



ORDINARY MEETING OF COUNCIL

MINUTES

28 FEBRUARY 2018



**ORDINARY COUNCIL
MEETING MINUTES
28 FEBRUARY 2018**

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ATTENDANCE:

Councillors Present

- Cr Tanya Milligan (Mayor) (Chairperson)
- Cr Jason Cook
- Cr Kathy McLean
- Cr Janice Holstein
- Cr Chris Wilson
- Cr Michael Hagan
- Cr Rick Vela

Officers Present

- Ian Church, Chief Executive Officer
- Dan McPherson, Executive Manager Organisational Development & Planning
- David Lewis, Executive Manager Corporate & Community Services
- Myles Fairbairn, Executive Manager Infrastructure Works & Services
- Rick Machin, Manager Marketing, Communication & Engagement
- Corrin Bischoff, Coordinator Governance & Strategy (part of meeting)
- Caitlan Natalier, Legal & Property Services Coordinator (part of meeting)
- Trevor Boheim, Manager Planning & Development (part of meeting)
- Stephen Hart, Coordinator Council Business
- Susan Boland, Governance & Strategy Officer
- Erin Carkeet, Governance & Strategy Officer

Media Present

- Nil



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1.0 MEETING OPENED

The meeting commenced at 10.03 am

The Mayor, Cr Milligan as Chairperson opened the meeting and welcomed all present. Pastor Barry Benz led the meeting in prayer, following a minute's silence for those persons recently deceased.

2.0 LEAVE OF ABSENCE

No Leave Of Absence

3.0 CONDOLENCES/GET WELL WISHES

3.1 Condolences/Get Well Wishes

Date: 20 February 2018
Author: Susan Boland, Governance & Strategy Officer
Responsible Officer: Ian Church, Chief Executive Officer

RESOLUTION

THAT letters of condolence be forwarded to the families of recently deceased persons from within or associated with the Lockyer Valley region.

Moved By: Cr Wilson **Seconded By: Cr Holstein**

Resolution Number: 16-20/0805

CARRIED

7/0



4.1 Declaration of Material Personal Interest on any Item of Business

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

There were no declarations of Material Personal Interest or Conflicts of Interest at this time.

No Mayoral Minute

6.1 Confirmation of Ordinary Meeting Minutes of 17 January 2018

Date: 20 February 2018
Author: Ian Church, Chief Executive Officer
Responsible Officer: Ian Church, Chief Executive Officer

7/0



Date: 20 February 2018
Author: Ian Church, Chief Executive Officer
Responsible Officer: Ian Church, Chief Executive Officer

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10.0 EXECUTIVE OFFICE REPORTS

10.1 Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2017

Date: 05 January 2018
Author: Corrin Bischoff, Coordinator Governance & Strategy
Responsible Officer: Ian Church, Chief Executive Officer

Summary:

The purpose of this report is to seek a council resolution to make *Amending Local Law No.1 (Miscellaneous Subordinate Local Laws) 2017*.

Officer's Recommendation:

THAT Council accept and consider all public submissions as properly made submissions.

Further;

THAT Council address public submissions by making a minor amendment to *Amending Local Law No.1 (Miscellaneous Subordinate Local Laws) 2017* to re-classify alpacas and llamas as small animals as is currently the case under the existing subordinate local law.

Further;

Council note that possible anti-competitive provisions in the minor amendments made to Part 2 of the subordinate local law have been identified and reviewed in accordance with the procedures prescribed under section 15 of the *Local Government Regulation 2012* and Council's adopted local law making process but no significant impacts have been identified and no further review action is required.

Further;

That Council resolve that further public consultation is not required as the minor amendment being made satisfactorily addresses the public submissions received and maintains the status quo.

Further;

That Council address the advice of the Department of Transport and Main Roads by updating the penalty amount for section 182(1) offence under the Road Rules in Schedule 3 to reflect legislative changes.

Further;

That Council resolve that further public consultation is not required as this minor amendment is made to reflect legislative changes and no public submissions have been received in relation to the amendments proposed in Part 3 of *Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local laws) 2017*.

Further;

That Council note that the Department of Transport and Main Roads have provided written consent to the application of *Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local laws) 2017* to State-controlled roads to the extent that it:

- a) regulates matters under section 66(3)(a) to (j) of the *Transport Operations (Road***

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- Use Management) Act 1994 on State-controlled roads; and*
b) regulates parking on a declared road under section 101(1)(b) of the *Transport Operations (Road Use Management) Act 1994*.

Further;

THAT Council proceed with making the proposed *Amending Local Law No.1 (Miscellaneous Subordinate Local Laws) 2017* with amendments as attached to this report.

Further;

THAT Council adopt the consolidated versions of the amended *Subordinate Local Law No. 2 (Animal Management) 2011* and *Subordinate Local Law No. 5 (Parking) 2011* as attached to this report.

RESOLUTION

THAT Council accept and consider all public submissions as properly made submissions.

Further;

THAT Council address public submissions by making a minor amendment to *Amending Local Law No.1 (Miscellaneous Subordinate Local Laws) 2017* to re-classify alpacas and llamas as small animals as is currently the case under the existing subordinate local law.

Further;

Council note that possible anti-competitive provisions in the minor amendments made to Part 2 of the subordinate local law have been identified and reviewed in accordance with the procedures prescribed under section 15 of the *Local Government Regulation 2012*, and Council's adopted local law making process, but no significant impacts have been identified and no further review action is required.

Further;

That Council resolve that further public consultation is not required as the minor amendment being made satisfactorily addresses the public submissions received and maintains the status quo.

Further;

That Council address the advice of the Department of Transport and Main Roads by updating the penalty amount for section 182(1) offence under the Road Rules in Schedule 3 to reflect legislative changes.

Further;

That Council resolve that further public consultation is not required as this minor amendment is made to reflect legislative changes and no public submissions have been received in relation to the amendments proposed in Part 3 of *Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local laws) 2017*.

Further;

That Council note that the Department of Transport and Main Roads have provided written consent to the application of *Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local laws) 2017* to State-controlled roads to the extent that it:

- a) regulates matters under section 66(3)(a) to (j) of the *Transport Operations (Road*

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- Use Management) Act 1994 on State-controlled roads; and*
b) regulates parking on a declared road under section 101(1)(b) of the *Transport Operations (Road Use Management) Act 1994*.

Further;

THAT Council proceed with making the proposed *Amending Local Law No.1 (Miscellaneous Subordinate Local Laws) 2017* with amendments as attached to these Minutes.

Further;

THAT Council adopt the consolidated versions of the amended *Subordinate Local Law No. 2 (Animal Management) 2011* and *Subordinate Local Law No. 5 (Parking) 2011* as attached to these Minutes.

Moved By: Cr Vela

Seconded By: Cr McLean

Resolution Number: 16-20/0808

CARRIED

7/0

Report

1. Introduction

The purpose of this report is to enable the formal Subordinate Local Law Making Process to commence to amend Council's current:

- 1) animal management subordinate local law to clarify requirements for approval to keep animals and expand the definition of a large animal; and
- 2) parking subordinate local law to enable on-street parking regulation in the Gatton and Laidley townships.

This report aligns to Council's Corporate Plan 2017-2022 commitment: Compliance with governance obligations.

2. Background

At the 28 October 2015 Ordinary Meeting the amendments to the parking subordinate local law were raised and Council provided approval for community engagement to be undertaken. In the lead up to the 2016 Local Government Elections the process was put on hold.

At the 25 October 2017 Ordinary Meeting Council proposed to make the *Subordinate Local Law No.1 (Miscellaneous Subordinate Local Laws) 2017* and proceed with public consultation on the amendment.

3. Report

Following is a summary of the proposed local law amendments contained in *Subordinate Local Law No.1 (Miscellaneous Subordinate Local Laws) 2017*:

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Subordinate Local Law No. 2 (Animal Management) 2011

The amendments seek to clarify the intent of the subordinate local law with regard to the requirements for approval to keep animals on allotment sizes. It also outlines a broader definition of what a large animal is. This matter has created confusion for the public in interpreting when a permit is required for the keeping of animals.

Subordinate Local Law No. 5 (Parking) 2011

The amendments declare traffic areas for on-street parking regulation. These areas are the business centres of Gatton and Laidley described as Declared Traffic Areas “A” and “B” in the proposed amending subordinate local law attached to this report. This matter was raised due to parking congestion experienced in peak shopping times (e.g. Christmas) in the declared traffic area.

Public consultation

Public consultation on the *Subordinate Local Law No.1 (Miscellaneous Subordinate Local Laws) 2017* was undertaken from 15 November to 6 December 2017. A number of avenues were used to advise the community that proposed amendments were available for public comment. These included:

- Public notice in the Gatton Star
- The public notice and Amending and Consolidated SLL's were made available on Council's website information pages “Local Laws” and “Community Consultations”
- A copy of the proposed subordinate local law available for inspection during the consultation period in the Gatton and Laidley Customer Service Centres and able to be downloaded via the website
- Messaging through Council's social media channels
- Email to Chamber of Commerce specifically highlighting the parking provisions.

During the community consultation period, Council received 12 submissions. The essence of all 12 submissions was concern for the reclassification of alpacas and llamas from being small animals to large animals. Submitters encouraged Council to classify alpacas as small animals based on how capacity of land is determined as suitable to support animals. In addition, alpacas and llamas are herd animals and should not be kept singularly. Further details on submissions are details in Attachment 2 of this report.

In response to these concerns, an amendment to the subordinate local laws has been to return alpacas and llamas to the small animal classification. All submitters have been informed of this change feedback has been positive and as the change proposed satisfactorily addresses the submitters' concerns, no further public consultation is required.

An email was sent to the Chamber of Commerce specifically highlighting the parking provisions. No response was received.

Department of Transport and Main Roads (DTMR)

Council is also required to seek written approval from the chief executive of the Department of Transport and Main Roads for local laws impacting on declared roads (state-controlled roads) before proceeding to make the proposed subordinate local laws in order for Council's powers to extend to declared roads. Written agreement (Attachment 3) has been provided to the extent that it applies Part 3 (parking) in addition to feedback regarding inconsistency of the proposed infringement penalty unit under the *State Penalties Enforcement Regulation 2014* of 2 penalty units. The revised amendment attached to this report will address this inconsistency.

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The 'purpose and general effect' of the changes to Part 3 of the amending subordinate local law as detailed in the Website notice have been updated to reflect the DTMR response.

Local Law Making Process

The following table outlines the statutory requirements in accordance with council's local law making process:

Statutory Requirement	Action Taken	Date	Status
Propose to make subordinate local law amendments	Report to council to propose to make <i>Amending Subordinate Local Law No.1 (Miscellaneous Subordinate Local Laws) 2017</i>	8 November 2017	Completed
Community Consultation	Undertake community consultation including: (a) Public notice in the Gatton Star (b) The public notice and Amending and Consolidated SLL's were made available on Council's website information pages "Local Laws" and "Community Consultations" (c) A copy of the proposed subordinate local law available for inspection during the consultation period in the Gatton and Laidley Customer and able to be downloaded via the website (d) Direct email to Chamber of Commerce specifically regarding the parking provisions.	15 November to 6 December 2017	Completed
Accept and consider every submission properly made to Council	12 properly made submissions were accepted and reviewed.		Completed
Submit proposed amendments to Department of Transport and Main Roads	Letter sent to Department of Transport and Main Roads to seek written agreement as the local law will affect a declared road (state controlled road)	Letter sent 10 January 2018 Response received 13 February 2018	Completed
Report to Council to make the amending subordinate local law	Report drafted for consideration by Council	28 February 2018	Current
Consolidate local law	Consolidated local laws have been written for consideration by Council		Current
Gazette Public Notice	Gazettal Notice has been drafted		Ready for Publication
Make a copy of the consolidated subordinate local laws available in Council's public offices in Gatton	Consolidated versions have been drafted (Attachment 5 and 6 of this report)		Ready for Publication

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and Laidley and download from Council's website			
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4. Policy and Legal Implications

The proposal has been considered in accordance with the following legislation:

- Sections 29-32 of the *Local Government Act 2009* and section 15 of the *Local Government Regulation 2012*
- Lockyer Valley Regional Council's suite of Local Laws and Subordinate Local Laws
- Proposed *Amending Local Law No.1 (Miscellaneous Subordinate Local Laws) 2017*.

There are no new policy implications in the proposed local law amendments made in this report. The proposal has been considered in accordance with Council's adopted local law making process. Changes will take effect on the date of gazettal, expected to be 2 March 2018.

5. Financial and Resource Implications

The costs associated with drafting the amending local law were funded through existing budget allocations within the Legal Services area.

The only foreseeable cost is if Council resolves to adopt the amended subordinate local law in Step 6 of the process, Council will also incur gazettal fees.

6. Delegations/Authorisations

Authority is sought from Council for the Chief Executive Officer to make any minor formatting amendments to the proposed amending subordinate local law (if required).

7. Communication and Engagement

Extensive consultation has been undertaken with internal stakeholders, officers and Councillors through a series of workshops as part of the broader Local Law Review Project. The amendments proposed to be made to *Subordinate Local Law No. 2 (Animal Management) 2011* and *Subordinate Local Law No. 5 (Parking) 2011* have been specifically workshopped with Council officers and Councillors. Business owners in the declared parking area were also engaged in 2015 to provide feedback on the proposed amendments. This input has been considered in the drafting of the amending subordinate local law.

A notice advertising the public consultation period for the Proposed Amending Subordinate Local Law was published in the Gatton Star newspaper on 15 November 2017, on Council's website and in Council's public offices in Gatton and Laidley. Copies of the Proposed Amending Subordinate Local Law and the existing *Subordinate Local Law No. 2 (Animal Management) 2011* and *Subordinate Local Law No. 5 (Parking) 2011* were be available for inspection on Council's website and in hard copy from Council's public offices in Gatton and Laidley. Messaging through Council's social media channels was undertaken in addition to an email sent to Chamber of Commerce specifically highlighting the parking provisions.

During the community consultation period, Council received 12 submissions. Submissions came from a number of local residents and members of animal groups outside the region.

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The proposed amending subordinate local law was submitted to the Department of Transport and Main Roads seeking permission as required for local laws impacting on declared roads (state-controlled roads) before proceeding to make the proposed subordinate local laws in order for Council's powers to extend to declared roads.

The proposed amending subordinate local law has also been submitted to the Department of Infrastructure, Local Government and Planning (now Local Government, Racing and Multicultural Affairs) for review, as the Department is providing consultative support for the Local Law Review Project.

8. Conclusion

The recommendations made in this report enable Council to meet its legislative obligations for the amendment of Council's animal management and parking subordinate local laws and complete the Subordinate Local Law Making Process. The amendments will be effective as at 2 March 2018.

9. Action/s

1. Prepare and publish the Gazettal Notice
2. Notification to the Minister Local Government, Racing and Multicultural Affairs
3. Preparation of website notice on local law change
4. Development of permit applications/templates for new business operator/customer permits

Attachments

1View	Attachement 1. Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2017 - with amendments to address public submissions	8 Pages
2View	Attachment 2: Public Submission Schedule	3 Pages
3View	Attachment 3. Department of Transport and Main Roads Response	2 Pages
4View	Attachment 4: Consolidated Subordinate Local Law No. 2 (Animal Management) 2011	27 Pages
5View	Attachment 5: Consolidated Subordinate Local Law 5 (Parking) 2011	14 Pages

**Amending Subordinate Local Law No. 1 (Miscellaneous
Subordinate Local Laws) 2017**

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws (No. 1) 2017*.

2 Subordinate Local Law amended

This subordinate local law is made pursuant to –

- (a) for Part 2, *Local Law No. 2 (Animal Management) 2011*;
- (b) for Part 3, *Local Law No. 5 (Parking) 2011*.

3 Object

- (1) The object of this subordinate local law is to amend –

- (a) *Subordinate Local Law No. 2 (Animal Management) 2011* to:
 - (i) provide clarity and certainty in relation to when an approval for the keeping of a horse, deer, donkey, cattle, bison, camel, sheep, goat, alpaca or llama is required;
 - (ii) ensure that the minimum requirements for keeping of these animals applies consistently to these types of animals; and
 - (iii) describe a dog off-leash area.
- (b) *Subordinate Local Law No. 5 (Parking) 2011* to declare traffic areas, and provide for the issue of parking permits to recognised business operators engaged in temporary business activities and reflect legislative updates in penalty amounts and legislative references.

4 Commencement

This subordinate local law commences on publication of the notice of the making of the local law in the Gazette.

Part 2 Amendment of Subordinate Local Law No. 2 (Animal Management) 2011

5 Subordinate local law amended

This part amends *Subordinate Local Law No. 2 (Animal Management) 2011*.

6 Amendment of Schedule 2 (Requirement for approval to keep animal)

- (1) Schedule 2, item 3 –

Field Code Changed

Field Code Changed

Field Code Changed

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Field Code Changed

Field Code Changed

Field Code Changed

omit, insert –

3	Horse, deer, donkey, cattle, bison, camel, alpaca, llama, sheep or goat	<ul style="list-style-type: none"> The keeping of an animal to which this item 3 applies on an allotment with an area less than 4,000m² The keeping of more than – <ul style="list-style-type: none"> (a) 1 large animal (a horse, deer, donkey, cattle, bison, or camel, alpaca or llama); or (b) 2 small animals (a sheep, or goat, alpaca or llama) or (c) 1 large animal (a horse, deer, donkey, cattle, bison, or camel, alpaca or llama) and 1 small animal (a sheep, or goat, alpaca or llama); on an allotment with an area of 4,000m² or more, but less than 20,000m² The keeping of more than – <ul style="list-style-type: none"> (a) 2 large animals (a horse, deer, donkey, cattle, bison, or camel, alpaca or llama); or (b) 4 small animals (a sheep, or goat, alpaca or llama); or (c) 2 large animals (a horse, deer, donkey, cattle, bison, or camel, alpaca or llama) and 2 small animals (a sheep, or goat, alpaca or llama); on an allotment with an area of 20,000m² or more, but less than 40,000m²
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7 Amendment of Schedule 5 (Minimum standards for keeping particular animals)

- (1) Schedule 5, item 2, column 1 –

omit, insert –

‘Horse, donkey, cattle, bison, camel, ~~alpaca, llama~~ and other domesticated animals of a similar size and sheep, goat, ~~alpaca, llama~~, pig and other animals of a similar size.’

8 Amendment of Schedule 7 (Dog off-leash areas)

- (1) Schedule 7, ‘No dog off-leash area described’ –

omit, insert –

Public Area	Description	Off-leash times
-------------	-------------	-----------------

Laidley Recreation Reserve	Reserve 859, Edward Street, Laidley (fenced area as shown in yellow on Map 1)	Off-leash at all times
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Map 1

Part 3 Amendment of Subordinate Local Law No. 5 (Parking) 2011

9 Subordinate local law amended

This part amends *Subordinate Local Law No. 5 (Parking) 2011*.

10 Amendment of Section 5 (Declaration of traffic areas – Authorising local law s 5)

- (1) Section 5(1) and (2), 'map' –
omit, insert –
'maps'.

**11 Amendment of Section 7 (Parking permits issued by local government –
Authorising local law, s 7(2))**

- (1) Section 7(3) –
 - (a) after ‘holder of the parking permit’ –
insert –
‘or its customers who satisfy the requirements of section 7(4) below,’.
 - (b) ‘would otherwise apply’ –
omit, insert –
‘may otherwise apply’.
- (2) Section 7(4) –
 - (a) paragraph (a) –
omit, insert –
 - ‘(a) the applicant is –
 - (i) engaged in some temporary business activity affecting premises immediately adjacent to, or in the vicinity of, the designated parking space or spaces to which the application or permit relates; or
 - (ii) a recognised business operator and from time to time its customers or clientele will be engaged in a business activity with the applicant for a period of time in excess of the regulated parking time limits; and’.
 - (b) paragraph (b), after ‘to which the application’ –
omit, insert –
‘or permit relates may be allocated to the exclusive use of the applicant, or its customers, for the duration of the business activity’.

**12 Amendment of Section 8 (Infringement notice penalty amounts –
Authorising local law s 9)**

- (1) Section 8, footnote 2 –
 - (a) ‘section 5’, -
omit, insert –
‘sections 5 and 5A’.
 - (b) ‘, not more than \$100.00,’ –
omit.
 - (c) ‘section 2A of the *Penalties and Sentences Regulation 2005*’ –
omit, insert –
‘section 3 of the *Penalties and Sentences Regulation 2015*’.
 - (d) ‘\$100.00’ –

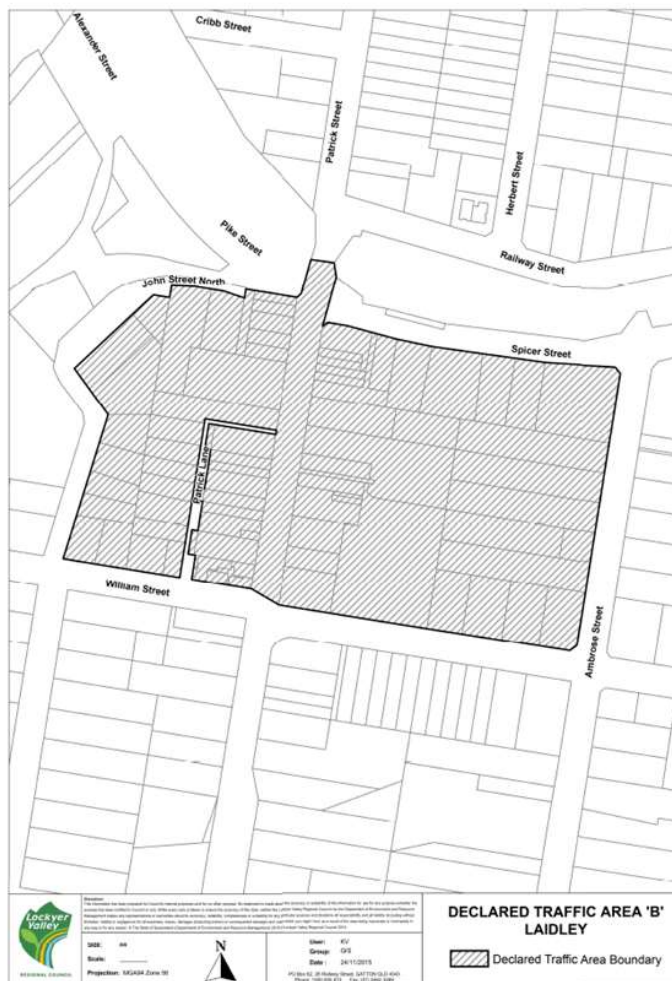
^c\$126.15 or such other amount prescribed under a regulation.

Schedule 1, 'No traffic area declared' –

‘Declared Traffic Area ‘A’



‘Declared Traffic Area ‘B’’



14 Amendment of Schedule 3 (Infringement notice penalty amounts for certain minor traffic offences)

- (1) Schedule 3, Table 2, Section 182(1), Column 2, '1 penalty unit' –
omit, insert –
'2 penalty units'.

1415 Amendment of Schedule 4 (Dictionary)

- (1) Schedule 4 –
- (a) before the definition of *community service organisation* –
insert –
'business activity means any activity undertaken by appointment and in the ordinary course of business between an applicant and either the business operator or a customer which would ordinarily exceed regulated parking time limits, including but not limited to:
- (a) medical appointments; or
(b) court appearances; or
(c) real estate viewings; or
(d) hairdressing appointments; or
(e) any other activities reasonably considered by an authorised person to fall within this definition and intent.'
- (b) after the definition of *community service organisation parking permit* –
insert –
'recognised business operator means an applicant recognised by an authorised person as a person who, in the course of their ordinary business, regularly undertakes business activities with a customer for a period exceeding regulated parking time limits and for which temporary parking permits are issued to the business operator for use by its customers.'

Public Submission Schedule

Amending Subordinate Local Law No. 1(Miscellaneous Subordinate Local Laws) 2017

Submitter	Submission	Comments
1	Encourages Council to classify alpacas as small animals based on how (dry sheep units) capacity of land is determined as suitable to support animals. Alpacas are herd animals and should not be kept singularly. Alpacas should be treated similarly to sheep.	The subordinate local law will be amended to reclassify alpacas as small animals.
2	Encourages Council to classify alpacas as small animals based on their description as small camelids or pseudo-ruminants more similar to sheep and goats than horses and cattle. Alpacas should be kept in pairs as a minimum or their welfare may be at risk.	The subordinate local law will be amended to reclassify alpacas as small animals.
3	Encourages Council to classify alpacas as small animals based on their description as small camelids or pseudo-ruminants more similar to sheep and goats than horses and cattle.	The subordinate local law will be amended to reclassify alpacas as small animals.
4	Encourages Council to classify alpacas and llamas as small animals. They are small and more similar to sheep, ponies and goats than cattle and horses.	The subordinate local law will be amended to reclassify alpacas and llamas as small animals.
5	Encourages Council to classify alpacas and llamas as small animals based on their similar adult weight and dietary intake to sheep, lower impact on ground and ease of containment. Also indicated that alpacas should not be kept alone for their own welfare and creating a situation where owners must seek approval to keep more than one will create welfare issues for these animals.	The subordinate local law will be amended to reclassify alpacas and llamas as small animals.
6	Encourages Council to allow for alpacas to be kept in pairs as a minimum without a need to obtain an excess animal permit to avoid contravention of their essential welfare requirements and Australian Alpaca Association Ltd health and safety recommendations. Current alpaca stocking rates are equivalent to sheep stocking rates.	The subordinate local law will be amended to reclassify alpacas as small animals so that two alpacas can be kept without requiring an excess animal permit.
7	Encourages Council to reconsider the stocking rates allowed for alpacas as the proposed changes will adversely affect many small land owners who are currently managing small herds on holdings of less than 10 acres. Alpacas should be kept in pairs as a minimum to avoid fretting and pinning. Stocking rates are: <ul style="list-style-type: none"> • equivalent stocking rates for alpacas, sheep and goats • 7 alpacas to 1 cow • 10 alpacas to 1 horse <p>Alpacas have less impact on land, are event more environmentally friendly on pasture than sheep or goats, are quiet animals and are ideal for small land holdings.</p>	The subordinate local law will be amended to reclassify alpacas as small animals so that two of these animals can be kept without requiring an excess animal permit.
8	Encourages Council to classify alpacas as small animals for welfare reasons and due to their comparative feed intake with sheep and goats. Provides a table of comparative stock rates (based on dry	The subordinate local law will be amended to reclassify alpacas as small

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Submitter	Submission	Comments
	<p>sheep equivalents) to show that stocking rates for alpacas are:</p> <ul style="list-style-type: none"> • 8-10 alpacas for every one cow • Equivalent to sheep and goats. <p>Alpacas are classified as a pseudo or modified ruminant and would be classified as a “small ruminant” in veterinary practices along with sheep and goats, their closest comparative species.</p> <p>Alpacas should be kept in pairs as a minimum to avoid serious implications for their welfare – they are susceptible to stress-related illness.</p>	<p>animals so that two of these animals can be kept without requiring an excess animal permit.</p>
9	<p>Encourages Council to:</p> <ul style="list-style-type: none"> • classify alpacas and llamas as small animals with other small ruminants such as goats and sheep so that they can be kept as a minimum in pairs for welfare reasons; and • consider allowing 2 large animals and 4 small animals on land between 20,000m² and 40,000m². <p>Alpacas and llamas are small camelids / pseudo-ruminants and should be recognized with other small ruminants like goats and sheep. An alpaca is approximately one dry sheep equivalent with regards to feed and is considerably less than feed and weight requirements for larger animals such as horse and cattle. It not appropriate from a welfare perspective to have only one alpaca – they should be kept in pairs as a minimum.</p> <p>The reduction in numbers of animals allowed on 20,000m² and 40,000m² lots may result in residents who currently have 6 animals (2 large and 4 small) being restricted to only 2 animals when their current land management practices allow for the 6 animals.</p>	<p>The subordinate local law will be amended to reclassify alpacas and llamas as small animals so that two of these animals can be kept without requiring an excess animal permit.</p> <p>No change will be made to the amount of animals allowed to be kept on land between 20,000m² and 40,000m². The proposed amendment reflects how the existing provision of the subordinate local law is enforced.</p> <p>Also, it appears that the submitter has misunderstood the maximum number of animals allowed without an excess animal permit.</p>
10	<p>Encourages Council to classify alpacas and llamas as small animals so that they can be kept in pairs for welfare reasons without requiring an excess animal permit. Indicates that alpacas cannot be kept as a solo animal and 1 alpaca is 1 dry sheep equivalent.</p>	<p>The subordinate local law will be amended to reclassify alpacas and llamas as small animals so that two of these animals can be kept without requiring an excess animal permit.</p>

Submitter	Submission	Comments
11	Encourages Council to consider the stocking rates of alpacas and that they should not be kept alone for welfare reasons. Indicate stocking rates are 8-10 alpacas to one horse.	The subordinate local law will be amended to reclassify alpacas and llamas as small animals so that two of these animals can be kept without requiring an excess animal permit.
12	Encourages Council to classify alpacas as small animals as they are ideally suited for grazing on small properties	The subordinate local law will be amended to reclassify alpacas and llamas as small animals so that two of these animals can be kept without requiring an excess animal permit.



Our ref DG34776
Enquiries Tom Orr

Department of
Transport and Main
Roads

13 February 2018

Mr Ian Church
Chief Executive Officer
Lockyer Valley Regional Council
PO Box 82
Gatton QLD 4343

Dear Mr Church

Thank you for your letter of 10 January 2018 requesting written agreement from the Department of Transport and Main Roads for Lockyer Valley Regional Council to make the proposed Subordinate Local Law *Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Laws) 2017* affecting State-controlled roads and the exercise of powers on SCRs.

The Department of Transport and Main Roads has reviewed this Local Law and provided comment (attached).

As delegate of the chief executive, I agree to the Lockyer Valley Regional Council making the proposed Subordinate Local Law to the extent that it:

- regulates matters under section 66(3)(a) to (j) of the *Transport Operations (Road Use Management) Act 1995* (TORUM) on State-controlled roads; and
- regulates parking on a declared road under section 101(1)(b) of TORUM.

If you require further information, I encourage you to contact Mr Tom Orr, Director (Corridor Management and Protection), on 3066 1431. Mr Orr will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read "Katherine Mackenzie".

Katherine Mackenzie
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State Interest Check				
Lockyer Valley RC – Subordinate Local Law No. 5 (Parking) 2011				
Department of Transport and Main Roads				
Local Law section	Comment type	Issue	Suggested action to rectify issue	Local government proposed response/actions to comments
Schedule 3, entry for s182(1) of the Queensland Road Rules	1	The proposed infringement notice penalty amount for stopping an unauthorised vehicle in a taxi zone (1 penalty unit) is inconsistent with the amount imposed by the state under that <i>State Penalties Enforcement Regulation 2014</i> (2 penalty units). The State increased the amount from 2/5 of a penalty unit to 2 penalty units in December 2016.	Consider any implications of the inconsistency despite the power to prescribe an amount for the offence under section 108 of the <i>Transport Operations (Road Use Management) Act 1995</i> .	

Key to Comment Type:

Comment Type 1 – Inconsistency with State Legislation

Comment Type 2 – Adverse impacts on State Interests

Comment Type 3 – Accountability, efficiency and effectiveness of the proposed local law

Comment Type 4 – General Comments



Subordinate Local Law No. 2 (Animal Management) 2011

CONSOLIDATED VERSION NO. 1

as in force on 2 March 2018

adopted by Lockyer Valley Regional Council on 28 February 2018 pursuant to
section 32 of the *Local Government Act 2009*

Subordinate Local Law No. 2 (Animal Management) 2011

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CONSOLIDATED VERSION – AS AT 2 MARCH 2018

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 animal, for sale; and
 - (f) the declaration of a species of animal as a declared dangerous animal and the criteria for declaration of a specific animal as a declared dangerous animal.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 2 (Animal Management) 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) The dictionary in schedule 13 defines particular words used in this subordinate local law.

Part 2 Keeping of animals

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

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

CONSOLIDATED VERSION – AS AT 2 MARCH 2018

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 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 is the registration device mentioned in section 12(3) of the *Animal Management (Cats and Dogs) Act 2008*.

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

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For section 13 of the authorising local law, no other species of animal is prescribed as an animal whose faeces must be removed from a public place and disposed of in a sanitary way.

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 Koala conservation – Authorising local law, s 15

- (1) For section 15(1) of the authorising local law, schedule 9 sets out the requirements for keeping a dog on land that is within a koala area.
- (2) For section 15(4) of the authorising local law, each area described in schedule 10 is designated as a koala area.

15 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 11.

**Part 4 Seizure, impounding or destruction of
animals**

16 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 operated by the local government.

17 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, the species, breeds or classes of animal that may be sold by private agreement, destroyed or disposed of in some other way are the following –

- (a) dogs; and
- (b) cats; and
- (c) other small domestic animals.

18 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.

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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

19 Conditions regarding sale of animals – Authorising local law, s 42(1)

For the purposes of section 42(1) of the authorising local law, persons who offer for sale an animal of a species or breed mentioned in column 1 of schedule 12 must comply with the conditions set out in column 2 of schedule 12.

20 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, animals of the fish species are excluded from the application of this authorising local law.

21 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, no species of animal is declared to be a declared dangerous animal.

22 Prescribed period for reclaiming animals – Authorising local law, schedule

For the purposes of the definition of “*prescribed period*” in the schedule to the authorising local law, the period within which an animal may be reclaimed is –

- (a) if the animal is a horse, cow, registered cat, registered dog or other identifiable animal – 5 days; and
- (b) if the animal is an unregistered cat, unregistered dog or an animal which is not an identifiable animal – 3 days.

Schedule 1 Prohibition on keeping animals

Section 5

	Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
1	Dog	<ul style="list-style-type: none">Any of the following breeds anywhere in the local government area: American pit bull terrier or pit bull terrier; dogo Argentino; fila Braileiro; Japanese tosa; Perro de Presa Canario or Presa CanarioThe keeping of more than 4 dogs over the age of 3 months unless the dogs are –<ul style="list-style-type: none">(i) working dogs; or(ii) kept in accordance with a development approval issued by the local government under the planning scheme of the local government
2	Horse	A stallion over the age of 12 months on an allotment with an area less than 4,000m ²
3	Poultry	A rooster on an allotment with an area less than 10,000m ²
4	Pig	A pig on an allotment with an area less than 40,000m ²

A prohibition prescribed in this schedule does not apply to the keeping of an animal or animals on premises if –

- the animal or animals were kept on the premises before the commencement of the authorising local law; and
- the keeping of the animal or animals on the premises immediately before the commencement of the authorising local law did not contravene any provision of a local law of the local government that was repealed contemporaneously with the making of the authorising local law.

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Schedule 2 Requirement for approval to keep animal

Section 6

	Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals requires approval ¹
1	Dog	<ul style="list-style-type: none"> The keeping of more than 2 dogs over the age of 3 months on an allotment unless the dogs are – <ul style="list-style-type: none"> (a) working dogs; or (b) kept in accordance with a development approval issued by the local government under the planning scheme of the local government. The keeping of more than 2 dogs over the age of 3 months on an allotment with an area less than 4,000m² The keeping of more than 3 dogs over the age of 3 months on an allotment with an area of 4,000m² or more, but less than 20,000m² The keeping of more than 4 dogs over the age of 3 months on an allotment with an area of 20,000m² or more
2	Cat	<ul style="list-style-type: none"> The keeping of more than 4 cats over the age of 3 months The keeping of more than 4 cats over the age of 3 months on an allotment with an area less than 4,000m²
3	Horse, deer, donkey, cattle, bison, camel, alpaca, llama, sheep or goat	<ul style="list-style-type: none"> The keeping of an animal to which this item 3 applies on an allotment with an area less than 4,000m² The keeping of more than – <ul style="list-style-type: none"> (a) 1 large animal (a horse, deer, donkey, cattle, bison or camel); or (b) 2 small animals (a sheep, goat, alpaca or llama); or (c) 1 large animal (a horse, deer, donkey, cattle, bison or camel) and 1 small animal (a sheep, goat, alpaca or llama); on an allotment with an area of 4,000m² or more, but less than 20,000m² The keeping of more than – <ul style="list-style-type: none"> (a) 2 large animals (a horse, deer, donkey, cattle, bison or

¹ See *Local Law No. 1 (Administration) 2011* and *Subordinate Local Law No. 1.5 (Keeping of Animals) 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).

		<p>camel); or</p> <ul style="list-style-type: none"> • (b) 4 small animals (a sheep, goat, alpaca or llama); or • (c) 2 large animals (a horse, deer, donkey, cattle, bison or camel) and 2 small animals (a sheep, goat, alpaca or llama); <p>on an allotment with an area of 20,000m² or more, but less than 40,000m²</p>
4	Bees	<ul style="list-style-type: none"> • The keeping of bee hives on an allotment with an area less than 4,000m² (see Code of Practice for Urban Bee Keeping in Queensland 1998)
5	Poultry	<ul style="list-style-type: none"> • The keeping of more than 20 poultry on an allotment with an area less than 4,000m² • The Keeping of more than 40 poultry on an allotment with an area of 4,000m² or more, but less than 10,000m² • The keeping of more than 60 poultry on an allotment with an area more than 10,000m²
6	Budgerigar, canary or other bird of a similar size	<ul style="list-style-type: none"> • The keeping of more than 20 birds to which this item 6 applies on an allotment with an area less than 1,000m²
7	Cockatoo, galah or other bird of a similar size and pigeons	<ul style="list-style-type: none"> • The keeping of more than 10 birds to which this item 7 applies on an allotment with an area less than 1,000m²

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Schedule 3 Requirement to desex animal

Section 7

	Column 1 Species or breed of animal	Column 2 Age at which animal must be desexed	Column 3 Exemptions to the requirement for desexing
1	No species or breed of animal mentioned		

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Schedule 4 Minimum standards for keeping animals generally

Section 8(1)

A person who keeps an animal on premises must –

- (i) ensure that the animal is adequately identified so that the owner's name, address and telephone number are readily ascertainable; and
- (ii) ensure that waste waters from enclosures are drained in a nuisance free manner and that run-off is kept off adjoining premises or as otherwise directed by an authorised person; and
- (iii) ensure that excreta, food scraps and other material that is, or is likely to become, offensive is collected at least daily and, if not immediately removed from the premises, is kept in a waste container of a kind approved by an authorised person; and
- (iv) ensure that any enclosure in which the animal is kept is properly maintained in –
 - (i) a clean and sanitary condition; and
 - (ii) an aesthetically acceptable condition; and
- (v) take all reasonable steps to prevent the animal from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of –
 - (i) adjoining premises; or
 - (ii) premises in the vicinity of the land on which the animal is ordinarily kept; and
- (vi) ensure that the area available to the animal kept on the premises is appropriately sized so that the animal can be effectively and comfortably kept.

CONSOLIDATED VERSION – AS AT 2 MARCH 2018

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	Greyhound	Each owner of, and responsible person for, a greyhound must ensure that the dog is kept – (a) without nuisance; and (b) if a code of practice for the keeping of greyhounds has been approved by the Greyhound Racing Authority of Queensland – in accordance with the requirements of the code of practice.
2	Horse, donkey, cattle, bison, camel and other domesticated animals of a similar size and sheep, goat, alpaca, llama, pig and other animals of a similar size	Each owner of, and responsible person for, an animal specified in column 1, item 2 which is kept on premises must ensure that any enclosure in which the animal is kept is not located within a radius of 10m of – (a) a residence on adjoining premises; or (b) a place used for the manufacture, preparation nor storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the animal; or (c) a place used for the storage of food (other than food kept in hermetically sealed packages).
3	Budgerigar, canary and other birds of a similar size and cockatiel and other birds of a similar size and cockatoo, galah and other birds of a similar size	Each owner of, and responsible person for, a bird specified in column 1, item 3 must ensure that – (a) the bird is kept without nuisance; and (b) the bird is contained within an enclosed cage or aviary; and (c) the bird's food is kept in a properly sealed, vermin proof container; and (d) the cage or aviary in which the bird is kept is thoroughly cleaned at least once each week; and (e) if a code of practice for the keeping of birds of a relevant species has been approved by the local government – the bird is kept in accordance with the requirements of the code of practice.
4	Pigeons	Each owner of, and responsible person for, pigeons which are kept on premises must ensure that – (a) the pigeons are kept without nuisance; and (b) the pigeons contained within an enclosed cage or

CONSOLIDATED VERSION – AS AT 2 MARCH 2018

		<p>aviary; and</p> <p>(c) the pigeon's food is kept in a properly sealed, vermin proof container; and</p> <p>(d) the cage or aviary in which the pigeons are kept is –</p> <p>(i) thoroughly cleaned at least once each week; and</p> <p>(ii) located at the rear of, and behind, any residence situated on the premises; and</p> <p>(e) if a code of practice for the keeping of pigeons has been approved by the local government – the pigeons are kept in accordance with the requirements of the code of practice.</p>
5	Bees	<p>Each owner of, and responsible person for, bees which are kept on premises must ensure that –</p> <p>(a) the bees are kept without nuisance; and</p> <p>(b) any beehive constructed for the purpose of keeping the bees is not located within a radius of 10m of –</p> <p>(i) a residence on adjoining premises; or</p> <p>(ii) a place used for the manufacture, preparation or storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the bees; or</p> <p>(iii) a place use for the storage of food (other than food kept in hermetically sealed packages); and</p> <p>(c) each beehive constructed for the purpose of keeping bees is adequately identified so that the owner's name, address and telephone number are readily ascertainable; and</p> <p>(d) if a code of practice for the keeping of bees has been approved by the local government – the bees are kept in accordance with the requirements of the code of practice.</p>
6	Duck, drake, goose, turkey, rooster, peacock, peahen, ostrich and emu	<p>Each owner of, and responsible person for, a bird identified in column 1 item 6 which is kept on premises must ensure that –</p> <p>(a) the bird is kept without nuisance; and</p> <p>(b) the bird is contained within an enclosure; and</p> <p>(c) the bird's food is kept in a properly sealed, vermin proof container; and</p> <p>(d) the enclosure in which the bird is kept is –</p> <p>(iii) thoroughly cleaned at least once each week; and</p> <p>(iv) located at the rear of, and behind, any residence</p>

CONSOLIDATED VERSION – AS AT 2 MARCH 2018

		<p>situated on the premises; and</p> <p>(e) the enclosure in which the bird is kept is not located within a radius of 10m of –</p> <p>(i) a residence on adjoining premises; or</p> <p>(ii) a place used for the manufacture, preparation nor storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the bird; or</p> <p>(iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and</p> <p>(f) the enclosure in which the bird is kept is not located less than 1m from the side or rear boundaries of the premises.</p>
7	Dogs, if the dogs are kept on premises at a kennel and cats, if the cats are kept on premises at a cattery	<p>Each owner of, and responsible person for, an animal kept on premises in the circumstances specified in column 1, item 7 must ensure that –</p> <p>(a) the keeping of the animals on the premises –</p> <p>(i) does not detrimentally affect the amenity of neighbouring premises; and</p> <p>(ii) does not involve the storage in the open of goods, materials or activities associated with the keeping of the animals; and</p> <p>(iii) does not attract fly breeding or vermin infestation; and</p> <p>(b) the premises are suitably and continuously ventilated to ensure that all areas on which animals are kept are free of dampness, nuisance odours and dust emissions; and</p> <p>(c) only rain water from uncontaminated areas may drain directly into the storm water system; and</p> <p>(d) all spillages of wastes, contaminants and other materials are cleaned up immediately and are not cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or materials to any storm water system or waters; and</p> <p>(e) the premises are kept free of vermin and conditions offering harbourage for vermin; and</p> <p>(f) all fixtures, fittings, equipment and facilities at the premises are maintained in a clean, tidy, sanitary and hygienic condition; and</p> <p>(g) waste waters from the washing down of floors, surfaces, enclosures and other areas is collected, and drained to, an approved pre-treatment device before</p>

CONSOLIDATED VERSION – AS AT 2 MARCH 2018

		<p>discharge to the sewerage system; and</p> <p>(h) waste containers sufficient to accommodate the collection and storage of all waste generated as part of the operation of the premises are provided; and</p> <p>(i) all waste containers are regularly cleaned and maintained in a clean, tidy, sanitary and hygienic condition; and</p> <p>(j) the premises, including all buildings, structures, vehicles, car parks, access and egress routes, facilities and equipment of and incidental to the keeping of the animals is maintained at all times –</p> <p>(i) in good working order and condition; and</p> <p>(ii) in a clean and sanitary condition; and</p> <p>(k) all enclosures which form part of the operation of the premises are provided and maintained in a manner so as to –</p> <p>(i) be clean and in a sanitary condition; and</p> <p>(ii) prevent the escape of any animal kept in the enclosure; and</p> <p>(iii) protect the safety of staff and the public; and</p> <p>(iv) be in a state of good order and repair; and</p> <p>(v) avoid injury to any animal kept in the enclosure; and</p> <p>(vi) permit regular cleaning of all internal and external surfaces of each enclosure and regular checking of any animal within the enclosure; and</p> <p>(vii) be impervious and able to be effectively cleaned and sanitised; and</p> <p>(viii) ensure the comfort of any animal kept in the enclosure and prevent the spread of disease; and</p> <p>(l) animal feed is stored in insect and vermin proof containers; and</p> <p>(m) if a code of practice for the operation of a cattery or a kennel has been approved by the local government – the cattery or kennel is operated in accordance with the requirements of the code of practice.</p>
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Schedule 6 Prohibition of animals in public places

Section 10

	Column 1 Public place	Column 2 Species or breed of animals prohibited
	No public place described	No species or breed of animal mentioned

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Schedule 7 Dog off-leash areas

Section 11

Public Area	Description	Off-leash times
Laidley Recreation Reserve	Reserve 859, Edward Street, Laidley (fenced area as shown in yellow on Map 1)	

Map 1



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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 regardless of species or breed	<p>(a) A proper enclosure is an area of the land on which the animal is kept, appropriately sized so as to be capable of effectively and comfortably housing the animal.</p> <p>(b) The area must be suitably fenced –</p> <p>(i) appropriate to the species and breed of the animal to be enclosed; and</p> <p>(ii) so as to effectively enclose the animal on the land on which it is kept at all times.</p> <p>(c) For the purposes of this item 1 <i>suitably fenced</i> means enclosed by a fence –</p> <p>(i) constructed of materials which are of sufficient strength to prevent the animal from escaping over, under or through the fence; and</p> <p>(ii) of a height which is sufficient to prevent the animal jumping or climbing over the fence; and</p> <p>(iii) where the animal has the ability to dig – which includes a barrier installed directly below the fence to prevent the animal digging its way out; and</p> <p>(iv) where the animal has the ability to climb – designed and constructed in such a way as to prevent the animal from climbing over the fence; and</p> <p>(v) of which all gates are kept closed and latched except when in immediate use by a person entering or leaving the land on which the animal is kept.</p>
2	Horse	<p>(a) A proper enclosure for the keeping of a horse must, in addition to the requirements specified in item 1 –</p> <p>(b) effectively enclose the horse so that the horse can not reach over or through the fence to adjoining land or any public place; and</p> <p>(c) where the animal is a stallion – the enclosure must be constructed within an additional or second suitable and adequate fence or enclosure that is provided at the land on which the stallion is kept to a standard approved by an authorised person.</p>

CONSOLIDATED VERSION – AS AT 2 MARCH 2018

**Schedule 9 Requirements for keeping a dog in a koala
area**

Section 14(1)

No requirements prescribed.

CONSOLIDATED VERSION – AS AT 2 MARCH 2018

Schedule 10 Koala areas²

Section 14(2)

No area designated.

² “Koala areas” under section 15(4) of the authorizing local law comprise the areas designated in this schedule plus “koala habitat areas” designated by a State planning instrument or a conservation plan made under the *Nature Conservation Act 1992*.

Schedule 11 Criteria for declared dangerous animals

Section 15

There is a high likelihood of the animal causing injury to a person or animal or damage to property, taking into account –

- (a) its prior history of attacking or causing fear to persons or animals or damaging property; and
- (b) the extent of injury or damage that could potentially be inflicted by an animal of its size and species or breed.

CONSOLIDATED VERSION – AS AT 2 MARCH 2018

Schedule 12 Conditions for sale of animals

Section 19

	Column 1 Species or breed of animal	Column 2 Conditions that must be complied with when offering animal for sale
1	No species or breed of animal mentioned.	No conditions set out.

CONSOLIDATED VERSION – AS AT 2 MARCH 2018

Schedule 13 Dictionary

Section 4

allotment means a single parcel of land, or several contiguous parcels of land where all of the contiguous parcels of land are in –

- (a) the same ownership; or
- (b) the same occupation.

Animal Management Act see *Animal Management (Cats and Dogs) Act 2008*.

assistance dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

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

cat –

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

cattery has the meaning given in the planning scheme of the local government.

childproof means, for an enclosure, that the exterior walls of the enclosure are designed to prevent a dog in the enclosure being able to bite a child outside the enclosure.

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

dog –

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

domestic purposes means the purposes of –

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

guide dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

handler has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

hearing dog has the meaning given in the *Guide, Hearing and Assistance Dogs Act 2009*.

horse includes a pony and a miniature horse.

identifiable animal means an animal –

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

immediate vicinity (of a person exercising a dog in a dog off-leash area) means within a radius of 10m of the person exercising the dog.

keep (an animal) –

CONSOLIDATED VERSION – AS AT 2 MARCH 2018

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

kenel has the meaning given in the planning scheme of the local government.

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

local government public health risk has the meaning given in the *Public Health Act 2005*.

multi-residential premises means –

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

Examples of multi-residential premises –

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

non-residential premises means premises other than residential premises.

occupier, of premises –

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

pig includes a miniature pig.

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

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

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

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

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

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

stallion means an uncastrated adult male horse.

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

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

CONSOLIDATED VERSION – AS AT 2 MARCH 2018

vermin means –

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

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

working dog has the meaning given in the Animal Management Act.

CONSOLIDATED VERSION – AS AT 2 MARCH 2018

Endnotes

Key

Key to abbreviations in list of amendments

Key	Explanation
amd =	amended
ch =	chapter
def =	definition
div =	division
hdg =	heading
ins =	inserted
om =	omitted
pt =	part
renum =	renumbered
rep =	repealed
s =	section
sch =	schedule
sub =	substituted

List of annotations

SCHEDULE 2		REQUIREMENT FOR APPROVAL TO KEEP ANIMAL
item 3	amd	<i>Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Law) 2017 s 6</i>
SCHEDULE 5		MINIMUM STANDARDS FOR KEEPING PARTICULAR ANIMALS
item 2	amd	<i>Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Law) 2017 s 7</i>
SCHEDULE 7		DOG OFF-LEASH AREAS
sch	amd	<i>Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Law) 2017 s 8</i>

CONSOLIDATED VERSION – AS AT 2 MARCH 2018



Subordinate Local Law No. 5 (Parking) 2011

CONSOLIDATED VERSION NO. 1

as in force on 2 March 2018

adopted by Lockyer Valley Regional Council on 28 February 2018 pursuant to
section 32 of the *Local Government Act 2009*

Subordinate Local Law No. 5 (Parking) 2011

Contents

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CONSOLIDATED VERSION – AS AT 2 MARCH 2018

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 that may be issued with a parking permit; and
 - (c) the vehicles that may be issued with a commercial vehicle identification label; and
 - (d) the infringement notice penalty amounts for minor traffic offences.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 5 (Parking) 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) The dictionary in schedule 4 defines particular words used in this subordinate local law.

Part 2 Declaration of parking areas for the TORUM Act

5 Declaration of traffic areas – Authorising local law, s 5

- (1) For section 5(1) of the authorising local law, each part of the local government area indicated by hatching in the maps 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 maps in schedule 1.

6 Declaration of off-street regulated parking areas – Authorising local law, s 6

CONSOLIDATED VERSION – AS AT 2 MARCH 2018

- (1) For section 6(1) of the authorising local law, each area of land indicated by hatching in the map 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 bold lines circumscribing the hatched areas on the map in schedule 2.

Part 3 Parking contrary to parking restriction

7 Parking permits issued by local government – Authorising local law, s 7(2)

- (1) This section prescribes –
 - (a) the persons that may be issued with a parking permit mentioned in section 7(1) of the authorising local law; and
 - (b) the circumstances in which the parking permits may be issued.
- (2) A parking permit (a *community service organisation parking permit*) may be issued to a person whose circumstances are as follows –
 - (a) the person is a community service organisation¹; and
 - (b) the person will use the parking permit for an activity which is consistent with the objects of the community service organisation; and
 - (c) the activity is undertaken on a section of road where –
 - (i) parking is regulated by time; and
 - (ii) the issue of the parking permit would not unduly impede the flow of traffic either on the road or in the area.
- (3) A parking permit (a *temporary parking permit*) may be issued to allow the holder of the parking permit, or its customers who satisfy the requirements of section 7(4) below, to park 1 or more vehicles in a designated parking space or spaces for a period specified in the parking permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking may otherwise apply to the space or spaces.
- (4) A temporary parking permit may only be granted if the local government is satisfied that –
 - (a) the applicant is –
 - (i) engaged in some temporary business activity affecting premises immediately adjacent to, or in the vicinity of, the designated parking space or spaces to which the application or permit relates; or
 - (ii) the applicant is a recognised business operator and from time to time its customers or clientele will be engaged in a business activity with the applicant for a period of time in excess of the regulated parking time limits; and

¹ See definition of *community service organization* in the dictionary.

- (b) it is not reasonably practical for the applicant to carry out the activity unless the designated parking space or spaces to which the application or permit relates may be allocated to the exclusive use of the applicant, or its customers, for the duration of the business activity.
- (5) A parking permit (a *works zone parking permit*) may be issued to a person if the local government is satisfied that –
 - (a) the part of the road to which the application relates is adjacent to a site at which the person is proposing to undertake building or construction work; and
 - (b) the carrying out of the building or construction work is lawful; and
 - (c) having regard to the nature of the building or construction work and the characteristics of the site, it is not reasonably practical for all work activity involving vehicle loading and unloading and associated vehicle movements to be confined within the site.

Part 4 Minor traffic offence infringement notice penalties

8 Infringement notice penalty amounts – Authorising local law, s 9

For section 9 of the authorising local law, the infringement notice penalty amount² for an offence mentioned in column 1 of schedule 3 is the corresponding amount stated in column 2 of schedule 3.

² See sections 5 and 5A of the *Penalties and Sentences Act 1992*. The value of a penalty unit is, for a local law, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law, the amount prescribed under a regulation. See section 3 of the *Penalties and Sentences Regulation 2015*. The value of the penalty unit for a local law made by a local government mentioned in schedule 2 of the Regulation, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law made by a local government mentioned in schedule 2 of the Regulation is \$75.00. The value of a penalty unit for a local law made by a local government not mentioned in schedule 2 of the Regulation, or an infringement notice under the *State Penalties Enforcement Act 1999* for an offence against a local law made by a local government not mentioned in schedule 2 of the Regulation, is \$126.15 or such other amount prescribed under a regulation.

Schedule 1 Declaration of traffic area

Section 5

Declared Traffic Area 'A'

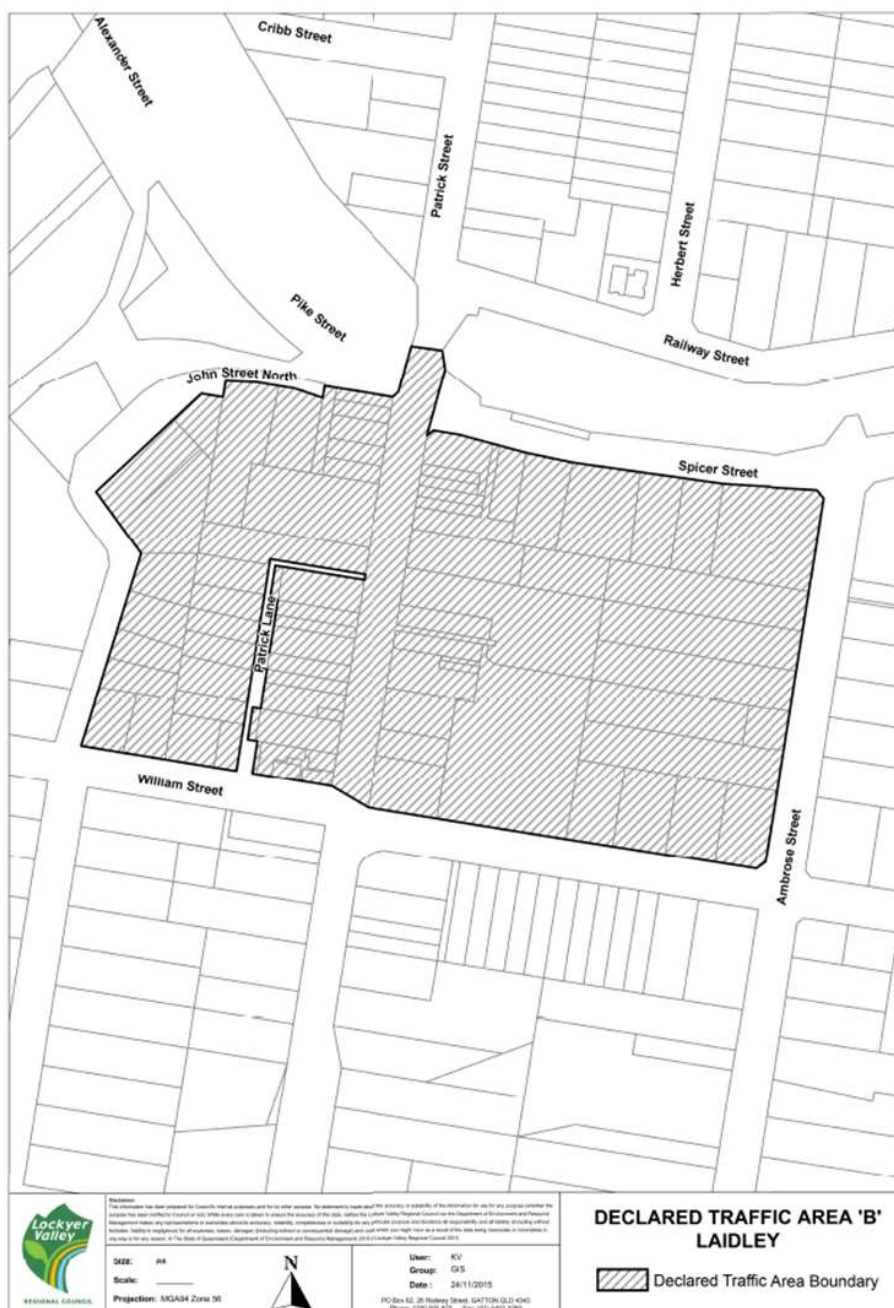


CONSOLIDATED VERSION – AS AT 2 MARCH 2018

Subordinate Local Law No. 5 (Parking) 2011

7

Declared Traffic Area 'B'



CONSOLIDATED VERSION – AS AT 2 MARCH 2018

**Schedule 2 Declaration of off-street regulated parking
 areas**

Section 6

No off-street regulated parking area declared.

CONSOLIDATED VERSION – AS AT 2 MARCH 2018

Schedule 3 Infringement notice penalty amounts for certain minor traffic offences

Section 8

Column 1		Column 2
<i>Transport Operations (Road Use Management) Act 1995 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
106(1)(a)(i)	Parking a vehicle in a designated parking space unless a parking meter or parkatarea installed for the space indicates that the parking fee has been paid	1 penalty unit
106(1)(a)(ii)	Parking a vehicle in a designated parking space unless the person has done what is required by an authorised system that applies in relation to the space	1 penalty unit
106(1)(b)	Parking a vehicle in a designated parking space for a time longer than the maximum time indicated on the official traffic sign installed for the space	1 penalty unit
106(1)(c)	Parking a vehicle in a designated parking space if another vehicle is parked in the space	1 penalty unit
106(1)(d)	Parking a vehicle in a designated parking space so that the vehicle is not wholly within the space	1 penalty unit

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
167	Stopping on a length of road or in an area to which a no stopping sign applies	1 penalty unit
169	Stopping at the side of a road marked with a continuous yellow edge line	1 penalty unit
170(1)	Stopping in an intersection	1 penalty unit
170(2)	Stopping within 20m of an intersection with traffic lights unless permitted by a sign	1 penalty unit

CONSOLIDATED VERSION – AS AT 2 MARCH 2018

Subordinate Local Law No. 5 (Parking) 2011

10

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
170(4)(a)	Stopping within 10m of an intersection without traffic lights unless permitted by a sign	1 penalty unit
172(1)	Stopping within 20m before a pedestrian crossing that is not at an intersection otherwise than as permitted by a sign	1 penalty unit
172(1)	Stopping within 10m after a pedestrian crossing that is not at an intersection otherwise than as permitted by a sign	1 penalty unit
176(1)	Stopping on a road contrary to a clearway sign	1 penalty unit
179(1)	Stopping an unauthorised vehicle in a loading zone	1 penalty unit
179(2)(a)	Authorised driver stopping in a loading zone for longer than 30 mins	1 penalty unit
179(2)(b)	Authorised driver stopping in a loading zone for longer than permitted by a sign	1 penalty unit
181	Unauthorised driver stopping in a works zone	1 penalty unit
182(1)	Stopping an unauthorised vehicle in a taxi zone	2 penalty units
183(1)	Stopping an unauthorised vehicle in a bus zone	1 penalty unit
183(1)	Stopping a bus in a zone contrary to a bus zone sign	1 penalty unit
185(1)	Stopping an unauthorised vehicle in a permit zone	1 penalty unit
186(1)	Stopping in a mail zone	1 penalty unit
189(1)(a)	Stopping on a two way road between the centre of the road and another vehicle parked at the side of the road	1 penalty unit
191	Stopping on a road so as to obstruct traffic	1 penalty unit
195(1)	Stopping within 20m before a bus stop unless permitted by a sign	1 penalty unit
195(1)	Stopping within 10m after a bus stop unless permitted by a sign	1 penalty unit

CONSOLIDATED VERSION – AS AT 2 MARCH 2018

Subordinate Local Law No. 5 (Parking) 2011

11

Column 1		Column 2
<i>Transport Operations (Road Use Management – Road Rules) Regulation 2009 provision</i>	Minor Traffic Offence	Infringement notice penalty amount
197(1)	Stopping on a bicycle path, footpath, shared path or dividing strip or a nature strip adjacent to a length of road in a built-up area unless permitted by a sign	1 penalty unit
198(2)	Stopping on or across a driveway unless dropping off or picking up, passengers	1 penalty unit
199	Stopping near a postbox	1 penalty unit
202	Stopping contrary to a motorbike parking sign	1 penalty unit
203(1)	Stopping contrary to a people with disabilities parking sign	2 penalty units
205(1)(a)	Parking for longer than the period indicated on a permissive parking sign	1 penalty unit
208(1)	Parking on a two way road other than parallel and as near as practicable to the far left side of the road	1 penalty unit
208(1)	Parking on a one way road other than to the far left or far right of the road unless permitted by a sign	1 penalty unit
208(1)	Parking within 3m of a continuous dividing line or dividing strip unless permitted by a sign	1 penalty unit
210(1)	Angle parking – failing to properly position the vehicle	1 penalty unit
211(2)	Parking otherwise than completely within the confines of a parking bay	1 penalty unit
Part 12	Other parking offences provided for in Part 12 (Restrictions on stopping and parking)	1 penalty unit

CONSOLIDATED VERSION – AS AT 2 MARCH 2018

Schedule 4 Dictionary

Section 4

business activity means any activity undertaken by appointment and in the ordinary course of business between an applicant and either the business operator or a customer which would ordinarily exceed regulated parking time limits, including but not limited to:

- (a) medical appointments; or
- (b) court appearances; or
- (c) real estate viewings; or
- (d) hairdressing appointments; or
- (e) any other activities reasonably considered by an authorised person to fall within this definition and intent.

community service organisation means an association incorporated under the *Associations Incorporation Act 1981* which has as the main purpose of its objects, making financial gain for community service, charitable or similar purposes.

community service organisation parking permit see section 7(2).

recognised business operator means an applicant recognised by an authorised person as a person who, in the course of their ordinary business, regularly undertakes business activities with a customer for a period exceeding regulated parking time limits and for which temporary parking permits are issued to the business operator for use by its customers.

temporary parking permit see section 7(3).

works zone parking permit see section 7(5).

CONSOLIDATED VERSION – AS AT 2 MARCH 2018

Endnotes

Key

Key to abbreviations in list of amendments

Key	Explanation
amd =	amended
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ins =	inserted
om =	omitted
pt =	part
renum =	renumbered
rep =	repealed
s =	section
sch =	schedule
sub =	substituted

List of annotations

PART 2 DECLARATION OF PARKING AREAS FOR THE TORUM ACT

s 5(1)	amd	<i>Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Law) 2017 s 10</i>
s 5(2)	amd	<i>Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Law) 2017 s 10</i>

PART 3 PARKING CONTRARY TO PARKING RESTRICTION

s 7(3)	amd	<i>Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Law) 2017 s 11</i>
s 7(4)(a)	amd	<i>Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Law) 2017 s 11</i>
s 7 (4)(b)	amd	<i>Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Law) 2017 s 11</i>

PART 4 MINOR TRAFFIC OFFENCE INFRINGEMENT NOTICE PENALTIES

s 8	amd	<i>Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Law) 2017 s 12</i>
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CONSOLIDATED VERSION – AS AT 2 MARCH 2018

SCHEDULE 1		DECLARATION OF TRAFFIC AREA
sch	amd	<i>Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Law) 2017 s 13</i>
SCHEDULE 3		INFRINGEMENT NOTICE PENALTY AMOUNTS FOR CERTAIN MINOR TRAFFIC OFFENCES
sch	amd	<i>Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Law) 2017 s 14</i>
(s182(1) penalty amount)		
SCHEDULE 4		DICTIONARY
def	ins	<i>Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Law) 2017 s 15</i>
(business activity)		
def	ins	<i>Amending Subordinate Local Law No. 1 (Miscellaneous Subordinate Local Law) 2017 s 15</i>
(recognised business operator)		

CONSOLIDATED VERSION – AS AT 2 MARCH 2018



Date: 05 February 2018
Author: Madonna Brennan, Governance and Strategy Officer
Responsible Officer: Ian Church, Chief Executive Officer

ORDINARY COUNCIL MEETING MINUTES 28 FEBRUARY 2018

3. Report

Included with this report is the second quarter performance update, which reports on the progress to 31 December 2017 on each of the strategies identified in the 2017-18 Operational Plan. Each strategy has a key performance indicator, the progress of which is measured against budget, timing, scope and risk. A summary of performance to 31 December 2017 against each key Operational Plan theme is as follows.

	Lockyer Community	Lockyer Bus, Farm & Live	Lockyer Nature	Lockyer Planned	Lockyer Leadership & Council
Total Initiatives for 2017/18	14	6	8	16	27
Timing of Delivery					
On Time	13	6	7	15	21
Re-scheduling Expected	1	0	1	1	5
To Be Deferred	0	0	0	0	1
Scope Delivery					
Benefits to be achieved	13	6	8	16	23
Benefits @ Risk	1	0	0	0	4
Benefits in Doubt	0	0	0	0	0
Risk Management					
No Concerns	11	5	7	13	14
Concerns being addressed	3	1	1	3	13
Significant Risk Experienced	0	0	0	0	0

4. Policy and Legal Implications

Section 174(3) of the *Local Government Regulation 2012* requires the Chief Executive Officer to present a written assessment of local government's progress towards implementing the annual Operational Plan at meetings of the local government. These reports are required to be at regular intervals of not more than three months. This report presents the second Quarterly Performance Report on the 2017-18 Operational Plan.

5. Financial and Resource Implications

The financial performance of each key Operational Plan Theme provides an indication on the progress of initiatives or of constraints in delivering outcomes for the 2017-18 Operational Plan. Overall, financial performance is within budget tolerances and aligns to the delivery of outcomes. A summary of financial performance against key Operational Plan themes is set out in the following tables.

	Lockyer Community	Lockyer Bus, Farm & Live	Lockyer Nature	Lockyer Planned	Lockyer Leadership & Council

ORDINARY COUNCIL MEETING MINUTES 28 FEBRUARY 2018

Total Initiatives for 2017/18	14	6	8	16	27
Budget on Track	13	6	5	14	27
Budget Underspent	1	0	3	2	0
Budget Overspent	0	0	0	0	0

Theme	Operating Revenue		Operating Expense		Capital Revenue		Capital Expense	
	Budget	Actual	Budget	Actual	Budget	Actual	Budget	Actual
Lockyer Community	927,750	477,796	4,140,389	1,952,804	7,500	4,222	297,000	26,429
Lockyer Bus, Farm & Live	2,079,655	1,117,166	4,413,866	2,190,586	0	14,814	105,000	29,625
Lockyer Nature	304,200	149,650	1,382,268	398,362	0	0	45,000	23,484
Lockyer Planned	15,507,715	7,391,152	26,663,041	13,065,633	2,400,246	1,837,763	16,206,932	6,885,417
Lockyer Lead & Council	39,129,056	18,439,540	20,014,951	9,364,380	534,500	314,997	4,301,000	1,774,092
Total	57,948,376	27,575,304	56,614,515	26,971,765	2,942,246	2,171,796	20,954,932	8,739,047

6. Delegations/Authorisations

No delegations are required for this report and existing authorities are appropriate for the delivery of the 2017-18 Operational Plan outcomes.

7. Communication and Engagement

The significant achievements of the 2017-18 Operational Plan are regularly reported through Corporate Communications and media channels. The second quarter performance report on the 2017-18 Operational Plan will be published on Council's website.

8. Conclusion

Quarterly reporting against the 2017-18 Operational Plan is a statutory requirement and informs Council and the community on the performance of Council against yearly programs and activities in line with the Corporate Plan 2017-2022.



ORDINARY COUNCIL MEETING MINUTES 28 FEBRUARY 2018

9. Action/s

1. Publish on Council's website.

Please note: A hard copy of the second quarter performance report is available on request (loaded onto iPads separately).

Attachments

- 1 [View](#) Second Quarter Performance Report 13 Pages

Leadership Community: Our heavenly community welcomes the spiritual diversity found within our region. Times of hardship highlight our resilience. Our high standards support our quality of life and vibrancy while providing a dynamic and safe place for all opportunity. We strive to build on who we are and all that our region has to offer by connecting business, the community and government.

[illegible]

[illegible]

U.S. Events and activities that bring together and support greater connectivity in the community.													
Initiative	Operational Plan Strategy for 2017/18	Performance Measurement			Responsibility	Key Date Category	Target	Progress Indicators				First Quarter Progress Comments	Mid-Year Progress Comments
		Key Performance Indicator	Measurement	Source of Initiative Data				Year	Target	Actual	Notes		
1.2.5	Improve and sustain equity and connectivity for the community	Community Events and Activities	12 events and activities	Community Events and Activities	Quarterly	Quarterly	100%	100%	100%	100%	100%	100%	100%
The community's preparations for disasters is improved through community education, training and strong partnerships between County and other agencies													
Initiative	Operational Plan Strategy for 2017/18	Performance Measurement			Responsibility	Key Date Category	Target	Progress Indicators				First Quarter Progress Comments	Mid-Year Progress Comments
		Key Performance Indicator	Measurement	Source of Initiative Data				Year	Target	Actual	Notes		
1.2.6	Improve and sustain equity and connectivity for the community	Community Events and Activities	12 events and activities	Community Events and Activities	Quarterly	Quarterly	100%	100%	100%	100%	100%	100%	100%
The community's preparations for disasters is improved through community education, training and strong partnerships between County and other agencies													
1.2.7	Improve and sustain equity and connectivity for the community	Community Events and Activities	12 events and activities	Community Events and Activities	Quarterly	Quarterly	100%	100%	100%	100%	100%	100%	100%

100% 100% 100% 100% 100% 100% 100% 100% 100% 100% 100% 100% 100% 100% 100% 100% 100%

<p>Lodgys Business Our business community is a thriving and inclusive network where it is easy to do business. We create opportunities and encourage innovation that inspires business confidence and collaborative partnerships.</p> <p>Lodgys Farming As custodians we manage our water and land assets to ensure our farming future. We pride ourselves on our innovation and clean, green reputation. We work together to support our farmers of current and future generations.</p> <p>Lodgys Lifestood We are a community where lifelong learning opportunities exist. Our quality education facilities are highly regarded and provide diverse career pathways. We look to develop skills and generate job opportunities for all.</p>																																																											
2.1 Strategic responsibility for the Lodgys Valley to five economic and community outcomes.																																																											
<table border="1"> <thead> <tr> <th colspan="2">Business Outcome</th><th colspan="2">Key Performance Indicators</th><th colspan="2">Target</th><th colspan="3">Budgeted Performance</th><th colspan="3">Key Strategic Responsibility</th></tr> <tr> <th>Outcome</th><th>Operational Plan Strategy for 2017/18</th><th>Key Performance Indicator</th><th>Measurement</th><th>Target</th><th>Time</th><th>Budget</th><th>Variance</th><th>Goal</th><th>Key Strategic Responsibility</th><th>Shared Strategic Responsibility</th><th>Shared Strategic Responsibility</th></tr> </thead> <tbody> <tr> <td>2.1.1</td><td>Position ourselves as the business hub for the region by being a business incubator.</td><td>Top 200 business opportunities created</td><td>Number of business opportunities created</td><td>200-250</td><td>2017/18</td><td>\$100,000</td><td>\$100,000</td><td>\$100,000</td><td>Regional Development</td><td>Regional Development</td><td>Regional Development</td></tr> <tr> <td>2.1.2</td><td>Support the regional and community economic growth by being a business incubator.</td><td>Support for business opportunities created</td><td>Number of business opportunities created</td><td>200-250</td><td>2017/18</td><td>\$100,000</td><td>\$100,000</td><td>\$100,000</td><td>Regional Development</td><td>Regional Development</td><td>Regional Development</td></tr> </tbody> </table>												Business Outcome		Key Performance Indicators		Target		Budgeted Performance			Key Strategic Responsibility			Outcome	Operational Plan Strategy for 2017/18	Key Performance Indicator	Measurement	Target	Time	Budget	Variance	Goal	Key Strategic Responsibility	Shared Strategic Responsibility	Shared Strategic Responsibility	2.1.1	Position ourselves as the business hub for the region by being a business incubator.	Top 200 business opportunities created	Number of business opportunities created	200-250	2017/18	\$100,000	\$100,000	\$100,000	Regional Development	Regional Development	Regional Development	2.1.2	Support the regional and community economic growth by being a business incubator.	Support for business opportunities created	Number of business opportunities created	200-250	2017/18	\$100,000	\$100,000	\$100,000	Regional Development	Regional Development	Regional Development
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WPM, JUNE 2018, PAGE 2017-18 OPERATIONAL PLAN REPORT (2017-18) AND REPORT

2.3 Projects and activities that support the strategic vision as a distribution for services, facilities and goods.											
Performance	Operational Plan Strategy for 2017/18	Performance Measurement			Responsibility	Key Risk Category	Target	Budgetary Information			
		Key Performance Indicator	Measurement Method	Source of Information				Type	Budget	Scope	Risk
2.3.1	Business and services that support the strategic vision as a distribution for services, facilities and goods.	The region as a whole is a leading provider of services, facilities and goods.	Survey results	Quarterly survey results	Executive Office	Key: Facilities and Goods	2017/18	On/Off	Budget: 0 Actual: 0	On/Off	On/Off
2.4 Projects and activities that support the strategic vision as a distribution for services, facilities and goods.											
Performance	Operational Plan Strategy for 2017/18	Performance Measurement			Responsibility	Key Risk Category	Target	Budgetary Information			
		Key Performance Indicator	Measurement Method	Source of Information				Type	Budget	Scope	Risk
2.4.1	Business and services that support the strategic vision as a distribution for services, facilities and goods.	The region as a whole is a leading provider of services, facilities and goods.	Survey results	Quarterly survey results	Executive Office	Key: Facilities and Goods	2017/18	On/Off	Budget: 0 Actual: 0	On/Off	On/Off
2.5 Projects and activities that support the strategic vision as a distribution for services, facilities and goods.											
Performance	Operational Plan Strategy for 2017/18	Performance Measurement			Responsibility	Key Risk Category	Target	Budgetary Information			
		Key Performance Indicator	Measurement Method	Source of Information				Type	Budget	Scope	Risk
2.5.1	Business and services that support the strategic vision as a distribution for services, facilities and goods.	The region as a whole is a leading provider of services, facilities and goods.	Survey results	Quarterly survey results	Executive Office	Key: Facilities and Goods	2017/18	On/Off	Budget: 0 Actual: 0	On/Off	On/Off

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[illegible]

Key Performance Indicators and Associated Objectives												
Indicator	Description of the Indicator	Target	Performance Indicators				Key Data Sources	Reporting Period	Frequency	Status	Comments	
			Actual	Target	Variance	Notes						
1.1	Completion of the project by the end of the year	100%	100%	100%	0%	0%	100%	100%	100%	100%	100%	
1.2	Completion of the project by the end of the year	100%	100%	100%	0%	0%	100%	100%	100%	100%	100%	
1.3	Completion of the project by the end of the year	100%	100%	100%	0%	0%	100%	100%	100%	100%	100%	
1.4	Completion of the project by the end of the year	100%	100%	100%	0%	0%	100%	100%	100%	100%	100%	
1.5	Completion of the project by the end of the year	100%	100%	100%	0%	0%	100%	100%	100%	100%	100%	
1.6	Completion of the project by the end of the year	100%	100%	100%	0%	0%	100%	100%	100%	100%	100%	
1.7	Completion of the project by the end of the year	100%	100%	100%	0%	0%	100%	100%	100%	100%	100%	
1.8	Completion of the project by the end of the year	100%	100%	100%	0%	0%	100%	100%	100%	100%	100%	
1.9	Completion of the project by the end of the year	100%	100%	100%	0%	0%	100%	100%	100%	100%	100%	
1.10	Completion of the project by the end of the year	100%	100%	100%	0%	0%	100%	100%	100%	100%	100%	
1.11	Completion of the project by the end of the year	100%	100%	100%	0%	0%	100%	100%	100%	100%	100%	
1.12	Completion of the project by the end of the year	100%	100%	100%	0%	0%	100%	100%	100%	100%	100%	
1.13	Completion of the project by the end of the year	100%	100%	100%	0%	0%	100%	100%	100%	100%	100%	
1.14	Completion of the project by the end of the year	100%	100%	100%	0%	0%	100%	100%	100%	100%	100%	
1.15	Completion of the project by the end of the year	100%	100%	100%	0%	0%	100%	100%	100%	100%	100%	
1.16	Completion of the project by the end of the year	100%	100%	100%	0%	0%	100%	100%	100%	100%	100%	
1.17	Completion of the project by the end of the year	100%	100%	100%	0%	0%	100%	100%	100%	100%	100%	
1.18	Completion of the project by the end of the year	100%	100%	100%	0%	0%	100%	100%	100%	100%	100%	
1.19	Completion of the project by the end of the year	100%	100%	100%	0%	0%	100%	100%	100%	100%	100%	
1.20	Completion of the project by the end of the year	100%	100%	100%	0%	0%	100%	100%	100%	100%	100%	

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**ORDINARY COUNCIL
MEETING MINUTES
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10.3 Councillor representatives on organisations and committees

Date: 19 February 2018
Author: Susan Boland, Governance & Strategy Officer
Responsible Officer: Ian Church, Chief Executive Officer

Summary:

The purpose of this report is to seek approval from Council for the appointment of new Councillor representatives on organisations and committees as a result of the election of Cr Vela to replace Jim McDonald as a Councillor at Lockyer Valley Regional Council.

Officer's Recommendation:

THAT Council approve the following representations to organisations and committees:

Lockyer Valley Rural Fire Brigade Group (Laidley & Gatton)
1 Representative – Cr Hagan

Lockyer Valley Rural Fire Area Finance Committee
Representative – Cr Hagan

Lake Apex Community Advisory Committee
2 Representatives – Cr Vela & Cr Holstein

Junction View Pest Management Group
1 Representative – Cr Vela

SEQ Water/Healthy Waterways Catchment
1 Representative – Cr Milligan

Audit & Risk Management Committee –
2 Representatives – Cr Wilson & Cr Cook
Proxy - Cr Vela

Council of Mayors SEQ (COMSEQ) Resilient Rivers Taskforce –
1 Representative – Cr Milligan
Proxy – Cr Cook

Lockyer Says “No to Violence” –
1 Representative – Cr Vela

Bringing Employers & Schools Together (BEST) –
1 Representative - Cr Hagan

Together 4341 –
1 Representative – Cr Hagan

ORDINARY COUNCIL MEETING MINUTES 28 FEBRUARY 2018

Report

1. Introduction

Council is represented on a number of committees and organisation through Councillor representatives.

At the beginning of each new term of Council, a review of the commitments Council has to various organisations and committees, both internal and external is undertaken and Council agree on the delegates to attend and represent Council at these various forums.

With the resignation of Jim McDonald, who was elected as the Member for Lockyer at the recent state election and the subsequent election of Cr Rick Vela, a review of the Councillor representatives on organisations and committees is required. The recommendations in this report are to take effect immediately to allow for attendance at upcoming meetings.

2. Background

At the 25 May 2016 ordinary meeting, Council appointed councillor representatives to arrange of organisations and committees in line with Councillor portfolios. Council reviews these appointments throughout the term in consideration of Councillor workloads. The most recent review is as a result of the resignation of Jim McDonald as a Councillor and subsequent election of Cr Rick Vela as a Councillor.

3. Report

In light of the recent by-election a review of the councillor representatives on organisations and committees has been undertaken.

Since the last review, the Lockyer Valley Rural Fire Brigade Groups (Gatton & Laidley) have combined and only one councillor representative is required for this group.

The proposed changes to councillor representatives have been matched to the portfolio arrangements, where appropriate and historical representations, where identified and are subject to review by Council throughout the Council term.

Proposed changes to councillor representatives are outlined below:

Organisation/Committee	Current Representative/s	Proposed Representative/s
Lockyer Valley Rural Fire Brigade Group (Laidley) <i>2 representatives</i>	Cr McDonald & Cr Hagan	Gatton & Laidley have merged and only one representative is required. Cr Hagan
Lockyer Valley Rural Fire Brigade Group (Gatton)	Cr Hagan	
Lockyer Valley Rural Fire Area Finance Committee	Cr Hagan Cr McDonald (proxy)	Cr Hagan
Lake Apex Community Advisory Committee	Cr McDonald & Cr Holstein	Cr Vela & Cr Holstein

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Junction View Pest Management Group	Cr McDonald	Cr Vela
SEQ Water/Healthy Waterways Catchment	Cr McDonald	Cr Milligan
Audit & Risk Management Committee <i>2 representatives</i> <i>1 proxy</i>	Cr Wilson & Cr Cook Cr McDonald (proxy)	Cr Wilson & Cr Cook Cr Vela (proxy)
COMSEQ Resilient Rivers Taskforce <i>1 representative</i> <i>1 proxy</i>	Cr Milligan Cr McDonald (proxy)	Cr Milligan Cr Cook (proxy)
Lockyer Says "No to Violence"	Cr Milligan Cr McDonald (proxy)	Cr Vela
Bringing Employers & Schools Together (BEST)	Cr Hagan	Cr Hagan
Together 4341	Cr Hagan	Cr Hagan

4. Policy and Legal Implications

The *Local Government Act 2009* and *Local Government Act Regulation (2012)* provide the basis for advisory committees to council and for council representation to external and statutory bodies as required for the ongoing business of Council.

5. Financial and Resource Implications

There are minimal financial implications for this report and where necessary administrative support is provided by Council to these committees. Often a council officer is involved in some of the committees and can support the councillors in the committee's endeavours.

6. Delegations/Authorisations

No further delegations are required. Each member of a committee is required to report back to Council on outcomes from meetings. Representation carries no express delegation or authority to make commitments on behalf of Council, unless expressly authorised to do so by Council.

7. Communication and Engagement

All organisations and committees will be advised in writing of Council's nominated delegates for the remaining term of Council, including where relevant proxies.

**ORDINARY COUNCIL
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8. Conclusion

The proposed changes to councillor representatives on organisations and committees outlined in this report have been matched where appropriate, to portfolio arrangements and historical representations where identified, and are subject to review by Council throughout the Council term.

9. Action/s

1. Council are to advise the organisations and committees outlined in this report of Council's nominated delegates to each organisation or committee.
2. Delegates are to provide a report to Council meetings on outcomes or activities relevant to Lockyer Valley Regional Council as discussed at the organisation or committee meetings attended.

**ORDINARY COUNCIL
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11.0 ORGANISATIONAL DEVELOPMENT AND PLANNING REPORTS

11.1 Request for Negotiated Decision – Murphy’s Creek Escape

Date: 19 February 2018
Author: Trevor Boheim, Manager Planning and Environment
Responsible Officer: Dan McPherson, Executive Manager Organisational Development & Planning

Summary:

A request has been received for a negotiated decision for the 17 January 2018 development approval for Murphys Creek Escape. The request seeks the deletion of conditions requiring internal lighting and an amendment of a condition to recognise that five sites are used for permanent accommodation. The request also seeks a waiver of all infrastructure charges.

Officer’s Recommendation:

THAT Council resolve to agree to the request for a negotiated decision in respect of the development permit for MCU2016/0044 by the deletion of Conditions 30 and 31 and the amendment of Condition 8 to read:

- 1. Other than for the five sites identified on the approved plans as Long Stay Camping Sites guests shall be accommodated for no more than 14 consecutive nights;***

Further;

THAT Council resolve to not agree to the request for a negotiated decision which sought a 100% waiver of the infrastructure charges payable for the development.

RESOLUTION

THAT Council resolve to agree to the request for a negotiated decision in respect of the development permit for MCU2016/0044 by the deletion of Conditions 30 and 31 and the amendment of Condition 8 to read:

- 1. Other than for the five sites identified on the approved plans as Long Stay Camping Sites guests shall be accommodated for no more than 14 consecutive nights;***

Moved By: Cr Wilson

Seconded By: Cr Vela

Resolution Number: 16-20/0811

CARRIED

6/1

Voting

For the Motion: Crs Holstein, McLean, Wilson, Cook, Hagan and Vela.

Against the Motion: Cr Milligan.

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RESOLUTION

THAT Council resolve to not agree to the request for a negotiated decision which sought a 100% waiver of the infrastructure charges payable for the development, but to apply the current Development Incentive – Infrastructure Charges policy.

Moved By: Cr Wilson

Seconded By: Cr Hagan

Resolution Number: 16-20/0812

CARRIED

5/2

Voting

For the Motion: Crs Holstein, McLean, Wilson, Hagan and Vela.

Against the Motion: Crs Milligan and Cook.

Mayor Milligan noted that the reason for her voting against providing the applicant with any infrastructure charges discount was due to costs already incurred by Council in relation to issues of non-compliance with the development.

Report

1. Introduction

The request for a negotiated decision was received on 8 February 2018.

2. Background

Council approved the development application at its Ordinary Meeting on 17 January 2018. An Infrastructure Charges Notice was issued on 19 January 2018 in accordance with Council's Infrastructure Charges Resolution (No.1) 2015. The appeal period was suspended on 29 January 2018 and a request for a negotiated decision was received on 8 February 2018.

3. Report

Condition 8

Condition 8 reads as follows:

Guests shall be accommodated for no more than 14 consecutive nights.

The request seeks an amendment of this condition to recognise that five sites are used for permanent accommodation and are shown on the plans submitted with the application as Long Stay Camping Sites. This request is supported and the condition should be amended to read:

Other than for the five sites identified on the approved plans as Long Stay Camping Sites guests shall be accommodated for no more than 14 consecutive nights.

**ORDINARY COUNCIL
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Conditions 30 & 31

Condition 30 & 31 reads as follows:

The provision of security and flood lighting shall be so designed, constructed, located and maintained in accordance with Australian Standard 4282-1997 (Control of the obtrusive effects of outdoor lighting) and so as not to cause nuisance to the occupants of nearby properties.

Internal lighting is to be provided and maintained throughout the site at a rate of not less than 1 fixture for every 10 sites.

The request seeks the deletion of these conditions on the basis that it is not in keeping with a nature based camping facility located in a rural/natural area. This request is supported and the conditions should be deleted.

Infrastructure Charges

The Infrastructure Charges Notice requires payment of infrastructure charges in accordance with Council's Infrastructure Charges Resolution (No.1) 2015. The amount of the infrastructure charges payable is \$199,800 being \$5,400 per site for the 37 additional sites.

The request seeks Council waive all infrastructure charges payable under Council's Infrastructure Charges Resolution (No.1) 2015 on the basis that the development provides a substantial community benefit to the Lockyer Valley. The matters put forward in support of the request are set out in Attachment 1.

It is considered that the request should not be agreed to for the following reasons:

1. The development is already able to benefit from the 50% discount provided under Council's Development Incentives Infrastructure Policy provided it meets the requirement of the policy that all conditions of the relevant development approval are being met. This reduces the charge payable from \$199,800 to \$99,900.
2. The development approval to which the Infrastructure Charges Notice applies is not new development for which an incentive is given to encourage investment in the Lockyer Valley but is instead an approval that regularises unlawful development that has been operating and presumably generating an income without the required approvals for many years.
3. The approval will operate in place of the 2012 approval and so the \$5,000 per annum payment for the maintenance of Thomas Road under that approval will no longer be payable.

In addition it should be noted that Council's costs in the legal action that was necessary just to get an application to regularise the unlawful development lodged in 2016 were in the order of \$96,000. Despite the 2016 Court Order requiring Souter Adventures Pty Ltd, Peter Alan Souter and Lisa Michelle Souter to pay Council's costs in these proceedings, Council has never pursued these parties for its costs.

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Evidence has not been provided to substantiate the costs incurred by the operators of Murphys Creek Escape stated in Attachment 1. Irrespective of the actual amount these costs would be expected to be no more than those that would have been ordinarily required to obtain a development approval and those that could have been wholly avoided had a development application been lodged before Council had to take action in the Planning and Environment Court.

4. Policy and Legal Implications

An agreement to provide a discount greater than that provided under the Development Incentives Infrastructure Policy in circumstances where an approval regularises unlawful development rather than being provided as an incentive for new investment would not be in keeping with the reasons why the policy was introduced.

5. Financial and Resource Implications

Agreement to the 100% discount of infrastructure charges will result in a loss of revenue to Council of \$99,900. In the event infrastructure charges are not paid when due they will attach to the land and Council could negotiate a payment plan with the landowner and/or recover any outstanding amount when the property is sold.

6. Delegations/Authorisations

There are no implications for delegations or authorisations arising from this report.

7. Communication and Engagement

Council's decision will be communicated to the applicant in accordance with the requirements of the *Planning Act 2016*.

8. Conclusion

The requested changes to the conditions attached to the development approval should be agreed to. The request for a full waiver of infrastructure charges should not be agreed to.

9. Action/s

1. That Council agrees to the changes to conditions as set out in the Officer's Recommendation and that it does not agree to a further discount or waiver of infrastructure charges.
2. The Council's decision is communicated to the applicant in accordance with the requirements of the *Planning Act 2016*.

Attachments

1 [View](#) Request 8/2/18 7 Pages

www.precinctplan.com.au8th February 2018

Assessment Manager
Lockyer Valley Regional Council
PO Box 82
GATTON QLD 4343

Attention: Mr Trevor Boheim

Dear Trevor,

WRITTEN REPRESENTATIONS - REQUEST FOR NEGOTIATED DECISION NOTICE (NDN) & NEGOTIATED INFRASTRUCTURE CHARGES NOTICE (NICN) - SECTIONS 361 & 366 *SUSTAINABLE PLANNING ACT 2009* - DEVELOPMENT APPLICATION - MATERIAL CHANGE OF USE - CARAVAN PARK, CAMPING GROUND AND OUTDOOR ENTERTAINMENT - SOUTER ADVENTURES PTY LTD - 356 THOMAS ROAD, UPPER LOCKYER - LOT 34 ON CA31381 (Council Ref: MCU2016/0044)

I act for the applicant, Souter Adventures Pty Ltd in the above matter.

I refer to Council's Decision Notice dated 19th January 2018 and associated Infrastructure Charges Notice dated 17 January 2018 for a Development Permit associated with Development Approval MCU2016/0044 for Material Change of Use - Caravan Park, Camping Ground and Outdoor Entertainment, on land at 356 Thomas Road, Upper Lockyer being that land described as Lot 34 on CA31381.

Our previous correspondence dated 29th January 2018 and 30th January 2018, notified Council of the applicant's intention to suspend its appeal period and request a Negotiated Decision Notice and Negotiated Infrastructure Charges Notice pursuant to s361, s366, s614 & s644 of the *Sustainable Planning Act 2009*.

The following correspondence identifies the matters on which further representations are made, and the planning grounds relied upon in support of those representations.

For ease of comprehension, relevant conditions are listed below with associated representations following each individual condition.

precinct
URBAN PLANNING Pty Ltd

Level 1, 459 Ruthven Street, Toowoomba [PO Box 3038, Toowoomba Village Fair QLD 4350]

P 07 4632 2535 F 07 4632 4465 M 0427 737 526 E info@precinctplan.com.auPrecinct Urban Planning Pty Ltd / AON 118 956 424 / ABN 32 440 419 184 / Trustee for the Bullen Family Trust / T/A Precinct Urban Planning



1.0 REQUEST FOR NEGOTIATED DECISION NOTICE

DEVELOPMENT PERMIT – SCHEDULE OF CONDITIONS

CONDITION 8 - OPERATING CAPACITY

8. *Guests shall be accommodated for no more than 14 consecutive nights.*

Representations

I refer to the recent meeting between my client and Council representatives. Condition 8 in its present form imposes an all-encompassing restriction on all accommodation with the Murphy's Creek Escape (MCE) facility uniformly restricting the accommodation of guests for a maximum of fourteen (14) consecutive nights. As my client has explained to Council, this condition does not recognise and is incongruous with the presence of five (5) permanent sites within the development.

We request therefore that this condition to be amended to apply to all sites with the exception of the existing five (5) permanent sites.

CONDITIONS 30 & 31 - ENVIRONMENTAL HEALTH

30. *The provision of security and flood lighting shall be so designed, constructed, located and maintained in accordance with Australian Standard 4282-1997 (Control of the obtrusive effects of outdoor lighting) and so as not to cause nuisance to the occupants of nearby properties.*

31. *Internal lighting is to be provided and maintained throughout the site at a rate of not less than 1 fixture for every 10 sites.*

Representations

Conditions 30 and 31 impose an obligation on my client to install outdoor security and flood lighting designed in accordance with Australian Standards at a frequency of 1 fixture per 10 sites.

While an imposition of this type may arguably be applicable to an intensively developed caravan park located in an established urban area, it is not required nor is it in keeping with a nature-based camping facility located in a rural/ natural area. It represents a level of site infrastructure inconsistent with the maintenance of the site's inherent natural values and character which are purposefully sought to be preserved.

Quite apart from its inconsistency with the intended maintenance of natural values and character, the requirement to provide lighting of the specified standard and frequency represents an unnecessary and onerous imposition on the development.

Section 65 of the *Planning Act 2016* states as follows:

65 Permitted development conditions

(1) A development condition imposed on a development approval must—



(a) *be relevant to, but not be an unreasonable imposition on, the development or the use of premises as a consequence of the development; or*

(b) *be reasonably required in relation to the development or the use of premises as a consequence of the development.*

The implications of section 65 are essentially twofold with respect to establishing whether or not conditions imposed by Council are in fact lawful:

1. Irrespective of whether the condition is relevant to a proposed development, it must not represent **an unreasonable imposition on the development**. This clearly establishes the notion that any works, requirements and/or infrastructure contributions must be practical and relative to the nature and impact of the development proposed.
2. Conditions imposed must be reasonably required **as a consequence of the development proposed** having regard to the provisions of the Planning Scheme against which this application is required to be assessed. The development approval issued provides for an increase in the intensity of an existing lawful use in the form of the augmentation of on-site accommodation capacity. The increase in capacity authorised under the development approval does not of itself give rise to the need for the provision of the lighting of the type and standard conditioned, when one considers its absence in the facility as developed to this point.

In other words, the need or otherwise for lighting of this kind is not a threshold issue, necessitated by the expansion that has been approved. The size, nature and character of the facility is ostensibly the same albeit that the intensity of the use has increased. The requirement for conditions to be reasonable or relevant has its origins in previous legislation and case law and is maintained through the proper application of section 65. It is a long accepted premise that the **test of reasonableness applies notwithstanding any laws or policies applied by the assessment manager**.

Conditions must therefore comprise a reasonable imposition on the development notwithstanding the content of any policy or planning instrument on which Council may seek to rely. In other words, the fact that a policy or planning instrument provides Council with a statutory head of power to impose conditions for works and/or infrastructure, does not override Council's obligation to implement such policies in a fair and reasonable manner having regard the specific circumstances of a particular application.

In conclusion, I also note that my client has advised that a similar requirement originally imposed on the earlier development approval was removed with Council's agreement for ostensibly the same reasons/justification outlined above.

We respectfully request therefore that Condition Nos. 30 and 31 are deleted.

2.0 REQUEST FOR NEGOTIATED INFRASTRUCTURE CHARGES NOTICE (NICN)

The Infrastructure Charges Notice issued pursuant to section 637 of the *Sustainable Planning Act 2009* imposes infrastructure charges on the approved development in the order of \$199,800.00



comprising the net charges nominally payable for the thirty-seven (37) additional sites authorised under the development approval.

These representations seek Council's approval to fully waive the charges imposed on following basis:

- (a) A 50% waiver under the terms of the *Development Incentives – Infrastructure Charges Policy (Strategic Governance SG 23)*. The policy applies to contributions payable for development permits for material change of use that are approved during the period the policy is in effect where the development has commenced within two years of the date of the development approval. Clause 3 of the policy provided that development for the purposes of "Short Term Non-Permanent Accommodation"¹ within localities other than Gatton, Laidley or Plainland are entitled to a 50% discount in charges payable. We respectfully request the 50% discount on the basis of the referenced provision; and
- (b) A further 50% waiver pursuant to Clause 16 of the *Development Incentives – Infrastructure Charges Policy (Strategic Governance SG 23)*. This clause provides Council with the discretion to award a discount greater than that otherwise available under the policy where:

"... in the opinion of Council a particular development provides a substantial economic and/or community benefit to the Lockyer Valley."

We contend that Murphy's Creek Escape (MCE) is a facility that contributes significantly and provides substantial economic and community benefits to the Lockyer Valley Region. In particular we would like to draw Council's attention to the following matters:

(A) Economic benefits –

1. School Camps –

- a. All food is sourced locally – bread, wraps, fruit, vegetables, meats, cereals, juices and ration pack items are all sourced locally through providers such as Woolworths - Plainland, Schulte's Meats, and the Big Orange fruit shop, Withcott Bakery, Withcott Foodstore and Withcott IGA.
- b. Fuels for the upkeep of MCE during camps (vehicles, tractors, mowers), is sourced from Freedom Fuels at Withcott.
- c. Buses engaged in delivering and retrieving students attending camps refuel locally.
- d. A total of five (5) staff members reside in the Lockyer Valley, and accordingly MCE is an important local employer.

¹ Including the use of "Caravan Park"



2. Caravan Park

- a. Campers accessing the facility refuel in the Lockyer Valley.
- b. Local publicans have verified that MCE campers provide a frequent source of patronage for local licensed premises including the Murphys Creek and Withcott Taverns (particularly the luxury tent patrons). The Murphys Creek Tavern provides a courtesy bus for campers on Friday and Saturday nights.
- c. Fuels for the upkeep of the park for campers are sourced from the Freedom Fuels at Withcott.
- d. Campers frequent the Murphys Creek Corner store once checked in. They have advertising banners for their shop placed on the entry to Thomas Rd so as to capture our camper market.
- e. Many campers purchase their stores for the camping trip from Woolworths at Plainlands when coming from Brisbane, Gold Coast, Ipswich and the Sunshine Coast. This is so that refrigerated items remain cold until arrival.
- f. Campers frequent the Foodstore and IGA at Withcott for supplies while camping at MCE.
- g. Staff meetings and company functions are typically held at the Withcott Tavern.
- h. Permanent residents source their groceries, fuel and other goods locally.
- i. Wherever possible machinery is purchased locally – Tractor from Gatton, Mower Esk, whipper snippers, hedge trimmers, blower vacs and other gardening and maintenance equipment in the Lockyer Valley.
- j. We rely on Withcott hardware for repairs and maintenance. Plumbing, painting, fertilisers, and fixtures are the main supplies sourced from this enterprise.
- k. We rely on Withcott produce for bird seed, hay, chicken feed and gravel, mulch and bark chip for the camp ground.

(B) Community Benefits

1. MCE is one of the Lockyer Valley's largest and most prominent local tourist operators, having been featured on Creek to Coast, Nine News, Win News, and the Great South East on multiple occasions. All features and segments have provided an invaluable source of passive tourist promotion for the Lockyer Valley Region.



2. Our school camps are frequented by Lockyer Valley Schools which have included for example, Faith Lutheran College, Murphys Creek State School, Laidley High School and Laidley Primary School. Benefits experienced by attending students include:
 - a. Students are counselled on resilience, decision making and consequences.
 - b. Students experience the outdoors – many for the first time.
 - c. Students are made responsible for time management and routine.
 - d. Students complete high end adventure activities such as abseiling, ropes course, archery and the flying fox. This assists in developing resilience, initiative, teamwork and courage within individuals and the team.
3. MCE works with disabled groups as well – wheel chair bound and special needs children are regularly placed on our flying fox, creating learning experiences that they cannot otherwise experience locally. This is an example of one of the specialised experiences offered to disable patrons.
4. MCE partners with schools in preparing students for Year 6 leadership roles in primary school.
5. MCE partners with schools in preparing students for Year 7 transition to high school.
6. MCE partners with schools in preparing students for Year 12 leadership roles in secondary school.
7. MCE works with several sporting clubs and social groups including football and fitness clubs, scouts, army cadets, girl guides and air force cadets.
8. Employment and training is provided to local staff.
9. Employment and training is provided to local university students. University students studying secondary education are hired as adventure staff and mentors where they are trained in the adventure activities, making them more employable when they graduate university.
10. Specialised trades including electrical and plumbing services are sourced from companies and providers resident and based in the Lockyer Valley.

The cumulative contribution of MCE to the economic and social fabric of the Lockyer Valley community is clearly demonstrated by the above summary of tangible benefits arising from the continued operation of the MCE facility. The above matters highlight the substantial economic and community benefit of MCE which we contend justifies Council exercising its discretion to support a waiver of the additional 50% of infrastructure contributions under the terms of their incentives policy.



While not directly material to the consideration of the above request, my client has asked me to inform Council that costs incurred in Court, Development Application and resultant works arising from those processes have totalled between \$220,000 and \$250,000. My client's bank has confirmed that additional finance to fund infrastructure contributions will not be made available to my client. Financially therefore the requirement to remit payment for infrastructure contributions will not allow the facility as lawfully approved to continue to operate.

Conclusion

We respectfully request that Council give due consideration to the preceding representations in determining the applicant's request for a Negotiated Decision Notice and Negotiated Infrastructure Charges for Development Permit MCU2016/0044.

In the circumstances that Council does not agree or accept any of the representations detailed herein, we request on behalf of our client the opportunity to meet and/or discuss any aspects which remain contentious or unresolved prior to any Negotiated Decision Notice or Negotiated Infrastructure Charge's Notice being issued.

Should you have any questions or queries please do not hesitate to contact the undersigned on (07) 4632 2535.

Yours sincerely

A handwritten signature in blue ink, appearing to read "A. Bullen", with a long horizontal stroke extending to the right.

Andrew Bullen
Precinct Urban Planning



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12.0 CORPORATE AND COMMUNITY SERVICES REPORTS

12.1 Overgrown and Unsightly Property - Infringements

Date: 21 February 2018
Author: Peter Driemel, Manager Health, Waste and Regulatory Services
Responsible Officer: David Lewis, Executive Manager Corporate & Community Services

Summary:

The purpose of this report is to seek Council approval for changes to the processes currently undertaken by Health Waste and Regulatory Services with respect to the actioning of matters relating to overgrown and unsightly properties under the provisions of Local Law No. 1 (Administration) 2011 and Local Law No. 3 (Community and Environmental Management) 2011. The changes will result in infringements being able to be issued to property owners in relation to overgrown and unsightly properties in addition to appropriate administrative charges.

Officer's Recommendation:

THAT Council resolve to approve the issuing of a Penalty Infringement Notice (PIN) equal to five (5) Penalty Units under the provisions of *Council Local Law No. 1 (Administration) 2011*, to all owners of properties that are identified from 1 July 2018 as being in an overgrown and/or unsightly state on more than one (1) occasion in a financial year;

Further;

THAT Council resolve to approve the issuing of a Penalty Infringement Notice (PIN) equal to five (5) Penalty Units under the provisions of *Council Local Law No. 1 (Administration) 2011*, to all owners of properties that are identified from 1 July 2018 as not having complied, without a reasonable excuse, with a Compliance Notice issued to them in relation to the rectification of an overgrown and/or unsightly matter on their property;

And further;

THAT Council endorse the provision of a ten (10) metre minimum fire break on the boundaries of larger overgrown properties that are subject to a notice under *Council Local Law No. 3 (Community and Environmental Management) 2011* with any increase in the firebreak width to be determined by an authorised person taking into consideration the requirements of Councils Local Laws, the property location and community expectations.

RESOLUTION

THAT Council resolve to approve the issuing of a Penalty Infringement Notice (PIN) equal to five (5) Penalty Units under the provisions of *Council Local Law No. 1 (Administration) 2011*, to all owners of properties that are identified from 1 July 2018 as being in an overgrown and/or unsightly state on more than one (1) occasion in a financial year;

Further;

THAT Council resolve to approve the issuing of a Penalty Infringement Notice (PIN)

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equal to five (5) Penalty Units under the provisions of *Council Local Law No. 1 (Administration) 2011*, to all owners of properties that are identified from 1 July 2018 as not having complied, without a reasonable excuse, with a Compliance Notice issued to them in relation to the rectification of an overgrown and/or unsightly matter on their property;

And further;

THAT Council endorse the provision of a ten (10) metre minimum fire break on the boundaries of larger overgrown properties that are subject to a notice under *Council Local Law No. 3 (Community and Environmental Management) 2011* with any increase in the firebreak width to be determined by an authorised person taking into consideration the requirements of Councils Local Laws, the property location and community expectations.

Moved By: Cr Hagan

Seconded By: Cr Vela

Resolution Number: 16-20/0813

CARRIED

7/0

Report

1. Introduction

Lockyer Valley Regional Council receives many customer requests each year concerning properties (including vacant allotments, residential and business properties) that are overgrown with vegetation which leads to reptiles (snakes) and vermin (rodents) harbourage as well as potential fire hazards.

It has been identified that in many cases, Council is repeatedly issuing Compliance Notices to property owners throughout the year to clear overgrown vegetation from their properties and has done so for many years. A number of property owners then elect not to comply with the issued Notices which subsequently results in Council having to organise for a contractor to attend and undertake works in accordance with the requirements of the issued Notices.

Proposed changes to Councils current processes will “incentivise” property owners to either ensure their properties are maintained at all times or comply with the requirements of a notice issued under the provisions of relevant local laws or statute.

The proposed changes include the introduction of infringements to be issued to property owners in relation to overgrown and/or unsightly properties in identified circumstances.

The purpose of the report is to seek a resolution from Council to approve the issuing of a Penalty Infringement Notice (PIN) to all owners of properties in relation to overgrown and/or unsightly matters.

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2. Background

Lockyer Valley Regional Council Local Law No. 1 (Administration) 2011 provides for the issuing of a written notice (a compliance notice) to a person to remedy an identified contravention of a local law where that contravention can be remedied.

Lockyer Valley Regional Council Local Law No. 3 (Community and Environmental Management) 2011 provides for the issuing of a compliance notice to a responsible person for an allotment to clear the vegetation from a property where it has been identified that 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.

Lockyer Valley Regional Council Local Law No. 3 (Community and Environmental Management) 2011 provides for the issuing of a compliance notice (includes remedial notice & enter and clear notice) to a responsible person where the accumulation of objects or materials brought on to, or allowed to accumulate on, an allotment:

- a) Has seriously affected the visual amenity of the allotment; or
- b) Is likely to attract or harbour reptiles.

Additionally, the *Public Health Act 2005* defines a “public health risk” as an animal, structure, substance or other thing that:

- a) is or is likely to become a breeding ground or source of food for designated pests or
- b) harbours, or is likely to become something that harbours designated pests “Designated Pests” include rats and mice.

3. Report

Council has embarked on a review of all processes to “close the loop” and improve the manner in which Council conducts its business activities.

As part of the review of regulatory services, it was identified that for some time Council has been utilised as a “mowing reminder service” for a number of property owners who are not taking “self-responsibility” for their properties at the expense of their neighbours and Council.

Currently the process used by Council officers is to serve a Remedial Notice on property owners. Should an owner fail to address the notice then officers issue an Enter and Clear Notice indicating it is Council's intention to undertake the works to clear the property. Such work is contracted to a local operator through a panel of providers arrangement. An invoice is then prepared (contractor invoice plus an administration fee of \$160) and sent to the property owner.

The table below outlines how many overgrown complaints were received in each month of 2017 and in brackets how many of these complaints resulted in the issuing of a Remedial Notice.

Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sept	Oct	Nov	Dec
45 (26)	46 (24)	36 (22)	60 (28)	34 (23)	20 (9)	10 (3)	15 (8)	22 (10)	16 (7)	41 (32)	29 (24)

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Interestingly, over the above period, 20 property owners were issued two overgrown notices, 4 property owners were issued three overgrown notices and 1 property owner was issued four overgrown notices.

In an effort to make property owners more responsible, it is proposed to introduce an incentivised process through the issuing of infringements to owners who have ignored either Remedial Notices and/or Enter & Clear notices. It is considered that such changes will also reduce customer requests for these issues as well as allowing officers to engage in more pressing regulatory matters. Additionally a review will be undertaken of the cost of inspection and administrative tasks to be undertaken to ensure full cost recovery for works completed. The results of this review will be incorporated into Council 2018/19 Fees and Charges.

Part of the issue relating to overgrown properties involves concerns by customers in relation to the potential fire risk caused by overgrown vegetation to the surrounding community.

It is considered that any fire risks identified as a result of property inspections can be adequately mitigated by the issuing of Compliance Notices requiring the cutting back of all overgrown vegetation and/or the provision of ten (10) metre minimum fire breaks on the boundaries of such properties. The firebreak width will be determined by the authorised persons taking into consideration the requirements of Councils Local Laws and community expectations.

Prior to any changes being made an extensive Community engagement strategy will be undertaken with the proposed commencement date being 1 July 2018.

4. Policy and Legal Implications

Lockyer Valley Regional Council Local Law No. 1 (Administration) 2011 currently provides for the issuing of infringement notices of five (5) penalty units in value in relation to overgrown and or unsightly properties.

5. Financial and Resource Implications

Any budget and resources implications will continue to be addressed through existing budget allocations.

6. Delegations/Authorisations

No further delegations are required to manage the issues raised in this report. The Chief Executive Officer and Executive Manager Corporate and Community Services will manage the requirements in line with existing delegations.

7. Communication and Engagement

Community awareness on this matter will be raised by using a number of methods including:

- a) from the time of approval being provided by Council, documents issued to property owners in relation to overgrown and or unsightly properties will include reference to the issuing of infringements for properties that are identified from 1 July 2018 as being in an overgrown and or unsightly state on more than one (1) occasion in a financial year and to all owners of properties that are identified from 1 July 2018 as not having complied, without a reasonable

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excuse, with a Compliance Notice issued to them in relation to the rectification of an overgrown and or unsightly matter on their property

- b) information will be provided for inclusion within Council's webpage
- c) information will be provided for inclusion in Council Pages in the local newspaper
- d) information will be provided with the first round of Rates Notices issued for the 2018/19 financial year.

8. Conclusion

The incorporation of penalty infringement notices into Council processes for achieving compliance under its local laws in regard to overgrown and/or unsightly properties will provide a monetary incentive for owners to take responsibility for their properties.

9. Action/s

The Chief Executive Officer implements the resolutions of Council including an extensive community engagement process.

13.0 INFRASTRUCTURE WORKS AND SERVICES REPORTS

No Infrastructure Works & Services Reports

14.0 ITEMS FOR INFORMATION

GENERAL BUSINESS

THAT Council receive and note the following reports for Council's information only:

14.1 *Facilities Projects*

14.2 *Incident – Dummy Detonator found at the Helidon Transfer Station*

Moved By: Cr Holstein

Seconded By: Cr Cook

Resolution Number: 16-20/0814

CARRIED

7/0

14.1 Facilities Projects

Date: 20 February 2018

Author: Mike Lisle, Manager Community Facilities and Services

Responsible Officer: David Lewis, Executive Manager Corporate & Community Services

Summary:

To provide Council with an update on major capital projects being delivered by the Community Facilities and Services Branch in the 2017/18 financial year.

This document is for Council's information only.

RESOLUTION

This document is for Council's information only.

Report

1. Introduction

Council's current capital works budget for the 2017/18 financial year equates to \$20.95M of which the Community and Facilities and Services Branch is responsible for the delivery of \$2.2M or 10.5%.

Under Item 4.2.1 of Council's Operational Plan 2017-2018, Council aims to complete 80% of its asset renewal program for building assets and community facilities.

2. Background

Monthly reporting of Council's financial performance is a legislative requirement that reinforces sound financial management practices throughout the organisation.

Council should also be aware of progress on the delivery of major capital projects to facilitate this outcome.

3. Report

The following is a brief summary of the major capital improvements being delivered by the Community Facilities and Services Branch in the 2017/18 financial year.

North Street Toilet Block

The North Street toilet upgrade commenced in early February 2018 following the installation of temporary toilets located at the vacant Imperial Hotel site. Installation of new skylights and repainting of the roof has already been completed. Retiling of both the wall and floor is expected to be completed by the end of February.

Gatton Admin Fire Panel Refurbishment

Queensland Fire Emergency Services completed its inspection on 16 February. A few minor items as outlined below are required to ensure compliance with QFES:

- Provide the inspector with video surveillance of fire detector in alarm in the top of the lift shaft
- General signage in communication rooms and on the switchboard
- Provide master key to the local fire brigade.

Withcott Toilet & Rest Facility

The advertised Expression of Interest to tender for the proposed toilet and shade structure in January was unsuccessful, with no submissions being received. Several late submitters were contacted, but decided not to proceed. A licenced contractor has been engaged and is due to commence demolition at the end of February 2018.

Tenders for the design and construct of the toilets and rest facility close on 5 March 2018.

Showgrounds Equestrian Arena

Structural Engineers have been engaged to assess the existing structure for importance Level 3 under the building code and are expected to report on any required rectification works by 2 March 2018.

Gatton Showgrounds Wash Bay

Community Facilities and Services have advised Clearspan and the Gatton Indoor Equestrian Centre Association that we will coordinate all aspects of the project, including contractor

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engagement, design documentation, approvals, construction and handover. Project site is outside of the existing lease area.

Gatton Shire Hall - Renovation

Council is undertaking a request for quote procurement process to engage a design consultancy to provide Council with a Masterplan of the building.

The intention of the Masterplan is to review safety concerns, disability access constraints and the general aesthetics of the building. Design consultancy fee proposals are expected by 23 February.

It is proposed to engage a design consultant to commence work on the Masterplan in March. A report will be then presented to Council by the end of April 2018.

Wormald have been engaged to install a fire detection system throughout the building and it is due for completion by 23 March 2018.

Lockyer Valley Indoor Sports Centre

Ashburner Francis Consulting Engineers were commissioned to provide a mechanical services report to review the options available for the cooling of the Sports Courts. The engineer's recommendation was for a Cardiffair System at an approximate cost \$81,000.

Officers are now seeking quotes to supply and install the system along with commercial fans with expected figures due in by end of February. Further investigations will be undertaken to ensure a roof safety system and a solar pv system can be incorporated into the space.

Lockyer Valley Cultural Centre Solar Installation

The project represents a significant investment in asset sustainability by providing a system that delivers a measurable reduction in long term energy related emissions and costs as well as a model for future asset management.

Peak Services have been engaged to generate tender documentation and carry out the tender procurement process for the installation of a solar system to the Lockyer Valley Cultural Centre using local government services.

The tender procurement is proceeding from January with contractor selection expected in March 2018 with the approved contractor required to complete the install prior 30 June 2018.

Implementation of the above project will acknowledge Councils commitment to renewable energy sources.

Gatton Showgrounds Meter Upgrade

Upon receiving the electrical investigation report for the consultants, investigations have commenced to determine suitable designs and costs for the installation of separate electricity metering by the end of April 2018. These works are a prerequisite to the \$500,000 energy reduction project to be undertaken in the 2018/19 financial year.



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Gatton Showgrounds

The sealing of internal roads to the Equestrian Centre commenced on 15 February and is due for completion by 28 February.



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14.2 Incident – Dummy Detonator found at the Helidon Transfer Station

Date: 20 February 2018
Author: Melissa McNamara , Recycling and Waste Coordinator
Responsible Officer: David Lewis, Executive Manager Corporate & Community Services

Summary:

The operator of Council's Helidon Waste Management Facility situated on Seventeen Mile Road Helidon reported finding a detonator in the scrap metal stockpile on Sunday 11 February 2018. This report provides Council with an update on the circumstances surrounding this event.

This document is for Council's information only.

RESOLUTION

This document is for Council's information only.

Report

1. Introduction

At 1:35pm on Sunday 11 February 2018, the Contract Supervisor, Anuha Services contacted Council's Waste & Recycling Coordinator reporting that what appeared to be a detonator had been identified in the scrap metal stockpile at the Helidon Transfer Station.

The Contract Supervisor was notified of this incident by Helidon's site operator with the site operator being informed of the existence of the device by a member of the general public.

2. Background

Lockyer Valley Regional Council operates 8 (eight) waste facilities for the receipt of domestic/commercial, recyclable material and waste across the region. All of these facilities are supervised by Anuha.

Site operators manage acceptance of waste materials, providing direction and diversion for residents in accordance with Council requirements. Scrap Metal is diverted from landfill and stockpiled for recycling at all sites.

In accordance with current procedures, Council officers are notified of any incidents as soon as is practicable by Anuha's personnel. Council's first point of call in these matters is the Waste and Recycling Coordinator.

All incidents deemed to be emergencies, threats, cause damage or loss are reported to Police Link or 000 at the time of the incident.

3. Report

The following is a brief history of the event.

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On Sunday 11 February 2018, a member of the general public reported that a detonator was identified in scrap metal at the Helidon Transfer Station

The incident was reported to Council's Waste & Recycling Coordinator at 1:35pm.

After receipt of incident notification the following actions were undertaken:

- Council Officers ordered closure of the Helidon Transfer Station for public access at approximately 1:40pm, called 000 to report the incident, and also requested police assistance
- Management were updated on the incident including the:
 - Chief Executive Officer
 - Executive Manager Corporate and Community Services
 - Acting Manager, Heath Waste & Regulatory Services
- Helidon Police attended the 000 call
- Explosives Inspectorate for the Helidon Explosives Reserve confirmed that the device was an old dummy detonator with a subsequent search of the area failing to identify the existence of any other suspect materials
- After receiving this clearance from the Inspectorate for the Helidon Explosives Reserve and the Senior Constable, Queensland Police Service, Helidon, the Helidon Transfer Station was reopened to the public
- A full report (detailed below) of the incident was provided to Council on Monday 12 February.

Received by: Senior Constable– Helidon Police

Author : Inspectorate for the Helidon Explosives Reserve

Time Reported: 1:25pm, 11/02/2018

Reported By: Senior Magazine Keeper – Helidon Explosive Reserve.

Time and Date of Incident: 1:25pm, 11/02/2018

Injuries: Nil

Location of Incident: Helidon Transfer Station, 17 Mile Road, Helidon QLD 4344

Mine/Company Involved: Lockyer Valley Regional Council (Council operates the Helidon Transfer Station).

Incident Details: Suspected live detonator found at the Helidon Transfer Station by a member of the public.

Incident Response: The Transfer Station was subsequently closed (ordered by Council). I attended the location and identified the detonator as an old 'Dummy Det'. A thorough search of the area resulted in no further items being found. The age and state of the Dummy Det indicated it could have been at this location for an extended period (attached pictures). The Senior Constable (QPS Helidon) also attended the scene. The Senior Constable was satisfied with my assessment of the situation and it was agreed that the transfer station could be reopened.

The Transfer Station Attendant has been provided with the relevant contact numbers for the Explosives Inspectorate and pictures of various types of detonators for educational purposes.



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Notifications:

- *South Western Duty Inspector*
- *Head Office Duty Inspector*
- *Lockyer Valley Disaster Coordination, Manager*

Media: Unknown at time of report. Unlikely due to quick response and limited number of persons using the Transfer Station during the incident.

Attachments

1 [View](#) Incident Helidon Detonator - Images 1 Page

Images – Helidon Detonator Incident





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15.0 CONFIDENTIAL ITEMS

CLOSED SESSION

THAT Council resolve to move into Closed Session at 11.01am to the exclusion of the press and public, in accordance with *Section 275 (1) (h) of the Local Government Regulation 2012 as the matter involves other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage, in order to discuss:.*

- *Item 15.1 Business Unit Review – Lake Dyer Camping and Caravan Grounds*

Moved By: Cr Hagan

Seconded By: Cr Cook

Resolution Number: 16-20/0815

CARRIED

7/0

OPEN SESSION

THAT Council move into open session, the time being 11.40am.

Moved By: Cr Hagan

Seconded By: Cr Cook

Resolution Number: 16-20/0816

CARRIED

7/0

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15.1 Business Unit Review - Lake Dyer Camping and Caravan Grounds

Date: 06 February 2018
Author: David Lewis, Executive Manager Corporate & Community Services
Responsible Officer: David Lewis, Executive Manager Corporate & Community Services

That the above item be considered in Closed Session to the exclusion of the press and public in accordance with Section 275 (1) (h) of the Local Government Regulation, 2012, as the matter involves other business for which a public discussion would be likely to prejudice the interests of the local government or someone else, or enable a person to gain a financial advantage.

Summary:

During the formulation of the 2017/18 Budget, Council expressed concerns over the quantum of losses being experienced by its externally focused business units, including Lake Dyer Camping and Caravan Ground. As a result Council requested staff review the business units with a view to reducing or eliminating the losses.

This report provides options for the operation of the Lake Dyer Camping & Caravan Ground facility which will significantly reduce the cost of the facility to Council.

RESOLUTION

THAT Council authorise the Chief Executive Officer to immediately implement relevant changes to the operation of the Lake Dyer Camping and Caravan Park facility and the Laidley Recreation Reserve facility;

Further;

THAT Council review the arrangements implemented on a six monthly basis.

Moved By: Cr Wilson

Seconded By: Cr Cook

Resolution Number: 16-20/0817

CARRIED

7/0

16.0 MEETING CLOSED

There being no further business, the meeting closed at 11:41am.