015](#)

[Attach 12 Subordinate Local Law No. 3 \(Community and Environmental Management\) 2015](#)

[Attach 13 - Subordinate Local Law No. 5 \(Parking\) 2015](#)

Authorising/Responsible Officer:



Nick Clarke
General Manager Organisational Services

Author:

Jo Jones
Planning, Projects and Performance
Manager

PURPOSE

The purpose of this report is to outline the next step in the process for Council to make a new set of local laws under the State Model Local Law framework.

BACKGROUND

Council is currently in the process of making a new set of local laws under the Model Local Law framework.

At the General Meeting of 30 July 2014 (Item 11.1.2), Council resolved to:

1. Note the results of the State Interest Check for the proposed local laws;
2. Approve the continuation of the local law making process;
3. Conduct community consultation on the proposed laws and register; and
4. Conduct a public interest test on possible anti-competitive provisions of the proposed local laws and subordinate local laws.

Community Consultation

The community consultation process began on 13 August 2014. It was originally to run for six weeks (until 8 October 2014) but was extended for a four week period ultimately concluding on 5 November 2014.

The attached Community Consultation Submission Review details the consultation process, the matters raised through submissions, comments on matters raised and recommended direction on each matter. A total of 129 submissions were received. All submissions were read and considered. No submissions were received in relation to the public interest test.

ISSUES

Councillor Workshop

A Councillor Workshop was held on 9 December 2014 to review the submissions report, discuss options and obtain direction on the matters raised before progressing to this meeting.

Public Consultation Submission Review

As a result of consultation responses received, this report recommends a number of changes to the proposed laws (see Schedule 2 Part A). These matters relate to:

1. Roadside memorials – The previous draft states that any structure on a road requires approval from Council unless certain criteria are met. These criteria included a memorial of a white cross up to a certain size. Given the sensitivity of this issue and the narrow definition of the proposed exemption, the amended draft now being proposed removes the specific exemption from the local law. Instead, it is proposed that Council will develop a guideline to outline the issues which need to be considered when installing roadside memorials such as safety, amenity and consultation.
2. Keeping of pigs – the previous draft allowed the keeping of one desexed miniature pig on land greater than 4000m². The new draft proposes to allow any type and number of pigs on land greater than 4000m² except in the Ridgewood Downs prohibition area provided relevant conditions are met.
3. Koala conservation – the previous draft had omitted reference to koala areas (Koala Management Areas in the existing local law). Koala areas have been added to the Local Law and Subordinate Local Law including updated mapping based on the South East Queensland Koala Conservation State Planning Regulatory Provision and Council commissioned Koala Habitat Mapping. These

provisions require dog owners, if their property is 2000m² or more, to tether or confine their dog between sunset and sunrise in the mapped areas.

4. Cats in catteries – the previous draft required all owners of cats to register the cats except if they operate an approved pound or shelter, or if the cat is less than 12 weeks old. The proposed new draft adds operators of approved catteries to the exemption for registering cats.
5. Unsightly objects and materials – The examples provided have been expanded to include boating related material given Council's coastal location with island communities and the commensurate increased likelihood of these materials.
6. Lighting of fires – the previous draft allowed fires on land in the Rural (Non-Urban) Zone providing they are not within 500m of another zone. The proposed amended draft now allows fires in any zone providing the land size is 10,000m² or more.
7. Defining urban area – with changes to the *Fire and Emergency Service Act 1990* urban area and urban district were no longer adequately defined. This necessitates amendments to the requirements for community safety hazards (e.g. barbed wire and electric fencing) in terms of where they may be installed.
8. Parking infringement penalties – the previous draft listed 1 or 2 penalty units for infringements under the *Transport Operations (Road Use Management) Act 1995*. The penalty unit amount has been reduced to 0.7 and 1.4 penalty units where relevant.

Other Amendments

A number of administrative amendments are also recommended (see Schedule 2 Part B). These relate to small drafting errors and changes to legislative references. These changes have been included in the attached Recommended Amendments to the Draft Laws as administrative changes.

Two additional matters are being considered for amendment (see Schedule 2 Part C) and the community's views are being sought. These matters relate to:

1. Horses in public places – Consideration is required as to whether horses should be allowed in all Council parks and reserves, on and off designated trail systems, unless specifically signed otherwise (Part 2, Item 1 of Local Law No.2 (Animal Management) – Register – Animals in Public Places).
2. Election signage – Consideration is required as to whether the criteria for an election sign under Schedule 3, s13 part (2)(e) "not excessively affect the visual amenity of an area" is too subjective and therefore potentially ambiguous and difficult to enforce (Schedule 3, s13 of Subordinate Local Law No.1.4 (Installation of Advertising Devices)).

Further Community Consultation

As some of the changes being proposed from the original draft laws represent a change of direction (as detailed above), a second round of community consultation is required. Approval to undertake consultation on these sections of the draft laws forms part of the recommendations of this report.

The consultation process for the changes is proposed to begin on 4 February 2015 and conclude on 25 February 2015 (21 days). Communication mechanisms will include media release, notices in the local paper and at customer service centres, prominent Council website presence, summary flyer available at customer service, libraries and for download, online fact sheets and submission forms.

Written submissions will be invited that are required to state if the individual or group agree or disagree (the grounds of the submission) with the proposed amended provision, and their reasons why (the facts and circumstances relied on in support of the grounds). Submissions may only relate to the proposed amended provisions. Submissions need to be received by Council on or before the conclusion of the engagement period.

STRATEGIC IMPLICATIONS

Legislative Requirements

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

Risk Management

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

Financial

The main costs associated with the local law making process for the new laws will continue to be in conducting the community consultation and public notification steps. Funding for the project has been included in the 2014/2015 budget.

People

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

Environmental

There are no direct environmental implications associated with this report. There are environmental implications associated with Council's local laws which the community has provided their views and feedback on during the initial community consultation process. Certain environmental elements can again be considered during the second community consultation period.

Social

Local Governments provide for the good governance of their local government areas through two main areas, their planning schemes and their local laws. As such Council's local laws relate to all members of the Redland's community.

Alignment with Council's Policy and Plans

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

CONSULTATION

In developing the proposed draft laws consultation has occurred with:

- All relevant operational areas of Council;
- Elected representatives;
- Department of Local Government;
- King and Company Solicitors;
- Redland City Chamber of Commerce;
- Other Queensland Councils which have adopted the State Model Local Laws;
- The State Government (through State Interest Check); and
- Redland City residents and the broader community.

OPTIONS

1. To accept the recommendations of this report and progress to a second round of community consultation for the proposed amendments.
2. To accept the recommendations of this report with further amendments to the proposed laws and progress to a second round of community consultation for the proposed amendments.
3. To not accept the recommendations of this report.

OFFICER'S RECOMMENDATION

That Council resolves as follows:

1. **To proceed with the making of the proposed local laws and subordinate local laws listed in schedule 1 to this report to Council with amendments as particularised in schedule 2 parts A and B to this report to Council;**
2. **To proceed with the making of the proposed local laws and subordinate local laws listed in schedule 3 to this report to Council as advertised, except for the omission of all references to "2014" and insertion instead of references to "2015";**
3. **To consult with the public about the amendments to the proposed local laws and subordinate local laws as particularised in schedule 2 parts A and C to this report to Council (collectively the "proposed amendments") for at least 21 days (the consultation period) by:**

- a. publishing a notice (a consultation notice) about the proposed amendments at least once in a newspaper circulating generally in the local government's area;
- b. displaying the consultation notice in a conspicuous place at the local government's public office from the first day of the consultation period until the end of the last day of the consultation period;
- c. making particulars of the proposed amendments available for inspection at the local government's public office during the consultation period; and
- d. making copies of the proposed local laws and subordinate local laws listed in schedule 1, together with particulars of the proposed amendments, available for purchase at the local government's public office during the consultation period;

The consultation notice must state the following:-

- a. the name of each proposed local law and subordinate local law which is the subject of a proposed amendment;
 - b. the purpose and general effect of each proposed local law and subordinate local law which is the subject of a proposed amendment;
 - c. the length of the consultation period and the first and last days of the period; and
 - d. that written submissions by any person supporting or objecting to a proposed amendment to a proposed local law or subordinate local law may be made and given to the local government on or before the last day of the consultation period stating:
 - i. the grounds of the submission; and
 - ii. the facts and circumstances relied on in support of the grounds.
4. To accept and consider every submission properly made to Council about a proposed amendment.

SCHEDULE 1

1. Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2015 (attached);
2. Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2015 (attached);
3. Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2015;

4. **Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015 (attached);**
5. **Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2015 (attached);**
6. **Local Law No. 2 (Animal Management) 2015 (attached);**
7. **Subordinate Local Law No. 2 (Animal Management) 2015 (attached);**
8. **Subordinate Local Law No. 1.5 (Keeping of Animals) 2015 (attached);**
9. **Local Law No. 3 (Community and Environmental Management) 2015 (attached);**
10. **Subordinate Local Law No. 3 (Community and Environmental Management) 2015 (attached); and**
11. **Subordinate Local Law No. 5 (Parking) 2015 (attached).**

SCHEDULE 2

Attached to this report.

SCHEDULE 3

1. **Local Law (Repealing) Local Law (No. 1) 2014**
2. **Local Law No. 1 (Administration) 2014**
3. **Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2014**
4. **Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2014**
5. **Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2014**
6. **Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2014**
7. **Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains) 2014**
8. **Subordinate Local Law No. 1.15 (Carrying out Works on a Road or Interfering with a Road or its Operation) 2014**
9. **Subordinate Local Law No. 1.16 (Bringing or Driving a Motor Vehicle onto a Local Government Controlled Area) 2014**
10. **Subordinate Local Law No. 1.17 (Operation of a Ferry, Charter or Hire Service from a Local Government Controlled Boat Ramp or Landing) 2014**

11. **Subordinate Local Law No. 1.18 (Parking Contrary to an Indication on an Official Traffic Sign Regulating Parking by Time or Payment of a Fee) 2014**
12. **Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014**
13. **Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014**
14. **Local Law No. 5 (Parking) 2014**
15. **Local Law No. 7 (Bathing Reserves) 2014**
16. **Subordinate Local Law No. 7 (Bathing Reserves) 2014**

Schedule 2 Part A– Amendments to draft local laws Post community consultation January 2015

See Council’s website for copies of the previous draft and amended draft of each law listed below.

Please refer to amended laws for exact drafting changes in the listed sections.

Subordinate Local Law 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads)

Section	Page number	Change required	Drafting amendment
Schedule 1 s2(b)	4	Remove the specific exemption given the sensitivity of this issue and the narrow definition. Council intends to develop a guideline to outline the issues which need to be considered such as safety, amenity and consultation. This section is no longer two points so (1) can be amended.	Omit “(b) installation at a safe location beside a road, at a site on or near where a person has been killed, of 1 memorial comprising only a white cross having— (i) a height above natural ground level of not more than 750mm; and (ii) a width of not more than 500mm.” Omit “the following activities– (a)”

Subordinate Local Law 1.5 (Keeping of Animals)

Section	Page number	Change required	Drafting amendment
Schedule 1 s1(2)(f)	4	Remove reference to miniature pig approval	Omit “; (f) a miniature pig approval”
Schedule 1 s6(6)	9	Remove reference to miniature pig conditions	Omit all of s6(6)
Schedule 1 s6(7)	10	With s6(6) removed, s6(7) renumbers to (6)	Omit “(7)” Insert “(6)”
Schedule 1 s7(3)(c)	10	Remove reference to miniature pig approval	Omit “; or (c) a miniature pig approval”
Schedule 2(c)	12	Remove reference to miniature pig approval	Omit “; and (c) a miniature pig approval”
Schedule 3 – Dictionary	13	Remove reference to miniature pig association	Omit Miniature Pig and Pet Pig Association of Australia definition

Miniature Pig and Pet Pig Association of Australia			
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Local Law 2 (Animal Management)

Section	Page number	Change required	Drafting amendment
2(2)(c)	5	Insert reference to koala conservation areas as part of the local law's purpose	Insert "and koala conservation areas"
NEW 13A	12	Insert koala conservation requirements as head of power for the subordinate local law	Insertion of koala conservation requirements as provided for in the State model local law
40(1)(a)	24	No requirement to register cats kept in a cattery	Insert "cattery, " before pound
50(1)	27	No requirement to register cats kept in a cattery	Insert "cattery, " before shelter
54 (g) and (h)	29	Insert reference to areas where the local government may make subordinate local laws about koala conservation areas	Insert: "(g) requirements for keeping a dog within a koala area;" "(h) designation of an area as a koala area;" Insert corresponding footnotes 32 and 33 Re-sequence lettering
Schedule – Dictionary <i>Cattery</i>	31	Insert definition for cattery	Insert " cattery means the operation of premises which are used or intended for use for the keeping, boarding, breeding or training of more than 3 cats."
Schedule – Dictionary <i>Koala area</i>	31	Insert definition for koala area	Insert " koala area see section 13A(4)."

Subordinate Local Law 2 (Animal Management)

Section	Page number	Change required	Drafting amendment
2(2)(c)	3	Insert reference to koala conservation areas as part of the local law's purpose	Insert "and koala conservation areas"
6(7)	4	Remove reference to miniature pig approval	Omit "(7) An approval (a miniature pig approval) is required to keep a miniature pig on premises."

NEW 9A	5	Insert reference for koala conservation requirements	Insertion of koala conservation requirement reference points as provided for in the State model subordinate local law Amend (2) Omit “described in schedule 10” Insert “shaded in grey on a map in schedule 4B” Insert (3) Each koala area on a map in schedule 4B is, for identification purposes, allocated the number which appears on the map in schedule 4B.
Schedule 1 Item 8	9	Remove requirements for keeping of a miniature pig	Omit all of Item 8
NEW Schedule 4A	18	Insert koala conservation requirements for keeping a dog in a koala area	Insert koala conservation requirements taken from existing SLL2 with minor amendments
NEW Schedule 4B	21	Insert maps of koala areas based on SEQ Koala Conservation State Planning Regulatory Provision and Council commissioned Koala Habitat Mapping	Insert maps of koala areas as amended. Omit footnote as provided for in State model SLL
Schedule 7 Dictionary <i>Miniature pig</i> <i>Miniature pig approval</i>	25	Remove reference to miniature pig definitions	Omit: “miniature pig means a pig — (a) measuring 60cm or shorter to the front shoulder; and (b) which has been desexed; and (c) the parents of which are registered as miniature pigs with the Miniature Pig and Pet Pig Association of Australia.” “miniature pig approval see section 6(7).”
Schedule 7 Dictionary <i>Livestock</i>	25	Insert <i>pig</i> as inclusion for definition of livestock	Insert “pig” after ox in definition for livestock
Schedule 7 Dictionary <i>Lot</i>	25	Insert definition of <i>lot</i> as used in koala area provisions	lot — (a) means a separate, distinct parcel of land created on— (i) the registration of a plan of subdivision under part 4, division 3 of the <i>Land Title Act 1994</i> ; or (ii) the recording of particulars of an instrument in accordance with the <i>Land Title Act 1994</i> ; and (b) includes a lot under the <i>Building Units and Group Titles Act 1980</i> .

Local Law 3 (Community and Environmental Management)

Section	Page number	Change required	Drafting amendment
13 Examples	7	As a coastal City with island communities it is appropriate to include examples that relate to boating	Insert "Broken down boats, boat trailers and dilapidated boat parts"

Subordinate Local Law 3 (Community and Environmental Management)

Section	Page number	Change required	Drafting amendment
Schedule 3 Column 1	9	Fires in the open air prohibited on land less than 10,000m ² regardless of zoning	Omit from Column 1 "That part of the local government area comprising— (a) all land in each zone identified in the planning scheme of the local government, other than land in the Rural (Non-Urban) Zone; and (b) the land in the Rural (Non-Urban) Zone in the planning scheme of the local government, but only if the land is within 500m of a zone other than the Rural (Non-Urban) Zone." Insert in Column 1 "Each allotment within the local government area with an area less than 10,000m ² ."
Schedule 4 Column 2 s1(b)	10	With the omission of definitions for urban area, wording in this section needed to change to better describe areas covered	Omit "in urban areas" Insert "on land in any zone identified in the planning scheme of the local government, other than the Rural (Non-Urban) Zone" Omit "only in a security fence with the barbed wire to be more than 2m off the ground" Insert "only if the barbed wire— (i) is more than 2m off the ground; and (ii) forms part of a security fence."
Schedule 4 Column 2 s2(a)	10	With the omission of definitions for urban area, wording in this section needed to change to better describe areas covered. All electric	Omit "in an urban area" Rephrase to read (a) Electric fencing that adjoins any road or public land must be

		fencing now requires signage regardless of location.	announced by warning signs which are— (i) of a size that can be read from a distance of 5m from the fence; and (ii) fixed at 5m intervals along the fence;
Schedule 4 Column 2 s2(b)	10	With the omission of definitions for urban area, wording in this section needed to change to better describe areas covered. Specific requirements for electric fencing pertain to any residential or centre zone in the City.	Omit “an urban area” Insert “on land in a Residential Zone or Centre Zone identified in the planning scheme of the local government” Rephrase remainder to read: (i) at least 1.5m from a fence located on or within the boundary of the land; or (ii) if the fencing is installed on the boundary of the land — such that the lowest point of the fencing capable of imparting an electric shock when touched is at least 2m off the ground;
Schedule 6 – Dictionary <i>Urban area</i> <i>Urban district</i>	13	With the change to Fire and Rescue Service Act urban area and urban district were no longer adequately defined.	Omit <i>urban area</i> means an area forming the whole or part of an urban district. <i>urban district</i> has the meaning given in the <i>Fire and Rescue Service Act 1990</i> .

Subordinate Local Law 5 (Parking)

Section	Page number	Change required	Drafting amendment
Schedule 4 Column 2	34	Reduce the majority of penalty unit amounts to 70% of 1 penalty unit. Some amounts now 140% (from 2 penalty units) as a pro-rata amount based on the reduction of 1 penalty unit.	Insert “0.7” where 1 appears in Column 2 Insert “1.4” where 2 appears in Column 2 Insert “s” at the end of each word “unit”

Schedule 2 Part B – Administrative Amendments to draft local laws Post community engagement January 2015

See Council's website for copies of the previous draft and amended draft of each law listed below.

Please refer to amended laws for exact drafting changes in the listed sections.

Subordinate Local Law 1.3 (Establishment or occupation of a temporary home)

Section	Page number	Change required	Drafting amendment
Schedule 1 s3(9)	5	Queensland Building Services Authority changed names to Queensland Building and Construction Commission	Omit "Services Authority" Insert "and Construction Commission"

Subordinate Local Law 1.4 (Installation of Advertising Devices)

Section	Page number	Change required	Drafting amendment
Schedule 3 s15(2)(c)	19	Events listed are too specific and will change over time therefore need to be more generic	Omit "Carols by Candlelight and Spring Festival Concert" Insert "community festivals or concerts"
Schedule 7 Dictionary	35	Numbering sequence was out from election stall sign onwards for definitions to cross reference Schedule 3	Re-sequence all signage definition references from 13 (election stall sign) onwards Omit "13" Insert "14" etc...

Subordinate Local Law 1.12 (Operation of Temporary Entertainment Events)

Section	Page number	Change required	Drafting amendment
Schedule 1 s3(10)(e)	5	Replace plan with program in line with the Food Act wording	Omit "plan" Insert "program"

Subordinate Local Law 1.14 (Undertaking regulated activities on local government controlled areas and roads)

Section	Page number	Change required	Drafting amendment
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Schedule 1 s3(7)-(9)	5 & 6	Amend number to be in sequence	Omit "8", "9" and "10" Insert "7", "8" and "9"
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Subordinate Local Law 2 (Animal Management)

Section	Page number	Change required	Drafting amendment
Schedule 2 (3)	10	Include 'and' at the end of (a) and (b) so all points are a requirement for this part	Insert "and"

Local Law 3 (Community and Environmental Management)

Section	Page number	Change required	Drafting amendment
14(1)	8	Fire and Rescue Services Act 1990 – the Act has now changed names to Fire and Emergency Services Act	Omit "Rescue Service Act" Insert "Emergency Services Act"
Footnote 10 and 12	8	Fire and Rescue Services Act 1990 – the Act has now changed names to Fire and Emergency Services Act The Queensland Fire and Rescue Service has changed names	Omit "Rescue Service Act" Insert "Emergency Services Act" Omit "Fire and Rescue Service" Insert "Queensland Fire and Emergency Service"

Subordinate Local Law 3 (Community and Environmental Management)

Section	Page number	Change required	Drafting amendment
7(1) footnote 1	4	The Queensland Fire and Rescue Service has changed names Fire and Rescue Services Act 2004 – the year was incorrect (1990), and the Act has now	Omit "Fire and Rescue Services" Insert "Queensland Fire and Emergency Service" Omit "Rescue Service Act 2004" Insert "Emergency Services Act 1990"

		changed names to Fire and Emergency Services Act.	
Schedule 4 s2(c) and (d)	11	Drafting amendment to clarify fencing as electric fencing	Omit "Fencing" Insert "Electric fencing"

Subordinate Local Law 5 (Parking)

Section	Page number	Change required	Drafting amendment
9 footnote 3	7	References to laws and penalty unit amounts was outdated	<p>Omit wording from footnote Insert wording for footnote "Under section 108 of the <i>Transport Operations (Road Use Management) Act 1995</i> —</p> <ul style="list-style-type: none"> (a) a local government may, under a local law, prescribe an amount as an infringement notice penalty for a minor traffic offence; and (b) for the <i>State Penalties Enforcement Act 1999</i>, the minor traffic offence is an infringement notice offence and the penalty is the infringement notice penalty for the offence. <p>See sections 5 (Meaning of penalty unit) and 5A (Prescribed value of particular penalty unit) of the <i>Penalties and Sentences Act 1992</i> and section 2B of the <i>Penalties and Sentences Regulation 2005</i>."</p>

Schedule 2 Part C – Amendments to draft local laws Post community consultation January 2015

See Council's website for copies of the current draft of each law listed below.

Local Law 2 (Animal Management) Register – Animals in Public Places

Section	Page number	Change for consideration	Drafting amendment
Part 2	7	<p>Consideration is required as to whether horses should be allowed in all Council parks and reserves, on and off designated trail systems, unless specifically signed otherwise</p> <p>Horses, camels and donkeys are currently restricted from parks and reserves unless on a designated trail system.</p>	To be considered after receiving community views

Subordinate Local Law 1.4 (Installation of Advertising Devices)

Section	Page number	Change for consideration	Drafting amendment
Schedule 3 s13(2)(e)	17	<p>Consideration is required as to whether this criterion for an election sign ("not excessively affect the visual amenity of an area") is too subjective and therefore potentially ambiguous and difficult to enforce.</p>	To be considered after receiving community views

Local and Subordinate Local Laws

Community Consultation Submission Review

Prepared by Corporate Governance
January 2015



Introduction

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

This report has been presented at a Councillor workshop and the recommendations are in accordance with the outcomes of the workshop.

129 submissions were received. All submissions were read. One submission contained no reportable information. A survey was conducted by the Divisional Councillor of the home owners in Ridgewood Downs Estate regarding the cat prohibition yielding 30 responses.

Each submission was then recorded with details relating to the section or sections of the laws they addressed and the associated theme of the facts and circumstances raised to support the submissions.

This report details each section of the draft laws to which submissions were received. Each part of the report details the:

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

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

Matters raised through submissions which were fundamentally requests for compliance action by Council of existing laws have been both listed in this report and have also been referred to the relevant compliance section of Council for appropriate action.

The Community Consultation Process

The community consultation process began on 13 August 2014. It was originally to run for six weeks (until 8 October 2014) and was subsequently extended for a four week period to conclude on 5 November 2014. The consultation included:

Public notice published in Redland City Bulletin classifieds section on 13 August ($\frac{3}{4}$ page)

Static displays including flyers, posters, submission forms and fact sheets at:

- Cleveland library
- Capalaba library
- Victoria Point library
- Cleveland customer service centre
- Capalaba customer service centre
- Capalaba Park shopping centre
- Victoria Point shopping centre

Locked submission boxes available at Customer Service Centres.

Hard copy laws available at:

- Cleveland library
- Capalaba library
- Victoria Point library
- Cleveland customer service centre
- Capalaba customer service centre

Website material with all draft laws, fact sheets, public interest tests, process details, downloadable submission form and online submission form.

Email notification sent to the following on 12 August:

- RCC licence/permit holders (46)
- All businesses registered with the Economic Development Coordinator (~900)
- All those who registered an interest in the local laws online before the official process began (13)

Hard copy letters sent to Redland City Council's licence/permit holders (82)

Advertisements placed:

- In the Friendly Bay Islander newsletter (August and September)
- On SMI ferry digital screens (all of September)
- Within Dunwich post office
- In Redland City Bulletin on 3 September, 1 October and 29 October (full colour)
- RCC Snapshot column featuring details regarding the local law consultation on an ongoing basis

Attendance at a Koala Action Group September meeting.

News article appeared in Redland City Bulletin on 6 August, framed around keeping of a miniature pig

Editorial featured in Redland City Bulletin on 17 September 2014 about effective community engagement with reference to the local laws.

News article appeared in Redland City Bulletin on 1 October regarding Koala Management Areas

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Schedule 4 – Infringement notice penalty amounts for certain minor traffic offences	
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All local laws	TOTAL: 3
-----------------------	-----------------

Grounds

Agree

Total Agree: 1*

Facts & Circumstances

There needs to be transition arrangements in place for any changes	1
After the laws come into effect they need to be continually reviewed (in particular to correct any unintended consequences)	1

Disagree

Total Disagree: 2*

Facts & Circumstances

Costs associated with complying with laws	1
Costs associated with making and enforcing laws	1
Laws which may be justified in a capital city CBD have little if any relevance to SMBI or other small communities	1
The local law reform process should result in a substantial reduction in costly regulations which are not necessary or sustainable (i.e. cat registrations, busker permits, pavement advertising restrictions etc)	1
Each law should contain all information necessary to its understanding and not rely on reference to other local laws or State legislation	1
The laws should quantify a "penalty unit". People have considerable difficulty in trying to discover what each penalty means in monetary terms. The value of a penalty unit should be given at the beginning of each local law, referenced to a particular date. This would inform people better about the seriousness of violating the local law	1

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

<p>COMMENT</p> <p>It is part of the responsibilities of federal, state and local governments to have appropriate laws for the good governance of their communities. As such, there are costs to government authorities and the community in making, enforcement and compliance. The aim of the process is to have laws which are appropriate, meet legislative principles and are cost effective.</p> <p>While the proposed local laws are based on the State's Model Local Law framework they are customised to the issues and needs of the specific local government (in this case - Redland City Council).</p> <p>Chapter 3 of the <i>Local Government Act 2009</i> (the business of local governments) states "A local government may make and enforce any local law that is necessary or convenient for the good rule</p>

and local government of its local government area.” As such, it is Council’s responsibility to make appropriate local laws for the good governance of Redland City.

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

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

The operational areas in Council which are responsible for compliance will conduct appropriate implementation strategies for any law changes.

The review process remains the third important step in the making, implementation and review of laws. Once made, laws are then amended when appropriate, based firstly on issues identified during their implementation and long term application and secondly any new and emerging issues.

The value of a penalty unit is set by the State Government and reviewed on a regular basis.

OPTIONS

1. Continue with the process of making the laws.
2. Conduct further review on the matters raised.

RECOMMENDATION

Continue with the process of making the laws.

Local Law No.1 (Administration) 2014

Part 5 – Enforcement

29 – Power to require information, and
30 – Failure to give information

TOTAL: 1

Grounds

Agree

Facts & Circumstances

Total Agree: 0

Disagree

Facts & Circumstances

Total Disagree: 1

These sections are the antithesis of natural justice of both the criminal and common law codes of Queensland 1

These sections could only be used as an intimidatory function and impinge upon a person's inherent rights not to incriminate themselves 1

Subsection 3 alludes to the extent that such an amendment contravenes the accepted tenet of our justice system 1

A provision that makes it an offence to knowingly give false testimony would be a better alternative 1

COMMENT

From a transitory review, the submission does raise questions.

The provisions were included on request from officers. The wording is currently utilised in the *Brisbane City Council Health, Safety and Amenity Local Law 2009*. Similar provisions are included in the *Food Act 2006* and *Public Health Act 2005*.

The provisions include a number of checks and balances to meet the rights of individuals. The provisions have been drafted to meet the Fundamental Legislative Principles as defined in the *Legislative Standards Act 1992*, which are the principles relating to legislation that underlie a parliamentary democracy based on the rule of law.

In preparing the draft law, the provisions were checked by King and Company Solicitors and subsequently have been checked by the Queensland Government via a State Interest Check.

OPTIONS

1. Make the sections as drafted.

2. Amend drafting.

RECOMMENDATION

Make the schedule as drafted.

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

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

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

(1)(b) - installation at a safe location beside a road, at a site on or near where a person has been killed, of 1 memorial comprising only a white cross having— (i) a height above natural ground level of not more than 750mm; and (ii) a width of not more than 500mm

TOTAL: 1

Grounds

Agree

Total Agree: 1*

Facts & Circumstances

Road accident floral memorials on public property become very degraded after a few days exposure in most cases, if not regularly maintained

1

Some roadside memorials are still there many years after the accident happened

1

Maybe a 12 month period should be the limit of such memorials

1

Disagree

Total Disagree: 0

Facts & Circumstances

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

COMMENT

Council recognises the distress caused when a loved one is lost through a road accident. When touched by tragedy, family and friends may find a roadside memorial can help to comfort and heal, while also serving as a timely reminder to the community to drive carefully. Having said this, Council's foremost concern is to ensure that all road users are provided with a safe environment. It is also important to ensure that family, friends and road users are safe while a roadside memorial is installed and visited.

As an outcome of the December 2014 Councillor Workshop, the workshop has recommended that this matter is more appropriately addressed through a Council guideline.

OPTIONS

1. Make schedule as drafted.
2. Amend drafting to remove roadside memorial provisions. A guideline will be developed to address this matter.

RECOMMENDATION

Amend drafting to remove roadside memorial provisions. A guideline will be developed to address this matter.

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

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

TOTAL: 2

Grounds

Agree

Facts & Circumstances

Total Agree: 1

Agree with provisions regarding variable message signs

1

Disagree

Facts & Circumstances

Total Disagree: 1

The law should include prescribed criteria for the installation, erection and display of “tear-drop” banners or flags

1

COMMENT

The installation, erection and display of “tear-drop” banners or flags are regulated under the planning scheme.

OPTIONS

1. Make the schedule as drafted.
2. Amend drafting.

RECOMMENDATION

Make the schedule as drafted.

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

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

15 – Electronic graphic display screen

TOTAL: 1

Grounds

Agree

Total Agree: 1*

Facts & Circumstances

Agree with the provisions regarding electronic graphic displays

1

Agree with the penalty for non-licenced electronic graphic displays

1

Disagree

Total Disagree: 0

Facts & Circumstances

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

COMMENT

No comment required.

OPTIONS

1. Make the schedule as drafted.
2. Amend drafting.

RECOMMENDATION

Make the schedule as drafted.

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

General

TOTAL: 1

Grounds

Other

Facts & Circumstances

Total Agree: 1

Subordinate local law 1.5 should be incorporated into Local Law No. 2

1

COMMENT

The draft local laws use the State Model Local Law framework developed by the Queensland Government and used by many Councils throughout the state. Matters requiring approval and all approval processes are organised through subordinate local laws under Local Law No. 1 (Administration). While this is a change to how the existing laws are drafted, the benefits of framing the laws this way provides a number of legislative and administrative advantages.

OPTIONS

1. Make the subordinate local law as drafted.
2. Amend drafting.

RECOMMENDATION

Make the subordinate local law as drafted.

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

Schedule 1 – Keeping of Animals

1 – Prescribed activity

(2)(b) - a 3 dog approval

TOTAL: 1

Grounds

Agree

Facts & Circumstances

Total Agree: 0

Disagree

Facts & Circumstances

Total Disagree: 1*

The permit process for a third dog is quite detailed and more so for “compassionate reasons”

1

At the time of applying for a third dog approval, filling in the paperwork and paying approval fees, some families may be paying funeral costs

1

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

COMMENT

Redland City Council, like many Councils, allows the keeping of up to two dogs without a permit. This is considered a balanced approach between allowing residents to enjoy the companionship of their dogs and the potential for increased nuisance issues to others or environmental risks from the keeping of three dogs.

The third dog permit is to allow a person to take on a third dog for compassionate reasons, usually after a relative or friend has passed away. Approval fees are set under Council’s budget and are not relative to the local law making process. The only aim of the approval fee is to cover the cost to Council of issuing the permit.

OPTIONS

1. Make the schedule as drafted.
2. Amend drafting.

RECOMMENDATION

Make the schedule as drafted.

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

Schedule 1 – Keeping of Animals

1 – Prescribed activity

(2)(f) - a miniature pig approval

TOTAL: 2

Grounds

Agree

Facts & Circumstances

Total Agree: 0

Disagree

Facts & Circumstances

Total Disagree: 2

Redlands is no longer a Shire therefore miniature pigs should not be kept.

1

The RSPCA advises that there is no such animal as a “miniature pig” in Australia and these animals will grow into full sized animals.

1

COMMENT

As an outcome of the December 2014 Councillor Workshop, the workshop has recommended that the keeping of pigs be controlled as per the keeping of livestock (i.e pigs be included in the definition of livestock).

OPTIONS

1. Make the schedule as drafted.
2. Amend drafting so that the keeping of pigs is controlled as per the keeping of livestock.
Pigs to be included in the definition of livestock.

RECOMMENDATION

**Amend drafting so that the keeping of pigs is controlled as per the keeping of livestock.
Pigs to be included in the definition of livestock.**

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

Schedule 1 – Operation of accommodation parks

3 – Documents and materials that must accompany an application for an approval

(3) A plan of the proposed accommodation park which must be drawn to scale showing...

TOTAL: 1

Grounds

Agree

Facts & Circumstances

Total Agree: 0

Disagree

Facts & Circumstances

Total Disagree: 1

Council has scale drawings already on file as part of the development assessment process. Resubmitting each year creates a significant amount of work and a 3 yearly update could be more plausible

1

COMMENT

The requirement for scale drawings relates to the initial application and approval process or should there be significant changes to the accommodation park.

It is not a requirement for renewal approvals.

OPTIONS

1. Make the schedule as drafted.
2. Amend drafting.

RECOMMENDATION

Make the schedule as drafted.

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

Schedule 1 – Operation of accommodation parks

6 – Conditions that will ordinarily be imposed on an approval

(6) An inspection report regarding the electrical wiring and electrical fittings on the premises must be conducted by an approved electrical contractor once every three years and a subsequent report be submitted to the local government.

TOTAL: 1

Grounds

Agree

Facts & Circumstances

Total Agree: 0

Disagree

Facts & Circumstances

Total Disagree: 1*

Should Council have an issue they could phone the Electrical Safety Officer to make an inspection rather than creating this costly and time consuming process

1

Fitting of a Residual Current Device tested 6 monthly by a qualified person would be better alternative to a review of every electrical item and structure in the Caravan Park by a licensed contractor

1

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

COMMENT

Electrical safety in caravan parks is an important occupational health and safety issue. As such, the caravan park management have a duty of care to residents to insure electrical risks are controlled and incidents are prevented.

Similar provisions are used by other local governments. The inspection and report is only required every three years.

OPTIONS

1. Make the schedule as drafted.
2. Amend drafting.

RECOMMENDATION

Make the schedule as drafted.

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

Schedule 1 – Operation of accommodation parks

6 – Conditions that will ordinarily be imposed on an approval

(16) If the local government gives written notice to the approval holder that the local government is not satisfied that the resident manager of the accommodation park is a suitable person to be the resident manager— replace the resident manager with an alternate resident manager who is acceptable to the local government within a time stated in the notice

TOTAL: 1

Grounds

Agree

Total Agree: 0

Facts & Circumstances

Disagree

Total Disagree: 1*

Facts & Circumstances

Council should not be involved in the organisation's employment process, this is a contractual relationship between employee and employer	1
It is unreasonable for Council to expect the employer to comply with all its contractual employment requirements and still be able to terminate the employment contract	1
Council is not involved in interviews, education, training or disciplinary actions	1
This section cannot realistically be complied with and should not be used as a potential reason to withhold a permit	1

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

COMMENT

It is not Council's intention to be involved in the administration and employment of staff.

The intention of this provision is to provide an avenue for appropriate action, should the actions of the resident manager affect the safety and well being of others or the proper operation of the park in accordance with approval conditions.

In all but extreme cases it is always Council's intention to seek resolution of issues with the least legal escalation as possible. As such, for Council to consider giving direction to replace the resident manager would only be in the most extreme circumstances after all other avenues had not brought the issue to resolution.

Council has a responsibility should there be a major issue from the operation of a Council approved commercial business.

OPTIONS

1. Make the schedule as drafted.
2. Amend drafting.

RECOMMENDATION

Make the schedule as drafted.

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

Schedule 1 – Operation of accommodation parks

6 – Conditions that will ordinarily be imposed on an approval

(17) The approval holder must keep and maintain a register which details—

(a) the name and address of each person who hires a site at the accommodation park; and...

(18) The approval holder or the resident manager must, at the request of an authorised person, produce the register for inspection

TOTAL: 1

Grounds

Agree

Facts & Circumstances

Total Agree: 0

Disagree

Facts & Circumstances

Total Disagree: 1*

Council and its officers have no right to access private information of individuals residing in the Park. This is a contractual arrangement between landlord and tenant

1

Council should be refused access to this information for legal reasons

1

This section cannot realistically be complied with as the park operator would breach other laws

1

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

COMMENT

The local law makes it a requirement that the approval holder keeps and maintains a register of the persons who hire sites. This condition is provided to ensure that a register is maintained by the approval holder, not to enable the review of the register to ascertain details of individuals.

OPTIONS

1. Make the schedule as drafted.
2. Amend drafting.

RECOMMENDATION

Make the schedule as drafted.

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

Schedule 1 – Operation of accommodation parks

6 – Conditions that will ordinarily be imposed on an approval

(20) The approval holder must not, unless the local government agrees in writing, change the sites at the accommodation park by—

- (a) adding to the existing sites; or**
- (b) changing the position or boundaries of a site**

TOTAL: 1

Grounds

Agree

Facts & Circumstances

Total Agree: 0

Disagree

Facts & Circumstances

Total Disagree: 1*

Caravans, mobile homes, buses and campervans are not one size fits all	1
It is accepted standard and practice in the industry that site sizes change in order to accommodate user needs and the type of transport requirements	1
Defining a site size ignores generally accepted practice and procedures	1

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

COMMENT

The intent of this section is that a caravan park approval is based on a specific number of sites and a specific layout. The amenities (toilets, showers, change rooms, laundries, play areas, parking, etc) are designed and approved for a defined number of sites and associated number of people. In adding sites or changing the position of site boundaries there is increased potential that these will have a detrimental effect on both those living in the park and those living near it.

This section provides an opportunity to consider the impact of changes in consultation with Council.

OPTIONS

1. Make the schedule as drafted.
2. Amend drafting.

RECOMMENDATION

Make the schedule as drafted.

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

Schedule 1 – Operation of accommodation parks

6 – Conditions that will ordinarily be imposed on an approval

(21) The approval holder must not change any building, structure or facility at the accommodation park by—

- (a) adding new buildings, structures or facilities; or
- (b) removing existing buildings, structures or facilities; or
- (c) changing the position of any building, structure or facility

TOTAL: 1

Grounds

Agree

Facts & Circumstances

Total Agree: 0

Disagree

Facts & Circumstances

Total Disagree: 1*

This cannot work in an environment where most of the structures are mobile and change regularly

1

A caravan staying for a week should not require an electrical safety certificate or approval for the toilet and shower

1

The permit seems to be a one size fits all for mobile home park, tourist park, accommodation park or hybrid but they are not the same and what may be practical for one may be impractical for another

1

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

COMMENT

This section does not relate to caravans, campervans, tents etc. This section applies to permanent structures (e.g. amenity blocks, meeting rooms, BBQ sheds, etc).

The intent of this section is that a caravan park approval is based on the provision of a specific number of buildings, structures and facilities for the number of sites and persons staying at the park.

In adding, changing or removing buildings, structures or facilities, there is increased potential that these will have a detrimental effect on both those living in the park and those living near it.

OPTIONS

1. Make the schedule as drafted.

2. Amend drafting.

RECOMMENDATION

Make the schedule as drafted.

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

Schedule 1 – Operation of accommodation parks

6 – Conditions that will ordinarily be imposed on an approval

(23) The operation of the accommodation park must not—

(a) create a traffic problem; or

(b) increase an existing traffic problem; or

(c) detrimentally affect the efficiency of an existing road network

TOTAL: 1

Grounds

Agree

Facts & Circumstances

Total Agree: 0

Disagree

Facts & Circumstances

Total Disagree: 1*

Road impact analysis is completed as part of the development assessment process

1

Road congestion caused by roads being over capacity for other reasons (caused by Local Council and Department of Main Roads) should not be the problem of the Park operator whose site numbers and vehicle movements have not changed

1

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

COMMENT

The intent of this provision is to require that the ongoing operation of an accommodation park does not cause traffic issues. It also provides an avenue for Council to take appropriate action should an issue occur which has a detrimental effect on the safety and amenity of other road users.

OPTIONS

1. Make the schedule as drafted.
2. Amend drafting.

RECOMMENDATION

Make the schedule as drafted.

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

Schedule 1 – Operation of accommodation parks

6 – Conditions that will ordinarily be imposed on an approval

(24) The approval holder must not use an extension telephone bell, open air address system or similar device as part of the operation of the accommodation park if the bell, system or device causes a nuisance or annoyance to any person

TOTAL: 1

Grounds

Agree

Facts & Circumstances

Total Agree: 0

Disagree

Facts & Circumstances

Total Disagree: 1*

A loudspeaker or open air address system is a necessary requirement under the Fire Safety Management and Evacuation Procedures, and other insurance purposes

1

The clause should be broadened to accommodate workplace health and safety operational requirements

1

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

COMMENT

It is not the intention of this provision to prevent the usage of a loudspeaker or open air address system in an emergency situation. The broadcasting of necessary fire and emergency messages or other devices as required in other legislation are not considered to be a nuisance.

The intention of this provision is to prevent the regular use of such audible systems so as to cause environmental (noise) nuisance to both those living in the park and those living near it.

OPTIONS

1. Make the schedule as drafted.
2. Amend drafting.

RECOMMENDATION

Make the schedule as drafted.

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

Schedule 1 – Operation of accommodation parks

6 – Conditions that will ordinarily be imposed on an approval

(26) In the operation of the accommodation park the approval holder must only use lighting which is angled or shaded so that the lighting does not cause a nuisance or inconvenience

TOTAL: 1

Grounds

Agree

Facts & Circumstances

Total Agree: 0

Disagree

Facts & Circumstances

Total Disagree: 1*

If tenants or other parties have an issue with respect to lighting nuisance there are a number of dispute resolution avenues available internally within the organisation and externally through the Residential Tenancies Act and Authority and other administrative authorities

1

Should Council receive a complaint, they would be better placed informing the complainants of the existing dispute resolution procedures currently available than being involved through the permit process

1

Park operators understand that quiet enjoyment is a fundamental term of every lease and strive as much as possible to ensure that this is achieved at all times

1

Adding Council to a dispute process would neither assist or improve the current arrangements and would complicate matters further and make resolution more difficult to achieve

1

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

COMMENT

The main intent of this provision is to either prevent or minimise light spillage outside of the accommodation park, so as to cause an environmental (light) nuisance or inconvenience to those living outside of the park.

As this is a potential nuisance situation from a commercial operation requiring Council approval, Council involvement under the approval conditions is considered far more appropriate than referring a complainant to their own legal action or dispute resolution with the owner / operator of the park.

OPTIONS

1. Make the schedule as drafted.
2. Amend drafting.

RECOMMENDATION

Make the schedule as drafted.

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

Schedule 1 – Operation of accommodation parks

6 – Conditions that will ordinarily be imposed on an approval

(35) The local government may specify conditions applying to the operation of the accommodation park including—

(a) times and days for administration of the arrival and departure of hirers of accommodation at the accommodation park; and....

TOTAL: 1

Grounds

Agree

Facts & Circumstances

Total Agree: 0

Disagree

Facts & Circumstances

Total Disagree: 1*

Operating hours are operational issues determined internally within the organisation after consideration of all relevant factors

1

Council lacks the knowledge and understanding required to determine optimum opening hours within the industry

1

If Council receives complaints it could express its concern with the organisation to seek a resolution

1

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

COMMENT

It is not Council's specific intention to be involved in the administration of an accommodation park, especially an industry which caters for people who are arriving at the destination after travelling.

The key wording in this provision relates to the term "may". The intent of this provision is that Council "may" specify conditions should issues arise which affect the amenity of persons living nearby, from the administration of the arrival and departure of persons staying at the park.

In all but extreme cases it is always Council's intention to seek resolution of issues with the least legal escalation as possible.

OPTIONS

1. Make the schedule as drafted.
2. Amend drafting.

RECOMMENDATION

Make the schedule as drafted.

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

Schedule 1 – Operation of accommodation parks

6 – Conditions that will ordinarily be imposed on an approval

(36) The local government may require that the approval holder direct a person to leave the accommodation park forthwith, or within a specified time, where the person is found to be—
(a) acting in a disorderly or objectionable manner; or
(b) contravening a requirement of this local law or a Local Government Act, which contravention will, in the opinion of an authorised person, adversely impact on the safety or amenity of other accommodation park users

TOTAL: 1

Grounds

Agree

Facts & Circumstances

Total Agree: 0

Disagree

Facts & Circumstances

Total Disagree: 1*

It is not Council or its officers place to be the determining authority within the Accommodation Park as to whether a tenant is or is not a nuisance, who shall and shall not reside in the Park, and for what reasons they shall and shall not remain a resident

1

The conditions of residence are solely a landlord/tenant relationship governed by a lease agreement under the Residential Tenancies and Rooming Accommodation Act and enforced by the Residential Tenancies Authority

1

Council is not a party to tenancy agreements and cannot therefore enforce terms and conditions on either party in respect of these

1

Council's response to any complaint should be to take it up with Park Management, the police, Residential Tenancies Authority or lodging forms requesting remedies for breach of lease terms

1

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

COMMENT

It is not Council's intention to get involved in the day to day administration of accommodation parks with regard to who should or should not reside within the park.

The intention of this provision is that Council has a responsibility should there be a major issue from a commercial business operation requiring Council approval. The key wording in this provision relates to a person who is acting in a disorderly or objectionable manner or adversely impacting on the safety or amenity of other persons in the accommodation park.

Council's involvement in such situations would only be in the most extreme and usually repeated cases. In all but extreme cases it is always Council's intention to seek resolution of issues with the least legal escalation as possible.

OPTIONS

1. Make the schedule as drafted.
2. Amend drafting.

RECOMMENDATION

Make the schedule as drafted.

Subordinate Local Law No.1.12 (Operation of Temporary Entertainment Events) 2014

Part 2 – Approval for prescribed activity

5 – Matters regarding the prescribed activity

TOTAL: 1

Grounds

Agree

Facts & Circumstances

Total Agree: 1

Strong legislation is required to preserve our right to a peaceful home and a peaceful city.

1

Disagree

Facts & Circumstances

Total Disagree: 0

COMMENT

The subordinate local law has been drafted to provide a balance to both support and promote business and events in the Redlands and provide appropriate protection to the community.

OPTIONS

1. Make the subordinate local law as drafted.
2. Amend drafting.

RECOMMENDATION

Make the subordinate local law as drafted.

Local Law No. 2 (Animal Management) 2014

Part 3 - Control of animals

11 – Control of animals in public places

TOTAL: 1

Grounds

Agree

Facts & Circumstances

Total Agree: 0

Disagree

Facts & Circumstances

Total Disagree: 1

Increase the penalty for dogs off leash. Redland City Council would make loads of money if they were out patrolling for dogs running loose while owners held the lead

1

COMMENT

The penalty for a dog being off leash in a public place is considered appropriate for the offence. The penalty is that recommended by the State Government under the Model Local Laws and is the standard penalty amount used by local governments.

It is never a government's aim to "make loads of money" from issuing fines. The ultimate aim would be for 100% compliance, no issues and the issuing of no fines.

OPTIONS

1. Make the section as drafted.
2. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Local Law No. 2 (Animal Management) 2014

Part 3 - Control of animals

11 – Control of animals in public places

(2) – An animal in under the effective control of someone only if...

TOTAL: 16

Grounds

Agree

Total Agree: 16*

Facts & Circumstances

Other Councils have removed the need to muzzle pet greyhounds	9
Muzzles deter people from adopting greyhounds	7
Many pet greyhounds have never raced and therefore never been muzzled	7
Many greyhounds have never worn a muzzle, so to enforce muzzling via legislation without due regard to a process of introduction and desensitisation is a welfare issue for these dogs, who are often fearful anyway	6
Any prey drive a greyhound may have is controlled through standard effective control (placed on a leash)	5
Greyhounds are placid and affectionate	4
Other dogs display bad behaviour or temperament that could warrant muzzling	3
Owners of all breeds of dogs should be responsible for taking necessary precautions regarding their dogs behaviour	3
Muzzling a greyhound is stressful for the dog	2
No reason given	1

Disagree

Total Disagree: 0

Facts & Circumstances

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

COMMENT

This section was drafted from the State Model Local Laws. The State chose not to include muzzling requirements for greyhounds in the models.

OPTIONS

1. Make the section as drafted.
2. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Local Law No. 2 (Animal Management) 2014

Part 3 - Control of animals

12 - Person in control of dog or prescribed animal to clean up faeces

TOTAL: 1

Grounds

Agree

Facts & Circumstances

Total Agree: 0

Disagree

Facts & Circumstances

Total Disagree: 1*

Reinsert the requirement from the existing Local Law 2 – Where an animal is in a public place, the person in charge of the animal must carry a bag, implement or container suitable to pick up and dispose of the animal's faeces if the animal defecates

1

Council rarely, if ever, penalizes people for allowing animals to defecate in public places because officers are unlikely to be present at the time. People who do carry an implement suitable for collecting faeces are more likely to use it and therefore can be deemed responsible. People not carrying such can be deemed irresponsible and unlikely to obey the local law re removing faeces

1

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

COMMENT

This provision was not included in the State Model Local Law No. 2 (Animal Management). It was not included in the draft laws proposed to Council, after consultation between Council's Animal Management Team and Model Local Law Project Manager.

As an outcome of the December 2014 Councillor Workshop, the workshop has recommended that the provision not be included in the local law.

OPTIONS

1. Make the section as drafted.
2. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Local Law No. 2 (Animal Management) 2014

Part 3 - Control of animals

13 - Duty to provide proper enclosure and prevent animal from wandering

TOTAL: 5

Grounds

Agree

Total Agree: 0

Facts & Circumstances

Disagree

Total Disagree: 5*

Facts & Circumstances

Rental properties, in particular short term holiday rentals on North Stradbroke Island (and perhaps elsewhere in the Redlands) are being rented to tenants with dogs, but quite a few have no proper enclosure for dogs. As such the dogs are then wandering at large, placing people, other pets and wildlife in danger	4
The local law should require rental properties (in particular holiday rentals on North Stradbroke Island) which allow dogs to be kept at the premise, to provide proper enclosures to prevent the animals from wandering	4
All domestic animals should be kept indoors at night to protect native wildlife	1
All domestic animals should be restrained at all times within their gardens to protect native wildlife	1

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

COMMENT

This matter is addressed under the proposed Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014 section 9 Power to require owner of land adjoining road to fence land.

OPTIONS

1. Make the section and schedule as drafted.
2. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Local Law No. 2 (Animal Management) 2014

Part 4 - Seizure, impounding or destruction of animals

19 - Seizure of animals

(4) - However, an authorised person is not obliged to accept the custody of an animal under this section

TOTAL: 1

Grounds

Agree

Total Agree: 0

Facts & Circumstances

Disagree

Total Disagree: 1*

Facts & Circumstances

This is the reason why so many owners of animals ignore the local law, to the consternation of the community generally 1

Too often Council authorised persons do not respond to enforce the local law when complaints are made or when violations of the local law are seen by the authorised person 1

If the local law states that there is no requirement for authorised persons to act, then the local law is toothless and shows that Council is not serious about the control of animals. Complainants might believe they need to take matters into their own hands 1

This subsection should be rewritten to reflect the following – “an authorised person is obliged to accept the custody of an animal under this section unless there are compelling reasons not to do so” 1

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

COMMENT

This section provides the circumstances where an authorised person may seize a dog or other animal under the local law. This provision was drafted by the State (Model Local Law). The provision provides the officer with a limited amount of discretion in seizing and (in combination with section 21) returning of an animal without impounding. Circumstances where an officer may choose not to impound an animal might include:

- Before placing a dog in the vehicle the owner approaches the officer and requests that the dog be released back to them, where it would immediately be placed under effective control. The officer could then choose to issue a penalty infringement notice for the dog wandering at large, without the added cost to both Council of impounding the dog, or the owner for the release of the dog. Naturally this option would not be used for dogs with a history of wandering.

- Because a person brings an animal found wandering at large to an authorised person there is no obligation on the officer to accept custody of the animal. For example, the person may be asked to deliver the animal to an animal refuge or a direct return to the owner may be appropriate.

OPTIONS

1. Make the section as drafted.
2. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Local Law No. 2 (Animal Management) 2014

Part 6 – Registration of cats

40 – Registration obligation

TOTAL: 1

Grounds

Agree

Facts & Circumstances

Total Agree: 0

Disagree

Facts & Circumstances

Total Disagree: 1

Cats kept in an approved cattery should also be exempt from registration, as the operator pays licence fees for the cattery approval and the keeping of these cats is undertaken under specific approval condition

COMMENT

As an outcome of the December 2014 Councillor Workshop, the workshop has recommended that this provision does not apply to a cat kept in an approved cattery.

OPTIONS

1. Make the section and schedule as drafted.
2. Amend drafting so that registration requirements do not apply to a cat kept in an approved cattery.

RECOMMENDATION

Amend drafting so that registration requirements do not apply to a cat kept in an approved cattery.

Local Law No. 2 (Animal Management) 2014

General – Koala Management Areas

TOTAL: 63

Grounds

Agree

Total Agree: 0

Facts & Circumstances

Disagree

Total Disagree: 63*

Facts & Circumstances

Confinement of dogs at night in Koala Management Areas needs to be retained to protect the iconic species which are important for Redlands for the future	55
Council should retain the current “Koala Management Areas” and extend them to include other areas identified from Koala Hospital records as having a history of dog related mortalities	42
More than 600 koalas have been attacked by dogs over the past 15 years in Redland City mainland and on North Stradbroke Island	40
More than 80% of those koalas died as a result of their injuries including numerous mothers and babies	38
It is estimated that fewer than 2000 koalas remain in the Koala Coast area and fewer than 900 in the Redlands	37
The overnight restraint of pet dogs either inside, on a veranda/deck or tethered would prevent the majority of dog attacks on koalas	35
Protection of koalas from domestic dogs is a threat that we can manage by responsible pet ownership	33
Koalas are very important to the people of the Redlands which has been proven through many public consultations such as the Redlands Community Plan	29
Koalas are a great draw card for tourism in the area	9
It should be a requirement that all dogs throughout the whole of the City be required to be restrained at night, either on a veranda/deck, inside the house, in a specific enclosure or by tethering	7
The State model local laws include provisions which allow a Council to adopt requirements under subordinate local laws to place requirements on the keeping of dogs to protect koalas. The draft Council laws do not include these provisions	5

Redlands Corporate Plan and Redlands 2030 Community Plan are the overarching documents which guide Council's strategic local law making content. Both of these plans assert that Council will maintain and protect the unique biodiversity of the Redlands, and the community will meet its responsibilities to balance out lifestyle with environmental considerations such as keeping our wildlife safe	3
Allowing dogs and other animals to roam free on Koala Management Area properties will have a devastating effect on koalas and other wildlife	2
Not including night time confinement of dogs in Koala Management Areas will contribute to the eroding of safe habitat and bit by bit, a death knell for our surviving koalas	2
Council should retain the current "Koala Management Areas"	2
Strengthen the local laws to include denning of all dogs at night in the Redlands, but at least where covenants have been established for habitat protection and their neighbouring properties where koalas may	2
It is acknowledged that enforcing laws about koalas and dogs is difficult and that co-operation by residents is largely voluntary. Laws should still apply to show that the community cares about koalas and all innocent vulnerable and native wildlife. It seems that dogs and cats get a far more sympathetic ear	2
Redlands needs to keep its koala management areas to keep developers from taking them over	1
Council ought to strengthen protection of koalas and other wildlife, not further liberate domestic animals	1
It is usually too late for the owner to act once the attack has started, especially if they are asleep or away from home	1
The restraint of dogs at night is easily and cheaply done and would prevent most dog attacks on koalas	1
The number of koalas in the Redlands has declined dramatically in the last few years from over clearing habitat and over development	1
What is the point of Council spending a fortune on koala signage when Council will not be enforcing responsible pet ownership (overnight restraint of pet dogs in Koala Management Areas)?	1
Many new residents are unaware that koalas have been killed on their properties	1
Many dog attacks on koalas go unreported, as people are ashamed to tell others that their dog has killed a koala	1
The statistics of koala hospital records alone are reason enough to continue with the current requirements re Koala Management Areas, which have been force for some time and accepted by the public	1
Support the minimum standards for keeping of dogs to protect koalas (egress from properties and restraint of dogs if a koala enters the	1

property), but these alone are inadequate without Koala Management Area requirements

As koalas mostly enter properties at night, pet owners are unaware of their presence until after the attack has occurred 1

Council should retain the current “Koala Management Areas” and extend them to include essential corridors 1

Council should retain the current “Koala Management Areas” and then conduct wide and constant advertising 1

Council should retain the current “Koala Management Areas” and extend them to include all properties on North Stradbroke Island 1

If a dog is kept in a koala environment, the dog should be kept in such a way that it does not have the opportunity to maul or kill a koala 1

The koala is listed as “vulnerable” in the South East Queensland Bioregion and as “endangered” within the Koala Coast region 1

The Redlands koala population is in serious decline 1

Council’s policy document: Corporate POL-3069 “Redlands Koala Policy (2008) states that council will take eight appropriate actions. Third on the list is “Dog attacks on koalas”. This must not be ignored in the framing of local laws 1

The State Model Local Law No. 2 (Animal Management) 2010 was developed because of the research that showed the extent of the decline of the koala in South East Queensland. It was also one of the recommendations of Premier’s Taskforce on Koalas. Council has a responsibility to use the laws that were designed for situations like the Redlands 1

Denning of all dogs at night would be no problem for responsible dog owners, most of whom already follow the procedure of confining their dog at night for the benefit of the animal itself (keeping a dog safe and warm diminishes the problem of barking at night) and the benefit of wildlife. In addition the RSPCA supports the denning of dogs at night 1

A possible compromise could be a three month trial of local laws that require night time confinement. This would be done in conjunction with an appropriately large and effective promotional campaign 1

All dogs should be denned at night to protect native wildlife 1

Council needs stronger laws to protect koalas 1

No reason given 1

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

COMMENT

As an outcome of the December 2014 Councillor Workshop, the workshop has recommended that the current local law and subordinate local law provisions relating to koala management areas be

included in the proposed laws. Updated mapping for Council's koala areas will be undertaken based on updated State Koala Habitat Area mapping for the Nature Conservation (Koala) Conservation Plan 2006 and Management Program 2006-2016 to ensure accuracy.

OPTIONS

1. Make the section as drafted.
2. Amend drafting to include koala management area provisions including updated State Koala Habitat Area mapping to ensure accuracy.

RECOMMENDATION

Amend drafting to include koala management area provisions including updated State Koala Habitat Area mapping to ensure accuracy.

Local Law No. 2 (Animal Management) 2014 Register

1 – Prohibition of animals in public places under s9(1)(a) and (b) of LL2

TOTAL: 1

Grounds

Agree

Facts & Circumstances

Total Agree: 0

Disagree

Facts & Circumstances

Total Disagree: 1

Dogs should be prohibited from the sports fields at John Frederick Park, as there is often dog faeces found on the sports fields

1

COMMENT

It is not standard practice to totally prohibit dogs from sports fields. When in a public place (including a sports field), the local law requires a dog to be on a lead and the owner to pick up its faeces should the dog defecate.

Compliance with the existing provisions would rectify this issue. As such, the matter has been referred to the Environment and Regulation Group for appropriate action.

It is always a balance for Councils allowing public open space to be used for more than one specific purpose (sometimes by one specific section of the community). At present Council does not broadly prohibit people from taking dogs on sportsgrounds throughout the Redlands.

There are provisions which require dogs to be on lead when in a public place and also provisions which require a person to pick up their dog's faeces, if their dog defecates in a public place. Compliance with these existing provisions would result in no dog faeces being left at John Fredericks Park.

OPTIONS

1. Make the section as drafted.
2. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Local Law No. 2 (Animal Management) 2014 Register

Part 1 - Prohibition of animals in public places

1 - Public places where a person is prohibited from bringing a dog at any time.

(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.

TOTAL: 1

Grounds

Agree

Facts & Circumstances

Total Agree: 0

Disagree

Facts & Circumstances

Total Disagree: 1

Where swimming enclosures on the Southern Moreton Bay Islands adjoin a local park, the dog prohibition areas at the foreshore and seashore in front of the swimming enclosures should be extended to include the adjoining parks, as the whole areas are used for swimming, relaxing and picnicking (usually involving food/eating)

1

COMMENT

It is always a balance in Councils allowing public open space to be used for multiple purposes. At present Council does not broadly prohibit people taking dogs onto parks throughout the Redlands.

There are provisions which require dogs to be on lead when in a public place. Compliance with these existing provisions would result in limited contact between dogs and people in these parks.

OPTIONS

1. Make the section as drafted.
2. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Local Law No. 2 (Animal Management) 2014 Register

Part 1 - Prohibition of animals in public places

1 - Public places where a person is prohibited from bringing a dog at any time.

(p) - Within 10 metres of any playground apparatus in a public place that is provided for the use of children.

TOTAL: 1

Grounds

Agree

Facts & Circumstances

Total Agree: 0

Disagree

Facts & Circumstances

Total Disagree: 1

Dogs should be prohibited from the entirety of all parks which have a playground, as children run in these areas and there are enough other reserves (including road reserves) to cater for dog owners

1

COMMENT

It is always a balance for Councils allowing public open space to be used for multiple purposes. At present Council does not broadly prohibit people taking dogs onto parks throughout the Redlands.

There are provisions which prohibit dogs within 10 metres of playground apparatus that is provided for the use of children in a public place.

There are also provisions which require dogs to be on lead when in a public place. Compliance with these existing provisions would result in limited contact between dogs and children in these parks.

OPTIONS

1. Make the section and schedule as drafted.
2. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Local Law No. 2 (Animal Management) 2014 Register

Register - Dog off-leash areas

TOTAL: 1

Grounds

Agree

Total Agree: 1*

Facts & Circumstances

Support the provision of dog off leash areas at Amity, Point Lookout and Dunwich

1

There is need for a dog off leash area at Amity that allows owners to exercise their dogs in a safe area

1

It is important to position any dog off leash areas so that they do not impact on environmental values such as shorebird habitats, turtle nesting areas and consider public safety and amenity

1

Disagree

Total Disagree: 0

Facts & Circumstances

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

COMMENT

There are dog off leash areas at Dunwich and Point Lookout. Council is currently in discussion with the community and all other relevant parties regarding the establishment of an off leash area at Amity point.

All matters raised are considered in the determination and development of dog off leash areas.

OPTIONS

1. Make the section as drafted.
2. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Subordinate Local Law No.2 (Animal Management) 2014

Schedule 1 – Prohibition on keeping animals

1 - Dog

TOTAL: 1

Grounds

Agree

Total Agree: 0

Facts & Circumstances

Disagree

Total Disagree: 1*

Facts & Circumstances

Should be able to keep up to three dogs without a permit	1
Council would most likely receive more revenue from honest owners registering three dogs than the requirement for a permit	1
Believes Logan City allows three dogs per property without a permit	1

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

COMMENT

Redland City Council, like many Councils, allows the keeping of up to two dogs without a permit. This is considered a balanced approach between allowing residents to enjoy the companionship of their dogs and the potential for increased nuisance issues to others or environmental risks from the keeping of three dogs.

The only aim of the permit fee is to cover the cost to Council of issuing the permit.

Logan City Council allows the keeping of up to 3 dogs without a permit on properties greater than 2000 m², but also prohibits the keeping of a second dog without a permit on properties less than 499 m².

OPTIONS

1. Make the section as drafted.
2. Amend drafting.

RECOMMENDATION

Make the section as drafted

Subordinate Local Law No.2 (Animal Management) 2014

Schedule 1 – Prohibition on keeping animals

2 – Cat

(b) A cat on premises in the Ridgewood Downs prohibition area

TOTAL: 30

A survey was conducted by the Divisional Councillor regarding the prohibition of cats in the Ridgewood Downs Estate.

Grounds

Agree

Facts & Circumstances

Total Agree: 23

Disagree

Facts & Circumstances

Total Disagree: 7

COMMENT

The estate was established based on its ecological values. These values were included in the covenants placed upon the properties and then prohibitions on the keeping of cats and livestock were drafted into the local laws.

The response rate of 23 to 7 wishing to continue with the cat prohibition indicates that the majority of owners maintain their commitment to the ecological ideology to which the estate was created.

OPTIONS

1. Make the section as drafted.
2. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Subordinate Local Law No.2 (Animal Management) 2014

Schedule 1 – Prohibition on keeping animals

3 – Livestock

General / horses - see Livestock in dictionary

TOTAL: 5

Grounds

Agree

Facts & Circumstances

Total Agree: 0

Disagree

Facts & Circumstances

Total Disagree: 5*

Livestock should not be allowed to be kept on properties as small as one acre, due to environmental damage 4

This fails to take into consideration the type of country. 4000m² of good pasture may well support one or more horses but 4000m² of stony Sheldon bushland would not support one pasture-eating animal. Even in 6000m² Park Residential properties (2000m² building envelope) there are enormous problems (tree destruction and odour issues) created by this minimum area being too small. There should be conditions set such as a fenced (already cleared) paddock of at least 5000m² suitable for horses 1

It is not clear whether there is any limit on the numbers of livestock that may be kept. "One or more" seems open ended which could lead to overstocking to the detriment of the environment 1

The keeping of horses should be strictly controlled as they are introduced and highly damaging to land and the environment 1

There should be plenty of trees left for koalas on horse country, and at least 1 acre of grass land available to each and every horse, with some stall feeding and good ground being required to maintain grass cover 1

The correct area should be 1 hectare per horse 1

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

COMMENT

Livestock are prohibited on an allotment less than 4000m², (as such, are allowed on an allotment greater than 4000m²).

The option of requiring a minimum of 4000m² per animal was proposed as part of the animal management local law review in 2006. There was strong opposition to this from the Redland's

equestrian community and Council at the time decided not to pursue this direction.

The draft law contains provisions requiring the keepers of livestock to ensure that resultant environmental impacts are properly managed.

OPTIONS

1. Make the section as drafted.
2. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Subordinate Local Law No.2 (Animal Management) 2014

Schedule 1 – Prohibition on keeping animals

3 – Livestock

Alpaca - see Livestock in dictionary

TOTAL: 1

Grounds

Agree

Facts & Circumstances

Total Agree: 0

Disagree

Facts & Circumstances

Total Disagree: 1*

The minimum area required for the keeping of alpacas should be reduced to 2000m ²	1
All surrounding Councils (Logan, Brisbane, Gold Coast and Ipswich) have 2000m ² as their minimum requirement for the keeping of alpacas	1
The DSE (Dry Sheep Equivalent) is used to measure how many alpacas can be sustained on 2000m ² , especially with supplementary feeding	1
Alpacas have very little impact on the environment, because they have soft padded feet (not hard hooves like other livestock). This means that their feet do not cut into the soil, thus leaving it undamaged	1
Alpacas require no special fencing or shelter	1
As alpacas graze, they only nibble on the top of the grass, rather than uprooting it	1
Alpacas use a communal “dung pile” (toilet), making it very easy to keep their area clean and odour free. They are a very clean and sanitary animal	1
Alpacas are generally very quiet animals	1
Alpacas make wonderful pets because of their calm and happy disposition	1
Alpacas are safe for small children to manage	1
Alpacas do not bite or butt and they do not have horns or hooves	1
Alpacas are a herd animal and therefore need the company of at least another alpaca, (minimum of two is required - three preferably)	1
Alpacas can be halter trained and will walk on a lead	1

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

COMMENT

Alpacas are included under the definition of livestock, which can be kept on properties greater than 4000m².

OPTIONS

1. Make the section as drafted.
2. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Subordinate Local Law No.2 (Animal Management) 2014

Schedule 1 – Prohibition on keeping animals

3 – Livestock

Goat - see Livestock in dictionary

TOTAL: 1

Grounds

Agree

Facts & Circumstances

Total Agree: 0

Disagree

Facts & Circumstances

Total Disagree: 1*

Up to two miniature goats should be allowed in residential areas	1
Two miniature goats are required as goats are herd animals	1
Miniature goats are relaxed, gentle, make good pets and are good with children and children with disabilities	1
Miniature goats can be taught to walk on a lead	1
Miniature goats grow to a maximum height of 63.5cm	1

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

COMMENT

Miniature goats are included under the definition of livestock, which can be kept on properties greater than 4000m².

OPTIONS

1. Make the section as drafted.
2. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Subordinate Local Law No.2 (Animal Management) 2014

Schedule 1 – Prohibition on keeping animals

8 - Pig

TOTAL: 7

Grounds

Agree

Total Agree: 1*

Facts & Circumstances

If you have an adequate sized property for keeping pigs, you should be able to keep at least a breeding pair plus offspring	1
Pigs are a great companion, just like a dog, cat or bird	1
Pigs are fun for kids to play with	1
Pigs are very loving if brought up in the correct environment	1
Pigs help dispose of uneaten food scraps	1

Disagree

Total Disagree: 6*

Facts & Circumstances

Pigs should not be allowed to be kept on properties as small as one acre, due to environmental damage	3
All pigs including miniature pigs should be prohibited from North Stradbroke Island as escapee pigs have the potential to go feral on the island. Their damage to the environment is well documented	2
The keeping of pigs should be strictly controlled as they are introduced and highly damaging to land and the environment	1

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

COMMENT

As an outcome of the December 2014 Councillor Workshop, the workshop has recommended that the keeping of pigs be controlled as per the keeping of livestock (i.e pigs be included in the definition of livestock).

OPTIONS

1. Make the section as drafted.

2. Amend drafting.

RECOMMENDATION

Remove this section. Amend drafting in the Dictionary so that the keeping of pigs is controlled as per the keeping of livestock. Pigs to be included in the definition of livestock.

Subordinate Local Law No.2 (Animal Management) 2014

Schedule 3 – Minimum standards for keeping particular animals

1 – Dogs

TOTAL: 3

Grounds

Agree

Facts & Circumstances

Total Agree: 2

No reason given

1

These are practical requirements

1

Disagree

Facts & Circumstances

Total Disagree: 1

The requirement should be amended to reflect a greater degree of control over dogs to protect koalas

1

COMMENT

Should Council decide to propose greater degrees of control over dogs to protect koalas, this would be done through other provisions.

OPTIONS

1. Make the section as drafted.
2. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Subordinate Local Law No.2 (Animal Management) 2014

Schedule 3 – Minimum standards for keeping particular animals

1 – Dogs

(a) - provide and maintain on any part of the premises which is accessible by the dog, structures or facilities which facilitate the escape of koalas from the premises

TOTAL: 4

Grounds

Agree

Total Agree: 1

Facts & Circumstances

No reason given

1

Disagree

Total Disagree: 3*

Facts & Circumstances

The requirement to provide and maintain structures or facilities which facilitate the escape of koalas from the premises on any part of the premises which is accessible by the dog should be expanded to include all wildlife and in particular wallabies

1

Fencing, structures or facilities which facilitate the escape of koalas may not be suitable for other wildlife including wallabies and reptiles

1

Wallabies are more numerous in the Redlands than koalas

1

This is some recognition of the problem of dog attack on koalas, but will do absolutely nothing to prevent the unacceptable mortality caused by dogs as a dog is faster than a koala and will reach the koala before it can access the escape structure or even climb a tree

1

No reason given

1

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

COMMENT

The options for providing and maintaining structures or facilities which facilitate the escape of koalas from a premises are designed to be economical, practical, not interfere with the primary purposes of the fence, or affect neighbours (they do not require existing fences to be rebuilt).

The primary functions of a fence are to confine children and domestic animals to the property, stop the entry of other people's domestic animals and provide a barrier to the entry of other people. It would be particularly difficult for a fence to meet its primary functions and still allow all wildlife access under, over or through it. Such a requirement would also require most of the City's thousands of kilometres of existing fencing to be rebuilt.

OPTIONS

1. Make the section and schedule as drafted.
2. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Subordinate Local Law No.2 (Animal Management) 2014

Schedule 3 – Minimum standards for keeping particular animals

1 – Dogs

(b) - if a koala is on land to which the dog has access—(i) protect the koala by restraining the dog until the koala has left the land; and (ii) confine the dog so that the dog cannot attack the koala

TOTAL: 3

Grounds

Agree

Facts & Circumstances

Total Agree: 1

No reason given

1

Disagree

Facts & Circumstances

Total Disagree: 2

This is some recognition of the problem of dog attack on koalas, but will do absolutely nothing to prevent the unacceptable mortality caused by dogs as it is pointless telling owners to protect the koala by restraining the dog if there is a koala on their land, as most people will not even know the koala is there, especially at night

1

No reason given

1

COMMENT

This provision is in Council's existing local laws.

OPTIONS

1. Make the section as drafted.
2. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Subordinate Local Law No.2 (Animal Management) 2014

Schedule 3 – Minimum standards for keeping particular animals

2 – Cats

TOTAL: 3

Grounds

Agree

Total Agree: 0

Facts & Circumstances

Disagree

Total Disagree: 3*

Facts & Circumstances

Protection of wildlife from domestic cats is a threat that can be managed by responsible pet ownership	1
The overnight housing of pet cats inside the home or suitable secure/protective/comfortable cat enclosure attached to the home or free standing on a veranda/deck or within the backyard would prevent the majority of night cat attacks on wildlife	1
Cats should be confined overnight in a suitable manner	1
Cats on North Stradbroke Island should be desexed as feral cat control is compromised when there is a population of domestic cats in the area that can replenish the feral population. Desexing domestic cats would greatly help curtail recruitment to the feral population	1
Cats on North Stradbroke Island should be micro-chipped	1
Cats on North Stradbroke Island should be under a night time curfew and confined indoors or in a fully enclosed shelter to protect the island's unique biodiversity and natural assets. This has been done in many places including in Victoria in Sherbrooke Forest area. Some areas such as Yarra Ranges Shire in Victoria are proposing 24 hour curfews	1
Recent media attention has highlighted the threat feral and domestic cats represent for Australian native animals	1
Cats are having a far greater impact on native species than previously thought	1
The overwhelming evidence of the damage done to native wildlife by cats has prompted Federal Minister Greg Hunt to propose a 10 year eradication plan for feral cats across Australia	1
Specifically on North Stradbroke Island, with approximately 50% of its land mass gazetted National Park, considerable effort and resources are being devoted by several agencies for fox and cat eradication and dog control	1

Science has demonstrated that feral populations will expand once fox numbers are reduced	1
Cats should be restrained at all times inside the house to protect native wildlife	1

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

COMMENT

Council's requirements for the keeping of cats are similar to most other Councils. Cats are required to be confined to the premises.

While it is acknowledged that the confinement of cats inside the house during darkness would reduce environmental risks, it is not common practice for local governments to require this.

OPTIONS

1. Make the section as drafted.
2. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Subordinate Local Law No.2 (Animal Management) 2014

Schedule 3 – Minimum standards for keeping particular animals

3 – Guard Dog

TOTAL: 1

Grounds

Agree

Facts & Circumstances

Total Agree: 1

These provisions should help to minimise the common situation where koalas are trapped in areas with dangerous guard dogs

1

Disagree

Facts & Circumstances

Total Disagree: 0

COMMENT

This provision is in Council's existing local laws.

OPTIONS

1. Make the section as drafted.
2. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Subordinate Local Law No.2 (Animal Management) 2014

Schedule 3 – Minimum standards for keeping particular animals

5 - Livestock

TOTAL: 2

Grounds

Agree

Total Agree: 2*

Facts & Circumstances

Trees are often cleared in order for pasture to grow for livestock. This can result in koala habitat/food trees being lost

1

Environmental degradation of land and waterways from hard hoofed animals is exacerbated on small acreage lots

1

The examples of environmental impacts should include; tree destruction, bark stripping and the loss of understory plants. These are vital to avoid erosion and runoff washing into waterways

1

Disagree

Total Disagree: 1

Facts & Circumstances

There have been many examples in the past where complaints have been made about horses (or goats or camels) being put on land specifically to destroy vegetation. Complainants have been told that there is nothing that can be done to prevent this under present local laws. There is nothing in the draft laws that will change this situation. This must be addressed

1

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

COMMENT

The clearing of trees is controlled through other laws.

The draft law contains provisions requiring the keepers of livestock to ensure that resultant environmental impacts are properly managed.

OPTIONS

3. Make the section as drafted.
4. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Subordinate Local Law No.2 (Animal Management) 2014

Schedule 4 – Requirements for proper enclosures for animals

1 - Requirements for proper enclosures -all animals regardless of species or breed

TOTAL: 1

Grounds

Agree

Facts & Circumstances

Total Agree: 0

Disagree

Facts & Circumstances

Total Disagree: 1

Dogs must be in an enclosed yard or on a leash with the exception of off leash areas

1

COMMENT

Dogs are required to be kept within a suitable enclosure or kept under effective control. When in a public place, other than an off leash area, dogs must be on a leash.

OPTIONS

- 1. Make the section as drafted.
- 2. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Subordinate Local Law No.2 (Animal Management) 2014

Schedule 4 – Requirements for proper enclosures for animals

2 – A dog kept at a caravan park

TOTAL: 2

Grounds

Agree

Facts & Circumstances

Total Agree: 0

Disagree

Facts & Circumstances

Total Disagree: 2

Extend these requirements to a dog kept at a rented holiday premises

2

COMMENT

It is possible to address this issue under the proposed section 9 of Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014 – Power to require owner of land adjoining a road to fence land.

OPTIONS

1. Make the section as drafted.
2. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Local Law No 3 (Community and Environmental Management)

Part 2 – Overgrown and unsightly allotments

13 – Unsightly objects, materials or vegetation

TOTAL: 1

Grounds

Agree

Total Agree: 0

Facts & Circumstances

Disagree

Total Disagree: 1

Facts & Circumstances

The examples of objects, materials or vegetation which may be considered unsightly or not in accordance with the amenity of the locality, does not include broken down or dilapidated boats or boat parts

1

COMMENT

Not including broken down or dilapidated boats or boat parts as an example of an object or material which may be considered unsightly, does exclude these objects. As the Redlands is a coastal community, the listing of these objects in the examples would reduce potential ambiguity in interpretation of this provision.

OPTIONS

1. Make the section as drafted.
2. Amend drafting.

RECOMMENDATION

Amend drafting to include broken down or dilapidated boats or boat parts as an example of an object or material which may be considered unsightly.

Local Law No 3 (Community and Environmental Management)

Part 2 – Overgrown and unsightly allotments

13 – Unsightly objects, materials or vegetation

(1) - The responsible person for an allotment must not bring on to, allow to remain on, allow to accumulate on or place on an allotment any objects, materials or vegetation which, in the opinion of an authorised person, is unsightly or not in accordance with the amenity of the locality in which the allotment is located

TOTAL: 3

Grounds

Agree

Total Agree: 1

Facts & Circumstances

Overgrown properties can harbour snakes and rats

1

Disagree

Total Disagree: 2*

Facts & Circumstances

The owner of an allotment should not be held responsible for the acts of others who may use the allotment irresponsibly upon which to place their rubbish

1

The example, which includes “Overgrown vegetation that seriously affects the visual amenity of the allotment or is likely to attract or harbour reptiles”, is subjective and potentially deliberately destructive of the environment and ecosystems. Reptiles (snakes, lizards and turtles) are part of the Australian landscape and their habitat should be protected. Council must not use its local laws to pander to the few people with irrational fears

1

Natural vegetation should be excluded from this law. That is, the natural bush should never be declared visually unattractive or removed because some people fear Australian wildlife

1

This is open to interpretation by the authorised person, who may or may not be qualified in plant identification and the land owner

1

Bush blocks with native vegetation and wildlife habitat could be deemed overgrown and cleared

1

On the bay islands native vegetation is protected under local law No. 6, Vegetation Protection Orders

1

Reptiles are protected under the *Nature Conservation Act 1994*

1

Propose that this example read “overgrown non-native vegetation”, and that the reference to reptiles be dropped

1

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

COMMENT

Should illegal dumping occur on private property, it is up to the owner of the land to take their own legal action against the person/s who dumped the material.

It is not Council's intention to clear natural bushland through this local law provision. The section clearly sets out that it relates to "*any objects, materials or vegetation which in the opinion of an authorised person, is unsightly or not in accordance with the amenity of the locality in which the allotment is located*". The examples include "*overgrown vegetation that seriously affects the visual amenity of the allotment or is likely to attract or harbour reptiles*". The reference via an example to harbouring reptiles needs to be read in context of the overarching provision itself regarding the amenity of the locality of the allotment. The practical application of this provision relates to overgrown blocks adjacent to occupied homes and not natural bushland away from dwellings.

Authorised persons are trained (& experienced) in investigating and making decisions on behalf of Council for the good rule and governance of the City. Their decisions are also based on operational guidelines and procedures developed to support officers in making opinions and provide consistency and transparency in decision making.

At any time a member of the community can ask for clarification on an opinion or decision by Council. Should a person decide to challenge a decision based on an opinion, they can choose to have the matter heard through the legal system.

Council like all parties must comply with State, Federal and its own law requirements.

OPTIONS

1. Make the section as drafted.
2. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Local Law No 3 (Community and Environmental Management)

Part 2 - Overgrown and unsightly allotments

13 - Unsightly objects, materials or vegetation

(5) - In this section—vegetation includes a tree, bush, shrub, plant or grass, but does not include vegetation that is protected under a law⁹ of the State or Commonwealth or under the local government’s planning scheme

TOTAL: 1

Grounds

Agree

Facts & Circumstances

Total Agree: 0

Disagree

Facts & Circumstances

Total Disagree: 1

Reference to the possibility that vegetation might be protected under other laws and acts is unhelpful and encourages the continuing destruction of our natural bush. People expect the local laws to contain all necessary information

1

COMMENT

Council like all parties must comply with State, Federal and its own law requirements.

For practical, legal and administrative purposes it is standard practice in drafting legislation to make reference to other legislation where relevant.

OPTIONS

1. Make the section as drafted.
2. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Local Law No 3 (Community and Environmental Management)

Part 4 – Fires and fire hazards

15 – Fire hazards

(1) - This section applies where an authorised person forms the opinion that a fire hazard exists on an allotment

TOTAL: 1

Grounds

Agree

Facts & Circumstances

Total Agree: 0

Disagree

Facts & Circumstances

Total Disagree: 1

There should be a need for an authorised person to substantiate his opinion, not just form an opinion that a fire hazard exists. There are specific guidelines for measuring fire hazards. Particularly, the need to protect the environment and its ecosystems must be considered in accordance with Commonwealth, State and Local government legislation

1

COMMENT

Authorised persons are trained (& experienced) in investigating and making decisions on behalf of Council for the good rule and governance of the City. Their decisions are also based on operational guidelines and procedures developed to support officers in making opinions and provide consistency and transparency in decision making.

At any time a member of the community can ask for clarification on an opinion or decision by Council. Should a person decide to challenge a decision based on an opinion, they can choose to have the matter heard through the legal system.

Council like all parties must comply with State, Federal and its own law requirements.

OPTIONS

1. Make the section as drafted.
2. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Local Law No 3 (Community and Environmental Management)

Part 4 – Fires and fire hazards

15 – Fire hazards

(3) - In this section- fire hazard means (a) anything that, because of its flammable nature, its position or its quantity, exposes property to significant risk of damage or destruction by fire; or (b) a thing that is declared to be a fire hazard under a subordinate local law for this paragraph

TOTAL: 1

Grounds

Agree

Facts & Circumstances

Total Agree: 0

Disagree

Facts & Circumstances

Total Disagree: 1

This sub-section includes anything flammable. It does not define “property” which in usual usage means anything owned including natural bush. This local law should be rewritten to ensure the natural environment is protected unless its modification is essential to protect life and structures and the decision is based on specific guidelines and not irrational fears

1

COMMENT

It is not Council’s intention to clear natural bushland through this local law provision.

Authorised persons are trained (& experienced) in investigating and making decisions on behalf of Council for the good rule and governance of the City. Their decisions are also based on operational guidelines and procedures developed to support officers in making opinions and provide consistency and transparency in decision making.

OPTIONS

1. Make the section as drafted.
2. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Local Law No 3 (Community and Environmental Management)

Part 6 – Noise standards

20 – Prescribed noise standards

TOTAL: 1

Grounds

Agree

Total Agree: 1

Facts & Circumstances

Strong legislation is required to preserve our right to a peaceful home and a peaceful city

1

Disagree

Total Disagree: 0

Facts & Circumstances

COMMENT

No comment required.

OPTIONS

1. Make the section as drafted.
2. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Local Law No 3 (Community and Environmental Management)

Part 7 – Miscellaneous

21 – Prohibition on feeding native birds

TOTAL: 15

Grounds Agree	Total Agree: 14*
Facts & Circumstances	
The noise from the birds is unbearable	8
The droppings from the birds stain our house, yard and fences	7
Extend the prohibition to the feeding of all native birds (whether an environmental nuisance is caused or not) as regular feeding creates dependence. Should the feeding stop, the birds are likely to starve as they have lost their skill to forage for themselves	5
We cannot hang our washing on the clothes line	4
The neighbour's property is infested with rats which enter our premises	4
We are concerned about health risks from faeces, feathers and rats	3
The neighbour's property is infested with rats	2
Large numbers of possums and bats are also attracted to the food. The possums then fight over the food at night which disturbs our sleep	2
The cockatoos take the passionfruit from our vines and then eat them on our roof. The passionfruit casings then block our downpipes	2
The law should also include bats and possums	2
There are considerable issues regarding odours	2
Stray cats and larger birds of prey often kill the birds, leaving the remains in our yard	2
We have had to remove all trees from our yard	1
We are concerned re short and long term mental health issues to us and other neighbours from these issues	1
At times we cannot go into our yard through fear of being struck by flying birds	1
Mediation should be compulsory	1
Birds smash into our windows	1

There can be health issues due to large amounts of feed and bird droppings	1
Feeding native birds draws them from bush environments into populated areas that endanger the birds due to cars and domestic animals	1
Feeding birds causes noise nuisance to others especially early morning and late afternoon.	1
Feeding takes place at parks, reserves and footpaths, which are public spaces and should be respected	1
Corellas strip leaves from trees which eventually kills the trees	1
Feeding of parrots is damaging to their beaks	1
Queensland is a fauna and flora protected state	1
Feeding native birds is virtually holding them captive to the area	1

**Disagree
Facts & Circumstances**

Total Disagree: 1*

I live in a wooded area with abundant bird life which I often feed 2-3 times a week. Birds are one of the few species that we can help by feeding them roughage	1
We are constantly pushing wildlife out of the areas we want to live	1

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

COMMENT

The intent of this draft provision is to prohibit the feeding of native birds on premises in a way that causes or may cause a relevant environmental nuisance to premises in close proximity (light, noise, odour, particles or an unhealthy, offensive or unsightly condition because of contamination).

It is clear from the submissions that while very few people in the city would feed birds so as to cause an environmental nuisance, there are a few that do cause significant issues to the lives of those living nearby.

Matters dealing with the general feeding of native animals and subsequent effects on these animals are best dealt with by the Queensland Government under state nature conservation legislation.

OPTIONS

1. Make the section and schedule as drafted.
2. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Subordinate Local Law No.3 (Community and Environmental Management) 2014

Part 2 – Declared local pests

8 – Fire hazards-authorising local law, s15(3)(b)

(c) - dry vegetation that could be easily ignited or other flammable materials

TOTAL: 1

Grounds

Agree

Facts & Circumstances

Total Agree: 0

Disagree

Facts & Circumstances

Total Disagree: 1

This sub-section would specifically include natural bush. This local law should be rewritten to ensure the natural environment is protected unless its modification is essential to protect life and structures and the decision is based on specific guidelines and not irrational fears

1

COMMENT

It is not Council's intention to clear natural bushland through this local law provision.

Authorized persons are trained (& experienced) in investigating and making decisions on behalf of Council for the good rule and governance of the City. Their decisions are also based on operational guidelines and procedures developed to support officers in making opinions and provide consistency and transparency in decision making.

OPTIONS

1. Make the section as drafted.
2. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Subordinate Local Law No.3 (Community and Environmental Management) 2014

Schedule 3 - Prohibited fires

TOTAL: 1

Grounds

Agree

Total Agree: 1*

Facts & Circumstances

People burn paper, cardboard, grass, leaves, green wood and wattle in backyard fires all of which create a highly allergenic smoke	1
People don't put the fires out afterwards and leave them smouldering unattended, filling the neighbourhood with pungent smoke and posing a fire risk for long periods of time	1
People usually light the fires when the wind is blowing away from their own homes into neighbouring homes	1
The smoke irritates peoples' respiratory systems, causing colds and infections and lost productivity	1
The many asthma and allergy sufferers are severely affected by smoke, sometimes requiring hospitalisation	1
We have an ageing population who are advised to stay indoors during bush fires. The smoke from back yard fires is no different	1
The rubbish burnt off in back yards create an enormous volume of smoke and can cover a large area affecting many residents	1
The smoke from back yard fires can be toxic	1
Allowing back yard fires flies in the face of combating Global Warming and Greenhouse Gas Emissions	
Homes in Park Residential areas are close enough to each other to be affected by neighbouring smoke	1

Disagree

Total Disagree: 0

Facts & Circumstances

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

COMMENT

As an outcome of the December 2014 Councillor Workshop, the workshop has recommended that

the lighting of fires be prohibited on any allotment less than 10,000m².

OPTIONS

1. Make the section as drafted.
2. Amend drafting.

RECOMMENDATION

Amend drafting to prohibit the lighting of fires on allotments less than 10,000m².

Local Law No. 4 (Local Government Controlled Areas Facilities and Roads) 2014

Part 2 - Use of local government controlled areas, facilities and roads

5 - Prohibited and restricted activities

TOTAL: 1

Grounds

Agree

Facts & Circumstances

Total Agree: 0

Disagree

Facts & Circumstances

Total Disagree: 1*

Please consider the increasing conflict when walkways are shared with cyclists

1

Please consider potential conflict between wheeled recreational devices and residents walking and strolling

1

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

COMMENT

At this time, there appears no apparent need to develop local laws in the Redlands on this matter.

OPTIONS

1. Make the section as drafted.
2. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Local Law No. 4 (Local Government Controlled Areas Facilities and Roads) 2014

Part 2 - Use of local government controlled areas, facilities and roads

6 – Motor vehicle access to local government controlled areas.

(2) - For the purposes of Local Law No.1 (Administration) 2014, section 5 (b), it is a prescribed activity to bring a motor vehicle onto or drive a motor vehicle on any part of a local government controlled area that is not a motor vehicle access area

TOTAL: 1

Grounds

Agree

Total Agree: 1

Facts & Circumstances

Motorbike riding in bushland reserves must continue to be unlawful and strict enforcement is required

1

Disagree

Total Disagree: 0

Facts & Circumstances

COMMENT

Motorbikes are not permitted to be ridden in bushland reserves.

OPTIONS

1. Make the section as drafted.
2. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Subordinate Local Law No.4 (Local Government Controlled Areas Facilities and Roads) 2014

Schedule 1 - Prohibited activities for local government controlled areas or roads

5 - All parks and reserves within the local government area

TOTAL: 1

Grounds

Agree

Facts & Circumstances

Total Agree: 0

Disagree

Facts & Circumstances

Total Disagree: 1

Recreational riding such as cycling must stay on designated paths in Council bushland

1

COMMENT

Riding of push bikes is allowed on designated trails in Council reserves. There are provisions which prohibit causing damage to reserves. Good trail design and maintenance are the key elements to keeping cyclists on the designated trails.

OPTIONS

1. Make the section as drafted.
2. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Subordinate Local Law No.4 (Local Government Controlled Areas Facilities and Roads) 2014

Schedule 4 - Opening hours for local government controlled areas

TOTAL: 1

Grounds

Agree

Facts & Circumstances

Total Agree: 0

Disagree

Facts & Circumstances

Total Disagree: 1

This prevents persons from using a park or reserve as a thoroughfare after 10pm and before 4.00am, which may be the quickest, safest and easiest route to or from their residence

1

COMMENT

The closure of parks and reserves between 10pm and 4am daily predominately relates to potential issues regarding community safety and noise and other impacts on neighbouring areas. Issues relating to compliance action by Council during these times are also a factor.

OPTIONS

1. Make the section as drafted.
2. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Subordinate Local Law No.5 (Parking) 2014

Schedule 4 – Infringement notice penalty amounts for certain minor traffic offences

200 - TORUMS - stopping on roads - heavy and long vehicles

TOTAL: 1

Grounds

Agree

Total Agree: 1*

Facts & Circumstances

The parking of trucks in suburban streets is dangerous and unsightly and damages kerbing when trucks run up onto the verge

1

Commercial vehicles should park at their workplace, not freeload in suburbs

1

Disagree

Total Disagree: 0

Facts & Circumstances

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

COMMENT

The draft laws control the parking of heavy vehicles via the provisions of the *Transport Operations (Road Use Management) Act 1995*.

OPTIONS

1. Make the section as drafted.
2. Amend drafting.

RECOMMENDATION

Make the section as drafted.

Subordinate Local Law No.5 (Parking) 2014

Schedule 4 – Infringement notice penalty amounts for certain minor traffic offences

106(1)(b) - TORUMS - Parking a vehicle in a designated parking space for a time longer than the maximum time indicated on the official traffic sign installed for the space

TOTAL: 4

Grounds

Agree

Total Agree: 0

Facts & Circumstances

Disagree

Total Disagree: 4*

Facts & Circumstances

The penalty increase from \$50 to 1 penalty unit (\$113) is too much	2
There is insufficient untimed parking for Council employees in Cleveland, particularly those who arrive for work after 8.00am (e.g. working parents)	2
This will force Council employees to park more remotely in untimed parking areas to avoid the higher penalty, which has potential safety issues for employees leaving in failing light or darkness. This situation is amplified as there is insufficient lighting in the Cleveland CBD	2
This will be seen as simple revenue raising and lead to an adverse view of Council	2
This will make the fine for parking one of the highest	1
The fine should be no higher than 50% of a penalty unit	1
The fine will be slightly more than double the current penalty	1

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

COMMENT

As an outcome of the December 2014 Councillor Workshop, the workshop has recommended that penalty unit amounts equivalent to 1 penalty unit be reduced to 0.7 penalty units for parking with all other penalty unit amounts to reduce accordingly on a pro-rata basis.

OPTIONS

1. Make the section and schedule as drafted.
2. Amend drafting.

RECOMMENDATION

Amend drafting to reduce penalty unit amounts from 1 penalty unit to 0.7 penalty units or pro-rata equivalent.

Outside – Matters raised outside this local law making process

TOTAL: 28*

Grounds

Other

Facts & Circumstances

Legislation should focus on the Greyhound racing industry to prevent the creation of potentially dangerous dogs to reduce the need to muzzle	5
Change the law which limits transport to the Southern Moreton Bay Islands from “waterborne transport only” to “various transport accessibility”	2
Bring the rating categories for the Southern Moreton Bay Islands to be in line with that of the mainland, Coochiemudlo Island and North Stradbroke Island	2
I am concerned about the continuous development of natural habitats	2
Change the ruling that prohibits driving on the beach on North Stradbroke Island between one hour before and one hour after high tide, to allow tour operators to use the beaches at this time	1
The footpaths and conservation areas off Fletcher Street Ormiston have vehicles and accumulations left on them and are overgrown	1
The levies for passenger transport to the Southern Moreton Bay Islands are not equitable	1
In Shore Street East there are several allotments in a row that are overgrown and have been for many years	1
The planning scheme’s housing policy does not address the need of senior citizens who need to downsize or to move closer (walking distance) from shops and amenities	1
The future of car parking facilities in Cleveland has not been addressed	1
Public transport and the public need for transport services does not feature in the review	1
There are a number of overhanging branches from trees on private property which affect pedestrian access on the Eastern footpath on Main Rd Wellington Point, between the shops and the point	1
Disagree with the new laws regarding koala habitat reduction	1
What is the point of Council spending a fortune on koala signage when Council allows the clearing of vast tracts of land for urban development?	1
We are losing our koalas from a high number of factors including development loss of wildlife corridors, domestic dogs and cats and disease brought upon by stress; and unfriendly legislation developed	1

Instead of National Parks and Wildlife euthanizing female koalas with ovarian cysts, Council could create an understanding with the State to create a sanctuary in the Redlands (possibly NSI) where dogs are under more control, these koalas could have their ovaries removed and rehabilitated to join wild koalas in the sanctuary	1
Developers have first preference over everything, including defenceless koalas' habitats	1
We should be demanding that the land put aside as koala habitat cannot be developed, thus ensuring their continual survival and they also need secure pathways between the fragmented land pieces, so that they can continue to mate without being inbred	1
The development of Toondah Harbour will both destroy the seagrass and introduce extra boats which will endanger dugongs	1
Increase publicity and community awareness of the local laws through "good neighbouring campaigns"	1
Please consider requirements associated with keeping and selling of exotic species of animals (fish, lizards, snakes, spiders, etc)	1
Please consider the increasing congestion in suburban streets because of insufficient parking provided by units and in-fill development	1
Save the Ormiston koala trees	1
Speed zones that recognise the inability of drivers to quickly recognise koalas crossing roads is mandatory	1
Ensure the planning scheme maximizes koala protection	1
Council could increase the number of all day parking spaces in the Cleveland CBD	1
The compliance notices sent to the Bay islands should contain a reference to the vegetation protection order over the islands	1
Strengthen Local Law No. 6 Vegetation Protection to protect koala trees	1
Dogs kept in an approved kennel should be exempt from registration, as the operator pays licence fees for the kennel approval and the keeping of these dogs is undertaken under specific approval conditions	1
Reduce the fees associated with signage approvals	1
Provide an online application process for signage approvals	1
Extend the terms for signage approvals	1
The suppliers of electronic graphic displays should sign a code of best practice	1

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



Redland
CITY COUNCIL

Redland City Council

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



Redland City Council

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

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2015*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2015* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2015* (the **authorising local law**).

4 Definitions

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

Part 2 Approval for prescribed activity

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

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

section 2 of schedule 1.

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

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

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

Part 3 Application to State-controlled roads

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

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

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

Section 5

1. Prescribed activity

Alteration or improvement to local government controlled areas and roads.

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

(1) An approval under the authorising local law is not required for vegetation maintenance by a person on a footpath or nature strip immediately adjacent to the person's property provided the maintenance is not likely to create a risk to the safety of pedestrian or vehicular traffic.

(2) In this section *vegetation maintenance* means—

(a) mowing, slashing or edging grass; and

(b) weeding or watering grass.

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

(1) Full details of the proposed alteration or improvement including plans and specifications.

(2) Details of all building work and other work to be carried out under the approval.

(3) Details of the time and place at which the prescribed activity will be undertaken.

(4) The proposed term of the approval.

(5) The impact, if any, of the prescribed activity on pedestrian or vehicular traffic.

(6) The materials, equipment and vehicles to be used in the undertaking of the prescribed activity.

(7) Plans and specifications detailing—

(a) the relevant part of the local government controlled area or road that is to be used for the undertaking of the prescribed activity; and

(b) the proposed location of each structure and item of equipment to be used in the undertaking of the prescribed activity; and

(c) the type and location of any utility, service or infrastructure to be used in the undertaking of the prescribed activity.

- (8) If the prescribed activity is the removal of a tree or other vegetation from a footpath—details of the reason for requesting the removal of the tree or other vegetation from the footpath.

4. Additional criteria for the granting of an approval

The alteration or improvement must not—

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

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions of an approval may—
- (a) require compliance with specified safety requirements; and
 - (b) regulate the time within which the alteration or approval must be carried out; and
 - (c) specify standards with which the alteration or improvement must comply; and
 - (d) require the approval holder to—
 - (i) carry out specified additional work such as earthwork and drainage work; and
 - (ii) take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before commencement of the alteration or improvement; and
 - (iii) give the local government specified indemnities; and
 - (iv) maintain structures erected or installed, or vegetation planted,

- under the approval, in good condition; and
- (v) remove a structure erected or installed, under the approval, at the end of a stated period; and
 - (vi) exhibit specified signage warning about the conduct of the prescribed activity.
- (2) The conditions of an approval may require the approval holder to take specified measures to—
- (a) prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and
 - (b) prevent loss of amenity or nuisance resulting from the undertaking of the prescribed activity; and
 - (c) ensure that the undertaking of the prescribed activity does not cause unsafe movement or obstruction of vehicular or pedestrian traffic.

7. Term of an approval

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

8. Term of renewal of an approval

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

Table 1 – Third party certification

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

Schedule 2 Categories of approval that are non-transferable

Section 6

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

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

Section 7

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

DRAFT

Schedule 4 Dictionary

Section 4

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

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

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

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

DRAFT

Certification

This and the preceding 9 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Areas and Roads) 2015* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the day of , 2015.

.....
Chief Executive Officer

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**DRAFT Subordinate Local Law No. 1.3
(Establishment or Occupation of a
Temporary Home) 2015**



Redland City Council

Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2015

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2015*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2015* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2015* (the **authorising local law**).

4 Definitions

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

Part 2 Approval for prescribed activity

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

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

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

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

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

Schedule 1 Establishment or occupation of a temporary home

Section 5

1. Prescribed activity

Establishment or occupation of a temporary home

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

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

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

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

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

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

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

4. Additional criteria for the granting of an approval

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

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

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

7. Term of an approval

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

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

8. Term of renewal of an approval

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

Table 1 – Third party certification

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

Schedule 2 Categories of approval that are non-transferable

Section 6

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

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Schedule 3 Dictionary

Section 4

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

DRAFT

Certification

This and the preceding 9 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2015* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the day of , 2015.

.....
Chief Executive Officer

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Redland
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Redland City Council

**DRAFT Subordinate Local Law No. 1.4
(Installation of Advertising Devices)
2015**



Redland City Council

Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2015

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2015*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2015* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2015* (the **authorising local law**).

4 Definitions

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

Part 2 Approval for prescribed activity

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

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

of schedule 1.

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

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

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

Part 3 Application to State-controlled roads

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

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

Note

The display of an advertising device which is placed on, or visible from, a State-controlled road may—

- (a) be regulated under the Roadside Advertising Guide of the Department of Transport and Main Roads;*
and
- (b) also require an approval from the Department.*

Schedule 1 Installation of advertising devices

Section 5

1. Prescribed activity

Installation of advertising devices.

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

(1) An approval is not required under the authorising local law for the prescribed activity if the activity is the installation, erection or display of a permitted advertisement that is visible from a road or other public place.

(2) Also, an approval is not required under the authorising local law for the prescribed activity if—

(a) under the planning scheme of the local government, the prescribed activity is identified as—

- (i) self assessable development; or
- (ii) code assessable development; or
- (iii) impact assessable development; and

(b) the advertising device is installed, erected and displayed in accordance with the general criteria specified in schedule 4, sections 3 to 6 inclusive.

(3) A *permitted advertisement* is an advertising device that is visible from a road or other public place which is—

(a) defined in schedule 3; and

(b) installed, erected and displayed in accordance with—

- (i) the prescribed criteria specified in schedule 3; and
- (ii) the general criteria specified in schedule 4; and
- (ii) the zone categorization criteria specified in schedule 5.

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

(1) Full details of the proposed advertising device including—

(a) the name and address of the premises at which the proposed advertising device will be installed; and

(b) the name and address of the person responsible for the installation of the advertising device; and

(c) the name and address of any business which will be advertised on the advertising device.

(2) Details of all building work and other work to be carried out under the approval.

(3) Details of the time and place at which the prescribed activity will be undertaken.

(4) The proposed term of the approval.

(5) The impact, if any, of the prescribed activity on pedestrian or vehicular traffic.

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

4. Additional criteria for the granting of an approval

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

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

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

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

7. Term of an approval

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

8. Term of renewal of an approval

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

Schedule 2 Categories of approval that are non-transferable

Section 6

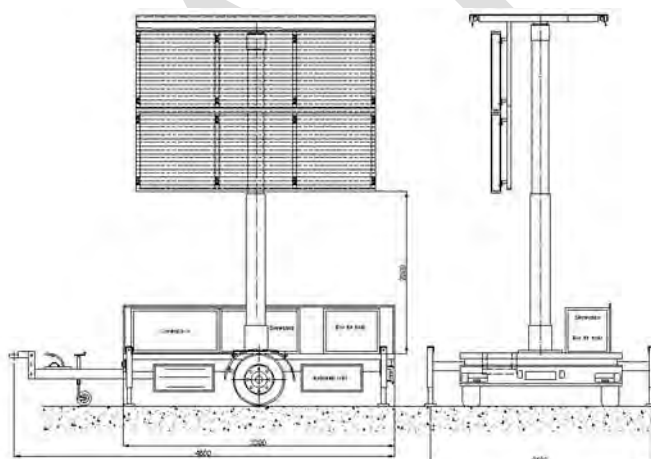
Every approval for the prescribed activity named in schedule 1, section 1 is non-transferable.

DRAFT

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

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

1 Animated sign



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

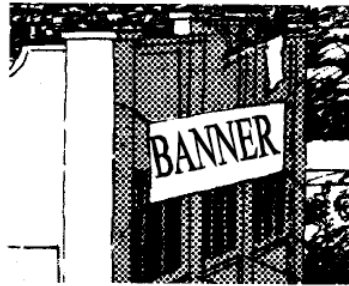
- (f) not be visible from premises used for a residential purpose.

2 Balloon, blimp, kite or cold air inflatable sign



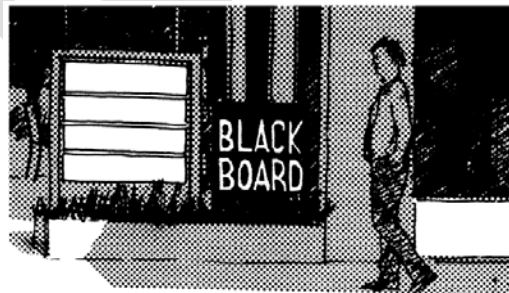
- (1) ***Balloon, blimp, kite or cold air inflatable sign*** means any fixed or captive envelope, balloon, blimp, or kite, whether a cold air inflatable or lighter than air device.
- (2) The criteria prescribed for a balloon, blimp, kite or cold air inflatable sign at premises are that the sign must—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

3 Banner sign



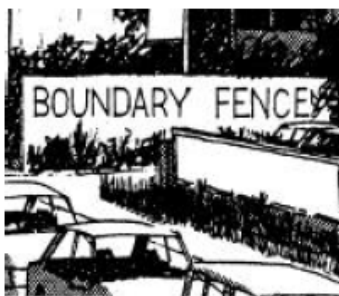
- (1) A **banner sign** is a temporary sign intended to be suspended from a structure or pole with or without supporting framework displaying a sign applied or painted to fabric or similar material of any kind.
- (2) The criteria prescribed for a banner sign are that the sign must—
 - (a) not be illuminated; and
 - (b) not have a face area in excess of 2.4m²; and
 - (c) only be displayed for a maximum period of 14 days within any 90 day period; and
 - (d) be affixed flat to a structure that will accommodate wind loadings for the area; and
 - (e) not be affixed to a tree, street light pole or power pole; and
 - (f) not be erected above the gutter line or on the roof of a building.
- (3) Also, a limit of only 1 banner sign per street frontage for any premises may be displayed.

4 Blackboard sign



- (1) A **blackboard sign** is a mobile blackboard, whiteboard or the like with a hand written message.
- (2) The criteria prescribed for a blackboard sign are that the sign must not have a face area in excess of 2.0m².
- (3) Also, a limit of only 1 blackboard sign per shop front or 10 metres of linear shop frontage, whichever is the greater, may be displayed.

5 Boundary fence sign



- (1) A **boundary fence sign** is a sign painted or otherwise affixed to a fence that has been designed to permanently delineate or identify a boundary alignment or enclosure.
- (2) The criteria prescribed for a boundary fence sign are—
 - (a) the sign must not be illuminated; and
 - (b) the whole of the sign must be contained within the fence outline; and
 - (c) the size and form of the sign must be in scale and proportion with the fence on which it is displayed and must not have a face area in excess of 20m² or 30% of the fence, whichever is the greater; and

Note

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

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

6 Bunting sign



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

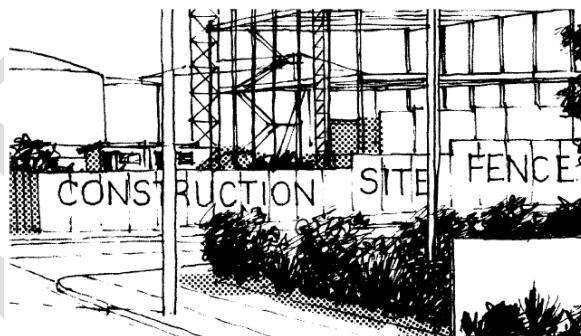
boundary of the premises.

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

7 Construction project sign

- (1) **Construction project sign** is a sign which conveys information relating to the nature of the development project proposed for a site as well as the name and contact details of the developer and their principal consultants.
- (2) The criteria prescribed for a construction project sign are that the sign must—
 - (a) not be illuminated; and
 - (b) not have a face area in excess of—
 - (i) 5m² in an industrial zone or a centre zone; or
 - (ii) 2.5m² in all remaining zone category areas; and
 - (c) relate to a current development permit; and
 - (d) be removed upon completion of construction at the site.
- (3) Also, only 1 construction project sign per street frontage may be displayed.

8 Construction site fence sign



- (1) A **construction site fence sign** is a sign painted or otherwise affixed parallel with and confined to the limits of a temporary safety fence of a construction site, along the boundary or boundaries of the site.
- (2) The criteria prescribed for a construction site fence are that the sign must—
 - (a) not be illuminated; and
 - (b) only contain information related to the project under construction, for example, the project name, project slogan, project developer, construction company, proposed uses and completion date; and
 - (c) not have a face area in excess of 1m² for each metre of the length of the fence to which it is affixed, except for residential zone category areas where the face area must be limited to a maximum of 20% of the length of the fence; and

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

9 Community organisation site sign

- (1) A *community organisation site sign* is a sign which is displayed at the site of a fete, fair, festival or other similar event for the primary purpose of advertising the fete, fair, festival or other similar event.
- (2) The criteria prescribed for a community organisation site sign are that the sign must—
 - (a) not be illuminated; and
 - (b) only be displayed for a maximum period of 30 days prior to the event advertised; and
 - (c) not have a face area in excess of—
 - (i) 2.5m² in a residential zone; or
 - (ii) 5m² in all remaining zone category areas; and
 - (d) be removed within 2 days of the event finishing; and
 - (e) not exceed, in number, 2 community organisation site signs per street frontage.

10 Directional community organisation sign

- (1) A *directional community organisation sign* is a sign which while not displayed at the site of a fete, fair, festival or other similar event, has the primary purpose of directing the public to the fete, fair, festival or other similar event.
- (2) The criteria prescribed for a directional community organisation sign are that the sign must—
 - (a) not be illuminated; and
 - (b) not have a face area in excess of 0.6m² when placed on a road or public place; and
 - (c) not have a face area in excess of 2.4m² when placed on private property; and
 - (d) only be displayed for a maximum period of 14 days prior to the event advertised on the sign and be removed within 2 days of the event finishing; and

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

11 Display home sign



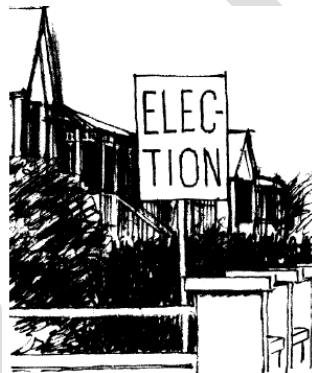
- (1) A *display home sign* is a sign which advertises a display home.
- (2) The criteria prescribed for a display home sign are that the sign must—
 - (a) not be illuminated; and
 - (b) only be displayed on premises with a lawfully approved display home; and
 - (c) only be displayed for a maximum period of 12 months; and
 - (d) not have a face area in excess of 2.4m²; and
 - (e) only be located on the premises of the display home advertised on the sign; and
 - (f) not exceed, in number, 1 display home sign per premises.

12 Election polling place sign

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

- (2) The criteria prescribed for an election polling place sign are that the sign must—
 - (a) not be illuminated; and
 - (b) not have a face area in excess of 1.2m², but may be double-sided; and
 - (c) be located adjacent to the polling place; and
 - (d) only be exhibited while the polling place is continually occupied by a person taking responsibility for the sign; and
 - (e) be sited so as not to cause unsafe movement or obstruction of pedestrian or vehicular traffic, including complying with applicable parts of schedule 4; and
 - (f) not constitute a safety hazard.
- (3) Also, no continuous signage device may be exhibited on a road or other public place.

13 Election sign

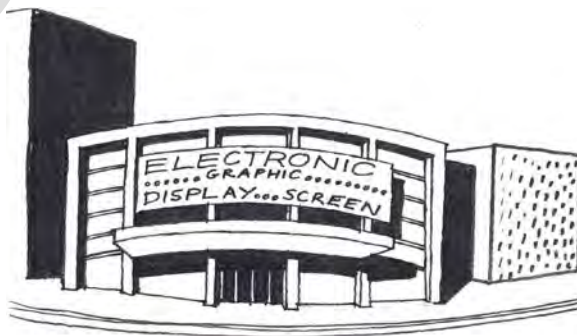


- (1) An *election sign* is a temporary sign advertising a political candidate or candidates, a registered political party, or a campaign for a Commonwealth, State, or Local Government election—
 - (a) during an election campaign; or
 - (b) in relation to a referendum.
- (2) The criteria prescribed for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

14 Election stall sign

- (1) An *election stall sign* is an election sign which—
 - (a) is on a roadway, footway or public space; and
 - (b) is in the direct control of a person; and
 - (c) is located within 6m of an election stall.
- (2) The criteria prescribed for an election stall sign are that the sign must—
 - (a) not be illuminated; and
 - (b) not have a face area in excess of 1.2m², but may be double-sided; and
 - (c) for each election stall—
 - (i) be integrated with the stall or be stand-alone in the form of a footway sign or a sign mounted on 1 or more vertical supports; and
 - (ii) not exceed, in number, 4 election stall signs, whether stand-alone (such as a footway sign) or integrated with the stall, or any combination of these options; and
 - (iii) be located no more than 6m from the stall; and
 - (iv) be exhibited only while the stall is continually occupied by the person taking responsibility for the stall; and
 - (d) be sited so as not to cause unsafe movement or obstruction of pedestrian or vehicular traffic, including complying with applicable parts of schedule 4; and
 - (e) not constitute a safety hazard.
- (3) Also, no continuous signage device may be exhibited on a road or other public place.

15 Electronic graphic display screen

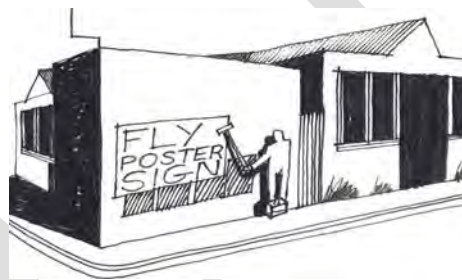


- (1) An *electronic graphic display screen* is a sign with light emitting diode (LED) technology and associated technology and software, capable of producing still

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

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

16 Fly poster sign



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

17 Footway sign

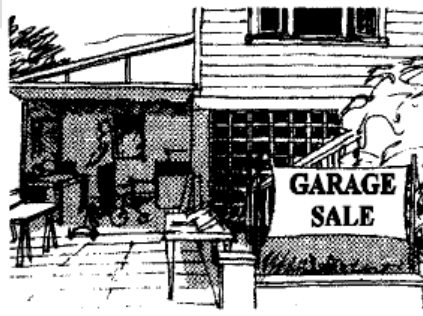
- (1) *Footway sign* is a portable, freestanding sign, normally supported by an 'A' or inverted 'T' frame, and typically displayed on a footway.
- (2) The criteria prescribed for a footway sign are that the sign must—
 - (a) not be illuminated; and
 - (b) not have a width in excess of 0.75m or a height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

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

Example-

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

18 Garage sale sign



- (1) A **garage sale sign** is a sign of a temporary nature which—
 - (a) advertises a garage sale; and
 - (b) is displayed for directional purposes.
- (2) The criteria prescribed for a garage sale sign are that the sign must—
 - (a) not be illuminated; and
 - (b) not have a face area in excess of 0.6m²; and

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

19 Illuminated sign

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

20 Mobile sign



- (1) A *mobile sign* —
 - (a) is a temporary portable self supporting sign which is free-standing and may be mounted on wheels to facilitate movement; but
 - (b) does not include a footway sign or a real estate sign.
- (2) The criteria prescribed for a mobile sign are that the sign must—
 - (a) not be illuminated.
 - (b) not have a face area in excess of 2.5m² per side; and
 - (c) if the sign advertises a particular shop or business—identify the shop or business; and

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

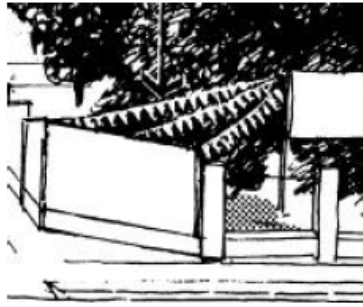
21 Motor vehicle sign

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

22 Public infrastructure sign

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

23 Real estate land promotional sign



- (1) A *real estate land promotional sign* is a sign which is displayed for the primary purpose of the promotion or sale of land within an industrial or residential estate or development.
- (2) The criteria prescribed for a real estate land promotional sign are that the sign must—
 - (a) not have a face area in excess of 20m² per side, with a maximum of 2 sides; and
 - (b) not have a height in excess of 5m; and
 - (c) if the sign is displayed on premises in an area used for residential purposes—not detrimentally impact the visual amenity of the area; and
 - (d) not be erected so as to expose the back view of the sign structure to a road or other public place; and
 - (e) not be erected on a street front boundary along which another real estate land promotional sign or pylon sign is erected, unless those signs are located at least 60m apart; and
 - (f) not be located within 2.5m of any boundary of the premises on which the sign is located; and
 - (g) be displayed on a temporary basis only, so as to enable consideration of the continued appropriateness of the sign as the estate develops; and
 - (h) not be displayed in a built-up residential area.

24 Real estate sign



- (1) A *real estate sign*—

- (a) is a temporary sign which promotes the sale, auction, lease or letting of premises; and
 - (b) includes a real estate directional sign and a real estate flag sign.
- (2) The criteria prescribed for a real estate sign (other than a real estate directional sign and real estate flag sign) are that the sign must—
- (a) not be illuminated; and
 - (b) not result in the unsafe movement or obstruction of pedestrian or vehicular traffic; and
 - (c) be located along the street front boundary; and
 - (d) if located on a public place or road—be located within 1m of the fence line or boundary line of the premises; and
 - (e) not have a face area in excess of 1.2m², but may be double-sided; and
 - (f) not exceed, in number, 1 real estate sign for each agent marketing the premises up to a maximum of 3 signs; and
 - (g) be removed within 14 days after the sale of the premises advertised on the sign; and
 - (h) be kept erect and maintained in a good state of repair at all times.
- (3) As an alternative to subsection (2)(f), an advertiser may display 1 sign having a face area not exceeding 2.4m² at the premises.

Note

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

- (4) A **real estate directional sign** is a temporary orientation sign erected on a road for the purpose of directing persons to real estate which is being—
- (a) offered for sale by auction; or
 - (b) open for public inspection.
- (5) The criteria prescribed for a directional real estate sign are that the sign must—
- (a) not exceed, in number, 4 signs per premises advertised; and
 - (b) not have a face area in excess of 0.6m²; and
 - (c) only be displayed on the day on which the premises are open for public inspection or offered for sale by auction; and
 - (d) be located within a 2km radius of the premises; and
 - (e) be displayed in accordance with the general criteria specified in schedule 4, including siting requirements when placed on a road or a public place.
- (6) Also, the advertiser must have in effect and maintain a public liability insurance policy in an amount not less than \$20,000,000.00 against claims for personal injury and property damage resulting from the display of the sign.
- (7) A **real estate flag sign** is a temporary flag that is erected for the purposes of identifying real estate when—

- (a) the real estate is open for public inspection; or
 - (b) an auction of the real estate is occurring.
- (8) The criteria prescribed for a real estate flag sign are that the sign must—
- (a) not exceed, in number, 1 sign per premises; and
 - (b) not have a face area in excess of 1.5m²; and
 - (c) only be displayed during the times when the premises are open for public inspection or being auctioned.
- (9) Also—
- (a) the sign may be displayed on the verge between the premises and the road pavement providing—
 - (i) the sign is affixed securely to remain safe in the prevailing weather conditions; and
 - (ii) if secured by the wheel of a registered vehicle, the sign must not be placed on the road side of the vehicle and the vehicle must be lawfully parked; and
 - (b) the advertiser must have in effect and maintain a public liability insurance policy in an amount not less than \$20,000,000.00 against claims for personal injury and property damage resulting from the display of the sign.

25 Social and welfare sign



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

Example—

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

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

26 Statutory sign



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

Examples—

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

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

27 Third party advertising sign

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

28 Trade sign



- (1) A **trade sign** is a temporary sign which displays a trade person's activity on premises, (e.g. the activities of a painter or a tiler).
- (2) The criteria prescribed for a trade sign are that—
 - (a) a maximum of 1 sign may be displayed on any premises; and
 - (b) the sign—
 - (i) must only advertise the trade person's name, contact number and internet web address; and
 - (ii) must not have a face area in excess of 0.6m²; and
 - (iii) may only be displayed at premises for the duration of the trade person's activity on the premises.

29 Unclassified/special case sign

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

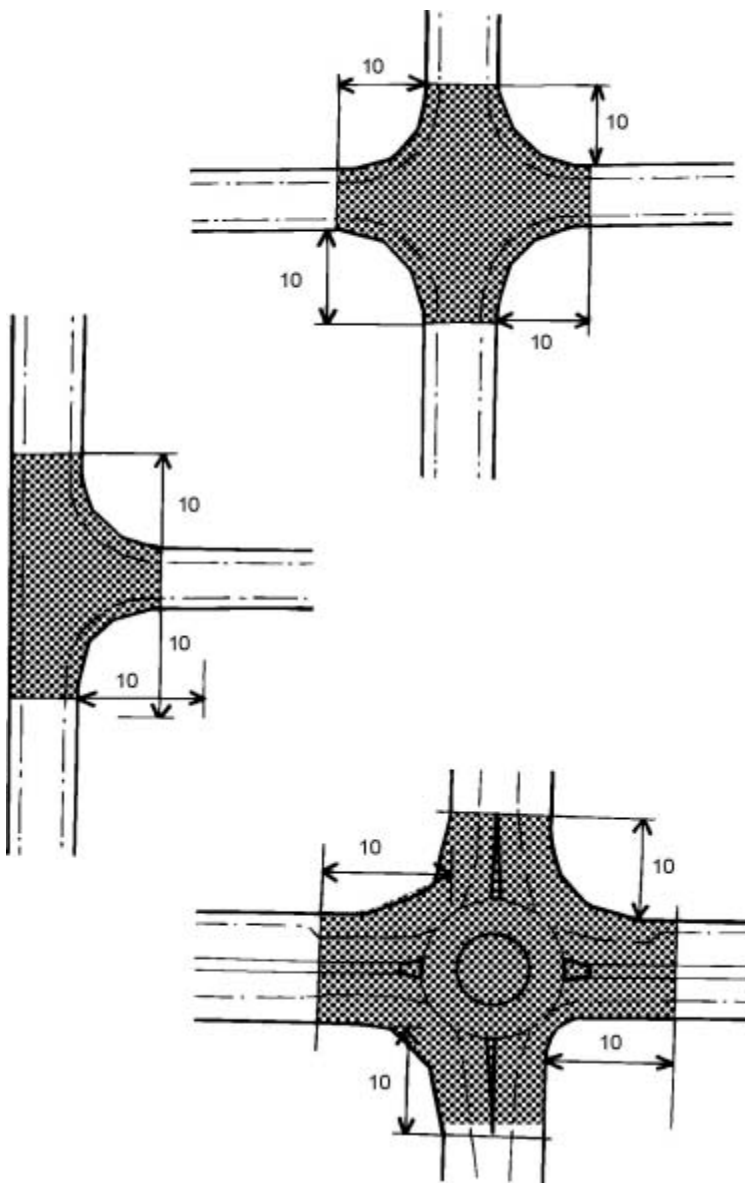
Schedule 4 General criteria for installation, erection and display of advertising devices

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

1. This schedule specifies general criteria for the installation, erection and display of advertising devices.
2. The advertising device must not be erected on a road or a public place unless otherwise permitted by this subordinate local law.
3. The advertising device must—
 - (a) not display third party advertising unless otherwise permitted by this subordinate local law; and
 - (b) not cause a nuisance as reasonably determined by the local government; and
 - (c) be kept and maintained at all times in good order and repair, and free of graffiti.
4. The activity being advertised on the advertising device must be able to be lawfully conducted on the premises on which the advertising device is installed, erected or displayed.
5. The display of the advertising device must not cause obstruction of, or distraction to, pedestrian or vehicular traffic.
6. An advertising device mounted over a road or other place where vehicles are able to pass, must provide a clearance of not less than 5.7m above ground level directly adjacent to the advertising device.
7. This schedule also specifies the criteria that the local government must have regard to when deciding whether to approve the display of a free-standing advertising device by reference to the size of the advertising device.
8. The face area of any advertising device is the area bounded by the framework of a manufactured panel, hoarding or illuminated advertising device case and is calculated by multiplying the advertising device face area height and width parameters.
9. However, in the case of lettering, logos or designs applied to a lesser area than the panel parameters, or individual lettering applied to a wall or awning face, the area is calculated by drawing a rectangle around the advertising device lettering.
10. In the case of irregular shaped advertising devices, including words with ascending or descending upper or lower case letter strokes, or replicas or shapes, the face area is calculated by not more than 2 abutting and non-overlapping rectangles added together.
11. Decorative lines, stripes and architectural trims of an advertising device, whether illuminated or not, form part of the face area of the advertising device.
12. In calculating the size of an advertising device, v-shaped advertising devices are classed as 2 advertising devices unless otherwise determined by this subordinate local law.
13. The maximum face area for a free-standing advertising device is 22.5m².
14. The maximum allowable height for a free-standing advertising device is 7.5m.
15. An advertising device must not to be installed, erected or displayed on any of the following locations—

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

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



All measurements in figure 1 are in shown in metres.

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

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

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

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

Zone categorization for advertising devices

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

Permitted Sign = ✓

Approval Required Sign = ●

Prohibited Sign = ×

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

Section 7

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

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Schedule 7 Dictionary

Section 4

animated sign see schedule 3 section 1.

advertiser means a person—

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

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

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

banner sign see schedule 3, section 3.

blackboard sign see schedule 3, section 4.

boundary fence sign see schedule 3, section 5.

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

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

bunting sign see schedule 3, section 6.

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

community organisation site sign see schedule 3, section 9.

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

construction project sign see schedule 3, section 7.

construction site fence sign see schedule 3, section 8.

directional community organisation sign see schedule 3, section 10.

display home sign see schedule 3, section 11.

election polling place sign see schedule 3, section 12.

election sign see schedule 3, section 13.

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

distributed.

election stall sign see schedule 3, section 14.

electronic graphic display screen see schedule 3, section 15.

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

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

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

fly poster see schedule 3, section 16.

footway sign see schedule 3, section 17.

free-standing sign —

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

garage sale sign see schedule 3, section 18.

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

illuminated sign, see schedule 3, section 19.

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

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

mobile sign see schedule 3, section 20.

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

motor vehicle sign see schedule 3, section 21.

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

occupier, of premises—

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

other category see schedule 3 section 25.

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

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

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

polling place means—

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

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

public infrastructure sign see schedule 3, section 22.

public place has the meaning given in the Act.

rateable land has the meaning given in the Act.

real estate land promotional sign see schedule 3, section 23.

real estate sign see schedule 3, section 24.

road has the meaning given in the Act.

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

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

sign see advertising device.

social and welfare sign see schedule 3, section 25.

statutory sign see schedule 3, section 26.

street front boundary —

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

structure has the meaning given in the Act.

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

third party advertising sign, see schedule 3, section 27.

trade sign see schedule 3, section 28.

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

unclassified/special case sign see schedule 3, section 29.

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

Certification

This and the preceding 36 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2015* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the day of , 2015.

.....
Chief Executive Officer

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



Redland City Council

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

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2015* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2015* (the **authorising local law**).

4 Definitions

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

Part 2 Approval for prescribed activity

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

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

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

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

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

Part 3 Application to State-controlled roads

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

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

Schedule 1 Operation of temporary entertainment events

Section 5

1. Prescribed activity

Operation of temporary entertainment events.

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

The opening to the public, or the preparation for opening to the public, of a temporary entertainment event if—

- (a) the opening to the public constitutes development under the Planning Act, for example, the use of an indoor recreation facility under the planning scheme of the local government; or
- (b) the entertainment event is undertaken on a local government controlled area or a road and is only open to a maximum of 500 persons; or
- (c) the entertainment event is undertaken on a place other than a local government controlled area or a road.

Note

To protect public health and safety, temporary entertainment events that do not need an approval, should follow the Redland City Council Event Information Kit.

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

- (1) A plan of the place of the temporary entertainment event which details—
 - (a) the boundaries of the place; and
 - (b) the water supply system for the place; and
 - (c) the position of each waste container at the place; and
 - (d) each advertising device proposed to be installed, erected or displayed about the operation of the temporary entertainment event at the place; and
 - (e) the sewerage system for the place, including the position of each sanitary convenience at the place; and
 - (f) the nature and position of each installation at the place which is to be used for the preparation or sale of food.
- (2) Details and drawings of buildings and other structural elements of the place of the temporary entertainment event.
- (3) A detailed statement of the nature of the entertainment to be provided at the place of the temporary entertainment event and when the place is to be open to the public.
- (4) If the applicant is not the owner of the place of the temporary entertainment event—the written consent of the owner of the place.

- (5) The dates and times during which the temporary entertainment event is to be undertaken.
- (6) The expected attendance rate for the temporary entertainment event.
- (7) The street address, real property description and details of the owner of the place where the temporary entertainment event is to be undertaken.
- (8) The name, street address, telephone number, facsimile number and email address of each person and business who will operate the temporary entertainment event.
- (9) If requested—a copy of each policy of insurance of the applicant which is applicable to the undertaking of the prescribed activity including, without limitation, a public liability insurance policy which provides indemnity for each individual occurrence in an amount not less than \$20,000,000.00.
- (10) If requested—an event management plan which details proposed arrangements for each of the following—
 - (a) consultation with key stakeholders; and
 - (b) notification of the event to the surrounding residents, including contact details for the nominated responsible person under section 4(7); and
 - (b) cleaning and sanitation; and
 - (c) noise management, including audio equipment; and
 - (d) waste and recycling; and
 - (e) catering services with food safety program for each service; and
 - (f) toilet and wash basin adequacy; and
 - (g) drinking water quality and supply; and
 - (h) security services; and
 - (i) emergency response; and
 - (j) traffic management; and
 - (k) risk management strategy; and
 - (l) fire response; and
 - (m) camping controls including shower and ablutions facilities and medical responses (if applicable); and
 - (n) copies of applicable approvals and certifications, for example—
 - (i) a permit under the *Liquor Act 1992* if the consumption of liquor is permitted ; and
 - (ii) a fire safety audit report conducted in accordance with AS 4655 – Fire Safety Audits, taking into account—
 - (A) AS 2444 – Portable fire extinguishers and fire blankets – selection and location; and
 - (B) AS 2293 – Emergency escape lighting and exit signs; and
 - (C) AS 1851 – Maintenance of fire protection system and equipment; and

- (iii) a report from an approved electrical contractor, taking into account—
 - (A) AS/NZS 3760 - In-service safety inspection and testing of electrical equipment; and
 - (B) AS/NZS 3001 - Transportable structures and vehicles including their sites; and
 - (iv) a certified structural safety report for all temporary construction work; and
 - (v) a fireworks licence issued by the Department of Environment and Resource Management; and
 - (vi) a certificate for each amusement ride issued by Workplace Health and Safety Queensland; and
 - (vii) a current public liability insurance certificate; and
 - (viii) a temporary food business licence issued under the *Food Act 2006*; and
 - (ix) a public open space booking; and
 - (x) traffic control permit.
- (11) An application for an approval for the prescribed activity, and all documents and materials that must accompany an application for an approval, must be made to the local government at least 6 weeks prior to the date of commencement of the proposed entertainment event identified in the application.

Note

Redland City Council Temporary Entertainment Events Policy, Guideline and Information Kit provides guidance on application processes for temporary entertainment events and compliance with this subordinate local law.

4. Additional criteria for the granting of an approval

- (1) The design and construction of the place of the temporary entertainment event must be safe and appropriate to the nature of the entertainment proposed and the number of people expected to attend the place.
- (2) Entertainment of the kind proposed must not unreasonably detract from the amenity of the area in which the entertainment is, or is proposed to be, situated.
- (3) Entertainment provided at the place must not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood.
- (4) There must be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public.
- (5) Adequate provision must exist for the disposal of waste generated by the use of the place for the temporary entertainment event.
- (6) Adequate provision must exist for people and (if relevant) vehicles to enter and leave the place of the temporary entertainment event.

- (7) The applicant for the approval must nominate a person who is responsible for —
- (a) ensuring compliance with the authorising local law before, during and after the event; and
 - (b) handling general complaints which may be received; and
 - (c) liaising and communicating with the local government or an authorised person.
- (8) The operation of the temporary entertainment event must be lawfully conducted on the place identified in the application.
- (9) If the temporary entertainment event involves the use of 1 or more animals and is to be held on a local government controlled area, the use of animals must be in accordance with any applicable guideline or policy of the Royal Society for the Prevention of Cruelty to Animals (RSPCA) Australia.

5. Conditions that must be imposed on an approval

The approval holder must—

- (a) display the approval in the manner, and at the locations, specified by the local government; and
- (b) produce the approval for inspection by an authorised person on demand.

6. Conditions that will ordinarily be imposed on an approval

The conditions of an approval may —

- (a) require specified action to maintain or improve the place of the temporary entertainment event; and
- (b) require the approval holder to provide specified equipment, and to take specified measures, for the safety of the public; and
- (c) require the approval holder to provide specified facilities and amenities; and
- (d) regulate the hours of operation of the temporary entertainment event; and
- (e) require the approval holder to provide specified equipment, or take specified measures, to reduce adverse effects of activities at the temporary entertainment event on the surrounding neighbourhood to acceptable levels; and
- (f) require the approval holder to take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before the event commences; and
- (g) regulate noise emission from the temporary entertainment event; and
- (h) require the design and construction of the place of the temporary entertainment event to be safe and appropriate having regard to the nature of the entertainment proposed and the number of people

- expected to attend the place; and
- (i) if the approval relates to an activity on a road – require the approval holder to indemnify the State and the local government; and
 - (j) require the approval holder to ensure that the place of the temporary entertainment event and its operation do not unreasonably detract from the amenity of the area in which the place is located; and
 - (k) prescribe requirements for adequate toilets and sanitary conveniences for the use of members of the public attending the temporary entertainment event; and
 - (l) prescribe requirements for the collection and disposal of waste generated by the temporary entertainment event; and
 - (m) prescribe requirements for people and (if applicable) vehicles to enter and leave the place of the temporary entertainment event; and
 - (n) require that any premises, building, structure, vehicle, facility or equipment used in the operation of the temporary entertainment event be maintained at all times—
 - (i) in good working order; and
 - (ii) in a good state of repair; and
 - (iii) in a clean and sanitary condition; and
 - (o) prescribe requirements about—
 - (i) crowd, traffic and parking control; and
 - (ii) security measures to be implemented; and
 - (iii) evacuation procedures to be implemented as part of the operation of the temporary entertainment event; and
 - (iv) the public display of evacuation plans and procedures as part of the operation of the temporary entertainment event; and
 - (v) the exhibition of signage as part of the operation of the temporary entertainment event; and
 - (vi) the removal of structures erected, and equipment used, as part of the operation of the temporary entertainment event at the completion of the event; and
 - (p) require the approval holder to deliver a bond or security to the local government to secure compliance with the requirements of each of the approval and the provisions of the authorising local law.

7. Term of an approval

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

8. Term of renewal of an approval

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

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Schedule 2 Categories of approval that are non-transferable

Section 6

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

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

Section 7

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

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Schedule 4 Dictionary

Section 4

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

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

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

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

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

structure has the meaning given in the Act.

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

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

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

Certification

This and the preceding 12 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the day of , 2015.

.....
Chief Executive Officer

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Redland City Council

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



Redland City Council

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

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2015*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2015* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2015* (the **authorising local law**).

4 Definitions

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

Part 2 Approval for prescribed activity

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

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

section 2 of schedule 1.

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

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

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

Part 3 Application to State-controlled roads

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

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

Schedule 1 Undertaking regulated activities on local government controlled areas and roads

Section 5

1. Prescribed activity

- (1) Undertaking regulated activities on local government controlled areas and roads, and in particular, undertaking 1 of the following activities on a local government controlled area or road—
 - (a) driving or leading of animals to cross a road;
 - (b) depositing of goods or materials;
 - (c) holding of a public place activity prescribed under a subordinate local law but excluding the operation of a temporary entertainment event.
- (2) For the purposes of subsection (1)(c), provided the activity on the local government controlled area or road is not the use of the local government controlled area or road for soliciting or carrying on the supply of goods or services (including food or drink) for profit, **public place activity** means each of the following activities—
 - (a) the placing of a display or information booth;
 - (b) conducting a social gathering or meeting of more than 50 people;
 - (c) conducting or taking part in—
 - (i) an organised sporting activity of regional, State or national significance; or
 - (ii) a vintage car display; or
 - (iii) a novelty vehicle race, for example, a go-cart race; or
 - (iv) an invitation-only ceremony, party or celebration attended by more than 50 people; or
 - (v) a cake stall, sausage sizzle, car wash or similar fundraiser held on no more than 1 day; or
 - (vi) a training event held on no more than 1 day; or
 - (vii) a training event held on more than 1 day without payment of a fee; or
 - (viii) a musical or theatrical performance undertaken by a person to entertain the public;
 - (d) exercising a right of occupation and use of a specified part of a local government controlled area by an incorporated association.

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

No activities stated.

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

- (1) Details of the nature, time and place of the prescribed activity for which the approval is sought.
- (2) If the applicant wants to use a particular part of a local government controlled area or road for the prescribed activity—a plan showing the relevant part of the local government controlled area or road.
- (3) If the prescribed activity is to be undertaken at or in close proximity to a site, stall or vehicle—specifications for the site, stall or vehicle which is proposed to be used in the undertaking of the prescribed activity.
- (4) Details of the name, street address, telephone number, facsimile number and email address of the person responsible for the undertaking of the prescribed activity.
- (5) A copy of the current registration certificate for each vehicle proposed to be used in the undertaking of the prescribed activity.
- (6) Details of the undertaking of the prescribed activity including—
 - (a) if requested — a copy of each policy of insurance of the applicant which relates to the undertaking of the prescribed activity; and
 - (b) how the applicant proposes to dispose of waste generated by the undertaking of the prescribed activity; and
 - (c) if signage is intended to be displayed – details of the signage and how the signage will be secured whilst displayed.
- (7) If requested — an event management plan which details proposed arrangements for each of the following—
 - (a) consultation with key stakeholders; and
 - (b) cleaning and sanitation; and
 - (c) noise; and
 - (d) waste and recycling; and
 - (e) catering services with food safety plan for each service; and
 - (f) toilet and wash basin adequacy; and
 - (g) drinking water quality; and
 - (h) security services; and
 - (i) emergency response; and
 - (j) traffic management; and
 - (k) risk management strategy; and
 - (l) fire response plans; and
 - (m) camping controls including shower and ablutions facilities and medical responses (if applicable); and
 - (n) copies of applicable approvals and certifications, for example—
 - (i) a permit under the *Liquor Act 1992* if the consumption of liquor is permitted; and

- (ii) a certified electrical safety report of a qualified electrician; and
 - (iii) a certified structural safety report for all temporary construction work; and
 - (iv) a fireworks licence issued by the Department of Environment and Resource Management; and
 - (v) a fire and emergency evacuation plan certified and approved by the Queensland Fire and Rescue Authority; and
 - (vi) a certificate for each amusement ride issued by Workplace Health and Safety Queensland; and
 - (vii) a current public liability insurance certificate; and
 - (viii) a temporary road closure approval.
- (8) If requested — a traffic management plan which details—
- (a) anticipated pedestrian and vehicular traffic which will be created by the undertaking of the prescribed activity; and
 - (b) anticipated impact of the undertaking of the prescribed activity on the movement of pedestrian and vehicular traffic in the area surrounding the place at which the prescribed activity is to be undertaken; and
 - (c) how the applicant will minimise the impact of the undertaking of the prescribed activity on the movement of pedestrian and vehicular traffic in the area surrounding the place at which the prescribed activity is to be undertaken.
- (9) If requested — a report, study or certification from a suitably qualified person about —
- (a) the undertaking of the prescribed activity generally; or
 - (b) a specific aspect of the undertaking of the prescribed activity.

Examples—

1. A certificate of a registered professional engineer about the structural adequacy of a structure, improvement or building to be used in the undertaking of the prescribed activity.
2. A certificate of a registered professional engineer about the extent to which the undertaking of the prescribed activity will comply with relevant requirements of the Manual of Uniform Traffic Control Devices.

4. Additional criteria for the granting of an approval

- (1) The prescribed activity for which the approval is sought must not unduly interfere with the proper use of the local government controlled area or road.
- (2) There must be a public demand for the prescribed activity in respect of which the approval is sought.
- (3) The physical characteristics of the local government controlled area or road must be suitable for the prescribed activity.
- (4) The prescribed activity must not cause nuisance, inconvenience or annoyance to—

- (a) the occupier of any land which adjoins the location of the prescribed activity; or
 - (b) vehicular traffic; or
 - (c) pedestrian traffic.
- (5) The prescribed activity must not have a detrimental effect on the amenity of the surrounding area.
- (6) If the prescribed activity is the driving or leading of animals to cross a road—the driving or leading of the animals to cross the road must not unduly interfere with the proper use of the road or create a safety hazard for users of the road.
- (7) If the prescribed activity is the depositing of goods or materials on a local government controlled area or road—the depositing of the goods or materials on the local government controlled area or road must not unduly interfere with the usual use or the amenity of the local government controlled area or road.
- (8) If the prescribed activity is the holding of a public place activity on a local government controlled area or road—
- (a) the undertaking of the prescribed activity must not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding area; and
 - (b) there must be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public; and
 - (c) adequate provision must exist for the disposal of waste generated by the undertaking of the prescribed activity; and
 - (d) adequate provision must exist for people and (if relevant) vehicles to enter and leave the site of the prescribed activity.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions of an approval may require that the approval holder—
- (a) limit the activities authorised by the approval to 1 or more of—
 - (i) a single specified location;
 - (ii) a number of specified locations;
 - (iii) a specified area;
 - (iv) a number of specified areas; and
 - (b) limit the activities to specified days and times; and
 - (c) limit the activities to—
 - (i) a specified period of time; or
 - (ii) specified periods of time; and

- (d) display the approval in a specified position, and produce the approval for inspection on demand by an authorised person; and
- (e) take specified measures to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
- (f) give the local government specified indemnities and take out and maintain insurance against personal injury and property damage resulting from the activities authorised by the approval; and
- (g) take specified measures to ensure that the activities authorised by the approval do not cause environmental harm or environmental nuisance; and
- (h) if the approval authorises the approval holder to use a specified part of a local government controlled area or road for the undertaking of the activity — pay a specified rental to the local government at specified intervals; and
- (i) submit the undertaking of the activity, including any vehicle or premises used in the undertaking of the activity, for inspection by an authorised person; and
- (j) prominently and permanently display at a specified location each of—
 - (i) the approval number granted by the local government in numbers not less than 50mm in height; and
 - (ii) the name and address of the approval holder in letters not less than 75mm in height; and
- (k) if the approval relates to an activity on a road—give a written indemnity to the State; and
- (l) display specified warning notices for the safety of users of the local government controlled area or road; and
- (m) limit the undertaking of the prescribed activity so that it does not—
 - (i) create a traffic nuisance; or
 - (ii) increase an existing traffic nuisance; or
 - (iii) detrimentally affect the efficiency of the road network in which the activity is undertaken; and
- (n) limit the undertaking of the prescribed activity so that it does not detrimentally affect the amenity of the neighbourhood in which the prescribed activity is undertaken; and
- (o) ensure that the undertaking of the prescribed activity does not create a safety risk; and
- (p) at all times keep and maintain all facilities and equipment used in the undertaking of the prescribed activity—
 - (i) in good working order and condition; and
 - (ii) in a clean and sanitary condition; and
- (q) if the undertaking of the prescribed activity results in damage or loss of amenity to a local government controlled area or a road — promptly

- rectify the damage or loss of amenity.
- (2) If the prescribed activity is the driving or leading of animals to cross a road, the conditions of the approval may also require that the approval holder—
- (a) restrict the number of animals that may be driven or led across the road; and
 - (b) not conduct the prescribed activity in a manner which is, or may be, a risk to road safety.
- (3) If the prescribed activity is the depositing of goods or materials on a local government controlled area or road, the conditions of the approval may also require that the approval holder—
- (a) deposit the goods or materials—
 - (i) in a specified manner; and
 - (ii) at a specified time or during specified periods; and
 - (b) limit the deposit of the goods or materials to—
 - (i) a specified area; and
 - (ii) a specified period; and
 - (c) if the goods or materials are deposited on a footpath—keep and maintain a clear unobstructed pedestrian corridor—
 - (i) of a specified width depending on the density of pedestrian traffic; and
 - (ii) during specified periods; and
 - (d) only use, for the purposes of the deposit of the goods or materials, a structure which is—
 - (i) of safe construction; and
 - (ii) in good condition and repair; and
 - (iii) securely fixed to the land on which the prescribed activity is undertaken; and
 - (e) remove the goods or materials, and any structure used for the purposes of the depositing of the goods or materials, at a specified time, or after a specified period.
- (4) If the prescribed activity is the holding of a public place activity prescribed under a subordinate local law, the conditions of the approval may also require that the approval holder—
- (a) provide specified facilities and amenities; and
 - (b) provide specified illumination for the purposes of the undertaking of the prescribed activity and take specified measures to reduce light spillage from the undertaking of the prescribed activity; and
 - (c) take specified measures to reduce noise emission from the undertaking of the prescribed activity; and
 - (d) provide specified equipment, or take specified measures, to reduce adverse effects of the undertaking of the prescribed activity on the surrounding neighbourhood to acceptable levels; and

- (e) not discharge trade waste generated by the undertaking of the prescribed activity otherwise than in accordance with an approval under the *Water Supply (Safety and Reliability) Act 2008*; and
- (f) for waste generated by the undertaking of the prescribed activity—
 - (i) only dispose of the waste—
 - (A) in a safe and sanitary manner; and
 - (B) in a manner which maintains the site of the prescribed activity and its surrounds in a clean, tidy, sanitary and hygienic condition; and
 - (ii) not dispose of the waste—
 - (A) so as to attract pests; or
 - (B) into a water course; or
 - (C) at another location other than a location properly intended for the receipt of the waste; and
- (g) keep and maintain in and about the area identified in the approval, adequate waste disposal facilities, for example, bins, and be responsible for the removal of all waste from the waste disposal facilities at such intervals as an authorised person may direct; and
- (h) not place or display any sign or device advertising the undertaking of the prescribed activity in the area identified in the approval otherwise than in accordance with an approval of the local government which authorises the use of the area for that purpose.

7. Term of an approval

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

8. Term of renewal of an approval

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

Table 1 – Third party certification

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

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Schedule 2 Categories of approval that are non- transferable

Section 6

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

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

Section 7

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

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Schedule 4 Dictionary

Section 4

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

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

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

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

premises means the premises used in the undertaking of the prescribed activity.

public place activity see schedule 1, section 1(2).

road has the meaning given in the authorising local law.

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

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

trade waste has the meaning given in the *Water Supply (Safety and Reliability) Act 2008*.

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

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

Certification

This and the preceding 14 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2015* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the _____ day of _____, 2015.

.....
Chief Executive Officer

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Redland
CITY COUNCIL

Redland City Council

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1.14 (Undertaking Regulated Activities
on Local Government Controlled Areas
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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2015*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2015* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2015* (the **authorising local law**).

4 Definitions

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

Part 2 Approval for prescribed activity

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

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

section 2 of schedule 1.

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

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

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

Part 3 Application to State-controlled roads

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

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

Schedule 1 Undertaking regulated activities on local government controlled areas and roads

Section 5

1. Prescribed activity

- (1) Undertaking regulated activities on local government controlled areas and roads, and in particular, undertaking 1 of the following activities on a local government controlled area or road—
 - (a) driving or leading of animals to cross a road;
 - (b) depositing of goods or materials;
 - (c) holding of a public place activity prescribed under a subordinate local law but excluding the operation of a temporary entertainment event.
- (2) For the purposes of subsection (1)(c), provided the activity on the local government controlled area or road is not the use of the local government controlled area or road for soliciting or carrying on the supply of goods or services (including food or drink) for profit, **public place activity** means each of the following activities—
 - (a) the placing of a display or information booth;
 - (b) conducting a social gathering or meeting of more than 50 people;
 - (c) conducting or taking part in—
 - (i) an organised sporting activity of regional, State or national significance; or
 - (ii) a vintage car display; or
 - (iii) a novelty vehicle race, for example, a go-cart race; or
 - (iv) an invitation-only ceremony, party or celebration attended by more than 50 people; or
 - (v) a cake stall, sausage sizzle, car wash or similar fundraiser held on no more than 1 day; or
 - (vi) a training event held on no more than 1 day; or
 - (vii) a training event held on more than 1 day without payment of a fee; or
 - (viii) a musical or theatrical performance undertaken by a person to entertain the public;
 - (d) exercising a right of occupation and use of a specified part of a local government controlled area by an incorporated association.

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

No activities stated.

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

- (1) Details of the nature, time and place of the prescribed activity for which the approval is sought.
- (2) If the applicant wants to use a particular part of a local government controlled area or road for the prescribed activity—a plan showing the relevant part of the local government controlled area or road.
- (3) If the prescribed activity is to be undertaken at or in close proximity to a site, stall or vehicle—specifications for the site, stall or vehicle which is proposed to be used in the undertaking of the prescribed activity.
- (4) Details of the name, street address, telephone number, facsimile number and email address of the person responsible for the undertaking of the prescribed activity.
- (5) A copy of the current registration certificate for each vehicle proposed to be used in the undertaking of the prescribed activity.
- (6) Details of the undertaking of the prescribed activity including—
 - (a) if requested — a copy of each policy of insurance of the applicant which relates to the undertaking of the prescribed activity; and
 - (b) how the applicant proposes to dispose of waste generated by the undertaking of the prescribed activity; and
 - (c) if signage is intended to be displayed – details of the signage and how the signage will be secured whilst displayed.
- (7) If requested — an event management plan which details proposed arrangements for each of the following—
 - (a) consultation with key stakeholders; and
 - (b) cleaning and sanitation; and
 - (c) noise; and
 - (d) waste and recycling; and
 - (e) catering services with food safety plan for each service; and
 - (f) toilet and wash basin adequacy; and
 - (g) drinking water quality; and
 - (h) security services; and
 - (i) emergency response; and
 - (j) traffic management; and
 - (k) risk management strategy; and
 - (l) fire response plans; and
 - (m) camping controls including shower and ablutions facilities and medical responses (if applicable); and
 - (n) copies of applicable approvals and certifications, for example—
 - (i) a permit under the *Liquor Act 1992* if the consumption of liquor is permitted; and

- (ii) a certified electrical safety report of a qualified electrician; and
 - (iii) a certified structural safety report for all temporary construction work; and
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 - (vii) a current public liability insurance certificate; and
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- (8) If requested — a traffic management plan which details—
- (a) anticipated pedestrian and vehicular traffic which will be created by the undertaking of the prescribed activity; and
 - (b) anticipated impact of the undertaking of the prescribed activity on the movement of pedestrian and vehicular traffic in the area surrounding the place at which the prescribed activity is to be undertaken; and
 - (c) how the applicant will minimise the impact of the undertaking of the prescribed activity on the movement of pedestrian and vehicular traffic in the area surrounding the place at which the prescribed activity is to be undertaken.
- (9) If requested — a report, study or certification from a suitably qualified person about —
- (a) the undertaking of the prescribed activity generally; or
 - (b) a specific aspect of the undertaking of the prescribed activity.

Examples—

1. A certificate of a registered professional engineer about the structural adequacy of a structure, improvement or building to be used in the undertaking of the prescribed activity.
2. A certificate of a registered professional engineer about the extent to which the undertaking of the prescribed activity will comply with relevant requirements of the Manual of Uniform Traffic Control Devices.

4. Additional criteria for the granting of an approval

- (1) The prescribed activity for which the approval is sought must not unduly interfere with the proper use of the local government controlled area or road.
- (2) There must be a public demand for the prescribed activity in respect of which the approval is sought.
- (3) The physical characteristics of the local government controlled area or road must be suitable for the prescribed activity.
- (4) The prescribed activity must not cause nuisance, inconvenience or annoyance to—

- (a) the occupier of any land which adjoins the location of the prescribed activity; or
 - (b) vehicular traffic; or
 - (c) pedestrian traffic.
- (5) The prescribed activity must not have a detrimental effect on the amenity of the surrounding area.
- (6) If the prescribed activity is the driving or leading of animals to cross a road—the driving or leading of the animals to cross the road must not unduly interfere with the proper use of the road or create a safety hazard for users of the road.
- (7) If the prescribed activity is the depositing of goods or materials on a local government controlled area or road—the depositing of the goods or materials on the local government controlled area or road must not unduly interfere with the usual use or the amenity of the local government controlled area or road.
- (8) If the prescribed activity is the holding of a public place activity on a local government controlled area or road—
- (a) the undertaking of the prescribed activity must not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding area; and
 - (b) there must be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public; and
 - (c) adequate provision must exist for the disposal of waste generated by the undertaking of the prescribed activity; and
 - (d) adequate provision must exist for people and (if relevant) vehicles to enter and leave the site of the prescribed activity.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions of an approval may require that the approval holder—
- (a) limit the activities authorised by the approval to 1 or more of—
 - (i) a single specified location;
 - (ii) a number of specified locations;
 - (iii) a specified area;
 - (iv) a number of specified areas; and
 - (b) limit the activities to specified days and times; and
 - (c) limit the activities to—
 - (i) a specified period of time; or
 - (ii) specified periods of time; and

- (d) display the approval in a specified position, and produce the approval for inspection on demand by an authorised person; and
- (e) take specified measures to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
- (f) give the local government specified indemnities and take out and maintain insurance against personal injury and property damage resulting from the activities authorised by the approval; and
- (g) take specified measures to ensure that the activities authorised by the approval do not cause environmental harm or environmental nuisance; and
- (h) if the approval authorises the approval holder to use a specified part of a local government controlled area or road for the undertaking of the activity — pay a specified rental to the local government at specified intervals; and
- (i) submit the undertaking of the activity, including any vehicle or premises used in the undertaking of the activity, for inspection by an authorised person; and
- (j) prominently and permanently display at a specified location each of—
 - (i) the approval number granted by the local government in numbers not less than 50mm in height; and
 - (ii) the name and address of the approval holder in letters not less than 75mm in height; and
- (k) if the approval relates to an activity on a road—give a written indemnity to the State; and
- (l) display specified warning notices for the safety of users of the local government controlled area or road; and
- (m) limit the undertaking of the prescribed activity so that it does not—
 - (i) create a traffic nuisance; or
 - (ii) increase an existing traffic nuisance; or
 - (iii) detrimentally affect the efficiency of the road network in which the activity is undertaken; and
- (n) limit the undertaking of the prescribed activity so that it does not detrimentally affect the amenity of the neighbourhood in which the prescribed activity is undertaken; and
- (o) ensure that the undertaking of the prescribed activity does not create a safety risk; and
- (p) at all times keep and maintain all facilities and equipment used in the undertaking of the prescribed activity—
 - (i) in good working order and condition; and
 - (ii) in a clean and sanitary condition; and
- (q) if the undertaking of the prescribed activity results in damage or loss of amenity to a local government controlled area or a road — promptly

- rectify the damage or loss of amenity.
- (2) If the prescribed activity is the driving or leading of animals to cross a road, the conditions of the approval may also require that the approval holder—
- (a) restrict the number of animals that may be driven or led across the road; and
 - (b) not conduct the prescribed activity in a manner which is, or may be, a risk to road safety.
- (3) If the prescribed activity is the depositing of goods or materials on a local government controlled area or road, the conditions of the approval may also require that the approval holder—
- (a) deposit the goods or materials—
 - (i) in a specified manner; and
 - (ii) at a specified time or during specified periods; and
 - (b) limit the deposit of the goods or materials to—
 - (i) a specified area; and
 - (ii) a specified period; and
 - (c) if the goods or materials are deposited on a footpath—keep and maintain a clear unobstructed pedestrian corridor—
 - (i) of a specified width depending on the density of pedestrian traffic; and
 - (ii) during specified periods; and
 - (d) only use, for the purposes of the deposit of the goods or materials, a structure which is—
 - (i) of safe construction; and
 - (ii) in good condition and repair; and
 - (iii) securely fixed to the land on which the prescribed activity is undertaken; and
 - (e) remove the goods or materials, and any structure used for the purposes of the depositing of the goods or materials, at a specified time, or after a specified period.
- (4) If the prescribed activity is the holding of a public place activity prescribed under a subordinate local law, the conditions of the approval may also require that the approval holder—
- (a) provide specified facilities and amenities; and
 - (b) provide specified illumination for the purposes of the undertaking of the prescribed activity and take specified measures to reduce light spillage from the undertaking of the prescribed activity; and
 - (c) take specified measures to reduce noise emission from the undertaking of the prescribed activity; and
 - (d) provide specified equipment, or take specified measures, to reduce adverse effects of the undertaking of the prescribed activity on the surrounding neighbourhood to acceptable levels; and

- (e) not discharge trade waste generated by the undertaking of the prescribed activity otherwise than in accordance with an approval under the *Water Supply (Safety and Reliability) Act 2008*; and
- (f) for waste generated by the undertaking of the prescribed activity—
 - (i) only dispose of the waste—
 - (A) in a safe and sanitary manner; and
 - (B) in a manner which maintains the site of the prescribed activity and its surrounds in a clean, tidy, sanitary and hygienic condition; and
 - (ii) not dispose of the waste—
 - (A) so as to attract pests; or
 - (B) into a water course; or
 - (C) at another location other than a location properly intended for the receipt of the waste; and
- (g) keep and maintain in and about the area identified in the approval, adequate waste disposal facilities, for example, bins, and be responsible for the removal of all waste from the waste disposal facilities at such intervals as an authorised person may direct; and
- (h) not place or display any sign or device advertising the undertaking of the prescribed activity in the area identified in the approval otherwise than in accordance with an approval of the local government which authorises the use of the area for that purpose.

7. Term of an approval

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

8. Term of renewal of an approval

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

Table 1 – Third party certification

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

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Schedule 2 Categories of approval that are non- transferable

Section 6

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

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

Section 7

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

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Schedule 4 Dictionary

Section 4

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

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

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

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

premises means the premises used in the undertaking of the prescribed activity.

public place activity see schedule 1, section 1(2).

road has the meaning given in the authorising local law.

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

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

trade waste has the meaning given in the *Water Supply (Safety and Reliability) Act 2008*.

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

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

Certification

This and the preceding 14 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 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

344685_1

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Redland
CITY COUNCIL

Redland City Council

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



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

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Part 1 Preliminary

1 Short title

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

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to regulate and manage the keeping and control of animals in the local government's area in a way that—
 - (a) balances community expectations with the rights of individuals; and
 - (b) protects the community against risks to health and safety; and
 - (c) prevents pollution and other environmental damage; and
 - (d) protects the amenity of the local community and environment.
- (2) The purpose is to be achieved by providing for—
 - (a) the regulation of the keeping of animals in terms of how many, what type, how, and where animals can be kept; and
 - (b) the prescription of minimum standards for keeping animals; and
 - (c) the proper control of animals in public places and koala conservation areas; and
 - (d) the management of dangerous or aggressive animals other than dogs;¹ and
 - (e) the seizure and destruction of animals in certain circumstances; and
 - (f) the establishment and administration of animal pounds.

3 Definitions—the dictionary

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

4 Relationship with other laws²

This local law is—

- (a) in addition to, and does not derogate from—
 - (i) laws regulating the use or development of land; and
 - (ii) other laws about the keeping or control or welfare of animals; and
- (b) to be read with *Local Law No. 1 (Administration) 2015*.

¹ The *Animal Management (Cats and Dogs) Act 2008* provides for the management of *regulated dogs*, comprising declared dangerous dogs, declared menacing dogs and restricted dogs.

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

Part 2 Keeping of animals

Division 1 Prohibition on keeping animals

5 Prohibition on keeping animals in prescribed circumstances

- (1) The local government may, by subordinate local law, prohibit the keeping of animals in prescribed circumstances.
- (2) The circumstances in which the keeping of animals is prohibited may be specified by reference to 1 or more of the following factors—
 - (a) species;
 - (b) breed;
 - (c) sex;
 - (d) age;
 - (e) number;
 - (f) whether an animal is a restricted dog;³
 - (g) the locality in which the animal would be kept;
 - (h) the nature of the premises in which the animal would be kept, including the size of the enclosure or the size of the allotment.⁴

Example for subsection (2)—

A prohibition may be imposed in relation to keeping certain species or a prescribed number of animals of a certain species in an urban locality.

- (3) A person must not keep an animal in contravention of a prohibition under this section.

Maximum penalty for subsection (3)—50 penalty units.

Division 2 Animals for which approval is required

6 Requirement for approval

- (1) Subject to subsections (3) and (4), the local government may, by subordinate local law, require an approval⁵ for keeping an animal or animals in prescribed circumstances.

³ Section 72(3) of the *Animal Management (Cats and Dogs) Act 2008* provides: “A permit application may be made for more than 1 restricted dog for the same place only if the keeping of more than 1 restricted dog and more than 1 dog of any breed is permitted under a local law.”

⁴ See the *Animal Management (Cats and Dogs) Act 2008*, chapter 4, regarding particular conditions on keeping regulated dogs, including requirements about enclosures.

⁵ Keeping an animal for which an approval is required under this local law is a **prescribed activity** under schedule 2 of *Local Law No. 1 (Administration) 2015*. The process for obtaining an approval for a prescribed activity is set out in part 2 of that local law and section 6 creates an offence for a person undertaking a prescribed activity without a current approval.

- (2) The circumstances in which an approval is required may be specified by reference to 1 or more of the following factors—
 - (a) species;
 - (b) breed;
 - (c) sex;
 - (d) age;
 - (e) number;
 - (f) the locality in which the animal is to be kept, including whether it is an urban or non-urban locality;
 - (g) the nature of the premises in which the animal is to be kept, including the size of the enclosure or the size of the allotment.⁶
- (3) An approval under this section is not required for the keeping of animals on land if the keeping of the animals on the land is authorised by a development approval under the Planning Act⁷.
- (4) Under this section, the local government may not require an approval for keeping a restricted dog.⁸

Division 3 Minimum standards

7 Minimum standards for keeping animals

- (1) The local government may, by subordinate local law, specify minimum standards for the keeping of animals or a particular species or breed of animal.
- (2) A person who keeps an animal must ensure that the relevant minimum standards prescribed by a subordinate local law are complied with.⁹

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

- (3) If a person is required to hold an approval to keep an animal, the obligation to comply with the minimum standards prescribed by a subordinate local law is in addition to an obligation imposed by a condition of the approval.

Division 4 Identification of registered dogs

8 Identification for dogs in certain circumstances

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

⁶ See note 4.

⁷ See the definition of *Planning Act* in the Act, schedule 4.

⁸ Section 71 of the *Animal Management (Cats and Dogs) Act 2008* requires a permit issued by the local government for a person to own or be responsible for a restricted dog. The processes for the granting of restricted dog permits are set out under chapter 4, part 3 of that Act.

⁹ See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, sections 4 to 5, regarding the requirements about enclosures for declared dangerous dogs, declared menacing dogs and restricted dogs.

required by the *Animal Management (Cats and Dogs) Act 2008* for a dog that is at a place other than the address stated in the registration notice for the dog.¹⁰

Part 3 Control of animals

Division 1 Animals in public places

9 Prohibition and restriction of animals in public places

- (1) The local government may, by resolution, specify—
 - (a) public places where animals, or animals of a particular species or breed, are prohibited; and
 - (b) if the prohibition does not apply at all times — the hours and days when the prohibition applies; and
 - (c) if a person may only bring an animal, or animals of a particular species or breed, onto a public place subject to 1 or more conditions —
 - (i) the public place at which the conditions apply; and
 - (ii) particulars of the conditions which apply at the public place.
- (2) However, before making a resolution under subsection (1), the local government must—
 - (a) consult with the public for at least 21 days about—
 - (i) each prohibition proposed under subsection (1)(a) or (b); and
 - (ii) each restriction proposed under subsection (1)(c); and
 - (b) consider every submission properly made to it about—
 - (i) each prohibition proposed under subsection (1)(a) or (b); and
 - (ii) each restriction proposed under subsection (1)(c).
- (3) The owner or responsible person for an animal must ensure that the animal is not in a public place in contravention of —
 - (a) a prohibition specified under subsection (1)(a) or (b); or
 - (b) a condition specified under subsection (1)(c).Maximum penalty for subsection (3)—20 penalty units.
- (4) The local government must take reasonable steps to provide notice to members of the public regarding—
 - (a) each prohibition specified under subsection (1)(a) or (b); and
 - (b) each condition specified under subsection (1)(c).
- (5) In this section—

¹⁰ Section 45 of the *Animal Management (Cats and Dogs) Act 2008* requires a person who keeps a dog at a place other than the address in the registration notice to ensure it bears the identification prescribed by the local government under a local law.

- reasonable steps* include, as a minimum, the display of a notice at a prominent place within the particular public place, stating—
- (a) if a prohibition specified under subsection (1)(a) applies in the place —the animals that are prohibited in the place; and
 - (b) if the prohibition does not apply at all times — the hours and days when the prohibition applies; and
 - (c) if 1 or more conditions apply to the bringing of an animal or animals onto the place — particulars of the conditions which apply to the bringing of an animal or animals onto the place; and
 - (d) in general terms, the provisions of subsection (3).
- (6) The local government must keep a record available for public inspection identifying—
- (a) each prohibition specified under subsection (1)(a); and
 - (b) if the prohibition does not apply at all times — the hours and days when the prohibition applies as specified under subsection (1)(b); and
 - (c) if 1 or more conditions apply to the bringing of an animal or animals onto a public place under subsection (1)(c) —
 - (i) the public place at which the conditions apply; and
 - (ii) particulars of the conditions which apply to the bringing of the animal or animals onto the place.
- (7) For the avoidance of doubt, the local government may, from time to time, by resolution, repeal or amend a resolution about a prohibition or restriction under subsection (1).
- (8) The repeal or amendment of a resolution about a prohibition or restriction under subsection (1) does not —
- (a) revive anything not in force or existing at the time the repeal or amendment takes effect; or
 - (b) affect the previous operation of this section or the resolution or anything suffered, done or begun under this section or the resolution; or
 - (c) affect a right, privilege or liability acquired, accrued or incurred under this section or the resolution; or
 - (d) affect a penalty incurred in relation to an offence arising under this section; or
 - (e) affect an investigation or proceeding in relation to a right, privilege, liability or penalty mentioned in paragraph (c) or (d).
- (9) The investigation or proceeding may be started, continued or completed, and the right, privilege or liability may be enforced and the penalty imposed, as if the repeal or amendment had not happened.
- (10) Without limiting subsections (8) and (9), the repeal or amendment of a resolution about a prohibition or restriction under subsection (1) does not affect—
- (a) the proof of anything that has happened; or

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

10 Dog off-leash areas

- (1) The local government may, by resolution—
 - (a) designate an area within a public place as an area where a dog is not required to be on a leash (a *dog off-leash area*); and
 - (b) for a dog off-leash area — designate the dog off-leash area as an area where a dog is not required to be on a leash —
 - (i) at any time; or
 - (ii) on specified days; or
 - (iii) during specified hours on specified days.
- (2) However, before making a resolution under subsection (1), the local government must—
 - (a) consult with the public for at least 21 days about each designation proposed under subsection (1); and
 - (b) consider every submission properly made to it about each designation proposed under subsection (1).
- (3) The local government must take reasonable steps to provide notice to members of the public regarding each designation under subsection (1).
- (4) In this section—

reasonable steps include, as a minimum, the display of a notice at a prominent place within the dog off-leash area indicating the extent of each designation under subsection (1).
- (5) The local government must keep a record available for public inspection identifying each designation under subsection (1).
- (6) For the avoidance of doubt, the local government may, from time to time, by resolution, repeal or amend a resolution about a designation under subsection (1).
- (7) The repeal or amendment of a resolution about a designation under subsection (1) does not —
 - (a) revive anything not in force or existing at the time the repeal or amendment takes effect; or
 - (b) affect the previous operation of any provision of this local law or the resolution or anything suffered, done or begun under any provision of this local law or the resolution; or
 - (c) affect a right, privilege or liability acquired, accrued or incurred under any provision of this local law or the resolution; or
 - (d) affect a penalty incurred in relation to an offence arising under any provision of this local law; or
 - (e) affect an investigation or proceeding in relation to a right, privilege, liability

or penalty mentioned in paragraph (c) or (d).

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

11 Control of animals in public places¹¹

- (1) The owner or responsible person for an animal must ensure that the animal is not in a public place—
 - (a) unless the animal is under the effective control of someone; and
 - (b) if the animal is a declared dangerous animal¹²—unless the animal is securely restrained to prevent it from—
 - (i) attacking a person or animal; or
 - (ii) acting in a way that causes fear to a person or animal; or
 - (iii) causing damage to property.

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

- (2) An animal is under the *effective control* of someone only if—
 - (a) a person who is physically able to control the animal—
 - (i) is holding it by an appropriate leash, halter or rein which has a length of not more than 2 m; or
 - (ii) has appropriately tethered it to an object fixed to a place from which the object can not be moved by the animal and is continuously supervising the animal; or
 - (iii) has corralled it in a temporary enclosure adequate to contain the animal and is continuously supervising the animal; or
 - (b) the animal is tethered in or on a vehicle and unable to reach beyond the vehicle extremities; or
 - (c) the animal is a dog in a dog off-leash area and under the supervision of a person who is able to control the animal by voice command; or

¹¹ See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, section 3, regarding the requirement for muzzling and effective control of regulated dogs in public and section 93, which applies this requirement where a dog is subject to a proposed declaration notice.

¹² See the definition of *declared dangerous animal* in the schedule.

- (d) the animal is participating in, or being exhibited or trained at, an exhibition or an obedience trial supervised by a body recognised for this section by the local government; or
- (e) the animal is a working animal actually engaged in moving livestock and under the supervision of a person who is able to control the animal by voice command.

12 Person in control of dog or prescribed animal to clean up faeces

If a dog or any other animal prescribed by subordinate local law defecates in a public place, the person who has control of the dog or animal must immediately remove and dispose of the faeces in a sanitary way.

Maximum penalty—20 penalty units.

Division 2 Restraint of animals

13 Duty to provide proper enclosure and prevent animal from wandering

- (1) A person who keeps an animal must maintain a proper enclosure to prevent the animal from wandering or escaping from the person's land.¹³

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

- (2) The local government may, by subordinate local law, prescribe requirements for a proper enclosure for an animal or species or breed of animal.
- (3) The owner of the animal must ensure that it is not wandering at large.¹⁴

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

- (4) It is a defence to a prosecution for an offence against subsection (3) for the defendant to prove that—
 - (a) the defendant maintained a proper enclosure for the animal and could not, by the exercise of reasonable diligence, have prevented the escape of the animal; or
 - (b) the animal was wandering at large in circumstances authorised by the conditions of an approval granted under a local law.

Example for paragraph (b)—

The conditions of an approval to keep racing pigeons might authorise the approval holder to release the pigeons from their enclosure for a certain amount of time each day and during official pigeon racing events.

13A Koala conservation requirements

- (1) The local government may, by subordinate local law, prescribe requirements for keeping a dog on land that is within a koala area.

¹³ See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, sections 4 to 5, regarding the requirements about enclosures for declared dangerous dogs, declared menacing dogs and restricted dogs.

¹⁴ See the definition of *wandering at large* in the schedule.

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

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

- (4) In this section—

koala area means—

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

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

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

Division 3 Aggressive behaviour by animals other than dogs

14 Limited application of division to dogs¹⁵

- (1) Unless otherwise indicated, this division does not apply in relation to aggressive behaviour by a dog.
- (2) In this section—
- aggressive behaviour*** means attacking, or acting in a way that causes fear to, someone else or another animal.

15 Animals not to attack or cause fear to persons or animals

- (1) A responsible person for an animal must take reasonable steps to ensure the animal does not attack, or act in a way that causes fear to, someone else or another animal.

Maximum penalty for subsection (1)—

- (a) if the attack causes the death of or grievous bodily harm to a person—300 penalty units; or
- (b) if the attack causes the death of or grievous bodily harm to another animal—100 penalty units; or

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

- (c) if the attack causes bodily harm to a person or another animal—50 penalty units; or
 - (d) otherwise—20 penalty units.
- (2) A person must not allow or encourage an animal to attack, or act in a way that causes fear to, a person or another animal.

Maximum penalty for subsection (2)—

- (a) if the attack causes the death of or grievous bodily harm to a person—300 penalty units; or
 - (b) if the attack causes the death of or grievous bodily harm to another animal—100 penalty units; or
 - (c) if the attack causes bodily harm to a person or another animal—50 penalty units; or
 - (d) otherwise—20 penalty units.
- (3) In this section—

allow or encourage, without limiting the *Criminal Code*, sections 7 and 8, includes cause to allow or encourage.

another animal does not include vermin that are not the property of anyone.

Examples of vermin that are someone's property—

- a pet mouse or guinea pig
- vermin that are protected animals under the *Nature Conservation Act 1992*.¹⁶

16 Defences for offence against s 15

It is a defence to a prosecution for an offence against section 15 for the defendant to prove that the animal attacked, or acted in a way that caused fear to, the person or other animal—

- (a) as a result of the animal being attacked, mistreated, teased, or provoked by the person or other animal, including a dog; or
- (b) to protect the responsible person, or a person accompanying the responsible person (the ***accompanying person***), or the responsible person's or accompanying person's property.

Division 4 Dangerous animals other than dogs¹⁷

17 Declaration of dangerous animal other than a dog

- (1) A local government may, by subordinate local law, specify criteria for an authorised person to declare an animal other than a dog to be a declared dangerous animal.
- (2) An authorised person may declare an animal other than a dog to be a declared

¹⁶ See section 83 of that Act.

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

dangerous animal if the animal meets the criteria prescribed by subordinate local law.

- (3) A declaration under subsection (2) takes effect at the time the local government gives the responsible person for the animal an information notice¹⁸ about the declaration.

18 Power to require responsible person for declared dangerous animal to take specified action

An authorised person may, by giving a compliance notice,¹⁹ require the responsible person for a declared dangerous animal to take specified action—

- (a) to warn persons who enter land on which the animal is kept of the presence of a declared dangerous animal on the land; and
- (b) to ensure that the animal remains in secure custody and is unable to attack or cause fear to persons or other animals or cause damage to another person's property.

Part 4 Seizure, impounding or destruction of animals

Division 1 Seizure of animals

19 Seizure of animals

- (1) An authorised person may seize²⁰ an animal, other than a dog,²¹ in the following circumstances—
- (a) the animal is found wandering at large; or
 - (b) the responsible person for the animal has not complied with a compliance notice that has been issued in relation to compliance with this local law; or
 - (c) the animal has attacked, threatened to attack, or acted in a way that causes fear to, a person or another animal; or
 - (d) the authorised person considers on reasonable grounds that the animal has been abandoned, left or found on a road in the circumstances mentioned in section 100(12) of the *Transport Operations (Road Use Management) Act 1995*.²²

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

¹⁹ See *Local Law No.1 (Administration) 2015*, section 28 regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

²⁰ See the *Local Government Act 2009*, chapter 5, part 2, division 1 in relation to authorised persons' enforcement powers, including entry to land.

²¹ See the *Animal Management (Cats and Dogs) Act 2008*, section 125, for seizure of a dog.

²² The *Transport Operations (Road Use Management) Act 1995*, section 100(13) provides: "If a local law provides for a matter mentioned in subsection (12), subsections (3) to (11) no longer apply in the local government's area."

- (2) An authorised person may seize a dog in the following circumstances—
 - (a) the dog is found wandering at large; or
 - (b) the responsible person for the dog has not complied with a compliance notice that has been issued in relation to compliance with this local law; or
 - (c) the authorised person considers on reasonable grounds that the animal has been abandoned, left or found on a road in the circumstances mentioned in section 100(12) of the *Transport Operations (Road Use Management) Act 1995*.
- (3) The authorised person may seize an animal under subsection (1)(a) or a dog under subsection (2)(a) where—
 - (a) another person has found the animal or dog wandering at large and delivered it to the authorised person; or
 - (b) an occupier of private land has found the animal or dog wandering at large on the land, taken it under effective control and requested the authorised person to enter the land to seize it.
- (4) However, an authorised person is not obliged to accept the custody of an animal under this section.
- (5) For the purposes of seizing an animal, an authorised person may take any action, including the use of force, which is reasonable in the circumstances to capture or control the animal.

Division 2 Destruction of animal without notice

20 Power to immediately destroy seized animal

- (1) This section applies where an authorised person has seized an animal, other than a regulated dog,²³ under this local law or another law.
- (2) The authorised person may, without notice, immediately destroy the animal if—
 - (a) the authorised person reasonably believes the animal is dangerous and the authorised person can not control it; or
 - (b) the animal is significantly suffering as a result of disease, severe emaciation or serious injuries; or
 - (c) an owner of the animal has requested the authorised person to destroy it.

Division 3 Return or impounding of animals

21 Immediate return of animal seized wandering at large

- (1) This section applies where—
 - (a) an animal has been seized under section 19(1)(a) or section 19(2)(a); and

²³ See the *Animal Management (Cats and Dogs) Act 2008*, section 127, for power to destroy a seized regulated dog.

- (b) the authorised person who seizes the animal knows, or can readily find out, the name and address of the owner or responsible person for the animal.
- (2) The authorised person may return the animal to the owner or responsible person.

22 Impounding of seized animal

An authorised person who seizes an animal under this local law or another law may impound the animal at a place of care for animals operated by—

- (a) the local government; or
- (b) another organisation or local government prescribed by subordinate local law.

Example for paragraph (a)—

An animal pound.

Example for paragraph (b)—

A veterinary surgery or an animal refuge.

23 What is a notice of impounding

- (1) A **notice of impounding** means a written notice, given to the owner or responsible person for an animal, stating that—
- (a) the animal has been impounded; and
 - (b) the animal may be reclaimed within the prescribed period provided that—
 - (i) the cost-recovery fee is paid; and
 - (ii) if an approval or registration is required for the keeping of the animal and the owner or responsible person does not have the approval or registration— the approval or registration is obtained; and
 - (iii) if the animal has been seized under section 19(1)(b) or 19(2)(b)— the owner or responsible person has complied with the relevant compliance notice; and
 - (iv) continued retention of the animal is not needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; and
 - (v) no destruction order has been made for the animal.
- (2) In this section—
- relevant compliance notice** means the compliance notice mentioned in section 19(1)(b) or 19(2)(b).

24 Dealing with animal seized and impounded for wandering at large

- (1) Subsection (2) applies where—
- (a) an authorised person has impounded an animal seized under section 19(1)(a) or 19(2)(a); and

- (b) the animal was not a declared dangerous animal at the time of being seized; and
 - (c) the authorised person knows, or can readily find out, the name and address of the owner or responsible person for the animal.
- (2) The authorised person must give the owner or responsible person a notice of impounding.
- (3) Subsection (4) applies where—
- (a) an authorised person has impounded a declared dangerous animal seized under section 19(1)(a); or
 - (b) an authorised person has impounded an animal that has been seized more than 3 times during a 12 month period.
- (4) The authorised person may—
- (a) give the owner or responsible person for the animal a notice of impounding; or
 - (b) make a destruction order for the animal under section 28.

25 Dealing with animal seized and impounded for non-compliance with local law

- (1) This section applies where an authorised person has impounded an animal seized under section 19(1)(b) or 19(2)(b).
- (2) The authorised person may—
- (a) give the owner or responsible person for the animal a notice of impounding; or
 - (b) if the animal was being kept in contravention of section 5 of this local law or is an animal for which an approval cannot be granted under this local law or is an animal for which an application for approval under this local law has been rejected— dispose of the animal under division 5.

26 Dealing with animal seized and impounded for attacking etc a person or another animal

- (1) This section applies where an authorised person has impounded an animal seized under section 19(1)(c).
- (2) The authorised person may²⁴—
- (a) make a destruction order for the animal under section 28; or
 - (b) give the owner or responsible person a notice of impounding.

27 Reclaiming an impounded animal

- (1) This section applies where—

²⁴ An authorised person may also declare an animal as a declared dangerous animal under section 17 if specified criteria are met.

- (a) the owner or responsible person for an animal has been given a notice of impounding; or
 - (b) an authorised person does not know, and cannot readily find out, the name and address of an owner or responsible person for the animal.
- (2) The animal may be reclaimed by an owner or responsible person if the owner or responsible person—
- (a) reclaims the animal within the prescribed period; and
 - (b) pays the cost-recovery fee; and
 - (c) if an approval or registration is required for the keeping of the animal and the owner or responsible person does not have the approval or registration— obtains the approval or registration; and
 - (d) if the responsible person has not complied with a current compliance notice that has been issued in relation to compliance with this local law—complies with the compliance notice.
- (3) However, the animal may not be reclaimed by an owner or responsible person if—
- (a) continued retention of the animal is needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; or
 - (b) a destruction order has been made for the animal.
- (4) The animal may be reclaimed by an owner or responsible person for the animal if an event as follows happens—
- (a) if subsection (3)(a) applies—
 - (i) an authorised person advises the owner or responsible person that the animal's continued retention as evidence is no longer required; and
 - (ii) the owner or responsible person has satisfied subsection (2)(b)-(d);
 - (b) if subsection (3)(b) applies—
 - (i) an application for a review or an appeal is made relating to the destruction order and, as a result of the review or appeal, the order is no longer in force; and
 - (ii) the owner or responsible person has satisfied subsection (2)(b)-(d).

Division 4 Destruction of animal following notice

28 Destruction orders

- (1) An authorised person may make an order (a *destruction order*) stating the person proposes to destroy an animal 14 days after the order is served.
- (2) A destruction order may only be made in 1 or more of the following circumstances—
 - (a) the animal has attacked, threatened to attack, or acted in a way that causes

- fear to, a person or another animal; or
- (b) the animal is a declared dangerous animal and was found wandering at large; or
 - (c) the animal has been seized more than 3 times during a 12 month period.
- (3) The destruction order must—
- (a) be served on a person who owns, or is a responsible person for, the animal; and
 - (b) include or be accompanied by an information notice.²⁵
- (4) If a destruction order is made for the animal, the person may destroy the animal 14 days after the order is served if no review application has been made relating to the decision to make the order.
- (5) If an application for review has been made relating to the decision to make the order, the person may destroy the animal if—
- (a) the review is finally decided or is otherwise ended; and
 - (b) the order is still in force; and
 - (c) the time allowed for filing a notice of appeal has expired and no notice of appeal has been filed.
- (6) If an appeal is made relating to the decision to make the order, the person may destroy the animal if—
- (a) the appeal is finally decided or is otherwise ended; and
 - (b) the order is still in force.
- (7) If the animal has been impounded, the owner or responsible person for an animal may reclaim the animal if—
- (a) a review relating to the decision to make the order is finally decided or is otherwise ended; and
 - (b) no application for an appeal has been made against the order; and
 - (c) the order is no longer in force; and
 - (d) the owner or responsible person has satisfied section 27(2)(b)-(d).
- (8) If the animal has been impounded, the owner or responsible person for an animal may reclaim the animal if—
- (a) an appeal relating to the decision to make the order is finally decided or is otherwise ended; and
 - (b) the order is no longer in force; and
 - (c) the owner or responsible person has satisfied section 27(2)(b)-(d).
- (9) In this section—

review means a review conducted under the process mentioned in part 4 of *Local Law No.1 (Administration) 2015*.

²⁵ See note 18.

appeal means an appeal under part 4 of this local law.

Division 5 Disposal of impounded animals

29 Application of this division

This division applies where—

- (a) an impounded animal has not been reclaimed within the prescribed period under section 27(2); or
- (b) if section 27(3)(a) applies— the impounded animal has not been reclaimed within 3 days of an authorised person’s advice to the owner or responsible person that the animal’s continued retention as evidence is no longer required; or
- (c) if section 27(3)(b) applies—the impounded animal has not been reclaimed within 3 days of the completion of a review or appeal that caused a destruction order to no longer be in force; or
- (d) an authorised person has seized an animal mentioned in section 25(2)(b); or
- (e) the owner of an animal has surrendered the animal to the local government.

30 Sale, disposal or destruction of animals

- (1) The local government may—
 - (a) offer the animal for sale by public auction or by tender; or
 - (b) if the animal is an animal mentioned in section 25(2)(b) or is of a species, breed or class specified by subordinate local law for this paragraph—
 - (i) sell the animal by private agreement; or
 - (ii) dispose of the animal in some other way without destroying it; or
 - (iii) destroy the animal.

Example for paragraph (b)—

The subordinate local law might specify dogs, cats and other small domestic animals, for which a public auction or tender might not be practicable.

- (2) An animal may only be sold or disposed of under subsection (1) if the local government is satisfied that this will not result in the animal being kept in contravention of the requirements of this local law.

Examples—

- A pig that has been seized because it is being kept in an urban area in contravention of a prohibition under a subordinate local law could be sold to a person outside the urban area but not to another person in an urban area.
 - An animal that a subordinate local law has prohibited in any part of the local government area could not be sold to a person who resides within the local government area.
 - A declared dangerous animal could only be sold to a person who has complied with any specified requirements for keeping such an animal.
- (3) If an animal is to be offered for sale at a public auction under this section, notice of

the time and place of the auction must be exhibited at the local government's public office for at least 2 days before the date of the auction.

- (4) An amount realised on sale of an impounded animal must be applied—
 - (a) first, towards the costs of the sale; and
 - (b) second, towards the cost-recovery fee for impounding; and
 - (c) third, in payment of the remainder to the former owner of the animal, unless the owner had surrendered the animal to the local government.
- (5) If no person establishes a valid claim to the amount to which the former owner is entitled under subsection (4)(c) within 1 year of the date of the sale, the amount becomes the property of the local government.
- (6) If an animal that is offered for sale by public auction or tender is not sold through the auction or tender process, the local government may dispose of the animal as it considers appropriate.

Examples—

- The local government may give the animal away.
- The local government may have the animal destroyed.

Division 6 Other impounding matters

31 Register of impounded animals

- (1) The local government must ensure that a proper record of impounded animals (the *register of impounded animals*) is kept.
- (2) The register of impounded animals must contain the following information about each impounded animal—
 - (a) the species, breed and sex of the animal; and
 - (b) the brand, colour, distinguishing markings and features of the animal; and
 - (c) if applicable—the registration number of the animal; and
 - (d) if known—the name and address of the responsible person; and
 - (e) the date and time of seizure and impounding; and
 - (f) the name of the authorised person who impounded the animal; and
 - (g) the reason for the impounding; and
 - (h) a note of any order made by an authorised person relating to the animal; and
 - (i) the date and details of whether the animal was sold, released, destroyed or disposed of in some other way.
- (3) The register of impounded animals must be kept available for public inspection at the place of care for animals or, if the place has no public office, at an office prescribed by subordinate local law.

32 Access to impounded animal

- (1) This section applies to an animal impounded under section 22.

- (2) The local government must allow the owner of the animal to inspect it at any reasonable time, from time to time.
- (3) Subsection (2) does not apply if it is impracticable or would be unreasonable to allow the inspection.
- (4) The inspection must be provided free of charge.

33 Unlawful removal of seized or impounded animal

- (1) A person must not, without the authority of an authorised person, remove or attempt to remove—
 - (a) a seized animal from the custody or control of an authorised person; or
 - (b) an impounded animal from the local government's facility for keeping impounded animals.

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

- (2) Any costs arising from damage or loss caused by a person contravening subsection (1) are recoverable by the local government as a debt.

Part 5 Appeals against destruction orders

34 Who may appeal

An owner or responsible person for an animal the subject of a destruction order may appeal to the Magistrates Court against the decision to make the destruction order.

35 Starting appeal

- (1) An appeal must not be started unless a review of the decision to make the destruction order has been finally decided or otherwise ended.
- (2) An appeal is started by—
 - (a) filing notice of appeal with the Magistrates Court; and
 - (b) serving a copy of the notice of appeal on the local government; and
 - (c) complying with rules of court applicable to the appeal.
- (3) The notice of appeal must be filed within 14 days after the appellant is given notice by the local government about the finalisation of the review of the decision to make a destruction order.
- (4) However, the court may, at any time, extend the time for filing the notice of appeal.
- (5) The notice of appeal must state fully the grounds of the appeal and the facts relied on.

36 Stay of destruction order

Upon filing the notice of appeal, the destruction order is stayed until the court

decides the appeal.

37 Hearing procedures

- (1) In deciding an appeal, the Magistrates Court—
 - (a) has the same powers as the local government; and
 - (b) is not bound by the rules of evidence; and
 - (c) must comply with natural justice.
- (2) An appeal is by way of rehearing, unaffected by the decision appealed against.

38 Court's powers on appeal

- (1) In deciding an appeal, the Magistrates Court may—
 - (a) confirm the decision appealed against; or
 - (b) set aside the decision and substitute another decision; or
 - (c) set aside the decision and return the matter to the local government with directions the court considers appropriate.
- (2) If the court substitutes another decision, the substituted decision is, for the purposes of this local law, other than this part, taken to be the decision of the local government.
- (3) An order for the costs of an appeal may only be made against the local government if the court is satisfied that the animal was unlawfully seized or there was no reasonable basis for making the decision subject to the appeal.

39 Appeal to District Court

An appeal lies to a District Court from a decision of the Magistrates Court, but only on a question of law.

Part 6 Registration of cats

40 Registration obligation

- (1) This section does not apply to—
 - (a) the operator of a cattery, pound or shelter; or
 - (b) the owner of a cat less than 12 weeks old.
- (2) An owner of a cat must comply with section 41 to register the cat within 14 days after starting to keep the cat in the local government area unless the person has a reasonable excuse.
Maximum penalty—20 penalty units.
- (3) A person who becomes an owner of a cat must comply with section 41 to register the cat in the local government area within 14 days unless the person has a reasonable excuse.

Maximum penalty — 20 penalty units.

- (4) It is a defence to a prosecution for an offence against subsection (2) or (3) for the defendant to prove that the cat is of a class of cat prescribed under a subordinate local law.

41 What the owner of a cat must do

To register a cat with the local government, the owner of the cat must—

- (a) give the local government a registration form for the cat that complies with section 42; and
- (b) ensure the registration form is accompanied by—
 - (i) the registration fee for the cat; and
 - (ii) if the cat is desexed — a signed veterinary surgeon's certificate stating, or other evidence that, it has been desexed; and
- (c) if a written notice is given to the owner under section 43 — give the chief executive officer of local government any other information or documents required to be given in the notice.

42 What registration form must state

A registration form for the registration of a cat must comply with requirements prescribed by subordinate local law.

43 Chief executive officer may ask for further information

- (1) This section applies if the owner of a cat gives the local government—
 - (a) a registration form for the cat under section 41; or
 - (b) a notice mentioned in section 46(3) or 48(2) for the cat.
- (2) The chief executive officer may, by written notice, require the owner to give other information or documents reasonably required to register the cat.
- (3) The notice must state a reasonable period of at least 14 days to comply with the notice.

44 Local government must give registration notice

- (1) This section applies if an owner of a cat complies with section 41 for the cat.
- (2) The local government must give the owner of the cat notice (a *registration notice*) that the cat has been registered by the local government.
- (3) The registration notice must—
 - (a) comply with the requirements prescribed by subordinate local law; and
 - (b) be accompanied by any registration device for the cat.

45 Duration of registration

The registration of a cat is for the period fixed by resolution of the local government for the cat.

46 Amendment of registration

- (1) If any information stated in the registration notice for a cat changes (the *changed information*), the owner of the cat must, within 7 days, give the local government notice of the changed information.

Maximum penalty — 5 penalty units.

- (2) The notice must be—
 - (a) in the approved form; and
 - (b) accompanied by other information or documents to enable the local government to record the changed information in the local government's register of cats.
- (3) If the owner complies with subsection (2), the local government must, within 14 days after receiving the notice, ensure the owner is given a written notice for the cat that includes the changed information.

47 Renewal of registration

- (1) This section applies if—
 - (a) a cat has been registered by the local government; and
 - (b) the local government has given the owner of the cat a registration notice.
- (2) The local government must give the owner notice (a *renewal notice*) to renew the registration for the cat.
- (3) The renewal notice must comply with requirements prescribed by subordinate local law.

48 What owner of a cat must do about renewal of registration

- (1) This section applies to the owner of a cat, whether or not the owner has been given a renewal notice.
- (2) The owner of the cat must, before the period of registration for the cat expires—
 - (a) if any information on the renewal notice has changed—give the local government written notice of the change (the *changed information*); and
 - (b) pay the registration fee for the cat; and
 - (c) if the cat is desexed—ensure the fee is accompanied by a signed veterinary surgeon's certificate stating, or other evidence that, it has been desexed.

Maximum penalty — 20 penalty units.

- (3) However, if a registration form for the cat has already been accompanied by the certificate or evidence mentioned in subsection (2) for the cat, the certificate or evidence need not accompany the fee.

49 Local government's obligations if owner complies

- (1) This section applies if the owner of a cat given a renewal notice under section 47 complies with section 48 for the cat.
- (2) The local government may ask the owner for other information or documents in the way mentioned in section 43.
- (3) The owner must give the local government the information or documents required to be given in the notice mentioned in section 43(2).

Maximum penalty — 5 penalty units.

- (4) If the owner complies with subsection (3), the local government must—
 - (a) within 7 days after receiving the notice mentioned in section 48(2), ensure the information is updated in the local government's register of cats in a way that reflects the change; and
 - (b) within 14 days after receiving the fee, any information or documents mentioned in section 48(2) or other information or documents given under section 43, give the owner any registration device for the cat.

49A Obligations of owner of registered cat

The owner of a registered cat must—

- (a) ensure that the cat carries the registration device required by resolution of the local government; and
- (b) ensure that the registration device is attached to a collar worn by the cat; and
- (c) notify the local government within 14 days if the registration device for the cat has been lost or destroyed.

Maximum penalty for each of paragraphs (a), (b) and (c)—20 penalty units.

50 Cat not registered at commencement

- (1) This section applies to an owner of a cat other than the operator of a cattery, shelter or pound if the cat—
 - (a) is not registered at the commencement of this local law; or
 - (b) is less than 12 weeks old.
- (2) The owner must ensure the cat is registered within 3 months after whichever is the later of—
 - (a) the commencement of this local law; and

- (b) the cat is 12 weeks old.

51 Registration of cat continues

A cat registered under chapter 3 of the *Animal Management (Cats and Dogs) Act 2008* before the commencement of this local law is taken to be registered under part 6.

Part 7 Miscellaneous

52 Sale of animals

- (1) The local government may, by subordinate local law, specify conditions to be complied with by persons who offer animals, or a particular species of animal, for sale.
- (2) Conditions specified under subsection (1) are in addition to requirements of the *Animal Management (Cats and Dogs) Act 2008* in relation to the supply of cats and dogs.
- (3) A person must not offer or display animals for sale in the area unless the person complies with conditions specified under subsection (1).

Maximum penalty for subsection (3)—50 penalty units.

53 Disposal of dead animals

- (1) If an animal is found dead on any land, an authorised person may give a compliance notice to—
 - (a) a person who was the owner or responsible person for the animal prior to its death; or
 - (b) for land other than a public place, and where there is no person who is known to have been the owner or responsible person for the animal prior to its death, the occupier of the land.
- (2) The compliance notice given by an authorised person under subsection (1) may require the person to remove and dispose of the carcass in a specified manner within the time specified in the notice.
- (3) If a person fails to comply with a compliance notice given under subsection (1), a local government worker may enter the land where the carcass is situated (if it is not a public place) and—
 - (a) remove the carcass for disposal elsewhere; or
 - (b) at the authorised person's election, dispose of the carcass by burial on the land.
- (4) Subsection (3) applies—
 - (a) whether or not there has been a prosecution for an offence; and
 - (b) subject to chapter 5, part 2 of the Act.

- (5) Despite subsections (1) to (4), but subject to section 145 of the Act, a local government worker may enter the land and remove or dispose of the carcass in a manner specified in subsection (3), if the state of decomposition of the carcass creates a potentially dangerous situation.
- (6) A person must not dispose of a dead animal in or upon a public place without the permission of an authorised person.

Maximum penalty for subsection (6)—20 penalty units.

54 Subordinate local laws

The local government may make subordinate local laws about—

- (a) the circumstances in which the keeping of animals is prohibited;²⁶ or
- (b) the circumstances in which an approval is required for the keeping of animals;²⁷ or
- (c) minimum standards for keeping animals generally or animals of a particular species or breed;²⁸ or
- (d) the identification for dogs required under the *Animal Management (Cats and Dogs) Act 2008*;²⁹ or
- (e) animals whose faeces in public places must be removed and disposed of;³⁰ or
- (f) proper enclosure requirements;³¹ or
- (g) requirements for keeping a dog within a koala area;³² or
- (h) designation of an area as a koala area;³³ or
- (i) the criteria for declaring an animal other than a dog to be a declared dangerous animal;³⁴ or
- (j) the organisation or local government that operates a place or care for impounded animals;³⁵ or
- (k) the species, breed or class of animal that may be disposed of other than by public auction or tender;³⁶ or

²⁶ See section 5(1).

²⁷ See section 6(1).

²⁸ See section 7(1).

²⁹ See section 8.

³⁰ See section 12.

³¹ See section 13(2).

³² See section 13A(1)

³³ See section 13A(4)

³⁴ See section 17(1).

³⁵ See section 22(b).

³⁶ See section 30(1)(b).

- (l) the office at which the register of impounded animals is available for public inspection;³⁷ or
- (m) the class of cat prescribed for the purposes of section 40(4);³⁸ or
- (n) prescribed requirements for a registration form;³⁹ or
- (o) prescribed requirements for a registration notice;⁴⁰ or
- (p) prescribed requirements for a renewal notice;⁴¹
- (q) the conditions to be complied with by persons who offer animals, or a particular species of animal, for sale;⁴² or
- (r) the exclusion of animals of a particular species from the application of this local law;⁴³ or
- (s) the declaration of a species of animal as a declared dangerous animal;⁴⁴ or
- (t) the period within which an impounded animal may be reclaimed.⁴⁵

55 Transitional provision for the prohibition and restriction of animals in public places

For the avoidance of doubt, the local government may make a resolution about a prohibition or restriction under section 9(1) contemporaneously with, or after, the commencement of this local law if, before making the resolution, the local government consulted with the public for at least 21 days about, and considered every submission properly made to it about—

- (u) each prohibition proposed under section 9(1)(a) or (b); and
- (v) each restriction proposed under subsection (1)(c).

Example—

The local government may consult with the public and consider every submission properly made to it contemporaneously with the public consultation undertaken by the local government as part of the local law making process adopted by the local government, by resolution, under section 29(1) of the *Local Government Act 2009*.

56 Transitional provision for dog off-leash areas

For the avoidance of doubt, the local government may make a resolution about a designation under section 10(1) contemporaneously with, or after, the

³⁷ See section 31(3).

³⁸ See section 40(4).

³⁹ See section 42.

⁴⁰ See section 44(3).

⁴¹ See section 47(3).

⁴² See section 52(1).

⁴³ See the definition of *animal* in the schedule.

⁴⁴ See the definition of *declared dangerous animal* in the schedule.

⁴⁵ See the definition of *prescribed period* in the schedule.

commencement of this local law if, before making the resolution, the local government consulted with the public for at least 21 days about, and considered every submission properly made to it about, each designation proposed under section 10(1).

Example—

The local government may consult with the public and consider every submission properly made to it contemporaneously with the public consultation undertaken by the local government as part of the local law making process adopted by the local government, by resolution, under section 29(1) of the *Local Government Act 2009*.

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Schedule Dictionary

Section 3

animal includes a mammal, fish, bird, reptile, amphibian or insect but does not include an animal of a species excluded by subordinate local law from the application of this local law.

approved form means a form approved by the chief executive officer of the local government.

attack, by an animal, means—

- (a) aggressively rushing at or harassing any person or animal; or
- (b) biting, butting, kicking, or otherwise causing physical injury to, a person or an animal; or
- (c) tearing clothing on, or otherwise causing damage to the property in the immediate possession of, a person.

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

changed information—

- (a) for section 46—see section 46(1); and
- (b) for section 48—see section 48(2).

compliance notice means a compliance notice mentioned in *Local Law No.1 (Administration) 2015*, section 28.

cost-recovery fee means the fee fixed by the local government to cover the costs associated with impounding an animal.⁴⁶

declared dangerous animal means an animal—

- (a) of a species declared by subordinate local law as a declared dangerous animal; or
- (b) declared under section 17 of this local law to be a declared dangerous animal.

desex see *Animal Management (Cats and Dogs) Act 2008, schedule 2*.

destroy, an animal, includes causing it to be destroyed.

destruction order see section 28(1).

dog off-leash area see section 10(1).

effective control see section 11(2).

koala area see section 13A(4).

notice of impounding see section 23(1).

owner, of an animal, means

- (a) its registered owner;
- (b) a person who owns the animal, in the sense of it being the person's personal property;
- (c) a person who usually keeps the animal, including through an agent, employee or anyone else;

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

- (d) if a person mentioned in paragraphs (a) to (c) is a minor—a parent or guardian of the minor.

pound, for part 6, means premises maintained for the purpose of impounding animals.

prescribed period means the period, fixed by subordinate local law, of not less than—

- (a) if the animal is registered with the local government—5 days; or
 (b) if the animal is not registered with the local government—3 days;

and commencing on the day a notice of impounding is given to a person or, if no notice is given to a person, on the day of the seizure.

registered, for a cat, means that the information about the cat is recorded in the local government's register of cats.

registered owner, of an animal, means a person recorded as being the owner of the animal in a registry kept by a local government.

registration device means a device to assist in identifying a cat decided by resolution of the local government.

Example of a registration device—a tag for the collar of a cat

registration fee, for a cat, means the fee fixed by the local government for the registration of the cat.

registration form, for the registration of a cat, means the approved form for registering cats in the local government area.

registration notice see section 44(2).

renewal notice see section 47(2).

responsible person, for an animal, means—

- (a) the person, or the person's employee acting within the scope of the employment, who has immediate control or custody of the animal; or
 (b) if a minor has immediate control or custody of the animal — the parent or guardian of the minor; or
 (c) if a person other than a minor has immediate custody or control of the animal — the person who has immediate custody or control of the animal; or
 (d) the person who occupies the place at which the animal is usually kept,

but does not include—

- (a) a person who occupies the place at which the animal is usually kept, if someone else who is an adult and lives at the place keeps the animal; or
 (b) a person who has the control or custody of or keeps the animal as an employee of someone else, if the person is acting within the scope of the employment.

restricted dog see *Animal Management (Cats and Dogs) Act 2008*, section 63.

shelter, for part 6, means premises maintained for the purpose of providing shelter to, or finding a home for, stray, abandoned or unwanted animals.

State planning instrument see *Sustainable Planning Act 2009*, schedule 3.

the Act means the *Local Government Act 2009*.

veterinary surgeon means a person registered as a veterinary surgeon under the *Veterinary*

Surgeon's Act 1936.

wandering at large means—

- (a) the animal is not under the effective control of someone; and
- (b) the animal is in either—
 - (i) a public place; or
 - (ii) a private place without the consent of the occupier.

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Certification

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

.....
Chief Executive Officer

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Redland
CITY COUNCIL

Redland City Council

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



Redland City Council

Subordinate Local Law No. 2 (Animal Management) 2015

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Part 1 Preliminary

1 Short title

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

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 2 (Animal Management) 2015*, which provides for regulation of the keeping and control of animals within the local government's area.
- (2) The purpose is to be achieved by providing for—
 - (a) the circumstances in which the keeping of animals is prohibited or requires approval; and
 - (b) requirements for keeping animals, including minimum standards and proper enclosures; and
 - (c) the control of animals in public places and koala conservation areas; and
 - (d) matters regarding the impounding of animals and the sale or disposal of impounded animals; and
 - (e) the conditions to be complied with by persons who offer animals, or a particular species of animal, for sale; and
 - (f) the declaration of a species of animal as a declared dangerous animal and the criteria for declaration of a specific animal as a declared dangerous animal.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 2 (Animal Management) 2015* (the **authorising local law**).

4 Definitions

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

Part 2 Keeping of animals

5 Circumstances in which keeping animals prohibited—Authorising local law, s 5(1)

For section 5(1) of the authorising local law, keeping an animal or animals mentioned in column 1 of schedule 1 is prohibited in the circumstances described in column 2 of schedule 1.

6 Circumstances in which keeping animals requires approval—Authorising local law, s 6(1)

- (1) For section 6(1) of the authorising local law, an approval is required for the keeping of an animal or animals in the circumstances specified in this section.
- (2) An approval (a **3 cat approval**) is required to keep 3 cats over the age of 3 months on premises unless a cattery approval or a pet shop approval has been granted in respect of the keeping of the cats on the premises.
- (3) An approval (a **3 dog approval**) is required to keep 3 dogs over the age of 3 months on premises unless a kennel approval or a pet shop approval has been granted in respect of the keeping of the dogs on the premises.
- (4) An approval (a **cattery approval**) is required to operate premises which are used or intended for use for the keeping, boarding, breeding or training of more than 3 cats.
- (5) An approval (a **kennel approval**) is required to operate premises which are used or intended for use for the keeping, boarding, breeding or training of more than 3 dogs.
- (6) An approval (a **pet shop approval**) is required to keep animals if the animals are kept for the purposes of the operation of a pet shop.

7 Minimum standards for keeping animals—Authorising local law, s 7(1)

- (1) For section 7(1) of the authorising local law, the minimum standards for the keeping of animals are set out in schedule 2.
- (2) For section 7(1) of the authorising local law, column 2 of schedule 3 sets out the minimum standards for keeping an animal of the species or breed mentioned in column 1 of schedule 3.

8 Identification for dogs in certain circumstances—Authorising local law, s 8

For section 8 of the authorising local law, the identification required for a dog that is at a place other than the address stated in the registration notice for the dog is an identifying tag supplied by the local government—

- (a) stating the registration number of the dog; and
- (b) indicating that the identifying tag has been issued by the local government; and
- (c) containing other information the local government considers appropriate.

Part 3 Control of animals

9 Requirements for proper enclosures for keeping animals—Authorising local law, s 13(2)

For section 13(2) of the authorising local law, column 2 of schedule 4 sets out the requirements for proper enclosures for an animal of the species or breed mentioned in column 1 of schedule 4.

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

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

10 Criteria for declared dangerous animals—Authorising local law, s 17(1)

For section 17(1) of the authorising local law, an animal may be declared a dangerous animal where there is a high likelihood of the animal causing injury to a person or animal or damage to property, taking into account—

- (a) its prior history of attacking or causing fear to persons or animals or damaging property; and
- (b) the extent of injury or damage that could potentially be inflicted by an animal of its size and species or breed.

Part 4 Seizure, impounding or destruction of animals

11 Place of care for impounded animals—Authorising local law, s 22

For section 22 of the authorising local law, the place of care for animals impounded by the local government will be operated by the local government.

12 Animals that may be disposed of without auction or tender—Authorising local law, s 30(1)(b)

For section 30(1)(b) of the authorising local law, the species, breeds or classes of animal that may be sold by private agreement, destroyed or disposed of in some other way are the following—

- (a) dogs; and
- (b) cats; and
- (c) livestock; and
- (d) poultry and birds; and
- (e) other small domestic animals, including guinea pigs, rats and mice.

13 Register of impounded animals—Authorising local law, s 31(3)

For section 31(3) of the authorising local law, the register of impounded animals will be kept at the local government's public office.

Part 5 Registration of cats

14 What registration form must state—Authorising local law, s42

- (1) For section 42 of the authorising local law, a registration form for the registration of a cat must—
 - (a) be in the approved form; and
 - (b) state all of the following information about the owner of the cat—
 - (i) name;
 - (ii) residential address;
 - (iii) contact telephone number;
 - (iv) email address, if any; and
 - (c) state all of the following information about the cat—
 - (i) age;
 - (ii) breed;
 - (iii) colour;
 - (iv) sex;
 - (v) any other noticeable distinguishing features or marks;
 - (vi) address;
 - (vii) if it is desexed—that it is desexed.
- (2) In this section, the *address* for a cat is the address of the place where the cat is usually kept or proposed to be kept.

15 Local government must give registration notice — Authorising local law, s44(3)

For section 44(3) of the authorising local law, a registration notice must—

- (a) be given to the owner within 14 days after the cat is registered by the local government; and
- (b) state—
 - (i) the information, for the owner and the cat, required to be given under sections 42 and 43(2) of the authorising local law; and
 - (ii) the period of the registration.

16 Local government must give renewal notice — Authorising local law, s47(3)

For section 47(3) of the authorising local law, a renewal notice must—

- (c) be given at least 14 days before the period of registration for the cat expires; and
- (d) state—
 - (i) the information, for the owner and the cat, stated in the register of cats maintained by the local government; and
 - (ii) the period of renewal of registration; and
 - (iii) that the owner must, within 7 days, give the local government notice of any change to the information.

Part 6 Miscellaneous

17 Conditions regarding sale of animals—Authorising local law, s 52(1)

For the purposes of section 52(1) of the authorising local law, persons who offer for sale an animal of a species or breed mentioned in column 1 of schedule 5 must comply with the conditions set out in column 2 of schedule 5.

18 Animals excluded from application of the local law—Authorising local law, schedule

For the purposes of the definition of “*animal*” in the schedule to the authorising local law, fish are excluded from the application of the authorising local law.

19 Prescribed period for reclaiming animals—Authorising local law, schedule

For the purposes of the definition of “*prescribed period*” in the schedule to the authorising local law, the period within which an animal may be reclaimed is—

- (a) if the animal is a horse, cow, registered cat, registered dog or other identifiable animal—5 days; and
- (b) if the animal is an unregistered cat, unregistered dog or an animal which is not an identifiable animal—3 days.

Schedule 1 Prohibition on keeping animals

Section 5

Item	Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
1	Dog	<p>(a) More than 2 dogs over the age of 3 months on premises unless the local government has granted, in respect of the keeping of the dogs on the premises—</p> <ul style="list-style-type: none"> (i) a 3 dog approval; or (ii) a kennel approval; or (iii) a pet shop approval. <p>(b) Any of the following breeds, and a cross-breed of any of the following breeds, anywhere in the local government area: American pit bull terrier or pit bull terrier; dogo Argentino; fila Brasileiro; Japanese tosa; Perro de Presa Canario or Presa Canario.</p>
2	Cat	<p>(a) More than 2 cats over the age of 3 months on premises unless the local government has granted, in respect of the keeping of the cats on the premises—</p> <ul style="list-style-type: none"> (i) a 3 cat approval; or (ii) a cattery approval; or (iii) a pet shop approval. <p>(b) A cat on premises in the ridgewood downs prohibition area.¹</p>
3	Livestock	<p>(a) 1 or more livestock on an allotment with an area less than 4,000m².</p> <p>(b) 1 or more livestock on premises in the ridgewood downs prohibition area.²</p>
4	Rooster, ostrich, emu, peacock, peahen, guinea fowl or similar bird	A bird to which this item 4 applies on an allotment with an area less than 4,000m ² .

¹ See definition of *ridgewood downs prohibition area* in the dictionary.

² See definition of *ridgewood downs prohibition area* in the dictionary.

Item	Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
5	Domestic chicken, duck or drake	(a) A bird to which this item 5 applies on an allotment with an area less than 500m ² . (b) More than 6 birds to which this item 5 applies on an allotment with an area between 500m ² and 2,000m ² . (c) More than 12 birds to which this item 5 applies on an allotment with an area between 2001m ² and 4,000m ² .
6	Goose or turkey	A bird to which this item 6 applies on an allotment with an area less than 2,000 m ² .
7	Large parrot, cockatoo, galah or other bird of a similar size	(a) A bird to which this item 7 applies on— (i) multi-residential premises; or (ii) an allotment with an area less than 1,000m ² . (b) More than 1 bird to which this item 7 applies on an allotment with an area between 1000m ² and 3000m ² . (c) More than 2 birds to which this item 7 applies on an allotment with an area of 3001m ² or more.

A prohibition prescribed in this schedule does not apply to the keeping of an animal or animals on premises if—

- (a) the animal or animals were kept on the premises before the commencement of the authorising local law; and
- (b) the keeping of the animal or animals on the premises immediately before the commencement of the authorising local law did not contravene any provision of a local law of the local government that was repealed contemporaneously with the making of the authorising local law.

Schedule 2 Minimum standards for keeping animals generally

Section 7(1)

- (1) A person who keeps an animal on premises must—
 - (a) ensure that the animal is adequately identified so that the owner's name, address and telephone number are readily ascertainable; and
 - (b) ensure that waste waters from enclosures are drained in a nuisance free manner and that run-off is kept off adjoining premises or as otherwise directed by an authorised person; and
 - (c) ensure that excreta, food scraps and other material that is, or is likely to become, offensive is collected at least daily and, if not immediately removed from the premises, is kept in a waste container of a kind approved by an authorised person; and
 - (d) ensure that any enclosure in which the animal is kept is properly maintained in—
 - (i) a clean and sanitary condition; and
 - (ii) an aesthetically acceptable condition; and
 - (e) take all reasonable steps to prevent the animal from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of—
 - (i) adjoining premises; or
 - (ii) premises in the vicinity of the land on which the animal is ordinarily kept; and
 - (f) ensure that the area available to the animal kept on the premises is appropriately sized so that the animal can be effectively and comfortably kept.
- (2) For the purposes of subsection (1)(e), the local government may consider a noise to be a nuisance or disturbance if—
 - (a) the noise is made for more than a total of 6 minutes in any hour from 7am to 10pm on any day; or
 - (b) the noise is made for more than a total of 3 minutes in any 30 minute period on any day after 10pm or before 7am.
- (3) Where an enclosure is to be built specifically for the purpose of housing an animal on premises, the enclosure must be constructed to prevent the animal from going within any of the following—
 - (a) 5m of any residence, other than a residence upon the premises on which the enclosure is to be constructed; and
 - (b) 1m of any boundary of the premises; and
 - (c) 10m of any premises used for the manufacture, preparation or storage of food for human consumption, other than food contained in hermetically sealed packages.
- (4) Subsection (3)(c) does not apply where an enclosure is built for the purpose of housing the animal if the premises are a domestic kitchen used solely for domestic purposes by the owner of, or responsible person for, the animal.

Schedule 3 Minimum standards for keeping particular animals

Section 7(2)

Item	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
1	Dog	<p>Each owner of, and responsible person for, a dog kept on premises must—</p> <p>(a) provide and maintain on any part of the premises which is accessible by the dog, structures or facilities which facilitate the escape of koalas from the premises; and</p> <p><i>Examples of structures or facilities which facilitate the escape of koalas—</i></p> <ol style="list-style-type: none"> 1 Fences which do not create a physical barrier to the movement of koalas. 2 Trees planted adjacent to the inside of a fence (which fence creates a physical barrier to the movement of koalas) to allow a koala to climb to the top of the fence. 3 A “koala pole” leant against the inside of a fence (which fence creates a physical barrier to the movement of koalas), to allow a koala to climb to the top of the fence. <p>(b) if a koala is on land to which the dog has access—</p> <ol style="list-style-type: none"> (i) protect the koala by restraining the dog until the koala has left the land; and (ii) confine the dog so that the dog can not attack the koala until the koala has left the land; and <p>(c) ensure that—</p> <ol style="list-style-type: none"> (i) a residence exists on the premises; and (ii) someone is usually living in the residence; and <p>(d) ensure that the premises are provided with an enclosure which complies with the requirements of schedule 4.</p>
2	Cat	<p>Each owner of, and responsible person for, a cat kept on premises must ensure that—</p> <ol style="list-style-type: none"> (a) a residence exists on the premises; and (b) someone is usually living in the residence; and (c) the premises are provided with an enclosure which complies with the requirements of schedule 4.

Item	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
3	Guard dog	<p>Each owner of, and responsible person for, a guard dog kept on premises must—</p> <ul style="list-style-type: none"> (a) keep the dog in an enclosure approved by an authorised person; and (b) ensure that the enclosure is constructed so as to prevent a koala from entering the enclosure; and (c) take such measures and do all such acts as may be required by an authorised person or, as the case may be, as may be necessary, to prevent the dog from escaping from the premises; and (d) display conspicuously at all times at each entrance to the premises, a notice in white lettering on a black background, the lettering being not less than 50mm in height and readily legible with the words— “BEWARE – DANGEROUS GUARD DOG”; and (e) ensure that the dog is under effective control at all times when the premises are open to access by the public.
4	Greyhound	<p>Each owner of, and responsible person for, a greyhound must ensure that the dog is kept—</p> <ul style="list-style-type: none"> (a) without nuisance; and (b) if a code of practice for the keeping of greyhounds has been approved by the Greyhound Racing Authority of Queensland—in accordance with the requirements of the code of practice.
5	Livestock	<p>Each owner of, and responsible person for, an animal to which this item 5 applies which is kept on premises must ensure that—</p> <ul style="list-style-type: none"> (a) the food of the animal is, so far as is practical, stored in a vermin proof container; and (b) the keeping of the animal does not have an adverse impact on— <ul style="list-style-type: none"> (i) the ability of occupiers of premises in the surrounding area to carry out the ordinary activities of the area and enjoy its amenity; and (ii) the health or safety of people or other animals; and (c) environmental impacts from the keeping of the animal are properly managed; and

Item	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
		<p><i>Examples of environmental impacts include—</i></p> <ol style="list-style-type: none"> 1 erosion; 2 dust; 3 weed infestation; 4 water pollution. <p>(d) if a code of practice for the keeping of an animal to which item 5 applies has been approved by the local government—the animal is kept in accordance with the requirements of the code of practice.</p>
6	A bird other than a bird described in any of items 4, 5, 6 or 7 of schedule 1	<p>Each owner of, and responsible person for, a bird to which this item 6 applies must ensure that—</p> <ol style="list-style-type: none"> (a) the bird is kept without nuisance; and (b) the bird is contained within an enclosed cage or aviary; and (c) the bird's food is kept in a properly sealed, vermin proof container; and (d) the cage or aviary in which the bird is kept is thoroughly cleaned at least once each week; and (e) if a code of practice for the keeping of birds of a relevant species has been approved by the local government—the bird is kept in accordance with the requirements of the code of practice.
7	Pigeon	<p>Each owner of, and responsible person for, 1 or more pigeons kept on premises must ensure that—</p> <ol style="list-style-type: none"> (a) the pigeons are kept without nuisance; and (b) the pigeons are contained within an enclosed cage or aviary; and (c) the pigeon's food is kept in a properly sealed, vermin proof container; and (d) the cage or aviary in which the pigeons are kept is— <ol style="list-style-type: none"> (i) thoroughly cleaned at least once each week; and (ii) located at the rear of, and behind, any residence situated on the premises; and (e) if the pigeons are kept in an urban area— the uncontrolled release of the pigeons (free lofting) is not permitted; and (f) if the pigeons are permitted to have free non-flight

Item	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
		<p>time — the free non-flight time is only conducted under the close supervision of the responsible person for the pigeons; and</p> <p>(g) the entry and exit of the pigeons from any loft, aviary or cage on the premises is fully controlled; and</p> <p>(h) if the pigeons are released from a loft, aviary or cage — the pigeons may only return through a one-way entrance to the loft, aviary or cage, which does not permit the uncontrolled exit of pigeons; and</p> <p>(h) if pigeons are released from the premises — every reasonable attempt is made to retrieve any pigeon that does not return to the premises; and</p> <p>(i) if pigeons are released from the premises — the pigeons are not permitted to roost on any land or premises adjoining the premises on which the pigeons are kept; and</p> <p>(j) the behaviour of the pigeons is appropriately conditioned to ensure rapid and voluntary return of the pigeons to the loft, aviary or cage at the premises after liberation; and</p> <p>(k) if a code of practice for the keeping of pigeons has been approved by the local government—the pigeons must be kept in accordance with the requirements of the code of practice.</p>
8	Bees	<p>(a) Each owner of, and responsible person for, bees must —</p> <p>(i) be a registered beekeeper under the <i>Apiaries Act 1982</i>; or</p> <p>(ii) the holder of a permit to keep bees granted under the <i>Apiaries Act 1982</i>.</p> <p>(b) Each owner of, and responsible person for, bees must ensure that —</p> <p>(i) the bees are kept without nuisance; and</p> <p>(ii) if a code of practice for the keeping of bees has been approved by the local government — the bees are kept in accordance with the requirements of the code of practice.</p>

Item	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
9	Duck, drake, goose, turkey, rooster, peacock, peahen, ostrich, emu, guinea fowl, and poultry	<p>Each owner of, and responsible person for, a bird to which this item 9 applies which is kept on premises must ensure that—</p> <ul style="list-style-type: none"> (a) the bird is kept without nuisance; and (b) the bird is contained within an enclosure; and (c) the bird's food is kept in a properly sealed, vermin proof container; and (d) the enclosure in which the bird is kept is— <ul style="list-style-type: none"> (i) thoroughly cleaned at least once each week; and (ii) if the bird is a domestic chicken, duck, drake, goose or turkey and the bird is kept on an allotment with an area less than 2000m²— located at the rear of, and behind, any residence situated on the premises; and (e) if a code of practice for the keeping of birds of a relevant species has been approved by the local government — the bird must be kept in accordance with the requirements of the code of practice.

Schedule 4 Requirements for proper enclosures for animals

Section 9

	Column 1 Species or breed of animal	Column 2 Requirements for proper enclosures
1	All animals regardless of species or breed	<p>(a) A proper enclosure is an area of the land on which the animal is kept, appropriately sized so as to be capable of effectively and comfortably housing the animal.</p> <p>(b) The area must be suitably fenced—</p> <ul style="list-style-type: none"> (i) appropriate to the species and breed of the animal to be enclosed; and (ii) so as to effectively enclose the animal on the land on which it is kept at all times; and (iii) so as to prevent any part of the animal from encroaching onto a public place or neighbouring property. <p>(c) For the purposes of this item 1, <i>suitably fenced</i> means enclosed by a fence —</p> <ul style="list-style-type: none"> (i) constructed of materials which are of sufficient strength to prevent the animal from escaping over, under or through the fence; and (ii) of a height which is sufficient to prevent the animal jumping or climbing over the fence; and (iii) where the animal has the ability to dig — which includes a barrier installed directly below the fence to prevent the animal digging its way out; and (iv) where the animal has the ability to climb— designed and constructed in such a way as to prevent the animal from climbing over the fence; and (v) of which all gates are kept closed and latched except when in immediate use by a person entering or leaving the land on which the animal is kept.
2	A dog kept at a caravan park	<p>The proper enclosure requirements for a person who keeps a dog at a caravan park site at a caravan park, are that the enclosure must—</p> <ul style="list-style-type: none"> (a) comprise part, or the whole, of the caravan park site; but

		<ul style="list-style-type: none"> (b) not extend beyond the external boundaries of the caravan park site; and (c) be appropriately sized so as to be capable of effectively and comfortably housing the dog; and (d) be suitably fenced— <ul style="list-style-type: none"> (i) appropriate to the species and breed of the dog to be enclosed; and (ii) so as to at all times effectively enclose the dog within— <ul style="list-style-type: none"> (A) if the area of the enclosure comprises the whole of the caravan park site — the caravan park site to the satisfaction of an authorised person; or (B) if the area of the enclosure comprises only part of the caravan park site — the area of the enclosure to the satisfaction of an authorised person.
3	Stallion	A proper enclosure for the keeping of a stallion must, in addition to the requirements specified in item 1, be constructed within an additional or second suitable and adequate fence or enclosure that is provided at the land on which the stallion is kept to a standard approved by an authorised person.
4	A cat kept on premises pursuant to a 3 cat approval	<p>A person who keeps a cat on premises pursuant to a 3 cat approval may comply with the requirements prescribed in item 1 if—</p> <ul style="list-style-type: none"> (a) a building or structure (other than a fence) forms part, or the whole, of the proper enclosure; and (b) the building or structure— <ul style="list-style-type: none"> (i) is appropriately sized so as to be capable of effectively and comfortably housing the cat; and (ii) the building or structure effectively encloses the cat on the premises at all times; and (iii) the building or structure is— <ul style="list-style-type: none"> (A) constructed of materials which are of sufficient strength to prevent the cat from escaping over, under or through the building or structure; and (B) of a height which is sufficient to prevent the cat jumping or climbing over the building or structure; and (c) all gates and doors of the building or structure are kept closed and latched except when in immediate use by a person entering or leaving the premises on which the cat is kept.

Schedule 4A Requirements for keeping a dog in a koala area

Section 9A(1)

- (1) A person who keeps a dog on a lot with an area of more than 2,000m² in a koala area must—
- (a) construct and maintain a proper enclosure³ (a “**koala area enclosure**”) having an area not more than 2,000m² and—
 - (i) keep the dog in the koala area enclosure; and
 - (ii) prevent the dog from wandering or escaping from the koala area enclosure; and
 - (iii) ensure that the dog is kept within the koala area enclosure at all times; or
 - (b) between sunset and sunrise tether the dog by a leash or chain which is—
 - (i) not more than 3m long; and
 - (ii) securely attached to the collar of the dog and a fixed stationery object on the lot; or
 - (c) between sunset and sunrise confine the dog to an enclosure which—
 - (i) is appropriately sized so as to be capable of effectively and comfortably housing the dog; and
 - (ii) has walls which are constructed so as to prevent the dog from escaping from the enclosure; and
 - (iii) is constructed so as to prevent a koala from entering the enclosure.

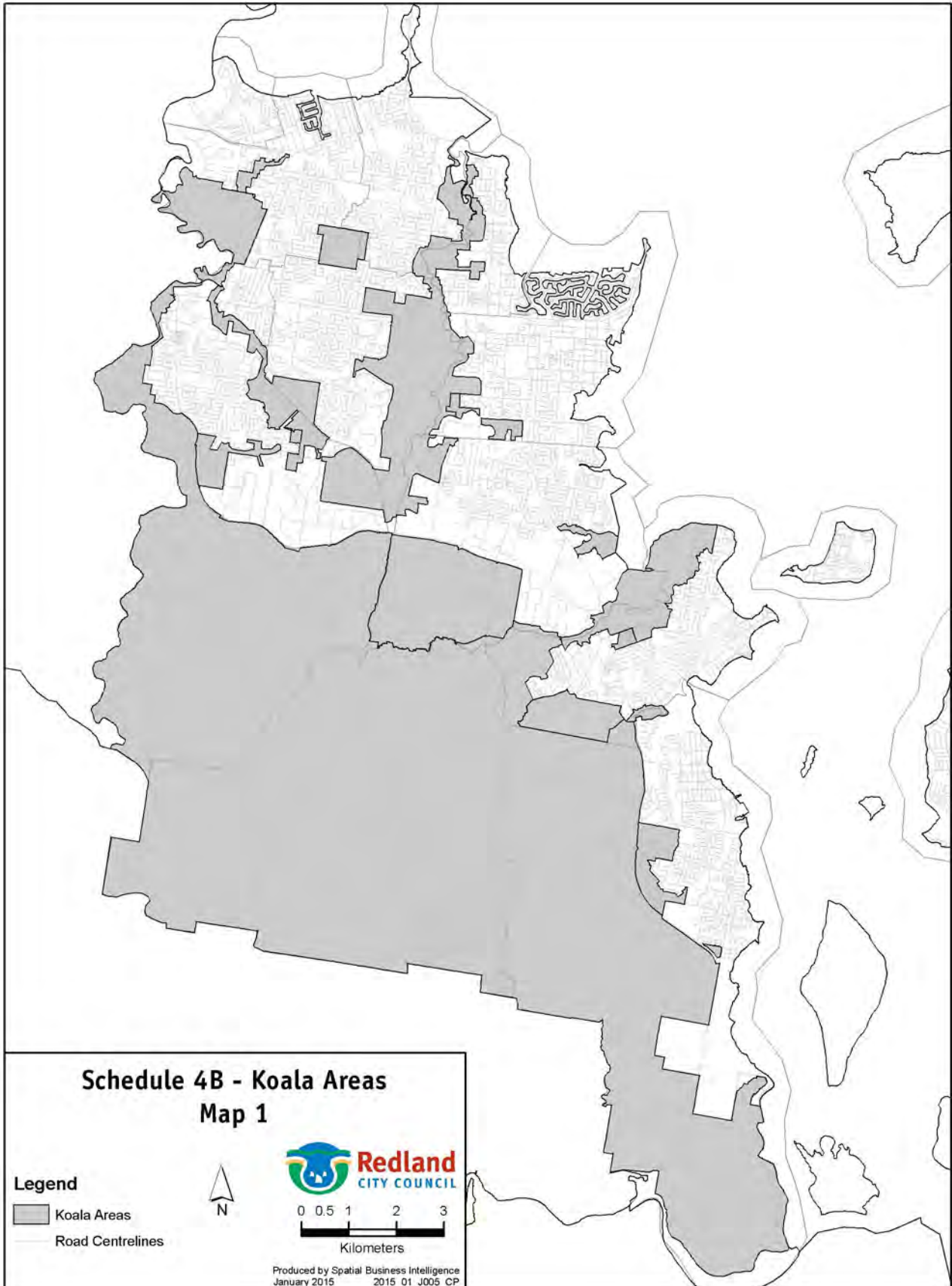
Example for paragraph (c): the enclosure may be—

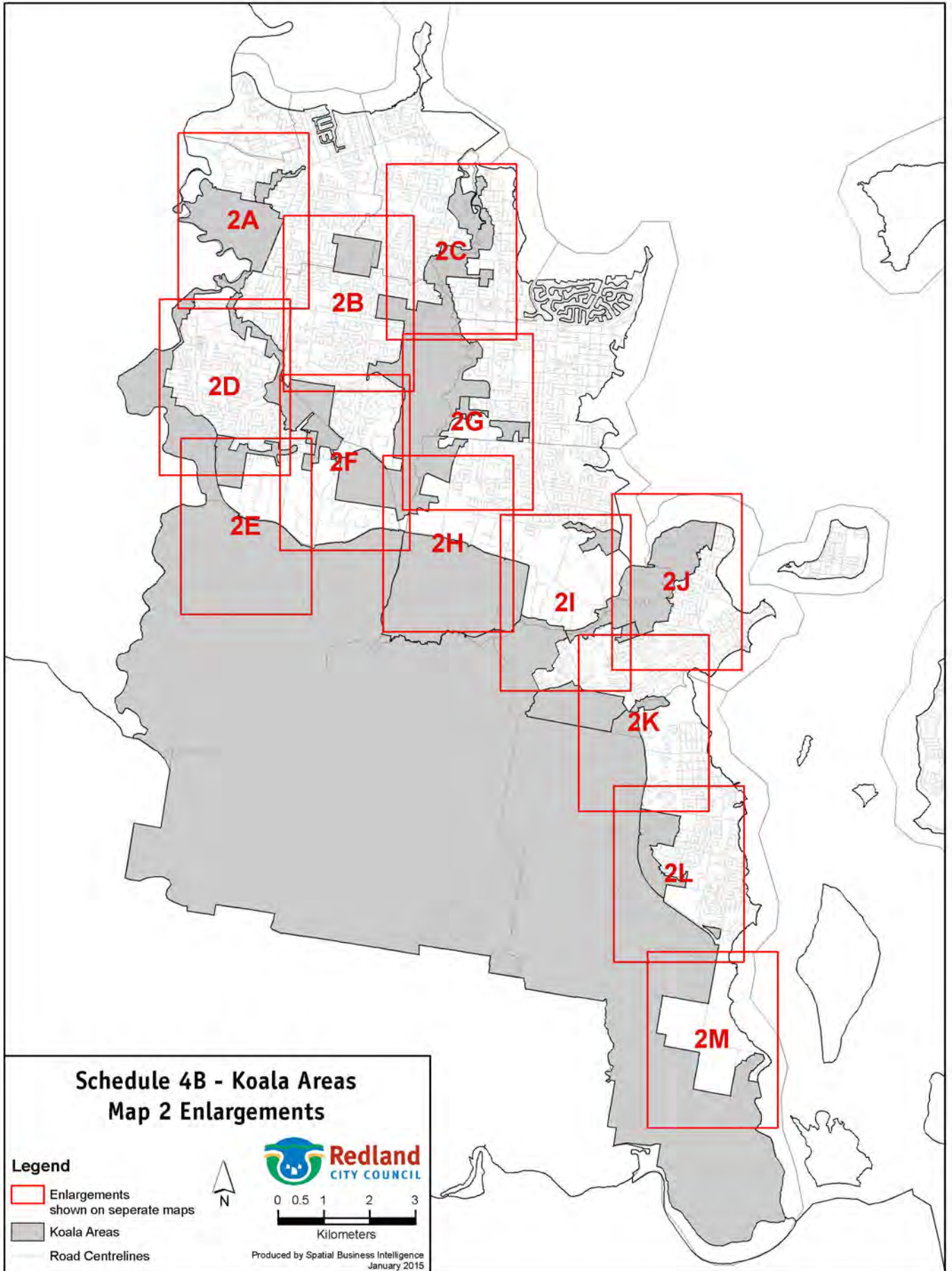
- (a) *a dwelling or part of a dwelling; or*
- (b) *a garage; or*
- (c) *a suitably fenced area which is constructed—*
 - (i) *outside a dwelling on the lot for the purpose of confining the dog between sunset and sunrise; and*
 - (ii) *so as to prevent a koala from entering the enclosure.*

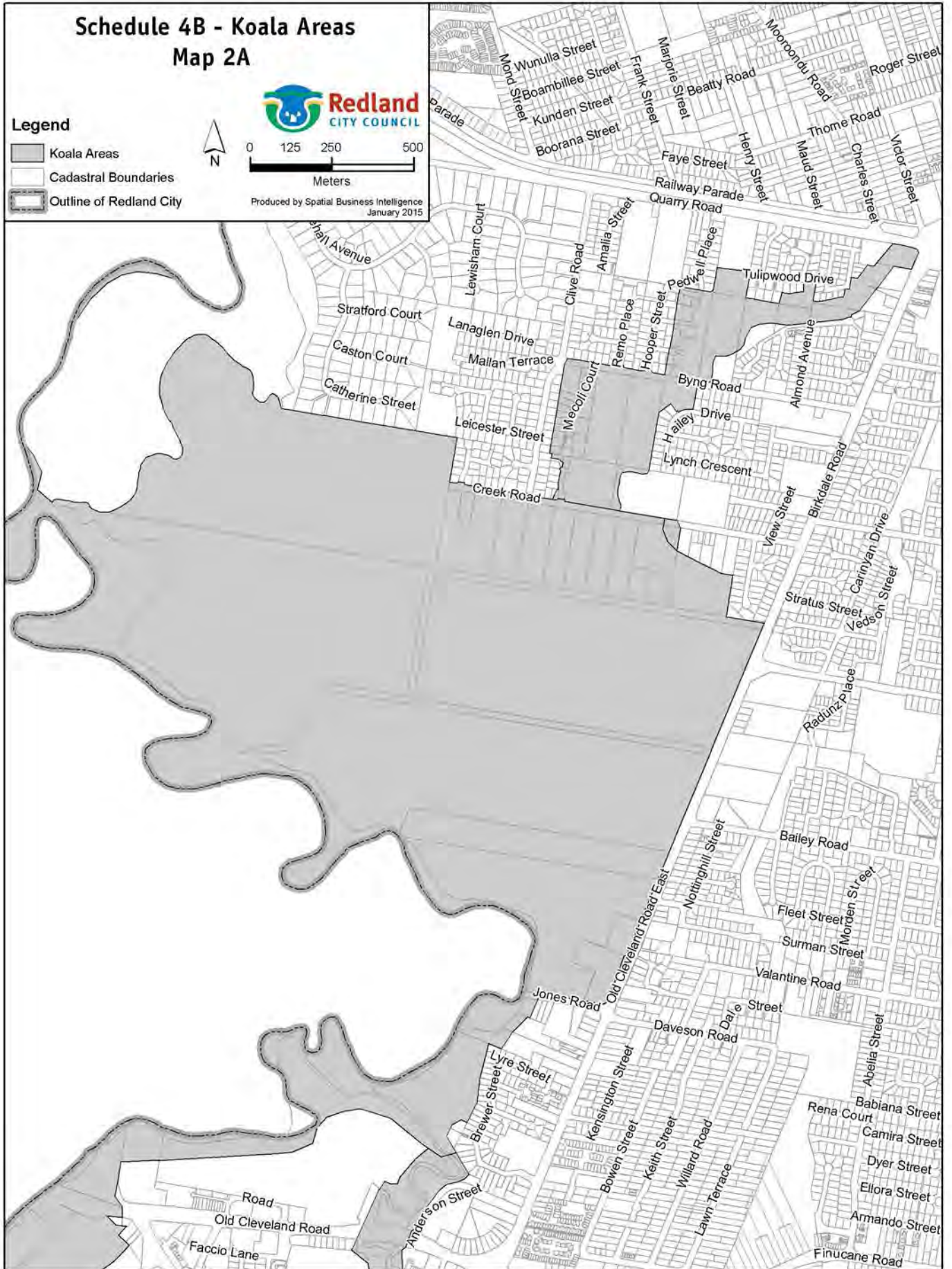
³ See section 9 for requirements for proper enclosures for keeping animals.

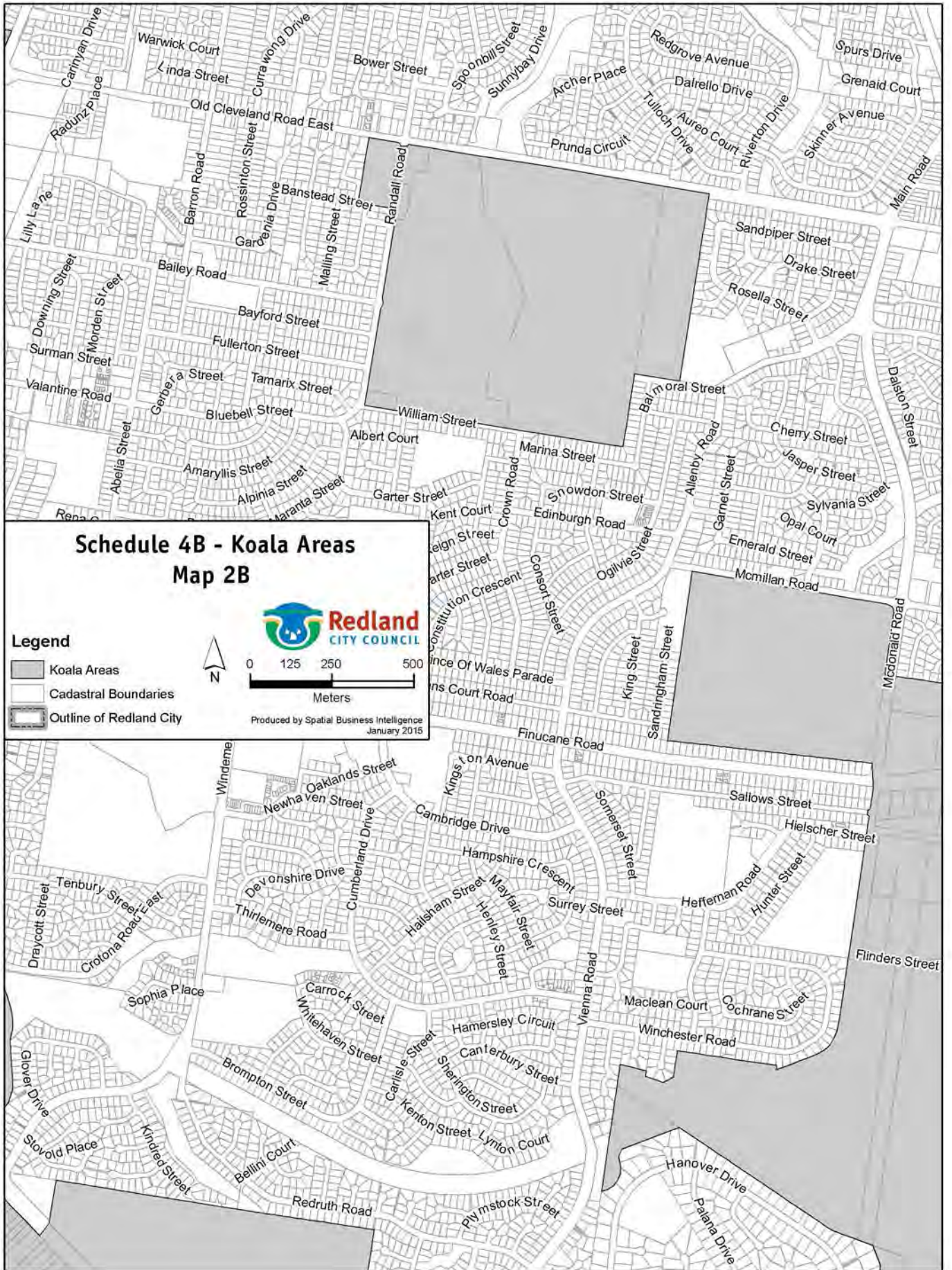
Schedule 4B Koala areas

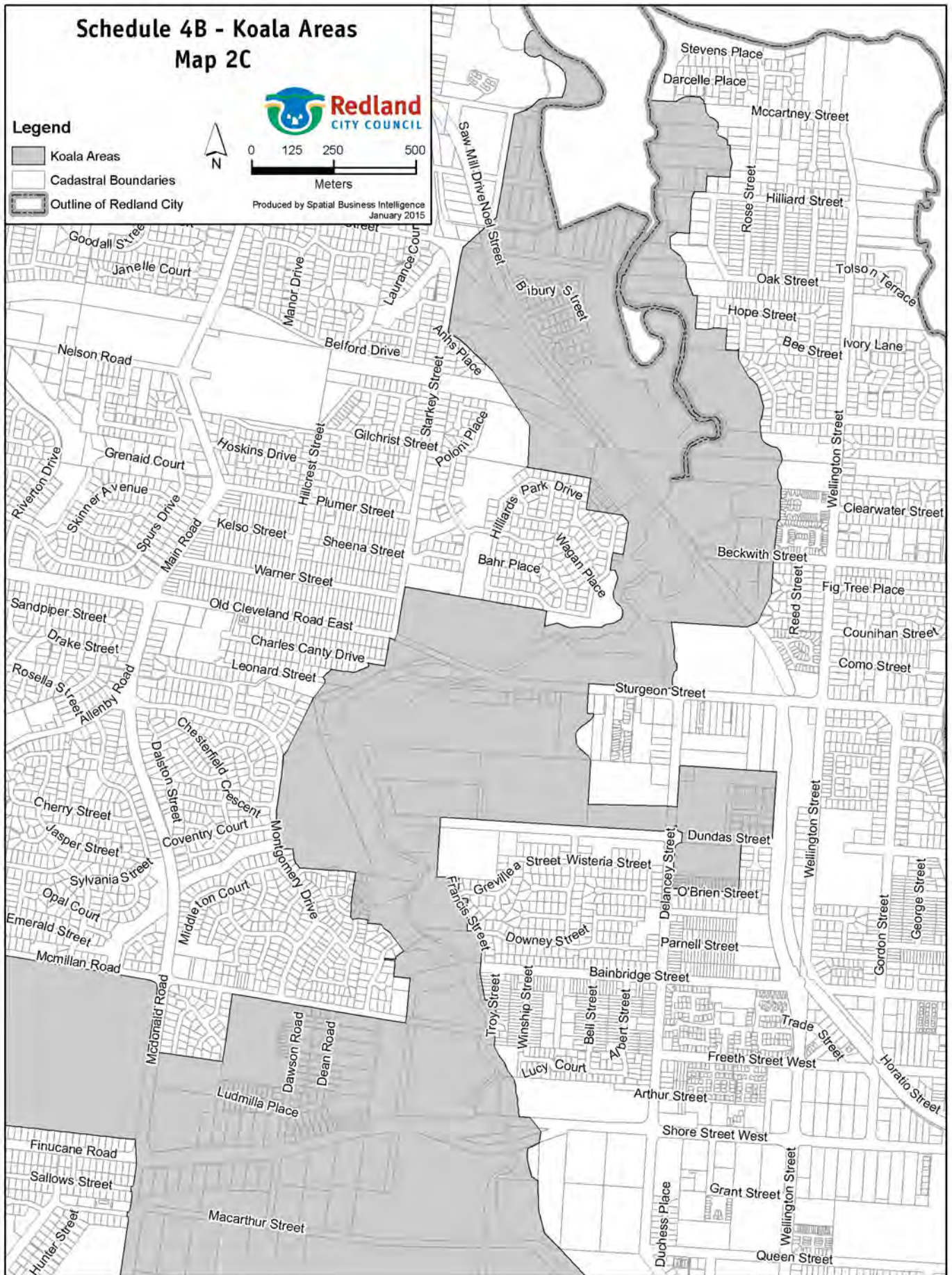
Section 9A(2) and (3)

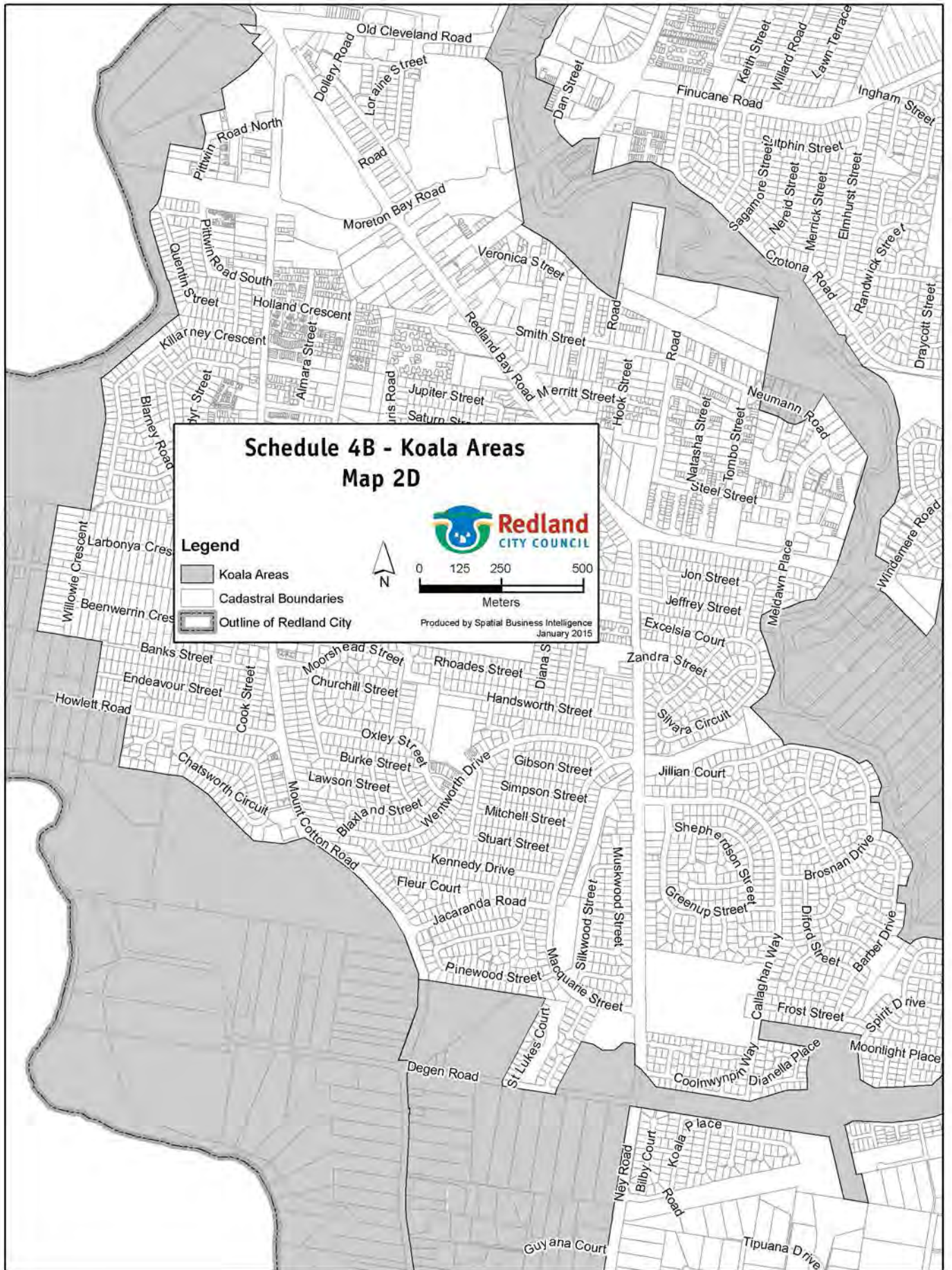






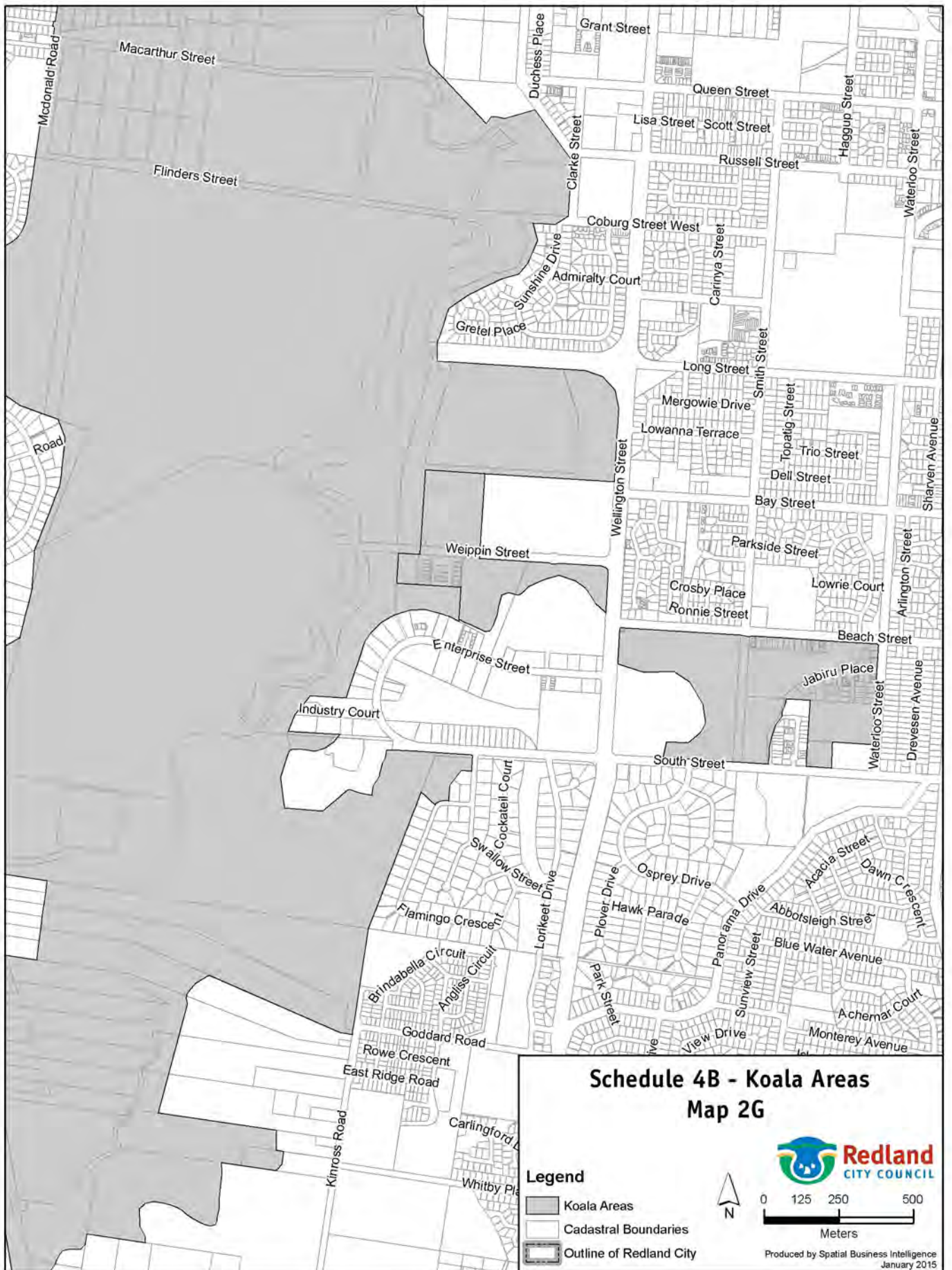


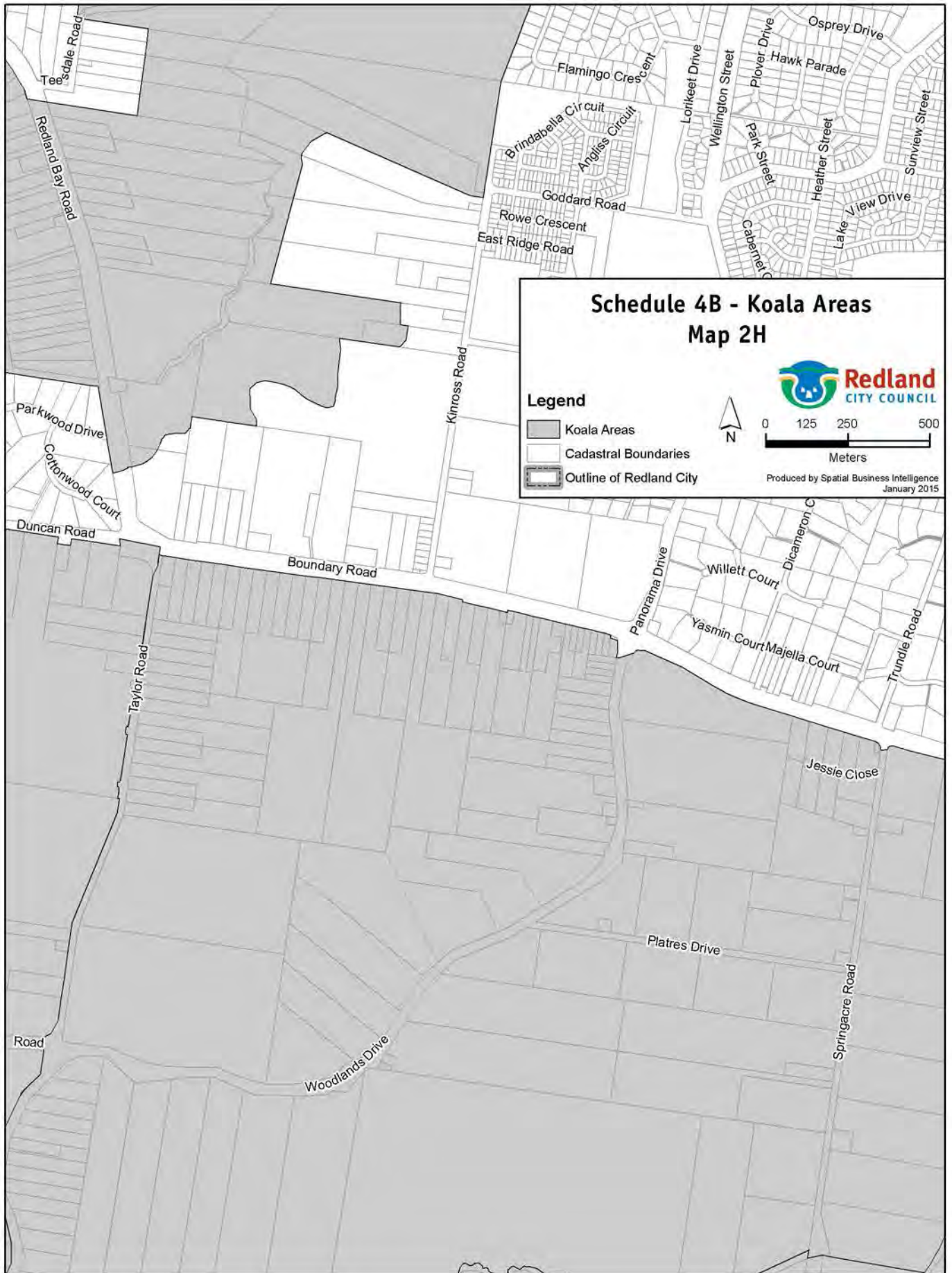


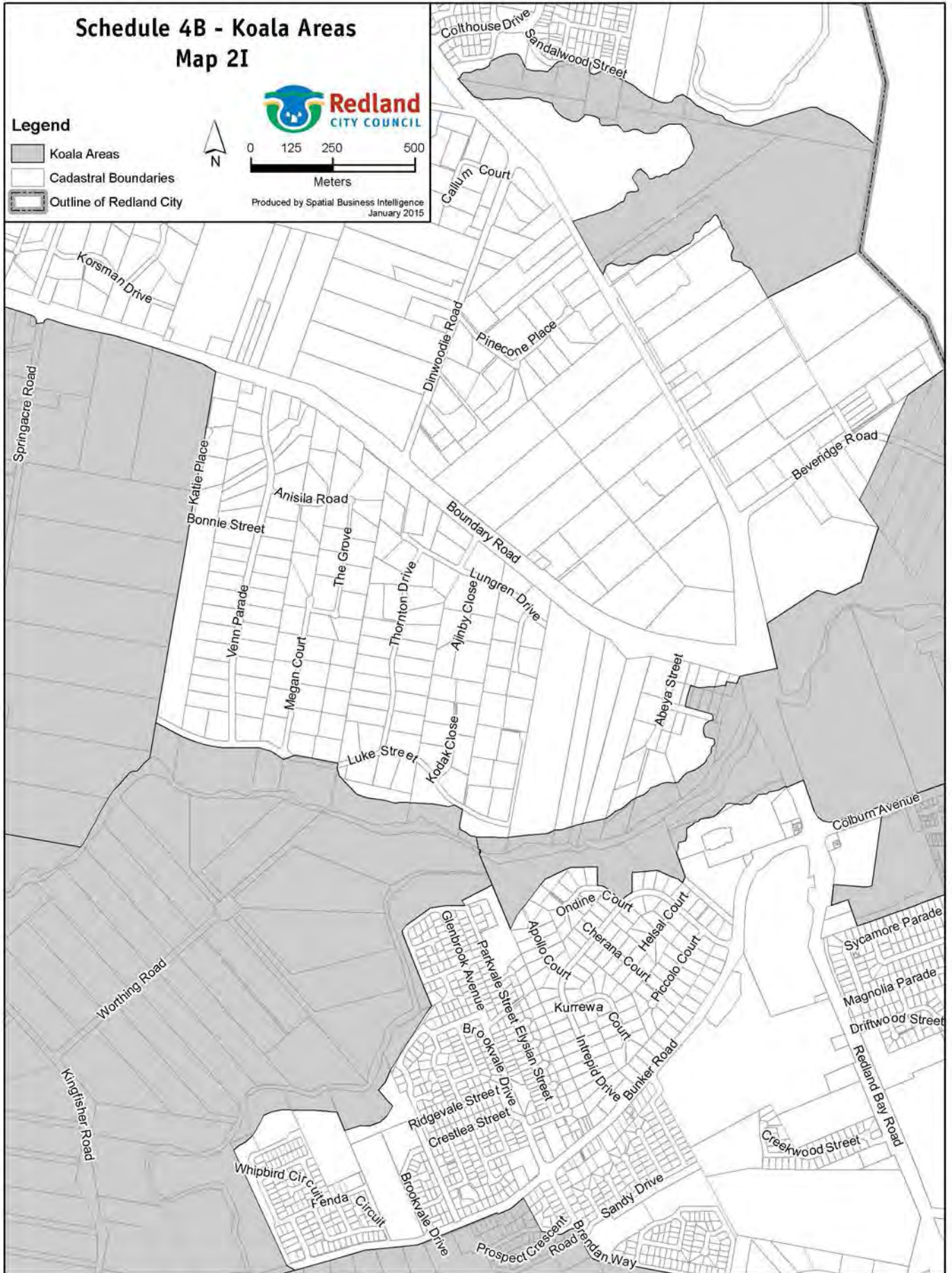




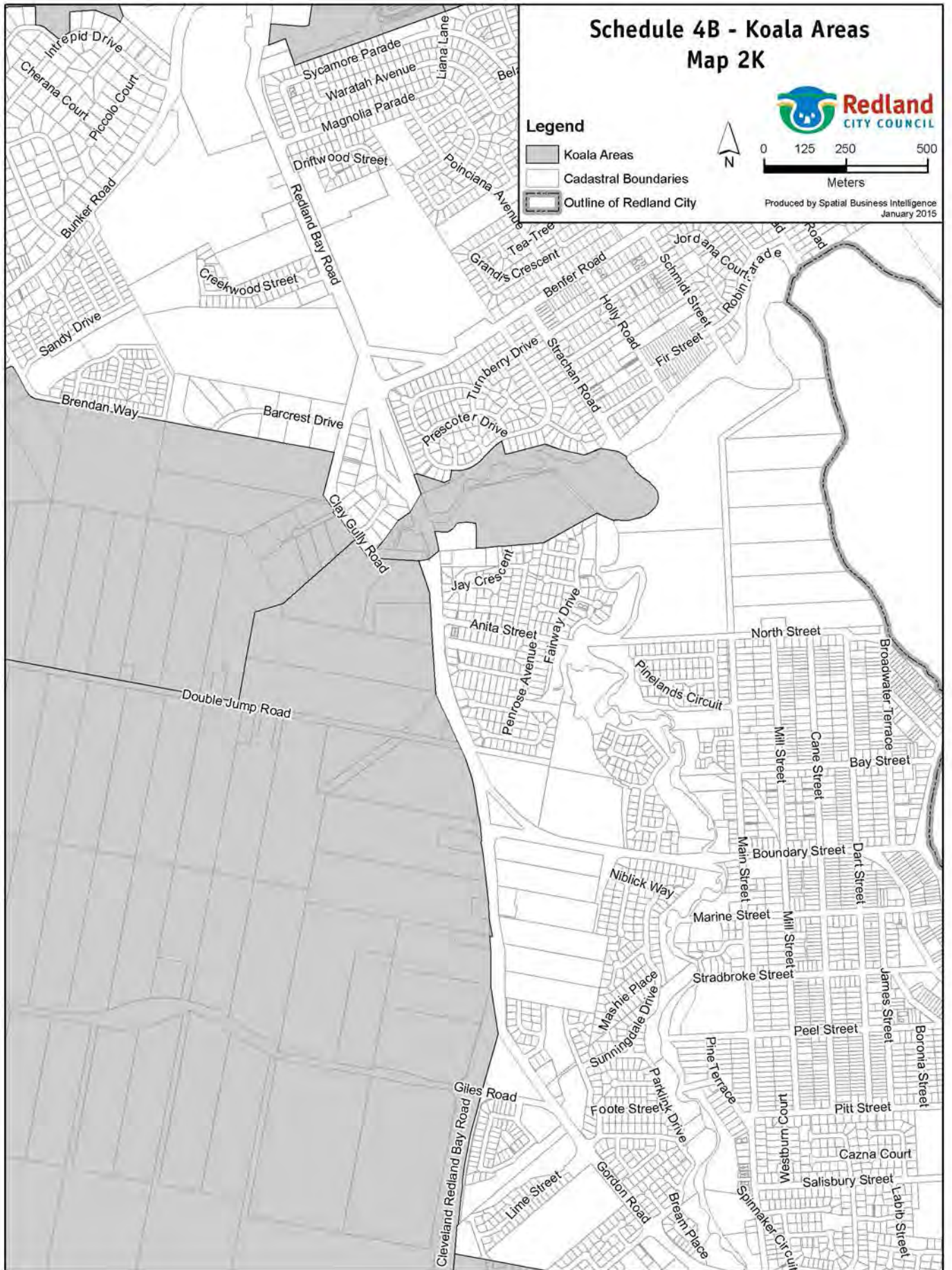


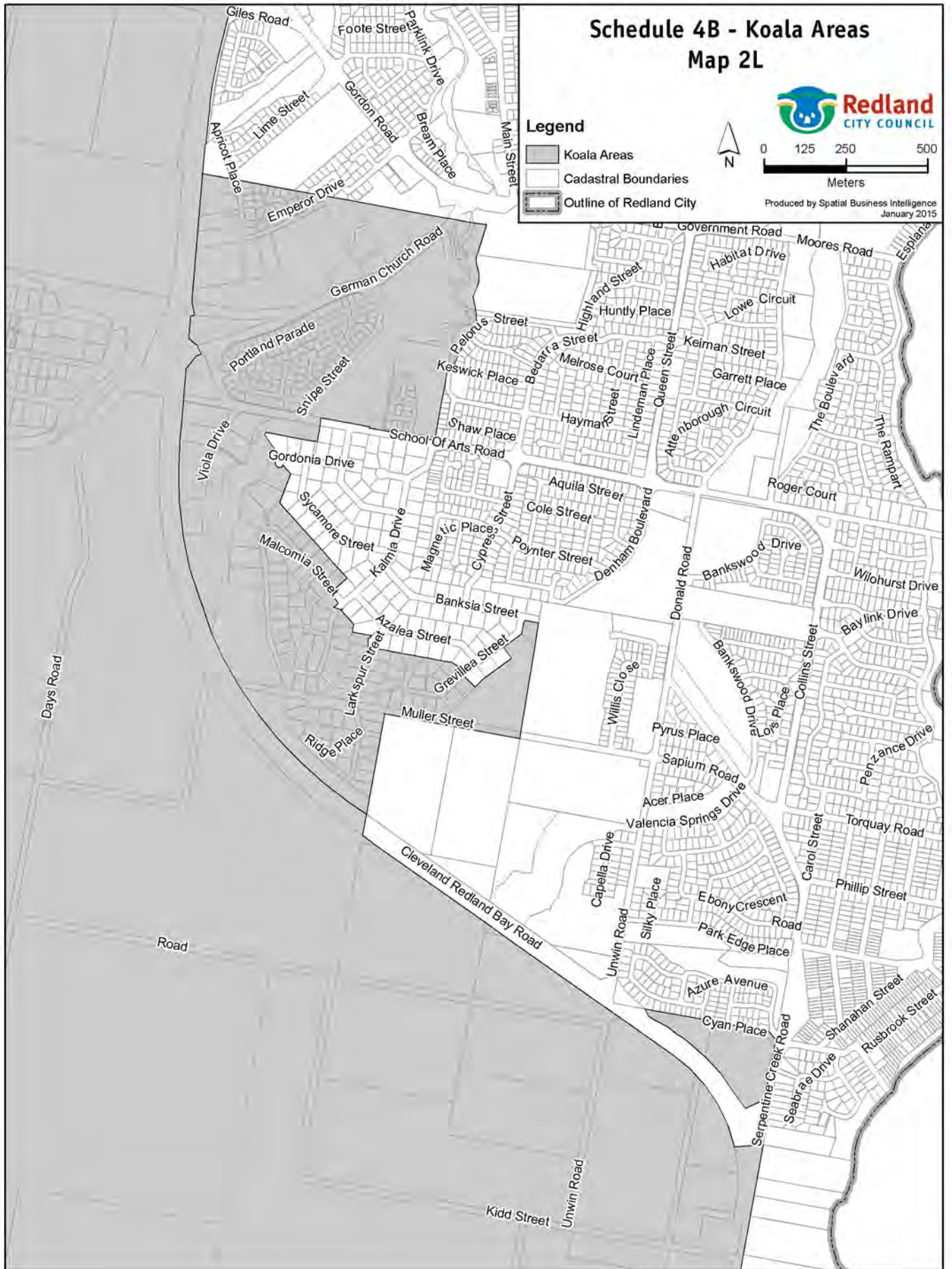


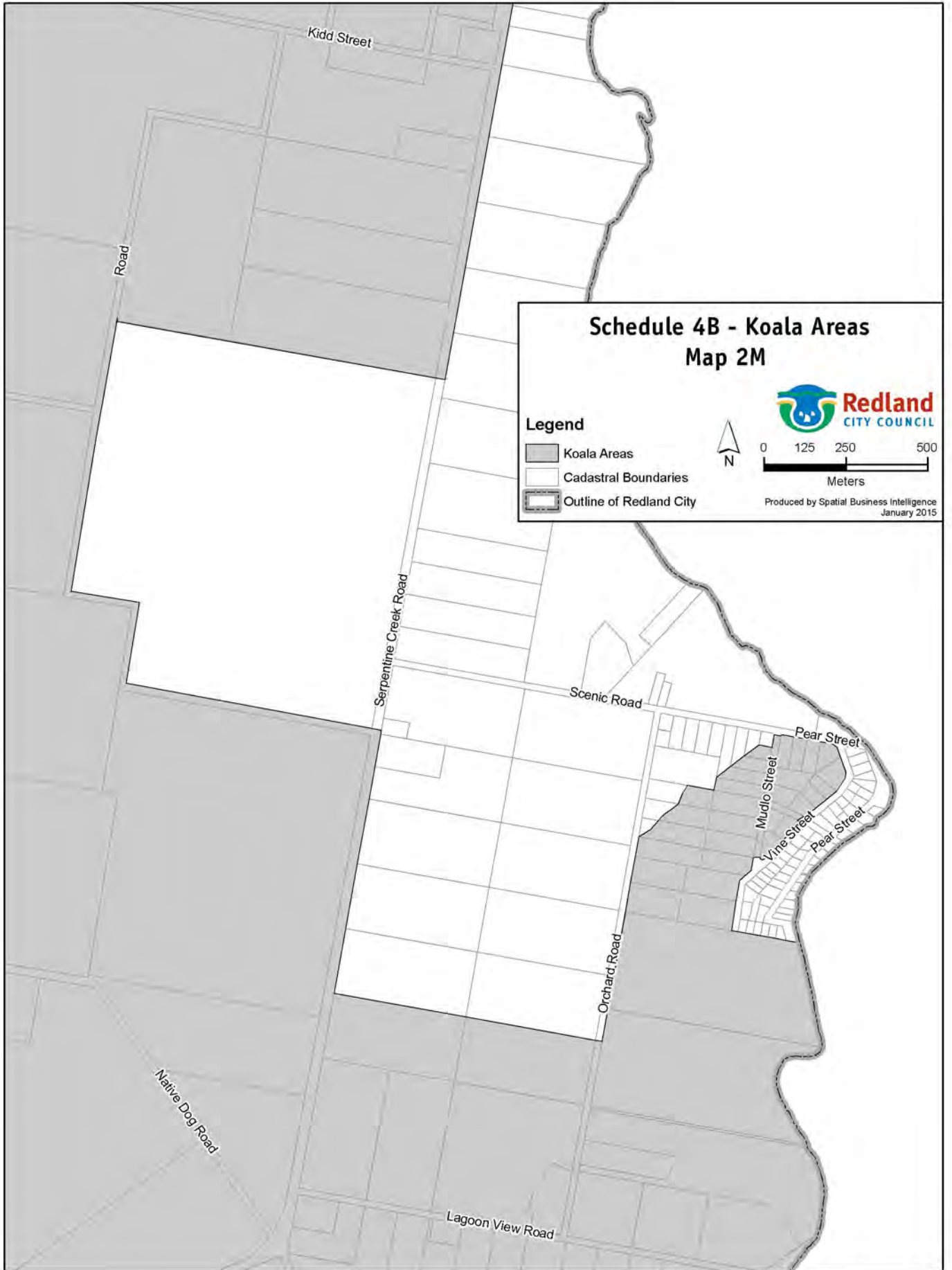












Schedule 5 Conditions for sale of animals

Section 17

	Column 1 Species or breed of animal	Column 2 Conditions that must be complied with when offering animal for sale
1	A dog or a cat	<p>(a) A person who offers an animal of a species specified in this item 1 for sale must keep and maintain a written register detailing —</p> <ul style="list-style-type: none"> (i) the particulars and description of each animal offered for sale including breed, name, date of birth, identifying tag and any other form of identification; and (ii) a medical history for each animal listing vaccinations, inoculations and treatments that have been carried out; and (iii) if the animal is sold or otherwise disposed of — the name and address of the new owner of the animal and the date of sale or disposal of the animal. <p>(b) If section 44 of the Animal Management Act applies to an animal which is offered for sale by the person— the person must comply with the requirements of the section before the sale of the animal by the person.</p> <p>(c) If section 44 of the Animal Management Act does not apply to the animal offered for sale by the person—the person must supply a register to the local government, at least monthly, giving full details of —</p> <ul style="list-style-type: none"> (i) all animals sold or otherwise disposed of including the name and address of the new owner of the animal; and (ii) a full description of each animal sold or otherwise disposed of; and (iii) the date of sale or disposal of each animal. <p>(d) A person must not offer an animal of a species specified in column 1 item 1 for sale unless the animal has received all necessary vaccinations, inoculations and treatments which are appropriate according to the age of the animal.</p>

Schedule 6 Ridgewood downs prohibition area

Section 4



Schedule 7 Dictionary

Section 4

3 cat approval see section 6(2).

3 dog approval see section 6(3).

accommodation (at a caravan park) means—

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

allotment means a single parcel of land, or several contiguous parcels of land where all of the contiguous parcels of land are in —

- (a) the same ownership; or
- (b) the same occupation.

Animal Management Act see *Animal Management (Cats and Dogs) Act 2008*.

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

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

caravan park —

- (a) means a place operated on a commercial basis for parking and residing in caravans; and
- (b) includes a place that provides for complimentary accommodation.

caravan park site (at a caravan park) means a part of the caravan park which is designated for a single accommodation of a particular type.

cat—

- (a) has the meaning given in section 11 of the *Animal Management Act*; and
- (b) includes a kitten regardless of age.

cattery approval see section 6(4).

complimentary accommodation has the meaning given in *Local Law No. 1 (Administration) 2015*.

destroy, an animal, includes causing it to be destroyed.

dog—

- (a) has the meaning given in section 11 of the *Animal Management Act*; and
- (b) includes a puppy regardless of age.

domestic purposes means the purposes of—

- (a) human consumption; or
- (b) food preparation; or
- (c) washing; or
- (d) other normal domestic duties.

guard dog—

- (a) means a dog released on residential premises or non-residential premises in the area of the local government without a handler for the purpose of guarding either persons or property if the dog has been trained to attack; but
- (b) includes a dog released on residential premises or non-residential premises in the area of the local government without a handler for the primary purpose of acting as a deterrent to intruders.

horse includes a pony and a miniature horse.

identifiable animal means an animal—

- (a) wearing an identifying tag issued by the local government; or
- (b) otherwise identified so that the local government is able to ascertain the owner of the animal.

keep (an animal)—

- (a) includes board, breed and train; and
- (b) in the absence of evidence to the contrary, a person is presumed to keep an animal on land if the person —
 - (i) feeds and cares for the animal on the land; and
 - (ii) the animal is observed by an authorised person on the land on more than 1 occasion during a month.

kennel approval see section 6(5).

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

livestock includes a horse, donkey, cow, bull, ox, pig, deer, sheep, goat, camel, llama and an alpaca.

lot —

- (a) means a separate, distinct parcel of land created on—
 - (i) the registration of a plan of subdivision under part 4, division 3 of the *Land Title Act 1994*; or
 - (ii) the recording of particulars of an instrument in accordance with the *Land Title Act 1994*; and

includes a lot under the *Building Units and Group Titles Act 1980*.

multi-residential premises means —

- (b) a residence which forms part of a group of 2 or more residences in circumstances where 2 or more of the residences of the group are directly adjacent to each other and share—
 - (i) a common wall; or
 - (ii) a ceiling in circumstances where 1 residence is directly under the floor of another residence; and
- (c) a residence situated on a lot which forms part of a community titles scheme as defined in the *Body Corporate and Community Management Act 1997*.

Examples of multi-residential premises —

Flats, boarding houses, tenement buildings, home units, townhouses and duplexes.

non-residential premises means premises other than residential premises.

occupier, of premises—

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

pet shop means a shop or a stall at a market at which animals are offered for sale.

pet shop approval see section 6(6).

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

registered has the meaning given in the *Animal Management (Cats and Dogs) Act 2008*.

residence means a building, or part of a building, that is—

- (a) fixed to land; and
- (b) a self-contained unit used by, or intended for the exclusive residential use of, one household.

residential premises means premises used, or intended to be used, predominantly as a place of residence.

ridgewood downs prohibition area means the area shaded in grey on the map in schedule 6.

stallion means an uncastrated adult male horse.

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

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

Certification

This and the preceding 24 pages bearing my initials is a certified copy of *Subordinate Local Law No. 2 (Animal Management) 2015* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the _____ day of _____, 2015.

.....
Chief Executive Officer

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DRAFT



Redland
CITY COUNCIL

Redland City Council

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



Redland City Council

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

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.5 (Keeping of Animals) 2015*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2015* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.
- (3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2015* (the **authorising local law**).

4 Definitions

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

Part 2 Approval for prescribed activity

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

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

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

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

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

Schedule 1 Keeping of animals

Section 5

1. Prescribed activity

- (1) Keeping of animals.
- (2) Under *Local Law No. 2 (Animal Management) 2015*, the relevant approvals are described as —
 - (a) a 3 cat approval;
 - (b) a 3 dog approval;
 - (c) a cattery approval;
 - (d) a kennel approval;
 - (e) a pet shop approval;
 - ~~(f) a miniature pig approval.~~

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

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

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

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

4. Additional criteria for the granting of an approval

- (1) Whether the premises on which the animal or animals are to be kept is appropriately sized so that the animal or animals can be effectively and comfortably kept on the premises.
- (2) Whether a residence exists on the premises.
- (3) Whether a proper enclosure is maintained on the premises in accordance with the requirements of *Local Law No. 2 (Animal Management) 2015*.
- (4) If the application relates to a 3 cat approval or a 3 dog approval — whether compassionate grounds exist for granting the approval.

Example –

Compassionate grounds for the grant of an approval exist if—

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

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

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

- to keep the cats from breeding; and
- (c) a condition requiring that the premises be provided with an enclosure complying with the requirements of section 13 of *Local Law No 2 (Animal Management) 2015*; and
 - (d) a condition requiring that if 1 or more of the cats identified in the approval departs the premises, the approval shall be deemed to have lapsed; and
 - (e) a condition requiring the holder of the approval to take all reasonable steps to prevent the cats from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of other premises; and
 - (f) a condition requiring that waste material and cat faeces be removed daily and disposed of in a manner approved by an authorised person; and
 - (g) a condition requiring that all enclosure areas be kept clean and sanitary and disinfected on a regular basis to the satisfaction of an authorised person; and
 - (h) a condition requiring that the holder of the approval ensure that all facilities for the keeping of cats on the premises are structurally maintained and in an aesthetically acceptable condition; and
 - (i) a condition requiring that all cats are permanently identified by the implanting of a microchip capable of being read by the local government's microchip reader.
- (2) The conditions that will ordinarily be imposed on a 3 dog approval for premises are—
- (a) a condition limiting the approval to the dogs identified in the approval; and
 - (b) a condition requiring that if 1 or more of the dogs identified in the approval departs the premises, the approval shall be deemed to have lapsed; and
 - (c) a condition requiring the holder of the approval to take all reasonable steps to prevent the dogs from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of other premises; and
- Example –*
- Persistent barking, howling or whining of a dog may result in a nuisance or disturbance to the occupiers of other premises.
- (d) if a kennel, run or exercise yard is provided for the dogs — a condition requiring that the kennel, run or yard must be located not less than—
 - (i) 1m from any boundary of the premises; or
 - (ii) 5m from any residence, other than the residence upon the premises on which the enclosure is to be constructed, and
 - (e) a condition requiring that drainage and run off from kennels be confined to the premises; and
 - (f) a condition requiring that waste material and dog faeces be removed daily and disposed of in a manner approved by an authorised person;

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

collection and storage of all waste generated as part of the operation of the cattery or kennel must be provided in the manner and location specified by the local government; and

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

- (g) a condition that the keeper must comply with any request or direction of an authorised person which is considered necessary to keep the premises free of nuisance; and
 - (h) a condition that waste waters from the premises must be drained in a nuisance free manner or as directed by an authorised person.
- (5) Unless otherwise specified, the conditions in subsection (4) do not apply to the keeping of fish at premises the subject of a pet shop approval.
- ~~(6) The conditions that will ordinarily be imposed on a miniature pig approval are—~~
- ~~(a) a condition requiring that the food of the miniature pig is, so far as is practical, stored in a vermin proof container; and~~
 - ~~(b) a condition requiring that drainage and run off from all shelters and enclosure areas be confined to the premises; and~~
 - ~~(c) a condition requiring that waste material and faeces be removed daily and disposed of in a manner approved by an authorised person; and~~
 - ~~(d) a condition requiring that all shelters and enclosure areas be kept clean and sanitary; and~~
 - ~~(e) a condition requiring that the holder of the approval ensure that all facilities for the keeping of the miniature pig on the premises are structurally maintained and in an aesthetically acceptable condition; and~~
 - ~~(f) a condition requiring that the keeping of the miniature pig does not have an adverse impact on—~~
 - ~~(i) the ability of occupiers of premises in the surrounding area to carry out the ordinary activities of the area and enjoy its amenity; and~~
 - ~~(ii) the health or safety of people or other animals; or~~
 - ~~(g) a condition requiring that environmental impacts from the keeping of the miniature pig are properly managed; and~~

Examples of environmental impacts include—

 - ~~1 erosion;~~
 - ~~2 dust;~~
 - ~~3 weed infestation;~~
 - ~~4 water pollution.~~
 - ~~(h) a condition requiring that where an enclosure is to be built specifically for the purpose of housing the miniature pig on premises, the enclosure must be constructed to prevent the miniature pig from going within any of the following—~~
 - ~~(i) 25m of any residence, other than a residence upon the premises on which the enclosure is to be constructed;~~
 - ~~(ii) 5m of any boundary of the premises; and~~
 - ~~(i) a condition requiring that the holder of the approval demonstrate that each of the miniature pig's parents are registered as a miniature pig with the Miniature Pig and Pet Pig Association of Australia; and~~
 - ~~(j) if a code of practice for the keeping of miniature pigs has been~~

~~approved by the local government—a condition requiring that the miniature pig must be kept in accordance with the requirements of the code of practice.~~

- (67) The conditions that will ordinarily be imposed on an approval to keep an animal (other than a dog or a cat) are—
- (a) if minimum standards for the keeping of the species or breed of the animal are prescribed in schedule 3 of *Subordinate Local Law No. 2 (Animal Management) 2015*—the animal must be kept in accordance with the minimum standards for the species or breed of animal prescribed in schedule 3 of *Subordinate Local Law No. 2 (Animal Management) 2015*; and
 - (b) if the approval relates to the keeping of 1 or more animals and the animal or animals are identified in the approval—a condition limiting the approval to the animal or animals identified in the approval.

7. Term of an approval

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

8. Term of renewal of an approval

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

Table 1 – Third party certification

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

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Schedule 2 Categories of approval that are non-transferable

Section 6

The categories of approval that are non-transferable are—

- (a) a 3 cat approval; and
- (b) a 3 dog approval. ~~and~~
- ~~(c) a miniature pig approval.~~

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Schedule 3 Dictionary

Section 4

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

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

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

~~***Miniature Pig and Pet Pig Association of Australia—***~~

~~(a) — means the Miniature Pig and Pet Pig Association of Australia Inc an incorporated association established to promote and safeguard the interests of miniature pigs and pet pigs in Australia and research and develop a high standard of breeding and showing of miniature pigs and pet pigs in Australia; and~~

~~(b) — includes any other association with similar objects which is approved by resolution of the local government.~~

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

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

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

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

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

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

Certification

This and the preceding 13 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.5 (Keeping of Animals) 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

419164_1

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Redland
CITY COUNCIL

Redland City Council

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



Redland City Council

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

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 3 (Community and Environmental Management) 2015*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to protect the environment and public health, safety and amenity within the local government's area.
- (2) The purpose is to be achieved by providing for the elimination or reduction of risks and threats to the environment and public health, safety and amenity resulting from—
 - (a) inadequate protection against animal and plant pests; and
 - (b) vegetation overgrowth; and
 - (c) visual pollution resulting from accumulation of objects and materials; and
 - (d) fires and fire hazards not regulated by State law; and
 - (e) community safety hazards; and
 - (f) noise that exceeds noise standards.

3 Definitions—the dictionary

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

4 Relationship with other laws¹

This local law is—

- (a) in addition to and does not derogate from laws for pest management, regulation of fires and environmental protection; and
- (b) to be read with *Local Law No. 1 (Administration) 2015*.

Part 2 Declared local pests

Division 1 Application

5 Application of part

- (1) This part does not apply to—
 - (a) an animal or plant that is a declared pest under the *Land Protection (Pest and Stock Route Management) Act 2002*² or the *Plant Protection*

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

² See the *Land Protection (Pest and Stock Route Management) Act 2002*, sections 36 and 37, regarding the declaration of plants and animals as declared pests for the State or part of the State.

Act 1989³; or

(b) noxious fisheries resources or diseased fisheries resources⁴.

(2) In this section—

declared pest see the *Land Protection (Pest and Stock Route Management) Act 2002*, section 8 and the *Plant Protection Act 1989*, section 4.

diseased fisheries resources see the *Fisheries Act 1994*, section 94.

noxious fisheries resources see the *Fisheries Act 1994*, schedule.

Division 2 Declaration of local pests

6 Declaration of local pests

(1) The local government may, by subordinate local law, declare an animal or plant of a specified species to be a local pest.

(2) Before the local government makes a declaration under this section, it must consult with the chief executive about the desirability of the declaration.

(3) A declaration under this section—

(a) must be published in a newspaper circulating generally in the local government's area; and

(b) comes into force on the date of publication.

(4) In this section—

chief executive means the chief executive of the department in which the *Land Protection (Pest and Stock Route Management) Act 2002* is administered.

7 Emergency declarations

(1) This section applies if the local government is satisfied urgent action is needed to avoid or minimise an immediate risk of environmental harm posed by a plant or animal.

(2) The local government may, by resolution, declare an animal or plant of the relevant species to be a local pest.

(3) A declaration under this section—

(a) must be published in a newspaper circulating generally in the local government's area; and

(b) comes into force on the date of publication; and

(c) comes to an end three months after the date of publication.

(4) In this section—

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

³ See the *Plant Protection Act 1989*, section 4, regarding the declaration of pests that are harmful to the growth or quality of crop plants.

⁴ See the *Fisheries Act 1994*, section 94, regarding the declaration of diseased fisheries resources.

8 Application of declaration

A declaration may apply—

- (a) to the whole of the local government's area or in a specified part or parts of the area; and
- (b) generally or only in specified circumstances.

Division 3 Control of local pests

9 Power to search for declared local pests

- (1) This section applies if an authorised person wants to enter a property to search for declared local pests.
- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—
 - (a) enter the property without the permission of the occupier; and
 - (b) take reasonable action to search for declared local pests.
- (3) However, the authorised person—
 - (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
 - (i) of the reason for entering the property; and
 - (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and
 - (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

10 Pest control notices

- (1) An authorised person may, by compliance notice⁵ given to the owner of land, require the owner⁶ to take specified action to control declared local pests.
- (2) The specified action may include action to—
 - (a) destroy declared local pests on the land; or
 - (b) minimise the risk of an outbreak of declared local pests on the land; or

⁵ See *Local Law No.1 (Administration) 2015*, section 28, regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

⁶ See the Act, section 140, in relation to the owner's right to enter property where the owner is not the occupier to take action to comply with a remedial notice, and section 141, in relation to an occupier's right to recover amounts incurred to satisfy an owner's obligations.

- (c) prevent or minimise seeding or reproduction by declared local pests; or
 - (d) contain infestation by declared local pests within a localised area; or
 - (e) reduce the density or extent of infestation by declared local pests; or
 - (f) remove harbour provided to declared local pests.
- (3) The notice may require the repetition of a specified action at stated intervals or on the reappearance of the declared local pest within a specified period.

Division 4 Prohibition of sale and propagation

11 Prohibition on sale

A person must not—

- (a) sell or supply a declared local pest; or
- (b) offer or display a declared local pest for sale or supply.

Maximum penalty—50 penalty units.

12 Prohibition on introducing, propagating etc a declared local pest

(1) A person must not—

- (a) introduce, propagate or breed a declared local pest; or
- (b) provide harbour to a declared local pest.

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

(2) However, subsection (1) does not apply to a person who has been prescribed under a subordinate local law for this subsection as exempt from the offence in subsection (1) in relation to a specified pest.

Example of persons that might be exempted from subsection (1) in relation to specified pests—

- Staff of research organisations such as universities or the CSIRO who require a particular pest for research purposes.
- An employee of a circus using a particular pest to provide entertainment to the public.
- Staff of an organisation using a particular pest as part of an education program.
- An employee of a zoo that keeps a particular pest.

(3) In this section—

introduce means to introduce, or cause to introduce, into the local government's area.

Part 3 Overgrown and unsightly allotments

13 Unsightly objects, materials or vegetation

(1) The responsible person for an allotment must not—

- (a) bring on to the allotment; or
- (b) allow to remain on the allotment; or
- (c) allow to accumulate on the allotment; or
- (d) place on the allotment,

any objects, materials or vegetation which, in the opinion of an authorised person, is unsightly or not in accordance with the amenity of the locality in which the allotment is located.

Examples of objects or materials which may be unsightly or not in accordance with the amenity of the locality—

- Broken down vehicles and car bodies;
- Broken down boats, boat trailers and dilapidated boat parts;
- Scrap machinery or machinery parts;
- Discarded bottles, containers or packaging;
- Dilapidated or unsightly building hoardings;
- Shopping trolleys;
- Overgrown vegetation that seriously affects the visual amenity of the allotment or is likely to attract or harbour reptiles.

Maximum penalty—20 penalty units.

- (2) The authorised person may, by compliance notice⁷ given to the responsible person for the allotment, require the responsible person to—
 - (a) remove objects, materials or vegetation that is causing the circumstance mentioned in subsection (1)(a), (b), (c) or (d); or
 - (b) take other specified action to remedy the circumstance mentioned in subsection (1)(a), (b), (c) or (d).

Example of action that might be required under paragraph (b)—

Erecting an appropriate structure (in accordance with requirements under the Planning Act) to screen unsightly objects or materials from public view.

- (3) A notice issued under subsection (2) may also require the repetition of the specified action at stated intervals or on the reappearance of the accumulation of objects, materials or vegetation on the allotment within a specified period.
- (4) However, the notice cannot prevent a use of land authorised under the Planning Act⁸ or the *Environmental Protection Act 1994*.
- (5) In this section—

vegetation includes a tree, bush, shrub, plant or grass, but does not include vegetation that is protected under a law⁹ of the State or Commonwealth or under the local government's planning scheme.

⁷ See footnote 5.

⁸ See definition of *Planning Act* in the Act, schedule 4

⁹ For example, vegetation may be protected under the *Nature Conservation Act 1994*, the *Vegetation Management Act 1999*, the *Planning Act*, the *Queensland Heritage Act 1992*, the *Fisheries Act 1994* and the *Environment Protection and Biodiversity Conservation Act 1999* (Cwlth).

Part 4 Fires and fire hazards

14 Regulation of lighting and maintaining fires in the open

- (1) This section does not apply to the lighting or maintaining of a fire that is authorised under the *Fire and Emergency Services Act 1990*.¹⁰
- (2) The local government may, by subordinate local law, prohibit or restrict the lighting or maintaining of fires in the open in the whole, or designated parts, of the local government's area.

Example—

The subordinate local law might prohibit the lighting of fires, or a particular type of fire, in the open, unless 1 or more of the following conditions is met—

- the fire is contained in an approved incinerator;
- the fire is established in a specified way and specified precautions are taken to prevent the spread of fire;
- the fire is lit and extinguished within a specified time.

- (3) A person must comply with a prohibition or restriction imposed under this section.

Maximum penalty for subsection (3)—50 penalty units.

- (4) A person must not light or maintain a fire if the fire exposes property to the risk of damage or destruction by fire.

Maximum penalty for subsection (4)—50 penalty units.

- (5) However, a person does not commit an offence under subsection (3) or (4) if the person is authorised or required to light or maintain the fire in the performance of duties under another Act.

15 Fire hazards

- (1) This section applies where an authorised person forms the opinion that a fire hazard exists on an allotment.
- (2) The authorised person may, by compliance notice¹¹ given to the responsible person for the allotment, require the responsible person to take specified action to reduce or remove the fire hazard.¹²
- (3) In this section—

¹⁰ See the *Fire and Emergency Services Act 1990*, section 63, regarding fires authorised by notification, section 65 regarding fires authorised by permit and section 69, regarding notices requiring occupiers to take measures to reduce the risk of fire. For fires authorised by notification under section 63, see the Notification by the Commissioner of the Queensland Fire and Emergency Service published in the gazette on 6 August 2004.

¹¹ See footnote 5.

¹² See also the *Fire and Emergency Services Act 1990*, section 69, under which the Queensland Fire and Emergency Service Commissioner can publish a general notification in the gazette requiring occupiers of land to take measures to reduce the risk of fire occurring or the risk to persons, property or environment in the event of fire occurring.

fire hazard means—

- (a) anything that, because of its flammable nature, its position or its quantity, exposes property to significant risk of damage or destruction by fire; or
- (b) a thing that is declared to be a fire hazard under a subordinate local law for this paragraph.

Examples of fire hazards for paragraph (a)—

- Live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash.
- A substantial accumulation of grass clippings that is liable to spontaneous combustion.
- Dry vegetation that could be easily ignited or other flammable materials.

Part 5 Community safety hazards

16 What is a community safety hazard

A **community safety hazard** is—

- (a) a fence or structure on land that, because of its nature or its position, poses a significant risk of causing injury to a person or damage to property; or
- (b) objects or materials on land that are likely to become airborne in periods of high wind in a way that poses a significant risk of causing injury to a person or damage to property; or
- (c) a thing that is declared to be a community safety hazard under a subordinate local law for this paragraph.

Examples of a fence or structure that may be a community safety hazard for paragraph (a)—

- Barbed wire fencing adjoining a public park or reserve or located in an urban area.
- Electric fences adjoining public land.
- An unfenced dam adjacent to a public park or reserve.

17 Power to enter property to inspect for community safety hazards

- (1) This section applies if an authorised person wants to enter a property to inspect it to identify any community safety hazards.
- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—
 - (a) enter the property without the permission of the occupier; and
 - (b) take reasonable action to inspect the property for community safety hazards.
- (3) However, the authorised person—
 - (a) must, as soon as the authorised person enters the property, inform any occupier of the property—

- (i) of the reason for entering the property; and
 - (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and
- (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

18 Removal or reduction of community safety hazards

- (1) This section applies where an authorised person forms the opinion that a community safety hazard exists on an allotment.
- (2) The authorised person may, by compliance notice¹³ given to the responsible person for the allotment, require the responsible person to take specified action in relation to the community safety hazard to—
 - (a) remove the hazard; or
 - (b) reduce the level of risk to persons or property.

Example of specified action that might be required under paragraph (b) to reduce the risk to the community from a community safety hazard—

Securing objects or materials that may become airborne in periods of high wind.

19 Prescribed requirements

- (1) The local government may, by subordinate local law, prescribe requirements that must be met by responsible persons relating to specified types of community safety hazards located on the owner's land.

Example of prescribed requirements—

- A requirement to place signs on electric fences or barbed wire fences adjoining public land to warn persons of the risk of injury.
 - A requirement to install and maintain an electric fence in accordance with appropriate standards.
- (2) A responsible person must comply with requirements prescribed under this section.

Maximum penalty for subsection (2)—50 penalty units.

Part 6 Noise standards

20 Prescribed noise standards

¹³ See footnote 5.

- (1) This section applies if the local government is the administering authority for the *Environmental Protection Act 1994*, chapter 8, part 3B.¹⁴
- (2) The local government may, by subordinate local law, prescribe a noise standard in the whole, or designated parts, of the local government's area by—
 - (a) prohibiting the making of a stated noise (for example, by reference to the activity making the noise and the time at which the noise is made);¹⁵ and
 - (b) stating the section, in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3, for which the subordinate local law provision is prescribing a noise standard.¹⁶

Part 7 Miscellaneous

21 Prohibition on feeding native birds

- (1) A person must not feed a native bird on premises in a way that causes, or may cause, a relevant environmental nuisance.
Maximum penalty — 50 penalty units.
- (2) Without limiting subsection (1), a person feeds a native bird in a way that causes, or may cause, a relevant environmental nuisance if—
 - (a) the person feeds the native bird in a way that causes the bird to move from the place where it is located to the premises at which the person is providing the food; and
 - (b) the movement of the native bird causes, or may cause, a relevant environmental nuisance.
- (3) For the avoidance of doubt, a person does not commit an offence under subsection (1) if the person commits an offence under section 340 of the *Nature Conservation (Wildlife Management) Regulation 2006*.
- (4) In this section —
 - (a) **contaminant** has the meaning given in the *Environmental Protection Act 1994*;
 - (b) **contamination** has the meaning given in the *Environmental Protection Act 1994*;

¹⁴ See the *Environmental Protection Act 1994*, section 514, for the making of a regulation to devolve the administration and enforcement of parts of the Act to local governments as the administering authority. The *Environmental Protection Regulation 2008*, section 99, devolves the administration and enforcement of noise standards to local governments. Section 109 of the Regulation declares local government authorised persons to be authorised persons under the *Environmental Protection Act 1994*, section 445(1)(c). Chapter 9 of that Act provides for the investigation and enforcement powers of authorised persons.

¹⁵ See, however, *Local Law No.1 (Administration) 2015*, section 10(4)(a), regarding conditions of approvals that may authorise an act or omission that contravenes a noise standard.

¹⁶ Section 440(3) provides that a local law that prescribes a noise standard replaces the nominated default noise standard in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3.

- (c) **environment** has the meaning given in the *Environmental Protection Act 1994*;
- (d) **environmental nuisance** means an unreasonable interference, or likely interference, with an environmental value caused by—
 - (i) light, noise, odour or particles; or
 - (ii) an unhealthy, offensive or unsightly condition because of contamination;
- (e) **environmental value** has the meaning given in the *Environmental Protection Act 1994*;
- (f) **feed**, in relation to a native bird, includes—
 - (i) the use of food to tease or lure the native bird; and
 - (ii) an attempt to feed the native bird; but
 - (iii) does not include planting, growing or maintaining a plant which is a source of food for a native bird;
- (g) **native bird** means a bird in an independent state of natural liberty;
- (h) **noise** has the meaning given in the *Environmental Protection Act 1994*;
- (i) **relevant environmental nuisance**, for premises, means an environmental nuisance to land adjoining, or in close proximity to, the premises.

Part 8 Subordinate local laws

22 Subordinate local laws

The local government may make subordinate local laws about—

- (a) declaring animals or plants of specified species to be local pests;¹⁷ or
- (b) lighting and maintaining of fires in the open;¹⁸ or
- (c) fire hazards;¹⁹ or
- (d) community safety hazards;²⁰ or
- (e) prescribed requirements relating to community safety hazards;²¹ or
- (f) prescribed noise standards for the *Environmental Protection Act 1994*.²²

¹⁷ See section 6(1).

¹⁸ See section 14(2).

¹⁹ See section 15(3)(b).

²⁰ See section 16(c).

²¹ See section 19(1).

²² See section 20(2).

Schedule Dictionary

Section 3

allotment means an individual parcel or piece of land.

animal means an organism (other than a human being) that is not a plant and includes eggs and semen.

compliance notice means a compliance notice mentioned in *Local Law No.1 (Administration) 2015*, section 28.

declared local pest means a plant or animal declared to be a pest under section 6 or 7.

plant means vegetation of any type, including its flowers, roots, seeds and other parts.

reasonable written notice means a written notice given at least 7 days before a property is to be entered, that informs the owner and the occupier of the property of—

- (a) the local government's intention to enter the property; and
- (b) the reason for entering the property; and
- (c) the days and times when the property is to be entered.

responsible person (for an allotment) means the person who has control or management of the allotment and includes a person in charge of activities or structures on the allotment that may result in a contravention of this local law.

the Act means the *Local Government Act 2009*.

Certification

This and the preceding 13 pages bearing my initials is a certified copy of *Local Law No. 3 (Community and Environmental Management) 2015* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the _____ day of _____, 2015.

.....
Chief Executive Officer

347469_1

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



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

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 3 (Community and Environmental Management) 2015*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 3 (Community and Environmental Management) 2015*, which provides for protecting the environment and public health, safety and amenity within the local government's area.
- (2) The purpose is to be achieved by providing for—
 - (a) declaration of local pests; and
 - (b) prohibition of lighting or maintaining certain fires; and
 - (c) declaration of fire hazards; and
 - (d) declaration of community safety hazards; and
 - (e) prescribed requirements for owners of land containing community safety hazards; and
 - (f) declaration of noise standards.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 3 (Community and Environmental Management) 2015* (the *authorising local law*).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 6 defines particular words used in this subordinate local law.

Part 2 Declared local pests

5 Declaration of local pests—Authorising local law, s 6(1)

For section 6(1) of the authorising local law, the animal or plant prescribed in column 2 of schedule 1 is a declared pest in the corresponding part of the local government's area mentioned in column 1 of schedule 1.

6 Persons exempted from introducing etc a declared local pest— Authorising local law, s 12(2)

For section 12(2) of the authorising local law, a person mentioned in column 1 of schedule 2 is exempt from section 12(1) of the authorising local law in

relation to introducing, propagating, breeding or providing harbour to a declared local pest mentioned in the corresponding part of column 2 of schedule 2.

Part 3 Overgrown and unsightly allotments

This part in the authorising local law does not contain any matters to be provided for by subordinate local law.

Part 4 Fires and fire hazards

7 Prohibition on lighting or maintaining fires—Authorising local law, s 14(2)

- (1) This section applies to the following fires¹—
- (a) a fire in which neither the height, width nor length of the material to be consumed exceeds 2 metres;
 - (b) a fire lit for the purpose of burning the carcass of a beast;
 - (c) a fire lit out-doors, if enclosed in a fireplace so constructed as to prevent the escape of fire or any burning material there from.
- (2) For section 14(2) of the authorising local law, lighting or maintaining a fire described in column 2 of schedule 3 is declared to be prohibited or restricted in the corresponding part of the local government's area mentioned in column 1 of schedule 3.

8 Fire hazards—Authorising local law, s 15(3)(b)

For section 15(3)(b) of the authorising local law, the following are declared to be fire hazards—

- (a) live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash; and
- (b) a substantial accumulation of grass clippings that is liable to spontaneous combustion; and
- (c) dry vegetation that could be easily ignited or other flammable materials.

Part 5 Community safety hazards

9 Community safety hazards—Authorising local law, s 16(c)

For section 16(c) of the authorising local law, the following are declared to be community safety hazards—

¹ Pursuant to a notification by the Queensland Fire and Emergency Service Commissioner published in the gazette on 6 August 2004 under section 63 of the *Fire and Emergency Services Act 1990*, the listed fires can generally be lit without a permit issued by a fire warden, provided adequate precautions are taken to prevent the spread of fire and the fire conforms with any local law. Local laws can therefore regulate these types of fire, which is the purpose of this subordinate local law.

- (a) a plant on premises which—
 - (i) is dangerous or attracts vermin; or
 - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
 - (A) personal injury or property damage; or
 - (B) a negative impact on the amenity of the surrounding area; and
- (b) an act or omission on premises which—
 - (i) is dangerous or attracts vermin; or
 - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
 - (A) personal injury or property damage; or
 - (B) a negative impact on the amenity of the surrounding area; and
- (c) a dead animal on premises which—
 - (i) is dangerous or attracts vermin; or
 - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
 - (A) personal injury or property damage; or
 - (B) a negative impact on the amenity of the surrounding area.

10 Prescribed requirements for community safety hazards—Authorising local law, s 19(1)

For section 19(1) of the authorising local law, a responsible person for a community safety hazard listed in column 1 of schedule 4 must meet the requirements prescribed in the corresponding part of column 2 of schedule 4.

Part 6 Noise standards

11 Prescribed noise standards—Authorising local law, s 20(2)

- (1) For section 20(2) of the authorising local law, the noise standard in column 2 of schedule 5 is prescribed for the section of the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3 stated in column 1 of schedule 5.
- (2) For section 20(2) of the authorising local law, the noise standard in column 2 of schedule 5 applies in the corresponding part of the local government's area mentioned in column 3 of schedule 5.

Part 7 Miscellaneous

This part in the authorising local law does not contain any matters to be provided for by subordinate local law.

Schedule 1 Declared local pests

Section 5

Column 1 Applicable part of local government's area	Column 2 Declared local pest
Entire local government area	Barner grass, cow cane, elephant grass (<i>Cenchrus purpureus</i>) Green cestrum (<i>Cestrum parqui</i>)

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**Schedule 2 Persons exempted from offence of
introducing etc declared local pest**

Section 6

Column 1 Exempt person	Column 2 Declared local pest
No exempt person prescribed.	

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Schedule 3 Prohibited fires

Section 7(2)

Column 1 Applicable part of local government's area	Column 2 Prohibition or restriction on the lighting or maintaining of fires in the open
Each allotment within the local government area with an area less than 10,000m ² .	The lighting or maintaining of a fire in the open is prohibited unless the fire is— <ul style="list-style-type: none">(a) contained in a commercial standard incinerator; or(b) lit for the purpose of—<ul style="list-style-type: none">(i) the preparation and cooking of food in an appropriately constructed barbeque; or(ii) the cooking of food; or(iii) an activity undertaken by the scouts, girl guides or a similar organisation; or(iv) indoor cooking or heating and contained within an enclosed fireplace, stove or heater; or(v) outdoor heating and contained within an enclosed fireplace or similar device which is constructed so as to prevent the escape of fire or any burning material therefrom, for example, heat beads within a brazier.

Schedule 4 Prescribed requirements for community safety hazards

Section 10

	<p style="text-align: center;">Column 1 Community safety hazard</p>	<p style="text-align: center;">Column 2 Prescribed requirements to be met by responsible person</p>
1	Barbed wire fencing	<ul style="list-style-type: none"> (a) Fencing not to be installed along a boundary adjoining a public park; (b) Barbed wire to be used on land in any zone identified in the planning scheme of the local government other than the Rural (Non-Urban) Zone only if the barbed wire— <ul style="list-style-type: none"> (i) is more than 2m off the ground; and (ii) forms part of a security fence.
2	Electric fencing	<ul style="list-style-type: none"> (a) Electric fencing that adjoins any road or public land must be announced by warning signs which are— <ul style="list-style-type: none"> (i) of a size that can be read from a distance of 5m from the fence; and (ii) fixed at 5m intervals along the fence; (b) Electric fencing installed on land in a Residential Zone or a Centre Zone identified in the planning scheme of the local government must be situated— <ul style="list-style-type: none"> (i) at least 1.5m from a fence located on or within the boundary of the land; or (ii) if the fencing is installed on the boundary of the land— such that the lowest point of the fencing capable of imparting an electric shock when touched is at least 2m off the ground; (c) Electric fencing must be installed, operated and maintained in accordance with AS/NZS

		3014:2003; (d) Electric fencing for security must be installed, operated and maintained in accordance with AS/NZS 3016:2002.
3	Roof sheeting, guttering and sheet metal	Any materials not fixed to a structure must be weighted down or tied down to prevent them from becoming airborne during high winds.
4	A well on land	(a) The well must be securely covered to prevent unauthorised entry by a person or an animal; (b) The existence of the well on the land must be announced by a sign with black on white lettering at least 100 mm high; and (c) The well must be fenced or screened to prevent unauthorised access to the well by a person or an animal.

Schedule 5 Prescribed noise standards

Section 11

Column 1 Section of the <i>Environmental Protection Act 1994</i> , chapter 8, part 3B, division 3	Column 2 Prescribed noise standard	Column 3 Applicable part of local government's area
No noise standard is prescribed.		

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Schedule 6 Dictionary

Section 4

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

plant has the meaning given in the *Land Protection (Pest and Stock Route Management) Act 2002*.

vermin means—

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

Certification

This and the preceding 13 pages bearing my initials is a certified copy of *Subordinate Local Law No. 3 (Community and Environmental Management) 2015* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the _____ day of _____, 2015.

.....
Chief Executive Officer

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**DRAFT Subordinate Local Law No. 5
(Parking) 2015**



Redland City Council

Subordinate Local Law No. 5 (Parking) 2015

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 5 (Parking) 2015*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 5 (Parking) 2015*, which provides for the exercise of local government powers authorised under the TORUM Act.
- (2) The purpose is to be achieved by providing for—
 - (a) the establishment of traffic areas and off-street regulated parking areas; and
 - (b) the persons that may be issued with a parking permit; and
 - (c) the vehicles that may be issued with a commercial vehicle identification label; and
 - (d) the infringement notice penalty amounts for minor traffic offences.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 5 (Parking) 2015* (the *authorising local law*).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 5 defines particular words used in this subordinate local law.

Part 2 Declaration of parking areas for the TORUM Act

5 Declaration of traffic areas—Authorising local law, s 5

- (1) For section 5(1) of the authorising local law, each part of the local government area indicated by hatching on a map in schedule 1 is declared to be a traffic area.
- (2) For section 5(2) of the authorising local law, the boundaries of each traffic area are indicated by bold lines circumscribing the hatched area on a map in schedule 1.

6 Declaration of off-street regulated parking areas—Authorising local law, s 6

- (1) For section 6(1) of the authorising local law, the areas of land which are declared

to be an off-street regulated parking area are—

- (a) described in schedule 2 part 1; and
 - (b) indicated by hatching on a map in schedule 2 part 2.
- (2) For section 6(2) of the authorising local law, the boundaries of each off-street regulated parking area are indicated by a bold line circumscribing a hatched area on a map in schedule 2 part 2.

Part 3 Parking contrary to parking restriction

7 Parking permits issued by local government—Authorising local law, s 7(2)

- (1) This section prescribes—
 - (a) the persons that may be issued with a parking permit mentioned in section 7(1) of the authorising local law; and
 - (b) the circumstances in which a parking permit may be issued.
- (2) A parking permit (a *resident parking permit*)—
 - (a) may be issued to a person whose circumstances are as follows—
 - (i) the person resides in a residence¹ situated on a section of road and parking immediately adjacent to the residence is regulated by time; and
 - (ii) the issue of the parking permit would not unduly impede the flow of traffic either on the road or in the area; and
 - (iii) the residence does not have, and cannot reasonably be provided with, adequate off-street parking; and
 - (iv) if the parking permit is granted — there would not be in force more than 3 resident parking permits for the same residence; but
 - (b) must not be issued to permit a vehicle to be parked contrary to an indication on an official traffic sign installed on a road in a no parking permit area.
- (3) A parking permit (a *community service organisation parking permit*) may be issued to a person whose circumstances are as follows—
 - (a) the person is a community service organisation²; and
 - (b) the person will use the parking permit for an activity which is consistent with the objects of the community service organisation; and
 - (c) the activity is undertaken on a section of road where —
 - (i) parking is regulated by time; and
 - (ii) the issue of the parking permit would not unduly impede the flow of traffic either on the road or in the area.
- (4) A parking permit (a *temporary parking permit*) may be issued to allow the holder

¹ See definition of *residence* in the dictionary.

² See definition of *community service organisation* in the dictionary.

of the parking permit to park 1 or more vehicles in a designated parking space or spaces for a period specified in the parking permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space or spaces.

- (5) A temporary parking permit may only be granted if the local government is satisfied that—
 - (a) the applicant is engaged in some temporary activity affecting premises immediately adjacent to the designated parking space or spaces to which the application relates; and
 - (b) it is not reasonably practical for the applicant to carry out the activity unless the designated parking space or spaces to which the application relates are allocated to the applicant's exclusive use for the duration of the activity.
- (6) A parking permit (a **works zone parking permit**) may be issued to a person if the local government is satisfied that—
 - (a) the part of the road to which the application relates is adjacent to a site at which the person is proposing to undertake building or construction work; and
 - (b) the carrying out of the building or construction work is lawful; and
 - (c) having regard to the nature of the building or construction work and the characteristics of the site, it is not reasonably practical for all work activity involving vehicle loading and unloading and associated vehicle movements to be confined within the site.
- (7) A parking permit (a **local government works parking permit**) may be issued to allow a person to park 1 or more vehicles in a designated parking space or spaces, and for a period specified in the parking permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space or spaces if the person is—
 - (a) an employee, contractor or agent of the local government; and
 - (b) parking the vehicle or vehicles in the space or spaces—
 - (i) for the purpose of carrying out work for or on behalf of the local government; and
 - (ii) in the course of carrying out his or her duties for or on behalf of the local government.
- (8) A parking permit (a **visitor parking permit**)—
 - (a) may be issued to a person whose circumstances are as follows—
 - (i) the person (the **resident**) resides in a residence situated on a section of road and parking immediately adjacent to the residence is regulated by time; and
 - (ii) the parking permit is to be made available by the resident for use by another person who —
 - (A) is visiting or attending at the residence identified in the parking permit; and

- (B) intends parking on the section of road immediately adjacent to the residence; and
 - (iii) the issue of the parking permit would not unduly impede the flow of traffic either on the road or in the area; and
 - (iv) the residence does not have and cannot reasonably be provided with adequate off-street parking; and
 - (v) if the parking permit is granted — there would not be in force more than 2 visitor parking permits for the same residence; but
- (b) must not be issued to permit a vehicle to be parked contrary to an indication on an official traffic sign installed on a road in a no parking permit area.

8 Commercial vehicle identification labels—Authorising local law, s 8(2)

- (1) For section 8(2) of the authorising local law, this section prescribes the vehicles that may be issued with a commercial vehicle identification label.
- (2) A vehicle may be issued with a commercial vehicle identification label if the vehicle—
 - (a) is used for carrying on a business that requires the regular use of loading zones; and
 - (b) is—
 - (i) a horse drawn vehicle constructed, fitted or equipped for the carriage of goods; or
 - (ii) a motor vehicle (excluding any car or motorbike) constructed, fitted or equipped for the carriage of goods; or
 - (iii) a motor vehicle constructed, fitted or equipped for the carriage of persons.
- (3) Also, a vehicle may be issued with a commercial vehicle identification label if a commercial vehicle identification label is displayed on the vehicle and—
 - (a) the vehicle on which the label is displayed is the vehicle specified on the label; and
 - (b) the date specified on the label has not passed.

Part 4 Minor traffic offence infringement notice penalties

9 Infringement notice penalty amounts—Authorising local law, s 9

For section 9 of the authorising local law, the infringement notice penalty amount³ for an offence mentioned in column 1 of schedule 4 is the corresponding amount stated in column 2 of schedule 4.

³ Under section 108 of the *Transport Operations (Road Use Management) Act 1995* —

- (a) a local government may, under a local law, prescribe an amount as an infringement notice penalty for a minor traffic offence; and
- (b) for the *State Penalties Enforcement Act 1999*, the minor traffic offence is an infringement notice offence and the penalty is the infringement notice penalty for the offence.

See sections 5 (Meaning of penalty unit) and 5A (Prescribed value of particular penalty unit) of the *Penalties and Sentences Act 1992* and section 2B of the *Penalties and Sentences Regulation 2005*.

Schedule 1 Declaration of traffic area

Section 5

No traffic area declared.

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Schedule 2 Declaration of off-street regulated parking areas

Section 6

Part 1 Areas declared to be an off-street regulated parking area.

1. Capalaba

Description of car park or area	Map ref.	Location or address of car park or area
Dollery Road off-street car park as identified in schedule 2, part 2.	1A	Between Faccio Lane and Noeleen Street, Capalaba.
School Road off-street car park as identified in schedule 2, part 2.	1B	Between Mount Cotton Road, Capalaba and Burns Street, Capalaba.

2. Cleveland

Description of car park or area	Map ref.	Location or address of car park or area
Doig Street off-street car park (E) as identified in schedule 2, part 2.	2B(iv)	Between Middle Street and Queen Street, Cleveland.
Doig Street off-street car park (W) as identified in schedule 2, part 2.	2B(ii)	Between Queen Street and Middle Street, Cleveland.
Emmett Drive off-street car park as identified in schedule 2, part 2.	2F(ii)	Between Emmett Drive, Cleveland and Wharf Street, Cleveland.
Iuka Arcade off-street car park as identified in schedule 2, part 2.	2B(iii)	Doig Street, Cleveland.
John Street off-street car park as identified in schedule 2, part 2.	2C	Between Queen Street and Russell Street, Cleveland.
Middle Street (East) off-street car park as identified in schedule 2, part 2.	2F(i)	Middle Street, Cleveland, Cleveland.
Middle Street (West) off-street car park as identified in schedule 2, part 2.	2D	Corner Wynyard Street, Cleveland and Middle Street, Cleveland.
Queen Street off-street car park (N) as identified in schedule 2, part 2.	2E(ii)	Between Wynyard Street and Waters Street, Cleveland.
Queen Street off-street car park (S) as identified in schedule 2, part 2.	2E(iii)	Between Queen Street and Waters Street, Cleveland.
Shore Street West off-street car park as identified in schedule 2, part 2.	2A	Between Shore Street West and Kyling Lane, Cleveland.
Toondah Harbour off-street car park as identified in schedule 2, part 2.	2F(iii)	Emmett Drive, Cleveland.
Waterloo Street off-street car park as identified in schedule 2, part 2.	2B(i)	Between Middle Street and Queen Street, Cleveland.
Wynyard Street off-street car park as identified in schedule 2, part 2.	2E(i)	Between Middle Street and Queen Street, Cleveland.

3. Macleay Island

Description of car park or area	Map ref.	Location or address of car park or area
Macleay Island Ferry Terminal car and boat trailer park as identified in schedule 2, part 2.	3A	Brighton Road and Russell Terrace, Macleay Island.

4. North Stradbroke Island

Description of car park or area	Map ref.	Location or address of car park or area
One Mile Ferry Terminal car park as identified in schedule 2, part 2.	4A	Yabby Street, One Mile, Dunwich, North Stradbroke Island.

5. Redland Bay

Description of car park or area	Map ref.	Location or address of car park or area
Weinam Creek Cenotaph off-street car park as identified in schedule 2, part 2.	5A(ii)	Banana Street, Redland Bay.
Weinam Creek off-street car and boat trailer park as identified in schedule 2, part 2.	5A(iii)	Banana Street, Redland Bay.
Weinam Creek Overflow car park as identified in schedule 2, part 2.	5B	Meissner Street, Redland Bay.
Weinam Creek vehicle barge off-street car park as identified in schedule 2, part 2.	5A(i)	Weinam Street and Esplanade, Redland Bay.

6. Russell Island

Description of car park or area	Map ref.	Location or address of car park or area
Russell Island Ferry Terminal car and boat trailer park as identified in schedule 2, part 2.	6A(ii)	Alison Crescent, Hawthornden Drive and High Street, Russell Island.
Russell Island off-street car park as identified in schedule 2, part 2.	6A(i)	Bayview Road, Russell Island.

7. Victoria Point

Description of car park or area	Map ref.	Location or address of car park or area
Victoria Point off-street car and boat trailer park as identified in schedule 2, part 2.	7A	Masters Avenue, Victoria Point.
Victoria Point shops off-street car park as identified in schedule 2, part 2.	7B	Bunker Road and Cleveland – Redland Bay Road, Victoria Point.

8. Wellington Point

Description of car park or area	Map ref.	Location or address of car park or area
Wellington Point off-street car and boat trailer park as identified in schedule 2, part 2.	8A	Main Road, Wellington Point.

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Part 2

Maps of off-street regulated parking areas

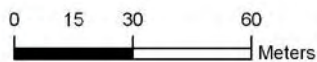
Map 1A




Schedule 2 - Part 2

Map 1A: Capalaba

Declared Off-Street Regulated Parking Areas



 1A: Dolley Road off-street car park

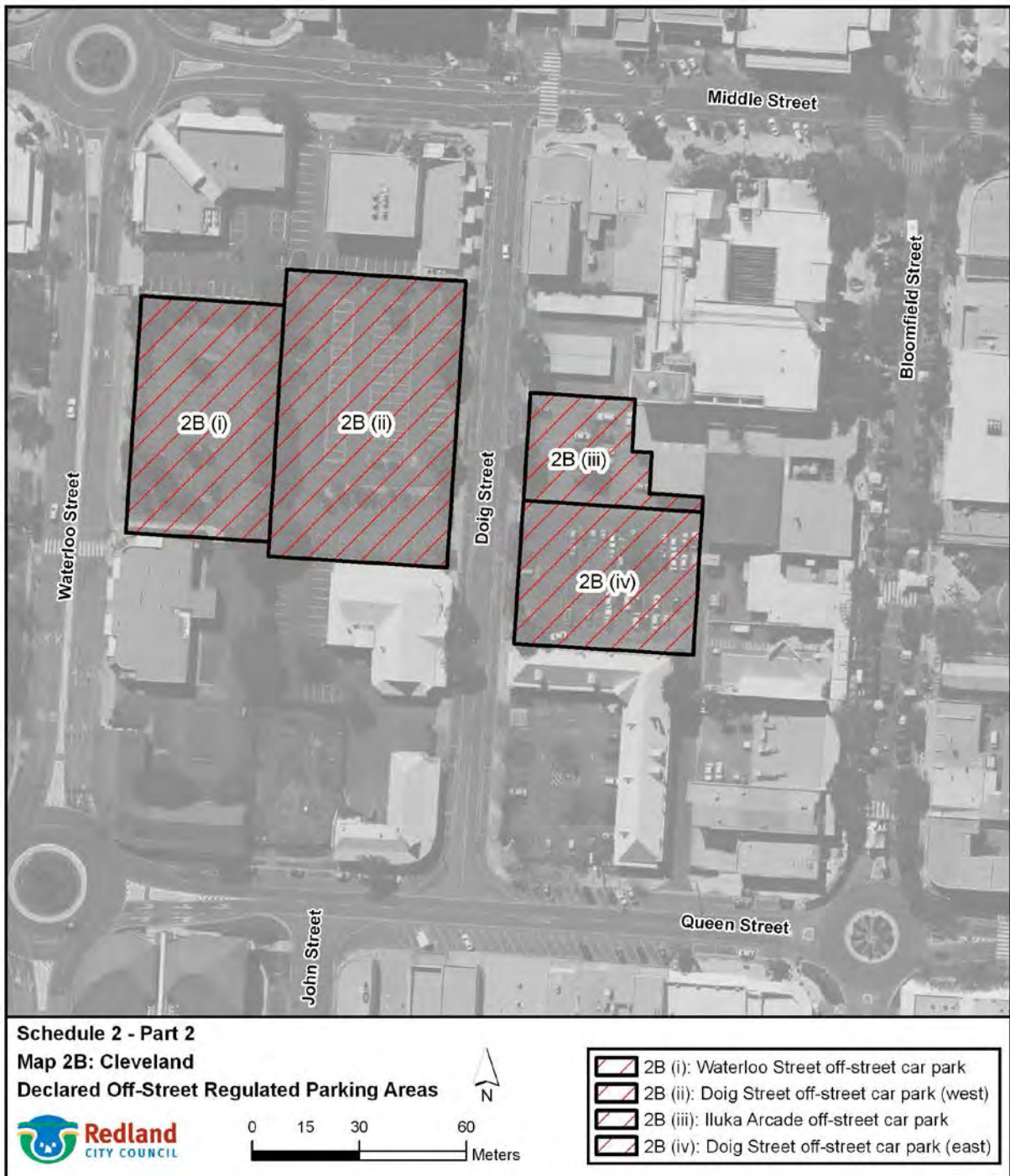
Map 1B



Map 2A



Map 2B



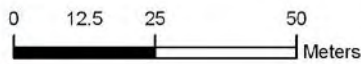
Map 2C




Schedule 2 - Part 2

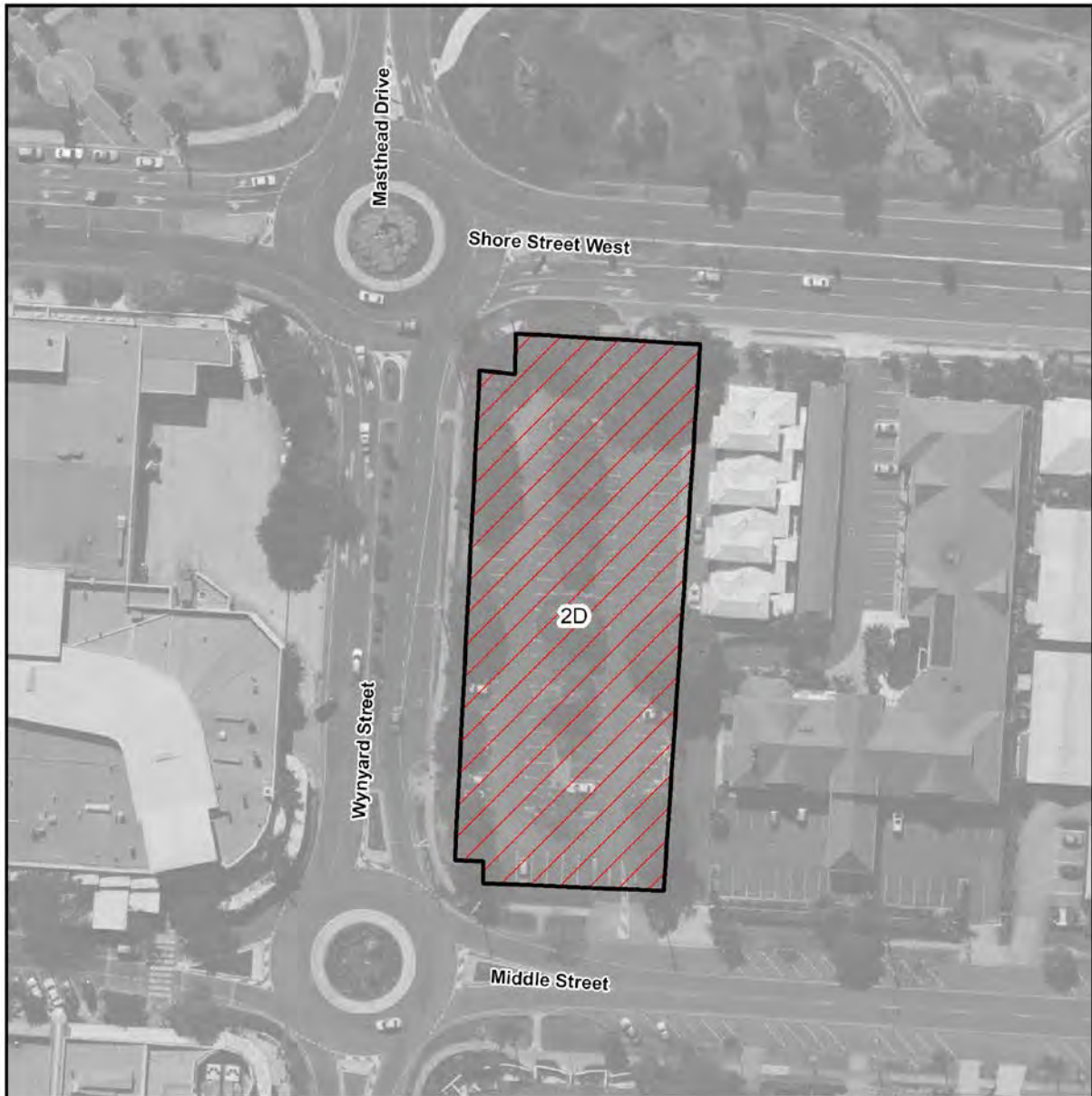
Map 2C: Cleveland

Declared Off-Street Regulated Parking Areas



 2C: John Street off-street car park

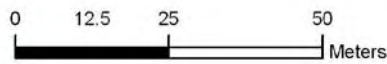
Map 2D




Schedule 2 - Part 2

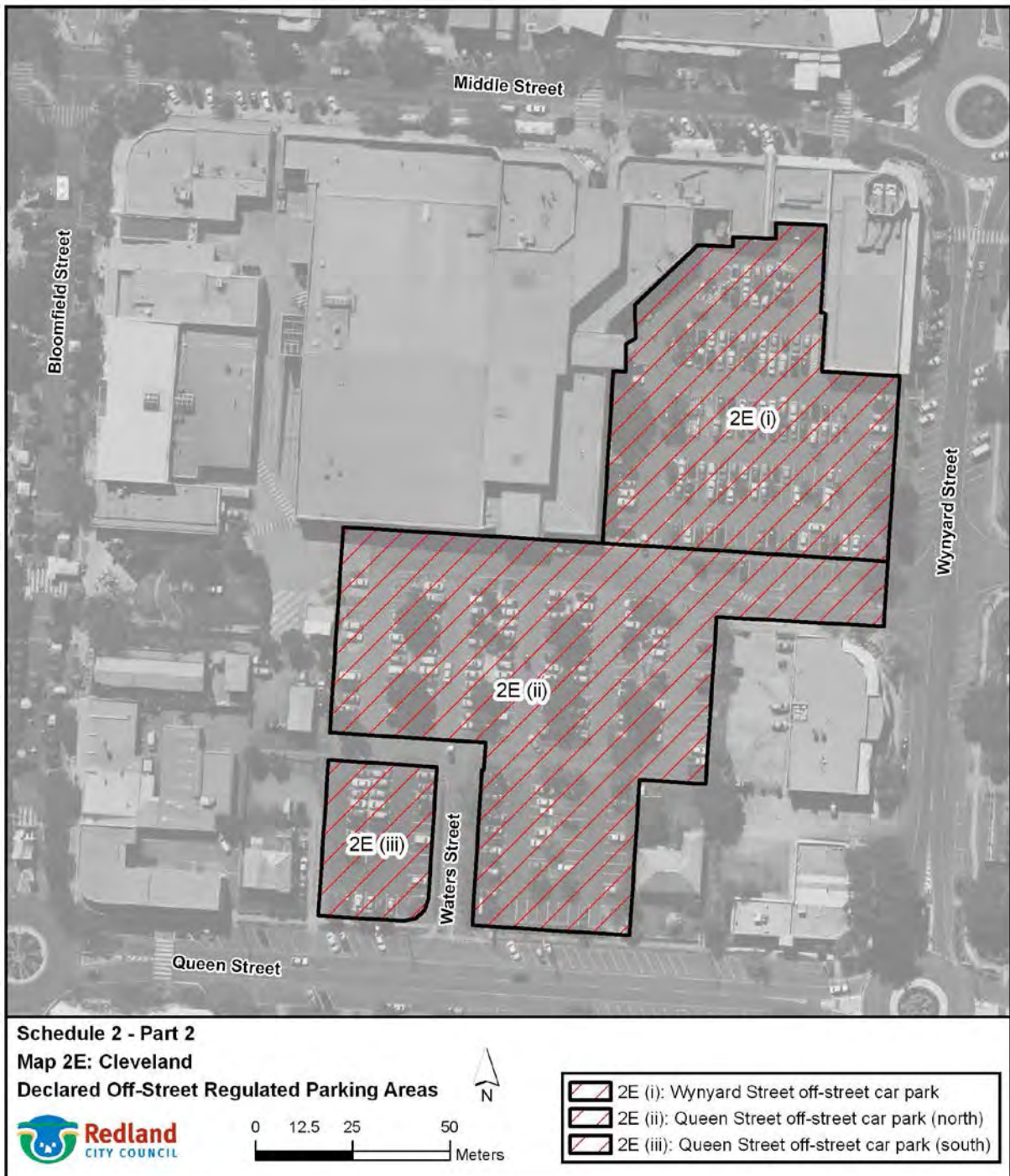
Map 2D: Cleveland

Declared Off-Street Regulated Parking Areas

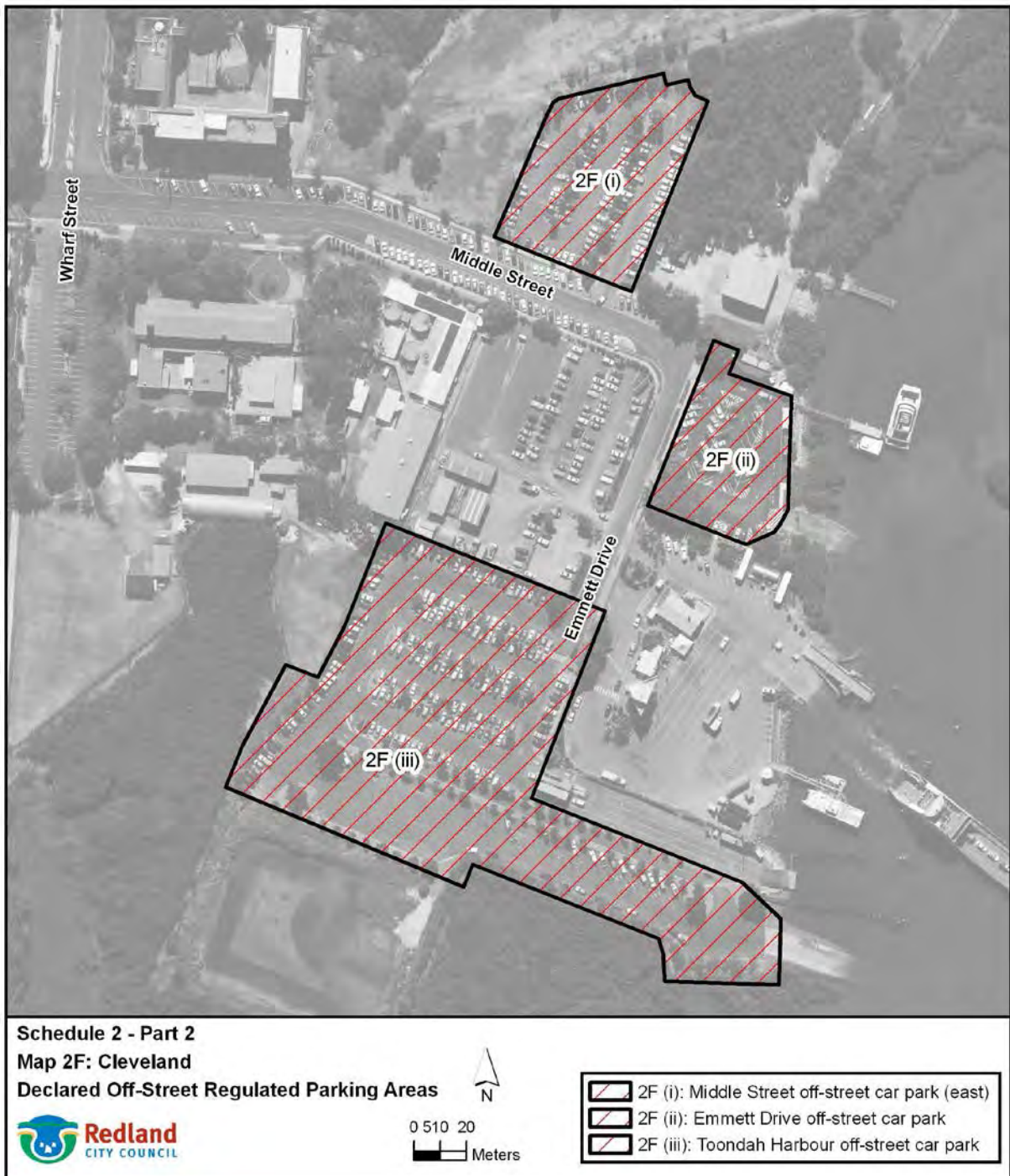


 2D: Middle Street off-street car park (west)

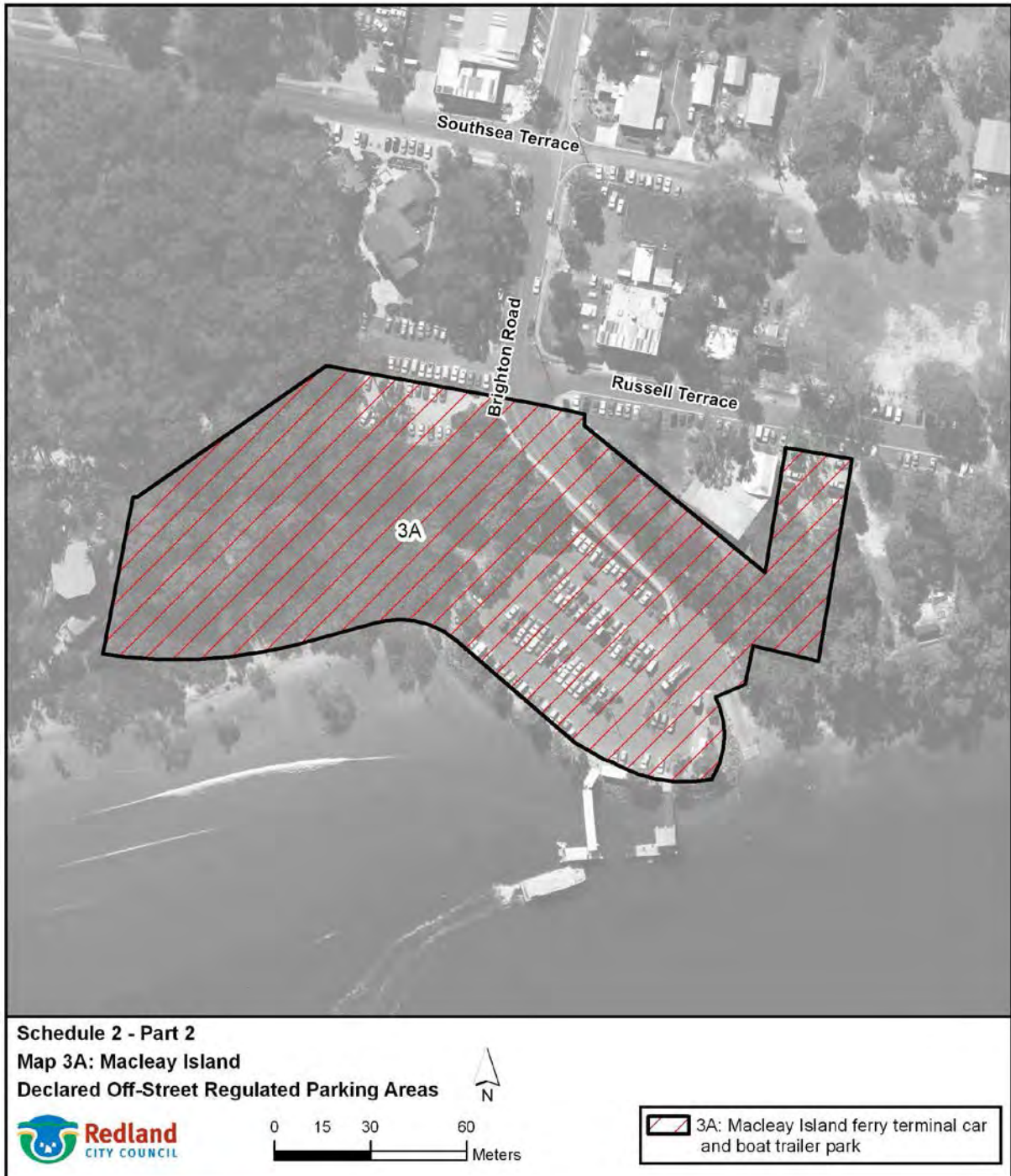
Map 2E



Map 2F



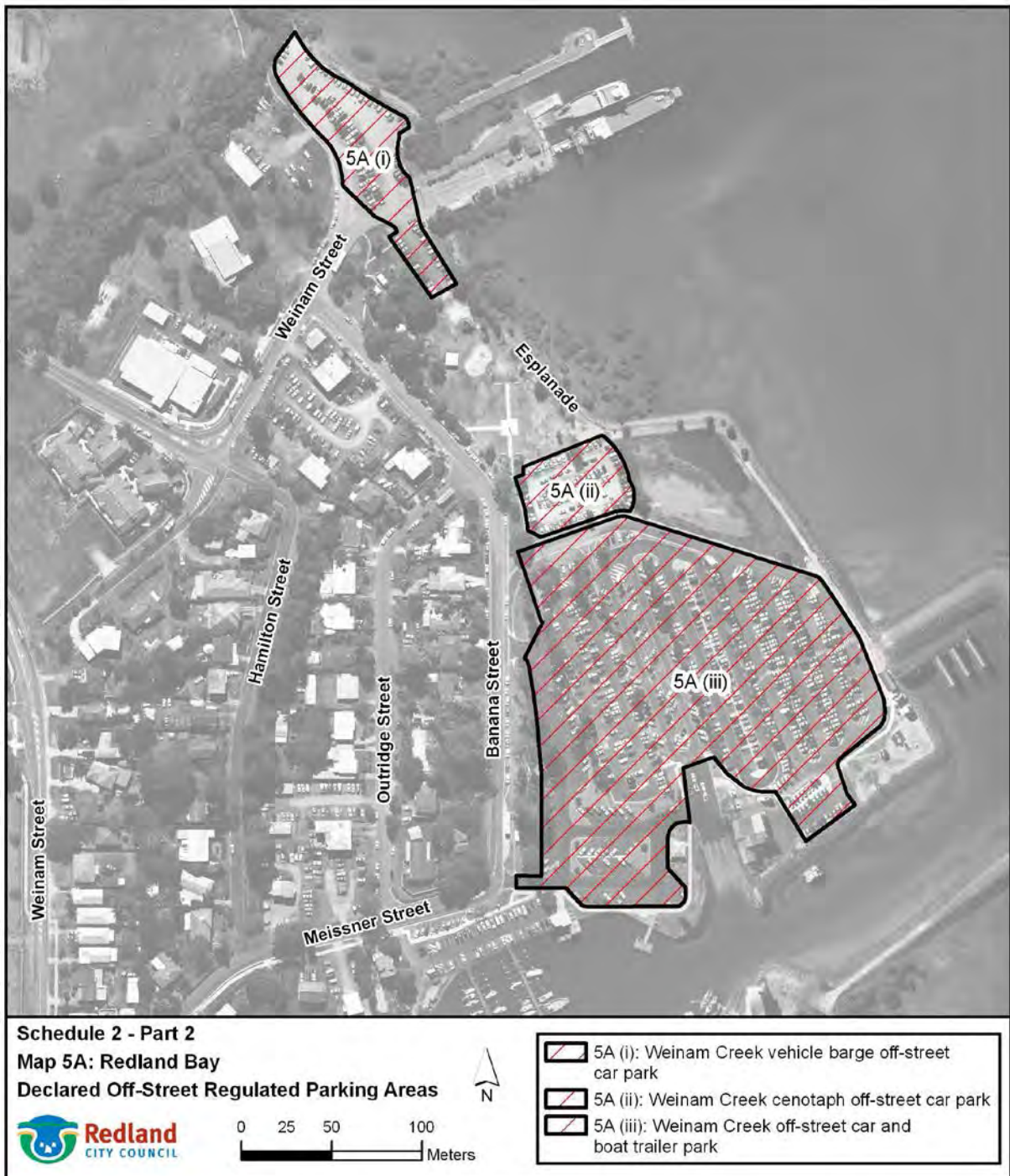
Map 3A



Map 4A



Map 5A



Map 5B




Schedule 2 - Part 2

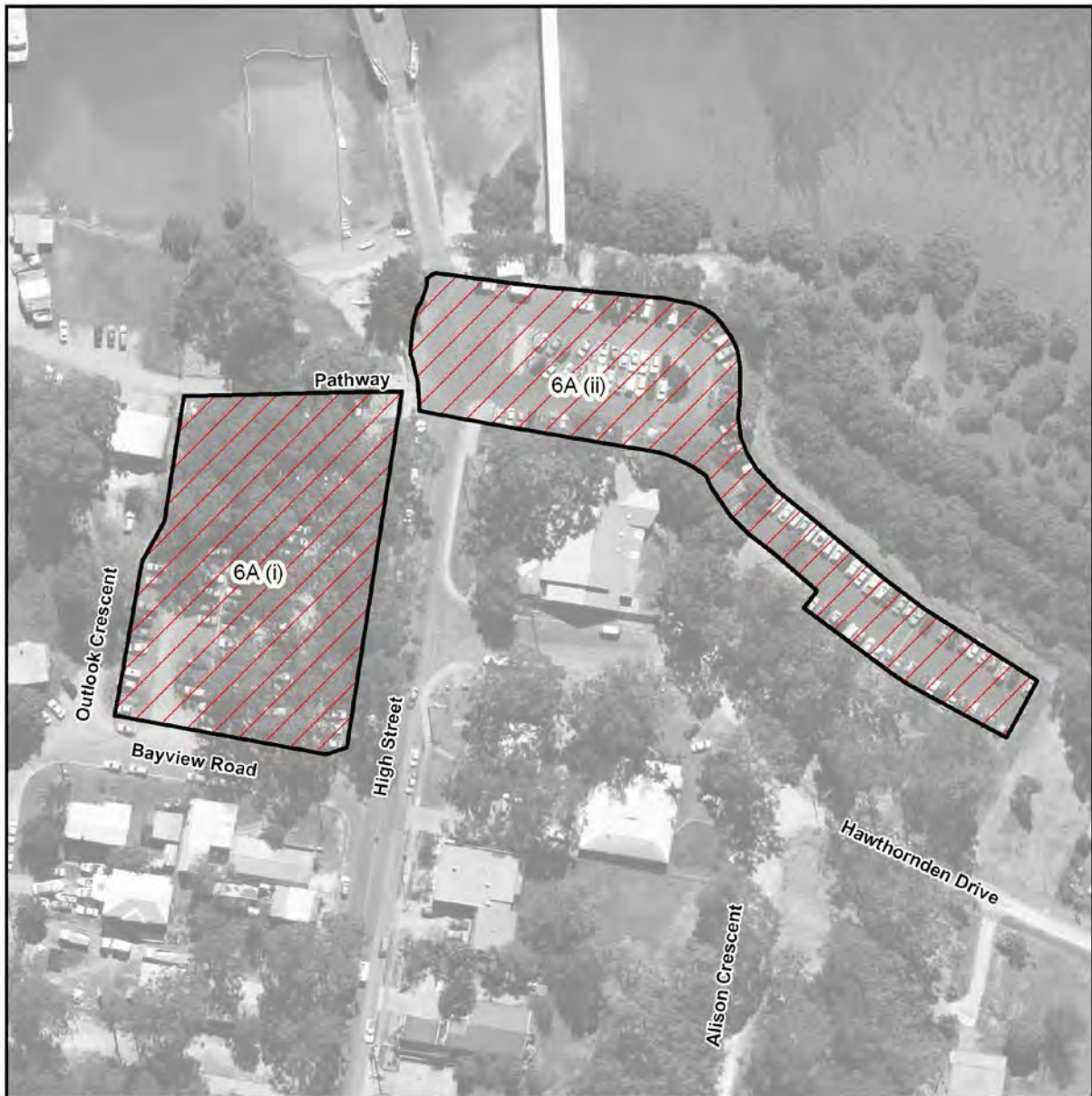
Map 5B: Redland Bay

Declared Off-Street Regulated Parking Areas



 5B: Weinam Creek overflow off-street car park

Map 6A





Schedule 2 - Part 2

Map 6A: Russell Island

Declared Off-Street Regulated Parking Areas

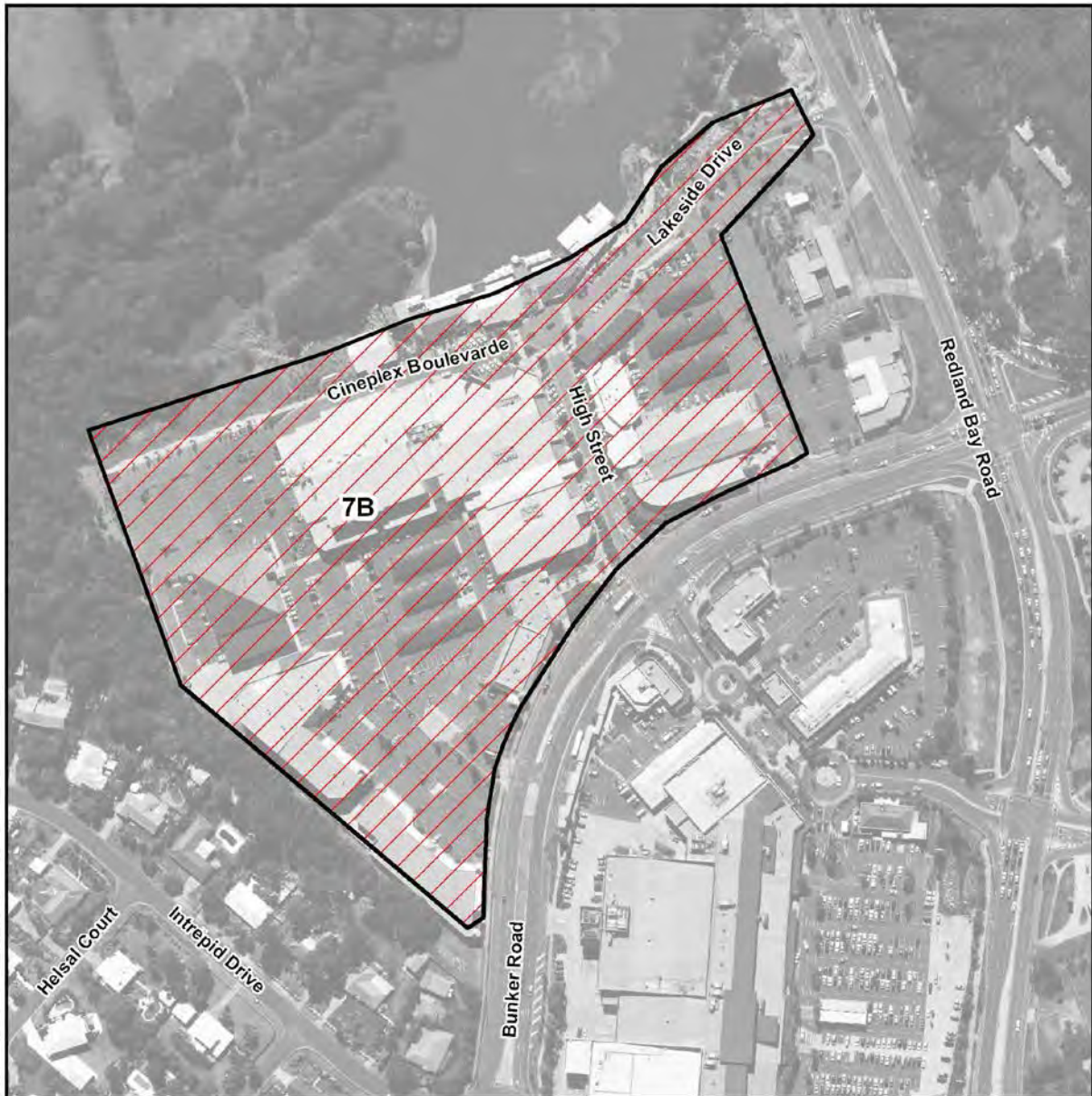


-  6A (i): Russell Island off-street car park
-  6A (ii): Russell Island ferry terminal off-street car and boat trailer park

Map 7A



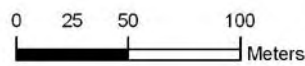
Map 7B




Schedule 2 - Part 2

Map 7B: Victoria Point

Declared Off-Street Regulated Parking Areas



 7B: Victoria Point Shops off-street car park

Map 8A



Schedule 3 Definition — no parking permit area

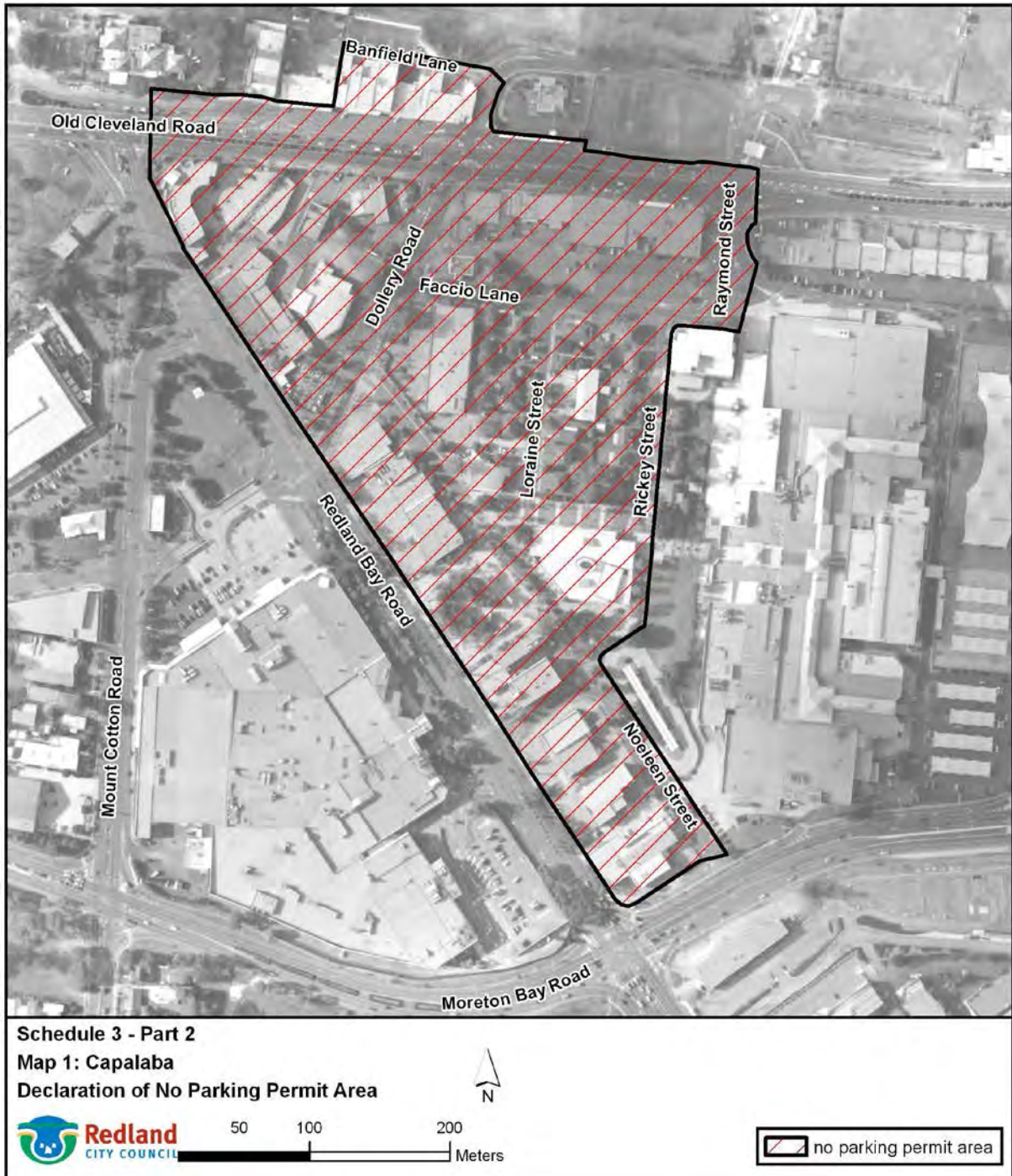
Section 4

Part 1 Description of no parking permit areas

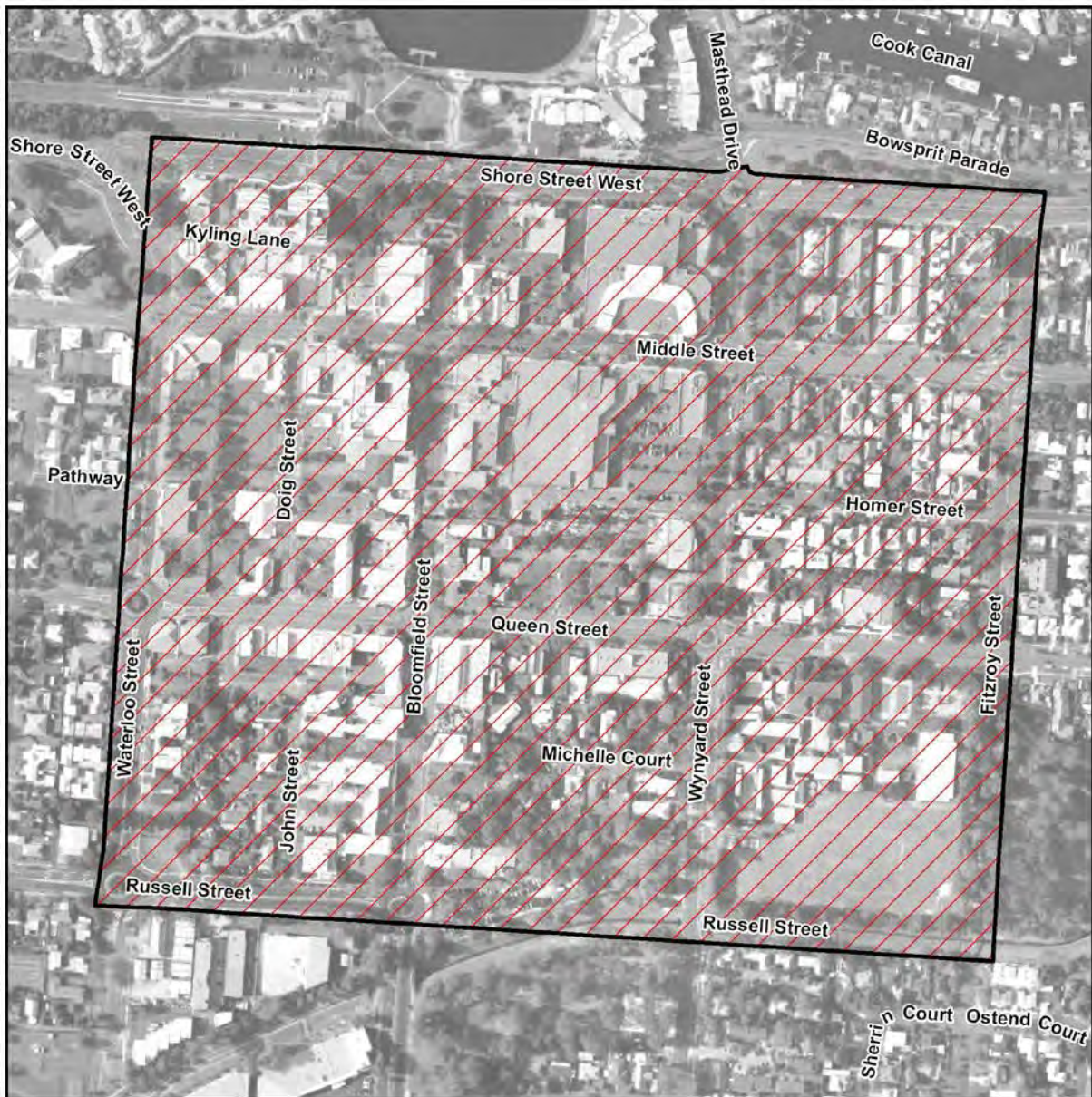
- (1) The Capalaba no parking permit area being the area indicated by hatching on part 2 map 1.
- (2) The Cleveland no parking permit area being the area indicated by hatching on part 2 map 2.
- (3) The Redland Bay no parking permit area being the area indicated by hatching on part 2 map 3.
- (4) The Victoria Point no parking permit area being the area indicated by hatching on part 2 map 4.
- (5) The Wellington Point no parking permit area being the area indicated by hatching on part 2 map 5.

Part 2 Maps of no parking permit areas

Map 1 - Capalaba



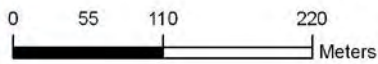
Map 2 - Cleveland




Schedule 3 - Part 2

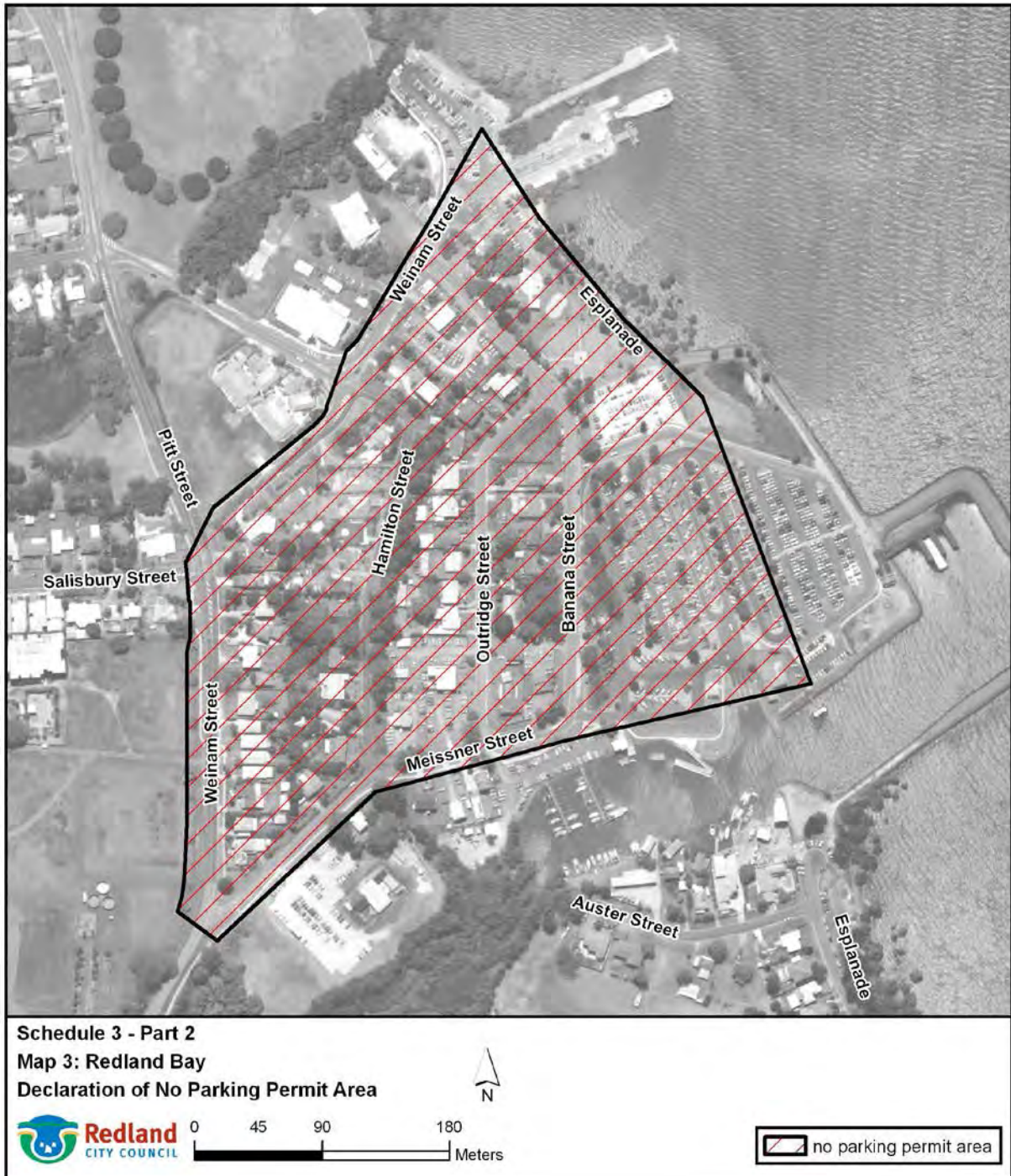
Map 2: Cleveland

Declaration of No Parking Permit Area



 no parking permit area

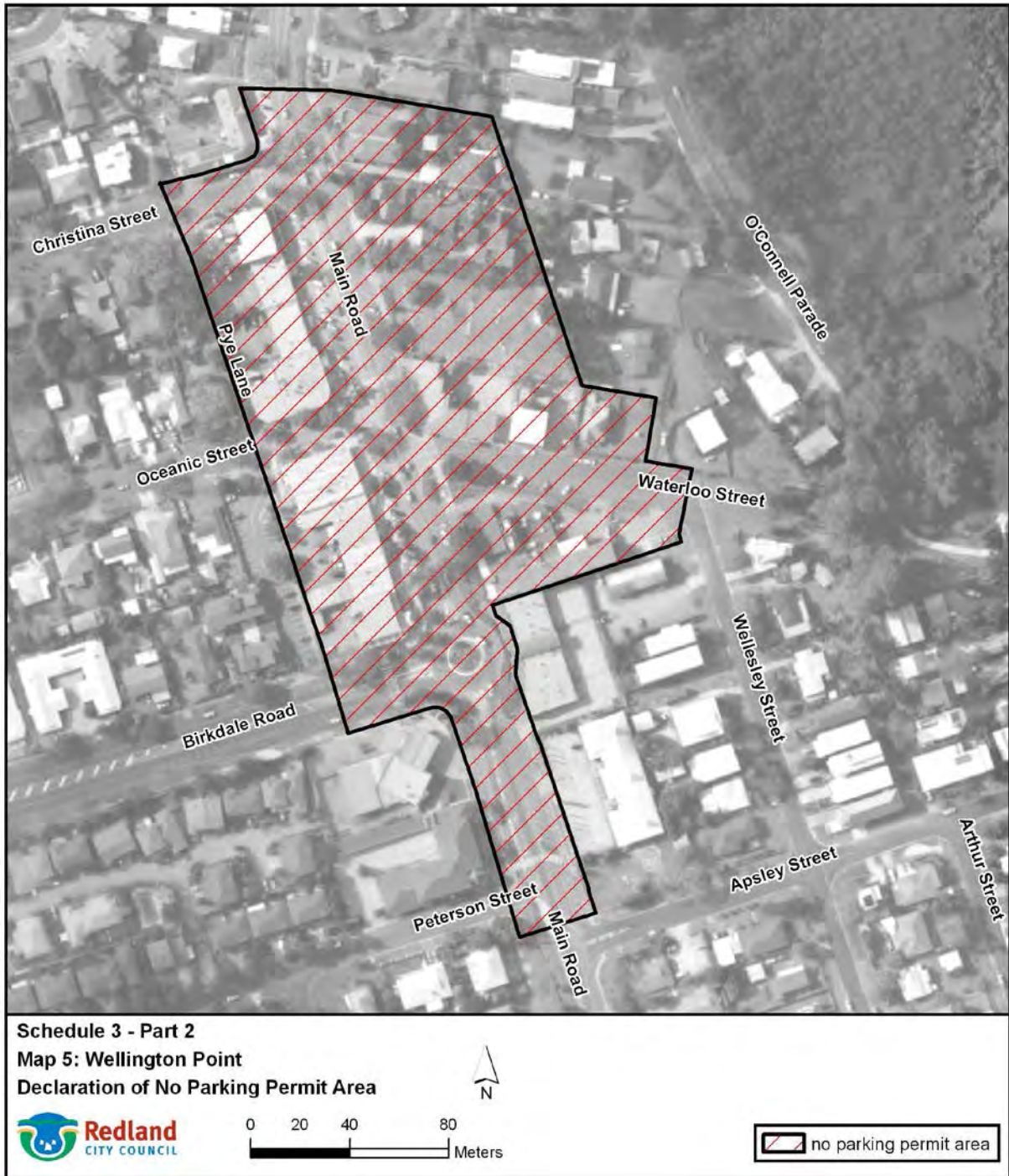
Map 3 – Redland Bay



Map 4 – Victoria Point



Map 5 – Wellington Point



Schedule 4 Infringement notice penalty amounts for certain minor traffic offences

Section 9

Column 1		Column 2
<i>Transport Operations (Road Use Management) Act 1995 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
106(1)(a)(i)	Parking a vehicle in a designated parking space unless a parking meter or parkatarea installed for the space indicates that the parking fee has been paid	0.7 penalty units
106(1)(a)(ii)	Parking a vehicle in a designated parking space unless the person has done what is required by an authorised system that applies in relation to the space	0.7 penalty units
106(1)(b)	Parking a vehicle in a designated parking space for a time longer than the maximum time indicated on the official traffic sign installed for the space	0.7 penalty units
106(1)(c)	Parking a vehicle in a designated parking space if another vehicle is parked in the space	0.7 penalty units
106(1)(d)	Parking a vehicle in a designated parking space so that the vehicle is not wholly within the space	0.7 penalty units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
167	Stopping on a length of road or in an area to which a no stopping sign applies	0.7 penalty units
168	Unauthorised driver stopping on a length of road or in an area to which a no parking sign applies	0.7 penalty units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
169	Stopping at the side of a road marked with a continuous yellow edge line	0.7 penalty units
170(1)	Stopping in an intersection	0.7 penalty units
171	Stopping on a children's crossing or on the road within 20m before the crossing or 10m after the crossing	0.7 penalty units
172(1)	Stopping on a pedestrian crossing that is not at an intersection or on a road within 20m before a crossing and 10m after the crossing otherwise than as permitted by a sign	0.7 penalty units
173	Stopping on a marked foot crossing that is not at an intersection, or on a road within 10m before the traffic lights pole nearest to the driver at the crossing and 3m after the crossing unless permitted by a sign	0.7 penalty units
175	Stopping on a level crossing, or on a road within 20m before the nearest rail or track to the driver approaching the crossing and 20m after the nearest rail or track to the driver leaving the crossing unless permitted by a sign	0.7 penalty units
176(1)	Stopping on a road contrary to a clearway sign	0.7 penalty units
179(1)	Stopping an unauthorised vehicle in a loading zone	0.7 penalty units
181	Unauthorised driver stopping in a works zone	0.7 penalty units
182(1)	Stopping an unauthorised vehicle in a taxi zone	0.7 penalty units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
183(1)	Stopping an unauthorised vehicle in a bus zone	0.7 penalty units
183(1)	Stopping a bus in a bus zone contrary to a bus zone sign	0.7 penalty units
185(1)	Stopping an unauthorised vehicle in a permit zone	1.4 penalty units
186(1)	Stopping in a mail zone	0.7 penalty units
189(1)(a)	Stopping on a two way road between the centre of the road and another vehicle parked at the side of the road	0.7 penalty units
191	Stopping on a road so as to obstruct traffic	0.7 penalty units
195(1)	Stopping within 20m before a bus stop unless permitted by a sign	0.7 penalty units
195(1)	Stopping within 10m after a bus stop unless permitted by a sign	0.7 penalty units
197(1)	Stopping on a bicycle path, footpath, shared path or dividing strip or a nature strip adjacent to a length of road in a built-up area unless permitted by a sign	0.7 penalty units
198(2)	Stopping on or across a driveway unless dropping off or picking up, passengers	0.7 penalty units
199	Stopping near a postbox	0.7 penalty units
200(1)	Stopping a heavy vehicle or a long vehicle on a length of road that is not in a built-up area otherwise than on the	1.4 penalty units

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
	shoulder of the road	
200(2)	Stopping a heavy vehicle or a long vehicle on a length of road in a built-up area for longer than 1 hour unless permitted to stop on the length of road for longer than 1 hour by information on or with a traffic controlled device	1.4 penalty units
202	Stopping contrary to a motorbike parking sign	0.7 penalty units
203(1)	Stopping contrary to a people with disabilities parking sign	1.4 penalty units
Part 12	Other parking offences provided for in Part 12 (Restrictions on stopping and parking)	0.7 penalty units

Schedule 5 Dictionary

Section 4

community service organisation means an association incorporated under the *Associations Incorporation Act 1981* which has as the main purpose of its objects, making financial gain for community service, charitable or similar purposes.

community service organisation parking permit see section 7(3).

local government works parking permit see section 7(7).

no parking permit area means an area—

- (a) described in schedule 3 part 1; and
- (b) indicated by hatching on a map in schedule 3 part 2; and
- (c) the boundaries of which are indicated by a bold line circumscribing a hatched area on a map in schedule 3 part 2.

residence means a building, or part of a building, that is —

- (a) fixed to land; and
- (b) designed, or approved by a local government, for human habitation by a single family unit; and
- (c) used for residential purposes.

resident see section 7(8)(a)(i).

resident parking permit see section 7(2).

temporary parking permit see section 7(4).

visitor parking permit see section 7(8).

works zone parking permit see section 7(6).

Certification

This and the preceding 38 pages bearing my initials is a certified copy of *Subordinate Local Law No. 5 (Parking) 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

347478_1

DRAFT

11.3 PORTFOLIO 3 (CR JULIE TALTY)**CITY PLANNING AND ASSESSMENT****11.3.1 DECISIONS MADE UNDER DELEGATED AUTHORITY FOR CATEGORY 1, 2 & 3 DEVELOPMENT APPLICATIONS**

Datworks Filename: Reports to Council – Planning & Development

Attachment: [Decisions made under Delegated Authority 23.11.2014 to 10.1.2015](#)

Authorising Officer:



Louise Rusan
General Manager Community & Customer Services

Responsible Officer: **David Jeanes**
Group Manager City Planning & Assessment

Author: **Debra Weeks**
Group Support officer

PURPOSE

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

This information is provided for public interest.

BACKGROUND

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

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

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

Category 3 – Moderately Complex Code & Impact Assessments; and

Category 4 – Major and Significant Assessments.

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

- Category 1 criteria - defined as complying code and compliance assessable applications, including building works assessable against the planning scheme, and other applications of a minor nature, including all accelerated applications.

- Category 2 criteria - defined as complying code assessable and compliance assessable applications, including operational works, and Impact Assessable applications without submissions of objection. Also includes a number of process related delegations, including issuing planning certificates, approval of works on and off maintenance and the release of bonds, and all other delegations not otherwise listed.
- Category 3 criteria that are defined as applications of a moderately complex nature, generally mainstream impact assessable applications and code assessable applications of a higher level of complexity. Impact applications may involve submissions objecting to the proposal readily addressable by reasonable and relevant conditions. Both may have minor level aspects outside a stated policy position that are subject to discretionary provisions of the Planning Scheme. Applications seeking approval of a plan of survey are included in this category. Applications can be referred to General Meeting Development for a decision.

OFFICER'S RECOMMENDATION

That Council resolves to note this report.

Decisions Made Under Delegated Authority 23.11.2014 to 29.11.2014

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division
Category 1								
MCU013356	Dwelling House	Category1	Metricon Homes Qld	20 Frederick Street, Wellington Point QLD 4160	Code Assessment	26/11/2014	Development Permit	1
ROL005835	Standard Format: 1 into 2 Lots	Category1	Dane Michael Colless Jordan Katavic	6 Carinya Street, Cleveland QLD 4163	Code Assessment	24/11/2014	Development Permit	2
BWP002626	Building Over/near relevant infrastructure - Swimming Pool	Category1	Wayne Bruce Peters	22 Wattle Street, Victoria Point QLD 4165	Concurrence Agency Response	27/11/2014	Approved	4
ROL005855	Standard Format: 1 into 2 Lots	Category1	Javica Property Solutions Pty Ltd	12 Kim Jon Court, Thornlands QLD 4164	Code Assessment	25/11/2014	Development Permit	4
ROL005858	Standard Format: 1 into 2 Lots	Category1	Javica Property Solutions Pty Ltd	8 Kim Jon Court, Thornlands QLD 4164	Code Assessment	25/11/2014	Development Permit	4
MCU013340	Caretakers Dwelling	Category1	Alan George Hope	16 Hamilton Street, Redland Bay QLD 4165	Code Assessment	24/11/2014	Development Permit	5
BWP002613	Combined - Design & Siting and Build over or near relevant infrastructure - Garage	Category1	Jennifer Louise Weber Tennant	11 Lisa Street, Redland Bay QLD 4165	Concurrence Agency Response	24/11/2014	Approved	5
MC011815	SMBI Dwelling	Category 1	Marney R Fletcher	35 Blue Bay Crescent, Perulpa Island QLD 4184	Extension to Relevant Period	24/11/2014	Approved	5

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division
BWP002638	Design & Siting - Boat Port	Category1	Colin Peter Mason	60 The Boulevard, Redland Bay QLD 4165	Concurrence Agency Response	24/11/2014	Approved	5
BWP002197	Domestic Outbuilding	Category1	Jason James Nye Karlie Jane Nye	82-86 Campbell Road, Sheldon QLD 4157	Permissible Change	26/11/2014	Development Permit	6
BWP002640	Design & Siting - Dwelling House	Category1	David Rivers	2 Fawley Court, Alexandra Hills QLD 4161	Concurrence Agency Response	26/11/2014	Approved	7
BWP002645	Design & Siting- Outbuilding	Category1	Donna M Lynskey	15 Carinyan Drive, Birkdale QLD 4159	Concurrence Agency Response	26/11/2014	Approved	10
Category 2								
MC011735	Multiple Dwelling	Category2	Bartley Burns Certifiers & Planners D J C Designs	30-32 Nelson Street, Ormiston QLD 4160	Extension to Relevant Period	25/11/2014	Approved	1
MCU013299	Multiple dwellings x 5	Category2	Philip Murray Impey	285 Main Road, Wellington Point QLD 4160	Code Assessment	28/11/2014	Development Permit	1
OPW001737	Operational Works - ROL005786 - 1 into 4 Lots	Category2	DRW Consulting	59-61 Starkey Street, Wellington Point QLD 4160	Code Assessment	24/11/2014	Development Permit	1
OPW001689	Combined Operational and Landscaping Works - MCU - Multiple Dwelling x 3 (Smart Eda)	Category2	Hendriks House Consulting Engineers Pty Ltd	204 Shore Street North, Cleveland QLD 4163	Compliance Assessment	27/11/2014	Compliance Certificate	2

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division
SB005137	Combined MCU Rezoning to Residential A & Standard Format Reconfiguration 52 lots & park (initially lodged for 65 Lots) (ASG FILE)	Category2	CMM Planning	46-68 Muller Street, Redland Bay QLD 4165	Extension to Relevant Period	28/11/2014	Approved	6
OPW001756	Landscaping Works - Educational Facility (car parking, on-site)	Category2	Burling Brown Architects Sedgman Yeats	Sheldon College, 43-77 Taylor Road, Sheldon QLD 4157	Code Assessment	26/11/2014	Compliance Certificate	6
OPW001748	MCU - Aged Care Facility and Child Care Centre - External footpath works - Smart eDA	Category2	McKenzie Aged Care Group Pty Ltd	264 Old Cleveland Road East, Capalaba QLD 4157	Compliance Assessment	26/11/2014	Approved	9
MCU013309	Apartment Building	Category 2	Javica Property Solutions Pty Ltd	209 Shore Street West, Cleveland QLD 4163	Code Assessment	28/11/2014	Development Permit	2

Decisions Made Under Delegated Authority 30.11.2014 to 06.12.2014

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division
Category 1								
BWP002585	Building over/near Relevant Infrastructure - Dwelling	Category1	Complete Building Certification	34-36 Wellesley Street, Wellington Point QLD 4160	Concurrence Agency Response	03/12/2014	Permissible Change - Development Permit	1
ROL005830	Standard Format 1 into 2 Lots	Category1	Facet Urban Planning Karen Leigh Medill Rod Ian Medill	231 Main Road, Wellington Point QLD 4160	Code Assessment	03/12/2014	Development Permit	1
BWP002612	Building Over/near relevant infrastructure - - Carport	Category1	The Certifier Pty Ltd	3 Owen Street, Wellington Point QLD 4160	Concurrence Agency Response	02/12/2014	Approved	1
MCU013363	Dwelling House - Lot 222	Category1	Metricon Homes Pty Ltd	20 Frederick Street, Wellington Point QLD 4160	Code Assessment	04/12/2014	Development Permit	1
BWP002648	Design & Siting - Outbuilding	Category1	Bartley Burns Certifiers & Planners	1 Marlborough Road, Wellington Point QLD 4160	Concurrence Agency Response	01/12/2014	Approved	1
ROL005845	Standard Format: 1 into 2	Category1	Angela M Bali	209 Queen Street, Cleveland QLD 4163	Code Assessment	01/12/2014	Development Permit	2
BWP002652	Design & Siting - Dwelling House	Category1	Building Code Approval Group Pty Ltd	36 Bowsprit Parade, Cleveland QLD 4163	Concurrence Agency Response	01/12/2014	Approved	2
BWP002659	Design & Siting - Carport	Category1	The Certifier Pty Ltd	102 Smith Street, Cleveland QLD 4163	Concurrence Agency Response	03/12/2014	Approved	2

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division
ROL005813	Combined standard format ROL 1 into 2 with Dual Occupancy on Future Lot 21	Category1	James Barclay Homes	19 Eagle Street, Victoria Point QLD 4165	Code Assessment	01/12/2014	Development Permit	4
BWP002604	Domestic Outbuilding	Category1	Bridgette Rene Dyba Robert Hilton Dyba	73-75 Beveridge Road, Thornlands QLD 4164	Code Assessment Concurrence Agency Response	04/12/2014	Development Permit	4
ROL005856	Standard Format:1 into 2	Category1	Javica Property Solutions Pty Ltd	22 Sandalwood Street, Thornlands QLD 4164	Code Assessment	01/12/2014	Development Permit	4
ROL005857	Standard Format: 1 into 2 Lots	Category1	Javica Property Solutions Pty Ltd	20 Sandalwood Street, Thornlands QLD 4164	Code Assessment	03/12/2014	Development Permit	4
BWP002634	Domestic Outbuilding	Category1	Adam Raymond Dunn Carolyn Ann Dunn	2 Sycamore Street, Redland Bay QLD 4165	Code Assessment	05/12/2014	Development Permit	6
BWP002657	Design and Siting - Patio and Storeroom	Category1	Reliable Certification Services	11 Chelsea Crescent, Alexandra Hills QLD 4161	Concurrence Agency Response	02/12/2014	Approved	7
BWP002654	Design & Siting - Domestic Outbuilding - Carport	Category1	The Certifier Pty Ltd	85 Montgomery Drive, Alexandra Hills QLD 4161	Concurrence Agency Response	02/12/2014	Approved	8
ROL005801	Standard Format 1 into 2	Category1	East Coast Surveys Pty Ltd	1 Elmhurst Street, Capalaba QLD 4157	Code Assessment	02/12/2014	Development Permit	9
Category 2								
ROL005529	Standard Format 1 into 4	Category2	Ugo Antonio Belligoi	287-291 Bloomfield Street, Cleveland QLD 4163	Code Assessment	05/12/2014	Permissible Change - Development Permit	3

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division
OPW001747	Operational Works - ROL 1 into 2	Category2	Structerre Consulting Engineers	29-35 Egret Drive, Victoria Point QLD 4165	Code Assessment	02/12/2014	Development Permit	4
MCU013272	Landscape Supply Depot	Category2	Quin Enterprises Pty Ltd	684-694 Mount Cotton Road, Sheldon QLD 4157	Impact Assessment	03/12/2014	Development Permit	6
BWP002650	Building over/ near relevant infrastructure Dwelling house	Category2	Ken Burns	64 Carinyan Drive, Birkdale QLD 4159	Concurrence Agency Response	03/12/2014	Approved	8
MCU013270	Vehicle Depot	Category2	Gassman Development Perspectives	184-186 Redland Bay Road, Capalaba QLD 4157	Code Assessment	03/12/2014	Development Permit	9
MCU013151	Multiple Dwellings X 6	Category2	Hubert Meier	52-54 Napier Street, Birkdale QLD 4159	Permissible Change	04/12/2014	Development Permit	10

Decisions Made Under Delegated Authority 07.12.2014 to 13.12.2014

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division
Category 1								
ROL005827	Standard Format 1 into 2 Lots	Category1	Gateway Survey & Planning	1-3 Dundas Street, Ormiston QLD 4160	Code Assessment	12/12/2014	Development Permit	1
BWP002655	Design & Siting - Domestic Additions	Category1	DBR Building Certification	226A Main Road, Wellington Point QLD 4160	Concurrence Agency Response	11/12/2014	Approved	1
ROL005811	Standard format 1 into 2	Category1	Casey Jackson Homes Pty Ltd	8 Angela Crescent, Cleveland QLD 4163	Code Assessment	12/12/2014	Development Permit	2
ROL005826	Standard Format: 1 into 2 Lots	Category1	Christine Ann May Pemberton	42 Russell Street, Cleveland QLD 4163	Code Assessment	11/12/2014	Development Permit	2
BWP002636	Design and Siting - Carport	Category1	Tenneal Sinn	1 Alexander Avenue, Victoria Point QLD 4165	Concurrence Agency Response	08/12/2014	Approved	4
OPW001749	Advertising Device	Category1	Global Sports Signage	Ern & Alma Dowling Memorial Park, 325 Colburn Avenue, Victoria Point QLD 4165	Code Assessment	09/12/2014	Development Permit	4
BWP002664	Design and Siting - Lift addition	Category1	Building Code Approval Group Pty Ltd	10A Edinburgh Street, Victoria Point QLD 4165	Concurrence Agency Response	10/12/2014	Approved	4
BWP002637	Domestic Additions	Category1	Bay Island Designs	15 Orana Street, Macleay Island QLD 4184	Code Assessment	08/12/2014	Development Permit	5

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division
BWP002661	Design & Siting - Dwelling House	Category1	The Certifier Pty Ltd	36 Kennedy Avenue, Russell Island QLD 4184	Concurrence Agency Response	09/12/2014	Approved	5
BWP002667	Design & Siting - Setbacks	Category1	Yan Ho Leung	13 Web Street, Russell Island QLD 4184	Concurrence Agency Response	12/12/2014	Approved	5
MCU013381	Dwelling House ADA	Category1	Bay Island Designs	29 Alexander Street, Macleay Island QLD 4184	Code Assessment	09/12/2014	Development Permit	5
BWP002663	Build over or near relevant infrastructure - Carport	Category1	The Certifier Pty Ltd	9 Colbet Close, Victoria Point QLD 4165	Concurrence Agency Response	11/12/2014	Approved	6
BWP002665	Design & Siting - Dwelling - Future lot 82	Category1	Building Code Approval Group Pty Ltd	3-7 Bell View Street, Victoria Point QLD 4165	Concurrence Agency Response	10/12/2014	Approved	6
ROL005824	Standard format 1 into 2	Category1	Peter Merder Sandra Merder	648 Main Road, Wellington Point QLD 4160	Code Assessment	11/12/2014	Development Permit	8
MCU013385	Dwelling House - Overlay Assessment - Lots 1 - 12 SP244194	Category1	Building Code Approval Group Pty Ltd	630 Main Road, Wellington Point QLD 4160	Code Assessment	08/12/2014	Development Permit	8
ROL005814	Standard Format: 1 into 2 Lots	Category1	Gary Marshall Marian Marshall	28-30 Stanley Street, Capalaba QLD 4157	Code Assessment	09/12/2014	Development Permit	9

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division
MCU013359	Dwelling House	Category1	Dlm @ Assoc	434-438 Mount Cotton Road, Capalaba QLD 4157	Code Assessment	11/12/2014	Development Permit	9
BWP002658	Design & Siting - Car Port	Category1	The Certifier Pty Ltd	7 Redwood Court, Capalaba QLD 4157	Concurrence Agency Response	09/12/2014	Approved	9
BWP002651	Domestic Outbuilding	Category1	Shane Keeffe Architects Pty Ltd	46 Queens Esplanade, Thorneside QLD 4158	Code Assessment	12/12/2014	Development Permit	10
Category 2								
MC011035	Multiple Dwellings x 22	Category2	Yung Development s Pty Ltd	25 Passage Street, Cleveland QLD 4163	Extension to Relevant Period	12/12/2014	Approved	2
OPW001760	Operational Works - Secondary Driveway	Category2	Shane Keeffe Architects Pty Ltd	10 Mainroyal Court, Cleveland QLD 4163	Code Assessment	09/12/2014	Development Permit	2
OPW001535	Operational work - Pond being filled	Category2	Corgold Pty Ltd As Trustee	67-85 Kinross Road, Thornlands QLD 4164	Code Assessment	12/12/2014	Development Permit	3

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division
MC011186	Extension to Shop	Category2	Landel Pty Ltd Lanrex Pty Ltd Pd Plan Town Planning	Victoria Point Town Centre, 349-369 Colburn Avenue, Victoria Point QLD 4165	Extension to Relevant Period	08/12/2014	Approved	4
OPW001676	Operational Works - MCU - Sheldon College car park, on site vehicle circulation & new road access - Smart eDA	Category2	Burling Brown Architects	Sheldon College, 43-77 Taylor Road, Sheldon QLD 4157	Compliance Assessment	08/12/2014	Compliance Certificate	6
OPW001755	Landscaping Works - Renaissance Victoria Point Retirement Village - Stage 27	Category2	Renaissance Victoria Point Pty Ltd	36-40 Bunker Road, Victoria Point QLD 4165	Compliance Assessment	08/12/2014	Approved	6
OPW001757	Development Works - Renaissance Victoria Point Retirement Village - Stage 27	Category2	Renaissance Victoria Point Pty Ltd	36-40 Bunker Road, Victoria Point QLD 4165	Compliance Assessment	09/12/2014	Approved	6

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division
OPW001752	Operational Works - MCU - Multiple Dwelling x 22 -	Category2	McLynskey Planners Pty Ltd	152 Finucane Road, Alexandra Hills QLD 4161	Compliance Assessment	08/12/2014	Compliance Certificate	8
OPW001718	Operational Works - Civil and Landscaping Works - Multiple Dwellings x 6	Category2	Planning For Projects P4p	52-54 Napier Street, Birkdale QLD 4159	Compliance Assessment	11/12/2014	Compliance Certificate	10
OPW001746	Operational Works - Prescribed Tidal Works - Pontoon	Category2	Natalia Gabrielle Wuth Phillip Gregory Wuth	The Flagship On Waterloo Bay, Unit 2/18 Mainsail Street, Birkdale QLD 4159	Code Assessment	09/12/2014	Development Permit	10

Decisions Made Under Delegated Authority 14.12.2014 to 20.12.2014

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division
Category 1								
MC012223	Dual Occupancy	Category 1	AKS Homes Pty Ltd Carly Lee Alleway Tim Davies C/- Ignite Homes Pty Ltd	684 Old Cleveland Road East, Wellington Point QLD 4160	Permissible Change	18/12/2014	Approved	1

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division
MC012224	Dual Occupancy	Category 1	AKS Homes Pty Ltd Carly Lee Alleway Russell Peter Alleway	682 Old Cleveland Road East, Wellington Point QLD 4160	Permissible Change	18/12/2014	Approved	1
ROL005837	Standard Format: 1 into 3 Lots	Category1	Building Code Approval Group Pty Ltd	32-34 Erobin Street, Cleveland QLD 4163	Code Assessment	19/12/2014	Development Permit	2
BWP002670	Design & Siting - Domestic Additions	Category1	Applied Building Approvals	6 Callum Court, Thornlands QLD 4164	Code Assessment	17/12/2014	Approved	3
BWP002672	Design & Siting - Dwelling House	Category1	Casey Jackson Homes Pty Ltd	42 Waterville Drive, Thornlands QLD 4164	Concurrence Agency Response	15/12/2014	Approved	3
ROL005794	RECONFIGURATION 2 INTO 3	Category1	Alan George Frettingham Ruth Louise Frettingham Helen Jean Peters Jorg Jochen Peters	9 Alison Court, Victoria Point QLD 4165	Code Assessment	18/12/2014	Development Permit	4
MCU013348	Dual Occupancy	Category1	East Coast Surveys Pty Ltd	76 Prescoter Drive, Victoria Point QLD 4165	Code Assessment	15/12/2014	Development Permit	4
MCU013335	DWELLING HOUSE	Category1	Richard Harrison	14-20 Gordon Road, Redland Bay QLD 4165	Code Assessment	17/12/2014	Development Permit	5
BWP002630	Domestic Outbuilding	Category1	Kevin John Berry Shirley Jean Berry	15 Headland Circuit, Russell Island QLD	Code Assessment	15/12/2014	Development Permit	5
BWP002679	Design and Siting - Dwelling House	Category1	Building Code Approval Group Pty Ltd	2 Colbet Close, Victoria Point QLD 4165	Concurrence Agency Response	15/12/2014	Approved	5

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division
BWP002680	Design and Siting - Dwelling House	Category1	Building Code Approval Group Pty Ltd	2 Prospect Crescent, Victoria Point QLD 4165	Concurrence Agency Response	15/12/2014	Approved	5
BWP002678	Design & Siting- Dwelling House	Category1	Metricon Homes Qld	87 Balthazar Circuit, Mount Cotton QLD 4165	Concurrence Agency Response	18/12/2014	Approved	6
BWP002688	Design & Siting - Setbacks	Category1	Professional Certification Group	75 Balthazar Circuit, Mount Cotton QLD 4165	Concurrence Agency Response	17/12/2014	Approved	6
BWP002691	Design and Siting - Shed	Category1	The Certifier Pty Ltd	133 Boundary Road, Thornlands QLD 4164	Concurrence Agency Response	19/12/2014	Approved	6
OPW001754	Advertising Device	Category1	Horizon Property Holdings Pty Ltd	677-685 Old Cleveland Road East, Wellington Point QLD 4160	Code Assessment	15/12/2014	Development Permit	8
BWP002673	Design and Siting - Dwelling House	Category1	Bartley Burns Certifiers & Planners	3 Willard Road, Capalaba QLD 4157	Concurrence Agency Response	18/12/2014	Approved	8
MCU013367	Dual Occupancy	Category1	Brenda Lee Currier	54 Willard Road, Capalaba QLD 4157	Code Assessment	18/12/2014	Development Permit	9
BWP002671	Design & Siting - Dwelling House	Category1	The Certifier Pty Ltd	5 Seaside Close, Thorneside QLD 4158	Concurrence Agency Response	18/12/2014	Approved	10
Category 2								
OPW001761	MCU - Multiple Dwelling x 12 - Smart eDA	Category2	Javica Property Solutions Pty Ltd	61-67 Delancey Street, Ormiston QLD 4160	Compliance Assessment	16/12/2014	Compliance Certificate	1
OPW001771	Excavation and Fill (relates to MCU013138)	Category2	Planning Initiatives	111-115 Smith Street, Cleveland QLD 4163	Code Assessment	16/12/2014	Development Permit	2

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division
OPW001772	Operational Works Landscaping - Apartment Building x64	Category2	Anderson Family Trust	209 Shore Street West, Cleveland QLD 4163	Compliance Assessment	18/12/2014	Compliance Certificate	2
OPW001680	Operational Works - MCU - Multiple Dwelling x 125 (smarteda)	Category2	Bornhorst & Ward	344 Redland Bay Road, Thornlands QLD 4164	Compliance Assessment	18/12/2014	Compliance Certificate	4
OPW001724	Landscaping works - Multiple Dwellings x 125	Category2	Roycorp No 5 Pty Ltd	Redland Bay Road Bushland Refuge, 354 Redland Bay Road, Thornlands QLD 4164	Code Assessment	18/12/2014	Compliance Certificate	4
MCU013245	Home Business (Truck/Equip Parking & Office Space)	Category2	Nicholas Thomas Sharkey Renee Jane Sharkey	15-23 Kidd Street, Redland Bay QLD 4165	Code Assessment	16/12/2014	Development Permit	6
OPW001742	Operational Works - ROL 1 into 10 - Smart eDA	Category2	Civil Dimensions Consulting Engineers	64-66 Unwin Road, Redland Bay QLD 4165	Code Assessment	15/12/2014	Development Permit	6
OPW001745	Combined Operational and Landscaping Works -	Category2	Paynter Dixon Qld Pty Ltd Sedgman Yeats	62 Collingwood Road, Birkdale QLD 4159	Compliance Assessment	15/12/2014	Compliance Certificate	10
Category 3								
MCU013304	Multiple Dwellings x 9	Category 3	Hometown Villas	578 Main Road, Wellington Point QLD 4160	Impact Assessment	17/12/2014	Development Permit	1

Decisions Made Under Delegated Authority 21.12.2014 to 27.12.2014

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division
Category 1								
BWP002685	Design & Siting - Additions	Category1	The Certifier Pty Ltd	11 Waterford Crescent, Ormiston QLD 4160	Concurrence Agency Response	24/12/2014	Approved	1
BWP002690	Design and Siting - Additions to Existing House	Category1	All Star Energy	3 Gore Street, Amity QLD 4183	Concurrence Agency Response	22/12/2014	Approved	2
MCU013366	Dwelling ADA	Category1	Philip Michael Hargreaves Violeta Saberon Hargreaves	235 High Central Road, Macleay Island QLD 4184	Code Assessment	22/12/2014	Development Permit	5
BWP002681	Design & Siting- Dwelling House	Category1	Bernard Perera	84 Canaipa Road, Russell Island QLD 4184	Concurrence Agency Response	22/12/2014	Approved	5
MCU013355	Dwelling house	Category1	Development Solutions Qld	364-368 Woodlands Drive, Thornlands QLD 4164	Code Assessment	23/12/2014	Development Permit	6
BWP002633	Secondary dwelling	Category1	Hoek Modular Homes	741-745 Mount Cotton Road, Sheldon QLD 4157	Code Assessment	24/12/2014	Development Permit	6
BWP002695	Design & Siting - Dwelling House	Category1	Mahyar Barzegari	63 Balthazar Circuit, Mount Cotton QLD 4165	Concurrence Agency Response	23/12/2014	Approved	6
BWP002698	Design & Siting - Dwelling - Setbacks	Category1	Suncoast Building Approvals	93A Balthazar Circuit, Mount Cotton QLD 4165	Concurrence Agency Response	23/12/2014	Approved	6
BWP002682	Design & Siting - Carport	Category1	The Certifier Pty Ltd	12 Wimborne Road, Alexandra Hills QLD 4161	Concurrence Agency Response	22/12/2014	Approved	7
ROL005828	Standard Format 1 into 3 Lots	Category1	Hugh Alexander Mcgilvray	13 Beenwerrin Crescent, Capalaba QLD 4157	Code Assessment	24/12/2014	Development Permit	9

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division
OPW001715	Operational Works - ROL 1 into 32 - COMBINED	Category1	Structerre Consulting Engineers	69-79 Quarry Road, Birkdale QLD 4159	Code Assessment	23/12/2014	Development Permit	10
MCU013383	MCU- Dwelling House - Urban Residential	Category1	Antech Constructions Pty Ltd Anthony James Fiteni	3 Baywalk Place, Thorneside QLD 4158	Code Assessment	22/12/2014	Development Permit	10
Category 2								
MCU012311	Dwelling House	Category2	John A Healy Pamela J Healy Michael Patrick O'Halloran	20 Coorong Street, Macleay Island QLD 4184	Extension to Relevant Period	23/12/2014	Approved	5
MCU012783	Dwelling House	Category2	Bruce Clayton Victor Dean	59 Main View Drive, Russell Island QLD 4184	Permissible Change	24/12/2014	Development Permit	5
OPW001776	2nd Driveway Crossover	Category2	Gregory John De Araugo	14 Daly Place, Redland Bay QLD 4165	Code Assessment	24/12/2014	Development Permit	6
MCU013311	Multiple Dwellings x 9	Category2	Gateway Survey & Planning	9 Hemmo Street, Capalaba QLD 4157	Code Assessment	24/12/2014	Development Permit	8
MCU013338	Multiple Dwellings x 6	Category2	Five Point Holdings Pty Ltd	126 Mount Cotton Road, Capalaba QLD 4157	Code Assessment	23/12/2014	Development Permit	9

Decisions Made Under Delegated Authority 04.01.2015 to 10.01.2015

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division
Category 1								
ROL005864	Standard Format 1 into 2	Category1	Craig Sydney Lambert	5 Susannah Place, Ormiston QLD 4160	Code Assessment	08/01/2015	Development Permit	1
BWP002696	Design & Siting - Carport	Category1	Strickland Certification Pty Ltd	1 Schonrock Street, Wellington Point QLD 4160	Concurrence Agency Response	08/01/2015	Approved	1
BWP002676	Design & Siting- Dwelling House	Category1	Javica Pty Ltd	14 Poppy Street, Thornlands QLD 4164	Concurrence Agency Response	07/01/2015	Approved	4
BWP002700	Design & Siting - Carport	Category1	The Certifier Pty Ltd	2 Maple Court, Victoria Point QLD 4165	Concurrence Agency Response	08/01/2015	Approved	4
MCU013109	Dwelling House	Category1	David Price	207 Rocky Passage Road, Redland Bay QLD 4165	Permissible Change	06/01/2015	Development Permit	6
BWP002708	Design & Siting- Dwelling House	Category1	Henley Properties Qld Pty Ltd	93 Capella Drive, Redland Bay QLD 4165	Concurrence Agency Response	05/01/2015	Approved	6
BWP002689	Design & Siting - Additions to existing house	Category1	Philip Murray Impey	16 Tamarix Street, Alexandra Hills QLD 4161	Concurrence Agency Response	05/01/2015	Approved	8
BWP002692	Design and Siting - Dwelling House (Future Lot 22 Spurs Drive)	Category1	Building Code Approval Group Pty Ltd	630 Main Road, Wellington Point QLD 4160	Concurrence Agency Response	05/01/2015	Approved	8
BWP002693	Design and Siting - Dwelling House (Future Lot 30 Cashmere Court)	Category1	Building Code Approval Group Pty Ltd	630 Main Road, Wellington Point QLD 4160	Concurrence Agency Response	06/01/2015	Approved	8

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division
BWP002694	Design and Siting - Dwelling House (Future Lot 8 Spurs Drive)	Category1	Building Code Approval Group Pty Ltd	630 Main Road, Wellington Point QLD 4160	Concurrence Agency Response	06/01/2015	Approved	8
BWP002703	Design & Siting - Dwelling House	Category1	Building Code Approval Group Pty Ltd	93 Spurs Drive, Wellington Point QLD 4160	Concurrence Agency Response	09/01/2015	Approved	8
BWP002704	Design & Siting - Dwelling House	Category1	Building Code Approval Group Pty Ltd	107 Spurs Drive, Wellington Point QLD 4160	Concurrence Agency Response	08/01/2015	Approved	8
ROL005739	Standard Format: 1 into 2	Category1	Dulip Dias Karunaratne	336-340 Mount Cotton Road, Capalaba QLD 4157	Code Assessment	07/01/2015	Permissible Change - Development Permit	9
BWP002699	Design & Siting - Shed	Category1	DBR Building Certification	54 Kennedy Drive, Capalaba QLD 4157	Concurrence Agency Response	08/01/2015	Approved	9
Category 2								
OPW001764	Operational Works - MCU - Multiple Dwelling x 14 - (Smart eDA)	Category2	lapproved	307 Old Cleveland Road East, Capalaba QLD 4157	Compliance Assessment	09/01/2015	Compliance Certificate	9

11.3.2 APPEALS LIST CURRENT AS AT 13 JANUARY 2015**Dataworks Filename:** Reports to Council – Planning & Development**Authorising Officer:****Louise Rusan
General Manager Community & Customer
Services****Responsible Officer:** **David Jeanes
Group Manager City Planning & Assessment****Author:** **Chris Vize
Service Manager Planning Assessment**

PURPOSE

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

BACKGROUND

Information on appeals may be found as follows:

1. Planning and Environment Court

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

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

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

The database contains:

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

ISSUES

1.	File Number:	Appeal 1963 of 2009 (MC010715)
Applicant:		JT George Nominees P/L
Application Details:		Preliminary Approval for MCU for neighbourhood centre, open space and residential uses (concept master plan). Corner Taylor Road & Woodlands Drive, Thornlands.
Appeal Details:		Applicant appeal against refusal.
Current Status:		The appellant has submitted amended plans that are considered a minor change to the application. Council and other parties are currently considering the amended plans.
Hearing Date:		Listed for review 30 January 2015.

2.	File Number:	Appeal 2675 of 2009. (MC010624)
Applicant:		L M Wigan
Application Details:		Material Change of Use for residential development (Res A & Res B) and preliminary approval for operational works 84-122 Taylor Road, Thornlands
Appeal Details:		Applicant appeal against refusal.
Current Status:		The appellant has submitted amended plans that are considered a minor change to the application. The matter has been adjourned to 25 February 2015.

3.	File Number:	Appeal 4521 of 2013 (MCU012995)
Applicant:		D Polzi and ML Polzi
Application Details:		Material Change of Use for a Landscape Supply Depot
Appeal Details:		Submitter appeal against development permit approval.
Current Status:		Listed for review 4 February 2015.

4.	File Number:	Appeal 4564 of 2013 (ROL005669)
Applicant:		Ausbuild Projects Pty Ltd
Application Details:		Reconfiguration of Lots (6 into 259) and Material Change of Use (Dwelling Houses)
Appeal Details:		Applicant appeal against refusal.
Current Status:		Adjourned until 9 April 2015.

5.	File Number:	Appeal 1760 of 2014 (ROL005698)
Applicant:		Ausbuild Pty Ltd
Application Details:		Reconfiguration of Lots (8 lots) and Material Change of Use (Dwelling Houses)
Appeal Details:		Applicant appeal against refusal.
Current Status:		Matter taken to the General Meeting of 10 December and is now adjourned to allow parties to undertake the identified actions.

6.	File Number:	Appeal 4191 of 2014 (SB005471)
Applicant:		Villa World Development Pty Ltd
Application Details:		Reconfiguring a Lot (1 into 99 lots)
Appeal Details:		Originating application for a permissible change to the Court Approval 1171 of 2013
Current Status:		Matter has been adjourned for further consideration by the parties.

OFFICER'S RECOMMENDATION

That Council resolves to note this report.

11.4 PORTFOLIO 5 (CR PAUL GLEESON)**INFRASTRUCTURE & OPERATIONS****11.4.1 EASEMENT REQUIRED FOR STORMWATER DRAINAGE EXTENSION AT GUYANA COURT, CAPALABA**

Datworks Filename: Property: 32 Guyana Court, Capalaba
L.305540

Attachment: [Proposed Works](#)

Authorising/Responsible Officer:



Murray Erbs
Acting General Manager Infrastructure and
Operations

Author:

Len Purdie
Principal Adviser Roads & Drainage

PURPOSE

The property at 32 Guyana Court, Capalaba is experiencing flooding from road stormwater discharge. A solution is to attain an easement over 32 Guyana Court through negotiations with the property owners to design and construct the drainage required to manage the area and reduce property inundation.

BACKGROUND

Land development of the area was completed in 1998. It appears from the 'as constructed' drawings that no defined flow path was provided at the outlet of the stormwater pipe located in 30 Guyana Court.

As there was no defined drainage path and the area downstream of the outlet is heavily vegetated, stormwater flows from the pipe enters into number 32.

An easement was placed over the pipe; however it was not extended to cover the downstream overland flow path. This restricts council's access and ability to manage the drainage effectively and has resulted in the adjacent property receiving the discharge flows.

The property owner is now building a house and is seeking a solution to the drainage issue.

ISSUES

- Stormwater infrastructure directly discharges into private property with no easement to manage the water through the downstream extents.
- Council currently has no access to either property to complete drainage works to provide a solution
- Legal have advised that if the stormwater represents an action of nuisance, Council will be obligated to rectify the issue. The discharge from the 2 x 450

reinforced concrete pipes (RCPs) is considered to be significant by Council officers and would classify as an action of nuisance.

STRATEGIC IMPLICATIONS

An easement will be required.

Legislative Requirements

Legal have advised that if the stormwater represents an action of nuisance, Council will be obligated to rectify the issue.

Risk Management

There are no risks associated with these works.

Financial

If approved there are initial costs in obtaining the easement and constructing the drainage works. This includes:

- cost to survey and register easement, approximately \$4,000
- construction of drainage, approximately \$60,000

People

There are impacts to the residents of property 32 Guyana Court, with the taking of an easement. These impacts are understood and accepted by the residents.

Environmental

There are no environmental issues.

Social

There are no social implications.

Alignment with Council's Policy and Plans

Since the development of the subdivision it is Council policy to ensure that road drainage is discharged to land or locations that Council has access to in order to manage the drainage appropriately.

CONSULTATION

- General Counsel staff have been consulted and their comments form part of this report;
- Business & Infrastructure Finance team has been consulted;
- The residents of 32 Guyana Court have been consulted and they are supportive of the proposal.

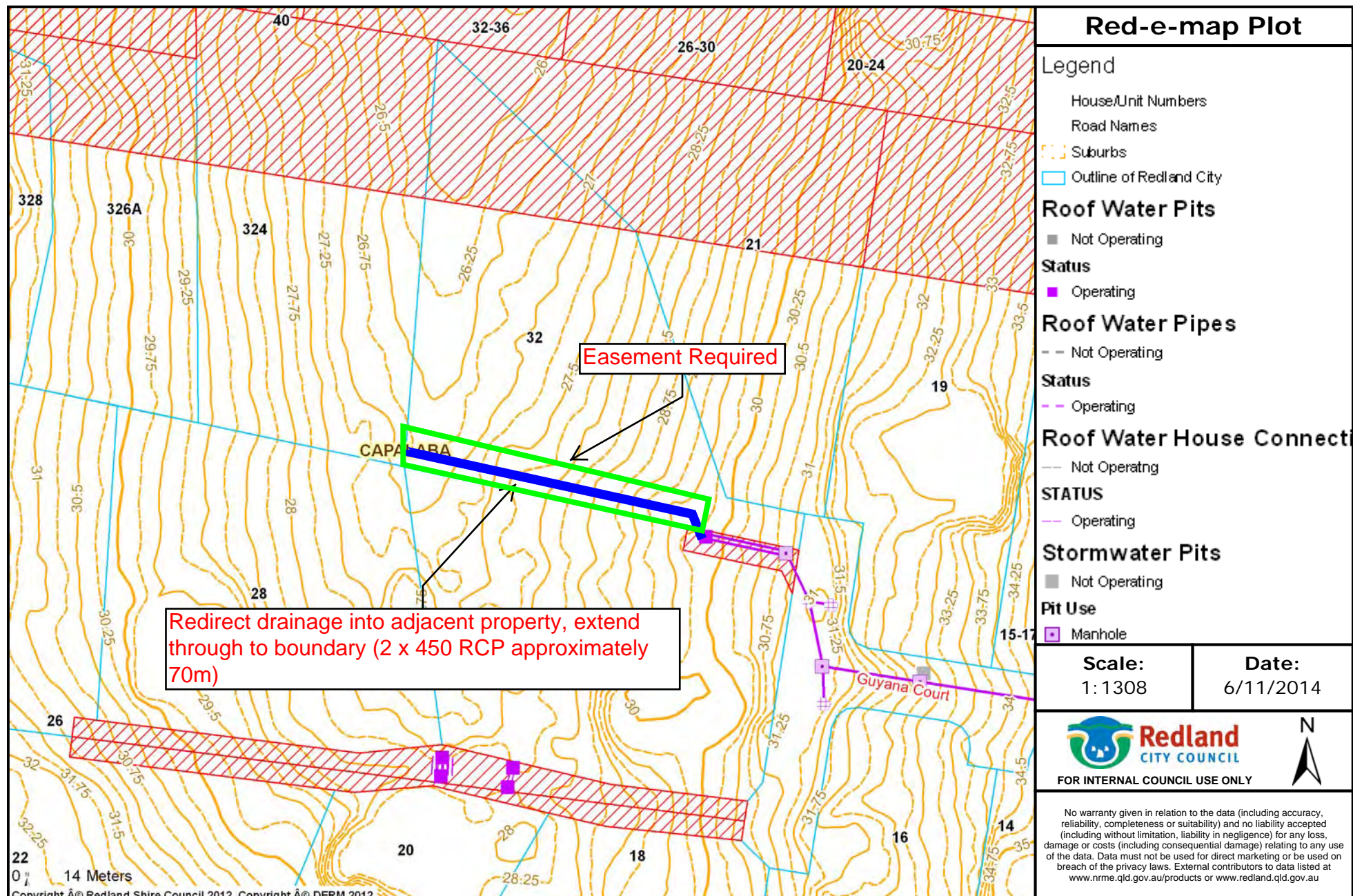
OPTIONS

1. Adopt the Officer's Recommendations to take an easement and construct associated drainage works at 32 Guyana Court; or
2. Refuse the proposal.

OFFICER'S RECOMMENDATION

That Council resolves to:

1. **Delegate authority to the Chief Executive Officer (under s.257(1)(b) of the Local Government Act 2009) to negotiate, make, vary, discharge the agreement and sign all necessary documentation associated with acquisition of the easement;**
2. **Approve that the design and construction of the extension of storm water infrastructure within the acquired easement be commenced immediately at an estimated cost of \$60,000; and**
3. **Amend the adopted 2014/15 budget at the time of the next financial review.**



11.4.2 EMERGENCY WORKS – CARLING COURT (11-15) RABY BAY CANAL ESTATE**Dataworks Filename:** RTT – Maintenance – Canal Estates – Raby Bay**Attachments:** [Revetment Profile Assessment](#)
[Geotechnical Assessment](#)
[Raby Bay Annual Implementation Plan](#)
[Raby Bay Reserve 1415 November 2014](#)**Authorising Officer****Bill Lyon**
Chief Executive Officer**Responsible Officer:** **Murray Erbs**
Acting General Manager Infrastructure & Operations**Author:** **Rodney Powell**
Senior Adviser Infrastructure Project

PURPOSE

The purpose of this report is to seek Council resolution to approve amendment to the 2014/15 Raby Bay annual implementation plan to include the works at 11-14 Carling Court (41087) as the highest priority.

The resultant effect of this will be the deferral of works at Beaufort Place (41087).

BACKGROUND

Site investigations at 13 Carling Court over recent months have identified this site as at risk of imminent collapse.

Officers from Project Delivery Group and Marine Infrastructure Planning visited the site on Friday 19 December 2014 to make a joint assessment of the situation.

It was agreed that:

- 41087 - Carling Court was now the top priority for repair and;
 - 40577 - Beaufort Court which is currently next on the program should be postponed until Carling Court has been repaired and that;
 - Tenders are due to be called in January; and
 - that the documents should be amended to include the works at Carling Court as a Separable Portion in the contract.
-

Observations have been undertaken at both sites during regular inspections:

Carling Court		Beaufort Court ¹	
Date	Vertical movement	Date	Vertical movement
7/8/14	160mm	2/10/13	150mm
21/10/14	170mm	24/1/14	150mm
15/12/14	190mm	11/6/14	150mm
		22/12/14	170mm

Note 1 - the expansion joints have all remained similar. The only movement that has been noted is at the eastern boundary fence. Extensive renovation works have been undertaken on the house and the pool in the past few months with heavy machinery. This may have contributed to the movement as the wall had previously remained stable.

KEY MOVEMENT AT EASTERN BOUNDARY FENCE



**Photo of movement at Boundary Fence 13/14 Carling Court*

ISSUES

- The inclusion of the Carling Court project will require an amendment to the 2014/15 Raby Bay annual implementation plan.
- The owners of the properties at Beaufort Court are expecting works to be started in the new year. These works may now be delayed until after June 2015;
- A stormwater discharge point has been observed at 13 Carling Court which may be contributing to the softening of the canal bank material. The owner has been requested to rectify this situation.

STRATEGIC IMPLICATIONS

Legislative Requirements

The *Local Government Regulation 2012* (s94) states that;

(9) The local government may at any time, by resolution amend-

- (a) an overall plan; or
- (b) an annual implementation plan.

Risk Management

Corporate Risk

Please use link to Corporate Governance Intranet for Risk Registers for relevant Council areas:	Corporate Risk Registers
---	--

Identify existing Corporate Risk this project will mitigate.

Risk type	Risk description	Consequence description	Existing treatment	Likelihood	Consequence	Control category	Future treatment	Likelihood	Consequence
Activity	Safety of public infrastructure	Significant damage to canal infrastructure	Operational repairs and management	Almost certain	Major	Avoid	Remove risk by undertaking project	Unlikely	Medium
Operational	Budget /cost overruns	Large overruns in project cost	Thorough planning and design. Timely start of project.	Possible	Medium	Reduce	Further planning, additional checkpoints. Early project start.	Unlikely	Low

Financial

Beaufort Court

- Current budget 40577 Beaufort Court \$3,320,000
- Revised Budget 40577 Beaufort Court \$2,000,000 (new figure advised by PDG after geotechnical assessment)

Carling Court

- Estimated budget 41087 Carling Court \$3,000,000 plus contingency (estimated from extent of works identified in Attachment 1)

Reserves

The anticipated reserve balance prior to revision of the budget for 40577 (Beaufort Court) was \$2,455,777.20. Taking into account the budget revision and the remaining balance, there will be a balance of \$3,775,770 available for 41807 (Carling Court).

It is recommended that a budget of \$3,750,000 be approved for Carling Court works consisting of \$3,000,000 estimated works plus 25% contingency.

It is recommended that an additional net \$2,430,000 be released from the Raby Bay Canal Reserve to fund the works at both Carling Court and Beaufort Court.

People

No people issues concerning this proposal.

Environmental

No environmental issues anticipated.

Social

No social issues anticipated with this proposal.

Alignment with Council's Policy and Plans**5. Wise Planning and Design**

5.12 Plan, provide and advocate for essential physical and social infrastructure that supports community wellbeing and manage Council's existing infrastructure assets to ensure that current service levels are maintained or improved.

CONSULTATION

Staff from the following areas of Council were consulted in preparing this report.

- Project Delivery;
- General Counsel; and
- Financial Services.

OPTIONS

No other options were considered.

OFFICER'S RECOMMENDATION

That Council resolves to:

- 1. Amend the 2014/15 Raby Bay annual implementation plan to include the works at 11-14 Carling Court (41087) as the highest priority;**
- 2. Approve the release of additional funds in the net amount of \$2,430,000 from the Raby Bay Canal Reserve; and**
- 3. Delegate authority (under s.257(1)(b) of the *Local Government Act 2009*) to the Chief Executive Officer to negotiate, make, amend or discharge a contract and sign all relevant documentation related to the above resolutions.**



Soil Surveys Engineering Pty Limited
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GEJ Gray
P Elkington BE(Civil) MIE Aust RPEQ

Associates
CP Johnson BEng(Civil) RPEQ

Gold Coast Office

Job No: 114-16665
Ref: 1-16665, 2014-12-22, LTR VER 1
Author: Peter Elkington

22nd December 2014

Redland City Council
PO Box 21
Cleveland QLD 4163
Email: david.humphrey@redland.qld.gov.au

ATTENTION: DAVID HUMPHREY

Dear Sir,

**RE: REVETMENT PROFILE ASSESSMENT - PRELIMINARY RECTIFICATION
RECOMMENDATIONS - 11-15 CARLING COURT, CLEVELAND**

On the basis of the geotechnical investigation undertaken (Refer Soil Surveys Engineering report 1-16665, 2014-12-22, BR F VER 1) inspections undertaken on site and supplied survey data, the below plan indicates the appropriate extents of rectification works recommended for the above sites.



Celebrating over 40 years in Geotechnics

Brisbane, Level 2, 19 Finchley Street, Milton QLD, PO Box 317, Paddington, QLD, 4064, Australia
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Two distinct failures have been observed. Immediately in front of No's 13 and 14, (Area 1) significant distress has occurred, with an active failure/slip noted.

Either side of this failure, the walls are showing some signs of movement and a significant failure may occur in the areas sometime in the future (Area 2).

Inclinometer monitoring undertaken in Borehole 6, in the failure zone, has indicated the base of the failure plane is occurring at approximately RL-2.4m (ie. 2m below the base of the revetment rock).

Inclinometer monitoring in Boreholes 1 and 4 have indicated minor movements within the monitored zones, but consistent with visual observations, a distinct failure surface was not yet detected. However, preventative measures are recommended in these areas.

Area 1 Rectification

Stability assessment of the failure was undertaken to determine the potential rectification measures.

On this basis, the following rectification measures are recommended to increase the factor of safety of the revetment profile to greater than 1.5.

- 1) Replace the existing revetment wall. A deep foundation system founding into the underlying very stiff to hard clays and below the bed of the canal by at least 1m is recommended.
- 2) Remove the failed revetment slope material and reprofile to design batter slope with mass rock
- 3) Install a series of concrete washers on the batter to prevent further movement of the batter slope.

Figures 1 and 2 (appended) indicate the suggested washer lay out for these works.

Area 2 Rectification

In the area removed from the major failure (ie Area 2), rectification measures should include the following:-

- 1) Underpin the existing revetment wall with piles founding a minimum depth of 1m below the bed of the canal and into very stiff or better clays (Refer Figure 3); and
- 2) Install a system of lateral restraint piles in the revetment batter slope, together with an integrated capping beam arrangement as indicated in Figure 4.

The piles should be installed at a minimum spacing of three times the pile diameters, with a suggested minimum diameter of 300mm (subject to structural analysis).

The pile system should provide a minimum additional lateral resistance of 100kN/m, in addition to the load required to support the lateral soil pressures above RL-2.5m.

The construction of a tie beam or headstock between the pile heads is recommended. This will not only reduce individual pile deflections, but will also provide a continuous surface against which the soil mass can bear.

A minimum depth of headstock at 450mm below the base of the revetment rock is recommended.

The revetment rock above the headstock/pile alignment should be excavated to the clays, and replaced with a minimum thickness of 600mm of rock, reprofiled to the design batter slope. A suitable geofabric should be installed between the rock and the underlying clays.

Subject to detailed design, the weaker system could be replaced with a lateral pile solution, similar to the Area 2 solution.

All proposed designs should be reviewed by Soil Surveys Engineering prior to construction commencement, to ensure a satisfactory long term factor of safety will result from the adopted solution.

A detailed geotechnical report will be produced, outlining the results of the investigation and stability assessment and will be completed in the New Year.

Should you have any questions in regard to the above, please do not hesitate to contact Peter Elkington at our Gold Coat office.

Yours faithfully,



P. ELKINGTON (RPEQ 7226)

for and on behalf of

SOIL SURVEYS ENGINEERING PTY LIMITED

Appended: Figure 1 - Batter Stabilisation Works
 Figure 2 - Batter Stabilisation Works - Washer Layout
 Figure 3 - Underpin Option
 Figure 4 - Grout Injected Pier Stabilisation Option

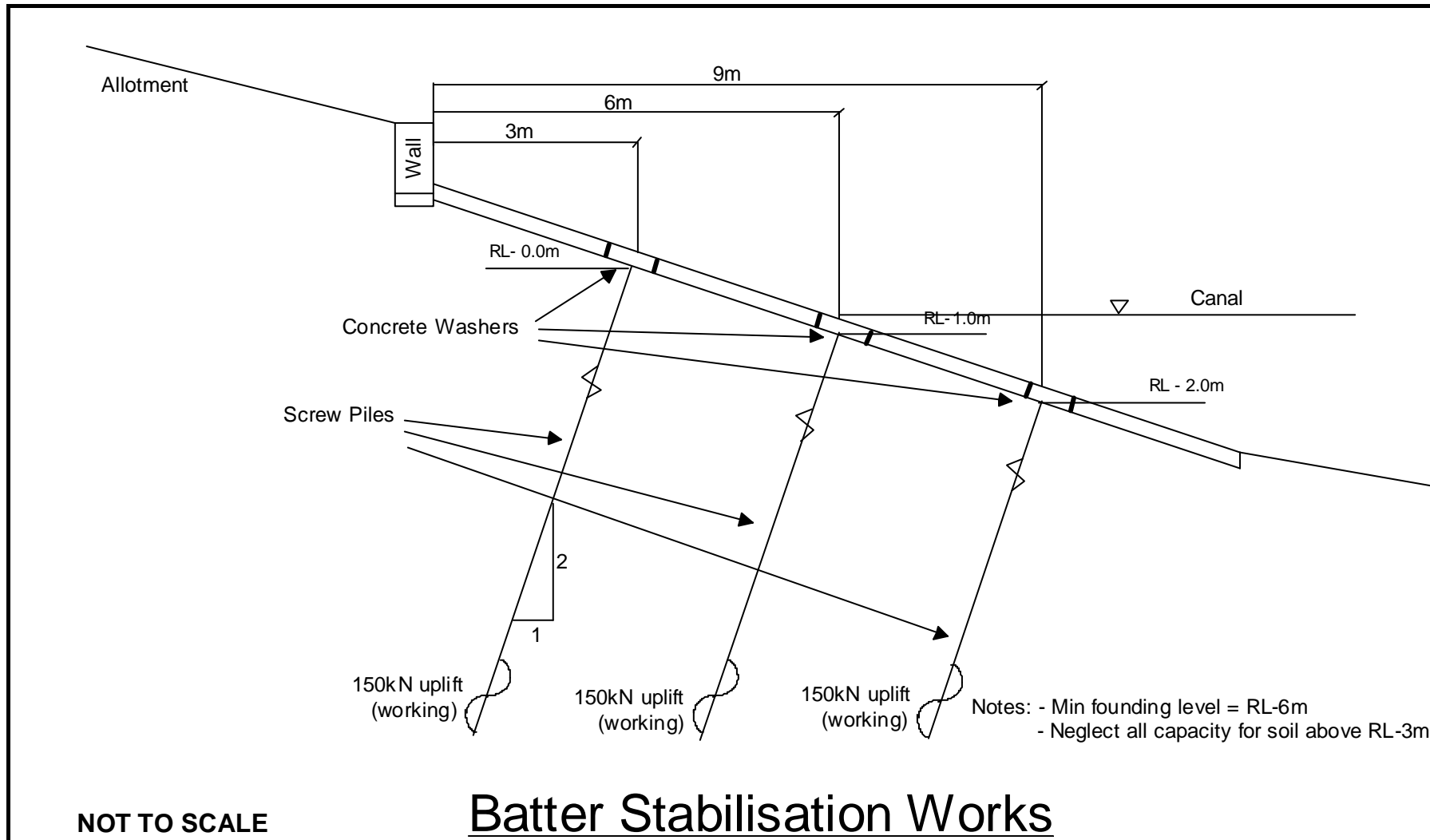


FIGURE 1

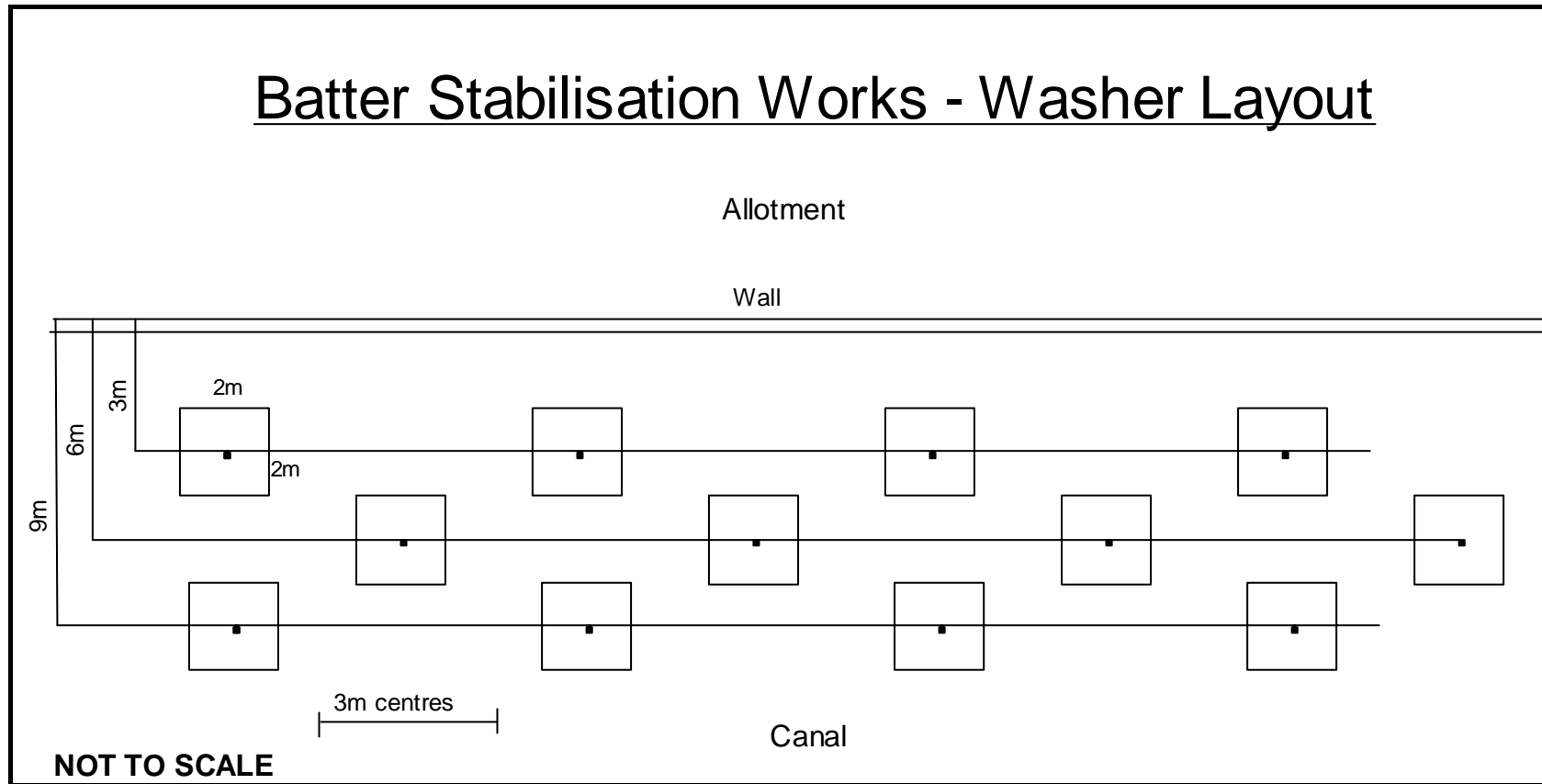


FIGURE 2

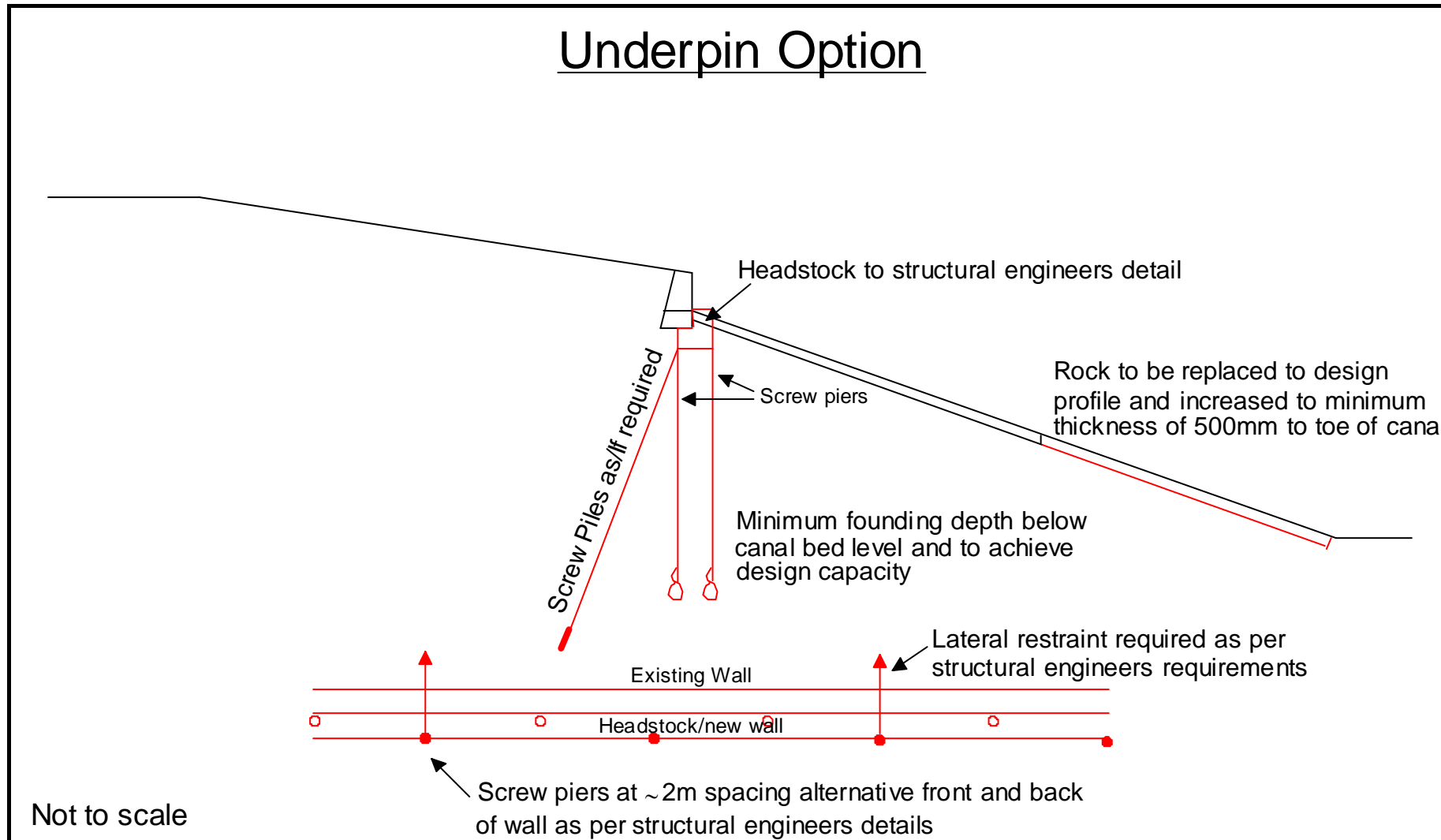


FIGURE 3

Grout Injected Pier Stabilisation Option

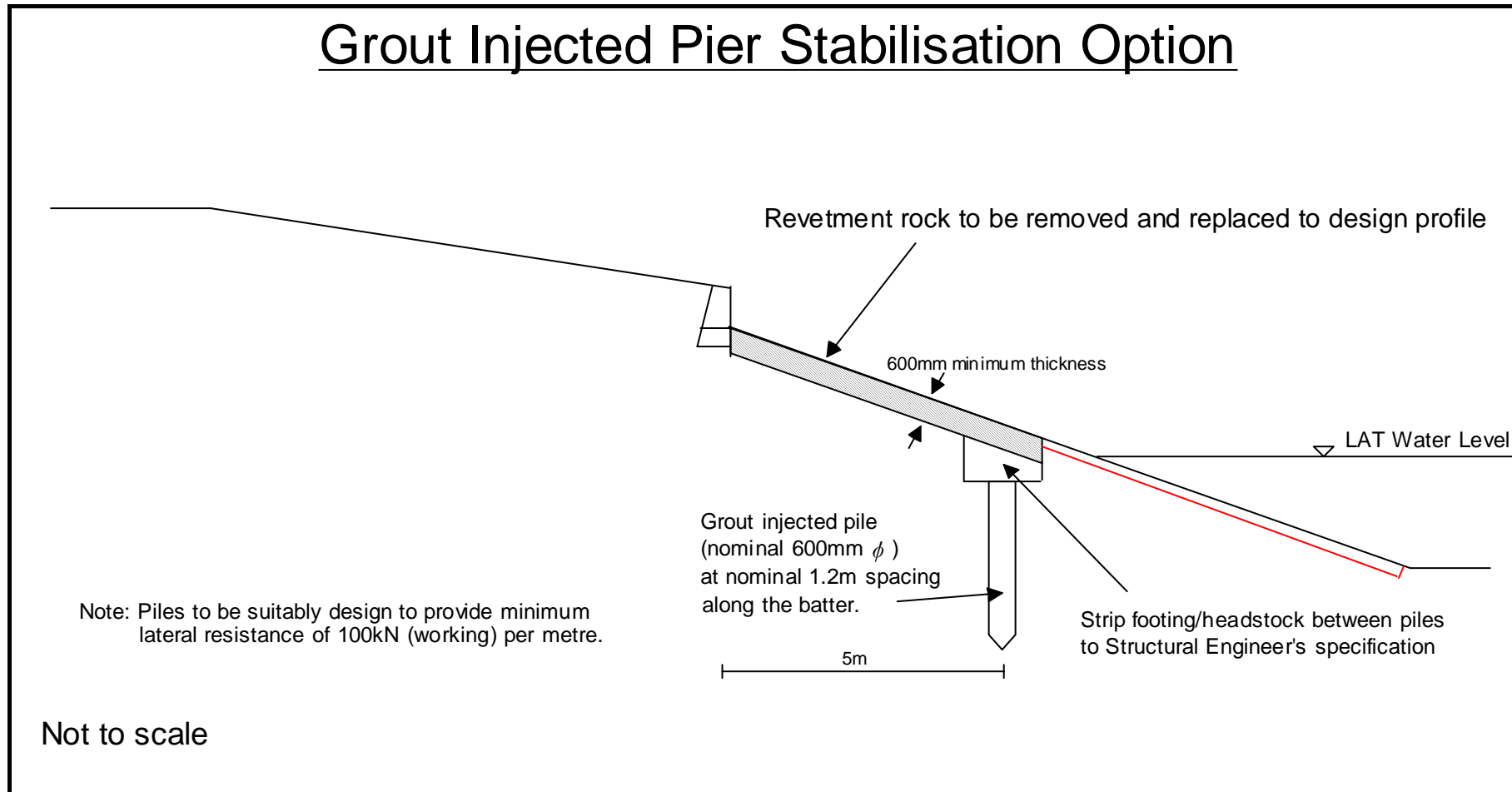


FIGURE 4



PROJECT NO. 114-16665

DECEMBER 2014

REDLAND CITY COUNCIL

GEOTECHNICAL FACTUAL INVESTIGATION

REVETMENT PROFILE ASSESSMENT

11-15 CARLING COURT

CLEVELAND



Soil Surveys Engineering Pty Limited
Specialists in Applied Geotechnics
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Gold Coast Office

Job No: 114-16665
Ref: 1-16665, 2014-12-22, BR Factual VER 1
Author: Peter Elkington

22nd December 2014

Redland City Council
PO Box 21
Cleveland QLD 4163
Email: david.humphrey@redland.qld.gov.au

ATTENTION: DAVID HUMPHREY

Dear Sir,

**RE: GEOTECHNICAL FACTUAL REPORT – REVETMENT PROFILE ASSESSMENT -
11-15 CARLING COURT, CLEVELAND**

Enclosed is a copy of our report for the above project dated December 2014. An electronic copy of the report has been issued.

Should you have any queries regarding this report, please do not hesitate to contact Peter Elkington at our Gold Coast office.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'P. Elkington', is written over a light grey rectangular background.

P. ELKINGTON (RPEQ 7226)

for and on behalf of

SOIL SURVEYS ENGINEERING PTY LIMITED

Celebrating over 40 years in Geotechnics

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Site Plan

1.0 INTRODUCTION

This factual report presents the results of the geotechnical investigation carried out by Soil Surveys Engineering Pty Limited in October 2014 for the Retention Profile Assessment at 11-15 Carling Court, Cleveland.

The objectives of this investigation were to assess subsurface conditions at the site in accordance with the Scope of Services detailed in Section 2.0.

2.0 SCOPE OF GEOTECHNICAL SERVICES

The scope of geotechnical services provided by Soil Surveys Engineering Pty Limited was directed towards evaluating the following items:-

- Investigation of the subsurface profile in the area of the retention wall by drilling, sampling and insitu testing (including CPTu testing) at 15 locations, with over-water boreholes adjacent the retention wall.
- Laboratory testing on selected samples to assess the nature and strength parameters of the subsurface material.

3.0 PROPOSED DEVELOPMENT

It is understood that the retention walls that form the water-front boundary of No. 13 Carling Court, Cleveland is showing signs of distress and is to be rectified. The wall at the southern end of No. 13 has failed, with movements as much as 0.3m both vertically and laterally noted. Heave in the retention slope rock was noted in front of the failure.

In addition to the significant distress/failure of the wall in front of No. 13, the retention wall from No. 11 to No. 14 is showing some preliminary signs of movement. The walls are actively moving, though only slightly. Rectification of the retention wall and batter slope is to be undertaken and a solution is required to stabilise the walls.

No significant distress to the retention slope was visible removed from the failure, however, where this has been the situation in other areas of Raby Bay, the retention slope has shown signs of failure at some time in the future, following rectification of the wall. It is therefore recommended that some treatment of the retention slope also be undertaken.

4.0 **GEOTECHNICAL INVESTIGATION**

4.1 **Field Investigation**

The field investigation was undertaken utilising a Parker G03 drilling rig solid flight auger mounted onto a 5 tonne Takeuchi excavator. The equipment is mounted on a 12m barge, with spug legs to hold the equipment at the test location. Boreholes and Cone Penetrometer Tests were undertaken off the barge.

The overwater testing was undertaken through the centre of the barge. The tests adjacent the revetment wall were undertaken by the excavator extending out from the barge, to the test location.

The below image shows the equipment utilised for the over-water investigation.



The following field investigation was completed:

- Drilling, sampling and insitu testing with fifteen boreholes to depths of between 3.0m and 4.0m below canal bed level, over the water.
- Pushing 14 CPT's to depths of up to 2.90m below canal bed/ground surface level (refusal of the equipment).
- Installation of inclinometers at 3 test locations adjacent the revetment wall (BH's 1, 4 & 6).

The soil classification descriptions, field and laboratory testing were carried out in general accordance with Australian Standards.

AS.1726 - 1993 Geotechnical Site Investigations

AS.1289 Methods of Testing Soils for Engineering Purposes

Notes relating to this report, borehole and CPT records and a site plan showing the location of the testing undertaken are included in the Appendices.

4.2 Laboratory Testing

Laboratory testing was carried out on selected samples retrieved from the site investigation program and was directed towards assessing the reactivity, strength and material characteristics of the subsurface material.

Laboratory testing included:-

- Atterberg Limits testing
- Triaxial testing

The results of the laboratory testing are contained in Appendix E.

4.3 Site Description

The site of the Retevment Profile Assessment is located at 11-15 Carling Court, Cleveland, within the Raby Bay Canal Estate.

The general area is indicated on the below aerial image.



At the time of the investigation, the revetment walls at the front of No. 13 had failed, with significant vertical and lateral movements noted along the wall alignment. Heave of the revetment slope was noted within the rock. Some slight rotation of the existing pool at No. 13 has been noted and a crack in the paving between the pool and the house has been observed. The existing retaining wall behind the revetment wall is approximately 1.4m high and is understood to be supported on 350mm diameter piles, founding approximately 1.8m below the base of the revetment wall footing.

Figure 1 indicated the design of the retaining wall.

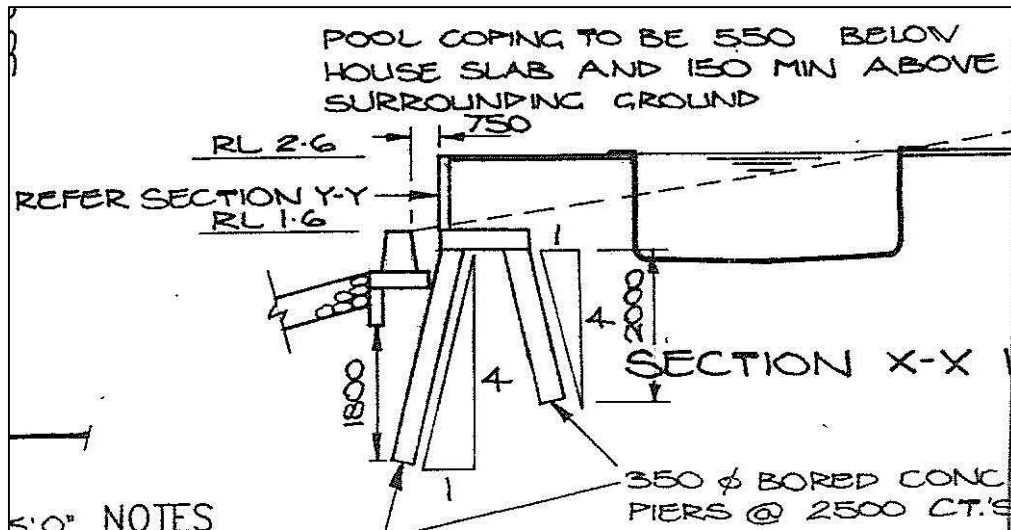


FIGURE 1

Four large palm trees were located immediately behind the retaining wall.

The revetment walls removed from No. 13 were showing some signs of movement. The movement appeared to be generally laterally only, with minimal vertical movement noted. The distress was primarily noted at the connection of panels. No significant visual distress to the revetment slope was noted. However, it should be noted that the movement that has been recorded has occurred over a short period of time and the movement appears to be continuing.

5.0 GEOTECHNICAL MODEL

5.1 Subsurface Conditions

The Raby Bay Estate was subject to an extensive earthworks operation at the time of the development. The site was filled to the current levels and the canals excavated. Additionally, as part of the revetment wall construction, a foundation replacement operation is understood to have been undertaken around the revetment walls. The general revetment batter profile is shown in Figure 2.

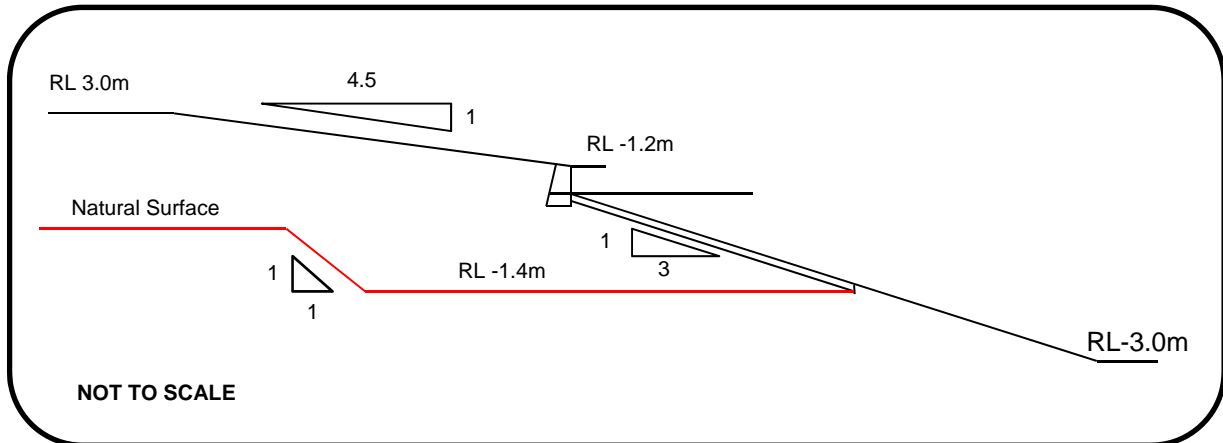


FIGURE 2

At No. 13, a secondary retaining wall had been constructed behind the revetment wall, in general accordance with that shown in Figure 3. This wall has applied significant additional load to the revetment profile.

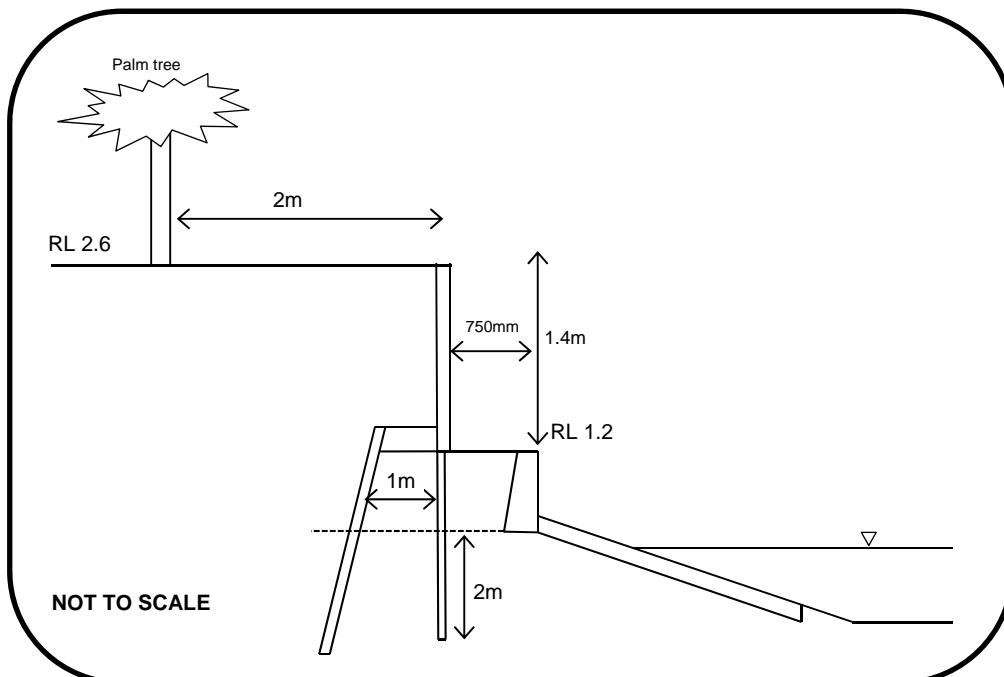


FIGURE 3

6.0 LIMITATIONS

We have prepared this report for the use of **REDLAND CITY COUNCIL**, for design purposes in accordance with generally accepted geotechnical engineering practices. No other warranty, expressed or implied, is made as to the professional advice included in this report. This report has not been prepared for use by parties other than **REDLAND CITY COUNCIL**. It may not contain sufficient information for purposes of other parties or for other uses.

Soil Surveys Engineering consider that a documentation review service (during the design phase and prior to construction) to verify that the intent of geotechnical recommendations is properly reflected in the design, along with construction inspections, forms a very important component of the geotechnical engineering design service/process.

This statement is not intended to reduce the level of responsibility accepted by Soil Surveys Engineering in accordance with our commission, but rather to ensure that all parties who may rely on this report are aware of the responsibilities each assumes in doing so and the risks they accept should they decline to have Soil Surveys Engineering carry out a geotechnical documentation review and geotechnical construction inspections.

The geotechnical review ensures geotechnical risks to our Client and their project are minimised at the design and tender stage of the project. Further, with Soil Surveys Engineering being commissioned to carry out geotechnical construction inspections, an opportunity becomes available at the time of construction to confirm any assumptions made in the preparation of the report and allow the effect of any normally occurring variation in ground conditions to be assessed with respect to construction.

It is highly recommended that the Client avail themselves of these review and inspection services; our standard rates will apply.



P. ELKINGTON (RPEQ 7226)

For and on behalf of
SOIL SURVEYS ENGINEERING PTY LIMITED

APPENDICES

APPENDIX A
NOTES RELATING TO THIS REPORT

NOTES RELATING TO THIS REPORT

INTRODUCTION

These notes are provided by Soil Surveys Engineering Pty Limited (the Company) to complement the geotechnical report in regard to classification methods and field procedures. Not all notes are necessarily relevant to all reports.

The ground is a product of continuing natural and man-made processes and therefore exhibits a variety of characteristics and properties which vary from place to place and can change with time. Geotechnical engineering involves gathering and assimilating limited information about these characteristics and properties in order to understand or predict the behaviour of the ground on a particular site under certain conditions. This report may contain such information obtained by inspection, excavation, probing, sampling, testing or other means of investigation. If so, they are directly relevant only to the ground at the place where and at the time when the investigation was carried out.

DESCRIPTION AND CLASSIFICATION METHODS

Soils - The methods of description and classification of soils and rocks used in this report are based on Australian Standard 1726-1993 (Geotechnical Site Investigations), where appropriate. In general, descriptions cover the following properties - soil or rock type, colour, structure, strength or density, and inclusions. Identification and classification of soil and rock involves judgement and the Company infers accuracy only to the extent that is common in current geotechnical practice.

Soil types are described according to the dominant particle size and behaviour as set out in AS 1726-1993.

Cohesive soils are classified on the basis of strength (consistency) either by use of hand penetrometer, shear vane, laboratory testing or engineering examination. The strength terms are defined in AS1726-1993 Table A4.

Non-cohesive soils are classified on the basis of relative density usually based on insitu testing or engineering examination (see AS1726-1993 Table A5).

Rocks - Rock types are classified by their geological names (AS1726-1993 Table A6), together with

descriptive terms regarding weathering (AS1726-1993 Table A9), strength (refer Table 1 below), defects (AS1726-1993 Table A10), etc. Where strength testing (ie Point Loads) is carried out, AS1726-1993 Table A8 is used. Where relevant, further information regarding rock classification is attached.

Table 1 Estimated strength descriptions given to rock based on engineering examination

Strength Term	Approximate Qu (MPa)
Extremely Weak	< 1.0
Very Weak	1.0 - 5.0
Weak	5.0 - 25
Medium Strong	25 - 50
Strong	50 - 100
Very Strong	100 - 250
Extremely Strong	> 250

Ref ISRM "Suggested Methods for the Quantitative Description of Discontinuities in Rock Masses"

SAMPLING

Sampling is carried out during drilling or from other excavations to allow engineering examination (and laboratory testing where required) of the soil or rock.

Disturbed samples taken during drilling provide information on plasticity, grain size, colour, moisture content, minor constituents and, depending upon sample disturbance, (information on strength and structure).

Undisturbed samples are taken by pushing a thin walled sample tube, usually 50mm diameter (U50), into the soil and withdrawing it with a sample of the soil contained in a relatively undisturbed state. Such samples yield information on structure and strength, and are necessary for laboratory determination of shear strength, volume change potential and compressibility. Undisturbed sampling is generally effective only in cohesive soils.

Details of the type and method of sampling used are given on the attached logs.

TEST LOCATIONS

Test locations (e.g. boreholes, CPT's, test pits etc.) were based on available access at the time of testing (access may need to be provided "by others"). Test locations may have been shifted if access was not suitable.

Unless noted otherwise, accuracy of test locations are to the accuracy of hand held GPS equipment.

INVESTIGATION METHODS

The following is a brief summary of investigation methods currently adopted by the Company and some comments on their use and application.

Test Pits - These are normally excavated with a backhoe or a tracked excavator, allowing close examination of the insitu soils if it is safe to descend into the pit. The depth of penetration is limited to about 3m for a backhoe and up to 6m for an excavator. Limitations of test pits are the problems associated with disturbance and difficulty of reinstatement and the consequent effects on close-by structures. Care must be taken if construction is to be carried out near test pit locations to either properly recompact the backfill during construction or to design and construct the structure so as not to be adversely affected by poorly compacted backfill at the test pit location.

Hand Auger Drilling - A borehole of 50 to 100mm diameter is advanced by manually operated equipment. Refusal of the augers can occur on a variety of materials such as hard clay, gravel or rock fragments and does not necessarily indicate rock level.

Continuous Spiral Flight Augers - The borehole is advanced using 75 to 300 mm diameter continuous spiral flight augers, which are withdrawn at intervals to allow sampling or insitu testing. This is a relatively economical means of drilling in clays and in sands above the water table. Samples are returned to the surface by the flights or may be collected after withdrawal of the augers. Information from the drilling (as distinct from specific sampling) is of relatively lower reliability due to remoulding, inclusion of cuttings from above or softening of samples by groundwater, or uncertainties as to the original depth of the samples. Augering below the groundwater table has a lower reliability than augering above the water table. Various drill bits are attached to the base of the augers during

the drilling. The depth of refusal of the different bit types can provide information as to the strength of the material encountered. Generally two different bit types are used. The 'V' bit is a V shaped steel bit and the 'TC' bit is a tungsten carbide tipped screw type bit.

Wash Boring - The borehole is usually advanced by a rotary bit with water or fluid pumped down the hollow drill rods and returned up in the space between the rods and the soil or casing, carrying the drill cuttings. Only major changes in stratification can be determined from the cuttings, together with some information from "feel" and rate of penetration. More accurate information on soil strata is gained by regular testing and sampling using the Standard Penetration Test (SPT) and undisturbed thin walled tube samples (U50).

Mud Stabilized Drilling - Either Wash Boring or Continuous Core Drilling can use drilling mud as a circulating fluid to stabilize the borehole. The term "mud" encompasses a range of products ranging from bentonite to polymers such as Revert or Biogel. The mud tends to mask the cuttings and reliable identification is only possible from regular intact sampling (eg. from SPT and U50 samples) or from rock coring, etc.

Continuous Core Drilling - A continuous core sample is obtained using a diamond or tungsten carbide tipped core barrel. Provided full core recovery is achieved (which is not always possible in very weak rocks and granular soils), this technique provides a very reliable method of investigation. In rocks, NMLC coring (nominal 52 mm diameter) is usually used with water flush. The length of core recovered is compared to the length drilled and any length not recovered is shown as CORE LOSS. The location of losses is determined on site by the supervisor. If the location of the loss is uncertain, it is placed at the top end of the run, when the core is placed in a storage tray and recorded on the log.

Standard Penetration Tests - Standard Penetration Tests (SPT) are used mainly in non-cohesive soils, but can also be used in cohesive soils, as a means of indicating density or strength. The test procedure is described in Australian Standard 1289, "Methods of Testing Soils for Engineering Purposes" - Test 6.3.1.

exist between static cone and nearby borehole information.

Portable Dynamic Cone Penetrometers - Portable Dynamic Cone Penetrometer (DCP) tests are carried out by driving a rod into the ground with a falling weight hammer and measuring the blows for successive 100mm increments of penetration.

The DCP comprises a Cone of 20 mm diameter with 30 degree taper attached to steel rods of smaller section.

The cone end is driven with a 9 kg hammer falling 510 mm (AS. 1289 Test 6.3.2). The test was developed initially for pavement subgrade investigations, and empirical correlations of the test results with California Bearing Ratio have been published by various Road Authorities. The Company has developed their own correlations with Standard Penetration tests and Density Index tests in sands.

LOGS

The borehole or test pit logs presented herein are an engineering and/or geological interpretation of the subsurface conditions, and their reliability will depend to some extent on the frequency of sampling and the method of drilling or excavation. Ideally, continuous undisturbed sampling or core drilling will enable the most reliable assessment but is not always practicable or possible to justify on economic grounds. In any case, the boreholes or test pits represent only a very small sample of the total subsurface conditions.

The attached explanatory notes define the terms and symbols used in preparation of the logs.

Interpretation of the information shown on the logs, and its application to design and construction, should therefore take into account the spacing of boreholes or test pits, the method of drilling or excavation, the frequency of sampling and testing and the possibility of other than "straight line" variations between the boreholes or test pits. Subsurface conditions between boreholes or test pits may vary significantly from conditions encountered at the borehole or test pit locations.

GROUNDWATER

Where groundwater levels are measured in boreholes, there are several potential problems.

- Although groundwater may be present in lower permeability soils, it may enter the hole slowly or perhaps not at all during the time the hole is open.
- A localized perched water table may lead to an erroneous indication of the true water table.
- Water table levels will vary from time to time with seasons or recent weather changes and may not be the same at the time of construction.
- The use of water or mud as a drilling fluid will mask any groundwater inflow. Water has to be bailed out of the bore and mud must be washed out of the hole or "reverted" if water observations are to be made.

More reliable measurements can be made by use of standpipes which are read after stabilizing at periods ranging from several days to perhaps weeks for low permeability soils. Piezometers, sealed in a particular stratum, may be advisable in low permeability soils or where there may be interference from perched water tables or surface water.

FILL

The presence of fill materials can often be determined only by the inclusion of foreign objects (eg. bricks, steel, etc.) or by distinctly unusual colour, texture or fabric. Identification of the extent of fill materials will also depend on investigation methods and frequency. Where natural soils similar to those at the site are used for fill, it may be difficult with limited testing and sampling to reliably determine the extent of the fill.

The presence of fill materials is usually regarded with caution as the possible variation in density, strength and material type is much greater than with natural soil deposits. Consequently, there is an increased risk of adverse engineering characteristics or behaviour. If the volume and quality of fill is important to a project, then frequent test pit excavations are preferable to boreholes.

LABORATORY TESTING

Laboratory testing is normally carried out in accordance with Australian Standard 1289 "Methods of Testing Soil for Engineering Purposes". Details of the test procedure used are given on the individual report forms and the attached explanatory notes summarize important aspects of the Laboratory Test Procedures adopted.

ENGINEERING REPORTS

Engineering reports are prepared by qualified personnel and are based on the information obtained and on current engineering standards of interpretation and analysis. The information provided in Soil Surveys Engineering reports is opinion and interpretation and not factual. The client/contractor increases their risk by not retaining the person who authored the geotechnical report, to carry out site inspection and review (overseeing role) during construction, to confirm opinion and interpretation expressed in the report is accurate. Where the report has been prepared for a specific design proposal the information and interpretation may not be relevant if the design proposal is changed. If this happens, the Company will be pleased to review the report and the sufficiency of the investigation work.

Every care is taken with the report as it relates to interpretation of subsurface conditions, discussion of geotechnical aspects and recommendations or suggestions for design and construction. Since the test sites in any exploration represent a very small proportion of the total site and since the exploration only identifies actual ground conditions at the test sites, even under the best circumstances actual conditions may vary from those inferred to exist. No responsibility is taken for:-

- Unexpected variations in ground and/or groundwater conditions.
- Changes in policy or interpretation of policy by statutory authorities.
- The actions of other persons.
- Any work where the company is not given the opportunity to supervise the construction using the Companies designs/recommendations.

If differences occur, the Company will be pleased to assist with investigation or advice to resolve any problems occurring.

SITE ANOMALIES

In the event that conditions encountered on site during construction appear to vary from those expected from the information contained in the report, the Company requests that it immediately be notified. Most problems are more readily resolved when conditions are exposed than at some later stage, well after the event.

Extreme events including but not limited to the results of climate change, eg. flood levels above previously identified levels, beach scour or erosion beyond normal expectations (as identified by local authorities) extreme rainfall events, war, espionage, sabotage may result in different conditions between time of investigation and time of construction.

REPRODUCTION OF INFORMATION FOR CONTRACTUAL PURPOSES

Attention is drawn to the document "Guidelines for the Provision of Geotechnical Information in Construction Contracts (1987)", published by the Institution of Engineers, Australia. Where information obtained from this investigation is provided for tendering purposes, it is recommended that all information, including the written report and discussion, be made available. In circumstances, where the discussion or comments section is not relevant to the contractual situation, it may be appropriate to prepare a specially edited document. The Company would be pleased to assist in this regard and/or to make additional report copies available for contract purposes at a nominal charge.

REVIEW OF DESIGN

Where major civil or structural developments are proposed or where only a limited investigation has been completed or where the geotechnical conditions/constraints are quite complex, it is prudent to have a joint design review which involves a senior geotechnical engineer. We would be happy to assist in this regard as an extension of our investigation commission. Construction drawings should be reviewed by Soil Surveys Engineering, with sufficient time to allow changes if required, prior to inspections.

Otherwise Soil Surveys Engineering reserves the right to refuse to carry out inspections.

SITE INSPECTION

The Company will always be pleased to provide engineering inspection services for geotechnical aspects of work to which this report is related.

- i) Site visits during construction to confirm reported ground conditions
- ii) Site visits to assist the contractor or other site personnel in identifying various soil/rock types such as appropriate footing or pier founding depths, the stability of a filled or excavated slope; or
- iii) Full-time engineering presence on site.

In the vast majority of cases it is advantageous to the principal for the geotechnical engineer who wrote the investigation report to be involved in the construction stage of the project.

The geotechnical engineer cannot take responsibility for variations in encountered conditions, where he is not given the opportunity to review plans for the proposed development with sufficient time to allow review and make changes to the proposed development if required, and where he is not given the opportunity to inspect the site and oversee construction methods with regard to site conditions with sufficient time to observe all relevant site conditions and operations.

RESPONSIBLE USE OF GEOTECHNICAL INFORMATION

Recommendations in our report are for design purposes only and provided on the basis that inspections are carried out to allow finalisation of opinions and recommendations contained in our report.

The geotechnical investigation consisting of field and laboratory testing has been carried out to indicate typical conditions by indicating conditions and parameters at the specific locations of boreholes/test pits. Subsurface conditions are indicated at these locations only and the inference of conditions between or away from these locations (interpolation and extrapolation) involves a certain degree of risk. Persons inferring such conditions or carrying out such inferences should do so with a degree of caution and

conservatism which is commensurate with the consequences of the risk of error.

Estimates of volumes based on our findings require interpolation and extrapolation between test locations and as such may be significantly different from actual volumes.

APPENDIX B
BOREHOLE RECORD SHEETS



Location Number: BH 01

Project Number: 114-16665

Project Name: Retaining Wall Investigation

Location: Raby Bay Canals (Carling Court)

Client: Redlands Council

Date: 02/10/2014

Page: 1 OF 1

Easting: 527873 Northing: 6955877 RL: -0.3 m
Logger: BM Operator: TWE Machine: PDR

Drilling Method		Depth	Graphic	Description	DCP Test (blows/100mm)	Samples and Remarks
TC	WB					
		0.40		Silty CLAY (CH) Firm, high plasticity, red brown and yellow mottled, moist.	0-6	U50 PP=490
		0.5		CLAY (CH) Hard, high plasticity, greenish grey and yellow brown mottled, moist.	6-12	D
		0.80		Silty CLAY (CH) Firm to stiff, high plasticity, light grey and yellow brown mottled, moist.	12-18	
		1.0		Silty CLAY (CH) Firm to stiff, high plasticity, light grey and yellow brown mottled, moist.	18-24	U50 PP=80-100
		1.40		Silty CLAY (CH) Stiff, high plasticity, light grey and yellow brown mottled, moist.	24-30	
		1.5		Silty CLAY (CH) Stiff, high plasticity, light grey and yellow brown mottled, moist.		D
		2.0		CLAY (CH) Very stiff, high plasticity, red brown and grey mottled, moist.		
		2.30		CLAY (CH) Very stiff, high plasticity, red brown and grey mottled, moist.		D
		2.5		CLAY (CH) Hard, high plasticity, red brown and grey mottled, some fine sized gravel, moist.		
		2.80		CLAY (CH) Hard, high plasticity, red brown and grey mottled, some fine sized gravel, moist.		D
		3.0		CLAY (CH) Hard, high plasticity, red brown and grey mottled, some fine sized gravel, moist.		
		3.5				U50 PP=>600
		4.0				
		4.00		BOREHOLE BH 01 TERMINATED AT 4.00 m		
		4.5				
		5.0				

Comments:

- 1) Groundwater not encountered.
- 2) DCP refusal met at 3.4m.
- 3) Inclinator installed.
- 4) Depths below bed of revetment rock.
- 5) Revetment rock thickness = 0.4m.

Water First Noted Water Steady Level

Weathering Grades
RS - Residual Soil
XW - Extremely weathered
DW - Distinctly weathered
SW - Slightly weathered
FR - Fresh
Rock Strength
VW - Very weak
W - Weak
MS - Moderately strong
S - Strong
VS - Very strong
ES - Extremely strong

Samples
U50
SPT
Disturbed Sample

Approved:
Date:

SOIL SURVEYS 01 LIBRARY - USE FOR CPT, G.B. Log, SOIL SURVEY AUGER LOG 1-16665.GPJ <-DrawingFiles>> 22/12/2014 12:38 8.30.002 Developed by Datgel



Soil Surveys Engineering Pty. Limited
Specialist in Applied Geotechnics

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Northern Rivers: ph +61 7 5523 4577 northernrivers@soilsurveys.com.au

BOREHOLE RECORD SHEET

Location Number: BH 02

Project Number: 114-16665

Project Name: Retaining Wall Investigation

Location: Raby Bay Canals (Carling Court)

Client: Redlands Council

Date: 03/10/2014

Page: 1 OF 1

Easting: 527860 Northing: 6955875 RL: -0.4 m
Logger: BM Operator: TWE Machine: PDR

Drilling Method				Depth	Graphic	Description	DCP Test (blows/100mm)					Samples and Remarks			
TC	WB	FR	NW/MLC				Casing	0	6	12	18		24	30	
						Silty CLAY (CH) Firm, high plasticity, light red yellow and grey mottled, moist.									
						Silty CLAY (CH) Stiff, high plasticity, light red yellow and grey mottled, moist.									D
					0.5	Sandy CLAY (CH) Very stiff, high plasticity, light green grey and yellow mottled, some fine to medium grained sand grit, moist.									U50 PP=>600
					0.80										
					1.00	Gravelly CLAY (CH) Stiff, high plasticity, red brown and grey mottled, some fine sized gravel, moist.									
					1.40	Gravelly CLAY (CH) Firm, high plasticity, red brown and grey mottled, some fine sized gravel, moist.									U50 PP=350-450
					1.5										
					2.0										
					2.40	Gravelly CLAY (CH) Stiff, high plasticity, red brown and grey mottled, some fine sized gravel, moist.									D
					2.5										
					2.80	CLAY (CH) Very stiff to hard, high plasticity, light grey, moist.									
					3.0										
					3.40	CLAY (CH) Very stiff to hard, high plasticity, light grey, with some ironstone, moist.									U50 PP=430->600
					3.5										
					4.0	Basalt CLAY (CH) Very stiff, hard, high plasticity, red brown grey mottled, moist.									D
					4.00										
						BOREHOLE BH 02 TERMINATED AT 4.00 m									U50 PP=330-430
					4.5										
					5.0										

Comments:

- 1) Groundwater not encountered.
- 2) DCP refusal met at 3.3m.
- 3) Depths below bed of revetment rock.
- 4) Revetment rock thickness = 0.5m.

Water First Noted Water Steady Level

Weathering Grades
RS - Residual Soil
XW - Extremely weathered
DW - Distinctly weathered
SW - Slightly weathered
FR - Fresh
Rock Strength
VW - Very weak
W - Weak
MS - Moderately strong
S - Strong
VS - Very strong
ES - Extremely strong

Samples
U50
SPT
Disturbed Sample

Approved: _____
Date: _____

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BOREHOLE RECORD SHEET

Location Number: BH 04

Project Number: 114-16665

Project Name: Retaining Wall Investigation

Location: Raby Bay Canals (Carling Court)

Client: Redlands Council

Date: 09/10/2014

Easting: 527828 Northing: 6955850 RL: -0.3 m

Logger: BM Operator: TWE Machine: PDR

Page: 1 OF 1

Drilling Method				Depth	Graphic	Description	DCP Test (blows/100mm)					Samples and Remarks	
TC	WB	FR	NW/ALC				Casing	0	6	12	18		24
						Silty CLAY (CH) Firm, high plasticity, light red grey and brown mottled, moist.							
						Sandy CLAY (CH) Firm to stiff, high plasticity, light green and yellow brown mottled, fine to medium grained sand grit, moist.							U50 PP=>600
						Sandy CLAY (CH) Very stiff, high plasticity, light green and yellow brown mottled, fine to medium grained sand grit, some fine sized gravel, moist.							
						CLAY (CH) Stiff, high plasticity, green and yellow brown, moist.							U50 PP=350->600
						Silty CLAY (CH) Very stiff to hard, high plasticity, light grey (white) and red yellow mottled, lenses of ironstone, moist.							
						BOREHOLE BH 04 TERMINATED AT 3.00 m							U50 PP=500->600

Comments:

- 1) Groundwater not encountered.
- 2) DCP refusal met at 3.8m.
- 3) Inclinator installed.
- 4) Depths below bed of revetment rock.
- 5) Revetment rock thickness = 0.5m.

Water First Noted Water Steady Level

Weathering Grades
 RS - Residual Soil
 XW - Extremely weathered
 DW - Distinctly weathered
 SW - Slightly weathered
 FR - Fresh
Rock Strength
 VW - Very weak
 W - Weak
 MS - Moderately strong
 S - Strong
 VS - Very strong
 ES - Extremely strong

Samples

U50
 SPT
 Disturbed Sample

Approved:
 Date:

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Location Number: BH 08

Project Number: 114-16665

Project Name: Retaining Wall Investigation

Location: Raby Bay Canals (Carling Court)

Client: Redlands Council

Date: 02/10/2014

Page: 1 OF 1

Easting: 527873 Northing: 6955886 RL: -2.1 m

Logger: BM Operator: TWE Machine: PDR

Drilling Method				Depth	Graphic	Description	DCP Test (blows/100mm)	Samples and Remarks
TC	WB	FR	NW/ALC Casing					
				0.30	[Hatched pattern]	SILT (MH) Soft, high plasticity, dark grey, wet.	0 6 12 18 24 30	U50 PP=>600
				0.50	[Vertical lines]	Gravelly Sandy CLAY (CH) Hard, high plasticity, green grey and yellow brown, fine to coarse grained sand, some fine sized gravel, moist.		
				1.10	[Vertical lines]	Silty CLAY (CH) Very stiff, high plasticity, light grey and yellow brown mottled, moist.		
				1.50	[Vertical lines]			[D]
				2.00	[Vertical lines]			
				2.50	[Vertical lines]			[D]
				3.00	[Vertical lines]	Silty CLAY (CH) Very stiff to hard, pale green grey, moist.		U50 PP=4,5
				3.00	[Vertical lines]	BOREHOLE BH 08 TERMINATED AT 3.00 m		U50 PP=300
				3.50	[Vertical lines]			
				4.00	[Vertical lines]			
				4.50	[Vertical lines]			
				5.00	[Vertical lines]			

Comments:
1) Groundwater not encountered.
2) DCP refusal met at 1.6m.

Weathering Grades
RS - Residual Soil
XW - Extremely weathered
DW - Distinctly weathered
SW - Slightly weathered
FR - Fresh
Rock Strength
VW - Very weak
W - Weak
MS - Moderately strong
S - Strong
VS - Very strong
ES - Extremely strong

Samples
U50
SPT
Disturbed Sample

Approved:
Date:

Water First Noted Water Steady Level

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Location Number: BH 09

Project Number: 114-16665

Project Name: Retaining Wall Investigation

Location: Raby Bay Canals (Carling Court)

Client: Redlands Council

Date: 03/10/2014

Page: 1 OF 1

Easting: 527857 Northing: 6955885 RL: -2.3 m

Logger: BM Operator: TWE Machine: PDR

Drilling Method				Depth	Graphic	Description	DCP Test (blows/100mm)					Samples and Remarks	
TC	WB	FR	NW/MLC				Casing	0	6	12	18		24
						SILT (MH) Soft, high plasticity, dark grey, wet.							U50 PP=>600
					0.40	Gravelly Clayey SAND (SC) Loose to medium dense, fine to coarse grained, yellow brown, very stiff, high plasticity clay fines, fine sized gravel, moist.							
					0.60		Silty CLAY (CL) Very stiff, high plasticity, light grey and yellow brown mottled, moist.						
					1.0	CLAY (CH) Very stiff, high plasticity, light green and yellow brown mottled, moist.							
					1.30								
					1.5	CLAY (CH) Hard, high plasticity, light green and yellow brown mottled, moist.							
					2.60								
					2.0	CLAY (CH) Hard, high plasticity, light green and yellow brown mottled, moist.							
					2.5								
					3.0	CLAY (CH) Hard, high plasticity, light green and yellow brown mottled, moist.							
					3.5								
					3.50	BOREHOLE BH 09 TERMINATED AT 3.50 m							
					4.0								
					4.5								
					5.0								

Comments:

- Groundwater not encountered.
- DCP refusal met at 3.7m.

Weathering Grades
RS - Residual Soil
XW - Extremely weathered
DW - Distinctly weathered
SW - Slightly weathered
FR - Fresh

Rock Strength
VW - Very weak
W - Weak
MS - Moderately strong
S - Strong
VS - Very strong
ES - Extremely strong

Samples
U50
SPT
Disturbed Sample

Approved:
Date:

Water First Noted Water Steady Level

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BOREHOLE RECORD SHEET

Location Number: BH 10

Project Number: 114-16665

Project Name: Retaining Wall Investigation

Location: Raby Bay Canals (Carling Court)

Client: Redlands Council

Date: 07/10/2014

Page: 1 OF 1

Easting: 527846 Northing: 6955879 RL: -1.9 m
Logger: BM Operator: TWE Machine: PDR

Drilling Method				Depth	Graphic	Description	Samples and Remarks
TC	WB	FR	NWALC				
				0.20		SILT (MH) Soft, high plasticity, dark grey, wet.	
				0.40		Silty CLAY (CL) Firm, high plasticity, brown, moist.	
				0.50		Silty CLAY (CL) Stiff, high plasticity, light grey and red brown mottled, moist.	
				0.60		Gravelly CLAY (CH) Very stiff to hard, high plasticity, light grey and red mottled, some fine sized gravel, moist.	
				0.90		Gravelly CLAY (CH) Stiff to hard, high plasticity, light grey and red mottled, some fine sized gravel, moist.	
				1.10		Gravelly CLAY (CH) Very stiff to hard, high plasticity, light grey and red mottled, some fine sized gravel, moist.	U50 PP=>400
				1.50			
				2.00			
				2.50			
				2.60		CLAY (CH) Hard, high plasticity, light grey and yellow brown mottled, moist.	
				3.00		BOREHOLE BH 10 TERMINATED AT 3.00 m	U50 PP=>600
				3.50			
				4.00			
				4.50			
				5.00			

Comments:
1) Groundwater not encountered.

Weathering Grades
RS - Residual Soil
XW - Extremely weathered
DW - Distinctly weathered
SW - Slightly weathered
FR - Fresh
Rock Strength
VW - Very weak
W - Weak
MS - Moderately strong
S - Strong
VS - Very strong
ES - Extremely strong

Samples
U50
SPT
Disturbed Sample

Approved:
Date:

Water First Noted Water Steady Level

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BOREHOLE RECORD SHEET

Location Number: BH 11

Project Number: 114-16665

Project Name: Retaining Wall Investigation

Location: Raby Bay Canals (Carling Court)

Client: Redlands Council

Date: 08/10/2014

Page: 1 OF 1

Easting: 527829 Northing: 6955868 RL: -2.2 m

Logger: BM Operator: TWE Machine: PDR

Drilling Method				Depth	Graphic	Description	DCP Test (blows/100mm)					Samples and Remarks	
TC	WB	FR	NW/ALC				Casing	0	6	12	18		24
						SILT (MH) Soft, high plasticity, dark grey, wet.							U50 PP=200
						Gravelly Sandy CLAY (CH) Stiff, high plasticity, greenish grey, fine to medium grained sand, fine sized gravel, moist.							
						Silty CLAY (CH) Very stiff, high plasticity, light green grey and yellow brown mottled, moist.							
						Silty CLAY (CH) Stiff, high plasticity, light green grey and yellow brown mottled, moist.							
						Gravelly CLAY (CH) Very stiff, high plasticity, yellow brown and grey, fine sized gravel, moist.							
						CLAY (CH) Hard, high plasticity, greenish grey and yellow brown mottled, moist.							
						BOREHOLE BH 11 TERMINATED AT 3.80 m							

Comments:

- 1) Groundwater not encountered.
- 2) DCP refusal met at 3.2m.

Weathering Grades
RS - Residual Soil
XW - Extremely weathered
DW - Distinctly weathered
SW - Slightly weathered
FR - Fresh
Rock Strength
VW - Very weak
W - Weak
MS - Moderately strong
S - Strong
VS - Very strong
ES - Extremely strong

Samples
U50
SPT
Disturbed Sample

Approved:
Date:

Water First Noted Water Steady Level

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Location Number: BH 12

Project Number: 114-16665

Project Name: Retaining Wall Investigation

Location: Raby Bay Canals (Carling Court)

Client: Redlands Council

Date: 09/10/2014

Page: 1 OF 1

Easting: 527819 Northing: 6955855 RL: -2.3 m

Logger: BM Operator: TWE Machine: PDR

Drilling Method				Depth	Graphic	Description	DCP Test (blows/100mm)					Samples and Remarks	
TC	WB	RR	NW/ALC				Casing	0	6	12	18		24
						SILT (MH) Very soft, high plasticity, dark grey, wet.							U50 PP=130
						Gravelly Silty CLAY (CH) Firm, high plasticity, light grey and red and yellow brown mottled, fine sized gravel, moist.							D
						Silty CLAY (CH) Stiff to very stiff, high plasticity, yellow brown and red grey mottled, moist.							
						Silty CLAY (CH) Stiff, high plasticity, light green, moist.							U50 PP=320
						Silty CLAY (CH) Very stiff, high plasticity, light green, moist.							
						Silty CLAY (CH) Hard, high plasticity, green and yellow brown mottled, moist.							D
						BOREHOLE BH 12 TERMINATED AT 3.00 m							U50 PP=400-500

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Comments:
1) Groundwater not encountered.
2) DCP refusal met at 2.4m.

Weathering Grades
RS - Residual Soil
XW - Extremely weathered
DW - Distinctly weathered
SW - Slightly weathered
FR - Fresh
Rock Strength
VW - Very weak
W - Weak
MS - Moderately strong
S - Strong
VS - Very strong
ES - Extremely strong

Samples
U50
SPT
Disturbed Sample

Approved:
Date:

Water First Noted Water Steady Level



Location Number: BH 14

Project Number: 114-16665

Project Name: Retaining Wall Investigation

Location: Raby Bay Canals (Carling Court)

Client: Redlands Council

Date: 10/10/2014

Page: 1 OF 1

Easting: 527817 Northing: 6955819 RL: -2.0 m

Logger: BM Operator: TWE Machine: PDR

Drilling Method				Depth	Graphic	Description	DCP Test (blows/100mm)					Samples and Remarks	
TC	WB	RR	NW/MLC				Casing	0	6	12	18		24
						SILT (ML) Soft, high plasticity, dark grey, wet.							U50 PP=70-150
						Gravelly CLAY (CH) Soft, high plasticity, light grey and red brown, some fine sized gravel, moist.							U50 PP=130-210
						Silty CLAY (CL) Firm, high plasticity, light grey and red and light green mottled, moist.							
						Silty CLAY (CH) Stiff, high plasticity, yellow brown and light grey mottled, some fine to medium grained sand grit, moist.							U50 PP=>600
						Gravelly CLAY (CH) Stiff to very stiff, high plasticity, light grey and yellow brown mottled, fine sized gravel, moist.							
						BOREHOLE BH 14 TERMINATED AT 3.00 m							U50 PP=400

Comments:

- 1) Groundwater not encountered.
- 2) DCP refusal met at 2.0m.

Weathering Grades
RS - Residual Soil
XW - Extremely weathered
DW - Distinctly weathered
SW - Slightly weathered
FR - Fresh
Rock Strength
VW - Very weak
W - Weak
MS - Moderately strong
S - Strong
VS - Very strong
ES - Extremely strong

Samples
U50
SPT
Disturbed Sample

Approved:
Date:

Water First Noted Water Steady Level

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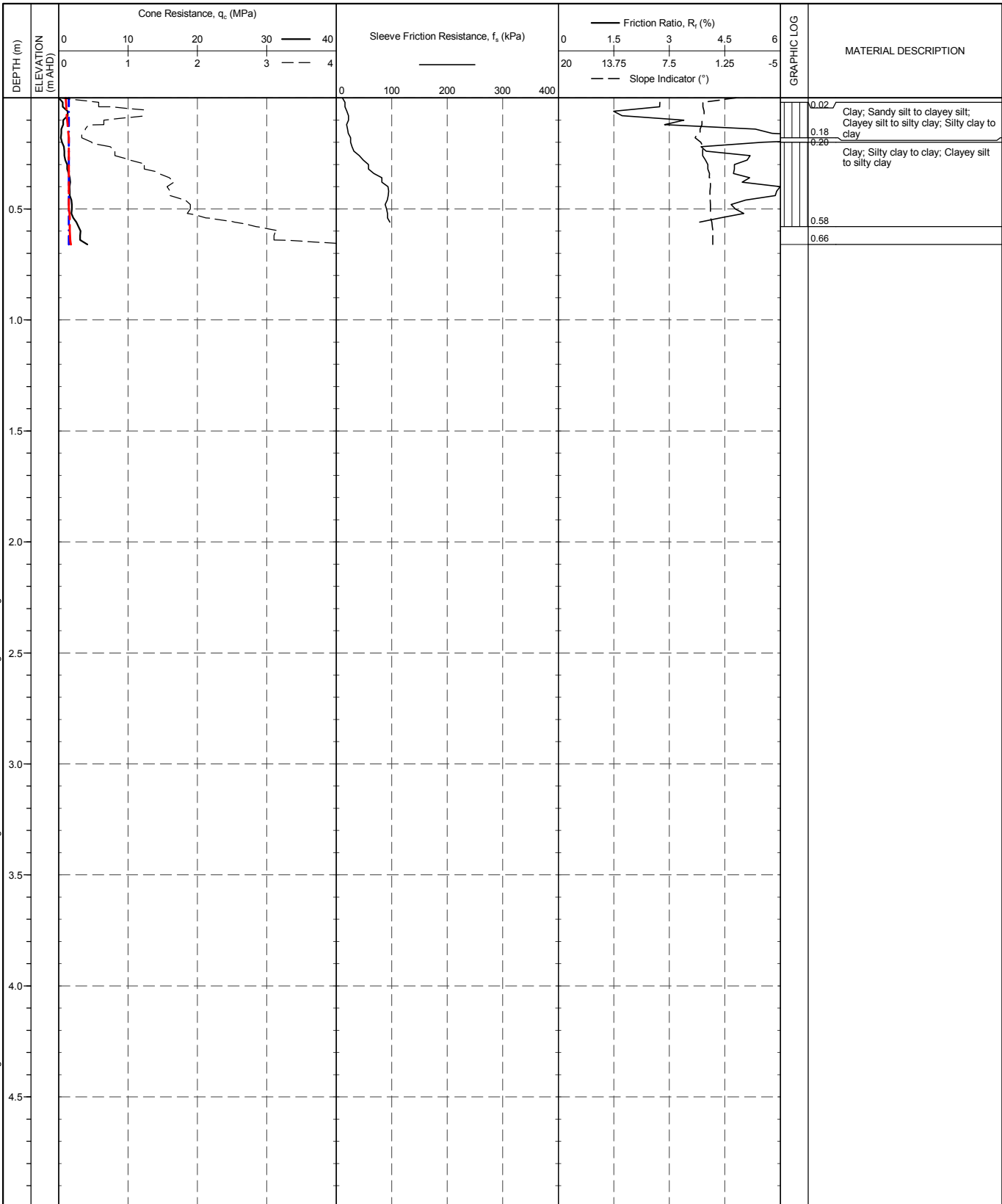
APPENDIX C
CPT RECORD SHEETS



PointID

CPT 01

CLIENT : Redland City Council	AREA :	SHEET : 1 OF 1
ENGINEER :	EASTING : 527873.0 m	STATUS :
PROJECT : Revetment Wall Investigation	NORTHING : 6955877.0 m	DATE : 02/10/2014
LOCATION : Carling Court, Raby Bay	COORD. SYS. : MGA94 56	
PROJECT No. : 114-16665	ELEVATION :	



SOIL_SURVEYS_01_LIBRARY - USE FOR CPT.GIB.Log CPT MATERIAL_A4P-1-166665 CPTS.GPJ <-DrawingFile>> 22/Dec/2014 12:04.8.30.002 Datgeol CPT Tool gINT Add-In

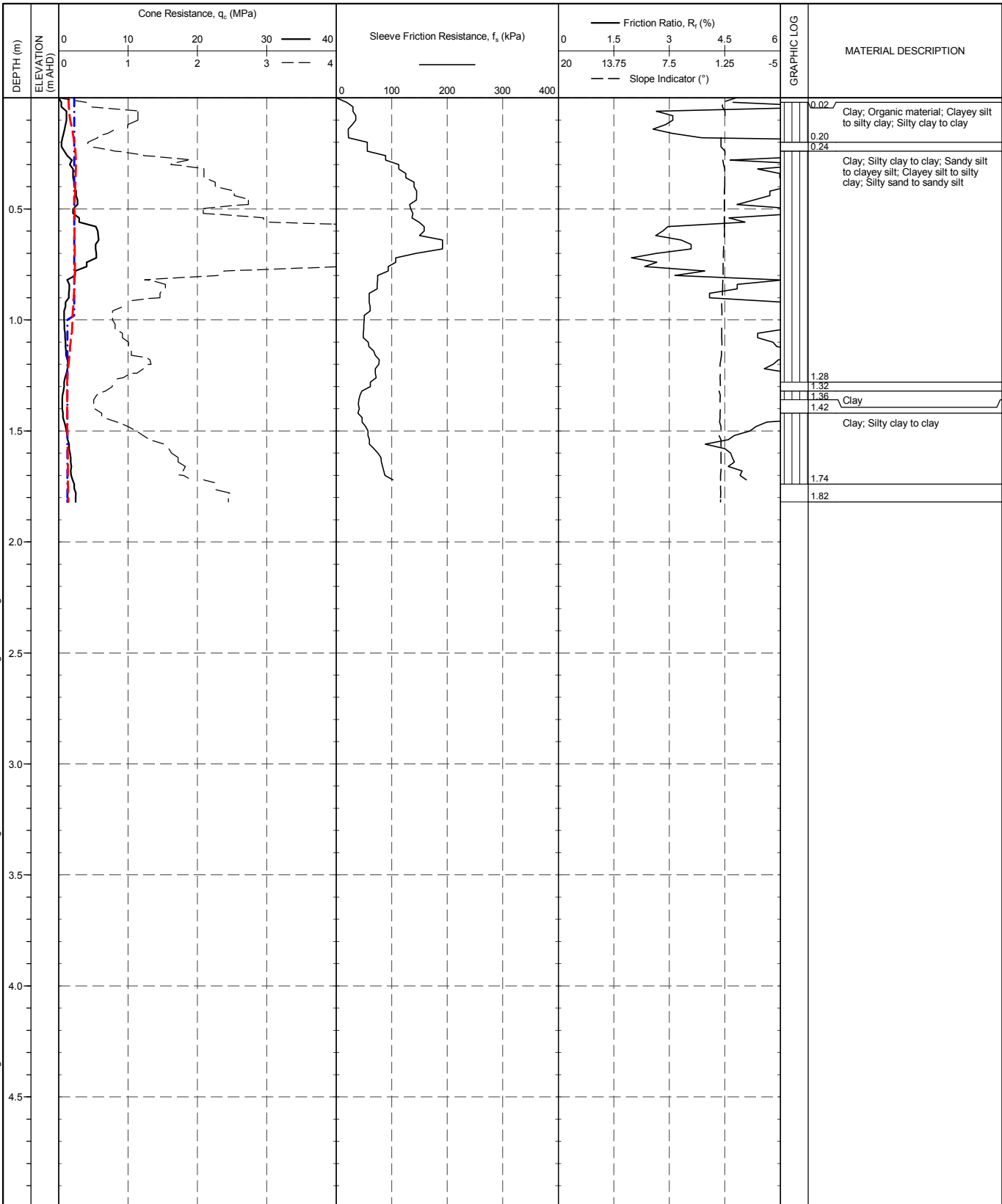
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CONE TYPE : Geotech AB	CHECKED DATE :	- - q_c Stepped Average Over 1 m	
CONE ID : 4296	APPROVED BY :	... q_c Strata Average	
OPERATOR : TE	APPROVED DATE :		



PointID

CPT 01A

CLIENT : Redland City Council	AREA :	SHEET : 1 OF 1
ENGINEER :	EASTING : 527873.0 m	STATUS :
PROJECT : Revetment Wall Investigation	NORTHING : 6955877.0 m	DATE : 02/10/2014
LOCATION : Carling Court, Raby Bay	COORD. SYS. : MGA94 56	
PROJECT No. : 114-16665	ELEVATION :	



SOIL_SURVEYS_01_LIBRARY - USE FOR CPT.GIB.Log CPT MATERIAL_A4P-1-166665 CPTS.GPJ <-DrawingFile>> 22/Dec/2014 12:04.8.30.002 Datagel CPT Tool gINT Add-In

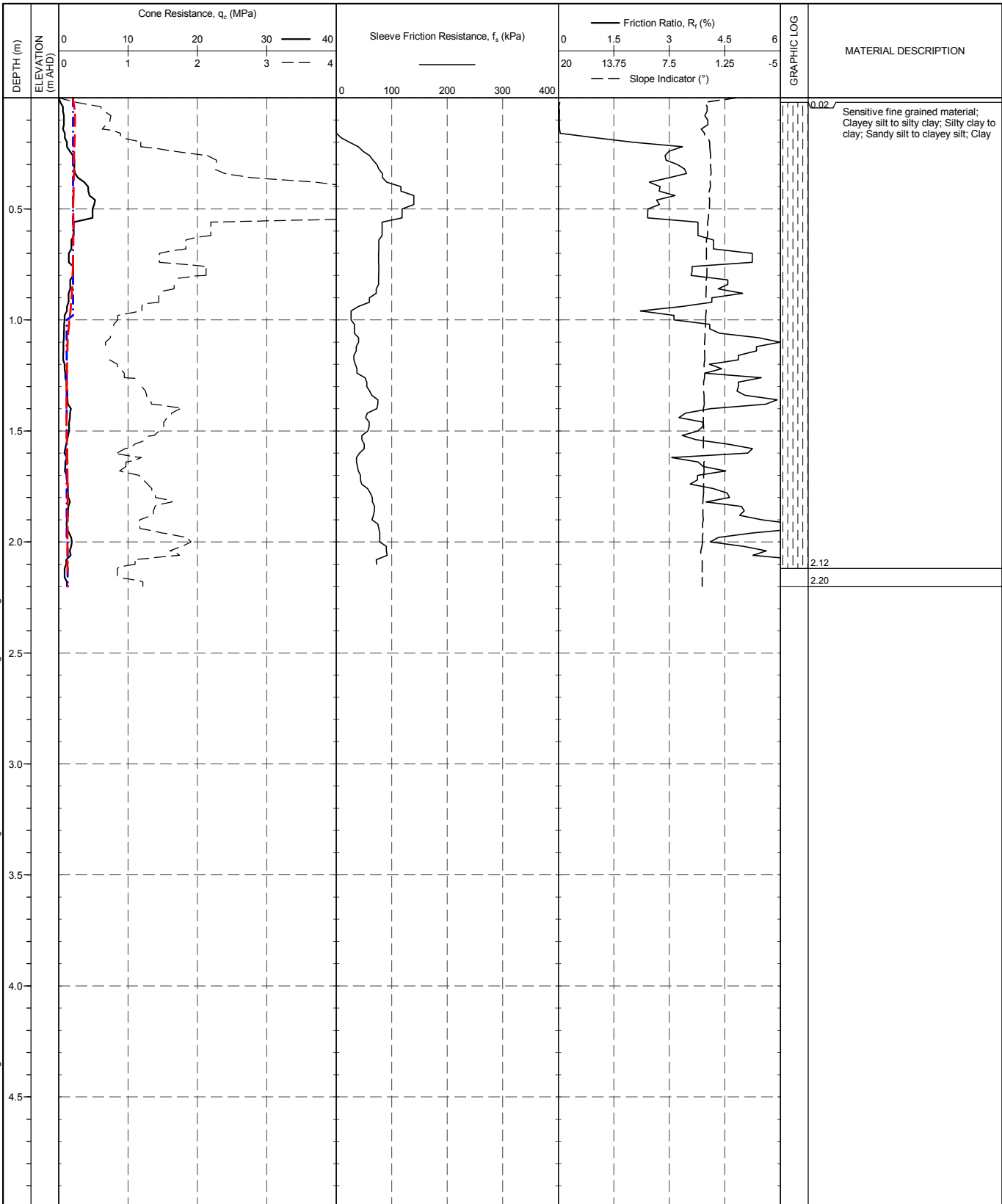
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CONE TYPE : Geotech AB	CHECKED DATE :		
CONE ID : 4296	APPROVED BY :		
OPERATOR : TE	APPROVED DATE :		



PointID

CPT 02

CLIENT : Redland City Council	AREA :	SHEET : 1 OF 1
ENGINEER :	EASTING : 527860.0 m	STATUS :
PROJECT : Revetment Wall Investigation	NORTHING : 6955875.0 m	DATE : 03/10/2014
LOCATION : Carling Court, Raby Bay	COORD. SYS. : MGA94 56	
PROJECT No. : 114-16665	ELEVATION :	



SOIL_SURVEYS_01_LIBRARY - USE FOR CPT.GIB.Log CPT MATERIAL_A4P_1-16665 CPTS.GPJ <-DrawingFile>> 22/Dec/2014 12:04.8.30.002 Datgeol CPT Tool gINT Add-In

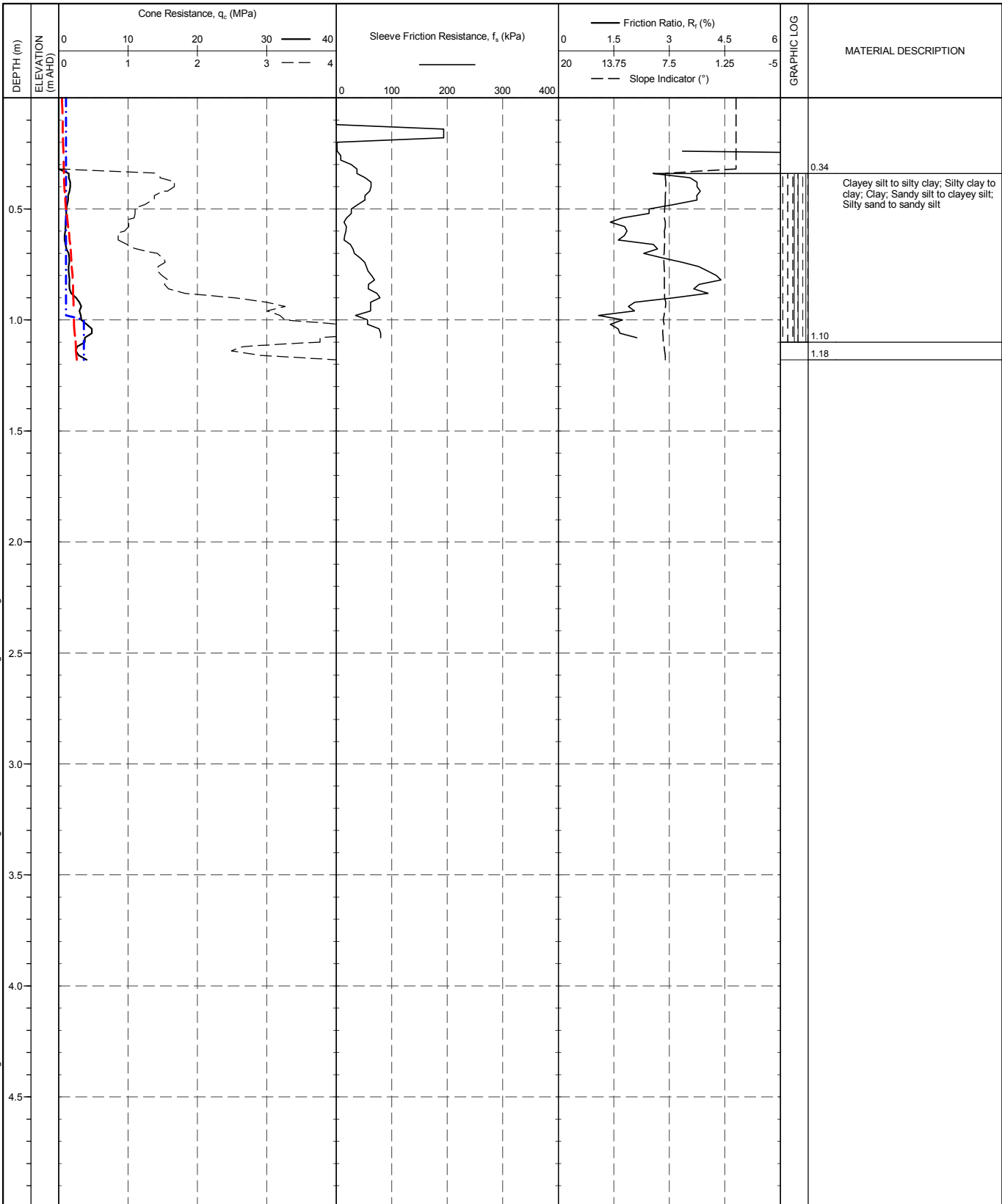
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CONE TYPE : Geotech AB	CHECKED DATE :		
CONE ID : 4296	APPROVED BY :		
OPERATOR : TE	APPROVED DATE :		



PointID

CPT 03

CLIENT : Redland City Council	AREA :	SHEET : 1 OF 1
ENGINEER :	EASTING : 527836.0 m	STATUS :
PROJECT : Revetment Wall Investigation	NORTHING : 6955859.0 m	DATE : 08/10/2014
LOCATION : Carling Court, Raby Bay	COORD. SYS. : MGA94 56	
PROJECT No. : 114-16665	ELEVATION :	



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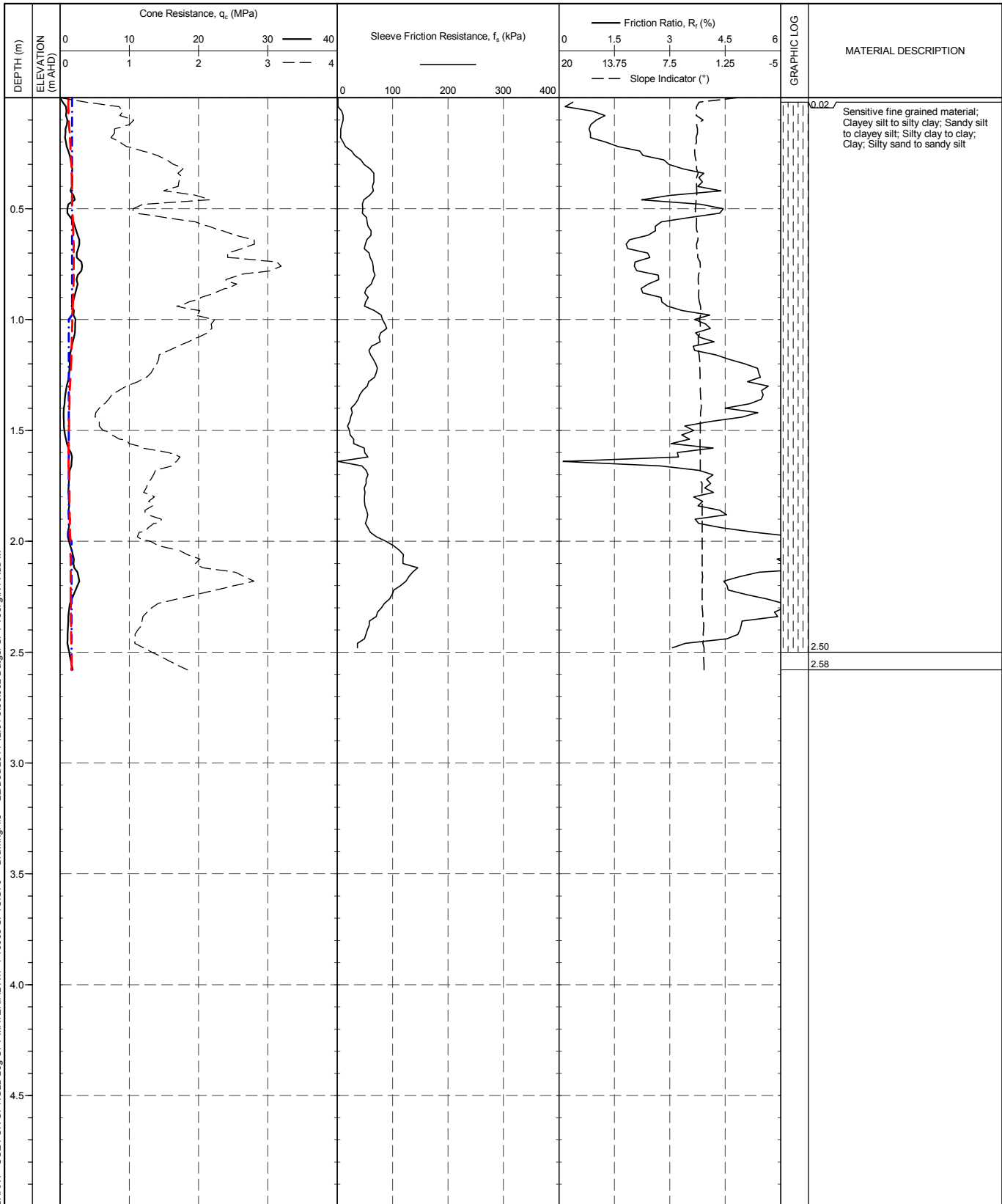
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CONE TYPE : Geotech AB	CHECKED DATE :	q_c Stepped Average Over 1 m	
CONE ID : 4296	APPROVED BY :	q_c Strata Average	
OPERATOR : TE	APPROVED DATE :		



PointID

CPT 04

CLIENT : Redland City Council	AREA :	SHEET : 1 OF 1
ENGINEER :	EASTING : 527828.0 m	STATUS :
PROJECT : Revetment Wall Investigation	NORTHING : 6955850.0 m	DATE : 09/10/2014
LOCATION : Carling Court, Raby Bay	COORD. SYS. : MGA94 56	
PROJECT No. : 114-16665	ELEVATION :	



SOIL_SURVEYS_01_LIBRARY - USE FOR CPT.GIB.Log CPT MATERIAL_A4P_1-166665 CPTS.GPJ <-DrawingFile>> 22/Dec/2014 12:04.8.30.002 Datgeol CPT Tool gINT Add-In

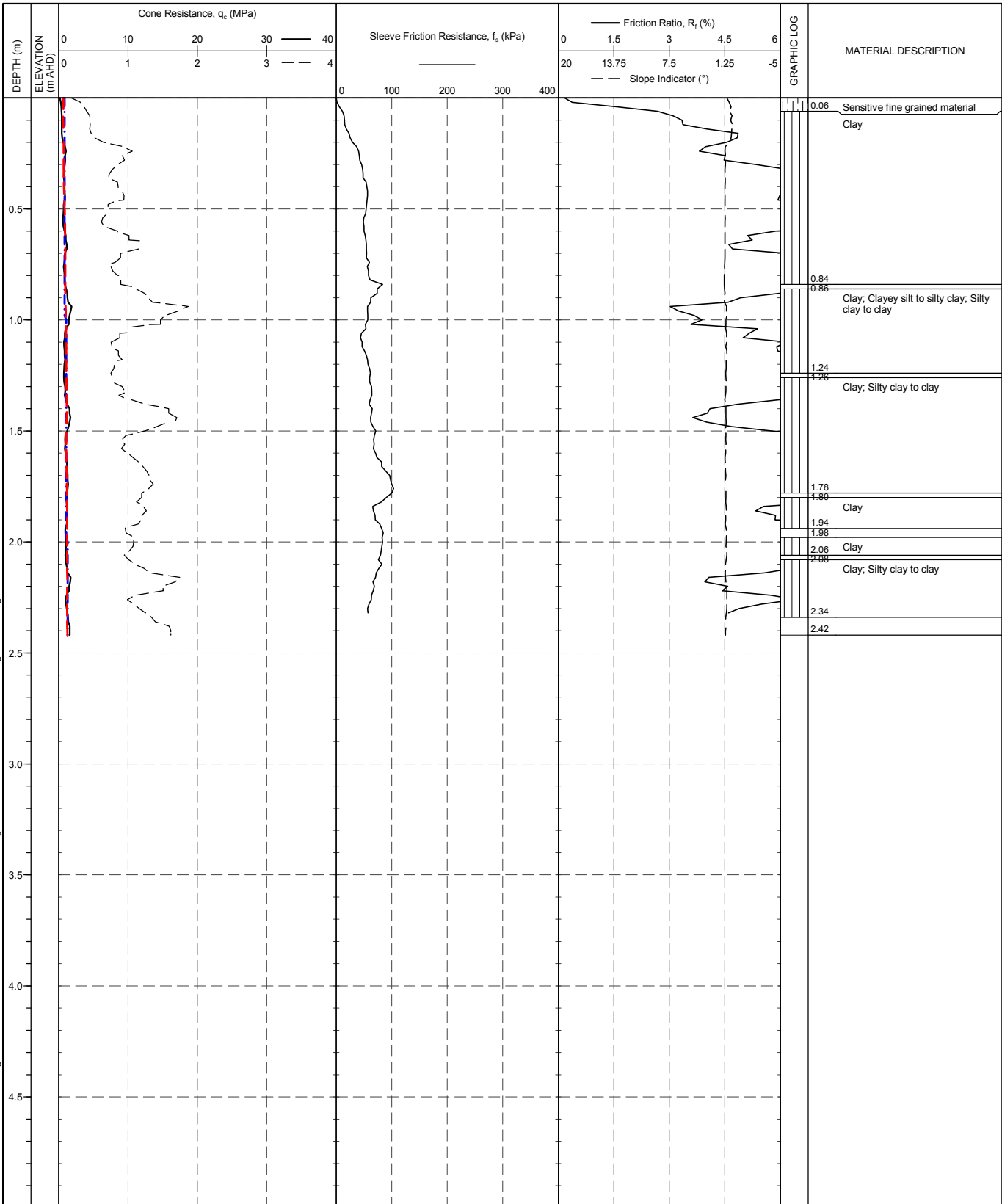
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CONE TYPE : Geotech AB	CHECKED DATE :		
CONE ID : 4296	APPROVED BY :		
OPERATOR : TE	APPROVED DATE :		



PointID

CPT 06

CLIENT : Redland City Council	AREA :	SHEET : 1 OF 1
ENGINEER :	EASTING : 527824.0 m	STATUS :
PROJECT : Revetment Wall Investigation	NORTHING : 6955821.0 m	DATE : 16/09/2014
LOCATION : Carling Court, Raby Bay	COORD. SYS. : MGA94 56	
PROJECT No. : 114-16665	ELEVATION :	



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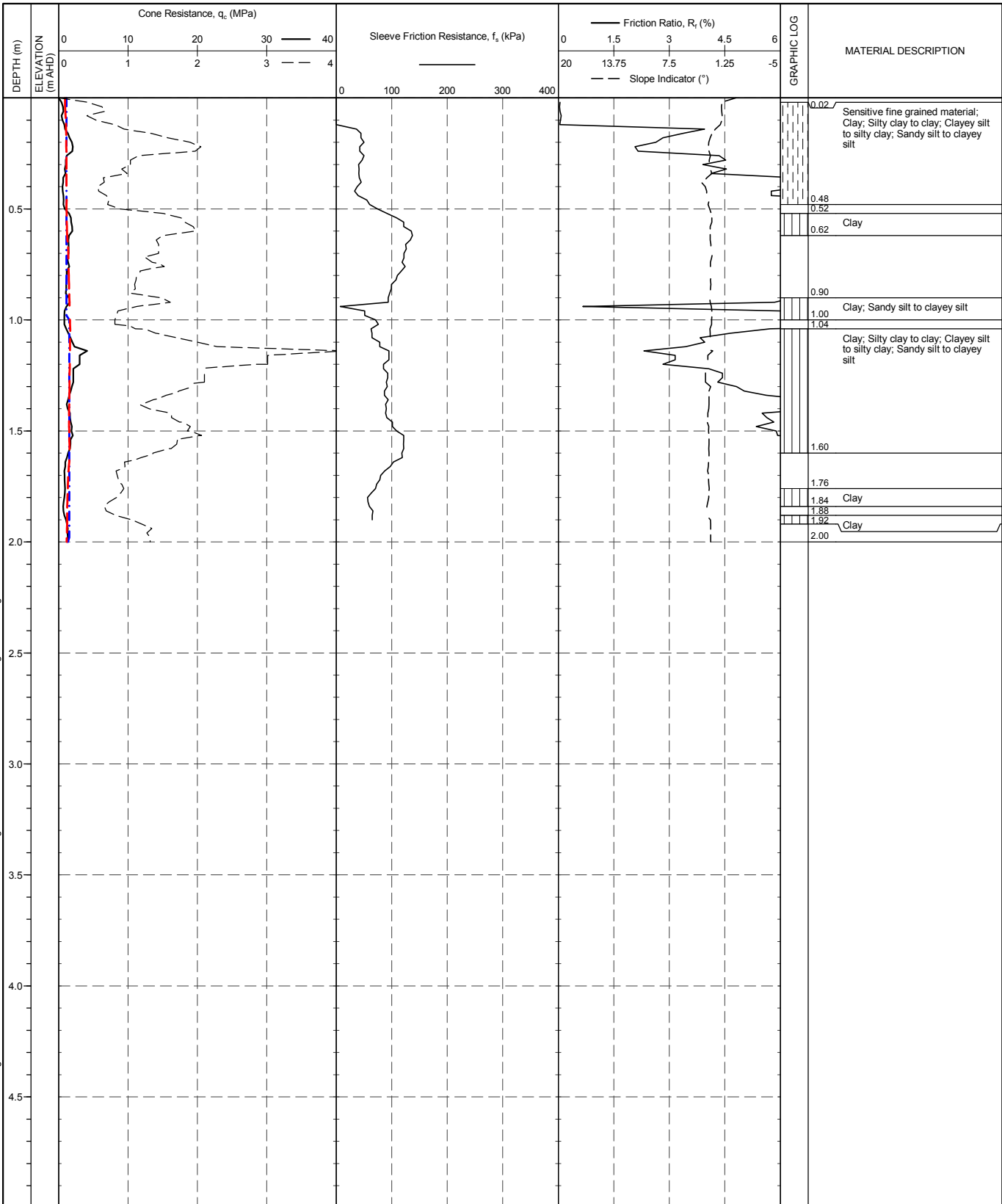
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CONE ID : 4296	APPROVED BY :	- . - q_c Strata Average	
OPERATOR : BM	APPROVED DATE :		



PointID

CPT 07

CLIENT : Redland City Council	AREA :	SHEET : 1 OF 1
ENGINEER :	EASTING : 527828.0 m	STATUS :
PROJECT : Revetment Wall Investigation	NORTHING : 6955811.0 m	DATE : 11/09/2014
LOCATION : Carling Court, Raby Bay	COORD. SYS. : MGA94 56	
PROJECT No. : 114-16665	ELEVATION :	



SOIL_SURVEYS_01_LIBRARY - USE FOR CPT.GIB.Log CPT MATERIAL_A4P_1-16665 CPTS.GPJ <-DrawingFile>> 22/Dec/2014 12:04.8.30.002 Datgeol CPT Tool gINT Add-In

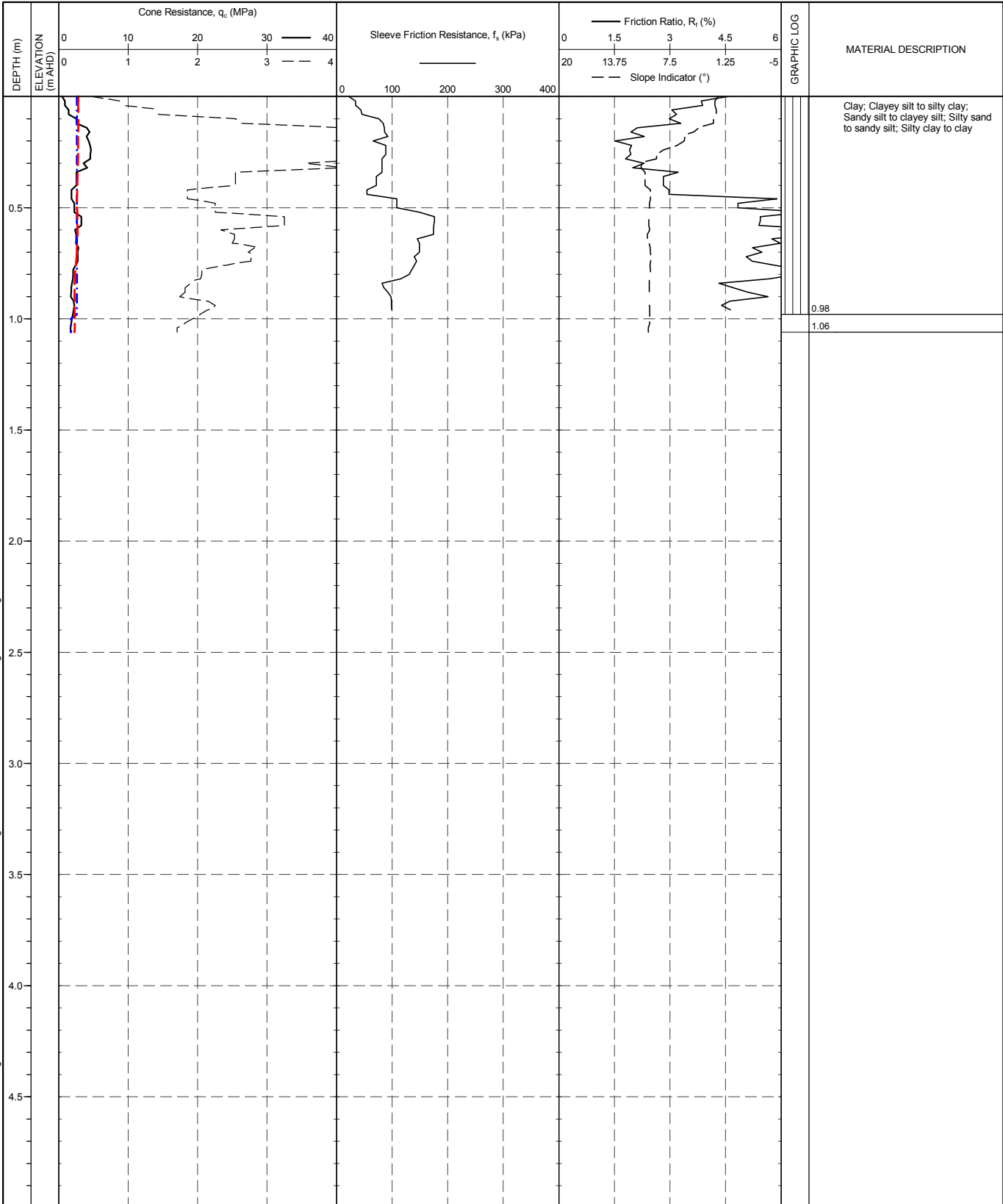
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CONE TYPE : Geotech AB	CHECKED DATE :		
CONE ID : 4296	APPROVED BY :		
OPERATOR : EA	APPROVED DATE :		



PointID

CPT 08

CLIENT : Redland City Council	AREA :	SHEET : 1 OF 1
ENGINEER :	EASTING : 527873.0 m	STATUS :
PROJECT : Revetment Wall Investigation	NORTHING : 6955886.0 m	DATE : 02/10/2014
LOCATION : Carling Court, Raby Bay	COORD. SYS. : MGA94 56	
PROJECT No. : 114-16665	ELEVATION :	



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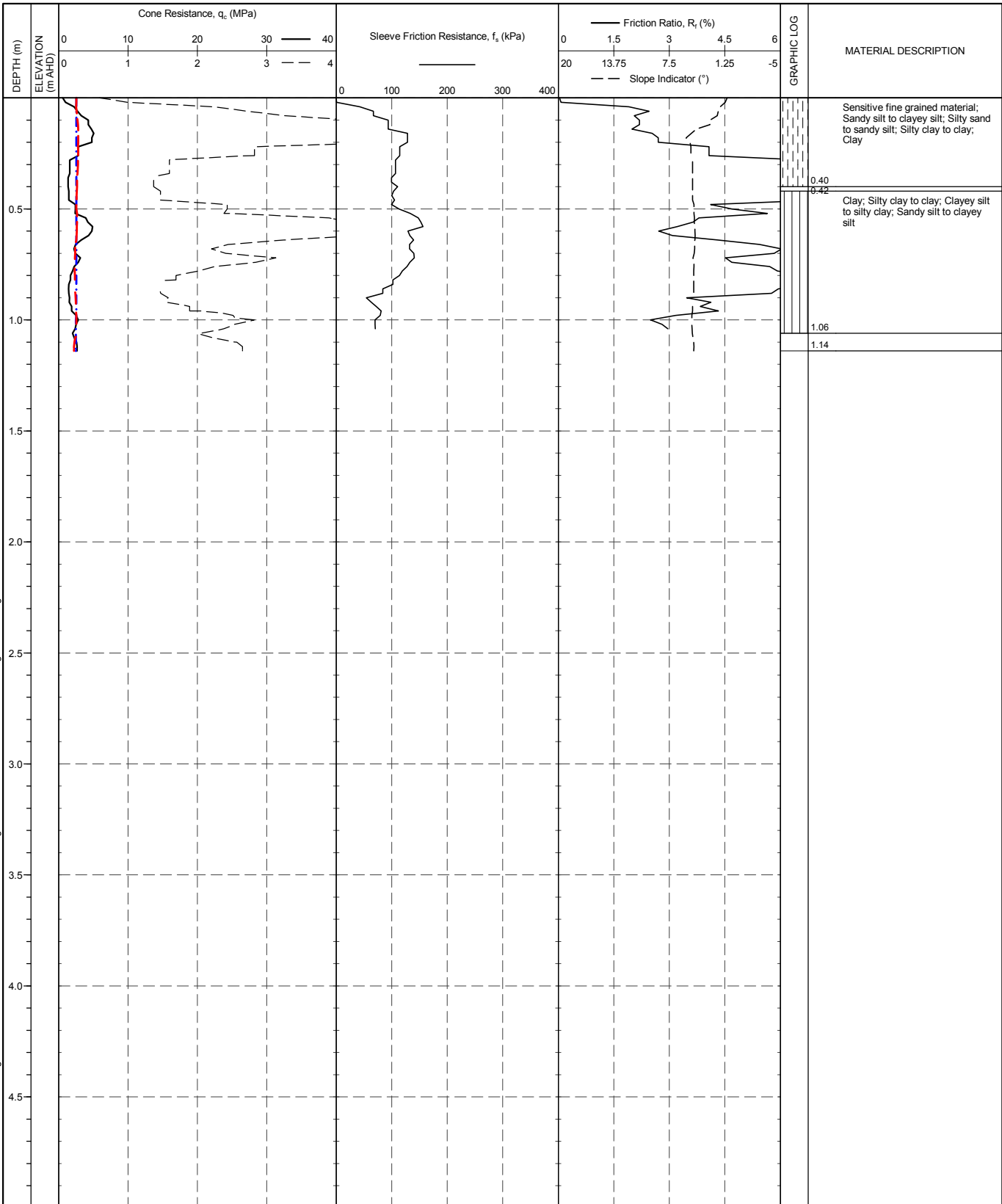
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OPERATOR : TE	APPROVED DATE :		



PointID

CPT 09

CLIENT : Redland City Council	AREA :	SHEET : 1 OF 1
ENGINEER :	EASTING : 527857.0 m	STATUS :
PROJECT : Revetment Wall Investigation	NORTHING : 6955885.0 m	DATE : 03/10/2014
LOCATION : Carling Court, Raby Bay	COORD. SYS. : MGA94 56	
PROJECT No. : 114-16665	ELEVATION :	



SOIL_SURVEYS_01_LIBRARY - USE FOR CPT.GIB.Log CPT MATERIAL_AAP 1-16665 CPTS.GPJ <-DrawingFile>> 22/Dec/2014 12:04.8.30.002 Datgeol CPT Tool gINT Add-In

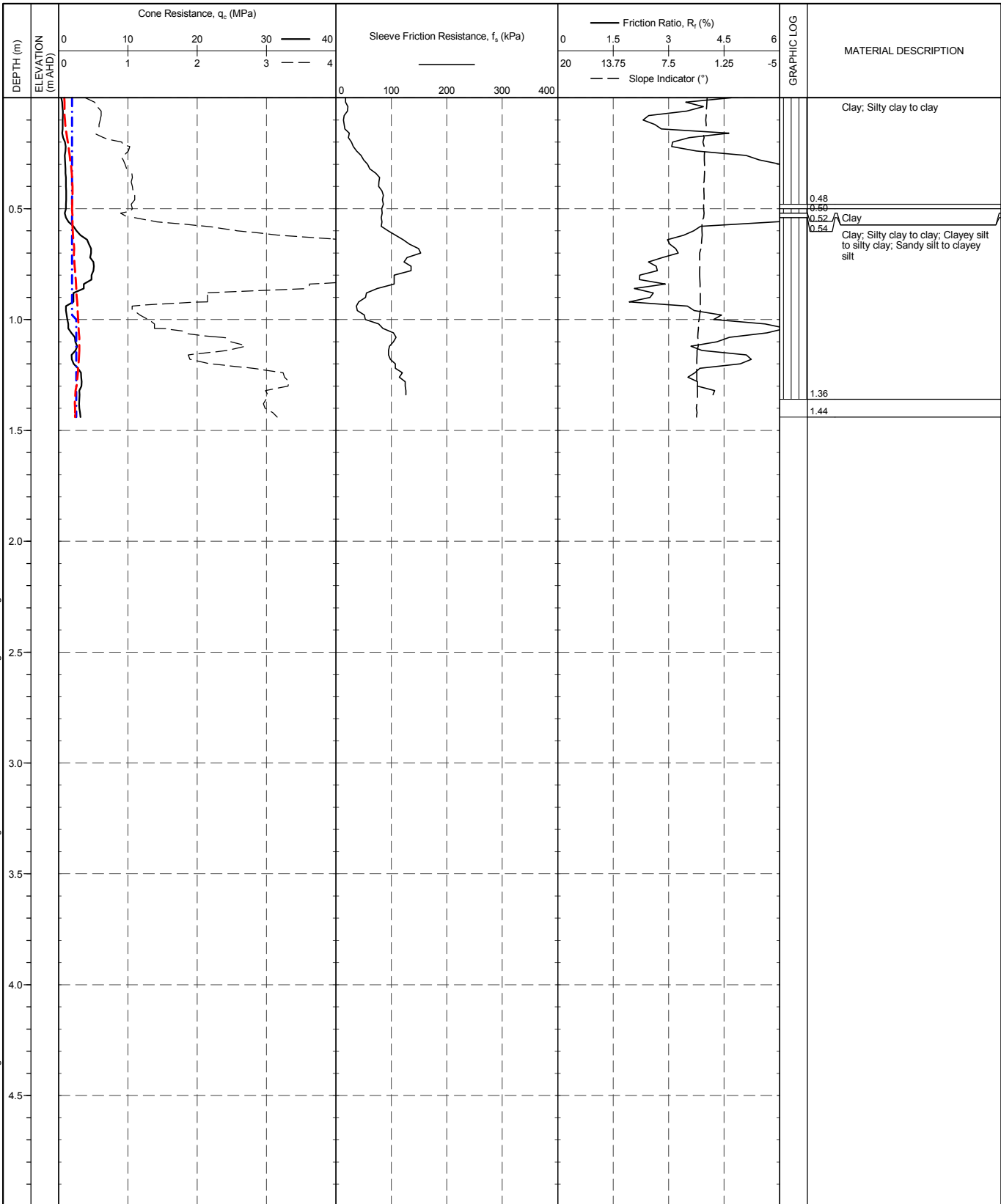
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OPERATOR : TE	APPROVED DATE :		



PointID

CPT 10

CLIENT : Redland City Council	AREA :	SHEET : 1 OF 1
ENGINEER :	EASTING : 527846.0 m	STATUS :
PROJECT : Revetment Wall Investigation	NORTHING : 6955879.0 m	DATE : 07/10/2014
LOCATION : Carling Court, Raby Bay	COORD. SYS. : MGA94 56	
PROJECT No. : 114-16665	ELEVATION :	



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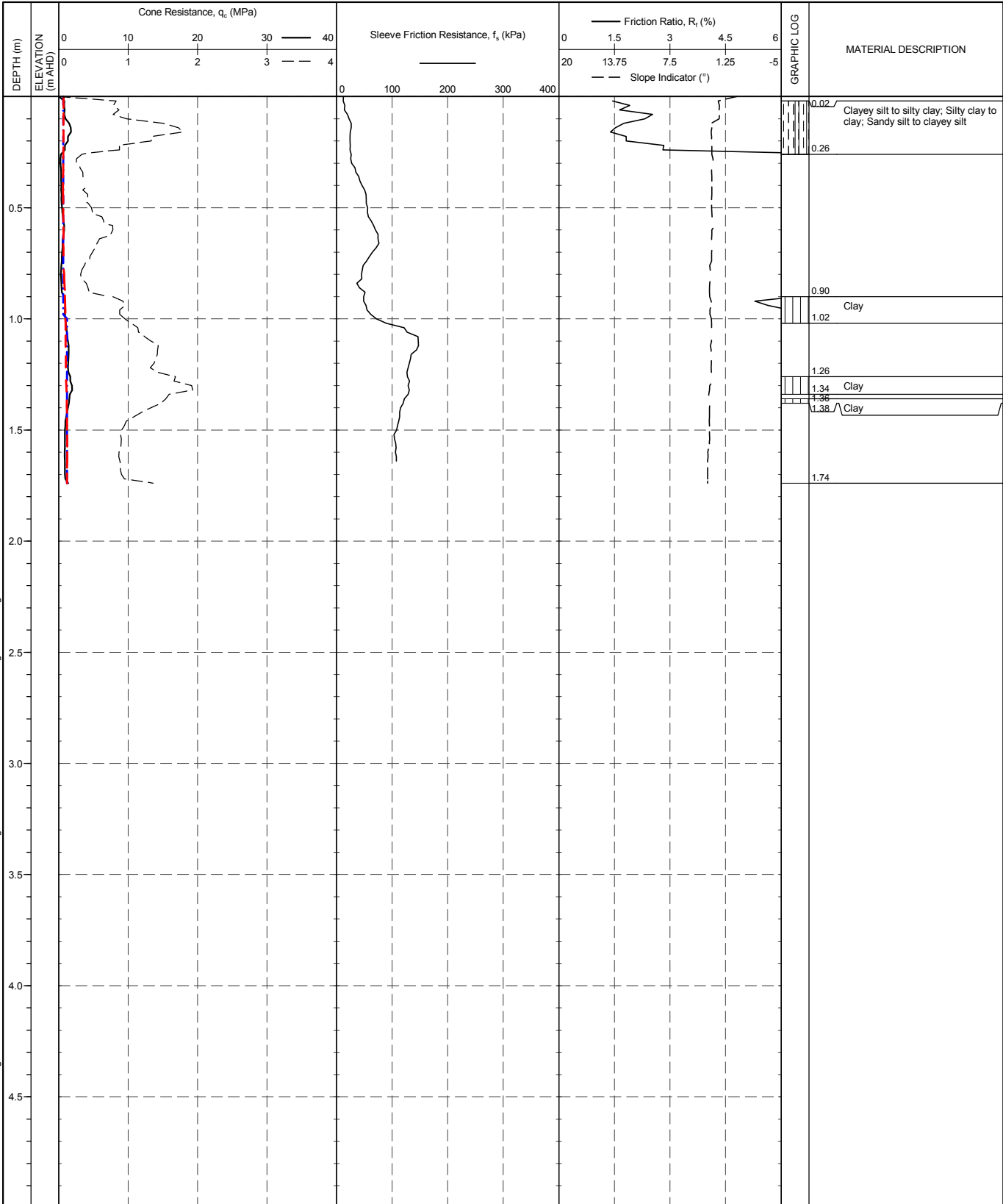
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OPERATOR : TE	APPROVED DATE :		



PointID

CPT 11

CLIENT : Redland City Council	AREA :	SHEET : 1 OF 1
ENGINEER :	EASTING : 527829.0 m	STATUS :
PROJECT : Revetment Wall Investigation	NORTHING : 6955868.0 m	DATE : 12/09/2014
LOCATION : Carling Court, Raby Bay	COORD. SYS. : MGA94 56	
PROJECT No. : 114-16665	ELEVATION :	



SOIL_SURVEYS_01_LIBRARY - USE FOR CPT.GIB.Log.CPT.MATERIAL.AMP.1-166665.CPTS.GPJ <-DrawingFile>> 22/Dec/2014 12:04.8.30.002 Datagel.CPT.Tool.gINT.Add.in

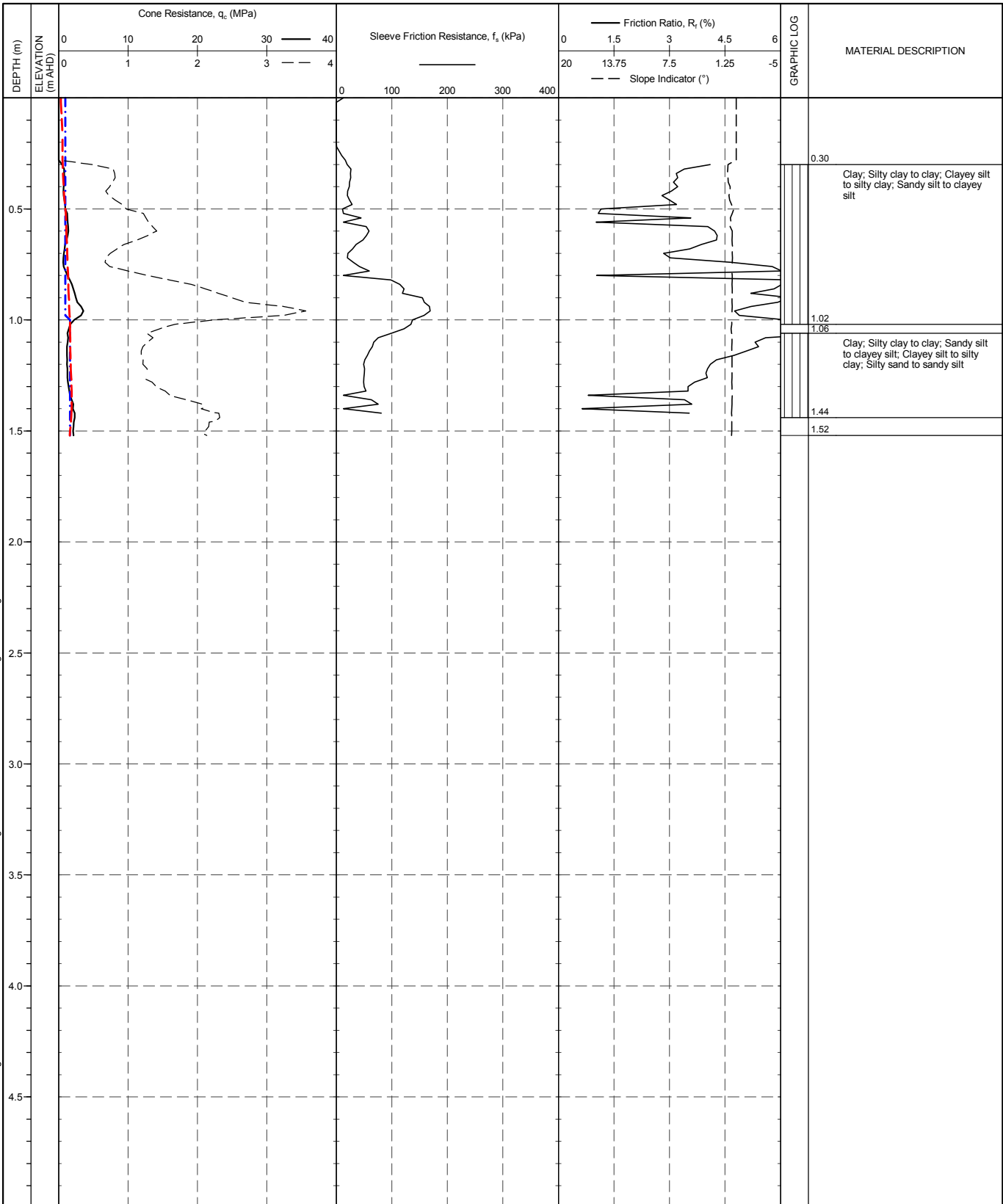
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CONE ID : 4296	APPROVED BY :		
OPERATOR : EA	APPROVED DATE :		



PointID

CPT 12

CLIENT : Redland City Council	AREA :	SHEET : 1 OF 1
ENGINEER :	EASTING : 527819.0 m	STATUS :
PROJECT : Revetment Wall Investigation	NORTHING : 6955855.0 m	DATE : 09/10/2014
LOCATION : Carling Court, Raby Bay	COORD. SYS. : MGA94 56	
PROJECT No. : 114-16665	ELEVATION :	



SOIL_SURVEYS_01_LIBRARY - USE FOR CPT.GIB.Log.CPT.MATERIAL_A4P.1-166665.CPTS.GPJ <-DrawingFile>> 22/Dec/2014 12:04.8.30.002 Datagel.CPT.Tool.gINT.Add.in

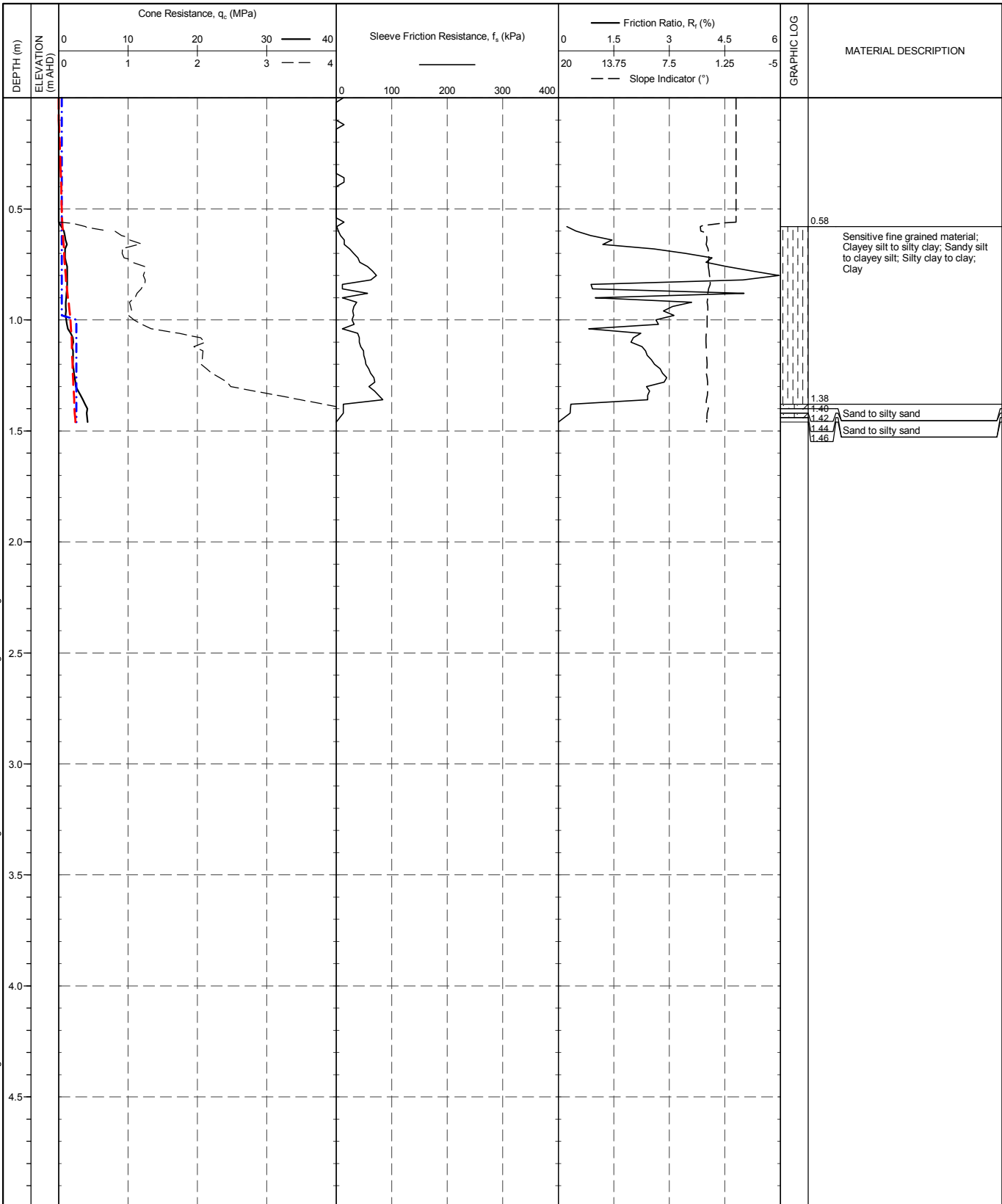
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OPERATOR : TE	APPROVED DATE :		



PointID

CPT 13

CLIENT : Redland City Council	AREA :	SHEET : 1 OF 1
ENGINEER :	EASTING : 527816.0 m	STATUS :
PROJECT : Revetment Wall Investigation	NORTHING : 6955837.0 m	DATE : 10/10/2014
LOCATION : Carling Court, Raby Bay	COORD. SYS. : MGA94 56	
PROJECT No. : 114-16665	ELEVATION :	



SOIL_SURVEYS_01_LIBRARY - USE FOR CPT.GIB.Log CPT MATERIAL_A4P-1-166665 CPTS.GPJ <-DrawingFile>> 22/Dec/2014 12:04.8.30.002 Datgeol CPT Tool gINT Add-in

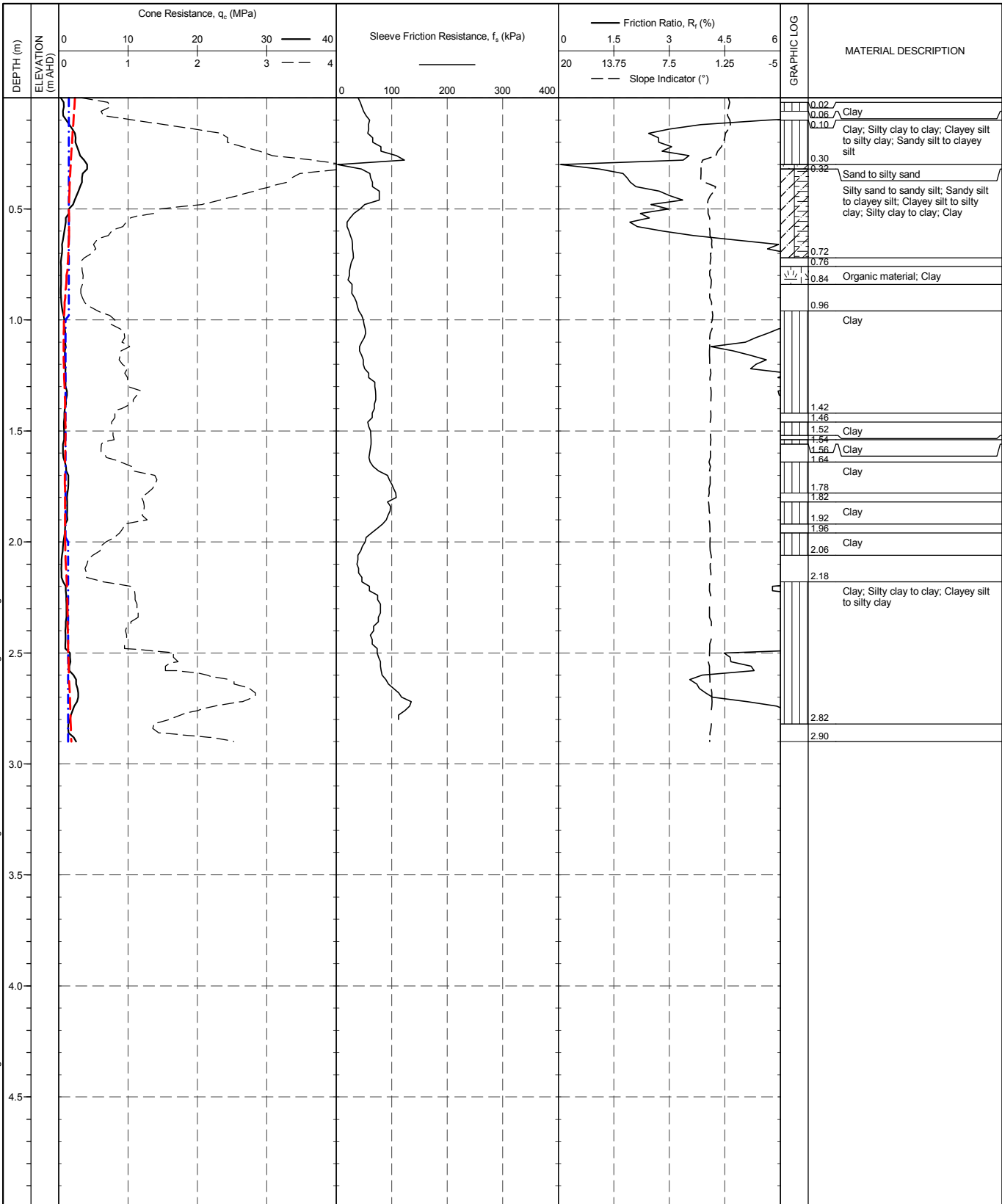
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OPERATOR : TE	APPROVED DATE :		



PointID

CPT 14

CLIENT : Redland City Council	AREA :	SHEET : 1 OF 1
ENGINEER :	EASTING : 527817.0 m	STATUS :
PROJECT : Revetment Wall Investigation	NORTHING : 6955819.0 m	DATE : 09/09/2014
LOCATION : Carling Court, Raby Bay	COORD. SYS. : MGA94 56	
PROJECT No. : 114-16665	ELEVATION :	



SOIL_SURVEYS_01_LIBRARY - USE FOR CPT.GIB.Log.CPT.MATERIAL_A4P.1-166665.CPTS.GPJ <-DrawingFile>> 22/Dec/2014 12:05.8.30.002 Datagel.CPT.Tool.gINT.Add.in

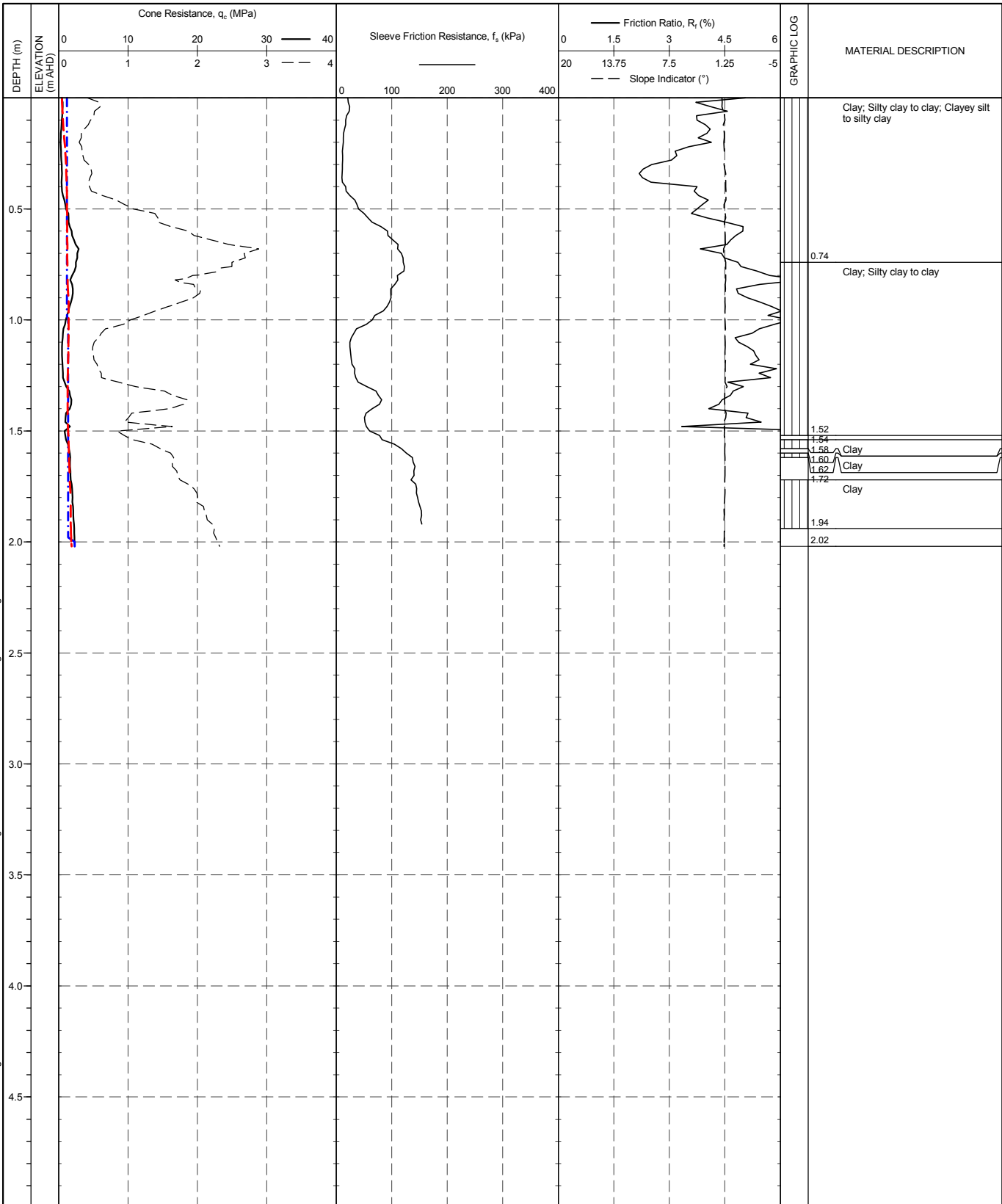
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CONE ID : 4296	APPROVED BY :		
OPERATOR : EA	APPROVED DATE :		



PointID

CPT 15

CLIENT : Redland City Council	AREA :	SHEET : 1 OF 1
ENGINEER :	EASTING : 527819.0 m	STATUS :
PROJECT : Revetment Wall Investigation	NORTHING : 6955808.0 m	DATE : 08/09/2014
LOCATION : Carling Court, Raby Bay	COORD. SYS. : MGA94 56	
PROJECT No. : 114-16665	ELEVATION :	



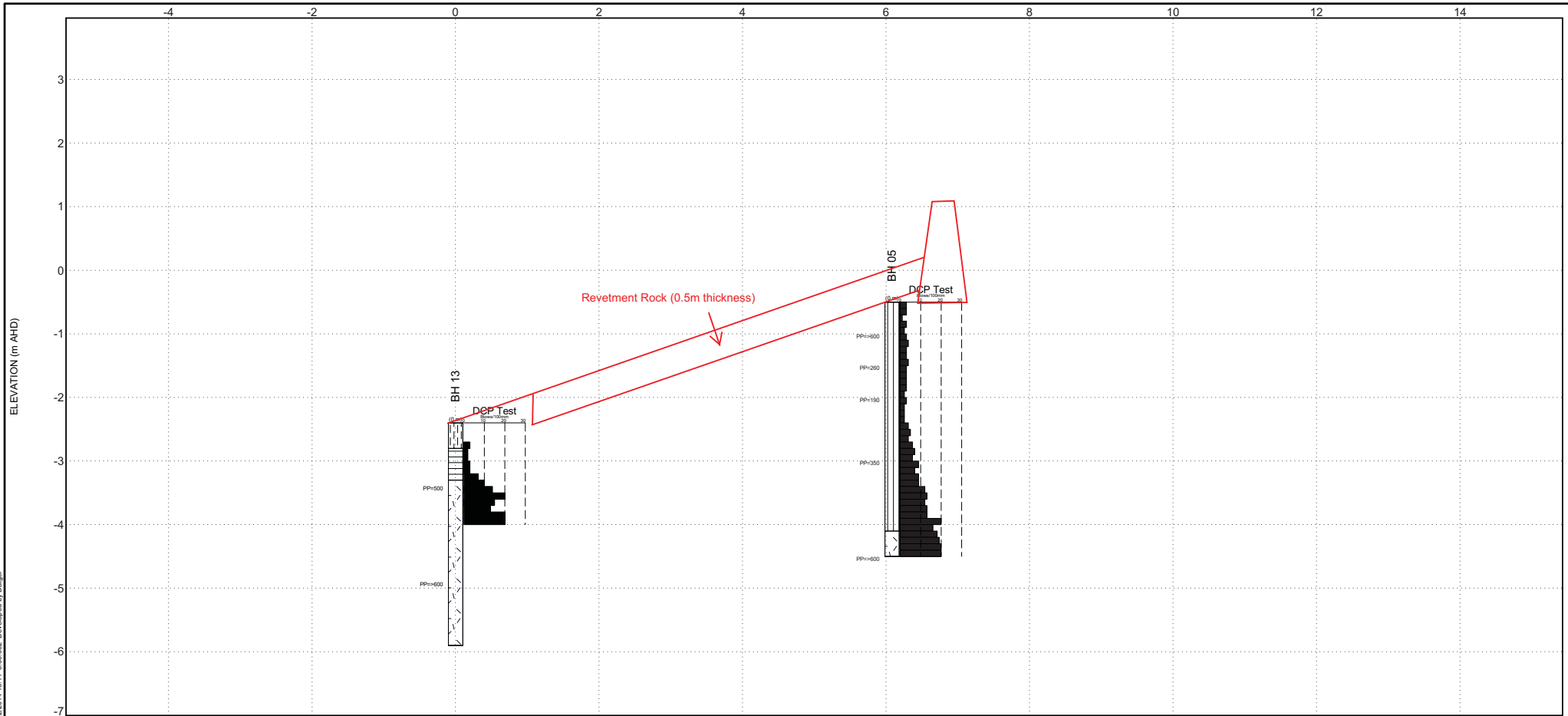
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CONE TYPE : Geotech AB	CHECKED DATE :	- - q_c Stepped Average Over 1 m	
CONE ID : 4296	APPROVED BY :	... q_c Strata Average	
OPERATOR : EA	APPROVED DATE :		

APPENDIX D

SECTIONS

SOIL SURVEYS OF AUSTRALIA - USE FOR CPD ONLY. FENCE JOB NO PLAN - SEE 1-16665-EE.pdf <DrawingFile> 22/12/2014 13:11 6.30.002 Developed by Dargal



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PROJECT

CROSS SECTION 5, 13

Retaining Wall Investigation

CLIENT
Redlands Council

LOCATION
Raby Bay Canals (Carling Court)

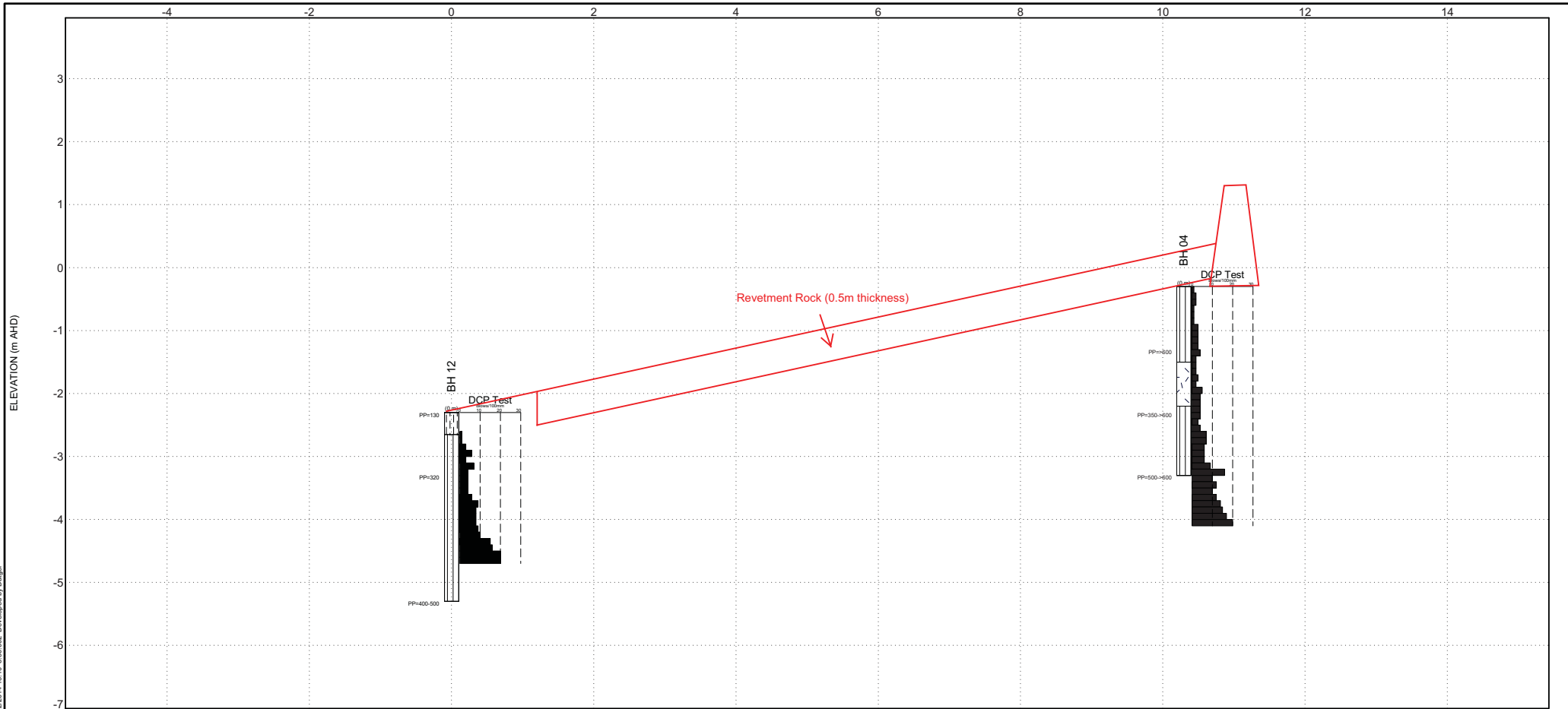


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SOIL SURVEYS

SOIL SURVEYS OF AUSTRALIA - USE FOR CPD ONLY - FENCE JOB NO PLAN - SSE 1-16665-GP - 22/12/2014 13:10 8.30.002 Drawn by Dargal



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PROJECT	CROSS SECTION 4, 12 Retaining Wall Investigation
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CLIENT	Redlands Council
LOCATION	Raby Bay Canals (Carling Court)

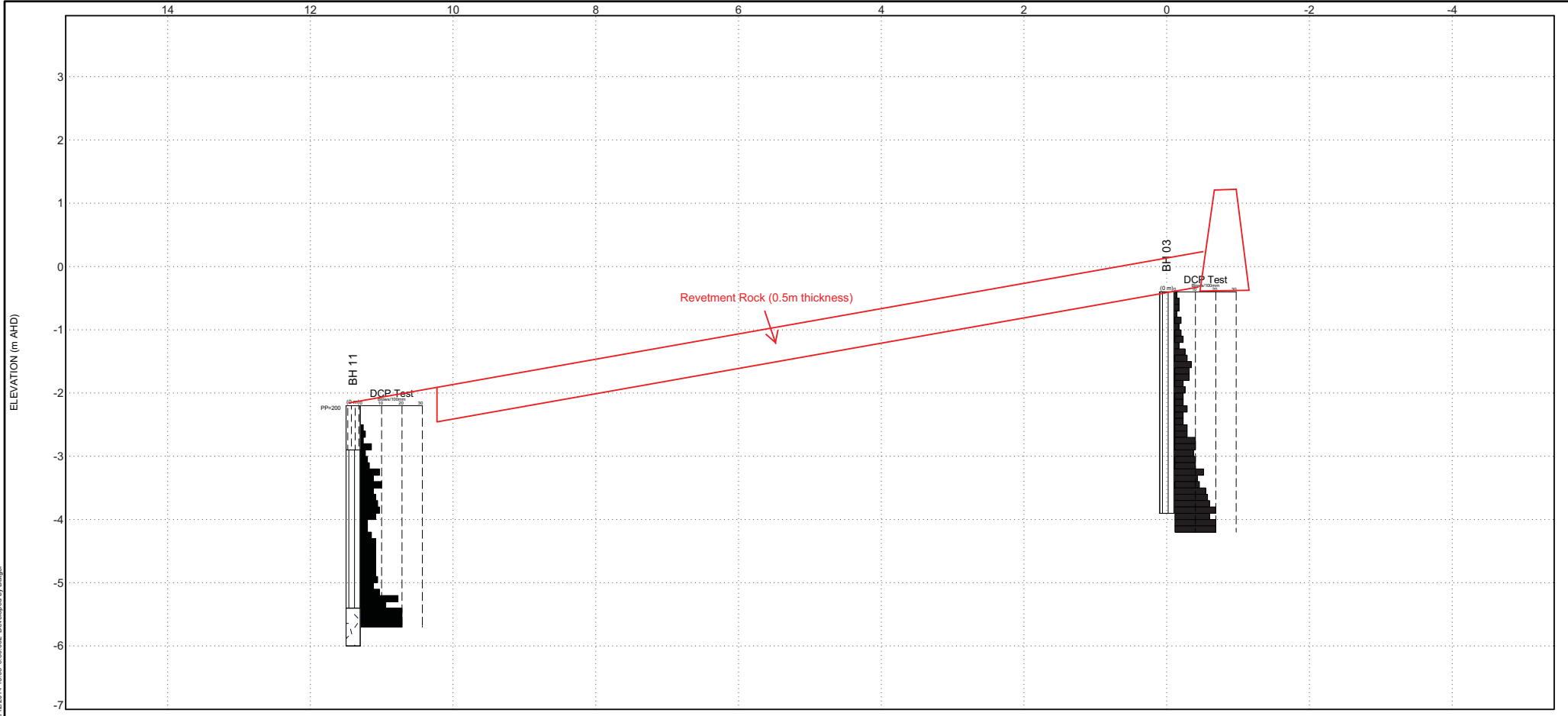


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PROJECT

CROSS SECTION 3, 11

Retaining Wall Investigation

CLIENT
Redlands Council

LOCATION
Raby Bay Canals (Carling Court)

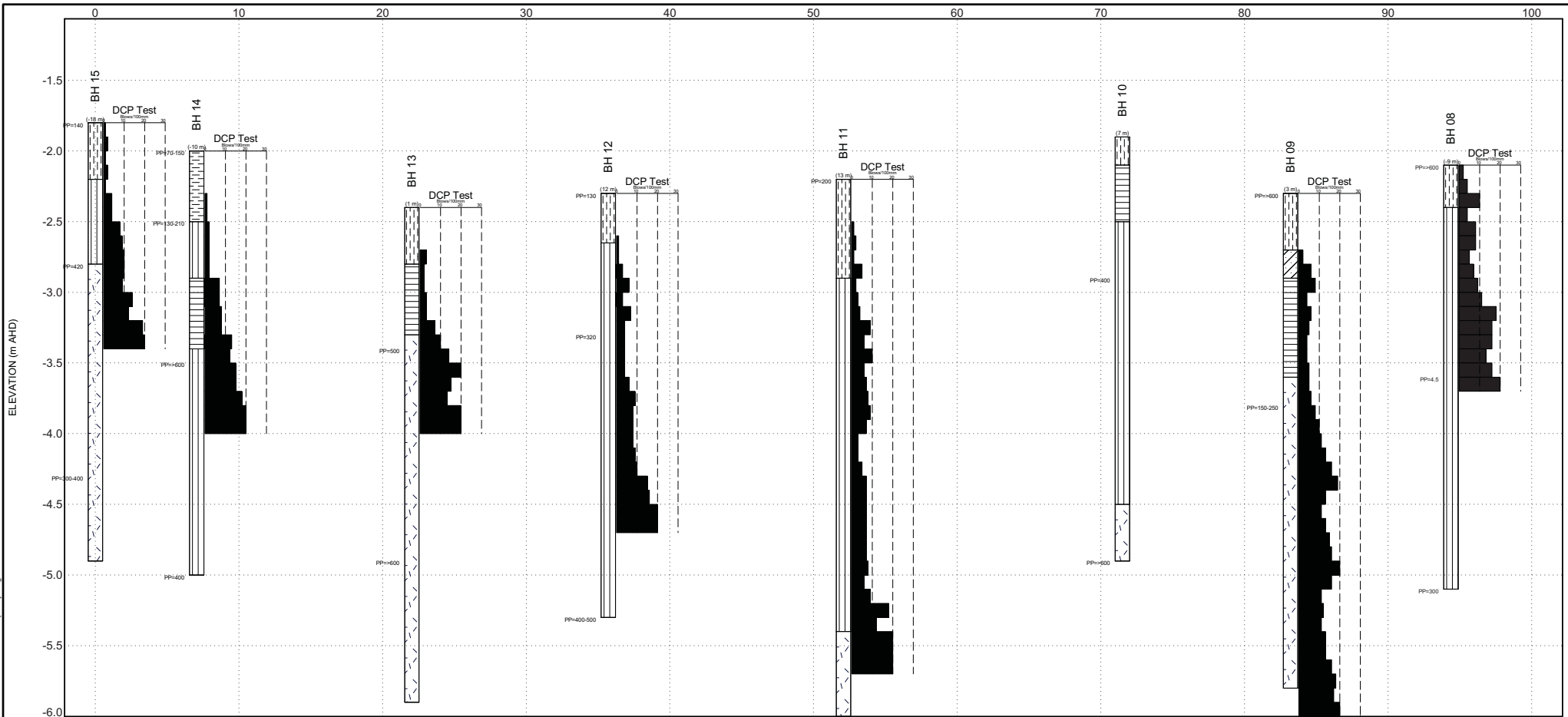


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PROJECT
Retevment Quay Line Alignment
Retaining Wall Investigation

CLIENT
 Redlands Council

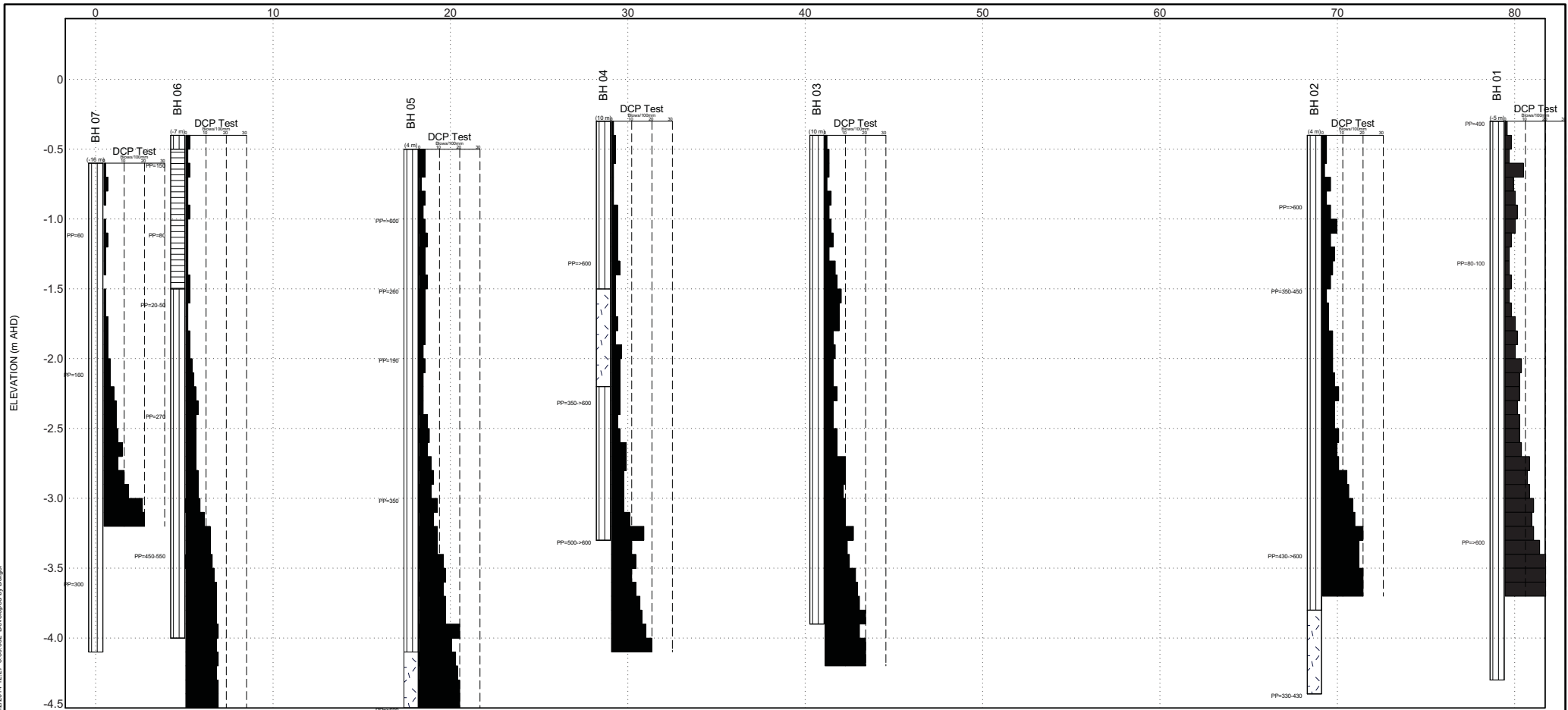
LOCATION
 Raby Bay Canals (Carling Court)

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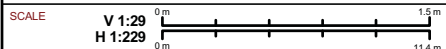
Milton: ph +61 7 3369 6000 brisbane@soilsurveys.com.au
 Gold Coast: ph +61 7 5500 0465 goldcoast@soilsurveys.com.au
 Sunshine Coast: ph +61 7 5493 1980 sunshinecoast@soilsurveys.com.au
 Northern Rivers: ph +61 7 5523 4577 northernrivers@soilsurveys.com.au

SOIL SURVEYS

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Date: 22/12/14
Checked: PE

PROJECT

Retevment Wall Alignment
Retaining Wall Investigation

CLIENT

Redlands Council

LOCATION

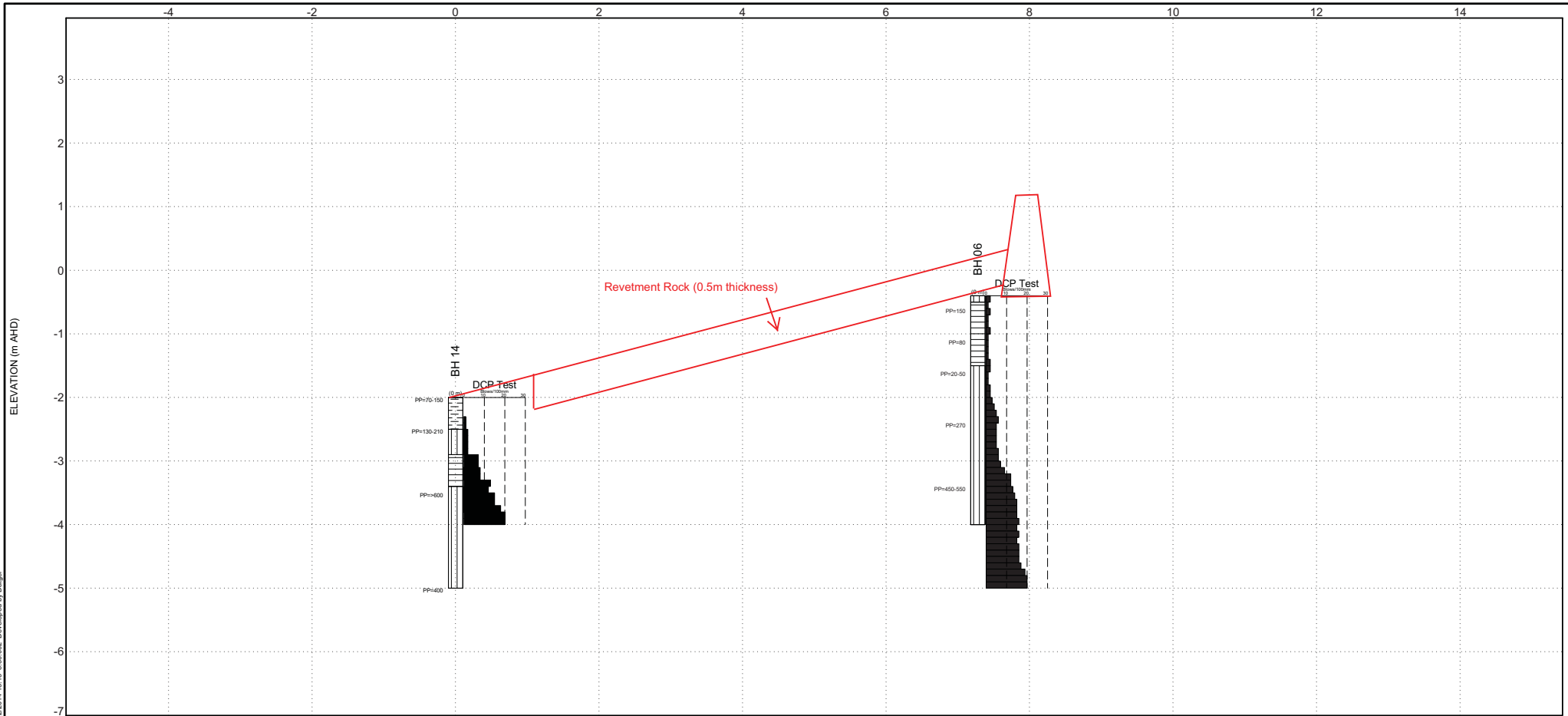
Raby Bay Canals (Carling Court)



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PROJECT	CROSS SECTION 6, 14 Retaining Wall Investigation
---------	---

CLIENT	Redlands Council
LOCATION	Raby Bay Canals (Carling Court)

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SOIL SURVEYS

APPENDIX E

LABORATORY TEST CERTIFICATES

TRIAxIAL TEST REPORT

Client: Redland City Council	Report Number: WHL14-1372-S1 TRI
Address: C/O 2/19 Finchley Street, Milton, QLD, 4064	Report Date: 23/10/2014
Job Number: 1-16665	Order Number:
Project: Revetment Wall Investigation	Test Methods: AS1289 6.4.2, 2.1.1
Location: Carling Court, Raby Bay	

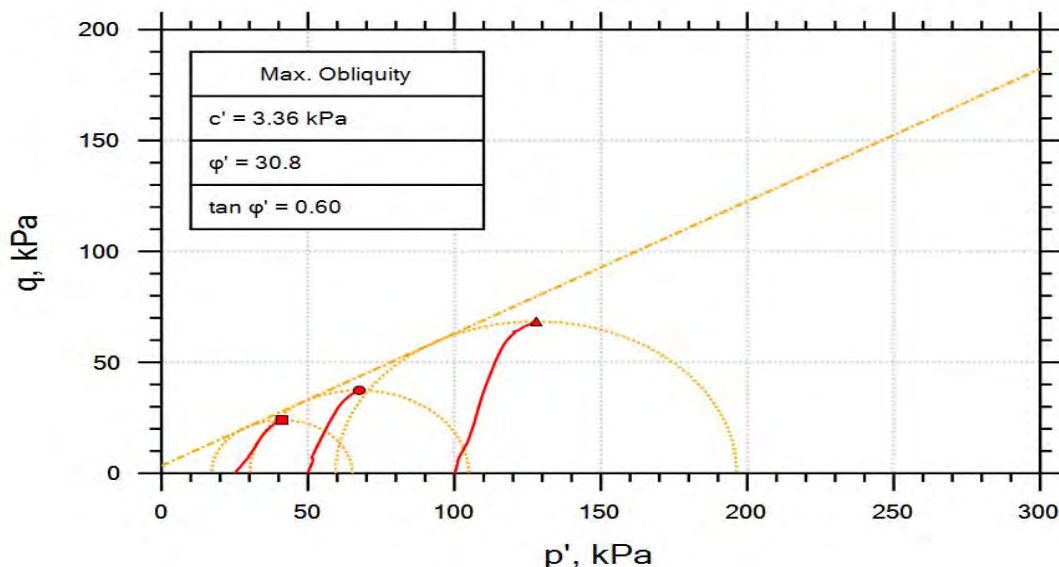
PAGE 1 of 3

Lab Number: S1	Sample Identification
Date Sampled: 2/10/2014	LOCATION: BH1
Date Tested: 21/10/2014	DEPTH: 1.0-1.1m
Sampling Method: U50	
Description: SILTY CLAY(CH) GREY, RED AND ORANGE MOTTLE, SOME SAND AND GRAVEL	

SAMPLE DETAILS



Initial Height(mm): 100.0	Initial Moisture Content(%): 37.4	Rate of Strain(%/min): 0.03
Initial Diameter(mm): 47.4	Final Moisture Content(%): 35.2	B Value: 1.00
D/L Ratio: 2.1:1	Wet Density(t/m ³): 1.90	Failure Criteria: Peak Principle Stress Ratio
	Dry Density(t/m ³): 1.38	

Mohr Circle Diagram



Cohesion C' (kPa): 3.4
Angle of Shear Resistance φ' (Degrees): 30.8

Remarks: PP=150-250

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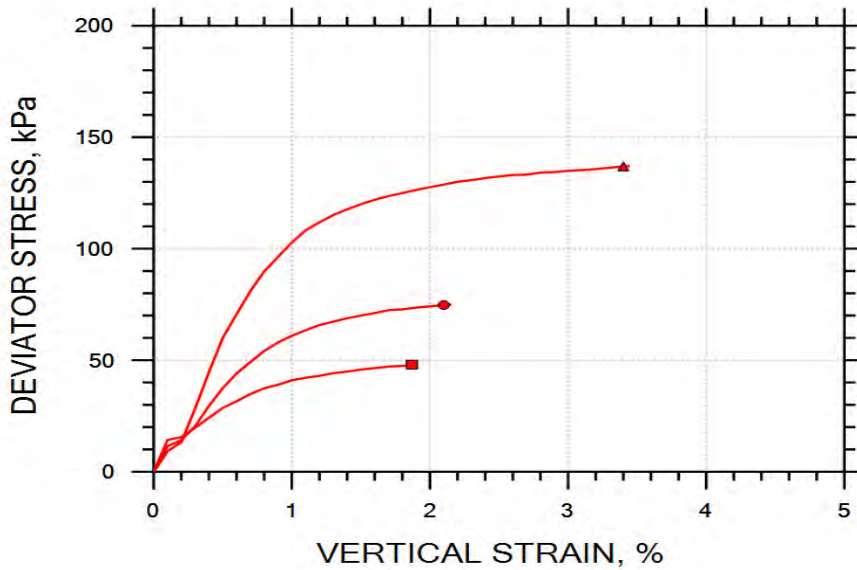
TRIAxIAL TEST REPORT

Client: Redland City Council	Report Number: WHL14-1372-S1 TRI
Address: C/O 2/19 Finchley Street, Milton, QLD, 4064	Report Date: 23/10/2014
Job Number: 1-16665	Order Number:
Project: Revetment Wall Investigation	Test Methods: AS1289 6.4.2, 2.1.1
Location: Carling Court, Raby Bay	

PAGE 2 of 3



Lab Number: S1	Sample Identification
Date Sampled: 2/10/2014	LOCATION: BH1
Date Tested: 21/10/2014	
Sampling Method: U50	DEPTH: 1.0-1.1m
Description: SILTY CLAY(CH) GREY, RED AND ORANGE MOTTLE, SOME SAND AND GRAVEL	

Stress / Strain Diagram



Stage:	Confining Pressure(kPa):	Failure Pore Pressure(kPa):	Principal Effective stresses(kPa):		deviator Stress(kPa):	Strain(%)
			$\sigma' 1$	$\sigma' 3$		
1	25	175	65	17	48	1.87
2	50	196	105	30	75	2.10
3	100	239	196	59	137	3.40

Remarks: PP=150-250

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		 C. Ferguson-Hannah	REP-TRI-01

TRIAXIAL TEST REPORT



Client: Redland City Council Address: C/O 2/19 Finchley Street, Milton, QLD, 4064 Job Number: 1-16665 Project: Revetment Wall Investigation Location: Carling Court, Raby Bay	Report Number: WHL14-1372-S1 TRI Report Date: 23/10/2014 Order Number: Test Methods: AS1289 6.4.2, 2.1.1
--	--

PAGE 3 of 3

Lab Number: S1 Date Sampled: 2/10/2014 Date Tested: 21/10/2014 Sampling Method: U50 Description: SILTY CLAY(CH) GREY, RED AND ORANGE MOTTLE, SOME SAND AND GRAVEL	Sample Identification LOCATION: BH1 DEPTH: 1.0-1.1m
--	---



Remarks: PP=150-250

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SOIL SURVEYS

Material Test Report

Helensvale Lab
Gold Coast
Unit 8, 140 Millaroo Drive
Helensvale QLD 4212
Australia
Ph:+61 7 5502 6795
Fax:+61 7 5502 6724

Report No: MAT:WHL14-1372-S2

Issue No: 1

Client: Redland City Council
C/O 2/19 Finchley Street
Milton QLD 4064

Project: Revetment Wall Investigation

Project Location: Carling Court, Raby Bay

Project Number: 1-16665



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NATA Accredited Approved Signatory: C.Ferguson-Hannah
Laboratory Number: (Senior Technician)
15301 Date of Issue: 23/10/2014
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Sample Details

Sample ID: WHL14-1372-S2
Field Sample ID:
Date Sampled: 3/10/2014
Source: Borehole
Material:
Specification:
Sampling Method: As Supplied
Soil Description:
Sampled By: SSE
Location Description: BH02
0.0m

Test Results

Description	Method	Result	Limits
Atterberg Limits Casagrande [AS 1289.3.1.2, AS 1289.3.2.1, AS 1289.3.3.1, AS 1289.3.4.1]			
Sample History	AS 1289.1.1	Air-dried	
Preparation	AS 1289.1.1	Dry Sieved	
Linear Shrinkage (%)	AS 1289.3.4.1	15.0	
Mould Length (mm)		125.3	
Crumbling		No	
Curling		No	
Liquid Limit (%)	AS 1289.3.1.2	66	
Method		One Point	
Plastic Limit (%)	AS 1289.3.2.1	30	
Plasticity Index (%)	AS 1289.3.3.1	36	
Date Tested		21/10/2014	

Comments

N/A



SOIL SURVEYS

Material Test Report

Helensvale Lab
Gold Coast
Unit 8, 140 Millaroo Drive
Helensvale QLD 4212
Australia
Ph:+61 7 5502 6795
Fax:+61 7 5502 6724

Report No: MAT:WHL14-1372-S3
Issue No: 1

Client: Redland City Council
C/O 2/19 Finchley Street
Milton QLD 4064

Project: Revetment Wall Investigation

Project Location: Carling Court, Raby Bay

Project Number: 1-16665

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NATA Accredited Approved Signatory: C.Ferguson-Hannah
Laboratory Number: (Senior Technician)
15301 Date of Issue: 23/10/2014
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Sample Details

Sample ID: WHL14-1372-S3
Field Sample ID:
Date Sampled: 3/10/2014
Source: Borehole
Material:
Specification:
Sampling Method: As Supplied
Soil Description:
Sampled By: SSE
Location Description: BH02
2.0m

Test Results

Description	Method	Result	Limits
Atterberg Limits Casagrande [AS 1289.3.1.2, AS 1289.3.2.1, AS 1289.3.3.1, AS 1289.3.4.1]			
Sample History	AS 1289.1.1	Air-dried	
Preparation	AS 1289.1.1	Dry Sieved	
Linear Shrinkage (%)	AS 1289.3.4.1	21.5	
Mould Length (mm)		125.2	
Crumbling		No	
Curling		No	
Liquid Limit (%)	AS 1289.3.1.2	98	
Method		One Point	
Plastic Limit (%)	AS 1289.3.2.1	30	
Plasticity Index (%)	AS 1289.3.3.1	68	
Date Tested		21/10/2014	

Comments

N/A



SOIL SURVEYS

Material Test Report

Helensvale Lab
Gold Coast
Unit 8, 140 Millaroo Drive
Helensvale QLD 4212
Australia
Ph:+61 7 5502 6795
Fax:+61 7 5502 6724

Report No: MAT:WHL14-1372-S4
Issue No: 1

Client: Redland City Council
C/O 2/19 Finchley Street
Milton QLD 4064

Project: Revetment Wall Investigation

Project Location: Carling Court, Raby Bay

Project Number: 1-16665

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NATA Accredited Approved Signatory: C.Ferguson-Hannah
Laboratory Number: (Senior Technician)
15301 Date of Issue: 23/10/2014
THIS DOCUMENT SHALL NOT BE REPRODUCED EXCEPT IN FULL

Sample Details

Sample ID: WHL14-1372-S4
Field Sample ID:
Date Sampled: 8/10/2014
Source: Borehole
Material:
Specification:
Sampling Method: As Supplied
Soil Description:
Sampled By: SSE
Location Description: BH03
0.5m

Test Results

Description	Method	Result	Limits
Atterberg Limits Casagrande [AS 1289.3.1.2, AS 1289.3.2.1, AS 1289.3.3.1, AS 1289.3.4.1]			
Sample History	AS 1289.1.1	Air-dried	
Preparation	AS 1289.1.1	Dry Sieved	
Linear Shrinkage (%)	AS 1289.3.4.1	15.5	
Mould Length (mm)		125.1	
Crumbling		No	
Curling		No	
Liquid Limit (%)	AS 1289.3.1.2	66	
Method		One Point	
Plastic Limit (%)	AS 1289.3.2.1	32	
Plasticity Index (%)	AS 1289.3.3.1	34	
Date Tested		21/10/2014	

Comments

N/A



SOIL SURVEYS

Material Test Report

Helensvale Lab
Gold Coast
Unit 8, 140 Millaroo Drive
Helensvale QLD 4212
Australia
Ph:+61 7 5502 6795
Fax:+61 7 5502 6724

Report No: MAT:WHL14-1372-S5
Issue No: 1

Client: Redland City Council
C/O 2/19 Finchley Street
Milton QLD 4064
Project: Revetment Wall Investigation
Project Location: Carling Court, Raby Bay
Project Number: 1-16665

This document is issued in accordance with NATA's accreditation requirements.



WORLD RECOGNISED ACCREDITATION

NATA Accredited Approved Signatory: C.Ferguson-Hannah
Laboratory Number: (Senior Technician)
15301 Date of Issue: 23/10/2014
THIS DOCUMENT SHALL NOT BE REPRODUCED EXCEPT IN FULL

Sample Details

Sample ID: WHL14-1372-S5
Field Sample ID:
Date Sampled: 8/10/2014
Source: Borehole
Material:
Specification:
Sampling Method: As Supplied
Soil Description:
Sampled By: SSE
Location Description: BH03
3.0m

Test Results

Description	Method	Result	Limits
Atterberg Limits Casagrande [AS 1289.3.1.2, AS 1289.3.2.1, AS 1289.3.3.1, AS 1289.3.4.1]			
Sample History	AS 1289.1.1	Air-dried	
Preparation	AS 1289.1.1	Dry Sieved	
Linear Shrinkage (%)	AS 1289.3.4.1	18.5	
Mould Length (mm)		125.1	
Crumbling		No	
Curling		No	
Liquid Limit (%)	AS 1289.3.1.2	80	
Method		One Point	
Plastic Limit (%)	AS 1289.3.2.1	27	
Plasticity Index (%)	AS 1289.3.3.1	53	
Date Tested		21/10/2014	

Comments

N/A



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 Fax:+61 7 5502 6724

Report No: MAT:WHL14-1372-S6

Issue No: 1

Material Test Report

Client: Redland City Council
 C/O 2/19 Finchley Street
 Milton QLD 4064

Project: Revetment Wall Investigation

Project Location: Carling Court, Raby Bay

Project Number: 1-16665



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NATA Accredited Approved Signatory: C.Ferguson-Hannah
 Laboratory Number: (Senior Technician)
 15301 Date of Issue: 23/10/2014
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Sample Details

Sample ID: WHL14-1372-S6
Field Sample ID:
Date Sampled: 9/10/2014
Source: Borehole
Material:
Specification:
Sampling Method: As Supplied
Soil Description:
Sampled By: SSE
Location Description: BH04
 1.5m

Test Results

Description	Method	Result	Limits
Atterberg Limits Casagrande [AS 1289.3.1.2, AS 1289.3.2.1, AS 1289.3.3.1, AS 1289.3.4.1]			
Sample History	AS 1289.1.1	Air-dried	
Preparation	AS 1289.1.1	Dry Sieved	
Linear Shrinkage (%)	AS 1289.3.4.1	18.5	
Mould Length (mm)		125.1	
Crumbling		No	
Curling		No	
Liquid Limit (%)	AS 1289.3.1.2	82	
Method		One Point	
Plastic Limit (%)	AS 1289.3.2.1	33	
Plasticity Index (%)	AS 1289.3.3.1	49	
Date Tested		21/10/2014	

Comments

N/A

TRIAXIAL TEST REPORT

Client:	Redland City Council	Report Number:	WHL14-1403-S1 TRI
Address:	C/O 2/19 Finchley Street, Milton, QLD, 4064	Report Date:	12/11/2014
Job Number:	1-16665	Order Number:	
Project:	Revetment Wall Investigation	Test Methods:	AS1289 6.4.2, 2.1.1
Location:	Carling Court, Raby Bay		

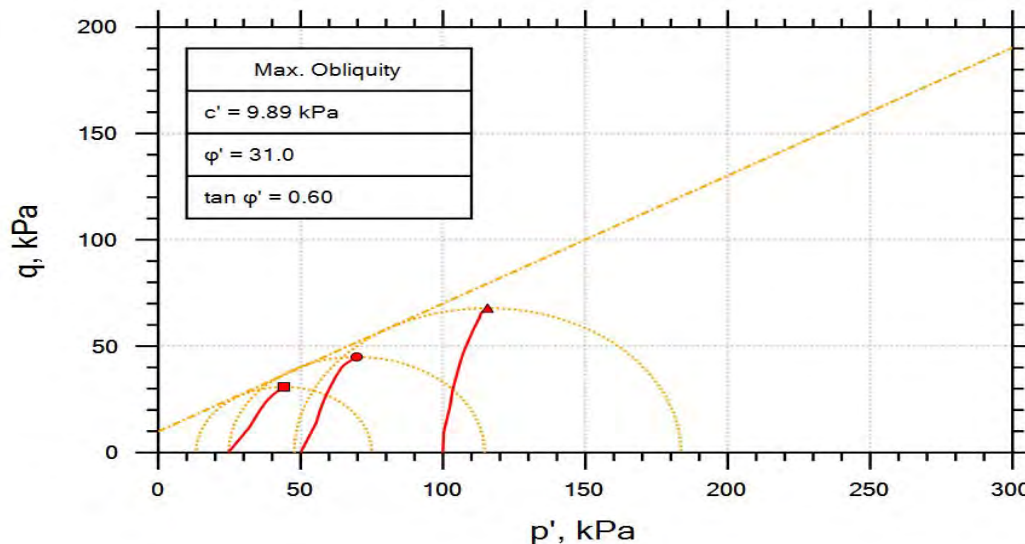
PAGE 1 of 3

Lab Number:	S1	Sample Identification
Date Sampled:	15/10/2014	LOCATION: BH5
Date Tested:	10/11/2014	
Sampling Method:	U50	DEPTH: 1.4-1.5m
Description:	SILTY SANDY CLAY(CH) GREY/ BROWN, RED MOTTLE, SOME GRAVEL	

SAMPLE DETAILS

Initial Height(mm):	100.1	Initial Moisture Content(%):	44.1	Rate of Strain(%/min):	0.015
Initial Diameter(mm):	46.2	Final Moisture Content(%):	43.7	B Value:	0.95
D/L Ratio:	2.2:1	Wet Density(t/m ³):	1.78	Failure Criteria:	Peak Principle Stress Ratio
		Dry Density(t/m ³):	1.24		

Mohr Circle Diagram



Cohesion C' (kPa): 9.9
Angle of Shear Resistance ϕ' (Degrees): 31.0

Remarks: PP=190-210



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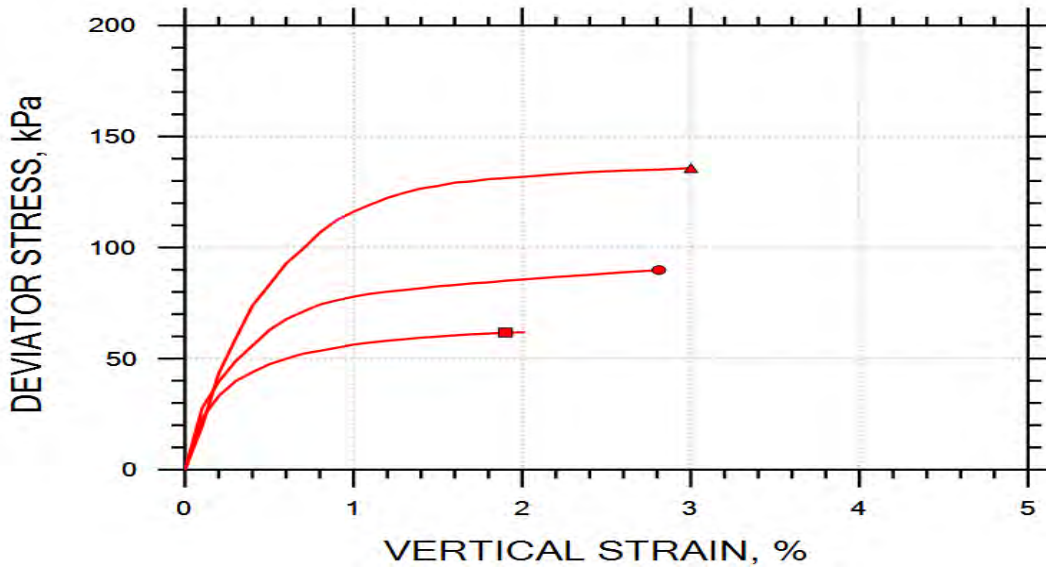
TRIAxIAL TEST REPORT

Client: Redland City Council	Report Number: WHL14-1403-S1 TRI
Address: C/O 2/19 Finchley Street, Milton, QLD, 4064	Report Date: 12/11/2014
Job Number: 1-16665	Order Number:
Project: Revetment Wall Investigation	Test Methods: AS1289 6.4.2, 2.1.1
Location: Carling Court, Raby Bay	

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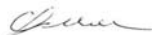
Lab Number: S1	Sample Identification
Date Sampled: 15/10/2014	LOCATION: BH5
Date Tested: 10/11/2014	DEPTH: 1.4-1.5m
Sampling Method: U50	
Description: SILTY SANDY CLAY(CH) GREY / BROWN, RED MOTTLE, SOME GRAVEL	

Stress / Strain Diagram



Stage:	Confining Pressure(kPa):	Failure Pore Pressure(kPa):	Principal Effective stresses(kPa):		deviator Stress(kPa):	Strain(%)
			$\sigma' 1$	$\sigma' 3$		
1	25	656	75	13	62	1.90
2	50	681	115	25	90	2.81
3	100	733	184	48	136	3.00

Remarks: PP=190-210

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TRIAxIAL TEST REPORT



Client: Redland City Council Address: C/O 2/19 Finchley Street, Milton, QLD, 4064 Job Number: 1-16665 Project: Revetment Wall Investigation Location: Carling Court, Raby Bay	Report Number: WHL14-1403-S1 TRI Report Date: 12/11/2014 Order Number: Test Methods: AS1289 6.4.2, 2.1.1
--	--

PAGE 3 of 3

Lab Number: S1 Date Sampled: 15/10/2014 Date Tested: 10/11/2014 Sampling Method: U50 Description: SILTY SANDY CLAY(CH) GREY/ BROWN, RED MOTTLE, SOME GRAVEL	Sample Identification LOCATION: BH5 DEPTH: 1.4-1.5m
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Remarks: PP=190-210

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SOIL SURVEYS

Material Test Report

Helensvale Lab
Gold Coast
Unit 8, 140 Millaroo Drive
Helensvale QLD 4212
Australia
Ph:+61 7 5502 6795
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Report No: MAT:WHL14-1403-S2
Issue No: 1

Client: Redland City Council
C/O 2/19 Finchley Street
Milton QLD 4064

Project: Revetment Wall Investigation

Project Location: Carling Court, Raby Bay

Project Number: 1-16665

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WORLD RECOGNISED ACCREDITATION

NATA Accredited Approved Signatory: C.Ferguson-Hannah
Laboratory Number: (Senior Technician)
15301 Date of Issue: 30/10/2014
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Sample Details

Sample ID: WHL14-1403-S2
Field Sample ID:
Date Sampled: 15/10/2014
Source: Borehole
Material:
Specification:
Sampling Method: As Supplied
Soil Description:
Sampled By: SSE
Location Description: BH05
2.0m

Test Results

Description	Method	Result	Limits
Atterberg Limits Casagrande [AS 1289.3.1.2, AS 1289.3.2.1, AS 1289.3.3.1, AS 1289.3.4.1]			
Sample History	AS 1289.1.1	Air-dried	
Preparation	AS 1289.1.1	Dry Sieved	
Linear Shrinkage (%)	AS 1289.3.4.1	19.5	
Mould Length (mm)		125.1	
Crumbling		No	
Curling		No	
Liquid Limit (%)	AS 1289.3.1.2	85	
Method		One Point	
Plastic Limit (%)	AS 1289.3.2.1	34	
Plasticity Index (%)	AS 1289.3.3.1	51	
Date Tested		28/10/2014	

Comments

N/A



Helensvale Lab
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 Helensvale QLD 4212
 Australia
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 Fax:+61 7 5502 6724

Report No: MAT:WHL14-1403-S3
 Issue No: 1

Material Test Report

Client: Redland City Council
 C/O 2/19 Finchley Street
 Milton QLD 4064

Project: Revetment Wall Investigation

Project Location: Carling Court, Raby Bay

Project Number: 1-16665

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WORLD RECOGNISED ACCREDITATION

NATA Accredited Approved Signatory: C.Ferguson-Hannah
 Laboratory Number: (Senior Technician)
 15301 Date of Issue: 30/10/2014
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Sample Details

Sample ID: WHL14-1403-S3
 Field Sample ID:
 Date Sampled: 13/10/2014
 Source: Borehole
 Material:
 Specification:
 Sampling Method: As Supplied
 Soil Description:
 Sampled By: SSE
 Location Description: BH06
 0.2m

Test Results

Description	Method	Result	Limits
Atterberg Limits Casagrande [AS 1289.3.1.2, AS 1289.3.2.1, AS 1289.3.3.1, AS 1289.3.4.1]			
Sample History	AS 1289.1.1	Air-dried	
Preparation	AS 1289.1.1	Dry Sieved	
Linear Shrinkage (%)	AS 1289.3.4.1	18.0	
Mould Length (mm)		125.3	
Crumbling		No	
Curling		No	
Liquid Limit (%)	AS 1289.3.1.2	83	
Method		One Point	
Plastic Limit (%)	AS 1289.3.2.1	29	
Plasticity Index (%)	AS 1289.3.3.1	54	
Date Tested		28/10/2014	

Comments

N/A

TRIAxIAL TEST REPORT

Client:	Redland City Council	Report Number: WHL14-1403-S4 TRI
Address:	C/O 2/19 Finchley Street, Milton, QLD, 4064	Report Date: 4/12/2014
Job Number:	1-16665	Order Number:
Project:	Revetment Wall Investigation	Test Methods: AS1289 6.4.2, 2.1.1
Location:	Carling Court, Raby Bay	

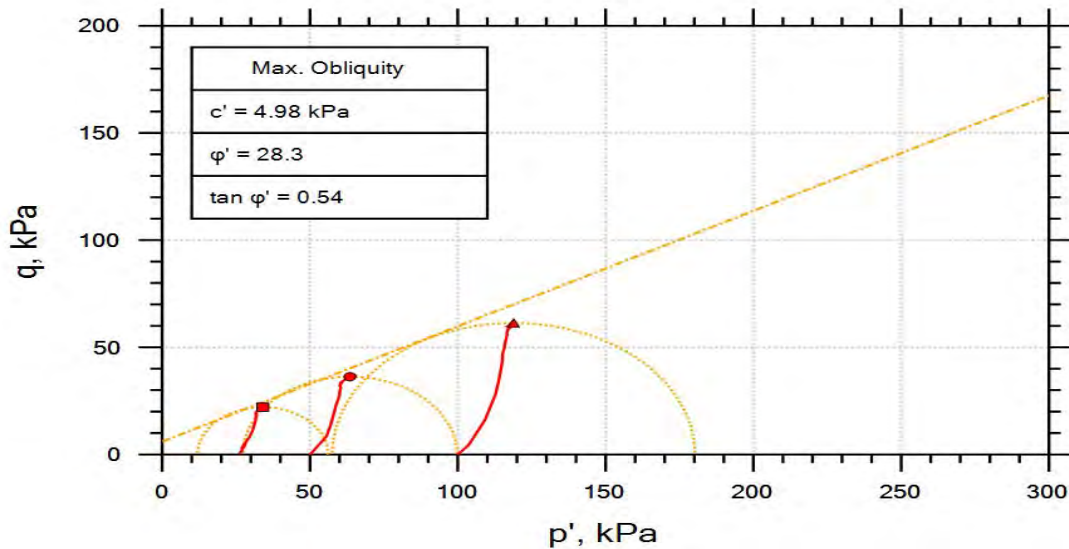
PAGE 1 of 3

Lab Number: S4	Sample Identification
Date Sampled: 15/10/2014	LOCATION: BH7
Date Tested: 2/12/2014	DEPTH: 0.6-0.7m
Sampling Method: U50	
Description: SILTY CLAY(CH) GREY BROWN, RED MOTTLE, SOME GRAVEL	

SAMPLE DETAILS

Initial Height(mm): 100.0	Initial Moisture Content(%): 39.3	Rate of Strain(%/min): 0.08	
Initial Diameter(mm): 46.9	Final Moisture Content(%): 37.0	B Value: 0.95	
D/L Ratio: 2:1	Wet Density(t/m ³): 1.81	Failure Criteria: Peak Principle Stress Ratio	
	Dry Density(t/m ³): 1.30		

Mohr Circle Diagram



Cohesion C' (kPa): 5.0
Angle of Shear Resistance φ' (Degrees): 28.3

PP=90-150



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C.Ferguson-Hannah

Form Number

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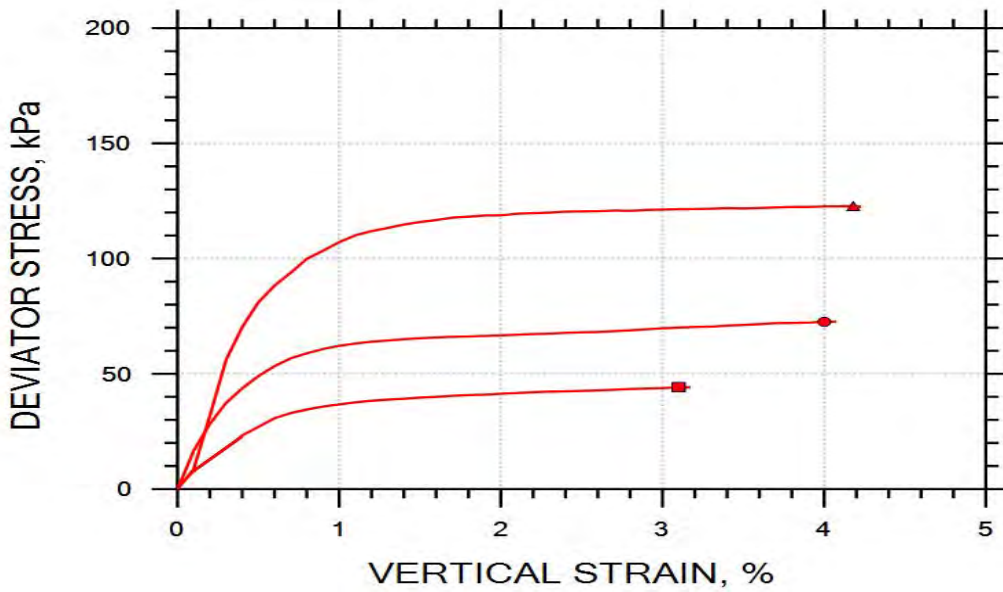
TRIAXIAL TEST REPORT

Client: Redland City Council	Report Number: WHL14-1403-S4 TRI
Address: C/O 2/19 Finchley Street, Milton, QLD, 4064	Report Date: 4/12/2014
Job Number: 1-16665	Order Number:
Project: Revetment Wall Investigation	Test Methods: AS1289 6.4.2, 2.1.1
Location: Carling Court, Raby Bay	

PAGE 2 of 3



Lab Number: S4	Sample Identification
Date Sampled: 15/10/2014	LOCATION: BH7
Date Tested: 2/12/2014	DEPTH: 0.6-0.7m
Sampling Method: U50	
Description: SILTY CLAY(CH) GREY BROWN, RED MOTTLE, SOME GRAVEL	

Stress / Strain Diagram



Stage:	Confining Pressure(kPa):	Failure Pore Pressure(kPa):	Principal Effective stresses(kPa):		deviator Stress(kPa):	Strain(%)
			$\sigma' 1$	$\sigma' 3$		
1	25	517	56	12	44	3.10
2	50	540	100	27	73	4.00
3	100	583	180	57	123	4.18

PP=90-150

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TRIAXIAL TEST REPORT

Client:	Redland City Council	Report Number:	WHL14-1403-S4 TRI
Address:	C/O 2/19 Finchley Street, Milton, QLD, 4064	Report Date:	4/12/2014
Job Number:	1-16665	Order Number:	
Project:	Revetment Wall Investigation	Test Methods:	AS1289 6.4.2, 2.1.1
Location:	Carling Court, Raby Bay		

PAGE 3 of 3

Lab Number:	S4	Sample Identification
Date Sampled:	15/10/2014	LOCATION: BH7
Date Tested:	2/12/2014	DEPTH: 0.6-0.7m
Sampling Method:	U50	
Description:	SILTY CLAY(CH) GREY BROWN, RED MOTTLE, SOME GRAVEL	



PP=90-150



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Form Number

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 Ph:+61 7 5502 6795
 Fax:+61 7 5502 6724

Report No: MAT:WHL14-1372-S7

Issue No: 1

Material Test Report

Client: Redland City Council
 C/O 2/19 Finchley Street
 Milton QLD 4064

Project: Revetment Wall Investigation

Project Location: Carling Court, Raby Bay

Project Number: 1-16665

This document is issued in accordance with NATA's accreditation requirements.



C. Ferguson-Hannah

NATA Accredited Approved Signatory: C.Ferguson-Hannah
 Laboratory Number: (Senior Technician)
 15301 Date of Issue: 23/10/2014

THIS DOCUMENT SHALL NOT BE REPRODUCED EXCEPT IN FULL

Sample Details

Sample ID: WHL14-1372-S7

Field Sample ID:

Date Sampled: 9/10/2014

Source: Borehole

Material:

Specification:

Sampling Method: As Supplied

Soil Description:

Sampled By: SSE

Location Description: BH08
 0.0m

Test Results

Description	Method	Result	Limits
Atterberg Limits Casagrande [AS 1289.3.1.2, AS 1289.3.2.1, AS 1289.3.3.1, AS 1289.3.4.1]			
Sample History	AS 1289.1.1	Air-dried	
Preparation	AS 1289.1.1	Dry Sieved	
Linear Shrinkage (%)	AS 1289.3.4.1	15.0	
Mould Length (mm)		125.1	
Crumbling		No	
Curling		No	
Liquid Limit (%)	AS 1289.3.1.2	77	
Method		One Point	
Plastic Limit (%)	AS 1289.3.2.1	34	
Plasticity Index (%)	AS 1289.3.3.1	43	
Date Tested		21/10/2014	

Comments

N/A

TRIAxIAL TEST REPORT

Client:	Redland City Council	Report Number: WHL14-1372-S7 TRI
Address:	C/O 2/19 Finchley Street, Milton, QLD, 4064	Report Date: 23/10/2014
Job Number:	1-16665	Order Number:
Project:	Revetment Wall Investigation	Test Methods: AS1289 6.4.2, 2.1.1
Location:	Carling Court, Raby Bay	

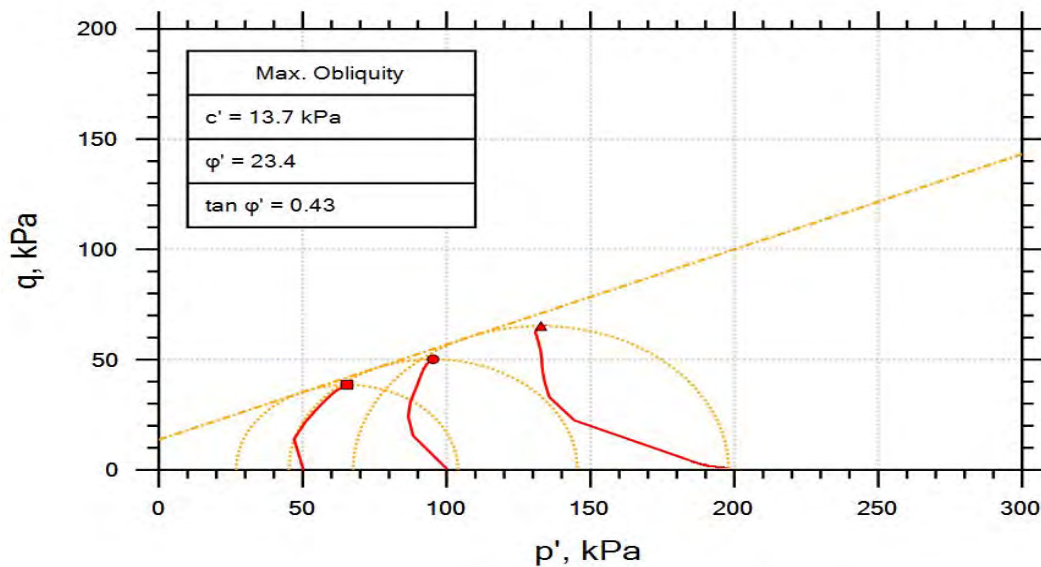
PAGE 1 of 3

Lab Number: S7	Sample Identification
Date Sampled: 2/10/2014	LOCATION: BH8
Date Tested: 15/10/2014	DEPTH: 0.0-0.1m
Sampling Method: U50	
Description: SILTY CLAY(CH) GREY, RED AND ORANGE MOTTLE, SOME GRAVEL	

SAMPLE DETAILS



Initial Height(mm): 98.0	Initial Moisture Content(%): 28.9	Rate of Strain(%/min): 0.03
Initial Diameter(mm): 47.0	Final Moisture Content(%): 26.8	B Value: 0.95
D/L Ratio: 2.1:1	Wet Density(t/m ³): 2.03	Failure Criteria: Peak Principle Stress Ratio
	Dry Density(t/m ³): 1.57	

Mohr Circle Diagram



Cohesion C' (kPa): 13.7
Angle of Shear Resistance φ' (Degrees): 23.4

Remarks: PP=360

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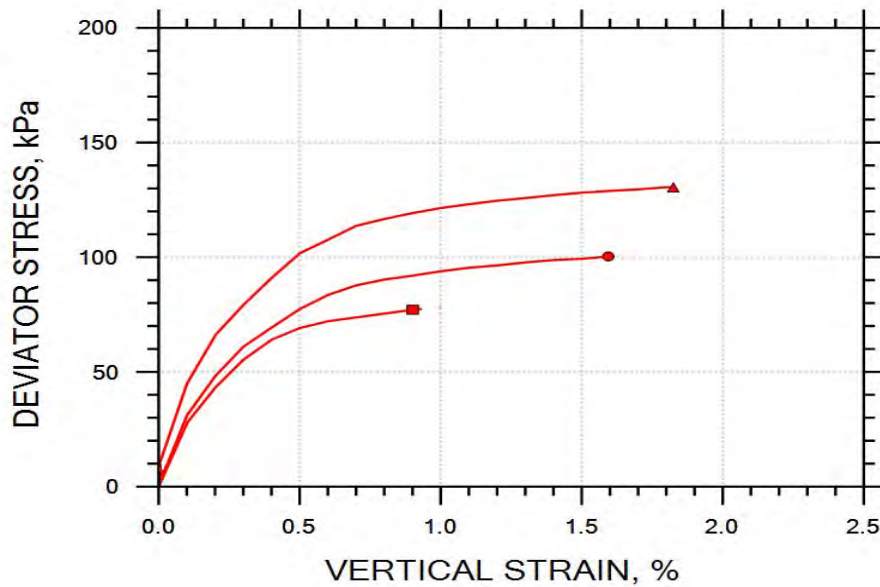
TRIAXIAL TEST REPORT

Client: Redland City Council	Report Number: WHL14-1372-S7 TRI
Address: C/O 2/19 Finchley Street, Milton, QLD, 4064	Report Date: 23/10/2014
Job Number: 1-16665	Order Number:
Project: Revetment Wall Investigation	Test Methods: AS1289 6.4.2, 2.1.1
Location: Carling Court, Raby Bay	

PAGE 2 of 3



Lab Number: S7	Sample Identification
Date Sampled: 2/10/2014	LOCATION: BH8
Date Tested: 15/10/2014	DEPTH: 0.0-0.1m
Sampling Method: U50	
Description: SILTY CLAY(CH) GREY, RED AND ORANGE MOTTLE, SOME GRAVEL	

Stress / Strain Diagram



Stage:	Confining Pressure(kPa):	Failure Pore Pressure(kPa):	Principal Effective stresses(kPa):		deviator Stress(kPa):	Strain(%)
			$\sigma' 1$	$\sigma' 3$		
1	50	790	104	27	77	0.90
2	100	845	146	46	100	1.59
3	200	969	198	67	131	1.82

Remarks: PP 360

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TRIAxIAL TEST REPORT


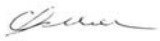
Client: Redland City Council Address: C/O 2/19 Finchley Street, Milton, QLD, 4064 Job Number: 1-16665 Project: Revetment Wall Investigation Location: Carling Court, Raby Bay	Report Number: WHL14-1372-S7 TRI Report Date: 23/10/2014 Order Number: Test Methods: AS1289 6.4.2, 2.1.1
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PAGE 3 of 3

Lab Number: S7 Date Sampled: 2/10/2014 Date Tested: 15/10/2014 Sampling Method: U50 Description: SILTY CLAY(CH) GREY, RED AND ORANGE MOTTLE, SOME GRAVEL	Sample Identification LOCATION: BH8 DEPTH: 0.0-0.1m
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Remarks: PP 360

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TRIAXIAL TEST REPORT

Client:	Redland City Council	Report Number: WHL14-1372-S8 TRI
Address:	C/O 2/19 Finchley Street, Milton, QLD, 4064	Report Date: 24/10/2014
Job Number:	1-16665	Order Number:
Project:	Revetment Wall Investigation	Test Methods: AS1289 6.4.2, 2.1.1
Location:	Carling Court, Raby Bay	

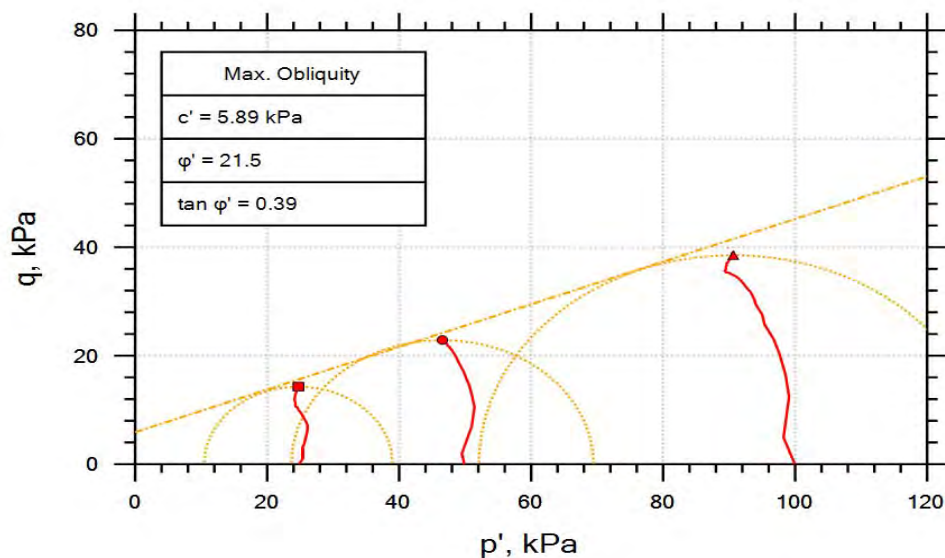
PAGE 1 of 3

Lab Number: S8	Sample Identification
Date Sampled: 2/10/2014	LOCATION: BH8
Date Tested: 23/10/2014	
Sampling Method: U50	DEPTH: 1.5-1.6m
Description: SILTY CLAY(CH) GREY, ORANGE MOTTLE, SOME GRAVEL	

SAMPLE DETAILS



Initial Height(mm): 99.0	Initial Moisture Content(%): 38.3	Rate of Strain(%/min): 0.03
Initial Diameter(mm): 47.4	Final Moisture Content(%): 34.4	B Value: 0.95
D/L Ratio: 2.1:1	Wet Density(t/m ³): 1.86	Failure Criteria: Peak Principle Stress Ratio
	Dry Density(t/m ³): 1.34	

Mohr Circle Diagram



Cohesion C' (kPa): 5.9
Angle of Shear Resistance ϕ' (Degrees): 21.5

Remarks: PP=100-180

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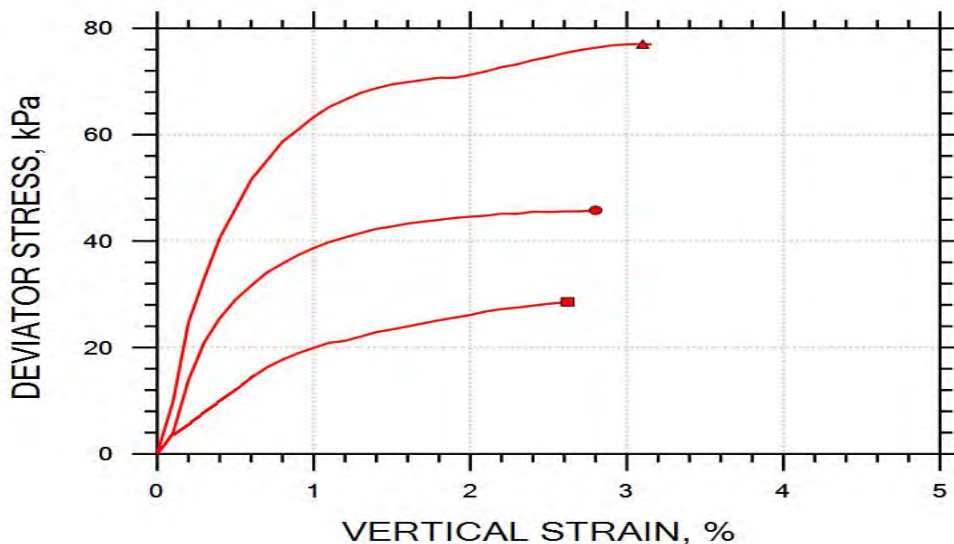
TRIAxIAL TEST REPORT

Client: Redland City Council	Report Number: WHL14-1372-S8 TRI
Address: C/O 2/19 Finchley Street, Milton, QLD, 4064	Report Date: 24/10/2014
Job Number: 1-16665	Order Number:
Project: Revetment Wall Investigation	Test Methods: AS1289 6.4.2, 2.1.1
Location: Carling Court, Raby Bay	

PAGE 2 of 3


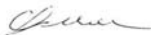
Lab Number: S8	Sample Identification
Date Sampled: 2/10/2014	LOCATION: BH8
Date Tested: 23/10/2014	DEPTH: 1.5-1.6m
Sampling Method: U50	
Description: SILTY CLAY(CH) GREY, ORANGE MOTTLE, SOME GRAVEL	

Stress / Strain Diagram



Stage:	Confining Pressure(kPa):	Failure Pore Pressure(kPa):	Principal Effective stresses(kPa):		deviator Stress(kPa):	Strain(%)
			$\sigma' 1$	$\sigma' 3$		
1	25	382	39	10	29	2.62
2	50	408	69	23	46	2.80
3	100	456	129	52	77	3.10

Remarks: PP=100-180

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TRIAXIAL TEST REPORT



Client:	Redland City Council	Report Number:	WHL14-1372-S8 TRI
Address:	C/O 2/19 Finchley Street, Milton, QLD, 4064	Report Date:	24/10/2014
Job Number:	1-16665	Order Number:	
Project:	Revetment Wall Investigation	Test Methods:	AS1289 6.4.2, 2.1.1
Location:	Carling Court, Raby Bay		

PAGE 3 of 3

Lab Number:	S8	Sample Identification
Date Sampled:	2/10/2014	LOCATION: BH8
Date Tested:	23/10/2014	
Sampling Method:	U50	DEPTH:1.5-1.6m
Description:	SILTY CLAY(CH) GREY, ORANGE MOTTLE, SOME GRAVEL	



Remarks: PP=100-180

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		<p>C.Ferguson-Hannah</p>	<p>PAGE 3 OF 3</p>

TRIAxIAL TEST REPORT

Client: Redland City Council	Report Number: WHL14-1372-S9 TRI
Address: C/O 2/19 Finchley Street, Milton, QLD, 4064	Report Date: 27/10/2014
Job Number: 1-16665	Order Number:
Project: Revetment Wall Investigation	Test Methods: AS1289 6.4.2, 2.1.1
Location: Carling Court, Raby Bay	

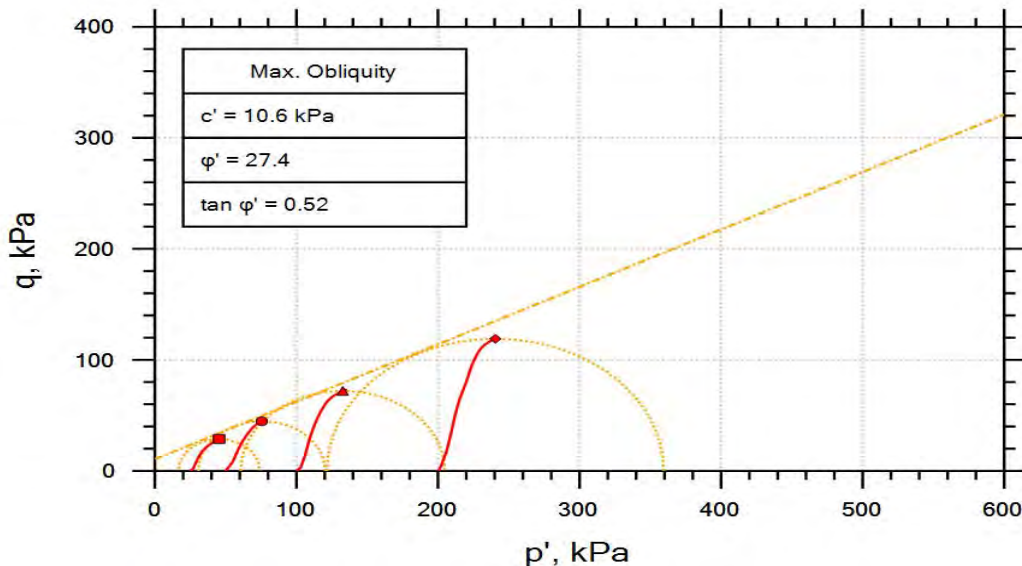
PAGE 1 of 3

Lab Number: S9	Sample Identification
Date Sampled: 2/10/2014	LOCATION: BH9
Date Tested: 24/10/2014	DEPTH: 1.5-1.6m
Sampling Method: U50	
Description: SILTY SANDY CLAY(CH) GREY, SOME GRAVEL	

SAMPLE DETAILS



Initial Height(mm): 100.0	Initial Moisture Content(%): 41.6	Rate of Strain(%/min): 0.03	
Initial Diameter(mm): 47.4	Final Moisture Content(%): 42.9	B Value: 0.95	
D/L Ratio: 2.1:1	Wet Density(t/m ³): 1.76	Failure Criteria: Peak Principle Stress Ratio	
	Dry Density(t/m ³): 1.24		

Mohr Circle Diagram



Cohesion C' (kPa): 10.6
Angle of Shear Resistance ϕ' (Degrees): 27.4

Remarks: PP=250-300

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TRIAXIAL TEST REPORT

Client:	Redland City Council	Report Number:	WHL14-1372-S10 TRI
Address:	C/O 2/19 Finchley Street, Milton, QLD, 4064	Report Date:	29/10/2014
Job Number:	1-16665	Order Number:	
Project:	Revetment Wall Investigation	Test Methods:	AS1289 6.4.2, 2.1.1
Location:	Carling Court, Raby Bay		

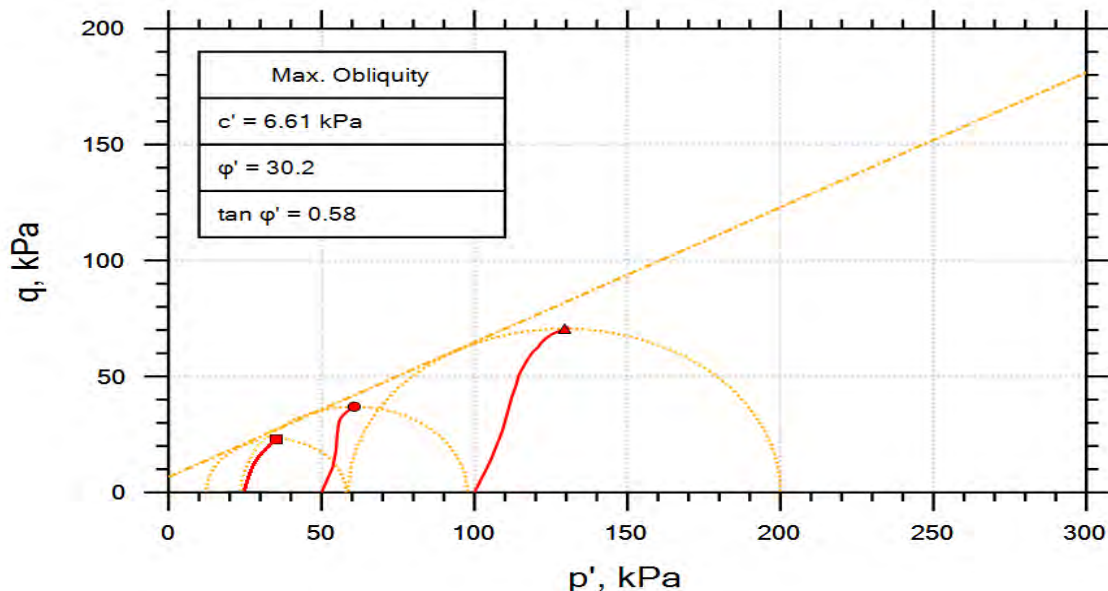
PAGE 1 of 3

Lab Number:	S10	Sample Identification
Date Sampled:	2/10/2014	LOCATION: BH11
Date Tested:	27/10/2014	
Sampling Method:	U50	DEPTH: 0.0-0.1m
Description:	SILTY CLAY(CH) GREY BROWN, RED AND ORANGE MOTTLE, SOME SAND AND GRAVEL	

SAMPLE DETAILS



Initial Height(mm):	100.0	Initial Moisture Content(%):	28.9	Rate of Strain(%/min):	0.02
Initial Diameter(mm):	47.6	Final Moisture Content(%):	29.8	B Value:	0.97
D/L Ratio:	2.1:1	Wet Density(t/m ³):	1.94	Failure Criteria:	Peak Principle Stress Ratio
		Dry Density(t/m ³):	1.51		

Mohr Circle Diagram



Cohesion C' (kPa): 6.6
Angle of Shear Resistance ϕ' (Degrees): 30.2

Remarks: PP=200-230

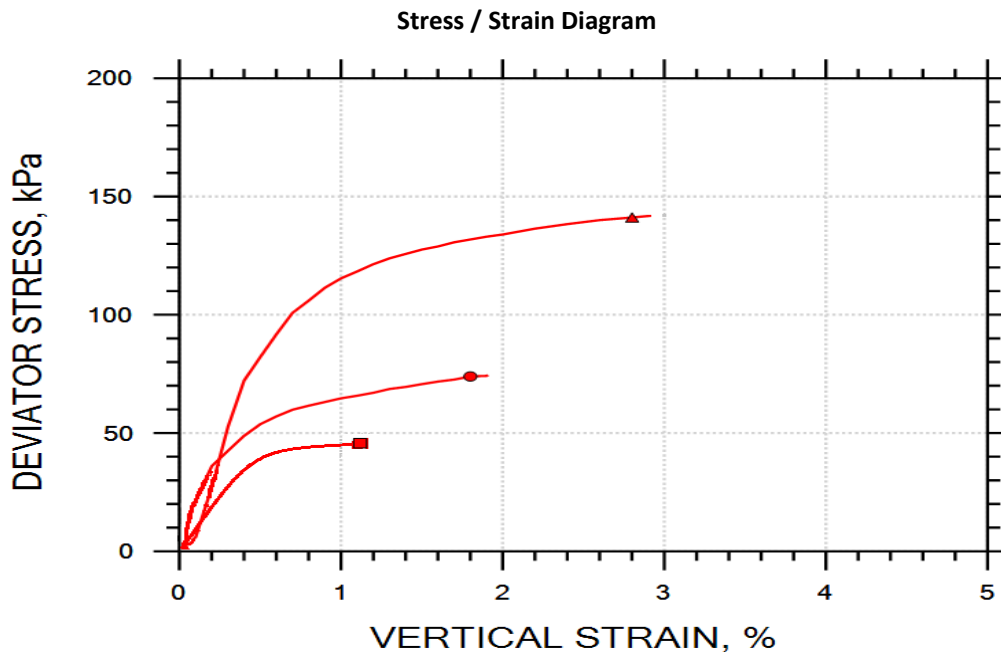
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TRIAxIAL TEST REPORT

Client: Redland City Council	Report Number: WHL14-1372-S10 TRI
Address: C/O 2/19 Finchley Street, Milton, QLD, 4064	Report Date: 29/10/2014
Job Number: 1-16665	Order Number:
Project: Revetment Wall Investigation	Test Methods: AS1289 6.4.2, 2.1.1
Location: Carling Court, Raby Bay	


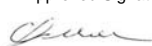
PAGE 2 of 3

Lab Number: S10	Sample Identification
Date Sampled: 2/10/2014	LOCATION: BH11
Date Tested: 27/10/2014	DEPTH: 0.0-0.1m
Sampling Method: U50	
Description: SILTY CLAY(CH) GREY BROWN, RED AND ORANGE MOTTLE SOME SAND AND GRAVEL	



Stage:	Confining Pressure(kPa):	Failure Pore Pressure(kPa):	Principal Effective stresses(kPa):		deviator Stress(kPa):	Strain(%)
			$\sigma' 1$	$\sigma' 3$		
1	25	467	58	12	46	1.12
2	50	494	98	24	74	1.80
3	100	538	200	59	141	2.80

Remarks: PP=200-230

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TRIAxIAL TEST REPORT



Client: Redland City Council Address: C/O 2/19 Finchley Street, Milton, QLD, 4064 Job Number: 1-16665 Project: Revetment Wall Investigation Location: Carling Court, Raby Bay	Report Number: WHL14-1372-S10 TRI Report Date: 29/10/2014 Order Number: Test Methods: AS1289 6.4.2, 2.1.1
--	---

PAGE 3 of 3

Lab Number: S10 Date Sampled: 2/10/2014 Date Tested: 27/10/2014 Sampling Method: U50 Description: SILTY CLAY(CH) GREY BROWN, RED AND ORANGE MOTTLE, SOME SAND AND GRAVEL	Sample Identification LOCATION: BH11 DEPTH: 0.0-0.1m
---	--



Remarks: PP=200-230

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TRIAXIAL TEST REPORT

Client:	Redland City Council	Report Number:	WHL14-1372-S11 TRI
Address:	C/O 2/19 Finchley Street, Milton, QLD, 4064	Report Date:	4/12/2014
Job Number:	1-16665	Order Number:	
Project:	Revetment Wall Investigation	Test Methods:	AS1289 6.4.2, 2.1.1
Location:	Carling Court, Raby Bay		

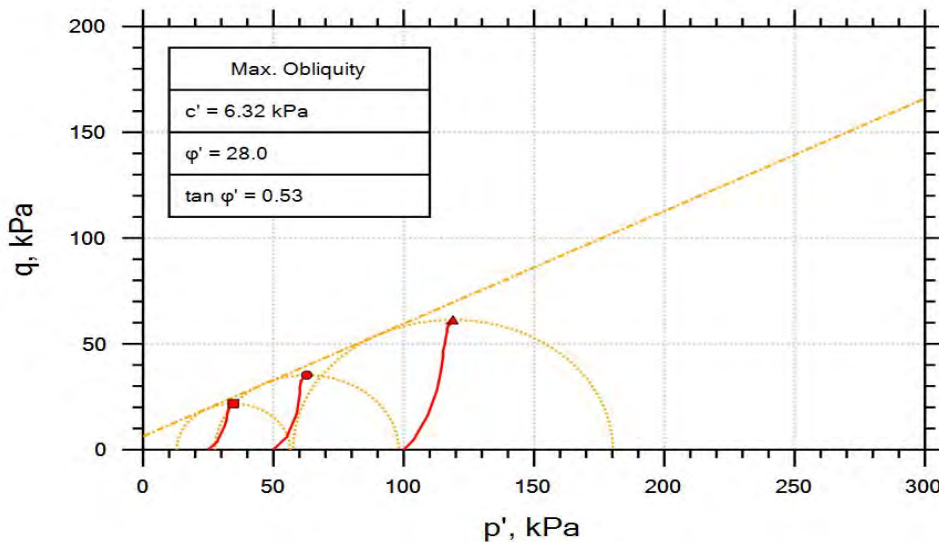
PAGE 1 of 3

Lab Number:	S11	Sample Identification LOCATION: BH12 DEPTH: 0.15-0.25m
Date Sampled:	9/10/2014	
Date Tested:	3/12/2014	
Sampling Method:	U50	
Description:	SILTY CLAY(CH)RED BROWN, GREY MOTTLE, SOME GRAVEL	

SAMPLE DETAILS



Initial Height(mm):	99.3	Initial Moisture Content(%):	28.4	Rate of Strain(%/min):	0.04
Initial Diameter(mm):	47.0	Final Moisture Content(%):	26.8	B Value:	0.95
D/L Ratio:	2:1	Wet Density(t/m ³):	2.01	Failure Criteria:	Peak Principle Stress Ratio
		Dry Density(t/m ³):	1.57		

Mohr Circle Diagram



Cohesion C' (kPa): 6.3
Angle of Shear Resistance φ' (Degrees): 28.0

Remarks: PP=130-200

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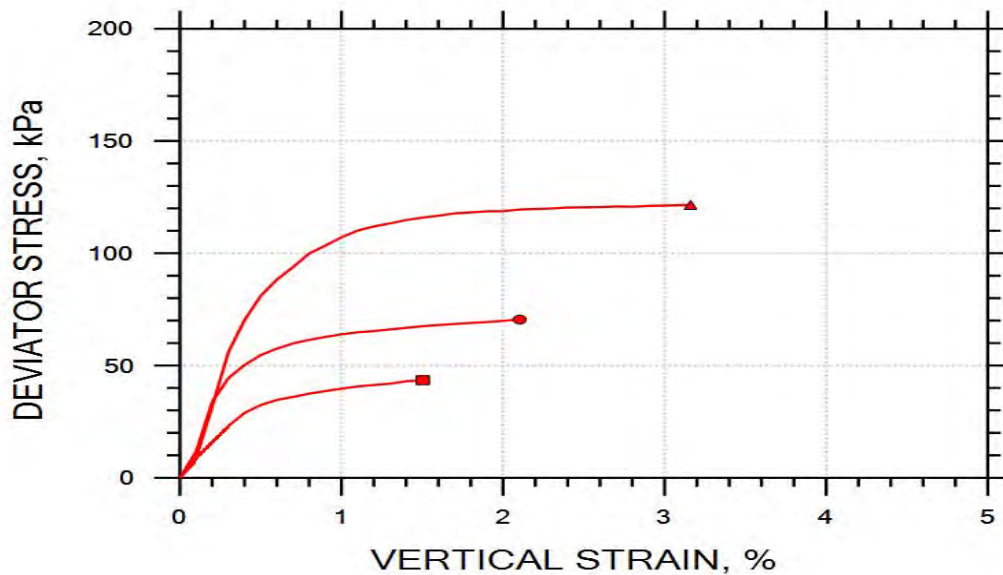
TRIAxIAL TEST REPORT

Client: Redland City Council	Report Number: WHL14-1372-S11 TRI
Address: C/O 2/19 Finchley Street, Milton, QLD, 4064	Report Date: 4/12/2014
Job Number: 1-16665	Order Number:
Project: Revetment Wall Investigation	Test Methods: AS1289 6.4.2, 2.1.1
Location: Carling Court, Raby Bay	

PAGE 2 of 3


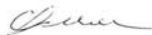
Lab Number: S11	Sample Identification
Date Sampled: 9/10/2014	LOCATION: BH12
Date Tested: 3/12/2014	
Sampling Method: U50	DEPTH: 0.15-0.25m
Description: SILTY CLAY(CH) RED BROWN, GREY MOTTLE, SOME GRAVEL	

Stress / Strain Diagram



Stage:	Confining Pressure(kPa):	Failure Pore Pressure(kPa):	Principal Effective stresses(kPa):		deviator Stress(kPa):	Strain(%)
			$\sigma' 1$	$\sigma' 3$		
1	25	617	57	13	44	1.50
2	50	640	98	27	71	2.10
3	100	693	180	57	123	3.20

Remarks: PP=130-200

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TRIAXIAL TEST REPORT



Client: Redland City Council	Report Number: WHL14-1372-S11 TRI
Address: C/O 2/19 Finchley Street, Milton, QLD, 4064	Report Date: 4/12/2014
Job Number: 1-16665	Order Number:
Project: Revetment Wall Investigation	Test Methods: AS1289 6.4.2, 2.1.1
Location: Carling Court, Raby Bay	

PAGE 3 of 3

Lab Number: S11	Sample Identification
Date Sampled: 9/10/2014	LOCATION: BH12
Date Tested: 3/12/2014	DEPTH: 0.15-0.25m
Sampling Method: U50	
Description: SILTY CLAY(CH) RED BROWN, GREY MOTTLE, SOME GRAVEL	



Remarks: PP=130-200

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		<p>C.Ferguson-Hannah</p>	<p>PAGE 3 OF 3</p>



SOIL SURVEYS

Material Test Report

Helensvale Lab
Gold Coast
Unit 8, 140 Millaroo Drive
Helensvale QLD 4212
Australia
Ph:+61 7 5502 6795
Fax:+61 7 5502 6724

Report No: MAT:WHL14-1403-S5
Issue No: 1

Client: Redland City Council
C/O 2/19 Finchley Street
Milton QLD 4064

Project: Revetment Wall Investigation

Project Location: Carling Court, Raby Bay

Project Number: 1-16665

This document is issued in accordance with NATA's accreditation requirements.



WORLD RECOGNISED ACCREDITATION

NATA Accredited Approved Signatory: C.Ferguson-Hannah
Laboratory Number: (Senior Technician)
15301 Date of Issue: 30/10/2014
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Sample Details

Sample ID: WHL14-1403-S5
Field Sample ID:
Date Sampled: 10/10/2014
Source: Borehole
Material:
Specification:
Sampling Method: As Supplied
Soil Description:
Sampled By: SSE
Location Description: BH13
0.0m

Test Results

Description	Method	Result	Limits
Atterberg Limits Casagrande [AS 1289.3.1.2, AS 1289.3.2.1, AS 1289.3.3.1, AS 1289.3.4.1]			
Sample History	AS 1289.1.1	Air-dried	
Preparation	AS 1289.1.1	Dry Sieved	
Linear Shrinkage (%)	AS 1289.3.4.1	19.5	
Mould Length (mm)		125.1	
Crumbling		No	
Curling		No	
Liquid Limit (%)	AS 1289.3.1.2	80	
Method		One Point	
Plastic Limit (%)	AS 1289.3.2.1	30	
Plasticity Index (%)	AS 1289.3.3.1	50	
Date Tested		28/10/2014	

Comments

N/A



**Helensvale Lab
Gold Coast**
Unit 8, 140 Millaroo Drive
Helensvale QLD 4212
Australia
Ph:+61 7 5502 6795
Fax:+61 7 5502 6724

Report No: MAT:WHL14-1403-S6

Issue No: 1

Material Test Report

Client: Redland City Council
C/O 2/19 Finchley Street
Milton QLD 4064

Project: Revetment Wall Investigation

Project Location: Carling Court, Raby Bay

Project Number: 1-16665



This document is issued in accordance with NATA's accreditation requirements.

NATA Accredited Approved Signatory: C.Ferguson-Hannah
Laboratory Number: (Senior Technician)
15301 Date of Issue: 30/10/2014
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Sample Details

Sample ID: WHL14-1403-S6
Field Sample ID:
Date Sampled: 10/10/2014
Source: Borehole
Material:
Specification:
Sampling Method: As Supplied
Soil Description:
Sampled By: SSE
Location Description: BH13
2.0m

Test Results

Description	Method	Result	Limits
Atterberg Limits Casagrande [AS 1289.3.1.2, AS 1289.3.2.1, AS 1289.3.3.1, AS 1289.3.4.1]			
Sample History	AS 1289.1.1	Air-dried	
Preparation	AS 1289.1.1	Dry Sieved	
Linear Shrinkage (%)	AS 1289.3.4.1	20.5	
Mould Length (mm)		125.1	
Crumbling		No	
Curling		No	
Liquid Limit (%)	AS 1289.3.1.2	97	
Method		One Point	
Plastic Limit (%)	AS 1289.3.2.1	39	
Plasticity Index (%)	AS 1289.3.3.1	58	
Date Tested		28/10/2014	

Comments

N/A

TRIAXIAL TEST REPORT

Client:	Redland City Council	Report Number:	WHL14-1403-S7 TRI
Address:	C/O 2/19 Finchley Street, Milton, QLD, 4064	Report Date:	2/12/2014
Job Number:	1-16665	Order Number:	
Project:	Revetment Wall Investigation	Test Methods:	AS1289 6.4.2, 2.1.1
Location:	Carling Court, Raby Bay		

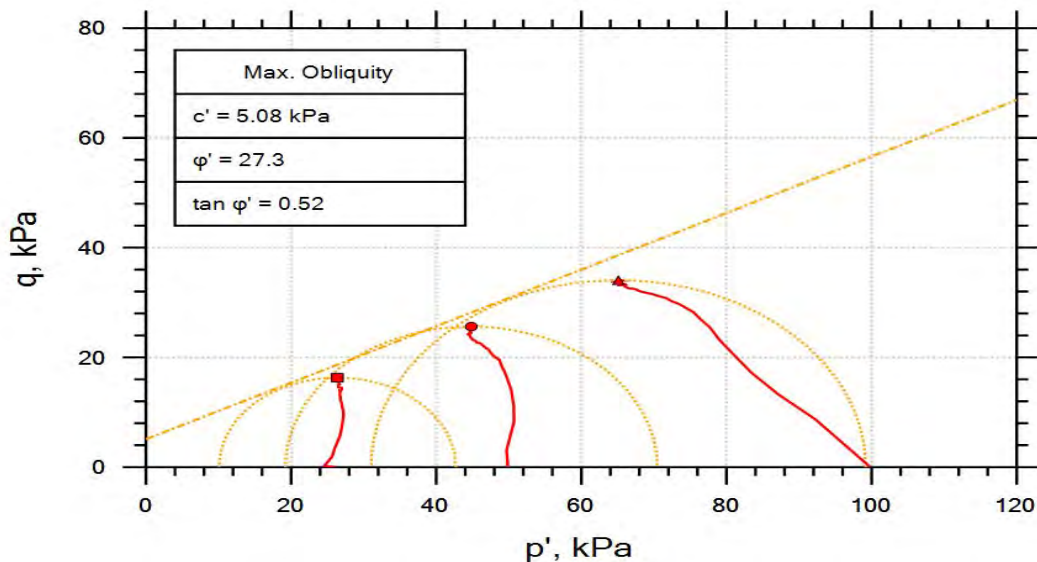
PAGE 1 of 3

Lab Number:	S7	Sample Identification
Date Sampled:	10/10/2014	LOCATION: BH14
Date Tested:	28/11/2014	
Sampling Method:	U50	DEPTH: 0.25-0.35m
Description:	SILTY CLAY(CH)RED BROWN, GREY MOTTLE, SOME GRAVEL AND SAND	

SAMPLE DETAILS



Initial Height(mm):	100.0	Initial Moisture Content(%):	31.4	Rate of Strain(%/min):	0.12
Initial Diameter(mm):	47.4	Final Moisture Content(%):	31.7	B Value:	0.97
D/L Ratio:	2:1	Wet Density(t/m ³):	1.88	Failure Criteria:	Peak Principle Stress Ratio
		Dry Density(t/m ³):	1.43		

Mohr Circle Diagram



Cohesion C' (kPa): 5.1
Angle of Shear Resistance ϕ' (Degrees): 27.3

Remarks: PP=150-170

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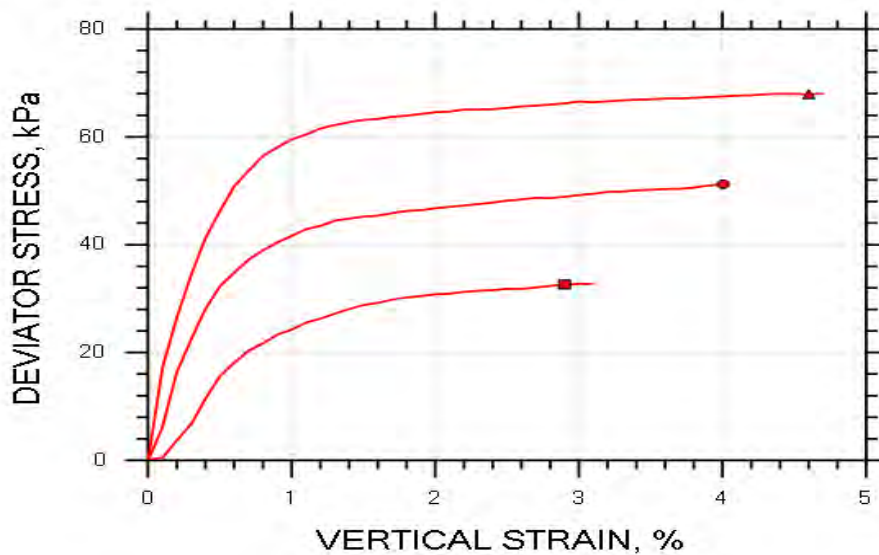
TRIAxIAL TEST REPORT

Client: Redland City Council	Report Number: WHL14-1403-S7 TRI
Address: C/O 2/19 Finchley Street, Milton, QLD, 4064	Report Date: 2/12/2014
Job Number: 1-16665	Order Number:
Project: Revetment Wall Investigation	Test Methods: AS1289 6.4.2, 2.1.1
Location: Carling Court, Raby Bay	

PAGE 2 of 3


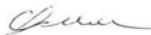
Lab Number: S7	Sample Identification
Date Sampled: 10/10/2014	LOCATION: BH14
Date Tested: 28/11/2014	
Sampling Method: U50	DEPTH: 0.25-0.35m
Description: SILTY CLAY(CH) RED BROWN, GREY MOTTLE, SOME GRAVEL AND SAND	

Stress / Strain Diagram



Stage:	Confining Pressure(kPa):	Failure Pore Pressure(kPa):	Principal Effective stresses(kPa):		deviator Stress(kPa):	Strain(%)
			$\sigma' 1$	$\sigma' 3$		
1	■ 25	322	43	10	33	2.90
2	● 50	352	71	20	51	4.00
3	▲ 100	421	99	31	68	4.76

Remarks: PP=150-170

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TRIAxIAL TEST REPORT



Client: Redland City Council Address: C/O 2/19 Finchley Street, Milton, QLD, 4064 Job Number: 1-16665 Project: Revetment Wall Investigation Location: Carling Court, Raby Bay	Report Number: WHL14-1403-S7 TRI Report Date: 2/12/2014 Order Number: Test Methods: AS1289 6.4.2, 2.1.1
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PAGE 3 of 3

Lab Number: S7 Date Sampled: 10/10/2014 Date Tested: 28/11/2014 Sampling Method: U50 Description: SILTY CLAY(CH) RED BROWN, GREY MOTTLE, SOME GRAVEL AND SAND	Sample Identification LOCATION: BH14 DEPTH: 0.25-0.35m
--	--



Remarks: PP=150-170

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Helensvale Lab
Gold Coast
 Unit 8, 140 Millaroo Drive
 Helensvale QLD 4212
 Australia
 Ph:+61 7 5502 6795
 Fax:+61 7 5502 6724

Report No: MAT:WHL14-1403-S8

Issue No: 1

Material Test Report

Client: Redland City Council
 C/O 2/19 Finchley Street
 Milton QLD 4064

Project: Revetment Wall Investigation

Project Location: Carling Court, Raby Bay

Project Number: 1-16665

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WORLD RECOGNISED ACCREDITATION

NATA Accredited Approved Signatory: C.Ferguson-Hannah
 Laboratory Number: (Senior Technician)
 15301 Date of Issue: 30/10/2014

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Sample Details

Sample ID: WHL14-1403-S8

Field Sample ID:

Date Sampled: 13/10/2014

Source: Borehole

Material:

Specification:

Sampling Method: As Supplied

Soil Description:

Sampled By: SSE

Location Description: BH15
0.5m

Test Results

Description	Method	Result	Limits
Atterberg Limits Casagrande [AS 1289.3.1.2, AS 1289.3.2.1, AS 1289.3.3.1, AS 1289.3.4.1]			
Sample History	AS 1289.1.1	Air-dried	
Preparation	AS 1289.1.1	Dry Sieved	
Linear Shrinkage (%)	AS 1289.3.4.1	18.5	
Mould Length (mm)		125.3	
Crumbling		No	
Curling		No	
Liquid Limit (%)	AS 1289.3.1.2	84	
Method		One Point	
Plastic Limit (%)	AS 1289.3.2.1	31	
Plasticity Index (%)	AS 1289.3.3.1	53	
Date Tested		28/10/2014	

Comments

N/A



**Helensvale Lab
Gold Coast**
Unit 8, 140 Millaroo Drive
Helensvale QLD 4212
Australia
Ph:+61 7 5502 6795
Fax:+61 7 5502 6724

Report No: MAT:WHL14-1403-S9

Issue No: 1

Material Test Report

Client: Redland City Council
C/O 2/19 Finchley Street
Milton QLD 4064

Project: Revetment Wall Investigation

Project Location: Carling Court, Raby Bay

Project Number: 1-16665



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NATA Accredited Approved Signatory: C.Ferguson-Hannah
Laboratory Number: (Senior Technician)
15301 Date of Issue: 30/10/2014
THIS DOCUMENT SHALL NOT BE REPRODUCED EXCEPT IN FULL

Sample Details

Sample ID: WHL14-1403-S9
Field Sample ID:
Date Sampled: 13/10/2014
Source: Borehole
Material:
Specification:
Sampling Method: As Supplied
Soil Description:
Sampled By: SSE
Location Description: BH15
2.0m

Test Results

Description	Method	Result	Limits
Atterberg Limits Casagrande [AS 1289.3.1.2, AS 1289.3.2.1, AS 1289.3.3.1, AS 1289.3.4.1]			
Sample History	AS 1289.1.1	Air-dried	
Preparation	AS 1289.1.1	Dry Sieved	
Linear Shrinkage (%)	AS 1289.3.4.1	18.5	
Mould Length (mm)		125.2	
Crumbling		No	
Curling		No	
Liquid Limit (%)	AS 1289.3.1.2	77	
Method		One Point	
Plastic Limit (%)	AS 1289.3.2.1	32	
Plasticity Index (%)	AS 1289.3.3.1	45	
Date Tested		28/10/2014	

Comments

N/A

APPENDIX F
SITE PLAN



SOIL SURVEYS ENGINEERING PTY LIMITED
 A.C.N. 054 043 631
 Consulting Geotechnical Engineers

Drawn AB	Project:	Revetment Wall Investigation	Drawing No. 114-16665	A3
Date Dec 2014	Location:	Carling Court, Raby Bay		
Checked	Client:	Redland City Council		



**Summary of Raby Bay Canal Reserve
for 2014/2015 as at 30 November 2014**

	Annual Original Budget	Annual Revised Budget	YTD Actuals
Opening balance	-3,591,293.19	-5,186,699.94	-5,186,699.94
Transfers to reserve:			
Income:			
Raby Bay Tidal Works (Non-CTS) Special Charge	-1,781,956.75	-1,781,956.75	-894,253.98
Raby Bay Tidal Works (CTS) Special Charge	-152,037.60	-152,037.60	-76,017.60
Raby Bay Marina Special Charge	-111,615.10	-111,615.10	-55,807.54
Council contribution	-511,402.36	-511,402.36	-256,519.78
Interest income	-193,077.32	-65,258.25	-55,720.11
	-2,750,089.13	-2,622,270.06	-1,338,319.01
Transfers from reserve:			
30394 Raby Bay Canal Maintenance	185,552.00	185,552.00	7,821.27
30399 Raby Bay Monitoring of Revetment Walls -	144,858.00	144,858.00	0.00
40420 Voyagers Court (13, 15) Raby Bay Revetment Wall Upgrade	0.00	486,277.00	373,960.46
40577 Beaufort Crt (10-15) Revetment Wall Upgrade	3,320,000.00	3,320,000.00	21,550.00
42092 Mainroyal Ct (4)	0.00	263,723.00	0.00
70084 Raby Bay Rock Armour Replacement	120,000.00	120,000.00	0.00
70833 Raby Bay Canal Planning	100,000.00	350,000.00	9,055.50
99109 Admin - Corporate Fund	482,815.80	482,815.80	239,120.16
	4,353,225.80	5,353,225.80	651,507.39
Closing balance	-1,988,156.52	-2,455,744.20	-5,873,511.56

Note: Transfers from reserve fund expenditure incurred up to the \$ value identified in the adopted budget. General revenue is used to fund any expenditure which exceeds the reserve budget.

11.4.3 FEES AND CHARGES - CITY SPORT AND VENUES**Dataworks Filename: GOV Fees & Charges Documentation****Authorising/Responsible Officer:****Murray Erbs
Acting General Manager Infrastructure &
Operations****Author:****Tim Goward
Senior Sport & Recreation Officer**

PURPOSE

This report seeks approval to align Council's 2014-15 fees and charges for the use of sport and community venues that Council operates that have previously been omitted, or need amendment to provide clarity and improve customer service.

BACKGROUND

Council operates several sport and community venues that are utilised by the public. A recent review of the fees and charges has highlighted some that, although fees are being charged, were either omitted from Council's 2014-15 fees and charges schedule, or need amendment to provide clarity and improve customer service.

There are also a number of minor administrative and operational matters relating to the City Sport and Venues fees and charges being dealt with that are not required to be resolved by Council. These result from the recent Internal Audit review of Revenue Cycle and Cash Handling for the Community Halls, and will provide additional clarity in the operation of the halls and enhance customer service.

The proposed fees, requiring Council endorsement, are outlined below.

ISSUES**Bay Island swimming pool (Russell Island)**

In 2013 the YMCA ceased operations at the Bay Island swimming pool with the public access operations of the pool being maintained by Council, as an interim measure. Previously the fees and charges were adopted by the Bay Island swimming pool committee made up of representatives from Education Queensland, Russell Island State School Parents' and Citizen Association and Council. Since taking over operations for the pool, general admission charges have not been included in Council's fees and charges schedule.

General admission charges have been benchmarked against other local government-operated pools with consideration of the various users across the Bay Islands. In 2013-2014 pool entry revenue totalled \$22,110 with the pool operating seasonally between September and April.

Community venues – halls and showgrounds (optional cleaning)

User groups of Council's community venues are required to ensure that Council venues are left in a clean state. Activities such as parties, weddings and other

functions generally require an additional level of cleaning to ensure that the facility is fit for the next user group. Where an additional level of cleaning is required, it has been the current practice to charge user groups for this service however the fee to recover this cost is not reflective of the actual cost of the service.

Community hall - new group reduced rate and combined main hall and meeting room rate removal

It is recommended that the reduced rate detailed under Community Halls that may be granted to new groups on a short term basis at the discretion of the manager should be removed from the published fees and charges schedule. This has resulted in confusion regarding the potential to double discount the available discounted rates, for example receive a 75% additional short term discount in addition to a 50% discount for being a not for profit organisation.

It is also recommended that the statement of a discount applicable to combined hall and meeting room rates is removed, as there is an identified discounted fee for this, and again there is confusion regarding applying the 15% discount to the published discounted rate.

Community venues – showgrounds event fee schedules

It has been identified that the “Event” rate for use of the showgrounds does not have the allowable discounts applicable to it. Historically the discount rate applicable to hourly regular users of the showgrounds has been applied to event users as well. It is recommended that the standard discount rate be applied to showground events.

The discount rate allows for the following:

- event use per day;
- community based profit 25% discount;
- non-profit 50% discount;
- registered charities 66% off standard rates;
- all rates are rounded to the nearest 50 cents.

The discounted rate has historically been incorrectly applied and therefore there is no negative financial impact to the revenue expected.

To assist event organisers in holding events across the city, it is also proposed that a “bump in/bump out” reduced rate be considered when an organiser is setting up and packing down the event. This would be set at 50% of the discounted rate per day for this period with the actual event then charged at the relevant rate.

STRATEGIC IMPLICATIONS

Legislative Requirements

Under Section 262(3)(c) of the *Local Government Act 2009*, Council is able to charge for services and facilities it supplies which are not covered under Section 97(2) of the *Local Government Act 2009*. Unlike regulatory charges, Council has the option to factor in a margin for providing a non-regulatory charge.

Council is required to approve and publish its annual fees and charges schedule.

Risk Management

No risks have been identified.

Financial

- The Bay Island pool fees and charges have not been budgeted for in the 2014/2015 budget process. A budget amendment is required to include a budget revenue forecast of \$23,000.
- Amendments to the Community Venues fees and charges for the cleaning costs were budgeted for during the 2014/15 budget process and as such there are no budget implications.
- There is no budgetary impact to changes to the new group reduced rate and combined meeting room and main hall rate as they achieve clarity to the fees and charges schedule and, therefore, will improve customer service.
- Showground discounts for event users were budgeted for during the 2014/15 budget process and as such there are no budget implications.

People

Standardising the eligibility criteria across community venues will enhance customer service and clarity of fees applicable.

Environmental

No environmental implications have been identified.

Social

Council has adopted the policy of a conservative approach to increasing fees and charges with a view to minimising excessive impacts on user pay groups. As Council has been operating under the proposed fees and charges, there will be no impacts to users groups.

Alignment with Council's Policy and Plans

The recommendations contained in this report are in support of:

- Revenue Policy (POL-1837);
- External Fees & Charges Guideline (GL-1837-002).

CONSULTATION

The following were consulted in the preparation of this report:

- Group Manager City Spaces;
- Service Manager Sport & Facilities; and
- Management Accountant Commercial Business.

OPTIONS

Option 1

That Council resolves as follows:

1. Bay Island swimming pool (Russell Island)

That the fee structure currently applicable to the Bay Island swimming pool is approved as detailed below and included in Council's 2014-2015 fees and charges schedule.

The budget is updated to reflect an annual revenue forecast of \$23,000.

Admission charges 2014/2015	
General admission	\$3.50
Spectator	\$1.00
Family pass (4 persons)	\$13.00
10-visit entry pass	\$34.00
20-visit entry pass	\$65.00
Lane hire (learn to swim, fitness activities)	\$25.00 per hour

2. Community venues – halls and showgrounds (optional cleaning)

That the fee structure for optional cleaning for community venues, including halls and showgrounds, is approved as detailed below and included in Council's 2014-2015 fees and charges schedule.

Optional cleaning fee community halls and showgrounds	
Optional cleaning (Mon to Fri) – minimum 2 hours	\$115 per hour
Optional cleaning (Mon to Fri) – hourly after first 2 hours	\$35 per hour
Optional cleaning (weekends and public holidays) – minimum 2 hours	\$175 per hour
Optional cleaning (weekends and public holidays) – hourly after the first 2 hours	\$70 per hour

3. Community hall – new group reduced rate and combined main hall and meeting room rate removal

That the reduced rate detailed under Community Halls to new groups on a short term basis at the discretion of the manager is removed from the fees and charges schedule.

That the statement of a discount applicable to combined hall and meeting room rates is removed.

4. Community venues – showgrounds

That the fee structure for reductions to event users for the use of the showgrounds is approved as detailed below and included in Council's 2014-2015 fees and charges schedule.

Showgrounds event use reductions (Event use charges - per day)	
Community based profit	25% discount
Non- profit	50% discount
Registered charities	66% discount
Notes: Bump in/out rates are charged at 50% of the day rate per day. All rates are rounded to the nearest 50 cents	

Option 2

That Council seeks further information.

OFFICER'S RECOMMENDATION

That Council resolves to:

1. Approve the fee structure currently applicable to the Bay Island Swimming Pool as detailed below and include this fee structure in

Council's 2014-2015 fees and charges schedule. The budget is updated to reflect an annual revenue forecast of \$23,000;

Admission Charges 2014/2015	
General admission	\$3.50
Spectator	\$1.00
Family pass (4 persons)	\$13.00
10-visit entry pass	\$34.00
20-visit entry pass	\$65.00
Lane hire (learn to swim, fitness activities)	\$25.00 per hour

2. Approve the fee structure for optional cleaning for community venues, including halls and showgrounds as detailed below and include this fee structure in Council's 2014-2015 fees and charges schedule;

Optional cleaning fee community halls and showgrounds	
Optional cleaning (Mon to Fri) – minimum 2 hours	\$115 per hour
Optional cleaning (Mon to Fri) – hourly after first 2 hours	\$35 per hour
Optional cleaning (weekends and public holidays) – minimum 2 hours	\$175 per hour
Optional cleaning (weekends and public holidays) – hourly after the first 2 hours	\$70 per hour

3. Remove the clause relating to a reduced rate to new groups on a short-term basis at the discretion of the manager as detailed under Community Halls in the current fees and charges schedule;
4. Remove the statement of a discount applicable to combined hall and meeting room rates as detailed under Community Halls in the current fees and charges schedule; and
5. Approve the fee structure for reductions to event users for the use of the showgrounds as detailed below and include this fee structure in Council's 2014-2015 fees and charges schedule.

Showgrounds event use reductions (event use charges - per day)	
Community based profit	25% discount
Non- profit	50% discount
Registered charities	66% discount
Notes: Bump in/out rates are charged at 50% of the day rate per day. All rates are rounded to the nearest 50 cents	

12 MAYORAL MINUTE

In accordance with s.35 *Redland City Council Meetings – Standing Orders*, the Mayor may put to the meeting a written motion called a 'Mayoral Minute', on any matter. Such motion may be put to the meeting without being seconded, may be put at that stage in the meeting considered appropriate by the Mayor and once passed becomes a resolution of Council.

13 NOTICES OF MOTION TO REPEAL OR AMEND RESOLUTIONS

In accordance with s.262 *Local Government Regulation 2012*.

14 NOTICES OF MOTION

14.1 NOTICE OF MOTION – CR BOGLARY

14.1.1 DIVISIONAL BOUNDARY CHANGES

On 20 January 2015, in accordance with s.7(3) *Redland City Council Meetings – Standing Orders*, Cr Boglary gave notice that she intends to move as follows:

That Council resolves as follows:

- 1. To make publicly available all mapping proposals for future divisional boundary changes;**
- 2. That maps are made available on Council's web site; and**
- 3. That the web site has the ability to capture community comments.**

15 URGENT BUSINESS WITHOUT NOTICE

A Councillor may bring forward an item of urgent business if the meeting resolves that the matter is urgent.

16 CLOSED SESSION

16.1 NOTICE OF MOTION – CR BEARD

16.1.1 LAND ACQUISITION

On 20 January 2015, in accordance with s.7(3) *Redland City Council Meeting Standing Orders*, Cr Beard gave notice that he intends to move a confidential Notice of Motion and that the meeting be closed to the public to discuss this matter pursuant to Section 275(1) of the *Local Government Regulation 2012*.

The reason that is applicable in this instance is as follows:

- "(h) 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."

16.2 COMMUNITY & CUSTOMER SERVICES**16.2.1 BAY ISLANDS SPORT AND RESILIENCE HUB****Dataworks Filename: Bay Islands Sport and Resilience Hub****Authorising/Responsible Officer:****Murray Erbs
Acting General Manager Infrastructure &
Operations****Author:****Kristina Dickman
Service Manager City Sport & Venues**

EXECUTIVE SUMMARY

Council or Committee has a broad power under Section 275(1) of the Local Government Regulation 2012 to close a meeting to the public where there are genuine reasons why the discussion on a matter should be kept confidential.

OFFICER RECOMMENDATION

That the meeting be closed to the public to discuss this matter pursuant to Section 275(1) of the *Local Government Regulation 2012*.

The reasons that are applicable in this instance are as follows:

- (e) contracts proposed to be made by it; and**
- (h) 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.**

17 MEETING CLOSURE