

Redland
CITY COUNCIL

AGENDA

GENERAL MEETING

**Wednesday, 30 July 2014
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. Community & Environmental Health and Wellbeing; Animal Management; Compliance & Regulatory Services	Cr Wendy Boglary
2. Economic Development, Governance, Service Delivery, Regulations and Emergency Management	Mayor Karen Williams supported by the Deputy Mayor Alan Beard
3. Tourism and CBD Activation	Cr Craig Ogilvie
4. Commercial Enterprises (Water, Waste, RPAC, etc)	Cr Kim-Maree Hardman
5. Open Space, Sport and Recreation	Cr Lance Hewlett
6. Corporate Services	Cr Mark Edwards
7. Planning and Development	Cr Julie Talty
8. Infrastructure	Cr Murray Elliott
9. Environment; Waterways and Foreshores	Cr Paul Gleeson
10. Arts, Culture and Innovation	Cr Paul Bishop

1 DECLARATION OF OPENING

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 16 JULY 2014

Motion is required to confirm the Minutes of the General Meeting of Council held on 16 July 2014.

6 MATTERS OUTSTANDING FROM PREVIOUS COUNCIL MEETING MINUTES

6.1 CLEVELAND AQUATIC CENTRE LEASE

At the General Meeting of 21 May 2014 (Item 16.1.1 refers) Council resolved “*That this item be deferred*”.

This Item will be presented to a future General Meeting for consideration.

6.2 REPORT TO COUNCIL TO EXPLORE INCENTIVES SCHEME TO PROMOTE AND FACILITATE TOURIST ACCOMMODATION IN REDLAND CITY

Refer to Item 11.1.3 in this agenda - *Proposed Tourist Accommodation Incentives Package*.

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 2 (MAYOR KAREN WILLIAMS)
(SUPPORTED BY DEPUTY MAYOR CR BEARD)****ECONOMIC DEVELOPMENT, GOVERNANCE, SERVICE DELIVERY,
REGULATIONS AND EMERGENCY MANAGEMENT****11.1.1 ENTERPRISE RISK MANAGEMENT POLICY AND FRAMEWORK****Datworks Filename:** RM Policy – Risk Management Framework**Attachments:** [POL-2701 Enterprise Risk Management
2014 Risk Management Framework](#)**Authorising/Responsible Officer:****Nick Clarke
General Manager Organisational Services****Author:****Ian Waters
Risk and Liability Services Manager**

PURPOSE

The purpose of this report is to seek Council's endorsement of the revised Enterprise Risk Management Policy (POL-2701) and Framework.

BACKGROUND

Council has operated a dedicated risk management program for many years, ensuring that all key risks (strategic, operational and activity level) are captured in registers and reviewed annually to ensure that appropriate attention, risk mitigation plans etc are allocated to those risks.

In line with the practice of conducting regular reviews, Council Officers have undertaken a thorough review of Council's risk management documentation and this has resulted in a revised "Enterprise" Risk Management Policy and Framework which will continue to be an extremely valuable resource to ensure that Council's risk management program is maintained at the highest standard possible.

The content of the revised documents largely remains the same and continues to closely reflect the principles of managing Risk as contained in the Risk Management Standard AS/NZS ISO 31000.

ISSUES

The objective of the Enterprise Risk Management Policy (POL-2701) is to protect Council and its employees against foreseeable risks through developing a whole of enterprise culture of risk awareness, plans that reduce our risk exposure and systems that provide information to assist in informed decision making.

The pillars of the Policy and Framework (see attached) will continue to:

1. Provide clear direction on Council's attitude towards particular risks – Ensuring that Council's attitude to risk in a number of key areas (finance, environment, our people etc) is clearly articulated to guide management and staff in decision making processes.
2. Integrate Risk Management into our corporate systems and processes – Ensuring that Council's risk management activities are integrated with other key activities such as strategic planning, budgeting, capital works prioritisation, Council and officer decision making, organisational performance management etc.
3. Ensure accountability for the management of risk – Ensuring that systems, processes and communication methods are continually reviewed and input received from Councillors (particularly on strategic risks), to maintain individual accountability through the personal performance management process, to ensure clear ownership of individual risks at the management level and to measure the progress of our risk management profile from year to year.
4. Enhance training and education programs across the organisation – Ensuring training is targeted for various audiences (e.g. new staff and management), that risk management is promoted throughout the organisation through various mediums and that staff have access to the appropriate risk management templates, registers etc to assist them in their work.
5. Enhance Monitoring and Review Processes – Through the scrutiny of the Operational Risk Management Committee comprised of appropriate staff who meet quarterly to discuss key risk management issues and opportunities and by reporting bi-annually to the Audit Committee on Council's Enterprise Risk Management program and the progress being made.

STRATEGIC IMPLICATIONS

Legislative Requirements

It is a requirement of the *Local Government Financial Standard 2005* Section 13 (a) and (b) that a local government must consider internal controls for the management of risk.

Risk Management

Council has in place an existing risk management program and the attached revised documents will be a further enhancement.

Financial

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

People

The implementation of a solid risk management program adds to the protection of people and property.

Environmental

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

Social

Not applicable.

Alignment with Council's Policy and Plans

8.6 *Implement a comprehensive enterprise approach to risk management across the organisation*

CONSULTATION

The General Manager Organisational Services, the Manager Corporate Governance and the Risk Management Coordinator have been consulted in respect to these revised documents.

OPTIONS

1. That Council resolve to adopt the Enterprise Risk Management Framework and Enterprise Risk Management Policy (POL-2701).
2. That Council resolve to adopt the Enterprise Risk Management Policy (POL-2701) and Framework with amendments.

OFFICER'S RECOMMENDATION

That Council resolves to adopt the Enterprise Risk Management Framework and Enterprise Risk Management Policy (POL-2701).

Enterprise Risk Management

Head of Power

Local Government Act 2009 and Corporate Plan.

Policy Objective

To protect Council and its employees against foreseeable risks through developing a whole of enterprise culture of risk awareness, plans that reduce our risk exposure and systems that provide information to assist in informed decision making.

Policy Statement

Council is committed to:

1. Enterprise Risk Management utilising the principles and practices outlined in the Australia/New Zealand and International Risk Management Standard AS/NZS ISO 31000:2009.
2. Meeting the statutory requirement that Council adopts an overall policy demonstrating its commitment to risk management.
3. Continued maintenance of an Operational Risk Management Committee.
4. Developing and maintaining a culture within Council of awareness and active management of risks.
5. Providing regular education of its employees in risk management practices.
6. Utilising generally accepted risk mitigation techniques for managing its risks.
7. Assessing its risk exposure and to the development of plans to reduce the level of risk to within its risk criteria.
8. Allocating adequate resources to ensure the effective implementation and co-ordination of risk management activities.
9. Prioritising its risks so that resources can be devoted to managing high priority risks.
10. Developing and maintaining a Risk Management Framework and a Risk Management Handbook to guide the implementation of enterprise risk management throughout the organization.
11. Regularly monitoring its risk management framework and handbook to ensure that Council's risk management objectives are being achieved.
12. Providing information and reports to decision-makers so that they are able to make informed decisions.
13. Requiring all employees and stakeholders including contractors and suppliers to assume responsibility and accountability for managing risks within their own areas.
14. Developing systems, including risk registers, which will continually improve our ability to manage risks and reduce our exposure.
15. Utilising enterprise risk management to facilitate the realisation of business opportunities.



Redland City Council **Enterprise Risk Management Framework**

Aligning strategy, processes, people, technology and knowledge
with the purpose of evaluating and managing risk

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Introduction

Risk is inherent in everything we do. It is a fact of life. Council recognised this a decade ago and took steps to identify and control the risks encountered in its day-to-day operations.

Council began the implementation of a risk management framework by identifying and recording its risks. Since then, the process has matured and the principles of enterprise risk management (ERM) are well and truly woven into the fabric of Redland City Council's operations.

Our aim is to maintain the organisation's high standards in controlling the risks to which it is exposed. The emphasis on managing risk through the ERM model enhances and strengthens Council's processes.

However, the ultimate objectives will only be achieved by vigilance and tenacity in our approach to identifying our priority exposures, as well as incorporating appropriate risk management strategies, risk improvements and contingency planning into our business. And most importantly, monitoring and reviewing ongoing risk to identify changes in our operations to enable us to make well-informed decisions on mitigating risk. Our challenge is to ensure that ERM continues to be imbedded into our culture and everyday business. It is also desirable that our business partners and contractors have good risk management practices.

Risk also presents opportunity and that risk can be used to the betterment of the organisation, however, this must be tempered with the clear knowledge and appreciation of the risks involved, supported by astute planning to control them.

ERM continues to be promoted within Council via training and professional advice. By taking this approach, the appropriate tools and practices needed for the effective management of risk ensures employees incorporate ERM into their everyday work ethic.

What is Enterprise Risk Management?

Enterprise Risk Management (ERM) is the management of risk not only in conventional hazard categories such as workplace health and safety, IM and finance, but in the full spectrum of strategic and operational risk.

ERM is the structured approach of aligning strategy, processes, people, technology and knowledge with the purpose of evaluating and managing risk. Enterprise wide means the removal of traditional functional, divisional, departmental or cultural barriers.

ERM is a top down approach, rather than the traditional bottom up approach used in departmental silos, based on and supportive of organisational strategy that is focused on new ways to manage risks of highest priority.

The moving away from a fragmented approach to risk management to the adoption of ERM involves a change in thinking about risk as something always adverse (involving loss) to an occurrence that may present opportunities that could have both positive and negative consequences.

To be successful, the principles of ERM must be embedded into the culture of the organisation by an integrated approach in the methodology used, and the acceptance of ownership of risk by everyone.

ERM must be seen as a business tool and an integral part of good corporate governance. Rather than managing risk in isolated departments or silos such as workplace health and safety, information management and human resources, it brings the different groups together under a single process and language to identify, assess and manage risk.

This document is based on the principles and guidelines of AS/NZS ISO 31000:2009.

Mandate and commitment

The purpose of the risk management framework is to assist in maintaining the direction and momentum of ERM throughout the business and operations of Redland City Council.

Aims of Enterprise Risk Management

ERM involves adopting and applying a systematic process to identify, analyse, evaluate, treat and monitor risk so that it is reduced and maintained within acceptable levels.

The aims of ERM in Council are as follows:

- To provide an assurance that the organisation has identified its highest risk exposures and taken steps to properly manage them.
- To ensure that Council's corporate planning processes include a focus on areas where ERM is needed.
- To maintain a process across Redland City Council which will formally identify risks and provide a platform by which the risks and their respective control measures are monitored and improved according to need.
- Allow the realisation of opportunity through the proper management of risk.

Adherence to framework

Council's framework adheres to the principles defined in:

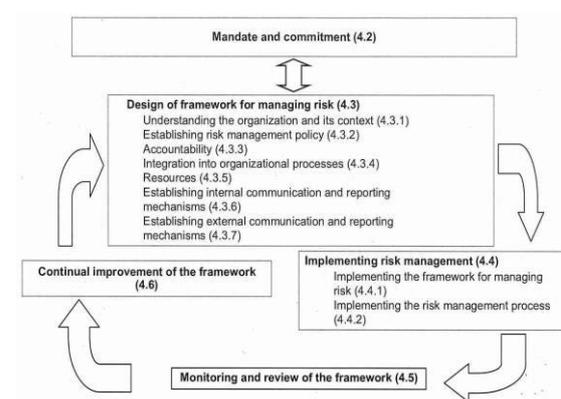
- AS/NZS ISO 31000:2009 Risk Management – Principles & Guidelines
- POL 2701 Enterprise Risk Management

Development and implementation

This framework is not intended to lay down a management system, but rather to assist the organisation to integrate risk management into its overall management system.

The unwavering commitment of management is imperative if the application of the risk management principles embodied in AS/NZS ISO 31000:2009 (and this framework) are to be embraced by the organisation in general. The framework, like all risk management initiatives, must be constantly reviewed to remain relevant in changing times.

The process is highlighted in the following diagram extracted from AS/NZS ISO 31000:2009. Refer to Appendix A page 26 for a full diagram.



Establishing a risk management culture

The risk culture of an organisation is also a "key" factor in establishing the success or failure of any risk management program. The right balance between risk taking and risk aversion needs to be carefully established and clearly communicated.

Risk can be detrimental or beneficial. The opportunity to understate risk to move forward is always there, however, this can prove to be a costly way forward. Before any decision is made to accept a risk it needs to be carefully considered and the consequences weighed against the benefits.

The creation of a Risk Attitude Statement, aligned with the Council's Corporate Plan, has been established to clarify the organisation's stance in this respect (refer to page 8).

The overarching principles of a successful risk culture are embodied in the following statement:

"A risk management culture is not one marked by fear and paranoia.

Instead, the ideal risk culture is one that is steeped in a commitment to executing activities according to approved processes while also maintaining a balance that fosters initiative and innovation.

It displays a deep seated commitment to the achieving of organisational goals and objectives and the preservation of financial resources, organisational prestige and basic human values."

Organisational context

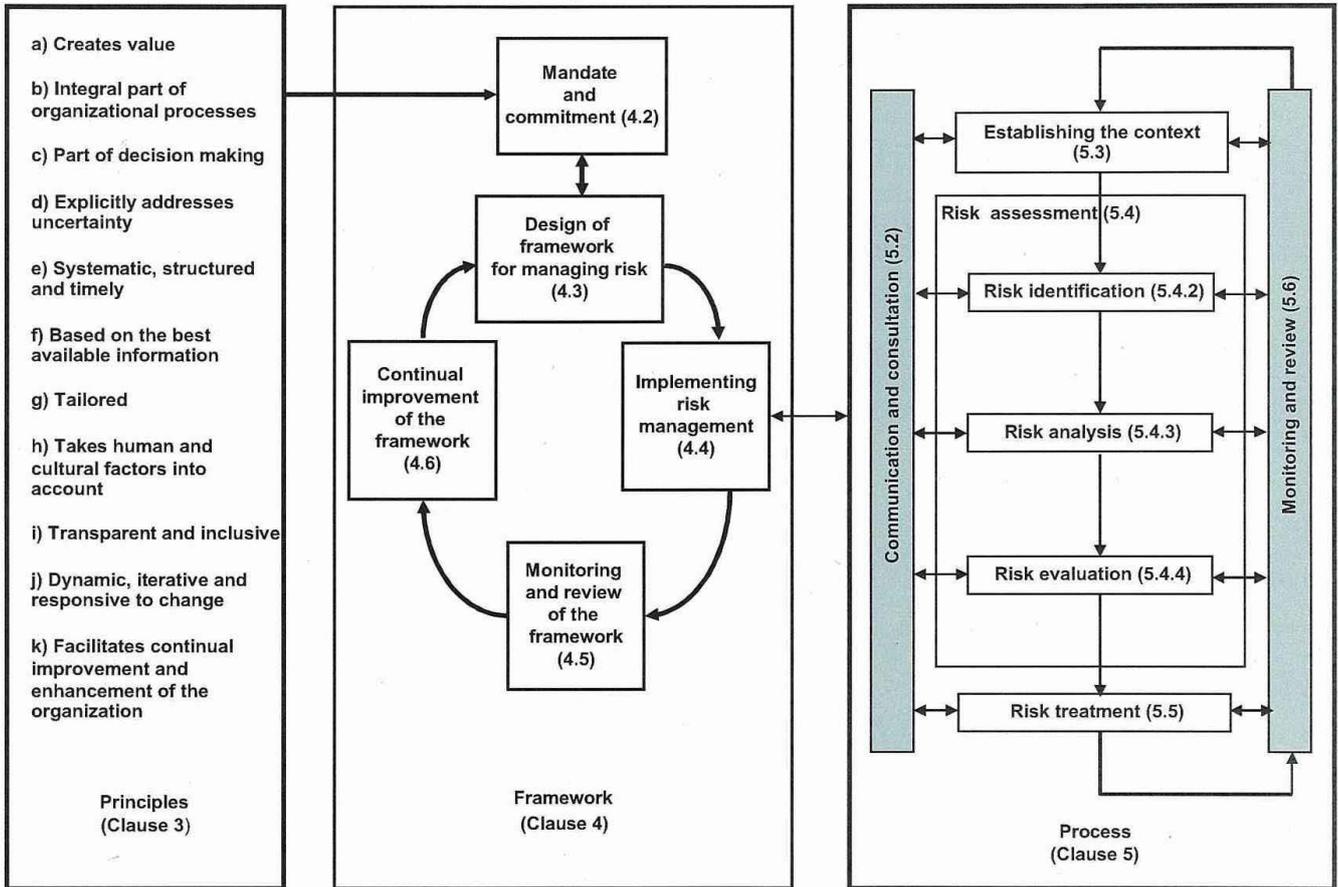
It is said that "management" may be defined as the process of planning, organising, leading and controlling the resources and activities of an organisation in order to fulfil its objectives most cost-effectively, while "risk management" is the process of making and carrying out decisions that will minimise the adverse effects of accidental losses upon an organisation (and/or maximise opportunities).

The process follows that of the Australian/New Zealand Risk Management Standard (AS/NZS ISO 31000:2009).

Its elements are:

- Establish the organisational context which includes the organisational risk attitude and the criteria against which each risk is to be rated.
- Identify the various risks.
- Analyse the risks in terms of consequence and likelihood together with the existing controls (in place) to manage those risks.
- Evaluate the risks against the organisational criteria and determine what risks will be treated or accepted.
- Treat the risks through acceptance and ongoing surveillance or developing and implementing additional control measures and action plans to treat the risk.
- Monitor and review the risks and the system in which they are managed.
- Ensure communication and consultation with stakeholders occurs throughout the ongoing process.

The risk management process is highlighted in the diagram extracted from AS/NZS ISO 31000:2009 and reprinted below.



What will ERM provide?

Corporate objectives will be achieved by:

- Integrating the various risk control measures that Council currently uses into one holistic view of what Council is doing to minimise its risk exposures. This single view will show priorities and any gaps that need to be addressed.
- Implementing a visible, formalised and consistent process for managing Council's exposures to risk, thereby supporting continuous improvement in Council's programs and providing an assurance of more effective outcomes.
- Incorporating identified risk management solutions into planning and administrative processes resulting in more structured, accountable and effective business planning and project management.
- Building on existing risk mitigation strategies such as administrative, engineering, contractual, safety and quality management controls; and
- Requiring all stakeholders (management in particular) to think about risk in their own day-to-day work programs, as well as contractor and project management, and in forward-planning activities.

Providing financial safeguards

Present to insurers a professional approach to risk and loss claims, all of which results in a saving in uninsured losses and insurance premiums.

Risk mitigation strategies

- Council's main risk mitigation strategies will continue to have administrative, contractual, and technical, safety and management controls as a part of

business and program activities.

- These will include but not be limited to:
 - Policy and procedure manuals and guidelines.
 - Clearly defined management accountabilities including specific KPI's and appraisals.
 - Financial and personnel delegations and authorisations.
 - Reconciliations of data.
 - Detailed tender specifications, evaluations and selection of tenderers.
 - Supply chain risk evaluation and implementation of appropriate control measures.
 - Detailed standards, engineering checks, tests, maintenance checklists and quality assurance generally.
 - High level reporting, review and analysis, including Risk Management Committee scrutiny.
 - Oversight and supervision of contractors to Council and lessees of Council-owned property and facilities.
 - Training and development.
 - Safety for employees, contractors and the public.
 - Physical controls, such as security systems and fire protection measures.
 - Contractual arrangements which include indemnities, insurances and the like.

- Detailed budget papers (with special emphasis on the rationale behind maintenance budgets).
- Maintenance of Individual Asset Management Plans (IAMP).
- Inclusion of a detailed mandatory risk management disclosure in all submissions to Council and other documentation requiring management authorisation. This will include a risk management evaluation and a detailed risk register for items such as but not limited to:
 - New projects above a value to be periodically determined in the organisational risk context;
 - Additional responsibilities either mandatorily imposed by or voluntarily accepted from Federal or State Governments.
- Mandatory consideration of risk management issues for all submissions to Council and management appropriate to the level of risk involved in the subject matter.
- Business continuity planning.
- Contingency planning.
- Internal Audit.
- Fraud prevention and control programs.
- Risk & Liability audits of currently imposed control measures.

Corporate governance

To ensure the benefits of ERM are fully available to Council it is imperative that ERM continues to be applied to all Redland City Council activities, including those delivered on Council's behalf by external service providers and project contractors.

This will help to:

- Ensure that the quality and reliability of services and other program outputs are of a very high standard.
- Ensure services meet requirements and are delivered within cost and on schedule.
- Protect employees, property, information and all other assets; and
- Comply with all legal requirements relative to areas of risk.

Corporate risk attitude

Throughout this framework reference is made to the acceptance of risk where the acceptance is necessary to realise opportunities considered beneficial to the organisation.

To be risk adverse can stifle progress and result in stagnation. On the other hand, to recklessly take on avoidable risk can result in irreparable harm to the organisation.

When realising opportunity involves the need for the voluntary assumption of significant levels of risk, the following principles need to be considered:

1. Potential benefits must clearly outweigh the assumption of the risks involved.
2. A balance needs to be established and all the risks freely accepted need to be identified and treated to minimise the likelihood of harm to the organisation.
3. Irrespective of the perceived benefits, the integrity of the Council's ERM risk management context must not be compromised.
4. The principles contained in the Council's Risk Attitude Statement are to be carefully considered and applied in all instances.

Risk attitude statement

The following Risk Attitude Statement is not designed to be a definitive list and/or totally descriptive in its definitions.

It is intended to provide a broad outline upon which managers can base risk acceptance decisions i.e. what is justifiable, what is not

and what is integral to the organisational risk ethic.

When considering opportunities that may involve the assumption of risk considered out of normal bounds, the Risk Attitude Statement should be considered before making the decision to proceed.

Class of Risk	Acceptance/Non-Acceptance
Financial	<ul style="list-style-type: none"> There will be no acceptance of decisions that have a significant negative impact on RCC's long-term financial sustainability.
	<ul style="list-style-type: none"> Financial viability over the short, medium and long term must be highly certain.
Legal & Regulatory	<ul style="list-style-type: none"> There will be no acceptance of any non-compliance with legal, professional and regulatory requirements.
People	<ul style="list-style-type: none"> There will be no acceptance for compromising employee safety and welfare.
	<ul style="list-style-type: none"> There will be no acceptance for the preventable loss of valued employees due to unreasonable management action.
	<ul style="list-style-type: none"> There will be no acceptance for compromising the welfare and safety of members of the public.
Operational	<ul style="list-style-type: none"> There is considerable acceptance for the improved efficiency of RCC operations.
	<ul style="list-style-type: none"> In considering opportunities a disciplined approach to the management of risk must be taken.
	<ul style="list-style-type: none"> There is considerable acceptance for improvements to service delivery.
	<ul style="list-style-type: none"> There will be no acceptance for running the organisation in a manner that does not meet the reasonable service expectations of stakeholders.
Environmental	<ul style="list-style-type: none"> There will be no acceptance for operational decision making that does not have a sound basis.
	<ul style="list-style-type: none"> There is considerable acceptance for decisions that promote ecologically sustainable development.
	<ul style="list-style-type: none"> There will be no acceptance of decisions that cause environmental harm especially those that are likely to result in DERM intervention.
Strategic	<ul style="list-style-type: none"> There is acceptance for RCC to respond to the changing environment and seize opportunities where necessary.
Ethical	<ul style="list-style-type: none"> There will be no acceptance of the failure to conduct business honestly and ethically.
Reputation	<ul style="list-style-type: none"> There will be no acceptance for damage to the reputation of RCC.
	<ul style="list-style-type: none"> No "justifiable" adverse media coverage is acceptable.
Leadership	<ul style="list-style-type: none"> RCC's approach to managing its risk should set an example to the rest of the community.

Risk management policy

Redland City Council has adopted a formal Risk Management Policy, *POL-2701 Enterprise Risk Management*. This policy drives the underlying principles of Council's risk mitigation direction and its attitude to risk.

Policy objective

To protect Council and its employees against foreseeable risks through developing a whole of enterprise culture of risk awareness, plans that reduce our risk exposure and systems that provide information to assist in informed decision-making.

Policy Statement

Council is committed to:

1. Enterprise Risk Management utilising the principles and practices outlined in the Australia/New Zealand and International Risk Management Standard AS/NZS ISO 31000:2009.
2. Meeting the statutory requirement that Council adopts an overall policy demonstrating its commitment to risk management.
3. Continued maintenance of an Operational Risk Management Committee.
4. Developing and maintaining a culture within Council of awareness and active management of risks.
5. Providing regular education of its employees in risk management practices.
6. Utilising generally accepted risk mitigation techniques for managing its risks.
7. Assessing its risk exposure and to the development of plans to reduce the level of risk to within its risk criteria.
8. Allocating adequate resources to ensure the effective implementation and co-ordination of risk management activities.
9. Prioritising its risks so that resources can be devoted to managing high priority risks.
10. Developing and maintaining a Risk Management Framework and a Risk Management Handbook to guide the implementation of enterprise risk management throughout the organization.
11. Regularly monitoring its risk management framework and handbook to ensure that Council's risk management objectives are being achieved.
12. Providing information and reports to decision-makers so that they are able to make informed decisions.
13. Requiring all employees and stakeholders including contractors and suppliers to assume responsibility and accountability for managing risks within their own areas.
14. Developing systems, including risk registers, which will continually improve our ability to manage risks and reduce our exposure.
15. Utilising enterprise risk management to facilitate the realisation of business opportunities.

Accountability

The elements necessary to ensure effective ERM are:

Elected representatives

- Education on the principles of risk management.
- Involvement in the establishment of risk attitude and strategy.
- “Ownership” of the risk management process and on-going oversight for the program and ensuring its success.
- Regular reviewing of risk reports on the strategic and operational risks of Council.

Executive management

- Create a high-level risk strategy (policy) aligned with strategic business objectives.
- Create a risk management organisational structure and ensure clear reporting lines.
- Develop and assign responsibilities for risk management.
- Communicate the Council vision, strategy, policy responsibilities and reporting lines to all employees.
- Include risk management activities/ responsibilities in job descriptions.
- Meaningful risk management objectives and accountabilities built into personnel appraisals and the Corporate Balanced Scorecard.
- Maintenance of the Operational Risk Management Committee.

- Identify and treat strategic, operational, activity and project based risks within their respective areas of responsibility.
- Assume overall “ownership” of such risks and clearly allocate operational ownership of risk to subordinates according to specific need.
- Ensure that employees are adequately trained in the principles of risk management and receive the necessary encouragement, empowerment and resources to manage risks within their area of responsibility and within defined risk boundaries.
- Review the organisation’s strategic and operational risk registers at least annually.
- Constitute the Operational Risk Management Committee as the primary standing members for the express purpose of receiving quarterly reports on the risk management preparedness and activities of Council.

Senior management

- Identify and treat operational, activity and project-based risks within their respective areas of responsibility.
- Assume overall “ownership” of such risks and clearly allocate operational ownership of risk to subordinates according to specific need.
- Ensure that employees are adequately trained in the principles of risk management and receive the necessary encouragement, empowerment and resources to manage risks within their area of responsibility and within defined risk boundaries.
- Review the group’s risk registers at least quarterly.



Risk & Liability Services

- Maintenance of a common risk culture via the use of common risk language and framework, in Redland City Council's context and the use of *AS/NZS ISO 31000:2009*.
- Communicate about risk using appropriate channels and technology.
- Deliver training programs in ERM techniques and systems across the organisation.
- Identify and train 'risk champions' to work closely with both operational and executive management.
- Maintain a knowledge-sharing system via the use of newsletters, posters and the organisation's intranet.
- Maintain, store and ensure regular revision of Council's formal strategic, operational and activity risk registers and risk management plans.
- Conduct periodic audits/reviews of risk management procedures and practices across all departments and groups within Council to ensure compliance with the ERM framework.
- Report on risk management strategies to the Audit Committee and the Operational Risk Management Committee.
- Provide risk management consultancy services to all areas of Council.
- Maintain corporate risk and risk control information.
- Analysis and reporting.
- Ensure appropriate linkages to Council's business and corporate planning processes and budgetary processes.
- In consultation with management set risk reduction targets across all departments and groups within Council.
- Provide advice to management and employees on contemporary and emerging risk issues.
- Provide assistance and advice to management and employees in their conduct of complex risk assessments and in identifying and implementing risk control measures.
- Provide assistance to management and employees in identifying and managing risk emanating from the services of external providers and contractors.
- Manage Redland Workcover on behalf of Council to process workers compensation claims.
- Manage Council's insurance portfolio and claims made against Council.
- Represent Council at industry forums, conferences and workshops.
- Coordinate the Operational Risk Management Committee and act as secretariat.

Internal Audit

- Monitor Council's risk management strategies, policies and procedures.
- Maintenance of a risk based auditing system of Council's systems and processes to ensure the adequacy and effectiveness of the system of internal controls and reporting procedures.
- Investigation of fraudulent activities and breaches of the relevant Codes of Conduct.
- Promote accountability.
- The improvement and effectiveness of risk management, legal compliance, internal control and governance systems.

- Receive and consider reports on the strategic risks and other risk management initiatives from the Operational Risk Management Committee on a quarterly basis.

- All stakeholders accept and diligently apply the principles of ERM into their daily activities.
- Identify and treat risks within their respective areas of responsibility.
- Collectively work with all other areas of Council to ensure that risks are identified, and Council-wide risk mitigation initiatives are supported and benefits realised.

Refer Corporate POL-3009 Internal Audit Charter for additional details.

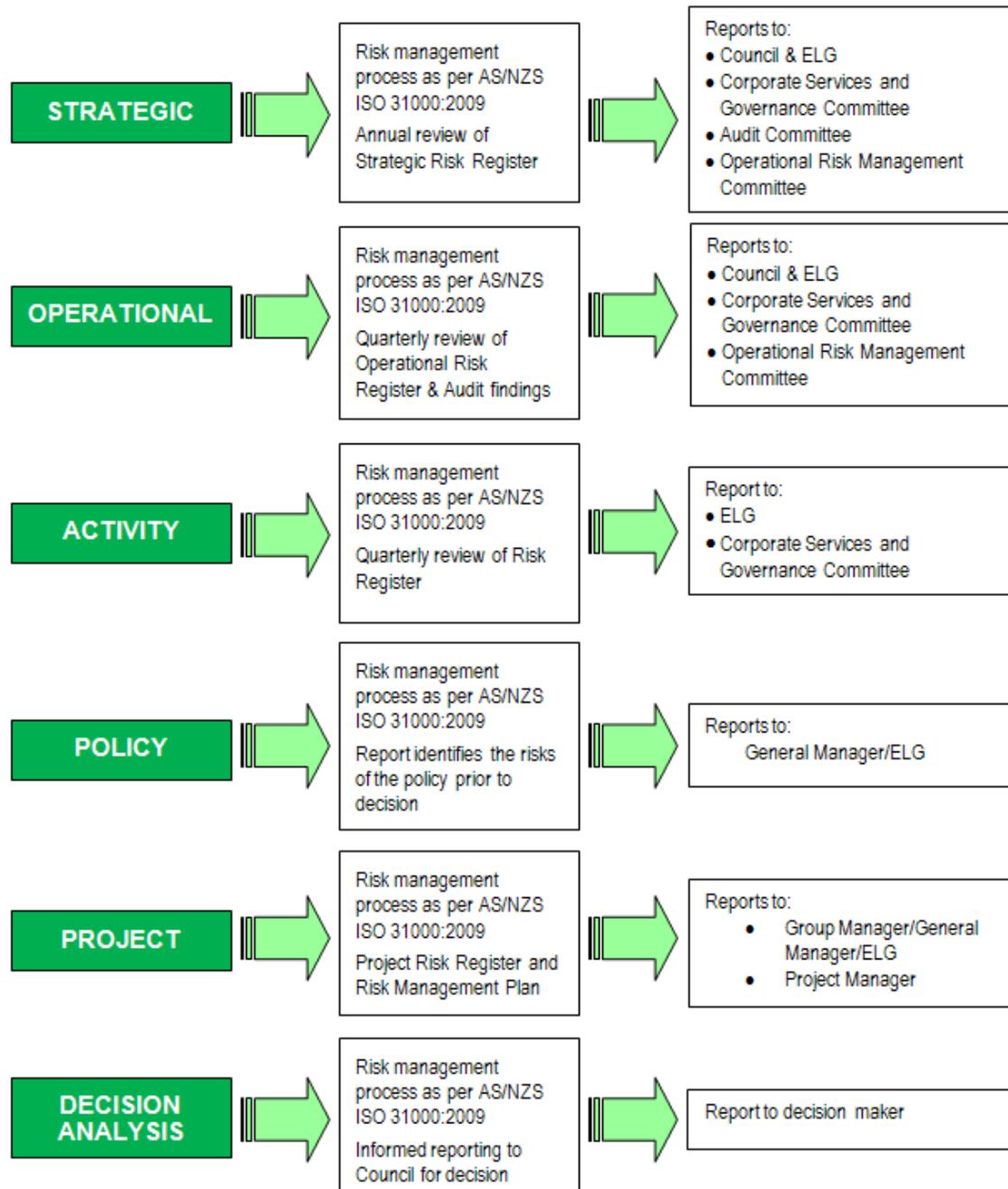
Operational Risk Management Committee

- The Operational Risk Management Committee shall meet quarterly and consist of the Executive Leadership Group, the Manager Corporate Governance, the Risk & Liability Services Manager and other managerial personnel according to specific need.
- The Operational Risk Management Committee is responsible for:
 - Developing and promoting risk management as a core activity of Council.
 - Ensuring the necessary resources to ensure risk management is properly implemented across Council.
- Reviewing the Enterprise Risk Management Policy, framework, Risk Assessment Handbook and any supplementary material for the identifying, monitoring and managing of Council's business risks.
- The oversight and monitoring of Council's overall risk management program including the development of and execution of an annual Risk & Liability Services risk management action plan.
- Receiving and reviewing audit reports on risk mitigation strategies as prepared by Risk & Liability Services.
- Coordinating risk initiatives across departmental lines to ensure that jurisdictional boundaries do not impede the successful implementation of ERM.
- Considering budget initiatives designed to foster risk management.
- Identifying and monitoring all forms of contemporary and emerging risks likely to be faced by Council e.g. strategic, operational, activity and project.
- Identifying and ensuring the training needs of the Committee members and other relevant employees are met.
- Keeping the Audit Committee informed of progress in the implementation of risk management across the organisation including reporting on and receiving feedback on Council's strategic risks and their mitigation initiatives.

Integration into organisational processes

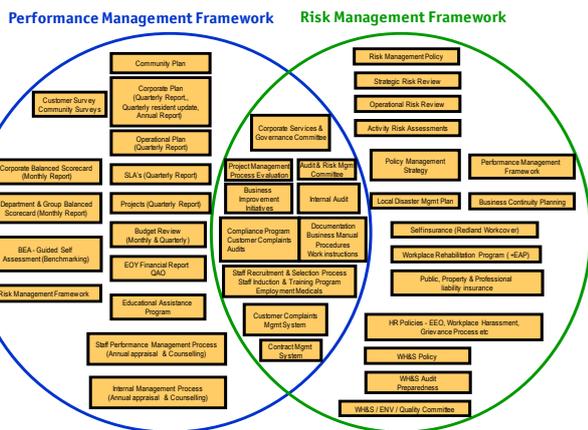
ERM – the end result

The end result of ERM is to provide Council leadership with a regular snapshot of the risk profile of Council including the individual status of all major risks and risk mitigation measures across the organisation to enable informed decision-making within Council's risk attitude.



Integration of risk and performance management

To achieve the maximum benefit through its ERM activities, Council will use both a risk management framework and a performance management framework. Each framework has a dependency on the other (refer to diagram below or Appendix B page 27 for a full diagram).



There are clear overlaps in the frameworks. These are represented in the diagram above. Council's risks can be reduced by better managing its performance; and its performance can be improved by better managing its risks.

There are synergies between both frameworks that need to be taken advantage of and the performance management framework should recognise this need and provide high-level detail on risk from a performance management perspective.

Integration of risk and Internal Audit

Council's Audit Committee Charter states:

"The primary function of internal audit is to provide reasonable assurance to management and the Council that the system of internal control is working effectively. The focus is on controls, risk management, legal compliance and governance practices".

In addition, the Audit Committee Charter includes the Audit Committee's responsibilities:

"Monitor Council's risk management strategies, policies and procedures".

Accordingly there is a close relationship between risk management and Internal Audit. In accordance with Part 11 of the Local Government Regulation 2012, Council's Internal Audit Plan must include statements about:

- The way in which the operational risks have been evaluated; and
- The most significant operational risks identified from the evaluation; and
- The control measures that the local government has adopted, or is to adopt, to manage the most significant operational risks.

Risk and Liability Services will provide regular reports to Council's Audit Committee regarding Council's risk profile and risk management activities. The Audit Committee will play a key role in the oversight of the risk management framework and its effectiveness.

Approach

Council will achieve the above requirements by:

- Using the risk management process in (AS/NZS ISO 31000:2009) for



assessment of the following functions within Redland City Council:

- Strategic (Corporate)
 - Operational (Program)
 - Policy
 - Activity (Service Unit)
 - Project; and
 - Decision analysis
2. Documentation of risks to form a risk register which is open to review and updating, and provides a record should circumstances change. Risk information will be filtered to focus on only those risk exposures that are significant and relevant to providing assurance.
 3. A documented risk register and a Risk Management Plan from contractors for service-critical projects.
 4. Incorporation of risk management into capital and operational budget submissions.
 5. Risk management being incorporated into the various performance management instruments both corporate and individual with varying degrees of accountability according to management responsibility.
 6. Developing a contract management system that ensures risks are addressed at all stages of the contract processes.
 7. Monitoring and reviewing risk in external services and where appropriate, providing input to contractors' risk management processes.
 8. Incorporating risk management strategies, particularly action plans arising from the risk registers, into Council's broader business and corporate planning processes.
 9. Periodic and mandatory reviewing and updating of the risk registers to account for changes in risks and related issues.
 10. Providing risk management training for managers and employees as part of the corporate training schedule is crucial for Council.
 11. Providing a safe work environment for its employees, contractors and members of the public by being active in the pursuit of workplace health and safety initiatives. Resourcing of workplace health and safety will be provided to ensure that Council meets its statutory obligations and minimises workplace injuries and incidents.
 12. Using its own workers compensation licence and business unit, Redland Workcover, to manage injury claims against Council. Redland Workcover has been established to deal with claims promptly and fairly in accordance with the Workers' Compensation and Rehabilitation Act 2003.
 13. Redland City Council will meet its statutory obligations and continue to strive for excellence in its operations to ensure it maintains its self-insurance status. This will include a high standard of workplace health and safety across the organisation, regular performance reporting, maintenance of the Redland Workcover reserve at a level sufficient to meet all its statutory obligations (and operational costs) and to minimise the ongoing cost to Council.

14. Maintaining adequate insurance cover. Where risks are such that they have a potentially high financial impact on the organisation, insurance cover is arranged to transfer some financial risk to the insurer.

Insurance is but one control measure available in the risk management process and Council will balance insurance with all other preventative measures rather than simply relying on insurance to manage its risks.

Insurance is maintained for, including but not limited to, public and products liability, professional indemnity, property, personal accident, fidelity guarantee and motor vehicles.

Insurance is sourced from wherever Council is able to purchase it and on the best terms available in the market in accordance with Council's legislative procurement requirements. Professional insurance brokers are contracted to market Council's insurance to ensure value for money is achieved.

15. Management systems that are seen as a means of managing Council's risks through properly developed and documented methods of performing work. Compliance with these management systems will not only improve quality and consistency of our products and services, but also reduce the likelihood of inappropriate actions by employees. Supporting documents such as policies, guidelines, work instructions and checklists will be used to convey the requirements of our systems to employees.

16. Regular reviews and testing of its Business Continuity Plan (BCP) will be undertaken to maintain its currency and adequacy. This will involve desktop reviews with the business process owner and scenario testing of the plan. The process for undertaking this exercise will be documented in the BCP.

17. Other supporting activities identified in the diagram on pages 15 and 27. These are developed and managed by various parts of the organisation. While some do not have a primary risk management focus, they contribute to Council's operations with a net result of improved risk management.



Resources

Risk Assessment Handbook – a step-by-step guide

An adjunct to this framework is the Risk Assessment Handbook. It has been created to more fully explain the risk assessment process and to facilitate the identification and rating of Council's risks.

The corporate risk context is highlighted in the handbook, together with the Risk Likelihood Table, Risk Consequence Table and Risk Analysis Matrix.

The general principles contained in this framework should be read in conjunction with the Risk Assessment Handbook.

This risk management framework provides a "Head of Power" for the Risk Assessment Handbook which is also referenced in Guideline GL-2701-005 - Corporate Risk Assessment Methodology.

The Risk Assessment Handbook is a living document and will be updated from time-to-time to reflect current risk management practices and procedures.

Changes to the handbook may be authorised by the General Manager Organisational Services in consultation with the Executive Leadership Group as and when required.

Cost implications

The development of Council's ERM systems and processes has been budgeted by the Corporate Governance Group. This includes the maintenance of the strategic, operational and activity risk registers.

Redland Workcover has its own budget for its operations, including compensation payments and management, rehabilitation and administrative costs.

The workplace health and safety functions performed by Council are budgeted within the Human Resources Group and include management, administrative, rehabilitation and preventative program costs.

Other costs associated with the management of risk are carried across the organisation, through the salaries and wages budgets of those areas participating in the assessment of risks and actions that result from those assessments. As ERM is an essential element of managing Council, these costs cannot be separated from costs of running the organisation.

As ERM inevitably results in reduced waste of valuable resources and the improved allocation of productive resources, time spent in identifying and reducing or eliminating risk more than recovers the costs associated with its implementation. It is from this perspective that it could be argued that a quality ERM program is not only cost neutral to the organisation but ultimately will result in substantial savings.

Continuous improvement

Element 1 – awareness training

To ensure the successful implementation of ERM throughout Council, appropriate training in risk management will be provided to employees and managers.

The Risk & Liability Services Unit provides a risk-related training module in the employees' workplace health and safety induction course and specialist training to employees on an on-going annual basis.

Training content will encompass the risk management process, application of risk assessment tools and templates, assistance with identification and analysis of Council's risk exposures, risk profile and assurance reporting.

Element 2 – assessment framework

Risk assessment comprises a hierarchical process to apply to the levels illustrated in the diagram below.





At corporate strategic and operational level

Council will establish a Corporate Risk Register comprising the strategic and operational risk registers. Strategic risks will be identified through analysis of the Corporate Plan and what can impede the organisation from its successful delivery.

Operational risks will be identified through analysis of the risks facing middle management in delivering the Operational Plan and any other planning instruments (corporate strategies, audit plans, asset management plans etc) effectively. These are primarily focused on the achievement of the desired outcomes of the organisation.

At activity level

Council will establish a register of risks that are likely to impact on the day-to-day operations of the service units. The information will be captured in a formal risk register and Risk Management Plan for use by employees in the unit and associated group.

Activity level risks will be identified and subsequently analysed by reference to business planning and the products and services delivered by the service unit. These are primarily focused on the achievement of the desired outputs of the organisation.

At policy level

At policy level, the risk management process will be used to ensure that the full implications of implementing a policy or not implementing a policy are established prior to Council making a decision on the policy.

At project level

At project level, the risk assessment process is to follow the elements and procedures outlined in the Project Management Framework.

The desired deliverables from the project risk management process is a risk register and a risk management plan for the project. The risk register documents the identification, analysis, and assessment of risks and the risk management plan summarises planned and actual risk controls and measures.

At decision analysis level

At the decision analysis level the purpose of the risk management process is to ensure that all risks have been investigated as part of the information used in making the decision. This will ensure that a fully informed decision is made and the necessary contingency plans have been developed as part of the decision implementation process.

At a performance management level

The management of risk is to form part of position descriptions with key accountabilities specifically designed for this purpose. Group Balance Scorecards should include at least one performance measure in respect to the management of risk.

Supporting documentation

The following documents support the ERM process:

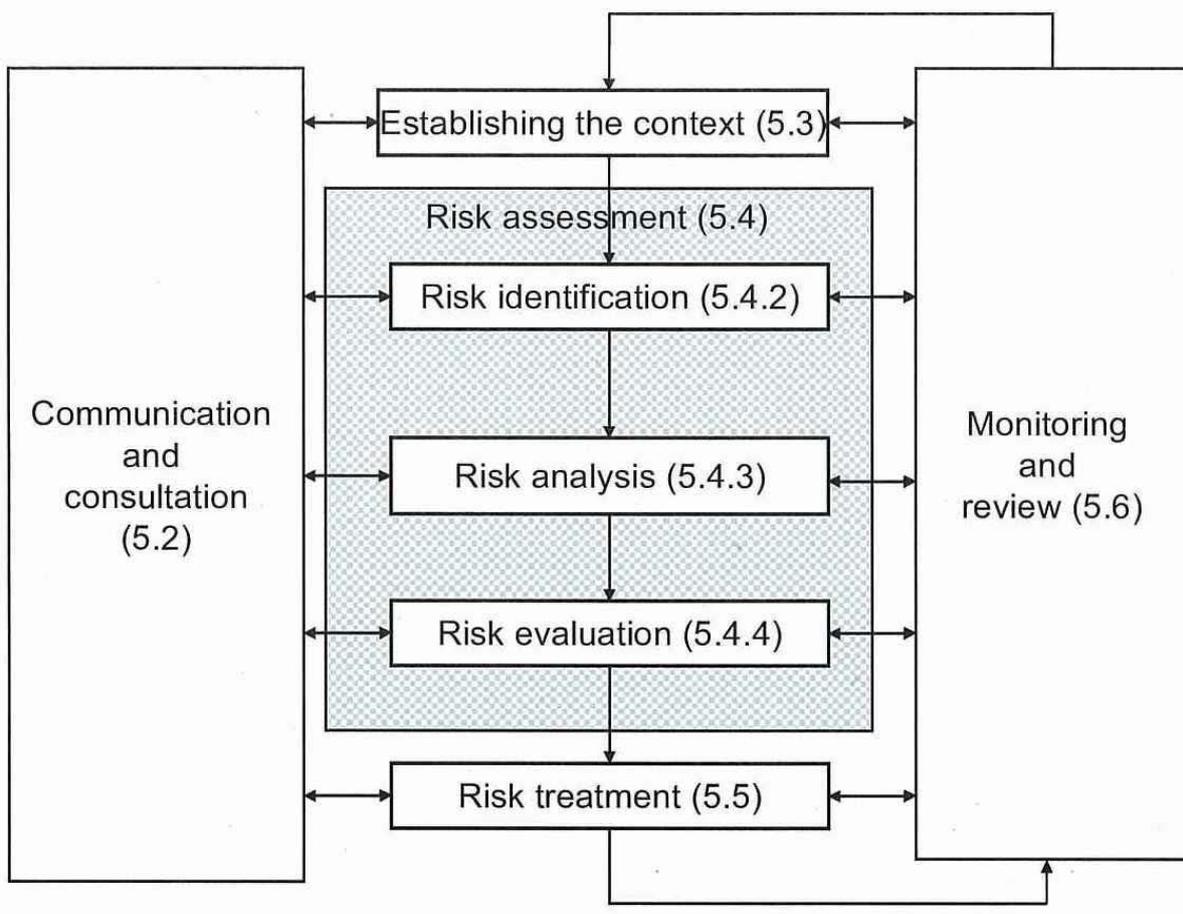
- POL-2701 Enterprise Risk Management
- GL-2701-001 Insurance Claims Handling Protocol
- GL-2701-002 Business Continuity Planning
- GL-2701-005 Corporate Risk Assessment Methodology (incorporating the Risk Assessment Handbook).
- GL-2701-010 Claims Disputation Escalation Procedure.

Communication and reporting

Communication and consultation with internal and external stakeholders should take place at all stages of the risk management process and therefore the creation and adoption of

appropriate methodologies to achieve this is imperative.

The inter-relationship between the “process” and “communication” is clearly demonstrated in the following diagram extracted from *AS/NZS ISO 31000:2009*.





Monitoring and review

The risk registers will be formally reviewed and updated as follows as part of our corporate planning process:

Strategic risk register

- The strategic risk register will be reviewed by the Operational Risk Management Committee every six months, and presented to the Councillors every twelve months for endorsement.

Operational risk registers

- The operational risk registers are forwarded to group managers every quarter for review. Any changes are ratified by the Operational Risk Management Committee.

Activity risk registers

- The activity risk registers are forwarded to group managers every quarter for review and update (as required). Formal reviews are undertaken every twelve months.

More regular reviews and updates by service unit, contract and program managers are encouraged in accordance with any significant changes to activities or appointments.

It is anticipated that these formal reviews will be concurrent with, and part of, business and budget planning processes because of the complementary nature of the two processes.

These formal annual reviews will include:

- A summary ranking of risks by overall rating level to identify all “extreme” and “high” level risks across Council to ensure that all are accounted for in Council’s broader planning and review processes of its services.
- Extreme and high level risks are reviewed and control measures reassessed in accordance with statutory requirements with the view to eliminating or reducing the risk.
- A statement of Council’s performance over the previous twelve months showing the reduction in risk and the improvements made in risk controls shall be presented to the Executive Leadership Group (ELG).

Timeframes

The timeframe for risk-related activities within Redland City Council is outlined as follows:

Program	Completion Date
Reporting:	
1. Executive Leadership Group	1. Monthly
2. Corporate Performance Report	2. Quarterly
3. Operational Risk Management Committee	3. Quarterly
4. Audit Committee	4. Bi-Annually
Training:	
1. Module in employees' workplace health and safety induction course	1. Completed monthly or as required
2. Advanced risk training workshops (general employees orientated)	2. Annually
Review of strategic, operational and activity risk registers	Six-monthly, annually, quarterly or more frequently in response to material changes in circumstances
Assist managers research and complete complex risk assessments as required	Ongoing
Perform an audit function of risk treatments in consultation with Internal Audit	Ongoing
Continual development and implementation of ERM strategies	Ongoing
Placement of insurances	Annually
Ongoing maintenance of insurance program	Ongoing
Handling of insurance and third party claims	Ongoing
Business Continuity Plan:	
1. Maintenance	1. Ongoing
2. Formal scenario testing	2. Annually
Review of ERM policy, framework, guidelines and supporting documentation	Ongoing with a major review every two (2) years



Conclusion

This document presents the concept and key elements for Council's ERM in terms of an over-arching framework or guidelines.

Risk management begins with an understanding and awareness of risk. Assessment, analysis and treatment of risks ensure a documented approach and methodology. Monitoring and review demonstrates the ongoing management of risk. It is this phase that is fundamental to the ongoing success and implementation of ERM into normal business processes.

The Organisational Services Department has implemented an integrated team approach to the management of risk comprising RTI, Risk & Liability Services, Internal Audit, and the Legal Services unit (which reports to the CEO). This is to ensure that there is a coordinated approach to risk mitigation across the organisation.

Links between the strategic, operational and activity risk registers support the notion of the

Inter-dependency of each register upon the other and unite the management of risk across the broad spectrum of Council's activities.

An interactive approach is to be maintained between the ERM and budgetary processes. Reference to risk mitigation measures, preferably supported by extracts from the relevant risk registers, is to form part of budget submissions especially where maintenance budgets are concerned and where capital budget submissions involve the introduction of additional risk control measures.

Risk & Liability Services will remind managers of this at the commencement of both the capital and operational budgetary processes.

Risk & Liability Services provides training programs, the refinement of risk assessment tools and templates, and the preparation of risk registers and assurance reports.

For further information about the risk management process, please contact Risk & Liability Services.

Definitions

ERM	Enterprise risk management is the process of planning, organising, leading and controlling the activities of an organisation in order to minimise the effects of risk on an organisation's capital and earnings. ERM expands the process to include not just risks associated with accidental losses, but also financial, strategic, operational and other risks. ¹
Inherent	Means a part of the very nature of something.
Risk	Risk is defined as " <i>the effect of uncertainty on objectives</i> ". It is measured in terms of consequences and likelihood. ² Risk is usually construed to be negative (i.e. adverse), but it can provide opportunities for an organisation as well. The consequences of an adverse event may include an inability to meet ratepayer and customer requirements, financial loss, organisational or political embarrassment, operational disruption, legal problems, and so on, but it is important that management policies, procedures and practices are in place to minimise Council's exposure to risk.
Hazard	A hazard is a situation in the workplace that has the potential to harm the health and safety of people or to damage plant and equipment.
Strategic risk	Strategic risks are issues that affect the sustainability of the organisation or its ability to deliver on its corporate objectives.
Operational risk	Operational risks are issues that affect the viability of Council's objectives and delivery.
Activity risk	Activity risks are issues that affect the basic services and/or could impact on delivery of target outcomes.
Risk management	Risk management is a logical and systematic approach to identifying and managing anything that has the potential to cause harm to a person, property or organisation.
Risk assessment	A risk assessment is a process to identify, analyse and evaluate risks/hazards.
Risk attitude	Risk attitude is the chosen response of an individual or group to uncertainty that matters, driven by perception. Understanding risk attitude is a critical success factor that promotes effective decision-making in risky situations. ³
Risk management framework	A set of components that provide the foundations and organisational arrangements for designing, implementing, monitoring, reviewing and continually improving risk management throughout the organisation.
Risk management policy	A statement over the overall intentions and direction of an organisation related to risk management.
Risk owner	A person or entity with the accountability and authority to manage a risk.
Risk management framework	A set of components that provide the foundations and organisational arrangements for designing, implementing, monitoring, reviewing and continually improving risk management throughout the organisation.

¹ <http://searchcio.techtarget.com/definition/enterprise-risk-management>

² AS/NZS ISO 31000:2009

³ <http://www.risk-attitude.com/definition.html>

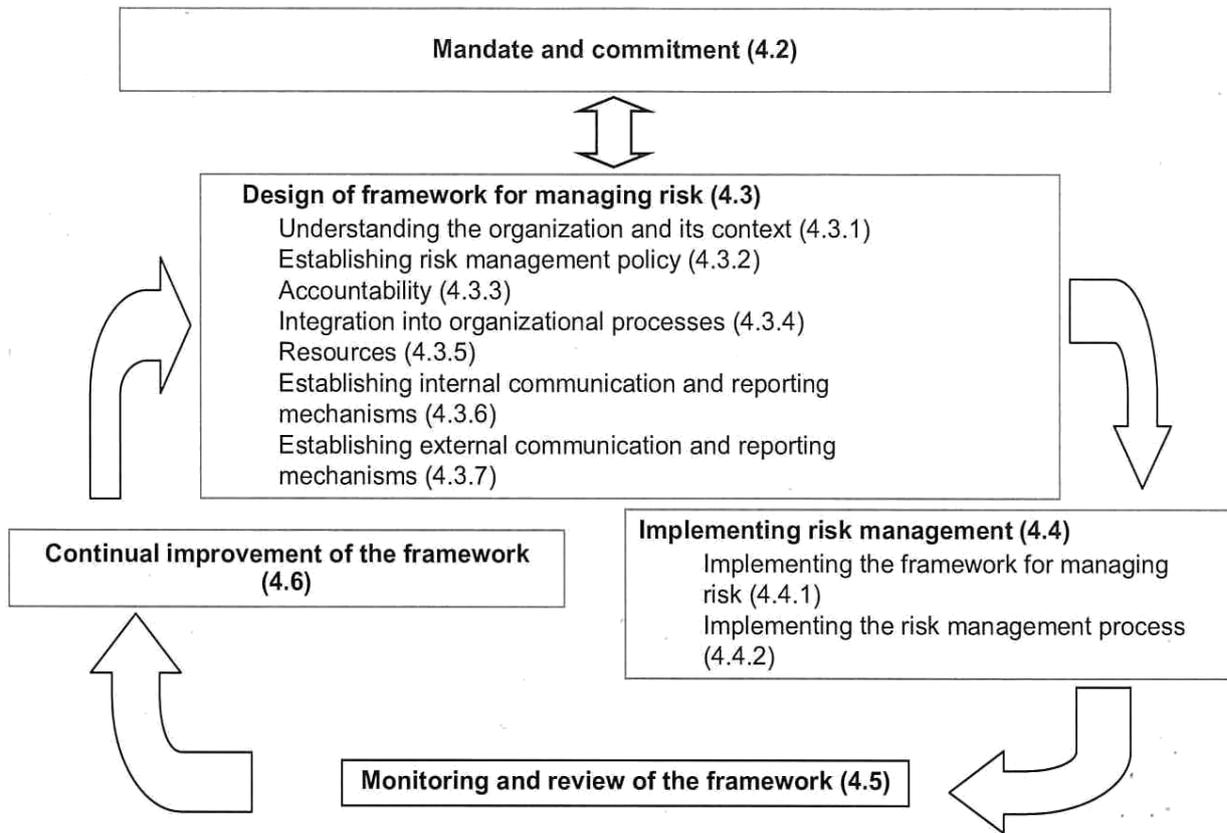


Figure 1 – Relationship between the components of the framework for managing risk

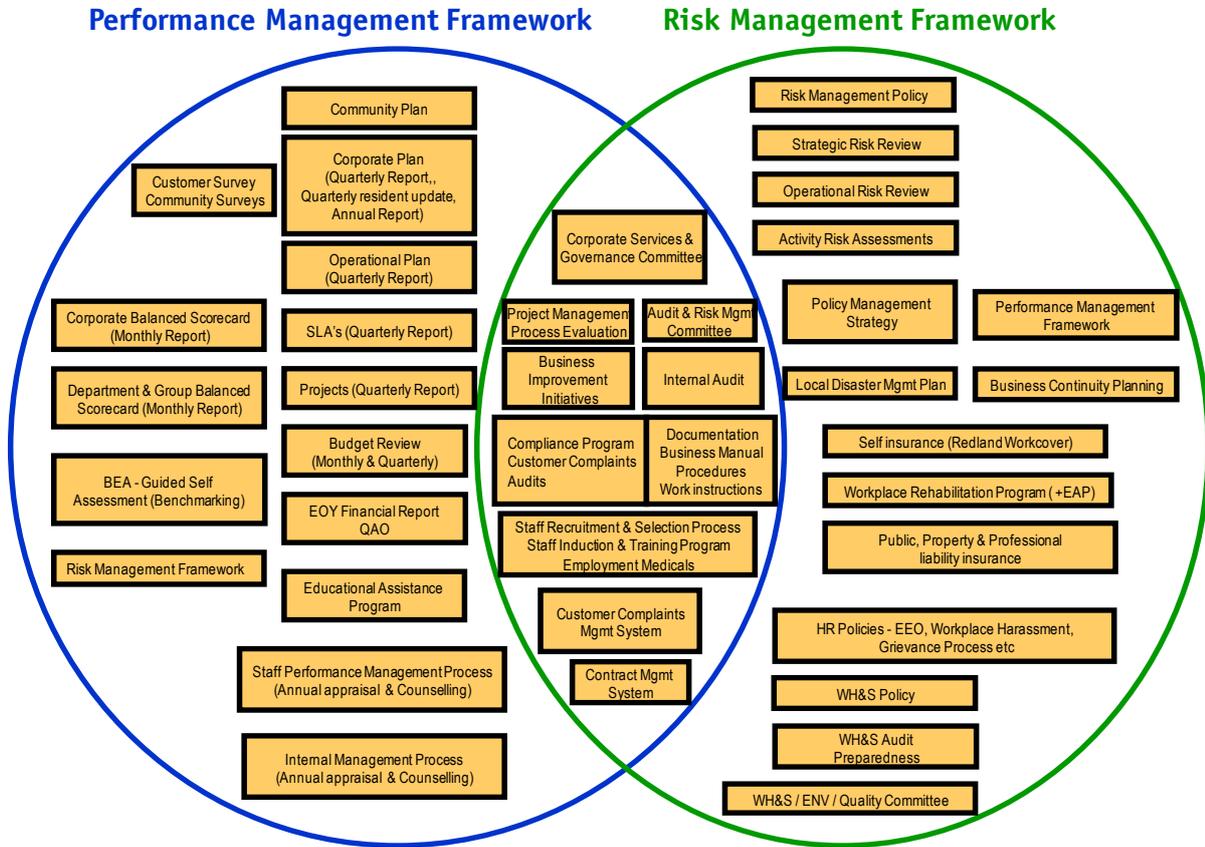


Figure 2 – Relationship between the performance management and risk management frameworks and their dependency on each other

For further information please
contact:

Risk & Liability Services

Redland City Council

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Ph: 07 3829 8976



**Risk Management -vs- Risky Management
It's your choice.**

11.1.2 LOCAL LAWS**Dataworks Filename:** L&E Local Laws**Attachments:** [State Interest Check Comments & Actions](#)
[LL1 \(Administration\) 2014 FINAL DRAFT](#)
[SLL1.12 \(Operation of Temporary Entertainment Events\) 2014 FINAL DRAFT](#)
[SLL1.14 \(Undertaking Regulated Activities on Local Government Controlled Areas and Roads\) 2014 FINAL DRAFT](#)
[LL2 \(Animal Management\) 2014 FINAL DRAFT](#)
[LL2 \(Animal Management – Register\) 2014 FINAL DRAFT](#)
[LL4 \(LG Controlled Areas Facilities and Roads\) 2014 FINAL DRAFT](#)
[LL5 \(Parking\) 2014 FINAL DRAFT](#)
[SLL1 5 \(Keeping of Animals\) 2014 FINAL DRAFT](#)
[SLL2 \(Animal Management\) 2014 FINAL DRAFT](#)
[SLL3 \(Community & Environmental Management\) 2014 FINAL DRAFT](#)
[LL7 \(Bathing Reserves\) 2014 FINAL DRAFT](#)**Authorising/Responsible Officer:** 
Nick Clarke
General Manager Organisational Services**Author:** **Trevor Green**
Principal Advisor Corporate and Democratic Governance

PURPOSE

The purpose of this report is to progress the process for making 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 2 April 2014 (Item 11.1.2), Council resolved to:

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

ISSUES

State Interest Check

The State Interest Check was conducted from 4 April 2014 to 16 May 2014. Comments were received from the Departments of Agriculture, Fisheries and Forestry, Transport and Main Roads, and Local Government, Community Recovery and Resilience. These relate to minor legal, technical and administrative issues.

A summary of the State Interest Check comments and actions taken is attached to this report.

The draft laws have been amended in accordance with the advice received from the State Government departments. Copies of the amended proposed laws are attached to this report and Council is asked to approve the continuation of the local law making process on the basis of:-

- (a) the versions of the amended local laws and subordinate local laws attached to this report; and
- (b) the balance of the local laws listed in schedule 1 and subordinate local laws listed in schedule 2 to the resolution of the General Meeting of Council of 2nd April, 2014 (item 11.1.2).

Anti-Competitive Provisions

Section 38 of the *Local Government Act 2009* requires Council to conduct public interest tests on possible anti-competitive provisions, when making local and subordinate local laws. An anti-competitive provision is a provision that is identified as creating barriers to entry into a market or barriers within a market. In essence, any provision relating to requiring an approval or any conditions associated with that approval (e.g. commercial use of Council controlled areas (roads, footpaths, parks, reserves, jetties etc); operation of a kennel, cattery, private cemetery, private learn to swim schools, accommodation parks, etc).

As such, public interest tests on those laws relating to commercial operations will be conducted concurrently with the community engagement for the proposed laws.

Local Law No. 2 Animal Management - Register

Sections 9 and 10 of Local Law No. 2 (Animal Management) 2014 provide that the prohibition and restriction of animals in public places and the identification of dog off-leash areas may be made by Council resolution and documented by register. While this process will reduce red tape, Council must still conduct community engagement before making the required resolution.

In accordance with the Local Government Principles under the *Local Government Act 2009* and the provisions of the Local Law, before making a resolution, Council must conduct community consultation for a minimum of 21 days and consider every properly made submission.

As such, community engagement on Local Law No. 2 (Animal Management) 2014 (Register – Animals in Public Places) will be conducted concurrently with the community engagement for the proposed laws.

Subordinate Local Law No. 2 Animal Management & Subordinate Local Law No. 1.5 (Keeping of Animals)

Since the draft laws were proposed to be made (2 April 2014), there are two further proposed changes to Subordinate Local Laws 2 and 1.5 in relation to the keeping of livestock and the keeping of a miniature pig.

It has been noted that the existing provision in Council's current local law requiring a minimum area of 4000m² before livestock can be kept on a premises, was not transferred into the proposed Subordinate Local Law 2. This provision has now been included in Subordinate Local Law No. 2 (Animal Management) 2014.

Council has also been requested to amend the full prohibition on the keeping of pigs in the City, to allow the keeping of a miniature pig on larger properties, under a permit (approval). Accordingly, amendments to Subordinate Local Law No. 2 (Animal Management) 2014 and Subordinate Local Law No. 1.5 (Keeping of Animals) 2014 have been made to introduce a miniature pig approval system. The proposed system provides a definition of a miniature pig which is designed to prevent a person mistakenly buying a piglet of a large breed pig from a disreputable dealer. It also requires a minimum area of 4000m² to keep a miniature pig under approval and a number of further conditions to protect the health and amenity of the surrounding area.

The updated draft laws are attached to this report.

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

A request has been received that Council amend Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2014. The reasoning behind the amendment is to remove Council red-tape involved with conducting a temporary entertainment event on private land.

The purpose of the amendment is to deregulate events, unless they are held on Local Government controlled land such as parks and roads. Organisers will still need to meet any civil responsibilities and insurance provisions. Temporary events conducted on Council land will be regulated through permits under the subordinate local law and conditions of use agreements with hirers of local government controlled areas.

Council has produced an Events Information Kit which provides valuable information for the community in organising events and has provided a seminar to the general public on organising events. Risk management associated with temporary events would be the responsibility of private event organizers, who would be supported by education and information to be provided by Council through further seminars and the information kit.

In summary temporary entertainment events on Council controlled land would be regulated by Council's Environment and Regulation Group, in association with other relevant areas of Council including Community Venues, Roads and Drainage, Risk and Liability etc., while temporary entertainment events on private land, such as private schools, hotels and private property would not be regulated by Council, unless it constituted development under the Planning Scheme.

The updated draft laws are attached to this report.

Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2014

In association with the amendment detailed above, Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2014 has been amended to remove a street parade or festival from the list of public place activities, as these activities are regulated under Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2014.

The updated draft law is attached to this report.

Local Law No. 7 Bathing Reserves

To provide a reference point for listing Council's gazetted bathing reserves, the definition of bathing reserve in Local Law 7 (Bathing Reserves) 2014 has been amended to include those bathing reserves listed in schedule 6 of Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014.

The updated draft law is attached to this report.

Community Engagement

Council's adopted local law making process requires a minimum of 21 days (3 weeks) community engagement when making laws. As this process relates to the making of a complete new set of laws for Redland City, the community engagement process has been extended to 56 days (8 weeks). Council will be seeking to engage with the wider community and those organisations or groups who may have a particular interest in a specific law.

In consultation with the Communication, Engagement and Tourism Group a comprehensive community engagement program, using a number of engagement methods will be undertaken.

STRATEGIC IMPLICATIONS

Legislative Requirements

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

Risk Management

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

Financial

The main costs associated with the local law making process for the new laws will be in conducting the community engagement and public notification steps. Funding for the project has been included in the 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. The community will be asked to provide their views and feedback on any environmental issues associated with the proposed laws, when the community engagement step is undertaken.

Social

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 internal areas of Council;
- Elected representatives;
- Department of Local Government, Community Recovery and Resilience;
- King and Company Solicitors;
- Redland City Chamber of Commerce; and
- Other Queensland Councils which have adopted the State Model Local Laws.

A State Interest Check has been conducted with the State Government.

Community consultation will now be conducted through:

- Community engagement on the content of the laws;
- Community engagement on the Register of Animals in Public Places for Local Law No. 2.
- Public Interest Test as per the National Competition Policy.

OPTIONS

1. To accept the recommendations of this report and progress the process to community engagement for the proposed laws.

2. To accept the recommendations of this report with amendments to the proposed laws and progress the process to community engagement for the proposed laws.
3. To not accept the recommendations of this report.

OFFICER'S RECOMMENDATION

That Council resolves as follows:

1. **To note:**
 - a) **that, in accordance with the requirements of section 29A of the *Local Government Act 2009* ("the Act"), Council has consulted with relevant government entities about the overall State interest in the proposed local laws of Council; and**
 - b) **the responses received from relevant government entities as a result of the consultation as particularised (attached).**
2. **To approve the continuation of the local law making process for:**
 - a) **the local laws and subordinate local laws listed in schedule 1 in the amended form attached to this report to Council; and**
 - b) **the balance of the local laws listed in schedule 1, and the subordinate local laws listed in schedule 2, of the resolution of the General Meeting of Council of 2 April, 2014 (Item 11.1.2).**
3. **To:**
 - a) **consult with the public for 56 days about each proposed local law and subordinate local law referred to in resolution no. 2; and**
 - b) **consider every submission properly made to it about each proposed local law and subordinate local law.**
4. **That, pursuant to section 9 of proposed Local Law No. 2 (Animal Management) 2014, Council proposes to:**
 - a) **Specify:**
 - i) **public places where animals, or animals of a particular species or breed, are prohibited; and**
 - ii) **if the prohibition does not apply at all times—the hours and days when the prohibition applies; and**
 - iii) **if a person may only bring an animal, or animals of a particular species or breed, into a public place subject to 1 or more conditions:**
 - (1) **the public place at which the conditions apply; and**
 - (2) **particulars of the conditions which apply at the public place,**

- as particularised in the attached Register – Animals in Public Places;
and
- b) consult with the public for 56 days about:
 - i) each prohibition; and
 - ii) each restriction; and
 - c) consider every submission properly made to it about:
 - i) each prohibition; and
 - ii) each restriction.
5. That, pursuant to section 10 of proposed Local Law No. 2 (Animal Management) 2014, Council proposes to—
- a) designate areas within public places as an area where a dog is not required to be on a leash (dog off-leash area); and
 - b) for each 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,as particularised in the attached Register — Animals in Public Places; and
 - c) consult with the public for 56 days about each proposed designation; and
 - d) consider every submission properly made to it about each proposed designation.
6. That pursuant to section 38 of the Act, Council conducts a public interest test on possible anti-competitive provisions of each proposed local law and subordinate local law particularised in Schedule 2.
7. That pursuant to section 257 of the Act, Council delegates to the Chief Executive Officer of Council its powers under section 38 of the Act and section 15 of the *Local Government Regulation 2012* to decide—
- a) how the public interest test of each local law and subordinate local law particularised in Schedule 2 is to be conducted; and
 - b) the matters with which the public interest test report in relation to each local law and subordinate local law particularised in Schedule 2 must deal; and
-

- c) the consultation process for the public interest test and how the process is to be used in the public interest test.

SCHEDULE 1

1. Local Law No. 1 (Administration) 2014 (attached);
2. Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2014 (attached);
3. Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2014 (attached);
4. Local Law No. 2 (Animal Management) 2014 (attached);
5. Subordinate Local Law No. 2 (Animal Management) 2014 (attached);
6. Subordinate Local Law No. 1.5 (Keeping of Animals) 2014 (attached);
7. Subordinate Local Law No. 3 (Community and Environmental Management) 2014 (attached);
8. Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014 (attached);
9. Local Law No. 5 (Parking) 2014 (attached); and
10. Local Law No. 7 (Bathing Reserves) 2014 (attached).

SCHEDULE 2

1. Local Law No. 1 (Administration) 2014 and each subordinate local law made under the local law which contains a possible anti-competitive provision;
2. Local Law No. 2 (Animal Management) 2014 and each subordinate local law made under the local law which contains a possible anti-competitive provision;
3. Local Law No. 3 (Community and Environmental Management) 2014 and each subordinate local law made under the local law which contains a possible anti-competitive provision; and
4. Local Law No. 7 (Bathing Reserves) 2014 and each subordinate local law made under the local law which contains a possible anti-competitive provision.

State Interest Check amendments to Model Local Laws since proposal to make on 2 April 2014

Re-drafting as per advice from State agencies.

TMR: Transport and Main Roads
 DAFF: Department of Agriculture, Fisheries and Forestry
 DLG: Department of Local Government, Community Recovery and Resilience

Local Law 1 (Administration)

Section	Page number	Summary of comment received	Drafting amendment made
Multiple	Multiple	DLG Type 4 comment – Multiple provisions of this local law have changed the number of days to multiples of 5. The time period is not a State interest concern, however, the provisions do not talk in terms of “working days”, so the reason for the change is unclear. The change is also inconsistent with the timeframes provided in other local laws (eg animal management local law).	Time periods for number of days have been redrafted back to the time periods in the Model Local Laws. For clarity purposes, a definition of a day has been included in the law.
13	8/9	DLG Type 3 comment - Given that the local law no longer sets the term of the approval, it is suggested the local law state where the term will be provided (eg in the approval). This will provide greater clarity for both the approval holder and for local law interpretation purposes.	Local Law amended in accordance with comments.
14(8)	9	DLG Type 2 comment - Given, the potential now under this provision for a business operators permit to be renewed for a term shorter than the existing term, subsection (8) must be amended to provide that where this occurs an information notice must be issued, so the approval holder may apply for a	Local Law amended in accordance with comments.

		review of the decision. Section 64 of the Guidelines for drafting local laws provides that administrative power must be sufficiently defined and subject to appropriate review, particularly where there is the potential for significant impacts on, for example, a business operator.	
40(6)b	22	TMR Drafting error, change (b) to (a) as reference was incorrect	Local Law amended in accordance with comments.
40(7)	22	TMR Drafting inconsistent with updated LGA 38A	Local Law amended in accordance with comments.
41(9)	25	TMR Vehicle <u>identification</u> notice is inconsistent with vehicle <u>impounding</u> notice as defined in 41(7).	Local Law amended in accordance with comments.

Local Law 2 (Animal Management)

Section	Page number	Requirement	Drafting suggestion or amendment made
9(7)	9	DLG Type 3 comment – The intention of this provision appears to be to clarify that a prohibited or restricted area may be amended or repealed by Council by resolution. The intent does not raise any concerns, however, the wording used raises concerns regarding the repeal or amendment of a previous resolution. The repeal or amendment of a previous resolution, rather than simply a new resolution repealing or amending a prohibited/restricted area, could have implication for any action taken under the resolution prior to its amendment/repeal.	Local Law amended in accordance with comments.
10(6)	9	DLG See comment above in relation to proposed section 9(7).	Local Law amended in accordance with comments.

Part 6	23	DLG Type 3 comment – It is noted new Part 6 – Registration of cats does not include a head of power for the registration identification device to be prescribed by subordinate local law. The new Part also does not make it a requirement for the owner to ensure the device is attached to the cat, with any penalty for enforcement purposes.	Local Law amended in accordance with comments.
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Local Law 3 (Community and Environmental Management)

Section	Page number	Requirement	Drafting suggestion or amendment made
Schedule 1	7	DAFF Alter naming convention of declared local pests to ensure correctness with current names and consistency for enforcement purposes	Altered to: Barner grass, cow cane, elephant grass (<i>Cenchrus purpureus</i>) Green cestrum (<i>Cestrum parqui</i>) As per advice from DAFF

Local Law 4 (LG Controlled Areas Facilities and Roads)

Section	Page number	Requirement	Drafting suggestion or amendment made
4(a) (footnote 2)	2	TMR Land Regulation <u>1995</u> is now <u>2009</u>	Local Law amended in accordance with comments.

Local Law 5 (Parking)

Section	Page number	Requirement	Drafting suggestion or amendment made
8(3) (footnote 13)	3	TMR Transport Operations (Road Use Management-Road Rules) Regulation <u>1999</u> is now <u>2009</u>	Local Law amended in accordance with comments.



Redland
CITY COUNCIL

Redland City Council

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



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Local Law No. 1 (Administration) 2014

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Part 1 Preliminary

1 Short title

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

2 Purposes and how they are to be achieved

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

3 Definitions—the dictionary

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

4 Relationship with other laws¹

This local law—

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

Part 2 Approvals for prescribed activities

5 Meaning of *prescribed activity*

Prescribed activity means—

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

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

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

6 Offence to undertake local law prescribed activity without approval

- (1) This section applies to a prescribed activity mentioned in—
- (a) section 5(a); or
 - (b) section 5(b) if the Local Government Act that authorises the local government to grant the approval is a local law.²
- (2) A person must not undertake the prescribed activity without a current approval granted by the local government.
- Maximum penalty for subsection (2)—
- (a) for an activity for which no category has been declared by subordinate local law—50 penalty units; or
 - (b) for a category 1 activity—50 penalty units; or
 - (c) for a category 2 activity—200 penalty units; or
 - (d) for a category 3 activity—500 penalty units.
- (3) However, a local government may, by subordinate local law, declare that subsection (2) does not apply to a prescribed activity or a particular activity that is within the category of a prescribed activity.

Examples—

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

- (4) In this section—

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

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

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

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

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

7 Approvals for prescribed activities to be obtained under this part

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

8 Form of application

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

Examples of a form approved by the local government—

A written form or an online application process.

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

Example for paragraph (a)—

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

Example for paragraph (b)—

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

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

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

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

9 Local government's discretion in granting approvals

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

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

Example for paragraph (a)—

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

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

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

Examples for paragraph (b)—

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

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

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

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

10 Conditions of approval

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

Example for paragraph (a)—

³ See *Environmental Protection Act 1994*, schedule 1, section 3(b).

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

- (5) In this section—

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

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

11 Compliance with conditions of approval

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

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

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

12 Third party certification

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

Example—

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

- (2) In this section—

third party certifier means—

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

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

13 Term of approval

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

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

- (b) if there is no term provided for under a subordinate local law—the term specified in the approval.

14 Renewal of approval

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

Example—

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

- (3) The application under subsection (1) must be—
 - (a) made in a form approved by the local government; and
 - (b) accompanied by the prescribed fee.
- (4) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.
- (5) Section 8(4) to (7) applies to the notice as if it was a notice under section 8(3).
- (6) The local government may, by written notice to the applicant—
 - (a) grant the application; or
 - (b) grant the application and amend the conditions of the approval; or
 - (c) refuse the application.
- (7) In deciding under subsection (6), the local government may have regard to—
 - (a) the matters mentioned in section 9(1); and
 - (b) whether the conditions of the approval are being complied with by the applicant.
- (8) The local government must give the applicant an information notice if the local government—
 - (a) refuses the application; or
 - (b) grants the application and amends the approval to include non-standard conditions; or
 - (c) grants the application for a term less than the current term of the approval.
- (9) The local government may amend the conditions of the approval under

subsection (6)(b) without following the procedure in section 18.

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

15 Transfer of approval

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

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

transferee an information notice if the local government—

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

16 Amending conditions at request of approval holder

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

17 Grounds for amending, suspending or cancelling approval

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

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

- with a stop order under section 32;
- (f) the approval was granted because of a document or representation that was—
- (i) false or misleading; or
 - (ii) obtained or made in another improper way.

18 Procedure for amending, suspending or cancelling approval

- (1) This section applies if the local government considers there is a ground under section 17 to amend, suspend or cancel an approval (the *proposed action*).
- (2) Before taking the proposed action, the local government must give the approval holder a written notice (the *show cause notice*) stating—
- (a) the proposed action; and
 - (b) the grounds for the proposed action; and
 - (c) an outline of the facts and circumstances that are the basis of the grounds; and
 - (d) if the proposed action is suspension of the approval, the proposed suspension period; and
 - (e) that the approval holder may make written submissions, within a stated reasonable time of at least 21 days after the notice is given, why the proposed action should not be taken.
- (3) If, after considering all submissions made within the stated time, the local government decides that a ground no longer exists to cancel, amend or suspend the approval, the local government must take no further action about the show cause notice and give written notice to the approval holder about the decision.
- (4) If, after considering all submissions made within the stated time, the local government still considers there is a ground to take the proposed action, the local government may—
- (a) if the proposed action was to amend the approval—amend the approval; or
 - (b) if the proposed action was to suspend the approval—suspend the approval for no longer than the period stated in the notice; or
 - (c) if the proposed action was to cancel the approval—amend the approval, suspend it for a period or cancel it.
- (5) If the local government decides to amend, suspend or cancel the approval, the local government must give the approval holder an information notice.
- (6) The decision takes effect on the day the written notice mentioned in subsection (3) or (5) is given to the approval holder, or if a later day of effect is stated in the notice, the later day.
- (7) This section does not limit the power a local government may have apart from this section to amend, suspend or cancel an approval.

19 Procedure for immediate suspension of approval

- (1) Despite section 18, the local government may immediately suspend an

approval if the local government believes that continuation of the prescribed activity by the approval holder poses—

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

Part 3 Authorised persons

20 Appointment

An authorised person's instrument of appointment⁵ must state the local laws, or the provisions of local laws, for which the person is appointed as an authorised person.

21 Threatening etc an authorised person⁶

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

Maximum penalty—20 penalty units.

Part 4 Review of decisions

22 Application for review

- (1) A person who is given, or is entitled to be given, an information notice for a

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

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

decision under a local law (an **original decision**) may apply to the chief executive officer⁷ for a review of the decision under this part.⁸

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

23 Review decision

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

24 Stay of operation of original decision

- (1) A review application does not stay the original decision that is the subject of the application.
- (2) However, the applicant may, immediately after being given the information

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

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

notice about the original decision, apply to the Magistrates Court for a stay of the original decision.

- (3) The court may stay the original decision to secure the effectiveness of the review.
- (4) A stay may be granted on conditions the court considers appropriate.

Part 5 Enforcement

25 Production of records

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

26 Compliance directions

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

Maximum penalty—50 penalty units.

27 Compliance notice for contravention of local law or approval condition

- (1) Subsection (2) applies if an authorised person is satisfied on reasonable grounds that—

⁹ See the Act, section 132.

- (a) a person—
 - (i) is contravening a local law or a condition of an approval; or
 - (ii) has contravened a local law or a condition of an approval in circumstances that make it likely the contravention will continue or be repeated; and
- (b) a matter relating to the contravention can be remedied; and
- (c) it is appropriate to give the person an opportunity to remedy the matter.

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

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

Examples of reasonable steps to avoid further contravention—

- The repetition of a specified action at stated intervals for a certain period.
 - Stopping taking an action that is prohibited by a local law or condition of an approval.
- (6) The compliance notice must include, or be accompanied by, an information notice.

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

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

- (7) The recipient must comply with the compliance notice.¹²
Maximum penalty for subsection (7)—50 penalty units.

28 Compliance notice authorised by local law

- (1) This section applies if—
- (a) a local law provides that an authorised person may give a compliance notice to a person;¹³ and
 - (b) the authorised person gives¹⁴ a compliance notice to the person (the *recipient*).¹⁵
- (2) The compliance notice must state the following—
- (a) the provision of the local law that authorises the authorised person to give a compliance notice; and
 - (b) the specified action that the recipient must take to comply with the notice; and
 - (c) the time by which the recipient must comply with the notice; and
 - (d) that it is an offence to fail to comply with the notice; and
 - (e) the maximum penalty for failing to comply with the notice.
- (3) The specified action in subsection (2)(b) must not be inconsistent with action required, by a remedial notice, to be taken under another Local Government Act.
- (4) The time under subsection (2)(c) must be reasonable having regard to the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm that may result from failure to comply with the notice.
- (5) The compliance notice must include, or be accompanied by, an information notice.
- (6) The recipient must comply with the compliance notice.¹⁶
Maximum penalty for subsection (6)—50 penalty units.

29 Power to require information

- (1) For monitoring or enforcing compliance with this local law an authorised

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

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

¹⁴ See also footnote 10.

¹⁵ See also footnote 11.

¹⁶ See also footnote 12.

person may, subject to subsection (2), require an occupier of a place, or a person at the place to give the authorised person information to help the authorised person ascertain whether the local law is being complied with.

- (2) When making a requirement under subsection (1), the authorised person must warn the person it is an offence to fail to comply with the requirement, unless the person has a reasonable excuse.

30 Failure to give information

- (1) A person of whom a requirement is made under section 29(1) must comply with the requirement, unless the person has a reasonable excuse.

Maximum penalty—50 penalty units.

- (2) It is not a reasonable excuse for a person to fail to comply with the requirement because giving the information might tend to incriminate the person.
- (3) However, if the person is a natural person, evidence of, or evidence directly or indirectly derived from, the information that might tend to incriminate the person is not admissible in evidence against the person in a civil or criminal proceeding, other than a proceeding for an offence about the falsity of the information.

31 Power to remove, remediate and cost recovery

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

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

32 Stop orders

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

Part 6 Legal proceedings

33 Defence of reasonable excuse

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

34 General defence for owners or occupiers of land

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

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

35 Joint and several liability

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

36 Rewards

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

Part 7 Miscellaneous

37 Maintenance of good order at meetings

- (1) A person who is not a member of the local government or a local government committee must not obstruct the proper conduct of a meeting of the local government or committee.
Maximum penalty for subsection (1)—20 penalty units.
- (2) If a person (other than a member) obstructs the proper conduct of a meeting of the local government or committee, the chairperson may ask the person to withdraw from the meeting place.
- (3) A person asked to withdraw from a meeting place under subsection (2) must immediately withdraw from the place and remain away until the end of the

meeting or for a lesser period fixed by the chairperson.

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

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

38 Fees

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

Example—

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

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

39 Abandoned goods

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

40 Dealing with seized and impounded items

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

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

- (a) an impounded item that is an animal; or¹⁸
- (b) a vehicle if the local government or an authorised person considers on reasonable grounds that the vehicle has been —
 - (i) abandoned on a road as described in section 41(1)(a); or
 - (ii) left on a road as described in section 41(1)(b)(i)(A); or
 - (iii) found on a road as described in section 41(1)(b)(i)(B).
- (3) If the impounded item is perishable, it may be immediately disposed of as the chief executive officer directs and the proceeds applied in accordance with subsection (7).
- (4) If the impounded item has no commercial value or has a value that would not cover the costs of sale of the item, it may be disposed of—as the chief executive officer directs, including by private sale, destruction, restoring or giving away and the proceeds applied in accordance with subsection (7).
- (5) A person may reclaim the impounded item if—
 - (a) written application is made to the chief executive officer; and
 - (b) proof is produced to the satisfaction of the chief executive officer that the applicant is the owner of the item; and
 - (c) the applicant pays the prescribed fee for the impounding of the item.
- (6) At the expiry of 1 month since the date of impounding, the impounded item is forfeited to the local government, which may dispose of the item—
 - (a) by sale through—
 - (i) public auction or tender, following an advertisement published at least 14 days before the date of the proposed sale; or
 - (ii) an agent of the local government; or
 - (iii) an enterprise owned by the local government; or
 - (b) if it has been offered for sale under paragraph (a) but has not been sold within a reasonable period—as the chief executive officer directs.
- (7) The proceeds of the sale or disposal of the impounded item must be applied in the following order—
 - (a) in payment of the reasonable expenses incurred in selling or disposing of the impounded item;
 - (b) in payment of the prescribed fee for seizing and holding the impounded item;
 - (c) if there is an amount owing to an entity under a security interest registered for the impounded item under the *Personal Property Securities Act 2009* (Cwlth)—in payment of the amount owing under the security interest;
 - (d) the balance to the owner of the impounded item.
- (8) If no person establishes a valid claim to the amount to which the former owner

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

is entitled under subsection (7)(d) within 1 year of the date of the sale or disposal, the amount becomes the property of the local government.

41 Removal of vehicles from roads

- (1) This section applies where the local government or an authorised person considers on reasonable grounds—
 - (a) that a vehicle in the local government's area has been abandoned on a road, other than a busway, by the person who last drove or used it; or
 - (b) that—
 - (i) a vehicle in the local government's area has been—
 - (A) left on a road unattended whether temporarily or otherwise for a time or in a place, condition, way or circumstances where its presence is hazardous; or
 - (B) found on a road in a place, condition, way or circumstances where its presence is—
 - (a) hazardous; or
 - (b) in contravention of the *Transport Operations (Road Use Management) Act 1995*; or
 - (c) in contravention of a local law; and
 - (ii) the driver of the vehicle—
 - (A) can not readily be located; or
 - (B) has failed to immediately remove the vehicle when required by an authorised person to do so.
 - (2) For subsection (1), the presence of a vehicle on a road is ***hazardous*** if it is causing, or is likely to cause, danger, hindrance or obstruction to traffic or is preventing, hindering or obstructing, or likely to prevent, hinder or obstruct the use of the road or a part of the road for a lawful purpose.
 - (3) Where this section applies, the local government or an authorised person may do 1 or more of the following—
 - (a) remove the vehicle from the road;
 - (b) impound the vehicle at a place for safe keeping;
 - (c) dispose of the vehicle under this section.
 - (4) Subsection (5) applies to a vehicle (a ***no commercial value vehicle***) if—
 - (a) the vehicle is removed or impounded under subsection (3); and
 - (b) the vehicle is deemed by the local government or an authorised person to—
 - (i) have no commercial value; or
 - (ii) have a value that would not cover the cost to the local government of the total of the following—
 - (A) if the vehicle is removed from a road—the cost of removal of the vehicle from the road; and
 - (B) if the vehicle is impounded—the cost of impounding the

vehicle; and

(C) if the vehicle is sold at a public auction— the costs of the sale.

Examples for paragraph (b)—

- *a burnt out vehicle; or*
- *a vehicle without an engine; or*
- *a vehicle from which 1 or more wheels have been removed; or*
- *a vehicle that has been severely damaged; or*
- *a vehicle that has been stripped of parts or wrecked; or*
- *a vehicle that is dilapidated or rusted throughout.*

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

- (e) a statement that the owner of the vehicle, or a person acting on the owner's behalf, may apply for the release of the vehicle; and
 - (f) a statement that an applicant for release of the vehicle must furnish proof to the satisfaction of the chief executive officer of the applicant's ownership or of the applicant's right to possession of the vehicle and, in the case of the applicant being a person acting on behalf of the owner, must furnish proof to the satisfaction of the chief executive officer of the applicant's authority to act on behalf of the owner; and
 - (g) a statement that if a successful claim is not made for the return of the vehicle within 1 month of the date on which the vehicle impounding notice for the vehicle is given to the owner or published on the local government's website, then the vehicle may be disposed of by the local government or an authorised person in accordance with subsection (10).
- (9) Subsection (10) applies to a vehicle if—
- (a) a vehicle impounding notice for the vehicle has been—
 - (i) given to the owner of the vehicle under subsection (7)(a); or
 - (ii) published on the local government's website under subsection (7)(b); and
 - (b) a successful claim for the return of the vehicle is not made in accordance with the time period specified in the vehicle impounding notice.
- (10) Where this subsection applies to a vehicle—
- (a) property in the vehicle vests in the local government; and
 - (b) the local government or an authorised person may dispose of the vehicle—
 - (i) as the chief executive officer directs, including by private sale, destruction, restoring or giving away if—
 - (A) the vehicle has no commercial value; or
 - (B) the vehicle has a value that would not cover the cost to the local government of the total of the following—
 - (a) if the vehicle is removed from a road—the cost of removal of the vehicle from the road; and
 - (b) if the vehicle is impounded—the cost of impounding the vehicle; and
 - (c) if the vehicle is sold at a public auction—the costs of the sale; or
 - (C) the vehicle cannot be sold at a public auction pursuant to paragraph (b)(ii); or
 - (D) the keeping of the vehicle is causing, or is likely to cause, a nuisance or a hazard; or
 - (ii) by sale through public auction or tender, following an advertisement published at least 14 days before the date of the proposed sale; or
 - (iii) if the vehicle has been offered for sale under paragraph (b)(ii) but has not been sold within a reasonable period—as the chief executive officer directs.

- (11) The proceeds of the sale or disposal of the vehicle must be applied in the following order—
 - (a) in payment of the reasonable expenses incurred in selling or disposing of the vehicle;
 - (b) in payment of the prescribed fee for removal and impounding of the vehicle and the service or publication of the vehicle impounding notice for the vehicle under subsection (7);
 - (c) if there is an amount owing to an entity under a security interest registered for the vehicle under the *Personal Property Securities Act 2009* (Cwlth)—in payment of the amount owing under the security interest;
 - (d) the balance to the owner of the vehicle or, if after reasonable inquiry, the owner can not be ascertained, into the general fund of the local government.
- (12) A secured party can not enforce any security interest in the proceeds of sale against an entity to whom an amount is payable under subsection (11)(a) or (b).
- (13) The local government or an authorised person may deal with any goods, equipment or thing contained in, on or about the vehicle at the time of its removal in the same manner as the local government or an authorised person may deal with the vehicle pursuant to this section.
- (14) However, any perishable goods in or on the vehicle at the time of its removal may be disposed of in the way the chief executive officer shall direct and the proceeds (if any) of the disposal shall be applied in accordance with the provisions of subsection (11).
- (15) The chief executive officer must not deliver possession of the vehicle to the owner thereof, or to another person acting on the owner's behalf, or to any other person claiming a right to the possession of the vehicle unless the following provisions have been complied with—
 - (a) the owner, or person acting on the owner's behalf, or other person claiming a right to possession of the vehicle, shall have applied in writing signed by the applicant to the chief executive officer for the release of the vehicle;
 - (b) the applicant shall have furnished proof to the satisfaction of the chief executive officer of the applicant's ownership or of the applicant's right to possession of the vehicle and, in the case of the applicant's being a person acting on behalf of the owner, shall have furnished proof to the satisfaction of the chief executive officer of the applicant's authority to act on behalf of the owner;
 - (c) the applicant shall have paid all expenses incurred by the local government concerned in connection with each of —
 - (i) the removal and impounding of the vehicle; and
 - (ii) the service, or publication, of any vehicle impounding notice in relation to the removal and impounding of the vehicle; and
 - (iii) the intended sale of the vehicle;
 - (d) the applicant has signed a receipt for the delivery of the vehicle to the applicant.
- (16) Any person who takes delivery, or obtains possession of or removes or attempts to remove from the detention of the local government a vehicle removed and

impounded pursuant to the provisions of subsection (3) except in accordance with the provisions of subsection (15) shall be guilty of an offence.

Maximum penalty—40 penalty units.

(17) In this section—

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

Part 8 Subordinate local laws

42 Subordinate local laws

The local government may make subordinate local laws about—

- (a) prescribed activities in respect of which the requirement for an approval does not apply;¹⁹ and
- (b) the categories of prescribed activities for the purposes of maximum penalties;²⁰
- (c) the documents and materials that must accompany an application for an approval;²¹ and
- (d) additional criteria for the granting of approvals for prescribed activities;²² and
- (e) the conditions that must be imposed on an approval or that will ordinarily be imposed on an approval;²³ and
- (f) application requirements for which a third party certifier's certificate may be accepted by the local government;²⁴ and
- (g) the individuals or organisations that are declared as third party certifiers for particular application requirements;²⁵
- (h) the qualifications that are necessary for an individual or organisation to provide a third party certificate about particular application requirements;²⁶ and
- (i) the term for which an approval for a prescribed activity remains in

¹⁹ See section 6(3).

²⁰ See section 6(4).

²¹ See section 8(2)(a).

²² See section 9(1)(d).

²³ See section 10(3).

²⁴ See section 12(1).

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

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

- force;²⁷ and
- (j) the further term for which an approval for a prescribed activity may be renewed or extended;²⁸ and
 - (k) categories of approvals that are non-transferable;²⁹ and
 - (l) complementary accommodation prescribed as appropriate for accommodation parks; and
 - (m) a State-controlled road to which this local law applies;³⁰ and
 - (n) public place activities prescribed as regulated activities on local government controlled areas and roads.³¹

²⁷ See section 13(a).

²⁸ See section 14(1)(a).

²⁹ See section 15(2).

³⁰ See schedule 1, definition of *road*, subparagraph (b)(i).

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

Schedule 1 Dictionary

Section 3

accommodation park includes—

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

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

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

authorised person see the Act, schedule 4³².

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

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

complementary accommodation means each of—

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

compliance notice means a compliance notice given under—

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

day includes—

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

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

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

entertainment includes recreation and amusement.

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

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

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

goods does not include animals.

hazardous see section 41(2).

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

³² See also section 20.

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

- (a) the decision; and
- (b) the reasons for the decision; and
- (c) that the person to whom the notice is given may apply for a review of the decision within 14 days after the notice is given; and
- (d) how to apply for a review.

Local Government Act see the Act, schedule 4.

local government means Redland City Council.

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

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

local government controlled area—

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

Examples of local government controlled areas—

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

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

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

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

no commercial value vehicle see section 41(4).

non-standard condition see section 9(5).

prescribed activity see section 5.

prescribed fee means a cost-recovery fee fixed by the local government, by local law or by resolution, under the Act³³.

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

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

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

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

³³ See the Act, section 97.

review decision see section 23(1).

road means—

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

show cause notice see section 18(2).

the Act means the *Local Government Act 2009*.

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

vehicle impounding notice see section 41(7).

Schedule 2 Prescribed activities

Section 5

Part 1 Prescribed activities

- alteration or improvement to local government controlled areas and roads
- commercial use of local government controlled areas and roads
- establishment or occupation of a temporary home
- installation of advertising devices
- keeping of animals
- operation of accommodation parks
- operation of cemeteries
- operation of public swimming pools
- operation of temporary entertainment events
- undertaking regulated activities regarding human remains
- undertaking regulated activities on local government controlled areas and roads

Part 2 Definitions of prescribed activities

*alteration or improvement to local government controlled areas and roads*³⁴
means—

- 1 *Alteration or improvement to local government controlled areas and roads*
means—
 - (a) installing, changing, damaging or removing a structure in a local government controlled area or on a road; or
 - (b) planting, clearing or damaging of vegetation in a local government controlled area or on a road.
- 2 *Alteration or improvement to local government controlled areas and roads*
does not include an alteration or improvement—
 - (a) that constitutes development under the Planning Act³⁵; or
 - (b) for which a tree clearing permit is required under the *Vegetation Management Act 1999*; or
 - (c) that involves a network connection; or

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

³⁵ See the definition of *Planning Act* in the Act, schedule 4.

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

commercial use of local government controlled areas³⁶ and roads means the use of a local government controlled area or road for soliciting or carrying on the supply of goods and services (including food or drink) for profit, but does not include the following—

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

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

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

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

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

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

³⁶ See footnote 34.

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

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

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

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

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

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

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

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

undertaking regulated activities on local government controlled areas³⁸ and roads means undertaking one of the following activities on a local government controlled area or road—

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

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

³⁸ See footnote 34.

Certification

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

.....
Chief Executive Officer

[415829_1](#)

DRAFT



Redland
CITY COUNCIL

Redland City Council

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



Redland City Council

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

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2014*.

2 Purpose and how it is to be achieved

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

3 Authorising local law

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

4 Definitions

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

Part 2 Approval for prescribed activity

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

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

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

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

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

Part 3 Application to State-controlled roads

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

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

Schedule 1 Operation of temporary entertainment events

Section 5

1. Prescribed activity

Operation of temporary entertainment events.

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

The opening to the public, or the preparation for opening to the public, of 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 plan for each service; and
 - (f) toilet and wash basin adequacy; and
 - (g) drinking water quality and supply; and
 - (h) security services; and
 - (i) emergency response; and
 - (j) traffic management; and
 - (k) risk management strategy; and
 - (l) fire response; and
 - (m) camping controls including shower and ablutions facilities and medical responses (if applicable); and
 - (n) copies of applicable approvals and certifications, for example—
 - (i) a permit under the *Liquor Act 1992* if the consumption of liquor is permitted ; and
 - (ii) a fire safety audit report conducted in accordance with AS 4655 – Fire Safety Audits, taking into account—
 - (A) AS 2444 – Portable fire extinguishers and fire blankets – selection and location; and
 - (B) AS 2293 – Emergency escape lighting and exit signs; and
 - (C) AS 1851 – Maintenance of fire protection system and equipment; and

- (iii) a report from an approved electrical contractor, taking into account—
 - (A) AS/NZS 3760 - In-service safety inspection and testing of electrical equipment; and
 - (B) AS/NZS 3001 - Transportable structures and vehicles including their sites; and
 - (iv) a certified structural safety report for all temporary construction work; and
 - (v) a fireworks licence issued by the Department of Environment and Resource Management; and
 - (vi) a certificate for each amusement ride issued by Workplace Health and Safety Queensland; and
 - (vii) a current public liability insurance certificate; and
 - (viii) a temporary food business licence issued under the *Food Act 2006*; and
 - (ix) a public open space booking; and
 - (x) traffic control permit.
- (11) An application for an approval for the prescribed activity, and all documents and materials that must accompany an application for an approval, must be made to the local government at least 6 weeks prior to the date of commencement of the proposed entertainment event identified in the application.

Note

Redland City Council Temporary Entertainment Events Policy, Guideline and Information Kit provides guidance on application processes for temporary entertainment events and compliance with this subordinate local law.

4. Additional criteria for the granting of an approval

- (1) The design and construction of the place of the temporary entertainment event must be safe and appropriate to the nature of the entertainment proposed and the number of people expected to attend the place.
- (2) Entertainment of the kind proposed must not unreasonably detract from the amenity of the area in which the entertainment is, or is proposed to be, situated.
- (3) Entertainment provided at the place must not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding neighbourhood.
- (4) There must be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public.
- (5) Adequate provision must exist for the disposal of waste generated by the use of the place for the temporary entertainment event.
- (6) Adequate provision must exist for people and (if relevant) vehicles to enter and leave the place of the temporary entertainment event.

- (7) The applicant for the approval must nominate a person who is responsible for —
- (a) ensuring compliance with the authorising local law before, during and after the event; and
 - (b) handling general complaints which may be received; and
 - (c) liaising and communicating with the local government or an authorised person.
- (8) The operation of the temporary entertainment event must be lawfully conducted on the place identified in the application.
- (9) If the temporary entertainment event involves the use of 1 or more animals and is to be held on a local government controlled area, the use of animals must be in accordance with any applicable guideline or policy of the Royal Society for the Prevention of Cruelty to Animals (RSPCA) Australia.

5. Conditions that must be imposed on an approval

The approval holder must—

- (a) display the approval in the manner, and at the locations, specified by the local government; and
- (b) produce the approval for inspection by an authorised person on demand.

6. Conditions that will ordinarily be imposed on an approval

The conditions of an approval may —

- (a) require specified action to maintain or improve the place of the temporary entertainment event; and
- (b) require the approval holder to provide specified equipment, and to take specified measures, for the safety of the public; and
- (c) require the approval holder to provide specified facilities and amenities; and
- (d) regulate the hours of operation of the temporary entertainment event; and
- (e) require the approval holder to provide specified equipment, or take specified measures, to reduce adverse effects of activities at the temporary entertainment event on the surrounding neighbourhood to acceptable levels; and
- (f) require the approval holder to take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before the event commences; and
- (g) regulate noise emission from the temporary entertainment event; and
- (h) require the design and construction of the place of the temporary entertainment event to be safe and appropriate having regard to the nature of the entertainment proposed and the number of people

- expected to attend the place; and
- (i) if the approval relates to an activity on a road – require the approval holder to indemnify the State and the local government; and
 - (j) require the approval holder to ensure that the place of the temporary entertainment event and its operation do not unreasonably detract from the amenity of the area in which the place is located; and
 - (k) prescribe requirements for adequate toilets and sanitary conveniences for the use of members of the public attending the temporary entertainment event; and
 - (l) prescribe requirements for the collection and disposal of waste generated by the temporary entertainment event; and
 - (m) prescribe requirements for people and (if applicable) vehicles to enter and leave the place of the temporary entertainment event; and
 - (n) require that any premises, building, structure, vehicle, facility or equipment used in the operation of the temporary entertainment event be maintained at all times—
 - (i) in good working order; and
 - (ii) in a good state of repair; and
 - (iii) in a clean and sanitary condition; and
 - (o) prescribe requirements about—
 - (i) crowd, traffic and parking control; and
 - (ii) security measures to be implemented; and
 - (iii) evacuation procedures to be implemented as part of the operation of the temporary entertainment event; and
 - (iv) the public display of evacuation plans and procedures as part of the operation of the temporary entertainment event; and
 - (v) the exhibition of signage as part of the operation of the temporary entertainment event; and
 - (vi) the removal of structures erected, and equipment used, as part of the operation of the temporary entertainment event at the completion of the event; and
 - (p) require the approval holder to deliver a bond or security to the local government to secure compliance with the requirements of each of the approval and the provisions of the authorising local law.

7. Term of an approval

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

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be

determined by the local government having regard to the information submitted by the approval holder.

- (2) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

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Schedule 2 Categories of approval that are non-transferable

Section 6

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

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

Section 7

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

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Schedule 4 Dictionary

Section 4

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

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

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

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

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

structure has the meaning given in the Act.

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

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

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

Certification

This and the preceding 12 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the day of , 2014.

.....
Chief Executive Officer

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Redland City Council

**DRAFT Subordinate Local Law No.
1.14 (Undertaking Regulated Activities
on Local Government Controlled Areas
and Roads) 2014**



Redland City Council

Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2014

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2014*.

2 Purpose and how it is to be achieved

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

3 Authorising local law

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

4 Definitions

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

Part 2 Approval for prescribed activity

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

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

section 2 of schedule 1.

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

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

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

Part 3 Application to State-controlled roads

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

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

Schedule 1 Undertaking regulated activities on local government controlled areas and roads

Section 5

1. Prescribed activity

- (1) Undertaking regulated activities on local government controlled areas and roads, and in particular, undertaking 1 of the following activities on a local government controlled area or road—
 - (a) driving or leading of animals to cross a road;
 - (b) depositing of goods or materials;
 - (c) holding of a public place activity prescribed under a subordinate local law but excluding the operation of a temporary entertainment event.
- (2) For the purposes of subsection (1)(c), provided the activity on the local government controlled area or road is not the use of the local government controlled area or road for soliciting or carrying on the supply of goods or services (including food or drink) for profit, **public place activity** means each of the following activities—
 - (a) the placing of a display or information booth;
 - (b) conducting a social gathering or meeting of more than 50 people;
 - (c) conducting or taking part in—
 - (i) an organised sporting activity of regional, State or national significance; or
 - (ii) a 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.
- (8) If requested — an event management plan which details proposed arrangements for each of the following—
 - (a) consultation with key stakeholders; and
 - (b) cleaning and sanitation; and
 - (c) noise; and
 - (d) waste and recycling; and
 - (e) catering services with food safety plan for each service; and
 - (f) toilet and wash basin adequacy; and
 - (g) drinking water quality; and
 - (h) security services; and
 - (i) emergency response; and
 - (j) traffic management; and
 - (k) risk management strategy; and
 - (l) fire response plans; and
 - (m) camping controls including shower and ablutions facilities and medical responses (if applicable); and
 - (n) copies of applicable approvals and certifications, for example—
 - (i) a permit under the *Liquor Act 1992* if the consumption of liquor is permitted; and

- (ii) a certified electrical safety report of a qualified electrician; and
 - (iii) a certified structural safety report for all temporary construction work; and
 - (iv) a fireworks licence issued by the Department of Environment and Resource Management; and
 - (v) a fire and emergency evacuation plan certified and approved by the Queensland Fire and Rescue Authority; and
 - (vi) a certificate for each amusement ride issued by Workplace Health and Safety Queensland; and
 - (vii) a current public liability insurance certificate; and
 - (viii) a temporary road closure approval.
- (9) If requested — a traffic management plan which details—
- (a) anticipated pedestrian and vehicular traffic which will be created by the undertaking of the prescribed activity; and
 - (b) anticipated impact of the undertaking of the prescribed activity on the movement of pedestrian and vehicular traffic in the area surrounding the place at which the prescribed activity is to be undertaken; and
 - (c) how the applicant will minimise the impact of the undertaking of the prescribed activity on the movement of pedestrian and vehicular traffic in the area surrounding the place at which the prescribed activity is to be undertaken.
- (10) If requested — a report, study or certification from a suitably qualified person about —
- (a) the undertaking of the prescribed activity generally; or
 - (b) a specific aspect of the undertaking of the prescribed activity.

Examples—

1. A certificate of a registered professional engineer about the structural adequacy of a structure, improvement or building to be used in the undertaking of the prescribed activity.
2. A certificate of a registered professional engineer about the extent to which the undertaking of the prescribed activity will comply with relevant requirements of the Manual of Uniform Traffic Control Devices.

4. Additional criteria for the granting of an approval

- (1) The prescribed activity for which the approval is sought must not unduly interfere with the proper use of the local government controlled area or road.
- (2) There must be a public demand for the prescribed activity in respect of which the approval is sought.
- (3) The physical characteristics of the local government controlled area or road must be suitable for the prescribed activity.
- (4) The prescribed activity must not cause nuisance, inconvenience or annoyance to—

- (a) the occupier of any land which adjoins the location of the prescribed activity; or
 - (b) vehicular traffic; or
 - (c) pedestrian traffic.
- (5) The prescribed activity must not have a detrimental effect on the amenity of the surrounding area.
- (6) If the prescribed activity is the driving or leading of animals to cross a road—the driving or leading of the animals to cross the road must not unduly interfere with the proper use of the road or create a safety hazard for users of the road.
- (7) If the prescribed activity is the depositing of goods or materials on a local government controlled area or road—the depositing of the goods or materials on the local government controlled area or road must not unduly interfere with the usual use or the amenity of the local government controlled area or road.
- (8) If the prescribed activity is the holding of a public place activity on a local government controlled area or road—
- (a) the undertaking of the prescribed activity must not generate significant noise, dust or light pollution or other significantly adverse effects on the surrounding area; and
 - (b) there must be enough toilets and sanitary conveniences, complying with standards and requirements imposed by the local government, for the use of the public; and
 - (c) adequate provision must exist for the disposal of waste generated by the undertaking of the prescribed activity; and
 - (d) adequate provision must exist for people and (if relevant) vehicles to enter and leave the site of the prescribed activity.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions of an approval may require that the approval holder—
- (a) limit the activities authorised by the approval to 1 or more of—
 - (i) a single specified location;
 - (ii) a number of specified locations;
 - (iii) a specified area;
 - (iv) a number of specified areas; and
 - (b) limit the activities to specified days and times; and
 - (c) limit the activities to—
 - (i) a specified period of time; or
 - (ii) specified periods of time; and

- (d) display the approval in a specified position, and produce the approval for inspection on demand by an authorised person; and
- (e) take specified measures to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and
- (f) give the local government specified indemnities and take out and maintain insurance against personal injury and property damage resulting from the activities authorised by the approval; and
- (g) take specified measures to ensure that the activities authorised by the approval do not cause environmental harm or environmental nuisance; and
- (h) if the approval authorises the approval holder to use a specified part of a local government controlled area or road for the undertaking of the activity — pay a specified rental to the local government at specified intervals; and
- (i) submit the undertaking of the activity, including any vehicle or premises used in the undertaking of the activity, for inspection by an authorised person; and
- (j) prominently and permanently display at a specified location each of—
 - (i) the approval number granted by the local government in numbers not less than 50mm in height; and
 - (ii) the name and address of the approval holder in letters not less than 75mm in height; and
- (k) if the approval relates to an activity on a road—give a written indemnity to the State; and
- (l) display specified warning notices for the safety of users of the local government controlled area or road; and
- (m) limit the undertaking of the prescribed activity so that it does not—
 - (i) create a traffic nuisance; or
 - (ii) increase an existing traffic nuisance; or
 - (iii) detrimentally affect the efficiency of the road network in which the activity is undertaken; and
- (n) limit the undertaking of the prescribed activity so that it does not detrimentally affect the amenity of the neighbourhood in which the prescribed activity is undertaken; and
- (o) ensure that the undertaking of the prescribed activity does not create a safety risk; and
- (p) at all times keep and maintain all facilities and equipment used in the undertaking of the prescribed activity—
 - (i) in good working order and condition; and
 - (ii) in a clean and sanitary condition; and
- (q) if the undertaking of the prescribed activity results in damage or loss of amenity to a local government controlled area or a road — promptly

- rectify the damage or loss of amenity.
- (2) If the prescribed activity is the driving or leading of animals to cross a road, the conditions of the approval may also require that the approval holder—
- (a) restrict the number of animals that may be driven or led across the road; and
 - (b) not conduct the prescribed activity in a manner which is, or may be, a risk to road safety.
- (3) If the prescribed activity is the depositing of goods or materials on a local government controlled area or road, the conditions of the approval may also require that the approval holder—
- (a) deposit the goods or materials—
 - (i) in a specified manner; and
 - (ii) at a specified time or during specified periods; and
 - (b) limit the deposit of the goods or materials to—
 - (i) a specified area; and
 - (ii) a specified period; and
 - (c) if the goods or materials are deposited on a footpath—keep and maintain a clear unobstructed pedestrian corridor—
 - (i) of a specified width depending on the density of pedestrian traffic; and
 - (ii) during specified periods; and
 - (d) only use, for the purposes of the deposit of the goods or materials, a structure which is—
 - (i) of safe construction; and
 - (ii) in good condition and repair; and
 - (iii) securely fixed to the land on which the prescribed activity is undertaken; and
 - (e) remove the goods or materials, and any structure used for the purposes of the depositing of the goods or materials, at a specified time, or after a specified period.
- (4) If the prescribed activity is the holding of a public place activity prescribed under a subordinate local law, the conditions of the approval may also require that the approval holder—
- (a) provide specified facilities and amenities; and
 - (b) provide specified illumination for the purposes of the undertaking of the prescribed activity and take specified measures to reduce light spillage from the undertaking of the prescribed activity; and
 - (c) take specified measures to reduce noise emission from the undertaking of the prescribed activity; and
 - (d) provide specified equipment, or take specified measures, to reduce adverse effects of the undertaking of the prescribed activity on the surrounding neighbourhood to acceptable levels; and

- (e) not discharge trade waste generated by the undertaking of the prescribed activity otherwise than in accordance with an approval under the *Water Supply (Safety and Reliability) Act 2008*; and
- (f) for waste generated by the undertaking of the prescribed activity—
 - (i) only dispose of the waste—
 - (A) in a safe and sanitary manner; and
 - (B) in a manner which maintains the site of the prescribed activity and its surrounds in a clean, tidy, sanitary and hygienic condition; and
 - (ii) not dispose of the waste—
 - (A) so as to attract pests; or
 - (B) into a water course; or
 - (C) at another location other than a location properly intended for the receipt of the waste; and
- (g) keep and maintain in and about the area identified in the approval, adequate waste disposal facilities, for example, bins, and be responsible for the removal of all waste from the waste disposal facilities at such intervals as an authorised person may direct; and
- (h) not place or display any sign or device advertising the undertaking of the prescribed activity in the area identified in the approval otherwise than in accordance with an approval of the local government which authorises the use of the area for that purpose.

7. Term of an approval

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

8. Term of renewal of an approval

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

Table 1 – Third party certification

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) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the _____ day of _____, 2014.

.....
Chief Executive Officer

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Redland
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Redland City Council

**Local Law No. 2 (Animal
Management) 2014**



Redland City Council Local Law No. 2 (Animal Management) 2014

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Part 1 Preliminary

1 Short title

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

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to regulate and manage the keeping and control of animals in the local government's area in a way that—
 - (a) balances community expectations with the rights of individuals; and
 - (b) protects the community against risks to health and safety; and
 - (c) prevents pollution and other environmental damage; and
 - (d) protects the amenity of the local community and environment.
- (2) The purpose is to be achieved by providing for—
 - (a) the regulation of the keeping of animals in terms of how many, what type, how, and where animals can be kept; and
 - (b) the prescription of minimum standards for keeping animals; and
 - (c) the proper control of animals in public places; and
 - (d) the management of dangerous or aggressive animals other than dogs;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) 2014*.

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) 2014*. The process for obtaining an approval for a prescribed activity is set out in part 2 of that local law and section 6 creates an offence for a person undertaking a prescribed activity without a current approval.

- (2) The circumstances in which an approval is required may be specified by reference to 1 or more of the following factors—
 - (a) species;
 - (b) breed;
 - (c) sex;
 - (d) age;
 - (e) number;
 - (f) the locality in which the animal is to be kept, including whether it is an urban or non-urban locality;
 - (g) the nature of the premises in which the animal is to be kept, including the size of the enclosure or the size of the allotment.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.

Division 3 Aggressive behaviour by animals other than dogs

14 Limited application of division to dogs¹⁵

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.

- (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
 - (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

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

¹⁶ See section 83 of that Act.

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 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

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

¹⁸ See the definition of *information notice* in *Local Law No.1 (Administration) 2014*, schedule 1.

¹⁹ See *Local Law No.1 (Administration) 2014*, section 28 regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

- (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
- (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

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."

- (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
 - (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;

²³ See the *Animal Management (Cats and Dogs) Act 2008*, section 127, for power to destroy a seized regulated dog.

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—
 - (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)-

²⁴ An authorised person may also declare an animal as a declared dangerous animal under section 17 if specified criteria are met.

- (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

²⁵ See note 18.

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) 2014*.

appeal means an appeal under part 4 of this local law.

Division 5 Disposal of impounded animals

29 Application of this division

This division applies where—

- (a) an impounded animal has not been reclaimed within the prescribed period under section 27(2); or
- (b) if section 27(3)(a) applies— the impounded animal has not been reclaimed within 3 days of an authorised person’s advice to the owner or responsible person that the animal’s continued retention as evidence is no longer required; or
- (c) if section 27(3)(b) applies—the impounded animal has not been reclaimed within 3 days of the completion of a review or appeal that caused a destruction order to no longer be in force; or
- (d) an authorised person has seized an animal mentioned in section 25(2)(b); or
- (e) the owner of an animal has surrendered the animal to the local government.

30 Sale, disposal or destruction of animals

- (1) The local government may—
- (a) offer the animal for sale by public auction or by tender; or
 - (b) if the animal is an animal mentioned in section 25(2)(b) or is of a species, breed or class specified by subordinate local law for this paragraph—
 - (i) sell the animal by private agreement; or

- (ii) dispose of the animal in some other way without destroying it; or
- (iii) destroy the animal.

Example for paragraph (b)—

The subordinate local law might specify dogs, cats and other small domestic animals, for which a public auction or tender might not be practicable.

- (2) An animal may only be sold or disposed of under subsection (1) if the local government is satisfied that this will not result in the animal being kept in contravention of the requirements of this local law.

Examples—

- A pig that has been seized because it is being kept in an urban area in contravention of a prohibition under a subordinate local law could be sold to a person outside the urban area but not to another person in an urban area.
 - An animal that a subordinate local law has prohibited in any part of the local government area could not be sold to a person who resides within the local government area.
 - A declared dangerous animal could only be sold to a person who has complied with any specified requirements for keeping such an animal.
- (3) If an animal is to be offered for sale at a public auction under this section, notice of the time and place of the auction must be exhibited at the local government's public office for at least 2 days before the date of the auction.
 - (4) An amount realised on sale of an impounded animal must be applied—
 - (a) first, towards the costs of the sale; and
 - (b) second, towards the cost-recovery fee for impounding; and
 - (c) third, in payment of the remainder to the former owner of the animal, unless the owner had surrendered the animal to the local government.
 - (5) If no person establishes a valid claim to the amount to which the former owner is entitled under subsection (4)(c) within 1 year of the date of the sale, the amount becomes the property of the local government.
 - (6) If an animal that is offered for sale by public auction or tender is not sold through the auction or tender process, the local government may dispose of the animal as it considers appropriate.

Examples—

- The local government may give the animal away.
- The local government may have the animal destroyed.

Division 6 Other impounding matters

31 Register of impounded animals

- (1) The local government must ensure that a proper record of impounded animals (the *register of impounded animals*) is kept.
- (2) The register of impounded animals must contain the following information about each impounded animal—
 - (a) the species, breed and sex of the animal; and

- (b) the brand, colour, distinguishing markings and features of the animal; and
 - (c) if applicable—the registration number of the animal; and
 - (d) if known—the name and address of the responsible person; and
 - (e) the date and time of seizure and impounding; and
 - (f) the name of the authorised person who impounded the animal; and
 - (g) the reason for the impounding; and
 - (h) a note of any order made by an authorised person relating to the animal; and
 - (i) the date and details of whether the animal was sold, released, destroyed or disposed of in some other way.
- (3) The register of impounded animals must be kept available for public inspection at the place of care for animals or, if the place has no public office, at an office prescribed by subordinate local law.

32 Access to impounded animal

- (1) This section applies to an animal impounded under section 22.
- (2) The local government must allow the owner of the animal to inspect it at any reasonable time, from time to time.
- (3) Subsection (2) does not apply if it is impracticable or would be unreasonable to allow the inspection.
- (4) The inspection must be provided free of charge.

33 Unlawful removal of seized or impounded animal

- (1) A person must not, without the authority of an authorised person, remove or attempt to remove—
 - (a) a seized animal from the custody or control of an authorised person; or
 - (b) an impounded animal from the local government's facility for keeping impounded animals.

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

- (2) Any costs arising from damage or loss caused by a person contravening subsection (1) are recoverable by the local government as a debt.

Part 5 Appeals against destruction orders

34 Who may appeal

An owner or responsible person for an animal the subject of a destruction order may appeal to the Magistrates Court against the decision to make the destruction order.

35 Starting appeal

- (1) An appeal must not be started unless a review of the decision to make the destruction order has been finally decided or otherwise ended.
- (2) An appeal is started by—
 - (a) filing notice of appeal with the Magistrates Court; and
 - (b) serving a copy of the notice of appeal on the local government; and
 - (c) complying with rules of court applicable to the appeal.
- (3) The notice of appeal must be filed within 14 days after the appellant is given notice by the local government about the finalisation of the review of the decision to make a destruction order.
- (4) However, the court may, at any time, extend the time for filing the notice of appeal.
- (5) The notice of appeal must state fully the grounds of the appeal and the facts relied on.

36 Stay of destruction order

Upon filing the notice of appeal, the destruction order is stayed until the court decides the appeal.

37 Hearing procedures

- (1) In deciding an appeal, the Magistrates Court—
 - (a) has the same powers as the local government; and
 - (b) is not bound by the rules of evidence; and
 - (c) must comply with natural justice.
- (2) An appeal is by way of rehearing, unaffected by the decision appealed against.

38 Court's powers on appeal

- (1) In deciding an appeal, the Magistrates Court may—
 - (a) confirm the decision appealed against; or
 - (b) set aside the decision and substitute another decision; or
 - (c) set aside the decision and return the matter to the local government with directions the court considers appropriate.
- (2) If the court substitutes another decision, the substituted decision is, for the purposes of this local law, other than this part, taken to be the decision of the local government.
- (3) An order for the costs of an appeal may only be made against the local government if the court is satisfied that the animal was unlawfully seized or there was no reasonable basis for making the decision subject to the appeal.

39 Appeal to District Court

An appeal lies to a District Court from a decision of the Magistrates Court, but only on a question of law.

Part 6 Registration of cats

40 Registration obligation

- (1) This section does not apply to—
 - (a) the operator of a pound or shelter; or
 - (b) the owner of a cat less than 12 weeks old.
- (2) An owner of a cat must comply with section 41 to register the cat within 14 days after starting to keep the cat in the local government area unless the person has a reasonable excuse.
Maximum penalty—20 penalty units.
- (3) A person who becomes an owner of a cat must comply with section 41 to register the cat in the local government area within 14 days unless the person has a reasonable excuse.
Maximum penalty — 20 penalty units.
- (4) It is a defence to a prosecution for an offence against subsection (2) or (3) for the defendant to prove that the cat is of a class of cat prescribed under a subordinate local law.

41 What the owner of a cat must do

To register a cat with the local government, the owner of the cat must—

- (a) give the local government a registration form for the cat that complies with section 42; and
- (b) ensure the registration form is accompanied by—
 - (i) the registration fee for the cat; and
 - (ii) if the cat is desexed — a signed veterinary surgeon's certificate stating, or other evidence that, it has been desexed; and
- (c) if a written notice is given to the owner under section 43 — give the chief executive officer of local government any other information or documents required to be given in the notice.

42 What registration form must state

A registration form for the registration of a cat must comply with requirements prescribed by subordinate local law.

43 Chief executive officer may ask for further information

- (1) This section applies if the owner of a cat gives the local government—
 - (a) a registration form for the cat under section 41; or
 - (b) a notice mentioned in section 46(3) or 48(2) for the cat.
- (2) The chief executive officer may, by written notice, require the owner to give other information or documents reasonably required to register the cat.
- (3) The notice must state a reasonable period of at least 14 days to comply with the notice.

44 Local government must give registration notice

- (1) This section applies if an owner of a cat complies with section 41 for the cat.
- (2) The local government must give the owner of the cat notice (a **registration notice**) that the cat has been registered by the local government.
- (3) The registration notice must—
 - (a) comply with the requirements prescribed by subordinate local law; and
 - (b) be accompanied by any registration device for the cat.

45 Duration of registration

The registration of a cat is for the period fixed by resolution of the local government for the cat.

46 Amendment of registration

- (1) If any information stated in the registration notice for a cat changes (the **changed information**), the owner of the cat must, within 7 days, give the local government notice of the changed information.
Maximum penalty — 5 penalty units.
- (2) The notice must be—
 - (a) in the approved form; and
 - (b) accompanied by other information or documents to enable the local government to record the changed information in the local government's register of cats.
- (3) If the owner complies with subsection (2), the local government must, within 14 days after receiving the notice, ensure the owner is given a written notice for the cat that includes the changed information.

47 Renewal of registration

- (1) This section applies if—
 - (a) a cat has been registered by the local government; and
 - (b) the local government has given the owner of the cat a registration

notice.

- (2) The local government must give the owner notice (a *renewal notice*) to renew the registration for the cat.
- (3) The renewal notice must comply with requirements prescribed by subordinate local law.

48 What owner of a cat must do about renewal of registration

- (1) This section applies to the owner of a cat, whether or not the owner has been given a renewal notice.
- (2) The owner of the cat must, before the period of registration for the cat expires—
 - (a) if any information on the renewal notice has changed—give the local government written notice of the change (the *changed information*); and
 - (b) pay the registration fee for the cat; and
 - (c) if the cat is desexed—ensure the fee is accompanied by a signed veterinary surgeon's certificate stating, or other evidence that, it has been desexed.

Maximum penalty — 20 penalty units.

- (3) However, if a registration form for the cat has already been accompanied by the certificate or evidence mentioned in subsection (2) for the cat, the certificate or evidence need not accompany the fee.

49 Local government's obligations if owner complies

- (1) This section applies if the owner of a cat given a renewal notice under section 47 complies with section 48 for the cat.
- (2) The local government may ask the owner for other information or documents in the way mentioned in section 43.
- (3) The owner must give the local government the information or documents required to be given in the notice mentioned in section 43(2).

Maximum penalty — 5 penalty units.

- (4) If the owner complies with subsection (3), the local government must—
 - (a) within 7 days after receiving the notice mentioned in section 48(2), ensure the information is updated in the local government's register of cats in a way that reflects the change; and
 - (b) within 14 days after receiving the fee, any information or documents mentioned in section 48(2) or other information or documents given under section 43, give the owner any registration device for the cat.

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 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

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).

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

55 Transitional provision for the prohibition and restriction of animals in public places

For the avoidance of doubt, the local government may make a resolution about a prohibition or restriction under section 9(1) contemporaneously with, or after, the commencement of this local law if, before making the resolution, the local government consulted with the public for at least 21 days about, and considered every submission properly made to it about—

- (a) each prohibition proposed under section 9(1)(a) or (b); and

³² See section 17(1).

³³ See section 22(b).

³⁴ See section 30(1)(b).

³⁵ See section 31(3).

³⁶ See section 40(4).

³⁷ See section 42.

³⁸ See section 44(3).

³⁹ See section 47(3).

⁴⁰ See section 52(1).

⁴¹ See the definition of *animal* in the schedule.

⁴² See the definition of *declared dangerous animal* in the schedule.

⁴³ See the definition of *prescribed period* in the schedule.

(b) each restriction proposed under subsection (1)(c).

Example—

The local government may consult with the public and consider every submission properly made to it contemporaneously with the public consultation undertaken by the local government as part of the local law making process adopted by the local government, by resolution, under section 29(1) of the *Local Government Act 2009*.

56 Transitional provision for dog off-leash areas

For the avoidance of doubt, the local government may make a resolution about a designation under section 10(1) contemporaneously with, or after, the commencement of this local law if, before making the resolution, the local government consulted with the public for at least 21 days about, and considered every submission properly made to it about, each designation proposed under section 10(1).

Example—

The local government may consult with the public and consider every submission properly made to it contemporaneously with the public consultation undertaken by the local government as part of the local law making process adopted by the local government, by resolution, under section 29(1) of the *Local Government Act 2009*.

Schedule Dictionary

Section 3

animal includes a mammal, fish, bird, reptile, amphibian or insect but does not include an animal of a species excluded by subordinate local law from the application of this local law.

approved form means a form approved by the chief executive officer of the local government.

attack, by an animal, means—

- (a) aggressively rushing at or harassing any person or animal; or
- (b) biting, butting, kicking, or otherwise causing physical injury to, a person or an animal; or
- (c) tearing clothing on, or otherwise causing damage to the property in the immediate possession of, a person.

changed information—

- (a) for section 46—see section 46(1); and
- (b) for section 48—see section 48(2).

compliance notice means a compliance notice mentioned in *Local Law No.1 (Administration) 2014*, section 28.

cost-recovery fee means the fee fixed by the local government to cover the costs associated with impounding an animal.⁴⁴

declared dangerous animal means an animal—

- (a) of a species declared by subordinate local law as a declared dangerous animal; or
- (b) declared under section 17 of this local law to be a declared dangerous animal.

desex see *Animal Management (Cats and Dogs) Act 2008, schedule 2*.

destroy, an animal, includes causing it to be destroyed.

destruction order see section 28(1).

dog off-leash area see section 10(1).

effective control see section 11(2).

notice of impounding see section 23(1).

owner, of an animal, means

- (a) its registered owner;
- (b) a person who owns the animal, in the sense of it being the person's personal property;
- (c) a person who usually keeps the animal, including through an agent, employee or anyone else;
- (d) if a person mentioned in paragraphs (a) to (c) is a minor—a parent or guardian of the minor.

pound, for part 6, means premises maintained for the purpose of impounding animals.

⁴⁴ See the Act, section 97 for the power of a local government to fix a cost recovery fee.

prescribed period means the period, fixed by subordinate local law, of not less than—

- (a) if the animal is registered with the local government—5 days; or
- (b) if the animal is not registered with the local government—3 days;

and commencing on the day a notice of impounding is given to a person or, if no notice is given to a person, on the day of the seizure.

registered, for a cat, means that the information about the cat is recorded in the local government's register of cats.

registered owner, of an animal, means a person recorded as being the owner of the animal in a registry kept by a local government.

registration device means a device to assist in identifying a cat decided by resolution of the local government.

Example of a registration device—a tag for the collar of a cat

registration fee, for a cat, means the fee fixed by the local government for the registration of the cat.

registration form, for the registration of a cat, means the approved form for registering cats in the local government area.

registration notice see section 44(2).

renewal notice see section 47(2).

responsible person, for an animal, means—

- (a) the person, or the person's employee acting within the scope of the employment, who has immediate control or custody of the animal; or
- (b) if a minor has immediate control or custody of the animal — the parent or guardian of the minor; or
- (c) if a person other than a minor has immediate custody or control of the animal — the person who has immediate custody or control of the animal; or
- (d) the person who occupies the place at which the animal is usually kept,

but does not include—

- (a) a person who occupies the place at which the animal is usually kept, if someone else who is an adult and lives at the place keeps the animal; or
- (b) a person who has the control or custody of or keeps the animal as an employee of someone else, if the person is acting within the scope of the employment.

restricted dog see *Animal Management (Cats and Dogs) Act 2008*, section 63.

shelter, for part 6, means premises maintained for the purpose of providing shelter to, or finding a home for, stray, abandoned or unwanted animals.

State planning instrument see *Sustainable Planning Act 2009*, schedule 3.

the Act means the *Local Government Act 2009*.

veterinary surgeon means a person registered as a veterinary surgeon under the *Veterinary Surgeon's Act 1936*.

wandering at large means—

- (a) the animal is not under the effective control of someone; and
- (b) the animal is in either—
 - (i) a public place; or
 - (ii) a private place without the consent of the occupier.

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Certification

This and the preceding 33 pages bearing my initials is a certified copy of *Local Law No. 2 (Animal Management) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the day of , 2014.

.....
Chief Executive Officer

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**DRAFT Local Law No. 2 (Animal
Management) 2014**

Register

Animals in Public Places



Redland City Council

Local Law No. 2 (Animal Management) 2014

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Register Prohibition and restriction of animals in public places

Local Law No. 2 (Animal Management) 2014

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

Part 1 Prohibition of animals in public places under section 9(1)(a) and (b) of Local Law No. 2 (Animal Management) 2014.

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

Item	Column 1 Prohibition	Column 2 Public Place
		<p>Beach; and</p> <p>(ii) a northerly direction to Morwong Beach; and</p> <p>(iii) a westerly direction to the intersection of Elizabeth Street and Victoria Parade at Morwong Beach.</p> <p>(f) The foreshore and seashore adjacent to Redland Bay Esplanade, Redland Bay where Grey Street and Bay Street intersect.</p> <p>(g) The foreshore, seashore and reserve at Cylinder Beach, North Stradbroke Island between the foreshore and the roads abutting the reserve.</p> <p>(h) The foreshore and seashore at North Stradbroke Island, Main Beach between a point north east of Plant 7 Road and the access road adjacent to the Point Lookout Surf Lifesaving Club.</p> <p>(i) The foreshore and seashore in front of the swimming enclosures at Redland Bay, North Stradbroke Island, Russell Island, Macleay Island, Lamb Island and Karragarra Island.</p> <p>(j) The display garden and barbeque areas located at the Redlands Indigiscapes Centre, 17 Runnymede Road, Capalaba.</p> <p>(k) Myora Springs Reserve, North Stradbroke Island.</p> <p>(l) Empire Point Wader Roost, Ormiston (Lot 116 on SL8945).</p> <p>(m) Brown Lake Conservation Area, North Stradbroke Island (Lot 70 on SL4098).</p> <p>(n) The foreshore and seashore at Flinders Beach, North Stradbroke Island, from Amity Point access to Geera Street, Amity Point.</p> <p>(o) All bathing reserves placed under the control of the local government.</p>

Item	Column 1 Prohibition	Column 2 Public Place
		<p>(p) Within 10 metres of any playground apparatus in a public place that is provided for the use of children.</p> <p>(q) In any shop other than —</p> <p>(i) a pet shop; or</p> <p>(ii) a veterinary shop/clinic; or</p> <p>(iii) if the animal is a dog or a cat — a dog grooming or pet care salon.</p> <p>(r) Swamp Box Conservation Area, Capalaba (Lot 900 on SP207204).</p>
2	Public places where a person is prohibited from bringing a dog during specified hours on specified days and particulars of the hours and days	<p>(a) Subject to the prohibition specified in item 1(a), columns 1 and 2, Wellington Point Reserve, Wellington Point — the prohibition applies on Saturday, Sunday and statutory holidays, but only between the hours of 9.00 a.m. and 4.00 p.m.</p> <p>(b) The foreshore and seashore at the end of each of Edinburgh Street, Church Street and Wilson Street, Victoria Point — the prohibition applies on Saturday, Sunday and statutory holidays.</p> <p>(c) Bloomfield Street, Cleveland between Queen Street and Middle Street — the prohibition applies only between the hours of 6.00 a.m. and 4.00 p.m. on Sunday.</p> <p>(d) The reserve at W.H. Yeo Park, Victoria Point— the prohibition applies on Saturday, Sunday and statutory holidays, but only between the hours of 9.00 a.m. and 4.00 p.m.</p>
3	Public places where a person is prohibited from bringing a dog which is a declared dangerous dog or a declared menacing dog under the <i>Animal Management (Cats and Dogs) Act 2008</i> at any time.	Each public place which is designated as a dog off-leash area.
4	Public places where a person is prohibited from bringing a horse, camel or donkey at any time	<p>(a) Wellington Point Recreation Reserve, Wellington Point.</p> <p>(b) Redlands Indigiscapes Centre, 17</p>

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

Part 2 Restriction of animals in public places under section 9(1)(c) of Local Law No. 2 (Animal Management) 2014

Item	Column 1 Restriction	Column 2 Public Place
1	<p>Public places where a person may only bring a horse, camel or donkey subject to conditions and particulars of the conditions.</p> <p>The conditions applicable to the bringing of a horse, camel or donkey onto a public place identified in Item 1, Column 2 are that the responsible person for the animal must ensure that the animal does not—</p> <p>(a) enter any area which is not part of a designated trail system; and</p> <p>(b) disturb feeding, resting or roosting shore birds or wading birds; and</p> <p>(c) disturb mangroves, sea grass or other marine vegetation or cause other environmental harm.</p> <p>These conditions do not apply if 1 or more horses, camels or donkeys are brought onto a park or reserve by the holder of an approval granted under <i>Local Law No. 1 (Administration) 2014</i>—</p> <p>(a) in the exercise of the rights of the holder of the approval; and</p> <p>(b) in accordance with the conditions specified in the approval.</p>	<p>(a) All parks and reserves within the local government area.</p> <p>(b) All foreshore areas within the local government area.</p>

Register Dog off-leash areas

Local Law No. 2 (Animal Management) 2014

Dog off-leash areas designated under section 10 of Local No. 2 (Animal Management) 2014

Item	Column 1 Public place designated as a dog off-leash area	Column 2 If the dog off-leash area is not a dog off-leash area at all times — the specified days and hours when a dog is not required to be on a leash
1	The foreshore and seashore at Home Beach, North Stradbroke Island between Rocky Point and the rocky headland in front of the Point Lookout Hotel.	
2	Skatebowl Park, Dunwich, North Stradbroke Island between the skatebowl and the fenced area at the eastern end of the park.	
3	The fenced enclosure at Wentworth Drive Park, Capalaba.	
4	The fenced enclosure at Charlie Buckler Sportsfield, Redland Bay.	
5	The fenced enclosure at Robert Mackie Park, Thornlands.	
6	The fenced enclosure at Three Paddocks Park, Birkdale.	
7	The fenced enclosure at Windermere Road Park, Alexandra Hills.	
8	The fenced enclosure at George Street Park, Alexandra Hills.	
9	The unfenced area as designated by sign at Aquatic Paradise Park West, Birkdale.	
10	The fenced enclosure at Brosnan Drive Park, Capalaba.	
11	The unfenced area as designated by sign at G.J. Walter Park, Cleveland.	

12	The foreshore and seashore in front of Raby Bay Foreshore Park between the first groyne in an easterly direction from the intersection of Masthead Drive and Seacrest Court, Cleveland and the first groyne in a westerly direction from the intersection of Masthead Drive and Seacrest Court.	
13	The foreshore and seashore at Main Beach, Coochiemudlo Island between a point 113 metres west of the barge ramp, and extending in a westerly direction to a point 293 metres west of the barge ramp .	(a) At all times during the months of May, June, July and August; and (b) During the months of January, February, November and December but only before 9.00 a.m. and after 5.00 p.m. each day.
14	The foreshore and seashore in front of Lions Park, Russell Island.	(a) At all times during the months of May, June, July and August; and (b) During the months of January, February, November and December but only before 9.00 a.m. and after 5.00 p.m. each day.
15	The fenced enclosure at Hanover Drive Park, Alexandra Hills.	
16	The fenced enclosure at Valantine Park, Valantine Road, Alexandra Hills.	
17	The fenced enclosure at Lachlan Street Park, Birkdale.	
18	The fenced enclosure at Capalaba Regional Park, Pittwin Road North, Capalaba.	
19	The unfenced area as designated by sign at Pioneer Park, Lucas Drive, Lamb Island.	
20	The unfenced area as designated by sign at Attunga Street Park, 13 Attunga Street, Macleay Island.	
21	The fenced enclosure at Mount Cotton Community Park, Valley Way entered via Bohemia Court, Mount Cotton.	
22	The fenced enclosure (adjacent to the Redlands Softball Park) at Sturgeon Street, Ormiston.	

23	The fenced enclosure at Pioneer Children's Memorial Park, corner of High Street and Jackson Road, Russell Island.	
24	The fenced enclosure at Main Street Park, corner Gordon Road, Redland Bay.	
25	The fenced enclosure at Talburpin Esplanade, corner Torquay Road, Point Talburpin, Redland Bay.	
26	The fenced enclosure at Manning Esplanade Park, Thornlands.	
27	The fenced enclosure at Fodder Forest, Link Road, Victoria Point.	
28	The fenced enclosure at Les Moore Park, Wilson Esplanade, Victoria Point.	

Schedule Dictionary

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

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

park has the meaning given in *Subordinate Local law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014*.

reserve has the meaning given in *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014*.

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



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



Redland City Council

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

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to—
 - (a) protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads; and
 - (b) preserve features of the natural and built environment and other aspects of the amenity of local government controlled land, facilities, infrastructure and roads.
- (2) The purpose is to be achieved by providing for—
 - (a) the regulation of access to local government controlled areas; and
 - (b) the prohibition or restriction of particular activities on local government controlled areas or roads; and
 - (c) miscellaneous matters affecting roads.

3 Definitions—the dictionary

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

4 Relationship with other laws¹

This local law is—

- (a) in addition to and does not derogate from laws² regulating the use of trust land and roads; and
- (b) to be read with *Local Law No. 1 (Administration) 2014*.

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 Other legislation that may be relevant in the application of this local law includes the *Land Act 1994*, the *Land Regulation 2009* and the *Land Protection (Pest and Stock Route Management) Act 2002*.

Part 2 Use of local government controlled areas, facilities and roads³

5 Prohibited and restricted activities

- (1) The local government may, under a subordinate local law, declare an activity to be—
 - (a) prohibited in a local government controlled area or road (a *prohibited activity*); or
 - (b) restricted in a local government controlled area or road (a *restricted activity*).

Example for paragraph (a)—

The local government may declare that the lighting of fires is a prohibited activity in all local government controlled areas, in a particular local government controlled area or in a part of a local government controlled area.

Example for paragraph (b)—

The local government may declare that the playing of sport generally, or the playing of certain sports, is a restricted activity in that it is restricted to particular times of the day, week, month or year in all local government controlled areas, in a particular local government controlled area or in a part of a local government controlled area.

- (2) The local government must take reasonable steps to provide notice to members of the public regarding restricted activities declared for local government controlled areas or roads.
- (3) In this section—

reasonable steps may include the display of a notice at a prominent place within each local government controlled area for which a declaration under subsection (1)(b) has been made, stating—

 - (a) if the declaration relates to the whole area—the restricted activities for the area; and
 - (b) if the declaration relates to a part of the area—the restricted activities and a description of the part of the area to which the declaration applies; and
 - (c) in general terms, the provisions of subsection (4).
- (4) A person must not engage in a prohibited activity or a restricted activity.
Maximum penalty—20 penalty units

6 Motor vehicle access to local government controlled areas

- (1) A motor vehicle access area is an area within a local government controlled area that is—

³ *Local Law No. 1 (Administration) 2014* deals with activities on local government controlled areas and roads that require the local government's approval, such as commercial use of local government controlled areas and roads, alterations or improvements to local government controlled areas, and other miscellaneous regulated activities.

- (a) a car park or roadway for which there is no sign or traffic control device indicating that vehicles owned by members of the public are excluded; or
 - (b) declared under a subordinate local law for this paragraph as a motor vehicle access area.
- (2) For the purposes of *Local Law No.1 (Administration) 2014*, section 5(b), it is a prescribed activity⁴ to bring a motor vehicle onto or drive a motor vehicle on any part of a local government controlled area that is not a motor vehicle access area.
- (3) The local government may, by subordinate local law, declare a specific type of motor vehicle (a ***prohibited vehicle***) as prohibited in a specified motor vehicle access area.
- (4) For the purposes of *Local Law No.1 (Administration) 2014*, section 5(b), it is a prescribed activity⁵ to bring a prohibited vehicle onto or drive a prohibited vehicle on the specified motor vehicle access area.
- (5) However, subsections (2) and (4) do not apply for an emergency vehicle.
- (6) The local government must take reasonable steps to provide notice to members of the public regarding—
- (a) declarations of motor vehicle access areas under subsection (1)(b); and
 - (b) declarations of prohibited vehicles under subsection (3).
- (7) In this section—
- emergency vehicle*** includes the following—
- (a) an ambulance;
 - (b) a fire-engine;
 - (c) a police vehicle;
 - (d) another vehicle, including a tow truck, helicopter or mobile crane, if used in circumstances of an emergency.
- reasonable steps*** include, as a minimum, the display of a notice at a prominent place within each declared motor vehicle access area stating—
- (a) a description of the declared motor vehicle access area; and
 - (b) a description of prohibited vehicles for the area; and
 - (c) in general terms, the provisions of subsections (2) and (4).

7 Opening hours of local government controlled areas

- (1) The local government may, by subordinate local law, declare the times when a

⁴ *Local Law No.1 (Administration) 2014*, section 6, creates an offence for a person to undertake a prescribed activity without a current approval granted by the local government. Section 7 requires that the approval be obtained under part 2 of that local law.

⁵ See footnote 3.

local government controlled area is open to the public (the *opening hours*).

- (2) A person must not enter or remain in a local government controlled area outside the opening hours unless the person is authorised to do so by the chief executive officer⁶.

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

- (3) If the local government declares the opening hours for a local government controlled area under subsection (1), it must place a notice showing the opening hours at each public entrance to the area.

8 Power of closure of local government controlled areas

- (1) The local government may, by resolution, temporarily close a local government controlled area to public access—

- (a) to carry out construction, maintenance, repair or restoration work; or
- (b) to protect the health and safety of a person or the security of a person's property; or
- (c) because of a fire or other natural disaster; or
- (d) to conserve or protect the cultural or natural resources of the area or native wildlife.

- (2) A resolution under subsection (1)—

- (a) must state a period, not greater than 6 months, during which the area will be closed; and
- (b) must be revoked by the local government as soon as practicable after the local government becomes satisfied that the reason for making the resolution no longer exists.

- (3) The local government may, by subordinate local law, permanently close a local government controlled area to public access for any of the following reasons—

- (a) the conservation of the cultural or natural resources of the area, including, for example—
 - (i) to protect significant cultural or natural resources; or
 - (ii) to enable the restoration or rehabilitation of the area; or
 - (iii) to protect a breeding area for native wildlife; or
 - (iv) to manage a significant Aboriginal area in the area in a way that is consistent with Aboriginal tradition; or
 - (v) to manage a significant Torres Strait Islander area in the area in a way that is consistent with Island custom;
- (b) protection of the health and safety of members of the public;
- (c) protection of a facility or service in the area, including, for example, infrastructure, water supply facilities or power generating equipment;

⁶ See definition of *chief executive officer* in the Act, schedule 4.

- (d) protection of the amenity of an area adjacent to the area;
 - (e) the orderly or proper management of the area.
- (4) If the local government closes a local government controlled area under subsections (1) or (3), it must place at each public entrance to the area a notice of the closure, including a statement of the duration of the closure.

Example—

If the local government closes an area that is part of a wider local government controlled area, it must place notices at each public entrance to the closed area.

- (5) A person must not enter or remain in a local government controlled area while it is closed to public access under this section, unless the person is authorised to do so by the chief executive officer.

Maximum penalty for subsection (5)—20 penalty units.

- (6) In this section—

significant Aboriginal area see the *Aboriginal Cultural Heritage Act 2003*, section 9.

significant Torres Strait Islander area see the *Torres Strait Islander Cultural Heritage Act 2003*, section 9.

Part 3 Matters affecting roads

9 Power to require owner of land adjoining road to fence land

- (1) This section applies if, in the local government's opinion, it is necessary for land adjoining a road to be fenced to prevent the risk of—
- (a) animals escaping from the land onto the road; or
 - (b) interference with the safe movement of traffic or the safe use of the road.
- (2) The local government may, by giving a compliance notice⁷ to the owner—
- (a) if the land is not currently fenced—require the owner to fence the land; or
 - (b) if a current fence on the land is in disrepair—require the owner to repair or replace the fence.
- (3) The local government may, by subordinate local law, set out the minimum standards with which the fence must comply.
- (4) In this section—

animal does not include a native animal, feral animal or pest animal.

feral animal see *Animal Care and Protection Act 2001*, section 42.

pest animal see *Animal Care and Protection Act 2001*, section 42.

⁷ See *Local Law No.1 (Administration) 2014*, section 28, regarding the requirements for compliance notices.

10 Numbering of premises and allotments adjoining a road⁸

- (1) An owner of land must not adopt a number for a building or allotment that is inconsistent with a numbering system adopted by the local government under this section.

Maximum penalty for subsection (1)—10 penalty units.

- (2) An owner of land (other than vacant land) must display the number allocated so as to be easily identified from the adjoining road.

Maximum penalty for subsection (2)—10 penalty units.

11 Compliance notice about a road or footpath crossing

The local government may give a compliance notice to—

- (a) the owner of land adjoining or adjacent to a road to perform work on the land or the road if the work to be carried out is required as a direct result of the actions of the owner or occupier of the land or will confer a direct benefit on the owner or occupier and, in the opinion of an authorised person, the work should be performed to—
- (i) protect public health, safety or amenity; or
 - (ii) prevent environmental harm or environmental nuisance; or
 - (iii) prevent interference with the safe movement of traffic or the safe use of a road; or
- (b) the owner of land adjoining or adjacent to a road to—
- (i) construct a vehicle crossing to provide vehicular access between the road and the land to a standard specified by the local government in the compliance notice; or
 - (ii) maintain or repair a vehicle crossing which provides vehicular access between the road and the land to a standard specified by the local government in the compliance notice if, in the opinion of an authorised person, the vehicle crossing—
 - (A) is not effective for its intended purpose; or
 - (B) is causing a nuisance or poses a risk of a nuisance; or
 - (C) constitutes an actual or potential safety hazard; or
 - (iii) alter a vehicle crossing, or construct a new or modified vehicle crossing to a standard specified by the local government in the compliance notice if, in the opinion of an authorised person, the vehicle crossing is no longer adequate having regard to—
 - (A) the volume or nature of traffic using the vehicle crossing; or
 - (B) the manner in which the vehicle crossing is used by traffic; or

⁸ See the Act, section 60, regarding control of roads by a local government.

- (C) changes in the use of the land to which the vehicle crossing provides access; or
- (D) changes in the usual or expected standard of vehicle crossing provision in the relevant locality.

Part 4 Miscellaneous

12 Subordinate local laws

The local government may make subordinate local laws about—

- (a) the declaration of prohibited activities or restricted activities;⁹ or
- (b) the declaration of motor vehicle access areas;¹⁰ or
- (c) the declaration of prohibited vehicles;¹¹ or
- (d) the opening hours for a local government controlled area;¹² or
- (e) closing a local government controlled area to public access;¹³ or
- (f) minimum standards for fences on land adjoining a road.¹⁴

⁹ See section 5(1).

¹⁰ See section 6(1).

¹¹ See section 6(3).

¹² See section 7(1).

¹³ See section 8(3).

¹⁴ See section 9(3).

Schedule Dictionary

Section 3

environmental nuisance see *Environmental Protection Act 1994*, schedule 4.

land see *Local Government Act 2009*, schedule 4.

local government controlled area see *Local Law No.1 (Administration) 2014*, schedule 1.

occupier see *Local Government Act 2009*, schedule 4.

owner see *Local Government Act 2009*, schedule 4.

road see *Local Law No.1 (Administration) 2014*, schedule 1.

vehicle crossing means facilities provided for the purpose of vehicles making entry or exit at, or substantially at, right angles between a road and land adjoining or adjacent to the road and may include an invert, pipe or driveway at, or adjacent to, the boundary of the land.

DRAFT

Certification

This and the preceding 9 pages bearing my initials is a certified copy of *Local Law No. 4 (Controlled Areas Facilities and Roads) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the _____ day of _____, 2014.

.....
Chief Executive Officer

347470_1

DRAFT



Redland
CITY COUNCIL

Redland City Council

DRAFT Local Law No. 5 (Parking) 2014



Redland City Council

Local Law No. 5 (Parking) 2014

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 5 (Parking) 2014*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to complement the regulated parking provisions in chapter 5, part 6 of the TORUM Act by providing for the exercise of local government powers authorised under that Act.
- (2) The purpose is achieved by providing for—
 - (a) the establishment of traffic areas and off-street regulated parking areas; and
 - (b) lawfully parking contrary to an indication on an official traffic sign with a parking permit or in a loading zone with a commercial vehicle identification label; and
 - (c) the prescribing of infringement notice penalties for minor traffic offences.

3 Definitions—the dictionary

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

4 Relationship with other laws¹

This local law is—

- (a) in addition to, and does not derogate from, the TORUM Act, chapter 5, part 6²; and
- (b) to be read with *Local Law No. 1 (Administration) 2014*.

Part 2 Declaration of parking areas for the TORUM Act

5 Declaration of traffic areas

- (1) The local government may, by subordinate local law, declare the whole or a part of its area to be a traffic area.^{3 4}
- (2) The subordinate local law must define the boundaries of the traffic area.

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 A local government cannot regulate parking on a State-controlled road unless the written agreement of the chief executive has been obtained under the TORUM Act, section 101(1)(b).

³ See the TORUM Act, sections 102(3)(a) and 102(2)(b).

⁴ The TORUM Act, section 69(4), provides: “A local government may install or remove an official traffic sign that will result in a change to the management of a local government road, of a kind mentioned in the *Transport Planning and Coordination Act 1994*, section 8D(1), only if the chief executive has approved the proposed change under the *Transport Planning and Coordination Act 1994*, section 8D.”

6 Declaration of off-street regulated parking areas

- (1) The local government may, by subordinate local law, declare an area of land controlled⁵ by the local government, including structures on the land, as an off-street regulated parking area.⁶
- (2) The subordinate local law must define the boundaries of the off-street regulated parking area.

Part 3 Parking contrary to parking restriction

7 Parking permits⁷

- (1) The local government may issue a parking permit.⁸
The local government may prescribe, by subordinate local law, the persons that may be issued with a permit mentioned in subsection (1).
- (2) A vehicle may be parked contrary to an indication on an official traffic sign regulating parking by time or payment of a fee, if the vehicle displays—
 - (a) a parking permit for people with disabilities;⁹ or
 - (b) a permit issued by the local government and valid for the place and time at which the vehicle is parked.

8 Commercial vehicle identification labels¹⁰

- (1) The local government may issue a commercial vehicle identification label.¹¹
- (2) The local government may, by subordinate local law, prescribe vehicles that may be issued with a commercial vehicle identification label.¹²
- (3) A vehicle displaying a current commercial vehicle identification label may be lawfully parked in a loading zone.¹³

⁵ See the TORUM Act, section 104(2).

⁶ See the TORUM Act, sections 104(1)(b) and 101(1)(c).

⁷ See the TORUM Act, section 103(4).

⁸ *Local Law No. 1 (Administration) 2014*, section 5(b), provides that a **prescribed activity** includes “an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval.” Section 7 of *Local Law No. 1 (Administration) 2014* provides that an approval required for a prescribed activity must be obtained under part 2 of *Local Law No. 1 (Administration) 2014*. As a result, an approval for a parking permit must be obtained under that part.

⁹ Parking permits for people with disabilities are issued under the TORUM Act, section 111, by the chief executive of the department administering the TORUM Act.

¹⁰ See the TORUM Act, section 103(5).

¹¹ *Local Law No. 1 (Administration) 2014*, section 5(b), provides that a **prescribed activity** includes “an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval.” Section 7 of *Local Law No. 1 (Administration) 2014* provides that an approval required for a prescribed activity must be obtained under part 2 of *Local Law No. 1 (Administration) 2014*. As a result, an approval for a commercial vehicle identification label must be obtained under that part.

¹² The TORUM Act already defines certain vehicles designed for the carriage of goods as commercial vehicles – see schedule 4, definition, **commercial vehicle**.

¹³ See also *Transport Operations (Road Use Management-Road Rules) Regulation 2009*, section 179, relating to drivers who are permitted to stop in a loading zone.

Part 4 Minor traffic offence infringement notice penalties

9 Minor traffic offence infringement notice penalties

- (1) The local government may prescribe, by subordinate local law, an amount (in penalty units) as the infringement notice penalty for a minor traffic offence.¹⁴
- (2) However, a subordinate local law under subsection (1) may not prescribe an amount greater than 5 penalty units.

Part 5 Miscellaneous

10 Subordinate local laws

The local government may make subordinate local laws about—

- (a) the declaration of traffic areas;¹⁵ or
- (b) the declaration of off-street regulated parking areas;¹⁶ or
- (c) the persons who may be issued with a permit to park a vehicle contrary to an indication on an official traffic sign;¹⁷ or
- (d) vehicles that may be issued with a commercial vehicle identification label;¹⁸ or
- (e) infringement notice penalty amounts that apply for minor traffic offences.¹⁹

¹⁴ See the TORUM Act, section 108(1). The maximum penalty for an offence relating to paid parking is 40 penalty units under the TORUM Act, section 106(1). The maximum penalty for other parking offences is 40 penalty units under the TORUM Act, section 74.

¹⁵ See section 5(1).

¹⁶ See section 6.

¹⁷ See section 7(2).

¹⁸ See section 8(2).

¹⁹ See section 9(1).

Schedule Dictionary**Section 3**

commercial vehicle identification label means a label of the type depicted in the Manual of Uniform Traffic Control Devices as a commercial vehicle identification label.

indication, on an official traffic sign, see TORUM Act, schedule 4.

infringement notice penalty means an infringement notice fine under the *State Penalties Enforcement Act 1999*.

minor traffic offence see TORUM Act, section 108(4).

official traffic sign see TORUM Act, schedule 4.

off-street regulated parking area see TORUM Act, schedule 4.

parking permit for people with disabilities see TORUM Act, schedule 4.

traffic area see TORUM Act, schedule 4.

TORUM Act means the *Transport Operations (Road Use Management) Act 1995*.

Certification

This and the preceding 5 pages bearing my initials is a certified copy of *Local Law No. 5 (Parking) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the _____ day of _____, 2014.

.....
Chief Executive Officer

347471_1

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Redland City Council

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



Redland City Council

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

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Part 1 Preliminary

1 Short title

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

2 Purpose and how it is to be achieved

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

3 Authorising local law

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

4 Definitions

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

Part 2 Approval for prescribed activity

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

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

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

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

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

Schedule 1 Keeping of animals

Section 5

1. Prescribed activity

- (1) Keeping of animals.
- (2) Under *Local Law No. 2 (Animal Management) 2014*, the relevant approvals are described as —
 - (a) a 3 cat approval;
 - (b) a 3 dog approval;
 - (c) a cattery approval;
 - (d) a kennel approval;
 - (e) a pet shop approval;
 - (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) 2014*.
- (4) If the application relates to a 3 cat approval or a 3 dog approval — whether compassionate grounds exist for granting the approval.

Example –

Compassionate grounds for the grant of an approval exist if—

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

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

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

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

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

collection and storage of all waste generated as part of the operation of the cattery or kennel must be provided in the manner and location specified by the local government; and

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

- (g) a condition that the keeper must comply with any request or direction of an authorised person which is considered necessary to keep the premises free of nuisance; and
 - (h) a condition that waste waters from the premises must be drained in a nuisance free manner or as directed by an authorised person.
- (5) Unless otherwise specified, the conditions in subsection (4) do not apply to the keeping of fish at premises the subject of a pet shop approval.
- (6) The conditions that will ordinarily be imposed on 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.

- (7) The conditions that will ordinarily be imposed on an approval to keep an animal (other than a dog or a cat) are—
 - (a) if minimum standards for the keeping of the species or breed of the animal are prescribed in schedule 3 of *Subordinate Local Law No. 2 (Animal Management) 2014*—the animal must be kept in accordance with the minimum standards for the species or breed of animal prescribed in schedule 3 of *Subordinate Local Law No. 2 (Animal Management) 2014*; and
 - (b) if the approval relates to the keeping of 1 or more animals and the animal or animals are identified in the approval—a condition limiting the approval to the animal or animals identified in the approval.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.
- (3) 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.		

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) 2014*.

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) 2014*.

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

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

registered has the meaning given in the Animal Management Act.

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

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

Certification

This and the preceding 13 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.5 (Keeping of Animals) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the _____ day of _____, 2014.

.....
Chief Executive Officer

419164_1

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Redland
CITY COUNCIL

Redland City Council

**DRAFT Subordinate Local Law No. 2
(Animal Management) 2014**



Redland City Council

Subordinate Local Law No. 2 (Animal Management) 2014

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 2 (Animal Management) 2014*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 2 (Animal Management) 2014*, which provides for regulation of the keeping and control of animals within the local government's area.
- (2) The purpose is to be achieved by providing for—
 - (a) the circumstances in which the keeping of animals is prohibited or requires approval; and
 - (b) requirements for keeping animals, including minimum standards and proper enclosures; and
 - (c) the control of animals in public places; and
 - (d) matters regarding the impounding of animals and the sale or disposal of impounded animals; and
 - (e) the conditions to be complied with by persons who offer animals, or a particular species of animal, for sale; and
 - (f) the declaration of a species of animal as a declared dangerous animal and the criteria for declaration of a specific animal as a declared dangerous animal.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 2 (Animal Management) 2014* (the **authorising local law**).

4 Definitions

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

Part 2 Keeping of animals

5 Circumstances in which keeping animals prohibited—Authorising local law, s 5(1)

For section 5(1) of the authorising local law, keeping an animal or animals mentioned in column 1 of schedule 1 is prohibited in the circumstances described in column 2 of schedule 1.

6 Circumstances in which keeping animals requires approval—Authorising local law, s 6(1)

- (1) For section 6(1) of the authorising local law, an approval is required for the keeping of an animal or animals in the circumstances specified in this section.
- (2) An approval (a **3 cat approval**) is required to keep 3 cats over the age of 3 months on premises unless a cattery approval or a pet shop approval has been granted in respect of the keeping of the cats on the premises.
- (3) An approval (a **3 dog approval**) is required to keep 3 dogs over the age of 3 months on premises unless a kennel approval or a pet shop approval has been granted in respect of the keeping of the dogs on the premises.
- (4) An approval (a **cattery approval**) is required to operate premises which are used or intended for use for the keeping, boarding, breeding or training of more than 3 cats.
- (5) An approval (a **kennel approval**) is required to operate premises which are used or intended for use for the keeping, boarding, breeding or training of more than 3 dogs.
- (6) An approval (a **pet shop approval**) is required to keep animals if the animals are kept for the purposes of the operation of a pet shop.
- (7) An approval (a **miniature pig approval**) is required to keep a miniature pig on premises.

7 Minimum standards for keeping animals—Authorising local law, s 7(1)

- (1) For section 7(1) of the authorising local law, the minimum standards for the keeping of animals are set out in schedule 2.
- (2) For section 7(1) of the authorising local law, column 2 of schedule 3 sets out the minimum standards for keeping an animal of the species or breed mentioned in column 1 of schedule 3.

8 Identification for dogs in certain circumstances—Authorising local law, s 8

For section 8 of the authorising local law, the identification required for a dog that is at a place other than the address stated in the registration notice for the dog is an identifying tag supplied by the local government—

- (a) stating the registration number of the dog; and
- (b) indicating that the identifying tag has been issued by the local government; and
- (c) containing other information the local government considers appropriate.

Part 3 Control of animals

9 Requirements for proper enclosures for keeping animals—Authorising local law, s 13(2)

For section 13(2) of the authorising local law, column 2 of schedule 4 sets out the requirements for proper enclosures for an animal of the species or breed mentioned in column 1 of schedule 4.

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.
8	Pig	(a) 1 or more pigs on an allotment with an area less than 4,000m ² . (b) 1 or more pigs on an allotment with an area of 4,000m ² or more unless the local government has granted, in respect of the keeping of 1 pig on the allotment, a miniature pig approval. (c) 1 or more pigs, including a miniature pig, on premises in the ridgewood downs prohibition area ³ .

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.

³ See definition of *ridgewood downs prohibition area* in the dictionary.

Schedule 2 Minimum standards for keeping animals generally

Section 7(1)

- (1) A person who keeps an animal on premises must—
 - (a) ensure that the animal is adequately identified so that the owner's name, address and telephone number are readily ascertainable; and
 - (b) ensure that waste waters from enclosures are drained in a nuisance free manner and that run-off is kept off adjoining premises or as otherwise directed by an authorised person; and
 - (c) ensure that excreta, food scraps and other material that is, or is likely to become, offensive is collected at least daily and, if not immediately removed from the premises, is kept in a waste container of a kind approved by an authorised person; and
 - (d) ensure that any enclosure in which the animal is kept is properly maintained in—
 - (i) a clean and sanitary condition; and
 - (ii) an aesthetically acceptable condition; and
 - (e) take all reasonable steps to prevent the animal from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of—
 - (i) adjoining premises; or
 - (ii) premises in the vicinity of the land on which the animal is ordinarily kept; and
 - (f) ensure that the area available to the animal kept on the premises is appropriately sized so that the animal can be effectively and comfortably kept.
- (2) For the purposes of subsection (1)(e), the local government may consider a noise to be a nuisance or disturbance if—
 - (a) the noise is made for more than a total of 6 minutes in any hour from 7am to 10pm on any day; or
 - (b) the noise is made for more than a total of 3 minutes in any 30 minute period on any day after 10pm or before 7am.
- (3) Where an enclosure is to be built specifically for the purpose of housing an animal on premises, the enclosure must be constructed to prevent the animal from going within any of the following—
 - (a) 5m of any residence, other than a residence upon the premises on which the enclosure is to be constructed;
 - (b) 1m of any boundary of the premises;
 - (c) 10m of any premises used for the manufacture, preparation or storage of food for human consumption, other than food contained in hermetically sealed packages.
- (4) Subsection (3)(c) does not apply where an enclosure is built for the purpose of housing the animal if the premises are a domestic kitchen used solely for domestic purposes by the owner of, or responsible person for, the animal.

Schedule 3 Minimum standards for keeping particular animals

Section 7(2)

Item	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
1	Dog	<p>Each owner of, and responsible person for, a dog kept on premises must—</p> <p>(a) provide and maintain on any part of the premises which is accessible by the dog, structures or facilities which facilitate the escape of koalas from the premises; and</p> <p><i>Examples of structures or facilities which facilitate the escape of koalas—</i></p> <ol style="list-style-type: none"> 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 5 Conditions for sale of animals

Section 17

	<p style="text-align: center;">Column 1</p> <p style="text-align: center;">Species or breed of animal</p>	<p style="text-align: center;">Column 2</p> <p style="text-align: center;">Conditions that must be complied with when offering animal for sale</p>
1	A dog or a cat	<p>(a) A person who offers an animal of a species specified in this item 1 for sale must keep and maintain a written register detailing —</p> <ul style="list-style-type: none"> (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) 2014*.

caravan park —

- (a) means a place operated on a commercial basis for parking and residing in caravans; and
- (b) includes a place that provides for complimentary accommodation.

caravan park site (at a caravan park) means a part of the caravan park which is designated for a single accommodation of a particular type.

cat—

- (a) has the meaning given in section 11 of the Animal Management Act; and
- (b) includes a kitten regardless of age.

cattery approval see section 6(4).

complimentary accommodation has the meaning given in *Local Law No. 1 (Administration) 2014*.

destroy, an animal, includes causing it to be destroyed.

dog—

- (a) has the meaning given in section 11 of the Animal Management Act; and
- (b) includes a puppy regardless of age.

domestic purposes means the purposes of—

- (a) human consumption; or
- (b) food preparation; or
- (c) washing; or
- (d) other normal domestic duties.

guard dog—

- (a) means a dog released on residential premises or non-residential premises in the area of the local government without a handler for the purpose of guarding either persons or property if the dog has been trained to attack; but
- (b) includes a dog released on residential premises or non-residential premises in the area of the local government without a handler for the primary purpose of acting as a deterrent to intruders.

horse includes a pony and a miniature horse.

identifiable animal means an animal—

- (a) wearing an identifying tag issued by the local government; or
- (b) otherwise identified so that the local government is able to ascertain the owner of the animal.

keep (an animal)—

- (a) includes board, breed and train; and
- (b) in the absence of evidence to the contrary, a person is presumed to keep an animal on land if the person —
 - (i) feeds and cares for the animal on the land; and
 - (ii) the animal is observed by an authorised person on the land on more than 1 occasion during a month.

kennel approval see section 6(5).

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

livestock includes a horse, donkey, cow, bull, ox, deer, sheep, goat, camel, llama and an alpaca.

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).

multi-residential premises means —

- (a) a residence which forms part of a group of 2 or more residences in circumstances where 2 or more of the residences of the group are directly adjacent to each other and share—
 - (i) a common wall; or
 - (ii) a ceiling in circumstances where 1 residence is directly under the floor of another residence; and
- (b) a residence situated on a lot which forms part of a community titles scheme as defined in the *Body Corporate and Community Management Act 1997*.

Examples of multi-residential premises —

Flats, boarding houses, tenement buildings, home units, townhouses and duplexes.

non-residential premises means premises other than residential premises.

occupier, of premises—

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

pet shop means a shop or a stall at a market at which animals are offered for sale.

pet shop approval see section 6(6).

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

registered has the meaning given in the *Animal Management (Cats and Dogs) Act 2008*.

residence means a building, or part of a building, that is—

- (a) fixed to land; and
- (b) a self-contained unit used by, or intended for the exclusive residential use of, one household.

residential premises means premises used, or intended to be used, predominantly as a place of residence.

ridgewood downs prohibition area means the area shaded in grey on the map in schedule 6.

stallion means an uncastrated adult male horse.

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

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

Certification

This and the preceding 22 pages bearing my initials is a certified copy of *Subordinate Local Law No. 2 (Animal Management) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the _____ day of _____, 2014.

.....
Chief Executive Officer

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



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

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 3 (Community and Environmental Management) 2014*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 3 (Community and Environmental Management) 2014*, which provides for protecting the environment and public health, safety and amenity within the local government's area.
- (2) The purpose is to be achieved by providing for—
 - (a) declaration of local pests; and
 - (b) prohibition of lighting or maintaining certain fires; and
 - (c) declaration of fire hazards; and
 - (d) declaration of community safety hazards; and
 - (e) prescribed requirements for owners of land containing community safety hazards; and
 - (f) declaration of noise standards.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 3 (Community and Environmental Management) 2014* (the *authorising local law*).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 6 defines particular words used in this subordinate local law.

Part 2 Declared local pests

5 Declaration of local pests—Authorising local law, s 6(1)

For section 6(1) of the authorising local law, the animal or plant prescribed in column 2 of schedule 1 is a declared pest in the corresponding part of the local government's area mentioned in column 1 of schedule 1.

6 Persons exempted from introducing etc a declared local pest— Authorising local law, s 12(2)

For section 12(2) of the authorising local law, a person mentioned in column 1 of schedule 2 is exempt from section 12(1) of the authorising local law in

relation to introducing, propagating, breeding or providing harbour to a declared local pest mentioned in the corresponding part of column 2 of schedule 2.

Part 3 Overgrown and unsightly allotments

This part in the authorising local law does not contain any matters to be provided for by subordinate local law.

Part 4 Fires and fire hazards

7 Prohibition on lighting or maintaining fires—Authorising local law, s 14(2)

- (1) This section applies to the following 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 therefrom.
- (2) For section 14(2) of the authorising local law, lighting or maintaining a fire described in column 2 of schedule 3 is declared to be prohibited or restricted in the corresponding part of the local government's area mentioned in column 1 of schedule 3.

8 Fire hazards—Authorising local law, s 15(3)(b)

For section 15(3)(b) of the authorising local law, the following are declared to be fire hazards—

- (a) live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash; and
- (b) a substantial accumulation of grass clippings that is liable to spontaneous combustion; and
- (c) dry vegetation that could be easily ignited or other flammable materials.

Part 5 Community safety hazards

9 Community safety hazards—Authorising local law, s 16(c)

For section 16(c) of the authorising local law, the following are declared to be community safety hazards—

¹ Pursuant to a notification by the Fire and Rescue Services Commissioner published in the gazette on 6 August 2004 under section 63 of the *Fire and Rescue Service Act 2004*, the listed fires can generally be lit without a permit issued by a fire warden, provided adequate precautions are taken to prevent the spread of fire and the fire conforms with any local law. Local laws can therefore regulate these types of fire, which is the purpose of this subordinate local law.

- (a) a plant on premises which—
 - (i) is dangerous or attracts vermin; or
 - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
 - (A) personal injury or property damage; or
 - (B) a negative impact on the amenity of the surrounding area; and
- (b) an act or omission on premises which—
 - (i) is dangerous or attracts vermin; or
 - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
 - (A) personal injury or property damage; or
 - (B) a negative impact on the amenity of the surrounding area; and
- (c) a dead animal on premises which—
 - (i) is dangerous or attracts vermin; or
 - (ii) has caused, or is, in the opinion of an authorised person, likely to cause—
 - (A) personal injury or property damage; or
 - (B) a negative impact on the amenity of the surrounding area.

10 Prescribed requirements for community safety hazards—Authorising local law, s 19(1)

For section 19(1) of the authorising local law, a responsible person for a community safety hazard listed in column 1 of schedule 4 must meet the requirements prescribed in the corresponding part of column 2 of schedule 4.

Part 6 Noise standards

11 Prescribed noise standards—Authorising local law, s 20(2)

- (1) For section 20(2) of the authorising local law, the noise standard in column 2 of schedule 5 is prescribed for the section of the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3 stated in column 1 of schedule 5.
- (2) For section 20(2) of the authorising local law, the noise standard in column 2 of schedule 5 applies in the corresponding part of the local government's area mentioned in column 3 of schedule 5.

Part 7 Miscellaneous

This part in the authorising local law does not contain any matters to be provided for by subordinate local law.

Schedule 1 Declared local pests

Section 5

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
<p>That part of the local government area comprising—</p> <ul style="list-style-type: none">(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.	<p>The lighting or maintaining of a fire in the open is prohibited unless the fire is—</p> <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

	Column 1 Community safety hazard	Column 2 Prescribed requirements to be met by responsible person
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 in urban areas only in a security fence with the barbed wire to be more than 2m off the ground.
2	Electric fencing	<ul style="list-style-type: none"> (a) Fencing installed in an urban area that adjoins any road or public land to have warning signs of a size that can be read from a distance of 5m and fixed at 5m intervals along the fence; (b) Fencing installed in an urban area must be situated at least 1.5m from a fence located on or within the boundary of the premises OR such that if the fencing is installed on the boundary of the premises the lowest point of the fencing capable of imparting an electric shock when touched is at least 2m off the ground; (c) Fencing must be installed, operated and maintained in accordance with AS/NZS 3014:2003; (d) 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

		<p>to prevent unauthorised entry by a person or an animal;</p> <p>(b) The existence of the well on the land must be announced by a sign with black on white lettering at least 100 mm high; and</p> <p>(c) The well must be fenced or screened to prevent unauthorised access to the well by a person or an animal.</p>
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Schedule 5 Prescribed noise standards

Section 11

Column 1 Section of the <i>Environmental</i> <i>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*.

urban area means an area forming the whole or part of an urban district.

urban district has the meaning given in the *Fire and Rescue Service Act 1990*.

vermin means—

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

Certification

This and the preceding 13 pages bearing my initials is a certified copy of *Subordinate Local Law No. 3 (Community and Environmental Management) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the _____ day of _____, 2014.

.....
Chief Executive Officer

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**DRAFT Local Law No. 7 (Bathing
Reserves) 2014**



Redland City Council

Local Law No. 7 (Bathing Reserves) 2014

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 7 (Bathing Reserves) 2014*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to enhance the public safety and convenience of bathing reserves placed under the local government's control¹ through orderly management and regulation of activities within these reserves.
- (2) The purpose is achieved by providing for—
 - (a) the designation and management of safe, supervised bathing areas within bathing reserves; and
 - (b) the regulation of conduct and the use of aquatic equipment within bathing reserves; and
 - (c) the assignment of responsibility to life-saving clubs for managing, patrolling and supervising bathing reserves; and
 - (d) the appointment and powers of authorised persons to manage and enforce the regulation of conduct within bathing reserves.

3 Definitions—the dictionary

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

4 Relationship with other laws²

- (1) This local law is to be read with *Local Law No. 1 (Administration) 2014*.
- (2) However, a reference to an authorised person in *Local Law No. 1 (Administration) 2014* does not include an authorised person appointed under this local law.

Part 2 Bathing reserves

Division 1 Designation of bathing reserves

5 Signs indicating existence of bathing reserve

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

¹ As declared by gazette notice under the Act.

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 the Commonwealth. See the Act, section 27.

Division 2 **Bathing areas**

6 Bathing areas

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

7 Flags to inform bathers about prevailing conditions

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

8 Closure of bathing reserve

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

Example—

The authorised person may close the bathing reserve if the prevailing conditions pose a risk

³ Although this local law does not require strict compliance with Australian Standard No. 2416 (Design and Application of Water Safety Signs), that standard should, where practicable, be complied with.

to the lives of members of the public bathing in the reserve.

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

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

Division 3 Reservation for training, competitions and special occasions

9 Reservation for life-saving training

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

10 Reservation for competitions and special occasions

- (1) For the purposes of *Local Law No.1 (Administration) 2014*, section 5(b), it is a prescribed activity⁴ to—
 - (a) set apart a bathing reserve or a part of a bathing reserve for life-saving training on an exclusive basis; or
 - (b) use any part of a bathing reserve for the conduct of a surfing competition, a life-saving competition or another aquatic activity.
- (2) Where an approval for an activity mentioned in subsection (1) permits restrictions on access to any part of a bathing reserve, the area set apart for the activity and the restrictions applying to access must be clearly indicated by signs erected in prominent positions on the bathing reserve.
- (3) A person must not contravene a restriction on access imposed under this section.

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

⁴ *Local Law No.1 (Administration) 2014*, section 6, creates an offence for a person to undertake a prescribed activity without a current approval granted by the local government. Section 7 requires that the approval be obtained under part 2 of that local law.

Part 3 Use of aquatic equipment in bathing reserves

11 Prohibition of use of aquatic equipment in bathing areas

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

12 Restrictions on use of aquatic equipment in bathing reserves

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

13 Reservation of areas for use of aquatic equipment

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

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

Part 4 Behaviour in bathing reserves

14 Dangerous objects

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

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

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

15 Prohibited equipment

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

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

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

- (3) In this section—

prohibited equipment means—

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

16 Dangerous conduct

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

Maximum penalty—20 penalty units.

17 Emergency evacuation alarm

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

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

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

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

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

- (3) The all-clear is given by—

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

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

Example—

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

18 False alarms

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

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

Maximum penalty—50 penalty units.

Part 5 Life-saving clubs and powers of authorised persons

Division 1 Life-saving clubs and patrols

19 Recognised life-saving clubs

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

20 Enclosure for life-saving patrols

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

21 Distinctive clothing

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

Division 2 Powers of authorised persons

22 Power to remove or reduce danger

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

Example—

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

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

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

23 Power to stop dangerous and antisocial conduct

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

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

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

24 Power to require bathers to leave water

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

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

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

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

25 Seizure and detention of dangerous objects and prohibited equipment

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

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

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

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

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

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

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

- (6) At the conclusion of the period fixed for its detention under subsection (3)(c), if the seized thing is in the custody of a life-saving club it must be delivered into the custody of the local government.
- (7) At the conclusion of the period fixed for its detention under subsection (3)(c), the seized thing must be dealt with by the local government as an impounded item under *Local Law No.1 (Administration) 2014*, section 40.

Part 6 Authorised persons

26 Who are authorised persons

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

Example for paragraph (a)—

- The subordinate local laws might provide that a person who holds a particular rank in a life-saving patrol is an authorised person.
- The subordinate local laws might provide that a life guard or a beach inspector is, while he or she holds that position, an authorised person.

- (2) A local government may appoint any of the following persons as authorised persons for this local law—
 - (a) employees of the local government;
 - (b) other persons who are eligible for appointment as authorised persons under the Act.⁵
- (3) An appointment of a person as an authorised person under this section must state the provisions of this local law for which the person is appointed as an authorised person.
- (4) A local government may appoint a person as an authorised person under this section only if—
 - (a) the local government considers the person has the necessary expertise or experience for the appointment; or
 - (b) the person has satisfactorily finished training approved by the local government for the appointment.

27 Limitation on authorised person's powers

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

28 Authorised person's appointment conditions

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

⁵ See the Act, chapter 6, part 6.

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

29 Authorised person's identity card

- (1) Each authorised person must hold an identity card issued by the local government or a recognised life-saving club.
- (2) An identity card issued by the local government must—
 - (a) contain a recent photograph of the authorised person; and
 - (b) be signed by the authorised person; and
 - (c) identify the person as an authorised person for the local government; and
 - (d) include an expiry date.
- (3) An identity card issued by a recognised life-saving club must—
 - (a) contain a recent photograph of the authorised person or state the authorised person's date of birth; and
 - (b) be signed by the authorised person; and
 - (c) identify the person as an authorised person for the life-saving club; and
 - (d) include an expiry date.
- (4) A person who ceases to be an authorised person must return the person's identity card to the local government or the life-saving club that issued it within 21 days after the person ceases to be an authorised person.

Maximum penalty for subsection (4)—10 penalty units.
- (5) This section does not prevent the giving of a single identity card to a person for this part and for other purposes.

30 Production of identity card

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

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

31 Offence

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

Maximum penalty—50 penalty units.

32 Protection from liability

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

Part 7 Miscellaneous

33 Compliance with Australian standards

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

34 Obstruction of authorised persons and life-savers

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

35 Interference with flags and life-saving equipment

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

36 Subordinate local laws

The local government may make subordinate local laws about—

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

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⁶ See section 12(1).

⁷ See section 15(3).

⁸ See section 15(2).

⁹ See section 26(1)(a).

¹⁰ See section 27.

¹¹ See section 28(1).

Schedule Dictionary

Section 3

aquatic equipment means—

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

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

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

bathing area see section 6.

bathing reserve—

- (a) means a part of the seashore, adjacent land under the sea, and sea placed under the control of the local government as a bathing reserve under the Act; and
- (b) includes each area of bathing reserve identified in schedule 6 of *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2014*.

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

Examples of dangerous items of aquatic equipment—

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

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

life-saving club means a body—

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

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

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

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

2416.

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

reserve sign see section 5(1).

SLSQ means Surf Life Saving Queensland Inc.

surveillance means the visual supervision of an area.

the Act means the *Local Government Act 2009*.

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¹² See section 19.

Certification

This and the preceding 15 pages bearing my initials is a certified copy of *Local Law No. 7 (Bathing Reserves) 2014* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the _____ day of _____, 2014.

.....
Chief Executive Officer

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11.1.3 PROPOSED TOURIST ACCOMMODATION INCENTIVES PACKAGE

Datworks Filename: Reports to Council Portfolio 2 – Mayor

Attachment: [Resolution Memo - Cleveland CBD Incentives Package Comm Plan](#)

Authorising Officer: 
Louise Rusan
General Manager Community & Customer Services

Responsible Officer: **David Jeanes**
Group Manager City Planning & Assessment

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PURPOSE

The purpose of this report is to provide options for the establishment and implementation of a tourism accommodation incentives package to promote and facilitate tourist accommodation development within the city boundaries. The report follows the resolution of Council at the General Meeting on the 4th of June, 2014 to bring a report back to Council providing options for the establishment and implementation of such a package.

BACKGROUND**Tourism sector overview**

The Redland City Draft Economic Development Strategy has identified tourism as one of the key growth sectors of the Redland economy over the next 30 years. This is supported by research from the Australian Workforce and Productivity Agency (2013), Deloitte (2014) and Queensland Treasury and Trade (2014) all of which are forecasting strong economic growth for the sector, particularly for the Queensland economy. In terms of tourism's contribution to GRP the Brisbane region (which Redland City is classified as part of), contributes to 31% of the sectors GRP, which is higher than the Gold Coast (21%), Tropical North Queensland (14%) and the Sunshine Coast (11%).

In Redland City the sector currently represents a small portion of the city's gross regional product (NIEIR 2014), however the Food and Accommodation Sector in the city accounts for 8.7% of the city's workforce, making this one of the city's key industry employment sectors. Within the city, projects such as the Toondah Harbour and Weinam Creek PDAs, alongside the strong tourism sectors on the Islands present the city with a unique opportunity for growth. This is particularly in the area of accommodation, which Jones Lang La Salle found in their report to the former Cleveland CBD Revitalisation Special Committee (Cleveland Investment Attraction Strategy, 2013) was lacking in the city, notably in high-end (4 star plus), where the city was under represented. It was recommended that this type of accommodation is more likely to be suited to Toondah Harbour and Weinam Creek. The Jones Lang La Salle economic analysis of the two PDA sites found that at Toondah in particular there is also demand for a conference facility (Jones Lang La Salle, 2013).

In addition to this there is potential for growth in the sector in the Redlands in boutique accommodation and facilities associated with the city's rural areas, the growth of which is being encouraged in the recent amendment to SEQ Regional Plan and which the city can leverage from due to its proximity to both the Brisbane and Gold Coast markets.

The Queensland government has identified tourism as one of the four key pillars of the state's economy and is a recognised priority for the state in terms of investment attraction and employment creation. The sector contributes \$22 billion per year to the state's Gross State Product (GSP), accounting for 6% of the state's employment, earning \$5.7 billion in export income, and accounting for 13% of all registered businesses in the state (Tourism Research Australia, 2013). In terms of overnight visitor expenditure (domestic and international) the state has set a growth target of \$30 billion by 2020, almost double the current rate of expenditure (Deloitte, 2012).

Tourism Accommodation Incentives Brisbane City

In the Brisbane market (which incorporates Redland City data), overnight visitor expenditure (domestic and international) is currently \$4.7 billion, with a growth target of double this forecast by 2020 (DTESB, 2014). It is expected that much of this growth will come from the development and redevelopment of new and existing tourism accommodation in the city.

To assist in achieving this forecast growth the state has established a Tourism Investment Attraction Unit that sits within the Department of Tourism, Major Events, Small Business and the Commonwealth Games whose primary focus is to facilitate tourism investment across the state, with a focus on investment in accommodation, notably in the hotel sector within the Brisbane CBD. To provide an example of a financial incentive package designed to encourage new hotel development and stimulate economic activity in the sector within the Brisbane CBD, Brisbane City Council offered a moratorium on Council infrastructure charges for new four and five star hotel developments that were approved before June 30 of this year. In order to become eligible for this incentive, building work had to commence within two years of approval (DTESB, 2014).

ISSUES

One of the options to promote growth in the sector is to deliver an expansion of the tourism accommodation offerings in the city, which are recognised as inadequate if the sectors future growth in the city is to be realised. This expansion will be driven by market fundamentals that are outside of Council control; however it is possible for Council to offer incentives to tourism accommodation providers and investors as a means of stimulating development activity. This is part of the reason for the establishment of the Cleveland Central Business District (CBD) Incentives Package currently offered by Council. A copy of the council resolution relating to the CBD incentives package is attached.

The Cleveland Central Business District Incentives Package was passed as a resolution of Council in October 2012. The incentives package for the Cleveland CBD is designed to stimulate economic activity within the Cleveland CBD in the short term, alongside the long-term implementation of the Cleveland Centre Master Plan mixed-use land use outcomes as outlined in the Master Plan. The incentives package was developed in response to the recognition of a decline in economic activity within the Cleveland CBD which was attributed to a range of factors.

These included, the investment downturn associated with the Global Financial Crisis (GFC), incentives offered by other local government authorities within SEQ that potentially were attracting investment away from the Cleveland CBD, alongside a lack of awareness surrounding the Cleveland CBD's competitive advantages that resulted in a failure to target appropriate investment into the Cleveland CBD.

The Cleveland CBD incentives package allows for the incentives to be applied across a number of land uses in the Cleveland CBD, one of which includes tourism accommodation. It is proposed that due to the growth potential offered by the tourism sector in the city more broadly and as a way of stimulating economic activity across the city, that a number of the elements of the incentives package be extended to cover tourism accommodation development across the city (excluding the Priority Development Areas (PDAs)).

The following elements of the CBD incentives package could be applied to tourism accommodation:

- Concession on infrastructure charges.
- Concession on development application fees.
- Rating and utility charge exemption during construction.
- Fast tracking of development applications.

The CBD incentives package also allows reduced car parking rates, which could be applied to tourist accommodation. It is not considered appropriate to apply reduced car parking rates to tourist accommodation outside the Cleveland CBD. The other components of the CBD incentives package are not relevant to tourist accommodation.

The Redlands Planning Scheme classes the following uses as tourist accommodation:

- Bed and Breakfast; use of premises for the provision of short-term accommodation on a commercial basis within a dwelling house, where such accommodation is not self-contained.
- Tourist Accommodation: use of premises for short-term accommodation for tourists. The term includes self-contained motel, serviced apartments, guesthouse, backpacker's hostel and resort.
- Tourist Park: use of premises for holiday and recreational purposes, involving the setting up of short-term and easily removable accommodation for travelers or holiday cabin. The term includes ancillary communal, management and recreational facilities.

It is concluded that a tourism accommodation incentives package should apply to all three of these defined uses to stimulate activity in a range of accommodation options, including small or micro businesses.

It is noted that the CBD incentives program is due to expire in June 2015, which would potentially not provide enough time for this proposed package to result in the desired development activity. It is therefore concluded that the tourism accommodation incentives package should run until June 2016.

It is recommended that the incentives package does not include the PDAs at Toondah Harbour and Weinam Creek. The recently approved development schemes for the two Priority Development Areas (PDAs) have been developed to incentivise the redevelopment of both areas and fast track development applications. The financial incentives like infrastructure charging concessions and waiving application fees could also be potentially applied to the PDAs. This is however not recommended recognising the development schemes for both PDAs are contemporary and seek to achieve a balance of uses to deliver the desired development outcomes for both PDAs. Incentivising tourist accommodation over other uses in the PDAs could potentially compromise achievement of the desired development outcomes. In addition to these issues, the PDAs are currently in the process of calling for Expressions of Interest (EOI) on possible development options for both sites, with the provision of infrastructure concessions a possible negotiation point as part of this process. In addition, Economic Development Queensland (EDQ) has the ability to provide other incentives as part of the development scheme process under the *Economic Development Act (2012)*.

The extension of the Cleveland CBD Incentives Package to incorporate tourist accommodation development across the city would provide an incentive for the city to partner with the Tourism Investment Attraction Unit to facilitate accommodation investment activity for the city, similar to what has occurred with the Unit and Brisbane City Council. If the Tourism Accommodation Incentives Package is adopted by Council, Redland City would be well placed within South East Queensland due to the proposed focus purely on accommodation development and/or redevelopment.

A Redland City Tourism Accommodation Incentives Package could potentially be included in the Redland City Tourism Action Plan, which is currently being drafted, to help encourage industry awareness and potential take-up of the package.

Separate to an incentives package further work will be undertaken to investigate whether there are any planning scheme impediments to tourist accommodation opportunities being taken up by the market. Necessary changes can be implemented as part of the new City Plan 2015.

STRATEGIC IMPLICATIONS

Legislative Requirements

There are no legislative requirements that affect the outcome of this report, other than those already identified through the Cleveland Central Business District Incentives Package.

Risk Management

- Perception from other industry sectors that an incentives package for tourism accommodation is too narrowly focussed, given the economic importance of other industry sectors in the city;
- Investors continue to bypass Redland City in favour of other areas of Southeast Queensland that offer potentially better ROI;
- Failure to work in partnership with the tourism business community, and other levels of government which will inhibit the success of the incentives package; and

- The above risk could be mitigated by industry engagement using the resources of the Communications, Engagement and Tourism team to communicate the package to industry.

Financial

- Currently there is \$1.5 million allocated in infrastructure contribution concessions within the incentive area of the Cleveland CBD. This could be extended across the city for any eligible tourism accommodation development;
- The Cleveland CBD incentives package offers a waiving of development application fees. This too could also be extended across the city and apply to eligible tourist accommodation development; and
- The Cleveland CBD incentives package includes a 100% rates and utility charges exemption within the primary incentives area of the CBD. This exemption could be extended across the city and apply to eligible tourism accommodation development.

People

There are no known potential human resource implications for the delivery of the proposed Tourist Accommodation Incentives Package.

Environmental

There are no identified significant environmental impacts in relation to the proposed Tourist Accommodation Incentives Package.

Social

A strong and vibrant economy allows a community to reinvest its wealth back into the society that helped contribute to that growth. The well-being of people, the environment and the economy are intricately linked. A strong and sustainable tourism sector will deliver benefits through all parts of the city's economy and across all demographic boundaries.

Alignment with Council's Policy and Plans

Relationship to Corporate Plan

The recommendation primarily supports Council's strategic priorities of delivering a supportive and vibrant economy, strong and connected communities. In addition, the extension of the current Cleveland CBD Incentives Package to promote and facilitate tourist accommodation development will also:

- Provide opportunity for business investment and local employment;
- Promoting local jobs; and
- Strengthening the tourism industry.

CONSULTATION

Undertaking the development of the Proposed Tourism Accommodation Incentives Package has required input from the following officers and units:

- Group Manager Communications, Engagement and Tourism;
-

- Principal Adviser Communications, Engagement and Tourism;
- Tourism Development Officer; and
- Priority Development Projects Unit.

OPTIONS

1. That Council resolves as follows:

1. Adopt the Tourist Accommodation Incentives Program for Bed and Breakfast, Tourist Accommodation and Tourist Park uses, as defined by the Redlands Planning Scheme, comprising the following:
 - 100% infrastructure charges concession (\$1.5 million currently allocated) provided on a first come first served basis for material change of use development (involving building works).
 - 100% development application fee concession provided on a first come first served basis for material change of use development (involving building works).
 - Twenty business day priority assessment of development applications that are well made.
 - Rating and utility charge concession during the construction phase for material change of use development (involving building work), pursuant to Part 10 of Chapter 4 of the *Local Government Regulation 2012*.
 2. The Tourist Accommodation Incentives Program will be subject to the following:
 - Operation between 1 August 2014 until 30 June 2016.
 - Applicable outside the Cleveland CBD Incentives Area Map and the Toondah Harbour and Weinam Creek Priority Development Areas.
 - Development must be assessed and determined to be compliant with the Redlands Planning Scheme and other relevant planning instruments.
 - Building work associated with material change of use development must be substantially complete by 30 June 2016.
 3. Authorise the Chief Executive Officer to finalise all business rules for the implementation and administration of the Tourist Accommodation Incentives Program;
 4. Delegate power to the Chief Executive Officer to determine eligibility for the infrastructure charges and development application fee concessions and the rating and utility charge exemptions, pursuant to Part 3 of the Local Government Regulation 2012; and
 5. Identify and remove any unnecessary regulatory impediments to the development of Tourist Accommodation through the City Plan 2015.
-

2. Not adopt the proposed Tourist Accommodation Incentives Package and request that Officers explore other options to encourage tourist accommodation development in the city.
3. Not adopt the proposed Tourist Accommodation Incentives Package.
4. Adopt an alternative incentives package.

OFFICER'S RECOMMENDATION

That Council resolves as follows:

1. **Adopt the Tourist Accommodation Incentives Program for Bed and Breakfast, Tourist Accommodation and Tourist Park uses, as defined by the Redlands Planning Scheme, comprising the following:**
 - **100% infrastructure charges concession (\$1.5 million currently allocated) provided on a first come first served basis for material change of use development (involving building works).**
 - **100% development application fee concession provided on a first come first served basis for material change of use development (involving building works).**
 - **Twenty business day priority assessment of development applications that are well made.**
 - **Rating and utility charge concession during the construction phase for material change of use development (involving building work), pursuant to Part 10 of Chapter 4 of the *Local Government Regulation 2012*.**
2. **The Tourist Accommodation Incentives Program will be subject to the following:**
 - **Operation between 1 August 2014 until 30 June 2016.**
 - **Applicable outside the Cleveland CBD Incentives Area Map and the Toondah Harbour and Weinam Creek Priority Development Areas.**
 - **Development must be assessed and determined to be compliant with the Redlands Planning Scheme and other relevant planning instruments.**
 - **Building work associated with material change of use development must be substantially complete by 30 June 2016.**
 - **Infrastructure charges concessions (combined with the CBD Incentives Program) capped at \$1.5M.**
 - **Development application fee concessions (combined with the CBD Incentives Program) capped at \$250,000.**

- 3. Authorise the Chief Executive Officer to finalise all business rules for the implementation and administration of the Tourist Accommodation Incentives Program;**
- 4. Delegate power to the Chief Executive Officer to determine eligibility for the infrastructure charges and development application fee concessions and the rating and utility charge exemptions, pursuant to Part 3 of the *Local Government Regulation 2012*; and**
- 5. Identify and remove any unnecessary regulatory impediments to the development of Tourist Accommodation through the City Plan 2015.**

Resolution Memo

To Toni Averay – General Manager Environment Planning & Development
Nick Clark – General Manager Governance

From Office of Chief Executive Officer

Date 4 March 2013

Dataworks File ED Planning – Cleveland CBD – Proposed Work Program
LUP Projects – Cleveland CBD Project

Subject **CLEVELAND CBD DEVELOPMENT INCENTIVES PROGRAM**

Item 13.1.3 of the General Meeting Minutes of 27 February 2013 refers:

OFFICER'S/COMMITTEE RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr C Ogilvie

Seconded by: Cr A Beard

That Council resolve to:

1. Adopt the Cleveland CBD Development Incentives Program subject to the following:
 - a) the incentives shall only be available within the Primary and Secondary Incentives Areas as depicted on Map 1 - Cleveland CBD Development Incentives Area Map;
 - b) the Cleveland CBD Development Incentives Program shall operate from 1 March 2013 until 30 June 2015;
 - c) Council will provide infrastructure contributions concessions on a first come first served basis for new approved material change of use development (involving building works) which:
 - is identified as eligible for the Incentives Program as defined below;
 - is consistent with the Redlands Planning Scheme and outcomes envisaged by the Cleveland Master Plan ; and
 - involves building works which can demonstrate substantial completion by 30 June 2016.

The infrastructure contributions concession is available for eligible developments as follows:

- 100% concession - Primary Incentives Area for all eligible uses;
- 100% concession - Secondary Incentives Area for Educational Facilities, Health Care Centre and Tourist Accommodation;
- 75% concession - Secondary Incentives Area for remaining eligible uses as follows:
 - i. Aged Care and Special Needs Housing where part of a mixed use;
 - ii. Apartment Buildings where part of a mixed use ;
 - iii. Commercial Offices;
 - iv. Community Facility;

- v. Hotel;
 - vi. Indoor Recreation Facility (includes cinemas, convention centre and fitness centre);
 - vii. Refreshment Establishment; and
 - viii. Shop;
- d) Council will provide development application fee concessions, on a first come first served basis, for well-made applications for new material change of use development (involving building works), and operational works for new approved Material Change of use development (involving building works) which:
- is identified as eligible for the Incentives Program as defined below;
 - is consistent with the Redlands Planning Scheme and outcomes envisaged by the Cleveland Master Plan; and
 - involves building works which can demonstrate substantial completion by 30 June 2016.

The development application fee concessions are available for eligible developments as follows:

- 100% concession - Primary Incentives Area for all eligible uses;
 - 100% concession - Secondary Incentives Area for Educational Facilities, Health Care Centre and Tourist Accommodation;
 - 75% concession - Secondary Incentives Area for remaining eligible uses as follows:
 - i. Aged Care and Special Needs Housing where part of a mixed use;
 - ii. Apartment Buildings where part of a mixed use;
 - iii. Commercial Offices;
 - iv. Community Facility;
 - v. Hotel;
 - vi. Indoor Recreation Facility (includes cinemas, convention centre and fitness centre);
 - vii. Refreshment Establishment; and
 - viii. Shop;
- e) Pursuant to Part 10 of Chapter 4 of the Local Government Regulation 2012 Council will provide rating and utility charge concession during the construction phase for approved new development on the following basis:
- is identified as eligible for the Incentives Program as defined below;
 - is consistent with the Redlands Planning Scheme and outcomes envisaged by the Cleveland Master Plan; and
 - involves building works which can demonstrate substantial completion by 30 June 2016.

The rating and utility charge concessions are available for eligible developments as follows:

- 100% concession - Primary Incentives Area for all eligible uses;
- 100% concession - Secondary Incentives Area for Educational Facilities, Health Care Centre and Tourist Accommodation;
- 75% concession - Secondary Incentives Area for remaining eligible uses as follows:

- i. **Aged Care and Special Needs Housing where part of a mixed use;**
 - ii. **Apartment Buildings where part of a mixed use ;**
 - iii. **Commercial Offices;**
 - iv. **Community Facility;**
 - v. **Hotel;**
 - vi. **Indoor Recreation Facility (includes cinemas, convention centre and fitness centre);**
 - vii. **Refreshment Establishment; and**
 - viii. **Shop.**
 - f) **regulatory and facilitative incentives will be available within the Primary and Secondary Incentives Area as depicted on Map 1 - Cleveland CBD Development Incentives Area;**
 - g) **Council will fast track and determine eligible new material change of use and operational works development applications (involving building works) which are well-made and which are consistent with the Redlands Planning Scheme and Cleveland Master Plan within twenty(20) business days (Regulatory Incentives);**
 - h) **Council will utilise the Base Maximum Car parking rates for Activity Centres as identified in the “Transit Orientated Development – Guide for Practitioners in Queensland” released by the Queensland State Government for new material change of use development applications (involving building works) (Regulatory Incentives) which:**
 - **are consistent with the Redlands Planning Scheme and outcomes envisaged by the Cleveland Master Plan ;**
 - **are for a land use identified as eligible for the Incentives Program;**
 - **are lodged with Council prior to the 30 June 2015; and**
 - **involve building works which can demonstrate substantial completion by 30 June 2016.**
 - i) **where Council is satisfied that a material change of use application (involving building works) is capable of providing on site car parking in accordance with the base maximum rates of the TOD guideline for Activity Centres it will be deemed to satisfy the relevant Specific Outcome of the Access and Parking Code of the Redlands Planning Scheme;**
2. **Amend the Adopted Infrastructure Charges Resolution to provide an infrastructure charges concession in accordance with the Cleveland CBD Incentives Program.**
 3. **The Chief Executive Officer is authorised to identify an appropriate officer or team with responsibility to undertake the role of Development Advocate as described in this report.**
 4. **The Chief Executive Officer is authorised to finalise all business rules for the implementation and administration of the Cleveland CBD Development Incentives Program commencing on 1st March 2013.**
 5. **Pursuant to Part 3 of the Local Government Regulation 2012, the Chief Executive officer is delegated the power to determine eligible development applications and applications for financial incentives including infrastructure charges, development and operational works application fees and rating and utility charge exemptions, waivers and concessions.**

Crs Bishop and Boglary voted against the Council resolution.
Cr Elliott was absent.

A handwritten signature in black ink, appearing to read 'W. Lyon', with a horizontal line extending to the right and a large, stylized loop below the 'y'.

William H Lyon
Chief Executive Officer

11.2 PORTFOLIO 6 (CR MARK EDWARDS)**CORPORATE SERVICES****11.2.1 INTERIM JUNE 2014 MONTHLY FINANCIAL REPORTS**

Dataworks Filename: FM Monthly Financial Reports to Committee

Attachment: [Monthly Financial Report Interim June 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 Interim June 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.

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 best to changes in community requirements, market forces or other outside influences. The attached is the last monthly report for the 2013/2014 financial year and does not include the final accruals and deferrals for the financial year. The end of year accounts finalisation is currently underway and as per previous years, some significant movement is expected in the expenditure as council colleagues finalise the invoices and other accruals for 2013/2014.

ISSUES***Statutory financial statements requiring finalisation and subject to QAO audit***

Financial Services prepared a set of interim/shell statements for the 2013/2014 financial year as at 28 February 2014. These were viewed by Council's external auditors and the Queensland Audit Office and Council is presently preparing the final statements and disclosures to meet the 31 October legislative timeframe for the 2013/2014 financial year.

STRATEGIC IMPLICATIONS

Council annually adopts key financial stability and sustainability ratios as part of its annual operation plan and budget.

The following adopted 2013/2014 Key Financial Stability and Sustainability Ratios were either achieved or favourably exceeded by Council as at the end of June 2014, noting the interim figures for June 2014 are prior to the end of year accounts finalisation:

- Level of dependence on general rate revenue;
- Ability to pay our bills – current ratio;
- Ability to repay our debt – debt servicing ratio;
- Cash balance;
- Cash balances – cash capacity in months;
- Longer term financial stability – debt to asset ratio;
- Operating surplus ratio;
- Net financial liabilities;
- Interest cover ratio; and
- Asset consumption ratio.

The following indicators were outside of Council's target range for June 2014:

- Operating performance; and
- Asset Sustainability Ratio.

Council's 2013/2014 third quarter budget review forecast nine of the twelve financial ratios to be met by the end of the financial year. The coming months will see movement in the accounts in all areas: assets, liabilities and associated revenues, expenditures and cash flows. Council is not forecasting an operating surplus in 2013/2014 and the final accounts published in the Annual Report are expected to reflect an operating deficit.

Legislative Requirements

Section 204(2) of the *Local Government Regulation 2012* requires the Chief Executive Officer to present the financial report to a monthly meeting. The interim June 2014 financials are presented in accordance with the legislative requirement although movement is anticipated over the coming weeks as the organisation finalises the end of year performance and position in accordance with the Australian Accounting Standards.

Risk Management

Trends have been noted by the Executive Leadership Group and relevant officers who can provide further clarification and advice 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 June 2014. Of note, the attached report does not include the end of year accruals and deferrals and the June report should be taken as an interim position until the finalisation of the end of year

accounts. As per previous years, significant movement is expected, particularly in expenditure due to the completion of accruals and deferrals post 30 June 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
- 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 Group.

OPTIONS

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

OFFICER'S RECOMMENDATION

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



Redland
CITY COUNCIL

**Interim
June
2014**

Monthly Financial Performance Report

Note: This interim report is prepared at year end pending finalisation of the statutory financial statements due 31 October 2014.

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1. HIGHLIGHTS AND RATIOS

KEY FINANCIAL INFORMATION

Financial Stability Ratios	Target	Revised Budget 2013/14	Jun-14
Level of Dependence on General Rate Revenue (%)	Target less than 37.5%	32.90%	33.49%
Ability to Pay Our Bills - Current Ratio	Target between 1.1 and 4.1	3.54	3.88
Ability to Repay Our Debt - Debt Servicing Ratio (%)	Target less than or equal to 10%	3.50%	3.52%
Cash Balance \$M		\$76.150M	\$96.235M
Cash Balances - Cash Capacity in Months	Target 3 to 4 months	4.99	6.49
Longer Term Financial Stability - Debt to Asset Ratio (%)	Target less than or equal to 10%	2.80%	2.77%
Operating Performance (%)	Target greater than or equal to 20%	17.8%	19.43%
Financial Sustainability Ratios	Target	Revised Budget 2013/14	Jun-14
Operating Surplus Ratio (%)	Target between 0% and 10% (on average over the long-term)	-0.99%	0.44%
Net Financial Liabilities (%)	Target less than 60% (on average over the long-term)	12.90%	3.69%
Interest Cover Ratio (%)	Target between 0% and 5%	-0.09%	0.00%
Asset Sustainability Ratio (%)	Target greater then 90% (on average over the long-term)	48.60%	43.06%
Asset Consumption Ratio (%)	Target between 40% and 80%	65.40%	65.25%

The June 2014 Monthly Financial Performance Report is prepared based on interim financial results for the year ended 30 June 2014 (prior to the finalisation of the end of year accounts). Significant movement is expected through the finalisation of accruals, deferrals and other year-end adjustments over the coming weeks. The final results for the year ended 30 June 2014 will be reflected in the audited annual financial statements.

1. HIGHLIGHTS AND RATIOS (cont.)

KEY FINANCIAL INFORMATION

Operating Income and Expenditure	Annual Revised Budget \$000	YTD Revised Budget \$000	YTD Actual \$000
Operating Revenue	227,770	227,770	226,229
Operating Expenses	177,686	177,686	171,023
EBITD	50,084	50,084	55,206
Operating Surplus/(Deficit)	(2,261)	(2,261)	1,004

Capex YTD	\$000
Actuals YTD	49,822
Original Budget YTD	56,917
Revised Budget YTD	60,835
YTD Movements	
Actuals V Original Budget	(7,095) -12.47%
Actuals V Revised Budget	(11,013) -18.10%

KEY NON-FINANCIAL INFORMATION

Table 1:

Total Council Full Time Equivalents	Jul-2013	Aug-2013	Sep-2013	Oct-2013	Nov-2013	Dec-2013	Jan-2014	Feb-2014	Mar-2014	April-2014	May-2014	June-2014
Elected Members	11	11	11	11	11	11	11	11	11	11	11	11
Administration and indoor staff (LG Officers' Award)	691	685	680	675	676	691	687	682	684	698	699	703
Outdoor staff (State Awards)	187	187	187	193	195	201	205	203	201	200	200	198
Total	889	883	878	879	882	903	903	896	896	909	910	912

Table 2:

Workforce reporting - June 2014: Headcount - Agency	Employee Type						
Department Level	Casual	Contract of Service	Perm Full	Perm Part	Temp Full	Temp Part	Grand Total
Office of CEO	6	4	81	12	15	0	118
Organisational Services	5	5	98	9	6	5	128
Community and Customer Service	38	5	253	48	26	2	372
Infrastructure and Operations	11	6	322	8	24	3	374
Total	60	20	754	77	71	10	992

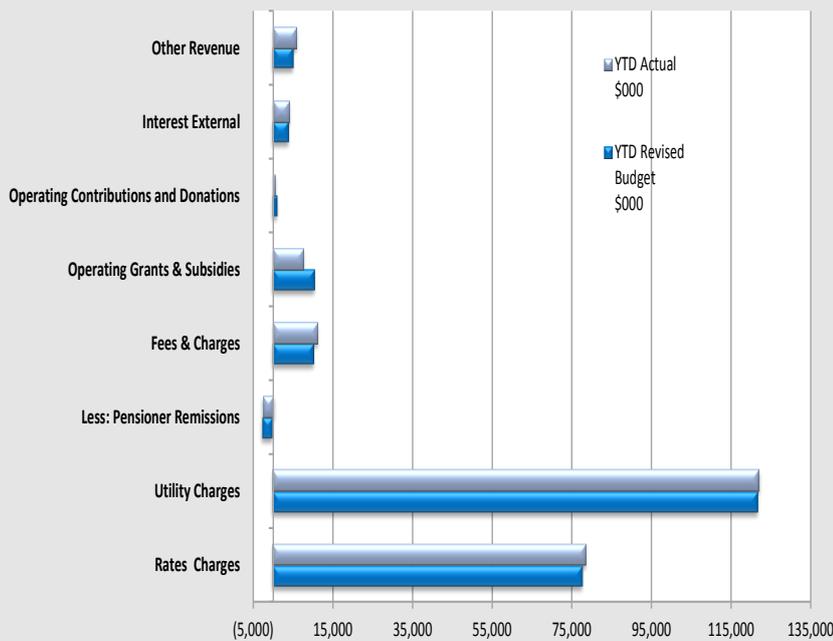
Note: table 1 calculates the Full Time Equivalent Employees which includes all full time employees at a value of 1 and all other employees, at a value less than 1. Table 2 is purely a headcount by department and does not include a workload weighting as in table 1 above.

2. SUMMARY OPERATING STATEMENT

SUMMARY OPERATING STATEMENT For the period ending 30 June 2014 (Interim)

	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Revised Budget \$000	YTD Actual \$000	YTD Variance \$000
Operating Revenue	221,718	227,770	227,770	226,229	(1,541)
Operating Expenses	170,809	177,686	177,686	171,023	(6,663)
Earnings Before Interest, Tax and Depreciation (EBITD)	50,909	50,084	50,084	55,206	5,122
Interest Expense	3,798	3,848	3,848	3,868	20
Depreciation	46,794	48,498	48,498	50,334	1,836
Operating Surplus/(Deficit)	317	(2,261)	(2,261)	1,004	3,266

YTD Operating Income



Earnings Before Interest, Tax and Depreciation (EBITD)

Council has an interim year to date EBITD of \$55.21M with a \$5.12M (10.22%) favourable variance to the revised budget. This is as a result of operating revenue lower than budget by \$1.54M and operating expenses lower than budget by \$6.66M.

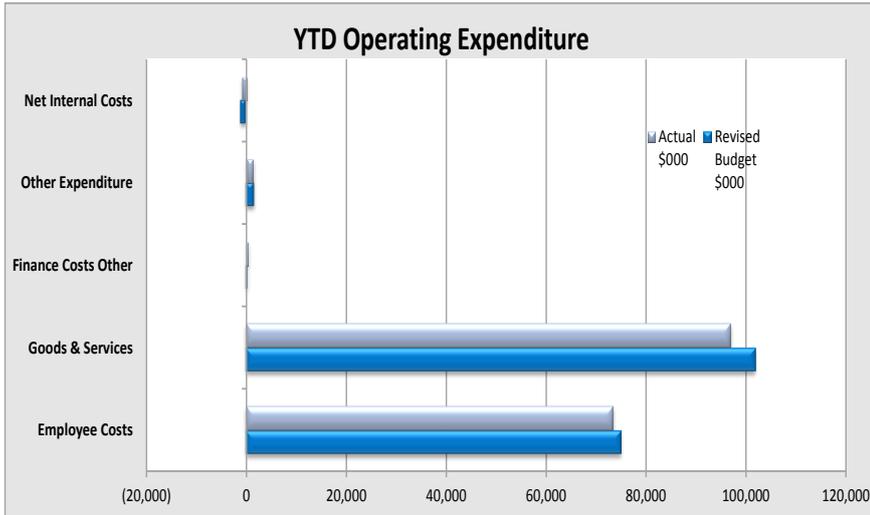
Operating Revenue

The interim year to date June results indicate a shortfall in operating revenue of \$1.54M which is largely due to operating grants and subsidies lower than budget by \$3.75M. This was partially offset by Rates Charges, Fees & Charges and Other Revenue higher than budget by \$827K, \$645K and \$577K respectively.

Utility Charges Breakup For the period ending 30 June 2014 (Interim)

	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Revised Budget \$000	YTD Actual \$000	YTD Variance \$000
Utility Charges					
Refuse Charges	18,453	18,453	18,453	18,102	(351)
Special Charges	3,166	3,166	3,166	3,223	57
Environment Levy	4,273	4,273	4,273	4,302	29
Landfill Remediation Charge	3,839	3,839	3,839	3,972	133
Wastewater Charges	37,466	37,466	37,466	37,912	446
Water Access Charges	17,474	17,509	17,509	16,977	(532)
Water Consumption Charges	34,517	36,886	36,886	37,501	615
Total Utility Charges Revenue	119,189	121,592	121,592	121,989	397

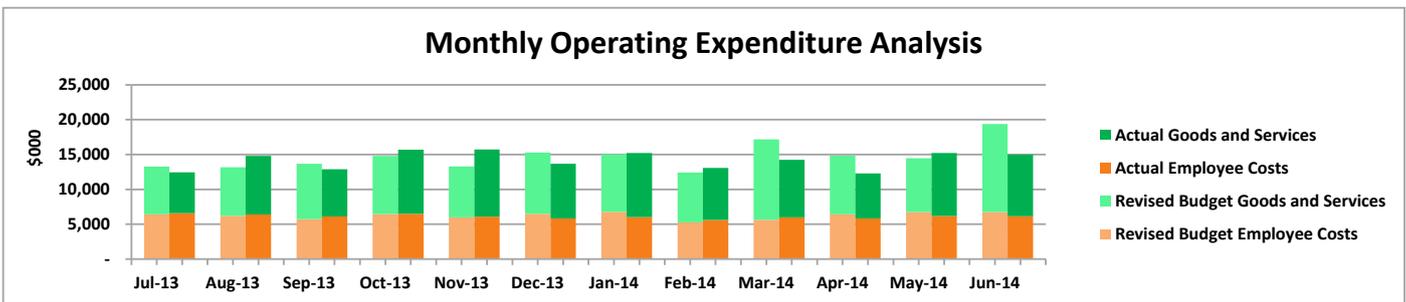
2. SUMMARY OPERATING STATEMENT (Cont.)



Operating Expenditure

The interim years to date June results indicate operating expenditure is under budget by \$6.66M. This interim 3.75% favourable variance mainly consists of goods and services under budget by \$4.92M and employee costs under budget by \$1.62M.

Operating revenues and expenditures will move through the finalization of accruals, deferrals and other year-end adjustments. The final results will be presented in the Annual Report as part of the audited financial statements.



REDLAND WATER SUMMARY OPERATING STATEMENT For the Period Ending 30 June 2014 (Interim)

	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Revised Budget \$000	YTD Actual \$000	YTD Variance \$000
Total Revenue	91,235	94,319	94,319	94,930	611
Total Expenses	42,425	44,890	44,890	46,327	1,437
Earnings before Interest, Tax and Depreciation (EBITD)	48,810	49,428	49,428	48,603	(826)
Interest Expense External	0	0	0	0	0
Interest Internal	21,681	21,681	21,681	21,681	0
Depreciation	16,895	16,344	16,344	16,534	190
Operating Surplus/(Deficit)	10,234	11,403	11,403	10,388	(1,016)

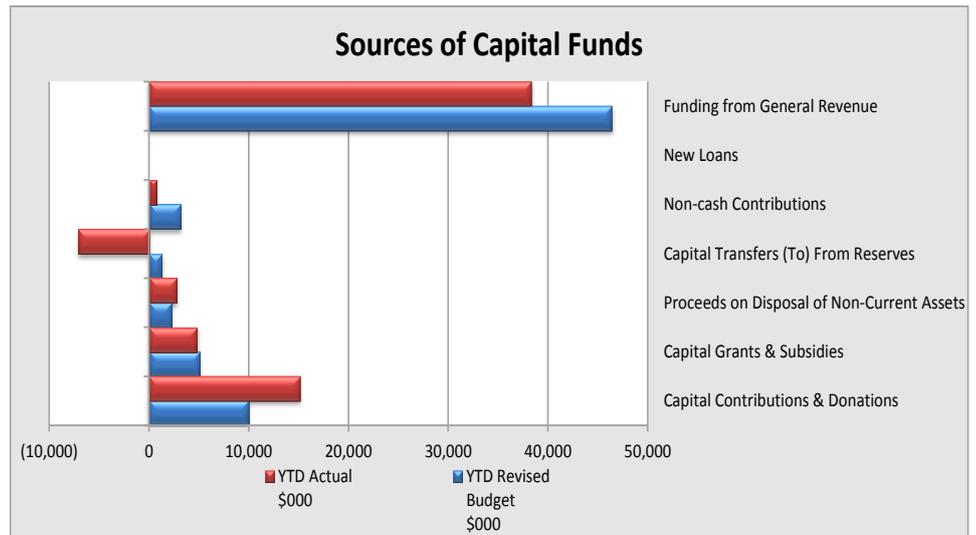
REDWASTE OPERATING STATEMENT For the Period Ending 30 June 2014 (Interim)

	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Revised Budget \$000	YTD Actual \$000	YTD Variance \$000
Total Revenue	21,707	19,796	19,796	19,589	(207)
Total Expenses	16,719	16,451	16,451	16,230	(221)
Earnings before Interest, Tax and Depreciation (EBITD)	4,988	3,345	3,345	3,359	14
Interest Expense External	29	29	29	47	18
Interest Internal	342	342	342	342	(0)
Depreciation	530	521	521	530	9
Operating Surplus/(Deficit)	4,087	2,454	2,454	2,440	(13)

3. SUMMARY CAPITAL EXPENDITURE AND FUNDING

Sources of Capital Funding

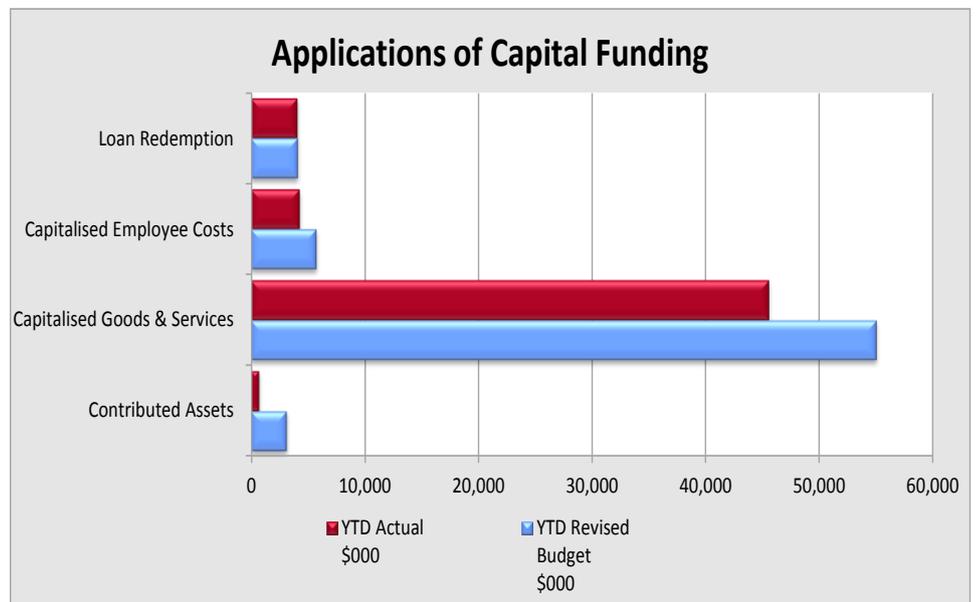
Year to date transfers to reserves show a significant variance mainly due to additional developer cash contributions received, as well as capital grants & subsidies received. These additional funds are transferred to reserves in order to ring-fence the funds.



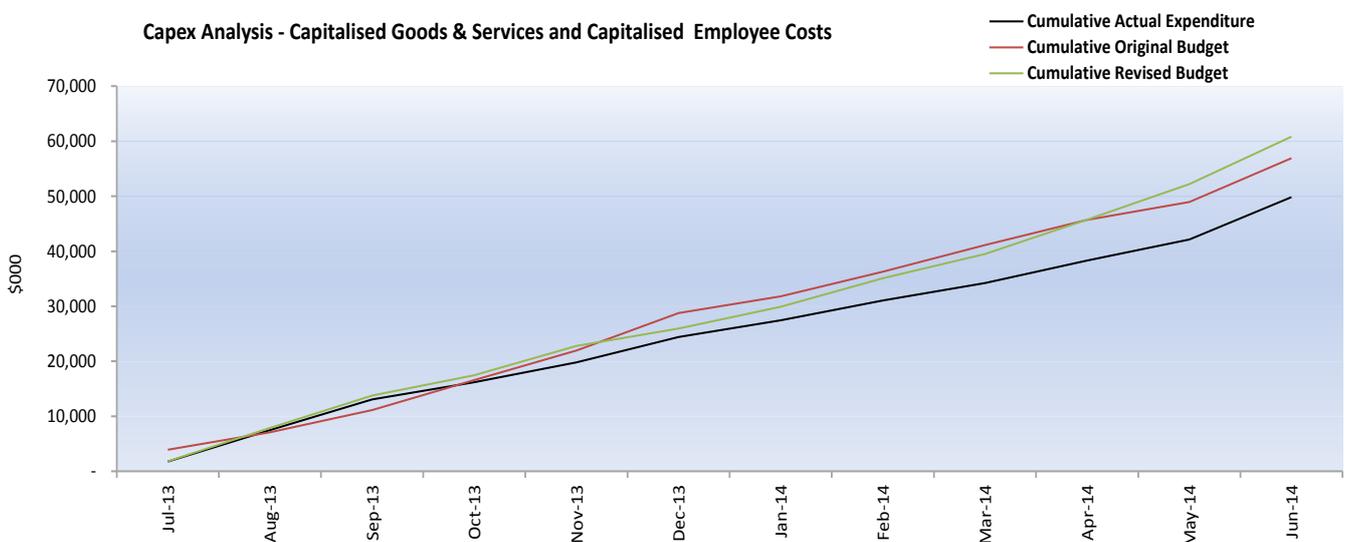
Applications of Capital Funds

The interim year to date capital expenditure at the end of June 2014 is underspent by \$13.47M mainly due to the timing of capital acquisitions and delays in the capital programs.

The budget for Contributed Assets is based purely on estimates and the actual outcome is outside of Council's control. This variance will continue to be monitored on a monthly basis.



Capex Analysis - Capitalised Goods & Services and Capitalised Employee Costs



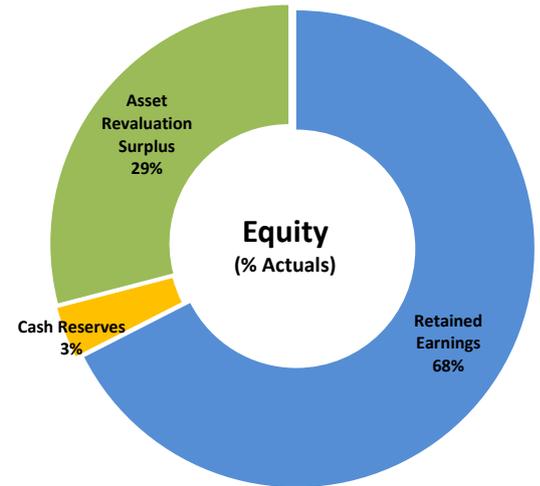
This interim result is presently being reviewed prior to the year-end accounts finalisation. The final results will be published in Council's 2013/14 Annual Report.

4. SUMMARY STATEMENT OF FINANCIAL POSITION

SUMMARY STATEMENT OF FINANCIAL POSITION

As at 30 June 2014 (Interim)

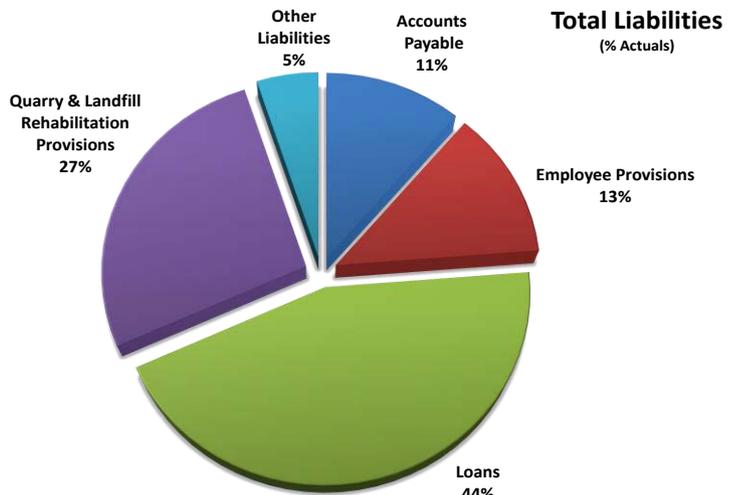
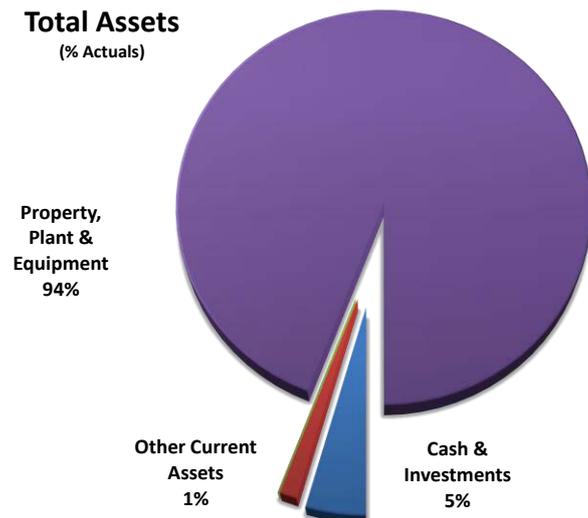
	Annual	Annual	YTD
	Original	Revised	Actual
	Budget	Budget	Balance
	\$000	\$000	\$000
Total Current Assets	97,027	99,772	124,332
Total Non-Current Assets	1,820,687	2,008,438	2,004,146
TOTAL ASSETS	1,917,714	2,108,210	2,128,478
Total Current Liabilities	38,608	28,214	32,015
Total Non-Current Liabilities	104,623	100,930	100,675
TOTAL LIABILITIES	143,231	129,144	132,690
NET ASSETS	1,774,483	1,979,066	1,995,788
COMMUNITY EQUITY			
Retained Earnings	1,728,791	1,929,485	1,926,765
Cash Reserves	45,692	49,580	69,023
TOTAL COMMUNITY EQUITY	1,774,483	1,979,066	1,995,788



EQUITY	YTD
	Actual Balance \$000
Retained Earnings	1,347,017
Cash Reserves	69,023
Asset Revaluation Surplus	579,748
TOTAL EQUITY	1,995,788

TOTAL ASSETS	YTD
	Actual Balance \$000
Cash & Investments	96,235
Other Current Assets	28,097
Financial Assets	73
Property, Plant & Equipment	2,004,073
TOTAL ASSETS	2,128,478

TOTAL LIABILITIES	YTD
	Actual Balance \$000
Accounts Payable	14,875
Employee Provisions	16,651
Loans	59,013
Quarry & Landfill Rehabilitation Provisions	35,456
Other Liabilities	6,695
TOTAL LIABILITIES	132,690



5. SUMMARY STATEMENT OF CASH FLOWS

SUMMARY CASH FLOW STATEMENT For the period ending 30 June 2014 (Interim)

	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Actual \$000
Receipts from Customers	212,516	218,722	216,973
Payments to Suppliers & Employees	(173,303)	(179,190)	(174,064)
Interest Received	4,104	4,042	3,868
Borrowing Costs	(3,798)	(3,848)	(3,868)
Net Cash Inflow from Operating Activities	39,519	39,725	42,909
Net Cash Outflow from Investing Activities	(46,336)	(42,052)	(25,179)
Net Cash Outflow from Financing Activities	6,463	(4,118)	(4,090)
Net Increase / (Decrease) in Cash Held	(353)	(6,445)	13,640
Cash at Beginning of Year	80,492	82,595	82,595
Cash at End of Financial Period	80,139	76,150	96,235

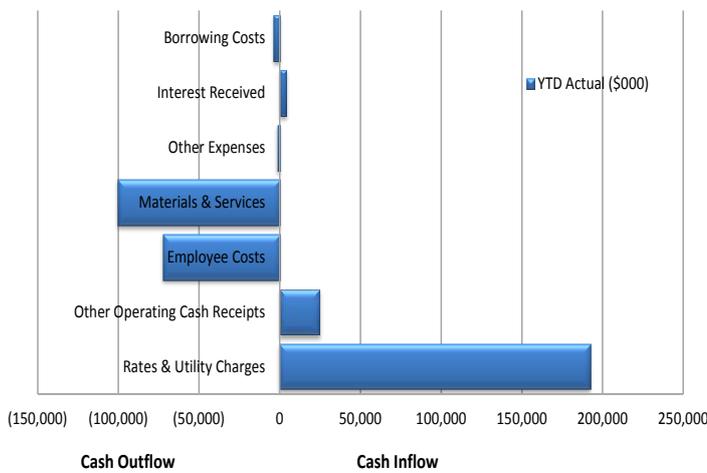
Cash on hand at the end of June 2014 was \$96.24M. It represents cash capacity of 6.49 months.

\$69.02M of the restricted cash balance represents cash constrained reserves.

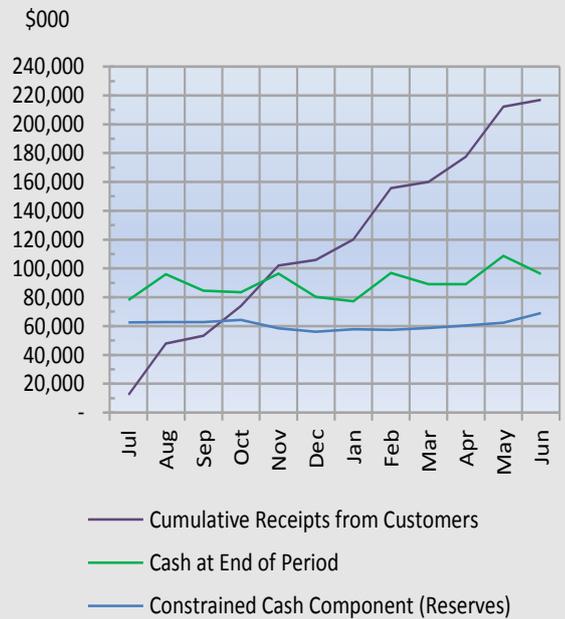
The graph below shows the trending of year to date Receipts from Customers versus Cash Balance at Period End versus Reserve Balances.

The monthly movement has settled from May reflecting the reduction of cash receipts from the Q3 rates notices issued in April 2014.

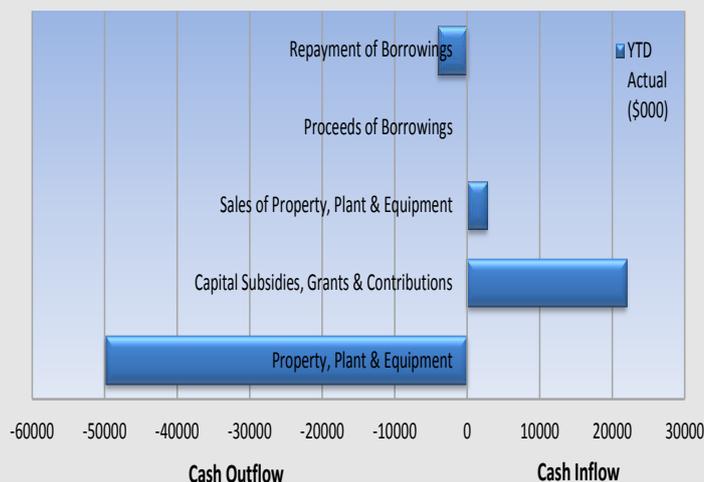
Cash Flow from Operating Activities



Monthly Cash Movements



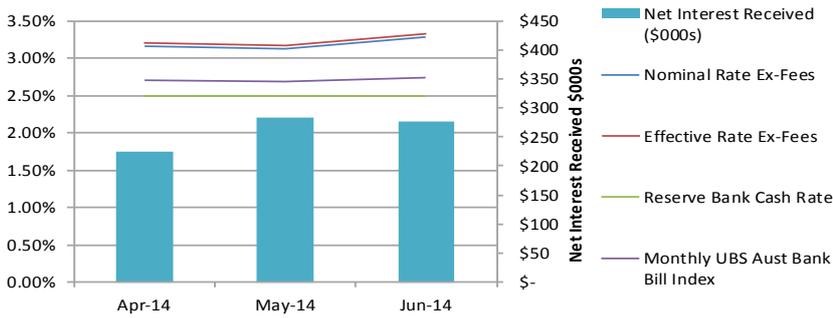
Cash Flow from Investing & Financing Activities



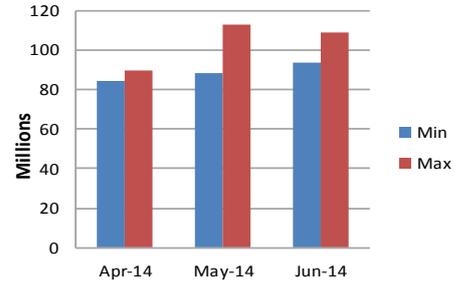
6. INVESTMENTS AND BORROWINGS REPORT

Period Ending 30 June 2014 (Interim)

INVESTMENT RETURNS



Daily Investment Balances



Total Investment at End of Month was \$94.75M

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.

QTC Cash Fund YTD Return 3.48%

Benchmark UBS Aust Bank Bill Index 2.68%

Reserve Bank Cash Rate at EOM 2.50%

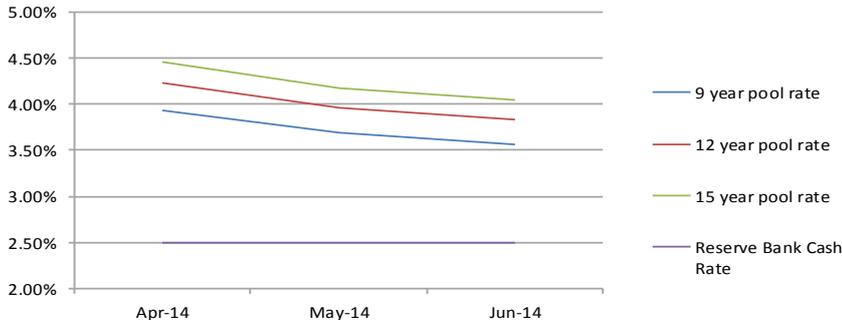
****This is the 48th consecutive month that the QTC Fund has outperformed the benchmark (Jul 10 - Jun 14)****

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 in the process of looking at options for investments. In the meantime the Taxation and Treasury 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

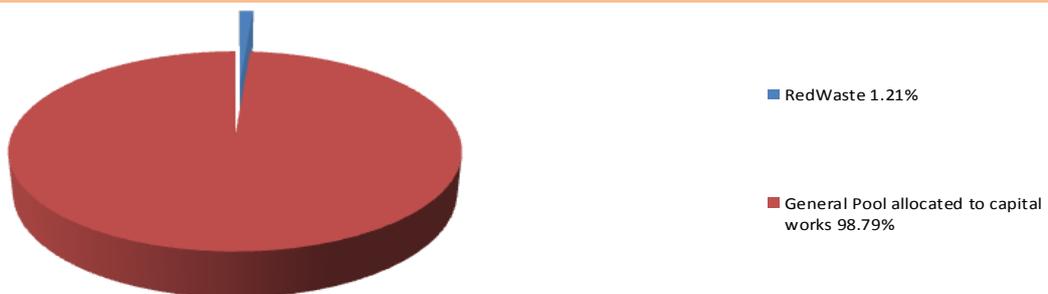


Current Position

Debt is split into 9, 12, and 15 year pools with repayment made *quarterly* in advance. The rates shown are for any new borrowings. The movements in borrowing rates relate to the yield on QTC bonds.

Council did not undertake any new borrowings in the 2013-14 financial year.

Total Borrowings at End of Month was \$59.01M



Future Strategy

Detailed analysis was conducted by Tax and Treasury and QTC as to whether debt repayment, offsetting the loans or investment of surplus funds (or a blend) would have the best net gain without exposing Council to significant risk as interest rates decrease. Tax and Treasury has reviewed the implications of this analysis and determined that Council is not able to reduce its debt without realising a loss. However, Tax and Treasury will be making the 2014-15 debt payments 12 months in advance in July in order to secure savings in interest.

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



7. CASH RESERVES

Reserves as at 30 June 2014 (Interim)	Opening Balance	To Reserve	From Reserve	Closing Balance
	\$000	\$000	\$000	\$000
Special Projects Reserve:				
Cemetery Reserve *	399	0	(399)	0
State Emergency Service Reserve *	20	0	(20)	0
Weinam Creek Reserve	2,335	521	(74)	2,782
Road Maintenance Reserve *	155	0	(155)	0
Redland Work Cover Reserve	5,147	518	(700)	4,965
Contribution Raby Bay Land Sales *	278	0	(278)	0
Red Art Gallery Commissions & Donations Res	14	3	0	17
Interest Free Loans Reserve *	487	0	(487)	0
Halls Reserve *	2	0	(2)	0
Raby Bay Maintenance Reserve ***	336	7	(144)	200
Aquatic Paradise Maintenance Reserve ***	936	22	0	958
Sovereign Waters Maintenance Reserve ***	118	3	0	121
SMBI Capital Reserve	3,317	0	(603)	2,714
	13,545	1,074	(2,861)	11,758
Utilities Reserve:				
RedWaste Reserve	2,497	786	(224)	3,059
Redland Water Reserve	0	8,300	0	8,300
Redland WasteWater Reserve	0	1,600	0	1,600
	2,497	10,686	(224)	12,959
Constrained Works Reserve:				
Tree Planting Reserve	50	48	(27)	71
Parks Reserve	254	2,689	(535)	2,408
SP1 Wellington Pt Rd Infra Reserve	463	0	0	463
Redland Bay Sth Rd Infra Reserve	443	205	0	647
East Thornlands Road Infra Reserve	674	0	0	674
Contributions to Car Parking Reserve	340	0	0	340
Contributions to Street Lighting Reserve *	13	0	(13)	0
Quarry Reserve *	358	0	(358)	0
Contrib to R/Wks Infrastructure Reserve **	2,030	(2,030)	0	0
Community Facility Infrastructure Reserve	148	293	0	441
Retail Water Renewal & Purchase Reserve	4,385	2,711	(1,337)	5,759
Sewerage Renewal & Purchase Reserve	5,641	4,098	(2,202)	7,537
Constrained Works Res-Cap Grants & Contribs	3,743	0	(1,744)	1,999
Transport Trunk Infrastructure Reserve	1,316	5,489	(966)	5,839
Cycling Trunk Infrastructure Reserve	407	767	(468)	706
Stormwater Infrastructure Reserve	1,072	867	0	1,938
Constrained Works Res-Opr Grants & Contribs	4,005	18	(3,489)	533
	25,341	15,154	(11,138)	29,357
Separate Charge Reserve - Environment:				
Environment Charge Acquisition Reserve	7,036	0	(100)	6,936
Environment Charge Maintenance Reserve	1,254	4,302	(4,047)	1,509
Landfill Remediation Charge Reserve *	5,738	0	(5,738)	0
	14,027	4,302	(9,885)	8,445
Special Charge Reserve - Other:				
Bay Island Rural Fire Levy Reserve	0	55	(54)	1
SMBI Translink Reserve	0	923	(920)	3
	0	978	(974)	4
Special Charge Reserve - Canals:				
Raby Bay Canal Reserve	0	0	0	0
Aquatic paradise Canal Reserve	559	613	(69)	1,103
Sovereign Waters Lake Reserve	386	55	(80)	361
Raby Bay Tidal Works Non CTS Reserve ***	2,882	2,028	(654)	4,255
Raby Bay Tidal Works CTS Reserve ***	246	173	(40)	379
Raby Bay Marina Reserve ***	210	128	(35)	303
Aquatic Paradise Marina Reserve ***	64	35	0	99
	4,347	3,031	(879)	6,499
TOTALS	59,757	35,226	-25,960	69,023

* These reserves have been closed during the 2013-14 financial year.

** This reserve has been closed during 2013-14 and funds transferred into the Transport Trunk Infrastructure Reserve.

*** These reserves will be amalgamated into the 3 existing canal & lake reserves during the 2013-14 financial year accounts finalisation process.

8. OVERDUE RATES DEBTORS

Comparison June 2013 to June 2014 (Interim)

The percentage overdue at the end of June 2014 is 0.15% higher than month ending June 2013. The majority of the variance is in the greater than 180 day overdue category, primarily associated to the Southern Moreton Bay Islands.

The following 5 year historical picture shows how the interim June 2014 month end result compares favourably with prior financial years.

Financial Year Ending	< 90		90-180		>180		Total	
	Amount	%	Amount	%	Amount	%	Amount	%
Jun-10	\$2,371,575	1.4%	\$954,954	0.6%	\$1,164,518	0.7%	\$4,491,047	2.6%
Jun-11	\$1,612,077	1.4%	\$724,124	0.6%	\$1,321,280	1.1%	\$3,657,481	3.2%
Jun-12	\$1,885,022	1.6%	\$865,532	0.7%	\$1,300,456	1.1%	\$4,051,010	3.5%
Jun-13	\$3,081,794	1.5%	\$1,238,060	0.6%	\$1,957,217	0.9%	\$6,277,070	3.0%
Jun-14	\$3,073,953	1.4%	\$1,259,396	0.6%	\$2,417,633	1.1%	\$6,750,982	3.1%

Payments

The value of payments received in June 2014 was 15% higher than June 2013.

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
Jun-13	559	\$122,003.77	8,943	\$1,699,136.32	376	\$213,931.01	1,451	\$122,144.77	946	\$543,536.31	267	\$148,063.27	12,542	\$2,848,815.45
Jun-14	610	\$155,835.23	9,486	\$1,843,046.21	370	\$249,550.96	2,225	\$187,660.73	772	\$634,521.96	335	\$196,625.42	13,798	\$3,267,240.51
Variance	51	\$33,831.46	543	\$143,909.89	-6	\$35,619.95	774	\$65,515.96	-174	\$90,985.65	68	\$48,562.15	1,256	\$418,425.06
% Variance	9%	28%	6%	8%	-2%	17%	53%	54%	-18%	17%	25%	33%	10%	15%

Payment Channel	Count of Transactions	Sum of Transactions	% Count of Transactions	% Sum of Transactions
AustPost	610	\$155,835.23	4%	5%
Bpay	9,486	\$1,843,046.21	69%	56%
IVR	370	\$249,550.96	3%	8%
Direct Debit	2,225	\$187,660.73	16%	6%
Receipt	772	\$634,521.96	6%	19%
Internet	335	\$196,625.42	2%	6%
Total	13,798	\$3,267,240.51	100%	100%

Overall Trend May 2014 to June 2014 (Interim)

The majority of revenue received against overdue rates and charges was in the less than 90 day overdue category. This contributed toward the overall reduction in the overdue percentage to 3.1% at the end of June.

Comparison June 2013 to June 2014

Days Overdue	Total						Mainland					
	Jun-13	% Overdue	Jun-14	% Overdue	\$ Variance	% Increase	Jun-13	% Overdue	Jun-14	% Overdue	\$ Variance	% Increase
<90	\$3,081,794	1.47%	\$3,073,953	1.43%	-\$7,840	-0.04%	\$2,309,098	1.10%	\$2,248,565	1.05%	-\$60,533	-0.05%
90 - 180 days	\$1,238,060	0.59%	\$1,259,396	0.59%	\$21,336	0.00%	\$858,255	0.41%	\$844,699	0.39%	-\$13,556	-0.02%
>180 days	\$1,957,217	0.93%	\$2,417,633	1.13%	\$460,416	0.19%	\$931,213	0.44%	\$1,070,009	0.50%	\$138,796	0.05%
Total	\$6,277,070	3.00%	\$6,750,982	3.15%	\$473,912	0.15%	\$4,098,567	1.96%	\$4,163,273	1.94%	\$64,706	-0.02%

Nth Stradbroke Is / Coochiemudlo Is / Garden Is

Days Overdue	Jun-13	% Overdue	Jun-14	% Overdue	\$ Variance	% Increase
<90	\$89,669	0.04%	\$101,265	0.05%	\$11,597	0.00%
90 - 180 days	\$36,486	0.02%	\$27,524	0.01%	-\$8,962	0.00%
>180 days	\$56,383	0.03%	\$44,661	0.02%	-\$11,722	-0.01%
Total	\$182,537	0.09%	\$173,450	0.08%	-\$9,088	-0.01%

SMBI

Days Overdue	Jun-13	% Overdue	Jun-14	% Overdue	\$ Variance	% Increase
<90	\$683,027	0.33%	\$724,123	0.34%	\$41,096	0.01%
90 - 180 days	\$343,319	0.16%	\$387,174	0.18%	\$43,855	0.02%
>180 days	\$969,621	0.46%	\$1,302,964	0.61%	\$333,343	0.14%
Total	\$1,995,966	0.95%	\$2,414,260	1.13%	\$418,294	0.17%

Trend - May 2014 to June 2014

Days Overdue	Total						Mainland					
	May-14	% Overdue	Jun-14	% Overdue	\$ Variance	% Increase	May-14	% Overdue	Jun-14	% Overdue	\$ Variance	% Increase
<90	\$4,765,087	2.22%	\$3,073,953	1.43%	-\$1,691,133	-0.79%	\$3,657,397	1.70%	\$2,248,565	1.05%	-\$1,408,831	-0.66%
90 - 180 days	\$1,708,470	0.80%	\$1,259,396	0.59%	-\$449,074	-0.21%	\$1,177,419	0.55%	\$844,699	0.39%	-\$332,721	-0.16%
>180 days	\$2,683,376	1.25%	\$2,417,633	1.13%	-\$265,742	-0.12%	\$1,260,790	0.59%	\$1,070,009	0.50%	-\$190,781	-0.09%
Total	\$9,156,932	4.27%	\$6,750,982	3.15%	-\$2,405,950	-1.12%	\$6,095,606	2.84%	\$4,163,273	1.94%	-\$1,932,333	-0.90%

Nth Stradbroke Is / Coochiemudlo Is / Garden Is

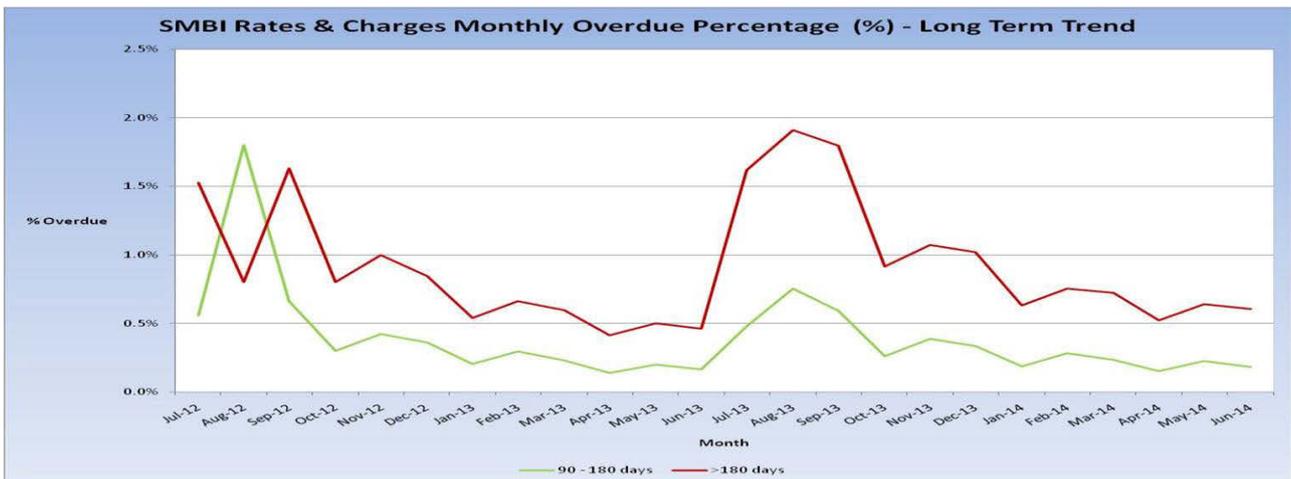
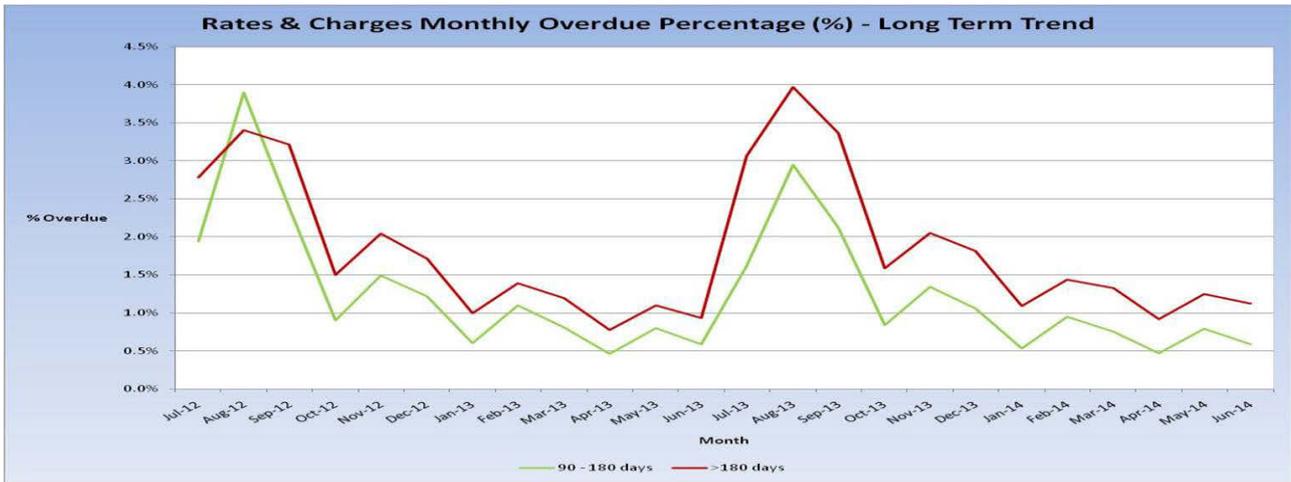
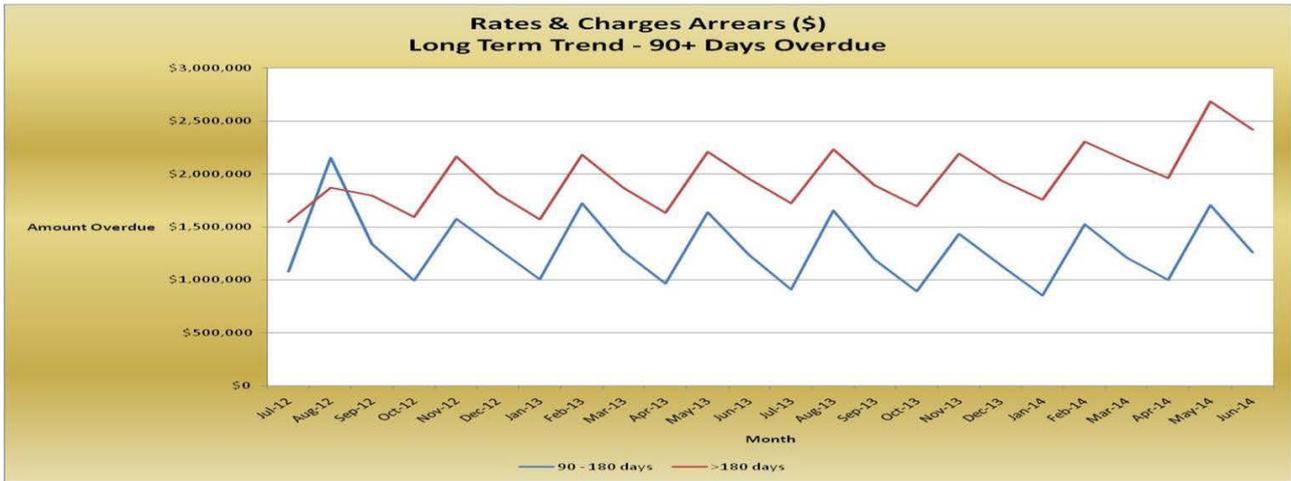
Days Overdue	May-14	% Overdue	Jun-14	% Overdue	\$ Variance	% Increase
<90	\$159,411	0.07%	\$101,265	0.05%	-\$58,145	-0.03%
90 - 180 days	\$45,042	0.02%	\$27,524	0.01%	-\$17,518	-0.01%
>180 days	\$49,730	0.02%	\$44,661	0.02%	-\$5,070	0.00%
Total	\$254,183	0.12%	\$173,450	0.08%	-\$80,733	-0.04%

SMBI

Days Overdue	May-14	% Overdue	Jun-14	% Overdue	\$ Variance	% Increase
<90	\$948,279	0.44%	\$724,123	0.34%	-\$224,156	-0.10%
90 - 180 days	\$486,009	0.23%	\$387,174	0.18%	-\$98,836	-0.05%
>180 days	\$1,372,855	0.64%	\$1,302,964	0.61%	-\$69,892	-0.03%
Total	\$2,807,144	1.31%	\$2,414,260	1.13%	-\$392,884	-0.18%



8. OVERDUE RATES DEBTORS (cont.)



9. STATEMENT OF COMPREHENSIVE INCOME

STATEMENT OF COMPREHENSIVE INCOME For the period ending 30 June 2014 (Interim)

	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Revised Budget \$000	YTD Actual \$000	YTD Variance \$000
Recurrent Revenue					
Rates Charges	77,623	77,623	77,623	78,450	827
Levies & Charges	119,189	121,592	121,592	121,989	397
<i>Less: Pensioner Remissions</i>	(2,670)	(2,670)	(2,670)	(2,675)	(5)
Fees & Charges	9,775	10,344	10,344	10,989	645
Operating Grants & Subsidies	10,016	10,530	10,530	6,778	(3,752)
Operating Contributions and Donations	0	1,139	1,139	1,083	(57)
Interest External	4,104	4,042	4,042	3,868	(174)
Other Revenue	3,681	5,170	5,170	5,747	577
Total Recurrent Revenue	221,718	227,770	227,770	226,229	(1,541)
Capital revenue					
Grants, Subsidies and Contributions	9,157	15,016	15,016	19,960	4,944
Non-cash Contributions	3,154	3,154	3,154	721	(2,433)
Total Capital Revenue	12,311	18,170	18,170	20,681	2,511
TOTAL REVENUE	234,029	245,940	245,940	246,910	970
Recurrent Expenses					
Employee Costs	74,422	74,988	74,988	73,367	(1,621)
Goods & Services	96,076	102,381	102,381	97,298	(5,083)
Finance Costs	4,109	4,164	4,164	4,225	61
Depreciation and Amortisation	46,794	48,498	48,498	50,334	1,836
Total Recurrent Expenses	221,401	230,031	230,031	225,224	(4,807)
Capital Expenses					
(Gain)/Loss on Disposal of Non-current Assets	(1,120)	(1,917)	(1,917)	1,396	3,313
Total Capital Expenses	(1,120)	(1,917)	(1,917)	1,396	3,313
TOTAL EXPENSES	220,281	228,114	228,114	226,620	(1,494)
NET RESULT	13,748	17,826	17,826	20,290	2,464
Other Comprehensive Income/(Loss)					
Increase/(decrease) in asset revaluation surplus	0	81	81	14,341	14,260
TOTAL COMPREHENSIVE INCOME	13,748	17,907	17,907	34,631	16,724

The movement in Other Comprehensive Income is attributable to a partial upload of asset class revaluations. The audited financial statements for the year ended 30 June 2014 will reflect the final revalued position and impact. The financial statements will be presented as part of the 2013/14 Annual Report.

10. OPERATING STATEMENT

OPERATING STATEMENT For the period ending 30 June 2014 (Interim)

	Annual Original Budget \$000	Annual Revised Budget \$000	YTD Revised Budget \$000	YTD Actual \$000	YTD Variance \$000
Revenue					
Rates Charges	77,623	77,623	77,623	78,450	827
Utility Charges	119,189	121,592	121,592	121,989	397
<i>Less: Pensioner Remissions</i>	(2,670)	(2,670)	(2,670)	(2,675)	(5)
Fees & Charges	9,775	10,344	10,344	10,989	645
Operating Grants & Subsidies	10,016	10,530	10,530	6,778	(3,752)
Operating Contributions and Donations	0	1,139	1,139	1,083	(57)
Interest External	4,104	4,042	4,042	3,868	(174)
Other Revenue	3,681	5,170	5,170	5,747	577
Total Revenue	221,718	227,770	227,770	226,229	(1,541)
Expenses					
Employee Costs	74,422	74,988	74,988	73,367	(1,621)
Goods & Services	96,879	101,828	101,828	96,911	(4,917)
Finance Costs Other	311	316	316	357	41
Other Expenditure	293	1,649	1,649	1,348	(301)
Net Internal Costs	(1,096)	(1,096)	(1,096)	(960)	136
Total Expenses	170,809	177,686	177,686	171,023	(6,663)
Earnings Before Interest, Tax and Depreciation (EBITD)	50,909	50,084	50,084	55,206	5,122
Interest Expense	3,798	3,848	3,848	3,868	20
Depreciation	46,794	48,498	48,498	50,334	1,836
Operating Surplus/(Deficit)	317	(2,261)	(2,261)	1,004	3,266
Transfers to Constrained Operating Reserves	(13,639)	(10,105)	(10,105)	(20,090)	(9,984)
Transfer from Constrained Operating Reserves	11,128	18,991	18,991	17,952	(1,039)

The Operating Statement will adjust over the coming weeks as the accounts are being finalised and the final results will be reflected in the audited financial statements for the year ended 30 June 2014. The financial statements will be presented as part of the 2013/14 Annual Report.

11. CAPITAL FUNDING STATEMENT

CAPITAL FUNDING STATEMENT For the period ending 30 June 2014 (Interim)

	Annual	Annual	YTD	YTD	YTD
	Original	Revised	Revised	Actual	Variance
	Budget	Budget	Budget	\$000	\$000
	\$000	\$000	\$000		
Sources of Capital Funding					
Capital Contributions & Donations	4,896	9,990	9,990	15,148	5,158
Capital Grants & Subsidies	4,261	5,026	5,026	4,812	(214)
Proceeds on Disposal of Non-Current Assets	1,424	2,221	2,221	2,705	484
Capital Transfers (To) From Reserves	3,975	1,291	1,291	(7,128)	(8,419)
Non-cash Contributions	3,154	3,154	3,154	721	(2,433)
New Loans	10,581	0	0	0	0
Funding from General Revenue	35,897	46,425	46,425	38,375	(8,050)
Total Sources of Capital Funding	64,188	68,107	68,107	54,633	(13,474)
Applications of Capital Funds					
Contributed Assets	3,154	3,154	3,154	721	(2,433)
Capitalised Goods & Services	48,623	55,069	55,069	45,535	(9,534)
Capitalised Employee Costs	8,294	5,766	5,766	4,287	(1,479)
Loan Redemption	4,118	4,118	4,118	4,090	(28)
Total Applications of Capital Funds	64,188	68,107	68,107	54,633	(13,474)
Other Budgeted Items					
WDV of Assets Disposed	(304)	(304)	(304)	(4,101)	(3,797)
Tax and Dividends	0	0	0	0	0
Internal Capital Structure Financing	0	0	0	0	0

The Capital Funding Statement will adjust over the coming weeks as the accounts are being finalised and the final results will be reflected in the audited financial statements for the year ended 30 June 2014. The financial statements will be presented as part of the 2013/14 Annual Report.

12. STATEMENT OF FINANCIAL POSITION

STATEMENT OF FINANCIAL POSITION

As at 30 June 2014 (Interim)

	Annual	Annual	YTD
	Original Budget \$000	Revised Budget \$000	Actual Balance \$000
CURRENT ASSETS			
Cash & Investments	80,139	76,150	96,235
Accounts Receivable	14,832	20,932	26,207
Inventories	991	943	957
Prepaid Expenses	1,035	1,280	933
Assets - Held for Sale	29	467	(0)
Total Current Assets	97,027	99,772	124,332
NON-CURRENT ASSETS			
Property, Plant and Equipment	1,820,678	2,008,365	2,004,073
Accounts Receivable	9	0	0
Financial Assets	0	73	73
Total Non-Current Assets	1,820,687	2,008,438	2,004,146
TOTAL ASSETS	1,917,714	2,108,210	2,128,478
CURRENT LIABILITIES			
Accounts Payable	24,209	13,637	14,182
Current Employee Provisions	6,510	6,410	5,484
Current Loans	5,979	4,124	4,124
Current Landfill Rehabilitation Provisions	435	1,143	1,530
Other Liabilities	1,474	2,901	6,695
Total Current Liabilities	38,608	28,214	32,015
NON-CURRENT LIABILITIES			
Non-Current Loans	65,284	54,860	54,889
Non-Current Employee Provisions	9,754	10,722	11,167
Non-Current Landfill Rehabilitation Provisions	28,558	34,655	33,926
Non-Current Trade & Other Payables	1,027	693	693
Total Non-Current Liabilities	104,623	100,930	100,675
TOTAL LIABILITIES	143,231	129,144	132,690
NET ASSETS	1,774,483	1,979,066	1,995,788
COMMUNITY EQUITY			
Retained Earnings	1,728,791	1,929,485	1,926,765
Cash Reserves	45,692	49,580	69,023
TOTAL COMMUNITY EQUITY	1,774,483	1,979,066	1,995,788

The Statement of Financial Position will adjust over the coming weeks as the accounts are being finalised and the final results will be reflected in the audited financial statements for the year ended 30 June 2014. The financial statements will be presented as part of the 2013/14 Annual Report.

13. STATEMENT OF CASH FLOWS

STATEMENT OF CASH FLOWS For the period ending 30 June 2014 (Interim)

	Annual	Annual	YTD
	Original Budget \$000	Revised Budget \$000	Actual \$000
CASH FLOWS FROM OPERATING ACTIVITIES			
Rates Charges & Utility Charges	194,141	196,545	192,456
Other Operating Cash Flow	18,374	22,177	24,517
Receipts from Customers	212,516	218,722	216,973
Employee costs	(72,412)	(72,859)	(72,349)
Materials & services	(100,287)	(104,365)	(100,011)
Other expenses	(604)	(1,965)	(1,704)
Payments to Suppliers & Employees	(173,303)	(179,190)	(174,064)
Interest Received	4,104	4,042	3,868
Borrowing Costs	(3,798)	(3,848)	(3,868)
Net Cash Inflow from Operating Activities	39,519	39,725	42,909
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments - Property, Plant & Equipment	(56,916)	(60,835)	(49,822)
Proceeds - Capital Subsidies, Grants & Contributions	9,157	16,562	21,938
Proceeds - Sales of Property, Plant & Equipment	1,424	2,221	2,705
Net Cash Outflow from Investing Activities	(46,336)	(42,052)	(25,179)
CASH FLOWS FROM FINANCING ACTIVITIES			
Proceeds of Borrowings	10,581	0	0
Repayment of borrowings	(4,118)	(4,118)	(4,090)
Net Cash Outflow from Financing Activities	6,463	(4,118)	(4,090)
Net Increase / (Decrease) in Cash Held	(353)	(6,445)	13,640
Cash at Beginning of Year	80,492	82,595	82,595
Cash at End of Financial Period	80,139	76,150	96,235

The Statement of Cash Flows will adjust over the coming weeks as the accounts are being finalised and the final results will be reflected in the audited financial statements for the year ended 30 June 2014. The financial statements will be presented as part of the 2013/14 Annual Report.

14. GLOSSARY

Definition of Ratios

Level of Dependence on General Rate Revenue: Target less than 37.5%	$\frac{\text{General Rates - Pensioner Remissions}}{\text{Total Operating Revenue - Gain on Sale of Developed Land}}$
Current Ratio: Target between 1.1 and 4.1	$\frac{\text{Current Assets}}{\text{Current Liabilities}}$
Debt Servicing Ratio: Target less than or equal to 10%	$\frac{\text{Interest Expense} + \text{Loan Redemption}}{\text{Total Operating Revenue - Gain on Sale of Developed Land}}$
Cash Balance - \$M:	Cash Held at Period End
Cash Capacity in Months: Target 3 to 4 Months	$\frac{\text{Cash Held at Period End}}{[(\text{Cash Operating Costs} + \text{Interest Expense}) / \text{Period in Year}]}$
Debt to Asset Ratio: Target less than or equal to 10%	$\frac{\text{Current and Non-current loans}}{\text{Total Assets}}$
Operating Performance: Target greater than or equal to 20%	$\frac{\text{Net Cash from Operations} + \text{Interest Revenue and Expense}}{\text{Cash Operating Revenue} + \text{Interest Revenue}}$
Operating Surplus Ratio*: Target between 0% and 10% (on average over the long-term)	$\frac{\text{Net Operating Surplus}}{\text{Total Operating Revenue}}$
Net Financial Liabilities*: Target less than 60% (on average over the long-term)	$\frac{\text{Total Liabilities} - \text{Current Assets}}{\text{Total Operating Revenue}}$
Interest Cover Ratio: Target between 0% and 5%	$\frac{\text{Net Interest Expense on Debt Service}}{\text{Total Operating Revenue}}$
Asset Sustainability Ratio*: Target greater than 90% (on average over the long-term)	$\frac{\text{Capital Expenditure on Replacement of Assets (Renewals)}}{\text{Depreciation Expenditure}}$
Asset Consumption Ratio: Target between 40% and 80%	$\frac{\text{WDV of Infrastructure Assets}}{\text{Gross Current Replacement Cost of Infrastructure Assets}}$

*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.

11.3 PORTFOLIO 7 (CR JULIE TALTY)**PLANNING & DEVELOPMENT****11.3.1 DECISIONS MADE UNDER DELEGATED AUTHORITY FOR CATEGORY DECISIONS 1, 2 & 3 DEVELOPMENT APPLICATIONS**

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

Attachment: [Decisions Made Under Delegated Authority 29 06 14 to 12 07 2014](#)

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 Development and Community Standards Committee for a decision.

OFFICER'S RECOMMENDATION

That Council resolves to note this report.

Decisions Made Under Delegated Authority 29.06.2014 to 05.07.2014

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division
Category 1								
BWP002377	Building Over/near underground infrastructure - Outbuilding	Category1	Raymond Arthur Clayton	23 Bibury Street, Wellington Point QLD 4160	Concurrence Agency Response	30/06/2014	Approved	1
MCU013225	Dwelling House	Category1	Diana Louise Gillies Paul Laxon	2 Samarinda Drive, Point Lookout QLD	Code Assessment	03/07/2014	Development Permit	2
BWP002389	Design & Siting - Dwelling House	Category1	Building Code Approval Group Pty Ltd	5 Ocean Street, Cleveland QLD 4163	Concurrence Agency Response	30/06/2014	Approved	3
BWP002383	Design & Siting - Dwelling House	Category1	Deborah Ann Muller	15 Marroo Street, Coochiemudlo Island QLD 4184	Concurrence Agency Response	02/07/2014	Approved	4
BWP002384	Design & Siting - Carport	Category1	Dennis George Bury	8 Karri Court, Victoria Point QLD 4165	Concurrence Agency Response	01/07/2014	Approved	4
BWP002345	Domestic Outbuilding - Garage	Category1	Trevor Joseph Chant	35-39 Nunkerri Drive, Macleay Island QLD 4184	Code Assessment	04/07/2014	Development Permit	5
MCU013263	Dwelling house	Category1	Angela Jayne Speck	78 Treasure Island Avenue, Karragarra Island QLD 4184	Code Assessment	30/06/2014	Development Permit	5
BWP002390	Design & Siting - Dwelling House	Category1	Building Code Approval Group Pty Ltd	11 Torquay Road, Redland Bay QLD 4165	Concurrence Agency Response	30/06/2014	Approved	5
BWP002396	Design & Siting - Dwelling House	Category1	Begbie Bentham Pty Ltd	10 Haslingden Drive, Redland Bay QLD 4165	Concurrence Agency Response	02/07/2014	Approved	5
BWP002399	Design & Siting - Domestic Outbuilding	Category1	Applied Building Approvals	115 Kate Street, Macleay Island QLD 4184	Concurrence Agency Response	04/07/2014	Approved	5

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division
MCU013282	Dwelling House - ADA	Category1	Bay Island Designs	26 Tukkeri Street, Macleay Island QLD 4184	Code Assessment	02/07/2014	Development Permit	5
MCU013247	Home Business	Category1	Kristy Louise Cooper	14 Helicia Circuit, Mount Cotton QLD 4165	Code Assessment	04/07/2014	Development Permit	6
BWP002395	Design & Siting - Dwelling House	Category1	Bold Properties	10-12 Bandana Street, Mount Cotton QLD 4165	Concurrence Agency Response	03/07/2014	Approved	6
BWP002387	Design & Siting - Patio	Category1	Metropolitan Certification Services Pty Ltd	1 Agathis Place, Capalaba QLD 4157	Concurrence Agency Response	01/07/2014	Approved	7
BWP002388	Design & Siting - Domestic Outbuilding	Category1	Noosa Building Certifiers	9 Charles Court, Alexandra Hills QLD 4161	Concurrence Agency Response	30/06/2014	Approved	7
ROL005739	Standard Format: 1 into 2	Category1	Dulip Dias Karunaratne	336-340 Mount Cotton Road, Capalaba QLD 4157	Code Assessment	01/07/2014	Development Permit	9
MCU013265	Dwelling House	Category1	Henley Properties Qld Pty Ltd	32 Guyana Court, Capalaba QLD 4157	Code Assessment	02/07/2014	Development Permit	9
BWP002375	Design and Siting - Dwelling House	Category1	Building Code Approval Group Pty Ltd	5 Mooroondu Road, Thorneside QLD 4158	Concurrence Agency Response	03/07/2014	Approved	10
BWP002379	Design & Siting - Additions to Existing House	Category1	Building Code Approval Group Pty Ltd	280 Queens Esplanade, Thorneside QLD 4158	Concurrence Agency Response	30/06/2014	Approved	10

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division
BWP002385	Combined Design and Siting and Build Over or Near Underground Infrastructure - Dwelling, pool and rendered wall	Category1	The Certifier Pty Ltd	314 Queens Esplanade, Thorneside QLD 4158	Concurrence Agency Response	04/07/2014	Approved	10
BWP002403	Design and Siting - Additions and Alterations	Category1	The Certifier Pty Ltd	16 Fuchsia Close, Birkdale QLD 4159	Concurrence Agency Response	04/07/2014	Approved	10
Category 2								
OPW001661	Operational Works - ROL 1 into 2 - Smart EDA	Category2	HCE Engineers Wiseman Developments	41 David Street, Thorneside QLD 4158	Code Assessment	30/06/2014	Development Permit	10

Decisions Made Under Delegated Authority 06.07.2014 to 12.07.2014

Application	Description	Category	Applicant	Property Address	Application Type	Decision Date	Decision	Division
Category 1								
BWP002397	Design & Siting - Carport	Category1	The Certifier Pty Ltd	490 Main Road, Wellington Point QLD 4160	Concurrence Agency Response	08/07/2014	Approved	1
MCU013283	Home Business - ADA	Category1	Danica Horvatic	64 Riesling Street, Thornlands QLD 4164	Code Assessment	08/07/2014	Development Permit	3
BWP002404	Combined Design & Siting - Dwelling House & Building Works - Over or Near Relevant Infrastructure	Category1	Henley Properties (Qld) Pty Ltd	9 Nadine Crescent, Thornlands QLD 4164	Concurrence Agency Response	10/07/2014	Approved	3
ROL005772	Standard Format 1 into 3 Lots	Category1	East Coast Surveys Pty Ltd	3-7 Bell View Street, Victoria Point QLD 4165	Code Assessment	08/07/2014	Development Permit	5
BWP002380	Domestic Outbuilding - Carport	Category1	The Australian Garage Supermarket	3 Maryanne Street, Karragarra Island QLD 4184	Code Assessment	09/07/2014	Development Permit	5
BWP002411	Design & Siting - Domestic Addition	Category1	Michael Marcinkewycz	12 Canaipa Ridge Road, Russell Island QLD 4184	Concurrence Agency Response	08/07/2014	Approved	5
BWP002398	Design and Siting - Domestic Additions	Category1	Leon James Maher	61 Bunker Road, Victoria Point QLD 4165	Concurrence Agency Response	09/07/2014	Approved	6
BWP002394	Design & Siting - Domestic Additions	Category1	Complete Building Certification	5 Lemongrove Road, Birkdale QLD 4159	Concurrence Agency Response	08/07/2014	Approved	8

Decisions Made Under Delegated Authority 06.07.2014 to 12.07.2014

MCU013230	Dual Occupancy	Category1	Gregory John Shannon	274 Queens Esplanade, Thorneside QLD 4158	Impact Assessment	08/07/2014	Development Permit	10
Category 2								
MCU013226	Dual Occupancy	Category2	Betty Boop Investments Pty Ltd	281 Bloomfield Street, Cleveland QLD 4163	Code Assessment	10/07/2014	Development Permit	2
OPW001645	Operational works (CIVIL) footpath	Category2	Graham Marsh Pty Ltd	2-14 Weippin Street, Cleveland QLD 4163	Compliance Assessment	07/07/2014	Compliance Certificate	2
OPW001652	Operational Works - Prescribed Tidal Works - Pontoon	Category2	David John Clarke	75 Anchorage Drive, Cleveland QLD 4163	Code Assessment	10/07/2014	Development Permit	2
OPW001667	Operational Works- Domestic driveway Crossover	Category2	Fiona Kaye Law	36 Sharven Avenue, Cleveland QLD 4163	Code Assessment	08/07/2014	Development Permit	2
OPW001672	Prescribed Tidal Works - Pontoon	Category2	Peter Frank Savage	38 Compass Court, Cleveland QLD 4163	Code Assessment	11/07/2014	Development Permit	2
MCU013289	Temporary Use	Category2	Redland City Council Redland Performing Arts Centre	Redlands Performing Arts Centre, 2-16 Middle Street, Cleveland QLD 4163	Code Assessment	10/07/2014	Development Permit	2
OPW001593.1A	Operational Works - 1 into 35 Waterline Stage 1A	Category2	Sheehy & Partners Pty Ltd	310A-310B Redland Bay Road, Thornlands QLD 4164	Code Assessment	10/07/2014	Extension to Relevant Period Development Permit	4
OPW001654	Operational works - ROL 1 into 2 (SmartEda)	Category2	Karkel Projects Pty Ltd	271 Railway Parade, Birkdale QLD 4159	Code Assessment	08/07/2014	Development Permit	10

11.3.2 APPEALS LIST CURRENT AS AT 14.07.2014

Datworks Filename: Reports to Council - Portfolio 7 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). Cnr Taylor Rd & Woodlands Dve, Thornlands.
Appeal Details:		Applicant appeal against refusal.
Current Status:		The appellant has submitted amended plans to all parties. Council and co-respondents are considering the amended plans.
Hearing Date:		Listed for review 30 July 2014.

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:		Preliminary point application was struck out by the Court and therefore the appeal process will continue. The appellant has submitted amended plans to all parties. Council and co-respondents are considering the amended plans.
Hearing Date:		Listed for review 30 July 2014.

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:		Mediation held 10 April 2014. A confidential report was presented to the 21 May 2014 General Meeting that outlines options for resolving the appeal. Negotiations with the parties are continuing. Review date is 21 August 2014.

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 4 September 2014.

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:		Mediation to be held by 23 July 2014. Next review date 30 July 2014.

6.	File Number:	Appeal 2630 of 2014 (MCU012906)
Applicant:		Jackson & others
Application Details:		Material Change of Use for a Cemetery
Appeal Details:		Submitter appeal against approval.
Current Status:		Appeal filed on 10 July 2014.

OFFICER'S RECOMMENDATION

That Council resolves to note this report.

11.3.3 MAJOR AND MINOR AMENDMENTS TO THE REDLANDS PLANNING SCHEME

Dataworks Filename: Reports to Council Portfolio 7 Planning and Development

Attachments: [Consolidated Major Amendment Package 01 2013](#)
[Consolidated Major Amendment Package 01 2013 - Public Submission Report](#)
[Minor Zone and Overlay Mapping Changes](#)

Authorising Officer:



Louise Rusan
General Manager Community & Customer Services

Responsible Officer:

David Jeanes
Group Manager City Planning and Assessment

Author:

Dean Butcher
Strategic Planner City Planning & Assessment

PURPOSE

The purpose of this report is to:

1. Report on the public consultation of Consolidated Major Amendment Package 01/2013 and recommend responses to the three public submissions received;
2. Seek approval to submit the Consolidated Major Amendment Package 01/2013 to the Department of State Development, Infrastructure and Planning (DSDIP) for Ministerial approval to proceed with the proposed amendments to the Redlands Planning Scheme;
3. Seek approval to adopt minor mapping amendments to the Redlands Planning Scheme (RPS) and set a commencement date of 20 August 2014 for the minor amendments.

BACKGROUND

On 9 October 2013, Council resolved to submit the Consolidated Major Amendment Package 01/2013 to the DSDIP seeking Ministerial approval to publicly consult on the amendment package pursuant to the *Sustainable Planning Act 2009*.

On 20 March 2014, Council received advice from the DSDIP that the Minister approved Council to publicly consult on Consolidated Major Amendment Package 01/2013 subject to a condition. The Ministerial condition required Council to amend the Bushfire Hazard Overlay to reflect recently completed State Planning Policy mapping of bushfire hazards on North Stradbroke Island (NSI) instead of the proposed amendments that were based on bushfire hazard mapping undertaken by consultants for Council in 2010.

A revised Bushfire Hazard Overlay map that reflected the State Planning Policy bushfire hazard mapping for North Stradbroke Island was prepared and subsequently publicly consulted upon to address the Ministerial condition. It should be noted that a direct translation of the State Planning Policy bushfire hazard mapping into the Bushfire Hazard Overlay of the RPS was not possible. In consultation with the DSDIP it was agreed to reflect the State Planning Policy mapping as follows:

- High and Very High potential bushfire intensity categories of the State Planning Policy were combined to form the proposed High Bushfire Hazard category in the Bushfire Hazard Overlay of the RPS; and
- The Moderate potential bushfire intensity category of the State Planning Policy formed the proposed Medium Bushfire Hazard in the Bushfire Hazard Overlay of the RPS.

In addition, the DSDIP required that a note in the proposed Canal and Lakeside Structures Overlay be replaced with an alternative note provided by DSDIP. The DSDIP required the replacement of the proposed note as it was structured as an assessment provision and prescribed additional requirements such as reports that a note cannot require. Furthermore the note referenced provisions that are currently regulated through the Building Code of Australia. As a result, the Canal and Structures overlay was amended prior to public consultation to include the note recommended by the DSDIP.

The Consolidated Major Amendment Package 01/2013 was publicly displayed between 29 April 2014 and 13 June 2014. In response, Council received three properly made public submissions.

ISSUES

Summary of Consolidated Major Amendment Package 01/2013 (MAP 01/2013)

Consolidated Major Amendment Package 01/2013 proposes the following amendments to the Redlands Planning Scheme:

Major Centre Zone

- Amending the Major Centre zone table of assessment to make the following list of eligible uses self-assessable development for a tenancy change:
 - Aged Persons and Special Needs Housing where part of a mixed use;
 - Apartment Building where part of a mixed use;
 - Commercial Office;
 - Community Facility;
 - Education Facility;
 - Health Care Centre;
 - Hotel;
 - Indoor Recreation Facility;
 - Refreshment Establishment;
 - Shop; and
 - Tourist Accommodation.
- Including a new Specific Outcome in the Major Centre zone code that provides scope to support proposals above the building height specified in the Major Centre zone code for the Cleveland CBD, where such proposals demonstrate the

increased height supports the revitalisation of the CBD and contributes to the economic and employment/residential growth of the CBD;

- Replacing the existing building height map for Cleveland with a new building height map that is consistent with the Cleveland Centre Master Plan adopted by Council.

Redland Bay Centre

- Elevating the Redland Bay Neighbourhood Centre to a district centre, increasing the range of uses supported in the centre (including a full line supermarket) to improve the level of services available to both the growing population in southern Redland Bay and the SMBIs.

Urban Residential Zone

- Making Mobile Home Parks a code assessable use where proposed on sites over 1.5 hectares in the Urban Residential sub-area UR1 zone to encourage development in areas where there are locational and economic advantages for this form of affordable housing;
- Removing Multiple Dwellings from the Inconsistent Use table of the Urban Residential zone for development on a lot between 1200 m² – 4000 m² with a frontage of 20 metres or more and width to depth ratio of not greater than 1:4 and with buildings 8.5 metres or less above ground level that are 2 storeys or less (residential scale). Multiple dwelling applications that meet this criteria are proposed to be impact assessable;
- Amending the level of assessment provisions of the Dual Occupancy use to enable 800m² lots to be code assessable development;
- Amending the level of assessment text related to built to boundary walls to be consistent with the Queensland Development Code and to assist with clarity by removing double negatives;
- Providing Probable Solutions relating to native vegetation retention in the Urban Residential zone by expanding the existing Probable Solutions that only currently apply to sub-area UR2;
- Updating the note that appears in the Urban Residential zone regarding the SEQ Regional Plan to be consistent with the planning horizon of the current Regional Plan (2009 - 2031).

Bushfire Hazard Overlay

- Amending provisions of the Bushfire Hazard Overlay that are in conflict with the Building Code of Australia (BCA) by removing dwelling houses and building work (i.e. domestic additions and the on-site raising or relocation of an existing dwelling unit) from the overlay;
- Amending the self-assessable acceptable solutions and the specific outcomes to make it clear that NSI is included in the code;
- Amending the Overlay map to include the State Planning Policy bushfire hazard mapping for NSI.

Canal and Lakeside Structures Overlay

- Incorporating this new overlay to regulate the construction of waterfront structures that may have an adverse impact on the structural stability of revetment walls and embankments in canal and lake front properties.

Heritage Places Register

- Ensuring consistency between the Queensland Heritage Register 1992 and the planning scheme by:
 - Adding the Ormiston Fellmongery to the Register;
 - Changing the property name, heritage significance and including two additional property descriptions for the Cleveland No.1 Cemetery (Pioneer Cemetery).

Public Consultation on Consolidated Major Amendment Package 01/2013

In accordance with the State Government's Statutory Guideline for Making and Amending Local Planning Instruments (MALPI), Council is required to give due consideration to all properly made submissions received during the public consultation of Consolidated Major Amendment Package 01/2013. Council is also required to advise each submitter in writing on how Council has addressed their submission.

During the recent public consultation on Consolidated Major Amendment Package 01/2013 (29 April 2014 - 13 June 2014), Council received three properly made submissions.

Two submissions stated that three Council owned sites on Coochiemudlo Island have local heritage significance and should be listed in the Heritage Place and Character Precinct Overlay and Heritage Places Register of the RPS as part of Consolidated Major Amendment Package 01/2013.

The submissions are supported by the findings of a study into European heritage that has been prepared as a background study for the new planning scheme. This heritage study identifies the subject three sites on Coochiemudlo Island as having heritage values of local significance and recommends the sites be included in heritage overlay and local heritage register of the new planning scheme (see details in table over the page).

In accordance with MALPI, Council may make changes to the RPS without further public consultation to address issues raised in submissions made to the Consolidated Major Amendment Package 01/2013, provided the changes do not result in the Planning Scheme being significantly different. The inclusion of three heritage sites in the heritage overlay and register of the RPS, as requested by two submitters, does not constitute a significant change to the RPS. Accordingly, the MALPI provides Council with the ability to include the three nominated heritage sites in the RPS to address the subject public submissions.

Recognising the above points, it is recommended that the subject three sites be included in the Heritage Place and Character Precinct Overlay and Heritage Places Register of the RPS as part of the adoption of Consolidated Major Amendment Package 01/2013 (Attachment 1).

Property Name / Number / Street Address	Real Property Description	Summary Description of Item	Heritage Significance
Coochiemudlo Island			
Community Hall, jetty and steps	Lot 137 on SP144276 & Part of Lot 22 on SP144276	Community Hall, remnant steps from the community hall to the stone staircase at the beach and remnants of jetty timbers that remain below the High Water Mark.	Local
Norfolk Beach	Lot 24 on SP199973	Norfolk Beach – site of Mathew Flinders landing.	Local
Moreton steps and stone jetty	Lot 25 on SP199973	A series of concrete steps and a stone & concrete jetty constructed by Doug Morton	Local

The third submission requested that the inconsistent use table of the Urban Residential Zone code be amended to qualify that Aged Care and Special Needs Housing is an inconsistent use except in the specified sub-areas and where the *Sustainable Planning Act 2009* can be invoked to establish sufficient grounds to justify a use for this purpose. The submission also stated that Council should ensure that the amenity of an area is not adversely affected by allowing Aged Care and Special Needs Housing development in an Urban Residential zone. These matters have been reviewed and no amendment is recommended to address the submission based on:

- The addition to the inconsistent development table would simply be duplicating the provisions in the Sustainable Planning Act 2009 that in effect require a development approval to not conflict with the RPS unless sufficient grounds have been demonstrated;
- the Urban Residential zone already contains provisions that require development to protect the existing residential amenity.

Accordingly, there is no change recommended to Consolidated Major Amendment Package 01/2013 to address the third submission received. Refer to the attached Submission Review Report for further details on the received submissions and the recommended responses (Attachment 2).

Submission of Consolidated Major Amendment Package 01/2013 for Ministerial Approval

In accordance with MALPI, Council must write to the Minister of DSDIP seeking Ministerial approval to adopt the Consolidated Major Amendment Package 01/2013 as an amendment to the planning scheme. The Minister then has 40 business days to provide Council with a decision on the amendment package. The Minister may

provide Council with approval to proceed with the major amendments to the RPS with or without conditions. Once Council receives the Minister's decision, Council has 30 business days to decide whether to adopt the amendments or not proceed with the amendments.

To expedite the commencement of Consolidated Major Amendment Package 01/2013, it is recommended that Council resolve to give delegated authority to the CEO to adopt and set a commencement date should the Minister approve the major amendments without conditions. If the Minister however approves the Consolidated Major Amendment Package 01/2013 with conditions, a further report will be provided to Council for consideration.

The DSDIP have advised that this approach has been used by other Councils to reduce the time to bring the amendments into effect by avoiding the need for a separate Council resolution on an amendment package it has already in effect adopted.

Minor Zone and Overlay Mapping Amendments

As outlined in the report presented to Council at its General Meeting on 25 June 2014 regarding Minor Amendment Package 01/2014, the mapping amendments were removed from the amendment package due to timing issues associated with ensuring all Council mapping and property based information management systems were updated to reflect the mapping changes.

The minor mapping amendments from Minor Amendment Package 01/2014 are presented for Council adoption as part of this report. The minor mapping amendments primarily reflect recent development approvals issued by Council and as such constitute minor amendments in accordance with the State's Statutory Guideline (MALPI).

Accordingly, this report recommends that the minor mapping amendments detailed in Attachment 3 be adopted by Council and commence on 20 August 2014.

Fees and Charges Schedule

The proposed major amendments to the RPS, if adopted, will require a change to Council's current fees and charges schedule to include an assessment fee for the new Canal and Lakeside Structures overlay.

It is considered appropriate to apply the same assessment fee to the Canal and Lakeside Structures overlay that has been approved for a range of similar overlays including the Bushfire Hazard, Electricity Infrastructure and the Heritage Place and Character Precinct overlays. The current fee for the 2013/2014 Financial Year is \$1,235.00 and the approved fee proposed for adoption for the 2014/2015 Financial Year is \$1,275.00.

The following recommended change to fees and charges will take effect at the same time as the commencement of the Consolidated Major Amendment Package 01/2013. To amend the fees and charges related to the Canal and Lakeside Structures overlay application it is recommended that the CEO be provided with delegated authority to make this change should Ministerial approval be provided without conditions for Consolidated Major Amendment Package 01/2013.

Description	Unit	Base Charge \$	GST \$	Final Charge \$	Type
Canal and Lakeside Structures	per overlay	1,275.00		1,275.00	R

STRATEGIC IMPLICATIONS

Legislative Requirements

The proposed amendments will be undertaken pursuant to the *Sustainable Planning Act 2009* and *Statutory Guideline 01/14: Making and Amending Local Planning Instruments (MALPI)*.

Risk Management

The risk of not making the proposed amendments to the Planning Scheme is that Council policy directives to simplify planning provisions, remove redundant or cumbersome planning processes and remove low risk activities from planning control will not be implemented.

There is also a potential financial risk to Council if there are delays in bringing the proposed Canal and Lakeside Structures Overlay into effect.

Financial

The proposed amendments to the Planning Scheme will be funded as part of the operating budget of the City Planning and Assessment Group.

People

The staff resourcing required to make the proposed amendments to the Planning Scheme will be primarily drawn from the Strategic Planning Team of the City Planning and Assessment Group.

Environmental

The proposed amendments do not relate to environmental provisions of the RPS.

Social

Elements of the proposed amendments will simplify planning provisions, remove redundant or cumbersome planning processes and remove low risk activities from planning control. This will reduce red tape and costs to the community.

The inclusion of additional sites on the local heritage register will provide additional protection for important local heritage sites.

Alignment with Council's Policy and Plans

The proposed amendments align with the Wise Planning and Design goals contained in Council's Corporate Plan 2010-2015 and the Redlands 2030 Community Plan. This includes managing population growth in a compact settlement pattern, supporting housing choice and affordability and improving efficiencies in the Redlands Planning Scheme.

CONSULTATION

Consolidated Major Amendment Package 01/2013 was subject to public consultation between 29 April and 13 June 2014. The public consultation on the amendment package was supported by a range of media to inform the community and provide an opportunity to comment on the amendments in line with the requirements of the *Sustainable Planning Act 2009*.

The proposed amendments have been developed alongside regular consultation with:

- Queensland State Government, DSDIP and various other Government Agencies as part of the State Interest Review processes;
- City Infrastructure Group;
- City Planning and Assessment Group.

OPTIONS

1. That Council resolves to:

1. Adopt the recommendations contained in Attachment 1: Consolidated Major Amendment Package 01/2013;
2. Submit Consolidated Major Amendment Package 01/2013 to the Deputy Premier and Minister for the Department of State Development, Infrastructure and Planning (DSDIP) seeking approval to proceed with an amendment to the Redlands Planning Scheme;
3. Provide delegated authority to the Chief Executive Officer in accordance with section 257 of the Local Government Act 2009 to:
 - a. adopt Consolidated Major Amendment Package 01/2013 as an amendment to the Redlands Planning Scheme if the Minister approves Consolidated Major Amendment Package 01/2013 without conditions;
 - b. set a commencement date for Consolidated Major Amendment Package 01/2013;
 - c. make any necessary amendments to the fees and charges schedule to reflect Consolidated Major Amendment Package 01/2013.
4. Endorse the Consolidated Major Amendment Package 01/2013: Public Submission Report contained in Attachment 2 and provide the Deputy Premier and Minister for the Department of State Development, Infrastructure and Planning (DSDIP) and three submitters with a copy of the report in accordance Statutory Guideline 01/14: Making and Amending Local Planning Instruments (MALPI);
5. Adopt the minor zone and overlay amendments to the Redlands Planning Scheme in line with the recommendations contained in Attachment 3: Minor Zone and Overlay Mapping Changes pursuant to the Sustainable Planning Act 2009 and set a commencement date of 20 August 2014.

2. That Council resolves to not proceed with all or part of the amendment packages at this time.

OFFICER'S RECOMMENDATION

That Council resolves to:

1. **Adopt the recommendations contained in Attachment 1: Consolidated Major Amendment Package 01/2013;**
2. **Submit Consolidated Major Amendment Package 01/2013 to the Deputy Premier and Minister for the Department of State Development, Infrastructure and Planning (DSDIP) seeking approval to proceed with the amendment package as an amendment to the Redlands Planning Scheme;**
3. **Provide delegated authority to the Chief Executive Officer in accordance with section 257 of the *Local Government Act 2009* to:**
 - a. **adopt Consolidated Major Amendment Package 01/2013 as an amendment to the Redlands Planning Scheme if the Minister approves Consolidated Major Amendment Package 01/2013 without conditions;**
 - b. **set a commencement date for Consolidated Major Amendment Package 01/2013;**
 - c. **make any necessary amendments to the fees and charges schedule to reflect Consolidated Major Amendment Package 01/2013;**
4. **Endorse the Consolidated Major Amendment Package 01/2013: Public Submission Report contained in Attachment 2 and provide the Deputy Premier and Minister for the Department of State Development, Infrastructure and Planning (DSDIP) and the three submitters with a copy of the report in accordance Statutory Guideline 01/14: Making and Amending Local Planning Instruments (MALPI); and**
5. **Adopt the minor zone and overlay amendments to the Redlands Planning Scheme in line with the recommendations contained in Attachment 3: Minor zone and overlay mapping changes pursuant to the Sustainable Planning Act 2009 and set a commencement date of 20 August 2014.**

Redlands Planning Scheme

Major Amendment 01/2013

July 2014



Consolidated Major Amendment Package 01/2013

OUR redlands...OUR future

Redlands Planning Scheme

Submission Review Report

July 2014



Consolidated Major Amendment Package 01/2013

OUR redlands...OUR future

Executive Summary

Major Amendment Package 01/2013 (MAP 01/2013) was publicly displayed between 29 April 2014 and 13 June 2014. At the end of the public consultation period, three (3) submissions had been received. This Submission Review Report provides an overview of the submissions received and documents how Council has considered and responded to the issues raised during the consultation period.

Introduction

MAP 01/2013 is a consolidated amendment package that consists of two previous amendment packages (Major Amendment Package 2A and Major Amendment Package 3A) as well as a small number of additional 'major' amendments

The public display of MAP 01/2013 between 29 April 2014 and 13 June 2014 was undertaken in accordance with the *Sustainable Planning Act 2009* and *Statutory Guideline 01/14: Making and Amending Local Planning Instruments (MALPI)*. The public display involved:

- Placing a notice in the Redland Times newspaper on Friday April 11, 2014;
- Placing a notice in the Local Government Gazette on Friday April 11, 2014;
- Placing a notice on the Redland City Council home page and creating a web page to host the content for MAP 01/2013;
- Placing notices on the noticeboards of Council's Administration Centres at Cleveland and Capalaba.

At the close of the display period, Council had received three (3) properly made submissions. Two submissions were received in hard copy letter format and one was received via email.

This submission report provides an overview of the submissions and documents how Council has considered and responded to the issues raised by the submissions.

Table 1: Public Submissions & Response Summary

Issue Summary	Submission Reference Number	Submission Response
<p>1. Urban Residential Zone</p> <p>The proposed amendments should include an amendment to the Urban Residential Zone that ‘recognise[s] the conflict that arises with respect to Urban Residential land where such land may be deemed to be acceptable.....for Aged Persons and Special Needs Housing’.</p> <p>The submitter suggests that the Urban Residential zone inconsistent use table should be altered to read as follows (Note: highlighted text indicates proposed additional text):</p> <p style="padding-left: 40px;">Aged Persons and Special Needs Housing – except where in sub-area UR1 and sub-area UR2 or where the Sustainable Planning Act 2009 can be invoked to establish sufficient grounds to justify a use for this purpose.</p> <p>Furthermore, the submitter states that ‘Any decision making process should require Council to ensure that the amenity of the area [will not be adversely impacted] by allowing a development of that type within the land use area’.</p>	<p>1</p>	<p><u>Officer Comments</u></p> <p>Council is not proposing to make an amendment to this particular section of the Inconsistent Use Table in the Urban Residential Zone (URZ) Code as part of Major Amendment Package 01/2013. The submitter has therefore raised a new and separate matter.</p> <p>In the submission, it is suggested that additional text (highlighted below) be inserted into the Inconsistent Use Table of the Urban Residential Zone code to reference the Sustainable Planning Act 2009:</p> <p style="padding-left: 40px;">Aged Persons and Special Needs Housing – Except where in sub area UR1, sub area UR2 or where the Sustainable Planning Act 2009 can be invoked to establish sufficient grounds to justify a use for this purpose.</p> <p>Whilst it is acknowledged that potential conflicts may arise with Aged Persons and Special Needs Housing on land zoned as Urban Residential, the suggested amendment simply reflects the current requirements of the <i>Sustainable Planning Act 2009</i>. For example, the <i>Sustainable Planning Act 2009</i> requires that an assessment manager’s decision must not conflict with a relevant local planning instrument unless there are sufficient grounds (sections 326(1)(b) & 329(1)(b)) to justify the conflict. In this regard, the change proposed by the submitter replicates what is already required by State planning legislation. Accordingly, the change proposed by the submitter would replicate what is already required by State planning legislation.</p> <p>It should be noted that if this amendment was accepted, every inconsistent use in</p>

Table 1: Public Submissions & Response Summary

Issue Summary	Submission Reference Number	Submission Response
		<p>the RPS would need a similar amendment.</p> <p>In addition, it is noted that the Urban Residential Zone code contains provisions that protect existing residential amenity and these provisions need to be addressed by all development applications in the Urban Residential zone, including for Aged Care and Special Needs Housing.</p> <p>Outcome:</p> <p>No changes are recommended to MAP 01/2013 based on this submission</p>
<p>2. Heritage Matters</p> <p>The inclusion of 3 sites of local heritage significance in the Heritage Places Register of the Redlands Planning Scheme should be considered. The sites are:</p> <ul style="list-style-type: none"> • Coochiemudlo Island Community Hall, Jetty and Steps; • Norfolk Beach – site of Matthew Flinders’ landing in 1799; • Morton Steps and Stone Jetty (built by Douglas Morton MM). 	<p>2 & 3</p>	<p>Officer Comments</p> <p>The submissions are supported by the findings of a study into European heritage that has been prepared as a background study to the new planning scheme.</p> <p>This study confirms that the subject three sites on Coochiemudlo Island have heritage values of local significance and recommends the sites be included in the local heritage register of the new planning scheme. Recognising the local heritage and that there is an intention to propose that the three sites be listed in the new planning scheme, it is recommended that this proposed listing be brought forward and the sites be listed as part of this major amendment.</p> <p>Outcome: It is recommended that MAP 01/2013 be amended by adding the three sites on Coochiemudlo Island into the Heritage Places Register of the Redlands Planning Scheme as sites of local heritage significance.</p>

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Introduction

The following document details the proposed changes to the current version of the Redlands Planning Scheme – Version 6.1. (RPS V.6.1) These changes are referred to as Consolidated Major Amendment Package 01/2013.

Each Report deals with a particular section of the scheme that is proposed to be amended. Not all sections of the scheme are proposed to be amended.

In most cases reports and models are combined demonstrating the change being proposed to the scheme. Only enough of the scheme has been reproduced in each case to give context to the proposed change. Not all sections are reproduced in their entirety. If you require further context or wish to examine how the proposed change fits within the entire section where the amendment is proposed to take place, then you will need to refer to a full copy of the Redlands Planning Scheme V6.1.

Conventions

In this document all proposed changes to the Planning Scheme are **highlighted in yellow**.

Where sections are highlighted in yellow and have a strikethrough line this indicates where text/numbers are proposed to be deleted.

~~Deleted text appears like this.~~

Where sections are highlighted in yellow but do not have a strikethrough line then this indicates where new text/numbers are proposed to be inserted.

Inserted words appear like this.

Where words are shown in red these words have been inserted or changed as a result of comments raised by State agencies as part of the State Interest review (SIR) process.

Additional changes as a result of a SIR appear like this.

Where a section or numbered item has been deleted or a new item inserted subsequent sections will need to be renumbered appropriately.

In some instances reference will be made to the mapping attached to the planning scheme. Maps showing amendments to zonings and overlays have been produced separately and form part of this amendment package. You may be directed to refer to these maps within the recommendations of this report.

As there are multiple recommendations for changes to the RPS, almost all report recommendations appear like this:

Officer Recommendation

It is recommended that Council amend the Redlands Planning Scheme in accordance with the proposed amendments outlined above.

To simplify the process, the recommendations are based on exception. The recommendation is to accept all proposed changes in each section unless Council resolves to specifically amend a proposal.

Report/Model 04.12 Major Centre Zone

Amendment 04.12 - Major Centre Zone

Explanation

Council at the Development Assessment & Community Standards Committee Meeting on 17 October 2012 resolved as part of a broader Cleveland CBD Incentives Package to:

1. Adopt in principle the Cleveland Central Business District (CBD) Incentives Program consisting of financial and regulatory provisions as detailed in the addendum to this report as a stimulus to build confidence, activity and momentum in accordance with the following:

d) Regulatory Incentives in the Proposed Incentives Program include:

- iii. Undertaking a number of short term amendments to the Redland Planning Scheme which will ensure changes of tenancies within the major centres are self assessable for eligible uses, amending the Major Centre Zone code to incorporate building height mapping as adopted in the Cleveland Master Plan and incorporating a new performance criteria into the Major Centre Code that supports an increase in height above the heights in the Planning Scheme Master Plan in circumstances where it is demonstrated that the proposed development supports the revitalisation and contributes to economic and employment/residential growth within the Cleveland CBD.*

The eligible uses referred to by the above resolution include:

- Aged Persons and Special Needs Housing where part of a mixed use;
- Apartment Building where part of a mixed use;
- Commercial Office;
- Community Facility;
- Education Facility;
- Health Care Centre;
- Hotel;
- Indoor Recreation Facility;
- Refreshment Establishment;
- Shop; and
- Tourist Accommodation.

To give effect to the above resolution, the following amendments are proposed to the Planning Scheme:

1. amending the table of assessment for the Major Centre zone to make the above list of eligible uses self-assessable development for a tenancy change only;
2. including a new Specific Outcome into the Major Centre zone code that provides scope to support proposals above the building height specified in the Major Centre zone code for the Cleveland CBD where such proposals demonstrate the increased height supports the revitalisation of the CBD and contributes to the economic and employment/residential growth of the CBD; and
3. replacing the existing building height map for Cleveland with a new building height map that is consistent with the Cleveland Centre Master Plan adopted by Council.

Proposed Amendments

The proposed amendments to the Planning Scheme are as follows:

4.12.4 Major Centre Zone - Table of Assessment for Material Change of Use of Premises

Major Centre Zone - Table of Assessment for Material Change of Use of Premises

Column 1	column 2	Column 3
Use ^{4.98}	Level of Assessment ^{4.99}	Assessment Criteria
Aged Persons and Special Needs Housing	<p>Self-Assessable If –</p> <p>(1) Complying with the assessment criteria being the acceptable solutions listed in column 3;</p> <p>(2) The use is undertaken as part of a mixed use development</p> <p>Code Assessable If -</p> <p>(1) Not self-assessable;</p> <p>(2) Not in sub-area -</p> <p>(a) MC7; or</p> <p>(b) MC9;or</p> <p>(c) MC10; or</p> <p>(d) MC11; or</p> <p>(e) MC12;</p> <p>(3) The use is undertaken as part of a mixed use development;</p> <p>(4) Building height does not exceed the height limits shown on -</p> <p>(a) Map 1 - Capalaba Height Limit Map; or</p> <p>(b) Map 2 - Cleveland Height Limit Map</p> <p>Otherwise - Impact Assessable</p>	<ul style="list-style-type: none"> ■ Acceptable Solutions in section 8.2.4 of the Centre Activity Code ■ Major Centre Zone Code ■ Aged Persons and Special Needs Housing Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
Apartment Building	<p>Self-Assessable If –</p> <p>(1) Complying with the assessment criteria being the acceptable solutions listed in column 3;</p> <p>(2) The use is undertaken as part of a mixed use development</p>	<ul style="list-style-type: none"> ■ Acceptable Solutions in section 8.2.4 of the Centre Activity Code

^{4.98} See Part 9 - Schedule 3 - Dictionary, [Division 1](#) - Uses.

^{4.99} See Part 9 - Schedule 3 - Dictionary, [Division 2](#) - Administrative Terms for a definition of level of assessment.

Major Centre Zone - Table of Assessment for Material Change of Use of Premises

Column 1	column 2	Column 3
Use ^{4.98}	Level of Assessment ^{4.99}	Assessment Criteria
	<p><u>Code Assessable</u> If -</p> <p>(1) Not self-assessable;</p> <p>(2) Not in sub-area - (e) MC7; or (f) MC9; or (g) MC10; or (h) MC11; or (i) MC12;</p> <p>(3) The use is undertaken as part of a mixed use development;</p> <p>(4) Building height does not exceed the height limits shown on - (a) Map 1 - Capalaba Height Limit Map; or (b) Map 2 - Cleveland Height Limit Map</p> <p>Otherwise - <u>Impact Assessable</u></p>	<ul style="list-style-type: none"> ■ Major Centre Zone Code ■ Apartment Building Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
<p>Commercial Office</p>	<p><u>Self-Assessable</u> If complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p>(1) Not in sub-area - (a) MC7; or (b) MC8;</p> <p>(2) Complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p><u>Code Assessable</u> If -</p> <p>(1) Not self-assessable;</p> <p>(2) Not in sub-area - (a) MC7; or (b) MC8;</p> <p>(3) Building height does not exceed the height limits shown on - (a) Map 1 - Capalaba Height Limit Map; or (b) Map 2 - Cleveland Height Limit Map; or (c) 14 metres in sub-areas MC9, MC10, MC11,</p>	<ul style="list-style-type: none"> ■ Acceptable Solutions in section 8.2.4 of the Centre Activity Code <ul style="list-style-type: none"> ■ Major Centre Zone Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code

Major Centre Zone - Table of Assessment for Material Change of Use of Premises

Column 1	column 2	Column 3
Use ^{4.98}	Level of Assessment ^{4.99}	Assessment Criteria
	MC12 at Victoria Point Otherwise - <u>Impact Assessable</u>	
<u>Community Facility</u>	<p>Self-Assessable If complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p>Code Assessable If not in sub-area MC7</p> <p>If –</p> <p>(1) Not self-assessable; (2) Not in sub-area MC7</p> <p>Otherwise - <u>Impact Assessable</u></p>	<ul style="list-style-type: none"> ■ Acceptable Solutions in section 8.2.4 of the Centre Activity Code ■ Major Centre Zone Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
<u>Education Facility</u>	<p>Self-Assessable If complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p>Code Assessable If -</p> <p>(1) Not self-assessable; (2) Not in sub-area MC7; (3) The use is undertaken as part of a mixed use development</p> <p>Otherwise - <u>Impact Assessable</u></p>	<ul style="list-style-type: none"> ■ Acceptable Solutions in section 8.2.4 of the Centre Activity Code ■ Major Centre Zone Code ■ Centre Design Code ■ Access and Parking Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
<u>Health Care Centre</u>	<p>Self-Assessable If complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p>If –</p>	<ul style="list-style-type: none"> ■ Acceptable Solutions in section 8.2.4 of the Centre Activity Code

Major Centre Zone - Table of Assessment for Material Change of Use of Premises

Column 1	column 2	Column 3
Use ^{4.98}	Level of Assessment ^{4.99}	Assessment Criteria
	<p>(1) Not in sub-area MC7; (2) Complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p><u>Code Assessable</u></p> <p>If -</p> <p>(1) Not self-assessable; (2) Not in sub-area MC7</p> <p>Otherwise - <u>Impact Assessable</u></p>	<ul style="list-style-type: none"> ■ Major Centre Zone Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
<u>Hotel</u>	<p><u>Self-Assessable</u> If complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p><u>Code Assessable</u></p> <p>If -</p> <p>(1) Not self-assessable; (2) Not in sub-area - (a) MC4; or (b) MC5; or (c) MC6; or (d) MC7; or (e) MC8; or (f) MC9; or (g) MC10; or (h) MC12</p> <p>Otherwise - <u>Impact Assessable</u></p>	<ul style="list-style-type: none"> ■ Acceptable Solutions in section 8.2.4 of the Centre Activity Code ■ Major Centre Zone Code ■ Access and Parking Code ■ Centre Design code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
<u>Indoor Recreation Facility</u>	<p><u>Self-Assessable</u> If complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p><u>Code Assessable</u></p> <p>If -</p> <p>(1) Not self-assessable; (2) Not in sub-area -</p>	<ul style="list-style-type: none"> ■ Acceptable Solutions in section 8.2.4 of the Centre Activity Code ■ Major Centre Zone Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code

Major Centre Zone - Table of Assessment for Material Change of Use of Premises

Column 1	column 2	Column 3
Use ^{4.98}	Level of Assessment ^{4.99}	Assessment Criteria
	(e) MC4; or (f) MC5; or (g) MC6; or (h) MC8 Otherwise - <u>Impact Assessable</u>	<ul style="list-style-type: none"> ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
Tourist Accommodation	<p>Self-Assessable If complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p><u>Code Assessable</u> If -</p> <p>(1) Not self-assessable; (2) The use is undertaken as part of a mixed use development; (3) Building height does not exceed the height limits shown on - (a) Map 1 - Capalaba Height Limit Map; or (b) Map 2 - Cleveland Height Limit Map (c) ; or (d) 14 metres in sub-area MC9; (4) Not in sub-areas - (a) MC6; or (b) MC10; or (c) MC11; or (d) MC12</p> <p>Otherwise - <u>Impact Assessable</u></p>	<ul style="list-style-type: none"> ■ Acceptable Solutions in section 8.2.4 of the Centre Activity Code ■ Major Centre Zone Code ■ Tourist Accommodation Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code

4.12.8 Specific Outcomes and Probable Solutions applicable to Assessable Development

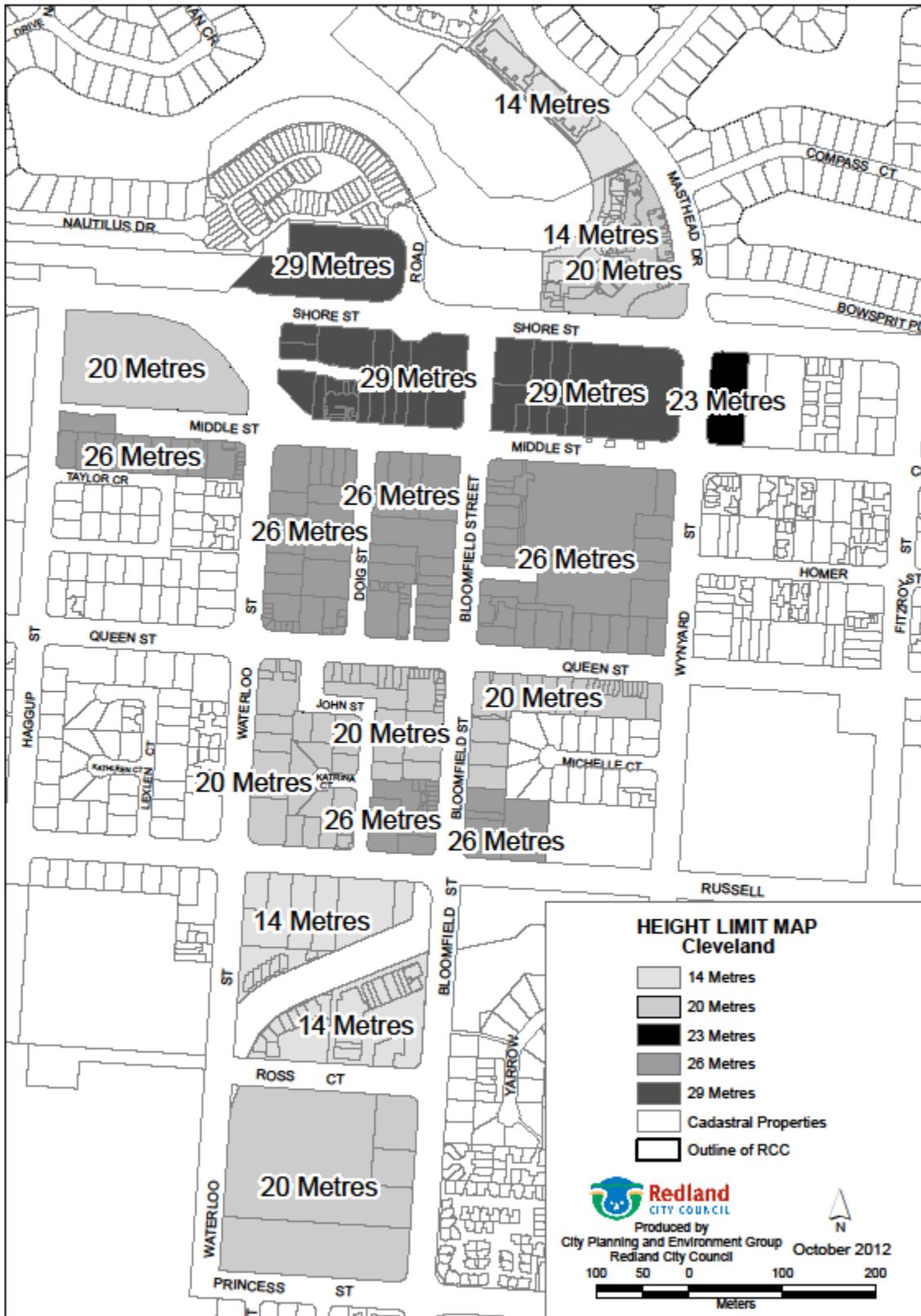
<u>Assessable Development</u>			
Specific Outcomes		Probable Solutions	
S2.1	Built Form and Density – (1) The height of buildings - (e) does not overwhelm or dominate the centre; (f) respects the desired streetscape; (g) ensures a high quality	P2.1	(1) Buildings or structures do not exceed - (a) the height limits as shown on the following - (i) Map 1 - Capalaba Height Limits; or

Assessable Development	
Specific Outcomes	Probable Solutions
<p>appearance when viewed from both within and external to the centre;</p> <p>(2) In sub-area MC1 at Capalaba - building height within the centre -</p> <ul style="list-style-type: none"> (a) establishes a critical mass through increased building height; (b) identifies the heart of the centre through physical form; (c) limits overshadowing impacts on public places, in particular Capalaba Place; <p>(3) In sub-areas MC3, MC4, MC5, MC6, MC7 and MC8 at Cleveland building height -</p> <ul style="list-style-type: none"> (a) maintains the ability to view the vegetated backdrop of North Stradbroke Island above buildings when approaching Cleveland along Shore Street, particularly from the section of road between Delancey and Grant Street; (b) maintains the existing view corridor down Bloomfield Street, through the Raby Bay Harbour to Moreton Bay; (c) limits overshadowing impacts on public places including Bloomfield Street, the park in Bloomfield Street and the parklands of Raby Bay Harbour, specifically during winter months; (d) addresses streetscape character and amenity where adjoining a zone requiring a lower building height; (e) demonstrates building height supports the revitalisation and contributes to the economic and employment /residential growth of the Cleveland Major Centre. 	<ul style="list-style-type: none"> (ii) Map 2 - Cleveland height Limits; or (b) 14 metres in sub-areas MC9, MC10, MC11 and MC12 at Victoria Point; <p>(2) Buildings or structures do not exceed the height limits shown on Map 1 - Capalaba Height Limits;</p> <p>(3) Buildings or structures do not exceed the height limits shown on Map 2 - Cleveland Height Limits.</p>

Map 2 - Cleveland Height Limits



Map 2 - Cleveland Height Limits



Officer Recommendation

It is recommended that Council amend the Redlands Planning Scheme in accordance with the proposed amendments outlined above.

Report/Model Amendment 04.15 Neighbourhood Centre Zone

Amendment 04.15 – Neighbourhood Centre Zone

Explanation

A key recommendation of the Redland Bay Centre and Foreshore Master Plan (RBCFMP) was to upgrade the Redland Bay Neighbourhood Centre to a District Centre to increase the range of uses supported in the centre (including a full line supermarket) to provide opportunity to improve the level of services available to both the growing population in southern Redland Bay and the SMBIs.

In the current planning scheme the Redland Bay Neighbourhood Centre has two specific sub areas being NC2 and NC3. These areas are described as follows:

- a. *in sub-area NC2 –*
 - *are predominantly for residential and tourism accommodation uses where part of a mixed use development;*
 - *encourage an increased range of permanent residential and temporary visitor uses including apartment buildings and tourist accommodation where part of a mixed use development.*
 - *facilitate a greater building height than elsewhere in the zone for apartment buildings and tourist accommodation where part of a mixed use development.*
- b. *in sub-area NC3 - provide opportunity for the redevelopment or expansion of the existing hotel.*

To retain the specific intents of sub-areas NC2 And NC3 which relate specifically to tourist accommodation / mixed use and the Hotel site redevelopment, these sub areas have been carried across to the new District Centre zoning for the area as sub-areas DC1 and DC2 respectively. This will allow the area to address a wider range of District Centre functions while still specifically catering for the particular circumstances of the two identified sub-areas.

Proposed Amendments

The following amendments to the Neighbourhood Centre zone and District Centre zone codes are proposed to give effect to the recommendation of the RBCFMP to elevate the Redland Bay Neighbourhood Centre to a District Centre. The first set of amendments relates to removing all references to the Redland Bay Centre from the Neighbourhood Centre zone code whereas the second set of amendments inserts the Redland Bay Centre into the District Centre zone code.

Division 15 - Neighbourhood Centre Zone

Note -

Summary of Neighbourhood Centre Zone Sub-areas	
Sub-area	Description
Sub-area NC1	Mount Cotton Village and Colburn Avenue, Victoria Point
Sub-area NC2	Redland Bay
Sub-area NC3	Redland Bay Hotel

4.15.4 Neighbourhood Centre Zone - Table of Assessment for Material Change of Use of Premises

column 1	column 2	column 3
Use ^{4.123}	Level of Assessment ^{4.124}	Assessment Criteria
Apartment Building	<p>Code Assessable If -</p> <p>(1) In sub-area NC2; (2) The use is undertaken as part of a mixed use development; (3) The building height is 14 metres or less</p> <p>Otherwise - Impact Assessable</p>	<ul style="list-style-type: none"> ■ Neighbourhood Centre Zone Code ■ Apartment Building Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
Child Care Centre	<p>Code Assessable If not in sub-area NC3</p> <p>Otherwise - Impact Assessable</p>	<ul style="list-style-type: none"> ■ Neighbourhood Centre Zone Code ■ Child Care Centre Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
Commercial Office	<p>Self-Assessable If complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p>Code Assessable If not self assessable</p> <p>(1) Not self-assessable;</p>	<ul style="list-style-type: none"> ■ Acceptable Solutions in section 8.2.4 of the Centre Activity Code ■ Neighbourhood Centre Zone Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground

^{4.123} See Part 9 - Schedule 3 - Dictionary, [Division 1](#) - Uses.

^{4.124} See Part 9 - Schedule 3 - Dictionary, [Division 2](#) - Administrative Terms for a definition of level of assessment.

column 1	column 2	column 3
Use ^{4.123}	Level of Assessment ^{4.124}	Assessment Criteria
	<p>(2) Not in – (a) sub-area NC2 – except where the use is undertaken as part of a mixed use development; or (b) sub-area NC3 – except where the use is undertaken in association with a hotel use</p> <p>Otherwise – <i>Impact Assessable</i></p>	<ul style="list-style-type: none"> ■ Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
Community Facility	<p>Code Assessable If not in sub-area NC3</p> <p>Otherwise – <i>Impact Assessable</i></p>	<ul style="list-style-type: none"> ■ Neighbourhood Centre Zone Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
Drive Through Restaurant	<p>Code Assessable If –</p> <p>(3) Not in sub-areas – (a) NC2; or (b) NC3</p> <p>Otherwise – <i>Impact Assessable</i></p>	<ul style="list-style-type: none"> ■ Neighbourhood Centre Zone Code ■ Drive Through Restaurant Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Management Code ■ Landscape Code ■ Stormwater Management Code
Education Facility	<p>Code Assessable If not in sub-area NC3</p> <p>Otherwise – <i>Impact Assessable</i></p>	<ul style="list-style-type: none"> ■ Neighbourhood Centre Zone Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
Health Care Centre	<p>Self-Assessable If -</p>	<ul style="list-style-type: none"> ■ Acceptable Solutions in section 8.2.4 of the Centre Activity Code

column 1	column 2	column 3
Use ^{4.123}	Level of Assessment ^{4.124}	Assessment Criteria
	<p>(1) Not in sub-area NC3; (1) Complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p>Code Assessable If not self assessable</p> <p>(1) Not self-assessable; (2) Not in sub-area NC3</p> <p>Otherwise – Impact Assessable</p>	<ul style="list-style-type: none"> ■ Neighbourhood Centre Zone Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
Hotel	<p>Code Assessable If in sub-area NC3</p> <p>Otherwise – Impact Assessable</p>	<ul style="list-style-type: none"> ■ Neighbourhood Centre Zone Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
Indoor Recreation Facility	<p>Code Assessable If not in sub-area NC2</p> <p>Otherwise – Impact Assessable</p>	<ul style="list-style-type: none"> ■ Neighbourhood Centre Zone Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
Passenger Terminal	<p>Code Assessable If not in sub-area NC2</p>	<ul style="list-style-type: none"> ■ Neighbourhood Centre Zone Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code

column 1	column 2	column 3
Use ^{4.123}	Level of Assessment ^{4.124}	Assessment Criteria
	<p>Otherwise - Impact Assessable</p>	<ul style="list-style-type: none"> ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
Place of Worship	<p><u>Self-Assessable</u> If Complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p>(1) Not in sub-area NC3; (2) Complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p><u>Code Assessable</u> If not self-assessable</p> <p>(1) Not self-assessable; (2) Not in sub-area NC3</p> <p>Otherwise - Impact Assessable</p>	<ul style="list-style-type: none"> ■ Acceptable Solutions in section 8.2.4 of the Centre Activity Code ■ Neighbourhood Centre Zone Code ■ Access and Parking Code ■ Centre Design code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
Refreshment Establishment	<p><u>Self-Assessable</u> If -</p> <p>(1) 200m² or less of gross floor area; (2) Complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p><u>Code Assessable</u> If -</p> <p>(1) Not self-assessable; (2) 200m² or less of gross floor area; (3) Not in sub-area NC2 - except where the use is undertaken as part of a mixed use development</p> <p>Otherwise - <u>Impact Assessable</u></p>	<ul style="list-style-type: none"> ■ Acceptable Solutions in section 8.2.4 of the Centre Activity Code ■ Neighbourhood Centre Zone Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code ■ Outdoor Dining Code

column 1	column 2	column 3
Use ^{4.123}	Level of Assessment ^{4.124}	Assessment Criteria
<p>Service Industry</p>	<p><u>Self-Assessable</u> If -</p> <p>(1) Not in sub-areas - (a) NC2; or (b) NC3;</p> <p>(1) 100m² or less gross floor area; (2) Complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p><u>Code Assessable</u> If -</p> <p>(1) Not in sub-areas - (a) NC2; or (b) NC3;</p> <p>(1) 100m² or less gross floor area; (2) Not self-assessable;</p> <p>Otherwise - <u>Impact Assessable</u></p>	<ul style="list-style-type: none"> ■ Acceptable Solutions in section 8.2.4 of the Centre Activity Code ■ Neighbourhood Centre Zone Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
<p>Shop</p>	<p><u>Self-Assessable</u> If -</p> <p>(3) Not in sub-areas - (a) NC2; or (b) NC3;</p> <p>(1) 1000m² or less gross floor area; (2) Complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p><u>Code Assessable</u> If -</p> <p>(1) Not self-assessable; (2) Not in sub-area - (a) NC2 - except where the use is undertaken as part of a mixed use development; or (b) NC3 - except where the use is undertaken in association with a hotel use;</p> <p>(3) 1000m² or less gross floor area</p>	<ul style="list-style-type: none"> ■ Acceptable Solutions in section 8.2.4 of the Centre Activity Code ■ Neighbourhood Centre Zone Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code

column 1	column 2	column 3
Use ^{4.123}	Level of Assessment ^{4.124}	Assessment Criteria
	Otherwise - <i>Impact Assessable</i>	
Tourist Accommodation	<p><i>Code Assessable</i> If -</p> <p>(1) The use is undertaken as part of a mixed use development;</p> <p>(2) The building height is (a) 14 metres or less in sub-area NC2; or (a) 10.5 metres or less elsewhere in the zone</p> <p>Otherwise - <i>Impact Assessable</i></p>	<ul style="list-style-type: none"> ■ Neighbourhood Centre Zone Code ■ Tourist Accommodation Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
Vehicle Parking Station	<p><i>Code Assessable</i> If the use is undertaken as part of a mixed use development</p> <p>(1) Not in sub-area NC2;</p> <p>(2) The use is undertaken as part of a mixed use development</p> <p>Otherwise - <i>Impact Assessable</i></p>	<ul style="list-style-type: none"> ■ Neighbourhood Centre Zone Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
Veterinary Surgery	<p><i>Code Assessable</i> If -</p> <p>(1) Not in sub-areas - (a) NC2; or (b) NC3</p> <p>Otherwise - <i>Impact Assessable</i></p>	<ul style="list-style-type: none"> ■ Neighbourhood Centre Zone Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code

4.15.7 Overall Outcomes for Neighbourhood Centre Zone Code

- (2) The overall outcomes are the purpose of the Neighbourhood Centre Zone Code.
- (3) The overall outcomes sought for the Neighbourhood Centre Zone Code are described by five key characteristics^{4.128} -
- (a) Uses and Other Development;
 - (b) Built Form and Density;
 - (c) Amenity;
 - (d) Environment;
 - (e) Infrastructure.

Each of these is detailed below.

- (f) Uses and Other Development
- (i) Centre uses service residential and tourist catchments up to -
 - a. 5000 people in sub-area NC1;
 - b. 10 000 people for other areas elsewhere in the zone.
 - (ii) Provide for a range of centre uses that -
 - a. enhance and protect the primacy, vitality and vibrancy of the City's network of centres;
 - b. fulfill a traditional village centre role;
 - c. meet community needs to serve neighbourhood catchments;
 - d. limit the size and scale of retailing activities, proportionate to catchment size;
 - e. includes mini-supermarket, specialty stores, refreshment establishments, limited commercial activities and limited community services;
 - f. provide for employment opportunities;
 - g. are conveniently accessible by private vehicle, public transport and pedestrian and cycle routes to the neighbourhood they serve;
 - h. in sub-area NC1 - provide local convenience shopping for the day to day needs of the local catchment;
 - ~~i. in sub-area NC2 – are predominantly for residential and tourism accommodation uses where part of a mixed use development;~~
 - ~~j. in sub-area NC3 – provide opportunity for the redevelopment or expansion of the existing hotel.~~
 - (iii) Provide for a range of residential and tourist accommodation uses that -
 - a. contribute to the economic and social vitality of the centre;
 - b. maximise accessibility for a residential population to services, facilities and employment;
 - c. are designed and integrated as part of a mixed use development;
 - ~~d. in sub-area NC2 – encourage an increased range of permanent residential and temporary visitor uses including apartment buildings and tourist accommodation where part of a mixed use development.~~
- (g) Built Form and Density
- (i) The scale of uses and other development achieve a high standard of built form and urban design that -
 - a. reinforce the “sense of place” established by the centre;
 - b. maintain a low-rise development appearance;
 - c. do not overwhelm or dominate the centre or adjacent residential land;
 - d. limit the impact of overshadowing on public and civic places;

^{4.128} In combination, the overall outcomes in section 4.15.7 (2)(a)-(e) define the character of the Neighbourhood Centre Zone.

- e. contribute to an attractive streetscape along all road frontages;
 - f. ensure a high level of physical and visual interaction and pedestrian access at ground level;
 - g. in sub-area NC2 facilitate a greater building height than elsewhere in the zone for apartment buildings and tourist accommodation where part of a mixed use development.
- (ii) The density of uses and other development -
- a. maximises the coherent and efficient use of land;
 - b. does not overwhelm or dominate the centre or adjacent zones;
 - c. provides areas for public space, landscaping and streetscape works.

Note -

Summary of Neighbourhood Centre Zone Sub-areas	
Sub-area	Description
Sub-area NC1	Mount Cotton Village and Colburn Avenue, Victoria Point
Sub-area NC2	Redland Bay
Sub-area NC3	Redland Bay Hotel

4.15.8 Specific Outcomes and Probable Solutions applicable to Assessable Development

Assessable Development			
Specific Outcomes		Probable Solutions	
S1.3	<u>Uses and Other Development -</u> Residential and tourist accommodation uses are designed and integrated as part of a mixed use development ensuring the maintenance of active street frontages at ground level.	P1.3	No probable solution identified.
S1.4	(1) In sub-areas NC2 or NC3 - (a) commercial, retail and refreshment establishment uses are only established where part of a mixed use development incorporating residential and tourist accommodation uses; (b) residential and tourist accommodation uses are maximised to ensure a greater number of residents and tourists can reside or be accommodated in close proximity to services, attractions, facilities and employment opportunities.	P1.4	No probable solution identified.
S1.5	In sub-area NC3 - uses consistent	P1.5	No probable solution identified.

<u>Assessable Development</u>			
<u>Specific Outcomes</u>		<u>Probable Solutions</u>	
	with the redevelopment or expansion of the existing hotel are encouraged.		
S2.1	<p><i><u>Built Form and Density -</u></i></p> <p>(1) Building height adopts a low-rise built form that ensures a high quality appearance when viewed from within and external to the centre;</p> <p>(2) Where a use proposes a building height greater than an existing dwelling unit in an adjoining residential zone, site layout and building design minimises any potential impacts of overshadowing and loss of privacy.</p> <p>(3) Within sub-area NC2 - uses adopt a mid-rise building height that ensures a high quality appearance when viewed from or within the centre, the adjoining neighbourhood and Moreton Bay.</p>	P2.1	<p>(1) Except in sub-area NC2 - building or structures do not exceed 10.5 metres in height above ground level;</p> <p>(2) (1) No probable solution identified;</p> <p>(3) Within sub-area NC2 - buildings or structures do not exceed 14 metres in height above ground level.</p> <p>(2) No probable solution identified;</p>

Table 1 - Inconsistent Uses

Inconsistent Uses
Agriculture
Airport
Animal Keeping
Apartment Building - where not part of a mixed use development
Bed and Breakfast
Brothel
Bulky Goods Showroom
Car Wash Facility
Cemetery
Commercial Office - in sub-area NC2 - where not part of a mixed use development
Dual Occupancy
Dwelling House
Extractive Industry
Forestry
General Industry
Heavy Industry
High Impact Industry
Intensive Agriculture
Landscape Supply Depot
Marine Services
Mobile Home Park
Multiple Dwelling - except where part of a mixed use development
Night Club - in sub-areas NC1 or NC2
Refreshment Establishment - in sub-area NC2 - where not part of a mixed used development
Retail Showroom
Roadside Stall
Rural Enterprise
Service Industry - in sub-area NC2; or where having more than 100m ² of gross floor area
Shop - in sub-area NC2 - where not part of a mixed use development
Tourist Accommodation - except where part of a mixed use development
Tourist Park

Division 4 - District Centre Zone

Note -

Summary of District Centre Zone Sub-areas	
Sub-area	Description
Sub-area DC1	Redland Bay
Sub-area DC2	Redland Bay Hotel

4.4.4 District Centre Zone - Table of Assessment for Material Change of Use of Premises

column 1	column 2	column 3
Use ^{4.29}	Level of Assessment ^{4.30}	Assessment Criteria
Apartment Building	<p><i>Code Assessable</i></p> <p>If -</p> <p>(1) The building height is 14 metres or less;</p> <p>(2) The use is undertaken as part of a mixed used development;</p> <p>(3) Not in sub-area DC2</p> <p>Otherwise -</p> <p><i>Impact Assessable</i></p>	<ul style="list-style-type: none"> ■ District Centre Zone Code ■ Apartment Building Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
Bulky Goods Showroom	<p><i>Code Assessable</i></p> <p>If not in sub-areas -</p> <p>(a) DC1; or</p> <p>(b) DC2</p>	<ul style="list-style-type: none"> ■ District Centre Zone Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code

^{4.29} See Part 9 - Schedule 3 - Dictionary, [Division 1](#) - Uses.

^{4.30} See Part 9 - Schedule 3 - Dictionary, [Division 2](#) - Administrative Terms for a definition of level of assessment.

column 1	column 2	column 3
Use ^{4.29}	Level of Assessment ^{4.30}	Assessment Criteria
Commercial Office	<p><u>Self-Assessable</u> (1) If complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p><u>Code Assessable</u> If - (1) Not self-assessable (2) Not in - (a) sub-area DC1 - except where the use is undertaken as part of a mixed use development; or (b) sub-area DC2 - except where the use is undertaken in association with a hotel use</p> <p>Otherwise - <u>Impact Assessable</u></p>	<ul style="list-style-type: none"> ■ Acceptable solutions in section 8.2.4 of the Centre Activity Code ■ District Centre Zone Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
Community Facility	<p><u>Code Assessable</u> If not in sub-area DC2</p> <p>Otherwise - <u>Impact Assessable</u></p>	<ul style="list-style-type: none"> ■ District Centre Zone Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
Drive Through Restaurant	<p><u>Code Assessable</u> If not in sub-areas - (a) DC1; or (b) DC2</p> <p>Otherwise - <u>Impact Assessable</u></p>	<ul style="list-style-type: none"> ■ District Centre Zone Code ■ Drive Through Restaurant Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code

column 1	column 2	column 3
Use ^{4.29}	Level of Assessment ^{4.30}	Assessment Criteria
Education Facility	<p><i>Code Assessable</i> If not in sub-area DC2</p> <p>Otherwise - <i>Impact Assessable</i></p>	<ul style="list-style-type: none"> ■ District Centre Zone Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
Funeral Parlour	<p><i>Code Assessable</i> If not in sub-areas - (a) DC1; or (b) DC2</p> <p>Otherwise - <i>Impact Assessable</i></p>	<ul style="list-style-type: none"> ■ District Centre Zone Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
Health Care Centre	<p><i>Self-Assessable</i> If -</p> <p>(1) Not in sub-area DC2; (2) If complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p><i>Code Assessable</i> If -</p> <p>(1) Not self-assessable; (2) Not in sub-area DC2.</p> <p>Otherwise - <i>Impact Assessable</i></p>	<ul style="list-style-type: none"> ■ Acceptable solutions in section 8.2.4 of the Centre Activity Code ■ District Centre Zone Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
Hotel	<p><i>Code Assessable</i> If in sub-area DC2</p> <p>Otherwise - <i>Impact Assessable</i></p>	<ul style="list-style-type: none"> ■ District Centre Zone Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code

column 1	column 2	column 3
Use ^{4.29}	Level of Assessment ^{4.30}	Assessment Criteria
Passenger Terminal	<p><i>Code Assessable</i> If not in sub-area DC1</p> <p>Otherwise - <i>Impact Assessable</i></p>	<ul style="list-style-type: none"> ■ District Centre Zone Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
Place of Worship	<p><i>Self-Assessable</i> If -</p> <p>(1) Not in sub-area DC2; (2) If complying with the assessment criteria in acceptable solutions as listed in column 3</p> <p><i>Code Assessable</i> If -</p> <p>(1) Not self-assessable; (2) Not in sub-area DC2</p> <p>Otherwise - <i>Impact Assessable</i></p>	<ul style="list-style-type: none"> ■ Acceptable Solutions in section 8.2.4 of the Centre Activity Code ■ District Centre Zone Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
Refreshment Establishment	<p><i>Self-Assessable</i> If complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p><i>Code Assessable</i> If -</p> <p>(1) Not self-assessable; (2) Not in sub-area DC1 - except where the use is undertaken as part of a mixed use development</p> <p>Otherwise - <i>Impact Assessable</i></p>	<ul style="list-style-type: none"> ■ Acceptable Solutions in section of 8.2.4 of the Centre Activity Code ■ District Centre Zone Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code

column 1	column 2	column 3
Use ^{4.29}	Level of Assessment ^{4.30}	Assessment Criteria
Service Industry	<p><i>Self-Assessable</i> If -</p> <p>(1) Not in sub-areas - (a) DC1; or (b) DC2;</p> <p>(2) If complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p><i>Code Assessable</i> If -</p> <p>(1) Not in sub-areas - (a) DC1; or (b) DC2;</p> <p>(2) If 100m² or less of gross floor area</p> <p>Otherwise - <i>Impact Assessable</i></p>	<ul style="list-style-type: none"> ■ Acceptable Solutions in section of 8.2.4 of the Centre Activity Code ■ District Centre Zone Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
Shop	<p><i>Self-Assessable</i> If -</p> <p>(1) Not in sub-areas - (a) DC1; or (b) DC2;</p> <p>(2) If complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p><i>Code Assessable</i> If -</p> <p>(1) Not self-assessable;</p> <p>(2) Not in - (a) sub-area DC1 - except where the use is undertaken as part of a mixed use development; or (b) sub-area DC2 - except where the use is undertaken in association with a hotel use;</p> <p>Otherwise - <i>Impact Assessable</i></p>	<ul style="list-style-type: none"> ■ Acceptable Solutions in section 8.2.4 of the Centre Activity Code ■ District Centre Zone Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code

column 1	column 2	column 3
Use ^{4.29}	Level of Assessment ^{4.30}	Assessment Criteria
Tourist Accommodation	<p><i>Code Assessable</i> If the building height is (a) 14 metres or less except; (b) 10 metres or less in DC2.</p> <p>Otherwise - <i>Impact Assessable</i></p>	<ul style="list-style-type: none"> ■ District Centre Zone Code ■ Tourist Accommodation Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
Vehicle Parking Station	<p><i>Code Assessable</i> If –</p> <p>(1) Not in sub-area DC1; (2) If the use is undertaken as part of a mixed use development</p> <p>Otherwise - <i>Impact Assessable</i></p>	<ul style="list-style-type: none"> ■ District Centre Zone Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
Veterinary Surgery	<p><i>Code Assessable</i> If not in sub-areas - (a) DC1; or (b) DC2</p> <p>Otherwise - <i>Impact Assessable</i></p>	<ul style="list-style-type: none"> ■ District Centre Zone Code ■ Access and Parking Code ■ Centre Design Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code

4.4.7 Overall Outcomes for District Centre Zone Code

- (1) The overall outcomes are the purpose of the District Centre Zone Code.
- (2) The overall outcomes sought for the District Centre Zone Code are described by five key characteristics^{4.34} -

- (c) Uses and Other Development;
- (d) Built Form and Density;
- (e) Amenity;
- (f) Environment;
- (g) Infrastructure.

Each of these is detailed below.

(a) Uses and Other Development

- (i) Provide for a range of uses that -
 - h. enhance and protect the primacy, vitality and vibrancy of the City's network of centres;
 - i. meet demonstrated community needs to serve a district sized catchment;
 - j. includes supermarkets, specialty stores, commercial activities and community services;
 - k. provides employment opportunities;
 - l. provide a focus for community interaction and activity;
 - m. are located near schools, parkland and community facilities to form part of a district community node;
 - n. are conveniently accessible to the district catchment area they serve by private vehicle, public transport and pedestrian and cycle routes;
 - o. in sub-area DC1 - are predominantly for residential and tourism accommodation uses where part of a mixed use development;
 - p. in sub-area DC2 - provide opportunity for the redevelopment or expansion of the existing hotel.
- (ii) Provide for a limited range of residential and tourist accommodation uses that -
 - d. contribute to the economic and social vitality of the centre;
 - e. maximise accessibility for a residential and tourist population to services, facilities and employment;
 - f. are designed and integrated as part of a mixed use development;
 - g. in sub-area DC1 - encourage an increased range of permanent residential and temporary visitor uses including apartment buildings and tourist accommodation where part of a mixed use development.

4.4.8 Specific Outcomes and Probable Solutions applicable to Assessable Development

<u>Assessable Development</u>			
<u>Specific Outcomes</u>		<u>Probable Solutions</u>	
S1.2	<p><u>Uses and Other Development -</u></p> <p>(1) The zone provides for a range of centre uses that -</p> <p>(a) enhance and protect the role and function of the City's network of centres;</p>	P1.2	(1) No probable solution identified.

^{4.34} In combination, the overall outcomes in section 4.4.7(2)(a-e) define the character of the District Centre Zone.

<u>Assessable Development</u>			
<u>Specific Outcomes</u>		<u>Probable Solutions</u>	
S1.3	<p>(b) meet demonstrated community needs to service a catchment of up to 15,000 people;</p> <p>(c) include supermarkets, discount department stores, specialty stores, commercial activities and community services.</p> <p>Residential and tourist accommodation uses are designed and integrated as part of a mixed use development ensuring the maintenance of active street frontages at ground level.</p>	P1.3	No probable solution identified.
S1.4	<p>(1) In sub-areas DC1 or DC2 -</p> <p>(a) commercial, retail and refreshment establishment uses are only established where part of a mixed use development incorporating residential and tourist accommodation uses;</p> <p>(b) residential and tourist accommodation uses are maximised to ensure a greater number of residents and tourists can reside or be accommodated in close proximity to services, attractions, facilities and employment opportunities.</p>	P1.4	No probable solution identified.
S1.5	<p>In sub-area DC2 - uses consistent with the redevelopment or expansion of the existing hotel are encouraged.</p>	P1.5	No probable solution identified.
S2.1	<p><u>Built Form and Density -</u></p> <p>(1) Building height adopts a mid-rise built form that ensures a high quality appearance when viewed from within and external to the centre;</p> <p>(2) Where a use proposes a building height greater than an existing dwelling unit in an adjoining residential zone, site layout and building design minimises any potential impacts of overshadowing and loss of privacy.</p>	P2.1	<p>(1) Building or structure height is 14 metres or less above ground level except in sub-area DC2 - building or structures do not exceed 10.5 metres in height above ground level;</p> <p>(2) No probable solution identified.</p>

<u>Assessable Development</u>			
<u>Specific Outcomes</u>		<u>Probable Solutions</u>	
S2.2	<p>(3) Within sub-area DC1 - uses adopt a mid-rise building height that ensures a high quality appearance when viewed from or within the centre, the adjoining neighbourhood and Moreton Bay.</p> <p>(3) Site coverage maintains a balance between built and unbuilt areas of the site and contributes to a high quality centre environment by -</p> <ul style="list-style-type: none"> (a) ensuring adequate areas are available for high quality landscaping and streetscape treatments; (b) providing areas for integrated car parking and servicing functions. 	P2.2	(4) No probable solution identified.

Officer Recommendation

It is recommended that Council amend the Redlands Planning Scheme in accordance with the proposed amendments outlined above.

REPORT/MODEL 04.24 Urban Residential Zone

Amendment 04.24 – Urban Residential Zone

Explanation

Mobile Home Park

Mobile Home Parks are recognised as a form of affordable housing forming an important component of the housing choices in the City. Dwellings in Mobile Home Parks generally provide a lower cost purchase and/or rental option than standard residential housing. If designed and managed properly Mobile Home Parks can fit well into the surrounding urban community.

To encourage the development of new Mobile Home Parks, in line with Council's stated intent to support housing choice and affordable housing, amendments are required to the Planning Scheme. At present, Mobile Home Parks are an Impact Assessable use in the Urban Residential zone.

To encourage the development of new Mobile Home Parks in areas where there are locational and economic advantages for this form of affordable housing it is proposed to amend the Planning Scheme to make Mobile Home Parks a code assessable use where proposed on sites over 1.5 hectares in the Urban Residential sub-area UR1 zone. The amendment will also exclude land located within either the South East Thornlands or Kinross Road Structure Plan Overlay recognising these areas are not well located for this form of development. Accordingly, the development of a Mobile Home Park within the South East Thornlands and Kinross Road Structure Plan Overlays, outside of the Urban Residential sub-area UR1 and on lots within the sub-area below 1.5 hectares will continue to be impact assessable.

Multiple Dwellings

It is proposed to amend the Urban Residential zone in relation to the Multiple Dwelling use to allow more small scale multiple dwelling projects within the zone. At present, multiple dwellings are Code Assessable in sub-areas UR1 and UR2 where proposed on a lot over 1200 m² and the proposed buildings are a maximum of 8.5 metres above ground level, 2 storeys or less and has a frontage of 20 metres or more. A Multiple Dwelling is Impact Assessable and Inconsistent Development where proposed on all other land included in the Urban Residential zone.

To allow Council to consider a wider variety of housing choices in the Urban Residential area it is proposed to make Multiple Dwellings Impact Assessable on all other UR land where proposed on a lot between 1200 m² – 4000 m² with a frontage of 20 metres or more and width to depth ratio of not greater than 1:4 and with buildings 8.5 metres or less above ground level that are 2 storeys or less (residential scale). This provision will allow the Council and the community to assess the impacts of a limited size multiple unit development in a locality. The 1200 m² - 4000m² site limit is proposed to control the size of the Multiple Dwelling developments in the UR zone to prevent large scale developments that would be inconsistent with the general intent of the zone.

The Urban Residential Zone Code includes a Probable Solution across the zone with the exception of sub-area UR2 of 1 dwelling unit per 400 m². In UR2 the figure is 1 dwelling unit per 450m². Based on the proposed amendment a 1200 m² could accommodate 3 units and a 4000 m² could accommodate up to 10 units consistent with the Probable Solution. The suitability of proposed development to the particular location will be subject to the Impact Assessment process including public notification.

Dual Occupancy

It is proposed to make an amendment to the Code Assessable provisions of the Dual Occupancy use in section 4.24.4 Urban Residential Zone - Table of Assessment for Material Change of Use

of Premises. At present column 2 makes Dual Occupancy code assessable if “The premises is – (a) greater than 800m² in area;” This excludes 800m² lots from being used for Dual Occupancy, which was not the intent of the provision. The wording in fact should read “(3) the premises is – (a) 800m² or greater in area;”

Built to Boundary Walls

It is proposed to amend the level of assessment text related to built to boundary walls in the Urban Residential zone to be consistent with the Queensland Development Code and to assist with clarity by removing double negatives.

Vegetation Retention

To provide Probable Solutions relating to native vegetation retention in the Urban Residential zone it is proposed to expand the existing Probable Solutions that only currently only apply to sub-area UR2 to apply to the entire zone where relevant.

SEQ Regional Plan

It is proposed to update the note that appears in the Urban Residential zone regarding the SEQ Regional Plan to be consistent with the planning horizon of the current Regional Plan (2009-2031).

Proposed Amendments

The proposed amendments to the Urban Residential zone are as follows:

Division 24 - Urban Residential Zone

4.24.3 Assessment criteria for development in the Urban Residential

Note -

- The level of assessment indicated within section 4.24.4 - Urban Residential Zone - Table of Assessment for Material Change of Use of Premises may be affected by Division 2 of the Regulatory Provisions of the SEQ Regional Plan ~~2005—2026~~ 2009-2031.
- The level of assessment for reconfiguration as indicated within section 4.24.5 - Urban Residential Zone - Table of Assessment for Other Development not associated with a Material Change of Use of Premises, where within the Regional Landscape and Rural Production Area-or-Investigation Area of the SEQ Regional Plan ~~2005—2026~~ 2009-2031
 - complies with Division 3 of the Regulatory Provisions;
 - has a minimum lot size of 100 hectares, unless the subdivision meets an exclusion documented in Division 3.

4.24.4 Urban Residential Zone - Table of Assessment for Material Change of Use of Premises

Urban Residential Zone - Table of Assessment for Material Change of Use of Premises

column 1	column 2	column 3
Use ^{4.199}	Level of Assessment ^{4.200}	Assessment Criteria

^{4.199}See Schedule 3 - Dictionary, [Division 1](#) - Uses.

^{4.200}See Schedule 3 - Dictionary, [Division 2](#) - Administrative Terms for a definition of level of assessment.

Urban Residential Zone - Table of Assessment for Material Change of Use of Premises

column 1	column 2	column 3
Use ^{4.199}	Level of Assessment ^{4.200}	Assessment Criteria
Dual Occupancy	<p><u>Code Assessable</u> If -</p> <p>(1) The building height is - (a) 8.5 metres or less above ground level; (b) 2 storey or less;</p> <p>(2) The use does not involve built to boundary walls that - (a) are greater than 9 metres in total length; (b) are greater than 3 metres in height; (c) have windows or doors;</p> <p>(2) Any built to boundary wall - (a) is 9 metres or less in total length; (b) is 4.5 metres or less in height; (c) does not have windows or doors;</p> <p>(3) The premises is - (a) is 800m² or greater in area; (b) has a frontage of 20 metres or more.</p> <p>Otherwise - <u>Impact Assessable</u></p>	<ul style="list-style-type: none"> ■ Urban Residential Zone Code ■ Dual Occupancy Code ■ Development Near Underground Infrastructure Code ■ Domestic Driveway Crossover Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
Dwelling House	<p><u>Self-Assessable</u> If -</p> <p>(1) Not in sub-area UR3; (2) Complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p>Note - Non-compliance with the acceptable solutions for self assessable development in relation to setbacks, site cover and built to boundary walls, or nominated "Alternative Provisions" or Building Assessment Provisions identified in the Dwelling House Code will not elevate the level of assessment of a proposal from self assessable development to assessable development under</p>	<ul style="list-style-type: none"> ■ Acceptable Solutions in section 6.11.5 of the Dwelling House Code ■ Acceptable Solutions of section 8.5.4 of the Development Near Underground Infrastructure Code ■ Acceptable Solutions in section 7.4.4 of the Domestic Driveway Crossover Code ■ Acceptable Solutions in section 8.6.4 of the Erosion Prevention and Sediment Control Code ■ Acceptable Solutions A1.(1)(a) and (c) in section 7.6.4 of the Excavation and Fill Code

Urban Residential Zone - Table of Assessment for Material Change of Use of Premises

column 1	column 2	column 3
Use ^{4.199}	Level of Assessment ^{4.200}	Assessment Criteria
	<p>the Redlands Planning Scheme. Refer to section 6.11.2 of the Dwelling House Code.</p> <p><u>Code Assessable</u> If not self-assessable</p> <p>(1) Not self-assessable</p>	<ul style="list-style-type: none"> ■ Urban Residential Zone Code ■ Dwelling House Code ■ Development Near Underground Infrastructure Code ■ Domestic Driveway Crossover Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Stormwater Management Code
Mobile Home Park	<p><u>Code Assessable</u> If -</p> <ul style="list-style-type: none"> (a) in sub-area UR1; (b) on a site over 1.5 hectares in area; (c) not located on land within the South-East Thornlands or Kinross Road Structure Plan Overlays. <p>Otherwise - <u>Impact Assessable</u></p>	<ul style="list-style-type: none"> ■ Urban Residential Zone Code ■ Mobile Home Park Code ■ Access and Parking Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code
Multiple Dwelling	<p><u>Code Assessable</u> If -</p> <ul style="list-style-type: none"> (1) In sub-area - <ul style="list-style-type: none"> (a) UR1 or (b) UR2; (2) The building height is - <ul style="list-style-type: none"> (a) 8.5 metres or less above ground level; (b) 2 storey or less; (3) The premises is - <ul style="list-style-type: none"> (a) is 1200m² or more in area; (b) has a frontage of 20 metres or more. <p>Otherwise - <u>Impact Assessable</u></p>	<ul style="list-style-type: none"> ■ Urban Residential Zone Code ■ Multiple Dwelling Code ■ Access and Parking Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Landscape Code ■ Stormwater Management Code

4.24.5 Urban Residential Zone - Table of Assessment for Other Development not associated with a Material Change of Use of Premises

Urban Residential Zone - Table of Assessment for Other Development

column 1	column 2	column 3
Other Development	Level of Assessment ^{4.202}	Assessment Criteria
Building Work for -		
<p>On-site raising or relocation of an existing dwelling unit</p>	<p><u>Self-Assessable</u> If complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p>Note - Non-compliance with the acceptable solutions for self assessable development in relation to setbacks, site cover and built to boundary walls, or nominated “Alternative Provisions” or Building Assessment Provisions identified in the On-site Raising or Relocation Code will not elevate the level of assessment of a proposal from self assessable development to assessable development under the Redlands Planning Scheme. Refer to section 7.7.2 of the On-site Raising or Relocation Code.</p> <p><u>Code Assessable</u> If - (1) Not self-assessable; (2) The building height is - (a) 8.5 metres or less above ground level; (b) 2 storey or less; (3) The relocation does not result in built to boundary walls that - (a) are greater than 9 metres in total length; (b) are greater than 3 metres in height; (c) have windows or doors.</p> <p>Otherwise - <u>Impact Assessable</u></p>	<ul style="list-style-type: none"> ■ Acceptable Solutions in section 7.7.5 of the On-Site Raising or Relocation Code ■ Acceptable Solutions in section 8.5.4 of the Development Near Underground Infrastructure Code ■ Acceptable Solutions in section 8.6.4 of the Erosion Prevention and Sediment Control Code ■ Acceptable Solutions A1.(1)(a) and (c) in section 7.6.4 of the Excavation and Fill Code <ul style="list-style-type: none"> ■ Urban Residential Zone Code ■ On-Site Raising and Relocation Code ■ Development Near Underground Infrastructure Code ■ Erosion Prevention and Sediment Control Code ■ Excavation and Fill Code ■ Infrastructure Works Code ■ Stormwater Management Code

^{4.202}See Part 9 - Schedule 3 - Dictionary, [Division 2](#) - Administrative Terms for a definition of level of assessment.

Urban Residential Zone - Table of Assessment for Other Development

column 1	column 2	column 3
Other Development	Level of Assessment ^{4.202}	Assessment Criteria

4.24.7 Overall Outcomes for Urban Residential Zone Code

- (a) Uses and other development....
 - (i) Provide for a range of residential uses that -
 - (a) are predominantly low-rise detached houses on individual lots of various sizes;
 - (b) maximise the supply of residential land through infill development;
 - (c) provide for housing choice and affordability;
 - (d) encourage opportunities for working from home;
 - ~~(e) where in sub-area UR1 and UR2 – provide an increased range of residential uses including multiple dwellings, and aged persons and special needs housing.~~
 - (e) where in sub-area UR1 and UR2 - provide an increased range of residential uses including aged persons and special needs housing, mobile home parks and multiple dwellings;
 - (f) in sub-area UR1 – provide a range of affordable and alternative housing options.
- (b) Built Form and Density.....
 - (vii) In sub-area UR1 – mobile home parks are consistent with the built form and density of surrounding development, particularly at the interface to established residential areas.

4.24.8 Specific Outcomes and Probable Solutions applicable to Assessable Development

Assessable Development			
Specific Outcomes		Probable Solutions	
S4.1	<u>Environment -</u>	P4.1	No probable solution identified.
	(1) Protect the environment from impacts associated with the use or other development including - <ul style="list-style-type: none"> (a) stormwater run-off; (b) water quality; (c) erosion and sediment run-off; (d) weed infestation. 		
S4.2	(1) Minimise the need for excavation and fill by uses and other development being located and designed to - <ul style="list-style-type: none"> (a) prevent the unnecessary removal of native plants; (b) protect natural overland drainage systems; (c) protect the amenity of adjoining properties; (d) reduce erosion and sediment run-off. 	P4.2	(1) No probable solution identified.
		<p>Note -</p> <p>Refer to Part 7 - Division 6 - Excavation and Fill Code for specific assessment criteria.</p>	

Assessable Development	
Specific Outcomes	Probable Solutions
<p>S4.3</p> <p>(1) Uses and other development, including the provision of infrastructure, maximise the retention of native plants by ensuring-</p> <p>(a) where new public roads are required opportunities are taken to retain mature native plants within the road reserve;</p> <p>(a) ensure road alignment and design maximises the retention of mature native trees, on verges and speed control devices, such as round-a-bouts, build outs and median areas;</p> <p>(b) building setback areas provide opportunities for native plant retention;</p> <p>(2) In sub-area UR2 - the retention of native plants is maximised both within lots and road reserves;</p> <p>(3) Where the topography or environmental values of a site result in the creation of larger lots or the dedication of land the net density requirements of P2.4 are achieved.</p>	<p>P4.3</p> <p>(1) In sub-area UR2—</p> <p>(a) lots between 800m² to 1000m² maintain 10 percent of the lot with native plants where the lot is greater than 1000 m² retention is increased to 15 percent;</p> <p>(b) road alignment and design maximise retention of mature native trees, on either verges, speed control devices, such as round-a-bouts or build outs, or median areas;</p> <p>(c) building setback areas provide opportunities for native plant retention on all lots;</p> <p>(1) No probable solution identified.</p> <p>(2) Where in sub-area UR2 - lots between 800m² to 1000m² maintain 10 percent of the lot with native plants where the lot is greater than 1000 m² retention is increased to 15 percent.</p> <p>(3) No probable solution identified.</p>

Table 1 - Inconsistent Uses and Other Development

Inconsistent Uses
Aged Persons and Special Needs Housing - except where in sub-area UR1 and sub-area UR2
Agriculture
Airport
Apartment Building
Brothel
Bulky Goods Showroom
Car Wash Facility
Caretakers Dwelling
Cemetery
Child Care Centre - in sub-area UR3
Commercial Office - where having more than 400m ² gross floor area
Display and Sale Activity
Drive Through Restaurant
Extractive Industry
Forestry
Funeral Parlour
General Industry
Heavy Industry
High Impact Industry
Hospital - in sub-area UR3
Hotel
Intensive Agriculture
Institution - in sub-area UR3
Landscape Supply Depot
Marine Services
Mobile Home Park – except where in sub-area UR1 on a site over 1.5 hectares in area
Multiple Dwelling - except where in sub-area UR1 and sub-area UR2 or on UR premises between 1200m ² and 4000 m ² with a minimum 20 metre frontage and a width to depth ratio of not greater than 1:4 and with buildings 8.5 metres or less above ground level and 2 storeys or less.
Night Club
Outdoor Dining - where having more than 100m ² gross floor area
Passenger Terminal
Place of Worship - in sub-area UR3
Produce Store
Refreshment Establishment - where having more than 200m ² gross floor area
Retail Warehouse
Roadside Stall
Rural Enterprise
Service Industry
Service Station
Shop - where having more than 400m ² gross floor area
Temporary Use
Vehicle Depot

Officer Recommendation

It is recommended that Council amend the Redlands Planning Scheme in accordance with the proposed amendments as outlined above.

REPORT/MODEL 05.03 Bushfire Hazard Overlay

Amendment 05.03 – Bushfire Hazard Overlay

Explanation

The first State Interest Review of Major Amendment Package 3A identified that parts of the proposed amendments to the Bushfire Hazard Overlay were in conflict with the Building Code of Australia (BCA). The code has been reviewed and amended to remove provisions covered by the BCA. This has involved removing dwelling houses and building work (i.e. domestic additions and the on-site raising or relocation of an existing dwelling unit) from the Bushfire Hazard Overlay. In response to comments received from the State Government on 20 March 2014 resulting from the second State Interest Review process, Council has revised the Bushfire Hazard Overlay Map for North Stradbroke Island that was last presented to Council on 9 October 2013. The change was undertaken in response to a Ministerial condition requiring Council to reflect the State’s Single Planning Policy (SPP) mapping.

Other proposed amendments to the Bushfire Overlay Code include the following:

- amending notes in the Overlay Code and associated mapping to reflect the following Council resolution made on 4 August 2010 at the Planning and Policy Committee:
 1. That Council under section 12(1) of the Building Regulations 2006 designate areas identified as medium bushfire hazard under the Bushfire Hazard Overlay Code and Map(s) of the Redlands Planning Scheme as a “designated bushfire prone area”; and
 2. That action be taken to amend the existing note in the Redland Planning Scheme Bushfire Hazard Overlay code and the notation on Bushfire Hazard overlay maps to reflect this designation.
- A number of recommendations (including revised bushfire hazard mapping for NSI) from an independent review of the bushfire hazard planning instruments in the Redlands Planning Scheme with particular focus on North Stradbroke Island to be progressed through this amendment package. It should be noted that other recommendations from this review will be considered as part of the broader Planning Scheme review.

Proposed Amendments

The following amendments are proposed to the Bushfire Hazard Code and Mapping:

1. Removing Dwelling Houses from the Table of Assessment as follows:

5.3.4 Bushfire Hazard Overlay - Table of Assessment for Material Change of Use of Premises

Bushfire Hazard Overlay - Table of Assessment for Material Change of Use

column 1	column 2	column 3
Use ^{5.11}	Level of Assessment ^{5.12}	Assessment Criteria
<ul style="list-style-type: none"> ■ Display and Sale Activity ■ Drive Through Restaurant ■ Dual Occupancy ■ Dwelling House 	<p><i>Self-Assessable</i> If complying with the assessment criteria being the acceptable solutions listed in column 3</p>	<ul style="list-style-type: none"> ■ Acceptable Solutions in section 5.16.8 of the Bushfire Hazard Overlay Code

Bushfire Hazard Overlay - Table of Assessment for Material Change of Use

column 1	column 2	column 3
Use^{5.11}	Level of Assessment^{5.12}	Assessment Criteria
<ul style="list-style-type: none"> ■ Education Facility ■ Emergency Services ■ Estate Sales Office ■ Facility ■ Utility Installation 	<p><u>Code Assessable</u> If not self-assessable</p>	<ul style="list-style-type: none"> ■ Bushfire Hazard Overlay Code

2. Removing Building Work from the Table of Assessment as follows:

5.3.5 Bushfire Hazard Overlay - Table of Assessment for Other Development not associated with a Material Change of Use of Premises

Bushfire Hazard Overlay – Table of Assessment for Other Development

Building Work for –		
<ul style="list-style-type: none"> ■ Domestic Outbuilding ■ On-site raising or relocation of an existing dwelling unit 	<p><u>Self-Assessable</u> If complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p><u>Code Assessable</u> If not self-assessable</p>	<ul style="list-style-type: none"> ■ Acceptable Solutions in section 5.16.8 of the Bushfire Hazard Overlay Code ■ Bushfire Hazard Overlay Code

3. Amendments to the note in the Bushfire Hazard Overlay relating to land designated as bushfire prone areas as follows:

Note –

~~Land identified within the high bushfire hazard and Southern Moreton Bay Islands bushfire hazard is designated as a bushfire prone area and the medium category bushfire protection provisions of the *Building Code of Australia* apply for the purposes of section 55 of the *Standard Building Regulations 1993*.~~

Land identified within the Medium and High Bushfire Hazard and Southern Moreton Bay Islands Bushfire Hazard areas have been designated by Council as **bushfire prone areas** for the purposes of the Building Regulation 2006 (section 12) and the BCA under Council resolution dated 4 August 2010.

The construction of a Dwelling House or Domestic Outbuilding is Exempt development for planning purposes under this overlay. Refer to the National Construction Code Series 2013 Part 3 7.4 Bushfire Areas and Australian Standard AS3959-2009 for determining the construction requirements for Class 1 and 10 buildings in Bushfire designated areas.

4. Amending the self-assessable acceptable solutions to make it clear that NSI is included in the code as follows:

5.3.8 Acceptable Solutions applicable to Self-Assessable Development

Self Assessable Development	
Acceptable Solutions	
A1.	<p>(1) Where on the mainland and on a lot or premises identified as medium or high bushfire hazard on this overlay map, uses and other development are located outside the area shown on the overlay map; or</p> <p>(1) Where on the mainland or North Stradbroke Island (NSI) and on a lot or premises identified as medium or high bushfire hazard on the Bushfire Hazard overlay maps, uses and other development are located outside the hazard areas shown on the Bushfire Hazard overlay maps; or</p> <p>(2) Uses and other development are located within an approved development envelope.</p>

5. Amending Specific Outcome S1 to clearly identify the outcome applies to NSI as follows:

S1.	<p>(1) Where on the mainland and on a lot or premises identified as medium or high bushfire hazard on this overlay map, uses and other development are located outside the area shown on the overlay map;</p> <p>(1) Where on the mainland or North Stradbroke Island (NSI) and on a lot or premises identified as medium or high bushfire hazard on this overlay map, uses and other development are located outside the area shown on the overlay map; or</p> <p>Note - Compliance with specific outcome S1.(1) achieves compliance with this Code.</p>	P1.	(2) No probable solution identified.
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6. Replace all references in the Bushfire Hazard Overlay to 'this overlay map' with 'the Bushfire Hazard Overlay Maps' to clearly identify that there are two overlay maps;

7. Amending the Overlay Map to reflect the State's SPP bushfire hazard mapping for NSI – see the mapping and overlay amendments for further details.

Officer Recommendation

It is recommended that Council amend the Redlands Planning Scheme in accordance with the proposed amendments outlined above.

REPORT 05.16 Canal and Lakeside Structures Overlay

Amendment 05.16 – Canal and Lakeside Structures Overlay

Explanation

The City Infrastructure Group (Marine Infrastructure Planning Unit) and the Planning Assessment Unit have identified significant issues related to waterfront structures in canals and lake front properties. The issue arises from the impact of structures constructed adjacent to or over Council revetment walls on canal and lake front properties. This has led to concern about the risks associated with structures impacting on canal revetment walls causing their failure resulting in costly repairs for Council and the community.

Additional loadings imposed by various structures (including swimming pools, and buildings) as well as the filling of allotments, have had an adverse impact upon the structural stability of revetment walls and embankments in canal and lake side developments. This has resulted in a need for measures that addresses appropriate design, construction and safety standards for waterfront structures.

Background

A Transitional Planning Scheme Policy – *Waterfront Structures* was introduced in 2001 to support the Transitional Planning Scheme in the design and construction of waterfront structures and swimming pools on land that abuts waterways or tidal land, or within 9m of a revetment wall. The policy was to assist in achieving desired and consistent outcomes in assessing development applications for waterfront structures. The aims of the policy were to ensure that:

- Waterfront structures do not interfere with the structural stability of the waterway; and
- Waterfront structures do not restrict the maintenance, hydraulic and flood carrying capacity of the waterway; and
- Waterfront structures and/or moored vessels do not interfere with navigation the allocated waterway area of adjoining properties, or public usage of the waterway.

This policy operated by requiring an application to Council, as the assessment manager, for a preliminary approval for Building Works for the construction of private jetties, pontoons, boat ramps, decks and piling in, on, over, through and across tidal lands and waters and/or the construction of swimming pools for private use within 9m of a revetment wall. The applicant was also required to lodge a completed Statement of Compliance and indicate in this statement how the proposed development would achieve the policy's performance criteria.

With the adoption of the Redlands Planning Scheme [RPS] on 15 March 2006, a number of transitional planning and existing policies were made redundant, including the Waterfront Structures transitional planning scheme policy.

Examples of failures of the revetment wall have been recorded and addressed on Masthead Drive in Raby Bay. Emergency works were undertaken to prevent total collapse and subsequent damage to other nearby structures. This emergency action cost \$115,000 across three blocks. Projected expenditure based on known failures for the 11/12 financial year was \$3.5M, and for the 12/13 financial year is \$2.4M. The cost to Council as a result of these revetment wall failures is substantial and ongoing.

Proposed Canal and Lakeside Structures Overlay

The proposed Canal and Lakeside Structures Overlay Code states that any development within 9m of a revetment wall must demonstrate that it does not increase the loading upon the revetment wall by more than 2.0kPa unless satisfactory details and certification from a Registered Professional Engineer of Queensland has been accepted by Council demonstrating that the proposed works do not exceed the design loads. The kPa or kilopascal is a measurement of the

pressure exerted (e.g. 2.0kpa is 200 kg over 1 square metre). It has been determined that this is an appropriate level that is not likely to exert pressure to the extent that the revetment wall will fail.

The current provisions of the Redlands Planning Scheme do not apply to canal and lake estates and the head of power of existing policies & guidelines do not provide a significant head of power for Council to enforce the requirements. Furthermore, the Queensland Development Code 2010 (QDC) sets a common setback of 1.5m rear and side boundaries for building works which allows buildings to be built right up to the canal walls.

This is an issue because there have been instances where structures have been built in accordance with the current setback (1.5m) which exceed the maximum loading of 2.0kPa (i.e. small lot house, relatives apartment, decks, etc). Therefore, any development, building works or operational works that is not included in the definition or associated with a canal or lakeside structure is not required to comply with, or consider the increased loading on the revetment wall. If this issue is not addressed there is a significant risk of continuing revetment wall failures in existing canal and lake estates and the subsequent substantial and on-going costs to Council and the community to repair these revetment walls.

Council has presently budgeted \$5,180,680 for the selective maintenance and repair of revetment walls in Raby Bay for 2012/13 and this does not include the maintenance of revetment walls in other canal or lake estates. The cost to repair a failed revetment wall is currently approximately \$17,000 per lineal metre or \$340,000 for a 20m allotment frontage. The ongoing financial drain on the council's budgetary resources from this is likely to increase over time unless this issue is immediately addressed.

Response to First State Interest Review

In response to comments received from the State Government on 22 April 2013 resulting from the first State Interest Review process, Council has undertaken a significant revision of the Canals and Lakeside Structures Overlay code that was last presented to Council on 19 December 2012 and explained above.

Key changes include:

- removal of the 2.0kPa loading and standard engineering drawings from the overlay code. These building and engineering standards are now included as extrinsic material for guidance purposes only. This change responds to the State Agency comment that the Planning Scheme can only regulate design and siting of a dwelling and associated structures and not how it is built;
- removal of all references to tidal works, pontoon and jetties to avoid duplication and potential conflict with *the Coastal Protection and Management Regulation 2003*;
- the definition of "revetment wall" in the overlay code and "revetment wall" in Part 9 – Schedule – Dictionary – Administrative terms of the Redlands Planning Scheme has been amended to align with the *Coastal Protection and Management Regulation 2003* definition for revetment wall; and
- the overlay code has been amended to trigger development within 9m of a revetment wall elevating such development from self-assessment to code assessment. This will allow Council to require that any development within 9m of the revetment wall is supported by a report by a RPEQ [Registered Professional Engineer Queensland) that demonstrates the proposed development will not impact on the structural integrity of the revetment wall.

Response to Second State Interest Review

In response to comments received from the State Government on 20 March 2014 resulting from the second State Interest Review process, Council has undertaken a revision of the Canals and Lakeside Structures Overlay code that was last presented to Council on 9 October 2013. The

change involves modifying a note in the overlay to ensure that it does not conflict with the *Building Act 1975*. Council modified the note with text recommended by the State Government.

Proposed Amendment/s

That the Planning Scheme be amended as follows:

1. incorporate revised Canal and Lakeside Structures Overlay

See model 05.16

2. amend the administrative definition of revetment wall as follows:

Revetment Wall	<p>A wall erected against an earth bank or rock face to protect it against erosion.</p> <p>Means a wall constructed along the bottom of an embankment to—</p> <p>(a) protect the embankment from erosion; and</p> <p>(b) keep in place the materials that are landward of the wall.</p> <p>(as defined under the <i>Coastal Protection and Management Regulation 2003</i>.)</p>
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3. amend Table 1 – Maximum Site Coverage and Minimum Setbacks of the Dwelling House Code to include a minimum 4.5 metre setback from the property boundary adjacent to a canal or artificial waterway for premises identified in the Canal and Lakeside Structures Overlay as follows:

Table 1 – Maximum Site Coverage and Minimum Setbacks

Building Act, 1975 Alternative Provision to QDC MP1.1, MP1.2, A1, A2, A3

Zone	Maximum Site Coverage	Minimum Setbacks
<ul style="list-style-type: none"> ■ Conservation ■ Emerging Urban Community ■ Environmental Protection ■ Investigation 	1000m ²	(1) For lots that are less than 2 hectares in area, front, side and rear setbacks are 10 metres; or (2) For lots that are 2 hectares or greater in area, front, side and rear setbacks are - (e) 20 metres; or (f) 10 metres where screened by planted landscape; or (3) Sited wholly within a development envelope area approved by the local government, where applicable.
<ul style="list-style-type: none"> ■ Park Residential 	30 percent	
<ul style="list-style-type: none"> ■ Rural Non-Urban 	2.5 percent	
<ul style="list-style-type: none"> ■ Low Density Residential 	30 percent	

<ul style="list-style-type: none"> ■ Medium Density Residential ■ Urban Residential - excluding sub-area UR2 ■ SMBI Residential (Lots 600m² or less) 	<p>50 percent</p>	<p>(f) Minimising impact on areas of habitat value; or</p> <p>(g) Accommodating an on-site sewerage facility; or</p> <p>(3) For land within the Canal and Lakeside Structures Overlay, buildings and structures (other than pool fencing of glass or Perspex construction) exceeding 1 metre in height above ground level are set back a minimum of 4.5 metres from the property boundary adjacent to the canal or artificial waterway/waterbody.</p>
<ul style="list-style-type: none"> ■ Urban Residential - sub-area UR2 ■ SMBI Residential (Lots over 600m²) 	<p>40 percent</p>	<p>Note:</p> <p>Refer to the <i>Queensland Development Code</i> or Sited wholly within the development envelope area approved by the local government, where a development envelope exists on the property.</p>
<ul style="list-style-type: none"> ■ All other zones 	<p>Refer to the applicable zone code for site coverage and the <i>Queensland Development Code</i> for setbacks unless stated otherwise.</p>	

4.

5.16.9 Specific Outcomes and Probable Solutions applicable to Assessable Development

Assessable Development			
Specific Outcomes		Probable Solutions	
S1	<p><u>Protection of Revetment Walls, Canals or Lake Banks</u></p> <p>(1) Development does not damage or weaken the structural integrity or stability of revetment walls, canals or lake banks.</p> <p>Note:</p> <p><i>To achieve S1 (1) certification from a RPEQ (Registered Professional Engineer of Queensland) is required to demonstrate the proposed development will not damage or weaken the structural integrity or stability of revetment walls, canals or lake banks.</i></p> <p><i>See Extrinsic Material in Table 2.</i></p> <p><i>Council has assessed that development that does not place more than 2.0kPa net positive load on the revetment wall is unlikely to cause</i></p>	P1	<p>(1) Development is setback a minimum of 9.0m from the revetment wall.</p>

	<p>damage or collapse.</p> <p><i>Any construction granted within the 9 m clearance must be supported by the correct building structural design certificates which prove that any works within this distance will not cause any movement or damage to the existing revetment wall and canal frontage, ensuring the visual amenity and aesthetics of the canal and revetment frontage.</i></p> <p><i>All structural elements of a building or structure (e.g. retaining walls and pools), including footings, structural steel and reinforced concrete portions, must comply with the Building Code of Australia (BCA). The BCA is a uniform set of technical provisions for the design and construction of buildings and structures throughout Australia. The BCA is produced and maintained by the Australian Building Codes Board (ABCB), and given legal effect in Queensland under the Building Act 1975.</i></p> <p><i>The BCA requires all buildings and structures to be structurally sound. Where an engineering design is necessary, a building certifier will generally require the building or structure to be certified by a Registered Professional Engineer who is registered to practice in Queensland to confirm that these elements meet minimum structural standards and comply with any relevant Australia Standards.</i></p>		
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Officer Recommendation

It is recommended that Council amend the Redlands Planning Scheme in accordance with the proposed amendments outlined above.

MODEL 05.16 Canal and Lakeside Structures Overlay

Amendment 05.16 – Canal and Lakeside Structures Overlay

5.16.1 Introduction

This division contains the provisions for the Canal and Lakeside Structures Overlay. They are -

- (a) The Canal and Lakeside Structures Overlay Tables of Assessment, that incorporates -
 - Levels of assessment for development in the Canal and Lakeside Structures Overlay (section 5.16.2);
 - Assessment criteria for development in the Canal and Lakeside Structures Overlay (section 5.16.3);
 - Canal and Lakeside Structures Overlay - Table of Assessment for Material Change of Use of Premises (section 5.16.4);
 - Canal and Lakeside Structures Overlay - Table of Assessment for Other Development not associated with a Material Change of Use of Premises (section 5.16.5).
- (b) The Canal and Lakeside Structures Overlay Code, that incorporates -
 - Compliance with the Canal and Lakeside Structures Overlay Code (section 5.16.6);
 - Overall Outcomes for the Canal and Lakeside Structures Overlay Code (section 5.16.7);
 - Acceptable Solutions applicable to Self-Assessable Development (section 5.16.8);
 - Specific Outcomes and Probable Solutions applicable to Assessable Development (section 5.16.9).

5.16.2 Levels of assessment for development affected by the Canal and Lakeside Structures Overlay

- (1) Sections 5.16.4 and 5.16.5 identify the level of assessment for development affected by the Canal and Lakeside Structures Overlay, as follows -
 - (a) section 5.16.4 Canal and Lakeside Structures Overlay - Table of Assessment for Making a Material Change of Use of Premises -
 - column 1 identifies uses that are exempt, self-assessable or assessable;
 - column 2 identifies the level of assessment for the uses listed in column 1;
 - where the use is defined in Part 9 - Schedule 3 - Dictionary, Division 1 - Uses and is not listed in column 1 it is exempt;
 - where the use is not defined in Part 9 - Schedule 3 - Dictionary, Division 1 - Uses and is not listed in column 1 it is code assessable.
 - (b) section 5.16.5 Canal and Lakeside Structures Overlay - Table of Assessment for Other Development not associated with a Material Change of Use of Premises -
 - column 1 identifies other development that is exempt, self-assessable or assessable;
 - column 2 identifies the level of assessment for other development listed in column 1;
 - where the other development is not listed in column 1 it is exempt.

Other Overlays may alter the level of assessment identified in 1(a) and (b)^{5,6}.

^{x.x} Refer to Part 5 - Overlays to determine the level of assessment for the use or other development where another Overlay affects the lot and Part 1, section 1.2.5(10)(f) that explains how the highest level of assessment applies.

5.16.3 Assessment criteria for development in the Canal and Lakeside Structures Overlay

- (1) Development affected by the Canal and Lakeside Structures Overlay is assessed against the assessment criteria listed in column 3 of sections 5.16.4 and 5.16.5, as follows -
- (a) acceptable solutions in section 5.16.8 of the Canal and Lakeside Structures Overlay Code for self-assessable development; or
 - (b) specific outcomes in section 5.16.9 of the Canal and Lakeside Structures Overlay Code for assessable development.
 - (c) Self-assessable development that does not comply with all the acceptable solutions in section 5.16.8 of the Canal and Lakeside Structures Overlay Code is assessable development.

5.16.4 Canal and Lakeside Structures Overlay - Table of Assessment for Material Change of Use of Premises

Canal and Lakeside Structures Overlay - Table of Assessment for Material Change of Use

column 1	column 2	column 3
Use^{5.7}	Level of Assessment^{5.8}	Assessment Criteria
<ul style="list-style-type: none"> ■ Aged Persons and Special Needs Housing ■ Apartment Building ■ Caretakers Dwelling ■ Display Dwelling ■ Dual Occupancy ■ Dwelling House ■ Estate Sales Office ■ Home Business ■ Multiple Dwelling ■ Park ■ Relatives Apartment ■ Road ■ Telecommunications Facility ■ Utility Installation 	<p><u>Self-Assessable</u> If complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p><u>Code Assessable</u> If not self-assessable</p>	<ul style="list-style-type: none"> ■ Acceptable Solutions in section 5.16.8 of the Canal and Lakeside Structures Overlay Code ■ Canal and Lakeside Structures Overlay Code
Defined uses not listed in column 1	<u>Code Assessable</u>	<ul style="list-style-type: none"> ■ Canal and Lakeside Structures Overlay Code
Uses not defined in Part 9 - Schedule 3 - Dictionary, Division 1 - Uses	<u>Code Assessable</u>	<ul style="list-style-type: none"> ■ Canal and Lakeside Structures Overlay Code

5.16.5 Canal and Lakeside Structures Overlay - Table of Assessment for Other Development not associated with a Material Change of Use of Premises

Canal and Lakeside Structures Overlay - Table of Assessment for Other Development

^{x.x} See Part 9 - Schedule 3 - Dictionary, [Division 1](#) - Uses for defined uses.

^{x.x} See Part 9 - Schedule 3 - Dictionary, [Division 2](#) - Administrative Terms for a definition of level of assessment.

column 1	column 2	column 3
Other Development	Level of Assessment ^{5.9}	Assessment Criteria
Building Work for -		
Communications Structures	<p><u>Self-Assessable</u> If complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p><u>Code Assessable</u> If not self-assessable</p>	<ul style="list-style-type: none"> Acceptable Solutions in section 5.16.8 of the Canal and Lakeside Structures Overlay Code Canal and Lakeside Structures Overlay Code
Domestic Additions	<p><u>Self-Assessable</u> If complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p><u>Code Assessable</u> If not self-assessable</p>	<ul style="list-style-type: none"> Acceptable Solutions in section 5.16.8 of the Canal and Lakeside Structures Overlay Code Canal and Lakeside Structures Overlay Code
Domestic Outbuildings	<p><u>Self-Assessable</u> If complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p><u>Code Assessable</u> If not self-assessable</p>	<ul style="list-style-type: none"> Acceptable Solutions in section 5.16.8 of the Canal and Lakeside Structures Overlay Code Canal and Lakeside Structures Overlay Code
On-site raising or relocation	<p><u>Self-Assessable</u> If complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p><u>Code Assessable</u> If not self-assessable</p>	<ul style="list-style-type: none"> Acceptable Solutions in section 5.16.8 of the Canal and Lakeside Structures Overlay Code Canal and Lakeside Structures Overlay Code
Private Swimming Pool	<p><u>Self-Assessable</u> If complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p><u>Code Assessable</u> If not self-assessable</p>	<ul style="list-style-type: none"> Acceptable Solutions in section 5.16.8 of the Canal and Lakeside Structures Overlay Code Canal and Lakeside Structures Overlay Code
Private Tennis Court	<p><u>Self-Assessable</u> If complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p><u>Code Assessable</u> If not self-assessable</p>	<ul style="list-style-type: none"> Acceptable Solutions in section 5.16.8 of the Canal and Lakeside Structures Overlay Code Canal and Lakeside Structures Overlay Code

^{x.x} See Part 9 - Schedule 3 - Dictionary, Division 2 - Administrative Terms for a definition of level of assessment.

Canal and Lakeside Structures Overlay - Table of Assessment for Other Development

column 1	column 2	column 3
Other Development	Level of Assessment ^{5,9}	Assessment Criteria
Retaining Wall	<p><u>Self-Assessable</u> If complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p><u>Code Assessable</u> If not self-assessable</p>	<ul style="list-style-type: none"> ■ Acceptable Solutions in section 5.16.8 of the Canal and Lakeside Structures Overlay Code ■ Canal and Lakeside Structures Overlay Code
Operational Work for -		
Constructing a Domestic Driveway Crossover	<p><u>Self-Assessable</u> If complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p><u>Code Assessable</u> If not self-assessable</p>	<ul style="list-style-type: none"> ■ Acceptable Solutions in section 5.16.8 of the Canal and Lakeside Structures Overlay Code ■ Canal and Lakeside Structures Overlay Code
Excavation and Fill	<p><u>Self-Assessable</u> If complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p><u>Code Assessable</u> If not self-assessable</p>	<ul style="list-style-type: none"> ■ Acceptable Solutions in section 5.16.8 of the Canal and Lakeside Structures Overlay Code ■ Canal and Lakeside Structures Overlay Code
Placing an Advertising Device on Premises	<p><u>Self-Assessable</u> If complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p><u>Code Assessable</u> If not self-assessable</p>	<ul style="list-style-type: none"> ■ Acceptable Solutions in section 5.16.8 of the Canal and Lakeside Structures Overlay Code ■ Canal and Lakeside Structures Overlay Code
Operational Work for Reconfiguring a Lot (by Standard Format Plan)	<p><u>Self-Assessable</u> If complying with the assessment criteria being the acceptable solutions listed in column 3</p> <p><u>Code Assessable</u> If not self-assessable</p>	<ul style="list-style-type: none"> ■ Acceptable Solutions in section 5.16.8 of the Canal and Lakeside Structures Overlay Code ■ Canal and Lakeside Structures Overlay Code
Private Waterfront Structures	<p><u>Self-Assessable</u> If complying with the assessment criteria being the acceptable solutions listed in column 3</p>	<ul style="list-style-type: none"> ■ Acceptable Solutions in section 5.16.8 of the Canal and Lakeside Structures Overlay Code

Canal and Lakeside Structures Overlay - Table of Assessment for Other Development

column 1	column 2	column 3
Other Development	Level of Assessment^{5.9}	Assessment Criteria
	<i>Code Assessable</i> If not self-assessable	<ul style="list-style-type: none"> ■ Canal and Lakeside Structures Overlay Code
All other development not listed in column 1	<i>Code Assessable</i> If not self-assessable	<ul style="list-style-type: none"> ■ Canal and Lakeside Structures Overlay Code

5.16.6 Compliance with the Canal and Lakeside Structures Overlay Code

- (1) Development that consistent with the following and complies with the Canal and Lakeside Structures Overlay Code -
- (a) acceptable solutions in section 5.16.8 where self-assessable development; or
 - (b) specific outcomes in section 5.16.9 where assessable development.

5.16.7 Overall Outcomes of the Canal and Lakeside Structures Overlay Code

- (1) The overall outcomes are the purpose of the Canal and Lakeside Structures Overlay Code.
- (2) The overall outcomes sought for the Canal and Lakeside Structures Overlay Code are the following -
- (a) to protect Council Infrastructure from damage or collapse;
 - (b) to minimize the risk to life and property resulting from the collapse of revetments;
 - (c) to reduce the cost to the community of repairs to revetments as a result of damage caused by development;
 - (d) to protect and maintain the visual amenity of canal and lake estates;
 - (e) to protect legal public and private access to the water;

5.16.8 Acceptable Solutions applicable to Self-Assessable Development

Self Assessable Development	
Acceptable Solutions	
A1	<p>1) Uses and Other Development within Raby Bay and Aquatic Paradise are setback a minimum of 9m from the revetment wall; or</p> <p>2) Uses and Other Development within Sovereign Waters Lakeside Estate –</p> <ol style="list-style-type: none"> a. are not constructed within or upon the lake; b. are setback a minimum of 9.0m from the revetment wall; c. ensure fences are of an open design which allows the free flow of floodwater through them (refer to Table 2 Extrinsic Material – Drawing M-RCC-C005).

5.16.9 Specific Outcomes and Probable Solutions applicable to Assessable Development

Assessable Development			
Specific Outcomes		Probable Solutions	
S1	<p><u>Protection of Revetment Walls, Canals or Lake Banks</u></p> <p>(1) Development does not damage or weaken the structural integrity or stability of revetment walls, canals or lake banks.</p> <p>Note:</p> <p><i>Any construction granted within the 9 m clearance must be supported by the correct building structural design certificates which prove that any works within this distance will not cause any movement or damage to the existing revetment wall and canal frontage, ensuring the visual amenity and aesthetics of the canal and revetment frontage.</i></p> <p><i>All structural elements of a building or structure (e.g. retaining walls and pools), including footings, structural steel and reinforced concrete portions, must comply with the Building Code of Australia (BCA). The BCA is a uniform set of technical provisions for the design and construction of buildings and structures throughout Australia. The BCA is produced and maintained by the Australian Building Codes Board (ABCB), and given legal effect in Queensland under the Building Act 1975.</i></p> <p><i>The BCA requires all buildings and structures to be structurally sound. Where an engineering design is necessary, a building certifier will generally require the building or</i></p>	P1	<p>(1) Development is setback a minimum of 9.0m from the revetment wall.</p>

	<p><i>structure to be certified by a Registered Professional Engineer who is registered to practice in Queensland to confirm that these elements meet minimum structural standards and comply with any relevant Australia Standards.</i></p>		
S2	<p><u>Visual amenity and character</u></p> <p>(1) Development maintains the amenity of adjoining premises and dwelling houses by –</p> <p>(a) maintaining consistency with the building setbacks of the adjoining buildings and structures;</p> <p>(b) not dominating or detracting from the built form, waterway and landscape setting of the location</p>	P2	<p>(1) Buildings and structures (other than pool fencing of glass or Perspex construction) exceeding 1 metre in height above ground level are set back a minimum of 4.5 metres from the property boundary adjacent to the canal or artificial waterway/waterbody.</p> <p>Note:</p> <p><i>The 4.5 m setback is an alternative provision to the QDC. See Part 6 Div.11 (Dwelling House Code) Table 1.</i></p>
S3	<p><u>Legal public access</u></p> <p>(1) Development does not prevent or make unsafe -</p> <p>(a) legal public access to the water's edge; or</p> <p>(b) legal private access to the water's edge from any part of a lot or premises adjoining the water's edge.</p>	P3	<p>(1) Development is contained wholly within the premises; or</p> <p>(2) Where development necessarily crosses an area of legal public or private access, the development does not make unsafe, obstruct or prevent that access.</p>

Table 1 – Canal and Lakeside Structures Overlay – Dictionary

Where a term used in this Overlay is not defined under Table 1 Dictionary, the term shall, unless the context otherwise indicates or requires, have the meaning assigned to it by –	
a) the <i>Sustainable Planning Act 2009</i> ; or	
b) The Planning Scheme where the term is not defined in the <i>Sustainable Planning Act 2009</i> .	
Building work	Refer to s10 of the <i>Sustainable Planning Act 2009</i> .
Canal	Refer to s9 of the <i>Coastal Protection and Management Act 1995</i> .
Prescribed tidal works	Means tidal work that starts within, or is completely or partially within a local government tidal area, refers to s14 <i>Coastal Protection and Management Regulation 2003</i> .
Setback	Means the shortest distance measured horizontally from the outermost projection of the building or other structure concerned to the vertical projection of the boundary of the allotment. The setback from a revetment wall will be measured from the face of the revetment wall, unless specifically stated otherwise in this planning instrument.

Table 2: Extrinsic Material

Drawing	Description
M-RCC-C001	Typical canal wall cross section with typical geotechnical parameters
M-RCC-C002	Typical deck cross section
M-RCC-C003	Typical pontoon cross section
M-RCC-C004	Typical pool cross section
M-RCC-C005	Fencing details – Aquatic Paradise and Raby Bay
M-RCC-C006	Quay line clearances and canal depths

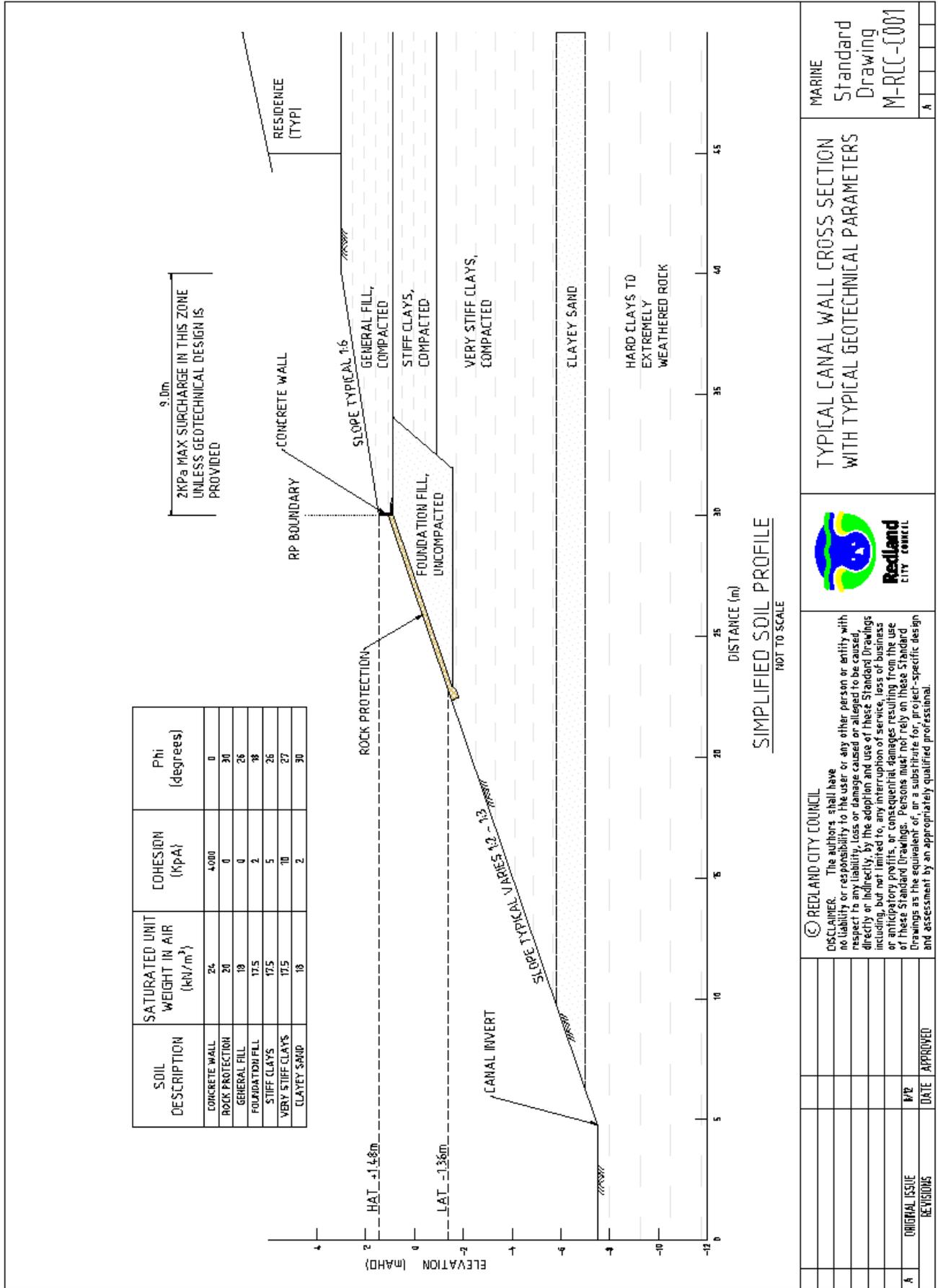
Note:

Council has assessed that development that:

- a) is placed at, or greater than, 9.0m from the top of the revetment wall; or
 - b) does not place more than 2.0kPa net positive load on the revetment wall;
- is unlikely to cause damage or collapse to the revetment

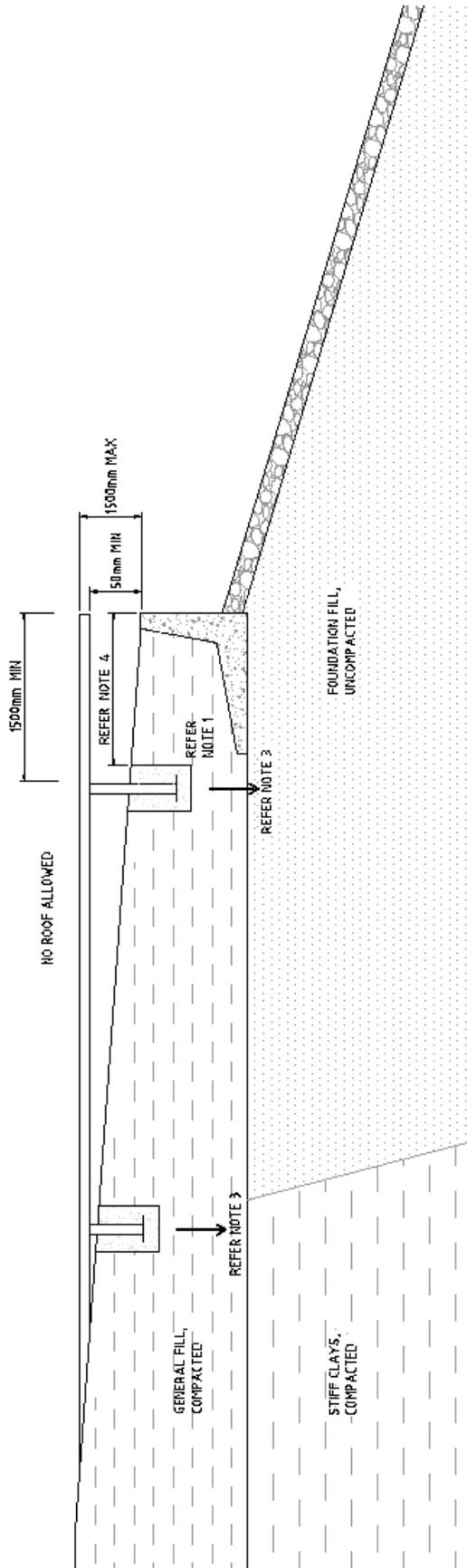
The following drawings are provided to assist engineers in meeting Specific Outcome S1(1).

Council uses the **Bishops modified method** of embankment analyses to determine the stability (circular failure surfaces) of slopes and excavations.



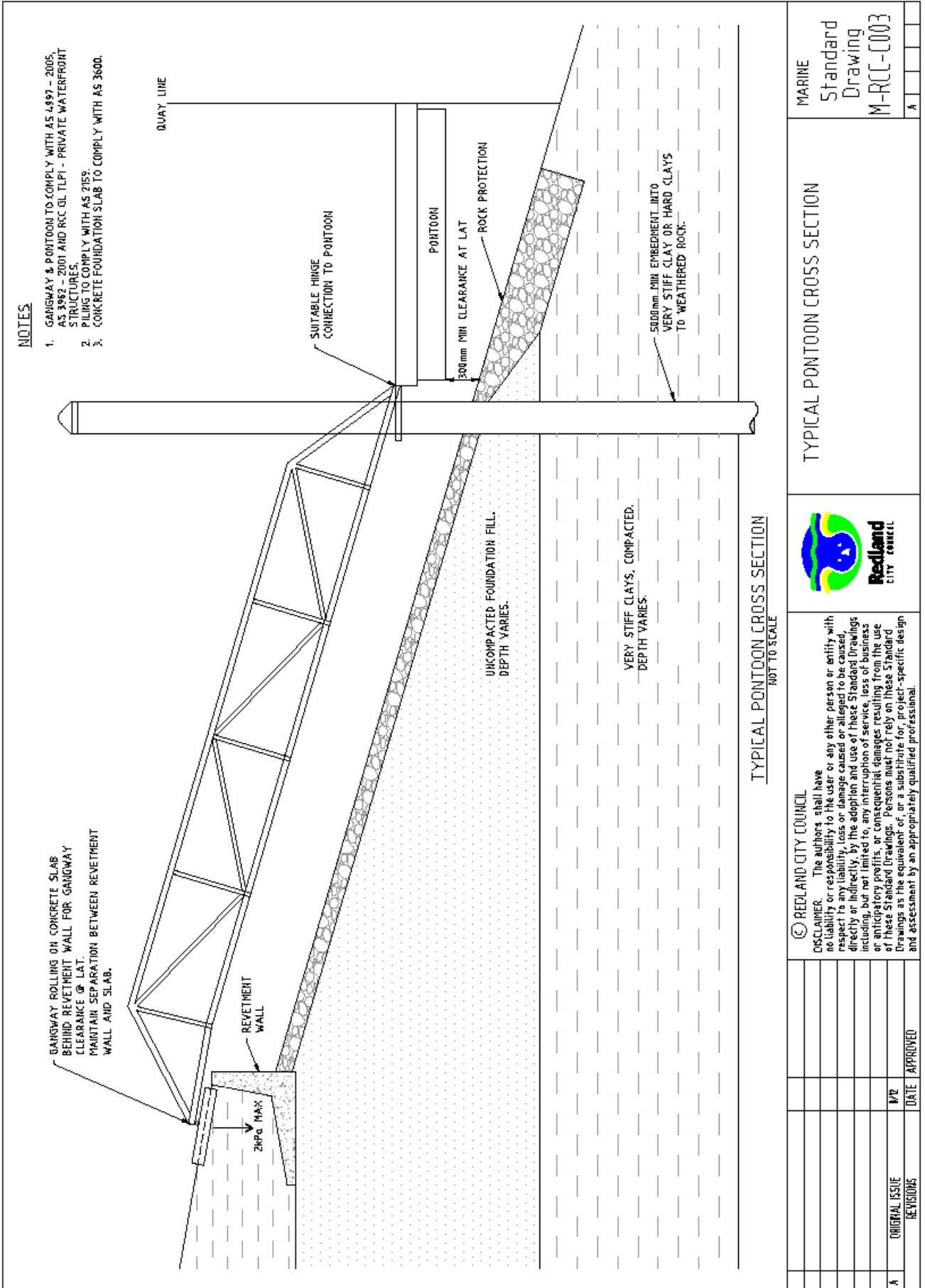
NOTES

1. MAY CONTRAVENE TEMPORARY LOCAL PLANNING INSTRUMENT. STRUCTURES MUST NOT BE CONNECTED TO, OR SUPPORTED BY REVETMENT WALL.
2. DECK MUST BE REMOVABLE FOR MAINTENANCE.
3. 2HP_a MAX OR AS DETERMINED FOR 1.5 FDS FROM GEOTECHNICAL ANALYSIS.
4. MINIMUM SET BACKS - 15m BABY BAY & AQUATIC PARADISE - 2.0m SOVEREIGN WATERS.



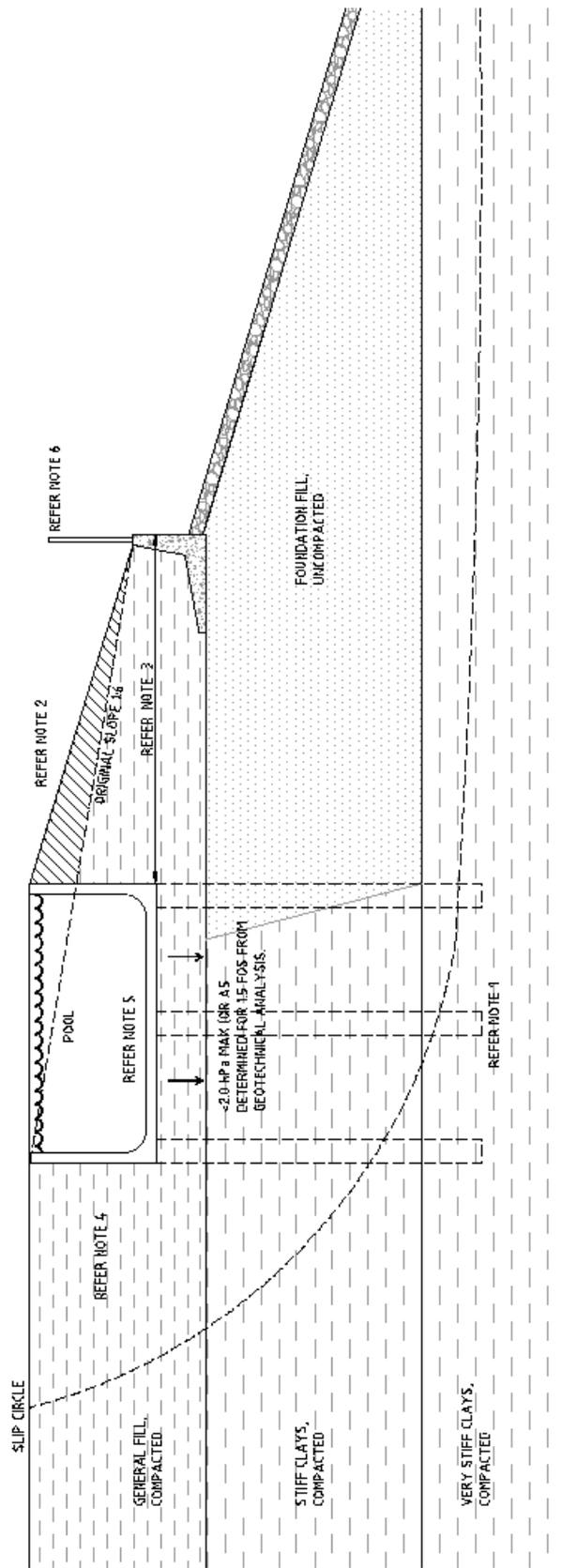
TYPICAL DECK CROSS SECTION
NOT TO SCALE

		TYPICAL DECK CROSS SECTION		MARINE	
				Standard Drawing M-RCC-C002	
© REDLAND CITY COUNCIL DISCLAIMER: The authors shall have no liability or responsibility to the user or any other person or entity with respect to any liability, loss or damage caused or alleged to be caused, directly or indirectly, by the adoption and use of these Standard Drawings including, but not limited to, any interruption of service, loss of business or anticipatory profits, or consequential damages resulting from the use of these Standard Drawings. Persons must not rely on these Standard Drawings as the equivalent of, or a substitute for, project-specific design and assessment by an appropriately qualified professional.		ORIGINAL ISSUE DATE APPROVED		A	
REVISIONS		DATE APPROVED		A	



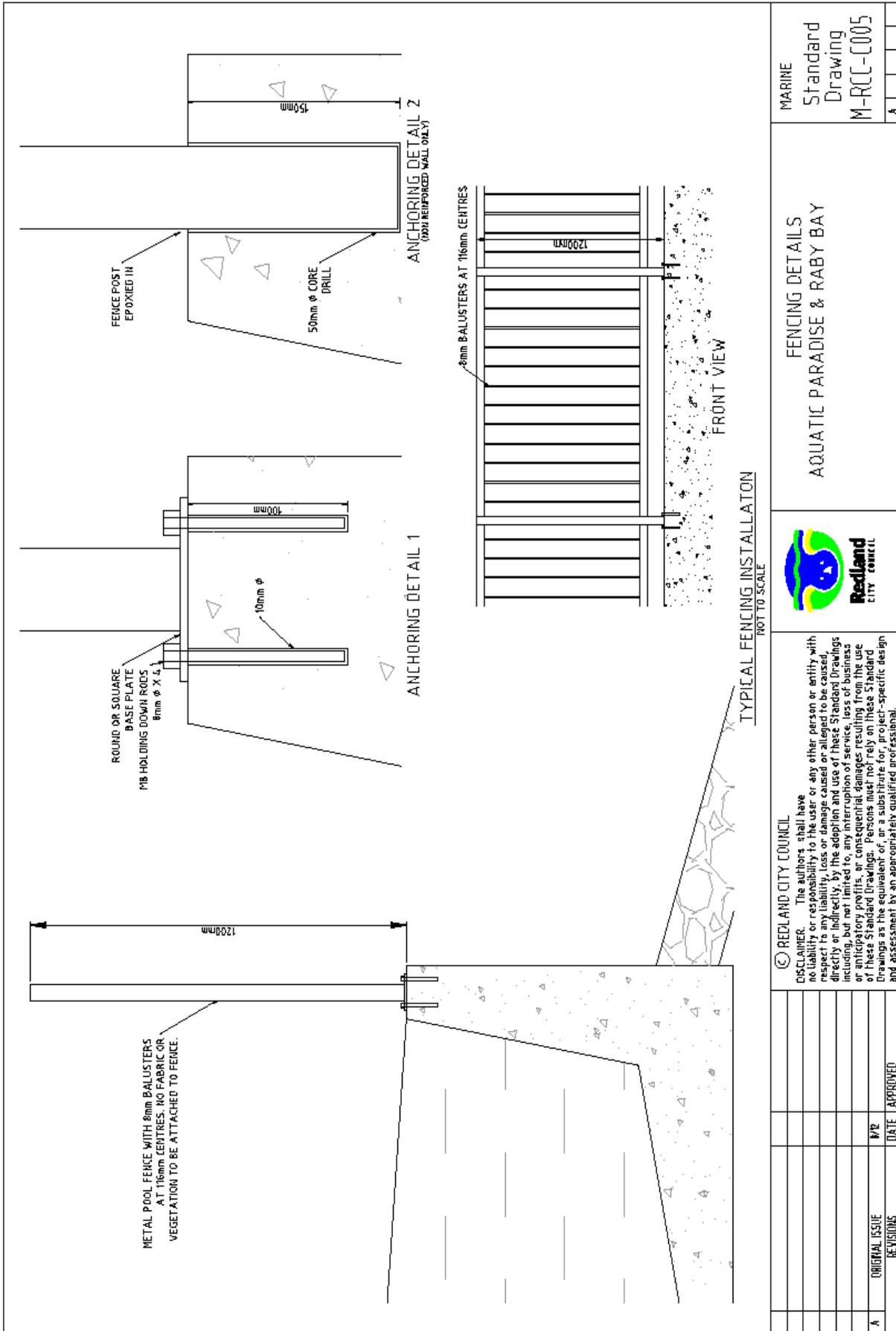
NOTES

- 1 PILING BELOW SLIP CIRCLE MAY BE REQUIRED.
- 2 FILL ON SITE SHOULD NOT CONTRAVENE ALTERATION OF LAND LEVELS IN SOVEREIGN WATERS. FILL SHOULD NOT EXERT SURCHARGE LOAD ≈ 2.0 HPa.
- 3 MINIMUM SET BACKS - 1.5m RABY BAY & AQUATIC PARADISE. - 2.0m SOVEREIGN WATERS.
- 4 POOL OVERFLOW MUST BE DIRECTED TO STREET. POOL MUST HAVE OVERFLOW FITTED.
- 5 WALL AND FLOOR OF POOL TO SUPPORT WATER PRESSURE. NO LOAD ON EXCAVATION ≈ 2.0 HPa.
- 6 SOLID FENCING (I.E. GLASS PANEL) NOT TO BE ATTACHED TO REVEMENT WALL. "OPERI STYLE" METAL FENCING (STANDARD POOL FENCE) 1800mm HIGH WITH 8mm BALUSTERS AT 116mm CENTRES PERMITTED. SEE P1-RC-005 FOR DETAIL.



TYPICAL POOL CROSS SECTION
NOT TO SCALE

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A	ORIGINAL ISSUE	W/P	DATE	APPROVED			
	REVISIONS						



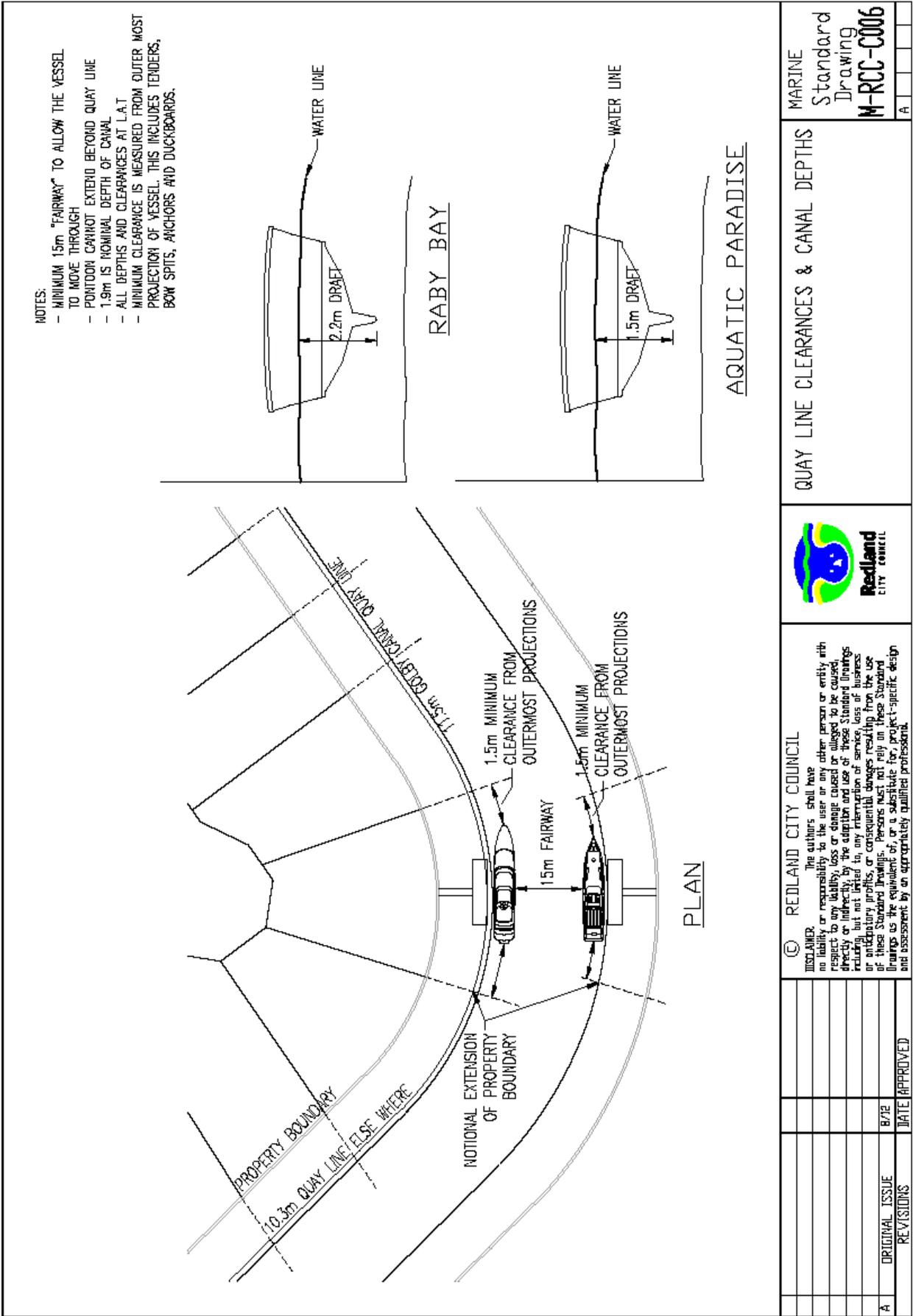
MARINE
Standard
Drawing
M-RCC-005

FENCING DETAILS
AQUATIC PARADISE & RABY BAY



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REVISIONS		DATE	APPROVED
A	ORIGINAL ISSUE		



REPORT/MODEL 11.09.04 Heritage Places Register

Amendment – 11.09.04 Schedule 4 - Heritage Places Register

Explanation (1)

The Heritage Place and Character Precinct Overlay in the planning scheme reflects State and Local Heritage Places as listed in Schedule 4 – Heritage Places Register (below). The purpose of the Heritage Overlay is to identify State and Local Heritage Places in the Redlands.

The RPS identifies State Heritage to ensure consistency between the Queensland Heritage Register 1992 and planning scheme. The planning scheme provisions and the Overlay also recognise sites adjoining State Heritage Places. The amendment consists of the addition of a State Heritage place to the Register, the Ormiston Fellmongery and a change to the property name, heritage significance and inclusion of two additional property descriptions for the Cleveland No.1 Cemetery (Pioneer Cemetery). Both of these amendments reflect properties identified in the Queensland Heritage Register.

Explanation (2)

MAP 01/2013 was publicly displayed between 29 April 2014 and 13 June 2014 during which time three public submissions were received. After reviewing the public submissions in accordance with MALPI step 8, Council is proposing to make a change to MAP 01/2013.

As part of preparations for the new planning scheme the findings of a study into European heritage have been considered. This study has identified the subject three sites on Coochiemudlo Island as having heritage values of local significance and recommended the sites be included in local heritage register of the new planning scheme. Recognising that there is an intention to propose that the three sites be listed in the new planning scheme, it is recommended that this proposed listing be brought forward and the sites be listed as part of this major amendment. The change involves adding three local heritage sites onto the Heritage Places Register (Mainland) and reflecting these sites on the Heritage Place and Character Precinct Overlay.

Proposed Amendments

Schedule 4 - Heritage Places Register

Table 1 – Mainland

Property Name / Number / Street Address	Real Property Description	Summary Description of Item	Heritage Significance
Coochiemudlo Island			
Community Hall, jetty and steps	Lot 137 on SP144276 & Part of Lot 22 on SP144276	Community Hall, remnant steps from the community hall to the stone staircase at the beach and remnants of jetty timbers that remain below the High Water Mark.	Local
Norfolk Beach	Lot 24 on SP199973	Norfolk Beach – site of Mathew Flinders landing.	Local
Moreton steps and stone jetty	Lot 25 on SP199973	A series of concrete steps and a stone & concrete jetty constructed by Doug Morton	Local

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Property Name / Number / Street Address	Real Property Description	Summary Description of Item	Heritage Significance
Cleveland			
Cleveland No. 1 Cemetery (Pioneer Cemetery) 11 Lisa Street	Lot 9 on C644 Lot 11 on RP168581 Lot 101 on RP161055	Landscaped park; original site of Cleveland Cemetery	State Local
RSL Hall 44-76 Smith Street	Part of Lot 1 on CP864383	c.1928 large low set timber hall, gable roof, masonry entry	Local
Edgar Harley Pavilion, former Cleveland School of Arts Hall 44-76 Smith Street	Part of Lot 1 on CP864383	Community facility used for various social and cultural events, built c.1890 on Shore Street	Local
Former Cleveland Police Station 1-11 Passage Street	Part of Lot 10 on CP664	Low set symmetrical timber frame, hip and gable roofs c.1936	State
Cleveland War Memorial 0/33 Shore Street	Lot 9 on SP144574	c.1925 stone war memorial; Lauder	Local
St Paul's Anglican Church 76 Shore Street East	Lot 1 on RP159272	c.1874 small brick church; Gothic style; spire	State
GJ Walter Park 240 Middle Street East	Lot 66 on SP115554	Recreation reserve; promenade of pine trees near foreshore	Local
Grand View Hotel 49-51 North Street	Part of Lot 11 on RP154679	Two storey masonry hotel c.1840	State
Banyan Tree 45, 47 & 49-51 North Street	Part of Lot 6 and 7 on C14561 and Lot 11 RP154679	Massive, mature banyan tree growing between property and road reserve	Local
Cassim's Hotel (Former Cleveland Hotel) 109A Shore Street North	Lot 6 on RP884286	Single storey/two storey masonry hotel	State
Former Cleveland Lighthouse Cleveland Point	Road Reserve (Adjacent to Lot 391 on SL10999)	Timber framed hexagonal tower, narrow walkway to upper level; moved to new site	State
Street Tree 204 Middle Street	Road Reserve Near (Lot 10 on RP234061)	Large street tree near doctor's residence	Local
Ye Olde Court House Restaurant 149 Shore Street North	Lot 501 on C14568	Courthouse Restaurant; c.1853 painted brick; boat-like profile to verandah balustrade	State
"Fernleigh" 71-75 Shore Street East	Lot 14-16 on C14563	Low set timber frame residence on timber stumps	State
Norfolk Island pine trees 127 Shore Street North	Part of Lot 0 on BUP103110	Norfolk Island pine trees	State
Cleveland Central Cemetery 53-71 Wellington Street	Lot 1 on SP185725	Cleveland district's earliest non-indigenous settler families are interred; since c. 1874	Local
Cleveland Rifle Range 31 & 37 Weippin Street	Lot 37 on C145614 and Part of Lot 84 on SL12329	Formed in 1914 under the Defence Act; partly cleared bushland with a track to the site of the target mounds	Local
Ormiston			
Ormiston Fellmongery	Lot 1 on RP123669	Abattoir/Meat processing plant Wool scour. Spanned two time periods: c. 1850s-1860s, c.1890s-1920s.	State
St Andrews Anglican Church 209-213 Wellington Street	Lot 2 on RP1705	Small timber church, steep pitched gable roof	State
Empire Point Foreshore 11-13 Empire Vista	Lot 999 on RP863217	Remnants of timber jetty; extensive trees	Local
Old Bridge Hilliards Creek, 56 Hilliard Street	Lot 7 on RP807476	Remnants of timber bridge	Local
Ormiston House 277-295 Wellington Street	Part of Lot 2 on RP176653	Residential estate; listed National Trust	State

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Property Name / Number / Street Address	Real Property Description	Summary Description of Item	Heritage Significance
Wellington Point			
Wellington Point Reserve 2A Main Road	Lot 199 on SL8594	Land reserve; panoramic views; mature trees	Local
"Whepstead House" 563 Main Road	Part of Lot 2 on SP192348 and Part of Lot 0 on SP152511	Elegant 2½ storey timber frame villa and tree	State
Birkdale			
School of Arts Hall 101 Birkdale Road	Lot 130 on SL319	c.1930s high set double gable, later addition	Local
Victoria Point			
"Monkani" 11 Point O'Halloran Road	Lot 1 on RP14821	Girl Guide Hall, timber frame gable roof	Local
Redland Bay			
Foreshore, 46-72 Banana Street	Lot 167 on CP884275	Roll of Honour	Local
Moreton Bay Figs On Esplanade, corner of Moores Road	Road Reserve Opposite Lot 21 on RP46884	Moreton Bay figs	Local
Building 189 School of Arts Road	Lot 1 on SP165089	Cropped pyramid roof, exposed timber framing	Local
Cemetery 398-408 Serpentine Creek Road	Lot 260 on SL11166	Graves of many pioneering residents	State
Redland Bay School 125-141 Gordon Road	Lot 434 on SL8044	Raised timber frame school building	State
North Redland Bay Cemetery 19-27 Gordon Road	Part of Lot 2 on RP209904	Burials from 1908; headstones made of white marble, sandstone, or granite, with concrete, sandstone or metal grave surrounds	Local
Thornlands			
Thornlands Hall Dance Palais 87-95 Redland Bay Road	Part of Lot 1 on RP138577	Community Hall; built in 1938	Local
Capalaba			
The Rocks Crossing Tingalpa Creek	Part of Lot 83 on SL5432 and adjoining the creek bed	Creek crossing; remnants of the roadway "cobblestones" (c. 1850) and bridge foundations 1874	Local

Officer Recommendation

It is recommended that Council amend the Redlands Planning Scheme in accordance with the proposed amendments as outlined above.

Proposed Amendments to Zone and Overlay Mapping

Explanation

The amendments proposed to the zone and overlay mapping of the Redlands Planning Scheme through Consolidated Major Amendment Package 01/2013 were previously endorsed by Council as part of either Major Amendment Package 2A or 3A, with the exception of the Bushfire Hazard Overlay and Heritage Places and Character Precinct Overlay.

Proposed Amendments to Zone and Overlay Mapping

The proposed amendments to zone and overlay mapping are as follows:

1. Table 1: includes amendments to elevate the Redland Bay Neighbourhood Centre to a District Centre as previously proposed as part of Major Amendment Package 2A;
2. Map 1 of 3: Consolidated Major Amendment Package 01/2013 – Redland City Mainland that amends the zoning of the Redland Bay Centre from the Neighbourhood Centre zone to the District Centre zone;
3. Consolidated Major Amendment Package 01/2013 – Bushfire Hazard Overlay: Sheet 2/2;
4. Consolidated Major Amendment Package 01/2013 – Electricity Infrastructure Overlay: Sheet 2/2;
5. Consolidated Major Amendment Package 01/2013 – Flood Prone, Storm Tide and Drainage Constrained Land Overlay: Sheets 1/2 and 2/2;
6. Consolidated Major Amendment Package 01/2013 – Canal and Lakeside Structures Overlay: Sheet 1/1.
7. Consolidated Major Amendment Package 01/2013 – Heritage Place and Character Precinct Overlay: Sheet 1/2

Officer Recommendation

It is recommended that Council amend the Redlands Planning Scheme in accordance with the proposed amendments to zone and overlay mapping as detailed in:

1. Consolidated Major Amendment Package 01/2013 Zone Mapping (Map 1 of 3) and as reflected in Table 1; and
2. Consolidated Major Amendment Package 01/2013 Overlay Mapping as detailed in points 3-7 above.

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TABLE 1: Consolidated Major Amendment Package 01/2013										
LOT	PLAN	LANDNO	PROPERTYNO	UNIT	HOUSE	STREET	SUBURB	AMENDMENT SUMMARY	ZONECODE	SUBCODE
1	SP128339	303600	203867	1	131	Broadwater Terrace	Redland Bay	NC to DC	DC	
2	SP128339	303601	203868	2	131	Broadwater Terrace	Redland Bay	NC to DC	DC	
3	SP128339	303602	203869	3	131	Broadwater Terrace	Redland Bay	NC to DC	DC	
4	SP128339	303603	203871	4	131	Broadwater Terrace	Redland Bay	NC to DC	DC	
5	SP128339	303604	203872	5	131	Broadwater Terrace	Redland Bay	NC to DC	DC	
0	SP128339	303605	203873		131	Broadwater Terrace	Redland Bay	NC to DC	DC	
1	RP181623	140972	5161		133-149	Broadwater Terrace	Redland Bay	NC to DC	DC	
50	SP181361	334285	276150		136	Broadwater Terrace	Redland Bay	NC2 to DC1	DC	DC1
50	RP30542	140970	5705		144-150	Broadwater Terrace	Redland Bay	NC2 to DC1	DC	DC1
51	RP30542	140985	5705		144-150	Broadwater Terrace	Redland Bay	NC2 to DC1	DC	DC1
52	RP30542	141000	5705		144-150	Broadwater Terrace	Redland Bay	NC2 to DC1	DC	DC1
49	RP900920	162626	5705		144-150	Broadwater Terrace	Redland Bay	NC2 to DC1	DC	DC1
1	RP188274	141013	36282		152-158	Broadwater Terrace	Redland Bay	NC2 to DC1	DC	DC1
57	RP30542	141087	5706		160-162	Broadwater Terrace	Redland Bay	NC2 to DC1	DC	DC1
58	RP30542	141106	5706		160-162	Broadwater Terrace	Redland Bay	NC2 to DC1	DC	DC1
1	SP213219	352305	316940	1	165-171	Broadwater Terrace	Redland Bay	NC2 to DC1	DC	DC1
2	SP213219	352310	315720	2	165-171	Broadwater Terrace	Redland Bay	NC2 to DC1	DC	DC1

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0	SP213219	352315	315730		165-171	Broadwater Terrace	Redland Bay	NC2 to DC1	DC	DC1
173	SL7298	141334	5654		173	Broadwater Terrace	Redland Bay	NC2 to DC1	DC	DC1
174	SL7367	141352	5653		175	Broadwater Terrace	Redland Bay	NC2 to DC1	DC	DC1
175	SL7041	141369	5652		177	Broadwater Terrace	Redland Bay	NC2 to DC1	DC	DC1
1	RP90798	141019	38484		161-165	Esplanade	Redland Bay	NC2 to DC1	DC	DC1
59	RP30542	141109	5708		167	Esplanade	Redland Bay	NC2 to DC1	DC	DC1
60	RP30542	141124	5708		167	Esplanade	Redland Bay	NC2 to DC1	DC	DC1
61	RP30542	141141	5708		167	Esplanade	Redland Bay	NC2 to DC1	DC	DC1
62	RP30542	141151	5708		167	Esplanade	Redland Bay	NC2 to DC1	DC	DC1
71	RP30542	141160	5708		167	Esplanade	Redland Bay	NC2 to DC1	DC	DC1
63	RP30542	141167	5708		167	Esplanade	Redland Bay	NC2 to DC1	DC	DC1
72	RP30542	141175	5708		167	Esplanade	Redland Bay	NC2 to DC1	DC	DC1
64	RP30542	141180	5708		167	Esplanade	Redland Bay	NC2 to DC1	DC	DC1
73	RP30542	141184	5708		167	Esplanade	Redland Bay	NC2 to DC1	DC	DC1
65	RP30542	141187	5708		167	Esplanade	Redland Bay	NC3 to DC2	DC	DC2
74	RP30542	141190	5708		167	Esplanade	Redland Bay	NC2 to DC1	DC	DC1
66	RP30542	141198	5708		167	Esplanade	Redland Bay	NC3 to DC2	DC	DC2
75	RP30542	141201	5708		167	Esplanade	Redland Bay	NC2 to DC1	DC	DC1
67	RP30542	141203	5708		167	Esplanade	Redland Bay	NC3 to DC2	DC	DC2
68	RP30542	141206	5708		167	Esplanade	Redland Bay	NC3 to DC2	DC	DC2
76	RP30542	141214	5708		167	Esplanade	Redland Bay	NC2 to DC1	DC	DC1
77	RP30542	141227	5708		167	Esplanade	Redland Bay	NC2 to DC1	DC	DC1
78	RP30542	141237	5708		167	Esplanade	Redland Bay	NC2 to DC1	DC	DC1
79	RP30542	141255	5708		167	Esplanade	Redland Bay	NC3 to DC2	DC	DC2

Redland City Council 66

69	RP30542	141267	5708		167	Esplanade	Redland Bay	NC3 to DC2	DC	DC2
80	RP30542	141269	5708		167	Esplanade	Redland Bay	NC3 to DC2	DC	DC2
81	RP136364	141282	5708		167	Esplanade	Redland Bay	NC3 to DC2	DC	DC2
82	RP136364	141296	5708		167	Esplanade	Redland Bay	NC3 to DC2	DC	DC2
83	RP136364	141315	5708		167	Esplanade	Redland Bay	NC3 to DC2	DC	DC2
70	RP30542	141326	5708		167	Esplanade	Redland Bay	NC3 to DC2	DC	DC2
84	RP136364	141329	5708		167	Esplanade	Redland Bay	NC3 to DC2	DC	DC2
85	RP136364	141343	5708		167	Esplanade	Redland Bay	NC3 to DC2	DC	DC2
86	RP136364	141364	5708		167	Esplanade	Redland Bay	NC3 to DC2	DC	DC2
87	RP136364	141377	5708		167	Esplanade	Redland Bay	NC3 to DC2	DC	DC2
89	RP59297	141393	5708		167	Esplanade	Redland Bay	NC3 to DC2	DC	DC2
90	RP59297	141422	5708		167	Esplanade	Redland Bay	NC3 to DC2	DC	DC2
7	RP125241	140945	5543		143	James Street	Redland Bay	NC to DC	DC	
8	RP125241	140976	5544		149-151	James Street	Redland Bay	NC to DC	DC	
9	RP125241	141001	5545		153	James Street	Redland Bay	NC to DC	DC	
10	RP125241	141032	5546		157	James Street	Redland Bay	NC to DC	DC	
11	RP125241	141070	5547		161	James Street	Redland Bay	NC to DC	DC	
12	RP125241	141097	5548		165	James Street	Redland Bay	NC to DC	DC	
2	RP150087	140875	5142		2A	Marine Street	Redland Bay	NC2 to DC1	DC	DC1
5	RP125241	140882	5145		6	Marine Street	Redland Bay	NC to DC	DC	
6	RP125241	140884	5146		8	Marine Street	Redland Bay	NC to DC	DC	
201	RP30542	141228	5162		10	Stradbroke Street	Redland Bay	NC to DC	DC	
202	RP30542	141229	5162		10	Stradbroke Street	Redland Bay	NC to DC	DC	
1	RP212521	141125	5160		11	Stradbroke Street	Redland Bay	NC to DC	DC	
1	SP143388	305585	206062		2-8	Stradbroke Street	Redland Bay	NC to DC	DC	

Brisbane City Council

Logan City Council

Gold Coast City Council



Redland City Council
Consolidated Major Amendment Package 01/2013
Redland City Mainland
Map 1 of 3

- | | |
|----------------------------|--------------------------|
| RESIDENTIAL | CENTRE |
| SMBI Residential | District Centre |
| Urban Residential | Local Centre |
| Medium Density Residential | Major Centre |
| Low Density Residential | Neighbourhood Centre |
| Point Lookout Residential | Point Lookout Centre |
| Point Lookout Tourist | SMBI Centre |
| INDUSTRY | CONSERVATION |
| Commercial Industry | Environmental Protection |
| Island Industry | Conservation |
| General Industry | Park Residential |
| Marine Activity | Cadastral Properties |
| OTHER | Outline of RCC |
| Community Purposes | Adjoining Shires |
| Rural Non Urban | |
| Open Space | |
| Emerging Urban Community | |
| Investigation Zone | |

BUSHFIRE HAZARD OVERLAY

Sheet 2/2

- | | | | |
|---|------------------------|---|-------------------------------|
|  | High Bushfire Hazard |  | Cadastral Properties |
|  | Medium Bushfire Hazard |  | Outline of RCC |
|  | SMBI Bushfire Hazard |  | Local Authorities outside RCC |

Notation

Land identified within the Medium and High Bushfire Hazard and Southern Moreton Bay Islands Bushfire Hazard areas have been designated by Council as bushfire prone areas for the purposes of the Building Regulation 2006 (section 12) and the BCA under Council resolution dated 4 August 2010.

The construction of a Dwelling House or Domestic Outbuilding is Exempt development for planning purposes under this overlay. Refer to the National Construction Code Series 2013 Part 3 7.4 Bushfire Areas and Australian Standard AS3959-2009 for determining the construction requirements for Class 1 and 10 buildings in Bushfire designated areas.

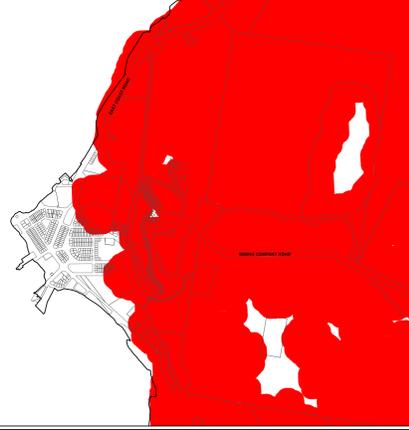
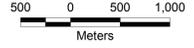


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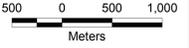
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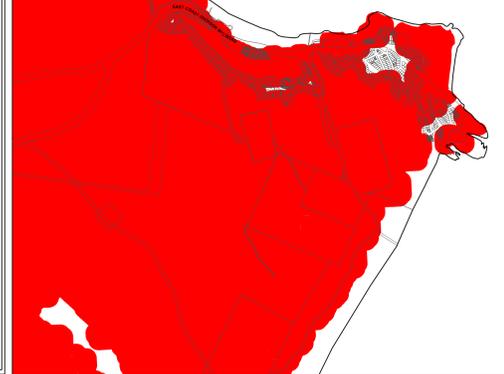
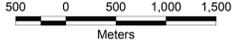
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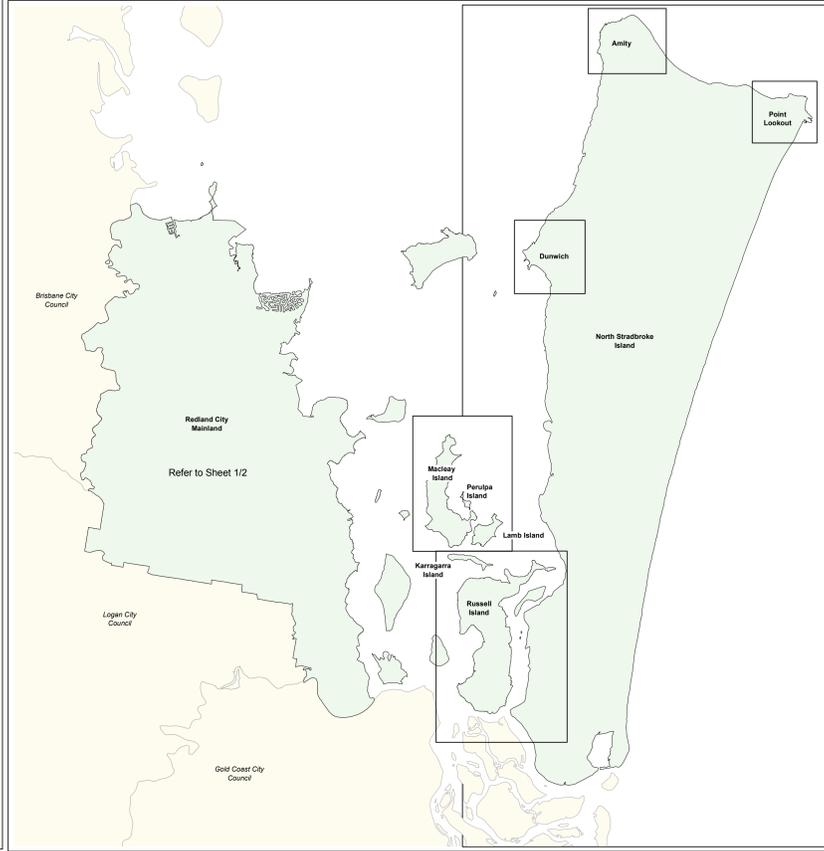
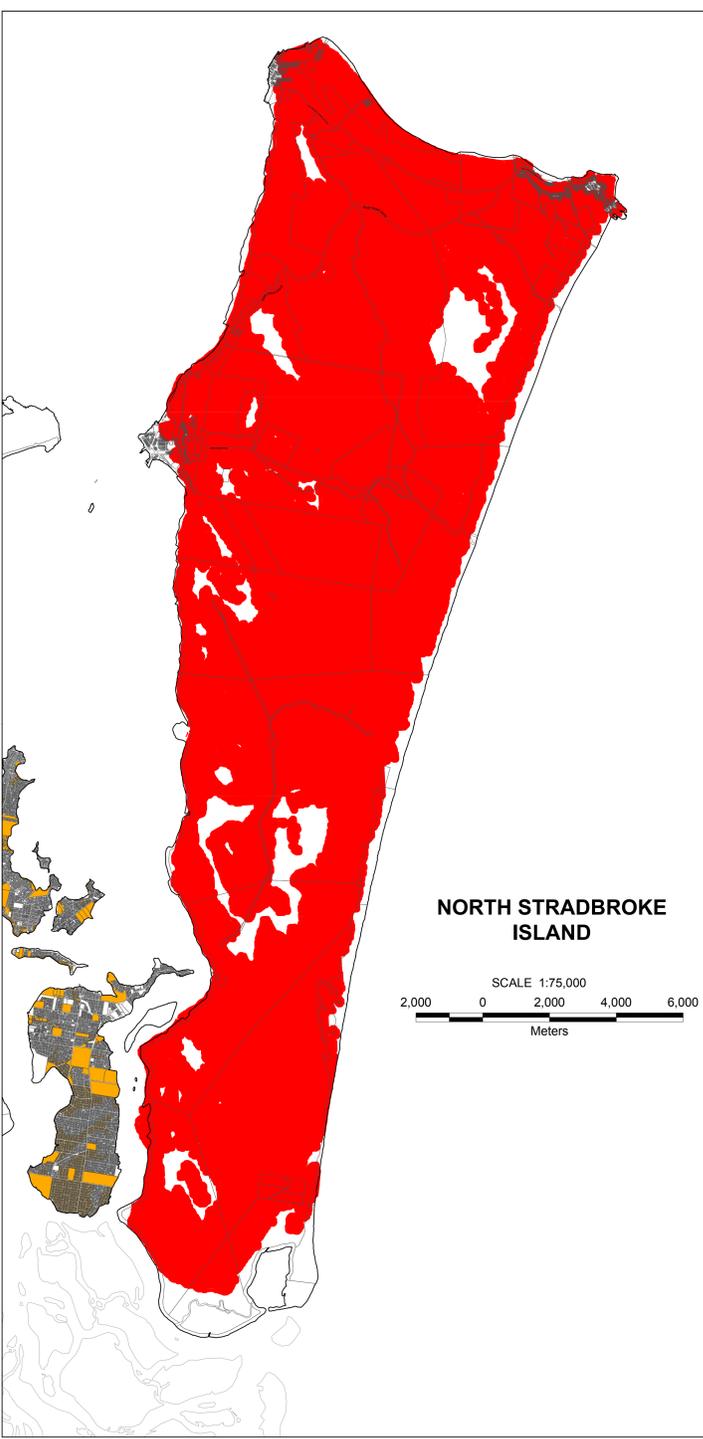
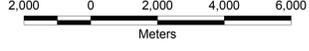
POINT LOOKOUT

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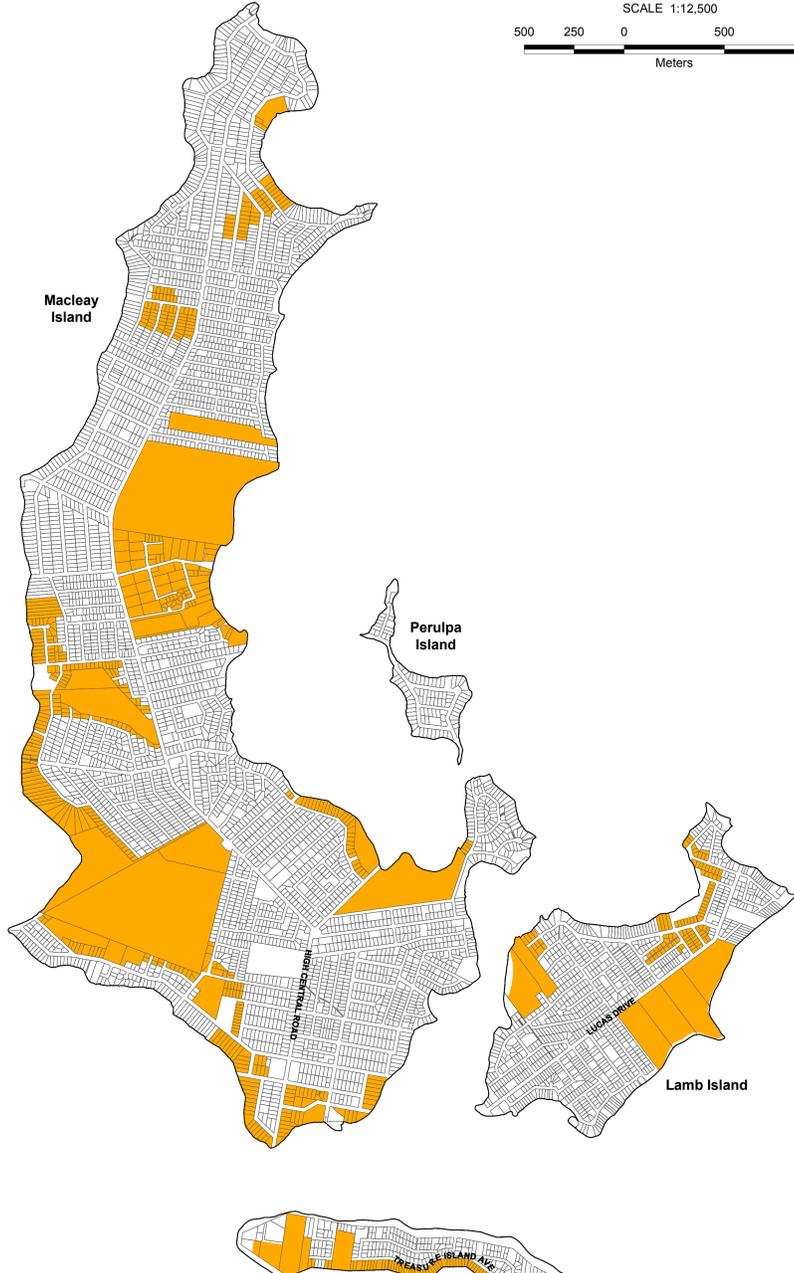
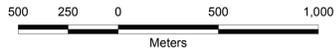
NORTH STRADBROKE ISLAND

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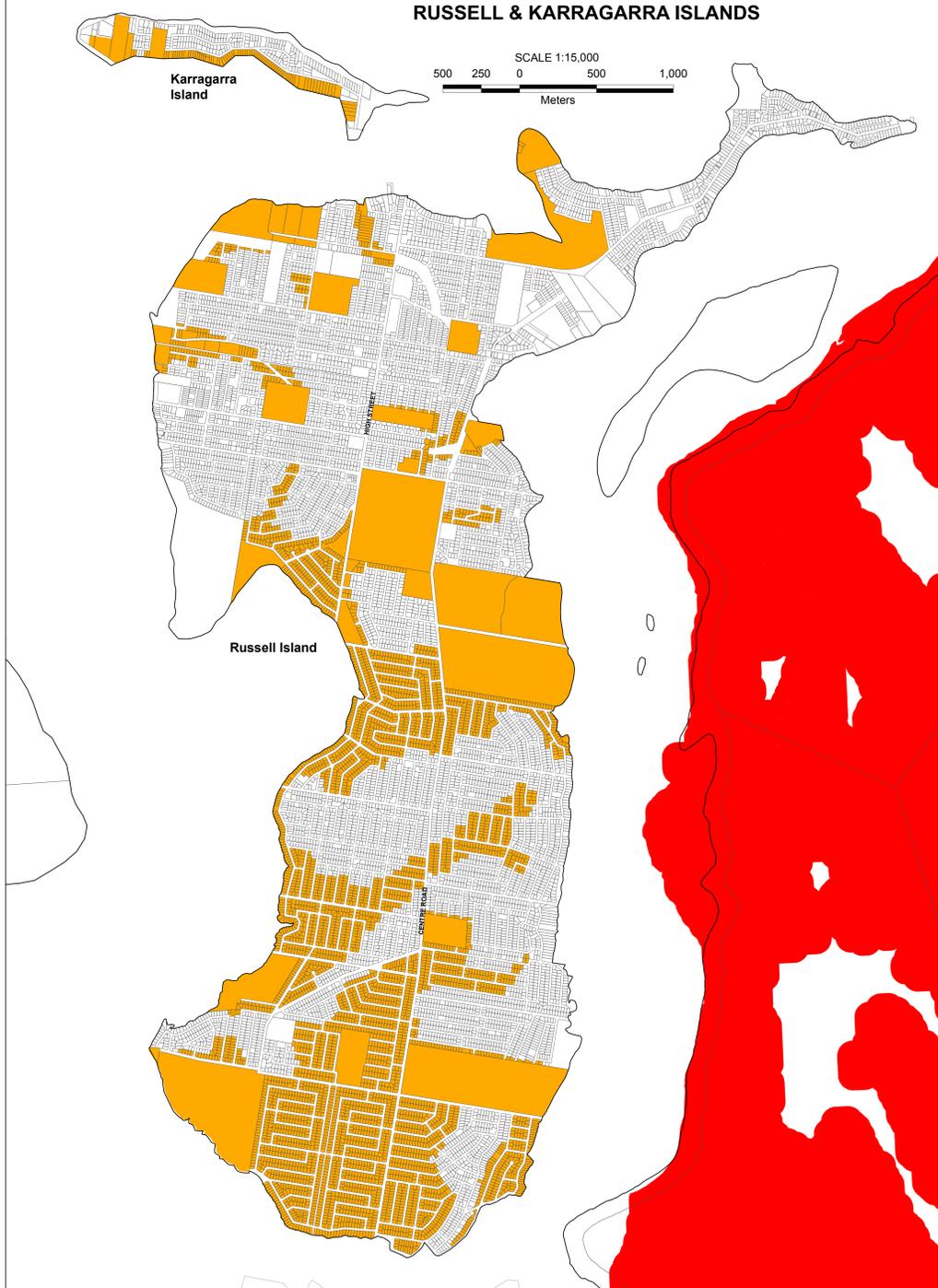
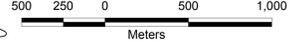
MACLEAY, LAMB & PERULPA ISLANDS

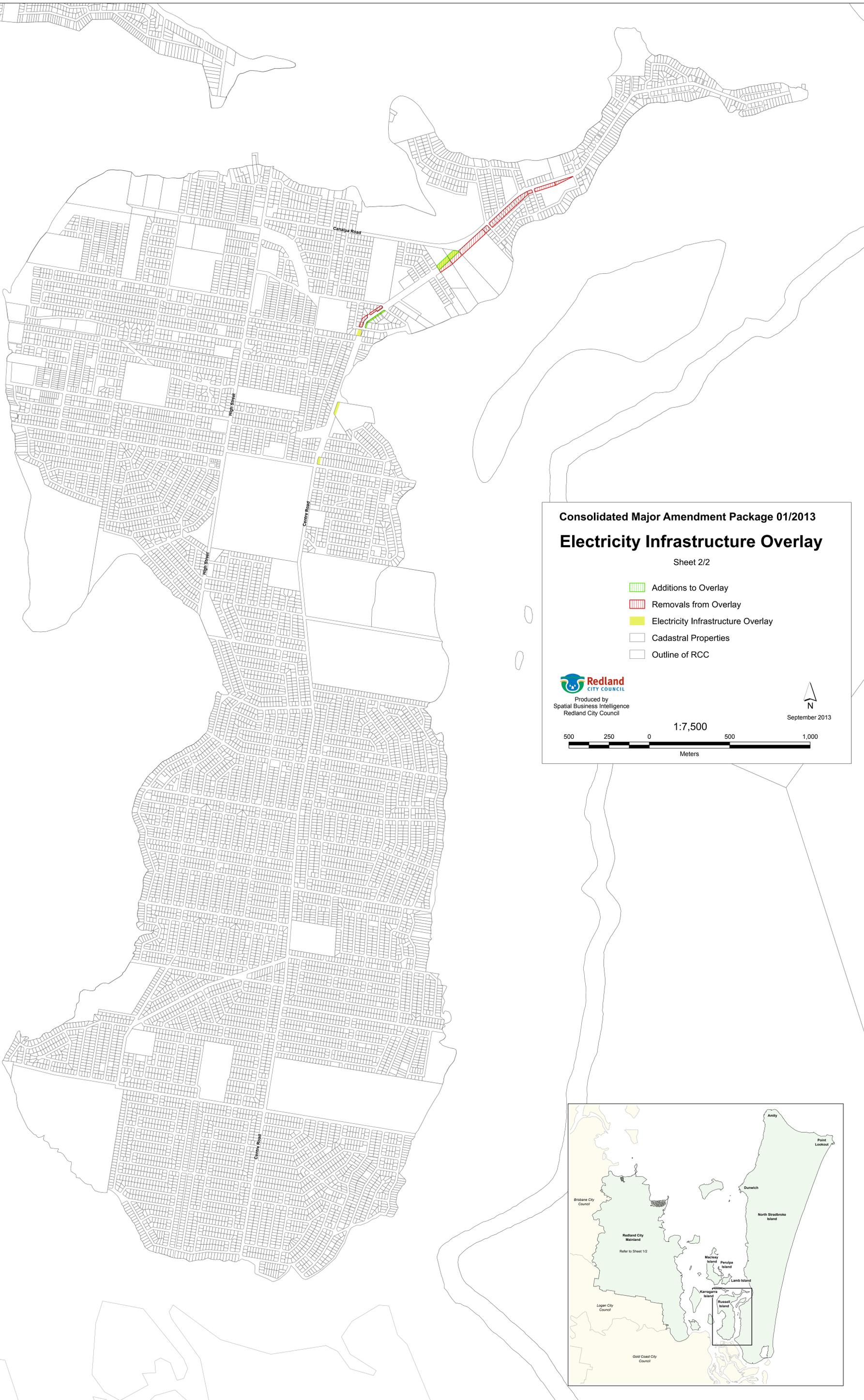
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RUSSELL & KARRAGARRA ISLANDS

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Consolidated Major Amendment Package 01/2013
Electricity Infrastructure Overlay

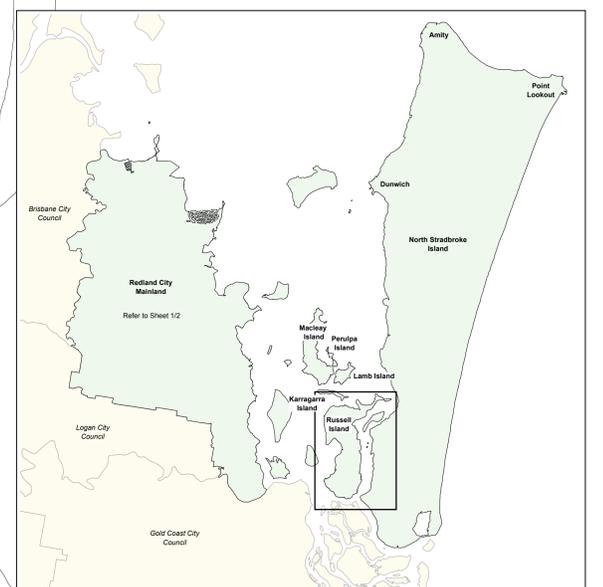
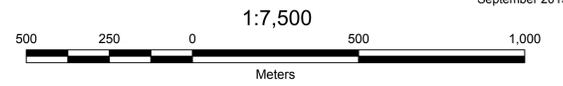
Sheet 2/2

-  Additions to Overlay
-  Removals from Overlay
-  Electricity Infrastructure Overlay
-  Cadastral Properties
-  Outline of RCC


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September 2013



**Consolidated Major Amendment Package 01/2013
FLOOD PRONE, STORM TIDE AND
DRAINAGE CONSTRAINED LAND OVERLAY**

Sheet 1/2

Legend

- | | |
|---|---|
|  Flood Prone Area |  Cadastral Properties |
|  Storm Tide Area |  Outline of RCC |
|  Additions to Overlay |  Local Authorities outside RCC |
|  Removals from Overlay | |

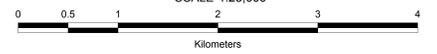
Notation

For the purpose of this planning scheme overlay mapping the defined flood event (DFE) for the planning scheme area is the 1 percent Annual Exceedance Probability (1 in 100 year Average Recurrence Interval) for flood and storm tide (RL2.4 metre Australian Height Datum) level.



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Spatial Business Intelligence
Redland City Council

SCALE 1:25,000

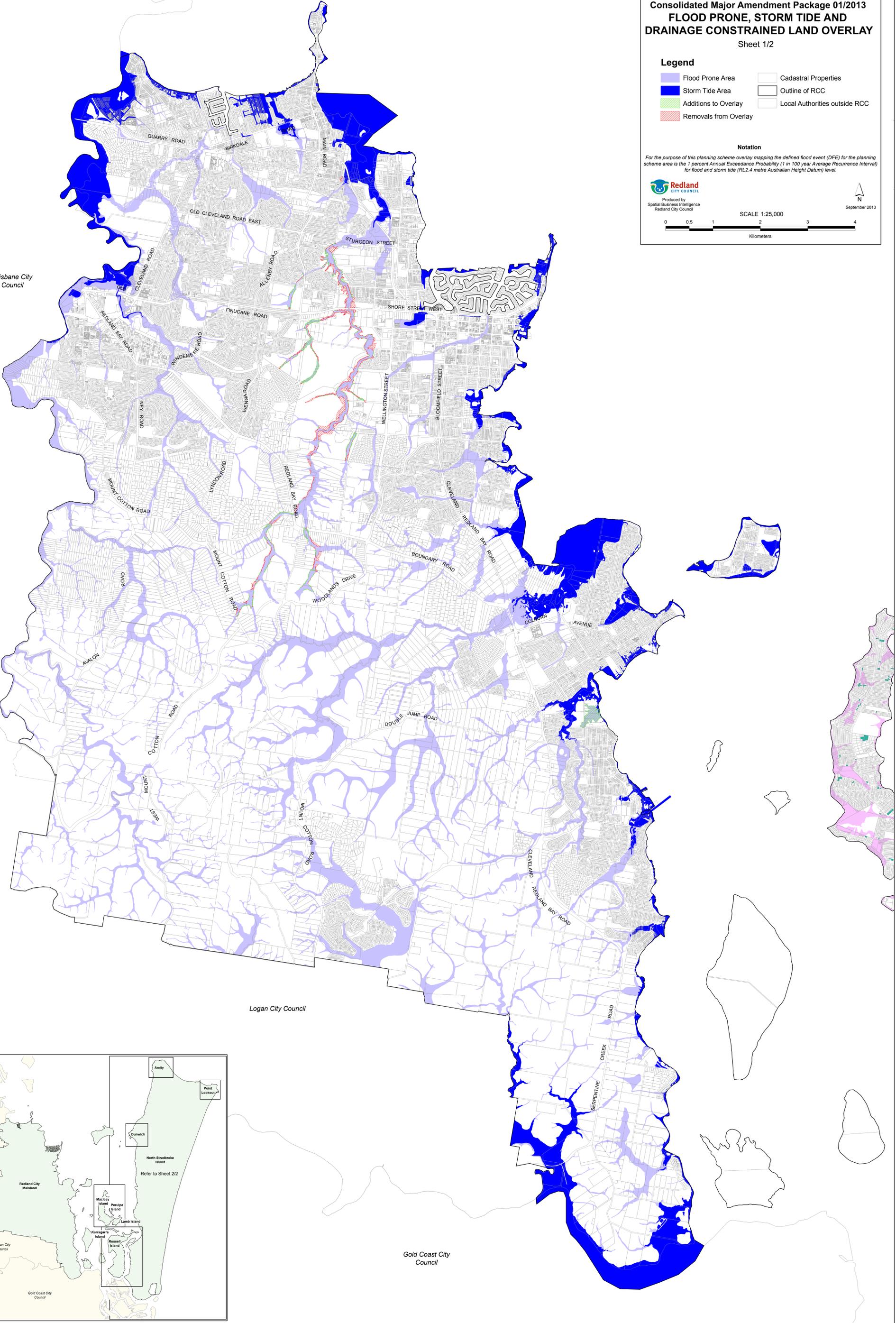
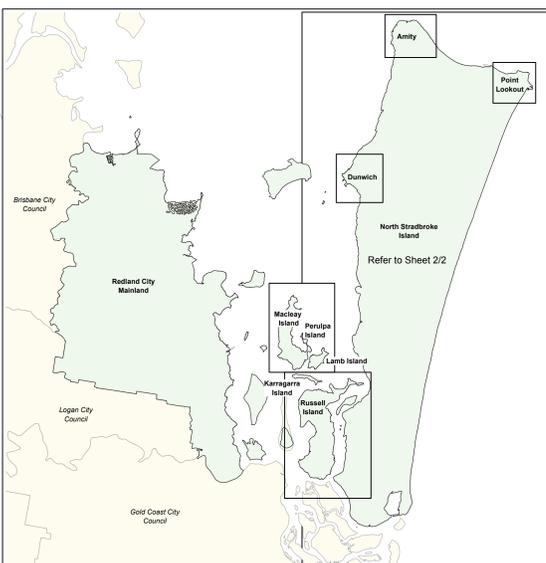


September 2013

Brisbane City Council

Logan City Council

Gold Coast City Council



Consolidated Major Amendment Package 01/2013
**FLOOD PRONE, STORM TIDE AND DRAINAGE
 CONSTRAINED LAND OVERLAY**

Sheet 2/2

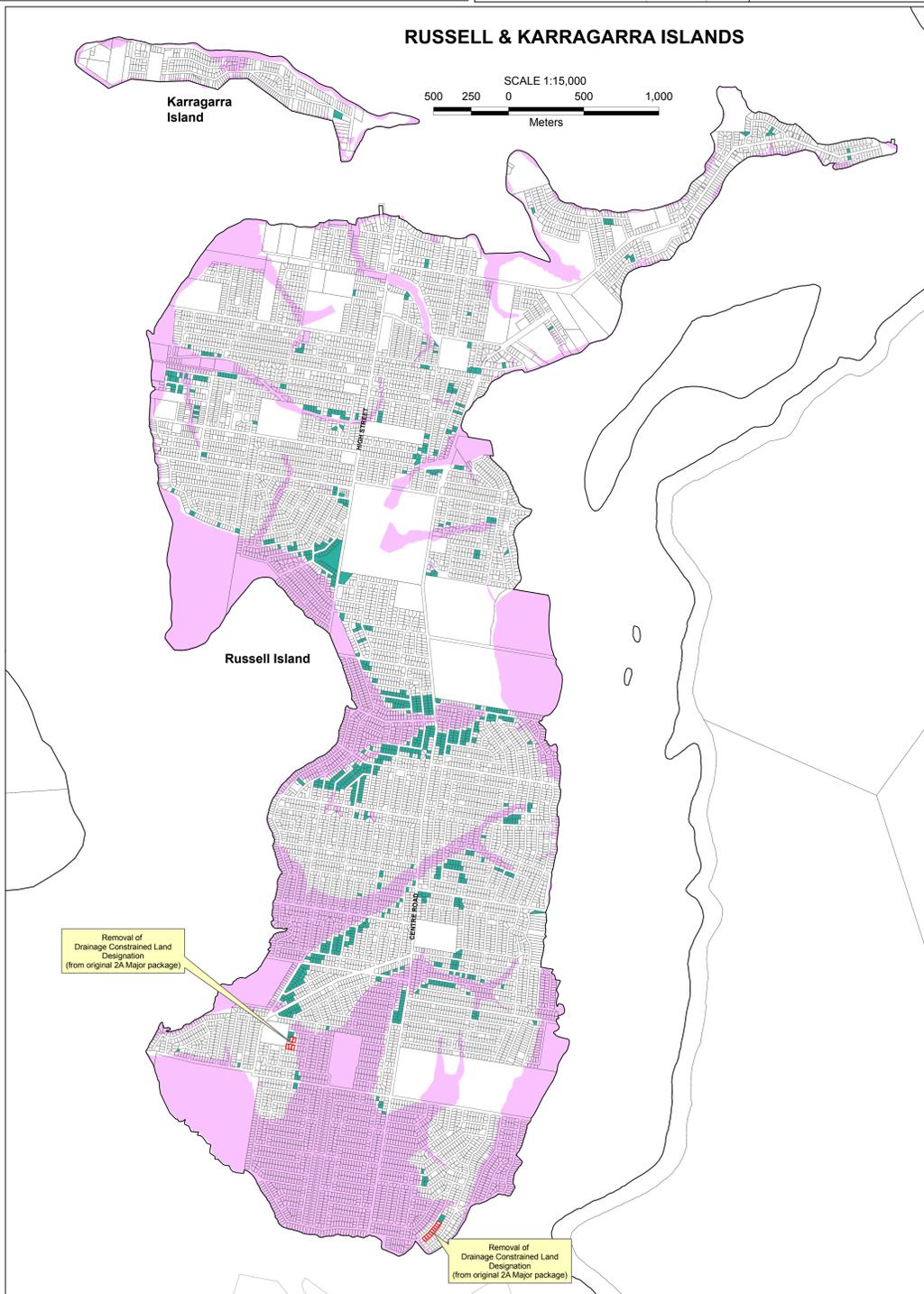
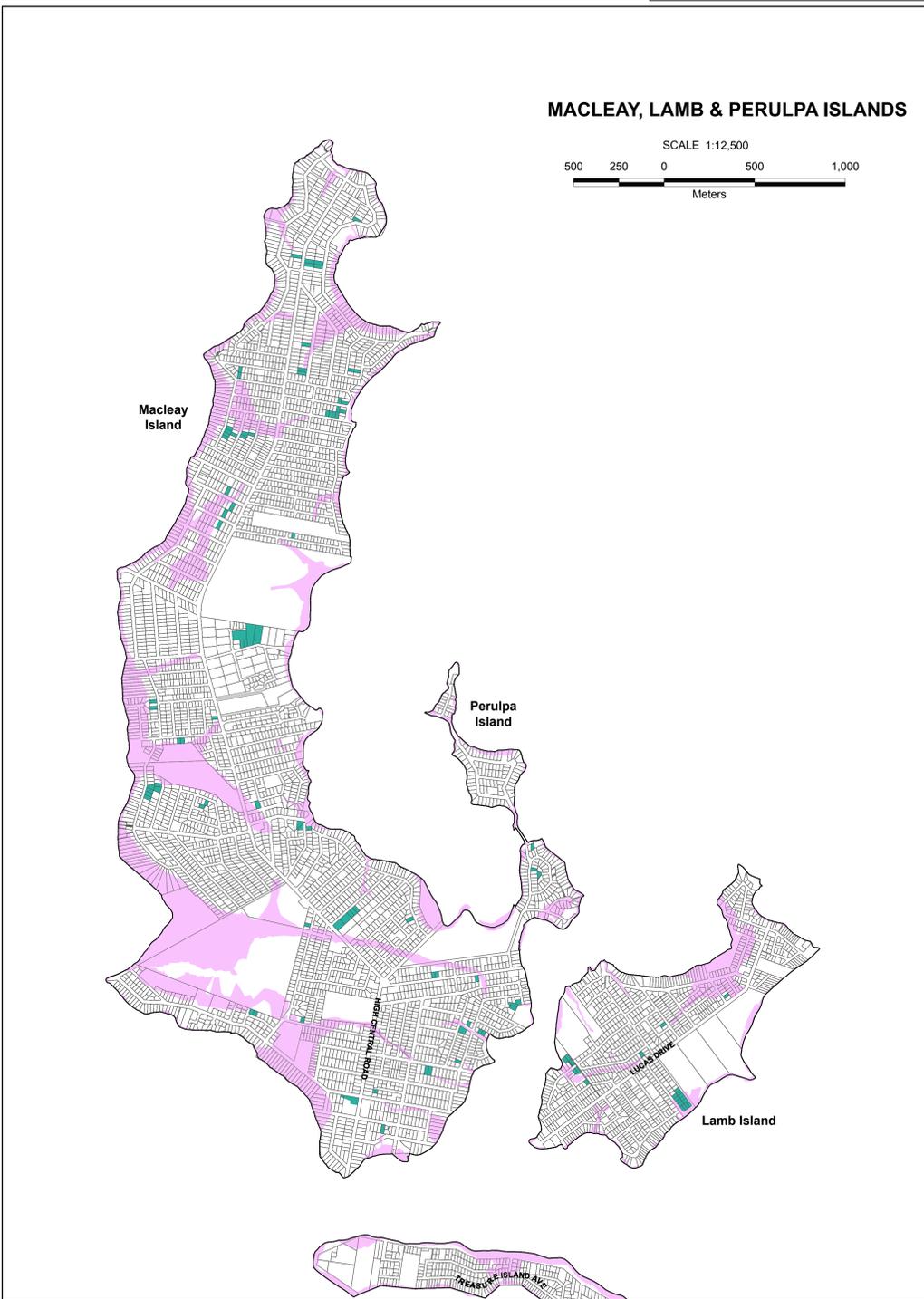
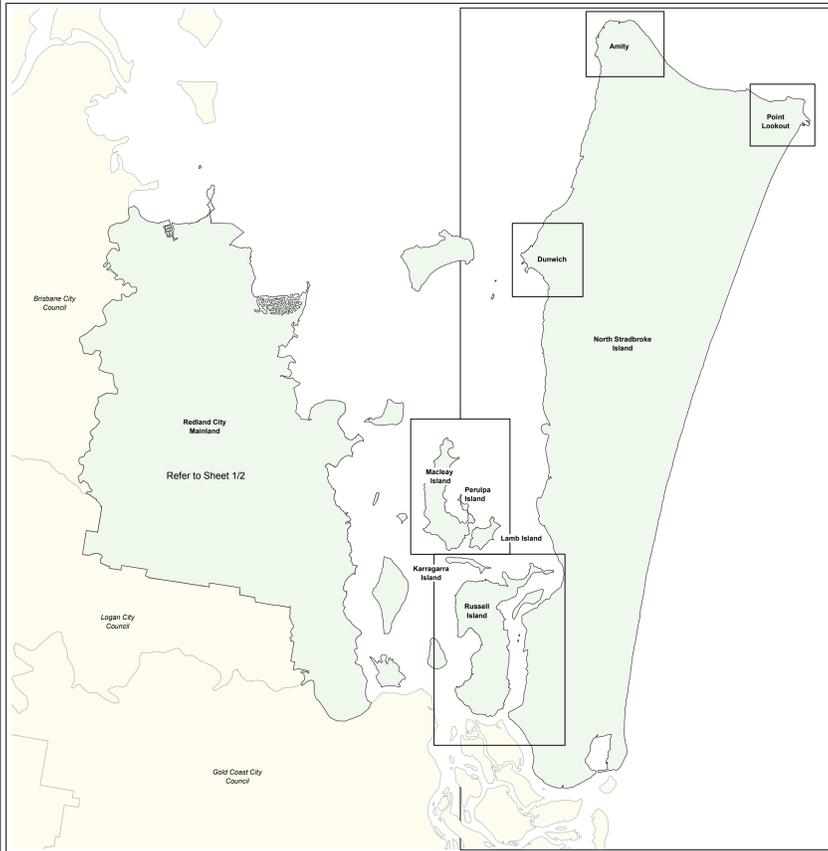
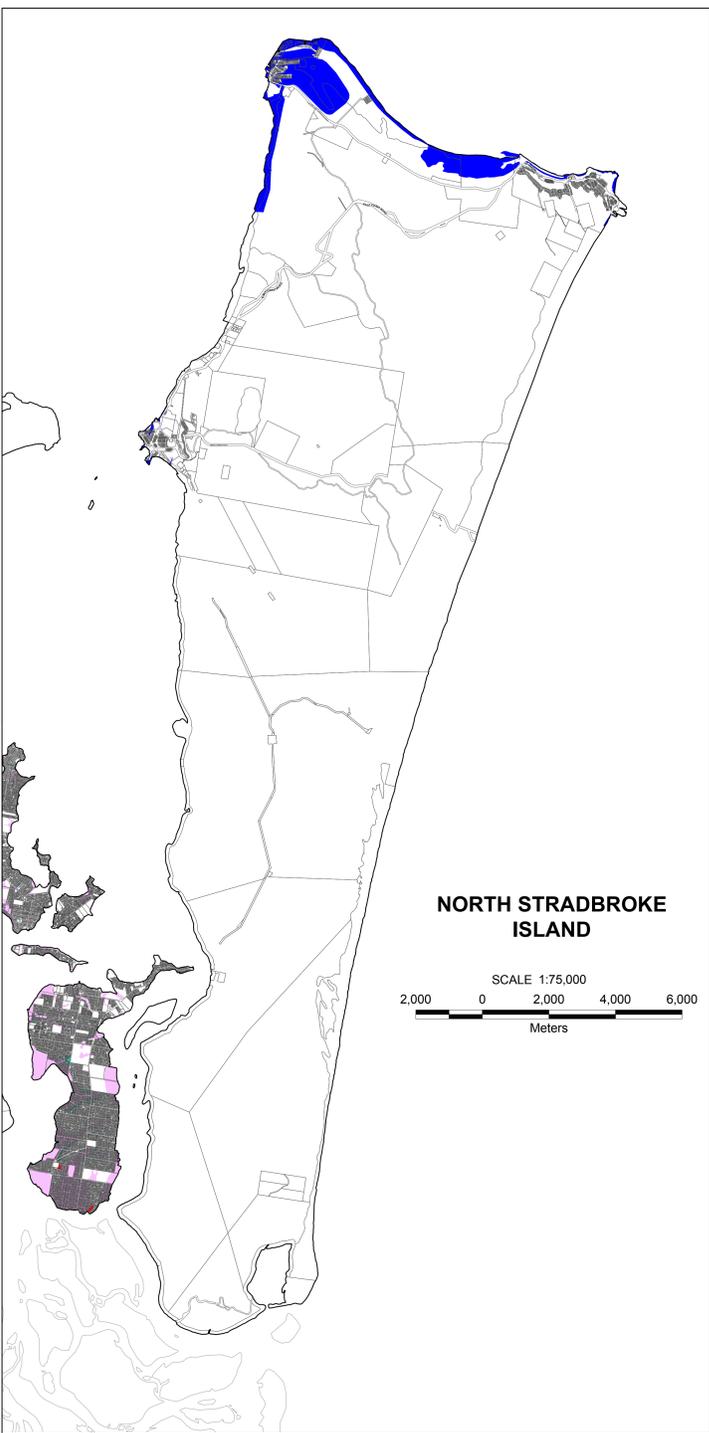
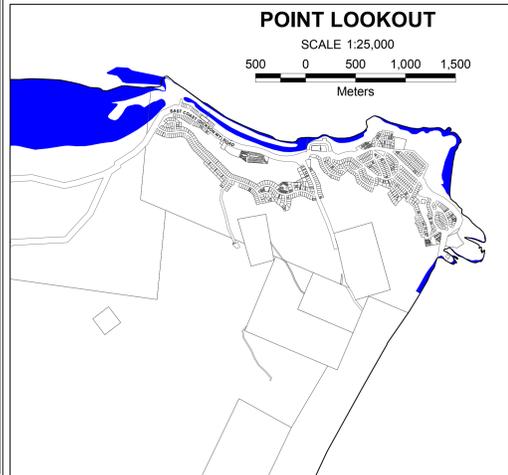
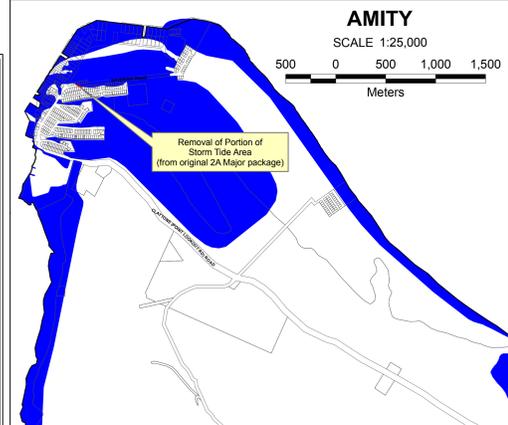
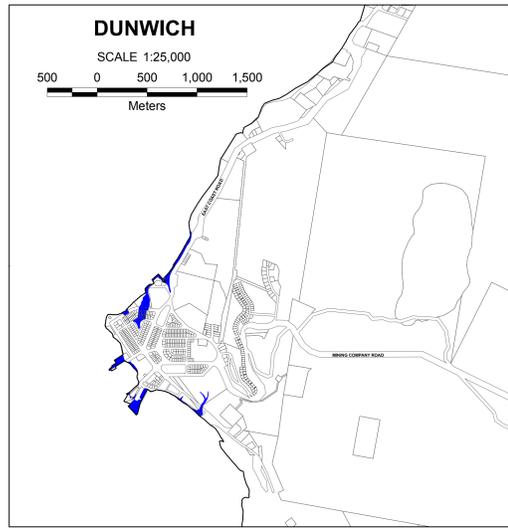
-  Storm Tide Area
-  SMI Flood Prone and Storm Tide Area
-  Drainage Constrained Land
-  Removals from RPSV3 Overlay
-  Cadastral Properties
-  Outline of RCC
-  Local Authorities outside RCC

Notation

For the purpose of this planning scheme overlay mapping the defined flood event (DFE) for the planning scheme area is the 1 percent Annual Exceedance Probability (1 in 100 year Average Recurrence Interval) for flood and storm tide (RL2.4 metre Australian Height Datum) level.



September 2013



Consolidated Major Amendment Package 01/2013
HERITAGE PLACE AND CHARACTER PRECINCT OVERLAY

Sheet 1/2

Legend

- Local Significance
- State Significance - Permanent
- Adjoining State Significance
- Tree - Local Significance
- Tree - State Significance - Permanent
- Heritage Precincts
- Cadastral Properties
- Outline of RCC
- Local Authorities outside RCC



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September 2013

See INSET A

See INSET B

Ormiston Fellmongery (Lot 1 on RP123669)
 added to State Significance.
 Adjoining parcel shown as Adjoining State Significance.

See INSET C

Cleveland No.1 Cemetry (Lot 9 on C644) changed to
 State Significance and now includes Lot 11 on RP168581,
 and Lot 101 on RP161055.
 Adjoining parcels shown as Adjoining State Significance.

INSET A - Wellington Point Character Precinct



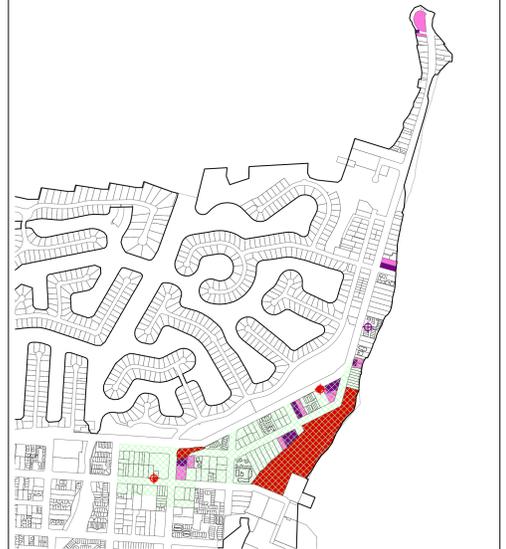
1:10,000
 Meters

INSET B - Wheapstead Character Precinct



1:10,000
 Meters

INSET C - Cleveland Point Character Precinct

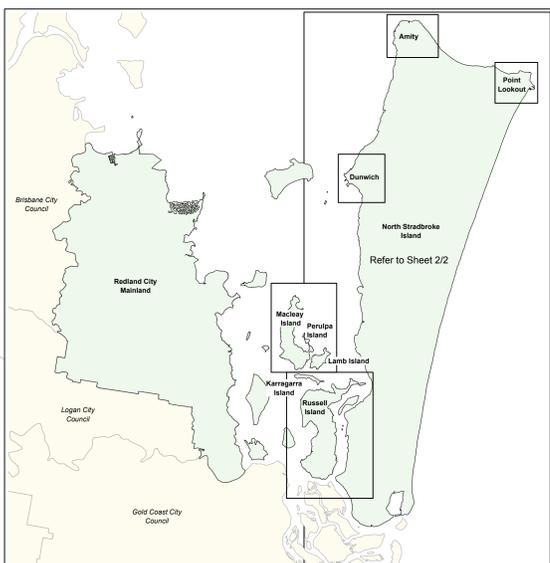


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Brisbane City Council

Logan City Council

Gold Coast City Council



Redlands Planning Scheme

Submission Review Report

July 2014



Consolidated Major Amendment Package 01/2013

OUR redlands...OUR future

Executive Summary

Major Amendment Package 01/2013 (MAP 01/2013) was publicly displayed between 29 April 2014 and 13 June 2014. At the end of the public consultation period, three (3) submissions had been received. This Submission Review Report provides an overview of the submissions received and documents how Council has considered and responded to the issues raised during the consultation period.

Introduction

MAP 01/2013 is a consolidated amendment package that consists of two previous amendment packages (Major Amendment Package 2A and Major Amendment Package 3A) as well as a small number of additional 'major' amendments

The public display of MAP 01/2013 between 29 April 2014 and 13 June 2014 was undertaken in accordance with the *Sustainable Planning Act 2009* and *Statutory Guideline 01/14: Making and Amending Local Planning Instruments (MALPI)*. The public display involved:

- Placing a notice in the Redland Times newspaper on Friday April 11, 2014;
- Placing a notice in the Local Government Gazette on Friday April 11, 2014;
- Placing a notice on the Redland City Council home page and creating a web page to host the content for MAP 01/2013;
- Placing notices on the noticeboards of Council's Administration Centres at Cleveland and Capalaba.

At the close of the display period, Council had received three (3) properly made submissions. Two submissions were received in hard copy letter format and one was received via email.

This submission report provides an overview of the submissions and documents how Council has considered and responded to the issues raised by the submissions.

Table 1: Public Submissions & Response Summary

Issue Summary	Submission Reference Number	Submission Response
<p>1. Urban Residential Zone</p> <p>The proposed amendments should include an amendment to the Urban Residential Zone that ‘recognise[s] the conflict that arises with respect to Urban Residential land where such land may be deemed to be acceptable.....for Aged Persons and Special Needs Housing’.</p> <p>The submitter suggests that the Urban Residential zone inconsistent use table should be altered to read as follows (Note: highlighted text indicates proposed additional text):</p> <p style="padding-left: 40px;">Aged Persons and Special Needs Housing – except where in sub-area UR1 and sub-area UR2 or where the Sustainable Planning Act 2009 can be invoked to establish sufficient grounds to justify a use for this purpose.</p> <p>Furthermore, the submitter states that ‘Any decision making process should require Council to ensure that the amenity of the area [will not be adversely impacted] by allowing a development of that type within the land use area’.</p>	<p>1</p>	<p><u>Officer Comments</u></p> <p>Council is not proposing to make an amendment to this particular section of the Inconsistent Use Table in the Urban Residential Zone (URZ) Code as part of Major Amendment Package 01/2013. The submitter has therefore raised a new and separate matter.</p> <p>In the submission, it is suggested that additional text (highlighted below) be inserted into the Inconsistent Use Table of the Urban Residential Zone code to reference the Sustainable Planning Act 2009:</p> <p style="padding-left: 40px;">Aged Persons and Special Needs Housing – Except where in sub area UR1, sub area UR2 or where the Sustainable Planning Act 2009 can be invoked to establish sufficient grounds to justify a use for this purpose.</p> <p>Whilst it is acknowledged that potential conflicts may arise with Aged Persons and Special Needs Housing on land zoned as Urban Residential, the suggested amendment simply reflects the current requirements of the <i>Sustainable Planning Act 2009</i>. For example, the <i>Sustainable Planning Act 2009</i> requires that an assessment manager’s decision must not conflict with a relevant local planning instrument unless there are sufficient grounds (sections 326(1)(b) & 329(1)(b)) to justify the conflict. In this regard, the change proposed by the submitter replicates what is already required by State planning legislation. Accordingly, the change proposed by the submitter would replicate what is already required by State planning legislation.</p> <p>It should be noted that if this amendment was accepted, every inconsistent use in</p>

Table 1: Public Submissions & Response Summary

Issue Summary	Submission Reference Number	Submission Response
		<p>the RPS would need a similar amendment.</p> <p>In addition, it is noted that the Urban Residential Zone code contains provisions that protect existing residential amenity and these provisions need to be addressed by all development applications in the Urban Residential zone, including for Aged Care and Special Needs Housing.</p> <p>Outcome:</p> <p>No changes are recommended to MAP 01/2013 based on this submission</p>
<p>2. Heritage Matters</p> <p>The inclusion of 3 sites of local heritage significance in the Heritage Places Register of the Redlands Planning Scheme should be considered. The sites are:</p> <ul style="list-style-type: none"> • Coochiemudlo Island Community Hall, Jetty and Steps; • Norfolk Beach – site of Matthew Flinders’ landing in 1799; • Morton Steps and Stone Jetty (built by Douglas Morton MM). 	<p>2 & 3</p>	<p>Officer Comments</p> <p>The submissions are supported by the findings of a study into European heritage that has been prepared as a background study to the new planning scheme.</p> <p>This study confirms that the subject three sites on Coochiemudlo Island have heritage values of local significance and recommends the sites be included in the local heritage register of the new planning scheme. Recognising the local heritage and that there is an intention to propose that the three sites be listed in the new planning scheme, it is recommended that this proposed listing be brought forward and the sites be listed as part of this major amendment.</p> <p>Outcome: It is recommended that MAP 01/2013 be amended by adding the three sites on Coochiemudlo Island into the Heritage Places Register of the Redlands Planning Scheme as sites of local heritage significance.</p>

Redlands Planning Scheme

Attachment 3

July 2014



Minor Zone and Overlay Mapping Changes

OUR redlands...OUR future

Proposed Amendments to Zone and Overlay Mapping

Explanation

The amendments proposed to the zone and overlay mapping of the Redlands Planning Scheme are considered minor in nature in accordance with *Statutory Guideline 01/14: Making and Amending Local Planning Instruments* section 2.2.3(a) because they reflect development approvals previously granted by Council.

Proposed Amendments to Zone and Overlay Mapping

The proposed amendments to zone and overlay mapping are as follows:

1. Table 1: includes minor zoning amendments to reflect recent Council development approvals;
2. Table 2 (Bushfire Hazard Overlay): includes minor overlay amendments to reflect recent Council development approvals;
3. Table 3 (Habitat Protection Overlay): includes minor overlay amendments to reflect recent Council development approvals;
4. Table 4 (Flood Prone, Storm Tide and Drainage Constrained Land Overlay): includes minor overlay amendments to reflect recent Council development approvals;
5. Table 5 (Protection of the Poultry Industry Overlay): includes minor overlay amendments to reflect recent Council development approvals;
6. Map 1: Minor zoning amendments
7. Map 2: Bushfire Hazard Overlay amendments
8. Map 3: Habitat Protection Overlay amendments
9. Map 4: Flood Prone, Storm Tide and Drainage Constrained Land Overlay amendments
10. Map 5: Protection of the Poultry Industry Overlay amendments

Officer Recommendation

It is recommended that Council amend the Redlands Planning Scheme in accordance with the proposed amendments to zone and overlay mapping as detailed in:

1. Minor amendment zone changes as reflected in Table 1 and Map 1; and
2. Minor amendment overlay changes as reflected in Tables 2 – 5 and Maps 2-5.

Redland City Council 2

TABLE 1: Minor Amendment - Zone Changes							
LANDNO	PROPERTY NO	LOT	PLAN	HOUSE_NOS	STREET	SUBURB	AMENDMENT SUMMARY
366920	347750	2	SP219225	104-106	Spurs Drive	Wellington Point	LDR to UR
366925	347760	3	SP219225	18-22	Nelson Road	Wellington Point	LDR to UR
366935	347780	5	SP219225	94	Spurs Drive	Wellington Point	Part LDR/UR to UR
366940	347790	6	SP219225	96	Spurs Drive	Wellington Point	Part LDR/UR to UR
366945	347800	7	SP219225	98	Spurs Drive	Wellington Point	Part LDR/UR to UR
366950	347810	8	SP219225	100	Spurs Drive	Wellington Point	Part LDR/UR to UR
366955	347820	9	SP219225	102	Spurs Drive	Wellington Point	Part LDR/UR to UR
366960	347830	10	SP219225	131	Spurs Drive	Wellington Point	LDR to UR
366965	347840	11	SP219225	129	Spurs Drive	Wellington Point	Part LDR/UR to UR
367120	348170	24	SP198900	88	Brookvale Drive	Victoria Point	Part CN/UR to UR
367125	348180	25	SP198900	86	Brookvale Drive	Victoria Point	Part CN/UR to UR
367130	348190	100	SP198900	111-141	Brookvale Drive	Victoria Point	Part CN/UR/OS to CN
367190	348310	12	SP260959	31	Counihan Street	Ormiston	Part UR/OS to UR
367195	348320	100	SP260959	30	Como Street	Ormiston	UR to OS
367205	348340	201	SP261302	110	Bunker Road	Victoria Point	EUC to UR
367210	348350	202	SP261302	108	Bunker Road	Victoria Point	EUC to UR
367215	348360	203	SP261302	106	Bunker Road	Victoria Point	EUC to UR
367220	348370	204	SP261302	104	Bunker Road	Victoria Point	EUC to UR
367225	348380	205	SP261302	102	Bunker Road	Victoria Point	EUC to UR
367230	348390	206	SP261302	100	Bunker Road	Victoria Point	EUC to UR
367235	348400	207	SP261302	9	Bell View Street	Victoria Point	EUC to UR
367240	348410	208	SP261302	11	Bell View Street	Victoria Point	EUC to UR
367245	348420	209	SP261302	13	Bell View Street	Victoria Point	EUC to UR
367250	348430	210	SP261302	15	Bell View Street	Victoria Point	EUC to UR
367255	348440	211	SP261302	17	Bell View Street	Victoria Point	EUC to UR
367260	348450	212	SP261302	20	Bell View Street	Victoria Point	EUC to UR

Redland City Council 3

TABLE 1: Minor Amendment - Zone Changes							
LANDNO	PROPERTY NO	LOT	PLAN	HOUSE_NOS	STREET	SUBURB	AMENDMENT SUMMARY
367265	348460	213	SP261302	18	Bell View Street	Victoria Point	EUC to UR
367270	348470	214	SP261302	16	Bell View Street	Victoria Point	EUC to UR
367275	348480	215	SP261302	14	Bell View Street	Victoria Point	EUC to UR
367280	348490	216	SP261302	12	Bell View Street	Victoria Point	EUC to UR
367285	348500	217	SP261302	10	Bell View Street	Victoria Point	EUC to UR
367290	348510	218	SP261302	8	Bell View Street	Victoria Point	EUC to UR
367295	348520	219	SP261302	6	Bell View Street	Victoria Point	EUC to UR
367300	348530	220	SP261302	4	Bell View Street	Victoria Point	EUC to UR
367305	348540	221	SP261302	2	Bell View Street	Victoria Point	EUC to UR
367310	348550	222	SP261302	1	Prospect Crescent	Victoria Point	EUC to UR
367315	348560	224	SP261302	7	Prospect Crescent	Victoria Point	EUC to UR
367320	348570	225	SP261302	9	Prospect Crescent	Victoria Point	EUC to UR
367325	348580	226	SP261302	1	Selwyn Close	Victoria Point	EUC to UR
367330	348590	227	SP261302	2	Selwyn Close	Victoria Point	EUC to UR
367335	348600	228	SP261302	3	Selwyn Close	Victoria Point	EUC to UR
367340	348610	229	SP261302	4	Selwyn Close	Victoria Point	EUC to UR
367345	348620	230	SP261302	5	Selwyn Close	Victoria Point	EUC to UR
367350	348630	231	SP261302	6	Selwyn Close	Victoria Point	EUC to UR
367355	348640	232	SP261302	15	Prospect Crescent	Victoria Point	EUC to UR
367360	348650	233	SP261302	17	Prospect Crescent	Victoria Point	EUC to UR
367365	348660	234	SP261302	19	Prospect	Victoria Point	EUC to UR

Redland City Council 4

TABLE 1: Minor Amendment - Zone Changes							
LANDNO	PROPERTY NO	LOT	PLAN	HOUSE_NOS	STREET	SUBURB	AMENDMENT SUMMARY
					Crescent		
367370	348670	235	SP261302	4	Prospect Crescent	Victoria Point	EUC to UR
367375	348680	236	SP261302	2	Prospect Crescent	Victoria Point	EUC to UR
367380	348690	237	SP261302	4	Colbet Close	Victoria Point	EUC to UR
367385	348700	238	SP261302	2	Colbet Close	Victoria Point	EUC to UR
367390	348710	301	SP261302	3	Prospect Crescent	Victoria Point	EUC to UR
367395	348720	302	SP261302	5	Prospect Crescent	Victoria Point	EUC to UR
367400	348730	605	SP261302	6-24	Prospect Crescent	Victoria Point	EUC to CN2
367710	349400	32	SP261922	1	Glencoe Street	Thornlands	Part UR1/CP7 to UR1
367805	349590	86	SP261922	1	Davenport Street	Thornlands	Part UR1/CP7 to UR1
367810	349600	87	SP261922	37	Brindabella Circuit	Thornlands	Part UR1/CP7 to UR1
367815	349610	121	SP261922	2-4	Davenport Street	Thornlands	Part UR1/CP7 to UR1
368315	350680	1	SP261308	43	Willis Close	Redland Bay	Part UR/OS to UR
368580	351210	601	SP261308	47A	Donald Road	Redland Bay	Part UR/OS to OS
368670	351390	0	SP265609	31	King Street	Thornlands	Part UR/CP7 to UR
369205	352560	989	SP266514	1	Camlet Place	Mount Cotton	UR2 to OS
366375	346610	999	SP257699	139-175A	Valley Way	Mount Cotton	UR2 to OS
366630	347160	33	SP258149	29	Colthouse Drive	Thornlands	Part UR/CP7 to UR
366635	347170	34	SP258149	27	Colthouse Drive	Thornlands	Part UR/CP7 to UR

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TABLE 1: Minor Amendment - Zone Changes							
LANDNO	PROPERTY NO	LOT	PLAN	HOUSE_NOS	STREET	SUBURB	AMENDMENT SUMMARY
366640	347180	35	SP258149	25	Colthouse Drive	Thornlands	Part UR/CP7 to UR
366645	347190	37	SP258149	2	Sandalwood Street	Thornlands	Part UR/CP7 to UR
369210	352570	990	SP266514	80-112	Taffeta Drive	Mount Cotton	Part UR2/CN to CN/OS
990658	354360	45	SP269157	69	Brindabella Circuit	Thornlands	Part UR1/CP7 to UR1
990659	354370	46	SP269157	67	Brindabella Circuit	Thornlands	Part UR1/CP7 to UR1
990671	354490	130	SP269157	65	Brindabella Circuit	Thornlands	Part UR1/CP7 to UR1
990672	354500	131	SP269157	63	Brindabella Circuit	Thornlands	Part UR1/CP7 to UR1
990673	354510	132	SP269157	61	Brindabella Circuit	Thornlands	Part UR1/CP7 to UR1
990674	354520	133	SP269157	59	Brindabella Circuit	Thornlands	Part UR1/CP7 to UR1
990675	354530	134	SP269157	57	Brindabella Circuit	Thornlands	Part UR1/CP7 to UR1
990676	354540	135	SP269157	55	Brindabella Circuit	Thornlands	Part UR1/CP7 to UR1
990677	354550	136	SP269157	53	Brindabella Circuit	Thornlands	Part UR1/CP7 to UR1
990678	354560	137	SP269157	51	Brindabella Circuit	Thornlands	Part UR1/CP7 to UR1
990679	354570	138	SP269157	49	Brindabella Circuit	Thornlands	Part UR1/CP7 to UR1
990680	354580	139	SP269157	47	Brindabella	Thornlands	Part UR1/CP7 to UR1

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TABLE 1: Minor Amendment - Zone Changes							
LANDNO	PROPERTY NO	LOT	PLAN	HOUSE_NOS	STREET	SUBURB	AMENDMENT SUMMARY
					Circuit		
990681	354590	140	SP269157	45	Brindabella Circuit	Thornlands	Part UR1/CP7 to UR1
990682	354600	141	SP269157	43	Brindabella Circuit	Thornlands	Part UR1/CP7 to UR1
		34	SP269158	91	Brindabella Circuit	Thornlands	Part UR1/CP7 to UR1
		33	SP269158	35	Goddard Road	Thornlands	Part UR1/CP7 to UR1
		35	SP269158	89	Brindabella Circuit	Thornlands	Part UR1/CP7 to UR1
		36	SP269158	87	Brindabella Circuit	Thornlands	Part UR1/CP7 to UR1
		37	SP269158	85	Brindabella Circuit	Thornlands	Part UR1/CP7 to UR1
		38	SP269158	83	Brindabella Circuit	Thornlands	Part UR1/CP7 to UR1
		39	SP269158	81	Brindabella Circuit	Thornlands	Part UR1/CP7 to UR1
		40	SP269158	79	Brindabella Circuit	Thornlands	Part UR1/CP7 to UR1
		41	SP269158	77	Brindabella Circuit	Thornlands	Part UR1/CP7 to UR1
		42	SP269158	75	Brindabella Circuit	Thornlands	Part UR1/CP7 to UR1
		43	SP269158	73	Brindabella Circuit	Thornlands	Part UR1/CP7 to UR1
		44	SP269158	71	Brindabella	Thornlands	Part UR1/CP7 to UR1

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TABLE 1: Minor Amendment - Zone Changes							
LANDNO	PROPERTY NO	LOT	PLAN	HOUSE_NOS	STREET	SUBURB	AMENDMENT SUMMARY
					Circuit		
		26	267637	20	Sandalwood Street	Thornlands	Part UR/CP7 to UR. <i>Note : Survey plan not registered as at 21/7/2014</i>
		25	267637	22	Sandalwood Street	Thornlands	Part UR/CP7 to UR. <i>Note : Survey plan not registered as at 21/7/2014</i>
		900	267637	27-35	Sandalwood Street	Thornlands	Part OS/CP7 to OS. <i>Note : Survey plan not registered as at 21/7/2014</i>
		24	267637	Not Available	Elderberry Street	Thornlands	Part UR/CP7 to UR. <i>Note : Survey plan not registered as at 21/7/2014</i>

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Table 2: Minor Amendment - Bushfire Hazard Overlay Changes (removals)								
LOT	PLAN	STATUS	LANDNO	PROPERTYNO	UNIT	HOUSE	STREET	SUBURB
212	SP261302	C	367260	348450		20	Bell View Street	Victoria Point
219	SP261302	C	367295	348520		6	Bell View Street	Victoria Point
220	SP261302	C	367300	348530		4	Bell View Street	Victoria Point
221	SP261302	C	367305	348540		2	Bell View Street	Victoria Point
222	SP261302	C	367310	348550		1	Prospect Crescent	Victoria Point
224	SP261302	C	367315	348560		7	Prospect Crescent	Victoria Point
225	SP261302	C	367320	348570		9	Prospect Crescent	Victoria Point
226	SP261302	C	367325	348580		1	Selwyn Close	Victoria Point
227	SP261302	C	367330	348590		2	Selwyn Close	Victoria Point
231	SP261302	C	367350	348630		6	Selwyn Close	Victoria Point
232	SP261302	C	367355	348640		15	Prospect Crescent	Victoria Point
233	SP261302	C	367360	348650		17	Prospect Crescent	Victoria Point
234	SP261302	C	367365	348660		19	Prospect Crescent	Victoria Point
235	SP261302	C	367370	348670		4	Prospect Crescent	Victoria Point
236	SP261302	C	367375	348680		2	Prospect Crescent	Victoria Point
237	SP261302	C	367380	348690		4	Colbet Close	Victoria Point
238	SP261302	C	367385	348700		2	Colbet Close	Victoria Point
301	SP261302	C	367390	348710		3	Prospect	Victoria Point

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Table 2: Minor Amendment - Bushfire Hazard Overlay Changes (removals)								
LOT	PLAN	STATUS	LANDNO	PROPERTYNO	UNIT	HOUSE	STREET	SUBURB
							Crescent	
302	SP261302	C	367395	348720		5	Prospect Crescent	Victoria Point
0	SP265609	C	368670	351390		31	King Street	Thornlands

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Table 3: Minor Amendment - Habitat Protection Overlay									
LOT	PLAN	STATUS	LANDNO	PROPERTYNO	UNIT	HOUSE	STREET	SUBURB	Comment
6	SP187503	C	355685	323470		14	Colbet Close	Victoria Point	
7	SP187503	C	355690	323480		17	Colbet Close	Victoria Point	
8	SP187503	C	355695	323490		3-7	Bell View Street	Victoria Point	
11	SP252567	C	366725	347350	11	40-42	Holland Crescent	Capalaba	
12	SP252567	C	366730	347360	12	40-42	Holland Crescent	Capalaba	
0	SP252567	C	366760	347420		40-42	Holland Crescent	Capalaba	Overlay removed from part of property, retained over covenant area
3	SP219225	C	366925	347760		18-22	Nelson Road	Wellington Point	
4	SP219225	C	366930	347770		92	Spurs Drive	Wellington Point	
5	SP219225	C	366935	347780		94	Spurs Drive	Wellington Point	
6	SP219225	C	366940	347790		96	Spurs Drive	Wellington Point	
600	SP219225	C	367000	347910		90	Spurs Drive	Wellington Point	
24	SP198900	C	367120	348170		88	Brookvale Drive	Victoria Point	
25	SP198900	C	367125	348180		86	Brookvale Drive	Victoria Point	
100	SP198900	C	367130	348190		111-141	Brookvale Drive	Victoria Point	Bushland Habitat category modified
12	SP260959	C	367190	348310		31	Counihan Street	Ormiston	
201	SP261302	C	367205	348340		110	Bunker Road	Victoria Point	
202	SP261302	C	367210	348350		108	Bunker Road	Victoria Point	
203	SP261302	C	367215	348360		106	Bunker Road	Victoria Point	

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Table 3: Minor Amendment - Habitat Protection Overlay									
LOT	PLAN	STATUS	LANDNO	PROPERTYNO	UNIT	HOUSE	STREET	SUBURB	Comment
204	SP261302	C	367220	348370		104	Bunker Road	Victoria Point	
205	SP261302	C	367225	348380		102	Bunker Road	Victoria Point	
206	SP261302	C	367230	348390		100	Bunker Road	Victoria Point	
207	SP261302	C	367235	348400		9	Bell View Street	Victoria Point	
208	SP261302	C	367240	348410		11	Bell View Street	Victoria Point	
209	SP261302	C	367245	348420		13	Bell View Street	Victoria Point	
210	SP261302	C	367250	348430		15	Bell View Street	Victoria Point	
211	SP261302	C	367255	348440		17	Bell View Street	Victoria Point	
212	SP261302	C	367260	348450		20	Bell View Street	Victoria Point	
213	SP261302	C	367265	348460		18	Bell View Street	Victoria Point	
214	SP261302	C	367270	348470		16	Bell View Street	Victoria Point	
215	SP261302	C	367275	348480		14	Bell View Street	Victoria Point	
216	SP261302	C	367280	348490		12	Bell View Street	Victoria Point	
217	SP261302	C	367285	348500		10	Bell View Street	Victoria Point	
218	SP261302	C	367290	348510		8	Bell View Street	Victoria Point	
219	SP261302	C	367295	348520		6	Bell View Street	Victoria Point	
220	SP261302	C	367300	348530		4	Bell View Street	Victoria Point	
221	SP261302	C	367305	348540		2	Bell View Street	Victoria Point	
222	SP261302	C	367310	348550		1	Prospect Crescent	Victoria Point	
224	SP261302	C	367315	348560		7	Prospect Crescent	Victoria Point	
225	SP261302	C	367320	348570		9	Prospect Crescent	Victoria Point	
226	SP261302	C	367325	348580		1	Selwyn Close	Victoria Point	

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Table 3: Minor Amendment - Habitat Protection Overlay									
LOT	PLAN	STATUS	LANDNO	PROPERTYNO	UNIT	HOUSE	STREET	SUBURB	Comment
227	SP261302	C	367330	348590		2	Selwyn Close	Victoria Point	
228	SP261302	C	367335	348600		3	Selwyn Close	Victoria Point	
229	SP261302	C	367340	348610		4	Selwyn Close	Victoria Point	
230	SP261302	C	367345	348620		5	Selwyn Close	Victoria Point	
231	SP261302	C	367350	348630		6	Selwyn Close	Victoria Point	
232	SP261302	C	367355	348640		15	Prospect Crescent	Victoria Point	
233	SP261302	C	367360	348650		17	Prospect Crescent	Victoria Point	
234	SP261302	C	367365	348660		19	Prospect Crescent	Victoria Point	
235	SP261302	C	367370	348670		4	Prospect Crescent	Victoria Point	
236	SP261302	C	367375	348680		2	Prospect Crescent	Victoria Point	
237	SP261302	C	367380	348690		4	Colbet Close	Victoria Point	
238	SP261302	C	367385	348700		2	Colbet Close	Victoria Point	
301	SP261302	C	367390	348710		3	Prospect Crescent	Victoria Point	
302	SP261302	C	367395	348720		5	Prospect Crescent	Victoria Point	
605	SP261302	C	367400	348730		6-24	Prospect Crescent	Victoria Point	Bushland habitat category modified
801	SP261302	C	367405	348740		26	Prospect Crescent	Victoria Point	Bushland habitat category modified
1	SP261308	C	368315	350680		43	Willis Close	Redland Bay	

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Table 3: Minor Amendment - Habitat Protection Overlay									
LOT	PLAN	STATUS	LANDNO	PROPERTYNO	UNIT	HOUSE	STREET	SUBURB	Comment
301	SP266514	C	369025	352170		3	Camlet Place	Mount Cotton	
302	SP266514	C	369030	352180		5	Camlet Place	Mount Cotton	
303	SP266514	C	369050	352250		7	Camlet Place	Mount Cotton	
304	SP266514	C	369055	352260		9	Camlet Place	Mount Cotton	
305	SP266514	C	369060	352270		11	Camlet Place	Mount Cotton	
306	SP266514	C	369065	352280		24	Camlet Place	Mount Cotton	
307	SP266514	C	369070	352290		22	Camlet Place	Mount Cotton	
308	SP266514	C	369075	352300		20	Camlet Place	Mount Cotton	
309	SP266514	C	369080	352310		18	Camlet Place	Mount Cotton	
310	SP266514	C	369085	352320		16	Camlet Place	Mount Cotton	
311	SP266514	C	369090	352330		14	Camlet Place	Mount Cotton	
312	SP266514	C	369095	352340		12	Camlet Place	Mount Cotton	
313	SP266514	C	369100	352350		10	Camlet Place	Mount Cotton	
314	SP266514	C	369105	352360		8	Camlet Place	Mount Cotton	
315	SP266514	C	369110	352370		6	Camlet Place	Mount Cotton	
316	SP266514	C	369115	352380		4	Camlet Place	Mount Cotton	
317	SP266514	C	369120	352390		2	Camlet Place	Mount Cotton	
318	SP266514	C	369125	352400		67	Taffeta Drive	Mount Cotton	
319	SP266514	C	369130	352410		69	Taffeta Drive	Mount Cotton	
320	SP266514	C	369135	352420		71	Taffeta Drive	Mount Cotton	
321	SP266514	C	369140	352430		73	Taffeta Drive	Mount Cotton	
322	SP266514	C	369145	352440		75	Taffeta Drive	Mount Cotton	
323	SP266514	C	369150	352450		77	Taffeta Drive	Mount Cotton	
324	SP266514	C	369155	352460		79	Taffeta Drive	Mount Cotton	

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Table 3: Minor Amendment - Habitat Protection Overlay									
LOT	PLAN	STATUS	LANDNO	PROPERTYNO	UNIT	HOUSE	STREET	SUBURB	Comment
325	SP266514	C	369160	352470		81	Taffeta Drive	Mount Cotton	
326	SP266514	C	369165	352480		83	Taffeta Drive	Mount Cotton	
327	SP266514	C	369170	352490		85	Taffeta Drive	Mount Cotton	
328	SP266514	C	369175	352500		87	Taffeta Drive	Mount Cotton	
329	SP266514	C	369180	352510		89	Taffeta Drive	Mount Cotton	
330	SP266514	C	369185	352520		91	Taffeta Drive	Mount Cotton	
331	SP266514	C	369190	352530		93	Taffeta Drive	Mount Cotton	
989	SP266514	C	369205	352560		1	Camlet Place	Mount Cotton	Koala Habitat category over entire parcel
990	SP266514	C	369210	352570		80-112	Taffeta Drive	Mount Cotton	Bushland habitat categories changed over parcel
1	SP264148	C	368010	350040		59-61	Hardy Road	Wellington Point	
2	SP264148	C	368015	350050		2A	Paulina Street	Wellington Point	
3	SP264148	C	368020	350060		2B	Paulina Street	Wellington Point	
4	SP264148	C	368025	350070		2C	Paulina Street	Wellington Point	

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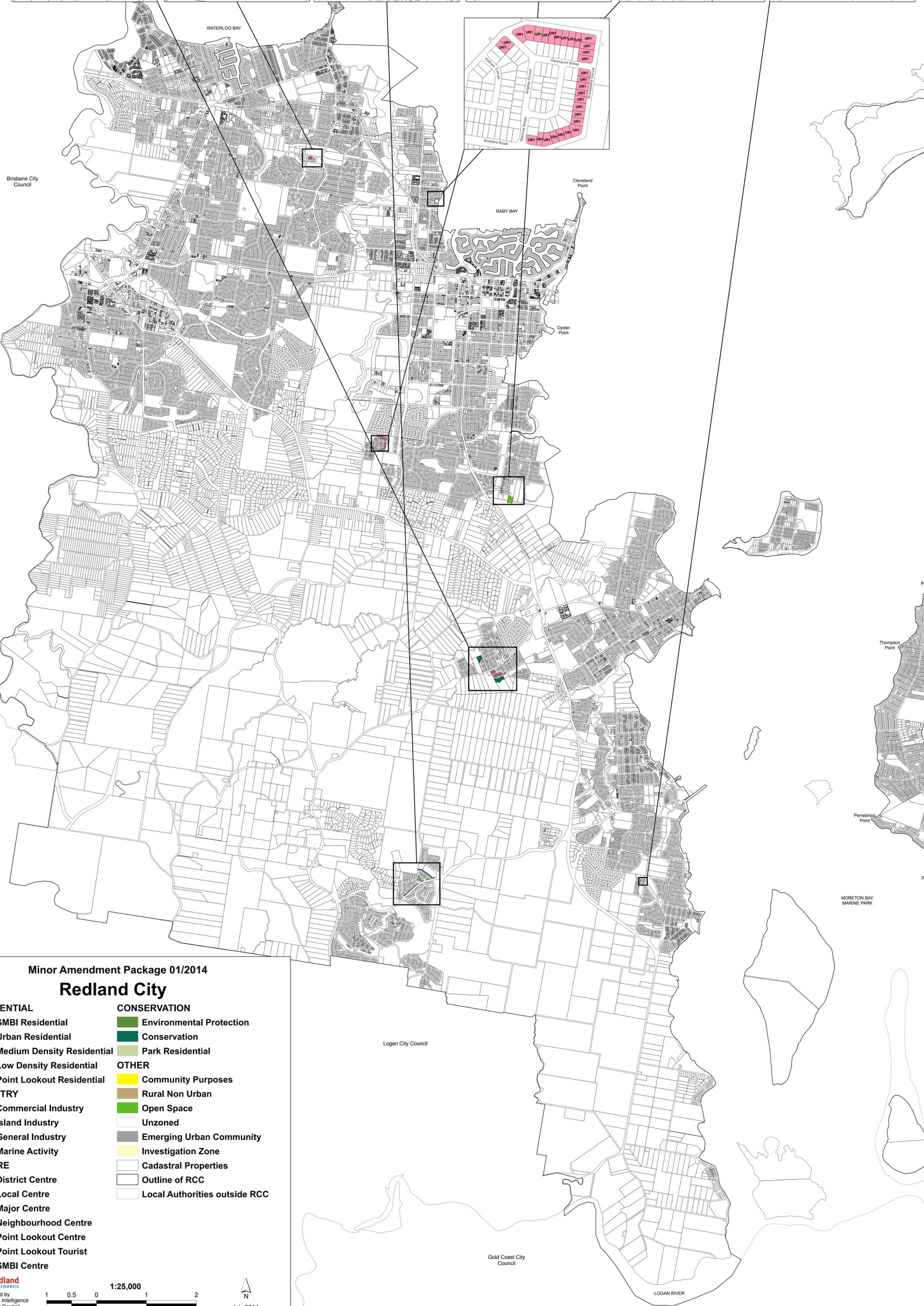
Table 4: Minor Amendment - Flood Prone, Storm Tide and Drainage Constrained Land Overlay								
LOT	PLAN	STATUS	LANDNO	PROPERTYNO	UNIT	HOUSE	STREET	SUBURB
1	SP244248	C	368220	350470	1	180-182	Thorneside Road	Thorneside
2	SP244248	C	368225	350480	2	180-182	Thorneside Road	Thorneside
3	SP244248	C	368230	350490	3	180-182	Thorneside Road	Thorneside
4	SP244248	C	368235	350500	4	180-182	Thorneside Road	Thorneside
5	SP244248	C	368240	350510	5	180-182	Thorneside Road	Thorneside
6	SP244248	C	368245	350520	6	180-182	Thorneside Road	Thorneside
8	SP244248	C	368255	350540	8	180-182	Thorneside Road	Thorneside
9	SP244248	C	368260	350550	9	180-182	Thorneside Road	Thorneside
10	SP244248	C	368265	350560	10	180-182	Thorneside Road	Thorneside
11	SP244248	C	368270	350570	11	180-182	Thorneside Road	Thorneside
12	SP244248	C	368275	350580	12	180-182	Thorneside Road	Thorneside
13	SP244248	C	368280	350590	13	180-182	Thorneside Road	Thorneside
0	SP244248	C	368290	350610		180-182	Thorneside Road	Thorneside
7	SP244248	C	368295	350620	7	180-182	Thorneside Road	Thorneside

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Table 5: Minor Amendment – Protection of the Poultry Industry Overlay								
LOT	PLAN	STATUS	LANDNO	PROPERTYNO	UNIT	HOUSE	STREET	SUBURB
201	SP261302	C	367205	348340		110	Bunker Road	Victoria Point
202	SP261302	C	367210	348350		108	Bunker Road	Victoria Point
203	SP261302	C	367215	348360		106	Bunker Road	Victoria Point
204	SP261302	C	367220	348370		104	Bunker Road	Victoria Point
207	SP261302	C	367235	348400		9	Bell View Street	Victoria Point
208	SP261302	C	367240	348410		11	Bell View Street	Victoria Point
209	SP261302	C	367245	348420		13	Bell View Street	Victoria Point
210	SP261302	C	367250	348430		15	Bell View Street	Victoria Point
211	SP261302	C	367255	348440		17	Bell View Street	Victoria Point
212	SP261302	C	367260	348450		20	Bell View Street	Victoria Point
213	SP261302	C	367265	348460		18	Bell View Street	Victoria Point
214	SP261302	C	367270	348470		16	Bell View Street	Victoria Point
215	SP261302	C	367275	348480		14	Bell View Street	Victoria Point
216	SP261302	C	367280	348490		12	Bell View Street	Victoria Point
217	SP261302	C	367285	348500		10	Bell View Street	Victoria Point
218	SP261302	C	367290	348510		8	Bell View Street	Victoria Point
219	SP261302	C	367295	348520		6	Bell View Street	Victoria Point
220	SP261302	C	367300	348530		4	Bell View Street	Victoria Point
221	SP261302	C	367305	348540		2	Bell View Street	Victoria Point
222	SP261302	C	367310	348550		1	Prospect Crescent	Victoria Point
224	SP261302	C	367315	348560		7	Prospect Crescent	Victoria Point
225	SP261302	C	367320	348570		9	Prospect Crescent	Victoria Point

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Table 5: Minor Amendment – Protection of the Poultry Industry Overlay								
LOT	PLAN	STATUS	LANDNO	PROPERTYNO	UNIT	HOUSE	STREET	SUBURB
226	SP261302	C	367325	348580		1	Selwyn Close	Victoria Point
227	SP261302	C	367330	348590		2	Selwyn Close	Victoria Point
229	SP261302	C	367340	348610		4	Selwyn Close	Victoria Point
230	SP261302	C	367345	348620		5	Selwyn Close	Victoria Point
231	SP261302	C	367350	348630		6	Selwyn Close	Victoria Point
232	SP261302	C	367355	348640		15	Prospect Crescent	Victoria Point
233	SP261302	C	367360	348650		17	Prospect Crescent	Victoria Point
234	SP261302	C	367365	348660		19	Prospect Crescent	Victoria Point
235	SP261302	C	367370	348670		4	Prospect Crescent	Victoria Point
236	SP261302	C	367375	348680		2	Prospect Crescent	Victoria Point
237	SP261302	C	367380	348690		4	Colbet Close	Victoria Point
238	SP261302	C	367385	348700		2	Colbet Close	Victoria Point
301	SP261302	C	367390	348710		3	Prospect Crescent	Victoria Point
302	SP261302	C	367395	348720		5	Prospect Crescent	Victoria Point



Brisbane City Council

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Gold Coast City Council

Potts Point
Thompson Point
PERULPA BAY
Perrebbins Point
Point Pine/Pain
MORETON BAY MARINE PARK

MAIN CHANNEL

Rocky Point

LOGAN RIVER

Minor Amendment Package 01/2014

Redland City

- | | |
|----------------------------|-------------------------------|
| RESIDENTIAL | CONSERVATION |
| SMI Residential | Environmental Protection |
| Urban Residential | Conservation |
| Medium Density Residential | Park Residential |
| Low Density Residential | OTHER |
| Point Lookout Residential | Community Purposes |
| INDUSTRY | Rural Non Urban |
| Commercial Industry | Open Space |
| Island Industry | Unzoned |
| General Industry | Emerging Urban Community |
| Marine Activity | Investigation Zone |
| CENTRE | Cadastral Properties |
| District Centre | Outline of RCC |
| Local Centre | Local Authorities outside RCC |
| Major Centre | |
| Neighbourhood Centre | |
| Point Lookout Centre | |
| Point Lookout Tourist | |
| SMI Centre | |

Amendment Package 01/2014
BUSHFIRE HAZARD OVERLAY

Sheet 1/2

-  Removals
-  High Bushfire Hazard
-  Medium Bushfire Hazard
-  SMI Bushfire Hazard
-  Cadastral Properties
-  Outline of RCC
-  Local Authorities outside RCC

Notation

Land identified within the Medium and High Bushfire Hazard and Southern Moreton Bay Islands Bushfire Hazard areas have been designated by Council as bushfire prone areas for the purposes of the Building Regulation 2006 (section 12) and the BCA under Council resolution dated 4 August 2010.

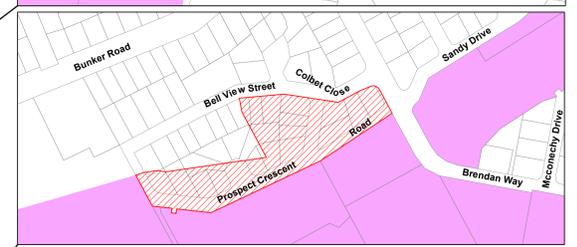
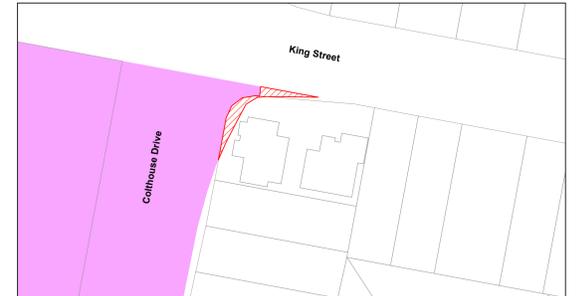
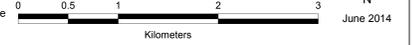
The construction of a Dwelling House or Domestic Outbuilding is Exempt development for planning purposes under this overlay.

Refer to Part 3.7.4 of the National Construction Code Series, Bushfire Areas and Australian Standard AS3959-2009 for determining the construction requirements for Class 1 and 10 buildings in a designated Bushfire prone area.



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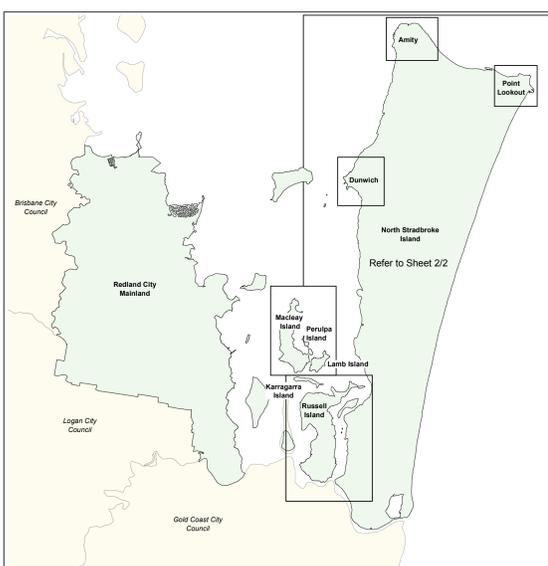
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HABITAT PROTECTION OVERLAY BUSHLAND HABITAT OVERLAY MAP

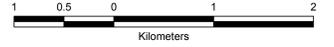
Sheet 1/1

- Koala Habitat
- Bushland Habitat
- Enhancement Corridor
- Enhancement Area
- Enhancement Link
- Marine Habitat
- Category Change
- Removals
- Additions
- Cadastral Properties
- Outline of RCC
- Local Authorities outside RCC

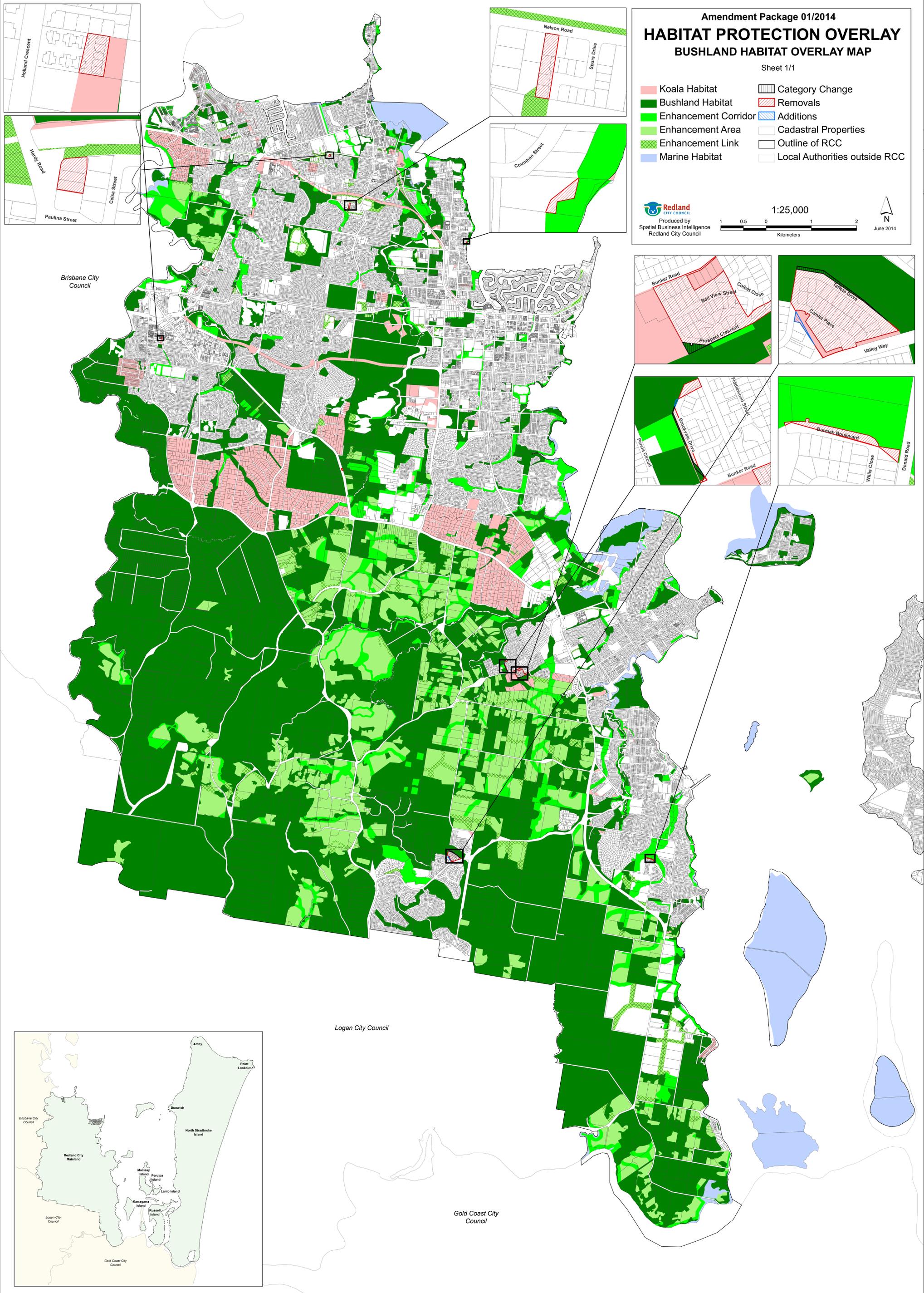


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June 2014



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**Amendment Package 01/2014
FLOOD PRONE, STORM TIDE AND
DRAINAGE CONSTRAINED LAND OVERLAY**

Sheet 1/2

-  Removals
-  Storm Tide Area
-  Flood Prone Area
-  SMBI Flood Prone and Storm Tide Area
-  Drainage Constrained Land
-  Cadastral Properties
-  Outline of RCC
-  Local Authorities outside RCC

Notation

For the purpose of this planning scheme overlay mapping the defined flood event (DFE) for the planning scheme area is the 1 percent Annual Exceedance Probability (1 in 100 year Average Recurrence Interval) for flood and storm tide (RL2.4 metre Australian Height Datum) level.


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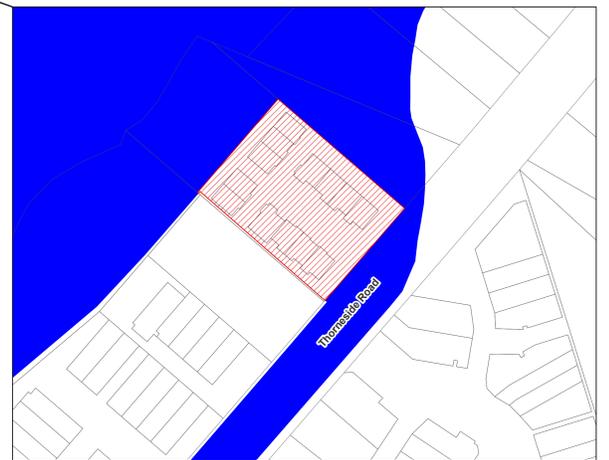
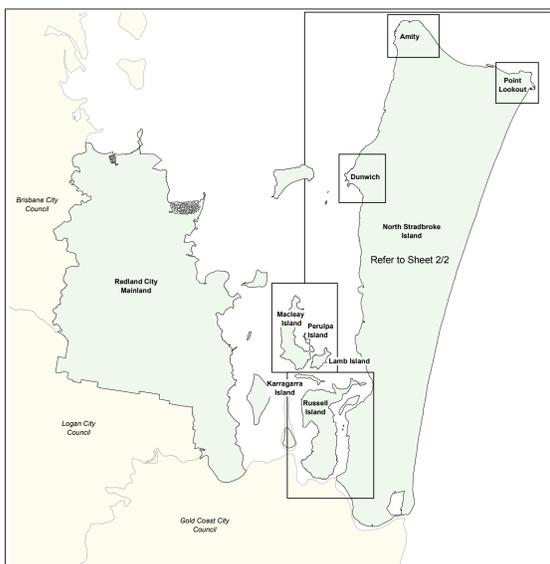
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Amendment Package 01/2014
**PROTECTION OF THE POULTRY
INDUSTRY OVERLAY**

Sheet 1/1

-  Removals
-  Poultry Buffer
-  Cadastral Properties
-  Outline of RCC
-  Local Authorities outside RCC


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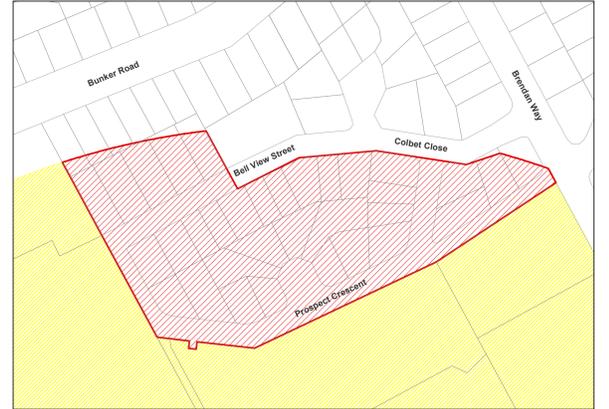
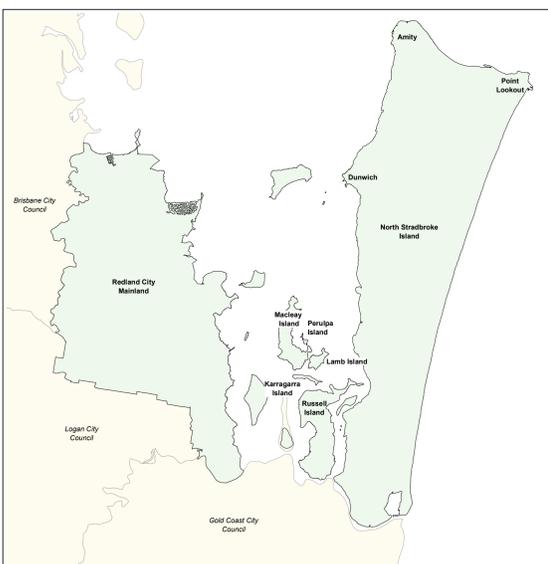



June 2014

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Gold Coast City Council



11.3.4 CONSIDERATION OF COUNCIL PROVIDING FURTHER FUNDING FOR SPECIALIST TESTING OF THE COOK ISLAND PINE AT 62 BEACHCREST RD WELLINGTON POINT – VPO3

Datworks Filename: Reports to Council – Portfolio 7 – City Planning and Assessment

Authorising Officer:



Louise Rusan
General Manager Community & Customer Services

Responsible Officer:

David Jeanes
Group Manager City Planning & Assessment

Author:

Ken Folkes
Technical Advisor - Arboriculture

PURPOSE

This report is referred to the Coordination Committee to consider whether a resolution is made to either:

- Propose to revoke VPO3 at 62-64 Beachcrest Road, Wellington Point in accordance with the provisions of Local Law No. 6 Protection of Vegetation (LL6); or
- Provide funding, wholly or in part, for specialised arboricultural testing necessary to determine the structural integrity of the protected tree.

BACKGROUND

The tree located on the subject land and currently protected by VPO3 is a Cook Island Pine (the subject tree), scientific name *Araucaria columnaris*. The tree is approximately 40 metres in height and estimated to be around 130 years in age.

Council resolved on 18 December 2013 to:

1. *Not revoke Vegetation Protection Order 3 (VPO03) in respect of the Cook Island Pine located at 62 Beachcrest Road Wellington Point and Council provide the funding for a one-off maintenance pruning and Tree Management Plan to be carried out by a qualified Arborist(s), subject to costing for such work being provided to Council by appropriately qualified arborist(s) and capped at a maximum value of \$5,000.00; and*
2. *Review in 12 months, in line with the appropriate policy.*

This resolution was the result of it being concluded that the tree provides significant amenity in regards to its contribution to sense of place, as a defined visual landmark, a dynamic focal attribute to the existing landscape and a living contribution to the history of Beachcrest Road and the wider suburb of Wellington Point. A copy of the Coordination Committee report and resolution is attached.

Since that time, the owners have undertaken the necessary tree maintenance, funded in part by Council. During the removal of deadwood from the tree in May 2014 by an arboricultural contractor, a cavity was identified approximately a third way up the trunk whilst in the elevated work platform. This cavity may render the tree as unsound. Specialist testing is necessary to determine whether this is the case.

The owners of the land have requested that Council provide the required funding to undertake the specialised assessment of the cavity. The owners also believe that Council should fund a complete root investigation by penetrating radar or equivalent device as a result of alleged damage by Redland Water.

The previous tree assessments, undertaken by Council's Arborist since March 2013, concluded that the risk of complete failure or trunk failure was low and provided that appropriate pruning maintenance works (removal of dead-wood) were undertaken to the branches the risk from limb drop can be reduced to an acceptable level. These conclusions were as a result of a ground based assessment only, which is standard practice in those circumstances.

The cavity discovered during the maintenance works is difficult to see from the ground. As a result it was not identified during previous assessments by both the tree owners Arborist and Council's Arborist. As the extent of the cavity was not able to be determined by visual assessment alone, further specialised testing of the cavity was recommended by the Arborist undertaking the deadwood removal works as he stated that he did not know the extent of the cavity so could not comment on the structural integrity issues presented by this cavity.

In conjunction with the tree-owners, this issue was discussed with Council's Arborist during a site meeting. Council's Arborist confirmed the need for the tree-owners to arrange assessment of the cavity using a specialised instrument known as a 'Resistograph', to determine the extent of the cavity and if it is within recognised Arboricultural standards with regards to safety. It was also reiterated that as the tree-owner, they are responsible for undertaking and funding this assessment and should advise Council of the outcome, particularly if the tree is deemed unsafe as a result of the findings.

It is important to understand that the presence of a cavity does not mean that the tree is an imminent danger requiring removal. Many trees have cavities and providing they are assessed and within known acceptable Arboricultural limits, do not necessarily mean the tree has to be removed.

The outcome of this specialised testing is important as it will determine appropriate remedial action if required and, whether or not the tree poses an unacceptable risk that require complete removal.

Council's Arborist estimates that the cost to undertake the necessary resistograph testing will be in the order of \$4,000. The cost to undertake a root investigation is also estimated to be around \$4,000.

ISSUES

The matters for Council to consider are:

1. Whether the amenity, environmental and other values of the tree are significant enough to outweigh the cost to undertake the testing.
-

2. If it is concluded that the testing should be undertaken, who should pay for this, Council or the owner.
3. If the testing is to be undertaken, should this be limited to resistograph testing associated with the cavity or also include root testing as asserted by the owner.

The Coordination Committee report of 18 December 2013 noted the significance of this tree in this location. The resolution of Council to not revoke the VPO and to provide funding toward its maintenance provides evidence of its value. It is considered that the value of this tree is such that this outweighs the cost to undertake the testing.

However, it is noted that the cost to assess the health of the tree is significant. Furthermore, Council should be aware that this testing may reveal that the tree is unsound and should be removed. Having regard to this Council may take the view that the cost to undertake the testing is too high. In these circumstances Council would be required to propose to revoke the VPO and undertake the process required by Local Law 6 to consider revocation of VPO, including public consultation.

If Council concludes that the testing should be undertaken the question arises as to who pays. In considering this matter, Council should note that it is not uncommon for a landowner to bear additional costs as a result of planning or other controls which regulate use of a property or as a result of a feature or constraint on the property. Examples of this include a heritage listing, maintenance of environmental habitat or mitigating a hazard such as landslide, flooding or noise. Consequently, Council may take the view that the owner should bear the cost of the testing entirely.

In the alternative, it is noted that the values of this tree are enjoyed by the broader community of Wellington Point and those who visit the locality. In addition, Council may consider, as a principle, that planning or other controls should not impose significant costs on an owner. Having regard to these matters, Council may decide to fund the necessary testing entirely. The previous resolution of Council to provide funding for this particular tree and to seek policy review in relation to providing funding for protected trees more broadly appears to indicate Council may take this view.

In this particular case it is recommended that the testing should be undertaken, funded on a 50/50 basis by the owner and Council. Council funding could be taken from the environmental levy. This is recommended on the basis that the owner must bear some cost for the tree which is in their ownership. The owner was also aware of the existence of the tree and the VPO when they purchased the property. However, given the particular significance of this tree in this location there is without question a broader community amenity and value, which it can be argued should be the responsibility of the public purse.

In terms of whether a root assessment should be undertaken in addition to the resistograph testing associated with the cavity, Council's Arborist notes has observed the tree from the outset (during the construction works) and is confident that the tree is sound in that regard.

STRATEGIC IMPLICATIONS

Legislative Requirements

Under the provisions of Local Law Policy No. 6 *Protection of Vegetation, Section 27 (c) if an authorised person authorises the damage on the grounds that the vegetation is actually or potentially dangerous*, a tree can be removed.

However, before this can occur, it has to be ascertained that the tree does pose such a risk. The specialised assessment outlined above will provide the specific information required to determine the appropriate decision of retention or removal.

Risk Management

Council's General Counsel has advised that the common law principles of negligence and nuisance apply to the issue of liability regardless of the presence of a VPO. That is, where Council has exercised proper duty of care and professional assessment to determine the safety of the tree, and this assessment has shown that the tree is safe then negligence issues can be mitigated.

The first of the tree assessments undertaken by Council's Arborist was in March 2013, with 3 other assessments undertaken to date. The tree owner's Arborist at the time was also satisfied that the tree was in good order and did not require removal.

The identification of the cavity places an obvious unknown level of risk to people and property from potential tree failure at the location of the cavity. The exacerbated level of risk, if any, will not be known until the specialised testing is undertaken.

Financial

The financial implications of not providing funding relate to potential claims of negligence if the cavity proves to have rendered the tree structurally unsound. With the knowledge that the cavity may have rendered the tree unsound and not investigating, Council's risk in such a claim is increased.

There will be financial implications to Council if it is resolved to provide further funding. The estimated cost as provided verbally by 2 independent Arborists to carry out the assessment would be in the vicinity of \$8,000.00 for both cavity and root investigation.

People

There are no implications on staff.

Environmental

N/A

Social

N/A

Alignment with Council's Policy and Plans

N/A

Consultation

Consultation with the following parties has occurred:

- General Counsel
- Group Manager City Spaces

CONCLUSION

It is concluded that the value of the Cook Island Pine protected by VPO3 is significant. This significance warrants testing being undertaken to determine whether the tree is sound.

Given the circumstances and particular public amenity value of this tree, it is recommended that the cost to undertake the necessary testing should be shared equally between the property owner and Council.

The specialist assessment will need to be undertaken as soon as possible as the cavity cannot be accurately evaluated visually. Until the required technical information is forwarded by the tree owner to Council regarding the cavity, an accurate determination cannot be made as to the structural integrity of the tree.

It is the opinion of Council's Arborist that there is no requirement or necessity to undertake root-mapping using ground-penetrating radar, unless it is proven by the tree owner that during the construction of the dwelling, damage was done to the root zone by trenching or, otherwise that was not part of the original assessment undertaken by Council's Arborist.

It has been over a year since the first assessment was undertaken by Council's Arborist and as the tree owners are now residing in the premises, Council has no control over what occurs on this site with regards to the tree or its actions. As such, it is not within the scope of Council to provide any further technical comments or assumptions regarding the structural integrity of this tree.

It remains that the tree-owner should arrange for the specialised assessment to be undertaken as recommended by both Council's Arborist and the tree-owner's Arborist.

In the event that this assessment reveals the tree should be removed; the tree owner will be able to apply for its removal by permit under Section 29 of Local Law 6.

OPTIONS

1. That Council resolves to provide further funding to the owner to carry out the specialised assessment to determine the structural integrity of the cavity on the Cook Island Pine located at 62 Beachcrest Road Wellington Point subject to VPO3 by a qualified arborist(s). Such funding would be on a 50/50 basis between Council and the property owner and capped at a maximum value of \$2,500. The testing must be conducted within 3 months from the date of this resolution.
2. That Council resolves to provide full funding to the owner to carry out the specialised assessment to determine the structural integrity of the cavity on the Cook Island Pine located at 62 Beachcrest Road Wellington Point subject to

VPO3 by a qualified arborist(s). The testing must be conducted within 3 months from the date of this resolution.

3. That Council resolves to provide no funding to the owner to carry out the specialised assessment to determine the structural integrity of the cavity on the Cook Island Pine located at 62 Beachcrest Road Wellington Point subject to VPO3 by a qualified arborist(s).
4. That Council resolves to provide funding, in whole or in part, to the owner to carry out the specialised assessment to determine the structural integrity of the cavity and the root system on the Cook Island Pine located at 62 Beachcrest Road Wellington Point subject to VPO3 by a qualified arborist(s). The testing must be conducted within 3 months from the date of this resolution.
5. That Council resolves to propose to revoke VPO3 at 62-64 Beachcrest Road, Wellington Point QLD 4160 in accordance with the procedures mandated by Local Law 6 Protection of Vegetation, Part 2 – Division 2 – *Revocation Of Order*.

OFFICER'S RECOMMENDATION

That Council resolves to provide further funding to the owner to carry out the specialised assessment to determine the structural integrity of the cavity on the Cook Island Pine located at 62 Beachcrest Road Wellington Point subject to VPO3 by a qualified arborist(s). Such funding would be on a 50/50 basis between Council and the property owner and capped at a maximum value of \$2,500. The testing must be conducted within 3 months from the date of this resolution.

11.3.5 AMENDMENTS TO 2014-2015 FEES & CHARGES SCHEDULE**Datworks Filename:** FM Fees & Charges 2014-2015**Authorising Officer:****Louise Rusan
General Manager Community & Customer
Services****Responsible Officer:****David Jeanes
Group Manager City Planning & Assessment****Author:****Michelle Knips
Business Process & Performance Officer****PURPOSE**

The purpose of this report is to seek Council approval to amend the 2014-2015 Fees and Charges Schedule as detailed.

BACKGROUND

The 2014-2015 Fees and Charges Schedule was adopted by Council on 26 June 2014. Minor amendments are now required as a result of legislative requirements and fee amendments.

ISSUES

The following changes are required to the 2014-2015 Fees and Charges Schedule:

- Decrease the base and final charge amount for the domestic conveyance property search fee;
- Insert a new application fee for Material Change of Use for temporary use;
- Decrease the base and final charge amount for the SEQ koala conservation SPRP off-set fee; and
- Increase the base and final charge amount for the pool safety certificate fee.

Property Search

The Domestic Conveyance Property Search fee comprises three (3) different search requests, being Rates, Water and Building/Plumbing and is listed under the City Planning and Assessment Group section of the Fees and Charges Schedule. 2014-2015 Fees and Charges Schedule should be amended to reflect the correct charge amount.

CURRENT FEE	AMENDED FEE
\$313.45	\$308.90

Temporary Use

The Redlands Planning Scheme identifies 'temporary use' as assessable development if a proposed temporary use cannot comply with the self assessable criteria. This use is currently not reflected in the 2014-2015 fees and charges schedule. An appropriate application fee has been proposed for inclusion in the fees and charges schedule to accurately reflect the use identified in the current planning scheme.

CURRENT FEE	NEW FEE
Not currently listed in F&C Schedule	\$1,310.00

STRATEGIC IMPLICATIONS**Legislative Requirements**Off-sets

The Koala tree off-set contribution fee and SEQ koala conservation SPRP off-set fee are set by State Government under the SEQ Koala Conservation State Planning Regulatory Provision (SPRP). City Planning and Assessment increased these fees by CPI when developing the 2014-2015 fees and charges. However the State has elected to keep these charges unchanged and therefore Council's fees and charges schedule needs to be amended to reflect the charge that has been set by the State.

CURRENT FEE	AMENDED FEE (set by State)
\$950.00	\$920.00

Pool Safety Certificate

The pool safety certificate fee is set by State Government under the Building Act 1975. City Planning and Assessment rounded this fee amount to the near dollar when developing the 2014-2015 fees and charges. However, as this fee is set by legislation, Councils fees and charges schedule needs to be amended to reflect the correct charge that has been set by the State.

CURRENT FEE	AMENDED FEE (set by State)
\$34.00	\$34.35

Risk Management

No risk identified.

Financial

There are no financial implications.

People

No impact identified.

Environmental

There is no known impact to the environment.

Social

No impact identified.

Alignment with Council's Policy and Plans

N/A.

CONSULTATION

The Group Manager City Planning and Assessment has been consulted on this matter and supports the recommendation of this report.

OPTIONS

1. That Council resolve to approve the amendments to the 2014-2015 Fees and Charges Schedule.
2. That Council resolve to not approve the amendments to the 2014-2015 Fees and Charges Schedule.

OFFICER'S RECOMMENDATION

That Council resolves to approve the amendments to the 2014-2015 Fees and Charges Schedule effective immediately.

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 OGILVIE (DIVISION 2)****14.1.1 REQUEST FOR A 'STRADBROKE ISLAND ECONOMIC TRANSITION' COMMITTEE**

On 21 July 2014, in accordance with s.7(3) *Redland City Council Meetings – Standing Orders*, Cr Ogilvie gave notice that he intends to move as follows:

That Council resolves as follows:

That a report on the resources, governance etc. of a possible future 'Stradbroke Island Economic Transition' Committee be prepared for Council's urgent consideration.

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 INFRASTRUCTURE & OPERATIONS****16.1.1 SURF LIFESAVING QUEENSLAND PROVISION OF LIFEGUARD SERVICES FOR NORTH STRADBROKE ISLAND**

Datworks Filename: R&C Surf Lifesaving – Surf Lifesaving Qld Inc

Authorising Officer:



**Gary Soutar
General Manager Infrastructure & Operations**

Responsible Officer:

**Lex Smith
Manager City Spaces**

Author:

**Tim Goward
Senior Sport & Recreation Officer**

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 reason that is applicable in this instance is as follows:

"(e) contracts proposed to be made by it."

**16.1.2 SUPPLY OF SPECIALISED & CONFIDENTIAL SERVICES –
QUANDAMOOKA YOOLOOBURRABEE ABORIGINAL CORPORATION
(QYAC)**

Dataworks File Name: FM Tendering

Authorising Officer



Gary Soutar
General Manager Infrastructure & Operations

Responsible Officer:

Lex Smith
Manager City Spaces

Author:

Fiona McCandless
City Spaces Group

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 reason that is applicable in this instance is as follows:

"(e) contracts proposed to be made by it."

17 MEETING CLOSURE