



Redland
CITY COUNCIL

MINUTES

GENERAL MEETING

Wednesday 9 May 2018

The Council Chambers
91-93 Bloomfield Street
CLEVELAND QLD

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1 DECLARATION OF OPENING

The Mayor declared the meeting open at 9.32am and acknowledged the Quandamooka people, who are the traditional custodians of the land on which Council meets.

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

2 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE

MEMBERS PRESENT:

| | |
|---------------|---|
| Cr K Williams | Mayor |
| Cr W Boglary | Councillor Division 1 |
| Cr P Mitchell | Councillor Division 2 |
| Cr P Gollè | Councillor Division 3 |
| Cr L Hewlett | Deputy Mayor and Councillor Division 4 |
| Cr M Edwards | Councillor Division 5 |
| Cr J Talty | Councillor Division 6 |
| Cr M Elliott | Councillor Division 7 entered the meeting at 9.39am |
| Cr T Huges | Councillor Division 8 entered the meeting at 9.33am |
| Cr P Gleeson | Councillor Division 9 |
| Cr P Bishop | Councillor Division 10 |

EXECUTIVE LEADERSHIP TEAM:

| | |
|----------------------|---|
| Andrew Chesterman | Chief Executive Officer |
| John Oberhardt | General Manager Organisational Services |
| Louise Rusan | General Manager Community & Customer Services |
| Peter Best | General Manager Infrastructure & Operations |
| Deborah Corbett-Hall | Chief Financial Officer |
| Andrew Ross | General Counsel |

MINUTES:

| | |
|-------------|-------------------------------------|
| Liz Gaborit | Corporate Meetings & Registers Team |
|-------------|-------------------------------------|

COUNCILLOR ABSENCES DURING THE MEETING

Cr Huges entered the meeting at 9.33am (during Item 1)
Cr Elliott entered the meeting at 9.39am (after Item 3)
Cr Talty left the meeting at 9.38am (during Item 3) and returned to the meeting at 9.41am (during Item 4)
Cr Elliott left the meeting at 10.03am and returned at 10.06am (during Item 4)
Cr Mitchell left the meeting at 10.04am and returned at 10.06am (during Item 4)
Cr Williams left the meeting at 10.18am and returned at 10.30am (during Item 11.1.1)
Cr Boglary left the meeting at 11.15am (during Item 11.2.1) and returned at 11.17am (after Item 11.2.2)

3 DEVOTIONAL SEGMENT

Pastor Brendan Devine from Victoria Point Baptist Church and member of the Ministers' Fellowship led Council in a brief devotional segment.

4 RECOGNITION OF ACHIEVEMENT

4.1 CR HEWLETT

Mayor Williams congratulated Cr Hewlett on his election to Deputy Mayor. Mayor Williams stated she was absent from the last meeting and wanted to publically acknowledge and congratulate Cr Hewlett.

4.2 CR BOGLARY

Mayor Williams acknowledged Cr Boglary who served two years as Deputy Mayor, stating that she appreciates the partnership they were able to establish and that she looks forward to building on that with Cr Hewlett as Deputy Mayor.

Mayor Williams also acknowledged that Cr Boglary has now served as a Councillor for Redland City Council for ten years.

4.3 AUNTY MARGARET CECILIA ISELIN

Mayor Williams gave honour and reflected on a very special member of our community who left our planet last week on the weekend - Aunty Margaret Iselin.

In the early hours of last Saturday morning, Aunty Margaret Iselin passed away peacefully on her beloved Island home, Minjerribah. She became fondly known to so many of us within Council, as Aunty Marg and the second wheel of the formidable partnership with her husband, the late Uncle Patrick Iselin. I will read the following short tribute prepared by Christine Moyle, daughter of Aunty Marg and Senior Advisor, Di Andrews:

Ngaliya Bujang (our Mother)

Margaret Cecilia Iselin was born in 1930. She was to celebrate her 89th birthday later this year.

We honour a lifetime of accomplishment by a dedicated wife, mother, grandmother, great-grandmother and community worker. In her role as Chairperson of the Minjerribah Moorgumpin Elders in Council (MMEIC), she was instrumental in bringing about change and opening the eyes and hearts of people, from all walks of life, about the depth of living and historical Aboriginal knowledge and culture existing in our community.

In 1998, she participated in negotiations to bring about the first agreement between an Australian Local Government authority and a native title claimant, namely the Redland Shire Council and the Quandamooka Land Council (QLC) Aboriginal Corporation.

The opening of Terra Bulla Leumeah in 2006, on the site of the Myora Mission, was the culmination of a dream for Aunty Margaret and the Elders. The project was undertaken in collaboration with the Redland City Council and with the ongoing support of local companies, recognises the significance of the Mission within the history of the area.

Her tireless community service saw her receive many accolades including the recipient of a Tourism Award for her cultural and heritage talks in 1998 and a Commonwealth Medal as part of the Centenary of Federation Celebrations in 2000.

In 2001, she was named as the inaugural Grand View Living Treasure and she received a Citizenship Award at the Australia Day Ceremony in 2002. At the same ceremony, the MMEIC received an Encouragement Award for Sovereign Day.

She co-authored a book for use in schools, called Minjerribah, An Indigenous Story of North Stradbroke Island and she also produced a book on Plants and Bush Tucker in partnership with Lyn Shipway, Queensland Herbarium and Sibelco Australia Ltd.

A collective effort by members of the Minjerribah Moorgumpin Elders in Council (MMEIC), after five years in the making, she saw The Jandai Language Dictionary and interactive CD published in 2011. The dictionary and the Bush Tucker booklet can be purchased at IndigiScapes.

In 2016, due to ill health, she retired from the day-to-day duties of MMEIC, but continued to keep in contact with the people at the various community events.

For those who knew her, her legacy is enshrined in our hearts and minds. She was fearless and fearsome, she was passionate while compassionate, she was dedicated and driven and she was a Champion for her People.

On behalf of Council, I extend our thoughts and prayers to Christine, Patsy, Brian, Mary and Wendy and their extended families. I ask you all to be upstanding to observe a Minute's Silence in Aunty Marg's honour.

Councillors, Senior Management, staff and community members in the Public Gallery stood and observed a minute's silence.

5 RECEIPT AND CONFIRMATION OF MINUTES

5.1 GENERAL MEETING MINUTES 18 APRIL 2018

COUNCIL RESOLUTION

Moved by: Cr P Mitchell

Seconded by: Cr T Huges

That the minutes of the General Meeting of Council held on 18 April 2018 be confirmed.

CARRIED 11/0

Crs Boglary, Mitchell, Gollè, Hewlett, Edwards, Elliott, Huges, Talty, Gleeson, Bishop and Williams voted FOR the motion.

6 MATTERS OUTSTANDING FROM PREVIOUS COUNCIL MEETING MINUTES

Nil

7 PUBLIC PARTICIPATION

MOTION TO ADJOURN MEETING AT 9.47AM

Moved by: Cr W Boglary

Seconded by: Cr M Edwards

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

CARRIED 11/0

Crs Boglary, Mitchell, Gollè, Hewlett, Edwards, Elliott, Huges, Talty, Gleeson, Bishop and Williams voted FOR the motion.

1. Ms Zrinka Johnston, a resident of Cleveland, addressed Council regarding Unexploded Ordinances: The need for a new Raby Bay Canal Works Policy.

2. Mrs Ann Pryor Hagen, a resident of Russell Island, addressed Council regarding fire issues / local laws / relating to hazardous vegetation / Council block issues.
3. Mrs Norma Ford, a resident of Thornlands, addressed Council regarding Thornlands Community Park and relocation of the toilet block.

MOTION TO RESUME MEETING AT 10.03AM

Moved by: Cr M Elliott
Seconded by: Cr W Boglary

That the meeting proceedings resume.

CARRIED 11/0

Crs Boglary, Mitchell, Gollè, Hewlett, Edwards, Elliott, Huges, Talty, Gleeson, Bishop and Williams voted FOR the motion.

MOTION TO ADJOURN MEETING AT 10.04AM

Moved by: Cr W Boglary
Seconded by: Cr P Bishop

That Council adjourn the meeting for a 10 minute public participation segment.

CARRIED 11/0

Crs Boglary, Mitchell, Gollè, Hewlett, Edwards, Elliott, Huges, Talty, Gleeson, Bishop and Williams voted FOR the motion.

4. Mr Michael Bailey, a resident of Wellington Point, addressed Council regarding proposed development at 7, 9 and 11 Fernbourne Road (Item 11.1.1 refers).
5. Mr Peter Rothlisberg, a resident of Fernbourne Road Wellington Point, addressed Council regarding proposed development at 7, 9 and 11 Fernbourne Road (Item 11.1.1 refers).

MOTION TO RESUME MEETING AT 10.14AM

Moved by: Cr M Elliott
Seconded by: Cr M Edwards

That the meeting proceedings resume.

CARRIED 11/0

Crs Boglary, Mitchell, Gollè, Hewlett, Edwards, Elliott, Huges, Talty, Gleeson, Bishop and Williams voted FOR the motion.

8 PETITIONS AND PRESENTATIONS**8.1 PETITION – CR BOGLARY**

8.1.1 PETITION FROM RESIDENTS OF ORMISTON SPRINGS REQUESTING THE TRANSPORT DEPARTMENT PROVIDE AND INSTALL TWO BUS STOPS (EASTBOUND AND WESTBOUND) IN CLOSE PROXIMITY TO THE MAIN ENTRANCE TO ORMISTON SPRINGS, GORDON STREET ORMISTON.

COUNCIL RESOLUTION

Moved by: Cr W Boglary
Seconded by: Cr M Edwards

That the petition is of an operational nature and be received and referred to the Chief Executive Officer for consideration.

CARRIED 11/0

Crs Boglary, Mitchell, Gollè, Hewlett, Edwards, Elliott, Huges, Talty, Gleeson, Bishop and Williams voted FOR the motion.

9 MOTION TO ALTER THE ORDER OF BUSINESS**COUNCIL RESOLUTION**

Moved by: Cr W Boglary
Seconded by: Cr P Bishop

That Item 11.2.3 (as listed on the agenda) *MCU013782 Apartment Building – 7, 9 & 11 Fernbourne Road, Wellington Point*, be brought forward to the first report of the day.

CARRIED 10/1

Crs Boglary, Mitchell, Gollè, Hewlett, Edwards, Elliott, Talty, Gleeson, Bishop and Williams voted FOR the motion.

Cr Huges voted AGAINST the motion.

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

Cr Gleeson declared a perceived Conflict of Interest in Item 11.1.1 *MCU013782 Apartment Building – 7,9 & 11 Fernbourne Road, Wellington Point* (refer to item for details).

11 REPORTS TO COUNCIL

Mayor Williams left the meeting at 10.18am and Deputy Mayor Hewlett presided as chair. Mayor Williams returned to the meeting at 10.30am and resumed the chair.

Cr Gleeson declared a perceived conflict of interest in the following item, stating he knows one of the residents who lives in one of the houses on the subject site. Cr Gleeson chose to remain in the meeting and vote in the best interests of the community. Cr Gleeson voted FOR the motion.

11.1 COMMUNITY & CUSTOMER SERVICES

11.1.1 MCU013782 APARTMENT BUILDING – 7, 9 & 11 FERNBOURNE ROAD, WELLINGTON POINT

Objective Reference: A2168577
Reports and Attachments (Archives)

Attachments:

1. [MCU013782 Locality Plan](#)
2. [MCU013782 Aerial Plan](#)
3. [MCU013782 Zone Map](#)
4. [MCU013782 Plans](#)
5. [MCU013782 Noise Report](#)
6. [MCU013782 Arborist Report](#)
7. [MCU013782 Tree Protection Plan](#)
8. [MCU013782 Traffic Impact Report](#)
9. [MCU013782 Traffic Impact Assessment](#)
10. [MCU013782 Waste Management Plan](#)
11. [MCU013782 Stormwater Management Plan](#)

Authorising Officer: Louise Rusan
General Manager Community and Customer Services

Responsible Officer: David Jeanes
Group Manager City Planning and Assessment

Author: Brett Dibden
Planner City Planning and Assessment

PURPOSE

Council has received an application seeking a Development Permit for a Material Change of Use (Impact Assessment) for an Apartment Building (39 units) on an allotment zoned Medium Density Residential, on land at 7, 9 and 11 Fernbourne Road, Wellington Point. The proposal is for a four storey building plus basement, with a maximum height of 14.3m.

The proposal is impact assessable as per section 4.14.4 of the Medium Density Residential Zone Code - Table of Assessment for Material Change of Use of Premises. The application was made in accordance with the Sustainable Planning Act 2009.

While the proposal did not require referral to the State as a concurrence agency, public notification was required, with 91 properly made submissions received during the notification period.

Key Issues with the application are summarised below:

- Building Height
- Streetscape
- Density
- Open Space
- Vegetation Removal
- Traffic
- Access

These issues have been addressed in the report. The application has been assessed against the relevant sections of the Redlands Planning Scheme (RPS). The proposal is considered to comply with the relevant RPS codes, policies and legislation.

Accordingly it is recommended that the application be granted a Development Permit, subject to conditions. The applicant will be required to obtain a number of additional permits prior to construction of the development.

BACKGROUND

A previous application proposing a 41 unit Apartment Building development was withdrawn by the applicant soon after lodgement on 18/05/2016 (Council ref. MCU013849).

ISSUES

Development Proposal & Site Description

Proposal

The proposal is for an Apartment Building comprising 39 units, in 2 buildings. The proposed building height is 14.3m above natural ground level and will be up to four storeys, plus basement.

The units will provide one, two and three bedroom configurations. The specific design parameters are included below:

| Description | Characteristics |
|------------------------|--|
| Partial Basement Level | <ul style="list-style-type: none"> • 42 resident car parking spaces • 16 tandem spaces • 2 visitor spaces • Private storage spaces • 2 x waste chutes/bin rooms • 2 x lifts & 3 x stairs (continues to all levels) |
| Level 1 | <ul style="list-style-type: none"> • Main entry/lobby • Building 1 - 5 x 2 bedroom units & 1 x 1 bedroom unit, each with a patio/courtyard • Building 2 – 6 x 3 bedroom units, each with a patio • Outdoor communal open space between buildings • 8 visitor car parking spaces • 1 Person With Disability (PWD) space • 1 Refuse Collection Vehicle (RCV) space • Bin store • Fire services pump room • Air Conditioning (A/C) Platform |
| Level 2 | <ul style="list-style-type: none"> • Building 1 - 6 x 2 bedroom residential units, each with private balcony • Building 2 - 5 x 3 bedroom residential units, each with private balcony. A walkway on the west side provides access to the units from the lift / stairs |
| Level 3 | <ul style="list-style-type: none"> • Building 1 - 4 x 2 bedroom residential units, each with private balcony • Building 2 - 5 x 3 bedroom residential units, each with private balcony. A walkway on the west side provides access to the units from the lift / stairs |

| Description | Characteristics |
|---------------|--|
| Level 4 | <ul style="list-style-type: none"> Building 1 - 2 x 2 bedroom residential units, each with private balcony Building 2 - 5 x 3 bedroom residential units, each with private balcony. A walkway on the west side provides access to the units from the lift / stairs |
| Height | <ul style="list-style-type: none"> Maximum 14.3m above ground level |
| Storeys | <ul style="list-style-type: none"> Building 1: 3 to 5 storeys Building 2: 5 storeys 5th storey results from partial basement extending above ground due to slope of land |
| Front Setback | <ul style="list-style-type: none"> 6.3m to building wall & 4m to outermost projection (eaves) |
| Side Setbacks | <ul style="list-style-type: none"> Basement = 2.2m north side & 3m south side Level 1 = 2.8m north side & 2.5m south side Level 2 = 2.8m north side & 8.1m south side Level 3 = 3.1m north side & 8.1m south side Level 4 = 3.1m north side & 9m south side |
| Rear | <ul style="list-style-type: none"> Basement 7.4m Levels 1 to 4 = 6.6 to 7.4m |
| Site Cover | <ul style="list-style-type: none"> 44.7% |

Table 1 – Proposal Description

The design incorporates landscaping on the ground level around the perimeter of the site. The development also includes a large communal recreation area between the buildings with additional landscaping elements.

The ground level car park is accessed via a driveway off Fernbourne Road, and access/ingress to the partial basement car park is via a ramp adjacent to Building 1.

Site & Locality

The subject site has an area of 4,219m² over 3 lots. Each lot is currently improved with a dwelling house. The development site has one street frontage. The adjoining lot to the south is zoned Medium Density Residential (MDR) and contains a dwelling house. The lot adjoining to the north is also zoned MDR and is currently vacant, although a retirement village (94 single and double storey units) has been approved over this lot and the lots to the rear of the subject site. The land to the rear of the development is zoned Urban Residential (UR) Sub-Area UR1, with some of this land developed with early stages of the retirement village mentioned previously.

The topography of the site is variable and falls to the rear of the site. The site has moderate vegetation coverage with a mix of native and exotic species.

The site is within 150m of the Wellington Point Railway Station to the south-west, and approximately 1km from Moreton Bay to the east. The area is an established residential area with mostly detached dwellings on a range of lots sizes. There is also some small lot and multiple dwelling developments nearby.

Sustainable Planning Act 2009

The application has been made in accordance with the Sustainable Planning Act 2009 Chapter 6 – Integrated Development Assessment System (IDAS) and constitutes an application for Material Change of Use under the Redlands Planning Scheme.

Minor Change

The original application involved two five-storey apartment buildings with a height above 14.3m. Amended plans were provided in response to Council's information request dated 22 August 2016, which indicated that the building height would exceed 14.3m (being an inconsistent building height as identified in Table 1 of the MDR Zone

Code). The applicant decided to amend the application to reduce the building height to 14.3m, including reducing the height of Building 2 by 1.5m by changing the levels of the basement car park. The change is considered to be a minor change under Section 350 of the Sustainable Planning Act 2009 as it does not result in substantially different development (being a minor reduction in height), and responds to a matter raised in submissions. Therefore there is no effect on IDAS in accordance with Section 353.

SEQ Regional Plan 2009-2031

The site is located within the Urban Footprint in the SEQ Regional Plan 2009-2031.

State Planning Policies & Regulatory Provisions

| State Planning Policy/Regulatory Provision | Applicability to Application |
|--|--|
| SEQ Koala Conservation SPRP | <p>The site is located within a Priority Koala Assessable Development Area under the SEQ Koala Conservation SPRP and is classified as "Medium Value Other", which does not require any monetary offsets or replanting.</p> <p>Schedule 2 determines habitat connectivity for koala movement, which is incumbent on a number of factors, primarily being the koala habitat type (other areas of habitat value being the lowest order of habitat type which describes an area of habitat other than intact, contiguous native vegetation on a lot less than 0.5 ha in size). Other factors for koala connectivity include:</p> <ul style="list-style-type: none"> • Areas of remnant or regulated regrowth • Areas of ecological significance • Waterways and ecological corridors • Presence of koalas • Condition of habitat • Any factors which diminish the site's habitat connectivity. <p>Koalas are known to be frequently present in this vicinity however the habitat value of existing vegetation on site is limited and koala movement is generally discouraged from urban infill development. Some connectivity can be facilitated through street tree planting, however most movement through the area would most likely occur in the vegetated area to the east of the site, with this area aligning with the habitat values identified in Council's Habitat Protection Overlay mapping. Consequently, there are no requirements under the SPRP.</p> |
| SPRP (Adopted Charges) | <p>The development is subject to infrastructure charges in accordance with the SPRP (adopted charges) and Council's adopted infrastructure charges resolution. Details of the charges applicable have been provided under the Infrastructure Charges heading of this report.</p> |
| State Planning Policy April 2016 | <p>The following State interests are identified as relevant for the site under the SPP:</p> <ul style="list-style-type: none"> • Transport Noise Corridor – addressed through an acoustic assessment with mitigation measures to be incorporated into the building design. • Water quality - A stormwater management plan was submitted which included a MUSIC modelling which demonstrated that the combination of stormwater control (gross pollutant trap) and management (bio-basin) devices could achieve the relevant pollutant outcomes sought in the SPP. |

Table 2 – State Planning Policies & Regulatory Provisions

Redlands Planning Scheme

The application has been assessed under the Redlands Planning Scheme version 7.1.

The application is subject to impact assessment. In this regard, the application is subject to assessment against the entire planning scheme. However it is recognised that the following codes are most relevant to the application:

- Medium Density Residential Zone Code
- Apartment Building Code
- Access and Parking Code
- Erosion Prevention and Sediment Control Code
- Excavation and Fill Code
- Infrastructure Works Code
- Landscape Code
- Stormwater Management Code
- Acid Sulfate Soils Overlay Code
- Road and Rail Noise Impacts Overlay Code

The proposed development has been assessed against the applicable codes and the most relevant parts of this assessment are discussed below.

Building Height

Probable Solution P2.1(1) of the Medium Density Residential Zone Code (MDR Zone Code) and Probable Solution P3(1)(a) of the Apartment Building Code nominate a maximum building height of 13 metres and 3 storeys for the subject site, where development is not located in a sub-area, in order to meet the deemed to comply solution. Specific Outcome S2.1(1) also seeks a maximum building height of 13 metres and 3 storeys. Building height is summarised in Table 3:

| Building Height | Provided | Proposed |
|--|-----------|--|
| Maximum overall building height | 13 metres | Building 1: 14.3m Building 2: 13m |
| Storeys | 3 storeys | Building 1: 3-5* storeys Building 2: 5* storeys |
| Maximum height to top of floor level of highest habitable room | 7 metres | Building 1: 7.4m-9.2m Building 2: 8m-9.4m |

Table 3 – Building Height

* The building is 4 habitable storeys, plus a basement level. As the basement level extends, in part, out of the ground it is defined as a “storey” by the Redlands Planning Scheme.

Building 2 at the rear has a maximum height of 13 metres. Building 1 at the front is predominantly below 13 metres, with a portion in the middle of the building, including the lift overrun, extending up to 14.3 metres above ground level.

As the development does not achieve the specific outcome, it must be assessed against the relevant overall outcomes. It should be noted that the Medium Density Residential Zone Code identifies that any apartment building extending above 14.3m is inconsistent development for this zone. The proposal does not exceed 14.3m, and is therefore not inconsistent.

4.14.7 Overall Outcomes of the MDR Zone Code states:

(a) Uses and Other Development

(i) Provide for a range of residential uses that -

- a. *are predominately **mid-rise** housing on lot sizes that offer opportunities for medium density living;*
- b. *provide a range of dwelling types that offer choice, affordability and adaptability;*
- c. *maximise the supply of dwelling units in close proximity to centres and public transport, to the general exclusion of less compact forms of housing;*
- d. *encourage opportunities for working from home;'*

The building height achieves a mid-rise building height which is defined in Schedule 3 Division 2 of the RPS as being 3 to 5 storeys. Apartment buildings, along with other types of higher density housing, offer the greatest scope for housing affordability and tenancy type, and it is envisaged that there will be a mix of rental and owner occupier tenancy opportunities resulting from the development. The development is also conveniently located within easy walking distance to Wellington Point Train Station, with services able to provide easy access to nearby centres including Birkdale and Cleveland. The use type will not discourage opportunities for working from home.

'4.14.7(b) Built Form and Density

- (i) *The scale of uses and other development contribute to a predominantly medium density residential built form by -*
 - a. *Providing a range of dwelling units that are predominately **mid-rise**, except in subareas of the zone where greater building height is provided for;*
 - b. *buildings are sited, and of a width, depth and bulk that are consistent with the development type and a residential streetscape;'*

As stated previously, the development will result in a mid-rise building height. Further, the stepped design provides a gradual increase in building height away from the road and towards the middle of the site (Building 1), whereas the slope away from the road will result in that part of Building 2 that is visible from the road appearing as a 2 storey height. The varied façade treatment and articulation for both buildings, along with the hipped and gabled roof design (consistent with the range of roof types in the street), will help create visual interest and reduce perceptions of building bulk when viewed from the street. The rear elevation of Building 2 has also been designed with multiple gabled roof sections and contrasting cladding, textures and finishes, so as to not dominate the approved (and part constructed) aged care facility to the rear. As stated previously, the Building 2 at the rear adopts the 13 metres building height anticipated by the relevant probable solution for this zone. The development achieves the deemed to comply solutions for setbacks and site coverage, and the deep landscape plantings proposed will assist in screening the development.

Overshadowing

The orientation of the lots and separation distance between buildings will ensure that the use will receive adequate solar access. Specific Outcome 2.3(1)(b) of the MDR Zone Code states:

*'Setbacks maximise the usability of side and rear setbacks for outdoor open space areas, privacy and **solar access** for the adjoining uses;'*

One way of achieving this outcome is for the development to provide a minimum of 2 hours of solar access to habitable rooms and private open space of adjoining dwellings, as nominated in P3(1)(e)(i) of Apartment Building Code. The applicant has provided shadow diagrams which demonstrate that this outcome can be achieved for

the dwelling house adjoining to the south. This is achieved through separation and design, with Building 1 being over 20m from the common boundary, and Building 2 stepping from a 1 storey height 2.5m from the boundary to 4 storeys at 8.5m from the boundary.

Specific Outcome S3.4(1)(e) of the Medium Density Residential Zone Code states:

*'Private and communal open space areas are –
(e) capable of receiving solar access.'*

Shadow diagrams have also been provided demonstrating that communal open space areas between the buildings will receive a minimum of 2 hours sunshine on June 21, consistent with the deemed to comply solution.

Privacy

There is potential for the use to overlook development on three sides.

Specific Outcome S3.3(1)(a) of the MDR Zone Code states:

*'(1) Building layout and design maximise privacy (visual and acoustic) through -
(a) locating habitable rooms so they do not directly overlook habitable rooms of adjacent uses, either within or adjoining the use;'*

Specific Outcome S4(1) of the Apartment Building Code states:

'Privacy between dwelling units on the site and adjoining sites is achieved by effective building design and the location of windows and outdoor open spaces to prevent overlooking into habitable rooms or private open space areas.'

The corresponding deemed to comply solution in P4 of the Apartment Building Code nominates privacy screening, high sill heights and obscure glazing where habitable room windows are directly adjacent to habitable rooms of adjoining units and are within 6m and an angle of 45 degrees. The development is considered to achieve the performance outcomes of P4 in the following way:

- North side: privacy screens are proposed the full width of north-facing balconies on both buildings to prevent overlooking of the approved (but unconstructed) stage of the Fernbourne Grove Bayside Villas development. A general privacy condition is included for privacy screens on habitable room north-facing windows, as nominated in P4(1)(a)(i) of the Apartment Building Code.
- South Side: the separation distance between Building 1 and the adjoining house to the south, plus the stepped design of Building 2, will ensure that there is sufficient separation to prevent casual overlooking.
- Rear: Balconies of all rear-facing units (Building 2) will be setback greater than 6m, which achieves the deemed to comply solution for privacy.
- Ground floor patios and above ground balconies are either offset or have full height screening, to protect the privacy of adjoining units within the development for both buildings.

Therefore, despite not achieving the deemed to comply building height, the development is considered to be sufficiently articulated so as to provide a width, depth and bulk that is consistent with the development type and a residential streetscape, in accordance with the overall outcomes for the Medium Density Residential Zone. Building bulk is further diminished by meeting the deemed to comply solutions (through design or by conditions) for setbacks, site coverage, privacy and overshadowing.

Streetscape

Built design has a significant bearing on how development addresses streetscape. Specific Outcome S3 of the Apartment Building code states:

- '(1) Layout and design enhances built form of the surrounding streetscape by -*
- (a) contributing to the establishment of an attractive streetscape in new areas;*
 - (b) ensuring the use addresses the street frontage;*
 - (c) reducing building bulk by a combination of balconies, recesses and variations in building form and materials;*
 - (d) using a variety of materials, colours and/or textures between levels to create visual interest;*
 - (e) ensuring that roof design contributes to good building form through articulation, roof architectural interest and attractive visual elements at the highest points of the building. The roof should be proportionate to the size, scale and bulk of the building as well as its elevation and orientation;*
 - (f) roof forms minimize the visual intrusiveness of service elements and facilitate their use for sustainable functions;*
 - (g) buildings on sloping sites being designed to produce a stepped pattern involving roof ridges, guttering, balustrade and floor levels;*
 - (h) ensuring building height is -*
 - i. consistent with development expected in the immediate locality;*
 - ii. stepped down where adjoining an area with a lower building height requirement;*
 - (i) ensuring site coverage complements the use and provides for pedestrian and vehicle access, service areas, open space areas and landscaping;*
 - (j) ensuring setbacks are compatible with the existing streetscape and maximise private open space areas, privacy, solar access and provide for service areas.'*

Existing development in the surrounding area consists mostly of detached dwellings in leafy street environs. Higher density development includes the Fernbourne Grove Bayside Villas and other multiple dwelling developments in the area, including 2 and 6 Fernbourne Road. Typical examples of development in the street are provided in Figures 1 to 4. The proposal is considered to address the specific outcome as follows:

- Although not a new area, the area is transitioning from detached dwellings to higher density development where appropriately zoned. The development will contribute to an attractive streetscape through presenting a 2 storey section to the street, which is setback 6m allowing for deep landscape planting to screen the development, before stepping up a further 2 storeys after 6m;
- The use addresses the frontage by providing a ground level entry lobby, pedestrian and vehicular access, and private open space / habitable room windows to the street;
- Building bulk is reduced through the stepped design and articulated roof; and contrasting cladding materials, textures and finishes. Additionally, setbacks and site coverage meet the relevant deemed to comply solutions, which will allow for appropriate deep rooted perimeter landscaping to help screen the development;

- The roof design incorporates a hipped roof over the ends units on Level 3 of Building 1; a hipped roof over the 2 units on level 4 of Building 1; and a gable roof provided over the upper level units of Building 2. The roof pitch has been changed from 3 degrees originally to 7 degrees to better align with the surrounding area. The roof design in the surrounding area consists primarily of hipped and gabled elements with a variety in roof pitches as indicated in Figures 1 to 4. The roof design as described above (and shown in Figure 5) is considered to be consistent with the range of roof designs evident in the local area. A lift structure and overrun towards the front of the highest part of Building 1 will be visible from the street, however it is designed as a 'feature' using a contrasting rendered finish, to limit the intrusiveness of a service element of the design;
- The site adjoins MDR zoned land to the north and south and Urban Residential Sub-Area UR1 to the east. The building height is less than 13m for Building 2 and those parts of Building 1 which are within 10m of the front and northern boundaries; and 40m of the southern boundary. The stepped design and slope of the land will result in an development which by appearance can be considered to be consistent with the building height anticipated in the area;
- Site coverage and setbacks achieve the relevant deemed to comply solutions, with the front setback consistent with existing development in the street. Setbacks and site coverage allow for adequate solar access, privacy and private open space.
- Further, the mostly basement parking will result in improved visual amenity.



Figure 1 - 20 Fernbourne Road



Figure 2 – 2 Fernbourne Road



Figure 3 – 6 Fernbourne Road



Figure 4 – 59-61 Harris Street



Figure 5 – Proposed Roof Form

Density

(2) With 39 units in 2 buildings over a site area of 4,219m², a density of 1/108m² is achieved which exceeds the 1/200m² deemed to comply solution nominated in P2.4(3) of the MDR Zone Code. However, as noted previously, compliance with probable solutions is not mandatory.

(3) Specific Outcome 2.4(3) of the MDR Zone Code states:

'Dwelling unit density is compatible with medium density living while providing land for private and communal open space, resident and visitor parking, landscaping and maintenance of a residential streetscape;'

Despite exceeding the deemed to comply solution for density, the development is considered to be compatible with the type of medium density living typical where in close proximity to heavy rail public transport, and further provides adequate open space, resident and visitor parking, landscaping and maintenance of a residential streetscape, as discussed in the following sections.

Open Space

Specific Outcome S7 of the Apartment Building Code states:

- (1) *Open space -*
- (a) *includes a clearly designated private open space area that provides privacy for residents and is directly accessible from main living areas;*
 - (b) *includes sufficient communal open space areas at ground level that are useable, functional and accessible to the anticipated number of residents;*
 - (c) *has adequate dimensions to ensure spaces can be used for outdoor living and passive recreation;*
 - (d) *is situated on a suitable slope to ensure residents can easily move throughout the premise;*
 - (e) *is capable of receiving sufficient sunlight;*
 - (f) *is located behind the building frontage, and where above ground level protects the privacy of adjoining and nearby properties.'*

The deemed to comply solution nominated in P7 of the Apartment Building Code states:

- (1) *20 percent of the site is provided as communal open space at ground level which-*
- (a) *has a minimum dimension of 3 metres;*
 - (b) *consists of at least one area with a minimum area of 100m² with a minimum dimension of 5 metres;*
- (2) *for each dwelling unit - provide a designated private open space area that -*
- (a) *at ground level - is a minimum of 25m² with a minimum dimension of 4 metres; or*
 - (b) *above ground level - is a minimum of 10m² with a minimum dimension of 2.5 metres;*
 - (c) *is directly accessible from the main living area;*
 - (d) *receives at least 2 hours of sunlight between 9am and 3pm on June 21 over 100 percent of the area;*
 - (e) *is orientated within 20 degrees of north;'*

Private open space (POS)

The use provides adequate private open space with each unit providing the deemed to comply minimum area and dimension for ground and above ground open space, except for Unit 1-06 which proposes 22m² of POS with a 2m to 4.2m dimension where a 4m minimum dimension is sought. The POS for Unit 1 could be extended at the expense of landscape screening to the front which is not desirable, and on balance the POS is considered adequate given additional communal open space is provided between the buildings, plus the POS can be accessed off the living area while being oriented to allow for sufficient solar access.

Communal open space

A total of 576m² of communal open space is provided between the buildings, which includes open and landscaped areas connected by paths. BBQ and seating is provided in the open area. P7(1) of the Apartment Building Code nominates 20% of the site be provided as communal open space, whereas 13.7% of the site is provided for this purpose. Although the communal open space falls short of the 20% deemed to comply solution, the communal open space provided is considered to comply with Specific Outcome S7(1)(b) which states:

‘ Open space...includes sufficient communal open space areas at ground level that are useable, functional and accessible to the anticipated number of residents;’

The communal open space is useable and functional given its location in the middle of the site between the buildings, and will have a size exceeding the 100m minimum area and 5m minimum dimension as nominated in P7(1)(a) and (b). In the northernmost area seating and BBQ facilities are provided, with shade provided by a pergola above. The area is accessible with paths and ramps connecting the space to the building entrances.

Parking

A comparison of parking rates is included below:

| RPS Parking | Proposed |
|-------------------------------|--|
| 49 (39 resident & 10 visitor) | 70 (59 resident, 10 visitor {including 1 PWD & 1 carwash bay} & 1 RCV) |

The development exceeds the deemed to comply solution for onsite car parking under the Redlands Planning Scheme (RPS), and includes 32 tandem spaces for tenants with more than 1 car. 25 wall mounted bicycle spaces will also be provided.

Landscaping

P6 of the Apartment Building Code nominates 2m of planting along the road frontage and 15% of the site as landscaping. Over 21% of the site is landscaped with a landscape buffer between 4.3m and 6.9m proposed to Fernbourne Road. Over 18% of the landscaping is proposed as ‘deep soil planting.’ The proposal provides sufficient landscaping.

Sewer and Water Capacity

There is sufficient capacity in both the local water and sewer network, with the sewer able to connect to a recently upgraded 600mm trunk sewer pipe.

Vegetation Removal

It is important to note that the Habitat Protection Overlay does not apply to the site. The majority of the trees onsite are intended to be removed. A row of Cypress pines located along the frontage between 7 and 31 Fernbourne Road are protected under Vegetation Protection Order (VPO) TPA32, and are said to be over 100 years old. Council’s arborist has assessed these trees over the last few years and they are gradually failing due to their poor structure and health. One of the Cypress pines in the street recently collapsed during a storm, and another in front of 11 Fernbourne Road required emergency work to prevent the power line being brought down by a split limb. Council officers have no concerns with the Cypress trees being removed due to their fragile and unpredictable health meaning they are unworthy of retention.

The applicant provided an arboricultural impact assessment which found that the health of the jacaranda street tree was poor and had structural issues due to overhead power line pruning. It was recommended that the tree be removed to facilitate frontage works, including footpath alignment. Council's City Spaces Team have no concerns with the removal of the Jacaranda tree providing the community are made aware of this intention (removal of this tree is clearly indicated on the proposal site /location plan prior to public notification). A street tree dedication will be taken so that suitable trees can be planted by Council in the 5.5m wide verge at a future date.

Existing trees are identified as ornamental plantings, including the non-local Eucalypt in the verge (Tree 57 as identified in the submitted Tree Protection Plan), and all are in various stages of age-related decline, and of poor form from limb failure and poor pruning practices. The Arborist Report provided is a preliminary report only and has not factored the civil works into the assessment. The site is sloping and will require extensive earthworks and grade change. The trees proposed for retention will not survive the civil works and the tree protection proposed by the report will not be practical, given the extent of civil works proposed.

The only tree that needs to have tree protection is the tree marked on the report as number 5 located on the adjoining property (number 5 Fernbourne Road), and a relevant condition has been included. Tree number 46 is far enough from the development site and does not warrant tree protection for this reason.

Traffic

A traffic impact assessment was undertaken by Lambert & Rehbein, which determined that upgrades to local streets are unnecessary, with the existing road network able to accommodate the traffic demand generated by the proposed development. Additionally, the close proximity of the development to a train station will result in an overall reduction of vehicle trips, particularly during peak periods.

Chapter 5 of planning scheme policy (PSP) 9 refers to Queensland Streets, AUSTRROADS and the Department of Main Roads Planning and Design Manual for calculating traffic generation for residential development. Design traffic generation is a maximum of 6 trips per dwelling per day resulting in 234 vehicles per day (VPD). Total peak hour trips are 0.4 trips per dwelling resulting in 16 vehicles per hour at peak times, in accordance with Table 3.5 – Traffic Generation Rates Residential Dwellings in Chapter 3 of the Department of Main Roads Road Planning and Design Manual.

The catchment associated with Fernbourne Road is quite small with approximately 30 lots. Based on trip generation rates the existing development in the catchment will generate approximately 243 VPD, and the proposed development 234 VPD for the proposed development, resulting in 477 VPD on the local network. Fernbourne Road has a road reserve of 20m which is similar to a trunk collector but is designated as a residential collector street, which has a design capacity of 3,000 VPD. The additional traffic is well within the capacity of a residential collector street, and the traffic that could otherwise gain access directly onto Fernbourne Road via Station and Harris Streets (which include lots zoned MDR but are currently mostly undeveloped for high density uses), would for the most part travel west via the roundabout at Station Street / Crossley Drive / Main Road; the intersection at Valley Road and Main Road, or where a right turn is required, the signalised intersection one block further north at Roberts Street and Main Road.

With regards to impacts on intersections, the largest impact would be on the Station Street / Main Road / Crossley Drive roundabout, with a total of 14 additional movements during the peak period, resulting in 1 additional vehicle entering the roundabout every 4 minutes, which is considered negligible.

Verge upgrades are applicable to the proposed development that will result in:

- A 5.5m wide verge
- A 4.5m wide carriageway
- Kerb and channel to align with the lot to the south; and
- A 1.5m wide footpath.

Access

A 6.5m wide access is proposed which accords with Standard Drawing R-RSC-3, with appropriate clearance to the nearby intersections and sight distance as specified in Australian Standard AS2890.1:2004.

The access has been designed to facilitate up to a Heavy Rigid Vehicle (HRV) to enter and exit the site in a forward gear. To enable suitable sightlines for the HRV egressing the site, a condition is recommended for street trees to be located outside of the area shown in blue in Figure 6, or alternatively for a contribution to be taken in lieu of street tree planting given the added limitation of the overhead power lines. There is sufficient landscaping width between the property boundary and development to provide a suitable buffer to development.



Figure 6 – Driveway Sight Distance Assessment p. 17 of Rytenschild Traffic Engineering Assessment

Stormwater Management

Roofwater and water from paved areas will be directed to an existing gully pit located in the south-east corner of the southernmost lot via gross pollutant traps and a bio-basin. Lawful point of discharge is via inter-lot drainage to the adjoining lot to the rear (south-east) of the site. This is an existing lawful point of discharge, with stormwater infrastructure already in place to cater for the subject site. The applicant has provided a stormwater quantity assessment that confirms that there will not be a worsening of stormwater discharge from the site, with a detention basin proposed on the development site.

Waste Management

Waste chutes are provided for each building with bin rooms provided in the basement. Each storage room has sufficient capacity to cater for the required number of bulk bins, along with some additional space for 240L bins in a bin store adjacent to the grade level car park. All refuse containers will be transported by the onsite property manager to the waste service point on collection day and returned to the waste storage area.

Overlays

- Acid Sulfate Soils Overlay Code: the basement car park will be located partly below 5mAHD (4.92m AHD lowest point), and may marginally exceed the 100m³ threshold for assessable development. A condition is recommended requiring more detailed information to be provided as part of compliance assessment to determine firstly if the threshold is exceeded, and if it is, to provide the results of a preliminary acid sulfate soils investigation.
- Road and Rail Noise Impacts Overlay: half of the site is impacted by a Rail Noise Buffer (refer Figure 7). A noise assessment was submitted with the original application, and amended in response to Council's request for further information dated 22 August 2016. An amended noise assessment has been provided to reflect the changes to the latest plans. The plans have changed from the plans referenced in the most recent noise assessment, and acoustic mitigation measures for the building construction are specified in Appendix C – Building Construction – QDC MP4.4, of the acoustic assessment dated 14/10/2016. A 1.8m acoustic fence is proposed along the southern extent of the driveway (2m in from the boundary) to protect the amenity of the adjoining dwelling to the south.



Figure 7 – Rail Noise Buffer

QDC MP1.4

Drawing DA08/B “Section” provides sections along the sewer line. The foundations for the bio-basin requires piers to avoid imposing a load on the sewer line. Conditions are recommended to ensure this outcome.

Infrastructure Charges

The proposed development is subject to infrastructure charges in accordance with the State Planning Regulatory Provisions (adopted charges). The total charge applicable to this development is:

Total charge: \$874,365.30

This charge has been calculated as follows in accordance with Council's [Adopted Infrastructure Charges Resolution \(No. 2.3\) August 2016](#).

| Notice #001738 | |
|---|---------------------|
| Residential Component | |
| 21 X 3 bedroom multiple dwellings X \$28,335.90 | \$595,053.90 |
| 18 X 1-2 bedroom multiple dwellings X \$20,239.95 | \$364,319.10 |
| Demand Credit | |
| 3 X existing lot X \$28,335.90 | \$85,007.70 |
| Total Council Charge: | \$874,365.30 |

Offsets

There are no offsets that apply under Chapter 8 Part 2 of the *Sustainable Planning Act 2009*.

Refunds

There are no refunds that apply under Chapter 8 Part 2 of the *Sustainable Planning Act 2009*.

State Referral Agencies

The application did not trigger any State referral requirements.

Public Consultation

The proposed development is impact assessable and required public notification. The application was publicly notified for 16 business days from 23/11/2016 to 14/12/2016. A notice of compliance for public notification was received on 20/12/2016.

Submissions

There were 91 properly made submissions received during the notification period (including 2 petitions each with 51 and 207 signatures respectively). A further 16 submissions were received, which were not properly made but which were accepted under s305(3) of the *Sustainable Planning Act 2009*. The matters raised within these submissions are outlined below.

| | |
|-----------|---|
| 1. | <p>Issue Density</p> <hr/> <p>Applicant Response A dwelling density of 1/108m² is proposed. S2.4(3) of the MDR Zone Code specifies unit development is compatible with medium density living, which although not defined, there are consistent themes in the zone code which assist to define medium density living:</p> <ul style="list-style-type: none"> • The height achieves a mid-rise (3-5 storeys) building form. • Development provides for a range of unit types providing choice and affordability. • Development maximises supply of dwelling units close to public transport (120m Wellington Point Train Station) and access to centres is achieved via train. • The density maximises efficient use of the land while respecting existing streetscape in established areas. • The stepped design will lessen the impact of the development on the street, with the 2 storey section setback 6m and the 4 storey section setback 12m from the front |
|-----------|---|

| | |
|-----------|---|
| | <p>boundary. The pitched roof results in the 4 storey section appearing as 3 storeys.</p> <ul style="list-style-type: none"> • 13.8% of the development is provided as communal open space. While this is less than the 20% deemed to comply solution, the area provided is of a high quality plus additional area is provided as landscaping and private open. • Parking exceeds the deemed to comply solution in the RPS. • Development does not exceed 45% site coverage. <p>Additionally, the development maintains the appearance of a residential streetscape and sufficient open space; parking and landscaping is provided.</p> <p>Officer's Comment Refer to 'Issues' section of the report where this matter is addressed.</p> |
| <p>2.</p> | <p>Issue Building height</p> <p>Applicant Response Building height will exceed the deemed to comply solution for building height being 13m and 3 storeys, but will not exceed the inconsistent height being 10% over 13m. The number of storeys accords with the mid-rise building height definition (3 to 5 storeys), therefore the 4 storey height is considered acceptable. Building 1 is designed to step up from 2 storeys to 4 storeys after 12m and is partially obscured by the pitched roof of the 2 storey section, giving the appearance of a 3 storey height. The slope to the rear plus the reduction in the overall height of Building 2 results in this building appearing as a 2 storey building when viewed from the street as per the image below.</p>  <p>The amended design includes a roof form which has the eaves well below the 13m height and the roof peak to be well below the 14.3m height.</p> <p>Officer's Comment Refer to 'Issues' section of the report where this matter is addressed.</p> |
| <p>3.</p> | <p>Issue Building design out of character with existing streetscape.</p> <p>Applicant Response The development has changed throughout the assessment process and is considered to address the concerns of submitters. Building 1 has been improved with additional cladding materials added to the upper levels of the building in the form of Scyon Linea 180mm wide boards, which replicates a traditional weatherboard finish. Building 2 also utilises this finish. It is considered that the variety of textures, colours and articulated wall sections will provide visual interest, and further landscape planting will assist in reducing perceptions of building bulk when viewed from the street. The roof design has been amended to achieve a more articulated roof form consistent with that found in the locality. 2 units have been dropped from Building 1 which allows for a hipped roof over the end units. A higher pitched roof (7 degrees up from 3 degrees) provides for a hipped roof over the 2 storey section facing Fernbourne Road. A hipped roof is also provided over the 2 units on the top level. Building 2 has been redesigned to provide a gable roof over each of the upper level units, which improves the previous flat roof design. The amended design is considered to, <i>'positively contribute to the streetscape character of Fernbourne Road.'</i></p> <p>Officer's Comment The site is not located within a 'character precinct', however the design includes elements (namely the hipped and gabled roof design) which are considered to be consistent with the roof form in the surrounding area as discussed in the 'Issues' section of the report. Further, landscape planting will use species that are native and characteristic to the area.</p> |

| | |
|----|--|
| 4. | <p>Issue Open Space Inadequate</p> <p>Applicant Response P6 of the Apartment Building Code specifies 15% of the site is provided as landscaping. 21.6% of the site is provided as landscaping, with 18.8% designated for deep soil landscaping. Plans indicate 13.6% of the site is provided as communal open space, consisting of 330m² of active space and 246m² as passive space. It is considered that overall open space achieves S7 in the following way:</p> <ul style="list-style-type: none"> • Suitable private open space is provided for each unit; • The landscaped area exceeds the deemed to comply solution by 6.6%, which will provide an attractive living environment for future residents; • While not achieving the deemed to comply solution, the communal open space is conveniently located for residents between the buildings to be useable; • A large area of Open Space zoned land is located to the east of the subject site and it is reasonable to assume this will provide additional recreational space for future residents. <p>Officer's Comment Refer to 'Issues' section of the report where this matter is addressed.</p> |
| 5. | <p>Issue Streetscape – concerns raised that the proposed development did not positively contribute to the existing streetscape or complement existing development in the area.</p> <p>Applicant Response Changes have been made to the design throughout the assessment process to provide a built form sympathetic with the area, and positively contribute to streetscape character. Changes include:</p> <ul style="list-style-type: none"> • Decreasing the overall height of the buildings to be consistent with the 13m overall height, with only minor projections up to 14.3m; • Building 2 has been reduced in height to appear as a 2 storey building when viewed from the street. Sightlines to the building will be further restricted due to structural elements including the pump room, refuse room and landscaping treatments; • The roof form of both buildings has been modified to include hips and gables, consistent with the character of the locality; • Additional wall cladding has been added to the elevations to break up building bulk and add visual interest when viewed from the street; • The front setback provides for deep landscape planting which will be able to screen the development, with these areas having no overhead restriction. <p>Concerns were also raised about how the removal of the large jacaranda tree will impact on the verge profile. In consultation with Council the following verge profile is proposed for the development:</p> <ul style="list-style-type: none"> • 5.5m wide verge • 4.5m wide carriageway • Kerb and channel infrastructure aligning with that adjoining to the south • A 1.5m wide footpath. <p>The proposed alignment would have a detrimental effect on the long-term health of the jacaranda tree, which in accordance to the arboricultural assessment submitted with the application, is already in poor health, in part due to electricity services pruning. It is proposed to replace the tree with suitable street trees.</p> <p>Officer's Comment Refer to 'Issues' section of the report where this matter is addressed.</p> |
| 6. | <p>Issue Parking (on-site and on-street) not adequate</p> <p>Applicant Response</p> |

| Use | Scale | Rate | Requirement |
|--------------------|----------|--|--|
| Apartment Building | 39 units | 1 space per dwelling unit | 39 |
| | 39 units | 1 visitor space per 4 dwellings (0.25 spaces per unit) | 9.75 (10) |
| Required | | | 39 Resident Spaces; and 10 Visitor Spaces |
| Provided | | | 59 Resident Spaces; |

Parking for the proposed development exceeds the requirements in the planning scheme. As such, it is unlikely any on-street parking is necessary. The development is also within 120m of rapid mode public transport (heavy rail).

Officer's Comment
Refer to 'Issues' section of the report where this matter is addressed.

7. Issue
Concerns regarding increased traffic movements generated by the development.

Applicant Response
A traffic impact assessment was provided with the application, which included calculations of trip generation and trip distribution. It was concluded that the development would generate 237 additional vehicle movements per day with 24 vehicle movements in the peak period. The largest impact would be on the Station Street / Main Road / Crossley Drive roundabout, with a total of 14 additional movements during the peak period, resulting in 1 additional vehicle entering the roundabout every 4 minutes, which is considered negligible. I summary the traffic impact assessment demonstrates that the development with not have a significant impact on the local traffic network, and additional upgrades are not considered necessary.

Officer's Comment
Refer to 'Issues' section of the report where this matter is addressed.

8. Issue
Infrastructure not adequate (sewer)

Applicant Response
Not provided

Officer's Comment
Refer to 'Issues' section of the report where this matter is addressed.

9. Issue
Transit Oriented Development (TOD) criteria not met

Applicant Response
The site is located close to a train station offering high frequency public transport. Whilst the development is not in close proximity to a centre (1100m to the nearest centre), the train station does provide convenient access to nearby centres including Birkdale and Cleveland. Therefore the site is considered to be appropriately zoned to facilitate the development, and meet the principles for transit oriented development.

Officer's Comment
Agree with the applicant's response.

10. Issue
Emergency service access restricted

Applicant Response
Not provided

Officer's Comment
The 6.5m wide driveway crossover accords with Standard Drawing R-RSC-3 with appropriate clearance to the nearby intersections and sight distance as specified In Australian Standard AS2890.1:2004. The access has been designed to facilitate up to a Heavy Rigid Vehicle (HRV) which is more than adequate to facilitate access for emergency vehicles.

11. Issue
Development will attract a rental market and will result in lower house values

Applicant Response
Not provided

Officer's Comment
Council cannot regulate property ownership and property values are not a planning matter. It

| | |
|-----|--|
| | is likely that there will be a mix of owner-occupier and investment purchasing, and the market will dictate the market value of the units, which given the mix of 2 and 3 bedroom options, will satisfy one of the overall outcomes in the Medium Density Residential Zone Code, to 'provide a range of dwelling types that offer choice, affordability and adaptability;' |
| 12. | Issue Residential amenity (privacy / overshadowing) |
| | Applicant Response <ul style="list-style-type: none"> • Building 2 has a one storey elevation where adjacent to the southern boundary, with the building setback 2.5m from the common boundary; • The 4 storey section is setback 8.1m from the southern boundary; • Shadow diagrams were provided to demonstrate more than 2 hours of sunlight was available to the adjoining dwelling to the south |
| | Officer's Comment Refer to the 'Issues' section of the report where this matter is addressed. |
| 13. | Issue Tree removal will result in habitat loss plus VPO protected trees (cypress pines) |
| | Applicant Response The arborist report submitted with the application found that the Cypress trees along the front boundary were in poor health and some had fallen in recent storms. It is proposed that the trees be removed on safety grounds. It is considered that there is sufficient space for street tree plantings. |
| | Officer's Comment Refer to 'Issues' section of the report where this matter is addressed. |
| 14. | Issue Koala habitat was not considered. |
| | Applicant Response The development is located within the Priority Koala Assessable development Area and contains 'Other Areas of Value' (Medium Value Other). Under the provisions of the South East Queensland Koala Conservation State Planning Regulatory Provisions, 'Other Areas of Value' are not protected clearing of the site, and there are no Local Government policies that would restrict the removal of vegetation (where part of a development application). Additionally, the adjoining sites have been extensively cleared historically, resulting in diminished connectivity to bushland habitat. As such, the removal of existing vegetation is unlikely to result in restricting koala movement. |
| | Officer's Comment Refer to 'Issues' section of the report where this matter is addressed. |

Deemed Approval

This application has not been deemed approved under Section 331 of the *Sustainable Planning Act 2009*.

STRATEGIC IMPLICATIONS

Legislative Requirements

In accordance with the *Sustainable Planning Act 2009* this development application has been assessed against the Redlands Planning Scheme V7.1 and other relevant planning instruments. The decision is due on 09 May 2018.

Risk Management

Standard development application risks apply. In accordance with the *Sustainable Planning Act 2009* the applicant may appeal to the Planning and Environment Court against a condition of approval or against a decision to refuse. A submitter also has appeal rights.

Financial

If approved, Council will collect infrastructure contributions in accordance with the State Planning Regulatory Provisions (adopted charges) and Council's Adopted Infrastructure Charges Resolution.

If the development is refused, there is potential that an appeal will be lodged and subsequent legal costs may apply.

People

Not applicable. There are no implications for staff.

Environmental

Environmental implications are detailed within the assessment in the “issues” section of this report.

Social

Social implications are detailed within the assessment in the “issues” section of this report.

Alignment with Council's Policy and Plans

The assessment and officer’s recommendation align with Council’s policies and plans as described within the “issues” section of this report.

CONSULTATION

The assessment manager has consulted with other internal assessment teams where appropriate. Advice has been received from relevant officers and forms part of the assessment of the application. Officers have also consulted with the relevant asset owners in City Spaces, City Infrastructure and Redland Water.

OPTIONS

The development application has been assessed against the Redlands Planning Scheme and relevant State planning instruments. The development is considered to comply with the instruments and it is therefore recommended that the application be approved subject to conditions.

Council’s options are to:

Option One

That Council resolves to adopt the officer’s recommendation to approve the application subject to conditions; or

Option Two

That Council resolves to approve the application, without conditions or subject to different or amended conditions; or

Option Three

That Council resolves to refuse the application.

OFFICER’S RECOMMENDATION

That Council resolves that a Development Permit approval be issued subject to conditions for the material Change of Use for an Apartment Building (39 units) on land described as Lot 132 on RP14151, and Lots 1 and 2 on RP14166, and situated at 7, 9 and 11 Fernbourne Road, Wellington Point, subject to the following conditions:

| ASSESSMENT MANAGER CONDITIONS | TIMING |
|---|--------|
| 1. Comply with all conditions of this approval, at no cost to Council, at the timing periods specified in the right-hand column. Where the column indicates that the condition is an ongoing condition, that condition must be complied with for the life of the development. | |
| Approved Plans and Documents | |

2. Undertake the development in accordance with the approved plans and documents referred to in Table 1, subject to the conditions of this approval and any notations by Council on the plans. Prior to the use commencing and ongoing.

| Plan/Document Title | Reference Number | Prepared By | Plan/Doc. Date |
|---|------------------|------------------------------------|----------------|
| Site / Location Plan | Sheet No. DA01/D | Leith Architects | 19/01/2018 |
| Proposed Basement Plan | Sheet No. DA02/E | Leith Architects | 19/01/2018 |
| Proposed Level 1 Plan | Sheet No. DA03/E | Leith Architects | 19/01/2018 |
| Level 2 Plan | Sheet No. DA04/D | Leith Architects | 19/01/2018 |
| Level 3 Plan | Sheet No. DA05/D | Leith Architects | 19/01/2018 |
| Level 4 Plan | Sheet No. DA06/D | Leith Architects | 19/01/2018 |
| Section 1 | Sheet No. DA07/D | Leith Architects | 19/01/2018 |
| Section 1 & 3 | Sheet No. DA08/D | Leith Architects | 19/01/2018 |
| West Elevation | Sheet No. DA09/E | Leith Architects | 19/01/2018 |
| East Elevation | Sheet No. DA10/E | Leith Architects | 19/01/2018 |
| North & South Elevations | Sheet No. DA11/E | Leith Architects | 19/01/2018 |
| Perspective Images | Sheet No. DA12/D | Leith Architects | 10/03/2016 |
| Perspective Images | Sheet No. DA13/D | Leith Architects | 10/03/2016 |
| Proposed Site Plan | Sheet No. DA16/B | Leith Architects | 19/01/2018 |
| Perspective Images – Building 2 rear | Sheet No. DA18/B | Leith Architects | 10/03/2016 |
| Noise Assessment Report for Residential Multi Unit Development 7-11 Fernbourne Road, Wellington Point, QLD 4160 | 3180R4 | Noise Measurement Services Pty Ltd | 26/02/2018 |
| Aborcultural Impact Assessment 7-11 Fernbourne Road, Wellington Point as amended in red) | IR-AIA | Arbor Australis Consulting | 22/11/2015 |
| Order of Tree Protection (as amended in red) | TPP-01 | Arbor Australis Consulting | 22/11/2015 |
| Traffic Impact Report | B16419TR001_revB | Lambert & Rehbein | 16/11/2016 |
| Traffic Engineering Assessment | 15185_ver 1 | Rytenskiid Traffic Group | 6/04/2016 |
| Waste Management Plan | No reference | Bplanned & Surveyed | 1/11/2016 |
| Site Based Stormwater Management Plan (including Appendices D, E & F) | 15-281 Rev. A | Neil McKenzie & Associates | 11/2016 |

Table 1: Approved Plans and Documents

| Land Dedication and Design | | | |
|----------------------------|--|--|--|
| 3. | Demolish or relocate/remove all existing structures on site in accordance with the approved plan(s) and cap all services prior to demolition commencing. | | Prior to the use commencing. |
| 4. | Locate, design and install outdoor lighting, where required, to minimise the potential for light spillage to cause nuisance to neighbours. | | Prior to the use commencing and ongoing. |
| 5. | Comply with the following requirements where it is proposed that habitable room windows above the ground storey will be within a distance of 6m, and within an angle of 45 degrees, and directly adjacent to habitable rooms of neighbouring dwelling units: <ol style="list-style-type: none"> Provide sill heights a minimum of 1.5m above floor level; or Provide fixed translucent, such as frosted or textured glazing, for any part of the window less than 1.5m above floor level; or Provide fixed external screens that are: | | Prior to the use commencing and ongoing. |

| | | |
|---|--|---|
| <ul style="list-style-type: none"> i) Solid translucent screens; or ii) Perforated panels or trellises that have a maximum of 25% openings, with a maximum opening dimension of 50mm, and that are permanently fixed and durable; and iii) Offset a minimum of 300mm from the wall of the building. | | |
| Access, Roadworks and Parking | | |
| <p>6. Provide parking in accordance with approved plan DA02/E and DA0/E. The total number of parking spaces must include:</p> <ul style="list-style-type: none"> • 59 resident/owner parking spaces, with 32 spaces provided in tandem • 10 visitor parking spaces including 1 car wash space (refer following condition) and 1 disability space • 1 RCV parking space • 25 Wall mounted bike racks. <p>Access to car parking spaces, bicycle spaces, bin bays and driveways must remain unobstructed and available for their intended purpose.</p> | <p>Prior to the use commencing and ongoing.</p> | |
| <p>7. Provide a car wash bay that:</p> <ul style="list-style-type: none"> • is roofed, bunded and drained to sewer via an approved oil interceptor/separator in accordance with Council's Trade Waste requirements; • is designed so that the use of the oil interceptor/separator cannot be shared with any interceptor required for bin wash bays; • limits the ingress of rainfall and overland flow; • minimises water usage. | <p>Prior to the use commencing and ongoing.</p> | |
| <p>8. Submit to Council for approval, engineering plans and details showing the following frontage works are in accordance with the assessment criteria listed in Table 2: Compliance Assessment of this approval:</p> <ul style="list-style-type: none"> a) Road construction including concrete kerb and channel and road pavement (refer to approved Drawing DA01/D); b) Footpath earthworks, topsoiling and turfing of all disturbed footpath areas; c) Reinstatement of concrete kerb and channel where required; d) Removal of all redundant vehicle crossovers; e) Entry treatment/access to the site; f) A minimum 1.5m wide concrete shared use footpath at an alignment of 1.5m from the property boundary, or in alignment with the existing footpath; g) Adjustment and relocations necessary to public utility services resulting from these works; h) A minimum 6.5m wide type R-RSC-3 permanent vehicular crossover to the Fernbourne Road frontage of the site. | <p>As part of request for compliance assessment.</p> | |
| Compliance Assessment | | |
| <p>9. Submit to Council, and receive approval for, Compliance Assessment for the documents and works referred to in Table 2:</p> | <p>Prior to site works commencing.</p> | |
| <p>Document or Works Item</p> <p>Landscape Plan</p> | <p>Compliance Assessor</p> <p>Redland City Council</p> | <p>Assessment Criteria</p> <ul style="list-style-type: none"> • Redlands Planning Scheme Part 8 Division 8 – Landscape Code • Redlands Planning Scheme Part 9 Schedule 9 – Street Trees • Redlands Planning Scheme Part 11 Policy 3 Chapter 3 – Landscaping and Chapter 4 – Security Bonding • Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions, Chapter 10 – Parks and Open Space and Chapter 11 – Landscaping • Redlands Planning Scheme Part 11 Policy 16 – Safer by Design • Redlands Planning Scheme Part 11 Policy 17 – Streetscape Design Manuals. |

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|--|----------------------|---|
| Stormwater assessment | Redland City Council | <ul style="list-style-type: none"> • Redlands Planning Scheme Part 8 Division 9 – Stormwater Management Code • Redlands Planning Scheme Part 11 Policy 3 Chapter 4 – Security Bonding • Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions and Chapter 6 – Stormwater Management • Redlands Planning Scheme Part 9 Schedule 11 – Water Quality Objectives • Water Sensitive Urban Design Technical Guidelines for South East Queensland • State Planning Policy December 2013 • Queensland Urban Drainage Manual • Australian Standard 3500.3:2003 – Plumbing and Drainage – Stormwater Drainage. |
| Water and wastewater supply and reticulation | Redland City Council | <ul style="list-style-type: none"> • SEQ Water Supply and Sewerage Design and Construction Code • Redlands Planning Scheme Part 8 Division 7 – Infrastructure Works Code • Redlands Planning Scheme Part 11 Policy 3 Chapter 4 – Security Bonding • Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions, Chapter 7 – Water Reticulation and Chapter 8 – Sewerage Reticulation. |
| Acid Sulfate Soils Management Plan | Redland City Council | <ul style="list-style-type: none"> • Redlands Planning Scheme Part 5 Division 1 – Acid Sulfate Soils Overlay Code • Redlands Planning Scheme Part 11 Policy 3 Chapter 4 – Security Bonding • Queensland Acid Sulfate Soil Technical Manual, Soil Management Guidelines Version 3.8. |
| Access and parking plans | Redland City Council | <ul style="list-style-type: none"> • Redlands Planning Scheme Part 8 Division 1 – Access and Parking Code • Redlands Planning Scheme Part 11 Policy 3 Chapter 4 – Security Bonding • Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions and Chapter 15 – Access and Parking • Australian Standard 2890.1:2004 – Parking Facilities – Off-street car parking • Australian/New Zealand Standard 2890.6:2009 – Parking Facilities – Off-street parking for people with disabilities. |
| Road and footpath works | Redland City Council | <ul style="list-style-type: none"> • Redlands Planning Scheme Part 7 Division 4 – Domestic Driveway Crossover Code • Redlands Planning Scheme Part 8 Division 7 – Infrastructure Works Code • Redlands Planning Scheme Part 11 Policy 3 Chapter 4 – Security Bonding • Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions and Chapter 5 – Road and Path Design. |
| Sediment and erosion control | Redland City Council | <ul style="list-style-type: none"> • Redlands Planning Scheme Part 8 Division 6 – Erosion Prevention and Sediment Control Code • Redlands Planning Scheme Part 11 Policy 3 Chapter 4 – Security Bonding • Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions and Chapter 4 – Erosion Prevention |

| | | |
|------------------------------|----------------------|---|
| | | <p>and Sediment Control</p> <ul style="list-style-type: none"> • Institution of Engineers Australia Erosion and Sediment Control Guidelines. |
| Earthworks | Redland City Council | <ul style="list-style-type: none"> • Redlands Planning Scheme Part 7 Division 6 – Excavation and Fill Code • Redlands Planning Scheme Part 8 Division 5 – Development Near Underground Infrastructure Code • Redlands Planning Scheme Part 11 Policy 3 Chapter 4 – Security Bonding • Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions, Chapter 12 – Excavation and Fill and Chapter 13 – Development Near Underground Infrastructure • Australian Standard 2870:2011 – Residential Slabs and Footings • Australian Standard 4678:2002 – Earth-retaining Structures • Australian Standard 3798:2007 – Guidelines on Earthworks for Commercial and Residential Development. |
| Electricity reticulation | Redland City Council | <ul style="list-style-type: none"> • Redlands Planning Scheme Part 8 Division 7 – Infrastructure Works Code • Redlands Planning Scheme Part 11 Policy 3 Chapter 4 – Security Bonding • Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions and Chapter 9 – Electrical Reticulation and Street Lighting |
| Construction Management Plan | Redland City Council | <ul style="list-style-type: none"> • Redlands Planning Scheme Part 11 Policy 9 Chapter 2 – Documentation and General Conditions • Redlands Planning Scheme Part 11 Policy 3 Chapter 4 – Security Bonding. |

Table 2: Compliance Assessment

| <u>Stormwater Management</u> | | |
|------------------------------|---|---|
| 10. | Convey roof water and surface water in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management to: <ul style="list-style-type: none"> • A lawful point of discharge being inter-lot drainage system located in the adjoining lot to the rear. | Prior to the use commencing and ongoing. |
| 11. | Manage stormwater discharge from the site in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management, so as to not cause an actionable nuisance to adjoining properties. | Prior to the use commencing and ongoing. |
| 12. | Submit to Council, and receive Compliance Assessment approval for, a stormwater assessment that is generally in accordance with the Site Based Stormwater Management Plan conducted by Neil McKenzie & Associates – Project Reference – 15-281 Rev.A dated November 2016, and addresses both quality and quantity in accordance with the Redlands Planning Scheme Policy 9 Chapter 6 – Stormwater Management, and the following: <ul style="list-style-type: none"> • Detailed design of the minor and major system for the development and stormwater treatment proposed. • Detailed design drawings for the proposed bio retention basin • Detailed design of the proposed GPTs (Gross Pollutant Traps) proposed to be implemented as part of the treatment train. | As part of request for compliance assessment. |

| <u>Infrastructure and Utility Services</u> | |
|---|---|
| 13. Pay the cost of any alterations to existing public utility mains, services or installations due to building and works in relation to the proposed development, or any works required by conditions of this approval. Any cost incurred by Council must be paid at the time the works occur in accordance with the terms of any cost estimate provided to perform the works, or prior to plumbing final or the use commencing, whichever is the sooner. | At the time of works occurring. |
| 14. Connect the development to external reticulated sewer, external reticulated water and underground electricity supply in accordance with the assessment criteria listed in Table 2: Compliance Assessment of this approval. | Prior to the use commencing. |
| 15. Provide a detailed design of the bio-basin footings to achieve compliance with performance requirement P1 in Queensland Development Code MP1.4. The design must demonstrate that the bio-basin design will not place a load on the infrastructure that adversely affects its structure in accordance with P1(b) of the Queensland Development Code MP1.4. | As part of request for compliance assessment. |
| 16. Install a fire hydrant at the front or internally to the development to provide the required fire fighting provision to the buildings in accordance with AS2419.1. | Prior to the use commencing. |
| 17. Remove any redundant sewerage connections within the site or servicing the development and provide documentary evidence to Council or its delegate that this has occurred. | Prior to site works commencing. |
| <u>Construction</u> | |
| 18. Undertake any required excavation and fill works in accordance with the following: <ul style="list-style-type: none"> a) Design retaining walls/structures to have a minimum design life of 60 years and to be in accordance with Australian Standard 4678:2002 – Earth Retaining Structures (as amended). b) Undertake compaction in accordance with Australian Standard 3798:2007 – Guidelines on earthworks for commercial and residential developments (as amended) and Australian Standard 2870:2011 – Residential Slabs and Footings (as amended). c) Comply with the relevant requirements of the Building Regulations 2006 (as amended) where involving gradients or embankments. | During construction. |
| 19. Provide temporary drainage during the building construction phase such that discharge from all constructed roofs and paved areas is disposed of to a lawful point of discharge in accordance with the Queensland Urban Drainage Manual (QUDM) Section 3.02 'Lawful Point of Discharge'. Maintain the temporary system for the duration of the building works. | During construction. |
| 20. Rectify any damage done to the road verge during construction, including topsoiling and re-turfing. | Prior to the use commencing. |
| <u>Waste Management</u> | |
| 21. Install internal waste and recycle storage room on site for each building, as indicated on the approved plan(s) of development, for the storage of a minimum of four (4) bulk bins of 1.1m ³ and four (4) bulk bins of 1.5m ³ for recycle in accordance with the Redlands Planning Scheme Policy 9 Chapter 16 – Waste Management. | Prior to the use commencing and ongoing. |
| <u>Landscape Works</u> | |
| 22. Submit landscape plans to Council for Compliance Assessment in accordance with the assessment criteria listed in Table 2: Compliance Assessment of this approval. Include the following items: <ul style="list-style-type: none"> • Designs that are generally in accordance with Proposed Level 1 Plan DA03/E by Leith Architects, dated 19/01/2018. • Details of street tree planting in accordance with the Redlands Planning Scheme Landscape Code with species selected from Schedule 9 of the Redlands Planning Scheme, unless otherwise approved as part of the compliance assessment approval. Street tree planting must be in accordance with Figure 7.3 – Driveway Sight Distance, in the approved Traffic Engineering Assessment | As part of request for compliance assessment. |

| | |
|---|---|
| <p>by Rytenschild Traffic Group dated 06 April 2016. Alternatively, pay Council a monetary contribution for street tree planting for 6 street trees. The contribution must be calculated in accordance with the Redlands Planning Scheme Policy 3 Chapter 3 – Landscaping and must be paid at the rate current at the time of payment under Council’s Fees and Charges Schedule. The current rate is \$172 per tree (2017/2018 Financial Year).</p> <ul style="list-style-type: none"> • A maintenance plan for the entire landscaping component of the development. • Details of lighting to communal open space, driveways, public car parks and footpaths within the site. • A tree management plan prepared in accordance with Section 9.11.6.3 of the Redlands Planning Scheme Policy 9. • A plan showing the tree protection zones (TPZs) around the existing <i>Eugenia uniflora</i> located on the adjoining property (number 5 Fernbourne Rd) and identified for retention on the Arboricultural Impact Assessment, prepared by Arbor Australis (22/11/2015) Document reference IR-AIA. The TPZ must be designed and installed in accordance with the Tree Protection Plan (Appendix 3) Ref: TPP-01, prepared by Arbor Australis. The TPZ must be installed prior to works commencing and must be maintained until completion of works. All other trees noted for retention in Appendix 3 do not require TPZs. | |
| Acoustic Requirements | |
| <p>23. Construct a 1.8 metre high acoustic barrier as per Plans DA01/D and DA03/E in Appendix A of the acoustic report <i>Noise Assessment Report for Residential Multi Unit Development 7-11 Fernbourne Road, Wellington Point, QLD 4160</i>.</p> <p>The barrier must be a fence or fence/mound combination and constructed in accordance with Diagrams 3/4/5 – of Redland Planning Scheme Policy 5 - Environmental Emissions.</p> | <p>Prior to on maintenance or Council approval of the Survey Plan, whichever is sooner.</p> |
| <p>24. Incorporate acoustic attenuation into the development as specified in section 4.2 of the acoustic report <i>Noise Assessment Report for Residential Multi Unit Development 7-11 Fernbourne Road, Wellington Point, QLD 4160</i>.</p> | <p>Prior to the use commencing and ongoing.</p> |
| Acid Sulfate Soils | |
| <p>25. Submit to Council information on whether the total excavation will exceed 100 cubic metres and total fill will not exceed 500 cubic metres with an average depth of 0.5 metres or more, where below 5 metres AHD.</p> <p>If either of the fill or excavation limits is exceeded, provide the results of preliminary acid sulfate investigation as described in state documentation at: https://www.qld.gov.au/environment/land/soil/acid-sulfate/management and associated linked guidelines.</p> | <p>As part of a request for compliance assessment</p> |
| ADDITIONAL APPROVALS | |
| <p>The following further Development Permits and/or Compliance Permits are necessary to allow the development to be carried out.</p> <ul style="list-style-type: none"> • Building Works approval. • Building works – demolition: <ul style="list-style-type: none"> - Provide evidence to Council that a Demolition Permit has been issued for structures that are required to be removed and/or demolished from the site in association with this development. Referral Agency Assessment through Redland City Council is required to undertake the removal works. <p>Further approvals, other than a Development Permit or Compliance Permit, are also required for your development. This includes, but is not limited to, the following:</p> <ul style="list-style-type: none"> • Compliance assessment as detailed in Table 2 of the conditions. • Plumbing and drainage works. • Capping of Sewer – for demolition of existing buildings on site. • Road Opening Permit – for any works proposed within an existing road reserve. | |

ASSESSMENT MANAGER ADVICE

- **Infrastructure Charges**
Infrastructure charges apply to the development in accordance with the State Planning Regulatory Provisions (adopted charges) levied by way of an Infrastructure Charges Notice. The infrastructure charges are contained in the attached Redland City Council Infrastructure Charges Notice.

 - **Live Connections**
Redland Water is responsible for all live water and wastewater connections. Contact *must* be made with Redland Water to arrange live works associated with the development. Further information can be obtained from Redland Water on 07 3829 8999.

 - **Coastal Processes and Sea Level Rise**
Please be aware that development approvals issued by Redland City Council are based upon current lawful planning provisions which do not necessarily respond immediately to new and developing information on coastal processes and sea level rise. Independent advice about this issue should be sought.

 - **Hours of Construction**
Please be aware that you are required to comply with the *Environmental Protection Act* in regards to noise standards and hours of construction.

 - **Survey and As-constructed Information**
Upon request, the following information can be supplied by Council to assist survey and engineering consultants to meet the survey requirements:
 - a) A map detailing coordinated and/or levelled PSMs adjacent to the site.
 - b) A listing of Council (RCC) coordinates for some adjacent coordinated PSMs.
 - c) An extract from Department of Natural Resources and Mines SCDM database for each PSM.
 - d) Permanent Survey Mark sketch plan copies.
 This information can be supplied without charge once Council received a signed declaration from the consultant agreeing to Council's terms and conditions in relation to the use of the supplied information.
Where specific areas within a lot are being set aside for a special purpose, such as building sites or environmental areas, these areas should be defined by covenants. Covenants are registered against the title as per Division 4A of the *Land Title Act 1994*.

 - **Services Installation**
It is recommended that where the installation of services and infrastructure will impact on the location of existing vegetation identified for retention, an experienced and qualified arborist that is a member of the Australian Arborist Association or equivalent association, be commissioned to provide impact reports and on site supervision for these works.

 - **Fire Ants**
Areas within Redland City have been identified as having an infestation of the Red Imported Fire Ant (RIFA). Biosecurity Queensland should be notified on 13 25 23 of proposed development(s) occurring in the Fire Ant Restricted Area before earthworks commence. It should be noted that works involving movements of soil associated with earthworks may be subject to movement controls and failure to obtain necessary approvals from Biosecurity Queensland is an offence. It is a legal obligation to report any sighting or suspicion of fire ants within 24 hours to Biosecurity Queensland on 13 25 23. The Fire Ant Restricted Area as well as general information can be viewed on the Department of Agriculture and Fisheries (DAF) website www.daf.qld.gov.au/fireants

 - **Cultural Heritage**
Should any aboriginal, archaeological or historic sites, items or places be identified, located or exposed during the course or construction or operation of the development, the *Aboriginal and Cultural Heritage Act 2003* requires all activities to cease. For indigenous cultural heritage, contact the Department of Aboriginal and Torres Strait Islander Partnerships.

 - **Fauna Protection**
It is recommended an accurate inspection of all potential wildlife habitats be undertaken prior to removal of any vegetation on site. Wildlife habitat includes trees (canopies and lower trunk) whether living or dead, other living vegetation, piles of discarded vegetation, boulders, disturbed ground surfaces, etc. It is recommended that you seek advice from the Queensland Parks and Wildlife Service if evidence of wildlife is found.

 - **Environment Protection and Biodiversity Conservation Act**
Under the Commonwealth Government's *Environment Protection and Biodiversity Conservation Act* (the EPBC Act), a person must not take an action that is likely to have a significant impact on a matter of national environmental significance without Commonwealth approval. Please be aware that the listing of the Koala as vulnerable under this Act may affect your proposal.
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Penalties for taking such an action without approval are significant. If you think your proposal may have a significant impact on a matter of national environmental significance, or if you are unsure, please contact Environment Australia on 1800 803 772. Further information is available from Environment Australia's website at www.ea.gov.au/epbc

Please note that Commonwealth approval under the EPBC Act is independent of, and will not affect, your application to Council.

COUNCIL RECOMMENDATION

Moved by: Cr W Boglary

Seconded by: Cr T Huges

That Council resolves to refuse the development application on the following grounds:

1. The proposed development is incompatible with medium density living as the proposal does not provide for sufficient communal open space and does not provide buildings of a width, depth and bulk consistent with maintaining a residential streetscape. The proposed development is therefore in conflict with Specific Outcome S2.4(3) and Overall Outcome 4.14.7(2)(b)(i)(b) of the Medium Residential Zone Code;
2. The proposed development does not provide sufficient communal open space areas at ground level that are useable, functional and accessible to the anticipated number of residents. The proposed development is therefore in conflict with Specific Outcome S7(1)(b) of the Apartment Building Code; and
3. The proposed development does not provide a layout and design that will enhance the built form of the surrounding streetscape or complement the character of the surrounding area. The proposed development is therefore in conflict with Specific Outcome S3(1)(c) and Overall Outcome 6.4.3(2)(a)(ii) and (iv) of the Apartment Building Code.

MOTION TO ADJOURN THE MEETING AT 10.53AM

Moved by: Cr P Gleeson

Seconded by: Cr P Mitchell

That Council adjourn the meeting for 15 minutes.

CARRIED 11/0

Crs Boglary, Mitchell, Gollè, Hewlett, Edwards, Elliott, Huges, Talty, Gleeson, Bishop and Williams voted FOR the motion.

MOTION TO RESUME THE MEETING AT 11.12AM

Moved by: Cr P Bishop

Seconded by: Cr P Mitchell

That Council resume the meeting.

CARRIED 11/0

Crs Boglary, Mitchell, Gollè, Hewlett, Edwards, Elliott, Huges, Talty, Gleeson, Bishop and Williams voted FOR the motion.

AMENDMENT MOTION

Moved by: Cr W Boglary

Seconded by: Cr T Huges

That the motion be amended to read as follows:

That Council resolves to issue a preliminary approval subject to the following outstanding matters being addressed:

1. The proposed development be amended to reduce the bulk and scale of the apartment buildings to be compatible with medium density living and maintain a residential streetscape to achieve compliance with Specific Outcome S2.4(3) and Overall Outcome 4.14.7(2)(b)(i)(b) of the Medium Residential Zone Code;
2. The proposed development be amended to provide sufficient communal open space areas at ground level that are useable, functional and accessible to the anticipated number of residents and achieves compliance with Specific Outcome S7(1)(b) of the Apartment Building Code; and
3. The proposed development be amended to provide a layout and design that will enhance the built form of the surrounding streetscape or complement the character of the surrounding area in accordance with Specific Outcome S3(1)(c) and Overall Outcome 6.4.3(2)(a)(ii) and (iv) of the Apartment Building Code.

CARRIED 11/0

Crs Boglary, Mitchell, Gollè, Hewlett, Edwards, Elliott, Huges, Talty, Gleeson, Bishop and Williams voted FOR the motion.

The motion with the amendment became the motion and was put as follows:

COUNCIL RESOLUTION

Moved by: Cr W Boglary

Seconded by: Cr T Huges

That Council resolves to issue a preliminary approval subject to the following outstanding matters being addressed:

1. The proposed development be amended to reduce the bulk and scale of the apartment buildings to be compatible with medium density living and maintain a residential streetscape to achieve compliance with Specific Outcome S2.4(3) and Overall Outcome 4.14.7(2)(b)(i)(b) of the Medium Residential Zone Code;
2. The proposed development be amended to provide sufficient communal open space areas at ground level that are useable, functional and accessible to the anticipated number of residents and achieves compliance with Specific Outcome S7(1)(b) of the Apartment Building Code; and
3. The proposed development be amended to provide a layout and design that will enhance the built form of the surrounding streetscape or complement the character of the surrounding area in accordance with Specific Outcome S3(1)(c) and Overall Outcome 6.4.3(2)(a)(ii) and (iv) of the Apartment Building Code.

CARRIED 10/1

Crs Boglary, Mitchell, Gollè, Hewlett, Elliott, Huges, Talty, Gleeson, Bishop and Williams voted FOR the motion.

Cr Edwards voted AGAINST the motion.

Attachment 1 Locality Plan



Attachment 3 Zone Map



NOTE:
THE SIGNIFICANT CONIFERS LOCATED ON THE FRONT BOUNDARY ARE NOT RETAINED AS SUGGESTED IN THE ARBORICULTURAL IMPACT ASSESSMENT BY ARBOR AUSTRALIS CONSULTING

HARRIS ST

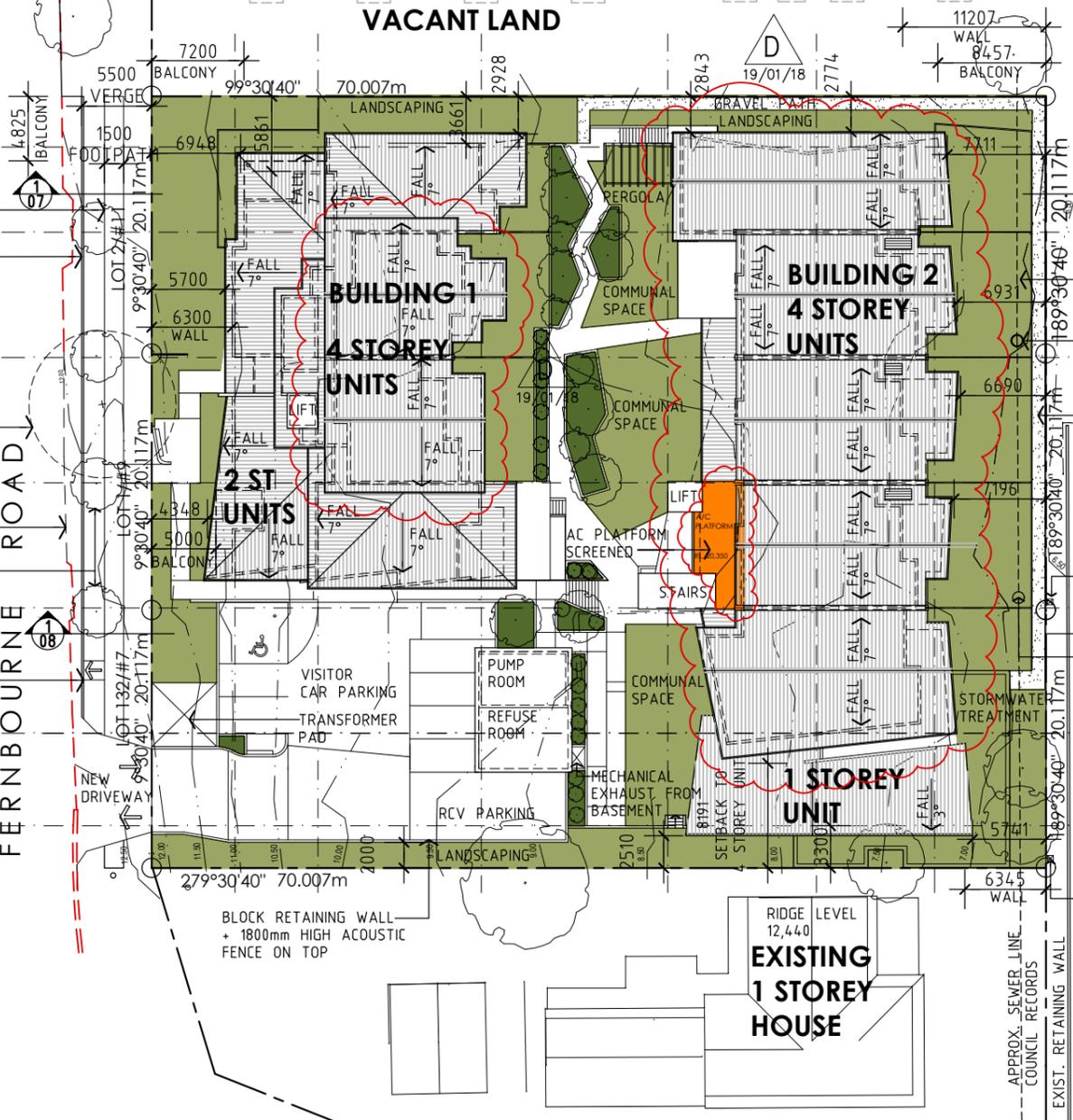
PROPOSED 1500MM WIDE FOOTPATH
EDGE OF PROPOSED 5.5M WIDE VERGE
EXISTING JACARANDA TREE TO BE REMOVED AND NEW STREET TREES PLANTED TO SUIT PROPOSED VERGE AND FOOTPATH DESIGN
EDGE OF EXISTING BITUMEN
NEW STREET TREES AS PER COUNCIL REQUIREMENTS
NEW FOOTPATH + PEDESTRIAN CROSSING

FERNBOURNE ROAD

1 SITE/LOCATION PLAN
SCALE 1:500@A3

LEVELS AS PER SURVEY PLAN Q0198-D1. PREPARED BY AJS SURVEYS PH: 3823 2144

FUTURE DA APPROVED 2 STOREY APARTMENTS VACANT LAND



LEVELS AS PER SURVEY PLAN Q0198-D1. PREPARED BY AJS SURVEYS PH: 3823 2144

UNIT TYPE SCHEDULE

| LEVEL | 1 BED | 2 BED | 3 BED | TOTAL |
|--------------|----------|-----------|-----------|-----------|
| BASEMENT | - | - | - | - |
| LEVEL 1 | 1 | 5 | 6 | 12 |
| LEVEL 2 | - | 6 | 5 | 11 |
| LEVEL 3 | - | 4 | 5 | 9 |
| LEVEL 4 | - | 2 | 5 | 7 |
| TOTAL | 1 | 17 | 21 | 39 |

- GENERAL NOTES**
- CONFIRM ALL RELEVANT DIMENSIONS, LEVELS AND DETAILS ON SITE PRIOR TO COMMENCEMENT OF ALL WORK. CONFIRM SETBACKS TO ALL ALIGNMENTS.
 - ALL CONSTRUCTION IS TO COMPLY WITH BUILDING ACT 1975, STANDARD BUILDING REGULATION 1993, THE BUILDING CODE OF AUSTRALIA, CURRENT AUSTRALIAN STANDARDS + ALL CONTRACT DOCUMENTS.
 - TIMBER CONSTRUCTION IS TO COMPLY WITH AS1684.1 to 4 -1999
 - BLOCK/ BRICKWORK IS TO COMPLY WITH AS3700-2001
 - USE FIGURED DIMENSIONS IN PREFERENCE TO SCALING.
 - ELECTRONIC DATA IS NOT WARRANTED

AMENDMENTS

| ISSUE DATE | AMENDMENTS |
|------------|--------------|
| A 10-03-16 | DA ISSUE |
| B 22-03-16 | DA REVISIONS |
| C 16-11-16 | RFI RESPONSE |
| D 19-01-18 | RFI RESPONSE |

DEVELOPMENT SCHEDULE

SITE 7,9,11 FERNBOURNE RD
RPD LOTS 1,2 + 132 RP 14166
SITE AREA 4,219 m2
SITE COVER 44.68% 1,885 m2
LANDSCAPE 21.60 912 m2
DEEP SOIL (796m2) 18.87%
COMMUNAL OPEN SPACE 13.6% 576m2
1 AREA 139m2
39 UNITS TOTAL

| UNIT NO: | AREA: | 19/01/18 | POS: |
|-----------|--------|----------|--------|
| UNIT 1-01 | 72.0m2 | * | 31.0m2 |
| UNIT 1-02 | 83.0m2 | * | 33.0m2 |
| UNIT 1-03 | 80.0m2 | * | 68.0m2 |
| UNIT 1-04 | 76.0m2 | * | 65.0m2 |
| UNIT 1-05 | 58.0m2 | | 25.0m2 |
| UNIT 1-06 | 77.0m2 | * | 22.0m2 |
| UNIT 1-07 | 72.0m2 | | 16.0m2 |
| UNIT 1-08 | 83.0m2 | | 13.0m2 |
| UNIT 1-09 | 80.0m2 | | 15.0m2 |
| UNIT 1-10 | 76.0m2 | | 16.0m2 |
| UNIT 1-11 | 87.0m2 | | 16.0m2 |
| UNIT 1-12 | 74.0m2 | | 15.0m2 |
| UNIT 1-13 | 83.0m2 | | 13.0m2 |
| UNIT 1-14 | 80.0m2 | | 15.0m2 |
| UNIT 1-15 | 76.0m2 | | 16.0m2 |
| UNIT 1-16 | 87.0m2 | | 16.0m2 |
| UNIT 1-17 | 86.0m2 | | 19.0m2 |
| UNIT 1-18 | 76.0m2 | | 20.0m2 |

| | | | |
|-----------|---------|---|--------|
| UNIT 2-01 | 114.0m2 | * | 72.0m2 |
| UNIT 2-02 | 118.0m2 | * | 94.0m2 |
| UNIT 2-03 | 118.0m2 | * | 93.0m2 |
| UNIT 2-04 | 118.0m2 | * | 91.0m2 |
| UNIT 2-05 | 118.0m2 | * | 62.0m2 |
| UNIT 2-06 | 123.0m2 | | 23.0m2 |
| UNIT 2-07 | 114.0m2 | | 16.0m2 |
| UNIT 2-08 | 118.0m2 | | 19.0m2 |
| UNIT 2-09 | 118.0m2 | | 20.0m2 |
| UNIT 2-10 | 118.0m2 | | 17.0m2 |
| UNIT 2-11 | 139.0m2 | | 22.0m2 |
| UNIT 2-12 | 114.0m2 | | 16.0m2 |
| UNIT 2-13 | 118.0m2 | | 19.0m2 |
| UNIT 2-14 | 118.0m2 | | 20.0m2 |
| UNIT 2-15 | 118.0m2 | | 17.0m2 |
| UNIT 2-16 | 139.0m2 | | 22.0m2 |
| UNIT 2-17 | 114.0m2 | | 16.0m2 |
| UNIT 2-18 | 118.0m2 | | 19.0m2 |
| UNIT 2-19 | 118.0m2 | | 20.0m2 |
| UNIT 2-20 | 118.0m2 | | 17.0m2 |
| UNIT 2-21 | 141.0m2 | | 21.0m2 |

* UNITS WITH PRIVATE COURTYARDS
CARS REQUIRED - 1 PER UNIT 39.00
VISITORS REQUIRED 0.25/UNIT 9.75
TOTAL REQUIRED (48.75) 49
PROVIDED VISITORS 10
PROVIDED RESIDENTS(EXC TANDEM) 43
PROVIDED RESIDENTS(INC TANDEM) 59



- GENERAL NOTES**
1. CONFIRM ALL RELEVANT DIMENSIONS, LEVELS AND DETAILS ON SITE PRIOR TO COMMENCEMENT OF ALL WORK. CONFIRM SETBACKS TO ALL ALIGNMENTS.
 2. ALL CONSTRUCTION IS TO COMPLY WITH BUILDING ACT 1975, STANDARD BUILDING REGULATION 1993, THE BUILDING CODE OF AUSTRALIA, CURRENT AUSTRALIAN STANDARDS + ALL CONTRACT DOCUMENTS.
 3. TIMBER CONSTRUCTION IS TO COMPLY WITH AS1684.1 TO 4 -1999
 4. BLOCK/ BRICKWORK IS TO COMPLY WITH AS3700-2001
 5. USE FIGURED DIMENSIONS IN PREFERENCE TO SCALING.
 6. ELECTRONIC DATA IS NOT WARRANTED

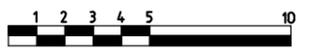
1 AMENDMENTS

| ISSUE DATE | AMENDMENTS |
|------------|---|
| A 10-03-16 | DA ISSUE |
| B 22-03-16 | DA REVISIONS |
| C 15-11-16 | RFI RESPONSE |
| D 15-11-16 | RFI RESPONSE- ACCESS RAMP LEVEL |
| E 19-01-18 | RFI RESPONSE- LOWER CARPARK LEVEL AMENDED |

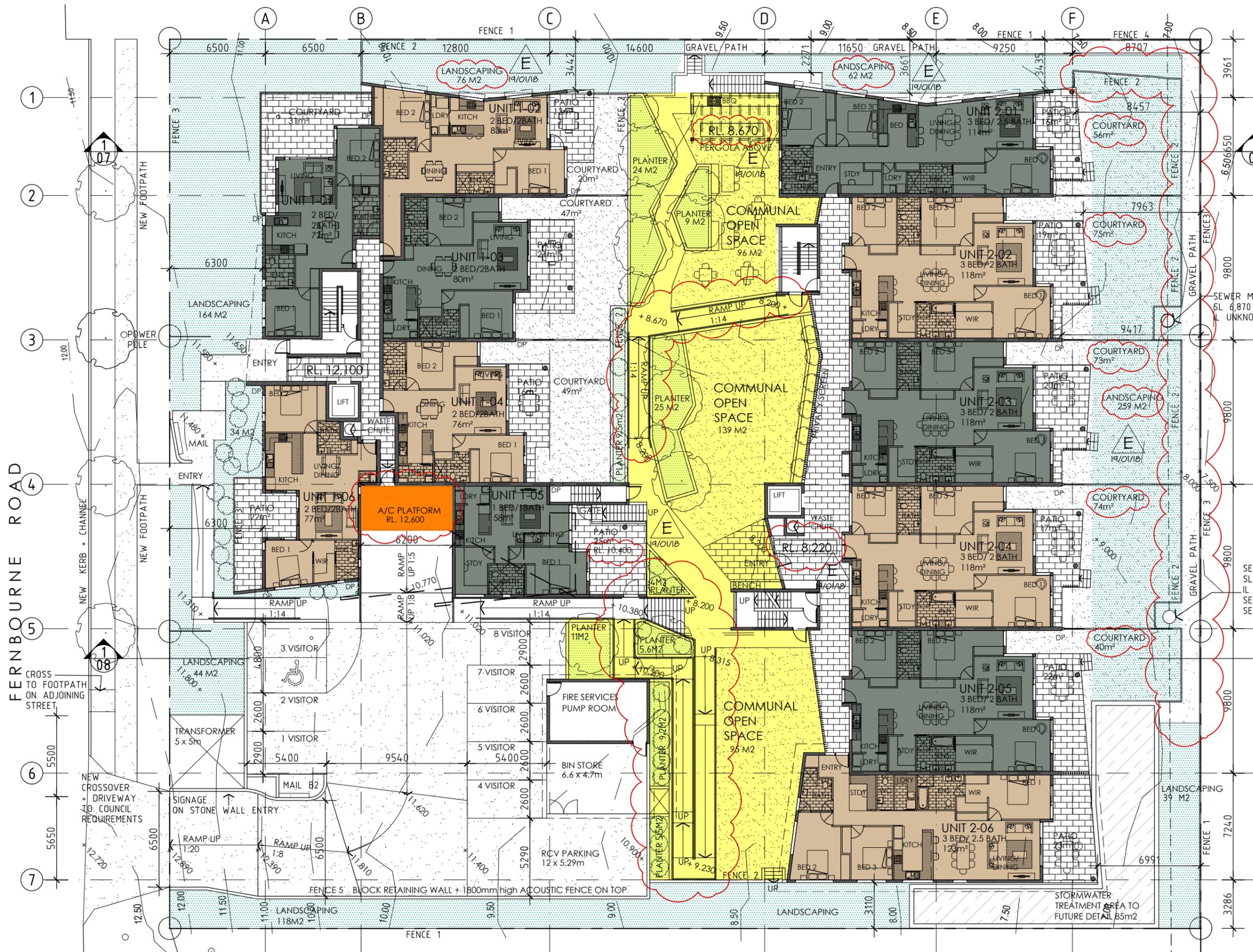
LEGEND

| | |
|-----------|------------------------|
| ST | STORAGE SPACE |
| [Pattern] | FILL |
| [Shaded] | CUT - INCLUDE BASEMENT |

1 BASEMENT PLAN
SCALE 1:250@A3



FERNBOURNE ROAD



- GENERAL NOTES**
1. CONFIRM ALL RELEVANT DIMENSIONS, LEVELS AND DETAILS ON SITE PRIOR TO COMMENCEMENT OF ALL WORK. CONFIRM SETBACKS TO ALL ALIGNMENTS.
 2. ALL CONSTRUCTION IS TO COMPLY WITH BUILDING ACT 1975, STANDARD BUILDING REGULATION 1993, THE BUILDING CODE OF AUSTRALIA, CURRENT AUSTRALIAN STANDARDS + ALL CONTRACT DOCUMENTS.
 3. TIMBER CONSTRUCTION IS TO COMPLY WITH AS1684.1 TO 4-1999
 4. BLOCK/ BRICKWORK IS TO COMPLY WITH AS3700-2001
 5. USE FIGURED DIMENSIONS IN PREFERENCE TO SCALING.
 6. ELECTRONIC DATA IS NOT WARRANTED

1 AMENDMENTS

| ISSUE DATE | AMENDMENTS |
|------------|---------------------------------------|
| A | 10-03-16 DA ISSUE |
| B | 22-03-16 DA REVISIONS |
| C | 15-11-16 RFI RESPONSE |
| D | 15-11-16 RFI RESPONSE-DRIVEWAY LEVELS |
| E | 19-01-18 RFI RESPONSE-FFL LOWERED |

LEGEND

| | |
|---------|--|
| FENCE 1 | 1200mm HIGH ALUMINIUM FENCING "POOL TYPE" |
| FENCE 2 | 1200mm HIGH TIMBER FENCING |
| FENCE 3 | 1800mm HIGH TIMBER FENCING |
| FENCE 4 | 1000mm BLOCK RET. WALL WITH MAX. 1m HIGH ALUMINIUM FENCE ABOVE |
| FENCE 5 | BLOCK RETAINING WALL WITH MIN 1800MM HIGH ACOUSTIC FENCE |
| TURF | ARTIFICIAL TURF ON SLAB WITH FALLS TO FLOOR WASTES |

COMMUNAL OPEN SPACE

| | |
|--------------|-------------------|
| ACTIVE AREA | 330m ² |
| PASSIVE AREA | 246m ² |
| TOTAL | 576m ² |

PLANTING AREA HATCH

| | |
|----------------------------|----------------------------|
| TOTAL AREA DEEP PLANTING | 796m ² (18.87%) |
| TOTAL PLANTER BOX PLANTING | 97.3m ² (2.3%) |



1 LEVEL 1 PLANS
SCALE 1:250@A3

FERNBOURNE ROAD

PROJECT: PROPOSED APARTMENT BUILDINGS - 7, 9 & 11 FERNBOURNE RD, WELLINGTON POINT
 CLIENT: BINNATON HOLDINGS LTD
 DRAWING TITLE: PROPOSED LEVEL 1 PLAN

LEITH ARCHITECTS
 OFFICE 34 MCGREGOR ST CLAYFIELD Q 4011
 MOBILE 0418 779 344
 EMAIL INFO@LEITHARCHITECTS.COM.AU WEB WWW.LEITHARCHITECTS.COM.AU

| | | |
|----------|----------|-------|
| SCALE | DATE | DRAWN |
| 1:250@A3 | 08.03.16 | ITS |
| JOB No | SHEET No | ISSUE |
| 2277 | DA03 | E |



- GENERAL NOTES**
1. CONFIRM ALL RELEVANT DIMENSIONS, LEVELS AND DETAILS ON SITE PRIOR TO COMMENCEMENT OF ALL WORK. CONFIRM SETBACKS TO ALL ALIGNMENTS.
 2. ALL CONSTRUCTION IS TO COMPLY WITH BUILDING ACT 1975, STANDARD BUILDING REGULATION 1993, THE BUILDING CODE OF AUSTRALIA, CURRENT AUSTRALIAN STANDARDS + ALL CONTRACT DOCUMENTS.
 3. TIMBER CONSTRUCTION IS TO COMPLY WITH AS1684.1 to 4 -1999
 4. BLOCK/ BRICKWORK IS TO COMPLY WITH AS3700-2001
 5. USE FIGURED DIMENSIONS IN PREFERENCE TO SCALING.
 6. ELECTRONIC DATA IS NOT WARRANTED

1 AMENDMENTS

| ISSUE DATE | AMENDMENTS |
|------------|----------------------------|
| A 10-03-16 | DA ISSUE |
| B 22-03-16 | DA REVISIONS |
| C 16-11-16 | RFI RESPONSE |
| D 19-01-18 | RFI RESPONSE - FFL LOWERED |

1 LEVEL 2 PLANS
SCALE 1:250@A3

PROJECT: PROPOSED APARTMENT BUILDINGS - 7, 9 & 11 FERNBOURNE RD, WELLINGTON POINT
 CLIENT: BINNATON HOLDINGS LTD
 DRAWING TITLE: LEVEL 2 PLAN

LEITH ARCHITECTS
 OFFICE 34 MCGREGOR ST CLAYFIELD Q 4011
 MOBILE 0418 779 344
 EMAIL INFO@LEITHARCHITECTS.COM.AU WEB WWW.LEITHARCHITECTS.COM.AU

| SCALE | DATE | DRAWN |
|----------|----------|-------|
| 1:250@A3 | 08.03.16 | ITS |
| JOB No | SHEET No | ISSUE |
| 2277 | DA04 | D |



- GENERAL NOTES**
1. CONFIRM ALL RELEVANT DIMENSIONS, LEVELS AND DETAILS ON SITE PRIOR TO COMMENCEMENT OF ALL WORK. CONFIRM SETBACKS TO ALL ALIGNMENTS.
 2. ALL CONSTRUCTION IS TO COMPLY WITH BUILDING ACT 1975, STANDARD BUILDING REGULATION 1993, THE BUILDING CODE OF AUSTRALIA, CURRENT AUSTRALIAN STANDARDS + ALL CONTRACT DOCUMENTS.
 3. TIMBER CONSTRUCTION IS TO COMPLY WITH AS1684.1 to 4 -1999
 4. BLOCK/ BRICKWORK IS TO COMPLY WITH AS3700-2001
 5. USE FIGURED DIMENSIONS IN PREFERENCE TO SCALING.
 6. ELECTRONIC DATA IS NOT WARRANTED

1 AMENDMENTS

| ISSUE DATE | AMENDMENTS |
|------------|----------------------------|
| A 10-03-16 | DA ISSUE |
| B 22-03-16 | DA REVISIONS |
| C 16-11-16 | RFI RESPONSE |
| D 19-01-18 | RFI RESPONSE - FFL LOWERED |

1 LEVEL 3 PLANS
SCALE 1:250@A3
FLOOR LEVELS AS PER SECTIONS



PROJECT: PROPOSED APARTMENT BUILDINGS - 7, 9 & 11 FERNBOURNE RD, WELLINGTON POINT
 CLIENT: BINNATON HOLDINGS LTD
 DRAWING TITLE: LEVEL 3 PLAN


LEITH ARCHITECTS
 OFFICE 34 MCGREGOR ST CLAYFIELD Q 4011
 MOBILE 0418 779 344
 EMAIL INFO@LEITHARCHITECTS.COM.AU WEB WWW.LEITHARCHITECTS.COM.AU

| SCALE | DATE | DRAWN |
|----------|----------|-------|
| 1:250@A3 | 08.03.16 | ITS |
| JOB No | SHEET No | ISSUE |
| 2277 | DA05 | D |



- GENERAL NOTES**
1. CONFIRM ALL RELEVANT DIMENSIONS, LEVELS AND DETAILS ON SITE PRIOR TO COMMENCEMENT OF ALL WORK. CONFIRM SETBACKS TO ALL ALIGNMENTS.
 2. ALL CONSTRUCTION IS TO COMPLY WITH BUILDING ACT 1975, STANDARD BUILDING REGULATION 1993, THE BUILDING CODE OF AUSTRALIA, CURRENT AUSTRALIAN STANDARDS + ALL CONTRACT DOCUMENTS.
 3. TIMBER CONSTRUCTION IS TO COMPLY WITH AS1684.1 TO 4 -1999
 4. BLOCK/ BRICKWORK IS TO COMPLY WITH AS3700-2001
 5. USE FIGURED DIMENSIONS IN PREFERENCE TO SCALING.
 6. ELECTRONIC DATA IS NOT WARRANTED

1 AMENDMENTS

| ISSUE DATE | AMENDMENTS |
|------------|---|
| A 10-03-16 | DA ISSUE |
| B 22-03-16 | DA REVISIONS |
| C 16-11-16 | RFI RESPONSE |
| D 19-01-18 | RFI RESPONSE - UNIT DELETED/NEUROOF/NEW FRL |

1 LEVEL 4 PLANS
 SCALE 1:250@A3
 FLOOR LEVELS AS PER SECTIONS



PROJECT
 PROPOSED APARTMENT BUILDINGS - 7, 9 & 11 FERNBOURNE RD, WELLINGTON POINT
 CLIENT
 BINNATON HOLDINGS LTD
 DRAWING TITLE
 LEVEL 4 PLAN

LEITH ARCHITECTS
 OFFICE 34 MCGREGOR ST CLAYFIELD Q 4011
 MOBILE 0418 779 344
 EMAIL INFO@LEITHARCHITECTS.COM.AU WEB WWW.LEITHARCHITECTS.COM.AU

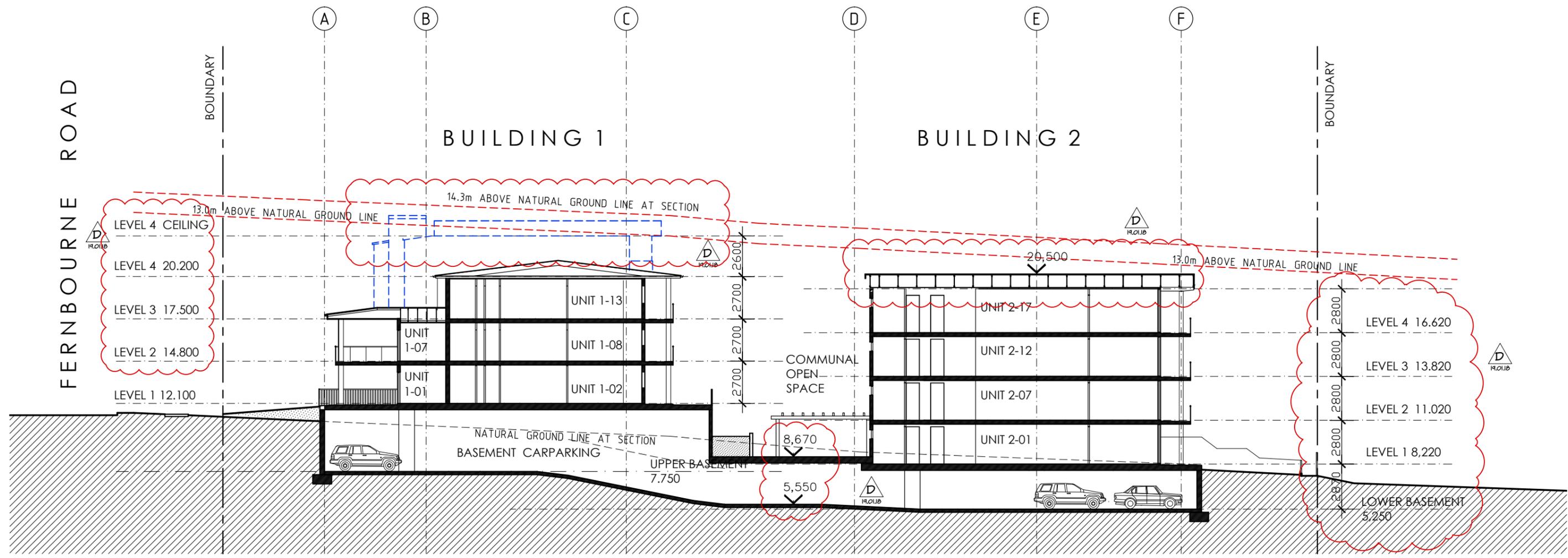
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|----------|----------|-------|
| 1:250@A3 | 08.03.16 | ITS |
| JOB No | SHEET No | ISSUE |
| 2277 | DA06 | D |

GENERAL NOTES

1. CONFIRM ALL RELEVANT DIMENSIONS, LEVELS AND DETAILS ON SITE PRIOR TO COMMENCEMENT OF ALL WORK. CONFIRM SETBACKS TO ALL ALIGNMENTS.
2. ALL CONSTRUCTION IS TO COMPLY WITH BUILDING ACT 1975, STANDARD BUILDING REGULATION 1993, THE BUILDING CODE OF AUSTRALIA, CURRENT AUSTRALIAN STANDARDS + ALL CONTRACT DOCUMENTS.
3. TIMBER CONSTRUCTION IS TO COMPLY WITH AS1684.1 to 4-1999
4. BLOCK/ BRICKWORK IS TO COMPLY WITH AS3700-2001
5. USE FIGURED DIMENSIONS IN PREFERENCE TO SCALING.
6. ELECTRONIC DATA IS NOT WARRANTED

AMENDMENTS

| ISSUE | DATE | AMENDMENTS |
|-------|----------|---|
| A | 10-03-16 | DA ISSUE |
| B | 16-11-16 | RFI RESPONSE |
| C | 11-09-17 | RFI RESPONSE - B1 ROOF AMENDED, 2 UNITS ON L4 DELETED |
| D | 19-01-18 | RFI RESPONSE -ADDITIONAL HEIGHT INFO |



1 SECTION
 SCALE 1:250 @ A3

PROJECT: PROPOSED APARTMENT BUILDINGS
 CLIENT: BINNATON HOLDINGS PTY LTD
 DRAWING TITLE: SECTION

LEITH ARCHITECTS
 OFFICE LEVEL TWO 46 BERWICK ST FORTITUDE VALLEY Q 4006
 PHONE 07 3160 8216 MOBILE 0418 779 344
 EMAIL INFO@LEITHARCHITECTS.COM.AU WEB WWW.LEITHARCHITECTS.COM.AU

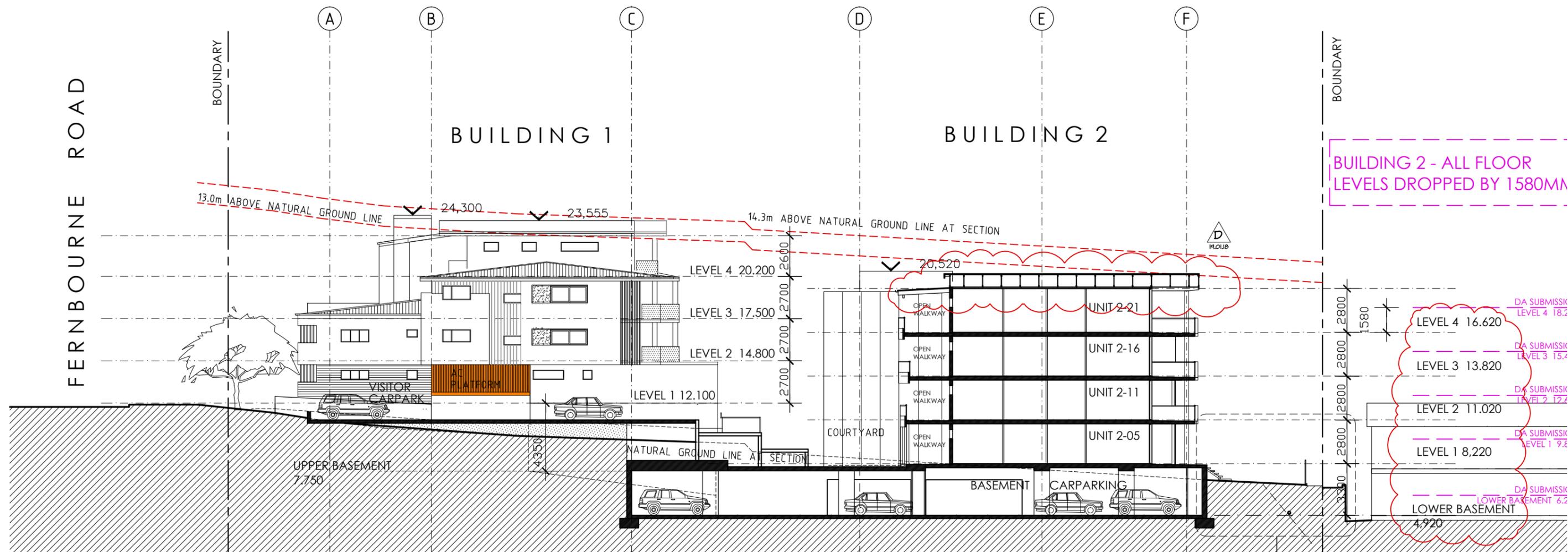
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|-------------------|------------------|--------------|
| SCALE 1:250@A3 | DATE 19.01.18 | DRAWN ITS |
| JOB No 2277 | SHEET No DA07 | ISSUE D |

GENERAL NOTES

1. CONFIRM ALL RELEVANT DIMENSIONS, LEVELS AND DETAILS ON SITE PRIOR TO COMMENCEMENT OF ALL WORK. CONFIRM SETBACKS TO ALL ALIGNMENTS.
2. ALL CONSTRUCTION IS TO COMPLY WITH BUILDING ACT 1975, STANDARD BUILDING REGULATION 1993, THE BUILDING CODE OF AUSTRALIA, CURRENT AUSTRALIAN STANDARDS + ALL CONTRACT DOCUMENTS.
3. TIMBER CONSTRUCTION IS TO COMPLY WITH AS1684.1 TO 4-1999
4. BLOCK/ BRICKWORK IS TO COMPLY WITH AS3700-2001
5. USE FIGURED DIMENSIONS IN PREFERENCE TO SCALING.
6. ELECTRONIC DATA IS NOT WARRANTED

AMENDMENTS

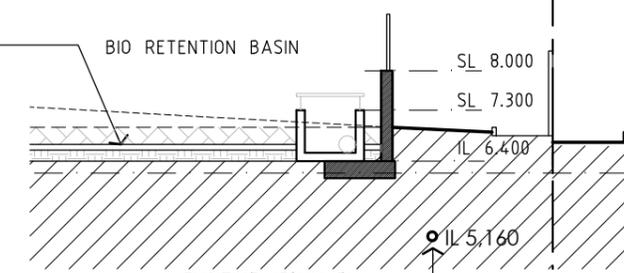
| ISSUE DATE | AMENDMENTS |
|------------|---|
| A 10-03-16 | DA ISSUE |
| B 16-11-16 | RFI RESPONSE |
| C 11-09-17 | RFI RESPONSE - B1 ROOF AMENDED, 2 UNITS ON L4 DELETED |
| D 19-01-18 | RFI RESPONSE - ADDITIONAL HEIGHT INFO |



1 SECTION
SCALE 1:250 @ A3

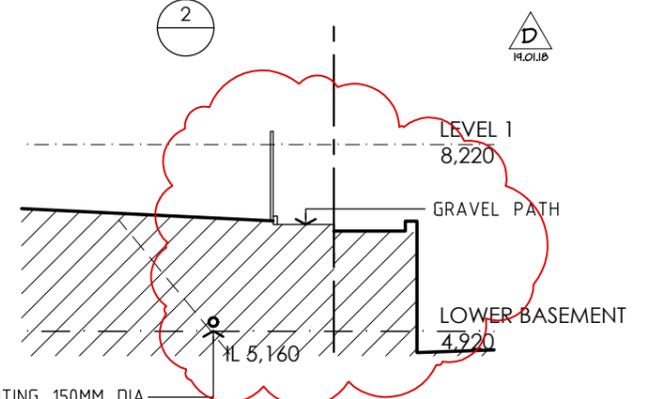


BIO RETENTION BASIN
DETAIL AND LEVELS
AS PER ENG.
DRAWINGS



EXISTING 150MM DIA
SEWER PIPE AS PER
COUNCIL RECORDS;
SEE PLAN FOR
MANHOLE LOCATIONS

2 SECTION THROUGH SEWER LINE
SCALE 1:125 @ A3



EXISTING 150MM DIA
SEWER PIPE AS PER
COUNCIL RECORDS;
SEE PLAN FOR
MANHOLE LOCATIONS

3 SECTION THROUGH SEWER LINE & BIO RETENTION BASIN
SCALE 1:125 @ A3

PROJECT
PROPOSED APARTMENT BUILDINGS
CLIENT
BINNATON HOLDINGS PTY LTD
DRAWING TITLE
SECTION

LEITH ARCHITECTS
OFFICE LEVEL TWO 46 BERWICK ST FORTITUDE VALLEY Q 4006
PHONE 07 3160 8216 MOBILE 0418 779 344
EMAIL INFO@LEITHARCHITECTS.COM.AU WEB WWW.LEITHARCHITECTS.COM.AU

| SCALE | DATE | DRAWN |
|----------|----------|-------|
| 1:250@A3 | 19.01.18 | ITS |
| JOB No | SHEET No | ISSUE |
| 2277 | DA08 | D |

| FENCE LEGEND | |
|--------------|--|
| FENCE 1 | 1200mm HIGH ALUMINIUM FENCING "POOL TYPE" |
| FENCE 2 | 1200mm HIGH TIMBER FENCING |
| FENCE 3 | 1800mm HIGH TIMBER FENCING |
| FENCE 4 | 1000mm BLOCK RET. WALL WITH MAX. 1m HIGH ALUMINIUM FENCE ABOVE |

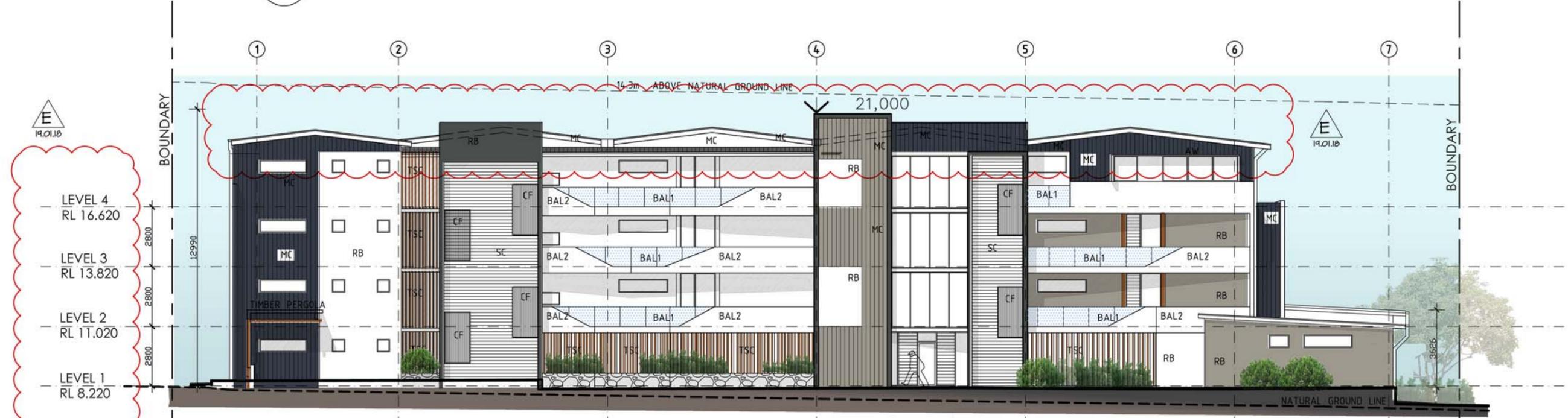
| LEGEND | | | | | |
|--------|--|------|---|-----|---|
| BAL1 | GLASS BALUSTRADE 1000mm HIGH SS VERTICAL SUPPORTS ALUM. HANDRAIL AT 900mm HIGH | AW | FOAM CORE ALUMINIUM PANEL AWNING | RB | RENDERED AND PAINTED BLOCKWORK |
| BAL2 | PRECAST CONCRETE BALUSTRADE | GL | ALUMINIUM FRAMED GLAZING | SC | SCYON LINEA 180MM WIDE BOARD CLADDING |
| CB | COLORBOND ROOF COLOUR TBA | TSC | VERTICAL FIXED SCREEN/TIMER/ALUMINIUM SECTIONS WITH MAX 125mm SPACING | RB3 | TEXTURED RENDER WITH CONTRACT PAINT COLOUR ON BLOCKWORK |
| DP | COLORBOND DOWNPIPES COLOUR TBA | COL1 | RENDERED CONCRETE COLUMN | MC | COLORBOND METAL CLADDING COLOUR TBA |
| | | CF | CLEAR COREFLUTE PANEL SCREEN | | |

| GENERAL NOTES | |
|---------------|---|
| 1. | CONFIRM ALL RELEVANT DIMENSIONS, LEVELS AND DETAILS ON SITE PRIOR TO COMMENCEMENT OF ALL WORK. CONFIRM SETBACKS TO ALL ALIGNMENTS. |
| 2. | ALL CONSTRUCTION IS TO COMPLY WITH BUILDING ACT 1975, STANDARD BUILDING REGULATION 1993, THE BUILDING CODE OF AUSTRALIA, CURRENT AUSTRALIAN STANDARDS + ALL CONTRACT DOCUMENTS. |
| 3. | TIMBER CONSTRUCTION IS TO COMPLY WITH AS1684.1 TO 4 -1999 |
| 4. | BLOCK/ BRICKWORK IS TO COMPLY WITH AS3700-2001 |
| 5. | USE FIGURED DIMENSIONS IN PREFERENCE TO SCALING. |
| 6. | ELECTRONIC DATA IS NOT WARRANTED |

| AMENDMENTS | |
|------------|--|
| ISSUE DATE | AMENDMENTS |
| A 10-03-16 | DA ISSUE |
| B 22-03-16 | DA REVISIONS |
| C 16-11-16 | RFI RESPONSE |
| D 11-09-17 | RFI RESPONSE- B1 ROOF AMENDED, FFL CHANGED |
| E 19-01-18 | RFI RESPONSE- ADDITIONAL HEIGHT INFO |



1 WEST ELEVATION - BUILDING 1 - FERNBOURNE RD
SCALE 1:200



2 INTERNAL WEST ELEVATION - BUILDING 2
SCALE 1:200

| FENCE LEGEND | |
|--------------|--|
| FENCE 1 | 1200mm HIGH ALUMINIUM FENCING "POOL TYPE" |
| FENCE 2 | 1200mm HIGH TIMBER FENCING |
| FENCE 3 | 1800mm HIGH TIMBER FENCING |
| FENCE 4 | 1000mm BLOCK RET. WALL WITH MAX. 1m HIGH ALUMINIUM FENCE ABOVE |

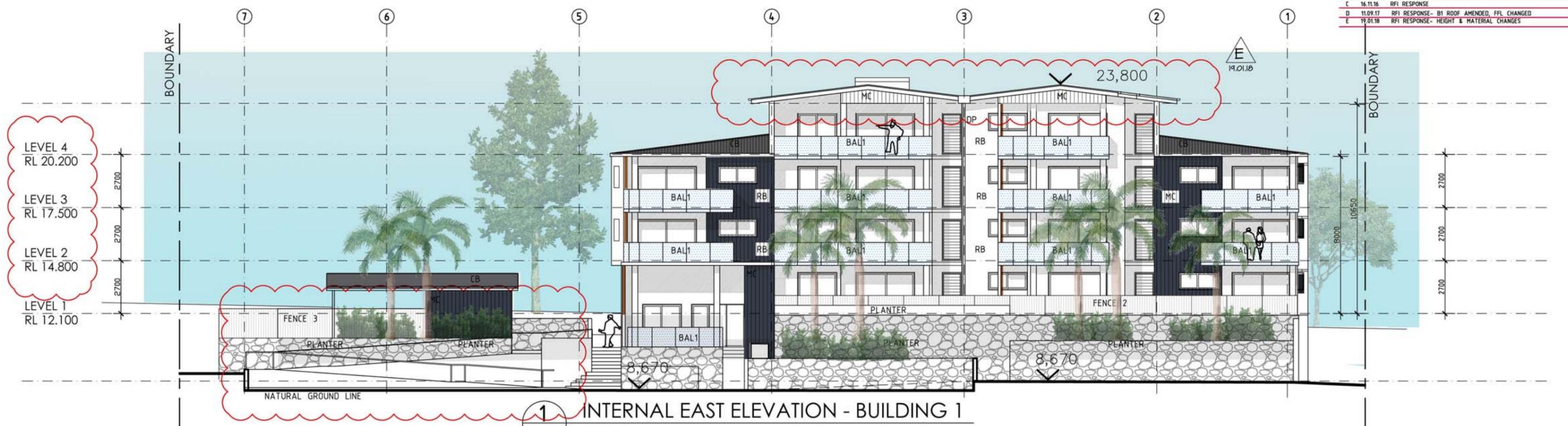
| LEGEND | | | | | |
|--------|--|------|---|-----|---|
| BAL1 | GLASS BALUSTRADE 1000mm HIGH SS VERTICAL SUPPORTS ALUM. HANDRAIL AT 900mm HIGH | AW | FOAM CORE ALUMINIUM PANEL AWNING | RB | RENDERED AND PAINTED BLOCKWORK |
| BAL2 | PRECAST CONCRETE BALUSTRADE | GL | ALUMINIUM FRAMED GLAZING | SC | SCYON LINEA 180MM WIDE BOARD CLADDING |
| CB | COLORBOND ROOF COLOUR TBA | TSC | VERTICAL FIXED SCREEN/TIMER/ALUMINIUM SECTIONS WITH MAX 125mm SPACING | RB3 | TEXTURED RENDER WITH CONTRACT PAINT COLOUR ON BLOCKWORK |
| DP | COLORBOND DOWNPIPES COLOUR TBA | COL1 | RENDERED CONCRETE COLUMN | MC | COLORBOND METAL CLADDING COLOUR TBA |
| | | CF | CLEAR COREFLUTE PANEL SCREEN | | |

GENERAL NOTES

- CONFIRM ALL RELEVANT DIMENSIONS, LEVELS AND DETAILS ON SITE PRIOR TO COMMENCEMENT OF ALL WORK. CONFIRM SETBACKS TO ALL ALIGNMENTS.
- ALL CONSTRUCTION IS TO COMPLY WITH BUILDING ACT 1975, STANDARD BUILDING REGULATION 1993, THE BUILDING CODE OF AUSTRALIA, CURRENT AUSTRALIAN STANDARDS + ALL CONTRACT DOCUMENTS.
- TIMBER CONSTRUCTION IS TO COMPLY WITH AS1684.1 to 4 - 1999
- BLOCK BRICKWORK IS TO COMPLY WITH AS3700-2001
- USE FIGURED DIMENSIONS IN PREFERENCE TO SCALING.
- ELECTRONIC DATA IS NOT WARRANTED.

AMENDMENTS

| ISSUE | DATE | AMENDMENTS |
|-------|----------|--|
| A | 10-03-16 | DA ISSUE |
| B | 22-03-16 | DA REVISIONS |
| C | 16-11-16 | RFI RESPONSE |
| D | 11-09-17 | RFI RESPONSE- B1 ROOF AMENDED, FFL CHANGED |
| E | 19-01-18 | RFI RESPONSE- HEIGHT & MATERIAL CHANGES |



1 INTERNAL EAST ELEVATION - BUILDING 1
SCALE 1:200



2 EAST ELEVATION
SCALE 1:200

PROJECT
 PROPOSED APARTMENT BUILDINGS - 7/9/11 FERNBOURNE RD WELLINGTON POINT
 CLIENT
 BINNATON HOLDINGS PTY LTD
 DRAWING TITLE
 EAST ELEVATION

LEITH ARCHITECTS
 OFFICE LEVEL TWO 46 BERWICK ST FORTITUDE VALLEY Q 4006
 PHONE 07 3160 8216 MOBILE 0418 779 344
 EMAIL INFO@LEITHARCHITECTS.COM.AU WEB WWW.LEITHARCHITECTS.COM.AU

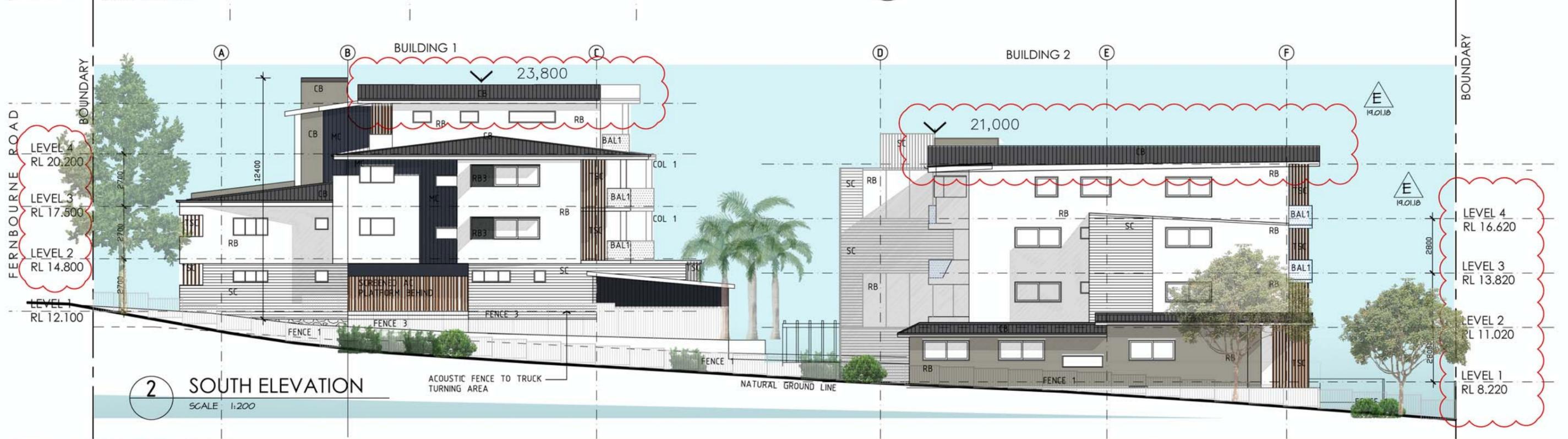
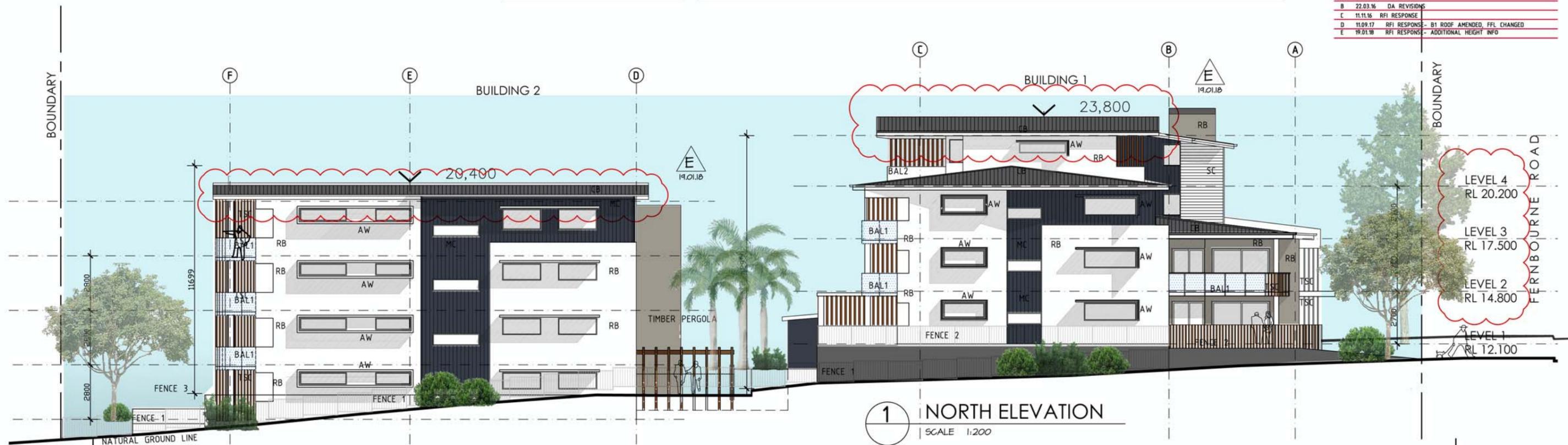
| SCALE | DATE | DRAWN |
|--------|----------|-------|
| 1:200 | 19.01.18 | NS |
| JOB No | SHEET No | ISSUE |
| 2277 | DA10 | E |

| FENCE LEGEND | |
|--------------|--|
| FENCE 1 | 1200mm HIGH ALUMINIUM FENCING "POOL TYPE" |
| FENCE 2 | 1200mm HIGH TIMBER FENCING |
| FENCE 3 | 1800mm HIGH TIMBER FENCING |
| FENCE 4 | 1000mm BLOCK RET. WALL WITH MAX. 1m HIGH ALUMINIUM FENCE ABOVE |

| LEGEND | | | | | |
|--------|--|------|---|-----|---|
| BAL1 | GLASS BALUSTRADE 1000mm HIGH SS VERTICAL SUPPORTS ALUM. HANDRAIL AT 900mm HIGH | AW | FOAM CORE ALUMINIUM PANEL AWNING | RB | RENDERED AND PAINTED BLOCKWORK |
| BAL2 | PRECAST CONCRETE BALUSTRADE | GL | ALUMINIUM FRAMED GLAZING | SC | SCYON LINEA 180MM WIDE BOARD CLADDING |
| CB | COLORBOND ROOF COLOUR TBA | TSC | VERTICAL FIXED SCREEN/TIMER/ALUMINIUM SECTIONS WITH MAX 125mm SPACING | RB3 | TEXTURED RENDER WITH CONTRACT PAINT COLOUR ON BLOCKWORK |
| DP | COLORBOND DOWNPIPES COLOUR TBA | COL1 | RENDERED CONCRETE COLUMN | MC | COLORBOND METAL CLADDING COLOUR TBA |
| | | CF | CLEAR COREFLUTE PANEL SCREEN | | |

| GENERAL NOTES | |
|---------------|---|
| 1. | CONFIRM ALL RELEVANT DIMENSIONS, LEVELS AND DETAILS ON SITE PRIOR TO COMMENCEMENT OF ALL WORK. CONFIRM SETBACKS TO ALL ALIGNMENTS. |
| 2. | ALL CONSTRUCTION IS TO COMPLY WITH BUILDING ACT 1975, STANDARD BUILDING REGULATION 1993, THE BUILDING CODE OF AUSTRALIA, CURRENT AUSTRALIAN STANDARDS + ALL CONTRACT DOCUMENTS. |
| 3. | TIMBER CONSTRUCTION IS TO COMPLY WITH AS1684.1 TO 4-1999 |
| 4. | BLOCK/ BRICKWORK IS TO COMPLY WITH AS3700-2001 |
| 5. | USE FIGURED DIMENSIONS IN PREFERENCE TO SCALING. |
| 6. | ELECTRONIC DATA IS NOT WARRANTED |

| AMENDMENTS | | |
|------------|----------|---|
| ISSUE | DATE | AMENDMENTS |
| A | 10-03-16 | DA ISSUE |
| B | 22-03-16 | DA REVISIONS |
| C | 11-11-16 | RFI RESPONSE |
| D | 11-09-17 | RFI RESPONSE - B1 ROOF AMENDED, FFL CHANGED |
| E | 19-01-18 | RFI RESPONSE - ADDITIONAL HEIGHT INFO |



PROJECT
 PROPOSED APARTMENT BUILDINGS - 7/9/11 FERNBOURNE RD WELLINGTON POINT
 CLIENT
 BINNATON HOLDINGS PTY LTD
 DRAWING TITLE
 NORTH AND SOUTH ELEVATIONS

LEITH ARCHITECTS
 OFFICE LEVEL TWO 46 BERWICK ST FORTITUDE VALLEY Q 4006
 PHONE 07 3160 8216 MOBILE 0418 779 344
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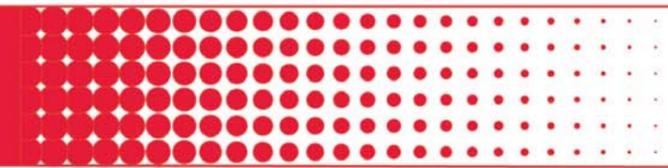
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VIEW FROM CORNER OF HARRIS ST & FERMBOURNE RD



VIEW FROM NORTH EAST CORNER OF SITE



PROJECT
PROPOSED APARMENT BUILDINGS - 7,9,11 FERMBOURNE RD, WELLINGTON POINT
 CLIENT
BIPMATON HOLDINGS PYT LTD
 DRAWING TITLE
PERSPECTIVE IMAGES


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VIEW FROM FERNBOURNE ROAD

PROJECT
PROPOSED APARMENT BUILDINGS - 7,9,11 FERNBOURNE RD, WELLINGTON POINT
 CLIENT
BINNATON HOLDINGS PYT LTD
 DRAWING TITLE
PERSPECTIVE IMAGES



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| 2277 | DA13 | D |



January 21st 9 AM



January 21st 3 PM

PROJECT
 PROPOSED APARTMENT BUILDINGS - 7,9,11 FERNBOURNE RD, WELLINGTON POINT
 CLIENT
 BINNATON HOLDINGS PYT LTD
 DRAWING TITLE
 SUN STUDY DIAGRAMS



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jUNE 21ST 9AM



jUNE 21ST 11AM



jUNE 21ST 1PM



jUNE 21ST 3PM

jUNE 21ST 9AM



jUNE 21ST 11AM



jUNE 21ST 3PM

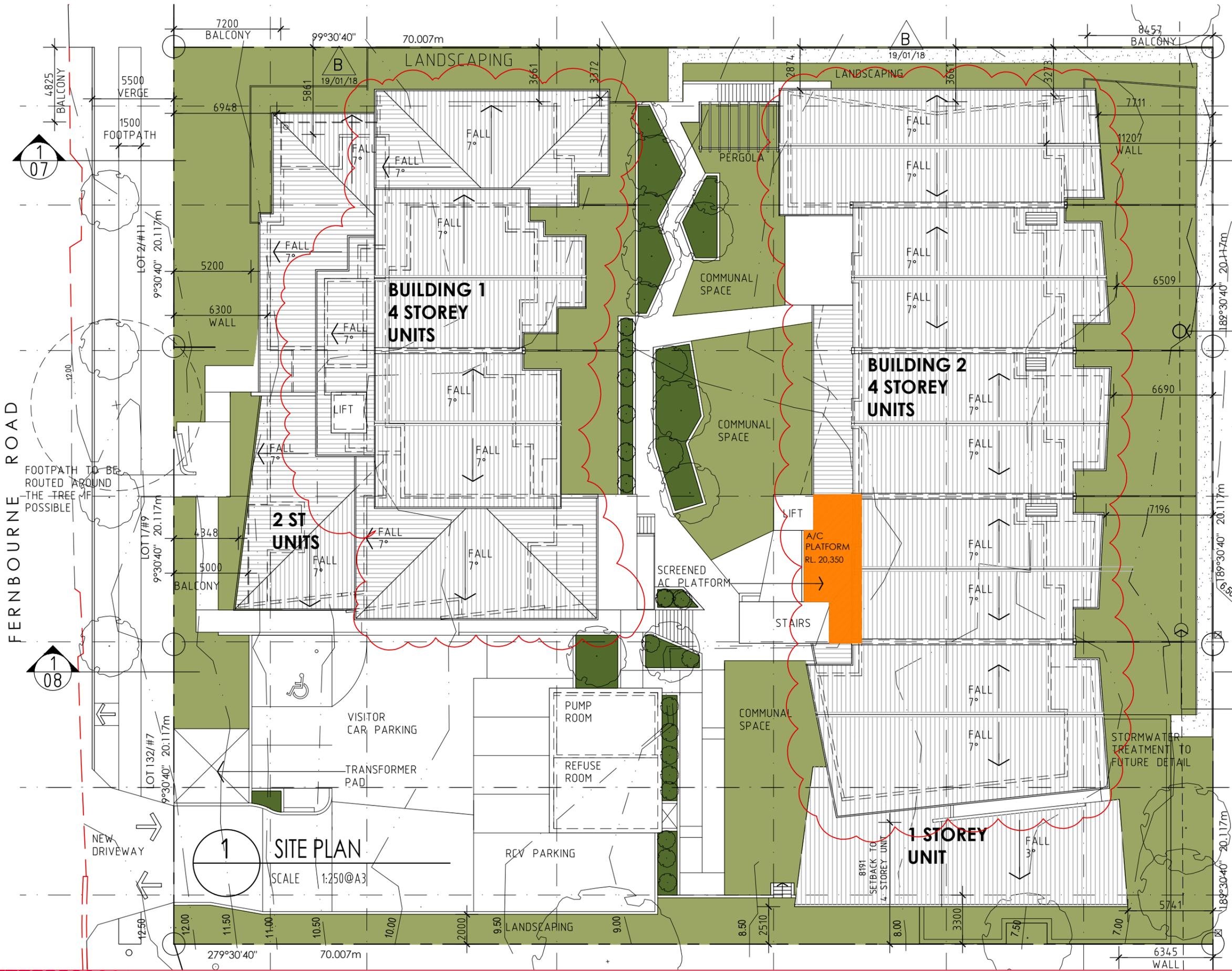


PROJECT
PROPOSED APARMENT BUILDINGS - 7,9,11 FERNBORNE RD, WELLINGTON POINT
 CLIENT
BINNATON HOLDINGS PYT LTD
 DRAWING TITLE
SUN STUDY DIAGRAMS

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| JOB No 2277 | SHEET No DA15 | ISSUE D |



- GENERAL NOTES**
1. CONFIRM ALL RELEVANT DIMENSIONS, LEVELS AND DETAILS ON SITE PRIOR TO COMMENCEMENT OF ALL WORK. CONFIRM SETBACKS TO ALL ALIGNMENTS.
 2. ALL CONSTRUCTION IS TO COMPLY WITH BUILDING ACT 1975, STANDARD BUILDING REGULATION 1993, THE BUILDING CODE OF AUSTRALIA, CURRENT AUSTRALIAN STANDARDS + ALL CONTRACT DOCUMENTS.
 3. TIMBER CONSTRUCTION IS TO COMPLY WITH AS1684.1 TO 4 -1999
 4. BLOCK/ BRICKWORK IS TO COMPLY WITH AS3700-2001
 5. USE FIGURED DIMENSIONS IN PREFERENCE TO SCALING.
 6. ELECTRONIC DATA IS NOT WARRANTED

AMENDMENTS

| ISSUE DATE | AMENDMENTS |
|------------|--------------------|
| A 16-11-16 | RFI RESPONSE |
| B 19-01-18 | ROOF PLANS AMENDED |

SEWER MANHOLE
SL 6,870
IL UNKNOWN

SEWER MANHOLE
SL 6,720
IL 5,160
SEE DRAWING DA08 FOR SECTION AND DETAILS

1 SITE PLAN
SCALE 1:250@A3

FERNBOURNE ROAD

PROJECT: PROPOSED APARTMENT BUILDINGS - 7, 9 & 11 FERNBOURNE RD, WELLINGTON POINT
 CLIENT: BINNATON HOLDINGS LTD
 DRAWING TITLE: PROPOSED SITE PLAN

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| SCALE | DATE | DRAWN |
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| 1:250@A3 | 08.03.16 | ITS |
| JOB No | SHEET No | ISSUE |
| 2277 | DA16 | B |



1 VIEW FROM HARRIS STREET
SCALE NTS

GENERAL NOTES

1. CONFIRM ALL RELEVANT DIMENSIONS, LEVELS AND DETAILS ON SITE PRIOR TO COMMENCEMENT OF ALL WORK. CONFIRM SETBACKS TO ALL ALIGNMENTS.
2. ALL CONSTRUCTION IS TO COMPLY WITH BUILDING ACT 1975, STANDARD BUILDING REGULATION 1993, THE BUILDING CODE OF AUSTRALIA, CURRENT AUSTRALIAN STANDARDS + ALL CONTRACT DOCUMENTS.
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6. ELECTRONIC DATA IS NOT WARRANTED

AMENDMENTS

| ISSUE DATE | AMENDMENTS |
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| A 19.01.18 | DA RFI ISSUE |
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2 VIEW FROM FERNBOURNE ROAD
SCALE NTS

PROJECT
 PROPOSED APARTMENT BUILDINGS - 7/9/11 FERNBOURNE RD WELLINGTON POINT
 CLIENT
 BINNATON HOLDINGS PTY LTD
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 STREET ELEVATIONS - PHOTO MONTAGE

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| NTS | 19.01.18 | NTS |
| JOB No | SHEET No | ISSUE |
| 2277 | DA17 | A |



REAR VIEW OF BUILDING 2

PROJECT
 PROPOSED APARMENT BUILDINGS - 7,9,11 FERNBOURNE RD, WELLINGTON POINT
 CLIENT
 BINNATON HOLDINGS PYT LTD
 DRAWING TITLE
 PERSPECTIVE IMAGES - BUILDING 2 REAR

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| 1:1 | 10.03.16 | MS |
| JOB No | SHEET No | ISSUE |
| 2277 | DA18 | B |



REAR VIEW OF BUILDING 2

PROJECT
 PROPOSED APARTMENT BUILDINGS - 7,9,11 FERNBOURNE RD, WELLINGTON POINT
 CLIENT
 BINNATON HOLDINGS PYT LTD
 DRAWING TITLE
 PERSPECTIVE IMAGES - BUILDING 2 REAR


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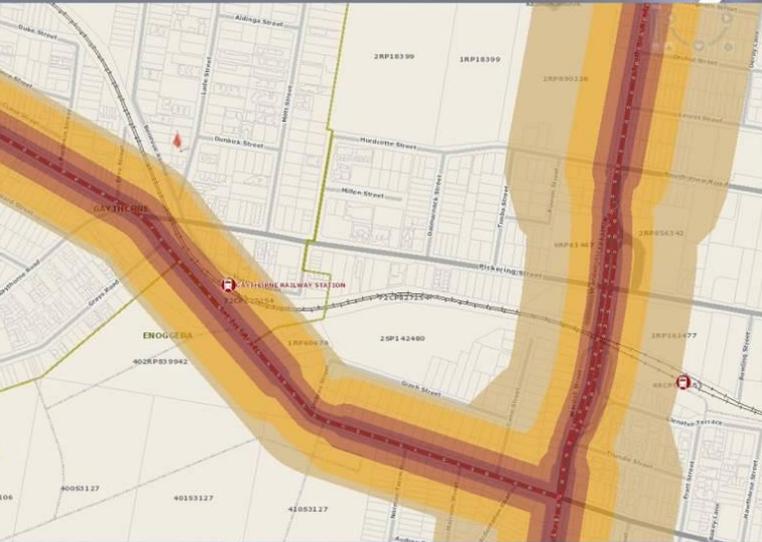
NOISE MEASUREMENT SERVICES

Attachment 5 Noise Report

Noise Assessment Report
Proposed Multi-Unit Residential Development
7-11 Fernbourne Road
Wellington Point, QLD, 4160
(Lot 132 on RP 14151 and Lots 1 & 2 on RP 14166)

Report No 3180R4

26th February 2018



Noise Measurement Services Pty Ltd
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| Revision No | Issue Date | Revision Description | Author | Issued By |
|-------------|------------|---------------------------------------|--------|-----------|
| 0 | 05-11-2015 | Report | GR, JD | MT |
| 1 | 11-11-2015 | Adjustment to recommendations | JD | - |
| 2 | 03-03-2016 | New development plans | GR | MT |
| 3 | 14-10-2016 | Response to Council RFI, latest plans | JD | MT |
| 4 | 26-02-2018 | New development plans | JD | MT |

| Copy No(s) | Rev No | Destination |
|------------|--------|----------------------------|
| 1 pdf | 4 | Bplanned & surveyed |
| 2 | 4 | Noise Measurement Services |
| 3 pdf | 4 | Leith Architects |
| | | |
| | | |

REPORT FOR Bplanned & surveyed *on behalf of Binnaton Holdings Pty Ltd*

CONTACT Matthew Menzel

Signed

Joshua Dyer
Ba.Env.Tech, CertIV WH&S, M.A.A.S
(Senior Acoustician Noise Measurement Services)

DISCLAIMER

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Executive Summary

This Report is in response to a request from Leith Architects for a noise impact assessment report on proposed multi unit residential development at 7 to 11 Fernbourne Road, QLD 4160 (Lot 132 on RP 14151 and Lot 1 and 2 on RP 14166). The development site is zoned Medium Density Residential, and is affected by the *Road and Rail Noise Impact Overlay*. The development site is approximately 50 metres north of a gazetted *Transport Noise Corridor* for the Cleveland Rail Line and part of the proposed development within the corridor is subject to the design requirements of the Queensland Development Code Mandatory Part 4.4 (QDC MP4.4). The default Noise Category for the site is Category 3 with the balance having no requirements.

The proposal is to construct two, four stories high multi-unit residential blocks over all three lots in place of the existing dwellings and other buildings on the site.

Conclusions and Recommendations

It is concluded that-

- The proposed development is exposed to moderate levels of noise from railway activity on the Cleveland Line. The development is forecast to fall within QDC MP4.4 Categories 0, 1 and 2, depending on façade height, direction and screening. Forecast QDC categories are presented in **Section 4**, while 'Deemed to Satisfy' solutions are presented in **Appendix C**.
- Construction to the QDC MP4.4 is an appropriate methodology for achieving the internal criteria of Redlands' Planning Scheme *Road and Rail Overlay Code*. Railway noise is forecast to achieve the private open space criteria at all locations.

It is recommended that-

- The proposed development be constructed to the forecast QDC categories as presented in **Section 4**, utilising the 'Deemed to Satisfy' solutions presented in **Appendix C**.
- Pump house maintenance (for firefighting), when required, should be carried out during the hours of 7:00 AM to 6:00 PM on any day except Sunday.
- The weekly rubbish removal is only to occur during the hours of 7:00 AM to 6:00 PM on any day except Sunday.

1. Introduction

This Report is in response to a request from Leith Architects for a noise impact assessment report on proposed multi-unit residential development at 7 to 11 Fernbourne Road, QLD 4160 (Lot 132 on RP 14151 and Lot 1 and 2 on RP 14166). The development site is zoned Medium Density Residential, and is affected by the *Road and Rail Noise Impact Overlay*. The development site is approximately 50 metres north of a gazetted *Transport Noise Corridor* for the Cleveland Rail Line and part of the proposed development within the corridor is subject to the design requirements of the Queensland Development Code Mandatory Part 4.4 (QDC MP4.4). The default Noise Category for the majority of the site is Category 3 with the balance having no requirements.

The proposal is to construct two, four storey high multi-unit residential blocks over all three lots in place of the existing dwellings and other buildings on the site.

The locality and development design is presented in the following **plates, plan and photos**. Further plans are set out in **Appendix A**.

Redland City Council issued an Information Request on the 22nd August 2016 (Reference: BD File: MCU013782) regarding Revision 2 of this report dated 3rd March 2016. Item 15 of the request is addressed in **Appendix D** of this report. The two concerns raised are the pump room and rubbish collection.

Terms and definitions used in this Report are found in **Appendix E**.

Plate 1: Aerial photograph showing the site plan and locality (source: Google, Queensland Government).

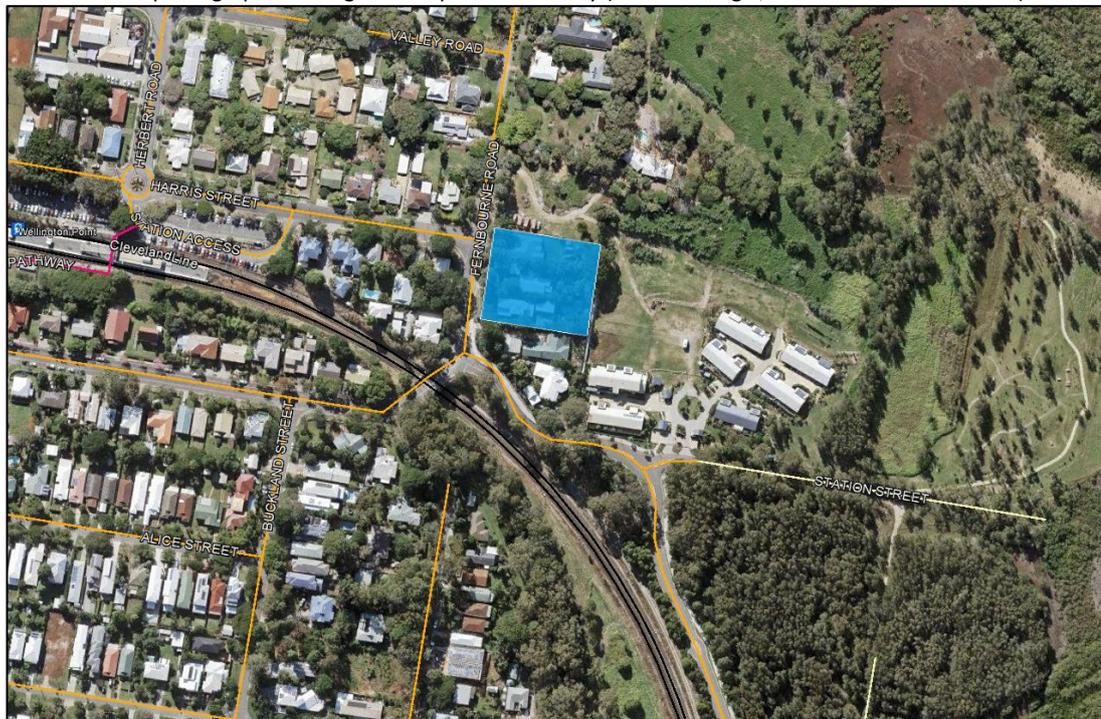


Plate 2: Zoning. The site is in a Medium Density Residential Zone (Source: Redlands City Council)

Property Details
7 Fernbourne Road Wellington Point

Details
Property Number: 44293
Legal Description: Lot 132 RP 14151
Division Number: 1

Zoning
Land Affected: 106292
• MDR - Medium Density Residential

Overlays
Land Affected: 106292
• Acid Sulfate Soils Overlay
• Road and Rail Noise Impact Overlay

Scale 1:6383

Plate 3: Development site plan and default QDC noise categories (Source: Google, SPP Interactive Mapping).



Photo 1: View of existing dwelling at 7 Fernbourne Road, Wellington Point.



Photo 2: View from Station Street near the rail line toward the site beyond houses in foreground.



Photo 3: View of the rail line from Station Street.



Photo 4: Attended rail noise monitoring near the rail line.



2. Measurement of Ambient Noise Levels

2.1 Measurement of Noise Levels

In order to assess the potential impact of noise from all sources of noise in the locale, an ambient noise survey was conducted on site. An environmental noise logger was located on the southern boundary of 7 Fernbourne Road and 4.4 metres above ground level. Additional attended noise monitoring of rail noise was undertaken adjacent to the rail line, referred to as ML2. The measured levels are free field.

The topography of this location, and surrounding dwellings precluded measurement of rail noise for ground and first floor. The proposed development is four storeys high and modelling and calculation of rail noise for the upper floors was considered a more practical approach.

Plate 4: The measurement location ML1 and ML2 is marked.



The instruments were field calibrated before and after each measurement session and each were observed to match the reference signal. All instrumentation used in this assessment hold a current calibration certificate from a certified NATA calibration laboratory. The following instruments were used to measure the ambient noise levels-

- 2x Larson Davis 831 Class 1 sound level meter
- Quest CA-22 calibrator

Ambient sound pressure levels were measured generally in accordance with Australian Standard AS1055.1:1997 - *Acoustics-Description and measurement of environmental noise - Part 1: General procedures*. Ambient noise levels were recorded at 15 minute intervals between 21st and 23rd October 2015. Levels are presented graphically in **Figure 1**, and an amalgamation of data from the three days is presented as a 'typical' day in tabular form. This was required due to poor weather during the survey on the second day of the survey. The data is presented in **Table 1**.

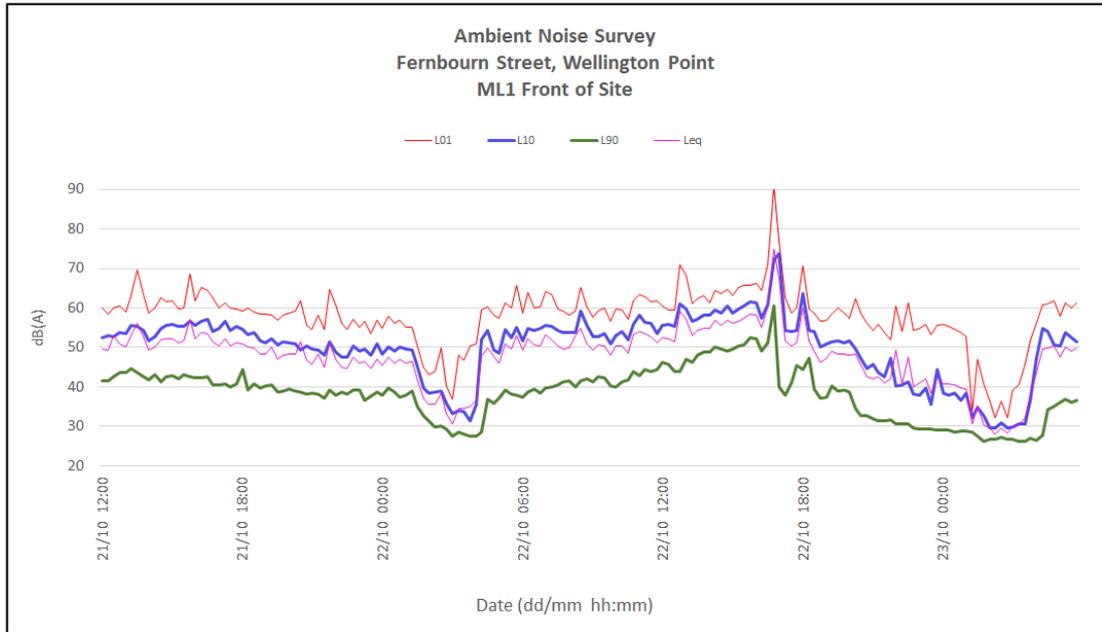


Figure 1: Average ambient noise levels at ML1 (levels in dB(A), free-field).

Table 1: Average ambient noise levels at ML1 an amalgamation of the data from the 23rd and 21st of October (levels in dB(A), free-field).

| Time | LA(01) | LA(10) | LA(90) | LAeq |
|-------------------------------|--------|--------|--------|------|
| Day 6am to 6pm | 68.5 | 54.8 | 41.7 | 53.7 |
| Evening 6pm to 10pm | 60.9 | 51.2 | 39.4 | 49.0 |
| Night 10pm to 6am | 61.4 | 41.3 | 30.5 | 46.4 |
| Day max 1-hr | | | | 57.9 |
| Night max 1-hr (night to 6am) | | | | 51.9 |
| CoRTN 6am to 12pm | | 53.3 | 40.6 | |
| 24 hour | 64.8 | | | 51.4 |

The levels presented above include noise measured from all sources, including road traffic, rail, residential, wildlife and other local sources of noise. Distant road traffic noise, neighbourhood noise, birds, insects and occasional aircraft and trains were observed to be the main sources of noise in the local. Trains were barely detectable from the site during the surveys.

Additional attended noise monitoring was undertaken on the 23rd of October adjacent to the rail line boundary, approximately 10 metres from the Cleveland Rail line and 1.3m above ground level. Two EMU's were recorded during the survey, one in each direction. The one second L_{Amax} level from the two passes is presented below. The highest of the two trains presented measured an L_{Amax} of 86 dB free field. Unfortunately, this location was public land and not a secure site and equipment could not be left there unattended to capture additional train passes by.

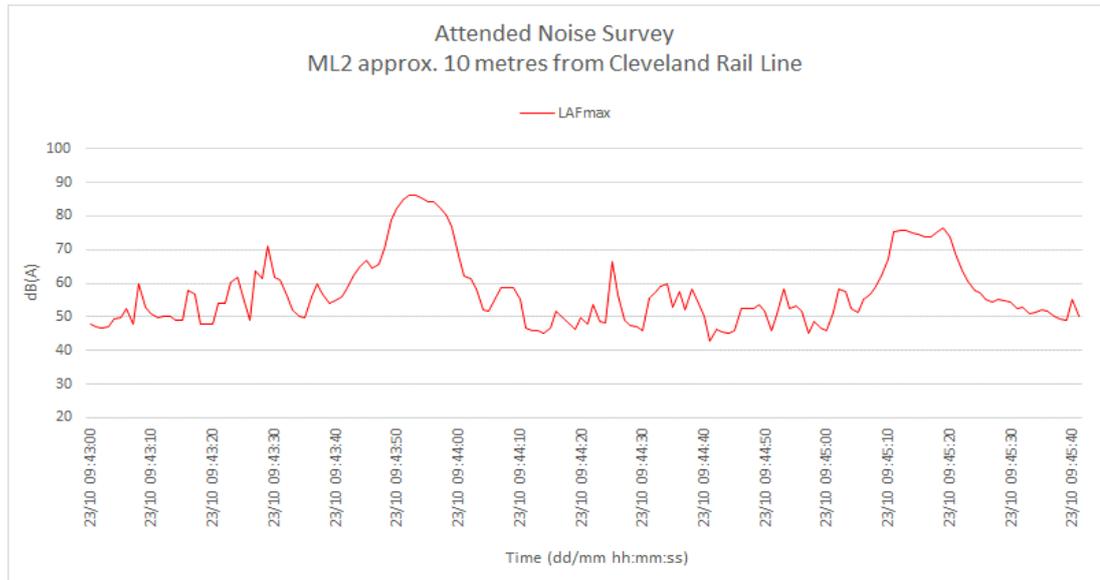


Figure 2: Attended noise measurements of railway passes. Levels are in dB(A), L_{max} free-field.

3. Noise Criteria and Limits

3.1 Redlands Planning Scheme v7 – Part 5 Division 10 – Road and Rail Impacts Overlay

The development site is within the *Road and Rail Impacts Overlay* for the Cleveland Line, as presented in **Plate 2** above. Railway noise criteria are presented in **Table 2** below.

The Cleveland Line has been recently gazetted as a *Transport Noise Corridor* under the Queensland Development Code Mandatory Part 4.4 (QDC MP4.4), as discussed in **Section 3.2** below. Assessment to this policy is mandated for the development, and the target internal noise level of 45 dB(A) L_{max} under QDC MP4.4 is more stringent than the internal levels required under the *Road and Rail Impacts Overlay*. It is therefore concluded that Council's internal railway noise criteria can be achieved through construction in accordance with the QDC MP4.4, and only the outdoor criteria of the Road and Rail Impacts Overlay have been considered.

Table 2: Redlands Planning Scheme v7 – Railway noise criteria.

| Measurement Location | Design Level Noise Criteria - see Notes |
|---|---|
| For - Aged Persons and Special Needs Housing, Apartment Building, Bed and Breakfast, Display Dwelling, Dual Occupancy, Dwelling House, Mobile Home Park or Multiple Dwelling. | |
| 1 metre in front the building facade to a habitable room¹ at a height corresponding to 1.5 metres above the finished floor level <i>These measures do not apply to upper levels. See Notes</i> | (1) In accordance with Schedule 1 - Planning Levels, Section 3 - Railways of the <i>Environmental Protection (Noise) Policy 1997</i> - (a) 65 dB(A), assessed as the 24 hour average equivalent continuous A-weighted sound pressure level; (b) 87 dB(A) assessed as a single event maximum sound pressure level. |
| Inside bedrooms of a proposed dwelling unit¹ | (1) Average $L_{Amax(10pm-6am)}$ not greater than 50 dB(A) |
| Inside living rooms of a proposed dwelling unit¹ | (1) Average $L_{Amax(10pm-6am)}$ not greater than 55 dB(A) |
| At the private open space area of the dwelling unit¹ | (1) $L_{Aeq(1hr)(6am-10pm)}$ not greater than 55 dB(A) |
| Balance of external site area, excluding private open space area and identified setback or buffer area | (1) 63 dB(A) assessed as the $L_{A10(18\text{ hour})}$ level |
| For - Community Facility, Education Facility, Child Care Centre, Commercial uses, Industrial uses, Institution or Place of Worship | |
| Inside common areas of buildings associated with the use | (1) Design sound levels as detailed in Table 3. |

3.2 Redlands Planning Scheme Medium Density Residential Zone Code

Noise generated by the use must consider the following when assessed at an adjoining sensitive land use.

Table 3: Redlands Planning Scheme Medium Density Residential Zone Code.

| | |
|--|---|
| <p>S3.8</p> <p>(1) Noise generated by the use or other development is compatible with that experienced in a residential environment;</p> <p>(2) In sub-areas MDR1 and MDR3-uses locate, design and reduce noise impacts for the benefit of occupants of the use and adjoining uses.</p> | <p>P3.8</p> <p>(1) The use or other development does not generate noise, measured as the $L_{Amax,adj,T}$ parameter, at the boundary of the lot or premises, greater than -</p> <ul style="list-style-type: none"> (a) 5dB(A) above the background noise level between 7am to 10pm; or (b) 3dB(A) above the background noise level between 10pm to 7am; <p>(2) All measures are taken to achieve the standards detailed in (1) through the location, design, and containment of -</p> <ul style="list-style-type: none"> (a) mechanical services or utilities, such as air conditioning; (b) facilities such as swimming pools, tennis courts or the like; or (c) non-residential uses, such as dining, entertainment or shopping. <p>Note -</p> <p>The $L_{Amax,adj,T}$ parameter is defined in the <i>Noise Measurement Manual</i> (Environmental Protection Agency 2000).</p> |
|--|---|

3.3 QDC MP4.4 – Road and Rail Traffic Noise

The QDC MP4.4 is intended to ensure that habitable rooms of residential buildings located in a *Transport Noise Corridor* are designed and constructed to reduce transport noise. Noise reduction requirements fall into categories, based on $L_{10,18hr}$ noise levels along the façades of the proposed development (see **Table 4**). Construction of the dwelling is then to “deemed to satisfy” solutions, see **Table 5**.

The proposed development will sit within default Categories 3 and 0 for the Cleveland Line, based on the published noise contours (see **Plate 3**). These are calculated rather than measured, and provision is made for a noise impact assessment to incorporate acoustic measurements to more accurately determine the relevant noise category for the dwelling.

Table 4: Noise Categories, related to $L_{10, 18hr}$ values.

| Noise Category | Level of Transport Noise ($L_{A10,18hr}$) for State-Controlled Roads and Designated Local Government Roads | Single Event Maximum Noise (L_{Amax}) for Railway Land |
|----------------|--|--|
| Category 4 | ≥ 73 dB(A) | ≥ 85 dB(A) |
| Category 3 | 68-72 dB(A) | 80-84 dB(A) |
| Category 2 | 63-67 dB(A) | 75-79 dB(A) |
| Category 1 | 58-62 dB(A) | 70-74 dB(A) |
| Category 0 | ≤ 57 dB(A) | ≤ 69 dB(A) |

Note* the sound levels are measured at 1 metre from the façade.

Table 5: Performance requirements of the QDC MP4.4

| Performance Requirements | Acceptable Solutions |
|--|--|
| Residential Buildings | |
| <p>P1 <i>Habitable rooms in a relevant residential building are adequately protected from transport noise to safeguard occupants’ health and amenity.</i></p> | <p>A1 The <i>external envelope</i> of each habitable room in a <i>relevant residential building</i> must comply with the minimum R_w for each building component specified in Schedule 1 to achieve a minimum <i>transport noise reduction</i> level for the relevant <i>noise category</i> by:</p> <p>a) Using materials specified in Schedule 2;</p> <p>OR</p> <p>b) Using materials with <i>manufacturer’s specifications</i> that, in combination, achieve the minimum R_w value for the relevant building component and acceptable <i>noise category</i>.</p> |

“Deemed to Satisfy” building solutions for the relevant QDC Categories are presented in **Appendix C**.

4. Noise Impact Assessment

4.1 Redland Planning Scheme Road and Rail Impacts Overlay – External Criteria

It is noted that railway activity is not identified as the dominant noise source during the ambient noise survey, but a contributing source along with road traffic, residential activity and meteorology. While intermittent railway passes are amenable to assessment using the L_{max} criteria, quantification of L_{eq} noise emissions from sporadic activity is more problematic. The measured $L_{eq, 1hr max}$ from all sources at ML1 and presented in **Table 1** is 58 dB(A), which is nominally 3 dB(A) in excess of the 55 dB(A) private open space criteria under the *Road and Rail Impacts Overlay*. However, intermittent railway activity was observed at minor levels during an on-site spot survey, and railway noise is not considered to be the dominant source of the measured L_{eq} at ML1. It is therefore concluded that railway noise emissions – as a contributing source – do not exceed the private open space criteria at ML1.

It is further noted that the measured L_{eq} from all sources during the attended survey was 63 dB(A), which included two rail passes over an 18 minute period. Applying a 4.5 dB(A) reduction per doubling of distance for a moving line source, and no allowance for potential screening, indicative levels at the southernmost boundary proposed development are calculated as 52 dB(A) L_{eq} from railway noise. It is therefore concluded that railway noise emissions are not forecast to exceed the private open space criteria as set out in the *Road and Rail Impacts Overlay*. Development plans also show a communal open area, which is significantly setback and screened from the Cleveland Line, which is considered to readily achieve the 63 dB(A) $L_{10, 18hr}$ criteria.

Internal noise criteria under the *Road and Rail Impacts Overlay* are considered to be met through construction to the QDC MP4.4, as discussed in **Section 3.1**, and presented in **Section 4.2** below.

4.2 QDC MP4.4

New dwellings subject to Queensland Development Code Mandatory Part 4.4 – Buildings in a Transport Noise Corridor (“QDC MP4.4”) are built to an appropriate Category calculated on the basis of the $L_{10, 18hr}$ or L_{max} at its façade (this is height dependant, so different levels will have different Categories). This Code relates to the Habitable Rooms of a dwelling, and bedrooms are not differentiated from living rooms.

The *Transport Noise Corridor* search results for most of the property is within Category 3 for the Cleveland Line, with the balance having no requirements. The build category for the units within the overlay have been reconsidered in this report, while non-habitable rooms and rooms outside of the overlay have not been assessed.

Railway noise intrusion has been forecast using the railway noise model presented in **Appendix B**. Forecast L_{Amax} levels and corresponding QDC Categories, reconsidered in accordance with the methodologies set out in the QDC MP4.4, are presented in **Tables 6 – 9** below. ‘Deemed to Satisfy’ building solutions for the relevant categories are presented in **Appendix C**.

Table 6: Forecast L_{max} and corresponding QDC Categories. Levels are in dB(A), façade-adjusted. Level 1.

| Unit / Façade | L_{max} | Category | Minimum Rw Required for each component (Schedule 1, QDC MP4.4) | | | | | |
|-----------------------------------|-----------|------------|--|-------------------------------|-------|--------------|--------|----------------|
| | | | Glazing (<1.8m ²) | Glazing (>1.8m ²) | Walls | Roof/Ceiling | Floors | Entrance Doors |
| Unit 1-01 Living N | 51 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-01 Living/Kitchen W | 64 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-01 Bed 1 W | 65 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-01 Bed 2 W | 51 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-01 Bed 2 N | 51 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-03 Living E | 63 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-03 Bed 1 E | 63 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-03 Bed 1 S | 52 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-03 Bed 2 E | 51 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-04 Living E | 52 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-04 Bed 1 E | 53 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-04 Bed 2 E | 52 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-05 Living E | 53 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-05 Kitchen W | 69 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-05 Bed 1 E | 74 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 1-05 Bed 1 S | 74 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 1-05 Study S | 74 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 1-05 Study W | 74 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 1-06 Living E | 74 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 1-06 Living W | 60 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-06 Kitchen S | 60 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-06 Kitchen W | 66 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-06 Bed 1 S | 74 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 1-06 Bed 1 W | 69 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-06 Bed 1 N | 60 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-06 Bed 2 W | 65 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| | | | | | | | | |
| Unit 2-04 Living E | 52 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 2-04 Kitchen/Entry W | 67 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 2-04 Bed 1 E | 73 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 2-04 Bed 1 S | 73 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 2-04 Bed 2 W | 67 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 2-04 Bed 3 W | 52 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 2-05 Living E | 73 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 2-05 Kitchen/Entry W | 66 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 2-05 Bed 1 E | 74 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 2-05 Bed 2 W | 66 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 2-05 Bed 3 E | 52 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 2-06 Living E | 74 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 2-06 Kitchen/Dining/Living S | 68 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 2-06 Bed 1 E | 74 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 2-06 Bed 2 S | 68 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 2-06 Bed 2 W | 68 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 2-06 Bed 3 S | 68 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |

Table 7: Forecast L_{max} and corresponding QDC Categories. Levels are in dB(A), façade-adjusted. Level 2.

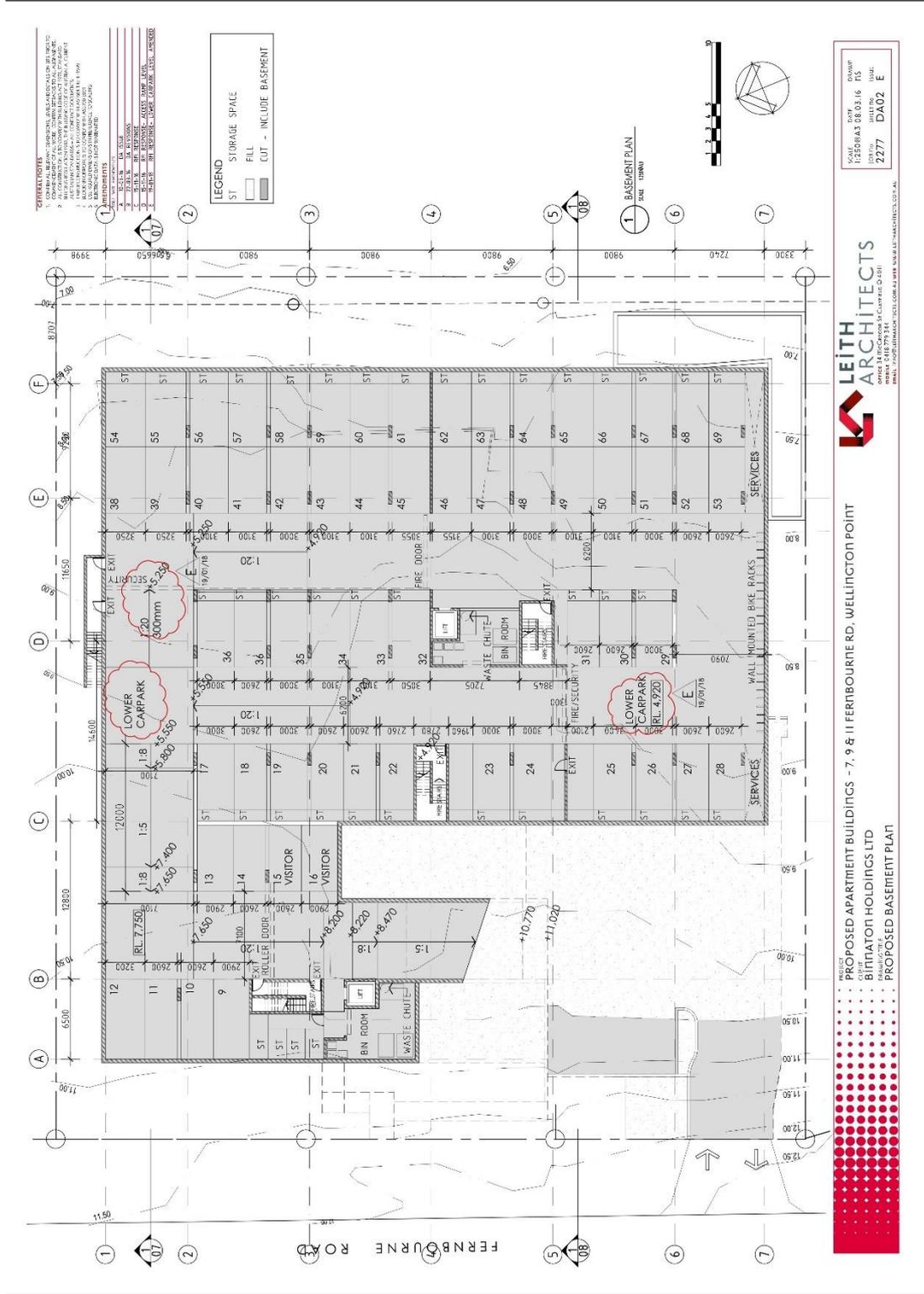
| Unit / Façade | L_{max} | Category | Minimum Rw Required for each component (Schedule 1, QDC MP4.4) | | | | | |
|----------------------------|-----------|------------|--|-------------------------------|-------|--------------|--------|----------------|
| | | | Glazing (<1.8m ²) | Glazing (>1.8m ²) | Walls | Roof/Ceiling | Floors | Entrance Doors |
| Unit 1-07 Living N | 52 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-07 Living/Kitchen W | 65 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-07 Bed 1 W | 65 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-07 Bed 2 W | 53 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-07 Bed 2 N | 52 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-09 Living E | 73 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 1-09 Bed 1 E | 66 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-09 Bed 1 S | 53 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-09 Bed 2 E | 52 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-10 Living E | 53 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-10 Bed 1 E | 54 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-10 Bed 2 E | 53 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-11 Living E | 74 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 1-11 Kitchen/Living S | 74 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 1-11 Bed 1 E | 74 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 1-11 Bed 1 S | 74 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 1-11 Bed 2 S | 74 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 1-12 Living W | 61 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-12 Kitchen S | 61 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-12 Kitchen W | 67 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-12 Bed 1 S | 74 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 1-12 Bed 1 W | 70 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 1-12 Bed 1 N | 60 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-12 Bed 2 W | 66 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| | | | | | | | | |
| Unit 2-10 Living E | 53 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 2-10 Kitchen/Entry W | 70 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 2-10 Bed 1 E | 73 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 2-10 Bed 2 W | 70 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 2-10 Bed 3 W | 53 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 2-11 Living/Dining E | 73 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 2-11 Kitchen/Living S | 69 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 2-11 Bed 1 E | 53 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 2-11 Bed 2 S | 71 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 2-11 Bed 2 W | 71 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 2-11 Bed 3 W | 71 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |

Table 8: Forecast L_{max} and corresponding QDC Categories. Levels are in dB(A), façade-adjusted. Level 3.

| Unit / Façade | L_{max} | Category | Minimum Rw Required for each component (Schedule 1, QDC MP4.4) | | | | | |
|----------------------------|-----------|------------|--|-------------------------------|-------|--------------|--------|----------------|
| | | | Glazing (<1.8m ²) | Glazing (>1.8m ²) | Walls | Roof/Ceiling | Floors | Entrance Doors |
| Unit 1-14 Living E | 72 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 1-14 Bed 1 E | 68 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-14 Bed 1 S | 55 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-14 Bed 2 E | 54 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-15 Living E | 56 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-15 Bed 1 E | 56 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-15 Bed 2 E | 55 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-16 Living E | 74 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 1-16 Kitchen/Living S | 75 | Category 2 | 32 | 35 | 41 | 38 | 45 | 33 |
| Unit 1-16 Bed 1 E | 74 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 1-16 Bed 1 S | 74 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 1-16 Study S | 75 | Category 2 | 32 | 35 | 41 | 38 | 45 | 33 |
| Unit 1-16 Bed 1 W | 74 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| | | | | | | | | |
| Unit 2-15 Living E | 55 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 2-15 Kitchen/Entry W | 74 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 2-15 Bed 1 E | 72 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 2-15 Bed 1 S | 55 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 2-15 Bed 2 W | 74 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 2-15 Bed 3 W | 55 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 2-16 Living/Dining E | 73 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 2-16 Kitchen/Living S | 70 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 2-16 Bed 1 E | 56 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 2-16 Bed 2 S | 75 | Category 2 | 32 | 35 | 41 | 38 | 45 | 33 |
| Unit 2-16 Bed 2 W | 75 | Category 2 | 32 | 35 | 41 | 38 | 45 | 33 |
| Unit 2-16 Bed 3 W | 75 | Category 2 | 32 | 35 | 41 | 38 | 45 | 33 |

Table 9: Forecast L_{max} and corresponding QDC Categories. Levels are in dB(A), façade-adjusted. Level 4.

| Unit / Façade | L_{max} | Category | Minimum Rw Required for each component (Schedule 1, QDC MP4.4) | | | | | |
|----------------------------|-----------|------------|--|-------------------------------|-------|--------------|--------|----------------|
| | | | Glazing (<1.8m ²) | Glazing (>1.8m ²) | Walls | Roof/Ceiling | Floors | Entrance Doors |
| Unit 1-17 Entry W | 64 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-17 Living E | 73 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 1-17 Bed 1 E | 73 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 1-17 Bed 1 S | 72 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 1-17 Bed 2 N | 60 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-17 Bed 2 E | 60 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 1-18 Kitchen W | 74 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 1-18 Bed 1 S | 74 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 1-18 Living E | 72 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 1-18 Bed 1 E | 74 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 1-18 Bed 2 E | 61 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| | | | | | | | | |
| Unit 2-20 Living E | 72 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 2-20 Kitchen/Entry W | 68 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 2-20 Bed 1 E | 73 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 2-20 Bed 2 W | 72 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 2-20 Bed 3 W | 61 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 2-21 Living/Dining E | 74 | Category 1 | 24 | 27 | 35 | 35 | N/R | 28 |
| Unit 2-21 Kitchen/Living S | 75 | Category 2 | 32 | 35 | 41 | 38 | 45 | 33 |
| Unit 2-21 Bed 1 E | 63 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 2-21 Bed 2 S | 76 | Category 2 | 32 | 35 | 41 | 38 | 45 | 33 |
| Unit 2-21 Bed 2 W | 75 | Category 2 | 32 | 35 | 41 | 38 | 45 | 33 |
| Unit 2-21 Bed 3 W | 62 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 2-21 Study N | 68 | Category 0 | N/R | N/R | N/R | N/R | N/R | N/R |
| Unit 2-21 Study W | 75 | Category 2 | 32 | 35 | 41 | 38 | 45 | 33 |

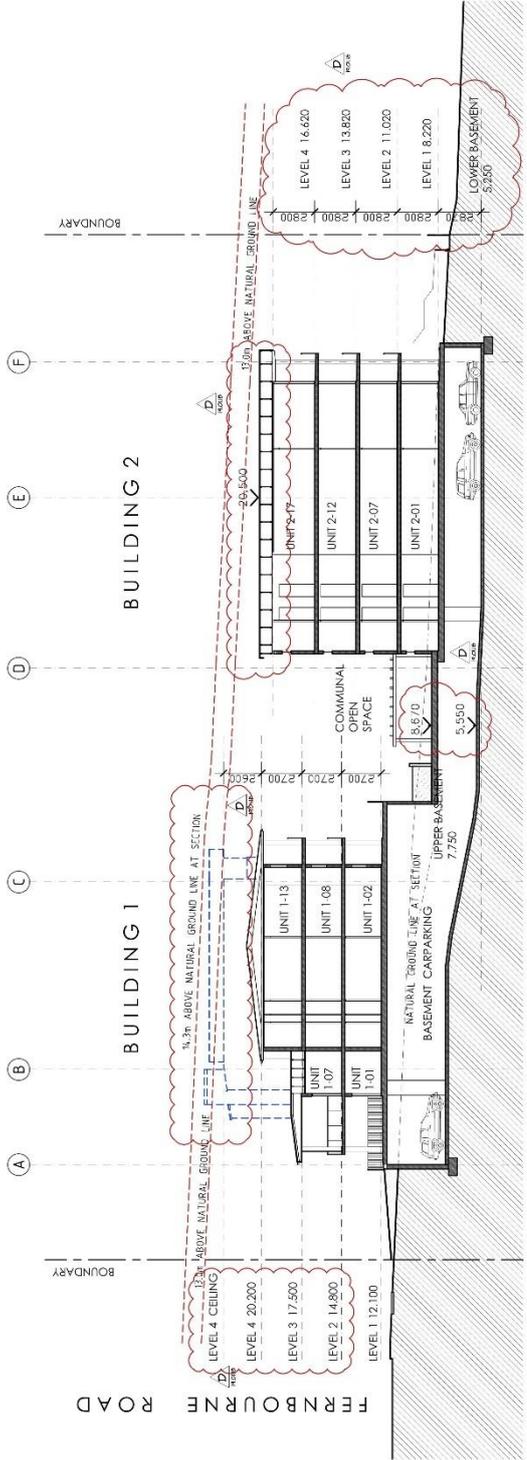


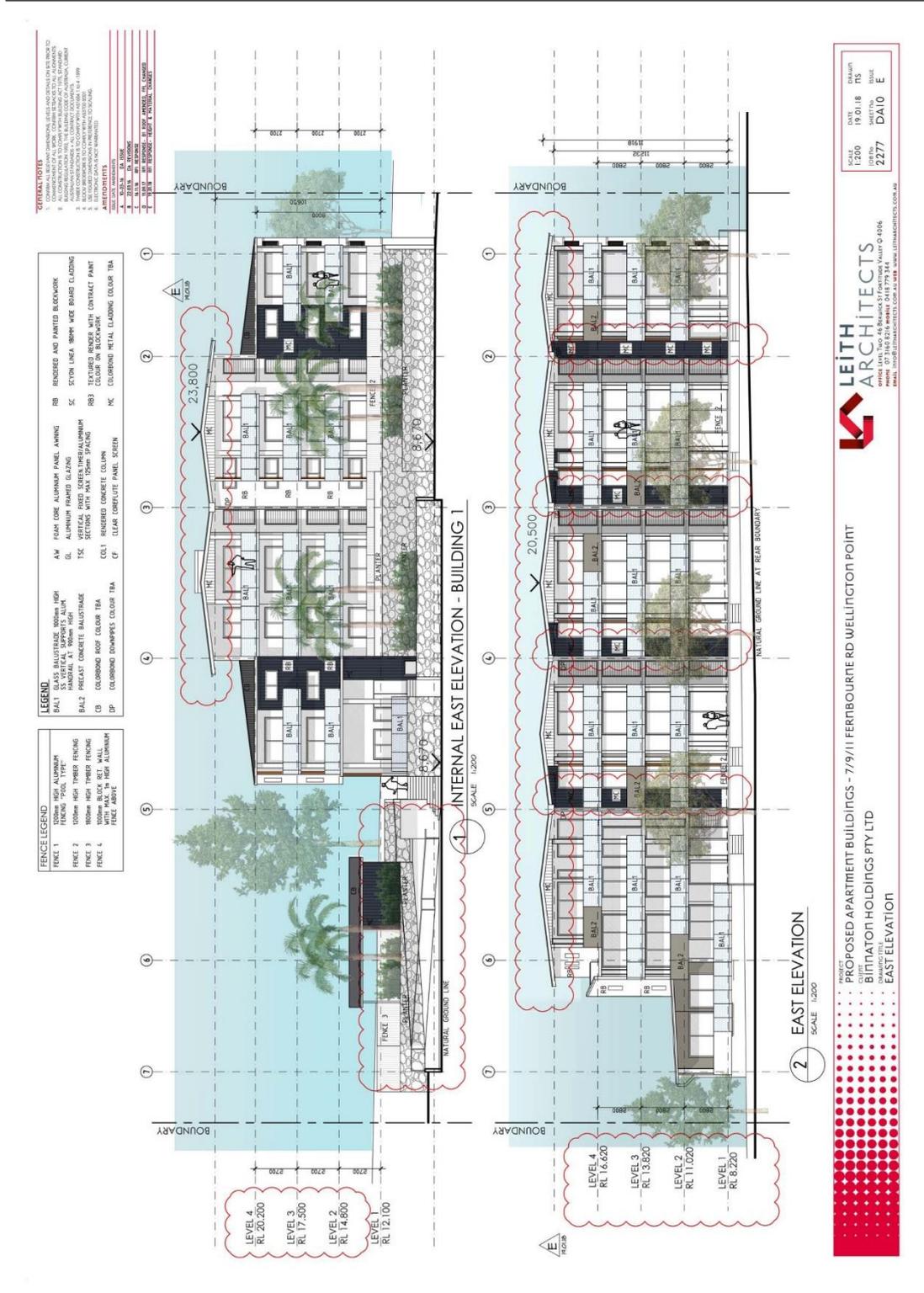






- GENERAL NOTES**
1. CONSULT WITH THE ARCHITECT FOR ANY CHANGES TO THE PROPOSED DEVELOPMENT.
 2. CONSULT WITH THE ARCHITECT FOR ANY CHANGES TO THE PROPOSED DEVELOPMENT.
 3. CONSULT WITH THE ARCHITECT FOR ANY CHANGES TO THE PROPOSED DEVELOPMENT.
 4. CONSULT WITH THE ARCHITECT FOR ANY CHANGES TO THE PROPOSED DEVELOPMENT.
 5. CONSULT WITH THE ARCHITECT FOR ANY CHANGES TO THE PROPOSED DEVELOPMENT.
 6. CONSULT WITH THE ARCHITECT FOR ANY CHANGES TO THE PROPOSED DEVELOPMENT.
 7. CONSULT WITH THE ARCHITECT FOR ANY CHANGES TO THE PROPOSED DEVELOPMENT.
 8. CONSULT WITH THE ARCHITECT FOR ANY CHANGES TO THE PROPOSED DEVELOPMENT.
 9. CONSULT WITH THE ARCHITECT FOR ANY CHANGES TO THE PROPOSED DEVELOPMENT.
 10. CONSULT WITH THE ARCHITECT FOR ANY CHANGES TO THE PROPOSED DEVELOPMENT.
- AMENDMENTS**
- | NO. | DATE | DESCRIPTION |
|-----|----------|------------------|
| 1 | 15/01/18 | ISSUE FOR PERMIT |
| 2 | 15/01/18 | ISSUE FOR PERMIT |
| 3 | 15/01/18 | ISSUE FOR PERMIT |
| 4 | 15/01/18 | ISSUE FOR PERMIT |
| 5 | 15/01/18 | ISSUE FOR PERMIT |
| 6 | 15/01/18 | ISSUE FOR PERMIT |
| 7 | 15/01/18 | ISSUE FOR PERMIT |
| 8 | 15/01/18 | ISSUE FOR PERMIT |
| 9 | 15/01/18 | ISSUE FOR PERMIT |
| 10 | 15/01/18 | ISSUE FOR PERMIT |





LEITH ARCHITECTS
PROPOSED APARTMENT BUILDINGS - 7/9/11 FERNBOURNE RD WELLINGTON POINT
CLIFFE BIRNATON HOLDINGS PTY LTD
EAST ELEVATION

SCALE: 1:200
DATE: 19.01.18
SHEETS: 1/15
JOB NO: 2277
DA10 E

177 BAO ST BRISBANE QLD 4170 AUSTRALIA
PHONE: 07 340 8276 MOBILE: 0418 779 364
EMAIL: INFO@LEITHARCHITECTS.COM.AU WEBSITE: WWW.LEITHARCHITECTS.COM.AU



VIEW FROM CORNER OF HARRIS ST & FERNBOURNE RD



VIEW FROM NORTH EAST CORNER OF SITE

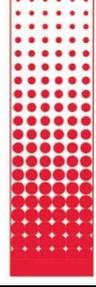

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PROJECT: PROPOSED APARTMENT BUILDINGS - 7, 9, 11 FERNBOURNE RD, WELLINGTON POINT
 CLIENT: BIRNBAUM HOLDINGS PTY LTD
 DRAWN BY: PERSPECTIVE IMAGES

| | | |
|--------|----------|-------|
| SCALE | DATE | DRAWN |
| 1:1 | 10.03.16 | PIS |
| JOB No | SHEET No | ISSUE |
| 2277 | DA12 | D |



VIEW FROM FERNBOURNE ROAD


PROJECT
 PROPOSED APARTMENT BUILDINGS - 7,9,11 FERNBOURNE RD, WELLINGTON POINT
CLIENT
 BIRNBAUM HOLDINGS PTY LTD
PERCEPTIVE IMAGES


LEITH ARCHITECTS
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| | | |
|-------|----------|-------|
| SCALE | DATE | DRAWN |
| N.A. | 10.03.16 | RS |
| DRAWN | SHEET NO | ISSUE |
| 2277 | DA13 | D |

Appendix B: Railway Noise Calculations (Moving Line Source)

The potential effects of rail noise from the Cleveland rail line are predicted for the proposed development using PEN3D2000 in accordance with the environmental propagation model in the book “Engineering Noise Control – Theory and Practice” by Bies & Hansen. The model is treated as a moving line source equating to an approximate propagation loss of 4.5 dB per doubling of distance. Meteorological and atmospheric factors are included, but are not considered significant at the distances involved. Ground contours are derived from Geoscience Australia digital elevation data. Predictions are free-field, and façade-adjustment has been applied to the calculations of QDC Categories presented in **Section 4**. A 1.5m source height is assumed, and sound power levels were calculated from measurements of Electric Multiple Unit (EMU) passes in the Brisbane area previously undertaken by NMS. The model includes the approved multi-unit developments to the immediate east of the site, although substantial screening from these buildings is not indicated.

Receiver heights are at 1.5 metres above each finished floor level as indicated on the plans in Appendix A. The results of the railway traffic model, are presented below.

Table B1: L_{Amax} rail noise event sound power levels. Levels are in dB(Z), free field).

| Frequency | 63Hz | 125Hz | 250Hz | 500Hz | 1kHz | 2kHz | 4kHz | 8kHz |
|----------------------|------|-------|-------|-------|------|------|------|------|
| L _{max} SWL | 121 | 120 | 130 | 124 | 114 | 108 | 102 | 93 |

Plate B1: Noise contours, Level 1 (Ground). Forecasts are in dB(A) L_{max}, free-field.



Plate B2: Noise contours, Level 2. Forecasts are in dB(A) L_{max}, free-field.



Plate B3: Noise contours, Level 3. Forecasts are in dB(A) L_{max}, free-field.



Plate B4: Noise contours, Level 4. Forecasts are in dB(A) L_{max}, free-field



Table B2: Receiver point calculations, Level 1 (Ground). Forecasts are in dB(A) L_{max} , free-field.

| Unit – Façade | Height (AHD) | L _{Amax} | Unit – Façade | Height (AHD) | L _{Amax} |
|----------------------------|--------------|-------------------|-----------------------------------|--------------|-------------------|
| Unit 1-01 Living N | 13.6 | 48.8 | Unit 2-01 Kitchen/Dining/Living N | 9.7 | 47.7 |
| Unit 1-01 Living/Kitchen W | 13.6 | 61.9 | Unit 2-01 Living E | 9.7 | 47.8 |
| Unit 1-01 Bed 1 W | 13.6 | 62.3 | Unit 2-01 Bed 1 E | 9.7 | 69.1 |
| Unit 1-01 Bed 2 W | 13.6 | 48.9 | Unit 2-01 Bed 1 S | 9.7 | 47.9 |
| Unit 1-01 Bed 2 N | 13.6 | 48.6 | Unit 2-01 Bed 2 N | 9.7 | 47.8 |
| Unit 1-02 Living/Kitchen N | 13.6 | 48.2 | Unit 2-01 Bed 2 W | 9.7 | 63.8 |
| Unit 1-02 Living E | 13.6 | 60.3 | Unit 2-02 Living E | 9.7 | 48.1 |
| Unit 1-02 Bed 1 E | 13.6 | 70.2 | Unit 2-02 Kitchen/Entry W | 9.7 | 64.1 |
| Unit 1-02 Bed 1 S | 13.6 | 60.7 | Unit 2-02 Bed 1 E | 9.7 | 69.5 |
| Unit 1-02 Bed 2 N | 13.6 | 48.3 | Unit 2-02 Bed 1 S | 9.7 | 48.6 |
| Unit 1-02 Bed 2 W | 13.6 | 56.6 | Unit 2-02 Bed 2 W | 9.7 | 64.0 |
| Unit 1-03 Living E | 13.6 | 60.9 | Unit 2-02 Bed 3 E | 9.7 | 47.9 |
| Unit 1-03 Bed 1 E | 13.6 | 60.5 | Unit 2-03 Living E | 9.7 | 69.8 |
| Unit 1-03 Bed 1 S | 13.6 | 49.3 | Unit 2-03 Bed 1 E | 9.7 | 70.0 |
| Unit 1-03 Bed 2 E | 13.6 | 48.7 | Unit 2-03 Bed 1 S | 9.7 | 49.0 |
| Unit 1-04 Living E | 13.6 | 49.6 | Unit 2-03 Bed 2 W | 9.7 | 64.3 |
| Unit 1-04 Bed 1 E | 13.6 | 50.0 | Unit 2-03 Bed 3 E | 9.7 | 48.4 |
| Unit 1-04 Bed 2 E | 13.6 | 49.2 | Unit 2-04 Living E | 9.7 | 49.3 |
| Unit 1-05 Living E | 13.6 | 50.1 | Unit 2-04 Kitchen/Entry W | 9.7 | 64.6 |
| Unit 1-05 Kitchen W | 13.6 | 66.3 | Unit 2-04 Bed 1 E | 9.7 | 70.4 |
| Unit 1-05 Bed 1 E | 13.6 | 71.6 | Unit 2-04 Bed 1 S | 9.7 | 70.7 |
| Unit 1-05 Bed 1 S | 13.6 | 71.7 | Unit 2-04 Bed 2 W | 9.7 | 64.4 |
| Unit 1-05 Study S | 13.6 | 71.6 | Unit 2-04 Bed 3 W | 9.7 | 49.0 |
| Unit 1-05 Study W | 13.6 | 71.5 | Unit 2-05 Living E | 9.7 | 70.9 |
| Unit 1-06 Living E | 13.6 | 71.2 | Unit 2-05 Kitchen/Entry W | 9.7 | 63.3 |
| Unit 1-06 Living W | 13.6 | 57.7 | Unit 2-05 Bed 1 E | 9.7 | 71.1 |
| Unit 1-06 Kitchen S | 13.6 | 57.7 | Unit 2-05 Bed 2 W | 9.7 | 63.2 |
| Unit 1-06 Kitchen W | 13.6 | 63.3 | Unit 2-05 Bed 3 E | 9.7 | 49.5 |
| Unit 1-06 Bed 1 S | 13.6 | 71.4 | Unit 2-06 Living E | 9.7 | 71.5 |
| Unit 1-06 Bed 1 W | 13.6 | 66.4 | Unit 2-06 Kitchen/Dining/Living S | 9.7 | 65.1 |
| Unit 1-06 Bed 1 N | 13.6 | 57.1 | Unit 2-06 Bed 1 E | 9.7 | 71.3 |
| Unit 1-06 Bed 2 W | 13.6 | 62.7 | Unit 2-06 Bed 2 S | 9.7 | 65.4 |
| | | | Unit 2-06 Bed 2 W | 9.7 | 65.3 |
| | | | Unit 2-06 Bed 3 S | 9.7 | 65.4 |

Table B3: Receiver point calculations, Level 2. Forecasts are in dB(A) L_{max} , free-field.

| Unit – Façade | Height (AHD) | L _{Amax} | Unit – Façade | Height (AHD) | L _{Amax} |
|----------------------------|--------------|-------------------|-----------------------------------|--------------|-------------------|
| Unit 1-07 Living N | 16.3 | 49.9 | Unit 2-07 Kitchen/Dining/Living N | 12.5 | 48.7 |
| Unit 1-07 Living/Kitchen W | 16.3 | 62.5 | Unit 2-07 Living E | 12.5 | 48.9 |
| Unit 1-07 Bed 1 W | 16.3 | 62.8 | Unit 2-07 Bed 1 E | 12.5 | 68.7 |
| Unit 1-07 Bed 2 W | 16.3 | 50.0 | Unit 2-07 Bed 1 S | 12.5 | 49.2 |
| Unit 1-07 Bed 2 N | 16.3 | 49.6 | Unit 2-07 Bed 2 N | 12.5 | 48.8 |
| Unit 1-08 Living/Kitchen N | 16.3 | 49.4 | Unit 2-07 Bed 2 W | 12.5 | 65.6 |
| Unit 1-08 Living E | 16.3 | 61.8 | Unit 2-07 Bed 3 N | 12.5 | 48.8 |
| Unit 1-08 Bed 1 E | 16.3 | 69.8 | Unit 2-08 Living E | 12.5 | 49.1 |
| Unit 1-08 Bed 1 S | 16.3 | 69.9 | Unit 2-08 Kitchen/Entry W | 12.5 | 66.3 |
| Unit 1-08 Bed 2 N | 16.3 | 49.3 | Unit 2-08 Bed 1 E | 12.5 | 69.1 |
| Unit 1-08 Bed 2 W | 16.3 | 57.1 | Unit 2-08 Bed 1 S | 12.5 | 50.1 |
| Unit 1-09 Living E | 16.3 | 70.1 | Unit 2-08 Bed 2 W | 12.5 | 66.0 |
| Unit 1-09 Bed 1 E | 16.3 | 63.1 | Unit 2-08 Bed 3 E | 12.5 | 49.0 |
| Unit 1-09 Bed 1 S | 16.3 | 50.4 | Unit 2-09 Living E | 12.5 | 69.3 |
| Unit 1-09 Bed 2 E | 16.3 | 49.8 | Unit 2-09 Kitchen/Entry W | 12.5 | 67.0 |
| Unit 1-10 Living E | 16.3 | 50.7 | Unit 2-09 Bed 1 E | 12.5 | 69.5 |
| Unit 1-10 Bed 1 E | 16.3 | 51.1 | Unit 2-09 Bed 1 S | 12.5 | 50.0 |
| Unit 1-10 Bed 2 E | 16.3 | 50.3 | Unit 2-09 Bed 2 W | 12.5 | 66.6 |
| Unit 1-11 Living E | 16.3 | 71.2 | Unit 2-09 Bed 3 E | 12.5 | 49.4 |
| Unit 1-11 Kitchen/Living S | 16.3 | 71.3 | Unit 2-10 Living E | 12.5 | 50.4 |
| Unit 1-11 Bed 1 E | 16.3 | 71.0 | Unit 2-10 Kitchen/Entry W | 12.5 | 67.7 |
| Unit 1-11 Bed 1 S | 16.3 | 71.1 | Unit 2-10 Bed 1 E | 12.5 | 70.0 |
| Unit 1-11 Bed 2 S | 16.3 | 71.2 | Unit 2-10 Bed 2 W | 12.5 | 67.3 |
| Unit 1-12 Living W | 16.3 | 58.5 | Unit 2-10 Bed 3 W | 12.5 | 50.0 |
| Unit 1-12 Kitchen S | 16.3 | 58.5 | Unit 2-11 Living/Dining E | 12.5 | 70.7 |
| Unit 1-12 Kitchen W | 16.3 | 64.1 | Unit 2-11 Kitchen/Living S | 12.5 | 66.0 |
| Unit 1-12 Bed 1 S | 16.3 | 71.1 | Unit 2-11 Bed 1 E | 12.5 | 50.9 |
| Unit 1-12 Bed 1 W | 16.3 | 67.1 | Unit 2-11 Bed 2 S | 12.5 | 68.4 |
| Unit 1-12 Bed 1 N | 16.3 | 57.6 | Unit 2-11 Bed 2 W | 12.5 | 68.2 |
| Unit 1-12 Bed 2 W | 16.3 | 63.3 | Unit 2-11 Bed 3 W | 12.5 | 68.2 |

Table B4: Receiver point calculations, Level 3. Forecasts are in dB(A) L_{max} , free-field.

| Unit – Façade | Height (AHD) | L _{Amax} | Unit – Façade | Height (AHD) | L _{Amax} |
|-------------------------------|--------------|-------------------|--------------------------------------|--------------|-------------------|
| Unit 1-13 Living/Kitchen N | 19.0 | 51.4 | Unit 2-12 Kitchen/Dining/Living N | 15.3 | 50.8 |
| Unit 1-13 Living E | 19.0 | 63.3 | Unit 2-12 Living E | 15.3 | 51.2 |
| Unit 1-13 Bed 1 E | 19.0 | 69.6 | Unit 2-12 Bed 1 E | 15.3 | 68.4 |
| Unit 1-13 Bed 1 S | 19.0 | 69.7 | Unit 2-12 Bed 1 S | 15.3 | 52.1 |
| Unit 1-13 Bed 2 N | 19.0 | 51.3 | Unit 2-12 Bed 2 N | 15.3 | 50.7 |
| Unit 1-13 Bed 2 W | 19.0 | 59.1 | Unit 2-12 Bed 2 W | 15.3 | 70.2 |
| Unit 1-14 Living E | 19.0 | 69.9 | Unit 2-12 Bed 3 N | 15.3 | 50.8 |
| Unit 1-14 Bed 1 E | 19.0 | 65.0 | Unit 2-13 Living E | 15.3 | 51.6 |
| Unit 1-14 Bed 1 S | 19.0 | 52.7 | Unit 2-13 Kitchen/Entry W | 15.3 | 70.9 |
| Unit 1-14 Bed 2 E | 19.0 | 51.9 | Unit 2-13 Bed 1 E | 15.3 | 68.8 |
| Unit 1-15 Living E | 19.0 | 53.0 | Unit 2-13 Bed 1 S | 15.3 | 53.2 |
| Unit 1-15 Bed 1 E | 19.0 | 53.4 | Unit 2-13 Bed 2 W | 15.3 | 70.6 |
| Unit 1-15 Bed 2 E | 19.0 | 52.4 | Unit 2-13 Bed 3 E | 15.3 | 51.0 |
| Unit 1-16 Living E | 19.0 | 71.8 | Unit 2-14 Living E | 15.3 | 69.1 |
| Unit 1-16 Kitchen/Living S | 19.0 | 72.0 | Unit 2-14 Kitchen/Entry W | 15.3 | 71.4 |
| | | | Unit 2-14 Bed 1 E | 15.3 | 69.3 |
| | | | Unit 2-14 Bed 2 W | 15.3 | 71.1 |
| | | | Unit 2-14 Bed 3 E | 15.3 | 51.5 |
| | | | Unit 2-15 Living E | 15.3 | 52.6 |
| | | | Unit 2-15 Kitchen/Entry W | 15.3 | 71.9 |
| | | | Unit 2-15 Bed 1 E | 15.3 | 69.7 |
| | | | Unit 2-15 Bed 1 S | 15.3 | 52.7 |
| | | | Unit 2-15 Bed 2 W | 15.3 | 71.7 |
| | | | Unit 2-15 Bed 3 W | 15.3 | 52.1 |
| | | | Unit 2-16 Living/Dining E | 15.3 | 70.4 |
| | | | Unit 2-16 Kitchen/Living S | 15.3 | 67.2 |
| | | | Unit 2-16 Bed 1 E | 15.3 | 53.8 |
| | | | Unit 2-16 Bed 2 S | 15.3 | 72.8 |
| | | | Unit 2-16 Bed 2 W | 15.3 | 72.7 |
| | | | Unit 2-16 Bed 3 W | 15.3 | 72.3 |

Table B5: Receiver point calculations, Level 4. Forecasts are in dB(A) L_{max} , free-field.

| Unit – Façade | Height (AHD) | L _{Amax} | Unit – Façade | Height (AHD) | L _{Amax} |
|---------------------|--------------|-------------------|-----------------------------------|--------------|-------------------|
| Unit 1-17 Entry W | 21.7 | 61.7 | Unit 2-17 Kitchen/Dining/Living N | 18.1 | 57.2 |
| Unit 1-17 Living E | 21.7 | 70.5 | Unit 2-17 Living E | 18.1 | 57.9 |
| Unit 1-17 Bed 1 E | 21.7 | 70 | Unit 2-17 Bed 1 E | 18.1 | 68.2 |
| Unit 1-17 Bed 1 S | 21.7 | 69.3 | Unit 2-17 Bed 1 S | 18.1 | 58.7 |
| Unit 1-17 Bed 2 N | 21.7 | 57.2 | Unit 2-17 Bed 2 N | 18.1 | 56.6 |
| Unit 1-17 Bed 2 E | 21.7 | 57.9 | Unit 2-17 Bed 2 W | 18.1 | 70 |
| Unit 1-18 Kitchen W | 21.7 | 71.3 | Unit 2-17 Bed 3 N | 18.1 | 56.8 |
| Unit 1-18 Bed 1 S | 21.7 | 71.5 | Unit 2-18 Living E | 18.1 | 58.3 |
| Unit 1-18 Living E | 21.7 | 69.5 | Unit 2-18 Kitchen/Entry W | 18.1 | 70.7 |
| Unit 1-18 Bed 1 E | 21.7 | 71.3 | Unit 2-18 Bed 1 E | 18.1 | 68.6 |
| Unit 1-18 Bed 2 E | 21.7 | 58.5 | Unit 2-18 Bed 1 S | 18.1 | 59.4 |
| | | | Unit 2-18 Bed 2 W | 18.1 | 70.3 |
| | | | Unit 2-18 Bed 3 E | 18.1 | 57.2 |
| | | | Unit 2-19 Living E | 18.1 | 68.9 |
| | | | Unit 2-19 Kitchen/Entry W | 18.1 | 71.2 |
| | | | Unit 2-19 Bed 1 E | 18.1 | 69.1 |
| | | | Unit 2-19 Bed 1 S | 18.1 | 59.8 |
| | | | Unit 2-19 Bed 2 W | 18.1 | 70.9 |
| | | | Unit 2-19 Bed 3 E | 18.1 | 57.6 |
| | | | Unit 2-20 Living E | 18.1 | 69.4 |
| | | | Unit 2-20 Kitchen/Entry W | 18.1 | 65.5 |
| | | | Unit 2-20 Bed 1 E | 18.1 | 70.5 |
| | | | Unit 2-20 Bed 2 W | 18.1 | 69.7 |
| | | | Unit 2-20 Bed 3 W | 18.1 | 58.3 |
| | | | Unit 2-21 Living/Dining E | 18.1 | 71.1 |
| | | | Unit 2-21 Kitchen/Living S | 18.1 | 72.8 |
| | | | Unit 2-21 Bed 1 E | 18.1 | 60.1 |
| | | | Unit 2-21 Bed 2 S | 18.1 | 73 |
| | | | Unit 2-21 Bed 2 W | 18.1 | 72.9 |
| | | | Unit 2-21 Bed 3 W | 18.1 | 59.2 |
| | | | Unit 2-21 Study N | 18.1 | 65.8 |
| | | | Unit 2-21 Study W | 18.1 | 72.3 |

Appendix C: Building Construction – QDC MP4.4

This Annex is based on the building construction guidelines of ‘Queensland Development Code Mandatory Part 4.4 – Buildings in Transport Noise Corridors’. The Code provides information for new houses, townhouses, units, hotel and motels (Class 1-4 buildings) as well as renovations to relevant Class 1-4 buildings to achieve certain levels of noise mitigation through the use of appropriate materials for floors, walls, roofs, windows and doors for the relevant noise category presented in **Section 4** of this Report.

Under the Department of Local Government and Planning criteria the site is considered to be in the following Categories based on the measured or calculated $L_{10, 18hr}$ or $L_{Amax, 24hr}$ value or distance from the road, depending on the property definition given by QDC. The relationships are set out in **Table C1**:

Table C1: Noise Categories, related to $L_{10, 18hr}$ values.

| Noise Category | Level of Transport Noise ($L_{A10,18hr}$) for State-Controlled Roads and Designated Local Government Roads | Single Event Maximum Noise (L_{Amax}) for Railway Land |
|----------------|--|--|
| Category 4 | ≥ 73 dB(A) | ≥ 85 dB(A) |
| Category 3 | 68-72 dB(A) | 80-84 dB(A) |
| Category 2 | 63-67 dB(A) | 75-79 dB(A) |
| Category 1 | 58-62 dB(A) | 70-74 dB(A) |
| Category 0 | ≤ 57 dB(A) | ≤ 69 dB(A) |

Note* the sound levels are measured at 1 metre from the façade.

| Performance Requirements | Acceptable Solutions |
|---|--|
| Residential Buildings | |
| <p>P1 Habitable rooms in a relevant residential building are adequately protected from transport noise to safeguard occupants' health and amenity.</p> | <p>A1 The external envelope of each habitable room in a relevant residential building must comply with the minimum R_w for each building component specified in Schedule 1 to achieve a minimum transport noise reduction level for the relevant noise category by:</p> <p>a) Using materials specified in Schedule 2;</p> <p>OR</p> <p>b) Using materials with manufacturer's specifications that, in combination, achieve the minimum R_w value for the relevant building component and acceptable noise category.</p> |

SCHEDULE 1

| Noise category | Minimum transport noise reduction (dB(A)) required for habitable rooms | Component of building's external envelope | Minimum R_w required for each component |
|-------------------|--|---|--|
| Category 4 | 40 | Glazing | 43 |
| | | External walls | 52 |
| | | Roof | 45 |
| | | Floors | 51 |
| | | Entry doors | 35 |
| Category 3 | 35 | Glazing | 38 (where total area of glazing for a habitable room is greater than 1.8m ²) |
| | | | 35 (where total area of glazing for a habitable room is less than or equal to 1.8m ²) |
| | | External walls | 47 |
| | | Roof | 41 |
| | | Floors | 45 |
| | | Entry doors | 33 |

| Noise category | Minimum transport noise reduction (dB(A)) required for habitable rooms | Component of building's external envelope | Minimum R_w required for each component |
|--|---|---|--|
| Category 2 | 30 | Glazing | 35 (where total area of glazing for a habitable room is greater than 1.8m ²) |
| | | | 32 (where total area of glazing for a habitable room is less than or equal to 1.8m ²) |
| | | External walls | 41 |
| | | Roof | 38 |
| | | Floors | 45 |
| | | Entry doors | 33 |
| | | Category 1 | 25 |
| 24 (where total area of glazing for a habitable room is less than or equal to 1.8m ²) | | | |
| External walls | 35 | | |
| Roof | 35 | | |
| Entry doors | 28 | | |
| Category 0 | No additional acoustic treatment required – standard building assessment provisions apply | | |

SCHEDULE 2

| Component of building's external envelope | Minimum R_w | Acceptable forms of constructions |
|---|---------------|--|
| Glazing | 43 | Double glazing consisting of two panes of minimum 5mm thick glass with at least 100mm air gap and full perimeter <i>acoustically rated seals</i> . |
| | 38 | Minimum 14.38mm thick laminated glass, with full perimeter <i>acoustically rated seals</i> ; OR Double glazing consisting of one pane of minimum 5mm thick glass and one pane of minimum 6mm thick glass with at least 44mm air gap, and full perimeter <i>acoustically rated seals</i> . |
| | 35 | Minimum 10.38mm thick laminated glass, with full perimeter <i>acoustically rated seals</i> . |
| | 32 | Minimum 6.38mm thick laminated glass with full perimeter <i>acoustically rated seals</i> . |
| | 27 | Minimum 4mm thick glass with full perimeter <i>acoustically rated seals</i> . |
| | 24 | Minimum 4mm thick glass with standard weather seals |

| Component of building's external envelope | Minimum R_w | Acceptable forms of constructions |
|---|---------------|--|
| External walls | 52 | Two leaves of clay brick masonry, at least 270mm in total, with subfloor vents fitted with noise attenuators |
| | 47 | <p>Two leaves of clay brick masonry at least 110mm thick with:</p> <ul style="list-style-type: none"> (i) Cavity not less than 50mm between leaves; and (ii) 50mm thick mineral insulation or 50mm thick glass wool insulation with a density of 11kg/m³ or 50mm thick polyester insulation with a density of 20kg/m³ in the cavity. <p>OR</p> <p>Two leaves of clay brick masonry at least 110mm thick with:</p> <ul style="list-style-type: none"> (i) Cavity not less than 50mm between leaves; and (ii) At least 13mm thick cement render on each face. <p>OR</p> <p>Single leaf of clay brick masonry at least 110mm thick with:</p> <ul style="list-style-type: none"> (i) A row of at least 70mm x 35mm timber studs or 64mm steel studs at 600mm centres, spaced at least 20mm from the masonry wall; and (ii) Mineral insulation or glass wool insulation at least 50mm thick with a density of at least 11kg/m³ positioned between studs; and (iii) One layer of plasterboard at least 13mm thick fixed to outside face of studs. <p>OR</p> <p>Single leaf of minimum 150mm thick masonry of hollow, dense concrete blocks, with mortar joints laid to prevent moisture bridging.</p> |

| Component of building's external envelope | Minimum R_w | Acceptable forms of constructions |
|---|---------------|---|
| External walls | 41 | <p>Two leaves of clay brick masonry at least 110mm thick with cavity not less than 50mm between leaves</p> <p>OR</p> <p>Single leaf of clay brick masonry at least 110mm thick with:</p> <ul style="list-style-type: none"> (i) A row of at least 70mm x 35mm timber studs or 64mm steel studs at 600mm centres, spaced at least 20mm from the masonry wall; and (ii) Mineral insulation or glass wool insulation at least 50mm thick with a density of at least 11kg/m³ positioned between studs; and (ii) One layer of plasterboard at least 10mm thick fixed to outside face of studs. <p>OR</p> <p>Single leaf of brick masonry at least 110mm thick with at least 13mm thick render on each face</p> <p>OR</p> <p>Concrete brickwork at least 110mm thick</p> <p>OR</p> <p>In-situ concrete at least 100mm thick</p> <p>OR</p> <p>Precast concrete at least 100mm thick and without joints.</p> |
| | 35 | <p>Single leaf of clay brick masonry at least 110mm thick with:</p> <ul style="list-style-type: none"> (i) A row of at least 70mm x 35mm timber studs or 64mm steel studs at 600mm centres, spaced at least 20mm from the masonry wall; and (ii) One layer of plasterboard at least 10mm thick fixed to the outside face of studs <p>OR</p> <p>Minimum 6mm thick fibre cement sheeting or weatherboards or plank cladding externally, minimum 90mm deep timber stud or 92mm metal stud, standard plasterboard at least 13mm thick internally.</p> |

| Component of building's external envelope | Minimum R_w | Acceptable forms of constructions |
|---|---------------|---|
| Roof | 45 | Concrete or terracotta tile or sheet metal roof with sarking, <i>acoustically rated plasterboard</i> ceiling at least 13mm thick fixed to ceiling joists, cellulose fibre insulation at least 100mm thick with a density of at least 45kg/m ³ in the cavity OR Concrete or terracotta tile or sheet metal roof with sarking, 2 layers of <i>acoustically rated plasterboard</i> at least 16mm thick fixed to ceiling joists, glass wool insulation at least 50mm thick with a density of at least 11kg/m ³ or polyester insulation at least 50mm thick with a density of at least 20kg/m ³ in the cavity. |
| | 41 | Concrete or terracotta tile or sheet metal roof with sarking, plasterboard ceiling at least 10mm thick fixed to ceiling joists, glass wool insulation at least 50mm thick with a density of at least 11kg/m ³ or polyester insulation at least 50mm thick with a density of at least 20kg/m ³ in the cavity OR Concrete suspended slab at least 100mm thick. |
| | 38 | Concrete or terracotta tile or sheet metal roof with sarking, plasterboard ceiling at least 10mm thick fixed to ceiling cavity, mineral insulation or glass wool insulation at least 50mm thick with a density of at least 11kg/m ³ |
| | 35 | Concrete or terracotta tile or metal sheet roof with sarking, plasterboard ceiling at least 10mm thick fixed to ceiling cavity |
| Floors | 51 | Concrete slab at least 150mm thick |
| | 45 | Concrete slab at least 100mm thick OR Tongued and grooved boards at least 19mm thick with: (i) Timber joists not less than 175mm x 50mm; and (ii) Mineral insulation or glass wool insulation at least 75mm thick with a density of at least 11kg/m ³ positioned between joists and laid on plasterboard at least 10mm thick fixed to underside of joists; and (iii) Mineral insulation or glass wool insulation at least 25mm thick with a density of at least 11kg/m ³ laid over entire floor, including tops of joists before flooring is laid; and (iv) Secured to battens at least 75mm x 50mm; and (v) The assembled flooring laid over the joists, but not fixed to them, with battens lying between the joists. |

| Component of building's external envelope | Minimum R_w | Acceptable forms of constructions |
|---|---------------|--|
| Entry Doors | 35 | Solid core timber not less than 45mm thick, fixed so as to overlap the frame or rebate of the frame by not less than 10mm, with full perimeter <i>acoustically rated seals</i> . |
| | 33 | Fixed so as to overlap the frame or rebate of the frame by not less than 10mm, fitted with full perimeter <i>acoustically rated seals</i> and constructed of: <ul style="list-style-type: none"> (i) Solid core wood, particleboard or blockboard not less than 45mm thick; and/or (ii) Acoustically laminated glass not less than 10.38mm thick |
| | 28 | Fixed so as to overlap the frame or rebate of the frame, constructed of: <ul style="list-style-type: none"> (i) Wood, particleboard or blockboard not less than 33mm thick; or (ii) Compressed fibre reinforced sheeting not less than 9mm thick; or (iii) Other suitable material with a mass per unit area not less than 24.4kg/m², or (iv) Solid core timber door not less than 35mm thick fitted with full perimeter <i>acoustically rated seals</i>. |

Appendix D: Response to Council Information Request

Redland City Council issued an Information Request on the 22nd August 2016 (Reference: BD File: MCU013782) regarding Revision 2 of this report dated 3rd March 2016. Item 15 of the request is addressed in this appendix to the report and is presented below. The two concerns raised are the pump room and rubbish collection.

15. Submit a revised acoustic assessment as the original noise report, Proposed Multi-Unit Residential Development 7-11 Fernbourne Road, Wellington Point, QLD 4160 (Lot 132 on RP14151 and Lots 1 & 2 on RP 14166) Report No 3180R2 dated the 3rd March 2016, did not take into consideration the adjoining sensitive land uses (in particular the impacts of rubbish collection and pump room), as nominated in Specific Outcome S3.8 of the Medium Density Residential Zone Code. Address any significant changes within a revised acoustic report and any minor changes within a letter from the acoustic consultant.

Pump Room

The pump room is located approximately 12 metres from the southern boundary and 20 metres from the nearest dwelling. It is understood that the purpose of the pump room is to facilitate firefighting capabilities in an emergency only and is not in continuous use. Maintenance, when required, should be carried out during the hours of 7:00 AM to 6:00 PM on any day except Sunday.

In addition to the criteria set out in Section 3.2 of this report, noise from Pumps are also restricted by limits outlined in the Environmental Protection Act 1994 section 440 T (Pumps). Under the Environmental Protection Act, an occupier of the premises must not use, or permit the use of, the pump on any day –

- Before 7 AM if it makes an audible noise; or
- From 7 AM to 7 PM if it makes a noise of more than 5 dB(A) above the background level; or
- From 7 PM to 10 PM if it makes a noise of more than 3 dB(A) above the background level; or
- After 10 PM, if it makes an audible noise.

The design of the pump room is not within the scope of this assessment. However, our observations of similar fire-service pump rooms indicate common design is of concrete block wall construction and a full concrete slab roof. The room is normally vented to the road or car park areas. If a similar design is provided here, then it is considered that the pump, when operating, will be able to comply with the requirements of the Environmental Protection Act. It is not expected to be generating noise in the normal course of the day as it is only in use during times of emergency.

Rubbish Collection

The waste bins are located adjacent to the Pump House. Rubbish collection is expected to be a weekly occurrence and is normally to occur between the hours of 7:00 AM to 6:00 PM on any day except Sunday. No sleep disturbance is expected on this basis. Rubbish collection occurs on a weekly basis throughout the residential environment; interruption is typically brief and it is considered that daytime collection is not an unreasonable impact on the adjacent neighbours.

Appendix E: Statement of Qualifications

The Signatory to this Report is Qualified under the Australian Qualifications Framework at Level 8 (Post-Graduate) in Monitoring and Evaluating Noise and Noise Management:

Mr Max Thorne, LLB (Otago), Principal NMS

Mr Josh Dyer, B.Env.Tech (Griffith), Senior Acoustician NMS

Mr Matt Dever, B.Audio (SAE), Senior Acoustician NMS

Mr Matt Fishburn, B.E., RPEQ, Reviewer

Mr Geoff Renison, Acoustician NMS

NMS Specific Project Reviewer

Dr Bob Thorne PhD, FRSPH, MIOA, MAAS

Projects and Studies by NMS

- Assessment of transportation noise to QDC MP4.4 and Queensland State Development guidelines
- Assessment of noise from light industry onto noise sensitive places
- Assessment of quarry noise on residential neighbours
- Mine site, blasting and drilling assessments
- Environmental noise impact assessment and prediction modeling for residential estates and residential developments
- Traffic noise impact assessments for residential developments
- Remote telemetry systems for noise monitoring
- Industrial noise impact assessments and associated noise management plans
- Occupational noise assessment
- Industrial surveys for noise exposure and noise management
- The effects of noise from patrons and music on residential neighbours
- Building acoustics (in association with Alpha Acoustics)
- Vehicle noise compliance (ADR)
- Research investigations into the effects of various noise sources on sensitive and non-sensitive communities

Appendix F: Glossary

“Peak” maximum level (LA_{max},T).

The peak maximum level is the absolute highest (1 second or less) sound level within the whole of the measurement time.

Event maximum sound pressure level (LA_{%adj},T), L01

The L01 level is calculated as the noise level equalled and exceeded for 1% of the measurement time, for example 9 seconds in any 15 minute interval. L01 is an appropriate level to characterise single events, such as from train bypass.

In this Report, the measured L01 levels for day/evening/night are not averaged but are arranged from low to high in the relevant day/evening/night interval and the value that is found at the 90th percentile (L10 of L01 sample) in the interval is recorded as its “L01” level.

Average maximum sound pressure level (LA_{%adj}, T), L10

The “L10” level is an indicator of “steady-state” noise or intrusive noise conditions from traffic, music and other relatively non-impulsive noise sources. The L10 level is calculated as the noise level equalled and exceeded for 10% the measurement time, for example 90 seconds in any 15 minute interval. The measured L10 time-intervals for day/evening/night are arithmetically averaged to present the “average maximum” levels of the environment for day/evening/night. The level can be adjusted for tonality or impulsiveness.

Background sound pressure level (LA₉₀,T), L90

Commonly called the “L90” or “background” level and is an indicator of the quietest times of day, evening or night. The L90 level is calculated as the noise level equalled and exceeded for 90% the measurement time. The measured L90 time-intervals are arithmetically averaged to present the “average background” levels of the environment for day/evening/night. The level is recorded in the absence of any noise under investigation. The level is not adjusted for tonality or impulsiveness.

Equivalent Continuous or time average sound pressure level (LA_{eq},T), Leq

Commonly called the “Leq” level it is the logarithmic average noise level from all sources far and near. The maximum 1-hour levels within the day/evening/night time intervals are referenced for building design. The level can be adjusted for tonality.

Façade-adjusted level

A sound level that is measured at a distance of 1.0 metre from a wall or facade. The level is nominally 2.5 dB higher than the free-field level.

Free-field level

A sound level that is measured at a distance of more than 3.5 metres from a wall or facade.



ARBOR AUSTRALIS
C O N S U L T I N G

Attachment 6 Arborist Report

Arboricultural Impact Assessment
7 – 11 Fernbourne Road Wellington Point

22nd November 2015

Report to

Leith Architects

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ABN 55 328 491 722

Document Control

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Revision History

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Arboricultural Impact Assessment

Date of Inspection: October 2015

Site: 7 – 11 Fernbourne Street
Wellington Point
QLD 4160

Client: Binnaton Holdings Limited

Issues Addressed: Arboricultural Impact Assessment, Proposed Development



Shaded area represents the approximate development boundaries.

1.0 Reason for Inspection:

Site assessment has determined that there are significant trees within the site boundaries. This determination has resulted in the request for arboricultural assessment of impacts. This assessment will include the health and structure of all trees greater than 150mm in diameter within the development area and within 6m of the boundary. Final tree retention recommendations will be based on a combination of the proposed design, tree health and tree structure. It is the combination of the three assessments that will form the Arboricultural Impact Assessment for the proposed development.

2.0 Methodology:

Following your recent request for an assessment of the trees and the proposed construction, a review of documentation was carried out. Updated drawing provided were reviewed prior to the preparation of this report.

All measurements have been estimated and tree structures have been assessed with a Visual Tree Assessment from the ground. No further investigation was deemed to be necessary at this point. This report needs to be read in conjunction with Table 1, and the Tree Removal Plan.

The survey plan has been utilised for tree location however missing trees have been plotted with GPS survey and should be considered a guide to tree position.

Assessment is carried out in a set pattern:

- Assessment of trees on the basis of health and structure to determine if the trees should be considered suitable for retention. Tree health, structure and species can combine to determine the tree as not suitable for retention.
- Assessment of proposed construction to determine impact on tree health and structure as a result of engineering requirements. From this assessment trees that can be successfully retained are identified.
- Development of the Tree Protection Requirements, to ensure, trees to be retained are protected during the development process. This may include minor alterations to the design and recommendations for alternate construction methods.

Determination of the impacts of construction has been based on both assessment of drawings provided and a general understanding of the impacts of the proposed engineering.

Photographs have been taken with a digital camera. Aerial image has been copied from images available through Near Maps.

3.0 Documents and Assumptions

Documents provided included:

- Architectural Plans, Leith Architects, Issue P6
- Detailed Survey, AJS Surveys, 25/05/2015

I have made the following assumptions and record of verbal advice received.

- Engineering assessment has been limited to our understanding of the work that would be required to achieve construction of a building of this nature, as no engineering documentation has been provided
- Assessment of proposed landscape does not form part of this assessment as no detailed plans have been provided.
- Retention of street trees relies on no changes to the road revise area as advised
- It is assumed that arboricultural input will be sought for the detailed design to ensure tree proposed for retention at this time are not adversely impacted.
- No construction methodology has been provided and this assessment is based on my experience of construction only. There may be some changes to impact on trees due to unforeseen construction requirements or methodology.

4.0 Tree Assessment Overview:

Trees within the site are a mix of native and exotic species that vary in health and structure. Due to the building footprint and the associated construction space required to achieve this building, most trees on site cannot be retained.

The significant conifers located on the front boundary of the proposed site are over mature and of poor structure. Several of the trees in this avenue have failed in past storms. The crown form of the trees has been heavily modified by the ongoing pruning to maintain clearance for the electrical conductors. The retention of these trees is not viable with or without the development.

Some trees on the adjoining lots can be retained based on an assumption that the fencing at this point can be limited to post construction rather than masonry which requires a strip footing. Further arboricultural input will be required during detailed design to ensure that the proposed construction does not impact on tree health and structure.

Table 1 identifies all trees assessed and their current condition. Appendix 1 provides further information on the terms used in this assessment. The impacts of construction and tree protection requirements are outlined within this report and are consistent with AS 4970 - 2009

5.0 Council Request for information

The retention of the majority of trees within this design is not achievable. The tree location plan provided in this report shows the trees and the Tree Protection Zones (AS 4970 – 2009). The building and landscape surfaces are in direct conflict with the majority of trees. Trees 9, 13 and 14 can be retained based on the information available however further detailed assessment of engineering impacts is required.

6.0 Tree Protection

As the report recommends the removal of the majority of trees on site due to current form, weed species and construction impacts, tree protection is limited to the 3 trees in the south east corner and the neighbouring trees. To achieve viable retention the protection measures shown in the Tree Protection Plan and Appendices 2 – 5 need to be implemented.

Assessment of detailed design will be required to ensure that engineering, fencing and landscape features are designed in a manner that does not impact these trees. This detailed information is not available at the time of this report, however I believe the tree retention is achievable.

7.0 Conclusions:

This report is not aimed at providing a conclusion rather a presentation of facts about the site and the existing trees. The tree retention proposals have considered the long term viability of trees with this building in place.

Trees greater than 150mm in DBH have been identified, the Tree Protection Plan identifies the trees for retention and removal. Table 1 sets out the tree species, condition and size and the tree protection strategies and shows the recommendation for removal and retention.

Table 1: Tree Assessment, 7-11 Fernbourne Street, Wellington Point

| Tree ID | Genus | Acacia Species | Tree Height (m) | Crown Width (m) | DBH (mm) | Age Class | Tree Health | Health Comment | Tree Structure | Structure Comment | Habitat Value | Habitat Feature | Status | Reason For Removal | Comments |
|---------------|---------------------|--------------------|-----------------|-----------------|----------------|------------------------|----------------------|--------------------------|-----------------|--------------------|--------------------|-----------------|-------------------|---------------------------------|--|
| 1 | Cupressus | species | 7 | 5 | 250 | Dead | Dead | Typical | Poor | Typical | Limited | N/A | Remove | Conflict with Design | |
| 3 | Jacaranda | mimosaefolia | 10 | 10 | 400 | Semi Mature | Fair | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | Multiple Trunk |
| 2 | Cupressus | species | 15 | 15 | 600 | Mature | Fair | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | Powerline pruning, poor form |
| 4 | Koelreuteria | paniculata | 6 | 3 | 180 | Semi Mature | Good | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | Weed |
| 5 | Eugenia | uniflora | 15 | 12 | 450 | Mature | Fair | Typical | Fair | Typical | Limited | N/A | Retain | | Neighbour Tree, protect with Tree Protection Fencing as shown |
| 6 | Viburnum | species | 8 | 8 | 450 | Mature | Fair | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | |
| 7 | Hibiscus | species | 5 | 3 | 150 | Mature | Declining | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | |
| 8 | Macadamia | species | 8 | 3 | 180 | Mature | Declining | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | |
| 9 | Bauhinia | species | 8 | 3 | 180 | Mature | Declining | Typical | Fair | Typical | Limited | N/A | Retain | Conflict with Design | Protect with Tree Protection Fencing as shown |
| 10 | Mangifera | indica | 8 | 7 | 300 | Semi Mature | Fair | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | |
| 11 | Unknown | deciduous | 8 | 7 | 250 | Semi Mature | Poor | Crown Decline | Fair | Typical | Limited | N/A | Remove | Conflict with Design | |
| 12 | Melicope | elleryanna | 10 | 3 | 250 | Semi Mature | Declining | Crown Decline | Fair | Typical | Limited | N/A | Remove | Conflict with Design | |
| 13 | Syzygium | jambos | 7 | 5 | 250 | Semi Mature | Fair | Sparse | Fair | Typical | Limited | N/A | Retain | Conflict with Design | Protect with Tree Protection Fencing as shown |
| 14 | Bauhinia | species | 7 | 5 | 250 | Semi Mature | Poor | Crown Decline | Fair | Typical | Limited | N/A | Retain | Conflict with Design | Protect with Tree Protection Fencing as shown |
| 15 | Eriobotrya | japonica | 7 | 5 | 250 | Semi Mature | Poor | Crown Decline | Fair | Typical | Limited | N/A | Remove | Conflict with Design | |
| 16 | Wodyetia | bifurcata | 7 | 3 | 200 | Semi Mature | Good | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | |
| 17 | Archontophoenix | alexandrea | 12 | 3 | 220 | Mature | Fair | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | |
| 18 | Viburnum | species | 7 | 3 | 150 | Mature | Fair | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | |
| 19 | Randia | fitzalani | 7 | 3 | 150 | Mature | Fair | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | |
| 20 | Jacaranda | mimosaefolia | 8 | 5 | 200 | Semi Mature | Fair | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | |
| 21 | Jacaranda | mimosaefolia | 12 | 10 | 450 | Early Mature | Fair | Typical | Poor | Poor Form | Limited | N/A | Remove | Conflict with Design | Multiple Trunk and inclusion and cavity at ground |
| 22 | Cupressus | species | 18 | 15 | 600 | Mature | Fair | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | Powerline pruning, poor form |
| 23 | Cupressus | species | 18 | 15 | 700 | Mature | Fair | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | Powerline pruning, poor form |
| 24 | Spathodea | campanulata | 12 | 10 | 400 | Early Mature | Fair | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | Weed |
| 25 | Syzygium | species | 15 | 7 | 250 | Early Mature | Fair | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | |
| 26 | Livistona | australis | 8 | 3 | 200 | Early Mature | Fair | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | |
| 27 | Caesalpinia | ferrea | 15 | 12 | 400 | Early Mature | Good | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | |
| 28 | Livistona | australis | 18 | 5 | 300 | Early Mature | Good | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | |
| 29 | Mangifera | indica | 12 | 10 | 300 | Early Mature | Fair | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | |
| 30 | Archontophoenix | alexandrea | 9 | 3 | 150 | Early Mature | Good | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | |
| 31 | Ficus | benamina | 12 | 9 | 400 | Early Mature | Good | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | Surface roots |
| 32 | Acacia | species | 12 | 5 | 300 | Early Mature | Fair | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | Compaction from drive |
| 33 | Acacia | species | 12 | 5 | 300 | Early Mature | Fair | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | Compaction from drive |
| 34 | Cupressus | species | 18 | 10 | 500 | Mature | Fair | Typical | Poor | Poor Form | Limited | N/A | Remove | Conflict with Design | Powerline pruning, poor form, cavities and hollows past failures |
| 35 | Cupressus | species | 18 | 10 | 350 | Mature | Fair | Typical | Poor | Poor Form | Limited | N/A | Remove | Conflict with Design | Powerline pruning, poor form, cavities and hollows past failures |
| 36 | Cupressus | species | 18 | 10 | 350 | Mature | Fair | Typical | Poor | Poor Form | Limited | N/A | Remove | Conflict with Design | Powerline pruning, poor form, cavities and hollows past failures |
| 37 | Cupressus | species | 18 | 10 | 600 | Mature | Fair | Typical | Poor | Poor Form | Limited | N/A | Remove | Conflict with Design | Powerline pruning, poor form, cavities and hollows past failures forking at base |

| Tree ID | Genus | Acacia Species | Tree Height (m) | Crown Width (m) | DBH (mm) | Age Class | Tree Health | Health Comment | Tree Structure | Structure Comment | Habitat Value | Habitat Feature | Status | Reason For Removal | Comments |
|---------------|-----------------------|--------------------------|-----------------|-----------------|----------------|-------------------------|-----------------|--------------------|-----------------|----------------------|--------------------|-----------------|-------------------|----------------------|---|
| 39 | Cupressus | species | 8 | 5 | 450 | Mature | Fair | Typical | Poor | Poor Form | Limited | N/A | Remove | Conflict with Design | Powerline pruning, poor form ,cavities and hollows past failures forking at base |
| 38 | Cupressus | species | 18 | 7 | 450 | Mature | Fair | Typical | Poor | Poor Form | Limited | N/A | Remove | Conflict with Design | Powerline pruning, poor form ,cavities and hollows past failures forking at base |
| 40 | Syagrus | romanzoffiana | 19 | 5 | 350 | Mature | Fair | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | Weed |
| 41 | Syagrus | romanzoffiana | 12 | 5 | 350 | Mature | Fair | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | Weed |
| 42 | Syagrus | romanzoffiana | 12 | 5 | 350 | Mature | Fair | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | Weed |
| 43 | Dypsis | decaryi | 9 | 5 | 350 | Mature | Fair | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | |
| 44 | Mangifera | indica | 7 | 7 | 200 | Early Mature | Good | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | |
| 45 | Pinus | elliottii | 16 | 10 | 500 | Mature | Fair | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | Weed |
| 46 | Melicope | elleryanna | 8 | 7 | 200 | Semi Mature | Fair | Typical | Fair | Typical | Limited | N/A | Retain | | Protect with Tree Protection Fencing as shown |
| 47 | Cinnamomum | camphora | 19 | 12 | 700 | Over Mature | Fair | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | Weed |
| 48 | Cinnamomum | camphora | 19 | 12 | 700 | Over Mature | Fair | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | Weed |
| 49 | Cinnamomum | camphora | 19 | 12 | 700 | Over Mature | Fair | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | Weed |
| 50 | Cinnamomum | camphora | 17 | 9 | 500 | Over Mature | Fair | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | Weed |
| 52 | Koelreuteria | paniculata | 8 | 7 | 250 | Semi Mature | Fair | Typical | Poor | Poor Form | Limited | N/A | Remove | Conflict with Design | Weed |
| 51 | Jacaranda | mimosaeifolia | 8 | 7 | 250 | Semi Mature | Fair | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | |
| 53 | Mangifera | indica | 7 | 5 | 400 | Early Mature | Fair | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | |
| 54 | Schefflera | actinophylla | 12 | 12 | 400 | Early Mature | Fair | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | Weed |
| 55 | Grevillea | robusta | 14 | 7 | 250 | Early Mature | Fair | Typical | Fair | Typical | Limited | N/A | Remove | Conflict with Design | Weed |
| 56 | Jacaranda | mimosaeifolia | 7 | 8 | 300 | Early Mature | Fair | Typical | Poor | Poor Form | Limited | N/A | Retain | | Lean issues with power lines, Protect with Tree Protection Area as shown |
| 57 | Eucalyptus | curtisii | 5 | 4 | 150 | Early Mature | Fair | Typical | Fair | Typical | Limited | N/A | Retain | | Multiple Trunk, Protect with Tree Protection Area as shown |

Site Photos



Plate 1: Image showing the extensive lopping on the western side of the Conifers that line the front of the site.



Plate2: Image showing the poor trunk formation of the conifers that line the front of the site.

Appendix 1: Tree Survey Attribute Description

Data Tables identifies the surveyed trees assessed. The following description of the attributes will help to better understand the characteristics of the trees.

Tree ID: Each tree has been given an individual number for identification purpose. This number will remain assigned to this tree from this point on. Inclusion of more trees in the future will be numbered from the next available sequential number.

Genus: Botanical name of the trees at Genus level

Species: Botanical name of the trees at species level

Tree Height: An estimated height from the ground to the highest point of the canopy.

Crown Spread: An average estimated distance from one side of the canopy to another.

DBH: An estimated measurement of the trunk diameter at 1.4m from the ground

Life Stage: A determination of the tree life point rather than an exact age. The following definitions are general and can differ from species to species.

- *Juvenile:* A young tree with vigorous growth pattern. Tree form is often elongated with limited flare in the trunk or branches.
- *Semi Mature:* A tree that still has a good growth pattern however the tree form is less elongated and the canopy is beginning to represent the form of the mature tree.
- *Mature:* A tree that has reached an equal balance of growth between cell division and degradation. The branch and trunk form often shows greater taper and the canopy is becoming less elongated and more spreading.
- *Over Mature:* The tree has the same form as the mature tree however cell growth is now surpassed by degradation.
- *Senescent:* The trees is declining in health and structure. Canopy often undergo a natural reduction through limb failure and decay in trunk and branch structure is now accelerating.

Tree Health: This represents the assessment of the tree foliage size, colour and canopy density. Factors such as species and time of year need to be considered when making the assessment and then allocation to the appropriate category.

- *Good:* Leaf size, colour and canopy density is good for the tree species and time of year. The canopy has no dead tips and little dead wood within the canopy.
- *Fair:* Leaf size is slightly under sized and may be a lighter shade than would be expected of the species for the time of year.
- *Declining:* The canopy exhibits distinct thinning and dead tips to the branch structure. At this stage the decline is recent and the dead wood is still sound in structure.
- *Poor:* The canopy exhibits distinct thinning and dead tips to the branch structure. It is thinner in canopy density than a healthy example of the species. At this stage the decline is recent and the dead wood is becoming brittle suggesting the decline in health has been present for more than one growing season.
- *Dead:* The canopy has died with no evidence of live buds or growth points. Branch structure is brittle and there is no indication of epicormic stress growth.

Health Comment: Identification of physical characteristics that would indicate that the tree is in less than fair health. Where the tree has been identified as *Typical*, there are no significant signs of reduced plant health based on the species and the site conditions.

Tree Structure: The physical structure in the lower zone of the trunk from the ground to the first main unions.

- *Good:* Single trunk with good and even taper. No visual signs of defects or poor unions of bifurcated trunks.
- *Fair:* Single or bifurcated trunk with some visual faults of a minor nature. These faults will require no immediate action however may need to be monitored in the future.
- *Poor:* Trunk with visible faults that will require remedial action within the reinspection time frame. These may include poor form, trunk wounds, trunk cavities and included bifurcations.
- *Hazardous:* Visible faults that will cause a failure in the near future. Faults of this nature are likely to be recommended for removal.
- *Dead:* Loose, dead bark and no signs of live tissue.

Structure Comment: Identification of physical characteristics that would indicate that the tree has structural defects or observation of tree structure that may develop to be defects in the future

Appendix 2 : General Tree Protection Measures

1. A Project Arborist (AQF level 5) will be appointed to oversee the development and implementation of the Tree Protection Management Plan.
2. Any activity that occurs within the Tree Protection Area (TPA) needs to be assessed by the Project Arborist prior to any works commencing. This area of protection is vital to the long term success of proposed tree retention as root damage has a detrimental effect. For this reason our aim is to minimise all root damage as a priority during construction.
3. Erection of a temporary protective fence, as identified in AS4970-2009, prior to the commencement of any work on site including clearing of other vegetation. The fence will be established as set out in Tree Protection Plan.
4. Access for construction will be outside the TPA.
5. The fencing should be clearly signed **Tree Protection Area No Access**
6. Excavation works should not encroach within the fenced area i.e. the top of any batter or any cut should be outside the (TPA).
7. All services which may need to be located within the root zone should be installed using directional boring and only after all other options to relocate the services have been explored.
8. Under no circumstances should scaffolding, cranes, any construction equipment or materials be permitted within the TPA; this includes during clearing of unwanted vegetation. No plant or equipment should interfere with the canopies of the trees.
9. All pruning works should comply with Australian Standards AS-4373-2007 and be carried out by qualified Arborist (AQF level 3). Pruning may need to be completed prior to construction.
10. Fortnightly inspection to ensure protection measures are being maintained and a Completion Report to certify that the protection measures have been implemented.
11. The Project Arborist will complete a final inspection of retained trees at completion to determine if any hazard reduction pruning is required. Only significant hazards will be addressed.

Appendix 3: Tree Retention Strategies

Project Arborist

A Project Arborist will be appointed for the duration of the project. The primary roll on this project is to ensure tree protection is established and maintained.

Monitoring

All tree protection measures are to be monitored and recorded on a fortnightly basis to ensure tree protection is being maintained. This is to be summarised in a Completion Report certifying that the tree protection was maintained for the duration of the project. Any activity that is to occur within the Tree Protection Zone is to be certified by the Project Arborist.

Tree Protection Area

It is vital that the trees receive protection during construction to reduce the effects of soil compaction, root severance and moisture loss from the soil profile. Changes in levels around the trees are the greatest cause of damage both directly and indirectly. This issue is to be addressed through no changes in levels within the fenced TPZ as set out by the Project Arborist. Fencing will identify the work zone for machinery access.

Fencing

All trees that are to be retained are to be fenced as set out by the Project Arborist prior to any works on site. The fencing should comply with AS 4970 – 2009. The fence should clearly be signed **Tree Protection Zone**. **Any activity within the protected zone requires the approval of the supervising Arborist.**

Appendix 4: Timing of Control Measures

| Time Period | Proposed Work | Description | Action By |
|---|--|---|---|
| Project Arborist | Monitoring of tree protection | Establishment of a Project Arborist for the duration of the project is essential to maintaining the tree protection. | <ul style="list-style-type: none"> Supervising Arborist Minimum AQF level 5 Arboriculture Member of Arboricultural Association |
| Environmental Site Induction | Site inductions of all workers | Education of all workers on site as to the importance of maintaining tree protection and the consequences of not maintaining the protection. | <ul style="list-style-type: none"> Supervising Arborist Minimum AQF level 5 Arboriculture Member of Arboricultural Association |
| Prior to construction | Tree Protection Fencing and Trunk Protection | Installation of protective fences around trees. The protection is to be constructed in accordance with AS 4970-2009 and as set out in this report. | <ul style="list-style-type: none"> Supervising Arborist Minimum AQF level 5 Arboriculture Member of Arboricultural Association |
| Preparation for excavation and maintenance of tree health | Soil Revitalisation, moisture monitoring | <p>To maintain tree in good health soil moisture measures will need to be maintained. This may require irrigation and remedial works to maintain tree health.</p> <p>All bare earth and disturbed areas will be required to be mulched with aged forest mulch.</p> <p>Watering programs may be required to maintain soil moisture. This will be determined by the Project Arborist.</p> <p>Other remedial actions may include:</p> <ul style="list-style-type: none"> De-compaction with compressed air techniques Compost to raise organic levels in the soil Inoculation of soil with compost tea. | <ul style="list-style-type: none"> Consulting Arborist Arboricultural Contractor |
| During construction | Tree Pruning | Any pruning work required for construction access is to be identified at commencement of works | <ul style="list-style-type: none"> Arboricultural Contractor All tree workers are to have AQF level 3 Arboriculture. All tree pruning works are to comply with Australian Standards AS 4373 – 2007 |
| During construction | Monitoring of Tree Protection Measures | Fortnightly inspections of tree protection areas to maintain continuity of protection and provide opportunity to supervise | <ul style="list-style-type: none"> Supervising Arborist Minimum AQF level 5 Arboriculture |

| Time Period | Proposed Work | Description | Action By |
|---------------------------|--------------------------|--|---|
| | | any civil works that are located within or close to tree protection zones. | <ul style="list-style-type: none"> • Member of Arboricultural Association |
| Completion of Development | Completion Certification | Certification that tree protection measures have been implemented and maintained for the duration of the development. | <ul style="list-style-type: none"> • Supervising Arborist • Minimum AQF level 5 Arboriculture • Member of International Arboricultural Association Australia Chapter |
| Post Completion | Monitoring | <p>Inspection of the trees initially at 6 months, 12 month and at annual intervals for 3 year. Further monitoring and inspection intervals should be determined at this point. Initial inspections are to determine alterations in tree structure and biological dynamics. This is likely to include increased deadwood.</p> <p>The degree of post construction maintenance will be a direct reflection on the care taken during construction.</p> | <ul style="list-style-type: none"> • Consulting Arborist |

Appendix 5: Tree Removal Procedures

Tree removal is to be carried out in a controlled manner to ensure that all retained trees are not adversely impacted. This will be completed by Dismantled Felling techniques by a Council approved contractor. The field operation staff will have a minimum qualification of AQF level 3. The contractor needs to comply with all Work Place Health and Safety regulations and consider the methodology and timing of works to minimise impacts to the public. The contractor will provide a methodology statement to the Project Arborist for review at least 5 days prior to work commencing on site.

Tree Clearing Sequence

1. All tree protection measures and signage as set out in the Tree Protection Plan will be in place prior the commencement of tree removal.
2. Project Arborist to sign off that all protection measures are in place and all trees are correctly identified prior to commencement of tree removal.
3. Removal of trees as outlined in the Tree Removal Plan

Tree removal will be completed using a variety of methods and machinery. The methodology is to be set out in the contractors Work Method Statement and is likely to include:

- Elevated Work Platform
- Tree Climbers
- Crane Removal
- Wood chipping
- Log Removal
- Stump Grinding
- Physical Excavation of Stumps

Larger trees that cannot be mulched will be salvaged for timber where practical. All mulch generated as a result of tree removal will be retained for use within the project subject to the needs of the project. Nay mulch that may be surplus to the requirements will be removed form site.

All works will be completed in accordance with the approved Work Method Statement and will be carried out in a manner to avoid damage to retained trees.

Post Clearing Survey

Immediately following the completion of the tree removal works, an assessment will be made of all retained trees documenting any damage that has occurred. This assessment will be available for review if required.

The Project Arborist will provide immediate notification to the Compliance Team of any damage that is a structural concern or will have long term impacts on the viability of retention.

Authors Statement of Experience

Jeremy Young: Principle Consulting Arborist

Memberships

Arboriculture Australia Member, Past Vice President and Founding Member

Arboricultural Association UK, Member

Queensland Arboricultural Association Member, Past Committee Member and Founding Member

Qualifications

| | |
|------|---|
| 2014 | Upgrade of diploma in line with the new AQF units of competency |
| 2010 | Commenced Post Graduate Certificate, UQ |
| 2006 | FDS Sc Arboriculture, Myerscough UK, (Part Complete) |
| 2004 | Certified Arborist AU 0011-A |
| 2004 | Advanced Diploma of Arboriculture |
| 2003 | Timber Pest Certificate |
| 2001 | Certificate II Pest control |
| 2001 | Certificate IV Work Site Assessor |
| 1992 | Certificate of Arboriculture Merrist Wood UK |
| | Various OH&S operational tickets |

Experience

With 27 years' experience in all aspects of the Arboricultural Industry, I am able to provide a well-rounded, experienced and educated approach to arboricultural related issues in most environments. I have completed projects for Local and State Government. A commitment to continual professional development has ensured that I can provide up to date information that will add value and resolve tree issues for most sites.

References

Australian Standard, 2007, Pruning of amenity trees, AS 4373-2007

Australian Standard, 2009, Protection of trees on development sites, AS 4970-2009

Harris R, Clark J, Matheny N, 2004, Arboriculture Integrated Management of Trees, Shrubs, Vines, Forth Edition, Prentice Hall, New Jersey

Disclosure Statement

Arbor Australis Consulting and their employees are tree specialists who use their qualifications, education, knowledge, training, diagnostic tools and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living near trees. Clients may choose to accept or disregard the recommendations of this assessment and report.

Arbor Australis Consulting and their employees cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways the arboriculture industry does not fully understand. Conditions are often hidden within trees and below ground. Arbor Australis Consulting cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments cannot be guaranteed.

Treatment, pruning and removal of trees may involve considerations beyond the scope of Arbor Australis Consulting services, such as property boundaries and ownership, disputes between neighbours, sight lines, landlord-tenant matters, and related incidents. Arbor Australis Consulting cannot take such issues into account unless complete and accurate information is given prior or at the time of the site inspection. Likewise Arbor Australis Consulting cannot accept responsibility for the authorisation or non-authorisation of any recommended treatment or remedial measures.

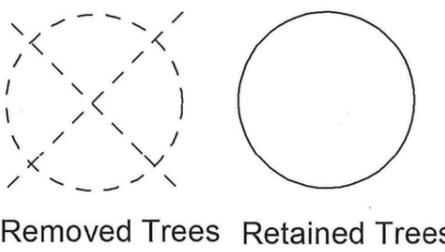
Trees can be managed, but they cannot be controlled. To live or work near a tree involves some degree of risk. The only way to eliminate all risks associated with a tree is to eliminate tree and human interaction.

All written reports must be read in their entirety. At no time shall part of the written assessment be referred to unless in taken in full context of the written report.

If this written report is to be used in a Court of Law or in any legal situation Arbor Australis Consulting must be advised in writing prior to the written assessment being presented in any form.

Order of Tree Protection

1. Tree Protection Fencing to be installed prior to works commencing on site. Fencing is to comply with AS 4970 2009 and is to be set out by the Project Arborist as indicated on this drawing.
2. All Tree Protection Zones (TPZ) will be fenced on the construction side to restrict all construction access.
3. All works within the TPZ require approval from the Project Arborist prior to work commencing.
4. No material, machinery or pedestrian access is permitted in the TPZ
5. Fencing can only be removed with the permission of the Project Arborist
6. All pruning works are to be completed under the supervision of the Project Arborist



Leith Architects

7-11 Fernbourn Street
Tree Protection Plan

Attachment 7 Tree Protection Plan



PO Box 568, Sherwood, Qld 4075

Date: November 2015

Drawing Number: TPP-01

Scale: 1:300 @ A3

Drawn By: JY

Base Drawing: Leith Architects

www.arboraustralis.com.au | 07333797793 | trees@arboraustralis.com.au



DATE 3 November, 2016

CONTACT TOBY GILMOUR

Attachment 8 Traffic Impact Report

7, 9 & 11 Fernbourne Road, Wellington Point

Proposed Residential Development - Traffic Impact Report

For Binnaton Holding Ltd, c/- bplanned Pty Ltd

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APPENDIX A

SITE LAYOUT

Document Control Page

| Revision | Date | Description | Author | Verifier | Approver | Signature |
|----------|------------|-----------------------|--------------|-----------|-------------------------|---|
| A | 3/11/2016 | Final | I Weligamage | T Gilmour | T Gilmour RPEQ 12785 | |
| B | 16/11/2016 | Final Updated Plan | J Cavalli | T Gilmour | T Gilmour RPEQ 12785 |  |
| | | | | | | |
| | | | | | | |

1.0 INTRODUCTION

Lambert & Rehbein has been commissioned by Binnaton Holding Ltd, on behalf of bplanned Pty Ltd, to undertake a traffic impact assessment regarding a proposed residential development at 7, 9 & 11 Fernbourne Road, Wellington Point described as Lots 1, 2 and 132 on RP14166.

The proposed development consists of 41 new dwelling units and is proposed to gain access from Fernbourne Road. The proposed site layout is included in **Appendix A**.

Subsequent to the development application, Redland City Council has issued a request for information, dated 22 August 2016, with the following traffic item;

“Provide a traffic impact assessment demonstrating that the development will not have an adverse impact on surrounding networks, in accordance with Planning Scheme Policy 9 – Infrastructure Works Chapter 5, Section 9.5.6.3.”

To address the Council RFI the report includes an assessment of the potential impact that the development could have on the surrounding external road network.

The report has been compiled in a clear and concise manner and is set out as follows:

Section 2 discusses the existing land use and traffic arrangements in the vicinity of the proposed development site.

Section 3 displays the calculations and assumptions used to estimate the generation, distribution and impact of the proposed development traffic.

Section 4 summarises the key outcomes of the traffic investigations.

This report has been prepared on behalf of and exclusive use of the Client, and is subject to and issued in connection with the provisions of the agreement between Lambert & Rehbein and the client. Lambert & Rehbein accepts no liability or responsibility whatsoever for or in respect of any use of or reliance upon this report by any third party.

2.0 CONTEXT OF THE DEVELOPMENT

This section of the report describes the context of the proposed development and includes a description of the existing road network and adjacent land uses.

2.1 DEVELOPMENT SITE

The subject site is located at 7, 9 & 11 Fernbourne Road, Wellington Point described as Lots 1, 2 and 132 on RP14166. The site is expected to have frontage to Fernbourne Road with access solely onto Fernbourne Road. The surrounding area is primarily composed of residential properties and empty lots.

The proposed development consists of two 4 storey multi-unit residential buildings which includes 41 new residential units and 69 parking spaces. The proposed site provides access via a single access driveway with direct access to Fernbourne Road as demonstrated in the site plan included in **Appendix A**.

Figure 2-1 below shows the proposed development site in the context of the surrounding road network and the linkages to the external network.

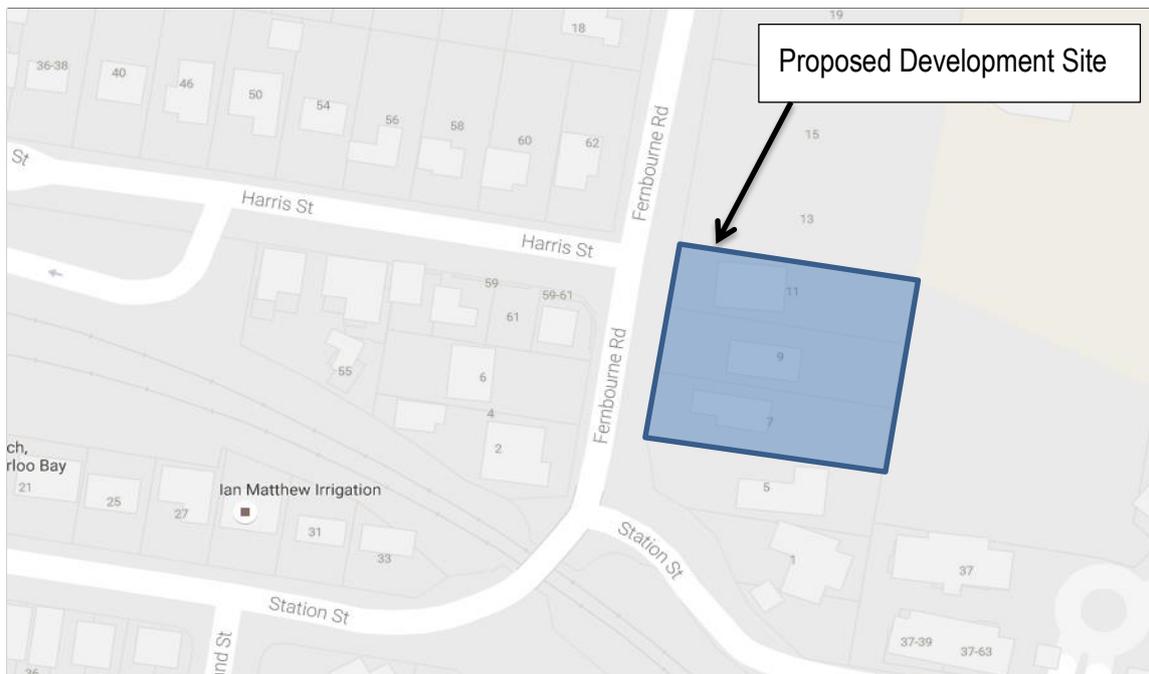


Figure 2-1 Development Site Location

Source: www.maps.google.com.au

2.2 EXISTING ROAD NETWORK

The western boundary of the site has frontage to Fernbourne Road, which is currently designated as a local street under Redland City Council's Road Hierarchy, and was observed to have the following characteristics along the site frontage:

- Two way, line divided road;
- Posted speed limit of 40 km/hr;
- Kerb and channel on western side;
- Footpath available on western side; and
- Road width of approximately 7m.

Fernbourne Road intersects with Harris Street as the major approach of a priority controlled T-intersection to the north of the development access. Harris Street is expected to connect vehicle movements from the proposed site to Valley Road and the north via Main Road. The form of the Fernbourne Road / Harris Street intersection can be observed in **Figure 2-2**.

Vehicles travelling north-east are expected to utilise the Valley Road / Main Road intersection which is in the form of a priority controlled T-intersection with Main Road as the major approach. Aerial imagery of the intersection is shown in **Figure 2-3**.

Vehicles travelling south are expected to travel along Station Street and through the Station Street / Main Road / Crossley Drive roundabout. Aerial imagery of the intersection is shown in **Figure 2-4**.



Figure 2-2 Fernbourne Road / Harris Street Intersection



Figure 2-3 Valley Road / Main Road Intersection

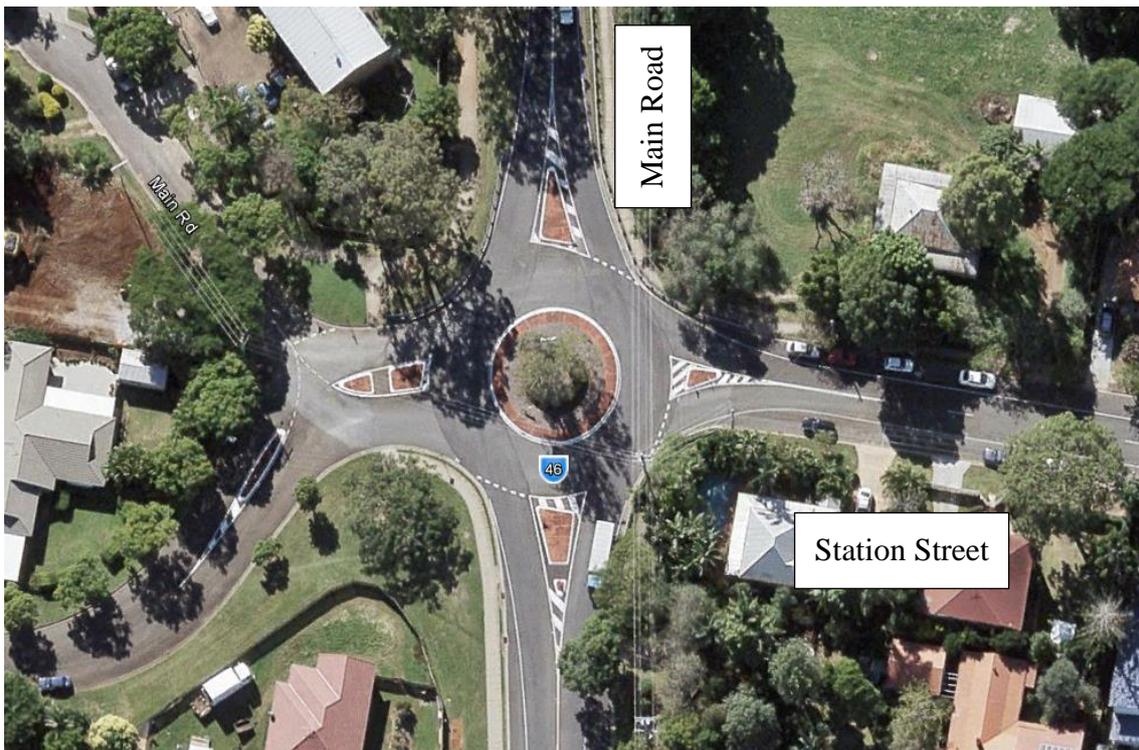


Figure 2-4 Station Street / Main Road / Crossley Drive Roundabout

2.3 PROPOSED ROAD UPGRADES

A review of the Redland City Council Priority Infrastructure Plan indicates the no upgrades are planned for Fernbourne Road or Harris Street.

2.4 PUBLIC TRANSPORT SERVICES

The development is well serviced by public transport with Wellington Point train station situated within walking distance, less than 200m from the site. Wellington Point train station is serviced by the Cleveland line which operates from Cleveland, through the Brisbane CBD and onto Shorncliffe.

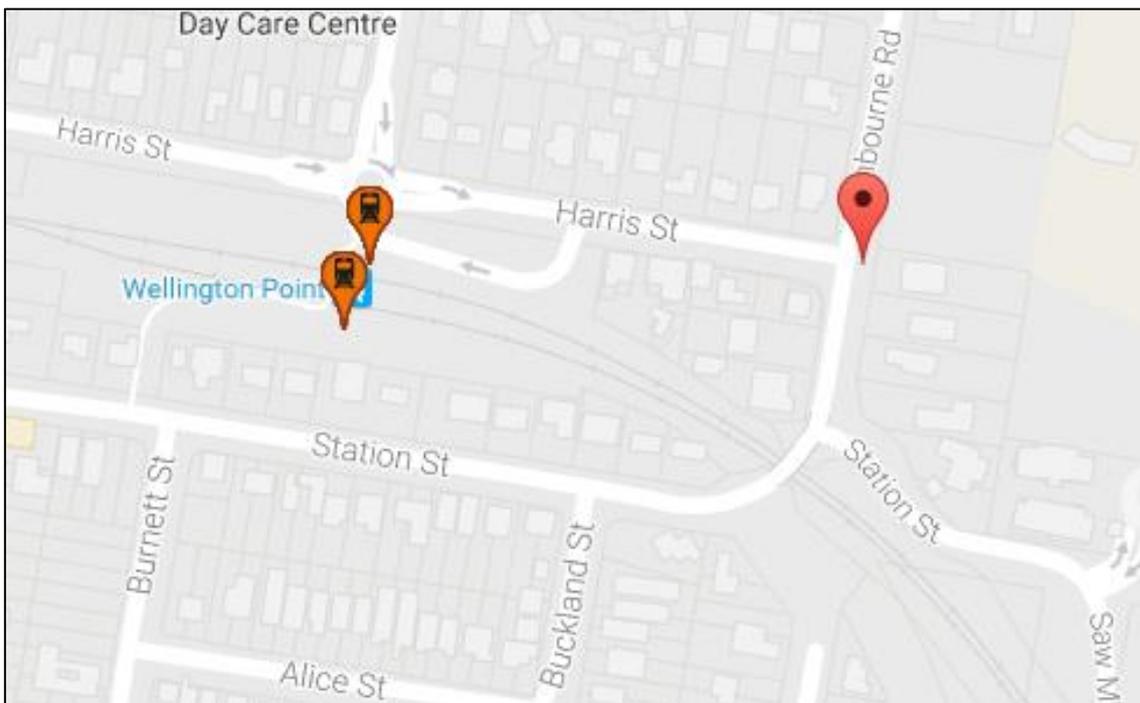


Figure 2-5 Public Transport Services

2.5 ACTIVE TRANSPORT FACILITIES

Concrete pathways are currently provided on Ferbourne Road opposite the subject site and part of the site frontage. The shared pedestrian and bicycle path follows Ferbourne Road and connects to Station Street and Harris Street. As observed in **Figure 2-6** in orange, the paths connect further to the wider network and allows for movements in all directions.



Figure 2-6 Redland City Council Cycle Network

3.0 TRAFFIC IMPACT ASSESSMENT

3.1 TRIP GENERATION

The proposed development is in the order of 41 dwelling units. Utilising the traffic generation rates taken from the RTA's – *Guide to Traffic Generating Developments*, the traffic generation associated with the subject land is estimated conservatively, as shown below.

- Total Daily Trips
 - Design Traffic Generation - 5 trips/dwelling/day for two bedroom and lower units and 6.5 trips/dwelling/day for three bedroom units
 - Traffic Generation - 236.5 vehicles/day
- Total Peak Hour Trips
 - Design Traffic Generation - 0.5 trips/dwelling for two bedroom and lower units and 0.65 trips/dwelling for three bedroom units
 - Traffic Generation - 23.65 vehicles per hour

A total traffic generation of 237 vehicles per day and a total traffic generation of 24 vehicles in the peak hour has been assumed for the proposed development.

The traffic directionality movements adopted for this analysis are shown below in **Table 3-1**.

Table 3-1 Directionality Rates

| Period | Directionality (%) | |
|---------|--------------------|-----|
| | In | Out |
| AM Peak | 15 | 85 |
| PM Peak | 80 | 20 |

As such the estimated traffic generated by the proposed development during the peak hours are:

Table 3-2 Development Traffic Generation

| Land Use | AM(In) | AM (Out) | PM (In) | PM (Out) |
|--|--------|----------|---------|----------|
| Medium Density Residential 41 dwellings | 4 | 20 | 19 | 5 |
| Total Trips per Peak | 24 | | 24 | |

3.2 TRIP DISTRIBUTION

As Fernbourne Road terminates to the north it is assumed all traffic will travel to and from Main Road, located to the west of the site. Traffic can exit Main Road and travel toward to the site via Harris Street and Station Street. It is assumed that 40% of the site generated traffic will travel to and from the north towards Birkdale Road, which ultimately connects to Wynnum Road and the Gateway Motorway to facilitate a route to the city or the north. The remaining 60% of traffic is assumed to be associated with trips to/from the south towards Cleveland and Old Cleveland Road.

The assumed distribution of the site generated traffic is demonstrated in **Figure 3-1** below.

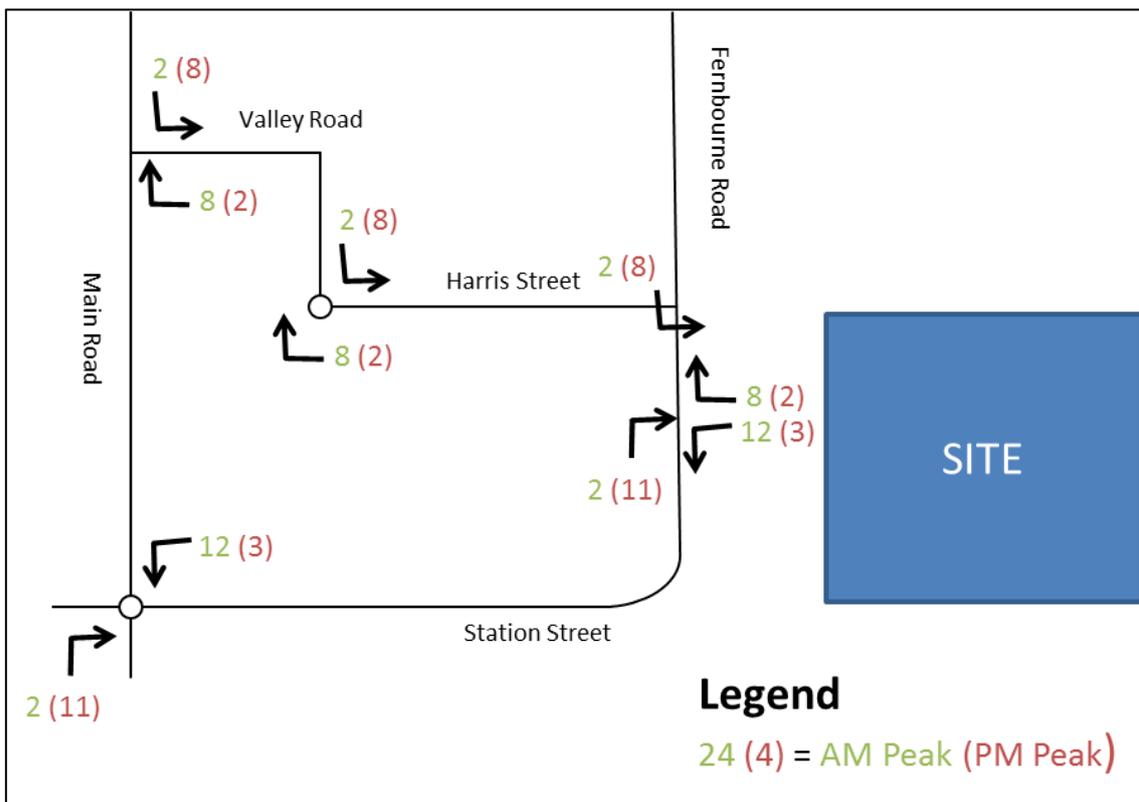


Figure 3-1 Development Trip Generation and Distribution

As observed in **Figure 3-1**, the proposed development will have the largest impact on the Station Street / Main Road / Crossley Drive roundabout, with a total of 14 additional movements during the peak hour. This additional traffic results in less than one additional vehicle entering the intersection every 4 minutes which is considered to be negligible and would not warrant the requirement for a detailed intersection assessment. Therefore it is considered that the development will not have a significant impact on the road network and will not require additional upgrades to maintain an efficient road network.

4.0 SUMMARY AND CONCLUSION

Lambert & Rehbein has been commissioned by Binnaton Holding Ltd, on behalf of bplanned Pty Ltd, to undertake a traffic impact assessment regarding a proposed residential development at 7, 9 & 11 Fernbourne Road, Wellington Point described as Lots 1, 2 and 132 on RP14166.

The proposed development consists of 41 new dwelling units and is proposed to connect with Fernbourne Road. The proposed site layout is included in **Appendix A**.

The existing road infrastructure at the frontage of the site is considered to be adequate to accommodate the traffic demand as a result of the proposed development. The development is expected to generate an insignificant volume of traffic, and therefore will have a negligible impact on the operation of the surrounding road network.

No traffic and transport engineering matters have been identified that should preclude approval of the proposed residential development at this location.

APPENDIX A

SITE LAYOUT

1 SITE PLAN
SCALE 1:500@A3

HARRIS ST

EXISTING SWALE + STREET TREES MAINTAINED IN KEEPING WITH LOCAL RESIDENTS EXPECTATIONS

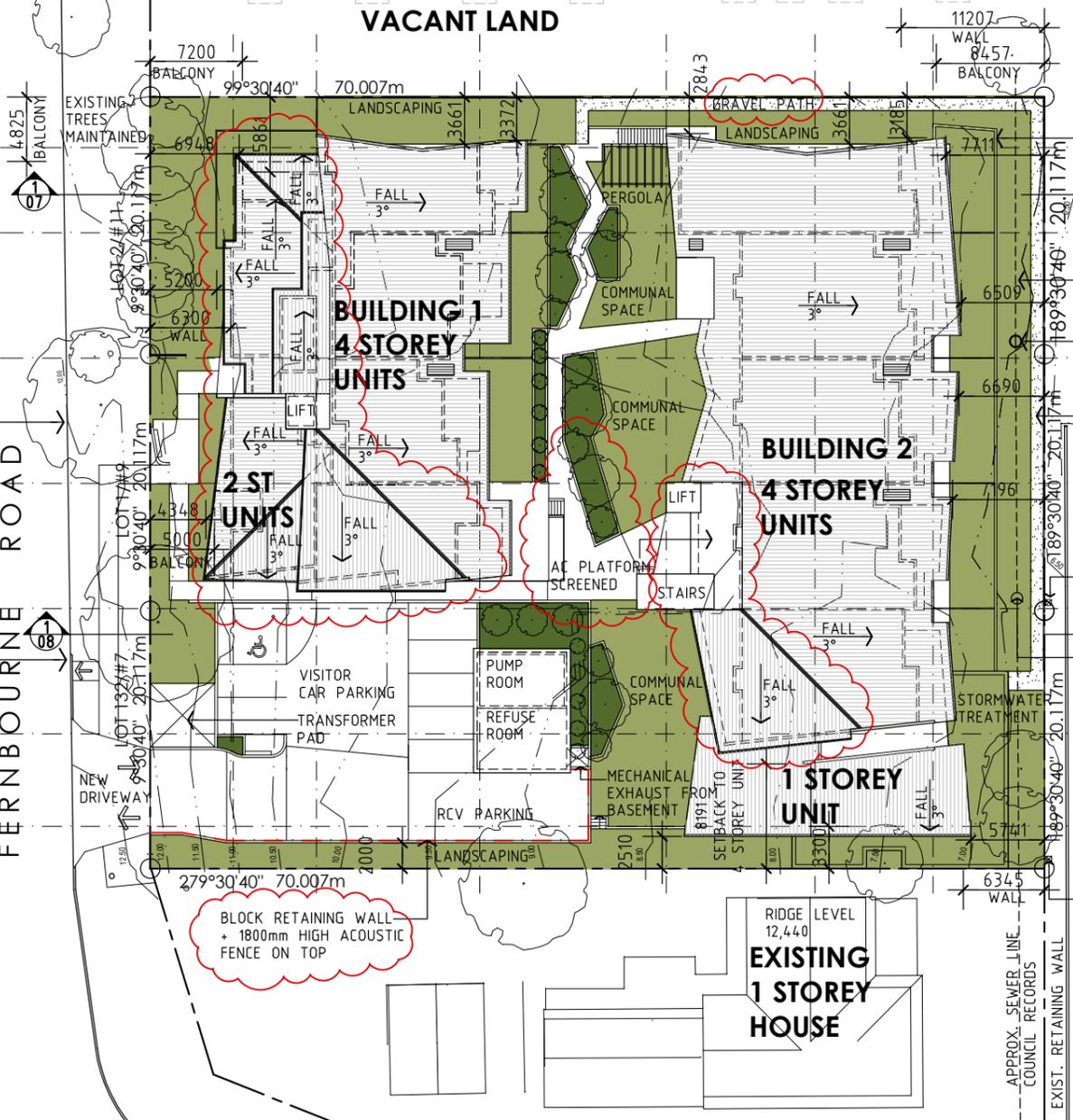
NEW FOOTPATH + PEDESTRIAN CROSSING

ADJOINING FOOTPATH TO TRAIN STATION

FERNBOURNE ROAD

LEVELS AS PER SURVEY PLAN Q0198-D1. PREPARED BY AJS SURVEYS PH: 3823 2144

FUTURE DA APPROVED 2 STOREY APARTMENTS VACANT LAND



BLOCK RETAINING WALL + 1800mm HIGH ACOUSTIC FENCE ON TOP

EXISTING 1 STOREY HOUSE

FUTURE DA APPROVED 2 STOREY APARTMENTS

2 STOREY APARTMENTS

2 STOREY APARTMENTS

UNIT TYPE SCHEDULE

| LEVEL | 1 BED | 2 BED | 3 BED | TOTAL |
|--------------|----------|-----------|-----------|-----------|
| BASEMENT | - | - | - | - |
| LEVEL 1 | 1 | 5 | 6 | 12 |
| LEVEL 2 | - | 6 | 5 | 11 |
| LEVEL 3 | - | 4 | 5 | 9 |
| LEVEL 4 | - | 4 | 5 | 9 |
| TOTAL | 1 | 19 | 21 | 41 |

GENERAL NOTES

- CONFIRM ALL RELEVANT DIMENSIONS, LEVELS AND DETAILS ON SITE PRIOR TO COMMENCEMENT OF ALL WORK. CONFIRM SETBACKS TO ALL ALIGNMENTS.
- ALL CONSTRUCTION IS TO COMPLY WITH BUILDING ACT 1975, STANDARD BUILDING REGULATION 1993, THE BUILDING CODE OF AUSTRALIA, CURRENT AUSTRALIAN STANDARDS + ALL CONTRACT DOCUMENTS.
- TIMBER CONSTRUCTION IS TO COMPLY WITH AS1684.1 TO 4-1999
- BLOCK/ BRICKWORK IS TO COMPLY WITH AS3700-2001
- USE FIGURED DIMENSIONS IN PREFERENCE TO SCALING.
- ELECTRONIC DATA IS NOT WARRANTED

AMENDMENTS

| ISSUE DATE | AMENDMENTS |
|------------|--------------|
| A 10-03-16 | DA ISSUE |
| B 22-03-16 | DA REVISIONS |
| C 06-10-16 | RFI RESPONSE |

DEVELOPMENT SCHEDULE

| | |
|--------------------------------|-----------------------------|
| SITE | 7,9,11 FERNBOURNE RD |
| RPD | LOTS 1,2 + 132 RP 14166 |
| SITE AREA | 4,219 m ² |
| SITE COVER | 44.68% 1,885 m ² |
| LANDSCAPE | 22.15% 934 m ² |
| DEEP SOIL (752m ²) | 17.82% |
| COMMUNAL OPEN SPACE | 13.8% 583m ² |
| 1 AREA | 135m ² |
| 41 UNITS TOTAL | |

| UNIT NO: | AREA: | POS: |
|-----------|---------------------|----------------------|
| UNIT 1-01 | 72.0m ² | * 31.0m ² |
| UNIT 1-02 | 83.0m ² | * 33.0m ² |
| UNIT 1-03 | 80.0m ² | * 68.0m ² |
| UNIT 1-04 | 76.0m ² | * 65.0m ² |
| UNIT 1-05 | 58.0m ² | 25.0m ² |
| UNIT 1-06 | 77.0m ² | * 22.0m ² |
| UNIT 1-07 | 72.0m ² | 14.0m ² |
| UNIT 1-08 | 83.0m ² | 13.0m ² |
| UNIT 1-09 | 80.0m ² | 15.0m ² |
| UNIT 1-10 | 76.0m ² | 16.0m ² |
| UNIT 1-11 | 87.0m ² | 16.0m ² |
| UNIT 1-12 | 74.0m ² | 15.0m ² |
| UNIT 1-13 | 83.0m ² | 13.0m ² |
| UNIT 1-14 | 80.0m ² | 15.0m ² |
| UNIT 1-15 | 76.0m ² | 16.0m ² |
| UNIT 1-16 | 87.0m ² | 16.0m ² |
| UNIT 1-17 | 83.0m ² | 20.0m ² |
| UNIT 1-18 | 80.0m ² | 15.0m ² |
| UNIT 1-19 | 76.0m ² | 16.0m ² |
| UNIT 1-20 | 87.0m ² | 23.0m ² |
| UNIT 2-01 | 114.0m ² | * 55.0m ² |
| UNIT 2-02 | 118.0m ² | * 71.0m ² |
| UNIT 2-03 | 118.0m ² | * 72.0m ² |
| UNIT 2-04 | 118.0m ² | * 71.0m ² |
| UNIT 2-05 | 118.0m ² | * 51.0m ² |
| UNIT 2-06 | 123.0m ² | 23.0m ² |
| UNIT 2-07 | 114.0m ² | 16.0m ² |
| UNIT 2-08 | 118.0m ² | 19.0m ² |
| UNIT 2-09 | 118.0m ² | 20.0m ² |
| UNIT 2-10 | 118.0m ² | 17.0m ² |
| UNIT 2-11 | 139.0m ² | 22.0m ² |
| UNIT 2-12 | 114.0m ² | 16.0m ² |
| UNIT 2-13 | 118.0m ² | 19.0m ² |
| UNIT 2-14 | 118.0m ² | 20.0m ² |
| UNIT 2-15 | 118.0m ² | 17.0m ² |
| UNIT 2-16 | 139.0m ² | 22.0m ² |
| UNIT 2-17 | 114.0m ² | 16.0m ² |
| UNIT 2-18 | 118.0m ² | 19.0m ² |
| UNIT 2-19 | 118.0m ² | 20.0m ² |
| UNIT 2-20 | 118.0m ² | 17.0m ² |
| UNIT 2-21 | 141.0m ² | 21.0m ² |

* UNITS WITH PRIVATE COURTYARDS

CARS REQUIRED - 1 PER UNIT 41
VISITORS REQUIRED 0.25/UNIT 10.25

TOTAL REQUIRED (51.25) 52

PROVIDED VISITORS 10
PROVIDED RESIDENTS(EXC TANDEM) 43
PROVIDED RESIDENTS(INC TANDEM) 59

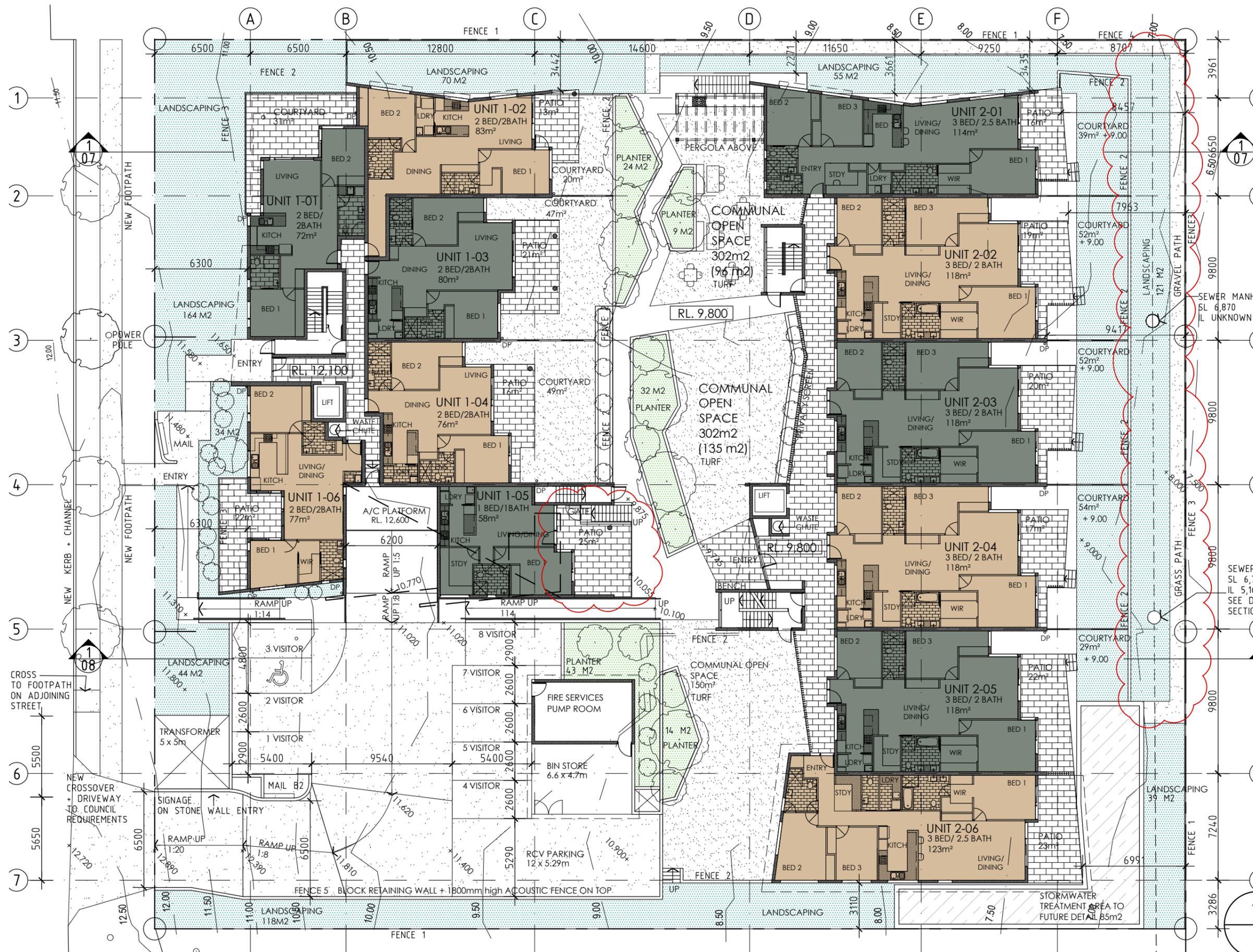
1 SITE/LOCATION PLAN
SCALE 1:500@A3

LEVELS AS PER SURVEY PLAN Q0198-D1. PREPARED BY AJS SURVEYS PH: 3823 2144

PROJECT: PROPOSED APARTMENT BUILDINGS - 7, 9 & 11 FERNBOURNE RD, WELLINGTON POINT
CLIENT: BINPATION HOLDINGS LTD
DRAWING TITLE: PROPOSED SITE PLAN

LEITH ARCHITECTS
OFFICE 34 MCGREGOR ST CLAYFIELD Q 4011
MOBILE 0418 779 344
EMAIL INFO@LEITHARCHITECTS.COM.AU WEB WWW.LEITHARCHITECTS.COM.AU

| SCALE | DATE | DRAWN |
|----------|----------|-------|
| 1:500@A3 | 08.03.16 | ITS |
| JOB No | SHEET No | ISSUE |
| 2277 | DA01 | C |



GENERAL NOTES

1. CONFIRM ALL RELEVANT DIMENSIONS, LEVELS AND DETAILS ON SITE PRIOR TO COMMENCEMENT OF ALL WORK. CONFIRM SETBACKS TO ALL ALIGNMENTS.
2. ALL CONSTRUCTION IS TO COMPLY WITH BUILDING ACT 1976, STANDARD BUILDING REGULATION 1993, THE BUILDING CODE OF AUSTRALIA, CURRENT AUSTRALIAN STANDARDS + ALL CONTRACT DOCUMENTS.
3. TIMBER CONSTRUCTION IS TO COMPLY WITH AS1684.1 TO 4-1999
4. BLOCK/ BRICKWORK IS TO COMPLY WITH AS3700-2001
5. USE FIGURED DIMENSIONS IN PREFERENCE TO SCALING.
6. ELECTRONIC DATA IS NOT WARRANTED

1. AMENDMENTS

| ISSUE | DATE | AMENDMENTS |
|-------|----------|------------------------------|
| A | 10-03-16 | DA ISSUE |
| B | 22-03-16 | DA REVISIONS |
| C | 15-11-16 | RFI RESPONSE |
| D | 15-11-16 | RFI RESPONSE-DRIVEWAY LEVELS |

2. LEGEND

| | |
|---------|--|
| FENCE 1 | 1200mm HIGH ALUMINIUM FENCING "POOL TYPE" |
| FENCE 2 | 1200mm HIGH TIMBER FENCING |
| FENCE 3 | 1800mm HIGH TIMBER FENCING |
| FENCE 4 | 1000mm BLOCK RET. WALL WITH MAX. 1m HIGH ALUMINIUM FENCE ABOVE |
| FENCE 5 | BLOCK RETAINING WALL WITH MIN 1800MM HIGH ACOUSTIC FENCE |
| TURF | ARTIFICIAL TURF ON SLAB WITH FALLS TO FLOOR WASTES |

COMMUNAL OPEN SPACE

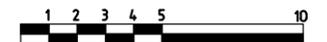
| | |
|-------|-------------------|
| TOTAL | 689m ² |
|-------|-------------------|

4. PLANTING AREA HATCH

| | |
|--|--|
| | TOTAL AREA DEEP PLANTING 794m ² (18.82%) |
| | TOTAL PLANTER BOX PLANTING 122m ² (2.892%) |

SEWER MANHOLE
SL 6,870
IL UNKNOWN

SEWER MANHOLE
SL 6,720
IL 5,160
SEE DRAWING DA08 FOR SECTION AND DETAILS



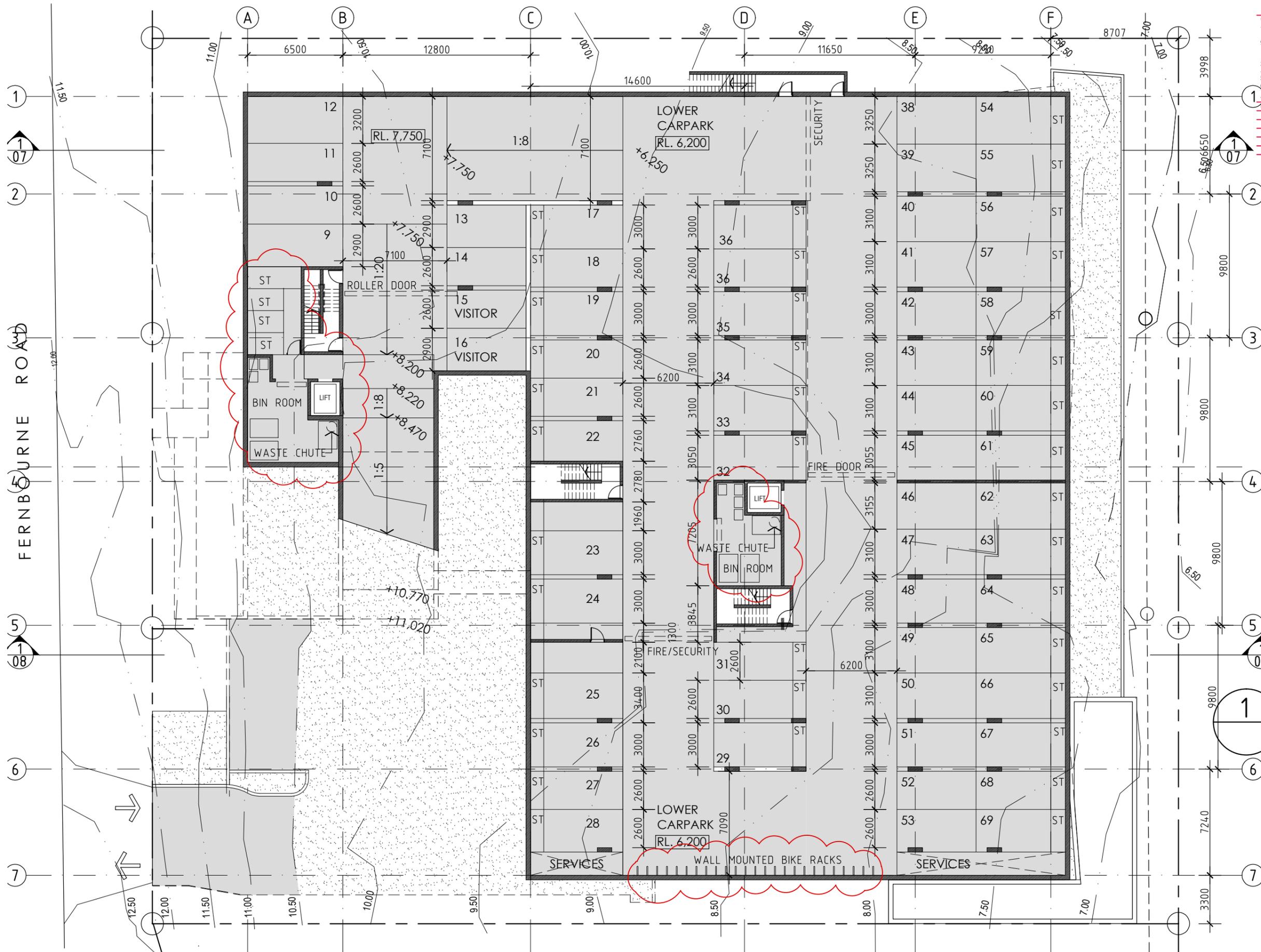
1 LEVEL 1 PLANS

SCALE 1:250@A3

PROJECT
PROPOSED APARTMENT BUILDINGS - 7, 9 & 11 FERNBOURNE RD, WELLINGTON POINT
 CLIENT
BINNATON HOLDINGS LTD
 DRAWING TITLE
PROPOSED LEVEL 1 PLAN

LEITH ARCHITECTS
 OFFICE 34 MCGREGOR ST CLAYFIELD Q 4011
 MOBILE 0418 779 344
 EMAIL INFO@LEITHARCHITECTS.COM.AU WEB WWW.LEITHARCHITECTS.COM.AU

| | | |
|----------|----------|-------|
| SCALE | DATE | DRAWN |
| 1:250@A3 | 08.03.16 | ITS |
| JOB No | SHEET No | ISSUE |
| 2277 | DA03 | D |



- GENERAL NOTES**
1. CONFIRM ALL RELEVANT DIMENSIONS, LEVELS AND DETAILS ON SITE PRIOR TO COMMENCEMENT OF ALL WORK. CONFIRM SETBACKS TO ALL ALIGNMENTS.
 2. ALL CONSTRUCTION IS TO COMPLY WITH BUILDING ACT 1975, STANDARD BUILDING REGULATION 1993, THE BUILDING CODE OF AUSTRALIA, CURRENT AUSTRALIAN STANDARDS + ALL CONTRACT DOCUMENTS.
 3. TIMBER CONSTRUCTION IS TO COMPLY WITH AS1684.1 TO 4-1999
 4. BLOCK/ BRICKWORK IS TO COMPLY WITH AS3700-2001
 5. USE FIGURED DIMENSIONS IN PREFERENCE TO SCALING.
 6. ELECTRONIC DATA IS NOT WARRANTED

1. AMENDMENTS

| ISSUE | DATE | AMENDMENTS |
|-------|----------|---------------------------------|
| A | 10-03-16 | DA ISSUE |
| B | 22-03-16 | DA REVISIONS |
| C | 15-11-16 | RFI RESPONSE |
| D | 15-11-16 | RFI RESPONSE- ACCESS RAMP LEVEL |

LEGEND

| | |
|-----------|------------------------|
| ST | STORAGE SPACE |
| [Pattern] | FILL |
| [Shaded] | CUT - INCLUDE BASEMENT |

1 BASEMENT PLAN
SCALE 1:250@A3



PROJECT: PROPOSED APARTMENT BUILDINGS - 7, 9 & 11 FERNBURNE RD, WELLINGTON POINT
 CLIENT: BINPATON HOLDINGS LTD
 DRAWING TITLE: PROPOSED BASEMENT PLAN

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| | | |
|----------|----------|-------|
| SCALE | DATE | DRAWN |
| 1:250@A3 | 08.03.16 | ITS |
| JOB No | SHEET No | ISSUE |
| 2277 | DA02 | D |



Attachment 9 Traffic Impact Assessment

TRAFFIC ENGINEERING ASSESSMENT

PROPOSED MULTIPLE UNIT DEVELOPMENT

7, 9 & 11 FERNBOURNE ROAD, WELLINGTON POINT

LOTS 1, 2 & 132 RP14166

Prepared for

BINNATON HOLDINGS LTD

6 APRIL 2016

DOCUMENT REGISTER

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Author(s): Dare Janzekovic / Lauren Branson
Certified:



Luke Rytenskild
BEng (Civil) RPEQ # 6293

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1.0 INTRODUCTION

Rytenskild Traffic Group (RTG) has been engaged by Binnaton Holdings Ltd to prepare a Traffic Engineering Assessment of its proposed multiple unit development in Wellington Point.

This report forms part of a Development Application to be lodged with the Redland City Council. The following issues have been assessed during the study:

- Car parking supply and design;
- Cyclist provision;
- Access arrangements;
- Servicing provisions.

2.0 SUBJECT SITE

As shown in Figure 2.1, the subject site is located on the eastern side of Fernbourne Road, directly opposite the Fernbourne Road / Harris Street intersection. As shown, the site consists of three individual lots which are identified as Lots 1, 2 and 132 on RP14166. The site is currently occupied by three detached dwellings, with each located on a single lot. The site has a total area of approximately 4,219m².



FIGURE 2.1 - LOCATION OF SUBJECT SITE

3.0 EXISTING LOCAL ROAD NETWORK

3.1 Local Road Network

At the frontage of the subject site Fernbourne Road is a two way divided roadway with an approximate pavement width of 8.5 metres. Further to the north Fernbourne Road doesn't provide connection to the external road network and narrows to approximately 6 metres. To the south Fernbourne Road provides direct connection to Main Street via Station Road. In the vicinity of the site Fernbourne Road has a posted speed limit of 40km / hr, and intersects with Harris Street.

The Fernbourne Road / Harris Street intersection is a priority controlled tee intersection with Fernbourne Road functioning as the major movement. Harris Street is the main access route to the Wellington Point train station and provides a pedestrian footpath on the southern side of the road. Between the Fernbourne Road intersection and the roundabout with Herbert Road, Harris Street provides a pavement width of 11 metres and allow on-street car parking on either side of the road. Images of the local road network are shown in Figures 3.1 and 3.2.



FIGURE 3.1 – IMAGES OF THE LOCAL ROAD NETWORK



FIGURE 3.2 – AERIAL IMAGE OF THE LOCAL ROAD NETWORK

3.2 Public Transport Services

As shown in Figure 3.3, the proposed development is located in close proximity to the Wellington Point train station and is within comfortable walking distance (550 metres) to Main Street. Main Street is a public transport corridor and provides several of bus stops which service buses travelling to and from the surrounding suburbs. As shown in Figure 3.4, the subject site provides 120 metres walking distance from the Wellington Point train station.

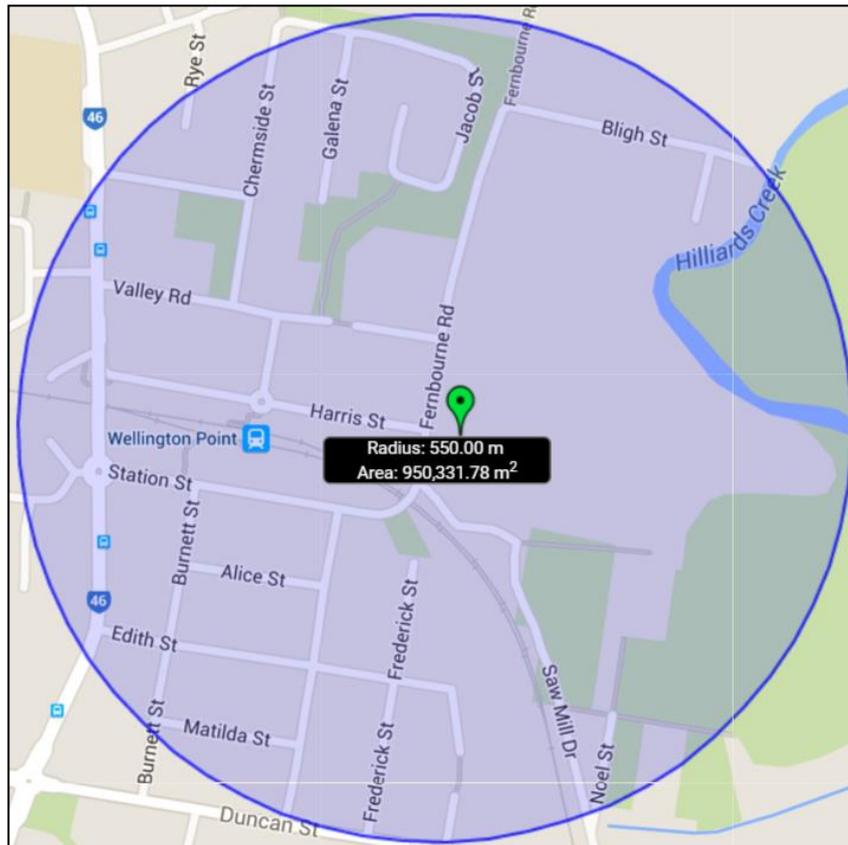


FIGURE 3.3 – LOCATION OF PUBLIC TRANSPORT SERVICES



FIGURE 3.4 – PROXIMITY TO THE WELLINGTON POINT TRAIN STATION

4.0 DEVELOPMENT PROPOSAL

The proposed plan of development is for a multiple unit residential development comprising of 2 x 4-storey buildings, with a combined total of 41 units, as follows:

Building One (20 units)

| | |
|-------------|----------|
| One Bedroom | 1 unit |
| Two bedroom | 19 units |

Building Two (21 units)

| | |
|---------------|----------|
| Three bedroom | 21 units |
|---------------|----------|

Total **41 units**

Vehicular access is proposed to be gained via a standard Council crossover off Fernbourne Road. The location of the proposed crossover provides maximum separation to the Fernbourne Road / Harris Street intersection. Pedestrians will gain access to the site via a separate entrance off Fernbourne Road.

The proposal provides a total of 69 car parking spaces allocated throughout the ground and basement levels, as follows:

Ground Level (8 spaces)

| | |
|-----------------|----------|
| Visitor parking | 8 spaces |
|-----------------|----------|

Basement Level (61 spaces)

| | |
|------------------|----------------------------|
| Resident parking | 59 spaces (16 tandem bays) |
| Visitor parking | 2 spaces |

Total: **69 spaces**

The proposed ground and basement floor plans are shown in Figures 4.1 and 4.2, respectively.



FIGURE 4.1 – PROPOSED GROUND FLOOR PLAN

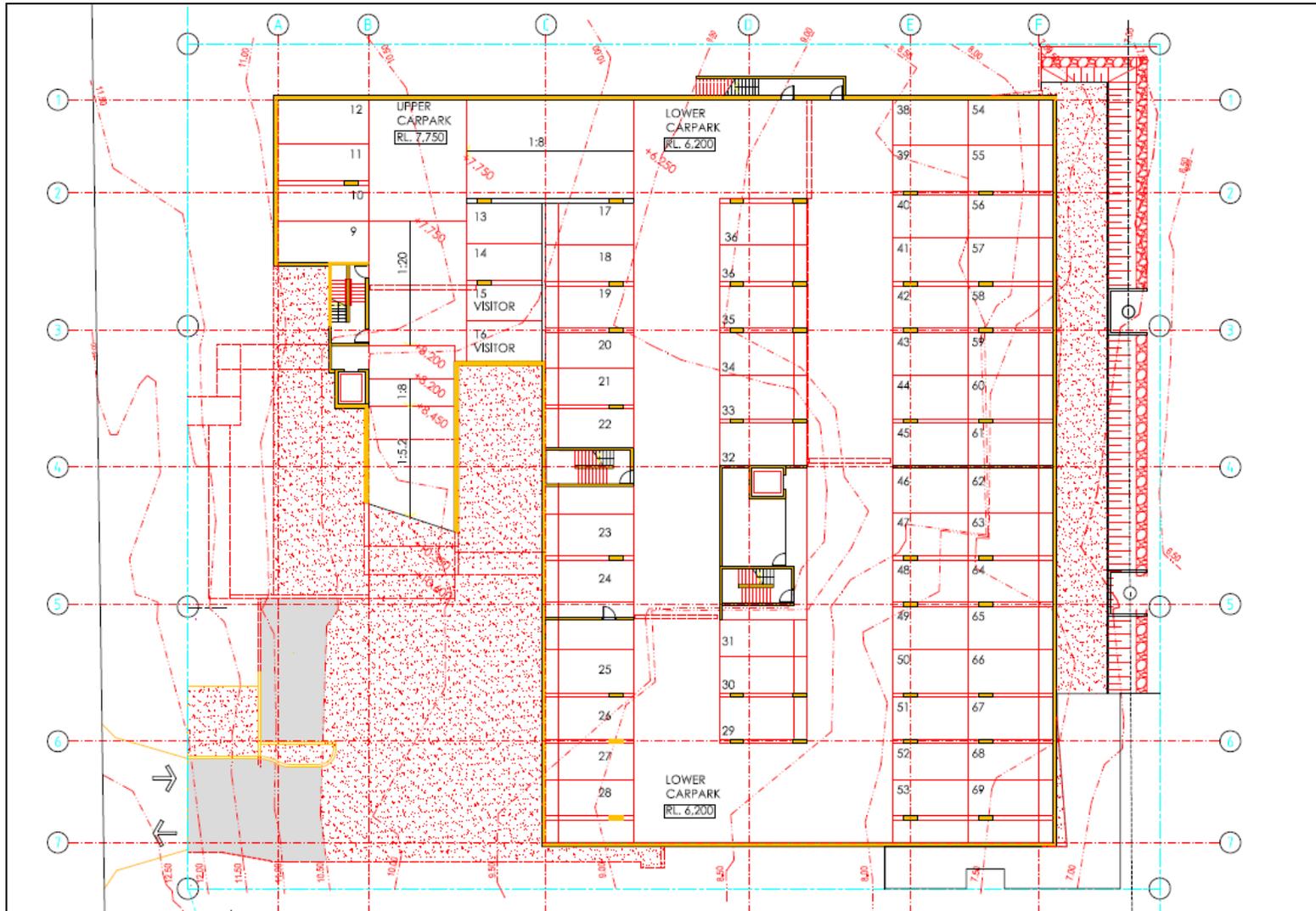


FIGURE 4.2 – PROPOSED BASEMENT FLOOR PLAN

5.0 CAR PARKING

5.1 Car Parking Supply

In accordance with the Redland Planning Scheme, *Part 8 – General Codes, Division 1 – Access and Parking, Table 1 – Minimum On-Site Vehicle Parking Requirements*, the following rates are specified for multi-unit developments:

| Dwelling Unit size or number of rooms | Car parking spaces per dwelling unit | |
|--|--------------------------------------|-----|
| | A | B |
| Small (<75m ²) or 1 bedroom | 1.0 | 1.5 |
| Other | 1.0 | 2 |
| Visitor spaces | 0.25 | 0.5 |
| Dwelling Unit location - | | |
| A = Any part of the site is within 800 metres of a | | |

The proposal is located within 800 metres of a railway station and therefore criteria A is applicable to the development. Application of the above rate, the proposed development yields a minimum car parking requirement of 52 spaces as follows:

Table 5.1 – Redland City Car Parking Requirement

| Component | Minimum Car Parking Spaces Required |
|--|-------------------------------------|
| One bedroom unit - 1 unit | 1 space |
| Other (two and three bedroom units) – 40 units | 40 spaces |
| Visitor (41 units) | 11 spaces |
| Total | 52 spaces |

The proposal provides a total of 69 car parking spaces and therefore satisfies Council’s minimum requirement. A total of 13 of the car parking spaces are organized in a tandem arrangement and will be allocated as a secondary car park for the respective unit occupying the space behind the tandem bay. Ten car parking spaces will be provided outside the secured basement area and will be freely accessible for visitors to the site.

5.2 Car Parking Design

The geometric layout of the proposed parking facilities has generally been designed to comply with the relevant requirements specified in the Australian Standards publication *AS2890.1:2004 – Off-Street Car Parking*. The proposed car park has been provided with the following minimum characteristics:

| | |
|------------------------------|--|
| Resident car parking: | 2.6 metres × 5.4 metres |
| Resident Tandem car parking: | 2.6 metres × 10.5 metres |
| Visitor car parking: | 2.6 metres × 5.4 metres |
| Disabled car parking: | 2.4 metres × 5.4 metres; plus 2.4 metres × 5.4 metres shared zone |
| Aisle width: | 6.2 metres |
| Aisle extension: | 8.0 metre reversing aisle |

It is noted that visitor space 10 will need to provide an additional 300 millimetre clearance to the wall and 1 metre aisle extension to the security gate to allow adequate manoeuvring to and from the proposed space. This design change is considered to be minor and will be implemented in the detailed design stage.

RTG has undertaken a swept path analysis of the proposed car park using an 85th percentile vehicle (i.e. Ford Falcon). The analysis has been undertaken to demonstrate that such vehicles can satisfactorily negotiate the proposed car parking arrangement. Swept paths for a representative number of car parking bays are shown in Figures 5.1 – 5.3.

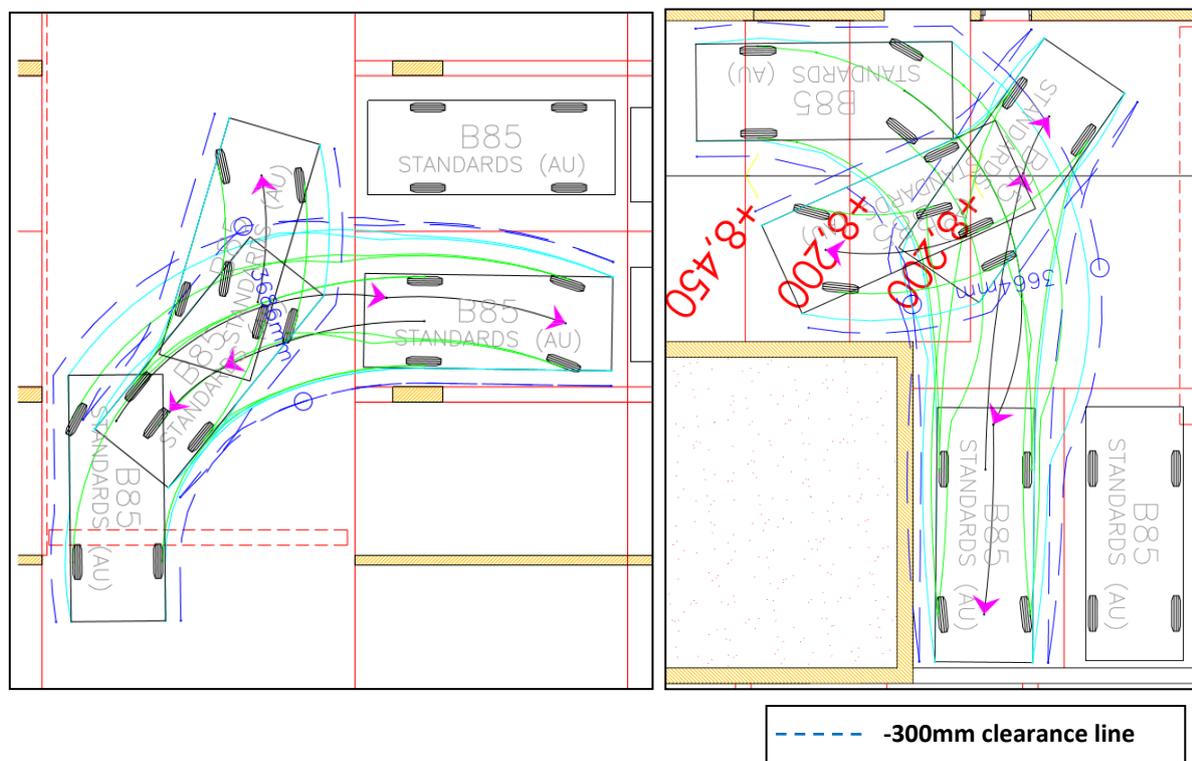


FIGURE 5.1 – 85TH PERCENTILE VEHICLE MANOEUVRING

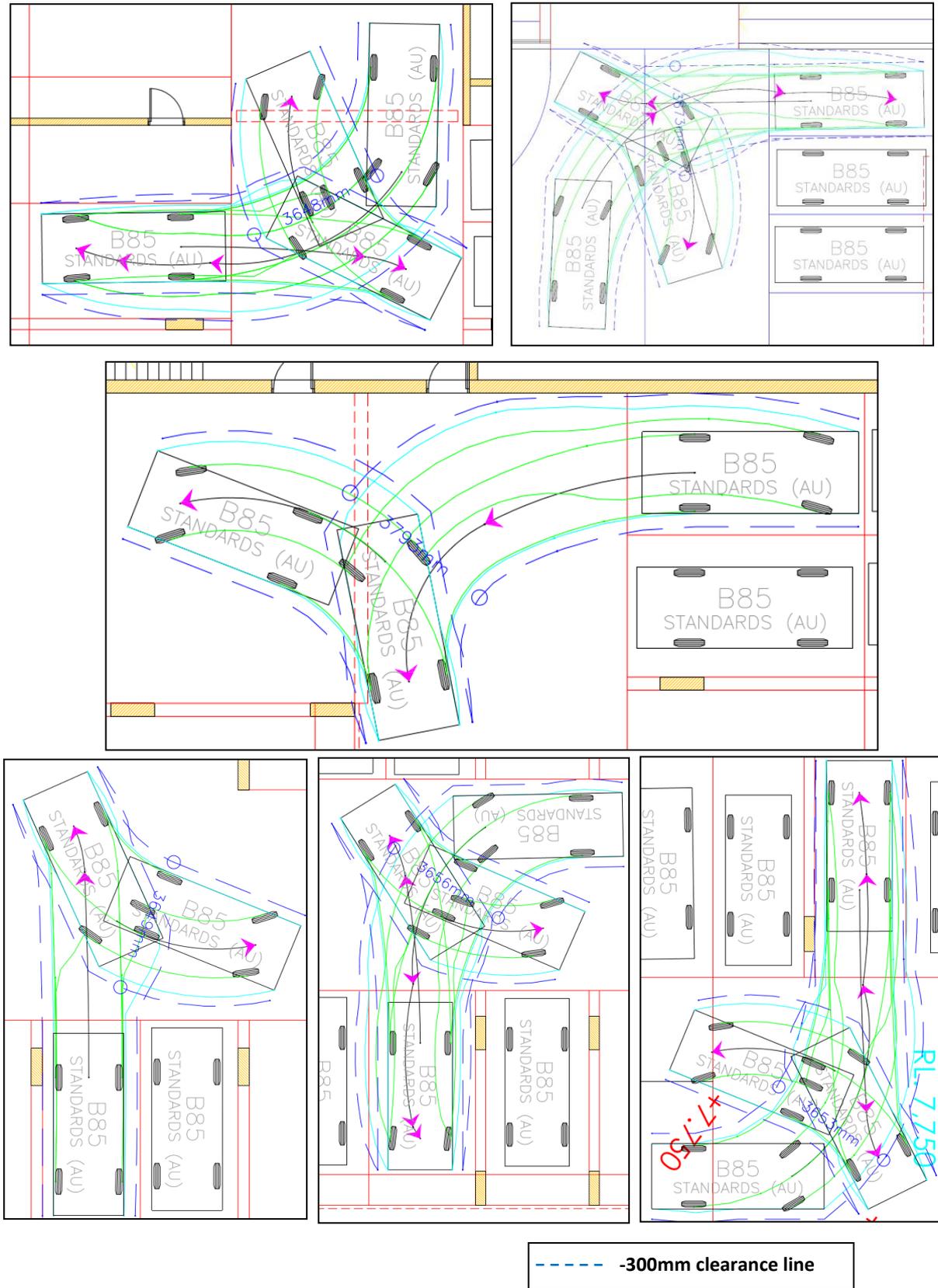


FIGURE 5.2 – 85TH PERCENTILE VEHICLE MANOEUVRING

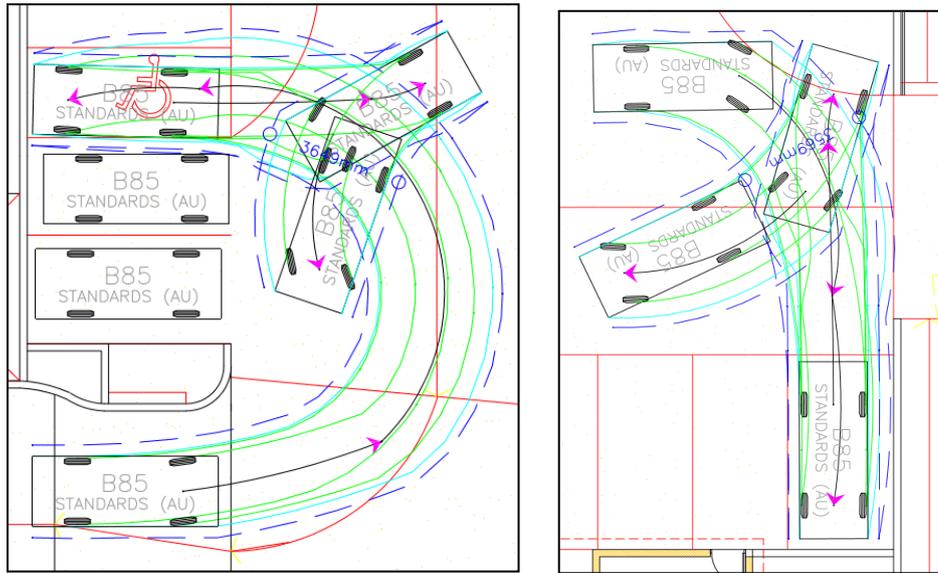


FIGURE 5.3 –85TH PERCENTILE VEHICLE MANOEUVRING

5.3 Ramp Design

The proposed basement ramp has been designed in accordance with AS2890.1:2004, providing a maximum grade of 1:5 (20%) with 1:8 (12.5%) transitions at either end of the maximum grade. A minimum two way ramp width of 6.2 metres has been provided, allowing two vehicles to pass at all times. A swept path assessment for two vehicles (85th and 99th percentile vehicles) passing at the proposed ramp arrangement is presented in Figure 5.4.

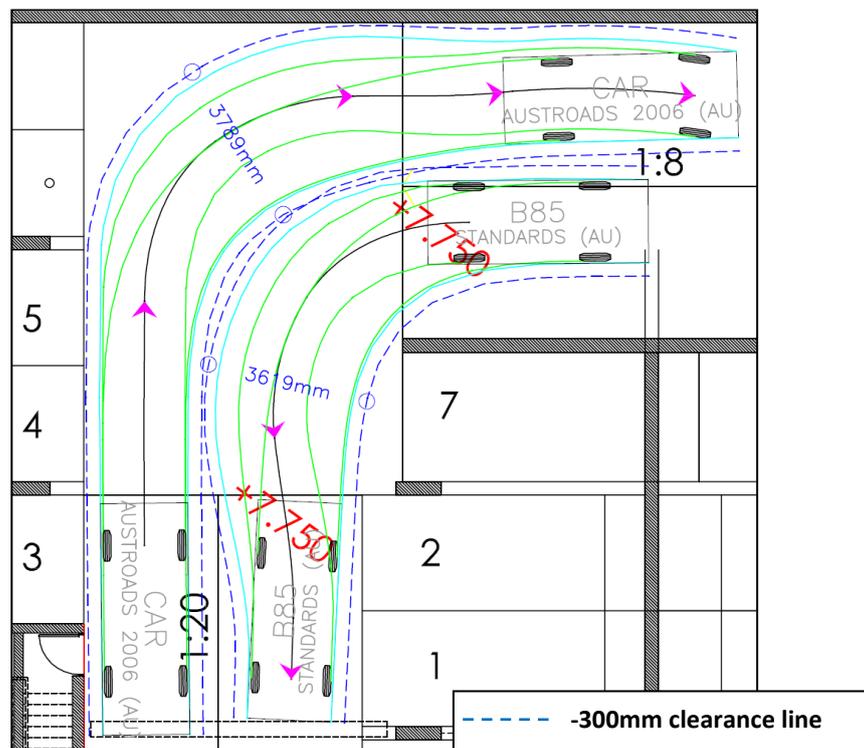


FIGURE 5.4 – BASEMENT RAMP MANOEUVRING (B85 AND B99)

6.0 PROVISION FOR CYCLISTS

In accordance with Table 10-1 in Austroads Part 14 – Bicycles, the proposal should provide a minimum of 13 bicycle spaces, as follows:

| | |
|--|-----------|
| Resident – 1 bicycle space per 4 units | 11 spaces |
| Visitor – 1 bicycle space per 16 units | 3 spaces |

The proposal provides a secured storage unit at the end the resident car parking bays where the owner will be able to store their bicycle. Suitable bicycle rails will also be provided at the entrance of the site allowing visitors to secure their bikes outside the basement. The propose bicycle facilities are therefore considered to be satisfactory for the operational use of the site.

7.0 ACCESS ARRANGEMENTS

Vehicular access onto the development is proposed to be gained via a 6.5 metre crossover designed in accordance with Redland Standard Drawing R-RSC-3. As shown in Figure 7.1, the proposed crossover is fully contained at the frontage of the site and provides a pedestrian sight splay in accordance with Figure 3.3 of AS2890.1:2004.

As shown in Figure 7.2, the proposed crossover is located on the southern corner of the Fernbourne Road frontage and provides adequate separation to the Fernbourne Road / Harris Street and Fernbourne Road / Station Street intersections. As shown in Figure 7.3, the location of the proposed crossover satisfies the desirable sight distance criteria specified in AS2890.1: 2004, for a design speed of 50km / hr. The location and design of the proposed crossover is therefore considered to be acceptable and satisfies Council’s requirements.

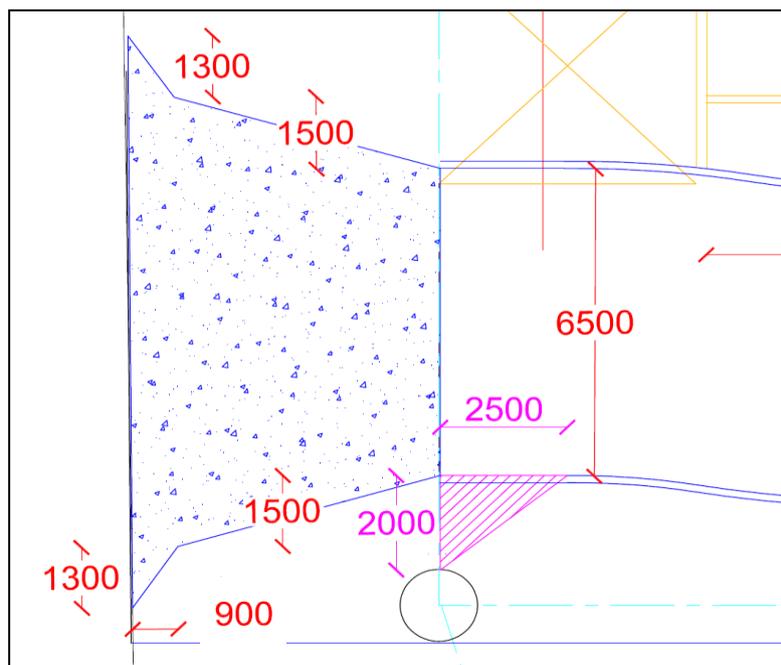


FIGURE 7.1 – PROPOSED ACCESS ARRANGEMENTS



FIGURE 7.2 – DRIVEWAY PROXIMITY TO NEARBY INTERSECTION



FIGURE 7.3 – DRIVEWAY SIGHT DISTANCE ASSESSMENT

8.0 SERVICING PROVISIONS

In accordance with the Redland City Planning Scheme, the proposal should provide access for a 12.5 metre Heavy Rigid Vehicle (HRV). As shown in Figure 8.1, the proposed loading arrangement has been designed appropriately to allow the HRV to manoeuvre into loading position.

Given the use of the proposed development, it is unlikely that a HRV will be used for regular servicing of the site. Refuse collection and furniture removal trucks used for this scale of development are typically of the size of a Medium Rigid Vehicle (MRV). As shown in Figure 8.2, a 9.8 metre rear lift Refuse Collection Vehicle (RCV) can satisfactorily enter and exit the site in a forward gear whilst maintaining adequate clearance to obstructions as all times. The proposed servicing arrangement is therefore considered to be acceptable, allowing sufficient access for regular servicing of the site.



FIGURE 8.1 – 12.5 METRE HRV MANOEUVRING

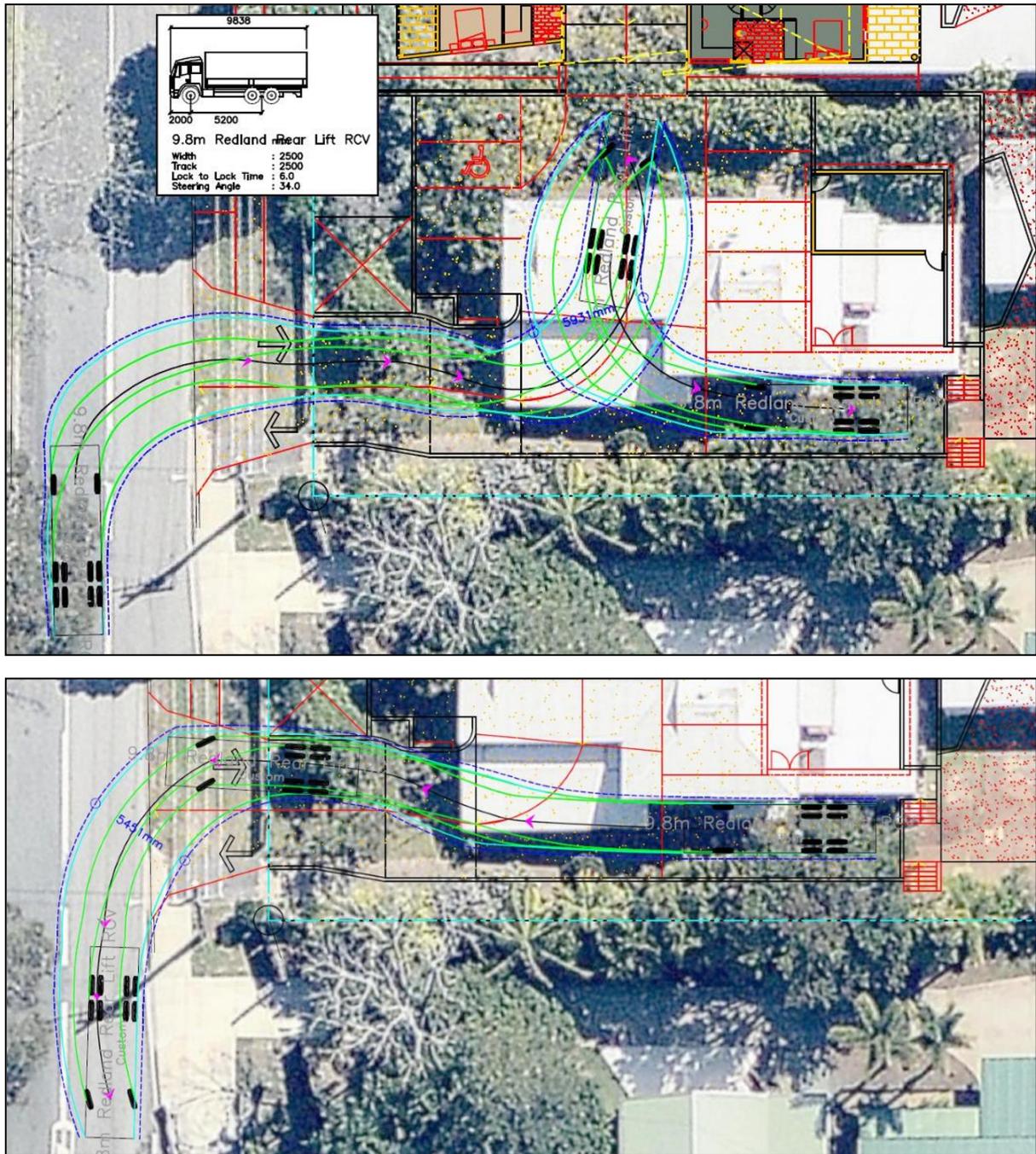


FIGURE 8.2 – 9.8 METRE REAR LIFT RCV MANOEUVRING

9.0 SUMMARY OF CONCLUSIONS & RECOMMENDATIONS

- The subject site is located on the eastern side of Fernbourne Road, directly opposite the Fernbourne Road / Harris Street intersection. The site consists of three separate lots and is currently occupied by a single dwelling on each of the respective lot.
- The proposal is for a multiple unit residential development consisting two four storey buildings, with a total of 41 units. Vehicular access to the site will be gained on the southern corner of the Fernbourne Road frontage, via a standard 6.5 metre Council crossover. The proposal provides a total of 69 car parking spaces allocated throughout the ground and basement level car parks.
- In accordance with the Redland City Planning Scheme, the proposal yields a minimum car parking requirement of 52 spaces. The proposal provides a total of 69 spaces and therefore satisfies Council's minimum requirement.
- The geometric layout of the proposed parking facilities has generally been designed to comply with the relevant requirement specified in the Australian Standards publication *AS2890.1:2004*. As discussed in Section 5.2, some minor changes will be implemented in the detailed design stage to allow adequate access to all car parks.
- The proposed ramp has been designed in accordance with *AS2890.1:2004*, providing a maximum grade of 1:5 (20%) with 1:8 (12.5%) transitions at either end of the maximum grade. The width of the proposed ramp allows for two vehicles to pass at all times.
- As discussed in Section 6, appropriate bicycle facilities have been provided to satisfy the operational use of the site.
- Vehicular access on to the proposed development has been located and designed appropriately to satisfy Council's minimum requirements. The location of the access crossover allow adequate separation to surrounding intersection and provides sufficient pedestrian and vehicle sight lines in accordance with *AS2890.1:2004*.
- As discussed in Section 8, the proposed servicing arrangement has been designed appropriately to allow regular access for a medium size furniture truck and a rear loading refuse collection vehicle.



**Waste Management Plan
7, 9 & 13 Fernbourne Road, Wellington Point
Application Number: MCU013782
1/11/2016**

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1.0 Introduction:

This report will address Waste Management for the proposed development over 7, 9 & 13 Fernbourne Road, Wellington Point, described as Lot 132 on RP14151 and Lots 1 & 2 on RP14166.

The purpose of this report is to describe how waste and recyclables generated from the development will be managed in accordance with Redland City Council's Planning Scheme and associated policies.

This Waste Management Plan has been prepared in response to Item 13 of Council's Information Request (File Ref.: MCU013782).

2.0 Proposed development

The proposed development is for a Material Change of Use to a Multiple Dwelling (41 Units) over the subject land, in accordance with the concept plans by Leith Architects.

Summary of waste proposal:

- Each building will be provided with a garbage chute on each storey, which will connect to one of two storage rooms within the basement level carparking area.
- Each waste storage room has sufficient capacity to cater for the required number of bulk bins, along with some additional space for 240l bins.
- It is proposed that an on-site manager of the facility will be responsible for rotating and cleansing bins on the site.
- It will be up to individual owners to transfer recyclable waste to the waste rooms in the basement level.

3.0 Waste Management Plan

3.1 Waste Generation

The proposed development involves the creation of 41 units. The estimated total waste generation is presented in Table 1 below:

| Waste Type | No. of Units | Rate (L/Unit/Week) | Estimated Waste Generation (L/Week) |
|------------|--------------|--------------------|-------------------------------------|
| General | 41 | 100 | 4100L |
| Recycling | 41 | 70 | 2870L |

Note: The estimated waste rates have been calculated in accordance with Waste, Recycling and Green Waste Collection Services Guideline - GL-2836-001.



Green waste generated on the site will be minimal and will be taken off-site by an appropriate contractor and disposed of at a waste transfer station.

The two waste storage areas (discussed in Section 3.2) have been designed to accommodate the following refuse containers, which will cater for the expected amount of waste generated by the site:

- 4 x 1.5m³ or 1100l 4 wheeled general waste bins;
- 2 x 1.5m³ or 1100l 4 wheeled recycling waste bins; and
- 6 x 240l recycling waste bins.

3.2 Waste Storage Rooms

The proposed development will provide two waste storage rooms within the basement level carparking area. The waste storage rooms have been designed to cater for the required number of refuse containers outlined in Section 3.1.

The waste storage room will be designed in accordance with Part 11 – Planning Scheme Policy 9 – Infrastructure Works – Chapter 16 – Waste Management. Specifically, the waste storage rooms:

- Will be dedicated for the storage of waste and recycling containers and associated equipment only;
- Will comply with section 9.16.7 of the Redlands Planning Scheme;
- Will be large enough to store the number of waste and recycling containers, being bulk bins and wheelie bins, equivalent in volume outlined in Section 3.1;
- Will allow for 0.5m space around containers for manoeuvrability and cleansing;
- Will have separate access for container retrieval and occupant use;
- Will have a smooth hardstand surface that will permit easy bin movement, not including asphaltic concrete;
- Will be fitted with bump rails to prevent bins from contacting walls; and
- Will be not located immediately adjacent to living and eating areas of any unit or neighbouring property.

4.4 Waste Movement (including chutes)

It is proposed that general waste will be deposited into bulk bins in the waste storage room via a waste chute within each of the buildings. The waste chutes will be:

- accessible for use by all dwelling units on each floor;
- hygienic and easily serviced;
- insect and vermin proof;
- constructed and located to minimise noise, odour and vibration impacts on uses, occupiers and neighbours of the premises;
- designed to comply with internal waste and recycling rooms section 9.16.7 and waste chutes and hoppers section 9.16.8 of the Redland Planning Scheme.

It will be the responsibility for individual residents to transport recycling waste to the bins provided in the waste storage areas. This is to minimise noise disturbance to residents of the subject site. The waste storage areas are positioned directly adjacent to the lift which will provide a functional arrangement for future residents.

It is proposed that the refuse containers will be transported from the Waste Storage Room at basement level to the Waste Service Point at the ground level carparking by a mechanical vehicle, being either a utility vehicle, or other suitable machine, i.e. ride-on mower. This will be facilitated by the on-site manager.

4.5 Waste Service Point

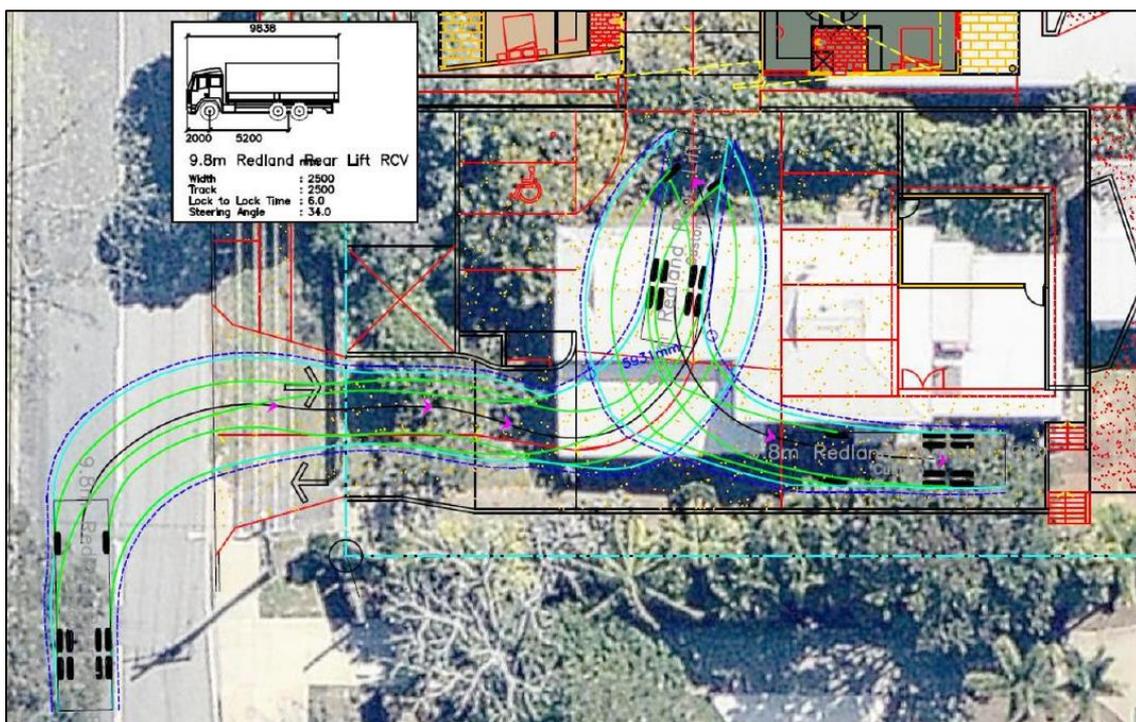
It is proposed that a bin storage area will be provided within the ground level car parking area at the front of the site. All refuse containers will be transported by the on-site property manager to the waste service point on collection day on the day of servicing. Following the refuse containers being service, they will be returned to the waste storage area by the on-site manager.

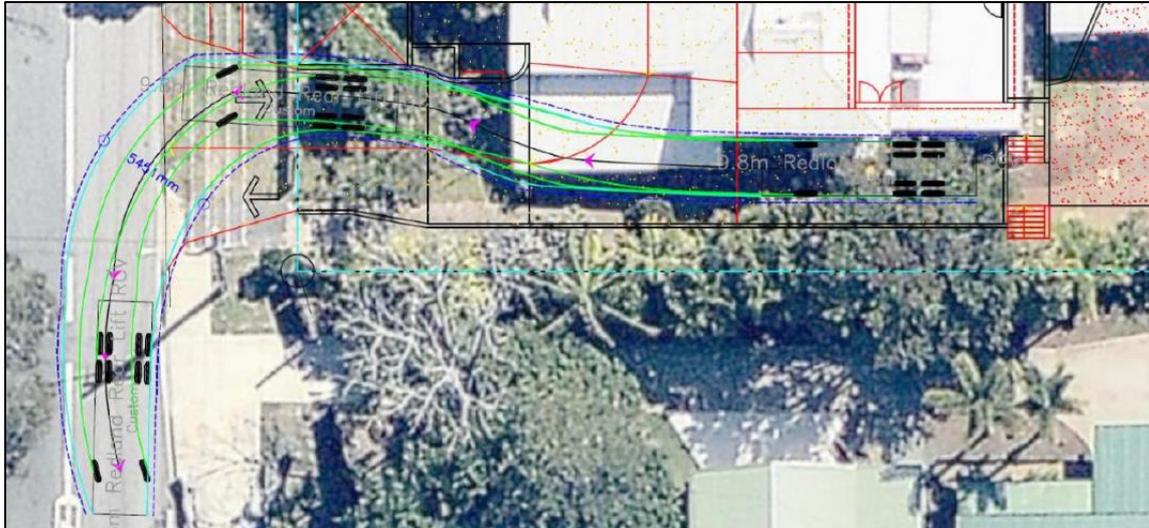
The proposed bin storage area will be screened from view through implementation of appropriate fencing treatments. Furthermore, landscaping treatments will be provided to the full extent of the southern side boundary to protect residential amenity of the adjoining residents at 5 Fernbourne Road, Wellington Point.

4.6 Waste Collection Vehicle

The proposed development has been designed to provide occasional access by a refuse collection vehicle. Access to the site will be via a 6.5m wide crossover design in accordance with Redland Standard Drawing R-RSC-3.

Rytenksild Traffic Group have been commissioned to prepare a Traffic Engineering Assessment in support of the proposed development (refer to Appendix 1). It has been determined that a refuse collection vehicle (RCV) can satisfactorily enter and exit the site in a forward gear, while maintaining adequate clearance to obstructions at all times. The RCV will also have unobstructed vertical clearance to ensure operational functionality.





Access and movement of service vehicles will be limited to day time period between 7am and 6pm.

Given the small number of service vehicle trips generated by the development, this arrangement will not result in any conflicts between the service vehicle and resident vehicles. The proposed servicing arrangement will be within the reasonable expectations of future residents and ensure the safety of employees and residents within the facility.

4.7 Waste Container Cleansing

The on-site property manager of the proposed development will be responsible for the cleansing of all bulk bins. This will occur in the waste service point area on collection days as necessary. The driveway area will be bunded and all waste will be captured and removed to ensure no harm to the environment occurs.



TRAFFIC ENGINEERING ASSESSMENT

PROPOSED MULTIPLE UNIT DEVELOPMENT

7, 9 & 11 FERNBOURNE ROAD, WELLINGTON POINT

LOTS 1, 2 & 132 RP14166

Prepared for

BINNATON HOLDINGS LTD

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1.0 INTRODUCTION

Rytenskild Traffic Group (RTG) has been engaged by Binnaton Holdings Ltd to prepare a Traffic Engineering Assessment of its proposed multiple unit development in Wellington Point.

This report forms part of a Development Application to be lodged with the Redland City Council. The following issues have been assessed during the study:

- Car parking supply and design;
- Cyclist provision;
- Access arrangements;
- Servicing provisions.

2.0 SUBJECT SITE

As shown in Figure 2.1, the subject site is located on the eastern side of Fernbourne Road, directly opposite the Fernbourne Road / Harris Street intersection. As shown, the site consists of three individual lots which are identified as Lots 1, 2 and 132 on RP14166. The site is currently occupied by three detached dwellings, with each located on a single lot. The site has a total area of approximately 4,219m².



FIGURE 2.1 - LOCATION OF SUBJECT SITE

3.0 EXISTING LOCAL ROAD NETWORK

3.1 Local Road Network

At the frontage of the subject site Fernbourne Road is a two way divided roadway with an approximate pavement width of 8.5 metres. Further to the north Fernbourne Road doesn't provide connection to the external road network and narrows to approximately 6 metres. To the south Fernbourne Road provides direct connection to Main Street via Station Road. In the vicinity of the site Fernbourne Road has a posted speed limit of 40km / hr, and intersects with Harris Street.

The Fernbourne Road / Harris Street intersection is a priority controlled tee intersection with Fernbourne Road functioning as the major movement. Harris Street is the main access route to the Wellington Point train station and provides a pedestrian footpath on the southern side of the road. Between the Fernbourne Road intersection and the roundabout with Herbert Road, Harris Street provides a pavement width of 11 metres and allow on-street car parking on either side of the road. Images of the local road network are shown in Figures 3.1 and 3.2.



FIGURE 3.1 – IMAGES OF THE LOCAL ROAD NETWORK



FIGURE 3.2 – AERIAL IMAGE OF THE LOCAL ROAD NETWORK

3.2 Public Transport Services

As shown in Figure 3.3, the proposed development is located in close proximity to the Wellington Point train station and is within comfortable walking distance (550 metres) to Main Street. Main Street is a public transport corridor and provides several of bus stops which service buses travelling to and from the surrounding suburbs. As shown in Figure 3.4, the subject site provides 120 metres walking distance from the Wellington Point train station.

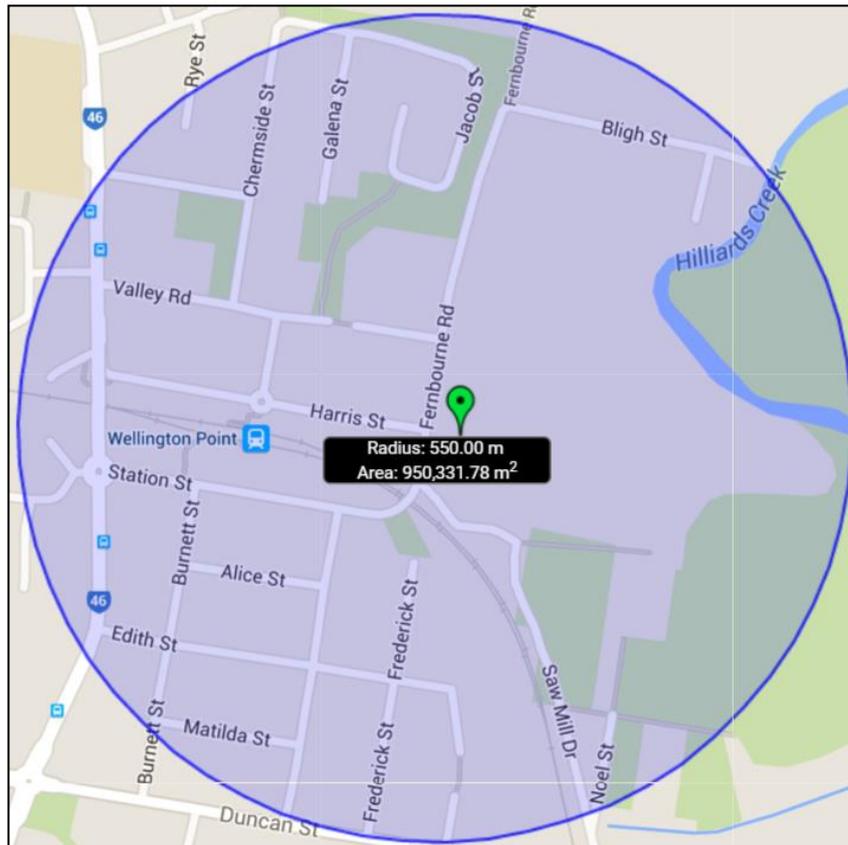


FIGURE 3.3 – LOCATION OF PUBLIC TRANSPORT SERVICES



FIGURE 3.4 – PROXIMITY TO THE WELLINGTON POINT TRAIN STATION

4.0 DEVELOPMENT PROPOSAL

The proposed plan of development is for a multiple unit residential development comprising of 2 x 4-storey buildings, with a combined total of 41 units, as follows:

Building One (20 units)

| | |
|-------------|----------|
| One Bedroom | 1 unit |
| Two bedroom | 19 units |

Building Two (21 units)

| | |
|---------------|----------|
| Three bedroom | 21 units |
|---------------|----------|

Total **41 units**

Vehicular access is proposed to be gained via a standard Council crossover off Fernbourne Road. The location of the proposed crossover provides maximum separation to the Fernbourne Road / Harris Street intersection. Pedestrians will gain access to the site via a separate entrance off Fernbourne Road.

The proposal provides a total of 69 car parking spaces allocated throughout the ground and basement levels, as follows:

Ground Level (8 spaces)

| | |
|-----------------|----------|
| Visitor parking | 8 spaces |
|-----------------|----------|

Basement Level (61 spaces)

| | |
|------------------|----------------------------|
| Resident parking | 59 spaces (16 tandem bays) |
| Visitor parking | 2 spaces |

Total: **69 spaces**

The proposed ground and basement floor plans are shown in Figures 4.1 and 4.2, respectively.

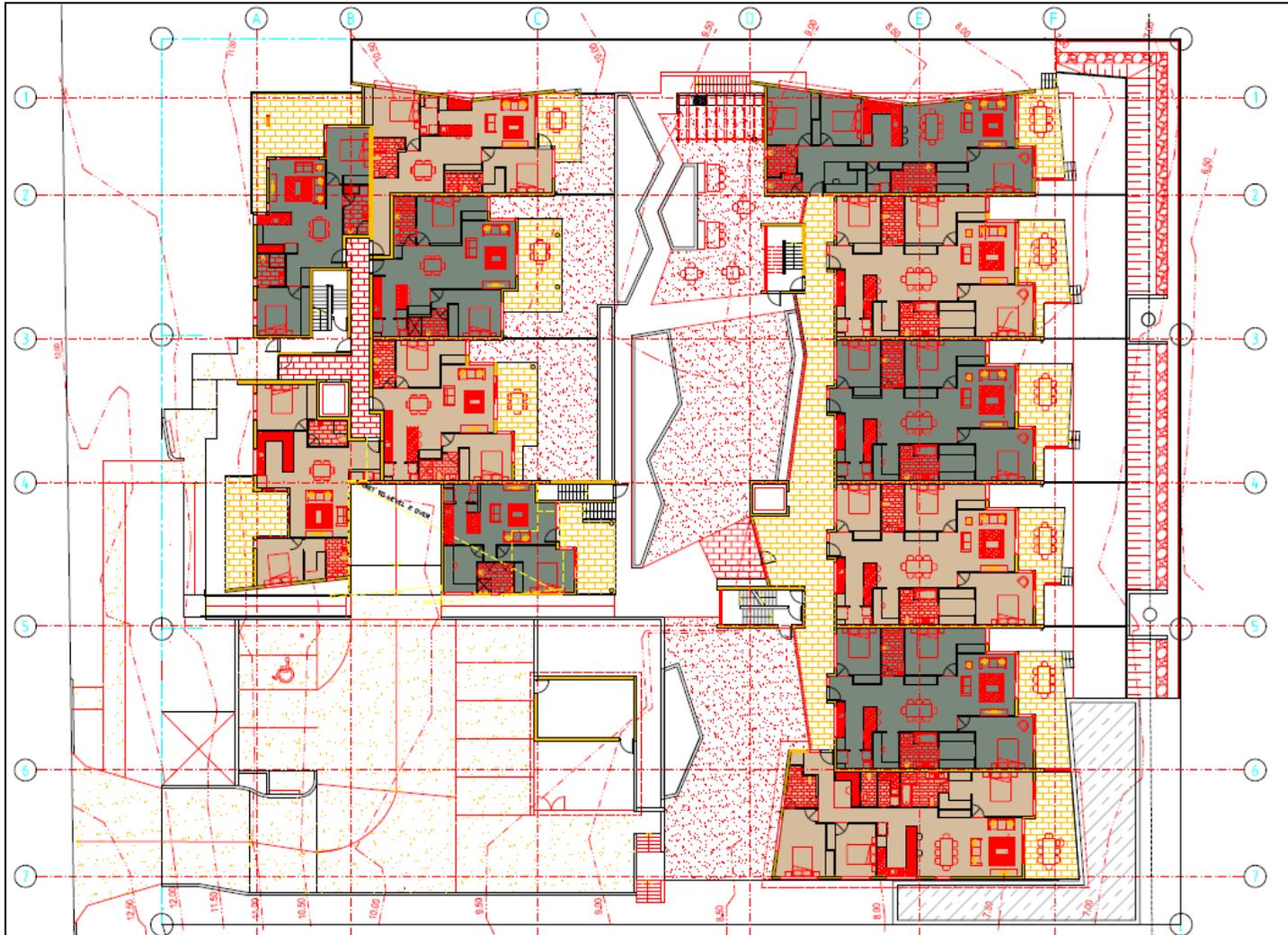


FIGURE 4.1 – PROPOSED GROUND FLOOR PLAN

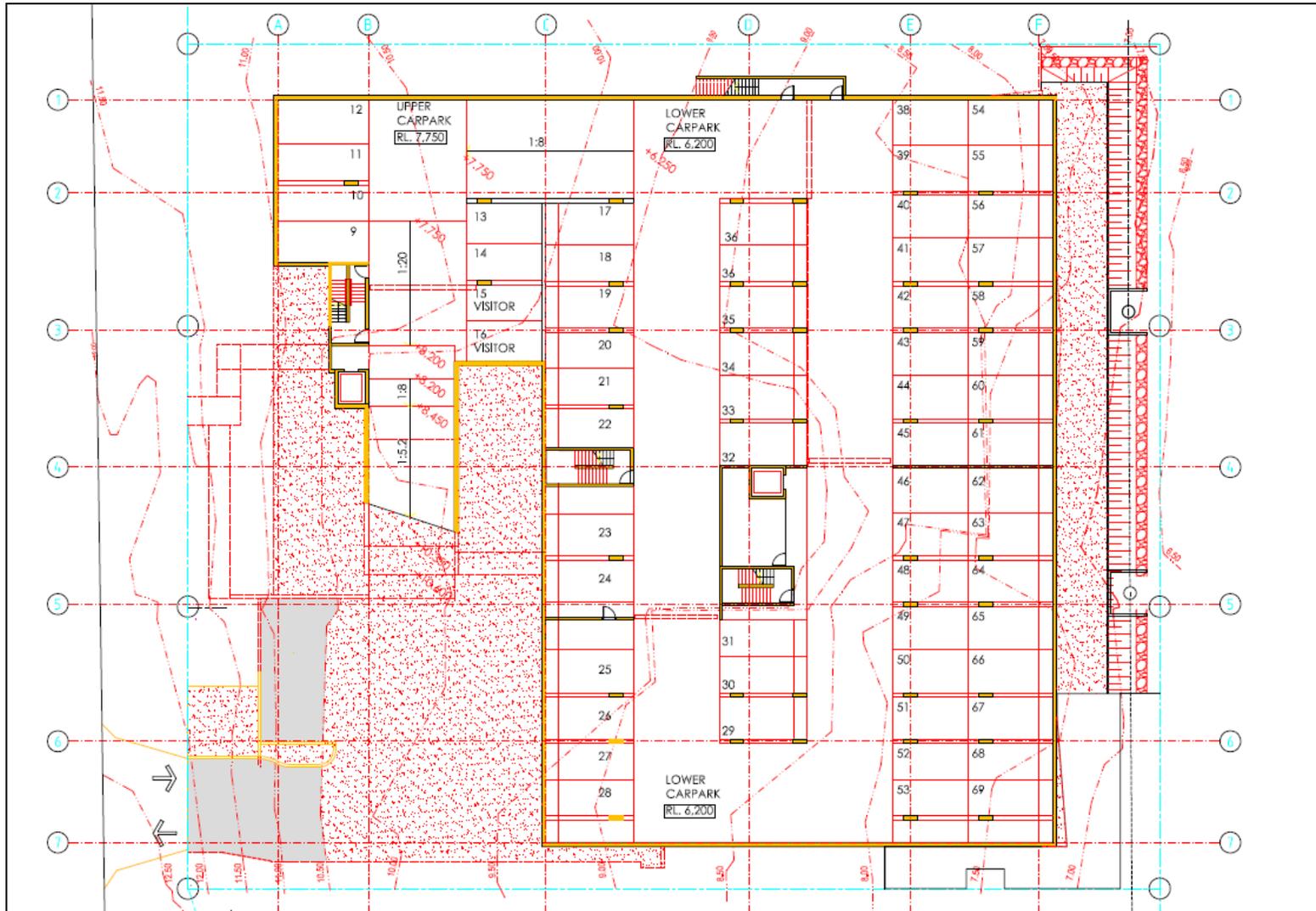


FIGURE 4.2 – PROPOSED BASEMENT FLOOR PLAN

5.0 CAR PARKING

5.1 Car Parking Supply

In accordance with the Redland Planning Scheme, *Part 8 – General Codes, Division 1 – Access and Parking, Table 1 – Minimum On-Site Vehicle Parking Requirements*, the following rates are specified for multi-unit developments:

| Dwelling Unit size or number of rooms | Car parking spaces per dwelling unit | |
|--|--------------------------------------|-----|
| | A | B |
| Small (<75m ²) or 1 bedroom | 1.0 | 1.5 |
| Other | 1.0 | 2 |
| Visitor spaces | 0.25 | 0.5 |
| Dwelling Unit location - | | |
| A = Any part of the site is within 800 metres of a | | |

The proposal is located within 800 metres of a railway station and therefore criteria A is applicable to the development. Application of the above rate, the proposed development yields a minimum car parking requirement of 52 spaces as follows:

Table 5.1 – Redland City Car Parking Requirement

| Component | Minimum Car Parking Spaces Required |
|--|-------------------------------------|
| One bedroom unit - 1 unit | 1 space |
| Other (two and three bedroom units) – 40 units | 40 spaces |
| Visitor (41 units) | 11 spaces |
| Total | 52 spaces |

The proposal provides a total of 69 car parking spaces and therefore satisfies Council’s minimum requirement. A total of 13 of the car parking spaces are organized in a tandem arrangement and will be allocated as a secondary car park for the respective unit occupying the space behind the tandem bay. Ten car parking spaces will be provided outside the secured basement area and will be freely accessible for visitors to the site.

5.2 Car Parking Design

The geometric layout of the proposed parking facilities has generally been designed to comply with the relevant requirements specified in the Australian Standards publication *AS2890.1:2004 – Off-Street Car Parking*. The proposed car park has been provided with the following minimum characteristics:

| | |
|------------------------------|--|
| Resident car parking: | 2.6 metres × 5.4 metres |
| Resident Tandem car parking: | 2.6 metres × 10.5 metres |
| Visitor car parking: | 2.6 metres × 5.4 metres |
| Disabled car parking: | 2.4 metres × 5.4 metres; plus 2.4 metres × 5.4 metres shared zone |
| Aisle width: | 6.2 metres |
| Aisle extension: | 8.0 metre reversing aisle |

It is noted that visitor space 10 will need to provide an additional 300 millimetre clearance to the wall and 1 metre aisle extension to the security gate to allow adequate manoeuvring to and from the proposed space. This design change is considered to be minor and will be implemented in the detailed design stage.

RTG has undertaken a swept path analysis of the proposed car park using an 85th percentile vehicle (i.e. Ford Falcon). The analysis has been undertaken to demonstrate that such vehicles can satisfactorily negotiate the proposed car parking arrangement. Swept paths for a representative number of car parking bays are shown in Figures 5.1 – 5.3.

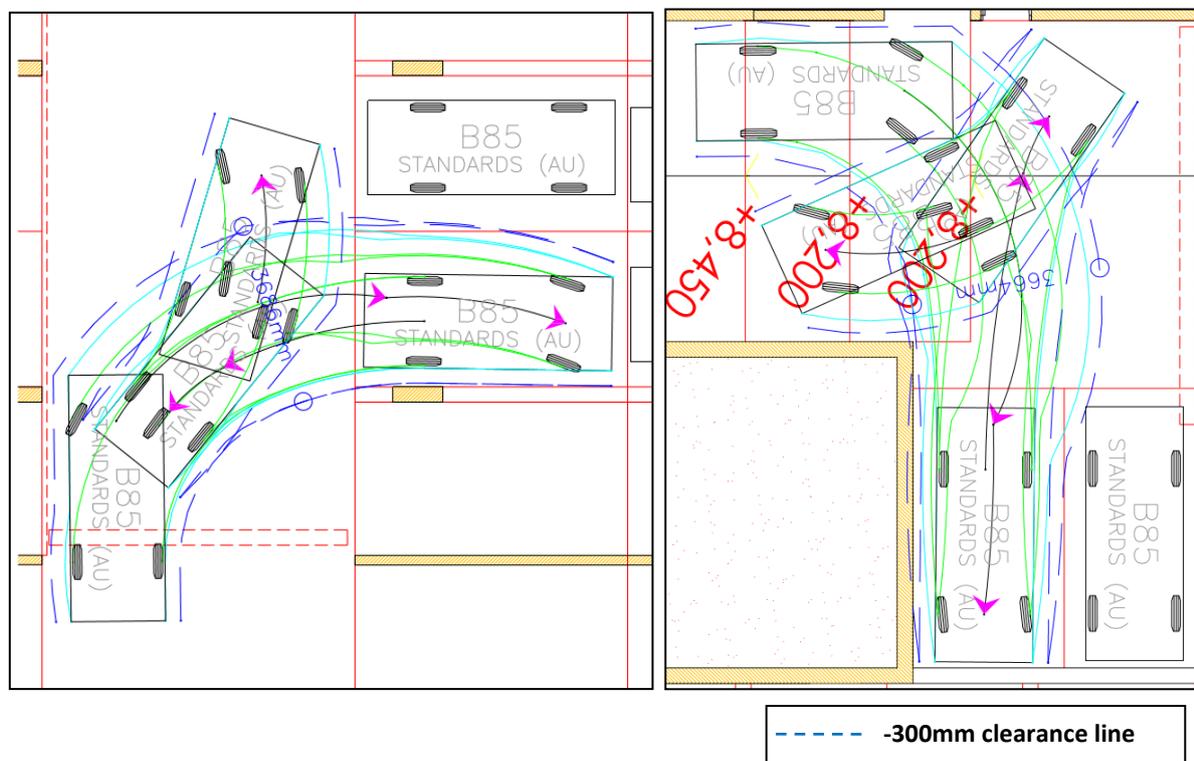


FIGURE 5.1 – 85TH PERCENTILE VEHICLE MANOEUVRING

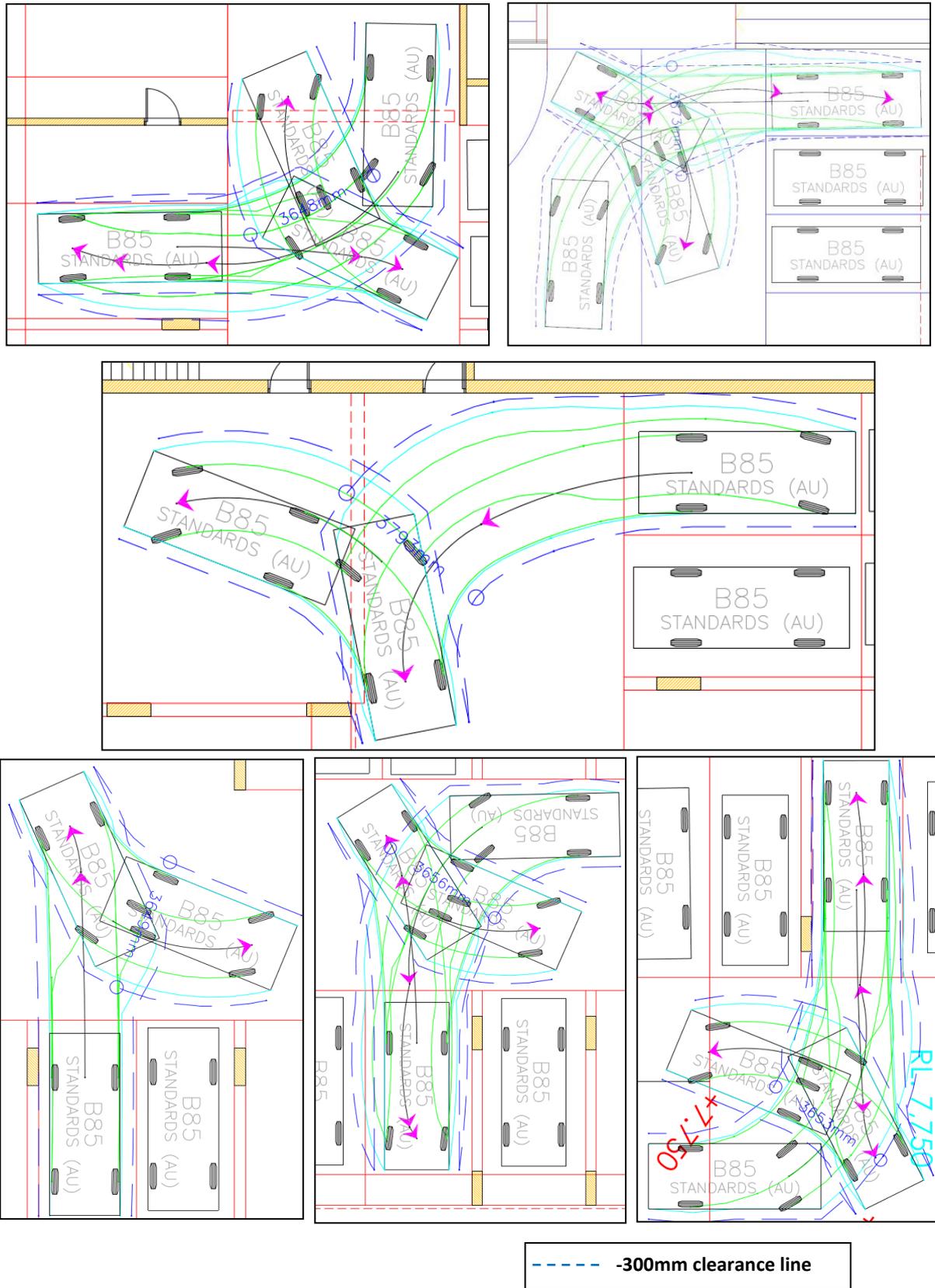


FIGURE 5.2 – 85TH PERCENTILE VEHICLE MANOEUVRING

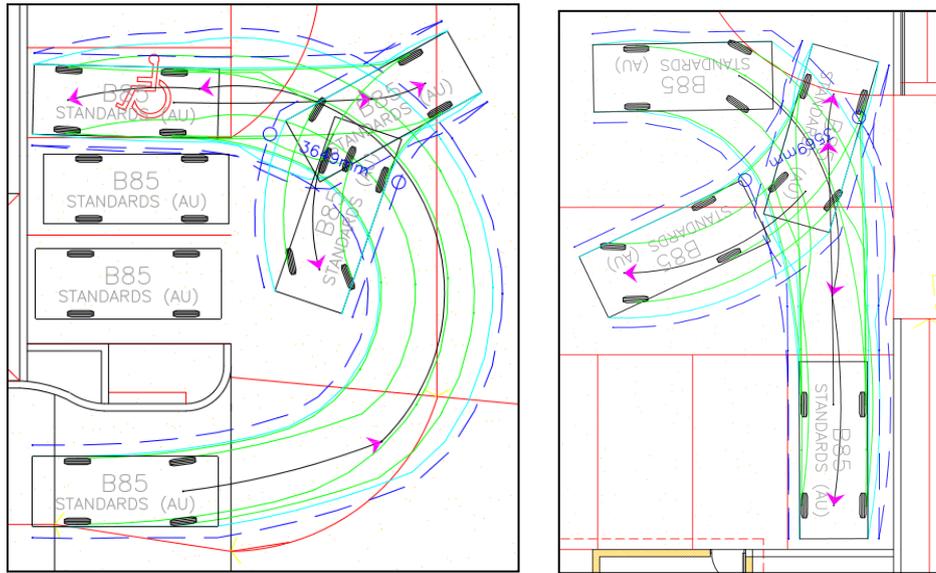


FIGURE 5.3 –85TH PERCENTILE VEHICLE MANOEUVRING

5.3 Ramp Design

The proposed basement ramp has been designed in accordance with AS2890.1:2004, providing a maximum grade of 1:5 (20%) with 1:8 (12.5%) transitions at either end of the maximum grade. A minimum two way ramp width of 6.2 metres has been provided, allowing two vehicles to pass at all times. A swept path assessment for two vehicles (85th and 99th percentile vehicles) passing at the proposed ramp arrangement is presented in Figure 5.4.

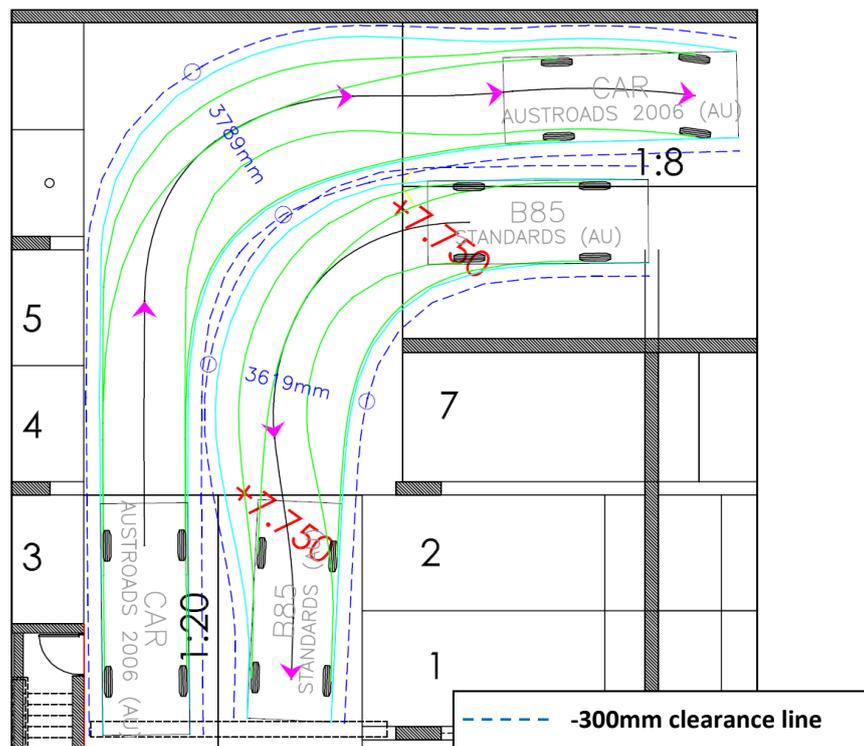


FIGURE 5.4 – BASEMENT RAMP MANOEUVRING (B85 AND B99)

6.0 PROVISION FOR CYCLISTS

In accordance with Table 10-1 in Austroads Part 14 – Bicycles, the proposal should provide a minimum of 13 bicycle spaces, as follows:

| | |
|--|-----------|
| Resident – 1 bicycle space per 4 units | 11 spaces |
| Visitor – 1 bicycle space per 16 units | 3 spaces |

The proposal provides a secured storage unit at the end the resident car parking bays where the owner will be able to store their bicycle. Suitable bicycle rails will also be provided at the entrance of the site allowing visitors to secure their bikes outside the basement. The propose bicycle facilities are therefore considered to be satisfactory for the operational use of the site.

7.0 ACCESS ARRANGEMENTS

Vehicular access onto the development is proposed to be gained via a 6.5 metre crossover designed in accordance with Redland Standard Drawing R-RSC-3. As shown in Figure 7.1, the proposed crossover is fully contained at the frontage of the site and provides a pedestrian sight splay in accordance with Figure 3.3 of AS2890.1:2004.

As shown in Figure 7.2, the proposed crossover is located on the southern corner of the Fernbourne Road frontage and provides adequate separation to the Fernbourne Road / Harris Street and Fernbourne Road / Station Street intersections. As shown in Figure 7.3, the location of the proposed crossover satisfies the desirable sight distance criteria specified in AS2890.1: 2004, for a design speed of 50km / hr. The location and design of the proposed crossover is therefore considered to be acceptable and satisfies Council’s requirements.

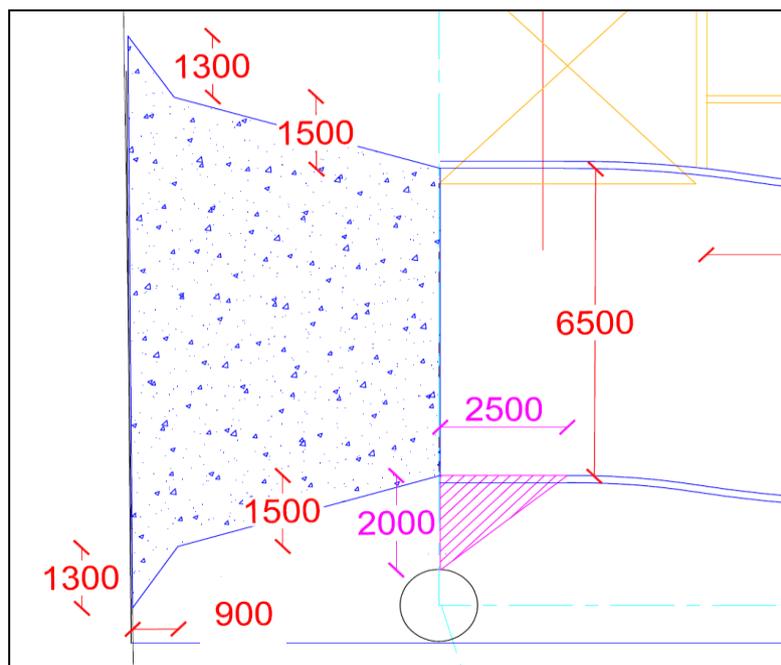


FIGURE 7.1 – PROPOSED ACCESS ARRANGEMENTS



FIGURE 7.2 – DRIVEWAY PROXIMITY TO NEARBY INTERSECTION

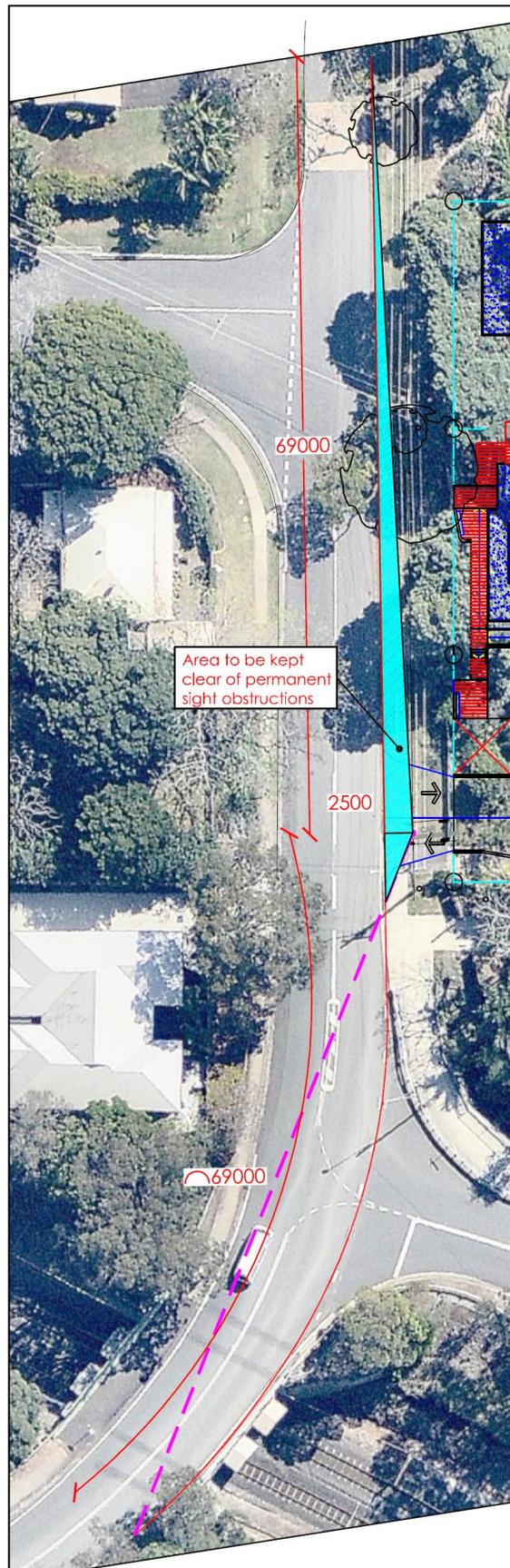


FIGURE 7.3 – DRIVEWAY SIGHT DISTANCE ASSESSMENT

8.0 SERVICING PROVISIONS

In accordance with the Redland City Planning Scheme, the proposal should provide access for a 12.5 metre Heavy Rigid Vehicle (HRV). As shown in Figure 8.1, the proposed loading arrangement has been designed appropriately to allow the HRV to manoeuvre into loading position.

Given the use of the proposed development, it is unlikely that a HRV will be used for regular servicing of the site. Refuse collection and furniture removal trucks used for this scale of development are typically of the size of a Medium Rigid Vehicle (MRV). As shown in Figure 8.2, a 9.8 metre rear lift Refuse Collection Vehicle (RCV) can satisfactorily enter and exit the site in a forward gear whilst maintaining adequate clearance to obstructions as all times. The proposed servicing arrangement is therefore considered to be acceptable, allowing sufficient access for regular servicing of the site.



FIGURE 8.1 – 12.5 METRE HRV MANOEUVRING

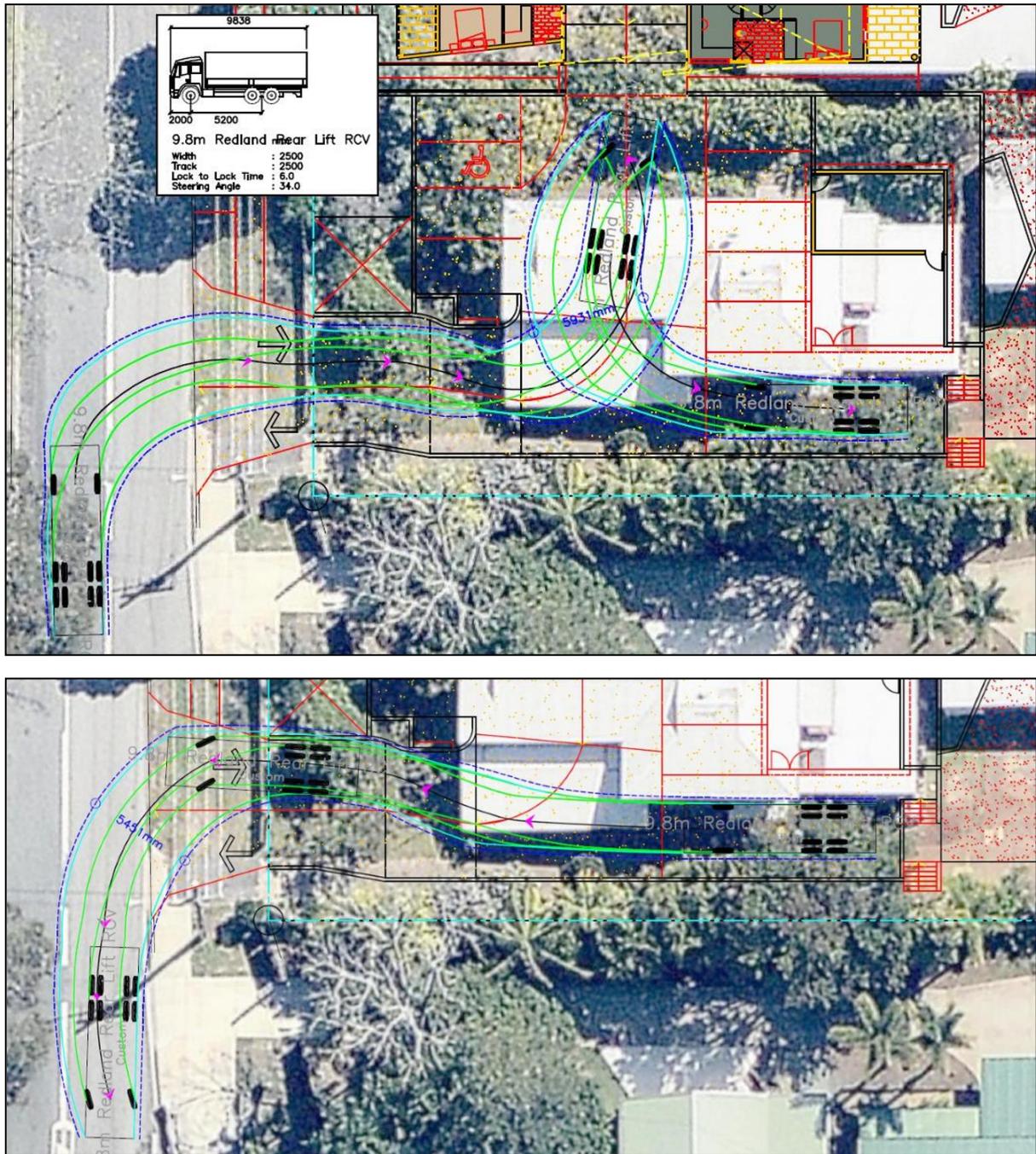


FIGURE 8.2 – 9.8 METRE REAR LIFT RCV MANOEUVRING

9.0 SUMMARY OF CONCLUSIONS & RECOMMENDATIONS

- The subject site is located on the eastern side of Fernbourne Road, directly opposite the Fernbourne Road / Harris Street intersection. The site consists of three separate lots and is currently occupied by a single dwelling on each of the respective lot.
- The proposal is for a multiple unit residential development consisting two four storey buildings, with a total of 41 units. Vehicular access to the site will be gained on the southern corner of the Fernbourne Road frontage, via a standard 6.5 metre Council crossover. The proposal provides a total of 69 car parking spaces allocated throughout the ground and basement level car parks.
- In accordance with the Redland City Planning Scheme, the proposal yields a minimum car parking requirement of 52 spaces. The proposal provides a total of 69 spaces and therefore satisfies Council's minimum requirement.
- The geometric layout of the proposed parking facilities has generally been designed to comply with the relevant requirement specified in the Australian Standards publication *AS2890.1:2004*. As discussed in Section 5.2, some minor changes will be implemented in the detailed design stage to allow adequate access to all car parks.
- The proposed ramp has been designed in accordance with *AS2890.1:2004*, providing a maximum grade of 1:5 (20%) with 1:8 (12.5%) transitions at either end of the maximum grade. The width of the proposed ramp allows for two vehicles to pass at all times.
- As discussed in Section 6, appropriate bicycle facilities have been provided to satisfy the operational use of the site.
- Vehicular access on to the proposed development has been located and designed appropriately to satisfy Council's minimum requirements. The location of the access crossover allow adequate separation to surrounding intersection and provides sufficient pedestrian and vehicle sight lines in accordance with *AS2890.1:2004*.
- As discussed in Section 8, the proposed servicing arrangement has been designed appropriately to allow regular access for a medium size furniture truck and a rear loading refuse collection vehicle.

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**Attachment 11 Stormwater
Management Plan**

Site Based Stormwater Management Plan

Project Reference: 15-281 Revision A
Prepared for: Leith Architects Pty Ltd
2/46 Berwick Street
FORTITUDE VALLEY 4006
Prepared by:: J. N. McKenzie {B.E. (Civil). M.I.E. Aust.}
RPEQ 2097 NPER 3
Dated: November 2016
Site Address: 7-11 Fernburne Road

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SUMMARY

The following Site Based Stormwater Management Plan addresses the stormwater drainage issues associated with the development of Lot 132 on RP 14151 and Lots 1 & 2 on RP 14166 known as 7, 9 and 11 Fernbourne Road, Wellington Point. The site is presently three separate residential dwellings and measures 4219m² in total

The proposed development can be summarized as a four storey apartment building incorporating 40 dwellings with a basement carpark.

There is a 7% slope towards the rear of the property. From an environmental perspective, there are no clear environmental values associated with the site as there are no waterways or remnant vegetation.

The moderate slope of the site minimizes the potential for erosion. More specific information about the soil will be obtained from a geotechnical investigation prior to the operational works stage. Erosion control measures will comply with best management practices.

There will be an increase in impervious surface area but the increase in peak flow and runoff volume are mitigated by a stormwater management strategy that for some rain events reduces the impact compared with existing drainage conditions.

Achieving the water quality objectives is an important aspect of the development application.

Redland City Council recommends using design standards as described in “State Planning Policy 4/10 Healthy Waters” and “Queensland Urban Drainage Manual” which in turn references “Water Sensitive Urban Design for South East Queensland”.

1. PROPOSED DEVELOPMENT

1.1 PROPOSED DEVELOPMENT

This Stormwater Management Plan has been prepared by Neil McKenzie & Associates Pty Ltd on behalf of Leith Architects with respect to the proposed Multi-Storey Apartment Building to be located at 7-11 Fernbourne Road, Wellington Point.

The project involves the demolition of the existing dwellings and construction of 40 apartments over four levels.

The development will increase the amount of impervious area and decrease the time of concentration, increasing the amount of runoff.

With a site area exceeding 2500m², at 4219m² Stormwater Quality and Quantity management will be required.

2. SITE CHARACTERISTICS & TOPOGRAPHY

2.1 LOCATION

The existing site covers Lot 132 on RP 14151 and Lots 1 & 2 on RP 14166 and will be redeveloped . A Locality Plan indicating the proposed development site is shown below. The site is currently three separate residential dwellings.



Figure 1 – Locality Plan
(courtesy Nearthmap)

2.2 TOPOGRAPHY

The total area of the site is 4219m²

The site falls from the Fernbourne Road boundary (maximum level 12mAHD) towards the rear (minimum level 7m AHD), a fall of approximately 7%.

A Detailed Survey in Appendix B (AJS Surveys Drawing Q0198-D1)

3. SEDIMENT & EROSION CONTROL

3.1 EROSION POTENTIAL

The overall grade across the site limits the potential for erosion. This is true pre and post development with the only real potential for minor erosion being during the construction phase.

3.2 EROSION CONTROL MEASURES

During the construction phase, erosion and sediment control will adhere to best management practices. This may include:

- Diversion of stormwater runoff around disturbed areas;
- Silt fences placed downstream of disturbed areas;
- Protection placed around existing inlet pits; and
- Construction of sediment basins.

An erosion sediment control management plan can be found in Appendix C
Neil McKenzie & Associates Pty Ltd Drawing Q15-281-C01.

4. CONCEPT STORMWATER MANAGEMENT LAYOUT

Our proposal is to drain the roof water and the water from paved areas via gross pollutant traps to a bio-retention basin located in the south east corner of the development .

It is proposed to use the existing stormwater gully on the south east corner of lot 132 as the lawful point of discharge. *Drains* modelling was used to check the adequacy of the existing stormwater infrastructure and has been found adequate. Refer to Appendix E, Deeds of Consent agreements with adjoining neighbours.

The stormwater gully was provided as part of the downstream development to cater for the respective flow from Lot 132 and Lots 1 & 2. The outlet from the gully is a 300Ø pipe.

Increased runoff from the site will be mitigated by the incorporation of the bio- detention tank.

Our proposed Stormwater Layout is illustrated in Appendix D (Neil McKenzie & Associates Drawing Number Q15-281-C02 Revision B).

4.1 WATER QUANTITY

Redland City Council recommends using design standards as described in “State Planning Policy 4/10 Healthy Waters” and “Queensland Urban Drainage Manual” which in turn references “Water Sensitive Urban Design for South East Queensland”.

Stormwater from this site has been calculated using the Rational Method as described in the Queensland Urban Drainage Manual (QUDM) except as amended by CSC. The Rational Method is the most commonly used method for drainage design in Queensland and uses the Rational Formula:

$$Q_y = C_y \cdot t_y \cdot A / 360$$

where

Q_y = peak flow rate (m^3/s) for average recurrence interval (ARI) of ‘y’ years

C_y = coefficient of discharge (dimensionless) for ARI of ‘y’ years

A = area of catchment (ha)

t_y = average rainfall intensity (mm/h) for a design duration of ‘t’ hours
and an ARI of ‘y’ years.

The ARI is defined as the average or expected values of the period between exceedances of a given discharge. The ARI for the design storm for both the major and minor system depends on the current and potential land use, convenience and safety for pedestrians and vehicular traffic.

4.1.1 PRE-DEVELOPMENT

Total Catchment includes:

| | |
|--------------------|--------------------------|
| Lot 132 on RP14151 | 1406m ² |
| Lot 1 on RP14166 | 1406m ² |
| Lot 2 on RP14166 | <u>1407m²</u> |
| | 4219m ² |

Existing Impervious areas, from existing dwellings, pool and concrete driveway are deemed to give a Fraction Impervious of 30%

The Time of Concentration for Urban Residential Load, with an average slope of 7° is 10 minutes.

Assuming a Fraction Impervious of 30% and Intensity range of 65-69mm/hour for $^1I_{10}$ a Coefficient of Runoff $C_{10} = 0.735$ has been adopted.

Therefore, pre-development flows will be as shown in Table 1 below.

| ARI | Rainfall Intensity (mm/hr) | Flow (m³/second) |
|------------|-----------------------------------|------------------------------------|
| 1 | 93 | 0.06 |
| 2 | 118 | 0.09 |
| 5 | 146 | 0.12 |
| 10 | 162 | 0.14 |
| 20 | 184 | 0.14 |
| 50 | 212 | 0.21 |
| 100 | 234 | 0.24 |

Table 1 – 10min Rainfall Intensity – Pre Development Flows

4.1.2 POST DEVELOPMENT

DEVELOPED UNMITIGATED CONDITIONS

The total area of the site is 4219m² comprising 1053m² Gardens and Landscaping (therefore 25% Pervious) and 3166m² Buildings and Pavements (therefore 75% Impervious).

Fraction Impervious 75%, therefore $C^{10} = 0.84$

As the Fraction Impervious has increased and the Time of Concentration decreased to 5 minutes, the Post Development Unmitigated flows will be greater.

| ARI | Rainfall Intensity (mm/hr) | Flow (m³/second) |
|------------|-----------------------------------|------------------------------------|
| 1 | 122 | 0.10 |
| 2 | 154 | 0.13 |
| 5 | 190 | 0.18 |
| 10 | 210 | 0.21 |
| 20 | 238 | 0.25 |
| 50 | 274 | 0.31 |
| 100 | 301 | 0.35 |

Table 2 – 5 Minute Rainfall Intensity - Post-Development – Unmitigated

DEVELOPED MITIGATED SOLUTION

As the runoff from the post development site has increased, mitigation measures will be required to reduce runoff. It is proposed to provide a bio-retention basin as part of the mitigation.

Drains has been used to model the basin using the Extended Rational Method. Results of the analysis for the minor storm (Q_{10}), assuming all stormwater is carried by the piped stormwater infrastructure, resulted in a basin size of 85m^2 x 1m deep being required.

Overflow is via a 900 x 900mm outlet sump. Please refer to Appendix D (Neil Mckenzie & Associates Drawing number Q15-281-C02) for details of the stormwater infrastructure. Results of the drains output for the post development flows are summarized as follows:

| ARI | Mitigated Post Development Flows m^3/s |
|-----|--|
| 1 | 0.06 |
| 2 | 0.09 |
| 5 | 0.105 |
| 10 | 0.109 |
| 20 | 0.12 |
| 50 | 0.124 |
| 100 | 0.157 |

Table 3 – Post Development Mitigated Flows

With the addition of detention storage and re-modelling we can compare the results pre and post development and determine that increases in flows post-development are adequately mitigated.

| ARI | Pre Development Flows m^3/s | Post Development Flows m^3/s |
|-----|---|--|
| 1 | 0.06 | 0.06 |
| 2 | 0.09 | 0.09 |
| 5 | 0.12 | 0.105 |
| 10 | 0.14 | 0.109 |
| 20 | 0.14 | 0.12 |
| 50 | 0.21 | 0.124 |
| 100 | 0.24 | 0.157 |

Table 4 - Pre & Post Development Comparison

The detention storage incorporated into the bio-retention basin mitigates the increased flow due to the development.

4.2 WATER QUALITY

Stormwater quality load reduction objectives in accordance with Redland City Council's performance criteria and current Queensland State Planning Policy 4/10 Healthy Waters best practice environmental management guidelines for the SEQ region. These are:

| POLLUTANT TYPE | OBJECTIVE |
|------------------------|--|
| Total Suspended Solids | 80% reduction in average annual load of pollutants leaving the development unmitigated scenario compared to the developed mitigated scenario (in other words, compare what the site would be like, after development, with and without stormwater quality treatment) |
| Total Phosphorus | 60% reduction in average annual load of pollutants leaving the developed unmitigated scenario, compared to the developed mitigated scenario |
| Total Nitrogen | 45% reduction in annual load of pollutants leaving the developed unmitigated scenario, compared to the developed mitigated scenario |
| Gross Pollutants | 90% reduction in annual load of pollutants leaving the developed unmitigated scenario, compared to the developed mitigated scenario |

Table 5- Stormwater Pollutant Objectives

4.2.1 CONCEPT STORMWATER TREATMENT TRAIN

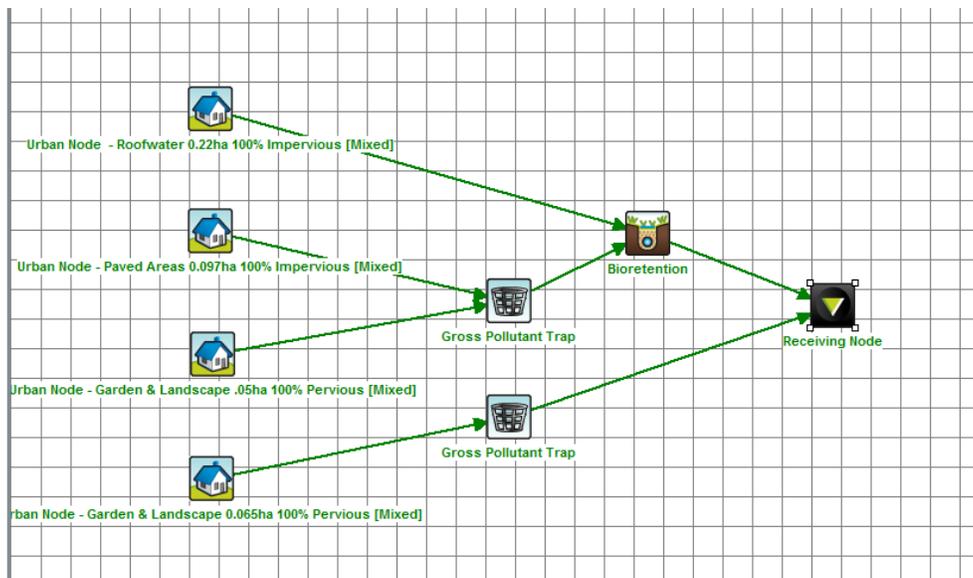


Figure 2 - Proposed Stormwater Treatment Train

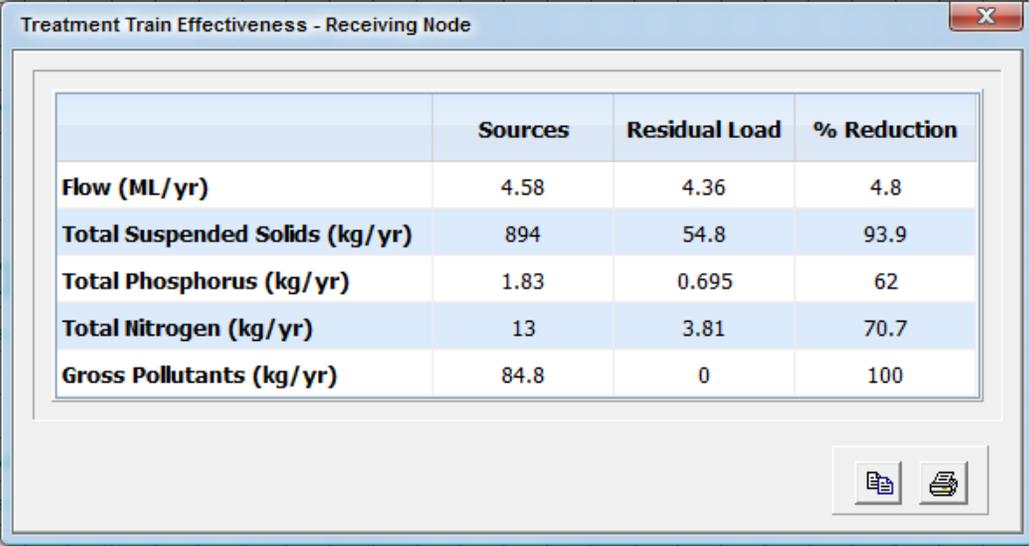
4.2.2 MODELLING POLLUTANT REMOVAL EFFECTIVENESS

The modelling for the subject catchment with and without the proposed treatment system has been carried out using *Model for Urban Stormwater Conceptualisation* (MUSIC) software. The catchment was modelled in music in accordance with the following guidelines & parameters:

- Music version 6
- “Guidelines for Pollutant Export Modelling in Brisbane Version 7 – Draft”, Brisbane City Council (October 2003)
- “MUSIC Modelling Guidelines Version 1.0 - 2010”, Water By Design (2010)
- Rainfall Station 40223 BRISBANE (east), 6 minute time step 1990
- Water By Design MUSIC Modelling Guidelines Source Nodes (Split) utilizing modified % impervious area, rainfall threshold, soil properties & pollutant concentration
- No drainage routing between nodes.

4.2.3 DEVELOPED MITIGATED SCENARIO

The outputs of the model for this scenario are shown in figure 3 following.



The screenshot shows a window titled "Treatment Train Effectiveness - Receiving Node" with a table of pollutant removal data. The table has four columns: "Sources", "Residual Load", and "% Reduction". The rows represent different pollutants and their flow. The data is as follows:

| | Sources | Residual Load | % Reduction |
|--------------------------------|---------|---------------|-------------|
| Flow (ML/yr) | 4.58 | 4.36 | 4.8 |
| Total Suspended Solids (kg/yr) | 894 | 54.8 | 93.9 |
| Total Phosphorus (kg/yr) | 1.83 | 0.695 | 62 |
| Total Nitrogen (kg/yr) | 13 | 3.81 | 70.7 |
| Gross Pollutants (kg/yr) | 84.8 | 0 | 100 |

Figure 3- Pollutants-Developed Mitigated Scenario & Treatment Train Effectivements

Table 5 Demonstrates that the stormwater quality load reduction objectives have been achieved.

| | Source | Residual Load | Reduction % | BCC WQOs % |
|--------------------------------|--------|---------------|-------------|------------|
| Total Suspended Solids (kg/yr) | 869 | 30.4 | 93.9 | 80 |
| Total Phosphorus (kg/yr) | 1.83 | 0.0891 | 62 | 60 |
| Total Nitrogen (kg/yr) | 13 | 0.782 | 70.7 | 45 |
| Gross Pollutants | 84.8 | 0 | 100 | 90 |

Table 6- Treatment Effectiveness of Proposed Treatment Train

The following screen shots of MUSIC outputs show the discharged water is within the required limits prescribed.

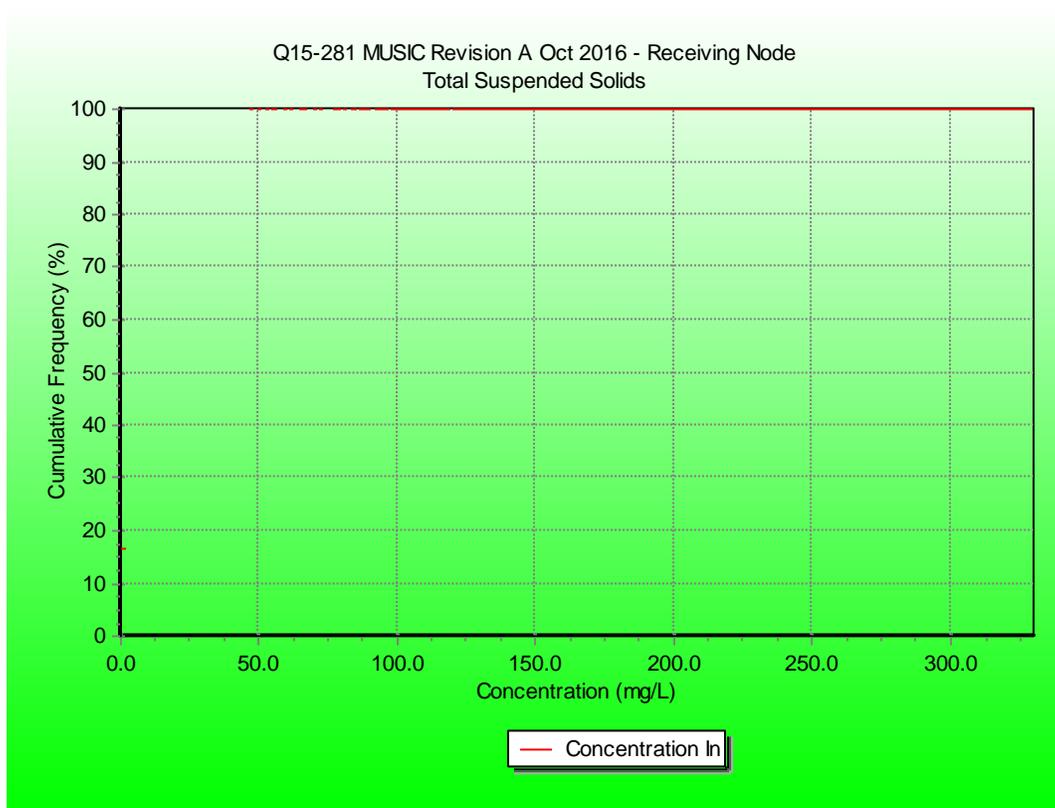


Figure 4 - Cumulative Frequency Graph Total Suspended Solids

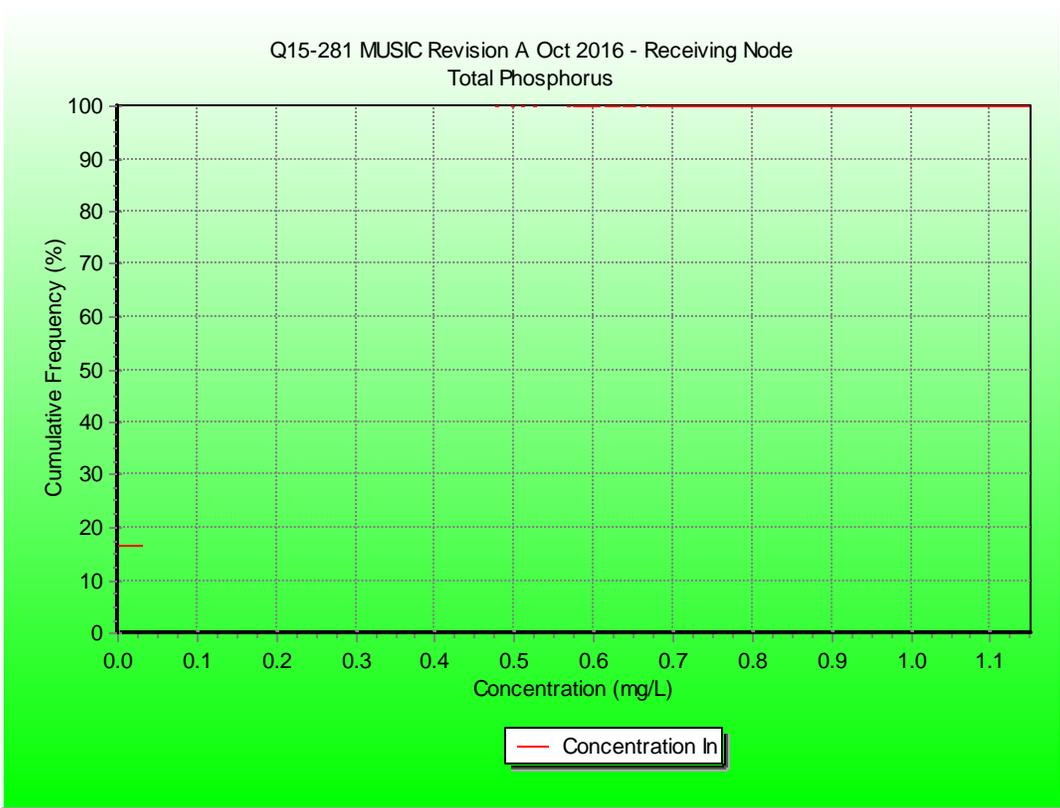


Figure 5 - Cumulative Frequency Graph Total Phosphorus

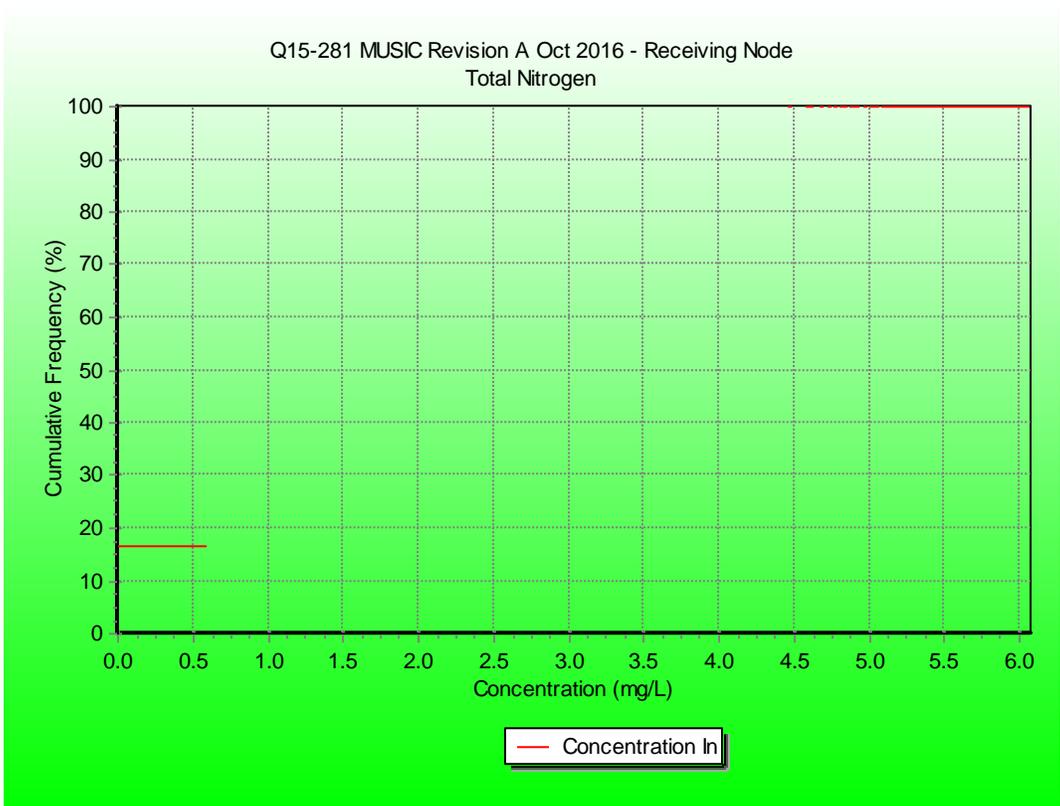


Figure 6 Cumulative Frequency Graph Total Nitrogen

5. INSPECTION AND MAINTENANCE

The most important time for regular inspection and maintenance of a bioretention system is in the first two years when plants are becoming established. Regular watering, weeding and replanting may be necessary but this also coincides with the establishment of landscaping areas and can be performed concurrently.

Removal of debris, sediment or litter should be done regularly and the system checked for additional blockages following a storm event.

Water Sensitive Urban Design gives an example of a maintenance checklist which is included in Appendix F.

6. CONCLUSIONS & RECOMMENDATIONS

Aspects relating to stormwater management across the proposed development have been described and we recommend approval based on the following:

- Erosion potential is only considered a relevant issue during the construction phase. Best management practices will be applied to erosion control on the site and a plan has been prepared
- Stormwater quantity modelling was completed and the outcome from *Drains* indicated the water quantity objectives would be adequately achieved for minor and major storm events.
- Stormwater Quality objectives are met by the treatment provided by gross pollutant traps and bio-retention

8. APPENDICES

Appendix A – Leith Architects Drawings Job #2271 Development Approval Issue

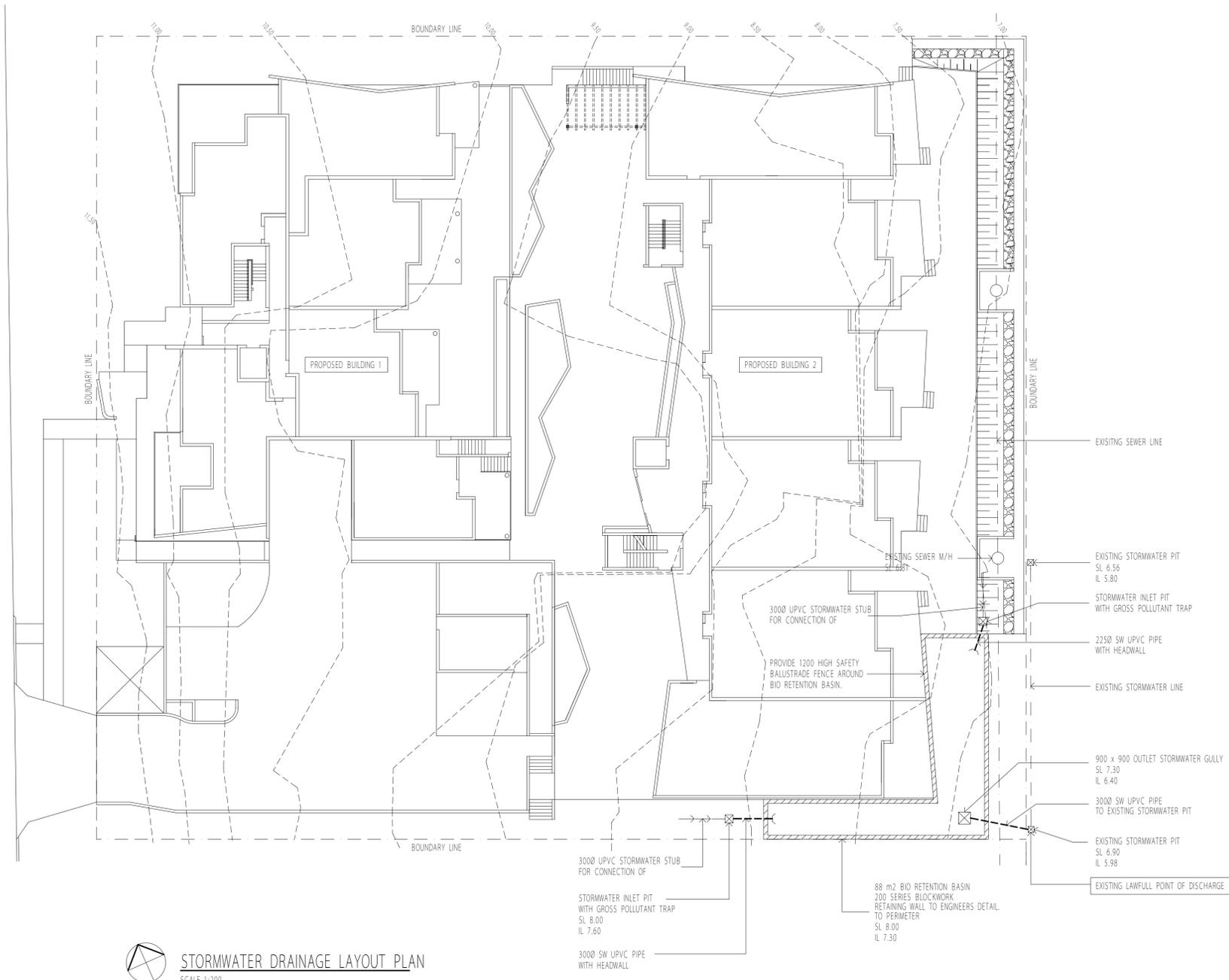
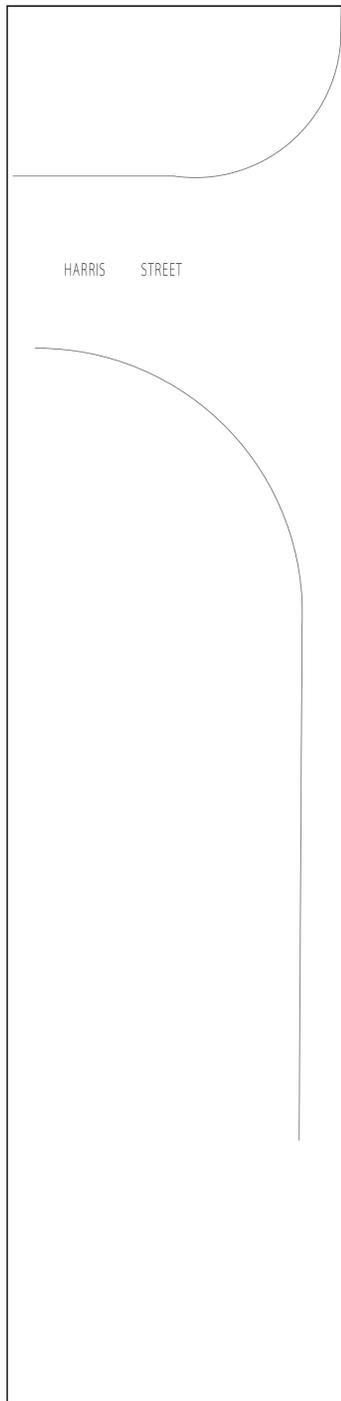
Appendix B - AJS Surveys Drawing Q0198-D1

Appendix C – Neil McKenzie & Associates Pty Ltd Drawing Q15-281-C01

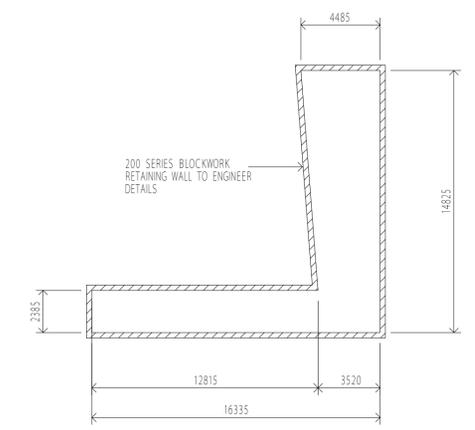
Appendix D – Neil McKenzie & Associates Pty Ltd Drawing Q15-281-C02

Appendix E – Deeds of Consent

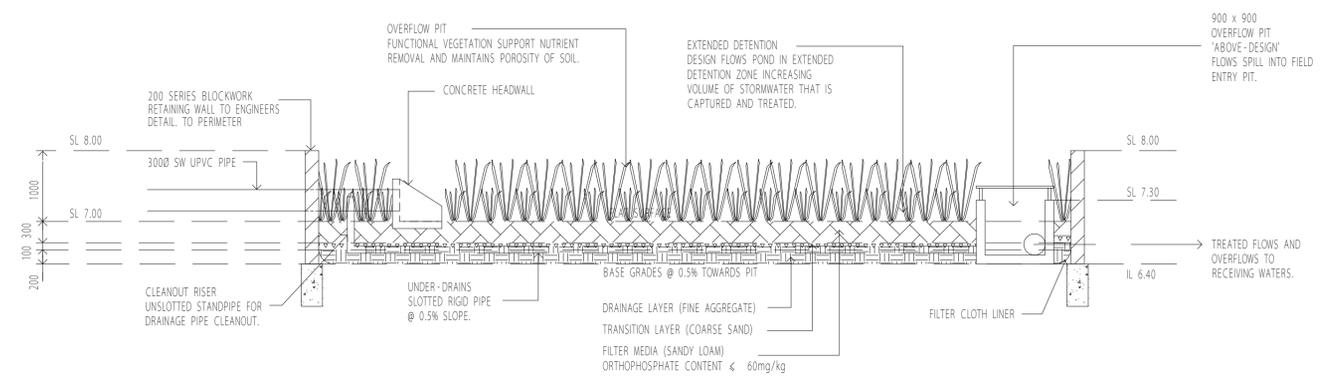
Appendix F – Biorention Basin Maintenance Checklist.



STORMWATER DRAINAGE LAYOUT PLAN
SCALE 1:200



BIO-RETENTION BASIN LAYOUT PLAN



BIO-RETENTION BASIN DETAIL
SCALE 1:50

| | | | |
|--------------------------------------|------------------------|----------|-----|
| APPROVED | | | |
| | | | |
| NEIL MCKENZIE & ASSOCIATES PTY. LTD. | | | |
| No. | REVISION | DATE | DWN |
| B | BASIN DIMENSIONS ADDED | 03.11.16 | SL |
| A | ALTERATIONS TO DESIGN | 27.04.16 | SL |

NEIL MCKENZIE & ASSOCIATES PTY. LTD.
CONSULTING ENGINEERS
14/699a SANDGATE ROAD
CLAYFIELD, QLD 4011
PHONE: (07) 3862 1886
FAX: (07) 3862 1397

| | |
|----------|----------|
| SCALE | AS SHOWN |
| DRAWN | DL |
| CHECKED | NM |
| DESIGNED | NM |
| APPROVED | NM |
| DATE | NOV. 15 |

JOB DESCRIPTION
PROPOSED APARTMENT BUILDINGS
7, 9 & 11 FERNBOURNE RD, WELLINGTON POINT
CLIENT
BINNATON HOLDINGS LTD

| | |
|---|-----------------------------|
| DRAWING TITLE STORMWATER DRAINAGE LAYOUT PLAN | |
| DRAWING NUMBER Q15-281-C02 | REVISION NUMBER B |

Neil McKenzie & Associates
Civil & Structural Consulting Engineers

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E: mail@neilmckenzie.com.au

Site Based Stormwater Management Plan Appendix E

Deeds of Consent

DEED OF CONSENT

BETWEEN

**PRETIREMENT VILLAGES PTY LTD ACN 105 654 475
AS TRUSTEE**

("Pretirement")

and

BINNATON HOLDINGS LTD ACN 115 080 843

("Binnaton")



Level 18,
Brisbane Club Tower
241 Adelaide Street, Brisbane

GPO Box 3122,
Brisbane Qld 4001

Telephone (07) 3221 2527
Facsimile (07) 3221 5996
Reference 20150089

THIS DEED OF CONSENT is made this *20th* day of *MAY* 2015.

BETWEEN: **PRETIREMENT VILLAGES PTY LTD ACN 105 654 475 AS TRUSTEE** of 6/58 Metroplex Avenue, Murarrie QLD 4172 ("**Pretirement**")

AND: **BINNATON HOLDINGS LTD ACN 115 080 843** of 6/58 Metroplex Avenue, Murarrie QLD 4172 ("**Binnaton**")

RECITAL:

- A. Pretirement is the registered owner of the Land situated at 41-47 Fernbourne Road, Wellington Point QLD 4160 and described as Lot 199 on SP 240173, Title Reference 50924480 in the County of Stanley, Parish of Capalaba and includes any subsequent lots which may be created from the said Land upon which the Connection Works are or will be located ("**Pretirement Land**").
- B. Binnaton is the registered owner of the Land situated at 9 Fernbourne Road, Wellington Point QLD 4160 and described as Lot 1 on RP 14166, Title Reference 17341076 in the County of Stanley, Parish of Capalaba, and the Land situated at 11 Fernbourne Road, Wellington Point QLD 4160 and described as Lot 2 on RP 14166, Title Reference 17341077, in the County of Stanley, Parish of Capalaba ("**Binnaton Land**").
- C. Binnaton has requested that Pretirement consents to Binnaton constructing and/or using certain works on Pretirement Land and discharging stormwater through the stormwater drainage system located on or under the Pretirement Land.
- D. Pretirement agrees to grant that consent on the terms set out in this Deed.

OPERATIVE PROVISIONS:

1. PRETIREMENT'S CONSENT

Pretirement consents to Binnaton constructing and/or using a stormwater drainage pipe and other associated works ("**Connection Works**") for the purpose of conveying stormwater from the Binnaton Land into the existing stormwater gully box located on that part of the Pretirement Land ("**Pretirement Stormwater System**") on the following conditions:

- 1.1 Pretirement's consent is subject to Pretirement obtaining all licences, permits and approvals from Redland City Council and any other relevant authorities ("**Council**") for operational works required to complete the construction of Pretirement's Stormwater System, and further obtaining final approval from Council for the completed construction of such works;
- 1.2 Binnaton must obtain, at its cost, all licences, permits and approvals for the construction of the Connection Works;

- 1.3 Pretirement will have no obligation to make any alterations or additions to the existing Pretirement Stormwater System to accommodate the Connection Works and, if any alterations or additions are required then Binnaton shall be responsible for such additional works at its cost. Pretirement may decide to carry out such works at Binnaton's cost;
- 1.4 If requested by Binnaton, the parties will enter into an Easement on terms satisfactory to Pretirement (acting reasonably), subject to approval by the Body Corporate for Fernbourne Grove Bayside Village Community Title Scheme 42079 (if required) or relevant lot owners (if required) and by any mortgagees (if required); and
- 1.5 Binnaton shall be responsible for the maintenance and repair of the Connection Works at its cost following construction. Pretirement shall only be liable to maintain and repair Pretirement's Stormwater System, unless the damage is caused or contributed to by Binnaton.

2. ACCESS TO PRETIREMENT LAND

- 2.1 Subject to this Deed, Pretirement agrees that Binnaton and its authorised consultants, agents, contractors and employees, shall be granted access to Pretirement Land immediately adjacent to the boundary of the Binnaton Land, for the purpose of constructing, using and maintaining the Connection Works.
- 2.2 Binnaton must make good any damage caused to the Pretirement Land and any other property of Pretirement (including any fencing constructed by Pretirement).
- 2.3 Subject to this Deed, following construction of the Connection Works, Pretirement consents to Binnaton having the right to discharge stormwater from Binnaton Land through the Connection Works and Pretirement Stormwater System.

3. INDEMNITY BY BINNATON

- 3.1 Binnaton acknowledges and agrees that Pretirement does not warrant that Pretirement's Stormwater System is adequate or suitable for Binnaton's intended use.
- 3.2 Binnaton agrees to indemnify, keep indemnified and hold Pretirement harmless from and against any loss, damage or liability incurred by Pretirement, including without limitation any liability for injury or death and any loss or damage to property, arising from or in connection with:-
 - (a) access by Binnaton, their contractors, employees and agents onto the Pretirement Land;
 - (b) any works performed by Binnaton, their contractors, employees and agents;
 - (c) operation or use of the Connection Works;
 - (d) any breach of this Deed by Binnaton,

except to the extent that any loss, damage or liability is a direct result of a breach of this Deed by Pretirement or Pretirement's negligence.

4. ASSIGNMENT

4.1 Pretirement shall not sell, transfer or otherwise dispose of the Pretirement Land except to a person who have signed a deed of covenant given by that person in favour of Binnaton, whereby the new owner of the Pretirement Land covenants in favour of Binnaton on the same terms as set out in this Deed, including the obligation to obtain a similar deed of covenant from any further purchaser, transferee or disponent of the Pretirement Land.

4.2 Binnaton may assign the benefit of this Deed to any successor in title of Binnaton Land who covenants with Pretirement on the same terms as set out in this Deed.

5. COSTS

(a) Binnaton will pay:

- (i) all and any costs in respect of all or any of the Connection Works;
- (ii) its own costs and expenses in relation to the preparation, negotiation and execution of this Deed;
- (iii) the reasonable legal costs of Pretirement for the review, negotiation and execution of this Deed;
- (iv) the registration fees, mortgagee consent fees, stamp duty and Council sealing fees on the stormwater easement document and plan (if required).

6. INTERPRETATION

In this Deed:-

- (a) Words importing the singular include the plural and vice versa;
- (b) Words importing any gender includes the other genders;
- (c) References to persons include corporations and bodies corporate;
- (d) **Representatives and assigns.** Reference to a person include the legal personal representatives, successors and permitted assigns of that person;
- (e) **Statutory amendments.** A reference to a statute, ordinance, code or other law includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments or replacements of any of them (whether of the same or any other legislative authority having jurisdiction);
- (f) **Joint liability.** An obligation of two or more parties will bind them jointly and severally;
- (g) **Defined expressions.** If a word or phrase is defined, cognate words and phrases have corresponding definitions;

- (h) **Joint obligations.** An obligation incurred in favour of two or more parties will be enforceable by them jointly and severally;
- (i) **Collective references.** Reference to anything (including, without limitation, any amount) is a reference to the whole or any part of it and a reference to a group of things or persons is a reference to any one or more of them;
- (j) **Parts of agreement.** References to this Deed include its recital, schedules and annexures;
- (k) **Headings.** Headings will be ignored in construing this document;
- (l) **Severance.** If any provision of this Deed or its application to any person or circumstance is or in any way becomes invalid, illegal or unenforceable the provision will so far as possible be read down to such extent as may be necessary to ensure that it is not invalid, illegal or unenforceable. If any provision of part of it cannot be so read down the provision or part of it will be deemed to be void and severable and the remaining provisions of this Deed will not in any way be affected or impaired; and

7. FURTHER ASSURANCES

Each party will perform all such further acts and execute and deliver all such further deeds, documents and instruments as shall be necessary to give effect to the terms of this Deed.

8. JURISDICTION

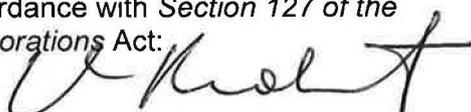
This Deed shall be construed in accordance with the laws of the State of Queensland. The parties irrevocably submit to the jurisdiction of the Courts of the State of Queensland.

9. NOTICES

The parties agree that notices shall be served at the addresses shown on page 1 of this Deed, or such other address as the parties may nominate.

EXECUTED AS A DEED

EXECUTED by PRETIREMENT VILLAGES)
 PTY LTD ACN 105 654 475 in)
 accordance with Section 127 of the)
 Corporations Act:)



 Director

Christopher William Roberts

 Full name of Director



 Director

Robert James Roberts

 Full name of Director

EXECUTED by **BINNATON HOLDINGS LTD**
ACN 115 080 843 in accordance with)
Section 127 of the Corporations Act:)

Director

Marr Douglas Leith.

Full name of Director

MVF.

Director Secretary

MAX VAN VUET

Full name of ~~Director~~ Secretary

DEED OF CONSENT

BETWEEN

**PRETIREMENT VILLAGES PTY LTD ACN 105 654 475
AS TRUSTEE**

("Pretirement")

and

C. T. KITCHEN ATF KITCHEN FAMILY TRUST

("Kitchen")

THIS DEED OF CONSENT is made this 20th day of MAY 2015.

BETWEEN: **PRETIREMENT VILLAGES PTY LTD ACN 105 654 475 AS TRUSTEE** of 6/58 Metroplex Avenue, Murarrie QLD 4172 ("**Pretirement**")

AND: **C. T. KITCHEN ATF KITCHEN FAMILY TRUST** of ~~1002702 Macrossan Street, Brisbane, Qld, 4000.~~ 16 Napper Street, COOGEE NSW 2034

RECITAL:

- A. Pretirement is the registered owner of the Land situated at 41-47 Fernbourne Road, Wellington Point QLD 4160 and described as Lot 199 on SP 240173, Title Reference 50924480 in the County of Stanley, Parish of Capalaba and includes any subsequent lots which may be created from the said Land upon which the Connection Works are or will be located ("**Pretirement Land**").
- B. Kitchen is the registered owner of the Land situated at 7 Fernbourne Road, Wellington Point QLD 4160 and described as Lot 132 on RP 14151, Title Reference 121841142 in the County of Stanley, Parish of Capalaba, ("**Kitchen Land**").
- C. Kitchen has requested that Pretirement consents to Kitchen constructing and/or using certain works on Pretirement Land and discharging stormwater through the stormwater drainage system located on or under the Pretirement Land.
- D. Pretirement agrees to grant that consent on the terms set out in this Deed.

OPERATIVE PROVISIONS:

1. PRETIREMENT'S CONSENT

Pretirement consents to Kitchen constructing and/or using a stormwater drainage pipe and other associated works ("**Connection Works**") for the purpose of conveying stormwater from the Kitchen Land into the existing stormwater gully box located on that part of the Pretirement Land ("**Pretirement Stormwater System**") on the following conditions:

- 1.1 Pretirement's consent is subject to Pretirement obtaining all licences, permits and approvals from Redland City Council and any other relevant authorities ("**Council**") for operational works required to complete the construction of Pretirement's Stormwater System, and further obtaining final approval from Council for the completed construction of such works;
- 1.2 Kitchen must obtain, at its cost, all licences, permits and approvals for the construction of the Connection Works;

- 1.3 Pretirement will have no obligation to make any alterations or additions to the existing Pretirement Stormwater System to accommodate the Connection Works and, if any alterations or additions are required then Kitchen shall be responsible for such additional works at its cost. Pretirement may decide to carry out such works at Kitchen's cost;
- 1.4 If requested by Kitchen, the parties will enter into an Easement on terms satisfactory to Pretirement (acting reasonably), subject to approval by the Body Corporate for Fernbourne Grove Bayside Village Community Title Scheme 42079 (if required) or relevant lot owners (if required) and by any mortgagees (if required); and
- 1.5 Kitchen shall be responsible for the maintenance and repair of the Connection Works at its cost following construction. Pretirement shall only be liable to maintain and repair Pretirement's Stormwater System, unless the damage is caused or contributed to by Kitchen.

2. ACCESS TO PRETIREMENT LAND

- 2.1 Subject to this Deed, Pretirement agrees that Kitchen and its authorised consultants, agents, contractors and employees, shall be granted access to Pretirement Land immediately adjacent to the boundary of the Kitchen Land, for the purpose of constructing, using and maintaining the Connection Works.
- 2.2 Kitchen must make good any damage caused to the Pretirement Land and any other property of Pretirement (including any fencing constructed by Pretirement).
- 2.3 Subject to this Deed, following construction of the Connection Works, Pretirement consents to Kitchen having the right to discharge stormwater from Kitchen Land through the Connection Works and Pretirement Stormwater System.

3. INDEMNITY BY KITCHEN

- 3.1 Kitchen acknowledges and agrees that Pretirement does not warrant that Pretirement's Stormwater System is adequate or suitable for Kitchen's intended use.
- 3.2 Kitchen agrees to indemnify, keep indemnified and hold Pretirement harmless from and against any loss, damage or liability incurred by Pretirement, including without limitation any liability for injury or death and any loss or damage to property, arising from or in connection with:-
 - (a) access by Kitchen, their contractors, employees and agents onto the Pretirement Land;
 - (b) any works performed by Kitchen, their contractors, employees and agents;
 - (c) operation or use of the Connection Works;
 - (d) any breach of this Deed by Kitchen,

except to the extent that any loss, damage or liability is a direct result of a breach of this Deed by Pretirement or Pretirement's negligence.

4. ASSIGNMENT

- 4.1 Pretirement shall not sell, transfer or otherwise dispose of the Pretirement Land except to a person who have signed a deed of covenant given by that person in favour of Kitchen, whereby the new owner of the Pretirement Land covenants in favour of Kitchen on the same terms as set out in this Deed, including the obligation to obtain a similar deed of covenant from any further purchaser, transferee or disponee of the Pretirement Land.
- 4.2 Kitchen may assign the benefit of this Deed to any successor in title of Kitchen Land who covenants with Pretirement on the same terms as set out in this Deed.

5. COSTS

- (a) Kitchen will pay:
- (i) all and any costs in respect of all or any of the Connection Works;
 - (ii) its own costs and expenses in relation to the preparation, negotiation and execution of this Deed;
 - (iii) the reasonable legal costs of Pretirement for the review, negotiation and execution of this Deed;
 - (iv) the registration fees, mortgagee consent fees, stamp duty and Council sealing fees on the stormwater easement document and plan (if required).

6. INTERPRETATION

In this Deed:-

- (a) Words importing the singular include the plural and vice versa;
- (b) Words importing any gender includes the other genders;
- (c) References to persons include corporations and bodies corporate;
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- (e) **Statutory amendments.** A reference to a statue, ordinance, code or other law includes regulations and other statutory instruments under it and consolidations, amendments, re-enactments or replacements of any of them (whether of the same or any other legislative authority having jurisdiction);
- (f) **Joint liability.** An obligation of two or more parties will bind them jointly and severally;
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- (k) **Headings.** Headings will be ignored in construing this document;
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7. FURTHER ASSURANCES

Each party will perform all such further acts and execute and deliver all such further deeds, documents and instruments as shall be necessary to give effect to the terms of this Deed.

8. JURISDICTION

This Deed shall be construed in accordance with the laws of the State of Queensland. The parties irrevocably submit to the jurisdiction of the Courts of the State of Queensland.

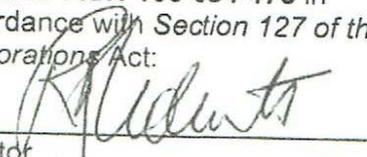
9. NOTICES

The parties agree that notices shall be served at the addresses shown on page 1 of this Deed, or such other address as the parties may nominate.

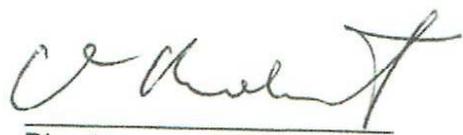
EXECUTED AS A DEED

EXECUTED by **PRETIREMENT VILLAGES**)
PTY LTD ACN 105 654 475 in)
 accordance with Section 127 of the)
 Corporations Act:)

Director


ROBERT JAMES ROBERTS
 Full name of Director

Director


Christopher William Roberts
 Full name of Director

EXECUTED by C.T. KITCHEN ATF KITCHEN
FAMILY TRUST



Trustee

C.T. KITCHEN

Full name of Trustee

Neil McKenzie & Associates
Civil & Structural Consulting Engineers

Suite 14, Clayfield Courtyard
699A Sandgate Road, Clayfield Qld 4011
Ph: 07 3862 1886 Fx: 07 3862 1397
E: mail@neilmckenzie.com.au

Site Based Stormwater Management Plan Appendix F

Bioretention Basin Maintenance Checklist.

| BIORETENTION BASIN MAINTENANCE CHECKLIST | | | |
|---|----------------|----------------|---------------------------|
| Inspection Frequency: | 1 to 6 monthly | Date of Visit: | |
| Location: | | | |
| Description: | | | |
| Asset I.D. | | | |
| Site Visit by: | | | |
| INSPECTION ITEMS: | Y | N | Action Required (details) |
| Sediment accumulation at inflow points? | | | |
| Litter within basin? | | | |
| Erosion at inlet or other key structures? | | | |
| Traffic damage present? | | | |
| Evidence of dumping (e.g. building waste)? | | | |
| Vegetation condition satisfactory (density, weeds etc)? | | | |
| Watering of vegetation required? | | | |
| Replanting required? | | | |
| Mowing/slashing required? | | | |
| Clogging of drainage points (sediment or debris)? | | | |
| Evidence of ponding? | | | |
| Damage/vandalism to structures present? | | | |
| Surface clogging visible? | | | |
| Drainage system inspected? | | | |
| Resetting of system required? | | | |
| COMMENTS | | | |
| | | | |

11.2 ORGANISATIONAL SERVICES

11.2.1 REPORT ON AUDIT COMMITTEE OF 15 MARCH 2018

| | |
|-----------------------------|--|
| Objective Reference: | A2948174 Reports and Attachments (Archives) |
| Attachment: | <u>Audit Committee Minutes – 15 March 2018</u> |
| Authorising Officer: | John Oberhardt General Manager Organisational Services |
| Responsible Officer: | Glynn Henderson Acting Group Manager Corporate Governance |
| Author: | Siggy Covill Group Manager Internal Audit and Risk |

PURPOSE

The purpose of this report is to present the minutes of the Audit Committee meeting on 15 March 2018 to Council for adoption in accordance with Section 211 of the *Local Government Regulation 2012*.

BACKGROUND

The primary objective of the Audit Committee is to assist Council in fulfilling its corporate governance role and oversight of financial measurement and reporting responsibilities imposed under the *Local Government Act 2009* and other relevant legislation.

To fulfil this objective and in order to enhance the ability of Councillors to discharge their legal responsibility, it is necessary that a written report is presented to Council as soon as practicable after a meeting of the Audit Committee about the matters reviewed at the meeting and the committee's recommendations about these matters.

ISSUES

Please refer to the attached Minutes of the Audit Committee meeting held on 15 March 2018.

STRATEGIC IMPLICATIONS

Legislative Requirements

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

Risk Management

There are no opportunities or risks for Council resulting from this report.

Financial

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

People

There are no implications on people as a result of this report.

Environmental

There are no environmental impacts resulting from this report.

Social

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

Alignment with Council's Policy and Plans

Relationship to 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.

8.4 A continuous improvement focus underpins the organisation, creating a supportive environment for ideas and positive, well-managed change that enhances internal and external outcomes.

CONSULTATION

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

OPTIONS**Option One**

That Council resolves to accept this report, which summarises the issues discussed at the Audit Committee meeting of 15 March 2018.

Option Two

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

Option Three

That Council resolves to not accept this report and requests an alternative method of reporting.

OFFICER'S RECOMMENDATION

That Council resolves to accept this report, which summarises the issues discussed at the Audit Committee Meeting of 15 March 2018.

**OFFICER'S RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr P Gleeson

Seconded by: Cr P Mitchell

That Council resolves to accept this report, which summarises the issues discussed at the Audit Committee Meeting of 15 March 2018.

CARRIED 10/0

Crs Mitchell, Gollè, Hewlett, Edwards, Elliott, Huges, Talty, Gleeson, Bishop and Williams voted FOR the motion.

Cr Boglary was not present when the motion was put.



Redland
CITY COUNCIL

MINUTES

AUDIT COMMITTEE MEETING

Thursday, 15 March 2018

Commencing at 9.30 am

**Council Chambers
1st floor Administration Building
Bloomfield Street Cleveland QLD 4163**

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1 DECLARATION OF OPENING

The Chairperson declared the meeting open at 9.32am.

2 RECORD OF ATTENDANCE AND APOLOGIES

Membership:

| | |
|------------------|--|
| Cr Paul Gleeson | Councillor Member and Chairperson |
| Cr Wendy Boglary | Alternate Councillor Member (Deputy Mayor) |
| Mr Virendra Dua | External Member |
| Mr Peter Dowling | External Member |

Secretary:

| | |
|------------------|---------------------------------------|
| Ms Siggie Covill | Group Manager Internal Audit and Risk |
|------------------|---------------------------------------|

Invitees:

| | |
|-------------------------|--|
| Mr John Oberhardt | General Manager Organisational Services |
| Mr Peter Best | General Manager Infrastructure and Operations |
| Ms Louise Rusan | General Manager Community and Customer Services |
| Ms Deborah Corbett-Hall | Chief Financial Officer |
| Mr Glynn Henderson | Acting Group Manager Corporate Governance |
| Mr Kailesh Naidu | Principal Adviser Internal Audit |
| Mr Mark Davis | Acting Service Manager Risk and Liability Services |
| Ms Joy Manalo | Finance Manager Corporate Finance |
| Ms Melissa Read | Queensland Audit Office (QAO) |
| Ms Ashley Carle | Bentleys – QAO Audit Representative |
| Ms Cathy Blunt | O'Connor Marsden |

Observers:

| | |
|-----------------|------------|
| Cr Tracey Huges | Councillor |
|-----------------|------------|

Minutes:

| | |
|---------------------|---|
| Ms Fiona McCandless | PA to General Manager Organisational Services |
|---------------------|---|

Apologies:

| | |
|----------------------|-------------------------------------|
| Cr Karen Williams | Councillor Member (Mayor) |
| Mr Andrew Chesterman | Chief Executive Officer |
| Mr Martin Power | Bentleys – QAO Audit Representative |

3 CONFLICT OF INTEREST DECLARATION

Audit Committee members were requested to declare any conflict of interest arising from matters to be discussed during the meeting.

No conflicts were declared.

4 RECEIPT AND CONFIRMATION OF MINUTES

The minutes of the Audit Committee meeting of 12 October 2017 were presented for confirmation by the Committee.

4.1 BUSINESS ARISING FROM PREVIOUS MINUTES

Business arising from the minutes of the meetings from 12 October 2017 of this Committee was presented as follows:

- 4.1.1 As per Item 4.1 (Business Arising From Previous Minutes) the Committee requested that a framework be prepared to manage and monitor compliance and to show accountability and controls.
- *Update provided by Acting Group Manager Corporate Governance. Item carried forward.*
- 4.1.2 As per Item 4.1 (Business Arising From Previous Minutes) the Committee requested that a clear process needs to be established for handling exceptions related to continuous monitoring once that project has been undertaken.
- *Update provided by Group Manager Internal Audit and Risk. Item carried forward.*
- 4.1.3 As per Item 4.1 (Business Arising From Previous Minutes) the Committee requested that a risk map be provided as an overview of significant audit activity to inform where risks and issues lie.
- *Update provided by Group Manager Internal Audit and Risk. Item carried forward.*
- 4.1.4 As per Item 6 (Council Financial Reports) the Committee requested (1) that only the latest end of month report in future be presented to the Committee for discussion; (2) that Council develops a plan to improve the current low asset sustainability ratio; (3) that Council informs the Committee of the reason behind the reduction in useful lives of Wastewater Pump Stations resulting from the assets valuation exercise and impact on maintenance; and (4) that Council informs the Committee of the impact to the Statement of Comprehensive Income resulting from the adoption of an overhead rate increase from 15% to 20% in the water and wastewater asset valuation.
- (1) *Refer Item 6.1. Completed.*
(2) *Update provided by Chief Financial Officer. Completed.*
(3) & (4) *Information provided via email on 19 October 2017. Completed.*
- 4.1.5 As per Item 8 (Internal Audit Plan) the Committee requested that the Councillors be included in the upcoming Audit Committee self-assessment process.
- *Refer Item 12.2. Completed.*
- 4.1.6 As per Item 10 (Audit Recommendations Due For Implementation) the Committee requested that Internal Audit in future includes a graph in the report to show the trend in the movement of overdue audit recommendations.
- *Refer Item 10.1. Completed.*
- 4.1.7 As per Item 12.1 (Risk Management) the Committee requested that Council demonstrates how the current risks are actively being managed.
- *Refer Item 12.1. Completed.*

COMMITTEE DECISION

The Audit Committee notes the receipt and confirmation of the prior minutes and updates as presented.

5 UPDATE FROM THE CHIEF EXECUTIVE OFFICER

5.1 GENERAL COUNCIL MATTERS

The Chief Executive Officer was noted as an apology for this meeting, therefore a verbal update on general Council matters was provided by the General Manager Organisational Services.

COMMITTEE DECISION

The Audit Committee notes the verbal update presented.

6 COUNCIL FINANCIAL REPORTS

6.1 END OF MONTH FINANCIAL REPORTS

Council's end of month report for January 2018 was presented to the Audit Committee and an update provided by the Chief Financial Officer.

6.2 SHELL FINANCIAL STATEMENTS

The shell financial statements for the year ending 30 June 2018 will be presented to the Committee out of session and in line with the timelines agreed with the QAO.

6.3 ASSET VALUATIONS

The Chief Financial Officer presented an update on asset valuations to the Audit Committee.

COMMITTEE DECISION

- 1. That the Audit Committee notes the financial reports and updates as presented; and**
- 2. That the Committee be presented with capital and operational project reporting at the next meeting.**

7 QUARTERLY COMPLIANCE SURVEYS

The quarterly compliance surveys for the September and December 2017 quarters were presented to the Audit Committee by the Acting Group Manager Corporate Governance.

COMMITTEE DECISION

- 1. The Audit Committee notes the quarterly compliance surveys as presented; and**
- 2. That the Acting Group Manager Corporate Governance considers including questions in the quarterly compliance survey relating to contract management; e.g. Have all new contracts been entered into the Contract Management System? Have insurance certifications been updated? Have contract management plans been approved?**

8 INTERNAL AUDIT PLAN

8.1 AUDIT PLAN STATUS

The status of the Internal Audit Plan for FY 2017/2018 was presented to the Committee for noting and an update provided by the Group Manager Internal Audit and Risk.

COMMITTEE DECISION

The Audit Committee notes the status of the Audit Plan as presented.

9 INTERNAL AUDIT REPORTS

The following reports were presented for Audit Committee consideration:

9.1 ORGANISATIONAL SERVICES

- Records Management and Digitisation
- Recovery of Non-Rate Debtors
- Related Party Transaction Disclosures
- Contract Management Framework

COMMITTEE DECISION

1. The Audit Committee notes the reports as presented; and
2. That a report be brought back to the Committee which includes the following information: an overview of the total number of open contracts in the Contract Management System and some key associated attributes, e.g. how many in dispute, how many without current certifications, etc.; how many contracts and by value have been provided through the local supplier arrangements, etc.

10 AUDIT RECOMMENDATIONS DUE FOR IMPLEMENTATION

The Principal Adviser Internal Audit presented a progress report on audit recommendations due for implementation to the Committee.

COMMITTEE DECISION

The Audit Committee notes the report as presented.

11 UPDATE FROM EXTERNAL AUDITORS

Bentleys presented their Final Management Letter for the Year Ended 30 June 2017, the External Audit Plan for FY 2017/18 and an update on notable matters to the Committee.

COMMITTEE DECISION

The Audit Committee notes the letter and updates as presented.

12 OTHER BUSINESS**12.1 RISK MANAGEMENT**

The Acting Service Manager Risk and Liability Services updated the Committee on risk management activities.

COMMITTEE DECISION

1. The Audit Committee notes the update as presented; and
2. That an issues register is presented to the Committee at a future meeting.

12.2 AUDIT COMMITTEE SELF-ASSESSMENT

The Audit Committee Chairperson presented the report on the outcome of the Audit Committee Self-Assessment Questionnaire to the Committee.

COMMITTEE DECISION

The Audit Committee notes the report as presented and endorses the recommendations for improvement.

12.3 DRAFT AUDIT COMMITTEE CHARTER AND INTERNAL AUDIT CHARTER

The Group Manager Internal Audit and Risk presented the revised draft Audit Committee Charter and Internal Audit Charter to the Committee.

COMMITTEE DECISION

- 1. The Audit Committee notes the revised charters as presented; and**
- 2. That the General Manager Organisational Services investigates the involvement of Internal Audit in the operations of any Council-controlled entities.**

12.4 AUDIT UNIVERSE

O'Connor Marsden presented the progress on the Redland City Council Audit Universe project to the Committee.

COMMITTEE DECISION

- 1. The Audit Committee notes the progress of the project as presented; and**
- 2. That the Audit Universe is updated to demonstrate alignment between assurance activities and the Corporate Plan outcomes.**

13 MEETING CLOSURE

The Chairperson declared the meeting closed at 11.59am.

11.2.2 AMENDED CORPORATE PLAN 2018-2023

| | |
|-----------------------------|---|
| Objective Reference: | A2950421 Reports and Attachments (Archives) |
| Attachment: | Corporate Plan 2018–2023 |
| Authorising Officer: | John Oberhardt General Manager Organisational Services |
| Responsible Officer: | Crystal Byth Principal Adviser Strategy & Performance |
| Report Author: | Carla Newman Senior Advisor Corporate Strategy & Performance |

PURPOSE

The purpose of this report is to recommend that Council considers the submissions received during community engagement on the draft Corporate Plan 2018-2023 and adopt the updated plan for commencement from 1 July 2018.

BACKGROUND

The Local Government Act 2009 (the Act) requires Council to prepare a five year corporate plan that outlines its strategic direction for each period of five financial years. Development of the 5 year corporate plan must incorporate community engagement.

It was recommended that Council's Corporate Plan be updated to extend the timeframe of its current plan. This allows sufficient time for the newly elected Council in 2020 to set its strategic priorities and incorporate Council's corporate planning process.

On 7 February 2018 Council resolved to go out for community consultation on an updated draft Corporate Plan 2018-2023. Community engagement ran from 21 February 2018 to 21 March 2018.

ISSUES**Community engagement process**

Council engaged with the community through a consultation process between 21 February 2018 and 21 March 2018. The consultation was advertised in the following ways:

- Public notice in the Redland City Bulletin on 21 February 2018
- Public notice in Council's Snapshot on 28 February 2018
- Redland City Council – Your Say community engagement website from 21 February - 21 March 2018
- Public notices displayed in Council's Customer Service Centres from 21 February - 21 March 2018

During this time, the community were invited to submit feedback on the draft Plan. Two submissions were received during this engagement period and one submission was received outside the engagement period. All three submissions have been considered in this process.

Community engagement outcomes

The three submissions received raised the same concern relating to Council's responsibilities under the SEQ Regional Plan. The Corporate Planning and Transformation unit consulted with the Group Manager, City Planning and Assessment to consider the concerns identified in the submissions. Table 1 shows a summary of the submissions, the Group Manager's response to the submissions, and recommendations for any proposed changes to the plan.

Table 1 – Summary of submissions

| Date received | Submission comment (summarised) | Agree/ Disagree | Officers response | Recommendation |
|----------------------|--|------------------------|---|---|
| 23 February 2018 | The draft Corporate Plan should describe what action Council is undertaking to satisfy its requirements for Southern Thornlands under the SEQ Regional Plan and include Southern Thornlands as a strategic and financial priority. | Disagree | The Corporate Plan highlights Council's longer term strategic objectives, and commitments to achieving these. Council's commitment to strategic land use and infrastructure planning is identified in the Plan under Vision Outcome 5: <i>Wise Planning and Design</i> . Council acknowledges its responsibility under the SEQ Regional Plan to investigate the land use of Southern Thornlands and this is proposed to be identified in the Operational Plan as a significant activity Council will undertake within the required timeframe. | No change proposed to the draft Corporate Plan 2018-2023. Significant activities relating to the SEQ Regional Plan should be included in Council's Operational Plan. |
| 20 March 2018 | The draft Corporate Plan should include Council's responsibility under the SEQ Regional Plan 2017 to investigate the land use of Southern Thornlands as a Potential Future Growth Area. | Disagree | As above. | As above |
| 5 April 2018 | Growth in surrounding areas is currently impacting on the roads in Southern Thornlands causing | Disagree | As above | As above |

| Date received | Submission comment (summarised) | Agree/ Disagree | Officers response | Recommendation |
|---------------|---|-----------------|-------------------|----------------|
| | traffic congestion. The draft Corporate Plan should include an action describing what action Council will take in response to the SEQ Regional Plan directive to investigate Southern Thornlands as a potential future growth area. | | | |

Implementing recommendations

Two new commitments were identified in the engagement period under Outcome 8 Inclusive and ethical governance.

Council officers identified that Outcome 8.1 and Outcome 8.5 in the plan did not have an associated commitment to support the achievement of these outcomes. New commitments have been drafted for these outcomes (see Table 2), and it is recommended that the Corporate Plan 2018-2023 be updated to include these commitments.

Table 2 – New proposed commitments

| Section | New commitment | Reason |
|-------------|--|---|
| Outcome 8.1 | Implement Council's Information Management Strategy. | No commitment identified for this outcome |
| Outcome 8.5 | Continue to provide opportunities for the community to actively and meaningfully participate in Council's decision making. | No commitment identified for this outcome |

Other proposed minor administrative changes include amending grammatical errors, updating photos and noting the Library Services Strategy 2017-2022 in Appendix 3 of the draft plan.

STRATEGIC IMPLICATIONS

Legislative Requirements

The *Local Government Act 2009* requires Council to prepare a five year corporate plan that outlines its strategic direction for each period of five financial years.

Section 165 of the *Local Government Regulation 2012* allows Council to amend the corporate plan at any time. To allow sufficient time for the annual planning and budget process to occur, Council may amend the existing plan for commencement in July 2018, or develop a new plan for commencement in July 2019.

It is proposed that the Corporate Plan 2015–2020 be amended for the 2018-2023 time period to give coverage for the 2020-2021 financial year, and allow the incoming Council to undertake strategic planning and develop a new five year corporate plan.

Risk Management

Developing an entirely new plan prior to the election poses a risk that the strategic direction does not align with that of the incoming Council, which would require another new plan to be developed after the election.

Financial

The cost of amendments and community consultation for the draft Corporate Plan 2018-2023 is minimal and has been accommodated within existing resources and budget. Adoption of the Corporate Plan 2018-2023 will result in printing costs for the new plan which will be funded by the operating budget in the Corporate Planning and Transformation Unit within the current financial year. Actions to deliver the Corporate Plan are proposed through Council's annual planning and budget process, and will be considered as part of this.

People

The draft Corporate Plan 2018-2023 will explicitly identify Council's strategic priorities for Council employees, and will provide a head of power for the 2018/2019 operational planning and budget process.

Environmental

There are no environmental implications.

Social

Updating the Corporate Plan allows Council to redefine its strategic priorities and commitments to the community in a transparent manner. The process provided the community the opportunity to consider and provide submission on the draft plan.

Alignment with Council's Policy and Plans

The updated Corporate Plan 2018-2023 retains the eight vision outcomes from the Redlands 2030 Community Plan, and most existing commitments and performance indicators from the Corporate Plan 2015-2020. The Corporate Plan 2018-2023 also include new commitments to reflect Council's strategic priorities.

CONSULTATION

Consultation has occurred with:

- Redlands local and the wider community
- Councillors
- Executive Leadership Team
- Senior Management Team
- Former Department of Infrastructure, Local Government and Planning
- City Planning and Assessment Group
- Corporate Planning & Transformation Team

OPTIONS

Option One

That Council resolves to:

1. Note the community engagement submissions, and endorse officers recommendations in this report; and
2. Adopt the attached Corporate Plan 2018 – 2023 to commence on 1 July 2018.

Option Two

That Council resolves to develop an entirely new Corporate Plan in 2018 for commencement in July 2019.

**OFFICER'S RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr P Bishop

Seconded by: Cr P Mitchell

That Council resolves to:

1. Note community engagement submissions, and endorse officers recommendations in this report; and
2. Adopt the attached Corporate Plan 2018-2023 to commence on 1 July 2018.

CARRIED 10/0

Crs Mitchell, Gollè, Hewlett, Edwards, Elliott, Huges, Talty, Gleeson, Bishop and Williams voted FOR the motion.

Cr Boglary was not present when the motion was put.



Redland
CITY COUNCIL



Corporate Plan

2018-2023

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MAYOR'S message



Council's Corporate Plan lays the foundations for delivering the services and projects our community needs to prosper.

Since the adoption of the 2015-2020 Corporate Plan we have welcomed new Councillors and as a team we

have adopted a suite of strategic priorities to help Council respond to our community's needs.

Building our Corporate Plan 2018-2023 on the bedrock of these strategic priorities will ensure Council's services reflect the needs of the community who helped set the priorities.

A key priority our community wants us to focus on is transport and the Corporate Plan 2018-2023 will start this journey by delivering a transport strategy that identifies the key infrastructure needed to support our city now and in the future. This will include the transport infrastructure needed from other levels of government, allowing us to lobby for this infrastructure on behalf of the community.

Our community has also told us economic development should be a priority and the term of this Corporate Plan will help deliver this through a focus on key growth areas in health, education and training. Over the next five years we will continue working with the Redlands Economic Development Advisory Board to deliver on these and other opportunities.

Redland City Council, together with Griffith University and Logan City Council, has been funded under the Queensland Government's Advancing Regional Innovation Program to connect local efforts, leverage our regional strengths and lift the capability of our innovative local firms to grow the City's economy.

During the term of this Corporate Plan, Council will also adopt a new City Plan, which will provide a clearer planning framework that supports our growing community while at the same time protecting the unique character of the Redlands.

Building relationships across community and government will help us deliver the services our community expects from us. This includes working with Traditional Owners and key community groups to ensure the Redlands traditional cultures are recognised and celebrated in everything we do.

To deliver this plan, long-term financial sustainability and affordability of the City's commitments will be a prime focus. Despite significant cost increases from other levels of government, Council has maintained a strong financial base underpinned by low debt which can continue to minimise cost-of-living pressures on residents.

The Corporate Plan 2018-2023 is our blueprint for delivering for the community and it has been developed with input from the community to ensure it reflects your needs.

On behalf of all Councillors I would like to thank the community for joining us on this exciting journey and we look forward to delivering on the commitments outlined in this Corporate Plan 2018-2023.

Councillor Karen Williams
Mayor of Redland City

CEO'S message



Since the Corporate Plan 2015-2020 was adopted, the organisation has undergone significant change, with a new Council term commencing and a substantially new Executive Leadership Team now in place.

Working together, the organisation is focused on improving its responsiveness to community needs and providing a more strategic approach to planning for the future.

This Corporate Plan 2018-2023 will see a continued commitment to enhancing the City's liveability and driving sustainable economic development within the context of its enviable natural beauty. It provides clarity on the initiatives and services that the City is working towards over the next five years, with emphasis on the delivery of the Strategic Priorities set by the Council.

Delivering this plan will require a well-planned and prioritised approach to ensure financial sustainability of the City's commitments.

Implementation of a strategic approach to asset management and prioritisation of capital and operational works will drive business efficiencies through better programming and economies of scale. In support of this, Council's investment in business improvement continues to help us to reduce waste in everything we do.

Over the term of this Corporate Plan, Council will continue to work closely with the State Government and the Redland Investment Corporation to progress the Priority Development Areas at Cleveland's Toondah Harbour and Redland Bay's Weinam Creek.

We will also see the commencement of a new City Plan which will offer certainty for residents and the business community, providing for sustainable development

while protecting the lifestyle that residents value. Routine amendment packages will incorporate the outcomes of ongoing studies and new information.

A Smart Cities framework will be developed to ensure our policy, technology and investment decisions contribute to the Redlands being a more productive, accessible, connected and liveable city with the community at its centre. Partnerships across government, business and community will underpin its success in developing a more prosperous and inclusive Redlands.

The development of a clearly definable brand and identity for the City is well advanced, with the aim of stimulating business, creating local jobs, boosting investment and tourism, and enhancing community spirit.

Internally, Council's Safety First Redland agenda continues to develop, with the organisation advancing its safety culture, refining safety systems and demonstrating safety leadership.

As a people-focused organisation, we understand that it is through our employees we produce great results. Our People Strategy is enhancing our ability to attract, retain and develop the best people. We aim to lift the organisation's internal speed through increased investment in leadership development, coaching and mentoring, while our internal vision for excellence within the organisation will be a clear and driving force throughout the business.

This Corporate Plan provides the framework to support the achievement of our goals while maintaining the core principles of excellent customer service and value for money. It is the blueprint through which the organisation will fulfil its pledge to make a difference every day through the work that we do, and the way that we work in line with our core organisational mission and values.

We want our community and those who visit us to see and feel this commitment, and know that this City is both meeting residents' expectations and fulfilling its potential.

Andrew Chesterman
CEO, Redland City Council

Our values

CUSTOMER SERVICE

- We deliver on our commitments and provide excellent customer service.

ONE TEAM

- We co-operate and collaborate within and across teams.
- We support our people to perform at their best.

ACCOUNTABILITY

- We take ownership of our responsibilities.
- We are professional and ethical in all we do.

GROWTH

- We challenge ourselves to deliver better value for money.
- We will be better tomorrow than we are today.

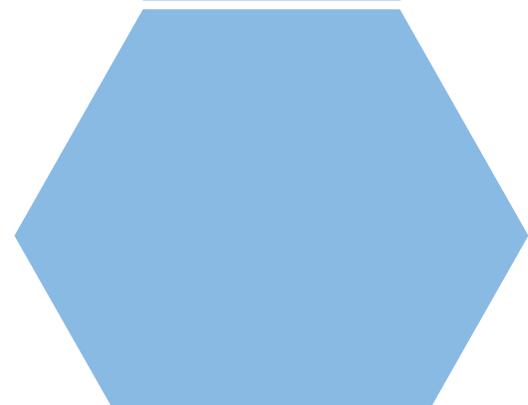
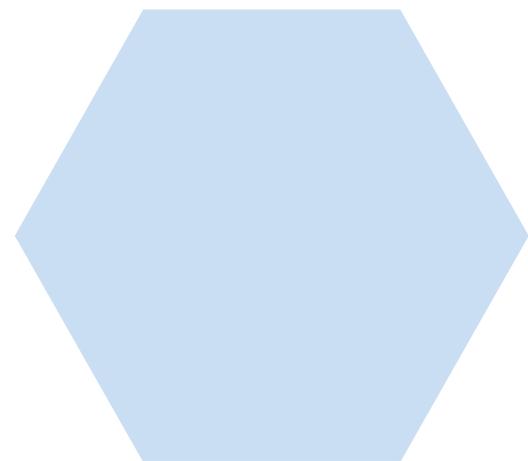
COMMUNICATION

- We are open, honest and constructive in all communications.

Our vision

Forward thinking, engaged and focused on enriching community lifestyles.

Our mission



Strategic planning

PURPOSE

The Corporate Plan 2018-2023 is Council's third plan since the Redlands 2030 Community Plan was adopted in 2010. Like our previous plans this Corporate Plan continues to deliver on the eight key outcomes of the Community Plan, these are:

1. Healthy natural environment
2. Green living
3. Embracing the bay
4. Quandamooka Country
5. Wise planning and design
6. Supportive and vibrant economy
7. Strong and connected communities
8. Inclusive and ethical governance.

This plan was developed following a mid-term review of the Corporate Plan 2015-2020. The review provided an opportunity to reflect on the progress we have made toward achieving our strategic outcomes and to consider which commitments have been delivered. New commitments were able to be included to reflect community feedback and Council's priorities.

This Corporate Plan 2018-2023 builds on the work and directions of our previous plan. It is an updated and refreshed plan that outlines Council's priorities for the next five years.

THE QUADRUPLE BOTTOM LINE

Council remains committed to delivering a Corporate Plan that addresses the four principles of sustainability, known as the 'quadruple bottom line', these are:

- environment
- social/community
- economic
- governance.

We always take into consideration the impacts our decisions have on this quadruple bottom line.

STRATEGIC PLANNING FRAMEWORK

In Queensland the *Local Government Act 2009* requires every local government to produce a corporate plan. The Corporate Plan provides Council with clear direction and helps us to make decisions about directing our resources over the next five years.

The Corporate Plan 2018-2023 is informed by the Redlands 2030 Community Plan, Council's priorities, the Financial Strategy, the Long-Term Asset Management Plan, and our strategies.

Council's Financial Strategy assists Council to set priorities in accordance with our financial resources to ensure that budget decisions are made in a financially sustainable manner.

The Long-Term Asset Management Plan is informed by Council's services and guides our whole of lifecycle asset management to support the City's financial sustainability and service levels.

Actions from our long-term strategies and strategic priorities are delivered through the five-year Corporate Plan to ensure that the projects and services we undertake align with our strategic direction and community expectations.

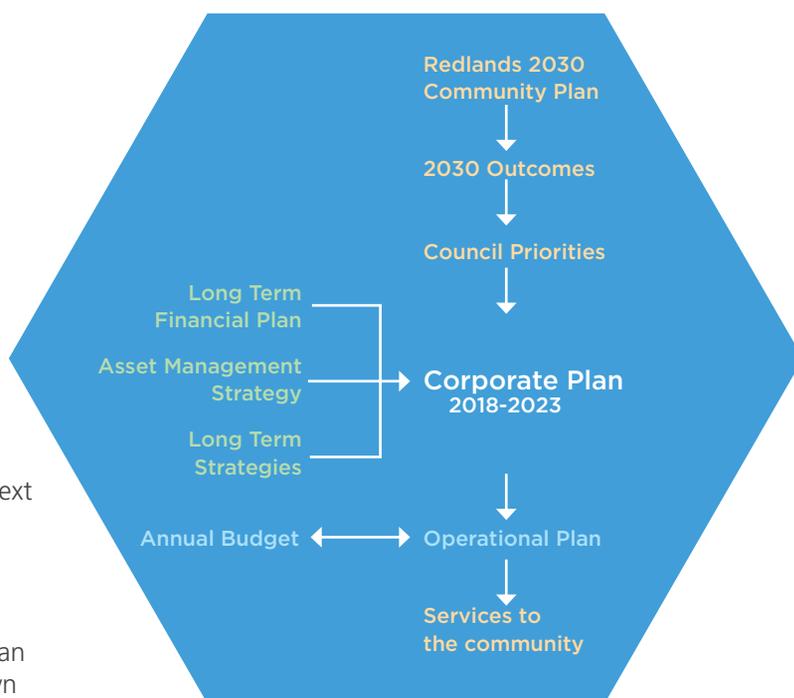


Figure1: Council's Strategic Planning Framework

ANNUAL PLANNING

The Corporate Plan informs our annual operational planning process and budget, and sets the parameters against which we can measure our performance (which we report in our Annual Report).

Each year we review our performance, strategic and operational risks, key financial policies, services and assets. This enables us to identify our specific priorities for the following year. To do this, our Councillors and Executive Leadership Team review key strategic documents, including:

- Corporate Plan 2018-2023
- Financial Strategy
- Long-Term Asset Management Plan
- Risk Registers

This review helps us make decisions about our annual operational plan and our annual budget.

1. Healthy natural environment

A diverse and healthy natural environment, with an abundance of native flora and fauna and rich ecosystems, will thrive through our awareness, commitment and action in caring for the environment.

2023 OUTCOMES

- 1.1 Redland's natural assets including flora, fauna, habitats, biodiversity, ecosystems and waterways are managed, maintained and monitored.
- 1.2 Threatened species are maintained and protected, including the vulnerable koala species.
- 1.3 Community and private landholder stewardship of natural assets increases.
- 1.4 Visitors experience our natural assets through high standard facilities, trails, interpretation and low impact commercial ventures.

PERFORMANCE INDICATORS

- Annual waterways recovery report and rating.
- The number of volunteers and hours spent caring for natural assets.
- Participation in fauna monitoring, protection, rescue and recovery programs.
- The number of enhancement projects completed each year to improve access, safety and comfort for visitors.

OUR COMMITMENT

- Undertake ecological restoration activities on Council-owned and managed lands.
- Deliver education extension programs in land conservation and waterways management.
- Implement programs to reduce sediments and nutrients in waterways.
- Manage critical habitat for threatened species.
- Coordinate community response to wildlife management issues.
- Map the range of experiences available to visitors and encourage the community's use of the City's popular conservation areas.

KEY COUNCIL SERVICE AREAS

- Environment and Education
- Parks and Conservation
- Redland Water
- Engineering and Environment
- Strategic Planning
- Roads, Drainage and Marine
- Health and Environment
- Compliance Services

DID YOU KNOW?

- More than 1,700 native species of plants and animals have been recorded in Redland City.
- Redland City has important populations of urban koalas, with annual urban koala surveys undertaken each year.
- Council's Bushcare and Land for Wildlife programs have been operating for over 20 years.
- Every year, more than 500 volunteers plant around 15,000 trees and other plants including threatened species planting to enhance habitat.
- On average 12,250 plants are provided through all habitat protection programs annually.
- In 2018 the Redlands after-hours Wildlife Ambulance will celebrate 20 years of operation under Redland City Council ownership.
- Redlands IndigiScapes helps the community care for our natural environment through programs including Land for Wildlife, Rural Support, Your Backyard Garden, Waterways Extension, Voluntary Conservation Agreements and Koala Conservation Agreements.



2. Green living

Our green living choices will improve our quality of life and our children's lives, through our sustainable and energy efficient use of resources, transport and infrastructure, and our well informed responses to risks such as climate change.

2023 OUTCOMES

- 2.1 Council's policies and plans support ecologically sustainable development and respond to climate change issues.
- 2.2 Sustainable building design (for example, solar panels and water tanks) is supported through education and advocacy.
- 2.3 Council's waste management plans address current and future needs, and include plans for closed landfills and regional collaboration.
- 2.4 Council and the community actively recycle and reduce waste.
- 2.5 Transport planning reflects a desire to maximise economic, environmental and liveability outcomes through quality road design, public transport, pedestrian and cycling strategies.

PERFORMANCE INDICATORS

- Annual corporate greenhouse gas emissions.
- Number of activities that educate, provide information and advocate sustainable building design for the community.
- Council's resource recovery rate (percentage recycled).
- Kilometres of pedestrian pathways and cycleways.

OUR COMMITMENT

- Take a leadership role in the community and actively reduce Council's emissions and carbon footprint.
- Provide community education to encourage sustainable building design and alternative energy usage.
- Reduce the environmental impacts of Council's waste collection and resource recovery operations.
- Partner with the community in diverting and minimising waste.
- Continue to expand the pedestrian pathway and cycleway network.
- Advocate for improved access to innovative and high quality public transport services.

KEY COUNCIL SERVICE AREAS

- Environment and Education
- RedWaste and Closed Landfill
- Traffic and Transport
- Engineering and Environment
- Strategic Planning
- Infrastructure Planning
- Planning Assessment
- Fleet Services
- Property Services
- Facilities Services

DID YOU KNOW?

- More than 40,000 people visit the Redlands IndigiScapes Centre every year.
- Council manages more than 485 kilometres of footpaths and cycleways.
- Every year, Council officers make more than 65 school visits, educating students about recycling, litter prevention, composting, worm farming and ways to reduce waste.
- In 2017 Council began producing renewable energy from roof top solar, joining the 19,514 households in the Redlands with roof top solar.
- Council has eight waste transfer facilities. Green waste makes up 66% of all materials received at these facilities.



3. Embracing the bay

The benefits of the unique ecosystems, visual beauty, spiritual nourishment and coastal lifestyle provided by the islands, beaches, foreshores and water catchments of Moreton Bay will be valued, protected and celebrated.

2023 OUTCOMES

- 3.1 Council collaborates with partners to understand, nurture and protect Moreton Bay's marine health and values.
- 3.2 Communities on the islands and foreshores enjoy equitable access to development opportunities and community services.
- 3.3 Our community is ready for and adapting to changing coastlines, storm tide and severe weather.
- 3.4 Redland City's residents and visitors can easily access the foreshore and use recreation infrastructure for boating and non-boating activities.
- 3.5 Priority Development Areas support equitable outcomes for island residents, such as access to transport and facilities.

PERFORMANCE INDICATORS

- Annual Healthy Land and Water report card rating.
- Implementation of the Redland City Disaster Management Plan.
- Number of new bay access points for low impact recreational activities.
- Implementation of Priority Development Areas.

OUR COMMITMENT

- Engage in research activities to protect and restore the values of the bay.
- Plan, provide and advocate for essential social infrastructure and appropriate development opportunities for the islands and foreshores.
- Review and finalise Council's Climate and Energy Action Plan.
- Improve access to the bay for environmentally sensitive recreation activities.
- Oversee the management of Redland City's Priority Development Areas.

KEY COUNCIL SERVICE AREAS

- Environment and Education
- Engineering and Environment
- Sport and Facilities
- Redland Water
- RedWaste
- Strategic Planning
- Infrastructure Planning
- Marine Infrastructure
- Traffic and Transport
- Priority Development
- Disaster Planning and Operations

DID YOU KNOW?

- Every year, Council removes around 18 tonnes of rubbish, 216 tonnes of sediment and 45 tonnes of organic material from stormwater drains.
- The Redland City area includes approximately 387km² of Moreton Bay, and 335km of coastline.



4. Quandamooka Country

The rich Aboriginal heritage of the Redlands (Quandamooka) and the Traditional Owners' ongoing custodianship of Quandamooka land and waters will be widely understood and respected, and we will work together for the future of Quandamooka Country.

2023 OUTCOMES

- 4.1 Council's organisational and staff capacity to deliver positive outcomes for Aboriginal communities, including the Quandamooka People, is improved through policy, cultural awareness training and cultural heritage training for elected members and Council staff.
- 4.2 Council's and the community's respect and understanding of the Quandamooka Peoples' relationship with their traditional land and waters continue to improve.
- 4.3 Council continues to support and resource the delivery of commitments under the Indigenous Land Use Agreement (ILUA) with the Quandamooka People.
- 4.4 Council works with the Quandamooka Traditional Owners to help them achieve their goal of establishing North Stradbroke Island (Minjerrabah) as a global eco-cultural tourism destination.

PERFORMANCE INDICATORS

- Attendance at Council's cultural awareness and heritage training.
- Community understanding of the Quandamooka Peoples' relationship with their traditional land and waters.
- Council's progress with implementing the ILUA.

OUR COMMITMENT

- Acknowledge local Aboriginal people by formally recognising traditional owners in Council ceremonies and implementing culturally appropriate meeting protocols.
- Promote traditional knowledge and increase the profile of Aboriginal heritage through cultural tourism, events and communications activities.
- Monitor, liaise and support teams working to implement Council's commitments under the ILUA.
- Engage the traditional owners regarding economic development opportunities through the State Government's North Stradbroke Island Economic Transition Strategy and Redland City Economic Development Framework 2014-2041.

KEY COUNCIL SERVICE AREAS

- Corporate Governance
- Creative Arts
- Strengthening Communities
- Communication, Engagement and Tourism
- Strategic Planning
- Strategic Economic Development

DID YOU KNOW?

- Council is one of the first local governments in Queensland to engage Traditional Owners in helping develop and implement Aboriginal cultural heritage training for key staff.
- Council provides sponsorship and support for the annual Quandamooka Festival which receives state wide television, radio and print media coverage. In 2017 sponsorship was extended to include a component of the Quandamooka Festival at Redfest.
- A new Reconciliation Award category was introduced as part of Redland City's Australia Day Awards 2018 to recognise significant achievement by an individual or group actively working on reconciliation between Aboriginal and Torres Strait Islander and non-Indigenous people in the Redlands.
- Council hosted the first community celebration in mainland Australia for the arrival of the GC2018 Commonwealth Games Queen's Baton for GC2018 Commonwealth Games on Minjerrabah (North Stradbroke Island) on 8 January 2018. Aunty Rose Borey was the official baton bearer.



5. Wise planning and design

We will carefully manage population pressures and use land sustainably while advocating and taking steps to determine the limits of growth and carrying capacity on a local and national basis, recognising environmental sensitivities and the distinctive character, heritage and atmosphere of local communities. A well-planned network of urban, rural and bushland areas and responsive infrastructure and transport systems will support strong, healthy communities.

2023 OUTCOMES

- 5.1 Growth and development in the City is sustainably managed through the adoption and implementation of the Redland City Plan and Local Government Infrastructure Plan.
- 5.2 Redland City's character and liveability are enhanced through a program of master planning, place-making and centre improvement strategies, including maximising opportunities through the catalyst Toondah Harbour Priority Development Area and Redlands Health and Wellbeing Precinct projects to build a strong and connected Cleveland.
- 5.3 An effective and efficient development assessment process delivers quality development that is consistent with legislation, best practice and community expectations.
- 5.4 Regional collaboration and targeted advocacy drives external funding for key infrastructure upgrades and enhanced community outcomes.

PERFORMANCE INDICATORS

- Implementation of the Redland City Plan and Local Government Infrastructure Plan (and subsequent twice-year reviews).
- Development is consistent with legislation, best practice and community expectations, guided by relevant plans and strategies.
- Council meets or improves on Integrated Development Assessment System timeframes.
- Levels of participation in regional collaboration and advisory groups.

OUR COMMITMENT

- Develop and implement a transport strategy for Redland City.
- Implement the new Redland City Plan including the new Local Government Infrastructure Plan.
- Continue Council's ongoing program of centre activity planning, place-making and centre improvement strategies and undertake integrated master planning of Cleveland centre, including Cleveland central business district, Toondah Harbour Priority Development Area, Redlands Health and Wellbeing Precinct and employment precincts.
- Review and simplify assessment processes to reduce development transaction times and costs.
- Collaborate regionally on growth management, including land use, transport and infrastructure planning, costing and delivery.

KEY COUNCIL SERVICE AREAS

- Planning Assessment
- Engineering and Environment
- Infrastructure Planning
- Building and Plumbing
- Strategic Planning
- Priority Development
- Strategic Economic Development
- Redland Water
- Development Control
- Project Planning and Programming
- Project Delivery Group
- Public Place Projects

DID YOU KNOW?

- Redland City's population is expected to increase by 36,000 people between 2016 and 2041.
- The SEQ Regional Plan requires Council to provide an additional 17,200 dwellings between 2016 and 2041. Over the same time Council aims to support an additional 22,000 employment opportunities.



6. Supportive and vibrant economy

Businesses will thrive and jobs will grow from opportunities generated by low impact industries, cultural and outdoor lifestyle activities, ecotourism and quality educational experiences.

2023 OUTCOMES

- 6.1 Council supports infrastructure that encourages business and tourism growth.
- 6.2 Redland City delivers events, activities and performances that bring economic and social benefits to the community.
- 6.3 Council's involvement in the State Government's North Stradbroke Island Economic Transition Committee supports and aligns with Council's strategic objectives, which help deliver long-term economic sustainability for North Stradbroke Island (Minjerribah).
- 6.4 Council receives a return on the community's investment in land to enhance economic and community outcomes.
- 6.5 Growth in key sectors identified in Council's Economic Development Framework is supported through the development and implementation of action plans by the Industry Economic Development Advisory Board.
- 6.6 Development will be facilitated specifically in the Toondah Harbour Priority Development Area (PDA) and the Weinam Creek PDA with a focus on economic growth.

PERFORMANCE INDICATORS

- Successful implementation of the Redland City Economic Development Framework 2014-2041. Monitor growth targets: Population growth, Gross Regional Product Growth, Job Growth and Tourism Growth.
- Number of sites developed by Redland Investment Corporation for commercial and community benefits.
- Support negotiations with stakeholders on environment and development approvals for PDAs.
- Finalise the development Program for Weinam Creek PDA.

OUR COMMITMENT

- Implement the Redland City Tourism Strategy and Action Plan 2015-2020.
- Implement the Redland City Events Strategy and Action Plan 2017-2022.
- Continue to work with Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC), local business groups and relevant government agencies to deliver on priority issues.
- Identify opportunities to partner with the private sector to develop and commercialise sites and provide community infrastructure.
- Continue to support the Redlands Economic Development Advisory Board.
- Continue to work with Economic Development Queensland and stakeholders to achieve environment and planning approvals and develop opportunities including mixed-use, medium residential, tourism and retail-based development, ferry terminals, marina, water transport services and improved public space.
- Identify and implement a new destination brand for the City that supports tourism, economic growth and city pride.
- Continue to develop and implement action plans identified in the Redland City Economic Development Framework 2014-2041.
- Develop and implement a Smart Cities framework to promote innovation and connectivity in Redland City.

KEY COUNCIL SERVICE AREAS

- Strategic Economic Development
- Communication, Engagement and Tourism
- Strategic Planning
- Infrastructure Planning
- Creative Arts
- Strengthening Communities
- Priority Development
- Redland Investment Corporation

DID YOU KNOW?

- Since July 2015 more than 130,000 people have attended 426 events at the Redland Performing Arts Centre.
- Council assists businesses with general enquiries, business development workshops, networking opportunities and provides a conduit into Government agencies for funding and business support assistance.



7. Strong and connected communities

Our health, wellbeing and strong community spirit will be supported by a full range of services, programs, organisations and facilities, and our values of caring and respect will extend to people of all ages, cultures, abilities and needs.

2023 OUTCOMES

- 7.1 Festivals, events and activities bring together and support greater connectivity between cross-sections of the community.
- 7.2 Council maximises community benefit from the use of its parklands and facilities by improving access to, and the quality and shared use of, public spaces and facilities by groups for sporting, recreational and community activities.
- 7.3 Council's assessment of community issues and needs provides timely opportunities to pursue grants and partnerships that realise long-term benefits.
- 7.4 Council supports volunteerism and participation in civic projects through clear and supportive Council processes to reduce red-tape, and engage and recruit volunteers for Council projects.
- 7.5 The community's preparedness for disasters is improved through community education, training and strong partnerships between Council and other agencies.

PERFORMANCE INDICATORS

- Number of community activities delivered.
- Number of community groups with leases/permits for Council facilities.
- Number of volunteers and hours donated towards Council projects.
- Implementation of Redland City Disaster Management Plan.
- Amount of land that is available for sport to meet current and future needs.

OUR COMMITMENT

- Support community groups, including the arts, cultural, sport and recreation groups, through advocacy and by helping them to identify and secure funding streams and develop skills including networking, governance, engaging volunteers and business management.
- Develop a volunteering policy, corporate process and guidelines to better support volunteers.
- Continue to foster community resilience and coordinate the community's response to disaster events.
- Undertake planning for sports land and facilities to meet future growth needs of the City.
- Continue to implement an ongoing arts program that recognises, displays and develops cultural diversity in the Redlands.

KEY COUNCIL SERVICE AREAS

- Strengthening Communities
- Sport and Facilities
- City Spaces Policy and Strategy
- Disaster Planning and Operations
- Creative Arts
- Library Services
- Communication, Engagement and Tourism
- Health and Environment
- Redland Investment Corporation
- Compliance Services

DID YOU KNOW?

- Redland Art Gallery welcomed more than 45,000 visitors in 2017 and offered over 110 shows, workshops and events for the community and visitors to the Redlands. Celebrating its 15th birthday in 2018 the gallery program has increased by 112% since 2014.
- In 2017, Council provided more than \$312,000 in grant funding to 36 community organisations and groups as well as over \$160,000 sponsorship funding to deliver 25 community events.
- In 2017, Council's eight libraries (mainland, island and mobile) were accessed 600,900 times in person, and 166,659 times online.
- Council delivered Australia's first online suburb-by-suburb Local Disaster Management 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.

2023 OUTCOMES

- 8.1 Council's Information Management Strategy and technology systems are engineered to increase efficiency and provide excellent customer service outcomes.
- 8.2 Council produces and delivers against sustainable financial forecasts as a result of best practice Capital and Asset Management Plans that guide project planning and service delivery across the city.
- 8.3 Implementation of the Corporate Plan is well coordinated across Council and through a delivery mechanism that provides clear line of sight, accountability and performance measurement for all employees.
- 8.4 A continuous improvement focus underpins the organisation, creating a supportive environment for ideas and positive, well-managed change that enhances internal and external outcomes.
- 8.5 Council uses meaningful tools to engage with the community on diverse issues so that the community is well informed and can contribute to decision making.

PERFORMANCE INDICATORS

- Financial Strategy key performance indicators including measures of sustainability.
- Effective implementation and performance reporting on the Corporate Plan.
- All Council employees have clear, achievable goals aligned to corporate objectives and managed via the MyGoals Performance Framework.
- Community satisfaction with engagement activities.
- Monitor and govern asset management maturity and capacity.
- Strategic alignment and delivery of Council's project portfolio.

OUR COMMITMENT

- Continue to strengthen our asset and service management to ensure the efficient and effective delivery of value to our community.
- Implement, monitor and report on progress of the Corporate Plan.
- Support employees by providing clear direction and extensive training, including the use of new technology.
- Ensure Council's portfolio of projects is prioritised and managed to deliver strategic objectives whilst maintaining financial sustainability.
- Continue to provide opportunities for the community to actively and meaningfully participate in Council's decision making.
- Implement Council's Information Management Strategy.

KEY COUNCIL SERVICE AREAS

- Information Management
- Corporate Governance
- Internal Audit
- Business Transformation
- Project Management Office
- Communication, Engagement and Tourism
- Integrated Customer Contact Centre
- Human Resources
- General Counsel
- Financial Services
- Executive Office

DID YOU KNOW?

- Redland City Council employs approximately 1000 people.
- In 2017 the Integrated Customer Contact Centre provided face to face customer service to over 34,000 customers, answered 116,539 customer calls, with over 88% of calls being answered within 20 seconds and 96% achieved resolution at the first point of contact.
- In 2017 Customer Services responded to 17,754 customers through My Services and online services, as well as the management of 44,141 customer emails through Council's Corporate Mailbox.
- Council has over 30,000 followers across social media platforms including Facebook, Twitter, Instagram and LinkedIn.
- Social media is used to promote Council's services, events and community engagement, and is also an important customer service channel.
- Council has a reputation for excellence in the use of social media in disasters, and is recognised as one of Australia's Top 5 Government Agencies for social media (Source Digital Honey, July 2017).



Elected members



Mayor
Cr Karen Williams



Div 1
Cr Wendy Boglary



Div 2
Cr Peter Mitchell



Div 3
Cr Paul Gollé



Div 4
Cr Lance Hewlett



Div 5
Cr Mark Edwards



Div 6
Cr Julie Talty



Div 7
Cr Murray Elliott



Div 8
Cr Tracey Hugues



Div 9
Cr Paul Gleeson



Div 10
Cr Paul Bishop

Executive Leadership Team



Appendices

Appendix 1 Redland Water/Appendix 2 RedWaste

Commercial Business Units

In accordance with the Local Government Regulation 2012 Section 166 c (i) and (ii), Council's Corporate Plan is required to contain the following information in relation to its commercial business units:

- an outline of the objectives of the commercial business unit
- an outline of the nature and extent of the significant business activity the commercial business unit will conduct.

Appendix 1

COMMERCIAL BUSINESS UNIT - REDLAND WATER

Objectives

Redland Water's primary objective is to provide safe drinking water and wastewater collection, treatment, reuse and disposal while:

1. meeting Redland Water Customer Service Standards and the Customer Water and Wastewater code
2. protecting the health and safety of its workers and the community
3. preventing adverse impacts on the natural environment and the community.

Significant business activity

Redland Water provides the following services to achieve its primary objectives:

- provide a continuous supply of clean drinking water at an adequate pressure and flow rate for household and business needs
- collect, treat and dispose of wastewater in accordance with our environmental obligations
- plan, construct and maintain infrastructure and assets.

Appendix 2

COMMERCIAL BUSINESS UNIT - REDWASTE

Objectives

The primary objective of RedWaste, Council's waste management unit, is to responsibly manage, collect and dispose of waste generated within the city through Council's kerbside collection service, and operation and maintenance of transfer stations. RedWaste delivers on Council's waste strategy targets for waste reduction, resource recovery and waste education while:

1. reducing waste and increasing resource recovery as per Council's Waste Reduction and Recycling Plan 2015-2020
2. protecting the health and safety of its workers and the community
3. preventing adverse impacts on the natural environment and the community.

Significant business activity

RedWaste provides the following services to achieve its primary objectives:

- cost-effective and environmentally responsible waste management services
- ensuring compliance with all appropriate standards and procedures for the storage, transport, treatment and disposal of contract solid wastes
- ensuring community access to information relating to reducing waste and increasing resource recovery.



Appendix 3 Council's Key Strategies and Plans

The following Redland City Council documents support the delivery of Council's strategic outcomes. Council's policies, strategies and plans are regularly reviewed and updated. Copies of all of Council's key documents are available on the Redland City Council website.

HEALTHY NATURAL ENVIRONMENT

- Conservation Land Management Strategy 2010
- Reaching for Waterway Recovery 2012-2030
- Koala Conservation Strategy 2016
- Redlands Koala Conservation Action Plan 2016-2021

GREEN LIVING

- Confronting our Climate Future 2030
- Trade Waste Management Plan 2017
- Redland City Waste Reduction and Recycling Plan 2015-2020
- Redland City Plan
- Redlands Cycling and Pedestrian Strategy 2004

EMBRACING THE BAY

- Coastal Adaptation Strategy (Phase 1)
- Conservation Land Management Strategy 2010-2020
- Redland Open Space Strategy 2026
- Waterway Recovery Strategy and Action Plan 2013-2018
- Redland City Plan
- Redland City Disaster Management Plan

QUANDAMOOKA COUNTRY

- Indigenous Land Use Agreement between the Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC) and Redland City Council
- Redland City Economic Development Framework 2014-2041
- Quandamooka Aboriginal Community Plan 2016

WISE PLANNING AND DESIGN

- Redlands Housing Strategy 2011-2031
- Redland Open Space Strategy 2026
- Redland City Plan
- Local Government Infrastructure Plan
- Toondah Harbour Priority Development Area Planning Scheme May 2014

SUPPORTIVE AND VIBRANT ECONOMY

- Redland City Economic Development Framework 2014-2041
- Redland City Tourism Strategy and Action Plan 2015-2020
- Redland City Events Strategy and Action Plan 2017-2022
- Redland City Plan
- Toondah Harbour Priority Development Area Planning Scheme May 2014
- Weinam Creek Priority Development Area Planning Scheme May 2014

STRONG AND CONNECTED COMMUNITIES

- Redlands Youth Strategy 2015-2020
- Redland Community Physical Activity Strategy 2011
- Redland Open Space Strategy 2012-2026
- Seven C's Connection Strategy
- Redland City Disaster Management Plan 2016
- Our City Our Culture 2008-2018
- Library Services Strategy 2017-2022

INCLUSIVE AND ETHICAL GOVERNANCE

- Redlands 2030 Community Plan
- Financial Strategy 2018-2028
- Long-Term Asset Management Plan 2015
- People Strategy 2017-2020
- Information Management Strategic Plan 2016-2019





11.2.3 LOCAL LAW AMENDMENTS – COMMUNITY CONSULTATION PLAN

Objective Reference: A2983757
Reports and Attachments (Archives)

Attachments:

1. [Draft Local Law 1 \(Administration\)](#)
2. [Draft Subordinate Local Law 1.2 \(Commercial Use of Local Government Controlled Areas or Roads\)](#)
3. [Draft Subordinate Local Law 1.8 \(Operation of Accommodation Parks\)](#)
4. [Draft Subordinate Local Law 1.10 \(Operation of Public Swimming Pools\)](#)
5. [Draft Subordinate Local Law 1.12 \(Operation of Temporary Entertainment Events\)](#)
6. [Draft Subordinate Local Law 1.5 \(Keeping of Animals\)](#)
7. [Draft Local Law 2 \(Animal Management\)](#)
8. [Draft Subordinate Local Law 2 \(Animal Management\)](#)
9. [Draft Local Law 3 \(Community and Environmental Management\)](#)
10. [Draft Subordinate Local Law 4 \(Local Government Controlled Areas Facilities and Roads\)](#)
11. [Draft Subordinate Local Law 5 \(Parking\)](#)
12. [Draft Subordinate Local Law 1.19 \(Placement of Shipping Containers, Railway Carriages and other Objects on Land\)](#)

Authorising Officer: John Oberhardt
General Manager Organisational Services

Responsible Officer: Glynn Henderson
Group Manager Corporate Governance

Report Author: Cherie Parkyn
Corporate Governance and Policy Officer (Acting)

PURPOSE

The purpose of this report is to present the draft local law amendments and community consultation plan for Council to consider and approve, prior to the community consultation period commencing.

BACKGROUND

On 4 October 2017 and 7 March 2018 Council resolved to proceed with making various amendments to local laws and subordinate local laws.

ISSUES

Amendments to the following Local Laws and Subordinate Local Laws have been drafted in accordance with Council's adopted Local Law Making Process and the *Local Government Act 2009*. The amendments vary from basic administrative improvements to changes in operational processes:

Local Law No. 2 (Animal Management) 2015

- to include a provision for an exemption for cats wearing a registration tag;
- to amend formatting of section 55 to renumber subsections (u) and (v) to (a) and (b);
- to update the criteria to restrict viewing to an individual's personal information when viewing the register of impounded animals.

Subordinate Local Law 1.5 (Keeping of Animals) 2015

- to include a provision for a four dog permit with criteria specifying land size required to be >6000m² and outside of the urban footprint;
- to remove the requirement for a third animal permit requiring approval from adjoining land owners;
- to remove the criteria requiring compassionate grounds for a third animal permit;
- to define the criteria for an enclosure.

Subordinate Local Law No. 2 (Animal Management)

- to specify that a fence is to be a physical barrier;
- to amend the minimum distance requirements for an enclosure to a boundary fence specify 'or' rather than 'and';
- to remove the criteria for an enclosure specific for a third cat enclosure;
- to amend for an administrative update to replace *Apiaries Act 1982* with *Biosecurity Act 2014*;
- to correct an administrative error to remove reference to geese or turkey in Schedule 2, item 9 (d)(ii).

Local Law 3 (Community and Environmental Management) 2015

- to allow for regulation of people removing shopping trolleys from retail precincts and retailers;
- to amend the criteria for native bird feeding;
- to remove the reference to *Land Protection (Pest and Stock Route Management Act) 2002* and replace with *Biosecurity Act 2014*;
- to include the power for an authorised officer to seize or impound unsightly objects, material or vegetation on overgrown or unsightly allotments.

Local Law 1 (Administration) 2015

- to provide power to remove a structure such as a shipping container, railway carriage, other objects etc where no action is taken following enforcement.

Subordinate Local Law 4 (Local Government Controlled Areas, Facilities and Roads) 2015

- to allow fishing from bridges and culverts in Redland City unless authorised signage prohibits it.

Subordinate Local Law 5 (Parking) 2015

- to add new regulated parking areas:
 - 2F(iv) - Wharf Street off-street car park;
 - 2G - William Street off-street car park;
 - 4A (ii) - East Coast Road off-street car park;
 - 4C (i) - Junner Street, Cunningham Street, off-street car park;
 - 4C (ii) - Junner Street, Bayly Street off-street car park;
 - 5A (iv) - Weinam Creek Spoil Pond off-street car park;
 - 6B (i) – Alice Street – Esplanade off-street car and boat trailer park;
 - 6B (ii) – Esplanade off-street car park;
 - 7A (ii) - Colburn Avenue off-street car park.
- to replace all current maps of regulated parking areas with a higher resolution image;
- to amend map 5B: Weinam Creek overflow off-street car park, extending the regulated area to cover the entire car park.

Subordinate Local Law 1.19 (Placement of Shipping Containers, Railway Carriages and Other Objects on Land) 2018

- to regulate placement of shipping containers, railway carriages and other object where not defined as a building or structure under the *Building Act 1975*.

Subordinate Local Law 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015

- to allow footpath dining approvals to be transferrable to align with other local laws and Food Business Licences.

Subordinate Local Law 1.8 (Operation of Accommodation Parks) 2015

- to remove the restriction of the one year term of approval for accommodation parks for operational efficiencies in the administration of these licences.

Subordinate Local Law 1.10 (Operation of Public Swimming Pools) 2015

- to remove the restriction of the one year term of approval for public swimming pools for operational efficiencies in the administration of these licences.

Subordinate Local Law 1.12 (Operation of Temporary Entertainment Events) 2015

- to provide clarification that a maximum number of 500 people applies to the entire duration of the event and to remove the reference to the RSPCA guideline (as RSPCA has no such guideline in relation to this).

Copies of the draft amended local laws are attached.

In accordance with Council's adopted local law making process, the next step is to carry out consultation with the community on the proposed Local Law amendments.

This process specifies that where an amendment to an existing local law is to make an insubstantial change the local government may decide to not consult with the community.

It is recommended the following amendments be excluded from the community consultation on the basis that these changes are minor or administrative in nature and seeking feedback from the community would not be of any benefit and may detract from community input on the remainder of the amendments:

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

Community Consultation:

It is proposed that community consultation on the draft local law amendments for the following amendments is conducted for a period of 21 days commencing on 23 May 2018 and concluding on 13 June 2018:

- Subordinate Local Law 1.5 (Keeping of Animals) 2015;
- Local Law 2 (Animal Management) 2015;
- Subordinate Local Law 2 (Animal Management) 2015;
- Local Law 3 (Community and Environmental Management) 2015;
- Subordinate Local Law 4 (Local Government Controlled Areas, Facilities and Roads) 2015;
- Subordinate Local Law 5 (Parking) 2015;
- Subordinate Local Law 1.19 (Placement of Shipping Containers, Railway Carriages and Other Objects on Land) 2018;
- Local Law 1 (Administration) 2015.

The consultation will include:

- Public notice in Redland City Bulletin;
- Redland City Council website communication and online submission form;
- Display of the public notice in Council's Customer Service Centres and copy of the draft local laws available for review or purchase from Customer Service Centres;
- Printable submission forms for Customer Service Centres.

Anti-competitive Provisions

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

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

The review found there are no anti-competitive provisions within the local laws which are not the subject of an exception or which would result in a significant impact requiring a comprehensive review of the local law to be conducted.

It was noted that the proposed provisions in Local Law 3 requiring retailers to brand shopping trolleys and take reasonable measures to keep shopping trolleys within the shopping centre precinct may have an impact on businesses providing wheeled shopping trolleys for customer use. However, the impact is considered low and not significant; therefore no further review or consultation is required. Council is required to record that the law contains anti-competitive provisions in the minutes of the meeting when the local law is adopted.

Cultural Heritage

The *Aboriginal Cultural Heritage Act 2003* regulates the effective recognition, protection and conservation of Aboriginal cultural heritage. The Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC) is the registered cultural heritage body for the area covered by the Quandamooka Coast Claim. It is recommended that Council engage in consultation with QYAC through the community consultation process to provide the opportunity to consider the impacts on Aboriginal cultural heritage.

STRATEGIC IMPLICATIONS

Legislative Requirements

The *Local Government Act 2009* details prescriptive provisions that local governments are required to adhere to in the process of making, recording and reviewing local laws.

The amended local laws have been drafted in accordance with the requirements of the *Legislative Standards Act 1992*. Council's drafting lawyers have reviewed drafts to ensure compliance with this legislative requirement.

After the community consultation period the local laws will undergo a process of State interest checks where required.

Financial

The community consultation process recommended will be within the existing operational budget.

People

Community consultation process of local law amendments will be absorbed by current resourcing.

Environmental

No environmental implications noted.

Social

The community consultation for these local law amendments aims to ensure an equitable and transparent process, with opportunity for the community to voice their support, concerns or suggestions regarding the proposed amendments.

Alignment with Council's Policy and Plans

The process for making the proposed laws and the associated recommendations of this report are in accordance with Council's adopted process 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 drafting the above local laws consultation has occurred with:

- Gadens Lawyers
- Governance Service Manager
- Compliance Service Manager
- Health and Environment Service Manager
- Development Control Service Manager
- Senior Engineer Traffic and Transport

OPTIONS

Option One

That Council resolves to:

1. Consult with the community for at least 21 days (the consultation period) about:

- a) Subordinate Local Law 1.5 (Keeping of Animals) 2015;
- b) Local Law 2 (Animal Management) 2015;
- c) Subordinate Local Law 2 (Animal Management) 2015;
- d) Local Law 3 (Community and Environmental Management) 2015;
- e) Subordinate Local Law 4 (Local Government Controlled Areas, Facilities and Roads) 2015;
- f) Subordinate Local Law 5 (Parking) 2015;
- g) Subordinate Local Law 1.19 (Placement of Shipping Containers, Railway Carriages and Other Objects on Land) 2018;
- h) Local Law 1 (Administration) 2015

by:

- (i) publishing a notice (a consultation notice) about the proposed amendments at least once in a newspaper circulating generally in the local government area;
- (ii) displaying the consultation notice in a conspicuous place at Customer Service Centres from the first day of the consultation period until the end of the last day of the consultation period;

-
- (iii) making particulars of the proposed amendments available for inspection at the Customer Service Centres from the first day of the consultation period until the end of the last day of the consultation period; and
 - (iv) making particulars of the proposed amendments available on Councils website from the first day of the consultation period until the end of the last day of the consultation period with an online submission form available.
2. Accept and consider every submission properly made to Council about the following local laws:
- a) Subordinate Local Law 1.5 (Keeping of Animals) 2015;
 - b) Local Law 2 (Animal Management) 2015;
 - c) Subordinate Local Law 2 (Animal Management) 2015;
 - d) Local Law 3 (Community and Environmental Management) 2015;
 - e) Subordinate Local Law 4 (Local Government Controlled Areas, Facilities and Roads) 2015;
 - f) Subordinate Local Law 5 (Parking) 2015;
 - g) Subordinate Local Law 1.19 (Placement of Shipping Containers, Railway Carriages and Other Objects on Land) 2018;
 - h) Local Law 1 and Subordinate Local Law 1.3 Temporary Homes.

Option Two

That Council resolves to not continue with the local law making process.

OFFICER'S RECOMMENDATION

That Council resolves to:

1. Consult with the community for at least 21 days (the consultation period) about:
- a) Subordinate Local Law 1.5 (Keeping of Animals) 2015;
 - b) Local Law 2 (Animal Management) 2015;
 - c) Subordinate Local Law 2 (Animal Management) 2015;
 - d) Local Law 3 (Community and Environmental Management) 2015;
 - e) Subordinate Local Law 4 (Local Government Controlled Areas, Facilities and Roads) 2015;
 - f) Subordinate Local Law 5 (Parking) 2015;
 - g) Subordinate Local Law 1.19 (Placement of Shipping Containers, Railway Carriages and Other Objects on Land) 2018;
 - h) Local Law 1 (Administration) 2015
- by:
- (i) publishing a notice (a consultation notice) about the proposed amendments at least once in a newspaper circulating generally in the local government area;
 - (ii) displaying the consultation notice in a conspicuous place at Customer Service Centres from the first day of the consultation period until the end of the last day of the consultation period;

- (iii) making particulars of the proposed amendments available for inspection at the Customer Service Centres from the first day of the consultation period until the end of the last day of the consultation period; and
 - (iv) making particulars of the proposed amendments available on Councils website from the first day of the consultation period until the end of the last day of the consultation period with an online submission form available.
2. Accept and consider every submission properly made to Council about the following local laws:
- a) Subordinate Local Law 1.5 (Keeping of Animals) 2015;
 - b) Local Law 2 (Animal Management) 2015;
 - c) Subordinate Local Law 2 (Animal Management) 2015;
 - d) Local Law 3 (Community and Environmental Management) 2015;
 - e) Subordinate Local Law 4 (Local Government Controlled Areas, Facilities and Roads) 2015;
 - f) Subordinate Local Law 5 (Parking) 2015;
 - g) Subordinate Local Law 1.19 (Placement of Shipping Containers, Railway Carriages and Other Objects on Land) 2018;
 - h) Local Law 1 and Subordinate Local Law 1.3 Temporary Homes.

COUNCIL RESOLUTION

Moved by: Cr M Elliott
Seconded by: Cr M Edwards

That Council resolves to:

1. **Consult with the community for at least 21 days (the consultation period) about:**
- i) Subordinate Local Law 1.5 (Keeping of Animals) 2015;**
 - j) Local Law 2 (Animal Management) 2015;**
 - k) Subordinate Local Law 2 (Animal Management) 2015;**
 - l) Local Law 3 (Community and Environmental Management) 2015;**
 - m) Subordinate Local Law 4 (Local Government Controlled Areas, Facilities and Roads) 2015;**
 - n) Subordinate Local Law 5 (Parking) 2015;**
 - o) Subordinate Local Law 1.19 (Placement of Shipping Containers, Railway Carriages and Other Objects on Land) 2018;**
 - p) Local Law 1 (Administration) 2015**
- by:**
- (i) publishing a notice (a consultation notice) about the proposed amendments at least once in a newspaper circulating generally in the local government area;**
 - (ii) displaying the consultation notice in a conspicuous place at Customer Service Centres from the first day of the consultation period until the end of the last day of the consultation period;**

- (iii) making particulars of the proposed amendments available for inspection at the Customer Service Centres from the first day of the consultation period until the end of the last day of the consultation period; and
 - (iv) making particulars of the proposed amendments available on Councils website from the first day of the consultation period until the end of the last day of the consultation period with an online submission form available.
- 2. Accept and consider every submission properly made to Council about the following local laws:
 - i) Subordinate Local Law 1.5 (Keeping of Animals) 2015;
 - j) Local Law 2 (Animal Management) 2015;
 - k) Subordinate Local Law 2 (Animal Management) 2015 and note the Koala Area Maps 2A and 2L referenced in the Meeting Agenda to be replaced with the current adopted version of the Maps 2A and 2L before starting public consultation;
 - l) Local Law 3 (Community and Environmental Management) 2015;
 - m) Subordinate Local Law 4 (Local Government Controlled Areas, Facilities and Roads) 2015;
 - n) Subordinate Local Law 5 (Parking) 2015;
 - o) Subordinate Local Law 1.19 (Placement of Shipping Containers, Railway Carriages and Other Objects on Land) 2018;
 - p) Local Law 1 and Subordinate Local Law 1.3 Temporary Homes.

CARRIED 9/2

Crs Boglary, Mitchell, Gollè, Hewlett, Edwards, Elliott, Huges, Bishop and Williams voted FOR the motion.

Crs Talty and Gleeson voted AGAINST the motion.



Redland
CITY COUNCIL

Redland City Council

Local Law No. 1 (Administration) 2015



Redland City Council

Local Law No. 1 (Administration) 2015

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Part 1 Preliminary

1 Short title

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

2 Purposes and how they are to be achieved

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

3 Definitions—the dictionary

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

4 Relationship with other laws¹

This local law—

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

Part 2 Approvals for prescribed activities

5 Meaning of *prescribed activity*

Prescribed activity means—

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

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

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

6 Offence to undertake local law prescribed activity without approval

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

Examples—

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

- (4) In this section—

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

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

category 3 activity means a prescribed activity that is declared as a category 3 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) 2015*, section 9(1) (Power to require owner of land adjoining road to fence land) and *Local Law No. 3 (Community & Environmental Management) 2015*, section 10(1) (Pest control notices), section 13(2) (Overgrown allotments), section 14(2) (Accumulation of objects and materials on allotments), section 16(2) (Fire hazards), section 19(2) (Community safety hazards).

¹⁴ See also footnote 10.

¹⁵ See also footnote 11.

¹⁶ See also footnote 12.

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

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

30 Failure to give information

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

Maximum penalty—50 penalty units.

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

31 Power to remove, remediate and cost recovery

- (1) This section applies where—
- (a) a structure or other material thing, other than a vehicle, has been brought onto a road in contravention of a local law; or
 - (b) a structure or other material thing has been brought onto a local government controlled area in contravention of a local law; or
 - (c) a structure has been erected or installed in, on, across, under or over a road in contravention of a local law; or
 - (d) damage, alteration or improvement has occurred to a local government controlled area or road in contravention of a local law; or
 - (e) a structure (which shall include a temporary home, a shipping container, railway carriage or other object) or other material thing, has been erected, constructed, installed, positioned, or placed, on land, in contravention of a local law¹⁷.
- (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

¹⁷ See part 4

- (c) to prevent the structure, thing or damage hindering the operation of the local government controlled area or road.
- (4) Where subsection (3) does not apply, an authorised person may exercise a power under subsection (2) if—
 - (a) the—
 - (i) owner, or person in possession, of the structure, thing or improvement has not complied with a compliance notice requiring the owner or person to remove it; or
 - (ii) person responsible for the damage, alteration or improvement has not complied with a compliance notice requiring the person to remediate the damage, alteration or improvement; and
 - (b) the time for making an application for review of the compliance notice under section 22 has expired.
- (5) The local government may recover the cost of action taken under this section as a debt from the person responsible for the activity mentioned in subsection (1).
- (6) In this section—
thing does not include an animal.

32 Stop orders

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

activity.

Part 6 Legal proceedings

33 Defence of reasonable excuse

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

34 General defence for owners or occupiers of land

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

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

35 Joint and several liability

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

36 Rewards

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

Part 7 Miscellaneous

37 Maintenance of good order at meetings

- (1) A person who is not a member of the local government or a local government committee must not obstruct the proper conduct of a meeting of the local government or committee.

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

- (2) If a person (other than a member) obstructs the proper conduct of a meeting of the local government or committee, the chairperson may ask the person to withdraw from the meeting place.
- (3) A person asked to withdraw from a meeting place under subsection (2) must immediately withdraw from the place and remain away until the end of the meeting or for a lesser period fixed by the chairperson.

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

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

38 Fees

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

Example—

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

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

39 Abandoned goods

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

40 Dealing with seized and impounded items

- (1) This section applies where—
 - (a) an authorised person has exercised a power under a local law to seize and impound a structure, thing or goods (an *impounded item*);¹⁸ or

¹⁸ See, for example, section 31 in relation to structures or things brought onto a local government controlled area
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- (b) the local government has impounded an item that has been delivered into its custody pursuant to a local law (also an *impounded item*) and the local law states that this section is to apply.
- (2) However, this section does not apply to—
- (a) an impounded item that is an animal; or¹⁹
- (b) a vehicle if the local government or an authorised person considers on reasonable grounds that the vehicle has been —
- (i) abandoned on a road as described in section 41(1)(a); or
- (ii) left on a road as described in section 41(1)(b)(i)(A); or
- (iii) found on a road as described in section 41(1)(b)(i)(B).
- (3) If the impounded item is perishable, it may be immediately disposed of as the chief executive officer directs and the proceeds applied in accordance with subsection (7).
- (4) If the impounded item has no commercial value or has a value that would not cover the costs of sale of the item, it may be disposed of—as the chief executive officer directs, including by private sale, destruction, restoring or giving away and the proceeds applied in accordance with subsection (7).
- (5) A person may reclaim the impounded item if—
- (a) written application is made to the chief executive officer; and
- (b) proof is produced to the satisfaction of the chief executive officer that the applicant is the owner of the item; and
- (c) the applicant pays the prescribed fee for the impounding of the item.
- (6) At the expiry of 1 month since the date of impounding, the impounded item is forfeited to the local government, which may dispose of the item—
- (a) by sale through—
- (i) public auction or tender, following an advertisement published at least 14 days before the date of the proposed sale; or
- (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*

or road in contravention of a local law and section 39 in relation to abandoned goods.

¹⁹ See *Local Law No.2 (Animal Management) 2015*, part 4, in relation to the seizure of animals. See the *Animal Management (Cats and Dogs) Act 2008* in relation to the seizure of regulated dogs.

Securities Act 2009 (Cwlth)—in payment of the amount owing under the security interest;

- (d) the balance to the owner of the impounded item.
- (8) If no person establishes a valid claim to the amount to which the former owner is entitled under subsection (7)(d) within 1 year of the date of the sale or disposal, the amount becomes the property of the local government.

41 Removal of vehicles from roads

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

the total of the following—

- (A) if the vehicle is removed from a road—the cost of removal of the vehicle from the road; and
- (B) if the vehicle is impounded—the cost of impounding the vehicle; and
- (C) if the vehicle is sold at a public auction— the costs of the sale.

Examples for paragraph (b)—

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

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

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

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

applicant.

- (16) Any person who takes delivery, or obtains possession of or removes or attempts to remove from the detention of the local government a vehicle removed and impounded pursuant to the provisions of subsection (3) except in accordance with the provisions of subsection (15) shall be guilty of an offence.

Maximum penalty—40 penalty units.

- (17) In this section—

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

Part 8 Subordinate local laws

42 Subordinate local laws

The local government may make subordinate local laws about—

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

²⁰ See section 6(3).

²¹ See section 6(4).

²² See section 8(2)(a).

²³ See section 9(1)(d).

²⁴ See section 10(3).

²⁵ See section 12(1).

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

- requirements;²⁷ and
- (i) the term for which an approval for a prescribed activity remains in force;²⁸ and
 - (j) the further term for which an approval for a prescribed activity may be renewed or extended;²⁹ and
 - (k) categories of approvals that are non-transferable;³⁰ and
 - (l) complementary accommodation prescribed as appropriate for accommodation parks; and
 - (m) a State-controlled road to which this local law applies;³¹ and
 - (n) public place activities prescribed as regulated activities on local government controlled areas and roads.³²

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

²⁸ See section 13(a).

²⁹ See section 14(1)(a).

³⁰ See section 15(2).

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

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

Schedule 1 Dictionary

Section 3

accommodation park includes—

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

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

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

authorised person see the Act, schedule 4³³.

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

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

complementary accommodation means each of—

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

compliance notice means a compliance notice given under—

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

day includes—

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

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

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

entertainment includes recreation and amusement.

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

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

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

goods does not include animals.

hazardous see section 41(2).

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

³³ 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).

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

prescribed activity see section 5.

prescribed fee means a cost-recovery fee fixed by the local government, by local law or by resolution, under the Act³⁴.

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

public notice means a notice published in a newspaper circulating in the local

³⁴ See the Act, section 97.

government's area.

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

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

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

review decision see section 23(1).

road means—

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

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

show cause notice see section 18(2).

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

the Act means the *Local Government Act 2009*.

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

vehicle impounding notice see section 41(7).

Schedule 2 Prescribed activities

Section 5

Part 1 Prescribed activities

alteration or improvement to local government controlled areas and roads

commercial use of local government controlled areas and roads

establishment or occupation of a temporary home

installation of advertising devices

keeping of animals

operation of accommodation parks

operation of cemeteries

operation of public swimming pools

operation of temporary entertainment events

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

undertaking regulated activities regarding human remains

undertaking regulated activities on local government controlled areas and roads

Part 2 Definitions of prescribed activities

*alteration or improvement to local government controlled areas and roads*³⁵
means—

- 1 *Alteration or improvement to local government controlled areas and roads*
means—
 - (a) installing, changing, damaging or removing a structure in a local government controlled area or on a road; or
 - (b) planting, clearing or damaging of vegetation in a local government controlled area or on a road.
- 2 *Alteration or improvement to local government controlled areas and roads*
does not include an alteration or improvement—
 - (a) that constitutes development under the *Planning Act*³⁶; or
 - (b) for which a tree clearing permit is required under the *Vegetation*

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

³⁶ See the definition of *Planning Act* in the Act, schedule 4.

Management Act 1999; or

- (c) that involves a network connection; or
- (d) for which written approval of the local government is required under section 75 of the Act.

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

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

establishment or occupation of a temporary home means the erection, construction, installation, positioning or placement of a building, structure or object used or intended for temporary use as a place of residence while a lawfully approved dwelling is being constructed on the property but does not include the establishment or the occupation of 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.³⁸

keeping of animals means the keeping of an animal or animals for which an approval is required under *Local Law No.2 (Animal Management) 2015*.

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

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

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

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

- (a) members of the public or a section of the public; or

³⁷ See footnote 34.

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

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

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

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

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

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

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

undertaking regulated activities on local government controlled areas⁴⁰ and roads means undertaking one of the following activities on a local government controlled area or road—

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

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

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

⁴⁰ See footnote 34.

Certification

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

.....
Chief Executive Officer

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Redland City Council

**Subordinate Local Law No. 1.2
(Commercial Use of Local Government
Controlled Areas and Roads) 2015**



Redland City Council

Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015*.

2 Purpose and how it is to be achieved

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

3 Authorising local law

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

4 Definitions

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

Part 2 Approval for prescribed activity

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

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

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

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 Commercial use of local government controlled areas and roads

Section 5

1. Prescribed activity

Commercial use of local government controlled areas and roads.

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 serving food and drink or for other business purposes—a plan showing the relevant part of the local government controlled area or road.
- (3) If the prescribed activity is to be operated from a site, stall or vehicle—specifications for the site, stall or vehicle which is proposed to be used in the operation of the prescribed activity.
- (4) Details of the name, street address, telephone number, facsimile number and email address of the person responsible for the operation of the prescribed activity.
- (5) A copy of the current registration certificate for each vehicle proposed to be used in the operation of the prescribed activity.
- (6) Details of the operation of the prescribed activity including—
 - (a) if goods or services are to be supplied—the nature of the goods and services to be supplied; and
 - (b) if the goods or services are to be supplied at particular times—the times during which the goods or services will be supplied; and
 - (c) if goods or services are to be supplied—the method of sale of the goods or services; and
 - (d) a copy of each policy of insurance of the applicant which relates to the operation of the prescribed activity; and
 - (e) how the applicant proposes to dispose of waste generated by the operation of the prescribed activity; and
 - (f) if signage is intended to be displayed – details of the signage and how the signage will be secured whilst displayed.

- (7) Subsection (8) applies if—
 - (a) the prescribed activity is to be operated at a place on a local government controlled area or road; and
 - (b) the place abuts, or is adjacent to, land other than a local government controlled area or road; and
 - (c) the operation of the prescribed activity may cause a nuisance, inconvenience or annoyance to the occupier of the land.
- (8) The application must be accompanied by—
 - (a) the written consent of the occupier of the land to the operation of the prescribed activity at the place; or
 - (b) a written statement from the occupier of the land in support of the operation of the prescribed activity at the place.

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 mobile roadside vending or stationary roadside vending—
 - (a) whether the prescribed activity for which the approval is sought is competitive with business activities operated from fixed premises in the local government area; and
 - (b) whether the business activities operated from the fixed premises are sufficient to meet public demand for the goods or services proposed to be sold as part of the operation of the prescribed activity; and
 - (c) whether the grant of the approval will result in substantial competition

between the applicant for the approval and operators of business activities operated from fixed premises in the local government area; and

- (d) whether the goods or services proposed to be sold as part of the operation of the prescribed activity, or similar goods or services, are available for sale from fixed premises near the location 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 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 a nuisance; and
 - (h) if the approval authorises the approval holder to use a specified part of a road for the operation of the activity — pay a specified rental to the local government at specified intervals; and
 - (i) submit the operation of the activity, including any vehicle or premises used in the operation 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) limit the activities authorised by the approval such that the activities may not be operated within a specified radius of—
 - (i) fixed premises which sell or offer for sale, the same or similar goods or services; or
 - (ii) the site of operation of another prescribed activity—
 - (A) the operation of which is authorised by an approval granted by the local government; and
 - (B) at which the same or similar goods or services are sold or offered for sale; and
 - (l) limit the operation 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
 - (m) limit the operation of the prescribed activity so that it does not detrimentally affect the amenity of the neighbourhood in which the prescribed activity is undertaken; and
 - (n) ensure that the operation of the prescribed activity does not create a road safety risk; and
 - (o) ensure that all facilities and equipment used in the operation of the prescribed activity are, at all times, maintained—
 - (i) in good working order and condition; and
 - (ii) in a clean and sanitary condition; and
 - (p) if the approval authorises the operation of a roadside vending activity on a road on specified days—remove the vehicle from the road after the close of business each day unless otherwise specified by the local government.
- (2) If the prescribed activity is mobile roadside vending, the conditions of the approval may also require that the approval holder—

- (a) limit the operation of the activity to—
 - (i) a specified vehicle; or
 - (ii) a number of specified vehicles; and
- (b) if the approval holder is selling or offering for sale, goods, for example, food, or services—not engage in mobile roadside vending on any local government controlled area or road within a specified radius of fixed premises which sell or offer for sale, the same or similar goods or services.
- (c) not—
 - (i) unless authorised by an authorised person—park the vehicle used for the activity for a period longer than is necessary to serve a customer who has hailed down the vehicle; or
 - (ii) amplify, or cause to be made, any noise identifying or otherwise drawing attention to the vehicle, except in accordance with standards laid down under the *Environmental Protection Act 1994*; or
 - (iii) place a sign or device advertising the activity of the approval holder on any local government controlled area or road; and
- (d) keep and maintain the vehicle in a clean, tidy and orderly condition at all times; and
- (e) produce the vehicle for inspection by an authorised person—
 - (i) prior to commencement of the prescribed activity; and
 - (ii) when required by the authorised person; and
- (f) limit the operation of the activity to vehicles having specified characteristics, appropriate for the operation of the activity; and
- (g) only serve customers from the non-traffic or kerbside side of a vehicle used in the operation of the activity; and
- (h) not operate the activity in a manner which is, or may be, a risk to road safety; and
- (i) unless authorised by an authorised person—not permit or allow an animal in or about any vehicle used in the operation of the activity; and
- (j) not discharge trade waste generated by the operation of the activity otherwise than in accordance with an approval under the *Water Supply (Safety and Reliability) Act 2008*; and
- (k) for waste generated by the operation of the activity—
 - (i) only dispose of the waste—

- (A) in a safe and sanitary manner; and
 - (B) in a manner which maintains the vehicle 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) at another location other than a location properly intended for the receipt of the waste.
- (3) If the prescribed activity is footpath dining, the conditions of the approval may also require that the approval holder—
 - (a) limit the operation of the activity to a specified area which is contiguous to, or in the vicinity of, a registered café, restaurant, takeaway food shop or similar premises which are operated by the approval holder (*principal premises*); and
 - (b) limit the operation of the activity to the footpath immediately adjacent to the principal premises; and
 - (c) keep and maintain a clear unobstructed pedestrian corridor of a specified width depending on the density of pedestrian traffic; and
 - (d) limit the operation of the activity to the normal business hours of the principal premises; and
 - (e) remove all tables, chairs, fixtures and fittings from the area identified in the approval when the principal premises are not open for business; and
 - (f) keep and maintain the area identified in the approval, including all tables, chairs, fixtures, fittings and equipment used in the operation of the activity at all times in a clean, sanitary and tidy condition; 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 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 footpath for that purpose; and
 - (i) not use an umbrella within the area identified in the approval unless the umbrella has not less than 2m clearance above ground level adjacent to the umbrella and is securely anchored to the satisfaction of an authorised person; and
 - (j) only use furniture in the area identified in the approval which is—

- (i) aesthetically acceptable to the local government; and
- (ii) kept in a proper state of repair; and
- (k) provide, for use by patrons of each of the principal premises and the area identified in the approval, adequate toilet facilities; and
- (l) regularly clean the area identified in the approval—
 - (i) during business hours for the principal premises; and
 - (ii) daily, after the close of business of the principal premises.
- (4) If the prescribed activity is the display of goods for sale on a footpath, the conditions of the approval may also require that the approval holder—
 - (a) limit the operation of the activity to a specified area which is contiguous to, or in the vicinity of, retail premises which are operated by the approval holder (also *principal premises*); and
 - (b) limit the operation of the activity to the footpath immediately adjacent to the principal premises; and
 - (c) keep and maintain a clear unobstructed pedestrian corridor of a specified width depending on the density of pedestrian traffic; and
 - (d) limit the operation of the activity to the normal business hours of the principal premises; and
 - (e) only use, for the purposes of display of the goods for sale, a structure which is—
 - (i) of safe construction; and
 - (ii) in good condition and repair; and
 - (iii) securely fixed to the footpath; and
 - (f) only display goods for sale if the goods are in an orderly and sightly condition; and
 - (g) only display goods for sale if the goods are the property of, or offered for sale by, the approval holder; and
 - (h) remove all goods, and any structure designed for the display of the goods for sale, when the principal premises are not open for business.

7. Term of an approval

- (1) The term of an approval—
 - (a) must be determined by the local government having regard to the information submitted by the applicant; and
 - (b) if the approval is for the prescribed activity of footpath dining — may

have an unlimited term.

- (2) The term of the approval must be specified in the approval.
- (3) Subject to subsection (1)(b), an approval may be granted for a term of up to 1 year.

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

- (1) 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.

DRAFT

Schedule 4 Dictionary

Section 4

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.

mobile roadside vending means an operator soliciting or carrying on the supply of goods or services (including food or drink) for profit in circumstances where—

- (a) the operator travels from place to place; and
- (b) the operator supplies the goods or services to a customer in response to the customer waiving down the operator.

principal premises has the meaning given in schedule 1, section 6(3)(a) and (4)(a).

sale includes —

- (a) to sell; and
- (b) sell for resale; and
- (c) offer, or expose for sale; and
- (d) agree or attempt to sell; and
- (e) receive, keep or have in possession for sale; and
- (f) cause or permit to be sold or offered or exposed for sale; and
- (g) provide a sample; and
- (h) barter; and
- (i) auction; and
- (j) supply or have available for supply; and
- (k) suffer or permit any of the above acts.

stationary roadside vending means an operator soliciting or carrying on the supply of goods or services (including food or drink) for profit in circumstances where—

- (a) the operator carries on the activity from—
 - (i) a specified place; or
 - (ii) a number of specified places; but
- (b) the activity is not footpath dining.

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. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2015* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the day of , 2015

.....
Chief Executive Officer

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Redland
CITY COUNCIL

Redland City Council

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



Redland City Council

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

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015*.

2 Purpose and how it is to be achieved

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

3 Authorising local law

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

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) For the purposes of the definition of complementary accommodation in schedule 1 of the authorising local law, the accommodation listed in schedule 3 is prescribed as appropriate to accommodation parks.
- (3) 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.

Schedule 1 Operation of accommodation parks

Section 5

1. Prescribed activity

Operation of accommodation parks

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) If the applicant is not the owner of the place at which the accommodation park is to be operated—the written consent of the owner to the application.
- (2) The name and address of the proposed resident manager of the accommodation park and the proposed resident manager's written agreement accepting the responsibilities of resident manager of the accommodation park.
- (3) A plan of the proposed accommodation park which must be drawn to scale showing—
 - (a) the location and real property description of the place at which the accommodation park is to be operated; and
 - (b) the boundaries of the accommodation park; and
 - (c) the division of the accommodation park into sites, including the location and number of potential sites, separation distance between each site, with each site clearly defined and bearing a distinguishing mark or number; and
 - (d) the location of each road and building situated within the accommodation park; and
 - (e) details of the water supply system, including the position of all water points; and
 - (f) the position of all waste containers; and
 - (g) details of the sewerage system including the position of each sanitary convenience, ablution and laundry building; and
 - (h) details of the on-site sewerage facilities and the waste water disposal system; and
 - (i) the position of all fire places; and
 - (j) the nature and position of—
 - (i) all fire safety installations; and
 - (ii) all electrical installations; and
 - (iii) all food preparation areas; and
 - (iv) all recreational facilities; and

- (v) all car parking facilities.
- (4) Details of the facilities for sanitation, washing and laundry to be provided for users of the accommodation park.
- (5) Details of water quality, reticulation and drainage facilities to be provided for users of the accommodation park.
- (6) Details of the maximum number of persons who can be accommodated at—
 - (a) the accommodation park; and
 - (b) each site within the accommodation park.
- (7) Details of the rules which will govern the use of the accommodation park, including rules which prohibit or control the keeping of dogs at the accommodation park.
- (8) 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.
- (9) 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.

4. Additional criteria for the granting of an approval

- (1) The operation of the accommodation park must be lawfully conducted on the premises.
- (2) The operation of the accommodation park must not produce—
 - (a) environmental harm; or
 - (b) environmental nuisance; or
 - (c) inconvenience or annoyance to the occupiers of any adjoining land.
- (3) All facilities at the accommodation park must be—
 - (a) of an acceptable standard; or
 - (b) able to be brought to an acceptable standard, for use by residents of the accommodation park.

5. Conditions that must be imposed on an approval

No conditions stated.

6. Conditions that will ordinarily be imposed on an approval

- (1) The operation of the accommodation park must not detrimentally affect the amenity of adjoining land.
- (2) The operation of the accommodation park, including any premises, building, structure, vehicle, facility, equipment, recreational water facility or fixture must be maintained in—
 - (a) good working order and condition; and
 - (b) a clean, safe and tidy condition.
- (3) Provision must be made for people, vehicles and caravans, and complementary accommodations to enter and exit the accommodation park safely.
- (4) A fire safety audit must be conducted by a fire safety provider once every three years and a subsequent report be submitted to the local government.
- (5) The fire safety audit must be 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.
- (6) An inspection report regarding the electrical wiring and electrical fittings on the premises must be conducted by an approved electrical contractor once every three years and a subsequent report be submitted to the local government.
- (7) The report must take 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.
- (8) The approval holder must—
 - (a) provide and maintain an adequate supply of water to the accommodation park, including water suitable for drinking, cooking and personal hygiene; and
 - (b) cause hot and cold water to be reticulated to every shower, bath and hand basin.
- (9) The water supply for drinking purposes must be potable water.
- (10) The approval holder must ensure that, if water obtained from a particular water outlet in the accommodation park may be unsuitable for drinking, a sign is prominently displayed at the outlet stating “Unsuitable for Drinking”.
- (11) If bed linen is supplied—
 - (a) keep it in a clean and sanitary condition; and
 - (b) replace it with clean bed linen after each change of occupation of the accommodation.
- (12) All materials of a hazardous or dangerous nature which are used in the operation of the accommodation park must be stored and used in a safe manner.

- (13) Facilities for the disposal of waste must be—
 - (a) sufficient to accommodate the collection and storage of all waste generated as part of the operation of the accommodation park; and
 - (b) provided in the manner, and at the locations, specified by the local government.
- (14) The local government may limit the number of persons who may occupy a site and require the approval holder to—
 - (a) ensure that the limit is displayed on a notice erected in a prominent position at the accommodation park; and
 - (b) take appropriate action to ensure that the limit is not contravened.
- (15) The approval holder must—
 - (a) not locate or permit accommodation to be located at any place within the accommodation park other than on a site approved by the local government under this subordinate local law; and
 - (b) not locate or permit to be located more than 1 accommodation, on a site at any 1 time; and
 - (c) not permit accommodation to be occupied by more persons than the accommodation is designed to accommodate or permitted to accommodate under the conditions of an approval.
- (16) If the local government gives written notice to the approval holder that the local government is not satisfied that the resident manager of the accommodation park is a suitable person to be the resident manager— replace the resident manager with an alternate resident manager who is acceptable to the local government within a time stated in the notice.
- (17) The approval holder must keep and maintain a register which details—
 - (a) the name and address of each person who hires a site at the accommodation park; and
 - (b) an identifying number for the site; and
 - (c) if accommodation is brought onto the site—the registration number of the (if applicable) caravan or complementary accommodation and (if applicable) the vehicle towing it; and
 - (d) the dates when the hiring of the site begins and ends.
- (18) The approval holder or the resident manager must, at the request of an authorised person, produce the register for inspection.
- (19) The approval holder must not permit or allow a person to bring onto a site a caravan or complementary accommodation that is not fit for human habitation.

Example—a caravan that is not weather proof.
- (20) The approval holder must not, unless the local government agrees in writing, change the sites at the accommodation park by—
 - (a) adding to the existing sites; or
 - (b) changing the position or boundaries of a site.
- (21) The approval holder must not change any building, structure or facility at the accommodation park by—

- (a) adding new buildings, structures or facilities; or
 - (b) removing existing buildings, structures or facilities; or
 - (c) changing the position of any building, structure or facility.
- (22) However, subsections (20) and (21) do not apply if the proposed change constitutes development under the *Sustainable Planning Act 2009*.
- (23) The operation of the accommodation park must not—
- (a) create a traffic problem; or
 - (b) increase an existing traffic problem; or
 - (c) detrimentally affect the efficiency of an existing road network.
- (24) The approval holder must not use an extension telephone bell, open air address system or similar device as part of the operation of the accommodation park if the bell, system or device causes a nuisance or annoyance to any person.
- (25) The operation of the accommodation park must not attract fly breeding or vermin infestation.
- (26) In the operation of the accommodation park the approval holder must only use lighting which is angled or shaded so that the lighting does not cause a nuisance or inconvenience.
- (27) The approval holder must dispose of all waste generated as part of the operation of the accommodation park in a manner which maintains the operation of the accommodation park and its surrounds in a clean, tidy, sanitary and hygienic condition.
- (28) Signage used in the operation of the accommodation park must be exhibited in a manner, and at the locations, specified by the local government.
- (29) Each site used as part of the operation of the accommodation park must be individually numbered and described in the manner specified by the local government.
- (30) The local government may prescribe rules which govern the use of the accommodation park and require the approval holder to ensure compliance with the rules by each user of the accommodation park.
- (31) The rules which govern the use of the accommodation park must be displayed in the manner, and at the locations, specified by the local government so that the rules can be viewed by users of the accommodation park.
- (32) The approval holder must comply with specified standards for the painting, paving and internal and external treatment of buildings, structures and sites.
- (33) The approval holder must ensure that no accumulation, aggregation or proliferation of—
- (a) discarding or disused machinery, goods or wares; or
 - (b) waste, refuse, scrap, bottles or second hand materials of any description; or
 - (c) dead, overgrown or untended trees or vegetation,
- occurs on any part of the accommodation park.
- (34) The approval holder must not permit a person who occupies a site at the accommodation park to engage in any business, trade or occupation within—

- (a) the site; or
 - (b) the accommodation park.
- (35) The local government may specify conditions applying to the operation of the accommodation park including—
- (a) times and days for administration of the arrival and departure of hirers of accommodation at the accommodation park; and
 - (b) conditions of stay; and
 - (c) minimum requirements for condition and maintenance of caravans and complementary accommodation; and
 - (d) conditions applying to the use of any facilities or services of the accommodation park; and
 - (e) the prohibition of specified activities.
- (36) The local government may require that the approval holder direct a person to leave the accommodation park forthwith, or within a specified time, where the person is found to be—
- (a) acting in a disorderly or objectionable manner; or
 - (b) contravening a requirement of this local law or a Local Government Act, which contravention will, in the opinion of an authorised person, adversely impact on the safety or amenity of other accommodation park users.
- (37) The local government may require that the approval holder remove from the accommodation park a caravan or complementary accommodation which, in the opinion of an authorised person, is dilapidated, unsightly or overcrowded within a specified time.

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 |
|---|--|--|
| | | |

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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 Prescribed complementary accommodation

Section 4

The other accommodation that is prescribed as appropriate to accommodation parks is accommodation in—

- (a) an on-site caravan; and
- (b) a cabin; and
- (c) a manufactured home; and
- (d) a tent or other structure that can be readily assembled and disassembled.

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Schedule 4 Dictionary

Section 4

accommodation means—

- (a) a caravan; or
- (b) a complementary accommodation.

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

cabin means a relocatable home, building or fixed structure (other than a building or structure used exclusively as the residence or office of a resident manager).

electrical installation has the meaning given in the *Electricity Act 1994*.

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

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

facilities includes—

- (a) toilets; and
- (b) bathing and showering facilities; and
- (c) facilities for washing and drying clothes; and
- (d) facilities for cooking and food preparation; and
- (e) sporting and other recreational facilities; and
- (f) the facilities for the use or convenience of people using an accommodation park.

fire safety installation has the meaning given in the *Building Act 1975*.

local government public health risk has the meaning given in the *Public Health Act 2005*.

manufactured home has the meaning given in the *Manufactured Homes (Residential Parks) Act 2003*.

nuisance includes anything that—

- (a) disturbs or inconveniences people in the vicinity of an accommodation park; or
- (b) detracts from the use or enjoyment of land adjoining or in the vicinity of an accommodation park.

occupant (of accommodation) means a person who resides at the accommodation.

on-site sewerage facility has the meaning given in the *Plumbing and Drainage Act 2002*.

potable water means water which complies with Australian Drinking Water Guidelines.

premises means the premises used for the operation of the accommodation park.

relocatable home means a Class 1 or Class 3 building under the Building Code of Australia (or its equivalent) which is—

- (a) constructed away from the site at which it is erected; and
- (b) designed to be moved from 1 location to another; and
- (c) ordinarily able to be moved within 24 hours of commencement of work associated with the move.

resident (of an accommodation park) means a person who resides in a caravan or complementary accommodation at the accommodation park.

resident manager (of an accommodation park) means—

- (a) a person nominated by the approval holder and accepted by the local government from time to time who—
 - (i) is responsible for the management and supervision of the accommodation park; and
 - (ii) resides on or near the accommodation park; and
 - (iii) is present or available at all reasonable times to ensure the operation of the accommodation park; and
- (b) if that person cannot be located, or if no such person is nominated and accepted, the approval holder.

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*.

site means a part of an accommodation park which is designated for a single accommodation of a particular type.

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*.

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.

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 14 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the day of , 2015.

.....
Chief Executive Officer

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Redland
CITY COUNCIL

Redland City Council

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



Redland City Council

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

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015*.

2 Purpose and how it is to be achieved

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

3 Authorising local law

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

4 Definitions

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

Part 2 Approval for prescribed activity

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

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

- (3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 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.

Schedule 1 Operation of public swimming pools

Section 5

1. Prescribed activity

Operation of public swimming pools.

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

The operation of a public swimming pool if the swimming pool is—

- (a) a swimming pool made available by a body corporate of a community titles scheme for use by the owners or occupiers of the lots of the scheme or their invitees; or
- (b) located within school premises and access to the pool is restricted by the school to students and staff of the school and school club members.

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

- (1) Details of the proposed public swimming pool including a plan or other information identifying the proposed public swimming pool and all buildings proposed to be used in the operation of the public swimming pool.
- (2) Details of the nature and extent of the public use that is proposed by the applicant.
- (3) Details of the proposed management and supervision of the public swimming pool (including the qualifications and experience of the proposed managers and supervisors).
- (4) If the applicant is not the owner of the land on which the public swimming pool is to be situated — the owner's written consent to the application.
- (5) Details of the equipment that will be used for chlorination, filtration and recirculation of water in the public swimming pool.
- (6) Details of procedures that will be adopted to ensure that the public swimming pool water is adequate to protect public health.
- (7) Details of the equipment which will be used for emergency medical treatment and first aid.
- (8) Details of the operation of the public swimming pool including —
 - (a) the hours of operation of the public swimming pool; and
 - (b) whether the public swimming pool is to be heated or non-heated; and
 - (c) the existence or otherwise of automatic dosing equipment to be used in conjunction with the chlorination, filtration and recirculation of water in the public swimming pool.

4. Additional criteria for the granting of an approval

- (1) The equipment for chlorination, filtration and recirculation of public

swimming pool water must be adequate to protect public health.

- (2) The management and supervision of the public swimming pool must be adequate to protect public safety and prevent nuisance.
- (3) Any proposed manager or supervisor of the public swimming pool must hold a current first aid certificate and bronze medallion or other equivalent life saving qualification.
- (4) The equipment which will be used for emergency medical treatment and first aid must be situated at an appropriate location at the public swimming pool.
- (5) There must be adequate sanitary conveniences and sanitary facilities for the operation of the public swimming pool.

5. Conditions that must be imposed on an approval

No conditions stated.

6. Conditions that will ordinarily be imposed on an approval

- (1) The public swimming pool water must be maintained in accordance with—
 - (a) the *Queensland Health Swimming and Spa Pool Water Quality and Operational Guidelines 2004*; or
 - (b) another approved guideline or standard specified in the approval.
- (2) The operator of the public swimming pool must test the water in the public swimming pool to ensure compliance with the prescribed chemical parameters—
 - (a) at least daily; and
 - (b) more often than daily if necessary having regard to—
 - (i) bather load and likely use; and
 - (ii) environmental contamination; and
 - (iii) status of pool users.
- (3) The approval holder must—
 - (a) provide and maintain equipment for emergency medical treatment, first aid and the rescue of persons in difficulty; and
 - (b) erect and display notices at the public swimming pool that—
 - (i) provide information about basic life saving, resuscitation and first aid techniques; and
 - (ii) warn about possible dangers; and
 - (c) install and maintain specified equipment for the chlorination, filtration and recirculation of water in the public swimming pool; and
 - (d) provide and maintain specified dressing rooms and facilities for showering and sanitation; and
 - (e) not permit or allow any person under the influence of an intoxicating or stupefying substance or liquor to be at, or use, the public swimming pool; and

- (f) not permit or allow any person suffering, or appearing to suffer from, an infectious, contagious or offensive disease or skin complaint to enter the public swimming pool; and
 - (g) not permit or allow any animal, other than a guide, hearing or assistance dog, as defined in the *Guide, Hearing and Assistance Dogs Act 2009*, to be brought onto any part of the land upon which the public swimming pool is located; and
 - (h) immediately remove any animal, other than a guide, hearing or assistance dog, as defined in the *Guide, Hearing and Assistance Dogs Act 2009*, found on any part of the land upon which the public swimming pool is located; and
 - (i) at all times maintain the public swimming pool free of extraneous matter.
- (3) At all times while the public swimming pool is open to the public a manager or supervisor must be present and must hold a current first aid certificate, bronze medallion or other life saving qualifications specified in the approval.
- (4) The operation of the public swimming pool must not—
- (a) detrimentally affect the amenity of neighbouring premises; or
 - (b) cause environmental harm; or
 - (c) cause environmental nuisance.
- (5) The operation of the public swimming pool must only be undertaken during specified hours on specified days.
- (6) The operation of the public swimming pool, including each building, structure, facility and equipment used in the operation of the public swimming pool must be kept and maintained—
- (a) in good working order and condition; and
 - (b) in a clean, tidy and sanitary condition.
- (7) Lighting used to illuminate the operation of the public swimming pool must be angled or shaded so that the light does not cause a nuisance.
- (8) Each toilet, bathroom, kitchen, laundry and drinking water facility used in the operation of the public swimming pool must be provided with an adequate and continuous supply of water.
- (9) The approval holder must provide and maintain—
- (a) sanitary conveniences and sanitary facilities for the operation of the public swimming pool; and
 - (b) waste containers sufficient to accommodate the collection and storage of waste generated by the operation of the public swimming pool in the manner, and at the locations, specified by the local government.

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 transferable.

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Schedule 3 Dictionary

Section 4

body corporate has the meaning given in the *Body Corporate and Community Management Act 1997*.

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

community titles scheme has the meaning given in the *Body Corporate and Community Management Act 1997*.

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

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

nuisance includes anything that—

- (a) disturbs or inconveniences people in the vicinity of a public swimming pool; or
- (b) detracts from the use or enjoyment of land adjoining or in the vicinity of a public swimming pool.

public swimming pool means 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.

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

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

swimming pool has the meaning given in the *Building Act 1975*.

Certification

This and the preceding 9 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2015* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the day of , 2015.

.....
Chief Executive Officer

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Redland
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Redland City Council

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



Redland City Council

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

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015*.

2 Purpose and how it is to be achieved

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

3 Authorising local law

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

4 Definitions

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

Part 2 Approval for prescribed activity

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

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

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

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

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

Part 3 Application to State-controlled roads

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

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

Schedule 1 Operation of temporary entertainment events

Section 5

1. Prescribed activity

Operation of temporary entertainment events.

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

The opening to the public, or the preparation for opening to the public, of a temporary entertainment event if—

- (a) the opening to the public constitutes development under the Planning Act, for example, the use of an indoor recreation facility under the planning scheme of the local government; or
- (b) the entertainment event is undertaken on a local government controlled area or a road and is only open to a maximum of 500 persons for the duration of the entertainment event; or
- (c) the entertainment event is undertaken on a place other than a local government controlled area or a road.

Note

To protect public health and safety, temporary entertainment events that do not need an approval, should follow the Redland City Council Event Information Kit.

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

- (1) A plan of the place of the temporary entertainment event which details—
 - (a) the boundaries of the place; and
 - (b) the water supply system for the place; and
 - (c) the position of each waste container at the place; and
 - (d) each advertising device proposed to be installed, erected or displayed about the operation of the temporary entertainment event at the place; and
 - (e) the sewerage system for the place, including the position of each sanitary convenience at the place; and
 - (f) the nature and position of each installation at the place which is to be used for the preparation or sale of food.
- (2) Details and drawings of buildings and other structural elements of the place of the temporary entertainment event.
- (3) A detailed statement of the nature of the entertainment to be provided at the place of the temporary entertainment event and when the place is to be open to the public.
- (4) If the applicant is not the owner of the place of the temporary entertainment event—the written consent of the owner of the place.

- (5) The dates and times during which the temporary entertainment event is to be undertaken.
- (6) The expected attendance rate for the temporary entertainment event.
- (7) The street address, real property description and details of the owner of the place where the temporary entertainment event is to be undertaken.
- (8) The name, street address, telephone number, facsimile number and email address of each person and business who will operate the temporary entertainment event.
- (9) If requested—a copy of each policy of insurance of the applicant which is applicable to the undertaking of the prescribed activity including, without limitation, a public liability insurance policy which provides indemnity for each individual occurrence in an amount not less than \$20,000,000.00.
- (10) If requested—an event management plan which details proposed arrangements for each of the following—
 - (a) consultation with key stakeholders; and
 - (b) notification of the event to the surrounding residents, including contact details for the nominated responsible person under section 4(7); and
 - (b) cleaning and sanitation; and
 - (c) noise management, including audio equipment; and
 - (d) waste and recycling; and
 - (e) catering services with food safety program for each service; and
 - (f) toilet and wash basin adequacy; and
 - (g) drinking water quality and supply; and
 - (h) security services; and
 - (i) emergency response; and
 - (j) traffic management; and
 - (k) risk management strategy; and
 - (l) fire response; and
 - (m) camping controls including shower and ablutions facilities and medical responses (if applicable); and
 - (n) copies of applicable approvals and certifications, for example—
 - (i) a permit under the *Liquor Act 1992* if the consumption of liquor is permitted ; and
 - (ii) a fire safety audit report conducted in accordance with AS 4655 – Fire Safety Audits, taking into account—
 - (A) AS 2444 – Portable fire extinguishers and fire blankets – selection and location; and
 - (B) AS 2293 – Emergency escape lighting and exit signs; and
 - (C) AS 1851 – Maintenance of fire protection system and equipment; and

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

Note

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

4. Additional criteria for the granting of an approval

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

- (7) The applicant for the approval must nominate a person who is responsible for —
- (a) ensuring compliance with the authorising local law before, during and after the event; and
 - (b) handling general complaints which may be received; and
 - (c) liaising and communicating with the local government or an authorised person.
- (8) The operation of the temporary entertainment event must be lawfully conducted on the place identified in the application.

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.

Schedule 2 Categories of approval that are non-transferable

Section 6

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

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

Section 7

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

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Schedule 4 Dictionary

Section 4

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

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

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

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

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

structure has the meaning given in the Act.

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

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

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

Certification

This and the preceding 12 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2015* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the day of , 2015.

.....
Chief Executive Officer

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Redland
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Redland City Council

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



Redland City Council

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

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.5 (Keeping of Animals) 2015*.

2 Purpose and how it is to be achieved

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

3 Authorising local law

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

4 Definitions

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

Part 2 Approval for prescribed activity

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

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

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

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

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

Schedule 1 Keeping of animals

Section 5

1. Prescribed activity

- (1) Keeping of animals.
- (2) Under *Local Law No. 2 (Animal Management) 2015*, the relevant approvals are described as —
 - (a) a 3 cat approval;
 - (b) a 3 dog approval;
 - (c) a 4 dog approval;
 - (c) a cattery approval;
 - (d) a kennel approval;
 - (e) a pet shop approval;
 - (f) a pet pig approval.

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

The keeping of animals at an animal entertainment park or an animal sanctuary.

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

- (1) An application detailing—
 - (a) the species, breed, age and gender of each animal for which the approval is sought; and
 - (b) the number of animals to be kept; and
 - (c) the nature of the premises at which the animal or animals are to be kept; and
 - (d) the area, or the part of the area, in which the animal or animals are to be kept; and
 - (e) the materials out of which any enclosure in which the animal or animals to be kept is (or is to be) constructed and any other details of the enclosure; and
 - (f) the location of the enclosure on the premises.
- ()
- (2) If an animal the subject of the application is required to be registered under the Animal Management Act — evidence that the animal is currently registered with the local government, for example, a registration notice for the animal from the local government.

4. Additional criteria for the granting of an approval

- (1) Whether the premises on which the animal or animals are to be kept is appropriately sized so that the animal or animals can be effectively and comfortably kept on the premises.
- (2) Whether a residence exists on the premises.
- (3) Whether a proper enclosure is maintained on the premises in accordance with the requirements of *Local Law No. 2 (Animal Management) 2015*.
- (4) If the application relates to the keeping of dogs or cats — whether the animals identified in the application are registered with the local government.
- (5) If section 14 of the Animal Management Act applies to the applicant for the approval — whether the applicant has complied with the requirements of the section.
- (6) Whether the grant of the approval for the prescribed activity on the premises is likely to —
 - (a) cause nuisance, inconvenience or annoyance to occupiers of adjoining land; or
 - (b) affect the amenity of the surrounding area; or
 - (c) have a deleterious effect on the local environment or cause pollution or other environmental damage.
- (7) Whether the applicant has been refused a similar type of approval by the local government or another local government.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions that will ordinarily be imposed on a 3 cat approval for premises are—
 - (a) a condition limiting the approval to the cats identified in the approval; and
 - (b) a condition requiring the holder of the approval to take reasonable steps to keep the cats from breeding; and
 - (c) a condition requiring that the premises be provided with an enclosure complying with the requirements of section 13 of *Local Law No 2 (Animal Management) 2015*; and
 - (d) a condition requiring that if 1 or more of the cats identified in the approval departs the premises, the approval shall be deemed to have lapsed; and
 - (e) a condition requiring the holder of the approval to take all reasonable steps to prevent the cats from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of other premises; and
 - (f) a condition requiring that waste material and cat faeces be removed daily and disposed of in a manner approved by an authorised person; and

- (g) a condition requiring that all enclosure areas be kept clean and sanitary 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 or 4 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 4 dog approval are –

- (a) conditions stated in section 6(2) of schedule 1; and
 - (b) a condition that the premises on which the dogs are kept is over 6,000m² in size and is located outside the SEQ urban footprint.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) The conditions that will ordinarily be imposed on a pet pig approval are—
 - (a) a condition requiring that the food of the pet pig is, so far as is practical,

- stored in a vermin proof container; and
- (b) a condition requiring that drainage and run off from all shelters and enclosure areas be confined to the premises; and
 - (c) a condition requiring that waste material and faeces be removed daily and disposed of in a manner approved by an authorised person; and
 - (d) a condition requiring that all shelters and enclosure areas be kept clean and sanitary; and
 - (e) a condition requiring that the holder of the approval ensure that all facilities for the keeping of the pet pig on the premises are structurally maintained and in an aesthetically acceptable condition; and
 - (f) a condition requiring that the keeping of the pet pig does not have an adverse impact on—
 - (i) the ability of occupiers of premises in the surrounding area to carry out the ordinary activities of the area and enjoy its amenity; and
 - (ii) the health or safety of people or other animals; and
 - (g) a condition requiring that environmental impacts from the keeping of the pet pig are properly managed; and

Examples of environmental impacts include—

 - 1 erosion;
 - 2 dust;
 - 3 weed infestation;
 - 4 water pollution.
 - (h) a condition requiring that any enclosure on the premises in which the pet pig is kept must—
 - (i) be constructed so as to prevent the pig from going within 25m of any residence, other than a residence upon the premises on which the enclosure is, or is to be, constructed; and
 - (ii) be constructed so as to prevent the pig from going within 5m of any boundary of the premises; and
 - (iii) be constructed so as to comply with the requirements of *Subordinate Local Law No. 2 (Animal Management) 2015*, section 9, including schedule 4, item 3; and
 - (i) a condition requiring that the pet pig be de-sexed; and
 - (j) if a code of practice for the keeping of pigs has been approved by the local government — a condition requiring that the pet pig must be kept in accordance with the requirements of the code of practice.
- (8) The conditions that will ordinarily be imposed on an approval to keep an animal (other than a dog or a cat) are—
- (a) if minimum standards for the keeping of the species or breed of the animal are prescribed in schedule 3 of *Subordinate Local Law No. 2 (Animal Management) 2015*—the animal must be kept in accordance with the minimum standards for the species or breed of animal prescribed in schedule 3 of *Subordinate Local Law No. 2 (Animal Management) 2015*; and

- (b) if the approval relates to the keeping of 1 or more animals and the animal or animals are identified in the approval—a condition limiting the approval to the animal or animals identified in the approval.

7. Term of an approval

- (1) The term of an approval must be determined by the local government having regard to the information submitted by the applicant.
- (2) The term of the approval must be specified in the approval.
- (3) An approval may be granted for the period during which the animal the subject of the approval is kept on the premises identified in the approval if the approval is—
- (a) a 3 cat approval; or
- (b) a 3 dog approval;
- (c) a 4 dog approval or
- (c) a pet pig approval.
- (4) An approval may be granted for a term of up to 2 years if the approval is —
- (a) a cattery approval; or
- (b) a kennel approval; or
- (c) a pet shop approval.

8. Term of renewal of an approval

- (1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.
- (2) The term for which an approval may be renewed or extended must not exceed 2 years if the approval is—
- (a) a cattery approval; or
- (b) a kennel approval; or
- (c) a pet shop approval.
- (3) If the local government grants the application, the local government must specify in the written notice, the term of the renewal or extension.

Table 1 – Third party certification

| Column 1 Application requirement | Column 2 Individuals or organisations that are third party certifiers | Column 3 Qualifications necessary to be a third party certifier |
|---|--|--|
|---|--|--|

| | | |
|-------------------------------------|--|--|
| No application requirements stated. | | |
|-------------------------------------|--|--|

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Schedule 2 Categories of approval that are non-transferable

Section 6

The categories of approval that are non-transferable are—

- (a) a 3 cat approval; and
- (b) a 3 dog approval;
- (c) a 4 dog approval and
- (c) a pet pig approval.

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Schedule 3 Dictionary

Section 4

animal entertainment park means a public place which includes, as part of its entertainment, the exhibiting of animals for the amusement or entertainment of the public.

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

animal sanctuary means a park, reserve or other place used for the preservation, protection or rehabilitation of animals.

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

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

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

registered has the meaning given in the Animal Management Act.

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

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

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

Certification

This and the preceding 13 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.5 (Keeping of Animals) 2015* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the _____ day of _____, 2015.

.....
Chief Executive Officer

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Redland
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Redland City Council

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



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

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Part 1 Preliminary

1 Short title

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

2 Purpose and how it is to be achieved

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

3 Definitions—the dictionary

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

4 Relationship with other laws²

This local law is—

- (a) in addition to, and does not derogate from—
 - (i) laws regulating the use or development of land; and
 - (ii) other laws about the keeping or control or welfare of animals; and
- (b) to be read with *Local Law No. 1 (Administration) 2015*.

¹ The *Animal Management (Cats and Dogs) Act 2008* provides for the management of *regulated dogs*, comprising declared dangerous dogs, declared menacing dogs and restricted dogs.

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

Part 2 Keeping of animals

Division 1 Prohibition on keeping animals

5 Prohibition on keeping animals in prescribed circumstances

- (1) The local government may, by subordinate local law, prohibit the keeping of animals in prescribed circumstances.
- (2) The circumstances in which the keeping of animals is prohibited may be specified by reference to 1 or more of the following factors—
 - (a) species;
 - (b) breed;
 - (c) sex;
 - (d) age;
 - (e) number;
 - (f) whether an animal is a restricted dog;³
 - (g) the locality in which the animal would be kept;
 - (h) the nature of the premises in which the animal would be kept, including the size of the enclosure or the size of the allotment.⁴

Example for subsection (2)—

A prohibition may be imposed in relation to keeping certain species or a prescribed number of animals of a certain species in an urban locality.

- (3) A person must not keep an animal in contravention of a prohibition under this section.

Maximum penalty for subsection (3)—50 penalty units.

Division 2 Animals for which approval is required

6 Requirement for approval

- (1) Subject to subsections (3) and (4), the local government may, by subordinate local law, require an approval⁵ for keeping an animal or animals in prescribed circumstances.

³ Section 72(3) of the *Animal Management (Cats and Dogs) Act 2008* provides: “A permit application may be made for more than 1 restricted dog for the same place only if the keeping of more than 1 restricted dog and more than 1 dog of any breed is permitted under a local law.”

⁴ See the *Animal Management (Cats and Dogs) Act 2008*, chapter 4, regarding particular conditions on keeping regulated dogs, including requirements about enclosures.

⁵ Keeping an animal for which an approval is required under this local law is a **prescribed activity** under schedule 2 of *Local Law No. 1 (Administration) 2015*. The process for obtaining an approval for a prescribed activity is set out in part 2 of that local law and section 6 creates an offence for a person undertaking a prescribed activity without a current approval.

- (2) The circumstances in which an approval is required may be specified by reference to 1 or more of the following factors—
 - (a) species;
 - (b) breed;
 - (c) sex;
 - (d) age;
 - (e) number;
 - (f) the locality in which the animal is to be kept, including whether it is an urban or non-urban locality;
 - (g) the nature of the premises in which the animal is to be kept, including the size of the enclosure or the size of the allotment.⁶
- (3) An approval under this section is not required for the keeping of animals on land if the keeping of the animals on the land is authorised by a development approval under the Planning Act⁷.
- (4) Under this section, the local government may not require an approval for keeping a restricted dog.⁸

Division 3 Minimum standards

7 Minimum standards for keeping animals

- (1) The local government may, by subordinate local law, specify minimum standards for the keeping of animals or a particular species or breed of animal.
- (2) A person who keeps an animal must ensure that the relevant minimum standards prescribed by a subordinate local law are complied with.⁹

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

- (3) If a person is required to hold an approval to keep an animal, the obligation to comply with the minimum standards prescribed by a subordinate local law is in addition to an obligation imposed by a condition of the approval.

Division 4 Identification of registered dogs

8 Identification for dogs in certain circumstances

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

⁶ See note 4.

⁷ See the definition of *Planning Act* in the Act, schedule 4.

⁸ Section 71 of the *Animal Management (Cats and Dogs) Act 2008* requires a permit issued by the local government for a person to own or be responsible for a restricted dog. The processes for the granting of restricted dog permits are set out under chapter 4, part 3 of that Act.

⁹ See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, sections 4 to 5, regarding the requirements about enclosures for declared dangerous dogs, declared menacing dogs and restricted dogs.

required by the *Animal Management (Cats and Dogs) Act 2008* for a dog that is at a place other than the address stated in the registration notice for the dog.¹⁰

Part 3 Control of animals

Division 1 Animals in public places

9 Prohibition and restriction of animals in public places

- (1) The local government may, by resolution, specify—
 - (a) public places where animals, or animals of a particular species or breed, are prohibited; and
 - (b) if the prohibition does not apply at all times — the hours and days when the prohibition applies; and
 - (c) if a person may only bring an animal, or animals of a particular species or breed, onto a public place subject to 1 or more conditions —
 - (i) the public place at which the conditions apply; and
 - (ii) particulars of the conditions which apply at the public place.
- (2) However, before making a resolution under subsection (1), the local government must—
 - (a) consult with the public for at least 21 days about—
 - (i) each prohibition proposed under subsection (1)(a) or (b); and
 - (ii) each restriction proposed under subsection (1)(c); and
 - (b) consider every submission properly made to it about—
 - (i) each prohibition proposed under subsection (1)(a) or (b); and
 - (ii) each restriction proposed under subsection (1)(c).
- (3) The owner or responsible person for an animal must ensure that the animal is not in a public place in contravention of —
 - (a) a prohibition specified under subsection (1)(a) or (b); or
 - (b) a condition specified under subsection (1)(c).Maximum penalty for subsection (3)—20 penalty units.
- (4) The local government must take reasonable steps to provide notice to members of the public regarding—
 - (a) each prohibition specified under subsection (1)(a) or (b); and
 - (b) each condition specified under subsection (1)(c).
- (5) In this section—

¹⁰ Section 45 of the *Animal Management (Cats and Dogs) Act 2008* requires a person who keeps a dog at a place other than the address in the registration notice to ensure it bears the identification prescribed by the local government under a local law.

- reasonable steps* include, as a minimum, the display of a notice at a prominent place within the particular public place, stating—
- (a) if a prohibition specified under subsection (1)(a) applies in the place —the animals that are prohibited in the place; and
 - (b) if the prohibition does not apply at all times — the hours and days when the prohibition applies; and
 - (c) if 1 or more conditions apply to the bringing of an animal or animals onto the place — particulars of the conditions which apply to the bringing of an animal or animals onto the place; and
 - (d) in general terms, the provisions of subsection (3).
- (6) The local government must keep a record available for public inspection identifying—
- (a) each prohibition specified under subsection (1)(a); and
 - (b) if the prohibition does not apply at all times — the hours and days when the prohibition applies as specified under subsection (1)(b); and
 - (c) if 1 or more conditions apply to the bringing of an animal or animals onto a public place under subsection (1)(c) —
 - (i) the public place at which the conditions apply; and
 - (ii) particulars of the conditions which apply to the bringing of the animal or animals onto the place.
- (7) For the avoidance of doubt, the local government may, from time to time, by resolution, repeal or amend a resolution about a prohibition or restriction under subsection (1).
- (8) The repeal or amendment of a resolution about a prohibition or restriction under subsection (1) does not —
- (a) revive anything not in force or existing at the time the repeal or amendment takes effect; or
 - (b) affect the previous operation of this section or the resolution or anything suffered, done or begun under this section or the resolution; or
 - (c) affect a right, privilege or liability acquired, accrued or incurred under this section or the resolution; or
 - (d) affect a penalty incurred in relation to an offence arising under this section; or
 - (e) affect an investigation or proceeding in relation to a right, privilege, liability or penalty mentioned in paragraph (c) or (d).
- (9) The investigation or proceeding may be started, continued or completed, and the right, privilege or liability may be enforced and the penalty imposed, as if the repeal or amendment had not happened.
- (10) Without limiting subsections (8) and (9), the repeal or amendment of a resolution about a prohibition or restriction under subsection (1) does not affect—
- (a) the proof of anything that has happened; or

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

10 Dog off-leash areas

- (1) The local government may, by resolution—
 - (a) designate an area within a public place as an area where a dog is not required to be on a leash (a *dog off-leash area*); and
 - (b) for a dog off-leash area — designate the dog off-leash area as an area where a dog is not required to be on a leash —
 - (i) at any time; or
 - (ii) on specified days; or
 - (iii) during specified hours on specified days.
- (2) However, before making a resolution under subsection (1), the local government must—
 - (a) consult with the public for at least 21 days about each designation proposed under subsection (1); and
 - (b) consider every submission properly made to it about each designation proposed under subsection (1).
- (3) The local government must take reasonable steps to provide notice to members of the public regarding each designation under subsection (1).
- (4) In this section—

reasonable steps include, as a minimum, the display of a notice at a prominent place within the dog off-leash area indicating the extent of each designation under subsection (1).
- (5) The local government must keep a record available for public inspection identifying each designation under subsection (1).
- (6) For the avoidance of doubt, the local government may, from time to time, by resolution, repeal or amend a resolution about a designation under subsection (1).
- (7) The repeal or amendment of a resolution about a designation under subsection (1) does not —
 - (a) revive anything not in force or existing at the time the repeal or amendment takes effect; or
 - (b) affect the previous operation of any provision of this local law or the resolution or anything suffered, done or begun under any provision of this local law or the resolution; or
 - (c) affect a right, privilege or liability acquired, accrued or incurred under any provision of this local law or the resolution; or
 - (d) affect a penalty incurred in relation to an offence arising under any provision of this local law; or
 - (e) affect an investigation or proceeding in relation to a right, privilege, liability

or penalty mentioned in paragraph (c) or (d).

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

11 Control of animals in public places¹¹

- (1) The owner or responsible person for an animal must ensure that the animal is not in a public place—
 - (a) unless the animal is under the effective control of someone; and
 - (b) if the animal is a declared dangerous animal¹²—unless the animal is securely restrained to prevent it from—
 - (i) attacking a person or animal; or
 - (ii) acting in a way that causes fear to a person or animal; or
 - (iii) causing damage to property.

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

- (2) An animal is under the *effective control* of someone only if—
 - (a) a person who is physically able to control the animal—
 - (i) is holding it by an appropriate leash, halter or rein which has a length of not more than 2 m; or
 - (ii) has appropriately tethered it to an object fixed to a place from which the object can not be moved by the animal and is continuously supervising the animal; or
 - (iii) has corralled it in a temporary enclosure adequate to contain the animal and is continuously supervising the animal; or
 - (b) the animal is tethered in or on a vehicle and unable to reach beyond the vehicle extremities; or
 - (c) the animal is a dog in a dog off-leash area and under the supervision of a person who is able to control the animal by voice command; or

¹¹ See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, section 3, regarding the requirement for muzzling and effective control of regulated dogs in public and section 93, which applies this requirement where a dog is subject to a proposed declaration notice.

¹² See the definition of *declared dangerous animal* in the schedule.

- (d) the animal is participating in, or being exhibited or trained at, an exhibition or an obedience trial supervised by a body recognised for this section by the local government; or
- (e) the animal is a working animal actually engaged in moving livestock and under the supervision of a person who is able to control the animal by voice command.

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

If a dog or any other animal prescribed by subordinate local law defecates in a public place, the person who has control of the dog or animal must immediately remove and dispose of the faeces in a sanitary way.

Maximum penalty—20 penalty units.

Division 2 Restraint of animals

13 Duty to provide proper enclosure and prevent animal from wandering

- (1) A person who keeps an animal must maintain a proper enclosure to prevent the animal from wandering or escaping from the person's land.¹³

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

- (2) The local government may, by subordinate local law, prescribe requirements for a proper enclosure for an animal or species or breed of animal.
- (3) The owner of the animal must ensure that it is not wandering at large.¹⁴

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

- (4) It is a defence to a prosecution for an offence against subsection (3) for the defendant to prove that—
 - (a) the defendant maintained a proper enclosure for the animal and could not, by the exercise of reasonable diligence, have prevented the escape of the animal; or
 - (b) the animal was wandering at large in circumstances authorised by the conditions of an approval granted under a local law.

Example for paragraph (b)—

The conditions of an approval to keep racing pigeons might authorise the approval holder to release the pigeons from their enclosure for a certain amount of time each day and during official pigeon racing events.

13A Koala conservation requirements

- (1) The local government may, by subordinate local law, prescribe requirements for keeping a dog on land that is within a koala area.

¹³ See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, sections 4 to 5, regarding the requirements about enclosures for declared dangerous dogs, declared menacing dogs and restricted dogs.

¹⁴ See the definition of *wandering at large* in the schedule.

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

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

- (4) In this section—

koala area means—

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

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

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

Division 3 Aggressive behaviour by animals other than dogs

14 Limited application of division to dogs¹⁵

- (1) Unless otherwise indicated, this division does not apply in relation to aggressive behaviour by a dog.
- (2) In this section—

aggressive behaviour means attacking, or acting in a way that causes fear to, someone else or another animal.

15 Animals not to attack or cause fear to persons or animals

- (1) A responsible person for an animal must take reasonable steps to ensure the animal does not attack, or act in a way that causes fear to, someone else or another animal.

Maximum penalty for subsection (1)—

- (a) if the attack causes the death of or grievous bodily harm to a person—300 penalty units; or
- (b) if the attack causes the death of or grievous bodily harm to another animal—100 penalty units; or

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

- (c) if the attack causes bodily harm to a person or another animal—50 penalty units; or
 - (d) otherwise—20 penalty units.
- (2) A person must not allow or encourage an animal to attack, or act in a way that causes fear to, a person or another animal.

Maximum penalty for subsection (2)—

- (a) if the attack causes the death of or grievous bodily harm to a person—300 penalty units; or
 - (b) if the attack causes the death of or grievous bodily harm to another animal—100 penalty units; or
 - (c) if the attack causes bodily harm to a person or another animal—50 penalty units; or
 - (d) otherwise—20 penalty units.
- (3) In this section—

allow or encourage, without limiting the *Criminal Code*, sections 7 and 8, includes cause to allow or encourage.

another animal does not include vermin that are not the property of anyone.

Examples of vermin that are someone's property—

- a pet mouse or guinea pig
- vermin that are protected animals under the *Nature Conservation Act 1992*.¹⁶

16 Defences for offence against s 15

It is a defence to a prosecution for an offence against section 15 for the defendant to prove that the animal attacked, or acted in a way that caused fear to, the person or other animal—

- (a) as a result of the animal being attacked, mistreated, teased, or provoked by the person or other animal, including a dog; or
- (b) to protect the responsible person, or a person accompanying the responsible person (the ***accompanying person***), or the responsible person's or accompanying person's property.

Division 4 Dangerous animals other than dogs¹⁷

17 Declaration of dangerous animal other than a dog

- (1) A local government may, by subordinate local law, specify criteria for an authorised person to declare an animal other than a dog to be a declared dangerous animal.
- (2) An authorised person may declare an animal other than a dog to be a declared

¹⁶ See section 83 of that Act.

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

dangerous animal if the animal meets the criteria prescribed by subordinate local law.

- (3) A declaration under subsection (2) takes effect at the time the local government gives the responsible person for the animal an information notice¹⁸ about the declaration.

18 Power to require responsible person for declared dangerous animal to take specified action

An authorised person may, by giving a compliance notice,¹⁹ require the responsible person for a declared dangerous animal to take specified action—

- (a) to warn persons who enter land on which the animal is kept of the presence of a declared dangerous animal on the land; and
- (b) to ensure that the animal remains in secure custody and is unable to attack or cause fear to persons or other animals or cause damage to another person's property.

Part 4 Seizure, impounding or destruction of animals

Division 1 Seizure of animals

19 Seizure of animals

- (1) An authorised person may seize²⁰ an animal, other than a dog,²¹ in the following circumstances—
- (a) the animal is found wandering at large; or
 - (b) the responsible person for the animal has not complied with a compliance notice that has been issued in relation to compliance with this local law; or
 - (c) the animal has attacked, threatened to attack, or acted in a way that causes fear to, a person or another animal; or
 - (d) the authorised person considers on reasonable grounds that the animal has been abandoned, left or found on a road in the circumstances mentioned in section 100(12) of the *Transport Operations (Road Use Management) Act 1995*.²²

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

¹⁹ See *Local Law No.1 (Administration) 2015*, section 28 regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

²⁰ See the *Local Government Act 2009*, chapter 5, part 2, division 1 in relation to authorised persons' enforcement powers, including entry to land.

²¹ See the *Animal Management (Cats and Dogs) Act 2008*, section 125, for seizure of a dog.

²² The *Transport Operations (Road Use Management) Act 1995*, section 100(13) provides: "If a local law provides for a matter mentioned in subsection (12), subsections (3) to (11) no longer apply in the local government's area."

- (2) An authorised person may seize a dog in the following circumstances—
 - (a) the dog is found wandering at large; or
 - (b) the responsible person for the dog has not complied with a compliance notice that has been issued in relation to compliance with this local law; or
 - (c) the authorised person considers on reasonable grounds that the animal has been abandoned, left or found on a road in the circumstances mentioned in section 100(12) of the *Transport Operations (Road Use Management) Act 1995*.
- (3) The authorised person may seize an animal under subsection (1)(a) or a dog under subsection (2)(a) where—
 - (a) another person has found the animal or dog wandering at large and delivered it to the authorised person; or
 - (b) an occupier of private land has found the animal or dog wandering at large on the land, taken it under effective control and requested the authorised person to enter the land to seize it.
- (4) However, an authorised person is not obliged to accept the custody of an animal under this section.
- (5) For the purposes of seizing an animal, an authorised person may take any action, including the use of force, which is reasonable in the circumstances to capture or control the animal.

Division 2 Destruction of animal without notice

20 Power to immediately destroy seized animal

- (1) This section applies where an authorised person has seized an animal, other than a regulated dog,²³ under this local law or another law.
- (2) The authorised person may, without notice, immediately destroy the animal if—
 - (a) the authorised person reasonably believes the animal is dangerous and the authorised person can not control it; or
 - (b) the animal is significantly suffering as a result of disease, severe emaciation or serious injuries; or
 - (c) an owner of the animal has requested the authorised person to destroy it.

Division 3 Return or impounding of animals

21 Immediate return of animal seized wandering at large

- (1) This section applies where—
 - (a) an animal has been seized under section 19(1)(a) or section 19(2)(a); and

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

- (b) the authorised person who seizes the animal knows, or can readily find out, the name and address of the owner or responsible person for the animal.
- (2) The authorised person may return the animal to the owner or responsible person.

22 Impounding of seized animal

An authorised person who seizes an animal under this local law or another law may impound the animal at a place of care for animals operated by—

- (a) the local government; or
- (b) another organisation or local government prescribed by subordinate local law.

Example for paragraph (a)—

An animal pound.

Example for paragraph (b)—

A veterinary surgery or an animal refuge.

23 What is a notice of impounding

- (1) A **notice of impounding** means a written notice, given to the owner or responsible person for an animal, stating that—
- (a) the animal has been impounded; and
 - (b) the animal may be reclaimed within the prescribed period provided that—
 - (i) the cost-recovery fee is paid; and
 - (ii) if an approval or registration is required for the keeping of the animal and the owner or responsible person does not have the approval or registration— the approval or registration is obtained; and
 - (iii) if the animal has been seized under section 19(1)(b) or 19(2)(b)— the owner or responsible person has complied with the relevant compliance notice; and
 - (iv) continued retention of the animal is not needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; and
 - (v) no destruction order has been made for the animal.
- (2) In this section—
- relevant compliance notice** means the compliance notice mentioned in section 19(1)(b) or 19(2)(b).

24 Dealing with animal seized and impounded for wandering at large

- (1) Subsection (2) applies where—
- (a) an authorised person has impounded an animal seized under section 19(1)(a) or 19(2)(a); and

- (b) the animal was not a declared dangerous animal at the time of being seized; and
 - (c) the authorised person knows, or can readily find out, the name and address of the owner or responsible person for the animal.
- (2) The authorised person must give the owner or responsible person a notice of impounding.
- (3) Subsection (4) applies where—
- (a) an authorised person has impounded a declared dangerous animal seized under section 19(1)(a); or
 - (b) an authorised person has impounded an animal that has been seized more than 3 times during a 12 month period.
- (4) The authorised person may—
- (a) give the owner or responsible person for the animal a notice of impounding; or
 - (b) make a destruction order for the animal under section 28.

25 Dealing with animal seized and impounded for non-compliance with local law

- (1) This section applies where an authorised person has impounded an animal seized under section 19(1)(b) or 19(2)(b).
- (2) The authorised person may—
- (a) give the owner or responsible person for the animal a notice of impounding; or
 - (b) if the animal was being kept in contravention of section 5 of this local law or is an animal for which an approval cannot be granted under this local law or is an animal for which an application for approval under this local law has been rejected— dispose of the animal under division 5.

26 Dealing with animal seized and impounded for attacking etc a person or another animal

- (1) This section applies where an authorised person has impounded an animal seized under section 19(1)(c).
- (2) The authorised person may²⁴—
- (a) make a destruction order for the animal under section 28; or
 - (b) give the owner or responsible person a notice of impounding.

27 Reclaiming an impounded animal

- (1) This section applies where—

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

- (a) the owner or responsible person for an animal has been given a notice of impounding; or
 - (b) an authorised person does not know, and cannot readily find out, the name and address of an owner or responsible person for the animal.
- (2) The animal may be reclaimed by an owner or responsible person if the owner or responsible person—
- (a) reclaims the animal within the prescribed period; and
 - (b) pays the cost-recovery fee; and
 - (c) if an approval or registration is required for the keeping of the animal and the owner or responsible person does not have the approval or registration— obtains the approval or registration; and
 - (d) if the responsible person has not complied with a current compliance notice that has been issued in relation to compliance with this local law—complies with the compliance notice.
- (3) However, the animal may not be reclaimed by an owner or responsible person if—
- (a) continued retention of the animal is needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; or
 - (b) a destruction order has been made for the animal.
- (4) The animal may be reclaimed by an owner or responsible person for the animal if an event as follows happens—
- (a) if subsection (3)(a) applies—
 - (i) an authorised person advises the owner or responsible person that the animal's continued retention as evidence is no longer required; and
 - (ii) the owner or responsible person has satisfied subsection (2)(b)-(d);
 - (b) if subsection (3)(b) applies—
 - (i) an application for a review or an appeal is made relating to the destruction order and, as a result of the review or appeal, the order is no longer in force; and
 - (ii) the owner or responsible person has satisfied subsection (2)(b)-(d).

Division 4 Destruction of animal following notice

28 Destruction orders

- (1) An authorised person may make an order (a ***destruction order***) stating the person proposes to destroy an animal 14 days after the order is served.
- (2) A destruction order may only be made in 1 or more of the following circumstances—
 - (a) the animal has attacked, threatened to attack, or acted in a way that causes

- fear to, a person or another animal; or
- (b) the animal is a declared dangerous animal and was found wandering at large; or
 - (c) the animal has been seized more than 3 times during a 12 month period.
- (3) The destruction order must—
- (a) be served on a person who owns, or is a responsible person for, the animal; and
 - (b) include or be accompanied by an information notice.²⁵
- (4) If a destruction order is made for the animal, the person may destroy the animal 14 days after the order is served if no review application has been made relating to the decision to make the order.
- (5) If an application for review has been made relating to the decision to make the order, the person may destroy the animal if—
- (a) the review is finally decided or is otherwise ended; and
 - (b) the order is still in force; and
 - (c) the time allowed for filing a notice of appeal has expired and no notice of appeal has been filed.
- (6) If an appeal is made relating to the decision to make the order, the person may destroy the animal if—
- (a) the appeal is finally decided or is otherwise ended; and
 - (b) the order is still in force.
- (7) If the animal has been impounded, the owner or responsible person for an animal may reclaim the animal if—
- (a) a review relating to the decision to make the order is finally decided or is otherwise ended; and
 - (b) no application for an appeal has been made against the order; and
 - (c) the order is no longer in force; and
 - (d) the owner or responsible person has satisfied section 27(2)(b)-(d).
- (8) If the animal has been impounded, the owner or responsible person for an animal may reclaim the animal if—
- (a) an appeal relating to the decision to make the order is finally decided or is otherwise ended; and
 - (b) the order is no longer in force; and
 - (c) the owner or responsible person has satisfied section 27(2)(b)-(d).
- (9) In this section—

review means a review conducted under the process mentioned in part 4 of *Local Law No.1 (Administration) 2015*.

²⁵ See note 18.

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

Division 5 Disposal of impounded animals

29 Application of this division

This division applies where—

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

30 Sale, disposal or destruction of animals

- (1) The local government may—
 - (a) offer the animal for sale by public auction or by tender; or
 - (b) if the animal is an animal mentioned in section 25(2)(b) or is of a species, breed or class specified by subordinate local law for this paragraph—
 - (i) sell the animal by private agreement; or
 - (ii) dispose of the animal in some other way without destroying it; or
 - (iii) destroy the animal.

Example for paragraph (b)—

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

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

Examples—

- A pig that has been seized because it is being kept in an urban area in contravention of a prohibition under a subordinate local law could be sold to a person outside the urban area but not to another person in an urban area.
 - An animal that a subordinate local law has prohibited in any part of the local government area could not be sold to a person who resides within the local government area.
 - A declared dangerous animal could only be sold to a person who has complied with any specified requirements for keeping such an animal.
- (3) If an animal is to be offered for sale at a public auction under this section, notice of

the time and place of the auction must be exhibited at the local government's public office for at least 2 days before the date of the auction.

- (4) An amount realised on sale of an impounded animal must be applied—
 - (a) first, towards the costs of the sale; and
 - (b) second, towards the cost-recovery fee for impounding; and
 - (c) third, in payment of the remainder to the former owner of the animal, unless the owner had surrendered the animal to the local government.
- (5) If no person establishes a valid claim to the amount to which the former owner is entitled under subsection (4)(c) within 1 year of the date of the sale, the amount becomes the property of the local government.
- (6) If an animal that is offered for sale by public auction or tender is not sold through the auction or tender process, the local government may dispose of the animal as it considers appropriate.

Examples—

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

Division 6 Other impounding matters

31 Register of impounded animals

- (1) This section applies to an animal other than a dog seized under section 125 of the Animal Management Act.
- (2) The local government must ensure that a proper record of impounded animals (the *register of impounded animals*) is kept.
- (3) The register of impounded animals must contain the following information about each impounded animal—
 - (a) the species, breed and sex of the animal; and
 - (b) the brand, colour, distinguishing markings and features of the animal; and
 - (c) if applicable—the registration number of the animal; and
 - (d) if known—the name and address of the responsible person; and
 - (e) the date and time of seizure and impounding; and
 - (f) the name of the authorised person who impounded the animal; and
 - (g) the reason for the impounding; and
 - (h) a note of any order made by an authorised person relating to the animal; and
 - (i) the date and details of whether the animal was sold, released, destroyed or disposed of in some other way.
- (4) The register of impounded animals must be kept available for inspection by a person to whom section 31(5) of this local law applies, at the place of care for animals or, if the place has no public office, at an office prescribed by subordinate local law.

- (5) A person may inspect the Register only if the person satisfies the local government that the person is the keeper of an impounded animal by, for example, providing to the local government a statutory declaration detailing the facts and circumstances of the seizure or impounding of the impounded animal.
- (6) The keeper of an impounded animal may only inspect that part of the information contained within the Register that relates to the impounding of the impounded animal for which that person is the keeper.

32 Access to impounded animal

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

33 Unlawful removal of seized or impounded animal

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

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

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

Part 5 Appeals against destruction orders

34 Who may appeal

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

35 Starting appeal

- (1) An appeal must not be started unless a review of the decision to make the destruction order has been finally decided or otherwise ended.
- (2) An appeal is started by—
 - (a) filing notice of appeal with the Magistrates Court; and
 - (b) serving a copy of the notice of appeal on the local government; and
 - (c) complying with rules of court applicable to the appeal.

- (3) The notice of appeal must be filed within 14 days after the appellant is given notice by the local government about the finalisation of the review of the decision to make a destruction order.
- (4) However, the court may, at any time, extend the time for filing the notice of appeal.
- (5) The notice of appeal must state fully the grounds of the appeal and the facts relied on.

36 Stay of destruction order

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

37 Hearing procedures

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

38 Court's powers on appeal

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

39 Appeal to District Court

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

Part 6 Registration of cats

40 Registration obligation

- (1) This section does not apply to—

- (a) the operator of a cattery, pound or shelter; or
 - (b) the owner of a cat less than 12 weeks old.
- (2) An owner of a cat must comply with section 41 to register the cat within 14 days after starting to keep the cat in the local government area unless the person has a reasonable excuse.
- Maximum penalty—20 penalty units.
- (3) A person who becomes an owner of a cat must comply with section 41 to register the cat in the local government area within 14 days unless the person has a reasonable excuse.
- Maximum penalty — 20 penalty units.
- (4) It is a defence to a prosecution for an offence against subsection (2) or (3) for the defendant to prove that the cat is of a class of cat prescribed under a subordinate local law.

41 What the owner of a cat must do

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

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

42 What registration form must state

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

43 Chief executive officer may ask for further information

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

44 Local government must give registration notice

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

45 Duration of registration

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

46 Amendment of registration

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

47 Renewal of registration

- (1) This section applies if—
 - (a) a cat has been registered by the local government; and
 - (b) the local government has given the owner of the cat a registration notice.
- (2) The local government must give the owner notice (a **renewal notice**) to renew the registration for the cat.
- (3) The renewal notice must comply with requirements prescribed by subordinate local law.

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

- (1) This section applies to the owner of a cat, whether or not the owner has been given a renewal notice.

- (2) The owner of the cat must, before the period of registration for the cat expires—
 - (a) if any information on the renewal notice has changed—give the local government written notice of the change (the *changed information*); and
 - (b) pay the registration fee for the cat; and
 - (c) if the cat is desexed—ensure the fee is accompanied by a signed veterinary surgeon’s certificate stating, or other evidence that, it has been desexed.

Maximum penalty — 20 penalty units.

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

49 Local government’s obligations if owner complies

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

Maximum penalty — 5 penalty units.

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

49A Obligations of owner of registered cat

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

evidence to the satisfaction of the local government that reasonable circumstances for an exemption exist.

50 Cat not registered at commencement

- (1) This section applies to an owner of a cat other than the operator of a cattery, shelter or pound if the cat—
 - (a) is not registered at the commencement of this local law; or
 - (b) is less than 12 weeks old.
- (2) The owner must ensure the cat is registered within 3 months after whichever is the later of—
 - (a) the commencement of this local law; and
 - (b) the cat is 12 weeks old.

51 Registration of cat continues

A cat registered under chapter 3 of the *Animal Management (Cats and Dogs) Act 2008* before the commencement of this local law is taken to be registered under part 6.

Part 7 Miscellaneous

52 Sale of animals

- (1) The local government may, by subordinate local law, specify conditions to be complied with by persons who offer animals, or a particular species of animal, for sale.
- (2) Conditions specified under subsection (1) are in addition to requirements of the *Animal Management (Cats and Dogs) Act 2008* in relation to the supply of cats and dogs.
- (3) A person must not offer or display animals for sale in the area unless the person complies with conditions specified under subsection (1).

Maximum penalty for subsection (3)—50 penalty units.

53 Disposal of dead animals

- (1) If an animal is found dead on any land, an authorised person may give a compliance notice to—
 - (a) a person who was the owner or responsible person for the animal prior to its death; or
 - (b) for land other than a public place, and where there is no person who is known to have been the owner or responsible person for the animal prior to its death, the occupier of the land.
- (2) The compliance notice given by an authorised person under subsection (1) may

require the person to remove and dispose of the carcass in a specified manner within the time specified in the notice.

- (3) If a person fails to comply with a compliance notice given under subsection (1), a local government worker may enter the land where the carcass is situated (if it is not a public place) and—
 - (a) remove the carcass for disposal elsewhere; or
 - (b) at the authorised person's election, dispose of the carcass by burial on the land.
- (4) Subsection (3) applies—
 - (a) whether or not there has been a prosecution for an offence; and
 - (b) subject to chapter 5, part 2 of the Act.
- (5) Despite subsections (1) to (4), but subject to section 145 of the Act, a local government worker may enter the land and remove or dispose of the carcass in a manner specified in subsection (3), if the state of decomposition of the carcass creates a potentially dangerous situation.
- (6) A person must not dispose of a dead animal in or upon a public place without the permission of an authorised person.

Maximum penalty for subsection (6)—20 penalty units.

54 Subordinate local laws

The local government may make subordinate local laws about—

- (a) the circumstances in which the keeping of animals is prohibited;²⁶ or
- (b) the circumstances in which an approval is required for the keeping of animals;²⁷ or
- (c) minimum standards for keeping animals generally or animals of a particular species or breed;²⁸ or
- (d) the identification for dogs required under the *Animal Management (Cats and Dogs) Act 2008*;²⁹ or
- (e) animals whose faeces in public places must be removed and disposed of;³⁰ or
- (f) proper enclosure requirements;³¹ or
- (g) requirements for keeping a dog within a koala area;³² or

²⁶ See section 5(1).

²⁷ See section 6(1).

²⁸ See section 7(1).

²⁹ See section 8.

³⁰ See section 12.

³¹ See section 13(2).

³² See section 13A(1)

- (h) designation of an area as a koala area;³³ or
- (i) the criteria for declaring an animal other than a dog to be a declared dangerous animal;³⁴ or
- (j) the organisation or local government that operates a place or care for impounded animals;³⁵ or
- (k) the species, breed or class of animal that may be disposed of other than by public auction or tender;³⁶ or
- (l) the office at which the register of impounded animals is available for public inspection;³⁷ or
- (m) the class of cat prescribed for the purposes of section 40(4);³⁸ or
- (n) prescribed requirements for a registration form;³⁹ or
- (o) prescribed requirements for a registration notice;⁴⁰ or
- (p) prescribed requirements for a renewal notice;⁴¹
- (q) the conditions to be complied with by persons who offer animals, or a particular species of animal, for sale;⁴² or
- (r) the exclusion of animals of a particular species from the application of this local law;⁴³ or
- (s) the declaration of a species of animal as a declared dangerous animal;⁴⁴ or
- (t) the period within which an impounded animal may be reclaimed.⁴⁵

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

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

³³ See section 13A(4)

³⁴ See section 17(1).

³⁵ See section 22(b).

³⁶ See section 30(1)(b).

³⁷ See section 31(3).

³⁸ See section 40(4).

³⁹ See section 42.

⁴⁰ See section 44(3).

⁴¹ See section 47(3).

⁴² See section 52(1).

⁴³ See the definition of *animal* in the schedule.

⁴⁴ See the definition of *declared dangerous animal* in the schedule.

⁴⁵ See the definition of *prescribed period* in the schedule.

every submission properly made to it about—

- (a) each prohibition proposed under section 9(1)(a) or (b); and
- (b) each restriction proposed under subsection (1)(c).

Example—

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

56 Transitional provision for dog off-leash areas

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

Example—

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

Schedule Dictionary

Section 3

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

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

attack, by an animal, means—

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

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

changed information—

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

compliance notice means a compliance notice mentioned in *Local Law No.1 (Administration) 2015*, section 28.

cost-recovery fee means the fee fixed by the local government to cover the costs associated with impounding an animal.⁴⁶

declared dangerous animal means an animal—

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

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

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

destruction order see section 28(1).

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

effective control see section 11(2).

koala area see section 13A(4).

notice of impounding see section 23(1).

owner, of an animal, means

- (a) its registered owner;
- (b) a person who owns the animal, in the sense of it being the person's personal property;
- (c) a person who usually keeps the animal, including through an agent, employee or anyone else;

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

- (d) if a person mentioned in paragraphs (a) to (c) is a minor—a parent or guardian of the minor.

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

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

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

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

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

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

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

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

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

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

registration notice see section 44(2).

renewal notice see section 47(2).

responsible person, for an animal, means—

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

but does not include—

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

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

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

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

the Act means the *Local Government Act 2009*.

veterinary surgeon means a person registered as a veterinary surgeon under the *Veterinary*

Surgeon's Act 1936.

wandering at large means—

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

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Certification

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

.....
Chief Executive Officer

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Redland
CITY COUNCIL

Redland City Council

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



Redland City Council

Subordinate Local Law No. 2 (Animal Management) 2015

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Part 1 Preliminary

1 Short title

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

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 2 (Animal Management) 2015*, which provides for regulation of the keeping and control of animals within the local government's area.
- (2) The purpose is to be achieved by providing for—
 - (a) the circumstances in which the keeping of animals is prohibited or requires approval; and
 - (b) requirements for keeping animals, including minimum standards and proper enclosures; and
 - (c) the control of animals in public places and koala conservation areas; and
 - (d) matters regarding the impounding of animals and the sale or disposal of impounded animals; and
 - (e) the conditions to be complied with by persons who offer animals, or a particular species of animal, for sale; and
 - (f) the declaration of a species of animal as a declared dangerous animal and the criteria for declaration of a specific animal as a declared dangerous animal.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 2 (Animal Management) 2015* (the **authorising local law**).

4 Definitions

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

Part 2 Keeping of animals

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

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

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

- (1) For section 6(1) of the authorising local law, an approval is required for the keeping of an animal or animals in the circumstances specified in this section.
- (2) An approval (a **3 cat approval**) is required to keep 3 cats over the age of 3 months on premises unless a cattery approval or a pet shop approval has been granted in respect of the keeping of the cats on the premises.
- (3) An approval (a **3 dog approval**) is required to keep 3 dogs over the age of 3 months on premises unless a kennel approval or a pet shop approval has been granted in respect of the keeping of the dogs on the premises.
- (4) An approval (a **4 dog approval**) is required to keep 4 dogs over the age of 3 months on a premises unless a kennel approval or a pet shop approval has been granted in respect of the keeping of the dogs on the premises.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) An approval (a **pet pig approval**) is required to keep a pig on premises.

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

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

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

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

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

Part 3 Control of animals

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

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

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

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

10 Criteria for declared dangerous animals—Authorising local law, s 17(1)

For section 17(1) of the authorising local law, an animal may be declared a dangerous animal where there is a high likelihood of the animal causing injury to a person or animal or damage to property, taking into account—

- (a) its prior history of attacking or causing fear to persons or animals or damaging property; and
- (b) the extent of injury or damage that could potentially be inflicted by an animal of its size and species or breed.

Part 4 Seizure, impounding or destruction of animals

11 Place of care for impounded animals—Authorising local law, s 22

For section 22 of the authorising local law, the place of care for animals impounded by the local government will be operated by the local government.

12 Animals that may be disposed of without auction or tender—Authorising local law, s 30(1)(b)

For section 30(1)(b) of the authorising local law, the species, breeds or classes of animal that may be sold by private agreement, destroyed or disposed of in some other way are the following—

- (a) dogs; and
- (b) cats; and
- (c) livestock; and
- (d) poultry and birds; and

- (e) pigs; and
- (f) other small domestic animals, including guinea pigs, rats and mice.

13 Register of impounded animals—Authorising local law, s 31(3)

For section 31(3) of the authorising local law, the register of impounded animals will be kept at the local government's public office.

Part 5 Registration of cats

14 What registration form must state—Authorising local law, s42

- (1) For section 42 of the authorising local law, a registration form for the registration of a cat must—
 - (a) be in the approved form; and
 - (b) state all of the following information about the owner of the cat—
 - (i) name;
 - (ii) residential address;
 - (iii) contact telephone number;
 - (iv) email address, if any; and
 - (c) state all of the following information about the cat—
 - (i) age;
 - (ii) breed;
 - (iii) colour;
 - (iv) sex;
 - (v) any other noticeable distinguishing features or marks;
 - (vi) address;
 - (vii) if it is desexed—that it is desexed.
- (2) In this section, the *address* for a cat is the address of the place where the cat is usually kept or proposed to be kept.

15 Local government must give registration notice — Authorising local law, s44(3)

For section 44(3) of the authorising local law, a registration notice must—

- (a) be given to the owner within 14 days after the cat is registered by the local government; and
- (b) state—
 - (i) the information, for the owner and the cat, required to be given under sections 42 and 43(2) of the authorising local law; and
 - (ii) the period of the registration.

16 Local government must give renewal notice — Authorising local law, s47(3)

For section 47(3) of the authorising local law, a renewal notice must—

- (a) be given at least 14 days before the period of registration for the cat expires; and
- (b) state—
 - (i) the information, for the owner and the cat, stated in the register of cats maintained by the local government; and
 - (ii) the period of renewal of registration; and
 - (iii) that the owner must, within 7 days, give the local government notice of any change to the information.

Part 6 Miscellaneous

17 Conditions regarding sale of animals—Authorising local law, s 52(1)

For the purposes of section 52(1) of the authorising local law, persons who offer for sale an animal of a species or breed mentioned in column 1 of schedule 5 must comply with the conditions set out in column 2 of schedule 5.

18 Animals excluded from application of the local law—Authorising local law, schedule

For the purposes of the definition of “*animal*” in the schedule to the authorising local law, fish are excluded from the application of the authorising local law.

19 Prescribed period for reclaiming animals—Authorising local law, schedule

For the purposes of the definition of “*prescribed period*” in the schedule to the authorising local law, the period within which an animal may be reclaimed is—

- (a) if the animal is a horse, cow, registered cat, registered dog or other identifiable animal—5 days; and
- (b) if the animal is an unregistered cat, unregistered dog or an animal which is not an identifiable animal—3 days.

Schedule 1 Prohibition on keeping animals

Section 5

| Item | Column 1 Animal | Column 2 Circumstances in which keeping of animal or animals is prohibited |
|------|---|---|
| 1 | Dog | <p>(a) More than 2 dogs over the age of 3 months on premises unless the local government has granted, in respect of the keeping of the dogs on the premises—</p> <ul style="list-style-type: none"> (i) a 3 dog approval; or (ii) a 4 dog approval; or (iii) a kennel approval; or (iv) 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 | 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 |
|------|---|---|
| | or similar bird | |
| 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 premises in the ridgewood downs prohibition area. ³ (c) 1 or more pigs on an allotment on any of the following— (i) North Stradbroke Island; (ii) Coochiemudlo Island; (iii) Russell Island; (iv) Macleay Island; (v) Lamb Island; (vi) Karragarra Island. (d) Subject to paragraphs (a), (b) and (c), more than 1 pig on an allotment with an area of 4,000m ² or more. (e) Subject to paragraphs (a), (b), (c) and (d), 1 pig on an allotment with an area of 4,000m ² or more unless the local government has granted, in respect of the keeping of the pig on the allotment, a pet pig approval. |

³ 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 |
|-------------|----------------------------|---|
| | | |

A prohibition prescribed in this schedule does not apply to the keeping of an animal or animals on premises if—

- (a) the animal or animals were kept on the premises before the commencement of the authorising local law; and
- (b) the keeping of the animal or animals on the premises immediately before the commencement of the authorising local law did not contravene any provision of a local law of the local government that was repealed contemporaneously with the making of the authorising local law.

Schedule 2 Minimum standards for keeping animals generally

Section 7(1)

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

the owner of, or responsible person for, the animal.

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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>Biosecurity Act 2014</i> or</p> <p>(ii) the holder of a permit to keep bees granted under the <i>Biosecurity Act 2014</i>.</p> <p>(b) Each owner of, and responsible person for, bees must ensure that —</p> <p>(i) the bees are kept without nuisance; and</p> <p>(ii) if a code of practice for the keeping of bees has been approved by the local government — the bees are kept in accordance with the requirements of the code of practice.</p> |

| Item | Column 1 Species or breed of animal | Column 2 Minimum standards for keeping animals |
|-------------|--|--|
| 9 | Duck, drake, goose, turkey, rooster, peacock, peahen, ostrich, emu, guinea fowl, and poultry | <p>Each owner of, and responsible person for, a bird to which this item 9 applies which is kept on premises must ensure that—</p> <ul style="list-style-type: none"> (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 or drake, 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—</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 physical barrier —</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 | Dog | In addition to the criteria contained in relation to item 1, the enclosure must be external to the dwelling, where the property has external land that is for the private use of the occupier of the dwelling. |

| | | |
|----------|-------------------------------------|---|
| <p>3</p> | <p>A dog kept at a caravan park</p> | <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 (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. |
| <p>4</p> | <p>Stallion and pig</p> | <p>A proper enclosure for the keeping of an animal to which this item 3 applies must, in addition to the requirements specified in item 1, be constructed within an additional or second suitable and adequate fence or enclosure that is provided at the land on which the animal is kept to a standard approved by an authorised person.</p> |
| <p>5</p> | <p>Cat</p> | <p>A person who keeps a cat on premises may comply with the requirements prescribed in item 1 if—</p> <ul style="list-style-type: none"> (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 |

| | | |
|--|--|--|
| | | <p>prevent the cat jumping or climbing over the building or structure; and</p> <p>(c) all gates and doors of the building or structure are kept closed and latched except when in immediate use by a person entering or leaving the premises on which the cat is kept.</p> |
|--|--|--|

Schedule 4A Requirements for keeping a dog in a koala area

Section 9A(1)

- (1) A person who keeps a dog on a lot with an area of more than 2,000m² in a koala area must—
- (a) construct and maintain a proper enclosure⁴ (a “**koala area enclosure**”) having an area not more than 2,000m² and—
 - (i) keep the dog in the koala area enclosure; and
 - (ii) prevent the dog from wandering or escaping from the koala area enclosure; and
 - (iii) ensure that the dog is kept within the koala area enclosure at all times; or
 - (b) between sunset and sunrise tether the dog by a leash or chain which is—
 - (i) not more than 3m long; and
 - (ii) securely attached to the collar of the dog and a fixed stationery object on the lot; or
 - (c) between sunset and sunrise confine the dog to an enclosure which—
 - (i) is appropriately sized so as to be capable of effectively and comfortably housing the dog; and
 - (ii) has walls which are constructed so as to prevent the dog from escaping from the enclosure; and
 - (iii) is constructed so as to prevent a koala from entering the enclosure.

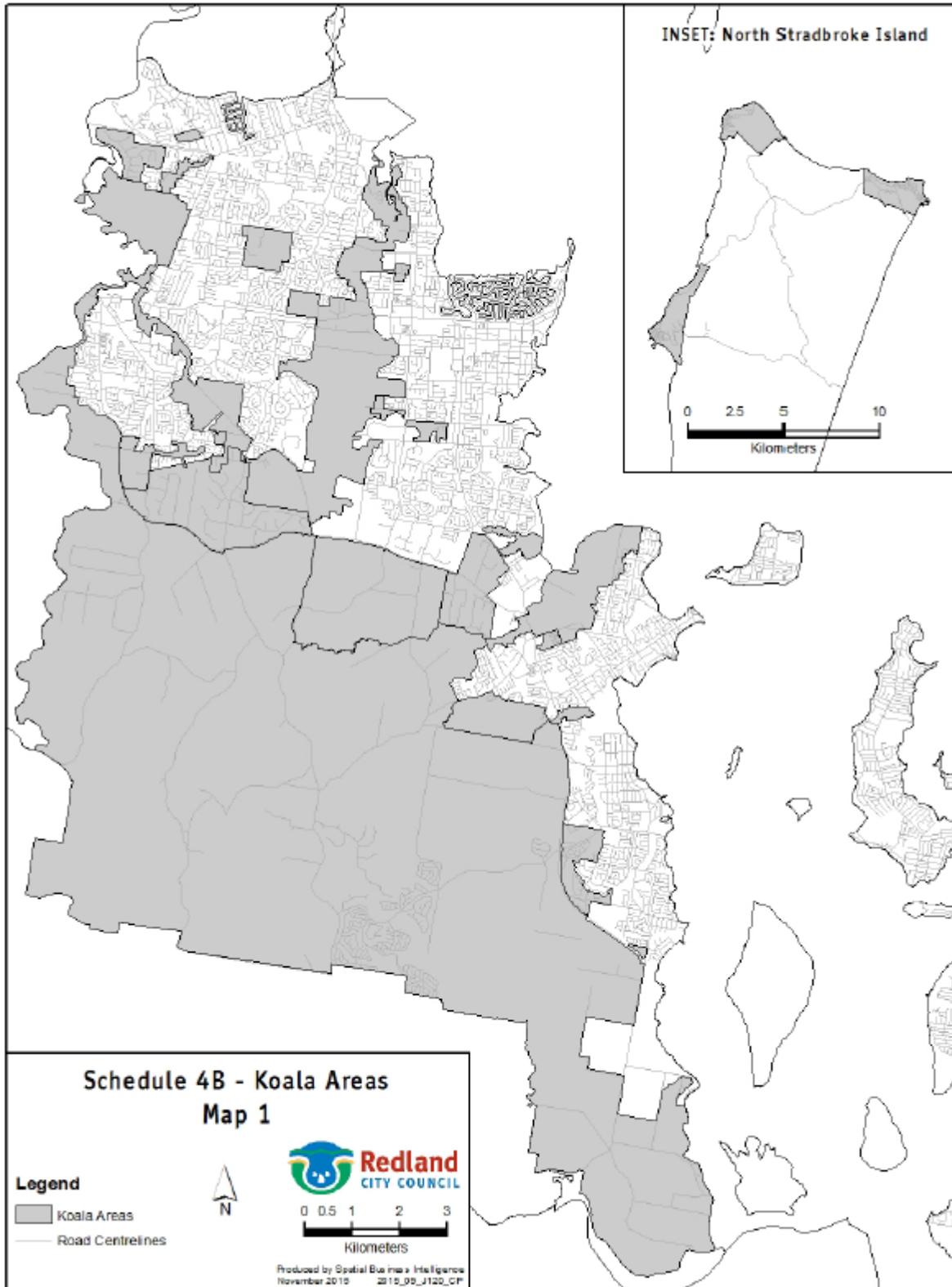
Example for paragraph (c): the enclosure may be—

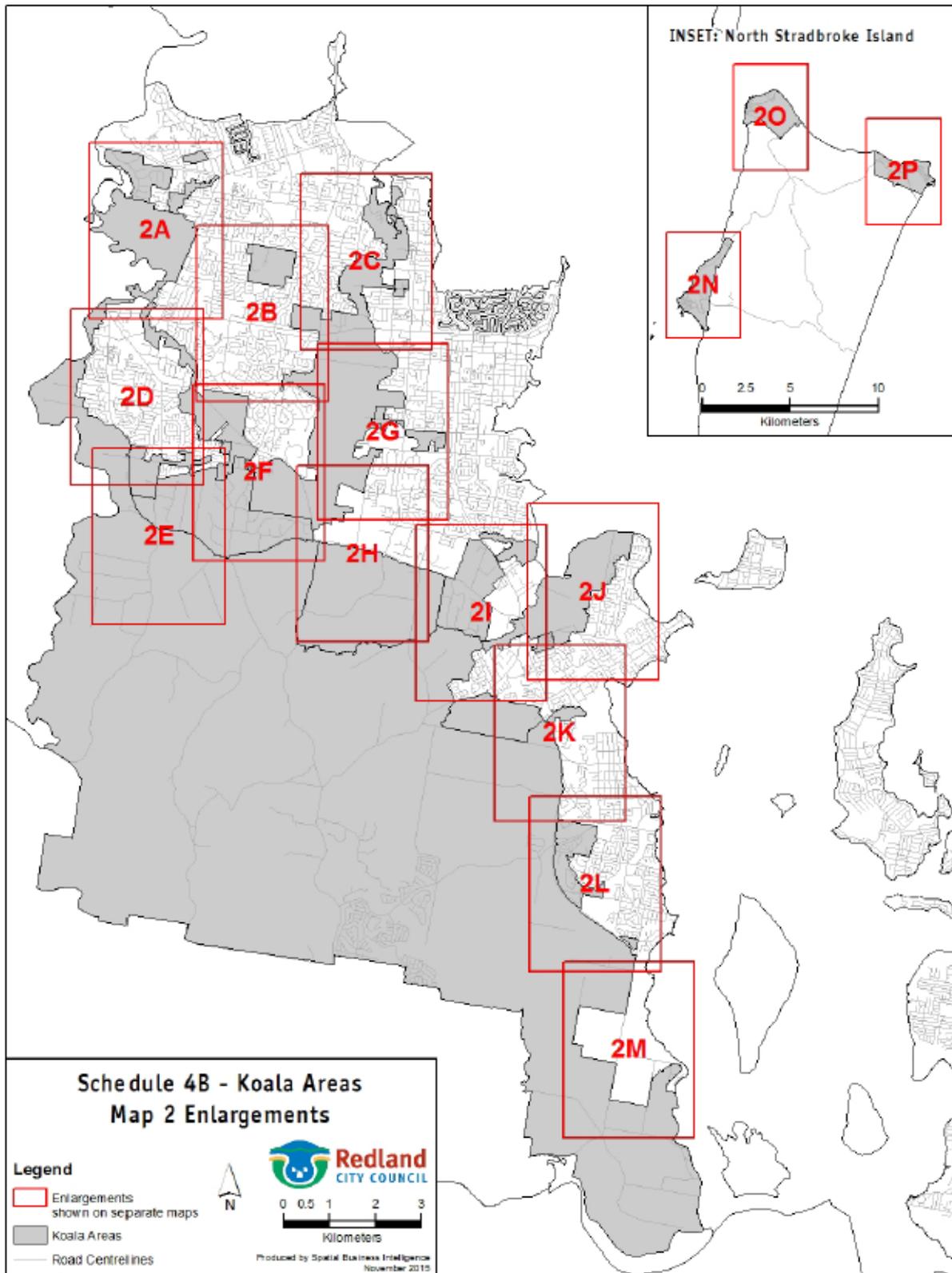
- (a) *a dwelling or part of a dwelling; or*
- (b) *a garage; or*
- (c) *a suitably fenced area which is constructed—*
 - (i) *outside a dwelling on the lot for the purpose of confining the dog between sunset and sunrise; and*
 - (ii) *so as to prevent a koala from entering the enclosure.*

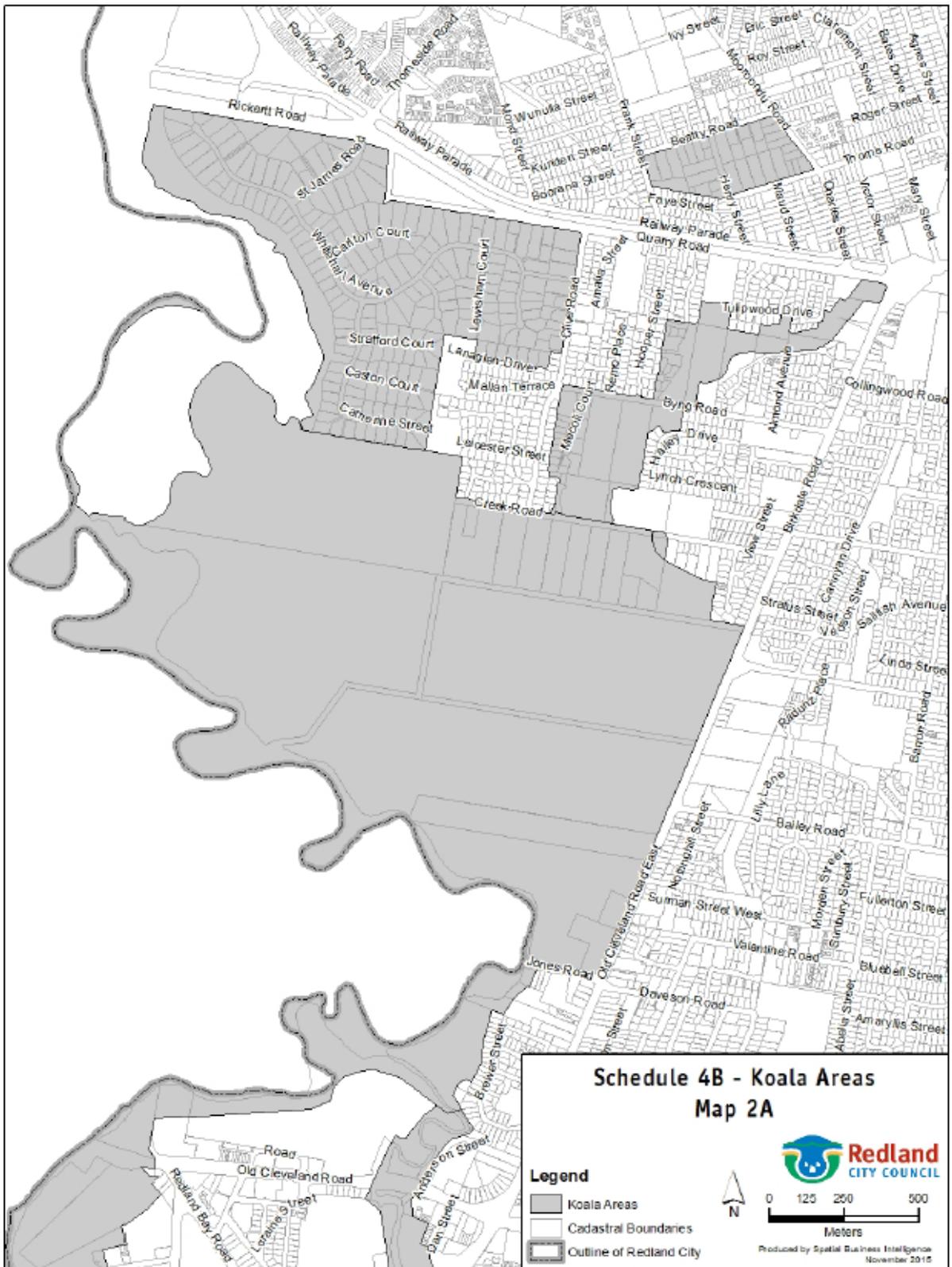
⁴ See section 9 for requirements for proper enclosures for keeping animals.

Schedule 4B Koala areas

Section 9A(2) and (3)



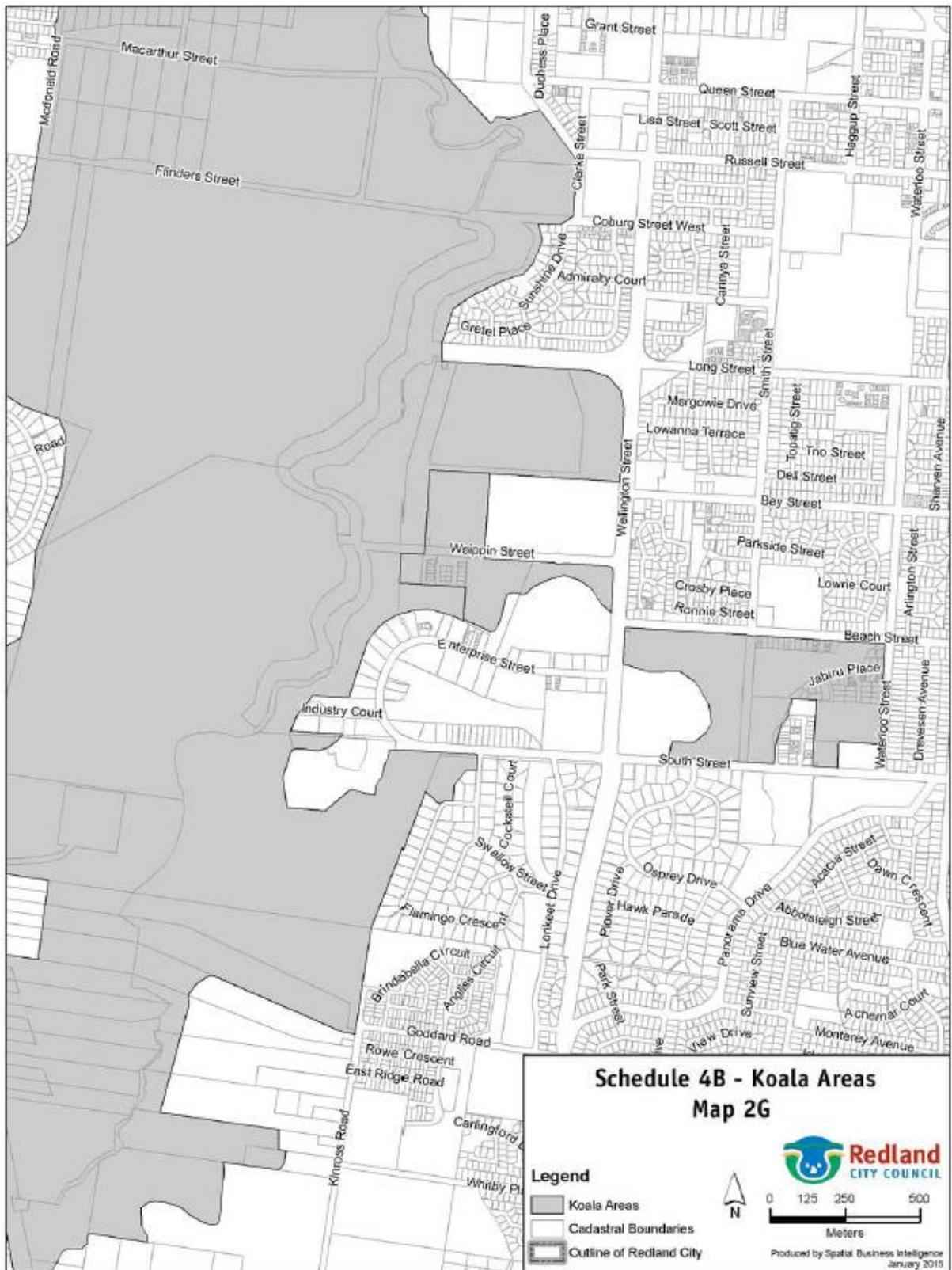








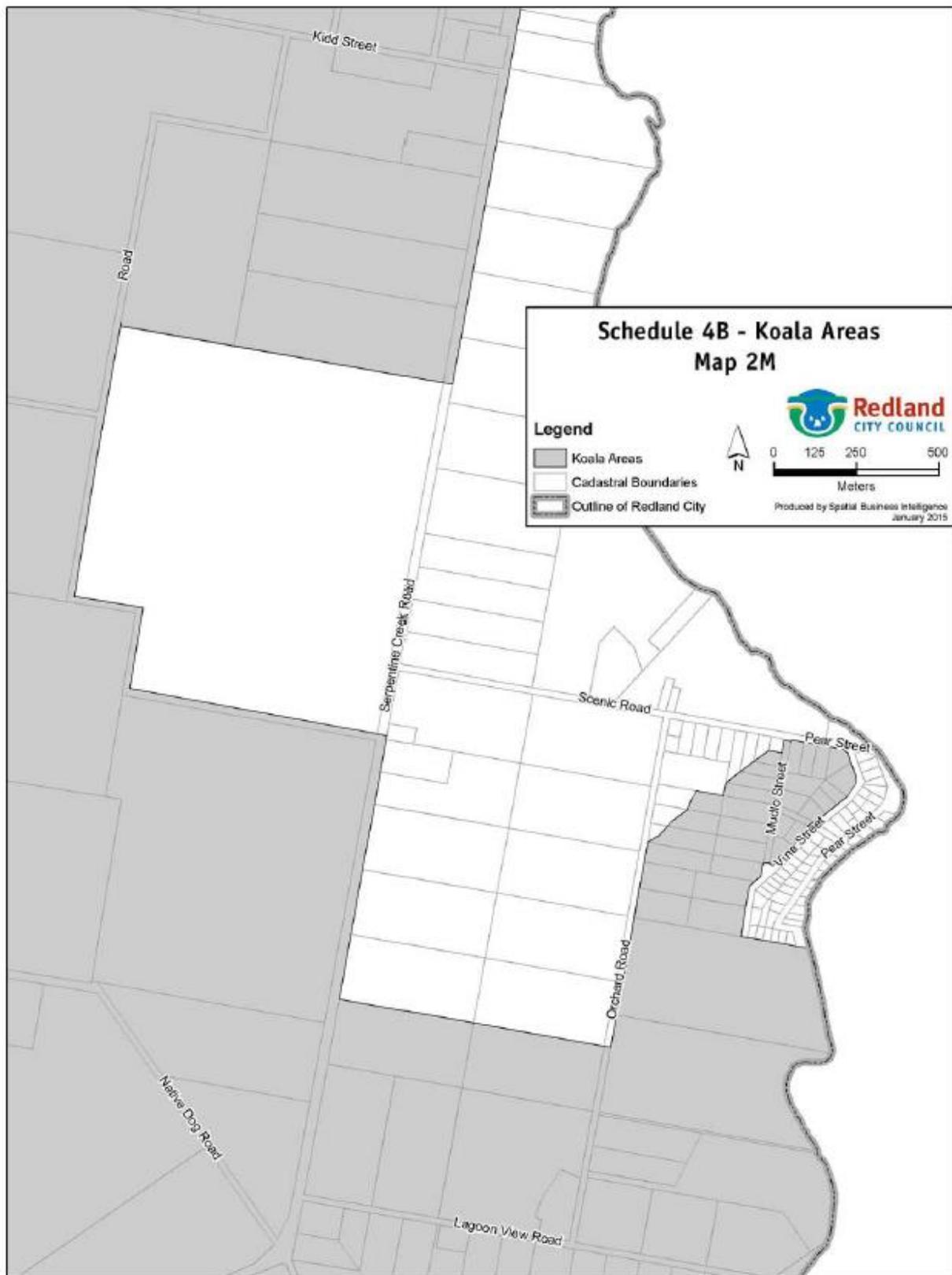


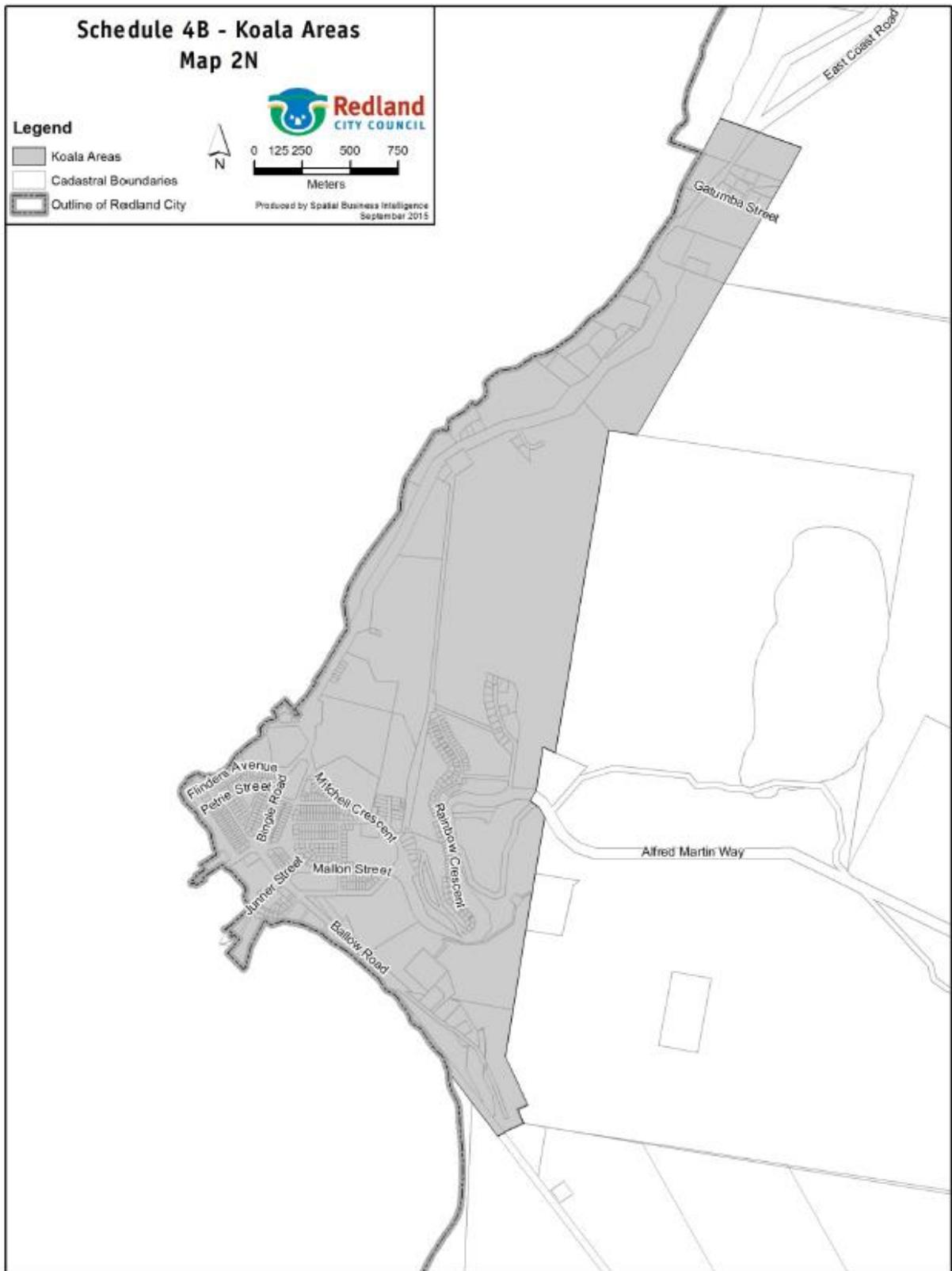


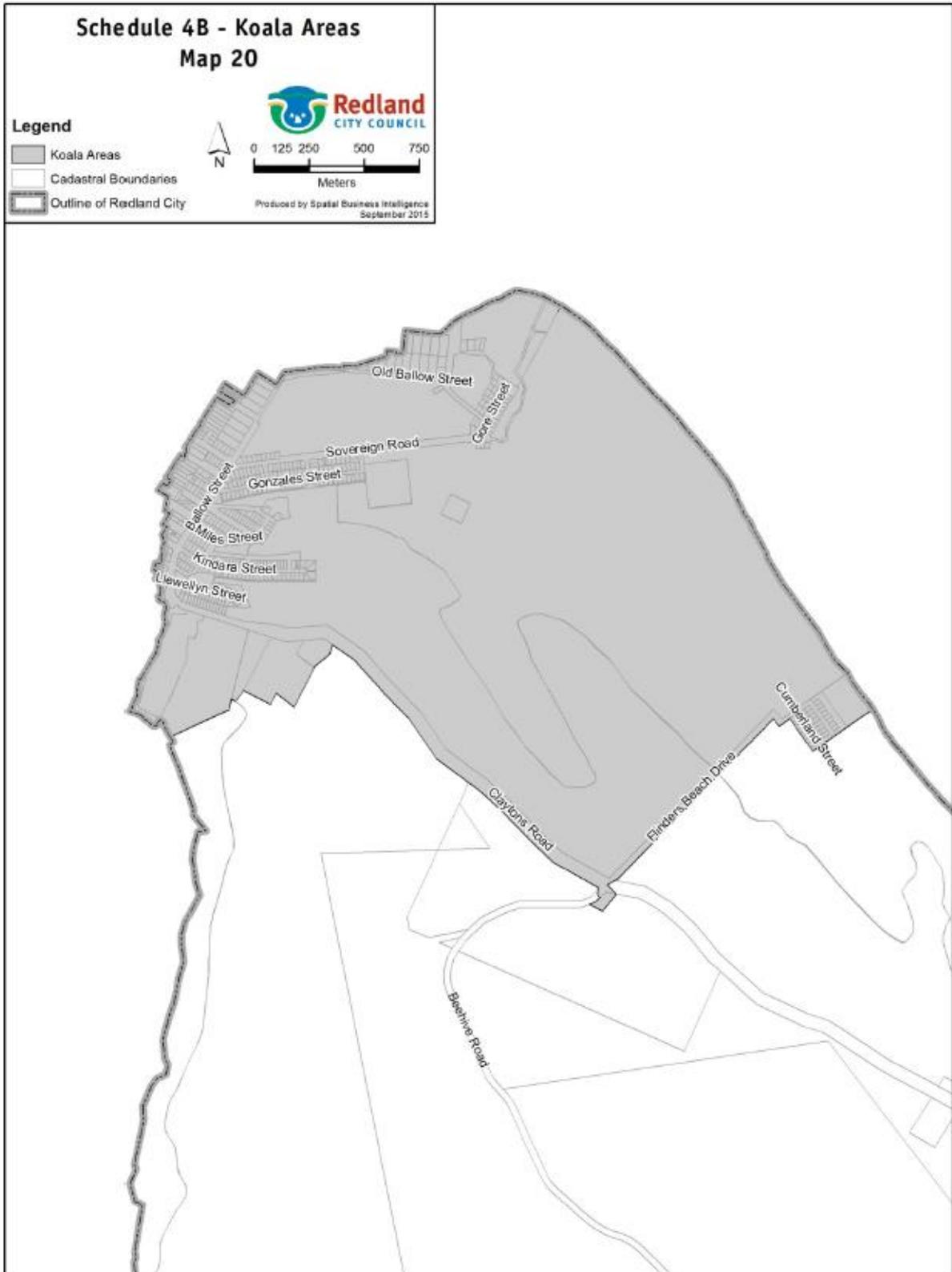


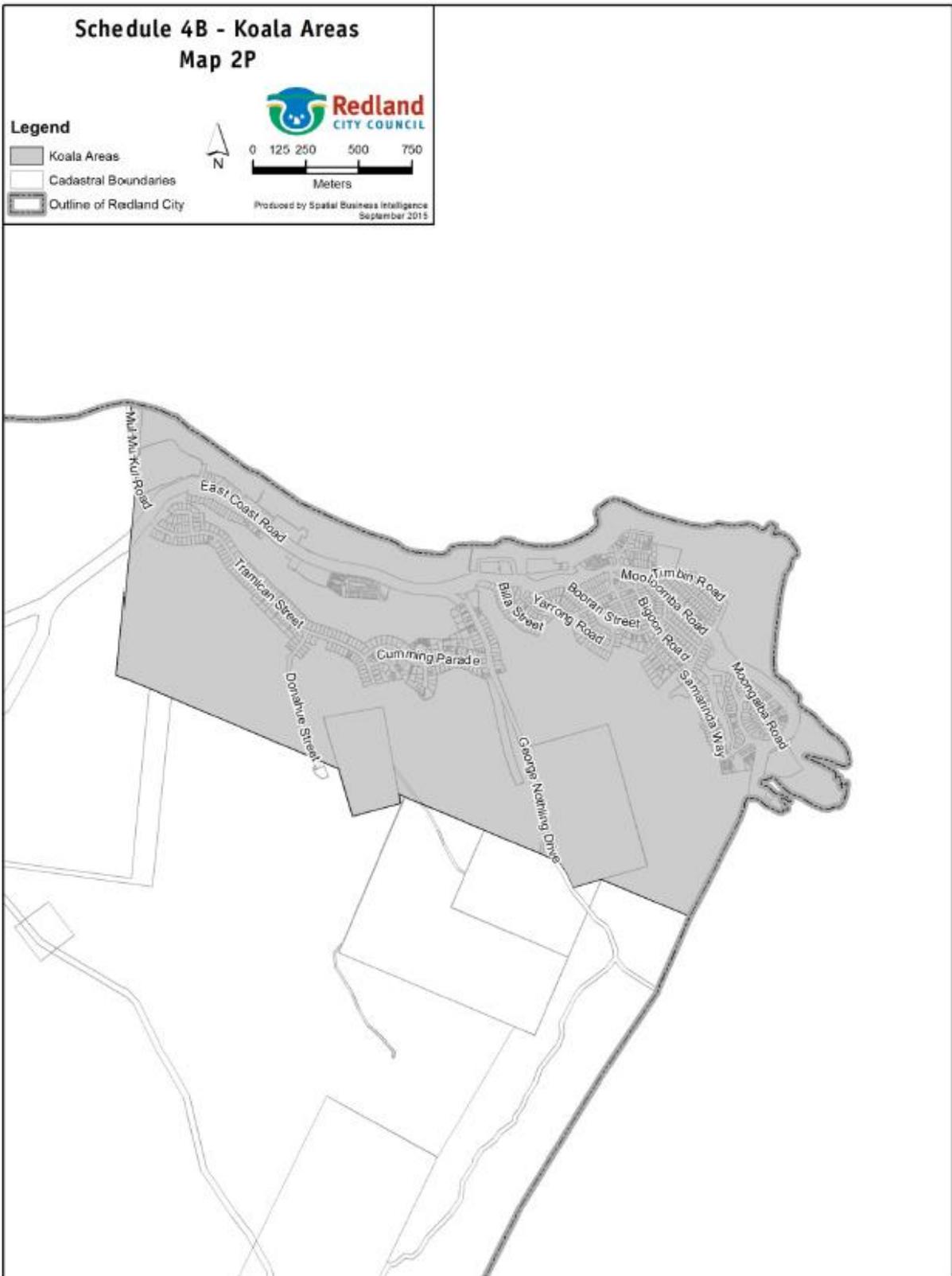












Schedule 5 Conditions for sale of animals

Section 17

| | <p 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).

4 dog approval see section 6(4).

accommodation (at a caravan park) means—

- (a) a caravan; or
- (b) a complimentary accommodation.

allotment means a single parcel of land, or several contiguous parcels of land where all of the contiguous parcels of land are in —

- (a) the same ownership; or
- (b) the same occupation.

Animal Management Act see *Animal Management (Cats and Dogs) Act 2008*.

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

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

caravan park —

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

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

cat—

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

cattery approval see section 6(4).

complimentary accommodation has the meaning given in *Local Law No. 1 (Administration) 2015*.

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

dog—

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

domestic purposes means the purposes of—

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

guard dog—

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

horse includes a pony and a miniature horse.

identifiable animal means an animal—

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

keep (an animal)—

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

kennel approval see section 6(5).

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

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

lot —

- (a) means a separate, distinct parcel of land created on—
 - (i) the registration of a plan of subdivision under part 4, division 3 of the *Land Title Act 1994*; or
 - (ii) the recording of particulars of an instrument in accordance with the *Land Title Act 1994*; and

includes a lot under the *Building Units and Group Titles Act 1980*.

multi-residential premises means —

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

Examples of multi-residential premises —

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

non-residential premises means premises other than residential premises.

occupier, of premises—

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

pet pig approval see section 6(7).

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

pet shop approval see section 6(6).

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

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

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

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

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

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

stallion means an uncastrated adult male horse.

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

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

Certification

This and the preceding 39 pages bearing my initials is a certified copy of *Subordinate Local Law No. 2 (Animal Management) 2015* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the _____ day of _____, 2015.

.....
Chief Executive Officer

470757_1

DRAFT



Redland
CITY COUNCIL

Redland City Council

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



Redland City Council

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

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 3 (Community and Environmental Management) 2015*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to protect the environment and public health, safety and amenity within the local government's area.
- (2) The purpose is to be achieved by providing for the elimination or reduction of risks and threats to the environment and public health, safety and amenity resulting from—
 - (a) inadequate protection against animal and plant pests; and
 - (b) vegetation overgrowth; and
 - (c) visual pollution resulting from accumulation of objects and materials; and
 - (d) fires and fire hazards not regulated by State law; and
 - (e) community safety hazards; and
 - (f) noise that exceeds noise standards.

3 Definitions—the dictionary

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

4 Relationship with other laws¹

This local law is—

- (a) in addition to and does not derogate from laws for pest management, regulation of fires and environmental protection; and
- (b) to be read with *Local Law No. 1 (Administration) 2015*.

Part 2 Declared local pests

Division 1 Application

5 Application of part

- (1) This part does not apply to an animal or plant that is restricted matter or prohibited matter under the *Biosecurity Act 2014*²
- (2) In this section—

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

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

prohibited matter, see the *Biosecurity Act 2014*, section 19
Restricted matter, see the *Biosecurity Act 2014*, section 21

Division 2 Declaration of local pests

6 Declaration of local pests

- (1) The local government may, by subordinate local law, declare an animal or plant of a specified species to be a local pest.
- (2) Before the local government makes a declaration under this section, it must consult with the chief executive about the desirability of the declaration.
- (3) A declaration under this section—
 - (a) must be published in a newspaper circulating generally in the local government's area; and
 - (b) comes into force on the date of publication.
- (4) In this section—

chief executive means the chief executive of the department in which the *Biosecurity Act 2014* is administered.

7 Emergency declarations

- (1) This section applies if the local government is satisfied urgent action is needed to avoid or minimise an immediate risk of environmental harm posed by a plant or animal.
- (2) The local government may, by resolution, declare an animal or plant of the relevant species to be a local pest.
- (3) A declaration under this section—
 - (a) must be published in a newspaper circulating generally in the local government's area; and
 - (b) comes into force on the date of publication; and
 - (c) comes to an end three months after the date of publication.
- (4) In this section—

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

8 Application of declaration

A declaration may apply—

- (a) to the whole of the local government's area or in a specified part or parts of the area; and
- (b) generally or only in specified circumstances.

Division 3 Control of local pests

9 Power to search for declared local pests

- (1) This section applies if an authorised person wants to enter a property to search for declared local pests.
- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—
 - (a) enter the property without the permission of the occupier; and
 - (b) take reasonable action to search for declared local pests.
- (3) However, the authorised person—
 - (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
 - (i) of the reason for entering the property; and
 - (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and
 - (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

10 Pest control notices

- (1) An authorised person may, by compliance notice³ given to the owner of land, require the owner⁴ to take specified action to control declared local pests.
- (2) The specified action may include action to—
 - (a) destroy declared local pests on the land; or
 - (b) minimise the risk of an outbreak of declared local pests on the land; or
 - (c) prevent or minimise seeding or reproduction by declared local pests; or
 - (d) contain infestation by declared local pests within a localised area; or
 - (e) reduce the density or extent of infestation by declared local pests; or
 - (f) remove harbour provided to declared local pests.
- (3) The notice may require the repetition of a specified action at stated intervals or on the reappearance of the declared local pest within a specified period.

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

⁴ See the Act, section 140, in relation to the owner's right to enter property where the owner is not the occupier to take action to comply with a remedial notice, and section 141, in relation to an occupier's right to recover amounts incurred to satisfy an owner's obligations.

Division 4 Prohibition of sale and propagation

11 Prohibition on sale

A person must not—

- (a) sell or supply a declared local pest; or
- (b) offer or display a declared local pest for sale or supply.

Maximum penalty—50 penalty units.

12 Prohibition on introducing, propagating etc a declared local pest

(1) A person must not—

- (a) introduce, propagate or breed a declared local pest; or
- (b) provide harbour to a declared local pest.

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

(2) However, subsection (1) does not apply to a person who has been prescribed under a subordinate local law for this subsection as exempt from the offence in subsection (1) in relation to a specified pest.

Example of persons that might be exempted from subsection (1) in relation to specified pests—

- Staff of research organisations such as universities or the CSIRO who require a particular pest for research purposes.
- An employee of a circus using a particular pest to provide entertainment to the public.
- Staff of an organisation using a particular pest as part of an education program.
- An employee of a zoo that keeps a particular pest.

(3) In this section—

introduce means to introduce, or cause to introduce, into the local government's area.

Part 3 Overgrown and unsightly allotments

13 Unsightly objects, materials or vegetation

(1) The responsible person for an allotment must not—

- (a) bring on to the allotment; or
- (b) allow to remain on the allotment; or
- (c) allow to accumulate on the allotment; or
- (d) place on the allotment,

any objects, materials or vegetation which, in the opinion of an authorised person, is unsightly or not in accordance with the amenity of the locality in

which the allotment is located.

Examples of objects or materials which may be unsightly or not in accordance with the amenity of the locality—

- Broken down vehicles and car bodies;
- Broken down boats, boat trailers and dilapidated boat parts;
- Scrap machinery or machinery parts;
- Discarded bottles, containers or packaging;
- Dilapidated or unsightly building hoardings;
- Shopping trolleys;
- Overgrown vegetation that seriously affects the visual amenity of the allotment or is likely to attract or harbour reptiles.

Maximum penalty—20 penalty units.

- (2) The authorised person may, by compliance notice⁵ given to the responsible person for the allotment, require the responsible person to—
- (a) remove objects, materials or vegetation that is causing the circumstance mentioned in subsection (1)(a), (b), (c) or (d); or
- (b) take other specified action to remedy the circumstance mentioned in subsection (1)(a), (b), (c) or (d).

Example of action that might be required under paragraph (b)—

Erecting an appropriate structure (in accordance with requirements under the Planning Act) to screen unsightly objects or materials from public view.

- (3) A notice issued under subsection (2) may also require the repetition of the specified action at stated intervals or on the reappearance of the accumulation of objects, materials or vegetation on the allotment within a specified period.
- (4) Without limiting subsection (2), if:
- (a) the responsible person does not comply with a compliance notice given to the responsible person pursuant to subsection (2); and if
- (b) the time for making an application for review of the compliance notice under section 22 of Local Law No. 1 (Administration) 2015 has expired,

then an authorised person may seize (by dismantling if necessary) and impound the objects, materials or vegetation.

- (5) However, the notice cannot prevent a use of land authorised under the Planning Act⁶ or the *Environmental Protection Act 1994*.
- (6) In this section—

vegetation includes a tree, bush, shrub, plant or grass, but does not include vegetation that is protected under a law⁷ of the State or Commonwealth or

⁵ See footnote 5.

⁶ See definition of *Planning Act* in the Act, schedule 4

⁷ For example, vegetation may be protected under the *Nature Conservation Act 1994*, the *Vegetation Management Act 1999*, the *Planning Act*, the *Queensland Heritage Act 1992*, the *Fisheries Act 1994* and the

under the local government's planning scheme.

Part 4 Fires and fire hazards

14 Regulation of lighting and maintaining fires in the open

- (1) This section does not apply to the lighting or maintaining of a fire that is authorised under the *Fire and Emergency Services Act 1990*.⁸
- (2) The local government may, by subordinate local law, prohibit or restrict the lighting or maintaining of fires in the open in the whole, or designated parts, of the local government's area.

Example—

The subordinate local law might prohibit the lighting of fires, or a particular type of fire, in the open, unless 1 or more of the following conditions is met—

- the fire is contained in an approved incinerator;
 - the fire is established in a specified way and specified precautions are taken to prevent the spread of fire;
 - the fire is lit and extinguished within a specified time.
- (3) A person must comply with a prohibition or restriction imposed under this section.
Maximum penalty for subsection (3)—50 penalty units.
 - (4) A person must not light or maintain a fire if the fire exposes property to the risk of damage or destruction by fire.
Maximum penalty for subsection (4)—50 penalty units.
 - (5) However, a person does not commit an offence under subsection (3) or (4) if the person is authorised or required to light or maintain the fire in the performance of duties under another Act.

15 Fire hazards

- (1) This section applies where an authorised person forms the opinion that a fire hazard exists on an allotment.
- (2) The authorised person may, by compliance notice⁹ given to the responsible person for the allotment, require the responsible person to take specified action to reduce or remove the fire hazard.¹⁰

Environment Protection and Biodiversity Conservation Act 1999 (Cwlth).

⁸ See the *Fire and Emergency Services Act 1990*, section 63, regarding fires authorised by notification, section 65 regarding fires authorised by permit and section 69, regarding notices requiring occupiers to take measures to reduce the risk of fire. For fires authorised by notification under section 63, see the Notification by the Commissioner of the Queensland Fire and Emergency Service published in the gazette on 6 August 2004.

⁹ See footnote 5.

¹⁰ See also the *Fire and Emergency Services Act 1990*, section 69, under which the Queensland Fire and Emergency Service Commissioner can publish a general notification in the gazette requiring occupiers of land to

(3) In this section—

fire hazard means—

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

Examples of fire hazards for paragraph (a)—

- Live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash.
- A substantial accumulation of grass clippings that is liable to spontaneous combustion.
- Dry vegetation that could be easily ignited or other flammable materials.

Part 5 Community safety hazards

16 What is a community safety hazard

A community safety hazard is—

- (a) a fence or structure on land that, because of its nature or its position, poses a significant risk of causing injury to a person or damage to property; or
- (b) objects or materials on land that are likely to become airborne in periods of high wind in a way that poses a significant risk of causing injury to a person or damage to property; or
- (c) a thing that is declared to be a community safety hazard under a subordinate local law for this paragraph.

Examples of a fence or structure that may be a community safety hazard for paragraph (a)—

- Barbed wire fencing adjoining a public park or reserve or located in an urban area.
- Electric fences adjoining public land.
- An unfenced dam adjacent to a public park or reserve.

17 Power to enter property to inspect for community safety hazards

- (1) This section applies if an authorised person wants to enter a property to inspect it to identify any community safety hazards.
- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—
 - (a) enter the property without the permission of the occupier; and
 - (b) take reasonable action to inspect the property for community safety hazards.

take measures to reduce the risk of fire occurring or the risk to persons, property or environment in the event of fire occurring.

- (3) However, the authorised person—
- (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
 - (i) of the reason for entering the property; and
 - (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and
 - (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

18 Removal or reduction of community safety hazards

- (1) This section applies where an authorised person forms the opinion that a community safety hazard exists on an allotment.
- (2) The authorised person may, by compliance notice¹¹ given to the responsible person for the allotment, require the responsible person to take specified action in relation to the community safety hazard to—
 - (a) remove the hazard; or
 - (b) reduce the level of risk to persons or property.

Example of specified action that might be required under paragraph (b) to reduce the risk to the community from a community safety hazard—

Securing objects or materials that may become airborne in periods of high wind.

19 Prescribed requirements

- (1) The local government may, by subordinate local law, prescribe requirements that must be met by responsible persons relating to specified types of community safety hazards located on the owner's land.

Example of prescribed requirements—

- A requirement to place signs on electric fences or barbed wire fences adjoining public land to warn persons of the risk of injury.
 - A requirement to install and maintain an electric fence in accordance with appropriate standards.
- (2) A responsible person must comply with requirements prescribed under this section.

Maximum penalty for subsection (2)—50 penalty units.

¹¹ See footnote 5.

Part 6 Noise standards

20 Prescribed noise standards

- (1) This section applies if the local government is the administering authority for the *Environmental Protection Act 1994*, chapter 8, part 3B.¹²
- (2) The local government may, by subordinate local law, prescribe a noise standard in the whole, or designated parts, of the local government's area by—
 - (a) prohibiting the making of a stated noise (for example, by reference to the activity making the noise and the time at which the noise is made);¹³ and
 - (b) stating the section, in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3, for which the subordinate local law provision is prescribing a noise standard.¹⁴

Part 7 Shopping Trolleys

21 Removal of shopping trolleys

- (1) A person must not, without the consent of the shopping trolley's owner or a reasonable excuse, remove a shopping trolley from a shopping centre precinct or leave a shopping trolley at a place that is not a shopping centre precinct.
- (2) The maximum penalty for subsection (1) is –
 - (a) for a first offence – 10 penalty units; or
 - (b) for a second offence – 20 penalty units; or
 - (c) for a third or later offence – 50 penalty units.

22 Retailers

- (1) A retailer must take all reasonable measures to ensure that all shopping trolleys provided by the retailer for customer use remain within the shopping centre precinct.
- (2) The maximum penalty for subsection (1) is –

¹² See the *Environmental Protection Act 1994*, section 514, for the making of a regulation to devolve the administration and enforcement of parts of the Act to local governments as the administering authority. The *Environmental Protection Regulation 2008*, section 99, devolves the administration and enforcement of noise standards to local governments. Section 109 of the Regulation declares local government authorised persons to be authorised persons under the *Environmental Protection Act 1994*, section 445(1)(c). Chapter 9 of that Act provides for the investigation and enforcement powers of authorised persons.

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

¹⁴ Section 440O(3) provides that a local law that prescribes a noise standard replaces the nominated default noise standard in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3.

- (3) For the avoidance of doubt, a person does not commit an offence under subsection (1) if the person commits an offence under section 340 of the *Nature Conservation (Wildlife Management) Regulation 2006*.
- (4) In this section —
- (a) **feed**, in relation to a native bird, includes—
 - (i) the use of food to entice the native bird; and
 - (ii) an attempt to provide food to the native bird; but
 - (iii) does not include planting, growing or maintaining a plant which is a source of food for a native bird;
 - (b) **native bird** means a bird in an independent state of natural liberty;
 - (c) **relevant nuisance**, for premises, means a nuisance to land adjoining, or in close proximity to, the premises;
 - (d) **destructive behaviour**, means gnawing or chewing or an action of the native bird leading to property damage;
 - (e) **immediate area**, means adjoining properties.

Part 8 Subordinate local laws

24 Subordinate local laws

The local government may make subordinate local laws about—

- (a) declaring animals or plants of specified species to be local pests;¹⁵ or
- (b) lighting and maintaining of fires in the open;¹⁶ or
- (c) fire hazards;¹⁷ or
- (d) community safety hazards;¹⁸ or
- (e) prescribed requirements relating to community safety hazards;¹⁹ or
- (f) prescribed noise standards for the *Environmental Protection Act 1994*;²⁰ or
- (g) shopping trolleys.²¹

Schedule Dictionary

¹⁵ See section 6(1).

¹⁶ See section 14(2).

¹⁷ See section 15(3)(b).

¹⁸ See section 16(c).

¹⁹ See section 19(1).

²⁰ See section 20(2).

²¹ See section 22(3).

Section 3

allotment means an individual parcel or piece of land.

animal means an organism (other than a human being) that is not a plant and includes eggs and semen.

compliance notice means a compliance notice mentioned in *Local Law No.1 (Administration) 2015*, section 28.

declared local pest means a plant or animal declared to be a pest under section 6 or 7.

plant means vegetation of any type, including its flowers, roots, seeds and other parts.

reasonable written notice means a written notice given at least 7 days before a property is to be entered, that informs the owner and the occupier of the property of—

- (a) the local government's intention to enter the property; and
- (b) the reason for entering the property; and
- (c) the days and times when the property is to be entered.

responsible person (for an allotment) means the person who has control or management of the allotment and includes a person in charge of activities or structures on the allotment that may result in a contravention of this local law.

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

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

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

the Act means the *Local Government Act 2009*.



Redland
CITY COUNCIL

Redland City Council

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



Redland City Council

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

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Part 1 Preliminary

1 Short title

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

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2015* in order to protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads and preserve features of the natural and built environment and other aspects of the amenity of local government controlled land, facilities, infrastructure and roads.
- (2) The purpose is to be achieved by providing for—
 - (a) the regulation of access to local government controlled areas; and
 - (b) the prohibition or restriction of particular activities in local government controlled areas or roads.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2015* (the *authorising local law*).

4 Definitions

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

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

5 Prohibited and restricted activities—Authorising local law, s 5(1)

- (1) For section 5(1)(a) of the authorising local law, the activities prescribed in column 2 of schedule 1 are declared to be prohibited in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 1.
- (2) For section 5(1)(b) of the authorising local law, the activities prescribed in column 2 of schedule 2 are declared to be restricted in the corresponding local government controlled area or road (or part thereof) mentioned in column 1 of schedule 2, to the extent described in column 3 of schedule 2.

6 Motor vehicle access in local government controlled areas—Authorising

local law, s 6(1)(b)

For section 6(1)(b) of the authorising local law, the areas prescribed in column 1 of schedule 3 are declared to be motor vehicle access areas.

7 Prohibited vehicles—Authorising local law, s 6(3)

For section 6(3) of the authorising local law, the specific types of motor vehicle prescribed in column 2 of schedule 3 are declared to be prohibited vehicles in the corresponding specified motor vehicle access area in column 1 of schedule 3.

8 Opening hours for local government controlled areas—Authorising local law, s 7(1)

- (1) For section 7(1) of the authorising local law, the times prescribed in column 2 of schedule 4 are declared to be the opening hours for the local government controlled areas mentioned in column 1 of schedule 4.
- (2) However, the local government may, from time to time, by resolution, declare other times when a local government controlled area is open to the public.

9 Permanent closure of local government controlled area—Authorising local law, s 8(3)

For section 8(3) of the authorising local law, the local government controlled areas described in schedule 5 are permanently closed to public access.

Part 3 Matters affecting roads

10 Notice requiring owner of land adjoining road to fence land—Authorising local law, s 9(3)

For section 9(3) of the authorising local law, the minimum standards for a fence that is the subject of a compliance notice under section 9(2) of the authorising local law are as follows—

- (a) the fence must be constructed of materials which are of sufficient strength to—
 - (i) restrain the types of animals to be contained in the area adjacent to the fence; and
 - (ii) stop the animals from escaping over, under or through the fence; and
- (b) the height of the fence must be sufficient to restrain the types of animals to be contained in the area adjacent to the fence from jumping or climbing over the fence; and
- (c) if an animal to be contained in the area adjacent to the fence has the ability to dig — the fence must include a barrier installed directly below the fence to prevent the animal digging its way underneath the fence; and

- (d) if the fence includes a gate — the gate must be kept closed and latched except when in immediate use by a person entering or leaving the area adjacent to the fence.

DRAFT

Schedule 1 Prohibited activities for local government controlled areas or roads

Section 5(1)

| | <p style="text-align: center;">Column 1</p> <p style="text-align: center;">Local government controlled area or road</p> | <p style="text-align: center;">Column 2</p> <p style="text-align: center;">Prohibited activity</p> |
|----------|---|--|
| <p>1</p> | <p>All local government controlled areas within the local government area</p> | <ul style="list-style-type: none"> <li data-bbox="842 573 1378 680">(a) Riotous, disorderly, indecent, offensive, threatening or insulting behaviour; <li data-bbox="842 698 1378 806">(b) Carrying or displaying a placard or other sign bearing an offensive or threatening message or image; <li data-bbox="842 824 1378 931">(c) Injuring, misusing, defacing, marking or otherwise damaging a building or structure; <li data-bbox="842 949 1378 1424">(d) Entering or interfering with a building or structure associated with the water supply system, stormwater drain system or sewerage system of the local government unless the person entering or interfering with the building or structure is an emergency services officer entering or interfering with the building or structure in the course of his or her duties as an emergency services officer; <li data-bbox="842 1442 1378 1585">(e) Camping, sleeping, occupying or remaining overnight unless the local government controlled area is a park or reserve; <li data-bbox="842 1603 1378 1747">(f) Parking or standing a vehicle bearing a sign or advertisement that the vehicle is offered for sale or hire; <li data-bbox="842 1765 1378 1845">(g) Parking or leave standing, an unregistered vehicle. |

| | <p style="text-align: center;">Column 1</p> <p style="text-align: center;">Local government controlled area or road</p> | <p style="text-align: center;">Column 2</p> <p style="text-align: center;">Prohibited activity</p> |
|---|---|--|
| 2 | All roads within the local government area | <p>(a) Painting an object other than a vehicle in, on or over a road;</p> <p>(b) Repairing, altering or carrying out maintenance on an object other than a vehicle in, on or over a road;</p> <p>(c) Intentionally or negligently damaging a road or a structure associated with a road;</p> <p>(d) Creating a nuisance on a road;</p> <p>(e) Camping, sleeping, occupying or remaining overnight in a vehicle stopped on a footpath, shared path, water-channel or gutter;</p> <p>(f) Parking or standing a vehicle bearing a sign or advertisement that the vehicle is offered for sale or hire;</p> <p>(g) Storing a waste container on a road 24 hours before or after the collection day for the waste container;</p> <p>(h)(g) Parking or leave standing, an unregistered vehicle.</p> |
| 3 | All off-street regulated parking areas within the local government area as declared in section 6 of <i>Local Law No. 5 (Parking) 2015</i> | Parking or leave standing, an unregistered vehicle. |
| 4 | All local government cemeteries within the local government area | <p>(a) Interfering with a funeral or commemorative service lawfully conducted in a local government cemetery;</p> <p>(b) Distributing or putting up any handbill, card, circular or advertisement;</p> <p>(c) Interfering with any tree, shrub or plant;</p> <p>(d) Discharging a firearm, except at a military or police funeral or other recognised type of funeral service</p> |

| | <p align="center">Column 1</p> <p align="center">Local government controlled area or road</p> | <p align="center">Column 2</p> <p align="center">Prohibited activity</p> |
|--|---|--|
| | | <p>ordinarily involving such discharge;</p> <p>(e) Damaging or disturbing or interfering with any memorial, inscription plaque, epitaph or inscription, or any flowers or tokens placed on or adjacent to a grave or niche;</p> <p>(f) Riding or driving or permitting to be ridden or driven, any vehicle of any description or any horse otherwise than on a paved roadway or path;</p> <p>(g) Engaging in conduct which is dangerous or creates a risk to the safety of members of the public;</p> <p>(h) Deliberately or recklessly damaging or destroying any building, fence, structure, improvement or other property;</p> <p>(i) Bringing an animal into or allowing an animal to be within a local government cemetery other than—</p> <p style="padding-left: 20px;">(i) for the purposes of a funeral or commemorative service; or</p> <p style="padding-left: 20px;">(ii) a dog which is under effective control as defined in section 11 of <i>Local Law No. 2 (Animal Management) 2015</i>;</p> <p>(j) Entering or being within a local government cemetery except for the purpose of—</p> <p style="padding-left: 20px;">(i) visiting a grave, memorial or interment site; or</p> <p style="padding-left: 20px;">(ii) attending a funeral; or</p> <p style="padding-left: 20px;">(iii) maintaining or repairing a grave, memorial or interment site in accordance with a written authorisation of the chief</p> |

| | <p align="center">Column 1</p> <p align="center">Local government controlled area or road</p> | <p align="center">Column 2</p> <p align="center">Prohibited activity</p> |
|----------|---|--|
| | | <p align="center">executive officer;</p> <p>(k) Taking part in any meeting other than a meeting of a religious or commemorative nature.</p> |
| <p>5</p> | <p>All parks and reserves within the local government area</p> | <p>(a) Damaging or interfering with vegetation;</p> <p>(b) Discharging or carrying a firearm or other weapon or any kind of explosive device;</p> <p>(c) Throwing a stone, projectile or other missile;</p> <p>(d) Using or carrying a trap, snare or net;</p> <p>(e) Hitting a golf ball;</p> <p>(f) Behaving in a riotous disorderly, indecent, offensive, threatening or insulting manner;</p> <p>(g) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person;</p> <p>(h) Interfering with a plant or any turf, sand, clay, soil or other material;</p> <p>(i) Interfering with any facility or equipment located at the park or reserve;</p> <p>(j) Disposing of any waste of any kind other than in a waste container provided for that purpose;</p> <p>(k) Depositing, storing or abandoning any goods;</p> <p>(l) Bathing in any ornamental pond or lake;</p> <p>(m) Using a boat, canoe, craft, surf ski, surf board or other recreational floating device in an ornamental pond or lake;</p> |

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

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

| | <p style="text-align: center;">Column 1</p> <p style="text-align: center;">Local government controlled area or road</p> | <p style="text-align: center;">Column 2</p> <p style="text-align: center;">Prohibited activity</p> |
|--|---|--|
| | | <p>to be cast or discharged, any material, object or substance from a boat ramp or landing;</p> <p>(n) Occupying a ship or mooring a ship at a boat ramp or landing for the purpose of habitation;</p> <p>(o) While involved in the use of a ship at a boat ramp or landing, casting or discharging, or causing to be cast or discharged, from the ship, any material, object or substance into the waters surrounding the ship;</p> <p>(p) Mooring a ship at a boat ramp or landing except to a bollard or other fastening appliance that is provided for that purpose at the boat ramp or landing;</p> <p>(q) Mooring a ship to any steps or landing place for passengers or cargo at a boat ramp or landing;</p> <p>(r) Permitting a ship to lie alongside a boat ramp or landing, unless it is properly moored;</p> <p>(s) Placing or mooring a ship in the approach fairway to a boat ramp or landing;</p> <p>(t) If a ship is moored at a boat ramp or landing—allowing the ship to lie alongside, or remain attached to, the boat ramp or landing, except for the purpose of embarking or disembarking passengers or crew, or loading or unloading cargo, stores or goods from the boat ramp or landing;</p> <p>(u) Operating a ship in a manner that obstructs or interferes with the use of a boat ramp or landing by another ship;</p> <p>(v) If the boat ramp or landing is used by a ship (a <i>ferry service ship</i>) for the purposes of a ferry service—mooring, or allowing a ship to lie</p> |

| | <p style="text-align: center;">Column 1</p> <p style="text-align: center;">Local government controlled area or road</p> | <p style="text-align: center;">Column 2</p> <p style="text-align: center;">Prohibited activity</p> |
|----------|---|---|
| | | <p>alongside the boat ramp or landing in a manner that obstructs or interferes with the use of the boat ramp or landing by a ferry service ship used in the operation of the ferry service.</p> |
| <p>8</p> | <p>All local government swimming pools within the local government area, including each local government swimming pool identified in schedule 6</p> | <ul style="list-style-type: none"> (a) Bringing any glass or any item made from glass onto the pool deck surrounding the swimming pool or into the swimming pool; (b) Engaging in conduct which is dangerous or which creates a risk to the safety of other users of the swimming pool; (c) Causing wilful damage to the swimming pool or any facilities at the swimming pool; (d) Behaving in a way that endangers the safety of, or causes a nuisance to, other users of the swimming pool; (e) If a person is more than 5 years of age — entering any part of the swimming pool which is set apart for the exclusive use of the opposite sex, other than for the purpose of rendering emergency assistance; (f) Entering the land on which the swimming pool is located whilst intoxicated or under the influence of a stupefying drug; (g) Entering the swimming pool whilst carrying or having possession of any alcohol or a stupefying drug; (h) Disposing of waste other than in a waste container provided by the local government for the purpose of the collection of waste; (i) Entering the water in the swimming pool if the person has an infectious or contagious disease or illness or a skin |

| | <p align="center">Column 1</p> <p align="center">Local government controlled area or road</p> | <p align="center">Column 2</p> <p align="center">Prohibited activity</p> |
|----------|---|---|
| | | <p>complaint;</p> <p>(j) Interfering with the property of another person on the land on which the swimming pool is located other than with the consent of the other person;</p> <p>(k) Entering the land on which the swimming pool is located unless the person has paid the entrance fee prescribed by the local government from time to time for entry to the swimming pool;</p> <p>(l) Using a season ticket for the swimming pool otherwise than in accordance with the rules of the local government for the use of a season ticket for the swimming pool;</p> <p>(m) Behaving in a threatening, abusive or insulting manner to another person at the swimming pool;</p> <p>(n) Leaving a child or children under the age of 10 at the land on which the swimming pool is located otherwise than under the direct supervision of a person who is a parent or guardian of the child or children and at least 16.</p> |
| <p>9</p> | <p>All local government offices, libraries and depots within the local government area</p> | <p>(a) Obstructing or interfering with a person who is a local government employee or a contractor of the local government in the performance of the duties to be performed by the person at the local government controlled area;</p> <p>(b) Disposing of waste other than in a waste container provided for that purpose;</p> <p>(c) Using facilities in a way that makes them unclean or insanitary;</p> <p>(d) Behaving in a riotous, disorderly, indecent, offensive, threatening or insulting manner;</p> |

| | <p style="text-align: center;">Column 1</p> <p style="text-align: center;">Local government controlled area or road</p> | <p style="text-align: center;">Column 2</p> <p style="text-align: center;">Prohibited activity</p> |
|-----------|--|---|
| | | <ul style="list-style-type: none"> (e) Carrying out an activity or behaving in a manner reasonably likely to injure, endanger, obstruct, inconvenience or cause fear or excessive annoyance to another person; (f) Interfering with any facility or equipment located at the local government controlled area; (g) Depositing, storing or abandoning any goods; (h) Any activity which fouls, litters, pollutes or interferes with the local government controlled area or a facility in the local government controlled area; (i) Wilfully breaking, destroying, damaging, defacing, disfiguring or writing upon any part of the local government controlled area or a notice erected or displayed by the local government at the local government controlled area; (j) Using any part of the local government controlled area in a manner which is inconsistent with— <ul style="list-style-type: none"> (i) the safe, secure and efficient operation of the local government controlled area; or (ii) the maintenance or improvement of the convenience of users of the local government controlled area. |
| <p>10</p> | <p>Footpaths on roads as follows—</p> <ul style="list-style-type: none"> (a) the footpath on either side of each road within the Cleveland Central Business District bounded by, and including, each of Wynyard, Shore, Waterloo and Queen Streets; | <p>Riding a bicycle, wheeled recreational device or wheeled toy, as defined in the <i>Transport Operations (Road Use Management) Act 1995</i>.</p> |

| | Column 1 Local government controlled area or road | Column 2 Prohibited activity |
|----|--|---|
| | <p>(b) the footpath commonly known as Capalaba Place between Noeleen Street and Capalaba Central Shopping Centre;</p> <p>(c) the footpath on either side of Main Road, Wellington Point, from the intersection with Apsley Street to the intersection with Douro Road.</p> | |
| 11 | The public transport waiting points at each boat ramp and landing within the local government area identified in schedule 6 | <p>(a) Smoking;</p> <p>(b) Fishing;</p> <p>(c) Using a cast net or other bait collecting device;</p> <p>(d) Using a crab pot or other device for catching a crustacean.</p> |
| 12 | The Swan Bay region of Main Beach, North Stradbroke Island | <p>(a) Camping;</p> <p>(b) Bringing onto, or driving a vehicle, including a motor vehicle, on the local government controlled area.</p> |
| 13 | Brown Lake, North Stradbroke Island | <p>(a) Using a motorised ship on the local government controlled area;</p> <p>(b) Bringing onto, or driving a vehicle, including a motor vehicle, on the foreshore of the local government controlled area;</p> <p>(c) Washing or cleansing a vehicle on the foreshore, or in the near vicinity of, the local government controlled area.</p> |
| 14 | Weinam Creek Commuter Terminal | <p>(a) Obstructing or impeding another person's use of the Terminal;</p> <p>(b) Mooring or fastening a ship to any part of the Terminal, except to a fastening that is provided for that purpose;</p> <p>(c) Carrying out repairs on a jetty at the Terminal whilst moored at the jetty;</p> |

| | <p align="center">Column 1</p> <p align="center">Local government controlled area or road</p> | <p align="center">Column 2</p> <p align="center">Prohibited activity</p> |
|-----------|---|--|
| | | <p>(d) Anchoring or mooring a ship in the approach fairway to a jetty at the Terminal;</p> <p>(e) Swimming or diving into, or allowing any animal under the person's control to swim in, or dive into—</p> <p style="padding-left: 20px;">(i) any waters at the Terminal; or</p> <p style="padding-left: 20px;">(ii) any navigational channel at the Terminal; or</p> <p style="padding-left: 20px;">(iii) any waters within 100m of the edge of a navigational channel at the Terminal.</p> |
| <p>15</p> | <p>Each area of bathing reserve and foreshore identified in schedule 6</p> | <p>Bringing or driving a motor vehicle on the area of bathing reserve or foreshore.</p> |

Schedule 2 Restricted activities for local government controlled areas or roads

Section 5(2)

| | Column 1 Local government controlled area or road | Column 2 Restricted activity | Column 3 Extent of restriction |
|---|--|--|---|
| 1 | All local government controlled areas within the local government area | (a) Busking | (a) Permitted only if authorised under the conditions of an approval for a prescribed activity. |
| | | (b) Depositing, storing, dumping or leaving unattended a shopping trolley. | (b) Permitted only in the area of a shopping centre car park that is open to or used by the public and is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles. |
| 2 | All roads within the local government area | (a) The painting, repairing, alteration or maintenance of vehicles on a road' (see s.66(3)(b) of the <i>Transport Operations (Road Use Management) Act 1995</i> , which permits local laws to regulate these activities on roads). | (a) Permitted only if the vehicle is temporarily disabled with a minor fault and the driver of the vehicle stops for no longer than is necessary for the performance of maintenance work limited to the minimum necessary to allow the vehicle to be moved from the road. |
| | | (b) Temporarily closing a road to all traffic, or traffic of a particular class. | (b) Permitted only with the written authorisation of the chief executive officer of the local government. |
| | | (c) Depositing, storing, dumping or leaving unattended a shopping trolley. | (c) Permitted only in the area of a shopping centre car park that is open to or used by the public and is developed for, or has as 1 of its main uses, the driving or riding of motor vehicles. |

| | Column 1 Local government controlled area or road | Column 2 Restricted activity | Column 3 Extent of restriction |
|---|--|---|--|
| 3 | All local government cemeteries within the local government area | (a) Carrying out a burial outside the hours during which burials may be performed as fixed by the local government. | (a) Permitted only— (i) between the hours of 9am and 4pm; or (ii) with the written authorisation of the chief executive officer of the local government. |
| | | (b) Disposing of human remains in a local government cemetery. | (b) Permitted only with the written authorisation of the chief executive officer of the local government. |
| | | (c) Digging or preparing a grave in a local government cemetery. | (c) Permitted only if the grave is dug or prepared by a person employed by the local government or with the written authorisation of the sexton. |
| | | (d) After a burial — reopening a grave for a further burial. | (d) Permitted only with the written authorisation of the sexton. |
| | | (e) Bringing human remains into a local government cemetery. | (e) Permitted only— (i) with the written authorisation of the chief executive officer of the local government; and (ii) if the remains are enclosed in a coffin or other form of container appropriate to the proposed form of disposal. |
| | | (f) Erecting or installing a memorial to a deceased person in a local government cemetery. | (f) Permitted only with the written authorisation of the chief executive officer of the local government. |

| | <p>Column 1 Local government controlled area or road</p> | <p>Column 2 Restricted activity</p> | <p>Column 3 Extent of restriction</p> |
|----------|--|---|---|
| | | <p>(g) Reserving a niche or site in a local government cemetery.</p> | <p>(g) Permitted only under the conditions of a written authorisation of the chief executive officer of the local government.</p> |
| | | <p>(h) Carrying out maintenance or repair work on a memorial to a deceased person in a local government cemetery.</p> | <p>(h) Permitted only—</p> <ul style="list-style-type: none"> (i) by a member of the family of the deceased person, or another person who has a proper interest in the maintenance of the memorial to the deceased person; and (ii) with the written approval of the sexton; and (iii) subject to conditions about how the work is to be carried out as are included in the written authorisation of the sexton. |
| <p>4</p> | <p>All parks and reserves within the local government area</p> | <p>(a) Lighting or maintaining a fire.</p> | <p>(a) Permitted only if the fire is—</p> <ul style="list-style-type: none"> (i) lit and maintained in a fireplace established by the local government for the purpose; or (ii) lit and maintained in accordance with the written authorisation of the chief executive officer of the local government. |
| | | <p>(b) Sleeping, occupying or remaining overnight in a park or reserve.</p> | <p>(b) Permitted only with the written authorisation of the chief executive officer of the local government.</p> |

| | <p align="center">Column 1</p> <p align="center">Local government controlled area or road</p> | <p align="center">Column 2</p> <p align="center">Restricted activity</p> | <p align="center">Column 3</p> <p align="center">Extent of restriction</p> |
|--|---|---|--|
| | | <p>(c) Erecting or installing a building, structure or facility in, on, across or over a park or reserve.</p> | <p>(c) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p> |
| | | <p>(d) Conducting or taking part in an organised sporting activity of regional, State or national significance.</p> | <p>(d) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p> |
| | | <p>(e) Operating a model vehicle or aircraft propelled by a motor.</p> | <p>(e) Permitted only with the written authorisation of the chief executive officer of the local government.</p> |
| | | <p>(f) Using, storing or possessing fireworks.</p> | <p>(f) Permitted only with the written authorisation of the chief executive officer of the local government.</p> |
| | | <p>(g) Displaying a sign or advertisement.</p> | <p>(g) Permitted only if authorised under the conditions of an approval for a prescribed activity.</p> |
| | | <p>(h) Playing golf.</p> | <p>(h) Permitted only with the written authorisation of the chief executive officer of the local government.</p> |
| | | <p>(i) Undertaking the sport of archery.</p> | <p>(i) Permitted only with the written authorisation of the chief executive officer of the local government.</p> |
| | | <p>(j) Using a megaphone, loud speaker, or other similar amplification device.</p> | <p>(j) Permitted only—</p> <p>(i) with the written authorisation of the chief executive officer of the local</p> |

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

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

| | <p>Column 1 Local government controlled area or road</p> | <p>Column 2 Restricted activity</p> | <p>Column 3 Extent of restriction</p> |
|--|--|---|---|
| | | | <p>provided by the local government for the purpose; and</p> <p>(iii) the person does not use facilities at the local government accommodation park in a way that makes them unclean or unsanitary; and</p> <p>(iv) the person who occupies the accommodation site allows onto the site no more persons than the limit fixed under a relevant approval or as notified by notice displayed by the local government at the local government accommodation park; and</p> <p>(v) the person pays all fees for use of the accommodation site in advance to the local government; and</p> <p>(vi) if required by the local government or an Act—the person enters into a written agreement with the local government about undertaking the activity at the local government accommodation park; and</p> <p>(vii) at the end of the period of occupation of the accommodation site</p> |

| | <p>Column 1 Local government controlled area or road</p> | <p>Column 2 Restricted activity</p> | <p>Column 3 Extent of restriction</p> |
|--|--|---|--|
| | | | <p>— the person vacates and leaves the accommodation site in a clean and tidy condition; and</p> <p>(viii) the person ensures that the caravan or complementary accommodation is not let or hired to another person; and</p> <p>(ix) the person ensures that the accommodation site is kept and maintained in good repair and clean, tidy and sanitary condition; and</p> <p>(x) the person ensures that the accommodation site is not left unoccupied for more than 2 days; and</p> <p>(xi) the person ensures that the activity does not cause a nuisance, annoyance, disturbance or inconvenience to other persons using the local government accommodation park.</p> |
| | | <p>(c) Use or operation of a generator in a part of a local government accommodation park that is made available for camping overnight or for a period longer than overnight.</p> | <p>(c) Permitted only—</p> <p>(i) with the written authorisation of an authorised person ; and</p> <p>(ii) in any event (even where written authorisation is granted) not between</p> |

| | Column 1 Local government controlled area or road | Column 2 Restricted activity | Column 3 Extent of restriction |
|---|---|--|---|
| | | | the hours of 9:30pm and 7:00am. |
| 6 | The boat ramps and landings within the local government area identified in schedule 6 | (a) Driving or standing a vehicle on a boat ramp. | (a) Permitted only to launch or retrieve a ship from the boat ramp. |
| | | (b) Launching or retrieving a ship at a boat ramp. | (b) Permitted only if the person launching or retrieving the ship does so as quickly as is reasonably possible. |
| | | (c) Anchoring, mooring or placing a ship in the water around a boat ramp or a landing. | (c) Permitted only if the anchoring, mooring or placing of the ship is not likely to obstruct another person's use of the boat ramp or landing. |
| | | (d) Carrying out the rigging of a sailing ship on a boat ramp or landing. | (d) Permitted only if the carrying out of the rigging does not, or is not likely to, impede access to the boat ramp or landing. |
| | | (e) Taking or driving a vehicle onto a boat ramp. | (e) Permitted only if the mass of the vehicle and its load (if any), together with any trailer that the vehicle is towing and its load (if any), is not more than— (i) 5 tonnes; or (ii) if the local government erects on or near the boat ramp a notice approved by the local government and displaying a |

| | Column 1 Local government controlled area or road | Column 2 Restricted activity | Column 3 Extent of restriction |
|--|--|--|--|
| | | | greater mass—the greater mass. |
| | | (f) Taking or driving a vehicle onto a landing. | (f) Permitted only with the authorisation of an authorised person. |
| | | (g) Taking or driving a vehicle onto a boat ramp or landing. | (g) Permitted only if the vehicle moves on wheels fitted with pneumatic or rubber tyres. |
| | | (h) Fishing on a boat ramp or landing, or a part of a boat ramp or landing, that is not a public transport waiting point. | (h) Permitted only if the activity does not obstruct or interfere with the use of the boat ramp or landing by a ship, vehicle or another person. |
| | | (i) Using a cast net or other bait collecting device on a boat ramp or landing, or a part of a boat ramp or landing, that is not a public transport waiting point. | (i) Permitted only if the activity does not obstruct or interfere with the use of the boat ramp or landing by a ship, vehicle or another person. |
| | | (j) Using a crab pot or other device for catching a crustacean on a boat ramp or landing, or a part of a boat ramp or landing, that is not a public transport waiting point. | (j) Permitted only if the activity does not obstruct or interfere with the use of the boat ramp or landing by a ship, vehicle or another person. |
| | | (k) Using a boat ramp or landing for the purposes of a ferry service, including operating a ferry service from a boat ramp or landing. | (k) Permitted only if authorised under the conditions of an approval for a prescribed activity. |

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

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

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

| | Column 1 Local government controlled area or road | Column 2 Restricted activity | Column 3 Extent of restriction |
|----|--|--|---|
| | | | hearing dog; and (ii) the person is the handler of the dog. |
| 8 | All local government offices, libraries and depots within the local government area. | (a) Bringing an animal onto, or permitting or allowing an animal to remain on, the local government controlled area. (b) Entering or remaining at the local government controlled area or a part of a local government controlled area. | (a) Permitted only if— (i) the animal is an assistance dog, a guide dog or a hearing dog; and (ii) the person is the handler of the dog. (b) Permitted if— (i) the local government controlled area or relevant part of the local government controlled area is a public place; and (ii) if the local government erects on or near the local government controlled area or the relevant part of the local government controlled area, a notice that is approved by the local government which authorises entry to the local government controlled area or the relevant part of the local government controlled area—the person complies with the requirements of the notice. |
| 9 | Point Halloran Conservation Area Reserve, Orana Street, Victoria Point | Public access | Permitted only on the constructed boardwalk and paths throughout the Conservation Area. |
| 10 | Local government | Fishing on a local | Permitted only if- |

| | <p>Column 1 Local government controlled area or road</p> | <p>Column 2 Restricted activity</p> | <p>Column 3 Extent of restriction</p> |
|--|--|---|---|
| | <p>bridges and Local government culverts within the local government area.</p> | <p>government bridge or a local government culvert.</p> | <p>(i) where the activity is on a local government bridge, the activity does not obstruct or interfere with the use of the local government bridge by a vehicle or another person; and</p> <p>(ii) where the activity is on a local government culvert, the activity does not obstruct or interfere with the operation of the local government culvert; and</p> <p>(iii) no sign authorised by the local government is erected on or adjacent to the bridge or culvert indicating that fishing is prohibited.</p> |

**Schedule 3 Motor vehicle access areas in local
government controlled areas**

Sections 6 and 7

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

DRAFT

Schedule 4 Opening hours for local government controlled areas

Section 8

| | Column 1 Local government controlled area | Column 2 Opening hours¹ |
|---|--|---|
| 1 | All parks and reserves within the local government area. | 4.00a.m. to 10.00p.m. daily. |
| 2 | All boat ramps and landings within the local government area identified in schedule 6. | All times. |

¹Public holidays excepted.

**Schedule 5 Permanent closure of local government
controlled areas**

Section 9

No local government controlled area described.

DRAFT

Schedule 6 Identification of local government controlled areas

Section 5

Boat ramps and landings

| Description | Location Description |
|---|--|
| Jetty, Fixed Platform - Banana St Harbour | Mainland Areas - Redland Bay |
| Jetty, Fixed Platform - Elizabeth St Harbour | Coochiemudlo Island - Elizabeth Street |
| Jetty, Fixed Platform - Ron Field | Moreton Bay - Macleay Island |
| Jetty, Fixed Platform - High St Harbour | Moreton Bay - Russell Island |
| Jetty, Fixed Platform - Brighton Rd Harbour | Macleay Island - Brighton Road |
| Jetty, Fixed Platform - Masters Ave Harbour | Victoria Point - Masters Avenue |
| Jetty, Fixed Platform - Yabby Street | Dunwich - Yabby Street |
| Jetty, Fixed Platform - Junner St Harbour | Dunwich - Junner Street |
| Jetty, Fixed Platform - Clayton Rd Harbour | Amity - Claytons Road |
| Jetty, Fixed Platform - Main Rd Boat Haven | Wellington Point - Main Road Foreshore |
| Jetty, Fixed Platform - Banana St Harbour | Mainland Areas - Redland Bay |
| Jetty, Pontoon - High St Harbour | Russell Island - High Street |
| Jetty, Pontoon - Lucas Drive Harbour | Lamb Island - Lucas Drive |
| Jetty, Pontoon - The Esplanade Harbour | Karragarra Island - The Esplanade |
| Jetty, Pontoon - Brighton Rd Harbour | Macleay Island - Brighton Road |
| Jetty, Pontoon - Weinam Creek Marine Facility | Mainland Areas - Redland Bay |
| Jetty, Pontoon - Raby Bay Canals | Cleveland - Raby Bay Harbour Park |
| Jetty, Pontoon - Banana St Harbour | Mainland Areas - Redland Bay |
| Weinam Creek Pontoon Landing Upgrade | |

| Description | Location Description |
|--|---|
| Ramp - Main Road, Wellington Point | Wellington Point - Main Road |
| Ramp - Vmr Cleveland | Cleveland - William Street |
| Ramp, Barge - Brighton Rd Harbour | Macleay Island - Brighton Road |
| Ramp, Barge - Junner St Harbour | Dunwich - Junner Street |
| Ramp, Barge - Weinam Street | Redland Bay - Weinam Street |
| Ramp, Barge - Weinam Street | Redland Bay - Weinam Street |
| Ramp, Boat - Banana Street | Redland Bay - Weinam Creek Marine Commuter Facility |
| Ramp, Boat - Boulevard Esplanade | Redland Bay - The Boulevard |
| Ramp, Boat - Brighton Rd Harbour | Moreton Bay - Macleay Island |
| Ramp, Boat - Clayton Rd Harbour | Amity - Claytons Road |
| Ramp, Boat - Colburn Avenue | Victoria Point - Colburn Avenue |
| Ramp, Boat - Dalpura Street Road Reserve | Macleay Island - Dalpura Street Road Reserve |
| Ramp, Boat - Emmett Drive | Cleveland Emmett Drive - Toondah Harbour Carpark |
| Ramp, Boat - Helen Street | Thorneside - Helen Street |
| Ramp, Boat - Main Road | Mainland Areas - Wellington Point |
| Ramp, Boat - Main Road - North Of Jetty | Wellington Point - Main Road Foreshore |
| Ramp, Boat - Main Road 4 Lane Ramp | Wellington Point - Main Road Foreshore |
| Ramp, Boat - Toondah Harbour | Cleveland Emmett Drive - Toondah Harbour Carpark |
| Ramp, Boat - Wahine Drive | Moreton Bay - Russell Island |
| Boat Ramp - William Street | Cleveland - William Street |
| Ramp, Boat - Yabby Street | Dunwich - Yabby Street |
| Ramp, Combined - Elizabeth St Harbour | Coochiemudlo Island - Elizabeth Street |
| Ramp, Combined - High St Harbour | Russell Island - High Street |
| Ramp, Combined - Lucas Drive Harbour | Lamb Island - Lucas Drive |
| Ramp, Combined - Masters Ave Harbour | Victoria Point - Masters Avenue |

| | |
|--|------------------------------------|
| Ramp, Combined - The Esplanade Harbour | Karragarra Island - The Esplanade |
| Ramp, Boat - Jock Kennedy Park | Russell Island – Jock Kennedy Park |
| Ramp, Recreational - Ferry Road | Thorneside - Ferry Road |

Local government swimming pools

1. Cleveland Aquatic Centre
2. Russel Island Aquatic Centre

Bathing reserves

| Description | Location Description |
|-----------------|--|
| Main Beach | Coochiemudlo Island |
| Thompsons Beach | Victoria Point |
| Cylinder Beach | Point Lookout, North Stradbroke Island |
| Main Beach | Point Lookout, North Stradbroke island |
| Amity | Amity, North Stradbroke Island |

Foreshore Swimming Enclosures

| Description | Location Description |
|------------------------------|---|
| Foreshore Swimming Enclosure | Amity Point - Cabarita Park |
| Foreshore Swimming Enclosure | Dunwich - Ron Stark Oval |
| Foreshore Swimming Enclosure | Karragarra Island - Karragarra Island Foreshore (North) |
| Foreshore Swimming Enclosure | Lamb Island - Pioneer Park |
| Foreshore Swimming Enclosure | Macleay Island - Pat's Park |
| Foreshore Swimming Enclosure | Moreton Bay - Russell Island |
| Foreshore Swimming Enclosure | Redland Bay - Rusters Reserve |

Schedule 7 Dictionary

Section 4

accommodation, at a local government accommodation park, means—

- (a) a caravan; or
- (b) a complementary accommodation.

accommodation park means a place for parking and residing in caravans, including a place that provides also for complementary accommodation.

accommodation site, at a local government accommodation park, means a part of the local government accommodation park which is designated for a single accommodation of a particular type.

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

assistance dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

authorised person has the meaning given in *Local Law No. 1 (Administration) 2015*.

barge loading ramp means a ramp or other device or structure which is—

- (a) owned, held in trust or otherwise controlled by the local government; and
- (b) used or capable of use, or designed or intended for use, for the purpose of—
 - (i) loading or unloading goods; or
 - (ii) loading or unloading vehicles between a ship and the barge loading ramp; and
- (c) includes part of a barge loading ramp.

bathing reserve has the meaning given in the *Local Government Regulation 2012*.

boat ramp —

- (a) means a ramp or other device or structure which is—
 - (i) owned, held in trust or otherwise controlled by the local government; and
 - (ii) used or capable of use, or designed or intended for use, for the purpose of launching and retrieving trailerable ships; and
 - (iii) includes a part of a boat ramp; and
- (b) includes a barge loading ramp.

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

busking means a musical or theatrical performance undertaken by a person—

- (a) to entertain the public; and
- (b) seeking voluntary reward for the performance.

camping, at a place, includes sleeping, occupying or remaining overnight at the place.

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

collection day, for a waste container, means, if the local government has arranged for the collection of waste from a waste container at premises—each day on which the local government has arranged for the collection of waste from the waste container at the premises.

complementary accommodation has the meaning given in *Subordinate Local Law No. 1.8 (Operation of Accommodation Parks) 2015*.

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

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

emergency services officer means—

- (a) an officer of the Queensland Ambulance Service or an Ambulance Service of another State; or
- (b) an officer of the Queensland Fire and Rescue Service or a Fire and Rescue Service of another State; or
- (c) an officer or employee of another entity with the written permission of the Commissioner of the Police Service; or
- (d) an officer of the State Emergency Service or a State Emergency Service of another State; or
- (e) an officer or employee of an authority permitted by law to conduct utility installation or utility maintenance; or
- (f) an officer of Emergency Management Queensland.

ferry has the meaning given in the *Transport Operations (Passenger Transport) Act 1994*.

ferry service has the meaning given in the *Transport Operations (Passenger Transport) Act 1994*.

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

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

goods includes wares, merchandise, chattels, money, stone, timber, metal, fluid and any other article, substance or material whatsoever.

guide dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

handler has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

hearing dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

interfere means prevent from continuing or being carried out properly, get in the way of, or handle or adjust without permission, and **interference** has a corresponding meaning.

jetty includes—

- (a) any jetty, landing place, launching ramp, pier, platform, quay, stage, or like premises which is—
 - (i) owned, held in trust or otherwise controlled by the local government; and
 - (ii) used or capable of use, or designed or intended for use, for the purpose of taking goods or persons to, or removal of goods or persons from, a ship; and
- (b) where necessary, all buildings, railways, tramways and other works on the jetty and

the appurtenances of the jetty, and the approaches to the jetty; and

- (c) a part of a jetty.

landing includes jetty, pontoon and wharf.

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

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

local government cemetery has the meaning given in *Local Law No. 1 (Administration) 2015*.

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

local government employee has the meaning given in the *Local Government Act 2009*.

local government office includes—

- (a) the public office of the local government; and
- (b) each place used by the local government for local government administration or management purposes.

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

memorial includes—

- (a) a headstone; and
- (b) an inscribed plaque or commemorative plate; and
- (c) monumental, ornamental or other structures erected on a grave site; and
- (d) anything else erected or placed to mark the site where human remains have been buried or placed, or to commemorate a deceased person.

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

non-public place means—

- (a) the whole or any part of a local government office that is not a public place; and
- (b) the whole or any part of a local government office, including a public place, that is designated as a non-public place by—
 - (i) an authorised person; or
 - (ii) a notice displayed at a prominent place at—
 - (A) if the whole of the local government office is a non-public place—the local government office; or
 - (B) if a part of the local government office is a non-public place—the part of the local government office.

park means a public place which the local government has, by resolution, set apart for park, recreational or environmental purposes, and includes land designated as a park in the planning scheme of the local government.

plant has the meaning given in the *Land Protection (Pest and Stock Route Management) Act 2002*.

public office has the meaning given in the *Local Government Act 2009*.

public place —

- (a) has the meaning given in the *Local Government Act 2009*; but
- (b) does not include a non-public place.

public transport waiting point has the meaning given in section 26ZPA of the *Tobacco and Other Smoking Products Act 1998*.

reserve means land dedicated as a reserve, or granted in trust, under the *Land Act 1994* and for which the local government is a trustee under that Act and other land held in trust by the local government which the local government has, by resolution, set apart for recreational or environmental purposes, and includes land designated as a reserve in the planning scheme of the local government.

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

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

sexton means a person appointed by the local government to act as the sexton of a local government cemetery

ship has the meaning given in the *Transport Operations (Marine Safety) Act 1994*.

shopping trolley means a wheeled basket or frame used for transporting purchases from a supermarket or shop.

stormwater drain has the meaning given in the *Local Government Act 2009*.

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

swimming pool has the meaning given in the *Building Act 1975*.

unregistered, for a vehicle that is required to be registered under the *Transport Operations (Road Use Management – Vehicle Registration) Regulation 2010*, means that a current registration certificate has not been issued by the chief executive for the vehicle.

utility installation means—

- (a) the supply of water, hydraulic power, electricity or gas; or
- (b) the provision of sewerage or drainage services; or
- (c) the provision of telecommunications services.

utility maintenance means the maintenance of—

- (a) water, hydraulic power, electricity or gas services; or
- (b) sewerage or drainage services; or
- (c) telecommunications services.

vegetation means trees, plants and all other organisms of vegetable origin (whether living or dead).

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

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

waste container—

- (a) means a container of a type approved by the local government for storing domestic waste, commercial waste or recyclable waste at premises in the local government's

area; but

- (b) does not include a bin placed by the local government in a public place for the purpose of the collection of waste.

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

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Certification

This and the preceding 39 pages bearing my initials is a certified copy of *Subordinate Local Law No. 4 (Local Government Controlled Areas Facilities and Roads) 2015* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the day of , 2015.

.....
Chief Executive Officer

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Redland
CITY COUNCIL

Redland City Council

**Subordinate Local Law No. 5 (Parking)
2015**



Redland City Council

Subordinate Local Law No. 5 (Parking) 2015

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 5 (Parking) 2015*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 5 (Parking) 2015*, which provides for the exercise of local government powers authorised under the TORUM Act.
- (2) The purpose is to be achieved by providing for—
 - (a) the establishment of traffic areas and off-street regulated parking areas; and
 - (b) the persons that may be issued with a parking permit; and
 - (c) the vehicles that may be issued with a commercial vehicle identification label; and
 - (d) the infringement notice penalty amounts for minor traffic offences.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 5 (Parking) 2015* (the *authorising local law*).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 5 defines particular words used in this subordinate local law.

Part 2 Declaration of parking areas for the TORUM Act

5 Declaration of traffic areas—Authorising local law, s 5

- (1) For section 5(1) of the authorising local law, each part of the local government area indicated by hatching on a map in schedule 1 is declared to be a traffic area.
- (2) For section 5(2) of the authorising local law, the boundaries of each traffic area are indicated by bold lines circumscribing the hatched area on a map in schedule 1.

6 Declaration of off-street regulated parking areas—Authorising local law, s 6

- (1) For section 6(1) of the authorising local law, the areas of land which are declared

to be an off-street regulated parking area are—

- (a) described in schedule 2 part 1; and
 - (b) indicated by hatching on a map in schedule 2 part 2.
- (2) For section 6(2) of the authorising local law, the boundaries of each off-street regulated parking area are indicated by a bold line circumscribing a hatched area on a map in schedule 2 part 2.

Part 3 Parking contrary to parking restriction

7 Parking permits issued by local government—Authorising local law, s 7(2)

- (1) This section prescribes—
 - (a) the persons that may be issued with a parking permit mentioned in section 7(1) of the authorising local law; and
 - (b) the circumstances in which a parking permit may be issued.
- (2) A parking permit (a *resident parking permit*)—
 - (a) may be issued to a person whose circumstances are as follows—
 - (i) the person resides in a residence¹ situated on a section of road and parking immediately adjacent to the residence is regulated by time; and
 - (ii) the issue of the parking permit would not unduly impede the flow of traffic either on the road or in the area; and
 - (iii) the residence does not have, and cannot reasonably be provided with, adequate off-street parking; and
 - (iv) if the parking permit is granted — there would not be in force more than 3 resident parking permits for the same residence; but
 - (b) must not be issued to permit a vehicle to be parked contrary to an indication on an official traffic sign installed on a road in a no parking permit area.
- (3) A parking permit (a *community service organisation parking permit*) may be issued to a person whose circumstances are as follows—
 - (a) the person is a community service organisation²; and
 - (b) the person will use the parking permit for an activity which is consistent with the objects of the community service organisation; and
 - (c) the activity is undertaken on a section of road where —
 - (i) parking is regulated by time; and
 - (ii) the issue of the parking permit would not unduly impede the flow of traffic either on the road or in the area.
- (4) A parking permit (a *temporary parking permit*) may be issued to allow the holder

¹ See definition of *residence* in the dictionary.

² See definition of *community service organisation* in the dictionary.

of the parking permit to park 1 or more vehicles in a designated parking space or spaces for a period specified in the parking permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space or spaces.

- (5) A temporary parking permit may only be granted if the local government is satisfied that—
 - (a) the applicant is engaged in some temporary activity affecting premises immediately adjacent to the designated parking space or spaces to which the application relates; and
 - (b) it is not reasonably practical for the applicant to carry out the activity unless the designated parking space or spaces to which the application relates are allocated to the applicant's exclusive use for the duration of the activity.
- (6) A parking permit (a ***works zone parking permit***) may be issued to a person if the local government is satisfied that—
 - (a) the part of the road to which the application relates is adjacent to a site at which the person is proposing to undertake building or construction work; and
 - (b) the carrying out of the building or construction work is lawful; and
 - (c) having regard to the nature of the building or construction work and the characteristics of the site, it is not reasonably practical for all work activity involving vehicle loading and unloading and associated vehicle movements to be confined within the site.
- (7) A parking permit (a ***local government works parking permit***) may be issued to allow a person to park 1 or more vehicles in a designated parking space or spaces, and for a period specified in the parking permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space or spaces if the person is—
 - (a) an employee, contractor or agent of the local government; and
 - (b) parking the vehicle or vehicles in the space or spaces—
 - (i) for the purpose of carrying out work for or on behalf of the local government; and
 - (ii) in the course of carrying out his or her duties for or on behalf of the local government.
- (8) A parking permit (a ***visitor parking permit***)—
 - (a) may be issued to a person whose circumstances are as follows—
 - (i) the person (the ***resident***) resides in a residence situated on a section of road and parking immediately adjacent to the residence is regulated by time; and
 - (ii) the parking permit is to be made available by the resident for use by another person who —
 - (A) is visiting or attending at the residence identified in the parking permit; and

- (B) intends parking on the section of road immediately adjacent to the residence; and
 - (iii) the issue of the parking permit would not unduly impede the flow of traffic either on the road or in the area; and
 - (iv) the residence does not have and cannot reasonably be provided with adequate off-street parking; and
 - (v) if the parking permit is granted — there would not be in force more than 2 visitor parking permits for the same residence; but
- (b) must not be issued to permit a vehicle to be parked contrary to an indication on an official traffic sign installed on a road in a no parking permit area.

8 Commercial vehicle identification labels—Authorising local law, s 8(2)

- (1) For section 8(2) of the authorising local law, this section prescribes the vehicles that may be issued with a commercial vehicle identification label.
- (2) A vehicle may be issued with a commercial vehicle identification label if the vehicle—
- (a) is used for carrying on a business that requires the regular use of loading zones; and
 - (b) is—
 - (i) a horse drawn vehicle constructed, fitted or equipped for the carriage of goods; or
 - (ii) a motor vehicle (excluding any car or motorbike) constructed, fitted or equipped for the carriage of goods; or
 - (iii) a motor vehicle constructed, fitted or equipped for the carriage of persons.
- (3) Also, a vehicle may be issued with a commercial vehicle identification label if a commercial vehicle identification label is displayed on the vehicle and—
- (a) the vehicle on which the label is displayed is the vehicle specified on the label; and
 - (b) the date specified on the label has not passed.

Part 4 **Minor traffic offence infringement notice penalties**

9 Infringement notice penalty amounts—Authorising local law, s 9

For section 9 of the authorising local law, the infringement notice penalty amount³ for an offence mentioned in column 1 of schedule 4 is the corresponding amount stated in column 2 of schedule 4.

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³ Under section 108 of the *Transport Operations (Road Use Management) Act 1995* —

- (a) a local government may, under a local law, prescribe an amount as an infringement notice penalty for a minor traffic offence; and
- (b) for the *State Penalties Enforcement Act 1999*, the minor traffic offence is an infringement notice offence and the penalty is the infringement notice penalty for the offence.

See sections 5 (Meaning of penalty unit) and 5A (Prescribed value of particular penalty unit) of the *Penalties and Sentences Act 1992* and section 2B of the *Penalties and Sentences Regulation 2005*.

Schedule 1 Declaration of traffic area

Section 5

No traffic area declared.

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Schedule 2 Declaration of off-street regulated parking areas

Section 6

Part 1 Areas declared to be an off-street regulated parking area.

1. Capalaba

| Description of car park or area | Map ref. | Location or address of car park or area |
|---|----------|---|
| Dollery Road off-street car park as identified in schedule 2, part 2. | 1A | Between Faccio Lane and Noeleen Street, Capalaba. |
| School Road off-street car park as identified in schedule 2, part 2. | 1B | Between Mount Cotton Road, Capalaba and Burns Street, Capalaba. |

2. Cleveland

| Description of car park or area | Map ref. | Location or address of car park or area |
|---|----------|--|
| Doig Street off-street car park (E) as identified in schedule 2, part 2. | 2B(iv) | Between Middle Street and Queen Street, Cleveland. |
| Doig Street off-street car park (W) as identified in schedule 2, part 2. | 2B(ii) | Between Queen Street and Middle Street, Cleveland. |
| Emmett Drive off-street car park as identified in schedule 2, part 2. | 2F(ii) | Between Emmett Drive, Cleveland and Wharf Street, Cleveland. |
| Iuka Arcade off-street car park as identified in schedule 2, part 2. | 2B(iii) | Doig Street, Cleveland. |
| John Street off-street car park as identified in schedule 2, part 2. | 2C | Between Queen Street and Russell Street, Cleveland. |
| Middle Street (East) off-street car park as identified in schedule 2, part 2. | 2F(i) | Middle Street, Cleveland, Cleveland. |
| Middle Street (West) off-street car park as identified in schedule 2, part 2. | 2D | Corner Wynyard Street, Cleveland and Middle Street, Cleveland. |
| Queen Street off-street car park as identified in schedule 2, part 2. | 2E(ii) | Between Wynyard Street and Waters Street, Cleveland. |
| Shore Street West off-street car park as identified in schedule 2, part 2. | 2A | Between Shore Street West and Kyling Lane, Cleveland. |
| Toondah Harbour off-street car park as identified in schedule 2, part 2. | 2F(iii) | Emmett Drive, Cleveland. |
| Waterloo Street off-street car park as identified in schedule 2, part 2. | 2B(i) | Between Middle Street and Queen Street, Cleveland. |
| Wynyard Street off-street car park as identified in schedule 2, part 2. | 2E(i) | Between Middle Street and Queen Street, Cleveland. |
| Wharf Street off-street car park as identified in schedule 2, part 2. | 2F (iv) | Between Middle Street and Wharf Street, Cleveland. |
| William Street off-street car park as identified in schedule 2, part 2. | 2G | Between William Street and Shore Street North, Cleveland. |

3. Macleay Island

| Description of car park or area | Map ref. | Location or address of car park or area |
|--|----------|--|
| Macleay Island Ferry Terminal car and boat trailer park as identified in schedule 2, part 2. | 3A | Brighton Road and Russell Terrace, Macleay Island. |

4. North Stradbroke Island

| Description of car park or area | Map ref. | Location or address of car park or area |
|--|----------|--|
| One Mile Ferry Terminal car park as identified in schedule 2, part 2. | 4A(i) | Yabby Street, One Mile, Dunwich, North Stradbroke Island. |
| East Coast Road off-street car park as identified in schedule 2, part 2. | 4A (ii) | East Coast Road, Dunwich, North Stradbroke Island |
| Junner Street Ferry Terminal car park as identified in schedule 2, part 2. | 4B | Junner Street Ferry Terminal car park, Dunwich, North Stradbroke Island. |
| Junner Street, Cunningham Street, off-street car park as identified in schedule 2, part 2. | 4C (i) | Between Cunningham Street and Ballow Road, Dunwich, North Stradbroke Island. |
| Junner Street, Bayly Street off-street car park as identified in schedule 2, part 2. | 4C (ii) | Between Ballow Road and Bayly Street, Dunwich, North Stradbroke Island. |

5. Redland Bay

| Description of car park or area | Map ref. | Location or address of car park or area |
|--|----------|---|
| Weinam Creek Cenotaph off-street car park as identified in schedule 2, part 2. | 5A(ii) | Banana Street, Redland Bay. |
| Weinam Creek off-street car and boat trailer park as identified in schedule 2, part 2. | 5A(iii) | Banana Street, Redland Bay. |
| Weinam Creek Spoil Pond off-street car park as identified in schedule 2, part 2. | 5A(iv) | Banana Street, Redland Bay. |
| Weinam Creek Overflow car park as identified in schedule 2, part 2. | 5B | Meissner Street, Redland Bay. |
| Weinam Creek vehicle barge off-street car park as identified in schedule 2, part 2. | 5A(i) | Weinam Street and Esplanade, Redland Bay. |

6. Russell Island

| Description of car park or area | Map ref. | Location or address of car park or area |
|--|----------|---|
| Russell Island Ferry Terminal car and boat trailer park as identified in schedule 2, part 2. | 6A(ii) | Alison Crescent, Hawthornden Drive and High Street, Russell Island. |
| Russell Island off-street car park as identified in schedule 2, part 2. | 6A(i) | Bayview Road, Russell Island. |

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

7. Victoria Point

| Description of car park or area | Map ref. | Location or address of car park or area |
|--|----------|---|
| Victoria Point off-street car and boat trailer park as identified in schedule 2, part 2. | 7A(i) | Masters Avenue, Victoria Point. |
| Colburn Avenue off-street car park as identified in schedule 2, part 2. | 7A(ii) | Colburn Avenue, Victoria Point. |
| Victoria Point shops off-street car park as identified in schedule 2, part 2. | 7B | Bunker Road and Cleveland – Redland Bay Road, Victoria Point. |

8. Wellington Point

| Description of car park or area | Map ref. | Location or address of car park or area |
|--|----------|---|
| Wellington Point off-street car and boat trailer park as identified in schedule 2, part 2. | 8A | Main Road, Wellington Point. |

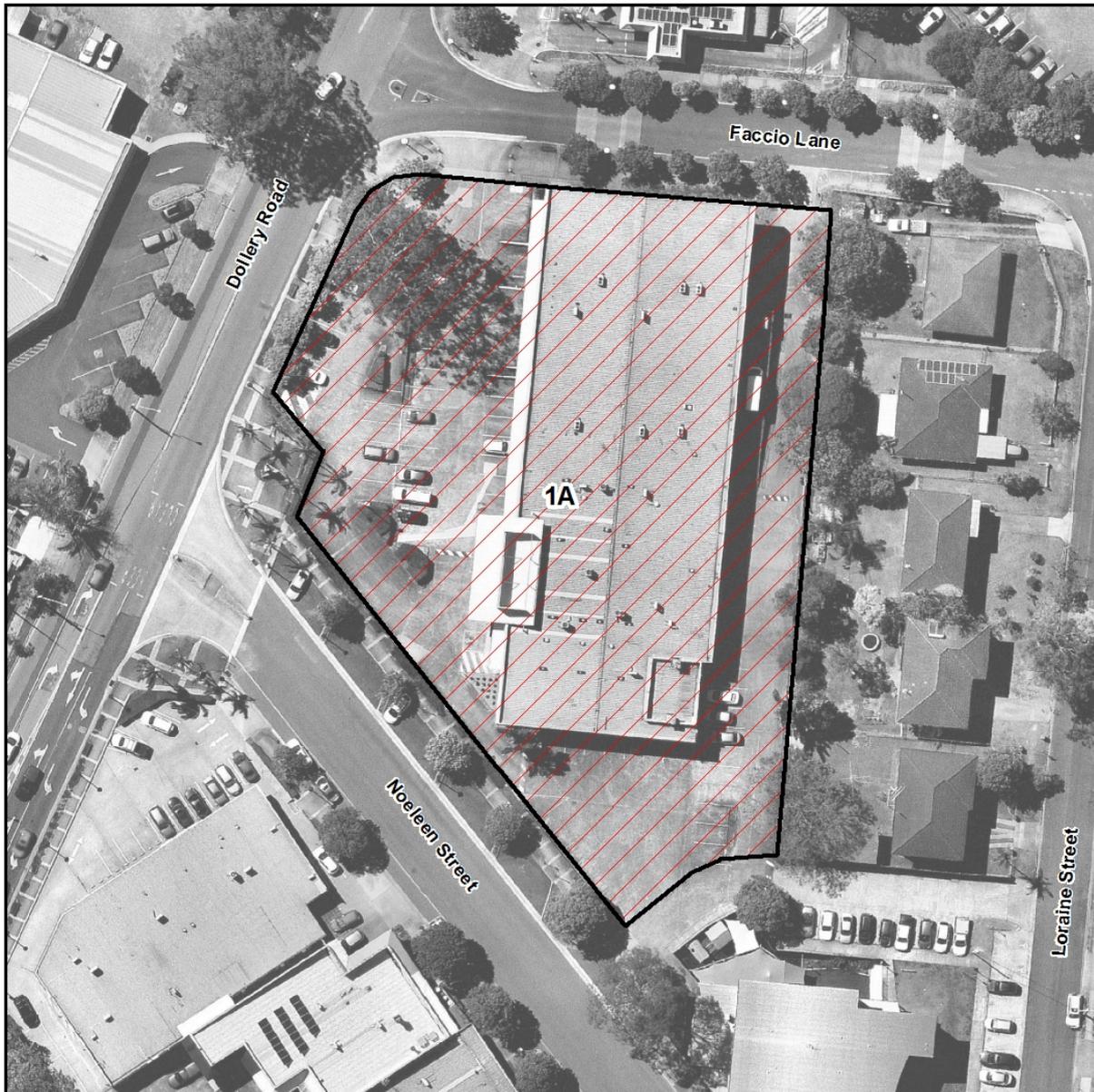
Part 2

Maps of off-street regulated parking areas

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Map 1A



Schedule 2 - Part 2

Map 1A: Capalaba

Declared Off-Street Regulated Parking Areas



1A: Dollyer Road off-street car park

Map 1B



Schedule 2 - Part 2

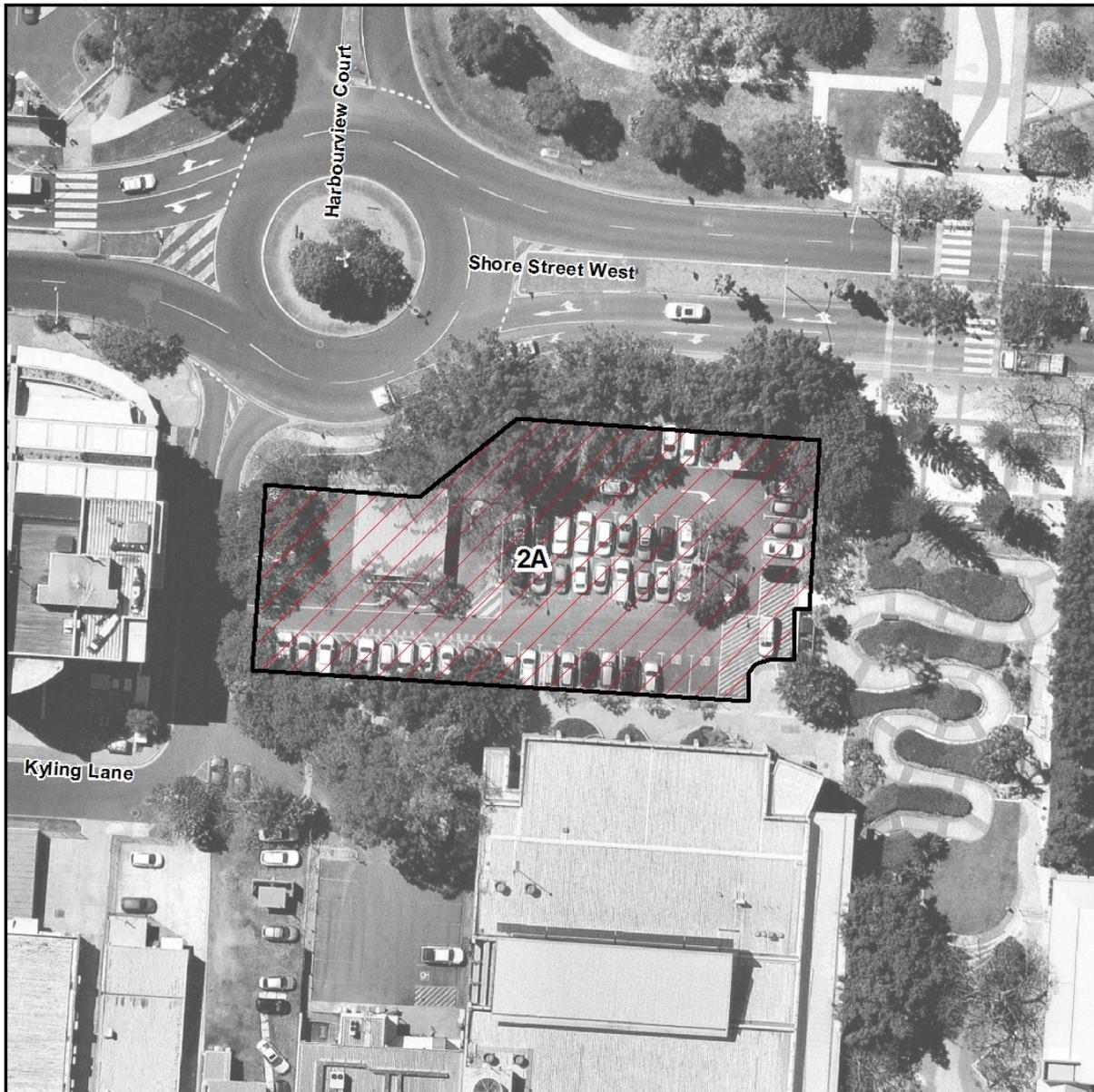
Map 1B: Capalaba

Declared Off-Street Regulated Parking Areas



 1B: School Road off-street car park

Map 2A



Schedule 2 - Part 2

Map 2A: Cleveland

Declared Off-Street Regulated Parking Areas



 2A: Shore Street West off-street car park

Map 2B



Schedule 2 - Part 2

Map 2B: Cleveland

Declared Off-Street Regulated Parking Areas



-  2B (i): Waterloo Street off-street car park
-  2B (ii): Doig Street off-street car park (west)
-  2B (iii): Iluka Arcade off-street car park
-  2B (iv): Doig Street off-street car park (east)

Map 2C



Schedule 2 - Part 2

Map 2C: Cleveland

Declared Off-Street Regulated Parking Areas



 2C: John Street off-street car park

Map 2D



Schedule 2 - Part 2

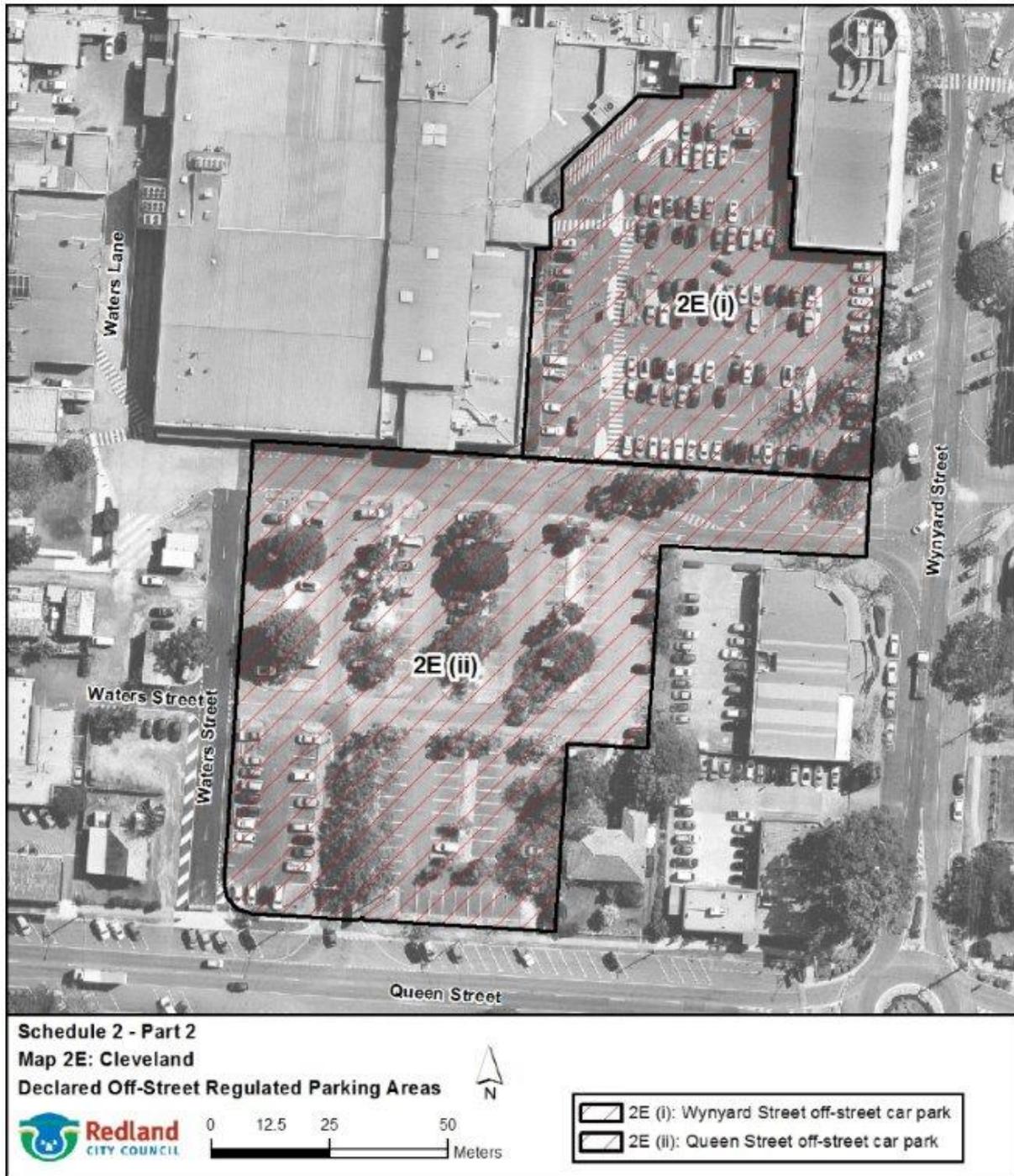
Map 2D: Cleveland

Declared Off-Street Regulated Parking Areas

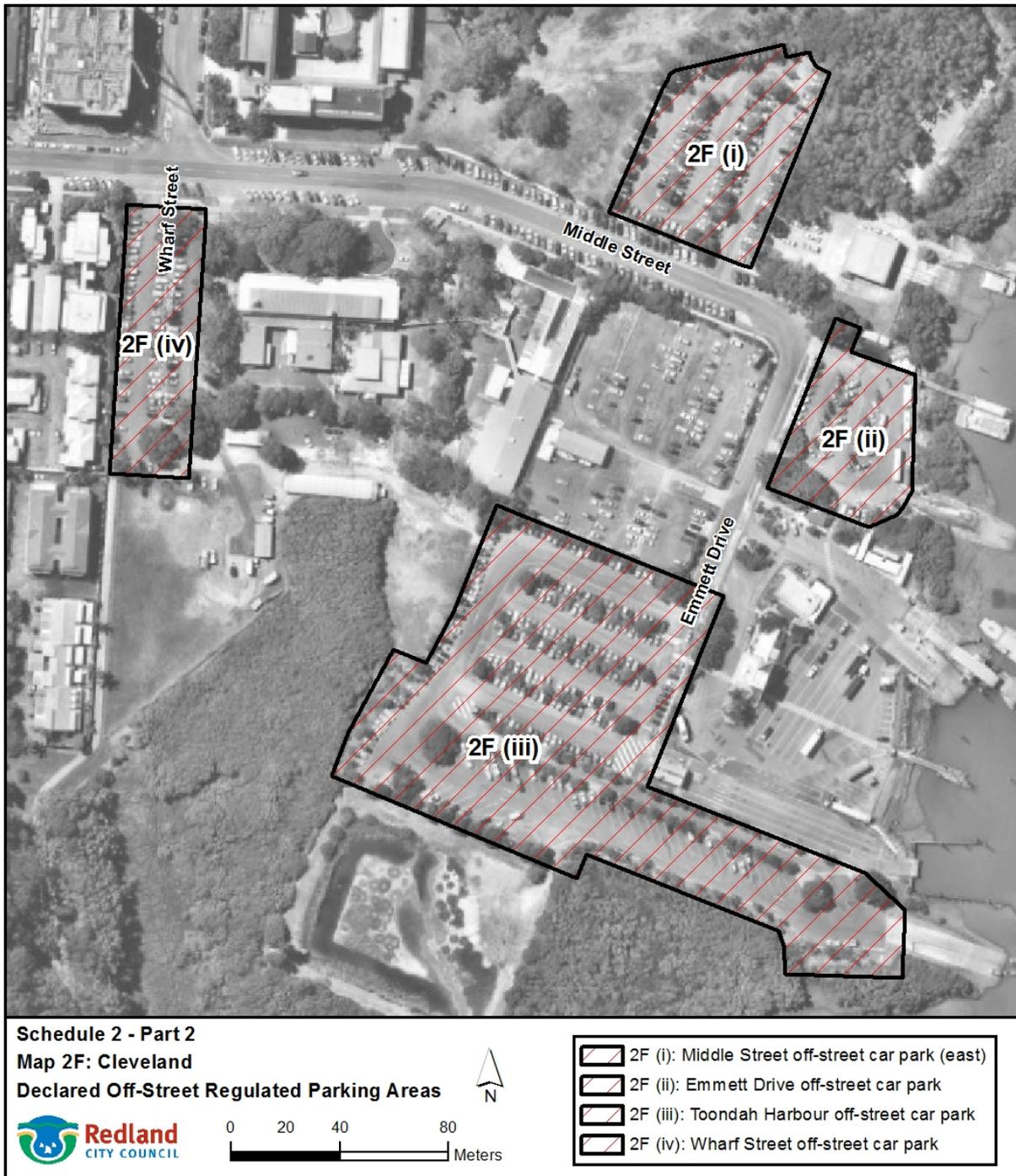


 2D: Middle Street off-street car park (west)

Map 2E



Map 2F



Map 4A



Schedule 2 - Part 2

**Map 4A: North Stradbroke Island
Declared Off-Street Regulated Parking Areas**



-  4A (i): One Mile ferry terminal off-street car park
-  4A (ii): East Coast Road off-street car park

Map 4B



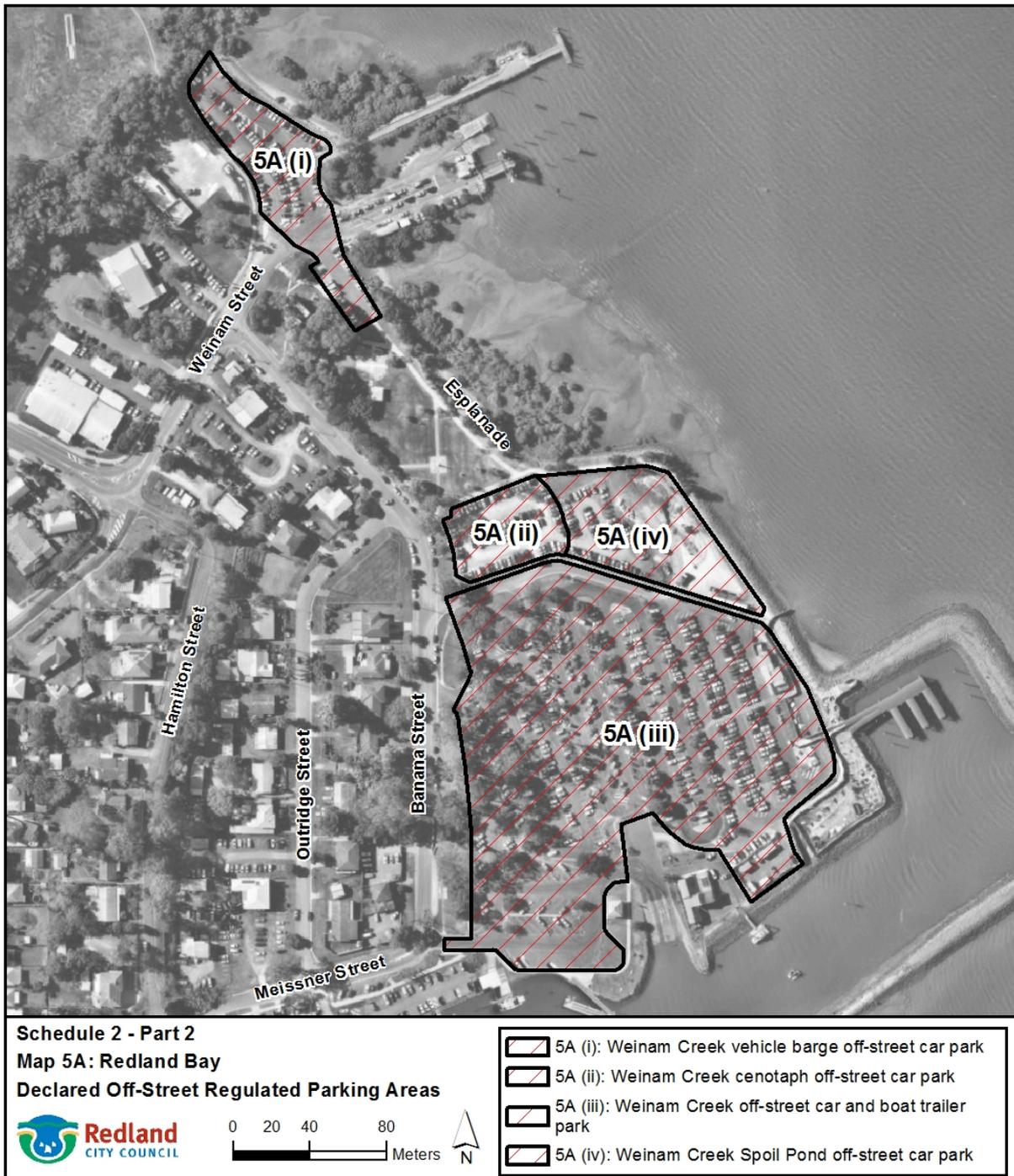
Schedule 2 - Part 2

Map 4B: North Stradbroke Island
Declared Off-Street Regulated Parking Areas



 4B: Junner Street ferry terminal off-street car park

Map 5A



Map 5B



Schedule 2 - Part 2
Map 5B: Redland Bay

Declared Off-Street Regulated Parking Areas



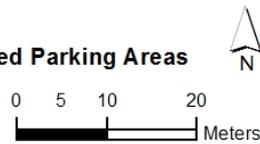
| | |
|---|---|
|  | 5B: Weinam Creek overflow off-street car park |
|---|---|

Map 6B



Schedule 2 - Part 2
Map 6B: Russell Island

Declared Off-Street Regulated Parking Areas



- 6B (i): Alice Street- Esplanade off-street car and boat trailer park
- 6B (ii): Esplanade off-street car park

Map 7A



Map 7B



Schedule 2 - Part 2

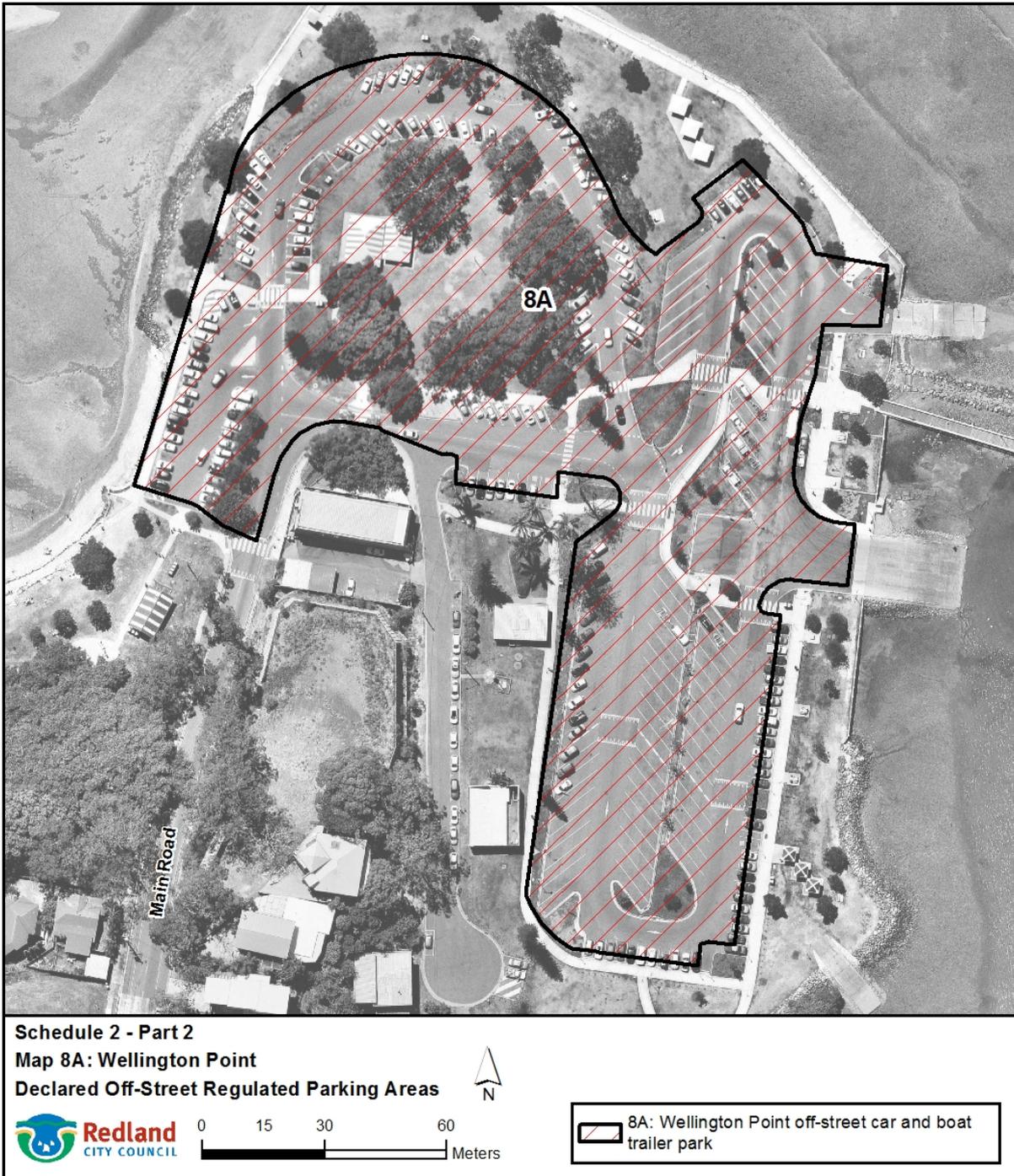
Map 7B: Victoria Point

Declared Off-Street Regulated Parking Areas



 7B: Victoria Point Shops off-street car park

Map 8A



Schedule 3 Definition — no parking permit area

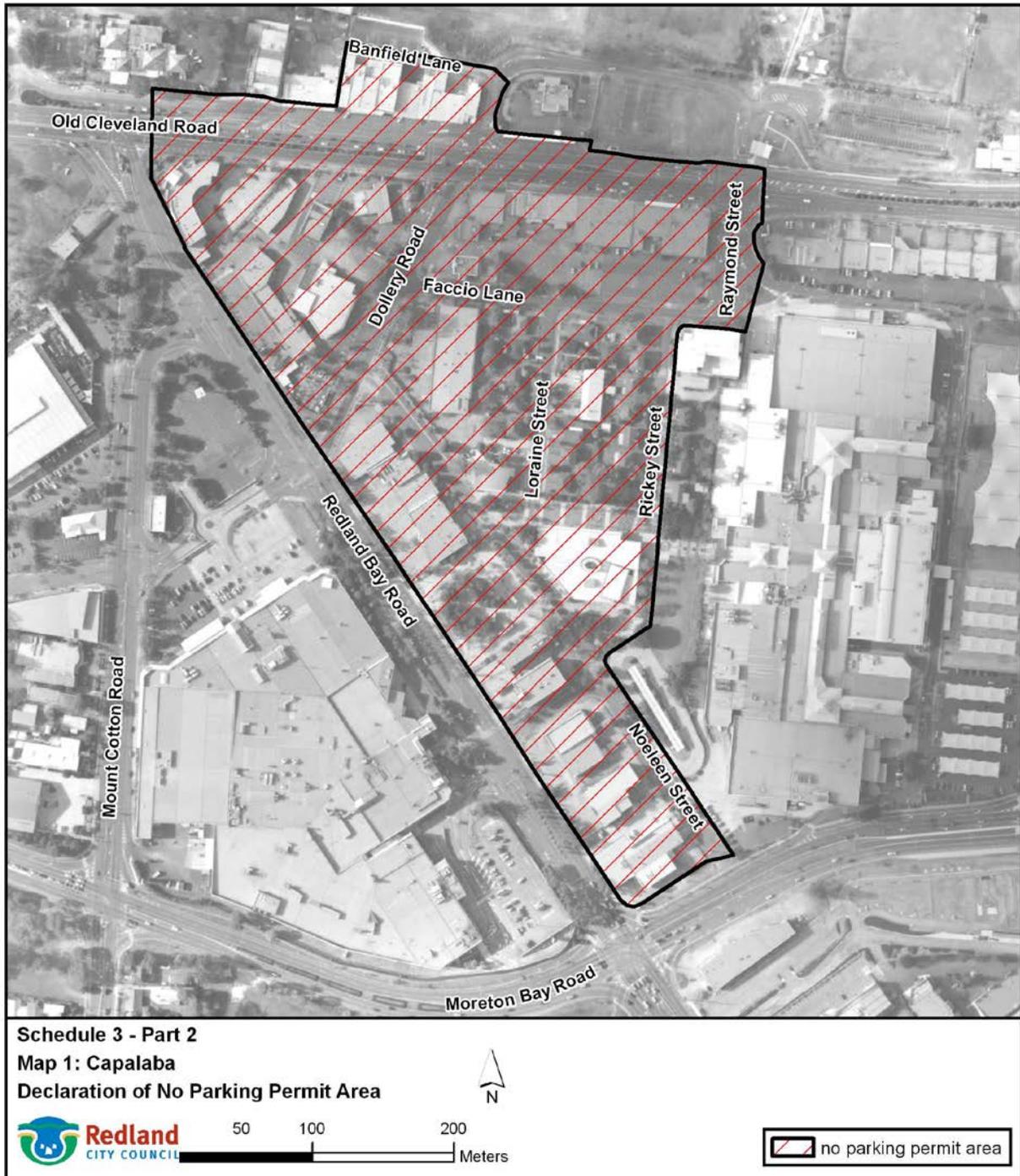
Section 4

Part 1 Description of no parking permit areas

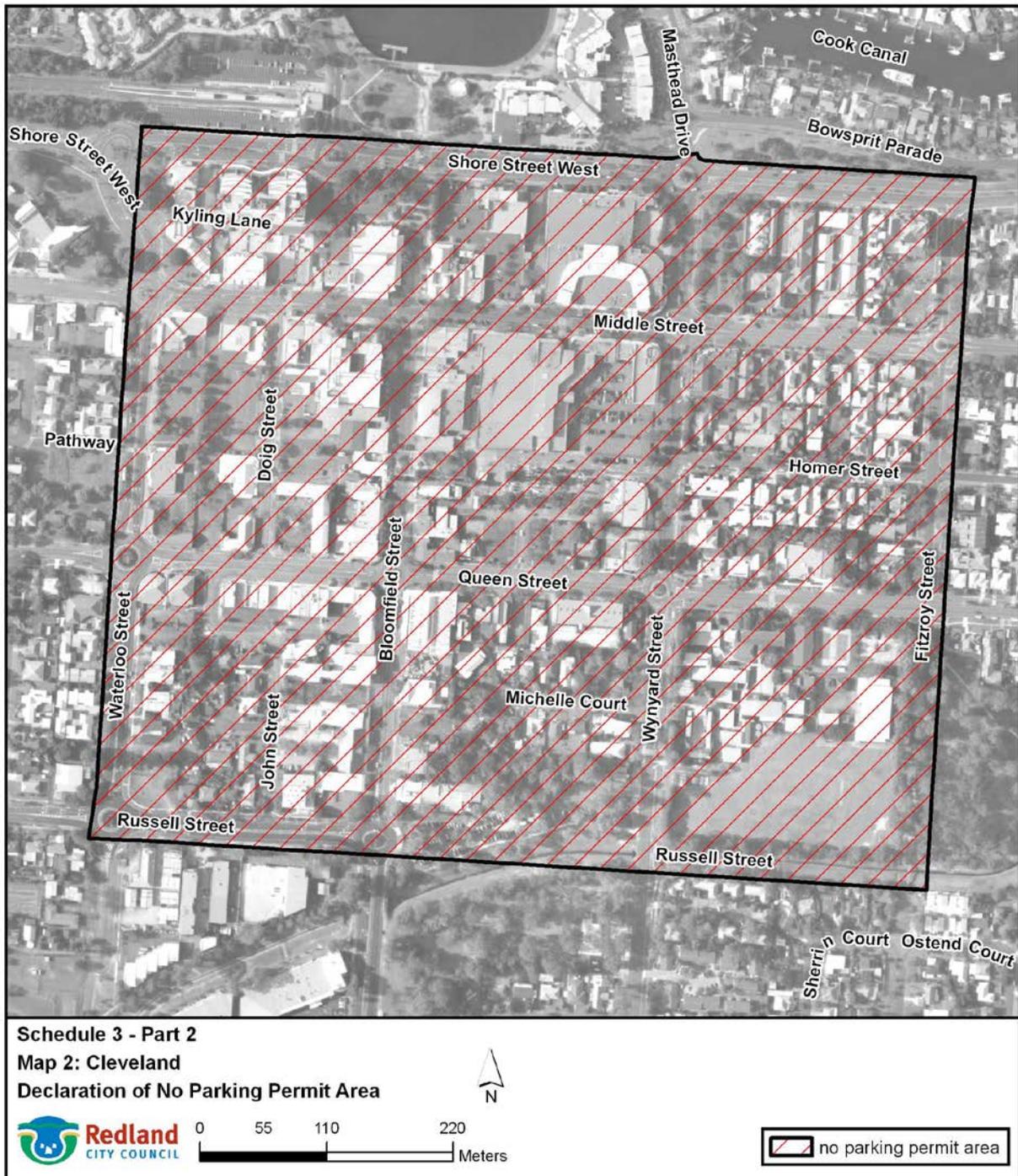
- (1) The Capalaba no parking permit area being the area indicated by hatching on part 2 map 1.
- (2) The Cleveland no parking permit area being the area indicated by hatching on part 2 map 2.
- (3) The Redland Bay no parking permit area being the area indicated by hatching on part 2 map 3.
- (4) The Victoria Point no parking permit area being the area indicated by hatching on part 2 map 4.
- (5) The Wellington Point no parking permit area being the area indicated by hatching on part 2 map 5.

Part 2 Maps of no parking permit areas

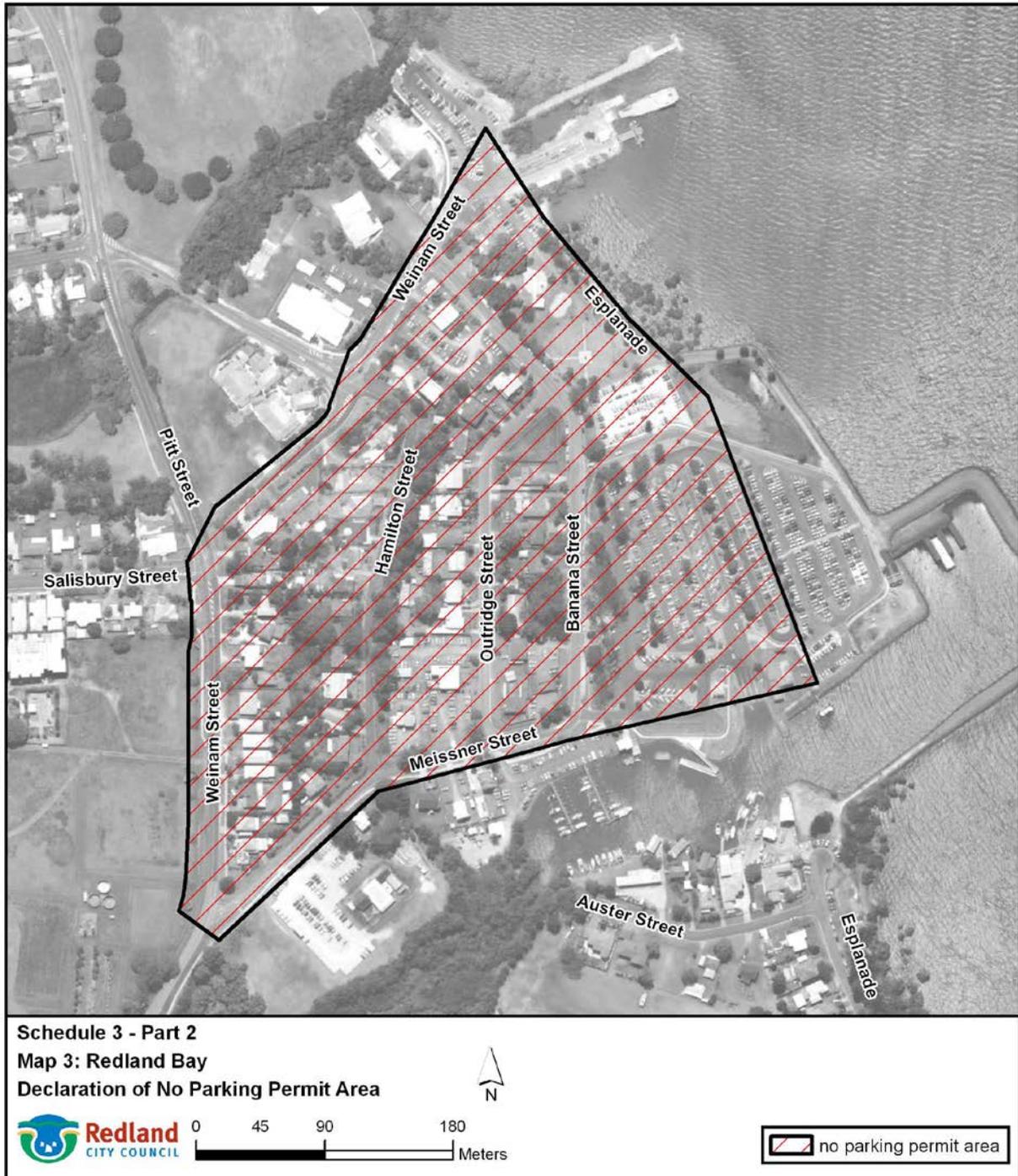
Map 1 - Capalaba



Map 2 - Cleveland



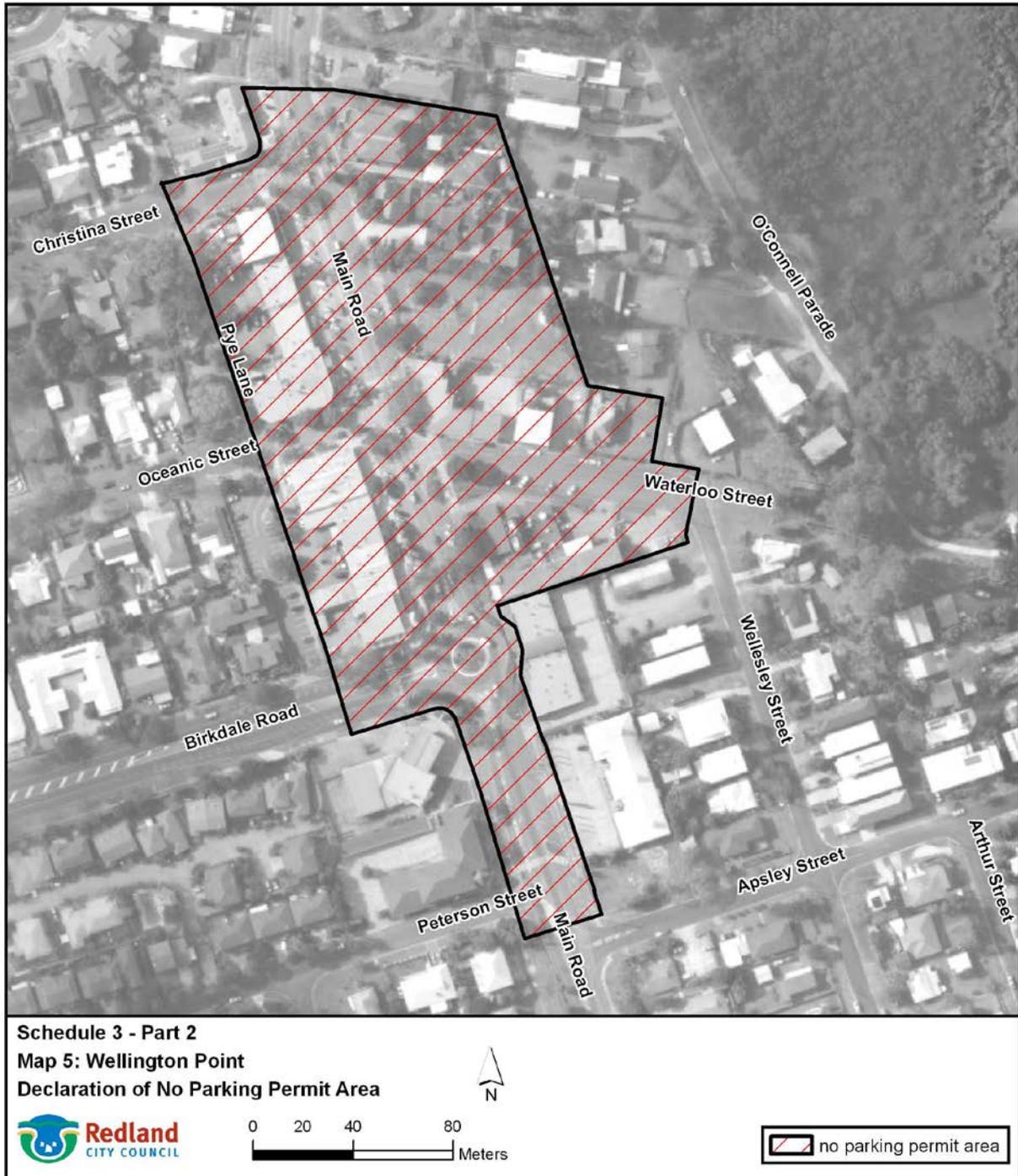
Map 3 – Redland Bay



Map 4 – Victoria Point



Map 5 – Wellington Point



Schedule 4 Infringement notice penalty amounts for certain minor traffic offences

Section 9

| Column 1 | | Column 2 |
|--|---|---|
| <i>Transport Operations (Road Use Management) Act 1995 provision</i> | Minor Traffic Offence | Infringement notice penalty amount |
| 106(1)(a)(i) | Parking a vehicle in a designated parking space unless a parking meter or parkatarea installed for the space indicates that the parking fee has been paid | 0.7 penalty units |
| 106(1)(a)(ii) | Parking a vehicle in a designated parking space unless the person has done what is required by an authorised system that applies in relation to the space | 0.7 penalty units |
| 106(1)(b) | Parking a vehicle in a designated parking space for a time longer than the maximum time indicated on the official traffic sign installed for the space | 0.7 penalty units |
| 106(1)(c) | Parking a vehicle in a designated parking space if another vehicle is parked in the space | 0.7 penalty units |
| 106(1)(d) | Parking a vehicle in a designated parking space so that the vehicle is not wholly within the space | 0.7 penalty units |

| Column 1 | | Column 2 |
|--|---|---|
| <i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i> | Minor Traffic Offence | Infringement notice penalty amount |
| 167 | Stopping on a length of road or in an area to which a no stopping sign applies | 0.7 penalty units |
| 168 | Unauthorised driver stopping on a length of road or in an area to which a no parking sign applies | 0.7 penalty units |

| Column 1 | | Column 2 |
|---|---|---|
| <i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i> | Minor Traffic Offence | Infringement notice penalty amount |
| 169 | Stopping at the side of a road marked with a continuous yellow edge line | 0.7 penalty units |
| 170(1) | Stopping in an intersection | 0.7 penalty units |
| 171 | Stopping on a children's crossing or on the road within 20m before the crossing or 10m after the crossing | 0.7 penalty units |
| 172(1) | Stopping on a pedestrian crossing that is not at an intersection or on a road within 20m before a crossing and 10m after the crossing otherwise than as permitted by a sign | 0.7 penalty units |
| 173 | Stopping on a marked foot crossing that is not at an intersection, or on a road within 10m before the traffic lights pole nearest to the driver at the crossing and 3m after the crossing unless permitted by a sign | 0.7 penalty units |
| 175 | Stopping on a level crossing, or on a road within 20m before the nearest rail or track to the driver approaching the crossing and 20m after the nearest rail or track to the driver leaving the crossing unless permitted by a sign | 0.7 penalty units |
| 176(1) | Stopping on a road contrary to a clearway sign | 0.7 penalty units |
| 179(1) | Stopping an unauthorised vehicle in a loading zone | 0.7 penalty units |
| 181 | Unauthorised driver stopping in a works zone | 0.7 penalty units |
| 182(1) | Stopping an unauthorised vehicle in a taxi zone | 0.7 penalty units |
| 183(1) | Stopping an unauthorised vehicle in a bus | 0.7 penalty units |

| Column 1 | | Column 2 |
|---|--|---|
| <i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i> | Minor Traffic Offence | Infringement notice penalty amount |
| | zone | |
| 183(1) | Stopping a bus in a bus zone contrary to a bus zone sign | 0.7 penalty units |
| 185(1) | Stopping an unauthorised vehicle in a permit zone | 1.4 penalty units |
| 186(1) | Stopping in a mail zone | 0.7 penalty units |
| 189(1)(a) | Stopping on a two way road between the centre of the road and another vehicle parked at the side of the road | 0.7 penalty units |
| 191 | Stopping on a road so as to obstruct traffic | 0.7 penalty units |
| 195(1) | Stopping within 20m before a bus stop unless permitted by a sign | 0.7 penalty units |
| 195(1) | Stopping within 10m after a bus stop unless permitted by a sign | 0.7 penalty units |
| 197(1) | Stopping on a bicycle path, footpath, shared path or dividing strip or a nature strip adjacent to a length of road in a built-up area unless permitted by a sign | 0.7 penalty units |
| 198(2) | Stopping on or across a driveway unless dropping off or picking up, passengers | 0.7 penalty units |
| 199 | Stopping near a postbox | 0.7 penalty units |
| 200(1) | Stopping a heavy vehicle or a long vehicle on a length of road that is not in a built-up area otherwise than on the shoulder of the road | 1.4 penalty units |
| 200(2) | Stopping a heavy vehicle or a long vehicle on a length of road in a built-up area for | 1.4 penalty units |

| Column 1 | | Column 2 |
|--|--|---|
| <i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i> | Minor Traffic Offence | Infringement notice penalty amount |
| | longer than 1 hour unless permitted to stop on the length of road for longer than 1 hour by information on or with a traffic controlled device | |
| 202 | Stopping contrary to a motorbike parking sign | 0.7 penalty units |
| 203(1) | Stopping contrary to a people with disabilities parking sign | 1.4 penalty units |
| Part 12 | Other parking offences provided for in Part 12 (Restrictions on stopping and parking) | 0.7 penalty units |

Schedule 5 Dictionary

Section 4

community service organisation means an association incorporated under the *Associations Incorporation Act 1981* which has as the main purpose of its objects, making financial gain for community service, charitable or similar purposes.

community service organisation parking permit see section 7(3).

local government works parking permit see section 7(7).

no parking permit area means an area—

- (a) described in schedule 3 part 1; and
- (b) indicated by hatching on a map in schedule 3 part 2; and
- (c) the boundaries of which are indicated by a bold line circumscribing a hatched area on a map in schedule 3 part 2.

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

- (a) fixed to land; and
- (b) designed, or approved by a local government, for human habitation by a single family unit; and
- (c) used for residential purposes.

resident see section 7(8)(a)(i).

resident parking permit see section 7(2).

temporary parking permit see section 7(4).

visitor parking permit see section 7(8).

works zone parking permit see section 7(6).

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

Section 5

1. Prescribed activity

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

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

- (1) An approval is not required under the authorising local law for the prescribed activity if the activity is the erection, installation, positioning or placement of a permitted shipping container, railway carriage or other object.
- (2) A permitted shipping container, railway carriage or other object is one that is erected, installed, positioned or placed in accordance with the zone categorisation criteria listed in Schedule 3 and the prescribed criteria in Schedule 4.
- (3) An approval is not required under the authorising local law for the prescribed activity if the activity is the erection, installation, positioning or placement of a shipping container that does not exceed 10m² in area

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

- (1) A drawing showing the design and dimensions of the proposed shipping container, railway carriage or other object.
- (2) A plan showing the proposed location of the shipping container, railway carriage or other object on the property.
- (3) If the applicant is not the owner of the land on which the shipping container, railway carriage or other object is (or is to be) located—the written consent of the owner.
- (4) Information on the proposed period of time the shipping container, railway carriage or other object will be placed on the land.
- (5) Details on what the shipping container, railway carriage or other object will be utilised for.

4. Additional criteria for the granting of an approval

- (1) A lawful dwelling house exists on the property or is under construction.
- (2) The design, siting and materials of the shipping container, railway carriage or other object does not adversely affect the amenity of the surrounding area.
- (3) The erection, installation, positioning or placement of a shipping container, railway carriage or other object must comply with the zone categorisation criteria specified in Schedule 3 and the prescribed criteria specified in schedule 4.

- (4) Compliance with the criteria in subsection (3) may be varied by the local government if, in the opinion of the local government, the undertaking of the prescribed activity complies with the criteria specified in subsections (1) and (2).

5. Conditions that must be imposed on an approval

The conditions of an approval must require the approval holder to keep the shipping container, railway carriage or other object in good order and repair.

6. Conditions that will ordinarily be imposed on an approval

- (1) The conditions of an approval may—
 - (a) regulate the design, dimensions, and external appearance of the shipping container, railway carriage or other object; and
 - (b) require the approval holder to dismantle and/or remove the shipping container, railway carriage or other object by a specified date.

7. Term of an approval

- (1) The local government may specify the term of an approval. This is determined by the local government having regard to the information submitted by the applicant.
- (2) If applicable, the term of the approval must be specified in the approval.

8. Term of renewal of an approval

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

Schedule 2 Categories of approval that are non-transferable

Section 6

Nil

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Schedule 3 Zone Categorisation for Placement of Shipping Containers, Railway Carriages and other Objects on Land

1. The local government has divided the local government area into 6 zone categories as follows—
 - (a) industrial; and
 - (b) centre; and
 - (c) environmental; and
 - (d) open space; and
 - (e) residential; and
 - (f) community purposes.
2. For the purposes of this subordinate local law, only the following zone categories are used—
 - (a) Environmental
 - (b) Open space
 - (c) Residential
3. For the purpose of this subordinate local law, the relevant categories identified in the planning scheme of the local government are further categorized as follows—
 - (a) the environmental /rural zone category includes —
 - (i) the conservation zone; and
 - (ii) the environmental management zone; and
 - (iii) the rural non-urban zone
 - (b) the open space zone category includes the recreation and open space zone; and
 - (c) the residential zone category includes
 - (i) the emerging community zone; and
 - (ii) the low density residential zone; and
 - (iii) the medium density residential zone; and
 - (iv) the neighbourhood centre zone; and
 - (v) the character residential zone; and
 - (vi) the tourist accommodation zone; and
 - (vii) the low-medium density residential zone.
4. If a shipping container, railway carriage or other object is identified as ‘permitted’ in a specified zone category in the table in this schedule and meets the prescribed criteria in Schedule 4, a person may erect, install, position or place the shipping container, railway carriage or other object on the land without an approval from the local government. A permitted item that does meet the prescribed criteria in Schedule 4 becomes an ‘approval required’ item.
5. If a shipping container, railway carriage or other object is identified as ‘approval

required' in a specified zone category in the table in this schedule, a person must not erect, install, position or place the shipping container, railway carriage or other object on the land without a current approval granted by the local government.

6. If a shipping container, railway carriage or other object is identified as 'prohibited' in a specified zone category in the table in this schedule, a person must not erect, install, position or place the shipping container, railway carriage or other object on the land.

| Item | Zone Category | | |
|---|----------------------------------|-----------------------|--------------------|
| | Environmental / Rural | Open Space | Residential |
| Temporary Shipping Container | ✓ | ✓ | ✓ |
| Permanent Shipping Container or Railway Carriage | ✓ | ● | ● |
| Object | x | x | x |

| | | |
|---|-----------------------|---|
| Permitted subject to compliance with Schedule 4 = ✓ | Approval Required = ● | Prohibited where no lawful residence exists = x |
|---|-----------------------|---|

Schedule 4 Prescribed Criteria for Placement of Shipping Containers, Railway Carriages and other Objects on Land

Temporary shipping containers

| Zone Category | Prescribed Criteria |
|---|---|
| All zone categories referred to in schedule 3 of this subordinate local law | <p>Where used for relocation purposes –</p> <ul style="list-style-type: none"> - a lawful residence exists on the land ; and - the temporary shipping container is placed on land for no longer than four weeks <p>OR</p> <p>Where used in association with the construction of a lawfully approved residence-</p> <ul style="list-style-type: none"> - is removed within 2 weeks of the issuing of a final certificate in relation to, or occupation of, the residence (whichever occurs first) - is used only for the storage of construction related materials |

Permanent shipping containers and railway carriages

| Zone Category | Prescribed Criteria |
|----------------------------|--|
| Residential and Open Space | <p>A lawful residence exists on the land</p> <p>Not more than one permanent shipping container or one railway carriage is to be located on the land</p> <p>A permanent shipping container or a railway carriage is located behind the front façade of the lawful residence</p> <p>A permanent shipping container or a permanent railway carriage is set back at least 1.5 m from the side or rear boundaries of the land</p> <p>The placement of the permanent shipping container or railway carriage does not necessitate the removal of any protected vegetation</p> <p>A permanent shipping container or a permanent railway carriage is in good order and structurally sound so as to perform its purpose and avoid causing damage to other properties</p> |
| Environmental / Rural | <p>A lawful residence exists on the land</p> <p>Not more than one permanent shipping container or one railway carriage is to be located on the land</p> |

| | |
|--|---|
| | <p>A permanent shipping container or a railway carriage is to be sited:</p> <ul style="list-style-type: none">• wholly within a development envelope; or• Where a development envelope does not exist, a permanent shipping container or a railway carriage is to be setback a minimum of 10 m from all boundaries of the land and is not visible from the street. <p>The placement of the permanent shipping container or railway carriage does not necessitate the removal of any protected vegetation</p> <p>A permanent shipping container or a permanent railway carriage is in good order and structurally sound so as to perform its purpose and avoid causing damage to other properties</p> |
|--|---|

Other objects

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

Schedule 5 Dictionary

Section 4

permanent shipping container – means a shipping container that is placed on land for purposes other than for the purpose of a temporary shipping container.

temporary shipping container – means a shipping container that is placed on land with the sole purpose of transporting goods associated with moving from one residence house or is used in conjunction with the construction of an approved dwelling.

DRAFT

Certification

This and the preceding 9 pages bearing my initials is a certified copy of *Subordinate Local Law No. 1.19(Placement of Shipping Containers, Railway Carriages and other Objects on Land) 2018* made in accordance with the provisions of the *Local Government Act 2009* by Redland City Council by resolution dated the _____ day of _____, 2018.

.....
Chief Executive Officer

344691_1

DRAFT

11.2.4 LOCAL LAW NO. 8 (WASTE MANAGEMENT) 2018 - COMMUNITY CONSULTATION PLAN

| | |
|-----------------------------|---|
| Objective Reference: | A2984584 Reports and Attachments (Archives) |
| Attachment: | <u>Draft Local Law No. 8 (Waste Management) 2018</u> |
| Authorising Officer: | John Oberhardt General Manager Organisational Services |
| Responsible Officer: | Glynn Henderson Group Manager Corporate Governance |
| Report Author: | Cherie Parkyn Corporate Governance and Policy Officer (Acting) |

PURPOSE

To present the community consultation plan for the draft *Local Law No. 8 (Waste Management) 2018* for Council to consider and approve, prior to the community consultation period commencing.

BACKGROUND

Provisions of state government legislation, specifically Chapter 5A of the Environmental Protection Regulation 2008 (EP Reg) and Section 7 in Part 2A of the Waste Reduction & Recycling Regulation 2011 (WRR Reg) are due to expire on 1 July 2018.

Chapter 5A EP Reg currently provides the head of power for waste management in local government areas including conditions for the use and storage of waste bins, and rules around behaviour at Council's waste transfer stations (WTS). Section 7 in Part 2A of the WRR Reg provides power for local governments to designate areas and determine frequency for collection of general waste and green waste. Both sections of legislation are used as Council's head of power to support Council's Policy POL-2836 - Waste, Recycling and Green Waste Collection Services, and POL-0058 - Disposal of Waste at Redland City Council Waste Transfer Stations.

Redland City Council's proposed Local Law No.8 (Waste Management) 2018 will replace the expiring waste management provisions in Chapter 5A of the EP Reg and section 7 in Part 2A of the WRR Reg and seeks to protect the City's public health, safety and amenity by:

- regulating the storage, servicing and removal of general waste and green waste;
- regulating the disposal of waste at Council's waste management facilities;
- ensuring that an act or emission does not result in human injury, property damage or environmental harm; and
- designating general waste and green waste collection areas in the City.

The local law also seeks to replace provisions in EP Reg relating to matters at Council's waste management facilities, including:

- unlawful disposal;
 - burning waste;
-

- restrictions at the waste facilities, for example speed and waste acceptance; and
- ability to give direction to a waste transporter or customer.

ISSUES

Local Law Making Process

At the General Meeting on 7 March 2018, Council resolved to commence the local law making process for *Local Law No.8 (Waste Management) 2018*.

Local Law No. 8 (Waste Management) 2018 has now been drafted in accordance with Council's adopted Local Law Making Process and legislative standards.

A copy of the draft local law is attached.

The next step in Council's adopted local law making process is to carry out consultation with the community on the proposed local law.

Community Consultation

It is proposed that community consultation on the draft local law amendments for the following amendments is conducted for a period of 21 days commencing on 23 May 2018 and concluding on 13 June 2018.

The consultation will include:

- Public notice in Redland City Bulletin;
- Redland City Council website communication and online submission form;
- Display of the public notice in Council's Customer Service Centres;
- Make a copy of the draft local law available for review from Customer Service Centres;
- Printable submission forms available at Customer Service Centres; and
- Public Notice to be displayed at Waste facilities.

Anti-competitive Provisions

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

A review of any anti-competitive provisions has been undertaken and advice sought from Council's external lawyers. The review found, there are no anti-competitive provisions in the draft *Local Law No.8 (Waste Management) 2018* which are not the subject of an exception. Council is not required to undertake a comprehensive review of any of the local law provisions.

Cultural Heritage

The Aboriginal Cultural Heritage Act 2003 regulates the effective recognition, protection and conservation of Aboriginal cultural heritage. The Quandamooka Yoolooburrabee Aboriginal Corporation (QYAC) is the registered cultural heritage body for the area covered by the Quandamooka Coast Claim. It is recommended that Council engage in consultation with QYAC through the community consultation process to provide the opportunity to consider the impacts on Aboriginal cultural heritage.

STRATEGIC IMPLICATIONS

Legislative Requirements

The *Local Government Act 2009* details prescriptive provisions that local governments are required to adhere to in the process of making, recording and reviewing local laws.

The amended local laws have been drafted in accordance with the requirements of the *Legislative Standards Act 1992*. Council's drafting lawyers have reviewed drafts to ensure compliance with this legislative requirement.

Risk Management

There are no perceived risks in undertaking community consultation for the draft *Local Law No.8 (Waste Management) 2018* in accordance with the adopted Local Law making process.

Financial

The community consultation process recommended will be within the existing operational budget.

People

Community consultation process will be absorbed by current resourcing.

Environmental

No environmental implications noted.

Social

The community consultation aims to ensure an equitable and transparent process, with the opportunity for the community to voice their support, concerns or suggestions regarding the proposed amendments.

Alignment with Council's Policy and Plans

The process for making the proposed laws and the associated recommendations of this report are in accordance with Council's adopted process 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 drafting *Local Law No. 8 (Waste Management) 2018* consultation has occurred with:

- General Manager Infrastructure and Operations
- Governance Service Manager
- RedWaste Service Manager
- Gadens Lawyers

OPTIONS

Option One

That Council resolves to:

1. Consult with the community about draft *Local Law No. 8 (Waste Management) 2018* for at least 21 days (the consultation period) by:

- a) publishing a notice (a consultation notice) about the proposed amendments at least once in a newspaper circulating generally in the local government area;
 - b) displaying the consultation notice in a conspicuous place at Customer Service Centres from the first day of the consultation period until the end of the last day of the consultation period;
 - c) making particulars of the proposed local law available for inspection at the Customer Service Centres from the first day of the consultation period until the end of the last day of the consultation period;
 - d) making particulars of the proposed local law available on Council's website from the first day of the consultation period until the end of the last day of the consultation period with an online submission form available; and
 - e) displaying the consultation notice at Council's Waste Facilities.
2. Accept and consider every submission properly made to Council about draft *Local Law No. 8 (Waste Management) 2018*.

Option Two

Council resolves to not continue with the local law making process for draft *Local Law No. 8 (Waste Management) 2018*.

OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr W Boglary

Seconded by: Cr T Huges

That Council resolves to:

1. Consult with the community about draft *Local Law No. 8 (Waste Management) 2018* for at least 21 days (the consultation period) by:
 - a) publishing a notice (a consultation notice) about the proposed amendments at least once in a newspaper circulating generally in the local government area;
 - b) displaying the consultation notice in a conspicuous place at Customer Service Centres from the first day of the consultation period until the end of the last day of the consultation period;
 - c) making particulars of the proposed local law available for inspection at the Customer Service Centres from the first day of the consultation period until the end of the last day of the consultation period;
 - d) making particulars of the proposed local law available on Council's website from the first day of the consultation period until the end of the last day of the consultation period with an online submission form available; and
 - e) displaying the consultation notice at Council's Waste Facilities.
2. Accept and consider every submission properly made to Council about draft *Local Law No. 8 (Waste Management) 2018*.

CARRIED 11/0

Crs Boglary, Mitchell, Gollè, Hewlett, Edwards, Elliott, Huges, Talty, Gleeson, Bishop and Williams voted FOR the motion.



Redland
CITY COUNCIL

Local Law No. 8
(Waste Management) 2018

Chief Executive Officer

Redland City Council Local Law No. 8 (Waste Management) 2018

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 8 (Waste Management) 2018*.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to protect the public health, safety and amenity related to waste management within the local government's local government area.

- (2) The purpose is to be achieved by providing for—
 - (a) regulation of the storage, servicing and removal of waste; and
 - (b) regulation of the disposal of waste at waste facilities; and
 - (c) regulation of the use of waste facilities; and
 - (d) regulation of the use of public place waste infrastructure; and
 - (e) the control of acts or omissions to ensure they do not result in—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or loss of amenity; or
 - (iii) environmental harm or environmental nuisance.

3 Definitions—the dictionary

- (1) The dictionary in the schedule defines particular words used in this local law.

- (2) If a word used in this local law is not defined in this local law but is defined under the *Local Law No. 1 (Administration) 2015*, it has the meaning given to it by the *Local Law No. 1 (Administration) 2015*.

4 Relationship with other laws¹

This local law is—

- (a) in addition to and does not derogate from state and federal laws about the management of waste; and

- (b) to be read with *Local Law No. 1 (Administration) 2015*.

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.

Part 2 Waste management

Division 1 Designation of areas for general waste or green waste collection

5 Designation of areas

The local government may—

- (a) designate areas within its local government area in which the local government may conduct general waste or green waste collection; and
- (b) decide the frequency of general waste or green waste collection in the designated areas.

Division 2 Management of waste

Subdivision 1 Storage of waste

6 Application of subdivision 1

Subdivision 1 applies to domestic premises and commercial premises.

7 Owner or occupier of premises to supply waste containers

- (1) The owner or occupier of premises must—²
 - (a) subject to subsection (2), supply standard general waste containers at the premises as—
 - (i) are necessary to contain the general waste produced at the premises; or
 - (ii) are prescribed by subordinate local law; or
 - (b) supply at the premises, waste containers, other than standard general waste containers, as—
 - (i) if required by the local government—are necessary to contain the general waste produced at the premises; or
 - (ii) are prescribed by subordinate local law.

² Where 2 or more persons are engaged in the relevant activity, the liability is joint and several. See *Local Law No.1 (Administration) 2015*, section 35.

Maximum penalty—20 penalty units.

- (2) However, subsection (1)(a) does not apply if the local government supplies to the premises the number of standard general waste containers the local government reasonably considers is required at the premises.
- (3) If the local government supplies a standard general waste container to premises under subsection (2), the reasonable cost of supplying the container and service is a debt payable by the owner or occupier of the premises to the local government.

8 Requirements for storing general waste and green waste in waste containers

- (1) Subject to subsection (2), the owner or occupier of premises must—³
 - (a) store general waste produced as a result of the ordinary use or occupation of the premises in—
 - (i) a standard general waste container; or
 - (ii) if another type of waste container is prescribed by subordinate local law—the other type of container; and
 - (b) store green waste produced as a result of the ordinary use or occupation of the premises in—
 - (i) a standard green waste container; or
 - (ii) if a standard green waste container is not supplied at the premises—a waste container in paragraph (a)(i) or (ii); and
 - (c) keep each waste container clean and in good repair, including replacing, where necessary, waste containers supplied by the local government; and
 - (d) ensure vermin do not infest waste containers or the area where a waste container is stored; and
 - (e) ensure waste does not cause an odour nuisance; and
 - (f) ensure that each waste container is securely covered, except when the waste is being placed in, or removed from, the container or the container is being cleaned.

Maximum penalty—20 penalty units.

³ Where 2 or more persons are engaged in the relevant activity, the liability is joint and several. See *Local Law No.1 (Administration) 2015*, section 35.

-
- (2) Subsection (1) does not prevent green waste being used in home composting systems.
- (3) Subject to subsections (6) and (7), a person must not—⁴
- (a) place any of the following in a waste container—
 - (i) a liquid, semi-liquid or moist substance, unless the substance is securely wrapped or contained to prevent the substance leaking from the wrapper or container; or
 - (ii) material that is smouldering or aflame; or
 - (iii) matter or a thing that is alive; or
 - (iv) a thing stated in a subordinate local law; or
 - (b) place in a waste container waste that is not approved by the local government for storing in the waste container; or
Example for paragraph (b)—

Placing waste that is not recyclable waste in a container approved by the local government for storing recyclable waste.
 - (c) remove or disturb the cover of a waste container, except when placing waste in or cleaning the container; or
 - (d) use or damage a waste container so that it is not weatherproof or serviceable or cannot be securely covered; or
 - (e) disturb or otherwise interfere with the contents of a waste container.
- Maximum penalty—20 penalty units.
- (4) The occupier of the premises must not allow a thing to be placed in a waste container in contravention of subsection (3).⁵
- Maximum penalty—20 penalty units.
- (5) It is a defence in a proceeding against a person for an offence under subsection (3) for the person to prove the contravention was due to causes over which the person had no control.
- (6) Subsection (3) does not apply to an employee, agent or contractor of the local government when—

⁴ Where 2 or more persons are engaged in the relevant activity, the liability is joint and several. See *Local Law No.1 (Administration) 2015*, section 35.

⁵ Where 2 or more persons are engaged in the relevant activity, the liability is joint and several. See *Local Law No.1 (Administration) 2015*, section 35.

- (a) performing a duty or responsibility which the local government has authorised the person to perform; or
 - (b) exercising a power that the local government has authorised the person to exercise.
- (7) Subsection (3)(e) does not apply to the occupier of the premises if the disturbance or interference with the contents of a waste container at the premises is carried out in the ordinary use of the premises.

9 General requirements for keeping waste containers at serviced premises

- (1) Subject to subsection (2), the occupier of serviced premises must ensure that a waste container supplied for the serviced premises is kept—⁶
- (a) if the local government requires the container to be kept at a particular place at the serviced premises—at the place (the *waste container storage place*); or
 - (b) if a subordinate local law requires the container to be kept at a particular place at the serviced premises—at the place (also a waste container storage place); or
 - (c) if paragraphs (a) and (b) do not apply—at a place inside the serviced premises that does not detract from the amenity of the serviced premises and its surrounds.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not prevent the occupier of the serviced premises from placing a waste container in a place outside the serviced premises for the collection of general waste or green waste from the container, if—
- (a) the local government has arranged to collect waste from the container at the place; or
 - (b) an authorised person has directed the container be kept in such other place; or
 - (c) the container is in the place for no longer than—
 - (i) the period, if any, allowed under a local law of the local government; or
 - (ii) 24 hours before or after the scheduled collection day for the collection of the waste in the container.

Example of a place outside serviced premises—

⁶ Where 2 or more persons are engaged in the relevant activity, the liability is joint and several. See *Local Law No.1 (Administration) 2015*, section 35.

The kerb adjacent to the serviced premises.

- (3) If the local government has arranged for the collection of general waste from a waste container at serviced premises, the occupier of the serviced premises must ensure there is unobstructed access to the waste container for removal of the waste.⁷

Maximum penalty—20 penalty units.

- (4) It is a defence in the proceeding against a person for an offence under subsection (3) for the person to prove the contravention was due to causes over which the person had no control.

10 Other requirements for storing general waste at particular serviced premises

- (1) This section applies to any of the following persons (each a *prescribed person*) for serviced premises, other than a single unit private dwelling—
- (a) the owner or occupier of the serviced premises;
 - (b) if a prescribed ERA is carried out at the serviced premises—the holder of the environmental authority for the prescribed ERA.
- (2) The prescribed person must ensure that the waste container storage place for the serviced premises is supplied with—⁸
- (a) if required by the local government—all of the following—
 - (i) either—
 - (A) an elevated stand at a level required by the local government for holding all waste containers; or
 - (B) an imperviously paved area, drained as required by the local government, where all waste containers can be placed;
 - (ii) a hose cock and hose in the vicinity of the elevated stand or the imperviously paved area;
 - (iii) a suitable enclosure for the area where the waste containers are kept;
 - (iv) a waste container of a type, size and capacity adequate to contain the waste generated by use of the serviced premises;

⁷ Where 2 or more persons are engaged in the relevant activity, the liability is joint and several. See *Local Law No.1 (Administration) 2015*, section 35.

⁸ Where 2 or more persons are engaged in the relevant activity, the liability is joint and several. See *Local Law No.1 (Administration) 2015*, section 35.

- (b) if a requirement is prescribed by subordinate local law—facilities and structures for the placement, storage and cleaning of waste containers as prescribed by subordinate local law.

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

Subdivison 2 Removal of waste

11 Local government may give notice about collection of general waste

- (1) The local government may give the occupier of serviced premises a written notice (a *waste collection notice*) stating any or all of the following—
 - (a) the days (each a *scheduled collection day*) on which the waste is to be collected;
 - (b) the location (*collection location*) where the waste container is to be placed for collection of the waste;
 - (c) the time by which the waste container is to be placed in the collection location for collection of the waste;
 - (d) the time by which the waste container is to be removed from the collection location.

Example—

Occupiers of serviced premises on streets with limited or difficult access for waste collection vehicles, or for reasons to reduce nuisance, may be required to place waste containers at a common designated location serving the street or a number of serviced premises on the street.

- (2) A waste collection notice may be given by publication on the local government's website.

12 Depositing or disposal of general waste and green waste from premises other than serviced premises

- (1) This section applies if general waste or green waste is produced at a premises, other than serviced premises.
- (2) The local government may impose requirements on a written approval to the owner or occupier of the premises for depositing or disposing of the waste, including, for example, requirements about—
 - (a) the place for depositing or disposing of the waste; or
 - (b) the method of depositing or disposing of the waste.

- (3) The occupier of the premises must ensure that the waste produced at the premises is deposited or disposed of—⁹
- (a) at a waste facility; or
 - (b) in accordance with the requirements of the local government under subsection (2) for depositing or disposing of the waste.

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

Division 3 Storage of industrial waste

13 Requirements for storing industrial waste

- (1) The occupier of premises where there is industrial waste must,¹⁰ if required by the local government—
- (a) supply at the premises the number of industrial waste containers required by the local government for storing the industrial waste at the premises safely, efficiently and without causing a nuisance; and
 - (b) keep the industrial waste containers at the particular place at the premises required by the local government; and
 - (c) keep each industrial waste container clean and in good repair; and
 - (d) comply with any requirement in a subordinate law.

Maximum penalty—20 penalty units.

Part 3 Receiving and disposing of waste

14 Unlawful disposal of waste at waste facility

- (1) A person must not deposit the following waste at a waste facility—¹¹
- (a) liquid or semiliquid waste;
 - (b) hot ash;
 - (c) material that is smouldering or aflame;

⁹ Where 2 or more persons are engaged in the relevant activity, the liability is joint and several. See *Local Law No.1 (Administration) 2015*, section 35.

¹⁰ Where 2 or more persons are engaged in the relevant activity, the liability is joint and several. See *Local Law No.1 (Administration) 2015*, section 35.

¹¹ Where 2 or more persons are engaged in the relevant activity, the liability is joint and several. See *Local Law No.1 (Administration) 2015*, section 35.

- (d) material that can spontaneously combust;
- (e) material containing a substance that may be harmful to persons or property because, if it reacts with air or water, it may produce toxic gases or become corrosive or explosive;
- (f) material containing asbestos;
- (g) material containing fire ants;
- (h) an explosive;
- (i) ammunition, other than ammunition that no longer contains explosives, pyrotechnics or propellants apart from trace residues that are no longer capable of supporting combustion or an explosive reaction;
- (j) waste prescribed by subordinate local law.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply to waste deposited with the consent of the operator for the waste facility.

15 Restrictions on burning waste at waste facility

A person must not set fire to, or burn, waste at a waste facility other than—¹²

- (a) under an environmental authority; or
- (b) under a development condition of a development approval; or
- (c) under the *Fire and Emergency Services Act 1990*.

Maximum penalty—20 penalty units.

16 Restrictions on use of waste facility

- (1) Subject to subsections **Error! Reference source not found.** and (2), a person must not, without the consent of the operator for a waste facility—¹³
 - (a) enter the facility other than to deposit waste or purchase from an approved sale point;

¹² Where 2 or more persons are engaged in the relevant activity, the liability is joint and several. See *Local Law No.1 (Administration) 2015*, section 35.

¹³ Where 2 or more persons are engaged in the relevant activity, the liability is joint and several. See *Local Law No.1 (Administration) 2015*, section 35.

Example for paragraph (a)—

RecycleWorld Redland Bay.

- (b) remain on the facility after depositing or purchasing waste; or
- (c) interfere with waste at, or remove waste from, the facility (including exchanging waste with another person); or
- (d) interfere with any part of the operations at the facility; or
- (e) interrupt an employee of the operator for the facility or an authorised person.

Maximum penalty—20 penalty units.

(2) Subsection (1) does not apply to—

- (a) the operator for the waste facility; or
- (b) an authorised person.

17 Person to comply with directions and give information

(1) This section applies to a person who—

- (a) transports waste to a waste facility; or
- (b) deposits waste at a waste facility.

(2) The person must—¹⁴

- (a) comply with all relevant and reasonable directions contained in any sign, road pavement marking or other infrastructure displayed at the waste facility; and
- (b) comply with all reasonable instructions about dealing with the waste at the waste facility which are given by the operator for the waste facility or an authorised person; and if asked by the operator for the waste facility or an authorised person, give the following information to the operator or the authorised person—
 - (i) the type and amount of waste being delivered to the waste facility; and
 - (ii) information that provides satisfactory evidence of the identity and residential address of the person.

Maximum penalty—10 penalty units.

¹⁴ Where 2 or more persons are engaged in the relevant activity, the liability is joint and several. See *Local Law No.1 (Administration) 2015*, section 35.

Part 4 Public place waste infrastructure

18 Restrictions on use of public place waste infrastructure

- (1) A person must not—¹⁵
 - (a) dispose of domestic, commercial or industrial waste or green waste in public place waste infrastructure;

Maximum penalty—20 penalty units.
- (2) A person must not scavenge waste from public place waste infrastructure.¹⁶

Maximum penalty—20 penalty units.

Part 5 Authorised persons

19 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.
- (2) A local government may appoint any of the following persons as authorised persons for this local law—
 - (a) employees or workers of the local government;
 - (b) other persons who are eligible for appointment as authorised persons under the Act.¹⁷
- (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—

¹⁵ Where 2 or more persons are engaged in the relevant activity, the liability is joint and several. See *Local Law No.1 (Administration) 2015*, section 35.

¹⁶ Where 2 or more persons are engaged in the relevant activity, the liability is joint and several. See *Local Law No.1 (Administration) 2015*, section 35.

¹⁷ See the Act, chapter 6, part 6.

- (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.

20 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.

21 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.
- (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 19(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.

22 Authorised person's identity card

- (1) Each authorised person must hold an identity card issued by the local government.
- (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) A person who ceases to be an authorised person must return the person's identity card to the local government within 21 days after the person ceases to be an authorised person.
Maximum penalty for subsection (3)—10 penalty units.
- (4) This section does not prevent the giving of a single identity card to a person for this part and for other purposes.

23 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.

24 Offence

A person must not pretend to be an authorised person.¹⁸
Maximum penalty—50 penalty units.

25 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 6 Subordinate local laws

26 Subordinate local laws

The local government may, by subordinate local law, specify—

¹⁸ Where 2 or more persons are engaged in the relevant activity, the liability is joint and several. See *Local Law No.1 (Administration) 2015*, section 35.

- (a) requirements about the supply at premises of standard general waste containers¹⁹; and
- (b) requirements about the supply at premises of waste containers, other than standard general waste containers, to contain the general waste produced at the premises²⁰; and
- (c) another type of waste container for the storage of general waste produced as a result of the ordinary use or occupation of premises²¹; and
- (d) a thing that a person must not place in a waste container²²; and
- (e) requirements about the keeping of the waste container supplied for serviced premises at a particular place at the serviced premises²³; and
- (f) requirements about the supply of facilities and structures for the placement, storage and cleaning of waste containers²⁴; and
- (g) requirements about the supply at premises of industrial waste containers for storing industrial waste at the premises and other requirements about waste containers for the storage of industrial waste²⁵; and
- (h) waste that a person must not deposit at a waste facility²⁶; and
- (i) the appointment of authorised persons for this local law²⁷; and
- (j) a thing that is specified to be waste²⁸; and
- (k) premises that is specified to be commercial premises²⁹; and

¹⁹ See section 7(1)(a).

²⁰ See section 7(1)(b).

²¹ See section 8(1)(a).

²² See section 8(3).

²³ See section 9(1)(b).

²⁴ See section 10(2)(b).

²⁵ See section 13(1)(b).

²⁶ See section 14(1)(j).

²⁷ See section 19(1)(a).

²⁸ See schedule.

- (1) premises that is specified to be domestic premises³⁰.

**Part 7 Application of Local Law No. 1
 (Administration) 2015**

Part 8 Transitional provisions

²⁹ See schedule.

³⁰ See schedule.

Schedule Dictionary

section 3

Act means the *Local Government Act 2009*.

authorised person means a person who is an authorised person for this local law appointed under part 5.

collection location means a place at, or adjacent to, premises at which a waste container associated with the premises can be easily accessed by a waste collection vehicle without causing obstruction.

commercial premises means any of the following types of premises—

- (a) a hotel, motel, caravan park, cafe, food store or canteen;
- (b) an assembly building, institutional building, kindergarten, child minding centre, school or other building used for education;
- (c) premises where a sport or game is ordinarily played in public;
- (d) an exhibition ground, show ground or racecourse;
- (e) an office, shop or other premises where business or work, other than a manufacturing process, is carried out;
- (f) a church, or other building, used as a place of worship, or for religious purposes;
- (g) other premises that is specified to be commercial premises under a subordinate local law.

commercial waste means waste, other than green waste, domestic recyclable waste, commercial recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of commercial premises.

commercial recyclable waste means recyclable waste produced as a result of the ordinary use or occupation of commercial premises.

development approval has the meaning given in the *Planning Act 2016*.

domestic premises means any of the following types of premises—

- (a) a single unit private dwelling;
- (b) premises containing 2 or more separate flats, apartments or other dwelling units;
- (c) rooming accommodation, lodging house or guest house;

- (d) other premises that is specified to be domestic premises under a subordinate local law.

domestic waste means waste, other than domestic clean-up waste, green waste, domestic recyclable waste, commercial recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of domestic premises.

domestic recyclable waste means recyclable waste produced as a result of the ordinary use or occupation of domestic premises.

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

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

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

general waste means—

- (a) waste other than regulated waste; and
- (b) for part 2, any of the following—
- (i) commercial waste;
 - (ii) domestic waste;
 - (iii) commercial recyclable waste;
 - (iv) domestic recyclable waste; and
 - (v) domestic green waste;
- (c) for part 4, any of the following—
- (i) commercial waste;
 - (ii) domestic waste;
 - (iii) commercial recyclable waste;
 - (iv) domestic recyclable waste;
 - (v) industrial waste.

government premises means premises of which the owner or occupier is a government entity, including the local government.

green waste means grass cuttings, trees, bushes, shrubs, loppings of trees,

bushes or shrubs, or similar matter produced as a result of the ordinary use or occupation of premises.

industrial waste means—

- (a) interceptor waste; or
- (b) waste other than the following—
 - (i) commercial waste;
 - (ii) domestic clean-up waste;
 - (iii) domestic waste;
 - (iv) green waste;
 - (v) recyclable interceptor waste;
 - (vi) commercial recyclable waste;
 - (vii) domestic recyclable waste;
 - (viii) waste discharged to a sewer.

industrial waste container means a container of a type approved by the local government for storing industrial waste at premises in the local government's local government area.

interceptor means a device used to intercept a substance in sewage, waste water or trade waste and prevent its discharge into a sewer, septic tank, waste water disposal system or other treatment device.

Examples of interceptors—

- neutralising interceptors for neutralising acidic and alkaline substances
- grease interceptors for collecting and solidifying fat, grease and similar matter
- oil interceptors for collecting oil and petroleum products
- silt interceptors for collecting soil, sand, gravel and other sedimentary solids

interceptor waste means matter, other than recyclable interceptor waste, intercepted by, and held in, an interceptor.

local government means the Redland City Council.

local government area has the meaning given in the Act.

main office see section 21(2).

manufacturing process means a handicraft or other process relating to

adapting, altering, assembling, cleaning, finishing, making, ornamenting, preparing, renovating, repairing, washing, or wrecking goods for trade, sale or gain or otherwise in connection with a business.

occupier of premises includes the following—

- (a) a person who apparently occupies, or has control or management of, the premises;
- (b) a person who is apparently acting with the authority of:
 - (i) the owner of the premises; or
 - (ii) a person who apparently occupies, or has control or management, of the premises;
- (c) if paragraphs (a) and (b) do not apply—an owner of the premises;

operator, for a waste facility, means the person who is responsible for the carrying out of the waste facility or is in charge of the waste facility, and includes the owner of the waste facility, or holder of the Environmental Authority for the facility.

other person see section 23(1).

owner of premises means the person for the time being entitled to receive the rent for the premises or would be entitled to receive the rent for it if it were let to a tenant at a rent.

premises includes domestic premises, government premises and commercial premises.

prescribed ERA has the meaning given in the *Environmental Protection Act 1994*.

prescribed person see section 10(1).

public place waste infrastructure means a waste container and associated infrastructure in a local government area or a road owned or controlled by the local government.

recyclable interceptor waste means matter that is, or is intended to be, removed from a grease interceptor and taken elsewhere for processing into a non-toxic, non-hazardous and usable substance for sale.

recyclable waste, means clean and inoffensive waste that the local government's recycling collection services accept for recycling.

Examples of waste that the local government's recycling services accept for recycling—

glass bottles and jars, plastic bottles and containers, paper, cardboard, and steel and aluminium cans and containers

regulated waste has the meaning given in the *Environmental Protection Regulation 2008*.

rooming accommodation has the meaning given in the *Planning Regulation 2017*.

scheduled collection day see section 11(1).

secondary office see section 21(3).

serviced premises means the following premises to the extent that the local government has arranged to collect or remove general waste for part 2 or green waste from the premises—

- (a) domestic premises;
- (b) commercial and industrial premises for which the local government has been requested in writing by the owner or occupier of the premises to arrange for removal of general waste or green waste from the premises.

standard general waste container—

- (a) means a container of a type approved by the local government for storing domestic waste, commercial waste, domestic recyclable waste or commercial recyclable waste at premises in the local government's local government area; and
- (b) for the avoidance of doubt, includes 1 or more containers each of which is approved by the local government for storing, at premises in the local government's local government area—
 - (i) 1 or more or multiple types of commercial waste; or
 - (ii) 1 or more or multiple types of recyclable waste.

standard green waste container means a container of a type approved by the local government for storing green waste at premises in the local government's local government area.

waste, has the meaning given in the *Environmental Protection Act 1994*, and includes any thing that is specified to be waste under a subordinate local law.

waste collection notice see section 11(1).

waste container storage place see section 9(1).

waste facility—

- (a) for part 2, means a facility for the recycling, reprocessing, treatment, storage, incineration, conversion to energy or disposal of waste; and
- (b) for part 3, means a facility for the recycling, reprocessing, treatment, storage, incineration, conversion to energy or disposal of waste, but only if the local government is the operator or owner of the facility or holds the Environmental Authority for the facility.

#59047722

11.3 COMMUNITY & CUSTOMER SERVICES**11.3.1 DECISIONS MADE UNDER DELEGATED AUTHORITY FOR CATEGORY 1, 2, & 3 DEVELOPMENT APPLICATIONS**

| | |
|-----------------------------|---|
| Objective Reference: | A2993957 Reports and Attachments (Archives) |
| Attachment: | <u>Decisions made under delegated authority from 18.03.2018 to 14.04.2018</u> |
| Authorising Officer: | Louise Rusan General Manager Community and Customer Services |
| Responsible Officer: | David Jeanes Group Manager City Planning and Assessment |
| Report Author: | Debra Weeks Senior Business 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 only.

This information is provided for public interest.

BACKGROUND

At the General Meeting of 21 June 2017, Council resolved that development assessments be classified into the following four categories:

- Category 1 – minor code and referral agency assessments;
- Category 2 – moderately complex code and impact assessments;
- Category 3 – complex code and impact assessments; and
- Category 4 – major assessments (not included in this report)

The applications detailed in this report have been assessed under:-

Category 1 - Minor code assessable applications, concurrence agency referral, minor operational works and minor compliance works; minor change requests and extension to currency period where the original application was Category 1 procedural delegations for limited and standard planning certificates.

Delegation Level: Chief Executive Officer, General Manager, Group Managers, Service Managers, Team Leaders and Principal Planners as identified in the officer's instrument of delegation.

Category 2 - In addition to Category 1, moderately complex code assessable applications, including operational works and compliance works and impact assessable applications without objecting submissions; other change requests and variation requests where the original application was Category 1, 2, 3 or 4*. Procedural delegations including approval of works on and off maintenance, release of bonds and full planning certificates.

** Provided the requests do not affect the reason(s) for the call in by the Councillor (or that there is agreement from the Councillor that it can be dealt with under delegation).*

Delegation Level: Chief Executive Officer, General Manager, Group Managers and Service Managers as identified in the officer's instrument of delegation.

Category 3 - In addition to Category 1 and 2, applications for code or impact assessment with a higher level of complexity. They may have minor level aspects outside a stated policy position that are subject to discretionary provisions of the planning scheme. Impact applications may involve submissions objecting to the proposal readily addressable by reasonable and relevant conditions. Assessing superseded planning scheme requests and approving a plan of subdivision.

Delegation Level: Chief Executive Officer, General Manager and Group Managers as identified in the officer's instrument of delegation.

OFFICER'S RECOMMENDATION/ COUNCIL RESOLUTION

Moved by: Cr M Edwards

Seconded by: Cr T Huges

That Council resolves to note this report.

CARRIED 11/0

Crs Boglary, Mitchell, Gollè, Hewlett, Edwards, Elliott, Huges, Talty, Gleeson, Bishop and Williams voted FOR the motion.

Decisions made under delegated authority for 18.03.2018 to 24.03.2018

CATEGORY1

| Application Id | Application Full Details | Applicant | Associated Property Address | Primary Category | Decision Date | Negotiated Decision Date | Decision Description | Division |
|----------------|----------------------------------|--|---|-------------------------------------|---------------|--------------------------|----------------------|----------|
| CAR18/0090 | Design & Siting - Dwelling House | Building Code Approval Group Pty Ltd | 556-562 Main Road Wellington Point QLD 4160 | Referral Agency Response - Planning | 23/03/2018 | NA | Approved | 1 |
| CAR18/0092 | Design and Siting - Dwelling | Fluid Approvals | 12A Warner Street Wellington Point QLD 4160 | Referral Agency Response - Planning | 15/03/2018 | NA | Approved | 1 |
| CAR18/0099 | Design and Siting | The Certifier Pty Ltd | 8 Archer Place Wellington Point QLD 4160 | Referral Agency Response - Planning | 21/03/2018 | NA | Approved | 1 |
| RAL18/0005 | Standard Format 1 into 4 | Construction Plus | 50-56 Wellington Street Ormiston QLD 4160 | Code Assessment | 21/03/2018 | NA | Development Permit | 1 |
| CAR18/0094 | Design and Siting - Dwelling | Professional Certification Group Pty Ltd | 32 Mergowie Drive Cleveland QLD 4163 | Referral Agency Response - Planning | 22/03/2018 | NA | Approved | 2 |
| DBW18/0003 | Domestic Outbuilding | Applied Building Approvals | 8 Abeya Street Thornlands QLD 4164 | Code Assessment | 20/03/2018 | NA | Development Permit | 3 |
| CAR18/0086 | Design and Siting - Dwelling | Building Code Approval Group Pty Ltd | 104-112 Thornlands Road Thornlands QLD 4164 | Referral Agency Response - Planning | 21/03/2018 | NA | Approved | 3 |
| CAR18/0088 | Design and Siting - Carport | Bartley Burns Certifiers & Planners | 9 Albert Street Victoria Point QLD 4165 | Referral Agency Response - Planning | 21/03/2018 | NA | Approved | 4 |

Decisions made under delegated authority for 18.03.2018 to 24.03.2018

CATEGORY1

| Application Id | Application Full Details | Applicant | Associated Property Address | Primary Category | Decision Date | Negotiated Decision Date | Decision Description | Division |
|----------------|---|---|---|-------------------------------------|---------------|--------------------------|----------------------|----------|
| CAR18/0098 | Design and Siting - Carport | All Approvals Pty Ltd | 26A Stradbroke Street Redland Bay QLD 4165 | Referral Agency Response - Planning | 22/03/2018 | NA | Approved | 5 |
| CAR18/0035 | Design and Siting - Outbuilding (shed) | Adept Building Approvals | 9 Ondine Court Victoria Point QLD 4165 | Referral Agency Response - Planning | 09/02/2018 | NA | Approved | 6 |
| CAR18/0103 | Design and Siting - Shed & Awning | Strickland Certification Pty Ltd | 4 Middleton Court Alexandra Hills QLD 4161 | Referral Agency Response - Planning | 22/03/2018 | NA | Approved | 8 |
| CAR18/0039 | Design and Siting & Build Over/near Infrastructure - Shed & Carport | Total Lifestyle Builders | 9 Jillian Court Capalaba QLD 4157 | Referral Agency Response - Planning | 22/03/2018 | NA | Approved | 9 |
| CAR18/0089 | Design and Siting | Dixon Homes Pty Ltd (Sherwood) | 129 Mount Cotton Road Capalaba QLD 4157 | Referral Agency Response - Planning | 23/03/2018 | NA | Approved | 9 |
| CAR18/0100 | Design and Siting | Christian Jarrod FRENEY Strickland Certification Pty Ltd | 7 St Andrews Avenue Birkdale QLD 4159 | Referral Agency Response - Planning | 19/03/2018 | NA | Approved | 10 |
| MCU18/0030 | Dual Occupancy | Bartley Burns Certifiers & Planners | 9 Galley Way Birkdale QLD 4159 | Code Assessment | 21/03/2018 | NA | Approved | 10 |

Decisions made under delegated authority for 18.03.2018 to 24.03.2018

CATEGORY2

| Application Id | Application Full Details | Applicant | Associated Property Address | Primary Category | Decision Date | Negotiated Decision Date | Decision Description | Division |
|----------------|---|---|--|------------------------------------|---------------|--------------------------|---------------------------------|----------|
| OPW18/0025 | Operational Works - 2nd Domestic Driveway Crossover | Philip Martin MURPHY | 12 Abbotsleigh Street Thornlands QLD 4164 | Code Assessment | 19/03/2018 | NA | Development Permit | 3 |
| OPW17/0023 | Operational Works - Prescribed Tidal Works - Seawall for Erosion Protection | Redland City Council As Trustee City Spaces | Victoria Point Recreation Reserve 9 Masters Avenue Victoria Point QLD 4165 | Code Assessment | 22/03/2018 | NA | Development Permit | 4 |
| MCU17/0171 | Indoor Recreation Facility - Expansion of Fernwood Fitness Gym | Place Design Group Pty Ltd | 2 Finucane Road Capalaba QLD 4157 | Impact Assessment | 21/03/2018 | NA | Development Permit | 9 |
| MCU013992 | Showroom - Display and Sale Activity and Advertising Device x 3 | Mark Connellan | 128 Redland Bay Road Capalaba QLD 4157 | Code Assessment | 20/03/2018 | NA | Development Permit | 9 |
| OPW002256 | Combined Operational Works - Service Station - MCU013959 | Hutchinson Builders | 110 Redland Bay Road Capalaba QLD 4157 | SPA - 15 Day Compliance Assessment | 22/03/2018 | NA | Compliance Certificate Approved | 9 |

Decisions made under delegated authority for 25.03.2018 to 31.03.2018

CATEGORY1

| Application Id | Application Full Details | Applicant | Associated Property Address | Primary Category | Decision Date | Negotiated Decision Date | Decision Description | Division |
|----------------|---|---|---|-------------------------------------|---------------|--------------------------|----------------------|----------|
| CAR18/0110 | Design and Siting | The Certifier Pty Ltd | 8 Poloni Place Wellington Point QLD 4160 | Referral Agency Response - Planning | 26/03/2018 | NA | Approved | 1 |
| CAR18/0093 | Design and Siting- Garage and Gatehouse | The Certifier Pty Ltd | 12 Ivory Lane Ormiston QLD 4160 | Referral Agency Response - Planning | 26/03/2018 | NA | Approved | 1 |
| CAR18/0101 | Design and Siting - Roofed patio | Daniel Joseph NEWBURY | 5 Maged Place Thornlands QLD 4164 | Referral Agency Response - Planning | 27/03/2018 | NA | Approved | 3 |
| CAR18/0105 | Design and Siting | The Certifier Pty Ltd | 4 Heather Street Thornlands QLD 4164 | Referral Agency Response - Planning | 28/03/2018 | NA | Approved | 3 |
| RAL18/0018 | Reconfiguring a Lot - Standard Format - 1 into 2 lots | Anthony Charles MOUGAN Statewide Survey Group Pty Ltd Consulting Surveyors | 197 Waterloo Street Cleveland QLD 4163 | Code Assessment | 26/03/2018 | NA | Approved | 3 |
| CAR18/0102 | Design and Siting - Dwelling House | Redplan | 6 Cartwright Street Victoria Point QLD 4165 | Referral Agency Response - Planning | 19/03/2018 | NA | Approved | 4 |
| DBW18/0002 | Secondary Dwelling | Redplan | 65 Summit Street Sheldon QLD 4157 | Code Assessment | 28/03/2018 | NA | Development Permit | 6 |
| DBW18/0008 | Domestic Additions | Gilvear Planning Pty Ltd | 14 Duncan Road Capalaba QLD 4157 | Code Assessment | 28/03/2018 | NA | Development Permit | 7 |

Decisions made under delegated authority for 25.03.2018 to 31.03.2018

CATEGORY1

| Application Id | Application Full Details | Applicant | Associated Property Address | Primary Category | Decision Date | Negotiated Decision Date | Decision Description | Division |
|----------------|--|--|---|-------------------------------------|---------------|--------------------------|----------------------|----------|
| CAR18/0112 | Design and Siting | Professional Certification Group Pty Ltd | 2 Daughtrey Street Thornlands QLD 4164 | Referral Agency Response - Planning | 28/03/2018 | NA | Approved | 7 |
| MCU18/0053 | Dwelling House (incl Secondary Dwelling) Overlay Assessment | Planvista | 65 Greenfield Road Capalaba QLD 4157 | Code Assessment | 29/03/2018 | NA | Development Permit | 9 |
| CAR18/0107 | Design and Siting - Setback | Titan Enterprises (Qld) Pty Ltd | 2 Marisa Court Capalaba QLD 4157 | Referral Agency Response - Planning | 26/03/2018 | NA | Approved | 9 |
| RAL17/0007.01 | Request to Change - Reconfiguring a Lot - Standard Format - 1 into 4 lots - RAL17/0007 easement on lot 4 | East Coast Surveys Pty Ltd | 26 Larbonya Crescent Capalaba QLD 4157 | Minor Change to Approval | 26/03/2018 | NA | Approved | 9 |
| RAL18/0021 | Standard Format - Reconfiguration of a Lot - 1 into 2 Lots | Mr Pieter Hendrik Botha & Mrs Lizelle Botha | 18 Beenwerrin Crescent Capalaba QLD 4157 | Code Assessment | 26/03/2018 | NA | Development Permit | 9 |
| MCU18/0017 | Dwelling House | Jaxl Holdings Pty Ltd As Trustee Venelle Properties | 10 Mecoli Court Birkdale QLD 4159 | Code Assessment | 28/03/2018 | NA | Development Permit | 10 |
| CAR18/0109 | Design and Siting - Dwelling | The Certifier Pty Ltd | 86-88 Mooroondu Road Thornside QLD 4158 | Referral Agency Response - Planning | 28/03/2018 | NA | Approved | 10 |

Decisions made under delegated authority for 25.03.2018 to 31.03.2018

CATEGORY2

| Application Id | Application Full Details | Applicant | Associated Property Address | Primary Category | Decision Date | Negotiated Decision Date | Decision Description | Division |
|----------------|---|--|---|------------------------------------|---------------|--------------------------|---------------------------------|----------|
| OPW002258 | Operational Works - 4x Units (MCU013815) | Projects And Designs Pty Ltd | 22 Moore Street Victoria Point QLD 4165 | SPA - 15 Day Compliance Assessment | 26/03/2018 | NA | Compliance Certificate Approved | 4 |
| OPW002257 | Operational Works - MCU - Multiple Dwelling x 4 (MCU013813) | Projects And Designs Pty Ltd | 23 Moore Street Victoria Point QLD 4165 | SPA - 15 Day Compliance Assessment | 26/03/2018 | NA | Compliance Certificate Approved | 4 |
| OPW002262 | Landscaping Works - Multiple Dwelling x 13 | Redland Investment Corporation Pty Ltd | 9-11 Oaklands Street Alexandra Hills QLD 4161 | SPA - 15 Day Compliance Assessment | 28/03/2018 | NA | Compliance Certificate Approved | 7 |

Decisions made under delegated authority for 01.04.2018 to 07.04.2018

CATEGORY1

| Application Id | Application Full Details | Applicant | Associated Property Address | Primary Category | Decision Date | Negotiated Decision Date | Decision Description | Division |
|----------------|---|----------------------------|---|-------------------------------------|---------------|--------------------------|----------------------|----------|
| CAR18/0096 | Design and Siting - Fence and retaining wall | Jeffrey Paul EINAM | 3 Seabreeze Court Ormiston QLD 4160 | Referral Agency Response - Planning | 06/04/2018 | NA | Approved | 1 |
| RAL18/0010 | Reconfiguring a Lot - Standard Format - 1 into 2 lots | East Coast Surveys Pty Ltd | 8 Carinya Street Cleveland QLD 4163 | Code Assessment | 04/04/2018 | NA | Approved | 2 |
| CAR18/0106 | Schedule 6 Exempt Material Change of Use Class 1 | The Certifier Pty Ltd | 3 Medika Drive Russell Island QLD 4184 | Referral Agency Response - Planning | 27/03/2018 | NA | Approved | 5 |
| DBW17/0039 | Secondary Dwelling | Sonia ORSO | 2-4 Illagona Street Russell Island QLD 4184 | Code Assessment | 05/04/2018 | NA | Development Permit | 5 |
| RAL18/0002 | Reconfiguring a Lot - Standard Format - 1 into 2 Lots | Amie L Booth | 71 Unwin Road Redland Bay QLD 4165 | Code Assessment | 3/04/2018 | NA | Development Permit | 6 |

Decisions made under delegated authority for 08.04.2018 to 14.04.2018

CATEGORY1

| Application Id | Application Full Details | Applicant | Associated Property Address | Primary Category | Decision Date | Negotiated Decision Date | Decision Description | Division |
|----------------|--|-------------------------------------|---|-------------------------------------|---------------|--------------------------|---------------------------------|----------|
| MCU18/0070 | New Dwelling House - Overlay Assessment | Bartley Burns Certifiers & Planners | 3/283 Main Road Wellington Point QLD 4160 | Code Assessment | 10/04/2018 | NA | Development Permit | 1 |
| CAR18/0108 | Design and Siting & Build over/ near infrastructure - Dwelling House | Casey Jackson Homes Pty Ltd | 37 Counihan Street Ormiston QLD 4160 | Referral Agency Response - Planning | 13/04/2018 | NA | Approved | 1 |
| CAR18/0029 | Design and Siting - Carport | All Star Energy | 24 Kawana Street Amity QLD 4183 | Referral Agency Response - Planning | 06/04/2018 | NA | Approved | 2 |
| CAR18/0120 | Design and Siting | Alderley Design Service | 7 Bigoon Road Point Lookout QLD 4183 | Referral Agency Response - Planning | 10/04/2018 | NA | Approved | 2 |
| CAR18/0124 | Design and Siting- Carport | All Approvals Pty Ltd | 99 Fitzroy Street Cleveland QLD 4163 | Referral Agency Response - Planning | 12/04/2018 | NA | Approved | 2 |
| OPW002248 | Operational Works - Civil - Apartment Building 23 Units, Tourist Accommodation 1 Unit, Commercial / Shop / Refreshment | Carbone Developments Pty Ltd | 161-165 Esplanade Redland Bay QLD 4165 | SPA - 15 Day Compliance Assessment | 09/04/2018 | NA | Compliance Certificate Approved | 5 |
| CAR18/0113 | Design and Siting | All Approvals Pty Ltd | 12 Azalea Street Redland Bay QLD 4165 | Referral Agency Response - Planning | 10/04/2018 | NA | Approved | 6 |

| | | | | | | | | |
|------------|--|-----------------------------|--|-----------------|------------|------------|--------------------|---|
| MCU17/0165 | Dwelling | Antech Contructions Pty Ltd | 14A Broadwater Terrace Redland Bay QLD 4165 | Code Assessment | 12/04/2018 | NA | Development Permit | 6 |
| MCU17/0063 | Home Business and Domestic Outbuilding | East Coast Surveys Pty Ltd | 497-499 Redland Bay Road Capalaba QLD 4157 | Code Assessment | 19/02/2018 | 12/04/2018 | Development Permit | 7 |

Decisions made under delegated authority for 08.04.2018 to 14.04.2018

CATEGORY1

| Application Id | Application Full Details | Applicant | Associated Property Address | Primary Category | Decision Date | Negotiated Decision Date | Decision Description | Division |
|----------------|--------------------------|----------------------------------|--|-------------------------------------|---------------|--------------------------|----------------------|----------|
| CAR18/0043 | Design and Siting - Shed | Strickland Certification Pty Ltd | 61 Bunker Road Victoria Point QLD 4165 | Referral Agency Response - Planning | 06/04/2018 | NA | Approved | 6 |
| CAR18/0121 | Design and Siting | All Approvals Pty Ltd | 1 Kaye Street Capalaba QLD 4157 | Referral Agency Response - Planning | 12/04/2018 | NA | Approved | 9 |

Decisions made under delegated authority for 08.04.2018 to 14.04.2018

CATEGORY2

| Application Id | Application Full Details | Applicant | Associated Property Address | Primary Category | Decision Date | Negotiated Decision Date | Decision Description | Division |
|----------------|---|---------------------|---|------------------------------------|---------------|--------------------------|---------------------------------|----------|
| OPW18/0030 | Excavation and Fill Works (Cut and Level Site) | Jatec Constructions | 281 Finucane Road Alexandra Hills QLD 4161 | Code Assessment | 12/04/2018 | NA | Development Permit | 7 |
| OPW002261 | Operational Works - Aged Persons & Special Needs Housing - Additional x90 Units | Cardno Qld Pty Ltd | Salisbury Street Unit 499/10-16 Salisbury Street Redland Bay QLD 4165 | SPA - 15 Day Compliance Assessment | 10/04/2018 | NA | Compliance Certificate Approved | 5 |

CATEGORY3

| Application Id | Application Full Details | Applicant | Associated Property Address | Primary Category | Decision Date | Negotiated Decision Date | Decision Description | Division |
|----------------|---|------------------|---|-------------------|---------------|--------------------------|----------------------|----------|
| MCU013785 | Tourist Accommodation - Tourist Accommodation Incentive Package | Bplanned Pty Ltd | 729-733 Mount Cotton Road Sheldon QLD 4157 | Impact Assessment | 11/04/2018 | NA | Development Permit | 6 |

11.3.2 DEVELOPMENT AND PLANNING RELATED APPEALS LIST CURRENT AS AT 18 APRIL 2018

| | |
|-----------------------------|---|
| Objective Reference: | A2994709 Reports and Attachments (Archives) |
| Authorising Officer: | Louise Rusan General Manager Community and Customer Services |
| Responsible Officer: | David Jeanes Group Manager City Planning and Assessment |
| Report Author: | Ellen Dwyer Acting Senior Appeals Planner |

PURPOSE

The purpose of this report is for Council to note the current development and planning related appeals and other related matters/proceedings.

BACKGROUND

Information on appeals may be found as follows:

1. Planning and Environment Court

- a) Information on current appeals and declarations with the Planning and Environment Court involving Redland City Council can be found at the District Court web site using the "Search civil files (eCourts) Party Search" service: <http://www.courts.qld.gov.au/esearching/party.asp>
- b) Judgments of the Planning and Environment Court can be viewed via the Supreme Court of Queensland Library web site under the Planning and Environment Court link: <http://www.sclqld.org.au/qjudgment/>

2. Court of Appeal

Information on the process and how to search for a copy of Court of Appeal documents can be found at the Supreme Court (Court of Appeal) website: <http://www.courts.qld.gov.au/courts/court-of-appeal/the-appeal-process>

3. Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP)¹

The Department provides a Database of Appeals (<http://www.dlg.qld.gov.au/resources/tools/planning-and-environment-court-appeals-database.html>) that may be searched for past appeals and declarations heard by the Planning and Environment Court.

The database contains:

- a) A consolidated list of all appeals and declarations lodged in the Planning and Environment Courts across Queensland of which the Chief Executive has been notified.

¹ Formerly the Department of Infrastructure, Local Government and Planning (DILGP)

- b) Information about the appeal or declaration, including the appeal number, name and year, the site address and local government.

4. Department of Housing and Public Works (DHPW)

Information on the process and remit of development tribunals can be found at the DHPW website:

<http://www.hpw.qld.gov.au/construction/BuildingPlumbing/DisputeResolution/Pages/default.aspx>

PLANNING & ENVIRONMENT COURT APPEALS

| | | |
|-----------------------------|---------------------|--|
| 1. | File Number: | Appeal 3641 of 2015 (MCU012812) |
| Applicant: | | King of Gifts Pty Ltd and HTC Consulting Pty Ltd |
| Application Details: | | Material Change of Use for Combined Service Station (including car wash) and Drive Through Restaurant 604-612 Redland Bay, Road, Alexandra Hills |
| Appeal Details: | | Applicant appeal against refusal. |
| Current Status: | | Appeal filed in Court on 16 September 2015. Trial held 1-3 August 2017. Judgment handed down on 6 November 2017. Appeal allowed subject to finalising conditions. Draft conditions provided to the appellant in December 2017. The next Court review is 16 May 2018. |
| 2. | File Number: | Appeal 4515 of 2017 (ROL006084) |
| Applicant: | | Australian Innovation Centre Pty Ltd |
| Application Details: | | Reconfiguring a Lot (1 into 22 lots and park) at 289-301 Redland Bay Road, Thornlands (Lot 5 on RP14839) |
| Appeal Details: | | Deemed refusal appeal |
| Current Status: | | Appeal filed 23 November 2017. On 31 January 2018 Council solicitors notified the parties that it opposed the proposed development. A mediation was held on 6 March 2018 with a review of the matter scheduled for 27 April 2018. |
| 3. | File Number: | Appeal 339 of 18 (MCU013949) |
| Applicant: | | Hosgood Company 3 Pty Ltd & DPK Injection Pty Ltd |
| Application Details: | | Material Change of Use for a Dual Occupancy at 2 Starkey Street, Wellington Point (Lot 11 on SP284567) |
| Appeal Details: | | Appeal against Council refusal |
| Current Status: | | Appeal filed 30 January 2018. Mediation held 10 April 2018. Next Court review is 16 May 2018. |
| 4. | File Number: | Appeal 461 of 2018 (MCU013977) |
| Applicant: | | Robyn Edwards and Ronald Edwards |
| Application Details: | | Material Change of Use for an Undefined Use (Rooming Accommodation) at 41 Ziegenfusz Road, Thornlands (Lot 291 on RP801793) |
| Appeal Details: | | Appeal against Council refusal |
| Current Status: | | Appeal filed 8 February 2018. |
| 5. | File Number: | Appeal 894 of 2018 (MCU013921) |
| Applicant: | | Palacio Property Group Pty Ltd |
| Application Details: | | Infrastructure conversion application relating to the approved Material Change of Use for Multiple Dwellings (22 units) at 4-8 Rachow Street, Thornlands (Lot 5 on SP149013) |
| Appeal Details: | | Appeal against Council refusal |
| Current Status: | | Appeal filed 9 March 2018. |

APPEALS TO THE QUEENSLAND COURT OF APPEAL

| | | |
|-----------------------------|---------------------|---|
| 6. | File Number: | CA11075/17 (MCU013296) |
| Applicant: | | Nerinda Pty Ltd |
| Application Details: | | Preliminary Approval for Material Change of Use for Mixed Use Development and Development Permit for Reconfiguring a Lot (1 into 2 lots) 128-144 Boundary Road, Thornlands (Lot 3 on SP117065) |
| Appeal Details: | | Co-respondent appeal against decision of the P&E Court |
| Current Status: | | Application for leave to appeal filed 23 October 2017. All parties have filed Outlines and these are being reviewed. Hearing has been set down for 30 April 2018. |

DEVELOPMENT TRIBUNAL APPEALS AND OTHER MATTERS

| | | |
|-----------------------------|---------------------|---|
| 7. | File Number: | CAR17/0158 |
| Applicant: | | Sean and Jane Carroll |
| Application Details: | | Development application to construct a carport at 22 Sommersea Court, Cleveland (Lot 666 on CP853643) |
| Appeal Details: | | Appeal against Council's Referral Agency response that the application should be refused. |
| Current Status: | | Notice of appeal received on 27 November 2017. Tribunal hearing was held on 13 February 2018. Decision handed down 17 April 2018, where the Tribunal approved the siting of the proposed carport subject to conditions. |

**OFFICER'S RECOMMENDATION/
COUNCIL RESOLUTION**

Moved by: Cr W Boglary
Seconded by: Cr P Bishop

That Council resolves to note this report.

CARRIED 11/0

Crs Boglary, Mitchell, Gollè, Hewlett, Edwards, Elliott, Huges, Talty, Gleeson, Bishop and Williams voted FOR the motion.

12 MAYORAL MINUTE**COUNCIL RESOLUTION**

Moved by: Cr K Williams

That Council resolves as follows:

1. To enter into urgent negotiations with the Australian Government, Air Services Australia (ASA) and the Australian Communications and Media Authority (ACMA) with a view to acquiring the land described as Lot 1 RP 14143, Lot 2 on SP 146445 and Lot 2 on RP 14144 362-388 Old Cleveland Road East) and Lot 1 RP101870 and Lot 149 on RP101869 (392 Old Cleveland Road East);
2. All negotiations should make it clear Council's intention is for the land to be retained for community use, such as educational facilities and recreation, to protect the property's environmental overlays and significance; and
3. To write to the relevant Federal Minister, Member for Bowman and Chair and Agency Head of ACMA to request the Australian Government immediately rescind its decision to divest the land in 2019-20 for 400 houses, as outlined in the Federal Government 2018-19 Budget papers.

CARRIED 10/1

Crs Boglary, Mitchell, Gollè, Hewlett, Edwards, Elliott, Huges, Talty, Gleeson and Williams voted FOR the motion.

Cr Bishop voted AGAINST the motion.

13 NOTICES OF MOTION TO REPEAL OR AMEND RESOLUTIONS

Nil

14 NOTICES OF MOTION

Nil

15 URGENT BUSINESS WITHOUT NOTICE

Nil

16 MEETING CLOSURE

There being no further business, the Mayor declared the meeting closed at 11.54am

Signature of Chairperson: _____

Confirmation date: _____