MINUTES

of the

GENERAL MEETING

CHAIRMAN: Cr A.J. Perrett (Deputy Mayor)

Held in the Boardroom
Town Hall
2 Caledonian Hill
Gympie Qld 4570

On Wednesday 9 November 2011
At 9.00 am

Gympie Regional Council **GENERAL**

Mayor RJ Dyne (Chairman),
Crs AJ Perrett, GL Engeman, RA Gâté, LJ Friske,
DR Neilson, IT Petersen, J Watt and JA Walker

APPOINTMENTS etc.

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The meeting commenced at 9:00 am.

PRESENT: Cr A.J. Perrett (Chairman), Cr G.L. Engeman, Cr I.T. Petersen, Cr L.J. Friske, Cr R.A. Gâté, Cr D.R. Neilson, Cr J. Watt and Cr J.A. Walker.

Also in attendance were Chief Executive Officer (Mr B.J. Smith), and Minutes Clerk (Mrs D. Shaw).

DECLARATIONS OF INTEREST BY COUNCILLORS

Corporate Governance & Finance Committee Meeting

F02/10/11 – Cr Walker – Conflict of interest

F09/10/11 – Cr Neilson – Conflict of interest
– Crs Gâté, Petersen and Friske – Perceived Conflict of Interest

F14/10/11 – Cr Engeman – Conflict of Interest

F18/10/11 - Cr Walker - Conflict of Interest

F19/10/11 – Cr Engeman – Conflict of Interest
– Cr Dyne – Conflict of Interest

SECTION 1: OPEN WITH PRAYER

Pastor Graham Bizzell from Gympie Uniting Church offered a Prayer for the advancement of the Region and the true welfare of its people.

One Minute's silence was observed for family and friends of deceased residents of the Region.

LEAVE OF ABSENCE

SECTION 2: APOLOGIES

G01/11/11 Moved: Cr R.A. Gâté Seconded: Cr J.A. Walker

That the apology from Mayor Cr R.J. Dyne be accepted.

Carried

SECTION 3: CONFIRMATION OF MINUTES OF PREVIOUS GENERAL MEETING

G02/11/11 Moved: Cr J.A. Walker Seconded: Cr R.A. Gâté

That the Minutes of the Gympie Regional Council General Meeting held on 26 October 2011 be taken as read and confirmed.

Carried

SECTION 4: PETITIONS

Nil

SECTION 5: ADOPTION OF CORPORATE GOVERNANCE & FINANCE COMMITTEE RECOMMENDATIONS

G03/11/11 Moved: Cr D.R. Neilson Seconded: Cr G.L. Engeman

That the Recommendations of the Corporate Governance & Finance Committee Meeting held on 26 October 2011 as presented, be received with the exception of Recommendations F02/10/11, F09/10/11, F14/10/11, F18/10/11 and F19/10/11 to be withdrawn and dealt with later in this meeting.

Carried

G04/11/11 Moved: Cr D.R. Neilson Seconded: Cr G.L. Engeman

That the Recommendations of the Corporate Governance & Finance Committee Meeting held on 26 October 2011 as amended, be adopted.

Carried

CONFLICT OF INTEREST

In accordance with Section 173 of the Local Government Act 2009;

Cr J.A. Walker declared a Conflict of Interest in Recommendation F02/10/11 due to being a member of the Gympie and District Landcare Group Inc. and relevant to item 4/1. Cr J.A. Walker declared a Conflict of Interest in Recommendation F18/10/11 due to her son being a member of the Group and relevant to Item 10/2. Cr J.A. Walker left the meeting at 9:08 am while the matter was discussed and voted on.

Recommendations F02/10/11 and F18/10/11 of the Recommendations of the Corporate Governance & Finance Committee Meeting held on the 26 October 2011.

G05/11/11 Moved: Cr D.R. Neilson Seconded: Cr G.L. Engeman

That Recommendation F02/10/11 and F18/10/11 of the Recommendations of the Corporate Governance & Finance Committee Meeting held on 26 October 2011 be received and adopted.

Carried 7/0

Cr J.A. Walker returned to the meeting at 9:09 am.

CONFLICT OF INTEREST

In accordance with Section 173 of the Local Government Act 2009;
Cr G.L Engeman declared a perceived Conflict of Interest in Recommendation F14/10/11 due to being a member of the Committee and relevant to Item 9/2. Cr G.L. Engeman declared a Conflict of Interest in Recommendation F19/10/11 due to being a member of the Committee and relevant to Item 10/3. Cr Engeman left the meeting at 9:10 am while the matter was discussed and voted on.

Recommendation F14/10/11 and F19/10/11 of the Recommendations of the Corporate Governance & Finance Committee Meeting held on the 26 October 2011.

G06/11/11 Moved: Cr D.R. Neilson Seconded: Cr I.T. Petersen

That Recommendation F14/10/11 and F19/10/11 of the Recommendations of the Corporate Governance & Finance Committee Meeting held on 26 October 2011 be received and adopted.

Carried 7/0

CONFLICT OF INTEREST

In accordance with Section 173 of the Local Government Act 2009;
Chairman Cr D. Neilson declared a Conflict of Interest in the next matter (Recommendation F09/10/11) due to her being a member of the Gympie State High School Centenary Dinner Organising Committee and relevant to Item 7/3. Cr Neilson left the meeting at 9:11am while the matter was discussed and voted on.

CONFLICT OF INTEREST

In accordance with Section 173 of the Local Government Act 2009;
Crs Gâté, Petersen and Friske declared a perceived Conflict of Interest in Recommendation F09/10/11 due to being past students of the Gympie State High School and relevant to Item 7/3. Crs Gâté, Petersen and Friske remained in the meeting while the matter was discussed and voted on.

Recommendation F09/10/11 of the Recommendations of the Corporate Governance & Finance Committee Meeting held on the 26 October 2011.

G07/11/11 Moved: Cr J.A. Walker Seconded: Cr J. Watt

That Recommendation F09/10/11 of the Recommendations of the Corporate Governance & Finance Committee Meeting held on 26 October 2011 be received and adopted.

Carried 4/0

Cr Gâté vote FOR the motion.
Crs Petersen and Friske ABSTAINED from voting.

Crs Neilson and Engeman returned to the meeting at 9:12 am

SECTION 6: REPORT BY THE CORPORATE GOVERNANCE & FINANCE COMMITTEE CHAIRMAN

Cr Donna Neilson presented the following Report:-

Gympie and District Landcare Group Inc has chosen to exercise the option to renew its lease over Council owned property at Groves Road. The two hectare property is used as an office, workshop, nursery and storage area for Landcare activities. The extension will be for a further period of 4 years and 11 months. In accordance with Council's current practice, the lessees will be required to hold public liability insurance of $20 million.

Letters of appreciation were received from the Brisbane Sporting Car Club Ltd and International Rally of Queensland for Council's contribution towards staging of the 2012 Rally, and the Moonga (Gympie) Baden Powell Guild for assistance with hire of the Civic Centre.

The summarised budget report showed no major variances and indicated revenue and expenditure were in line with budget estimates.

Two requests to waive hire fees were considered by the committee. The Cooloola Community Arts Council sought a reduction in fees for the hire of the Civic Centre for Music @ Midday and the Gympie State High School Centenary Dinner Organising Committee sought free use of the Pavilion. The committee recommended that hire fees be charged in accordance with Council's adopted fees and charges.

The Workplace Health and Safety Report showed no lost time injuries during October. The major focus on training during September was compulsory retraining in confined space, first aid and CPR. Lands Protection staff have also undertaken 4WD safety driver training as they are required to carry out weed and pest surveys in difficult terrain. Works maintenance staff have undertaken training in pavement rehabilitation, while key workshop staff are currently completing their online Fleet Management Certificates.

The handrails on the grandstand at the Gympie Showgrounds will be replaced using a partial reallocation of funding which had been

earmarked for undergrounding of powerlines in Machinery Alley. Quotes for the powerlines were less than the budgeted amount, leaving the excess available for allocation towards the handrails. It is expected all works will be completed within the current financial year.

G08/11/11 Moved: Cr D.R. Neilson Seconded: Cr G.L. Engeman

That the Report be received.

Carried

SECTION 7: ADOPTION OF WORKS & SERVICES COMMITTEE RECOMMENDATIONS

G09/11/11 Moved: Cr L.J. Friske Seconded: Cr J.A. Walker

That the Recommendations of the Works & Services Committee Meeting held on 1 November 2011 as presented, be received with the exception of Recommendation W17/11/11 to be withdrawn and dealt with later in this meeting.

Carried

G10/11/11 Moved: Cr L.J. Friske Seconded: Cr J.A. Walker

That the Recommendations of the Works & Services Committee Meeting held on 1 November 2011 as amended, be adopted.

Carried

Recommendation W17/11/11 of the Recommendations of the Works & Services Committee Meeting held on the 1 November 2011.

G11/11/11 Moved: Cr L.J. Friske Seconded: Cr J.A. Walker

That Recommendation W17/11/11 of the Recommendations of the Works & Services Committee Meeting held on 1 November 2011 be deleted and the following placed in its stead:

"That the proposed roadworks on McVicar Road Traveston be placed on hold until further consultation is conducted between Council's Engineering & Planning Services and the applicant."

Carried

SECTION 8: REPORT BY THE WORKS & SERVICES COMMITTEE CHAIRMAN

Cr Larry Friske presented the following Report:-

Council staff have reviewed the Forest Stewardship Plan put forward by Forest Plantations Queensland and had verbal advice that there will be no negative impacts in relation to weed control, wild dog and logging road maintenance.

Complaints have been received of commercial vehicles using council roads; council has no control over any commercial vehicles other than B-doubles. Any vehicles being driven irresponsibly should be reported to the police.

Building projects. There are five major projects underway, all are progressing satisfactorily, and are expected to be completed on time and budget.

Approval has been granted for B-double access to the Kilkivan showgrounds. This will allow the most cost effective way of sourcing cattle for horse sports, which can require several thousand head for a camp draft. As there is a limited number of events each year no negative impacts on the roads are likely to occur.

With the continued spell of fine weather good progress on normal road maintenance and flood restoration work has been achieved. A start on two concrete culverts to replace existing timber bridges is expected in the coming weeks. Residents living on Neusavale Road and Wilson's Pocket Road are asked to exercise caution during the construction period.

Parks - The Parks Manager reported a good growing season with vegetation management and mowing being the major focus. A number of new seats to replace vandalised or previously removed seats from Mary Street will be installed. Chatsworth Park is undergoing a make over with better drainage and a new layout, while still allowing overnight RV stays it will be more structured and protect the park during wet weather.

Works Technical Services reported the Gympie Woolooga Road project was well underway, if no rain interruptions occur sealing of at least part should occur by Christmas. The new Gympie Sewage Treatment Plant is in its final stages. This has been a major project that has gone extremely well, and is a credit to all involved.

Lands Protection – Council's draft Pest Management Plan has been forwarded to the Minister for Primary Industries, Fisheries and Rural and Regional Queensland on 14 October 2011. Ongoing inspections of properties for GRT, Parthenium, Groundsel and other declared pests with follow up inspections will help control the spread of these pests.

Tenders have been called for Solar Panels for the new Gympie Sewage treatment plant, the power from these panels will feed into the grid and reduce the cost of electricity to run the plant. The Timothy Court / Heather Street new sewer is substantially complete as is the Johnson Road area sewer, house connections are ongoing.

G12/11/11 Moved: Cr L.J. Friske Seconded: Cr J.A. Walker

That the Report be received.

Carried

SECTION 9: OTHER MATTERS

9/1	Audit & Risk Management Committee Report to Council

Re: **G13/11/11** Audit & Risk Management Committee Report to Council
From: Chief Executive Officer – Mr Bernard Smith
File: FG06/00164
Date: 24 October 2011

Report: (Chief Executive Officer – Bernard Smith)

Council's Audit & Risk Management Committee met on Wednesday 19 October 2011. In accordance with Section 160 (1)(c) of the Local Government (Finance, Plans and Reporting) Regulation 2010, a written report is to be submitted to the Local Government about the matters reviewed at the meeting and any recommendations about those matters.

The Committee carefully considered various items including:

- A verbal report from external auditor Mr Nigel Lando of Prosperity Advisers Group, detailing the progress to date of the audit of Council's Financial Statements for 2010/11.

- The current Audit & Risk Management Charter was adopted at the General Meeting held on 11 August 2010 and is required to be reviewed annually. The Committee reviewed the Charter, and their recommendation to Council follows this report.

- Risk Management Report.

- Internal Audit Report including Internal Audit Plan 2011/12. The contents of the plan were noted, and endorsed by the Committee.

The next scheduled meeting of the Audit Committee is proposed to be held on 1 February 2012.

Attachment 3: Audit & Risk Management Charter

G13/11/11 Moved: Cr I.T. Petersen Seconded: Cr J. Watt

That the report be received.

Further that the current Audit & Risk Management Charter be endorsed by Council without amendment.

Carried

Mr Craig Manson, Director of Corporate Service and Mr Brian Hayes, Manager of Information Systems and Change Management entered the meeting at 9:22 am.

9/2	First Quarterly Review – Operational Plan

Re: **G14/11/11** First Quarterly Review – Operational Plan
From: Director of Corporate Services – Craig Manson
File:
Date: 25 October 2011
Reference:

Executive Summary:

Report: (Director of Corporate Services – Craig Manson)

Councillors are aware that the Operational Plan is reviewed quarterly and reported to Council. Capital Works projects are also reported and are noted at the conclusion of each Program.

Strategic Implications:

Corporate Plan: N/A.

Operational Plan: N/A.

Budget Implications: N/A.

Budget Reference: N/A.

Legal/Statutory: N/A.

Risks: N/A.

Consultation:
Chief Executive Officer
All Directors
All General Managers.

Checklist:

☑ Financial Services Directorate
☑ Corporate Services Directorate
☑ Community Services Directorate
☑ Engineering Services Directorate
☑ Planning & Development Directorate
☑ Office of the Chief Executive Officer

Attachments:
Attachment 1: First Quarterly Review – Operational Plan.

G14/11/11 Moved: Cr J. Watt Seconded: Cr J.A. Walker

That Gympie Regional Council's Operational Plan 2011/2012 quarterly review as at 30 September 2011 as presented, be received.

Carried

CONFLICT OF INTEREST

In accordance with Section 173 of the Local Government Act 2009:-

All Councillors declared a perceived Conflict of Interest in Minutes G15/11/11, G16/11/11, G17/11/11, G18/11/11, G19/11/11, G20/11/11 and G21/11/11 due to Local Laws dealing with a variety of matters including eg: regulation of Electoral Advertising.

As a majority of Councillors declared a Conflict of Interest or perceived Conflict of Interest in the matter of Local Laws dealing with a variety of matters including eg: regulation of Electoral Advertising, all Councillors remained in the meeting while the matter was discussed and voted on.

9/3	Local Law Review

Re: **G15/11/11** Local Laws Review
From: Manager Information Systems and Change Management
File:
Date: 25 October 2011
Reference:

Preface

A prerequisite for considering the making and adoption of the relevant Local Laws and Subordinate Local Laws by Council at 9 November 2011 General Meeting is receipt of written notice from the Minister for Local Government providing approval for Council to make Repealing Local Law No 1 (Miscellaneous Local Laws) 2011. Council forwarded a written request to the Minister on 13 October 2011 seeking this approval. As at the time of preparing this Agenda, Council is yet to receive formal advice from the Minister on this matter, but expects to receive such advice prior to 9 November.

Should this advice not be received from the Minister's office prior to the 9 November meeting, this matter will need to be deferred to a future General Meeting of Council.

Executive Summary:

It is a requirement of the Local Government Act 2009 (Act) that Council has in place a new suite of consolidated Local Laws covering the entire Gympie Regional Council area prior to December 31, 2011. All existing Local Laws will be repealed as part of this process. Public consultation on the new Draft Local Laws has concluded with no formal written submissions received. Council is now in a position to consider making the required Repealing Local Law, adopting the six

Model Local Laws, and making the six associated Subordinate Local Laws.

Previous Council considerations:

G21/09/11, G22/09/11, G23/09/11, G24/09/11, G25/09/11, G26/09/11, G27/09/11, G28/09/11.

Report: (Manager Information Systems and Change Management – B.J. Hayes)

Councillors will have received an electronic copy with their Agendas of the full suite of Draft Local Laws and Subordinate Local Laws for consideration at today's meeting.

These Drafts are identical to the hard copy versions presented to Council in September, and as advertised for public consultation, with the exception of the correction of some minor typographical and referencing errors, and with the deletion of item 10 'bees' from Schedule 1, Subordinate Local Law No 2.

Following the adoption of the original Drafts for public consultation and a query received from the public, 'beekeeping' was found to be a matter currently regulated within Council's Planning Scheme, and hence not a matter for consideration within the new Local Laws.

Council has recently undertaken public consultation, State Interest Checks and Public Interest Tests on the proposed new Model Local Laws, Repealing Local Law and Subordinate Local Laws in accordance with the requirements of the Act.

Public Consultation

Public consultation occurred on the Draft Local Laws and Subordinate Local Laws across the period 17/9/11 to 10/10/11 with four significant sized adverts (34cm x 6.4cm) placed in the highest circulation editions of two major local newspapers published within the Region ie. The Gympie Times and The South Burnett Times.

Copies of the Draft Laws were made available for public inspection at all of Council's public offices with notices promoting the Local Laws Review process displayed on the public notice boards at these offices.

A dedicated web page with detailed information on the Local Law Review Process, and access to all of the proposed Draft Local Laws, Subordinate Local Laws and relevant Public Interest Test Plans was established with a prominent direct banner link placed on the Council website Homepage. A further link to this information was established from a 'What's New?' article on the Council website.

All Council staff were advised by email of the public consultation being undertaken for the Local Laws Review and provided with details of how the community could gain access to further information on the Draft Local Laws, and the Local Laws Review process across the consultation period.

No formal written submissions were received by Council in response to the recent Local Laws Review public consultation and Public Interest Tests.

State Interest Check

A State Interest Check was required for the proposed Repealing Local Law No. 1 (Miscellaneous Local Laws) 2011.

While essentially a formality given the nature of the Repealing Local Law, an email was sent on 16/9/11 to the Regional Director, Southern Region, Department of Local Government and Planning seeking sign off on any State Interest Checks for the proposed Repealing Local Law.

Telephone advice was received from the Department of Local Government and Planning on 10/10/11 stating that the Department would have no State Interest Check issues with the proposed Repealing Local Law, and that written confirmation would follow from the Department to that effect in the immediate future.

Council subsequently wrote to the Minister for Local Government on 13 October 2011, as required under the legislation, seeking Ministerial approval for Council to make the Repealing Local Law No. 1 (Miscellaneous Local Laws) 2011.

At the time of including this report in the Agenda, Council was still awaiting receipt of written approval from the Minister to proceed with making the Repealing Local Law No 1.

Public Interest Test Report

Section 38 of the Act requires local governments to identify possible anti-competitive provisions before making a Local Law (including a Model Local Law and Subordinate Local Law). Possible anti-competitive provisions are defined as those that are identified as creating barriers to entry to a market or barriers to competition within a market (Schedule 4 of the Act). Section 17 of the *Local Government (Operations) Regulation 2010* outlines the criteria to be applied to identify possible anti-competitive provisions, which are further detailed in the Department of Infrastructure and Planning's '*Guidelines to assist Local Governments identify possible anti-competitive provisions in*

proposed Local Laws and proposed Local Law policies' (the Identification Guidelines).

Where a possible anti-competitive provision is identified, a Public Interest Test must then be applied to the provision before the Local Law can be made to ensure that any such restrictions on business are in the public interest.

An analysis of the proposed Local Laws has been undertaken with reference to the Department's Guidelines for identifying possible anti-competitive provisions. The Local Laws listed below are considered to contain possible anti-competitive provisions. A Public Interest Test process has been undertaken for each of these Local Laws as part of the overall public consultation process:

- *Local Law No.1 (Administration) 2011;*
- *Local Law No.2 (Animal Management) 2011;*
- *Local Law No.3 (Community and Environmental Management) 2011;*
- *Local Law No.5 (Parking) 2011;*
- *Local Law No.6 (Bathing Reserves) 2011;*
- *Subordinate Local Law No.1 (Administration) 2011;*
- *Subordinate Local Law No.2 (Animal Management) 2011;*
- *Subordinate Local Law No.3 (Community and Environmental Management) 2011;* and
- *Subordinate Local Law No.5 (Parking) 2011.*

Details of the relevant provisions within each of these Local Laws considered to be potentially anti-competitive are outlined in the table below, along with the rationale according to the 11 criteria outlined in section 5.2.3 of the Identification Guidelines.

Name of proposed Local Law	**Brief Description of object / purpose of proposed Local Law**	**Description of anti-competitive provisions**	**Anti-competitive criteria (see legend below)***
Model Local Law No.1 (Administration) 2011	To provide a legal and procedural framework for the administration, implementation and enforcement of Local Laws and Subordinate Local Laws and specified regulatory powers	s.6 Offence to undertake Local Law prescribed activity without approval	(x)
		s.7 Approvals for prescribed activities to be obtained under this part	(x)
		s.9 Local government's discretion in granting approvals	(v) (x)

Name of proposed Local Law	Brief Description of object / purpose of proposed Local Law	Description of anti-competitive provisions	Anti-competitive criteria (see legend below)*
	under legislation and to provide for miscellaneous administrative matters.	s.10 Conditions of approval	(v) (vii) (x)
		s.11 Compliance with conditions of approval	(v) (vii) (x)
		s.14 Renewal of approval	(x)
		s.15 Transfer of approval	(x)
		s.16 Amending conditions at request of approval holder	(x)
		s.17 Grounds for amending, suspending or cancelling approval	(x)
		s.38 Subordinate Local Laws	(v) (vii) (x)
		Schedule 2 - Prescribed Activities	(x)
Proposed Gympie Subordinate Local Law No.1 (Administration) 2011	To provide a legal and procedural framework for the administration, implementation and enforcement of Local Laws and Subordinate Local Laws and specified regulatory powers under legislation and to provide for miscellaneous administrative matters.	Schedule 5 – Public place activities that are prescribed activities	(v) (vii) (x)
		Schedule 6 – Alteration or improvement to local government controlled areas and roads	(v) (x)
		Schedule 7 - Commercial use of local government controlled areas and roads	(v) (vii) (x)
		Schedule 10 - Keeping of animals	(v) (vii) (x)
		Schedule 11 – Operation of temporary entertainment events	(v) (vii) (x)
		Schedule 14 - Undertaking regulated activities on local government controlled	(v) (vii) (x)

Name of proposed Local Law	Brief Description of object / purpose of proposed Local Law	Description of anti-competitive provisions	Anti-competitive criteria (see legend below)*
		areas and roads – (a) driving or leading of animals to cross a road	
		Schedule 16 – Undertaking regulated activities on local government controlled areas and roads – (c) undertaking of a public place activity prescribed by Subordinate Local Law	(v) (vii) (x)
		Schedule 17 – Use of bathing reserves for training, competitions etc	(v) (vii) (ix) (x)
		Schedule 18 – Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee	(v) (vii) (x)
		Schedule 19 – Parking in a loading zone by displaying a commercial vehicle identification label	(v) (vii) (x)
		Schedule 20 – Carrying out works on a road or interfering with a road or its operation	(v) (x)
Model Local Law No.2 (Animal Management) 2011	To regulate and manage the keeping and control of animals within the local government's area.	s.5 Prohibition on keeping animals in prescribed circumstances	(i) (vii) (x)
		s.6 Requirement for approval	(ix)(x)
		s.8 Minimum standards for keeping animals	(v) (vii)
		s.42 Sale of animals	(v) (vii) (x)
		s.43 Subordinate Local Laws	(v) (vii) (x)
Proposed	To regulate and	s.5 Circumstances in	(i)

Name of proposed Local Law	Brief Description of object / purpose of proposed Local Law	Description of anti-competitive provisions	Anti-competitive criteria (see legend below)*
Gympie Subordinate Local Law No.2 (Animal Management) 2011	manage the keeping and control of animals within the local government's area.	which keeping animals prohibited	
		s.6 Circumstances in which keeping animals requires approval	(vii) (x)
		Schedule 1 – Prohibition on keeping animals in prescribed circumstances	(i) (vii)
		Schedule 2 – Requirement for approval to keep animal	(vii) (x)
		Schedule 5 – Minimum standards for keeping animals	(v) (vii)
Model Local Law No.3 (Community and Environmental Management) 2011	To protect the environment and public health, safety and amenity within the local government's area.	s.11 Prohibition on sale	(i) (vii)
		s.22 Subordinate Local Laws	(v) (vii) (x)
Proposed Gympie Subordinate Local Law No.3 (Community and Environmental Management) 2011	To protect the environment and public health, safety and amenity within the local government's area.	s.6 Persons exempted from introducing etc a declared local pest	(ix) (x)
		Schedule 2 - Persons exempted from offence of introducing etc a declared local pest	(ix) (x)
Model Local Law No.5 (Parking) 2011	To complement the regulated parking provisions in chapter 5, part 6 of the TORUM Act by providing for the exercise of local government powers authorised under that	S.7 parking permits	(v) (vii) (x)
		s.8 Commercial vehicle identification labels	(vii) (ix)
		s.10 Subordinate Local Laws	(v) (vii) (x)

Name of proposed Local Law	Brief Description of object / purpose of proposed Local Law	Description of anti-competitive provisions	Anti-competitive criteria (see legend below)*
	Act.		
Proposed Gympie Subordinate Local Law No.5 (Parking) 2011	To complement the regulated parking provisions in chapter 5, part 6 of the TORUM Act by providing for the exercise of local government powers authorised under that Act.	s.7 Parking permits issued by local government	(v) (vii) (x)
		s. 8 Commercial vehicle identification labels	(v) (vii) (x)
Model Local Law No.6 (Bathing Reserves) 2011	To enhance public safety and convenience of bathing reserves placed under the local government's control through orderly management and regulation of activities within these reserves.	s. 10 Reservation for competitions and special occasions	(v) (vii) (ix) (x)
		s.19 Recognised life-saving clubs	(ii) (iii)

*Criteria for Anti-competitive Provisions

(i) an outright prohibition in regard to any particular business activity;

(ii) a statutory monopoly;

(iii) licensing or registration requirements for persons or bodies wishing to engage in a particular business activity and which operate on the basis of either limiting the number of participants or limiting participation to those persons or bodies that meet defined standards, qualifications or training or to those who hold membership of a particular occupational or professional organisation;

(iv) allocation of quantitative entitlements, quotas or franchises among participants engaging in a particular business activity;

(v) requirements for prescribed quality or technical standards to be observed, or for specified equipment to be used, in regard to a

particular business activity, other than those requirements that apply generally in regard to public/workplace health and safety;

(vi) price control provisions, whether by way of setting, or prescribing a process for determining, the maximum/minimum prices or charges for a specified good or service or the maximum/minimum rates of commission, agency or fees for any good or service;

(vii) restrictions on the conduct of a business relating to matters such as hours of operation, size of premises, provision of specified facilities, geographical area of operation, advertising or promotion, sector-specific operation (eg, retail vs wholesale), type of good or service allowed to be offered for sale, etc;

(viii) the nomination of a particular person or body as the sole or preferred customer or supplier in regard to a particular business activity;

(ix) measures that have the effect of conferring a benefit on a particular person or body engaged in a particular business activity relative to other parties engaged in the same activity, including prescribing technical specifications or standards that can only be met by a particular operator, prescribing different requirements for public sector vis a vis private sector operators or making financial assistance available (including the waiver of various State or local government charges or fees as well as direct assistance measures such as a grant or subsidy) if a business is carried on at a particular place or in a particular manner;

(x) the allocation of licences or other authorities which either allow the holder access to natural resources (including water, minerals, forests and fisheries) or which create rights, or permit specified activities, denied to non-holders (for example, licences to dispose of waste material in a particular manner);

(xi) preferential purchasing arrangements.

In reviewing the Model Local Laws and developing the Subordinate Local Laws for Council's consideration, the cross Directorate Local Laws Review Project Team, in conjunction with input and advice received from the project consultant, considered alternatives to dealing with the various issues to which the proposed new Local Laws relate.

Regulatory and non-regulatory alternatives exist which could possibly achieve the objectives of the Local Laws and Subordinate Local Laws. Some examples of these alternatives as outlined in Department of Local Government and Planning Guidelines include the following:

- Regulation
- Co-regulation
- Market/industry self-regulation
- No regulation
- Public information and education programs
- Economic incentives
- Industry accreditation
- Master licensing
- Negative licensing
- Empowering consumers

In considering available alternatives to regulate the various matters addressed by the proposed new Local Laws and Subordinate Local Laws as part of the Public Interest Tests, notwithstanding any possible anticompetitive provisions contained within the proposed new Local Laws as identified previously in this report, it is recommended that any anti-competitive provisions contained within the proposed new laws are in the public interest, and as such should be retained.

It is further noted that no formal public submissions were received by Council in response to the various Public Interest Test Plans undertaken for the identified Local Laws and Subordinate Local Laws across the consultation period.

Strategic Implications:

Corporate Plan: Outcomes 3.3, 4.5

Operational Plan: 3.2(iv) Local Laws Review

Budget Implications: Local Laws Review included in 2011/2012 Budget.

Budget Reference: GL 2120402

Legal/Statutory: Administrative requirement under the Local Government Act 2009

Risks: Administrative

Consultation:

All Directorates, CEO, Department of Local Government and Planning and Dr Michael Limerick, Barrister, (consultant). The Draft Local Laws and relevant Public Interest Test Plans were advertised for public comment across the consultation period 17/09/11 to 10/10/11.

Checklist:

- □ Financial Services Directorate
- □ Corporate Services Directorate
- □ Community Services Directorate
- □ Engineering Services Directorate
- □ Planning & Development Directorate
- □ Office of the Chief Executive Officer

REFER ATTACHMENT 2

Review of anti-competitive provisions for Model Local Laws

G15/11/11 Moved: Cr R.A. Gâté Seconded: Cr I.T. Petersen

That Council hereby resolves that *Model Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2010* has been reviewed in accordance with section 38 of the *Local Government Act 2009* and that, taking into consideration the circumstances of the Gympie Regional Council area, the law does not contain any possible anti-competitive provisions.

Carried 8/0

G16/11/11 Moved: Cr G.L. Engeman Seconded: Cr J.A. Walker

That Council hereby resolves to implement the recommendation of the Public Interest Test Report for

- ***Model Local Law No.1 (Administration) 2010;***
- ***Model Local Law No.2 (Animal Management) 2010;***
- ***Model Local Law No.3 (Community and Environmental Management) 2010;***
- ***Model Local Law No.5 (Parking) 2010; and***
- ***Model Local Law No.6 (Bathing Reserves) 2010***

that the anti-competitive provisions contained in the laws are in the public interest and should be retained.

Carried 8/0

Making the Local Laws

G17/11/11 Moved: Cr J. Watt Seconded: Cr D.R. Neilson

That accordingly, Council hereby resolves to adopt:

- ***Model Local Law No. 1 (Administration) 2010.*** **The local law so adopted will be referred to as *Local Law No. 1 (Administration) 2011 of the Council's Local Laws*;**
- ***Model Local Law No. 2 (Animal Management) 2010.*** **The local law so adopted will be referred to as *Local Law No. 2 (Animal Management) 2011* of the Council's Local Laws;**
- ***Model Local Law No. 3 (Community and Environmental Management) 2010.*** **The local law so adopted will be referred to as *Local Law No. 3 (Community and Environmental Management) 2011* of the Council's Local Laws;**
- ***Model Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2010.*** **The local law so adopted will be referred to as *Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011* of the Council's Local Laws;**
- ***Model Local Law No. 5 (Parking) 2010.*** **The local law so adopted will be referred to as *Local Law No. 5 (Parking) 2011 of the Council's Local Laws*; and**
- ***Model Local Law No. 6 (Bathing Reserves) 2010.*** **The local law so adopted will be referred to as *Local Law No. 6 (Bathing Reserves) 2011 of the Council's Local Laws*.**

Carried 8/0

G18/11/11 Moved: Cr R.A. Gâté Seconded: Cr L.J. Friske

That Council hereby resolves to make the *Repealing Local Law No.1 (Miscellaneous Local Laws) 2011*, as advertised, which repeals the following local laws*:*

- ***Gympie Regional Council Local Law No. 2 (Meetings) 2008***
- ***Cooloola Shire Council Local Law No.1 (Administration) 2005***
- ***Cooloola Shire Council Local Law No.2 (Keeping and Control of Animals) 1999***
- ***Cooloola Shire Council Local Law No. 3 (Gates and Grids) 1995***

- ***Cooloola Shire Council Local Law No.4 (Libraries) 2001***
- ***Cooloola Shire Council Local Law No.6 (Roads) 1988***
- ***Cooloola Shire Council Local Law No. 7 (Impounding of Animals) 1999***
- ***Cooloola Shire Council Local Law No. 8 (Control of Pests) 1999***
- ***Cooloola Shire Council Local Law No. 9 (Parks, Reserves and Foreshores) 1992***
- ***Cooloola Shire Council Local Law No. 10 (Cemeteries) 1999***
- ***Cooloola Shire Council Local Law No.11 (Control of Advertisements) 1996***
- ***Cooloola Shire Council Local Law No. 12 (Camping Grounds) 1999***
- ***Cooloola Shire Council Local Law No. 13 (Caravan Parks) 1999***
- ***Cooloola Shire Council Local Law No. 14 (Control of Nuisances) 1999***
- ***Cooloola Shire Council Local Law No. 15 (Bathing Reserves) 1999***
- ***Cooloola Shire Council Local Law No. 16 (Domestic Water Carriers) 1999***
- ***Cooloola Shire Council Local Law No. 17 (Temporary Homes) 2001***
- ***Cooloola Shire Council Local Law No. 18 (Aerodromes) 1999***
- ***Cooloola Shire Council Local Law No. 19 (Regulated Parking) 1997***
- ***Cooloola Shire Council Local Law No. 20 (Bridges and Culverts) 1988***
- ***Cooloola Shire Council Local Law No. 21 (Control of Traffic and Obstructions on Roads) 1972***
- ***Cooloola Shire Council Local Law No. 22 (Swimming Pools) 1999***
- ***Cooloola Shire Council Local Law No. 23 (Council Saleyards) 1971***
- ***Cooloola Shire Council Local Law No. 25 (Jetties and Barge Loading Facilities) 1999***
- ***Cooloola Shire Council Local Law No. 28 (Health and Safety) 1999***
- ***Kilkivan Shire Council Local Law No. 1 (Administration) 1999***
- ***Kilkivan Shire Council Local Law No. 2 (Gates and Grids) 1997***
- ***Kilkivan Shire Council Local Law No. 3 (Libraries) 1999***
- ***Kilkivan Shire Council Local Law No. 4 (Keeping and Control of Animals) 1999***

- ***Kilkivan Shire Council Local Law No. 5 (Impounding of Animals) 1999***
- ***Kilkivan Shire Council Local Law No. 6 (Entertainment Venues) 1999***
- ***Kilkivan Shire Council Local Law No. 7 (Temporary Homes) 1999***
- ***Kilkivan Shire Council Local Law No. 8 (Rental Accommodation with Shared Facilities) 1999***
- ***Kilkivan Shire Council Local Law No. 9 (Control of Pests) 1999***
- ***Kilkivan Shire Council Local Law No.11 (Domestic Water Carriers) 1999***
- ***Kilkivan Shire Council Local Law No. 12 (Blasting Operations) 1999***
- ***Kilkivan Shire Council Local Law No. 13 (Parks and Reserves) 1999***
- ***Kilkivan Shire Council Local Law No. 14 (Control of Nuisances) 1999***
- ***Kilkivan Shire Council Local Law No. 15 (Commercial Use of Roads) 1999***
- ***Kilkivan Shire Council Local Law No. 16 (Camping Grounds) 1999***
- ***Kilkivan Shire Council Local Law No. 17 (Caravan Parks) 1999***
- ***Kilkivan Shire Council Local Law No. 18 (Cemeteries) 1999***
- ***Kilkivan Shire Council Local Law No. 19 (Swimming Pools) 1999***
- ***Kilkivan Shire Council Local Law No. 20 (Roads) 1999***
- ***Kilkivan Shire Council Local Law No. 22 (Control of Advertising) 1999***
- ***Kilkivan Shire Council Local Law No. 23 (Extractive Industries) 1999***
- ***Tiaro Shire Council Local Law No. 1 (Administration) 1995***
- ***Tiaro Shire Council Local Law No.8 (Control of Advertisements) 1996***
- ***Tiaro Shire Council Local Law No. 13 (Keeping and Control of Animals) 1995***
- ***Tiaro Shire Council Local Law No. 15 (Parks and Reserves) 1996***
- ***Tiaro Shire Council Local Law No. 19 (Entertainment Venues) 1995***
- ***Tiaro Shire Council Local Law No. 20 (Domestic Water Carriers) 1996***
- ***Tiaro Shire Council Local Law No. 22 (Libraries) 1995***

- ***Tiaro Shire Council Local Law No. 24 (Gates and Grids) 1995***
- ***Tiaro Shire Council Local Law No. 32 (Extractive Industries) 1995***
- ***Tiaro Shire Council Local Law No. 34 (Temporary Homes) 1995***
- ***Tiaro Shire Council Local Law No. 35 (Rental Accommodation with Shared Facilities) 1996***
- ***Tiaro Shire Council Local Law No. 36 (Control of Pests) 1996***
- ***Tiaro Shire Council Local Law No. 37 (Blasting Operations) 1996***
- ***Tiaro Shire Council Local Law No. 38 (Control of Nuisances) 1996***

Carried 8/0

Review of anti-competitive provisions for Subordinate Local Laws

G19/11/11 Moved: Cr I.T. Petersen Seconded: Cr J. Watt

That Council hereby resolves that *Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011* and *Subordinate Local Law No.6 (Bathing Reserves) 2011* have been reviewed in accordance with section 38 of the *Local Government Act 2009* and that, taking into consideration the circumstances of the Gympie Regional Council area, these laws do not contain any possible anti-competitive provisions.

Carried 8/0

G20/11/11 Moved: Cr D.R. Neilson Seconded: Cr G.L. Engeman

That Council hereby resolves to implement the recommendation of the Public Interest Test Report for

- ***Subordinate Local Law No.1 (Administration) 2011;***
- ***Subordinate Local Law No.2 (Animal Management) 2011;***
- ***Subordinate Local Law No.3 (Community and Environmental Management) 2011;* and**
- ***Subordinate Local Law No.5 (Parking) 2011.***

that the anti-competitive provisions contained in the laws are in the public interest and should be retained.

Carried 8/0

Making the Subordinate Local Laws

G21/11/11 Moved: Cr J.A. Walker Seconded: Cr J. Watt

That accordingly, Council hereby resolves to make:

- ***Subordinate Local Law No.1 (Administration) 2011;***
- ***Subordinate Local Law No.2 (Animal Management) 2011;***
- ***Subordinate Local Law No.3 (Community and Environmental Management) 2011;***
- ***Subordinate Local Law No.4 (Local Government Controlled Areas, Facilities and Roads) 2011;***
- ***Subordinate Local Law No.5 (Parking) 2011;*** **and**
- ***Subordinate Local Law No.6 (Bathing Reserves) 2011.***

Carried 8/0

Mr Craig Manson, Director of Corporate Service and Mr Brian Hayes, Manager of Information Systems and Change Management left the meeting at 9:35 am.

9/4	Contract 2011/2012 – T511 – Plant Replacement – Plant No 143 6x4 tip truck

Re: **G22/11/11** Contract 2011/2012-T511 - Plant Replacement – Plant No 143 6x4 tip truck
From: General Manager Works – Mr G.C. Ingham
File:
Date: 02/11/2011
Reference:

Executive Summary:
Tenders have been called and assessed for the replacement of Plant No 143 – 6x4 tip truck.
Three (3) truck suppliers offered three (3) truck options with three (3) body manufacturer options.
Plant 143 – 4x2 tip truck was offered for sale as a trade or for outright purchase. Two (2) suppliers offered a trade price and Council received three (3) offers to purchase from private buyers.

Table 1 – Price record

Supplier	Make	Model	Body Builder	Total Truck inc extended warranty exc GST	Existing vehicle trade offer exc GST	Change over trade offer exc GST	Change over with best private offer exc GST
Ray Grace	Fuso	Fighter 1227	Paulger	$166,742.00	$40,909.09	$125,832.91	$131,142.00
Ray Grace	Fuso	Fighter 1227	Tracwell	$166,609.09	$40,909.09	$125,700.00	$131,009.09
Madill Isuzu	Isuzu	FXZ 1500M	Tracwell	$176,080.45	No Offer	$176,080.45	$140,480.45
Madill Isuzu	Isuzu	FXZ 1500M	Paulger	$176,317.28	No Offer	$176,317.28	$140,717.28
Hi-Way 1	Hino	2632 medium	Morgan	$176,361.69	$34,545.45	$141,816.24	$140,761.69
Hi-Way 1	Hino	2632 medium	Tracwell	$179,386.85	$34,545.45	$144,841.40	$143,786.85
Qcivil	PRIVATE OFFER				$30,000.00		
PVT sales	PRIVATE OFFER				$35,600.00		
Pearce Trucks	PRIVATE OFFER				$28,680.00		

Previous Council considerations:
W 23/11/11 – Fleet Replacement Budget Allocation

Report: (Fleet Manager – Peter Stevenson)

The truck offered by Ray Grace Truck Centre does not meet the tender specifications for engine power i.e. tender called for 220kW or higher the Fuso Fighter 1227 advertised/documented power is 199kW, the truck was removed from the tender assessment process as a result.

The Hino 2632 medium and Isuzu FXZ1500M are comparable machines and meet the tender specifications. The Isuzu has approximately 7% more engine power and 23% more torque. Standard Warranty for both products is three (3) years 200,000 km, Isuzu offers an extended warranty of five (5) years 400,000 km included in the detailed price.

Council has a number of Isuzu trucks in the fleet, these machines have proven performance with very good Gympie based dealer support. Isuzu offers an extended warranty of five (5) years 400,00km. Council also has numerous Tracwell bodies, the bodies have also proven to be good design and quality with good local support when required.

Strategic Implications:

Budget Implications: Minute W23/11/11

Consultation:
Works Logistics Coordinator
Works Crew supervisors
Machine operators
Workshop Supervisor
Fitters and mechanics

Checklist:

☐ Engineering Services Directorate

G22/11/11 Moved: Cr L.J. Friske Seconded: Cr J.A. Walker

That:

1. **Council purchases one Isuzu FXZ1500M truck with Tracwell body including extended truck warranty for $176,080.45 exc GST ($193,688.49 inc GST)**
2. **Council accepts the offer to purchase Plant 143 from PVT Sales P/L of $35,600.00 exc GST ($39,160.00 inc GST).**

Carried

LATE ITEMS

Late Item 1 Deputation with LNP regarding Curra State Forest

Re: Deputation with LNP regarding Curra State Forest
From: Planning and Development Directorate
File: 1-2-07-0004
Date: 04 November 2011
Reference: P17/10/11

EXECUTIVE SUMMARY

This report has been prepared in response to the Council resolution to seek deputation with the LNP to discuss the proposed development of a regional shooting facility at Curra State Forest. The report requests that Council nominate representatives to attend the deputation with the LNP scheduled for Wednesday 23 November 2011.

PREVIOUS COUNCIL CONSIDERATIONS

MINUTE P17/10/11 - ***Recommend that council Seek deputation with the LNP regarding the development of a regional shooting facility at Curra State Forest, and furthermore recommend that the deputation includes representatives from the SRPCC and the local member for Gympie, Mr. David Gibson.***

Report: (Strategic Planning Officer – R. N. Halse)

1. INTRODUCTION

Council has been in contact with the LNP to seek a deputation regarding development of a regional shooting facility at Curra State Forest. As a Result the LNP has indicated that Shadow Minister for Environment, Andrew Powell MP, Member for Glass House, is available to meet with Council on Wednesday, 23 November 2011.

As indicated above in the 'Previous Council Considerations', Council resolved to invite representatives from the Sport, Recreation and Parks Coordinating Committee and the local member for Gympie, Mr David Gibson.

2. CONCLUSION

In conclusion it is recommended that the following representatives attend the deputation with Andrew Powell MP on Wednesday, 23 November 2011

- Sport, Recreation and Parks Coordinating Committee Chairperson, Cr Jan Watt;
- Gympie Regional Council Mayor, Cr Ron Dyne;
- Local member for Gympie, Mr David Gibson; and
- Strategic Planning Officer Ric Halse.

3. STRATEGIC IMPLICATIONS

Corporate Plan

Ensure that community infrastructure is utilised efficiently through the provision of shared community facilities where appropriate

Operational Plan

To enhance and preserve the lifestyle of all the Gympie Region's residents and visitors by providing services and facilities for recreation, leisure, sport and cultural enrichment and preserving the Region's heritage.

Budget No budget required for the deputation.

Legal/Statutory No legal or statutory requirements.

Risks - Low

6. CONSULTATION

Sport, Recreation and Parks Coordinating Committee

7. ATTACHMENTS

Nil

G23/11/11 Moved: Cr J. Watt Seconded: Cr G.L. Engeman

That Council nominate the following representatives to attend the deputation with Shadow Minister for Environment, Andrew Powell MP, on Wednesday, 23 November 2011 to discuss the proposed development of a regional shooting facility at Curra State Forest:

- **Sport, Recreation and Parks Coordinating Committee Chairperson, Cr Jan Watt;**
- **Gympie Regional Council Mayor, Cr Ron Dyne; Cr Larry Friske and Cr Ian Petersen**

Further, that Council writes to the local member of Gympie, Mr David Gibson extending an invitation to also attend the deputation.

Carried

SECTION 10: MEETING DATES

The meeting dates for the month of December 2011 & January 2012 have been set as follows:

DECEMBER

TUESDAY, 6 December 2011	**Works & Services Committee Meeting 9am**
WEDNESDAY, 7 December 2011	**Planning & Development Committee Meeting 9am**
WEDNESDAY, 14 December 2011	**General 9am**

JANUARY

WEDNESDAY, 18 January 2012	**Planning & Development Committee Meeting 9am**
WEDNESDAY, 25 January 2012	**General 9am** **Corporate Governance & Finance Committee Meeting to Commence at the Conclusion of the Preceding General Meeting.**

G24/11/11 Moved: Cr J.A. Walker Seconded: Cr R.A. Gâté

That the meeting dates for the month of December 2011 & January 2012 be adopted.

Carried

SECTION 11: GENERAL BUSINESS

Comments by Mr Greg Hallam, President LGAQ

Background:-

This is the article as reported in the Courier Mail

"Governments can't afford new infrastructure . . . so what we need to look at is a demand management approach," Mr Hallam said. "We've

got to think differently, abolish all existing road user charges and introduce technology to track how far and where drivers go."

G25/11/11 Moved: Cr I.T. Petersen Seconded: Cr G.L. Engeman

That Council write to the LGAQ and ask, firstly, for clarification of comments attributed to Greg Hallam in the Courier Mail of 27 October, during a recent "Living with Growth" forum, and if the report is correct, reminding the LGAQ that policy proposals are not in Mr Hallam's job description.

Further that Gympie Regional Council will strongly oppose the introduction of such "big brother" government strategies as allegedly proposed by Mr Hallam.

Carried

A **DIVISION** was called with the following results.

FOR: Crs Friske, Watt, Engeman, Petersen, Gâté, Walker, Perrett
AGAINST: Cr Neilson

Leave of Absence

G26/11/11 Moved: Cr D.R. Neilson Seconded: Cr G.L. Engeman

That Cr Larry Friske be granted Leave of Absence from meetings on 7 December 2011 due to a medical appointment.

Carried

Queensland Outdoor Recreation Federation Awards

Cr Larry Friske advised that he attended the recent Awards presentation at which Gympie Regional Council and the Department of Transport and Main Roads were recognised as a finalist for the Gympie Region Walk and Cycle Strategy. Cr Friske presented the certificate to Council for appropriate placement.

SECTION 13: ATTACHMENTS

Attachment 1: Refer Item 9/2 - First Quarterly Review – Operational Plan
Attachment 2: Refer Item 9/3 – Local Law Review
Attachment 3: Refer Item 9/1 - Audit & Risk Management Charter

There being no further business the meeting closed at 9:57 am.

Confirmed this TWENTY-THIRD day of NOVEMBER 2011.

_____
Cr A.J. Perrett
CHAIRMAN

ATTACHMENT 1

Refer Item 9/2

First Quarterly Review – Operational Plan

of the

GENERAL MEETING

On Wednesday 9 November 2011
At 9.00 am

Operational Plan - First Quarterly Review

Gympie Regional Council Planning Framework

The Council's 2011-2012 Operational Plan is an important element in our Strategic Planning Framework.

It is the document that links our long term strategic directions, identified in the themes of the Corporate Plan, to the projects, initiatives and ongoing activities Council aims to deliver within the financial year as funded through the Budget.

The Operational Plan consists of six separate programs which detail the works and services to be provided in the 2011-2012 financial year.

Program 1	**Corporate Governance**
Program 2	**Engineering Services**
Program 3	**Community Services**
Program 4	**Planning and Development**
Program 5	**Water**
Program 6	**Sewerage**

Furthermore, this year's Operational Plan aligns the risks identified in Council's Risk Management Plan with the sub-programs that mitigate these identified risks.

The Objectives, Aims and Activities within the Operational Plan are reviewed, assessed and reported to Council on a quarterly basis to facilitate the delivery of services and projects in an efficient and effective manner within the resource allocations set in the Budget.

Following the adoption of the Region's first Community Plan in 2011-2012, a review of Council's existing Corporate Plan will be undertaken. This will be followed by a review of the Operational Plan.

Program 1 – Corporate Governance

Goal: To set and achieve the Council's goals and objectives for the Citizens of the Gympie Region by providing direction, support, coordination, sound resource management policy and achieve effective and efficient management of Council's assets and resources.

SUB-PROGRAM:	**1.1 CORPORATE GOVERNANCE AND EXECUTIVE MANAGEMENT**
OBJECTIVE:	To achieve a capacity within the organisation, its Councillors and staff, to meet the diverse and changing requirements of all customers.
MANAGING RISKS:	This sub-program mitigates the risks outlined in Strategic Risks 5.1, 5.2 and 5.4 in the Gympie Regional Council Risk Management Plan.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
1.1 (i) Executive Management Operations			
Aims			
To provide Councillor and CEO operational resources.			
To provide support and advice to assist Councillors in the performance of their roles.			
General operations			
- Provide administrative support for the Mayor, Councillors, and CEO. - Provide general operational resources.	- Meet the Mayor's, Councillors' and CEO's expectations. - Ability to meet operational requirements.	**CEO**	- Ongoing – meeting obligations.
Management Systems			
- Involvement of employees in Continuous Improvement Projects. - Maintain Quality Management Systems to AS/NZ ISO 9001:2008. - Implement Risk Management as per ISO 31000. 2009.	- Ongoing Improvement Group outcomes. - Maintain accreditations. - QMS documentation system meeting requirements. - Formalised Risk Management System in place. - Review of Risk Management Plan.	**CEO**	- Continuous improvement needs to be reviewed. - Audit plan adopted.

1.1 (ii) Customer Service

Aim

To provide services meeting customer expectations.

Customer Service Focus - Improve customer service performance on an every working day basis. - Continue to ensure systems and procedures are customer friendly.	- Ongoing customer satisfaction. - Continued employee support and involvement.	**CEO/Directors**	- Customer service system to be reviewed.

1.1 (iii) Governance – Legal

Aim

To assist Council in meeting its Governance and community engagement requirements.

Annual Report - Produce an informative and timely Annual Report.	- Annual Report produced in accordance with legislative requirements.	**CEO/DCS**	- Draft Annual Report in progress for adoption prior to 30 November.
Legal Responsibilities - Monitor research and review the effects of State and Commonwealth legislation and policies on the Region and respond appropriately.	- Meet the requirements of State and Commonwealth legislation. - Community response to achieving legislative compliance.	**CEO/Directors**	- Ongoing.
Policy Support - Ensure the provision of legal and technical support to assist Council in implementing its legislative roles.	- Provide timely advice.	**CEO/Directors**	- Ongoing.
Public Interest Disclosures, Integrity Act Matters and Administrative Action Complaints - Establish policies and procedures in accordance with legislative requirements. - Process complaints/disclosures within required timeframes. - Meet all reporting requirements.	- Provide appropriate awareness/training sessions for staff as required. - Process disclosures/complaints in a timely manner. - Meet all statutory reporting requirements.	**DCS**	- Information provided online – matters being workshopped with staff and Councillors as required.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
Management Audits - Conduct internal audit activities and investigations. - Report to Audit Committee at required intervals - Queensland Audit Office Activities.	- Non compliances minimised.	**CEO/Directors**	- Activities continuing.
Corporate and Operational Planning - Prepare and regularly review Council's Corporate and Operational Plans.	- Review the Corporate Plan at least annually. - Review the Corporate and Operational Plans in line with the Community Plan. - Corporate and Operational Plan update reports to Council at least quarterly.	**CEO/DCS**	- Corporate Plan to be reviewed in line with recently adopted Community Plan.
Community Plan - Adopt the Region's first Community Plan. - Ensure an Annual Strategic Review is undertaken in accordance with legislative requirements.	- Conduct annual review of the Community Plan. - Conduct an Annual Strategic Review and report outcomes to Council.	**CEO/Directors**	- Community Plan adopted in July. Implementation options for Plan in 2011/12 being considered .

Councillor Support

Aim

To provide support and advice to assist Councillors in the performance of their roles.

Elected Members - Ensure the resource requirements of Councillors are catered for. - Provide training opportunities for elected members.	- Effective streamlined decision-making. - Consistent and sound decision making. - Councillor satisfaction with staffing and resource provision. - Better informed Councillors.	**CEO**	- Ongoing. Requirements being met.
Executive Support/Elected Representatives - The CEO to structure processes to enable relevant Corporate information to be brought before Councillors.	- Accurate and timely processes in place.	**CEO**	- Processes meeting requirements.

Deputations/Advocacy/Lobbying			
- Develop active and ongoing lobbying initiatives to enable Regional interests to be effectively promoted.	- Recognition of the Region's viewpoints in Government and success in having the Region's initiatives implemented.	**Mayor/CEO**	- Ongoing.
Policy Support			
- Provide considered and professional guidance to assist Councillors in their decision processes. - Regularly review Council policies for appropriateness.	- Support provided as appropriate. - Practical, plain English policies in place and reviewed regularly.	**CEO/Directors**	- Reviews continuing.
Civic Ceremonies/Protocol/Citizenship			
- Coordinate and actively participate in civic functions and ceremonies in a manner which is appropriate to each occasion and engenders civic pride.	- Successful civic functions and ceremonies.	**Mayor/CEO**	- Ongoing.

1.1 (iv) Election Services/Boundary Reviews

Aims

Provide electoral services for quadrennial elections where required.

Provide information and legislative guidance for Council's external boundary reviews.

Elections			
- Meet any electoral requirements.	- Meet Electoral Commission Queensland funding requirements.	**CEO**	- Respond to requests on a timely basis.
Internal/External Boundary Reviews			
- Coordinate accurate information to enable informed internal/external boundary considerations.	- Completed as required.	**DCS**	- Two applications awaiting approval by the Change Commission.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review

1.1 (v) Community/Regional Engagement

Aims

To enhance and promote community communication.

Promote and lobby on behalf of the Region.

Facilitate tourism promotion and development.

Public Relations and Customer Service

Aims

To develop strategies for Council's publications, image and communications.

To better inform the public of Council's activities with a view to improving the public understanding and knowledge of the Council.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
Public Relations and Information			
- Coordinate Community information initiatives. - Provide regular press releases on matters of public interest or concern. - Consult with industry bodies on proposed changes to Council policies and procedures. - Promote Councillor/resident meetings.	- Provided as per Budget provision. - Regular press releases each month. - Hold meetings as required. - Councillor/resident meetings held.	**CEO/Directors**	- Economic Development & Public Relations Office reports monthly to CEO. Information releases ongoing.
Regional Marketing			
- Nominate Council/Regional project initiatives for appropriate Awards.	- Nominate Council projects as appropriate.	**CEO/Directors**	- Ongoing.
- Partner with Youth and Community Services to support community organisations and events.	- Improved Regional awareness and participation.	**D COMM**	- Provided support for Qld Cycling C'ships, Disability Action Week and Dickabram Bridge Anniversary.

Regional Collaboration

Aim

To promote Regional economic and development initiatives.

Regional Participation			
- Participate in regional stakeholder groups/networks. - Promote and lobby for significant regional development projects/opportunities.	- Active participation. - Active and ongoing promotion within the State and Commonwealth arenas. - Coordinate projects where appropriate.	**Mayor/CEO/ Directors**	- Active participation in regional groups such as WBBROC, Regional Roads Group & RPAC.

Regional Tourism

Aim

To promote the Region as a major tourism destination.

Gympie Cooloola Tourism (GCT)			
- Collaborate with GCT to build the capacity of regional tourist business operators. - Provide funding and resources to the GCT to promote Regional tourism. - Support Regional tourism bodies in accordance with Council's Budget.	- Effective promotion and representation within the Queensland Tourism Industry.	**Mayor/CEO/ Directors**	- Council represented on the GCT Board.

1.1 (vi) Economic Development

Aims

To foster continuing economic growth in the Region.

To maximise Gympie as the major commercial and industrial centre for the economic Region.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
Economic Development/Promotion and Incentives - Ensure Council's Planning Scheme readily facilitates the expansion of the various development sectors in appropriate areas of the Region. - Enhance the Region's economic and industry base. - Diversify and strengthen strategic industry sectors. - Source economic development related funding. - Formulate and develop strategies to market the Gympie Region.	- Create a positive climate for business growth. - Attracting new business and industry which will provide employment opportunities. - Supporting the sustainability and growth of existing businesses. - Expansion and enhancement of local industry. - Expanded investment opportunities. - Funding for regional industry and business attained. - Effective marketing strategies.	**Mayor/CEO/ Directors**	- EDO active in all areas of the Region. Economic Development strategy in place.
Seed Capital - Seek projects where seed capital will assist employment and will yield safe returns.	- All seed capital prospects investigated and considered.	**CEO/Directors**	- Ongoing.
Department of Environment and Resource Management - Take up opportunities to purchase and develop Crown land.	- Opportunities developed.	**DE**	- Nil available.
Council Land for Development/Sale - Identify surplus Council land. Develop program to develop or dispose of surplus property.	- Program strategy in place.	**DE/DCS**	- Ongoing review being undertaken.

1.1 (vii) Special Projects and Research

Aim

To investigate and implement projects as required.

	Meet project(s) requirements.	**CEO/Directors**

SUB-PROGRAM:	**1.2 CORPORATE SERVICES**
OBJECTIVE:	To expand upon the development of administrative and information support structures to facilitate decision and customer service processes.
MANAGING RISKS:	This sub-program mitigates the risks outlined in Strategic Risk 5.1, 5.2, 5.4 and 5.6 in the Gympie Regional Council Risk Management Plan.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
1.2 (i) Corporate Services Directorate Operations			
Aims			
To provide Directorate resources for operational activities.			
To provide an administrative service centre for the western areas of the Region.			
Corporate Services Operations			
- Maintain Directorate staffing resources. - Provide general operational resources.	- Ability to meet operational requirements.	**DCS**	- Requirements being met.
Kilkivan Branch Office Operations			
- Provide QGAP and Centrelink services. - Provide various services on behalf of all Directorates.	- Meet customer, QGAP and Centrelink expectations. - Meet Directorates' requirements within resource bounds.	**DCS** **DCS/Directors**	- Requirements being met.
1.2 (ii) Program Support			
Aim			
To monitor, research, review and maintain legislative and administrative resources.			

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
Registers			
- Maintain statutory registers. - Review delegations and Instruments of Appointment on a regular basis in conjunction with Directorates and Solicitors.	- Continue to update. - Up to date Register and Appointments.	**DCS/CEO/ Directors**	- Ongoing. New register adopted by Council and being reviewed by Directorates.
Right To Information, Information Privacy and Judicial Review		**DCS**	- Participation in Regional RTI/IP forums occurring.
- Coordinate applications and activity reports. - Update Council's Publication Scheme and Disclosure Log.	- Complete applications on a timely basis. - Regularly update the Publication Scheme and Disclosure Log. - Provide ongoing awareness training to staff on Right to Information and Information Privacy issues as relevant.		
Legal			
- Coordinate legal requirements arising from time to time.	- Advice obtained and given on a timely basis.	**DCS**	- Operational as required.
Administrative Support			
- Provide secretarial, clerical and general administrative assistance to Council's Departments and the Council Meeting structure. - Coordinate the timely completion of Council's General and Committee Meeting Agendas.	- Meet staffing needs in a cost-effective manner. - Produce accurate Agendas and Minutes on a timely basis.	**CEO/Directors**	- Requirements being met.

1.2 (iii) Information Services

Aim

To provide and enhance information systems and services.

Information Systems

Aim

To manage, maintain and develop corporate computing resources.

Information Systems			
- Coordinate and develop within Budget constraints, corporate based computer hardware and software resources. - Maintain the most current software version levels within Budget limitations. - Develop and coordinate in-house computer training for staff on key software systems. - Maintain an up to date hardware network.	- Provision of corporate information to all work stations. - Upgrade to Authority version 6. - Provide corporate information in a user friendly and timely manner. - Conduct regular training sessions on GroupWise, Internet Explorer, Intranet, file storage and mobile devices. - Renew hardware in accordance with the annual replacement schedule. - Replace network switch equipment at 242 Mary Street.	**DCS**	- Ongoing. - Auth 6 Upgrade "go live" rescheduled for Oct/Nov 2011. - Move to Auth 6 browser based software scheduled for Oct/Nov 2011. - Ongoing. - Upgrade of PCs, laptops & screens ongoing. - Network switches upgraded to 1BG/S. - PO switches completed.
System Development, Maintenance and Consulting			
- Expand use of the Authority system across all Directorates where appropriate. - Maintain Content Filtering across all Council internet connections including mobile devices. - Expand use of Civica i-Services system.	- Encourage and coordinate system enhancements to take best advantage of available system capabilities. - Upgrade operational system and application program versions within budget constraints. - Coordinate product demonstration for relevant staff. - Develop action plan to implement i-services features/functionality as relevant.	**DCS**	- Tied to upgrade to Auth 6.x required for full functionality of software. - Tied to Auth 6 upgrade rescheduled for Oct/Nov 2011.
Development of Council's Remote/Intranet/Internet and E-commerce Capabilities			
- Continue to develop Council's website to maximise the quality, range and presentation of information electronically to Council's customers. - Maximise the audit capacity of the website. - Continue to implement E-commerce initiatives (within Budget constraints).	- Quality website with positive feedback. - Website redevelopment to incorporate full audit tracking and portal design. - Implementation of E-commerce initiatives documented.	**DCS**	- Ongoing. - Ongoing. - Ongoing.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
Disaster Recovery (DR)			
- Maximise DR capacity of Council's website. - Implement real time DR for Council's core IT services. - Implement site redundancy across key locations.	- Change website hosting arrangements to ensure Tier 1 level of DR. - Finalise the synchronisation of Storage Area Networks between production and DR site. - Install redundant radio Wide Area Networks at key locations.	**DCS**	- Ongoing. - All technology installed & site replicating. Testing scheduled for Sep/Oct 2011. - Tied to new office at Northumberland site.

Records Management

Aim

To manage and maintain the Corporate Document Management System.

- To ensure complete and accurate Records are kept.	- Undertake regular Information Audits and ensure all relevant information is captured in the Records System.	**DCS**	- Ongoing information audits being planned.
- Store, archive and dispose of records in accordance with State Archives recommendations.	- Maintain storage facilities within Budget constraints. - Expand archive storage facilities at a site yet to be determined. - Undertake archiving in accordance with Local Government Archives and Disposal Schedule in consultation with all directorates.		- Ongoing. - Climate controlled records room planned for 242 Mary St. - Ongoing.
- To ensure the Records System is used to the maximum advantage of Council and that all staff are trained in its' use.	- Conduct Records System training courses regularly. - Ensure documents are registered and referred within written target time frames.		- Training sessions held in August/September. - Currently meeting time frame targets.
- To ensure all legislative requirements for record keeping are met.	- Ensure records are kept in accordance with IS40 Record Keeping requirements.		- Ongoing awareness being raised of requirements at staff training sessions.

1.2 (iv) Property Management

Aim

To manage and maintain Council owned and controlled administrative and public properties.

Lease/Rentals			
- Provide an administrative role with respect to legal and landlord related issues. - Liaise with public organisations on matters involving Council properties.	- Satisfactory feedback from users and lessees. - Reduced lead-time to finalisation of leases. - Maintain property database.	**DCS**	- Ongoing. Reviewing current process.
Maintenance - Buildings			
- Oversee the maintenance program for particular Council buildings. - Develop a maintenance/upgrading program for particular Council properties.	- Undertake quarterly inspections. - Effective communication outcomes concerning property matters. - Carry out maintenance works within the Budget allocation.	**Directors**	- Ongoing. Reviewing current process to meet expectations.

1.2 (v) Human Resource Management and Training

Aim

To maintain and develop high competency levels with the best available employees and provide a safe working environment.

Staff Training			
- Identify required training. - Establish and review a Corporate Training Plan to address needs. - Continue corporate based training and development initiatives. - Continued development of individual employee training documentation and records.	- Annual “Individual Training Plans” completed. - Identification of ad hoc training needs within specific Sections and Directorates. - Realistic training program implemented. - Up to date records maintained.	**Directors**	- Individual training plans complete and training program in place. - Training records up to date.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
Workplace Health and Safety - Ensure continued compliance with the *Workplace Health and Safety Act 1995* and *Workplace Health and Safety Regulation 2008*. - Monitor, review and instruct with respect to all health and safety requirements. - Work towards improvements following the internal Workplace Health and Safety Audit.	- Reduction in identifiable hazards. - Satisfactory internal/external SafePlan audit results. - Reduction in workplace incidents. - Monitor and update SafePlan on a continuing basis. - Actively seek to improve Audit percentage scores.	**CEO/Directors/ All employees** **DCS**	- Regular committee meetings held. - Hazards being addressed within KPI period. - Incidents within KPI parameters. - SafePlan system monitored to comply with OH&S legislative requirements.
Workers Compensation - Administer, monitor and review all Workers Compensation systems.	- Contained Workers Compensation premiums. - Reduction in compensable injuries. - Meet audit requirements under SafePlan. - Meet QComp Audit requirements.	**Directors/ All employees** **DCS**	- Increase in premium for 2011/12. - No increase in compensable injuries.
Enterprise Bargaining - Monitor and review the implementation of the current Certified Agreement. - Negotiate a new agreement to commence March 2012.	- Regular Local Government Employment Group meetings held. - Agreement successfully negotiated.	**CEO/DCS**	- Regular meetings held. Negotiations for new agreement commenced September 2011.
Conferences – Staff - Attendance at professionally focussed conferences and seminars.	- Target professional development conferences dealing with contemporary issues. - Positive feedback and work focussed returns following attendance.	**CEO/Directors**	- Staff attendance leading to positive outcomes.
Medical Expenses - Facilitate work related employee vaccinations and medical examinations.	- Make influenza vaccinations available to all staff/facilitate staff influenza vaccination clinics. - Relevant staff vaccinated and examined.	**D COMM** **DCS**	- Influenza vaccination clinics planned for 2012. - Medical examinations and vaccinations arranged as required.
Equal Employment Opportunity (EEO) Costs - Implement, monitor and review the EEO. - Management Plan.	- Up to date management plan. - Plan requirements met on an individual basis.	**CEO/Directors/ All employees**	- Management Plan current.

Recruitment Expenses - Coordinate advertising, medical examinations and related employment expenses.	- Cost effective recruitment outcomes.	**DCS**	- Successful recruitment outcomes.
Human Resources - General - Monitor and review HR policies and procedures. - Coordinate staff development reviews. - Coordinate Employee Assistance Program (EAP). - Coordinate Traineeships and Work Experience Programs.	- Up to date documentation. - Timely completion of staff development reviews. - EAP meeting staff needs. - Employment opportunities created.	**DCS**	- Documentation up to date. - Annual appraisals due early 2012. - Staff referred to EAP. - Recruitment for traineeships for 2012 to commence October 2011.

SUB-PROGRAM:	**1.3 FINANCIAL SERVICES**
OBJECTIVE:	To achieve effective and efficient management of Council's financial assets and economic resources.
MANAGING RISKS:	This sub-program mitigates the risks outlined in Strategic Risks 5.5 and 5.6 in the Gympie Regional Council Risk Management Plan.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review

1.3 (i) Financial Services Directorate Operations

Aim

To provide Directorate resources for operational activities.

Financial Services Operations - Maintain Directorate staffing resources. - Provide operational resources.	- Ability to meet operational requirements.	**DFS**	- Operational requirements being met.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review

1.3 (ii) Financial Accounting

Aim

Maintain a revenue base which emphasises user pays principles where appropriate. Manage the efficient issue of accounts by providing timely and accurate revenue entitlements.

Rating - Ensure that rates and utility charges are levied in accordance with the adopted Budget and provide timely and accurate issue of assessments.	- Provide every ratepayer with an accurate rate notice within 60 days of adopted Budget. Limit arrears to <10% of Gross Levy. - Non compliance of instalment agreements followed up within 60 days.	**DFS**	- Rates notices issued for 1st half year. - Instalment agreements constantly monitored.
Fees and Charges - Ensure that fees and charges are levied in accordance with the adopted Budget.	- Provision of fees and charges accounts within applicable time frames. - Recovery of outstanding fees and charges in accordance with Council policy.	**All Directorates** **DFS**	- Targets being met/ongoing. - Recovery procedures undertaken in accordance with policy.
Risk Management - Insurances - Implement policy and procedures for risk minimisation and ensure Council has adequate insurance coverage.	- Progress with implementation of Risk Management Program. - Respond to all claims within 14 days of notification. - Identify all Council assets for insurance cover.	**DE/DFS/DCS**	- Ongoing and in accordance with policy and procedures.
Payroll - Fulfil employer obligations to staff through accurate and timely payment of salaries, wages and associated deductions. - Adhere to Fringe Benefit Tax legislative requirements.	- Pays credited to employees' accounts by Tuesday evenings. - Finalise within legislative timeframes.	**DFS**	- Cycle ongoing.
Debtors Offences - Provide timely and accurate issue of accounts and streamline processes in the recovery of overdue accounts.	- Issue of invoices within 30 days of job completion. 90% collection of all offence notices.	**DFS**	- Cycle ongoing.

Collections/Cashier - Streamline processes and enhance procedures for receipting, banking and reconciliation of all Council revenue.	- Daily banking of receipts. - Investigate any new modes of payment for enhanced customer service.	**DFS**	- Daily procedures adhered to.
Grants and Subsidies - Ensure that Council derives the maximum financial benefit available from Government Subsidy Schemes.	- Submit applications and claims to meet stated deadlines.	**DFS/Directors**	- Up to date.
Creditors - Manage the efficient processing of creditor payments owed by Council to meet credit line facilities.	- All payments made within established credit line facilities.	**DFS**	- Up to date.
Provisions - Ensure that Council maintains adequate financial resources to meet its obligations for employee annual leave, long service leave, sick leave, Workers Compensation and training entitlements.	- Provide sufficient cash funds in Working Capital to meet anticipated needs.	**DFS**	- Monitored and updated quarterly.

1.3 (iii) Management Accounting

Aim

Ensure Council is promoting and developing accountability to ratepayers by adhering to legal obligations so that the requirements of the relevant Acts and professional Accounting Standards are met.

Budgeting - Review and refine the accrual Budgeting process and develop effective financial plans for allocation of resources.	- Receive unqualified audit report from the Queensland Audit Office. - Provide quality monthly reports in accrual format with high user satisfaction.	**DFS**	- Financial Statements for 2010/11 ready for Audit. Indication from Auditors that an unqualified audit may not be possible this year due to flood/asset requirements.
Financial Reporting - Coordinate and maintain general ledger and job cost systems and provide management and financial information regularly and in response to specific requests.	- Complete financial statements within three months of the end of the financial year.	**DFS**	- On track.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
Investments - To plan and forecast cash flows to optimise return on short-term investments.	- Maintain daily bank cash balance to avoid overdraft. - Earn maximum interest on surplus cash funds.	**DFS**	- Investments monitored daily.
Asset Valuation and Registers - Develop and maintain property, plant and equipment registers in accordance with finance regulations and professional accounting standards.	- Continued development of accounting procedures and valuation model in accordance with Accounting and Finance standards.	**DFS**	- Ongoing.
Borrowings - Provide funds for Council's capital works program through loan raisings or lease financing and control related debt servicing charges. Contain reliance on loan borrowings with an aim to finance most projects from Revenue.	- Payment of all debt servicing payments by due date. Develop financial plans for funding from revenue.	**DFS**	- All up to date.
Legislative Policy Issues - Develop accounting policies and procedures that conform with relevant Acts and professional Accounting Standards.	- Continued development of accounting policy and procedure manual.	**DFS**	- Ongoing.

1.3 (iv) Procurement Management and Stores

Aim

To source goods and services for Council in a timely manner that represent sustainable good value.

Issues/Purchases - Conduct purchases in accordance with Council's purchasing policy and procedures.	- No non-conformances.	**DFS**	- Daily operations conducted in accordance with relevant policy and procedures.
Operation - Utilise panel arrangements for major procurements. - Minimise loss or damage of stock.	- No non deviations from panel arrangements. - No significant stock write-offs.	**DFS**	- Daily operations conducted in accordance with relevant policy and procedures.

Maintenance - To maintain procurement and store facilities to acceptable standards.	-	Procurement and store facilities to be kept tidy, safe, secure and environmentally responsible.	**DFS**	- Ongoing process.
Supply Chain Reform - To achieve more cost effective purchasing of goods and services.	-	As provided, within Budget.	**CEO/Directors**	- Ongoing process.

SUB-PROGRAM:	**1.4 CAPITAL WORKS – CORPORATE GOVERNANCE**
OBJECTIVE:	To provide key long term infrastructure, infrastructure improvements and equipment to advance community amenity and Council operational effectiveness.
MANAGING RISKS:	This sub-program mitigates the risks outlined in Strategic Risk 5.5 and 5.6 in the Gympie Regional Council Risk Management Plan.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review

1.4 (i) Community Infrastructure

Aim

To provide infrastructure and related improvements meeting community needs.

Budgeted items - Provide, construct and purchase listed Budget items. (See next page.)*	-	Completion of related projects.	**CEO/Directors**

1.4 (ii) Council Operational Infrastructure and Equipment

Aim

To provide infrastructure and equipment to enable operational improvement.

Budgeted items - Provide, construct and purchase listed Budget items. *	-	Completion of related projects.	**CEO/Directors**

*** Extract from the Gympie Regional Council Budget 2011-12 adopted 29 June 2011.**

CAPITAL WORKS - Corporate Governance – General

Budget Item	Budget for 2011-2012	First Review
Office accommodation (DE)	2,010,000	Construction contract in place.
Old Lands Office Building Refurbishment (DE)	5,000	Completed.
Kilkivan Anglican Church Grounds Project	80,000	Awaiting acceptance of offer to purchase from DERM.
Office Equipment	30,000	Awaiting completion of renovations to buildings.
Computer Equipment	35,000	Part of Stage II Disaster Recovery Implementation being planned.
Records Management	20,000	Establishment of archive area at Mary Street – waiting on Northumberland project completion.
Langton Road – Sale of Land	10,000	Completed.
Noosa Road – Sale of Land	10,000	Reconfiguration application has been lodged with Planning.
CJ's on the Park Site Redevelopment	65,000	Resolution of Council to remove building. Design Services are calling for quotes.
TOTAL CAPITAL WORKS	**$2,265,000**	

Program 2 – Engineering Services

Goal: To provide well constructed safe efficient infrastructure networks and engineering services that will meet community needs.

SUB-PROGRAM:	**2.1 ROAD MAINTENANCE**
OBJECTIVE:	To optimise the quality of the road network through effective maintenance practices.
MANAGING RISKS:	This sub-program mitigates the risks outlined in Strategic Risks 5.1, 5.3, 5.6 and 5.7 in the Gympie Regional Council Risk Management Plan.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review

Roads Maintenance

2.1 (i) General Maintenance

Aim

To carry out adequate maintenance of the road and drainage network within Budget constraints.

General			
- Review Complaints/Requests System.	- Review of outstanding customer requests completed quarterly. - Review of complaint trends annually.	**GM E** **DE**	- Ongoing through ¼ly report review & InfoXpert. Last review 30/8/11. - Next due March 2012.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
Gympie Infrastructure Maintenance	- Minimised traffic inconvenience. - Minimise number of complaints. - Complete program within Budget. - Prompt response times.	**GM E**	- Ongoing through ¼ly report review & InfoXpert. Last review 30/8/11.
Cooloola Coast Infrastructure Maintenance	- Minimise number of complaints. - Complete program within Budget. - Prompt response times.	**GM E**	- Ongoing through ¼ly report review & InfoXpert. Last review 30/8/11.
Rural and Rural Town Road Maintenance	- Minimise number of complaints. - Complete program within Budget. - Every road inspected and assessed on a regular basis. - Regular communication with public and bus drivers. - Prompt response times.	**GM E**	- Ongoing through ¼ly report review & InfoXpert. Last review 30/8/11. - Efficient management of CRM.
Bridge Maintenance	- Avoid load limits being necessary. - Timber bridge maintenance program in place.	**GM E**	- Ongoing through ¼ly report review & InfoXpert. Last review 30/8/11.
Works General - Street lighting. - Car parks operation and maintenance.	- Provide and maintain adequate street lighting. - Provide and maintain car parks in central business district areas.	**GM D** **GM E**	- Ongoing. - Ongoing through ¼ly report review & InfoXpert. Last review 30/8/11.
Emergent Works - Natural Disaster Relief Arrangements (NDRRA).	- Timely response in the field to natural disasters. - Work with State Government to facilitate funding assistance.	**GM E & W** **GM W**	- Emergent works for Dec/Jan completed 18/4/11. Restoration work underway. Future works pending funding approvals. - Submission of claims for funding for Dec/10 to March/11 event continues.

SUB-PROGRAM:	**2.2 MAIN ROADS**
OBJECTIVE:	To maintain the declared road network using Council resources.
MANAGING RISKS:	This sub-program mitigates the risks outlined in Strategic Risks 5.1, 5.3, 5.6 and 5.7 in the Gympie Regional Council Risk Management Plan.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
2.2 (i) Main Roads			
Aim *To secure ongoing contract maintenance and construction work with the Department of Transport and Main Roads.*			
Maintenance			
- Maintain the Department of Transport and Main Roads contract and operate to recover full cost.	- Satisfactory outcome from contract for Road Maintenance Performance Contract (RMPC).	**GM W**	- New contract rates agrees and work on the Main Roads Network continues.
Construction Contracts			
- Secure Department of Transport and Main Roads contracts to gain income, employment and expertise for Council staff.	- Submit tenders for contracts which Council is available to carry out. - Secure sole invitee construction jobs.	**DE**	- Nil. - One in progress, one under negotiation.

SUB-PROGRAM:	**2.3 OTHER RECOVERABLE WORKS**
OBJECTIVE:	To provide a service to the public and to generate a surplus.
MANAGING RISKS:	This sub-program mitigates the risks outlined in Strategic Risks 5.1, 5.3, 5.5, 5.6 and 5.7 in the Gympie Regional Council Risk Management Plan.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
2.3 (i) Other Recoverable works			

Aim

To provide a service to the public and to generate a surplus.

- Recoverable works.	- Adhere to Council's stated philosophy on undertaking recoverable works.	**DE**	- In progress.

SUB-PROGRAM:	**2.4 FOOTPATHS, VERGES AND NON DEVELOPED LAND**
OBJECTIVE:	To maintain key green areas of the Region.
MANAGING RISKS:	This sub-program mitigates the risks outlined in Strategic Risks 5.1, 5.3, 5.6 and 5.7 in the Gympie Regional Council Risk Management Plan.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review

2.4 (i) Footpaths, Verges and Non-Developed Land

Aim

To present our footpaths, verges and non-developed land in a tidy and appealing manner within Budget constraints.

- Maintain high priority footpaths and verges.	- Meet community expectations within Budget constraints.	**GM E**	- Ongoing process.

2.4 (ii) Monuments and Memorials

Aim

To provide and maintain public monuments and memorials to a high standard.

- Provide and maintain monuments and memorials where appropriate.	- Meet public expectations within Budget constraints.	**GM E**	- Ongoing process.

SUB-PROGRAM:	**2.5 SOIL LABORATORY OPERATIONS**
OBJECTIVE:	To provide an in-house soil and concrete testing service.
MANAGING RISKS:	This sub-program mitigates the risks outlined in Strategic Risks 5.1, 5.3, 5.5 and 5.6 in the Gympie Regional Council Risk Management Plan.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
2.5 (i) Laboratory Services ***Aim*** *To provide quality laboratory services at a competitive price.*			
- Operate Material Testing Laboratory to optimum level. - National Association of Testing Authorities accreditation.	- Price competitive with commercial laboratories. - Economic viability. - Retain accreditation.	**GM W**	- Review of operations to be conducted. - Recoveries in 2011/12 currently exceed expenses. - Regaining of accreditation will be dependent on staff.

SUB-PROGRAM:	**2.6 GRAVEL AND CRUSHER, TIMBER OPERATIONS, WEIGHBRIDGE**
OBJECTIVE:	To provide in-house services as far as practical.
MANAGING RISKS:	This sub-program mitigates the risks outlined in Strategic Risks 5.1, 5.3, 5.5 and 5.6 in the Gympie Regional Council Risk Management Plan.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
2.6 (i) Gravel Operations ***Aim*** *To supply materials to road works operations at a competitive price.*			
- Gravel mining and processing.	- Provide low cost gravels to all Regional works.	**GM E**	- Production ceased at Monkland Quarry due to naturally occurring asbestos.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review

2.6 (ii) Resources

Aim

To efficiently utilise Council controlled resources such as sand, gravel and timber.

- Operate sand and gravel pits to supply Council needs. - Utilise all suitable timber felled for road purposes.	- Resources delivered competitively. - All timber felled recycled for Council use.	**GM E**	- Council operates gravel pits to supply own road gravel needs. - Felled timber is recycled for Council use where appropriate.

SUB-PROGRAM:	**2.7 PROGRAMS OPERATIONS ADMINISTRATION**
OBJECTIVE:	To manage road funding in a professional manner.
MANAGING RISKS:	This sub-program mitigates the risks outlined in Strategic Risks 5.1, 5.5 and 5.6 in the Gympie Regional Council Risk Management Plan.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review

2.7 (i) Engineering Services Directorate Operations

Aim

To provide Directorate resources for operational activities.

Engineering Services Operations - Maintain Directorate management/administrative staffing resources. - Provide general operational resources.	- Ability to meet operational requirements.	**DE**	- In progress.

2.7 (ii) Asset Management and Planning

Aim

To undertake long term asset management planning to ensure programming and management is based on the best information.

- Provide a combination of management, financial, economic and engineering practices applied to physical assets with the objective of providing the required level of service in the most cost effective manner.	- Review the Asset Management Policy. - Improve the functions of the Asset Management Team. - Develop an Asset Management Plan. - Review and evaluate the current Asset Management System. - Implement the Asset Management System including integration into existing systems.	**GM D**	- On track to meet State Government timeframes.

2.7 (iii) Design Services

Aim

To produce plans and specifications to support the Roads and Drainage Program.

- Plans and Specifications.	- Adequate public consultation. - Design work fit for purpose. - Scope of Survey work adequate. - Timely delivery of plans for Works Department. - Cost effective designs.	**GM D**	- Ongoing effort to meet all targets.

2.7 (iv) External Funding

Aim

To maximise funding for Council roads from external sources.

- Road Alliance. - Other Government sources.	- Participating as full member in the Wide Bay Burnett Regional Road Group. - All State/Federal opportunities for funds examined.	**DE**	- Participating actively. - In progress.

SUB-PROGRAM:	**2.8 FLEET/PLANT MANAGEMENT**
OBJECTIVE:	To operate a plant fleet for maximum effectiveness.
MANAGING RISKS:	This sub-program mitigates the risks outlined in Strategic Risks 5.1, 5.5 and 5.6 in the Gympie Regional Council Risk Management Plan.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
2.8 (i) Plant Operations			
Aim			
To provide and maintain Council's plant fleet at commercially competitive rates and at a high standard of productivity and safety.			
Purchases/Sales			
- Maintain minimum size but reliable plant fleet. - Purchase plant where economically beneficial. - Acquire new plant to increase production rates.	- All plant within optimum age and specification. - Plant hire monitored. - Production rates of all plant reviewed.	**GM E**	- Ongoing as part of fleet mgmt. Mileages & changeover reviewed for new financial year.
Maintenance			
- Maintain a safe efficient and reliable plant fleet.	- 95% availability.	**GM E**	- Plant operating at 90%+ availability.
Operations			
- Maximise utilisation of Council plant.	- Report on plant utilisation.	**GM E**	- Plant utilisation report provided annually at end of financial year.
2.8 (ii) Contract Works			
Aim			
To provide a revenue source for Council and provide local employment opportunities.			
- Enable Council to maintain a high quality plant fleet through higher plant utilisation. - Provide local employment. - Maintain and improve skills of the workforce.	- Win contested contracts within Council's adopted philosophy. - Private works account with net surplus for year.	**DE**	- Nil tendered. - In progress.

SUB-PROGRAM:	**2.9 SMALL PLANT AND TOOLS**
OBJECTIVE:	To provide staff with adequate small equipment.
MANAGING RISKS:	This sub-program mitigates the risks outlined in Strategic Risks 5.1, 5.5 and 5.6 in the Gympie Regional Council Risk Management Plan.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review

2.9 (i) Small Plant Operations

Aim

To provide and maintain Council's small plant and tools at a high standard of productivity and safety.

Small Plant and Tool Provision			
- Ensure provision of adequate small plant and tools to carry out works.	- Minimal lost time.	**GM E**	- Review of current small plant operations underway.

SUB-PROGRAM:	**2.10 DEPOTS**
OBJECTIVE:	To support our field staff with depot services.
MANAGING RISKS:	This sub-program mitigates the risks outlined in Strategic Risks 5.1, 5.5 and 5.6 in the Gympie Regional Council Risk Management Plan.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review

2.10 (i) Administrative/Operational Centres

Aim

Provide and maintain modern, well maintained centres for Council's customers and employees.

- Depots and workshops.	- Workplace Health and Safety compliant. - Efficient layout. - Secure.	**GM E**	- Within available resources. - Ongoing. Further work programmed. - John Street site based Mgmt Plan completed.

SUB-PROGRAM:	**2.11 CAPITAL WORKS – ENGINEERING SERVICES**
OBJECTIVE:	To provide key long term infrastructure, infrastructure improvements and equipment to advance community amenity and Council operational effectiveness.
MANAGING RISKS:	This sub-program mitigates the risks outlined in Strategic Risks 5.1, 5.3, 5.5, 5.6 and 5.7 in the Gympie Regional Council Risk Management Plan.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
2.11 (i) Community Infrastructure			
Aim			
To provide infrastructure and related improvements meeting community needs.			
Budgeted items			
- Provide, construct and purchase listed Budget items. *	- Completion of related projects.	**CEO/Directors**	

*** Extract from the Gympie Regional Council Budget 2011-12 adopted 29 June 2011.**

CAPITAL WORKS - Engineering Services – General

Budget Item	Budget for 2011-2012	First Review
Roadworks	2,036,000	Ongoing.
Roads to Recovery	997,480	Projects expected to be completed by financial year end.
Road Reseals	1,193,200	Reseals will be completed by March 2012.
Road Overlays	720,000	Overlays will be completed by March 2012.
Bridge Rehabilitation	425,000	Ongoing. Rehabilitation budget will be expended by end of financial year.
TIDS Roadworks Government Grant	1,708,000	Project delivery underway. All projects in design or construction phases.
Depot and Workshop Improvements	4,900	Upgrades will be completed by end of financial year.
Depot Equipment	72,000	Upgrades will be completed by end of financial year.
Soil Laboratory Ventilation	10,000	On hold.
Plant Purchases	2,092,500	Ongoing.
Cadastral Upgrade	200,000	Underway. Negotiating with DERM for DCDB licence agreement and preparing invitation documents for consultancy.
Quarries/Gravel Pits – Safety Upgrade	50,000	Will be completed by end of financial year.
Roads Upgrade – Contributed Works	2,710,600	Ongoing. Contributions will be allocated to specific projects.
TOTAL CAPITAL WORKS	**$12,219,680**	

Program 3 – Community Services

Goals:

To enhance and preserve the lifestyle of all the Gympie Region's residents and visitors by providing services and facilities for recreation, leisure, sport and cultural enrichment and preserving the entire Region's heritage.

To provide and preserve a safe and attractive natural and built environment by preservation, protection, maintenance and development of the Region's open spaces and foreshores in accordance with community needs.

To provide opportunities for the Region's residents and visitors to access information that will enhance quality of life and facilitate life long learning.

SUB-PROGRAM:	**3.1 ENVIRONMENTAL AND WASTE SERVICES**
OBJECTIVE:	To undertake activities to promote and protect the environment in accordance with relevant legislative requirements.
MANAGING RISKS:	This sub-program mitigates the risks outlined in Strategic Risks 5.1, 5.3, 5.6 and 5.7 in the Gympie Regional Council Risk Management Plan.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review

3.1 (i) Environmental Services

Aim

To assist in ensuring the highest standard of environmental management in Council's areas of responsibility.

Environmentally Relevant Activities (ERA's)			
- Audit and licence ERA's managed by Council. - Investigate complaints pursuant to the *Environmental Protection Act 1994* (the Act) within Council's jurisdiction. - Assist in the assessment process for Development Applications for Material Change of Use relating to the Act.	- Fulfil regulatory obligations pursuant to the Act. - Fulfil regulatory obligations pursuant to the Act. - Assessment of Development Applications for Material Change of Use relating to the Act undertaken as required.	**D COMM**	- Ongoing.
Contaminated Land			
- Update Council's information data base. - Respond to Environmental Protection Agency requests for information/notification of sites.	- Maintain Council's rates information and GIS database. - Fulfil legislative obligations.	**GM D/DFS** **D COMM**	- Ongoing. - Ongoing.

3.1 (ii) Waste Management

Aim

To continue to operate a refuse/recycling collection and disposal system to meet high standards of community health and hygiene to protect the environment.

Solid Waste Strategy Implementation			
- Transfer Station Operations.	- Identify recycling needs at transfer stations. - Assist Council's refuse and recycling contractors in community education activities and initiatives. - Determine operational requirements for transfer stations.	**D COMM**	- Continually changes. - Progressing.
- Review current Waste Management Strategies and goals.	- Finalise Council's Regional Waste Management Strategy. - Work toward achieving Waste Strategy goals for the Region.		- Draft document has commenced. - Ongoing.
- Commence review of existing cleansing contract.	- Commence preparation of new cleansing contact documentation.		- Initial discussions have commenced with the Waste Strategy Working Group.
Waste Management Facilities Maintenance			
- Maintain waste management facilities in an acceptable condition and in accordance with legislative requirements.	- Compliance with relevant Acts and Regulations. - Progression towards Best Practice using current available technology and processes within Budgetary constraints.	**D COMM**	- Ongoing.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
- Conduct water sampling at Council's Waste Management Facilities.	- Carry out a water monitoring program for waste management facilities as required.		
Garbage Collection			
- Facilitate contractual arrangements to remove refuse and recyclable material from designated properties throughout the Region. - Continue the public awareness campaign to promote recycling practices.	- Manage contracts for the removal of refuse and recyclables from properties throughout the Region. - Promote recycling throughout the Region through a targeted media campaign. - Assist Council's refuse and recycling contractors in community education activities and initiatives to promote recycling. - Improve the quality of recyclables collected by Council's contractor.	**D COMM**	- Ongoing.
Beach Litter			
- Provide a service for the removal of beach litter.	- Meet needs, particularly during peak holiday periods.	**GM E**	- Ongoing process.
Public Refuse			
- Provide and maintain street and park bins for disposal of waste. - Servicing of street and park bins.	- Maintain litter bins, stands and enclosures to an acceptable standard. - Manage contracts for the removal of refuse and recyclables.	**GM E** **D COMM**	- Ongoing process. - Ongoing.
Environmental Refuse Management			
- Provide a safe collection and disposal procedure for collecting domestic chemicals. - Significant reduction in green waste to landfill. - Continue development of alternate use/disposal methods for green waste and tyre waste. - Continue recycling at waste management facilities where practicable. - Continue metal waste recycling at waste management facilities.	- Follow approved collection procedure and provide a suitable storage facility for domestic chemical disposal. - Divert green waste from landfill as far as is practicable. - Tyres removed from certain waste management facilities where they are accepted by contractor. - Significant reduction in recyclable material to landfill where practicable. - Scrap metal removed from site by contractor.	**D COMM**	- Ongoing.

Street Cleaning - Gympie/Southside			
- Provide and maintain street and park litter bins for disposal of waste. - Servicing of street and park bins. - Street cleaning to be performed as often as necessary.	- Maintain litter bins and stands to an acceptable standard. - Absence of street litter. - Provision of bin stands. - Manage contracts for the removal of refuse and recyclables.	**GM E** **D COMM**	- Ongoing process. - Ongoing.

3.1 (iii) Environmental Protection

Aim

To fulfil Council's statutory responsibilities under various Acts, Regulations.

Environment Protection Agency (EPA) Licence and Solid Waste Strategy		**D COMM**	
- Ensure Council's EPA Licence for Community Services Operations remains valid. - Secure new central refuse tip. - Closure of Waste Management Facilities. - Redevelopment of Bonnick Road Waste Management Facility.	- Renewal of EPA Licence. - Complete Native Title and land acquisition for Toolara central Waste Management Facility. - Plan for closure of landfills and establishment of transfer stations in accordance with Regional Waste Management Strategy. - Continue new waste cell and remediation works.		- Application to purchase site has been lodged with State Govt. Council waiting for formal offer. - Ongoing. - Response to DERM info request lodged with State to assess Council's App for Development.
Land Protection Operations			
- Monitoring and control of declared plants and animals.	- Control of noxious plants, in particular, Groundsel and significant progress in the reduction of Giant Rats Tail grass.	**GM W**	- Inspections & issue of Notices continues.
Environmental Weeds Control			
- Manage environmental weeds on Council roads, reserves and areas of significant environmental importance.	- Treatment within Budget constraints.	**GM W**	- Ongoing.
Wild Dog Control			
- Assist in the coordination of baiting by landholders.	- Provide advice to landholders on the control of wild dogs.	**GM W**	- Advice and baiting service continue to be provided.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
drumMUSTER - Coordination of drumMUSTER collections in the Western Division.	- Council acts as an agent for this Federal Government program.	**GM W**	- Ongoing as service required.

SUB-PROGRAM:	**3.2 HEALTH AND LOCAL LAW SERVICES**
OBJECTIVE:	To undertake activities to promote and protect public health.
MANAGING RISKS:	This sub-program mitigates the risks outlined in Strategic Risks 5.1 and 5.6 in the Gympie Regional Council Risk Management Plan.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review

3.2 (i) Health Services

Aim

To fulfil Council's statutory responsibilities under various Acts, Regulations and Local Laws.

Water Sampling – Monitor Compliance with Australian Drinking Water Guidelines - Sampling of all Council operated water supplies and swimming pools. - Sampling from privately operated public supplies including camp sites and caravan parks. - Provide a private sampling service as required.	- Council sampling performed monthly – all Council Schemes. - Monitor compliance with relevant Australian Drinking Water Guidelines.	**D COMM**	- Ongoing.
Flammable Combustible Liquids - Monitoring and licensing of premises where flammable and/or combustible liquids are stored.	- Fulfil regulatory obligations under *Dangerous Goods Safety Management Regulation 2001.*	**D COMM**	- Regulation of premises storing flammable and/or combustible liquids to be taken over by State Govt in 2012.

Food Premises - Regular inspection, registration and upgrading of food premises where appropriate.	- Fulfil regulatory obligations under the *Food Act 2006.*	**D COMM**	- Ongoing.
Others - Routine inspection of registered/licensed premises. - Investigate complaints to ascertain compliance with Acts, Regulations and Local Laws.	- Fulfil regulatory obligations under the relevant Acts and Regulations.	**D COMM**	- Ongoing.

3.2 (ii) Preventative Health

Aim

To work with Queensland Health and other health agencies and professionals to minimise the incidence of infections or communicable disease.

Immunisation - To facilitate universal community immunisation service. - Continue to assist the Schools Immunisation campaign.	- To provide an effective immunisation program by working with local health professionals to ensure the community has ready access to immunisations.	**D COMM**	- Ongoing.
Notifiable Diseases - Monitor incidence of notifiable disease and liaise with Medical Officer of Health and Queensland Health as appropriate.	- Regular checking of Queensland Health returns.	**D COMM**	- Ongoing.

3.2 (iii) Public Amenities

Aim

To maintain appropriately sited public amenities to a high standard.

Public Conveniences - Provide and maintain public conveniences to an acceptable standard. - Progressive upgrading of public toilet facilities.	- Clean and properly maintain public conveniences.	**D COMM**	- Ongoing. Administer cleaning contracts.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
Cemeteries (Council Managed)			
- Maintain cemeteries which provide a pleasant and acceptable burial and memorial facility. - Maintain a high standard of cemetery operations.	- Maintain grounds and infrastructure. - Maintain a stock of gravesites ahead of current requirements. - Engage a consultant to develop a Master Plan for the Cooloola Coast Cemetery.	**D COMM**	- Ongoing. - Consultant to be engaged by end of year.

3.2 (iv) Local Law and Animal Control Services

Aim

To mitigate nuisances caused by contravening Local Laws.

Local Laws Operations			
- Review and adopt as appropriate Local Laws and Model Laws as released by the Minister. - Develop specific Local Laws and Subordinate Local Laws as required. - Continue the public awareness campaign on the keeping of animals. - Investigation of customer requests to ascertain compliance with Local Laws. - Provide a suitable Pound facility and operation for dogs and cats. - Monitor and licence activities pursuant to Local Laws. - Control the incidence of vermin and take action where appropriate. - Inspect vacant land pursuant to Local Laws following a request for services and on a routine basis. - Regulated parking surveillance is restricted to the Gympie Central Business District.	- New local and subordinate laws to be adopted prior to 31 Dec 2011. - Continue involvement with PetPEP. - Fulfil obligations pursuant to Local Laws and State Legislation. - Pound operations managed by RSPCA in accordance with Pound Management Agreement (new Pound agreement to be established). - Fulfil obligations pursuant to Local Laws and State Legislation regarding dog and cat registrations and microchipping. - Inspect coastal areas up to three times annually. - Inspections carried out as required. - Carry out patrols to effectively control high demand areas.	**D COMM/DCS**	- Draft Local Laws are out for public consultation. - Number of schools increasing. - Ongoing. - Agreement under review. - Ongoing. - Continuing. - Ongoing. - Continuing.
Straying Stock			
- Keep public roads free of straying stock.	- Dealt with as per Council policy and procedures.	**GM E**	- Ongoing process.

Council Pound Building Maintenance			
- Maintain building in good repair. - Handling after hours calls.	- Carry out building maintenance as required. - Calls made after hours to be handled in accordance with Procedure.	**D COMM**	- Ongoing.

SUB-PROGRAM:	**3.3 COMMUNITY SERVICES**
OBJECTIVE:	To enhance and preserve the lifestyle of all the Region's residents and visitors by providing services and facilities for recreation, leisure, sport and cultural enrichment and preserving the Region's heritage.
MANAGING RISKS:	This sub-program mitigates the risks outlined in Strategic Risks 5.1, 5.2, 5.4, 5.6 and 5.7 in the Gympie Regional Council Risk Management Plan.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
3.3 (i) Libraries			
Aims			
To engender a library service that provides: information that will promote knowledge and lifelong learning; leisure and cultural enrichment for all people in the Region; and, a window of opportunity for all members of our community ensuring that they have access to information and associated new technologies.			
To support, where appropriate, historical initiatives including museums for the benefit of Council residents.			
- Provide a comprehensive and accessible range of customer focussed library services. - Seek additional funding. - Preserve and make accessible, print and photographic resources pertaining to our Region's history.	- Aim to achieve standards in the "Guidelines and Standards for Queensland Public Libraries". - Maintain an appropriate rate of acquisitions per capita. - Maintain an Indigenous Collection at Gympie Library. - Investigate Grant opportunities. - Continue Local History Projects with the use of volunteer assistance and assigned staff.	**D COMM**	- Ongoing. - Ongoing, stock @ 30/9/11 = 103,670 - Ongoing. - Ongoing. - Ongoing. 2 additional local history volunteers recruited, bringing local history volunteers to 12.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
- Continue Digitisation of the Local History Photographic Collection. - Implement new system procedures and policies as applicable. - Produce ongoing promotional leaflets and reader education materials. - Continue implementation of regular promotional activities across all service points.	- Ongoing development of digitised photographic collection. - Ensure best work practices and most suitable policies are used. - Encourage an increased level of library membership and participation. - Maintain a high number of loans per capita by increased promotion of services and facilities.		- Ongoing. Subject to available funding. - Ongoing. Reviewed continually. - Membership = 34,174. - Loans this ¼ = 106,973 Promotions held regularly.

3.3 (ii) Community Complexes

Aims

To recognise, preserve and promote the Region's culture, history and heritage.

To provide venues for cultural and artistic activities.

To efficiently and effectively manage Council's public halls.

To provide a range of suitable venues throughout the Region to promote economic, community and cultural growth.

Function Facilities (Civic Centre, Pavilion, Kilkivan and Goomeri Halls) - Maintain venues to a high standard of safety, cleanliness, functionality and visual presentation. - Implement initiatives to improve useability of multiple purpose venues. - Promote venues throughout the Region and further afield.	- All venues Workplace Health and Safety compliant, clean and suitable for hirers needs upon inspections and start of hire.	**D COMM**	- Repairs, maintenance & compliance matters ongoing.
Public Hall and other Community Facilities (Council Owned/Responsible) - Review tenure of Council's Community facilities. - Rationalisation of Council public halls. - Develop a scheduled maintenance, safety and compliance program for public halls and other community buildings.	- All operational community managed facilities will have a document of tenure. - Council resources for halls maximised. - All operational halls and other community buildings are maintained and comply with fire safety and basic access requirements.	**D COMM**	- Halls management agreement presented to halls for review. - Halls management plan under development.

Art Gallery - Finalise the Cultural Plan in conjunction with other Council areas and community groups. - Implementation of Public Art Management Plan as part of the Cultural Plan. - Finalise and implement the Gallery Strategic Direction Document.	- Liaise with other Council areas and community on implementation of the Cultural Plan. - Set up systems for the Public Art Management Plan. - Implement systems to achieve goals.	**D COMM**	- Working with YCD on plan. - Submitting Public Art Advisory Group Charter to Council for approval. - Continuing to work on Strategic Plan. Budget restrictions on finalising.
Exhibition Program - Provide a varied and balanced exhibition program, incorporating the natural environment of the Gympie Region where possible. - Continually develop and provide quality education and public programs at the Gallery in conjunction with the community. - Develop outsourcing opportunities and satellite points throughout the region.	- Specific programs and exhibitions in consultation with the community eg indigenous, disadvantaged, villages of region. - Continue support for Council's annual Heritage Art Competition. - Increased participation from all educational groups, (including TAFE) targeting Pre Prep and primary schools in particular. - Increased opportunities for local artists to gain skills in developing their artistic practices. - Develop and implement a plan to include outer areas of our region in the Gallery program.	**D COMM**	- Involved local indigenous artists in NAIDOC exhib & displayed work of USC final design students. - Heritage Art Comp was a success with pre arranged involvement from targeted primary schools. - Artist Talks/openings for Utopia, Paisley Shawls, Kym Barrett. W/shops to coincide with exhibitions (K Barrett, At My Place) & Artist in Residence days. - Working on program for 2012 & for Heritage Art Comp.
Marketing - Develop a comprehensive Marketing Plan. - Improve outside signage.	- Inclusion of more activities in Newsletter and assistance to cultural projects were reasonable. - Investigate new technologies and social media. - Investigate options for improved signage. - Promote cultural tourism and activities within the community.	**D COMM**	- Assisting other cultural events eg Mary River Festival, Heritage Committee and Bands in the Rotunda, Heritage Dinner, Arts Council & other cultural events in Region. - Initiated e-newsletter, first Youtube video of FOGlets & looking into QR codes. - Continuing. - Display at GCT being developed.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
Community			
- Maintain the volunteer program and close links with Friends of the Gallery. - Actively seek sponsors and arts associated funding for the Gallery. - Build partnerships and alliances with cultural groups, schools, businesses, community and tourism, in particular, creative industries.	- Continued working relationship with Friends and volunteers. - Complete volunteer manual. - Increased sponsorship and partners, in particular the Business Art connections and Gold Rush Art Competition. - Obtain grants for special projects. - Increased participation in activities by community cultural groups in Gallery activities. - Maintain representation on cultural committees where possible.	**D COMM**	- Volunteer training for new exhibitions, Utopia, Paisley Shawls, Kym Barrett, Art on the Move. Inducted 5 new volunteers. Ongoing liaison with FOG. - Volunteer Induction Handbook completed. - Maintained sponsorship for Gold Rush Art comp. No new sponsors or partnerships. - Member of Creative Unlimited, Women in Business. Partnerships build on as need basis. - Ongoing.
Building			
- Maintain building and Gallery facilities to Category A standards.	- Regular maintenance agreements adhered to and building structure monitored. - Comply with relevant legislation.	**D COMM**	- Ongoing. Attention needed for lift. - Investigating alternative lighting for gallery spaces.
Museums			
Elginvale Mill			
- Develop site as a static display. - Ensure compliance with the *Queensland Heritage Act 1992.*	- Static display safe and informative for visitors. - Regular building inspections and maintenance.	**D COMM**	- Under review.
Kilkivan Museum			
- Continue to support cataloguing of the Kilkivan Museum collection as per operational agreement.	- Cataloguing progressing.	**D COMM**	- Ongoing.
Memorial Clock - Goomeri			
- To maintain, service and repair annually.	- Maintain as required.	**GM W**	- Mechanism upgrade complete.
Lake Borumba Fish Stocking			
- Assist Lake Borumba Fishing Club in supply of fingerlings for Lake Borumba.	- Provide funding as per Budget.	**D COMM**	- Ongoing, as per Council Budget.

3.3 (iii) Community Services

Aims

To provide limited pensioner unit accommodation.

To provide youth and community development services.

To provide limited aged health services.

Pensioner Units			
- Provide and update pensioner accommodation in accordance with relevant guidelines.	- Provide alternative accommodation for pensioners. - Review accommodation services program.	**D COMM**	- Ongoing.
Community Training			
- Provide a range of community training sessions throughout the region.	- Community training needs identified and suitable training offered throughout the region. - Positive feedback from attendees at all training sessions. - Decrease in requests for support and information related to training topics.	**D COMM**	- Information on external training circulated. Internal training under development.
Youth and Community Development			
- Support community organisations in developing suitable sustainable initiatives throughout the Region. - Provide regular relevant information for Community organisations. - Develop suitable sustainable initiatives to support the local community.	- Support provided to youth and community organisations managing and/or developing suitable initiatives within the Region. - Maintenance of the My Community Directory. - Development and dissemination of issue specific publications (eg youth magazine, halls newsletter). - Implementation of Careers Expo, Youth Recreation Programs, issue specific community forums, and Youth Council.	**D COMM**	- 55 Orgs supported directly, 382 orgs provided info. - Ongoing training delivered to relevant community members & staff. - Issue 26 – 1,000 copies. Careers Expo-2,500 attendees. 5 Youth Recreation programs– 850 attendees. 14 Issue specific meetings. 4 events.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review

3.3 (iv) Regional Sporting Facilities

Aim

To maintain Albert Park and One Mile sporting ovals as the region's premier outdoor sporting facilities.

- Implement recommendations relating to One Mile sporting ovals contained in the Open Space and Recreation Plan 2007.	- Expansion opportunities for the sporting precinct investigated. - Master Plan developed allocating areas for sports requiring new fields or relocation.	**DPD/DE**	- Ongoing.
- Maintain Albert Park and One Mile.	- Facilities maintained to a high standard.	**GM E**	- Ongoing process.

3.3 (v) Parks

Aim

To provide and maintain recreation parks as appropriate for each location in accordance with the adopted strategy.

- Undertake improvements program as approved.	- Parks maintained in accordance with user needs. - *Workplace Health and Safety Act 1995* requirements implemented and met.	**GM E**	- Ongoing process.
- Finalise the Open Space and Recreation Plan incorporating revision of the Bicycle and Pedestrian Plan.	- Plan finalised and expanded to include Imbil and the balance of the Gympie Region.	**DPD**	- Plan expected to be finalised by end of 2011.
- Develop capital works program for parks as guided by the Plan.	- Program developed by Works and Planning and Development Department.	**DE**	- Commenced.
- Seek external funds and partnerships for park improvements.	- Funds gained through the Department of Local Government and Planning programs. - Partnerships with local service organisations maintained. - Assistance from community groups in developing funding applications and volunteer work.	**DPD**	- Ongoing.

3.3 (vi) Showgrounds Facilities

Aim

To ensure showground facilities meet the needs of the community they serve.

Adrian McClintock Park - Maintain showgrounds to a high standard of safety, cleanliness, functionality and visual presentation. - Support initiatives of lessees.	- All venues and infrastructure maintained in an acceptable condition. - Work toward increasing usage of facilities.	**D COMM**	- Quotes called for Stage 3 undergrounding of power. - Maintenance ongoing.

3.3 (vii) Saleyards

Aim

To provide infrastructure for livestock selling as a service to the rural community.

- Work with agents to increase throughput and safety. - Provide industry-leading facility. - Maintain capability.	- Hold two Safety Meetings per year. - Continue Investment. - Maintain QA accreditation.	**DE**	- One completed. - Funding received. - Accreditation current.

3.3 (viii) Caravan Parks

Aim

To provide Caravan Parks for visitors and short term residential tenancy.

Imbil/Tin Can Bay/Gympie - Monitor operations in accordance with legislative and lease conditions.	- Carry out inspections as required.	**D COMM**	- Leases for Gympie and Kingfisher caravan parks to be entered into accordance with council resolutions.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review

3.3 (ix) Aerodromes

Aim

To operate and maintain the Gympie aerodrome.

- Provide infrastructure for airport users. - Handle all operational issues through the Airport Management Committee. - Operate on Budget using volunteers where possible.	- No safety incidents where Council is responsible. - Commission, develop and implement a new management plan.	**DE**	- Nil. - Due 2012/13.

3.3 (x) Swimming Pools

Aim

To operate and maintain public swimming pools under Council's control throughout the Region to a standard that is not only safe but also provides for the enjoyment of users of the facilities.

Gympie Memorial Pool, Goomeri Public Pool, Kandanga Public Pool, Kilkivan Pool (community use activities) and Tin Can Bay Public Pool			
- Contract only suitably qualified persons as pool managers.	- All pool managers to hold current lifesaving, resuscitation and swimming qualifications.	**D COMM**	- Ongoing.
- Ensure all equipment used in the water disinfection process is operational and maintained to a suitable standard.	- Routine maintenance of all pumps, filters and other disinfection equipment to be performed prior to the commencement of each swimming season. - Problems with equipment when pools are open to the public to be addressed in a prompt manner.		- Off season works satisfactorily completed.
- Monitor the quality of swimming pool water when open for public use.	- Water samples from all pools to be taken monthly when open for public use – results of samples to comply with recognised guidelines.		- All public swimming pools open for 2011/12 swimming season.
- Progressively upgrade infrastructure at all facilities.	- Upgrading of facilities to be undertaken each financial year in accordance with Budgetary provisions.		

3.3 (xi) Foreshores

Aim

To facilitate the public enjoyment of foreshores through responsible management and improvement programs.

- Finalise the Cooloola Coastal Reserves and Foreshore Management Plan. - Maintain, rehabilitate and develop foreshores in accordance with the Plan. - Liaise and co-operate with Cooloola Coastcare and Cityfarm in coastal projects.	- Plan finalised. - Highest priority actions implemented. - Council represented at committee meetings. - Joint projects initiated.	**DPD**	- Final draft expected early 2012.

3.3 (xii) Disaster Management

Aim

To ensure that Council is prepared to deal with emergency/disaster situations.

State Emergency Service			
- Assist the State Emergency Service through accommodation and equipment assistance.	- Finalise Tin Can Bay State Emergency Service accommodation (Cooloola Volunteer Training Centre).	**D COMM/CEO**	- Shed construction agreement to be developed.
Disaster Management			
- Regularly update the Disaster Management Plan. - Maintain operations base at the Meeting Chambers.	- Compliance with the *Disaster Management Act 2003*. - Emergency Control Centre available as required.	**D COMM/CEO/GRC Local Disaster Management Group**	- Continues to be improved. - Ongoing.
Beach Patrols			
- Facilitate contract Surf Lifesaving patrols in the gazetted bathing reserve at Rainbow Beach.	- Ensure the provision of patrols during peak swimming periods including school holidays, working toward 12 month coverage.	**D COMM**	- Ongoing, as per Council Budget.

3.3 (xiii) Community Development

Aims

To assist sport and recreation development through the use of Council controlled land and funding assistance.

To ensure a range of well planned sports and recreation facilities and programs is available in the Region.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
Financial Assistance			
- Seek funds from external sources to support project initiatives. - Encourage 'self-help' projects.	- Assistance provided to local groups to source funding. - Successful applications for funding. - Policies developed to guide Council grants schemes and in-kind support.	**DFS/D COMM/DPD**	- 18 groups received direct assistance, 400+ received information. - Ongoing.
Planning, Design and Co-ordination			
- Implement actions as recommended within the Open Space and Recreation Plan.	- Meetings of the Physical Activity Taskforce attended. - Participation in partnership activities. - Sport, Recreation and Parks coordinating committee prioritisation of actions developed in the Plan. - Highest priority actions implemented.	**DPD**	- Ongoing.
- Develop a walkway/cycleway network.	- Revised network recommendations provided to Design Department for implementation. The Department of Transport and Main Roads is head agency for project.		
- Provide advice to sport and recreation organisations.	- Sport, Recreation and Parks coordinating committee liaison with groups requesting assistance.		
- Conduct further studies and costing of provision of facilities as required for Infrastructure charging.	- Apply State Government's new Standard Infrastructure Charging regime.		

SUB-PROGRAM:	**3.4 CAPITAL WORKS – COMMUNITY SERVICES**
OBJECTIVE:	To provide key long term infrastructure, infrastructure improvements and equipment to advance community amenity and Council operational effectiveness.
MANAGING RISKS:	This sub-program mitigates the risks outlined in Strategic Risks 5.1, 5.2, 5.5, 5.6 and 5.7 in the Gympie Regional Council Risk Management Plan.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review

3.4 (i) Community Infrastructure

Aim

To provide infrastructure, related improvements and resources meeting community needs.

Budgeted items		
- Provide, construct and purchase listed Budget items. *	- Completion of related projects.	**D COMM/DE/DPD**

*** Extract from the Gympie Regional Council Budget 2011-12 adopted 29 June 2011.**

CAPITAL WORKS - Community Services – General

Budget Item	Budget for 2011-2012	First Review
Waste Management Facility Establishment	9,832,000	Still in planning stage.
Cemetery – Cooloola Coast – Master Plan	15,000	Consultant to be engaged. Fee proposals currently being assessed.
Regulated Parking Equipment	20,000	No action taken at this stage.
Wheelie Bin Enclosures – Cooloola Coast	10,000	No action taken as yet.
SES Shed	110,000	Under construction.
Saleyard Improvements (DE)	45,000	Plan under consideration.
Civic Centre Refurbishment	18,000	Works commissioned.
Pound Building – Protective roofing for dog enclosure	24,000	Complete.
Public Conveniences Upgrades (DE)	525,000	Building contracts in progress.
Gympie library – Roof Repairs	34,000	Complete.
Library Books	245,000	Ongoing.
Library Fit Out – Rainbow Beach	26,000	Under construction.
Public Halls – Wolvi, Kilkivan and Goomeri	43,000	Completed.
Park Improvements	622,260	Ongoing.
Mary Street – CCTV Surveillance	20,000	No action taken at this stage.
Adrian McClintock Park	195,000	Quotes for work requested.
Aerodrome (DE)	100,000	Design pending.
Gympie Swimming Pool – Replace/repair filter, roof, cupboards and pool tiles	82,500	Filter work completed. New cupboards installed, damaged tiles in pool replaced prior to filling.
Entrance Signage – Cooloola Cove	1,725	Completed.
Rainbow Beach Aquatic Centre	500,000	Under construction.
Tin Can Bay Swimming Pool – PH control system	5,000	Purchase order issued.
Kandanga Swimming Pool – Replace strainer unit, install covered shade area	13,000	Covered shade area has been measured. Quotes to be called for new filters and strainer unit.
Goomeri Swimming Pool – Pool blanket, pool butler and shade structure	42,600	Pool blanket and pool butler purchase order issued – awaiting installation. Shade structure quotes to be recalled.
Goomeri Skate Park	80,460	Completed.
Kilkivan Swimming Pool – Replace pool butler	10,000	Purchase order issued – awaiting installation.
Traveston Hall – Replace Floor	32,000	Completed.
Rainbow Beach Centre Block	930,000	Under construction.
TOTAL CAPITAL WORKS	**$13,581,545**	

Program 4 – Planning and Development

Goal: To provide a planning framework that stimulates and coordinates investments in the Region while respecting the environmental and community values and infrastructure needs and the enhancement of lifestyles of residents.

SUB-PROGRAM:	**4.1 DEVELOPMENT ASSESSMENT**
OBJECTIVE:	To provide an effective framework for the assessment and determination of development applications under the Integrated Development Assessment System in the *Sustainable Planning Act 2009*.
MANAGING RISKS:	This sub-program mitigates the risks outlined in Strategic Risks 5.1, 5.2, 5.6 and 5.7 in the Gympie Regional Council Risk Management Plan.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
4.1 (i) Planning and Development Directorate Operations			
Aim *To provide Directorate resources for operational activities.*			
Planning and Development Services Operations - Maintain Directorate staffing resources. - Provide general operational resources.	- Ability to meet operational requirements.	**DPD**	- Ongoing.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review

4.1 (ii) Applications

Aims

To assess and determine development applications in a way that reflects the reasonable expectations of the community and the development industry.

To provide an efficient and effective assessment and approval process for development applications.

- Apply an integrated approach to development assessment. - Provide accurate and consistent pre and post application services free of charge. - Provide an ongoing building certification service within the Gympie Regional Council area as an alternative to private certification. - Establish an efficient internal process for review of development applications. - Adopt a risk management approach to development assessment.	- Compliance with the *Sustainable Planning Act 2009*, the planning scheme and other relevant planning instruments. - Positive feedback from the community and development industry. - Processing and approval times consistent with industry expectations. - Income received covers costs. - Record keeping as required by legislation. - Where possible, meet or exceed statutory timeframes in the *Sustainable Planning Act 2009*. - Continue to implement State Government's "RiskSmart" initiative.	**DPD**	- Ongoing.

SUB-PROGRAM:	**4.2 COMPLIANCE**
OBJECTIVE:	To ensure that all development and use of sites for which Council has a responsibility comply with the Council's Planning Scheme instruments, applicable Codes and relevant Local Laws and State legislation (to the extent applicable).
MANAGING RISKS:	This sub-program mitigates the risks outlined in Strategic Risks 5.1, 5.2, 5.6 and 5.7 in the Gympie Regional Council Risk Management Plan.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review

4.2 (i) Compliance

Aim

To ensure development meets the requirements of the planning scheme, the Sustainable Planning Act 2009, the Building Act 1975, relevant local laws and policies, and conditions imposed on development approvals.

- Develop and maintain a process of pre-completion inspections to determine compliance with requirements. - Respond to community complaints regarding development offences. - Undertake compliance inspection programs from time to time.	- Site Use Certificate issued confirming compliance prior to occupancy/use commencing. - Response times to community concerns about development offences. - Resolution of development offences in a timely and cost effective manner with resources available.	**DPD**	- Ongoing. Additional resources allocated to compliance issues when available.
On Site Sewerage Disposal Systems - Promote proper operation of on site sewerage disposal systems. - Improve monitoring of on-site sewerage disposal systems.	- Investigation and monitoring program for on-site facilities developed. - All connections comply with relevant Regulations and Codes.	**DPD**	- Register complete. Inspections and auditing ongoing.

SUB-PROGRAM:	**4.3 STRATEGIC AND REGIONAL PLANNING**
OBJECTIVE:	To provide a planning framework that stimulates and coordinates investment in the Region while respecting environmental and community values and infrastructure needs and the enhancement of lifestyle of residents.
MANAGING RISKS:	This sub-program mitigates the risks outlined in Strategic Risks 5.1, 5.2, 5.3 and 5.7 in the Gympie Regional Council Risk Management Plan.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review

4.3 (i) Planning Scheme and Review

Aims

To ensure planning scheme measures are contemporary and meet community expectations.

To develop a new planning scheme for the Gympie Regional Council area which effectively integrates and coordinates State, Regional and Local interests.

To ensure the new planning scheme seeks to achieve ecological sustainability by establishing an appropriate balance between the economy, the environment and community wellbeing.

- Undertake planning research to inform the policy framework for the new planning scheme.	- Planning Study prepared. Further research as required.	**DPD**	- Ongoing.
- Collect information and issues that need to be addressed in the new planning scheme.	- File with issues maintained and updated.		
- Ensure the new planning scheme carries an appropriate level of regulation.	- Review extent of existing regulation and alter as required to reflect community expectations and affordability.		
- Develop Priority Infrastructure Plans (PIPs) and Infrastructure Charges Schedules for water supply, sewerage, open space, transport and drainage.	- Further infrastructure studies identified. - Specialist expertise engaged. - Draft PIPs for Kilkivan, Tiaro and Cooloola Cove Planning Schemes prepared.		

4.3 (ii) Regional Planning and Legislation

Aims

To ensure that regional planning initiatives acknowledge Council's aspirations.

To ensure that Council is informed of relevant legislative reforms.

To accurately reflect current legislation in the Planning Scheme.

To influence regional planning outcomes where appropriate.

- Participate in the development of the Wide Bay Burnett Statutory Regional Plan. - Monitor legislative amendments and introduction of new Acts, policies and guidelines. - Review the Planning Scheme for accuracy and completeness in relation to current legislation.	- Gympie Regional Council represented on the Regional Planning Review Committee. - Reports submitted to Council on matters of relevance to the Region. - Ongoing liaison with the Department of Local Government and Planning. - Reports submitted to Council on the effect of new or amended Acts, policies or guidelines. - Amendments identified and incorporated into the revised Planning Scheme.	**DPD**	- Ongoing. Final Statutory Regional Plan expected by end of the year.

4.3 (iii) Strategic Planning

Aims

To provide advice to Council on planning policy matters.

To undertake planning projects in accordance with current needs.

To monitor development activity to inform the strategic planning process.

To inform the framework for the coordination and implementation of community development initiatives.

To provide the framework for improving the efficiency of existing community facilities, services and access.

To inform the planning scheme in the areas of open space and recreation, social well-being, culture and the environment.

- Keep Council informed on matters of strategic planning importance.	- Regular reports provided to Council.	**DPD**	- Ongoing.
- Conduct planning projects as approved and directed by Council.	- Conservation Partnerships Project completed. - Cooloola Coastal Reserves and Foreshore Management Plan completed. - Open Space and Recreation Plan completed. - Projects approved in the Budget commenced or undertaken.		
- Collect data on development activity within the Region.	- Data collected and documented.		
- Monitor population growth and changing demographics.	- 2006 ABS data analysed and information sheets produced.		
- Review the Planning Scheme to ensure it provides adequately for population growth and change.	- New provisions drafted for the Planning Scheme review.		
- Develop infrastructure charging mechanisms that adequately provide for the provision of infrastructure to meet community needs.	- Implement State Government's new Standard Infrastructure Charging regime.		

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review

4.3 (iv) Main Street Program

Aim

To promote and employ the principles of urban design and townscape improvement to improve the amenity and commercial viability of the Town Business areas of Gympie, Rainbow Beach and Imbil for the benefit of local residents, visitors and investors as well as property owners and business people.

- Coordinate Central Business District/Main Street planning and improvements in consultation with the business community.	- Town business areas appearance and function improved.	**DPD**	- No action at this time.

4.3 (v) Heritage Planning and Awareness

Aims

To recognise, promote and protect the cultural heritage resources of the Region in order to ensure that new development respects and, wherever possible, enhances these resources.

To promote and coordinate responsible Heritage planning initiatives.

- Implement the current provisions of the Heritage and Character Code in the planning scheme. - Refine the heritage and character provisions in the planning scheme to align them more closely with current trends and community attitudes. - Provide information sharing opportunities for local heritage groups.	- Heritage Sub-committee meetings held monthly. - Provisions used in development assessment. - Revised provisions drafted for the planning scheme review. - Discussions at monthly Heritage Sub-committee.	**DPD**	- Ongoing.

4.3 (vi) Policies and Guidelines

Aims

To provide documented policy direction and guidance which, as a result of being well researched and user friendly, provide both the general community and the development industry with a clear indication of Council's preferred direction for this Program.

To provide information sheets, checklists and organise workshops to assist developers, consultants and other parties to better appreciate changes to the Sustainable Planning Act 2009 and the ongoing role in related legislation and Codes.

- Review and update existing Planning Scheme policies in accordance with best practice. - Develop new Planning Scheme policies for compliance with environmental provisions.	- Policies reviewed and amended as part of planning scheme development. - Likely to be planning scheme code provisions.	**DPD**	- Ongoing.

SUB-PROGRAM:	**4.4 ENVIRONMENTAL PLANNING**
OBJECTIVE:	To provide and preserve a safe and attractive natural and built environment by the protection, maintenance and development of the Region's natural amenity, open spaces, foreshores and waterways in accordance with local community needs and preferences.
MANAGING RISKS:	This sub-program mitigates the risks outlined in Strategic Risks 5.1, 5.2, 5.3, 5.6 and 5.7 in the Gympie Regional Council Risk Management Plan.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review

4.4 (i) Environmental Planning

Aim

To provide and preserve a safe and attractive natural and built environment by the protection, maintenance and development of the Region's natural amenity, open spaces, foreshores and waterways in accordance with local community needs and preferences.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
- Develop environmental policy and initiatives. - Implement revised nature conservation program. - Provide support to local environmental groups including Landcare, Coastcare, Mary River Catchment Coordinating Committee and Cityfarm. - Develop Environment Strategy. - Participate in Regional initiatives that address cross-boundary environmental issues.	- Enhanced environmental provisions drafted for the Planning Scheme review. - Standard conditions reviewed and enhanced. - Environmental Management Plan reviewed. - New projects initiated addressing targets in Burnett Mary Regional Group for Natural Resource Management Ltd (BMRG) strategy. - Outcomes agreed with BMRG are fulfilled. - Landholders level of satisfaction with the services provided. - Number of landholders receiving environmental advice increased. - Environment levy funds distributed for projects in accordance with Council Policy. - Services used to support Council operations. - Expert advice provided when requested. - Committee meetings attended. - Council operations demonstrate a responsible approach to environmental management.	**DPD**	- Ongoing. Draft Environment Strategy to be presented to Council before end of 2011.

Program 5 – Water

Goal: To meet the community needs for potable water by the efficient purchase, treatment, storage and distribution of water to consumers.

SUB-PROGRAM:	**5.1 ADMINISTRATION, PLANNING AND DESIGN**
OBJECTIVE:	To have appropriate business management systems in place to ensure effective operation of Council's Water Supply System.
MANAGING RISKS:	This sub-program mitigates the risks outlined in Strategic Risks 5.1, 5.3 and 5.6 in the Gympie Regional Council Risk Management Plan.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
5.1 (i) Services Standards Management			
Aim *To provide services to customers which meet defined Customer Service Standards.*			
- Review and update Councils Customer Service Standard.	- Annual report on Customer Service Standard completed. - Review of approved Customer Service Standard completed.	**GM WSS**	- In progress. - Completed.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review

5.1 (ii) Risk Management

Aim

To be aware of potential risks and have systems in place to minimise potential risks.

- Review and update Risk Assessment. - Investigate alternative power supplies to maintain scheme operation. - Examine where failure management plans are required.	- Risk Assessment in place for all facilities. - Determine where alternative power supply for critical facilities is required. - Failure Management plans in place.	**DE/GM WSS** **GM WSS**	- Working on Drinking Water Management Plan. - No action at this stage. - No action at this stage.

5.1 (iii) Quality Management

Aim

To operate treatment plants and water supply systems to meet agreed customer service standards.

- Develop, maintain and update quality systems for water treatment Systems. - Develop quality systems for water reticulation system. - Develop drinking water quality plan. - Maintain appropriate water supply sampling and testing systems to confirm compliance with legislation and Australian Drinking Water Guidelines.	- Council's quality system for water treatment plants in place. - Council's quality system for water reticulation in place. - Drinking Water Quality Plan in place. - Sampling and testing carried out as required by legislation and Australian Drinking Water Guidelines.	**GM WSS** **D COMM/GM WSS**	- Working on Drinking Water Management Plan. - No action at this stage. - Working on Drinking Water Management Plan. - Being achieved, further review in progress.

5.1 (iv) Financial Management

Note: Full cost decision making introduced in activities nominated by Council.

Aim

To balance revenue, expenditure, capital works and loans to maintain an affordable consistent level of rating.

- Maintain and update 10 year Financial Plan. - Maintain and update 20 year Forward Look Capital Works Plan.	- 10 year Financial Plan updated annually. - 20 year Forward Look Capital Works Plan updated annually.	**GM WSS/DE**	- Working on Financial Plan. - In place.

5.1 (v) Infrastructure Plan (Strategic Planning)

Aim

To investigate and plan for present and future efficient and economical water supply systems.

- Develop and maintain Water Supply Planning reports.	- Maintain planning reports that are less than five years old or that have reviewed within the last three years. - Approved Planning Reports (Department of Environment and Resource Management) in place for all major construction projects.	**GM WSS**	- No action at this stage. - Completed.
- Develop Priority Infrastructure Plan. - Develop Infrastructure Charges Plan.	- Implement State Government's new Standard Infrastructure Charging regime. - Priority Infrastructure Plan in place.	**DPD/GM D**	- ICP and PIP projects progressing.

5.1 (vi) Asset Evaluation and Renewal Management

Aim

To maintain appropriate details of infrastructure and develop replacement programs where required.

- Review Asset Registers for accuracy.	- All infrastructure data meets accuracy specifications.	**DFS/GM D/GM WSS**	- Registers updated constantly. Revaluations carried out according to requirements of accounting standards.
- Revalue all assets to reflect current costs.	- All infrastructure assets valued to reflect current replacement cost.		
- Develop replacement cost profiles for all schemes.	- Up to date replacement cost profiles in place.	**GM WSS**	- No action at this stage. - No action at this stage.
- Check GPS locations of Assets.	- GIS data accuracy meets accuracy requirements.	**GM D/GM WSS**	- Ongoing program.

5.1 (vii) Performance Management

Aim

To evaluate performance against goals and Customer Service Standard.

- Complete database system to analyse system performance statistics. - Complete annual report and incorporate into Council's Annual Report.	- Database in place to analyse system performance. - Audit database for accuracy. - Performance results incorporated into Council Annual Report.	**GM WSS**	- Complete. - Review planned. - Commenced.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review

5.1 (viii) Drought Management

Aim

To have plans in place to provide water to customers during times of drought.

- Review options and document responses to drought for each water supply system.	- Drought Management Plan in place.	**GM WSS**	- Completed, further review planned.

5.1 (ix) Water Demand Management

Aim

To defer the need for new works by managing water demand.

- Develop a system to determine water usage.	- Water use per capita available for all systems.	**GM WSS**	- System in place.
- Old water meters replaced with “smart meters”.	- Water meter replacement program commenced. - Number of old water meters replaced.		- Replacement program commenced.
- Develop outdoor water use conservation plan.	- Outdoor water use conservation plan in place.		- Review planned.
- To further develop and document the water use control plan for water restrictions.	- Water use control plan documented.	**GM WSS/DE**	- Review planned.

5.1 (x) Water Sources Management (Strategic Planning)

Aim

To secure adequate and reliable water sources to meet present and future needs.

- Obtain long term security of water sources.	- Adequate supply for 20 years with planning in place for 50 years.	**DE**	- Being achieved.
- Investigate bore water options for water supply in Gympie.	- Bore water supply alternatives for Gympie investigated.	**GM WSS**	- Process commenced.
- Construct pipeline from Teewah Creek to Tin Can Bay/Cooloola Cove Treatment Plants.	- Pipeline from Teewah Creek to Tin Can Bay/Cooloola Cove treatment plant commenced.		- Construction commenced.

SUB-PROGRAM:	**5.2 OPERATIONS**
OBJECTIVE:	To operate infrastructure to provide agreed levels of service and system performance.
MANAGING RISKS:	This sub-program mitigates the risks outlined in Strategic Risks 5.1, 5.3 and 5.6 in the Gympie Regional Council Risk Management Plan.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
5.2 (i) Environmental Management			
Aim *To operate all systems so that wastes are collected and treated in a safe, efficient and environmentally conscious manner.*			
- Review and implementation of Site Based Management Plans.	- Site Based Management Plans reviewed every three years.	**GM WSS**	- Review commenced.
5.2 (ii) Sludge/Biosolids Management			
Aim *To manage the reuse or disposal of sludge without any detrimental environment effects.*			
- Investigate and evaluate sludge disposal options.	- Options for sludge management evaluated and documented.	**GM WSS**	- No action at this stage.
5.2 (iii) Operations Management			
Aim *To operate all water supply systems to ensure a continuous adequate supply.*			
- Develop procedures for all normal operational activities. - Maximise water storage levels before holiday and peak demand periods, cyclones and floods.	- Procedures for all relevant activities in place. - Storage filled to capacity prior to holidays, cyclones, and floods.	**GM WSS**	- Review commenced. - In place.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review

5.2 (iv) Water Loss Management

Aim

To minimise the level of unaccounted water.

- Determine system leakage and conduct water audits. - Continue leak detection survey. - Implement computerised bulk water use metering system.	- System in place to monitor system leakage. - Extent of unaccounted water determined. - System in place to detect and minimise system water loss. - Computerised bulk water reading system in place.	**GM WSS**	- In place. - Review commenced. - Leak detection system in place. - System being implemented.

SUB-PROGRAM:	**5.3 MAINTENANCE**
OBJECTIVE:	To operate and maintain infrastructure to provide agreed levels of service and system performance.
MANAGING RISKS:	This sub-program mitigates the risks outlined in Strategic Risks 5.1, 5.3 and 5.6 in the Gympie Regional Council Risk Management Plan.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review

5.3 (i) Maintenance Management

Aim

To maintain water supply infrastructure so that it remains capable of continuous operation.

- Investigate and implement a system of Maintenance Management. - Develop Maintenance Manuals for all facilities. - Maintain treatment plants at maximum capacity.	- Maintenance Management Systems in place. - Maintenance Manuals for all systems in place. - Treatment plant capable of working at full capacity.	**GM WSS**	- No action at this stage. - No action at this stage. - In place.

5.3 (ii) Energy/Resources Management

Aim

To optimise the use of energy and other resources.

- Determine energy inputs for all operations.	- Energy reduction targets and inputs determined.	**GM WSS**	- No action at this stage.

SUB-PROGRAM:	**5.4 CAPITAL WORKS – WATER**
OBJECTIVE:	To provide key long term infrastructure, infrastructure improvements and equipment to advance community amenity and Council operational effectiveness.
MANAGING RISKS:	This sub-program mitigates the risks outlined in Strategic Risks 5.1, 5.3, 5.5, 5.6 and 5.7 in the Gympie Regional Council Risk Management Plan.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review

5.4 (i) Infrastructure Procurement

Aim

To construct infrastructure in a cost effective, safe and environmentally conscious manner.

- Construct assets to agreed cost and quality requirements.	- Cost of works within 10% of Budget.	**GM WSS**	- Being achieved.

5.4 (ii) Council Operational Infrastructure and Equipment

Aim

To provide infrastructure and equipment to enable operational improvement.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
Budgeted items - Provide, construct and purchase listed Budget items. *	- Completion of related projects.	**DE/GM WSS**	

*** Extract from the Gympie Regional Council Budget 2011-12 adopted 29 June 2011.**

CAPITAL WORKS - Water – General

Budget Item	Budget for 2011-2012	First Review
New Services	120,000	Work being carried out when requested.
Mains Extension	50,000	No action at this stage.
Mains Upgrade	50,000	No action at this stage.
Mains Replacement	300,000	No action at this stage.
TOTAL CAPITAL WORKS	**$520,000**	

CAPITAL WORKS - Water – Cooloola Coast

Budget Item	Budget for 2011-2012	First Review
Replacement Imperial Meters	200,000	In progress.
Trunk Main Duplication	1,800,000	In progress.
Rainbow Beach Bore System Upgrade	100,000	No action at this stage.
TOTAL CAPITAL WORKS	**$2,100,000**	

CAPITAL WORKS - Water – Gympie

Budget Item	Budget for 2011-2012	First Review
Replace Imperial Meters	200,000	No action at this stage.
Jones Hill Water Treatment Plant Upgrade	1,200,000	In progress.
Wine Glass Pump Station Upgrade	20,000	No action at this stage.
Bore Investigations	100,000	No action at this stage.
Mary River Infrastructure Contribution	200,000	Reserve contribution.
TOTAL CAPITAL WORKS	$1,720,000	

CAPITAL WORKS - Water – Mary Valley

Budget Item	Budget for 2011-2012	First Review
Amamoor and Kandanga Sludge System	20,000	No action at this stage.
TOTAL CAPITAL WORKS	**$20,000**	

CAPITAL WORKS - Water – Western Townships

Budget Item	Budget for 2011-2012	First Review
Goomeri Plant Upgrade/Replacement	25,000	No action at this stage.
TOTAL CAPITAL WORKS	**$25,000**	

Program 6 – Sewerage

Goal: To protect public health, safety and the environment by the provision of an efficient system for safe collection, transportation, treatment and disposal of sewage waste.

SUB-PROGRAM:	**6.1 ADMINISTRATION, PLANNING AND DESIGN**
OBJECTIVE:	To have appropriate business management systems in place to ensure effective operation of Council's Sewerage System.
MANAGING RISKS:	This sub-program mitigates the risks outlined in Strategic Risks 5.1, 5.3 and 5.6 in the Gympie Regional Council Risk Management Plan.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
6.1 (i) Services Standards Management			
Aim			
To provide Customers services which meet defined Customer Service Standards.			
- Review and update Council's Customer Service Standard.	- Annual report on Customer Service Standard completed.	**GM WSS**	- In progress.
- Update Customer Service Standard.	- Review of Customer Service Standard completed.		- Completed.

6.1 (ii) Risk Management

Aim

To be aware of and have systems in place to minimise potential risks.

- Review and update Risk Assessment. - Investigate alternative power supplies to maintain scheme operation. - Examine where failure management plans are required.	- Risk Assessment in place for all facilities. - Determine where alternative power supply for critical facilities is required. - Failure Management plan in place.	**DE/GM WSS** **GM WSS**	- Review commenced. - No action at this stage. - No action at this stage.

6.1 (iii) Quality Management

Aim

To operate treatment plants and systems to meet agreed customer service standards.

- Develop quality plan for Imbil and Cooloola Coast Sewage Treatment Plants.	- Quality Plans in place for Imbil and Cooloola Coast treatment plants.	**GM WSS**	- No action at this stage.

6.1 (iv) Financial Management

Note: *Full cost decision making introduced in activities nominated by Council.*

Aim

To balance revenue, expenditure, capital works and loans to maintain an affordable, consistent level of rating.

- Maintain and update 10 year Financial Plan. - Maintain and update 20 year Forward Look Capital Works Plan.	- 10 year Financial Plan updated annually. - 20 year Forward Looking Plan updated annually.	**GM WSS/DE**	- Review commenced. - In place.

6.1 (v) Infrastructure Plan (Strategic Planning)

Aim

To investigate and plan for present and future efficient and economical sewerage systems.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
- Ensure long term capability for plant discharge or water reuse. - Develop Priority Infrastructure Plan. - Develop Infrastructure Charges Plan.	- Maintain planning reports that are less than five years old or that have been reviewed within the last three years. - Implement State Government's new Standard Infrastructure Charging regime.	**DE/GM WSS** **DPD/GM WSS**	- Review commenced. - Commenced.

6.1 (vi) Asset Evaluation and Renewal Management

Aim

To maintain appropriate details of infrastructure and develop replacement programs where required.

- Review Asset Registers for accuracy. - Revalue all assets to reflect current costs.	- All infrastructure data meets accuracy specifications. - All infrastructure assets valued to reflect current replacement cost.	**DFS/GM D/GM WSS** **GM D/GM WSS**	- Registers updated constantly. Revaluations carried out according to requirements of accounting standards. - Ongoing refinement process.
- Develop replacement cost profiles for all schemes.	- Up to date replacement cost profiles in place.	**GM WSS**	- No action at this stage.
- Check GPS locations of Assets. - Ongoing CCTV, smoke testing and sewer inspection program.	- GIS data accuracy meets accuracy requirements. - Ongoing system of asset evaluation and condition assessment in place.	**GM D/GM WSS** **GM WSS**	- Ongoing process. - Work in progress.

6.1 (vii) Performance Management Plan

Aim

To evaluate performance against goals and Customer Service Standard.

- Completed database system to analyse system performance statistics. - Complete annual report and incorporate into Council Annual Report.	- Database for performance statistics developed. - Performance results incorporated into Council's Annual Report.	**GM WSS**	- Complete. - Commenced.

SUB-PROGRAM:	**6.2 OPERATIONS**
OBJECTIVE:	To operate and maintain infrastructure to provide agreed levels of service and system performance.
MANAGING RISKS:	This sub-program mitigates the risks outlined in Strategic Risks 5.1, 5.3 and 5.6 in the Gympie Regional Council Risk Management Plan.

6.2 (i) Environmental Management

Aim

To operate all systems so that wastes are collected and treated in a safe, efficient and environmentally conscious manner.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
- Site Based Management Plans (SBMP) for all relevant activities updated. - Receiving Environmental Management Plans (REMP) for all relevant activities reviewed and implemented.	- SBMPs reviewed every three years. - REMPs in place and implemented.	**GM WSS**	- Review commenced. - Plan in place.

6.2 (ii) Effluent Management

Aim

To recognise and implement effective and sustainable water reuse systems.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
- Investigate and evaluate reuse opportunities with plant upgrades. - Develop document and put in place agreements for all effluent discharges.	- Options for effluent reuse evaluated. - Agreements in place for all third party reuse systems.	**GM WSS**	- Evaluation in progress. - Commenced.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review
6.2 (iii) Sludge/Biosolids Management			
Aim *To manage the reuse or disposal of sludge and biosolids without any detrimental environmental outcomes.*			
- Investigate and evaluate sludge/biosolids disposal options.	- Options for sludge/biosolids reuse evaluated.	**GM WSS**	- Review commenced.
6.2 (iv) Trade Waste Management			
Aim *To ensure that trade waste discharged to the sewerage system has no detrimental affects on environmental systems.*			
- Update Trade Waste Environmental Management Plan. - Audit and document all trade waste discharges.	- Trade Waste Environmental Management Plan updated. - Trade waste monitoring systems in place.	**GM WSS**	- In place. - Commenced.
6.2 (v) Operations Management			
Aim *To operate all sewerage systems to ensure dependable operation.*			
- Develop procedures for all normal operational activities.	- Procedures for all relevant activities in place.	**GM WSS**	- Commenced.

6.2 (vi) Sewer Inflow/Infiltration Management

Aim

To manage the extent of inflow/infiltration to reduce the need for upgrading of infrastructure.

- Develop a public education system. - Identify the level of inflow/infiltration in each catchment. - Carry out a progressive Mains Repair Program.	- Information of infiltration/inflow developed. - Details of per capita sewage flow available for all systems. - Mains Repair Programs in place.	**GM WSS**	- No action at this stage. - Evaluation commenced. - Evaluation in progress.

SUB-PROGRAM:	**6.3 MAINTENANCE**
OBJECTIVE:	To operate and maintain infrastructure to provide agreed levels of service and system performance.
MANAGING RISKS:	This sub-program mitigates the risks outlined in Strategic Risks 5.1, 5.3 and 5.6 in the Gympie Regional Council Risk Management Plan.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review

6.3 (i) Maintenance Management

Aim

To maintain Sewerage Scheme infrastructure so that it remains capable of continuous operation.

- Investigate and implement a system of Maintenance Management. - Develop Maintenance Manuals for all facilities. - Maintain the condition of sewage transport systems to minimise overflows. - Maintain treatment plants at maximum capacity.	- Maintenance Management Systems in place. - Maintenance Manuals for all systems in place. - Systems to minimise pump system failures in place. - Treatment plants capable of working at full capacity.	**GM WSS**	- No action at this stage. - No action at this stage. - In place. - In place.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review

6.3 (ii) Energy/Resources Management

Aim

To optimise the use of energy and other resources.

- Determine resource and energy inputs for all operations.	- Energy and resources inputs determined for all operations.	**GM WSS**	- No action at this stage.
- Develop performance targets for all resource and energy inputs.	- Resources use optimisation procedures in place.		- No action at this stage.

SUB-PROGRAM:	**6.4 CAPITAL WORKS – SEWERAGE**
OBJECTIVE:	To provide key long term infrastructure, infrastructure improvements and equipment to advance community amenity and Council operational effectiveness.
MANAGING RISKS:	This sub-program mitigates the risks outlined in Strategic Risks 5.1, 5.3, 5.5, 5.6 and 5.7 in the Gympie Regional Council Risk Management Plan.

Activities	Performance Targets/Measures	Responsibility Key Officers/Areas	First Review

6.4 (i) Infrastructure Procurement

Aim

To construct infrastructure in a cost effective, safe and environmentally conscious manner.

- Construct assets to agreed cost and quality requirements.	- Cost of works within 10% of Budget.	**GM WSS**	- Being achieved.

6.4 (ii) Capital and Operational Works Plan

Aim

To provide infrastructure and equipment to enable operational improvement.

Budgeted items

- Provide, construct and purchase listed Budget items. *
- Completion of related projects.

DE/GM WSS

*** Extract from the Gympie Regional Council Budget 2011-12 adopted 29 June 2011.**

CAPITAL WORKS - Sewerage– General

Budget Item	Budget for 2011-2012	First Review
New House Connections	50,000	Work being carried out when requested.
Sewer Main Extensions	50,000	No action at this stage.
Mains Upgrade	70,000	No action at this stage.
Sewer Infrastructure Replacement Program	200,000	No action at this stage.
TOTAL CAPITAL WORKS	**$370,000**	

CAPITAL WORKS - Sewerage – Gympie

Budget Item	Budget for 2011-2012	First Review
Treatment Plant Upgrade	6,500,000	In progress.
Pump Station – G12 Rising Main	350,000	Design being completed.
Gympie Relocate Combine Drains	50,000	No action at this stage.
Southside Sewerage	800,000	Planning commenced.
Spring Road Pump Station	50,000	No action at this stage.
Bonnick Road Sewer Extension	270,000	Commenced.
Gympie Pump St Rising Main Upgrade Program	200,000	No action at this stage.
TOTAL CAPITAL WORKS	**$8,220,000**	

Index to Responsibility Key Officers/Areas

CEO	Chief Executive Officer
D COMM	Director of Community Services
DCS	Director of Corporate Services
DE	Director of Engineering
DFS	Director of Financial Services
Directors	All Directors
DPD	Director of Planning and Development
GM D	General Manager – Design
GM E	General Manager – Eastern Division
GM E&W	General Managers – Eastern and Western Divisions
GM W	General Manager – Western Division
GM WSS	General Manager - Water Supply and Sewerage

ATTACHMENT 2

Refer Item 9/3

Local Law Review

of the

GENERAL MEETING

On Wednesday 9 November 2011
At 9.00 am

Standards for the Conduct of Prescribed Activities (Local Laws)

1 Introduction

1.1 Gympie Regional Council's Local Laws

The Local Government Act 2009 (s28) allows "a local government may make and enforce any local law that is necessary or convenient for the good rule and local government of its local government area." As required by the Local Government (Operations) Regulation 2010 (s16) details of the existing Gympie Regional Council's Local Laws are provided on the Council's website (www.gympie.qld.gov.au). Titles of the laws are detailed below.

Local Law No. 1 (Administration) 2011
Local Law No. 2 (Animal Management) 2011
Local Law No. 3 (Community and Environmental Management) 2011
Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011
Local Law No. 5 (Parking) 2011
Local Law No. 6 (Bathing Reserves) 2011

The six Local Laws are supported by six Subordinates Local Laws.

1.2 Prescribed Activities - approvals & permits

It is an Offence to undertake a Local Law prescribed activity without approval. Penalties range from 50-200 penalty points (current value of a penalty point is $100 as per the Queensland Penalties and Sentences Regulation 2005 s2A). Approvals cannot to granted for activities likely to create a risk to public health, safety or amenity or cause environmental nuisance or harm.

An application for approval may need to be on the approved form (or by letter of application) and generally must be accompanied by—

- details of the activity or work methods and supervision arrangements to be used in the proposed activity; and
- details of the persons, business or organisations undertaking the activity or work; and
- details of the persons or organisation responsible for the activity or work, if not the applicant;

Approvals issued will detail conditions, insurance requirements, the term of the approval whether a renewal can be applied for and whether the approval can be transferred. Application can be made to amend conditions. Compliance notices can be issued, approvals cancelled, and conditions can be enforced.

This document supports the approval / permitting process and details information for the application process.

1.3 INDEX

The easiest way to use this document is via the INDEX at the back or via the Table of Contents over the page. If you are reading the electronic copy, you can use "find" (CRTL^f) to find information on topics which may be covered by Local Laws.

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2 Roads

Approval is required for alteration or improvement to local government controlled areas and roads such as installing, changing, damaging or removing a structure in a local government controlled area or on a road; or planting, clearing or damaging of vegetation in a local government controlled area or on a road. This requirement for approval does not include an alteration or improvement covered by other legislation.

Category 1 activity – current maximum penalty $5000.

Generally, looking after the vegetation adjacent to your property, including mowing the footpath, does not require approval. Specific exemptions are listed in Schedule 6 section 2 of Subordinate Local Law No 1.

Where approval is required an application for approval must be accompanied by—

- details of the work methods and supervision arrangements to be used in the proposed activity; and
- details of the persons or organisations undertaking the work; and
- details of the persons or organisation responsible for the work, if not the applicant;
- for an approval to erect or install a memorial in a local government cemetery—
- details of the burial site or other place in which the memorial is to be erected or installed; and
- a description of the nature and dimensions of the proposed memorial.

For all approvals, the conditions that will ordinarily be imposed on an approval are that the approval holder must—

- give the local government specified indemnities; and
- take out specified insurance indemnifying persons who may suffer personal injury, or loss or damage, as a result of the activity.

For an approval to install, change, damage or remove a structure in a local government controlled area or road, a condition that will ordinarily be imposed on the approval is that the approval holder must comply with any applicable standards published by the local government in relation to the activity.

2.1 Gates & Grids

Approval is required for installation of a gate and/or grid on or across a local government controlled areas and roads (as such activities cannot be carried under without Council's approval as per Local Government Act 2009 s75.).

Current maximum penalty $20000.

Council will only licence gates/grids on roads listed on Council's Road Asset Register. Gates with or without grids are permitted on maintained roads designated "4WD Only", and will have to be licensed. (W05/05/10) Council will not permit grids in locations where both sides of the road reserve have been fenced.

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Application for approval must be made on WD-F-308.

The owner of the grid is liable for the cost of its removal and reinstatement of the road to the same standard as the road in either side of the grid.

Approvals may be granted with ordinary conditions including

- the fence with gate and grid be constructed to Council standard in accordance with the Department of Main Roads Drawing No's 1351 or 1448 with a minimum width of 4.0m and span of 2.33m.
- a gate be provided adjacent to the grid and the gate shall have the words 'LICENSED GATE' on some conspicuous part thereof. Attachment of Council's licensed gate plate on the gate shall comply with this requirement.
- warning signs in accordance with the Manual of Uniform Traffic Control Devices indicating the presence of a grid on the road are to be on each approach to the grid for all new applications. Signage in accordance with Council's Gate/Grid Procedure is required for existing gates/grids. Gate/grid owners are responsible for all signage associated with the gate/grid.
- the holder of the licence shall be required to keep the gate and grid in good and sufficient repair, and to maintain the road in a reasonable repair for a distance of five (5) meters on each side of the grid so that public traffic shall not be impeded or obstructed.

The licence shall be for the period ending 30th June following, and each year Council shall review whether the licences should be renewed for a further period of twelve (12) months, and if so will forward to the licensee an account for the annual registration fee.

Council can issue compliance notices to ensure approval conditions are met.

2.2 Unauthorised works on roads (interfering with a road or its operation).

Approval is required to carry out works on a road or interfere with a road or it's operation (as such activities cannot be carried under without Council's approval as per Local Government Act 2009 s75.)

Current maximum penalty $20000.

The most common application of this section is for the installation of gates or grids (see above). All other proposed works need to be submitted for approval, with conditions being determined appropriate to the works.

2.3 Private construction, upgrading or maintenance of a road

Approval is required to arrange or undertake any construction, upgrading or maintenance of a local government road or other local government controlled area (as such activities cannot be carried under without Council's approval as per Local Government Act 2009 s75.)

Current maximum penalty $20000.

Approval is required to construct roads on existing unformed road reserves. Requests are considered by the Works and Services Committee and thence the

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full Council. The response, if affirmative, will require the works to be funded by the applicant or as otherwise determined.

Council has discretion to approve a subsidy of 20% towards the cost of upgrading a road to maintained standard, on the condition that Council carries out the work and the works is not development related.

Council will not approve private construction, upgrading or maintenance of a road unless the work is fully funded by the applicant and the work is to Council standard. Council may consider contributing funds unless the upgrading is a requirement of a development approval.

Council will require road upgrading on any road reserve required for vehicular access to a proposed Development generally within but not necessarily limited to the SPA categories of material change of use or reconfiguration of a lot. The Development Manual and Operational Works Application procedures apply.

Council has discretion to approve a subsidy of up to 50% of the cost for development related upgrading the road, providing Council carries out the work and the funding is authorised by Council. Any Council offer for funding assistance for road construction or upgrading is to be funded from the Capital Works Program (Roadworks).

The applicant will make suitable arrangements to make payment to Council of the full cost of the works as estimated by the Director of Engineering Services.

Approvals may be granted with ordinary conditions including

- if the works are proposed to be carried out by a contractor, plans and specifications will be required to be submitted to the Director of Engineering Services for approval prior to work commencing.
- the standard of plans and specifications required for a contractor will be determined by the Director of Engineering and will reflect the extent and consequences of the proposed work.
- if a contractor is employed a pre-start meeting will be required, and a formal acceptance process completed.
- if Council carried out the work, the same standards of work will apply as with a contractor.
- the Department of Environment and Resource controls tree clearing and access works on road reserves and any approvals are issued by that Department after consultation with Council.
- Council does not object to Department of Environment and Resource issuing approvals for clearing or minor earthworks for purposes of vehicular access to a property along a road reserve, provided the Department is satisfied the works are necessary and restricted to the minimum amount practical. No maintenance or legal liabilities are accepted by Council.
- Gympie Regional Council Development Manual describes the standard of construction that Council requires for new Roadworks.

Upon acceptance of the work, Council's Road Register will be amended to reflect the maintenance status of the new work. Council accepts full liability for the standard of all roads maintained as documented in the Road Register, regardless of whether that standard is lower than that required for acceptance of new roads

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on the Register.

2.4 Road closures

Approval is required to carry out works on a road or interfere with a road or its operation (as such activities cannot be carried under without Council's approval as per Local Government Act 2009 s75.)

Current maximum penalty $20000.

Application for approval is made in writing, submitted with relevant details. Approvals may be granted with ordinary conditions including

- Police approval must be obtained
- All affected residents are notified and access provided
- Public liability insurance held as per Council's current requirements

2.5 Property Access

Approval is required for the construction of a new property access from a local government controlled area or road (as it is considered an alteration or improvement to local government controlled area or road).

Category 1 activity – current maximum penalty $5000.

Application for approval is made on form WD-F-157.

Approvals may be granted with ordinary conditions given to the landholder or his/her agent relating to dimensions of structure to meet design requirement, sight distances, inlet and outlet of drainage to level, materials used to meet design requirement and pedestrian safety, along with the relevant standard drawing specifying construction standards. Council's Standard Drawing provides guidance.

Council can issue compliance notices to ensure approval conditions are met.

2.6 Footpath planting

Council's overriding concern in this matter must be to maintain good visibility for traffic, easy use of a footpath by pedestrians and to safe guard any services within the road reserve (power, water, etc.) from the vegetation. The Council also acknowledge a property owner's or occupier's desire to enhance the visual appeal and character of the entry to the property by establishing gardens within the road reserve.

Approval is required except where planting occurs by a person on the footpath area immediately adjacent to the person's property and complies with the following:

- no more than one tree is planted per road frontage for a residential property; and
- the tree is listed on the preferred tree species list in the local government's planning scheme; and
- the tree does not obstruct visibility of vehicular traffic; and
- the tree is not planted over or under infrastructure and will not be likely to impact on infrastructure.

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For planting in addition (or contrary) to these circumstances on the footpath or in any other local government controlled area, application for an approval must be made in writing, with all relevant details (as it is considered an alteration or improvement to local government controlled area or road).

Category 1 activity – current maximum penalty $5000.

Approvals may be granted with ordinary conditions including

- plantings or garden beds must leave at least 1.5 metres of clear ground located on the most level section of land/cross section to be maintained for the safe use of pedestrians (and other footpath users);
- garden bed(s) shall be located adjacent to the property boundary and shall be no wider than 500 mm (edging & decorations are not to offer any hazard to pedestrians);
- owners accept responsibility for the maintenance in a clean, tidy and respectable manner;
- plants, garden beds, shrubs or trees must not adversely affect visibility for motorists using the road or street;
- shrubs and trees are generally unacceptable near the kerb or corners of roads due to visibility and safety requirements;
- all plantings outside corner allotments must not higher than 0.75m above the level of the natural ground surface;
- only plant species detailed in the approval can be planted;
- planting must not interfere with or cause damage to or obstruct access to Council's or other public authorities utilities; or have any detrimental effect on the existing footpath or pavement.
- no irrigation systems to be installed on road reserve

The Council may require the immediate removal of any non-complying gardens or plantings which in its opinion pose any danger to public safety. Failure to comply with any Council direction, may result in Council carrying out such work. Costs will be recovered by Council.

2.7 Pipelines on road reserves

Approval is required for the installation of pipelines on, alongside or under a local government controlled area or road (as it is considered an alteration or improvement to local government controlled area or road)

Category 1 activity – current maximum penalty $5000.

Approvals may be granted with ordinary conditions including

- With respect to domestic pipelines on unsealed roads, the pipe is to be:
  - bedded in sand, and placed with a minimum cover of 500mm
  - at least Class 12 or equivalent
  - The use of drainage culverts is permitted where there is only one pipe and it is less than 10% of the culvert diameter.
- With respect to domestic pipelines on sealed roads, the pipe is to be:
  - contained within an enveloping bored pipe with a minimum cover of 1m (for that section of the pipeline under the trafficable lanes or between the table drains, whichever is greater)

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  - and bedded in sand, and placed with a minimum cover of 500mm (outside of the bored pipeline)
  - at least Class 12 or equivalent
- Road crossings are to be reinstated to their original condition at the applicant's expense.
- Durable markers are to be placed conspicuously to indicate the location of the pipe.
- The applicant is to take precautions to safeguard traffic. Traffic is not to be disrupted and is to be managed in accordance with the Manual of Uniform Traffic Control Devices.
- The applicant is to accept responsibility for the existence of the pipe and indemnify the Council against any claims that may arise in this regard.

The applicant is to comply with all directions that Council may issue from time to time, with respect to such pipe.

Council may revoke the approval with one months notice and require that the infrastructure be removed.

2.8 Motor vehicle access to parks (and other local government controlled areas)

Approval is required for motor vehicle access to local government controlled areas (as it is considered a prescribed activity under Local Law No 4) except for vehicle access to a car park or roadway for which there is no sign or traffic control device indicating that vehicles owned by members of the public are excluded. Application for an approval (for vehicle access to areas of parks not carpark or roadways) must be made in writing, with all relevant details.

Un-categorised activity – current maximum penalty $5000.

2.9 Removal of Abandoned Vehicles

Council does not have a specific local law covering the removal and disposal of vehicles suspected of being abandoned. The provisions of Transport Operation (Road Use Management) Act 1995 s100 therefore apply. Council will make reasonable attempts to determine the owner of vehicles suspected of being abandoned and then remove them to a secure location and then dispose of them, as detailed in the TORUM Act.

2.10 Roadside burning

Approval is required to conduct a burn of roadside vegetation (as it is considered an alteration or improvement to local government controlled area or road). Application for an approval must be made in writing, with all relevant details, including advice from the local fire warden.

Category 1 activity – current maximum penalty $5000.

Approvals may be granted with ordinary conditions including

- A permit to light fire for the relevant site from either the Queensland Fire Service or the relevant Fire Warden must be current.

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- An area may be burnt only when the wind is forecast to be blowing away from the roadway for the whole burning period.
- The following signs must be erected to face approaching traffic from each direction for the full duration of the burning operation.
  - "Burning Off" (TC9869) or "Smoke Hazard" T4-6 signs must be erected at least 150m before the start of any possible hazard from flames or smoke.
  - Please note item 2, this signage layout is for areas with minimal smoke hazard risk.
- The signs must be erected so that:-
  - they are on the road shoulder, no closer than 0.6 metre from the edge of the traffic lane;
  - they can be clearly seen by approaching drivers from at least 150 metres;
  - they are not obstructed from the driver's view by either vegetation or parked vehicles;
  - they are securely mounted and not likely to be dislodged by wind from passing vehicles; and,
  - they are mounted between 200mm – 1500mm above the ground
- To ensure that the fire can be properly controlled, firebreaks must be cleared around an area no larger than the applicant can easily control.
- All combustible material within 3 metres of any concrete or timber structure must be cleared so that there is no likelihood of the structure being damaged by heat or flames.
- After the burning off, the road reserve must be left in a tidy condition. Any trees which are unstable due to fire must be felled and burned to ashes.

Council accepts no responsibility whatsoever for any damage caused by a fire lit under the scope of the approval. All responsibility lies with the applicant and his/her public liability insurer.

2.11 Stock on roads

Approval is required for driving or leading of animals to cross a road , as it is listed the definition of undertaking regulated activities on local government controlled areas and roads (a prescribed activity) in Schedule 2 (part 2) of Local Law No 1.

Approval is not required for a person who has been granted approval for installation of a gate or grid on a road adjacent to the person's land; or driving or leading of animals that are not livestock animals (dog walking); or leading of horses across a road by a member of a horse or pony club.

Category 1 activity – current maximum penalty $5000.

The movement of Stock on foot on Council land under Council's control is also governed by the Land Protection (Pest and Stock Route Management) Act 2002 and Regulations 2003.

Applicants should refer to the Land Protection (Pest and Stock Route Management) Act 2002 and Regulations 2003 for full details regarding Stock

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Route Travel & Agistment Permits. Application forms are available from the Department of Environment and Resource Management website. This policy applies to roads listed as maintained on Council's Road Register.

Stock Route Travel Permit - A stock route travel permit is required under s132 to travel stock on foot on, across or along relevant land (Stock route, reserve for travelling stock, road under local government control, etc).

Under s133, a person may drive stock on foot on relevant land in a local government's area without obtaining a permit if the stock are driven on foot: -

- For not more than one (1) day; and
- In clear daylight hours; and
- For animal husbandry or property management purposes; and
- Between parcels of land that have common ownership or worked as a single unit.

Stock Route Agistment Permit - A stock route agistment permit is required under s174 to agist (or depasture) stock on relevant land, as it is an offence to graze stock without a permit. (Council will not issue Stock Route Agistment Permits for roads fenced in to adjoining properties.)

Approvals may be granted for all stock on maintained roads, irrespective of whether a Stock Route Agistment permit or Stock Route Travel permit is required, with ordinary conditions including:

- Stock will not be permitted on Urban, Rural Residential or Arterial Roads.
- Stock may be permitted on Sub arterial Roads if approved by Council.
- All stock shall be supervised at all times. Fencing may be deemed as acceptable in some locations for stock route agistment.
- Stock shall not be on roads other than in daylight hours
- Stock shall be kept off the carriageway of the road where possible, to enhance vehicle safety and to keep the carriageway clean.
- The matter of traffic control or warning signage on stock control is a matter for determination by the stock owner in liaison with their public liability insurer. However, the minimum signage is as follows
    - Stock Crossing:
      Stock crossings must be located and signed to ensure adequate safety for all road users. The sign used is the "Stock AHEAD" (T1-19) temporary warning sign.
      The temporary warning sign, T1-19 shall only be displayed immediately prior to and during stock movements, and shall be removed, covered or hinged when stock movement is completed. Responsibility for placing and removing/covering the sign rests with the property owner.
    - Stock Droving:
      Whenever a person is driving stock on hoof along a road, a temporary warning sign shall be displayed. Two signs are used to warn of stock droving. The sign "DROVING stock AHEAD" (TC1292) shall be displayed in advance of the stock movement, to warn drivers of the hazard ahead. The sign "END stock DROVING" (TC1293) shall be displayed at the end of the stock

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movement, to inform drivers of the clear conditions ahead. These signs shall only be displayed immediately before and during stock movements. The stock drover is responsible for placing and removing/covering the signs.
Should visibility be reduced by fog, mist or rain, then the signs shall be fitted with flashing yellow lights and a pilot vehicle mounted with flashing yellow lamps shall travel ahead of the stock.

- Agistment signage requirements for stock agistment will be assessed for each proposed location

- The signs must be erected so that:-
  - they are on the road shoulder, no closer than 0.6 metre from the edge of the traffic lane;
  - they can be clearly seen by approaching drivers from at lease 150 metres;
  - they are not obstructed from the driver's view by either vegetation or parked vehicles;
  - they are securely mounted and not likely to be dislodged by wind from passing vehicles; and
  - they are mounted between 200mm – 1500mm above the ground.

Council does not accept any responsibility or liability arising out of or in respect of the conditions above. Stock owners accept all responsibility and liability in respect of stock grazing travelling or crossing along or over Council roads.

On approval of an application a Stock Route Travel Permit and /or Stock Route Agistment Permit are to be issued with/or without conditions as appropriate, prior to stock travelling on relevant land.

Council's Schedule of fees and charges determines the stock grazing agistment rate for cattle.

2.12 Items/Goods deposited on the footpath

Approval is required for depositing of goods or materials on or in local government controlled areas and roads , as it is listed the definition of undertaking regulated activities on local government controlled areas and roads (a prescribed activity) in Schedule 2 (part 2) of Local Law No 1.

Application for an approval must be made in writing, with all relevant details.

Approval is not required for temporary depositing of goods and materials for a period of no longer than 24 hours; or depositing of a local government-provided rubbish bin for the purposes of collection.

Category 1 activity – current maximum penalty $5000.

For approvals to display goods for commercial purposes, see section 3.6 "Goods on Footpath" of this standard

2.13 Memorials

Approval is required for placement of a private memorial on, in, over or across a local government controlled areas and roads (as it is considered an alteration or

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improvement to local government controlled area or road)

Category 1 activity – current maximum penalty $5000.

Standards prevent the placement of private memorials, such as crosses, cairns, plaques, and other structures or markers of either a temporary or permanent nature from being placed on any Council controlled Park or Reserve. This includes all parks, natural area, esplanades, and drainage reserves. It does not apply to those memorials previously approved or placed prior to the 14th March 2005.

Council Staff may remove memorials without approval at any time and at the direction of the Council Officer responsible for the reserve on which the memorial is located. The memorial or materials will be disposed of as at the discretion of the responsible Council Officer.

Approvals may be granted with ordinary conditions including

- Memorials must not constitute a safety hazard
- Memorials are regularly maintained by the sponsor(s), and are not located
  - on traffic islands, medians, or roundabouts
  - on any roadside structure
  - in close proximity to residential dwellings
  - in front of driveways or entrances to properties

3 Commercial matters

Approval is required for 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 matter dealt with by other legislation or a temporary entertainment event.

Category 1 activity – current maximum penalty $5000.

An application for approval must be accompanied by full details of how the activity will be operated, including any relevant work methods, signage, maps, specifications, plans and vehicles to be used.

For all approvals, the additional criteria are—

- the physical suitability of the area or road for the proposed use; and
- the likelihood of the use causing nuisance, inconvenience or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians; and
- the likely effect on the amenity of the surrounding area; and
- the likely effect on the local environment and any risk of pollution or other environmental damage; and
- the appropriateness, quality and condition of equipment to be used in the activity; and
- the likely impact on the ability of the general public to use the site concurrently with the proposed activity; and
- whether the applicant's proposed waste management strategy makes provision for the satisfactory collection, storage and removal of all waste generated by the proposed activity.

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3.1 Roadside (Itinerant) Vending

Itinerant Vending includes persons who offer goods for sale upon any road or land under the control of the Council and any waterway with the Region not standing for any time other than while executing a sale.

Applicants are required to submit an application for approval (currently form COM-F-218) and pay a fee (see Council's current Fees & Charges FS-I-100).

Schedule 7 of Subordinate Local Law No1 details for an approval for roadside vending (including itinerant vending) must not be conducted on a road or local government controlled area within 500 metres of

- an existing retail shop, shopping centre or roadside vending stall selling the same or similar goods to the approval holder; or
- a school, between the hours of 7.00am and 5.00pm on school days; or
- a recreational facility, including a public swimming pool or sporting ground, at a time when the facility is selling the same or similar goods to the approval holder; or
- a public place where a fete or market is operating, unless the approval holder is authorised by the operator of the fete or market to conduct the activity at the place.

Approvals may be granted with ordinary conditions also including

- The vehicle must comply with the requirements of the Food Act 2006 and the Food Safety Standards detailed in Chapter 3 of the Australian New Zealand Food Standards Code and be presented for inspection to Council's Environmental Health Officer, when required.

Approval given to one person shall not be transferable to another without Council approval. Approval given for the use of a particular vehicle shall not be transferable to another vehicle without prior inspection and approval by Council. Approvals generally last 12 months.

3.2 Street Stall / Markets / Multiple Stalls / Standing Stall

Applicants are required to submit an application for approval (COM-F-314). Conditions for approval are detailed on the approval and are generally as follows:

- Permits will not be granted for the sale of perishable or potentially hazardous foods.
- The sale of articles in competition with shopkeepers in the vicinity of the stall is not permitted.
- Street stalls are to be located at the outer edge of the footpath or adjacent to the shopfront.
- Street stalls are not to impede the free flow of pedestrian traffic.
- Stallholders are not to accost passers-by in promoting their wares.
- The footpath area adjacent to the street stall is to be kept and maintained in a clean and tidy condition.

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3.3 Banners

Applicants are required to submit an application for approval (COM-F-314). Conditions for approval are detailed on the approval and are generally as follows:

- Banners shall be permitted at approved sites only.
- Banners may only be displayed for a period of 1 month prior to the event and must be removed immediately after the event.
- Banners may only be displayed by local non-commercial organisations.

Banners that have been erected in contravention of the permit shall be removed by Council's Works Division.

3.4 Footpath Use - General

Applicants are required to submit an application for approval (currently form COM-F-314), together with two copies of detailed layout plans at a scale of 1:100 indicating the area to be occupied by goods or tables and chairs and this area's relationship to the building line or shopfront, the kerb and any street fixtures or fittings. Application fees are detailed in Council's current Fees & Charges FS-I-100. Approvals generally last 12 months and are renewable annually and are transferable on sale of a business.

These guidelines apply to all applications for display of goods and placing of tables and chairs on the footpath within the Gympie Regional Council area. (The display of A-frame signs is to comply with section 10.3 below).

General conditions for approval are detailed on the approval and are as follows:

- The permit period shall run concurrently with the permit holders Public Liability and remain valid only whilst such insurance cover is current.
- A clear footway of 2.0m wide shall be maintained at all times, located generally in the middle of the footpath, to be as consistent in alignment as possible with minimal changes in direction. A larger minimum dimension may be required where pedestrian traffic density is assessed by Council as requiring an increased clear footpath. Council may also approve alternative layouts that have been endorsed by the Access Advisory Committee.
- The location for the clear footway is the area of the footpath measured from the outer edge of the permit area for display of goods and placing of tables and chairs. However, where circumstances necessitate varying this requirement, consideration may be given to the clear footway being located on the shopfront side of the footpath subject to location of goods on the footpath at neighbouring premises. (Alternative arrangements may be considered by Council on an individual basis on submission of an application specifying all aspects of the proposal.)
- No footpath use area shall be located in a position which is likely to impair visibility for traffic.
- If in the opinion of Council the traffic density is such that free flow is, or would be, restricted or obstructed by the Footpath Use Area, Council reserves the right to refuse or cancel such application or permit.
- The permit holder shall be responsible for ensuring that tables, chairs or other items are not placed so that any person might be endangered by normal traffic.

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- The permit holder shall so secure any items placed on the footpath to ensure public safety.
- All tables and chairs and other fixtures shall be removed from the footpath when the Principal Food Premises is not open for business.
- The Proprietor shall at all times be responsible for the cleanliness of the footpath, tables and chairs and its immediate surrounds including the provision and servicing of an appropriate litter bin.

Council can issue compliance notices to ensure approval conditions are met.

3.5 Footpath Dining

The Gympie Regional Council has resolved that it would permit the provision of outdoor dining facilities on footpaths and road reserves with the objectives of:

(a) encouraging tourism through the provision of al fresco dining facilities,
(b) allowing for the operation of outdoor dining areas on footpaths and road reserves in such a manner that those facilities do not conflict with pedestrian or vehicular traffic within the subject areas; and
(c) ensuring the operation of those facilities do not adversely impact on the normal operations of other business entities in those areas,
(d) enhance the character and visual appearance of the business centres.
(e) provide greater opportunity for successful business operation,
(f) provide for safe and equitable use of footway sections of roads.

As well as the above general conditions (section 3.4), specific condition for footpath dining are detailed on the approval and include:

- The provision of outdoor dining facilities will be permitted in areas of the Region that are suitably zoned under the Planning Scheme and there is sufficient capacity on either the footpath or road reserve (to the extent of a designated number of parking bays) to permit the establishment of an outdoor dining facility in accordance with these guidelines.
- For Tables & chairs - unless otherwise approved by the Chief Executive Officer, the preferred location for tables and chairs shall be in front of the subject premises, on the shopfront side of the footpath where practicable, however an alternate location may be approved, provided that a 2.0m clear footway is maintained under cover of an awning where provided with 1.0m clearance from nose in parking bays and 0.5m clearance from parallel parking bays and appropriate safety features depending on circumstances.
- Tables and chairs to be located within the boundaries (frontage) of the permit holder's shop, however Council may approve an extension of this area to the area of footpath in front of adjoining premises, subject to the written agreement of the adjoining business operator/s and building owner.
- The state of repair and type of tables and chairs shall be specified in the application for a permit and will be to the satisfaction of Council. (Tables and chairs are to be of substantial construction eg light plastic tables and chairs are not permitted).

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- The preparation, handling and serving of food and refreshments for patrons shall at all times be in accordance with the provisions of the Food Act 2006.
- Table service may only be provided to the tables where the patron orders and pays for the food and refreshment within the curtilage of the principal Cafe or Restaurant. Alternatively approval may be granted for use of footpath areas fronting neighbouring shops provided a written agreement is obtained from the neighbouring shop occupant.
- Condiments, cutlery and the like shall not be left on any table prior to use.
- The area is to be kept in a clean and tidy condition at all items. This requirement includes daily washing or hosing of pavers if necessary.
- All umbrellas used at approved tables in Footpath Use Area shall for safety reasons, be secure and have a minimum clearance above the footway of two (2) metres from the lowest point of the extended arms (spokes) of the umbrella and shall be anchored under the table.

3.6 Goods Displayed for Sale on Footpath

As well as the above general conditions (section 3.4), specific condition for goods displayed on the footpath are detailed on the approval and include:

- The area approved for use shall be located in front of the subject premises and at least 0.3m from any street fixture or fitting. For display of goods an area of footpath 0.6m wide along the shop frontage (preferred location) may be approved for use, (in locations where circumstances permit, the Chief Executive Officer may approve use of an area of footpath along the shop frontage greater than 0.6m wide). A further area (on the kerb side of the 2.0m clear pedestrian corridor) of 0.6m wide in 2m x 0.6m sections - with equivalent size openings for pedestrian access – may be considered subject to circumstances.
- As an alternative to 2.0m x 0.6m display areas on the kerb-side of the footpath, circular displays of goods up to 1.2m diameter with 1.2m clear openings between these displays for pedestrian access, may be considered subject to availability of space and maintaining other clearances.
- A person shall not display goods on a footway unless:
  - the goods are displayed on the footway immediately adjacent to the person's shop or business house;
  - the table or stand holding the goods is:
    (a) of safe construction;
    (b) in a proper state of repair;
    (c) secured so as not to cause a hazard to pedestrian traffic and/or vehicles.

3.7 Liquor Consumption and Licensing

The applicant is advised to discuss the consumption of liquor within the Footpath Use Area with the Liquor Licensing Commission and that the Council will neither condone, nor accept any responsibility for breaches of the Liquor Act.

An applicant for BYO approval must specify proposed method of delineating area

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of footpath to be used for BYO dining - applicant to meet full cost of any works/modifications to footpath which may be necessary. Such works to be carried out by Council.

3.8 Installation of advertising devices on the footpath

A-frame and other advertising devices on footpaths are regulated and require approval. See section 10.3 below.

3.9 Domestic water carriers

Permits for Domestic Water Carriers are no longer required under the Local Laws, but such business are now required to have a Food Business Licence, under the Food Act 2006 (COM-F-219). Applicants are also required to contact Council's Water & Sewerage Division to discuss standpipe access.

3.10 Commercial vehicles

Commercial vehicles are regulated and require approval. See section 8.3 below.

3.11 Saleyards

Agents, or others, wanting to use the Council's Saleyards for Commercial purposes are required to submit an application for approval" (see schedule 7 of Subordinate Local Law No 1). Approvals generally last 12 months, are renewal in August each year and are transferable on sale of a business. Conditions for approval are detailed on the approval and are generally as follows:

- The agent agrees to abided by the Local Laws, any and all reasonable directions from the Saleyards Superindentent and the Standard Rules for Selling (SY-P-008), aligned to the National Standard for the Construction and Operation of Australian Saleyards.
- The agents also agree to pay all fees and charges promptly when due.

3.12 Other Commercial Use

Approval is required for any commercial activity on or in local government controlled areas and roads, (a prescribed activity) ref Schedule 2 (part 2) of Local Law No 1. Examples would include any group activity in a park, organised for a fee, such as boot camp / facilitated fitness / youth activities / cultural activities.

Application for an approval must be made in writing, with all relevant details. Approvals will detail appropriate conditions.

Category 1 activity – current maximum penalty $5000.

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4 Keeping of Animals

4.1 Registration

Cats and Dogs are required to be registered with the Council under Chapter 3 of the Animal Management (Cats and Dogs) Act 2008. Application forms COM-F-302 & COM-F-303 are available online and at the Community Services office. Registration Fees apply (FS-I-100).

4.2 Approvals

In addition to dog and cat registration, Council regulates the keeping of an animal (see sections 4.3-4.8 below) and approval may also be required under Local Law No.2 (Animal Management) 2010 (see sections 4.9-4.11 below).

Approval to keep more than 2 dogs is not transferable.

Category 1 activity – current maximum penalty $5000.

Council can issue compliance notices to ensure approval conditions are met.

4.3 Minimum Standards

As listed in Schedule 4 of Subordinate Local Law No 2 the following are the minimum standards for keeping animals generally:

1 Animals must be kept in a manner that does not create and is not likely to create a smell, dust or noise nuisance to contiguous or neighbouring land.

2 Waste waters from enclosures must be drained in a nuisance- and pollution-free manner.

3 Any excreta, offensive material or food scraps must be collected at least once each day and placed into a suitable waterproof and flyproof receptacle, which must be covered at all times and the contents removed at least twice weekly.

4 Any animal food must be stored in impervious flyproof and vermin proof receptacles or impervious flyproof and vermin proof storeroom facilities.

5 An enclosure for an animal must be located to prevent the animal from being to close to other dwellings, roads, etc (ref Sch 4).

4.4 Seizing & Impounding

Local Law No 2, part 4 details Council's ability to seize and impound animals and if required, destroy. Persons wishing to have Council collect stray/surrendered dogs and cats, please contact the Compliance & Local Disaster Coordination Unit in Community Services between 8.00am and 3.00pm Monday to Friday (except public holidays).

Council maintains three facilities to care for impounded animals.

All enquiries regarding impounded and lost dogs and cats, releasing and delivery of dogs and cats are to be directed to the RSPCA at Laurenceson Road, Gympie (or possibly the Kilkivan Pound, Fraser St). The shelter is open between the

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hours of 8.30am and 4.00pm, seven days per week except public holidays and can be contacted on (07) 5482 9407.

Larger animals are impounded at the Saleyards, contact 5481 0780.

4.5 Dangerous Animals

Restricted dogs are regulated under the Animal Management (Cats and Dogs) Act 2008. Permit application forms are available COM-F-313.

Council has not determine other species as dangerous animals at this time.

4.6 Animals in public places

Local Law No 2, part 3 details the requirement to maintain control of animals, including when in public places. Council does not have any dog off leach areas. Persons in control of animals are required to restrain them and ensure they do not attack or cause fear in other persons. Animal faeces is to be cleaned up in public places and cats and dogs are required to wear identification when not at the registered address.

As listed in Schedule 6 of Subordinate Local Law No 2 all animals (except guide, hearing and assistance animals) are prohibited in

- One Mile Oval
- Albert Park
- Libraries
- Any area within five (5) metres of any playground, barbeque, shelter or picnic table in a park or reserve
- All local government cemeteries (unless authorised by an authorised person).
- Memorial Park Gympie (unless authorised by an authorised person).
- Willows Park, Gympie / AJ Mitchell Park (unless authorised by an authorised person).
- Rainbow Beach Bathing Reserve (unless authorised by an authorised person).

4.7 Dogs

The Animal Management (Cats and Dogs) Act 2008 details many requirements of responsible dog ownership. In addition, Council's local law includes the following:

4.7.1 Prohibited

As listed in Schedule 1 of Subordinate Local Law No 2

- Keeping more than 1 dog is prohibited in a residential unit that is within a residential complex comprising 2 units.
- Keeping more than 2 dogs is prohibited on any property that contains more than 2 residential units.

4.7.2 Restricted

As listed in Schedule 2 of Subordinate Local Law No 2

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- An approval is required to keep more than 2 dogs over the age of 12 weeks on any property, except where any additional dog is a working dog. (COM-F-304)
- An approval is required to keep 1 or more dogs over the age of 12 weeks on any property that contains multiple residential units.

4.8 Cats

The Animal Management (Cats and Dogs) Act 2008 details many requirements of responsible dog ownership. In addition, Council's local law includes the following:

4.8.1 Prohibited

As listed in Schedule 1 of Subordinate Local Law No 2

- Keeping more than 1 cat is prohibited in a residential unit that is within a residential complex comprising 2 units.
- Keeping more than 2 cats is prohibited on any property that contains more than 2 residential units.

4.8.2 Restricted

As listed in Schedule 2 of Subordinate Local Law No 2

- An approval is required to keep more than 2 cats over the age of 12 weeks on any property (COM-F-304)
- An approval is required to keep 1 or more cats over the age of 12 weeks on any property that contains multiple residential units.

4.9 Poultry (including Roosters, Pidgeons & other birds)

4.9.1 Prohibited

As listed in Schedule 1 of Subordinate Local Law No 2

- Keeping a rooster or cockerel is prohibited on a property that is within a residential area or less than 10,000 square metres.
- Keeping poultry is prohibited on a property less than 1,000 square metres.
- On a property greater than 1,000 square metres and up to 4,000 square metres, keeping more than 8 poultry is prohibited.
- On a property greater than 4,000 square metres and up to 10,000 square metres, keeping more than 12 poultry is prohibited.

(The above prohibitions are not applicable in the case of a member of a recognised poultry club holding an approval)

- Keeping geese, ducks, turkeys, pheasants or similar birds is prohibited on a property that is within a residential area or less than 1,000 square metres.
- Keeping peacocks, peahens and guinea fowl is prohibited on a property that is within a residential area or less than 4,000 square metres.
- Keeping ratites (emus, ostriches and other similar birds) is prohibited on a property that is within a residential area or less than 4,000 square metres.

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4.9.2 Restricted

As listed in Schedule 2 of Subordinate Local Law No 2

- An approval is required to keep more than 8 poultry on any property in a residential area.
- An approval is required to keep more than 25 birds on any property.
- An approval is required for the keeping more than 25 pigeons, racing pigeons or doves on any property within a residential area.

(The above restrictions are not applicable in the case of a member of a recognised poultry / feather club holding an approval)

4.10 Pigs

4.10.1 Prohibited

As listed in Schedule 1 of Subordinate Local Law No 2

- Keeping pigs is prohibited on a property that is within a residential area or less than 10,000 square metres.

4.11 Other animals (eg.mules, camels, goats, bees, etc)

4.11.1 Prohibited

As listed in Schedule 1 of Subordinate Local Law No 2

- Keeping horses, mules, donkeys, camels, cattle, sheep, deer, alpacas, llamas and goats is prohibited on a property less than 4,000 square metres.
- In a residential area, keeping more than 1 horse, mule, donkey, camel, cow, sheep, deer, alpaca, llama or goat per 4,000 square metres is prohibited.

4.11.2 Restricted

- Keeping bees for commercial purposes meets the “farm” definition under the GRC Planning Scheme and requires assessment. It is also a requirement under the Apiaries Act 1982 to become a registered beekeeper with the Department of Primary Industries and Fisheries, Queensland if you own one or more hives.

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5 Community Issues

5.1 Declared pests

Declared plant and animal pests in the region are managed by the local government under the regulations of the Land Protection (Pest and Stock Route Management) Act 2002. Council has not declared any local pests.

5.2 Overgrown allotments

As detailed in Local Law No 3 an authorised person may issue a compliance notice to the responsible person for the allotment, requiring the responsible person to clear the vegetation to an extent specified in the notice.

Current maximum penalty for failure to comply with a compliance notice is $5000.

5.3 Accumulation of objects and materials on allotments

As detailed in Local Law No 3 an authorised person may issue a compliance notice to the responsible person for the allotment, requiring the responsible person to remove objects or materials (or take other action) that are have seriously affected the visual amenity of the allotment; or are likely to attract or harbour reptiles.

Current maximum penalty for failure to comply with a compliance notice is $5000.

5.4 Regulation of lighting and maintaining fires in the open

The Fire and Rescue Service Act 1990 is the principal legislation that deals with lighting fires in the open in Queensland. The Act provides a systematic approach to the authorised use and control of fire in the open and for fire prevention.

The Fire and Rescue Service Act 1990 makes it illegal to light a fire without a 'Permit to Light Fire' issued by a fire warden, with the following exemptions:

- Fires that are less than 2 metres in any direction.
  - Note: These fires are not exempt during any Fire Danger Period and a permit must be obtained from a fire warden.
- Fires lit outdoors in a properly prepared fireplace for the purpose of cooking (e.g. BBQ and camp fires). In this instance it is the responsibility of the person lighting or maintaining the fire to ensure adequate precautions are taken to prevent the spread of fire.
- Certain fires used by primary producers and for industrial purposes.

In addition to the above prohibitions, Schedule 3 of Subordinate Local Law No 3 also prohibits all fires in bathing reserves, all fires in parks and reserves (unless contained within a barbeque provided by the local government) and all fires on residential properties (within the "town limits") unless contained with a barbeque or other cooking device and reasonable attempts are made to minimise smoke creation.

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5.5 Fire hazards

As detailed in Local Law No 3 an authorised person may issue a compliance notice to the responsible person for the allotment, requiring the responsible person to take specified action to reduce or remove the fire hazard.

Current maximum penalty for failure to comply with a compliance notice is $5000.

5.6 Community Safety Hazards

A community safety hazard is anything because of its nature or position that poses a significant risk to a person or damage to property. An authorised person, after giving written notice, can enter a property to inspect for community safety hazards.

As detailed in Local Law No 3 an authorised person may issue a compliance notice to the responsible person for the allotment, requiring the responsible person to take specified action to reduce or remove the community safety hazard.

Current maximum penalty for failure to comply with a compliance notice is $5000.

5.7 Fencing of land adjoining a road

As detailed in Local Law No 4, Part 3, the local government may determine it is necessary for land adjoining a road to be fenced to prevent the risk of animals escaping from the land onto the road; or interference with the safe movement of traffic or the safe use of the road.

The local government may, by giving a compliance notice to the owner require the owner to fence the land; or require the owner to repair or replace the fence.

Current maximum penalty for failure to comply with a compliance notice is $5000.

5.8 Numbering of houses adjoining a road

As detailed in Local Law No 4, Part 3, owners must display a house number so as to be easily identified from the adjoining road and must not adopt a number for a building or allotment that is inconsistent with a numbering system adopted by the local government under this section.

5.9 Temporary entertainment events

Temporary Entertainment Events (such as circuses, music performances, etc) are regulated and require approval. See section 10.1 below for full details.

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6 Parks, Cemeteries, Libraries, Saleyards (and other local government controlled areas and roads)

6.1 Prohibited in local government controlled areas, reserves and/or roads

6.1.1 Cemeteries

As listed in Schedule 1 of Subordinate Local Law No 4 the following are prohibited in cemeteries:

- Interfere with a grave, memorial or with flowers or tokens on a grave or memorial.
- Interrupt or interfere with a funeral or commemorative service lawfully conducted in a local government cemetery.

6.1.2 Libraries

As listed in Schedule 1 of Subordinate Local Law No 4 the following are prohibited in libraries:

- Harass or disturb another person or interfere with the reasonable use of library resources.
- Wilfully damage a library resource.
- Remove a library resource from the library premises, except as authorised under the library rules.
- Eat or drink in the public area of any library property.
- Use of audio visual materials in a manner that disrupts other library users.

6.1.3 Saleyards

As listed in Schedule 1 of Subordinate Local Law No 4 the following are prohibited in saleyards:

- Deposit, throw or leave paper or other refuse.
- Damage or deface any part of the buildings, fittings, or fixtures.
- Obstruct any of the entrances to thoroughfares or passageways or races or loiter in such entrances, thoroughfares, passageways or races.
- Break in horses
- Keeping an animal that is, in the opinion of the authorised person, diseased.

6.1.4 Roads

As listed in Schedule 1 of Subordinate Local Law No 4 the following are prohibited on roads:

- Drag any article (other than on wheels) on the road surface or on a table drain.
- Cause an offensive liquid or substance to be discharged in such a manner that it will reach a road.
- Park or stand a vehicle that is advertised for sale.

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6.1.5 Parks and reserves

As listed in Schedule 1 of Subordinate Local Law No 4 the following are prohibited in parks and reserves:

- Enter or leave a park other than through a gateway or opening designated by the local government.
- Wilfully obstruct any of the entrances, thoroughfares, or walks of any park.
- Do an act which would be likely to injure, endanger, obstruct, inconvenience or annoy a person.
- Throw or discharge a stone or any other projectile whatsoever in, over or across a park.
- Carry a loaded or cocked spear gun.
- Play golf, other than putting
- Break or leave a glass bottle or glass container of any description except in a refuse receptacle provided for that purpose.
- Enter any building or other structure that has been set apart for the use of persons of the opposite sex, provided that this prohibition shall not apply to children under the age of five (5) years.
- Do an act which would be likely to injure, displace, pollute, foul, deface or disorder a park or any thing appertaining thereto, or to cause waste, loss or inconvenience to the local government.
- Bathe, wade or wash in any lake, pond, fountain, ornamental water, stream or other water or foul, pollute or discolour any such water.
- Remove any stone, rock, sand or shell.
- Enter any enclosure or place set aside for the cultivation of plants, flowers or for revegetation where by notice it is forbidden to walk, drive, ride, trespass, damage or the like.
- Deposit fish, crustacean or oyster offal or waste material or shells.
- Abandon or permit to be abandoned a vehicle, caravan, boat, water-craft or aircraft.
- Wilfully or deliberately cause, permit or allow a water tap to run water to waste.
- Wilfully, carelessly or negligently remove, damage, deface, injure, destroy, soil or defile a part of a wall, building, sign, control fence, barrier or railing or of a fixed or movable seat, or a monument, work or art, ornament or decoration, playground equipment or a structure or building or the like, or a fitting or fixture contained therein or thereon.
- Climb upon, get over, injure, cut down, destroy, damage or otherwise interfere with the fences or posts in or around a park or in any manner disturb, damage or destroy property, chattels, effects or things therein.
- Insert any article whatsoever in a coinmeter of a barbeque, shower, hot water unit or the like, other than a coin the denomination of which is specified.
- Hang out or spread for drying a fishing net or crab net or oyster growing frame except in an area designated by the local government for this purpose.

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6.1.6 Aerodromes or other aircraft landing areas

As listed in Schedule 1 of Subordinate Local Law No 4 the following are prohibited at aerodromes or other aircraft landing areas :

- Use any building or other structure, convenience or amenity provided on an aerodrome or aircraft landing area for any purpose other than that for which it is provided or intended.
- Destroy, remove, obliterate, deface, alter or otherwise interfere with any barrier, notice, sign or marking designed or intended for direction, guidance, warning or information of persons using an aerodrome or aircraft landing area.

6.2 Restricted in local government controlled areas reserves and/or roads

6.2.1 Saleyards

As listed in Schedule 2 of Subordinate Local Law No 4 the following are restricted in saleyards:

- Placing or causing to be placed nails, hooks, pegs or other fittings or things in or on any part of the saleyards is only permitted if authorised by an authorised person.
- Entering any of the covered ways or use the platforms of the saleyards for the purpose of marking or branding any stock is only permitted in a place specially provided or set apart by the local government for that purpose; or if authorised by an authorised person.
- Bringing a dog into the saleyards is permitted only where
  - authorised by an authorised person; and
  - when the dog is not working, the dog is tied or secured in a place appointed for that purpose, and in such manner as to prevent it from running about such saleyards or interfering with any livestock therein; and
  - the dog is not mangy or diseased.
- Using any portion of the saleyards by an owner of stock for any purpose of stock management, including loading and unloading by rail or transport is only permitted if authorised by an authorised person.
- Causing undue delay, or other disruptive activity, when loading or unloading stock at the saleyards is only permitted if authorised by an authorised person.
- Allowing stock to remain in the yards used for cattle sales after 12 noon on the day following the sale is only permitted if authorised by an authorised person.
- Allowing stock to remain in the yards used for pig and calf sales immediately after sale is completed is only permitted if authorised by an authorised person.

Current maximum penalty $2000.

6.2.2 Aerodromes or other aircraft landing areas

As listed in Schedule 2 of Subordinate Local Law No 4 the following are restricted in aerodromes or other aircraft landing areas:

Bringing or leaving any property or dangerous goods or materials on an airside

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area of an aerodrome or aircraft landing area is only permitted if authorised by an authorised person.

Discharging a firearm on or over any part of an aerodrome or adjacent to an aerodrome or aircraft landing area in such a manner that the projectile discharged from the firearm travels over, or is likely to travel over, any part of an aerodrome or aircraft landing area is only permitted if authorised by an authorised person.

Bringing an animal, or permitting an animal to stray, onto an aerodrome or aircraft landing area is only permitted if authorised by an authorised person.

Lighting a fire on an aerodrome or aircraft landing area is only permitted if authorised by an authorised person.

Parking an aircraft in a manner contrary to a parking indication given by the local government by means of signs, notices or markers placed on the aerodrome or aircraft landing area is only permitted if authorised by an authorised person.

Current maximum penalty $2000.

6.2.3 Roads

As listed in Schedule 2 of Subordinate Local Law No 4 the following are restricted on or over roads:

Wash, paint, repair, alter or maintain a vehicle or cause a vehicle to be washed, cleansed, painted, repaired, altered or maintained, in, on or over a road is permitted only where the vehicle is temporarily disabled with a minor fault; and the driver of the vehicle stops for no longer than necessary for performing maintenance work to allow the vehicle to be moved from the road.

Current maximum penalty $2000.

6.2.4 All parks and reserves

As listed in Schedule 2 of Subordinate Local Law No 4 the following are restricted in all reserves:

Camping is permitted only within either—

- a camping ground; or
- a lawfully established and operated caravan park

Current maximum penalty $2000.

Council can issue compliance notices to ensure approval conditions are met.

Lighting Fires is permitted only—

- in a place specially provided or set apart by the local government for the purpose; and
- under such conditions as the local government may impose by signage at the place.

Current maximum penalty $2000.

Erecting or maintaining a structure, screen, awning, tent, shelter, enclosure, residence or camp in a park or reserve is permitted only if authorised by an

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authorised person.

Current maximum penalty $2000.

Beaching for repairs, painting or otherwise maintaining or leaving a boat or water-craft in a park or reserve is permitted only

- in a place specially provided or set apart by the local government for that purpose; or
- if authorised by an authorised person.

Current maximum penalty $2000.

Distributing, or attempting to distribute, or depositing any handbill, advertisement or other printed matter is permitted only if authorised by an authorised person.

Current maximum penalty $2000.

Flying an engine-driven model aircraft in or over a park or reserve is permitted only—

- in a place specially provided or set apart by the local government for that purpose; or
- if authorised by an authorised person.

Current maximum penalty $2000.

6.3 Activities requiring approval in local government controlled areas and/or roads

Approval is required for undertaking regulated activities, restricted activities (Schedule 2 Subordinate Local Law No 4) and holding of a public place activity, as listed below, on local government controlled areas and roads.

6.3.1 Discharging stormwater

Discharging stormwater or wastes onto the road is permitted only where the person has the local government's approval issued pursuant to this provision in accordance with Local Law No.1 (Administration) 2011 (see section 1.2 above).

Un-categorised activity – current maximum penalty $5000.

6.3.2 House Removals

Removing a building or structure, whether on wheels or slides or in any other manner, through, along, or across a road is permitted only where the person has the local government's approval issued pursuant to this provision in accordance with Local Law No.1 (Administration) 2011 (see section 1.2 above).

Un-categorised activity – current maximum penalty $5000.

6.3.3 Camping outside designated camping grounds or caravan parks

Camping on local government controlled areas or roads outside designated camping grounds or caravan parks is permitted only where the person has the local government's approval issued pursuant to this provision in accordance with Local Law No.1 (Administration) 2011 (see section 1.2 above).

Un-categorised activity – current maximum penalty $5000.

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6.3.4 Interfering with animals, birds and wildlife

Destroying, snaring, injuring, disturbing, interfering with or taking any animals, ornamental fish, reptile, bird, bird's nest or bird's eggs is permitted only where the person has the local government's approval issued pursuant to this provision in accordance with Local Law No.1 (Administration) 2011 (see section 1.2 above).

Un-categorised activity – current maximum penalty $5000.

6.3.5 Cemeteries (monuments, burials and ashes)

Approval is required for work in a Council cemetery (as it is considered an alteration or improvement to local government controlled area or road). This includes graves, monuments, headstones and interment of ashes. Application form COM-F-221 is available.

Category 1 activity – current maximum penalty $5000.

For memorials (either beside the road or in other local government controlled areas, please refer to section 2.13 above. For burials, other than in cemeteries, please see section 10.7.

6.3.6 Goods on roads or footpaths

Approval is required to place or store goods or items on roads or footpaths. Please refer to section 2.12 "Items/goods on footpaths" above.

6.3.7 Driving or leading animals to cross a road

Approval is required to have animals on roads. Please refer to section 2.11 "Stock on Roads" above.

6.3.8 Firearms or other weapons

Approval is required for discharging a firearm or other weapon in, over or across a local government controlled area as it is listed in Schedule 5 of Subordinate Local Law No 1 as a Public Place activity.

Category 1 activity – current maximum penalty $5000.

6.3.9 Loud speakers

Approval is required for setting up or operating a loud speaker or sound amplifying device (see section 1.2 above).

Un-categorised activity – current maximum penalty $5000.

6.3.10 Private functions

Approval is required for a private (invitation only) function attended by more than 75 people in a local government controlled area as it is listed in Schedule 5 of Subordinate Local Law No 1 as a Public Place activity. Application form COM-F-315 is available.

Category 1 activity – current maximum penalty $5000.

For an approval for a private (invitation only) function attended by more than 75

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people, the conditions that will ordinarily be imposed on an approval are that the approval holder must—

- hold the event only within the hours specified in the approval; and
- ensure there is no injury, disturbance or interference with any flora or fauna as a result of the event; and
- ensure that no glass bottles are brought into the area used; and
- ensure that all waste material, broken glass, scraps, litter or rubbish of any kind brought or made upon the ground during the function are deposited in waste receptacles provided in the park or removed from the park; and
- indemnify the local government against any claims in respect to injury to any person or damage to any property that may result from the event.

6.3.11 Wedding or other ceremony

Approval is required for a wedding or other ceremony in a local government controlled area as it is listed in Schedule 5 of Subordinate Local Law No 1 as a Public Place activity. Application form COM-F-315 is available.

Category 1 activity – current maximum penalty $5000

For an approval for a wedding or other ceremony, the conditions that will ordinarily be imposed on an approval are that the approval holder must—

- restrict their activities in the place to conducting the ceremony and photographic sessions; and
- not restrict public access to public facilities; and
- ensure that the area of park used is left in a clean and tidy condition; and
- accept responsibility for any damage to the grounds, in excess of normal "wear and tear", arising from their usage thereof; and
- ensure that no glass bottles are brought into the area used; and
- not use confetti, and restrict the throwing of material during the ceremony to degradable substitutes such as rose petals or rice.

6.3.12 Performances

Approval is required to direct or procure a performance other than a temporary entertainment event in a local government controlled area as it is listed in Schedule 5 of Subordinate Local Law No 1 as a Public Place activity.

Category 1 activity – current maximum penalty $5000

Applicants are required to submit an application for approval. Conditions for approval are detailed on the approval and are generally as follows:

Community groups providing community entertainment for example school, youth or community group concerts/ performances, Carols by Candlelight, Gold Rush Festival and Muster type entertainment.

- Will normally be afforded precedence due to the community involvement;
- Bookings will be taken on a first in basis with preferably a minimum of 7 days in advance notice, on the prescribed form; (COM-F-315).

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- Amplified sound is to be maintained at a level so as to comply with the Environmental Protection Act 1994.

Individuals or organisations providing entertainment, busking or addresses.

- Bookings will only be taken in a maximum of 7 days in advance on the prescribed form (COM-F-315);
- A maximum of one booking per week per individual/organisation;
- Amplified sound not permitted;
- Busking for a maximum period of 2 hours;
- Speakers for a maximum period of 15 minutes;
- To determine the suitability of acts, auditions may be required. Acts considered to be dangerous for example fire and knife juggling will not be permitted

6.3.13 Surveys

Approval is required to conduct a survey in a local government controlled area as it is listed in Schedule 5 of Subordinate Local Law No 1 as a Public Place activity.

Category 1 activity – current maximum penalty $5000.

7 Bathing reserves

7.1 Reservation for competitions and special occasions

Approval is required to set apart a bathing reserve or a part of a bathing reserve for life-saving training on an exclusive basis; or use any part of a bathing reserve for the conduct of a surfing competition, a life-saving competition or another aquatic activity as it is considered a prescribed activity under Local Law No 6 section 10.

7.2 Prohibited or Restricted equipment, activities and behaviour

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

A person must not have prohibited equipment in a bathing reserve, such as a spear gun or a fishing spear.

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

An authorised person may seize the object, item or equipment

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8 Parking

8.1 Parking fines

Council may issue infringement notices minor traffic offences under Transport Operations (Road Use Management) Act 1995 and the Transport Operations (Road Use Management – Road Rules) Regulation 2009 such as:

- Parking contrary to an indication on an official traffic sign regulating parking
- Stopping in a clearway, truck, bus or taxi zone
- Stopping in a parking area for people with disabilities
- Stopping in or near an intersection
- Stopping on or near a pedestrian or level crossing
- Obstructing access to and from a footpath, driveway etc

Current maximum penalty $100.

8.2 Parking permits

A vehicle may be parked contrary to an indication on an official traffic sign (regulating parking by time or payment of a fee) if the vehicle displays a valid parking permit issued by the local government or a parking permit for people with disabilities.

Parking permits may be issued to:

- a person representing a local charitable organisation, service club, sporting association or other community group;
- a person representing an association or organisation that holds a current authority issued by the Art Union Division Queensland Treasury to conduct an Art Union;
- a person requiring access to a designated parking space and adjacent footpath for commercial or construction purposes;
- a person who lives in a residence directly adjacent to the parking space or spaces for which the permit will apply;
- such other persons as may be approved by the local government from time to time.

8.3 Commercial vehicle parking

Transport Operations (Road Use Management) Act 1995 a non commercial vehicle may be lawfully parked in a loading zone for a period not exceeding 5 minutes for the purpose of loading or unloading goods only. A commercial vehicle may be lawfully parked in a loading zone subject to the conditions specified on any official traffic sign. (Maximum 15 minutes).

A vehicle displaying a current commercial vehicle identification label (see section 8 of Local Law No 5) may be lawfully parked in a loading zone. Council may issue commercial vehicle identification labels (application form COM-F-316) mentioned above for a motor vehicle constructed, fitted or equipped for the carriage of persons that is—

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- currently used for carrying on a business that requires the regular use of loading zones; and
- permanently sign written so as to clearly indicate to the local government that the vehicle is being used in connection with a commercial business.

8.4 Declaration of off-street regulated parking areas

Subordinate Local Law No 5 declares several areas around Gympie city to be off-street regulated parking, including maps of the areas. These areas are known as:

- Lawrence St Car Park
- Town Hall Car Park
- Young St Car Park
- Gympie Market Place Car Park
- Jaycee Way Car Park
- Civic Centre Car Park

9 Abandoned & Impounded Items (other than animals)

An authorised person may seize and impound the goods / items where an authorised person considers on reasonable grounds that goods have been abandoned in a local government controlled area or on a road.

A person may reclaim the impounded item if—

- written application is made to the chief executive officer; and
- proof is produced to the satisfaction of the chief executive officer that the applicant is the owner of the item; and
- the applicant pays the prescribed fee for the impounding of the item.

The local government may dispose of impounded items as detailed in section 37 of Local Law No 1.

See section 2.9 above for details specific to abandoned vehicles.

10 Other Matters

10.1 Operation of temporary entertainment events

Approval is required for 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.

Approval is not required for a temporary entertainment event that is held on property that is not a local government controlled area or road; and attended by less than 1000 people; or held a club house or hall located in a local government controlled area.

Category 2 activity – current maximum penalty $20000.

For all approvals, the additional criteria for the granting of approval are—

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- the physical suitability of the area or road for the proposed event, including access roads servicing the event; and
- the likelihood of the event causing nuisance, inconvenience or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians; and
- the likely effect on the amenity of the surrounding area; and
- the likely effect on the local environment and any possible pollution or other environmental damage; and
- the appropriateness, quality and condition of equipment to be used in the activity; and
- the likely impact on the ability of the general public to use the site concurrently with the proposed activity; and
- whether the applicant's proposed waste management strategy makes provision for the satisfactory collection, storage and removal of all waste generated by the proposed activity.

Conditions that will ordinarily be imposed on approvals relating to the operation of a circus:

- the approval holder demonstrates compliance with the National Consultative Committee for Animal Welfare (NCCAW) Position Statement Number 26, Recommended National Circus Standards ,
- animal cannot be tied to trees

10.2 Establishment or occupation of a temporary home

Approval is required for the erection, construction, installation, positioning or placement of a structure used or intended for temporary use as a place of residence but does not include a structure for erection which is constituted as development under the Sustainable Planning Act; or lawfully established camp grounds or caravan parks.

Category 1 activity – current maximum penalty $5000.

Applicants are required to submit an application for approval" (currently form COM-F-321) and pay a fee (see Council's current Fees & Charges FS-I-100). Approvals generally last 3-6 months and are not transferable.

An application for approval must be accompanied by—

- full details of the activity including any relevant maps, specifications and plans; and
- a copy of the decision notice for the development approval for the construction of a permanent residence on the property where the temporary home is to be located;
- if the applicant is not the owner of the land on which the temporary home is (or is to be) located—the written consent of the owner.

For all approvals, the additional criteria are that—

- the applicant holds a current development permit for the erection of, or conversion of an existing building or structure into, a permanent residence; and
- an adequate source of water will be available to the proposed temporary home; and

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- the temporary home is located in such a way as to not impact adversely on the amenity of an adjoining owner; and
- reasonable grounds exist to justify the need to establish and occupy a temporary home, including special consideration where a natural disaster or emergency situation has the existing dwelling house unsuitable for habitation.

For an application for a renewal of an approval, an additional criterion is that the applicant has made satisfactory progress with the construction of a permanent residence on the property where the temporary home is located.

Conditions for approval are detailed on the approval. The conditions that will ordinarily be imposed on an approval are that the approval holder must—

- not cease construction of the permanent residence on the property for a period greater than three calendar months; and
- ensure the provision of the basic amenities required for living such as kitchen facilities, bathing facilities, laundry, toilet, sleeping accommodation, waste water disposal, refuse disposal, storage and adequate water supply; and
- keep the temporary home in good order and repair; and
- ensure that the home is not unsightly or unhygienic.

10.3 Installation of advertising devices

Local Laws do not regulate signage that constitutes "development" under the Planning Act. Signage of this nature needs approval through Council's Planning & Development Directorate.

Local Law approval is required for the installation, erection or display of an advertisement or sign that is visible from a road or other public place.

Category 1 activity – current maximum penalty $5000.

However, Council exempts the placement of some smaller signs from regulation under Schedule 9 section 2 of Subordinate Local Law No 1 as follows

- real estate signs that
  - advertise a property for sale, lease or auction; and
  - are not greater than 3m² in face area; and
  - are not positioned on a road, footpath or building (other than the building being advertised);
- election signs that
  - are not displayed before the commencement of the election period; and
  - are not displayed for more than 7 days after the conclusion of the election period;
- construction site signs that
  - contain only project details and real estate information; and
  - are only exhibited during the period of construction; and
  - are not greater than 2m in height.
  - are not positioned on a road, footpath or building (other than the building being advertised);
- rural identification signs that

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  - are not greater than 2m² in face area; and
  - do not number more than 1 sign per property;
- 'A' board signs that
  - are not greater than 1m² in face area on any face; and
  - are no wider than 750mm; and
  - are only placed adjacent to the business being advertised; and
  - are secured to prevent danger to pedestrians and traffic outside the site in high wind situations; and
  - do not number more than 1 sign per business per road frontage or, in the case of a business in an arcade, 1 sign per business per arcade opening;
- bunting that
  - is not placed within 20m of a streetfront boundary; and
  - is not placed above 6m height from the ground level of the site; and
  - is affixed to structures that will accommodate wind loadings; and
  - is not placed on a building roof; and
  - is not affixed to trees, lighting standards or power poles; and
  - does not extend above dedicated car parking areas;
- window signs that
  - do not cover more than 25% of the glazed area; and
  - are not illuminated;
- temporary real estate signs that
  - are no larger than 1.08m² in face area; and
  - do not number more than 1 sign per selling agent per streetfront boundary of the site to which the sign applies; and
  - where more than one selling agent is appointed-are grouped centrally on the streetfront boundary in an organised manner;
- road side stall signs that
  - are not adjacent to a residential property; and
  - are no larger than 1.08m² in face area; and
  - do not number more than 2 signs per stall;
- sporting field fence signs on the perimeter of playing fields that
  - are not legible at streetfront boundaries; and
  - are no larger than 1m² in face area per metre of fence length;
- business name plates that
  - are no larger than 0.5m² in face area; and
  - do not number more than 1 business name plate per tenant;
- lantern signs that
  - are no larger than 0.25m² in area for any face of the device; and
  - are used only for directional messages for vehicular traffic or pedestrians entering the site; and
  - are not arranged together to form an overall advertising message;
- property numbers or names displayed on the roof of a residence.

Advertising exceeding the above limitations, but not "development", requires local law approval. Applicants are required to submit an application for approval, with the conditions that will ordinarily be imposed on an approval as follows

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- Where numerous small sites are located adjacent to one another, the number, size, position and height may be limited to minimize visual clutter.
- To avoid visual clutter where more than one tenant or business share a building or attached premises, signs located on the building, or freestanding signs, should be harmonious and coordinated in size and height.
- Signs shall not obstruct or detract from scenic views.
- Vehicle access to and around a site shall be clear of any obstruction. Freestanding signs shall be positioned to ensure adequate setback from entries and exits, being the basis to ensure safe movement of vehicular traffic.
- Pedestrian movement shall not be obstructed by any sign, and devices that overhang the footpath shall be positioned so as cause no danger to pedestrians.
- Signs shall not cause obstruction or distraction for vehicular or pedestrian traffic on declared roadways. Devices at road intersections, rail crossings, and where traffic merges or diverges must not detract from a driver's attention.
- Illuminated signs shall be positioned so as not to create a glare or nuisance to traffic.
- Signs should be harmonious with the architectural style and character of the area. Where particular areas have unique or special characteristics which may affect sign requirements, separate guidelines, variations to this code, or precinct policies (historic or environmental) may be applied.
- Signs should blend with landscaping and street features to enhance the amenity of the area. Where additional treatment may enhance the compatibility of a sign to which licensing is sought, such treatment may be required by Council.
- All signs affixed to buildings shall be designed, constructed and installed with due account taken of the structural capability of the building on which such devices are erected.
- All signs affixed to buildings or freestanding shall be designed, constructed and erected to a standard that will withstand expected wind loadings, tension and sheer forces.
- Illuminated signs, structures and associated mountings shall be wired in accordance with Australian Standards for electrical and fire safety requirements.
- All signs and supporting structures shall be constructed, installed, erected and maintained in accordance with approved plans.
- Ordinary conditions on banner signs are detailed in Section 3.3 above.

10.4 Operation of camping grounds

No local law approval is required to permit access to, or use of, a commercial camping ground however such facilities must comply with other planning and health and safety regulation.

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10.5 Operation of cane railways

Council does not regulate cane railways however such facilities must comply with other planning and health and safety regulation.

10.6 Operation of caravan parks

No local law approval is required to operate, on a commercial basis, a place for parking and residing in caravans, including a place that provides also for complementary accommodation however such facilities must comply with other planning and health and safety regulation.

10.7 Cemeteries and burials (including matters related to human remains)

Council controls activities in cemeteries, such as animals and interference (vandalism) with graves. See sections 6.1.1 above. Council also requires approval for the digging of graves, construction of headstones and interment of ashes at Council cemeteries. See sections 6.3.5 above.

Local government approval is not required to operate a place for disposing of human remains (cemeteries) however such facilities must comply with other planning and health and safety regulation.

Approval is however required for undertaking one of the following activities—

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

An application for approval must be accompanied by (as applicable) —

- details of the proposed activity; and
- a certified copy of the death certificate or medical certificate of cause of death for the deceased; and
- written consent from the nearest living relative; and
- written confirmation from a recognised undertaker that he or she is prepared to carry out the exhumation; and
- if the remains are on land that is outside a local government cemetery—the written agreement of the owner of, and anyone else with a registered interest in, the land on which the remains are located.
- Global Positioning System (GPS) reference points to identify the proposed burial location; and a survey plan by a licensed surveyor detailing the location of the burial site.

For approvals for disturbances, the additional criteria for the granting of approval are that the nearest living relative consents to the disturbance of the human remains; and there is no public health risk involved.

For burials, the additional criteria for the granting of approval are the approval is justified by a special family, personal or historical association between the deceased person and the place in which the remains are to be buried or placed; or some other special reason; and the burial or disposal of human remains at the place will not create a risk to health or other nuisance; or cause reasonable offence to others.

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A condition that will ordinarily be imposed on an approval is that a qualified undertaker must conduct the activity.

These approvals are not transferable.

Category 1 activity – current maximum penalty $5000.

10.8 Operation of public swimming pools

No local law approval required for the operation of a swimming pool that is made available for use to—

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

however such facilities must comply with other planning and health and safety regulation.

10.9 Operation of shared facility accommodation

No local law approval is required for the provision of shared facility accommodation however such facilities must comply with other planning and health and safety regulation.

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Gympie Regional Council

Repealing Local Law No. 1 (Miscellaneous Local Laws) 2011

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Part 1 Preliminary

1 Short Title

This local law may be cited as *Repealing Local Law No. 1 (Miscellaneous Local Laws) 2011*.

2 Object

The object of this local law is to repeal local laws that are being replaced by a new set of local laws to meet the local government's current needs.

3 Commencement

This local law commences on the date that notification of the making of the local law is published in the Gazette.

Part 2 Repeal of Miscellaneous Local Laws

4 Local laws repealed

The following local laws are repealed—

- *Gympie Regional Council Local Law No. 2 (Meetings) 2008*
- *Cooloola Shire Council Local Law No.1 (Administration) 2005*
- *Cooloola Shire Council Local Law No.2 (Keeping and Control of Animals) 1999*
- *Cooloola Shire Council Local Law No. 3 (Gates and Grids) 1995*
- *Cooloola Shire Council Local Law No.4 (Libraries) 2001*
- *Cooloola Shire Council Local Law No.6 (Roads) 1988*
- *Cooloola Shire Council Local Law No. 7 (Impounding of Animals) 1999*
- *Cooloola Shire Council Local Law No. 8 (Control of Pests) 1999*
- *Cooloola Shire Council Local Law No. 9 (Parks, Reserves and Foreshores) 1992*
- *Cooloola Shire Council Local Law No. 10 (Cemeteries) 1999*
- *Cooloola Shire Council Local Law No.11 (Control of Advertisements) 1996*
- *Cooloola Shire Council Local Law No. 12 (Camping Grounds) 1999*
- *Cooloola Shire Council Local Law No. 13 (Caravan Parks) 1999*
- *Cooloola Shire Council Local Law No. 14 (Control of Nuisances) 1999*
- *Cooloola Shire Council Local Law No. 15 (Bathing Reserves) 1999*
- *Cooloola Shire Council Local Law No. 16 (Domestic Water Carriers) 1999*
- *Cooloola Shire Council Local Law No. 17 (Temporary Homes) 2001*
- *Cooloola Shire Council Local Law No. 18 (Aerodromes) 1999*
- *Cooloola Shire Council Local Law No. 19 (Regulated Parking) 1997*
- *Cooloola Shire Council Local Law No. 20 (Bridges and Culverts) 1988*
- *Cooloola Shire Council Local Law No. 21 (Control of Traffic and Obstructions on Roads) 1972*

- *Cooloola Shire Council Local Law No. 22 (Swimming Pools) 1999*
- *Cooloola Shire Council Local Law No. 23 (Council Saleyards) 1971*
- *Cooloola Shire Council Local Law No. 25 (Jetties and Barge Loading Facilities) 1999*
- *Cooloola Shire Council Local Law No. 28 (Health and Safety) 1999*
- *Kilkivan Shire Council Local Law No. 1 (Administration) 1999*
- *Kilkivan Shire Council Local Law No. 2 (Gates and Grids) 1997*
- *Kilkivan Shire Council Local Law No. 3 (Libraries) 1999*
- *Kilkivan Shire Council Local Law No. 4 (Keeping and Control of Animals) 1999*
- *Kilkivan Shire Council Local Law No. 5 (Impounding of Animals) 1999*
- *Kilkivan Shire Council Local Law No. 6 (Entertainment Venues) 1999*
- *Kilkivan Shire Council Local Law No. 7 (Temporary Homes) 1999*
- *Kilkivan Shire Council Local Law No. 8 (Rental Accommodation with Shared Facilities) 1999*
- *Kilkivan Shire Council Local Law No. 9 (Control of Pests) 1999*
- *Kilkivan Shire Council Local Law No. 11 (Domestic Water Carriers) 1999*
- *Kilkivan Shire Council Local Law No. 12 (Blasting Operations) 1999*
- *Kilkivan Shire Council Local Law No. 13 (Parks and Reserves) 1999*
- *Kilkivan Shire Council Local Law No. 14 (Control of Nuisances) 1999*
- *Kilkivan Shire Council Local Law No. 15 (Commercial Use of Roads) 1999*
- *Kilkivan Shire Council Local Law No. 16 (Camping Grounds) 1999*
- *Kilkivan Shire Council Local Law No. 17 (Caravan Parks) 1999*
- *Kilkivan Shire Council Local Law No. 18 (Cemeteries) 1999*
- *Kilkivan Shire Council Local Law No. 19 (Swimming Pools) 1999*
- *Kilkivan Shire Council Local Law No. 20 (Roads) 1999*
- *Kilkivan Shire Council Local Law No. 22 (Control of Advertising) 1999*
- *Kilkivan Shire Council Local Law No. 23 (Extractive Industries) 1999*
- *Tiaro Shire Council Local Law No. 1 (Administration) 1995*
- *Tiaro Shire Council Local Law No. 8 (Control of Advertisements) 1996*
- *Tiaro Shire Council Local Law No. 13 (Keeping and Control of Animals) 1995*
- *Tiaro Shire Council Local Law No. 15 (Parks and Reserves) 1996*
- *Tiaro Shire Council Local Law No. 19 (Entertainment Venues) 1995*
- *Tiaro Shire Council Local Law No. 20 (Domestic Water Carriers) 1996*
- *Tiaro Shire Council Local Law No. 22 (Libraries) 1995*
- *Tiaro Shire Council Local Law No. 24 (Gates and Grids) 1995*
- *Tiaro Shire Council Local Law No. 32 (Extractive Industries) 1995*
- *Tiaro Shire Council Local Law No. 34 (Temporary Homes) 1995*
- *Tiaro Shire Council Local Law No. 35 (Rental Accommodation with Shared Facilities) 1996*
- *Tiaro Shire Council Local Law No. 36 (Control of Pests) 1996*
- *Tiaro Shire Council Local Law No. 37 (Blasting Operations) 1996*
- *Tiaro Shire Council Local Law No. 38 (Control of Nuisances) 1996*

Part 3 Expiry

5 Expiry

This local law shall expire the day after the date of commencement of this local law.

Gympie Regional Council

Local Law No. 1 (Administration) 2011

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 1 (Administration) 2011*.

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 laws[1]

This local law is—

(a) 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.

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[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) the grant of the approval would be consistent with the purpose of any relevant local law; 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) if the application relates to trust land—the grant of the approval would be consistent with the terms and conditions of the trust; and

(f) 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)—

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.

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

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—one year from the date the approval is granted.

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 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.

(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 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 be written and state—

(a) the proposed amendment; and

(b) the reasons for it.

(3) The local government must consider and decide whether to grant or refuse the application.

---

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

(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 26 or 27 that relates to the conduct of the prescribed activity or has failed to comply with a stop order under section 29;

(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 appointment[5] 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 person[6]

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 decision under a local law (an ***original decision***) may apply to the chief executive officer[7] 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.

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[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.

[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.

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 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 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.

[9] See the Act, section 132.

26 Compliance notice for contravention of local law or approval condition

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

(a) a person—

(i) is contravening a local law or a condition of an approval; or

(ii) has contravened a local law or a condition of an approval in circumstances that make it likely the contravention will continue or be repeated; and

(b) a matter relating to the contravention can be remedied; and

(c) it is appropriate to give the person an opportunity to remedy the matter.

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

- If the contravention relates to a person's failure to take action that is required under a local law or a condition of an approval, then the matter can be remedied by the person taking that action.
- If the contravention relates to a person taking action that is prohibited under a local law or a condition of an approval, then the matter can be remedied by the person stopping that action.

(2) The authorised person may give[10] 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.

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[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 138(2).

(7) The recipient must comply with the compliance notice.[12]

Maximum penalty for subsection (7)—50 penalty units.

27 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 gives[14] 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.

28 Power to remove and cost recovery

(1) This section applies where—

(a) a structure or other material thing has been brought onto a local government controlled area or road in contravention of a local law; or

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[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 & Roads) 2011*, section 9(2) (Power to require owner of land adjoining road to fence land) and *Local Law No. 3 (Community & Environmental Management) 2011*, 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.

(b) a structure has been erected or installed in, on, across, under or over a road in contravention of a local law.

(2) An authorised person may seize (by dismantling if necessary) and impound the structure or thing if its immediate removal is necessary—

(a) in the interests of public health or safety; or

(b) to prevent environmental harm, property damage or loss of amenity.

(3) Where subsection (2) does not apply, an authorised person may seize (by dismantling if necessary) and impound the structure or thing if—

(a) the owner, or person in possession, of the structure or thing has not complied with a compliance notice requiring the owner or person to remove it; and

(b) the time for making an application for review of the compliance notice under section 22 has expired.

(4) 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).

(5) In this section—

thing does not include an animal.

29 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

30 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.

31 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.

32 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*.

33 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

34 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.

35 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.

36 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) The authorised person may seize and impound the goods.

37 Dealing with seized and impounded items

(1) This section applies where—

(a) an authorised person has exercised a power under a local law to seize and impound a structure, thing or goods (an ***impounded item***);[17] or

(b) the local government has impounded an item that has been delivered into its custody pursuant to a local law (also an ***impounded item***) and the local law states that this section is to apply.

(2) However, this section does not apply to an impounded item that is an animal[18]

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[17] See, for example, section 28 in relation to structures or things brought onto a local government controlled area or road in contravention of a local law and section 36 in relation to abandoned goods.

[18] See *Local Law No.2 (Animals) 2011*, 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.

(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 (6).

(4) 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.

(5) 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) if it has no commercial value or has a value that would not cover the costs of sale of the item—as the chief executive officer directs; or

(b) 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

(c) if it has been offered for sale under paragraph (b) but has not been sold within a reasonable period—as the chief executive officer directs.

(6) The proceeds of the sale or disposal of the impounded item must be applied—

(a) firstly, towards the costs of the sale or disposal; and

(b) secondly, towards the prescribed fee for impounding the impounded item; and

(c) thirdly, to the former owner of the impounded item.

(7) If no person establishes a valid claim to the amount to which the former owner is entitled under subsection (6)(c) within 1 year of the date of the sale or disposal, the amount becomes the property of the local government.

Part 8 Subordinate local laws

38 Subordinate local laws

The local government may make subordinate local laws about—

(a) prescribed activities in respect of which the requirement for an approval does not apply;[19] and

(b) the categories of prescribed activities for the purposes of maximum penalties;[20]

[19] See section 6(3).

[20] See section 6(4).

(c) the documents and materials that must accompany an application for an approval;[21] and

(d) additional criteria for the granting of approvals for prescribed activities;[22] and

(e) the conditions that must be imposed on an approval or that will ordinarily be imposed on an approval;[23] and

(f) application requirements for which a third party certifier's certificate may be accepted by the local government;[24] and

(g) the individuals or organisations that are declared as third party certifiers for particular application requirements;[25]

(h) the qualifications that are necessary for an individual or organisation to provide a third party certificate about particular application requirements;[26] and

(i) the term for which an approval for a prescribed activity remains in force;[27] and

(j) the further term for which an approval for a prescribed activity may be renewed or extended;[28] and

(k) categories of approvals that are non-transferable;[29] and

(l) complementary accommodation prescribed as appropriate for caravan parks;[30] 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]

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[21] See section 8(2)(a).

[22] See section 9(1)(d).

[23] See section 10(3).

[24] See section 12(1).

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

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

[27] See section 13(a).

[28] See section 14(1)(a).

[29] See section 15(2).

[30] See schedule 1, definition of ***complementary accommodation***, paragraph (b).

[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

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 4[33].

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

complementary accommodation means—

(a) accommodation in an on-site caravan, a cabin or a tent or other structure that can be readily assembled and disassembled; or

(b) other accommodation prescribed under a subordinate local law for this paragraph as appropriate to caravan parks.

compliance notice means a compliance notice given under—

(a) section 26; or

(b) another local law that authorises the giving of a compliance notice.

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.

goods does not include animals.

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

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

(a) the decision; and

(b) the reasons for the decision; and

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

(d) how to apply for a review.

Local Government Act see the Act, schedule 4.

local government 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.

[33] See also section 20.

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).

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 Act[34].

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

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

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

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

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).

shared facility accommodation means accommodation occupied or available for occupation by residents, in return for payment, on the basis of residents sharing 1 or more of the following facilities—

(a) dormitories or bedrooms;

(b) toilets;

(c) bathrooms, showers or other bathing facilities;

[34] See the Act, section 97.

(d) laundries;

(e) dining facilities;

(f) cooking facilities;

(g) recreation facilities.

show cause notice see section 18(2).

the Act means the *Local Government Act 2009*.

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 camping grounds

operation of cane railways

operation of caravan parks

operation of cemeteries

operation of public swimming pools

operation of shared facility accommodation

operation of temporary entertainment events

undertaking regulated activities regarding human remains

undertaking regulated activities on local government controlled areas and roads

Part 2 Definitions of prescribed activities

alteration or improvement to local government controlled areas and roads[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.

[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.

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 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 areas[37] ***and roads*** means the use of a local government controlled area or road for soliciting or carrying on the supply of goods and services (including food or drink) for profit, but does not include the following—

(a) the provision of a public passenger service under the *Transport Operations (Passenger Transport) Act 1994*;

(b) a business on part of a road if the person carrying on the business is authorised by a permit under the *Land Act 1994* to occupy the relevant part of the road for carrying on the business;

(c) a business that a person is authorised to carry on under the *Transport Infrastructure Act 1994*;

(d) using a road for a particular purpose if the use constitutes development under the Planning Act;

(e) operation of a temporary entertainment event;

(f) undertaking a regulated activity on a local government controlled area or road where the activity is the holding of a public place activity.

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

(a) a structure for erection which is constituted as development under the Planning Act; or

(b) the establishment or the occupation of a temporary home on or in a camping ground or caravan park.

installation of advertising devices means the installation, erection or display of an advertisement or sign that is visible from a road or other public place.[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) [insert year]*.

operation of camping grounds means to permit access to, or use of, a commercial camping ground but does not include a caravan park.

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[36] See the definition of ***Planning Act*** in the Act, schedule 4.

[37] See footnote 36.

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

operation of cane railways means the operation of a tramway or railway—

(a) operated, entirely or partly, on an access right under the *Sugar Industry Act 1999*, chapter 2, part 4[39]; and

(b) used, or proposed to be used, to transport sugar cane, sugar or sugar cane by-products; and

(c) that does not transport passengers or other freight for reward.

operation of caravan parks means to operate, on a commercial basis, a place for parking and residing in caravans, including a place that provides also for complementary accommodation.

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

(a) burial; or

(b) cremation; or

(c) placement in a columbarium, mausoleum or vault.

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

(a) members of the public or a section of the public; or

(b) participants in organised swimming or diving competitions or in training for organised swimming or diving competitions; or

(c) persons who have a commercial relationship with the owner of the pool.

operation of shared facility accommodation means the provision of shared facility accommodation to holiday makers or travellers, but does not include accommodation in a hotel or motel.

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

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

(a) disturbance of human remains buried outside a cemetery; or

(b) burial or disposal of human remains (excluding cremated remains) outside a cemetery; or

(c) disturbance of human remains in a local government cemetery.

undertaking regulated activities on local government controlled areas[40] ***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

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[39] *Sugar Industry Act 1999*, chapter 2 (Supply contracts and cane access rights), part 4 (Cane access, harvesting and mill supply).

[40] See footnote 36.

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.

Gympie Regional Council

Local Law No. 2 (Animal Management) 2011

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 2 (Animal Management) 2011*.

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 laws[2]

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) 2011*.

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[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 approval[5] for keeping an animal or animals in prescribed circumstances.

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[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) 2011*. 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 Act[7].

(4) Under this section, the local government may not require an approval for keeping a restricted dog.[8]

Division 3 Animals for which desexing is required

7 Requirement to desex an animal

(1) The local government may, by subordinate local law, require an animal of a particular species or breed to be desexed.

(2) The subordinate local law may—

(a) specify that the requirement for desexing only applies once an animal reaches a certain age; and

(b) exempt animals under particular circumstances.

Example for paragraph (b)—

Exemption might be provided for an animal that is owned by a member of a recognised breeders' association for the purposes of breeding or showing.

(3) A person must not keep an animal that is required to be desexed unless the animal has been desexed.

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

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[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.

Division 4 Minimum standards

8 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 5 Identification of registered cats and dogs

9 Identification for cats and dogs in certain circumstances

The local government may, by subordinate local law, prescribe the identification required by the *Animal Management (Cats and Dogs) Act* 2008 for a cat or dog that is at a place other than the address stated in the registration notice for the cat or dog.[10]

Part 3 Control of animals

Division 1 Animals in public places

10 Exclusion of animals

(1) The local government may, by subordinate local law, specify public places where animals, or animals of a particular species or breed, are prohibited.

(2) The owner or responsible person for an animal must ensure that the animal is not in a public place in contravention of a prohibition specified under subsection (1).

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

(3) The local government must take reasonable steps to provide notice to members of the public regarding the animals that are prohibited in a particular public place.

(4) In this section—

reasonable steps include, as a minimum, the display of a notice at a prominent place within the particular public place, stating—

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[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.

[10] Section 45 of the *Animal Management (Cats and Dogs) Act 2008* requires a person who keeps a cat or 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.

(a) the animals that are prohibited in the place; and

(b) in general terms, the provisions of subsection (2).

11 Dog off-leash areas

(1) The local government may, by subordinate local law, 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***).

(2) The local government must take reasonable steps to provide notice to members of the public regarding the designation of an area as a dog off-leash area.

(3) 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 the area.

12 Control of animals in public places[11]

(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 animal[12]—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) The owner or responsible person for a dog that is on heat must ensure that the animal is not in a public place.

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

(3) 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; 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

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[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.

(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

(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.

13 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

14 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.

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[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.

15 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.

(2) The prescribed requirements may relate to—

(a) the enclosure in which the dog must be kept between sunset and sunrise; or

(b) tethering the dog between sunset and sunrise to prevent it from attacking a koala; or

(c) fencing that must be in place to separate dogs from koalas on the land or on a part of the land; or

(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

16 Limited application of division to dogs[15]

(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.

17 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.

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

Maximum penalty for subsection (1)—

(a) if the attack causes the death of or grievous bodily harm to a person—300 penalty units; or

(b) if the attack causes the death of or grievous bodily harm to another animal—100 penalty units; or

(c) if the attack causes bodily harm to a person or another animal—50 penalty units; or

(d) otherwise—20 penalty units.

(2) A person must not allow or encourage an animal to attack, or act in a way that causes fear to, a person or another animal.

Maximum penalty for subsection (2)—

(a) if the attack causes the death of or grievous bodily harm to a person—300 penalty units; or

(b) if the attack causes the death of or grievous bodily harm to another animal—100 penalty units; or

(c) if the attack causes bodily harm to a person or another animal—50 penalty units; or

(d) otherwise—20 penalty units.

(3) In this section—

allow or encourage, without limiting the *Criminal Code*, sections 7 and 8, includes cause to allow or encourage.

another animal does not include vermin that are not the property of anyone.

Examples of vermin that are someone's property—

- a pet mouse or guinea pig
- vermin that are protected animals under the *Nature Conservation Act 1992*.[16]

18 Defences for offence against s 17

It is a defence to a prosecution for an offence against section 17 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.

[16] See section 83 of that Act.

Division 4 Dangerous animals other than dogs[17]

19 Declaration of dangerous animal other than a dog

(1) A local government may, by subordinate local law, specify criteria for an authorised person to declare an animal other than a dog to be a declared dangerous animal.

(2) An authorised person may declare an animal other than a dog to be a declared dangerous animal if the animal meets the criteria prescribed by subordinate local law.

(3) A declaration under subsection (2) takes effect at the time the local government gives the responsible person for the animal an information notice[18] about the declaration.

20 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

21 Seizure of animals

(1) An authorised person may seize[20] an animal, other than a dog,[21] in the following circumstances—

(a) the animal is found wandering at large; or

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

[18] See the definition of ***information notice*** in *Local Law No.1 (Administration) 2011*, schedule 1.

[19] See *Local Law No.1 (Administration) 2011*, section 27 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.

(b) the responsible person for the animal has not complied with a compliance notice that has been issued in relation to compliance with this local law; or

(c) the animal has attacked, threatened to attack, or acted in a way that causes fear to, a person or another animal; or

(d) the authorised person considers on reasonable grounds that the animal has been abandoned, left or found on a road in the circumstances mentioned in section 100(12) of the *Transport Operations (Road Use Management) Act 1995*.[22]

(2) An authorised person may seize a dog in the following circumstances—

(a) the dog is found wandering at large; or

(b) the responsible person for the dog has not complied with a compliance notice that has been issued in relation to compliance with this local law; or

(c) the authorised person considers on reasonable grounds that the animal has been abandoned, left or found on a road in the circumstances mentioned in section 100(12) of the *Transport Operations (Road Use Management) Act 1995*.

(3) The authorised person may seize an animal under subsection (1)(a) or a dog under subsection (2)(a) where—

(a) another person has found the animal or dog wandering at large and delivered it to the authorised person; or

(b) an occupier of private land has found the animal or dog wandering at large on the land, taken it under effective control and requested the authorised person to enter the land to seize it.

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

(5) For the purposes of seizing an animal, an authorised person may take any action, including the use of force, which is reasonable in the circumstances to capture or control the animal.

Division 2 Destruction of animal without notice

22 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

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[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."

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

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

23 Immediate return of animal seized wandering at large

(1) This section applies where—

(a) an animal has been seized under section 21(1)(a) or section 21(2)(a); and

(b) the authorised person who seizes the animal knows, or can readily find out, the name and address of the owner or responsible person for the animal.

(2) The authorised person may return the animal to the owner or responsible person.

24 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.

25 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 21(1)(b) or 21(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 21(1)(b) or 21(2)(b).

26 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 21(1)(a) or 21(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 21(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 30.

27 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 21(1)(b) or 21(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.

28 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 21(1)(c).

(2) The authorised person may[24]—

(a) make a destruction order for the animal under section 30; or

(b) give the owner or responsible person a notice of impounding.

29 Reclaiming an impounded animal

(1) This section applies where—

(a) the owner or responsible person for an animal has been given a notice of impounding; or

(b) an authorised person does not know, and cannot readily find out, the name and address of an owner or responsible person for the animal.

(2) The animal may be reclaimed by an owner or responsible person if the owner or responsible person—

(a) reclaims the animal within the prescribed period; and

(b) pays the cost-recovery fee; and

(c) if an approval or registration is required for the keeping of the animal and the owner or responsible person does not have the approval or registration—obtains the approval or registration; and

(d) if the responsible person has not complied with a current compliance notice that has been issued in relation to compliance with this local law—complies with the compliance notice.

(3) However, the animal may not be reclaimed by an owner or responsible person if—

(a) continued retention of the animal is needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; or

(b) a destruction order has been made for the animal.

(4) The animal may be reclaimed by an owner or responsible person for the animal if an event as follows happens—

(a) if subsection (3)(a) applies—

(i) an authorised person advises the owner or responsible person that the animal's continued retention as evidence is no longer required; and

(ii) the owner or responsible person has satisfied subsection (2)(b)-(d);

(b) if subsection (3)(b) applies—

[24] An authorised person may also declare an animal as a declared dangerous animal under section 19 if specified criteria are met.

(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

30 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—

[25] See note 17.

(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 29(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 29(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) 2011*.

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

Division 5 Disposal of impounded animals

31 Application of this division

This division applies where—

(a) an impounded animal has not been reclaimed within the prescribed period under section 29(2); or

(b) if section 29(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 29(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 27(2)(b); or

(e) the owner of an animal has surrendered the animal to the local government.

32 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 27(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

33 Register of impounded animals

(1) The local government must ensure that a proper record of impounded animals (the ***register of impounded animals***) is kept.

(2) The register of impounded animals must contain the following information about each impounded animal—

(a) the species, breed and sex of the animal; and

(b) the brand, colour, distinguishing markings and features of the animal; and

(c) if applicable—the registration number of the animal; and

(d) if known—the name and address of the responsible person; and

(e) the date and time of seizure and impounding; and

(f) the name of the authorised person who impounded the animal; and

(g) the reason for the impounding; and

(h) a note of any order made by an authorised person relating to the animal; and

(i) the date and details of whether the animal was sold, released, destroyed or disposed of in some other way.

(3) The register of impounded animals must be kept available for public inspection at the place of care for animals or, if the place has no public office, at an office prescribed by subordinate local law.

34 Access to impounded animal

(1) This section applies to an animal impounded under section 24.

(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.

35 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

36 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.

37 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.

38 Stay of destruction order

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

39 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.

40 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.

41 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 Miscellaneous

42 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.

43 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) the circumstances in which desexing of an animal is required;[28] or

(d) minimum standards for keeping animals generally or animals of a particular species or breed;[29] or

(e) the identification for cats and dogs required under the *Animal Management (Cats and Dogs) Act 2008*;[30] or

(f) the exclusion of animals, or animals of a specified species, from public places;[31] or

(g) designated dog off-leash areas;[32] or

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[26] See section 5(1).

[27] See section 6(1).

[28] See section 7(1).

[29] See section 8(1).

[30] See section 9.

[31] See section 10(1).

[32] See section 11(1)

(h) animals whose faeces in public places must be removed and disposed of;[33] or

(i) proper enclosure requirements;[34] or

(j) requirements for keeping a dog within a koala area;[35] or

(k) designation of an area as a koala area;[36] or

(l) the criteria for declaring an animal other than a dog to be a declared dangerous animal;[37] or

(m) the organisation or local government that operates a place or care for impounded animals;[38] or

(n) the species, breed or class of animal that may be disposed of other than by public auction or tender;[39] or

(o) the office at which the register of impounded animals is available for public inspection;[40] or

(p) the conditions to be complied with by persons who offer animals, or a particular species of animal, for sale;[41] or

(q) the exclusion of animals of a particular species from the application of this local law;[42] or

(r) the declaration of a species of animal as a declared dangerous animal;[43] or

(s) the period within which an impounded animal may be reclaimed.[44]

[33] See section 13.

[34] See section 14(2).

[35] See section 15(1).

[36] See section 15(4).

[37] See section 19(1).

[38] See section 24(b).

[39] See section 32(1)(b).

[40] See section 33(3).

[41] See section 42(1).

[42] See the definition of ***animal*** in the schedule.

[43] See the definition of ***declared dangerous animal*** in the schedule.

[44] See the definition of ***prescribed period*** in the schedule.

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.

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.

compliance notice means a compliance notice mentioned in *Local Law No.1 (Administration) 2011*, section 27.

cost-recovery fee means the fee fixed by the local government to cover the costs associated with impounding an animal.[45]

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 19 of this local law to be a declared dangerous animal.

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

destruction order see section 30(1).

dog off-leash area see section 11(1).

effective control see section 12(3).

notice of impounding see section 25(1).

owner, of an animal, means

(a) its registered owner;

(b) a person who owns the animal, in the sense of it being the person's personal property;

(c) a person who usually keeps the animal, including through an agent, employee or anyone else;

(d) if a person mentioned in paragraphs (a) to (c) is a minor—a parent or guardian of the minor.

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

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

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) the parent or guardian of a minor who has immediate control or custody of the animal; or

(c) 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.

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

the Act means the *Local Government Act 2009*.

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.

Gympie Regional Council

Local Law No. 3 (Community and Environmental Management) 2011

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Schedule Dictionary 12

Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 3 (Community and Environmental Management) 2011*.

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 laws[1]

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) 2011*.

Part 2 Declared local pests

Division 1 Application

5 Application of part

(1) This part does not apply to—

(a) an animal or plant that is a declared pest under the *Land Protection (Pest and Stock Route Management) Act 2002*[2] or the *Plant Protection Act 1989*[3]; 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.
[2] See the *Land Protection (Pest and Stock Route Management) Act 2002*, sections 36 and 37, regarding the declaration of plants and animals as declared pests for the State or part of the State.
[3] See the *Plant Protection Act 1989*, section 4, regarding the declaration of pests that are harmful to the growth or quality of crop plants.

(b) noxious fisheries resources or diseased fisheries resources[4].

(2) In this section—

declared pest see the *Land Protection (Pest and Stock Route Management) Act 2002*, section 8 and the *Plant Protection Act 1989*, section 4.

diseased fisheries resources see the *Fisheries Act 1994*, section 94.

noxious fisheries resources see the *Fisheries Act 1994*, schedule.

Division 2 Declaration of local pests

6 Declaration of local pests

(1) The local government may, by subordinate local law, declare an animal or plant of a specified species to be a local pest.

(2) Before the local government makes a declaration under this section, it must consult with the chief executive about the desirability of the declaration.

(3) A declaration under this section—

(a) must be published in a newspaper circulating generally in the local government's area; and

(b) comes into force on the date of publication.

(4) In this section—

chief executive means the chief executive of the department in which the *Land Protection (Pest and Stock Route Management) Act 2002* is administered.

7 Emergency declarations

(1) This section applies if the local government is satisfied urgent action is needed to avoid or minimise an immediate risk of environmental harm posed by a plant or animal.

(2) The local government may, by resolution, declare an animal or plant of the relevant species to be a local pest.

(3) A declaration under this section—

(a) must be published in a newspaper circulating generally in the local government's area; and

(b) comes into force on the date of publication; and

(c) comes to an end three months after the date of publication.

(4) In this section—

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

[4] See the *Fisheries Act 1994*, section 94, regarding the declaration of diseased fisheries resources.

8 Application of declaration

A declaration may apply—

(a) to the whole of the local government's area or in a specified part or parts of the area; and

(b) generally or only in specified circumstances.

Division 3 Control of local pests

9 Power to search for declared local pests

(1) This section applies if an authorised person wants to enter a property to search for declared local pests.

(2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—

(a) enter the property without the permission of the occupier; and

(b) take reasonable action to search for declared local pests.

(3) However, the authorised person—

(a) must, as soon as the authorised person enters the property, inform any occupier of the property—

(i) of the reason for entering the property; and

(ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and

(b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.

(4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

10 Pest control notices

(1) An authorised person may, by compliance notice[5] given to the owner of land, require the owner[6] 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

(b) prevent or minimise seeding or reproduction by declared local pests; or

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[5] See *Local Law No.1 (Administration) 2011*, section 27, regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

[6] See the Act, section 140, in relation to the owner's right to enter property where the owner is not the occupier to take action to comply with a remedial notice, and section 141, in relation to an occupier's right to recover amounts incurred to satisfy an owner's obligations.

(c) contain infestation by declared local pests within a localised area; or

(d) reduce the density or extent of infestation by declared local pests; or

(e) remove harbour provided to declared local pests.

(3) The notice may require the repetition of a specified action at stated intervals or on the reappearance of the declared local pest within a specified period.

Division 4 Prohibition of sale and propagation

11 Prohibition on sale

A person must not—

(a) sell or supply a declared local pest; or

(b) offer or display a declared local pest for sale or supply.

Maximum penalty—50 penalty units.

12 Prohibition on introducing, propagating etc a declared local pest

(1) A person must not—

(a) introduce, propagate or breed a declared local pest; or

(b) provide harbour to a declared local pest.

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

(2) However, subsection (1) does not apply to a person who has been prescribed under a subordinate local law for this subsection as exempt from the offence in subsection (1) in relation to a specified pest.

Example of persons that might be exempted from subsection (1) in relation to specified pests—

- Staff of research organisations such as universities or the CSIRO who require a particular pest for research purposes.
- An employee of a circus using a particular pest to provide entertainment to the public.
- Staff of an organisation using a particular pest as part of an education program.
- An employee of a zoo that keeps a particular pest.

(3) In this section—

introduce means to introduce, or cause to introduce, into the local government's area.

Part 3 Overgrown and unsightly allotments

13 Overgrown allotments

(1) This section applies where an authorised person forms the opinion that an allotment is overgrown with vegetation to such an extent that it—

(a) has seriously affected the visual amenity of the allotment; or

(b) is likely to attract or harbour reptiles.

(2) The authorised person may, by compliance notice[7] given to the responsible person for the allotment, require the responsible person to clear the vegetation to an extent specified in the notice.

(3) However, the notice cannot prevent a use of land authorised under the Planning Act[8] or the *Environmental Protection Act 1994*.

(4) In this section—

vegetation includes a tree, bush, shrub, plant or grass, but does not include vegetation that is protected under a law[9] of the State or Commonwealth or under the local government's planning scheme.

14 Accumulation of objects and materials on allotments

(1) This section applies where an authorised person forms the opinion that objects or materials brought on to, or allowed to accumulate on, an allotment—

(a) have seriously affected the visual amenity of the allotment; or

(b) are likely to attract or harbour reptiles.

Examples for paragraph (a) of objects and materials that may seriously affect the visual amenity of an allotment—

- Discarded or disused machinery or machinery parts.
- Broken-down or severely rusted vehicles.
- Discarded bottles, containers or packaging.
- Refuse or scrap material.

(2) The authorised person may, by compliance notice[10] given to the responsible person for the allotment, require the responsible person to—

(a) remove objects or materials that are causing the circumstance mentioned in subsection (1)(a) or (b); or

(b) take other specified action to remedy the circumstance mentioned in subsection (1)(a) or (b).

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) However, the notice cannot prevent a use of land authorised under the Planning Act or the *Environmental Protection Act 1994*.

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[7] See footnote 5.

[8] See definition of *Planning Act* in the Act, schedule 4.

[9] For example, vegetation may be protected under the *Nature Conservation Act 1994*, the *Vegetation Management Act 1999*, the Planning Act, the *Queensland Heritage Act 1992*, the *Fisheries Act 1994* and the *Environment Protection and Biodiversity Conservation Act 1999 (Cwlth)*.

[10] See footnote 5.

Part 4 Fires and fire hazards

15 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 Rescue Service Act 1990*.[11]

(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.

16 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 notice[12] given to the responsible person for the allotment, require the responsible person to take specified action to reduce or remove the fire hazard.[13]

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[11] See the *Fire and Rescue Service 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 Fire and Rescue Service published in the gazette on 6 August 2004.

[12] See footnote 5.

[13] See also the *Fire and Rescue Service Act 1990*, section 69, under which the Fire Services Commissioner can publish a general notification in the gazette requiring occupiers of land to take measures to reduce the risk of fire occurring or the risk to persons, property or environment in the event of fire occurring.

(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

17 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.

18 Power to enter property to inspect for community safety hazards

(1) This section applies if an authorised person wants to enter a property to inspect it to identify any community safety hazards.

(2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—

(a) enter the property without the permission of the occupier; and

(b) take reasonable action to inspect the property for community safety hazards.

(3) However, the authorised person—

(a) must, as soon as the authorised person enters the property, inform any occupier of the property—

(i) of the reason for entering the property; and

(ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and

(b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.

(4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

19 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 notice[14] 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.

20 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.

[14] See footnote 5.

Part 6 Noise standards

21 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.[15]

(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);[16] 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.[17]

Part 7 Miscellaneous

22 Subordinate local laws

The local government may make subordinate local laws about—

(a) declaring animals or plants of specified species to be local pests;[18] or

(b) lighting and maintaining of fires in the open;[19] or

(c) fire hazards;[20] or

(d) community safety hazards;[21] or

(e) prescribed requirements relating to community safety hazards;[22] or

(f) prescribed noise standards for the *Environmental Protection Act 1994*.[23]

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[15] 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.

[16] See, however, *Local Law No.1 (Administration) 2011*, section 10(4)(a), regarding conditions of approvals that may authorise an act or omission that contravenes a noise standard.

[17] 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.

[18] See section 6(1).

[19] See section 15(2).

[20] See section 16(3)(b).

[21] See section 17(c).

[22] See section 20(1).

[23] See section 21(2).

Schedule Dictionary

Section 3

allotment means an individual parcel or piece of land.

animal means an organism (other than a human being) that is not a plant and includes eggs and semen.

compliance notice means a compliance notice mentioned in *Local Law No.1 (Administration) 2011*, section 27.

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 means the person who has control or management of the place and includes a person in charge of activities or structures in the place that may result in contravention of this local law.

the Act means the *Local Government Act 2009*.

Gympie Regional Council

Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011*.

2 Purpose and how it is to be achieved

(1) The purpose of this local law is to—

(a) protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads; and

(b) preserve features of the natural and built environment and other aspects of the amenity of local government controlled land, facilities, infrastructure and roads.

(2) The purpose is to be achieved by providing for—

(a) the regulation of access to local government controlled areas; and

(b) the prohibition or restriction of particular activities on local government controlled areas or roads; and

(c) miscellaneous matters affecting roads.

3 Definitions—the dictionary

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

4 Relationship with other laws[1]

This local law is—

(a) in addition to and does not derogate from laws[2] regulating the use of trust land and roads; and

(b) is to be read with *Local Law No. 1 (Administration) 2011*.

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

[2] Other legislation that may be relevant in the application of this local law includes the *Land Act 1994*, the *Land Regulation 1995* and the *Land Protection (Pest and Stock Route Management) Act 2002*.

Part 2 Use of local government controlled areas, facilities and roads[3]

5 Prohibited and restricted activities

(1) The local government may, by subordinate local law, declare an activity to be—

(a) prohibited in a local government controlled area or road (a ***prohibited activity***); or

(b) restricted in a local government controlled area or road (a ***restricted activity***).

Example for paragraph (a)—

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

Example for paragraph (b)-

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

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

(3) In this section—

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

(a) if the declaration relates to the whole area—the restricted activities for the area; and

(b) if the declaration relates to a part of the area—the restricted activities and a description of the part of the area to which the declaration applies; and

(c) in general terms, the provisions of subsection (4).

(4) A person must not engage in a prohibited activity or a restricted activity.

Maximum penalty - 20 penalty units

6 Motor vehicle access to local government controlled areas

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

[3] *Local Law No. 1 (Administration) 2011* deals with activities on local government controlled areas and roads that require the local government's approval, such as commercial use of local government controlled areas and roads, alterations or improvements to local government controlled areas, and other miscellaneous regulated activities.

(a) a car park or roadway for which there is no sign or traffic control device indicating that vehicles owned by members of the public are excluded; or

(b) declared under a subordinate local law for this paragraph as a motor vehicle access area.

(2) For the purposes of *Local Law No.1 (Administration) 2011*, section 5(b), it is a prescribed activity[4] to bring a motor vehicle onto or drive a motor vehicle on any part of a local government controlled area that is not a motor vehicle access area.

(3) The local government may, by subordinate local law, declare a specific type of motor vehicle (a ***prohibited vehicle***) as prohibited in a specified motor vehicle access area.

(4) For the purposes of *Local Law No.1 (Administration) 2011*, section 5(b), it is a prescribed activity[5] to bring a prohibited vehicle onto or drive a prohibited vehicle on the specified motor vehicle access area.

(5) However, subsections (2) and (4) do not apply for an emergency vehicle.

(6) The local government must take reasonable steps to provide notice to members of the public regarding—

(a) declarations of motor vehicle access areas under subsection (1)(b); and

(b) declarations of prohibited vehicles under subsection (3).

(7) In this section—

emergency vehicle includes the following—

(a) an ambulance;

(b) a fire-engine;

(c) a police vehicle;

(d) another vehicle, including a tow truck, helicopter or mobile crane, if used in circumstances of an emergency.

reasonable steps include, as a minimum, the display of a notice at a prominent place within each declared motor vehicle access area stating—

(a) a description of the declared motor vehicle access area; and

(b) a description of prohibited vehicles for the area; and

(c) in general terms, the provisions of subsections (2) and (4).

7 Opening hours of local government controlled areas

(1) The local government may, by subordinate local law, declare the times when a local government controlled area is open to the public (the ***opening hours***).

(2) A person must not enter or remain in a local government controlled area outside

[4] *Local Law No.1 (Administration) 2011*, section 6, creates an offence for a person to undertake a prescribed activity without a current approval granted by the local government. Section 7 requires that the approval be obtained under part 2 of that local law.

[5] See footnote 3.

the opening hours unless the person is authorised to do so by the chief executive officer[6].

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

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

8 Power of closure of local government controlled areas

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

(a) to carry out construction, maintenance, repair or restoration work; or

(b) to protect the health and safety of a person or the security of a person's property; or

(c) because of a fire or other natural disaster; or

(d) to conserve or protect the cultural or natural resources of the area or native wildlife.

(2) A resolution under subsection (1)—

(a) must state a period, not greater than 6 months, during which the area will be closed; and

(b) must be revoked by the local government as soon as practicable after the local government becomes satisfied that the reason for making the resolution no longer exists.

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

(a) the conservation of the cultural or natural resources of the area, including, for example—

(i) to protect significant cultural or natural resources; or

(ii) to enable the restoration or rehabilitation of the area; or

(iii) to protect a breeding area for native wildlife; or

(iv) to manage a significant Aboriginal area in the area in a way that is consistent with Aboriginal tradition; or

(v) to manage a significant Torres Strait Islander area in the area in a way that is consistent with Island custom;

(b) protection of the health and safety of members of the public;

(c) protection of a facility or service in the area, including, for example, infrastructure, water supply facilities or power generating equipment;

(d) protection of the amenity of an area adjacent to the area;

(e) the orderly or proper management of the area.

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

(4) If the local government closes a local government controlled area under subsections (1) or (3), it must place at each public entrance to the area a notice of the closure, including a statement of the duration of the closure.

Example—

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

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

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

(6) In this section—

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

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

Part 3 Matters affecting roads

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

(1) This section applies if, in the local government's opinion, it is necessary for land adjoining a road to be fenced to prevent the risk of—

(a) animals escaping from the land onto the road; or

(b) interference with the safe movement of traffic or the safe use of the road.

(2) The local government may, by giving a compliance notice[7] to the owner—

(a) if the land is not currently fenced—require the owner to fence the land; or

(b) if a current fence on the land is in disrepair—require the owner to repair or replace the fence.

(3) The local government may, by subordinate local law, set out the minimum standards with which the fence must comply.

(4) In this section—

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

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

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

[7] See *Local Law No.1 (Administration) 2011*, section 27, regarding the requirements for compliance notices.

10 Numbering of premises and allotments adjoining a road[8]

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

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

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

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

Part 4 Miscellaneous

11 Subordinate local laws

The local government may make subordinate local laws about—

(a) the declaration of prohibited activities or restricted activities;[9] or

(b) the declaration of motor vehicle access areas;[10] or

(c) the declaration of prohibited vehicles;[11] or

(d) the opening hours for a local government controlled area;[12] or

(e) closing a local government controlled area to public access;[13] or

(f) minimum standards for fences on land adjoining a road.[14]

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

[9] See section 5(1).

[10] See section 6(1).

[11] See section 6(3).

[12] See section 7(1).

[13] See section 8(3).

[14] See section 9(3).

Schedule Dictionary

Section 3

local government controlled area see *Local Law No.1 (Administration) 2011*, schedule 1.

road see *Local Law No.1 (Administration) 2011*, schedule 1.

Gympie Regional Council

Local Law No. 5 (Parking) 2011

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 5 (Parking) 2011*.

2 Purpose and how it is to be achieved

(1) The purpose of this local law is to complement the regulated parking provisions in chapter 5, part 6 of the TORUM Act by providing for the exercise of local government powers authorised under that Act.

(2) The purpose is achieved by providing for—

(a) the establishment of traffic areas and off-street regulated parking areas; and

(b) lawfully parking contrary to an indication on an official traffic sign with a parking permit or in a loading zone with a commercial vehicle identification label; and

(c) the prescribing of infringement notice penalties for minor traffic offences.

3 Definitions—the dictionary

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

4 Relationship with other laws[1]

This local law is—

(a) in addition to, and does not derogate from, the TORUM Act, chapter 5, part 6[2]; and

(b) to be read with *Local Law No. 1 (Administration) 2011*.

Part 2 Declaration of parking areas for the TORUM Act

5 Declaration of traffic areas

(1) The local government may, by subordinate local law, declare the whole or a part of its area to be a traffic area.[3] [4]

(2) The subordinate local law must define the boundaries of the traffic area.

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

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

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

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

6 Declaration of off-street regulated parking areas

(1) The local government may, by subordinate local law, declare an area of land controlled[5] by the local government, including structures on the land, as an off-street regulated parking area.[6]

(2) The subordinate local law must define the boundaries of the off-street regulated parking area.

Part 3 Parking contrary to parking restriction

7 Parking permits[7]

(1) The local government may issue a parking permit.[8]

(2) The local government may prescribe, by subordinate local law, the persons that may be issued with a permit mentioned in subsection (1).

(3) A vehicle may be parked contrary to an indication on an official traffic sign regulating parking by time or payment of a fee, if the vehicle displays—

(a) a parking permit for people with disabilities;[9] or

(b) a permit issued by the local government and valid for the place and time at which the vehicle is parked.

8 Commercial vehicle identification labels[10]

(1) The local government may issue a commercial vehicle identification label.[11]

(2) The local government may, by subordinate local law, prescribe vehicles that may be issued with a commercial vehicle identification label.[12]

(3) A vehicle displaying a current commercial vehicle identification label may be lawfully parked in a loading zone.[13]

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[5] See the TORUM Act, section 104(2).

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

[7] See the TORUM Act, section 103(4).

[8] *Local Law No. 1 (Administration) 2011*, section 5(b), provides that a ***prescribed activity*** includes "an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval." Section 7 of *Local Law No. 1 (Administration) 2011* provides that an approval required for a prescribed activity must be obtained under part 2 of *Local Law No. 1 (Administration) 2011*. As a result, an approval for a parking permit must be obtained under that part.

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

[10] See the TORUM Act, section 103(5).

[11] *Local Law No. 1 (Administration) 2011*, section 5(b), provides that a ***prescribed activity*** includes "an activity for which a Local Government Act authorises the local government to grant an approval but does not make any other provision, except provision that is consistent with this part, about the process for the local government to grant the approval." Section 7 of *Local Law No. 1 (Administration) 2011* provides that an approval required for a prescribed activity must be obtained under part 2 of *Local Law No. 1 (Administration) 2011*. As a result, an approval for a commercial vehicle identification label must be obtained under that part.

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

[13] See also *Transport Operations (Road Use Management-Road Rules) Regulation 1999*, section 179, relating to drivers who are permitted to stop in a loading zone.

Part 4 Minor traffic offence infringement notice penalties

9 Minor traffic offence infringement notice penalties

(1) The local government may prescribe, by subordinate local law, an amount (in penalty units) as the infringement notice penalty for a minor traffic offence.[14]

(2) However, a subordinate local law under subsection (1) may not prescribe an amount greater than 5 penalty units.

Part 5 Miscellaneous

10 Subordinate local laws

The local government may make subordinate local laws about—

(a) the declaration of traffic areas;[15] or

(b) the declaration of off-street regulated parking areas;[16] or

(c) the persons who may be issued with a permit to park a vehicle contrary to an indication on an official traffic sign;[17] or

(d) vehicles that may be issued with a commercial vehicle identification label;[18] or

(e) infringement notice penalty amounts that apply for minor traffic offences.[19]

[14] See the TORUM Act, section 108(1). The maximum penalty for an offence relating to paid parking is 40 penalty units under the TORUM Act, section 106(1). The maximum penalty for other parking offences is 40 penalty units under the TORUM Act, section 74.
[15] See section 5(1).
[16] See section 6.
[17] See section 7(2).
[18] See section 8(2).
[19] See section 9(1).

Schedule Dictionary

Section 3

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

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

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

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

official traffic sign see TORUM Act, schedule 4.

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

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

traffic area see TORUM Act, schedule 4.

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

Gympie Regional Council

Local Law No. 6 (Bathing Reserves) 2011

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 6 (Bathing Reserves) 2011*.

2 Purpose and how it is to be achieved

(1) The purpose of this local law is to enhance the public safety and convenience of bathing reserves placed under the local government's control[1] through orderly management and regulation of activities within these reserves.

(2) The purpose is achieved by providing for—

(a) the designation and management of safe, supervised bathing areas within bathing reserves; and

(b) the regulation of conduct and the use of aquatic equipment within bathing reserves; and

(c) the assignment of responsibility to life-saving clubs for managing, patrolling and supervising bathing reserves; and

(d) the appointment and powers of authorised persons to manage and enforce the regulation of conduct within bathing reserves.

3 Definitions—the dictionary

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

4 Relationship with other laws[2]

(1) This local law is to be read with *Local Law No. 1 (Administration) 2011*.

(2) However, a reference to an authorised person in *Local Law No. 1 (Administration) 2011* does not include an authorised person appointed under this local law.

Part 2 Bathing reserves

Division 1 Designation of bathing reserves

5 Signs indicating existence of bathing reserve

(1) If the local government proposes to regulate the use of a bathing reserve under this local law, the local government must erect and maintain signs (***reserve signs***) in prominent positions on or adjacent to the foreshore to indicate the existence of the bathing reserve.

(2) Reserve signs must be erected at the lateral boundaries of the bathing reserve indicating the position of the boundaries.

(3) The signs must face both seawards and shorewards.

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[1] As declared by gazette notice under the Act.

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

Division 2 Bathing areas

6 Bathing areas

(1) An authorised person may mark out an area (a ***bathing area***) within a bathing reserve.

(2) The area selected as a bathing area must be the part of the bathing reserve that is, in the authorised person's opinion, the safest and most suitable for bathing in view of the prevailing conditions.

(3) The bathing area is marked out by placing 2 patrol flags at different points on or adjacent to the foreshore.

(4) The bathing area consists of the area defined by—

(a) an imaginary line between the 2 patrol flags; and

(b) lateral boundaries extending seaward from each patrol flag at right angles from the imaginary line; and

(c) an outer boundary parallel to, and 200 metres to the seaward side of, the imaginary line.

(5) Where the boundary of the bathing reserve is less than 200 metres to the seaward side of an imaginary line between the 2 patrol flags, then the boundary of the bathing area shall be the outer boundary of the bathing reserve.

(6) An authorised person may, in view of prevailing conditions, change the boundaries of a bathing area by changing the position of the patrol flags.

(7) Patrol flags must not be exhibited if the bathing area is not under surveillance by a life-saving patrol.

7 Flags to inform bathers about prevailing conditions

(1) This section applies if—

(a) an authorised person has marked out a bathing area under section 6; and

(b) in the authorised person's opinion, there are potentially hazardous conditions prevailing within the bathing area.

(2) The authorised person must exhibit in a prominent position on or adjacent to the foreshore a yellow flag warning bathers of the potentially hazardous conditions.

8 Closure of bathing reserve

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

Example—

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

(2) If patrol flags marking out a bathing area have been placed in position, the patrol flags must be removed on closure of the bathing reserve or a part of the bathing reserve in which the bathing area is situated.

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

(3) A person must not bathe in a bathing reserve or part of a bathing reserve while the reserve or the relevant part of the reserve is closed to bathing.

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

Division 3 Reservation for training, competitions and special occasions

9 Reservation for life-saving training

(1) An authorised person may—

(a) temporarily set apart the whole or a part of a bathing reserve for life-saving training; and

(b) impose restrictions on access to the area set apart.

(2) However an authorised person may not set apart any part of a bathing reserve for life-saving training exclusively.

(3) An area set apart under this section, and the restrictions applying to access, must be clearly indicated by signs erected in prominent positions on the bathing reserve.

10 Reservation for competitions and special occasions

(1) For the purposes of *Local Law No. 1 (Administration) 2011*, section 5(b), it is a prescribed activity[4] to—

(a) set apart a bathing reserve or a part of a bathing reserve for life-saving training on an exclusive basis; or

(b) use any part of a bathing reserve for the conduct of a surfing competition, a life-saving competition or another aquatic activity.

(2) Where an approval for an activity mentioned in subsection (1) permits restrictions on access to any part of a bathing reserve, the area set apart for the activity and the restrictions applying to access must be clearly indicated by signs erected in prominent positions on the bathing reserve.

(3) A person must not contravene a restriction on access imposed under this section.

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

Part 3 Use of aquatic equipment in bathing reserves

11 Prohibition of use of aquatic equipment in bathing areas

(1) A person must not use aquatic equipment in a bathing area.

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

(2) However—

(a) this section does not prevent the use of aquatic equipment if its use at a place within a bathing reserve is authorised under another law; and

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[4] *Local Law No.1 (Administration) 2011*, section 6, creates an offence for a person to undertake a prescribed activity without a current approval granted by the local government. Section 7 requires that the approval be obtained under part 2 of that local law.

(b) a rubber float or board that does not give rise to risk of injury to other bathers may be used in a bathing area; and

(c) if an authorised person authorises the use of other aquatic equipment in a bathing area, the equipment may be used subject to conditions fixed by the authorised person when giving the authorisation; and

(d) life-saving equipment may be used in a bathing area by members of a life-saving patrol for surveillance of the bathing area or to assist bathers in distress.

12 Restrictions on use of aquatic equipment in bathing reserves

(1) The local government may, by subordinate local law, prohibit or restrict the use of aquatic equipment or a specified class of aquatic equipment within a bathing reserve or a particular part of a bathing reserve.

(2) Notice of a prohibition or restriction imposed under this section must be included on the reserve signs or on notices adjacent to the reserve signs.

(3) A person must not use aquatic equipment in contravention of a prohibition or restriction imposed under this section unless authorised to do so by an authorised person under section 13, or authorised under another law.

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

13 Reservation of areas for use of aquatic equipment

(1) An authorised person may temporarily set apart a particular part of a bathing reserve for the use of aquatic equipment of a particular type.

(2) A part of the bathing reserve set apart under this section must be defined by signs and flags or in some other way that clearly indicates the relevant part of the reserve and the use for which it is set apart.

(3) If a part of a bathing reserve is set apart for the use of aquatic equipment of a particular type under this section, a person must not—

(a) use aquatic equipment of the relevant type in the bathing reserve outside the part of the reserve set apart for its use; or

(b) use aquatic equipment, in the relevant part of the reserve, that is not of the type for which the relevant part of the reserve is set apart.

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

Part 4 Behaviour in bathing reserves

14 Dangerous objects

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

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

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

15 Prohibited equipment

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

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

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

(3) In this section—

prohibited equipment means—

(a) a spear gun; or

(b) a fishing spear; or

(c) another object classified as prohibited equipment under a subordinate local law for this paragraph.

16 Dangerous conduct

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

Maximum penalty—20 penalty units.

17 Emergency evacuation alarm

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

(a) must leave the water as soon as practicable; and

(b) must not enter or re-enter the water until the all-clear is given.

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

(2) An emergency evacuation alarm is given by—

(a) the prolonged ringing of a bell or sounding of a siren; and

(b) the exhibition of a red flag.

(3) The all-clear is given by—

(a) a short ringing of the bell or sounding of the siren; and

(b) the replacement of the red flag by a yellow flag.

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

Example—

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

18 False alarms

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

(a) give an emergency evacuation alarm or do anything likely to be reasonably interpreted as an emergency evacuation alarm; or

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

Maximum penalty—50 penalty units.

Part 5 Life-saving clubs and powers of authorised persons

Division 1 Life-saving clubs and patrols

19 Recognised life-saving clubs

(1) The local government may, after consultation with interested life-saving clubs, assign to a life-saving club the responsibility for patrolling a bathing reserve or a particular part of a bathing reserve.

(2) The responsibility—

(a) may be assigned on conditions the local government considers appropriate; and

(b) may only be assigned with the agreement of the club to which the responsibility is assigned.

20 Enclosure for life-saving patrols

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

21 Distinctive clothing

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

Division 2 Powers of authorised persons

22 Power to remove or reduce danger

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

Example—

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

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

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

23 Power to stop dangerous and antisocial conduct

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

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

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

24 Power to require bathers to leave water

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

(a) the bathing reserve, or the relevant part of the bathing reserve, is closed to bathing; or

(b) an emergency evacuation alarm has been given; or

(c) there is some other risk to the bather's safety.

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

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

25 Seizure and detention of dangerous objects and prohibited equipment

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

(a) possesses, uses or has used a dangerous object or dangerous item of aquatic equipment; or

(b) uses or has used an object in a dangerous way; or

(c) has prohibited equipment.

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

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

(a) stating the nature of the seized thing; and

(b) stating the date and time of seizure; and

(c) stating a period (which must be at least 1 hour and not more than 6 months) for which the seized thing is to be detained; and

(d) stating a place where the seized thing may be reclaimed.

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

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

(6) At the conclusion of the period fixed for its detention under subsection (3)(c), if the seized thing is in the custody of a life-saving club it must be delivered into the custody of the local government.

(7) At the conclusion of the period fixed for its detention under subsection (3)(c), the seized thing must be dealt with by the local government as an impounded item under *Local Law No.1 (Administration) 2011*, section 37.

Part 6 Authorised persons

26 Who are authorised persons

(1) The following persons are authorised persons for this local law—

(a) a person who is an authorised person under a subordinate local law for this paragraph;

(b) a person appointed as an authorised person for this local law under this section.

Example for paragraph (a)—

- The subordinate local laws might provide that a person who holds a particular rank in a life-saving patrol is an authorised person.
- The subordinate local laws might provide that a life guard or a beach inspector is, while he or she holds that position, an authorised person.

(2) A local government may appoint any of the following persons as authorised persons for this local law—

(a) employees of the local government;

(b) other persons who are eligible for appointment as authorised persons under the Act.[5]

(3) An appointment of a person as an authorised person under this section must state the provisions of this local law for which the person is appointed as an authorised person.

(4) A local government may appoint a person as an authorised person under this section only if—

(a) the local government considers the person has the necessary expertise or experience for the appointment; or

(b) the person has satisfactorily finished training approved by the local government for the appointment.

27 Limitation on authorised person's powers

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

28 Authorised person's appointment conditions

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

(2) An authorised person—

(a) if the instrument or subordinate local law provides for a term of appointment—ceases holding office at the end of the term; and

(b) if appointed as an authorised person under section 26(1)(b)—may resign by signed notice of resignation given to the local government; and

(c) if the person holds a particular rank or position, and is an authorised person under a subordinate local law because he or she holds the relevant rank or position—ceases holding office as an authorised person on ceasing to hold the relevant rank or position; and

(d) if the conditions of appointment provide—ceases holding office as an authorised person on ceasing to hold another office stated in the appointment conditions (the ***main office***).

(3) However, an authorised person may not resign from the office of authorised person (the ***secondary office***) under subsection (2)(b) if a condition of the authorised person's employment in the main office requires the authorised person to hold the secondary office.

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[5] See the Act, chapter 6, part 6.

29 Authorised person's identity card

(1) Each authorised person must hold an identity card issued by the local government or a recognised life-saving club.

(2) An identity card issued by the local government must—

(a) contain a recent photograph of the authorised person; and

(b) be signed by the authorised person; and

(c) identify the person as an authorised person for the local government; and

(d) include an expiry date.

(3) An identity card issued by a recognised life-saving club must—

(a) contain a recent photograph of the authorised person or state the authorised person's date of birth; and

(b) be signed by the authorised person; and

(c) identify the person as an authorised person for the life-saving club; and

(d) include an expiry date.

(4) A person who ceases to be an authorised person must return the person's identity card to the local government or the life-saving club that issued it within 21 days after the person ceases to be an authorised person.

Maximum penalty for subsection (4)—10 penalty units.

(5) This section does not prevent the giving of a single identity card to a person for this part and for other purposes.

30 Production of identity card

(1) An authorised person may exercise a power in relation to someone else (the ***other person***) only if the authorised person—

(a) first produces his or her identity card for the other person's inspection; or

(b) has the identity card displayed so it is clearly visible to the other person.

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

31 Offence

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

Maximum penalty—50 penalty units.

32 Protection from liability

(1) This section applies to—

(a) an authorised person; and

(b) a person acting under the direction of an authorised person.

(2) The person does not incur civil liability for an act done or omission made honestly and without negligence under this local law.

(3) A liability that would, apart from this section, attach to the person attaches instead to the local government.

Part 7 Miscellaneous

33 Compliance with Australian standards

(1) The flags and signs to be used for the purposes of this local law should comply with any relevant Australian Standard issued or approved by the Standards Association of Australia.

(2) However, non-compliance with an applicable standard does not invalidate anything done under this local law.

34 Obstruction of authorised persons and life-savers

(1) A person must not obstruct an authorised person or a member of a life-saving patrol in the conduct of their duties.

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

(2) A person must not use insulting or abusive language to an authorised person or a member of a life-saving patrol.

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

35 Interference with flags and life-saving equipment

(1) A person must not, without the approval of an authorised person, damage, destroy or interfere with a sign or flag erected or placed under this local law.

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

(2) A person must not, without the approval of an authorised person, interfere with life-saving equipment on a bathing reserve.

Maximum penalty for subsection (2)—50 penalty units.

36 Subordinate local laws

The local government may make subordinate local laws about—

(a) prohibiting or restricting the use of aquatic equipment;[6] or

(b) the classification of objects as prohibited equipment;[7] or

(c) the circumstances in which a person may have prohibited equipment in a bathing reserve;[8] or

(d) the appointment of authorised persons for this local law;[9] or

(e) the limitation of an authorised person's powers;[10] or

(f) conditions of office for authorised persons.[11]

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[6] See section 12(1).

[7] See section 15(3).

[8] See section 15(2).

[9] See section 26(1)(a).

[10] See section 27.

[11] See section 28(1).

Schedule Dictionary

Section 3

aquatic equipment means—

(a) a boat or vessel; or

(b) a surf ski; or

(c) a jet ski; or

(d) a surf board; or

(e) a sail board; or

(f) a body board; or

(g) another device (whether motorised or not) for use on or in water to carry a person or thing across or through water or for recreational use in water.

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

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

bathing area see section 6.

bathing reserve means a part of the seashore, adjacent land under the sea, and sea placed under the control of the local government as a bathing reserve under the Act.

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

Examples of dangerous items of aquatic equipment—

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

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

life-saving club means a body—

(a) affiliated with—

(i) Surf Life Saving Queensland Inc (SLSQ); or

(ii) the Head Centre of the Royal Life Saving Society; and

(b) accredited by the Department of Community Safety.

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

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

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

recognised life-saving club means a life-saving club to which the local government has assigned the responsibility for patrolling a bathing reserve or a particular part of a bathing reserve.[12]

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[12] See section 19.

reserve sign see section 5(1).

SLSQ means Surf Life Saving Queensland Inc.

surveillance means the visual supervision of an area.

the Act means the *Local Government Act 2009*.

Gympie Regional Council
Subordinate Local Law No. 1 (Administration) 2011

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Part 1 Preliminary

1 Short title

This local law may be cited as *Subordinate Local Law No. 1 (Administration) 2011*.

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) 2011*, 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 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (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) In this subordinate local law—

lot has the meaning given in the *Sustainable Planning Act 2009*, section 10.

property means—

(a) a lot; or

(b) if a person owns and occupies 2 or more adjoining lots—the parcel of land comprising all of the lots owned by the person.

Public Liability Insurance Requirements for Prescribed Activities means the document, published on the local government's website and available at the local government's office, setting out the requirements regarding public liability insurance and related indemnities to be complied with by holders of approvals for prescribed activities issued under the authorising local law.

residential property means—

(a) a property of less than 4000m^2 that is entirely or mostly within the boundaries of an urban footprint or rural living area; or

(b) a property that is entirely or mostly within the boundaries of an area zoned for residential purposes in the local government's planning scheme.

rural living area has the meaning given in the *Wide Bay Burnett Regional Plan.*

Standards for the Conduct of Prescribed Activities means the document, published on the local government's website and available at the local government's office, setting out the standards for conducting various prescribed activities pursuant to an approval issued under the authorising local law.

urban footprint has the meaning given in the *Wide Bay Burnett Regional Plan.*

Part 2 Approvals for prescribed activities

5 Prescribed activities that do not require an approval—Authorising local law, s 6(3)

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 prescribed activities listed in schedule 1.

6 Categories of prescribed activities for the purposes of maximum penalties—Authorising local law, s 6(4)

For section 6(4) of the authorising local law, it is declared that—

(a) the prescribed activities listed in part 1 of schedule 2 are category 1 activities; and

(b) the prescribed activities listed in part 2 of schedule 2 are category 2 activities; and

(c) the prescribed activities listed in part 3 of schedule 2 are category 3 activities.

7 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 3 are non-transferable.

8 Prescribed complementary accommodation—Authorising local law, schedule 1

For the purposes of the definition of ***complementary accommodation*** in schedule 1 of the authorising local law, the following accommodation is prescribed as appropriate for caravan parks—

This list has been intentionally left blank.

9 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 4 are roads to which the authorising local law applies unless otherwise provided in the local law.

10 Public place activities that are prescribed activities—Authorising local law, schedule 2, part 2

For the purposes of paragraph (c) of the definition of ***regulated activities on local government controlled areas and roads*** in part 2 of schedule 2 of the authorising local law, the holding of a public place activity listed in schedule 5 is a prescribed activity.

11 Matters regarding prescribed activities—Authorising local law, ss 6(3), 8(2)(a), 9(1)(d), 10(3), 12, 13(a), 14(1)(a)

(1) For each prescribed activity, a schedule prescribes the matters specified in this section for the prescribed activity named in section 1 of the schedule.

(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 an activity stated in section 2 of the schedule relating to the prescribed activity.

(3) 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 the schedule relating to the prescribed activity.

(4) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for a 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 the schedule relating to the prescribed activity.

(5) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for a prescribed activity are—

(a) that an approval holder must produce a copy of the approval on request by an authorised person; and

(b) the additional conditions stated in section 5 of the schedule relating to the prescribed activity.

(6) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for a prescribed activity are stated in section 6 of the schedule relating to the prescribed activity.

(7) For section 13(a) of the authorising local law, the term of an approval for a prescribed activity is provided for in section 7 of the schedule relating to the prescribed activity.

(8) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for a prescribed activity is provided for in section 8 of the schedule relating to the prescribed activity.

Schedule 1 Prescribed activities that do not require an approval under the authorising local law

section 5

operation of camping grounds

operation of cane railways

operation of cemeteries

operation of caravan parks

operation of public swimming pools

operation of shared facility accommodation

Schedule 2 Categories of prescribed activities for the purposes of maximum penalties

section 6

Part 1 Category 1 activities[1]

alteration or improvement to local government controlled areas

commercial use of local government controlled areas and roads

establishment or occupation of a temporary home

installation of advertising devices

keeping of animals

undertaking regulated activities regarding human remains

undertaking regulated activities on local government controlled areas and roads

Part 2 Category 2 activities[2]

operation of temporary entertainment events

prescribed activity mentioned in section 10(1) of *Local Law No.6 (Bathing Reserves) 2011*

Part 3 Category 3 activities[3]

This part has been intentionally left blank.

[1] Prescribed activities listed here attract a 50 penalty unit maximum penalty under section 6(2)(b) of the authorising local law.

[2] Prescribed activities listed here attract a 200 penalty unit maximum penalty under section 6(2)(c) of the authorising local law.

[3] Prescribed activities listed here attract a 500 penalty unit maximum penalty under section 6(2)(d) of the authorising local law.

Schedule 3 Categories of approval that are non-transferable

section 7

1 approvals for the keeping of animals, where the approval is to keep more than 2 dogs

2 approvals for undertaking regulated activities regarding human remains

3 approvals for establishment or occupation of a temporary home

Schedule 4 State-controlled roads to which the local law applies

section 9

This schedule has been intentionally left blank.

Schedule 5 Public place activities that are prescribed activities

section 10

1 discharging a firearm or other weapon in, over or across a local government controlled area

2 a private (invitation only) function attended by more than 75 people

3 a wedding or other ceremony

4 directing or procuring a performance other than a temporary entertainment event

5 conducting a survey

Schedule 6 Alteration or improvement to local government controlled areas and roads

section 11

1 Prescribed activity

Alteration or improvement to local government controlled areas and roads

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

(1) An approval under the authorising local law is not required for any of the following activities, provided that the activity is not likely to create a risk to public health, safety and amenity or cause environmental nuisance or harm—

(a) vegetation maintenance by a person of a footpath area immediately adjacent to the person's property;

(b) vegetation maintenance by a person of an area of up to 1.5 metres from the person's side or rear property boundary;

(c) tree planting by a person on the footpath area immediately adjacent to the person's property in the following circumstances—

(i) no more than one tree is planted per road frontage for a residential property; and

(ii) the tree is listed on the preferred tree species list in the local government's planning scheme; and

(iii) the tree does not obstruct visibility of vehicular traffic; and

(iv) the tree is not planted over or under infrastructure and will not be likely to impact on infrastructure;

(d) maintenance of a driveway access;

(e) maintenance or repair work to a memorial in a local government cemetery—

(i) by a member of the family of the deceased person, or another person who has a proper interest in the maintenance of a memorial to the deceased person; and

(ii) carried out in accordance with written authorisation by an authorised person.

(2) In this section—

vegetation maintenance means—

(a) mowing, slashing or edging grass; or

(b) trimming vegetation; or

(c) removing weeds listed in the local government's Pest Management Plan; or

(d) removing falling branches; or

(e) watering vegetation.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

(a) details of the work methods and supervision arrangements to be used in the proposed activity; and

(b) details of the persons or organisations undertaking the work; and

(c) details of the persons or organisation responsible for the work, if not the applicant; and

(d) for an approval to erect or install a memorial in a local government cemetery—

(i) details of the burial site or other place in which the memorial is to be erected or installed; and

(ii) a description of the nature and dimensions of the proposed memorial.

4 Additional criteria for the granting of approval

This section has been intentionally left blank.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

For all approvals, the conditions that will ordinarily be imposed on an approval are that the approval holder must—

(a) comply with any applicable standards for the approved activity outlined in the local government's *Standards for the Conduct of Prescribed Activities*; and

(b) comply with any applicable requirements in the local government's *Public Liability Insurance Requirements for Prescribed Activities*.

7 Term of approval

The term of an approval is—

(a) the term stated in the approval; or

(b) if no date is stated in the approval—until the next 30th day of June.

8 Term of renewal of approval

The term of a renewal of the approval is—

(a) the term stated in the approval; or

(b) if no date is stated in the approval—until the next 30th day of June.

Schedule 7 Commercial use of local government controlled areas and roads

section 11

1 Prescribed activity

Commercial use of local government controlled areas and roads

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by full details of how the activity will be operated, including any relevant work methods, signage, maps, specifications, plans and vehicles to be used.

4 Additional criteria for the granting of approval

For all approvals, the additional criteria are—

(a) the physical suitability of the area or road for the proposed use; and

(b) the likelihood of the use causing nuisance, inconvenience or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians; and

(c) the likely effect on the amenity of the surrounding area; and

(d) the likely effect on the local environment and any risk of pollution or other environmental damage; and

(e) the appropriateness, quality and condition of equipment to be used in the activity; and

(f) the likely impact on the ability of the general public to use the site concurrently with the proposed activity; and

(g) whether the applicant's proposed waste management strategy makes provision for the satisfactory collection, storage and removal of all waste generated by the proposed activity.

5 Conditions that must be imposed on approvals

For an approval for roadside vending (including itinerant vending), conditions that must be imposed on the approval are that the approval holder must not conduct the activity on a road or local government controlled area within 500 metres of—

(a) an existing retail shop, shopping centre or roadside vending stall selling the same or similar goods to the approval holder; or

(b) a school, between the hours of 7.00am and 5.00pm on school days; or

(c) a recreational facility, including a public swimming pool or sporting ground, at a time when the facility is selling the same or similar goods to the approval holder; or

(d) a public place where a fete or market is operating, unless the approval holder is authorised by the operator of the fete or market to conduct the activity at the place.

6 Conditions that will ordinarily be imposed on approvals

Conditions that will ordinarily be imposed on an approval are that the approval holder must—

(a) comply with any applicable standards for the approved activity outlined in the local government's *Standards for the Conduct of Prescribed Activities*; and

(b) comply with any applicable requirements in the local government's *Public Liability Insurance Requirements for Prescribed Activities*; and

(c) take measures specified in the approval to ensure that the activity does not cause environmental harm.

7 Term of approval

The term of an approval is—

(a) the term stated in the approval; or

(b) if no date is stated in the approval—until the next 31st day of August.

8 Term of renewal of approval

The term of a renewal of the approval is—

(a) the term stated in the approval; or

(b) if no date is stated in the approval—until the next 31st day of August.

Schedule 8 Establishment or occupation of a temporary home

section 11

1 Prescribed activity

Establishment or occupation of a temporary home

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

An approval under the authorising local law is not required for the use of a caravan as a temporary home on a residential property for a period of up to two weeks in any eight week period.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

(a) full details of the activity including any relevant maps, specifications and plans; and

(b) a copy of the decision notice for the development approval for the construction of a permanent residence on the property where the temporary home is to be located; and

(c) if the applicant is not the owner of the land on which the temporary home is (or is to be) located—the written consent of the owner.

4 Additional criteria for the granting of approval

(1) For all approvals, the additional criteria are that—

(a) the applicant holds a current development permit for the erection of, or conversion of an existing building or structure into, a permanent residence; and

(b) an adequate source of water will be available to the proposed temporary home; and

(c) the temporary home is located in such a way as to not impact adversely on the amenity of an adjoining owner; and

(d) reasonable grounds exist to justify the need to establish and occupy a temporary home, including special consideration where a natural disaster or emergency situation has made the existing dwelling house unsuitable for habitation.

(2) For an application for a renewal of an approval, an additional criterion is that the applicant has made satisfactory progress with the construction of a permanent residence on the property where the temporary home is located.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

Conditions that will ordinarily be imposed on an approval are that the approval holder must—

(a) comply with any applicable standards for the approved activity outlined in the local government's *Standards for the Conduct of Prescribed Activities*; and

(b) not cease construction of the permanent residence on the property for a period greater than three calendar months; and

(c) ensure the provision of the basic amenities required for living, such as kitchen facilities, bathing facilities, laundry, toilet, sleeping accommodation, waste water disposal, refuse disposal, storage and adequate water supply; and

(d) keep the temporary home in good order and repair; and

(e) ensure that the home is not unsightly or unhygienic.

7 Term of approval

The term of the approval will be as stated in the approval, and must not exceed—

(a) for a residential property—3 months; or

(b) for another property—6 months.

8 Term of renewal of approval

The term of a renewal of the approval will be as stated in the renewal, and must not exceed the lesser of—

(a) the term of the original approval; or

(b) the estimated time for completion of the permanent dwelling on the property where the temporary home is located.

Schedule 9 Installation of advertising devices

section 11

1 Prescribed activity

Installation of advertising devices

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

(1) The installation of the following advertising devices does not require approval under the authorising local law—

(a) an advertising device that is regulated by the local government's planning scheme;

(b) a permitted advertising device.

(2) In this section, a ***permitted advertising device*** means any of the following—

(a) real estate signs that—

(i) advertise a property for sale, lease or auction; and

(ii) are not greater than 3m² in face area; and

(iii) are not positioned on a road, footpath or building (other than the building being advertised);

(b) election signs that—

(i) are not displayed before the commencement of the election period; and

(ii) are not displayed for more than 7 days after the conclusion of the election period;

(c) construction site signs that—

(i) contain only project details and real estate information; and

(ii) are only exhibited during the period of construction; and

(iii) are not greater than 2m in height; and

(iv) are not positioned on a road, footpath or building (other than the building being advertised);

(d) rural identification signs that—

(i) are not greater than 2m² in face area; and

(ii) do not number more than 1 sign per property;

(e) 'A' board signs that—

(i) are not greater than 1m² in face area on any face; and

(ii) are no wider than 750mm; and

(iii) are only placed adjacent to the business being advertised; and

(iv) are secured to prevent danger to pedestrians and traffic outside the site in high wind situations; and

(v) do not number more than 1 sign per business per road frontage or, in the case of a business in an arcade, 1 sign per business per arcade opening;

(f) bunting that—

(i) is not placed within 20m of a streetfront boundary; and

(ii) is not placed above 6m height from the ground level of the site; and

(iii) is affixed to structures that will accommodate wind loadings; and

(iv) is not placed on a building roof; and

(v) is not affixed to trees, lighting standards or power poles; and

(vi) does not extend above dedicated car parking areas;

(g) window signs that—

(i) do not cover more than 25% of the glazed area; and

(ii) are not illuminated;

(h) temporary real estate signs that—

(i) are no larger than 1.08m² in face area; and

(ii) do not number more than 1 sign per selling agent per streetfront boundary of the site to which the sign applies; and

(iii) where more than one selling agent is appointed—are grouped centrally on the streetfront boundary in an organised manner;

(i) road side stall signs that—

(i) are not adjacent to a residential property; and

(ii) are no larger than 1.08m² in face area; and

(iii) do not number more than 2 signs per stall;

(j) sporting field fence signs on the perimeter of playing fields that—

(i) are not legible at streetfront boundaries; and

(ii) are no larger than 1m² in face area per metre of fence length;

(k) business name plates that—

(i) are no larger than 0.5m² in face area; and

(ii) do not number more than 1 business name plate per tenant;

(l) lantern signs that—

(i) are no larger than 0.25m² in area for any face of the device; and

(ii) are used only for directional messages for vehicular traffic or pedestrians entering the site; and

(iii) are not arranged together to form an overall advertising message;

(m) property numbers or names displayed on the roof of a residence.

(3) In this section—

'A' board sign means any portable, self supporting footway sign, such as a sandwich board, blackboard, A frame or inverted T frame board.

bunting includes decorative flags, pennants and streamers.

business name plate means a sign intended to display the name or occupation of the business occupants or occupant and may be either freestanding or painted or otherwise affixed to a building wall or a fence.

candidate means the person who is seeking to be elected.

election means a—

(a) government election; or

(b) a referendum; or

(c) election of a person to a position in accordance with the provisions of an Act.

election period means—

(a) for a local government election—the period of 28 days preceding the day of the election; or

(b) for a State government election—the meaning given in the *Electoral Act 1992*, section 3; or

(c) for a Commonwealth government election—the period beginning on the day after the writ for the election is issued and ending on the day of the election; or

(d) for another election—

(i) the election period stipulated by the Act providing for the election; or

(ii) if no period is stipulated by the Act—the period of 28 days preceding the day of the election; or

(e) for a referendum—the period beginning on the day after the writ for the referendum is issued and ending on the day of the referendum.

election sign means a device that is able, or is intended, to—

(a) influence a person about voting at an election or referendum; or

(b) affect the result of an election or referendum.

government election see the Act, section 36(4).

lantern sign means a fabricated or moulded light shade which may have lettering affixed.

local government election means an election of a member of the local government.

referendum means a referendum as defined under the *Referendums Act 1997* or the *Referendum (Machinery Provisions) Act 1984 (Cwth).*

roadside stall sign means a temporary sign erected for the purposes of advertising the availability of seasonal produce grown on the subject site for a maximum period of 3 months concurrent within any 6 month period.

rural identification sign means a freestanding sign which is intended to display the name or nature of an agribusiness or occupant undertaking an agricultural practice on the property that the sign is advertising.

sporting field fence sign means a sign painted or otherwise affixed to a fence marking the boundaries of a playing field and facing inward to the playing field area.

window sign means a sign painted or otherwise affixed to the exterior or on the inner surface of the glazed area of any window and—

(a) includes devices that are suspended from the window frame;

(b) does not include product displays or showcases to be viewed by pedestrians.

3 Documents and materials that must accompany applications for approval

This section has been intentionally left blank.

4 Additional criteria for the granting of approval

This section has been intentionally left blank.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

Conditions that will ordinarily be imposed on an approval are that the approval holder must—

(a) comply with any applicable standards for the approved activity outlined in the local government's *Standards for the Conduct of Prescribed Activities*; and

(b) comply with any applicable requirements in the local government's *Public Liability Insurance Requirements for Prescribed Activities.*

7 Term of approval

The term of an approval is—

(a) the term stated in the approval; or

(b) if no date is stated in the approval—until the next 31st day of August.

8 Term of renewal of approval

The term of a renewal of the approval is—

(a) the term stated in the approval; or

(b) if no date is stated in the approval—until the next 31st day of August.

Schedule 10 Keeping of animals

section 11

1 Prescribed activity

Keeping of animals

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

Not applicable.

3 Documents and materials that must accompany applications for approval

This section has been intentionally left blank.

4 Additional criteria for the granting of approval

For all approvals, the additional criteria are—

(a) the land is physically suitable for the keeping of the animal; and

(b) the enclosure in which the animal is to be kept is structurally suitable; and

(c) the animal is not likely to cause undue nuisance, inconvenience, or annoyance to the occupiers of adjoining land; and

(d) the animal will not have a significant detrimental effect on the amenity of the surrounding area; and

(e) the animal will not have a significant detrimental effect on the local environment or cause pollution or other environmental damage.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

A condition that will ordinarily be imposed on an approval is that the approval holder must comply with any applicable standards for the approved activity outlined in the local government's *Standards for the Conduct of Prescribed Activities*

7 Term of approval

The term of an approval is—

(a) the term stated in the approval; or

(b) if no date is stated in the approval—until the next 30th day of June.

8 Term of renewal of approval

The term of a renewal of the approval is—

(a) the term stated in the approval; or

(b) if no date is stated in the approval—until the next 30th day of June.

Schedule 11 Operation of temporary entertainment events

section 11

1 Prescribed activity

Operation of temporary entertainment events

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

An approval under the authorising local law is not required for any of the following activities—

(a) a temporary entertainment event that is—

(i) held on property that is not a local government controlled area; and

(ii) attended by less than 1000 people;

(b) a temporary entertainment event that is held in any of the following locations—

(i) a club house or hall located in a local government controlled area.

3 Documents and materials that must accompany applications for approval

This section has been intentionally left blank.

4 Additional criteria for the granting of approval

(1) For all approvals, the additional criteria are—

(a) the physical suitability of the area or road for the proposed event, including access roads servicing the event; and

(b) the likelihood of the event causing nuisance, inconvenience or annoyance to the occupiers of the adjoining land, vehicular traffic or pedestrians; and

(c) the likely effect on the amenity of the surrounding area; and

(d) the likely effect on the local environment and any possible pollution or other environmental damage; and

(e) the appropriateness, quality and condition of equipment to be used in the activity; and

(f) the likely impact on the ability of the general public to use the site concurrently with the proposed activity; and

(g) whether the applicant's proposed waste management strategy makes provision for the satisfactory collection, storage and removal of all waste generated by the proposed activity.

(2) For an approval relating to the operation of a circus, an additional criterion is that the applicant demonstrates compliance with the National Consultative

Committee for Animal Welfare (NCCAW) *Position Statement Number 26, Recommended National Circus Standards*.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

Conditions that will ordinarily be imposed on an approval are that the approval holder must—

(a) comply with any applicable standards for the approved activity outlined in the local government's *Standards for the Conduct of Prescribed Activities*; and

(b) comply with any applicable requirements in the local government's *Public Liability Insurance Requirements for Prescribed Activities*.

7 Term of approval

The term of the approval will be as stated in the approval.

8 Term of renewal of approval

The term of a renewal of the approval will be as stated in the renewal.

Schedule 12 Undertaking regulated activities regarding human remains— (a) disturbance of human remains buried outside a cemetery; or (c) disturbance of human remains in a local government cemetery

section 11

1 Prescribed activity

Undertaking regulated activities regarding human remains—(a) disturbance of human remains buried outside a cemetery; or (c) disturbance of human remains in a local government cemetery

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

An approval under the authorising local law is not required for the exhumation or other disturbance or interference with human remains on the order of a coroner or other lawful authority.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

(a) details of the proposed disturbance of human remains; and

(b) a certified copy of the death certificate or medical certificate of cause of death for the deceased; and

(c) written consent from the nearest living relative; and

(d) written confirmation from a recognised undertaker that he or she is prepared to carry out the exhumation; and

(e) if the remains are on land that is outside a local government cemetery—the written agreement of the owner of, and anyone else with a registered interest in, the land on which the remains are located.

4 Additional criteria for the granting of approval

For all approvals, the additional criteria are that—

(a) the nearest living relative consents to the disturbance of the human remains; and

(b) there is no public health risk involved.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

Conditions that will ordinarily be imposed on an approval are that—

(a) a qualified undertaker must conduct the activity; and

(b) the approval holder must comply with any applicable standards for the approved activity outlined in the local government's *Standards for the Conduct of Prescribed Activities*; and

(c) the approval holder must comply with any applicable requirements in the local government's *Public Liability Insurance Requirements for Prescribed Activities*.

7 Term of approval

The term of the approval will be as stated in the approval.

8 Term of renewal of approval

The term of a renewal of the approval will be as stated in the renewal.

Schedule 13 Undertaking regulated activities regarding human remains— (b) burial or disposal of human remains outside a cemetery

section 11

1 Prescribed activity

Undertaking regulated activities regarding human remains— (b) burial or disposal of human remains outside a cemetery

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

(a) details of the person being buried or disposed of and the burial site or other place in which the remains are to be buried or placed; and

(b) details of when and how the remains are to be disposed of; and

(c) the written agreement of the owner of, and anyone else with a registered interest in, the land on which the remains are to be buried or placed; and

(d) Global Positioning System (GPS) reference points to identify the proposed burial location; and

(e) a survey plan by a licensed surveyor detailing the location of the burial site.

4 Additional criteria for the granting of approval

The additional criteria are that—

(a) the approval is justified by—

(i) a special family, personal or historical association between the deceased person and the place in which the remains are to be buried or placed; or

(ii) some other special reason; and

(b) the burial or disposal of human remains at the place will not—

(i) create a risk to health or other nuisance; or

(ii) cause reasonable offence to others.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

A condition that will ordinarily be imposed on an approval is that the approval holder must comply with any applicable standards for the approved activity outlined in the local government's *Standards for the Conduct of Prescribed Activities*.

7 Term of approval

The term of the approval will be as stated in the approval.

8 Term of renewal of approval

The term of a renewal of the approval will be as stated in the renewal.

Schedule 14 Undertaking regulated activities on local government controlled areas and roads—(a) driving or leading of animals to cross a road

section 11

1 Prescribed activity

Undertaking regulated activities on local government controlled areas and roads—(a) driving or leading of animals to cross a road

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

An approval under the authorising local law is not required for—

(a) a person who has been granted approval for installation of a gate or grid on a road adjacent to the person's land; or

(b) driving or leading of animals that are not livestock animals; or

(c) leading of horses across a road by a member of a horse or pony club.

3 Documents and materials that must accompany applications for approval

This section has been intentionally left blank.

4 Additional criteria for the granting of approval

An additional criterion is that the proposed activity does not involve stock crossing the following roads—

(a) roads within the urban footprint or rural living area; or

(b) arterial roads.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

Conditions that will ordinarily be imposed on an approval are that the approval holder must—

(a) comply with any applicable standards for the approved activity outlined in the local government's *Standards for the Conduct of Prescribed Activities*; and

(b) comply with any applicable requirements in the local government's *Public Liability Insurance Requirements for Prescribed Activities*; and

(c) ensure the animals are supervised at all times; and

(d) ensure that the animals are not on roads outside of daylight hours; and

(e) travel the animals on the road only during the times of day stipulated in the approval; and

(f) keep the animals off the carriageway of the road wherever possible, to enhance vehicle safety and to keep the carriageway clean.

7 Term of approval

The term of an approval is—

(a) the term stated in the approval; or

(b) if no date is stated in the approval—until the next 30th day of June.

8 Term of renewal of approval

The term of a renewal of the approval is—

(a) the term stated in the approval; or

(b) if no date is stated in the approval—until the next 30th day of June.

Schedule 15 Undertaking regulated activities on local government controlled areas and roads—(b) depositing of goods or materials

section 11

1 Prescribed activity

Undertaking regulated activities on local government controlled areas and roads—(b) depositing of goods or materials

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

An approval under the authorising local law is not required for—

(a) temporary depositing of goods and materials for a period of no longer than 24 hours; or

(b) depositing of a local government-provided rubbish bin for the purposes of collection.

3 Documents and materials that must accompany applications for approval

This section has been intentionally left blank.

4 Additional criteria for the granting of approval

This section has been intentionally left blank.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

Conditions that will ordinarily be imposed on an approval are that the approval holder must—

(a) comply with any applicable requirements in the local government's *Public Liability Insurance Requirements for Prescribed Activities*; and

(b) comply with any applicable requirements in the local government's *Public Liability Insurance Requirements for Prescribed Activities*; and

(c) ensure that the movement of vehicles and pedestrians along the road is not adversely obstructed; and

(d) ensure that the activity does not cause a nuisance to neighbouring residents; and

(e) take all reasonable steps to minimise the effect of the activity on the amenity of the surrounding area (for example, by ensuring the goods or materials are kept in a tidy and orderly manner); and

(f) not interfere with existing services located in, on or over a road.

7 Term of approval

The term of the approval will be as stated in the approval.

8 Term of renewal of approval

The term of a renewal of the approval will be as stated in the renewal.

Schedule 16 Undertaking regulated activities on local government controlled areas and roads—(c) undertaking of a public place activity prescribed by subordinate local law

section 11

1 Prescribed activity

Undertaking regulated activities on local government controlled areas and roads—(c) undertaking of a public place activity prescribed by subordinate local law[4]

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

This section has been intentionally left blank.

4 Additional criteria for the granting of approval

(1) For all approvals, the additional criteria are that—

(a) the activity for which the approval is sought would not unduly interfere with the proper use of the area; and

(b) the activity would not cause nuisance, inconvenience or annoyance to the occupiers of adjoining land; and

(c) the activity would not adversely affect the amenity of the surrounding area.

(2) For an approval to discharge a firearm or weapon on or over a local government controlled area, the additional criterion is that the activity occurs as part of an organised event for archery or pistol, gun or rifle shooting.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

Conditions that will ordinarily be imposed on an approval are that the approval holder must—

(a) comply with any applicable standards for the approved activity outlined in the local government's *Standards for the Conduct of Prescribed Activities*; and

(b) comply with any applicable requirements in the local government's *Public Liability Insurance Requirements for Prescribed Activities*.

[4] See schedule 5 of this subordinate local law for the list of activities prescribed as public place activities that require approval.

7 Term of approval

The term of the approval will be as stated in the approval.

8 Term of renewal of approval

The term of a renewal of the approval will be as stated in the renewal.

Schedule 17 Use of bathing reserves for training, competitions etc

section 11

1 Prescribed activity

The prescribed activity mentioned in section 10(1) of *Local Law No.6 (Bathing Reserves) 2011*[5]

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

This section has been intentionally left blank.

4 Additional criteria for the granting of approval

This section has been intentionally left blank.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

This section has been intentionally left blank.

7 Term of approval

The term of the approval will be as stated in the approval.

8 Term of renewal of approval

The term of a renewal of the approval will be as stated in the renewal.

[5] Section 10(1) of *Local Law No.6 (Bathing Reserves) 2011* provides that it is a prescribed activity to—

(a) set apart a bathing reserve or a part of a bathing reserve for life-saving training on an exclusive basis; or

(b) use any part of a bathing reserve for the conduct of a surfing competition, a life-saving competition or another aquatic activity.

Schedule 18 Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee

section 11

1 Prescribed activity

Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee (*Local Law No.5 (Parking) 2011*, section 7(1))

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

Not applicable.

3 Documents and materials that must accompany applications for approval

This section has been intentionally left blank.

4 Additional criteria for the granting of approval

This section has been intentionally left blank.

5 Conditions that must be imposed on approvals

The conditions that must be imposed on an approval, which will be granted in the form of a permit, are that—

(a) the permit is only valid for the vehicle and the places specified in the permit; and

(b) the permit is only valid for the dates and times specified in the permit; and

(c) the permit must be publicly displayed within the vehicle while it is parked in the place for which the permit is valid.

6 Conditions that will ordinarily be imposed on approvals

This section has been intentionally left blank.

7 Term of approval

The term of the approval will be as stated in the approval.

8 Term of renewal of approval

The term of a renewal of the approval will be as stated in the renewal.

Schedule 19 Parking in a loading zone by displaying a commercial vehicle identification label

section 11

1 Prescribed activity

Parking in a loading zone by displaying a commercial vehicle identification label (*Local Law No.5 (Parking) 2011*, section 8(1))

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

Not applicable.

3 Documents and materials that must accompany applications for approval

This section has been intentionally left blank.

4 Additional criteria for the granting of approval

This section has been intentionally left blank. [6]

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

Conditions that will ordinarily be imposed on an approval are that the approval holder must—

(a) display the identification label in a prominent position while using the loading zone; and

(b) not transfer the label to the new owner of the vehicle if the vehicle is sold; and

(c) destroy the label in the event of a change of vehicle and complete a new application for the new vehicle; and

(d) return damaged or defaced labels to the local government; and

(e) not wilfully misuse a label.

7 Term of approval

The term of the approval will be as stated in the approval.

8 Term of renewal of approval

The term of a renewal of the approval will be as stated in the renewal.

[6] The grounds for an approval to park in a loading zone by displaying a commercial vehicle identification label are specified pursuant to section 8(2) of *Local Law No.5 (Parking) 2011*.

Schedule 20 Carrying out works on a road or interfering with a road or its operation

section 11

1 Prescribed activity

Carrying out works on a road or interfering with a road or its operation (*Local Government Act 2009*, section 75(2))

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

Not applicable.

3 Documents and materials that must accompany applications for approval

For an approval to install or operate a gate or a grid across a road, the application must include or be accompanied by—

(a) proof of compliance with the applicable requirements in the local government's *Public Liability Requirements for Prescribed Activities*; and

(b) written advice from landowners adjoining the proposed grid or gate site concerning approval, objection or any other comment with respect to the installation of the gate or grid.

4 Additional criteria for the granting of approval

For approval to install or operate a gate or grid across a road, the additional criteria are—

(a) that the approval will only be granted where the application is to install or operate a gate or grid on a road that is on the local government's Road Asset Register; and

(b) that a gate may be installed without a grid on maintained roads designated '4WD only'.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

(1) For all approvals, conditions that will ordinarily be imposed on an approval are that the approval holder must—

(a) comply with any applicable standards for the approved activity outlined in the local government's *Standards for the Conduct of Prescribed Activities*; and

(b) comply with any applicable requirements in the local government's *Public Liability Insurance Requirements for Prescribed Activities*; and

(c) maintain in good order any structures erected or installed or vegetation planted; and

(d) remove a structure erected or installed under the approval once an approval is cancelled or not renewed, unless ownership of the structure transfers to the local government.

(2) For approvals to install or operate a gate or grid on a road, a condition that will ordinarily be imposed on an approval is that, if the gate or grid is removed for any reason, the approval holder must pay for such removal, including restoration of the road to the same standard as the adjoining road.

7 Term of approval

The term of the approval will be as stated in the approval.

8 Term of renewal of approval

The term of a renewal of the approval will be as stated in the renewal.

Gympie Regional Council

Subordinate Local Law No. 2 (Animal Management) 2011

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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) 2011*.

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) 2011*, 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, mandatory desexing, proper enclosures, koala conservation and identification; and

(c) the control of animals in public places; and

(d) matters regarding the impounding of animals and the sale or disposal of impounded animals; and

(e) the conditions to be complied with by persons who offer animals, or a particular species of animals, 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) 2011* (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) In this subordinate local law—

authorised by an authorised person—

(a) means that the action is authorised by a written authorisation signed by an authorised person; and

(b) does not mean an approval mentioned in section 5(b) of *Local Law No.1 (Administration) 2011*.

lot has the meaning given in the *Sustainable Planning Act 2009*, section 10.

property means—

(a) a lot; or

(b) if a person owns and occupies 2 or more adjoining lots—the parcel of land comprising all of the lots owned by the person.

recognised bird or feather club means a club formally affiliated with a national or state association for bird keeping.

recognised poultry club means a club formally affiliated with a national or state association for poultry keeping.

residential property means—

(a) a property of less than $4000m^2$ that is entirely or mostly within the boundaries of an urban footprint or rural living area; or

(b) a property that is entirely or mostly within the boundaries of an area zoned for residential purposes in the local government's planning scheme.

rural living area has the meaning given in the *Wide Bay Burnett Regional Plan.*

urban footprint has the meaning given in the *Wide Bay Burnett Regional Plan.*

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

Part 2 Keeping of animals

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

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

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

For section 6(1) of the authorising local law, keeping an animal or animals of the species or breed mentioned in column 1 of schedule 2 requires approval in the circumstances described in column 2 of schedule 2.

7 Animals that must be desexed—Authorising local law, s 7

For section 7 of the authorising local law, an animal of the species or breed mentioned in column 1 of schedule 3 must be desexed once it reaches the age specified in column 2 of schedule 3 except in the circumstances described in column 3 of schedule 3.

8 Minimum standards for keeping animals—Authorising local law, s 8(1)

(1) For section 8(1) of the authorising local law, the minimum standards for the keeping of animals are set out in schedule 4.

(2) For section 8(1) of the authorising local law, column 2 of schedule 5 sets out the minimum standards for keeping an animal of the species or breed mentioned in column 1 of schedule 5.

9 Identification for cats and dogs in certain circumstances—Authorising local law, s 9

For section 9 of the authorising local law, the registration device mentioned in section 12(3) of the *Animal Management (Cats and Dogs) Act 2008* is the identification required for a cat or dog that is at a place other than the address stated in the registration notice for the cat or dog.

Part 3 Control of animals

10 Public places where animals are prohibited—Authorising local law, s 10(1)

For section 10(1) of the authorising local law, the species or breeds of animals mentioned in column 2 of schedule 6 are prohibited in the public places described in column 1 of schedule 6.

11 Dog off-leash areas—Authorising local law, s 11(1)

For section 11(1) of the authorising local law, the areas described in schedule 7 are designated as dog off-leash areas.

12 Animal faeces in public places—Authorising local law, s 13

For section 13 of the authorising local law, the following animals are prescribed as animals whose faeces must be removed from a public place and disposed of in a sanitary way— *This list has been intentionally left blank.*

13 Requirements for proper enclosures for keeping animals—Authorising local law, s 14(2)

For section 14(2) of the authorising local law, column 2 of schedule 8 sets out the requirements for proper enclosures for an animal of the species or breed mentioned in column 1 of schedule 8.

14 Criteria for declared dangerous animals—Authorising local law, s 19(1)

For section 19(1) of the authorising local law, the criteria for declaring an animal as a declared dangerous animal are set out in schedule 9.

Part 4 Seizure, impounding or destruction of animals

15 Place of care for impounded animals—Authorising local law, s 24

For section 24 of the authorising local law, the place of care for animals impounded by the local government will be the place nominated by a resolution of the local government.

16 Animals that may be disposed of without auction or tender—Authorising local law, s 32(1)(b)

For section 32(1)(b) of the authorising local law, any animal that is not cattle, a goat, a horse, a pig or a sheep may be sold by private agreement, destroyed or disposed of in some other way without being destroyed.

17 Register of impounded animals—Authorising local law, s 33(3)

For section 33(3) of the authorising local law, the register of impounded animals will be kept at the local government's public office.

Part 5 Appeals against destruction orders

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

Part 6 Miscellaneous

This part has been intentionally left blank.

Dictionary

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, the following species of animal are excluded from the application of the authorising local law—

(a) fish;

(b) reptiles;

(c) amphibians.

19 Species that are declared dangerous animals—Authorising local law, schedule

For the purposes of the definition of ***declared dangerous animal*** in the schedule to the authorising local law, an animal of the following species is a declared dangerous animal— *This list has been intentionally left blank.*

20 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 prescribed period is—

(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.

Schedule 1 Prohibition on keeping animals

Section 5

	Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
1	Dogs	1 Keeping more than 1 dog is prohibited in a residential unit that is within a residential complex comprising 2 units. 2 Keeping more than 2 dogs is prohibited on any property that contains more than 2 residential units.
2	Cats	1 Keeping more than 1 cat is prohibited in a residential unit that is within a residential complex comprising 2 units. 2 Keeping more than 2 cats is prohibited on any property that contains more than 2 residential units.
3	Pigs	Keeping pigs is prohibited on a residential property or a property less than 10,000m^2.
4	Roosters and cockerels	1 Keeping a rooster or cockerel is prohibited on a residential property or a property less than 10,000m^2. 2 However, the prohibition in 1 above does not apply in the case of a member of a recognised poultry club holding an approval mentioned in schedule 2 in relation to poultry.
5	Horses, mules, donkeys, camels, cattle, sheep, deer, alpacas, llamas and goats	1 Keeping horses, mules, donkeys, camels, cattle, sheep, deer, alpacas, llamas and goats is prohibited on a property less than 4,000m^2. 2 On a residential property, keeping more than 1 animal from the list of animals in column 1 for every 4,000m^2 is prohibited. *Examples for clause 2* – On a 4,000m^2 residential property, a person could keep 1 animal in total. On an 8,000m^2 residential property, a person could keep 2 animals in total, such as 2 horses or 1 horse and 1 cow.
6	Poultry, excluding roosters and cockerels	1 Keeping poultry is prohibited on a property less than 1,000m2. 2 On a property greater than 1,000m^2 and up to 4,000m^2, keeping more than 8 poultry is prohibited. 3 On a property greater than 4,000m^2 and up to 10,000m^2, keeping more than 12 poultry is prohibited.

		4 However, the prohibitions in 1-3 above do not apply in the case of a member of a recognised poultry club holding an approval mentioned in schedule 2 in relation to poultry.
7	Geese, ducks, turkeys, pheasants or similar birds	Keeping geese, ducks, turkeys, pheasants or similar birds is prohibited on a residential property or a property less than 1,000m^2.
8	Peacocks, peahens and guinea fowl	Keeping peacocks, peahens and guinea fowl is prohibited on a residential property or a property less than 4,000m^2.
9	Ratites (emus, ostriches and other similar birds)	Keeping ratites (emus, ostriches and other similar birds) is prohibited on a residential property or a property less than 4,000m^2.

Schedule 2 Requirement for approval to keep animals

Section 6

	Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals requires approval[1]
1	Dogs	1 An approval is required to keep more than 2 dogs over the age of 12 weeks on any property, except where any additional dog is a working dog. 2 An approval is required to keep 1 or more dogs over the age of 12 weeks on any property that contains multiple residential units.
2	Cats	1 An approval is required to keep more than 2 cats over the age of 12 weeks on any property. 2 An approval is required to keep 1 or more cats over the age of 12 weeks on any property that contains multiple residential units.
3	Poultry	1 An approval is required to keep more than 8 poultry on a residential property. 2 An approval is required for a member of a recognised poultry club to keep poultry, including roosters or cockerels, in circumstances in which the keeping of these animals would otherwise be prohibited in schedule 1.
4	Birds (excluding poultry)	1 An approval is required to keep more than 25 birds on a residential property. 2 However, an approval is not required where the keeper of the birds is a member of a recognised bird or feather club, provided that a majority of the birds kept are of a species covered by the bird or feather club.

[1] See *Local Law No.1 (Administration) 2011* and *Subordinate Local Law No.1 (Administration) 2011* in relation to the requirements and processes for approvals (e.g. form of application for approval, documents and materials that must accompany applications, criteria for granting approval, conditions that must be imposed on approvals, conditions that will ordinarily be imposed on approvals, term of approval, third party certification of applications).

Schedule 3 Requirement to desex animal

Section 7

This schedule has been intentionally left blank.

Schedule 4 Minimum standards for keeping animals generally

Section 8(1)

1 Animals must be kept in a manner that does not create and is not likely to create a smell, dust or noise nuisance to contiguous or neighbouring land.

2 Waste waters from enclosures must be drained in a nuisance- and pollution- free manner.

3 Any excreta, offensive material or food scraps must be collected at least once each day and placed into a suitable waterproof and flyproof receptacle, which must be covered at all times and the contents removed at least twice weekly.

4 Any animal food must be stored in impervious flyproof and vermin proof receptacles or impervious flyproof and vermin proof storeroom facilities.

5 An enclosure for an animal must be located to prevent the animal from being within—

(a) 15 metres of a dwelling on a neighbouring premises or any premises used for the manufacture, preparation, storage or sale of food (other than a domestic kitchen used solely for domestic purposes by the keeper of the animal); and

(b) 10 metres of any road; and

(c) for a horse, mule, donkey, camel, cattle, sheep, deer, alpaca/llama and goat—20 metres of a property boundary; and

(d) for poultry—2 metres of a property boundary; and

(e) for an animal not mentioned in (c) or (d)— 5 metres of a side or rear boundary,

except in the case of—

(a) a dog or cat; or

(b) a property that is not a residential property; or

(c) a property that is more than 20,000m^2.

Schedule 5 Minimum standards for keeping particular animals

Section 8(2)

	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
1		*This schedule has been intentionally left blank.*

Schedule 6 Prohibition of animals in public places

Section 10

	Column 1 Public place	Column 2 Species or breed of animals prohibited[2]
1	Within five (5) metres of any playground, barbeque, shelter or picnic table in a park or reserve	All animals.
2	Memorial Park Gympie Lot 600 SP189442 River Road	All animals unless authorised by an authorised person.
3	Willows Park, Gympie / AJ Mitchell Park Lot 638 MCH 5225 corner Station Road and Cootharaba Road	All animals unless authorised by an authorised person.
4	Rainbow Beach Bathing Reserve Lot 15 MCH 5346 Wide Bay Esplanade	All animals unless authorised by an authorised person.
5	One Mile Oval Lot 361 SP 216726 Crescent Road Gympie	All animals.
6	Albert Park Lot 131 MCH 3243 River Road Gympie	All animals.
7	All local government cemeteries	All animals unless authorised by an authorised person.
8	Libraries	All animals.

[2] See, however, section 8(1) of the *Guide, Hearing and Assistance Dogs Act 2009*: "Despite any other Act, a person with a disability who relies on a guide, hearing or assistance dog to reduce the person's need for support may be accompanied by the guide, hearing or assistance dog in a public place or public passenger vehicle."

Schedule 7 Dog off-leash areas

Section 11

This schedule has been intentionally left blank.

Schedule 8 Requirements for proper enclosures for animals

Section 13

	Column 1 **Species or breed of animal**	**Column 2** **Requirements for proper enclosures**
1	All Animals	1 The enclosure— (a) must be suitably fenced; and (b) must be of a size appropriate to the species and breed of the animal to be enclosed; and (c) may be constructed such that parts of a building or structure can form part of the enclosure in lieu of fencing, provided the building or structure does not have openings through which the animal can escape; and (d) must contain adequate shelter. 2 The enclosure's gates must be closed and latched except when in actual immediate use. 3 ***Suitably fenced*** means a fence constructed of strong materials and designed in such a way to the prevent the animal from— (a) escaping over, under, through or around the fence; and (b) protruding over, under, through or around the fence; and (c) threatening to attack a person or animal over, under, through or around the fence; and (d) attacking a person or animal over, under, through or around the fence.

Schedule 9 Criteria for declared dangerous animals

Section 14

This schedule has been intentionally left blank.

Gympie Regional Council

Subordinate Local Law No. 3 (Community and Environmental Management) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 3 (Community and Environmental Management) 2011*.

2 Purpose and how it is to be achieved

(1) The purpose of this subordinate local law is to supplement *Local Law No.3 (Community and Environmental Management) 2011*, which provides for protecting the environment and public health, safety and amenity within the local government's area.

(2) The purpose is to be achieved by providing for—

(a) declaration of local pests; and

(b) prohibition of lighting or maintaining certain fires; and

(c) declaration of fire hazards; and

(d) declaration of community safety hazards; and

(e) prescribed requirements for responsible persons for land containing community safety hazards; and

(f) declaration of noise standards.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No.3 (Community and Environmental Management) 2011* (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) In this subordinate local law—

lot has the meaning given in the *Sustainable Planning Act 2009*, section 10.

property means—

(a) a lot; or

(b) if a person owns and occupies 2 or more adjoining lots—the parcel of land comprising all of the lots owned by the person.

residential property means—

(a) a property of less than 4000m^2 that is entirely or mostly within the boundaries of an urban footprint or rural living area; or

(b) a property that is entirely or mostly within the boundaries of an area zoned for residential purposes in the local government's planning scheme.

rural living area has the meaning given in the *Wide Bay Burnett Regional Plan.*

urban footprint has the meaning given in the *Wide Bay Burnett Regional Plan.*

Part 2 Declared local pests

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

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

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

For section 12(2) of the authorising local law, a person mentioned in column 1 of schedule 2 is exempt from section 12(1) of the authorising local law in relation to introducing, propagating, breeding or providing harbour to a declared local pest mentioned in the corresponding part of column 2 of schedule 2.

Part 3 Overgrown and unsightly allotments

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

Part 4 Fires and fire hazards

7 Prohibition on lighting or maintaining fires—Authorising local law, s 15(2)

(1) This section applies to the following fires[1]—

(a) a fire in which neither the height, width nor length of the material to be consumed exceeds 2 metres;

(b) a fire lit for the purpose of burning the carcass of a beast;

(c) a fire lit at a sawmill for the purpose of burning sawdust or other residue resulting from the operation of a sawmill;

(d) a fire lit out-doors, if enclosed in a fireplace so constructed as to prevent the escape of fire or any burning material therefrom.

(2) For section 15(2) of the authorising local law, lighting or maintaining a fire described in column 2 of schedule 3 is declared to be prohibited in the

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

corresponding part of the local government's area mentioned in column 1 of schedule 3.

8 Fire hazards—Authorising local law, s 16(3)(b)

For section 16(3)(b) of the authorising local law, each of the following is declared to be a fire hazard if it is located on a residential property—

(a) live cinders of hot ash that are not effectively contained in an approved receptacle;

(b) a substantial accumulation of grass clippings that is liable to spontaneous combustion;

(c) vegetation or other material that, if ignited, could not be readily controlled and would pose an unacceptable risk to neighbouring properties.

Part 5 Community safety hazards

9 Community safety hazards—Authorising local law, s 17(c)

For section 17(c) of the authorising local law, each of the following are declared to be community safety hazards—

(a) trees or other vegetation which, because of their nature or position, pose a significant risk of causing injury to a person or damage to property;

(b) a reflective surface or light exhibited which, by reason of glare or by causing confusion, is likely to endanger the safety of vehicles or aircraft;

(c) a presence of waste foodstuffs which constitutes, or is likely to constitute, such an attraction to birds as to create a hazard or a potential hazard to aircraft using or operating in the vicinity of an aerodrome.

10 Prescribed requirements for community safety hazards—Authorising local law, s 20(1)

For section 20(1) of the authorising local law, a responsible person for land that contains a community safety hazard listed in column 1 of schedule 4 must meet the requirements prescribed in the corresponding part of column 2 of schedule 4.

Part 6 Noise standards

11 Prescribed noise standards—Authorising local law, s 21(2)

(1) For section 21(2) of the authorising local law, the noise standard in column 2 of schedule 5 is prescribed for the section of the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3 stated in column 1 of schedule 5.

(2) For section 21(2) of the authorising local law, the noise standard in column 2 of schedule 5 applies in the corresponding part of the local government's area mentioned in column 3 of schedule 5.

Part 7 Miscellaneous

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

Schedule 1 Declared local pests

section 5

	Column 1 Applicable part of local government's area	Column 2 Declared local pest
1		*This schedule has intentionally been left blank.*

Schedule 2 Persons exempted from offence of introducing etc declared local pest

section 6

This schedule has been intentionally left blank.

Schedule 3 Prohibited fires

section 7(2)

	Column 1 **Applicable part of local government's area**	**Column 2** **Prohibited fire**
1	Any residential property	(1) Any fire, except where— (a) the fire is directly associated with the bona fide use of any appliance or equipment for cooking or heating purposes; and (b) all reasonable and practical measures have been taken by the person in control of the fire to minimise smoke creation. (2) In subsection (1)— ***reasonable and practical measures*** include the selection of a suitable fuel for the burning activity and the maintenance of conditions which promote efficient combustion of that fuel.
2	Local government controlled areas, excluding bathing reserves	Any fire unless contained in a barbeque provided by the local government.
3	Bathing reserves	Any fire.

Schedule 4 Prescribed requirements for community safety hazards

section 10

	Column 1 Community safety hazard	Column 2 Prescribed requirements to be met by responsible person for land containing a hazard
1		*This schedule has intentionally been left blank*

Schedule 5 Prescribed noise standards

section 11

	Column 1 Section of the ***Environmental Protection Act 1994***, chapter 8, part 3B, division 3	Column 2 Prescribed noise standard	Column 3 Applicable part of local government's area
1		*This schedule has been intentionally left blank*	

Gympie Regional Council

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011

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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) 2011*.

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) 2011* 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) 2011* (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) In this local law—

airside area means the movement area of an aerodrome or aircraft landing area, including buildings and other structures, being the whole of that part of an aerodrome or aircraft landing area inside its perimeter fence, but excluding buildings on leased areas and any area signposted by the local government for use by the general public in connection with a lawful aerodrome activity (for example, a waiting area or public carpark).

authorised by an authorised person—

(a) means that the action is authorised by a written authorisation signed by an authorised person; and

(b) does not mean an approval mentioned in section 5(b) of *Local Law No.1 (Administration) 2011*.

camp see the *Recreation Areas Management Act 2006*, schedule.

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)

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.

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— *This list has been intentionally left blank.*

Schedule 1 Prohibited activities for local government controlled areas or roads

section 5(1)

	Column 1 Local government controlled area or road	Column 2 Prohibited activity
1	All local government cemeteries in the area	1 Interfere with a grave, memorial or with flowers or tokens on a grave or memorial. 2 Interrupt or interfere with a funeral or commemorative service lawfully conducted in a local government cemetery.
2	All parks and reserves in the local government area	1 Enter or leave a park other than through a gateway or opening designated by the local government. 2 Wilfully obstruct any of the entrances, thoroughfares, or walks of any park. 3 Do an act which would be likely to injure, endanger, obstruct, inconvenience or annoy a person. 4 Throw or discharge a stone or any other projectile whatsoever in, over or across a park. 5 Carry a loaded or cocked spear gun. 6 Play golf, other than putting. 7 Break or leave a glass bottle or glass container of any description except in a refuse receptacle provided for that purpose. 8 Enter any building or other structure that has been set apart for the use of persons of the opposite sex, provided that this prohibition shall not apply to children under the age of five (5) years. 9 Do an act which would be likely to injure, displace, pollute, foul, deface or disorder a park or any thing appertaining thereto, or to cause waste, loss or inconvenience to the local government. 10 Bathe, wade or wash in any lake, pond, fountain, ornamental water, stream or other water or foul, pollute or discolour any such water. 11 Remove any stone, rock, sand or shell. 12 Enter any enclosure or place set aside for the cultivation

		of plants, flowers or for revegetation where by notice it is forbidden to walk, drive, ride, trespass, damage or the like. 13 Deposit fish, crustacean or oyster offal or waste material or shells. 14 Abandon or permit to be abandoned a vehicle, caravan, boat, water-craft or aircraft. 15 Wilfully or deliberately cause, permit or allow a water tap to run water to waste. 16 Wilfully, carelessly or negligently remove, damage, deface, injure, destroy, soil or defile a part of a wall, building, sign, control fence, barrier or railing or of a fixed or movable seat, or a monument, work or art, ornament or decoration, playground equipment or a structure or building or the like, or a fitting or fixture contained therein or thereon. 17 Climb upon, get over, injure, cut down, destroy, damage or otherwise interfere with the fences or posts in or around a park or in any manner disturb, damage or destroy property, chattels, effects or things therein. 18 Insert any article whatsoever in a coinmeter of a barbeque, shower, hot water unit or the like, other than a coin the denomination of which is specified. 19 Hang out or spread for drying a fishing net or crab net or oyster growing frame except in an area designated by the local government for this purpose.
3	All local government libraries in the area	1 Harass or disturb another person or interfere with the reasonable use of library resources. 2 Wilfully damage a library resource. 3 Remove a library resource from the library premises, except as authorised under the library rules. 4 Eat or drink in the public area of any library property. 5 Use audio visual materials in a manner that disrupts other library users.
4	Council saleyards	1 Deposit, throw or leave paper or other refuse. 2 Damage or deface any part of the buildings, fittings, or fixtures. 3 Obstruct any of the entrances to thoroughfares or passageways or races or loiter in such entrances, thoroughfares, passageways or races. 4 Break in horses.

		5 Keep an animal that is, in the opinion of the authorised person, diseased.
5	Roads	1 Drag any article (other than on wheels) on the road surface or on a table drain. 2 Cause an offensive liquid or substance to be discharged in such a manner that it will reach a road. 3 Park or stand a vehicle that is advertised for sale.
6	Aerodromes or other aircraft landing areas	1 Use any building or other structure, convenience or amenity provided on an aerodrome or aircraft landing area for any purpose other than that for which it is provided or intended. 2 Destroy, remove, obliterate, deface, alter or otherwise interfere with any barrier, notice, sign or marking designed or intended for direction, guidance, warning or information of persons using an aerodrome or aircraft landing area.

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 parks and reserves in the local government area	Camping	Permitted only— (a) within either— (i) a place designated by the local government as a camping ground; or (ii) a lawfully established and operated caravan park; or (b) where the person has the local government's approval issued pursuant to this provision in accordance with *Local Law No.1 (Administration) 2011*; or (c) if authorised by an authorised person.
2		Lighting fires	Permitted only— (a) in a place specially provided or set apart by the local government for the purpose; and (b) under such conditions as the local government may impose by signage at the place.
3		Destroying, snaring, injuring, disturbing, interfering with or taking any animal, ornamental fish, reptile, bird, bird's nest or bird's egg	Permitted only where the person has the local government's approval issued pursuant to this provision in accordance with *Local Law No.1 (Administration) 2011*.
4		Erecting or maintaining a structure, screen,	Permitted only if authorised by an authorised person.

		awning, tent, shelter, enclosure, residence or camp in a park or reserve	
5		Beaching for repairs, painting or otherwise maintaining or leaving a boat or water-craft in a park or reserve	Permitted only— (a) in a place specially provided or set apart by the local government for that purpose; or (b) if authorised by an authorised person.
6		Distributing, or attempting to distribute, or depositing any handbill, advertisement or other printed matter	Permitted only if authorised by an authorised person.
7		Flying an engine-driven model aircraft in or over a park or reserve	Permitted only— (a) in a place specially provided or set apart by the local government for that purpose; or (b) if authorised by an authorised person.
8		Setting up or operating a loud speaker or sound amplifying device	Permitted only where the person has the local government's approval issued pursuant to this provision in accordance with *Local Law No.1 (Administration) 2011*.
9	Council saleyards	Bringing a dog into the saleyards	Permitted only where— (a) authorised by an authorised person; and (b) when the dog is not working, the dog is tied or secured in a place appointed for that purpose, and in such manner as to prevent it from running about such saleyards or interfering with any livestock therein; and (c) the dog is not mangy or diseased.

10		Entering any of the covered ways or using the platforms of the saleyards for the purpose of marking or branding any stock	Permitted only— (a) in a place specially provided or set apart by the local government for that purpose; or (b) if authorised by an authorised person.
11		Placing or causing to be placed nails, hooks, pegs or other fittings or things in or on any part of the saleyards	Permitted only if authorised by an authorised person.
12		Use of any portion of the saleyards by an owner of stock for any purpose of stock management, including loading and unloading by rail or transport	Permitted only if authorised by an authorised person.
13		Causing undue delay, or other disruptive activity, when loading or unloading stock at the saleyards	Permitted only if authorised by an authorised person.
14		Allowing stock to remain in the yards used for cattle sales after 12 noon on the day following the sale	Permitted only if authorised by an authorised person.
15		Allowing stock to remain in the yards used for pig and calf sales immediately after sale is completed	Permitted only if authorised by an authorised person.
16	Roads	Discharging stormwater or wastes onto the road	Permitted only where the person has the local government's approval issued pursuant to this provision in accordance with *Local Law No.1 (Administration) 2011*.

17		Removing a building or structure, whether on wheels or slides or in any other manner, through, along, or across a road	Permitted only where the person has the local government's approval issued pursuant to this provision in accordance with *Local Law No.1 (Administration) 2011*.
18		Washing, painting, repairing, altering or maintaining a vehicle or causing a vehicle to be washed, cleansed, painted, repaired, altered or maintained, in, on or over a road	Permitted only where— (a) the vehicle is temporarily disabled with a minor fault; and (b) the driver of the vehicle stops for no longer than necessary for performing maintenance work to allow the vehicle to be moved from the road.
19	Aerodromes or other aircraft landing areas	Bringing or leaving any property or dangerous goods or materials on an airside area of an aerodrome or aircraft landing area	Permitted only if authorised by an authorised person.
20		Discharging a firearm on or over any part of an aerodrome or adjacent to an aerodrome or aircraft landing area in such a manner that the projectile discharged from the firearm travels over, or is likely to travel over, any part of an aerodrome or aircraft landing area	Permitted only if authorised by an authorised person.
21		Bringing an animal, or permitting an animal to stray, onto an aerodrome or aircraft landing area	Permitted only if authorised by an authorised person.
22		Lighting a fire on an aerodrome or aircraft landing area	Permitted only if authorised by an authorised person.

23		Parking an aircraft in a manner contrary to a parking indication given by the local government by means of signs, notices or markers placed on the aerodrome or aircraft landing area	Permitted only if authorised by an authorised person.

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
1	*This schedule has been intentionally left blank.*	

Schedule 4 Opening hours for local government controlled areas

section 8

	Column 1 Local government controlled area	Column 2 Opening hours
1	*This schedule has been intentionally left blank.*	

Schedule 5 Permanent closure of local government controlled areas

section 9

This schedule has been intentionally left blank.

Gympie Regional Council

Subordinate Local Law No. 5 (Parking) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 5 (Parking) 2011*.

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) 2011*, 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 who may be issued with parking permits; and

(c) the vehicles that can be issued with commercial vehicle identification labels; 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) 2011* (the ***authorising local law***).

4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising 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 in the 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 areas on the 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, each area of land indicated by shading within the blue boundaries on the maps in schedule 2 is declared to be an off-street

regulated parking area.

(2) For section 6(2) of the authorising local law, the boundaries of each off-street regulated parking area are indicated by blue lines circumscribing the shaded areas on the maps in schedule 2.

Part 3 Parking contrary to parking restriction

7 Parking permits issued by local government—Authorising local law, s 7(2)

For section 7(2) of the authorising local law, the following persons may be issued with a parking permit mentioned in section 7(1) of the authorising local law—

(a) a person representing a local charitable organisation, service club, sporting association or other community group;

(b) a person representing an association or organisation that holds a current authority issued by the Art Union Division Queensland Treasury to conduct an Art Union;

(c) a person requiring access to a designated parking space and adjacent footpath for commercial or construction purposes;

(d) a person who lives in a residence directly adjacent to the parking space or spaces for which the permit will apply;

(e) such other persons as may be approved by the local government from time to time.

8 Commercial vehicle identification labels—Authorising local law, s 8(2)

For section 8(2) of the authorising local law, the following vehicles may be issued with a commercial vehicle identification label mentioned in section 8(1) of the authorising local law—

(a) a motor vehicle constructed, fitted or equipped for the carriage of persons that is—

(i) currently used for carrying on a business that requires the regular use of loading zones; and

(ii) permanently sign written so as to clearly indicate to the local government that the vehicle is being used in connection with a commercial business.

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 amount for an offence mentioned in column 1 of schedule 3 is the corresponding amount stated in column 2 of schedule 3.

Part 5 Miscellaneous

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

Schedule 1 Declaration of traffic areas

section 5

This schedule has been intentionally left blank.

Schedule 2 Declaration of off-street regulated parking areas

section 6

Map 1 – Gympie Marketplace complex car park

Map 2 – Lawrence St car park

GYMPIE REGIONAL COUNCIL

N
W E
S

LAWRENCE ST CAR PARK

0 10 20
Metres

Scale: 1:500

Date: 5/1/2011

GYMPIE REGIONAL COUNCIL
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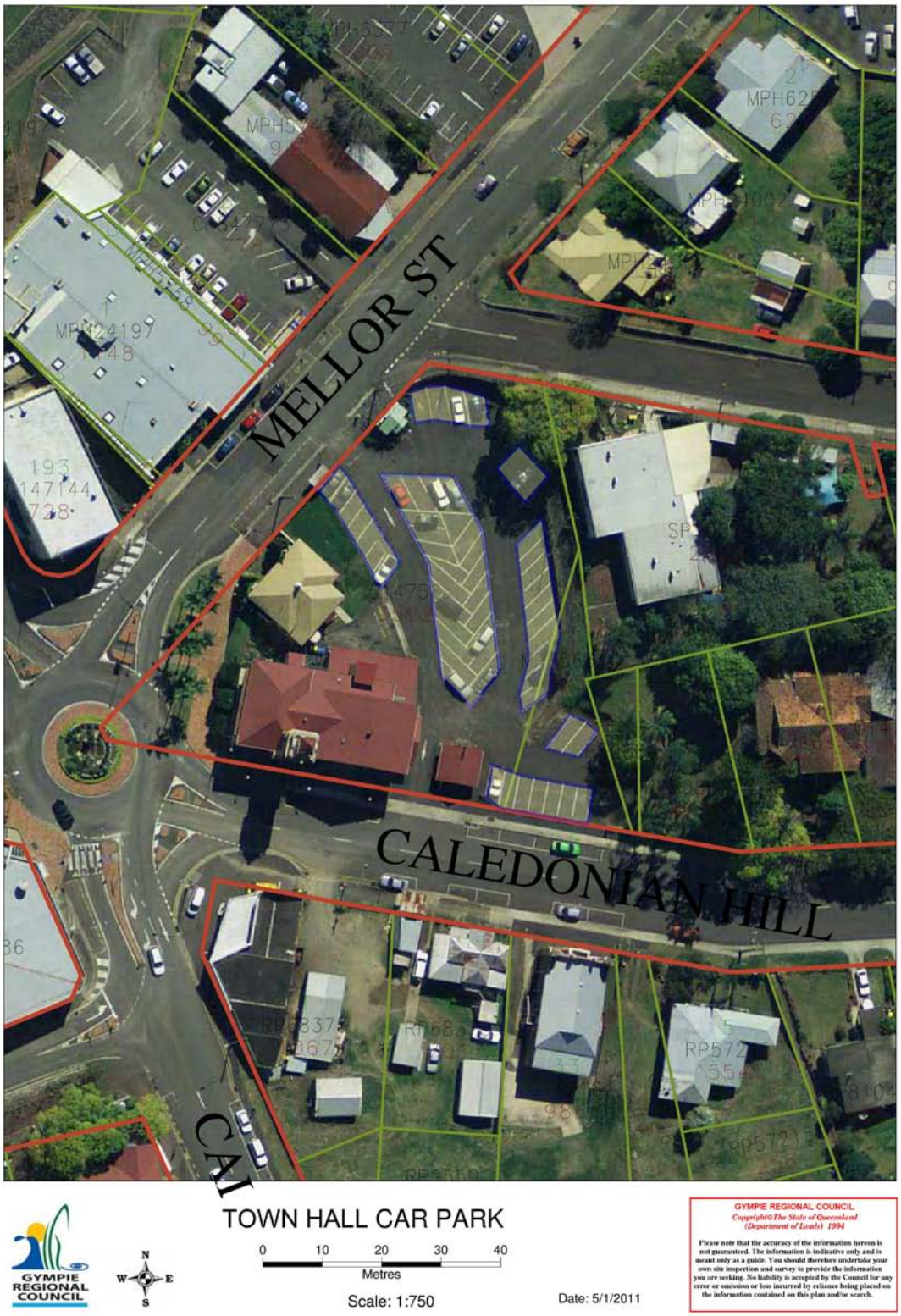
Please note that the accuracy of the information hereon is not guaranteed. The information is indicative only and is meant only as a guide. You should therefore undertake your own site inspection and survey to provide the information you are seeking. No liability is accepted by the Council for any error or omission or loss incurred by reliance being placed on the information contained on this plan and/or search.

Map 3 – Town Hall car park



Map 4 – Civic Centre car park

Map 5 – Jaycee Way car park

Map 6 – Young St car park

GYMPIE REGIONAL COUNCIL

YOUNG ST CAR PARK

Scale: 1:500
Date: 6/1/2011

0 10 20
Metres

N
W E
S

GYMPIE REGIONAL COUNCIL
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Schedule 3 Infringement notice penalty amounts for certain minor traffic offences

section 9

	Column 1 Minor traffic offence	Column 2 Infringement notice penalty amount
1	Paid parking offences provided for in section 106 (Paid parking offences) of the *Transport Operations (Road Use Management) Act 1995*	0.4 penalty unit
2	The offence provided for in section 176 (Stopping on a road contrary to a clearway sign) of the *Transport Operations (Road Use Management – Road Rules) Regulation 2009*	0.8 penalty unit
3	The offences provided for in section 179 (Stopping in a loading zone) of the *Transport Operations (Road Use Management – Road Rules) Regulation 2009*	0.5 penalty unit
4	The offence provided for in section 182 (Stopping in a taxi zone) of the *Transport Operations (Road Use Management – Road Rules) Regulation 2009*	0.5 penalty unit
5	The offence provided for in section 203 (Stopping in a parking area for people with disabilities) of the *Transport Operations (Road Use Management – Road Rules) Regulation 2009*	1.0 penalty unit
6	The offence provided for in section 183 (Stopping in a bus zone) of the *Transport Operations (Road Use Management – Road Rules) Regulation 2009*	0.8 penalty unit
7	Parking offences provided for in Part 12 (Restrictions on stopping and parking) of the *Transport Operations (Road Use Management – Road Rules) Regulation 2009* excluding the offences in sections 176, 179, 182, 183 and 203	0.4 penalty unit
8	All other offences which relate to the parking or stopping of a vehicle as provided for in section 74 (Contravention of official traffic sign an offence) of the *Transport Operations (Road Use Management) Act 1995*	0.4 penalty unit

Gympie Regional Council

Subordinate Local Law No. 6 (Bathing Reserves) 2011

Contents

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2 Purpose and how it is to be achieved 2
3 Authorising local law 2
4 Definitions 2
5 Appointment of authorised persons—Authorising local law, s 26(1)(a) 2

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 6 (Bathing Reserves) 2011*.

2 Purpose and how it is to be achieved

(1) The purpose of this subordinate local law is to supplement *Local Law No. 6 (Bathing Reserves) 2011*, which provides for the orderly management and regulation of activities within bathing reserves placed under the local government's control.

(2) The purpose is to be achieved by providing for the appointment of authorised persons to manage and enforce the regulation of conduct within bathing reserves.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 6 (Bathing Reserves) 2011* (the ***authorising local law***).

4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.

5 Appointment of authorised persons—Authorising local law, s 26(1)(a)

For section 26(1)(a) of the authorising local law, the captain of a lifesaving patrol is an authorised person for the local law.

ATTACHMENT 3

Refer Item 9/1

Audit & Risk Management Charter

of the

GENERAL MEETING

On Wednesday 9 November 2011
At 9.00 am

Audit & Risk Management Committee

CHARTER

Adopted at the General Meeting held on 11 August 2010 – Resolution G18/08/10 refers.

The Gympie Regional Council has established the Audit Committee in compliance with section 105 of the *Local Government Act 2009*. The Audit Committee will be named the Audit and Risk Management Committee.

This charter sets out the committee's objectives, authority, composition and tenure, roles and responsibilities, reporting and administrative arrangements.

Objective

The objective of the committee is to provide independent assurance and assistance to the Local Government on the Local Government's risk, control and compliance framework, and its external accountability responsibilities.

Authority

The Local Government authorises the committee, within the scope of its role and responsibilities, to:

- obtain any information it needs from any employee and/or external party (subject to their legal obligation to protect information);
- discuss any matters with the external auditor, or other external parties (subject to confidentiality considerations);
- request the attendance of any employee, including directors/managers, at committee meetings; and
- obtain external legal or other professional advice, as considered necessary to meet its responsibilities, at the Local Government's expense.

Composition and tenure

The Local Government is responsible for the appointment of committee members. The committee will consist of at least 3 and not more than 6 members including 2, but no more than 2, councillors.

The Local Government will appoint a councillor as the Chairperson of the committee.

Members will be appointed for an initial period not exceeding four years.

The Chief Executive Officer, Director of Finance, the Internal Auditor and the Systems & Risk Management Co-ordinator will not be members of the committee, but may attend meetings as observers as determined by the Chairperson.

The members, taken collectively, will have a broad range of skills and experience relevant to the operations of the Local Government. At least one member of the committee should have significant experience and skills in financial matters.

Roles and responsibilities

The committee has no executive powers.

The committee is directly responsible and accountable to the Local Government for the exercise of its responsibilities. In carrying out its responsibilities, the committee must at all times recognise that primary responsibility for management of the organisation rests with the Chief Executive Officer.

The responsibilities of the committee may be revised or expanded in consultation with, or as requested by, the Local Government from time to time.

The committee's responsibilities are to:

Risk management

- review whether management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of the operational risks, including fraud;
- review whether a sound and effective approach has been followed in developing strategic risk management plans for major projects or undertakings;
- review the impact of the risk management framework on the control environment and insurance arrangements;
- review whether a sound and effective approach has been followed in establishing business continuity planning arrangements, including whether disaster recovery plans have been tested periodically; and
- review the fraud control plan and satisfy itself that appropriate processes and systems are in place to capture and effectively investigate fraud related information.

Control framework

- review whether management's approach to maintaining an effective internal control framework, including over external parties such as contractors and advisors, is sound and effective;
- review whether management has in place relevant policies and procedures, including Chief Executive Instructions or their equivalent, and that these are periodically reviewed and updated;
- determine whether the appropriate processes are in place to assess, at least once a year, whether policies and procedures are complied with;
- review whether appropriate policies and procedures are in place for the management and exercise of delegations;
- consider how management identifies any required changes to the design or implementation of internal controls; and

- review whether management has taken steps to embed a culture which is committed to ethical and lawful behaviour.

External accountability

- review the financial statements and provide advice to the Local Government (including whether appropriate action has been taken in response to audit recommendations and adjustments).

- satisfy itself that the financial statements are supported by appropriate management signoff on the statements and on the adequacy of the systems of internal controls;

- review the processes in place designed to ensure that financial information included in the annual report is consistent with the signed financial statements;

- satisfy itself that the Local Government has a performance management framework that is linked to organisational objectives and outcomes.

Legislative compliance

- determine whether management has appropriately considered legal and compliance risks as part of the risk assessment and management arrangements; and

- review the effectiveness of the system for monitoring compliance with relevant laws, regulations and associated government policies.

Internal audit

- act as a forum for communication between the Local Government, senior management and internal and external audit;

- review the internal audit plan for the internal audit for the current financial year;

- advise the Local Government on the adequacy of internal audit resources to carry out its responsibilities, including completion of the approved internal audit plan;

- oversee the coordination of audit programs conducted by internal and external audit and other review functions;

- review the internal audit progress report for the internal audit for the preceding financial year including the recommendations in the report and the actions to which the recommendations relate;

- monitor management's implementation of internal audit recommendations;

- review the internal audit charter to ensure appropriate organisational structures, authority, access and reporting arrangements are in place;

- periodically review the performance of internal audit; and

External audit

- act as a forum for communication between the Local Government, senior management and internal and external audit;
- review all external plans and reports in respect of planned or completed audits and monitor management's implementation of audit recommendations; and
- provide advice to the Local Government on action taken on significant issues raised in relevant external audit reports and better practice guides.
- review the draft of the local government's general purpose financial statement for the preceding financial year before the statement is certified under section 161(2) of the *Local Government (Finance, Plans and Reporting) Regulation 2010* and given to the auditor-general for auditing.
- Review the auditor-general's report about the local government's general purpose financial statement for the preceding financial year.

Responsibilities of members

Members of the committee are expected to understand and observe the legal requirements of the '*Local Government Act 2009'* and the '*Local Government (Finance, Plans and Reporting) Regulation 2010'*. Members are also expected to:

- contribute the time needed to study and understand the papers provided;
- apply good analytical skills, objectivity and good judgement; and
- express opinions frankly, ask questions that go to the fundamental core of the issue and pursue independent lines of enquiry.

Reporting

The committee will, as soon as practicable after a review is concluded, provide a written report to the Local Government stating any recommendations the committee has about the matters reviewed. The Chief Executive Officer must present the report at the next meeting of the Local Government.

The committee may, at any time, report to the Local Government any other matter it deems of sufficient importance to do so.

Administrative arrangements

Meetings

The committee should meet at least four times per year, but must meet at least twice each financial year.

The Chair is required to call a meeting if asked to do so by the Local Government, or another committee member.

A forward meeting plan, including meeting dates and agenda items, will be agreed by the committee each year. The forward meeting plan will cover all of the Audit Committee's responsibilities, as detailed in this charter.

Attendance at meetings and quorums

A quorum will consist of at least half the number of members of the committee.

Meetings can be held in person, by telephone or by video conference.

The internal auditor and external audit representatives will be invited to attend each meeting, unless requested not to do so by the Chair of the committee. The committee may also request the Director of Finance or other employees to attend committee meetings or participate in certain agenda items.

The committee will meet separately with both the internal and external auditors at least once a year.

The Chief Executive Officer can attend meetings of the Committee – Section 159 (2) *Local Government (Finance, Plans and Reporting) Regulation 2010*.

Secretariat

A Local Government-appointed person will provide secretariat support to the committee. The Secretariat will ensure the agenda for each meeting and supporting papers are circulated, after approval from the Chair, at least one week before the meeting, and ensure the minutes of the meetings are prepared and maintained. Minutes must be approved by the Chair and circulated within two weeks of the meeting to each member and committee observers, as appropriate.

Conflicts of interest

Once a year Audit Committee members will provide written declarations to the Local Government stating they do not have any conflicts of interest that would preclude them from being members of the committee.

Audit Committee members must declare any conflicts of interest at the start of each meeting or before discussion of the relevant agenda item or topic. Details of any conflicts of interest should be appropriately minuted.

Where members or observers at Audit Committee meetings are deemed to have a real, or perceived, conflict of interest it may be appropriate that they are excused from committee deliberations on the issue where a conflict of interest exists.

Induction

New members will receive relevant information and briefings on their appointment to assist them to meet their committee responsibilities.

Assessment arrangements

The Chair of the committee, in consultation with the Mayor, will initiate a review of the performance of the committee at least once every two years. The review will be conducted on a self-assessment basis (unless otherwise determined by the Local

Government) with appropriate input sought from the Local Government, the Chief Executive Officer, the internal and external auditors, management and any other relevant stakeholders, as determined by the Local Government.

Review of charter

At least once a year the committee will review this charter. This review will include consultation with the Local Government.

Any substantive changes to the charter will be recommended by the committee and formally approved by the Local Government.