FINAL MINUTES

9 February 2011

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Declaration of Potential Conflict of Interest

Nil.

ORDINARY MEETING
MINUTES

1. ATTENDANCE:

His Worship the Mayor, Cr C Meng (Chairperson), Crs D E Camilleri, D T Comerford, P F Steindl, W A Cameron, G R Thomsen, D J Perkins, D R Hatfield, K J Casey, K L May and R D Walker were in attendance at the commencement of the meeting. Also present was Mr P Franks (Chief Executive Officer) and Mrs M Iliffe (Minute Secretary).

The meeting commenced at 10:04 am.

2. OPENING PRAYER:

Paster Jock Whittaker led those present in prayer.

3. ABSENT ON COUNCIL BUSINESS:

Nil

4. APOLOGIES:

Nil

5. CONDOLENCES:

Nil

6. CONFIRMATION OF MINUTES:

6.1 ORDINARY MEETING MINUTES 31 JANUARY 2011

THAT the Minutes of the Ordinary Meeting held on 31 January 2011 be confirmed.

Moved Cr Casey **Seconded Cr Comerford**
CARRIED

7. BUSINESS ARISING OUT OF MINUTES OF PREVIOUS MEETING:

Nil

8. MAYORAL MINUTES:

Nil

9. CORRESPONDENCE AND OFFICERS' REPORTS:

9.1 DEVELOPMENT SERVICES HIGHLIGHTS & SIGNIFICANT ISSUES REPORT - MONTH ENDED 31 DECEMBER 2010

Author DIRECTOR DEVELOPMENT SERVICES

Purpose

To review the attached Development Services Department Highlights and Significant Issues report for the month ended 31 December 2010.

Officer Recommendation

THAT the attached report be received.

Council Resolution

THAT the Officer Recommendation be adopted.

Moved Cr Hatfield **Seconded Cr Perkins**

CARRIED

9.2 COUNCILLOR MEMBERSHIP OF COUNCIL ADVISORY COMMITTEES, EXTERNAL LOCAL OR STATE GOV. COMMITTEES (NON COUNCIL), EXTERNAL COMMUNITY COMMITTEES (NON COUNCIL) AND INTERNAL WORKING GROUPS

Author Chief Executive Officer

Purpose

The purpose of this report is to update the list of Councillor Membership on the Boards, Special Purpose Advisory Committees and External Committees adopted by Council at its Ordinary Meeting on 17 March 2010.

A review of Councillor Portfolios was undertaken after the By-Election held on 6 November 2010 whereby Cr Ross Walker was elected to Council to replace Cr George Christensen who was appointed as the Member for Dawson at the State Election.

Background/Discussion

The appointment of Councillors to Boards, Special Purpose Advisory Committees and External Committees ensures good governance and enables community or special interest groups to have input into significant ongoing activities of Council.

An updated listing of Councillor Memberships on the aforementioned Committees is attached to this report.

Consultation and Communication

Nil.

Resource Implications/Risk Management

Nil.

Conclusion

That the relevant updates be approved to the List of Councillor Memberships to Boards, Special Purpose Advisory Committees and External Committees, as per the attached list.

Officer Recommendation

THAT the attached updated list of Councillor Memberships to Boards, Special Purpose Advisory Committees and External Committees be adopted.

Council Resolution

THAT the Officer Recommendation be adopted.

Moved Cr May **Seconded Cr Cameron**

CARRIED

9.3 EXECUTIVE FINANCIAL PERFORMANCE REPORT - FOR THE FOURTH MONTH TO 31 DECEMBER 2010

Author MANAGER FINANCIAL SERVICES

Purpose

To present the Executive Financial Performance Report to 31 December 2010.

Background/Discussion

The Progress at a Glance Summary for the month ending 31 December 2010 shows that Council overall is travelling under budget through the first half year.

As at 31 December 2010, Council Operating Income totalled $110,202,069 and Operating Expenditure totalled $104,224,959. Total Capital Expenditure to date equals $81,993,148.

Operating revenue is approximately 5% under budget, primarily through operating grants associated with flood damage works not received as yet. It is also noted that water consumption charges are down for the half year predominately due to the unseasonal wet weather being experienced. Operating expenses, predominantly through goods & services associated with flood damage packages and timing of Water & Waste contract payments, currently also sit under budget by approximately 5%. Finance costs remain low through the deferral of the 2009/2010 borrowings.
Capital expenditure also remains under budget at approximately 35% with wet weather hampering progress to date. This will be need to be considered when Council undertakes it's December budget review.

Consultation and Communication

Chief Executive Officer, Directors, Executive Managers and Program Managers.

Resource Implications/Risk Management

The flood damage program continues to place considerable pressure on capital delivery with deadlines approaching and frequent variations. An approval of extra funding for increased scope of works has been recently been received.

As mentioned in the Progress at a Glance report, water consumption charges for the first half of the year are down on budget and the effects from this will need to be considered in the December Budget Review.

The Mackay Entertainment and Convention Centre has experienced increased demand resulting in additional revenue and consequently increased expenditure. This is being monitored to ensure that the increased expenditure is matched by an appropriate increase in revenue.

Conclusion

Overall figures indicate that council is operating slightly under budget, whilst timing effects for revenue (flood damage grants) and expenses (flood damage works and delays in some large contract invoices) are noted. Capital expenditure and expected delivery of projects will be reviewed in detail as part of the December budget review.

Officer Recommendation

THAT the Executive Financial Performance Report for the 31 December 2010 be received.

Council Resolution

THAT the Officer Recommendation be adopted.

Moved Cr Camilleri **Seconded Cr Walker**

CARRIED

9.4 CORPORATE SERVICES HIGHLIGHTS AND SIGNIFICANT ISSUES REPORT FOR NOVEMBER AND DECEMBER 2010

Author DIRECTOR CORPORATE SERVICES

Purpose

To review the attached Corporate Services Department Highlights and Significant Issues Report for November and December 2010.

Officer Recommendation

THAT the attached report be received.

Council Resolution

THAT the Officer Recommendation be adopted.

Moved Cr Camilleri **Seconded Cr Comerford**

CARRIED

9.5 INSTRUMENTS OF APPOINTMENT

File No **Instruments of Appointment**
Author **Co-Ordinator Governance & Risk**

Purpose

To appoint Council delegates/authorised persons/officers/inspectors to undertake local law and legislative requirements.

Background/Discussion

Council is currently undertaking a review of its Council delegates/authorised person/officer/inspectors register following the implementation of the *Local Government Act 2009*.

Council employees are appointed as a Council delegate/authorised person/authorised officer/inspector pursuant to various pieces of State legislation. In many instances, the State Legislation confers the power of appointment on Council in its capacity as a Local Government. Also Council's local laws provide for the appointment of authorised persons and this power may be delegated by the Chief Executive Officer.

In order for Council's delegate/authorised person/officer/inspector to undertake their duties, this power must be delegated to them from the Chief Executive Officer.

Section 257 of the *Local Government Act 2009* allows Council to delegate to the Chief Executive Officer the power to appoint an authorised person/authorised officer/inspector pursuant to various state legislation and local laws of Council.

Council's Solicitors, King & Company have recommended that a resolution be made by Council prior to the Chief Executive Officer appointing or re-appointing any staff member as an Council delegate/authorised person/authorised officer/inspector of Council in accordance with the new Act.

Councillors, please note that any reference to the local laws in this report, refers to Council's current existing local laws. A further formal report will be brought before Council to amend Instruments of Appointments/Authorised Persons when the new local laws and subordinate local laws have been adopted.

Consultation and Communication

Management Team
Relevant Supervisors and Staff members
Governance
King & Company Solicitors

Resource Implications/Risk Management

Resource Implications

This is a budgeted project and costs incurred are in line with budget.

Risk Management

Passing of the appropriate resolution will ensure Council complies with legislative requirements.

Conclusion

It is recommended that Council delegate to the Chief Executive Officer, in accordance with Section 257 of the *Local Government Act 2009,* the power to appoint appropriate staff as Council delegates/authorised persons/officers/inspectors under Council's Local Laws and other relevant legislation.

Officer Recommendation

THAT in accordance with Section 257 of the Local Government Act 2009 Council delegates to the Chief Executive Officer the power to appoint:

1. Authorised persons of Council to exercise one (1) or more or all of the powers given to an authorised person pursuant to each of:

   (i) the *Water Supply (Safety and Reliability) Act 2008*; and

   (ii) the *Public Health (Infection Control and Personal Appearance Services) Act 2003*; and

   (iii) section 12 of *Mackay City Council Model Local Law No. 1 (Administration) 2004*; and

   (iv) section 13 of *Mirani Shire Council Local Law No. 1 (Administration) 2001*; and

   (v) section 13 of *Sarina Shire Council Local Law No. 1 (Administration) 2001;* and

2. Local government workers of Council to exercise the powers of a local government worker under the *Local Government Act 2009*, chapter 5, part 2, division 2; and

3. Inspectors under section 107 of the *Plumbing and Drainage Act 2002* to exercise one (1) or more or all of the powers given to an inspector pursuant to the *Plumbing and Drainage Act 2002*; and

4. One (1) or more rehabilitation and return to work coordinators pursuant to section 226 of the *Workers' Compensation and Rehabilitation Act 2003*; and

5. One (1) or more workplace health and safety officers for the purposes of section 93 of the *Workplace Health and Safety Act 1995*.

6. Authorised Persons of council to exercise one (1) or more or all of the powers given to an authorised person pursuant to Council's Local Laws.

7. Council Delegates/authorised persons/officers/inspectors to exercise one (1) or more or all of the powers given to that delegate/authorised person/officer/inspector pursuant to relevant sections of the following legislation:

   (i) Environmental Protection Act 1994

   (ii) Land protection (Pest & Stock Route management) Act 2002

   (iii) Food Act 2006

   (iv) Public Health Act 2005

   (v) Animal Management (Cats and Dogs) Act 2008

   (vi) State Penalties Enforcement Act 1999

   (vii) Building Act 1975

   (viii) Sustainable Planning Act 2009

   (ix) Transport operations (Road use management) Act 1995

   (x) Body Corporate & Community titles Act 1997

   (xi) Water Act 2000

Council Resolution

THAT the Officer Recommendation be adopted.

Moved Cr Steindl **Seconded Cr Casey**

CARRIED

9.6 LOCAL LAW REVIEW - LOCAL LAW MAKING PROCESS

File No **Local Law Review**
Author **Co-Ordinator Governance & Risk**

Purpose

To adopt the Local Law making process as required by Section 29(1) of the *Local Government Act 2009.*

Background/Discussion

Prior to commencing the process of making each Local Law, King & Co Solicitors have advised that Council must first make a resolution to adopt the Local Law making process.

Consultation and Communication

King & Company Solicitors

Resource Implications/Risk Management

There is no financial implications.

A risk assessment with respect to the risk associated with not adopting the local law making process has been undertaken with the risk considered to a Low 9 risk.

Conclusion

In order for Council to move forward with the adoption of it proposed new local laws and subordinate local laws, it must first adopt the local law making process.

Officer Recommendation

THAT for the purposes of section 29(1) of the *Local Government Act 2009*, the local government resolves to adopt a process for making each local law of Council as detailed below. The process—

(a) applies to the making of—

(i) each local law that is an adopted model local law; and

(ii) each local law that is a subordinate local law; and

(iii) each other local law; but

(b) does not apply to a local law that is an interim local law.

Making a local law that is an adopted model local law

The process (model local law making process) stated in this resolution must be used to make a local law that is an adopted model local law.

Step 1 By resolution, propose to adopt the model local law.

Step 2 If the model local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions.

Step 3 By Resolution:

(a) adopt the model local law; and

(b) if there is an existing local law about the matter that is inconsistent with what is adopted - amend or repeal the existing local law so that there is no inconsistency.

Step 4 Let the public know the local law has been made, by publishing a notice of the making of the local law in accordance with the requirements of section 29B(1) to (3) inclusive of the *Local Government Act 2009.*

Step 5 As soon as practicable after the notice is published in the gazette, ensure that a copy of the local law may be inspected and purchased at the local government's public office.

Step 6 Within 7 days after the notice is published in the gazette, give the minister:

(a) a copy of the notice; and

(b) a certified copy of the local law; and

(c) if the local law contains 1 or more anti-competitive provisions:

(i) advice of each anti-competitive provision; and

(ii) the reasons for their inclusion.

Step 7 Update the local government's register of its local law.

Making an "other" local law

The process (other local law making process) stated in this resolution must be used to make a local law (a proposed local law) other than-

(a) a model local law; or

(b) an interim local law; or

(c) a subordinate local law.

Step 1 By resolution, propose to make the proposed law.

Step 2 Consult with relevant government entities about the overall State interest in the proposed local law.

Step 3 Consult with the public about the proposed local law for at least 21 days (the consultation period) by:

(a) publishing a notice (a consultation notice) about the proposed local law at least once in a newspaper circulating generally in the local government's area; and

(b) displaying the consultation notice in a conspicuous place at the local government's public office from the first day of the consultation period until the end of the last day of the consultation period; and

(c) making a copy of the proposed local law available for inspection at the local government's public office during the consultation period; and

(d) making copies of the proposed local law available for purchase at the local government's public office during the consultation period.

The consultation notice must state the following:

(a) the name of the proposed local law; and

(b) the purpose and general effect of the proposed local law; and

(c) the length of the consultation period and the first and last days of the period; and

(d) The written submissions by any person supporting or objecting to the proposed local law may be made and given to the local government on or before the last day of the consultation period stating:

(i) the grounds of the submission; and

(ii) the facts and circumstances relied on in support of the grounds.

If the local government decides, by resolution, that the proposed local law only amends an existing local law to make an insubstantial change, the local government may proceed to step 6 without satisfying step 3 and step 5.

Step 4 If the proposed local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions. For avoidance of doubt, step 3, and this step 4, may be undertaken contemporaneously.

Step 5 Accept and consider every submission properly made to the local government.

A submission is properly made to the local government if it:

(a) is the written submission of any person about the proposed local law; and

(b) states:

(i) the grounds of the submission; and

(ii) the facts and circumstances relied on in support of the grounds; and

(c) is given to the local government on or before the last day of the consultation period.

Step 6 By resolution, decide whether to:

(a) proceed with the making of the proposed local law as advertised; or

(b) proceed with the making of the proposed local law with amendments; or

(c) no proceed with the making of the proposed local law.

If the local government resolves to proceed with the making of the proposed local law with amendments, and the amendments are substantial, the local government may again:

(a) consult with the public at step 3; and

(b) accept and consider every submission properly made to the local government at step 5.

For the avoidance of doubt, if an amendment changes an anti-competitive provision, the local government must again comply with the procedures prescribed under a regulation for the review of anti-competitive provisions for the amended anti-competitive provision.

Step 7 Give the Minister the following:

(a) a copy of the proposed local law; and

(b) a drafting certificate for the proposed local law; and

(c) information required by the Minister or under a regulation.

Step 8 Subject to section 29A(4) of the *Local Government Act 2009*, proceed further in making the proposed local law.

Step 9 By resolution, decide whether to:

(a) make the proposed local law as advertised; or

(b) make the proposed local law with amendments; or

(c) not proceed with the making of the proposed local law.

If the local government resolves to proceed with the making of the proposed local law with amendments, and the amendments are substantial, the local government may again:

(a) consult with the public at step 3; and

(b) accept and consider every submission properly made to the local government at step 5.

For the avoidance of doubt, if an amendment changes an anti-competitive provision, the local government must again comply with the procedures prescribed under a regulation for the review of anti-competitive provisions for the amended anti-competitive provision.

Step 10 Let the public know that the local law has been made, by publishing a notice of the making of the local law in accordance with the requirements of section 29B(1) to (3) inclusive of the *Local Government Act 2009.*

Step 11 As soon as practicable after the notice is published in the gazette, ensure that a copy of the local law may be inspected and purchased at the local government's public office.

Step 12 Within 7 days after the notice is published in the gazette, give the Minister:

(a) a copy of the notice; and

(b) a certified copy of the local law; and

(c) if the local law contains 1 or more anti-competitive provisions:

(i) advice of each anti-competitive provisions; and

(ii) the reasons for the inclusion.

Step 13 Updated the local government's register of its local laws.

Making a subordinate local law

The process (subordinate local law making process) stated in this resolution must be used to make a subordinate local law (a proposed subordinate local law).

The local government may start the process for making a subordinate local law even though the process for making the local law (including a model local law) on which the subordinate local law is to be based (the proposed authorising law) has not finished.

The local government may use steps 1 to 5 of the subordinate local law making process (other than actually making the subordinate local law) before the proposed authorising law is made if:

(a) in making the proposed authorising law, the local government has to satisfy:

(i) the model local law making process; or

(ii) the other local law making process; and

(b) if the proposed authorising law is made under the other local law making process - the notice about the subordinate local law under step 2 of the subordinate local law making process is published no earlier than the notice about the proposed authorising law under step 3 of the other local law making process is published.

For avoidance of doubt, a subordinate local law made by the local government using the process detailed in this resolution may provide for the local government to, from time to time, by resolution, reference or incorporate information.

For example, under the *Local Government (Operations) Regulation 2010* -

(a) the identification guidelines for the identification of anti-competitive provisions are a document made by the department and available for inspection on the department's website; and

(b) the public interest test guidelines are a document made by the department and available for inspection on the department's website.

Step 1 By resolution, propose to make the proposed subordinate local law.

Step 2 Consult with the public about the proposed subordinate local law for at least 21 days (the consultation period) by:

(a) publishing a notice (also a consultation notice) about the proposed subordinate local law at least once in a newspaper circulating generally in the local government's area; and

(b) displaying the consultation notice in a conspicuous place in the local government's public office from the first day of the consultation period until the end of the last day of the consultation period; and

(c) making a copy of the proposed subordinate local law available for inspection at the local government's public office during the consultation period; and

(d) making copies of the proposed subordinate local law available for purchase at the local government's public office during the consultation period.

The consultation notice must state the following:

(a) the name of the proposed subordinate local law; and

(b) the name of:

(i) the local law allowing the proposed subordinate local law to be made; or

(ii) if the local government has started the process for making a subordinate local law even though the process for making the proposed authorising law on which the subordinate local law is to be based has not finished - the proposed authorising law; and

(c) the purpose and general effect of the proposed subordinate local law; and

(d) the length of the consultation period and the first and last days of the period; and

(e) that written submissions by any person supporting or objecting to the proposed subordinate local law may be made and given to the local government on or before the last day of the consultation period stating -

(i) the grounds of the submission; and

(ii) the facts and circumstances relied on in support of the grounds.

If the local government decides, by resolution, that the proposed subordinate local law only amends an existing subordinate local law to make an insubstantial change, and the amendment does not affect an anti-competitive provision, the local government may proceed to step 5 without satisfying any or step 2 to step 4 inclusive.

Step 3 If the proposed subordinate local law contains an anti-competitive provision, comply with the procedures prescribed under a regulation for the review of anti-competitive provisions. For avoidance of doubt, step 2 and this step 3, may be undertaken contemporaneously.

Step 4 Accept and consider every submission properly made to the local government.

A submission is properly made to the local government if it:

(a) is the written submission of any person about the proposed subordinate local law; and

(b) states:

(i) the grounds of the submission; and

(ii) the facts and circumstances relied on in support of the grounds; and

(c) is given to the local government on or before the last day of the consultation period.

Step 5 By resolution decide whether to:

(a) make the proposed subordinate local law as advertised; or

(b) make the proposed subordinate local law with amendments; or

(c) not proceed with the making of the proposed subordinate local law.

If the local government resolves to proceed with the making of the proposed subordinate local law with amendments, and the amendments are substantial, the local government may again -

(a) consult with the public at step 2; and

(b) accept and consider every submission properly made to the local government at step 4.

For the avoidance of doubt, if an amendment changes an anti-competitive provision, the local government must again comply with the procedures prescribed under a regulation for the review of anti-competitive provisions for the amended anti--competitive provision.

Step 6 Let the public know that the subordinate local law has been made, by publishing a notice of the making of the subordinate local law in accordance with the requirements of section 29B(1) to (3) inclusive of the *Local Government Act 2009.*

Step 7 As soon as practicable after the notice is published in the gazette, ensure that a copy of the subordinate local law may be inspected and purchased at the local government's public office.

Step 8 Within 7 days after the notice is published in the gazette, give the Minister -

(a) a copy of the notice; and

(b) a certified copy of the subordinate local law; and

(c) if the subordinate local law contains 1 or more anti-competitive provisions:

(i) advice of each anti-competitive provision; and

(ii) the reasons for their inclusion.

Step 9 Update the local government's register of its local laws.

Council Resolution

THAT the Officer Recommendation be adopted.

Moved Cr Steindl **Seconded Cr Walker**

CARRIED

9.7 REVIEW LOCAL LAW

File No **Review Local Law**
Author **Co-Ordinator Governance & Risk**

Purpose

To adopt the proposed new local laws and subordinate local laws and to proceed to State and Public Interest Checks.

Background/Discussion

A local law is a law adopted by a Council that reflects community needs and ensures the good rule and government of the area.

Through local laws, local governments can establish permit or licence regimes for activities they want to regulate, to create offences for unacceptable behaviour and to allow for the issue of compliance or abatement notices.

The Department Infrastructure and Planning commenced a review of all Local Laws in 2007. After extensive consultation with relevant stakeholders, seven (7) new model local laws were gazetted on 2 October 2009 replacing the previous 21 model local laws.

The seven (7) new model local laws are:

- Local Law No. 1 (Administration) 2009
- Local Law No. 2 (Animal Management) 2009
- Local Law No. 3 (Community and Environmental Management) 2009
- Local Law No. 4 (Local Government Controlled Areas, Facilities & Roads) 2009
- Local Law No. 5 (Parking) 2009
- Local Law No. 6 (Bathing Reserves) 2009
- Local Law No. 7 (Indigenous Community Land Management) 2009

Local Law No. 7 is not relevant to Council.

Following the Department's Review and the adoption of the *Local Government Act 2009*, meant the Local Government's throughout Queensland were required to undertake a review of their current local laws and either adopt the models or go through a process of making new local laws and subordinate local laws as per section 29(1) of the *Local Government Act 2009*.

A review of the existing 130 Local Laws & Subordinate Locals has been undertaken in order to consolidate them into the new Model Local Laws and to repeal those Local Laws no longer required.
On the 12 May, 2010, Council resolved to repeal the following Local Laws:

1. Mackay City Council Local Law No. 77 (Public Pools)
2. Mackay City Council Local Law No. 79 (Telecommunication Cabling)
3. Mackay City Council Local Law No. 80 (Domestic Water Carriers)
4. Mirani Shire council Local Low No. 15 (Domestic Water Carriers)

5. Sarina Shire Council Local Law No. 15 (Domestic Water Carriers)
6. Mirani Shire Council Local Law No. 16 (Blasting Operations)
7. Sarina Shire Council Local Law No. 10 (Blasting Operations)
8. Sarina Shire Council Local Law No. 9 (Footways)
9. Sarina Shire Council Local Law No. 13 (Extraordinary Traffic)
10. Sarina Shire Council Local Law No. 23 (Safety and Convenience)
11. Sarina Shire Council Local Law No. 25 (Poisonous Baits)
12. Sarina Shire Council Local Law No. 33 (Nuisance, Sanitary Conveniences, House Refuse)
13. Sarina Shire Council Local Law No. 42 (Public Health)

The remaining local laws have been consolidated into the new model local laws and subordinate local laws which underpin the model local laws.

From the consolidation there are three categories of laws:

1. Model Local Laws;
2. Proposed Local Laws; and
3. Subordinate Local Laws.

Model Local Laws:

Model local laws are proposed by the Minister for Local Government to cover issues that are common to many local governments.

Council proposes to adopt the following Model Local Laws in their entirety:

1. Model Local Law No. 2 (Animal Management) 2011;
2. Model Local Law No. 3 (Community and Environmental Management) 2011;
3. Model Local Law No. 5 (Parking) 2011;
4. Model Local Law No. 6 (Bathing Reserves) 2011.

Proposed Local Laws:

Other proposed local laws are laws independently made by local governments to deal with an issue in their areas. Other local laws also include laws which amend or repeal existing local laws.

These Local Laws require State and Public interest checks:

1. Local Law No. 1 (Administration) 2011;
2. Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011;
3. Local Law No. 8 (Rental Accommodation other than Shared Facility Accommodation) 2011;
4. Local Law (Repealing) Local Law (No. 1) 2011;

Subordinate Local Laws

Subordinate Local Laws provide the detailed information required for the operation of a local law.

For example, a local law may allow a local government to, by subordinate local law, specify the types of animals (eg dogs) required to be registered within its area.

The below list are the proposed subordinate local laws and require State and Public interest checks:

1. Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2011;
2. Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011;
3. Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2011;
4. Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011;
5. Subordinate Local Law No. 1.5 (Keeping of Animals) 2011;
6. Subordinate Local Law No. 1.6 (Operation of Camping Grounds) 2011;
7. Subordinate Local Law No. 1.7 (Operation of Cane Railways) 2011;
8. Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2011;
9. Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011;
10. Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2011;
11. Subordinate Local Law No. 1.11 (Operation of Shared Facility Accommodation) 2011;
12. Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011;
13. Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains) 2011;
14. Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011;
15. Subordinate Local Law No. 1.15 (Gates and Grids) 2011;
16. Subordinate Local Law No. 1.16 (Carrying out Works on a Road or Interfering with a Road or its Operation) 2011;
17. Subordinate Local Law No. 1.17 (Rental Accommodation other than Excluded Accommodation) 2011;
18. Subordinate Local Law No. 1.18 (Loading Zone and Other Parking Permits) 2011;
19. Subordinate Local Law No. 2 (Animal Management) 2011;
20. Subordinate Local Law No. 3 (Community and Environmental Management) 2011;
21. Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011;
22. Subordinate Local Law No.5 (Parking) 2011;
23. Subordinate Local Law No.6 (Bathing Reserves) 2011;
24. Subordinate Local Law No.8 (Rental Accommodation other than Shared Facility Accommodation) 2011.

Consultation and Communication

Extensive consultation has been undertaken with:

- Council
- Directors and relevant Managers
- Health & Regulatory Services
- Parks & Environment
- Technical Services
- Property Services

- King & Company Solicitors

Resource Implications/Risk Management

Resource Implications

Solicitor's professional fees and advertising costs have been budgeted.

Risk Management

It is considered that the risks associated with not having Local Laws in place is considered to be a medium risk to Council, which could result in inadequate compliance, permit and licence regimes.

Risk Type	Operational Risk
Risk Category	Economic
Consequence	Minor
Likelihood	Possible
Risk	Medium 6

Conclusion

The process to adopt the making of the local laws and subordinate local laws is set out under Section 29(1) of the *Local Government Act, 2009* and which has previously been adopted by Council.

Council must now resolve to adopt the:

1. Model local laws which are considered satisfactory for Council purposes;
2. Proposed local laws which have been amended to meet Council purposes;
3. Subordinate local laws to support its local law.

The proposed local laws and subordinate local laws must then be forwarded to the relevant state bodies for a state interest check and put on public display for public consultation.

Upon receipt of the comments from the State and public submissions, a further report will be made to Council for its consideration.

Officer Recommendation

A. THAT Council:

(a) propose to adopt each model local law listed in schedule 1; and
(b) propose to make each proposed local law listed in schedule 2; and
(c) propose to make each proposed subordinate local law listed in schedule 3.

SCHEDULE 1

1. Model Local Law No. 2 (Animal Management) 2011;
2. Model Local Law No. 3 (Community and Environmental Management) 2011;
3. Model Local Law No. 5 (Parking) 2011;
4. Model Local Law No. 6 (Bathing Reserves) 2011.

SCHEDULE 2

1. Local Law No. 1 (Administration) 2011;
2. Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011;
3. Local Law No. 8 (Rental Accommodation other than Shared Facility Accommodation) 2011;
4. Local Law (Repealing) Local Law (No. 1) 2011;

SCHEDULE 3

1. Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2011;
2. Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011;
3. Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2011;
4. Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011;
5. Subordinate Local Law No. 1.5 (Keeping of Animals) 2011;
6. Subordinate Local Law No. 1.6 (Operation of Camping Grounds) 2011;
7. Subordinate Local Law No. 1.7 (Operation of Cane Railways) 2011;
8. Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2011;
9. Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011;
10. Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2011;
11. Subordinate Local Law No. 1.11 (Operation of Shared Facility Accommodation) 2011;
12. Subordinate Local Law No. 1.12 (Operation of Temporary Entertainment Events) 2011;
13. Subordinate Local Law No. 1.13 (Undertaking Regulated Activities regarding Human Remains) 2011;
14. Subordinate Local Law No. 1.14 (Undertaking Regulated Activities on Local Government Controlled Areas and Roads) 2011;
15. Subordinate Local Law No. 1.15 (Gates and Grids) 2011;
16. Subordinate Local Law No. 1.16 (Carrying out Works on a Road or Interfering with a Road or its Operation) 2011;
17. Subordinate Local Law No. 1.17 (Rental Accommodation other than Excluded Accommodation) 2011;
18. Subordinate Local Law No. 1.18 (Loading Zone and Other Parking Permits) 2011;
19. Subordinate Local Law No. 2 (Animal Management) 2011;

20. Subordinate Local Law No. 3 (Community and Environmental Management) 2011;
21. Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities and Roads) 2011;
22. Subordinate Local Law No.5 (Parking) 2011;
23. Subordinate Local Law No.6 (Bathing Reserves) 2011;
24. Subordinate Local Law No.8 (Rental Accommodation other than Shared Facility Accommodation) 2011.

B. AND THAT Council proceed to State and Public interest checks and consultation.

Council Resolution

THAT the Officer Recommendation be adopted.

Moved Cr Steindl **Seconded Cr Perkins**

CARRIED

9.8 CITY FOCUS ADVISORY COMMITTEE MEMBERSHIP 2011

Author Manager Economic Development

Purpose

To appoint the City Focus Advisory Committee members for the upcoming year and endorse the committee's Terms of Reference.

Background/Discussion

The City Focus advisory committee offers advice to council on business promotion and economic development matters for the Mackay city centre. This committee, chaired by the Portfolio Councillor for Economic Development and Tourism, (Cr Perkins) with Deputy Chair (Cr Comerford), comprises members of the public who together represent the interests of the Mackay City Centre business, community and organisational sectors (including community safety and crime prevention). In spatial terms, the advisory committee is mainly concerned with matters affecting that area of the city centre covered by council's Special Management Rate Levy.

With the City Focus Advisory Committee membership term expiring in December 2010, council last year called for expressions of interest for new members. Over a period of four weeks commencing at the October business forum, media releases, web-based advertising, and messages via council's e-business network, resulted in a large number of nominations being received from outstanding, well qualified applicants.

With a limited number of committee positions available, the selection process focussed on achieving best representation across business, community and organisational sectors, while ensuring a spread of membership drawn from all geographic areas of the City Centre. The following table presents proposed membership selection for the City Focus Advisory Committee:

TABLE 1	
Chair	Cr Dave Perkins
MRC Councillors	Cr Deirdre Comerford
Business	Mr David Aprile Business and Property Owner/Operator
	Ms Lauren Manson – Proprietor LA Jewellers
	Mr David Huxtable – District Manager Suncorp Bank
	Mr Tim Miles – Principal, Result Plus Biz
	Mr Graham Hamilton – Manager Retravision
	Ms Chris Evangelou – Manager City Fitness Health Club
	Caneland Central represented jointly by Mr Philip Martin – Centre Manager /Ms Claire Torkington – Marketing Manager
	Mr Stephen Boxall – General Manager/Owner Harvey World Travel
Community	Ms Shelley Argent – Financial Planner CBA Financial Planning
	Mr Ron Waters-Marsh, Senior Crime Prevention Officer
Organisations	Ms Deborah Munro – Teacher and Business Consultant CQTAFE
	Mr Stephen Wallace – UDIA

It is expected that the first meeting of the new committee will take place on the first Thursday in March. Draft Terms of Reference for the City Focus Advisory committee (in line with council's standard terms for advisory bodies and including requirements for forming a quorum) are attached for endorsement.

Consultation and Communication

The call for membership of the committee was widely publicised through the City Focus business network (membership is around 600) plus through the press and in conjunction with the City Focus Business Forum held in October at the MECC. Council and directors were briefed in December 2010.

Resource Implications/Risk Management

Costs to administer the organisation of the City Focus advisory committee are covered by the Special Management Rate Levy, with budget funds allocated within the economic development program.

Conclusion

The City Focus Advisory Committee membership to March 2012, as shown in Table 1 of this report, provides the best possible representation for city centre stakeholder groups.

Officer Recommendation

THAT Council appoint the City Focus Advisory Committee members as listed at Table 1 of this report, for a one year term concluding March 2012.

AND THAT Council endorse the Terms of Reference for the City Focus Advisory Committee attached to this report

Council Resolution

THAT the Officer Recommendation be adopted.

Moved Cr Perkins **Seconded Cr Comerford**

CARRIED

10. CONSIDERATION OF COMMITTEE REPORTS:

Nil

11. RECEIPT OF PETITIONS:

Nil

12. TENDERS:

Nil

13. CONSIDERATION OF NOTIFIED MOTIONS

Nil

14. LATE BUSINESS:

15. PUBLIC PARTICIPATION:

Nil.

16. CONFIDENTIAL REPORTS:

16.1 MONTHLY DEVELOPMENT ASSESSMENT APPEALS REPORT

Council Recommendation

THAT the report be received.

Moved Cr Hatfield **Seconded Cr Perkins**

CARRIED

16.2 PLANNING & ENVIRONMENT COURT APPEAL NO. 129 OF 2011 - GORDON W GALLETLY - GLENDARAGH ROAD, GLENELLA (702720-010-DA-2009-437)

Council Recommendation

THAT the Chief Executive Officer and Director Development Services be delegated to:

A. Retain legal representation and appropriate experts as required.

B. Settle the appeal in consultation with the Mayor and/or Planning Portfolio Councillor should an acceptable solution arise.

Moved Cr Hatfield **Seconded Cr Perkins**

CARRIED

16.3 PLANNING & ENVIRONMENT COURT APPEAL NO. 1 OF 2011 - GAINBIGHT PTY LTD - LOT 3 MACKAY-BUCASIA ROAD, MT PLEASANT (183083-003-DA-2006-268)

Council Recommendation

THAT the Chief Executive Officer and Director Development Services be delegated to:

A. Retain legal representation and appropriate experts as required.

B. Settle the appeal in consultation with the Mayor and/or Planning Portfolio Councillor should an acceptable solution arise.

Moved Cr Hatfield **Seconded Cr Perkins**

CARRIED

17. MEETING CLOSURE

The meeting closed at 10:41 am.

18. FOR INFORMATION ONLY

18.1 DEVELOPMENT APPLICATION INFORMATION - 23.01.11 TO 29.01.11

For Council Information Only - No Decision is Required.

Development Applications Received

App no	Code / Impact	Address	Applicant	Description	Officer
CON-2011-4		37 Gannet Street, SLADE POINT	Life Design Homes Pty Ltd	Building Work - Boundary Setback	Darryl Bibay
CON-2011-14		34 High Street, WALKERSTON	Colin P Roe	Building Work - Boundary Setback for Shed	Darryl Bibay
CON-2011-16		29 Debbiesue Drive, MOUNT PLEASANT	Michael H Went	Building Work - Boundary Setback	Simon Halcrow
CON-2011-15		9 Brown Street, KOUMALA	Alan M O'Brien	Building Work - Boundary Setback for Patio	Simon Halcrow
MCUCD-2006-493	Code	28 Goldsmith Street, MACKAY	Graham D Laird and Catriona A Sawtell	Request to Extend Relevant Period - Material Change of Use - Multiple Dwelling Units (5)	Darryl Bibay
CON-2011-17		L 32 Ian Reddacliff Drive, THE LEAP	River City Homes (Mackay) Pty Ltd	Building Work - Boundary Setback	Simon Halcrow

App no	Code / Impact	Address	Applicant	Description	Officer
MCUCD-2009-22	Code	27-37 Crichtons Road, PAGET	Piff Properties (Queensland) Pty Ltd	Request to Change Development Approval - General Industry	Simon Halcrow
ROLI-2011-14		154 Redhead Road, KOUMALA	Thompson L Head and Kathryn C Head	Boundary Realignment - 3 Rural Lots into 3 Lots	Josephine McCann
CON-2011-18		36 Toorak Street, GLENELLA	Mackay and Whitsunday Building Certification	Building Work - Boundary Setback for Existing Dwelling	Matthew Ingram

Development Applications Entering Decision Making Period

App Number	Code / Impact	Address	Applicant	Description	Officer
CAC-2011-2	Code	17 Ginger Street PAGET	Viking Services	General Industry and 21 Motor Vehicle Workshop Operation & 18 Boilermaking or Engineering	Josephine McCann
MCUC-2010-308	Code	61 Old Seaforth Road MOUNT JUKES	Majestic Development Services	Dwelling House to be located on Land affected by Steep Land and Image Corridors Overlays.	Josephine McCann
MCUCD-2006-19A	Code	0 Bruce Highway GLENELLA	City Planners	Change Existing Approval - Development Permit for Material Change of Use from Rural to Urban Residential, with associated Open Space for Peppermint Grove Estate (Stages 4 and 5 - 93 Lots) AND Development Permit for Reconfiguration of a Lot - (Stages 4 & 5) - 93 Urban Residential Lots and Open Space	Ray Gould
MCUCD-2008-437A	Code	52 Downie Avenue BUCASIA	Humphreys Reynolds Perkins North Queensland	Alterations and Additions to Shopping Centre (811m2 of new Gross Floor Area)	Darryl Bibay
MCUCD-2009-262A	Code	7 Heaths Road MOUNT PLEASANT	John Nash	Material Change of Use - Outdoor Sales Premises	Leah Sorohan
ROLC-2010-286	Code	0 Miran Khan Drive FRESHWATER POINT	Securcorp Ltd	Reconfiguration of a Lot - Boundary Realignment	Julie Brook

Development Applications Finalised

App No		Location	Applicant	Description	Officer
Approved					
CON-ASPA-2011/8		3/254 Barrow Hill Road HABANA QLD 4740	Rockhampton Building Approvals	Amenity & Aesthetics	
Approved Subject to Conditions - by Delegated Authority					
CON-ASPA-2011/5		38 Sonoran Street RURAL VIEW QLD 4740	N Riccardi	Building Work - Site Coverage	Darryl Bibay
MCUC-ASPA-2010/335	Code	L 4 Mackay-Eungella Road FINCH HATTON QLD 4756	Gordon R Zahmel	Setback relaxation for a Dwelling House	Dean Appleton
ROLC-ASPA-2010/342	Code	177 McEwens Beach Road ROSELLA QLD 4740	Angelo Galea	1 Rural Lot into 2 Lots	Dean Appleton
MCUC-ASPA-2010/354	Code	2 Penn Street SOUTH MACKAY	Justin Peel	Educational Establishment Extensions	Josephine McCann

App No		Location	Applicant	Description	Officer
		QLD 4740			
MCUCD-IDAS-2009/274A	Code	2-4 Success Street PAGET QLD 4740	Humphreys Reynolds Perkins North Queensland	Material Change of Use - General Industry (Warehousing and Storage of Shipping Containers and their associated contents)	Matthew Ingram
MCUC-ASPA-2010/348	Code	45 Droughtmaster Drive HAY POINT QLD 4740	Graham H Jones	Host Home Accommodation	Simon Halcrow
Approved Subject to Conditions - by Council					
Relevant Period Extended					
MCUCD-IDAS-2004/182C	Code	34 Bourke Street BLACKS BEACH QLD 4740	Humphreys Reynolds Perkins North Queensland	Multiple Dwelling Units (30)	Julie Brook
Negotiated Decision					
OW-IDAS-2008/104		121-127 Heaths Road GLENELLA QLD 4740	Cougar Developments Pty Ltd	Operational Works to create 4 Lots - Works including Roadworks, Drainage, Water and Fencing - Valetta Gardens - Stage 5	Ray Gould

Confirmed on Wednesday 16 February 2011.

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MAYOR

DEVELOPMENT SERVICES HIGHLIGHTS & SIGNIFICANT ISSUES REPORT - MONTH ENDED 31ST DECEMBER 2010

Author **DIRECTOR DEVELOPMENT SERVICES**

Purpose

To review Development Services Department highlights and performance for the month ended 31 December 2010.

Background and Discussion

Key Performance Indicators for 31 December 2010 are as follows: -

1. DEVELOPMENT ASSESSMENT

a) Applications Received

Description	Dec 2010	Monthly Average - Sept, Oct, Nov	Monthly Average since July 2008	KPI Dec 2010	KPI for Sept, Oct, Nov	KPI Since July 2008	Target
Development Applications	61	73	76	-	-	-	-
Material Change of Use - Code	13	17	23	-	-	-	-
Material Change of Use - Impact	5	2	6	-	-	-	-
Reconfiguration of a Lot - Less than 6	16	8	9	-	-	-	-
Reconfiguration of a Lot - More than 6	0	2	2	-	-	-	-
Combined Applications	3	2	2	-	-	-	-
Number of Concurrence Applications Received	6	20	12	-	-	-	-
Change of Approval, Change of Conditions & Extension of Currency Period	10	7	7	67% in 30 Days	85% in 30 Days	83% in 30 days	85% in 30 days
Certificates	8	8	17			-	-
Pre-Lodgement Meetings	0	3	6			-	-
Average Acknowledgement Notice Period (Days)	2	5	6	100% in 10 Days	93% in 10 days	94% in 10 days	85% in 10 days
Average Information Request Period (Days)	6	7	6	80% in 10 Days	87% in 10 Days	80% in 10 days	85% in 10 days
MCU and ROL requiring an information request	5	11	15	14%	35%	35%	No more than 40%
Notices of Appeal	0	1	1	-	-	-	-

b) Applications Decided - Code

Description	Dec 2010	Monthly Average - Sept, Oct, Nov	Monthly average since July 2008	KPI Dec 2010	KPI for Sept, Oct, Nov	KPI Since July 2008	Target
Number of current MCU and ROL applications (at end of month)	128	144	119	-	-	-	-
Number of applications in Decision Making Period	18	40	58	-	-	-	-
Number of applications Decided	16	28	32	-	-	-	-
Average Number of days in Decision Making Period (Days)	19	21	17	100% in 40 Days	97% in 40 Days	90% in 40 Days	85% in 40 days
Average number of days to Decide Application (lodgement to decision) (Days)	64	53	57	88% in 80 Days	85% in 40 Days	82% in 80 Days	85% in 80 days

c) Applications Decided - Impact

Description	Dec 2010	Monthly Average - Sept, Oct, Nov	Monthly average since July 2008	KPI Dec 2010	KPI for Sept, Oct, Nov	KPI Since July 2008	Target
Number of current MCU and ROL applications (at end of month)	53	54	68	-	-	-	-
Number of applications in Decision Making Period (at end of month)	5	16	24	-	-	-	-
Number of applications Decided	10	4	7	-	-	-	-
Average Number of days in Decision Making Period (Days)	33	28	33	90% in 40 Days	89% in 40 Days	59% in 40 days	50% in 40 days
Average number of days to Decide Application (lodgement to decision) (Days)	138	165	162	90% in 230 Days	82% in 230 Days	78% in 230 days	85% in 230 days

d) Negotiated Decisions

Description	Dec 2010	Monthly Average - Sept, Oct, Nov	Monthly average since July 2008	KPI Dec 2010	KPI for Sept, Oct, Nov	KPI Since July 2008	Target
MCU and ROL with a negotiated decision request	4	3	6	5%	7%	13%	No more than 20%
Negotiated Decision Making Period (Days)	108*	66	40	75%	37% in 20 Days	49% in 20 days	85% in 20 days

**One application was in Negotiation for 371 days which involved reconsideration of the Parkland Policy and required input by other Council Departments in discussions with the applicant. This application has distorted the statistics accordingly.*

e) Concurrence Agency Responses

Description	Dec 2010	Monthly Average - Sept, Oct, Nov	Monthly average since July 2008	KPI Dec 2010	KPI for Sept, Oct Nov	KPI Since July 2008	Target
Concurrency Agency Response	12	19	8	50% in 10 Days	72% in 10 Days	82% in 10 days	85% in 10 days

f) Town Planning Certificates

Description	Dec 2010	Monthly Average - Sept, Oct, Nov	Monthly average since July 2008	KPI Dec 2010	KPI for Sept, Oct, Nov	KPI Since July 2008	Target
Limited	8	14	15	88% in 5 Days	93% in 5 Days	96% in 5 days	85% in 5 days
Standard	2	2	2	50% in 10 Days	83% in 10 Days	49% in 10 days	85% in 10 days
Full	1	2	1	0% in 30 Days	67% in 30 days	67% in 30 days	85% in 30 days

g) Duty Planner Enquiries

Enquiries	Dec 2010	Dec 2009	Monthly Average Since July 2008
Email and Fax requests responded to	118	83	114

2. DEVELOPMENT ENGINEERING

Description	Dec 2010	Monthly Average - Sept, Oct, Nov	KPI Dec 2010	KPI for Sept, Oct, Nov	Target
Operational Works					
Applications Received	9	17	-	-	-
Number of Current Applications	71	54	-	-	-
Applications Finalised	10	14	-	-	-
Applications Requiring an Acknowledgement Notice	2	2	-	-	-
Average Acknowledgement Notice Period (Days)	9	7	100% in 10 Days	83% in 10 Days	85% in 10 days
Applications Requiring an Information Request	7	5	47% of all lodged	26% of all lodged	No more then 50%
Average Information Request Period (Days)	12	9	57% in 10 Days	56% in 10 Days	85% in 10 days
Average Decision Making Period (Days)	16	27	100% in 40 Days	81% in 40 days	85% in 40 days
Average from Lodged to Decided (Days)	62	75	100% in 80 Days	74% in 80 Days	85% in 80 days
Survey Plans					
Applications Received	15	14	-	-	-
Applications Finalised	12	14	-	-	-
Number of Lots Sealed	173	96	-	-	-
Average from lodged to Signing (Days)	14	17	92% in 15 Days	70% in 15 days	85% in 15 days
Minor Works					
Applications Received	41	56	-	-	-
Applications finalised	54	50	-	-	-
Average days from lodged to decided	5	4	93% in 10 Days	99%% in 10 Days	85% in 10 days

3. HEALTH & REGULATORY SERVICES

*a) **Compliance***

i) Status of Compliance Activities:

Description	December 2010	December 2009
Requests for action received for the month	38	46
Requests for action finalised for the month	55	44
Show Cause Notices issued	2	7
Enforcement Notices issued	0	0
Local Laws Notices Issued	N/A	N/A
Infringements issued	0	2
Cases - under investigation	26	32
Cases – legal action commenced	44	26
Cases in process	70	58

Note: Cases in process refers to amount at end of month either under investigation or in legal action commenced.

- Congratulations to Carmel Duggan on completion of her certificate IV in Business Administration. Additionally Carmel received a certificate of recognition for her knowledge and ongoing hard work within the organisation.
- The Plumbing Industry Council has actively approached Council to report noncompliant contractors for additional industry support against wayward service providers.
- Enforcement Notices issued for dangerous structures at Walkerston and Midge Point have been resolved in time for the cyclone season with both buildings being demolished and removed.
- All Compliance Staff have returned following the Christmas period, with the exception of Mark Goodman, who is returning on 27/1/11.

ii) Complaints received

Category	December 2010		
	Received	In Process	Finalised
Illegal building works	12	15	13
Non-compliance of conditions	6	1	8
Heavy Vehicle Parking	3	0	3
Unapproved earthworks	3	1	2
Pools & pool fencing	1	3	3
Home based business	4	1	7
Illegal land use	1	6	4
Plumbing miscellaneous	2	1	1
Stormwater	6	1	10
Onsite sewerage plants/septics	0	1	0
Advertising signs	1	0	1

- The introduction of new pool legislation has seen the first immersion report inspection undertaken. Reporting protocols have been requested from DIP to ensure all required information is reviewed.

iii) Proactive Audits – Compliance

Note: a MCU Audit is an audit of planning approvals and associated approvals, e.g Operational Works or Building Approvals. A Planning Audit is an audit of a property to ascertain if planning approvals are adequate.

Category – Status	December 2010
MCU Audit - Allocated	0
MCU Audit – Auditing	0
MCU Audit – Legal Action Commenced	6
MCU Audit – Finalised	0
Planning Audit – Allocated	0
Planning Audit – Auditing	0
Planning Audit – Legal Action Commenced	0
Planning Audit – Finalised	2

- Over one million dollars recovered in outstanding contributions since commencing the audit process in May 2010.
- $34,764.42 Recovered in outstanding contributions for the month of December.
- $1,004,384.59 total contributions recovered.

iv) Key Performance Indicators - Compliance

Key Performance Indicator	Target	December 2010	Last Quarter
Complainant contacted and investigation commenced	≥ 85% within 5 days	94%	91%
Investigation conducted and finalised	≥ 85% within 20 days	96%	88%
Decision on action Upon receipt of investigation report	≥ 85% within 5 days	100%	100%
Decision on final action if non-compliant in legal action	≥ 85% within 20 days	100%	100%
Report that compliance achieved	≥ 85% within 60 days	94%	92%

v) Governance

Description	December 2010	December 2009
Building Application Audits (*Audits of building files by Building Surveyor*)	9	10
Building Application Audits (*Audits of building/plumbing files by Plumbing Inspector*)	9	0
Final inspections (*Building inspections of aged Council files*)	9	9
Building inspections (*Council Private Certification files*)	5	22
Issuance of Certificate of Classifications (*Research/inspections of Council building files leading to issuance*)	3	1
Building Records Searches (*A database search of approved structures on properties*)	37	31

vi) Domestic Building Works Statistics

Description	Dec 2010	Monthly Average - Sept, Oct, Nov	Monthly Average since July 2008
Applications - All	240	263	240
Value of Building Works - All $	29,889,257	35,137,302	55,532,639
Applications - Residential	52	76	71
Value of Building Applications - Residential $	17,356,719	24,064,990	22,320,378
Average Application Value	333,783	318,040	313,049
Detached Dwellings	52	73	96
Value of Detached Dwellings $	17,356,719	22,406,921	20,191,994
Average Value of Detached Dwelling	333,783	306,944	290,663
Attached Dwellings	0	9	12
Value of Attached Dwellings	-	1,658,069	2,929,614
Average Cost of Attached Dwelling	-	184,230	246,941
Additions and Alterations	31	28	26
Value of Additions and Alterations $	1,546,823	1,258,954	1,358,146

Significant Applications

- Application 2010-2957 - New Dwelling - North Mackay - $1,105,686;
- Application 2010-2854 - New Office, Fitness Centre & Carwash - Nebo Road, Mackay - $1,900,000.

b) ***Local Laws***

i) *Complaints Completed*

Category	Dec 2010	Dec 2009	Monthly Average since July 2008
Abandoned Vehicles	9	32	25
Dogs Barking	14	39	29
Dogs Aggressive	48	67	46
Dogs Straying	105	124	123
Dogs Excessive numbers/Unregistered	15	15	9
Livestock/Poultry/Birds	14	28	28
Overgrown/Untidy allotments	40	53	64
Total All Complaints Received	**285**	**414**	**386**

ii) *Local Laws Infringements*

Description	Dec 2010	Dec 2009	Monthly Average since July 2008
Number of Infringements Issued	58	36	13

iii) *Parking*

Description	Dec 2010	Dec 2009	Monthly Average since July 2008
Number of Infringements Issued	409	339	646

iv) *Paid Parking Machines*

Description	Dec 2010	Dec 2009	Monthly Average since July 2008
Paid Parking Tickets Sold	10,431	11,180	10,317
Machine Faults Received	33	32	38

v) Dog and Cat Registrations

Description	Dec 2010	New Registrations for the Month	Number Registered at end of 2009/2010 Period
Number of Current Dog Registrations	14,608	131	13,699
Number of Current Cat Registrations	2,656	28	N/A

*Cat registration commenced July 2010

c) Environmental Health

i) Received Complaints

Type	Dec 2010	Dec 2009
Complaints received regarding licenced activities	6	5
Public health - requests that may be considered a public health risk (eg: mosquito's, asbestos, rats, mice, sewerage/waste water)	4	3
Environmental nuisance - residential (eg: odour, noise, light, dust, stormwater, smoke > 100m from neighbouring building/residents)	3	2

ii) Inspections - Licensed Premises (Calendar Year)

Premises	Premises Inspected Dec 2010 YTD	Premises Inspected Dec 2009 YTD	Total No. of Licensed Premises	Target Measure - % Inspected of Premises YTD
Caravan Parks	28	22	22	127%
Flammable Liquids	31	52	133	23%
Food	448	510	530	85%
Accommodation (Hotel, Motel, Backpakers, Holiday Flats & Units, Bed & Breakfast)	42	63	65	65%
Swimming Pools	44	39	71	62%
Footpath Dinning, Itinerant & Static Vendors	1	9	14	7%

iii) Inspection Types for the Month

Premises Type	Routine Work Inspection	Complaint Inspections	Follow-up Inspection	Initial Inspection	Final Inspection	Other Inspection
Flammable Liquids		-	-	-	2	-
Food	23	5	7	-	4	2

iv) Inspection Results for the Month

Premises Type	Compliant	Non compliant - Major	Non compliant - Minor
Flammable Liquids	1	-	1
Food	7	5	29

v) Officer General

Office Name	Emails sent	File Searches *(Health requisition enquiry)*	Letters / correspondence from Inspections
Sarah Shuttlewood	150	1	3
Renata Fourie	5	0	3
Carmel Moran	18	0	3
Ann Marie Farrelly	11	0	2

Miscellaneous Items

- Food Safety Program audit completed by all EHO's 1st December, 2010 and report to be provided to the premises (Good Shepherd Lodge).
- Advice provided to Property Services regarding the fuel storage/usage requirements associated with existing and proposed emergency generator installations.
- Meeting with Lendlease regarding the Caneland redevelopment and proposed new food premises.
- 14 December 2010 Port Authority Mosquito Survey with Queensland Health for AQIS. This exercise is an annual exercise as per MOU between Queensland Health, Council and AQIS.
- 2 over the counter meetings.

d) Environmental Protection

i) Environmentally Relevant Activity Registrations

Categories	Enquiries	Inspections	Complaints
Asphalt Manufacturing	1	0	0
Chemical Storage	3	1	0
Boiler Making or Engineering	3	0	1
Metal Recovery	1	0	0
Motor Vehicle Workshop	3	2	3
Wooden Product Manufacturing	1	0	0

ii) Complaints - Environmental Harm or Nuisance

Categories	Inspections	Total Infringements / Notices
Operating without an Approval	1	1
Over Spray	3	3
Odour	1	1
Noise	3	3
Water	3	3
Other	3	6

e) Vector Control

Sites Inspected	Sites Treated	Hectares Treated
153	81	3,150 Ha

f) Pest Management

i) Declared Weeds

Plants:	Enquiries	Inspection
Parthenium Weed	12	6
Giant Rats Tail Grass	18	2
Sicklepod	2	0
Singapore Daisy	3	0
Lantana	2	0
Other Plant	1	0

ii) Declared Animals

Animals	Enquiries	Traps
Dingo/Wild Dog	11	2
Feral Pig	11	0

4. STRATEGIC PLANNING

a) Waterways & Open Space

PROJECT	PROGRESS	PLANNED ACTIVITIES
i) Stormwater Studies		
Kellys Road Catchment Stormwater Trunk Infrastructure Study	- Reported to council on resumption.	– Updated valuation report requested
McCreadys Creek South Stormwater Trunk Infrastructure Study	- Ecological report received. - Investigating the use of the Golf club detention basin as a potential regional stormwater quality treatment basin for the catchment. - Draft report received and internal review complete.	– Finalise mitigation options for ultimate development scenario – Progress on 2D modeling. - Stormwater quality treatment options report received
Review of 2006 Mackay Stormwater Quality Management Plan (SQMP)	- Reports being reviewed to incorporate other stormwater management plans and guidelines.	- Update SQMP to include other stormwater management guidelines.
Example Site Based Stormwater Management Plan	– First draft of the Site Based Stormwater Management Plan received. – Internal review of draft report complete.	- Ongoing.
WSUD for Flat Sites	– Ongoing.	– Document to be released in early 2011.
Deemed to comply Solutions	– Ongoing.	– Document to be released in early 2011.
ii) Flood Studies		
Goosepond Creek Flood Study	– Ongoing.	– Ongoing.
Pioneer River Flood Study	– Calibration report received and internal review of calibration report complete.	– 2D flood modeling is being developed.
iii) Open Space		
Open Space Policy Review	- Ongoing - Finalise draft policy for internal review.	- Internal review underway and workshop held on 2 December.

iv) Erosion and Sediment Control		
Review policies to incorporate Best Practice Erosion and Sediment Control	- Ongoing	- Ongoing.
v) Catchment Management Plans		
Gooseponds Catchment Management Plan	- Under review.	– Commence internal consultation.

b) Local Area Planning

PROJECT	PROGRESS	PLANNED ACTIVITIES
i) Planning Scheme Maintenance		
Mackay / Mirani / Sarina PS Amendments : 1 of 2010 – **Housing diversity and affordability**	- State agency issues reviewed and addressed. Letter forwarded to Minister requesting authorization to commence public consultation.	- Await advice from DIP / Minister
Mackay PS Amendments 2 of 2010 – **Minimum development levels**	- Advice received from Minister - major amendments process required.	- Liaise with DIP to confirm way forward for amendments
Mackay PS Amendments 3 of 2010 - **Heritage schedule**	- Received response from DIP to adopt. Report to Council to adopt was resolved on 15 December 2010.	- Gazettal Process to be undertaken and completed by 21 January 2011.
Mackay PS Amendments 4 of 2010 PS, Mirani and Sarina PS Amendments 2 of 2010 – **Urban uses in rural areas**	- Received State Interest Review from DIP.	- Consider matters raised in State Interest Review and write to Minister to request authorisation to commence public consultation.
ii) Local Planning Instruments		
Marian and Mirani LAP	- Ongoing.	- Report to Council – summary of submissions and way forward for project.
Sarina and Coastal Communities LAP	- Ongoing.	- Report to Council – summary of submissions and way forward for project.
Ooralea LAP	- Public consultation on EbD Outcomes closed on the 03/12/2010 – 10 submissions received.	- Report to Council – summary of submissions and way forward for project.
City Centre LAP	- Site Context Report drafted and distributed internally for comment.	- Finalise Site Context Report and release for public comment. - Prepare for Enquiry by Design Workshop – March 2011.

PROJECT	PROGRESS	PLANNED ACTIVITIES
iii) SPA Planning Scheme		
Mackay 200k+ Planning Scheme	– Ongoing.	– Project planning to be undertaken and work programme to be prepared
Mackay 200k+ Strategic Framework	– Updated Version 0.2	– Commence internal consultation.
iv) Heritage Planning		
Heritage Advisory Committee	– The first HAC meeting scheduled for 26 February 2011.	– A workshop is planned in February for the 2012 Sesquicentennial Heritage celebrations.

c) Regional Planning

PROJECT	PROGRESS	PLANNED ACTIVITIES
i) WHAM Regional Plan		
Statutory Regional Plan	- Regional Planning Committee meeting held on 3 December 2010 - DIP sent internal Draft Regional Plan to Head Office in October 2011. - Public Consultation on draft Regional Plan expected between February and July 2011.	- Await publication of Draft Regional Plan in February 2011.
Regional Industry Study	- Commented on both Part A and B of Industrial Land Demand Study report by 23 December 2010.	- Await copy of final report.
Broadhectare Study 2010	- Signed off on final Broadhectare Map (Draft 4) on 9 November 2010.	- Await final broadhectare Report and electronic data with detail on land areas and yields. - Use data in Population Projections and new planning scheme calculations.

ii) Region-wide Strategies		
Residential Densities Strategy	– Supporting documents finalised. – Overall strategy document drafted.	– Present overall strategy document to internal stakeholders and refine as necessary – Release overall strategy document for public comment.
iii) Other projects		
Mackay Airport – Land Use Plan	– Received draft Land Use Plan on 8 December 2010. – Met with DIP on 10 Dec 2010 – Met with Mackay Airport and their consultant on draft Land Use Plan on 14 December 2010.	– Comment on draft Land Use Plan before closing date of 18 February 2011.

d) Infrastructure and Transport Planning

PROJECT	PROGRESS	PLANNED ACTIVITIES
i) Indexation		
Indexation of Contribution Rates	– Ongoing.	– Next indexation applicable on 1 February 2011.
ii) PIPs		
Mackay City Planning Scheme Area PIP	– Council considered the draft Mackay PIP on 17 November Council and submitted draft PIP for first state interest review.	– Awaiting response from DIP on PIA Planning Assumptions. – Awaiting response from DIP on draft PIP.
Sarina Planning Scheme Area PIP	– Commenced compilation of Part 1 (Planning Assumptions) for submission to DIP.	– Develop employment and population projections. – Ongoing development of Part 1.
Mirani Planning Scheme Area PIP	– Commenced compilation of Part 1 (Planning Assumptions) for submission to DIP.	– Develop employment and population projections. – Ongoing development of Part 1.

iii) Transport Planning		
Mackay Area Transport Study (MATS) – Traffic Model	– Consultant conducted an overview on CUBE Model capabilities.	– Review assumptions of existing traffic modelling. – Discussions with TMR on the way forward. Form a Joint Steering Committee to go forward once data available from Gladstone Home Interview Survey, new boundaries from Census Bureau on SA-1 boundaries (now obtained), Two day training session at Gladstone on use of CUBE. Adopt new Tour Traffic Model to encompass Transit travel (when available).
Mobility and Transportation Access Strategy (MTAS)	– Development of overarching Mobility and Sustainable Transport Strategy (to encompass other transportation and access management strategies).	– Establish internal working group and develop action plans.
Cost Impact Assessment Guidelines (CIA)	– Cost Impact Assessment Guidelines.	– Awaiting Government decision on Infrastructure Taskforce recommendations (PIP and application to areas outside PIA).
Transport Impact Assessment Guidelines (TIA)	– Ongoing.	– Ongoing.
Road Hierarchy	– Adjustments on Marian & Mirani required once Master Plan are completed.	– Review ongoing and await finalisation of LAP's. – Internal consultation on road hierarchy levels underway.
CBD Car Parking Study	– Ongoing	– Input into City Centre LAP. – Development of Strategy underway (Part A: Public and Part B: Private car parking).
Ooralea/Peak Downs Road Corridor	– Preparation of intersection analysis.	– Completion of typical cross section for Special Use Corridor.
Freight Summit	– Mackay Region Freight Summit held on 28 October.	– Summary of presentation provided on council web site. – Review outcomes of workshop and determine future actions.
DART Committee Meetings	– Attend regular weekly DART Committee Meeting as required.	– Ongoing
Provide Advice on transport and traffic matters to staff	– Provide advice on an on-going basis as requested.	– Ongoing

Pedestrian /Bicycle Strategy	– Provide advice on strategy for Mackay. – Integrate with Open Space Strategy	– Ongoing
Bus/Transit Strategy	– Prepare Bus/Transit Strategy to comply with current Government policies	– Meeting on 25th January 2011 with Dept of Transport on current work of newly established ITP Team.

5. BUSINESS IMPROVEMENT

Project Title	Project Manager	Progress	Completion Date
1. PIP Implementation	Darryl Jones	- Business solution design commenced - **Project on hold pending outcome of Infrastructure Charges Taskforce** - **Made detailed 16 page submission on the 14 recommendations** - **On State wide Working Group reviewing Transitional Issues**	On Hold
2a. Electronic Assessment – Low Risk Applications	Simon Halcrow	- Hardware and software installed - Procedure documents completed - Electronic signatures installed and tested - Early Adopters completed eAssessment lodgement to decision - Refining the design solution with early adopters completed - **User Manual finalised** - **Training for all planning staff January 2011**	31/01/11
2b. Electronic Assessment – Complex Applications	Simon Halcrow	- Hardware and software installed - Awaiting refinement of design solution for project 2a	30/03/11
3. Application Tracking (PD Online)	Darryl Jones	- **PROJECT COMPLETED**	1/11/10
4. Property Enquiry (PD Online)	Darryl Jones	- **PROJECT COMPLETED**	1/11/10
5. Land Use Enquiry	Darryl Jones	- Configuration issues between Infomaster and GIS resolved - User Acceptance Test completed - **Training of staff completed** - **Testing of Data commenced**	31/01/10
6. Applicant Module	Darryl Jones	- Infomaster still developing and testing product - Project on hold pending Infomaster completing product development	30/06/11
7. Assessor Module	Darryl Jones	- Infomaster still developing and testing product - Project on hold pending Infomaster completing product development	30/06/11

8. Electronic Lodgement of Building Applications (Concurrence Agency)	Darryl Jones	- Smart eDA priorities with pool register - Development of Building Applications capabilities in 2011 - MRC is a pilot Council	30/07/11
9. Automated Transfer of Data from Electronically Lodged Applications to Council's Systems	Darryl Jones	- Morton RC working with Infomaster to build eDAIS - They expect to complete mid 2011	30/06/11
11a. Environmental Health Pathway Development	Sarah Shuttlewood	- Initial scoping meeting 25 August - Project team established and dates set for next stages - Required improvements have been documented - System established currently inputting data	~~24/12/10~~ 31/01/11
11b. Environmental Protection Pathway Development	Craig Sheppard	- Required improvements have been documented - System established, inputting of data completed - Reports created to track progress of applications - **Testing of system completed** - **Training of staff completed** - **PROJECT COMPLETED**	~~28/02/11~~ ~~24/12/10~~ 15/12/10
12a. Review of Engineering Construction Specifications	Guy Stevenson	- Review of 22 of 44 complete – Inspection and Test Report Construction Specification Review, Standard Drawing review and Construction Policy Review. - **Consultation with internal stakeholders**	30/06/11
12b. Management of Engineering Construction Specifications	Darryl Jones	- Document control management - Meeting held with Customer Service to discuss corporation wide approach to 'systems and document management' - **Project now with Service Enhancement Team** - **PROJECT COMPLETED**	7/12/10
13. Electronic Planning Scheme	Darryl Jones	- Infomaster – Master View product being used to draft electronic planning scheme in Toowoomba RC - **Demonstration on Master View product undertaken** - **Capabilities match requirements**	2012
14. Online Public Consultation Submissions	Jaco Ackerman	- Online submissions for strategic projects completed - Request to change Statutory Forms sent to State Government to enable electronic receipt of public notification submissions for development applications	~~31/01/11~~ 28/02/11

15. Website Improvement	Darryl Jones	- Initial scoping meeting held - Roles and responsibilities of each Program being drafted - **Awaiting appointment of BSU coordinator**	~~24/12/10~~ 31/03/11
16. External Meeting Procedure		- Procedure prepared and approved - Procedure circulated to internal and external customers - Commencement of new procedure 1/11/10 - **PROJECT COMPLETED**	**1/11/10**
17. Fast Track – Risk Smart		- Awaiting on the outcome of the T5 HAF project to use as base	2011
18. Internal Referrals	Peter Bratt	- Design solution mapped - Procedure and associated forms drafted for internal consultation - **Refinement of referral triggers completed**	31/01/11
19. Standard Conditions	Dean Appleton / Guy Stevenson	- Business rules for conditions established - Draft conditions package completed - Workshop held with development industry - **Further refinement being undertaken before another workshop with development industry** - **Legal advice obtained for certain specific situations** - **Planning conditions finalised with further work required on engineering conditions**	~~24/12/10~~ 18/01/11
20. Enhance Tasking and Actioning of Customer Requests	Debbie Adams	- Correspondence collated and inputted into test environment - Testing of tasks and procedure underway - **Inputting templates into live environment commenced**	31/01/11
21. Improved Reporting of Development Compliance - Intervention Requests and KPI's	Mark Goodman	- Procedure drafted - Process associated with Audit mapped - Data inputted into Pathway - **Rebuilding procedure in Application module to link with original development application**	~~24/12/10~~ 18/02/11
22. Implement MCU Audit Process	Mark Goodman	- **PROJECT COMPLETED**	20/09/10

24a. Review of the Plan Endorsement Process	Peter Bratt	- Workshop with development industry to discuss design solution - Process/ forms and documents drafted - Follow up workshop with development industry 10/11/10 - Process/ forms and documentation further reviewed. - **Guideline including process flowchart and forms produced awaiting final distribution** - **Final workshop with development industry in mid January** - **Commencement of new procedure 31/01/11**	31/01/11
24b. Review of the On Maintenance Process	Peter Bratt	- Leverage off project 24a so awaiting the completion of the first stage	30/01/11
26. Development Services Library	Reyna Lewis	- **Library Services prepared estimate of process, costing and timing** - **Work planned to commence 1/05/11**	~~30/04/11~~ 30/06/11
27. BSU Operational Review		- Initial review of existing roles and responsibilities completed - Proposed roles and responsibilities identified and analysed - Resource requirements identified - **PD for Coordinators position finalised and position advertised**	30/10/11
28. Enforcement Process Review	Mark Goodman	- Legislation Review completed - Admin policy and procedure drafted - Approved by Council 1/11/10 - **PROJECT COMPLETED**	~~30/11/10~~ 1/12/10
29a. Management of Court Appeals	Darryl Jones	- **PROJECT COMPLETED**	3/11/10
29b. Management of Infrastructure Agreements	Darryl Jones	- Collation of data and background information undertaken - **Project now with Service Enhancement Team** - **PROJECT COMPLETED**	07/12/10

Infrastructure Charges Taskforce

Detailed 16 page submission on the 14 recommendations contained in the Interim Consultation Report lodged with the State Government on behalf of Council. In addition a 13 page submission was also submitted on behalf of the Regional Queensland Planning Managers Forum.

On 17 December 2010, Darryl Jones attended and co-chaired a State wide Working Group reviewing Transitional Issues for a new charging regime.

6. WORKING GROUPS

- Development Industry Forum

  Meeting was held on 17 January 2011.

- Smart Housing Working Group

  Next meeting to be held in February 2011.

Consultation

There has been consultation with Development Services Program Managers.

Resource Implications

Nil.

Conclusion

All Programs are performing in accordance with agreed outcomes.

Officer's Recommendation

THAT the report be received.

COUNCILLOR MEMBERSHIP
OF COUNCIL ADVISORY COMMITTEES, EXTERNAL LOCAL or STATE GOV. COMMITTEES (non Council), EXTERNAL COMMUNITY COMMITTEES (non Council) AND INTERNAL WORKING GROUPS

ADVISORY COMMITTEE	COUNCILLOR
Audit Advisory Committee	Cr Col Meng Cr Darryl Camilleri (Cr Deirdre Comerford - Observer/Proxy)
City Focus Advisory Committee	Cr Dave Perkins Cr Deirdre Comerford
Community Grants Advisory Committee	Cr Karen May Cr Wendy Cameron Cr Paul Steindl Cr Dave Perkins
Heritage Advisory Committee	Cr Wendy Cameron
Local Area Multicultural Partnership Committee	Cr Karen May
Local Disaster Management Group	Cr Col Meng Cr Darryl Camilleri Cr Karen May
Corporate Projects Committee	Cr Col Meng Cr Darryl Camilleri Cr Dave Perkins
Mackay Matsuura Sister City Committee	Cr Dave Perkins Cr Paul Steindl
Mackay Public and Community Transport Advisory Committee	Cr Karen May Cr Di Hatfield
Mackay Water Recycling Project Advisory Committee	Cr Col Meng Cr Deirdre Comerford
Equitable Access Advisory Committee	Cr Karen May
Natural Environment Advisory Committee	Cr Ross Walker Cr Wendy Cameron Cr Paul Steindl
Regional Arts Development Fund	Cr Karen May Cr Wendy Cameron
Rural Affairs Advisory Committee	Cr Wendy Cameron Cr Ross Walker Cr Karen May
Sarina Community Development Advisory Committee	Cr Wendy Cameron Cr Karen May
Sarina Field of Dreams Advisory Committee	Cr Dave Perkins Cr Wendy Cameron Cr Karen May
Sarina Sugar Shed Advisory Committee	Cr Dave Perkins Cr Darryl Camilleri Cr Karen May
Stormwater Quality Management Advisory Committee	Cr Deirdre Comerford Cr Kevin Casey
Sustainable Futures Advisory Committee	Cr Karen May Cr Ross Walker Cr Deirdre Comerford Cr Greg Thomsen
Traffic, Regulated Parking and Bicycle Advisory Committee	Cr Kevin Casey Cr Paul Steindl Cr Wendy Cameron

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EXTERNAL LOCAL, STATE or FEDERAL GOV.COMMITTEE- non Council	COUNCILLOR
Artspace Mackay Foundation Executive Committee	Cr Col Meng
Australia Wide Rural Road Group (AWRRG)	Cr Col Meng
CTM Water Alliance Executive Committee	Cr Deirdre Comerford
Events Precinct Steering Committee	Cr Darryl Camilleri
LGAQ Social Policy Reference Group	Cr Deirdre Comerford
LGAQ Environment and Health Reference Group	Cr Greg Thomsen
LGAQ Finance and Governance Reference Group	Cr Darryl Camilleri
LGAQ Natural Resource Management and Climate Change Group	Cr Karen May
LGAQ Regional Development and Relationships Reference Group	Cr Dave Perkins
Local Authorities Waste Management Advisory Committee	Cr Greg Thomsen (Cr Paul Steindl - Proxy)
Mackay District Disaster Management Group	Cr Col Meng
Mackay Local Marine Advisory Committee	Cr Karen May Cr Ross Walker (to apply)
Mackay Region Boating Facilities (Qld Transport)	Cr Kevin Casey
Mackay Sarina Coastal Project	Cr Ross Walker
Mackay Whitsunday Community Jobs Priority Committee	Cr Karen May
Mackay Whitsunday Regional Economic Development Corporation	Cr Col Meng
Mackay Whitsunday Regional Roads Group	Cr Col Meng
Mackay Whitsunday Regional Water Supply Strategy Management Committee	Cr Deirdre Comerford
North Queensland Regional Water Supply Strategy Management Committee	Cr Deirdre Comerford
Regional Development Australia – Mackay Whitsunday Inc	Cr Darryl Camilleri
North Queensland Sports Foundation	Cr Paul Steindl
North Queensland Local Government Association	Cr Greg Thomsen
Pioneer River Improvement Trust	Cr Kevin Casey Cr Wendy Cameron
Road Accident Action Committee	Cr Dave Perkins
Mackay Isaac Whitsunday Regional Planning Committee	Cr Col Meng
Mackay Isaac Whitsunday Regional and Transport Planning Program	Cr Col Meng (Cr Di Hatfield - Observer)
Whitsunday Hinterland and Mackay Bowen Regional Organisation of Councils	Cr Col Meng
Art Advisory Group for the Mackay Base Hospital Redevelopment Project	Cr Darryl Camilleri

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EXTERNAL COMMUNITY COMMITTEE - non Council	COUNCILLOR
Brewers Park Sportsground Committee	Cr Paul Steindl
Citysafe	Cr Dave Perkins
Coal to Coast Festival - Sarina	Cr Dave Perkins Cr Karen May
DBCT Community Working Group	Cr Karen May Cr Wendy Cameron
JCU Community Consultation	Cr Darryl Camilleri
Mackay Area Fish Stocking Association	Cr Dave Perkins
Mackay Base Hospital Community Reference Group	Cr Darryl Camilleri
Mackay Physical Activity Reference Group	Cr Paul Steindl Cr Wendy Cameron
Regional Social Development Centre	Cr Karen May
Mackay Tourism	Cr Dave Perkins
Pine Islet Lighthouse Preservation Society Incorporated	Cr Greg Thomsen
Pioneer Catchment and Landcare Group Inc	Cr Wendy Cameron Cr Ross Walker
Pioneer Valley Community Action Network Group	Cr Wendy Cameron
Pioneer Valley Museum	Cr Wendy Cameron Cr Karen May
North Qld Bulk Ports Community Reference Group - Hay Point	Cr Karen May
North Qld Bulk Ports Community Reference Group - Mackay	Cr Di Hatfield
Reef Catchments	Cr Ross Walker
Safe Communities	Cr Wendy Cameron Cr Dave Perkins Cr Karen May
Sarina Historical Centre Committee	Cr Karen May
Sarina Landcare Integrated Catchment Management Association	Cr Ross Walker Cr Wendy Cameron
Sarina Primary Health Care Council	Cr Wendy Cameron
Sarina Rural Skills Centre Management Board	Cr Wendy Cameron
Stadium Project Committee	Cr Paul Steindl
St Vincents De Paul Housing Committee	Cr Kevin Casey

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INTERNAL WORKING GROUPS	COUNCILLOR
Asset Management Steering Committee	Cr Darryl Camilleri
Development Assessment Review Team (DART)	Cr Di Hatfield
Development Industry Forum	Cr Col Meng Cr Di Hatfield Cr Darryl Camilleri
MRC Open Space, Sports & Recreation Study Reference Group	Cr Karen May Cr Ross Walker Cr Paul Steindl
Rates Steering Committee	Cr Darryl Camilleri Cr Paul Steindl
Sarina Transport Working Group	Cr Wendy Cameron
Strategic Planning Managers	Cr Di Hatfield
Smart Housing Working Group	Cr Darryl Camilleri Cr Deirdre Comerford Cr Di Hatfield
Carbon Pollution Reduction Technical Reference Group	Cr Deirdre Comerford Cr Karen May Cr Ross Walker
Plant, Fleet and Procurement Working Group	Cr Deirdre Comerford
Transport Working Group	Cr Kevin Casey
Natural Environment Working Group	Cr Wendy Cameron Cr Karen May Cr Ross Walker
Community Plan	Cr Karen May Cr Darryl Camilleri

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Mackay
REGIONAL COUNCIL

Executive Financial Performance Report

For the month of December 2010

MACKAY REGIONAL COUNCIL

EXECUTIVE FINANCIAL PERFORMANCE REPORT FOR THE MONTH OF DECEMBER 2010

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MACKAY REGIONAL COUNCIL

EXECUTIVE FINANCIAL PERFORMANCE REPORT FOR THE MONTH OF DECEMBER 2010

PROGRESS AT A GLANCE

Program	Indicator	Comments
Office of the CEO	●	
Development Services – Department Management	●	
Strategic Planning	●	
Development Assessment – Planning	●	
Health and Regulatory	●	
Development Assessment – Engineering	●	
Corporate Services – Department Management	●	
Administration	●	
Human Resources	●	
Financial Services	●	
Procurement and Plant	●	
Information Services	●	
Customer Services	●	
Corporate Communications	●	
Governance	●	
Asset Management	●	
Internal Audit	●	
Councillor Support	●	
Community Services – Department Management	●	
Economic Development	●	
Community Development & Library Services	●	
Mackay Convention Precinct & Events	●	Both income and expenditure in excess of budget. Expenditure should be curbed in January and February.
Recreation Services	●	
Property Services	●	
Engineering Services – Department Management	●	Issue with wet weather allocation.
Civil Operations	●	Wet weather Sept through Dec has delayed works. Currently at approx 44%

MACKAY REGIONAL COUNCIL **EXECUTIVE FINANCIAL PERFORMANCE REPORT FOR THE MONTH OF DECEMBER 2010**

Program	Indicator	Comments
		expenditure. Expect wet weather Jan through May will cause further delays. Unlikely to achieve Budget expenditure
Technical Services	●	
Parks and Environment	●	
Civil Projects		
WWS Management	●	Water Usage Charges well short of Budget due to extraordinary rainfall. (Partially offset by savings in Operations)
WWS Planning & Sustainability	●	
WWS Infrastructure Delivery	●	Unbudgeted expenses allocated to ID (Aqua Projects, McCulloch Robertson & Alliance Coaching).
WWSL Operations	●	
WWS Waste Services	●	
WWS Business Services	●	

Indicators:

- ● Budget on Track
- ● Potential Budget Issue
- ● Definite Budget Issue

MACKAY REGIONAL COUNCIL

EXECUTIVE FINANCIAL PERFORMANCE REPORT FOR THE MONTH OF DECEMBER 2010

BUDGET SNAPSHOT - COUNCIL BY FUND

	GENERAL			WATER		
	Budget 2010/2011	Actual 2010/2011	% of Budget	Budget 2010/2011	Actual 2010/2011	% of Budget
Operating Revenue						
Rates & Utility Charges	91,264,177	47,109,623	51.62%	31,436,345	14,442,508	45.94%
Less: Discounts and Remissions	(9,140,119)	(4,581,219)	50.12%	(1,273,968)	(625,435)	49.09%
Fees & Charges	10,701,000	5,211,686	48.70%	1,056,448	533,918	50.54%
Sales - Contract & Recoverable Work	3,495,324	1,748,676	50.03%	1,220,000	648,558	53.16%
Operating Grants & Subsidies	33,548,316	3,537,599	10.54%	-	-	0.00%
Operating Contributions	90,000	29,685	32.98%	-	-	0.00%
Interest Earned	2,035,000	781,910	38.42%	380,000	634,643	167.01%
Other Revenue	3,621,619	2,908,570	80.31%	110,000	32,640	29.67%
Community Services Obligations	(400,101)	(200,050)	50.00%	182,052	91,026	50.00%
Internal Transfers - Revenue	17,533,208	8,412,904	47.98%	498,375	302,133	60.62%
Internal Revenue Distribution	-	0	0.00%	-	-	0.00%
	$ 152,748,425	$ 64,959,384	42.53%	$ 33,609,252	$ 16,059,991	47.78%
Less: Operating Expenses						
Employee Cost	53,930,458	26,387,529	48.93%	6,684,060	3,204,652	47.94%
Goods, Services & Other Operational Costs	63,111,667	23,142,683	36.67%	8,087,358	2,734,823	33.82%
Transfer from Capital re Loss on Disposal of Assets	-	38,739	100.00%	-	90,816	100.00%
Finance Costs (incl Interest Expense)	3,334,758	889,184	26.66%	1,278,877	492,753	38.53%
Other Expenses	3,640,441	1,868,513	51.33%	231,000	168,981	73.15%
Depreciation	27,089,487	13,544,744	50.00%	8,820,641	4,410,321	50.00%
Corporate Overheads & Competitive Neutrality Costs	(4,477,168)	(2,238,584)	50.00%	1,799,169	899,585	50.00%
Internal Transfers - Expenses	9,459,332	5,958,645	62.99%	1,478,762	716,232	48.43%
	$ 156,088,975	$ 69,591,452	44.58%	$ 28,379,868	$ 12,718,161	44.81%
Less: Transfers						
Transfer from Capital re Loss on Disposal of Assets	-	(38,739)	100.00%	-	(90,816)	100.00%
Retained Surplus/Deficit Brought Forward from Prior Year	(71,402)	(71,402)	100.00%	(1,539,281)	(1,539,281)	100.00%
Transfer from Capital for Unfunded Depreciation	-	-	0.00%	-	-	0.00%
Transfer (to) Capital General Revenue Expended	953,056	8,680,005	910.75%	1,822,720	(1,803,570)	-98.95%
Inter-Function Dividends & Return on Capital	(8,410,086)	(4,205,043)	50.00%	4,533,058	2,266,529	50.00%
Transfers from Reserves	(5,562,682)	(2,693,774)	48.43%	(1,126,394)	(331,674)	29.45%
Transfers to Reserves	9,750,564	8,731,639	89.55%	1,539,281	1,977,042	128.44%
	($ 3,340,550)	$ 10,402,686	-311.41%	$ 5,229,384	$ 478,229	9.15%
Operating Surplus (Deficit)	($ 0)	($ 15,034,754)		$ 0	$ 2,863,601	
CAPITAL SUMMARY						
Capital Funding						
General Revenue Used for Capital Purposes	953,056	8,680,005	910.75%	1,822,720	(1,803,570)	-98.95%
Capital Grants	33,903,286	20,207,796	59.60%	3,263,882	132,572	4.06%
Capital Contributions	10,983,011	2,685,417	24.45%	2,000,000	2,201,594	110.08%
Capital Contributions - Non Cash Developer	4,000,000	51,132	1.28%	2,000,000	-	-100.00%
Capital Other Revenue	545,896	454,187	83.20%	310,006	194,168	62.63%
Capital Internal Transfers - Revenue	6,976,357	1,978,038	28.35%	-	-	0.00%
Transfers from Capital Reserves	34,839,838	20,945,821	60.12%	20,537,184	18,097,778	88.12%
Transfers to Capital Reserves	(29,904,963)	(9,182,233)	30.70%	(5,583,149)	(2,501,038)	44.80%
New Loans	61,737,734	-	-100.00%	18,803,314	-	-100.00%
Proceeds from Sale of Assets	2,767,063	953,047	34.44%	-	-	0.00%
Funded Depreciation	27,089,487	13,544,744	50.00%	8,820,641	4,410,321	50.00%
Capital Funding Brought Forward	-	-	0.00%	-	-	0.00%
Capital Funding Carried Forward	-	(6,971,847)	100.00%	-	-	0.00%
	$ 153,890,765	$ 53,346,107	34.66%	$ 51,974,597	$ 20,731,824	39.89%
Capital Expenditure						
Capital Expenditure (refer Schedules)	131,546,353	48,896,606	37.17%	48,633,775	19,821,573	40.76%
Capital Internal Transfers - Expense	13,099,317	3,091,354	23.60%	159,479	399,603	250.57%
Capital Expenditure (Carried Over)	-	-	0.00%	-	-	0.00%
Capital - Non Cash Developer Contributions	4,000,000	51,132	1.28%	2,000,000	-	-100.00%
Loan Repayments	5,245,095	1,307,014	24.92%	1,181,344	510,647	43.23%
	$ 153,890,765	$ 53,346,107	34.66%	$ 51,974,597	$ 20,731,824	39.89%

MACKAY REGIONAL COUNCIL

EXECUTIVE FINANCIAL PERFORMANCE
REPORT FOR THE MONTH OF DECEMBER 2010

BUDGET SNAPSHOT - COUNCIL BY FUND CONT'D

	WASTE WATER			WASTE SERVICES		
	Budget 2010/2011	Actual 2010/2011	% of Budget	Budget 2010/2011	Actual 2010/2011	% of Budget
Operating Revenue						
Rates & Utility Charges	34,675,169	17,824,504	51.40%	15,877,156	8,030,932	50.58%
Less: Discounts and Remissions	(3,066,564)	(1,499,760)	48.91%	(935,494)	(459,085)	49.07%
Fees & Charges	1,129,770	760,905	67.35%	5,290,820	2,961,714	55.98%
Sales - Contract & Recoverable Work	620,337	593,526	95.68%	-	-	0.00%
Operating Grants & Subsidies	-	44,000	100.00%	-	-	0.00%
Operating Contributions	-	-	0.00%	-	-	0.00%
Interest Earned	338,000	192,706	57.01%	269,000	232,815	86.55%
Other Revenue	-	-	0.00%	280,587	65,572	23.37%
Community Services Obligations	218,048	109,024	50.00%	-	-	0.00%
Internal Transfers - Revenue	208,558	150,126	71.98%	221,757	175,714	79.24%
Internal Revenue Distribution	-	-	0.00%	-	-	0.00%
	$ 34,123,318	$ 18,175,032	53.26%	$ 21,003,826	$ 11,007,662	52.41%
Less: Operating Expenses						
Employee Cost	5,746,314	2,825,766	49.18%	1,168,491	572,616	49.00%
Goods, Services & Other Operational Costs	8,354,577	3,098,658	37.09%	14,186,236	5,094,976	35.91%
Transfer from Capital re Loss on Disposal of Assets	-	68,849	100.00%	-	-	0.00%
Finance Costs (incl Interest Expense)	3,497,785	1,543,828	44.14%	1,275,000	630,879	49.48%
Other Expenses	469,325	398,794	84.97%	506,400	431,398	85.19%
Depreciation	9,603,137	4,801,569	50.00%	717,785	358,893	50.00%
Corporate Overheads & Competitive Neutrality Costs	2,098,752	1,049,376	50.00%	579,247	289,623	50.00%
Internal Transfers - Expenses	970,380	556,462	57.34%	241,323	193,660	80.25%
	$ 30,740,270	$ 14,343,301	46.66%	$ 18,674,482	$ 7,572,046	40.55%
Less: Transfers						
Transfer from Capital re Loss on Disposal of Assets	-	(68,849)	100.00%	-	-	0.00%
Retained Surplus/Deficit Brought Forward from Prior Year	(571,252)	(571,252)	100.00%	648,261	648,261	100.00%
Transfer from Capital for Unfunded Depreciation	-	-	0.00%	-	-	0.00%
Transfer (to) Capital General Revenue Expended	112,845	(3,674,134)	-3255.91%	2,372,173	654,145	27.58%
Inter-Function Dividends & Return on Capital	3,621,432	1,810,716	50.00%	255,596	127,798	50.00%
Transfers from Reserves	(351,229)	(144,469)	41.13%	(946,686)	(854,024)	90.21%
Transfers to Reserves	571,252	664,428	116.31%	-	74,317	100.00%
	$ 3,383,048	($ 1,983,560)	-58.63%	$ 2,329,345	$ 650,497	27.93%
Operating Surplus (Deficit)	$ 0	$ 5,815,291		$ -	$ 2,785,120	
CAPITAL SUMMARY						
Capital Funding						
General Revenue Used for Capital Purposes	112,845	(3,674,134)	-3255.91%	2,372,173	654,145	27.58%
Capital Grants	-	-	0.00%	-	-	0.00%
Capital Contributions	2,000,000	2,032,155	101.61%	-	-	0.00%
Capital Contributions - Non Cash Developer	2,000,000	-	-100.00%	-	-	0.00%
Capital Other Revenue	-	7,782	100.00%	-	-	0.00%
Capital Internal Transfers - Revenue	-	-	0.00%	-	-	0.00%
Transfers from Capital Reserves	9,449,532	6,056,854	64.10%	2,048,680	111,581	5.45%
Transfers to Capital Reserves	(5,661,539)	(2,032,247)	35.90%	(401,380)	(401,380)	100.00%
New Loans	4,259,501	-	-100.00%	2,251,893	-	-100.00%
Proceeds from Sale of Assets	-	-	0.00%	-	-	0.00%
Funded Depreciation	9,603,137	4,801,569	50.00%	717,785	358,893	50.00%
Capital Funding Brought Forward	-	-	0.00%	-	-	0.00%
Capital Funding Carried Forward	-	-	0.00%	-	-	0.00%
	$ 21,763,476	$ 7,191,979	33.05%	$ 6,989,151	$ 723,238	10.35%
Capital Expenditure						
Capital Expenditure (refer Schedules)	17,741,775	6,224,376	35.08%	6,047,300	268,363	4.44%
Capital Internal Transfers - Expense	29,662	102,958	347.10%	-	-	0.00%
Capital Expenditure (Carried Over)	-	-	0.00%	-	-	0.00%
Capital - Non Cash Developer Contributions	2,000,000	-	-100.00%	-	-	0.00%
Loan Repayments	1,992,038	864,644	43.41%	941,851	454,875	48.30%
	$ 21,763,476	$ 7,191,979	33.05%	$ 6,989,151	$ 723,238	10.35%

MACKAY REGIONAL COUNCIL

EXECUTIVE FINANCIAL PERFORMANCE REPORT FOR THE MONTH OF DECEMBER 2010

BUDGET SNAPSHOT - COUNCIL BY FUND CONT'D

	TOTAL		
	Budget 2010/2011	Actual 2010/2011	% of Budget
Operating Revenue			
Rates & Utility Charges	173,252,847	87,407,567	50.45%
Less: Discounts and Remissions	(14,416,145)	(7,165,499)	49.70%
Fees & Charges	18,178,038	9,468,224	52.09%
Sales - Contract & Recoverable Work	5,335,661	2,990,760	56.05%
Operating Grants & Subsidies	33,548,316	3,581,599	10.68%
Operating Contributions	90,000	29,685	32.98%
Interest Earned	3,022,000	1,842,074	60.96%
Other Revenue	4,012,206	3,006,783	74.94%
Community Services Obligations	0	0	100.00%
Internal Transfers - Revenue	18,461,898	9,040,877	48.97%
Internal Revenue Distribution	-	0	0.00%
	$ 241,484,821	$ 110,202,069	45.64%
Less: Operating Expenses			
Employee Cost	67,529,323	32,990,563	48.85%
Goods, Services & Other Operational Costs	93,739,838	34,071,140	36.35%
Transfer from Capital re Loss on Disposal of Assets	-	198,404	100.00%
Finance Costs (incl Interest Expense)	9,386,420	3,556,644	37.89%
Other Expenses	4,847,166	2,867,685	59.16%
Depreciation	46,231,050	23,115,525	50.00%
Corporate Overheads & Competitive Neutrality Costs	-	0	100.00%
Internal Transfers - Expenses	12,149,797	7,424,999	61.11%
	$ 233,883,594	$ 104,224,959	44.56%
Less: Transfers			
Transfer from Capital re Loss on Disposal of Assets	-	(198,404)	100.00%
Retained Surplus/Deficit Brought Forward from Prior Year	(1,533,674)	(1,533,674)	100.00%
Transfer from Capital for Unfunded Depreciation	-	-	0.00%
Transfer (to) Capital General Revenue Expended	5,260,794	3,856,446	73.31%
Inter-Function Dividends & Return on Capital	0	(0)	-9817068114.29%
Transfers from Reserves	(7,986,990)	(4,023,941)	50.38%
Transfers to Reserves	11,861,097	11,447,425	96.51%
	$ 7,601,228	$ 9,547,852	125.61%
Operating Surplus (Deficit)	($ 0)	($ 3,570,742)	
CAPITAL SUMMARY			
Capital Funding			
General Revenue Used for Capital Purposes	5,260,794	3,856,446	73.31%
Capital Grants	37,167,168	20,340,368	54.73%
Capital Contributions	14,983,011	6,919,166	46.18%
Capital Contributions - Non Cash Developer	8,000,000	51,132	0.64%
Capital Other Revenue	855,902	656,137	76.66%
Capital Internal Transfers - Revenue	6,976,357	1,978,038	28.35%
Transfers from Capital Reserves	66,875,234	45,212,034	67.61%
Transfers to Capital Reserves	(41,551,032)	(14,116,898)	33.97%
New Loans	87,052,442	-	-100.00%
Proceeds from Sale of Assets	2,767,063	953,047	34.44%
Funded Depreciation	46,231,050	23,115,525	50.00%
Capital Funding Brought Forward	-	-	0.00%
Capital Funding Carried Forward	-	(6,971,847)	100.00%
	$ 234,617,989	$ 81,993,148	34.95%
Capital Expenditure			
Capital Expenditure (refer Schedules)	203,969,203	75,210,918	36.87%
Capital Internal Transfers - Expense	13,288,458	3,593,916	27.05%
Capital Expenditure (Carried Over)	-	-	0.00%
Capital - Non Cash Developer Contributions	8,000,000	51,132	0.64%
Loan Repayments	9,360,328	3,137,181	33.52%
	$ 234,617,989	$ 81,993,148	34.95%

MACKAY REGIONAL COUNCIL

EXECUTIVE FINANCIAL PERFORMANCE REPORT FOR THE MONTH OF DECEMBER 2010

BUDGET SNAPSHOT – BY DEPARTMENT

	Corporate Revenue & Expenses Budget 2010/2011	Actual 2010/2011	% of Budget	Development Services Budget 2010/2011	Actual 2010/2011	% of Budget
Operating Revenue						
Rates & Utility Charges	86,097,060	44,501,792	51.69%	-	-	0.00%
Less: Discounts and Remissions	(9,133,169)	(4,577,479)	50.12%	-	-	0.00%
Fees & Charges	693,000	285,835	41.25%	5,691,300	3,191,161	56.07%
Sales - Contract & Recoverable Work	-	-	0.00%	-	-	0.00%
Operating Grants & Subsidies	6,592,000	2,540,378	38.54%	40,000	-	-100.00%
Operating Contributions	-	-	0.00%	90,000	29,685	32.98%
Interest Earned	2,035,000	578,018	28.40%	-	9,457	100.00%
Other Revenue	165,000	63,851	38.70%	134,800	66,170	49.09%
Community Services Obligations	(1,037,116)	(518,558)	50.00%	-	-	0.00%
Internal Transfers - Revenue	15,600	7,839	50.25%	145,071	76,746	52.90%
Internal Revenue Distribution	(91,626,018) -	63,681,742	69.50%	4,541,805	2,001,045	44.06%
	($ 6,198,644)	($ 20,800,066)	335.56%	$ 10,642,976	$ 5,374,263	50.50%
Less: Operating Expenses						
Employee Cost	(1,985,975)	(1,263,469)	63.62%	7,644,052	3,644,191	47.67%
Goods, Services & Other Operational Costs	3,267,844	1,927,810	58.99%	2,600,623	730,983	28.11%
Transfer from Capital re Loss on Disposal of Assets	-	-	0.00%	-	-	0.00%
Finance Costs (incl Interest Expense)	3,334,758	889,184	26.66%	-	-	0.00%
Other Expenses	289,070	291,479	100.83%	325,347	339,916	104.48%
Depreciation	-	-	0.00%	4,787	2,394	50.00%
Corporate Overheads & Competitive Neutrality Costs	(4,727,494)	(2,363,747)	50.00%	-	-	0.00%
Internal Transfers - Expenses	15,600	7,839	50.25%	558,427	307,217	55.01%
	$ 193,803	($ 510,904)	-263.62%	$ 11,133,236	$ 5,024,701	45.13%
Less: Transfers						
Transfer from Capital re Loss on Disposal of Assets	-	-	0.00%	-	-	0.00%
Retained Surplus/Deficit Brought Forward from Prior	(71,402)	(71,402)	100.00%	-	-	0.00%
Transfer from Capital for Unfunded Depreciation	-	-	0.00%	-	-	0.00%
Transfer (to) Capital General Revenue Expended	5,245,095	1,307,014	24.92%	32,913	-	-100.00%
Inter-Function Dividends & Return on Capital	(8,730,728)	(4,365,364)	50.00%	-	-	0.00%
Transfers from Reserves	(156,321)	(156,321)	100.00%	(1,169,407)	(304,843)	26.07%
Transfers to Reserves	168,013	343,082	204.20%	-	9,457	100.00%
	($ 3,545,343)	($ 2,942,991)	83.01%	($ 1,136,494)	($ 295,386)	25.99%
Operating Surplus (Deficit)	($ 2,847,103)	($ 17,346,171)		$ 646,234	$ 644,948	
CAPITAL SUMMARY						
Capital Funding						
General Revenue Used for Capital Purposes	5,245,095	1,307,014	24.92%	32,913	-	-100.00%
Capital Grants	-	-	0.00%	-	-	0.00%
Capital Contributions - Cash	-	-	0.00%	-	10,000	100.00%
Capital Contributions - Non Cash Developer	-	-	0.00%	-	-	0.00%
Capital Other Revenue	-	-	0.00%	-	-	0.00%
Capital Internal Transfers - Revenue	-	-	0.00%	-	-	0.00%
Transfers from Capital Reserves	-	-	0.00%	-	-	0.00%
Transfers to Capital Reserves	-	-	0.00%	-	(10,000)	100.00%
Loans	-	-	0.00%	-	-	0.00%
Proceeds from Sale of Assets	-	-	0.00%	-	-	0.00%
Funded Depreciation	-	-	0.00%	4,787	2,394	50.00%
Capital Funding Brought Forward	-	-	0.00%	-	-	0.00%
Capital Funding Carried Forward	-	-	0.00%	-	(2,394)	100.00%
	$ 5,245,095	$ 1,307,014	24.92%	$ 37,700	$ -	-100.00%
Capital Expenditure						
Capital Expenditure (refer Schedules)	-	-	0.00%	37,700	-	-100.00%
Capital Internal Transfers - Expense	-	-	0.00%	-	-	0.00%
Capital Expenditure (Carried Over)	-	-	0.00%	-	-	0.00%
Capital - Non Cash Developer Contributions	-	-	0.00%	-	-	0.00%
Loan Repayments	5,245,095	1,307,014	24.92%	-	-	0.00%
	$ 5,245,095	$ 1,307,014	24.92%	$ 37,700	$ -	-100.00%

MACKAY REGIONAL COUNCIL

EXECUTIVE FINANCIAL PERFORMANCE
REPORT FOR THE MONTH OF DECEMBER 2010

BUDGET SNAPSHOT – BY DEPARTMENT CONT'D

	Corporate Services Office of CEO Budget 2010/2011	Actual 2010/2011	% of Budget	Community Services Budget 2010/2011	Actual 2010/2011	% of Budget
Operating Revenue						
Rates & Utility Charges	-	(7,205)	100.00%	892,056	450,575	50.51%
Less: Discounts and Remissions	-	-	0.00%	(750)	(373)	49.67%
Fees & Charges	145,000	66,766	46.05%	3,678,900	1,373,843	37.34%
Sales - Contract & Recoverable Work	65,000	-	-100.00%	-	1	100.00%
Operating Grants & Subsidies	566,000	421,166	74.41%	902,952	483,253	53.52%
Operating Contributions	-	-	0.00%	-	-	0.00%
Interest Earned	-	-	0.00%	-	11,520	100.00%
Other Revenue	29,000	118,416	408.33%	3,151,482	2,549,159	80.89%
Community Services Obligations	-	-	0.00%	637,016	318,508	50.00%
Internal Transfers - Revenue	13,169,774	6,464,704	49.09%	-	225,617	100.00%
Internal Revenue Distribution	21,280,986	7,962,438	37.42%	14,925,392	6,238,739	41.80%
	$ 35,255,761	$ 15,026,284	42.62%	$ 24,187,048	$ 11,650,842	48.17%
Less: Operating Expenses						
Employee Cost	16,558,707	7,984,888	48.22%	9,396,980	4,755,184	50.60%
Goods, Services & Other Operational Costs	11,596,397	4,670,060	40.27%	11,498,754	5,613,323	48.82%
Transfer from Capital re Loss on Disposal of Assets	-	38,739	100.00%	-	-	0.00%
Finance Costs (incl Interest Expense)	-	-	0.00%	-	-	0.00%
Other Expenses	1,726,730	621,282	35.98%	1,266,294	592,863	46.82%
Depreciation	5,147,081	2,573,541	50.00%	2,183,086	1,091,543	50.00%
Corporate Overheads & Competitive Neutrality Costs	-	-	0.00%	250,326	125,163	50.00%
Internal Transfers - Expenses	515,098	322,090	62.53%	610,959	525,416	86.00%
	$ 35,544,014	$ 16,210,599	45.61%	$ 25,206,399	$ 12,703,492	50.40%
Less: Transfers						
Transfer from Capital re Loss on Disposal of Assets	-	(38,739)	100.00%	-	-	0.00%
Retained Surplus/Deficit Brought Forward from Prior	-	-	0.00%	-	-	0.00%
Transfer from Capital for Unfunded Depreciation	-	-	0.00%	-	-	0.00%
Transfer (to) Capital General Revenue Expended	(1,354,994)	(1,887,323)	139.29%	(741,086)	(895,149)	120.79%
Inter-Function Dividends & Return on Capital	-	-	0.00%	320,642	160,321	50.00%
Transfers from Reserves	(1,134,128)	(924,722)	81.54%	(1,490,213)	(779,544)	52.31%
Transfers to Reserves	-	-	0.00%	891,306	461,723	51.80%
	($ 2,489,122)	($ 2,850,784)	114.53%	($ 1,019,351)	($ 1,052,649)	103.27%
Operating Surplus (Deficit)	$ 2,200,869	$ 1,666,469		($ 0)	$ -	
CAPITAL SUMMARY						
Capital Funding						
General Revenue Used for Capital Purposes	(1,354,994)	(1,887,323)	139.29%	741,086	(895,149)	120.79%
Capital Grants	-	-	0.00%	4,029,843	15,000	0.37%
Capital Contributions - Cash	-	-	0.00%	-	-	0.00%
Capital Contributions - Non Cash Developer	-	-	0.00%	-	-	0.00%
Capital Other Revenue	-	-	0.00%	-	-	0.00%
Capital Internal Transfers - Revenue	-	151,640	100.00%	-	-	0.00%
Transfers from Capital Reserves	6,053,409	4,237,678	70.00%	2,063,135	621,074	30.10%
Transfers to Capital Reserves	(35,261)	(35,261)	100.00%	(12,185)	(12,185)	100.00%
Loans	-	-	0.00%	-	-	0.00%
Proceeds from Sale of Assets	2,274,563	953,047	41.90%	-	-	0.00%
Funded Depreciation	5,147,081	2,573,541	50.00%	2,183,086	1,091,543	50.00%
Capital Funding Brought Forward	-	-	0.00%	-	-	0.00%
Capital Funding Carried Forward	-	(2,540,128)	100.00%	-	(420,543)	100.00%
	$ 12,084,798	$ 3,453,192	28.57%	$ 7,522,792	$ 399,740	5.31%
Capital Expenditure						
Capital Expenditure (refer Schedules)	12,084,798	2,947,674	24.39%	7,522,792	357,552	4.75%
Capital Internal Transfers - Expense	-	505,518	100.00%	-	42,188	100.00%
Capital Expenditure (Carried Over)	-	-	0.00%	-	-	0.00%
Capital - Non Cash Developer Contributions	-	-	0.00%	-	-	0.00%
Loan Repayments	-	-	0.00%	-	-	0.00%
	$ 12,084,798	$ 3,453,192	28.57%	$ 7,522,792	$ 399,740	5.31%

MACKAY REGIONAL COUNCIL

EXECUTIVE FINANCIAL PERFORMANCE REPORT FOR THE MONTH OF DECEMBER 2010

BUDGET SNAPSHOT – BY DEPARTMENT CONT'D

	Engineering Services			Water & Waste Services		
	Budget 2010/2011	Actual 2010/2011	% of Budget	Budget 2010/2011	Actual 2010/2011	% of Budget
Operating Revenue						
Rates & Utility Charges	4,275,061	2,164,462	50.63%	81,988,670	40,297,944	49.15%
Less: Discounts and Remissions	(6,200)	(3,368)	54.32%	(5,276,026)	(2,584,280)	48.98%
Fees & Charges	492,800	294,082	59.68%	7,477,038	4,256,537	56.93%
Sales - Contract & Recoverable Work	3,430,324	1,748,675	50.98%	1,840,337	1,242,084	67.49%
Operating Grants & Subsidies	25,447,364	92,801	0.36%	-	44,000	100.00%
Operating Contributions	-	-	0.00%	-	-	0.00%
Interest Earned	-	182,915	100.00%	987,000	1,060,164	107.41%
Other Revenue	141,337	110,975	78.52%	390,587	98,213	25.14%
Community Services Obligations	-	-	0.00%	400,101	200,050	50.00%
Internal Transfers - Revenue	4,202,763	1,637,999	38.97%	928,690	627,974	67.62%
Internal Revenue Distribution	50,877,834	47,479,519	93.32%	-	-	0.00%
	$ 88,861,284	$ 53,708,060	60.44%	$ 88,736,397	$ 45,242,685	50.99%
Less: Operating Expenses						
Employee Cost	22,316,694	11,266,735	50.49%	13,598,865	6,603,034	48.56%
Goods, Services & Other Operational Costs	34,148,048	10,200,508	29.87%	30,628,171	10,928,457	35.68%
Transfer from Capital re Loss on Disposal of Assets	-	-	0.00%	-	159,665	100.00%
Finance Costs (incl Interest Expense)	-	-	0.00%	6,051,662	2,667,461	44.08%
Other Expenses	33,000	22,972	69.61%	1,206,725	999,172	82.80%
Depreciation	19,754,533	9,877,267	50.00%	19,141,563	9,570,782	50.00%
Corporate Overheads & Competitive Neutrality Costs	-	-	0.00%	4,477,168	2,238,584	50.00%
Internal Transfers - Expenses	7,759,248	4,796,083	61.81%	2,690,466	1,466,354	54.50%
	$ 84,011,522	$ 36,163,564	43.05%	$ 77,794,619	$ 34,633,508	44.52%
Less: Transfers						
Transfer from Capital re Loss on Disposal of Assets	-	-	0.00%	-	(159,665)	100.00%
Retained Surplus/Deficit Brought Forward from Prior	-	-	0.00%	(1,462,272)	(1,462,272)	100.00%
Transfer from Capital for Unfunded Depreciation	-	-	0.00%	-	-	0.00%
Transfer (to) Capital General Revenue Expended	(2,228,872)	10,155,463	-455.63%	4,307,738	(4,823,559)	-111.97%
Inter-Function Dividends & Return on Capital	-	-	0.00%	8,410,086	4,205,043	50.00%
Transfers from Reserves	(1,612,612)	(528,344)	32.76%	(2,424,308)	(1,330,167)	54.87%
Transfers to Reserves	8,691,245	7,917,377	91.10%	2,110,533	2,715,786	128.68%
	$ 4,849,761	$ 17,544,496	361.76%	$ 10,941,777	($ 854,834)	-7.81%
Operating Surplus (Deficit)	($ 0)	$ -		$ -	$ 11,464,012	
CAPITAL SUMMARY						
Capital Funding						
General Revenue Used for Capital Purposes	(2,228,872)	10,155,463	-455.63%	4,307,738	(4,823,559)	-111.97%
Capital Grants	29,873,443	20,192,796	67.59%	3,263,882	132,572	4.06%
Capital Contributions - Cash	10,983,011	2,675,417	24.36%	4,000,000	4,233,749	105.84%
Capital Contributions - Non Cash Developer	4,000,000	51,132	1.28%	4,000,000	-	-100.00%
Capital Other Revenue	545,896	454,187	83.20%	310,006	201,950	65.14%
Capital Internal Transfers - Revenue	6,976,357	1,826,398	26.18%	-	-	0.00%
Transfers from Capital Reserves	26,723,294	16,087,070	60.20%	32,035,396	24,266,213	75.75%
Transfers to Capital Reserves	(29,857,517)	(9,124,786)	30.56%	(11,646,069)	(4,934,665)	42.37%
Loans	61,737,734	-	-100.00%	25,314,708	-	-100.00%
Proceeds from Sale of Assets	492,500	-	-100.00%	-	-	0.00%
Funded Depreciation	19,754,533	9,877,267	50.00%	19,141,563	9,570,782	50.00%
Capital Funding Brought Forward	-	-	0.00%	-	-	0.00%
Capital Funding Carried Forward	-	(4,008,782)	100.00%	-	-	0.00%
	$ 129,000,380	$ 48,186,161	37.35%	$ 80,727,224	$ 28,647,040	35.49%
Capital Expenditure						
Capital Expenditure (refer Schedules)	111,901,064	45,591,551	40.74%	72,422,850	26,314,141	36.33%
Capital Internal Transfers - Expense	13,099,317	2,543,477	19.42%	189,141	502,733	265.80%
Capital Expenditure (Carried Over)	-	-	0.00%	-	-	0.00%
Capital - Non Cash Developer Contributions	4,000,000	51,132	1.28%	4,000,000	-	-100.00%
Loan Repayments	-	-	0.00%	4,115,233	1,830,166	44.47%
	$ 129,000,380	$ 48,186,161	37.35%	$ 80,727,224	$ 28,647,040	35.49%

MACKAY REGIONAL COUNCIL **EXECUTIVE FINANCIAL PERFORMANCE REPORT FOR THE MONTH OF DECEMBER 2010**

BUDGET SNAPSHOT – BY DEPARTMENT CONT'D

	Total		
	Budget 2010/2011	Actual 2010/2011	% of Budget
Operating Revenue			
Rates & Utility Charges	173,252,847	87,407,567	50.45%
Less: Discounts and Remissions	(14,416,145)	(7,165,499)	49.70%
Fees & Charges	18,178,038	9,468,224	52.09%
Sales - Contract & Recoverable Work	5,335,661	2,990,760	56.05%
Operating Grants & Subsidies	33,548,316	3,581,599	10.68%
Operating Contributions	90,000	29,685	32.98%
Interest Earned	3,022,000	1,842,074	60.96%
Other Revenue	4,012,206	3,006,783	74.94%
Community Services Obligations	0	0	100.00%
Internal Transfers - Revenue	18,461,898	9,040,877	48.97%
Internal Revenue Distribution	-	0	0.00%
	$ 241,484,821	$ 110,202,069	45.64%
Less: Operating Expenses			
Employee Cost	67,529,323	32,990,563	48.85%
Goods, Services & Other Operational Costs	93,739,838	34,071,140	36.35%
Transfer from Capital re Loss on Disposal of Assets	-	198,404	100.00%
Finance Costs (incl Interest Expense)	9,386,420	3,556,644	37.89%
Other Expenses	4,847,166	2,867,685	59.16%
Depreciation	46,231,050	23,115,525	50.00%
Corporate Overheads & Competitive Neutrality Costs	-	0	100.00%
Internal Transfers - Expenses	12,149,797	7,424,999	61.11%
	$ 233,883,594	$ 104,224,959	44.56%
Less: Transfers			
Transfer from Capital re Loss on Disposal of Assets	-	(198,404)	100.00%
Retained Surplus/Deficit Brought Forward from Prior	(1,533,674)	(1,533,674)	100.00%
Transfer from Capital for Unfunded Depreciation	-	-	0.00%
Transfer (to) Capital General Revenue Expended	5,260,794	3,856,446	73.31%
Inter-Function Dividends & Return on Capital	-	(0)	100.00%
Transfers from Reserves	(7,986,990)	(4,023,941)	50.38%
Transfers to Reserves	11,861,097	11,447,425	96.51%
	$ 7,601,228	$ 9,547,852	125.61%
Operating Surplus (Deficit)	($ 0)	($ 3,570,742)	
CAPITAL SUMMARY			
Capital Funding			
General Revenue Used for Capital Purposes	5,260,794	3,856,446	73.31%
Capital Grants	37,167,168	20,340,368	54.73%
Capital Contributions - Cash	14,983,011	6,919,166	46.18%
Capital Contributions - Non Cash Developer	8,000,000	51,132	0.64%
Capital Other Revenue	855,902	656,137	76.66%
Capital Internal Transfers - Revenue	6,976,357	1,978,038	28.35%
Transfers from Capital Reserves	66,875,234	45,212,034	67.61%
Transfers to Capital Reserves	(41,551,032)	(14,116,898)	33.97%
Loans	87,052,442	-	-100.00%
Proceeds from Sale of Assets	2,767,063	953,047	34.44%
Funded Depreciation	46,231,050	23,115,525	50.00%
Capital Funding Brought Forward	-	-	0.00%
Capital Funding Carried Forward	-	(6,971,847)	100.00%
	$ 234,617,989	$ 81,993,148	34.95%
Capital Expenditure			
Capital Expenditure (refer Schedules)	203,969,203	75,210,918	36.87%
Capital Internal Transfers - Expense	13,288,458	3,593,916	27.05%
Capital Expenditure (Carried Over)	-	-	0.00%
Capital - Non Cash Developer Contributions	8,000,000	51,132	0.64%
Loan Repayments	9,360,328	3,137,181	33.52%
	$ 234,617,989	$ 81,993,148	34.95%

Income & Expenditure Analysis by Program

The following graphs have been created using the following parameters:

Budget 10/11 is 2010/2011 Amended Budget
Actual 10/11 is 2010/2011 Actuals to Period 12
Actual 09/10 is 2009/2010 Actuals to Period 13

The following categories of income and expenditure have been excluded:

Transfers to / from Reserves
Depreciation
Community Service Obligations
Corporate Overheads and Competitive Neutrality Costs
Inter-function Dividends and Return of Capital.

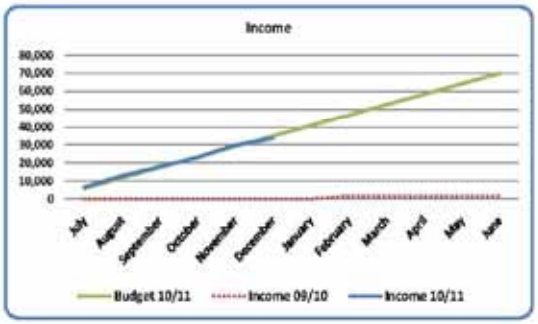
MACKAY REGIONAL COUNCIL

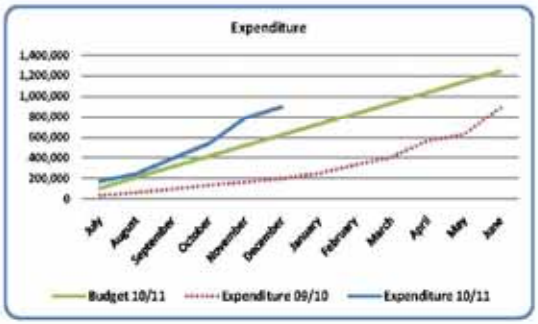
EXECUTIVE FINANCIAL PERFORMANCE REPORT FOR THE MONTH OF DECEMBER 2010

INCOME & EXPENDITURE ANALYSIS BY PROGRAM

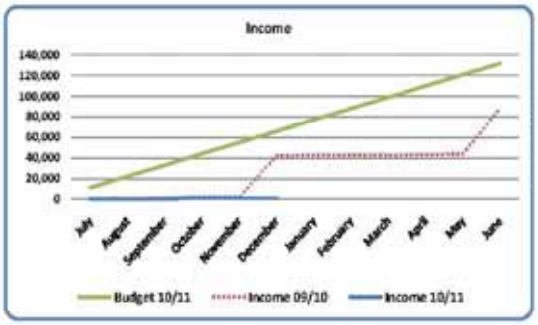
Development Services

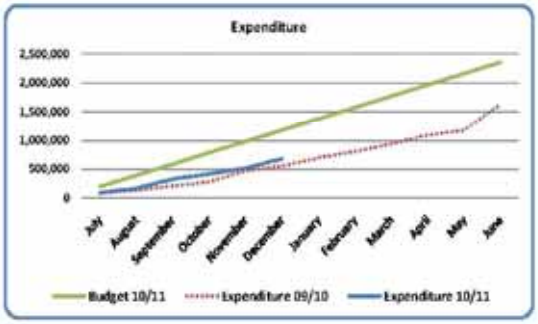
Program 2.1 Development Services Management



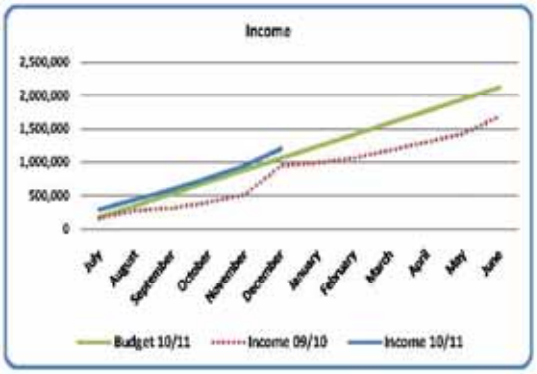


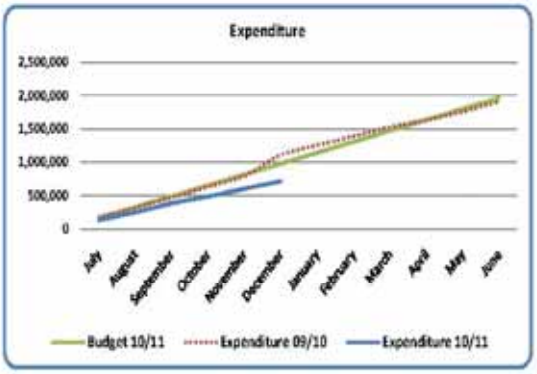
Program 2.2 Strategic Planning





Program 2.3 Development Assessment



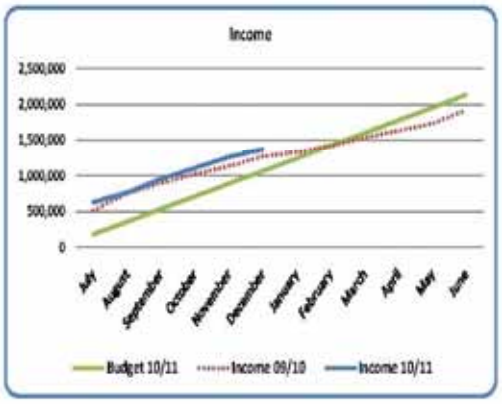


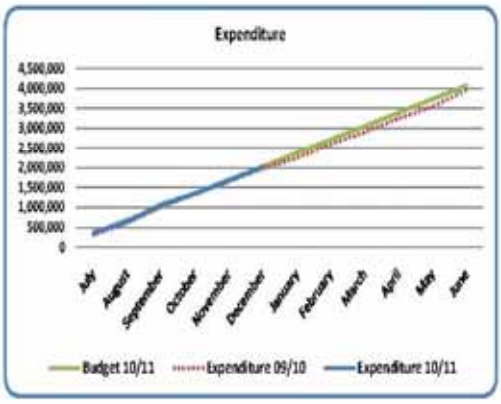
MACKAY REGIONAL COUNCIL

EXECUTIVE FINANCIAL PERFORMANCE REPORT FOR THE MONTH OF DECEMBER 2010

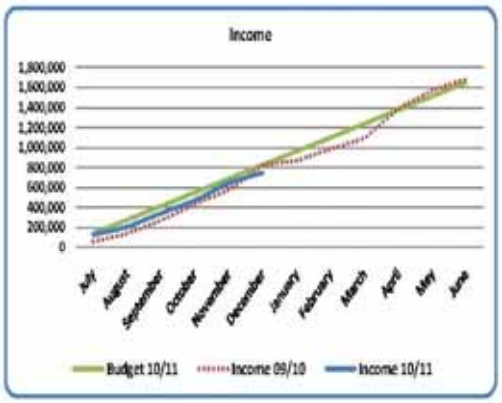
INCOME & EXPENDITURE ANALYSIS BY PROGRAM CONT'D

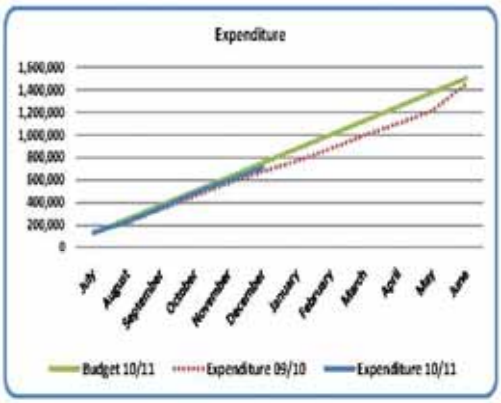
Program 2.5 Health and Regulatory





Program 2.6 Development Engineering



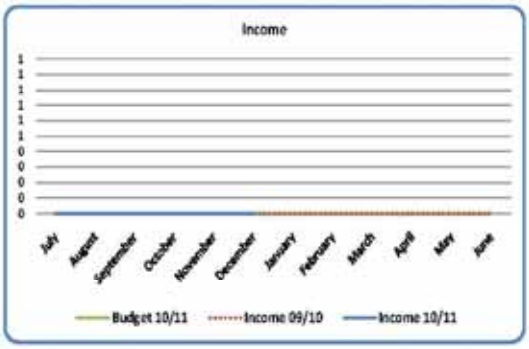


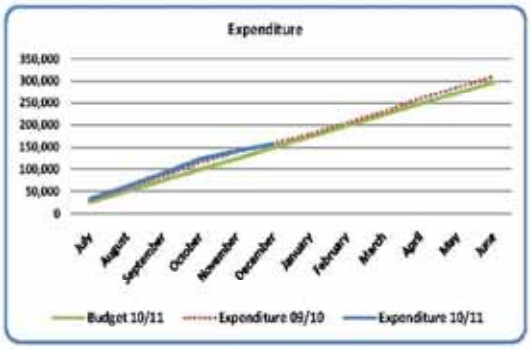
MACKAY REGIONAL COUNCIL **EXECUTIVE FINANCIAL PERFORMANCE REPORT FOR THE MONTH OF DECEMBER 2010**

INCOME & EXPENDITURE ANALYSIS BY PROGRAM CONT'D

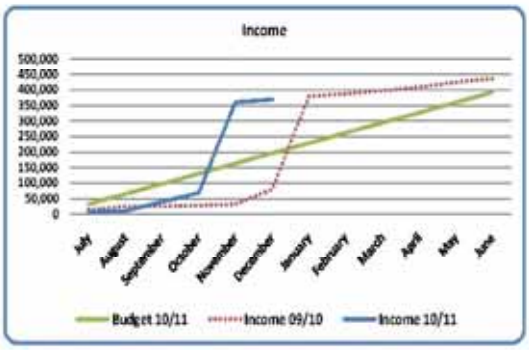
Corporate Services

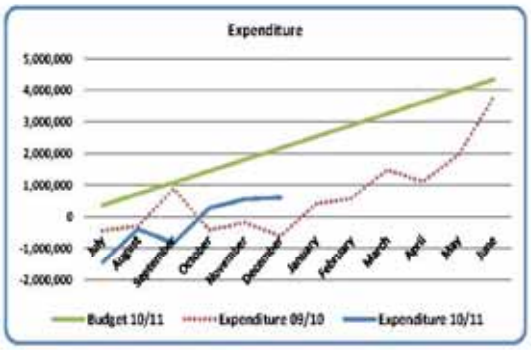
Program 3.1 Corporate Services Management



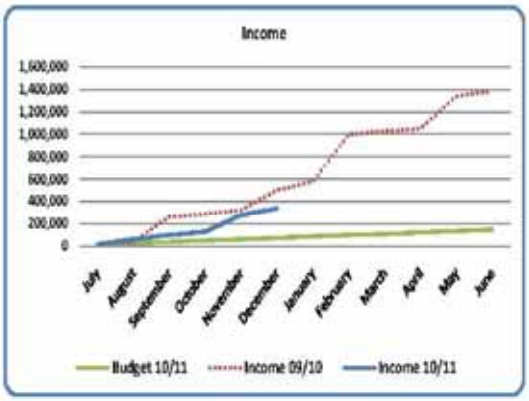


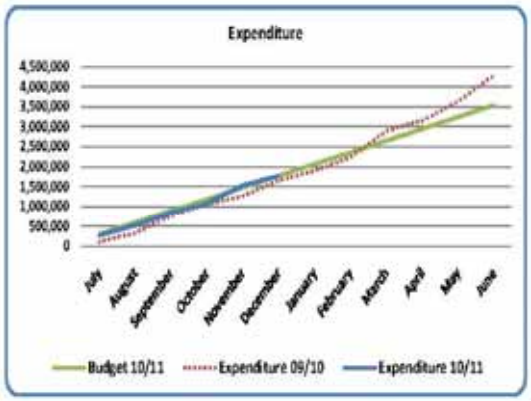
Program 3.2 Organisational Development





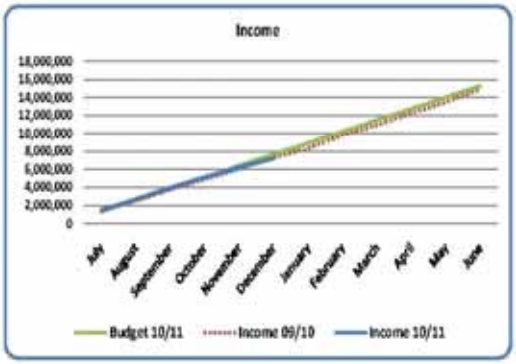
Program 3.3 Financial Services

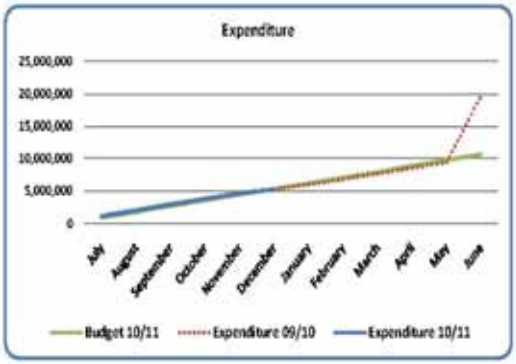




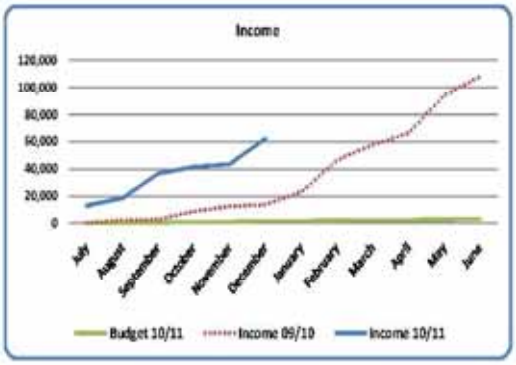
INCOME & EXPENDITURE ANALYSIS BY PROGRAM CONT'D

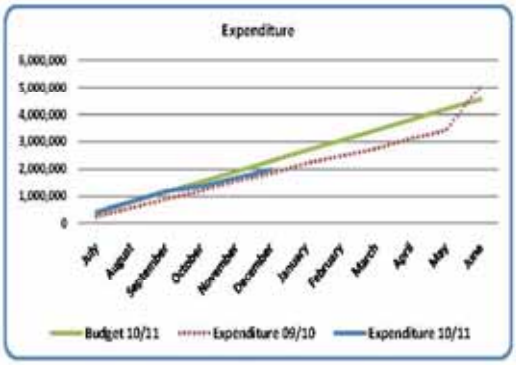
Program 3.4 Procurement & Plant



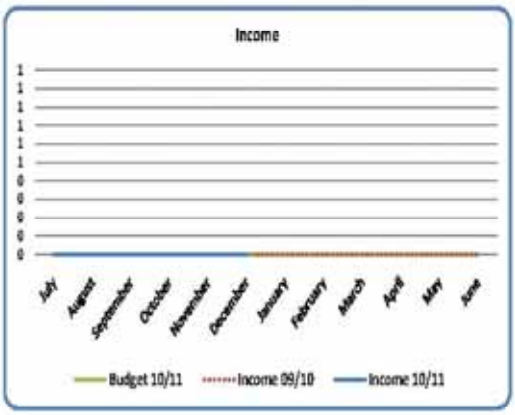


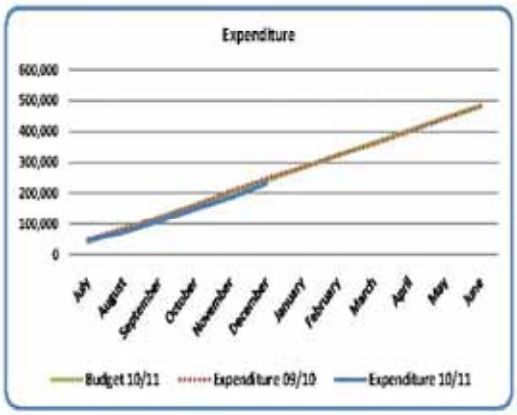
Program 3.5 Information Services





Program 3.6 Office of the CEO

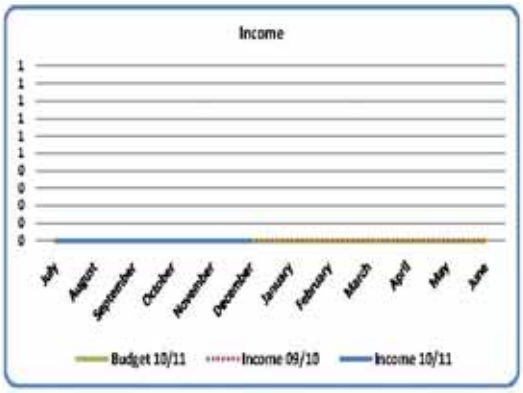


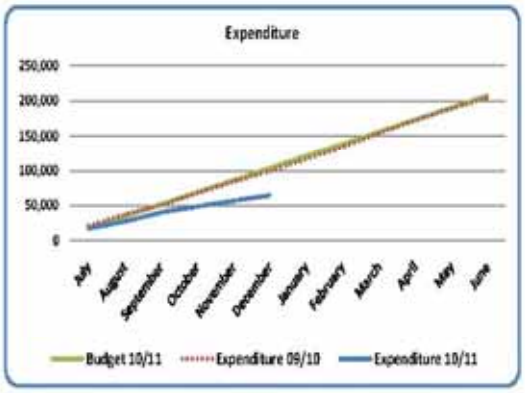


MACKAY REGIONAL COUNCIL **EXECUTIVE FINANCIAL PERFORMANCE REPORT FOR THE MONTH OF DECEMBER 2010**

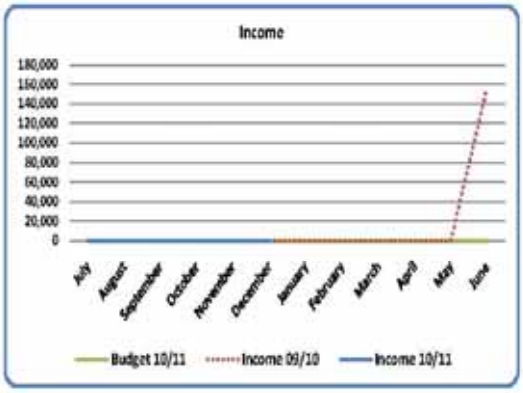
INCOME & EXPENDITURE ANALYSIS BY PROGRAM CONT'D

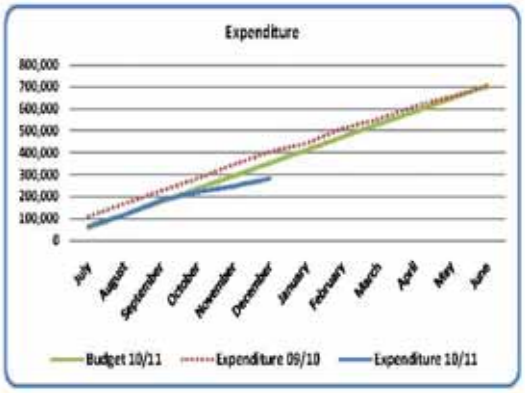
Program 3.7 Internal Audit



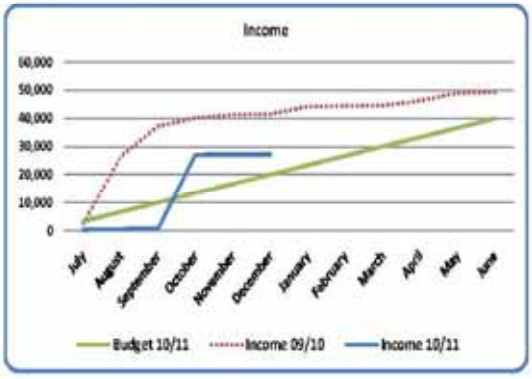


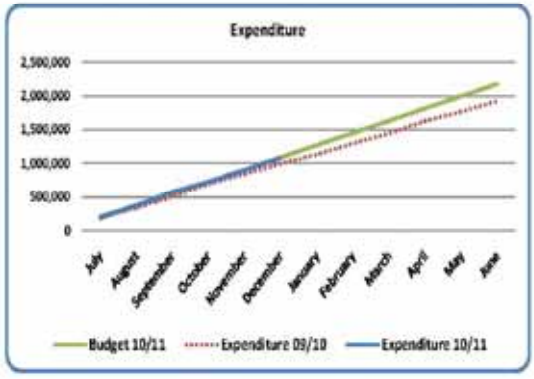
Program 3.8 Asset Management





Program 3.9 Customer Services

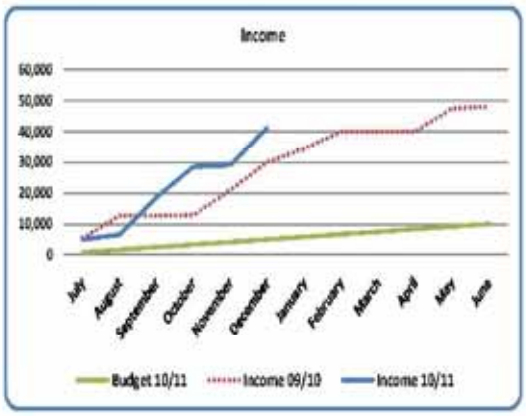


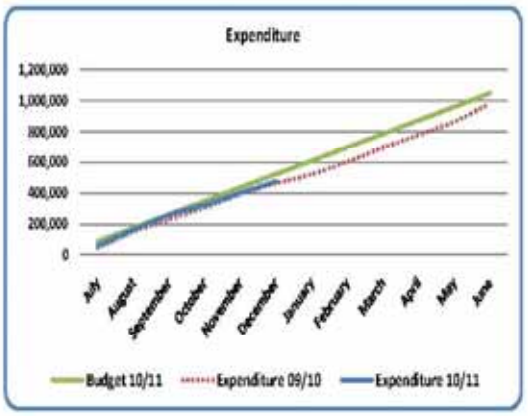


MACKAY REGIONAL COUNCIL **EXECUTIVE FINANCIAL PERFORMANCE REPORT FOR THE MONTH OF DECEMBER 2010**

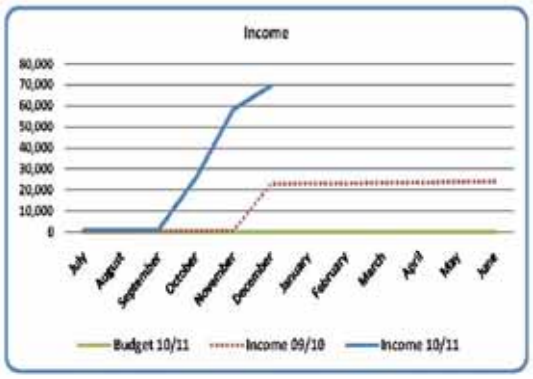
INCOME & EXPENDITURE ANALYSIS BY PROGRAM CONT'D

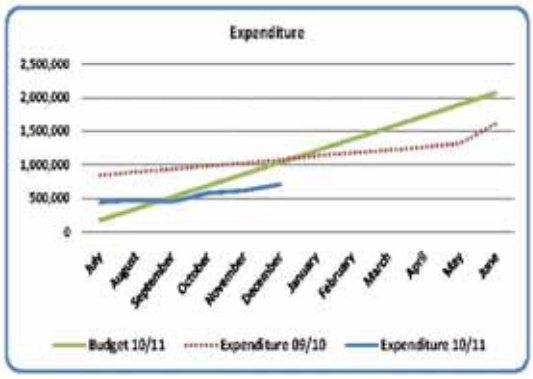
Program 3.10 Corporate Communications



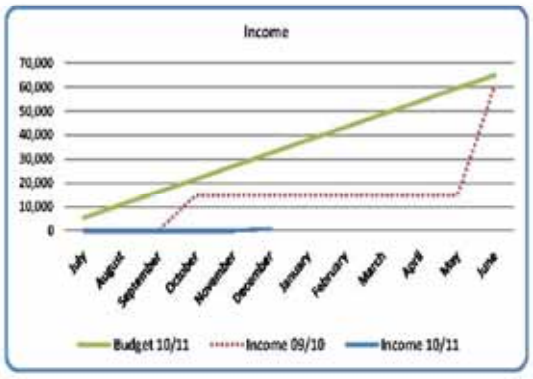


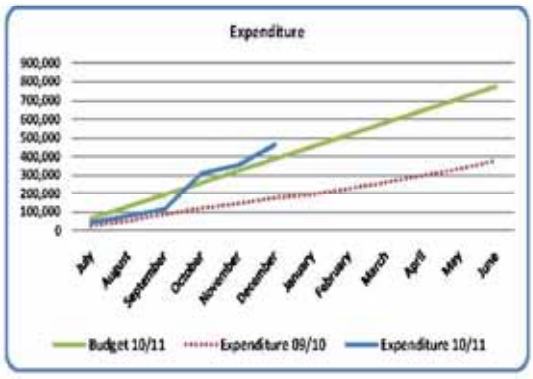
Program 3.11 Governance





Program 3.12 Administration

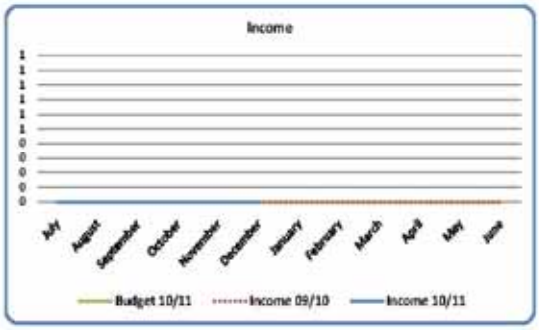


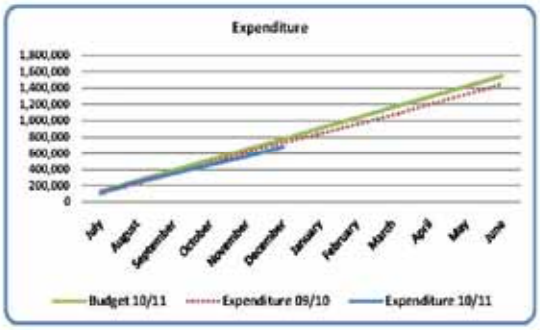


MACKAY REGIONAL COUNCIL **EXECUTIVE FINANCIAL PERFORMANCE REPORT FOR THE MONTH OF DECEMBER 2010**

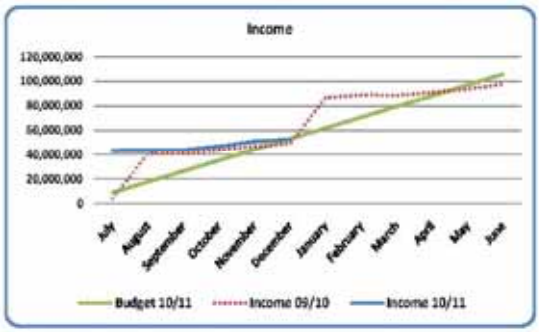
INCOME & EXPENDITURE ANALYSIS BY PROGRAM CONT'D

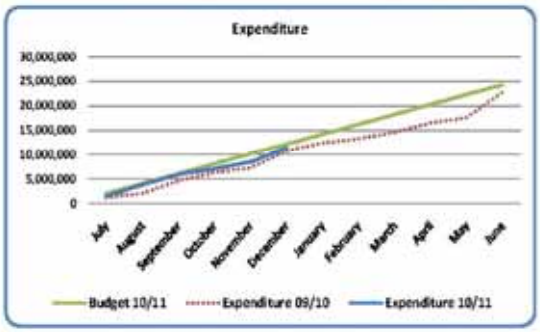
Program 3.13 Councillor Support





Program 3.14 Corporate Revenue & Expenses



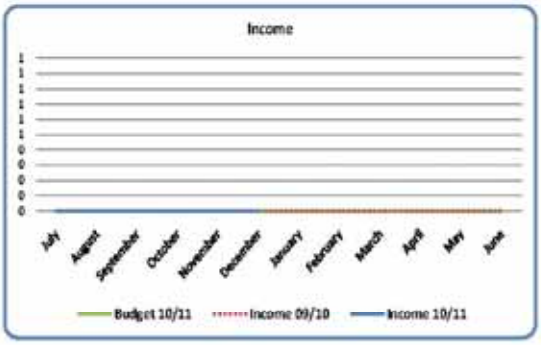


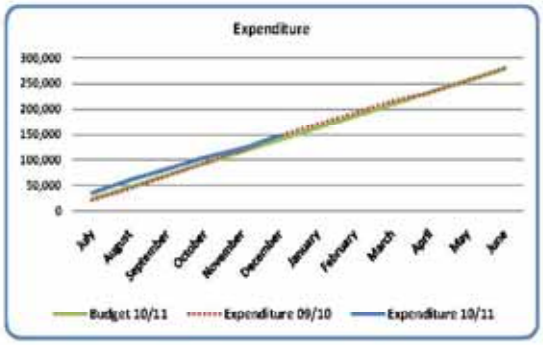
MACKAY REGIONAL COUNCIL **EXECUTIVE FINANCIAL PERFORMANCE REPORT FOR THE MONTH OF DECEMBER 2010**

INCOME & EXPENDITURE ANALYSIS BY PROGRAM CONT'D

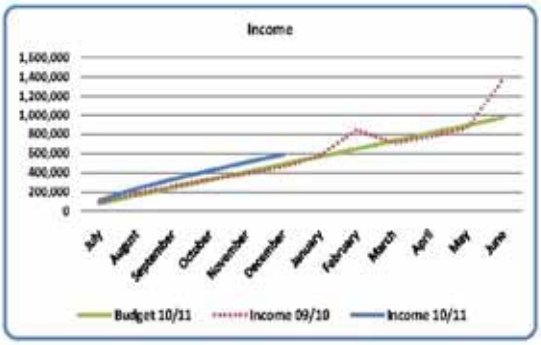
Community Services

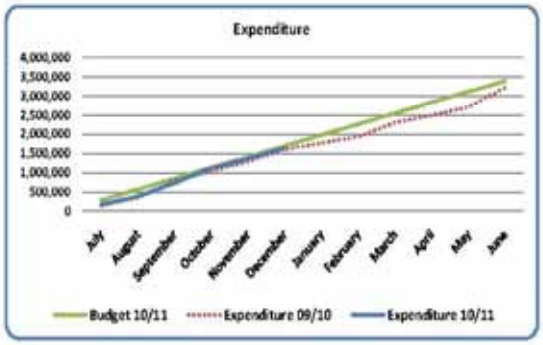
Program 4.1 Community Services



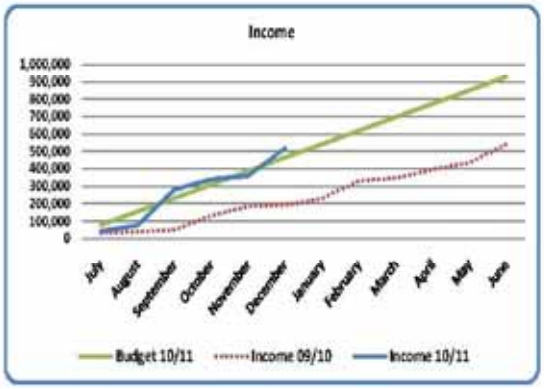


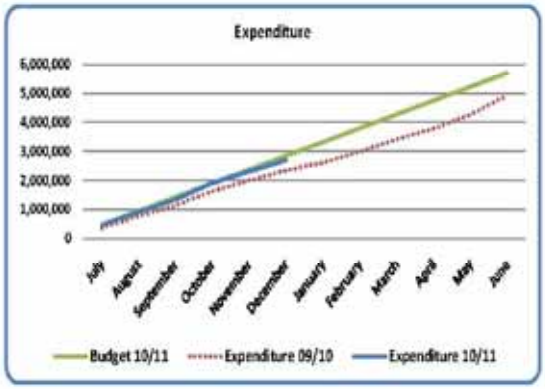
Program 4.2 Property Services





Program 4.3 Community Development & Libraries

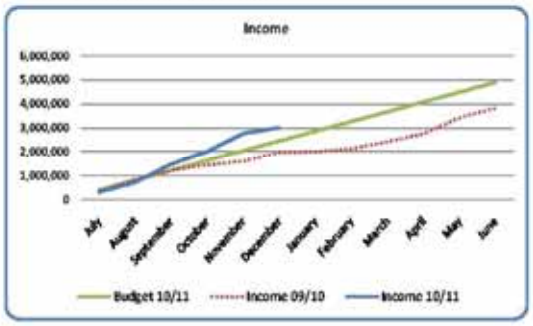


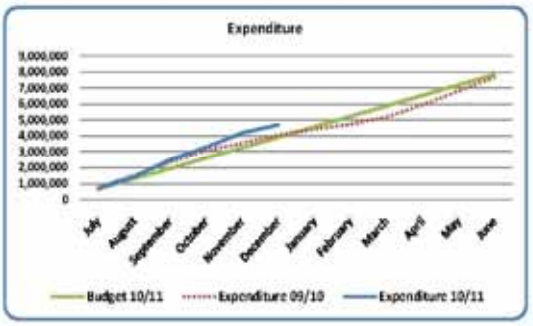


MACKAY REGIONAL COUNCIL **EXECUTIVE FINANCIAL PERFORMANCE REPORT FOR THE MONTH OF DECEMBER 2010**

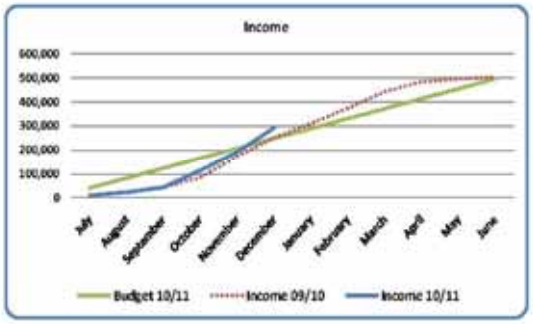
INCOME & EXPENDITURE ANALYSIS BY PROGRAM CONT'D

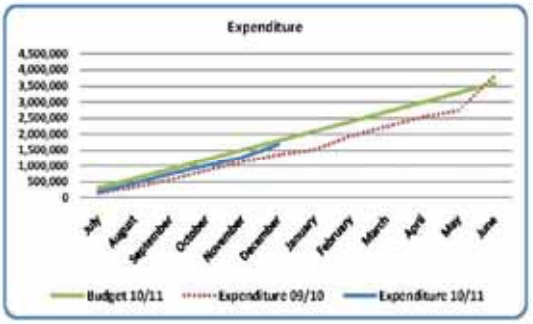
Program 4.4 Mackay Convention Precinct



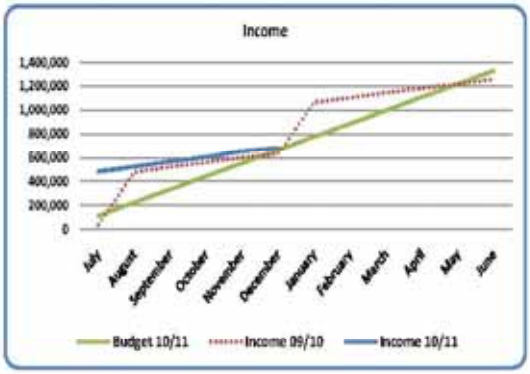


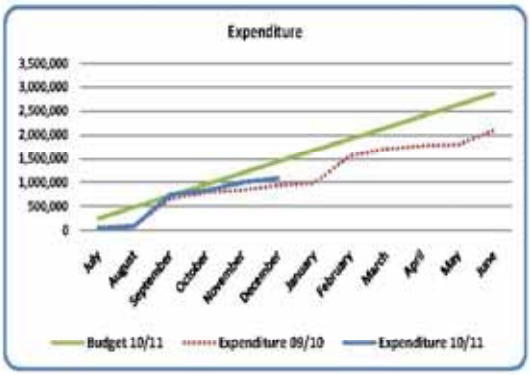
Program 4.5 Recreation Services





Program 4.6 Urban Renewal & Economic Development





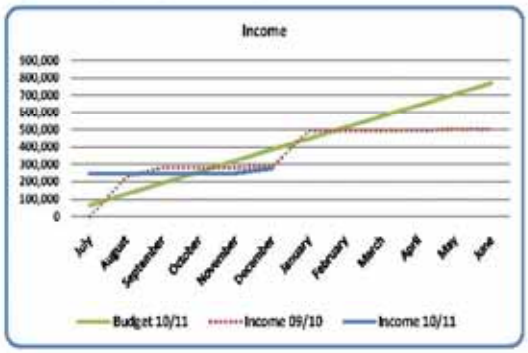
MACKAY REGIONAL COUNCIL

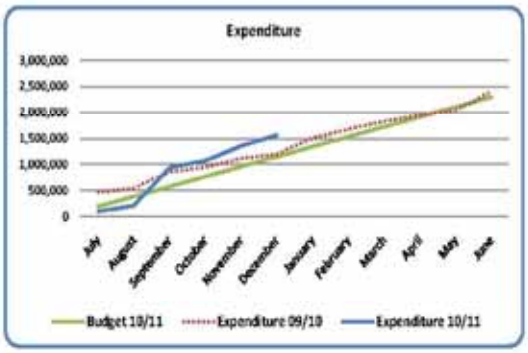
EXECUTIVE FINANCIAL PERFORMANCE
REPORT FOR THE MONTH OF DECEMBER 2010

INCOME & EXPENDITURE ANALYSIS BY PROGRAM CONT'D

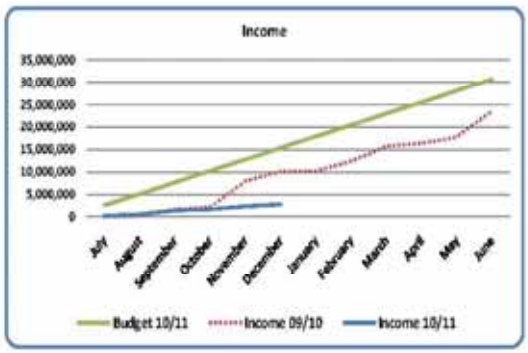
Engineering Services

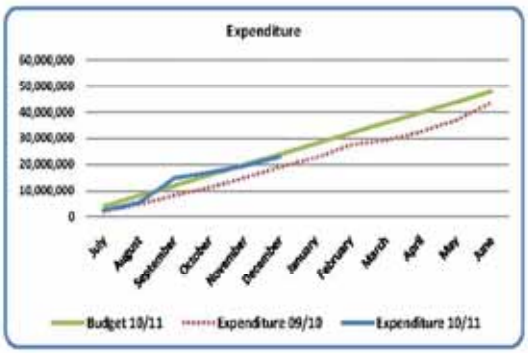
Program 5.1 Engineering Services Management



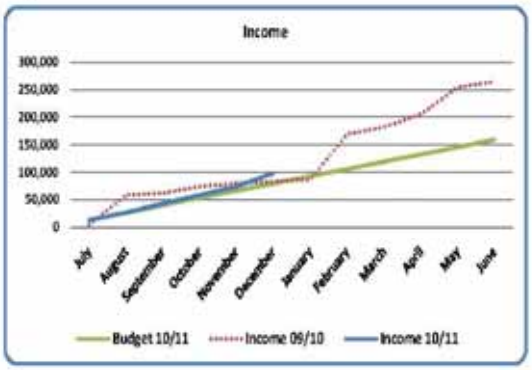


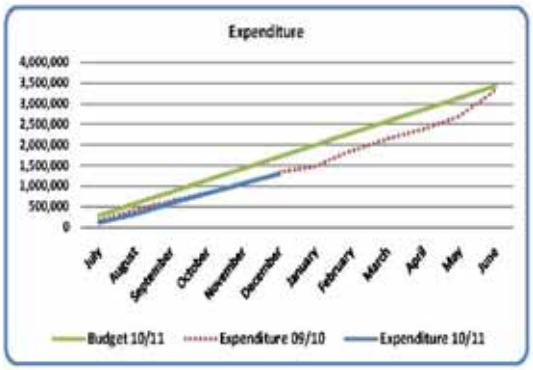
Program 5.2 Maintenance





Program 5.3 Technical Services

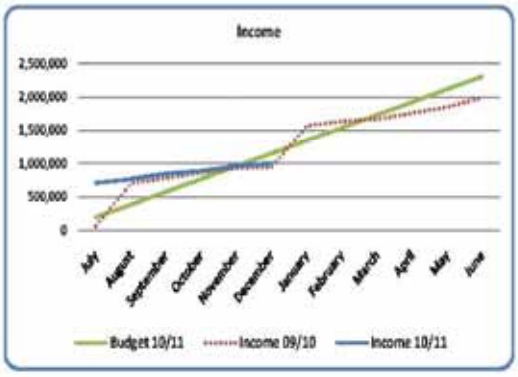


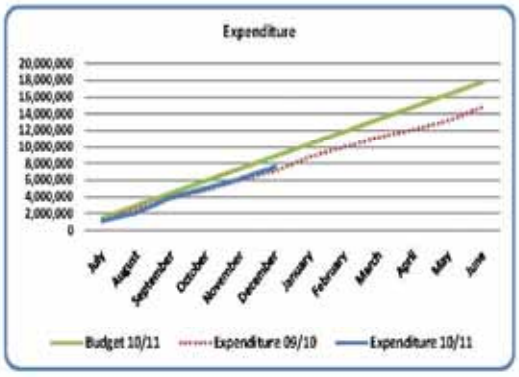


MACKAY REGIONAL COUNCIL **EXECUTIVE FINANCIAL PERFORMANCE REPORT FOR THE MONTH OF DECEMBER 2010**

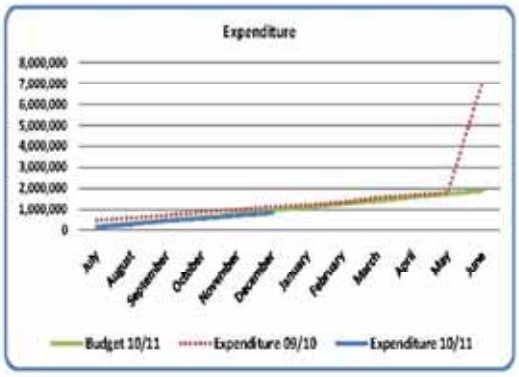
INCOME & EXPENDITURE ANALYSIS BY PROGRAM CONT'D

Program 5.4 Parks & Environment





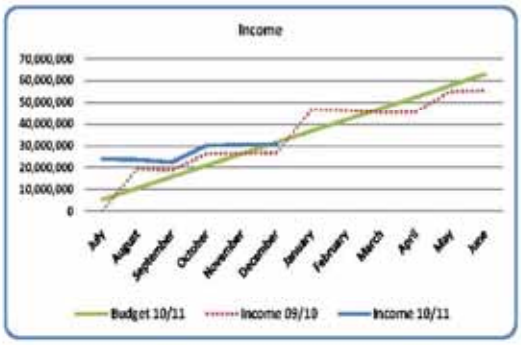
Program 5.5 Construction

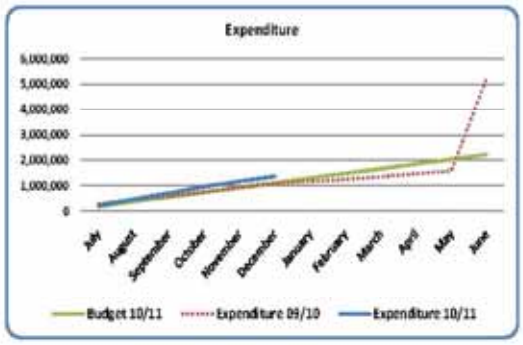


INCOME & EXPENDITURE ANALYSIS BY PROGRAM CONT'D

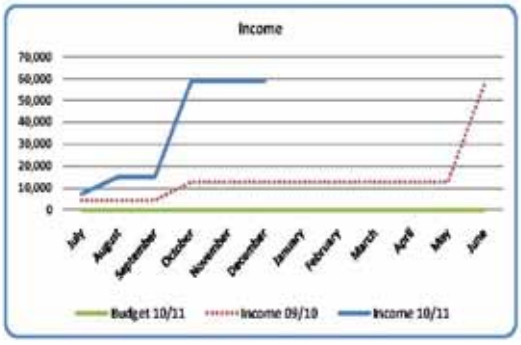
Water & Waste Services

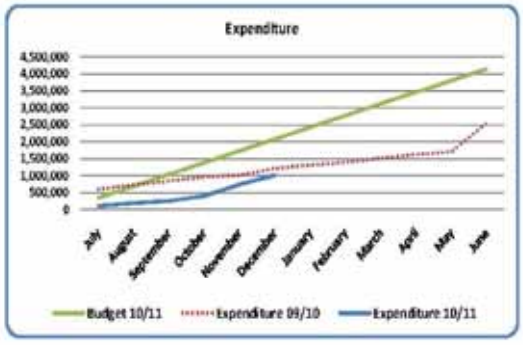
Program 6.1 Water & Waste Services Management



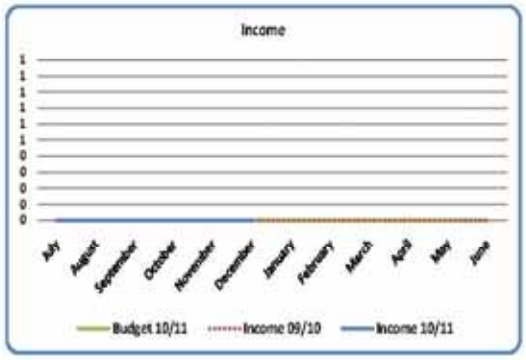


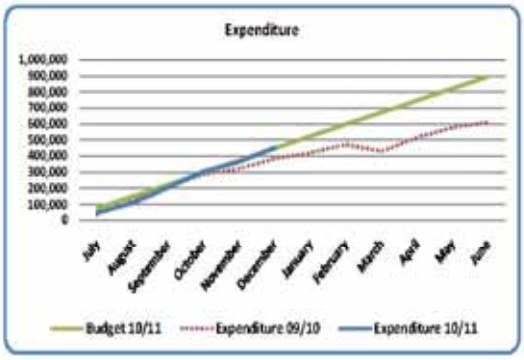
Program 6.2 Planning & Sustainability





Program 6.3 Infrastructure Delivery





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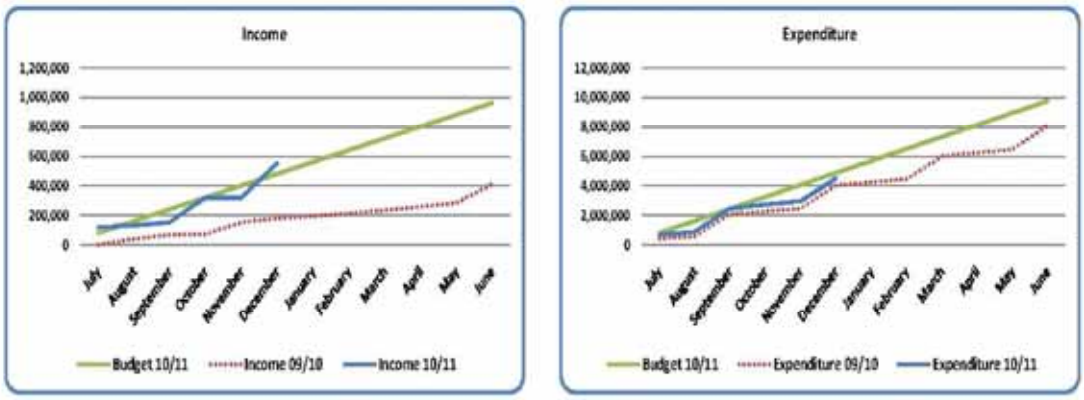
INCOME & EXPENDITURE ANALYSIS BY PROGRAM CONT'D

Program 6.6 Business Servcies



Capital Expenditure Graphs by Program

The following graphs have been created using the following parameters:

Budget 10/11 is 2010/2011 Amended Budget
Actual 10/11 is 2010/2011 Actuals to Period 12
Actual + Commitments is 2010/2011 Actuals to Period 12 plus commitments raised YTD Budget is 2010/2011 Amended Budget divided by 12 multiplied by 6

Program 6.3 has been included at Operational Plan level to show the split between Water Sewerage and MWRP projects.

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EXECUTIVE FINANCIAL PERFORMANCE
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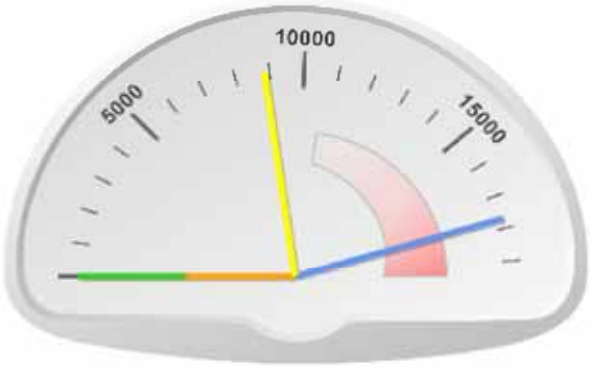
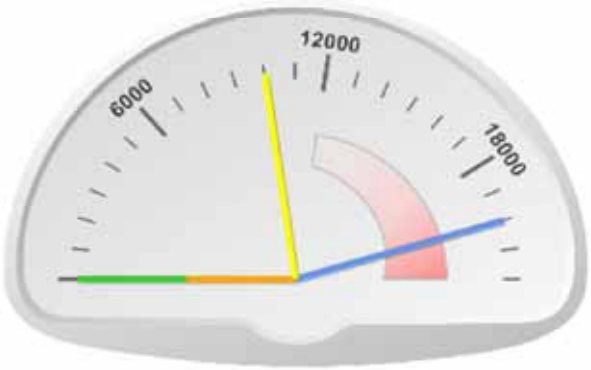
CAPITAL EXPENDITURE GRAPHS BY PROGRAM

Development Services

2.1 Development Services Management ($)



2.5 Health and Regulatory ($)



Actuals
Budget
Actuals + Commitments
YTD Budget

CAPITAL EXPENDITURE GRAPHS BY PROGRAM CONT'D
Corporate Services

3.4 Procurement & Plant ($M's)

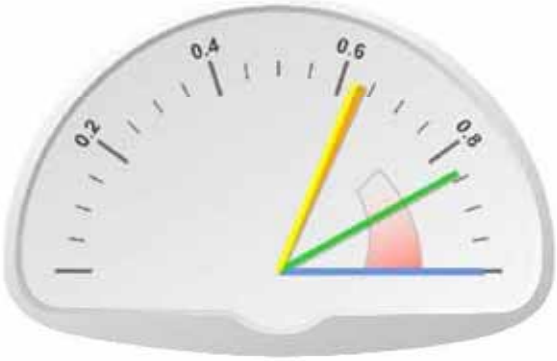
3.5 Information Services ($M's)

3.10 Corporate Communications ($)

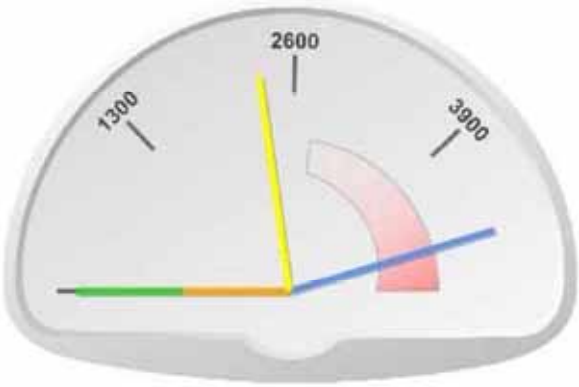
Actuals
Budget
Actuals + Commitments
YTD Budget

CAPITAL EXPENDITURE GRAPHS BY PROGRAM CONT'D

3.12 Administration ($M's)



3.13 Councillor Support ($)



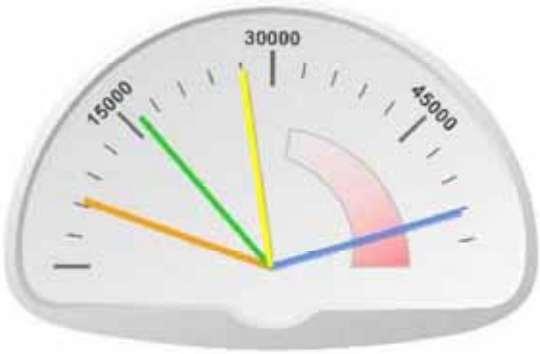
Actuals
Budget
Actuals + Commitments
YTD Budget

CAPITAL EXPENDITURE GRAPHS BY PROGRAM CONT'D

Community Services

4.2 Property Services ($M's)

4.3 Community Development & Libraries ($)

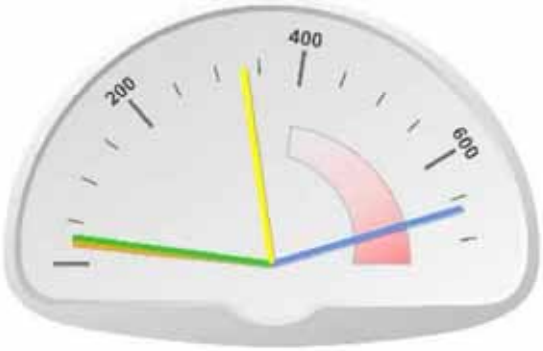


4.4 Mackay Convention Precinct ($000's)

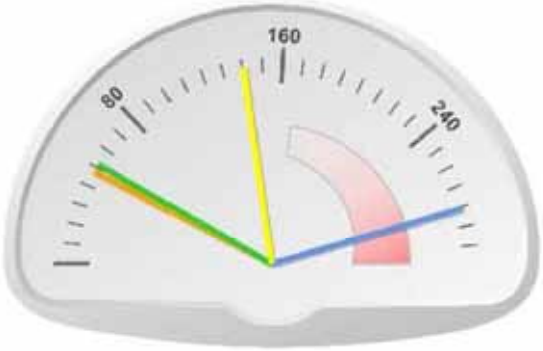
Actuals
Budget
Actuals + Commitments
YTD Budget

CAPITAL EXPENDITURE GRAPHS BY PROGRAM CONT'D

4.5 Recreation Services ($000's)



4.6 Urban Renewal & Economic Development ($000's)



Actuals
Budget
Actuals + Commitments
YTD Budget

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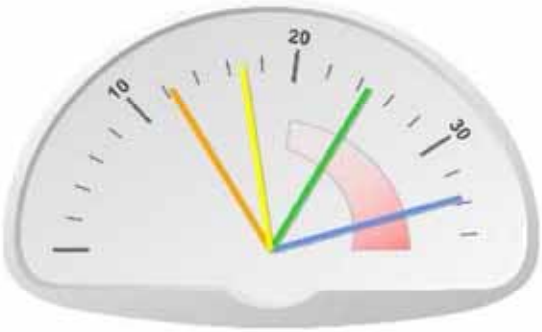
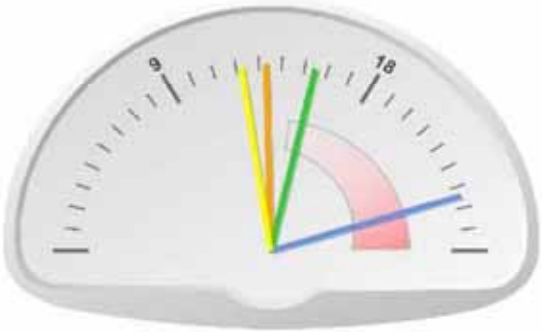
CAPITAL EXPENDITURE GRAPHS BY PROGRAM CONT'D

Engineering Services

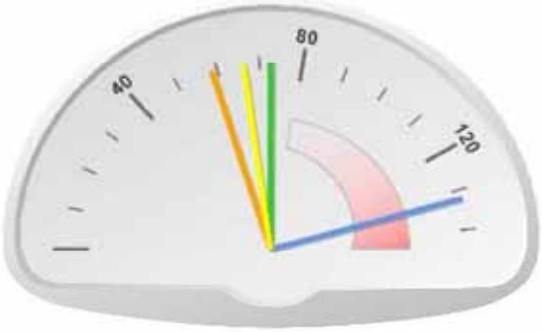
5.1 Engineering Services Management ($M's)



5.2 Maintenance ($M's)



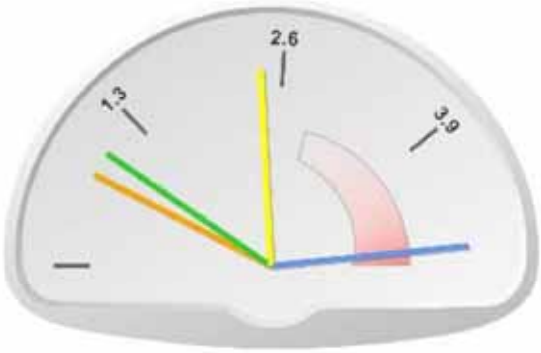
5.3 Technical Services ($000's)



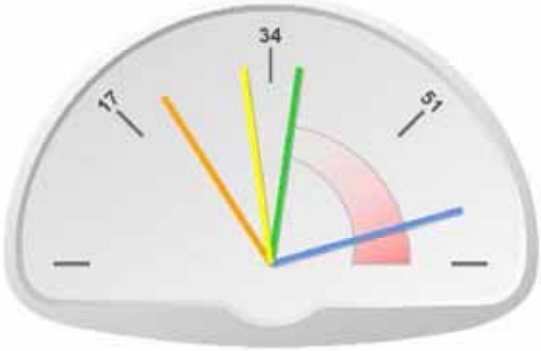
Actuals
Budget
Actuals + Commitments
YTD Budget

CAPITAL EXPENDITURE GRAPHS BY PROGRAM CONT'D

5.4 Parks & Environment ($M's)



5.5 Construction ($M's)

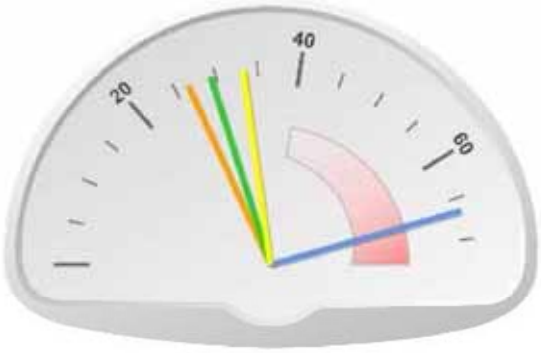


Actuals
Budget
Actuals + Commitments
YTD Budget

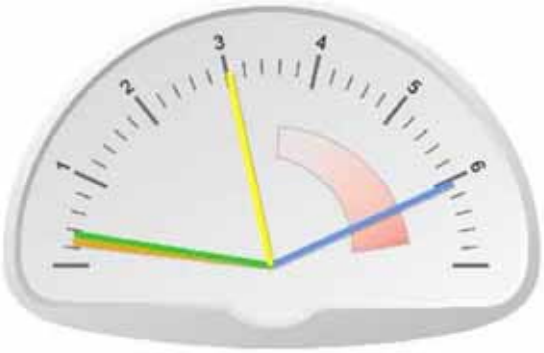
CAPITAL EXPENDITURE GRAPHS BY PROGRAM CONT'D

Water & Waste Services

6.3 Infrastructure Delivery ($M's)



6.5 Mackay Waste Services ($M's)



Actuals
Budget
Actuals + Commitments
YTD Budget

Capital Income Graphs by Program

The following graphs have been created to show the level of external funding to be received versus the actual received to date. The graphs have been created using the following parameters:

Budget 10/11 is 2010/2011 Amended Budget
Actual 10/11 is 2010/2011 Actuals to Period 12
Actual + Commitments is 2010/2011 Actuals to Period 12 plus commitments raised YTD Budget is 2010/2011 Amended Budget divided by 12 multiplied by 6

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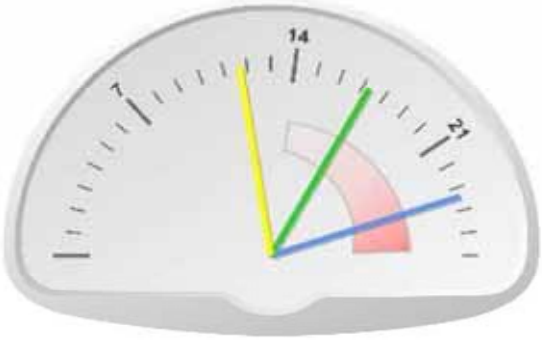
CAPITAL INCOME GRAPHS BY PROGRAM

4.2 Property Services ($M's)

5.2 Maintenance ($M's)

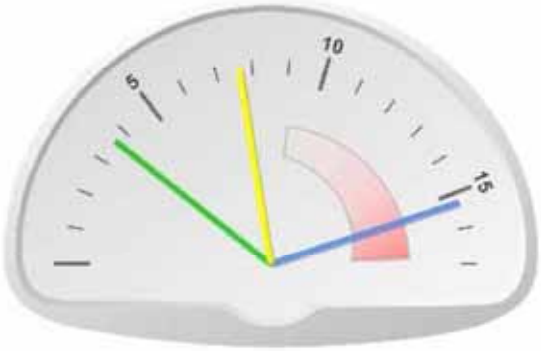


5.4 Parks & Environment ($)

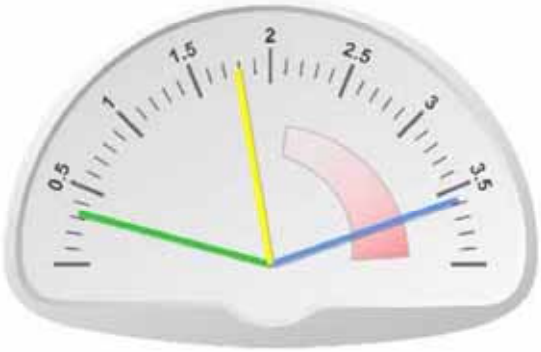
Actuals
Budget
Actuals + Commitments
YTD Budget

CAPITAL INCOME GRAPHS BY PROGRAM CONT'D

5.5 Construction ($M's)



6.3 Infrastructure Delivery ($M's)



Actuals
Budget
Actuals + Commitments
YTD Budget

MACKAY REGIONAL COUNCIL

EXECUTIVE FINANCIAL PERFORMANCE REPORT FOR THE MONTH OF DECEMBER 2010

FINANCIAL PERFORMANCE REPORT – MACKAY ENTERTAINMENT & CONVENTION CENTRE

	Convention Centre Budget 2010/2011	Convention Centre Actual 2010/2011	Entertainment Centre Budget 2010/2011	Entertainment Centre Actual 2010/2011
Operating Revenue				
Rates & Utility Charges	-	-	-	-
Less: Discounts and Remissions	-	-	-	-
Fees & Charges	1,900,000	460,988	867,000	430,531
Sales - Contract & Recoverable Work	-	-	-	-
Operating Grants & Subsidies	-	-	-	18,000
Operating Contributions	-	-	-	-
Interest Earned	-	-	-	-
Other Revenue	1,353,032	1,496,113	240,300	98,934
Community Services Obligations	318,508	159,254	318,508	159,254
Internal Transfers	-	21,663	-	199,035
Internal Revenue Distribution	103,457	461,279	1,377,019	380,653
	$ 3,674,997	$ 2,599,296	$ 2,802,827	$ 1,286,406
Less: Operating Expenses				
Employee Cost	756,280	402,221	1,747,891	697,570
Goods, Services & Other Operational Costs	2,065,910	1,755,872	885,900	462,689
Transfer from Capital re Loss on Disposal of Assets	-	-	-	-
Finance Costs (incl Interest Expense)	-	-	-	-
Other Expenses	150,000	71,024	16,000	909
Depreciation	609,349	304,675	257,069	128,535
Corporate Overheads & Competitive Neutrality Costs	125,163	62,582	125,163	62,582
Inter-Function Expenditure for Services Provided	67,875	182,947	-	40,081
	$ 3,774,577	$ 2,779,321	$ 3,032,023	$ 1,392,366
Less: Transfers				
Transfer from Capital re Loss on Disposal of Assets	-	-	-	-
Retained Surplus (Deficit) Brought Forward from Prior Yea	-	-	-	-
Transfer from Capital for Unfunded Depreciation	-	-	-	-
Transfer (to) Capital General Revenue Expended	(314,349)	(287,409)	(335,069)	(158,897)
Inter-Function Dividends & Return on Capital	214,769	107,385	105,873	52,937
Constrained funds carried forward	-	-	-	-
Transfers from Reserves	-	-	-	-
Transfers to Reserves	-	-	-	-
	($ 99,580)	($ 180,024)	($ 229,196)	($ 105,960)
Operating Surplus (Deficit)	$ -	($ 0)	$ -	$ -
CAPITAL SUMMARY				
Capital Funding				
General Revenue Used for Capital Purposes	(314,349)	(287,409)	(335,069)	(158,897)
Capital Grants	-	-	-	-
Capital Contributions	-	-	-	-
Capital Contributions - Non Cash Developer	-	-	-	-
Capital Other Revenue	-	-	-	-
Capital Internal Transfers - Revenue	-	-	-	-
Transfers from Capital Reserves	279,782	40,754	380,977	129,977
Transfers to Capital Reserves	-	-	-	-
New Loans	-	-	-	-
Proceeds from Sale of Assets	-	-	-	-
Funded Depreciation	609,349	304,675	257,069	128,535
Capital Funding Brought Forward	-	-	-	-
Capital Funding Carried Forward	-		-	-
	$ 574,782	$ 58,019	$ 302,977	$ 99,615
Capital Expenditure				
Capital Expenditure (refer Schedules)	574,782	58,019	302,977	59,615
Capital Internal Transfers - Expense	-	-	-	40,000
Capital Expenditure (Carried Over)				
Capital - Non Cash Developer Contributions	-	-	-	-
Loan Repayments	-	-	-	-
	$ 574,782	$ 58,019	$ 302,977	$ 99,615

MACKAY REGIONAL COUNCIL

EXECUTIVE FINANCIAL PERFORMANCE
REPORT FOR THE MONTH OF DECEMBER 2010

FINANCIAL PERFORMANCE REPORT – MACKAY ENTERTAINMENT & CONVENTION CENTRE CONT'D

	TOTAL	
	Budget 2010/2011	Actual 2010/2011
Operating Revenue		
Rates & Utility Charges	-	-
Less: Discounts and Remissions	-	-
Fees & Charges	2,767,000	891,518
Sales - Contract & Recoverable Work	-	-
Operating Grants & Subsidies	-	18,000
Operating Contributions	-	-
Interest Earned	-	-
Other Revenue	1,593,332	1,595,046
Community Services Obligations	637,016	318,508
Internal Transfers	-	220,698
Internal Revenue Distribution	1,480,476	841,932
	$ 6,477,824	$ 3,885,702
Less: Operating Expenses		
Employee Cost	2,504,171	1,099,791
Goods, Services & Other Operational Costs	2,951,810	2,218,561
Transfer from Capital re Loss on Disposal of Assets	-	-
Finance Costs (incl Interest Expense)	-	-
Other Expenses	166,000	71,933
Depreciation	866,418	433,209
Corporate Overheads & Competitive Neutrality Costs	250,326	125,163
Inter-Function Expenditure for Services Provided	67,875	223,029
	$ 6,806,600	$ 4,171,687
Less: Transfers		
Transfer from Capital re Loss on Disposal of Assets	-	-
Retained Surplus (Deficit) Brought Forward from Prior Yea	-	-
Transfer from Capital for Unfunded Depreciation	-	-
Transfer (to) Capital General Revenue Expended	(649,418)	(446,306)
Inter-Function Dividends & Return on Capital	320,642	160,321
Constrained funds carried forward	-	-
Transfers from Reserves	-	-
Transfers to Reserves	-	-
	($ 328,776)	($ 285,985)
Operating Surplus (Deficit)	($ 0)	$ -
CAPITAL SUMMARY		
Capital Funding		
General Revenue Used for Capital Purposes	(649,418)	(446,306)
Capital Grants	-	-
Capital Contributions	-	-
Capital Contributions - Non Cash Developer	-	-
Capital Other Revenue	-	-
Capital Internal Transfers - Revenue	-	-
Transfers from Capital Reserves	660,759	170,730
Transfers to Capital Reserves	-	-
New Loans	-	-
Proceeds from Sale of Assets	-	-
Funded Depreciation	866,418	433,209
Capital Funding Brought Forward	-	-
Capital Funding Carried Forward	-	-
	$ 877,759	$ 157,634
Capital Expenditure		
Capital Expenditure (refer Schedules)	877,759	117,634
Capital Internal Transfers - Expense	-	40,000
Capital Expenditure (Carried Over)		
Capital - Non Cash Developer Contributions	-	-
Loan Repayments	-	-
	$ 877,759	$ 157,634

FINANCIAL PERFORMANCE REPORT – MACKAY ENTERTAINMENT CENTRE CONT'D

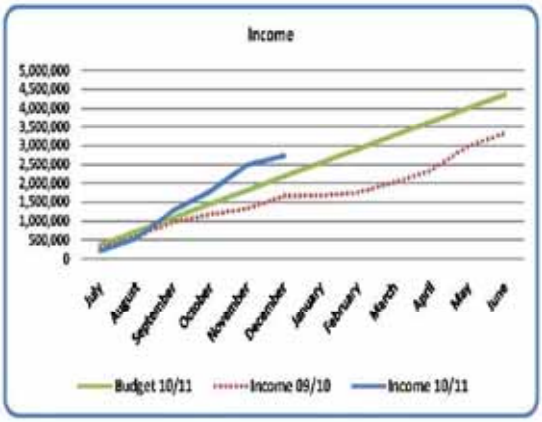
MECC	Org Bud 10/11	Rev Bud 10/11	YTD Budget	YTD Actual
Operating Income *	4,360,332	4,360,332	2,180,166	2,725,263
Operating Expenses	($6,775,305)	($6,806,600)	($3,403,300)	($4,171,687)
Operating Contribution Required by Council	($2,414,973)	($2,446,268)	($1,223,134)	($1,446,424)
Operating Contribution	$52.21	$52.68	$26.14	$30.91

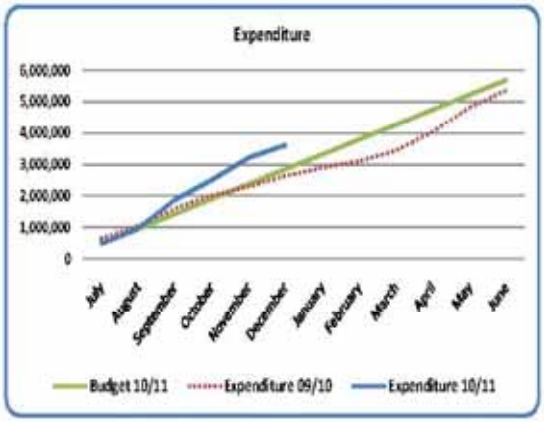
* Excluding CSO's and Internal Revenue Distribution

For the month of December actual expenditure is higher than projected budget partly due to repairs and maintenance being carried out during the December shut down. This is partly offset by revenue being higher than budget at this stage due to revenue for some popular shows being better than predicted. However further investigation is currently being undertaken as part of the half yearly review.

Community Services

MECC





MACKAY REGIONAL COUNCIL

EXECUTIVE FINANCIAL PERFORMANCE
REPORT FOR THE MONTH OF DECEMBER 2010

FINANCIAL PERFORMANCE REPORT – WATER & WASTE SERVICES

	Water		Waste Water	
	Budget 2010/2011	Actual 2010/2011	Budget 2010/2011	Actual 2010/2011
Operating Revenue				
Rates & Utility Charges	31,436,345	14,442,508	34,675,169	17,824,504
Less: Discounts and Remissions	(1,273,968)	(625,435)	(3,066,564)	(1,499,760)
Fees & Charges	1,056,448	533,918	1,129,770	760,905
Sales - Contract & Recoverable Work	1,220,000	648,558	620,337	593,526
Operating Grants & Subsidies	-	-	-	44,000
Operating Contributions	-	-	-	-
Interest Earned	380,000	634,643	338,000	192,706
Other Revenue	110,000	32,640	-	-
Community Services Obligations	182,052	91,026	218,048	109,024
Internal Transfers - Revenue	498,375	302,133	208,558	150,126
Internal Revenue Distribution			-	
	$ 33,609,252	$ 16,059,991	$ 34,123,318	$ 18,175,032
Less: Operating Expenses				
Employee Cost	6,684,060	3,204,652	5,746,314	2,825,766
Goods, Services & Other Operational Costs	8,087,358	2,734,823	8,354,577	3,098,658
Transfer from Capital re Loss on Disposal of Assets	-	90,816	-	68,849
Finance Costs (incl Interest Expense)	1,278,877	492,753	3,497,785	1,543,828
Other Expenses	231,000	168,981	469,325	398,794
Depreciation	8,820,641	4,410,321	9,603,137	4,801,569
Corporate Overheads & Competitive Neutrality Costs	1,799,169	899,585	2,098,752	1,049,376
Inter-Function Expenditure for Services Provided	1,478,762	716,232	970,380	556,462
	$ 28,379,868	$ 12,718,161	$ 30,740,270	$ 14,343,301
Less: Transfers				
Transfer from Capital re Loss on Disposal of Assets	-	(90,816)	-	(68,849)
Retained Surplus Brought Forward from Prior Year	(1,539,281)	(1,539,281)	(571,252)	(571,252)
Transfer from Capital for Unfunded Depreciation	0	-	-	-
Transfer (to) Capital General Revenue Expended	1,822,720	(1,803,570)	112,845	(3,674,134)
Inter-Function Dividends & Return on Capital	4,533,058	2,266,529	3,621,432	1,810,716
Transfer from Reserves	(1,126,394)	(331,674)	(351,229)	(144,469)
Transfer to Reserves	1,539,281	1,977,042	571,252	664,428
	$ 5,229,384	$ 478,229	$ 3,383,048	($ 1,983,560)
Operating Surplus (Deficit)	$ 0	$ 2,863,601	$ 0	$ 5,815,291
CAPITAL SUMMARY				
Capital Funding				
General Revenue Used for Capital Purposes	1,822,720	(1,803,570)	112,845	(3,674,134)
Capital Grants	3,263,882	132,572	-	-
Capital Contributions	2,000,000	2,201,594	2,000,000	2,032,155
Capital Contributions - Non Cash Developer	2,000,000	-	2,000,000	-
Capital Other Revenue	310,006	194,168	-	7,782
Capital Internal Transfers - Revenue	-	-	-	-
Transfers from Capital Reserves	20,537,184	18,097,778	9,449,532	6,056,854
Transfers to Capital Reserves	(5,583,149)	(2,501,038)	(3,661,539)	(2,032,247)
New Loans	18,803,314	-	4,259,501	-
Proceeds from Sale of Assets	-	-	-	-
Funded Depreciation	8,820,641	4,410,321	9,603,137	4,801,569
Capital Funding Brought Forward	-	-	-	-
Capital Funding Carried Forward	0	0	-	0
	$ 51,974,597	$ 20,731,824	$ 23,763,476	$ 7,191,979
Capital Expenditure				
Capital Expenditure (refer Schedules)	48,633,775	19,821,573	17,741,775	6,224,376
Capital Internal Transfers - Expense	159,479	399,603	29,662	102,958
Capital Expenditure Carry over	-	-	-	-
Capital - Non Cash Developer Contributions	2,000,000	-	2,000,000	-
Loan Repayments	1,181,344	510,647	1,992,038	864,644
	$ 51,974,597	$ 20,731,824	$ 21,763,476	$ 7,191,979

MACKAY REGIONAL COUNCIL

EXECUTIVE FINANCIAL PERFORMANCE
REPORT FOR THE MONTH OF DECEMBER 2010

FINANCIAL PERFORMANCE REPORT – WATER & WASTE SERVICES CONT'D

	Mackay Water Budget 2010/2011	Actual 2010/2011
Operating Revenue		
Rates & Utility Charges	66,111,514	32,267,012
Less: Discounts and Remissions	(4,340,532)	(2,125,195)
Fees & Charges	2,186,218	1,294,823
Sales - Contract & Recoverable Work	1,840,337	1,242,084
Operating Grants & Subsidies	-	44,000
Operating Contributions	-	-
Interest Earned	718,000	827,349
Other Revenue	110,000	32,640
Community Services Obligations	400,101	200,050
Internal Transfers - Revenue	706,933	452,259
Internal Revenue Distribution	-	-
	$ 67,732,571	$ 34,235,023
Less: Operating Expenses		
Employee Cost	12,430,374	6,030,418
Goods, Services & Other Operational Costs	16,441,935	5,833,481
Transfer from Capital re Loss on Disposal of Assets	-	159,665
Finance Costs (incl Interest Expense)	4,776,662	2,036,581
Other Expenses	700,325	567,774
Depreciation	18,423,778	9,211,889
Corporate Overheads & Competitive Neutrality Costs	3,897,921	1,948,961
Inter-Function Expenditure for Services Provided	2,449,143	1,272,694
	$ 59,120,138	$ 27,061,462
Less: Transfers		
Transfer from Capital re Loss on Disposal of Assets	-	(159,665)
Retained Surplus Brought Forward from Prior Year	(2,110,533)	(2,110,533)
Transfer from Capital for Unfunded Depreciation	-	-
Transfer (to) Capital General Revenue Expended	1,935,565	(5,477,704)
Inter-Function Dividends & Return on Capital	8,154,490	4,077,245
Transfer from Reserves	(1,477,622)	(476,143)
Transfer to Reserves	2,110,533	2,641,469
	$ 8,612,433	($ 1,505,331)
Operating Surplus (Deficit)	$ 0	$ 8,678,891
CAPITAL SUMMARY		
Capital Funding		
General Revenue Used for Capital Purposes	(64,435)	(5,477,704)
Capital Grants	3,263,882	132,572
Capital Contributions	4,000,000	4,233,749
Capital Contributions - Non Cash Developer	4,000,000	-
Capital Other Revenue	310,006	201,950
Capital Internal Transfers - Revenue	-	-
Transfers from Capital Reserves	29,986,716	24,154,632
Transfers to Capital Reserves	(9,244,689)	(4,533,285)
New Loans	23,062,815	-
Proceeds from Sale of Assets	-	-
Funded Depreciation	18,423,778	9,211,889
Capital Funding Brought Forward	-	-
Capital Funding Carried Forward	-	0
	$ 73,738,073	$ 27,923,802
Capital Expenditure		
Capital Expenditure (refer Schedules)	66,375,550	26,045,949
Capital Internal Transfers - Expense	189,141	502,562
Capital Expenditure Carry over	-	-
Capital - Non Cash Developer Contributions		-
Loan Repayments	3,173,382	1,375,292
	$ 69,738,073	$ 27,923,802

FINANCIAL PERFORMANCE REPORT – WATER & WASTE SERVICES CONT'D

Mackay Water

Description	Budget 10/11	Rev Budget 10/11	YTD Budget	YTD Actual
Operating Income	$67,682,571	$67,732,571	$33,866,285	$34,235,023
Operating Expenses	($57,592,516)	($59,120,138)	($29,560,069)	($27,061,462)
Net Operating Surplus before Tax	$10,090,055	$8,612,433	$4,306,216	$7,173,561

COMMENTS -

Revenue is slightly above YTD budget due to Recoverable works and plumbing inspections being higher than anticipated at this stage. Operating expenses remain below budget at this stage due to timing differences in contract payments.

MACKAY REGIONAL COUNCIL

EXECUTIVE FINANCIAL PERFORMANCE
REPORT FOR THE MONTH OF DECEMBER 2010

FINANCIAL PERFORMANCE REPORT – WASTE SERVICES

	Total	
	Budget 2010/2011	**Actual 2010/2011**
Operating Revenue		
Rates & Utility Charges	15,877,156	8,030,932
Less: Discounts and Remissions	(935,494)	(459,085)
Fees & Charges	5,290,820	2,961,714
Sales - Contract & Recoverable Work	-	-
Operating Grants & Subsidies	-	-
Operating Contributions	-	-
Interest Earned	269,000	232,815
Other Revenue	280,587	65,572
Community Services Obligations	-	-
Internal Transfers	221,757	175,714
Internal Revenue Distribution	-	-
	$ 21,003,826	$ 11,007,662
Less: Operating Expenses		
Employee Cost	1,168,491	572,616
Goods, Services & Other Operational Costs	14,186,236	5,094,976
Transfer from Capital re Loss on Disposal of Assets	-	-
Finance Costs (incl Interest Expense)	1,275,000	630,879
Other Expenses	506,400	431,398
Depreciation	717,785	358,893
Corporate Overheads & Competitive Neutrality Costs	579,247	289,623
Inter-Function Expenditure for Services Provided	241,323	193,660
	$ 18,674,482	$ 7,572,046
Less: Transfers		
Transfer from Capital re Loss on Disposal of Assets	-	-
Retained Surplus Brought Forward from Prior Year	648,261	648,261
Transfer from Capital for Unfunded Depreciation	-	-
Transfer (to) Capital General Revenue Expended	2,372,173	654,145
Inter-Function Dividends & Return on Capital	255,596	127,798
Other Transfers Between Functions	-	-
Transfers from Reserves	(946,686)	(854,024)
Transfers to Reserves	-	74,317
	$ 2,329,345	$ 650,497
Operating Surplus (Deficit)	$ -	$ 2,785,120
CAPITAL SUMMARY		
Capital Funding		
General Revenue Used for Capital Purposes	2,372,173	654,145
Capital Grants	-	-
Capital Contributions	-	-
Capital Contributions - Non Cash Developer	-	-
Capital Other Revenue	-	-
Capital Internal Transfers - Revenue	-	-
Transfers from Capital Reserves	2,048,680	111,581
Transfers to Capital Reserves	(401,380)	(401,380)
New Loans	2,251,893	-
Proceeds from Sale of Assets	-	-
Funded Depreciation	717,785	358,893
Capital Funding Brought Forward	-	-
Capital Funding Carried Forward	-	-
	$ 6,989,151	$ 723,238
Capital Expenditure		
Capital Expenditure (refer Schedules)	6,047,300	268,363
Capital Internal Transfers - Expense	-	-
Capital Expenditure (Carried Over)		
Capital - Non Cash Developer Contributions	-	-
Loan Repayments	941,851	454,875
	$ 6,989,151	$ 723,238

FINANCIAL PERFORMANCE REPORT – WASTE SERVICES CONT'D

Mackay Waste Services

Description	Budget 10/11	Rev Budget 10/11	YTD Budget	YTD Actual
Operating Income	$20,965,826	$21,003,826	$10,501,913	$11,007,662
Operating Expenses	($18,338,057)	($18,674,482)	($9,337,241)	($7,572,046)
Net Operating Surplus before Tax	$2,627,769	$2,329,345	$1,164,672	$3,435,617

COMMENTS -

Revenue is slightly above YTD budget due to waste disposal fees being higher than anticipated at this stage.
Expenditure remains under budget due to timing differences in contact payments for waste collection services.

MACKAY REGIONAL COUNCIL

EXECUTIVE FINANCIAL PERFORMANCE
REPORT FOR THE MONTH OF DECEMBER 2010

CRITICAL BUDGET SUCESS FACTORS – INVESTMENTS

Investment	Bank	Term Deposits	QTC	Total	Interest Earned Year to Date
General					
Consolidated	4,906,281	3,044,605	418,535	8,369,421	313,773
	4,906,281	**3,044,605**	**418,535**	**8,369,421**	**313,773**
Cleansing	-	-	**293,183**	**293,183**	**147,234**
Mackay Water					
Sewerage	-	-	322,088	322,088	73,851
Water	-	-	324,724	324,724	82,366
	-	-	**646,812**	**646,812**	**156,217**
Reserves					
Capital Improvement	-	-	6,943,233	6,943,233	228,794
Off Street Parking	-	-	366,476	366,476	9,457
Cleansing	-	-	2,751,258	2,751,258	74,317
Sewerage	-	5,000,000	4,374,207	9,374,207	93,176
Water	-	5,000,000	6,153,955	11,153,955	437,761
Constrained Works	-	-	1,088,223	1,088,223	51,048
Environmental	-	-	1,125,938	1,125,938	31,678
Environmental (Land Acq)	-	-	1,518,106	1,518,106	37,480
Pensioner Housing	-	-	83,914	83,914	1,470
Gravel Quarry	-	-	76,337	76,337	1,337
Disaster Response	-	-	470,776	470,776	7,647
City Centre	-	-	519,339	519,339	10,050
	-	**10,000,000**	**25,471,762**	**35,471,762**	**984,215**
Trust	**854,577**	-	**5,000,000**	**5,854,577**	-
Total Investment Interest	**5,760,858**	**13,044,605**	**31,830,292**	**50,635,755**	**1,601,439**

Investment Fund	Dec-10	Nov-10	Oct-10	Quarter	12 Month Return
Council Investments*	5.88%	5.88%	6.03%	5.93%	5.51%
QTC Cash Fund	5.64%	5.04%	5.52%	5.40%	4.98%
Cashfund Returns - Average	5.36%	5.00%	5.20%	5.19%	4.77%
USB Aust. Bank Bill Index	5.04%	4.68%	5.04%	4.92%	4.59%
11AM Indicative Cash Rate	4.68%	4.56%	4.44%	4.56%	4.23%

* Values shown against "Council Investments" do not include the returns achieved from QTC managed funds.

CORPORATE SERVICES HIGHLIGHTS AND SIGNIFICANT ISSUES REPORT – MONTH NOVEMBER / DECEMBER 2010

Author: DIRECTOR CORPORATE SERVICES

Purpose

To review the Corporate Services Department Highlights and Significant Issues for the months of November and December 2010.

Background and Discussion

Highlights and Significant Issues for period are as follows: -

DIRECTOR CORPORATE SERVICES

CORPORATE SERVICES MANAGEMENT

November

- Service Level Reviews.
- Meeting Service Enhancement Team.
- Audit Committee Meetings.
- Sustainable Futures Meeting.
- Environmental Conference.
- Various Project Meetings.
- Management Workshop.
- Corporate Services Strategic Management Workshop.

December

- Discussions future financial reporting to Council.
- Enterprise Bargaining Agreement discussions.
- Annual Leave December.

EXECUTIVE MANAGEMENT- GOVERNANCE GROUP

GOVERNANCE

November

- 1st Quarter Operational Plan Review completed.
- Community Plan Project has commenced.

December

- Local Law review continuing.
- Review of Instruments of Appointment being completed to ensure compliance with the New Local Government Act.
- 2nd Quarter Operational Plan Review commenced.

ASSET MANAGEMENT

November

- Financial Statements completed.

December

- New Manager Asset Management appointed and commenced.
- Asset Management Software project continues to progress with business process review stage to commence with a view to final selection by July 2011.

INTERNAL AUDIT

November

- Audit Committee held 23 November 2010.

December

- External members of the Audit Committee have been appointed.

FINANCIAL SERVICES

November

- Completion of Financial Statements & Audit.
- Development of 2011/12 Long Term Financial Strategy.

December

- Further development of alternative reporting templates.
- Borrowing application completed and submitted.
- Preparation of end of year analysis.

RATES & CHARGES REPORT

Rates Outstanding

	Outstanding Balance	Rates Levied	Percentage
Rates Outstanding 31.12.2010	7,381,784	90,228,469	4.1%
Rates Overdue	7,003,416		3.9%
Rates Overdue Last Month	13,883,338	89,684,617	7.7%
Rates Outstanding 31.12.2009	6,141,269	78,766,546	3.9%
Rates Overdue	5,373,525		3.4%

Sundry Debtors

	as at 31.12.2009	as at 31.12.2010
General Debtors	7,324,738	1,256,554
Mackay Entertainment Centre	241,540	247,130
Water	48,698	137,594
Waste Water	112,336	194,775
Waste Services	511,367	760,733
Total	$ 8,238,678	$ 2,596,785

EXECUTIVE MANAGEMENT – ADMINISTRATION SERVICES

ADMINISTRATION

November

- 2010 By-election process concluded during November with the declaration of the poll undertaken on 17th November 2010.
- Corporate Services Department undertook Service Level Review briefing with Council during November.
- A number of Council major projects have developed during the month, with specific reports provided to Council's Corporate Projects committee.
- Grants applied for on behalf of Council –
  - Dept of Communities/Multicultural Affairs - Multicultural Assistance Program 2010-2011 - Application submitted for migrant driving lessons
  - BHP Billiton Mitsubishi Alliance (BMA) - Community Partnership Program - Application submitted by MECC for daytime theatre program sponsorship.
- Grants advised as successful during month –
  - Bendigo Bank – Community Sponsorship Program – Assistance with Volunteers Conference 2011

December

- Executive Manager Administration along with Principal Planner North, attended a one day workshop in Brisbane for Builder Partners associated with the JV project Bedford Road.
- A number of Council major projects have developed during the month, with specific reports provided to Council's Corporate Projects committee.
- Grants applied for on behalf of Council -
  - Emergency Management Qld - SES Non-Recurrent Subsidy Program 2011-12 – Application submitted for purchase of generator for Eungella SES
  - Attorney-General's Dept - Proceeds of Crime Act – Crime Prevention Projects – Application submitted for installation of CCTV in Mackay CBD
  - Gordon Darling Foundation - Visual Arts Fund - Application submitted by Artspace for photographing of collection.
- Grants advised as successful during the month –
  - Arts Queensland – Regional Infrastructure Grant Program - MEC – Upgrade seating in The Space & lighting in foyer & auditorium
  - Hail Creek Mine Rio Tinto – Community Development Fund - Parenting Support Workshops – Walkerston & Pioneer Valley.

INFORMATION SERVICES

November

- New email security project is completed.
- Customer Call Centre System implemented and working in the live environment.
- Mobile computing user requirements and investigations are well underway and investigations into new technologies to meet our needs has commenced with leading Local Council vendors in this field.

- Guardian disaster management system testing and configuration complete. Multiple testing of setup documentation performed – assumed that Council Server Room is operational.
- E-Recruitment and e-Timesheets have gone live.
- E-Performance is now being trialled in Test.
- Major Upgrades to Library System bring about new public catalogue system, Bolinda digital audio books and more.
- Rural Addressing publicity campaign and project underway to meet public demands.

December

- A list of mobile computing user requirements and recommended pilot projects has been determined and is in process of being written up for delivery by January 31. Investigations into new technologies to meet our needs, related to these requirements and the proposed pilot projects, have commenced. These activities include internal hardware and software testing and in-depth conversations with leading Local Council vendors in this field.
- Guardian disaster management system testing and configuration complete. Pilot in December 2010 successful.
- E-Recruitment and e-Timesheets have gone live. Testing of submission of e-Timesheets remains with IS and HR at present.
- E-Performance is now being trialled in Test.
- Rural Addressing publicity campaign and project underway to meet public demands.
- 3.2million rows of unindexed cemetery data exported out of Pathway Register and developed into an optimised and indexed central database for the entire region ready for Project MARCIS.
- Server Documentation Project Completed and now being analysed by teams for usage.
- Pathway end of Period Rolled successfully for 1 January.
- Pathway/ePathway Bookings are being tested for future booking of online events.
- Automated Server Start-up and Shutdown Scripts are being finalised for extreme power outages.
- Council's new SharePoint Site has completed structure for Safeplan to be delivered to employees in January.
- Windows 7 mobile phone pilot undergoing to compare corporate use against Blackberry.
- A new ICT Disaster Management Plan is under production.
- Project preparation commenced for Council's telecommunication call accounting system.

CUSTOMER SERVICE

November

- Completion of Service Level Reviews was a major focus during the month.
- A busy month for the team, with additional customer traffic generated by the Council By-Election and queries about the new Swimming Pool Safety legislation.
- The 2010 Internal Communication Survey was administered during the month. A record number of responses were received from staff. Results compiled and distributed to the Management Team.

- A majority of Customer Services staff have received Guardian emergency management system training.
- Scheduled generic Pathway Customer Request training delivered to staff.
- A number of information sessions for staff were conducted throughout the month by a range of subject matter experts, including updates from Emergency Management, Local Laws, Paget Depot Project. Staff were also briefed on the impact of the new Swimming Pool Safety legislation and a new Fact Sheet was developed for reference purposes.
- Customer Services is participating in the remote water meter monitoring trial in terms of providing customer support.
- Good progress being made with e-mail lodgement of Private Certification Applications in readiness for implementation in January 2011.

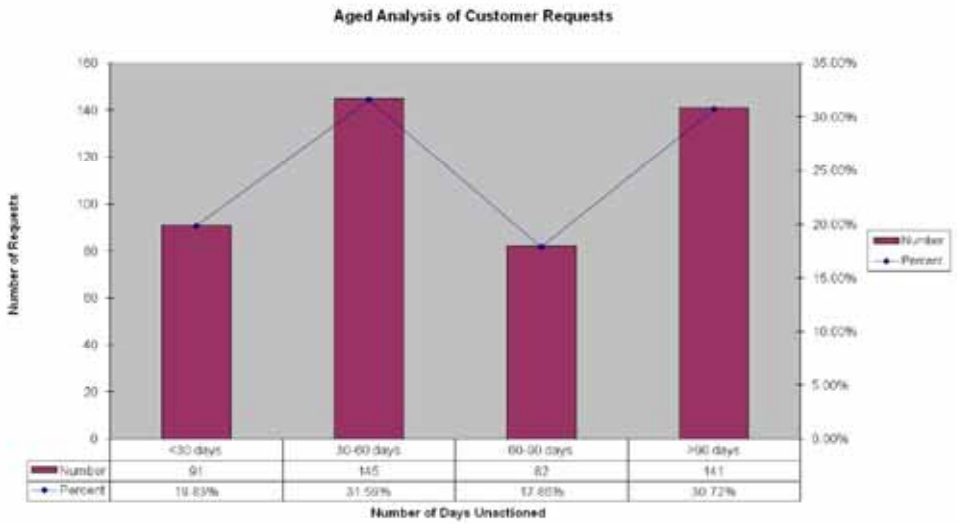
December

- Implementation of structural and other changes to the Customer Service program following completion of Service Level Reviews.
- Contingency plans were developed to enable Council to handle after hours calls in the event that our After Hours Service provider is unable to provide a satisfactory level of response due to their own emergency.
- 3 new call centre staff have completed their 5-week Induction Program and who are now competent members of the team.
- On-going negotiations with BOQ regarding Council assuming responsibility for operating the Mirani Transaction centre on an Owner-Operator basis.
- Hosted a visit from Veolia staff as a meet-and-greet and to provide a commitment to work co-operatively to improve services.

Customer Service Report – December 2010

Analysis of Customer Requests

Department	Program	Requests Received in December	Year to Date Unactioned Requests as at 31 December	Year to Date Overdue Requests as at 31 December
Corporate Services	Asset Management	0	0	0
	Corporate Communications	0	0	0
	Customer Services	23	1	0
	Financial Services	150	0	0
	Governance	27	5	0
	Human Resources	0	0	0
	Information Services	0	0	0
	Procurement & Plant	0	0	0
	Total	**200**	**6**	**0**
Community Services	Community Development & Libraries	0	0	
	Community Services - Administration	0	0	
	Convention Precinct & Events	0	0	
	Economic Development	0	0	
	Property Services	115	0	
	Recreation Services	3	2	
	Total	**118**	**2**	**0**
Development Services	Development Assessment - Engineering	4	2	1
	Development Assessment - Planning	18	0	0
	Business Support Unit	30	3	3
	Health & Regulatory Services	288	130	71
	Strategic Planning	0	0	0
	Total	**349**	**135**	**75**
Engineering Services	Construction	13	1	0
	Emergency Management	6	0	0
	Engineering Services - Administration	0	1	0
	Civil Operations	581	332	107
	Programmed Maintenance	15	191	72
	Parks & Environment	198	119	20
	Technical Services	79	4	0
	Total	**892**	**648**	**199**
Water & Waste Services	Business Services	0	3	3
	Water & Waste Services - Administration	0	0	0
	Infrastructure Delivery	13	12	12
	Operations	366	199	167
	Planning & Sustainability	3	0	0
	Waste Services	378	15	3
	Total	**760**	**229**	**185**
	Grand Total	2319	1020	459



Explanatory Note: the report is prepared on a Financial Year-to-Date basis from 1 July each year.

PROCUREMENT & PLANT

November

- Two new backhoes and one new street sweeper ordered as part of the replacement program.
- New fuel storage has commenced in Mirani.

December

- New panel of providers for 2010 Flood Packages drafted to be issued in January 2011. This will replace the existing panel which will terminate in May 2011.
- Review of procurement processes across all departments commenced with opportunities for efficiencies to be gained across Councils operations.

HUMAN RESOURCES

RECRUITMENT

Monthly Statistics	Nov	Dec
Total Vacant Positions **	95	101
Requisition Lodged	24	7
Unfilled Open Requisitions	46	50
Positions Filled	47	26
Terminations	12	10

** Total vacant positions includes positions vacant due to leave such as Maternity Leave

LEARNING AND DEVELOPMENT

General Training

November

- 58 attendances at a variety of Conferences, including:
  - Conducting Successful Performance Appraisal Training
  - Contract Law Conference
  - Fundamentals of Bioretention Design
  - HR Conference
  - Injury Prevention Council Qld Evidence to Action Symposium
  - Internal Audit Conference
  - IPWEAQ Supervisors Conference
  - Local Government Accounts Association Annual Conference
  - Local Government Environment Conference
  - Management Drives Training
  - Pathway Queensland Special Interest Group User Conference
  - Pavement Design Advanced
  - Planning Institute of Australia State Conference
  - Propeller Program
  - Queensland Public Libraries Association Conference
  - Queensland Government Risk Management Focus Group
  - Supervisor Training
- 86 attendances at Toolbox Meetings.

December

- 23 attendances at a variety of Training and Conferences, including:

- IPWEAQ North Queensland Branch Conference
- Dealing with Difficult People
- Pathway Customer Requests Training
- Intermediate Excel Training
- Advanced Excel Training
- Advanced Bioretention Design

Mandatory Training

November

- Corporate Induction – 40 attendees
- Harassment and Discrimination Training – 39 attendees
- Workplace Health and Safety Induction – 47 attendees
- General Fire Evacuation and First Response Induction – 11 attendees
- Workplace Health and Safety Officer Elective – 1 attendee
- Workplace Health and Safety Representative and PINS Training – 10 attendees
- Evacuation and Trenching Take 5 – 5 attendees
- Roller Theory Training – 4 attendees
- Backhoe – 2 attendees
- Grader – 1 attendee
- Front End Loader – 3 attendees
- Forklift – 1 attendee
- Construction Procedures – 94 attendees
- Maintenance Procedures – 4 attendees
- Apply First Aid and Apply First Aid Refresher – 15 attendees
- Low Voltage Rescue and Resuscitation – 4 attendees
- CPR – 11 attendees
- Confined Space, Confined Space Refresher and Confined Space Awareness – 40 attendees
- Driver Education Awareness Workshop – 340 attendees
- Authorised Persons Training – 31 attendees
- AUSTSWIM accreditation – 1 attendee

December

- Workplace Health and Safety Legislation Update Training for Supervisors and Managers – 159 attendees
- Workplace Health and Safety Representative and PINS Course – 1 attendee
- Trenching and Ground Support – 12 attendees
- Toolbox meetings – 18 attendees
- Solar and Heat Pump Installation – 1 attendee
- Fire Safety Advisor Accredited Training – 1 attendee
- HC Driving Lessons – 2 attendees
- CPR – 2 attendees
- Confined Space – 10 attendees
- Apply First Aid – 19 attendees
- Depot Induction – 7 attendees
- General Fire and First Response – 1 attendee
- Site Induction Checklist – 3 attendees

Trainees and Apprentices

November

- Advertising for Trainee and Apprentice Intake One, comprising of 13 positions, took place.
- 9 apprentices attended block training.

December

- Conducted interviews for 13 trainee and apprentice positions.
- Commenced reference checking and offers of employment, scheduled to commence in January and February 2011.

WORKPLACE HEALTH AND SAFETY

November

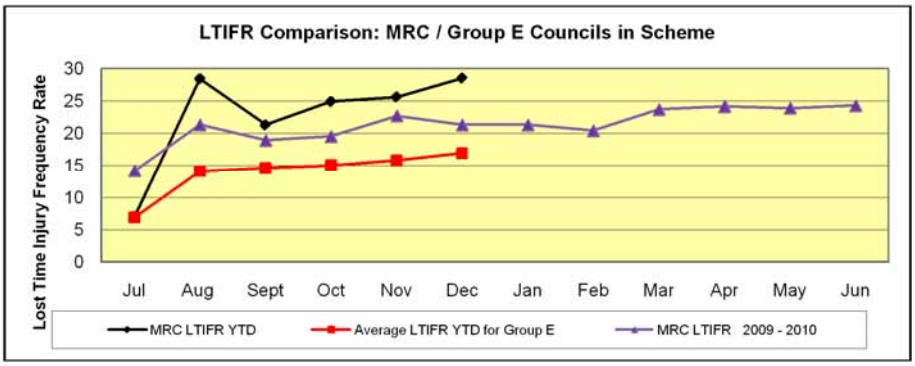
- Management of 26 workers compensation claims and non-work related return to work programs for staff, includes 9 new claims with 8 claims being finalised.
- 50 incident reports received, recorded and distributed for comment (31 staff, 19 non Staff).
- Review and feedback on 2 contractor (Civil Projects) Safety Management Plans.
- Provided 111 WH&S Inductions, 47 Staff, 64 Contractor.
- Council undertook 1 notification to WH&S Queensland regarding workplace injuries, a related incident investigation was commenced.
- Participated in 15 Worksite Hazard inspections in the, ES Parks & Environment, Recreation Services, Community Development & Libraries and Procurement & Plant workgroups.
- Further development for the SafePlan rollout was undertaken, procedures review, Local Government Workcare WH&S team (supervisor training organised) and IT (development of WH&S intranet site and document management).

December

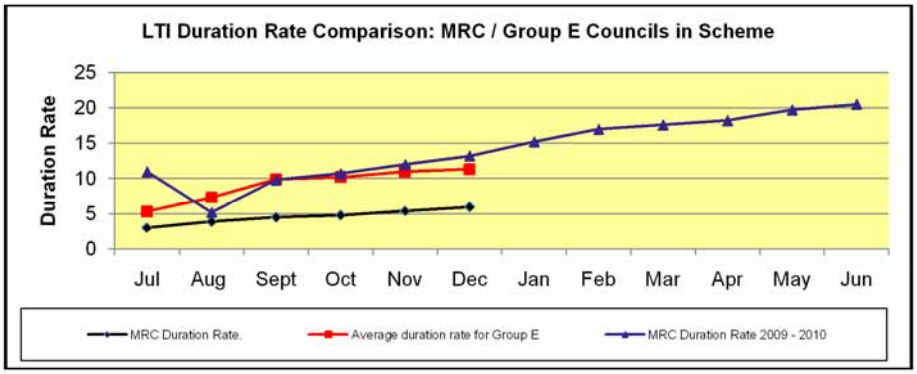
- Management of 22 workers compensation claims and non-work related return to work programs for staff, includes 7 new claims with 2 claims being finalised.
- 36 incident reports received, recorded and distributed for comment (33 staff, 3 non Staff).
- Review and feedback on 3 contractor (Civil Projects) Safety Management Plans.
- Provided 45 WH&S Inductions, 14 Staff, 31 Contractor.
- Council undertook 1 notification to WH&S Queensland regarding a workplace injury, a related incident investigation was commenced.
- Participated in 1 Worksite Hazard inspection.

WORKPLACE HEALTH & SAFETY STATISTICS

Graph derived using LGW data.

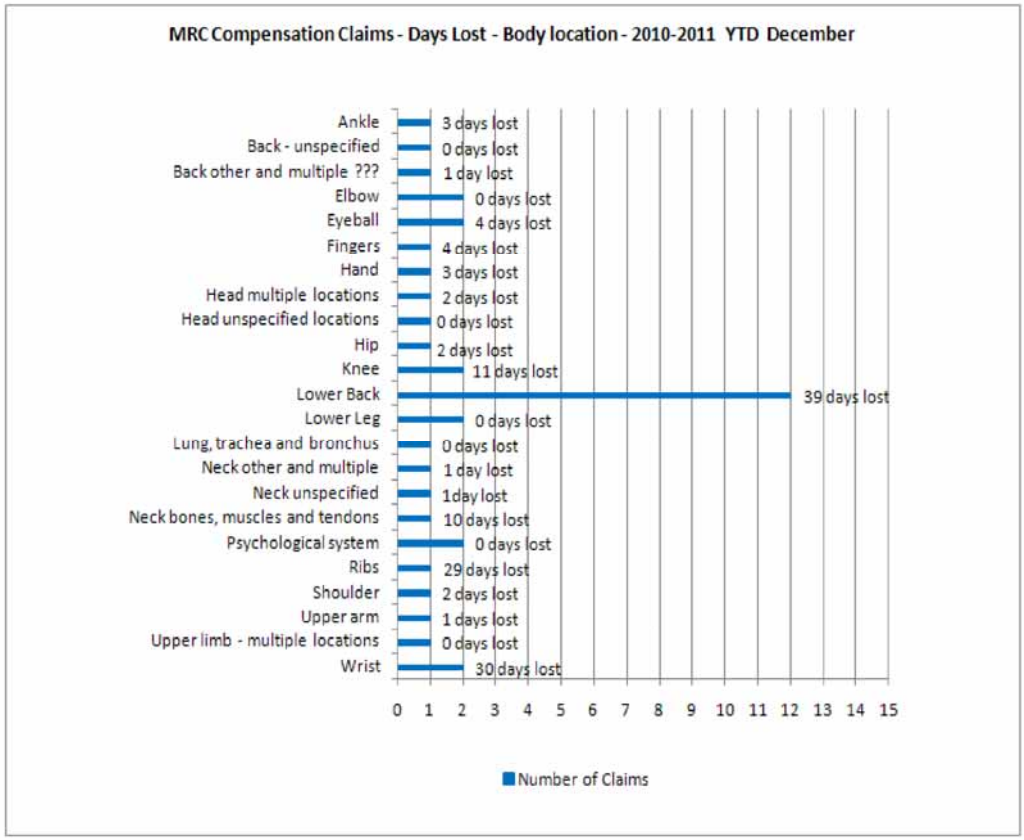


LGW Data: 2010 - 2011 YTD	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
MRC LTIs YTD	1	8	9	14	19	24						
MRC LTIFR YTD LGW data.	7.1	28.4	21.3	24.9	25.6	28.5						
Average LTIFR YTD for Group E (Councils with wages > $50 mil)	6.9	14.1	14.6	15	15.8	16.9						



LGW Data: 2010 - 2011 YTD	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
MRC Days Lost: Accumulative (YTD)	3	33	41	67	109	143						
MRC Duration Rate YTD LGW data.	3.0	3.9	4.5	4.8	5.4	6.0						
Average duration rate for Group E (Councils with wages > $50 mil)	5.3	7.3	9.9	10.2	11.0	11.3						

Graph derived using LGW data.



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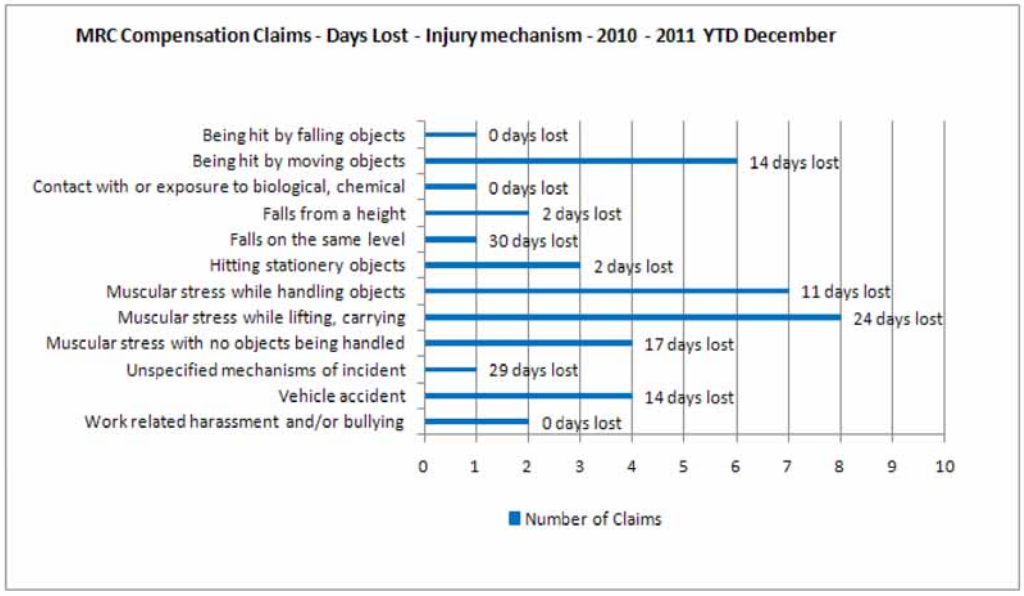

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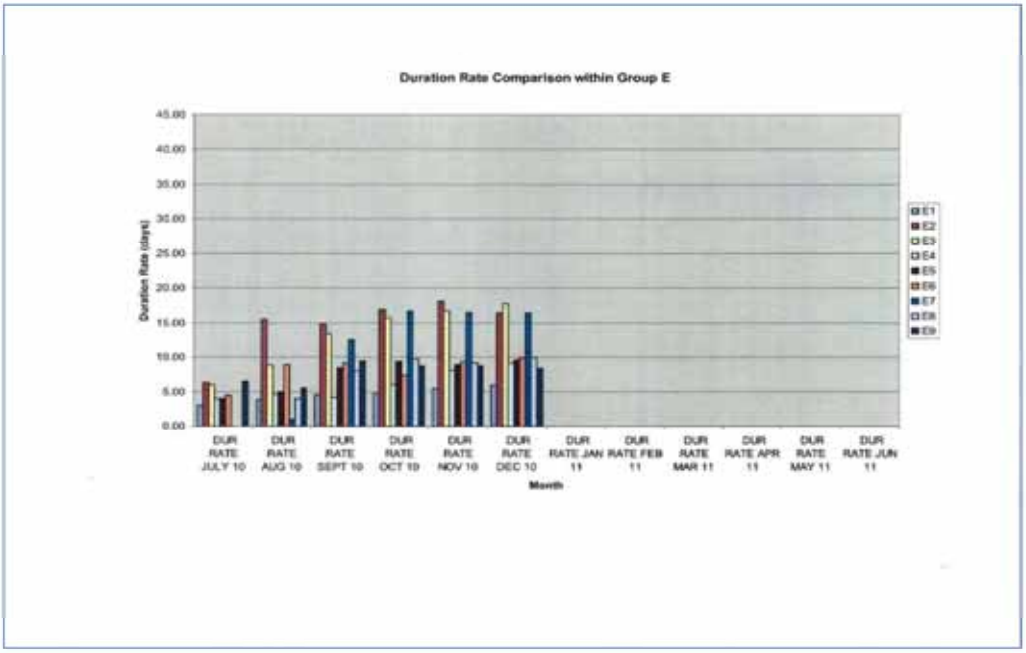
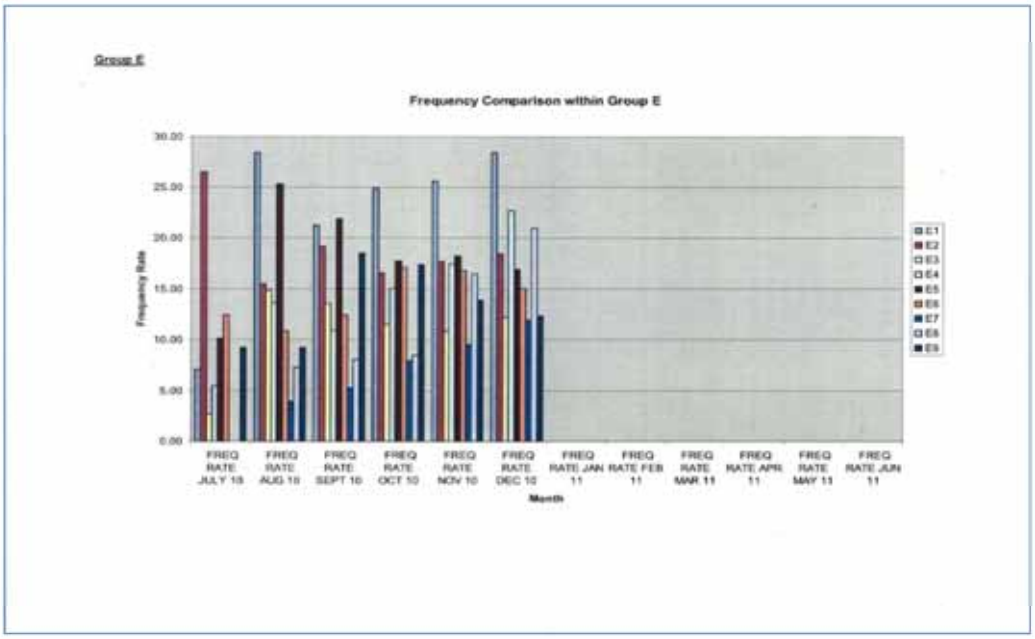


Mackay Regional Council is represented as E1.

Graph derived using LGW data.



Mackay Regional Council is represented as E1.

SAFEPLAN

November

- Initial edit of SafePlan documents completed.

December

- John Egan Manager OHS Services Jardine Lloyd Thompson provided Workplace Health and Safety presentations to Council Managers and Supervisors.
- Meetings with Engineering Services, Parks and Environment and Civil Projects/Operations Manger's and support to discuss SafePlan distribution and collation methodology.
- SafePlan documentation loaded on to pilot SafePlan MiSite.

RISK MANAGEMENT

November

- Operational risk registers for Departments continue to progress well. Community Services and Corporate Services have been finalised.

December

- Enterprise Risk Management Committee meeting held with second draft of Strategic risk register finalised.
- Work with HR on implementation of ERM with Safeplan continues.

GENERAL HUMAN RESOURCES

November

- Preparation of e-Performance scope for development by Frontier week commencing 29 November 2010.
- Safeplan – Initial draft completed.
- Trainee/apprentice intake.

December

- Project Team developing workshop presentations to begin rolling out throughout the organisation.
- Safeplan – recruiting of extra staff is currently being undertaken
  - Safeplan logo has been finalised
- New updated version 7 of the pink Incident Form.
- Expressions of interest have gone out for a new pre-employment medical provider.
- EA Negotiations – First 2011 meeting to be held 22 February 2011.

WORKPLACE CONSULTATIVE COMMITTEE

- Staff Christmas Party.
- Children's Christmas Party.
- Health Vending Machines.
- Blood Donations.

CORPORATE COMMUNICATIONS

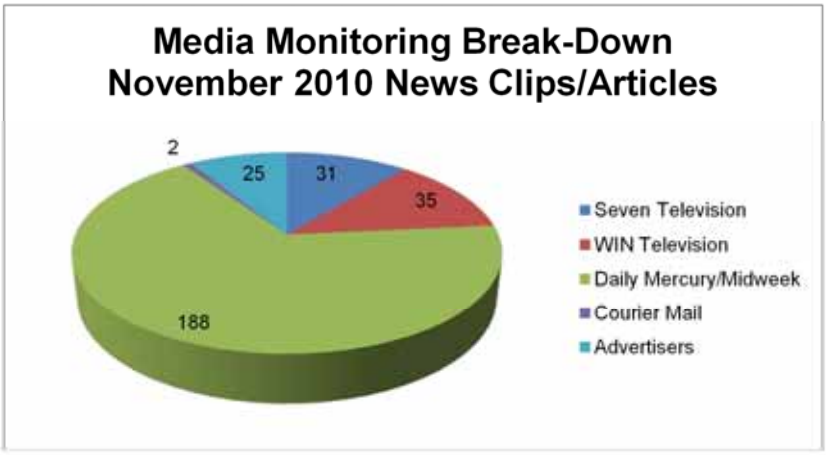
November

- Annual Report adopted by council – printed copies delivered in mid December.

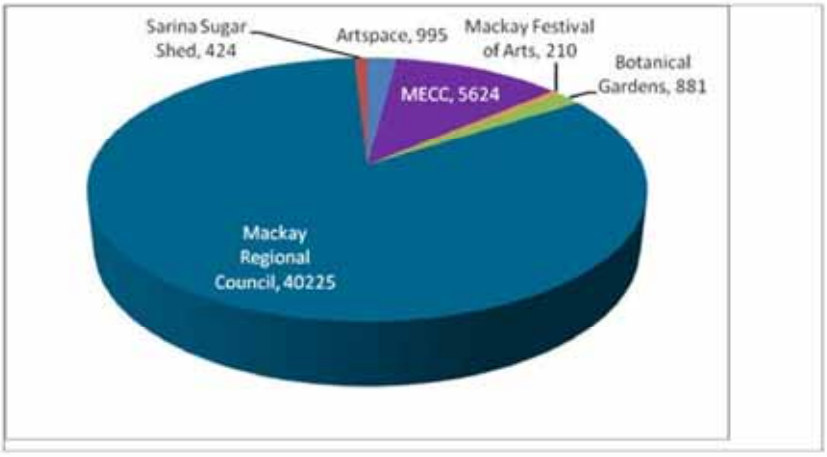
  Several media campaigns arranged – National Recycling Week, Australia Day nominations.
- Preparations continued for Australia Day celebrations – sponsors locked in including P Comino and Sons who will partner with council for the festivities.
- Submissions prepared for Queensland Government's Healthy Communities Award – Workplace and Community awards divisions entered.
- Installation commenced for Bluewater Trail signage – hampered by wet weather.
- Continued growth in e-Newsletters – Library subscriptions have hit 500 – others are around the 360 mark – average growth of about 19 per cent per month.
- Weekly Council Connect is now at 351 subscribers.
- A total of 281 mentions of council stories in media – unable to obtain figures for Radio .
- Finalising preparations for February 2011 Sports Expo and Sign On Day – great response from local sporting and community clubs – ZINC and Daily Mercury arranged as media partners.
  - Arranged Festive in the City promotion in liaison with Economic Development – great support from Daily Mercury.
  - Completion of Service Level Review.

December

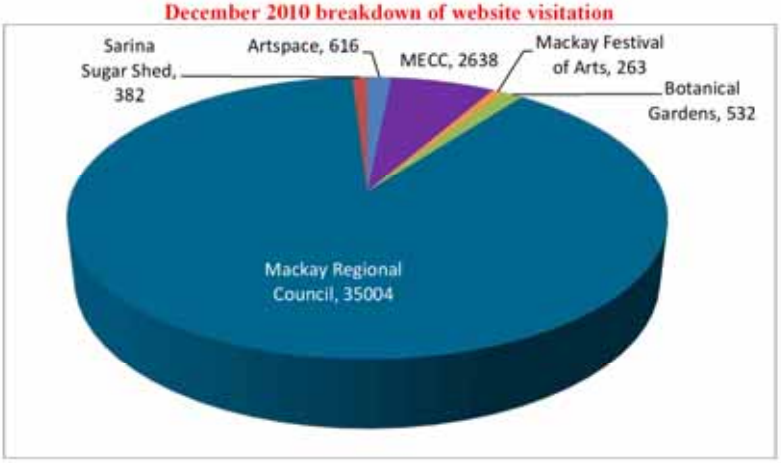
- Arranged media announcement and advertising for Economic Development "Festive in the City" competition winners.
- Finalised Australia Day posters, banners and promotional items for January event, including giveaways and prizes for Australia Day winners.
- New Bluewater Trail promotional brochure printed and distributed.
- Bluewater Trail interpretative signs and directional signage installed along trail.
- Slight decline in website traffic during December – will monitor but expected to be seasonal.
- A series of internal briefings with staff about new external communication plans to be implemented in 2011 to provide residents with information on council and services.
- Initial discussions with HR about promotion of SafePlan rollout to council staff.
- Results of Internal Communication Audit –Survey 2 released – made available on council MiSite – Feature included in December edition of Grapevine staff newsletter.
- Three day shoot completed for development of internal Induction DVD for new staff – DVD expected to be completed by late January.



November 2010 visitation breakdown of council related websites



December 2010 breakdown of website visitation



CRITICAL ACTIVITIES PROPOSED FOR THE FOLLOWING MONTH

- Initial 2011/2012 Budget preparation.
- Executive financial reporting review finalised.
- Enterprise Bargaining Agreement negotiation.

Consultation

Corporate Services Management Team.

Resource Implications

Nil.

Conclusion

Programs are largely in line with Operating Plans and Budgets for six month period to 31 December 2010.

Officer Recommendation

THAT this report be received.

Local Law No. 1 (Administration) 2011

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Part 1 Preliminary

1 Short title

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

2 Purposes and how they are to be achieved

(1) The purposes of this local law are to provide a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and specified regulatory powers under legislation, and to provide for miscellaneous administrative matters.

(2) The purposes are to be achieved by providing for—

(a) consistent and comprehensive processes for the local government to grant and regulate approvals to undertake prescribed activities; and

(b) authorised persons for enforcing local laws; and

(c) review of certain decisions made under local laws; and

(d) enforcement of local laws; and

(e) matters relating to legal proceedings; and

(f) miscellaneous administrative matters relating to meetings, fees, abandoned goods and seized and impounded items.

3 Definitions—the dictionary

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

4 Relationship with other laws[1]

This local law is—

(a) in addition to, and does not derogate from, laws regulating land use planning and development assessment; and

(b) applies to each of the local government's local laws subject to any specific provision in a local law that expresses a contrary intention.

Part 2 Approvals for prescribed activities

5 Meaning of *prescribed activity*

Prescribed activity means—

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

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

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

6 Offence to undertake local law prescribed activity without approval

(1) This section applies to a prescribed activity mentioned in—

(a) section 5(a); or

(b) section 5(b) if the Local Government Act that authorises the local government to grant the approval is a local law.[2]

(2) A person must not undertake the prescribed activity without a current approval granted by the local government.

Maximum penalty for subsection (2)—

(a) for an activity for which no category has been declared by subordinate local law—50 penalty units; or

(b) for a category 1 activity—50 penalty units; or

(c) for a category 2 activity—200 penalty units; or

(d) for a category 3 activity—500 penalty units.

(3) However, a local government may, by subordinate local law, declare that subsection (2) does not apply to a prescribed activity or a particular activity that is within the category of a prescribed activity.

Examples—

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

(4) In this section—

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

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

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

---

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

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

7 Approvals for prescribed activities to be obtained under this part

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

8 Form of application

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

Examples of a form approved by the local government—

A written form or an online application process.

(2) The application must be accompanied by—

(a) documents and materials required under a subordinate local law for this paragraph; and

(b) proof that the applicant currently holds any separate approval relating to the prescribed activity that is required under another law; and

(c) the prescribed fee.

Example for paragraph (a)—

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

Example for paragraph (b)—

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

(3) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.

(4) The notice under subsection (3) must state—

(a) the grounds on which the request is made; and

(b) an outline of the facts and circumstances forming the basis for the grounds; and

(c) a detailed description of the information requested; and

(d) the date, not less than 7 days after the applicant receives the notice, by which the applicant must provide the information.

(5) If the applicant does not, without reasonable excuse, provide the further information by the stated date—

(a) the application lapses; and

(b) the local government must give the applicant written notice stating that—

(i) under this section the application lapses; and

(ii) the applicant may make a new application.

(6) However, the local government may extend the period for the applicant to provide the further information.

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

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

9 Local government's discretion in granting approvals

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

(a) if the prescribed activity requires a separate approval under an Act, a law of the Commonwealth or the local government's planning scheme—the separate approval has been granted; and

(b) the proposed operation and management of the prescribed activity is adequate to protect public health, safety and amenity and prevent environmental harm; and

(c) if the prescribed activity is the commercial use of a local government controlled area or road—the grant of the approval is consistent with the objective of the local government of restriction of the commercial use of local government controlled areas and roads, where such activities are permitted, in recognition of the fact that the activities may otherwise enjoy an unfair commercial advantage over competitive activities conducted from fixed premises in the local government area for which rates and other charges are paid, and to which planning and other regulatory legislation applies; and

(d) the grant of the approval would be consistent with the purpose of any relevant local law; and

(e) the proposed operation and management of the prescribed activity would be consistent with any additional criteria prescribed for the activity under a subordinate local law for this paragraph; and

(f) if the application relates to trust land—the grant of the approval would be consistent with the terms and conditions of the trust; and

(g) if the application relates to a prescribed activity mentioned in section 5(b)—the grant of the approval would be consistent with any requirements or criteria specified in the relevant Local Government Act in relation to the approval.

Example for paragraph (a)—

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

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

(a) grant the approval unconditionally; or

(b) grant the approval subject to conditions determined in accordance with section 10; or

(c) refuse to grant the approval.

Examples for paragraph (b)—

- If an application for which the local government's approval is required may result in damage to property, the local government may, as a condition of giving its approval,

require the applicant to give reasonable security (which may include a deposit of money, a guarantee or an insurance bond) to ensure that the damage is made good.

- The local government may grant an approval subject to the standard conditions imposed on the approval pursuant to a subordinate local law made under section 10(3) of this law.

(3) However, the local government's powers in deciding the application are subject to the provisions of any relevant local law.

(4) The local government must give the applicant an information notice if the local government—

(a) refuses to grant the approval; or

(b) grants the approval subject to a non-standard condition.

(5) In this section—

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

10 Conditions of approval

(1) An approval may be granted on conditions the local government considers appropriate.

(2) However, the conditions must—

(a) be reasonably necessary to ensure that the operation and management of the prescribed activity will be adequate to protect public health, safety and amenity and prevent environmental harm; and

(b) be consistent with the purpose of any relevant local law; and

(c) if the approval is for a prescribed activity mentioned in section 5(b)—be consistent with any requirements or criteria specified in the relevant Local Government Act in relation to the approval; and

(d) not conflict with the conditions of any other relevant approval issued under an Act; and

(e) require the approval holder to notify the local government in writing of a suspension or cancellation of a relevant approval for the prescribed activity under an Act within 3 days of the relevant approval being suspended or cancelled.

(3) Subject to subsection (2), the local government may, by subordinate local law, prescribe conditions that must be imposed on an approval or that will ordinarily be imposed on an approval.

(4) To remove any doubt, it is declared that a condition of an approval may authorise an act or omission that—

(a) contravenes a noise standard; or

(b) causes an environmental nuisance.[3]

Example for paragraph (a)—

A condition of an approval for operation of a temporary entertainment event may authorise the

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

operation of an amplifier device at specified times that would otherwise be a contravention of the noise standard in the *Environmental Protection Act 1994*, section 440Y.

(5) In this section—

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

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

11 Compliance with conditions of approval

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

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

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

12 Third party certification

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

Example—

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

(2) In this section—

third party certifier means—

(a) an individual or organisation declared under a subordinate local law for this paragraph as a third party certifier for particular application requirements; or

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

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

13 Term of approval

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

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

(b) if there is no term provided for under a subordinate local law—one year from the date the approval is granted.

14 Renewal of approval

(1) An approval holder may, before the end of the term of the approval, apply to the local government to renew or extend the approval for—

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

(b) if there is no term provided for under a subordinate local law—a further term equal to the current term of the approval.

(2) However, an approval holder may not apply to renew or extend the approval where the local government has given the approval holder reasonable written notice that the approval is one of a class of approvals that the local government does not intend to renew or extend.

Example—

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

(3) The application under subsection (1) must be—

(a) made in a form approved by the local government; and

(b) accompanied by the prescribed fee.

(4) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.

(5) Section 8(4) to (7) applies to the notice as if it was a notice under section 8(3).

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

(a) grant the application; or

(b) grant the application and amend the conditions of the approval; or

(c) refuse the application.

(7) In deciding under subsection (6), the local government may have regard to—

(a) the matters mentioned in section 9(1); and

(b) whether the conditions of the approval are being complied with by the applicant.

(8) The local government must give the applicant an information notice if the local government—

(a) refuses the application; or

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

(9) The local government may amend the conditions of the approval under subsection (6)(b) without following the procedure in section 18.

(10) If an approval holder applies to renew or extend the approval, the approval remains in force until—

(a) if the application is granted, with or without amendment of the conditions—the date the application is granted; or

(b) if the application is refused and the applicant applies for a review of the decision under part 4—the date the applicant is given notice of the review decision; or

(c) if the application is refused and the applicant has not applied for a review of the decision under part 4—14 days after the applicant is given an information notice under subsection (8).

15 Transfer of approval

(1) The holder of an approval together with another person may apply to the local government for transfer of the approval to the other person (the ***proposed transferee***).[4]

(2) However, an approval cannot be transferred under this section if it is of a category declared as non-transferable under a subordinate local law for this subsection.

(3) The application under subsection (1) must be—

(a) made in a form approved by the local government; and

(b) accompanied by the prescribed fee.

(4) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.

(5) Section 8(4) to (7) applies to the notice as if it was a notice under section 8(3).

(6) The local government may grant an application to transfer an approval only if it is satisfied about the matters mentioned in section 9(1).

(7) The local government may, by written notice to the approval holder and the proposed transferee—

(a) grant the application to transfer the approval; or

(b) refuse the application to transfer the approval.

(8) If the local government decides to grant the application to transfer the approval, the local government may amend the existing conditions of the approval.

(9) The local government may amend the conditions of the approval under subsection (8) without following the procedure in section 18.

(10) The local government must state, in the notice given under subsection (7)(a), any amendments to the conditions of the approval and the day that they take effect.

(11) The local government must give the approval holder and the proposed transferee an information notice if the local government—

(a) refuses the application; or

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

16 Amending conditions at request of approval holder

(1) An approval holder may apply to the local government to amend the conditions of the approval.

(2) The application must be written and state—

(a) the proposed amendment; and

(b) the reasons for it.

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

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

(4) If the local government decides to amend the conditions as requested, the local government must, within 14 days of the decision, give the approval holder written notice of the amended conditions and the day that they take effect.

(5) If the local government refuses to amend the conditions, the local government must give the approval holder an information notice.

(6) The local government may amend the conditions of the approval under this section without following the procedure in section 18.

17 Grounds for amending, suspending or cancelling approval

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

(a) amendment, suspension or cancellation is necessary—

(i) for the protection of public health or safety; or

(ii) to prevent environmental harm; or

(iii) to prevent property damage or loss of amenity; or

(iv) to allow for works on roads or local government controlled areas; or

(v) to improve access to a road; or

(vi) to improve the efficiency of vehicle or pedestrian traffic.

(b) another approval required for the prescribed activity under an Act has been suspended or cancelled;

(c) in undertaking the prescribed activity, the approval holder has failed to comply with a local law or an Act;

(d) the approval holder has failed to comply with a condition of the approval;

(e) the approval holder has failed to comply with a notice under sections 26 or 27 that relates to the conduct of the prescribed activity or has failed to comply with a stop order under section 29;

(f) the approval was granted because of a document or representation that was—

(i) false or misleading; or

(ii) obtained or made in another improper way.

18 Procedure for amending, suspending or cancelling approval

(1) This section applies if the local government considers there is a ground under section 17 to amend, suspend or cancel an approval (the ***proposed action***).

(2) Before taking the proposed action, the local government must give the approval holder a written notice (the ***show cause notice***) stating—

(a) the proposed action; and

(b) the grounds for the proposed action; and

(c) an outline of the facts and circumstances that are the basis of the grounds; and

(d) if the proposed action is suspension of the approval, the proposed suspension period; and

(e) that the approval holder may make written submissions, within a stated reasonable time of at least 21 days after the notice is given, why the proposed action should not be taken.

(3) If, after considering all submissions made within the stated time, the local government decides that a ground no longer exists to cancel, amend or suspend the approval, the local government must take no further action about the show cause notice and give written notice to the approval holder about the decision.

(4) If, after considering all submissions made within the stated time, the local government still considers there is a ground to take the proposed action, the local government may—

(a) if the proposed action was to amend the approval—amend the approval; or

(b) if the proposed action was to suspend the approval—suspend the approval for no longer than the period stated in the notice; or

(c) if the proposed action was to cancel the approval—amend the approval, suspend it for a period or cancel it.

(5) If the local government decides to amend, suspend or cancel the approval, the local government must give the approval holder an information notice.

(6) The decision takes effect on the day the written notice mentioned in subsection (3) or (5) is given to the approval holder, or if a later day of effect is stated in the notice, the later day.

(7) This section does not limit the power a local government may have apart from this section to amend, suspend or cancel an approval.

19 Procedure for immediate suspension of approval

(1) Despite section 18, the local government may immediately suspend an approval if the local government believes that continuation of the prescribed activity by the approval holder poses—

(a) an urgent and serious threat to public health or safety; or

(b) an urgent and serious risk of environmental harm, property damage or loss of amenity.

(2) The suspension—

(a) can be effected only by the local government giving a notice to the approval holder about the decision to immediately suspend the approval, together with a show cause notice about proposed action under section 18; and

(b) operates immediately the notices are given to the approval holder; and

(c) continues to operate until the earliest of the following happens—

(i) the local government cancels the suspension;

(ii) the local government gives the approval holder notice under section 18(3) or (5) of its decision about the show cause notice;

(iii) 14 days have passed since the expiry of the stated time for the making of written submissions regarding the show cause notice;

(iv) 14 days have passed since the approval holder notifies the local government that it has made its final written submissions regarding the show cause notice.

Part 3 Authorised persons

20 Appointment

An authorised person's instrument of appointment[5] must state the local laws, or the provisions of local laws, for which the person is appointed as an authorised person.

21 Threatening etc an authorised person[6]

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

Maximum penalty—20 penalty units.

Part 4 Review of decisions

22 Application for review

(1) A person who is given, or is entitled to be given, an information notice for a decision under a local law (an ***original decision***) may apply to the chief executive officer[7] for a review of the decision under this part.[8]

(2) The application (a ***review application***) must be made within 14 days of—

(a) if the person is given an information notice for the decision—the day the person is given the notice; or

(b) if paragraph (a) does not apply—the day the person otherwise becomes aware of the original decision.

(3) However, the local government may, at any time, extend the time for making a review application.

(4) The review application must be in writing and—

(a) accompanied by a statement of the grounds on which the applicant seeks the review of the decision; and

(b) supported by enough information to enable the local government to decide the application.

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

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

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

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

23 Review decision

(1) The local government must review the original decision within 28 days after receiving a review application and make a decision (the ***review decision***) to—

(a) confirm the original decision; or

(b) amend the original decision; or

(c) substitute another decision for the original decision.

(2) The application must not be dealt with by—

(a) the person who made the original decision; or

(b) a person in a less senior office than the person who made the original decision, unless the original decision was made by the chief executive officer.

(3) The local government must, within 5 days of making the review decision, give the applicant notice of the decision (the ***review notice***).

(4) If the review decision is not the decision sought by the applicant, the review notice must also state the reasons for the review decision.

(5) If the local government does not give the review notice within the 5 days, the local government is taken to have made a review decision confirming the original decision.

24 Stay of operation of original decision

(1) A review application does not stay the original decision that is the subject of the application.

(2) However, the applicant may, immediately after being given the information notice about the original decision, apply to the Magistrates Court for a stay of the original decision.

(3) The court may stay the original decision to secure the effectiveness of the review.

(4) A stay may be granted on conditions the court considers appropriate.

Part 5 Enforcement

25 Production of records

(1) This section applies where an authorised person has entered a property under the Act to find out whether the conditions of an approval have been complied with.[9]

(2) The authorised person may require the occupier of the property to produce for inspection records that are required by the conditions of an approval.

(3) A person must comply with a requirement under subsection (2), unless the person has a reasonable excuse.

Maximum penalty for subsection (3)—10 penalty units.

[9] See the Act, section 132.

26 Compliance notice for contravention of local law or approval condition

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

(a) a person—

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

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

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

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

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

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

(2) The authorised person may give[10] a written notice (a ***compliance notice***) to the person (the ***recipient***) requiring the person to remedy the contravention.[11]

(3) The compliance notice must state the following—

(a) the particular provision of the local law or condition of an approval the authorised person believes is being, or has been, contravened; and

(b) briefly, how it is believed the provision of the local law or condition of an approval is being, or has been, contravened; and

(c) the time by which the recipient must remedy the contravention; and

(d) that it is an offence to fail to comply with the compliance notice; and

(e) the maximum penalty for failing to comply with the compliance notice.

(4) The time under subsection (3)(c) must be reasonable having regard to—

(a) the action required to remedy the contravention; and

(b) the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm posed by the contravention; and

(c) how long the recipient has been aware of the contravention.

(5) The compliance notice may also state the reasonable steps the authorised person considers necessary to remedy the contravention or avoid further contravention.

Examples of reasonable steps to avoid further contravention—

- The repetition of a specified action at stated intervals for a certain period.
- Stopping taking an action that is prohibited by a local law or condition of an approval.

(6) The compliance notice must include, or be accompanied by, an information notice.

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

[11] Where a compliance notice is given to the owner of a property and requires action to be taken in relation to that property, then it will constitute a ***remedial notice*** under the Act, section 138(2).

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

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

27 Compliance notice authorised by local law

(1) This section applies if—

(a) a local law provides that an authorised person may give a compliance notice to a person;[13] and

(b) the authorised person gives[14] a compliance notice to the person (the ***recipient***).[15]

(2) The compliance notice must state the following—

(a) the provision of the local law that authorises the authorised person to give a compliance notice; and

(b) the specified action that the recipient must take to comply with the notice; and

(c) the time by which the recipient must comply with the notice; and

(d) that it is an offence to fail to comply with the notice; and

(e) the maximum penalty for failing to comply with the notice.

(3) The specified action in subsection (2)(b) must not be inconsistent with action required, by a remedial notice, to be taken under another Local Government Act.

(4) The time under subsection (2)(c) must be reasonable having regard to the risk to public health and safety, the risk of damage to property or loss of amenity and the risk of environmental harm that may result from failure to comply with the notice.

(5) The compliance notice must include, or be accompanied by, an information notice.

(6) The recipient must comply with the compliance notice.[16]

Maximum penalty for subsection (6)—50 penalty units.

28 Power to remove and cost recovery

(1) This section applies where—

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

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

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

[14] See also footnote 10.

[15] See also footnote 11.

[16] See also footnote 12.

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

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

(a) in the interests of public health or safety; or

(b) to prevent environmental harm, property damage or loss of amenity.

(3) Where subsection (2) does not apply, an authorised person may seize (by dismantling if necessary) and impound the structure or thing if—

(a) the owner, or person in possession, of the structure or thing has not complied with a compliance notice requiring the owner or person to remove it; and

(b) the time for making an application for review of the compliance notice under section 22 has expired.

(4) The local government may recover the cost of action taken under this section as a debt from the person responsible for the activity mentioned in subsection (1).

(5) In this section—

thing does not include an animal.

29 Stop orders

(1) An authorised person may give a relevant person an order to immediately stop a prescribed activity if the authorised person believes that continuation of the activity poses—

(a) an urgent and serious threat to public health or safety; or

(b) an urgent and serious risk of environmental harm, property damage or loss of amenity.

(2) An order under this section—

(a) may be given orally or in writing; and

(b) operates until the earliest of the following happens—

(i) the expiry of the period, of no more than 3 days, specified by the authorised person when the order is given;

(ii) the local government immediately suspends the approval for the prescribed activity under section 19.

(3) An authorised person must confirm an oral order in writing by the next business day following the giving of the order.

(4) A person who receives an order under this section must comply with the order.

Maximum penalty for subsection (4)—50 penalty units.

(5) This section does not affect the local government's powers under another law.

(6) In this section—

relevant person means the approval holder for the prescribed activity or an employee or agent of the approval holder currently conducting the prescribed activity.

Part 6 Legal proceedings

30 Defence of reasonable excuse

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

31 General defence for owners or occupiers of land

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

(a) the act or omission occurred without the owner's or occupier's knowledge or consent; and

(b) the owner or occupier could not, by reasonable diligence, have prevented the act or omission.

32 Joint and several liability

(1) If a local law imposes a liability on an owner or occupier of property, or a person engaged in a particular activity, and 2 or more persons are the owners or occupiers of the relevant property, or are jointly engaged in the relevant activity, the liability is joint and several.

(2) This section applies both to civil liabilities and liabilities enforced by summary proceedings under the *Justices Act 1886*.

33 Rewards

(1) The local government may, by public notice, offer a reward for information leading to the conviction of a person for—

(a) an offence involving damage to, or theft of, property of the local government or under the local government's control; or

(b) an offence against a local law.

(2) The amount of the reward, and the conditions on which it is payable, must be decided by resolution of the local government.

Part 7 Miscellaneous

34 Maintenance of good order at meetings

(1) A person who is not a member of the local government or a local government committee must not obstruct the proper conduct of a meeting of the local government or committee.

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

(2) If a person (other than a member) obstructs the proper conduct of a meeting of the local government or committee, the chairperson may ask the person to withdraw from the meeting place.

(3) A person asked to withdraw from a meeting place under subsection (2) must immediately withdraw from the place and remain away until the end of the meeting or for a lesser period fixed by the chairperson.

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

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

35 Fees

(1) If a local law provides for payment of a fee, and does not itself fix the amount of the fee, the fee is to be fixed by resolution under the Act, chapter 4, part 2.

(2) A resolution fixing a fee may provide for the reimbursement of the fee in appropriate circumstances.

Example—

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

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

36 Abandoned goods

(1) This section applies where an authorised person considers on reasonable grounds that goods have been abandoned in a local government controlled area or on a road.

(2) The authorised person may seize and impound the goods.

37 Dealing with seized and impounded items

(1) This section applies where—

(a) an authorised person has exercised a power under a local law to seize and impound a structure, thing or goods (an ***impounded item***);[17] or

(b) the local government has impounded an item that has been delivered into its custody pursuant to a local law (also an ***impounded item***) and the local law states that this section is to apply.

(2) However, this section does not apply to an impounded item that is an animal[18]

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[17] See, for example, section 28 in relation to structures or things brought onto a local government controlled area or road in contravention of a local law and section 36 in relation to abandoned goods.

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

(3) If the impounded item is perishable, it may be immediately disposed of as the chief executive officer directs and the proceeds applied in accordance with subsection (6).

(4) A person may reclaim the impounded item if—

(a) written application is made to the chief executive officer; and

(b) proof is produced to the satisfaction of the chief executive officer that the applicant is the owner of the item; and

(c) the applicant pays the prescribed fee for the impounding of the item.

(5) At the expiry of 1 month since the date of impounding, the impounded item is forfeited to the local government, which may dispose of the item—

(a) if it has no commercial value or has a value that would not cover the costs of sale of the item—as the chief executive officer directs; or

(b) by sale through—

(i) public auction or tender, following an advertisement published at least 14 days before the date of the proposed sale; or

(ii) an agent of the local government; or

(iii) an enterprise owned by the local government; or

(c) if it has been offered for sale under paragraph (b) but has not been sold within a reasonable period—as the chief executive officer directs.

(6) The proceeds of the sale or disposal of the impounded item must be applied—

(a) firstly, towards the costs of the sale or disposal; and

(b) secondly, towards the prescribed fee for impounding the impounded item; and

(c) thirdly, to the former owner of the impounded item.

(7) If no person establishes a valid claim to the amount to which the former owner is entitled under subsection (6)(c) within 1 year of the date of the sale or disposal, the amount becomes the property of the local government.

Part 8 Subordinate local laws

38 Subordinate local laws

The local government may make subordinate local laws about—

(a) prescribed activities in respect of which the requirement for an approval does not apply;[19] and

(b) the categories of prescribed activities for the purposes of maximum penalties;[20]

[19] See section 6(3).

[20] See section 6(4).

(c) the documents and materials that must accompany an application for an approval;[21] and

(d) additional criteria for the granting of approvals for prescribed activities;[22] and

(e) the conditions that must be imposed on an approval or that will ordinarily be imposed on an approval;[23] and

(f) application requirements for which a third party certifier's certificate may be accepted by the local government;[24] and

(g) the individuals or organisations that are declared as third party certifiers for particular application requirements;[25]

(h) the qualifications that are necessary for an individual or organisation to provide a third party certificate about particular application requirements;[26] and

(i) the term for which an approval for a prescribed activity remains in force;[27] and

(j) the further term for which an approval for a prescribed activity may be renewed or extended;[28] and

(k) categories of approvals that are non-transferable;[29] and

(l) complementary accommodation prescribed as appropriate for caravan parks;[30] and

(m) a State-controlled road to which this local law applies;[31] and

(n) public place activities prescribed as regulated activities on local government controlled areas and roads.[32]

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[21] See section 8(2)(a).

[22] See section 9(1)(d).

[23] See section 10(3).

[24] See section 12(1).

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

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

[27] See section 13(a).

[28] See section 14(1)(a).

[29] See section 15(2).

[30] See schedule 1, definition of ***complementary accommodation***, paragraph (b).

[31] See schedule 1, definition of ***road***, subparagraph (b)(i).

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

Schedule 1 Dictionary

Section 3

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

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

authorised person see the Act, schedule 4[33].

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

complementary accommodation means—

(a) accommodation in an on-site caravan, a cabin or a tent or other structure that can be readily assembled and disassembled; or

(b) other accommodation prescribed under a subordinate local law for this paragraph as appropriate to caravan parks.

compliance notice means a compliance notice given under—

(a) section 26; or

(b) another local law that authorises the giving of a compliance notice.

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

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

entertainment includes recreation and amusement.

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

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

goods does not include animals.

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

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

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

(a) the decision; and

(b) the reasons for the decision; and

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

(d) how to apply for a review.

Local Government Act see the Act, schedule 4.

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

[33] See also section 20.

local government controlled area—

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

Examples of local government controlled areas—

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

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

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

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

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

prescribed activity see section 5.

prescribed fee means a cost-recovery fee fixed by the local government, by local law or by resolution, under the Act[34].

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

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

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

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

review decision see section 23(1).

road means—

(a) a road as defined in the Act, section 59; and

(b) a State-controlled road—

(i) prescribed under a subordinate local law for this subparagraph as a road to which this local law applies unless otherwise provided; and

(ii) in respect of which the chief executive has given written agreement under the *Transport Operations (Road Use Management) Act 1995*, section 66(5)(b).

shared facility accommodation means accommodation occupied or available for occupation by residents, in return for payment, on the basis of residents sharing 1 or more of the following facilities—

(a) dormitories or bedrooms;

(b) toilets;

[34] See the Act, section 97.

(c) bathrooms, showers or other bathing facilities;

(d) laundries;

(e) dining facilities;

(f) cooking facilities;

(g) recreation facilities.

show cause notice see section 18(2).

the Act means the *Local Government Act 2009*.

Schedule 2 Prescribed activities

Section 5

Part 1 Prescribed activities

alteration or improvement to local government controlled areas and roads

commercial use of local government controlled areas and roads

establishment or occupation of a temporary home

installation of advertising devices

keeping of animals

operation of camping grounds

operation of cane railways

operation of caravan parks

operation of cemeteries

operation of public swimming pools

operation of shared facility accommodation

operation of temporary entertainment events

undertaking regulated activities regarding human remains

undertaking regulated activities on local government controlled areas and roads

Part 2 Definitions of prescribed activities

alteration or improvement to local government controlled areas and roads[35] means—

1 *Alteration or improvement to local government controlled areas and roads* means—

(a) installing, changing, damaging or removing a structure in a local government controlled area or on a road; or

(b) planting, clearing or damaging of vegetation in a local government controlled area or on a road.

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

2 *Alteration or improvement to local government controlled areas and roads* does not include an alteration or improvement—

(a) that constitutes development under the Planning Act[36]; or

(b) for which a tree clearing permit is required under the *Vegetation Management Act 1999*; or

(c) that involves a network connection; or

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

commercial use of local government controlled areas[37] and roads means the use of a local government controlled area or road for soliciting or carrying on the supply of goods and services (including food or drink) for profit, but does not include the following—

(a) the provision of a public passenger service under the *Transport Operations (Passenger Transport) Act 1994*;

(b) a business on part of a road if the person carrying on the business is authorised by a permit under the *Land Act 1994* to occupy the relevant part of the road for carrying on the business;

(c) a business that a person is authorised to carry on under the *Transport Infrastructure Act 1994*;

(d) using a road for a particular purpose if the use constitutes development under the Planning Act;

(e) operation of a temporary entertainment event;

(f) undertaking a regulated activity on a local government controlled area or road where the activity is the holding of a public place activity.

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

(a) a structure for erection which is constituted as development under the Planning Act; or

(b) the establishment or the occupation of a temporary home on or in a camping ground or caravan park.

installation of advertising devices means the installation, erection or display of an advertisement or sign that is visible from a road or other public place.[38]

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

operation of camping grounds means to permit access to, or use of, a commercial camping ground but does not include a caravan park.

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[36] See the definition of ***Planning Act*** in the Act, schedule 4.

[37] See footnote 36.

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

operation of cane railways means the operation of a tramway or railway—

(a) operated, entirely or partly, on an access right under the *Sugar Industry Act 1999*, chapter 2, part 4[39]; and

(b) used, or proposed to be used, to transport sugar cane, sugar or sugar cane by-products; and

(c) that does not transport passengers or other freight for reward.

operation of caravan parks means to operate, on a commercial basis, a place for parking and residing in caravans, including a place that provides also for complementary accommodation.

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

(a) burial; or

(b) cremation; or

(c) placement in a columbarium, mausoleum or vault.

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

(a) members of the public or a section of the public; or

(b) participants in organised swimming or diving competitions or in training for organised swimming or diving competitions; or

(c) persons who have a commercial relationship with the owner of the pool; or

(d) a person who is a guest of a hotel, motel, resort or the like.

operation of shared facility accommodation means the provision of shared facility accommodation to holiday makers or travellers, but does not include accommodation in a hotel or motel.

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

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

(a) disturbance of human remains buried outside a cemetery; or

(b) burial or disposal of human remains (excluding cremated remains) outside a cemetery; or

(c) disturbance of human remains in a local government cemetery.

undertaking regulated activities on local government controlled areas[40] and roads means undertaking one of the following activities on a local government controlled area or road—

(a) driving or leading of animals to cross a road; or

(b) depositing of goods or materials; or

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[39] *Sugar Industry Act 1999*, chapter 2 (Supply contracts and cane access rights), part 4 (Cane access, harvesting and mill supply).

[40] See footnote 36.

(c) holding of a public place activity prescribed under a subordinate local law for this paragraph, excluding the operation of a temporary entertainment event.

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

159112_1

Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.1 (Alteration or Improvement to Local Government Controlled Areas and Roads) 2011*.

2 Purpose and how it is to be achieved

(1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.

(2) The purpose is to be achieved by providing for—

(a) various matters regarding the granting of approvals for prescribed activities; and

(b) further specification of the definitions relevant to various prescribed activities.

(3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 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 Approval for prescribed activity

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

(1) Schedule 1—

(a) names a prescribed activity in section 1; and

(b) prescribes the matters specified in this section for the prescribed activity.

(2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2

of schedule 1.

(3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.

(4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.

(5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.

(6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.

(7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.

(8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.

(9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.

(10) For section 12 of the authorising local law, in Table 1 of schedule 1—

(a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and

(b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and

(c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

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

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

Part 3 Application to State-controlled roads

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

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

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

Section 5

1. Prescribed activity

Alteration or improvement to local government controlled areas and roads.

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

No activities stated.

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

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

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

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

(4) The proposed term of the approval.

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

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

(7) Plans and specifications detailing—

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

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

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

(8) A traffic management plan for the prescribed activity.

(9) Particulars of proposed signage for the prescribed activity.

4. Additional criteria for the granting of an approval

The alteration or improvement must not—

(a) result in—

(i) harm to human health or safety; or

(ii) property damage or loss of amenity; or

(iii) nuisance; or

(iv) obstruction of vehicular or pedestrian traffic; or

(v) environmental harm; or

(vi) environmental nuisance; or

(b) adversely affect the amenity of the area in which the prescribed activity is to be undertaken; or

(c) damage local government infrastructure; or

(d) adversely affect vehicular or pedestrian traffic.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

(1) The conditions of an approval may—

(a) require compliance with specified safety requirements; and

(b) regulate the time within which the alteration or approval must be carried out; and

(c) specify standards with which the alteration or improvement must comply; and

(d) require the approval holder to—

(i) carry out specified additional work such as earthwork and drainage work; and

(ii) take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before commencement of the alteration or improvement; and

(iii) give the local government specified indemnities; and

(iv) maintain structures erected or installed, or vegetation planted, under the approval, in good condition; and

(v) remove a structure erected or installed, under the approval, at the end of a stated period; and

(vi) exhibit specified signage warning about the conduct of the prescribed activity.

(2) The conditions of an approval may require the approval holder to take specified measures to—

(a) prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and

(b) prevent loss of amenity or nuisance resulting from the undertaking of the prescribed activity; and

(c) ensure that the undertaking of the prescribed activity does not cause unsafe movement or obstruction of vehicular or pedestrian traffic.

7. Term of an approval

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

(2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

(1) The term for which an approval may be renewed or extended must be determined by the local government having regarding to the information submitted by the approval holder.

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

Table 1 – Third party certification

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

Schedule 2 Categories of approval that are non-transferable

Section 6

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

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

Section 7

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

Schedule 4 Dictionary

Section 4

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

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

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

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

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Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.2 (Commercial Use of Local Government Controlled Areas and Roads) 2011*.

2 Purpose and how it is to be achieved

(1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.

(2) The purpose is to be achieved by providing for—

(a) various matters regarding the granting of approvals for prescribed activities; and

(b) further specification of the definitions relevant to various prescribed activities.

(3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 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 Approval for prescribed activity

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

(1) Schedule 1—

(a) names a prescribed activity in section 1; and

(b) prescribes the matters specified in this section for the prescribed activity.

(2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

(3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 1 activity.

(4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.

(5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.

(6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.

(7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.

(8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.

(9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.

(10) For section 12 of the authorising local law, in Table 1 of schedule 1—

(a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and

(b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and

(c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

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

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

Part 3 Application to State-controlled roads

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

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

Schedule 1 Commercial use of local government controlled areas and roads

Section 5

1. Prescribed activity

Commercial use of local government controlled areas and roads.

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

No activities stated.

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

(1) Details of the nature, time, day and place of the prescribed activity for which the approval is sought.

(2) If the applicant wants to use a particular part of a local government controlled area or road for serving food and drink or for other business purposes—a plan showing the relevant part of the local government controlled area or road.

(3) If the prescribed activity is to be operated from a site, stall or vehicle—specifications for the site, stall or vehicle which is proposed to be used in the operation of the prescribed activity.

(4) Details of the name, street address, telephone number, facsimile number and email address of the person responsible for the operation of the prescribed activity.

(5) A copy of the current registration certificate for each vehicle proposed to be used in the operation of the prescribed activity.

(6) Details of the operation of the prescribed activity including—

(a) if goods or services are to be supplied—the nature of the goods and services to be supplied; and

(b) if the goods or services are to be supplied at particular times and days—the times and days during which the goods or services will be supplied; and

(c) if goods or services are to be supplied—the method of sale of the goods or services; and

(d) a copy of each policy of insurance of the applicant which relates to the operation of the prescribed activity; and

(e) how the applicant proposes to dispose of waste generated by the operation of the prescribed activity; and

(f) if signage is intended to be displayed – details of the signage and how the signage will be secured whilst displayed.

(7) Subsection (8) applies if—

(a) the prescribed activity is to be operated at a place on a local government controlled area or road; and

(b) the place abuts, or is adjacent to, land other than a local government controlled area or road; and

(c) the operation of the prescribed activity may cause a nuisance, inconvenience or annoyance to the occupier of the land.

(8) The application must be accompanied by—

(a) the written consent of the occupier of the land to the operation of the prescribed activity at the place; or

(b) a written statement from the occupier of the land in support of the operation of the prescribed activity at the place.

4. Additional criteria for the granting of an approval

(1) The prescribed activity for which the approval is sought must not unduly interfere with the proper use of the local government controlled area or road.

(2) There must be a public demand for the prescribed activity in respect of which the approval is sought.

(3) The physical characteristics of the local government controlled area or road must be suitable for the prescribed activity.

(4) The prescribed activity must not cause nuisance, inconvenience or annoyance to—

(a) the occupier of any land which adjoins the location of the prescribed activity; or

(b) vehicular traffic; or

(c) pedestrian traffic.

(5) The prescribed activity must not have a detrimental effect on the amenity of the surrounding area.

(6) If the prescribed activity is mobile roadside vending or stationary roadside vending—

(a) whether the prescribed activity for which the approval is sought is competitive with business activities operated from fixed premises in the local government area; and

(b) whether the business activities operated from the fixed premises are sufficient to meet public demand for the goods or services proposed to be sold as part of the operation of the prescribed activity; and

(c) whether the grant of the approval will result in substantial competition

between the applicant for the approval and operators of business activities operated from fixed premises in the local government area; and

(d) whether the goods or services proposed to be sold as part of the operation of the prescribed activity, or similar goods or services, are available for sale from fixed premises located within 300m of the location of the prescribed activity.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

(1) The conditions of an approval may require that the approval holder—

(a) limit the activities authorised by the approval to 1 or more of—

(i) a single specified location;

(ii) a number of specified locations;

(iii) a specified area;

(iv) a number of specified areas; and

(b) limit the activities to specified days and times; and

(c) limit the activities to—

(i) a specified period of time; or

(ii) specified periods of time; and

(d) display the approval in a specified position, and produce the approval for inspection on demand by an authorised person; and

(e) take specified measures to protect the safety of persons who may be involved in, or affected by, the activities authorised by the approval; and

(f) give specified indemnities and take out and maintain insurance against personal injury and property damage resulting from the activities authorised by the approval; and

(g) take specified measures to ensure that the activities authorised by the approval do not cause a nuisance; and

(h) if the approval authorises the approval holder to use a specified part of a road for the operation of the activity — pay a specified rental to the local government at specified intervals; and

(i) submit the operation of the activity, including any vehicle or premises used in the operation of the activity, for inspection by an authorised

person; and

(j) prominently and permanently display at a specified location each of—

(i) the approval number granted by the local government in numbers not less than 50mm in height; and

(ii) the name and address of the approval holder in letters not less than 75mm in height; and

(k) if the approval relates to an activity on a road—give a written indemnity to the State; and

(l) limit the activities authorised by the approval such that the activities may not be operated within a specified radius of—

(i) fixed premises which sell or offer for sale, the same or similar goods or services; or

(ii) the site of operation of another prescribed activity—

(A) the operation of which is authorised by an approval granted by the local government; and

(B) at which the same or similar goods or services are sold or offered for sale; and

(m) limit the operation of the prescribed activity so that it does not—

(i) create a traffic nuisance; or

(ii) increase an existing traffic nuisance; or

(iii) detrimentally affect the efficiency of the road network in which the activity is undertaken; and

(n) limit the operation of the prescribed activity so that it does not detrimentally affect the amenity of the neighbourhood in which the prescribed activity is undertaken; and

(o) ensure that the operation of the prescribed activity does not create a road safety risk; and

(p) ensure that all facilities and equipment used in the operation of the prescribed activity are, at all times, maintained—

(i) in good working order and condition; and

(ii) in a clean and sanitary condition; and

(q) if the approval authorises the operation of a roadside vending activity on a road on specified days—remove the vehicle from the road after the close of business each day unless otherwise specified by the local government; and

(r) signage used in the operation of the prescribed activity must be exhibited in the manner, and at the locations, specified by the local government.

(2) If the prescribed activity is mobile roadside vending, the conditions of the approval may also require that the approval holder—

(a) limit the operation of the activity to—

(i) a specified vehicle; or

(ii) a number of specified vehicles; and

(b) if the approval holder is selling or offering for sale, goods, for example, food, or services—not engage in mobile roadside vending on any local government controlled area or road within a specified radius of fixed premises which sell or offer for sale, the same or similar goods or services.

(c) not—

(i) unless authorised by an authorised person—park the vehicle used for the activity for a period longer than is necessary to serve a customer who has hailed down the vehicle; or

(ii) amplify, or cause to be made, any noise identifying or otherwise drawing attention to the vehicle, except in accordance with standards laid down under the *Environmental Protection Act 1994*; or

(iii) place a sign or device advertising the activity of the approval holder on any local government controlled area or road; and

(d) keep and maintain the vehicle in a clean, tidy and orderly condition at all times; and

(e) produce the vehicle for inspection by an authorised person—

(i) prior to commencement of the prescribed activity; and

(ii) when required by the authorised person; and

(f) limit the operation of the activity to vehicles having specified characteristics, appropriate for the operation of the activity; and

(g) only serve customers from the non-traffic or kerbside side of a vehicle used in the operation of the activity; and

(h) not operate the activity in a manner which is, or may be, a risk to road safety; and

(i) unless authorised by an authorised person—not permit or allow an animal in or about any vehicle used in the operation of the activity; and

(j) not discharge trade waste generated by the operation of the activity otherwise than in accordance with an approval under the *Water Supply (Safety and Reliability) Act 2008*; and

(k) for waste generated by the operation of the activity—

(i) only dispose of the waste—

(A) in a safe and sanitary manner; and

(B) in a manner which maintains the vehicle and its surrounds in a clean, tidy, sanitary and hygienic condition; and

(ii) not dispose of the waste—

(A) so as to attract pests; or

(B) into a water course; or

(C) at another location other than a location properly intended for the receipt of the waste.

(3) If the prescribed activity is footpath dining, the conditions of the approval may also require that the approval holder—

(a) limit the operation of the activity to a specified area which is contiguous to, or in the vicinity of, a registered café, restaurant, takeway food shop or similar premises which are operated by the approval holder (***principal premises***); and

(b) limit the operation of the activity to the footpath immediately adjacent to the principal premises; and

(c) keep and maintain a clear unobstructed pedestrian corridor of a specified width depending on the density of pedestrian traffic; and

(d) limit the operation of the activity to the normal business hours of the principal premises; and

(e) remove all tables, chairs, fixtures and fittings from the area identified in the approval when the principal premises are not open for business; and

(f) keep and maintain the area identified in the approval, including all tables, chairs, fixtures, fittings and equipment used in the operation of the activity at all times in a clean, sanitary and tidy condition; and

(g) keep and maintain in and about the area identified in the approval, adequate waste disposal facilities, for example, bins, and be responsible for the removal of all waste from the waste disposal facilities at such intervals as an authorised person may direct; and

(h) not place or display any sign or device advertising the activity in the area identified in the approval otherwise than in accordance with an

approval of the local government which authorises the use of the footpath for that purpose; and

(i) not use an umbrella within the area identified in the approval unless the umbrella has not less than 2m clearance above ground level adjacent to the umbrella and is securely anchored to the satisfaction of an authorised person; and

(j) only use furniture in the area identified in the approval which is—

(i) aesthetically acceptable to the local government; and

(ii) kept in a proper state of repair; and

(k) provide, for use by patrons of each of the principal premises and the area identified in the approval, adequate toilet facilities; and

(l) regularly clean the area identified in the approval—

(i) during business hours for the principal premises; and

(ii) daily, after the close of business of the principal premises.

(4) If the prescribed activity is the display of goods for sale on a footpath, the conditions of the approval may also require that the approval holder—

(a) limit the operation of the activity to a specified area which is contiguous to, or in the vicinity of, retail premises which are operated by the approval holder (also ***principal premises***); and

(b) limit the operation of the activity to the footpath immediately adjacent to the principal premises; and

(c) keep and maintain a clear unobstructed pedestrian corridor of a specified width depending on the density of pedestrian traffic; and

(d) limit the operation of the activity to the normal business hours of the principal premises; and

(e) only use, for the purposes of display of the goods for sale, a structure which is—

(i) of safe construction; and

(ii) in good condition and repair; and

(iii) securely fixed to the footpath; and

(f) only display goods for sale if the goods are in an orderly and sightly condition; and

(g) only display goods for sale if the goods are the property of, or offered for sale by, the approval holder; and

(h) remove all goods, and any structure designed for the display of the

goods for sale, when the principal premises are not open for business.

(5) If the prescribed activity is busking, the conditions of the approval may also require that the approval holder—

(a) not advertise or associate the approval holder with advertising in conjunction with any performance; and

(b) not use any form of amplification; and

(c) operate the prescribed activity so that it does not cause undue obstruction to pedestrian or vehicular traffic, for example, by obstructing pedestrian or vehicular access at the entrance to a shop or a building; and

(d) not interfere with the conduct of any activity, including a temporary entertainment event, the subject of an approval of the local government; and

(e) from time to time vary the location of the operation of the prescribed activity, for example, no location should be used for more than 3 hours during an 8 hour period; and

(f) not undertake the prescribed activity within 10m of any licensed premises; and

(g) not undertake the prescribed activity at a public place during the conduct of an activity which is the subject of an approval of the local government (other approval) without the written consent of the holder of the other approval.

7. Term of an approval

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

(2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

(1) The term for which an approval may be renewed or extended must be determined by the local government having regarding to the information submitted by the approval holder.

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

Table 1 – Third party certification

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

Schedule 2 Categories of approval that are non-transferable

Section 6

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

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

Section 7

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

Schedule 4 Dictionary

Section 4

busking means a musical or theatrical performance undertaken by a person—

(a) to entertain the public; and

(b) seeking voluntary reward for the performance.

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

goods includes wares, merchandise, chattels, money, stone, timber, metal, fluid and any other article, substance or material whatsoever and also includes an animal.

licensed premises has the meaning given in the *Liquor Act 1992.*

mobile roadside vending means an operator soliciting or carrying on the supply of goods or services (including food or drink) for profit in circumstances where—

(a) the operator travels from place to place; and

(b) the operator supplies the goods or services to a customer in response to the customer waiving down the operator.

principle premises has the meaning given in schedule 1, section 6(3)(a) and (4)(a).

sale includes —

(a) to sell; and

(b) sell for resale; and

(c) offer, or expose for sale; and

(d) agree or attempt to sell; and

(e) receive, keep or have in possession for sale; and

(f) cause or permit to be sold or offered or exposed for sale; and

(g) provide a sample; and

(h) barter; and

(i) auction; and

(j) supply or have available for supply; and

(k) suffer or permit any of the above acts.

stationary roadside vending means an operator soliciting or carrying on the supply of goods or services (including food or drink) for profit in circumstances where—

(a) the operator carries on the activity from—

(i) a specified place; or

(ii) a number of specified places; but

(b) the activity is not footpath dining.

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

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

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Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.3 (Establishment or Occupation of a Temporary Home) 2011*.

2 Purpose and how it is to be achieved

(1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.

(2) The purpose is to be achieved by providing for—

(a) various matters regarding the granting of approvals for prescribed activities; and

(b) further specification of the definitions relevant to various prescribed activities.

(3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 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 3 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

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

(1) Schedule 1—

(a) names a prescribed activity in section 1; and

(b) prescribes the matters specified in this section for the prescribed activity.

(2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

(3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.

(4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.

(5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.

(6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.

(7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.

(8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.

(9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.

(10) For section 12 of the authorising local law, in Table 1 of schedule 1—

(a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and

(b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and

(c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

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

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

Schedule 1 Establishment or occupation of a temporary home

Section 5

1. Prescribed activity

Establishment or occupation of a temporary home

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

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

(a) is merely being stored on the land; and

(b) is not being used as a place of residence.

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

(1) A drawing showing the design and dimensions of the proposed temporary home.

(2) Details of the materials out of which the temporary home is (or is to be) constructed and other structural details of the temporary home.

(3) Details of the location of the temporary home.

(4) If the applicant is not the owner of the land on which the temporary home is (or is to be) located—the written consent of the owner.

(5) Details of the name of each person who is to occupy the temporary home.

(6) Details of the operation of the proposed temporary home including toilet, bathing, laundry, water storage and refuse facilities.

(7) If a permanent residence or permanent structure is proposed to be constructed on the land the subject of the application—a copy of the development approval for the permanent residence or permanent structure.

(8) If the applicant or another person is to live on site during construction of a permanent residence or permanent structure on the land—an independent itemised valuation of the construction cost (of both the proposed temporary home and the permanent residence or permanent structure) including an itemised valuation based on recognised current building industry rates covering all areas that are applicable to the construction of the temporary home and the permanent residence or permanent structure including, without limitation, the outstanding cost of purchase of the land, the cost of construction of the proposed temporary home and the cost of construction of the proposed

permanent residence or permanent structure.

(9) Proof that the financial resources of the applicant are such that the applicant is capable of funding the construction of the temporary home and the permanent residence or permanent structure.

(10) If the applicant is an owner/builder—verification that the cash flow of the applicant will be sufficient to fund the construction of each of the temporary home and the permanent residence or permanent structure.

(11) If the applicant is an owner/builder—evidence that the applicant is registered as an owner/builder with the Queensland Building Services Authority.

(12) A progress chart or similar timetable showing significant milestones during the process of construction of each of the temporary home and the permanent residence or permanent structure so as to enable the term of the proposed approval to be fixed by the local government.

4. Additional criteria for the granting of an approval

(1) The temporary home will not be occupied as a place of residence permanently or for an indefinite period.

(2) The applicant proposes, within the period for which the approval is granted—

(a) to erect, or convert an existing structure into, a permanent residence; or

(b) to carry out building work on a permanent residence that will make the residence temporarily unfit for occupation as a place of residence.

(3) An adequate source of water will be available to the proposed temporary home.

(4) Adequate means of waste disposal and sanitation will exist to ensure that reasonable standards of health and hygiene can be maintained.

(5) The temporary home must be located on the land in such a way as to not impact adversely on the amenity of the owner or occupier of any adjoining land.

(6) The local government may refuse an application for an approval on the ground that—

(a) the applicant has not made a genuine application for a development approval for—

(i) the proposed erection of, or conversion of an existing structure into, a permanent residence; or

(ii) the proposed building work on a permanent residence that will make the residence temporarily unfit for occupation as a place of residence; or

(b) a development approval has been granted but is likely to expire before

building work to be carried out under the approval has been completed.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

(1) The conditions of an approval may—

(a) regulate the design, dimensions, construction, and external appearance of the temporary home; and

(b) require the provision of specified facilities for personal hygiene and sanitation, kitchen facilities and for washing and drying clothes; and

(c) require the approval holder to provide specified equipment, or take specified action, to ensure that the temporary home is adequately supplied with water; and

(d) regulate the disposal of waste water and refuse from the temporary home; and

(e) require the approval holder to dismantle and remove the temporary home by a specified date;

(f) require the approval holder to keep the temporary home in good order and repair;

(g) require the approval holder to ensure that the temporary home is not unsightly or unhygienic; and

(h) restrict the number of persons who may occupy the temporary home; and

(i) require the approval holder to advise the local government of any change of the name of the persons who are occupying the temporary home.

(2) All water supplied for domestic purposes to the temporary home must be potable water.

(3) All sewerage and waste water from the temporary home must be discharged lawfully, and without risk to public health.

7. Term of an approval

(1) An approval may be granted for a term of up to 18 months.

(2) The term of an approval may be assessed by an authorised person having regard to the information submitted by the applicant.

(3) The term of an approval must not exceed the lawful period of the development approval for the permanent residence or permanent structure.

(4) The term of the approval must be specified in the approval.

(5) In any event, the term of an approval comes to an end on the earlier of—

(a) the date on which the term of the approval ends; and

(b) the date on which the permanent residence or proposed permanent residence becomes fit for occupation as a place of residence.

8. Term of renewal of an approval

(1) An approval cannot be renewed.

(2) However, the local government may extend the term of an approval to coincide with the expected completion date of the building work for the erection or alteration of, or conversion of an existing structure into, a permanent residence that is, when the application for extension is made, and likely to be completed within a reasonable time.

Table 1 – Third party certification

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

Schedule 2 Categories of approval that are non-transferable

Section 6

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

Schedule 3 Dictionary

Section 4

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

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Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.4 (Installation of Advertising Devices) 2011*.

2 Purpose and how it is to be achieved

(1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.

(2) The purpose is to be achieved by providing for—

(a) various matters regarding the granting of approvals for prescribed activities; and

(b) further specification of the definitions relevant to various prescribed activities.

(3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 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 6 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

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

(1) Schedule 1—

(a) names a prescribed activity in section 1; and

(b) prescribes the matters specified in this section for the prescribed activity.

(2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

(3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.

(4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.

(5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.

(6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.

(7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.

(8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.

(9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.

(10) For section 12 of the authorising local law, in Table 1 of schedule 1—

(a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and

(b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and

(c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

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

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

Part 3 Application to State-controlled roads

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

For the purposes of the definition of ***road*** in schedule 1 of the authorising local law, the State-controlled roads listed in schedule 5 are roads to which the authorising local law applies unless otherwise provided in the local law.

Schedule 1 Installation of advertising devices

Section 5

1. Prescribed activity

Installation of advertising devices.

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

(1) An approval is not required under the authorising local law for the prescribed activity if—

(a) the activity is the installation, erection or display of a permitted advertisement that is visible from a road or other public place; or

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

(i) self assessable development; or

(ii) code assessable development; or

(iii) impact assessable development.

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

(a) defined in schedule 3; and

(b) installed, erected and displayed in accordance with the prescribed criteria in schedule 3; and

(c) installed, erected and displayed in accordance with the general criteria specified in schedule 4.

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

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

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

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

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

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

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

(4) The proposed term of the approval.

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

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

(7) Plans and specifications detailing—

(a) the location of the proposed advertising device; and

(b) each item of equipment to be used in the installation, erection or display of the proposed advertising device; and

(c) the type and location of any utility, service or infrastructure to be used in the installation, erection or display of the proposed advertising device; and

(d) particulars of the content, design, dimensions and construction of the proposed advertising device; and

(e) a site plan, to scale, of the proposed advertising device; and

(f) if the applicant is not the owner of the premises on which the proposed advertising device is to be installed, erected or displayed, the consent of the owner of the premises to the installation, erection and display of the advertising device; and

(g) a copy of each development approval required for the installation, erection and display of the proposed advertising device; and

(h) a pictorial representation of the proposed advertising device.

4. Additional criteria for the granting of an approval

(1) The conduct of the prescribed activity must not—

(a) result in—

(i) harm to human health or safety; or

(ii) property damage or loss of amenity; or

(iii) nuisance; or

(iv) obstruction of pedestrian or vehicular traffic; or

(v) environmental harm; or

(vi) environmental nuisance; or

(vii) a potential road safety risk; or

(b) adversely affect the amenity of the area in which the prescribed activity is to be undertaken; or

(c) significantly obstruct the view of any premises.

(2) The installation, erection and display of the proposed advertising device must comply with the general criteria specified in schedule 4.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

(1) The conditions of an approval may—

(a) require compliance with specified safety requirements; and

(b) regulate the time within which the prescribed activity must be carried out; and

(c) specify standards with which the undertaking of the prescribed activity must comply; and

(d) require the approval holder to—

(i) carry out specified additional work such as earthwork and landscaping; and

(ii) take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance to the local government before commencement of the prescribed activity; and

(iii) give the local government specified indemnities; and

(iv) maintain structures erected or installed, or vegetation planted, under the approval, in good condition; and

(v) remove a structure erected or installed, under the approval, at the end of a stated period; and

(vi) exhibit specified signage warning about the conduct of the prescribed activity; and

(vii) construct the advertising device from specified materials; and

(viii) maintain the advertising device in good order and repair; and

(ix) install the advertising device at a specified location, or in a specified manner; and

(x) take specified measures to illuminate, or control the illumination of, the advertising device; and

(xi) restrict the dimensions of the advertising device.

(2) The conditions of an approval may require the approval holder to take specified measures to—

(a) prevent harm to human health or safety of persons involved in, or affected by, the undertaking of the prescribed activity; and

(b) prevent loss of amenity or nuisance resulting from the undertaking of the prescribed activity; and

(c) ensure that the undertaking of the prescribed activity does not cause unsafe movement or obstruction of pedestrian or vehicular traffic.

(3) The conditions of an approval for a pole sign may also require that —

(a) the advertising device must not have a height in excess of 5m above ground level directly adjacent to the advertising device; and

(b) the advertising device must not face adjoining premises unless it is more than 3m from each boundary of the premises.

(4) The conditions of an approval for a billboard/hoarding sign may also require that —

(a) the advertising device must —

(i) not have a face area in excess of $45m^2$; and

(ii) not have a height in excess of 15m; and

(iii) not face adjoining premises unless it is more than 3m from each boundary of the premises; and

(iv) not be located or constructed so as to expose an unsightly back view of the advertising device; and

(v) not have more than 2 faces; and

(b) if the advertising device has 2 faces — the angle between each face must not be more than 45 degrees; and

(c) only 1 double-sided billboard/hoarding sign may be displayed on premises except where the street front boundary of the premises exceeds 100m; and

(d) if the street front boundary of the premises exceeds 100m, more than 1 double-sided billboard/hoarding sign is permitted, however, each billboard/hoarding sign must be not less than 100m apart; and

(e) the advertising device must not be displayed less than 3m from any side boundary of the premises; and

(f) the advertising device must be installed without "guide wires" or

exposed supporting framework.

(5) The conditions of an approval for a pylon sign may also require that—

(a) where the advertising device has 2 faces, the advertising device must be constructed such that the angle between each face is not more than 45 degrees; and

(b) the advertising device must not have a face area in excess of $40m^2$; and

(c) the advertising device must not have a height in excess of $15m^2$; and

(d) only 1 double-sided advertising device is permitted on premises except where the street front boundary of the premises exceeds 100m; and

(e) if the street front boundary of the premises exceeds 100m, more than 1 double-sided advertising device is permitted, however, each advertising device must be not less than 100m apart; and

(f) the advertising device must not be located or constructed so as to expose an unsightly back view of the advertising device; and

(g) the advertising device must not face adjoining premises unless it is more than 3m from each boundary of the premises; and

(h) the advertising device must be installed without "guide wires" or exposed supporting framework.

(6) In this section—

(a) ***pole sign*** means an advertising device which—

(i) is free-standing on 1 or more vertical supports which has a face area not in excess of $2.4m^2$ on any side; and

(ii) may have a face area consisting of separate slats, panels or components which are removable and replaceable;

(b) ***billboard/hoarding sign*** means an advertising device which —

(i) is free-standing; and

(ii) has a face area greater than $2.4m^2$; and

(iii) has a face area width greater than its face area height; and

(iv) is normally elevated from the ground and supported by 1 or more vertical columns, pylons or poles; and

(v) is an erected structure used primarily for the display of advertising matter;

(c) ***pylon sign*** means an advertising device which—

(i) is free-standing; and

(ii) has a face area greater than $2.4m^2$; and

(iii) has a face area height greater than its face area width; and

(iv) is normally elevated from the ground and supported by 1 or more vertical columns, pylons or poles; and

(v) may have a face area consisting of separate slats, panels or components which are removable and replaceable.

7. Term of an approval

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

(2) The term of the approval must be specified in the approval.

8. Term of renewal of an approval

(1) The term for which an approval may be renewed or extended must be determined by the local government having regarding to the information

submitted by the approval holder.

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

Table 1 – Third party certification

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

Schedule 2 Categories of approval that are non-transferable

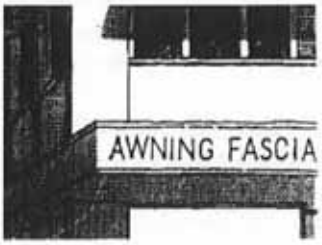
Section 6

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

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

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

1 Awning face sign



(1) An ***awning face sign*** is an advertising device painted or otherwise affixed flat to the face of an awning.

(2) The criteria prescribed for an awning face sign are—

(a) the building on which the advertising device is proposed to be displayed must have a constructed awning; and

(b) the advertising device must—

(i) be contained within the outline of the fascia of the building; and

(ii) not exceed 50mm in thickness; and

(c) the face area of the advertising device must not exceed 80% of the outline of the fascia of the building; and

(d) an awning face sign which is painted on to the face of an awning must not be illuminated; and

(e) an awning face sign other than a painted on awning face sign—

(i) may be illuminated internally; but

(ii) must not be externally illuminated.

2 Banner sign

(1) A ***banner sign*** —

(a) is a temporary advertising device intended to be suspended from a structure or pole with or without supporting framework displaying an advertising

device applied or painted to fabric or similar material of any kind; and

(b) includes real estate, for lease, lease, auction, inspection and directional messages.

(2) The criteria prescribed for a banner sign are—

(a) the advertising device must only be displayed for short term promotional purposes; and

(b) the advertising device must not have a face area in excess of $2.4m^2$; and

(c) the advertising device may only be displayed for 14 days or less within any 90 day period prior to the function or occasion advertised on the advertising device; and

(d) the advertising device must be affixed to a structure that will accommodate wind loadings for the area; and

(e) the advertising device must not be affixed to a tree, lighting standard or power pole on a local government controlled area or a road; and

(f) the advertising device must not be erected above the gutter line or on the roof of a building.

3 Blind/canopy sign

(1) A ***blind/canopy sign*** is an advertising device painted or otherwise affixed to a solid or flexible material suspended from an awning, verandah or wall.

(2) The criteria prescribed for a blind/canopy sign are—

(a) the advertising device must not be displayed unless there is a minimum clearance of 2.2m between the lowest point of the advertising device and ground level directly adjacent to the advertising device; and

(b) the advertising device must be contained within the premises advertised in the advertising device; and

(c) the display of the advertising device on the blind or canopy must be ancillary to the use of the blind or canopy as a blind or canopy, as the case may be; and

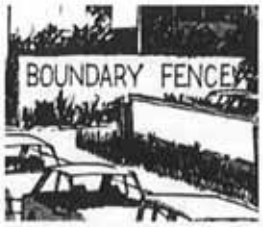
Example—

The primary purpose of the blind or canopy must not be the display of the advertising device.

(d) the face area of the advertising device must not exceed 50% of the face area of the blind or canopy, as the case may be; and

(e) the advertising device must not be illuminated.

4 Boundary fence sign



(1) A ***boundary fence sign*** is an advertising device painted or otherwise affixed to a fence that has been designed to permanently delineate or identify a boundary alignment or enclosure.

(2) The criteria prescribed for a boundary fence sign are—

(a) the whole of the advertising device must be contained within the fence outline; and

(b) if the advertising device is on premises adjacent to any kind of residential dwelling, the advertising device must be located on the front property boundary of the premises; and

(c) the size and form of the advertising device must be in scale and proportion with —

(i) the fence on which the advertising device is displayed; and

(ii) adjacent buildings and structures; and

(d) where a boundary fence sign is to be displayed on a fence on which boundary fence signs are already displayed, the new advertising device must be uniform in design and positioning to the other advertising devices displayed on the fence unless the new advertising device will significantly enhance the appearance of the fence and the existing signage; and

(e) if the advertising device is not painted on the fence, the advertising device must not project more than 30mm from the fence; and

(f) if the advertising device is painted on the fence—the advertising device must not be illuminated; and

(g) if the advertising device is not painted on the fence—

(i) the advertising device may be illuminated in a manner which does not cause splashing or spilling of light from the face of the advertising device; and

(ii) internal illumination of the advertising device is preferred.

5 Bunting sign

(1) A ***bunting sign*** includes decorative flags, pennants and streamers.

(2) The criteria prescribed for a bunting sign are—

(a) the advertising device must be affixed to a structure that will accommodate wind loadings in the area; and

(b) the advertising device must not be affixed to a tree, lighting standard or power pole on a local government controlled area or a road; and

(c) the advertising device must not be placed on premises more than 6m above ground level directly adjacent to the advertising device; and

(d) if requested by an authorised person, the advertiser must provide an engineer's certification for any structure dedicated for the support of the advertising device; and

(e) the advertising device must not be placed on premises beyond the street front boundary of the premises.

6 Business nameplate sign

(1) A ***business nameplate sign*** is an advertising device that displays the name or occupation of the business of the occupier of premises which is—

(a) painted or otherwise affixed to a building, wall or fence at the premises; or

(b) free-standing on the premises.

(2) The criteria prescribed for a business nameplate sign are—

(a) the face area of the advertising device must not exceed $0.6m^2$; and

(b) a maximum of 2 advertising devices may be displayed on any premises.

7 Building name sign

(1) A ***building name sign*** is an advertising device used to identify a building by reference to the name of the building or a particular logo associated with the building.

(2) The criteria prescribed for a building name sign are—

(a) the advertising device must only identify the building to which it is attached; and

(b) the advertising device must be securely attached to the building and must be designed to complement the architecture or design of the building to which it is attached; and

(c) only 1 building name sign may be displayed on a building; and

(d) the advertising device must be illuminated in a manner which does not

cause splashing or spilling of light from the face of the advertising device.

8 Community organisation sign

(1) A ***community organisation sign*** is a temporary, non-illuminated advertising device which advertises a non-profit short term event such as a fete, fair, festival or similar event organised by a charitable, religious, educational, childcare or sporting organisation or a community service organisation.

(2) If a community organisation sign takes the form of a banner, the same criteria are prescribed for the advertising device as are prescribed for a banner sign.

(3) A community organisation sign must not be displayed for more than 14 days prior to the event advertised on the advertising device and must be removed within 1 day of the event.

9 Site community organisation sign

(1) A ***site community organisation sign*** is a community organisation sign which is displayed at the site of a fete, fair, festival or other similar event for the primary purpose of advertising the fete, fair, festival or other similar event.

(2) A site community organisation sign must not be displayed longer than 30 days prior to the event advertised on the advertising device and must be removed within 1 day of the event.

10 Directional community organisation sign

(1) A ***directional community organisation sign*** is a community organisation sign the primary purpose of which is to direct the public to the fete, fair, festival or other similar event advertised on the advertising device.

(2) The criteria prescribed for a directional community organisation sign are—

(a) no more than 10 advertising devices may be displayed on a road related area and each advertising device must have a maximum face area of $0.6m^2$; and

(b) the advertising device may be displayed—

(i) on the day of the event, and for a period not more than 3 days prior to the event advertised on the advertising device; and

(ii) on a road related area, in the vicinity of the fete, fair or festival event; and

(c) an advertising device with a maximum face area of $2.4m^2$ may be erected on rateable land other than a public place not more than 14 days prior to the

event advertised on the advertising device and must be removed within 1 day of the event; and

(d) the siting of the advertising device must not cause a pedestrian or vehicular hazard; and

(e) the advertiser of the advertising device must take out and maintain public liability insurance cover in an amount not less than $10,000,000.00 against claims for personal injury and property damage resulting from the display of the advertising device.

11 Garage sale sign

(1) A ***garage sale sign*** is an advertising device of a temporary nature which—

(a) advertises a garage sale; and

(b) is displayed for directional purposes.

(2) The criteria prescribed for a garage sale sign are—

(a) the advertising device may only be placed on rateable land other than a public place; and

(b) the advertising device must not have a face area in excess of $0.6m^2$; and

(c) the advertising device must be located in the vicinity of the garage sale; and

(d) the advertising device must be limited to a number reasonably necessary to identify the route to the garage sale; and

(e) the advertising device may only be displayed on the day of the garage sale; and

(f) the advertising device must not be located so as to cause a pedestrian or vehicular hazard.

12 Hamper sign

(1) A ***hamper sign*** is an advertising device which —

(a) is located above the door head or its equivalent height and below the awning level or verandah of a building; and

(b) is painted or otherwise affixed to the building; and

(c) projects not more than 30mm from the building face.

(2) The criteria prescribed for a hamper sign are—

(a) the advertising device must be compatible with the design of the building on which it is displayed; and

(b) the advertising device must not exceed 30mm in thickness[1]; and

(c) the advertising device must be contained within the actual or created outline of the building on which it is to be displayed; and

(d) the advertising device—

(i) may be illuminated internally; but

(ii) must not be externally illuminated.

13 Mobile sign

(1) A ***mobile sign*** —

(a) is a temporary portable self supporting sign which is free-standing and may be mounted on wheels to facilitate movement; and

(b) includes an A-frame sign and a sandwich board; but

(c) does not include a free-standing sign or a real estate sign.

(2) The criteria prescribed for a mobile sign are—

(a) the face area of the advertising device must not exceed $2.5m^2$ on either side of the advertising device; and

(b) the display of mobile signs must not exceed 1 advertising device for each shop or business fronting a road; and

(c) where the advertising device advertises a particular shop or business, the advertising device must identify the shop or business; and

(d) the advertising device may only be placed on the premises of the shop or business it is advertising or promoting on a local government controlled area or a road if—

(i) no part of the advertising device protrudes more than 1m from the street front boundary of the premises; and

(ii) the advertising device is not a hazard to pedestrian or vehicular traffic;

[1] A hamper sign thicker than 30mm may satisfy the criteria for a wall sign.

and

(iii) the advertiser takes out and maintains public liability insurance cover in an amount not less than $10,000,000.00 against claims for personal injury and property damage resulting from the display of the advertising device; and

(e) the advertising device must be—

(i) placed so as to minimise visual clutter; and

(ii) kept erect and maintained in a good state of repair at all times; and

(iii) secured so as to prevent danger to pedestrian and vehicular traffic in windy conditions; and

(f) the number of face areas of the advertising device must not exceed 2; and

(g) the advertising device must not be illuminated.

14 Real estate sign

(1) A ***real estate sign*** is a temporary, non-illuminated advertising device which promotes the sale, auction, lease or letting of premises.

(2) The criteria prescribed for a real estate sign (other than a directional real estate sign) are—

(a) the advertising device must not—

(i) interfere with the safe and convenient passage of pedestrians; or

(ii) detract from the amenity of the area in which it is situated or unreasonably obstruct existing views; and

(b) the advertising device may be double sided; and

(c) the advertising device must not have a face area in excess of $0.6m^2$; and

(d) the number of real estate signs displayed at premises must not exceed 1 sign for each agent marketing the premises up to a maximum of 3 signs; and

(e) as an alternative to paragraphs (b) to (d) inclusive, an advertiser may display 1 sign having a maximum face area of $2.4m^2$ at the premises; and

(f) the advertising device must not be displayed for—

(i) more than 14 days after the sale of the premises identified in the advertising device; or

(ii) more than 6 months in any 12 month period; and

(g) the advertising device must be kept erect and maintained in a good state of

repair at all times; and

(h) if a high fence, foliage or the like obscures the advertising device, it must be located as close as practicable to the street front boundary of the premises.

(3) The criteria prescribed for a directional real estate sign are—

(a) if the advertising device is displayed on land which is not a public place—

(i) a maximum of 3 advertising devices may be displayed; and

(ii) the face area of each advertising device must not exceed $0.6m^2$; and

(iii) the advertising device—

(A) must only be displayed on the day on which the premises offered for sale are open for public inspection or offered for sale by auction; and

(B) must be located in close proximity to the premises; and

(b) the advertising device must not be displayed on a road except subject to approval of an authorised person.

15 Sign written non-building structure sign

(1) A ***sign written non-building structure sign*** is an advertising device painted or affixed to any structure which is not a building.

Example —

A structure which is not a building includes a batching plant, conveyor housing, unroofed storage building or liquid or gas tank.

(2) The criteria prescribed for a sign written non-building structure sign are—

(a) the advertising device must be contained within the height and width of the structure on which it is displayed; and

(b) the advertising device must not project in excess of 50mm from the face of the structure[2].

16 Sign written roof sign

[2] If the advertising device is thicker than 50mm, the advertising device may satisfy the criteria for a wall sign.

(1) A ***sign written roof sign*** is an advertising device which is painted or otherwise affixed to the roof of a building and directed at, or visible from, a road.

(2) The criteria prescribed for a sign written roof sign are—

(a) the advertising device must be contained within the existing or created outline of the building on which it is displayed; and

(b) the advertising device must be of a size and scale which is consistent with the scale and character of the building on which it is displayed and, in any event, must not cover more than 25% of the roof of the building on which it is displayed; and

(c) the advertising device must not extend horizontally beyond the edge of the building roof; and

(d) the advertising device must be compatible with other sign written roof signs (if any) displayed on the building; and

(e) the advertising device must not be visible from any building used for residential purposes located adjacent to the building on which it is displayed; and

(f) the advertising device must not be illuminated.

17 Stall board sign

(1) A ***stall board sign*** is an advertising device painted or otherwise affixed flat to the wall of a building used for purposes other than residential purposes below a ground floor window of the building.

(2) The criteria prescribed for a stall board sign are—

(a) the face area of the advertising device must be limited to the stall board area below a ground floor window of the building on which it is displayed; and

(b) the advertising device must not protrude so as to cause injury to pedestrians; and

(c) the advertising device must not exceed a thickness of 30mm, and the corners of the advertising device must be arrised; and

(d) the advertising device—

(i) may be illuminated internally; but

(ii) must not be externally illuminated.

18 Statutory sign

(1) A ***statutory sign*** is an advertising device exhibited pursuant to the authority or requirements of an Act.

(2) The criterion prescribed for a statutory sign is that the advertising device must be exhibited in accordance with the requirements of the Act which requires the exhibition of the advertising device.

Examples—

The *Workplace Health and Safety Act 1995* requires the exhibition of signs regarding safety.

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

19 Trade sign

(1) A ***trade sign*** is a temporary advertising device which displays a trade person's activity on premises, for example, the activities of a painter or a tiler.

(2) The criteria prescribed for a trade sign are—

(a) a maximum of 1 trade sign may be displayed on any premises; and

(b) the face area of the advertising device must not exceed $0.6m^2$.

20 Vertical banner sign

(1) A ***vertical banner sign*** is an advertising device of a non-rigid material normally supported at 2 or more locations from brackets extending from either a pole or a building.

(2) The criteria prescribed for a vertical banner sign are that the advertising device must—

(a) not be illuminated; and

(b) not have a face area in excess of $2.4m^2$; and

(c) not have a width in excess of 750mm; and

(d) not have a height in excess of 5m above ground level directly adjacent to the advertising device; and

(e) be erected within the street front boundary of the premises on which it is displayed unless the advertising device is displayed above a fixed awning; and

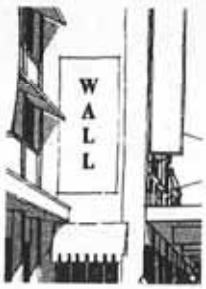
(f) not be displayed less than 6m from another vertical banner sign; and

(g) not be displayed less than 3m from any boundary of the premises on which it is displayed; and

(h) not extend lower than 2.4m above ground level directly adjacent to the advertising device; and

(i) not have more than 2 face areas.

21 Wall sign



(1) A ***wall sign*** is an advertising device painted or otherwise affixed flat to the wall of a building that does not protrude from the wall more than 100mm.

(2) The criteria prescribed for a wall sign are—

(a) the advertising device must only be displayed on the wall of a building; and

(b) the advertising device must not project in excess of 100mm from the wall to which it is affixed; and

(c) the advertising device must not project beyond any edge of the wall unless this improves the appearance of the building or the premises on which it is painted or affixed[3]; and

(d) the advertising device must integrate, and be compatible, with the architecture of the building on which it is painted or affixed; and

(e) the dimensions of the advertising device must bear a reasonable relationship to the size of the wall on which it is painted or affixed; and

(f) the advertising device must be consistent, in colour and appearance, with buildings and natural features of the environment in which it is situated; and

(g) the advertising device—

(i) may be illuminated internally; but

(ii) must not be externally illuminated; and

(h) if illuminated—the illumination of the advertising device must not diminish the amenity of the locality; and

(i) the advertising device must be installed without "guide wires" or exposed supporting framework; and

(j) the face area of the advertising device must not cover more than 75% of the area of the wall on which it is painted or affixed.

22 Window sign

(1) A ***window sign*** —

(a) is an advertising device painted (illuminated or non-illuminated) or otherwise affixed to the glazed area of a window; and

(b) includes devices that are suspended from a window frame; but

(c) does not include products displayed in a window.

(2) The criteria prescribed for a window sign are—

(a) the advertising device must be situated inside the window on which it is displayed except in the case of a window sign painted directly on the outside face of the window; and

[3] If the advertising device extends above the top of a wall, the advertising device may satisfy the criteria for a roof/sky sign.

(b) the advertising device must not cover more than 25% of the surface of the window on which it is displayed; and

(c) the advertising device—

(i) may be internally illuminated; but

(ii) must not be externally illuminated.

23 Above awning sign

(1) An ***above awning sign*** is an advertising device located on top of an awning or verandah of a building used for purposes other than residential purposes, with no part of the advertising device projecting —

(a) above the roof, parapet or ridge line of the building; or

(b) beyond the edge of the awning or verandah.

(2) The criteria prescribed for an above awning sign are that the advertising device must—

(a) not have a face area in excess of $2.5m^2$ or more than 2 faces; and

(b) where the advertising device has 2 faces — be constructed such that the angle between each face is not more than 45 degrees; and

(c) not have a height in excess of 1.5m above the awning on which the advertising device is displayed; and

(d) not be displayed less than 3m from another above awning sign; and

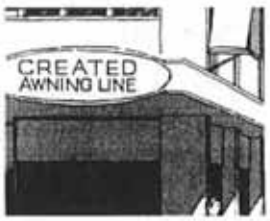
(e) not be displayed less than 1.5m from each side boundary of the premises on which it is displayed; and

(f) have a face area length greater than the face area height of the advertising device; and

(g) if illuminated—not diminish the amenity of the locality; and

(h) be installed without "guide wires" or exposed supporting framework.

24 Created awning line sign



(1) A ***created awning line sign*** is an advertising device positioned on the face of, or aligned with, the natural horizontal line of an awning of a building used for purposes other than residential purposes, which creates another awning line with its shape.

(2) The criteria prescribed for a created awning line sign are that the advertising device must—

(a) maintain a clearance from any road related area directly adjacent to the advertising device of not less than 2.4m; and

(b) not extend more than 600mm above an existing awning; and

(c) not extend above the height of the building on which the advertising is displayed; and

(d) not cover more than 30% of the overall face area of the awning on which the advertising device is displayed; and

(e) if illuminated—not diminish the amenity of the locality; and

(f) be installed without "guide wires" or expose supporting framework.

25 Display home sign

(1) A ***display home sign*** is an advertising device which advertises a display home in conjunction with the sale, auction or leasing of a group of dwellings or building sites.

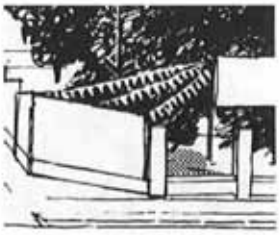
(2) The criteria prescribed for a display home sign are that the advertising device must—

(a) not be displayed on any premises for a period in excess of 12 months; and

(b) not have a face area in excess of $2.4m^2$; and

(c) only be located on the premises of the display home advertised on the advertising device.

26 Estate sales sign



(1) An ***estate sales sign*** is an advertising device displayed for the primary purpose of the promotion or sale of land within an industrial or residential estate or development.

(2) The criteria prescribed for an estate sales sign are—

(a) if the advertising device is double sided — the advertising device must not have a face area in excess of $6m^2$ on either side; and

(b) if the advertising device is single sided — the advertising device must not have a face area in excess of $12m^2$; and

(c) if the advertising device is displayed on premises in an area used for residential purposes — the premises must be vacant and in close proximity to the estate or development advertised on the advertising device; and

(d) the advertising device must not face adjoining premises unless it is more than 3m from each boundary of the premises; and

(e) the advertising device may only be displayed on premises for, whichever is the lesser of—

(i) 12 calendar months; and

(ii) 14 days after the last lot comprising part of the estate or development is sold.

27 Ground sign

(1) A ***ground sign*** is an advertising device that sits on a low level wall or completely clad vertically oriented free-standing structure which sits on or rises out of the ground.

(2) The criteria prescribed for a ground sign are—

(a) the advertising device must not have a face area in excess of $10m^2$; and

(b) the advertising device must not have a height in excess of 2.4m above ground level directly adjacent to the advertising device; and

(c) the advertising device must be consistent with the design of the built

environment where it will be displayed; and

(d) where the advertising device has 2 faces, the advertising device must be constructed such that the angle between each face is not more than 45 degrees; and

(e) the advertising device must not be displayed less than 3m from each side boundary of the premises on which it is displayed; and

(f) not more than 1 ground sign may be displayed on any premises; and

(g) if the ground sign is illuminated— illumination of the advertising device must not cause splashing or spilling of light from the face of the advertising device and internal illumination of the advertising device is preferred; and

(h) the advertising device must be erected within a landscaped environment; and

(i) the advertising device must not face adjoining premises unless it is more than 3m from each boundary of the premises; and

(j) the advertising device must be installed without "guide wires" or exposed supporting framework.

28 Inflatable sign

(1) An ***inflatable sign*** is a fixed or captive balloon, including a tethered lighter than air device which is displayed in conjunction with a special event such as a fete, fair, circus, sales promotion or the like.

(2) The criteria prescribed for an inflatable sign are—

(a) the advertising device must not be displayed for more than 14 days in any 90 day period; and

(b) the method of securing the advertising device must be certified as to standard by an accredited engineer prior to the display of the advertising device; and

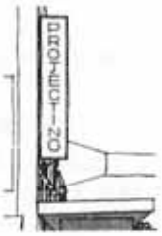
(c) the location of the advertising device must be such that the display of the advertising device will not interfere with any power lines or other public services; and

(d) the advertiser must take out and maintain public liability insurance cover in an amount not less than $10,000,000.00 against claims for personal injury and property damage resulting from the display of the advertising device; and

(e) the advertiser must produce to the local government on request evidence of

the existence of the insurance specified in paragraph (d).

29 Projecting sign



(1) A ***projecting sign*** is an advertising device which—

(a) is displayed on the wall of a building; and

(b) projects at right angles to the building more than 1.5m from the wall on which it is displayed; and

(c) does not project higher than the height of the building to which it is attached.

(2) The criteria prescribed for a projecting sign are—

(a) the front elevation of the advertising device must not project beyond the outline of the wall to which it is attached; and

(b) the advertising device may only be placed on premises to promote or advertise an activity undertaken on the premises; and

(c) the advertising device must be positioned and designed in a manner which is compatible with the architecture of the building to which it is attached; and

(d) the advertising device must be situated so as to maintain a clearance of 2.4m from any road related area directly adjacent to the advertising device; and

(e) the advertising device must be installed without "guide wires" or exposed supporting framework.

30 Public facility directional sign

(1) A ***public facility directional sign*** is an advertising device erected by and for the purposes of a community service organisation.

(2) The criteria prescribed for a public facility directional sign are that the advertising device—

(a) may inform motorists of services on a road ahead or on a side road; and

(b) must not create visual pollution; and

(c) in the case of an advertising device at a primary or secondary school — must advertise a school facility used by large numbers of people who are not students or staff at the school; and

(d) in the case of an advertising device for a tourist attraction or tourism establishment — must advertise an attraction or establishment which is located on a side road or would be sought by large numbers of people who are not familiar with the area; and

(e) in the case of an advertising device for a service (for example, a rest area, toilet or fire place) — must be in advance of the service so as to inform motorists of the service available to road users adjacent to the road or along a side road.[4]

(f) if the advertising device is an official traffic sign—must be displayed in compliance with the requirements of the Manual of Uniform Traffic Control Devices[5]; and

(g) must have white symbols and legend (where appropriate) on a blue background and may be fully reflectorised for use at night; and

(h) must incorporate lettering not less than 120mm high; and

(i) must be displayed so as not to obscure other public facility directional signs; and

(j) must not obscure the visibility of approaching pedestrian or vehicular traffic, particularly at intersections; and

(k) if the advertising device is intended to convey information during periods of darkness—must be either illuminated or constructed from reflective material so that the advertising device displays the same colours and shape by both day and night; and

(l) a maximum of 4 signs (including any street name sign) should be erected on 1 post.

31 Roof/sky sign

(1) A ***roof/sky sign*** is an advertising device fitted to the roof of a building.

(2) The criteria prescribed for a roof/sky sign are—

[4] Public facility directional signs are not intended for use for facilities of a commercial nature which can be seen well in advance by motorists.

[5] See section 166 of the *Transport Operations (Road Use Management) Act 1995*.

(a) the advertising device must be contained within the existing or created outline of the building on which it is displayed; and

(b) if the advertising device creates a new outline for the building — the advertising device must be designed to appear as if it were part of the original building, or in some other way match or complement the architecture of the building; and

(c) the advertising device must not extend horizontally beyond the edge of the roof of the building on which it is displayed; and

(d) the advertising device must not be displayed less than 3m from any other roof/sky sign displayed on the building; and

(e) if there is more than 1 advertising device on a building, the advertising devices must match, align or otherwise be compatible with each other; and

(f) the source of illumination of the advertising device must be internal and not cause excessive light spill; and

(g) if the advertising device has a face area greater than $1.2m^2$, the advertiser must obtain an engineer's certification for any structure dedicated for the support of the advertising device; and

(h) the advertising device must be installed without "guide wires" or exposed supporting framework.

32 Sporting complex sign

(1) A ***sporting complex sign*** is an advertising device which is located in close proximity to and identifies a sporting complex, club or building.

(2) The criteria prescribed for a sporting complex sign are—

(a) the advertising device must not have a face area in excess of $12m^2$; and

(b) if requested by an authorised person, the advertiser must produce an engineer's certification for any structure dedicated for the support of the advertising device; and

(c) if the advertising device includes third party advertising, only 25% of the face area of the advertising device may display third party advertising.

33 Under awning sign

(1) An ***under awning sign*** is an advertising device affixed underneath, or suspended from, an awning or verandah.

(2) The criteria prescribed for an under awning sign are that the advertising device must—

(a) have a minimum clearance of 2.4m between its lowest point and any directly adjacent road related area; and

(b) not have a horizontal dimension greater than the width of the awning, a vertical dimension of more than 0.5m or a thickness of more than 0.3m; and

(c) be oriented at right angles to the front of the building on which it is displayed; and

(d) not be displayed less than 3m from another under awning sign; and

(e) not be displayed less than 1.5m from each side boundary of the premises on which it is displayed; and

(f) not project beyond the awning or verandah to which it is affixed.

34 Roadside directional sign

(1) A ***roadside directional sign*** is an advertising device located on a road related area to advertise an open house day, estate, development or auction of premises which are difficult to locate.

(2) The criteria prescribed for a roadside directional sign are—

(a) the advertising device must—

(i) not have a face area in excess of $0.6m^2$; and

(ii) be located in the vicinity of the auction, estate, development or open-house advertised on the advertising device; and

(iii) not be displayed on a median strip, roundabout, traffic island, pole, post or any other structure on a road reserve except as approved by an

authorised person; and

(b) not more than 5 roadside directional signs may be displayed by a licensed real estate agent; and

(c) the advertising device must at all times display a reference to the registered real estate office responsible for the display of the advertising device; and

(d) the advertising device must not cause a hazard to pedestrian or vehicular traffic; and

(e) the advertising device must not be displayed on a motorway or a limited access road; and

(f) the advertiser of the advertising device must take out and maintain public liability insurance cover in an amount not less then $10,000,000.00 against claims for personal injury and property damage resulting from the display of the advertising device; and

(g) a roadside directional sign may only be placed on a road reserve between 6.00pm on Friday and 6.00pm on the following Sunday; and

(h) roadside directional signs must be used together, or in sequence, to direct people to premises which are the subject of an auction, estate, development or open-house and must be located within a reasonable distance of the premises.

35 Social and welfare sign

(1) A ***social and welfare sign*** is an advertising device which identifies a charitable institution, non proprietary club, educational establishment, incorporated association or the like.

(2) This section specifies the criteria for a social and welfare sign.

(3) If the content or information on an advertising device is such that the advertising device is classified as a social and welfare sign but the design, location or structure of the advertising device is such that the advertising device may be classified within another category of advertising device in this part (the ***other category***), the advertising device must comply with the criteria (if any) prescribed for the other category.

Example—

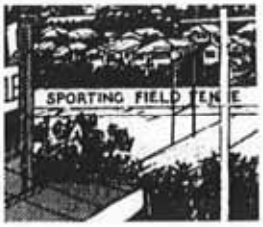
If the location and structure of a social and welfare sign are such that the advertising device may also be classified as a wall sign, the advertising device must comply with the criteria prescribed for a wall sign.

(4) A social and welfare sign must not have a face area in excess of $2.4m^2$.

(5) A maximum of 1 social and welfare sign may be displayed on any premises.

(6) However, 2 social and welfare signs may be displayed on premises if the premises have a street front boundary in excess of 100m.

36 Sporting field fence sign



(1) A ***sporting field fence sign*** is an advertising device which is painted or otherwise affixed to a fence marking the boundaries of a sporting field.

(2) The criteria prescribed for a sporting field fence sign are—

(a) the advertising device must acknowledge sponsors associated with the club which has the right to occupy the sporting field on which it is displayed; and

(b) the advertising device must be displayed on a fence surrounding the sporting field; and

(c) the advertising device must not be visible from any road, public place (other than the sporting field) or premises used for residential purposes; and

(d) the advertising device must be contained within the boundaries of the fence on which it is to be displayed; and

(e) the advertising device must not cause a danger to the public; and

(f) if the advertiser is a sporting club or association, the advertiser must erect or display the advertising device immediately adjacent to the area allocated to the advertiser for conduct of the advertiser's sporting activity.

37 Motor vehicle sign

(1) A ***motor vehicle sign***[6] is an advertising device affixed to, placed upon, or beside, a vehicle, caravan or trailer apparently stopped on rateable land for the primary purpose of displaying the advertising device.

(2) The criteria prescribed for a motor vehicle sign are that the advertising device must —

(a) not have a face area in excess of $2.4m^2$; and

(b) not extend beyond the dimensions of, as the case may be, the vehicle, caravan or trailer; and

(c) not cause a hazard to pedestrian or vehicular traffic; and

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[6] See section 4 of the authorising local law. The local law does not apply to an advertising device that is the subject of a permit issued pursuant to section 126 or 126B of the *Traffic Regulation 1962*.

(d) be static; and

(e) not be constructed from illuminated or reflective material.

38 Election sign

The criteria prescribed for an election sign are that—

(a) the election sign must not be placed on a local government controlled area or road; and

(b) only 1 election sign may be placed on any premises; and

(c) the face area of an election sign must not exceed $1.08m^2$; and

(d) if the election sign is intended to influence a person about voting for a candidate for a government election—

(i) a security deposit of $300.00 per candidate must be paid to the local government prior to the installation, erection or display of any election sign by the candidate, to secure compliance with the provisions of the authorising local law; and

(ii) every election sign of the candidate must be removed not later than 7 days after the day of the government election.

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

Schedule 1, section 2(2)(c)

1. This schedule specifies general criteria for the installation, erection and display of advertising devices.

2. The advertising device must—

(a) not cause a nuisance; and

(b) be kept and maintained at all times in good order and condition and free of graffiti.

3. The activity being advertised on the advertising device must be able to be lawfully conducted on the relevant premises.

4. The advertising device must be structurally sound.

5. The display of the advertising device must not cause obstruction of, or distraction to, pedestrian or vehicular traffic.

6. The advertising device must be of high design quality.

7. The face area of the advertising device must be appropriate for the location.

8. The height of the advertising device must be appropriate for the location.

9. The advertising device must not cause damage to public infrastructure.

10. The advertising device must be consistent with applicable environmental standards.

11. An illuminated advertising device must not be positioned so as to create glare or a nuisance to pedestrian or vehicular traffic.

12. The size and scale of the advertising device, whether attached to a building or free-standing, must be appropriate to the size and scale of the building (if any) and of the premises where it is erected or to be erected and the advertising device must not be oversized so as to detract from or dominate the building, premises or adjacent uses of the land on which it is to be displayed.

13. Where numerous small advertising devices are located adjacent to one another, the number, size, position and height of each advertising device must be limited to avoid visual clutter.

14. To avoid visual clutter, where more than 1 tenant or business occupies a building or attached premises, advertising devices located on the building, or free-standing signs, must be harmonious and co-ordinated in size and height.

15. The face area and size of an advertising device must be compatible with predominant land uses, the built environment and the orientation of the premises with respect to adjacent roads and buildings.

16. An advertising device mounted over a road or other place where vehicles are able to pass, must provide a clearance of not less than 5.7m from ground level directly adjacent to the advertising device.

17. The advertising device must be harmonious with the architectural style and character

of the location[7]

18. The advertising device must blend with landscaping and street features of the location.[8]

19. This schedule also specifies the criteria that the local government must have regard to when deciding whether to approve the display of a free-standing sign by reference to the size of the advertising device.

20. The face area of any advertising device is generally the area bounded by the framework of a manufactured panel, hoarding or illuminated sign case and is calculated by multiplying the sign face area height and width parameters.

21. However, in the case of lettering, logos or designs applied to a lesser area than the panel parameters, or individual lettering applied to a wall or awning face, the area is calculated by drawing a rectangle around the advertising device lettering.

22. In the case of irregular shaped advertising devices, including words with ascending or descending upper or lower case letter strokes, or replicas or shapes, the face area is calculated by not more than 2 abutting and non-overlapping rectangles added together.

23. Decorative lines, stripes and architectural trims of an advertising device, whether illuminated or not, form part of the face area of the advertising device.

24. In calculating the size of an advertising device, v-shaped advertising devices are classed as 2 advertising devices unless otherwise determined by this subordinate local law.

25. The maximum face area for a free-standing sign is $45m^2$.

26. The maximum allowable height for a free-standing sign is 15m.

[7] Where particular areas have unique or special characteristics which may affect advertising device requirements, separate guidelines or variations may be applied.

[8] Where additional treatment may enhance the compatibility of an advertising device, such treatment may be required.

sporting complex sign see schedule 3, section 32.

sporting field means land used for a sport or game and includes a golf course.

sporting field fence sign see schedule 3, section 36.

stall board sign see schedule 3, section 17.

statutory sign see schedule 3, section 18.

street front boundary —

(a) of premises, means the length, measured in metres, along the alignment of the premises abutting a road or abutting an access restriction strip directly between the premises and a road; and

(b) if premises continuously abut more than 1 road or access restriction strip directly between the premises and a road, the street front boundary dimensions shall be the total length of those boundaries added together; and

(c) if premises have more than 1 street front boundary that is not continuous, each street front boundary is to be considered separately.

structure has the meaning given in the Act.

third party advertising, on an advertising device, means the display on the advertising device of—

(a) the name, logo or symbol of a company, organisation or individual which does not own or substantially occupy the premises or building on which the advertising device is displayed; or

(b) a product or service which is not supplied at, or available from, the premises on which the advertising device is displayed; or

(c) an activity or event which does not occur on the premises on which the advertising device is displayed.

trade sign see schedule 3, section 19.

under awning sign see schedule 3, section 33.

vehicle has the meaning given in the local law.

vertical banner sign see schedule 3, section 20.

wall sign see schedule 3, section 21.

window sign see schedule 3, section 22.

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specifically designed internal, or external or both internal and external, means of illumination of the whole or a portion of the advertising device.

inflatable sign see schedule 3, section 28.

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

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

mobile sign see schedule 3, section 13.

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

motor vehicle sign see schedule 3, section 37.

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

occupier, of premises—

(a) means the person who has the control or management of the premises; and

(b) includes the owner of the premises where there is no person in apparent occupation of the premises.

other category see section 49(3).

owner, of premises, means the person for the time being entitled to receive the rent for the premises or who would be entitled to receive the rent for it if it were let to a tenant at a rent.

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

pole sign see schedule 1, section 6(6)(a).

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

projecting sign see schedule 3, section 29.

public facility directional sign see schedule 3, section 30.

public place has the meaning given in the Act.

pylon sign see schedule 1, section 6(6)(c).

rateable land has the meaning given in the Act.

real estate sign see schedule 3, section 14.

road has the meaning given in the Act.

roadside directional sign see schedule 3, section 34.

road related area has the meaning given in the *Transport Operators (Road Use Management – Road Rules) Regulation 2009*.

roof means the protective covering, that covers or forms the top of a building.

roof/sky sign see schedule 3, section 31.

sign see advertising device.

sign written non-building structure sign see schedule 3, section 15.

sign written roof sign see schedule 3, section 16.

site community organisation sign see schedule 3, section 9.

social and welfare sign see schedule 3, section 35.

protection from the weather.

community organisation sign see schedule 3, section 8.

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

created awning line sign see schedule 3, section 24.

directional community organisation sign see schedule 3, section 10.

display home sign see schedule 3, section 25.

election sign has the meaning given in section 36 of the Act.

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

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

estate sales sign see schedule 3, section 26.

face area see schedule 4, sections 20 to 24 inclusive.

free-standing sign —

(a) means a sign which does not form part of a building or other structure which is erected on—

(i) a pole or poles, or a pylon structure; or

(ii) a solid, free-standing structure; and

(b) includes—

(i) a billboard/hoarding sign; and

(ii) a community organisation sign; and

(iii) a display home sign; and

(iv) a garage sale sign; and

(v) a pole sign; and

(vii) a pylon sign; and

(viii) a real estate sign; and

(ix) a roadside directional sign; and

(x) a social and welfare sign; and

(xi) a sporting complex sign; and

(xiii) a trade sign; and

(xiv) an estate sales sign.

garage sale sign see schedule 3, section 11.

ground sign see schedule 3, section 27.

hamper sign see schedule 3, section 12.

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

illuminated, for an advertising device, means that the advertising device has

Schedule 6 Dictionary

Section 4

above awning sign see schedule 3, section 23.

advertiser means a person—

(a) by whom an advertising device is installed, erected or displayed; or

(b) whose business or place of business is advertised by an advertising device; or

(c) who manages and controls, or has power to manage and control, the place at which an advertising device is installed, erected or displayed; or

(d) who is—

(i) the owner of premises or a place on which an advertising device is installed, erected or displayed; or

(ii) the occupier of premises or a place on which an advertising device is installed, erected or displayed; or

(iii) the owner of a vehicle on which an advertising device is installed, erected or displayed.

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

awning means a permanent, roof like structure, attached to and projecting from the wall of a building which is generally designed or constructed to provide pedestrians with protection against the weather.

awning face sign see schedule 3, section 1.

banner sign see schedule 3, section 2.

billboard/hoarding sign see schedule 1, section 6(6)(b).

blind/canopy sign see schedule 3, section 3.

boundary fence sign see schedule 3, section 4.

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

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

bunting sign see schedule 3, section 5.

business nameplate sign see schedule 3, section 6.

canopy —

(a) means a frame consisting of 1 or more columns supporting a roof which has no walls which may be free-standing or attached to a building; and

(b) includes a covered walkway, the roof like structure over the driveway of a service station, as well as a tensioned tent like roof designed to provide

Schedule 5 State-controlled roads to which the local law applies

Section 7

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

Subordinate Local Law No. 1.5 (Keeping of Animals) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.5 (Keeping of Animals) 2011*.

2 Purpose and how it is to be achieved

(1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.

(2) The purpose is to be achieved by providing for—

(a) various matters regarding the granting of approvals for prescribed activities; and

(b) further specification of the definitions relevant to various prescribed activities.

(3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 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 3 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

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

(1) Schedule 1—

(a) names a prescribed activity in section 1; and

(b) prescribes the matters specified in this section for the prescribed activity.

(2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

(3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 1 activity.

(4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.

(5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.

(6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.

(7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.

(8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.

(9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.

(10) For section 12 of the authorising local law, in Table 1 of schedule 1—

(a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and

(b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and

(c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

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

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

Schedule 1 Keeping of animals

Section 5

1. Prescribed activity

Keeping of animals.

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

The keeping of animals at an animal entertainment park or an animal sanctuary.

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

(1) An application detailing—

(a) the species, breed, age and gender of each animal for which the approval is sought; and

(b) the number of animals to be kept; and

(c) the nature of the premises at which the animal or animals are to be kept; and

(d) the area, or the part of the area, in which the animal or animals are to be kept; and

(e) the materials out of which any enclosure in which the animal or animals to be kept is (or is to be) constructed and any other details of the enclosure; and

(f) the location of the enclosure on the premises; and

(g) the name of each person who is to occupy any residence located on the premises on which the animal or animals are to be kept.

(2) Proof that the applicant currently holds any development approval relating to the prescribed activity that is required under the *Sustainable Planning Act 2009*.

(3) If the applicant is not the owner of the premises on which the animal or animals are to be kept — the written permission of the owner of the premises to the keeping of the animal or animals on the premises.

(4) Where the animal or animals are to be kept on multi-residential premises and the keeper of the animal or animals is entitled to make use of an area used in common with others (a ***common area***) for the purpose of keeping the animal or animals — the written permission of the person or body which manages or controls the common area to use the common area for the purpose of keeping the animal or animals.

(5) If an animal the subject of the application is required to be registered under the Animal Management Act — evidence that the animal is currently registered

with the local government.

(6) A drawing showing the design and dimensions of any enclosure in which the animal or animals are to be kept.

4. Additional criteria for the granting of an approval

(1) The physical suitability of the land for the proposed use and whether the premises on which the animal or animals are to be kept is appropriately sized so that the animal or animals can be effectively and comfortably kept on the premises.

(2) Whether a residence exists on the premises.

(3) Whether a proper enclosure is maintained on the premises in accordance with the requirements of *Local Law No. 2 (Animal Management) 2011*.

(4) Whether the applicant for the approval or some other suitable person to supervise the animal or animals will be resident on the premises on which the animal or animals are to be kept.

(5) Whether the animal or animals will be properly supervised.

(6) If the application relates to the keeping of dogs or cats — whether the animals identified in the application are registered with the local government.

(7) If section 14 of the Animal Management Act applies to the applicant for the approval — whether the applicant has complied with the requirements of the section.

(8) Whether the applicant is a suitable person to hold the approval.

(9) Whether the grant of the approval for the prescribed activity on the premises is likely to —

(a) cause nuisance, inconvenience or annoyance to occupiers of adjoining land; or

(b) affect the amenity of the surrounding area; or

(c) have a deleterious effect on the local environment or cause pollution or other environmental damage; or

(d) adversely affect native flora and fauna.

(10) If the application relates to the keeping of cats —

(a) whether the cats have been desexed; and

(b) whether the cats have been fitted with an approved microchip.

(11) If the application relates to the keeping of an animal or animals on multi-residential premises —

(a) whether the applicant is entitled to make use of a common area; and

(b) whether the applicant has exclusive possession and control of the whole or a part of the common area for the purpose of keeping the animal or animals; and

(c) whether the applicant has the written permission of the person or body which manages or controls the common area to use the common area, or a part of the common area, for the purpose of keeping the animal or animals.

(12) Where the animal or animals are to be kept on premises other than multi-residential premises and the applicant is not the owner of the premises — whether the applicant has the written permission of the owner of the premises to keep the animal or animals on the premises.

(13) Whether the applicant has been refused a similar type of approval by the local government or another local government.

(14) Whether compassionate grounds exist for the granting of the approval.

(15) Whether the applicant is a current member of, and whether the animals are registered with, the recognised governing body for the activity, for example, Dogs Queensland or the Queensland Feline Association Inc.

(16) If the application relates to the keeping of a rooster—whether the applicant is a registered exhibitor of poultry.

5. Conditions that must be imposed on an approval

No conditions prescribed.

6. Conditions that will ordinarily be imposed on an approval

(1) The conditions that will ordinarily be imposed on an approval may require the approval holder to—

(a) limit the number of animals kept to the number identified in the approval; and

(b) take reasonable steps to keep the animals from breeding; and

(c) if the local government is satisfied that the approval holder is a reputable animal breeder and is recognised as an animal breeder by a recognised governing body for animal breeders—take only specified, or no steps to keep the animals from breeding; and

(d) take care of the animals in accordance with appropriate standards; and

(e) keep the animals in enclosures that comply with specified structural requirements; and

(f) ensure that—

(i) the animals are properly supervised; and

(ii) each animal wears or displays an appropriate identifying tag; and

(iii) the animals do not cause a nuisance, inconvenience or annoyance to any person; and

(iv) any enclosure in which an animal is kept is properly drained and that run-off is kept off adjoining premises; and

(v) excreta, food scraps and other material that is, or is likely to become, offensive is collected daily and, if not immediately disposed of, is kept in a waste container of a kind approved by an authorised person; and

(g) if the approval authorises the keeping of dogs—ensure that any enclosure in which the dogs are kept is maintained in—

(i) a clean and sanitary condition and disinfected regularly; and

(ii) an aesthetically acceptable condition; and

(h) if minimum standards for the keeping of the species or breed of the animal are prescribed in schedule 5 of *Subordinate Local Law No. 2 (Animal Management) 2011*—the animal must be kept in accordance with the minimum standards for the species or breed of animal prescribed in schedule 5 of *Subordinate Local Law No. 2 (Animal Management) 2011*.

(2) If the approval authorises the keeping of dogs, the conditions of the approval may also require the approval holder to —

(a) provide adequate food, water, shelter and open space for the dogs; and

(b) ensure that all kennels, runs and areas set aside for use by the dogs are—

(i) set back a minimum of 3m from the side and rear boundaries of the premises on which the dogs are kept; and

(ii) located not less than 15m from any residence located on land adjoining the premises at the time of the grant of the approval; and

(c) limit the number of dogs to a maximum of 4; and

(d) take all reasonable steps to prevent the dogs from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of other premises.

(3) If the approval authorises the keeping of cats, the conditions of the approval may also require the approval holder to—

(a) limit the number of cats to a maximum of 4; and

(b) provide adequate food, water and shelter for the cats; and

(c) ensure that the cats are kept in accommodation and enclosure areas on the premises which prevent the cats from wandering or escaping from the premises; and

(d) ensure that each cat is fitted with an approved microchip within a specified period; and

(e) if the approval authorises the keeping of cats—desex each cat—

(i) within 3 months of the issue of the approval if the cat is aged 6 months or over; and

(ii) otherwise, within 3 months after the cat reaches 6 months of age; and

(iii) produce to the local government evidence, by way of, for example, a statutory declaration, that the cat has been desexed.

(4) If the approval authorises the keeping of poultry (including a rooster), budgerigars, canaries or other birds of a similar size, the conditions of the approval may also require the approval holder to—

(a) ensure that the birds are kept in a properly constructed enclosure; and

(b) ensure that the enclosure is—

(i) constructed to a specified standard; and

(ii) a weatherproof structure which is adequate for the keeping and sheltering of the birds; and

(c) if the birds are poultry—ensure that the enclosure includes a yard which is of a size sufficient to permit the poultry to run free; and

(d) if the bird is a rooster—

(i) limit the number of roosters to a maximum of 1; and

(ii) take all reasonable steps to prevent the rooster from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of other premises.

(5) If the approval authorises the keeping of a horse or horses at a stable in a designated town area, the conditions of the approval may also require the approval holder to—

(a) ensure that—

(i) each building, and any yard which comprises part of the stable in which a horse or horses are kept, is not located within a 20m radius of a residence, shop or factory on adjoining premises; and

(ii) the building or structure comprising the stable is of single brick or like construction and is provided with—

(A) adequate lighting and ventilation; and

(B) a concrete or other approved impervious floor which is rendered smooth and graded to a common outlet or approved silt trap; and

(C) an adequate supply of water for cleansing purposes; and

(iii) drainage is maintained to effectively convey all urine, liquid filth and liquid refuse to a sewerage system or other approved disposal system; and

(iv) the health, comfort, convenience and welfare of persons living on premises which adjoin, or are in the vicinity of, the premises identified in the approval is maintained by limiting—

(A) the number of horses which may be kept on the premises; and

(B) the number and dimensions of each stable constructed, or to be constructed, on the premises; and

(C) the number and dimensions of each yard in which a horse or horses are to be kept on the premises; and

(b) restrict the undertaking of the prescribed activity to a specified part of the premises having an area not less than 1000m^2; and

(c) ensure that a dust nuisance is not created by the undertaking of the prescribed activity on the premises and take specified measures to avoid or abate any dust nuisance.

(6) If the approval authorises the keeping of dogs at a kennel or the keeping of cats at a cattery, the conditions of the approval may also require the approval holder to ensure that—

(a) the prescribed activity is not undertaken on premises unless the premises have an area not less than 1 hectare; and

(b) any enclosure in which an animal is kept for the purposes of the undertaking of the prescribed activity is not located within a radius of 30m of a residence situated on adjoining premises as at the date of the grant of the approval; and

(c) each building and structure used in the undertaking of the prescribed activity is constructed of materials which are designed to prevent excessive noise; and

(d) the approval holder provides and maintains, at the premises used for the undertaking of the prescribed activity, landscaping, including trees and shrubs, which are—

(i) in a healthy state; and

(ii) capable of reducing the acoustic and visual impact of the undertaking of the prescribed activity on adjoining premises used for residential purposes; and

(e) each building and structure used in the undertaking of the prescribed activity is constructed and maintained so as to take into account—

(i) the size, breed and nature of the animals to be kept in the building or structure; and

(ii) the health of the animals to be kept in the building or structure, and in particular, the need for adequate protection from the weather, access to fresh air and light, the provision of water, and the availability of adequate drainage; and

(iii) the need to provide the animals kept in the building or structure with adequate exercise facilities.

7. Term of an approval

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

(2) The term of the approval must be specified in the approval.

(3) An approval may be granted for a term of up to 1 year.

8. Term of renewal of an approval

(1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.

(2) The term for which an approval may be renewed or extended must not exceed 1 year.

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

Table 1 – Third party certification

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

Schedule 2 Categories of approval that are non-transferable

Section 6

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

Schedule 3 Dictionary

Section 4

animal entertainment park means a public place which includes, as part of its entertainment, the exhibiting of animals for the amusement or entertainment of the public.

Animal Management Act has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2011*.

animal sanctuary means a park, reserve or other place used for the preservation, protection or rehabilitation of animals.

approved microchip (for an animal)—

(a) means a microchip which—

(i) is capable of being read by the local government's microchip reader; and

(ii) bears and electronic code which permanently identifies the animal for identification purposes; and

(b) includes a permanent identification device.

common area has the meaning given in schedule 1, section 3(4).

designated town area has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2011*.

development approval has the meaning given in the *Sustainable Planning Act* 2009.

multi-residential premises has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2011*.

owner (of an animal) has the meaning given in *Local Law No. 2 (Animal Management) 2011*.

owner (of land) includes—

(a) the registered proprietor of freehold land; and

(b) the purchaser of land to be held as freehold land that is being purchased from the State under an Act; and

(c) the holder of a leasehold interest from the State; and

(d) the holder of a mining claim or a mining lease to which the *Mineral Resources Act 1989* applies; and

(e) another person who is entitled to receive the rent for the land.

owner (of premises) means the person for time being entitled to receive the rent for the premises or who would be entitled to receive the rent for it if it were let to a tenant at a rent.

permanent identification device has the meaning given in the Animal Management Act.

premises has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2011*.

proper enclosure has the meaning given in *Local Law No. 2 (Animal Management) 2011*.

public place has the meaning given in *Local Law No. 1 (Administration) 2011*.

registered has the meaning given in the Animal Management Act.

residence has the meaning given in *Subordinate Local Law No. 2 (Animal Management) 2011*.

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

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

175483_1

Subordinate Local Law No. 1.6 (Operation of Camping Grounds) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.6 (Operation of Camping Grounds) 2011*.

2 Purpose and how it is to be achieved

(1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.

(2) The purpose is to be achieved by providing for—

(a) various matters regarding the granting of approvals for prescribed activities; and

(b) further specification of the definitions relevant to various prescribed activities.

(3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the ***authorising local law***).

Part 2 Approval for prescribed activity

4 Matters regarding the prescribed activity—Authorising local law, s 6(3)

(1) Schedule 1—

(a) names a prescribed activity in section 1; and

(b) prescribes the matters specified in this section for the prescribed activity.

(2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activity stated in section 2 of schedule 1.

Schedule 1 Operation of camping grounds

Section 4

1. Prescribed activity

Operation of camping grounds.

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

Operation of camping grounds.

165171_1

Subordinate Local Law No. 1.7 (Operation of Cane Railways) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.7 (Operation of Cane Railways) 2011*.

2 Purpose and how it is to be achieved

(1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.

(2) The purpose is to be achieved by providing for—

(a) various matters regarding the granting of approvals for prescribed activities; and

(b) further specification of the definitions relevant to various prescribed activities.

(3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 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 3 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

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

(1) Schedule 1—

(a) names a prescribed activity in section 1; and

(b) prescribes the matters specified in this section for the prescribed activity.

(2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

(3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of the schedule 1 is a category 3 activity.

(4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.

(5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.

(6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.

(7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.

(8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.

(9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.

(10) For section 12 of the authorising local law, in Table 1 of schedule 1—

(a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and

(b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and

(c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

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

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

Schedule 1 Operation of cane railways

Section 5

1. Prescribed activity

Operation of cane railways.

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

No activities stated.

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

(1) Details of the route of the railway and the railway infrastructure.

(2) A detailed description of the rolling stock to be used.

(3) A detailed statement of—

(a) when and how the railway is to be operated; and

(b) the purpose for which the railway is intended to be used.

4. Additional criteria for the granting of an approval

(1) The operation of the cane railway must not adversely effect traffic flow or be likely to cause a traffic hazard.

(2) The operation of the cane railway must not produce noise emissions or air pollutants which would adversely effect nearby premises used for residential purposes.

(3) The design and construction of the cane railway must be safe and appropriate for the nature of its proposed use.

(4) The operation of the cane railway must not unreasonably detract from the amenity of the area in which it is proposed the cane railway will operate.

5. Conditions that must be imposed on an approval

No conditions stated.

6. Conditions that will ordinarily be imposed on an approval

(1) The approval holder must—

(a) take out and maintain public liability insurance as specified by the local government and produce documentary evidence of the insurance before commencement of the prescribed activity; and

(b) give the local government specified indemnities; and

(c) comply with specified safety requirements; and

(d) properly maintain the cane railway and other railway infrastructure; and

(e) ensure that all road crossings are maintained in a manner specified in the approval; and

(f) install traffic control devices at all road crossings as specified in the approval.

(2) Locomotives and rolling stock must not exceed 20km per hour while crossing a road.

7. Term of an approval

One year from the date the approval is granted.

8. Term of renewal of an approval

A further term equal to the current term of the approval.

Table 1 – Third party certification

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

Schedule 2 Categories of approval that are non-transferable

Section 6

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

Schedule 3 Dictionary

Section 4

railway infrastructure (for a cane railway) means—

(a) the track and its supporting and associated structures (including earthworks); and

(b) all stations and installations for loading or unloading sugar cane, sugar or sugar cane by-products; and

(c) all crossings, traffic control devices and other installations associated with the railway.

track means a track for the operation of locomotives and other rolling stock.

traffic control device see *Transport Operations (Road Use Management – Road Rules) Regulation 2009*, schedule 5.

157961_1

Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2011

Contents

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.8 (Operation of Caravan Parks) 2011*.

2 Purpose and how it is to be achieved

(1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.

(2) The purpose is to be achieved by providing for—

(a) various matters regarding the granting of approvals for prescribed activities; and

(b) further specification of the definitions relevant to various prescribed activities.

(3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 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) For the purposes of the definition of ***complementary accommodation*** in schedule 1 of the authorising local law, the accommodation listed in schedule 3 is prescribed as appropriate to caravan parks.

(3) The dictionary in schedule 4 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

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

(1) Schedule 1—

(a) names a prescribed activity in section 1; and

(b) prescribes the matters specified in this section for the prescribed activity.

(2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

(3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.

(4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.

(5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.

(6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.

(7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.

(8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.

(9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.

(10) For section 12 of the authorising local law, in Table 1 of schedule 1—

(a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and

(b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and

(c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

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

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

Schedule 1 Operation of caravan parks

Section 5

1. Prescribed activity

Operation of caravan parks

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

No activities stated.

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

(1) If the applicant is not the owner of the place at which the caravan park is to be operated—the written consent of the owner to the application.

(2) The name and address of the proposed resident manager of the caravan park and the proposed resident manager's written agreement accepting the responsibilities of resident manager of the caravan park.

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

(a) the location and real property description of the place at which the caravan park is to be operated; and

(b) the boundaries of the caravan park; and

(c) the division of the caravan park into sites, including the location and number of potential sites, with each site clearly defined and bearing a distinguishing mark or number; and

(d) the location of each road and building situated within the caravan park; and

(e) details of the water supply system, including the position of all water points; and

(f) the position of all waste containers; and

(g) details of the sewerage system including the position of each sanitary convenience, ablution and laundry building; and

(h) details of the on-site sewerage facilities and the waste water disposal system; and

(i) the position of all fire places; and

(j) the nature and position of—

(i) all fire safety installations; and

(ii) all electrical installations; and

(iii) all food preparation areas; and

(iv) all recreational facilities; and

(v) all car parking facilities.

(4) Details of the facilities for sanitation, washing and laundry to be provided for users of the caravan park.

(5) Details of water quality, reticulation and drainage facilities to be provided for users of the caravan park.

(6) Details of the maximum number of persons who can be accommodated at—

(a) the caravan park; and

(b) each site within the caravan park.

(7) Details of the rules which will govern the use of the caravan park, including rules which prohibit or restrict the keeping of dogs at the caravan park.

(8) A current certificate of compliance issued under the *Fire and Rescue Service Act 1990*.

(9) A current certificate of testing and compliance issued under the *Electricity Safety Act 2002*.

4. Additional criteria for the granting of an approval

(1) The operation of the caravan park must be lawfully conducted on the premises.

(2) The operation of the caravan park must not produce—

(a) environmental harm; or

(b) environmental nuisance; or

(c) inconvenience or annoyance to the occupiers of any adjoining land.

(3) All facilities at the caravan park must—

(a) comply with all relevant Acts; or

(b) be able to comply with all relevant Acts,

for use by residents of the caravan park.

5. Conditions that must be imposed on an approval

No conditions stated.

6. Conditions that will ordinarily be imposed on an approval

(1) The operation of the caravan park must not detrimentally affect the amenity of adjoining land.

(2) The operation of the caravan park, including any premises, building, structure, vehicle, facility, equipment or fixture must be maintained in—

(a) good working order and condition; and

(b) a clean, safe and tidy condition.

(3) Provision must be made for people, vehicles and caravans to enter and exit the caravan park safely.

(4) The approval holder must—

(a) provide and maintain an adequate supply of water to the caravan park, including water suitable for drinking, cooking and personal hygiene; and

(b) cause hot and cold water to be reticulated to every shower, bath and hand basin.

(5) The water supply for drinking purposes must be potable water.

(6) The approval holder must ensure that, if water obtained from a particular water outlet in the caravan park may be unsuitable for drinking, a sign is prominently displayed at the outlet stating "Unsuitable for Drinking".

(7) The approval holder must provide and maintain adequate toilet, bathing and showering facilities for persons of both sexes (including disabled persons) using the caravan park, including—

(a) at least 1 shower or bath (in a separate cubicle) for each sex, for every 15 individual sites (within the caravan park); and

(b) at least 1 handbasin for each sex for every 15 individual sites (within the caravan park); and

(c) shower (or bath) cubicles must be constructed so as to totally conceal a person within the cubicle from persons who may be outside the cubicle; and

(d) water closets as follows—

No. of sites	No. of water closets for females	No. of water closets for males	Length of urinals for males
Up to 40	1 for every 7 sites or part thereof	1 for every 10 sites or part thereof	.6m for every 20 sites or part thereof
Over 40	6 plus an additional 1 for every 15 sites or part thereof in excess of 40	4 plus an additional 1 for every 15 sites or part thereof in excess of 40	.6m for every 20 sites or part thereof

(8) If bed linen is supplied—

(a) keep it in a clean and sanitary condition; and

(b) replace it with clean bed linen after each change of occupation of the accommodation.

(9) All materials of a hazardous or dangerous nature which are used in the operation of the caravan park must be stored and used in a safe manner.

(10) Facilities for the disposal of waste must be—

(a) sufficient to accommodate the collection and storage of all waste generated as part of the operation of the caravan park; and

(b) provided in the manner, and at the locations, specified by the local government.

(11) The local government may limit the number of persons who may occupy a site and require the approval holder to—

(a) ensure that the limit is displayed on a notice erected in a prominent position at the caravan park; and

(b) take appropriate action to ensure that the limit is not contravened.

(12) The approval holder must—

(a) not locate or permit accommodation to be located at any place within the caravan park other than on a site approved by the local government under this subordinate local law; and

(b) not locate or permit to be located more than 1 accommodation, on a site at any 1 time; and

(c) not permit accommodation to be occupied by more persons than the accommodation is designed to accommodate.

(13) The approval holder must—

(a) unless an accommodation is fitted with a set of twin wash tubs and a clothes washing machine or washing boiler— provide for the exclusive use of the occupants of the accommodation, laundry facilities in the ratio of 1 set of twin wash tubs and 1 clothes washing machine or washing boiler and 1 clothes hoist or an equivalent length of clothes line for every 20 sites or part of a site; and

(b) not erect or locate an accommodation or suffer or permit an accommodation to be erected or located, closer than 3m to any other accommodation; and

(c) if the local government has approved a site layout plan for the caravan park— cause each site to be clearly defined and legibly marked in accordance with the plan; and

(d) not erect an accommodation or suffer or permit an accommodation to be erected, unless and until the accommodation is weatherproof, in good repair, fit for human habitation and in a clean and sanitary condition; and

(e) provide ground anchor points designed to withstand heavy wind loads to enable the tie-down of caravans and complementary accommodation; and

(f) cause sanitary conveniences and ablutionary facilities (but excluding ensuite facilities) to be located—

(i) not more than 100 m from any site; and

(ii) at least 6 m from any site; and

(g) provide and maintain specified recreational facilities; and

(h) provide and maintain buffer zones between sites and roads, external boundaries and other facilities of the caravan park; and

(i) provide and maintain lighting at the caravan park—

(i) to a specified standard; and

(ii) during specified hours; and

(j) provide and maintain specified waste disposal facilities, for example, a dump pump.

(14) The approval holder—

(a) must ensure that—

(i) the caravan park is managed and supervised by an individual (the ***resident manager***) who is resident on or near the caravan park; and

(ii) the resident manager or a representative of the resident manager is present or available at all reasonable times to ensure the proper operation of the caravan park; and

(b) may change the resident manager by giving the local government—

(i) written notice of the name and address of the new resident manager; and

(ii) a written agreement under which the new resident manager agrees to accept the responsibilities of the resident manager of the caravan park; and

(iii) other information and materials required by the local government; and

(c) may, if the approval holder is an individual, be the resident manager of

the caravan park; and

(d) must, if the local government gives written notice to the approval holder that the local government is not satisfied that the resident manager of the caravan park is a suitable person to be the resident manager— replace the resident manager with an alternate resident manager who is acceptable to the local government within a time stated in the notice.

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

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

(b) an identifying number for the site or accommodation; and

(c) if a caravan is brought onto the site—the registration number of the caravan and (if applicable) the vehicle towing it; and

(d) the dates when the hiring of the site or accommodation begins and ends.

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

(17) The approval holder must not permit or allow a person to bring onto a site a caravan or other type of accommodation that is not fit for human habitation.

Example—a caravan that is not weather proof.

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

(a) adding to the existing sites; or

(b) changing the position or boundaries of a site.

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

(a) adding new buildings, structures or facilities; or

(b) removing existing buildings, structures or facilities; or

(c) changing the position of any building, structure or facility.

(20) However, subsections (18) and (19) do not apply if the proposed change constitutes development under the *Sustainable Planning Act 2009*.

(21) The operation of the caravan park must not—

(a) create a traffic problem; or

(b) increase an existing traffic problem; or

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

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

(23) The operation of the caravan park must not attract fly breeding or vermin infestation.

(24) The approval holder must dispose of all waste generated as part of the operation of the caravan park in a manner which maintains the operation of the caravan park and its surrounds in a clean, tidy, sanitary and hygienic condition.

(25) Signage used in the operation of the caravan park must be exhibited in a manner, and at the locations, specified by the local government.

(26) The local government may prescribe rules which govern the use of the caravan park and require the approval holder to ensure compliance with the rules by each user of the caravan park.

(27) The rules which govern the use of the caravan park must be displayed in the manner, and at the locations, specified by the local government so that the rules can be viewed by users of the caravan park.

(28) The approval holder must comply with specified standards for the painting, paving and internal and external treatment of buildings, structures and sites.

(29) The approval holder must ensure that no accumulation, aggregation or proliferation of—

(a) discarding or disused machinery, goods or wares; or

(b) waste, refuse, scrap, bottles or second hand materials of any description; or

(c) dead, overgrown or untended trees or vegetation,

occurs on any part of the caravan park.

(30) The approval holder must not permit a person who occupies a site or complementary accommodation at the caravan park to engage in any business, trade or occupation within—

(a) the site; or

(b) the complementary accommodation; or

(c) the caravan park.

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

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

(b) conditions of stay; and

(c) minimum requirements for condition and maintenance of caravans and complementary accommodation; and

(d) conditions applying to the use of any facilities or services of the caravan park; and

(e) the prohibition of specified activities.

(32) The local government may require that the approval holder direct a person to leave the caravan park forthwith, or within a specified time, where the person is found to be—

(a) acting in a disorderly or objectionable manner; or

(b) contravening a requirement of this local law or a Local Government Act, which contravention will, in the opinion of an authorised person, adversely impact on the safety or amenity of other caravan park users.

(33) The local government may require that the approval holder remove from the caravan park a caravan which, in the opinion of an authorised person, is dilapidated, unsightly or overcrowded within a specified time.

7. Term of an approval

(1) The term of an approval must be determined by the local government having regard to the information submitting by the applicant.

(2) The term of the approval must be specified in the approval.

(3) An approval may be granted for a term of up to 1 year.

8. Term of renewal of an approval

(1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.

(2) The term for which an approval may be renewed or extended must not exceed 1 year.

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

Table 1 – Third party certification

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

Schedule 2 Categories of approval that are non-transferable

Section 6

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

Schedule 3 Prescribed complementary accommodation

Section 4

The other accommodation that is prescribed as appropriate to caravan parks is accommodation in—

(a) an on-site caravan; and

(b) a cabin; and

(c) a manufactured home; and

(d) a tent or other structure that can be readily assembled and disassembled.

Schedule 4 Dictionary

Section 4

accommodation means—

(a) a caravan; or

(b) a complementary accommodation.

building has the meaning given in the Building Act 1975.

cabin means a relocatable home, building or fixed structure (other than a building or structure used exclusively as the residence or office of a resident manager).

electrical installation has the meaning given in the *Electricity Act 1994*.

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

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

facilities includes—

(a) toilets; and

(b) bathing and showering facilities; and

(c) facilities for washing and drying clothes; and

(d) facilities for cooking and food preparation; and

(e) sporting and other recreational facilities; and

(f) the facilities for the use or convenience of people using a caravan park.

fire safety installation has the meaning given in the *Building Act 1975*.

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

manufactured home has the meaning given in the *Manufactured Homes (Residential Parks) Act 2003*.

occupant (of accommodation) means a person who resides at the accommodation.

on-site sewerage facility has the meaning given in the *Plumbing and Drainage Act 2002*.

potable water means water which complies with Australian Drinking Water Guidelines.

premises means the premises used for the operation of the caravan park.

relocatable home means a Class 1 or Class 3 building under the Building Code of Australia (or its equivalent) which is—

(a) constructed away from the site at which it is erected; and

(b) designed to be moved from 1 location to another; and

(c) ordinarily able to be moved within 24 hours of commencement of work associated with the move.

resident (of a caravan park) means a person who resides in a caravan or complementary accommodation at the caravan park.

resident manager (of a caravan park) means—

(a) a person nominated by the approval holder and accepted by the local government from time to time who—

(i) is responsible for the management and supervision of the caravan park; and

(ii) resides on or near the caravan park; and

(iii) is present or available at all reasonable times to ensure the operation of the caravan park; and

(b) if that person cannot be located, or if no such person is nominated and accepted, the approval holder.

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

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

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

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

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

vermin means—

(a) reptiles, bed bugs, lice, fleas, parasites and cockroaches; and

(b) guinea pigs and other rodents capable of carrying or transmitting a notifiable disease; but

(c) does not include—

(i) a protected animal within the meaning of the *Nature Conservation Act 1992*; or

(ii) a local government public health risk.

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

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

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Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.9 (Operation of Cemeteries) 2011*.

2 Purpose and how it is to be achieved

(1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.

(2) The purpose is to be achieved by providing for—

(a) various matters regarding the granting of approvals for prescribed activities; and

(b) further specification of the definitions relevant to various prescribed activities.

(3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 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 3 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

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

(1) Schedule 1—

(a) names a prescribed activity in section 1; and

(b) prescribes the matters specified in this section for the prescribed activity.

(2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

(3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.

(4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 2 of schedule 1.

(5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.

(6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.

(7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.

(8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.

(9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.

(10) For section 12 of the authorising local law, in Table 1 of schedule 1—

(a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and

(b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and

(c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

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

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

Schedule 1 Operation of cemeteries

Section 5

1. Prescribed activity

Operation of cemeteries.

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

No activities stated.

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

(1) Details of the proposed cemetery including—

(a) a site plan; and

(b) the proposed number of grave sites; and

(c) the proposed hours of operation.

(2) Details of the proposed administration and management of the proposed cemetery.

(3) If a development approval for the cemetery is required under the *Sustainable Planning Act 2009* — a copy of the development approval.

(4) If the application for an approval does not relate to a local government cemetery and the applicant is not the owner of the premises on which the prescribed activity is to be undertaken — the written consent of the owner of the premises.

4. Additional criteria for the granting of an approval

(1) The operation of the prescribed activity must not result in—

(a) harm to—

(i) human health; or

(ii) safety; or

(b) personal injury; or

(c) a loss of amenity; or

(d) a nuisance.

(2) The proposed administration and management of the cemetery must be appropriate.

5. Conditions that must be imposed on an approval

(1) The approval holder must—

(a) keep the cemetery open to the public during particular hours as specified by the local government; and

(b) give the local government notice prior to any burial, cremation or other disposal at the cemetery; and

(c) ensure that an appropriate identifying plaque is placed on or adjacent to the place of each disposal until an appropriate memorial to the deceased is erected or installed.

(2) A burial, cremation or other disposal at the cemetery must not be carried out outside the hours during which the cemetery is open to the public.

(3) A person must not reopen a grave, or exhume a body or the remains of a body buried in the cemetery other than—

(i) under the authority of an approval under the *Coroner's Act 2003* and on the production of the approval; and

(ii) with the approval of the local government (under the subordinate local law regulating activities regarding human remains, if applicable).

(4) All remains in the cemetery must be enclosed in a coffin or other form or container appropriate to the form of disposal.

6. Conditions that will ordinarily be imposed on an approval

(1) The approval holder must take specified measures to—

(a) prevent harm to the health and safety of persons who may be involved in, or affected by, the undertaking of the prescribed activity; and

(b) prevent personal injury, property damage or a loss of amenity resulting from the undertaking of the prescribed activity.

(2) The approval holder must—

(a) take out and maintain specified insurance indemnifying a person who may suffer personal injury, loss or damage as a result of the undertaking of the prescribed activity; and

(b) give the local government specified indemnities.

(3) The local government may regulate—

(a) the position of grave sites; and

(b) periods of leases for grave sites; and

(c) requirements for the proper maintenance of memorials and other buildings and structures in the cemetery; and

(d) the hours when the cemetery may be open to the public; and

(e) the hours when a burial, cremation or disposal may take place in the cemetery; and

(f) standards for the minimum depth, size and other dimensions of graves and grave sites; and

(g) standards for coffins; and

(h) the number of bodies which may be buried in a single grave; and

(i) the keeping of burial records.

7. Term of an approval

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

(2) The term of the approval must be specified in the approval.

(3) An approval may be granted for a term of up to 1 year.

8. Term of renewal of an approval

(1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.

(2) The term for which an approval may be renewed or extended must not exceed 1 year.

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

Table 1 – Third party certification

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

Schedule 2 Categories of approval that are non-transferable

Section 6

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

Schedule 3 Dictionary

Section 4

development approval has the meaning given in the *Sustainable Planning Act 2009*.

memorial includes—

(a) a headstone; and

(b) an inscribed plaque or commemorative plate; and

(c) monumental, ornamental or other structures erected on a grave site; and

(d) anything else erected or placed to mark the site where human remains have been buried or placed, or to commemorate a deceased person.

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Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1.10 (Operation of Public Swimming Pools) 2011*.

2 Purpose and how it is to be achieved

(1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011* which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.

(2) The purpose is to be achieved by providing for—

(a) various matters regarding the granting of approvals for prescribed activities; and

(b) further specification of the definitions relevant to various prescribed activities.

(3) In particular, the purpose of this subordinate local law is to supplement the legal and procedural framework for the prescribed activity named in schedule 1, section 1.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 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 3 defines particular words used in this subordinate local law.

Part 2 Approval for prescribed activity

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

(1) Schedule 1—

(a) names a prescribed activity in section 1; and

(b) prescribes the matters specified in this section for the prescribed activity.

(2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to the particular activities stated in section 2 of schedule 1.

(3) For section 6(4) of the authorising local law, it is declared that the prescribed activity named in section 1 of schedule 1 is a category 2 activity.

(4) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of schedule 1.

(5) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for the prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of schedule 1.

(6) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for the prescribed activity are stated in section 5 of schedule 1.

(7) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for the prescribed activity are stated in section 6 of schedule 1.

(8) For section 13(a) of the authorising local law, the term of an approval for the prescribed activity is provided for in section 7 of schedule 1.

(9) For section 14(1)(a) of the authorising local law, the further term for renewal or extension of an approval for the prescribed activity is provided for in section 8 of schedule 1.

(10) For section 12 of the authorising local law, in Table 1 of schedule 1—

(a) column 1 lists the application requirements for which the local government may accept as evidence the certificate of a third party certifier; and

(b) column 2 lists the individuals or organisations that are declared to be third party certifiers for the corresponding application requirement in column 1; and

(c) column 3 lists the qualifications that are necessary for an individual or organisation to be a third party certifier for the corresponding application requirement in column 1.

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

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

Schedule 1 Operation of public swimming pools

Section 5

1. Prescribed activity

Operation of public swimming pools.

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

The operation of a public swimming pool if the swimming pool is—

(a) on a local government controlled area; or

(b) a State school swimming pool; or

(c) a swimming pool made available by a body corporate of a community titles scheme for use by the owners or occupiers of the lots of the scheme or their invitees.

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

(1) Details of the proposed public swimming pool including a plan or other information identifying the proposed public swimming pool and all buildings proposed to be used in the operation of the public swimming pool.

(2) Details of the nature and extent of the public use that is proposed by the applicant.

(3) Details of the proposed management and supervision of the public swimming pool (including the qualifications and experience of the proposed managers and supervisors).

(4) If the applicant is not the owner of the land on which the public swimming pool is to be situated — the owner's written consent to the application.

(5) Details of the equipment that will be used for chlorination, filtration and recirculation of water in the public swimming pool.

(6) Details of procedures that will be adopted to ensure that the public swimming pool water is adequate to protect public health.

(7) Details of the equipment which will be used for emergency medical treatment and first aid.

(8) Details of the operation of the public swimming pool including —

(a) the hours of operation of the public swimming pool; and

(b) whether the public swimming pool is to be heated or non-heated; and

(c) the existence or otherwise of automatic dosing equipment to be used in conjunction with the chlorination, filtration and recirculation of water

in the public swimming pool.

4. Additional criteria for the granting of an approval

(1) The equipment for chlorination, filtration and recirculation of public swimming pool water must be adequate to protect public health.

(2) The management and supervision of the public swimming pool must be adequate to protect public safety and prevent nuisance.

(3) Any proposed manager or supervisor of the public swimming pool must be suitably qualified.

(4) The equipment which will be used for emergency medical treatment and first aid must be situated at an appropriate location at the public swimming pool.

(5) Provision must be made at the public swimming pool for separate dressing rooms for male and female users of the pool that are—

(a) of a size sufficient to accommodation the likely maximum number of users (at any 1 time) of the pool; and

(b) situated and constructed so that they totally conceal persons within the dressings rooms from persons who may be outside the dressing rooms.

(6) Provision must be made at the public swimming pool for proper and sufficient male and female sanitary conveniences.

5. Conditions that must be imposed on an approval

No conditions stated.

6. Conditions that will ordinarily be imposed on an approval

(1) The public swimming pool water must be tested daily to ensure that biological contaminants are kept within specified levels.

(2) The approval holder must—

(a) provide and maintain specified equipment for emergency medical treatment, first aid and the rescue of persons in difficulty; and

(b) erect and display specified notices at the public swimming pool that—

(i) provide information about basic life saving, resuscitation and first aid techniques; and

(ii) warn about possible dangers; and

(c) install and maintain specified equipment for the chlorination, filtration and recirculation of water in the public swimming pool; and

(d) provide and maintain specified dressing rooms and facilities for showering and sanitation; and

(e) maintain a daily record or register of the number of persons who use the public swimming pool for inspection by an authorised person of the local government on request; and

(f) display, in prominent positions around the public swimming pool, 1 or more specified notices stipulating that children using the public swimming pool must be accompanied by an adult; and

(g) not permit or allow any person under the influence of an intoxicating or stupefying substance or liquor to be at, or use, the public swimming pool; and

(h) not permit or allow any person suffering, or appearing to suffer from, an infectious, contagious or offensive disease or skin complaint to enter the public swimming pool; and

(i) not permit or allow any animal to be brought onto any part of the land upon which the public swimming pool is located; and

(j) immediately remove any animal found on any part of the land upon which the public swimming pool is located; and

(k) unless otherwise authorised by an authorised person, ensure that the public swimming pool is fitted with —

(i) a filtration unit which is capable of giving at least 6 complete changes of water in 24 hours at the time of maximum head loss; and

(ii) a chlorination unit approved by an authorised person; and

(l) ensure that each spa pool is connected to a filter system which—

(i) is dedicated solely for the spa; and

(ii) ensures a turnover rate for the spa of at least once every 20 minutes; and

(m) ensure that each hydrotherapy pool is connected to a filter system which ensures a turnover rate for the hydrotherapy pool of at least once every 2 hours; and

(n) ensure that the public swimming pool is provided with a hair and lint strainer which complies with the following specifications—

(i) the strainer must be of a type specifically made for the removal of hair and lint and must be placed in the suction line ahead of the pump; and

(ii) the strainer must have a screen which is easily removable and have a free area not less than 5 times the cross sectional area of the suction line; and

(o) ensure that the public swimming pool water quality complies with each

of table A and B; and

TABLE A

CHEMICAL PARAMETERS TABLE

	Indoor Pool	**Indoor Pool (Heated)**	**Outdoor Pool**	**Outdoor Pool (Heated)**	**Spa**
Water Temperature		26°C	26°C		35°C-37°C Ideal 40°C Max
Free Chlorine (mg/L, ppm) minimum	1.5	6	1.5	3	3
Free Chlorine (mg/L, ppm) with cyanuric acid	N/A	N/A	3	4	N/A
Total Chlorine (mg/L, ppm)	Free chlorine + 1 (10 max)	Free chlorine + 1 (10 max)	Free chlorine + 1 (10 max)	Free chlorine + 1 (10 max)	10.0
Bromine (mg/L, ppm)	3.0	4.0	3.0	4.0	4 - 6
Ozone (for Chlorine Level see above)	0 residual	0 residual	0 residual	0 residual	0 residual
pH	7.2 – 7.8	7.2 – 7.8	7.2 – 7.8	7.2 – 7.8	7.2 – 7.8
Total Alkalinity (mg/L, ppm)	80 - 200	80 - 200	80 - 200	80 - 200	80 - 200
Cyanuric Acid	0*	0*	30 – 50	30 – 50	0*

*As indoor pools are protected from direct sunlight, cyanuric acid must not be used as the effectiveness of chlorine is reduced.

NOTE: Combined chlorine must not exceed half the total chlorine concentration with a maximum of 1.0 ppm.

TABLE B

MICROBIOLOGICAL CRITERIA TABLE

Type of Organism	**Maximum Count Allowable**
Heterotrophic Plate Count	100 Colony forming Units (CFU) per ml
Thermotolerant coliforms or E. Coli	Nil per 100mL
Pseudomonas aeruginosa	Nil per 100mL

(p) provide and maintain—

(i) scum gutters of an open design to permit easy cleaning of the public swimming pool; or

(ii) surface skimmers capable of removing all extraneous floating matter from the public swimming pool; and

(q) at all times maintain the public swimming pool free of extraneous matter.

(3) The approval holder and each employee and agent of the approval holder involved in the operation of the public swimming pool must hold a current first aid certificate, bronze medallion or other life saving qualifications specified in the approval.

(4) The operation of the public swimming pool must not—

(a) detrimentally affect the amenity of neighbouring premises; or

(b) cause environmental harm; or

(c) cause environmental nuisance.

(5) The operation of the public swimming pool must only be undertaken during specified hours on specified days.

(6) The operation of the public swimming pool, including each building, structure, facility and equipment used in the operation of the public swimming pool must be kept and maintained—

(a) in good working order and condition; and

(b) in a clean, tidy and sanitary condition.

(7) Lighting used to illuminate the operation of the public swimming pool must be angled or shaded so that the light does not cause a nuisance.

(8) Each toilet, bathroom, kitchen, laundry and drinking water facility used in the operation of the public swimming pool must be provided with an adequate and continuous supply of potable water.

(9) The approval holder must provide and maintain—

(a) specified sanitary conveniences and sanitary facilities for the operation of the public swimming pool; and

(b) waste containers sufficient to accommodate the collection and storage of waste generated by the operation of the public swimming pool in the manner, and at the locations, specified by the local government.

7. Term of an approval

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

(2) The term of the approval must be specified in the approval.

(3) An approval may be granted for a term of up to 1 year.

8. Term of renewal of an approval

(1) The term for which an approval may be renewed or extended must be determined by the local government having regard to the information submitted by the approval holder.

(2) The term for which an approval may be renewed or extended must not exceed 1 year.

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

Table 1 – Third party certification

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

Schedule 2 Categories of approval that are non-transferable

Section 6

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

Schedule 3 Dictionary

Section 4

body corporate has the meaning given in the *Body Corporate and Community Management Act 1997*.

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

community titles scheme has the meaning given in the *Body Corporate and Community Management Act 1997*.

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

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

nuisance includes anything that—

(a) disturbs or inconveniences people in the vicinity of a public swimming pool; or

(b) detracts from the use or enjoyment of land adjoining or in the vicinity of a public swimming pool.

public swimming pool means a swimming pool that is made available for use to —

(a) members of the public or a section of the public; or

(b) participants in organised swimming or diving competitions or in training for organised swimming or diving competitions; or

(c) persons who have a commercial relationship with the owner of the pool.

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

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

swimming pool has the meaning given in the *Building Act* 1975.

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