

Minutes Appendices

Ordinary Meeting

Thursday, 22 June 2023

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Minutes

Ordinary Meeting

Thursday, 25 May 2023

Sunshine Coast City Hall Chamber, 54 First Avenue, Maroochydore

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ORDINARY MEETING MINUTES

25 MAY 2023

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Please Note: The resolutions as shown in italics throughout these minutes are the resolutions carried by the Council.



ORDINARY MEETING MINUTES

25 MAY 2023

1 DECLARATION OF OPENING

The Chair declared the meeting open at 9:03am.

2 WELCOME AND OPENING

Councillor W Johnston acknowledged the Traditional Custodians of the land on which the meeting took place.

Pastor Dony Johnson from Kawana Life Baptist Church read a prayer.

Councillor M Suarez acknowledged the recent passing of Les Donald a founding member of the Maroochy Sanctuary Wetlands and a valuable community member of Bli Bli.

3 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE

COUNCILLORS

Councillor M Jamieson	Mayor (Chair)
Councillor R Baberowski	Division 1 (Deputy Mayor)(Teams)
Councillor T Landsberg	Division 2
Councillor P Cox	Division 3
Councillor J Natoli	Division 4
Councillor W Johnston	Division 5
Councillor C Dickson	Division 6 (Absent Item 1 – Item 8.8)
Councillor E Hungerford	Division 7
Councillor J O'Pray	Division 8
Councillor M Suarez	Division 9
Councillor D Law	Division 10

COUNCIL OFFICERS

Chief Executive Officer
Group Executive Built Infrastructure
Group Executive Customer and Planning Services
A/Group Executive Economic and Community Development
A/Group Executive Business Performance
Group Executive Civic Governance
A/Group Executive Liveability and Natural Assets
A/Chief Strategy Officer
Manager Executive Management and Support Services
Coordinator Financial Services
Coordinator Financial Accounting
Chief Financial Officer
Manager Development Services
Governance Policy Lead
Head of Investment, Trade and International

Sunshine Coast Regional Council

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ORDINARY MEETING MINUTES

25 MAY 2023

4 RECEIPT AND CONFIRMATION OF MINUTES

Council Resolution

Moved: Councillor J Natoli

Seconded: Councillor P Cox

That the Minutes of the Ordinary Meeting held on 27 April 2023 be received and confirmed.

Carried unanimously.

Councillor C Dickson was absent for the vote on this motion.

5 MAYORAL MINUTE

NIL

6 INFORMING OF CONFLICTS OF INTEREST

6.1 PRESCRIBED CONFLICTS OF INTEREST

Councillor W Johnston notified Council of a Prescribed Conflict of Interest in relation to Item 8.10 Making of Amendment Local Law No.1 (Miscellaneous) 2023 and Amendment Subordinate Local Law No.1 (Miscellaneous) 2023 and Item 10.3 Petition Maleny Showgrounds Dog Exclusion.

6.2 DECLARABLE CONFLICTS OF INTEREST

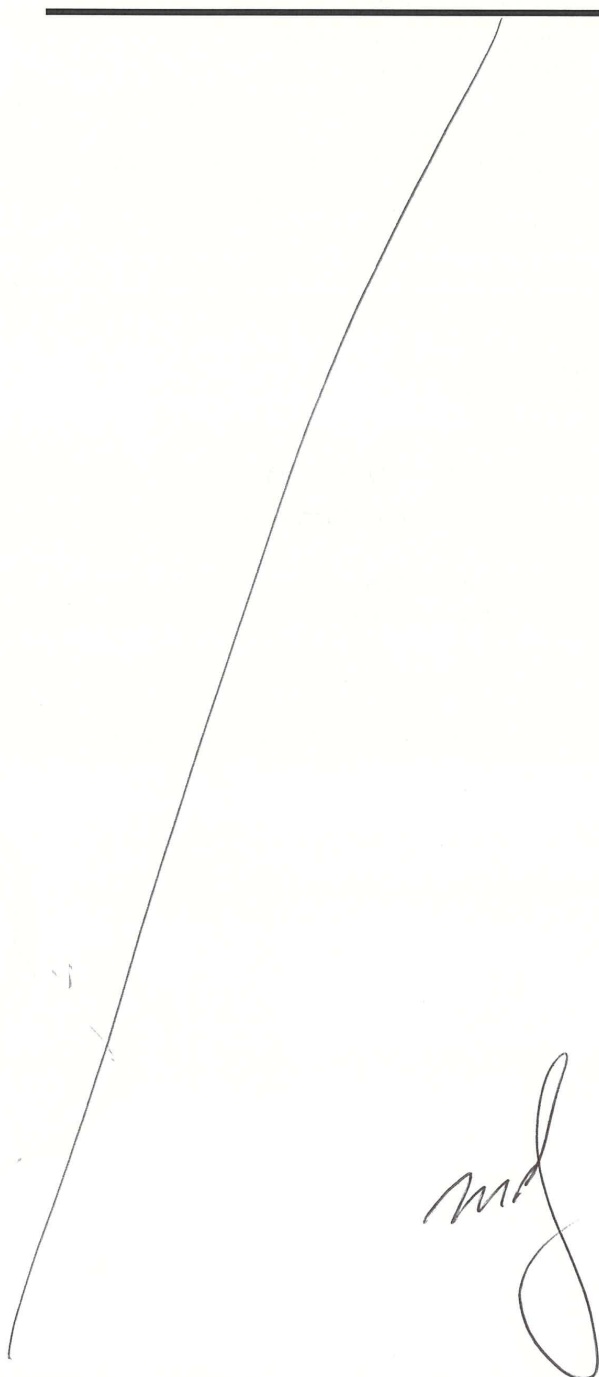
NIL

ORDINARY MEETING MINUTES

25 MAY 2023

7 PRESENTATIONS / COUNCILLOR REPORTS

NIL



ORDINARY MEETING MINUTES

25 MAY 2023

8 REPORTS DIRECT TO COUNCIL

8.1 QUARTERLY PROGRESS REPORT - QUARTER 3, 2022/23

File No: Council Meetings

Author: Acting Chief Strategy Officer
Civic Governance

Appendices: App A - Chief Executive Officer's Quarterly Highlights Report,
Quarter 3 2022/23
App B - Operational Plan Activities Report Quarter 3, 2022/23

Council Resolution (OM23/37)

Moved: Councillor E Hungerford

Seconded: Councillor J Natoli

That Council:

- (a) receive and note the report titled "**Quarterly Progress Report - Quarter 3, 2022/23**"
- (b) receive and note the Chief Executive Officer's Quarterly Highlights Report – Quarter 3 2022/23 (Appendix A), and
- (c) receive and note the Operational Plan Activities Report – Quarter 3, 2022/23 (Appendix B) reporting on implementation of the Corporate and Operational Plans.

Carried unanimously.

Councillor C Dickson was absent for the discussion and vote on this item.

A handwritten signature in black ink, appearing to be 'M. Dickson', is written over a horizontal line.

ORDINARY MEETING MINUTES

25 MAY 2023

8.2 APRIL 2023 FINANCIAL PERFORMANCE REPORT

File No: Council Meetings
Author: Coordinator Financial Services
Business Performance Group
Attachments: Att 1 - April 2023 Financial Performance Report
Att 2 - Capital Grant Funded Project Report April 2023

Council Resolution (OM23/38)

Moved: Councillor E Hungerford
Seconded: Councillor J Natoli

That Council receive and note the report titled "April 2023 Financial Performance Report".

Carried unanimously.

Councillor C Dickson was absent for the discussion and vote on this item.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned to the right of a horizontal line.

ORDINARY MEETING MINUTES

25 MAY 2023

8.3 QUEENSLAND AUDIT OFFICE - FIRST INTERIM MANAGEMENT
REPORT FOR THE FINANCIAL YEAR ENDED 30 JUNE 2023

File No: Council Meetings
Author: Coordinator Financial Accounting
Business Performance Group
Attachments: Att 1 - Queensland Audit Office First Interim Report 2023

Council Resolution (OM23/39)

Moved: Councillor J Natoli
Seconded: Councillor E Hungerford

That Council receive and note the report titled "Queensland Audit Office - First Interim Management Report for the financial year ended 30 June 2023".

Carried unanimously.

Councillor C Dickson was absent for the discussion and vote on this item.

A handwritten signature in black ink, appearing to be 'mg', is written over a horizontal line.

ORDINARY MEETING MINUTES

25 MAY 2023

8.4 SALE OF LAND FOR ARREARS OF RATES

File No: Council Meetings
Author: Chief Financial Officer
Business Performance Group
Attachments: Att 1 - 2023 Sale of Land List - *Confidential*

Council Resolution (OM23/40)

Moved: Councillor E Hungerford
Seconded: Councillor J Natoli

That Council:

- (a) receive and note the report titled "***Sale of Land for Arrears of Rates***"
- (b) pursuant to Section 140(2) of the Local Government Regulation 2012 sell the land where some or all of the rates or charges for the land have been overdue for at least three years as at 31 December 2022 in accordance with Chapter 4, Part 12, Division 3 of the Local Government Regulation 2012 to recover outstanding rates and charges, and
- (c) delegate to the Chief Executive Officer the power to take all further steps under Chapter 4, Part 12, Division 3 of the Local Government Regulation 2012 to effect sale of the land procedures, including for the avoidance of doubt the power to end sale procedures.

Carried unanimously.

Councillor C Dickson was absent for the discussion and vote on this item.



ORDINARY MEETING MINUTES

25 MAY 2023

8.5 INVESTMENT POLICY FOR 2023/24

File No: Council Meetings
Author: Coordinator Financial Accounting
Business Performance Group
Appendices: App A - 2023/24 Investment Policy

Council Resolution (OM23/41)


Moved: Councillor J Natoli
Seconded: Councillor E Hungerford

That Council:

- (a) receive and note the report titled "*Investment Policy for 2023/24*" and
- (b) adopt the 2023/24 Investment Policy (Appendix A).

Carried unanimously.

Councillor C Dickson was absent for the discussion and vote on this item.

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ORDINARY MEETING MINUTES

25 MAY 2023

8.6 DEBT POLICY FOR 2023/24

File No: Council Meetings
Author: Coordinator Financial Services
Business Performance Group
Appendices: App A - 2023/24 Debt Policy

Council Resolution (OM23/42)



Moved: Councillor E Hungerford
Seconded: Councillor W Johnston

That Council:

- (a) receive and note the report titled "**Debt Policy for 2023/24**" and
- (b) adopt the 2023/24 Debt Policy (Appendix A).

Carried unanimously.

Councillor C Dickson was absent for the discussion and vote on this item.

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ORDINARY MEETING MINUTES

25 MAY 2023

8.7 REVENUE POLICY FOR 2023/24

File No: Council Meetings
Author: Chief Financial Officer
Business Performance Group
Appendices: App A - 2023/24 Revenue Policy

Council Resolution (OM23/43)


Moved: Councillor E Hungerford
Seconded: Councillor P Cox

That Council:

- (a) receive and note the report titled "**Revenue Policy For 2023/24**" and
- (b) adopt the 2023/24 Revenue Policy (Appendix A).

Carried unanimously.

Councillor C Dickson was absent for the discussion and vote on this item.

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ORDINARY MEETING MINUTES

25 MAY 2023

8.8 REGISTER OF GENERAL COST - RECOVERY FEES AND COMMERCIAL CHARGES 2023/24

File No: Council Meetings
Author: Coordinator Financial Services
Business Performance Group
Appendices: App A - Register of General Cost - Recovery Fees and
Commercial Charges 2023/24
Attachments: Att 1 - General Cost-Recovery Fees and Commercial Charges
2023/24 Notes

Council Resolution (OM23/44)


Moved: Councillor E Hungerford
Seconded: Councillor P Cox

That Council:

- (a) receive and note the report titled "**Register of General Cost - Recovery Fees and Commercial Charges 2023/24**"
- (b) adopt the fees detailed in the Register of General Cost-Recovery Fees and Commercial Charges 2023/24 (Appendix A)
- (c) resolve that, in relation to those cost-recovery fees to which Section 97 of the Local Government Act 2009 apply:
 - (i) the applicant is the person liable to pay these fees
 - (ii) the fee must be paid at or before the time the application is lodged, and
- (d) delegate to the Chief Executive Officer the power
 - (i) to amend commercial charges to which Section 262(3)(c) of the Local Government Act 2009 apply and
 - (ii) to determine a reasonable fee based on cost recovery principles when a price on application is requested.

Carried unanimously.

Councillor C Dickson was absent for the discussion and vote on this item.

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ORDINARY MEETING MINUTES

25 MAY 2023

**8.9 DEVELOPMENT SERVICES REGISTER OF COST-RECOVERY FEES
AND COMMERCIAL CHARGES 2023/24**

File No: Council Meetings
Author: Manager Development Services
Customer & Planning Services Group
Appendices: App A - Development Services Register for Cost-recovery Fees
and Commercial Charges 2023/24
Attachments: Att 1 - Development Services Comparison of 2022/23 Fees and
Charges to 2023/24
Att 2 - Urban Development Institute of Australia (UDIA)
Queensland Research Foundation Fees and Charges 2022
Update
Att 3 - Targeted SEQ Benchmark of Development Services Fees

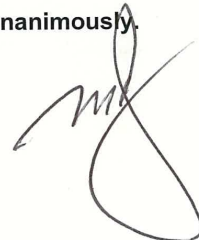
Council Resolution (OM23/45)

Moved: Councillor C Dickson
Seconded: Councillor W Johnston

That Council:

- (a) *receive and note the report titled "**Development Services Register of Cost-recovery Fees and Commercial Charges 2023/24**"*
- (b) *adopt the fees detailed in the Development Services Register of Cost-recovery Fees and Commercial Charges for Sunshine Coast Council 203/24 in Appendix A*
- (c) *resolve that, in relation to those cost recovery fees to which Section 97 of the Local Government Act 2009 apply:*
 - (i) *the applicant is the person liable to pay these fees*
 - (ii) *the fee must be paid at or before the time the application is lodged and*
- (d) *delegate to the Chief Executive Officer the power:*
 - (i) *to amend commercial charges to which section 262(3) (c) of the Local Government Act 2009 apply and*
 - (ii) *to determine a reasonable fee based on cost recovery principles when a price on application is requested.*

Carried unanimously.



ORDINARY MEETING MINUTES

25 MAY 2023

**8.10 MAKING OF AMENDMENT LOCAL LAW NO.1 (MISCELLANEOUS) 2023
AND AMENDMENT SUBORDINATE LOCAL LAW NO.1
(MISCELLANEOUS) 2023**

File No: Council Report
Author: Governance Policy Lead
Civic Governance
Appendices: App A - Amendment Local Law No. 1 (Miscellaneous) 2023
App B - Amendment Subordinate Local Law No. 1
(Miscellaneous) 2023
Attachments: Att 1 - Community Submissions
Att 2 - Human Rights Assessment of Compatibility Proposed
Local Law Amendments
Att 3 - Review of Amendment Local Laws for Anti Competitive
Provisions

NOTIFICATION OF INTEREST

In accordance with s150EL(3)(b)(i) of the *Local Government Act 2009* Councillor W Johnston gave notice of a Prescribed Conflict of Interest in relation to Item 8.10 Making of Amendment Local Law No.1 (Miscellaneous) 2023 and Amendment Subordinate Local Law No.1 (Miscellaneous) 2023.

I, Councillor Winston Johnston, notify that I have a Prescribed Conflict of Interest in Item 8.10 Making of Amendment Local Law No.1 (Miscellaneous) 2023 and Amendment Subordinate Local Law No.1 (Miscellaneous) 2023 to be considered at the Ordinary Meeting on 25 May 2023 as I am a member and also the President of the Maleny Show Society Incorporated.

In accordance with s150EK(1) of the *Local Government Act 2009*, Councillor W Johnston left the place at which the meeting was being held, including the area set aside for the public and stayed away while the matter was considered and voted on.

Council Resolution (OM23/46)

Moved: Councillor J Natoli
Seconded: Councillor C Dickson

That Council:

- (a) receive and note the report titled "***Making of Amendment Local Law No.1 (Miscellaneous) 2023 and Amendment Subordinate Local Law No.1 (Miscellaneous) 2023***"
- (b) resolve to make Amendment Local Law No. 1 (Miscellaneous) 2023 (Appendix A) as advertised
- (c) resolve to make Amendment Subordinate Local Law No. 1 (Miscellaneous) 2023 (Appendix B) with the following amendments:
 - (i) in section 19(2), substitute a revised Map 2.5.16 (Maleny Showground) Subordinate Local Law No. 2 (Animal Management) 2011. Schedule 5 (Exclusion of animals from specific places)



Sunshine Coast Regional Council

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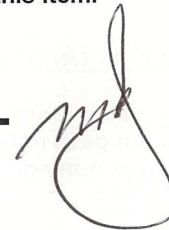
ORDINARY MEETING MINUTES

25 MAY 2023

- (ii) *in section 20(5), substitute a revised Map 2.6.29 (Maleny Showground) for insertion into Subordinate Local Law No. 2 (Animal Management) 2011. Schedule 6 (Dog off-leash areas) and*
- (iii) *in section 24(1), replace the words "Map SLL.5.3.1" with the words "the Birtinya Regulated Parking Area as delineated in Map SLL.5.3.1" in Subordinate Local Law No. 5 (Parking) 2011*
- (d) *note that there are no anti-competitive provisions in Amendment Local Law No. 1 (Miscellaneous) 2023 or Amendment Subordinate Local Law No. 1 (Miscellaneous) 2023 and*
- (e) *note that a review will be undertaken and reported to Council in 12 months to assess the impacts resulting from the proposed changes to the Maleny Showground Dog off-leash areas.*

Carried unanimously.

Councillor W Johnston was absent for the discussion and vote on this item.



ORDINARY MEETING MINUTES

25 MAY 2023

8.11 INTERNATIONAL RELATIONS AND TRADE POLICY

File No: Council Meetings
Author: Head of Investment, Trade and International
Economic & Community Development Group
Appendices: App A - International Relations and Trade Policy
Attachments: Att 1 - International Relations and Trade Policy - tracked
changes

Council Resolution (OM23/47)

Moved: Councillor J O'Pray
Seconded: Councillor T Landsberg

That Council:

- (a) receive and note the report titled "***International Relations and Trade Policy***"
- (b) adopt the *International Relations and Trade Policy* (Appendix A)
- (c) endorse the continuation of the following government to government relationships:
 - (i) the Sister City arrangement with the Tatebayashi Municipal Government for a further 5-year period with the intent to align the agreement in due course to a Friendship City arrangement
 - (ii) the Friendship City with the Xiamen Municipal Government for a further 5-year period
 - (iii) the Friendship City with Fenland District Council for a further 5-year period and
- (d) does not renew the Friendship City arrangement with the Mont Dore Municipal Government.

Carried unanimously.



ORDINARY MEETING MINUTES

25 MAY 2023

9 NOTIFIED MOTIONS

NIL

10 TABLING OF PETITIONS

NOTIFICATION OF INTEREST

In accordance with s150EL(3)(b)(i) of the *Local Government Act 2009* Councillor W Johnston gave notice of a Prescribed Conflict of Interest in relation to Item 10.3
Petition – To continue the use of the Dog off Leash Area Adjacent to Equestrian Arena at Maleny Showground.

*I, Councillor Winston Johnston, notify that I have a Prescribed Conflict of Interest in Item 10.3
Petition – To continue the use of the Dog off Leash Area Adjacent to Equestrian Arena at Maleny Showground to be considered at the Ordinary Meeting on 25 May 2023 as I am a member and also the President of the Maleny Show Society Incorporated.*

In accordance with s150EK(1) of the *Local Government Act 2009*, Councillor W Johnston left the place at which the meeting was being held, including the area set aside for the public and stayed away while the matter was considered and voted on.

10.3 PETITION – TO CONTINUE THE USE OF THE DOG OFF LEASH AREA
ADJACENT TO EQUESTRIAN ARENA AT MALENY SHOWGROUND

Council Resolution (OM23/48)

Moved: Councillor J Natoli
Seconded: Councillor M Suarez

That the petition tabled by Councillor J Natoli relating to Maleny Dog Owners Community's request that the area adjacent to the Equestrian Arena at the Maleny Showgrounds be allowed to continue being used as an off leash area be received and referred to the Chief Executive Officer to determine appropriate action.

For: Councillor M Jamieson, Councillor R Baberowski, Councillor T Landsberg, Councillor P Cox, Councillor J Natoli, Councillor C Dickson, Councillor E Hungerford, Councillor J O'Pray and Councillor M Suarez

Against: Councillor D Law.

Carried.

Councillor W Johnston was absent for the discussion and vote on this motion.

ORDINARY MEETING MINUTES

25 MAY 2023

10.1 PETITION - PRIORITY CROSSINGS FOR FAIRVIEW CLOSE AND
MCCALL PLACE, BLI BLI

Council Resolution (OM23/49)

Moved: Councillor M Suarez
Seconded: Councillor C Dickson

That the petition tabled by Councillor M Suarez relating to the request for priority crossings for Fairview Close and McCall Place, Bli Bli be received and referred to the Chief Executive Officer to determine appropriate action.

Carried unanimously.



ORDINARY MEETING MINUTES

25 MAY 2023

10.2 PETITION - COMPLIANCE ISSUES AT 62 FLEETWOOD RD, BELLI PARK

Council Resolution (OM23/50)

Moved: Councillor D Law
Seconded: Councillor W Johnston

That the petition tabled by Councillor Cr D Law relating to the request to stop the increasing number of living quarters being erected and remove all the current dwellings, storage containers, vehicles and persons on 62 Fleetwood Road, Belli Park be received and referred to the Chief Executive Officer to determine appropriate action.

Carried unanimously.




ORDINARY MEETING MINUTES

25 MAY 2023

11 CONFIDENTIAL SESSION

NIL



ORDINARY MEETING MINUTES

25 MAY 2023

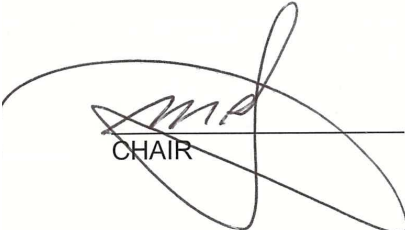
12 NEXT MEETING

The next Ordinary Meeting will be held on 22 June 2023 in the Sunshine Coast City Hall Chamber, 54 First Avenue, Maroochydore

13 MEETING CLOSURE

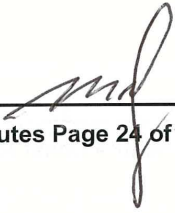
The meeting closed at 12:05pm.

Confirmed 22 June 2023.


CHAIR

14 APPENDICES

Sunshine Coast Regional Council


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Appendix A – Conditions of Approval

APPLICATION DETAILS

Application No: 1999/510068.01
Street Address: 325 & 367 Red Road Beerburum
Real Property Description: Lot 2 SP 135548 & Lot 684 CG 1102
Planning Scheme: Sunshine Coast Planning Scheme 2014 (16 May 2022)

APPROVAL DETAILS

Nature of Approval: Approval with conditions
Type of Approval:

- Development permit

CURRENCY PERIOD OF APPROVAL

Unless lawfully extended, the currency period for this development approval is 6 years for starting the day that this development approval first took effect (Refer to Section 85 "Lapsing of approval at end of currency period" of the *Planning Act 2016*).

INFRASTRUCTURE

Unless otherwise specified, all assessment manager conditions of this development approval relating to the provision of infrastructure are non-trunk infrastructure conditions for Chapter 4 of the *Planning Act 2016*.

ASSESSMENT MANAGER CONDITIONS

DEVELOPMENT PERMIT FOR MATERIAL CHANGE OF USE TO ESTABLISH INTENSIVE ANIMAL INDUSTRY (EXTENSION TO EXISTING POULTRY FARM)

PLANNING

When Conditions Must Be Complied With

1. Unless otherwise stated, all conditions of this Decision Notice must be complied with prior to the use commencing, and then compliance maintained at all times while the use continues.

Approved Plans

2. Development authorised by this approval must be undertaken generally in accordance with the Approved Plans listed within this Decision Notice.

Nature and Extent of Approved Use

3. The maximum floor area and shed dimensions of the proposed development must be generally in accordance with the approved plans.

**Item 8.1 Development Permit for an Other Change - Material Change of Use of
Premises to Extend an Existing Intensive Animal Industry (Poultry Farm),
Including an Environmentally Relevant Activity (Poultry Farming), Additional
Sheds and Driveway located at 325 & 367 Red Road BEERBURRUM**

Appendix A Conditions of Approval

4. A maximum of 452,640 poultry are permitted on the farm at any time.
5. A maximum of 45,264 birds are permitted in each shed at any time.

Building Height

6. The maximum building height of the development must not exceed 8.5m above natural ground level.
7. The roofs of the sheds must be coloured in a low reflective finish.

Amalgamation of Lots

8. Lot 2 SP 135548 & Lot 684 CG 1102 must be amalgamated prior to the commencement of the use.

ENGINEERING

Property Access and Driveways

9. A stabilised gravel access driveway must be provided from Red Road to all parking and manoeuvring areas of the development. The works must be undertaken in accordance with an operational works approval and, unless otherwise agreed with Council, must include in particular:
 - (a) a driveway crossover in accordance with RS-056 (rural type with no kerb).

On-site Parking

10. A minimum of 6 car parking spaces must be provided and marked on the site and made available and accessible at all times while the use is open for business. The works must be undertaken in accordance with an operational works approval and must include in particular:
 - (a) 1 parking spaces for people with disabilities must satisfy the current requirements of the *National Construction Code*.
 - (b) dimensions, crossfalls and gradients in accordance with *AS 2890 - Parking facilities*.
11. All on-site parking areas and access driveways must be maintained exclusively for vehicle parking and manoeuvring and kept in a tidy and safe condition at all times.

Service Vehicles

12. Service vehicle parking, manoeuvring and standing spaces must be provided on the site. The works must be undertaken in accordance with an operational works approval and AS 2890.2 - Off-street commercial vehicle facilities and must include in particular:
 - (a) a minimum 1 AV spaces (Type A).

Utility Services

13. Effluent disposal on site must be in accordance with a Plumbing Works application for a dwelling in a water catchment zone, in accordance with the requirements of the Seqwater Development Guidelines for Water Quality Management in Drinking Water Catchments 2017 and the conditions of this approval.

Earthworks and Retaining Walls

14. All fill and associated batters must be undertaken in accordance with an operational works approval and contained entirely within the subject site unless written permission from the respective landowner(s) is provided to Council.
15. All retaining walls must be designed and constructed in accordance with the planning scheme and must be certified by a Registered Professional Engineer of Queensland (RPEQ) where exceeding 1m in height.
16. Safety barriers must be implemented where steep slope or fall hazards exist naturally or are created by the design. The barrier type must be assessed and designed by a RPEQ as being appropriate for each location and the anticipated risks during construction, establishment, maintenance and end use, in accordance with the following criteria and standards:
 - (a) Where located on public roadways, vehicle barriers must be designed in accordance with *Austroads* and the *DTMR* design guidelines.
 - (b) Where located adjacent to vehicle manoeuvring areas, vehicle barriers must be designed in accordance with *AS 2890.1 – Off-street Parking*
 - (c) Where located near publicly accessible paths, pedestrian and cycle barriers must be designed in accordance with *Austroads Guide to Road Design – Part 6A Paths for Walking and Cycling*.
 - (d) Where located in areas with limited access, pedestrian barrier selection must be based on a suitable risk assessment method e.g. *AS 2156.2 Walking Tracks*.
 - (e) where located on residential boundary retaining walls greater than 1.0m high, a 'full infill' barrier (1.0m min height) or equivalent performance boundary fence (e.g. 1.8m high timber)
 - (f) All barriers must be certified to the appropriate load conditions from *AS 1170 - Structural Design Actions* by either the manufacturer or engineering calculations.

Easements

17. Unless otherwise agreed in writing by the relevant service provider, any public or third party infrastructure located on the subject site must be placed within an easement registered against the title of the property.
18. All easements must be designed in accordance with the planning scheme and granted at no cost to the Grantee. Where the Grantee is Council or a service authority, the easement documentation must be in accordance with the Grantee's standard easement terms. Draft easement documentation must be submitted to Council for endorsement.
19. All works must be kept clear of any existing or proposed easements on the subject land, unless agreed otherwise in writing by the Grantee.

HYDRALICS AND WATER QUALITY

Detailed Stormwater Management Plan

20. In conjunction with the first operational works development application associated with this development approval, a detailed stormwater management plan prepared in accordance with Council's Planning Scheme Policy for Development Works and Council's Flooding and Stormwater Management Guideline must be submitted and endorsed by Council's delegate. The detailed stormwater management plan must detail:

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- (a) stormwater drainage system designed in accordance with Council's Planning Scheme Policy for Development Works and Council's Flooding and Stormwater Management Guidelines.
- (b) Identify all the different catchments and catchment parameters.
- (c) Include all assumptions, calculations, modelling methodology etc. in the report
- (d) Include plans and sections of the detention system confirming the 5% AEP depth is less than or equal to 1.2m.
- (e) Provide water level comparison between pre and post development scenario on the immediate downstream (on the access track) of the site demonstrating non worsening
- (f) Include a drainage layout plan in the report
- (g) Submit all modelling files for review

Stormwater Drainage

21. The site must be provided with a stormwater drainage system connecting to a lawful point of discharge. The works must be undertaken in accordance with an operational works approval and must include in particular:
- (a) the works described in the detailed Stormwater Management Plan approved with the first operational works development application for the site
 - (b) collection and discharge of stormwater to a lawful point of discharge,
 - (c) extension of the site stormwater system to accommodate stormwater from existing external catchments (if any) to the site,
 - (d) cut off drains where necessary
 - (e) the use of gravity stormwater drainage and not surcharge pits.

Stormwater Quality Management

22. A stormwater quality treatment system must be provided for the development. The works must be undertaken in accordance with an operational works approval, and include stormwater quality treatment devices of a size and location generally in accordance with those in the Stormwater Management Plan listed in this development approval, with the exception of the following:
- (a) Identify all measures for the 'alternative management measures for stormwater quality improvement' adopted for the site on scaled plan.
23. All stormwater quality treatment devices must be maintained in accordance with Water by Design (2012), *Maintaining Vegetated Stormwater Assets* (Version 1). A copy of this document must be retained on the site together with the approved operational works drawings for the stormwater quality treatment system and a detailed life cycle costing of the system attached as an addendum. Records of all maintenance activities undertaken must be kept and made available to council upon request.

Stormwater Harvesting

24. Operating stormwater harvesting tanks must be provided for the development. The tanks must be provided in accordance with an Building Works and must include in particular
- (a) the details identified in section 3 of the Stormwater Management Plan listed in this development approval, with the exception of the following:
 - (i) include detail of the catchment, assumption, daily and annual water demand and calculations for sizing of the reuse/stormwater harvesting tank
 - (ii) determine appropriate size and identify the location on plan

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- (b) a catchment of 80% of the building roof area
- (c) reuse of harvested rainwater for internal non-potable uses and outdoor uses.

Flood Immunity

- 25. The minimum floor level of all buildings constructed on the site must be in accordance with the Approved Plans.

ENVIRONMENTAL HEALTH

Waste Management

- 26. Waste storage, removal and collection facilities must be provided in accordance with the Approved Plans and the following:
 - (a) provision of an adequate supply of bulk bins commensurate with the use
 - (b) waste collection by retrieval of the bins from the on-site storage area by service personnel in a safe, efficient and unobstructed manner
 - (c) provision of a communal hardstand impervious embayment* for the permanent storage location and service collection of all bulk bins with a smooth at-grade movement path between the storage area and the where the waste collection vehicle (WCV) stands (i.e. no steps, edging, ledges or the like) such that bins can be manually handled to the WCV for servicing
 - (d) maintain continued responsibility of the body corporate or an equivalent site management entity to present bulk bins at the collection embayment on waste collection day
 - (e) provision of a 1.8m high purpose built enclosure to the bin storage embayment which is screened from the street and adjoining properties by landscaping
 - (f) provision of a readily accessible wash-down area in the vicinity of the permanent bin storage embayment fitted with a hose-cock, bin roll over bund, and drain connected to the onsite wastewater treatment system that has a stormwater catchment area of no more than 1m²
- 27. Deceased poultry must be refrigerated or frozen under storage prior to removal from the site.
- 28. Deceased poultry must not be buried or composted on the site.

Acoustic Amenity

- 29. Acoustic measures and treatments must be incorporated into the development in accordance with the Acoustic Report listed within this development approval.
- 30. Where complaints (other than frivolous or vexatious complaints) are made to Council about noise from the approved use, Council may require the site management entity to:
 - (a) Submit a Noise Impact Assessment prepared by a qualified person* in accordance with the *Planning scheme policy for the nuisance code*, and/or
 - (b) Undertake further noise amelioration measures or operations, install volume limiting devices or barriers and/or shield or relocate mechanical plant and equipment and have such measures certified by a qualified person*.

*(Refer to Advisory Note)

31. Certification must be submitted to Council from a qualified person* that the development has been constructed in accordance with the Acoustic Report and Acoustic Amenity conditions of this development approval.

**(Refer to Advisory Note)*

Landscaping Buffering

32. A continuous landscape buffer* must be established and maintained along the entire road frontages within the subject lots to provide visual amenity buffering to the production sheds. The landscape buffer must be established in accordance with the following:
- (a) be one continuous rip line parallel to the fence. Offset from the fence to allow fence maintenance.
 - (b) ground to be treated to suppress weeds and grasses (i.e. herbicide, mulch)
 - (c) be planted with a mix trees species representative of the local regional ecosystem, or as agreed by council
 - (d) tree stock to be tube or 140mm pot, planted 5 meters apart
 - (e) maintained via weed control and watering until established
 - (f) allowed to grow to mature form and replaced if not performing or have reached life expectancy

**(Refer Advisory Note)*

33. Prior to commencement of use, the applicant to this application to provide certification and photographic evidence that landscape works have been completed in accordance with the above condition of approval.

Lighting Devices

34. Lighting associated with the use must be designed, sited, installed and tested to comply with Tables 3.2 & 3.3 for Zone A2 of AS 4282 - *Control of the obtrusive effects of outdoor lighting*.
35. Certification must be submitted to Council from a qualified person* that all lighting devices comply with the requirements of this development approval.

**(Refer to Advisory Note)*

Potable Water

36. The development must be provided with a safe and adequate potable water supply system having a capacity sufficient for the use*.

**(Refer to Advisory Note)*

Effluent Disposal

37. The development site must be provided with an on-site waste water treatment and effluent disposal system having a capacity sufficient for the use.
38. All wastewater generated on site must be treated to a minimum advanced secondary standard.
39. Evidence of a Plumbing Compliance Permit (where required) must be provided to Council (Development Services) prior to commencement of use.

Air Quality

40. The release of noxious or offensive odours or any other noxious or offensive airborne contaminants resulting from the use must not cause a nuisance at any nuisance sensitive or commercial place.

Environmental Performance

41. A complaints management procedure for the site must be prepared and submitted to Council prior to the issue of any Development Permit for Operational Works. The complaints management procedure must include the following:
- (a) a contact person with whom complaints can be lodged
 - (b) a clearly defined procedure for responding to, investigating and resolving complaints
 - (c) a notification protocol to all complainants of the outcome of complaint investigations.
 - (d) A record of all complaints and investigation results including corrective actions must be maintained and made available for inspection at any time upon request by Council.
42. Materials and equipment must be available on site to adequately contain and clean up spills of potentially polluting materials. An inventory of all clean up and containment materials and equipment, and documented emergency response and clean up procedures, must be kept on site.
43. Wet litter must be immediately removed from sheds and replaced with clean, dry litter material.
44. A minimum litter depth of 45 mm must be maintained at all times.
45. Litter must be completely replaced in each shed at the end of each batch.
46. No storage or stockpiling of poultry waste/litter is permitted on site.
47. Contaminants or contaminated water must not be directly or indirectly released to surface water or groundwater at or outside the site except for:
- (a) uncontaminated overland stormwater flow, or
 - (b) uncontaminated stormwater to the stormwater system.
48. All chemical packages and tank storages (including, but not limited to, oil or waste oil, paint, lacquers, thinners, adhesives, and cleaning solvents) must be banded in accordance with the following:
- (a) for tanks, the capacity of the band must be sufficient to contain at least one hundred and ten percent (110%) of the largest storage tank plus ten percent (10%) of the second largest tank within the band
 - (b) for package storages, the capacity of the band must be sufficient to contain at least one hundred percent (100%) of the largest container plus twenty-five percent (25%) of the total storage capacity
 - (c) all banding must be constructed of materials which are impervious to the materials stored.
49. From commencement of the approved use, a site based management plan (SBMP) must be implemented. The SBMP must identify all sources of environmental harm, including but not limited to the actual and potential release of all contaminants, and the potential impact of these sources and what actions will be taken to prevent the likelihood

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of environmental harm being caused. The SBMP must also provide for the review and continual improvement in the overall environmental performance of all activities that are carried out. The SBMP must address the following matters:

- (a) Environmental commitments - a commitment by senior management to achieve specified and relevant environmental goals
- (b) Identification of environmental issues and potential impacts
- (c) Control measures for routine operations to minimise likelihood of environmental harm
- (d) Contingency plans and emergency procedures for non-routine situations
- (e) Organisational structure and responsibility
- (f) Effective communication
- (g) Monitoring of contaminant releases
- (h) Conducting environmental impact assessments
- (i) Staff training
- (j) Record keeping.

REFERRAL AGENCIES

The referral agencies applicable to this application are:

Referral Status	Referral Agency and Address	Referral Trigger	Response
Concurrence	SARA At DSDILGP South East Qld (North) Regional Office PO Box 1129 Maroochydore Qld 4558 Mydas2 At (Https://Prod2.Dev-Assess.Qld.Gov.Au/Suite/) Email:Seqnorthsara@dsdmip.Qld.Gov.Au	Schedule 10, Part 5, Division 4, Table 1, Item 1 (Planning Regulation 2017) Material change of use of premises for an ERA (only if the ERA has not been devolved to a local government) Schedule 10, Part 9, Division 4, Subdivision 1, Table 1, Item 1 (Planning Regulation 2017) Infrastructure – State transport infrastructure	The agency provided its response on 16 March 2023 (SARA Ref 2211-31963 SRA). A copy of this response is attached and forms part of the approval.

DEVELOPMENT PLANS

The following development plans are Approved Plans for the development:

Approved Plans

Plan No.	Rev.	Plan Name	Date
53783/DTM/A	A	<i>Proposed Shed Locations</i> , prepared by Murray & Associates Surveyors and Town Planners	25/5/22
223312 P210	A	<i>Site Plan</i> , prepared by Covey Associates Pty Ltd	16/12/22
223312 P252	A	<i>Detailed Site Sections</i> , prepared by Covey Associates Pty Ltd	16/12/22

REFERENCED DOCUMENTS

The following documents are referenced in the assessment manager conditions:

Referenced Documents

Document No.	Rev.	Document Name	Date
Report No: 200058-B	B	Stormwater Management Plan, 325 Red Road, Beerburum, prepared by Covey Associates Pty Ltd	03/23
223312-P320-A	A	<i>Post Development Stormwater Management plan</i> prepared by Covey Associates Pty Ltd	15/03/2023
CT/CC/102211Rpt	A	<i>Technote: Functional Traffic Assessment</i> , prepared by Covey Associates Pty Ltd	21/12/22
22-141	R1-2	<i>Odour and Dust Assessment Report, prepared by Astute Environmental Consulting Pty Ltd</i>	26/9/22
2022281 R01E	R01 E	<i>Acoustic Report, prepared by Acoustic Works Pty Ltd</i>	8/02/2023

ADVISORY NOTES

The following notes are included for guidance and information purposes only and do not form part of the assessment manager conditions:

Infrastructure Charges

1. Infrastructure charges, determined in accordance with council's Infrastructure Charges Resolution, apply to this development approval based on the gross floor area identified on the approved plans. Any increase to the gross floor areas may require additional infrastructure charges. The Infrastructure Charges Notice, for council's proportion of the infrastructure charge, has been issued. Unitywater may issue an infrastructure charges notice for their proportion of the infrastructure charge.

Equitable Access and Facilities

2. The plans for the proposed building work have NOT been assessed for compliance with the requirements of the *National Construction Code - Building Code of Australia (Volume 1)* as they relate to people with disabilities. Your attention is also directed to the fact that in addition to the requirements of the National Construction Code as they relate to people with disabilities, one or more of the following may impact on the proposed building work:
 - (a) the *Disability Discrimination Act 1992 (Commonwealth)*
 - (b) the *Anti-Discrimination Act 1991 (Queensland)*
 - (c) the *Disability (Access to Premises – Buildings) Standards*.

Aboriginal Cultural Heritage Act 2003

3. There may be a requirement to establish a Cultural Heritage Management Plan and/or obtain approvals pursuant to the *Aboriginal Cultural Heritage Act 2003*.

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The ACH Act establishes a cultural heritage duty of care which provides that: *"A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage."* It is an offence to fail to comply with the duty of care. Substantial monetary penalties may apply to individuals or corporations breaching this duty of care. Injunctions may also be issued by the Land Court, and the Minister administering the Act can also issue stop orders for an activity that is harming or is likely to harm Aboriginal cultural heritage or the cultural heritage value of Aboriginal cultural heritage.

You should contact the Cultural Heritage Unit on 07 3247 6212 to discuss any obligations under the ACH Act.

Development Compliance Inspection

4. Prior to the commencement of the use, please contact council's Development Audit & Response unit to arrange a development compliance inspection.

Easements and Future Works over External Land

5. Should the conditions of this Decision Notice require easements or works to be undertaken over land external to the site, Council recommends that easement and works requirements are negotiated with the relevant land owner/s prior to advancing to detailed design stages of the development to avoid unexpected costs or delays. To discuss easement or works requirements over Council owned or controlled land, please liaise directly with Council's Property Management Branch and note that compensation may be payable.

Pre-Design Meeting Services

6. Council offers a free pre-design meeting service specifically for operational works applications. Applicants are encouraged to utilise this service prior to the submission of their operational works application to ensure that their application is not held up by avoidable design issues. It is anticipated that the pre-design meeting will ultimately assist in fast tracking the assessment of an operational works application once it is lodged with Council as a result of design and application issues being resolved or substantially resolved prior to the application being submitted. For more information on this service or to book a pre-design meeting please visit Council's website or contact (07) 5475 PLAN.

Building and Construction Industry (Portable Long Service Leave) Levy ("Qleave")

7. The QLeave levy must be paid prior to the issue of a Development Permit for Operational Works where required. Council will not be able to issue a development approval for operational works without receipt of details that the Levy has been paid. QLeave contact: 1800 803 491 (free call) or (07) 3212 6844.

Co-ordination of Operational Works

8. Additional application fees apply to operational work applications where the different aspects of the works are lodged separately. Significant savings in application fees will result if all works are lodged in a single application.

Unitywater - Water and Sewerage Services

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9. Where water and sewerage infrastructure is proposed to be constructed within an existing road reserve controlled by Council, a further consent approval for the alignment and extent of works will be required under Section 75 of the *Local Government Act 2009*. This consent must be obtained prior to any water and sewerage related works occurring within the road reserve. The consent request must be submitted in the approved form to Council's Infrastructure Services Department.
10. Where water and sewerage infrastructure is proposed to be constructed within an existing park or reserve controlled or owned by Council, consent approval from Council, as owner of the land, is required for the alignment and extent of works. This consent must be obtained prior to any water and sewerage related works occurring within the park or reserve. The consent request must be submitted in the approved form to Council's Land Management Unit.

Telecommunications

11. Requirements (with some exemptions in particular for non-urban areas) for supplying fibre-ready facilities are placed on developments under the *Telecommunications Act 1997*. Meeting the obligations of this Act is the responsibility of the developer, and this approval does not relieve the developer of any responsibility to meet provisions of this or other applicable Federal or State Act.

Preparation of a Preliminary Construction Management Plan

12. A preliminary construction management plan must be submitted with the Operational Works application and must address the following:
 - (a) traffic management during all aspects of the construction phase including:
 - (i) a traffic management control plan in accordance with the *Manual of Uniform Traffic Control Devices (MUTCD)* detailing all temporary signage and traffic control measures prior to construction.
 - (ii) maintenance of safe pedestrian access for the areas affected by the works during and after daily construction has ceased.
 - (iii) proposed fencing to the site during the construction phase of the development.
 - (iv) provision for worker car parking.
 - (b) maintenance and protection of water quality and existing drainage lines through the construction site, through the implementation of appropriate erosion and sediment control measures.
 - (c) works programme identifying key components of the works and their respective durations.
 - (d) establishment of a communication protocol with the general public, adjoining owners, emergency services and local businesses to advise of agreed construction times, impacts on traffic, services and other relevant issues.
 - (e) identification of complaint management procedures including:
 - (i) contact details for the on-site manager.
 - (ii) dispute resolution procedures.
 - (f) details on the location of external fill sites/sources, the haulage route, type of vehicle to be utilised during filling operations and frequency of usage. NOTE: any damage to the existing road system as a result of haulage operations shall be fully repaired at the applicant's expense.

It is acknowledged that the preliminary construction management plan will be a draft document requiring finalisation upon appointment of the principal contractor employed to construct the works and a final document will be required to be submitted at the pre-start meeting for the project.

Qualified Person

13. For the purpose of certifying acoustic matters or treatments for the development, a qualified person is considered to be either:
 - (a) a Registered Professional Engineer of Queensland (RPEQ);
 - (b) an environmental consultant with a minimum of three (3) years current experience in the field of acoustics.
14. For the purpose of certifying air quality report matters or treatments for the development, a qualified person is considered to be either:
 - (a) a Registered Professional Engineer of Queensland (RPEQ);
15. For the purpose of certifying lighting devices for the development, a qualified person is considered to be either:
 - (a) a Registered Professional Engineer of Queensland (RPEQ);
 - (b) an environmental or electrical design consultant with a minimum of three (3) years current experience in the field of outdoor lighting.

Noise – Fixed Plant and Equipment

16. For the building design and construction of the approved use, the direction of a qualified acoustic consultant will ensure the installation of fixed plant and equipment (eg air-conditioning condenser units, refrigeration plant and mechanical exhaust discharge) is suitably located and/or shielded to avoid nuisance being caused by any noise from the plant and equipment.

Landscape Buffer

17. Conditions of approval require a landscape buffer to be established at the sites frontage to enhance visual amenity. An operational works application and approval are not required for the landscape buffer.

On Site Effluent Treatment and Disposal – ERA 63

18. The establishment of a waste water treatment and disposal system for the site requires a compliance permit to be obtained from Council under the *Plumbing and Drainage Act 2002*. The system must be designed in accordance with the *Queensland Plumbing and Wastewater Code* (Department of State Development and Infrastructure & Planning, 2018) and AS1547 - On-site Domestic Wastewater Management. Where an effluent disposal system's design capacity exceeds twenty-one (21) or more Equivalent Persons, an Environmental Authority is required to be obtained from the Department & Environment & Science.

Environmental Harm

19. *The Environmental Protection Act 1994* requires that a person must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm. Contact Council or the Department of Environment & Science for further information with respect to *Environmental Protection Act 1994* requirements.

Environmentally Relevant Activities

20. The *Environmental Protection Act 1994* prescribes specific Environmentally Relevant Activities (ERA) that require a Development Approval and/or Environmental Authority in order to be carried out on land. The administration and enforcement responsibility for ERAs is divided between State and Local Government. It is unlawful for a person to carry out an ERA without an Environmental Authority granted by the Administering Authority. Contact Council or the Department of Environment & Science for further information on ERAs.

PROPERTY NOTES

Not applicable.

VARIATION APPROVAL

Not applicable.

FURTHER DEVELOPMENT PERMITS REQUIRED

- Development Permit for Operational Work (Access, Parking, Manoeuvring Earthworks, Stormwater and Environmental Performance)
- Development Permit for Building Works

SUBMISSIONS

There were 138 properly made submissions about the application. In accordance with the *Planning Act 2016*, the name, residential or business address, and electronic address of the principal submitter for each properly made submission is provided and attached.

INCONSISTENCY WITH EARLIER APPROVAL

Not applicable.

ENVIRONMENTAL AUTHORITY

Not applicable.

RIGHTS OF APPEAL

You are entitled to appeal against this decision. A copy of the relevant appeal provisions from the *Planning Act 2016* is attached.

OTHER DETAILS

If you wish to obtain more information about council's decision, please refer to the approval package for the application on Council's Development.i webpage at www.sunshinecoast.qld.gov.au, using the application number referenced herein.

Justification for not applying the Code of Competitive Conduct to certain prescribed business activities

Prescribed business activity	Corporate Plan & Policy linkage	Reasons for not applying the Code of Competitive Conduct
Aquatic Centres	The Sunshine Coast Aquatic Plan 2011 - 2026 is an important contributor to the Safe and Healthy Communities outcome of the Sunshine Coast Council Corporate Plan 2021-2025.	<p>Aquatic centres are provided by Council to achieve public benefit objectives. Aquatic centres generate health benefits, ranging across a reduction in the burden of disease, improved mental health outcomes, reduced absenteeism, and fewer childhood drownings.</p> <p>They also provide social benefits such as: enhancing an individual's leisure time or creating increased life satisfaction; by bringing people together; supporting more vulnerable groups; and supporting early learning.</p> <p>Entry prices are set to provide equitable access to the community. Learn to swim services are provided by the private sector.</p>
Caloundra Indoor Stadium	The Sunshine Coast Sport and Active Recreation Plan 2011-2026 is an important contributor to the Safe and Healthy Communities outcome of the Sunshine Coast Council Corporate Plan 2021-2025.	<p>Caloundra Indoor Stadium is provided by Council to achieve public benefit objectives. Providing equitable access to sport facilities and services contributes to the health and wellbeing, social cohesion and broadening of the regional economy of the Sunshine Coast.</p> <p>Encouraging and facilitating increased physical activity reduces health costs and increases productivity. There is a positive association between sport and social integration, cohesion and community development.</p> <p>Pricing for these facilities reflects these objectives.</p>
Caloundra Regional Gallery	<p>The Sunshine Coast Arts Plan 2018 - 2038 is an important contributor to outcomes of the Sunshine Coast Council Corporate Plan 2021-2025 including:</p> <ul style="list-style-type: none"> • A shared future that embraces culture, heritage and diversity; and • a creative identity that supports community, cohesiveness development and wellbeing 	<p>Caloundra Regional Gallery is provided by Council to achieve public benefit objectives. Caloundra Regional Gallery presents a changing exhibition program featuring leading local and national artists. Professional curators and education staff develop and deliver a range of exhibitions and public programs that explore the unique culture and character of the Sunshine Coast.</p>

Prescribed business activity	Corporate Plan & Policy linkage	Reasons for not applying the Code of Competitive Conduct
Cemeteries	<p>The Cemetery Plan 2019-2028 informs the delivery of Sunshine Coast Council's cemetery network. The Plan contributes to the Sunshine Coast Council Corporate Plan 2021-2025, Sunshine Coast Community Strategy 2019-2041, Environment and Liveability Strategy 2017 and South East Queensland Regional Plan 2017.</p>	<p>Cemetery services are mostly provided by local governments in the Queensland market. Private enterprise operating within the Sunshine Coast local government area provide options for ash interments and memorialisation but not burials.</p> <p>The majority of Council's cemeteries are located on State land entrusted to Council for the purpose of providing cemetery services including burials. Two cemeteries are owned as freehold.</p> <p>A proportion of the community continue to choose burials rather than cremation. This trend remains constant. Services would not meet the needs of the community if Council did not facilitate burials.</p> <p>Pricing for Council memorial services are set on a full cost recovery basis. Pricing for other services are set on a cost recovery basis, which does not take into account notional costs under the full-cost pricing provisions required by the code of competitive conduct. Pricing practices are a not a deterrent to new businesses entering the market.</p>
Festivals	<p>The Sunshine Coast Arts Plan 2018 - 2038 is an important contributor to outcomes of the Sunshine Coast Council Corporate Plan 2021-2025 including:</p> <ul style="list-style-type: none"> • A shared future that embraces culture, heritage and diversity; and • a creative identity that supports community, cohesiveness development and wellbeing 	<p>Council's festival events are provided by Council to achieve public benefit objectives and form an integral part of delivering on the goals of the Sunshine Coast Arts Plan which are:</p> <ul style="list-style-type: none"> • Local artists and artistic content is developed and celebrated. • Arts audiences and creative opportunities flourish through investment and development. • Dedicated networks of places and spaces for artists to connect, create and collaborate. • Art and creativity is embedded in the identity and experience of the Sunshine Coast. <p>The market for festival events is heavily influenced by time rather than territory. Other private sector festival organisers are not constrained from starting up or visiting the Sunshine Coast because Council's festivals are each conducted over a discrete period of time (over a number of days at most). Like most major events, the date for Council's festivals are also published well in advance and are held at approximately the same time each year, allowing private sector festival organisers to plan their own events at dates and times that coincide or do not conflict with those of Council.</p> <p>Council is providing a cultural and community service in the form of festivals for community and visitors of all ages and diversities – applying the code (particularly the pricing provisions) may</p>

Prescribed business activity	Corporate Plan & Policy linkage	Reasons for not applying the Code of Competitive Conduct
		<p>detrimmentally impact of the ability of all ages and diversities to attend and enjoy such cultural and community events.</p> <p>Private sector organisers of large-scale festivals would generally not be interested in delivering the type of cultural and community service festival events that are run by Council (namely, the Caloundra Music Festival and the Horizon Festival) as they include a number of non-profitable outcomes - it is therefore arguable that the festivals do not directly compete with the type of events that would normally be conducted by the private sector.</p> <p>Council is providing festivals, some of which are free or below cost of delivery. This pricing has been established to reflect social objectives, such as enabling a diverse range of ages and diversities to attend, promoting local talent, generating economic activity and encouraging tourism; and</p> <p>Community based events attract a strong community involvement in the form of a large volunteer base. Similarly, other groups, such as school groups and not-for-profit organisations rely upon festivals for unique fundraising opportunities.</p>
Multisports Complexes & Showgrounds	The Sunshine Coast Sport and Active Recreation Plan 2011-2026 is an important contributor to the Safe and Healthy Communities outcome of the Sunshine Coast Council Corporate Plan 2021-2025.	<p>Multisports Complexes & Showgrounds are provided by Council to achieve public benefit objectives.</p> <p>Providing equitable access to these facilities and services contributes to the health and wellbeing, social cohesion and broadening of the regional economy of the Sunshine Coast.</p> <p>Encouraging and facilitating increased physical activity reduces health costs and increases productivity. There is a positive association between sport and social integration, cohesion and community development.</p> <p>Multisports Complexes and Showgrounds are utilised by a diverse range of community and sporting groups that provide social benefits such as: enhancing an individual's leisure time or creating increased life satisfaction; by bringing people together.</p> <p>Pricing for these facilities reflects these objectives.</p>
Off-street Parking	The Sunshine Coast Council Parking Management Plan is guided by a range of strategic and legislative documents including: <ul style="list-style-type: none"> Sunshine Coast Council Corporate Plan 2021-2025 	<p>While some private sector parking providers may provide off-street parking, they are at different locations (not proximate to those of Council), provided for different purposes and/or provided for free.</p> <p>The market for parking services is heavily influenced by location (the market can generally</p>

Prescribed business activity	Corporate Plan & Policy linkage	Reasons for not applying the Code of Competitive Conduct
	<ul style="list-style-type: none"> Sunshine Coast Sustainable Transport Strategy 2011-2031 Sunshine Coast Smart City Framework Sunshine Coast Planning Scheme 2014. 	<p>be narrowly defined as the region in which the car park is located and the distance that people are willing to walk from their car to their destination). If there are no private off-street parking facilities within close proximity (e.g. within reasonable walking distance) to Council's parking facilities, it is arguable that private sector competition is currently low;</p> <p>Council provides off-street parking to achieve the objectives of the Local Area Parking Plans;</p> <p>Council is providing services traditionally provided by a Local Government;</p> <p>If Council did not provide these services, there would be a clear gap in supply leading to negative outcomes such as traffic congestion in major precincts; and</p> <p>Prices charged by Council are benchmarked against private sector providers, so that no price advantage that exists due to government ownership.</p>
Retail Electricity and Sunshine Coast Solar Farm	<p>The Retail Electricity Strategy incorporating Sunshine Coast Solar Farm ensures affordable and reliable electricity supplies to Council operations which is essential to achieving the outcomes of the Sunshine Coast Council Corporate Plan 2021-2025.</p> <p>The Retail Electricity Strategy supports the policy positions on energy contained in Council's Environment and Liveability Strategy including: <i>"Renewable energy usage is maximised and underpins a transition to a clean energy future."</i></p>	<p>The Sunshine Coast Solar Farm is a cost replacement project being a mechanism to replace a portion of pre-existing committed electricity spend by offsetting Council's own electricity usage against the electricity generated by the Solar Farm.</p> <p>Excess generation is sold into, or any electricity requirement is purchased from, the wholesale electricity market as required.</p> <p>Council is not able to influence price setting and will take:</p> <ul style="list-style-type: none"> the Queensland spot price for electricity generated the market price for large-scale generation certificates.
Sunshine Coast International Broadband Cable Network	The Sunshine Coast International Broadband Cable Network project contributes to Sunshine Coast Council's Regional Economic Development Strategy which provides a 20-year vision and blueprint for sustainable economic growth.	<p>The Sunshine Coast International Broadband Cable Network project helps to stimulate local business, generate new investment and improve telecommunications diversity to Australia's east coast. The cable will help to future proof the Sunshine Coast telecommunications capacity and increase our smart city capability, ensuring access to important data networks.</p> <p>The Sunshine Coast provides the fastest international connection point from Queensland and east Australia to Asia, a significant step-</p>

Prescribed business activity	Corporate Plan & Policy linkage	Reasons for not applying the Code of Competitive Conduct
		<p>change in the Sunshine Coast's attractiveness as an investment location and a key deliverable under Council's Regional Economic Development Strategy.</p> <p>RTI Connectivity Pty Ltd control pricing and access to the network. As such the International Broadband Submarine Cable Network is not a business activity of Council.</p> <p>In December 2021 Council sold the cable landing station facility to data centre provider NextDC.</p>
Sunshine Coast Stadium and Kawana Sports Precinct	The Sunshine Coast Sport and Active Recreation Plan 2011-2026 is an important contributor to the Safe and Healthy Communities outcome of the Sunshine Coast Council Corporate Plan 2021-2025.	<p>Providing equitable access to sport facilities and services contributes to the health and wellbeing, social cohesion and broadening of the regional economy of the Sunshine Coast.</p> <p>Encouraging and facilitating increased physical activity reduces health costs and increases productivity.</p> <p>As a regional facility Sunshine Coast Stadium serves the regional and national event markets. Elsewhere in Queensland these markets primarily utilise Queensland Government owned facilities.</p> <p>Pricing for these facilities to community-based groups reflects these objectives and does not take into account notional costs under the full-cost pricing provisions required by the code of competitive conduct. Pricing for commercial hire, are benchmarked against industry prices, thus avoiding any pricing advantage from government ownership.</p>
Venue 114 & Community Spaces	<p>The Sunshine Coast Arts Plan 2018 - 2038 is an important contributor to outcomes of the Sunshine Coast Council Corporate Plan 2021-2025 including:</p> <ul style="list-style-type: none"> A shared future that embraces culture, heritage and diversity; and a creative identity that supports community, cohesiveness development and wellbeing 	<p>Venues and community spaces are provided by Council to achieve public benefit objectives. Providing a range of facilities and venues enables the community to access and enjoy arts, entertainment and environmental activities. This contributes to the health and wellbeing, social cohesion and regional economy of the Sunshine Coast. Pricing for these facilities reflects these objectives. Pricing for commercial hire, are benchmarked against industry prices, thus avoiding any pricing advantage from government ownership.</p>



Strategic policy

2023/24 Procurement Policy

Corporate Plan reference	Our Outstanding Organisation
Endorsed by Chief Executive Officer	
Manager responsible for policy	Manager Business & Innovation, Business Performance

Policy statement

This Procurement Policy will outline the principles as well as the procurement and disposal framework that Council will adopt and apply when conducting Contracting Activities, which include contracts for goods and services (including works) and the disposal of assets.

Council adopts the *LGR 2012*, Chapter 6 Contracting, Part 2 Strategic Contracting Procedures for entering into contracts for the:

- a) supply of goods and services (including carrying out work); and
- b) disposal of non-current assets (other than land).

Council will comply with these procedures when conducting Contracting Activities, other than those applying to disposal of land or an interest in land.

Council will deal with the disposal of land under the *LGR 2012*, Chapter 6 Contracting, Part 3 Default Contracting Procedures.

Requirements of Strategic Contracting Procedures

The Strategic Contracting Procedures, comprise of:

- a) Contract Manual;
- b) Contracting Plan and associated guidelines, which include:
 - Local Preference in Procurement Guideline;
 - Social Benefit Procurement Guideline;
 - First Nations Procurement Guideline; and
 - Innovation and Market-Led Engagement Guideline; and
 - Environment and Sustainability in Procurement Guideline.
- c) Significant Contracting Plan/s.

Policy scope

This policy applies to all Council employees (including contingent workers and volunteers) and relates to anyone who undertakes any part of a Contracting Activity on behalf of Council.

Principles

Council will ensure it is financially sustainable by establishing a financial management system that ensures regard is had for the Sound Contracting Principles when contracting for the supply of goods or services (including carrying out of works) and the disposal of assets.

Council will continue to apply the Sound Contracting Principles throughout the financial year along with other adopted principles in relation to Contracting Activities.

Sound Contracting Principles

The Sound Contracting Principles are:

- a) value for money; and
- b) open and effective competition; and
- c) the development of competitive local business and industry; and
- d) environmental protection; and
- e) ethical behaviour and fair dealing.

Regard will be had for each principle, although each principle may not receive equal consideration.

Policy details

This policy details how Council will conduct Procurement Activities. Procurement Activities will occur in the following manner:

Table 1: Procurement Contract thresholds

Contract Threshold	Procurement Routes
\$5,000,000 and greater OR High Risk/Complex Contracts	<ul style="list-style-type: none">• A Significant Contracting Plan is required for any Contract that is:<ul style="list-style-type: none">◦ expected to reach the Contract Threshold; or◦ of a high risk; or◦ of a complex nature. <p>A Significant Contracting Plan must be made before the Contract starts. Each Significant Contracting Plan will identify the chosen procurement strategy.</p> <p>All Significant Contracting Plans must be approved in accordance with Council's Contracting Plan and may only be modified by resolution of Council.</p>
\$500,000 up to \$5,000,000	<ul style="list-style-type: none">• Expression of Interest (EOI)• Invite Tenders• Available Exception
\$50,000 up to \$500,000	<ul style="list-style-type: none">• EOI• Invite Tenders• Request for Quote issued to at least three (3) suitably capable suppliers• Available Exception
Up to \$50,000	<ul style="list-style-type: none">• Request for Quote issued to at least one (1) suitably capable supplier

Exceptions relating to Procurement Processes

Council has created alternative procurement routes to the primary procurement routes (of EOI, Tender and Request for Quote) by establishing the following Exceptions:

Exception	Process for establishing and/or exercising an Exception
Supplier Arrangements	<p>Council can create Supplier Arrangements to undertake procurement processes to form contracts for goods, services (including the carrying out of works) that are required frequently, in high volume or where it is important to understand the capability of the Suppliers.</p> <p>Council will maintain an open and transparent process for creating, managing, refreshing, and finalising Supplier Arrangements. Public Tender will be used to create a Supplier Arrangement, however an RFQ may be used to manage or refresh an existing Supplier Arrangement.</p> <p>The Supplier Arrangement may be priced or non-priced.</p> <p>Utilising Supplier Arrangement with price provided</p> <p>Council will invite the highest ranked Supplier on the Supplier Arrangement to provide the goods, services and/or works. Where the highest ranked does not or cannot provide the goods, services and/or works, the next highest ranked Supplier may be engaged, and so on, until a Supplier is engaged.</p> <p>Utilising Supplier Arrangement without price provided</p> <p>Council will undertake a Request for Quote from any Supplier Arrangement where price is not provided, having regard to the thresholds outlined in Table 2: Procurement Contract value and related procurement routes to market above.</p> <p>Note: In exceptional circumstances, a contract valued over \$50,000 may be formed following a Request for Quote process with just one Supplier on a Supplier Arrangement. Please contact the Coordinator Procurement and Contract Performance prior to entering into a contract if this exception is required.</p>
Governmental Contracts and Arrangements	<p>The Contract is made with, or under an arrangement with, another Government, including Local, State or Commonwealth, and includes any Government Entity or Agency and Utility Providers.</p> <p>This exception is intended to include Local Government Association Arrangements and Utility Providers including water, electricity, gas and telecommunications.</p> <p>Note: In exceptional circumstances, a contract valued over \$50,000 may be formed following a Request for Quote process with just one Supplier on an Arrangement. Please contact the Coordinator Procurement and Contract Performance prior to entering into a contract if this exception is required.</p>
Genuine Emergency	<p>A genuine emergency exists.</p> <p>If the money spent in response to the genuine emergency is not provided for in the annual budget, Council must make a resolution about spending the money either before, or as soon as practicable after, the money is spent.</p>
Innovation and Market-Led Engagement Guideline	<p>Council has adopted an Innovation and Market-Led Engagement Guideline to identify the circumstances and processes for engaging with Suppliers who provide goods, services and/or works that fall within the contemplation of the Guideline.</p>
General Exceptions	<p>A General Exception may be used to form a contract when a standard Procurement Process or other Exception is not available or appropriate under the circumstances. This may include activities previously identified as Exceptions, including:</p> <p>Sole or Specialised Supplier/s</p> <p>Council determines that:</p> <ul style="list-style-type: none"> there is only one supplier who is reasonably available; or because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for Council to invite quotes or tenders.

	<p>Auction Purchase</p> <p>The Contract is for the purchase of goods and is made by auction.</p> <p>Second-hand Goods</p> <p>The Contract is for the purchase of second-hand goods.</p> <p>Tender/Quote Consideration Plan/s</p> <p>If a Tender/Quote Consideration Plan has been approved or adopted, then Council may form a Contract from that Plan as contemplated by that Plan.</p> <p>A Procurement Plan must be developed prior to contract award for Procurement Activities involving a General Exception. A Procurement Plan for a General Exception must also explain the reasoning for using this Exception, including why a standard Procurement Process/es or other Exception/s were not available.</p> <p>A General Exception may be approved by the Manager, Business & Innovation and the Group Executive from the Group where the contract will be managed and administered, or with the sole approval of the CEO.</p>
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NOTE: Use of any of the aforementioned exceptions is limited to those with the delegated authority to conduct Contracting Activities, and within authorised expenditure limits.

Application to Disposal Processes

Council will conduct Disposal Contracting Activities having regard to the adopted Thresholds for Valuable Non-Current Assets.

Thresholds for Valuable Non-Current Assets (VNCA)

The LGR 2012 provides that a VNCA is:

- land; or
- another non-current asset that has an apparent value that is equal to or more than a limit set by Council.

Council sets the value for VNCAs, other than land for the following amounts:

- for plant or equipment - \$5,000;
- for another type of non-current asset - \$10,000.

For clarity, items with an estimated value greater than or equal to the above values are VNCAs. Those items with an estimated value below the values above are considered Surplus Assets.

Table 3: Disposal Contract thresholds

Contract Value	Disposal Routes
Plant, Equipment and any other VNCA worth more than \$5,000 (other than land)	<ul style="list-style-type: none"> • Public Tender • EOI • Available Exception
Surplus Assets worth less than \$10,000	<ul style="list-style-type: none"> • EOI • Public Tender • Public Auction • Recycle • Waste/dumping • Trade in • Donating to Government Agency or Community Organisation

Council will consider and apply the most appropriate disposal process to realise the best value for Council from the disposal.

Requirement for the Disposal of Land and Exceptions

Council will continue to dispose of land, or any interest in land in a manner consistent with the *LGR 2012*, Chapter 6 Contracting, Part 3 Default Contracting Procedures. These procedures require that, unless an exception applies, Council will dispose of land, or an interest in land by:

- EOI
- Tender
- Auction

There are a number of exceptions detailed in the LGR which may be exercised instead of undertaking an EOI, Tender or Auction and these are detailed in section 236(1). Exercise of the exceptions is subject to the following qualifications:

- a) For exceptions mentioned in subsections 236(1)(a) to (e), before the disposal, Council decides by resolution that the exception may apply to that particular disposal.
- b) For exceptions relating to disposal of land or an interest in land, the consideration for the disposal would be equal to, or more than, the market value of the land or the interest in land including the market value of any improvements. A written report about the market value from a valuer registered under the *Valuers Registration Act 1992* (not an employee of Council) will be sufficient evidence of the market value.
- c) Point (b) immediately above does not apply to disposal of land or an interest in land which is disposed of under sections 236(1)(b), (1)(c)(ii) or (1)(f).

Applying the Sound Contracting Principles in Procurement and Disposal Processes

Council will apply, and have regard for, the Sound Contracting Principles in the following manner:

Value for money

The concept of value for money is not restricted to the price of the goods, services or works.

Council will consider a number of factors when assessing value for money, including:

- a) whole-of-life costs including acquisition, use, maintenance and disposal costs;
- b) contribution to the achievement of Council's policies and priorities;
- c) fitness for purpose, quality, service and support;
- d) internal administration costs;
- e) technical compliance costs;
- f) risk exposure; and
- g) the value of any associated environmental benefits.

Open and effective competition

Contracting Activities will be conducted by Council using an open and competitive process unless a specific exception applies. Open and effective competition will be achieved by ensuring that:

- a) procedures and processes for contracting are visible to Council, suppliers and the community;
- b) prospective suppliers are given fair and reasonable consideration; and
- c) evaluation of offers is undertaken pursuant to the legislation, procedures and evaluation criteria applicable to the Contracting Activity.

The development of competitive local business and industry

Council encourages the development of competitive local businesses and will endeavour to promote and support competitive local industry while conducting Contracting Activities.

In addition to standard evaluation criteria, Council may also consider the following factors when conducting Contracting Activities:

- a) creation of local employment opportunities;
- b) economic growth within the local area including economic growth that aligns with the implementation of the *Regional Economic Development Strategy 2013-2033*;
- c) readily available servicing support and supply chain capability; and
- d) the benefit to Council of contracting with local suppliers and the associated local commercial transactions that flow from these engagements.

Environmental protection

Council will seek to complement its broader environmental commitments and initiatives when conducting Contracting Activities. While conducting those activities, Council will have regard to the *Environment and Liveability Strategy 2017*, the *Organisational Zero-net Emissions Plan 2022* and a range of environment and sustainability factors including:

- a) the environmental and sustainability benefits and impacts for the whole lifecycle of products and services including manufacture, supply, use, maintenance and disposal;
- b) procurement of environmentally responsible goods, services and assets;
- c) goods and services that minimise resources and have reduced environmental impacts throughout their lifecycle, including:
 - reduced toxicity;
 - reduced packaging;
 - reducing waste to landfill;
 - greater energy efficiency and/or reduced carbon emissions,
 - greater water efficiency and/or reduced water use;
- d) use of products made from recycled materials, recycled green organics and/or recycled plastic products;
- e) provide an example to business, industry and the community in promoting the use of environmentally responsible goods and services; and
- f) pursuing, leading and building a circular economy.

Ethical behaviour and fair dealing

Council will conduct Contracting Activities with impartiality, fairness, independence, openness, and integrity to ensure probity, transparency and accountability for the outcomes. Council will promote ethical behaviour and fair dealing by:

- a) ensuring legislative and policy compliance in Contracting Activities;
- b) ensuring compliance with Employee and Councillor Codes of Conduct;
- c) creating and maintaining a robust and effective procurement process that operates in a mature probity environment;
- d) identifying and managing possible, real or perceived conflicts of interest between Council, Council Officers, Councillors and prospective or existing contractors;
- e) Ensuring equal and impartial treatment of all prospective and existing suppliers.

Other obligations

Outlined below is a series of further obligations that must be met or maintained. They are:

Powers to delegate (*LGA 2009*, ss 257, 259 & *LGR 2012*, s 238)

Council may delegate by resolution, a power under the *LGA 2009* or another Act to the Chief Executive Officer (CEO). Any delegation to the CEO will be reviewed annually. The Council must not delegate a power that an Act states must be exercised by resolution. Council may delegate a power with conditions.

Council has delegated powers to the CEO relating to Contracting Activities. The CEO has in turn delegated these powers onto appropriately qualified Council Officers. These delegations are recorded in the delegations register maintained by the CEO.

Persons engaged by Council in Contracts for Service (e.g. consultants, project managers and labour hire organisations) are not permitted to commence a Contracting Activity or award a Contract on behalf of Council unless they have been formally given an Instrument of Delegation as available in the Delegation No. 2 approved by the Chief Executive Officer and relevant Group Executive.

For clarity, some persons engaged in Contracts for Service that are considered Contingent Workers may participate in or manage the Contracting Activity through its various phases and provide, for example, technical advice during the evaluation of Tenders. However, they are not permitted to undertake any action or make any decision that results in them commencing a Procurement Process or forming a Contract on behalf of Council, or expending, or agreeing to expend money on behalf of Council unless a Instrument of Delegation has been provided for in the Delegation No. 2, approved by the Chief Executive Officer and relevant Group Executive.

Requirement to keep record of particular matters (*LGR 2012, s 164*)

Council will keep a written record stating the risks Council's operations are exposed to, to the extent they are relevant to financial management and the control measures adopted to manage the risks. Council will keep a copy of the Procurement Policy with that record.

Unauthorised spending (*LGR 2012, s 173*)

Council will only spend money in a financial year if it is adopted in the budget for the financial year; or before adopting its budget for the financial year, if it then provides for the spending in the budget for that financial year.

Council may spend money, not authorised in its budget, for genuine emergency or hardship. In this instance Council must make a resolution about spending the money; either before, or as soon as practicable after, the money is spent. The resolution will state how the spending is to be funded.

Other contents - Annual Report – changes to tenders (*LGR 2012, s 190*)

Council will include the number of invitations to change tenders under the *LGR 2012*, Section 228(7) during that financial year in its annual report for the financial year.

Procurement Policy – annual review (*LGR 2012, s 198*)

Council will prepare and adopt a Procurement Policy that will be reviewed annually. The Procurement Policy will include details of the principles, including the Sound Contracting Principles that Council will apply to purchasing goods and services and undertaking disposal activities.

Public access to relevant financial and planning documents (*LGR 2012, s 199*)

Council will allow the public to inspect this Procurement Policy by making it available:

- a) on its website <http://www.sunshinecoast.qld.gov.au>; and
- b) at Council's public offices.

Council will also make a copy of the Procurement Policy available for purchase at a cost of no more than it costs Council to make it available.

Publishing details of contractual arrangements worth \$200,000 or more (*LGR 2012, s 237*)

Council will, as soon as practicable after entering into a contractual arrangement worth \$200,000 or more (GST exclusive), publish the relevant details of the contractual arrangement:

- a) on its website <http://www.sunshinecoast.qld.gov.au>; and
- b) in a conspicuous place in a public office.

Relevant details of a Contract means:

- a) the person with whom Council has entered into the contractual arrangement;

- b) the value of the contractual arrangement; and
- c) the purpose of the contractual arrangement.

For the purposes of this section a reference to Contractual Arrangement means a single Contract.

Councillor requests for information

The *LGA 2009* provides the circumstances under which Councillors may request information or assistance from Local Government Employees. A framework for this process has been established by the Councillors Acceptable Request Guidelines. This guideline outlines the processes for Councillors requesting, and Local Government Employees providing, information.

Councillors and Local Government Employees should comply with the legislation, the relevant Guideline and the respective Codes of Conduct when dealing with matters relating to Contracting Activities.

Councillors should direct any issues regarding Contracting Activities to the CEO. They should not attempt to influence any Contracting Activity. Attempts to do so may constitute a breach of legislation and/or the Councillor Code of Conduct. Further, attempts may cause the favoured industry participant to be disqualified from consideration under Council's probity conditions established under its procurement process and general conditions of offer.

Prohibition on splitting of Orders or Contracting Activities

Splitting orders or splitting Contracting Activities to attempt to avoid thresholds is not permitted.

Measurements of success

Success of this Procurement Policy will be measured by:

- Monthly and yearly dollar value of procurement spend and percentage of available procurement spend with **Local suppliers** compared with non-local suppliers;
- Monthly and yearly dollar value of procurement spend and percentage of available procurement spend with **First Nation suppliers**, and consideration of sub-contracting and employment opportunities;
- Monthly and yearly dollar value of procurement spend and percentage of available procurement spend with **Social Benefit suppliers**, and consideration of sub-contracting and employment opportunities;
- Number and percentage of Contracting Activities with an **Environmental and Sustainability** criterion;
- Number and percentage of Contracting Activities with a **Work health and safety** criterion;
- Identify and review each invitation to change tenders under *LGR 2012*, s 228 (7) during the financial year.

Definitions

The following definitions apply to this policy and any associated document:

Community Organisation means:

- a) an entity that carries on activities for a public purpose; or
- b) another entity whose primary object is not directed at making a profit.

Contract means a contract (including purchase orders and purchase card transactions) for:

- a) the supply of goods or services; or
- b) the carrying out of work; or
- c) the disposal of non-current assets.

In this policy, this term does not include a contract of employment between Council and a Local Government Employee (as defined in the *LGA 2009*).

Contracting Activity means Procurement Processes and/or Disposal Processes.

Contract Manual means the Contract Manual prepared and adopted by Council for the financial year, as required under the provisions of the *LGR 2012*, s 222.

Contracting Plan means the Contracting Plan prepared and adopted by Council for the financial year, as required under the provisions of the *LGR 2012*, s 220.

Contract for Service means a contract to which an independent contractor is a party and that relates to the performance of work by the independent contractor.

Council Employee means the CEO, senior contract employees, contract employees, award employees, casual employees, part-time employees, contractors, contingent workers, agency casual and volunteers.

Council Officer means a Local Government Employee (as that term is defined in the *LGA 2009*) of the Sunshine Coast Regional Council, but does not include a person engaged on a Contract for Service for a defined time or designated project.

Disposal Contract means a Contract for the disposal of Valuable Non-Current Assets and/or Surplus Assets.

Disposal Process means the process Council must undertake to enable it to enter into a Contract for the disposal of an asset, including Valuable Non-Current Assets, Surplus Assets and land, including an interest in land.

EOI means an Expression of Interest.

Expression of Interest means an Expression of Interest process conducted by the Council.

Government Agency is:

- a) the State, a government entity, a corporatised business entity or another local government; or
- b) another Australian government or an entity of another Australian government; or
- c) a local government of another State.

Invitation to Tender means a document released to the public titled "Invitation to Tender".

LGA Arrangement means an arrangement established by Peak Services and/or Local Buy Pty Ltd, LGAQ Ltd or other entity of which LGAQ ILtd is the only shareholder.

Procurement Contract means a Contract to purchase goods and/or for the provision of services or works.

Procurement Process means the process Council must undertake to enable it to enter into a contract for the purchase of goods, the supply of services and/or the undertaking of works.

Prospective Respondent means a person or entity that has requested or received an Invitation to Tender or Request for Quote but has not submitted a Tender Response Form or Request for Quote Response Form.

Quote means a quote or quotes (including Alternative Quotes) submitted by Respondents in response to a Request for Quote.

Respondent/s means a person or entity that has submitted an offer in response to an Invitation to Tender or Request for Quote.

Request for Quote/s means a document released by Council to Prospective Respondents titled "Request for Quote".

Request for Quote Response Form means the response form set out in the Request for Quote.

Significant Contracting Plan means a Significant Contracting Plan prepared in accordance with Council's Contracting Plan as required under provisions of the *LGR 2012*, s 221.

Sound Contracting Principles means the principles provided in the *LGA 2009*, s 104.

Supplier Arrangement means a list of suppliers established by Council or other appropriate entity to facilitate the procurement of goods or services required frequently, in high volume and/or where the capability of the suppliers has been determined.

Surplus Asset means an asset that is plant or equipment or another type of non-current asset that does not reach the value threshold of a Valuable Non-Current Asset as prescribed by Council in this policy.

Tender/s means a tender or tenders (including Alternative Tenders) submitted by Respondents in response to the Invitation to Tender.

Tender Response Form means the response form set out in the Invitation to Tender.

Valuable Non-Current Asset means land or another non-current asset that has a value equal to or more than the value threshold of a Valuable Non-Current Asset as prescribed in this policy.

Policy commitment

Council Employees (including contingent workers and volunteers) and Councillors covered in the scope of this policy consistently demonstrate and uphold the intent, objectives and principles of this policy. Nothing in this policy requires or authorises an employee of Council or Councillor to act in any way that is contrary to law. Any instances of non-compliance will be managed in accordance with any relevant codes of conduct, policies and legislation dealing with conduct and/or disciplinary action.

Related legislation, policies, strategies and documents

All individuals engaged in dealings within the scope of this policy are required to fulfil the ethical and behavioural obligations as defined in legislation. In the event of an inconsistency between any provision of this policy and any provision of the following related legislation, policies, strategies and documents, the provisions of the related legislation, policies, strategies and documents shall prevail, unless the CEO or Council expressly waive a provision of this policy by prior agreement.

- *Public Sector Ethics Act 1994 (Qld)*
- *Local Government Act 2009 (Qld)*
- *Local Government Regulation 2012 (Qld)*
- *Statutory Bodies Financial Arrangements Act 1982 (Qld)*
- *Public Sector Ethics Act 1994 (Qld)*
- *Disaster Management Act 2003 (Qld)*
- 2023/24 Contract Manual
- 2023/24 Contracting Plan
- Local Preference in Procurement Guideline
- Social Benefit Procurement Guideline
- First Nations Procurement Guideline
- Innovation and Market-Led Engagement Guideline
- Environment and Sustainability in Procurement Guideline
- Significant Contracting Plan/s
- Sunshine Coast Council's Corporate Plan 2023-2027
- SCC Environment and Liveability Strategy 2017
- Organisational Zero-net Emissions Plan 2022
- Regional Economic Development Strategy 2013-2033
- Community Strategy 2019-2041
- Reconciliation Action Plan 2021-2022
- Employee Code of Conduct
- Code of Conduct for Councillors
- Councillors Acceptable Request Guidelines
- Council's current delegations
- Purchase Cards Guideline



Organisational Guideline

2023/24 Contract Manual

Corporate Plan reference	An Outstanding Organisation	
Endorsed by Chief Executive Officer	<Insert signature>	<Insert date>
Manager responsible for policy	Manager Business & Innovation, Business Performance	

Introduction

Council adopts the Strategic Contracting Procedures to its Contracting Activities in accordance with Part 2, Schedule 6 of the *Local Government Regulation 2012*.

Contracting Activities are the processes by which Council forms contracts with suppliers for the provision of goods, services, and works, and through which it disposes of valuable non-current assets or surplus assets.

The Procurement Policy, Contracting Plan and this Contract Manual, provide the framework for Contracting Activities.

The purpose of this Manual is to outline how Council will carry out Contracting Activities:

- (a) In an effective and efficient framework that delivers sound contracting outcomes;
- (b) In a manner that complies with the Procurement Policy; and
- (c) In accordance with all applicable laws including the *Local Government Act 2009* (Qld) (LGA 2009) and the *Local Government Regulation 2012* (Qld) (LGR 2012);

This Manual applies to Council employees (including contingent workers and volunteers) and relates to anyone who undertakes any part of a Contracting Activity on behalf of Council.

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1 Elements of Council's Strategic Contracting Procedures

The LGA 2009 and LGR 2012 impose specific obligations upon Local Governments when conducting Contracting Activities. Contracting Activities are the processes by which Council forms Contracts with suppliers for the provision of goods, services and/or works, and through which it disposes of valuable non-current assets or surplus assets.

Pursuant to Chapter 6, Part 2 of the LGR 2012, Council resolved to apply the Strategic Contracting Procedures to its Contracting Activities and as a result, Council's Procurement and Disposal Framework comprises:

- Procurement Policy;
- Contracting Plan and any Significant Contracting Plan/s;
- Contract Manual;
- Local Preference in Procurement Guideline;
- Social Benefit Procurement Guideline;
- First Nations Procurement Guideline;
- Innovation and Market-Led Engagement Guideline; and
- Environment and Sustainability in Procurement Guideline.

This Contract Manual must be complied with and read in conjunction with the requirements of the Procurement Policy and Contracting Plan.

2 Limitations on Contractors conducting Contracting Activities

Council Officers are the only persons authorised to initiate any Procurement Process, or to contract on behalf of Council.

Persons engaged by Council in Contracts for Service (e.g. consultants, project managers and labour hire organisations) are not permitted to commence a Contracting Activity or award a Contract on behalf of Council unless they have been formally given an Instrument of Delegation as available in the Delegation No. 2 approved by the Chief Executive Officer and relevant Group Executive.

For clarity, some persons engaged in Contracts for Service that are considered Contingent Workers may participate in or manage the Contracting Activity through its various phases and provide, for example, technical advice during the evaluation of Tenders. However, they are not permitted to undertake any action or make any decision that results in them commencing a Procurement Process or forming a Contract on behalf of Council, or expending, or agreeing to expend money on behalf of Council unless an Instrument of Delegation has been provided for in the Delegation No. 2, approved by the Chief Executive Officer and relevant Group Executive.

Any conflicts of interests of the person must be managed appropriately before they are to be involved in any Contracting Activities. A Council Officer must remain the accountable person in relation to all aspects of the Contracting Activity if a person engaged in Contracts for Service is undertaking or being involved in any part of a procurement or disposal process.

3 Sound Contracting Principles

Council will have regard to the Sound Contracting Principles when entering Contracts for the supply of goods, services and/or works and the disposal of assets.

The **Sound Contracting Principles** are:

- (a) value for money;
- (b) open and effective competition;

- (c) the development of competitive local business and industry;
- (d) environmental protection; and
- (e) ethical behaviour and fair dealing.

Regard must be had for these principles whenever forming a Contract, irrespective of the value or engagement process. This includes Contracts for even the smallest amounts, or those formed under Exceptions. There is never an exception to having regard to the Sound Contracting Principles. Council must only form a Contract with a supplier who provides the most advantageous offer, having regard to the Sound Contracting Principles.

4 Governance and Probity

To ensure that Council is accountable, effective, efficient, and sustainable, anyone performing a function under the LGA 2009 must do so in a manner that is consistent with the Local Government Principles. To meet these obligations the following Governance and Probity Framework sets out the governance and probity requirements for Contracting Activities.

4.1 Probity Requirements

A sound probity environment must be maintained during any Contracting Activity of any value. Promoting probity and having a framework to embed probity in Council's Contracting Activities is an integral element in ensuring that regard has been had for the Sound Contracting Principles, as well as ensuring our conduct reflects the ethical principles and Local Government Principles. The ethical principles are those outlined in the *Public Sector Ethics Act 1994* (Qld) and are:

- Integrity and impartiality;
- Promoting the public good;
- Commitment to the system of government; and
- Accountability and transparency.

It is the responsibility of all Council Officers and Councillors associated with a Contracting Activity to ensure probity is achieved as outlined in the Procurement Policy.

Probity is underpinned by the ethical principles, the Local Government Principles, and the Sound Contracting Principle of ethical behaviour and fair dealing. The broad objectives of probity in Contracting Activities are to:

- ensure conformity to Council's Procurement Policy, principles, and processes that are designed to achieve the most advantageous outcome for Council;
- improve accountability;
- encourage commercial competition on the basis that all offers will be assessed against the same criteria;
- preserve public and Respondent confidence in Council processes;
- improve defensibility of decisions to potential administrative and legal challenge;
- underpin a transparent and competitive process; and
- identify and resolve any conflicts of interest.

The framework for probity in Council's Contracting Activities includes:

- Developing a Probity Plan for Contracting Activities of a certain value;
- Setting evaluation criteria where applicable;
- Declaring and managing conflicts of interests;
- Ensuring security and confidentiality in the process;
- Having effective and appropriate communication including during the course of the process;

- Consistent processes for how Tenders, EOIs and Quotes are received and opened;
- Undertaking evaluations;
- Identifying critical issues and risks;
- Engaging with probity advisors where applicable; and
- Dealing with breaches of probity.

4.2 Probity Plan and Probity Checklist

A Probity Plan must be completed and signed by each evaluation panel member, the Branch Manager, and/or the Contract Sponsor for a Contracting Activity with value of \$50,000 or greater, where submissions (Tenders, Quotes, and any other submission or offer) will be received from Prospective Respondent/s.

The Probity Plan should be signed during the procurement planning and reflect the Procurement Plan where one is required. The Probity Plan also requires the evaluation panel members to declare that they have read and understood Council's probity requirements. Submissions (Tenders, Quotes, and any other submission or offer) cannot be released to evaluation panel members prior to signing the Probity Plan.

Evaluation criteria weightings in the Probity Plan must be set prior to the Probity Plan being signed to ensure that these are pre-determined well prior to submissions being viewed and evaluated.

A Probity Checklist is provided for guidance on probity related matters for a Contracting Activity of any value.

4.3 Conflict of Interest

Members of the evaluation panel need to declare any relationships or connections they currently have, or previously had, with any of the Respondents or their employees. Throughout any Contracting Activity, members of the evaluation panel or advisors to the panel cannot accept offers of gifts, meals, or any other benefit from any interested party and/or Prospective Respondent. Additionally, members of the evaluation panel and advisors will be expected to declare in writing to the chair of the evaluation panel the existence of any actual, perceived, or potential conflict of interest as soon as they become aware of it. Where the member of the evaluation panel is an employee, they need to comply with the Conflicts of Interest and other Personal Interest Organisational Guideline (including a Declaration of conflicts of interest Form).

Where a member of the evaluation panel has declared a conflict of interest with a Prospective Respondent, and due to the nature of the conflict, either the member or the evaluation panel feel that the person could not continue their involvement without potentially compromising the Procurement Process, that member should be replaced on the evaluation panel and not take further part in the evaluation.

4.4 Confidentiality

It is essential for the integrity of the Contracting Activity that confidentiality is maintained. Respondents have a right to expect that commercial information will be treated in confidence. Lapses on the part of any evaluation panel member may seriously jeopardise the Contracting Activity. Similarly, the evaluation panel must maintain the confidentiality of all documentation relating to the evaluation including evaluation reports and other information generated during the evaluation process.

At the end of the Procurement or Disposal Processes all documents received from Respondents and records created throughout the Contracting Activity are to be captured into Council's Electronic Document Management System in a secure manner.

While it is understood that requests under the *Right to Information Act 2009* or related legislation could ultimately lead to the disclosure of confidential information, this does not diminish the need for the evaluation process to be conducted in a secure and confidential manner. Confidential information

is to be shared only within the evaluation panel environment, unless otherwise authorised by the Chair of the Procurement Contracts Committee.

4.5 Probity Advisor or Auditor

Advice in relation to probity matters can be obtained internally from the Business and Innovation Branch or Legal Services, however there will be instances where an Independent Probity Advisor and/or Auditor may be required. Consideration should be given to engaging an Independent Probity Advisor for Contracting Activities that are high value, high risk, or complex. This should be identified in the procurement planning phase and monitored throughout the Contracting Activity. If circumstances arise that a procurement becomes complex, protracted, probity risks are identified, the risks of the activity increases, or the value increases, then engagement of an external Probity Advisor or Auditor may be required.

Engagement of an Independent Probity Advisor and/or Auditor will be undertaken by the chair of the Procurement Contracts Committee. An Independent Probity Advisor and/or Auditor may also be appointed at the direction of the CEO, Group Executive, or Manager Business and Innovation.

4.6 Probity Check-in Points

During a Contracting Activity, Probity is revisited whenever required but is specifically considered at the following key points:

1. At the commencement of developing the procurement/disposal strategy
2. Prior to approaching the market
3. Prior to and upon the close of a tender box or receipt of submissions
4. Prior to releasing submissions to evaluation panel members
5. During the evaluation
6. Prior to the award of the Contract
7. When providing submission feedback to Respondents.

4.7 Breach of Probity

Should any breach or suspected breaches of probity processes occur at any time, Council Officers are required to report the breach in writing to the Manager Business and Innovation and/or the chair of the Procurement Contracts Committee.

5 Responsibilities, Delegations and Authorities

Before a Contracting Activity can be undertaken it is necessary to know and understand who has responsibility for the Contract, who has the necessary authority to approve the process and expend Council funds, and who has the necessary delegated authority to bind the Council in a lawful Contract with a supplier.

The following roles have responsibilities for various components of Contracting Activities as detailed in the "How to Guides" relevant to the process being undertaken:

- Contract Sponsor (Group Executive/Branch Manager/other Council Officer as required)
- Contract Administrator
- Procurement Specialist
- Chair of the Evaluation Panel (the Contract Administrator or Procurement Specialist)
- Evaluation Panel Members
- Financially Delegated Officer

5.1 Procurement Contracts Committee (PCC)

The purpose of the PCC is to provide a consolidated and consistent approach to Council's Contracting Activities for high value Contracts, including the formation of Supplier Arrangements. It also provides a key governance mechanism in Council's [Governance and Probity](#) framework. PCC is primarily responsible for:

- approving release of Public Tenders, EOIs, and high value RFQs;
- considering the recommendations of evaluation panels for advertised Public Tenders, EOIs, and high value RFQs;
- making Contracts with Respondents who provide the most advantageous offers to Council;
- considering and approving the establishment and the exercise of exceptions to the general Public Tender or RFQ obligations where necessary;
- considering and approving Contract variations and adjustments, Contract extensions and discharge of Contracts, for Public Tenders and high value RFQs.

The Procurement Contracts Committee is governed by its Terms of Reference.

The Manager, Business and Innovation Branch is the Chair of PCC and has the necessary delegated authority to invite Public Tenders, high value RFQs, and EOIs.

Minutes of PCC meetings are recorded and retained. They provide a clear explanation and justification of the recommendations made by the committee and the exercise of the powers of the delegated officer.

5.2 Contracting and Financial Delegations

There are two types of delegated authorities relating to a Contracting Activity. They are:

- Authority to make, amend or discharge a Contract, and
- Expenditure authority (sometimes referred to as a Financial Delegation).

It should be noted that there is a significant difference between a delegated authority to make, amend and discharge Contracts (Contracting Delegation), and the authority to expend Council money.

The relevant power in relation to conducting a Contracting Activity is a power to make, amend and discharge Contracts. However, the expenditure authority (Financial Delegation), is given by the CEO to specific positions or officers within the organisational structure authorising them to commit or expend money and make or approve payments, including expenditure relating to Contracts, up to a designated threshold. The expenditure authority is an internal departmental management process whereby the CEO permits persons to expend money, up to a certain limit, for already established Contracts.

It is a combination of the delegated authority to make, amend or discharge a Contract and the delegated authority to expend money that operate in concert to provide a structured process for binding Council in Contract, and approving payments once Council has an existing Contract.

Where a Council Officer has both a delegated authority to make, amend and discharge Contracts, and an authority to expend Council money, that Council Officer may bind Council in Contract. However the maximum value of that contract that Council Officer may bind Council to is limited to the threshold of the expenditure authority.

Where a Council Officer only has an authority to expend money, they are only permitted to approve payments on established Contracts up to the limit of their expenditure authority.

The Contracting Delegation and Financial Delegation have been combined into the one delegation document. A copy of Delegation No. 2 – Delegation of Authority to conduct Procurement and Contracting Activities and Payments from CEO to Council Officers may be found on the Council's [Procurement Intranet Site](#).

5.3 Budget - Unauthorised spending

Council may only spend money in a financial year if the money for that expenditure is adopted in the budget for the financial year, or before adopting its budget for the financial year, if it then provides for the spending in the budget for that financial year.

Contract Administrators must therefore ensure sufficient budget is available for and committed to the Contract being sought before it is formed. It is the responsibility of the Branch Manager from the branch seeking to make a contract to confirm that sufficient budget is available and committed to a contract before it is formed. Evidence of this budgetary commitment will be required during the Contracting Activity.

The only exception to this requirement is where Council expends money for a genuine emergency or hardship. In this instance, Council must make a resolution about spending the money, either before, or as soon as practicable after the money is spent. The resolution must state how the spending is to be funded.

5.4 Publishing details of Contracts

Section 237 of the LGR 2012 requires that a local government will, as soon as practicable after entering into a Contract worth \$200,000 or more, publish the relevant details of the contractual arrangement. These details must be published on the local government's website and displayed in a conspicuous place in the local government's public office.

5.5 Training

Training is provided by Council to relevant Council Officers in relation to procurement, contracting, and purchasing.

6 Contracting Activities and Procedures

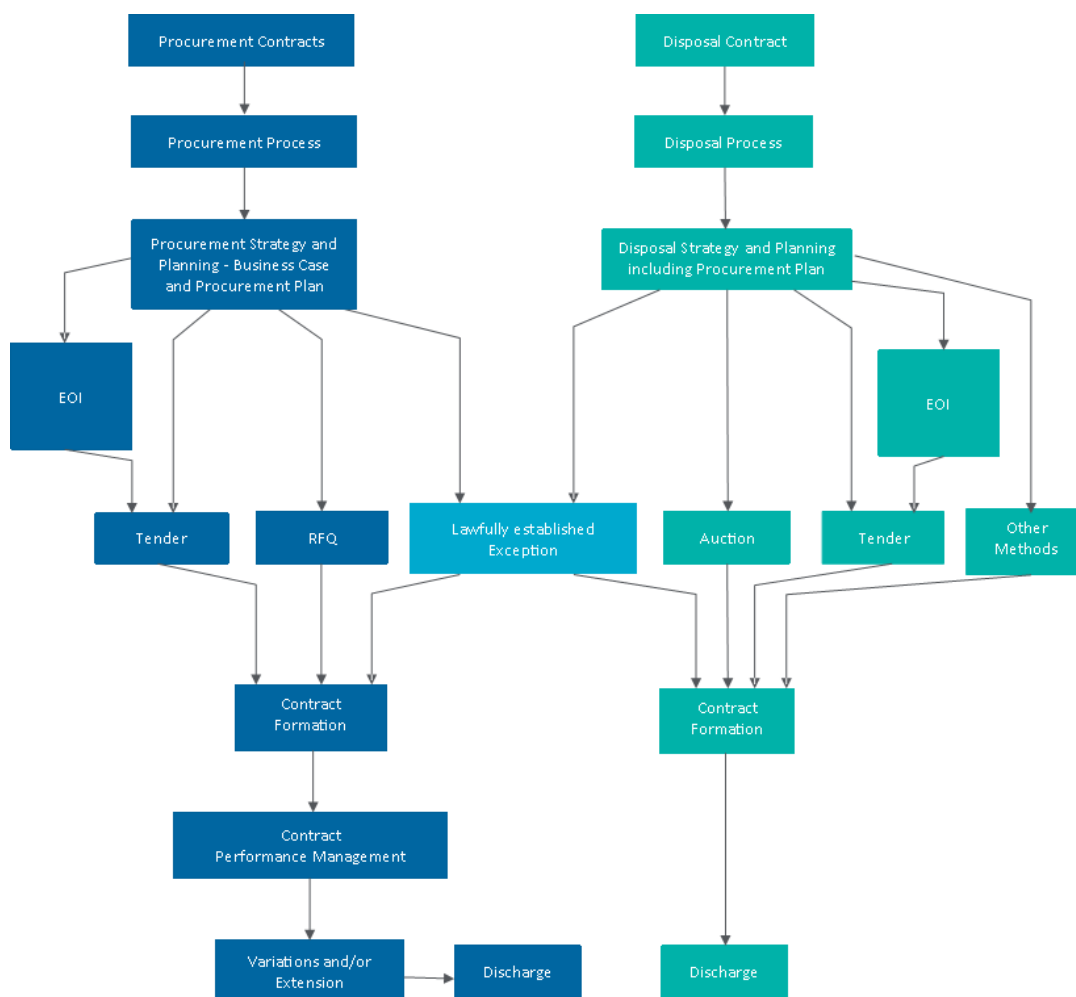
The types of Contracts which may be formed under the Strategic Contracting Procedures are outlined in Table 1.

Table 1: Types of contracts

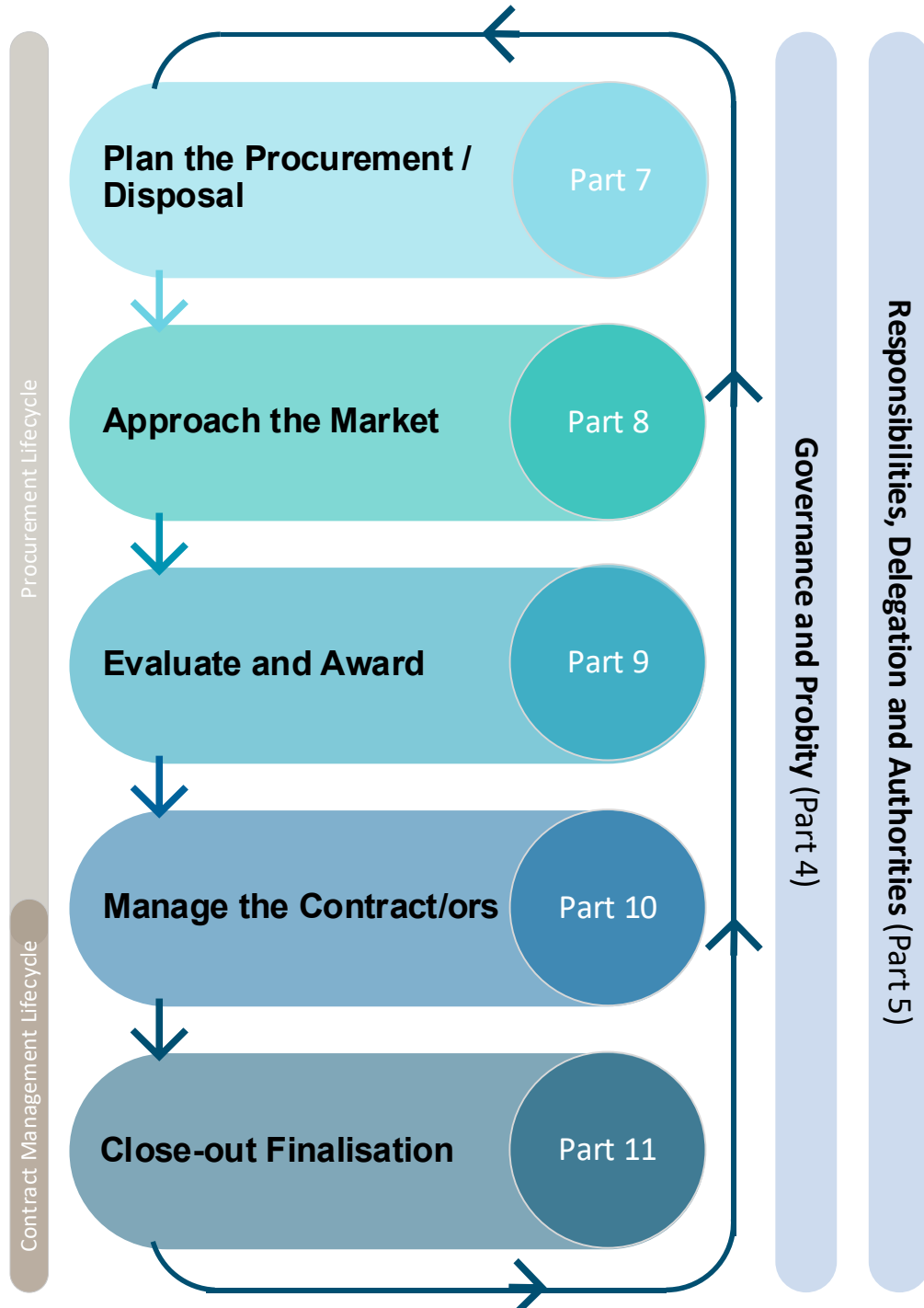
Contract type:	Contract for:
Procurement Contracts	Contracts to purchase goods and services, including the provision of works.
Disposal Contracts	Contracts for the disposal of Valuable Non-Current Assets (excluding Land*) and Surplus Assets.

* Other Contracts that Council may form under the LGR 2012 include Contracts for the Disposal of Land (selling and leasing of Council land). Council Officers are to refer to Council's Procurement Policy and the "How to Dispose of Land Guide (including disposal by Leasing the land)".

A diagrammatic explanation of the procedure for procurement Contracts and disposal Contracts are as follows:



A diagrammatic explanation of the procurement steps are as follows:



7 Plan the Procurement / Disposal

7.1 Planning & Development

One of the primary steps in procurement and disposal processes is the planning phase to determine which approach to market should be adopted to lawfully procure the goods, services and/or works or dispose of the assets.

Council will conduct its Contracting Activities using an appropriate process having regard to relevant value thresholds. Therefore, it is necessary to determine the anticipated value of the Contract. Relevant Council Officers should also consider what other needs there may be across Council for the same goods, services and/or works for aggregation into one Contract. This may achieve better value, reduce the administrative and contract management effort and avoid conducting multiple procurement or disposal processes.

The values thresholds and corresponding processes are as follows:

Table 2: Procurement Contract value and related procurement routes to market

Contract Value	Procurement Routes	Council requirements
\$5,000,000 and greater OR High Risk/Complex Contracts	<ul style="list-style-type: none"> Public Tender EOI Available Exception 	<p>A Significant Contracting Plan is required for any Contract that is:</p> <ul style="list-style-type: none"> expected to reach this Contract Threshold; or of a high risk; or of a complex nature. <p>A Significant Contracting Plan must:</p> <ul style="list-style-type: none"> be made before the Contract starts identify the chosen procurement strategy be approved in accordance with the Contracting Plan.
\$500,000 up to \$5,000,000	<ul style="list-style-type: none"> Public Tender EOI Available Exception 	<p>Progress through the Procurement Process:</p> <ul style="list-style-type: none"> Public Tender (How to Invite Tenders Guide) EOI (How to request Expressions of Interest Guide) Exceptions (How to utilise Supplier Arrangements and other Exceptions Guide)
\$50,000 up to \$500,000	<ul style="list-style-type: none"> Public Tender EOI Request for Quote issued to at least three suitably capable suppliers Available Exception 	<p>Progress through the Procurement Process:</p> <ul style="list-style-type: none"> Public Tender (How to Invite Tenders Guide) EOI (How to request Expressions of Interest Guide) RFQ (How to Request Quotes Guide) Exceptions (How to utilise Supplier Arrangements and other Exceptions Guide)
Up to \$50,000	<ul style="list-style-type: none"> Obtain one Written Quote minimum from at least one suitably capable supplier 	<p>See the "How to undertake Low Value Procurements Guide"</p>

Table 3: Disposal Contract value and related disposal routes to market (excluding Land)

Contract Value	Disposal Routes	Council requirements
Plant, Equipment and any other VNCA worth more than \$5,000 (other than land)	<ul style="list-style-type: none"> Public Tender EOI Public Auction Available Exception 	<ul style="list-style-type: none"> Public Tender (How to Invite Tenders Guide) EOI (How to request Expressions of Interest Guide) Exceptions (How to utilise Supplier Arrangements and other Exceptions Guide)
Surplus Assets worth less than \$10,000	<ul style="list-style-type: none"> EOI Public Tender Public Auction Other methods <ul style="list-style-type: none"> Recycle Waste/dumping Trade in Donating to Government Agency or Community Organisation 	<ul style="list-style-type: none"> Public Tender (How to Invite Tenders Guide) EOI (How to request Expressions of Interest Guide) All other disposal methods, see the "How to Dispose of Assets (excluding Land) Guide"
Sale or Lease of Land	See Table 1: Types of contracts above – Disposal of Land is not covered by the Strategic Contracting Procedures	Refer to the LGR, Procurement Policy and the "How to Dispose of Council Land Guide"

Order splitting, whereby the required goods, services and/or works are divided into smaller order values for the purpose of circumventing the procedures and delegation levels of upper thresholds, is not permitted.

Planning for the procurement or disposal process and development of the strategy for the process need to be undertaken to ensure Council's objectives are understood and can be achieved. Consideration during this planning and development phase should be given to:

- applying sustainable procurement practices;
- encouraging strategic procurement decision making;
- establishing innovative Contracts;
- structuring the procurement to deliver value for money;
- promoting an open and competitive market place;
- developing competitive local business and industry;
- managing exposure to risk.

7.2 Sustainable procurement

Council has an Environment and Sustainability in Procurement Guideline, which explains, in detail, the approach to matters of environment and sustainability during the Procurement Process.

The social and economic components of sustainable procurement are addressed in the respective guidelines (Local Preference in Procurement Guideline and Social Benefit Procurement Guideline), which include the following considerations:

- **Support social procurement** by engaging social enterprises and suppliers that provide community benefits.
- **Support suppliers that have fair and ethical sourcing practices** that improve the conditions of their employees (e.g. Fairtrade).
- **Support local businesses and industry** by contracting with local suppliers.

7.3 Market Research

To develop effective procurement strategies, Council must have an understanding of the market in which it seeks to engage with. Operating effectively within a marketplace helps to;

- Build procurement capability by analysing demand and supply pressures, tracking extent of competition, and guarding against public sector organisations competing against one another and bidding up prices due to market scarcity;
- Avoid over-reliance on a small number of industry participants;
- Encourage deeper markets by developing industry capacity and capability;
- Maintain a fair market by preventing bias in favour of particular industry participants.

There is no prescribed method for market research; it typically involves researching and identifying capable suppliers within the relevant market/industry. Contacting Prospective Respondents prior to release of a Public Tender or RFQ to assess their capacity and interest in responding to the proposed procurement is acceptable as is forwarding Tender Alerts to Prospective Respondents. However, it is important to remain transparent and treat suppliers fairly to maintain a level playing field.

When researching the market in which the Contract is to happen, Council Officers should consider whether a closed or restricted process could be warranted, whereby submissions will only be accepted from Respondents who are Social Benefit Suppliers and/or First Nations Businesses. Refer to the Social Benefit Procurement Guideline and the First Nations Procurement Guideline for further information and guidance.

7.4 Planning and Strategy Documentation

Contract Administrators and any other person undertaking Contracting Activities should be guided by and/or prepare the following:

7.4.1 Business Case

A business case should have been completed to identify Council's need to procure any goods, services and/or works. If the project is a capital works project, this will be the project brief delivered to the Capital Steering Committee. This document should be used to assist with the planning phase of the process as it will have already given consideration to some aspects relevant to the planning phase such as the relevant need, the intended scope and the cost vs benefits.

7.4.2 Procurement Plan

A Procurement Plan must be prepared for a Public Tender or EOI and covers the following aspects:

- Council's requirements, internal demand or ongoing need, financial considerations and sustainability considerations;
- Stakeholder engagement and consultation;
- an analysis and summary of the supply market;
- an assessment and identification of procurement strategies;
- procurement implementation;
- contractual arrangement including contract management; and
- an assessment of potential risks and mitigation strategies.

Sound planning is essential to achieving a successful outcome. Sufficient time should be allocated to the planning process to allow assessment of the market, and development and implementation of the procurement strategy, before approaching the market to establish a Contract.

7.4.3 Significant Contracting Plan

Contracts that have been identified as Significant Contracts due to their value, risk, or complexity, require a Significant Contracting Plan in addition to a Procurement Plan. Significant Contracting Plans must be prepared in accordance with Council's Contracting Plan prior to commencement of the Significant Contract. They will state:

- the objectives of the Significant Contract;
- how the objectives are to be achieved;
- how achievement of the objectives will be measured;
- any alternative ways of achieving the objectives, and why the alternative ways were not adopted;
- proposed contractual arrangements for the activity; and
- a risk analysis of the market in which the Contract is to happen.

7.5 How to undertake Procurement and Disposal Processes

Conducting procurement and disposal processes have a number of legislative and policy influences that necessitate them being conducted by following particular procedures. To assist, Council has a number of "How to Guides" to support Council Officers through the detailed procedures and systems Council utilises. In relation to the Strategic Contracting Procedures these guides are as follows:

- How to Invite Tenders
- How to Request Quotes
- How to request Expressions of Interest
- How to undertake Low Value Procurements
- How to Dispose of Assets (excluding Land)
- How to utilise Supplier Arrangements and other Exceptions Guide
- How to Manage Contracts

This Manual will detail the overarching procedure for how Council will conduct these procurement and disposal processes.

7.6 Documentation

All documents required for conducting procurement and disposal processes are detailed in the "How to Guide" relevant to that procurement or disposal process as identified in Table 2 and 3 above.

8 Approach the Market

8.1 Processes to Approach the Market

8.1.1 Public Tender and EOI

All Public Tenders and EOIs are approved by the Procurement Contracts Committee, prior to being advertised via Council's Tender Alert Service and on the Queensland Government electronic tender system, QTenders. This platform provides for Prospective Respondents to download the documentation and upload their submissions.

Public Tenders and EOIs are to remain open for a period of no less than fourteen days after the advertisement has been released. Consideration should be given to the complexity of the project, and how long it would reasonably take Prospective Respondents to appropriately complete their submission. Public holidays that fall within this advertising period are also to be considered.

8.1.2 Request for Quote

The primary platform for requesting quotes from suppliers is through [Council's Contract Management System eTenderbox](#). The invitation should be sent to those from whom a Quote is being requested, outlining the project, referring to a scope and/or specification, and stating a clear Submission (closing) date.

The time for which Quotes must be returned should be determined having regard to the complexity of the project and the time it would reasonably take a supplier to prepare a useful and competitive offer.

8.1.3 Auctions and other disposal methods

Engage a licenced auctioneer, auction house or other platform to approach the market for an auction. The market will be approached for the other disposal methods in the most appropriate manner having regard to realising value.

8.2 Exceptions

How the market is approached will depend on the exception being utilised. Council Officers will be guided by the "How to utilise Supplier Arrangements and other Exceptions Guide" for the relevant exception being sought to the standard procurement and disposal routes (EOI, Public Tender and Request for Quote).

The Procurement Processes (EOI, Public Tender and Request for Quote) outlined above are processes to be adopted for conducting Contracting Activities, unless an Exception exists. The following Exceptions may be exercised where the relevant pre-requisites for use have been met.

It is important to note that Exceptions are alternatives to the standard procurement and disposal processes and routes to market, but are not exceptions to the Sound Contracting Principles or any other sections or obligations imposed by the LGA 2009 or LGR 2012.

Exceptions and the circumstances under which they may be exercised are outlined below.

8.2.1 Exceptions – Procurement Processes

Council has a number of Exceptions available to the EOI, Public Tender and Request for Quote processes for entering into Procurement Contracts.

Table 7: Exceptions for Procurement Contracts

Exception	Process for establishing and/or exercising an Exception
Supplier Arrangements	<p>Council Supplier Arrangements</p> <p>Council can establish Supplier Arrangements that are to be utilised to form contracts for goods and services (including the carrying out of works).</p> <p>Supplier Arrangement are a list of suppliers established by Council to facilitate the procurement of goods, services and/or works that are either required frequently, in high volume or where the capability and/or capacity of suppliers is critical and can be established in the formation of a Supplier Arrangement.</p> <p>Council will maintain an open and transparent process for creating, managing, refreshing, and finalising Supplier Arrangements. Public Tender will be used to create a Supplier Arrangement.</p> <p>Condensed Procurement Processes are undertaken to form Contracts for goods, services and/or works from Suppliers on these Supplier Arrangement. The Supplier Arrangement may be priced or non-priced.</p> <p>Utilising Supplier Arrangement with price provided</p> <p>Council will invite the highest ranked Supplier on the Supplier Arrangement to provide the goods, services and/or works. Where the highest ranked does not or cannot provide the goods, services and/or works, the next highest ranked Supplier may be engaged, and so on, until a Supplier is engaged.</p>

	<p>Utilising Supplier Arrangement without price provided</p> <p>Council will undertake a Request for Quote from any Supplier Arrangement where price is not provided, having regard to the thresholds outlined in Table 2: Procurement Contract value and related procurement routes to market above.</p> <p>Note: In exceptional circumstances, a Contract valued over \$50,000 may be formed following a Request for Quote process with just one Supplier on a Supplier Arrangement. Please contact the Procurement & Contract Performance Team prior to commencing a Procurement Process if this exception is required.</p> <p>Government Arrangements and Local Government Arrangements</p> <p>The Contract is made under an arrangement established by another Government Agency. This exception is intended to include State Government, Federal Government and Local Government Association Arrangements (such as LocalBuy Arrangements in Queensland) and other relevant Government Arrangements.</p> <p>Council will frequently utilise Supplier Arrangements created by either another Government Agency, another Local Government or LocalBuy (wholly owned by LGAQ). These Supplier Arrangements will include priced and non-priced arrangements. Council will utilise these arrangements in accordance with the requirements of the Supplier Arrangement. Where the arrangement identifies that we use our own thresholds or Request for Quote requirements, then Council will conduct the Request for Quote from that arrangement in a manner that ensures sufficient quotes are obtained and the Sound Contracting Principles (including value for money) are met.</p> <p>Note: In exceptional circumstances, a Contract valued over \$50,000 may be formed following a Request for Quote process with just one Supplier on these Arrangements. Please contact the Coordinator Procurement and Contract Performance prior commencing the Procurement Process if this exception is required.</p> <p>Government Contracts</p> <p>The Contract is made with, or under an arrangement with, a Government Agency including Local, State or Commonwealth, and includes any Government Entity or agency and utility providers such as water, electricity and telecommunications.</p>
Genuine Emergency	<p>A genuine emergency exists.</p> <p>If the money spent in response to the genuine emergency is not provided for in the annual budget, Council must make a resolution about spending the money; either before, or as soon as practicable after, the money is spent.</p>
Innovation and Market-Led Engagement Guideline	<p>Council has adopted an Innovation and Market-Led Engagement Guideline to identify the circumstances and processes for engaging with Suppliers who provide goods, services and/or works that fall within the contemplation of the Guideline.</p>
General Exceptions	<p>A General Exception may be used to form a Contract when a standard Procurement Process or other Exception is not available or appropriate under the circumstances. This may include activities previously identified as Exceptions, including:</p> <ul style="list-style-type: none"> • Sole or Specialised Supplier/s Council determines that: <ul style="list-style-type: none"> ○ there is only one supplier who is reasonably available; or ○ because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for Council to invite quotes or tenders. • Auction Purchase The Contract is for the purchase of goods and is made by auction. • Second-hand Goods The Contract is for the purchase of second-hand goods. • Tender/Quote Consideration Plan/s If a Tender/Quote Consideration Plan has been approved or adopted, then Council may form a Contract from that Plan as contemplated by that Plan.

	<p>Quote or Tender Consideration Plans can be created for types of contracting activities where competitive quotes cannot always be sought (e.g. public art and entertainment).</p> <p>Establishing the Exceptions above</p> <p>The Coordinator Procurement and Contract Performance Team will facilitate establishment of a valid Exception.</p> <p>A General Exception may be approved by support from the Manager, Business & Innovation and the Group Executive from the Group where the Contract will be managed and administered, or with the sole approval of the CEO.</p>
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NOTE: Use of any of the aforementioned exceptions is limited to those with the delegated authority to conduct Contracting Activities, and within authorised expenditure limits.

8.2.2 Exceptions – Disposal Processes (excluding Land)

Exceptions to the Public Tender, EOI and Public Auction processes for entering into Disposal Contracts for Valuable Non-Current Asset (excluding Land) are outlined below:

Table 8: Exceptions for Disposal Contracts

Exception	Process for establishing and/or exercising an Exception
General Exceptions	<p>A General Exception may be used to form a Contract when a standard Disposal Process or other Exception is not available or appropriate under the circumstances:</p> <ul style="list-style-type: none"> • Previous offer for Sale or Auction • Government Agency or Community Organisation (using the definitions of these as set out in the Local Government Act and Regulation) <p>Establishing the Exceptions above</p> <p>The Coordinator Procurement and Contract Performance Team will facilitate establishment of a valid Exception.</p> <p>A General Exception may be approved by support from the Manager, Business & Innovation and the Group Executive from the Group where the Contract will be managed and administered, or with the sole approval of the CEO.</p>

8.3 Communication with Prospective Respondents

The chair of the evaluation panel is the only panel member authorised to deal with Prospective Respondents. Should any other panel member receive an enquiry relating to a Contracting Activity, that officer must direct them to the chair. Any questions or requests from Prospective Respondents are to be put in writing and submitted via proper channels (e.g. Tender Enquiries Mailbox). Should telephone or personal contact be unavoidable, the officer will make file notes of all discussions and forward to the chair for record keeping. In some instances, it may be deemed necessary to provide the information requested or conveyed to all Respondents via a Notice to Respondents.

Regardless of the format in which engagement with a Prospective Respondent occurs, all must be treated equally and fairly. This will ensure the same information is provided to all Prospective Respondents in a timely manner, providing an equal opportunity during the entire Procurement Process.

8.3.1 Notice to Respondents (NTRs)

NTRs are issued to all Prospective Respondents in response to specific queries received, or where the need arises to convey information to Prospective Respondents. NTRs should be issued through the mechanism in which the Invitation was issued in the first instance (e.g. QTender or eTendering).

8.3.2 Information Session

Information sessions and/or site inspections are often held for Public Tenders and some EOIs and Requests for Quote. The Contract Administrator and Procurement Specialist run the sessions jointly where a Procurement Specialist is involved in the process.

At an information session or site inspection, Council emphasises the critical elements that Prospective Respondents need to address in their submission, and Respondents can seek clarification of requirements.

Minutes of the information session, including questions raised and responses provided, are distributed via NTR as soon as possible after the session, to all parties that have downloaded the documents via the relevant electronic tender box.

8.4 Receiving submissions and tender box close

Following tender box close, submissions received into an electronic tender box (i.e. QTenders or eTendering) are downloaded and made available to the evaluation panel. A copy of the submissions is to be filed in a secure location in Council's electronic document management system.

9 Evaluate and Award

9.1 Evaluation of submissions

The evaluation of submissions will be undertaken by the evaluation panel who are the appointed evaluation panel detailed in the Probity Plan. The evaluation panel will assess all submissions against predetermined criteria using a prescribed rating system in the following stages:

1. Mandatory Criteria;
2. Non-Price Evaluation;
3. Price Evaluation

The evaluation methodologies will be contained in the Procurement Plan and/or reflected in the Probity Plan, Council's Evaluation Workbooks or [Council's Contract Management System](#).

In the first instance, each panel member conducts their own individual evaluation and allocates a score out of 10 against each predetermined evaluation criteria or sub-criteria. The evaluation panel then meets to undertake an evaluation moderation, where they discuss their individual findings and scores, and arrive at a consensus score for each of the criteria or sub-criteria (moderated scores).

It is imperative to an effective, accountable, and transparent evaluation process that good and comprehensive notes are taken, and that individual evaluations are followed by a moderation to ensure that a consensus has been reached. The detail of the scoring of each Respondent's Submission against the Evaluation Criteria and commentary relating to the evaluation will be included in the Evaluation Workbook or [Council's Contract Management System](#).

9.1.1 Evaluation Panel

An appropriate evaluation panel must be formed to evaluate the submissions against the pre-determined evaluation criteria. A two-tiered evaluation panel structure can be utilised with the first-tier members to conduct a full evaluation, while the second-tier members provide subject matter advice on relevant parts of the submissions. The second-tier members do not directly participate in all the evaluation.

Each member of the panel must sign the Probity Plan acknowledging they have read, understood, and accept the probity requirements. This has the effect of binding the member to undertaking the evaluation in a manner consistent with the Employee Code of Conduct and Council's governance and probity framework.

It is preferable that panel members from outside the branch seeking the Contract (or Unit/Team for RFQ processes under \$500,000) outnumber members from the branch. This is to provide a level of independence of the Branch/Team or project and provides a useful governance mechanism to encourage transparency and fair dealing.

The Probity Plan must be fully signed by all relevant persons listed on the Probity Plan and retained in the relevant document management system prior to the release of submissions to evaluation panel members.

The Evaluation will be undertaken of the Mandatory Criteria, Non-Price Criteria and Price Evaluation as follows:

9.1.2 Mandatory Criteria

The chair of the evaluation panel (in conjunction with the evaluation panel where necessary) will assess the Mandatory Criteria. This criterion is outlined below and may include::

1. Workplace Health and Safety
2. Financial Capacity
3. Relevant Insurances for the Contract
4. Acceptance of the General Terms and Conditions of Contract
5. Relevant Licences, Certifications and Qualification

In instances where any of the mandatory criteria is not provided as part of a Respondents submission or is assessed as unsatisfactory, that submission may be considered non-conforming or disqualified from further evaluation.

9.1.3 Non-Price Criteria

Members of the Evaluation Panel will assess the Non-Price criteria that will be weighted in accordance with the weightings set out in the Procurement Probity Plan and Procurement Plan (for Procurements with an estimated contract value greater than \$500,000 or high-risk procurements).

Table 4: Table of standard Non-Price Evaluation Criteria for Procurement Processes over \$100,000

Criteria	Details
1. Capability and Experience	This may include an assessment of: <ul style="list-style-type: none"> • Previous contract experience • Contract commitments and coordination
2. Methodology	This may include an assessment of: <ul style="list-style-type: none"> • Methodology for delivery, • Resourcing and Subcontracting. • Environment and Sustainability • Quality Assurance • Innovation
3. Social and economic factors	<ul style="list-style-type: none"> • Contribution to Local Economy • First Nation Engagement • Social Benefit Engagement

Table 5: Table of standard Non-Price Evaluation Criteria for Procurement Processes over \$50,000 and up to \$100,000 (Short-Form RFQ)

Criteria	Details
1. Capability and/or Methodology	This may include an assessment of: <ul style="list-style-type: none"> • Previous contract experience • Methodology for delivery, • Resourcing and Subcontracting.
2. Social and economic factors	<ul style="list-style-type: none"> • Contribution to Local Economy • First Nation Engagement • Social Benefit Engagement

The Evaluation Criteria for a disposal process will be dependent on the type of asset being disposed of and may include some of the evaluation criteria in Table 4: Table of standard Non-Price Evaluation Criteria for Procurement Processes over \$100,000 and Table 5: Table of standard Non-Price Evaluation Criteria for Procurement Processes over \$50,000 and up to \$100,000 (Short-Form RFQ) above.

9.1.4 Price

Upon completion of the evaluation of the Mandatory and Non-Price criteria, a price evaluation will be completed to determine the best value and most advantageous outcome to Council. The price evaluation methodology will be detailed in the Procurement Probity Plan. The results of the staged evaluation are joined to provide assessments that are ranked in order of combined value.

9.2 Contract award

Following any procurement or disposal process, if Council seeks to proceed with an engagement, then the Contract needs to be awarded to the Respondent who provides the most advantageous offer to Council. This step will form the Contract with the Contractor and may be done slightly differently for each type of process. Some Contracts will only be awarded by both parties (Council and the Contractor) signing a Contract that has been specifically drafted for that process. For detailed information on awarding Contracts, see the relevant "How to Guide" for the process being undertaken (see Table 2: Procurement Contract value and related procurement routes to market and

Table 3: Disposal Contract value and related disposal routes to market (excluding Land)).

If the Contract is of the value and type that it is required to go to PCC, then the Contract Administrator and Procurement Specialist draft a PCC Award Report recommending the most advantageous offer based on the outcome of the evaluation, and attach appropriate supporting documents. PCC will make the recommendation for award in this instance.

Contract formation is the point where both Council and the Contractor becomes bound to fulfil its obligations under the Contract. This can result in Council becoming bound to significant expenditure to those contracts. As such, only those with the appropriate delegated authority may form a Contract and only where there is an approved budget for the expenditure (see Part 5.2 for more information on the appropriately delegated officer).

10 Manage the Contract/ors

10.1 Contract Management

Regardless of the process used to form a Contract, once formed it becomes necessary to manage its performance. Contract Management is a central element for ensuring that Council obtains from a supplier what they promised or were contracted to provide. During a Procurement Process for Contracts valued over \$1,000,000, the Contract Administrator must prepare a Contract Management Plan (CMP) which details the critical aspects of a contract and assesses key areas of risk that must be managed through the life of the contract.

A short form CMP must be prepared for Contracts with an anticipated value of \$1,000,000 or more, and a long form CMP must be prepared for contracts valued over \$5,000,000. If the Contract is being awarded at a PCC meeting, the CMP should be presented to the PCC at award.

10.2 Managing the Contract

It is the responsibility of the Contract Administrator to manage performance of the contract. The "How to Manage Contracts Guide" will provide detailed guidance on Contract Management to assist Council Officers in managing Contracts. Some key components in Council's Contract Management framework are:

1. Obtaining key deliverables under a Contract;
2. Measuring Key Performance Indicators;
3. Managing risk;
4. Managing workplace health and safety strategies;
5. Managing variations and contract extensions;
6. Finalising Contracts and managing transition to new Contracts or Suppliers.

10.3 Variations

Contract variations are any material change to the specification and scope or any change that alters the price paid for completing the Contract.

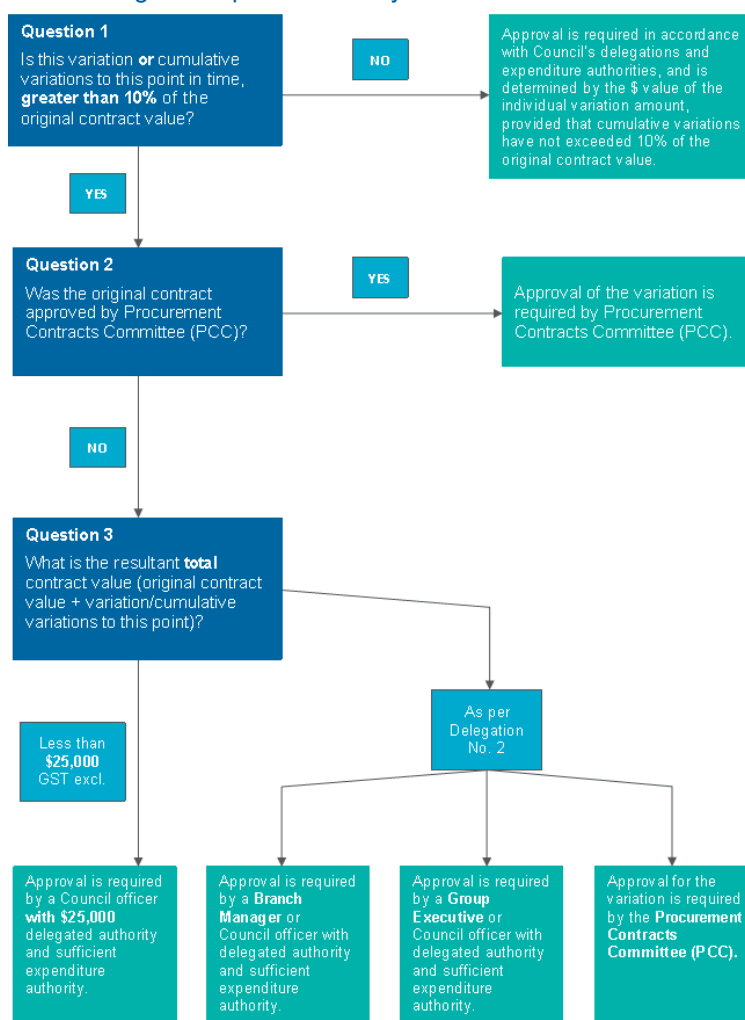
For price related variations, if a variation (or cumulative variations) exceeds 10% of the original contract value, the resultant value of the total Contract (original price and variation/s) will dictate the process to be adopted for seeking approval for the variation.

Approval must be sought at the earliest possible opportunity. The Contract Administrator is to ensure the Manager and Group Executive (of the Branch managing the contract) are informed as a minimum. The Group Executive to inform the CEO if they deem necessary.

Contract variations are to be approved in accordance with Council's delegation and expenditure authorities (see 5.2), and only in instances where budget is available for the entire revised Contract Amount.

The following diagram provides an explanation for approval of variations.

10.3.1 Determining the required authority for contract variations



10.4 Extensions

Contracts will generally contain a term regarding their discharge or end date. Council may include another clause providing a right to extend the Contract for a fixed period, or a number of specific periods of time (Example – a one year extension or options of two by/times one year extensions).

Exercise of the extension periods must be carefully considered, taking into account various factors. Considerations include:

- contractor performance over the term;
- whether the Contract, if extended, will provide Value for Money to Council over the life of the extension; and
- present market forces, including whether the market has grown, improved, or diminished during the term, thereby placing Council in a better or vulnerable position if a new Public Tender was conducted.

10.5 Discharge

Discharge is the point at which a Contract comes to an end. The common law provides that Contracts may only be discharged by:

- performance (the Contract is completed/reaches the end date);
- termination for breach (following a breach of an essential term or serious breach of an intermediate term);
- frustration (due to some event, not the fault of either party, the Contract cannot be performed as intended); or
- agreement (the parties mutually agree that the Contract is discharged).

The vast majority of Contracts will be discharged by performance, with the time or method of discharge (e.g. following delivery of the goods purchased, or on a certain date) being included in the Contract at the time of formation. When the Contract is performed as required, it will discharge at its end, with nothing further required from the person with appropriate delegated authority.

However, in some circumstances it may be necessary to discharge a Contract by one of the other means in which case, advice needs to be sought from the Business and Innovation Branch and/or the Chief Legal Officer, Legal Services.

10.6 Managing Supplier Arrangements

As with Contracts, Supplier Arrangements must also be managed appropriately. Arrangement Administrators are responsible for managing Supplier Arrangements. The usage and performance of Supplier Arrangements must be reviewed at intervals, including prior to seeking to exercise an available extension.

If a Supplier on a Supplier Arrangement is performing poorly, and/or no longer meeting the requirements of the Supplier Arrangement, they may be removed in accordance with the General Terms and Conditions of the Supplier Arrangement. This may include temporarily suspending the Supplier from the Supplier Arrangement while affording them the opportunity to remedy the existing issues.

If a Supplier Arrangement is not functioning to Council's expectations (e.g. Suppliers on the Supplier Arrangement are not responding to RFQs when invited, or some Suppliers have been removed from the Supplier Arrangement), or there has been significant change in the market since formation of the Supplier Arrangement, this may warrant refreshing the Supplier Arrangement (by conducting a Public Tender) to allow additional suppliers the opportunity to become pre-qualified. Incumbent Suppliers need not re-apply during a refresh, but if the Supplier Arrangement is priced/ranked, they must be afforded the opportunity to re-submit rates.

10.7 Purchasing and Contracting Systems

Council has two systems to manage procurement and disposal processes, purchasing generally and contract management. These are Council's Financials System (T1 Financials) and [Council's Contract Management System](#) (Open Windows):

10.7.1 Council's Financials System

T1 Financials is Council's financial system where the accounting aspects of the Contracting Activities are to be managed through a Purchase Order and approved in accordance with Financial Delegations. Each "How to Guide" provides the guiding principles and processes for Purchase Orders in T1 Financials relevant to that procurement or disposal process.

10.7.2 Council's Contract Management System

Council's Contract Management System is a system from a software vendor called Open Windows and it is the Council wide system to be used to manage the operational aspects of a Contracting Activity as well as being Council's eTenderbox for some procurement and disposal processes.

11 Learn and Review

11.1 Close Out/Lessons Learnt

At the conclusion of a contracting period, it is necessary to determine the appropriate way to either close it out, vary it, extend it, renew it or transition to a new contractor. While each of these outcomes are different in nature, the key activities performed are basically the same. The number and type of tasks will vary depending on the nature and value of the Contract. Typical Contract finalisation activities are similar to implementation tasks and will include the following:

- Close-out meetings and briefings.
- Finalising or extending schedule of contract performance review meetings.
- Site visits, risk and issues register reviews, or safety update briefings.
- Review benefits targets realisation against total costs including variations or extensions.
- Milestone or Key Performance Indicator review and final reporting.
- Incumbent and Council handover/handback, including records and relevant data or files.
- Facilitation of a lessons learnt workshop or review process.
- Review and re-assignment of administrative roles.
- Collection or release and filing of updated or final contractually required documentation, such as insurance certificates of currency, licenses, bank/director guarantees, etc.
- Conclusion of a purchase order.
- Finalisation or update and review of Contract Management Plan.

Roles and responsibilities

Council Officers with a role or responsibility under this guideline are:

Chief Executive Officer is responsible for approving this Guideline.

Group Executive Business Performance is responsible for overseeing all financial management systems and services, including Contracting Activities.

Manager, Business & Innovation is responsible for implementing and maintaining this guideline. This includes reviewing and reporting on its effectiveness, Council's compliance with it, and recommending changes to improve its effectiveness.

All Managers are responsible for ensuring all Council Officers comply with this guideline when undertaking Contracting Activities.

All Officers are responsible for complying with this guideline when undertaking Procurement and Contracting Activities. Only officers delegated the authority to conduct Contracting Activities as per Delegation No 2 – Procurement and Contracting Activities and Payments Delegation are permitted to commence or bind Council in contract resulting from a Contracting Activity, and only within the limits of the relevant financial authority set in that delegation.

Definitions

Branch Manager means an L3 manager within Council's organisation structure who has responsibility for a branch of that structure.

Community Organisation means:

- (a) an entity that carries on activities for a public purpose; or
- (b) another entity whose primary object is not directed at making a profit.

Contract means a contract (including purchase orders and purchase card transactions) for:

- (a) the supply of goods or services;
- (b) the carrying out of work; or
- (c) the disposal of non-current assets.

In this instance, the term does not include a contract of employment between Council and a Local Government Employee (as defined in the *LGA 2009*).

Contract Administrator is a Council Officer responsible for a Contracting Activity as set out in relevant "How to Guide" and also means Project Manager (if the Project Manager is a Council Officer)

Contract for Service means a contract to which an independent contractor is a party and that relates to the performance of work by the independent contractor.

Contract Management System means the electronic software/system implemented by Council to manage Council's Contracting Activities.

Contracting Activity means Procurement Processes and/or Disposal Processes.

Council Officer means a Local Government Employee (as that term is defined in the *LGA 2009*) of the Sunshine Coast Regional Council, but does not include a person engaged on a Contract for Service for a defined time or designated project.

Disposal Process means the process Council must undertake to enable it to enter into a Contract for the disposal of an asset, including Valuable Non-Current Assets, Surplus Assets and land, including an interest in land.

Exception Contract means a contract formed from exercise of the exceptions to Public Tender or RFQ processes.

EOI means an Expression of Interest.

Expression of Interest means an Expression of Interest process conducted by the Council.

Genuine Emergency includes:

- (a) Any time that the Local Disaster Coordinator is performing a function under the *Disaster Management Act 2003*; or
- (b) Any time an event occurs resulting in actual or likely loss of life or serious injury to person/s and where action from Council may prevent or reduce the actual or likely loss of life or serious injury to person/s, or aid and assist in response to the event; or
- (c) Any time an event occurs resulting in actual or likely serious damage to property and where action from Council may prevent or reduce the actual or likely serious damage, or aid and assist in response to the event.

Government Agency is:

- (a) the State, a government entity, a corporatised business entity or another local government; or
- (b) another Australian government or an entity of another Australian government; or
- (c) a local government of another State.

LGA Arrangement means an arrangement established by Peak Services and/or Local Buy Pty Ltd, LGAQ Ltd or other entity of which LGAQ Ltd is the only shareholder.

Net Disposal Return means the revenue from a Disposal Contract, less all costs associated with the disposal.

Notice to Respondents means a written notice sent by Council to either:

- (a) all Prospective Respondents to a Public Tender, who have downloaded the tender information, in situations where the tender box has *not* closed, or
- (b) all Respondents who submitted an offer in response to a Public Tender, in situations where the tender box *has* closed.

NTR means the definition provided under Notice to Respondents.

PCC means the definition provided under Procurement Contracts Committee.

Procurement Process means the process Council must undertake to enable it to enter into a contract for the purchase of goods, the supply of services and/or the undertaking of works.

Procurement Contracts Committee means the committee established and governed by the [Procurement Contract Committee Terms of Reference](#).

Project Manager (if a Council Officer) see Contract Administrator.

Prospective Respondent means a person or entity that has requested or received an Invitation to Tender or Request for Quote but has not submitted a Tender Response Form or Request for Quote Response Form.

Public Tender means the process of Council inviting public tenders, the preparation and submission of Tenders by Respondents, the communications and negotiations between Council and Respondents in relation to the process and Tenders, evaluation of Tenders by Council and the negotiation of and entering into a contract.

Quote means a quote or quotes (including Alternative Quotes) submitted by Respondents in response to a Request for Quote.

Respondent means a person or entity that has submitted an offer in response to an EOI, Invitation to Tender or Request for Quote.

Request for Quote means the process of Council requesting quotes, the preparation and submission of quotes by Respondents, the communications and negotiations between Council and Respondents in relation to the process and quotes, evaluation of quotes by Council and the negotiation of and entering into a contract.

RFQ means Request for Quote.

Significant Contracting Plan means a Significant Contracting Plan prepared and adopted by Council, as required under the provisions of the *LGR 2012*, s. 221.

Sound Contracting Principles means the principles provided in the *LGA 2009*, s. 104 and as described in this Manual.

Submission means Tenders, Quotes, or any other response or offer received following Council issuing an invitation.

Supplier Arrangement means a list of suppliers established by Council to facilitate the procurement of goods, services and/or works required frequently, in high volume and/or where the capability of the suppliers has been determined.

Surplus Asset means an asset that is plant or equipment or another type of non-current asset that does not reach the value threshold of a Valuable Non-Current Asset as prescribed by Council.

Tender/s means a tender or tenders (including Alternative Tenders) submitted by Respondents in response to the Invitation to Tender.

Tender Response Form means the response form set out in the Invitation to Tender.

Valuable Non-Current Asset (VNCA) means land or another non-current asset that has a value equal to or more than the value threshold of a Valuable Non-Current Asset as prescribed by Council. The threshold prescribed by Council is:

- Plant or equipment worth more than \$5,000; and
- Any other type of Valuable Non-Current Asset worth more than \$10,000.

Verbal Quote means a verbal quote from a person or entity offering to supply goods to Council.

Written Quote means a completed written quote from an entity offering to supply goods, services and/or works to Council, which includes the price and methodology for supply of the goods, services and/or works.

Related legislation, policies, strategies and documents

- *Public Sector Ethics Act 1994 (Qld)*
- *Local Government Act 2009 (Qld)*
- *Local Government Regulation 2012 (Qld)*
- *Statutory Bodies Financial Arrangements Act 1982 (Qld)*
- *Public Sector Ethics Act 1994 (Qld)*
- *Disaster Management Act 2003 (Qld)*
- Procurement Policy
- 2023/24 Contract Manual
- 2023/24 Contracting Plan
- Local Preference in Procurement Guideline
- Social Benefit Procurement Guideline
- First Nations Procurement Guideline
- Innovation and Market-Led Engagement Guideline
- Environment and Sustainability in Procurement Guideline
- Significant Contracting Plan/s
- Sunshine Coast Council's Corporate Plan 2023-2027
- Employee Code of Conduct
- Code of Conduct for Councillors
- Councillors Acceptable Request Guidelines
- Council's current delegations
- Purchase Cards Guideline.

Version control:

Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
1.0	Create new		Council	14 June 2018
2.0	Annual Endorsement	Y	Council	20 June 2019
3.0	Annual Endorsement	Y	Council	11 June 2020
4.0	Annual Endorsement	Y	Council	24 June 2021
5.0	Annual Endorsement	Y	Council	23 June 2022
6.0	Annual Endorsement	Y	Council	

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Organisational Guideline

2023/24 Contracting Plan

Corporate Plan reference	An Outstanding Organisation	
Endorsed by Chief Executive Officer		
Manager responsible for policy	Manager Business & Innovation, Business Performance	

Introduction

Council adopts the Strategic Contracting Procedures to its Contracting Activities in accordance with Part 2, Schedule 6 of the *Local Government Regulation 2012*.

Contracting Activities are the processes by which Council forms contracts with suppliers for the provision of goods, services, and works, and through which it disposes of Valuable Non-Current Assets or Surplus Assets.

The Procurement Policy, Contract Manual, and this Contracting Plan, provide the framework for Council to carry out Contracting Activities in:

- An effective and efficient framework that delivers sound contracting outcomes;
- A manner that complies with the Procurement Policy; and
- Accordance with all applicable laws including the *Local Government Act 2009* (Qld) (LGA 2009) and the *Local Government Regulation 2012* (Qld) (LGR 2012);

Council Contracting Activities undertaken under the framework including this Contracting Plan, must be performed in a manner consistent with the following guidelines:

- Local Preference in Procurement Guideline;
- Social Benefit Procurement Guideline;
- First Nations Procurement Guideline;
- Innovation and Market-Led Engagement Guideline; and
- Environment and Sustainability in Procurement Guideline.

Application of Contracting Plan

This Contracting Plan identifies:

- the types of Contracts Council proposes to make in the 2023/24 financial year;
- the principles and strategies for performing the Contracts;
- a policy about proposed delegations for the Contracts;
- a market assessment for each type of Contract;
- the Contracts that Council considers will be significant having regard to the market assessment; and
- a policy about the making of a Significant Contracting Plan.

Types of Contracts

To service these categories, Council maintain a suite of template Contracts including:

- Design and Construction
- Construction
- Supply and Installation
- Services (including professional and consulting services)
- Supply of Goods
- Queensland Information Technology Framework Contracts

To undertake Contracting Activities, Council has engaged a category procurement model.

Procurement Categories

For the 2022/23 financial year to 31 March 2023, Council spent \$329m across the six Procurement Categories as follows:

Categories	Approximate Total Spend
Engineering and Works	\$110m
Facilities	\$76.1m
Services	\$62.7m
Waste Services	\$35.3m
Fleet and Plant	\$33.0m
ICTS	\$12.2m

For the 2023/24 financial year, Council anticipates spending \$423m across the below categories:

Categories	Anticipated Total Spend
Engineering and Works	\$173m
Facilities	\$55m
Services	\$86m
Waste Services	\$59m
ICTS	\$20m
Other (incl Fleet and Plant and Planning)	\$30m

Principles and Strategies

Council will have regard to the Sound Contracting Principles when undertaking Contracting Activities.

The Sound Contracting Principles are:

- a) value for money;
- b) open and effective competition;
- c) the development of competitive local business and industry;
- d) environmental protection; and
- e) ethical behaviour and fair dealing.

Strategies and Plans for Procurement Categories and individual procurements will be developed as per the Procurement Policy and Contract Manual.

Delegation

Council has delegated powers to the CEO relating to Contracting Activities. The CEO has in turn delegated these powers onto appropriately qualified Council Officers. These delegations are recorded in the Delegation of Authority No. 2 – Procurement and Contracting Activities and Payments maintained by the CEO.

The procurement process used to enter into Contracts differs depending on the type of Contract. The type of Contract is determined by considering the complexity of the Contract, the associated risks, the anticipated value, and by the category in which it falls.

Market Assessment

An assessment of the market for each category, based on Contracting Activities during the 2023/24 financial year can be found in Annexure A of this attachment.

Significant Contracts

Significant Contracts are Contracts that:

- have an anticipated value of \$5 million or more; and/or
- are deemed Significant Contracts by the Procurement and Contract Performance Team following assessment under the Procurement Profiling Matrix, and Risk Assessment Calculator, which includes an assessment of the market relating to the Contract.

A list of the Contracts that Council considers will be Significant Contracts for the 2023/24 financial year are as follows:

Contract	Reason for Significant Contract	Proposed Procurement Strategy
Oval Avenue and Gosling St Upgrade	>\$5M	Public Tender
Stringybark Rd Footbridge-Pathway	>\$5M	Public Tender
Alexandra Headland MDS Strat 2 Stage 1	>\$5M	Public Tender
Kawana Waters Regional Aquatic Centre	>\$5M	Public Tender
Mooloolaba Foreshore Central Meeting Place	>\$5M	Public Tender
Mooloolaba Transport Corridor	>\$5M	Public Tender
Natural Area Management Services	>\$5M	Public Tender
Vehicle Leases	>\$5M	Public Tender
B2N Rail Upgrade Offset Project	>\$5M	Public Tender
DRFA Works - Unsealed Roads Maintenance	>\$5M	Public Tender
First Avenue Streetscape	>\$5M	Public Tender
Food Organic and Garden Organic Waste Processing Service	>\$5M	Public Tender
Resource Recovery Centre Operations	>\$5M	Public Tender
Landfill Operations	>\$5M	Public Tender
Cooney Road Bli Bli Road Intersection Signalisation	>\$5M	Public Tender

Landslip Remediation Works	>\$5M	Public Tender
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Policy about the making of a Significant Contracting Plan

Significant Contracting Plans will be prepared for all Significant Contracts prior to the commencement of the Contract. They will state:

- the objectives of the Significant Contract;
- how the objectives are to be achieved;
- how achievement of the objectives will be measured;
- any alternative ways of achieving the objectives, and why the alternative ways were not adopted;
- proposed contractual arrangements for the activity; and
- a risk analysis of the market in which the Contract is to happen.

The Significant Contracting Plan will be prepared by the Business & Innovation Branch in consultation with the Contract Administrator and any other relevant stakeholders identified in the Procurement Plan.

The Significant Contracting Plan will be endorsed by the Manager of the Branch seeking the Significant Contract and their Group Executive.

The Significant Contracting Plan will be approved by the Chief Executive Officer prior to the commencement of the Contract to which it relates.

Roles and responsibilities

Council Officers with a role or responsibility under this guideline are:

Chief Executive Officer is responsible for approving this Guideline.

Group Executive Business Performance is responsible for overseeing all financial management systems and services, including Contracting Activities.

Manager, Business & Innovation is responsible for implementing and maintaining this guideline. This includes reviewing and reporting on its effectiveness, Council's compliance with it, and recommending changes to improve its effectiveness.

All Managers are responsible for ensuring all Council Officers comply with this guideline when undertaking Contracting Activities.

All Officers are responsible for complying with this guideline when undertaking Procurement and Contracting Activities. Only officers delegated the authority to conduct Contracting Activities as per Delegation No 2 – Procurement and Contracting Activities and Payments Delegation are permitted to commence or bind Council in contract resulting from a Contracting Activity, and only within the limits of the relevant financial authority set in that delegation.

Definitions

The definitions in the *Procurement Policy* and *Contract Manual* apply to this Contracting Plan.

Related legislation, policies, strategies and documents

- *Public Sector Ethics Act 1994 (Qld)*
- *Local Government Act 2009 (Qld)*
- *Local Government Regulation 2012 (Qld)*
- *Statutory Bodies Financial Arrangements Act 1982 (Qld)*
- *Public Sector Ethics Act 1994 (Qld)*
- *Disaster Management Act 2003 (Qld)*
- 2023/24 Contract Manual
- 2023/24 Contracting Plan
- Local Preference in Procurement Guideline
- Social Benefit Procurement Guideline
- First Nations Procurement Guideline
- Innovation and Market-Led Engagement Guideline
- Environment and Sustainability in Procurement Guideline
- Significant Contracting Plan/s
- Sunshine Coast Council's Corporate Plan 2023-2027
- Employee Code of Conduct
- Code of Conduct for Councillors
- Councillors Acceptable Request Guidelines
- Council's current delegations
- Purchase Cards Guideline

Version control:

Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
1.0	Create New	Y	Council (OM	

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Annexure A - Market Assessment

An assessment of the market for each category, based on Contracting Activities during the 2022/23 financial year to 31 March 2023, is as follows:

Category	Number of Contracts	Number of Suppliers	Total Spend	Procurement Processes	Comments
Engineering and Works	4,076	599	\$110M	<ul style="list-style-type: none"> Tender RFQ Exception 	<p>Council's Engineering and Works category of expenditure broadly covers products and services related to roads and construction and includes subcategories such as concrete, bitumen, emulsions and asphalt materials and services, technical and engineering consulting services, playground, open space and recreational infrastructure and traffic management services.</p> <p>According to ABS, the construction sector (as measured by the value of construction done) is estimated to have increased by 1.0-1.5% in December 2022 compared to the same time the previous year. While the sector saw a downward trend in residential and non-residential building, the increase was driven by engineering construction work which was 4% higher. Indeed, the Australian Industry Group Performance of Construction Index indicates contraction across the construction sector throughout 2022 although the rate of decline eased towards the end of 2022. New orders increased for engineering but contracted for housing, apartments, and commercial activity. Interest rate increases and uncertainty about the economic outlook kept orders in contraction as constructors reported a slow-down in interest and customers delaying or cancelling projects.</p> <p>The ABS Producer Price Indexes (PPI) indicates that input prices to the construction sector increased 10% over the 12 months to the March 2023 quarter, primarily driven high energy and transportation costs and demand remaining high for materials due the volume of work already in the pipeline. Consequently, output prices increased 9% over the same period. Shortages of skilled and unskilled labour, in addition to material price increases continued to drive price growth. Other heavy and civil engineering construction prices rose due to concrete price increases resulting from high energy and manufacturing costs, and wage cost rises from labour shortages. Falls in steel prices and the impact of the USD exchange rate partially offset these increases. Road and bridge construction prices rose due to increased costs for concrete and bitumen, driven by high energy and manufacturing costs, coupled with strong global demand and limited supply. Heavy and civil engineering construction prices rose 7.5% over the 12-month period.</p> <p>The difficulty of security supply within this category is considered medium as the majority of products and services can be procured via existing panel arrangements available both regionally and locally.</p>

Category	Number of Contracts	Number of Suppliers	Total Spend	Procurement Processes	Comments
Facilities	2,142	345	\$76.1M	<ul style="list-style-type: none"> Tender RFQ Exception 	<p>The Facilities category covers expenditure related to the construction, maintenance and operations of Council facilities excluding technical and engineering professional services.</p> <p>Overall Services annual inflation of 6% over the 12 months to the March 2023 quarter is the highest since 2001. Engineering and technical services rose 4% due to high demand for engineering services across infrastructure programs, and the tight labour market. Rents rose 5% annually, which is the highest annual rise since 2010, reflecting strong demand amid low vacancy rates across the country. The annual rise in Electricity reflects price reviews in the September quarter 2022, which were driven by higher wholesale prices. However, price rises in the September quarter 2022 were partially offset by the introduction of electricity rebates in QLD, as well as WA and ACT. The unwinding of these rebates has seen the full effects of higher electricity prices reflected in the March quarter. Gas and other household fuels rose in all capital cities. The annual rise in Gas prices of 26% is the largest on record.</p> <p>In this category, Council is to continue consolidating its expenditure for facilities management services and offer the market the opportunity to tender for larger scope of work when going out to market to seek competitive offers and achieve value for money outcomes. Supply within this category is expected to continue to have a relatively low difficulty of being secured by Council due to sufficient availability of capable suppliers both regionally and locally and the relatively high level of market competition.</p>
Services	4,373	1,517	\$62.7M	<ul style="list-style-type: none"> Tender RFQ Exception 	<p>Overall Services annual inflation of 6% over the 12 months to the March 2023 quarter is the highest since 2001. Over the same period, management advice and related consulting services prices rose 4%. legal and accounting services prices rose 3%. The price growth was primarily driven by the tight labour market, competition in the skilled labour market for staff, and annual pricing reviews.</p> <p>As an indicator of activities in the Australian services sector, the Australian Industry Group Australian Performance of Services Index (Australian PSI®) declined falling 2.1 points to 45.6 points (seasonally adjusted) in November 2022 indicating contraction for a third month. Results below 50 points indicate contraction in the Australian PSI®, with lower numbers indicating a stronger rate of contraction.</p> <p>NAB Quarterly Business Survey March 2023 indicates that constraints are still tight, however prices may be past their peak. Most businesses continued to report facing constraints on output in Q1 of 2023. Labour shortages eased only slightly, despite the strong rebound in migration, with some 87% of firms reporting availability of labour as a constraint on output (down from a peak of 91% in 2022). Cost and price growth measures</p>

Category	Number of Contracts	Number of Suppliers	Total Spend	Procurement Processes	Comments
					<p>showed some signs of moderation, supporting expectations that inflation may have peaked in Q4. Labour cost growth ticked down to 1.4% in Q1 (from 1.6%), although wage growth is still clearly the most significant issue affecting business confidence and the share of firms expecting wage pressures to increase over the next six months ticked higher, to 75%.</p> <p>Council will continue to seek to procure services competitively and leverage existing panel arrangements when possible to secure various types of services and achieve value for money outcomes.</p>
Waste Services	139	22	\$35.3M	<ul style="list-style-type: none"> Tender RFQ Exception 	<p>The market size of the Waste Services industry in Australia has grown 3% per year on average between 2017 and 2022. It has increased faster than the utilities sector overall. The size of the population and the demand from construction heavily influence consumption volumes, which affect waste volumes. Broadly, Australia's population is expected to increase in 2022-23, providing an opportunity for industry expansion.</p> <p>Pricing within this category have generally increased in the market due to the high barrier to entry and developing regulations. Also, a technology change in the industry with treatment facilities automations and an increasing need for technical staff have had a negative impact on costs. However, Waste Services is a spend area that remains fairly competitive with a number of capable and experienced suppliers which still enables Council to procure services competitively.</p>
Fleet and Plant	853	169	\$33M	<ul style="list-style-type: none"> Tender RFQ Exception 	<p>The Fleet & Plant category covers the purchase, hire and lease of various types of fleet, maintenance of fleet and plant and the purchase of fuel, gas and lubricants.</p> <p>Generally, the ABS Consumer Price Index (CPI) rose 7% over the 12 months to the March 2023 quarter. Specifically, transport prices rose 4% quarter. Motor vehicles (+6%), spare parts and accessories (+14%) and maintenance and repair of motor vehicle (+5%) were the main contributors to the growth. Motor vehicles manufacturers continue to pass on input cost pressures due to material shortages and increased overhead costs. Automotive fuel prices remain high, however, the March quarter represents one year since Ukraine was invaded, which saw prices rise 11.0 per cent in the March 2022 quarter. Insurance (+4%) recorded the strongest quarterly rise since 2000. Broadly, insurance costs rose for motor vehicle, home, and home content insurance. Other goods and equipment rental and hiring rose by 1%, due to increased labour and equipment purchase costs. Other goods and equipment rental and hiring prices rose 5% over the 12-month period.</p> <p>Council is to continue to procure services competitively and leverage existing panel arrangements when possible, to secure various types of services and achieve value for</p>

Category	Number of Contracts	Number of Suppliers	Total Spend	Procurement Processes	Comments
					money outcomes. Supply within the Fleet and Plant category is expected to have a medium difficulty of being secured by Council despite the availability of capable suppliers in the region and the competitive market within the fleet category such as dry and wet hire.
ICT	402	126	\$12.2M	<ul style="list-style-type: none"> Tender RFQ Exception 	<p>Technology innovation and progress from the past few years have considerably impacted the ICT market; organisations are transitioning from self-managed hardware solutions to cloud computing as-a-service solutions.</p> <p>There is a growing number of niche software solution providers who compete directly with larger providers which increases the level of competition in all markets. Although the ICT category has a high level of market competition (both locally and internationally), ICT costs remain high, driven by global supply chain issues of computer chips and high demand for skilled labour required for navigating the transition to as-a-service solutions. Whilst the location of Council has little impact when it comes to securing software and hardware solutions, securing ICT technical services from ICT services providers with local resources remain challenging. Organisations' spend related to ICT has continued to increase as they anticipate changing software, hardware, infrastructure and security requirements to enable employees to work remotely.</p> <p>Council will continue to seek to procure ICT services by going out to market; leveraging existing panel arrangements to secure various types of services and achieving value for money outcomes.</p>



Organisational Guideline

Local Preference in Procurement Guideline

Corporate Plan reference	Our resilient economy Our outstanding organisation	
Endorsed by Chief Executive Officer		
Manager responsible for policy	Manager Business & Innovation	

Introduction

Sunshine Coast Council's Corporate Plan 2023 – 2027 provides the goal that “Our resilient, high value economy of choice drives business performance, investment and enduring employment”.

The Regional Economic Development Strategy 2013-2033 seeks to ensure the region realises its full potential, with a confident future as an active participant in the global economy which will afford greater stability to the regional economy in terms of a broader industry and investment base.

Council is also one of the largest contributors to the economy of the Sunshine Coast through its annual budget, which expends upwards of \$300 million per annum in contracting for goods and services, with the majority of that being expended with local suppliers.

Council recognises the inherent benefits in contracting with local suppliers for the provision of goods and services.

These benefits include:

- Developing a competitive local business and industry;
- Local goods are more readily available reducing lead time to fulfil orders or provide parts required for maintenance;
- Service providers are in closer proximity and can provide faster service and faster support;
- Ability to provide more environmentally sustainable outcomes through conserving the use of energy and resources such as reducing fuel consumption in travel and transport;
- Create new local employment opportunities and maintain the existing local employment base;
- Create new business and commercial opportunities, and continue to support the existing business and commercial base;
- Supporting local supply chains by encouraging all Council suppliers to sub-contract with, or seek goods and services from, local suppliers;
- Council investing in the community it serves to provide benefits to the local community; and
- Economic growth contributing to community prosperity.

Guideline details

Council will encourage the development of a competitive local business and industry by facilitating a preference for local suppliers in its Contracting Activities. The preference for local engagement to be applied to a Procurement Process as follows:

Inviting Locals to Respond to Procurement Processes

When undertaking a Request for Quote procurement process, the following table is to be followed:

Table 1:

Procurement Process	Contract Value	Local preference
ONE quote required	\$0 - \$50,000	Quote/s must be sought ONLY from Local and Deemed Local Suppliers.
Request for Quote (minimum THREE quotes)	\$50,000 - \$500,000	Quote/s must be sought ONLY from Local and Deemed Local Suppliers, unless a genuine reason not to applies (see below).

Social and Economic Factors Criteria (includes Contribution to Local Economy)

Council's Social and Economic Factors evaluation criteria has an evaluation weighting of 20% as set out in Council's Contract Manual. The Social and Economic Factors evaluation criteria comprises of the following three components:

- Contribution to the Local Economy (which relates to this guideline),
- Social Benefit Engagement (Social Benefit in Procurement Guideline), and/or
- First Nations Engagement (First Nations Procurement Guideline).

If the Social and Economic factors for First Nations and/or Social Benefit engagement are not incorporated into the Procurement Process, then the Evaluation Criteria for Social and Economic Factors must include the Contribution to the Local Economy criterion and must receive the full 20% weighting.

In any invited only Procurement Process (such as a Request for Quote), if non-locals are invited to respond (where there is a Genuine Reason not to follow the guideline as set out below) the Evaluation Criteria must include a criterion for the Social and Economic Factors which must receive a combined total weighting of no less than 20%.

For any open Procurement Process such as a Public Tender the Evaluation Criteria must include a criterion for the Social and Economic Factors which must receive a weighting no less than 20%, unless an exception to this is approved.

Supplier Arrangements

When conducting a Procurement Process to create a Supplier Arrangement, Council must, at a minimum, include the evaluation criterion for the contribution made by the Respondent to the local economy as part of the Social and Economic Factors criteria. These factors must receive no less than 20% weighting. Council may, in appropriate circumstances, consider and apply other strategies in those tenders to support or drive greater local engagement.

Council has priced and non-priced Supplier Arrangements. Generally, priced Supplier Arrangements include suppliers in a ranked order, and in most cases, Council will directly approach the highest ranked supplier for the provision of the goods and services. If the highest ranked provider cannot supply those goods or services, Council will approach the next highest ranked supplier.

When forming Contracts from a non-priced Supplier Arrangement, Council will invite Quotes from some, or all, of the suppliers on the Supplier Arrangement with a view to undertaking a short evaluation to identify the most advantageous supplier. Evaluation Criteria for contribution to the local economy does not need to be included when seeking Quotes from a Supplier Arrangement as this has already been evaluated when forming the arrangement above.

Genuine reason not to follow this guideline

Council acknowledges there will be occasions when the requirements of this guideline cannot be followed. A genuine reason not to comply with the guideline will exist where:

- it is not possible to meet the requirements because, for example, there is not a local supplier, or sufficient local suppliers to enable the requirements of this guideline to be met; or
- there is sufficient local supplier availability, but because of the size, complexity or timing of the goods and/or services required, there are not sufficient local suppliers capable of meeting Council's requirements; or
- The supplier invited is invited in accordance with Council's First Nations Procurement Guideline and that supplier may not be local.

Where there is a genuine reason that the requirements of this guideline cannot be met then certain Council Officers may approve a departure from it (except in the instance of complying with Council's First Nations Procurement Guideline, no approval is required).

A Council Officer at the level of Manager (L3 or equivalent position) may approve departure from this guideline when a genuine reason exists and the Contract value is within that Council Officer's delegated authority for creating the Contract. All other departures from this guideline must be approved by a Group Executive (L2).

Where a gap in the local business or industry is identified such that a capable local supplier is not, and will not, be available in the foreseeable future, or it is believed that the most advantageous outcome cannot be achieved by engaging with a local supplier, a Group Executive (L2) may give a blanket exemption from complying with this guideline. Any blanket exemption must be for an identified type of Contract and timeframe.

Further where a gap is identified, it is imperative the Economic Development Branch be advised to ensure appropriate measures and opportunities are explored with industry to address the gap.

All departures from this guideline are to be reported to the Manager, Business & Innovation

Contracts formed from External Supplier Arrangements

An externally created supplier arrangement is one that Council did not form, but Council is seeking to utilise for a particular procurement. The most common example of such arrangements are those created by Local Buy, and by Commonwealth, State or other local Governments.

Where a Contract is sought to be formed using an externally created supplier arrangement, Council Officers should seek to identify if there are any suppliers on that supplier arrangement that would be considered local suppliers by this guideline. If there are, appropriate consideration should be given to inviting quote/s from those local supplier/s.

Tender and Request for Quote - Evaluation of the Contribution made to the local economy

Council will invite Public Tenders via QTenders and receive Tenders from any Respondent, regardless of their location. Also, some procurements conducted by Request for Quote will invite Local, Deemed Local and Non-local Suppliers.

In these instances, the contribution made to the local economy must be included in the evaluation of these procurements as part of the Social and Economic Factors criteria.

The criterion will be evaluated having regard to the local presence of the Respondent and the Respondent's explanation of the contribution already being made to the local economy, the contribution that will be made should they be awarded the Contract, or both. Explanation of that contribution may include:

- Local Supplier with primary office and primary ongoing business within Sunshine Coast.
- Local presence of ongoing business within Sunshine Coast:
 - Number of employees;

- Location of property and/or offices;
- Plant and equipment used to deliver business, sourcing of those and maintenance costs;
- Consumables and sourcing;
- Opportunities for further local engagement, for example sub-contracting;
- Contributions made to local Community Organisations;
- Contributions, support, sponsorship and volunteering for local community events.
- Benefits to the local government area from the Successful Respondent:
 - How the Contract might contribute to the business maintaining its local presence;
 - New employment opportunities or requirements;
 - New or expansion of property, office space, vehicles or plant and equipment;
 - Opportunities for local sub-contracting;
 - Evidence of support for local Community Organisations;
 - Contributions, support, sponsorship and volunteering for local community events.

Evaluation of each Submission will consider the above information and scoring will be applied as follows:

Table 3:

Local presence	Scoring:	Overall weighting
Local Supplier	10/10	20% unless other Social and Economic Factors are incorporated into the Procurement
Supplier deemed local	5-10/10	
Non-Local Supplier	0-5/10	

Roles and responsibilities

Council Officers with a role or responsibility under this guideline are:

Chief Executive Officer is responsible for approving this Guideline.

Group Executive Business Performance is responsible for overseeing all financial management systems and services, including Contracting Activities.

Manager, Business & Innovation is responsible for implementing and maintaining this guideline. This includes reviewing and reporting on its effectiveness, Council's compliance with it, and recommending changes to improve its effectiveness.

All Managers are responsible for ensuring all Council Officers comply with this guideline when undertaking Contracting Activities.

All Officers are responsible for complying with this guideline when undertaking Procurement and Contracting Activities. Only officers delegated the authority to conduct Contracting Activities as per Delegation No 2 – Procurement and Contracting Activities and Payments Delegation are permitted to commence or bind Council in Contract resulting from a Contracting Activity, and only within the limits of the relevant financial authority set in that delegation.

Definitions

The definitions in the Procurement Policy and Contract Manual apply to this guideline.

The definitions applicable to this guideline are:

Deemed Local Supplier means a supplier who does not have a primary office or business premises within the Sunshine Coast Council LGA, but has a significant business or primary service area in the Sunshine Coast LGA and/or a significant employee base that undertake work within the Sunshine Coast LGA (this employee base may include staff who work remotely on a regular basis from the local government area).

Excluded supplier means a government body or utility service provider who Council has little or no choice but to Contract with. For example, Government Agencies such as telecommunication providers, fuel suppliers or Australia Post.

Local Supplier means a supplier who:

- was established in and maintains their primary office or business premises within the Sunshine Coast Council Local Government Area;
- has an office or business premises, but not the primary premises, within the Sunshine Coast Council Local Government Area (Sunshine Coast LGA).

Non-local Supplier means a supplier who is not from within the Sunshine Coast LGA, or is not a Deemed Local Supplier.

Related legislation, policies, strategies and documents

Public Sector Ethics Act 1994 (Qld)

Local Government Act 2009 (Qld)

Local Government Regulation 2012 (Qld)

2023/24 Procurement Policy

2023/24 Contact Manual

2023/24 Contracting Plan other guidelines for that policy

Sunshine Coast Council Corporate Plan 2023-2027

Regional Economic Development Strategy 2013-2033 (REDS)

Version control:

Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
1.0	Create New	N	Council	21/04/2016
2.0	Annual Endorsement	Y	Council	18/05/2017
3.0	Annual Endorsement	Y	Council	21/06/2018
4.0	Annual Endorsement	Y	Council	11/06/2019
5.0	Annual Endorsement	Y	Council (SM20/13)	11/06/2020
6.0	Annual Endorsement	Y	Council (OM21/50)	24/06/2021
7.0	Annual Endorsement	Y	Council (OM22/43)	23/06/2022
8.0	Annual Endorsement	Y	Council	



Organisational Guideline

Social Benefit Procurement Guideline

Corporate Plan references and Strategic Pathways	Our strong community Our resilient economy Our outstanding organisation	
Endorsed by Chief Executive Officer		
Manager responsible for guideline	Manager Business & Innovation	

Introduction

Council's Corporate Plan 2023-2027 provides the goal "Our communities are connected and thriving places where people are included, treated with respect and opportunities are available for all".

The Sunshine Coast Community Strategy 2019-2041 has an outcome measure for "more than 20% growth in social enterprises operating in the Sunshine Coast Local Government Area."

Social benefit procurement uses procurement processes and purchasing power to generate positive social and economic outcomes in addition to the efficient delivery of goods, services and works. Council recognises the value of engaging in social procurement.

Council's support of social benefit procurement can enable local enterprise growth and responses to social issues that improve the quality of life for local residents.

The purpose of this guideline is to outline a framework for council to conduct social benefit procurement in its contracting activities.

Guideline details

This guideline applies to any Contracting Activities undertaken by Council.

Social Benefit Suppliers are organisations whose social mission is centred on benefitting a group of people who are considered disadvantaged in their local community. Such organisations channel economic and social resources into a community in response to an underlying social need/issue.

Social Benefit Suppliers may include:

- Community Organisations, including not-for-profit entities
- Australian disability enterprises
- Charitable business ventures
- Community development finance institutions
- Worker or community owned co-operatives

- Fair trade social enterprises
- Intermediate labour market companies
- Social enterprises

Application to Procurement Processes

Council will incentivise the engagement of Social Benefit Suppliers by facilitating a preference for Social Benefit Suppliers in its contracting activities as follows:

1. Conducting a restricted procurement process where capable Social Benefit Suppliers have been identified; or
2. Identifying contracting activities where the contract will require a supplier to reach a specific target relating to the engagement of local Social Benefit Suppliers in the delivery of the services under the contract; or
3. Inviting and assessing Tenders and Quotes from suppliers.

Social and Economic Factors Criteria (includes Contribution to Local Economy)

Council's Social and Economic Factors evaluation criteria has an evaluation weighting of 20% as set out in Council's Contract Manual. The Social and Economic Factors evaluation criteria comprises of the following three components:

- Contribution to the Local Economy (Local Preference in Procurement Guideline),
- Social Benefit Engagement (this Guideline), and/or
- First Nations Engagement (First Nations Procurement Guideline).

For any open Procurement Process such as a Public Tender the Evaluation Criteria must include a criterion for the Social and Economic Factors which must receive a weighting no less than 20%, unless an exception to this is approved.

For any Request for Quote process, the incorporation of Social and Economic Factors will depend on whether there is Genuine Reason not to follow any of the three guidelines for Social and Economic Factors. Where there is not a Genuine Reason, then the Evaluation Criteria must include a criterion for the Social and Economic Factors which must receive a combined total weighting of no less than 20%.

Forming Supplier Arrangements

Council creates Supplier Arrangements by conducting a public tender.

When conducting a public tender to create a Supplier Arrangement, Council will, at a minimum, include the evaluation criterion for Social and Economic Factors which must receive a combined total weighting of no less than 20%. Council may, in appropriate circumstances, consider and apply other strategies in those tenders to support or drive greater Social Benefit Supplier engagement.

Contracts formed from External Supplier Arrangements

An externally created Supplier Arrangement is one that Council did not form, but Council is seeking to utilise for a particular procurement. The most common example of such arrangements are those created by Local Buy, and by Commonwealth, State, or other Local Governments.

Where a contract is sought to be formed using an externally created Supplier Arrangement, Council Officers should seek to identify if there are any Social Benefit Suppliers on that Supplier Arrangement. If there are, appropriate consideration should be given to inviting quote/s from those supplier/s.

Evaluation of Social Benefit Suppliers

When Council undertakes a contracting activity where responses are to be evaluated against pre-determined evaluation criteria, then the evaluation criterion of Social Benefit Engagement must be included and evaluated.

The criterion will be evaluated having regard to the business of the Respondent and the Respondent's explanation of their Social Benefit Engagement.

Evaluation of each submission will consider the above information and scoring will be applied as follows:

Supplier	Scoring:	Overall weighting
A Supplier that is a Social Benefit Supplier	10/10	As set in the Procurement Process up to 20%
A Supplier that is not a Social Benefit Supplier but demonstrates that they are engaging Social Benefit Suppliers in their supply chain	5 to 10/10	
Not a Social Benefit Supplier and not engaging Social Benefit Suppliers in their supply chain	0/10	

Drafting of specifications

When drafting specifications, the author should consider whether the goods or services sought can be delivered by a Social Benefit Supplier or whether a commercial supplier could engage members from a disadvantaged group.

If drafting of the specification is outsourced to a consultant, this should be conveyed to the consultant for consideration/inclusion in the specification.

Roles and responsibilities

Council Officers with a role or responsibility under this guideline are:

Chief Executive Officer is responsible for approving this Guideline.

Group Executive Business Performance is responsible for overseeing all financial management systems and services, including Contracting Activities.

Manager, Business & Innovation is responsible for implementing and maintaining this guideline. This includes reviewing and reporting on its effectiveness, Council's compliance with it, and recommending changes to improve its effectiveness.

All Managers are responsible for ensuring all Council Officers comply with this guideline when undertaking Contracting Activities.

All Officers are responsible for complying with this guideline when undertaking Procurement and Contracting Activities. Only officers delegated the authority to conduct Contracting Activities as per Delegation No 2 – Procurement and Contracting Activities and Payments Delegation are permitted to commence or bind Council in contract resulting from a Contracting Activity, and only within the limits of the relevant financial authority set in that delegation.

Definitions

The definitions in the *Procurement Policy* and *Contract Manual* apply to this guideline.

Related legislation, policies, strategies and documents

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Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
1.0	Create New		Council	21 June 2018
2.0	Annual Endorsement	N	Council	20 June 2019
3.0	Annual Endorsement	Y	Council (SM20/13)	11 June 2020
4.0	Annual Endorsement	Y	Council (OM21/50)	24 June 2021
5.0	Annual Endorsement	Y	Council (OM22/43)	23 June 2022



Organisational Guideline

First Nations Procurement Guideline

Corporate Plan reference	Our Strong Community Our Resilient Economy Our Outstanding Organisation	
Endorsed by Chief Executive Officer		
Manager responsible for policy	Manager Business and Innovation	

Introduction

Council's Corporate Plan 2023-2027 provides the goal that "Our communities are connected and thriving places where people are included, treated with respect and opportunities are available for all".

The Sunshine Coast Community Strategy 2019-2041 identifies that we are committed to reconciliation and social and economic opportunities for the Aboriginal and Torres Strait Islander community as demonstrated through our Reconciliation Action Plan.

Council's Reconciliation Action Plan 2021-2022 (RAP) commits to work in partnership with the Traditional Custodians and the broader First Nations (Aboriginal and Torres Strait Islander) community to support self-determination through economic and community development. In addition, the RAP commits to increase First Nations supplier diversity to support improved economic and social outcomes.

Further, the Regional Economic Development Strategy 2013-2033 seeks to ensure the region realises its full potential – with a confident future and as an active participant in the global economy which will afford greater stability to the regional economy in terms of a broader industry and investment base.

Council recognises the inherent benefits in contracting with First Nations suppliers or supply chains for the provision of goods and services.

The purpose of this First Nations (Aboriginal and Torres Strait Islander) Procurement Guideline ("First Nations Procurement Guideline") is to outline Council's framework to increase procurement from First Nations suppliers and supply chains.

Guideline details

This guideline applies to any Contracting Activities for the provision of goods and services undertaken by Council. Applying this guideline will:

- Develop a competitive First Nations business and industry both locally and regionally;
- Create new business and commercial opportunities for First Nations suppliers, and supporting the existing First Nations business and commercial base;
- Maintain the existing First Nations local employment base while creating new local employment opportunities;
- Support First Nations supply chains by incentivising all Council suppliers to sub-contract with, or procure goods and services from, First Nations suppliers; and
- Diversify economic growth contributing to community prosperity.

Application to Procurement Processes

Council will incentivise the development of a competitive First Nations business and industry by facilitating a preference for First Nations businesses and supply chains in its Contracting Activities.

The preference for First Nations business and industry engagement to be applied to Contracting Activities is as follows:

1. Conducting a restricted procurement process where capable First Nations businesses have been identified; or
2. Identifying Contracting Activities where the Contract will require a supplier to reach a specific target relating to the employment and/or training of local First Nations people in the delivery of the services under the Contract; or
3. Inviting and assessing Tenders and Quotes from suppliers as set out in the Table 1 below.

Table 1:

Contract Value	Procurement process	First Nations Businesses to be invited
\$0 - \$50,000	One quote required	If a First Nations Supplier with a local presence is identified through the Black Business Finder (or other approved registers that identify First Nations Businesses) who provide the goods or services required then they must be invited to Quote.
\$50,000 - \$500,000	Request for Quote processes for inviting three quotes	If any First Nations Businesses is able to be identified through the Black Business Finder (or other approved registers that identify First Nations Businesses) who provide the goods or services required then they must be invited to Quote. Evaluation criterion for First Nations business contracting will receive a weighting up to 20%
\$500,000 and above	Public Tender	Evaluation criterion for First Nations business contracting will receive a weighting up to 20%

Social and Economic Factors Criteria (includes Contribution to Local Economy)

Council's Social and Economic Factors evaluation criteria has an evaluation weighting of 20% as set out in Council's Contract Manual. The Social and Economic Factors evaluation criteria comprises of the following three components:

- Contribution to the Local Economy (Local Preference in Procurement Guideline),
- Social Benefit Engagement (Social Benefit Procurement Guideline), and/or
- First Nations Engagement (this Guideline).

For any open Procurement Process such as a Public Tender the Evaluation Criteria must include a criterion for the Social and Economic Factors which must receive a weighting no less than 20%, unless an exception to this is approved.

For any Request for Quote process, the incorporation of Social and Economic Factors will depend on whether there is Genuine Reason not to follow any of the three guidelines for Social and Economic Factors. Where there is not a Genuine Reason, then the Evaluation Criteria must include a criterion for the Social and Economic Factors which must receive a combined total weighting of no less than 20%.

Forming Supplier Arrangements

Council creates Supplier Arrangements by conducting a Public Tender.

When conducting a Public Tender to create a Supplier Arrangement, Council will, at a minimum, consider the Social and Economic Factors including the evaluation criterion for First Nations engagement in contracting. Council may, in appropriate circumstances, consider and apply other strategies in those Tenders to support or drive greater First Nations engagement.

Tender and Request for Quote - Evaluation of contracting opportunities

When Council undertakes a Contracting Activity where responses are to be evaluated against pre-determined evaluation criteria then the evaluation criterion of First Nations engagement in contracting must be included and evaluated.

The criterion will be evaluated having regard to the business of the Respondent and the Respondent's explanation of the contribution to First Nations engagement in contracting. When considering that contribution the following must be evaluated:

- Whether the Supplier is a First Nations Business;
- Whether the Supplier's First Nations people employment rate exceeds 25%;
- Whether the Supplier is engaging in its supply chain, a First Nations Business.

Evaluation of each submission will consider the above information and scoring will be applied as follows:

Evaluation information	Scoring:	Overall weighting
Supplier that is a First Nations Business	10/10	up to 20%
Supplier that is not a First Nations Business that demonstrates that they are engaging First Nations Business/es in their supply chain, employ more than 25% First Nations people or can demonstrate and commit to the employment of at least one additional First Nations person in the delivery of the contract	5 to 10/10	
Non-First Nations Business that is not engaging First Nations Business in their supply chain	0/10	

Genuine reason *not* to follow this guideline

Council acknowledges there will be occasions when the requirements of this guideline cannot be followed, either because it is not possible to comply due to the nature of the procurement, or it is not in the best interests for achieving the most advantageous outcome.

A genuine reason not to comply with the guideline will exist where there is a First Nations Business availability, but because of the size, complexity or timing of the goods and/or services required, it is not in the interests of achieving the most advantageous outcome to invite the First Nations Business/es.

Where there is a genuine reason that the requirements of this guideline cannot be met then certain Council Officers may approve a departure from it.

A Council Officer at the level of Co-ordinator (L4 or equivalent position) may approve departure from this guideline when a genuine reason exists and the contract value is within that Council Officer's delegated authority for creating the contract. All other departures from this guideline must be approved by a Manager (L3).

Roles and responsibilities

Council Officers with a role or responsibility under this guideline are:

Chief Executive Officer is responsible for approving this Guideline.

Group Executive Business Performance is responsible for overseeing all financial management systems and services, including Contracting Activities.

Manager Business and Innovation is responsible for implementing and maintaining this guideline. This includes reviewing and reporting on its effectiveness, Council's compliance with it, and recommending changes to improve its effectiveness.

All Managers are responsible for ensuring all Council Officers comply with this guideline when undertaking Procurement and Contracting Activities.

All Officers are responsible for complying with this guideline when undertaking Contracting Activities. Only officers delegated the authority to conduct Contracting Activities as per Delegation No 2 – Procurement and Contracting Activities and Payments Delegation are permitted to commence or bind Council in Contract resulting from a Contracting Activity, and only within the limits of the relevant financial authority set in that delegation.

Definitions

The definitions in the Procurement Policy and Contract Manual apply to this guideline.

The definitions applicable to this guideline are:

First Nations Business means a supplier or respondent who:

1. is majority owned by Aboriginal or Torres Strait Islander people;
2. is 50% owned by Aboriginal or Torres Strait Islander people;
3. is a non-First Nations business that employs at least 75% of Aboriginal or Torres Strait Islander workers;
4. is an equal Joint Venture agreement with a majority owned Aboriginal or Torres Strait Islander business entity; or
5. is registered as a First Nations Business with the Black Business Finder or with Supply Nation.

Related legislation, policies, strategies and documents

Public Sector Ethics Act 1994 (Qld)

Local Government Act 2009 (Qld)

Local Government Regulation 2012 (Qld)

2023/24 Procurement Policy

2023/24 Contract Manual

2023/24 Contracting Plan other guidelines for that policy

Sunshine Coast Council Corporate Plan 2023-2027

Regional Economic Development Strategy 2013-2033 (REDS)

Sunshine Coast Council Community Strategy 2019-2041

Sunshine Coast Council Reconciliation Action Plan 2021-2022

Version control:

Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
1.0	Create New	N	Council	21 June 2018
2.0	Annual Endorsement	Y	Council	20 June 2019
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6.0	Annual Endorsement	Y	Council	



Organisational Guideline

Innovation & Market-Led Engagement Guideline

Corporate Plan references	Our resilient economy Our outstanding organisation	
Endorsed by Chief Executive Officer		
Manager responsible for guideline	Manager Business & Innovation	

Introduction

Council is committed to the Sunshine Coast being a prosperous, and high-value economy of choice for business, investment, and employment. This is underpinned by an appreciation for, and strong commitment to, innovation. Council is committed to the Sunshine Coast being a regional hub for innovation, entrepreneurship, and creativity.

The Regional Economic Development Strategy 2013-2033 seeks to ensure the region realises its full potential, with a confident future as an active participant in the global economy which will afford greater stability to the regional economy in terms of a broader industry and investment base.

Council is also one of the largest contributors to the economy of the Sunshine Coast through its annual budget, which expends upwards of \$250 million per annum in contracting for goods and services, with the majority of that being expended with local suppliers.

Council realises, however, that it cannot achieve its vision for the Sunshine Coast alone and that the private sector can contribute to the delivery of goods, services, and infrastructure across the Sunshine Coast.

The purpose of this guideline is to outline a framework for Council to:

- identify, invite, and consider Submissions from suppliers offering innovative or unique approaches to delivering goods, services, or works (Innovation Contract); and
- receive and consider Market-Led Proposals (MLP's).

Guideline details

This guideline *may* apply to:

- Innovation proposal - certain Contracting Activities for the provision of goods, services, or works to be undertaken by Council, and any other existing service provided by Council that may be improved through some innovation; and
- Market-Led Proposals involving some form of contracting by Council for provision of goods or services, including works or disposal of Valuable Non-Current Assets (VNCA) (under certain defined circumstances - not land).

Innovation Proposal

Council's strong commitment to innovation is imbedded within the Corporate Plan. Council also appreciates that opportunities to innovate are not without some challenges. Often great ideas and innovative opportunities need to be tested, developed, incubated and matured. Additionally, entities seeking to receive the benefit of an innovative opportunity (from a supplier) need to ensure the legitimacy and capability of the goods or services.

Council also recognises that, in some instances, mainstream procurement frameworks can restrict, and be counter-productive to, the introduction and realisation of innovative solutions. This tension can lead to the loss of otherwise viable opportunities.

A structured solution to the tension between mainstream procurement and realising innovation is to identify circumstances when the procurement will depart from that mainstream framework in pursuit of an innovative solution. Any departures or alternative processes will require governance mechanisms that adequately manage the risk associated with the solution.

Application to Contracting Activities

Council may depart from the Activities outlined in the Procurement Policy when it seeks to establish an Innovation Contract, but only in accordance with this Guideline.

An Innovation Contract may be considered by Council if it meets the following characteristics:

- the Innovation Contract will introduce a potential innovation that provides a cost, time, service improvement or advantage to Council or the Community; and
- the innovation sought is (in the opinion of Council) either:
 - only reasonably available to Council from a single external entity; or
 - a solution which
 - is from a market or provider with limited depth, capability or maturity; and
 - requires some level of further testing, development, verification, support or the like prior to adoption with any degree of permanency
- the Innovation Contract is valued at no more than \$250,000 (Exclusive of GST); and
- the Innovation Contract is for a term of no longer than 12 months.

Establishing the basis for an Innovation Contract

A Council Officer who believes a potential innovation may be realised from an Innovation Contract should:

- seek assistance from a Procurement Specialist or other appointed Council Officer from the Business and Innovation Branch;
- ensure appropriate budget exists for the Innovation Contract being pursued; and
- prepare an Innovation Contract Report.

Innovation Contract Report

Prior to establishing an Innovation Contract, a report (Innovation Contract Report) must be produced for the consideration of an Evaluation Panel. The Council Officer proposing the Innovation Contract must prepare an Innovation Contract Report which identifies the following:

- comprehensive details of the proposed Innovation Contract, including the total anticipated cost and term of the Innovation Contract;
- the anticipated outcomes from the Innovation Contract, including the time, cost, service improvement or advantage to Council or the Community that may be realised from the Innovation Contract;
- a plan of how those outcomes will be measured and reported;
- any alternative ways of achieving the outcomes, and why the alternative ways were not adopted;
- a risk assessment of the Innovation Contract and the market from which the goods or services are to be obtained; and
- a Procurement Plan outlining the procurement strategy to be employed to establish the Innovation Contract that ensures appropriate regard for the Sound Contracting Principles.

For clarity, it is acknowledged that the Procurement Plan may propose a procurement route that is not consistent with the Procurement Policy. Innovation Contract Reports should be supported by the Branch Manager and submitted to the Manager of Business and Innovation who will establish an Evaluation Panel to evaluate the report. The Evaluation Panel will consider the report and make a recommendation to the Manager of Business and Innovation. The Manager of Business and Innovation may provide the report and recommendation to the Group Executive from the Group where the report was generated, for consideration.

That Group Executive may approve, reject or require further information about the proposed Innovation Contract.

Managing an Innovation Contract

When an Innovation Contract has been approved, the Contract should be managed in a manner consistent with contemporary contract management as outlined in the Contracting Manual. During the life of the Contract, the following matters should be considered:

- cost;
- risk; and
- ongoing assessment of the outcomes derived from the Innovation Contract, service improvement or advantage to Council or the Community.

Innovation Contract Finalisation Report

At the conclusion of an Innovation Contract, the Contract Administrator is required to produce a report (Innovation Contract Finalisation Report) for the consideration of the approving Group Executive and the Procurement Contracts Committee, outlining the following:

- the outcomes from the Innovation Contract, including the time, cost, service improvement or advantage to Council or the Community;
- total cost and term of the Innovation Contract;
- a critical assessment of the Innovation Contract, including whether it:
 - met Council's objectives for the Innovation Contract;
 - provided the intended benefit to Council or the Community; and
 - represented value for money;
- a recommendation as to whether the Innovation Contract should be considered for renewal or further investigation by Council.

The Innovation Contract Report should be an annexure to the Innovation Contract Finalisation Report.

Market-Led Proposal (MLP)

MLP's provide an opportunity for Council to engage with the private sector in a manner that allows both Council and the private sector to collaboratively take part in the delivery of goods, services, and infrastructure to address the needs of the Sunshine Coast Community.

A MLP could be for:

- a commercial activity, involving some contribution from Council;
- the acquisition of, or access to, Council assets, including land or other assets, information or partnerships;

(Note: where a MLP involves disposal of Council land, Council must ensure compliance with the provisions of the *Local Government Regulation 2012* regarding Contracts for the disposal of land and the Procurement Policy regarding Disposal Processes);

- development of public or open access infrastructure on the Sunshine Coast; or
- delivery of services to, or on behalf of, Council.

A successful MLP may result in Council departing from the primary procurement route for conducting a Contracting Activity provided in the Procurement Policy to Contract directly with a proponent.

To justify this direct sourcing, the proposal must meet stringent criteria, outlined under 'Criteria for assessment' section of this guideline.

Criteria for assessment

A successful MLP must satisfy the following assessment criteria:

1. Council policy, priority and community need

The proposal must satisfy a community need and align with Council policies, strategies and priorities.

2. Justification for direct negotiation

The proposal must demonstrate that the public interest is best served by Council negotiating directly with a proponent, rather than by engaging in a competitive process.

3. Sound Contracting Principles

The proposal must be consistent with the Sound Contract Principles, including demonstration that the proposal represents value-for-money for Council.

4. Capacity and capability of the proponent

A proponent must demonstrate that it has the financial and technical capacity, capability, and experience to deliver the outcome successfully.

5. Risk and cost allocation

The proposal must include the proposed allocation of costs and risks between the proponent and Council.

6. Feasibility of the proposal

The proposal must be technically, commercially and practically feasible.

Submission and assessment of Market-Led Proposals

The process for assessing MLPs is staged so that proponents can align their effort with the level of Council interest and commitment. An assessment is completed by Council at each stage and proposals only move forward at the recommendation of Council.

There are four steps in the assessment process:

- Preliminary assessment
- Stage 1: Initial Proposal
- Stage 2: Detailed Proposal
- Stage 3: Final Binding Offer.

An Evaluation Panel of relevant senior Council Officers will be established when any proposal is received. The Evaluation Panel will determine whether or not a proponent will be invited to submit a proposal for Stage 1: Initial Proposal.

Preliminary assessment

The preliminary assessment stage enables Council to provide high-level feedback to proponents about the likely alignment of the MLP with criteria prior to proponents committing considerable resources to a formal Submission.

The MLP preliminary assessment template sets out the initial information a proponent should provide to Council. Key requirements include a clear articulation of the proposal, what is sought from Council and the expected outcomes.

Possible outcomes

The Evaluation Panel may decide that the proposal:

- may meet the MLP criteria, in which case the proponent may be invited to submit the proposal for consideration in Stage 1: Initial Proposal;

(Note: An invitation by Council to submit a Stage 1 proposal does not give any inference or indication that Council will accept the proposal, it simply indicates that the Evaluation Panel considers the concept somewhat aligns with the MLP criteria and would like to consider the concept further)

- is unlikely to meet the MLP criteria in its present form;

(Note: Feedback will be provided to the proponent to help them decide whether the proposal could be amended to better align with the MLP criteria)

- is unlikely to meet the MLP criteria but is considered to have merit and so the concept may be further developed by Council; or
- should proceed via a competitive Procurement Process.

Preliminary Assessment responsibilities

The proponent will:

- submit their idea to Council, using the MLP preliminary assessment template to inform the discussion; and
- respond to requests for further information, as requested by the Evaluation Panel. The information requested will depend on the size and complexity of the proposal. The Evaluation Panel will:
 - promptly acknowledge receipt of the proposal;
 - undertake a preliminary assessment of the proposal; and
 - provide feedback to the proponent

Stage 1:

Initial Proposal

During Stage 1: Initial Proposal, the proponent will expand on the information provided in the preliminary assessment and, in particular, address in more detail the following criteria:

- Council policy, priority and community need;
- justification for direct negotiation;
- value for money; and
- capacity and capability of the proponent.

An Evaluation Panel will be established to review the Initial Proposal against these criteria to determine whether the Initial Proposal aligns with these criteria.

The Evaluation Panel will also consider:

- whether any other proposal addressing the same need, or proposing a similar outcome, is under active consideration by Council; and
- if the proposal is a genuine and feasible commercial proposition requiring the support of Council and is unsuited to existing funding mechanisms.

Possible outcomes

The Evaluation Panel may decide, upon review of the Stage 1: Initial Proposal, that:

- the proposal meets the MLP criteria in principle and the proponent may be invited to progress to Stage 2: Detailed Proposal;
(Note: An invitation by Council to submit a Stage 2 proposal to Council does not give any inference or indication that Council will accept the proposal, it simply demonstrates that Council considers the proposal to meet the MLP criteria in principle and have an interest in the concept)
- the proposal is not suitable to progress to Stage 2: Detailed Proposal, but has merit and so the concept may be further developed by Council; or
- the proposal is not suitable for further consideration.

Responsibilities

The proponent will:

- provide a formal Submission to Council; and
- provide additional information, participate in meetings or workshops and respond to any requests for clarification as requested by Council to assist in the assessment of the proposal.

The Evaluation Panel will:

- undertake a formal assessment of the proposal against the MLP criteria;
- request further information from the proponent, if necessary;
- maintain regular contact with the proponent; and
- advise the proponent about Council's decision and provide a written summary of assessment findings

Proponents can discuss the findings with the Evaluation Panel (or a representative of the Evaluation Panel appointed to discuss the findings with the proponent on the Evaluation Panel's behalf).

Stage 2: Detailed Proposal

At the detailed proposal stage, a proponent is required to comprehensively demonstrate how the proposal satisfies all of the MLP criteria, namely:

- Council policy, priority and community need;
- justification for direct negotiation;
- value for money;
- capacity and capability of the proponent;
- risk and cost allocation; and
- feasibility of the proposal.

The Evaluation Panel will consider the Detailed Proposal against these criteria.

The Evaluation Panel will also consider whether:

- any other proposal addressing the same need, or proposing a similar outcome, is under active consideration by Council; and
- the proposal is a genuine commercial proposition requiring the support of Council and is unsuited to existing funding mechanisms.

The output of this stage is a comprehensive final proposal, the content of which is similar to a detailed business case or a detailed bid in a competitive process. The detailed proposal will inform Council's decision as to whether it will enter into a final binding offer for progression and delivery of the proposal (Stage 3).

Unless otherwise agreed between the parties it is expected that the proponent will:

- bear all their own risks and costs of preparing, lodging, developing, and negotiating the proposal; and
- meet Council's reasonable costs in Stages 2 and 3.

All or part of the activities in Stage 3: Final Binding Offer may be run concurrently with Stage 2: Detailed Proposal. If this occurs it does not necessarily represent any commitment on the part of Council that Council has decided the proposal will progress to Stage 3.

Possible outcomes

The Evaluation Panel may decide that:

- the proponent is invited to progress to Stage 3 subject to any specific terms being agreed with Council;
(Note: An invitation by Council to progress to Stage 3 indicates that Council is considering entering into a Contract with the proponent but it does not infer or imply any obligation on the part of Council to actually enter into the Contract)
- the proposal is not suitable to progress to Stage 3 but has merit and so the concept may be further developed by Council; or
- the proposal is not suitable for further consideration.

Responsibilities

The proponent will:

- enter into a process deed with Council, which will guide the proponent's engagement with Council;
- provide information to enable a determination as to whether or not the proposal meets the assessment criteria;
- where requested by Council, provide additional information and participate in meetings or workshops; and
- assist in Council's assessment of the proposal.

The Evaluation Panel will:

- assess the detailed proposal and provide recommendations to Council about it;
- undertake an interactive process to facilitate the proponent's development of a detailed proposal;
- undertake a formal assessment of the detailed proposal against each of the assessment criteria;
- request further information from the proponent, where necessary; and
- advise the proponent about Council's decision and provide a written summary of assessment findings.

Proponents can discuss the findings with the Evaluation Panel (or a representative of the Evaluation Panel appointed to discuss the findings with the proponent on the Evaluation Panel's behalf).

Stage 3:

Final Binding Offer

The final binding offer stage involves the preparation by the proponent of a final binding offer which may be accepted or rejected by Council.

If the offer is accepted, this stage will involve the negotiation of a Contract between Council and the proponent for delivery of a project. Council's Evaluation Panel will negotiate with the proponent and prepare a Contract for consideration by the CEO and/or Council.

Possible outcomes

The Evaluation Panel may decide to recommend to the Business and Innovation Manager that:

- Council accept the terms contained in the final binding offer and approve that a Contract be entered into with the proponent on this basis; or
- Council accept the final binding offer subject to specific conditions; or
- Council does not accept the final binding offer, but that the proposal has merit and Council should seek to further develop the concept; or
- Council does not accept the final binding offer and conclude the MLP assessment process without entering into a Contract.

The Business and Innovation Manager may provide the Evaluation Panel's assessment and recommendations to the CEO for approval. The CEO may decide to adopt the Evaluation Panel's recommendations, and Council may enter into a Contract with the proponent as a result.

Responsibilities

The proponent will:

- participate in the negotiation process; and
- submit a final binding offer to Council.

Council will:

- advise the proponent of the processes, protocols, and elements for negotiation and agreement through Stage 3, and keep the proponent apprised of contract management and implementation materials developed through this stage; and
- develop contract management arrangements setting out how to monitor implementation and operational stages of the project and ensure contracted outcomes are achieved.

The Evaluation Panel will:

- undertake a comprehensive assessment of the contractual documentation included in the final binding offer submitted by the proponent; and
- decide whether or not to recommend that Council accept the proponent's final binding offer and communicate its decision to the proponent.

Roles and responsibilities

Council Officers with a role or responsibility under this guideline are:

Chief Executive Officer is responsible for approving this Guideline.

Group Executive Business Performance is responsible for overseeing all financial management systems and services, including Contracting Activities.

Manager, Business & Innovation is responsible for implementing and maintaining this guideline. This includes reviewing and reporting on its effectiveness, Council's compliance with it, and recommending changes to improve its effectiveness.

All Managers are responsible for ensuring all Council Officers comply with this guideline when undertaking Contracting Activities.

All Officers are responsible for complying with this guideline when undertaking Procurement and Contracting Activities. Only officers delegated the authority to conduct Contracting Activities as per Delegation No 2 – Procurement and Contracting Activities and Payments Delegation are permitted to commence or bind Council in Contract resulting from a Contracting Activity, and only within the limits of the relevant financial authority set in that delegation.

Definitions

The definitions in the *Procurement Policy* and *Contract Manual* apply to this guideline.

Related legislation, policies, strategies and documents

Public Sector Ethics Act 1994 (Qld)

Local Government Act 2009 (Qld)

Local Government Regulation 2012 (Qld)

2023/24 Procurement Policy

2023/24 Contract Manual

2023/24 Contracting Plan other guidelines for that policy

Sunshine Coast Council Corporate Plan 2023-2027

Regional Economic Development Strategy 2013-2033

Version control:

Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
1.0	Create New		Council	20 June 2019
2.0	Annual Endorsement	Y	Council (SM20/13)	11 June 2020
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5.0	Annual Endorsement	Y	Council (



Organisational Guideline

Environment and Sustainability in Procurement Guideline

Corporate Plan references and Strategic Pathways	Our Environment and liveability Our resilient economy Our strong community Our outstanding organisation	
Endorsed by Chief Executive Officer		
Manager responsible for guideline	Manager Business and Innovation	

Introduction

The Corporate Plan 2023-2027 recognises Council's vision is to be Australia's most sustainable region: Healthy. Smart. Creative.

The Environment and Liveability Strategy 2017 provides the overarching direction to guide growth and deliver a healthy environment and liveable Sunshine Coast. A key direction in the *Environment and Liveability Strategy 2017* is to embed sustainable practices into council's own business and decision making.

A target in the strategy commits Council to being a zero emissions organisation (and low carbon community) by 2041.

Council's Organisational Zero-net Emissions Plan 2022 (ZNE), supported by science-based research, confirms that Council's Contracting Activities (which form part of Scope 3 emissions – indirect GHG emissions) account for approximately 20% of Council's overall GHG emissions in 2020/21.

In response, the ZNE Plan identifies a priority to incorporate sustainable procurement and circular economy principles into Council's supply chain and Contracting Activities.

The purpose of this Guideline is to outline Council's framework for and approach to conducting Contracting Activities in an environmentally considerate and sustainable manner, with the goal of reducing Council's Scope 3 – indirect GHG emissions.

Guideline details

The following parts of this Guideline outline the processes and activities that will be applied to Council's Contracting Activities in order to achieve being a zero net emissions organisation by 2041. This Guideline provides guidance on how to consider sustainability in the different stages of the procurement process, from identifying the business need to the end of the contract, including review and reporting.

Sustainability in Procurement

Council identifies Sustainability in Procurement critical to achieving its zero net emissions target. While sustainability comes in a variety of forms, Council officers should consider sustainability factors including:

- a) the environmental and sustainability benefits and impacts for the whole lifecycle of products and services including manufacture, supply, use, maintenance and disposal;
- b) procurement of environmentally responsible goods, services and assets;
- c) goods and services that minimise resources and have reduced environmental impacts throughout their lifecycle, including:
 - reduced toxicity;
 - reduced packaging;
 - minimising waste to landfill;
 - greater energy efficiency and/or reduced carbon emissions,
 - greater water efficiency and/or reduced water use;
- d) use of products made from recycled materials, recycled green organics and/or recycled plastic products;
- e) provide an example to business, industry and the community in promoting the use of environmentally responsible goods and services; and
- f) pursuing, leading and building a circular economy.

Circular Economy

Council is committed to building a circular economy, aiming to reduce social, environmental and economic impacts of purchased goods and services throughout their life. This includes consideration of waste disposal, cost of operation and maintenance over the life of the goods and services.

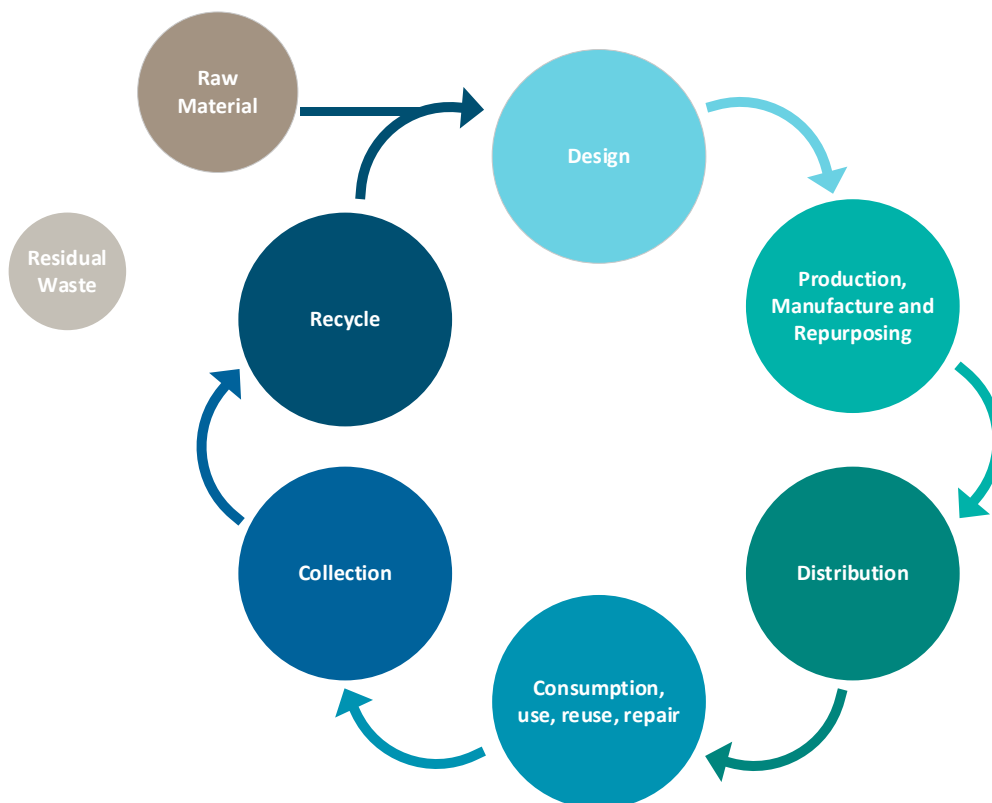
Benefits of a circular economy:

- Effective use of resources
- Increasing market opportunities for local business
- New jobs and skills capacity in local communities

Council has an opportunity to lead by example with its purchasing power and preference to purchase goods with recycled content where feasible.

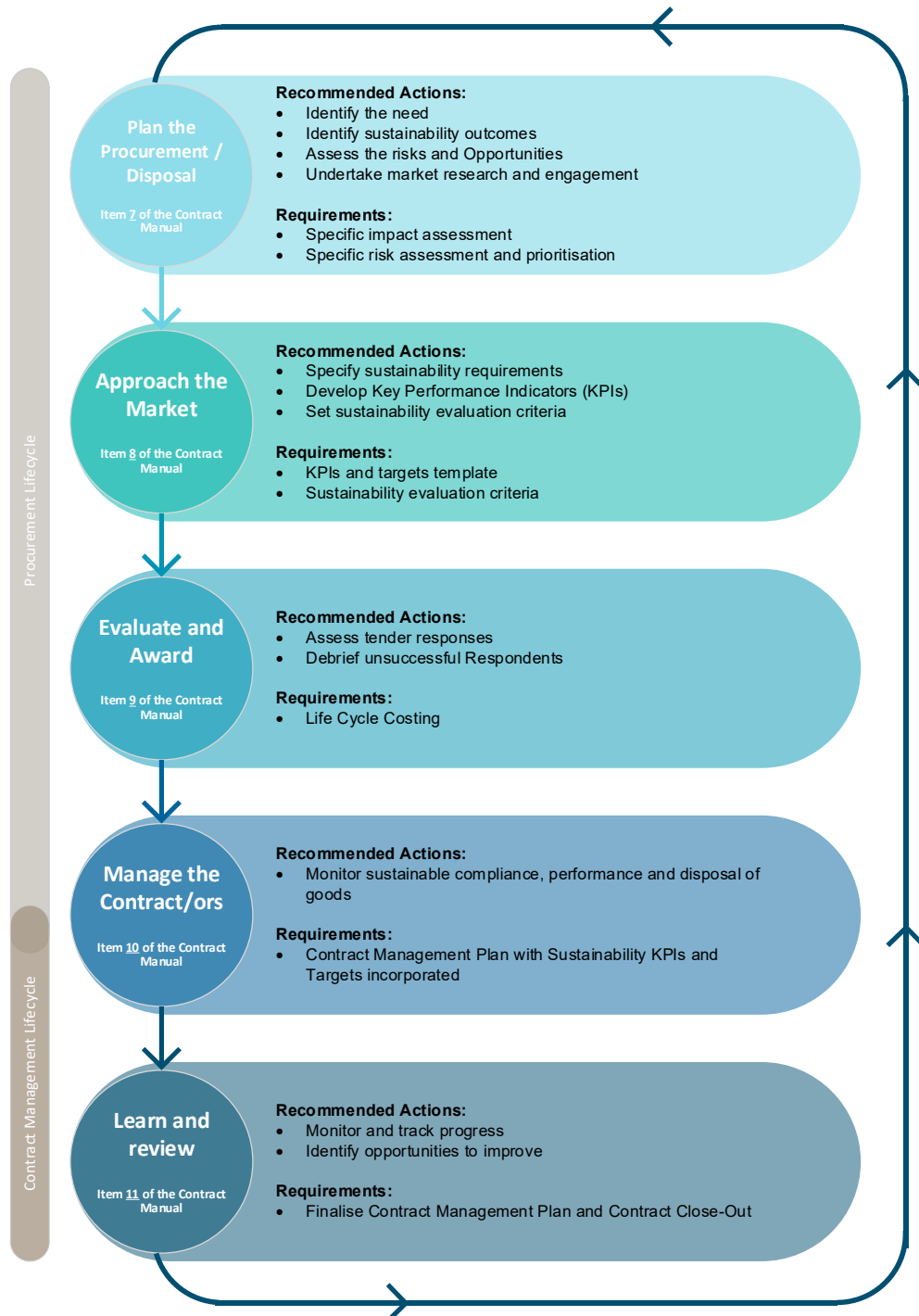
Consideration of these benefits is required when making procurement decisions in line with our obligation to spend public money efficiently, effectively, economically and ethically.

This will see most goods and services being continually used, reused, recycled and reprocessed as part of a circular economy (refer below diagram).



Application to Planning Procurement and Disposal Activities

Council will incorporate sustainability into its Contracting Activities, in the following manner:



1 Plan the Procurement / Disposal

1.1 Identify the need for the goods or services

Council can avoid and reduce waste by carefully considering the business need for the good or service. By employing demand management strategies, Council will avoid excess consumption and reduce unnecessary purchasing costs. Strategies to achieve this include identifying:

- alternatives to buying new including reusing, hiring or sharing goods or services; and
- functional and performance requirements at strategic and operational levels.

1.2 Identify and prioritise the sustainability outcomes

After confirming the need for the good or service, determine and prioritise sustainability outcomes. Council officers then need to identify approaches to realise these outcomes.

This could include considering:

- the environmental impact of the materials used;
- Material sourced from a verified recyclable resource; and
- Substitute material with a lower environmental impact.

1.3 Conduct a risk assessment and identify opportunities

Council Officers should use Council's risk framework and templates to conduct a risk assessment for the procurement, identifying sustainability risks.

The table below helps identify risks when procuring recycled content. The questions may be adapted to suit other Sustainability outcomes.

Element	Key Questions to identify sustainability risk	Supporting Questions to identify sustainability risk
Organisational Need	<p>Assess the need for the product, good(s), service or infrastructure. Can we avoid or reduce consumption?</p> <p>What alternatives exist to purchasing? e.g. reuse, recycle or hire</p>	<p>Are there other specific targets, objectives or policies that need to be met?</p> <p>Do we really need this?</p> <p>What other options are there?</p> <p>What specifications are required to improve sustainability outcomes?</p>
Sustainability Outcomes	<p>What is the scope for improvement ie to increase the tonnage/percentage of recycled material in this project?</p> <p>What are the cost benefits of introducing higher requirements for recycled content in this procurement?</p> <p>What are the potential environment and sustainability impacts related to this good or service? e.g. Use of fossil fuels, energy efficiency, waste, transport, are non-renewable resources required?</p> <p>Are there products that have lesser environment and sustainability impacts?</p> <p>How should Council consider the sustainability credentials of the supplier's business operations?</p>	<p>What are the major components in the purchase that could involve using recycled content?</p> <p>What are possible mitigations to reduce the impact of any sustainability risks?</p> <p>Are there any reputational benefits of using recycled material?</p> <p>Where is the raw material being sourced, e.g. reclaimed timber, compost material or recycled plastic?</p> <p>What is the level of recyclable-content material?</p> <p>How far has it travelled e.g. local, national, or international?</p> <p>Are there environmental impacts with the item's manufacturing?</p> <p>Does it have any environmental or sustainability impacts during use?</p> <p>How will the item be disposed when it reaches</p>

		the end of its life?
Market Analysis	<p>Are products containing recycled material available on the market?</p> <p>Does the market have capacity to respond?</p> <p>Can the supplier manage the risk or opportunity?</p> <p>Are there alternatives that might offer reduced environment and sustainability impacts?</p> <p>Are there emerging alternatives? Eg new technology</p> <p>Is there capacity to specify environmental and sustainability requirements as either minimum (preferable) or desirable requirements?</p>	<p>Are there available products or materials using recycled content on the local, state or national market?</p> <p>Could Council encourage innovation around new products or services containing recycled content? And/or to build a local market?</p> <p>What emerging technologies or innovative approaches are available?</p> <p>Are the procurement specifications for environmental and sustainability considerations clearly outlined?</p> <p>Request detailed information about the manufacture, use, and disposal of the good(s)/service/infrastructure?</p>
Cost Analysis	<p>What are the financial impacts from these sustainable impacts?</p> <p>Will it be cost-efficient to increase recycled content in the procurement?</p> <p>How will the environment and sustainability cost aspects be assessed?</p> <p>Which tool should be used when evaluating and comparing the whole-of-life costing?</p>	<p>Is there a financially sound (within budget) solution/product/service available on the market that can be used?</p> <p>How are the environment and sustainability cost aspects being addressed?</p> <p>Have the whole-of-life cost considerations been factored in during the final decision?</p> <p>Has the supplier provided evidence of their environment and sustainability management practices?</p>

1.4 Undertake market research and engagement

Market research is undertaken to identify the available market for the goods or services being sought. This can include identifying alternative approaches for goods or services that could reduce sustainability impacts. Factors to consider include:

- eco-labelling;
- sustainability certification;
- membership of product stewardship schemes;
- the potential of emerging technologies;
- goods that are under development to meet the procurement need and deliver improved environmental outcomes.

1.5 Engage with the market

Market engagement should be conducted and, where appropriate, in collaboration with a Procurement Specialist. Information Sessions and Supplier Briefings can identify Prospective Respondents and provide the market with a greater opportunity to identify sustainable solutions.

2 Approach the Market

Once the sustainability requirements for your procurement have been identified, the specific sustainability requirements should be incorporated into the procurement documentation. This will include outlining requirements within the Service Specification, incorporating Key Performance Indicators to measure success of the contracted sustainability deliverables, an allocated portion of the evaluation criteria committed to sustainability.

2.1 Specify sustainability requirements

The procurement documentation, should consider how to incorporate the sustainability priorities into the procurement.

The scope, scale and risk of the procurement will inform the degree to which sustainability requirements will inform the procurement documentation. Incorporation in the documentation will include:

- **physical or descriptive requirements**, which specify characteristics of the goods or service (e.g. contain recycled content).
- **functional requirements**, which specify the proposed function for the goods or service to fulfil (e.g. specify the function of the surface of the road to be constructed).
- **performance requirements**, which define the performance standards to be met by the goods or service (e.g. percent of waste diverted from landfill, delivery of energy efficiencies and minimising GHG emissions).

Within your procurement documentation, requirements should be categorised as:

- A **mandatory requirement** is a requirement that must be met (e.g. a Green Star rating).
- A **minimum requirement** sets the lowest level to be met and may be exceeded (e.g. a minimum requirement for packaging to contain at least 25 per cent).
- A **desirable requirement** sets a requirement for a goods or services provider that is wanted by Council but not compulsory (e.g. supplier having a zero net emissions plan).

Other consideration may be:

- **Rating and certification schemes** - can be used as a framework in capital work projects. These schemes have the benefit of allowing comparisons across multiple projects, verifying performance, supporting measurement of progress and helping to build capacity in government and industry.
- **Ecolabels, certifications, standards and product stewardship schemes** - useful in evaluating the environmental credentials of goods and services along with the environmental credentials of suppliers.

It is important that you are transparent about the key sustainability requirements and the evaluation criteria that will be used, to help potential suppliers develop their responses.

2.2 Key performance indicators

Contract performance management is considered as part of the procurement development stage where it is established how the performance of the contract will be managed. The identified performance measures are incorporated in the Specification or Scope as KPIs or other performance measures that are to be utilised in managing performance under the Contract.

Incorporating Sustainability specific key performance indicators allows a particular sustainability requirement to be measured and tracked throughout the duration of a contract. All KPIs should be reliable and repeatable without taking too much effort to calculate or monitor. It is important that KPIs and any measuring and monitoring expectations, roles, processes, or systems are detailed in the Contract.

2.3 Setting evaluation criteria

When developing your procurement documentation, evaluation criteria for Council's sustainability requirements are to include:

- **Qualifying** sustainability criteria may be used to set minimum standards for the procurement. These should be clearly articulated to ensure potential suppliers are aware and are treated equitably.
- **Rated** criteria are weighted to allow bids/proposals to be scored and ranked in order of merit.
- **Quantifiable** criteria are applied to prices to enable comparison between responses (e.g. Energy consumption, carbon emissions or disposal of waste to landfill avoided).

- **Fit for purpose** criteria are used to identify and evaluate whether goods or services have limited performance, have higher repair or replacement costs, are over engineered or have unwanted functionality.

Evaluation criteria are weighted to indicate to prospective respondents the importance of the criterion to Council. Sustainability criteria weightings should be considered relative to other priorities for the procurement.

3 Evaluation and Award

3.1 Assess tender responses including value for money

The evaluation of submissions will be undertaken by the appointed evaluation panel detailed in the Probity Plan.

The Environment and Sustainability requirements outlined by Council in the Procurement documents will have been addressed by Respondents as part of their submission. This will form part of the criteria evaluated by the evaluation panel.

It is imperative to an effective, accountable, and transparent evaluation process that good and comprehensive notes are taken, and that individual evaluations are followed by a moderation to ensure that a consensus has been reached.

Council can access several tools to assist assessing whole-of-life costs of the procurement.

Two commonly used tools are the:

- Life Cycle Cost (LCC) model – which calculates the long-term costs for goods or a service, beyond the initial price for the procurement. It places a monetary value (where possible) to sustainability outcomes, such as carbon emissions, electricity, resource use, disposal or local air pollutants.
- Materials Circularity Index (MCI) - calculates how well the product is using recyclable material instead of virgin material, how much of the product can be reused or recycled, and how much waste will need to be sent to landfill.

The Procurement Team, Commercial Analysis Team and Finance Branch can assist with considering the financial implications of responses, including application of the LCC and MCI models.

4 Managing the Contract

4.1 Monitor compliance and performance

The Contract, including any standards and specifications, along with KPIs and compliance measures (as identified in the procurement documents) should be reflected in the Contract Management Plan.

Council Officers responsible for administering the Contract should then monitor the supplier's performance against the contract requirements using the Contract Management Plan.

4.2 Disposal of goods

Council's Procurement Policy outlines the requirements for the disposal of Valuable Non-Current Assets (VNCA). For items with a value lower than the thresholds identified in the Procurement Policy, it is necessary to consider the method of disposing of the goods, with the least preferable option being landfill.

Consideration should be given to dispose of goods and materials in the most environmentally preferred manner. This may include:

- re-purposing by adapting and using the item for a different purpose;
- recycling collection services and centres;
- recycle by specialist recycler (eg. E-waste recycler);
- product stewardship scheme where the supplier or third party guarantees the goods will be recycled, refurbished or reused. (e.g. computers, televisions and tyres).

Consideration for the disposal method should be had when planning the procurement and incorporated into the Procurement Plan.

5 Learn and Review

5.1 Improvement opportunities

The contract management process provides opportunities for Council to work with the supplier to continue to improve sustainability outcomes. It provides a mechanism to raise any concerns or suggestions and allows the supplier to share ideas for new innovations, technologies or ways to improve sustainability.

5.2 Monitor and track progress

Council Officers should consider and report on procurement of recycled content and its use during contract delivery. Examples of items which may be reported on are:

- contract values (both dollars and percentage of value) of goods with recycled content;
- amount of recycled content procured;
- report on goods/services/contracts that have procured recycled content to calculate percentage of goods with recycled content purchased by Council;
- amount of waste diverted from landfill, specified in percentage terms.

Roles and responsibilities

Council Officers with a role or responsibility under this guideline are:

Chief Executive Officer is responsible for approving this Guideline.

Group Executive Business Performance is responsible for overseeing all financial management systems and services, including Contracting Activities.

Manager, Business & Innovation is responsible for implementing and maintaining this guideline. This includes reviewing and reporting on its effectiveness, Council's compliance with it, and recommending changes to improve its effectiveness.

All Managers are responsible for ensuring all Council Officers comply with this guideline when undertaking Contracting Activities.

All Officers are responsible for complying with this guideline when undertaking Procurement and Contracting Activities. Only officers delegated the authority to conduct Contracting Activities as per Delegation No 2 – Procurement and Contracting Activities and Payments Delegation are permitted to commence or bind Council in contract resulting from a Contracting Activity, and only within the limits of the relevant financial authority set in that delegation.

Definitions

The definitions in the Procurement Policy, Contract Manual and Contracting Plan apply to this guideline. Definitions specifically relevant to this Guideline include:

Whole of life costing means the cost of acquiring the product (including design and planning where applicable), installing or commissioning, training, operation, maintenance, and disposal of the product at the end of life. (Note: the lowest up-front cost may not be the cheapest over the life of the asset, particularly where products use power, water, fuel or other consumables, or have complexities associated with disposal, resale, recycle or disassembly.)

Circular economy means an economy that is restorative and regenerative by design, and which aims to keep products, components and materials at their highest utility and value at all times, distinguishing between technical and biological cycles.

Circular economy aims to keep resources in use for as long as possible, by extracting the maximum value from them while in use, then recover and regenerate products and materials at the end of each service life

Related legislation, policies, strategies and documents

Public Sector Ethics Act 1994 (Qld)

Local Government Act 2009 (Qld)

Local Government Regulation 2012 (Qld)

2023/24 Procurement Policy

2023/24 Contract Manual

2023/24 Contracting Plan other guidelines for that policy

Sunshine Coast Council Corporate Plan 2023-2027

Environment and Liveability Strategy 2017

Organisational Zero-net Emissions Plan 2022

Regional Economic Development Strategy 2013-2033 (REDS)

Sunshine Coast Council Community Strategy 2019-2041

Australian Standard – AS ISO 200400:2018 – sustainable procurement

Sustainable Procurement Guide – A practical guide for Commonwealth entities (Australian Government)

National Waste Policy Action Plan 2019

Integrating Sustainability into the Procurement Process – Office of the Chief Advisor – Procurement (Queensland Government)

Sunshine Coast Council – Setting a Science-Based Target and Emissions Scenarios

Version control:

Version	Reason/ Trigger	Change (Y/N)	Endorsed/ Reviewed by	Date
1.0	Create New		Council (OM22/43)	23 June 2022
2.0	Create New	Y	Council (



Minutes

Audit Committee

Monday, 22 May 2023

Sunshine Coast City Hall Chamber, 54 First Avenue, Maroochydore

AUDIT COMMITTEE MEMBERS

Councillor J Natoli	Division 4
Councillor E Hungerford	Division 7
Mr M Petrie	External Member (Chair)
Mr P McCallum	External Member
Ms S Tindal	External Member

AUDIT COMMITTEE MINUTES

22 MAY 2023

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AUDIT COMMITTEE MINUTES

22 MAY 2023

1 DECLARATION OF OPENING

The Chair declared the meeting open at 9:05am.

Councillor J Natoli acknowledged the Traditional Custodians of the land on which the meeting took place.

2 RECORD OF ATTENDANCE AND LEAVE OF ABSENCE

AUDIT COMMITTEE MEMBERS

Councillor J Natoli	Division 4
Mr M Petrie	External Member (Chair)
Mr P McCallum	External Member
Ms S Tindal	External Member (Teams)

COUNCIL OFFICERS

Chief Executive Officer
Group Executive Built Infrastructure
A/Group Executive Business Performance
Group Executive Customer Engagement and Planning Services
A/Group Executive Economic and Community Development
A/Group Executive Liveability and Natural Assets
Group Executive Civic Governance
A/ Chief Strategy Officer
Coordinator Corporate Risk & Insurance
Coordinator Integrity Management
Coordinator Financial Accounting
Chief Financial Officer
Manager Audit & Assurance
Principal Auditor Audit & Assurance
Head of People & Culture
Manager Asset Management

APOLOGIES

Councillor E Hungerford	Division 7
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ATTENDEES

Engagement Leader	Queensland Audit Office
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AUDIT COMMITTEE MINUTES

22 MAY 2023

3 INFORMING OF CONFLICTS OF INTEREST

3.1 PRESCRIBED CONFLICTS OF INTEREST

NIL

3.2 DECLARABLE CONFLICTS OF INTEREST

NIL

Patrick McCallum disclosed that his wife is a proud Kabi Kabi woman and is listed as a claimant on the Kabi Kabi Native Title Claim which includes substantial sections of the Sunshine Coast Local Government Area.

Sue Tindal disclosed that she has been reappointed to the Board of Quotable Value Ltd and Quotable Value Pty Ltd until April 2026 and elevated to Deputy Chair from 1 May 2023, and reappointed as the Chair of Brosnan Ltd, Brosnan Holdings Ltd, Brosnan Construction Canterbury Ltd, Brosnan Construction Ltd, Brosnan Maintenance Ltd and Bettabuilt Ltd from 1 May 2023 (note that this is intended to be until November 2023 when I will reassess and may then step back to being an Independent Director only).

AUDIT COMMITTEE MINUTES

22 MAY 2023

4 REPORTS DIRECT TO AUDIT COMMITTEE

4.1 CHIEF EXECUTIVE OFFICER'S UPDATE TO THE AUDIT COMMITTEE

File No: Council Meetings
Author: Acting Chief Strategy Officer
 Civic Governance

EXECUTIVE SUMMARY

The Audit Committee considers a regular report from the Chief Executive Officer outlining Council's performance in progressing the implementation of its corporate and operational plans.

This report provides information on the following items for consideration by the Audit Committee:

- financial performance update as of 31 March 2023
- Capital Works Program delivery update as of 31 March 2023
- Workplace Health and Safety update as of 31 March 2023
- significant achievements delivered between 1 January to 31 March 2023 (Quarter 3 2022/23), and
- summary of Operational Plan performance by exception as of 31 March 2023.

Committee Recommendation (AC23/14)

Moved: Councillor J Natoli
Seconded: P McCallum

That the Audit Committee:

- (a) *receive and note the report titled "Chief Executive Officer's update to the audit committee"*
- (b) *receive and note attachment 1 titled "summary of operational plan performance by exception as of 31 march 2023".*

Carried unanimously.

AUDIT COMMITTEE MINUTES

22 MAY 2023

4.2 GOVERNANCE: STRATEGIC RISK REPORT

File No: Audit Committee meeting
Author: Coordinator Corporate Risk & Insurance
 Civic Governance

EXECUTIVE SUMMARY

Updating and refinement of Council's Strategic Risks Register is progressing, to provide greater clarity and visibility to the risks for strategic significance to Council as previously identified by the Executive Leadership Team.

For the last quarter, this work has focused on:

- defining an updated strategic risk framework for the identification and assessment of strategic risks in the context of Council's corporate goals and policy operating environmental influencers on Council's service outputs (i.e. products and services)
- clarifying executive ownership and impacted groups for each of the strategic risks;
- providing greater clarity on the strategic, tactical and operational mitigation actions that are germane to ongoing response to managing each strategic risk;
- clarifying the role of Civic Governance in monitoring and reporting on strategic risks and providing the enabling tools to all groups and branches to better assist with the documentation, management and reporting on operational risks (as distinct from strategic risks); and
- better defining the scope and measurement of each strategic risk and definition of controls to treat each risk.

Committee Recommendation (AC23/15)

Moved: S Tindal
Seconded: Councillor J Natoli

That the Audit Committee:

- (a) *receive and note the report titled "**Governance: Strategic Risk Report**" and*
- (b) *note the updated Strategic Risks Register at Attachment 2.*

Carried unanimously.

AUDIT COMMITTEE MINUTES

22 MAY 2023

4.3 GOVERNANCE: OPERATIONAL RISK PROFILE OVERVIEW

File No: **Audit Committee Meeting**
Author: **Coordinator Corporate Risk & Insurance**
 Civic Governance

EXECUTIVE SUMMARY

Each quarter Council's operational risk controls are reported on by the control owners. A further body of work has been incorporated into these quarterly reviews to include action plans if the risk has a high residual rating:

- The reported action plans have brought seven of the 20 high rated risks back into a medium or low residual risk rating.
- The remaining 13 risks that remain assessed as high have action plans to bring them to a medium residual risk rating within a nominated timeframe.
- Operational annual risk review workshops have begun for each of the risk registers.

Committee Recommendation (AC23/16)

Moved: **Councillor J Natoli**
Seconded: **P McCallum**

*That the Audit Committee receive and note the report titled "**Governance: Operational Risk Profile Overview**".*

Carried unanimously.

AUDIT COMMITTEE MINUTES

22 MAY 2023

4.4 GOVERNANCE - INTEGRITY & INSURANCE REPORT

File No: Council Meetings
Author: Coordinator Integrity Management
 Civic Governance

EXECUTIVE SUMMARY

Good governance underpins all facets of Council's business.

Good governance should operate on a distributed ownership basis – namely, everyone has a role to play in the good governance of the organisation.

To this end, some key deliverables since January 2023 include:

- in partnership with groups and branches across the organisation – continuing to build awareness and employee understanding on the importance of governance processes and practices in all that we do.
- with partners across Council to provide a sound and contemporary operating platform so that Council is suitably placed to discharge its statutory and service responsibilities on behalf of the community.
- community engagement and State Interest checks were undertaken between 1 February and 3 March 2023 in relation to a suite of miscellaneous amendments proposed to Council's local laws and subordinate local laws.
- the Risk and Insurance team has continued to work with groups and branches on the completion of the new templates for the business continuity plans and administering the insurance premium renewal process and claim processes.
- Complaint matters administered by the Civic Governance Group continued to inform the identification of any systemic concerns and relevant management action.
- Working in partnership with Business Performance, Council provided a comprehensive and compelling response to the Office of the Information Commissioner's Follow Up Audit on its 2021 Compliance with the *Information Privacy Act 2009* and the *Right to Information Act 2009* audit of Council.

Committee Recommendation (AC23/17)

Moved: S Tindal
Seconded: Councillor J Natoli

*That the Audit Committee receive and note the report titled "**Governance - Integrity & Insurance Report**".*

Carried unanimously.

AUDIT COMMITTEE MINUTES

22 MAY 2023

**4.5 FINANCE: ANNUAL FINANCIAL STATEMENT RISK AND PLANNING
ASSESSMENT**

File No: Audit Committee
Author: Coordinator Financial Accounting
 Business Performance Group

EXECUTIVE SUMMARY

Council has a statutory obligation to prepare General Purpose Financial Statements on an annual basis, culminating in audit certification in late October, before publication in Council's Annual Report.

In conjunction with Queensland Audit Office, Council endeavours each year to strengthen the quality control surrounding this process.

Committee Recommendation (AC23/18)

Moved: P McCallum
Seconded: S Tindal

*That the Audit Committee receive and note the report titled "**Finance: Annual Financial Statement Risk and Planning Assessment**".*

Carried unanimously.

AUDIT COMMITTEE MINUTES

22 MAY 2023

4.6 FINANCE: FINANCIAL SUSTAINABILITY FRAMEWORK BRIEFING

File No: Council Meetings
Author: Coordinator Financial Accounting
Business Performance Group

EXECUTIVE SUMMARY

A report was provided to the January 2023 Audit Committee which outlined the impacts of the updated draft Financial Management (Sustainability) Guideline along with the financial metrics and ratios that local governments will be measured upon for sustainability.

Rather than all Queensland councils having identical targets, similar councils are now grouped in tiers to better reflect the varied drivers and circumstances of the sector. The groups are based on remoteness and population, with a separate category for Indigenous councils in recognition of their unique legislative and financial circumstances.

Committee Recommendation (AC23/19)

Moved: Councillor J Natoli
Seconded: P McCallum

*That the Audit Committee receive and note the report titled "**Finance: Financial Sustainability Framework Briefing**".*

Carried unanimously.

AUDIT COMMITTEE MINUTES

22 MAY 2023

4.7 FINANCE: CLIMATE-RELATED FINANCIAL DISCLOSURE REQUIREMENTS

File No: Audit Meeting
Author: Coordinator Financial Accounting
Business Performance Group

EXECUTIVE SUMMARY

As per s177 *Local Government Regulation 2012*, Council is required to comply with Australian Accounting Standards as prescribed by the Australian Accounting Standards Board (AASB).

There are currently no mandatory climate-related financial disclosure requirements for Council.

In response to the global demand for sustainability disclosures, the International Financial Reporting Standards (IFRS) Foundation established the International Sustainability Standards Board (ISSB) in November 2021.

In March 2022, the ISSB developed 2 exposure drafts for consultation, with the finalised standards scheduled for release by 30 June 2023, and implementation likely from January 2024 for the for-profit sector.

Using the ISSB work as a foundation, the AASB will develop sustainability reporting standards for Australian reporting entities, with modifications for Australian matters and requirements. These standards are expected to be issued in October/November 2023.

The Australian standards will focus on the profit sector initially, with the not-for-profit sector (including Local Government) being considered at a later stage. The implementation date for Council is not yet known.

Committee Recommendation (AC23/20)

Moved: Councillor J Natoli
Seconded: P McCallum

That the Audit Committee receive and note the report titled “Finance: Climate-Related Financial Disclosure Requirements”.

Carried unanimously.

AUDIT COMMITTEE MINUTES

22 MAY 2023

4.8 QUEENSLAND AUDIT OFFICE: 2023 EXTERNAL AUDIT PLAN (FINAL)

File No: Audit Committee
Author: Coordinator Financial Accounting
Business Performance Group

EXECUTIVE SUMMARY

The draft of the Queensland Audit Office External Audit Plan 2023 was provided to the 23 January 2023 Audit Committee for review the feedback. The final agreed plan was expanded to include more detailed asset revaluation timelines, has been signed by the Chief Executive Officer and is attached for information.

Committee Recommendation (AC23/21)

Moved: S Tindal
Seconded: Councillor J Natoli

That the Audit Committee receive and note the report titled "Queensland Audit Office: 2023 External Audit Plan (Final)".

Carried unanimously.

AUDIT COMMITTEE MINUTES

22 MAY 2023

4.9 QUEENSLAND AUDIT OFFICE: FIRST INTERIM REPORT FOR 2022/23

File No: **Audit Committee**
Author: **Coordinator Financial Accounting**
 Business Performance Group

EXECUTIVE SUMMARY

The Queensland Audit Office (QAO) conducted the First Interim Audit for the 2022/23 financial statement process during March 2023.

In this phase, QAO assessed the design and implementation of Council's internal controls relevant to the financial report, and whether they are operating effectively. They assessed the key controls they intend to rely on in auditing Council's financial statements.

Based on the results of QAO's testing completed to date and the resolution of some of the prior year issues, they have determined Council's internal control environment does support an audit strategy where they can rely on Council's controls.

No new issues have been identified for the 2022/23 audit.

Committee Recommendation (AC23/22)

Moved: **P McCallum**
Seconded: **Councillor J Natoli**

*That the Audit Committee receive and note the report titled "**Queensland Audit Office: First Interim Report for 2022/23**".*

Carried unanimously.

AUDIT COMMITTEE MINUTES

22 MAY 2023

4.10 AUDIT & ASSURANCE: PROGRAM OF WORK UPDATE

File No: **Audit Committee**
Author: **Manager Audit & Assurance**
 Civic Governance

EXECUTIVE SUMMARY

Work has progressed throughout the course of this calendar year on the continuation of the adopted 2022-2023 Internal Audit Plan. At this time, 64% (ie. nine of 14) audit activities contained in the 2022-2023 Internal Audit Plan have either been completed or are nearing completion.

The summary table below provides a snapshot of the current status of the Internal Audit Program of work against the adopted Audit Plan as at the time of authoring this report.

Status	FY2023	
Completed	7	50%
Reporting	2	14%
Fieldwork	0	0%
Not Started	3	22%
Planning	2	14%
Total No. of IA Activities	14	100%

At this time, it is forecast that of the five remaining activities, two will be substantially progressed prior to the conclusion of the current financial year.

Committee Recommendation (AC23/23)

Moved: **S Tindal**
Seconded: **P McCallum**

*That the Audit Committee receive and note the report titled “**Audit & Assurance: Program of Work update**”*

Carried unanimously.

AUDIT COMMITTEE MINUTES

22 MAY 2023

4.11 AUDIT & ASSURANCE: INTERNAL AUDIT REPORTS

File No: **Audit Committee**
Author: **Manager Audit & Assurance**
 Civic Governance

EXECUTIVE SUMMARY

The Development Services Branch, within the Customer and Planning Services Group, provides a range of statutory assessment and customer focused services to support Council's responsibilities under the *Planning Act 2016*, *Plumbing and Drainage Act 2019* and the *Building Act 1975*.

The review focused on providing assurance as to the effectiveness of established process controls, the accuracy and completeness of revenue and associated adjustments in accordance with the approved fees and charges. The review was limited to Planning Assessment Fees and Charges, including fees associated with the major development areas

There were no adverse findings and no recommendations from this report.

Committee Recommendation (AC23/24)

Moved: **P McCallum**
Seconded: **S Tindal**

*That the Audit Committee receive and note the report titled "**Audit & Assurance: Internal Audit Reports**"*

Carried unanimously.

AUDIT COMMITTEE MINUTES

22 MAY 2023

4.12 AUDIT & ASSURANCE: RECOMMENDATION MONITORING

File No: Audit Committee
Author: Manager Audit & Assurance
Civic Governance

EXECUTIVE SUMMARY

As at 31 March 2023, there were 39 Audit recommendations which have been completed or are yet to be implemented. The table below summarises the status of those Audit Recommendations.

		Number
All Audit Recommendations		39
	Previously completed and noted by the Audit Committee	15
	Implementation due by 31 March 2023, date has been extended by the responsible Group Executive	2
	Implementation date had been extended to 31 March 2023, have not been finalised, and a revised implementation date is proposed for recommendation to Chief Executive Officer	5
	Implementation date not yet due – update provided by responsible Group Executive	10
	Have been completed and marked as closed in period	7
		39

Committee Recommendation (AC23/25)

Moved: P McCallum
Seconded: S Tindal

That the Audit Committee:

- receive and note the report titled “**Audit & Assurance: Recommendation Monitoring**” and*
- endorse the revised implementation dates for those Audit recommendations in Attachment 3, for recommendation to the Chief Executive Officer.*

Carried unanimously.

AUDIT COMMITTEE MINUTES

22 MAY 2023

4.13 AUDIT & ASSURANCE: PROPOSED FY2024 PROGRAM OF WORK

File No: **Audit Committee**
Author: **Manager Audit & Assurance**
 Civic Governance

EXECUTIVE SUMMARY

Contemporary audit planning requires the chief audit executive to identify audit topics on a strategic, cross-organisational and functional basis, drawing on risk management information.

The proposed 2023-2024 Program of Work for the Audit and Assurance Branch has been developed in consultation with the Chief Executive Officer, Group Executives and business areas to provide timely, relevant, responsive, and risk-based coverage, with the integration of internal audit with risk management and strategic planning.

Once considered by the Audit Committee and endorsed by Council, the Program of Work will become the operating plan for the Audit and Assurance Team.

Committee Recommendation (AC23/26)

Moved: **P McCallum**
Seconded: **S Tindal**

That the Audit Committee:

- (a) *receive the report titled “**Audit & Assurance: Proposed FY2024 Program of Work**” and*
- (b) *recommend to Council that the proposed 2023 – 2024 Proposed FY2024 Program of Work be endorsed.*

Carried unanimously.

AUDIT COMMITTEE MINUTES

22 MAY 2023

4.14 AUDIT & ASSURANCE: PROPOSAL TO REALIGN AUDIT COMMITTEE MEETINGS

File No: Audit Committee
Author: Manager Audit & Assurance
Civic Governance

EXECUTIVE SUMMARY

There are currently four Audit Committee meeting each financial year. Three “full agenda” meetings are presently scheduled to take place in September, January and May each financial year. In addition, there is an early October meeting held each year to specifically consider the final version of Council’s Annual Financial Statements.

Given the breadth of the Audit Committee meeting agendas, increasing complexities associated with the operating environment within which Council operates and to support Council through maximising the value of the important review and assurance function undertaken by the Audit Committee, it is proposed to increase the number of full agenda meetings of the Committee from three meetings to four meetings per year.

To introduce a stronger alignment between Audit Committee meetings and quarterly reporting to Council - it is proposed the current schedule of meetings be adjusted as follows:

Current Meeting Schedule	Proposed Meeting Schedule
Late January	February
May	May
September	Late August/early September
October – Special meeting to consider annual financial statements	October – Special meeting to consider annual financial statements
-	November

Subject to consideration of this proposal, it is recommended that the realigned meeting schedule for the Audit Committee commence from 1 July 2023.

Committee Recommendation (AC23/27)

Moved: Councillor J Natoli
Seconded: P McCallum

That the Audit Committee:

- (a) *receive and note the report titled “**Audit & Assurance: Proposal to realign Audit Committee Meetings**” and*
- (b) *recommend to Council the realigned annual meeting schedule for the Audit Committee as follows, to commence from 1 July 2023:*
 - *February*
 - *May*
 - *Late August/early September*
 - *October – Special meeting to consider annual financial statements*
 - *November*

Carried unanimously.

AUDIT COMMITTEE MINUTES

22 MAY 2023

4.15 PEOPLE: WELLBEING HEALTH AND SAFETY REPORT - JANUARY TO MARCH 2023

File No: **Audit Committee Meeting**
Author: **Head of People & Culture**
 Business Performance Group

EXECUTIVE SUMMARY

Incidents at Sunshine Coast Council (SCC) have increased this quarter, with an increase in Lost Time Injury Frequency Rate (LTIFR) from 8.1 in January to 8.38 in March.

The Local Government Workers Compensation data indicates SCC as having a lower than average LTIFR (workers compensation) and lower claim Duration Rate compared with the average of other like Councils.

Key milestones continue to be closed out for the four strategic WHS projects, including Critical Risk Program; Safety Management System Refresh; Contractor Safety Management; and Wellbeing Plan.

Committee Recommendation (AC23/28)

Moved: **Councillor J Natoli**
Seconded: **P McCallum**

That the Audit Committee receive and note the report titled "People: Wellbeing Health and Safety Report - January to March 2023"; and

Carried unanimously.

AUDIT COMMITTEE MINUTES

22 MAY 2023

4.16 BUILT INFRASTRUCTURE: UPDATES ON PREVIOUS AUDITS

File No: Audit Committee Meeting
Authors: Manager Asset Management
 Built Infrastructure Group
 Manager Audit & Assurance
 Civic Governance

EXECUTIVE SUMMARY

The two proposals below provide an update on the two related projects underway.

The Asset Management Transformation Program bringing together the previous two reviews undertaken by Covaris Pty Ltd and BDO Services Pty Ltd.

An update on the arboreal service plan to address risk practice recommendations.

Committee Recommendation (AC23/29)

Moved: P McCallum
Seconded: S Tindal

That the Audit Committee:

- (a) *receive and note the report titled “**Built Infrastructure: Updates on Previous Audits**” and*
- (b) *note the Asset Management Transformation Program brings together the previous two reviews undertaken by Covaris Pty Ltd and BDO Services Pty Ltd, and*
- (c) *note that further progress reports will be provided for the Asset Management Transformation Project in September 2023.*

Carried unanimously.

AUDIT COMMITTEE MINUTES

22 MAY 2023

5 NEXT MEETING

The next Ordinary Meeting will be held on 7 September 2023 Sunshine Coast City Hall Chamber, 54 First Avenue, Maroochydore.

6 MEETING CLOSURE

The meeting closed at 11:57am.



FY2024 PROGRAM OF WORK

DRAFT

AUDIT & ASSURANCE

01 July 2023 to 30 June 2024

Version	FY2024 Program of Work v1.3
Status	Final Draft
Last update	2023-05-15
Author	Audit & Assurance Branch



Audit & Assurance FY2024 Program of Work

Introduction

Context

The International Standards for the Professional Practice of Internal Auditing (the standard) define that a risk-based plan is to be established to determine the priorities of the internal audit activity, consistent with the council's goals.

Audit & Assurance (A&A) provides independent and objective, audit services and advice to management, and the Audit Committee (AC) over the operations, projects, initiatives and activities that underpin the Sunshine Coast Council's delivery of its corporate plan and strategies.

Looking to increase the role and impact of A&A, the Branch will:

- | | |
|--------|---|
| FY2024 | <ul style="list-style-type: none">• Encourage business to engage Audit & Assurance for assurance activities• Provide advisory internal audit services to add value• Continuing the use of external internal audit providers• Working together with business to assess and manage risks, controls, and compliance obligations to enhance and protect the Council. |
|--------|---|

A&A is looking to increase the insights provided to the CEO across the council, and to increase the value and impact of our work within the business areas.

In this context A&A seeks to provide advice and support for business processes and internal controls to strengthen the control environment. There will be opportunities to:

- deliver real time "audit" insights over key projects/reforms, focus reviews in areas of higher risk, leveraging on the work undertaken by the risk management team
- complete key compliance audit reviews
- respond to business needs for audit, process, and internal control advice
- drive an improved internal control environment through education, self-assessment, and advice.

How the internal audit topics are chosen

To identify the areas of focus for audit, the following activities were performed:

- Continuing with themed, Council wide and auditing service enabler areas
- Discussion on the audit universe within the team and insights provided
- Formal discussions with the Chief Executive Officer and Group Executives (and Branch Managers if required)

Audit & Assurance (A&A) will for FY2024 introduce a system of **Substitutions, Deferrals, Additions and Reallocations** needing to be documented for any changes to the FY2024 Program of Work. If a program change is required during the year and A&A assessment agrees it is to be added to the Program; capacity will be reviewed, and a current review assessed as being of lower risk or importance will be substituted/replaced.

What are the internal audit topics?

Each audit review topic has been overlaid against the Strategic Risk Register to provide the risk context for the audit. Further, initial scoping considerations are outlined to provide the context of the high-level objectives for the audit. The detail of the audit area will be defined at the time of detailed audit planning.

Not all of the individual audit topics are directly reflected in the strategic risk register or the group/branch risk registers. This is due to the difference in the risk levels being assessed.

A&A activity may be separated into six (6) types being:

- **Insights** – mini-reviews to perform a quick health-check, take the pulse of any project, process or activity and deliver an insight report(s) to SCC Council, CEO and ELT.
- **IA Reviews** - Base level compliance reviews focused on core elements of the internal control environment. Conduct end-to-end process walkthrough; then testing or sampling of transactions. Identify opportunities for process or control improvement.



Audit & Assurance FY2024 Program of Work

- **IA Services** – Audit and/or advisory based services over initiatives/business processes designed to add value by assessing the effectiveness and efficiency of the project/process. Engagement through a variety of methods such as up-front advice, health checks or on-going monitoring and real time feedback (i.e. following along & acting as a touch point).
- **Program and Project Audit** – reviewing that major projects are managed to deliver the intended benefits, are on time and on budget.
- **Control Environment Initiatives** – continuous improvement program of activities, tasks, events and actions that should be undertaken and reviewed at regular intervals to ensure progress is being made and that standards are increasing.
- **Audit Administration and IA projects** – activity or project work that is internally focused to the A&A function, it is not performed with a “client” focus.

For the FY2024 program of work these will be contained/mapped in an appendix.

Three lines of defence

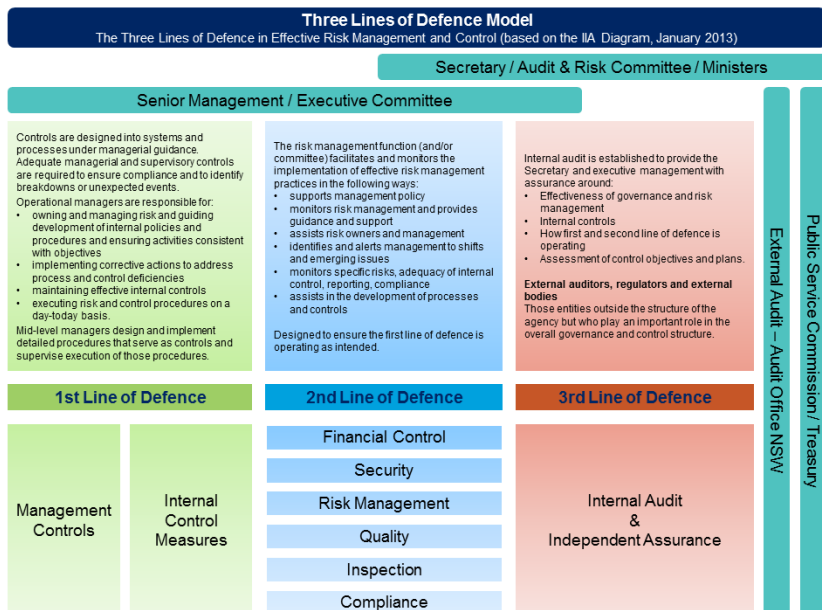
The program of work linkage with the three lines of defence provides line of sight to the Audit Committee (AC) and management of the ways in which key process areas are controlled and risks mitigated.

First Line of Defence is by the business units.

Control assurance at this level is primarily obtained through segregation of duties, control self-assessment, monitoring and reporting.

Second Line of Defence includes management and internal oversight functions.

Third Line of Defence is independent assurance. This relates to a third-party evaluation of the effectiveness of management systems and/or specific controls. It also includes the activities performed by IA, independent specialist auditors, other IA functions and external audit.



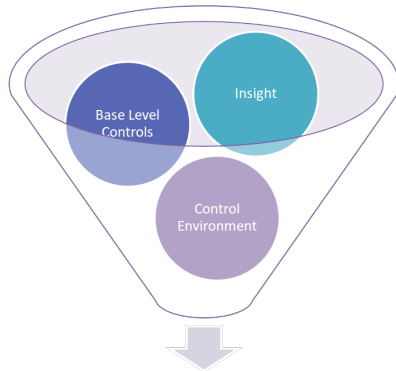
Connecting with Risk Management (RM)

IA uses the RM strategic risk register as a key input into defining its focus and activities. This input is influenced by the maturity of the council's risk management framework.

Group/branch risk registers will also reviewed, where available.

Audit & Assurance FY2024 Program of Work

Value of Internal Audit Activities



FY2024 Program of Work

Base Level Controls – compliance reviews focused on providing fundamental audit review over core elements, activities, and functions. Audit will assess the baseline of internal controls for both financial and non-financial.

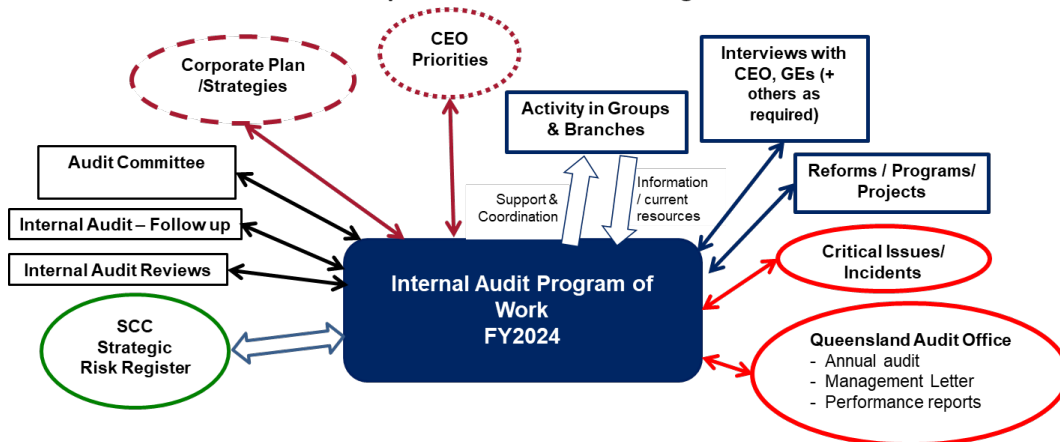
Insight – formative reviews designed to be more forward-looking and aware, briefer and more layered, more visual and dynamic. Forward-looking, insightful reports focus on the risks and issues of most concern to stakeholders.

Control Environment – Internal audit will assess the set of standards, processes, and structures that provide the basis for carrying out internal control across the council.

Key Drivers and Inputs

To develop the full year program of work for FY2024 a robust process was undertaken to consider various drivers, inputs, and sources to define the program of work.

Inputs into the FY 2024 Program



List of Key Inputs

- **Core** – systems, processes, functions, and compliance coverage – ensure that the program of work includes coverage/assurance across the SCC's core activities and processes
- **Governance, Risk and Compliance (GRC)** – good practice to meet requirements of good governance, risk, and compliance
- **Risks and risk management** – stakeholders require adequate and effective mitigation strategies over strategic and operational risks to reduce both the likelihood of these risks occurring and the consequences. Reviews on the associated business operations, projects and activities are considered.
- **CEO Priorities (CEO)** – key priorities that will make council even better and enhance living on the Sunshine Coast.



Audit & Assurance FY2024 Program of Work

- **Projects, Programs and Reforms (PPR)** – Assurance that key initiatives are managed and on track to deliver quality, on time and on budget outcomes. It is important for audit to engage with the projects, programs and/or reforms from the early stages of business case, through benefits identification, mobilisation, execution and closure.
- **Requests SCC & AC (RMA)** – we meet with all members of SCC ELT to understand the key objectives which they rely on and areas where they would value audit. Interviews will be used to validate the inclusion in the program of reviews driven by risks and coverage of key process areas, plus identified additional potential reviews. Together with the SCC corporate plan and strategies
- **Internal Audit Analysis (IA)** –A&A uses its professional judgement and understanding of SCC, its risks, good practice expectations and other relevant information to identify areas for internal audits. Plus may be for follow-up audit requirements.
- **Statutory Obligation and/or Requirement (SOR)**– Statutory or right to access/use obligation or requirement. I.e. Annual access review for or rates.

Audit requirements identified through the above drivers were considered for inclusion in the program. Audit then discusses the proposed program with the CEO, ELT and the AC to balance audit needs with available resources.



Audit & Assurance FY2024 Program of Work

PROPOSED FY2024 REVIEWS

Ref	Review title	Key Input#	Provider	Description	Work Days	Start Quarter
COMPLETE FROM 2022-2023 Reviews						
23-21	Council Wide - WH&S - Contractor Management	SR7	Internal	Corporate contract management processes relating to health and safety and critical risk management.	35	Q4
23-22	Built Infrastructure - Asset Mgt - Road Maintenance and Pavement Management System (PMS)	SR3/ Core	Co-source	Compliance with legislation and good practice to stay ahead of the curve	40	Q4
FY23 Reviews					TOTAL	75

Ref	Review title	Key Input#	Provider	Description	Work Days	Start Quarter
2023-2024 Reviews						
24-01	Business Performance - Rates Compliance	GRC	Co-source	Review each year on an aspect or area relating to council rates.	30	TBC
24-02	External - Cherbourg Aboriginal Shire Council	CEO	Internal	AUDIT 2024	30	
24-03	Business Performance - Gender Pay Gap review	SR8 SOR	Co-source	Compliance with legislation and good practice to stay ahead of the curve	30	
24-04	Business Performance - RPEQ review	SR3/ SR6	Co-source	To be scoped together with external provider	35	
24-05	Council Wide Contract management - Key controls and processes are working to ensure appropriate and compliant contract management	SR3 SR6 SR9 Core	Internal	Contract Management Frameworks to understand key areas: • Procurement • Varying a contract - Contract variations - Scope change - Additional requirements • Business processes in place (including process maps) • Policies, procedures, and guidance in use • Review processes in place (including identifying benefits from contracts in place) • Level of spend and number of contracts.	35	Q1
	Council Wide - Contract delegations			Review the design, approval, and communication of the delegated authority matrix. Sample testing to ensure delegations are being used and adhered to.	Roll into above	
24-06	Council Wide - Fleet Vehicle Processes and procedures	SR6	Internal	Review of SCC owned vehicle management (vehicle booking and return, logbook maintenance, compliance with policies, fuel card and general maintenance of vehicles). Operational items such as driver training fatigue management and infringements.	35	
24-07	Business Performance - Payroll Process Audit	SR6/ Core	Internal /Co-source	To assess the design adequacy and operating effectiveness of key controls in relation to Payroll To be defined based in conjunction with third Party reviews being undertake (i.e. PEAK) May be a series of reviews	60	Q1
24-08	Built Infrastructure - Tree Management follow up	SR6/ SR7	Internal	Follow up to the Tree management review in December 2022	20	
24-09	Built Infrastructure - Asset management process and systems	SR1/ SR3/ SR6\ PPR	Internal	Follow along the project to Asset Management Transformation	40	
FY24 Reviews					Sub-Total	310



Audit & Assurance FY2024 Program of Work

Ref	Review title	Key Input#	Provider	Description	Work Days	Start Quarter
Audit & Assurance - Control Environment Initiatives / Administrative Tasks						
24-80	IA Quality Assurance and Continuous Improvement Program (QAIP)	Core	Internal	Independent assurance for compliance	15	
24-81	Fraud Prevention/Control Program	Core	Internal	Support and advisory assistance.	15	
24-82	Management Initiated Services	Core	Internal	Services provided or reviews undertaken by Internal Audit specifically at the request of management.	0	
24-90	ARC attendance, paper preparation, issues reporting & follow up	Core	Internal		10	
24-91	Preparation Planning for FY2024	Core	Internal		20	
24-92	Quality Assurance Reviews	Core	Internal		10	
				Sub Total	70	

SUMMARY for FY2024

FY24 Reviews	310	
Audit & Assurance Activities	70	
Total for Year	380	



Audit & Assurance FY2024 Program of Work

Resources available

The combined co-sourced A&A function has the following resources available to deliver the reviews (total available time less estimated leave, training and other non-review time).

Resources	Estimated/Planned Days Available	FY2024 Days Available
<i>A: Audit and Assurance – Internal Days</i>	300	266
<i>B: Internal Audit and Risk Service Provider – External Days⁺⁺</i>	80	80
Total Planned Days = A + B	380	346
Less - FY2024 Days Available	346	
Additional Days Available (surplus)	0	
Additional Days Required^{\$\$} (shortage)	34	

⁺⁺ Service provider days based on average daily rate of \$1,000 approximately.

Notes:

- There are 0 internal days available for ad-hoc requests from management. If a management request is received or if a business change occurs during the year and A&A assessment deems it to be required to be added to the Program; capacity will be reviewed, and a current review assessed as being of lower risk or importance will be substituted/replaced.
- ⁺⁺ If additional external days were required would need budgetary approval
- ^{\$\$} Days required will be found within current available work-days and from savings (plus any under and over estimations)



Audit & Assurance FY2024 Program of Work

3 Year indicative audit program

Group	FY2024 - Current	FY2025	FY2026	FY2027
Council Wide & Civic Governance	Rates Compliance Gender Pay Gap review RPEQ review Council Wide Contract management plus contract delegations Fleet Vehicle Processes and procedures	Rates Compliance Staff Retention Green Washing Capital projects management and contracting	Rates Compliance Gifts and Benefits policy and procedures Secondary Employment Policy and Compliance Review Facilities management	Rates Compliance Carpark operations
Business Performance	Payroll Process Audit	IT Projects and Governance	Leave and Allowance Recording and Processes	Procurement Controls – end to end
Built Infrastructure	Tree Management follow up Asset management process and systems	Plant Hire Processes and procedures Asset management process and systems Review of internal process and procedures for QRA Acquittal		
Liveability & Natural Assets		Waste management continuity of services	WHS Contractor Services Capital Works Program Development - Methodology and Business Cases	Waste Contract Evaluation & Tender Award
Economic and Community Development		Review of HORIZON Festival	Aquatic Centres	Review of Caloundra Music Festival
Customer & Planning Services		Disaster Recovery and Business Continuity of DA computer system	Cash Handling review Pest and Vector Management	
External Support	Cherbourg Aboriginal Shire Council	Cherbourg Aboriginal Shire Council	Cherbourg Aboriginal Shire Council	Cherbourg Aboriginal Shire Council
Audit Activities & Control Environment Initiatives	As per program of work (time permitting)	As per program of work (time permitting)	As per program of work (time permitting)	As per program of work (time permitting)
	10 (reviews for FY2024)	13 (other Reviews to be considered)	12 (other Reviews to be considered)	7 (other Reviews to be considered)



Audit & Assurance FY2024 Program of Work

Strategic Risks

Strategic Risk (SR) Register			
SR Ref	Risk	Inherent Risk Value	Residual Risk Value
1	Inability to achieve and maintain financially sustainable operations, asset management and service delivery to the community into the future	H-56	M-32
2	Inability to reduce emissions, adapt and respond to extreme weather conditions, climate impacts	E-84	M-48
3	Failure to provide and maintain infrastructure to agreed standards and to meet population growth	E-84	M-52
4	Failure to plan and manage the impacts of rapid population growth on liveability and natural environment	E-84	M-32
5	Failure to deliver on key community and economic strategies and projects	H-56	M-48
6	Inadequate corporate governance and internal controls to support a culture that effectively manages fraud prevention or ethical conduct, compliance and performance	E-84	M-32
7	Oversight in processes to ensure the safety and wellbeing of our community, staff and contractors that result in fatality, damages and reputational loss	E-84	M-48
8	Culture not aligned to values which lead to inappropriate behaviours and adverse performance	H-60	H-56
9	Lack of preparedness for significant disruptions to the ability to service the needs of the community, including through an act of terrorism and or natural disasters/pandemics	E-92	H-68
10	Inability to maintain sufficient and ongoing protection against unauthorised or erroneous access to computer systems and data	E-84	H-56
11	Major projects fail to deliver desired outcomes and value for money due to oversight and capability	H-72	M-52



Audit & Assurance FY2024 Program of Work

Control Environment Initiatives:

We would like to begin to introduce a conceptual framework to enhance A&A, its role, performance, and value to the business. The goal is to lift the impact and effect of A&A on the business and establish a program of continuous improvement.

To achieve this, several initiatives for FY2024 are proposed to run alongside the Program of Work.

Time permitting these are the activities and initiatives that we would like to start and progress:

Initiative	Outputs/outcomes
Led by Audit & Assurance	
Baseline controls education	<ul style="list-style-type: none"> Series of training sessions with financial and other teams across various business units. Increased awareness of risk and controls and an improvement in the control environment (together with Risk Management Team)
Connectivity with Executive	<ul style="list-style-type: none"> Feedback to Internal Audit team on issues, challenges, concerns and areas where Internal Audit can assist the business Influence of Executive to seek Internal Audit opinion, views and audit Flexibility in Internal Audit Program demonstrated through changes made to respond to business needs
Internal Audit methodology and reporting templates review	<ul style="list-style-type: none"> Regular review and update for continuous improvement opportunities, resulting in more effective Internal Audit delivery
Trend/maturity analysis	<ul style="list-style-type: none"> Analysis of Internal Audit reports and other intelligence gained through interaction with the business, to identify themes and issues that require consideration by Internal Audit scope and possible escalation and discussion at management and Executive level.
Client satisfaction questionnaire (CSQ) feedback	<ul style="list-style-type: none"> Feedback obtained from auditee/sponsor on Internal Audit reviews, summarised and considered by the Internal Audit team for action where required; reported to AC 6 monthly
Develop assurance maps/audit universe	<ul style="list-style-type: none"> Robust set of assurance maps for business units, providing effective overview of sources of assurance over key risks, controls and processes
Auditors from the business	<ul style="list-style-type: none"> Identified and used guest auditors from the business of Internal Audit review teams Improved awareness of risks and controls within the business
Controls self-assessment (CSA) process	<ul style="list-style-type: none"> Introduced entry-level CSA's into selected areas of the business in conjunction with Head of Corporate Finance
Project implementation audit framework	<ul style="list-style-type: none"> Currently being developed as part of the Project/Program Management Framework Greater level of timely audit over key projects
Develop partnership with our IARSPs	<ul style="list-style-type: none"> Using our Internal Audit and Risk Service providers (IARSPs) to support IA services to the SCC Utilise IARSPs range of skills to extend the range of reviews IA can undertake.
Present thought leadership and global connectivity with subject matter experts (SME's)	<ul style="list-style-type: none"> Facilitated sessions between SCC and SME's on relevant topics, aiming to provide insights to management on challenges and issues
Quality assurance of Audit engagements	<ul style="list-style-type: none"> More robust application of Internal Audit methodology, higher quality delivery of Internal Audit results, compliance with good practice internal audit standards



Audit & Assurance FY2024 Program of Work

APPENDICIES I: FULL LIST FY2024 REVIEWS PROPOSED FY2024 REVIEWS

Ref	Review title	Key Input#	Provider	Description	Work Days	Year
COMPLETE FROM 2022-2023 Reviews						
23-21	Council Wide - WH&S - Contractor Management	SR7	Internal	Corporate contract management processes relating to health and safety and critical risk management.	35	FY23
23-22	Built Infrastructure - Asset Mgt - Road Maintenance and Pavement Management System (PMS)	SR3/ Core	Co-source	Compliance with legislation and good practice to stay ahead of the curve	40	FY23
FY23 Reviews					TOTAL 75	

Ref	Review title	Key Input#	Provider	Description	Work Days	Year
2023-2024 Reviews						
24-01	Business Performance - Rates Compliance	GRC	Co-source	Review each year on an aspect or area relating to council rates.	30	FY24
24-02	External - Cherbourg Aboriginal Shire Council	CEO	Internal	AUDIT 2024	30	FY24
24-03	Business Performance - Gender Pay Gap review	SR8 SOR	Co-source	Compliance with legislation and good practice to stay ahead of the curve	30	FY24
24-04	Business Performance - RPEQ review	SR3/ SR6	Co-source	To be scoped together with external provider	35	FY24
24-05	Council Wide Contract management - Key controls and processes are working to ensure appropriate and compliant contract management	SR3 SR6 SR9 Core	Internal	Contract Management Frameworks to understand key areas: • Procurement • Varying a contract - Contract variations - Scope change - Additional requirements • Business processes in place (including process maps) • Policies, procedures, and guidance in use • Review processes in place (including identifying benefits from contracts in place) • Level of spend and number of contracts.	35	FY24
	Council Wide - Contract delegations			Review the design, approval, and communication of the delegated authority matrix. Sample testing to ensure delegations are being used and adhered to.	Roll into above	FY24
24-06	Council Wide - Fleet Vehicle Processes and procedures	SR6	Internal	Review of SCC owned vehicle management (vehicle booking and return, logbook maintenance, compliance with policies, fuel card and general maintenance of vehicles). Operational items such as driver training fatigue management and infringements.	35	FY24
24-07	Business Performance - Payroll Process Audit	SR6/ Core	Internal /Co-source	To assess the design adequacy and operating effectiveness of key controls in relation to Payroll To be defined based in conjunction with third Party reviews being undertake (i.e. PEAK) May be a series of reviews	60	FY24
24-08	Built Infrastructure - Tree Management follow up	SR6/ SR7	Internal	Follow up to the Tree management review in December 2022	20	FY24



Audit & Assurance FY2024 Program of Work

Ref	Review title	Key Input#	Provider	Description	Work Days	Year
24-09	Built Infrastructure - Asset management process and systems	SR1/ SR3/ SR6/ PPR	Internal	Follow along the project to Asset Management Transformation	40	FY24
	FY24 Reviews			Sub-Total	310	

Ref	Review title	Key Input#	Provider	Description	Work Days	Year
Audit & Assurance - Control Environment Initiatives / Administrative Tasks						
24-80	IA Quality Assurance and Continuous Improvement Program (QAIP)	Core	Internal	Independent assurance for compliance	15	FY24
24-81	Fraud Prevention/Control Program	Core	Internal	Support and advisory assistance.	15	FY24
24-82	Management Initiated Services	Core	Internal	Services provided or reviews undertaken by Internal Audit specifically at the request of management.	0	FY24
24-90	ARC attendance, paper preparation, issues reporting & follow up	Core	Internal		10	FY24
24-91	Preparation Planning for FY2024	Core	Internal		20	FY24
24-92	Quality Assurance Reviews	Core	Internal		10	FY24
				Sub Total	70	

SUMMARY for FY2024

FY24 Reviews	310	
Audit & Assurance Activities	70	
Total for Year	380	



Audit & Assurance FY2024 Program of Work

Full list of reviews considered – and addressed in the 3 Year indicative audit program

Ref	Review title	Key Input	Provider	Description	Work Days	Year
2022-2023 Reviews						
SCCW	Follow Up of Audit Recommendation			A review of completed audit recommendations to ensure appropriate risk mitigation has occurred.	20	Deferred
CG	Compliance Monitoring			Compliance monitoring and reporting activities undertaken in the Governance Branch as a second line of defence activity.	30	Deferred
BPG	Rates (General rates and separate levies)		BDO	General rates and separate levies - land valuation reconciliations, accuracy of charges and separate levies and financial reconciliations.		Complete
BPG	Corporate Purchase Cards		BDO	Review effectiveness of controls with a focus on prevention and detection of misuse and fraud.		Report
BPG	Cyber Security		PwC	Assessment of cyber security detection and response capability including penetration testing in accordance with best practice frameworks.		Complete
BPG Duplicate	IT Projects and Governance			Decision making framework, program development and project management.		FY25
BPG	Recruitment & Selection - Fraud Risks and Effectiveness of Controls		KPMG	Assessment of fraud risks and the effectiveness of controls in the recruitment and selection process in accordance with SCC fraud Control Plan. Also includes the verification of pay relating to new starters above award.		Complete
BPG	WH&S - Contractor Management			Corporate contract management processes relating to health and safety and critical risk management.	35	FY23
BIG	Asset Mgt - Road Maintenance and Pavement Management System (PMS)		Co-source	Compliance with legislation and good practice to stay ahead of the curve	40	FY23
CEPS	Pest and Vector Management			Mosquito and vermin control. Efficiency of program delivery, legislative compliance, safety and associated contract management activities.	35	FY26
CEPS	Planning Assessment Fees		BDO	Accuracy and completeness of revenue associated with planning application fee, including reconfiguration of lots and material change of use. Carried forward from 2021/22.		Complete
CEPS	Planning and Development - Fraud Risks and Effectiveness of Controls			Assessment of fraud risks and effectiveness of controls in the planning and development area, in accordance with SCC fraud Control Plan.	30	Defer
LaNA	Waste Contract Evaluation & Tender Award			Waste Collection Contract - Evaluation and award of tender in accordance	30	FY27
LaNA	Capital Works Program Development - Methodology and Business Cases			Criteria and methodology used to identify and prioritise major projects for inclusion into the capital works program, including business cases	40	Mgmt Deferered
ECD	Aquatic Centres			Lease management, asset management and safety aspects.	30	FY26
	Cherbourg Aboriginal Shire Council			AUDIT 2023		Complete



Audit & Assurance FY2024 Program of Work

Ref	Review title	Key Input	Provider	Description	Work Days	Year
2023-2024 Reviews						
ANNUAL REQUIRED REVIEWS						
	Business Performance - Rates - Compliance		Co-source	Review each year on an aspect or area relating to council rates.	30	FY24
	Cherbourg Aboriginal Shire Council		Ziggy	AUDIT 2024	30	FY24
Council Wide & Civic Governance						
FY	Gender Pay Gap review			Compliance with legislation and good practice to stay ahead of the curve	30	FY24
	RPEQ review		Co-source	To be scoped together with external provider	35	FY24
	Contract management - Key controls and processes are working to ensure appropriate and compliant contract management			Contract Management Frameworks to understand key areas: • Procurement • Varying a contract - Contract variations - Scope change - Additional requirements • Business processes in place (including process maps) • Policies, procedures and guidance in use • Review processes in place (including identifying benefits from contracts in place) • Level of spend and number of contracts.	35	FY24
	Green Washing			Audit can challenge the commitments being made by management. Meeting the right protocols and adjusting those commitments as new protocols that are announced e.g. by the UN, or others IA can check to see that progress and performance are being reported accurately and consistently internally, and that appropriate metrics are being fully, accurately and honestly reported externally with appropriate context.	30	FY25
	Contract delegations			Review the design, approval and communication of the delegated authority matrix. Sample testing to ensure delegations are being used and adhered to.	30	FY24
	Capital projects management and contracting			Policy, procedure, criteria and methodology used to manage and source manage contracts for major projects. The objective of the audit is to assess the effectiveness of the project management framework and controls to support the delivery of projects, including governance, risk and compliance with the policy and procedures.	35	FY25
	Leave and Allowance Recording and Processes			Related to payroll review and work PEAK may be doing	30	FY26
	Gifts and Benefits policy and procedures			To assess the design adequacy and operating effectiveness of key controls in relation to Gifts and Benefits policy and procedures	30	FY26
	Fleet Vehicle Processes and procures			Review of SCC owned vehicle management (vehicle booking and return, log book maintenance, compliance with policies, fuel card and general maintenance of vehicles). Operational items such as driver training fatigue management and infringements.	35	FY24



Audit & Assurance FY2024 Program of Work

Ref	Review title	Key Input	Provider	Description	Work Days	Year
	Carpark operations (e.g. Brisbane Road)			Operations of the council car parks. Policy and procedures and operational controls in place and operating effectively. Revenue collection processes, etc	30	FY27
	Project Management Methodology & Delivery -DIS/Capital Works/Business projects	Risk		Management of projects is key to providing value for money and demonstrating sound stewardship in program delivery. The objective of the audit is to assess the effectiveness of the project management framework and controls to support the delivery of projects, including governance, risk and compliance with the policy and procedures.	35	FY25
ZK	Review of Caloundra Music Festival <i>Instead of HORIZON audited 2018 years ago</i>			Provide assurance that processes, procedures and controls surrounding the program are in place and operating. Ranges of areas could be cover: • Procurement • Contracts • Venues • Security and WHS • Revenue and Accounting Controls Etc.	35	FY27
ZK	Facilities management 10 years since last audit				35	FY26
24-nn						
Business Performance						
	Payroll Process Audit			To assess the design adequacy and operating effectiveness of key controls in relation to Payroll To be defined based in conjunction with third Party reviews being undertake (i.e. PEAK) May be a series of reviews	60	FY24
	Procurement Controls – end to end			Effectiveness of controls in managing procurement. Compliance with procurement policy (e.g. Vendor selection, shortlisting ad etc.) Follow on from past reviews to look at imbedding changes work.	45	FY27
24-nn						
Built Infrastructure						
	Review of internal process and procedures for QRA Acquittal			The objectives of this internal audit are to: • provide reasonable assurance that the QRA grants were expended for the purposes for which they were given; and • assess the adequacy and effectiveness of internal controls in relation to managing the QRA funding.	30	FY25
	Tree Management follow up			Follow up to the Tree management review in December 2022	20	FY24
	Asset management process and systems			Follow along the project to Asset Management Transformation	40	FY24
	Plant Hire Processes and procedures			This review may also take in plant hire. Provide assurance that processes, procedures, and controls surrounding Council plant hire.	30	FY25
24-nn						



Audit & Assurance FY2024 Program of Work

Ref	Review title	Key Input	Provider	Description	Work Days	Year
Liveability & Natural Assets						
	Waste management continuity of services			Review adequacy of business continuity for waste services. Contract review and associated controls to ensure continuity of services	35	FY25
	WHS of Contractor Services			Provide assurance that processes, procedures and controls surrounding Council WHS program are in place and operating with evidence contractors. How does contract acquit their WHS to Council.	35	FY26
24-nn						
Economic and Community Development						
	Review of HORIZON Festival			Provide assurance that processes, procedures and controls surrounding the program are in place and operating. Ranges of areas could be cover: • Procurement • Contracts • Venues • Security and WHS • Revenue and Accounting Controls Etc.	35	FY25
	Staff Retention		Co-source	Framework to improve Staff Retention is operational and working effectively	30	FY25
24-nn						
Customer & Planning Services						
	Cash Handling review			Review of areas where cash is accepted. Staff safety is paramount. Key policies, procedures and controls	30	FY26
	Secondary Employment Policy and Compliance Review			With tougher economic times staff are seeking secondary employment more often. COI and risks to business need to be assess to support staff to economically	30	FY26
	Disaster Recovery and Business Continuity of DA computer system			To assess the effectiveness and efficiency of systems, processes and controls surrounding the DA computer system. Requirements for high availability.	30	FY25
DUPLICATE	Fleet Vehicle Processes and procures			Review of SCC owned vehicle management (vehicle booking and return, log book maintenance, compliance with policies, fuel card and general maintenance of vehicles). Operational items such as driver training fatigue management and infringements.		FY24
24-nn						
Audit & Assurance - Control Environment Initiatives Plus Administrative Tasks						
	IA Quality Assurance and Continuous Improvement Program (QAIP)			Independent assurance for compliance	15	FY24
	Control and Risks Training (3 Lines of Defence)			A program for ensuring quality in engagements/reviews and improving IA practices. It will involve a Program of works consistent with the IIA IPPF and as required by Treasury Policy Paper TPP15-03.	0	FY24
	IA Data Analytics Program			Baseline controls education (together with Risk Management Team).	0	FY24



Audit & Assurance FY2024 Program of Work

Ref	Review title	Key Input	Provider	Description	Work Days	Year
	Fraud Prevention/Control Program			Leading IA functions are embracing recent enhancements in data mining technology and data visualization tools to deliver results in response to risk, dive deeper into organisational data, and deliver fact-based insights.	15	FY24
	Management Initiated Services			Services provided or reviews undertaken by Internal Audit specifically at the request of management.	0	
	ARC attendance, paper preparation, issues reporting & follow up				10	FY24
	Preparation Planning for FY2024				20	FY24
	Quality Assurance Reviews				10	FY24



Audit & Assurance FY2024 Program of Work

APPENDIX II: Six (6) A&A activity Types

Ref	Review title	Key Input#	Provider	Description	Work days	Start Quarter
Insight Reviews: Internal auditors must focus their reviews, prioritise what to audit, and concentrate on what matters most to the business. Formative reviews designed to be more forward-looking and aware, briefer and more layered, more visual and dynamic. Forward-looking, insightful reports focus on the risks and issues of most concern to stakeholders. Provide assurance that processes, procedures, and controls surrounding the project/program are operating. A range and depth of project/program reviews may be undertaken to snapshot its status to identify what is going well and what areas need improvement.						
Program/Project Health Checks						
23-nn	TBC			None planed in FY2023		
Reform/Restructure Health Checks.						
23-nn	Reform/Restructure Health Checks	Core. GRC	In-House	Provide assurance that processes, procedures and controls surrounding the project/program are operating. A range and depth of project/program reviews may be undertaken to snap-shot its status in order to identify what is going well and what areas need improvement.		Continuous
			-0n	None planed in FY2023		
Workplace Health and Safety						
23-nn	Workplace Health and Safety - Overall program	Core. GRC	TBD	Provide a snapshot processes, procedures and controls surrounding Department's WHS program are in place and operating.		Continuous
			-0n	None planned in FY2023		
Insight Reviews					Sub-Total	
Ref	Review title	Key Input#	Provider	Description	Work days	Start Quarter
IA Reviews - Base level compliance reviews focused on providing fundamental audit over core elements of the internal control environment. Conducted using walkthrough testing or sample testing of transactions. Identify opportunities for process improvement. End-to-end process reviews.						
23-02	Department Wide - Quarterly Follow up on Audit Issues and Management Agreed Actions Plans (MAAPs)	IA, Risk	In-House	Regular tracking and follow-up of issues from IA reports, AONSW reports, etc. Follow-up and detailed testing with divisions/branches to ensure audit issues and management agreed action plans are completed.		
			-01	Follow-up in Sep/Oct		Q1
			-02	Follow-up in Dec/Jan		Q2
			-03	Follow-up in Mar/Apr		Q3
			-04	Follow-up in Jun/Jul		Q4
IA Reviews					Sub-Total	
Ref	Review title	Key Input#	Provider	Description	Work days	Start Quarter
IA Services – Audit and/or advisory based services over non-major projects, initiatives/business processes designed to add value by assessing the effectiveness and efficiency of the project/process. Services will be conducted through a variety of ways such as up-front advice, health check or on-going monitoring and real time feedback (i.e. following along & acting as a touch point for management).						
IA Services					Sub-Total	



Audit & Assurance FY2024 Program of Work

Ref	Review title	Key Input	Provide r	Description / Impact	Work days	Start Quarter
Reform, Program and Project Audit – reviews to ensure that major projects are managed to deliver the intended benefits, are on time and on budget. Based on the status of the projects identified below, the focus and approach of audit for FY19 will consider the following involvement: <ul style="list-style-type: none"> • Strength & Completeness of the Business Case - contents, structure, assumptions, benefits identification, financial analyses • Procurement process assurance • Governance • Project delivery and management (in accordance with the Project Management Framework) • Post implementation review and review of benefits realisation 						
	Reform, Program and Project Audit			Sub-Total		
				Insight Reviews		
				IA Reviews		
				IA Services		
				Reform, Program and Project Audit		
				Review & Audit = Total		

¥ See page 4 – Key Drivers and Inputs into the FY 24 Program

Ref	Review title	Key Input	Provide r	Description	Work days	Start Quarter
Internal Audit - Control Environment Initiatives Continuous improvement program of activities, tasks, events and actions that should be undertaken and reviewed at regular intervals to ensure progress is being made and that standards are increasing and to develop a “fit 4 business” internal audit program (see page 13 for additional detail)						
				Sub-Total		
Internal Audit – Administrative Tasks						
				Sub-Total		
				Internal Audit Work Days		
				Review & Audit = Total		
				Grand Total		

Alternative view for FY 2025

Sunshine Coast Regional Council Local Law No. 1 (Administration) 2011

CONSOLIDATED VERSION NO. 4

incorporating amendments up to 2 June 2023

adopted by Sunshine Coast Regional Council on 22 June 2023 pursuant to
section 32 of the *Local Government Act 2009*

Sunshine Coast Regional Council Local Law No. 1 (Administration) 2011

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Part 1 Preliminary

1 Short title

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

1A Commencement

This local law commences on 1 January 2012.

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 to manage conduct that adversely affects the community; and
 - (c) a reviewable decision process to assist in the review of certain decisions made under local law; and
 - (d) statutory instruments to assist in meeting compliance and enforcement objectives of the local laws; and
 - (e) mechanisms to undertake legal proceedings; and
 - (f) miscellaneous administrative provisions relating to meetings, fees, abandoned goods, seized and impounded items.

3 Definitions—the dictionary

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

- (a) this local law; and
- (b) other local laws of the Sunshine Coast Regional Council, except where otherwise provided by that other law.

4 Relationship with other laws¹

This local law is—

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

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) 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
- (b) an activity prescribed by another local law as a prescribed activity for this section; or
- (c) an activity for which a Local Government Act, other than a local law, 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 section 5(a) or (b).²
- (2) A person must not undertake a 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—
- (i) for a first offence—10 penalty units; or
 - (ii) for a second offence—20 penalty units; or
 - (iii) for a third or later offence—50 penalty units; or
- (c) for a category 2 activity—50 penalty units; or
- (d) for a category 3 activity—400 penalty units.
- (3) However, the local government may, by subordinate local law, declare that subsection (2) does not apply to 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.

² For the offence for undertaking a prescribed activity mentioned in section 5(c) without a current approval, see the relevant Local Government Act that provides for the 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.

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 to conduct a prescribed activity must be made by an adult in a form approved by the local government.

Examples of a form approved by the local government—

A form completed in writing or electronically.

- (2) The application must be accompanied by—

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

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.

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

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.

- (c) the prescribed fee; and

- (d) if the applicant is not the owner of the premises on which the prescribed activity is to be conducted—the written consent of the owner of the premises.

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- (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) A written notice issued 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) The local government may waive any of the requirements of this section—
 - (a) in an emergency; or
 - (b) if there are special reasons for dispensing with the requirements; or
 - (c) in the circumstances specified in a subordinate local law.

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 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

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.
 - (b) either—
 - (i) the proposed operation and management of the activity is adequate to protect community health, safety and amenity and prevent environmental harm; or
 - (ii) if conditions imposed by the local government are complied with, the activity can be operated and managed

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- in a manner that will adequately protect community health, safety and amenity and prevent environmental harm; and
- (c) the grant of the approval would be consistent with the purpose of any relevant local law; and
 - (d) the proposed operation and management of the activity would be consistent with any additional criteria prescribed for the activity under a subordinate local law for this paragraph; and
 - (e) if the application relates to trust land—the grant of the approval would be consistent with the terms and conditions of the trust; and
 - (f) if the application relates to a prescribed activity mentioned in section 5(b)—the grant of the approval would be consistent with any requirements or criteria specified in the local law in relation to the approval; and
 - (g) if the application relates to a prescribed activity mentioned in section 5(c)—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; and
 - (h) if the applicant is not the owner of the premises on which the prescribed activity is to be conducted—the owner of the premises has consented to the activity.
- (2) The local government may, by giving 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—

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

Example for paragraph (a)—

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

- (5) In this section—
environmental nuisance has the meaning given by the *Environmental Protection Act 1994*.

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

noise standard has the meaning given by the *Environmental Protection Act 1994*.

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(c), this section does not apply if the Act that provides for the local government to grant an approval stipulates a penalty for contravening a condition of the approval.

12 Third party certification

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

Example—

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

- (2) In this section—

third party certifier means—

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

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

13 Term of approval

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

- (a) the term provided for the prescribed activity under a subordinate local law for this paragraph; or
- (b) if there is no term provided for under a subordinate local law—the date specified in the approval.

14 Renewal of approval

- (1) The local government must, when inviting a renewal of an approval—

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- (a) give the approval holder a minimum of 14 days (or a period specified under a Local Government Act) before the term of the approval expires, to make application for renewal; and
 - (b) state—
 - (i) the information for the approval holder stated in the approvals register; and
 - (ii) the period of renewal; and
 - (iii) the fee for effecting the renewal; and
 - (iv) the date when the renewal must be effected; and
 - (v) that the approval holder must, within 7 days, give the local government notice of any change to the information.
- (2) 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 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.
- (3) 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 a prescribed activity in a specified part of the local government area.
- (4) An application under subsection (2) must be—
 - (a) made by an adult in a form approved by the local government; and
 - (b) if the applicant is not the owner of the premises on which the prescribed activity is to be conducted—accompanied by the written consent of the owner of the premises on which the regulated or prescribed activity will be undertaken; and
 - (c) accompanied by the prescribed fee.
- (5) 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.
- (6) Section 8(4) to (7) applies to the notice as if it was a notice under section 8(3).
- (7) 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

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- (c) refuse the application.
- (8) In deciding under subsection (7), 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.
- (9) 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.
- (10) The local government may amend the conditions of the approval under subsection (7)(b) without following the procedure in section 18.
- (11) 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 6—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 6—14 days after the applicant is given an information notice under subsection (9).

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 by an adult in a form approved by the local government; and
 - (b) if the applicant is not the owner of the premises on which the prescribed activity is to be conducted—accompanied by the written consent of the owner of the premises on which the regulated or prescribed activity will be undertaken; and
 - (c) accompanied by the prescribed fee.

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

- (4) The local government may, by written notice, request the applicant to provide further reasonable information or clarification of information, documents or materials included in the application.
- (5) Section 8(4) to (7) applies to the notice as if it was a notice under section 8(3).
- (6) The local government may grant an application to transfer an approval only if it is satisfied about the matters mentioned in section 9(1).
- (7) The local government may, by written notice to the approval holder and the proposed transferee—
 - (a) grant the application to transfer the approval; or
 - (b) refuse the application to transfer the approval.
- (8) If the local government decides to grant the application to transfer the approval, the local government may amend the existing conditions of the approval.
- (9) The local government may amend the conditions of the approval under subsection (8) without following the procedure in section 18.
- (10) The local government must state, in the notice given under subsection (7)(a), any amendments to the conditions of the approval and the day that they take effect.
- (11) The local government must give the approval holder and the proposed transferee an information notice if the local government—
 - (a) refuses the application; or
 - (b) grants the application and amends the approval to include non-standard conditions.

16 Amending conditions at request of approval holder

- (1) An approval holder may apply to the local government to amend the conditions of the approval.
- (2) The application must be written and state—
 - (a) the proposed amendment; and
 - (b) the reasons for it.
- (3) The local government must consider and decide whether to grant or refuse the application.
- (4) 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.

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17 Grounds for amending, suspending, restricting or cancelling approval

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

- (a) the holder of the approval agrees to the amendment, suspension, restriction or cancellation; or
- (b) the amendment, suspension, restriction or cancellation is necessary—
 - (i) for the protection of community 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; or
- (c) another approval required for the prescribed activity under an Act has been suspended or cancelled; or
- (d) in undertaking the prescribed activity, the approval holder has failed to comply with a local law or an Act; or
- (e) the approval holder has failed to comply with a condition of the approval; or
- (f) the approval holder has failed to comply with a notice under sections 26 or 27 that relates to the conduct of a prescribed activity or has failed to comply with a stop order under section 29; or
- (g) 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, restricting or cancelling an approval

- (1) This section applies if the local government considers there is a ground under section 17 to amend, suspend, restrict 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

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- (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, restrict 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 are grounds 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 restrict the approval—restrict the approval; or
 - (d) if the proposed action was to cancel the approval—cancel the approval.
- (5) If the local government decides to amend, suspend, restrict or cancel the approval, the local government must give the approval holder written 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, restrict 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 poses—
 - (a) an urgent and serious threat to community 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

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- (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.

20 Register of approvals

- (1) The local government must keep a register of approvals authorised under a local law.
- (2) The local government must, upon receipt of a statutory declaration and on payment of the prescribed fee, provide an interested person with a copy of an approval from the register of approvals.

21 Unlawful possession of an approval

- (1) A person must not—
 - (a) in any application, notice or other document made or given to the local government or to an authorised person, make a statement that to the person's knowledge is false or misleading in a material particular; or
 - (b) by a false statement or representation, obtain or attempt to obtain an approval; or
 - (c) present any information that to the person's knowledge is false or misleading with respect to the particulars required to be presented in connection with an application for an approval; or
 - (d) forge an approval.

Maximum penalty for subsection (1)—165 penalty units.

- (2) A person must not, without reasonable excuse, have in their possession any—
 - (a) article resembling an approval and calculated to deceive; or
 - (b) document that was formerly an approval and is now void, cancelled, suspended or expired.

Maximum penalty for subsection (2)—165 penalty units.

- (3) A person must not—
 - (a) use an approval unless it is an approval duly issued to the person; or

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- (b) let another person use an approval that has been issued solely for the use of the first person.
- Maximum penalty for subsection (3)—165 penalty units.
- (4) Unless authorised by this local law, a person must not make or cause, permit or allow to be made—
 - (a) any endorsement other than the person's signature on an approval; or
 - (b) an addition or alteration to an approval; or
 - (c) any erasure from an approval.
- Maximum penalty for subsection (4)—165 penalty units.
- (5) In relation to any act or attempted act referred to in subsections (1) to (4) that results in fraudulent use or unlawful possession of an approval, the local government may declare the—
 - (a) approval null and void; and
 - (b) act or attempted act, null and void.
- (6) In this section—
forged has the meaning given by the *Criminal Code*.

Part 3 Authorised persons

22 Appointment

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

23 Threatening etc an authorised person⁶

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

Maximum penalty—50 penalty units.

Part 4 Regulation and compliance

24 Production of records

- (1) This section applies where an authorised person has entered a property under a Local Government Act to determine if a provision of that Act has been breached or the conditions of an approval have been complied with⁷.

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 the Act, section 132.

- (2) An authorised person may require the occupier of the property to produce for inspection, records that are required by the Local Government Act or 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)—50 penalty units.

25 Analysis of samples

- (1) The local government may take a sample for analysis, where a local law provides the power to do so.

- (2) A person must not with intent to adversely affect the analysis of a thing, tamper with a—

- (a) thing, before an authorised person takes a sample of a thing, for analysis; or
- (b) sample of a thing, after it is taken by an authorised person for analysis.

Maximum penalty for subsection (2)—50 penalty units.

- (3) If a particular method of analysis has been specified under a local law, the local government must follow the method.

- (4) The local government must obtain from the analyst a certificate or report stating the results and interpretation of the analysis result.

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.

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- (2) The authorised person may give⁸ a written notice (a **compliance notice**) to the person (the **recipient**) requiring the person to remedy the contravention.⁹
- (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.
- (7) The recipient must comply with the compliance notice¹⁰ unless a person has a reasonable excuse for not complying with the compliance notice
- Maximum penalty for subsection (7)—
- (a) for non-compliance with a compliance notice for section 9B of *Local Law No. 2 (Animal Management) 2011*—20 penalty units; or

⁸ See the *Acts Interpretation Act 1954*, sections 39 and 39A, regarding the service of documents on a person.

⁹ Where a compliance notice is given to the owner or occupier of a property and requires action to be taken in relation to that property, then it will constitute a **remedial notice** under the Act, section 138AA(1).

¹⁰ See also sections 17(e) and 18 regarding the local government's power to amend, suspend, restrict 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.

- (b) for non-compliance with a compliance notice for another local law or for a condition of an approval—50 penalty units.
 - (8) A compliance notice remains in effect for the period specified in the notice.
- 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 person¹¹; and
 - (b) the authorised person gives¹² a compliance notice to the person (the *recipient*).¹³
 - (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 notice¹⁴ unless a person has a reasonable excuse for not complying with the compliance notice.
Maximum penalty for subsection (6)—50 penalty units.
 - (7) Where a compliance notice is issued under a local law, the compliance notice remains in effect for the period specified in the compliance notice.

¹¹ For example, see *Local Law No.4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011*, section 13(2) (Power to require owner of land adjoining road to fence land) and *Local Law No. 3 (Community Health and Environmental Management) 2011*, section 10(1) (Local pest control notices), section 13(2) (Overgrown property), section 14(2) (Accumulation of objects and materials on property), section 19(2) (Removal or reduction of community safety hazards).

¹² See also footnote 8.

¹³ See also footnote 9.

¹⁴ See also footnote 10.

28 Power to remove and cost recovery

- (1) This section applies where—
 - (a) a structure or other material thing has been brought onto or remains on a local government controlled area or road in contravention of a local law; or
 - (b) a structure has been erected or installed in, on, across, under or over a local government controlled area or 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 community 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 37 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 a stop 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 a prescribed activity under section 19.

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- (3) An authorised person must confirm an oral order in writing by the next business day following the giving of the stop order.
- (4) A person who receives a stop order under this section must comply with the stop 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 5 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 a property

In a proceeding under a local law against the owner or occupier of a property for an offence relating to an act or omission with respect to the property, 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 Facilitation of proof

An allegation or statement of any matter of fact in any complaint or proceedings under a local law or Local Government Act shall be prima facie evidence of the matter of fact that is alleged or stated.

33 Responsibility for acts or omissions of representatives

- (1) If in a proceeding for an offence against a local law it is relevant to prove a person's state of mind about a particular act or omission, it is sufficient to show that the—
 - (a) act was carried out or omitted to be done by a representative of the person within the scope of the representative's actual or apparent authority; and
 - (b) representative had the state of mind.
- (2) An act carried out or omitted to be done for a person by a representative of the person within the scope of the representative's actual or apparent

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authority is taken in a proceeding for an offence against a local law to have been carried out or omitted to be done also by the person unless the person proves the person could not, by the exercise of reasonable diligence, have prevented the act or omission.

34 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*.

35 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 6 Review of decisions

36 Reviewable decisions

A decision of the local government or of an authorised person made under a local law is reviewable (a **reviewable decision**) unless it is a decision—

- (a) made by resolution of the local government; or
- (b) with which immediate compliance is required; or
- (c) to dispose of an item that has been lawfully impounded; or
- (d) made about an earlier application for review; or
- (e) to prosecute a person for an offence against a local law; or
- (f) to issue a penalty infringement notice for an offence against a local law.

37 Application for review

- (1) A person who is aggrieved by a reviewable decision may apply to the chief executive officer¹⁵ for a review of the decision under this part.
- (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

¹⁵ See definition of *chief executive officer* in the Act, schedule 4.

- (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 submitted in writing or electronically and be—
 - (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.

38 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.

39 Withdraw review

A person may withdraw a review application at any time prior to the review being finally decided.

40 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 or first becoming aware of 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.

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

Part 7 Miscellaneous

41 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.

42 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.

43 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.

44 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***);¹⁶ 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.¹⁷
- (3) If the impounded item is—
 - (a) perishable; or
 - (b) hazardous to store (for example, chemical or biological products); or
 - (c) of no commercial value or of a value that would not cover the costs of sale of the item,it may be immediately disposed of as the chief executive officer directs and the proceeds (if any) 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) by sale through—
 - (i) public auction or tender, following an advertisement published on the local government’s website or in a public notice at least 14 days before the date of the proposed sale; or
 - (ii) an agent of the local government; or
 - (iii) an enterprise owned by the local government; or
 - (b) if it has been offered for sale under paragraph (b) but has not been sold within a reasonable period—as the chief executive officer directs.

¹⁶ See, for example, section 43 in relation to abandoned goods.

¹⁷ See *Local Law No.2 (Animals) 2011*, part 6, in relation to the impounding of animals. See the *Animal Management (Cats and Dogs) Act 2008* in relation to the seizure of regulated dogs.

- (6) The proceeds of the sale or disposal of the impounded item must be applied in the way prescribed by the Act, section 38A.
- (7) If no person establishes a valid claim to the amount to which the former owner of the impounded item is entitled under subsection (6) within 1 year of the date of the sale or disposal, the amount becomes the property of the local government.

44A Extraordinary building work noise permits

- (1) A person may apply to the local government for a permit to carry out building work on premises in a way that makes an audible noise outside standard building work hours (an *extraordinary building work noise permit*).
- (2) Sections 8, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20 and 21 apply to an extraordinary building work noise permit as if—
 - (a) a reference in the section to an approval is a reference to an extraordinary building work noise permit; and
 - (b) a reference in the section to a prescribed activity is a reference to carrying out building work on premises in a way that makes an audible noise outside standard building work hours.
- (3) For the avoidance of doubt, it is declared that the contravention of an extraordinary building work noise permit—
 - (a) is not a contravention of a local law; and
 - (b) is a contravention of the prescribed noise standard mentioned in *Local Law No. 3 (Community Health and Environmental Management) 2011*, section 24A(a).

Part 8 Subordinate local laws

45 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;¹⁸ and
- (b) the categories of prescribed activities for the purposes of maximum penalties;¹⁹
- (c) the documents and materials that must accompany an application for an approval;²⁰ and

¹⁸ See section 6(3).

¹⁹ See section 6(4).

²⁰ See section 8(2)(a).

- (d) the circumstances in which the application requirements in section 8 are waived;²¹ and
- (e) additional criteria for the granting of approvals for prescribed activities;²² and
- (f) the conditions that must be imposed on an approval or that will ordinarily be imposed on an approval;²³ and
- (g) application requirements for which a third party certifier's certificate may be accepted by the local government;²⁴ and
- (h) the individuals or organisations that are declared as third party certifiers for particular application requirements;²⁵ and
- (i) the qualifications necessary for an individual or organisation to provide a third party certificate about particular application requirements;²⁶ and
- (j) the term for which an approval for a prescribed activity remains in force;²⁷ and
- (k) the further term for which an approval for a prescribed activity may be renewed or extended;²⁸ and
- (l) categories of approvals that are non-transferable;²⁹ and
- (m) animals excluded from the operation of a local law having regard to the species, breed, sex, age, use or class of animal;³⁰ and
- (n) complementary accommodation prescribed as appropriate for caravan parks;³¹ and
- (o) the declaration of a species of animal as a declared dangerous animal;³² and
- (p) the declaration of a mall, square, court or other public place as a footpath for the purposes of the definition of *footpath* in schedule 1;³³ and

²¹ See section 8(7)(c).

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(2)(a).

²⁹ See section 15(2).

³⁰ See schedule 1, definition of *animal*.

³¹ See schedule 1, definition of *complementary accommodation*, paragraph (b).

³² See schedule 1, definition of *declared dangerous animal*.

- (q) the application of a local law to a State-controlled road;³⁴ and
- (r) the specification of other things included in the definition of ***structure*** in schedule 1;³⁵ and
- (s) public place activities prescribed as regulated activities on local government controlled areas and roads.³⁶

³³ See schedule 1, definition of ***footpath***, paragraph (b).

³⁴ See schedule 1, definition of ***road***, subparagraph (b)(i).

³⁵ See schedule 1, definition of ***structure***, subparagraph (d).

³⁶ See schedule 2, part 2, definition of ***regulated activities on local government controlled areas and roads***, paragraph (r).

Schedule 1 Dictionary

section 3

adult means an individual who is 18 or more.

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

animal means any live mammal (other than a human being), reptile, amphibian, insect, bird, poultry, an organism, including eggs and semen, and fish but does not include an animal excluded by a subordinate local law from the operation of a local law having regard to the species, breed, sex, age, use or class of the animal.

animal pound means for the purpose of *Local Law No. 2 (Animal Management) 2011* a place at which seized and impounded animals are held.

application, for part 2, means an application for an approval to undertake a prescribed activity.

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

aquatic equipment means for the purpose of *Local Law No. 6 (Bathing Reserves) 2011*—

- (a) a boat or vessel; or
- (b) a surf ski; or
- (c) a jet ski; or
- (d) a surf board; or
- (e) a sail board; or
- (f) a body board; or
- (g) another device (whether motorised or not) for use on or in water to carry a person or thing across or through water or for recreational use in water.

AS/NZS means a standard published jointly by Standards Australia and Standards New Zealand.

asset means for the purpose of *Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011*—

- (a) a fixture, chattel, material, vegetation, animal, thing or other tangible property of which the local government is the owner or occupier; and
- (b) the local government logo, any intellectual property right or other intangible property of which the local government is the owner.

attack means for the purpose of *Local Law No. 2 (Animal Management) 2011* to rush at or approach a person or an animal in such a manner so as to be likely to cause fear or alarm in a public place, whether or not the attacking animal actually contacts, bites or worries the person or animal.

audible noise has the meaning given in the *Environmental Protection Act 1994*.

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authorised person, except for the purposes of *Local Law No. 6 (Bathing Reserves) 2011*, see the Act, schedule 4³⁷.

bathing includes for the purpose of *Local Law No. 6 (Bathing Reserves) 2011* all activities involving the immersion or partial immersion of the body in water.

bathing area see *Local Law No. 6 (Bathing Reserves) 2011*, section 6.

bathing reserve means for the purpose of *Local Law No. 6 (Bathing Reserves) 2011* a part of the seashore, adjacent land under the sea, and sea placed under the control of the local government as a bathing reserve under the Act.

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

building site means a place where building work is being or is about to be carried out.

building work has the meaning given in the *Environmental Protection Act 1994* and—

- (a) includes building work carried out by a person under an owner-builder permit; but
- (b) does not include building work carried out by a person at premises used by the person only for residential purposes.

burial means the act of placing a dead body or the ashes of such in either a grave, niche or memorial garden, but does not include the scattering of the ashes.

business day has the meaning given in the *Acts Interpretation Act 1954*.

camp has the meaning given by the *Recreation Areas Management Act 2006*.

caravan has the meaning given by the *Residential Tenancies and Rooming Accommodation Act 2008*.

cat means an animal of the species *Felis catus*, or domestic cat.

chief executive officer means the person appointed and employed by the local government as its chief executive officer.

class 2 pest animal means an animal listed in schedule 2, part 2, division 1 of the *Land Protection (Pest and Stock Route Management) Regulation 2003*, as in force before its repeal by the *Biosecurity Regulation 2016*.

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.

commercial vehicle identification label means for the purpose of *Local Law No. 5 (Parking) 2011*, a label of the type depicted in the Manual of Uniform Traffic Control Devices as a commercial vehicle identification label.

compliance notice means a compliance notice given under—

³⁷ See also section 22.

- (a) section 26; or
- (b) another local law that authorises the giving of a compliance notice.

cost-recovery fee means for the purpose of *Local Law No.2 (Animal Management) 2011*, the fee fixed by the local government to cover the costs associated with impounding an animal.³⁸

dangerous item of aquatic equipment see *Local Law No. 6 (Bathing Reserves) 2011*, section 14.

dangerous object see *Local Law No. 6 (Bathing Reserves) 2011*, section 14.

declared dangerous animal means for the purpose of *Local Law No. 2 (Animal Management) 2011* an animal—

- (a) of a species declared by subordinate local law as a declared dangerous animal; or
- (b) declared under section 21 of *Local Law No. 2 (Animal Management) 2011* to be a declared dangerous animal.

declared local pest means for the purpose of *Local Law No. 3 (Community Health and Environmental Management) 2011* a plant or animal declared to be a pest under section 6 or 7 of that local law.

designated access means the gateway, opening, entrance or other means of ingress to or egress from the local government controlled area designated by the local government by a sign exhibited at the local government controlled area.

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

destruction order see section 35 of *Local Law No. 2 (Animal Management) 2011*.

development approval has the meaning given by the *Sustainable Planning Act 2009*.

device means a design, writing, drawing, depiction, structure, erection, placard, banner, notice, signboard, notice of sign, publication or sign of any kind.

disability has the meaning given by the *Disability Services Act 2006*.

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

dog means an animal of the species *Canis lupus familiaris*, or domestic dog.

dog off-leash area see section 12(1) of *Local Law No. 2 (Animal Management) 2011*.

drover's dog means for the purpose of *Local Law No. 2 (Animal Management) 2011* a dog—

- (a) kept by a person as a requirement of that person's employment; and
- (b) which is primarily used for the handling or management of livestock as part of that person's employment.

effective management see section 6 of *Local Law No. 2 (Animal Management) 2011*.

³⁸ See the Act, section 97 for the power of a local government to fix a cost recovery fee.

electric fencing means for the purpose of *Local Law No. 3 (Community Health and Environmental Management) 2011* a fence as defined under AS/NZS 3014:2003 but does not include the device sold under the name Pingg String or any similar device delivering an electric shock of no greater intensity or duration than a Pingg String.

enclosure means for the purpose of *Local Law No. 2 (Animal Management) 2011* an enclosure, building or structure within which an animal is enclosed to prevent it from escaping the responsible person's premises.

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 has the meaning given by the *Environmental Protection Act 1994*.

extraordinary traffic means traffic that is—

- (a) reasonably likely to cause damage to the road beyond that caused by the ordinary traffic on the road; or
- (b) substantially different to the ordinary traffic on a road; or
- (c) reasonably likely to give rise to a risk of—
 - (i) harm to human health or safety or personal injury; or
 - (ii) property damage or damage to the road; or
 - (iii) interference with a road.

facility means for the purpose of *Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011* any building, structure, car parking area, pedestrian access, vehicle access, fence, picnic shelter, toilet block, playground equipment, park bench, pond, waterfall, fountain, monument, amenities or grounds or any other fixture or fitting or improvement made to the property or facility.

farm work dog means for the purpose of *Local Law No. 2 (Animal Management) 2011* a dog that is primarily used to assist in the handling or management of livestock.

footpath means—

- (a) a footpath as defined in the TORUM Act; and
- (b) a mall, square, court or other public place declared to be a footpath in a subordinate local law for this paragraph.

goods does not include animals.

grievous bodily harm has for the purpose of *Local Law No. 2 (Animal Management) 2011* the meaning given by the *Criminal Code*.

guard dog means for the purpose of *Local Law No. 2 (Animal Management) 2011* a dog which is kept on premises not primarily used for residential purposes for the purpose or apparent purpose of acting as a deterrent to intruders and includes a dog used in the security industry.

hazard means a situation in which there is a potential to cause loss whether it be of life, health, property or amenity.

human remains means the body or part of the body of a deceased person but does not include—

- (a) a part of the body of a deceased person lawfully removed for transplantation, scientific examination or instruction in anatomy or any other branch of medicine; or
- (b) ashes from a body of a deceased person that has been cremated.

impound means for the purpose of *Local Law No. 2 (Animal Management) 2011* to incarcerate, keep or hold any seized animal.

indication, on an official traffic sign, has the meaning given by the TORUM Act.

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

- (a) the decision; and
- (b) the reasons for the decision; and
- (c) if the decision is a reviewable decision—
 - (i) 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
 - (ii) how to apply for a review.

infringement notice penalty means for the purpose of *Local Law No. 5 (Parking) 2011*, an infringement notice fine under the *State Penalties Enforcement Act 1999*.

install means construct, make, mark, place or erect, or affix to or paint on any surface or structure, and repair, maintain, manage and control.

interference includes for the purpose of *Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011* damage, destruction, tampering, removal, alteration, defacing, disturbance or change.

knowledge includes actual or constructive knowledge.

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

life-saving club means for the purpose of *Local Law No. 6 (Bathing Reserves) 2011* a body—

- (a) affiliated with—
 - (iii) Surf Life Saving Queensland Inc (SLSQ); or
 - (iv) the Head Centre of the Royal Life Saving Society of Queensland (RLSSQ); and
- (b) accredited by the Queensland Fire and Emergency Services.

life-saving equipment means for the purpose of *Local Law No. 6 (Bathing Reserves) 2011* equipment for use in sea rescue, life-saving, or the provision of first aid.

life-saving patrol means for the purpose of *Local Law No. 6 (Bathing Reserves) 2011* the members of a recognised life-saving club assigned by the club or SLSQ or RLSSQ to patrol a bathing reserve, or part of a bathing reserve, at a particular time.

local government means for the purpose of a local law or subordinate local law, the Sunshine Coast Regional Council.

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.

local government election means an election of a member of the local government.

local government controlled area—

- (a) 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.

- (b) A *local government controlled area* includes part of a local government controlled area.

local government logo means any logo, crest or badge of which the local government is the author or owner.

lot has the meaning given by the *Sustainable Planning Act 2009*, section 10.

memorial means an object or feature that commemorates a significant event, individual, organisation or anniversary.

minor means a person under the age of 18 years.

minor traffic offence for the purpose of *Local Law No. 5 (Parking) 2011* has the meaning given by the TORUM Act.

model aircraft has the meaning given by the *Civil Aviation Safety Regulations 1998* (Cwlth).

movable advertising device means an advertising device that is easily relocated or moved by a person, but does not include an election sign.

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

noise sensitive place means any of the following—

- (a) a dwelling; or
- (b) a library, child care centre, kindergarten, school, college, university or other educational institution; or
- (c) a hospital, surgery or other medical institution; or

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- (d) a protected area, or an area identified under a conservation plan as a critical habitat, or area of major interest under the *Nature Conservation Act 1992*; or
- (e) a marine park under the *Marine Parks Act 2004*; or
- (f) a park or garden that is open to the community (whether or not on payment of money) for use other than for sport or organised entertainment; or
- (g) a cemetery during a funeral.

notice of impounding see section 30(1) of *Local Law No. 2 (Animal Management) 2011*.

occupier means the person who has the control or management of the premises and includes a person in charge of the operation of the prescribed activity on premises.

official traffic sign for the purpose of *Local Law No. 5 (Parking) 2011* has the meaning given by the TORUM Act.

off-street regulated parking area for the purpose of *Local Law No. 5 (Parking) 2011* has the meaning given by the TORUM Act.

on-site sewerage facility has the meaning given by the *Plumbing and Drainage Act 2002*.

owner, of an animal, means for the purpose of *Local Law No. 2 (Animal Management) 2011*—

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

owner means in the case of—

- (a) premises—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; and
- (b) a vehicle—the person in whose name the vehicle is registered within a State or Territory; and
- (c) property other than premises or a registered vehicle—the person who has a legal or beneficial interest in the property.

parking permit for people with disabilities for the purpose of *Local Law No. 5 (Parking) 2011* has the meaning given by the TORUM Act.

patrol flag means for the purpose of *Local Law No. 6 (Bathing Reserves) 2011* a beach safety flag of the design and colour prescribed by Australian Standard No. 2416.

person has the meaning given by the *Acts Interpretation Act 1954*.

planning scheme has the meaning given by the *Sustainable Planning Act 2009*.

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planning scheme policy has the meaning given by the *Sustainable Planning Act 2009*.

plant means any tree, bush, scrub, grass, fungi, algae, flowers, roots, seeds or other thing terrestrial or aquatic including all natural parts of it or things naturally produced of, by, or from it.

potable water means water that is acceptable for human consumption.

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

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.³⁹

private place means premises which is not a public place.

property, in relation to land, means—

- (a) a lot; or
- (b) if a person owns and occupies 2 or more adjoining lots—the parcel of land comprising all of the adjoining lots owned by the person.

protected area see *Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011*, section 11.

public art installation means a creative or interpretive enhancement to a public place and includes—

- (a) both standalone art installations and art installations incorporated externally or internally into buildings, infrastructure or open space; and
- (b) both permanent and temporary installations.

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

public office see the Act, section 261.

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

reasonable written notice means for the purpose of *Local Law No. 4 (Community Health and Environmental Management) 2011*, a written notice given at least 7 days before a property is to be entered, that informs the owner and the occupier of the property of—

- (a) the local government's intention to enter the property; and
- (b) the reason for entering the property; and
- (c) the days and times when the property is to be entered.

recognised life-saving club means for the purpose of *Local Law No. 6 (Bathing Reserves) 2011* a life-saving club to which the local government has assigned the responsibility for patrolling a bathing reserve or a particular part of a bathing reserve.

³⁹ See the Act, section 97.

register of impounded animals means for the purpose of *Local Law No. 2 (Animal Management) 2011* the register the local government is required to keep pursuant to section 25 of that local law.

registered owner, of an animal, means for the purpose of *Local Law No. 2 (Animal Management) 2011* a person recorded as being the owner of the animal in a registry kept by a local government.

register of approvals means the register which the local government is required to maintain pursuant to section 20.

regulated dog has the meaning given by the *Animal Management (Cats and Dogs) Act 2008*.

representative means in the case of—

- (a) a corporation—an executive officer, employee or agent of the corporation; or
- (b) an individual—an employee or agent of the individual; or
- (c) an individual with a disability—a person lawfully representing the individual.

reserve means—

- (a) a bathing reserve; or
- (b) a stock reserve; or
- (c) foreshore; or
- (d) another premises which is placed under the control of the local government pursuant to legislation; or
- (e) a place defined as a reserve under the local government's planning scheme; or
- (f) a road.

reserve sign see *Local Law No. 6 (Bathing Reserves) 2011*, section 5(1).

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

residential caretaker means a person living in temporary accommodation while caretaking, supervising or participating in the construction of that person's permanent dwelling.

responsible person, for an animal, means for the purpose of *Local Law No.2 (Animal Management) 2011*—

- (a) the person, or the person's employee acting within the scope of the employment, who has immediate control or custody of the animal; or
 - (b) the parent or guardian of a minor who has immediate control or custody of the animal; or
 - (c) the person who occupies the place at which the animal is usually kept,
- but does not include—

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

responsible person means for the purpose of *Local Law No. 3 (Community Health and Environmental Management) 2011* the person who has control or management of the place and includes a person in charge of activities or structures in the place that may result in contravention of that local law.

restricted dog has the meaning given by the *Animal Management (Cats and Dogs) Act 2008*.

review decision see section 38(1).

reviewable decision see section 36.

RLSSQ means for the purposes of *Local Law No.6 (Bathing Reserves) 2011*, the Royal Life Saving Society of Queensland Inc.

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 a stated local law applies unless otherwise provided; and
 - (ii) in respect of which the chief executive has given written agreement under the TORUM Act, section 66(5)(b).

sanitary, for a facility, includes the matters (such as shower, toilet and ablution facilities) specified in the *Building Code of Australia*.

sell means sell by retail, wholesale or auction, and includes—

- (a) offer or agree to sell; and
- (b) invite to treat or expose for sale; and
- (c) cause or permit to be sold; and
- (d) supply under a lease, exchange, hiring or other commercial arrangement.

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

- (a) dormitories or bedrooms;
- (b) toilets;
- (c) bathrooms, showers or other bathing facilities;
- (d) laundries;
- (e) dining facilities;
- (f) cooking facilities;

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(g) recreation facilities.

shipping container includes an enclosed storage container with a capacity exceeding 15m³ but does not include containers designed for temporary storage of waste.

shop has the meaning given by the local government's planning scheme.

shopping centre means for the purpose of *Local Law No.3 (Community Health and Environmental Management) 2011*—

(a) any building or structure or group of buildings or structures containing 2 or more shops; or

(b) a standalone shop that provides trolleys for the use of customers.

shopping centre precinct means for the purpose of *Local Law No.3 (Community Health and Environmental Management) 2011* the area, immediately adjacent to a shopping centre, that is provided and maintained for the use of customers of the centre.

show cause notice see section 18(2).

site caretaker means a person living in temporary accommodation while caretaking existing facilities or structures or the construction of new facilities or structures, with the aim of reducing theft, vandalism or damage to those facilities.

SLSQ means for the purpose of *Local Law No. 6 (Bathing Reserves) 2011* Surf Life Saving Queensland Inc.

special entertainment precinct means an area identified by the local government's planning scheme as a special entertainment precinct for the purposes of the Act, section 264.

standard building work hours means after 6.30 am or before 6.30 pm on a business day or a Saturday.

state of mind of a person includes the person's—

(a) knowledge, intention, opinion, belief or purpose; and

(b) reasons for the intention, opinion, belief or purpose.

structure means—

(a) a structure as defined in the Act; and

(b) a memorial or public art installation; and

(c) a pipe, scaffolding, door, gate, grid, fence, wall, light, lamp, sign, down pipe, facility, line, cord, pole, stage or equipment; and

(d) another thing specified in a subordinate local law for this definition.

structure associated with a local government road includes for the purpose of *Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011* the pavement, road surface, kerb and channelling, table drains, culverts, drainage pipes, drainage structures, bridges, footpaths, verges and official traffic signs.

surveillance means the visual supervision of an area.

the Act means the *Local Government Act 2009*.

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

traffic includes the use by any person of any road or off-street regulated parking area, or the presence therein or thereon of any person, vehicle, tram, train, animal or other moveable article or thing whatsoever.

traffic area for the purpose of *Local Law No. 5 (Parking) 2011* has the meaning given by the TORUM Act.

vegetation means for the purpose of *Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011* any tree, bush, shrub, grass, fungi, algae or other thing terrestrial or aquatic including all natural parts of it or things naturally produced of, by or from it.

vehicle has the meaning given by the TORUM Act.

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

waste container means a weatherproof container for the storage of waste that—

- (a) is designated pest proof; and
- (b) can be readily cleaned; and
- (c) is constructed of durable material; and
- (d) is non-reactive with the intended contents; and
- (e) is leak proof; and
- (f) minimises the loss of material into the environment.

waste water means a liquid waste.

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

white water area means for the purpose of *Local Law No. 6 (Bathing Reserves) 2011* a bathing reserve, or part of a bathing reserve, that is directly exposed to the open sea.

worry means for the purpose of *Local Law No. 2 (Animal Management) 2011*, the act of an animal holding in a public place any part of a person or animal in its mouth whether or not—

- (a) the holding is accompanied by shaking, pulling or pushing; or
- (b) the person or animal suffers any injury or damage.

Schedule 2 Prescribed activities

section 5

Part 1 Prescribed activities

alteration or improvement to local government controlled areas and roads
building removal
causing building site delivery noise
commercial use of local government controlled areas and roads
establishment or occupation of a temporary home
keeping of animals
operation of accommodation parks
operation of an amplified music venue within a special entertainment precinct
operation of temporary entertainment events
placement of movable advertising devices
temporary placement of a shipping container
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*⁴⁰
means—

- 1 *Alteration or improvement to local government controlled areas and roads*
means—
 - (a) installing, changing, damaging or removing a structure⁴¹ in a local government controlled area or on a road; or
 - (b) planting, clearing or damaging of vegetation in a local government controlled area or on a road.
- 2 *Alteration or improvement to local government controlled areas and roads*
does not include an alteration or improvement—
 - (a) that constitutes development under the *Sustainable Planning Act 2009*; or

⁴⁰ 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.

⁴¹ See definition of *structure* in schedule 1.

- (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.

Examples of alterations or improvement to local government controlled areas and roads—

- erecting or installing a memorial, columbarium, mausoleum or vault in a local government cemetery;
- erecting or installing a shade sail, pergola or deck on part of a footpath;
- improving or maintaining a gravesite in a local government cemetery;
- installing a roadside memorial on a local government road;
- installing a memorial or plaque in a local government park or reserve;
- planting or removing trees on a footpath.

building removal means the transportation in, on, across or over a road of—

- (a) a building; or
- (b) a structure as defined under the *Building Act 1975*.

causing building site delivery noise means causing building materials or building equipment to be placed on or removed from a building site or its proximity in a way that makes an audible noise—

- (a) on a business day or Saturday, before 6:30 am or after 6:30 pm; or
- (b) on any other day at any time

but does not include noise caused by any of the circumstances mentioned in the *Environmental Protection Act 1994*, schedule 1, section 2 and section 3(f), (g), (h), (j) or (k).

commercial use of local government controlled areas 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 Sustainable Planning Act 2009;
- (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 undertaking of a public place activity.

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Examples of commercial use of local government controlled areas and roads—

- a restaurant offering footpath dining;
- offering goods or food for sale on a roadside;
- touting for business in a public park;
- providing amusement rides in a public park.

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 *Sustainable Planning Act 2009*; or
- (b) the establishment or the occupation of a temporary home on or in a camping ground or caravan park.

keeping of animals means the keeping of an animal or animals for which an approval is required under *Local Law No. 2 (Animal Management) 2011*.

operation of accommodation parks means to operate, or permit access to or use of, on a commercial basis, 1 or more of the following—

- (a) a place for parking and residing in caravans, including a place that provides also for complementary accommodation;
- (b) a relocatable home park;
- (c) a camping ground.

operation of an amplified music venue within a special entertainment precinct means operating a premises that emits amplified music as a principal element of a business conducted at the premises and is located within a special entertainment precinct, but does not include—

- (a) emission of amplified music from a major sports facility under the *Major Sports Facilities Act 2001*; or
- (b) an activity that—
 - (i) is for a major event under the *Major Events Act 2014*; and
 - (ii) is being carried on by, or with the approval of, the major event organiser for the major event.

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 *Sustainable Planning Act 2009*.

placement of movable advertising devices means the placement of a movable advertising device in a place that is visible from a road or other public place.

temporary placement of a shipping container means the placement of a shipping container on a residential property for a purpose other than temporary use as a place of residence, in circumstances that do not constitute building work under the *Building Act 1975*.

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

- (a) *(omitted)*;
- (b) *(omitted)*;
- (c) depositing goods or materials;
- (d) occupying a local government controlled area or road for the purposes of construction work on private property;
- (e) driving or leading of animals to cross a road;
- (f) driving extraordinary traffic;
- (g) entering or leaving a local government controlled area other than through a designated access;
- (h) conducting a wedding service;
- (i) holding a public meeting;
- (j) holding a social gathering of more than fifty people, excluding a wedding service or a temporary entertainment event;
- (k) landing an aircraft or vessel within a park reserve;
- (l) launching a hang glider;
- (m) obstructing access to any footpath thoroughfare, track, walkway or other means of access into a local government controlled area;
- (n) operating a loudspeaker or other sound amplifying device, other than as part of a temporary entertainment event;
- (o) launching or landing a model aircraft weighing more than 500 grams or a remotely piloted aircraft weighing more than 500 grams, other than an unmanned balloon or unmanned kite;
- (p) providing public entertainment, excluding a temporary entertainment event;
- (q) riding a horse in a local government controlled area;
- (r) undertaking a public place activity prescribed under a subordinate local law for this paragraph, excluding the operation of a temporary entertainment event;
- (s) installation of an information booth or display.⁴²

⁴² This prescribed activity applies to information booths or displays that are not commercial in nature or part of a temporary entertainment event. For commercial activities, see definition of ***commercial use of local***

Endnotes

1 Date to which amendments incorporated

This consolidated version includes all amendments that commenced operation on or before 2 June 2023.

2 Table of consolidated versions

Consolidated Version No.	Amendments included	Effective	Notes
1	Amendment Local Law No.1 (Miscellaneous) 2013	26 July 2013	
2	Amendment Local Law No.1 (Miscellaneous) 2016	5 February 2016	
3	Amendment Local Law No.2 (Miscellaneous) 2019	20 December 2019	
4	Amendment Local Law No. 1 (Miscellaneous) 2023	2 June 2023	

3 List of amending local laws

Amendment Local Law No.1 (Miscellaneous) 2013

date of Council resolution 25 July 2013

date of gazettal 26 July 2013

commenced on date of gazettal

Amendment Local Law No.1 (Miscellaneous) 2016

date of Council resolution 28 January 2016

date of gazettal 5 February 2016

commenced on date of gazettal

Amendment Local Law No.2 (Miscellaneous) 2019

date of Council resolution 12 December 2019

date of gazettal 20 December 2019

commenced on date of gazettal

Amendment Local Law No. 1 (Miscellaneous) 2023

government controlled areas and roads in this schedule. See also the definition of *operation of temporary entertainment events* in this schedule.

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date of Council resolution 25 May 2023

date of gazettal 2 June 2023

commenced on date of gazettal

4 List of annotations

Offence to undertake local law prescribed activity without approval

s6 amended by Amendment Local Law No.1 (Miscellaneous) 2023 s4

Form of application

s8 amended by Amendment Local Law No.1 (Miscellaneous) 2016 s4

Local Government's discretion in granting approvals

s9 amended by Amendment Local Law No.2 (Miscellaneous) 2019 s4

Transfer of approval

s15 amended by Amendment Local Law No.1 (Miscellaneous) 2016 s5

Production of records

s24 amended by Amendment Local Law No.1 (Miscellaneous) 2016 s6

Compliance notice for contravention of local law or approval condition

s26 amended by Amendment Local Law No.1 (Miscellaneous) 2016 s7; Amendment Local Law No.1 (Miscellaneous) 2023 s5

Compliance notice authorised by local law

s27 amended by Amendment Local Law No.1 (Miscellaneous) 2016 s8

Power to remove and cost recovery

s28 amended by Amendment Local Law No.2 (Miscellaneous) 2019 s5

General defence for owners or occupiers of property

s31 amended by Amendment Local Law No.1 (Miscellaneous) 2016 s9

Reviewable decisions

s36 amended by Amendment Local Law No.1 (Miscellaneous) 2016 s10

Dealing with seized and impounded items

s44 amended by Amendment Local Law No.1 (Miscellaneous) 2016 s11; Amendment Local Law No.2 (Miscellaneous) 2019 s6; Amendment Local Law No.1 (Miscellaneous) 2023 s6

Extraordinary building work noise permits

s44A inserted by Amendment Local Law No.1 (Miscellaneous) 2023 s7

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Subordinate local laws

s45 amended by Amendment Local Law No.1 (Miscellaneous) 2016 s12

SCHEDULE 1—DICTIONARY

definition **adult** amended by Amendment Local Law No.1 (Miscellaneous) 2016 s13(3)

definitions **allotment, Class 2 pest animal, keeper** omitted by Amendment Local Law No.1 (Miscellaneous) 2016 s13(1)

definition **audible noise** inserted by Amendment Local Law No.2 (Miscellaneous) 2019 s7(4)

definition **AS** replaced by Amendment Local Law No.2 (Miscellaneous) 2019 s7(1)

definition **burial** inserted by Amendment Local Law No.1 (Miscellaneous) 2016 s13(2)

definition **building site** inserted by Amendment Local Law No.2 (Miscellaneous) 2019 s7(4)

definition **building work** inserted by Amendment Local Law No.2 (Miscellaneous) 2019 s7(4)

definition **business day** inserted by Amendment Local Law No.2 (Miscellaneous) 2019 s7(4)

definition **cat** amended by Amendment Local Law No.1 (Miscellaneous) 2016 s13(4)

definition **class 2 pest animal** inserted by Amendment Local Law No.2 (Miscellaneous) 2019 s7(4)

definition **dog** amended by Amendment Local Law No.1 (Miscellaneous) 2016 s13(5)

definition **drover's dog** amended by Amendment Local Law No.1 (Miscellaneous) 2016 s13(6)

definition **election** inserted by Amendment Local Law No.1 (Miscellaneous) 2013 s4(1); omitted by Amendment Local Law No.1 (Miscellaneous) 2016 s13(1)

definition **election period** inserted by Amendment Local Law No.1 (Miscellaneous) 2013 s4(1); omitted by Amendment Local Law No.1 (Miscellaneous) 2016 s13(1)

definition **election sign** inserted by Amendment Local Law No.1 (Miscellaneous) 2013 s4(1); omitted by Amendment Local Law No.1 (Miscellaneous) 2016 s13(1)

definition **electorate** inserted by Amendment Local Law No.1 (Miscellaneous) 2013 s4(1); omitted by Amendment Local Law No.1 (Miscellaneous) 2016 s13(1)

definition **electric fencing** amended by Amendment Local Law No.2 (Miscellaneous) 2019 s7(2)-(3)

definition **enclosure** amended by Amendment Local Law No.1 (Miscellaneous) 2016 s13(7)

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- definition ***farm work dog*** amended by Amendment Local Law No.1 (Miscellaneous) 2016 s13(8)
- definition ***government election*** inserted by Amendment Local Law No.1 (Miscellaneous) 2013 s4(1); omitted by Amendment Local Law No.1 (Miscellaneous) 2016 s13(1)
- definition ***human remains*** amended by Amendment Local Law No.1 (Miscellaneous) 2016 s13(9)
- definition ***information notice*** amended by Amendment Local Law No.1 (Miscellaneous) 2013 s4(2)
- definition ***install*** inserted by Amendment Local Law No.1 (Miscellaneous) 2016 s13(2)
- definition ***life-saving club*** amended by Amendment Local Law No.1 (Miscellaneous) 2016 s13(10)
- definition ***local government cemetery*** inserted by Amendment Local Law No.1 (Miscellaneous) 2016 s13(2)
- definition ***local government election*** inserted by Amendment Local Law No.1 (Miscellaneous) 2013 s4(1); omitted by Amendment Local Law No.1 (Miscellaneous) 2016 s13(1)
- definition ***lot*** inserted by Amendment Local Law No.1 (Miscellaneous) 2016 s13(2)
- definition ***memorial*** inserted by Amendment Local Law No.1 (Miscellaneous) 2016 s13(2)
- definition ***minor*** amended by Amendment Local Law No.1 (Miscellaneous) 2016 s13(11)
- definition ***model aircraft*** inserted by Amendment Local Law No.1 (Miscellaneous) 2016 s13(2)
- definition ***movable advertising device*** inserted by Amendment Local Law No.1 (Miscellaneous) 2013 s4(1)
- definition ***property*** amended by Amendment Local Law No.1 (Miscellaneous) 2016 s13(12)
- definition ***public art installation*** inserted by Amendment Local Law No.1 (Miscellaneous) 2016 s13(2)
- definition ***regulated dog*** inserted by Amendment Local Law No.1 (Miscellaneous) 2016 s13(2)
- definition ***shipping container*** inserted by Amendment Local Law No.2 (Miscellaneous) 2019 s7(4)
- definition ***special entertainment precinct*** inserted by Amendment Local Law No.2 (Miscellaneous) 2019 s7(4)
- definition ***shopping centre*** amended by Amendment Local Law No.1 (Miscellaneous) 2016 s13(13)
- definition ***standard building work hours*** inserted by Amendment Local Law No.1 (Miscellaneous) 2023 s8

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definition **structure** amended by Amendment Local Law No.1 (Miscellaneous) 2016 s13(14)-(15)

SCHEDULE 2—PRESCRIBED ACTIVITIES

Part 1—Prescribed activities

‘causing building site delivery noise’ inserted by Amendment Local Law No.2 (Miscellaneous) 2019 s8(1); amended by Amendment Local Law No.1 (Miscellaneous) 2023 s9(2)

‘causing building work noise’ inserted by Amendment Local Law No.2 (Miscellaneous) 2019 s8(1); omitted by Amendment Local Law No. 1 (Miscellaneous) 2023 s9(1)

‘installation of advertising devices’ omitted by Amendment Local Law No.1 (Miscellaneous) 2013 s5(1)

‘display of election signs’ inserted by Amendment Local Law No.1 (Miscellaneous) 2013 s5(2); omitted by Amendment Local Law No.1 (Miscellaneous) 2016 s14(1)

‘placement of movable advertising devices’ inserted by Amendment Local Law No.1 (Miscellaneous) 2013 s5(2)

‘operation of an amplified music venue within a special entertainment precinct’ inserted by Amendment Local Law No.2 (Miscellaneous) 2019 s8(1)

‘temporary placement of a shipping container’ inserted by Amendment Local Law No.2 (Miscellaneous) 2019 s8(1)

Part 2—Definitions of prescribed activities

definition **alteration or improvement to local government controlled areas and roads** amended by Amendment Local Law No.1 (Miscellaneous) 2016 s14(2)-(3)

definition **causing building site delivery noise** inserted by Amendment Local Law No.2 (Miscellaneous) 2019 s8(2); amended by Amendment Local Law No. 1 (Miscellaneous) 2023 s9(2)

definition **causing building work noise** inserted by Amendment Local Law No.2 (Miscellaneous) 2019 s8(2); omitted by Amendment Local Law No. 1 (Miscellaneous) 2023 s9(3)

definition **commercial use of local government controlled areas and roads** amended by Amendment Local Law No.1 (Miscellaneous) 2023 s9(4)

definition **installation of advertising devices** omitted by Amendment Local Law No.1 (Miscellaneous) 2013 s5(3)

definition **display of election signs** inserted by Amendment Local Law No.1 (Miscellaneous) 2013 s5(4); omitted by Amendment Local Law No.1 (Miscellaneous) 2016 s14(4)

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definition ***operation of an amplified music venue within a special entertainment precinct*** inserted by Amendment Local Law No.2 (Miscellaneous) 2019 s8(2)

definition ***placement of movable advertising devices*** inserted by Amendment Local Law No.1 (Miscellaneous) 2013 s5(4)

definition ***temporary placement of a shipping container*** inserted by Amendment Local Law No.2 (Miscellaneous) 2019 s8(2)

definition ***undertaking regulated activities on local government controlled areas and roads*** amended by Amendment Local Law No.1 (Miscellaneous) 2016 s14(5)-(9)

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Sunshine Coast Regional Council Subordinate Local Law No. 1 (Administration) 2016

CONSOLIDATED VERSION NO. 3

incorporating amendments up to 2 June 2023

adopted by Sunshine Coast Regional Council on 22 June 2023 pursuant to
section 32 of the *Local Government Act 2009*

Sunshine Coast Regional Council Subordinate Local Law No. 1 (Administration) 2016

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CONSOLIDATED VERSION – AS AT 2 JUNE 2023

Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 1 (Administration) 2016*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 1 (Administration) 2011*, which provides for a legal and procedural framework for the administration, implementation and enforcement of the local government's local laws, subordinate local laws and other regulatory powers, and for miscellaneous administrative matters.
- (2) The purpose is to be achieved by providing for—
 - (a) various matters regarding the granting of approvals for prescribed activities; and
 - (b) further specification of the definitions relevant to various prescribed activities.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 1 (Administration) 2011* (the **authorising local law**).

3A Repeal of Subordinate Local Law

Subordinate Local Law No.1 (Administration) 2011 is repealed.

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in schedule 1 (Dictionary) of *Local Law No. 1 (Administration) 2011*.
- (2) Additionally, in this subordinate local law—

family of a deceased person includes—

 - (a) a spouse of the deceased; and
 - (b) a guardian of the deceased; and
 - (c) brothers and sisters of the deceased, or of a spouse of the deceased; and
 - (d) ascendants and descendants of the deceased, or of a spouse of the deceased.

funeral director means a person who carries on the business of disposing of human remains and, if a person who carries on that business is not engaged in a particular case, includes the person who actually undertakes the disposal of the human remains.

goods on footpath means the use of part of a road (for example, the public footpath) for the purposes of extending the area in which an existing retail business displays goods for sale to the public.

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outdoor dining means the use of part of a road (for example, the public footpath) or a local government controlled area for the purposes of extending the services of premises providing food and beverages to the public.

Examples of premises providing food and beverages to the public—
Cafes, restaurants, delicatessens, takeaways.

roadside stall means a small-scale semi-permanent structure that is—

- (a) constructed along the boundary line of a rural property for the purpose of selling farm produce (such as fruit and vegetables) that has been grown on that property or products (such as jams) made from produce grown on that property; and
- (b) either partly or wholly within the road reserve.

Part 2 Approvals for prescribed activities

5 Categories of prescribed activities for the purposes of maximum penalties—Authorising local law, s 6(4)

For section 6(4) of the authorising local law, it is declared that—

- (a) the prescribed activities listed in part 1 of schedule 1 are category 1 activities; and
- (b) the prescribed activities listed in part 2 of schedule 1 are category 2 activities; and
- (c) the prescribed activities listed in part 3 of schedule 1 are category 3 activities.

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.

7 Public place activities that are prescribed activities—Authorising local law, schedule 2, part 2

For the purposes of paragraph (q) of the definition of *undertaking regulated activities on local government controlled areas and roads* in part 2 of schedule 2 of the authorising local law, the undertaking of a public place activity listed in schedule 3 is a prescribed activity.

8 State-controlled roads to which stated local laws apply—Authorising local law, schedule 1

- (1) For the purposes of the definition of **road** in schedule 1 of the authorising local law, all State-controlled roads in the local government area that are in operation at the commencement of this provision are roads to which the following local laws apply, unless otherwise provided in the local law—
 - (a) the authorising local law, in relation to the following prescribed activities only—
 - (i) commercial use of local government controlled areas and roads; and

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- (ii) placement of movable advertising devices, but only in relation to prescribed advertising devices; and
 - (b) *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011*, schedule 1, in relation only to the prohibited activity, 'park or stand a vehicle that is advertised for sale'; and
 - (c) *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011*, schedule 2, in relation only to the restricted activity, 'camp'.
- (2) In this section—
- prescribed advertising device*** means the following advertising devices as defined in the *Roadside Advertising Manual: Technical Volume* published by the State Government—
- (a) miscellaneous advertising devices (< 4 m²);
 - (b) on-premise advertising devices, except billboards (> 4 m²);
 - (c) advertising devices on passenger transport shelters and seats.

9 Matters regarding prescribed activities—Authorising local law, s6(3), 8(2)(a), 9(1)(d), 10(3), 13(a), 14(2)(a)

- (1) For each prescribed activity, a schedule prescribes the matters specified in this section for the prescribed activity named in section 1 of the schedule.
- (2) For section 6(3) of the authorising local law, it is declared that section 6(2) of the authorising local law does not apply to an activity stated in section 2 of the schedule relating to the prescribed activity.
- (3) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for approval for the prescribed activity are stated in section 3 of the schedule relating to the prescribed activity.
- (4) For section 9(1)(d) of the authorising local law, the local government may only grant an approval for a prescribed activity if it is satisfied the proposed operation and management of the activity would be consistent with the additional criteria prescribed in section 4 of the schedule relating to the prescribed activity.
- (5) For section 10(3) of the authorising local law, the conditions that must be imposed on an approval for a prescribed activity are stated in section 5 of the schedule relating to the prescribed activity.
- (6) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an approval for a prescribed activity are stated in section 6 of the schedule relating to the prescribed activity.
- (7) For section 13(a) of the authorising local law, the term of an approval for a prescribed activity is provided for in section 7 of the schedule relating to the prescribed activity.

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- (8) For section 14(2)(a) of the authorising local law, the further term for renewal or extension of an approval for a prescribed activity is provided for in section 8 of the schedule relating to the prescribed activity.

**10 Matters regarding extraordinary building work noise permits—
Authorising local law, ss8(2)(a), 9(1)(d), 10(3), 13(a), 14(2)(a)**

- (1) For section 8(2)(a) of the authorising local law, the documents and materials that must accompany an application for an extraordinary building work noise permit are stated in section 1 of schedule 19.
- (2) For section 9(1)(d) of the authorising local law, the local government may only grant an extraordinary building work noise permit if it is satisfied the proposed operation and management of the activity proposed to be covered by the permit would be consistent with the additional criteria prescribed in section 2 of schedule 19.
- (3) For section 10(3) of the authorising local law, the conditions that must be imposed on an extraordinary building work noise permit are stated in section 3 of schedule 19.
- (4) For section 10(3) of the authorising local law, the conditions that will ordinarily be imposed on an extraordinary building work noise permit are stated in section 4 of schedule 19.
- (5) For section 13(a) of the authorising local law, the term of an extraordinary building work noise permit is provided for in section 5 of schedule 19.
- (6) For section 14(2)(a) of the authorising local law, the further term for renewal or extension of an extraordinary building work noise permit is provided for in section 6 of schedule 19.

Schedule 1 Categories of prescribed activities for the purposes of maximum penalties

section 5

Part 1 Category 1 activities¹

- 1 placement of movable advertising devices
- 2 temporary placement of a shipping container
- 3 bring a motor vehicle onto or drive a motor vehicle on any part of a local government controlled area that is not a motor vehicle access area

Part 2 Category 2 activities²

- 1 alteration or improvement to local government controlled areas and roads
- 2 building removal
- 3 commercial use of local government controlled areas and roads
- 4 establishment or occupation of a temporary home
- 5 keeping of animals
- 6 operation of accommodation parks
- 7 operation of temporary entertainment events
- 8 undertaking regulated activities regarding human remains
- 9 undertaking regulated activities on local government controlled areas and roads

Part 3 Category 3 activities³

- 1 operation of an amplified music venue within a special entertainment precinct
- 2 causing building site delivery noise

¹ Category 1 activities attract a maximum penalty of 10 penalty units for a first offence, 20 penalty units for a second offence, and 50 penalty units for a third or later offence (section 6(2)(b), authorising local law).

² Category 2 activities attract a maximum penalty of 50 penalty units (section 6(2)(c), authorising local law).

³ Category 3 activities attract a maximum penalty of 400 penalty units (section 6(2)(d), authorising local law).

Schedule 2 Categories of approval that are non-transferable

section 6

This schedule has been intentionally left blank.

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Schedule 3 Public place activities that are prescribed activities

section 7

This schedule has been intentionally left blank.

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Schedule 4 Alteration or improvement to local government controlled areas and roads

section 9

1 Prescribed activity

Alteration or improvement to local government controlled areas and roads.

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

(1) An approval under the authorising local law is not required for the following activities—

- (a) vegetation maintenance by a person on a road verge immediately adjacent to the person's property provided the maintenance is not likely to create a risk to the safety of pedestrian and vehicular traffic;
- (b) installation beside a road of a memorial comprising only a white cross;
- (c) compliant planting on a road verge;
- (d) minor adjustments or repairs to existing memorials in a local government cemetery, provided—
 - (i) the person wishing to undertake the adjustments or repairs has submitted a Notice of Intention in the approved form; and
 - (ii) an authorised person has not raised any objection to the proposed adjustments or repairs.

(2) In this schedule—

compliant planting on a road verge means the planting of vegetation where—

- (a) planting involves only vegetation listed in the *Road Verge Planting List* available on the local government's website; and
- (b) the activity meets all the requirements listed in the *Planting Vegetation on Council-Controlled Road Verge Fact Sheet 'Appendix A: Self-Assessment Criteria'* available on the local government's website.

Examples for paragraph (b)—The fact sheet may include criteria such as:

- maintaining a pathway of a nominated width for pedestrians using the road verge;
- maintaining a clear area of a nominated width from the edge of the road surface for persons exiting vehicles;
- maintaining vegetation at a maximum height in nominated parts of the road verge.

planting includes ongoing maintenance of vegetation that has been planted.

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road verge means the part of the road⁴ area between the edge (for example, the kerb) of the trafficable surface and the outer boundary of the road area (for example, an adjoining property frontage).

vegetation maintenance means mowing, slashing or edging of grass, weeding, watering or harvesting produce.

3 Documents and materials that must accompany applications for approval

- (1) An application of the type mentioned in column 1 of table 1 to this schedule must be accompanied by the documents and materials specified in the corresponding part of column 2 of table 1.

Table 1 – Documents and materials that must accompany particular applications

Column 1 Type of application	Column 2 Documents and materials that must accompany the application
All applications	<p>(a) a site plan showing the relevant part of the local government controlled area or road that is to be used for the prescribed activity, prepared in accordance with the requirements in the application form; and</p> <p>(b) specifications regarding the work to be undertaken and materials and equipment to be used.</p>
Applications to plant vegetation	<p>(a) a ‘Dial Before you Dig’ notification (showing no conflict with underground utilities); and</p> <p>(b) photographs of the proposed location of the activity; and</p> <p>(c) proof of consent from immediate neighbours; and</p> <p>(d) a landscape plan showing measurements between the property boundary and the road surface, the size of the garden and plant locations; and</p> <p>(e) if the applicant is an occupier and not the owner of property adjacent to a road verge where the activity will be undertaken—proof of consent from the owner of the property; and</p> <p>(f) if the application relates to a road verge and the property adjacent to the road verge comprises multiple dwellings—proof of consent from the body corporate.</p>

⁴ See definition of **road** in *Local Law No.1 (Administration) 2011*, schedule 1.

Column 1 Type of application	Column 2 Documents and materials that must accompany the application
Applications to clear vegetation or install or alter infrastructure	<ul style="list-style-type: none"> (a) a 'Dial Before you Dig' notification for activities that may pose a hazard to underground utilities; and (b) specifications regarding the work to be undertaken and materials and equipment to be used; and (c) photographs of the proposed location of the activity; and (d) proof of consent from immediate neighbours; and (e) if the applicant is an occupier and not the owner of property adjacent to a road verge where the activity will be undertaken—proof of consent from the owner of the property; and (f) if the application relates to a road verge and the property adjacent to the road verge comprises multiple dwellings—proof of consent from the body corporate.
Applications to erect or install a memorial, columbarium, mausoleum or vault	<ul style="list-style-type: none"> (a) particulars of the deceased and the relationship of the applicant to the deceased; and (b) written consent of the holder of the burial rights; and (c) details of— <ul style="list-style-type: none"> (i) the funeral director/agent (as applicable); and (ii) the size of the container holding the ashes (if applicable); and (iii) the burial site, wall, niche number, or other place in which the memorial is to be erected or installed; and (iv) the nature and dimensions of the proposed memorial; and (v) the stone mason or monumental company (as applicable); and (d) documentation providing for the maintenance and repair of the structure; and (e) if the structure is not to be maintained by the local government under the terms of an agreement—written authority for the local government to demolish and remove the structure if it falls into disrepair.

(2) In addition, all applications for approvals must be accompanied by—

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- (a) a copy of a public liability insurance policy of not less than \$20,000,000 held by the applicant and which will remain current during the term of the approval; and
- (b) a signed indemnity using the wording specified in the application form.
- (3) However, a copy of the public liability insurance policy mentioned in subsection (2)(a) is not required at the time of the application in the following cases—
 - (a) applications for approval for a memorial, plaque or public art installation;
 - (b) applications for approval to plant vegetation;
 - (c) applications for approval to clear vegetation;
 - (d) applications for approval to install or alter infrastructure.

4 Additional criteria for the granting of approval

Additional criteria applicable to an application for approval of the type mentioned in column 1 of table 2 to this schedule are specified in the corresponding part of column 2 of table 2.

Table 2 – Additional criteria applicable to approvals

Column 1 Type of application for approval	Column 2 Additional criteria applicable to the application
All applications for approval	<ul style="list-style-type: none"> (a) the proposed type of alteration or improvement activity will be compatible with the character and desirable characteristics of the area in which it is to be located, having regard to— <ul style="list-style-type: none"> (i) location and siting; and (ii) size; and (iii) community benefit; and (iv) community need; and (b) the activity will not unreasonably or adversely impact on existing views and will not dominate or oppress the visual landscape; and (c) the activity will cause no significant visual or physical obstruction of, or distraction to, vehicular or pedestrian traffic; and (d) the activity will not prejudice or interfere with the proper maintenance of existing infrastructure or the construction of future infrastructure within or adjacent to a local government controlled area or road; and (e) the activity will—

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Column 1 Type of application for approval	Column 2 Additional criteria applicable to the application
	(i) complement and not unreasonably detract from the desirable characteristics of the natural and built environment in which it will be situated; and (ii) be consistent with the type of development or land use in the vicinity.
Applications for approval to plant vegetation on a road verge	(a) the applicant is the owner or occupier of the property adjacent to the road verge where the activity will be undertaken.
Applications for approval to install a memorial or plaque on a local government controlled area or road other than a cemetery	(b) the activity will be consistent with the local government's <i>Commemorative Memorials Operational Policy</i> .
Applications for approval to install public art on a local government controlled area or road	(a) the activity will be consistent with the local government's <i>Art and Heritage Collections Policy</i> .
Applications to erect or install a memorial, columbarium, mausoleum or vault in a local government cemetery	(a) the activity will not adversely alter or affect the amenity or design of the local government cemetery; (b) the application demonstrates that the activity will be able to be undertaken in accordance with the relevant Australian Standards.

5 Conditions that must be imposed on approvals

- (1) A condition that must be imposed on all approvals is that the approval holder must maintain, at all times during the term of the approval, a public liability insurance policy of not less than \$20,000,000 covering the prescribed activity.
- (2) However, subsection (1) does not apply to an approval for—
 - (a) planting vegetation⁵; and
 - (b) clearing vegetation; and
 - (c) a memorial, plaque or public art installation, if the work will be undertaken for the approval holder by the local government.

⁵ See section 6 of this schedule for conditions that will ordinarily be imposed in relation to these approvals.

- (3) In addition, conditions that must be imposed on an approval to erect or install a memorial, columbarium, mausoleum or vault in a local government cemetery are that the approval holder must—
- (a) ensure that the memorial is constructed of a weather resistant material; and
 - (b) not exceed the number of interments authorised in the approval; and
 - (c) only install the inscriptions on the structure authorised in the approval; and
 - (d) erect or install the approved structure on a new grave within one calendar year of the burial of the deceased (in default of which condition the local government may erect at its discretion the necessary standard memorial on a new grave with no further consultation on the design or inscription); and
 - (e) comply with any directions given by an authorised person about—
 - (i) the preparation and erection or installation of the structure; or
 - (ii) removal of any memorial item affecting the disposal of human remains or maintenance of a human remains site.

6 Conditions that will ordinarily be imposed on approvals

For an approval to plant or clear vegetation on a road verge⁶, a condition that will ordinarily be imposed is that the approval holder must maintain, at all times during the term of the approval, a public liability insurance policy that covers the prescribed activity up to an amount of not less than \$2,000,000.

7 Term of approval

This section has been intentionally left blank.

8 Term of renewal of approval

The term of a renewal of the approval shall be the term stated in the renewal.

⁶ Note that “*compliant planting*” does not require an approval – see section 2(1)(c) of this schedule.

Schedule 5 Building removal

section 9

1 Prescribed activity

Building removal.

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) details of the building or structure which is the subject of the building removal, including—
 - (i) the origin and destination of the building or structure; and
 - (ii) scale plans and specifications of the building or structure sufficient for a development approval for building works under the *Sustainable Planning Act 2009*; and
 - (iii) any fumigation or disinfection that has been undertaken in respect of the building or structure; and
- (b) details of all insurances held by the person who will be undertaking the activity.

4 Additional criteria for the granting of approval

The additional criteria are that—

- (a) the building or structure will comply with the *Building Act 1975*; and
- (b) any building or structure which has been used by a person who has contracted an infectious or contagious disease during the previous 3 months has been properly fumigated or disinfected; and
- (c) the building or structure is not dilapidated, unsanitary, unfit for human habitation or a nuisance.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval are that the approval holder must ensure that—

- (a) the activity does not detrimentally affect the amenity of neighbouring premises; and
- (b) the activity is conducted, unless otherwise varied by an authorised person, between the hours of—
 - (i) 8.00 am to 8.00 pm Monday to Saturday; and

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- (ii) 9.00 am to 8.00 pm Sunday; and
- (iii) 10.00 am to 6.00 pm Public Holidays; and
- (c) the activity does not—
 - (i) create a traffic problem; or
 - (ii) increase an existing traffic problem; or
 - (iii) detrimentally affect the efficiency of the existing road network; and
- (d) the activity does not constitute a risk to road safety; and
- (e) contaminants will not be released to the environment as part of the activity such that the release may cause environmental harm, unless such release is specifically authorised by the *Environmental Protection Act 1994*; and
- (f) air compressors used as part of the activity are fitted with inlet and exhaust silencers and enclosed in an effective acoustic enclosure; and
- (g) all spillages of wastes, contaminants or other materials are cleaned up immediately; and
- (h) such spillages are not cleaned up by hosing, sweeping or otherwise releasing such wastes, contaminants or material to any stormwater system or waters; and
- (i) lighting used to illuminate any areas of the premises are angled or shaded in such a manner that the light does not cause a nuisance; and
- (j) all work in respect of the activity is performed safely in accordance with all relevant laws; and

Example for paragraph (j)—
Work in respect of asbestos must comply with the *Workplace Health and Safety Act 1995*.
- (k) all waste generated as part of the activity is disposed of in a manner which maintains the activity and its surrounds in a clean, tidy, sanitary and hygienic condition; and
- (l) all buildings and structures that form part of the activity comply with the *Building Act 1975*; and
- (m) the activity complies with the *Environmental Protection Act 1994*; and
- (n) a bond of \$5,000 to secure the erection of the dwelling or structure in accordance with the *Building Act 1975* is provided to the local government prior to the commencement of the activity; and
- (o) a site from which a building or structure has been removed is left in a clean and tidy condition to the satisfaction of the local government; and
- (p) the building or structure is not dilapidated, unsanitary, unfit for human habitation or a nuisance; and

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- (q) a public liability insurance policy of not less than \$20,000,000 covering the prescribed activity is maintained at all times during the term of the approval.

7 Term of approval

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

8 Term of renewal of approval

This section has been intentionally left blank.

Schedule 5A Causing building site delivery noise

section 9

1 Prescribed activity

Causing building site delivery noise

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for an approval for causing building site delivery noise must be accompanied by—

- (a) the name, address, telephone number and email address, of the person applying for the approval; and
- (b) the trading name, street address, telephone number, email address, registered business name and Australian Business Number of the business under which the prescribed activity is to be carried out; and
- (c) the name, address, mobile telephone number and email address, of the person who will have control of the building site at the times the prescribed activity is to be carried out; and
- (d) details of the prescribed activity proposed to be carried out, including—
 - (i) the nature of the building work; and
 - (ii) the times and places at which the building site delivery will be carried out; and
 - (iii) the nature of the building site delivery proposed to be carried out outside the standard building work hours; and
 - (iv) the reasons why it is proposed that the building site delivery is carried out outside the standard building work hours; and
 - (v) the proposed term of the approval; and
- (e) a plan or scale map showing—
 - (i) the location of the premises at which the building site delivery will be carried out; and
 - (ii) the location (and identifying particulars) of any noise sensitive place that will be exposed to audible noise caused by the building site delivery outside the standard building work hours; and
 - (iii) the location and details of all noise sources from the building site delivery.

4 Additional criteria for the granting of approval

For an approval for causing building site delivery noise, the additional criteria are that—

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- (a) the building site delivery will be undertaken on a temporary basis for a specified period of time; and
- (b) the building site delivery will not cause unreasonable noise in a building at which the noise can be heard; and
- (c) the applicant has demonstrated that—
 - (i) there are extraordinary circumstances justifying why the building site delivery should occur outside the standard building work hours; or
 - (ii) there are environmental or public safety reasons why the building site delivery should occur outside the standard building work hours.

Examples for subparagraph (i)—

- Building site delivery outside of the standard building work hours is necessary to minimise disruption caused by impacts on critical transport or utility infrastructure.
- Building site delivery within the standard building work hours would cause unacceptable traffic impact.

Example for subparagraph (ii)—

Materials to be delivered are hazardous and it is safer to deliver them at a time when fewer members of the public will be in the vicinity of the site.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

Conditions that will ordinarily be imposed on an approval for causing building site delivery noise are that the approval holder must—

- (a) only carry out the building site delivery at the times specified in the approval; and
- (b) limit the activity to work of a particular type, or use of particular equipment, and at particular times, as specified; and
- (c) ensure that reversing beepers or squawkers are deactivated and spotters are used during night-time works to the extent permitted under the *Work Health and Safety Act 2011*; and
- (d) ensure engines in vehicles or equipment are well muffled; and
- (e) not use whistles or amplified communication devices, other than two-way radios; and
- (f) keep volume on any communication devices to a minimum; and
- (g) ensure that no radios or other amplified music or entertainment devices are used; and
- (h) ensure any work involving the emission of high intensity ultraviolet light or the use of a floodlight is shielded to protect members of the public; and

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- (i) ensure delivery vehicles do not load or unload goods for use on the site outside the standard building work hours; and
- (j) prior to the commencement of the building site delivery, notify the Queensland Police Service, Queensland Fire and Emergency Services and the Department of Transport and Main Roads; and
- (k) ensure that the activity does not affect the movement of traffic; and
- (l) take other specified action to minimise the impact of the noise generated by the building site delivery, including, but not limited to, any or all of the following—
 - (i) the construction and maintenance of noise barriers and enclosures around noisy equipment or along the noise transmission path;
 - (ii) the implementation of noise reduction measures at noise sensitive places;
 - (iii) the use of low noise equipment;
 - (iv) the carrying out of routine maintenance on fans to minimise bearing noise;
 - (v) the repair and replacement of defective mufflers and equipment; and
- (m) establish and maintain a procedure for taking and managing complaints about noise from the prescribed activity carried out outside the standard building work hours, which must—
 - (i) provide a 24 hour telephone number for persons to call to make a complaint about the noise caused by the building site delivery; and
 - (ii) set out the procedure that must be followed by the approval holder after the receipt of a complaint to ensure the complaint is adequately addressed; and
 - (iii) require that the local government is notified of any complaint within 24 hours after the complaint is received; and
- (n) provide written notification (in the prescribed form) of the commencement of any building site delivery carried out outside the standard building work hours to the following persons, not less than 48 hours prior to the commencement of the delivery—
 - (i) the residents or operators of any noise sensitive place exposed to audible noise caused by the building site delivery; and
 - (ii) the local government; and
- (o) erect signage—
 - (i) located—
 - (A) at the premises where the building site delivery is

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- being carried out; and
- (B) in a prominent position viewable from the road, or such other position specified in the approval; and
- (ii) clearly identifying—
 - (A) the approval number issued by the local government; and
 - (B) the dates and times at which the approval authorises the building site delivery to be carried out outside the standard building work hours; and
 - (C) the 24 hour telephone number for persons to call to make a complaint about the noise caused by the building site delivery.

7 Term of approval

- (1) The term of an approval commences on the date the approval is granted and expires on the date specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

8 Term of renewal of approval

This section has been intentionally left blank.

Schedule 6 Commercial use of local government controlled areas and roads

section 9

1 Prescribed activity

Commercial use of local government controlled areas and roads.

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

- (1) An application of the type mentioned in column 1 of table 1 to this schedule must be accompanied by the documents and materials specified in the corresponding part of column 2 of table 1.

Table 1 – Documents and materials that must accompany particular applications

Column 1 Type of application	Column 2 Documents and materials that must accompany the application
All applications	<p>(a) a site plan showing the relevant part of the local government controlled area or road that is to be used for the prescribed activity, prepared in accordance with the requirements in the application form; and</p> <p>(b) details of the nature of the goods or services to be supplied and the times and places at which the goods or services will be supplied; and</p> <p>(c) details of feedback from any local community consultation that has been conducted about the proposed activity; and</p> <p>(d) a copy of a public liability insurance policy of not less than \$20,000,000 held by the applicant and which will remain current during the term of the approval, except in the case of an application for an approval for street performance; and</p> <p>(e) a signed indemnity in the wording specified in the application form.</p>

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Column 1 Type of application	Column 2 Documents and materials that must accompany the application
Applications for outdoor dining	<ul style="list-style-type: none"> (a) photographs clearly showing the site of the proposed outdoor dining area, its footpath features and its proximity to adjoining buildings and streetscape elements; and (b) photographs or detailed drawings of chairs, tables, screens, bollards, umbrellas and other furniture proposed for the outdoor dining area; and (c) if the proposed footpath trading area will extend beyond the area in front of the applicant's shopfront—letters of support from affected neighbouring businesses.
Applications for goods on footpath	<ul style="list-style-type: none"> (a) photographs of the proposed footpath trading area, its footpath features and its proximity to adjoining buildings and streetscape elements; and (b) photographs or detailed drawings of chairs, tables, screens, bollards, umbrellas and other furniture proposed for the footpath trading area; and (c) if the proposed footpath trading area will extend beyond the area in front of the applicant's shopfront—letters of support from affected neighbouring businesses.
Applications for a roadside stall	<ul style="list-style-type: none"> (a) a detailed site plan showing the proposed, or existing, location of the stall in relation to the applicant's property boundary, indicating all identifying features such as roads, driveways and other buildings.
Applications for a fundraising street stall in a location other than the designated street stall locations indicated on the application form	<ul style="list-style-type: none"> (a) a site plan indicating the siting of the proposed stall, its footpath features and its proximity to adjoining buildings and streetscape elements; and (b) letters of support from neighbouring businesses.
Applications for land-based physical fitness or wellbeing activities	<ul style="list-style-type: none"> (a) a copy of relevant fitness industry qualifications.
Applications for a not-for-profit organisation operating an activity on an ongoing, regular	<ul style="list-style-type: none"> (a) proof of the applicant organisation's registration as a not-for-profit entity.

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Column 1 Type of application	Column 2 Documents and materials that must accompany the application
or irregular basis	
Applications for itinerant food vending	(a) a copy of the applicant's current food licence; or (b) a copy of the completed food business application form.

4 Additional criteria for the granting of approval

Additional criteria applicable to an application for approval of the type mentioned in column 1 of table 2 to this schedule are specified in the corresponding part of column 2 of table 2.

Table 2 – Additional criteria applicable to approvals

Column 1 Type of application for approval	Column 2 Additional criteria applicable to the application
Applications for approval for all activities	<p>(a) the activity will not unreasonably detract from or impact on the primary purpose of the land or the priority community users or uses of the land; and</p> <p><i>Examples for paragraph (a) of priority community users and uses of public land—</i></p> <ul style="list-style-type: none"> informal social gatherings and celebrations; formal events and celebrations; quiet reflection; passive recreational activities; residents and tourists; community groups. <p>(b) the activity will align with the local government's vision and strategic direction as articulated in its Corporate Plan; and</p> <p>(c) the activity will be consistent with the local community's desire and tolerance for the type of activity; and</p> <p><i>Examples for paragraph (c)—</i></p> <ul style="list-style-type: none"> feedback from consultations undertaken by the applicant indicate that neighbours or other community residents are supportive or have no objections to the proposed activity; consultations or enquiries by the local government's staff reveal no objections to the proposed activity. <p>(d) the activity will provide benefits to the community, rather than comprising commercial use of community</p>

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Column 1 Type of application for approval	Column 2 Additional criteria applicable to the application
	<p>land for individual gain alone; and</p> <p><i>Examples for paragraph (d) of benefits to the community—</i></p> <ul style="list-style-type: none"> • promoting or enhancing the primary purpose of the land; • servicing the needs of users of the land, where those needs are unable to be adequately serviced from adjoining private land; • generating local employment; • contributing to Sunshine Coast tourism. <p>(e) the activity will not unduly impact on the primary users of the land, local businesses, the environment or local government assets and maintenance requirements.</p> <p><i>Examples for paragraph (e) of impacts—</i></p> <ul style="list-style-type: none"> • noise and other pollution; • impact on existing views and visual amenity; • impact on flora and fauna; • degradation of the land resulting from increased use; • visual or physical obstruction of, or distraction to, vehicular or pedestrian traffic.
Applications for approval for outdoor dining	<p>(a) the proposed area is adjacent to appropriately-zoned land under the planning scheme; and</p> <p>(b) there is sufficient capacity on the road to accommodate the establishment of the outdoor dining area; and</p> <p>(c) the operation of the outdoor dining area will not unduly interfere with the proper use of the road (including the footpath) in the relevant location; and</p> <p>(d) the proposed outdoor dining area is a component of an existing or proposed food and beverage business located in an adjacent building.</p>
Applications for approval for goods on footpath	<p>(a) the proposed area is adjacent to appropriately-zoned land under the planning scheme; and</p> <p>(b) there is sufficient capacity on the road to accommodate the establishment of the footpath trading area; and</p> <p>(c) the operation of the footpath trading area will not unduly interfere with the proper use of the road</p>

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Column 1 Type of application for approval	Column 2 Additional criteria applicable to the application
	(including the footpath) in the relevant location; and (d) the proposed footpath trading area is a component of an existing or proposed retail business located in an adjacent building.
Applications for approval for a roadside stall	(a) the property at which the roadside stall is proposed to be located is in an area zoned rural under the planning scheme.

5 Conditions that must be imposed on approvals

A condition that must be imposed on all approvals is that the approval holder must maintain, at all times during the term of the approval, a public liability insurance policy of not less than \$20,000,000 covering the prescribed activity.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval of the type mentioned in column 1 of table 3 to this schedule are the conditions set out in the corresponding part of column 2 of table 3.

Table 3 – Conditions that will ordinarily be imposed on approvals

Column 1 Type of application for approval	Column 2 Additional criteria applicable to the application
All approvals	(a) the activity must be designed, sited, constructed and maintained to ensure the health and safety of the community by— (i) complying with structural standards, specified safety requirements and codes under applicable laws; and (ii) exhibiting specified warning notices where required; and (iii) storing and using hazardous materials in a safe manner; and (iv) certifying vehicles, equipment or things involved in the prescribed activity; and (v) adhering to defined routes or locations specified in the approval; and (vi) prohibiting an animal type or species from the prescribed activity where specified in the approval; and (vii) appropriately training persons engaged in the

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Column 1 Type of application for approval	Column 2 Additional criteria applicable to the application
	<p>operation of the business; and</p> <p>(b) the amenity of residences in any adjacent residential area must be respected and the activity must—</p> <p>(i) only be undertaken within the hours specified in the approval; and</p> <p>(ii) not cause a nuisance; and</p> <p>(iii) ensure that the grounds, access ways and other areas to which the public has access within the activity are maintained in a clean, tidy and sanitary condition at all times; and</p> <p>(iv) direct amplified noise away from a noise sensitive place; and</p> <p>(c) the activity must not adversely impact on community health or create a nuisance, which will be evidenced by meeting the following requirements—</p> <p>(i) keeping the site free of pests and vermin and conditions offering harbourage for pests and vermin; and</p> <p>(ii) ensuring animals used as part of the activity are suitably located and housed so as not to constitute a nuisance; and</p> <p>(iii) providing a supply of potable water for drinking; and</p> <p>(iv) providing an adequate and continuous supply of water to all permanent toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the operations.</p>
Approvals for outdoor dining	<p>(a) the proposed outdoor dining area must not encroach beyond the side boundaries of the subject property notionally extended out to the road reserve without the prior written approval of both the owner and occupier of the adjoining properties; and</p> <p>(b) the proposed outdoor dining area provides unobstructed pedestrian movement along the relevant footpath; and</p> <p>(c) the layout of the outdoor dining area including the seating, landscaping, and any structures associated with the outdoor dining areas must not obstruct the vision of drivers or the safety of pedestrian crossings; and</p>

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Column 1 Type of application for approval	Column 2 Additional criteria applicable to the application
	<p>(d) any umbrella used in the outdoor dining area must have a minimum clearance above the walk way or floor area of 2.2 metres measured perpendicular from the lowest point of the extended arms (spokes) of the umbrella, and the umbrella must be securely anchored; and</p> <p>(e) umbrellas and awnings over outdoor dining areas must not direct rain water onto pedestrian footpaths that would otherwise be protected from the rain; and</p> <p>(f) furniture used in the outdoor dining area must—</p> <p style="padding-left: 40px;">(i) be of sufficient weight and structure to not create a public health or safety risk in adverse weather conditions; and</p> <p style="padding-left: 40px;">(ii) comply with relevant industry standards; and</p> <p>(g) the outdoor dining area must be designed so that pedestrians using the relevant footpath are not required to move out from under any shelter that existed prior to the establishment of the outdoor dining area; and</p> <p>(h) the establishment and use of the outdoor dining area must not conflict with or inconvenience other business establishments in the immediate vicinity; and</p> <p>(i) all plantings in the outdoor dining area must—</p> <p style="padding-left: 40px;">(i) provide shade wherever possible, rather than being utilised primarily as a screening element; and</p> <p style="padding-left: 40px;">(ii) be designed to unify the streetscape in the general vicinity; and</p> <p>(j) the outdoor dining area must satisfy the design requirements of the relevant streetscape manuals.</p>

7 Term of approval

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

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8 Term of renewal of approval

This section has been intentionally left blank.

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Schedule 7 Establishment or occupation of a temporary home

section 9

1 Prescribed activity

Establishment or occupation of a temporary home.

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

- (1) An approval under the authorising local law is not required for the establishment or occupation of a temporary home—
 - (a) for less than two weeks in any fifty-two week period if the temporary home is established on a vacant property; or
 - (b) for less than four weeks in any fifty-two week period if—
 - (i) the temporary home is sited on a property occupied by an existing dwelling house; and
 - (ii) the temporary home is located to the rear of the existing dwelling house.
- (2) However, subsection (1) applies only if—
 - (a) no waste materials, including grey water, are deposited on site during occupation or left on site after departure; and
 - (b) the temporary home is not a class 10A building under the *Building Code of Australia*.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) details of the activity including—
 - (i) the purpose for which occupation is required; and
 - (ii) the number of occupants, adults and children, to be normally accommodated; and
 - (iii) toilet, bathing, laundry, water storage and refuse facilities; and
 - (iv) a drawing showing the design and dimensions of the proposed temporary home; and
 - (v) the materials out of which the temporary home is constructed and other structural details of the temporary home; and
 - (vi) the location of the temporary home; and
- (b) in the case of a residential caretaker, details of a current building approval for the construction of the permanent residence and

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evidence of financial capacity and ability to construct the permanent residence; and

- (c) in the case of a site caretaker, demonstration of the need for a site caretaker; and
- (d) if the applicant is not the owner of the land on which the establishment of the temporary home is or is to be located—the written consent of the owner.

4 Additional criteria for the granting of approval

- (1) For all approvals, the additional criteria are that—
 - (a) an adequate water source will be available to the proposed temporary home; and
 - (b) there is adequate means of waste disposal and sanitation to ensure that reasonable standards of health and hygiene can be maintained; and
 - (c) the temporary home can be suitably screened by means of screens, natural topography, trees or landscaping, so as not to adversely affect the amenity of the area; and
 - (d) the temporary home conforms with 1 of the following structural criteria in the circumstances described—
 - (i) in the case of a tent—the approval is sought for a term of less than 3 months; or
 - (ii) in the case of a car, van or other vehicle designed or modified as a place of residence—the approval is sought for a term of less than 6 months; or
 - (iii) in the case of a bus designed or modified as a place of residence—
 - (A) the bus is of adequate size; and
 - (B) the facilities are adequate for the term of occupation for which the approval is sought, which must be no more than 18 months; or
 - (iv) in the case of a caravan or mobile home—the approval is sought for a term of no more than 18 months; or
 - (v) in the case of a shed or class 10A building on the premises—the shed or building is not intended to be used permanently as a habitable building; or
 - (vi) in the case of any other proposed temporary home—the applicant can demonstrate to the local government’s satisfaction that health, safety and aesthetic standards will not be adversely affected for the term of approval sought.
- (2) For an approval relating to a residential caretaker, an additional criterion is that the owner is able to demonstrate an ability and capacity to construct a permanent dwelling within the period of the building approval.

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Example—

The applicant has a contract with a Registered Builder and sufficient funds are available. However, this criterion may not be satisfied if—

- a genuine application has not been made for building approval of a proposed permanent residence; or
- the proposed erection of a permanent residence has been approved and there is less than 90 days left in the period fixed for finishing the relevant building work.

- (3) For an approval relating to a site caretaker, additional criteria are that—
- (a) the applicant must be able to demonstrate that a temporary caretaker is required to reduce the risk of theft, vandalism or damage to buildings and facilities on the premises; and
 - (b) not more than 2 adults will reside in the temporary home.

5 Conditions that must be imposed on approvals

- (1) A condition that must be imposed on all approvals is that the approval holder must install photoelectric smoke alarms outside any sleeping areas in the temporary home.
- (2) However, the condition in subsection (1) does not need to be imposed on the approval if a condition covering smoke alarms is contained in a development approval that applies to the temporary home.

6 Conditions that will ordinarily be imposed on approvals

- (1) For all approvals, the conditions that will ordinarily be imposed are that—
- (a) the temporary home must not be occupied as a place of permanent residence for an indefinite period; and
 - (b) the approval holder shall construct a permanent residence on the property within the timeframe specified in the approval; and
 - (c) the temporary home must be designed, sited, constructed and maintained to ensure it does not adversely impact on public health or safety, and must be—
 - (i) compliant with any structural standards, specified safety requirements and codes under applicable laws; and
 - (ii) maintained in good working order and in a good state of repair; and
 - (iii) maintained in a clean, tidy, sanitary and hygienic condition (including all facilities, fixtures, fittings, equipment and furniture); and
 - (iv) provided with adequate shower, toilet and ablution facilities; and
 - (v) provided with potable water for drinking purposes; and
 - (vi) provided with an adequate and continuous supply of water to all permanent toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the temporary home; and

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- (d) the temporary home must not adversely impact on community health or constitute a nuisance and must—
 - (i) be kept free of pests and vermin and conditions offering harbourage for pests and vermin; and
 - (ii) be screened by means of screens, natural topography, trees or landscaping so as not to adversely affect the amenity of the area; and
 - (e) the temporary home must accommodate no more than the number of persons specified in the approval; and
 - (f) the temporary home must be dismantled and removed by the date specified in the approval.
- (2) For an approval relating to a residential caretaker or site caretaker, additional conditions that will ordinarily be imposed include that—
 - (a) the development approval for a permanent dwelling remains current; and
 - (b) the approval holder must provide a refuse or recycling collection service; and
 - (c) the permanent dwelling is being progressively constructed at such a rate that it can be reasonably expected to be completed within the period of the development approval and the term of the temporary home approval.

Example for paragraph (c)—

Extensions will only be granted where significant progress is made toward the construction of the permanent dwelling.

7 Term of approval

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

8 Term of renewal of approval

This section has been intentionally left blank.

Schedule 8 Placement of movable advertising devices

section 9

1 Prescribed activity



Placement of movable advertising devices.

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


- (1) An approval is not required under the authorising local law for—
 - (a) an advertising device that is regulated by the local government's planning scheme; or
 - (b) an exempt advertising device.
- (2) An ***exempt advertising device*** is a movable advertising device that satisfies all of the following requirements—
 - (a) the movable advertising device is one of the types of advertising devices listed and defined in column 1 of table 1 to this schedule; and
 - (b) the form and placement of the movable advertising device is within the parameters prescribed for the relevant type of advertising device in column 2 of table 1 to this schedule; and
 - (c) the placement of the movable advertising device is not likely to cause—
 - (i) harm to human health and safety; or
 - (ii) property damage; or
 - (iii) a nuisance; or
 - (iv) obstruction of pedestrian or vehicular traffic; or
 - (v) environmental harm; or
 - (vi) environmental nuisance; or
 - (vii) a detrimental impact on the amenity of the area; or
 - (viii) obstruction of a view or vista from any premises.

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Table 1 – Exempt advertising devices (movable advertising devices not requiring an approval provided they are within the prescribed parameters)

Column 1 Type of device and definition	Column 2 Prescribed parameters (movable advertising devices displayed within these parameters do not require approval)
<p>Free Standing Flag: <i>any free standing flag-style advertising device, including a feather banner or tear drop</i></p> 	<p>The prescribed parameters for a Free Standing Flag sign are—</p> <ul style="list-style-type: none"> (a) may have a maximum height of 2.0 metres; and (b) may be displayed during the duration of the event to which the sign relates; and (c) shall be removed at the close of business each day; and (d) a maximum of 2 signs may be displayed for the business or event being advertised; and (e) shall be positioned— <ul style="list-style-type: none"> (i) at least 600 millimetres from the kerb⁷; and (ii) provide a clear pedestrian corridor of 1.8 metres.
<p>Real Estate (Residential) sign: <i>a temporary advertisement to facilitate the sale, auction or rental of a residential property or properties</i></p> 	<p>The prescribed parameters for a Real Estate (Residential) sign on a private place are—</p> <ul style="list-style-type: none"> (a) may have a maximum face area of 2.16 square metres exhibited per agent or agency per property; and (b) where more than one agency is handling a property, the maximum face area that may be displayed is 2.16 square metres; and (c) 1 sign may be displayed on the property at all times until the property is <p>The prescribed parameters for a Real Estate (Residential) sign on a public place (in other words, directional signs) are—</p> <ul style="list-style-type: none"> (a) may have a maximum— <ul style="list-style-type: none"> (i) height of 1 metre; and (ii) width 0.6 metres; and (iii) depth 0.6 metres; and (b) shall be securely fixed on the ground; and (c) may be displayed for the period commencing 24 hours before the property being open for inspection or auctioned and concluding at the end of the day of



⁷ Vision Australia Standard



<p>Column 1</p> <p>Type of device and definition</p>	<p>Column 2</p> <p>Prescribed parameters</p> <p>(movable advertising devices displayed within these parameters do not require approval)</p>
	<p>sold/leased/auctioned or rented; and</p> <p>(ca) 1 additional sign may be displayed on the property advertising an Open House for the period commencing 24 hours before the Open House showing and concluding at the end of the day of the Open House showing; and</p> <p>(d) shall be securely fixed to a wall/fence or placed securely on the ground adjacent to the premises.</p> <p>inspection or auction; and</p> <p>(d) the maximum number shall not exceed 5 at the time of Open House/ Auction/Lessee or Rent.</p>
<p>Real Estate (Commercial) sign:</p> <p><i>a temporary advertisement to facilitate the sale, auction or rental of a commercial or retail property or properties</i></p> 	<p>The prescribed parameters for a Real Estate (Commercial) sign are—</p> <p>(a) a total face area of 5 square metres may be exhibited per street frontage of a property; and</p> <p>(b) shall be securely fixed to the premises; and</p> <p>(c) shall be removed from premises within fourteen (14) days of the property reaching settlement or being leased.</p>

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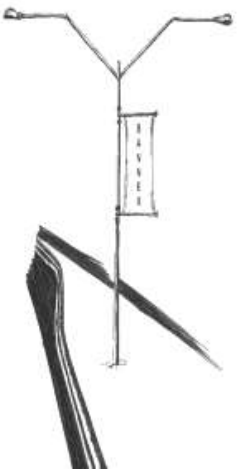
Column 1 Type of device and definition	Column 2 Prescribed parameters (movable advertising devices displayed within these parameters do not require approval)	
<p>Real Estate (Industrial) sign:</p> <p><i>a temporary advertisement to facilitate the sale, auction or rental of an industrial property or properties</i></p> 	<p>The prescribed parameters for a Real Estate (Industrial) sign are—</p> <ul style="list-style-type: none"> (a) a maximum face area of 5 square metres may be exhibited for each 50 metres of frontage or part thereof up to a maximum of 20 square metres per street frontage of a property; and (b) where exhibited on a window, shall not exceed 2.16 square metres per street frontage of a property; and (c) shall be removed from premises within fourteen (14) days of the property reaching settlement or being leased. 	
<p>Garage Sale sign:</p> <p><i>a temporary advertisement for a household 'garage sale'</i></p> 	<p>The prescribed parameters for a Garage Sale sign on a private place are—</p> <ul style="list-style-type: none"> (a) may have a maximum face area of 1.2 square metres; and (b) 1 sign may be displayed on the property on the day of the event; and (c) shall be fixed securely to a wall/fence or placed securely on the ground adjacent to the premises; and (d) shall be removed within 24 hours after the event. 	<p>The prescribed parameters for a Garage Sale sign on a public place (in other words, directional signs) are—</p> <ul style="list-style-type: none"> (a) may have a maximum— <ul style="list-style-type: none"> (i) height of 1 metre; and (ii) width of 0.6 metres; and (iii) depth of 0.6 metres; and (b) may display a maximum of 1 sign 3 days before the day of the garage sale and 5 signs on the day of the garage sale; and (c) shall be securely fixed on the ground; and (d) shall be removed within 24 hours after the event; and (e) shall not be placed on a tree, council-owned infrastructure or other vegetation.

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<p>Column 1</p> <p>Type of device and definition</p>	<p>Column 2</p> <p>Prescribed parameters</p> <p>(movable advertising devices displayed within these parameters do not require approval)</p>
<p>Bunting and Streamers:</p> <p><i>bunting, streamers, flags or similar flimsy materials attached to a rope or line stretched between two points</i></p> 	<p>The prescribed parameters for Bunting and Streamers are—</p> <ul style="list-style-type: none"> (a) shall not be erected higher than 6 metres above the ground level of the site or no higher than the gutter line of any building on the site, whichever is the lesser; and (b) shall not be placed on the roof of a building; and (c) shall not be affixed to trees, lighting standards or power poles on a public place; and (d) shall not extend over car parking areas; and (e) shall be displayed only if constructed to withstand consequent wind or other loads; and (f) may be displayed for a period of 7 days prior to, and on, the day or days of the event; and (g) shall be removed within the course of, or immediately at the conclusion of, the event.
<p>Event Direction sign:</p> <p><i>any sign intended to provide information about the location of facilities or features of an event site (for example, designating the entrance to a festival or directions to event parking).</i></p> 	<p>The prescribed parameters for Event Direction signs are—</p> <ul style="list-style-type: none"> (a) may be displayed for 7 days prior to, and on the day or days of the event; and (b) shall be removed within the course of, or immediately at the conclusion of the event; and (c) may display up to a maximum of 20 signs or as determined by the event approval; and (d) may have a maximum face area 0.6 square metres; and (e) shall be removed by the end of the day following the event; and (f) may not be placed on any part of a road including a footway, median strip, traffic island or roundabout; and (g) shall be constructed to withstand consequent wind or other loads.

Column 1 Type of device and definition	Column 2 Prescribed parameters (movable advertising devices displayed within these parameters do not require approval)
<p>Footway sign:</p> <p><i>a sign placed on a footway or next to a road for the purposes of promoting home produce, fund raising or an event</i></p> 	<p>The prescribed parameters for Footway signs are—</p> <ul style="list-style-type: none"> (a) may have a maximum face area of 1.2 square metres; and (b) 1 sign may be displayed on the day of the activity; and (c) shall be fixed securely on the ground; and (d) shall be removed at the close of business each day; and (e) shall be constructed to withstand consequent wind or other loads; and (f) shall provide a clear pedestrian corridor of 1.8 metres.
<p>Portable Interchangeable Letter sign:</p> <p><i>a portable (including through built-in wheels) self-supporting sign displaying interchangeable letters</i></p> 	<p>The prescribed parameters for Portable Interchangeable Letter signs are—</p> <ul style="list-style-type: none"> (a) may have a maximum face area of 2 square metres; and (b) only 1 sign may be displayed per street frontage; and (c) allowed in lieu of a Sandwich Board/A Frame/ Blackboard type sign; and (d) shall be constructed to withstand consequent wind or other loads; and (e) shall be positioned— <ul style="list-style-type: none"> (i) at least 600 millimetres from the kerb; and (ii) provide a clear pedestrian corridor of 1.8 metres; and (f) shall be removed at the close of business each day.


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<p>Column 1</p> <p>Type of device and definition</p>	<p>Column 2</p> <p>Prescribed parameters</p> <p>(movable advertising devices displayed within these parameters do not require approval)</p>
<p>Banner sign:</p> <p><i>banner in fabric, vinyl or other material suspended or attached to a fixture</i></p> 	<p>The prescribed parameters for a Banner sign are—</p> <ul style="list-style-type: none"> (a) may only be attached to non-wooden light or power poles or poles specifically designed for banners; and (b) may only be displayed on a road reserve where the speed limit does not exceed 80 kilometre/hour; and (c) shall be predominantly of a community nature or benefit; and (d) shall not be displayed on light poles located at signalised intersections, roundabouts or interchanges; and (e) shall not be placed within 30 metres of signalised intersections and roundabouts; and (f) shall not exceed— <ul style="list-style-type: none"> (i) 2.5 square metres total face area; and (ii) 0.9 metres in width; and (g) may be displayed for a maximum of 4 weeks; and (h) minimum vertical clearance beneath the banner shall be— <ul style="list-style-type: none"> (i) 2.4 metres where the banner overhangs a footway; and (ii) 5.4 metres over a traffic lane; and (i) where installed on Energex infrastructure, installation must be carried out by approved and licensed contractor; and (j) shall be secured to prevent flapping over roadways or other infrastructure; and (k) shall— <ul style="list-style-type: none"> (i) be securely stitched; and (ii) be made from durable waterproof material; and (iii) incorporate appropriate secured reinforced eyelets; and (iv) incorporate durable release mechanisms to withstand severe wind conditions; and (l) shall be limited to 1 sign per 10 metres of street front boundary.

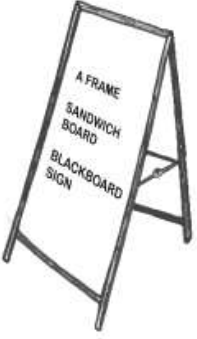
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Column 1 Type of device and definition	Column 2 Prescribed parameters (movable advertising devices displayed within these parameters do not require approval)	
<p>Site Information sign:</p> <p><i>any sign providing information about the use of facilities or features of a site</i></p> 	<p>The prescribed parameters for a Site Information sign are—</p> <ul style="list-style-type: none"> (a) the panel may have a maximum face area of 2 square metres; and (b) shall be constructed to withstand consequent wind or other loads; and (c) may display a company name or logo to a maximum of one third of the sign area; and (d) may display the name, logo, or slogan of an organisation having tenure of the property or control of the land on which the sign is exhibited; and (e) shall be placed on or as close to the property boundary as possible; and (f) shall be removed at the end of each day or at the cessation of the event. 	
<p>Footway Dining Furniture sign:</p> <p><i>signage displayed on dining furniture, such as umbrellas and wind breaks on the footway</i></p> 	<p>The prescribed parameters for a Footway Dining Furniture sign are—</p> <ul style="list-style-type: none"> (a) shall be constructed to withstand consequent wind or other loads; and (b) shall be removed at the end of each day; and (c) shall allow for occupants of the footpath dining area to be visible from all public places in the vicinity. 	
<p>Fete or Charitable Event sign:</p> <p><i>temporary non-illuminated sign advertising non-profit, short-term events such as a fete, fair, or festival for charitable, religious,</i></p>	<p>For a Fete or Charitable Event sign on a private place, the prescribed parameters are—</p> <ul style="list-style-type: none"> (a) a banner type sign of non-rigid material suspended at both ends may have a maximum face area of 8 square metres; and 	<p>For a Fete or Charitable Event sign on a public place, the prescribed parameters are the same as for an 'Event Direction' sign listed earlier in this table.</p>

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<p>Column 1</p> <p>Type of device and definition</p>	<p>Column 2</p> <p>Prescribed parameters</p> <p>(movable advertising devices displayed within these parameters do not require approval)</p>
<p><i>education, child care, sporting organisations or the like</i></p> 	<p>(b) a rigid type sign may have a maximum face area 2.4 square metres; and</p> <p>(c) a freestanding flag sign may have a maximum face area 2.4 square metres; and</p> <p>(d) shall be constructed to withstand consequent wind or other loads; and</p> <p>(e) signs may include bunting and streamers; and</p> <p>(f) signs may be exhibited—</p> <p>(i) on each frontage of the site of a fete or the property of the organisation holding the activity; and</p> <p>(ii) 2 weeks prior to the day of the event; and</p> <p>(g) shall be removed by the end of the day following the event.</p>
<p>Sandwich Board sign:</p> <p><i>a portable, freestanding sign, normally supported by an 'A' or inverted 'T' frame, sometimes containing a blackboard surface, and typically displayed on a footway</i></p>	<p>The prescribed parameters for a Sandwich Board sign are—</p> <p>(a) may have a maximum—</p> <p>(i) height of 0.9 metres; and</p> <p>(ii) width of 0.6 metres; and</p> <p>(iii) depth of 0.6 metres; and</p> <p>(b) may comprise only 1 sign per business, or 2 signs per business if the business premises has 2 road frontages (except in the case of a home-based business, which shall have a maximum of 1 sign); and</p> <p>(c) shall be displayed adjacent to the business premises; and</p> <p>(d) shall be displayed to withstand consequent wind or other loads; and</p>

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Column 1 Type of device and definition	Column 2 Prescribed parameters (movable advertising devices displayed within these parameters do not require approval)
	<p>(e) shall be positioned—</p> <ul style="list-style-type: none"> (i) at least 600 millimetres from the kerb; and (ii) to provide a clear pedestrian corridor of 1.8 metres; and <p>(f) may not have moving, rotating or animated parts, such as a spinner sign; and</p> <p>(g) may be exhibited only during trading hours and may not be used for the display of merchandise; and</p> <p>(h) may be displayed in lieu of a Portable Interchangeable Letter sign.</p>

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) a photo, drawing or diagram of the proposed advertising device; and
- (b) a site plan indicating placement of the device.

4 Additional criteria for the granting of approval

For an application for approval for a movable advertising device, the additional criteria are that the device will not be likely to cause—

- (a) harm to human health and safety; or
- (b) property damage; or
- (c) a nuisance; or
- (d) obstruction of pedestrian or vehicular traffic; or
- (e) environmental harm; or
- (f) environmental nuisance; or
- (g) a loss of amenity; or
- (h) an obstruction of a view or vista from any premises.

5 Conditions that must be imposed on approvals

A condition that must be imposed on all approvals is that the approval holder must maintain, at all times during the term of the approval, a public liability insurance policy of not less than \$20,000,000 covering the prescribed activity.

6 Conditions that will ordinarily be imposed on approvals


- (1) For all approvals, conditions that will ordinarily be imposed are that the



- approval holder must—
- (a) comply with safety requirements specified in the approval; and
Example for paragraph (a) – To provide for the safe passage of pedestrians or vehicles, a movable advertising device may only be displayed where a clear unobstructed view of the road network system is maintained, including intersections, traffic signals, railway crossings and vehicle merging situations.
 - (b) provide to the local government any certificates specified in the approval, such as—
 - (i) a certificate of structural adequacy from a qualified engineer; or
 - (ii) a certificate demonstrating no conflict with underground services; or
 - (iii) proof that the approval holder has and maintains public liability insurance coverage covering any risk associated with the prescribed activity to the amount specified in the approval.
- (2) For an approval for a movable advertising device of a type listed and defined in column 1 of table 2 to this schedule, the conditions that will ordinarily be imposed are set out in the corresponding row of column 2 of table 2.

Table 2 – Conditions that will ordinarily be imposed on approvals for certain movable advertising devices

Column 1 Type of device and definition	Column 2 Conditions that will ordinarily be imposed
Inflatable device: <i>any fixed or captive envelope, balloon, blimp or kite, whether a cold-air inflatable or lighter than air aerial device</i>	The conditions that will ordinarily be imposed on an approval for an Inflatable Device are that the approval holder must ensure— <ol style="list-style-type: none"> (a) balloons— <ol style="list-style-type: none"> (i) must not exceed a maximum of— <ol style="list-style-type: none"> A. 8 metres in height; and B. 6 metres in diameter; and (ii) shall be deployed by a qualified operator; and (iii) may only be displayed if tethered by a minimum of 2 safety tested tether lines; and (iv) may only be inflated with cold air or non-flammable, non-toxic gas (e.g. helium); and (v) may not be displayed more than 20 metres above the ground; and (vi) may be displayed for a maximum of 7 days in any 90 days; and

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Column 1 Type of device and definition	Column 2 Conditions that will ordinarily be imposed
	<p>(vii) shall only be deployed following submission to the local government of a report from a qualified structural engineer certifying that the cables and other fixings are adequate for the purpose; and</p> <p>(b) blimps—</p> <p>(i) may be a maximum of—</p> <p>A. 8 metres in height; and</p> <p>B. 2 metres in diameter; and</p> <p>(ii) shall be deployed by a qualified operator; and</p> <p>(iii) may only be displayed if tethered by a minimum of 2 safety tested tether lines; and</p> <p>(iv) may only be inflated with cold air or non-flammable, non-toxic gas (e.g. helium); and</p> <p>(v) may not be displayed more than 20 metres above the ground; and</p> <p>(vi) shall only be deployed following submission to the local government of a report from a qualified structural engineer certifying that the cables and other fixings are adequate for the purpose; and</p> <p>(vii) may be displayed for a maximum of 7 days in any 90 days.</p>
<p>Road Banner:</p> <p><i>a device constructed of a flimsy or flexible material (including but not limited to paper, canvas, vinyl, plastic or cardboard) positioned across a roadway</i></p>	<p>The conditions that will ordinarily be imposed on an approval for a Road Banner are that the approval holder must ensure that—</p> <p>(a) the device is a maximum height of 5.7 metres above street level; and</p> <p>(b) the device is fixed to supporting buildings; and</p> <p>(c) the device is exhibited only for the period determined by the local government and specified in the approval; and</p> <p>(d) the device is not displayed until the approval holder—</p> <p>(i) submits to the local government a report from a qualified engineer certifying that cables and fixings are adequate for the purpose; and</p>

Column 1 Type of device and definition	Column 2 Conditions that will ordinarily be imposed
	<ul style="list-style-type: none"> (ii) submits to the local government a drawing showing how the banner sign cables will be fixed to the supporting buildings or other structures; and (iii) demonstrates that the clearances of the banner sign and associated fixtures are adequately positioned from any electricity reticulation cables to the satisfaction of the electrical provider; and (iv) provides copies of permission to exhibit from all other interested agencies (for example, Queensland Police Service).
<p>Mobile Motor Vehicle Sign:</p> <p><i>a sign displayed on a vehicle where such display is the primary use of the vehicle</i></p> 	<p>The conditions that will ordinarily be imposed on an approval for a Mobile Motor Vehicle Sign are that the approval holder must ensure that—</p> <ul style="list-style-type: none"> (a) the device is a maximum— <ul style="list-style-type: none"> (i) length of 3.5 metres; (ii) height of 2 metres; and (iii) area of 7 square metres. (b) the vehicle is parked no longer than 5 minutes on any carriageway; and (c) no more than 1 sign is displayed under the approval.

7 Term of approval

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

8 Term of renewal of approval

This section has been intentionally left blank.

Schedule 9 Keeping of animals

section 9

1 Prescribed activity

Keeping of animals.

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

- (1) An application for an approval for the keeping of animals must be accompanied by—
 - (a) if the keeping of animals involves construction of a building or structure which requires a development approval—a copy of the development approval; and
 - (b) if the application is to keep more than 9 animals—
 - (i) a community management plan, which must include a—
 - (A) consultation plan; and
 - (B) operational plan; and
 - (C) noise management plan; and
 - (D) waste management plan; and
 - (ii) details of the experience and qualifications of the responsible person for the animal to conduct the prescribed activity.
 - (c) if the application is to keep 3 or more dogs at a property that is within a multiple dwelling—a community management plan, which must include—
 - (i) a consultation plan; and
 - (ii) a waste management plan; and
 - (iii) a noise management plan.
- (2) A consultation plan mentioned in subsection (1)(b)(i)(A) must include written agreement to the application signed by an adult resident of every adjoining property.
- (3) A consultation plan mentioned in subsection (1)(c)(i) must include—
 - (a) written agreement to the application signed by an adult resident of every property within 50 metres of the applicant's property; and
 - (b) written agreement to the application signed by the body corporate for the multiple dwelling.
- (4) A waste management plan mentioned in subsection (1)(c)(ii) must include—

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- (a) written agreement to the application signed by an adult resident of every property within 50 metres of the applicant's property; and
- (b) written agreement to the application signed by the body corporate responsible for the common property that will be affected by the application.

(5) In this section—

multiple dwelling means premises that contain three or more dwellings for separate households.

Example—Apartments, flats, units, townhouses, retirement facilities and triplex.

4 Additional criteria for the granting of approval

- (1) Additional criteria applicable to all applications are that the keeping of the animal or animals—
 - (a) will not cause environmental harm; and
 - (b) is suitable to the geography of the land; and
 - (c) will not compromise the amenity of the surrounding area; and
 - (d) will not detrimentally affect the amenity of a neighbouring property; and
 - (e) will not cause a nuisance to neighbours by barking, howling, squawking, crowing or wailing indiscriminately; and
 - (f) will be in an enclosure, structure or building that that is adequate for the purpose.
- (2) For an approval to keep a cockerel, rooster, guinea fowl or peacock, where the relevant property is less than 2000 square metres in size, the additional criteria applicable are that—
 - (a) the applicant is a current financial member of an association recognised by the Feather Clubs Association of Queensland Inc.; and
 - (b) the applicant has submitted an acceptable anti-social behavioural plan detailing how the animal will be managed to avoid causing a nuisance.

5 Conditions that must be imposed on approvals

For an approval to keep a cockerel, rooster, guinea fowl or peacock, where the relevant property is less than 2000 square metres in size, conditions that must be imposed are that the approval holder must—

- (a) not keep the animal that is the subject of the approval on the relevant land at any time that the approval holder is no longer a current financial member of an association recognised by the Feather Clubs Association of Queensland Inc.; and
- (b) comply with the approved anti-social behavioural plan detailing how the animal will be managed to avoid causing a nuisance.

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6 Conditions that will ordinarily be imposed on approvals

- (1) For all approvals, conditions that will ordinarily be imposed on an approval are that the approval holder must—
 - (a) ensure that the keeping of the animal/s does not cause environmental harm; and
 - (b) ensure that the keeping of the animal/s does not detrimentally affect the amenity of a neighbouring property; and
 - (c) ensure that the keeping of the animal/s does not cause a nuisance to neighbours by barking, howling, squawking, crowing or wailing indiscriminately; and
 - (d) contain the animal/s in a kennel or structure that is—
 - (i) at least 15 metres from an adjoining property; and
 - (ii) positioned toward the rear of the property in which the animal/s are to be kept, such that the potential effect on a residence on an adjoining property is minimised; and
 - (e) ensure that all enclosures, structures or buildings where the animal/s are kept are adequate and maintained to a satisfactory standard; and
 - (f) ensure that all animals are kept within the curtilage of the outbuildings on the property; and
 - (g) ensure that all waste generated as part of the keeping of the animal/s will be—
 - (i) removed daily; and
 - (ii) disposed of in accordance with the *Environmental Protection Act 1994* and the *Water Act 2000*; and
 - (h) ensure that all waste water generated during or from the keeping of the animal/s will be discharged safely to the sewerage system or an on-site sewerage facility, or in another manner approved by the local government; and
 - (i) ensure that there are sufficient numbers of waste containers to accommodate the collection and storage of all waste generated in the keeping of the animal/s; and
 - (j) ensure that waste containers are regularly maintained in a clean, tidy, hygienic condition and in good working order.
- (2) For an approval to keep 3 or more dogs over the age of 3 months on a property, a condition that will ordinarily be imposed is that the approval holder must not keep a regulated dog on the property.

7 Term of approval

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

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8 Term of renewal of approval

An approval that is renewed expires on the next 30th day of June, unless otherwise specified in the renewal.

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Schedule 10 Operation of accommodation parks

section 9

1 Prescribed activity

Operation of accommodation parks.

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for an approval to operate an accommodation park must be accompanied by a document outlining details of the operation of the accommodation park, including—

- (a) the location and real property description of the premises; and
- (b) the boundaries of the premises; and
- (c) the location, number and type of sanitary conveniences; and
- (d) the location and number of laundries; and
- (e) the water supply system; and
- (f) a drainage plan; and
- (g) the location and number of sites within the accommodation park; and
- (h) the ancillary facilities; and
- (i) the sewerage and waste water disposal system; and
- (j) an evacuation plan; and
- (k) a register of residents and guests.

4 Additional criteria for the granting of approval

This section has been intentionally left blank.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

- (1) The conditions that will ordinarily be imposed on an approval are that—
 - (a) sites must be large enough to allow a 1.8 metre separation distance between sites, or if devices are used to secure a tent, between the devices and the adjacent tent or devices used to secure it; and
 - (b) every site shall have a well drained surface and where concrete pads are provided they should be designed and built in accordance with the current Australian Standard; and

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- (c) a sufficient number of conveniently located and suitably equipped toilet and ablution facilities must be provided for each gender in accordance with the following guidelines—
 - (i) if private ensuite facilities are not provided for accommodation on a site—
 - (A) facilities must be located at least 6 metres but no more than 100 metres from the site; and
 - (B) where there are 40 sites or fewer, one pedestal for every 7 sites must be provided for female occupants, one pedestal for every 10 sites must be provided for male occupants, and a 0.6 metre urinal must be provided for every 20 sites (or part thereof) for male occupants; and
 - (C) where there are more than 40 sites, the appropriate number of toilet facilities shall be as provided in caravan park industry guidelines; and
 - (ii) at least one sanitary disposal unit must be provided for every four female toilet cubicles; and
 - (iii) all ablution facilities must have reticulated hot and cold water provided to all shower cubicles and hand basins; and
 - (iv) individual toilets, showers or baths must be adequately screened for privacy; and
 - (v) separate ablution facilities for each gender must be provided in the ratio of one shower or bath and hand basin to every 15 sites; and
- (d) the operation of the accommodation park must—
 - (i) not attract fly breeding or vermin infestation; and
 - (ii) ensure the park is kept free of pests and conditions offering harbourage for pests; and
 - (iii) provide an adequate and continuous supply of hot and cold water to all toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the operation of the accommodation park; and
 - (iv) maintain a potable water supply for drinking purposes; and
 - (v) ensure that any water supply outlet for non-potable water is prominently and permanently labelled with the words “Not fit for human consumption;” and
 - (vi) ensure that electricity is provided as part of the operations; and
 - (vii) not allow a person to camp or sleep in a part of the accommodation park that is not nominated as a site in the plan approved by the local government; and

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- (e) the accommodation park must be maintained to provide a safe and habitable environment for all park residents, including—
 - (i) all facilities, fixtures, fittings, equipment and furniture being maintained in good working order, and in a clean, tidy, sanitary and hygienic condition; and
 - (ii) the grounds being maintained at all times; and
 - (iii) the operator keeping a register, available for inspection at any time by an authorised person, containing—
 - (A) the name and address of each person who hires a camping site; and
 - (B) an identifying number for the site; and
 - (C) if a vehicle is brought onto the site—the registration number of the vehicle; and
 - (D) the dates when the hiring of the site begins and ends.
- (2) The conditions specified in subsection (1)(c)(i), (iv) and (v) will not ordinarily be imposed on an approval for operating an accommodation park that commenced operation before 1 January 2012.
- (3) However, the conditions mentioned in subsection (2) will ordinarily be imposed on an accommodation park mentioned in subsection (2) if the park's toilets and facilities undergo significant renovation.

7 Term of approval

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

8 Term of renewal of approval

This section has been intentionally left blank.

Schedule 10A Operation of an amplified music venue within a special entertainment precinct

section 9

1 Prescribed activity

Operation of an amplified music venue within a special entertainment precinct

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

An approval under the authorising local law is not required for operation of premises that does not emit amplified music at a level in excess of L_{Ceq} 65dB, measured at any point 1 metre external to the premises.

3 Documents and materials that must accompany applications for approval

An application for an approval must be accompanied by all of the following—

- (a) a detailed statement of the nature of the entertainment to be provided at the premises and the dates and hours when the premises is to be open to the public; and
- (b) where the premises are a licensed premises—a copy of the licence together with the licence conditions; and
- (c) evidence of the suitability of the applicant to hold the approval; and
- (d) evidence of the suitability to ensure compliance with the approval conditions (that is, the conditions that must be imposed and the conditions that will ordinarily be imposed) of any person who will keep the premises open to the public or manage the premises; and
- (e) where requested by the local government—
 - (i) details and drawings of buildings and other structural elements of the premises; and
 - (ii) details and drawings of the layout, design, and internal appearance of the amplified music venue and the positioning of any sound amplification equipment or device; and
 - (iii) an acoustic report prepared by a suitably qualified person calculating the maximum internal levels of amplified music which can be played at the premises in order to satisfy the criteria for external noise set out in table 1 to this schedule.

4 Additional criteria for the granting of approval

- (1) For an application for an approval for operation of an amplified music venue within a special entertainment precinct, the additional criteria are—
 - (a) whether the premises may be lawfully used for the purpose specified in the application; and

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- (b) whether it is reasonably practicable to set approval conditions for internal levels of noise from amplified music played at the premises so that the default maximum levels in table 1 to this schedule are not exceeded; and
 - (c) whether the applicant is a suitable person to hold the approval; and
 - (d) whether any person who will keep the premises open to the public or manage the premises is a suitable person to ensure compliance with the approval conditions at the licensed premises.
- (2) In deciding under subsection (1)(b), the local government may have regard to how the internal levels of noise will be attenuated by—
 - (a) the design and construction of the buildings and structural elements of the premises; and
 - (b) the layout, and internal design, of the premises; and
 - (c) the positioning of any sound amplification equipment or device at the premises.
- (3) In deciding under subsection (1)(c) or (1)(d) whether a person is suitable, the local government may have regard to the following matters—
 - (a) whether the person, or if the person is a corporation, an executive officer of the corporation, has a conviction for a relevant offence, other than a spent conviction; and
 - (b) whether the person, or if the person is a corporation, an executive officer of the corporation—
 - (i) held an approval under this local law, or a licence or registration or permit under a related law, that was suspended or cancelled; or
 - (ii) has been refused an approval under this local law or a licence or registration or permit under a related law.
- (4) In considering an application, the local government must also have regard to any or all of the following—
 - (a) where the premises is a licensed premises—the conditions of the licence;
 - (b) whether special restrictions are occasioned by public holidays (for example, Easter, Anzac Day, Christmas Day);
 - (c) any valid complaints previously made about noise emissions from the premises;
 - (d) the characteristics of the amplified music being emitted from the premises (for example, repetitive low frequency bass beat);
 - (e) any relevant local government plans, standards, agreements or requirements.

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5 Conditions that must be imposed on approvals

A condition that must be imposed on an approval is that the approval holder must ensure that a copy of the approval is available to be viewed by an authorised person at the premises on request.

6 Conditions that will ordinarily be imposed on approvals

- (1) Conditions that will ordinarily be imposed are that the approval holder must—
 - (a) ensure that internal levels of noise from amplified music played at the premises are either—
 - (i) within specified limits that will ensure that the external emission of noise from amplified music at the premises does not exceed the default maximum levels in table 1 to this schedule; or
 - (ii) in accordance with a noise management plan that forms part of the approval; and
 - (b) ensure that specified features of the internal layout and design of the premises are not altered without the local government's consent when amplified music is being played; and
 - (c) install and operate noise limiting devices; and
 - (d) carry out and record noise monitoring; and
 - (e) provide noise monitoring records upon request by an authorised person; and
 - (f) where a noise management plan forms part of the approval—comply with the requirements of the noise management plan; and
 - (g) ensure that any person acting under the approval complies with the conditions of the approval.
- (2) A noise management plan referred to in subsection (1)—
 - (a) must—
 - (i) list actions which the approval holder will take to minimise the emission of noise from amplified music at the premises during the period of the plan; and
 - (ii) state a timetable for carrying out the actions; and
 - (iii) make provision for monitoring and recording compliance with the plan; and
 - (b) may address matters including—
 - (i) the location and height of a stage; and
 - (ii) the location and height of speakers; and
 - (iii) the direction of speakers; and
 - (iv) the closure of doors and windows; and
 - (v) details of the sound system; and

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- (vi) noise measurement procedures; and
 - (vii) hours of operation.
- (3) Compliance with a noise level specified in an approval condition will be determined by noise measurements carried out by an authorised person inside the amplified music venue at the measurement point specified in the approval.

7 Term of approval

- (1) The term of an approval commences on the date the approval is granted and expires on the date specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

8 Term of renewal of approval

This section has been intentionally left blank.

Table 1 – Default maximum levels of external emission of noise from amplified music

Day and time	Amplified music noise maximum level 1 ^{a, c}	Amplified music noise maximum level 2 ^{b, c}
10am to midnight on a Friday and Saturday 10am to 11.30pm on a Sunday, Monday, Tuesday, Wednesday and Thursday	LC _{eqT} 88dB	LL _{eqT} 45dB in any one-third octave band between and including 31.5Hz and 125Hz.
All other times	LC _{eqT} 65dB and LL _{eqT} 55dB in any one-third octave band between and including 31.5Hz and 125Hz.	LL _{eqT} 43dB in any one-third octave band between and including 31.5Hz and 125Hz.

- a At any point 1 metre external to the amplified music venue premises.
- b In a bedroom or living room of a residential or short term accommodation premises that is located in the same building as the amplified music venue premises, or which is separated from the venue building by a distance of 3 metres or less. This does not apply where a short-term accommodation premises and amplified music venue are within the same building and are owned and operated by the same entity.
- c In this table—
 - i. LC_{eqT} is the C-weighted equivalent continuous sound pressure level during measurement time T, where T equals 3 minutes; and
 - ii. LL_{eqT} is the un-weighted equivalent continuous sound pressure level during measurement time T, where T equals 3 minutes.

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Schedule 11 Operation of temporary entertainment events

section 9

1 Prescribed activity

Operation of temporary entertainment events.

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for an approval to operate a temporary entertainment event must be accompanied by—

- (a) details of the temporary entertainment event venue; and
- (b) a temporary entertainment event management plan, which may, depending on the scale of the event, include—
 - (i) a community consultation plan; and
 - (ii) an event management plan; and
 - (iii) a catering plan; and
 - (iv) a security plan; and
 - (v) an emergency management plan; and
 - (vi) an alcohol management plan; and
 - (vii) a noise management plan; and
 - (viii) a traffic management plan; and
 - (ix) a waste management plan; and
 - (x) a risk management plan; and
 - (xi) a public safety plan; and
- (c) a copy of a public liability insurance policy of not less than \$20,000,000 held by the applicant and which will remain current during the term of the approval; and
- (d) details of compliance with the requirements of State and Commonwealth Government agencies, including, where applicable—
 - (i) liquor licensing; and
 - (ii) transport and main roads; and
 - (iii) environmental management; and
 - (iv) workplace health and safety; and
 - (v) fireworks licensing.

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4 Additional criteria for the granting of approval

An additional criterion applicable to an application for approval to operate a temporary entertainment event is whether the application has been submitted a reasonable period of time prior to the proposed event.

Example—

For a low impact event, a period of around 6 weeks may be required to properly assess the application. For a high impact event, a period of at least 4 months may be required to properly assess the application.

5 Conditions that must be imposed on approvals

A condition that must be imposed on all approvals is that the approval holder must maintain, at all times during the term of the approval, a public liability insurance policy of not less than \$20,000,000 covering the prescribed activity.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval are that—

- (a) the event must not detrimentally affect the amenity of neighbouring premises by causing a nuisance; and
- (b) the event may only be undertaken within the hours specified in the approval; and
- (c) amplified noise from the event shall be directed away from a noise sensitive place; and
- (d) a person must not camp or sleep overnight in a place (other than a residence) covered by the temporary entertainment event unless authorised by the approval; and
- (e) the approval holder must notify all residents, organisations and persons likely to be affected by the operation of the event within a minimum period of 4 weeks leading up to the event; and
- (f) the approval holder must be able to provide quick responses to complaints and must maintain a complaints hotline (a landline phone number) for the duration of the event; and
- (g) the event must not adversely impact on community health, which necessitates compliance with the following requirements—
 - (i) the site must be kept free of pests and vermin and conditions offering harbourage for pests and vermin; and
 - (ii) if the event involves the use of animals, they must be suitably located and housed so as not to constitute a nuisance; and
 - (iii) where water is supplied for drinking purposes, it must be potable water; and
 - (iv) an adequate and continuous supply of water must be maintained to all permanent toilet, bathroom, kitchen, laundry and drinking water facilities that form part of the operation of the event; and
 - (v) all patrons must have access to adequate toilet facilities

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and hand basins; and

- (vi) the site must be maintained in a clean and sanitary condition during the event.

7 Term of approval

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

8 Term of renewal of approval

This section has been intentionally left blank.

Schedule 11A Temporary placement of a shipping container

section 9

1 Prescribed activity

Temporary placement of a shipping container

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

(1) An approval is not required under the authorising local law for the placement of a shipping container in each of the following circumstances—

- (a) the shipping container is—
 - (i) in place for less than—
 - (A) for a property in the urban zone—30 days; or
 - (B) for a property not in the urban zone —90 days; and
 - (ii) not likely to cause—
 - (A) a detrimental impact on the amenity of the area; or
 - (B) harm to human health or safety; or
 - (C) environmental harm; or
 - (D) obstruction to pedestrian or vehicular traffic; or
 - (E) obstruction of a view or vista from any premises; or
- (b) the shipping container is—
 - (i) placed on a construction site; and
 - (ii) used for the purposes of construction works; and
 - (iii) in place only for the period necessary to complete the construction works; and
 - (iv) not likely to cause—
 - (A) a detrimental impact on the amenity of the area; or
 - (B) harm to human health or safety; or
 - (C) environmental harm; or
 - (D) obstruction to pedestrian or vehicular traffic; or
 - (E) obstruction of a view or vista from any premises; or
- (c) the placement of the container is permitted under the terms or conditions of an approval issued by the local government for another prescribed activity.

Example for paragraph (c)—

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The temporary placement of a shipping container could be permitted under the terms or conditions of an approval for operation of a temporary entertainment event (see schedule 11).

- (2) In this schedule—

construction site means a site where there are active construction works or where works have temporarily ceased for no more than 30 days.

urban zone has the meaning given in the Sunshine Coast Planning Scheme, schedule 1.

3 Documents and materials that must accompany applications for approval

An application for an approval must be accompanied by full details of the proposal, including—

- (a) the name, address and telephone number of the person responsible for siting and maintaining the shipping container; and
- (b) the purpose for the placement of the container; and
- (c) a dimensioned site plan providing proposed siting location, boundary setbacks, existing building locations, vegetation and other features (for example, fencing); and
- (d) details demonstrating that the proposed siting has taken account of how to minimise impact on neighbouring residents and surrounding streetscape; and
- (e) details demonstrating that the siting will not cause an obstruction of pedestrian or vehicular traffic; and
- (f) photographic images of all sides of the shipping container and details of any proposed changes to its appearance; and
- (g) details demonstrating no impacts on view lines, either public or private.

4 Additional criteria for the granting of approval

For an application for an approval for the temporary placement of a shipping container, the additional criteria are that the placement will not be likely to cause—

- (a) a detrimental impact on the amenity of the area; or
Example of detrimental impacts on amenity for paragraph (a)—
 - rusted and/or broken metal on the structure;
 - graffiti;
 - overgrown vegetation surrounding the structure.
- (b) harm to human health or safety; or
- (c) environmental harm; or
- (d) obstruction to pedestrian or vehicular traffic; or
- (e) obstruction of a view or vista from any premises.

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5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

Conditions that will ordinarily be imposed are that the approval holder must—

- (a) keep the shipping container wholly within the boundaries of the property for which approval has been granted; and
- (b) if a specific location for the container is indicated in the approval—keep the shipping container sited at that location; and
- (c) ensure the external surfaces are rust free and kept in a consistent and maintained painted finish; and
- (d) ensure grass or other vegetation is maintained (for example, grass is mown and weeds are not present) in proximity to the shipping container; and
- (e) ensure the siting does not cause an obstruction to pedestrians or vehicular traffic.

7 Term of approval

- (1) The term of an approval commences on the date the approval is granted and expires on the date specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).
- (3) The term of an approval specified under subsection (1) must not exceed—
 - (a) for an urban area—90 days; or
 - (b) for another area—180 days.

8 Term of renewal of approval

No further term is permitted by way of renewal or extension of an approval for the temporary placement of a shipping container.

Schedule 12 Undertaking regulated activities regarding human remains— (a) disturbance of human remains buried outside a cemetery; or (c) disturbance of human remains in a local government cemetery

section 9

1 Prescribed activity

Undertaking regulated activities regarding human remains— (a) disturbance of human remains buried outside a cemetery; or (c) disturbance of human remains in a local government cemetery.

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

The disturbance of human remains does not require approval under the authorising local law if it is undertaken—

- (a) pursuant to an order of the coroner or other lawful authority; or
- (b) by an authorised person for the purposes of the reopening of a grave, installation of a memorial or exhumation of human remains.

3 Documents and materials that must accompany applications for approval

An application for an approval must be accompanied by—

- (a) a site plan and specifications for any work to be undertaken and materials and equipment used; and
- (b) copies of all legal documents pertaining to any proposed disturbance of human remains; and
- (c) signed consent of the person or entity who will undertake the work; and
- (d) signed consent of the executor of the will, or the next of kin, of the deceased person whose remains are to be disturbed.

4 Additional criteria for the granting of approval

This section has been intentionally left blank.

5 Conditions that must be imposed on approvals

A condition that must be imposed on an approval is that the activity must be carried out by a recognised funeral director, coroner or other lawful authority.

6 Conditions that will ordinarily be imposed on approvals

This section has been intentionally left blank.

7 Term of approval

This section has been intentionally left blank.

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8 Term of renewal of approval

This section has been intentionally left blank.

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Schedule 13 Undertaking regulated activities regarding human remains—(b) burial or disposal of human remains outside a cemetery

section 9

1 Prescribed activity

Undertaking regulated activities regarding human remains—(b) burial or disposal of human remains outside a cemetery.

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

An approval under the authorising local law is not required to scatter cremated remains, providing the activity does not cause a nuisance to any person.

3 Documents and materials that must accompany applications for approval

An application for an approval must be accompanied by—

- (a) evidence regarding the criteria in section 4 of this schedule; and
- (b) evidence of the ownership of the property where the remains are to be buried or disposed of; and
- (c) Global Positioning System (GPS) reference points to identify the proposed burial or disposal location; and
- (d) a comprehensive description of the burial or disposal method and ongoing management of the site; and
- (e) authorisation to add the details of the burial to the local government's property data file.

4 Additional criteria for the granting of approval

The additional criteria for approvals for burial or disposal of human remains outside a cemetery are that either—

- (a) there is a special family, personal or historical association between the deceased person and the place in which the remains are to be buried or disposed of; or
- (b) the deceased is a member of a family and the human remains of other members of the family have been disposed of in the family cemetery.

5 Conditions that must be imposed on approvals

Conditions that must be imposed on an approval are that the approval holder must ensure that—

- (c) the activity is carried out by a recognised funeral director; and
- (d) no public health risk arises from the activity; and
- (e) the funeral director complies with directions given by an authorised person about—
 - (i) the preparation of a grave for the burial of human remains;

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or

- (ii) other matters affecting the disposal of human remains; and
- (f) Global Positioning System (GPS) reference points are captured and recorded and forwarded to the local government to identify the final burial location, at the cost of the approval holder; and
- (g) a comprehensive description of the burial method and ongoing management of the site is supplied to the local government following the burial; and
- (h) authorisation is given to the local government to add the details of the burial to the local government property data file.

6 Conditions that will ordinarily be imposed on approvals

This section has been intentionally left blank.

7 Term of approval

This section has been intentionally left blank.

8 Term of renewal of approval

This section has been intentionally left blank.

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Schedule 14 Undertaking regulated activities on local government controlled areas and roads

section 9

1 Prescribed activity

Undertaking regulated activities on local government controlled areas and roads.

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for an approval must be accompanied by—

- (a) a site plan or map showing the relevant part of the road or local government controlled area to be affected by the activity; and
- (b) a copy of a public liability insurance policy of not less than \$20,000,000 held by the applicant and which will remain current during the term of the approval, except in the case of an application for an approval for street performance; and
- (c) a signed indemnity in the wording specified in the application form.

4 Additional criteria for the granting of approval

For an application for approval, the additional criteria are that the activity will not be likely to cause—

- (a) harm to human health and safety; or
- (b) property damage; or
- (c) a nuisance; or
- (d) obstruction of pedestrian or vehicular traffic; or
- (e) environmental harm; or
- (f) environmental nuisance; or
- (g) a loss of amenity; or
- (h) an obstruction of a view or vista from any premises.

5 Conditions that must be imposed on approvals

- (1) A condition that must be imposed on all approvals is that the approval holder must maintain, at all times during the term of the approval, a public liability insurance policy of not less than \$20,000,000 covering the prescribed activity.
- (2) However, the public liability insurance policy mentioned in subsection (1) is not required for an approval to conduct a wedding service.

6 Conditions that will ordinarily be imposed on approvals

This section has been intentionally left blank.

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7 Term of approval

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

8 Term of renewal of approval

This section has been intentionally left blank.

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Schedule 15 Use of bathing reserves for training, competitions etc

section 9

1 Prescribed activity

To—

- (a) set apart a bathing reserve or a part of a bathing reserve for life-saving training on an exclusive basis; or
- (b) use any part of a bathing reserve for the conduct of a surfing competition or another aquatic activity (*Local Law No. 6 (Bathing Reserves) 2011*, section 10(1)).

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for an approval must be accompanied by the documents and materials set out in section 3 of schedule 11 of this subordinate local law.

4 Additional criteria for the granting of approval

This section has been intentionally left blank.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

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

- (a) maintain a public liability insurance policy of not less than \$20,000,000 covering the activity and which also indemnifies the local government in respect of any liability arising from the activity; and
- (b) ensure that approved contractors involved in the activity are covered by a public liability insurance policy of not less than \$20,000,000 covering the activity; and
- (c) strictly adhere to the location and times (including set up and clean up times) specified in the approval; and
- (d) comply with all standards and requirements specified in the approval in relation to workplace health and safety, first aid, use of electrical equipment, use of generators, installation of temporary structures, provision of toilet facilities and amenities, site set-up, signage and banners, waste management, notification of the community, use of public address systems, conduct of beach activities and wet weather contingency; and

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- (e) comply with specified requirements in the approval in relation to environmental management and beach protection; and
- (f) comply with specified requirements relating to vehicle access to beaches and parks; and
- (g) minimise the disruption or disturbance to the public and, in particular, accommodation houses and neighbouring residences; and
- (h) ensure the good conduct and management of the area whilst in use for the approved activity; and
- (i) at all times, maintain the rights of the public to use barbeques, shelters, toilet blocks, park area and foreshore.

7 Term of approval

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

8 Term of renewal of approval

This section has been intentionally left blank.

Schedule 16 Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee

section 9

1 Prescribed activity

Parking contrary to an indication on an official traffic sign regulating parking by time or payment of a fee (*Local Law No.5 (Parking) 2011*, section 7(1)).

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

This section is not applicable for this prescribed activity.

3 Documents and materials that must accompany applications for approval

An application for a parking permit must be accompanied by the following information—

- (a) for a residential parking permit—
 - (i) the registration number, make, model and colour of any vehicle nominated in the application; and
 - (ii) the address at which the vehicle will be parked using the permit; and
 - (iii) proof of the applicant's residential address, such as a driver's licence or utility bill; and
 - (iv) proof that the vehicle is registered to, or will be primarily used by, a resident at the residential address, such as—
 - (A) current vehicle registration notice or transfer document showing applicant's address; or
 - (B) for a company vehicle, a letter from the company that states the applicant's home address confirming that the applicant is a company employee with use of the vehicle;
- (b) for a works zone permit—
 - (i) the registration number, make, model and colour of any vehicle nominated in the application; and
 - (ii) the address at which the vehicle/s will be parked; and
 - (iii) details of the works being carried out on the premises including—
 - (A) a copy of any approval or application for approval required for the works (for example, a development application and/or building works approval); and

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- (B) in the case of continuing traffic, the nature and type of the traffic and the general class of vehicle likely to be parked in the works zone; and
 - (C) the hours of operation; and
- (c) for a pre-paid parking permit—
 - (i) the registration number, make, model and colour of the vehicle nominated in the application; and
 - (ii) for war veterans only—evidence of veteran status (for example, Department of Veterans Affairs file number, military service number, photocopy of Gold Card (detailing theatre of war), or military service details); and
- (d) for a health and community services permit—
 - (i) the registration number, make, model and colour of the vehicle nominated in the application; and
 - (ii) evidence of the vehicle user's registration as a health practitioner or registration as a charity with the Australian Charities and Not-for-profits Commission.

4 Additional criteria for the granting of approval

- (1) The additional criteria for granting a residential parking permit are—
 - (a) that the applicant resides at a premises immediately adjacent to a parking space or spaces to which the permit relates; and
 - (b) usage of the parking space or spaces is of such a high rate that parking is often unavailable to the resident.
- (2) The additional criterion for a works zone permit is that the applicant is undertaking building or construction work in the local government area.
- (3) The additional criteria for a pre-paid parking permit for a war veteran are that the applicant—
 - (a) has their principal residence in the local government area; and
 - (b) has actively served with Australian and Allied Forces in conflicts recognised by the Department of Veteran Affairs; and
 - (c) is the holder of a Gold Card.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on a parking permit are that—

- (a) the permit applies to the vehicle registration and applicant nominated on the application form; and
- (b) the permit must be affixed to the lower left-hand corner of the windscreen or other highly visible location on the left-hand side of the vehicle; and

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- (c) the permit is not transferable to the new owner of the vehicle if the vehicle is sold; and
- (d) in the event of a change of vehicle the permit holder is required to destroy the permit; and
- (e) in the event of a change of vehicle the permit holder is to complete a new application form with new vehicle details; and
- (f) the permit is only valid on local government roads and off-street regulated parking areas; and
- (g) damaged or defaced permits must be returned to the local government; and
- (h) a permit must not be wilfully misused; and
- (i) the permit holder must not hold a permit for more than one vehicle; and
- (j) for war veterans—
 - (i) the permit applies to the vehicle type, registration and the person nominated on the application form, where a permit holder is either driver or passenger; and
 - (ii) the permit is not transferable and must be destroyed or returned to the local government if the permit holder ceases to reside within the local government area.

7 Term of approval

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

8 Term of renewal of approval

This section has been intentionally left blank.

Schedule 17 Parking in a loading zone by displaying a commercial vehicle identification label

section 9

1 Prescribed activity

Parking in a loading zone by displaying a commercial vehicle identification label (*Local Law No.5 (Parking) 2011*, section 8(1)).

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

This section is not applicable for this prescribed activity.

3 Documents and materials that must accompany applications for approval

An application for a commercial vehicle identification label must be accompanied by a copy of the current registration notice for the relevant vehicle.

4 Additional criteria for the granting of approval

This section has been intentionally left blank.

5 Conditions that must be imposed on approvals

This section has been intentionally left blank.

6 Conditions that will ordinarily be imposed on approvals

The conditions that will ordinarily be imposed on an approval are that—

- (a) the approval applies to the vehicle registration and applicant nominated on the application form; and
- (b) the label must be affixed to the lower left-hand corner of the windscreen or other highly visible location on the left-hand side of the vehicle; and
- (c) the label is not transferable to the new owner of the vehicle if the vehicle is sold; and
- (d) in the event of a change of vehicle the approval holder is required to destroy the label; and
- (e) in the event of a change of vehicle the approval holder is to complete a new application form with new vehicle details; and
- (f) damaged or defaced labels must be returned to the local government; and
- (g) a label must not be wilfully misused.

7 Term of approval

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.

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- (2) An approval expires at the end of the day for expiry specified in subsection (1).

8 Term of renewal of approval

This section has been intentionally left blank.

Schedule 18 Carrying out works on a road or interfering with a road or its operation

section 9

1 Prescribed activity

Carrying out works on a road or interfering with a road or its operation (*Local Government Act 2009*, section 75(2)).

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

This section has been intentionally left blank.

3 Documents and materials that must accompany applications for approval

An application for approval must be accompanied by—

- (a) if the application is for installation of a gate or grid—
 - (i) documents detailing the gate or grid to be installed, including—
 - (A) its design, dimensions and construction, including details of the grid structure, the foundations, the abutment, the approach ramps and the horizontal and vertical alignment; and
 - (B) a site plan to scale and specifications of the gate or grid to be installed; and
 - (ii) details of all insurances held by the person who will be installing the gate or grid; and
- (b) if the application is for domestic work⁸ on a road reserve—a site plan, clearly showing all proposed construction within the road reserve; and
- (c) if the application is for commercial⁹ and other work¹⁰ on a road reserve—
 - (i) site plans;
 - (ii) landscape plans;
 - (iii) a program of work;
 - (iv) a traffic and pedestrian management plan prepared by a qualified professional.

4 Additional criteria for the granting of approval

- (1) Additional criteria applicable for all approvals are that—

⁸ See the local government's website for further information about this category of application.

⁹ See the local government's website for further information about this category of application.

¹⁰ See the local government's website for further information about this category of application.

- (a) new assets installed on the local government road will be of adequate quality; and
 - (b) existing community assets will be adequately preserved; and
 - (c) disruption to the general community as a result of the work will be minimised.
- (2) Additional criteria for applications for the installation of a gate or grid on a road are that—
 - (a) the gate or grid will not unduly obstruct pedestrian or vehicular traffic; and
 - (b) the gate or grid will not prejudice the safety of pedestrian or vehicular traffic; and
 - (c) the gate or grid will not prejudice the proper maintenance of the road; and
 - (d) the matters which are the subject of the conditions specified in section 6(2) of this schedule which are relevant to the installation of the gate or grid can be adequately addressed by the imposition of those conditions.

5 Conditions that must be imposed on approvals

For approvals for installing or operating gates or grids on a road, a condition that will ordinarily be imposed is that the approval holder must ensure that the gate or grid has certification by a Registered Professional Engineer of Queensland (RPEQ).

6 Conditions that will ordinarily be imposed on approvals

- (1) For approvals for installing or operating gates or grids on a road, the conditions that will ordinarily be imposed are that the approval holder must ensure that—
 - (a) the gate or grid, the approaches to the gate or grid and the warning signs are erected and installed in accordance with the following requirements—
 - (i) a grid or gate must be erected—
 - (A) at locations approved by the local government; and
 - (B) as directed by the local government; and
 - (ii) *omitted*
 - (iii) the centre of the grid or gate coincides with the centreline of the road; and
 - (iv) a gate is constructed at right angles to the road centreline; and
 - (v) the grade of the motor grid conforms to the grade of the road unless otherwise ordered by the local government; and

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- (vi) the levels of the grid surface (including crossfalls) are in accordance with the directions of the local government; and
- (vii) when the grid is on a curve, the crossfall conforms to the cant of the curve; and
- (viii) the surface of the grid is 0.5 metres (with a tolerance of 0.1 metre) above the natural surface of the surrounding country; and
- (ix) hardstand approach ramps are constructed for the full width of the running surface of the grid; and
- (x) the longitudinal grade of the approach ramps are such that the surface levels of the ramps deviate from the existing average grade of the road by not more than 1%; and
- (xi) the fill used in the approach ramps is thoroughly compacted and finished to the satisfaction of the local government; and
- (xii) a grid is constructed of steel or concrete and is—
 - (A) of dimensions not less than 3.66 metres by 1.80 metres; or
 - (B) of such greater dimensions as may be required by the local government; and
- (xiii) the grid structure, the foundations, the abutment, the approach ramps and the horizontal and vertical alignment—
 - (A) are sufficient to guarantee the safe transit of vehicles; and
 - (B) will not interfere with the natural drainage of the area; and
- (xiv) the construction of the grid will allow for the movement of stock by a suitable gate erected—
 - (A) beside the grid; and
 - (B) within the road reserve; and
- (xv) sufficient guide posts and rails are provided, as shown on the drawings, to satisfy road traffic safety requirements at the specific location; and
- (xvi) reflectorised grid warning signs which satisfy the requirements of the Manual of Uniform Traffic Control Devices (Queensland) are provided at the approaches to the grid in accordance with best traffic safety practice; and
- (b) the gate or grid, the approaches thereto and the warning signs are maintained to the standard specified in the local government's standard specification; and

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- (c) public liability insurance in relation to the gate or grid is taken out and maintained for an amount not less than \$20,000,000 or such an amount as determined by the local government and which also indemnifies the local government in respect of any liability arising from the gate or grid.
- (2) For all other approvals, a condition that will ordinarily be imposed is that the approval holder must maintain, at all times during the term of the approval, a public liability insurance policy that covers the prescribed activity up to an amount of not less than \$20,000,000.

7 Term of approval

- (1) The term of an approval commences on the date the approval is granted and expires on the next 30th day of June, unless otherwise specified in the approval.
- (2) An approval expires at the end of the day for expiry specified in subsection (1).

8 Term of renewal of approval

The term of a renewal of the approval shall be the term stated in the renewal.

Schedule 19 Extraordinary building work noise permits

section 10

1 Documents and materials that must accompany applications for a permit

An application for an extraordinary building work noise permit must be accompanied by—

- (a) the name, address, telephone number and email address, of the person applying for the permit; and
- (b) the trading name, street address, telephone number, email address, registered business name and Australian Business Number of the business undertaking the activity that is the subject of the permit; and
- (c) the name, address, mobile telephone number and email address, of the person who will have control of the building site at the times the activity that is the subject of the permit is to be carried out; and
- (d) a copy of any licence or approval required by a relevant authority (for example, the Queensland Building and Construction Commission) to carry out the building work the subject of the application; and
- (e) details of the activity proposed to be carried out, including—
 - (i) the nature of the building work; and
 - (ii) the times and places at which the building work will be carried out; and
 - (iii) the nature of the building work proposed to be carried out outside the standard building work hours; and
 - (iv) the reasons why it is proposed that the building work is carried out outside the standard building work hours; and
 - (v) the proposed term of the permit; and
- (f) a plan or scale map showing—
 - (i) the location of the premises at which the building work will be carried out; and
 - (ii) the location (and identifying particulars) of any noise sensitive place that will be exposed to audible noise caused by the building work outside the standard building work hours; and
 - (iii) the location and details of all noise sources from the building work.

2 Additional criteria for the granting of permit

For an application for an extraordinary building work noise permit, the additional criteria are that—

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- (a) the building work will be undertaken on a temporary basis for a specified period of time; and
- (b) the building work will not cause unreasonable noise in a building at which the noise can be heard; and
- (c) the applicant has demonstrated that—
 - (i) there are extraordinary circumstances justifying why the building work should occur outside the standard building work hours; or
 - (ii) there are environmental or public safety reasons why the building work should occur outside the standard building work hours.

Examples for subparagraph (i)—

- Carrying out the building work outside of the standard building work hours is necessary to minimise disruption caused by impacts on critical transport or utility infrastructure.
- Carrying out the building work within the standard building work hours would cause unacceptable traffic impact.

Example for subparagraph (ii)—

The building work will involve asbestos removal that would increase safety risks to the public if carried out during the standard building work hours.

3 Conditions that must be imposed on permits

This section has been intentionally left blank.

4 Conditions that will ordinarily be imposed on permits

Conditions that will ordinarily be imposed on an extraordinary building work noise permit are that the permit holder must—

- (a) only carry out the building work at the times specified in the permit; and
- (b) limit the activity to work of a particular type, or use of particular equipment, and at particular times, as specified; and
- (c) ensure that reversing beepers or squawkers are deactivated and spotters are used during night-time works to the extent permitted under the *Work Health and Safety Act 2011*; and
- (d) ensure engines in vehicles or equipment are well muffled;
- (e) not use whistles or amplified communication devices, other than two-way radios; and
- (f) keep volume on any communication devices to a minimum; and
- (g) ensure that no radios or other amplified music or entertainment devices are used; and
- (h) ensure any work involving the emission of high intensity ultraviolet light or the use of a floodlight is shielded to protect members of the public; and

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- (i) ensure no materials are placed in skip bins (or similar) outside the standard building work hours; and
- (j) ensure all external doors of the building remain closed during the carrying out of the building work; and
- (k) ensure all workers are off-site by no later than a specified time; and
- (l) ensure delivery vehicles do not load or unload goods for use on the site outside the standard building work hours; and
- (m) prior to the commencement of the building work, notify the Queensland Police Service, Queensland Fire and Emergency Services and the Department of Transport and Main Roads; and
- (n) ensure that the activity does not affect the movement of traffic; and
- (o) take other specified action to minimise the impact of the noise generated by the building work, including, but not limited to, any or all of the following—
 - (i) the construction and maintenance of noise barriers and enclosures around noisy equipment or along the noise transmission path;
 - (ii) the implementation of noise reduction measures at noise sensitive places;
 - (iii) the use of low noise equipment;
 - (iv) the carrying out of routine maintenance on fans to minimise bearing noise;
 - (v) the repair and replacement of defective mufflers and equipment; and
- (p) establish and maintain a procedure for taking and managing complaints about noise from the building work carried out outside the standard building work hours, which must—
 - (i) provide a 24 hour telephone number for persons to call to make a complaint about the noise caused by the building work; and
 - (ii) set out the procedure that must be followed by the applicant after the receipt of a complaint to ensure the complaint is adequately addressed; and
 - (iii) require that the local government is notified of any complaint within 24 hours after the complaint is received; and
- (q) provide written notification (in the prescribed form) of the commencement of any building work carried out outside the standard building work hours to the following persons, not less than 48 hours prior to the commencement of the building work—
 - (i) the residents or operators of any noise sensitive place exposed to audible noise caused by the building work; and

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- (ii) the local government; and
- (r) erect signage—
 - (i) located—
 - (A) at the premises where the building work is being carried out; and
 - (B) in a prominent position viewable from the road, or such other position specified in the permit; and
 - (ii) clearly identifying—
 - (A) the permit number issued by the local government; and
 - (B) the dates and times at which the permit authorises the building work to be carried out outside the standard building work hours; and
 - (C) the 24 hour telephone number for persons to call to make a complaint about the noise caused by the building work.

5 Term of permit

- (1) The term of a permit commences on the date the permit is granted and expires on the date specified in the permit.
- (2) A permit expires at the end of the day for expiry specified in subsection (1).

6 Term of renewal of permit

This section has been intentionally left blank.

Endnotes

1 Date to which amendments incorporated

This consolidated version includes all amendments that commenced operation on or before 2 June 2023.

2 Table of consolidated versions

Consolidated Version No.	Amendments included	Effective	Notes
1	Amendment Subordinate Local Law No. 1 (Miscellaneous) 2019	10 May 2019	
2	Amendment Subordinate Local Law No. 3 (Miscellaneous) 2019	20 December 2019	
3	Amendment Subordinate Local Law No. 1 (Miscellaneous) 2023	2 June 2023	

3 List of amending local laws

Amendment Subordinate Local Law No. 1 (Miscellaneous) 2019

date of Council resolution 30 April 2019
date of gazettal 10 May 2019
commenced on date of gazettal

Amendment Subordinate Local Law No. 3 (Miscellaneous) 2019

date of Council resolution 12 December 2019
date of gazettal 20 December 2019
commenced on date of gazettal

Amendment Subordinate Local Law No. 1 (Miscellaneous) 2023

date of Council resolution 25 May 2023
date of gazettal 2 June 2023
commenced on date of gazettal

4 List of annotations

Definitions

s4 amended by Amendment Subordinate Local Law No. 3 (Miscellaneous) 2019 s4;
Amendment Subordinate Local Law No. 1 (Miscellaneous) 2023 s4

State-controlled roads to which stated local laws apply

s8 replaced by Amendment Subordinate Local Law No. 3 (Miscellaneous) 2019 s5

Matters regarding extraordinary building work noise permits

s10 inserted by Amendment Subordinate Local Law No. 1 (Miscellaneous) 2023 s5

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SCHEDULE 1—CATEGORIES OF PRESCRIBED ACTIVITIES FOR THE PURPOSES OF MAXIMUM PENALTIES

amended by Amendment Subordinate Local Law No. 3 (Miscellaneous) 2019 s6;
Amendment Subordinate Local Law No. 1 (Miscellaneous) 2023 s11

SCHEDULE 4—ALTERATION OR IMPROVEMENT TO LOCAL GOVERNMENT CONTROLLED AREAS AND ROADS

- s2** amended by Amendment Subordinate Local Law No. 1 (Miscellaneous) 2019 s4
- s3** amended by Amendment Subordinate Local Law No. 1 (Miscellaneous) 2019 s4
- s4** amended by Amendment Subordinate Local Law No. 1 (Miscellaneous) 2019 s4;
Amendment Subordinate Local Law No. 1 (Miscellaneous) 2023 s12
- s5** amended by Amendment Subordinate Local Law No. 1 (Miscellaneous) 2019 s4
- s6** amended by Amendment Subordinate Local Law No. 1 (Miscellaneous) 2019 s4
- s8** amended by Amendment Subordinate Local Law No. 1 (Miscellaneous) 2019 s4

SCHEDULE 5A—CAUSING BUILDING SITE DELIVERY NOISE

- inserted by Amendment Subordinate Local Law No. 3 (Miscellaneous) 2019 s7
- s3** amended by Amendment Subordinate Local Law No. 1 (Miscellaneous) 2023 s13
- s4** amended by Amendment Subordinate Local Law No. 1 (Miscellaneous) 2023 s13
- s6** amended by Amendment Subordinate Local Law No. 1 (Miscellaneous) 2023 s13

SCHEDULE 5B—CAUSING BUILDING WORK NOISE

inserted by Amendment Subordinate Local Law No. 3 (Miscellaneous) 2019 s7;
omitted by Amendment Subordinate Local Law No. 1 (Miscellaneous) 2023 s14

SCHEDULE 8—PLACEMENT OF MOVABLE ADVERTISING DEVICES

- s2** amended by Amendment Subordinate Local Law No. 1 (Miscellaneous) 2019 s5

SCHEDULE 9—KEEPING OF ANIMALS

- s3** amended by Amendment Subordinate Local Law No. 3 (Miscellaneous) 2019 s8

SCHEDULE 10A—OPERATION OF AN AMPLIFIED MUSIC VENUE WITHIN A SPECIAL ENTERTAINMENT PRECINCT

inserted by Amendment Subordinate Local Law No. 3 (Miscellaneous) 2019 s9

SCHEDULE 11A—TEMPORARY PLACEMENT OF A SHIPPING CONTAINER

inserted by Amendment Subordinate Local Law No. 3 (Miscellaneous) 2019 s10

SCHEDULE 16—PARKING CONTRARY TO AN INDICATION ON AN OFFICIAL TRAFFIC SIGN REGULATING PARKING BY TIME OR PAYMENT OF A FEE

- s3** amended by Amendment Subordinate Local Law No. 3 (Miscellaneous) 2019 s11

SCHEDULE 17—PARKING IN A LOADING ZONE BY DISPLAYING A COMMERCIAL VEHICLE IDENTIFICATION LABEL

- s3** amended by Amendment Subordinate Local Law No. 3 (Miscellaneous) 2019 s12

SCHEDULE 18—CARRYING OUT WORKS ON A ROAD OR INTERFERING WITH A ROAD OR ITS OPERATION

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- s4 amended by Amendment Subordinate Local Law No. 1 (Miscellaneous) 2019 s6
- s5 amended by Amendment Subordinate Local Law No. 1 (Miscellaneous) 2019 s6
- s6 amended by Amendment Subordinate Local Law No. 1 (Miscellaneous) 2019 s6

SCHEDULE 19— EXTRAORDINARY BUILDING WORK NOISE PERMITS

inserted by Amendment Subordinate Local Law No. 1 (Miscellaneous) 2023 s15

CONSOLIDATED VERSION – AS AT 2 JUNE 2023

Sunshine Coast Regional Council Local Law No. 2 (Animal Management) 2011

CONSOLIDATED VERSION NO. 5

incorporating amendments up to 2 June 2023

adopted by Sunshine Coast Regional Council on 22 June 2023 pursuant to
section 32 of the *Local Government Act 2009*

Sunshine Coast Regional Council Local Law No. 2 (Animal Management) 2011

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Sunshine Coast Regional Council Local Law No. 2 (Animal Management) 2011

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 2 (Animal Management) 2011*.

1A Commencement

This local law commences on 1 January 2012.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to assist the local government in the management of animals by—
 - (a) minimising the risk to community health, safety and amenity; and
 - (b) reducing environmental harm or environmental nuisance; and
 - (c) supporting animal owners to keep their animals in a manner that is consistent with the expectations of the community.
- (2) The purpose is to be achieved by providing for—
 - (a) systems and processes for the effective management of domestic animals; and
 - (b) effective management of animals in public places and areas declared of significant environmental value by the local government; and
 - (c) the establishment and administration of animal pounds; and
 - (d) the seizure and destruction of animals in certain circumstances.

3 Definitions—the dictionary

Schedule 1 (Dictionary) of *Local Law No. 1 (Administration) 2011* defines particular words used in this local law.

4 Relationship with other laws¹

This local law is—

- (a) in addition to, and does not derogate from—
 - (i) laws regulating the use or development of land; and
 - (ii) other laws about the keeping or control or welfare of animals; and
- (b) to be read with *Local Law No. 1 (Administration) 2011*.

¹¹ This local law and any subordinate local law made under it do not apply to the extent of any inconsistency with a law of the State or Commonwealth. See the Act, section 27.

Part 1A Cat registration

Division 1 Interpretation

4A Definitions

In this part—

cat register see section 4P.

desexed, for a cat, means to surgically remove its gonads for the purpose of making it permanently incapable of reproducing.

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

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

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

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

registration notice, for a cat, means a notice stating the information in section 4G(3)(b) for the cat.

Division 2 Particular person's obligations

4B Registration obligation

- (1) This section does not apply to—
 - (a) the operator of a pound or shelter; or
 - (b) the owner of a cat less than 12 weeks old.
- (2) An owner of a cat must comply with section 4D to register the cat in the local government's area within 14 days after starting to keep the cat in the area unless the person has a reasonable excuse.
Maximum penalty—20 penalty units.
- (3) A person who becomes an owner of a cat must comply with section 4D to register the cat in the local government's area within 14 days unless the person has a reasonable excuse.
Maximum penalty—20 penalty units.
- (4) In this section—

pound means a premises maintained for the purpose of impounding animals.

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

4C Cat must bear identification in particular circumstances

- (1) This section applies if a cat is at a place other than the address stated in the registration notice for the cat.
- (2) The person who keeps the cat must ensure it bears the identification prescribed under section 10 unless the person has a reasonable excuse.

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Maximum penalty—20 penalty units.

Division 3 How cat is registered

4D What owner must do

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

- (a) give the local government a registration form for it that complies with section 4E; and
- (b) ensure the registration form is accompanied by—
 - (i) the registration fee for the cat; and
 - (ii) if it is desexed—a signed veterinary surgeon's certificate stating, or other evidence that, it has been desexed; and
- (c) if a notice is given to the owner under section 4F(2)—give the chief executive officer of the local government any other information or documents required to be given in the notice.

4E What registration form must state

- (1) A registration form for the registration of a cat in the local government's area must—
 - (a) be in the form approved by the local government; and
 - (b) state all of the following information about its owner—
 - (i) name;
 - (ii) residential address;
 - (iii) contact telephone number;
 - (iv) email address, if any; and
 - (c) state all of the following information about the cat—
 - (i) age;
 - (ii) breed;
 - (iii) colour;
 - (iv) sex;
 - (v) any other noticeable distinguishing features or marks;
 - (vi) address;
 - (vii) if it is implanted with a PID, the PID number;
 - (viii) if it is desexed—that it has been desexed.

- (2) In this section—

address, for a cat, means the address of the place where the cat is usually kept or proposed to be kept.

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

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

4F Chief executive officer may ask for further information

- (1) This section applies if the owner of a cat gives the local government—
 - (a) a registration form under section 4D; or
 - (b) a notice mentioned in section 4K(2) or 4N(2).
- (2) The chief executive officer of the local government may, by notice, require the owner to give other information or documents reasonably required to register the cat.
- (3) The notice must state a reasonable period of at least 14 days to comply with the notice.

4G Local government must give registration notice

- (1) This section applies if an owner of a cat complies with section 4D for the cat.
- (2) The local government must give its owner notice (the *registration notice*) that the cat has been registered by the local government.
- (3) The registration notice must—
 - (a) be given to the owner within 14 days after the cat is registered in the local government's area; and
 - (b) state—
 - (i) the information, for the owner and the cat, required to be given under sections 4E and 4F(2); and
 - (ii) the period of the registration; and
 - (c) be accompanied by any registration device for the cat.

4H Duration of registration

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

4I Local government must keep registration form and information

After giving a registration notice to the owner of a cat, the local government must—

- (a) keep the registration form and other information about the cat given to it by the owner; and
- (b) if the information must be recorded in a register kept by the chief executive officer of the local government— within 7 days, record the information in the register.

4J Registration fee must be fixed to give desexing incentive

- (1) This section applies to the local government in fixing the registration fee for a cat usually kept or proposed to be kept in the local government's area.
- (2) The local government must fix the fee to give the owner of the cat an incentive to desex it.

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*Example of an incentive to desex a cat—
fixing a lower registration fee for a cat that is desexed*

Division 4 Amendment of registration

4K Amendment of registration

- (1) This section applies if any information stated on the registration notice for a cat changes (the ***changed information***).
- (2) The owner of the cat must, within 7 days, give the local government notice of the changed information.
Maximum penalty—5 penalty units.
- (3) The notice must be—
 - (a) in the form approved by the local government; and
 - (b) accompanied by other information or documents to enable the local government to record the changed information in the cat register.

4L Local government must give notice of change

- (1) This section applies if the chief executive officer of the local government is given a notice under section 4K(2).
- (2) The chief executive officer may ask the owner of the cat for other information or documents in the way mentioned in section 4F.
- (3) The owner must give the chief executive officer the information or documents required to be given in the notice mentioned in section 4F(2).
Maximum penalty—5 penalty units.
- (4) If the owner complies with subsection (3), the chief executive officer must—
 - (a) within 7 days after receiving a notice mentioned in section 4K(2) or other information or document given under section 4F, ensure the information is updated in the cat register in a way that reflects the change; and
 - (b) within 14 days after receiving the notice, ensure the owner is given a notice for the cat that includes the changed information mentioned in section 4K.

Division 5 Renewal of registration

4M Local government must give renewal notice

- (1) The chief executive officer of the local government must give the owner of a cat notice (the ***renewal notice***) to renew the registration for the cat.
- (2) The renewal notice must—
 - (a) be given at least 14 days before the period of registration for the cat expires; and
 - (b) state—
 - (i) the information, for the owner and the cat, stated in the cat

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register; and

- (ii) the period of renewal of registration; and
- (iii) that the owner must, within 7 days, give the chief executive officer notice of any change to the information.

4N What owner must do

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

Maximum penalty—20 penalty units.
- (3) However, if a registration form for a cat has already been accompanied by the certificate or evidence mentioned in subsection (2) for the cat, the certificate or evidence need not accompany the fee.

4O Local government's obligations if owner complies

- (1) This section applies if the owner of a cat given a renewal notice under section 4M complies with section 4N for the cat.
- (2) The chief executive officer of the local government may ask the owner for other information or documents in the way mentioned in section 4F.
- (3) The owner must give the chief executive officer the information or documents required to be given in the notice mentioned in section 4F(2).
Maximum penalty—5 penalty units.
- (4) If the owner complies with subsection (3), the chief executive officer must—
 - (a) within 7 days after receiving the notice mentioned in section 4N(2), ensure the information is updated in the cat register in a way that reflects the change; and
 - (b) within 14 days after receiving the fee, any information or documents mentioned in section 4N(2) or other information or documents given under section 4F, give the owner any registration device for the cat.

Division 6 Cat register

4P Cat register

The chief executive officer of the local government must keep a register about cats usually kept or proposed to be kept in the local government's area (the *cat register*).

4Q Contents of the cat register

The cat register must include all of the following information for each cat mentioned in section 4P—

- (a) the information about the cat and its owner stated in a registration notice for the cat, given under section 4G;
- (b) other information the local government considers appropriate.

4R Public access to cat register

- (1) The local government must keep its cat register open to inspection at the public office of the local government.
- (2) However, subsection (1) does not apply for information about an owner of a cat required to be stated in a registration notice for the cat.

Part 2 Meaning of effective management

5 Application of part to regulated dogs

The provisions of this part are in addition to, and do not derogate from, the requirements of the *Animal Management (Cats and Dogs) Act 2008* relating to regulated dogs.

6 Meaning of effective management of an animal in a public place

- (1) For the purposes of this local law, a dog is under *effective management* in a public place if it is—
 - (a) restrained by a leash, which is—
 - (i) on a collar around the neck, muzzle or shoulders of the dog; and
 - (ii) being held by a person who is physically able to manage the dog; or
 - (b) restrained to a fixed object and is under the direct supervision of a person who is physically able to manage the dog; or
 - (c) restrained in or on a vehicle and is unable to reach beyond the extremities of the vehicle; or
 - (d) participating in an obedience trial or training for an obedience trial, under the supervision of an incorporated organisation recognised by the local government for the purposes of this paragraph; or
 - (e) being exhibited at an exhibition under the supervision of an organisation recognised by the local government for the purposes of this paragraph; or
 - (f) in a designated dog off leash area and—

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- (i) under the direct supervision of a person who is physically able to manage the dog and is carrying a leash; and
 - (ii) not harassing, intimidating, attacking, stalking, mounting or body slamming another animal or person; or
- (g) a drover's dog or farm work dog that is actually engaged in the movement of livestock; or
- (h) a guard dog that is—
 - (i) working and in close proximity to the owner or responsible person for the dog; and
 - (ii) being used for the purpose of guarding premises.
- (2) For the purposes of this local law, a domestic cat is under *effective management* in a public place if it is—
 - (a) contained within an enclosure; or
 - (b) restrained by a leash held by a person; or
 - (c) restrained to a fixed object and under the direct supervision of a person.
- (3) For the purposes of this local law, an animal other than a dog or domestic cat is under *effective management* in a public place if it is—
 - (a) controlled by a person in a manner that is reasonable, taking into account the type of animal and the circumstances in which the animal is being managed; or
 - (b) being restrained in a manner prescribed under subordinate local law.
- (3A) In subsections (1) and (2), in determining whether a person is physically able to manage a dog or a cat, the number of other dogs or cats under the person's supervision should be taken into account.
- (4) In this section—

body slam means to push or rub against a person or animal in a manner that causes the person or animal to lose their balance.

direct supervision means the supervising person is physically present within a proximate distance of the animal under supervision, such that the person is able to respond immediately to manage the animal's behaviour.

Part 3 Keeping of animals

Division 1 Prohibition on keeping animals

7 Prohibition on keeping animals in prescribed circumstances

- (1) The local government may, by subordinate local law, prohibit the keeping of animals in prescribed circumstances.
- (2) The circumstances in which the keeping of animals is prohibited may be specified by reference to 1 or more of the following factors—

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- (a) species;
- (b) breed;
- (c) sex;
- (d) age;
- (e) number;
- (f) whether an animal is a restricted dog;²
- (g) the locality in which the animals would be kept;
- (h) the nature of the premises in which the animals are to be kept, including the size of the enclosure or the size of the allotment.³

Example for subsection (2)—

A prohibition may be imposed in relation to keeping certain species or a prescribed number of animals of a certain species in an urban locality.

- (3) A person must not keep an animal in contravention of a prohibition under this section.

Maximum penalty for subsection (3)—50 penalty units.

Division 2 Animals for which approval is required

8 Requirement for approval

- (1) Subject to subsections (3) and (4), the local government may, by subordinate local law, require an approval⁴ for keeping an animal or animals in prescribed circumstances.
- (2) The circumstances in which an approval is required may be specified by reference to 1 or more of the following factors—
 - (a) species;
 - (b) breed;
 - (c) sex;
 - (d) age;
 - (e) number;
 - (f) the locality in which the animals are to be kept, including whether it is an urban or non-urban locality;

² Section 72(3) of the *Animal Management (Cats and Dogs) Act 2008* provides: “A permit application may be made for more than 1 restricted dog for the same place only if the keeping of more than 1 restricted dog and more than 1 dog of any breed is permitted under a local law.”

³ See the *Animal Management (Cats and Dogs) Act 2008*, chapter 4, regarding particular conditions on keeping regulated dogs, including requirements about enclosures.

⁴ Keeping an animal in circumstances that require an approval is a *prescribed activity* under schedule 2 of *Local Law No. 1 (Administration) 2011*. The process for obtaining an approval for a prescribed activity is set out in part 2 of that local law and section 6 creates an offence for a person undertaking a prescribed activity without a current approval.

- (g) the nature of the premises in which the animals are to be kept, including the size of the enclosure or the size of the allotment.⁵
- (3) An approval under this section is not required for the keeping of animals on land if the keeping of the animals on the land is authorised by a development approval under the *Sustainable Planning Act 2009*.
- (4) Under this section, the local government may not require an approval for keeping a restricted dog.⁶

Division 3 Minimum standards

9 Minimum standards for keeping animals

- (1) The local government may, by subordinate local law, specify minimum standards for the keeping of animals or a particular species or breed of animal.
- (2) A person who keeps an animal or a particular species or breed of animal specified under a subordinate local law, must ensure that the relevant minimum standards prescribed by a subordinate local law are complied with.
Maximum penalty for subsection (2)—
 - (a) for a regulated dog—50 penalty units; or
 - (b) for another dog—20 penalty units; or
 - (c) for another animal—20 penalty units.
- (3) If a person is required to hold an approval to keep an animal, the obligation to comply with the minimum standards prescribed by a subordinate local law is in addition to an obligation imposed by a condition of the approval.

9A Collar to be worn by regulated dog

- (1) The owner or responsible person for a regulated dog must ensure that the dog wears, at all times, a collar consisting of red stripes alternately spaced with yellow stripes that meets the local government's published specifications regarding visibility, durability, fastening and width.
Maximum penalty—50 penalty units.
- (2) The owner or responsible person for a dog that is not a regulated dog must ensure that the dog does not wear a collar that is identical or substantially the same as the collar prescribed in subsection (1).
Maximum penalty—20 penalty units.

⁵ See footnote 3.

⁶ Section 71 of the *Animal Management (Cats and Dogs) Act 2008* requires a permit issued by the local government for a person to own or be responsible for a restricted dog. The processes for the granting of restricted dog permits are set out under chapter 4, part 3 of that Act.

9B Obligation to register dog

The owner of a dog that is kept in the local government's area must register the dog with the local government in accordance with the *Animal Management (Cats and Dogs) Act 2008*.

9C Obligation to ensure cat or dog is implanted

- (1) Subsection (2) applies where the owner of a cat or dog is required by the *Animal Management (Cats and Dogs) Act 2008* to implant the cat or dog with a prescribed permanent identification device.
- (2) The owner must not keep the cat or dog in the local government's area unless the cat or dog has been implanted with a prescribed permanent identification device.
- (3) Subsection (4) applies where a person starts to keep in the local government's area a cat or dog that—
 - (a) was required by the *Animal Management (Cats and Dogs) Act 2008* to have been implanted with a prescribed permanent identification device at a point in time prior to the person starting to keep the animal in the local government's area; and
 - (b) has not been implanted with a prescribed permanent identification device.
- (4) The person must, within 14 days of starting to keep the cat or dog in the local government's area, ensure that the animal is implanted with a prescribed permanent identification device.
- (5) In this section—

prescribed permanent identification device has the meaning given in the *Animal Management (Cats and Dogs) Act 2008*, section 12.

Division 4 Identification of registered cats and dogs

10 Identification for cats and dogs in certain circumstances

The local government may, by subordinate local law, prescribe the identification required by—

- (a) the *Animal Management (Cats and Dogs) Act 2008* for a dog that is at a place other than the address stated in the registration notice for the dog; or
- (b) section 4C for a cat that is at a place other than the address stated in the registration notice for the cat.⁷

⁷ Section 45 of the *Animal Management (Cats and Dogs) Act 2008* requires a person who keeps a dog at a place other than the address in the registration notice to ensure it bears the identification prescribed by the local government under a local law.

Part 4 Management of animals

Division 1 Animals in public places

11 Exclusion of animals

- (1) The local government may, by subordinate local law, specify public places where any animal or an animal of a particular species or breed is prohibited unless—
 - (a) a sign at the place permits the animal to be in the place; or
 - (b) if the animal is a dog—the place is a dog off-leash area; or
 - (c) the owner or responsible person for the animal has an approval under *Local Law No.1 (Administration) 2011* that authorises the bringing of the animal into the public place.
- (2) The owner or responsible person for an animal must ensure that the animal is not in a public place in contravention of a prohibition imposed under subsection (1).

Maximum penalty for subsection (2)—20 penalty units.
- (3) The local government must take reasonable steps to advise the community where animals are prohibited from a particular public place.

12 Dog off-leash areas

- (1) The local government may, by subordinate local law, designate an area to be a **dog off-leash area** and the times when the area operates as a dog off-leash area.
- (2) The local government must take reasonable steps to provide notice to the community regarding the designation of dog off-leash areas.
- (3) In this section—

reasonable steps include, as a minimum, the display of a notice at a prominent place within the dog off-leash area indicating the extent of the area and, if applicable, the times when the area is a dog off-leash area.

13 Control of animals in public places⁸

- (1) The owner or responsible person for an animal must ensure that the animal is not in a public place unless—
 - (a) the animal is under effective management; and
 - (b) the animal is not causing damage to property or harassing, intimidating or otherwise endangering the health and safety of another person or animal; and

⁸ See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, section 3, regarding the requirement for muzzling and effective control of regulated dogs in public and section 93, which applies this requirement where a dog is subject to a proposed declaration notice.

- (c) if the animal is a declared dangerous animal⁹—the animal is securely restrained so that it is not able to do any of the following—
 - (i) attack a person or animal;
 - (ii) act in a way that causes fear to a person or animal;
 - (iii) cause damage to property;
 - (iv) otherwise endanger the health and safety of a person or another animal.

Maximum penalty—20 penalty units.

- (2) Subsection (1)(b) does not apply to a drover's dog or farm work dog that harasses or intimidates livestock while engaged in the movement of the livestock.

14 Person in control of dog or prescribed animal to clean up faeces

- (1) If a dog or any other animal defecates in a public place, the person who has control of the dog or animal must immediately remove and dispose of the faeces in a sanitary way.

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

- (2) The person who has control of a dog or another animal in a public place must carry a bag, implement or container suitable to pick up and dispose of their animal's faeces.

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

Division 2 Restraint of animals

15 Requirements for enclosures, structures and buildings for keeping animals

- (1) A person who keeps an animal must maintain an enclosure to prevent the animal from escaping the property where the person is keeping the animal.¹⁰

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

- (2) The responsible person for an animal must ensure that the animal is contained within the enclosure mentioned in subsection (1) at all times that it is on the property, except where it is outside its enclosure while under effective management.

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

- (3) It is a defence against subsections (1) and (2) for the defendant to prove that—

⁹ See the definition of *declared dangerous animal* in schedule 1 (Dictionary) of *Local Law No. 1 (Administration) 2011*.

¹⁰ See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, section 4, regarding the requirement for enclosure requirements for regulated dogs and section 93, which applies this requirement where a dog is subject to a proposed declaration notice.

- (a) the defendant maintained an enclosure for the animal and could not, by the exercise of reasonable diligence, have prevented the escape of the animal; or
 - (b) the animal was outside the defendant's property in circumstances authorised by the conditions of an approval granted under a local law.
- (4) In this section, **effective management** means the animal is being managed on the property in the way described in section 6 for the type of animal.

16 Conservation requirements

- (1) The local government may, by subordinate local law, prescribe requirements for keeping an animal on land that is within a relevant area.
- (2) The prescribed requirements may relate to—
 - (a) the enclosure in which the animal must be kept; or
 - (b) particular conditions about how the animal must be kept; or
 - (c) fencing that must be in place to separate animals from native wildlife on the land or on a part of the land; or
 - (d) other measures that will be likely to prevent an attack by the animal on a native animal.
- (3) The owner or responsible person for an animal that is kept on land that is within a relevant area must comply with requirements prescribed under this section.
Maximum penalty for subsection (3)—20 penalty units.
- (4) In this section—
relevant area means an area designated by subordinate local law for this paragraph.

Division 3 Aggressive behaviour by animals other than dogs

17 Limited application of division to dogs¹¹

- (1) Unless otherwise indicated, this division does not apply in relation to aggressive behaviour by a dog.
- (2) In this section—
aggressive behaviour means attacking, or acting in a way that causes fear to, someone else or another animal.

18 Animals not to attack or cause fear to persons or animals

- (1) A responsible person for an animal must take reasonable steps to ensure the animal does not attack, or act in a way that causes fear to, someone else or another animal.
Maximum penalty for subsection (1)—

¹¹ Aggressive behaviour by dogs is covered by the *Animal Management (Cats and Dogs) Act 2008*, sections 194 to 196.

- (a) if the attack causes the death of or grievous bodily harm to a person—300 penalty units; or
- (b) if the attack causes the death of or grievous bodily harm to an animal—100 penalty units; or
- (c) if the attack causes bodily harm to a person or an animal—50 penalty units; or
- (d) otherwise—20 penalty units.

- (2) A person must not allow or encourage an animal to attack, or act in a way that causes fear to, a person or another animal.

Maximum penalty for subsection (2)—

- (a) if the attack causes the death of or grievous bodily harm to a person—300 penalty units; or
- (b) if the attack causes the death of or grievous bodily harm to an animal—100 penalty units; or
- (c) if the attack causes bodily harm to a person or an animal—50 penalty units; or
- (d) otherwise—20 penalty units.

- (3) In this section—

allow or encourage, without limiting the *Criminal Code*, sections 7 and 8, includes cause to allow or encourage.

animal does not include vermin that are not the property of anyone.

Examples of vermin that are someone's property—

- a pet mouse or guinea pig
- vermin that are protected animals under the *Nature Conservation Act 1992*.¹²

19 Defences for offence against s 18

It is a defence to a prosecution for an offence against section 18 for the defendant to prove that the animal attacked, or acted in a way that caused fear to, the person or animal—

- (a) as a result of the animal being attacked, mistreated, teased, or provoked by the person or other animal, including a dog; or
- (b) to protect the responsible person, or a person accompanying the responsible person (the ***accompanying person***), or the responsible person's or accompanying person's property.

Division 3A Incidents involving animals

19A Duty to exchange details where animal involved in certain incidents

- (1) This section applies where one of the following incidents occurs—
 - (a) an incident in which an animal causes harm to a person;

¹² See section 83 of that Act.

- (b) an incident in which an animal causes harm to another animal;
 - (c) an incident in which an animal fights with, attacks or harasses another animal under the effective management of a person and in the course of which the other animal is harmed (however caused).
- (2) A responsible person for an animal that is involved in an incident mentioned in subsection (1) must—
 - (a) give such assistance to any person or animal harmed in the incident as is reasonable in the circumstances; and
 - (b) take reasonable steps to provide the prescribed information in respect of the animal for which the person is the owner or responsible person to—
 - (i) if a person is harmed in the incident—each such person; or
 - (ii) if another animal is harmed in the incident—the owner or person responsible for the control of the harmed animal at the relevant time.
- Maximum penalty for subsection (2)—50 penalty units.
- (3) In proceedings for an offence against subsection (2), it is a defence for the defendant to prove that the defendant did not know, and could not reasonably have been expected to have known, that the incident to which the charge relates occurred.
- (4) In proceedings for an offence against subsection (2), it is a defence for the defendant to prove that the animal was, in respect of the incident to which the charge relates, being genuinely used in the reasonable defence of a person or property.
- (5) In this section—

prescribed information, in respect of an animal, means—

 - (a) the name and address of the owner of the animal; and
 - (b) the name and address of the person (if not the owner) who was, at the time of the incident, the responsible person for the animal; and
 - (c) the name of the animal (if any); and
 - (d) in the case of a dog or cat—the registration or tag number of the dog or cat (if any) and the name of the local government area where the animal is registered.

Division 4 Keeping of Guard Dogs

20 Requirements for guard dogs

A person who provides or keeps a guard dog on premises must warn persons about the presence of the dog by displaying a sign to that effect clearly visible from outside the premises.

Maximum penalty—50 penalty units.

Division 5 Dangerous animals other than dogs¹³

21 Declaration of dangerous animal other than a dog

- (1) The local government may declare an animal other than a dog to be a declared dangerous animal.
- (2) The local government may only make a declaration under subsection (1) if it forms the opinion that there is a high likelihood of the animal causing injury to a person or animal or damage to property, taking into account—
 - (a) its prior history of attacking or causing fear to persons or animals or damaging property; and
 - (b) the extent of injury or damage that could potentially be inflicted by an animal of its size and species or breed.
- (3) A declaration under this section takes effect at the time the local government gives the responsible person for the animal an information notice¹⁴ about the declaration.
- (4) The local government may, by written notice to the responsible person for the animal, revoke a declaration under this section if it becomes satisfied that the animal is no longer dangerous due to age, disability or other reasonable grounds.

22 Power to require responsible person for declared dangerous animal to take specified action

- (1) The local government may, by giving a compliance notice¹⁵, require the responsible person for a declared dangerous animal to take specified action relating to the keeping and management of the animal, including action of an ongoing nature.
- (2) The local government may, by subordinate local law, specify requirements that must be met by the responsible person in keeping a declared dangerous animal.

Examples—

The local government may require the desexing of a declared dangerous animal or the installation of a sign warning persons about the presence of the declared dangerous animal.

- (3) The responsible person for a declared dangerous animal must comply with the requirements prescribed by subordinate local law pursuant to subsection (2).

Maximum penalty for subsection (3)—50 penalty units.

¹³ Dangerous dogs are dealt with in the *Animal Management (Cats and Dogs) Act 2008*.

¹⁴ See *Local Law No.1 (Administration) 2011*, schedule 1 regarding the contents of an information notice.

¹⁵ See *Local Law No.1 (Administration) 2011*, section 27, regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

Part 5 Establishment and administration of animal pounds

23 Establishment of animal pound

The local government may, subject to the *Sustainable Planning Act 2009* or the local government's planning scheme—

- (a) establish an animal pound; or
- (b) join with another local government or agency in establishing an animal pound.

24 Operation of an animal pound

The local government may, by subordinate local law, regulate the species, breed, sex, age, use or class of animals that will be accepted at the animal pound.

25 Register of impounded animals

- (1) The local government must keep a register of impounded animals which shall contain the—
 - (a) species, breed, sex, use and class of the impounded animal; and
 - (b) brand, colour, distinguishing markings and features of the impounded animal; and
 - (c) local government's registration number of the impounded animal, if applicable; and
 - (d) permanent identification device details, if applicable; and
 - (e) condition of the impounded animal; and
 - (f) name of the owner or responsible person for the impounded animal, if known; and
 - (g) date and time of seizure and impounding of the animal; and
 - (h) name of the authorised person who impounded the animal; and
 - (i) reason for the impounding of the animal; and
 - (j) note of any order made pursuant to this local law in relation to the impounded animal; and
 - (k) date of the sale, release, destruction or disposal of the impounded animal; and
 - (l) other matters specified in a subordinate local law.
- (2) The register must be kept available for inspection at the—
 - (a) animal pound; or
 - (b) local government's office.

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Part 6 Impounding or destruction of animals

Division 1 Impounding of animals

26 Impounding of animals

- (1) An authorised person may impound¹⁶ an animal, other than a dog, in the following circumstances—
- (a) the animal is found not under effective management in a public place; or
 - (b) the responsible person for the animal has not complied with a compliance notice that has been issued under this local law or in relation to compliance with this local law; or
 - (c) the animal has attacked, threatened to attack, or acted in a way that causes fear to, a person or another animal; or
 - (d) the authorised person considers on reasonable grounds that the animal has been abandoned, left or found on a road in the circumstances mentioned in section 100(12) of the *Transport Operations (Road Use Management) Act 1995*¹⁷; or
 - (e) the animal is a class 2 pest animal; or
 - (f) the responsible person for the animal, on payment of the cost-recovery fee, requests the local government to enter premises to impound the animal; or
 - (g) the animal is—
 - (i) not in a public place; and
 - (ii) not, in the opinion of an authorised person, enclosed or restrained adequately to prevent it from gaining ready access to a public place.
- (2) An authorised person may impound a dog in the following circumstances¹⁸—
- (a) the dog is found not under effective management in a public place; or
 - (b) the responsible person for the dog has not complied with a compliance notice that has been issued in relation to compliance with this local law; or
 - (c) the authorised person considers on reasonable grounds that the animal has been abandoned, left or found on a road in the

¹⁶ See the Act, chapter 5, part 2, division 1 in relation to authorised persons' enforcement powers, including entry to land.

¹⁷ The *Transport Operations (Road Use Management) Act 1995*, section 100(13) provides: "If a local law provides for a matter mentioned in subsection (12), subsections (3) to (11) no longer apply in the local government's area."

¹⁸ See also the *Animal Management (Cats and Dogs) Act 2008*, section 125, in relation to the power to seize dogs in particular circumstances.

- circumstances mentioned in section 100(12) of the *Transport Operations (Road Use Management) Act 1995*; or
- (d) the responsible person for the dog, on payment of the cost-recovery fee, requests the local government to enter premises to impound the dog; or
 - (e) the animal is—
 - (i) not in a public place; and
 - (ii) not, in the opinion of an authorised person, enclosed or restrained adequately to prevent it from gaining ready access to a public place.
- (3) The authorised person may impound an animal under subsection (1)(a) or a dog under subsection (2)(a) where—
- (a) another person has found the animal or dog not under effective management and delivered it to the authorised person; or
 - (b) an occupier of private land has found the animal or dog not under effective management on the land, taken it under effective management and requested the authorised person to enter the land to impound it.
- (4) However, an authorised person is not obliged to accept the custody of an animal or dog under this section.
- (5) For the purposes of impounding an animal or dog, an authorised person may take any action, including the use of force, which is reasonable in the circumstances to capture or control the animal or dog.

Division 2 Destruction of animal without notice

27 Power to immediately destroy an impounded animal

- (1) This section applies where an authorised person has impounded or is attempting to impound an animal, other than a regulated dog,¹⁹ under this local law or another law.
- (2) The authorised person may, without notice, immediately destroy the animal if—
- (a) the authorised person reasonably believes the animal is dangerous and the authorised person cannot control it; or
 - (b) the animal is significantly suffering as a result of disease, severe emaciation or serious injuries; or
 - (c) an owner of the animal has requested the authorised person to destroy it; or
 - (d) the animal—
 - (i) is a declared dangerous animal; and

¹⁹ See the *Animal Management (Cats and Dogs) Act 2008*, section 127, for the power to destroy a seized regulated dog.

- (ii) after the time it became a declared dangerous animal, it has attacked, or acted in a way that has caused fear to, a person or animal; or
- (e) the animal is a class 2 pest animal.

Division 3 Dealing with impounded animals

28 Immediate return of animal impounded not under effective management

- (1) This section applies where—
 - (a) an animal has been impounded under section 26(1)(a) or section 26(2)(a); and
 - (b) the authorised person who impounded the animal knows, or can readily find out, the name and address of the owner or responsible person for the animal.
- (2) The authorised person may return the animal to the owner or responsible person.

29 Housing of impounded animals

An authorised person who impounds an animal under this local law or another law may transfer the animal to the animal pound established under section 23.

30 What is a notice of impounding

- (1) A **notice of impounding** means a written notice, given to the owner or responsible person for an animal, stating that—
 - (a) the animal has been impounded; and
 - (b) the animal may be reclaimed within 3 business days from the day of the impounding provided that—
 - (i) the cost-recovery fee is paid; and
 - (ii) if an approval or registration is required for the keeping of the animal and the owner or responsible person does not have the approval or registration— the approval or registration is obtained; and
 - (iii) if the animal has been impounded under section 26(1)(b) or 26(2)(b)— the owner or responsible person has complied with the relevant compliance notice; and
 - (iv) continued retention of the animal is not needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; and
 - (v) no destruction order has been made for the animal.
- (2) Where an animal has been impounded from a place that is not a public place, the notice of impounding may be given to the owner or responsible person for the animal by leaving it at the place in a conspicuous positions and in a reasonably secure way.
- (3) In this section—

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relevant compliance notice means the compliance notice mentioned in section 26(1)(b) or 26(2)(b).

31 Dealing with animal impounded not kept under effective management

- (1) Subsection (2) applies where—
 - (a) an authorised person has impounded an animal under section 26(1)(a) or section 26(2)(a); and
 - (b) the animal was not a declared dangerous animal at the time of being impounded; and
 - (c) the authorised person knows, or can readily find out, the name and address of the owner or responsible person for the animal.
- (2) The authorised person must give the owner or responsible person a notice of impounding.
- (3) Subsection (4) applies where—
 - (a) an authorised person has impounded a declared dangerous animal under section 26(1)(a) or section 26(2)(a); or
 - (b) an authorised person has impounded an animal that has been impounded on more than 2 occasions during a 12 month period.
- (4) The authorised person may—
 - (a) give the owner or responsible person for the animal a notice of impounding; or
 - (b) make a destruction order for the animal under section 35.

32 Dealing with animal impounded for non-compliance with local law

- (1) This section applies where an authorised person has impounded an animal under section 26(1)(b) or 26(2)(b).
- (2) The authorised person may—
 - (a) give the owner or responsible person for the animal a notice of impounding; or
 - (b) if the animal was being kept in contravention of section 7 of this local law or is an animal for which an approval cannot be granted under this local law or is an animal for which an application for approval under this local law has been rejected— dispose of the animal under division 5.

33 Dealing with animal impounded for attacking etc a person or another animal

- (1) This section applies where an authorised person has impounded an animal under section 26(1)(c).
- (2) The local government may—
 - (a) make a destruction order for the animal under section 35; or
 - (b) give the owner or responsible person a notice of impounding.

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34 Reclaiming an impounded animal

- (1) This section applies where—
 - (a) the owner or responsible person for an animal has been given a notice of impounding; or
 - (b) an authorised person—
 - (i) has impounded an animal under section 26(1)(a) or section 26(2)(a); and
 - (ii) does not know, and cannot readily find out, the name and address of an owner or responsible person for the animal.
- (2) The animal may be reclaimed by an owner or responsible person if the owner or responsible person—
 - (a) reclaims the animal within 3 business days from the day of the impounding; and
 - (b) pays the cost-recovery fee; and
 - (c) if an approval or registration is required for the keeping of the animal and the owner or responsible person does not have the approval or registration—obtains the approval or registration; and
 - (d) if the responsible person has not complied with a current compliance notice that has been issued in relation to compliance with this local law—complies with the compliance notice.
- (3) However, the animal may not be reclaimed by an owner or responsible person if—
 - (a) continued retention of the animal is needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; or
 - (b) a destruction order has been made for the animal.
- (4) The animal may be reclaimed by an owner or responsible person for the animal if an event as follows happens—
 - (a) if subsection (3)(a) applies—
 - (i) the animal's continued retention as evidence is no longer required; and
 - (ii) the owner or responsible person has satisfied subsection (2)(b)-(d);
 - (b) if subsection (3)(b) applies—
 - (i) a review or appeal is made relating to the destruction order and, as a result of the review or appeal, the order is no longer in force; and
 - (ii) the owner or responsible person has satisfied subsection (2)(b)-(d).

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Division 4 Destruction or disposal of animal following notice

35 Destruction orders

- (1) The local government may make an order stating the local government proposes to destroy an animal (a ***destruction order***) or dispose of an animal (a ***disposal order***) 14 days after the order is served.
- (2) A destruction order may only be made in 1 or more of the following circumstances—
 - (a) the animal has attacked, threatened to attack, or acted in a way that causes fear to, a person or another animal;
 - (b) the animal is a declared dangerous animal and was found not under effective management;
 - (c) the animal has been impounded on more than 2 occasions during a 12 month period.
- (2A) A disposal order may only be made if the animal has been impounded on more than 2 occasions during a 12 month period.
- (3) The destruction or disposal order must—
 - (a) be served on a person who owns, or is a responsible person for, the animal; and
 - (b) include or be accompanied by an information notice.²⁰
- (4) If a destruction order is made for the animal, the local government may destroy the animal 14 days after the order is served if no review application has been made relating to the decision to make the order.
- (4A) If a disposal order is made for the animal, the local government may, by following the process in division 5, dispose of the animal 14 days after the order is served if no review application has been made relating to the decision to make the order.
- (5) If an application for review has been made against the decision to make a destruction order, the local government may destroy the animal if—
 - (a) the review is finally decided or is otherwise ended; and
 - (b) no application for an appeal has been made against the order; and
 - (c) the order is still in force.
- (5A) If an application for review has been made against the decision to make a disposal order, the local government may dispose of the animal under division 5 if—
 - (a) the review is finally decided or is otherwise ended; and
 - (b) no application for an appeal has been made against the order; and
 - (c) the order is still in force.

²⁰ See footnote 14.

- (6) If an appeal is made relating to the decision to make a destruction order, the local government may destroy the animal if—
 - (a) the appeal is finally decided or is otherwise ended; and
 - (b) the order is still in force.
- (6A) If an appeal is made relating to the decision to make a disposal order, the local government may dispose of the animal under division 5 if—
 - (a) the appeal is finally decided or is otherwise ended; and
 - (b) the order is still in force.
- (7) If the animal has been impounded, the owner or responsible person for an animal may reclaim the animal if—
 - (a) a review relating to the decision to make the order is finally decided or is otherwise ended; and
 - (b) no application for an appeal has been made against the order; and
 - (c) the order is no longer in force; and
 - (d) the owner or responsible person has satisfied section 34(2)(b)-(d).
- (8) If the animal has been impounded, the owner or responsible person for an animal may reclaim the animal if—
 - (a) an appeal relating to the decision to make the order is finally decided or is otherwise ended; and
 - (b) the order is no longer in force; and
 - (c) the owner or responsible person has satisfied section 34(2)(b)-(d).
- (9) In this section—

review means a review conducted under the process mentioned in part 6 of *Local Law No. 1 (Administration) 2011*.

appeal means an appeal under part 7 of this local law.

Division 5 Disposal of impounded animals

36 Application of this division

This division applies where—

- (a) an impounded animal has not been reclaimed under section 34(2) within 3 business days from the day of the impounding; or
- (b) if section 34(3) applies— the impounded animal has not been reclaimed within 3 business days of an event mentioned in section 34(4); or
- (c) section 35(4A), (5A) or (6A) applies; or
- (d) an impounded animal has not been reclaimed within 3 business days of the events mentioned in section 35(7) occurring; or
- (e) an impounded animal has not been reclaimed within 3 business days of the events mentioned in section 35(8) occurring; or

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- (f) an authorised person has impounded an animal mentioned in section 32(2)(b); or
- (g) the owner of an animal has surrendered the animal to the local government.

37 Sale, disposal or destruction of animals

- (1) The local government may—
 - (a) offer the animal for sale by public auction or by tender; or
 - (b) if the animal is of a species, breed or class specified by subordinate local law for this paragraph—
 - (i) sell the animal by private agreement; or
 - (ii) dispose of the animal in some other way without destroying it; or
 - (iii) destroy the animal.

Example for paragraph (b)—

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

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

Examples—

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

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- (6) If an animal that is offered for sale by public auction or tender is not sold through the auction or tender process, the local government may dispose of the animal as it considers appropriate.

Examples—

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

Division 6 Miscellaneous

38 Access to impounded animal

- (1) This section applies to an animal impounded under section 29.
- (2) The local government must allow the owner of the animal to inspect it at any reasonable time, from time to time.
- (3) Subsection (2) does not apply if it is impracticable or would be unreasonable to allow the inspection.
- (4) The inspection must be provided free of charge.

39 Unlawful removal of seized or impounded animal

- (1) A person must not, without the authority of an authorised person, remove or attempt to remove—
- (a) an impounded animal from the custody or control of an authorised person; or
 - (b) an impounded animal from the animal pound.
- Maximum penalty for subsection (1)—50 penalty units.
- (2) Any costs arising from damage or loss caused by a person contravening subsection (1) are recoverable by the local government as a debt.

Part 7 Appeals against destruction orders

40 Who may appeal

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

41 Starting appeal

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

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- (4) However, the court may, at any time, extend the time for filing the notice of appeal.
- (5) The notice of appeal must state fully the grounds of the appeal and the facts relied on.

42 Stay of destruction order

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

43 Hearing procedures

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

44 Court's powers on appeal

- (1) In deciding an appeal, the Magistrates Court may—
 - (a) confirm the decision appealed against; or
 - (b) set aside the decision and substitute another decision; or
 - (c) set aside the decision and return the matter to the local government with directions the court considers appropriate.
- (2) The court may set aside a decision to make a destruction order if satisfied that—
 - (a) the animal was unlawfully impounded; or
 - (b) there was no legal basis for making the destruction order; or
 - (c) the responsible person for the animal can demonstrate that in future the animal will be securely kept and managed in accordance with this local law and the circumstances that led to the making of the destruction order are unlikely to recur; or
 - (d) if a previous decision to destroy the animal has been set aside by the court— there are exceptional circumstances justifying why the most recent decision should be set aside.
- (3) If the court substitutes another decision, the substituted decision is, for the purposes of this local law, other than this part, taken to be the decision of the local government.
- (4) If a decision to destroy the animal has been set aside by the court, a magistrate may impose conditions on the owner or responsible person for the animal to ensure the circumstances that led to the making of the destruction order do not reoccur.
- (5) Where a decision to set aside a destruction order is given and an impounded animal is not reclaimed by the owner from the care of the local government within 14 days of the decision, the local government may make an ex-parte

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application to the court to vacate the order setting aside the destruction order.

- (6) Immediately upon the court making an order under subsection (5), the local government is entitled to act under the original destruction order.
- (7) An order for the costs of an appeal may only be made against the local government if the court is satisfied that the animal was unlawfully seized or there was no reasonable basis for making the decision subject to the appeal.

45 Appeal to District Court

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

Part 8 Miscellaneous

46 Subordinate local laws

The local government may make subordinate local laws about—

- (a) restraint requirements for the effective management of an animal other than a dog or domestic cat;²¹ and
- (b) the circumstances in which the keeping of animals is prohibited;²² and
- (c) the circumstances in which an approval is required for the keeping of animals;²³ and
- (d) minimum standards for keeping animals generally or animals of a particular species or breed;²⁴ and
- (e) the identification for cats and dogs required under the *Animal Management (Cats and Dogs) Act 2008*;²⁵ and
- (f) the exclusion of animals, or animals of a specified species, from public places;²⁶ and
- (g) designation of dog off-leash areas;²⁷ and
- (h) requirements for keeping an animal on land that is within a relevant area;²⁸ and
- (i) designation of an area as a relevant area for the purposes of applying conservation requirements;²⁹ and

²¹ See section 6(3)(b).

²² See section 7(1).

²³ See section 8(1).

²⁴ See section 9(1).

²⁵ See section 10.

²⁶ See section 11(1).

²⁷ See section 12(1).

²⁸ See section 16(1).

²⁹ See section 16(4)(b).

- (j) requirements for keeping a declared dangerous animal;³⁰ and
- (k) the species, breed, sex, age, use or class of animal that will be accepted at an animal pound;³¹ and
- (l) other matters to be included on a register of impounded animals;³² and
- (m) the species, breed or class of animal that may be disposed of other than by public auction or tender.³³

³⁰ See section 22(2).

³¹ See section 24.

³² See section 25(1)(l).

³³ See section 37(1)(b).

Endnotes

1 Date to which amendments incorporated

This consolidated version includes all amendments that commenced operation on or before 2 June 2023.

2 Table of consolidated versions

Consolidated Version No.	Amendments included	Effective	Notes
1	Amendment Local Law No.1 (Miscellaneous) 2013	26 July 2013	
2	Amendment Local Law No.1 (Animal Management) 2014	22 August 2014	
3	Amendment Local Law No.1 (Miscellaneous) 2016	5 February 2016	
4	Amendment Local Law No.2 (Miscellaneous) 2019	20 December 2019	
5	Amendment Local Law No.1 (Miscellaneous) 2023	2 June 2023	

3 List of amending local laws

Amendment Local Law No.1 (Miscellaneous) 2013

date of Council resolution 25 July 2013
date of gazettal 26 July 2013
commenced on date of gazettal

Amendment Local Law No.1 (Animal Management) 2014

date of Council resolution 21 August 2014
date of gazettal 22 August 2014
commenced on date of gazettal

Amendment Local Law No.1 (Miscellaneous) 2016

date of Council resolution 28 January 2016
date of gazettal 5 February 2016
commenced on date of gazettal

Amendment Local Law No.2 (Miscellaneous) 2019

date of Council resolution 12 December 2019
date of gazettal 20 December 2019
commenced on date of gazettal

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Amendment Local Law No.1 (Miscellaneous) 2023

date of Council resolution 25 May 2023

date of gazettal 2 June 2023

commenced on date of gazettal

4 List of annotations

PART 1A—CAT REGISTRATION

part heading inserted by Amendment Local Law No.1 (Animal Management) 2014 s4

Division 1—Interpretation

div 1 (s4A) inserted by Amendment Local Law No.1 (Animal Management) 2014 s4

Division 2 —Particular person’s obligations

div 2 (ss4B-4C) inserted by Amendment Local Law No.1 (Animal Management) 2014 s4

Division 3 —How cat is registered

div 3 (ss4D-4J) inserted by Amendment Local Law No.1 (Animal Management) 2014 s4

Division 4 —Amendment of registration

div 4 (ss4K-4L) inserted by Amendment Local Law No.1 (Animal Management) 2014 s4

Division 5 —Renewal of registration

div 5 (ss4M-4O) inserted by Amendment Local Law No.1 (Animal Management) 2014 s4

Division 6 —Cat register

div 6 (ss4P-4R) inserted by Amendment Local Law No.1 (Animal Management) 2014 s4

Meaning of effective management of an animal in a public place

s6 amended by Amendment Local Law No.1 (Miscellaneous) 2013 s7; Amendment Local Law No.1 (Miscellaneous) 2016 s16; Amendment Local Law No.2 (Miscellaneous) 2019 s10; Amendment Local Law No.1 (Miscellaneous) 2023 s11

Minimum standards for keeping animals

s9 amended by Amendment Local Law No.1 (Miscellaneous) 2016 s17; Amendment Local No.2 (Miscellaneous) 2019 s11

Collar to be worn by regulated dog

s9A inserted by Amendment Local Law No.1 (Miscellaneous) 2016 s18; amended by Amendment Local Law No.2 (Miscellaneous) 2019 s12

Obligation to register dog

s9B inserted by Amendment Local Law No.2 (Miscellaneous) 2019 s13

Obligation to ensure cat or dog is implanted

s9C inserted by Amendment Local Law No.2 (Miscellaneous) 2019 s13

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Identification for cats and dogs in certain circumstances

s10 amended by Amendment Local Law No.1 (Animal Management) 2014 s6

Control of animals in public places

s13 amended by Amendment Local No.2 (Miscellaneous) 2019 s14

Requirements for enclosures, structures and buildings for keeping animals

s15 amended by Amendment Local Law No.1 (Miscellaneous) 2013 s8; Amendment Local Law No.1 (Miscellaneous) 2016 s19; Amendment Local No.2 (Miscellaneous) 2019 s15; Amendment Local Law No.1 (Miscellaneous) 2023 s12

Conservation requirements

s16 amended by Amendment Local No.2 (Miscellaneous) 2019 s16

Division 3A —Incidents involving animals

div 3A (s19A) inserted by Amendment Local Law No.2 (Animal Management) 2019 s17

PART 6—IMPOUNDING OR DESTRUCTION OF ANIMALS

DIVISION 4—DESTRUCTION ORDERS

division heading amended by Amendment Local Law No.1 (Miscellaneous) 2023 s13

Destruction orders

provision heading amended by Amendment Local Law No.1 (Miscellaneous) 2023 s14

s35 amended by Amendment Local Law No.1 (Miscellaneous) 2023 s15

Application of this division

s36 amended by Amendment Local Law No.1 (Miscellaneous) 2023 s16

Court's powers on appeal

s44 amended by Amendment Local Law No.1 (Miscellaneous) 2016 s20

Sunshine Coast Regional Council Subordinate Local Law No. 2 (Animal Management) 2011

CONSOLIDATED VERSION NO. 7

incorporating amendments up to 2 June 2023

adopted by Sunshine Coast Regional Council on 22 June 2023 pursuant to
section 32 of the *Local Government Act 2009*

Sunshine Coast Regional Council Subordinate Local Law No. 2 (Animal Management) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 2 (Animal Management) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 2 (Animal Management) 2011* which provides for the management of animals within the local government's area.
- (2) The purpose is to be achieved by providing for—
 - (a) the circumstances in which the keeping of animals is prohibited or requires approval; and
 - (b) requirements for keeping animals, including minimum standards for keeping animals, identification for animals, requirements for keeping declared dangerous animals and conservation requirements for keeping animals in relevant areas; and
 - (c) the management of animals in public places; and
 - (d) matters regarding the impounding of animals and the disposal of impounded animals.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 2 (Animal Management) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in schedule 1 (Dictionary) of *Local Law No. 1 (Administration) 2011*.
- (2) Additionally, in this subordinate local law—

urban area means the area within the urban boundaries indicated on the map called 'Map 1 Local Law Urban Boundaries' prepared and held by the local government and available for viewing on the local government's website.

Part 2 Keeping of animals

5 Circumstances in which keeping animals is prohibited—Authorising local law, s 7(1)

For section 7(1) of the authorising local law, the keeping of an animal or animals specified in column 1 of schedule 1 are prohibited in the circumstances described in column 2 of schedule 1.

6 Circumstances in which keeping animals requires approval—Authorising local law, s 8(1)

For section 8(1) of the authorising local law, the keeping of an animal or animals of the species or breed mentioned in column 1 of schedule 2 requires an approval from the local government in the circumstances described in column 2 of schedule 2.

7 Minimum standards for keeping animals—Authorising local law, s 9(1)

- (1) For section 9(1) of the authorising local law, column 2 of schedule 3 sets out the minimum standards for keeping an animal of the species or breed mentioned in column 1 of schedule 3.
- (2) For section 9(1) of the authorising local law, schedule 3A sets out the minimum standards for keeping any animal.

8 Identification for cats and dogs in certain circumstances—Authorising local law, s 10

- (1) For section 10 of the authorising local law, the identification required for a cat that is at a place other than the address stated in the registration notice for the cat is the registration device mentioned in section 4A of the authorising local law.
- (2) For section 10 of the authorising local law, the identification required for a dog that is at a place other than the address stated in the registration notice for the dog is, unless the dog has an exemption under subsection (3), the registration device mentioned in section 12(2) of the *Animal Management (Cats and Dogs) Act 2008*.
- (3) The local government may issue a certificate of exemption for a dog if satisfied—
 - (a) the dog is being kept for show purposes; and
 - (b) the dog is registered with the Canine Control Council; and
 - (c) the keeper genuinely believes that the wearing of a collar would adversely affect the dog's coat for show purposes.
- (4) The local government may refuse to issue a certificate of exemption under subsection (3) unless the keeper of the dog produces to the local government—
 - (a) a certificate of registration for the dog from the Canine Control Council; and

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- (b) evidence (for example, by way of statutory declaration) that the keeper of the dog genuinely believes that the wearing of a collar would adversely affect the dog's coat for show purposes.
- (5) An authorised person may, by notice in writing to the keeper of a dog for which a certificate of exemption has been issued under subsection (3), revoke the exemption.

Part 3 Management of animals

9 Public places where animals are excluded—Authorising local law, s 11(1)

- (1) For section 11(1) of the authorising local law, an animal of the species or breed mentioned in column 3 of schedule 4 is prohibited in the corresponding public place described in column 2 of schedule 4 unless—
 - (a) a sign at the place permits the animal to be in the place; or
 - (b) if the animal is a dog—the place is a dog off-leash area; or
 - (c) the responsible person for the animal has an approval under *Local Law No.1 (Administration) 2011* that authorises the bringing of the animal into the public place.
- (2) For section 11(1) of the authorising local law, an animal of the species or breed mentioned in column 3 of schedule 5 is prohibited in the corresponding public place described in column 2 of schedule 5 and indicated by the map mentioned in column 4 of schedule 5 unless—
 - (a) a sign at the place permits the animal to be in the place; or
 - (b) if the animal is a dog—the place is a dog off-leash area; or
 - (c) the responsible person for the animal has an approval under *Local Law No.1 (Administration) 2011* that authorises the bringing of the animal into the public place.

10 Dog off-leash areas—Authorising local law, s 12(1)

For section 12(1) of the authorising local law, each area described in column 2 of schedule 6 and indicated by the corresponding map mentioned in column 3 of schedule 6 is a dog off-leash area during the times specified in column 4 of schedule 6.

11 Conservation requirements—Authorising local law, s 16(1) and 16(4)

- (1) For the purposes of the definition of *relevant area* in section 16(4) of the authorising local law, the areas described in column 1 of schedule 7 are prescribed as relevant areas.

- (2) For section 16(1) of the authorising local law, the requirements specified in column 2 of schedule 7 are prescribed for the corresponding relevant area mentioned in column 1 of schedule 7.

Part 4 Management of dangerous animals

12 Requirements for keeping declared dangerous animals—Authorising local law, s 22(2)

For section 22(2) of the authorising local law, the requirements that must be met by a responsible person in keeping a declared dangerous animal are prescribed in schedule 8.

Part 5 Establishment and administration of animal pounds

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

Part 6 Impounding or destruction of animals

13 Animals that may be disposed of without auction or tender—Authorising local law, s 37(1)(b)

For section 37(1)(b) of the authorising local law, the species, breeds or classes of animal that may be sold by private agreement, destroyed or disposed of in some other way are dogs, cats and other small domestic animals.

Part 7 Appeals against destruction orders

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

Schedule 1 Prohibition on keeping animals in prescribed circumstances

section 5

Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
bees	<ol style="list-style-type: none">1 a bee hive must not be kept on a property that is up to 400 square metres in size2 more than 2 bee hives must not be kept on a property between 401 square metres and 1000 square metres in size3 more than 5 bee hives must not be kept on a property between 1001 square metres and 2000 square metres in size4 more than 10 bee hives must not be kept on a property between 2001 square metres and 4000 square metres in size

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Schedule 2 Requirement for approval to keep animals

section 6

Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals requires approval ¹
dog	approval is required to keep 3 or more dogs over the age of 3 months on a property
cat	approval is required to keep 3 or more cats over the age of 3 months on a property
restricted dog	approval is required to keep 1 or more restricted dogs over the age of 3 months on a property
poultry	1 approval is required to keep more than 6 head of poultry in an urban area on a property that is smaller than 800 square metres in size 2 approval is required to keep more than 20 head of poultry in an urban area on a property that is 800 square metres in size or greater
cockerel, rooster, guinea fowl or peacock	approval is required to keep a cockerel, rooster, guinea fowl or peacock on a property that is less than 8001 square metres in size

¹ See *Local Law No.1 (Administration) 2011* and *Subordinate Local Law No.1 (Administration) 2011* in relation to the requirements and processes for approvals (e.g. form of application for approval, documents and materials that must accompany applications, criteria for granting approval, conditions that must be imposed on approvals, conditions that will ordinarily be imposed on approvals, term of approval, third party certification of applications).

Schedule 3 Minimum standards for keeping particular animals

section 7

Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
poultry	<ol style="list-style-type: none"> 1 a fowl house or similar structure must be maintained for the animals 2 the fowl house or structure must be at least— <ol style="list-style-type: none"> (a) 6 metres from any residence on an adjoining property; and (b) 1 metre from any side or rear boundary of the property on which it is located; and (c) 10 metres from any front boundary of the property on which it is located 3 feed should be maintained in a manner that prevents vermin access 4 the fowl house or structure must have a minimum floor area of 1 square metre per bird and constructed so that it can be hygienically cleaned 5 deep litter system must be used to absorb potential odours 6 deep litter should be replaced at least annually and disposed of as garden mulch or in a tied bag in a waste bin
aviary birds	<ol style="list-style-type: none"> 1 a cage, aviary or similar structure must be maintained for the animals 2 the cage, aviary or structure must be at least— <ol style="list-style-type: none"> (a) 6 metres from any residence on an adjoining property; and (b) 1 metre from any side or rear boundary of the property on which it is located; and (c) 10 metres from any front boundary of the property on which it is located
pigeons	<ol style="list-style-type: none"> 1 enclosed housing must use deep litter or other appropriate substrate 2 pigeon lofts must be regularly cleaned and maintained in a healthy condition so that no food scraps, pigeon faeces or feathers may create a food source to attract vermin 3 rodents and other vermin must be vigorously controlled 4 all food must be stored in sealed vermin proof containers and must not be left uncovered 5 the pigeons' owner or the occupier of those premises must control feral pigeons attracted to captive managed flocks 6 waste must be disposed of in a sanitary manner

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	<p>7 the uncontrolled release of pigeons (free lofting) in an urban area is not permitted</p> <p>8 free non-flight time must be conducted under close supervision by the owner</p> <p>9 the exit and entry of these birds from a loft, aviary or cage must be fully controlled. Provision must be made for all released birds to return through a one-way entrance that will not permit uncontrolled exit</p> <p>10 every reasonable attempt must be made to retrieve birds that do not return</p> <p>11 birds must not be permitted to roost on neighbours' premises</p> <p>12 birds must be appropriately conditioned in their behaviour to ensure rapid and voluntary return to their enclosure after liberation</p>
livestock	<p>1 animals must not have an adverse impact on—</p> <p>(a) the ability of occupiers of premises in the surrounding area to carry out the ordinary activities of the area and enjoy its amenity; and</p> <p>(b) the health or safety of people or other animals</p> <p>2 food must be stored in vermin proof containers</p>
cat or dog	<p>1 the enclosure—</p> <p>(a) must be of a size appropriate to the species and breed of the animal to be enclosed; and</p> <p>(b) must be constructed of strong materials and designed in such a way to the prevent the animal from—</p> <p>(i) escaping over, under, through or around the fence; and</p> <p>(ii) protruding over, under, through or around the fence; and</p> <p>(iii) attacking or threatening to attack a person or animal over, under, through or around the fence; and</p> <p>(c) may be constructed such that parts of a building or structure can form part of the enclosure in lieu of fencing, provided the building or structure does not have openings through which the animal can escape; and</p> <p>(d) must contain adequate shelter; and</p> <p>(e) in the case of a dog enclosure that is solely within a dwelling—must not include a door that opens directly to an area outside the dwelling that would give the dog unrestricted access to a public place.</p> <p><i>Example for paragraph (e)— The perimeter of an enclosure for a dog within a dwelling must not include the front door or another external door of the dwelling.</i></p>

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	2 the enclosure's gates must be closed and latched except when in actual immediate use.
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Schedule 3A Minimum standards for keeping animals generally

section 7

- 1 The person keeping the animal must ensure that—
 - (a) the animal enclosure and containment measures meet the welfare needs of the animal; and
 - (b) the animal enclosure is maintained in good repair so as to not cause nuisance to neighbouring premises; and
 - (c) the animal enclosure is constructed to prevent wastewater from entering into the stormwater system or discharging to adjoining premises; and
 - (d) the land surrounding the animal enclosure is kept clear of organic materials that may harbour vermin or cause a nuisance to neighbouring premises.
- 2 The person keeping the animal must ensure that the animal does not—
 - (a) cause a nuisance; or
 - (b) expose the health and safety of other persons and animals to significant risk; or
 - (c) create a reasonable apprehension in the minds of other persons of a significant risk to the health and safety of persons and animals; or
 - (d) cause a loss of amenity.
- 3 Animal noise is a **nuisance** if it—
 - (a) is made by a domestic animal; and
 - (b) occurs more than once; and
 - (c) unreasonably disrupts or inhibits an activity ordinarily carried out on adjoining land or nearby residential premises.

Example for paragraph (c)—

The barking of a dog, which disrupts a person—

- (a) holding a conversation; or
- (b) watching television; or
- (c) listening to a radio or recorded material; or
- (d) sleeping.

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Schedule 4 Exclusion of animals generally

section 9

Column 1 Type of public place	Column 2 Description of public place	Column 3 Animal prohibited unless a sign permits the animal
park/reserve	any park or reserve	horses
beach and foreshore	any part of the foreshore or seashore that is under the local government's control, including bathing reserves	all animals
park/reserve	any park or reserve that adjoins a part of the foreshore or seashore that is under the local government's control	all animals
park/reserve	within 5 metres of a children's playground or BBQ facility in a park or reserve	all animals

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Schedule 5 Exclusion of animals from specific places

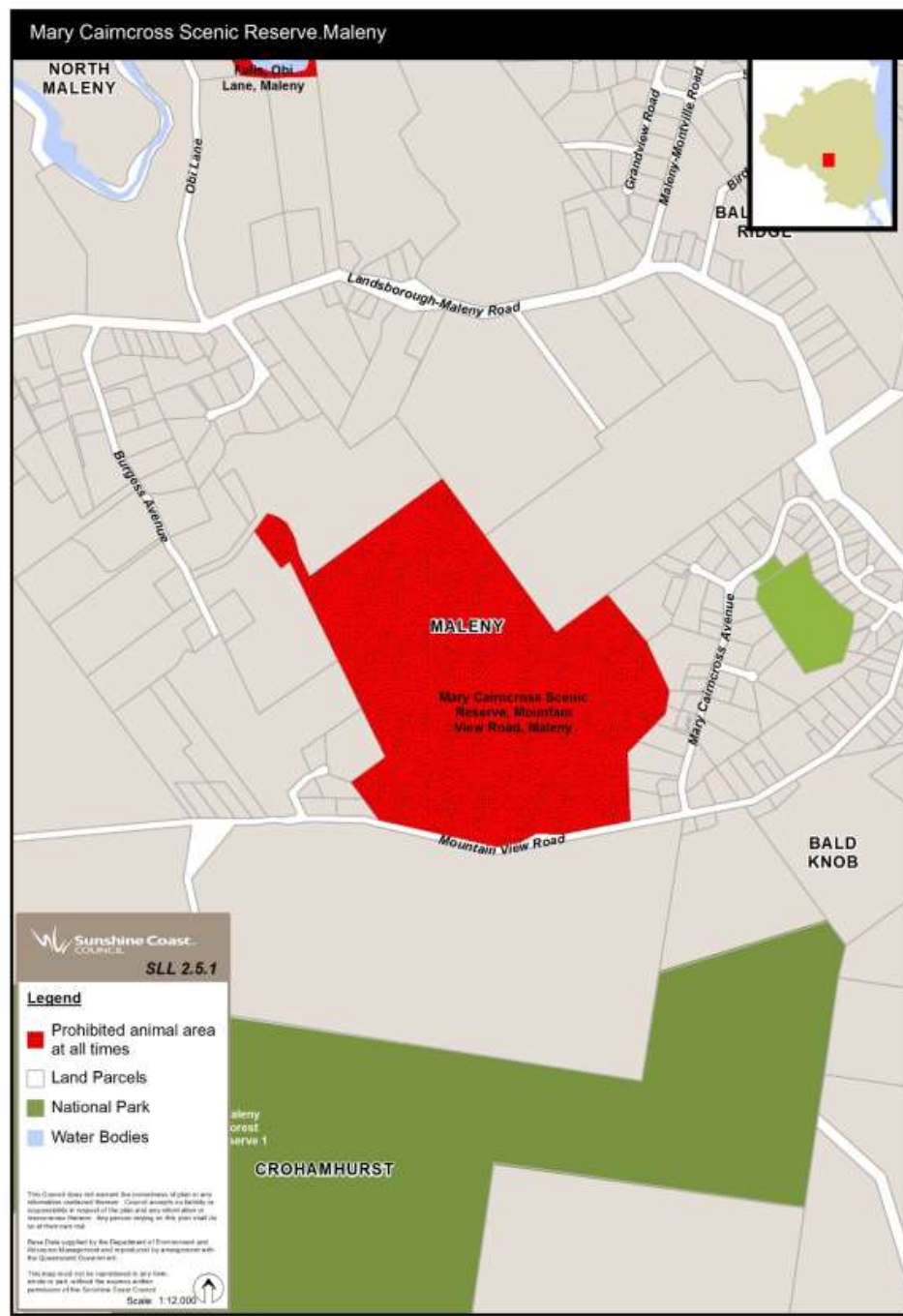
section 9

Column 1 Type of public place	Column 2 Description of public place	Column 3 Animal prohibited	Column 4 Map Number
park/reserve	Mary Cairncross Scenic Reserve, Maleny	all animals	SLL 2.5.1
park/reserve	Gardner's Falls, Maleny	all animals	SLL 2.5.2
park/reserve	Buderim Forest Park, Buderim	all animals	SLL 2.5.3
park/reserve	Maroochy Regional Bushland Botanic Gardens, Tanawha	all animals	SLL 2.5.4
beach and foreshore	Currimundi Lake, Currimundi	all animals	SLL 2.5.5
park/reserve	Sharon Bonney Bushland Reserve, Aroona	all animals	SLL 2.5.6
park/reserve	Jill Chamberlain Bushland Reserve, Little Mountain	all animals	SLL 2.5.7
park/reserve	Hardie Buzacott Wildflower Reserve, Moffat Beach	all animals	SLL 2.5.8
park/reserve	Kings Beach Park, Bill Morton Memorial Park and Kings Beach Pool, Kings Beach	all animals	SLL 2.5.9
park/reserve	Caloundra Central Park Sports Precinct, Caloundra	all animals	SLL 2.5.10
park/reserve	Caloundra Cricket Ovals 2-14 and Caloundra Croquet Club Greens	all animals	SLL 2.5.11
park/reserve	Mooloolaba Beach, Mooloolaba (beach access 171 to 195)	all animals	SLL 2.5.12
park/reserve	Quota/Eleanor Shipley Park, Moffat Beach	all animals	SLL 2.5.13
park/reserve	Graham Stewart Park, Currimundi	all animals	SLL 2.5.14
park/reserve	Sunshine Coast Stadium, Bokarina	dogs	SLL 2.5.15
park/reserve	Maleny Showground, Maleny	dogs	SLL 2.5.16

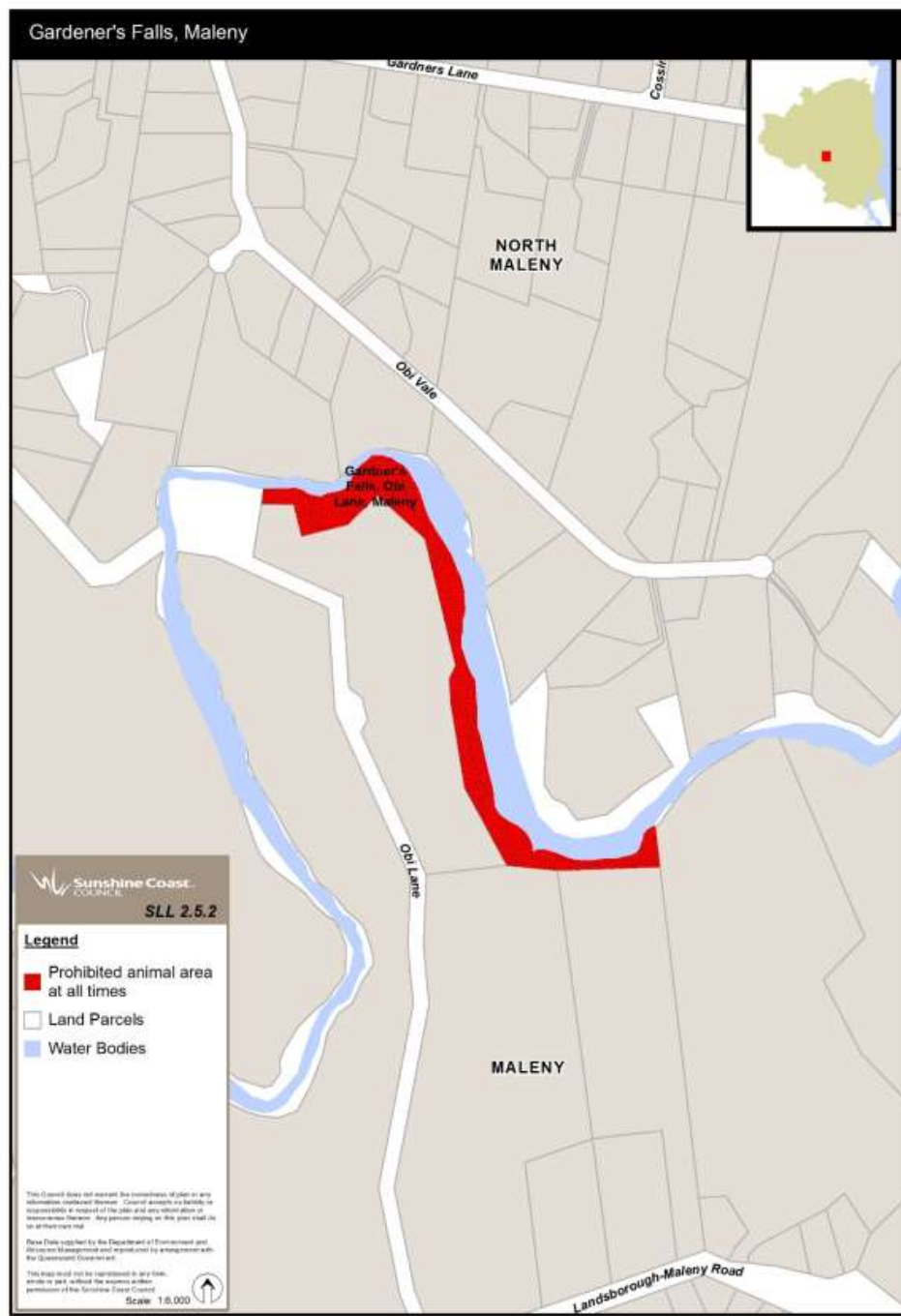
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park/reserve	Muller Park Reserve, Bli Bli	all animals	SLL 2.5.17
park/reserve	Bankfoot House, Glass House Mountains	all animals	SLL 2.5.18

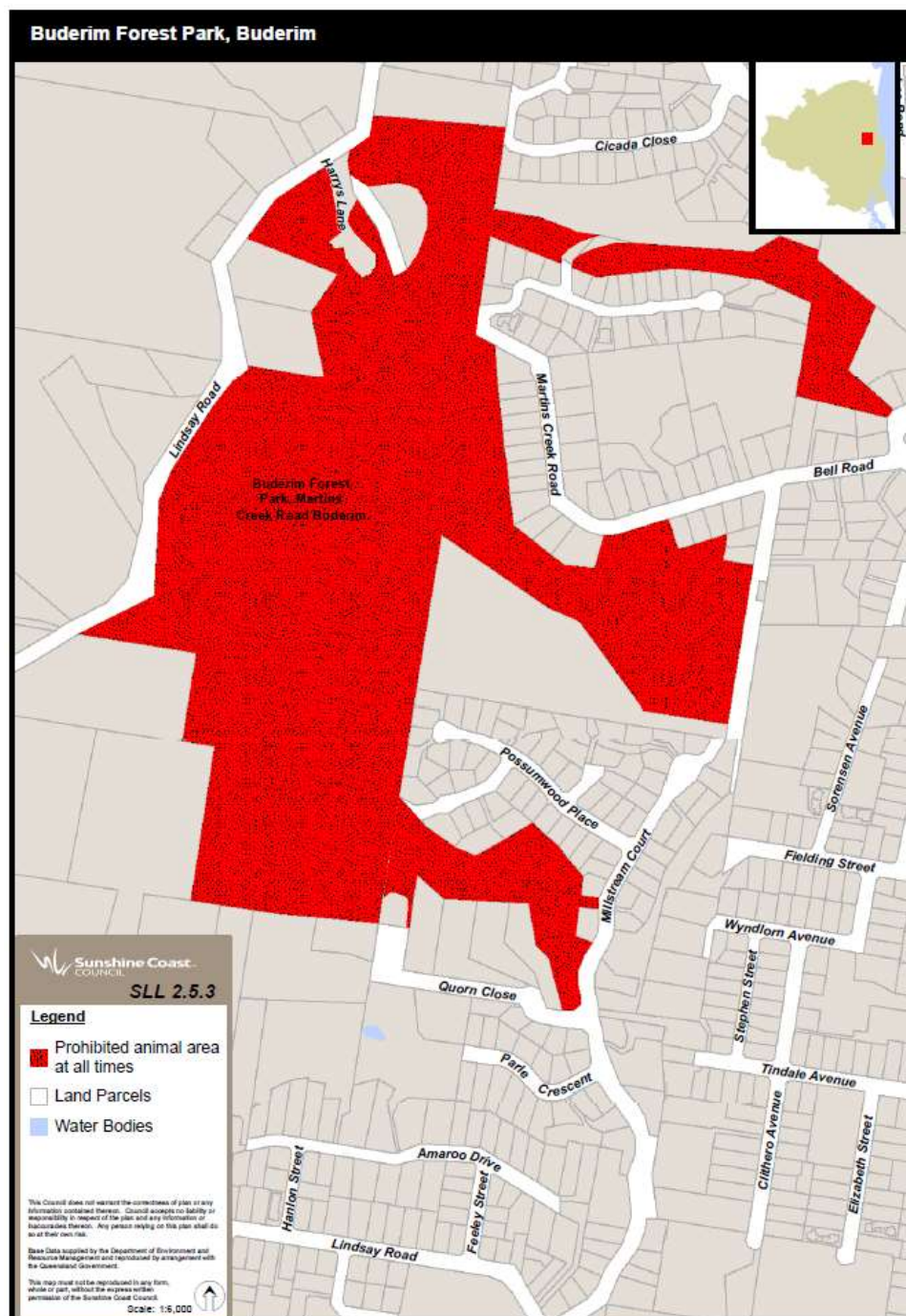
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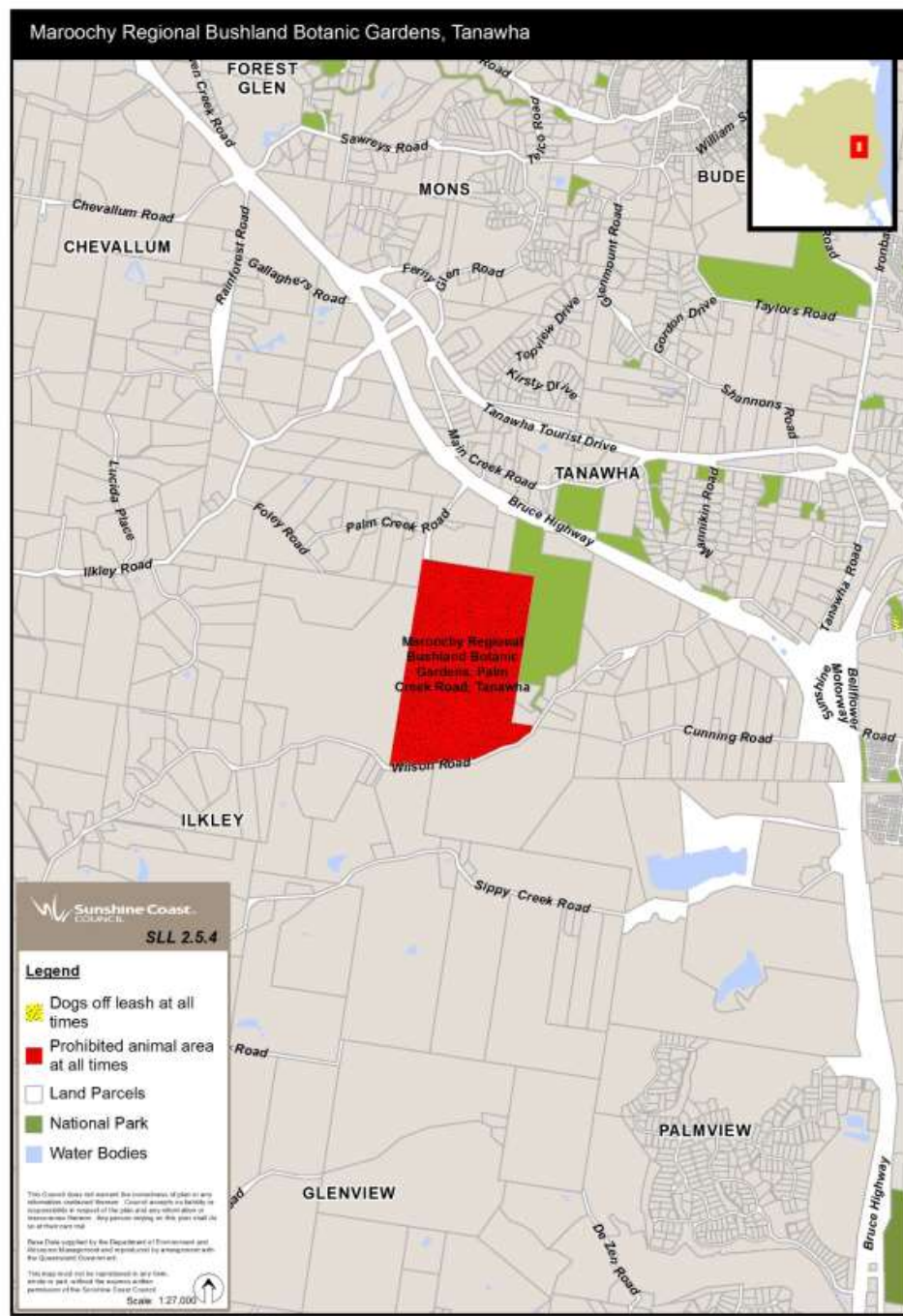
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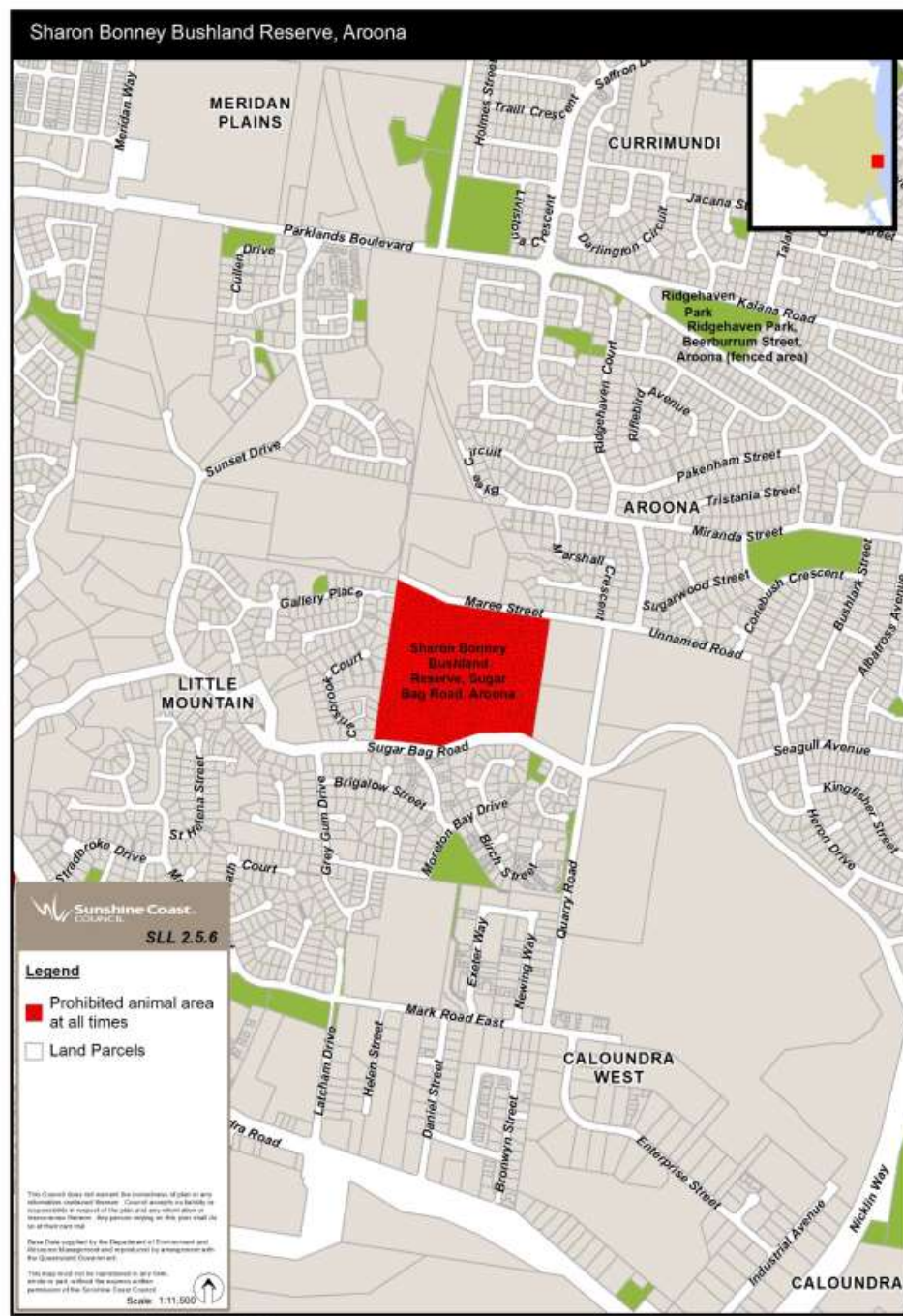
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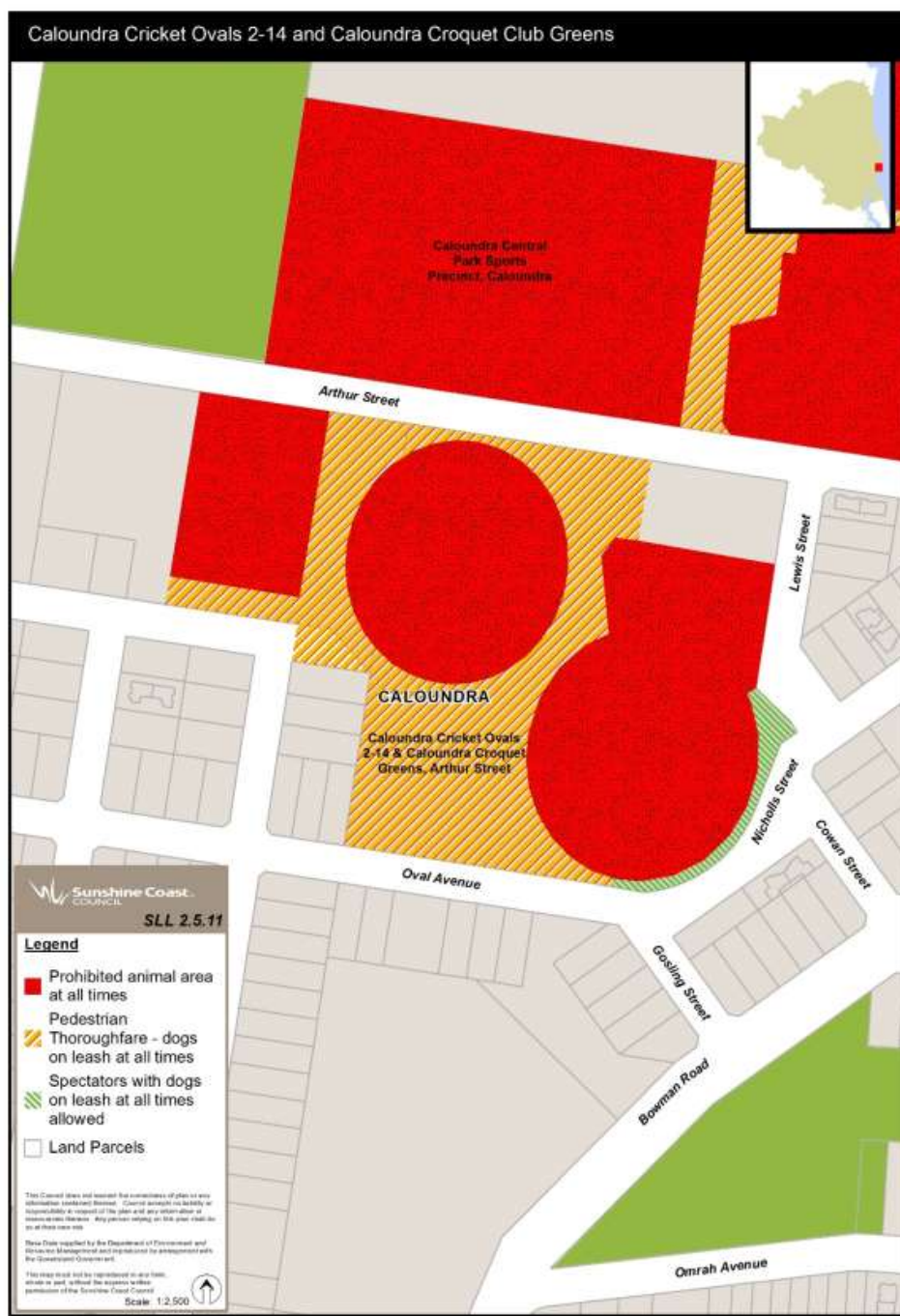
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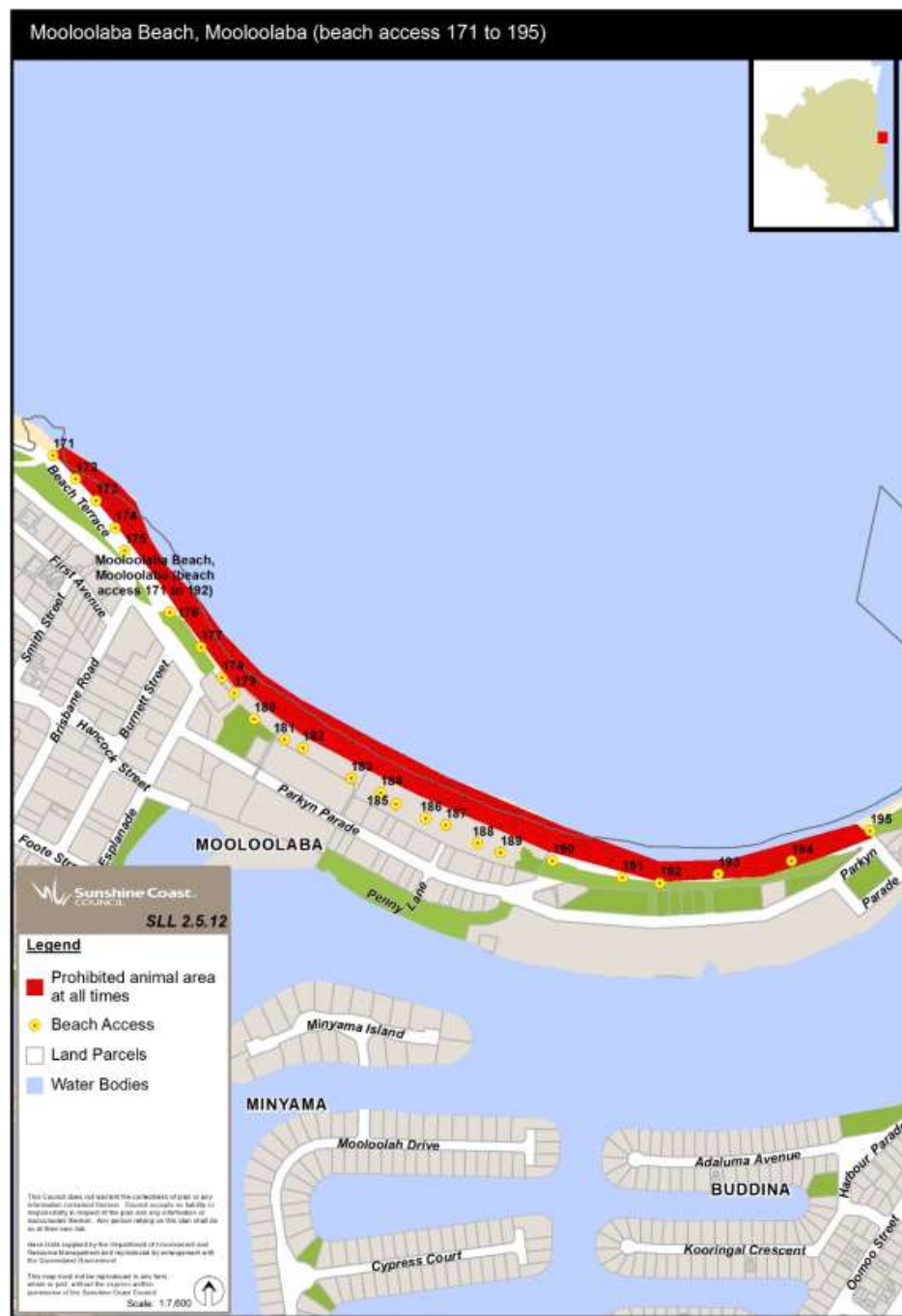
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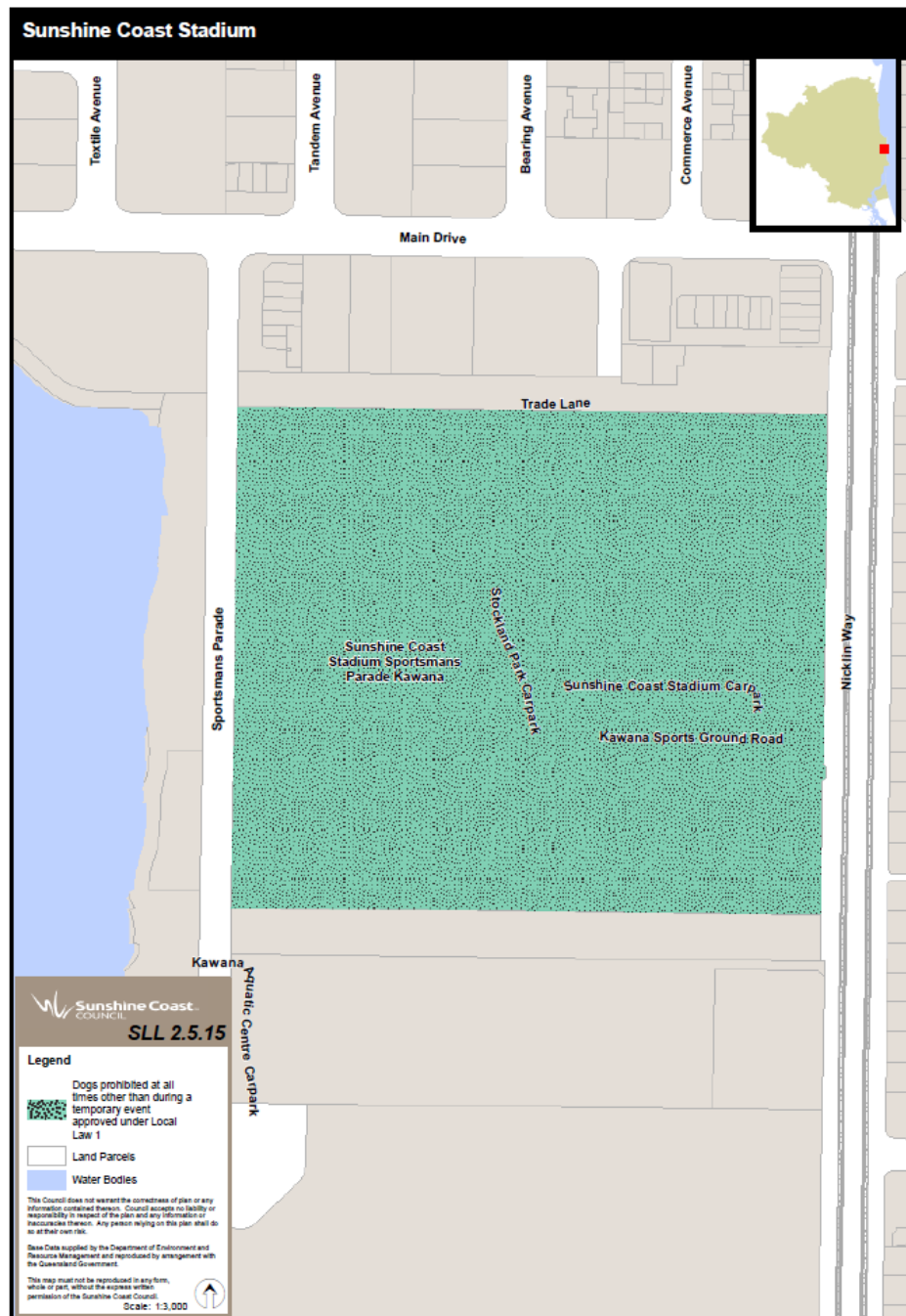
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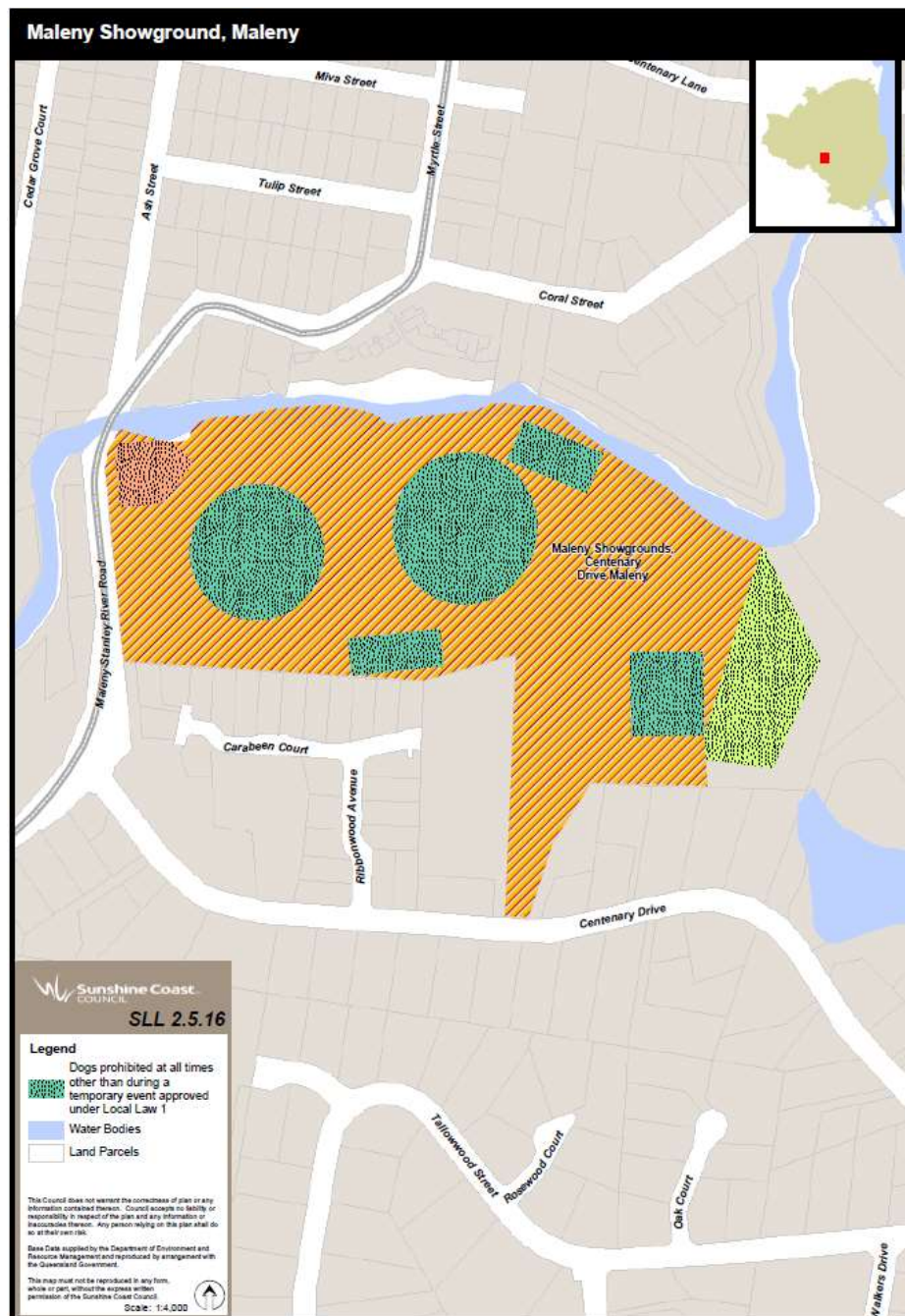
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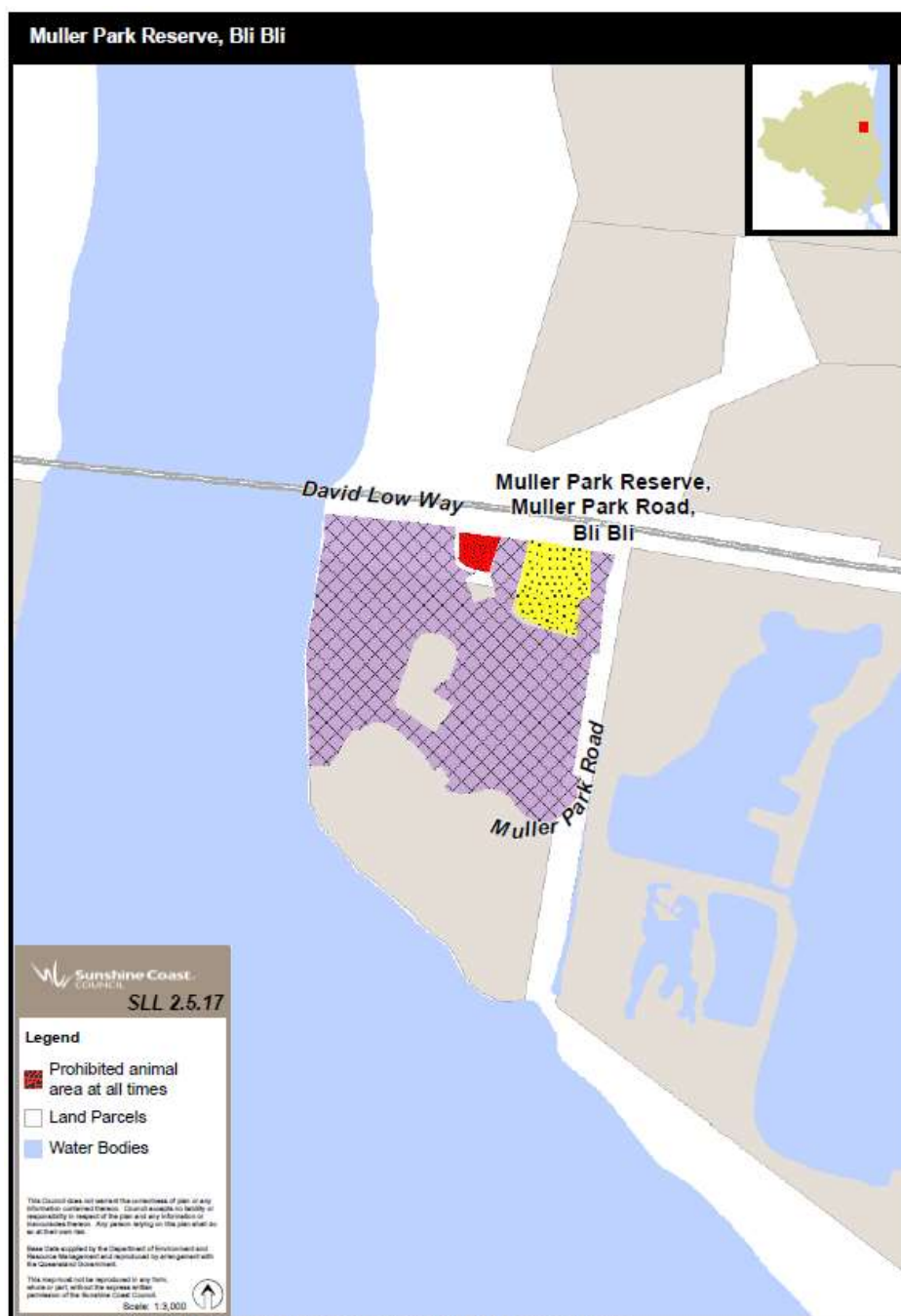
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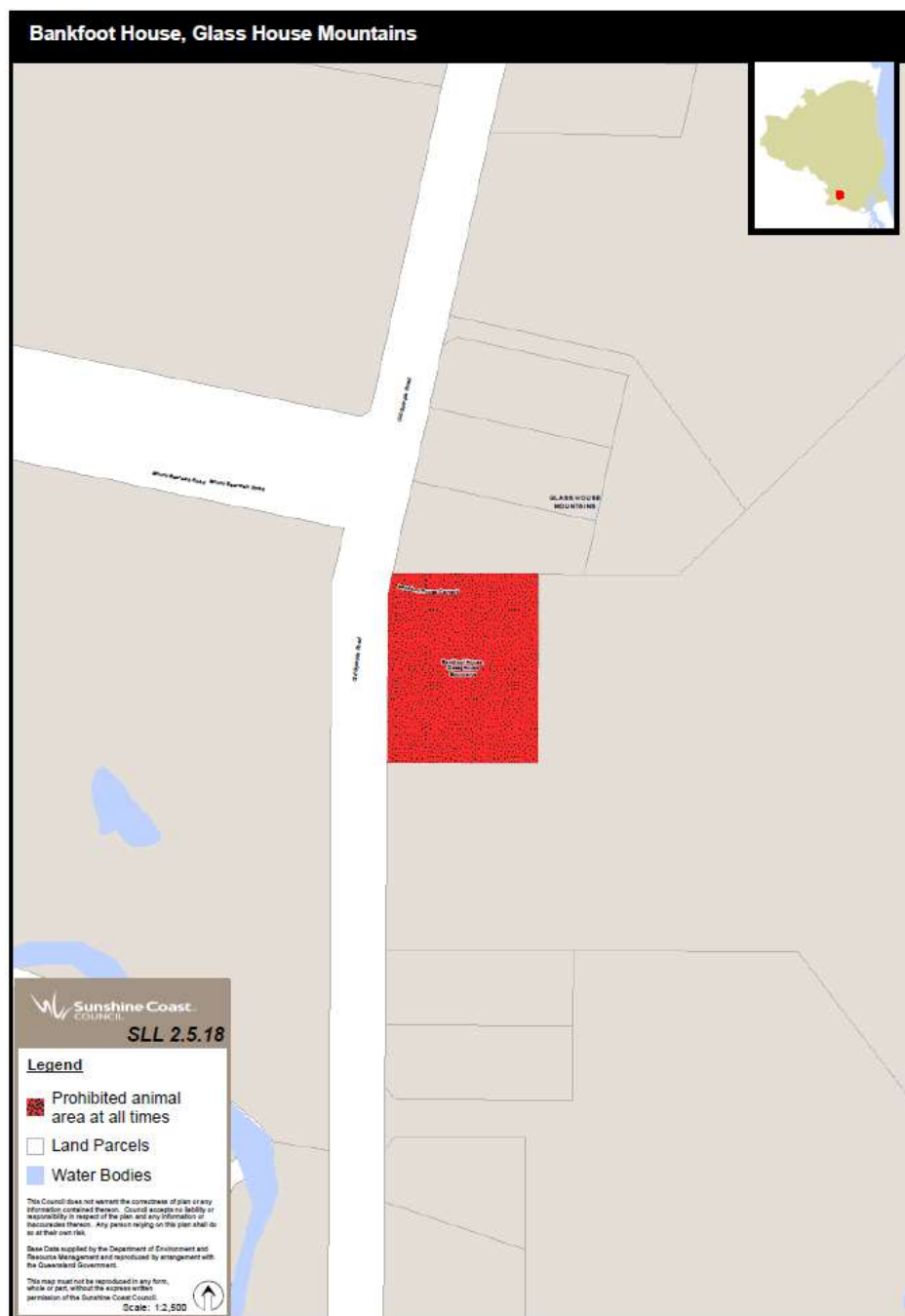
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Schedule 6 Dog off-leash areas

section 10

Column 1 Type of public place	Column 2 Description of dog off leash area	Column 3 Map Number	Column 4 Applicable times
park	Lake Weyba Drive, Lake Weyba	SLL 2.6.9	all times
foreshore	Stumers Creek, Coolum, beach access 67 to 72	SLL 2.6.10	all times
foreshore	Town of Seaside, from beach access 97 to 98	SLL 2.6.12	5am to 9am and 4pm to 8pm
park	Parkland Reserve, Keith Royal Drive, Marcoola	SLL 2.6.13	all times
park	Muller Park Reserve, Bli Bli	SLL 2.6.14	all times (fenced dog off-leash area) or 4pm to 8am (entire park excluding the prohibited animal area declared by schedule 5)
park	Petrie Park, Nambour	SLL 2.6.15	all times
foreshore	North Shore, Twin Waters	SLL 2.6.16	all times
park	Parkland Reserve, Bradman Avenue, Maroochydore	SLL 2.6.17	all times
park	Elizabeth Daniels Park, Buderim	SLL 2.6.18	all times
park/foreshore	Point Cartwright Reserve	SLL 2.6.19	from 4pm to 8am
foreshore	Point Cartwright to Gulai Street, Buddina (beach access 198 to 201)	SLL 2.6.20	all times
park	Western end of Jessica Park, Buddina	SLL 2.6.21	all times
park	Quota Hideaway Park, Mountain Creek	SLL 2.6.22	all times
foreshore/park	Mawarra Street to Talinga Street, Buddina (beach access 210 to 217)	SLL 2.6.23	all times
foreshore/park	Maloga Street, Kawana to Blue Haven Court, Bokarina (beach	SLL 2.6.24	all times

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Column 1 Type of public place	Column 2 Description of dog off leash area	Column 3 Map Number	Column 4 Applicable times
	access 226 to 245)		
foreshore/park	Blue Haven Court, Bokarina to Moondara Drive, Wurtulla (beach access 245 to 249)	SLL 2.6.24	5pm to 8am
park	Chancellor Village Park, Sippy Downs	SLL 2.6.25	all times
park	Nicklin Way Dog Park, Warana	SLL 2.6.26	all times
foreshore/park	Moondara Drive, Wurtulla to Currimundi Creek, Currimundi (beach access 249 to 253)	SLL 2.6.27	all times
foreshore/park	Gothic Pde to Ann Street, Currimundi (beach access 255 to 262)	SLL 2.6.28	all times
park	Maleny Showgrounds, Maleny	SLL 2.6.29	1 for the area indicated on the map by orange shading—all times except during a temporary entertainment event approved under <i>Local Law No. 1 (Administration) 2011</i> 2 for the area indicated on the map by light green shading—all times except during an Equine Event advertised by Maleny Equestrian Groups
park	Graham Stewart Park (excluding the leased area), Currimundi	SLL 2.6.30	all times
park	Ridgehaven Park, Aroona (fenced area)	SLL 2.6.31	all times
park	Ridgehaven Park, Aroona	SLL 2.6.31	at times indicated on signs
park	Coochin Park, Dicky Beach	SLL 2.6.32	all times

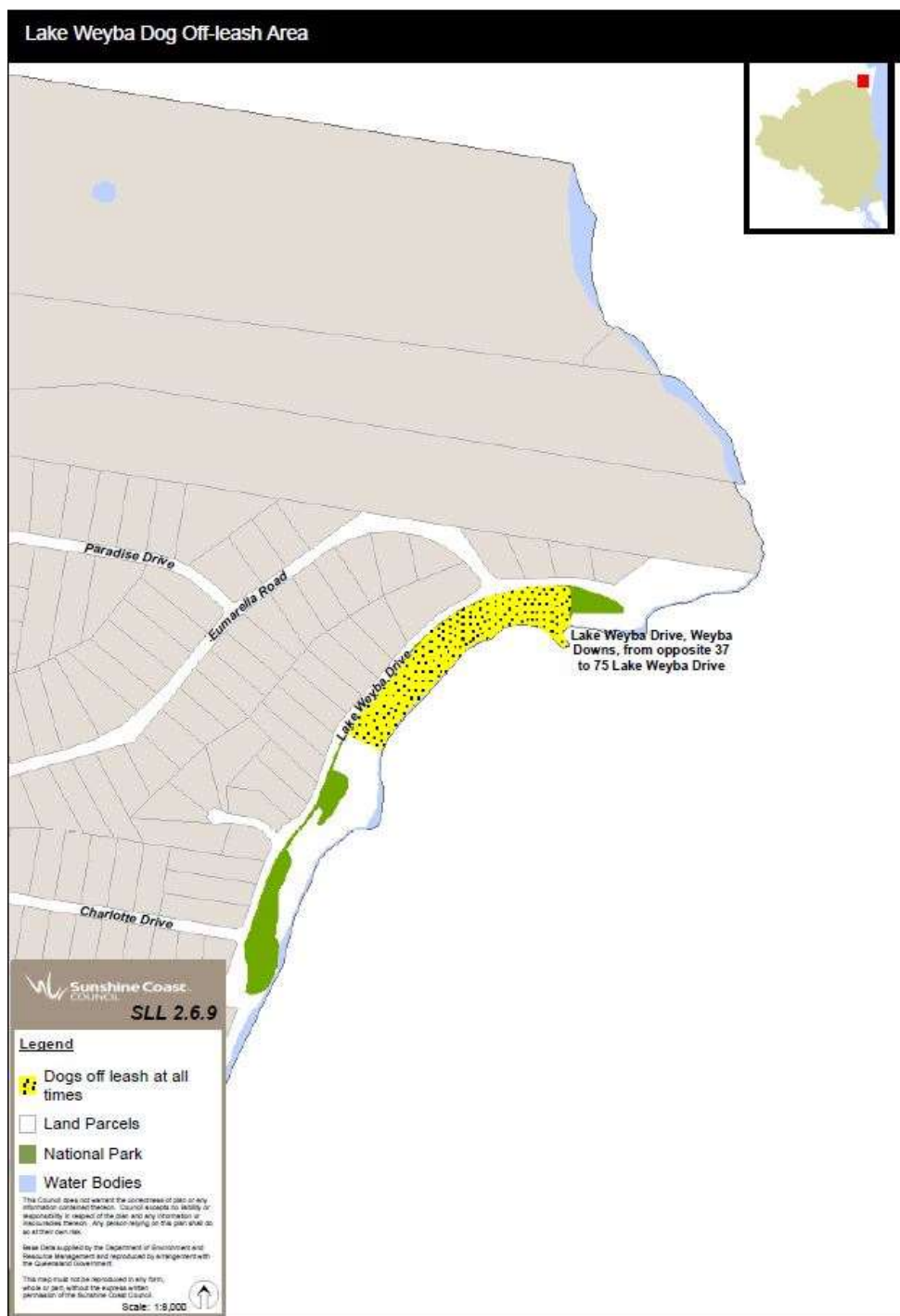
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Column 1 Type of public place	Column 2 Description of dog off leash area	Column 3 Map Number	Column 4 Applicable times
park	Meridan Downs Park, Meridan Downs	SLL 2.6.33	all times
park	Little Mountain Common, Little Mountain	SLL 2.6.34	all times
foreshore/park	Lower Neil Street, Dicky Beach to Russell Street, Shelly Beach (beach access 269 to 276)	SLL 2.6.35	at times indicated on signs
foreshore/park	Russell Street to Victoria Terrace, Shelly Beach (beach access 276 to 281)	SLL 2.6.36	May to October, 4pm to 8am
park	Woorim Park, Golden Beach	SLL 2.6.37	all times
park	Mill Street Park, Beerwah	SLL 2.6.38	all times
park	Heliconia Street, Mountain Creek	SLL 2.6.39	all times
park	The Avenue Park, Peregrine Springs	SLL 2.6.40	all times
park	Glasshouse Mountains District Park, Glasshouse Mountains	SLL 2.6.41	all times
park	Pioneer Park, Landsborough	SLL 2.6.42	all times
park	Federation Park, Palmwoods	SLL 2.6.43	all times
park	Aroona Park	SLL 2.6.44	4pm to 8am Monday to Friday
park	Mooloolah Recreation Reserve	SLL 2.6.45	all times other than during a temporary entertainment event approved under <i>Local Law No.1 (Administration) 2011</i>
park	Flintwood Crescent, Palmview	SLL 2.6.46	all times
park	Mapleton Lilyponds, Mapleton	SLL 2.6.47	all times
park	Quota Memorial Park, Nambour	SLL 2.6.48	all times
park	Baringa Forest Park, Eden Drive	SLL 2.6.49	all times

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Column 1 Type of public place	Column 2 Description of dog off leash area	Column 3 Map Number	Column 4 Applicable times
park	Annalise Circuit Park, Nirimba	SLL 2.6.50	all times
park	Viridian Park, Birtinya	SLL 2.6.51	all times
park	Grand Parade Park, Parrearra	SLL 2.6.52	all times

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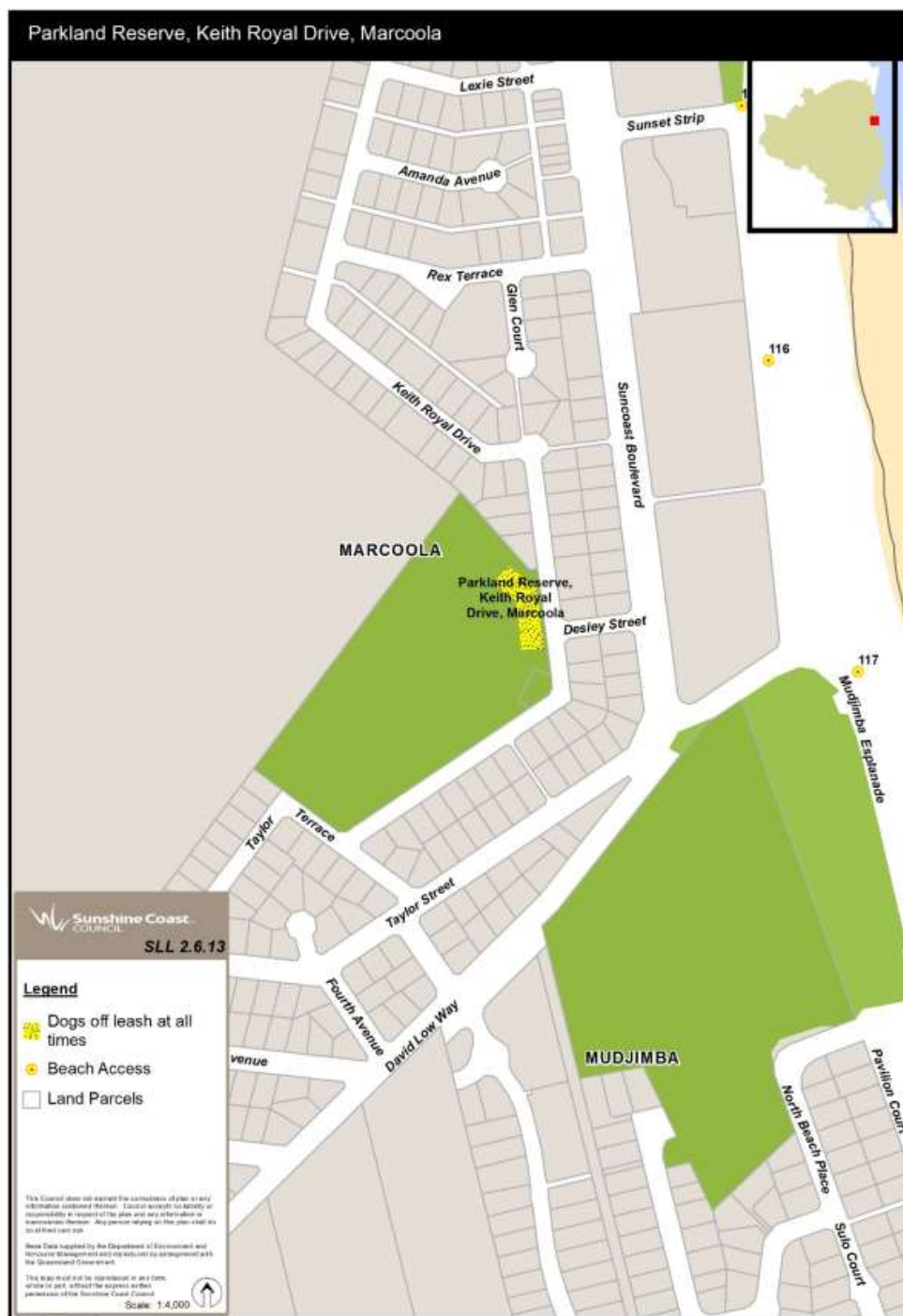
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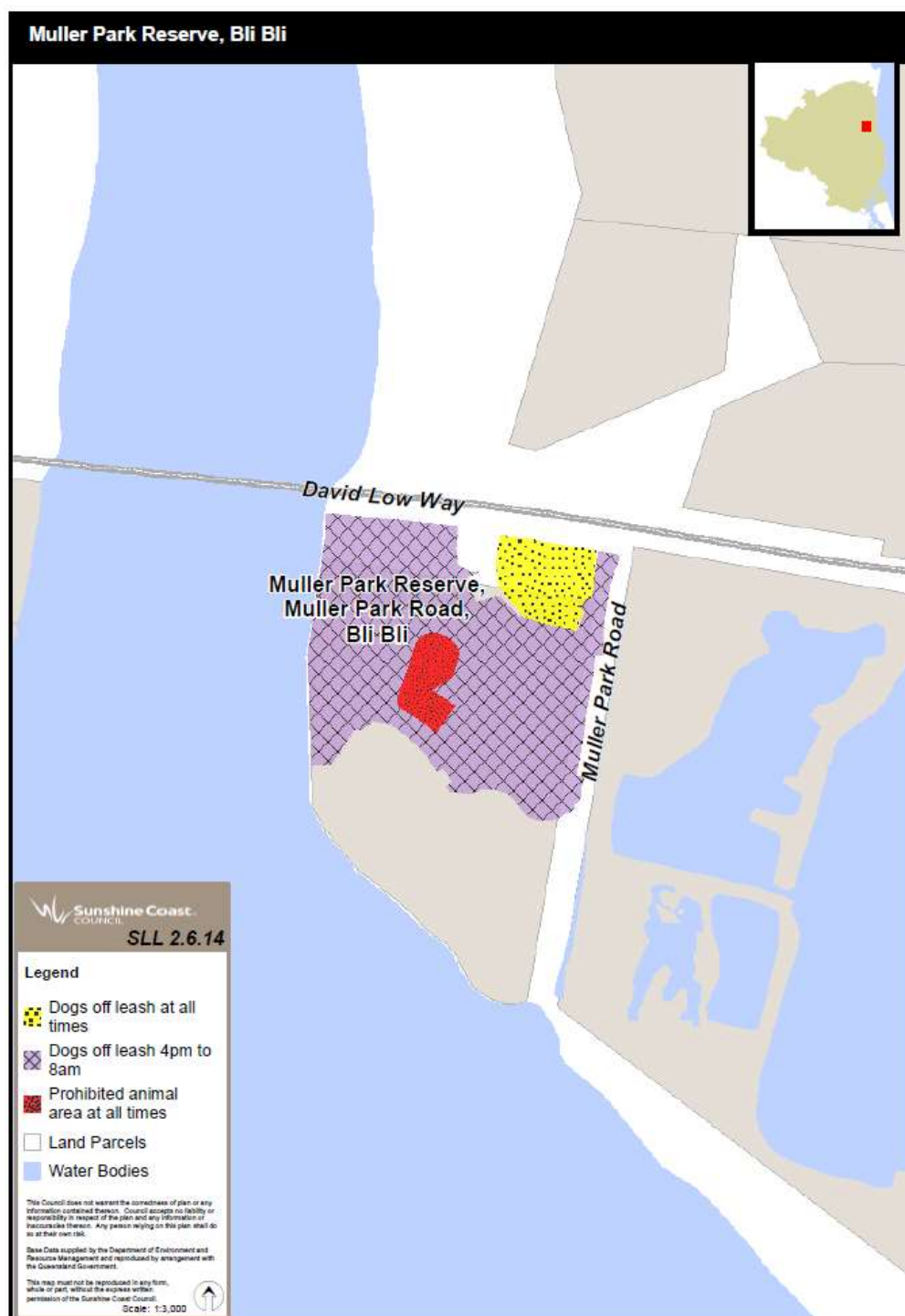
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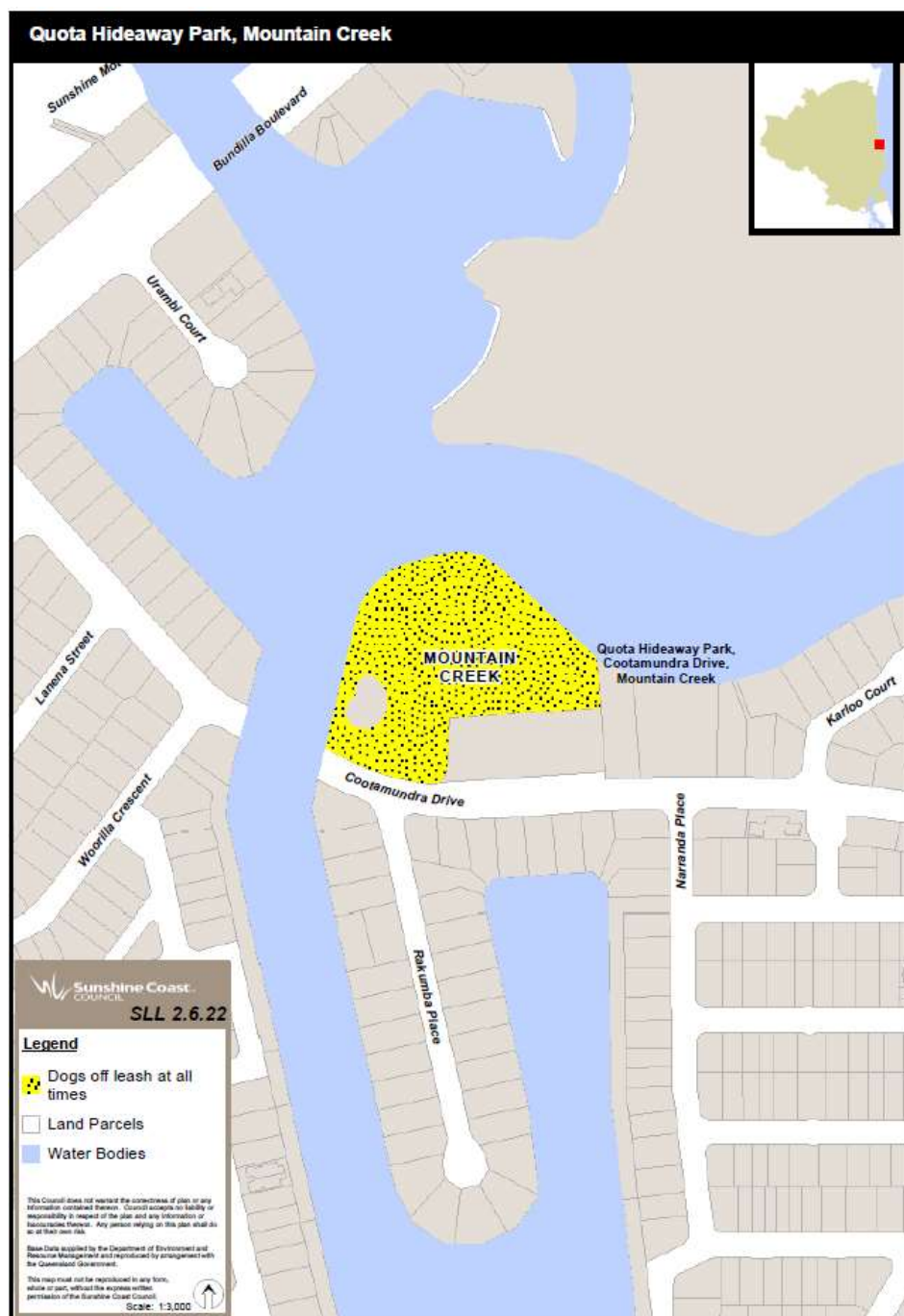


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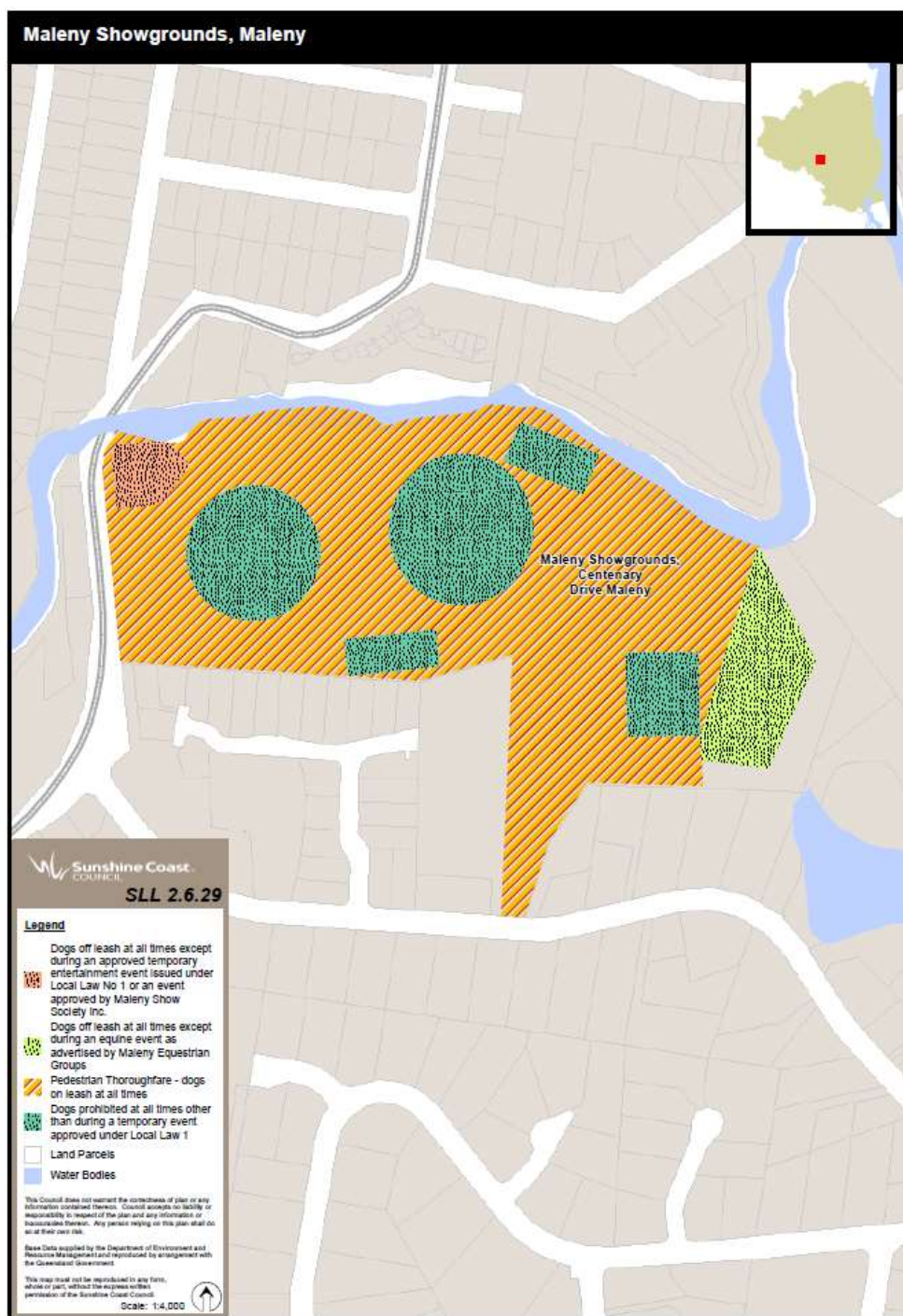
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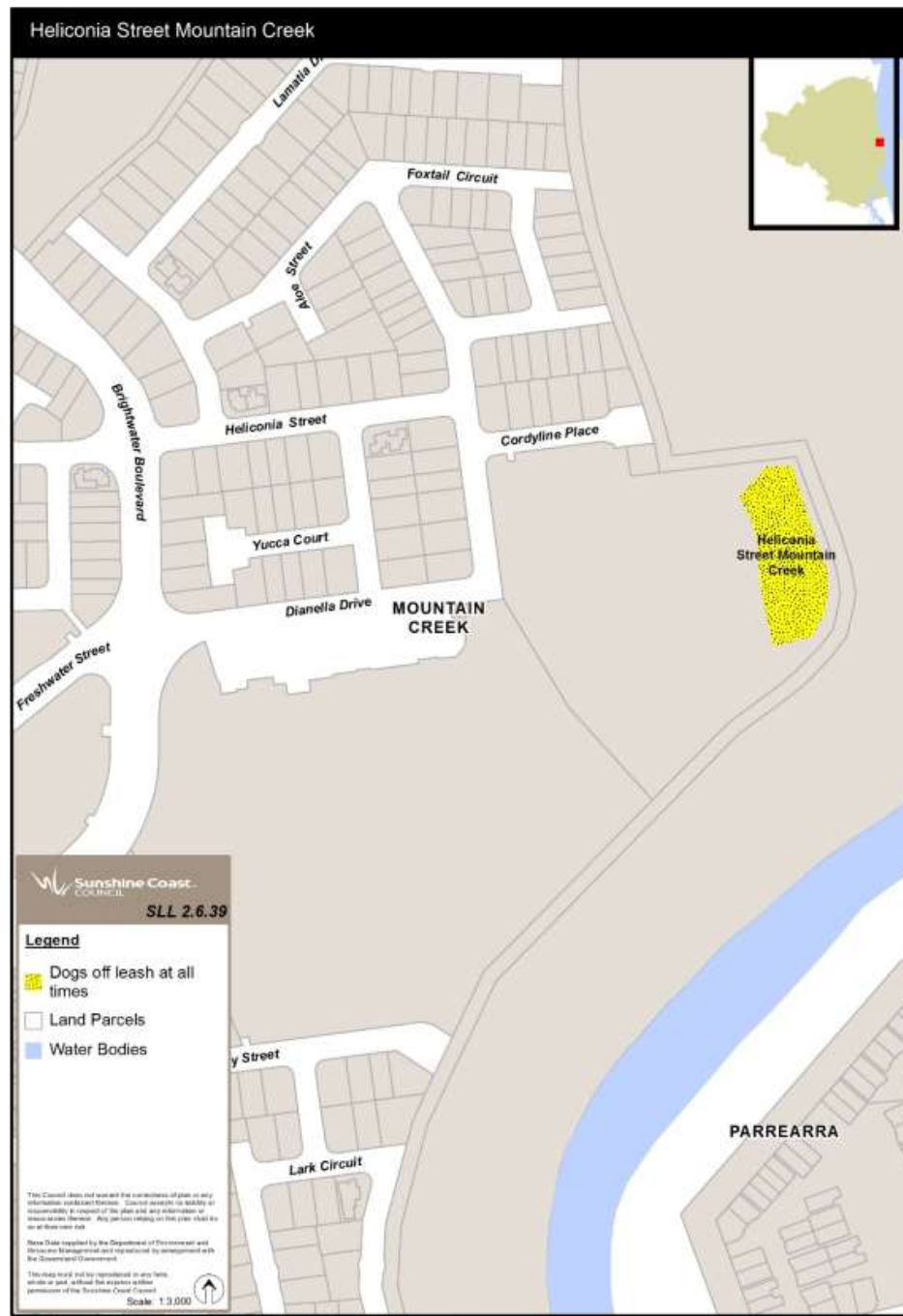
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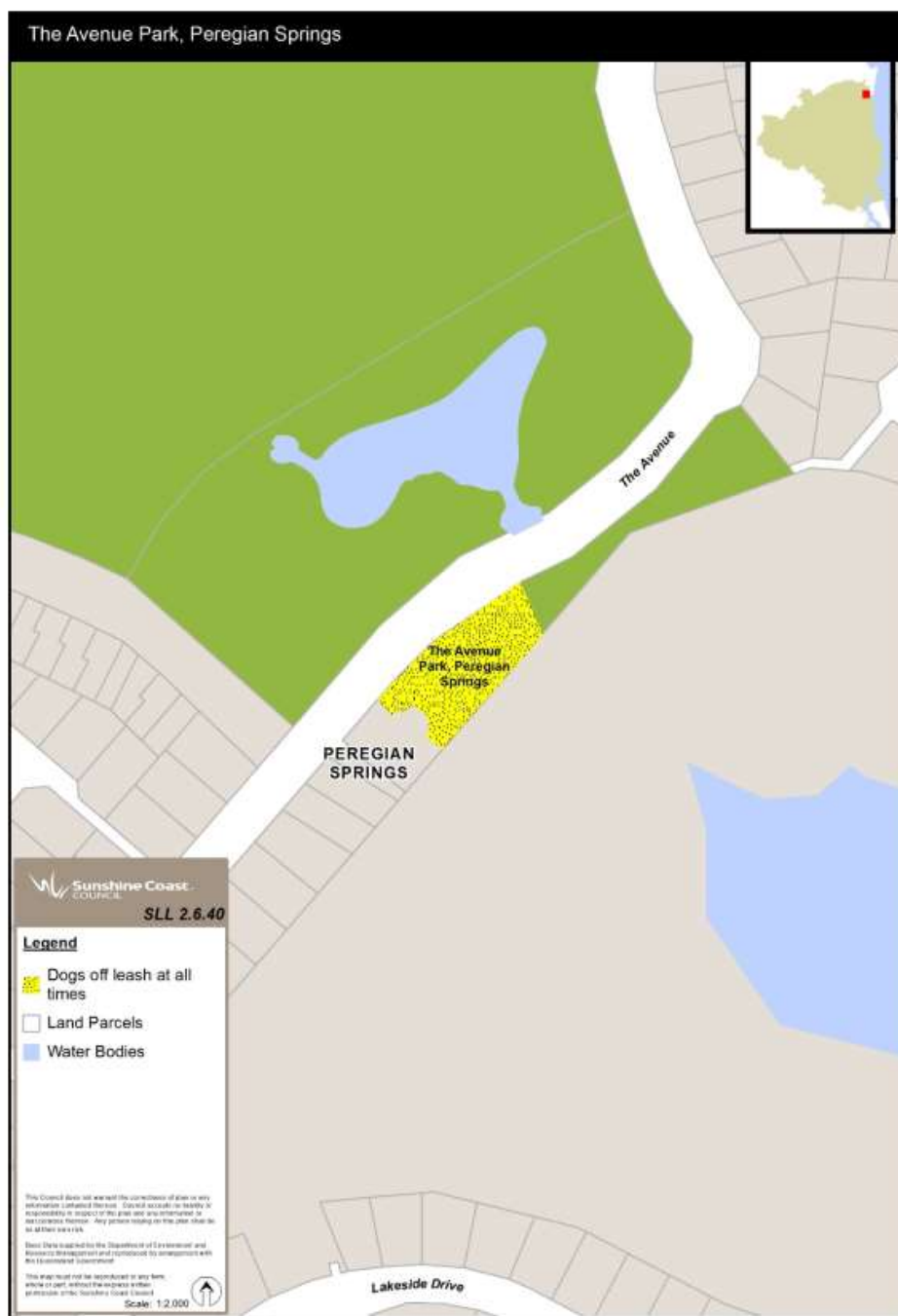
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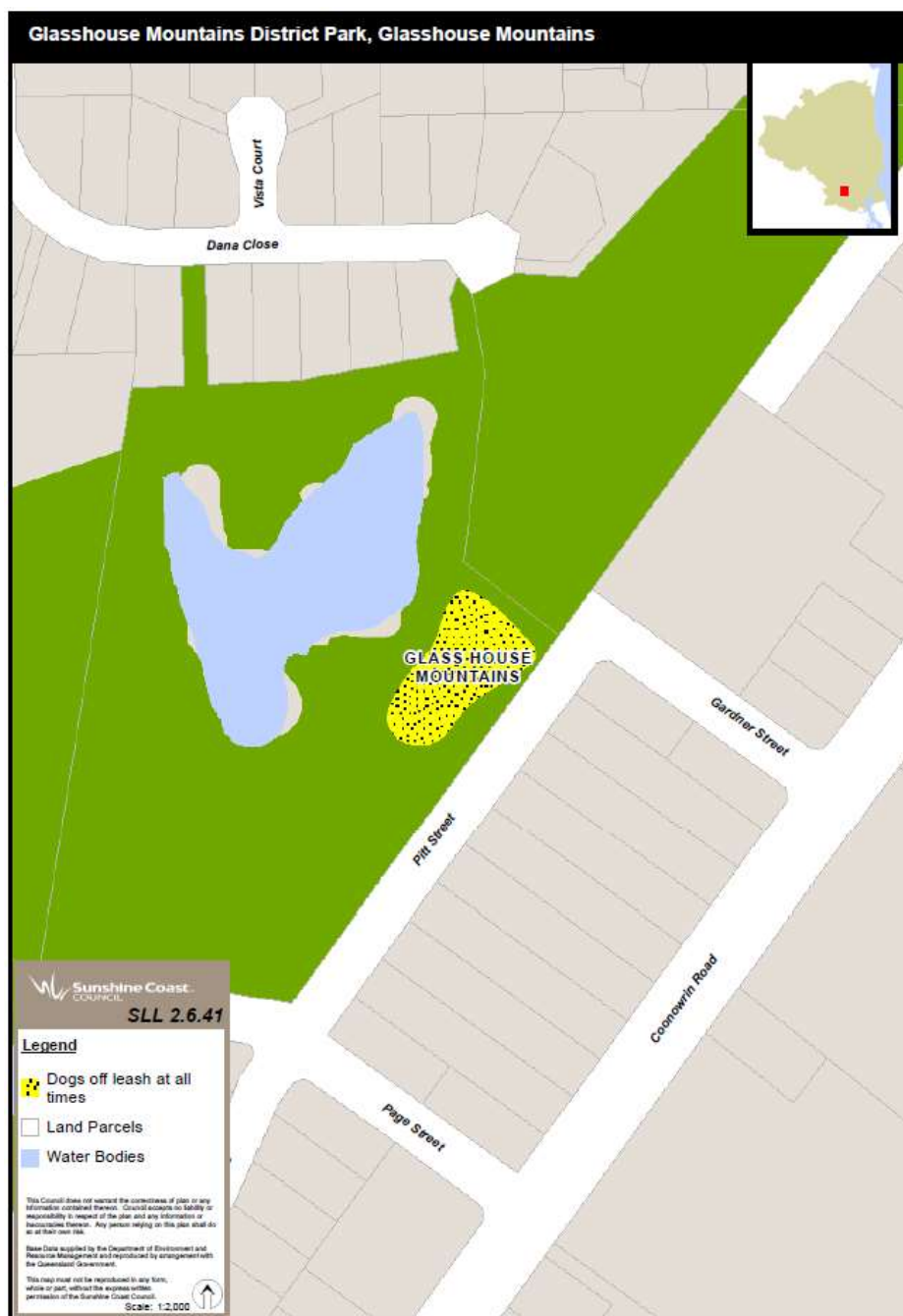
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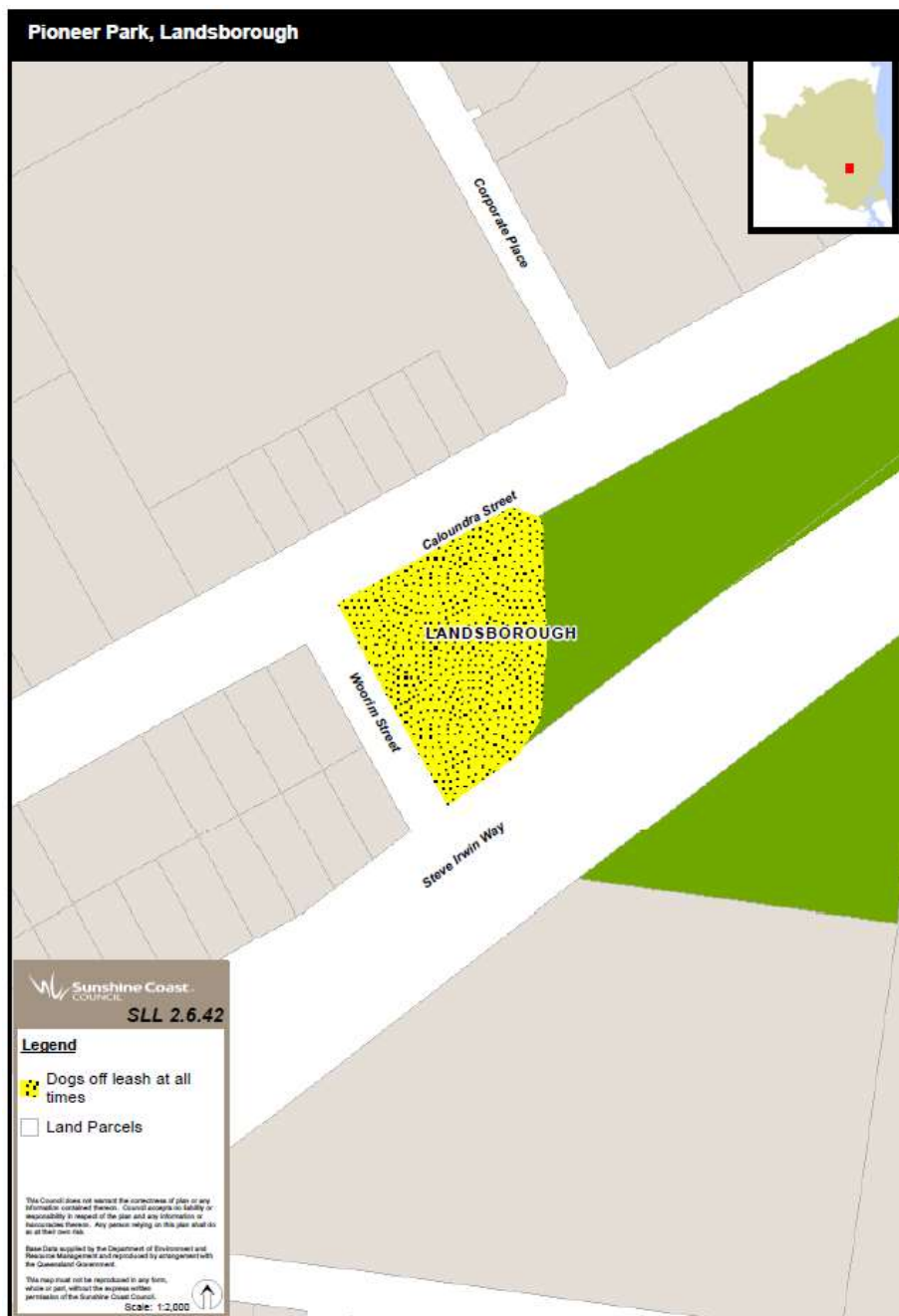
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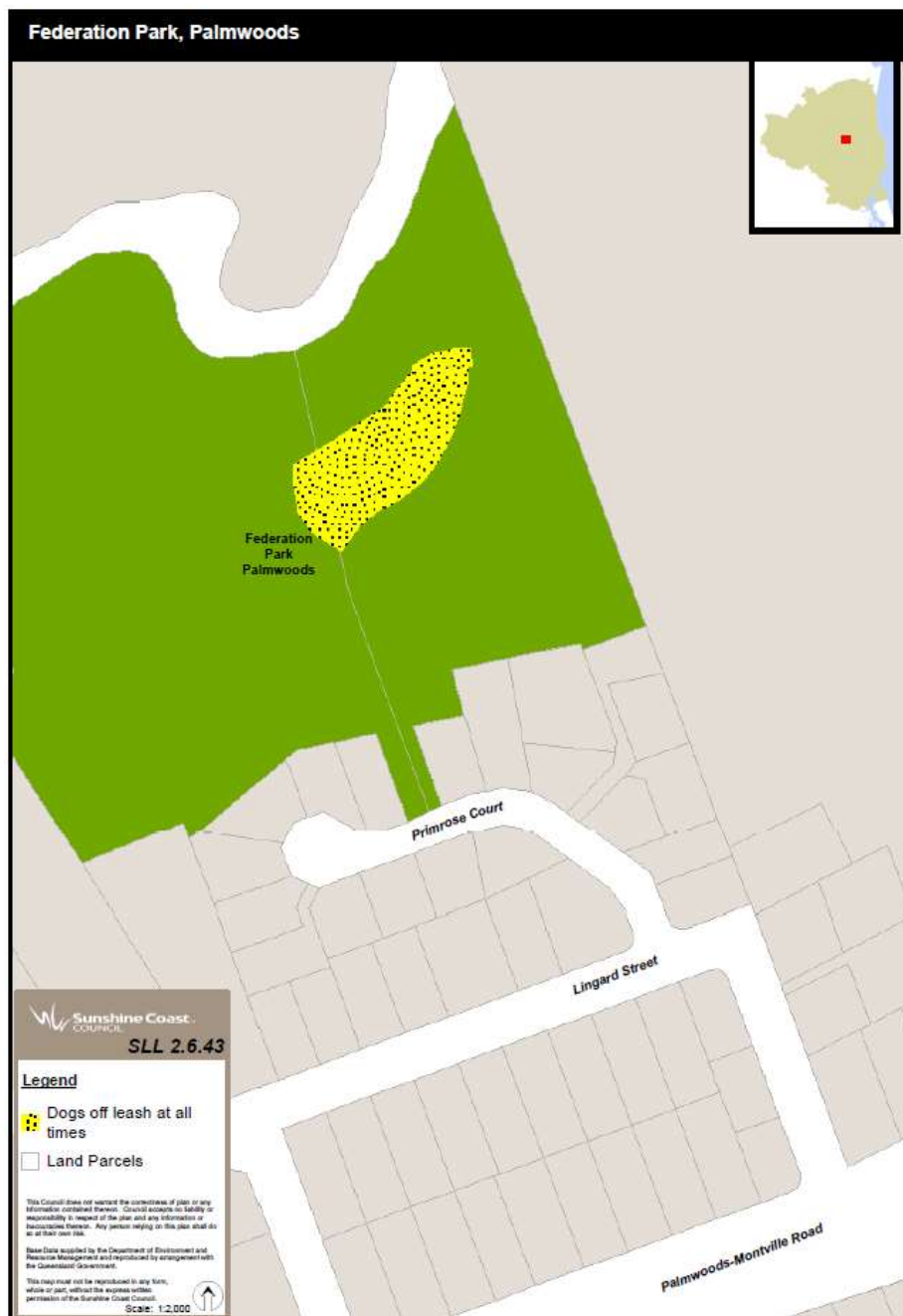
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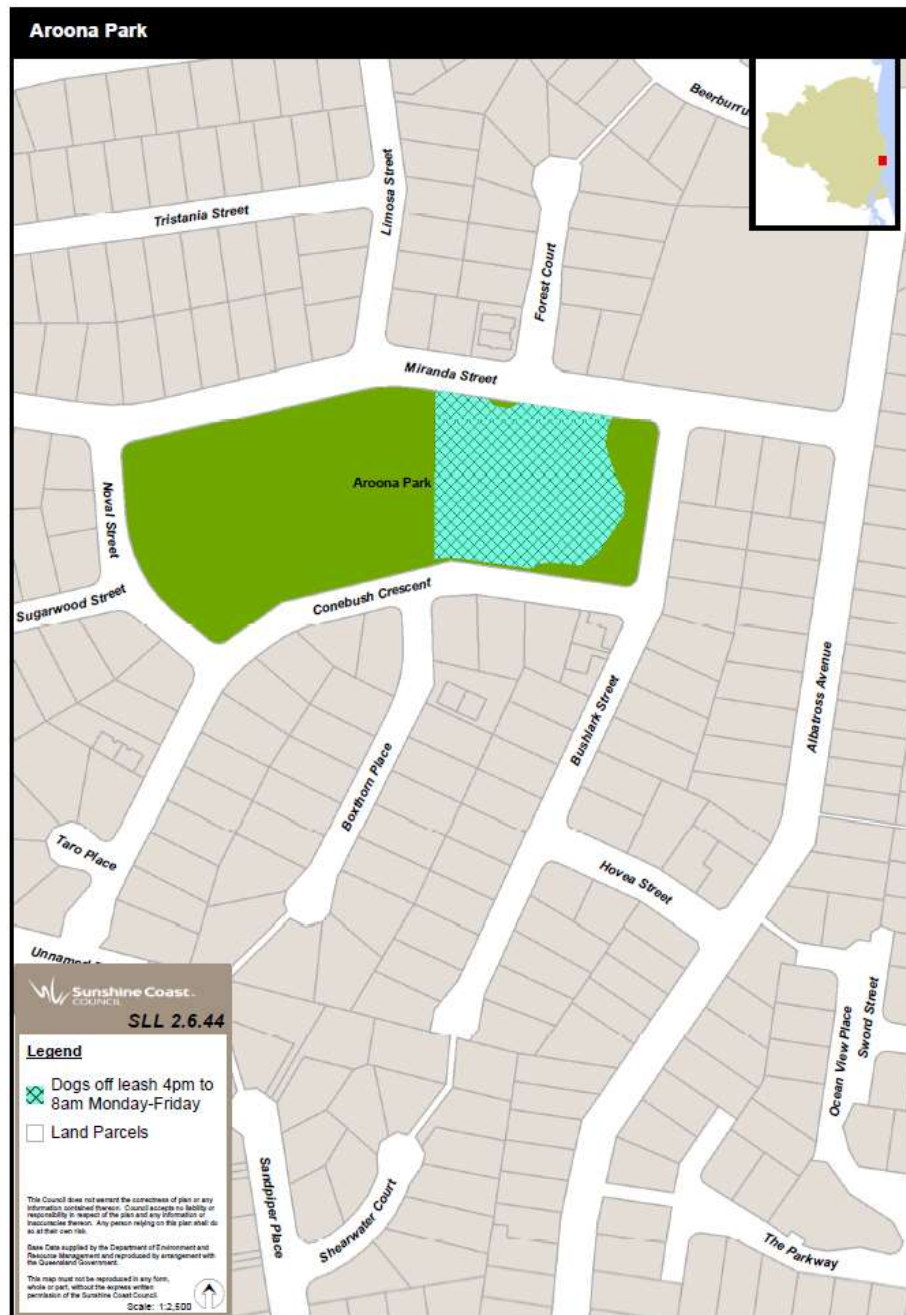
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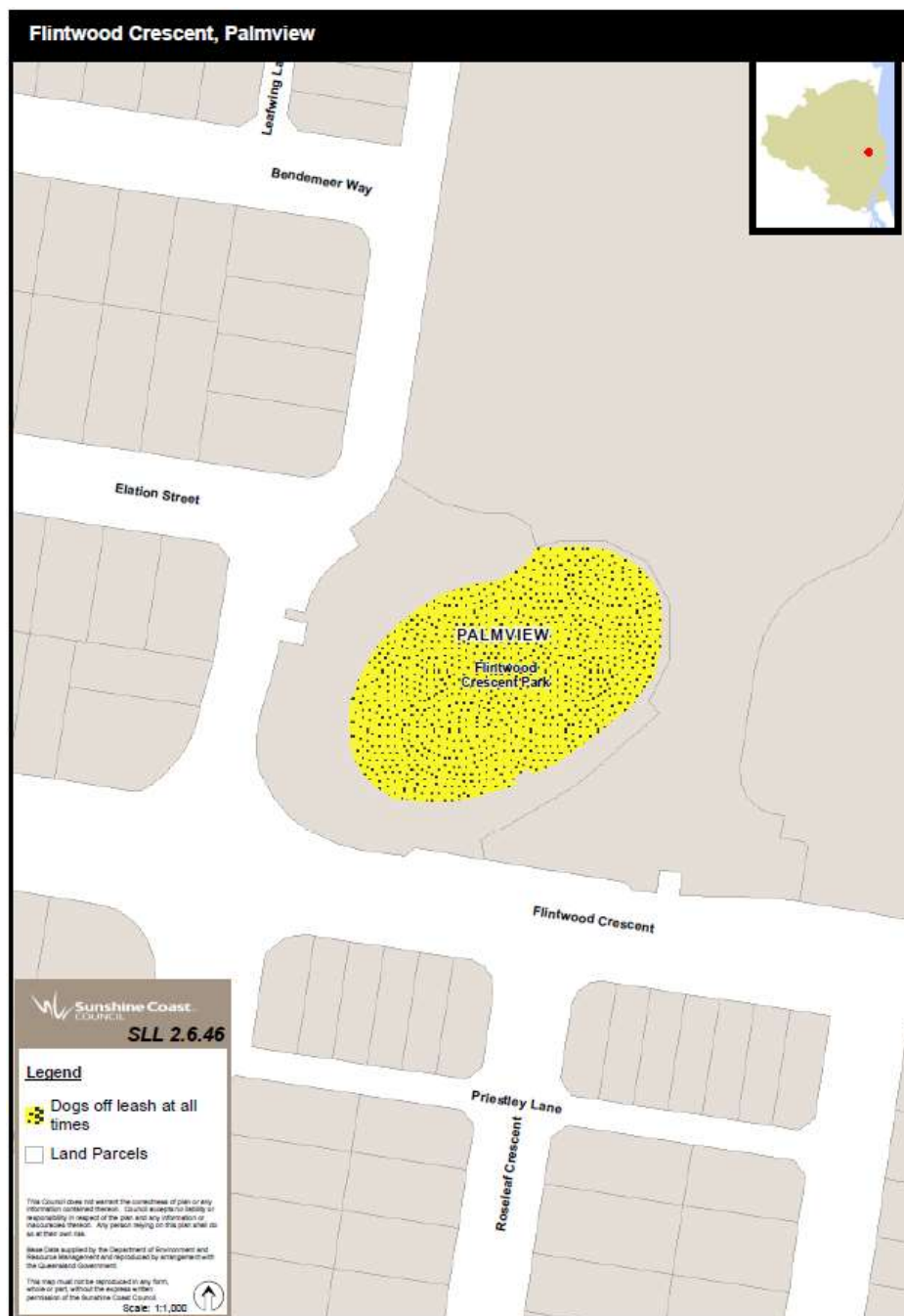
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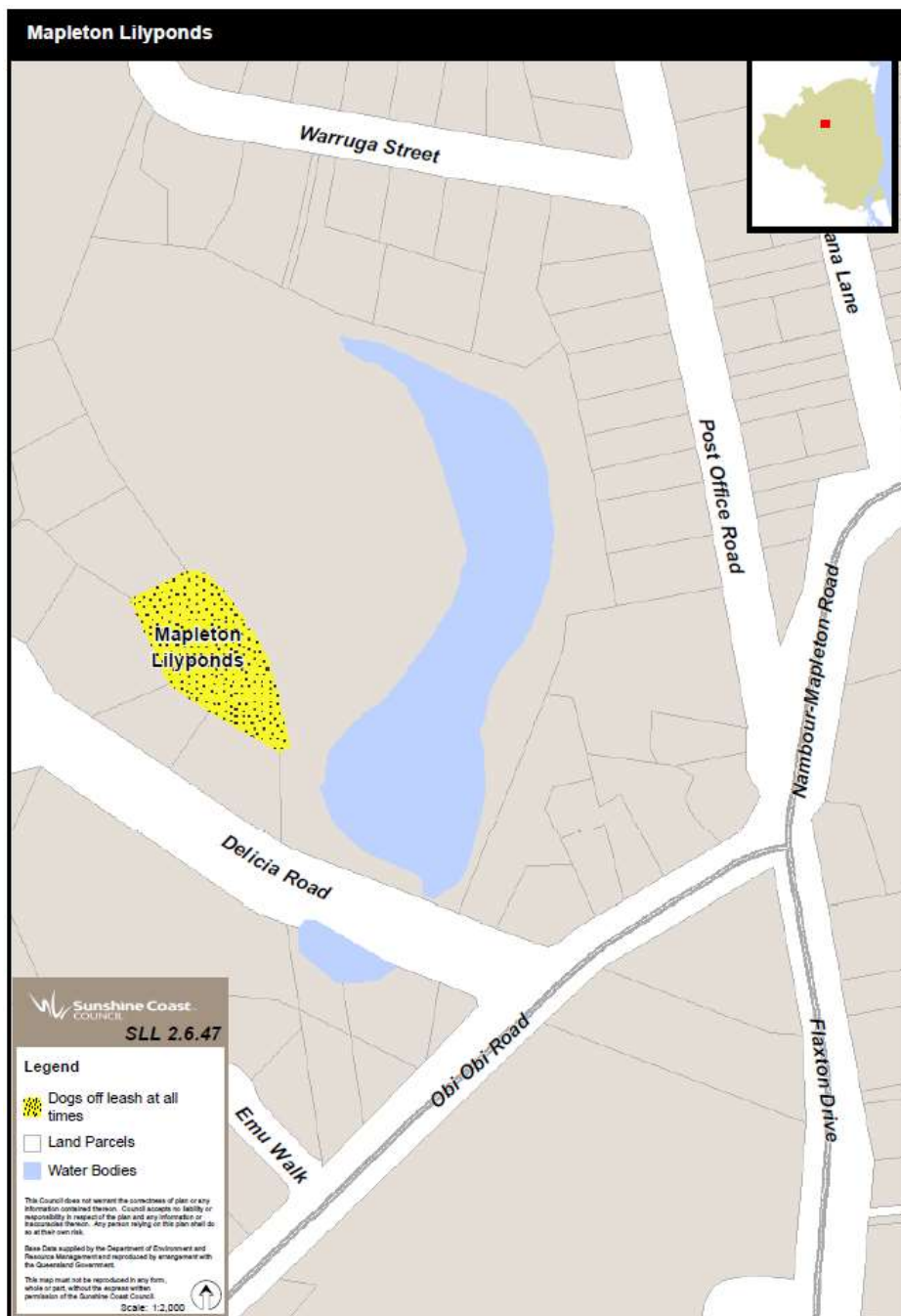
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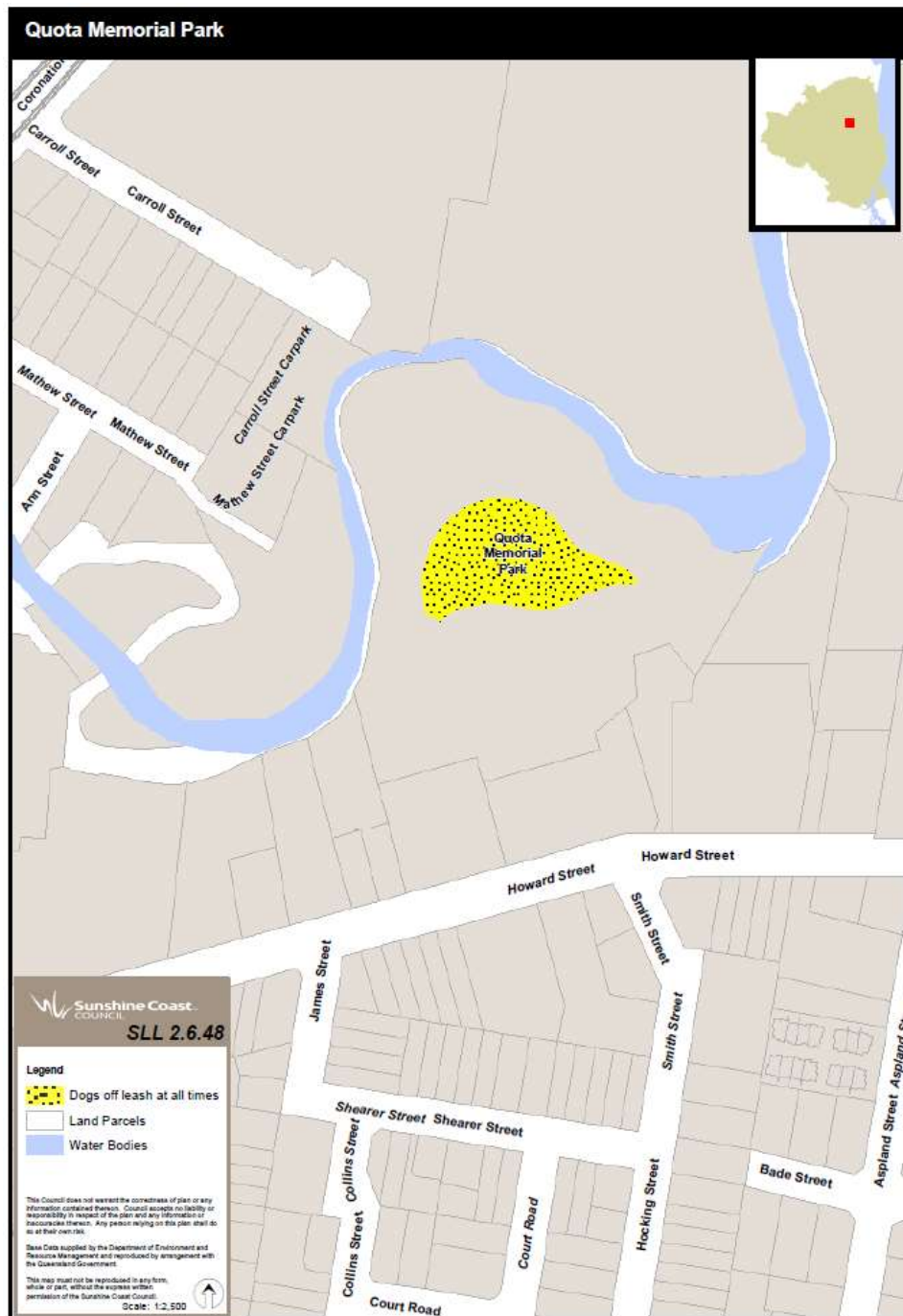
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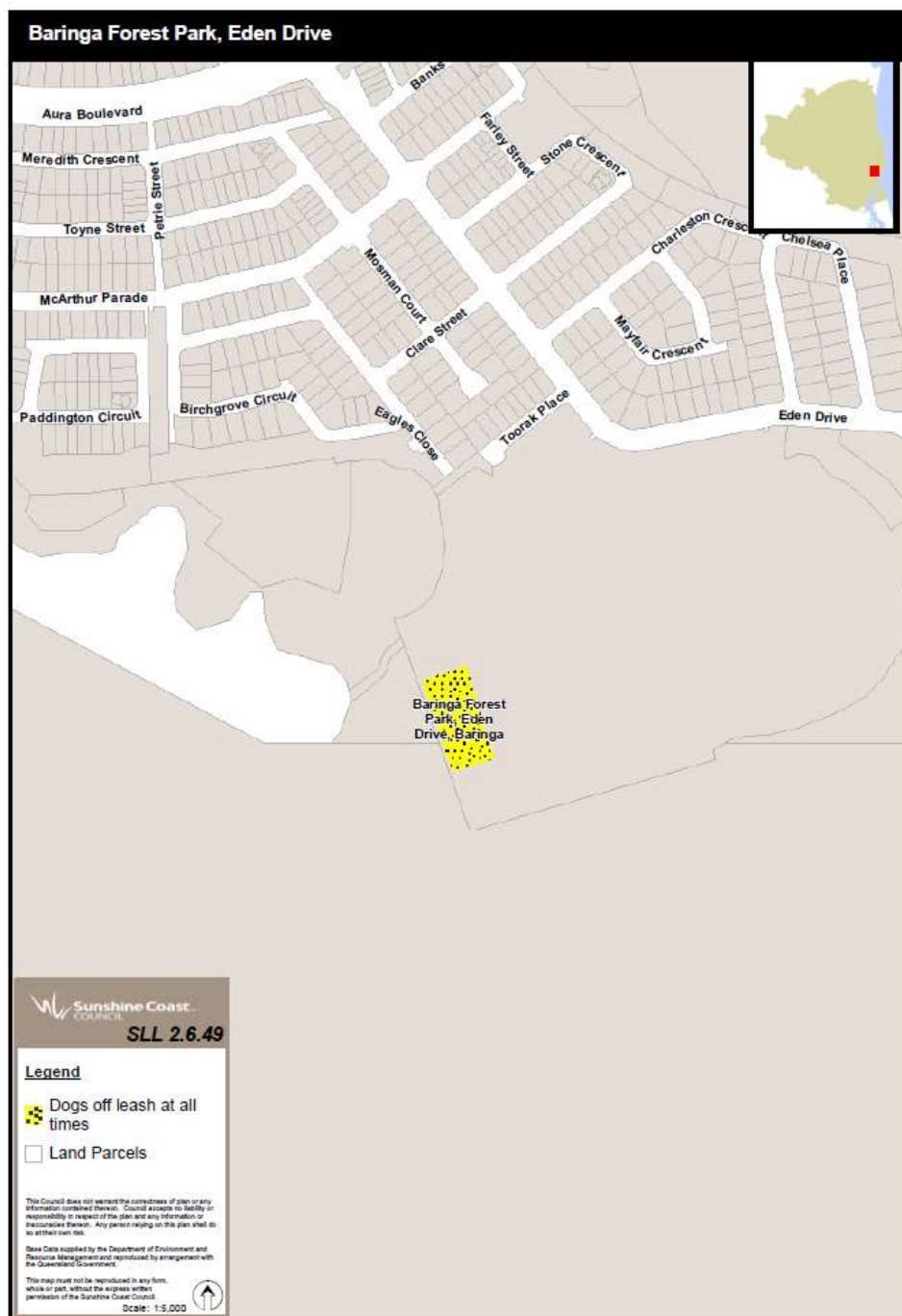
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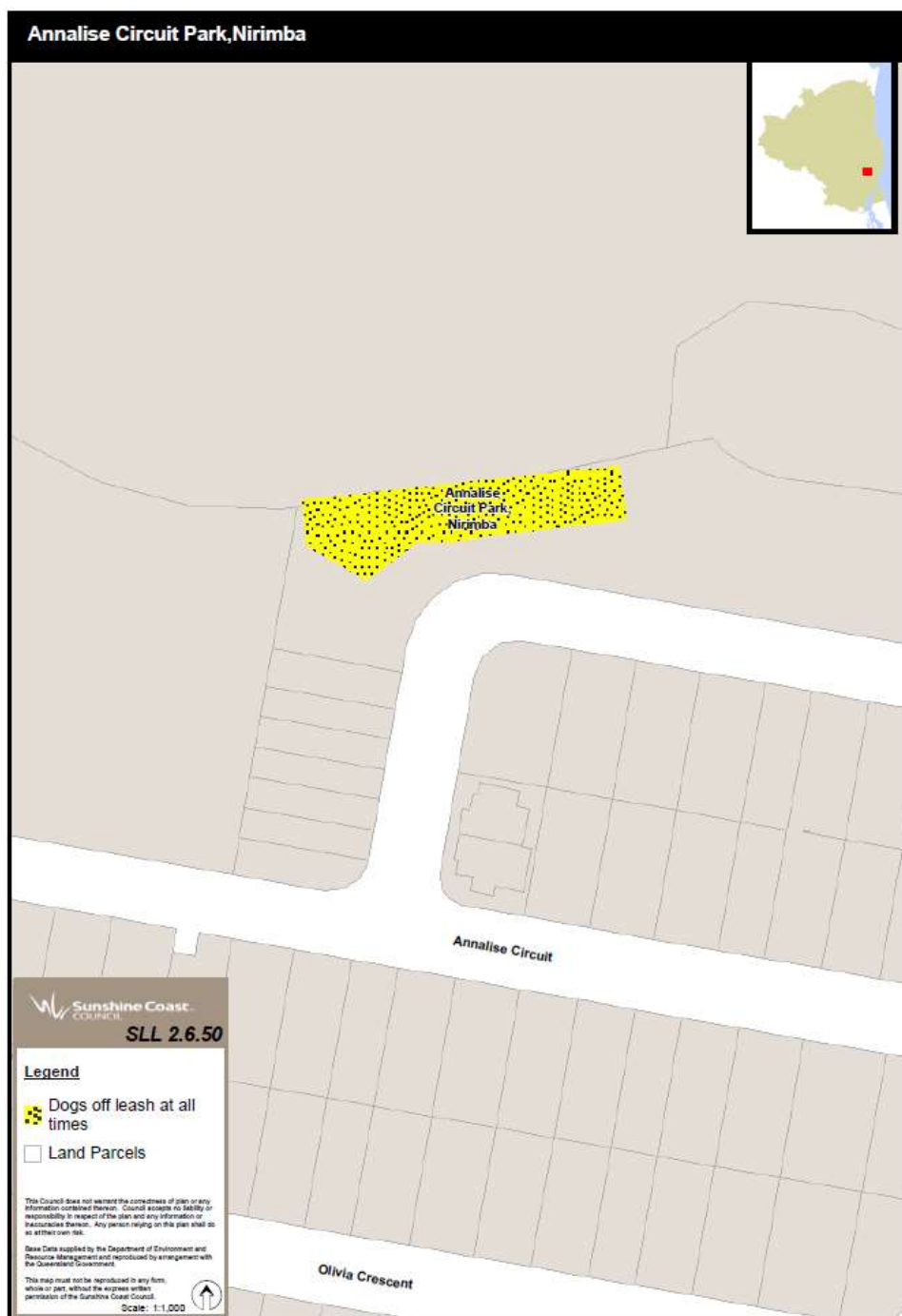
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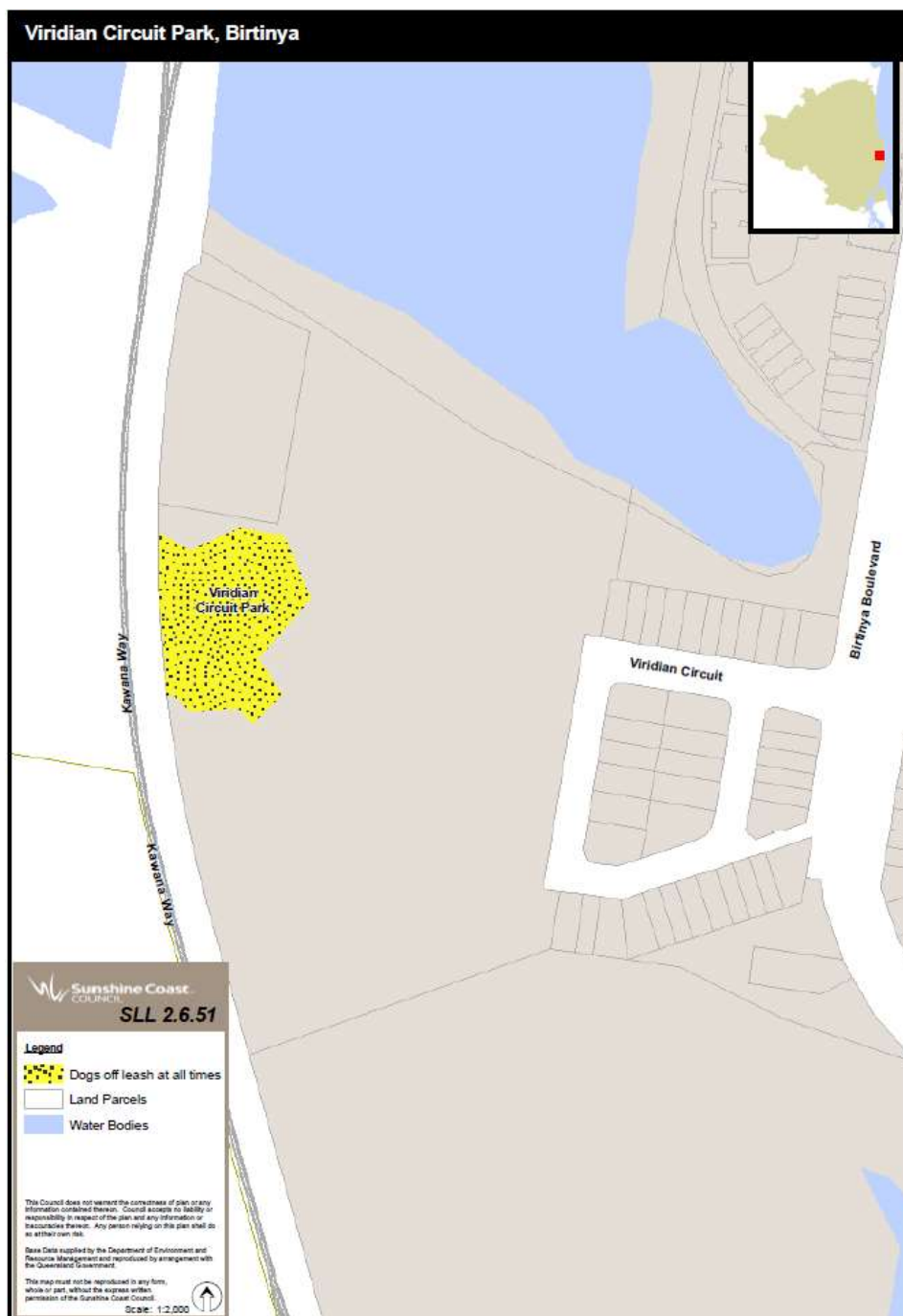
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Schedule 7 Conservation requirements

section 11

Column 1 Relevant area	Column 2 Requirements for keeping of animals in the relevant area
	<i>This schedule has intentionally been left blank</i>

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Schedule 8 Requirements for keeping declared dangerous animals

section 12

- 1 Within 28 days of receiving notice of the dangerous animal declaration, the responsible person for a declared dangerous animal must display a sign—
 - (a) at every entrance to the premises where the animal is kept; and
 - (b) that is visible to all persons entering the premises; and
 - (c) that prominently and permanently displays, in black lettering not less than 50 millimetres in height on a yellow background, the words “BEWARE DECLARED DANGEROUS ANIMAL ON PREMISES”.
- 2 Within 28 days of receiving notice of the dangerous animal declaration, the responsible person must provide an enclosure on the person’s premises that ensures that the animal is prevented from causing injury to any person or animal or damage to any property.
- 3 Within 28 days of receiving notice of the dangerous animal declaration, the responsible person for the animal must ensure the animal is—
 - (a) in the case of a cat—
 - (i) desexed, unless the person has a signed veterinary surgeon’s certificate for the animal stating that desexing is likely to be a serious risk to its health; and
 - (ii) implanted with a prescribed permanent identification device (PPID), unless the person has a signed veterinary surgeon’s certificate for the cat stating that implanting it with a PPID is likely to be a serious risk to its health.
 - (b) in the case of another animal—
 - (i) implanted with a prescribed permanent identification device (PPID); or
 - (ii) wearing an identification device appropriate for the animal.

Endnotes

1 Date to which amendments incorporated

This consolidated version includes all amendments that commenced operation on or before 2 June 2023.

2 Table of consolidated versions

Consolidated Version No.	Amendments included	Effective	Notes
1	Amendment Subordinate Local Law No. 2 (Miscellaneous) 2013	26 July 2013	
2	Amendment Subordinate Local Law No. 4 (Animal Management) 2013	20 December 2013	
	Amendment Subordinate Local Law No. 1 (Miscellaneous) 2014	4 April 2014	
	Amendment Subordinate Local Law No. 2 (Animal Management) 2014	22 August 2014	
3	Amendment Subordinate Local Law No. 1 (Miscellaneous) 2016	5 February 2016	
4	Amendment Subordinate Local Law No. 1 (Animal Management) 2017	31 March 2017	
5	Amendment Subordinate Local Law No. 1 (Miscellaneous) 2019	10 May 2019	
6	Amendment Subordinate Local Law No. 3 (Miscellaneous) 2019	20 December 2019	
7	Amendment Subordinate Local Law No. 1 (Miscellaneous) 2023	2 June 2023	

3 List of amending local laws

Amendment Subordinate Local Law No. 2 (Miscellaneous) 2013

date of Council resolution 25 July 2013
date of gazettal 26 July 2013
commenced on date of gazettal

Amendment Subordinate Local Law No. 4 (Animal Management) 2013

date of Council resolution 12 December 2013
date of gazettal 20 December 2013
commenced on date of gazettal

Amendment Subordinate Local Law No. 1 (Miscellaneous) 2014

date of Council resolution 27 March 2014
date of gazettal 4 April 2014
commenced on date of gazettal

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Amendment Subordinate Local Law No. 2 (Animal Management) 2014

date of Council resolution 21 August 2014
date of gazettal 22 August 2014
commenced on date of gazettal

Amendment Subordinate Local Law No. 1 (Miscellaneous) 2016

date of Council resolution 28 January 2016
date of gazettal 5 February 2016
commenced on date of gazettal

Amendment Subordinate Local Law No. 1 (Animal Management) 2017

date of Council resolution 23 March 2017
date of gazettal 31 March 2017
commenced on date of gazettal

Amendment Subordinate Local Law No. 1 (Miscellaneous) 2019

date of Council resolution 30 April 2019
date of gazettal 10 May 2019
commenced on date of gazettal

Amendment Subordinate Local Law No. 3 (Miscellaneous) 2019

date of Council resolution 12 December 2019
date of gazettal 20 December 2019
commenced on date of gazettal

Amendment Subordinate Local Law No. 1 (Miscellaneous) 2023

date of Council resolution 25 May 2023
date of gazettal 2 June 2023
commenced on date of gazettal

4 List of annotations

Definitions

s4 amended by Amendment Subordinate Local Law No. 2 (Animal Management) 2014 s4

Minimum standards for keeping animals

s7 amended by Amendment Subordinate Local Law No. 2 (Miscellaneous) 2013 s7

Identification for cats and dogs in certain circumstances

s8 amended by Amendment Subordinate Local Law No. 2 (Animal Management) 2014 s5;
replaced by Amendment Subordinate Local Law No. 3 (Miscellaneous) 2019 s14

SCHEDULE 1—PROHIBITION ON KEEPING ANIMALS IN PRESCRIBED CIRCUMSTANCES

amended by Amendment Subordinate Local Law No. 2 (Miscellaneous) 2013 s8;
Amendment Subordinate Local Law No. 1 (Miscellaneous) 2016 s4

SCHEDULE 2—REQUIREMENT FOR APPROVAL TO KEEP ANIMAL

amended by Amendment Subordinate Local Law No. 2 (Miscellaneous) 2013 s9;
Amendment Subordinate Local Law No. 1 (Miscellaneous) 2016 s5

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SCHEDULE 3—MINIMUM STANDARDS FOR KEEPING ANIMALS

amended by Amendment Subordinate Local Law No. 2 (Miscellaneous) 2013 s10;
Amendment Subordinate Local Law No. 1 (Miscellaneous) 2016 s6; Amendment
Subordinate Local Law No. 1 (Miscellaneous) 2023 s17

SCHEDULE 3A—MINIMUM STANDARDS FOR KEEPING ANIMALS GENERALLY

inserted by Amendment Subordinate Local Law No. 2 (Miscellaneous) 2013 s11;
Amendment Subordinate Local Law No. 1 (Miscellaneous) 2023 s18

SCHEDULE 4—EXCLUSION OF ANIMALS GENERALLY

amended by Amendment Subordinate Local Law No. 2 (Animal Management) 2014 s6

SCHEDULE 5—EXCLUSION OF ANIMALS FROM SPECIFIC PLACES

amended by Amendment Subordinate Local Law No. 4 (Animal Management) 2013 s3;
Amendment Subordinate Local Law No. 1 (Miscellaneous) 2016 s7; Amendment
Subordinate Local Law No. 1 (Miscellaneous) 2019 s8; Amendment Subordinate
Local Law No. 3 (Miscellaneous) 2019 s15; Amendment Subordinate Local Law
No. 1 (Miscellaneous) 2023 s19

SCHEDULE 6—DOG OFF-LEASH AREAS

amended by Amendment Subordinate Local Law No. 1 (Miscellaneous) 2014 s7;
Amendment Subordinate Local Law No. 2 (Animal Management) 2014 s7;
Amendment Subordinate Local Law No. 1 (Miscellaneous) 2016 s8; Amendment
Subordinate Local Law No. 1 (Animal Management) 2017 s4; Amendment
Subordinate Local Law No. 1 (Miscellaneous) 2019 s9; Amendment Subordinate
Local Law No. 3 (Miscellaneous) 2019 s16

**SCHEDULE 8—REQUIREMENTS FOR KEEPING DECLARED DANGEROUS
ANIMALS**

amended by Amendment Subordinate Local Law No. 3 (Miscellaneous) 2019 s17;
Amendment Subordinate Local Law No. 1 (Miscellaneous) 2023 s20

Sunshine Coast Regional Council Local Law No. 3 (Community Health and Environmental Management) 2011

CONSOLIDATED VERSION NO. 4

incorporating amendments up to 2 June 2023

adopted by Sunshine Coast Regional Council on 22 June 2023 pursuant to
section 32 of the *Local Government Act 2009*

Sunshine Coast Regional Council Local Law No. 3 (Community Health and Environmental Management) 2011

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Part 1 Preliminary

1 Short title

This local law may be cited as *Local Law No. 3 (Community Health and Environmental Management) 2011*.

1A Commencement

This local law commences on 1 January 2012.

2 Purpose and how it is to be achieved

- (1) The purpose of this local law is to protect community health, safety and amenity and the environmental values of the region within the local government's area.
- (2) The purpose is to be achieved by providing for the elimination or reduction of risks and threats to the environment and community health, safety and amenity resulting from—
 - (a) inadequate protection against animal or plant pests; and
 - (b) vegetation overgrowth; and
 - (c) visual pollution resulting from accumulation of objects and materials; and
 - (d) fires and fire hazards not regulated by State law; and
 - (e) community safety hazards; and
 - (f) unsolicited newspapers and advertising materials, waste containers and shopping trolleys; and
 - (g) noise that exceeds noise standards.
- (3) The purpose is also to be achieved by regulating the operation of pneumatic waste infrastructure to protect—
 - (a) the health and safety of users of the infrastructure and members of the community; and
 - (b) the amenity and environmental values of areas where pneumatic waste infrastructure operates.
- (4) The purpose is further to be achieved by providing for the regulation of—
 - (a) storage and removal of general waste at relevant premises; and
 - (b) storage and treatment of industrial waste at relevant premises;
 - (c) receiving and disposing of waste at waste facilities.

3 Definitions—the dictionary

Schedule 1 (Dictionary) in *Local Law No. 1 (Administration) 2011* defines particular words used in this local law.

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4 Relationship with other laws¹

This local law is—

- (a) in addition to and does not derogate from laws for pest management, regulation of fires and environmental protection; and
- (b) to be read with *Local Law No. 1 (Administration) 2011*.

Part 2 Declared local pests

Division 1 Application

5 Application of part

- (1) This part does not apply to—

- (a) a State declared pest^{2 3}; or
- (b) noxious fisheries resources or diseased fisheries resources⁴.

- (2) In this section—

diseased fisheries resources see the *Fisheries Act 1994*, section 94.

noxious fisheries resources see the *Fisheries Act 1994*, schedule.

State declared pest means—

- (a) an animal or plant that is a declared pest under the *Land Protection (Pest and Stock Route Management) Act 2002*; or
- (b) a plant or an animal, other than a native species of plant or animal, that is—
 - (i) invasive biosecurity matter under the *Biosecurity Act 2014*⁵; or
 - (ii) controlled biosecurity matter or regulated biosecurity matter under the *Biosecurity Act 2014*; or
- (c) a plant or animal that has been prescribed or declared to be a pest under the *Plant Protection Act 1989*⁶.

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

² (omitted)

³ (omitted)

⁴ See the *Fisheries Act 1994*, section 94, regarding the declaration of diseased fisheries resources.

⁵ See the *Biosecurity Act 2014*, schedule 1, part 3 or 4 and schedule 2, part 2 and the note to schedules 1 and 2.

⁶ See the *Plant Protection Act 1989*, section 4, regarding the declaration of pests that are harmful to the growth or quality of crop plants.

Division 2 Declaration of local pests

6 Declaration of local pests

- (1) The local government may, by subordinate local law, declare an animal or plant of a specified species to be a local pest.
- (2) Before the local government makes a declaration under this section, it must consult with the chief executive.
- (3) A declaration under this section—
 - (a) must be published in a newspaper circulating generally in the local government's area; and
 - (b) comes into force on the date of publication.
- (4) In this section—

chief executive means the chief executive of the department in which the *Land Protection (Pest and Stock Route Management) Act 2002* and the *Biosecurity Act 2014* is administered.

7 Emergency declarations

- (1) This section applies if the local government is satisfied urgent action is needed to avoid or minimise an immediate risk of environmental harm posed by a plant or animal.
- (2) The local government may, by resolution, declare an animal or plant of the relevant species to be a local pest.
- (3) A declaration under this section—
 - (a) must be published in a newspaper circulating generally in the local government's area; and
 - (b) comes into force on the date of publication; and
 - (c) must be reviewed by the local government within 3 months of the date of publication; and
 - (d) comes to an end—
 - (i) on the date a revocation notice is published in a newspaper circulating generally in the local government's area; or
 - (ii) if no revocation notice is published sooner—6 months after the date the declaration came into force.
- (4) In this section—

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

8 Application of declaration

A declaration under sections 6 or 7 may apply—

- (a) to the whole of the local government's area or in a specified part or parts of the area; and

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- (b) generally or only in specified circumstances.

Division 3 Control of local pests

9 Power to search for declared local pests

- (1) This section applies if an authorised person wants to enter a property to search for declared local pests.
- (2) After giving reasonable written notice to the owner and the occupier of the property, the authorised person may—
 - (a) enter the property without the permission of the occupier; and
 - (b) take reasonable action to search for declared local pests.
- (3) However, the authorised person—
 - (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
 - (i) of the reason for entering the property; and
 - (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and
 - (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

10 Local pest control notices

- (1) An authorised person may, by giving a compliance notice⁷ to the owner of a property, require the owner⁸ to take specified action to control declared local pests.
- (2) The specified action may include 1 or more of the following actions—
 - (a) destroy declared local pests on the property;
 - (b) minimise the risk of an outbreak of declared local pests on the property;
 - (c) prevent or minimise seeding or reproduction by declared local pests;
 - (d) contain infestation by declared local pests within a localised area;

⁷ See *Local Law No.1 (Administration) 2011*, section 27, regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

⁸ See the Act, section 140, in relation to the owner's right to enter property where the owner is not the occupier to take action to comply with a remedial notice, and section 141, in relation to an occupier's right to recover amounts incurred to satisfy an owner's obligations.

- (e) reduce the density or extent of infestation by declared local pests;
- (f) remove harbour provided to declared local pests.
- (3) The notice may require the repetition of a specified action at stated intervals or on the reappearance of the declared local pest within a specified period.

Division 4 Prohibition of sale and propagation

11 Prohibition on sale

A person must not—

- (a) sell or supply a declared local pest; or
- (b) offer or display a declared local pest for sale or supply.

Maximum penalty—50 penalty units.

12 Prohibition on introducing, propagating etc a declared local pest

- (1) A person must not—

- (a) introduce, propagate or breed a declared local pest; or
- (b) provide harbour to a declared local pest.

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

- (2) However, subsection (1) does not apply to a person who has been prescribed under a subordinate local law for this subsection as exempt from the offence in subsection (1) in relation to a specified pest.

Example of persons that might be exempted from subsection (1) in relation to specified pests—

- Staff of research organisations such as universities or the CSIRO who require a particular pest for research purposes.
- An employee of a circus using a particular pest to provide entertainment to the public.
- Staff of an organisation using a particular pest as part of an education program.
- An employee of a zoo that keeps a particular pest.

- (3) In this section—

introduce means to introduce, or cause to introduce, into the local government's area.

Part 3 Overgrown and unsightly properties

13 Overgrown properties

- (1) This section applies where an authorised person forms the opinion that a property is overgrown with vegetation to such an extent that it—
- (a) has affected the visual amenity of the property; or

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- (b) is likely to attract or harbour reptiles; or
- (c) is likely to give rise to a risk of harm to human health or safety, personal injury or property damage.
- (2) An authorised person may, by giving a compliance notice⁹ to the responsible person for the property or the affected part of the property, require the responsible person to clear the vegetation to an extent specified in the notice.
- (3) However, a notice cannot prevent a use of the property authorised under the *Sustainable Planning Act 2009* or the *Environmental Protection Act 1994*.
- (4) In this section—
vegetation includes a tree, bush, shrub, plant or grass, but does not include vegetation that is protected under a law¹⁰ of the State or Commonwealth or under the local government's planning scheme.

14 Accumulation of objects and materials on properties

- (1) This section applies where an authorised person forms the opinion that objects or materials brought on to, or allowed to accumulate on, a property—
 - (a) have affected the visual amenity of the property; or
 - (b) are likely to attract or harbour reptiles; or
 - (c) are likely to give rise to a risk of harm to human health or safety or personal injury.

Examples for paragraph (a) of objects and materials that may affect the visual amenity of a property—

 - Accumulation of tyres.
 - Discarded or disused machinery or machinery parts.
 - Broken-down or severely rusted vehicles.
 - Discarded bottles, containers or packaging.
 - Refuse or scrap material.
- (2) An authorised person may, by giving a compliance notice¹¹ to the responsible person for the property or the affected part of the property, require the responsible person to—
 - (a) remove objects or materials that are causing the circumstance mentioned in subsection (1); or

⁹ See footnote 7.

¹⁰ For example, vegetation may be protected under the *Nature Conservation Act 1992*, the *Vegetation Management Act 1999*, the *Planning Act*, the *Queensland Heritage Act 1992*, the *Fisheries Act 1994* and the *Environment Protection and Biodiversity Conservation Act 1999 (Cwlth)*.

¹¹ See footnote 5.

- (b) take other specified action to remedy the circumstance mentioned in subsection (1).

Example of action that might be required under paragraph (b)—

Erecting an appropriate structure (in accordance with requirements under the *Sustainable Planning Act 2009*) to screen unsightly objects or materials from public view.

- (3) However, the notice cannot prevent a use of the property authorised under the *Sustainable Planning Act 2009* or the *Environmental Protection Act 1994*.

Part 4 Fires and fire hazards

15 Regulation of lighting and maintaining fires in the open

- (1) This section does not apply to the lighting or maintaining of a fire that is authorised under the *Fire and Emergency Services Act 1990*.¹²
- (2) The local government may, by subordinate local law, prohibit or restrict the lighting or maintaining of fires in the open in the whole, or designated parts, of the local government's area.

Example—

The subordinate local law might prohibit the lighting of fires, or a particular type of fire, in the open, unless 1 or more of the following conditions is met—

- the fire is contained in an approved incinerator;
- the fire is established in a specified way and specified precautions are taken to prevent the spread of fire;
- the fire is lit and extinguished within a specified time.

- (3) A person must comply with a prohibition or restriction imposed under this section.

Maximum penalty for subsection (3)—50 penalty units.

- (4) A person must not light or maintain a fire if the fire exposes property to the risk of damage or destruction by fire.

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

- (5) However, a person does not commit an offence under subsection (3) or (4) if the person is authorised or required to light or maintain the fire in the performance of duties under another Act.

¹² See the *Fire and Emergency Services Act 1990*, section 63, regarding fires authorised by notification, section 65 regarding fires authorised by permit and section 69, regarding notices requiring occupiers to take measures to reduce the risk of fire. For fires authorised by notification under section 63, see the Notification by the Commissioner of Fire and Rescue Service published in the gazette on 6 August 2004.

16 Fire hazards

- (1) This section applies where an authorised person forms the opinion that a fire hazard exists on a property.
- (2) The authorised person may, by compliance notice¹³ given to the responsible person for the property or the affected part of the property, require the responsible person to take specified action to reduce or remove the fire hazard.¹⁴
- (3) In this section—
fire hazard means—
 - (a) anything that, because of its flammable nature, its position or its quantity, exposes property to significant risk of damage or destruction by fire; or
 - (b) a thing that is declared to be a fire hazard under a subordinate local law for this paragraph.

Examples of fire hazards for paragraph (a)—

- Live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash.
- A substantial accumulation of grass clippings that is liable to spontaneous combustion.
- Dry vegetation that could be easily ignited or other flammable materials.

Part 5 Community safety hazards

17 What is a community safety hazard

- (1) A *community safety hazard* is—
 - (a) a structure that, because of its nature or its position, is likely to give rise to a risk of personal injury or property damage; or
 - (b) the following fencing—
 - (i) razor wire fencing; or
 - (ii) barbed wire or electric fencing erected along a boundary adjoining a road or a public place; or
 - (iii) barbed wire or electric fencing if—
 - (A) the fencing is erected on a property with an area of less than 2000 square metres; and

¹³ See footnote 7.

¹⁴ See also the *Fire and Emergency Services Act 1990*, section 69, under which the Fire Services Commissioner can publish a general notification in the gazette requiring occupiers of land to take measures to reduce the risk of fire occurring or the risk to persons, property or environment in the event of fire occurring.

- (B) the property adjoining the property on which the fence is erected has an area of less than 2000 square metres; and
 - (C) the fence is within 2 metres of any boundary of the property on which it is erected; and
 - (D) the owners of the respective properties are not in agreement about the erection of the prescribed fence; or
 - (iv) other fencing that, because of its nature or its position, is likely to give rise to a risk of personal injury or property damage; or
 - (c) objects or materials, including roof sheeting, guttering or sheet metal, that are likely to become airborne in periods of high wind in a way that will give rise to a risk of personal injury or property damage; or
 - (d) a wasp nest, bee hive or other insect nest that is likely to give rise to a risk of personal injury or property damage; or
 - (e) a hole, well or excavation that is abutting a road or other public place and is likely to give rise to a risk of personal injury or property damage; or
 - (f) vegetation that borders a public place and is likely to give rise to a risk of personal injury or property damage; or
 - (g) works that have restricted or redirected the flow of stormwater over land in a way that is likely to cause the water to collect and to—
 - (i) become stagnant; or
 - (ii) cause damage to the environment, property or infrastructure; or
 - (iii) cause harm or injury to a person or animal; or
 - (h) works on a drainage easement that that have altered or obstructed the flow of water on the property; or
 - (ha) a drainage channel that, as a result of a failure to maintain the area by the owner of the property on which the relevant part of the channel is located, is likely to give rise to a risk of—
 - (i) damage to the environment, property or infrastructure; or
 - (ii) harm or injury to a person or animal; or
 - (i) a thing that is declared to be a community safety hazard under a subordinate local law for this paragraph.
- (2) In this section—
- drainage channel*** means any place where water may collect or flow.

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drainage easement means a public utility easement in favour of the local government for drainage purposes.

works includes construction, earthworks, landscaping, planting of vegetation and change of land use.

18 Power to enter property to inspect for community safety hazards

- (1) This section applies if an authorised person wants to enter a property to inspect it to identify any community safety hazards.
- (2) After giving reasonable written notice to the owner and the occupier of the property, an authorised person may—
 - (a) enter the property without the permission of the occupier; and
 - (b) take reasonable action to inspect the property for community safety hazards.
- (3) However, the authorised person—
 - (a) must, as soon as the authorised person enters the property, inform any occupier of the property—
 - (i) of the reason for entering the property; and
 - (ii) that the authorised person is authorised under this local law to enter the property, excluding a home on the property, without the permission of the occupier; and
 - (b) may enter a home that is on the property only with the permission of the occupier of the relevant part of the property.
- (4) If the occupier gives permission under subsection (3)(b), the authorised person may ask the occupier to sign a document that confirms that the occupier has given permission.

19 Removal or reduction of community safety hazards

- (1) This section applies where an authorised person forms the opinion that a community safety hazard exists on a property.
- (2) The authorised person may, by compliance notice¹⁵ given to the responsible person for the property or the affected part of the property, require the responsible person to take specified action in relation to the community safety hazard to—
 - (a) remove the hazard; or
 - (b) reduce the level of risk to persons or property.

Example of specified action that might be required under paragraph (b) to reduce the risk to the community from a community safety hazard—

Securing objects or materials that may become airborne in periods of high wind.

¹⁵ See footnote 7.

20 Prescribed requirements

- (1) The local government may, by subordinate local law, prescribe requirements that must be met by responsible persons relating to specified types of community safety hazards located on the responsible person's property.

Example of prescribed requirements—

- A requirement to place signs on electric fences or barbed wire fences adjoining public land to warn persons of the risk of injury.
- A requirement to install and maintain an electric fence in accordance with appropriate standards.

- (2) A responsible person for a property must comply with requirements prescribed under this section.

Maximum penalty for subsection (2)—50 penalty units.

Part 6 Community amenity

21 (section omitted)

This section has been omitted.

22 Removing shopping trolleys from shopping centre precincts

A person must not take a shopping trolley from a shopping centre precinct or leave a shopping trolley at a place outside the shopping centre precinct unless—

- (a) the person takes or leaves the trolley with the consent of the owner of that trolley; or
- (b) the person has a reasonable excuse.

Maximum penalty—20 penalty units.

23 Shop owners' responsibilities for shopping trolleys

- (1) The owner or occupier of a shop which provides shopping trolleys for customers must ensure that all shopping trolleys so provided remain in the shopping centre precinct.

Maximum penalty for subsection (1)—

- (a) for a first offence—20 penalty units; or
- (b) for a second offence within twelve months of the first offence—50 penalty units; or
- (c) for a third or later offence within twelve months of the first offence or within six months of the most recent offence—200 penalty units.

- (2) It is a defence to a charge of an offence against subsection (1) for the shop owner or occupier to prove that they took reasonable measures to ensure that the shopping trolleys would remain in the shopping centre precinct.

Examples of a reasonable measure—

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- Requiring payment of a deposit to use a shopping trolley.
- Daily round-up of trolleys from the area surrounding the shopping centre precinct.

24 Releasing helium balloons

A person must not release an unsecured balloon containing helium unless the balloon is—

- (a) released unintentionally and without negligence; or
- (b) released inside a building or structure and does not make its way into the open air; or
- (c) released for scientific, including meteorological, purposes; or
- (d) a balloon aircraft that is recovered after landing.

Maximum penalty—20 penalty units.

Part 7 Noise standards

24A Prescribed noise standard for building work

The prescribed noise standard for section 440R (Building work) of the *Environmental Protection Act 1994* is—

- (a) if an extraordinary building work noise permit has been granted under *Local Law No. 1 (Administration) 2011*—a person must not carry out building work in a way that makes an audible noise—
 - (i) outside the times permitted in the permit; or
 - (ii) beyond the duration permitted in the permit; or
 - (iii) at a place other than the location stated in the permit; or
 - (iv) in contravention of any other conditions stated in the permit; or
- (b) otherwise—the standard stated in section 440R of the *Environmental Protection Act 1994* for building work.

25 Prescribed noise standards

- (1) This section applies if the local government is the administering authority for the *Environmental Protection Act 1994*, chapter 8, Part 3B.¹⁶
- (2) The local government may, by subordinate local law, prescribe a noise standard in the whole, or designated parts, of the local government's area by—

¹⁶ See the *Environmental Protection Act 1994*, section 514, for the making of a regulation to devolve the administration and enforcement of parts of the Act to local governments as the administering authority. The *Environmental Protection Regulation 2019*, section 131, devolves the administration and enforcement of noise standards to local governments. Section 143 of the Regulation declares local government authorised persons to be authorised persons under the *Environmental Protection Act 1994*, section 445(1)(c). Chapter 9 of that Act provides for the investigation and enforcement powers of authorised persons.

- (a) prohibiting the making of a stated noise (for example, by reference to the activity making the noise and the time at which the noise is made);¹⁷ and
- (b) stating the section, in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3, for which the subordinate local law provision is prescribing a noise standard.¹⁸

Part 7A Waste management

Division 1 Preliminary

25A Interaction with State law

- (1) This section applies if the *Environmental Protection Regulation 2019*, chapter 6 (Waste management by local governments) is in force at the time of the commencement of this part.
- (2) For the purposes of the *Environmental Protection Regulation 2019*, section 98, this part replaces the *Environmental Protection Regulation 2019*, chapter 6.

25B Designation of waste collection areas

The local government may, including for the purposes of determining the premises within its local government area that will be subject to levies (in the form of utility charges) for waste collection services—

- (a) by resolution or by subordinate local law, designate areas (each a **waste collection area**) within its local government area in which the local government may conduct general waste or green waste collection; and
- (b) decide the frequency of general waste or green waste collection in a waste collection area.

25C Definitions for this part

In this part—

commercial premises means any of the following types of premises—

- (a) a hotel, motel, caravan park, cafe, food store or canteen;
- (b) an assembly building, institutional building, kindergarten, child minding centre, school or other building used for education;
- (c) premises where a sport or game is ordinarily played in public;
- (d) an exhibition ground, show ground or racecourse;

¹⁷ See, however, *Local Law No.1 (Administration) 2011*, section 10(4)(a), regarding conditions of approvals that may authorise an act or omission that contravenes a noise standard.

¹⁸ Section 440O(3) provides that a local law that prescribes a noise standard replaces the nominated default noise standard in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3.

- (e) an office, shop or other premises where business or work, other than a manufacturing process, is carried out.

commercial waste means waste, other than green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of commercial premises.

domestic clean-up waste means non-putrescible, dry and inoffensive waste, other than green waste or recyclable waste, produced as a result of a clean-up of domestic premises.

domestic premises means any of the following types of premises—

- (a) a single unit private dwelling;
- (b) premises containing 2 or more separate flats, apartments or other dwelling units;
- (c) a boarding house, hostel, lodging house or guest house.

domestic waste means waste, other than domestic clean-up waste, green waste, recyclable waste, interceptor waste or waste discharged to a sewer, produced as a result of the ordinary use or occupation of domestic premises.

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

general waste means—

- (a) waste other than regulated waste; or
- (b) for divisions 2, 3 and 4 of this part, waste other than regulated waste that is any of the following—
 - (i) commercial waste;
 - (ii) domestic waste;
 - (iii) recyclable waste.

green waste means grass cuttings, trees, bushes, shrubs, loppings of trees, bushes or shrubs, or similar matter produced as a result of the ordinary use or occupation of premises.

industrial waste means—

- (a) interceptor waste; or
- (b) waste other than the following—
 - (i) commercial waste;
 - (ii) domestic waste;
 - (iii) domestic clean-up waste;
 - (iv) green waste;
 - (v) recyclable waste;
 - (vi) recyclable interceptor waste;
 - (vii) waste discharged to a sewer.

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interceptor means a device used to intercept a substance in sewage, waste water or trade waste and prevent its discharge into a sewer, septic tank, waste water disposal system or other treatment device.

Examples of interceptors—

- neutralising interceptors for neutralising acidic and alkaline substances
- grease interceptors for collecting and solidifying fat, grease and similar matter
- oil interceptors for collecting oil and petroleum products
- silt interceptors for collecting soil, sand, gravel and other sedimentary solids

interceptor waste means matter, other than recyclable interceptor waste, intercepted by, and held in, an interceptor.

prescribed ERA see *Environmental Protection Act 1994*, section 106.

premises see the *Environmental Protection Act 1994*, schedule 4.

recyclable interceptor waste means matter that is, or is intended to be, removed from a grease interceptor and taken elsewhere for processing into a non-toxic, non-hazardous and usable substance for sale.

recyclable waste means clean and inoffensive waste that is declared by the local government to be recyclable waste for the area.

Examples of waste that may be declared to be recyclable waste—

glass bottles, newspaper, cardboard, steel and aluminium cans, and green waste

registered suitable operator see the *Environmental Protection Act 1994*, schedule 4.

relevant premises includes domestic, government and commercial premises.

regulated waste see the *Environmental Protection Regulation 2019*, section 42.

serviced premises means relevant premises that are—

- (a) in a waste collection area; or
- (b) owned or occupied by a person who has been given written notice by the local government requiring the person to arrange for removal of general waste from the premises.

standard general waste container means a container of a type approved by the local government for storing domestic waste, commercial waste or recyclable waste at premises in the local government's area.

waste collection area see section 25B.

waste facility means a facility for the recycling, reprocessing, treatment, storage, incineration, conversion to energy or disposal of waste.

waste see the *Environmental Protection Act 1994*, section 13.

Division 2 Storage of general waste

25D Owner or occupier of relevant premises to supply waste containers

- (1) The owner or occupier of relevant premises in the local government area must—
 - (a) subject to subsection (2), supply enough standard general waste containers at the relevant premises to contain the general waste produced at the premises; or
 - (b) if required by the local government, supply at the relevant premises enough waste containers, other than standard general waste containers, to contain the general waste produced at the relevant premises.

Examples of ways the local government may require waste containers for paragraph (b)—

by a resolution of the local government or development approval for the premises

Maximum penalty—20 penalty units.

- (2) However, subsection (1)(a) does not apply if the local government supplies to the relevant premises the number of standard general waste containers the local government reasonably considers is required at the relevant premises.
- (3) If the local government supplies a standard general waste container to relevant premises under subsection (2), the reasonable cost of supplying the container is a debt payable by the owner or occupier of the relevant premises to the local government.
- (4) However, subsection (3) does not prevent the local government from supplying a standard general waste container to relevant premises without cost to the owner or occupier of the relevant premises.

25E Requirements for storing general waste in waste containers

- (1) The occupier of relevant premises must—
 - (a) store general waste at the relevant premises in a standard general waste container or, if required by the local government, in another type of waste container; and

Examples of ways the local government may require waste to be stored in another type of waste container—

by a resolution of the local government or development approval for the premises

 - (b) keep each waste container at the relevant premises clean and in good repair; and
 - (c) ensure that each waste container at the relevant premises is securely covered, except when the waste is being placed in, or removed from, the container or the container is being cleaned.

Maximum penalty—20 penalty units.

- (2) A person must not—

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- (a) place any of the following in a waste container—
 - (i) a liquid, semi-liquid or moist substance, unless the substance is securely wrapped or contained to prevent the substance leaking from the wrapper or container;
 - (ii) material that is smouldering or aflame;
 - (iii) matter or a thing that is alive; or
 - (b) remove or disturb the cover of a waste container, except when placing waste in or cleaning the container; or
 - (c) use or damage a waste container so that it is not weatherproof or serviceable or cannot be securely covered; or
 - (d) disturb or otherwise interfere with the contents of a waste container.
- Maximum penalty—20 penalty units.
- (3) The occupier of the relevant premises must not allow a person to place a thing in a waste container at the premises in contravention of subsection (2)(a).
- Maximum penalty—20 penalty units.
- (4) It is a defence in a proceeding against a person for an offence under subsection (3) for the person to prove the contravention was due to causes over which the person had no control.

25F General requirements for keeping waste containers at serviced premises

- (1) Subject to subsection (2), the occupier of serviced premises must ensure that a waste container supplied for the premises is kept—
 - (a) if the local government requires the container be kept at a particular place at the premises—at the place; or

Examples of ways the local government may require waste containers to be kept at a particular place—

 - by resolution of the local government or development approval for the premises
 - (b) otherwise—at ground level close to the rear alignment of a building at the premises.

Maximum penalty—20 penalty units.
- (2) The occupier of the serviced premises may, to enable the collection of general waste from the waste container, position the container in a place outside the premises, if—
 - (a) the local government has arranged to collect waste from the container at the place; and
 - (b) the container is not in the place—
 - (i) outside of the period, if any, declared by resolution of the

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local government; or

- (ii) if no period has been declared under subparagraph (i)—outside of the period commencing 24 hours before the scheduled collection day and ending 24 hours after the scheduled collection day.

Example of a place outside serviced premises—

the kerb adjacent to the serviced premises

- (3) If the local government has arranged for the collection of general waste from a waste container at the serviced premises, the occupier of the premises must ensure there is unobstructed access to the container for removal of the waste.

Maximum penalty—20 penalty units.

- (4) It is a defence in a proceeding against a person for an offence under subsection (3) for the person to prove the contravention was due to causes over which the person had no control.

25G Other requirements for storing general waste at particular serviced premises

- (1) This section applies to any of the following persons (each a *prescribed person*) for serviced premises, other than a single detached dwelling—
 - (a) the owner or occupier of the premises;
 - (b) the registered suitable operator for a prescribed ERA carried out at the premises;
 - (c) the holder of an environmental authority for a mining activity or petroleum activity carried out at the premises.
- (2) The prescribed person must, if required by the local government, ensure each of the following is supplied at the premises—
 - (a) either—
 - (i) an elevated stand at a level required by the local government for holding all waste containers; or
 - (ii) an imperviously paved area, drained as required by the local government, where all waste containers can be placed;
 - (b) a hose cock and hose in the vicinity of the stand or paved area;
 - (c) a suitable enclosure for the area where the waste containers are kept.

Examples of ways the local government may require a prescribed person to comply with subsection (2)—

by resolution of the local government or development approval.

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

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Division 3 Removal of general waste

25H Local government may give notice about removal of general waste

- (1) This section applies where the local government has arranged for the removal of general waste produced at a relevant premises.
- (2) The local government may give the occupier of the relevant premises a written notice stating—
 - (a) the days on which the waste is to be collected; and
 - (b) where the waste container is to be placed for collection of the waste (the *designated location*); and
 - (c) the time by which the waste container is to be placed in the designated location for collection of the waste; and
 - (d) the time by which the waste container is to be removed from the designated location after the collection of the waste.

25I Depositing or disposal of general waste from premises other than serviced premises

- (1) This section applies if general waste is produced at relevant premises, other than serviced premises.
- (2) For the purposes of *Local Law No.1 (Administration) 2011*, section 5(b), it is a prescribed activity¹⁹ for the owner or occupier of the relevant premises to deposit or dispose of the waste through a method other than depositing or disposing of the waste at a waste facility.

Division 4 Storage and treatment of industrial waste

25J Requirements for storing industrial waste

- (1) The occupier of relevant premises where there is industrial waste must, if required by the local government—
 - (a) supply at the premises the number of industrial waste containers required by the local government for storing the waste at the premises safely, efficiently and without causing a nuisance; and
 - (b) keep the waste containers at a place at the premises the local government requires; and
 - (c) keep each waste container clean and in good repair.

Examples of ways the local government may require compliance with subsection (1)—

¹⁹ *Local Law No.1 (Administration) 2011*, section 6, creates an offence for a person to undertake a prescribed activity without a current approval granted by the local government. Section 7 requires that the approval be obtained under part 2 of that local law.

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by resolution of the local government or development approval

Maximum penalty—20 penalty units.

- (2) If the occupier does not supply at the relevant premises the number of industrial waste containers required by the local government for subsection (1)(a), the local government may supply industrial waste containers at the premises.
- (3) If the local government supplies an industrial waste container to relevant premises under subsection (2), the reasonable cost of supplying the container is a debt payable by the occupier of the premises to the local government.
- (4) In this section—

industrial waste container means a waste container of a type approved by the local government for storing industrial waste at premises within the local government area.

25K Requirement to treat industrial waste for disposal

The occupier of relevant premises where there is industrial waste must, if required by the local government, treat the waste to a standard approved by the local government for disposal of the waste at a waste facility.

Examples of ways the local government may require an occupier to treat industrial waste for disposal—

by resolution of the local government or development approval for the premises

Maximum penalty—40 penalty units.

Division 5 Receiving and disposing of waste

25L Unlawful disposal of waste at waste facility

- (1) A person must not deposit the following waste at a waste facility—
 - (a) liquid or semiliquid waste;
 - (b) hot ash;
 - (c) material that is smouldering or aflame;
 - (d) material that can spontaneously combust;
 - (e) material containing a substance that may be harmful to persons or property because, if it reacts with air or water, it may produce toxic gases or become corrosive or explosive;
 - (f) an explosive;
 - (g) ammunition, other than ammunition that no longer contains explosives, pyrotechnics or propellants apart from trace residues that are no longer capable of supporting combustion or an explosive reaction.

Maximum penalty—20 penalty units.

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- (2) Subsection (1) does not apply to waste deposited with the consent of—
 - (a) the person who—
 - (i) is the registered suitable operator for the facility; or
 - (ii) holds an environmental authority for the facility; or
 - (b) the person in charge of the facility.

25M Restrictions on burning waste at waste facility

A person must not set fire to, or burn, waste at a waste facility other than—

- (a) under an environmental authority; or
- (b) under a development condition of a development approval; or
- (c) under the *Fire and Emergency Services Act 1990*.

Maximum penalty—20 penalty units.

25N Restrictions on use of waste facility

- (1) A person must not, without the consent of a waste facility's owner or operator—
 - (a) enter the facility other than to deposit waste; or
 - (b) remain on the facility after depositing waste; or
 - (c) interfere with waste at, or remove waste from, the facility.

Maximum penalty—10 penalty units.

- (2) Subsection (1) does not apply to—
 - (a) the owner or operator of the facility; or
 - (b) an authorised person.

25O Waste transporter to comply with directions and give information

- (1) This section applies to a person who transports waste to a waste facility.
- (2) The person must—
 - (a) comply with all relevant and reasonable directions contained in any sign displayed at the facility by the facility's owner or operator; and
 - (b) deal with the waste in accordance with reasonable instructions given by the person in charge of the facility; and
 - (c) if asked by the facility's owner or operator—give information to the owner or operator about the type and amount of waste being delivered.

Maximum penalty—10 penalty units.

Division 6 Transitional provisions

25P Continuation of designated waste collection areas

- (1) This section applies if the local government—
 - (a) has designated an area under the *Waste Reduction and Recycling Regulation 2011*, section 7; and
 - (b) has not designated a waste collection area under *Local Law No.3 (Community Health and Environmental Management) 2011*, section 25B.
- (2) The area designated under subsection (1)(a) is taken to be a waste collection area.

25Q Validity of powers exercised under chapter 6

- (1) This section applies if, in exercise of a power under the *Environmental Protection Regulation 2019*, chapter 6, the local government has done any of the following (each a **relevant action**)—
 - (a) imposed a requirement;
 - (b) made a declaration;
 - (c) approved a type of waste container;
 - (d) approved a standard of waste treatment;
 - (e) given a notice;
 - (f) made an arrangement;
 - (g) made a resolution.
- (2) From the commencement of this section, the relevant action is taken to have been done pursuant to the relevant local law power.
- (3) In this section—

relevant local law power means a power under this part that is identical or substantially the same as a power to take a relevant action under the *Environmental Protection Regulation 2019*, chapter 6.

Part 7B Pneumatic waste infrastructure

Division 1 Registration of pneumatic waste infrastructure

26 Definition for this part

In this part—

pneumatic waste infrastructure means infrastructure for the collection and automated transfer of waste for disposal using pneumatic force and may include the following components—

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- (a) inlets within a building or structure comprising valved chutes or bins into which waste is deposited;
- (b) pipes that connect the inlets to local government-operated pneumatic waste infrastructure, enabling transfer of the waste from the inlets to the local government-operated infrastructure;
- (c) ancillary structures, plant and equipment to enable the collection and automated transfer of the waste through the inlets and pipes.

27 Registration obligation

- (1) An owner of land on which pneumatic waste infrastructure is located must ensure that the infrastructure is registered in the owner's name by complying with section 28.
Maximum penalty—50 penalty units.
- (2) However, subsection (1) does not apply during the first 14 days after a person becomes the owner of land on which pneumatic waste infrastructure is located.

28 What owner must do

- (1) To register pneumatic waste infrastructure, the owner of land on which it is located must give the local government—
 - (a) a registration form that complies with subsection (2); and
 - (b) the cost-recovery fee.
- (2) The registration form must—
 - (a) be in the form approved by the local government; and
 - (b) state all of the following information about the owner—
 - (i) name;
 - (ii) residential address;
 - (iii) contact telephone number;
 - (iv) email address, if any;
 - (v) if the owner will not be the on-site contact person for the infrastructure—the name, address and telephone number of the owner's nominated on-site contact person for all matters related to the operation of, or access to, the infrastructure; and
 - (c) state or attach all of the following information about the infrastructure—
 - (i) street address and real property description (for example, lot and plan number) of the land where the infrastructure is located;
 - (ii) as-constructed plan of infrastructure, indicating the location of inlets, pipes and other components;

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- (iii) a copy of any consent or satisfaction notice issued by the local government in relation to the infrastructure.

Example for subparagraph (iii)—

a Prescribed Waste Infrastructure Consent and Prescribed Waste Infrastructure Satisfaction Notice for the infrastructure.

- (3) The local government may, by written notice, request the owner to provide further reasonable information, including clarification of information provided in or with the registration form.
- (4) A notice given under subsection (3) must state the date by which the owner must provide the further information.
- (5) The local government may extend the date by which the further information must be provided.
- (6) An owner who does not provide the further information by the date required is taken to have not complied with this section.

29 Local government must give registration notice

- (1) This section applies if an owner of land complies with section 28.
- (2) The local government must, within 28 days, give the owner notice that the pneumatic waste infrastructure has been registered in the owner's name.
- (3) The local government must record the information in the registration form in a register.

30 Update of registration details

- (1) The local government may, from time to time or at regular intervals, request in writing that an owner of land check whether any information provided by the owner and recorded in the register mentioned in section 29(3) has changed since being provided.
- (2) An owner who receives a request under subsection (1) must, within 28 days—
 - (a) if information previously provided by the owner and recorded in the register has not changed—respond in writing indicating that the information has not changed; and
 - (b) if information previously provided by the owner and recorded in the register has changed—give the local government a notice of the information required to update the register (the **updated information**).

Maximum penalty—5 penalty units.

- (3) A notice given under subsection (2)(b) must be—
 - (a) in the form approved by the local government; and
 - (b) accompanied by any other information or documents required for the local government to record the updated information in the register.

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- (4) If an owner has given a notice under subsection (2)(b), the local government may, by written notice, request the owner to provide further reasonable information or clarification of information provided in or with the notice.
- (5) A notice given under subsection (4) must state the date by which the owner must provide the further information.
- (6) The local government may extend the date by which the further information must be provided.
- (7) If a notice has been given under subsection (2)(b), the local government must, within 28 days of receiving the notice (or, if further information or clarification was requested under subsection (4)—within 28 days of the request being complied with)—
 - (a) give the owner an updated registration notice incorporating the updated information; and
 - (b) record the updated information in the register mentioned in section 29(3).

31 Duration of registration

- (1) After the local government provides a registration notice under section 29, the pneumatic waste infrastructure remains registered in the owner's name until either of the following events occurs—
 - (a) the owner of the land on which the infrastructure is located sells the land to another person; or
 - (b) the infrastructure ceases to be located or operated on the land.
 - (2) An owner of land on which pneumatic waste infrastructure is removed or ceases to operate must, within 28 days of this occurrence, give notice of it to the local government.
- Maximum penalty—5 penalty units.

Division 2 Requirements for operating pneumatic waste infrastructure

32 Owner to comply with operating requirements

- (1) The local government may, by subordinate local law, prescribe requirements for operating pneumatic waste infrastructure (the *operating requirements*).
 - (2) Subject to subsection (4), the owner of land on which pneumatic waste infrastructure is located must ensure that all operating requirements prescribed under subsection (1) are complied with.
- Maximum penalty for subsection (2)—50 penalty units.
- (3) Subsections (4) and (5) apply where the local government and an owner of land have agreed, in writing, that the local government will be responsible

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for operating specific components of pneumatic waste infrastructure located on the owner's land (the **exempted infrastructure**).

(4) The owner is not responsible for ensuring compliance with the operating requirements for the operation of the exempted infrastructure.

(5) The owner must not, without the written agreement of the local government, operate or interfere with the exempted infrastructure.

Maximum penalty for subsection (5)—50 penalty units.

(6) It is a defence in a proceeding against a person for an offence under subsection (2) for the person to prove the contravention was due to causes over which the person had no control.

33 Rectification of damage

(1) This section applies if—

- (a) a person commits an offence under section 32; and
- (b) the commission of the offence has directly or indirectly caused damage to a structure or thing, including pneumatic waste infrastructure, on land owned by another person or the local government.

(2) The local government may, by giving a compliance notice²⁰, require the person who committed the offence to take action to rectify the damage caused by the commission of the offence.

(3) A court that convicts a person of an offence under section 32 may, in addition to the penalty, order the person who committed the offence to—

- (a) perform work required to rectify the damage caused by the commission of the offence; or
- (b) if the local government has exercised its powers to perform the work required to rectify the damage—pay to the local government all costs incurred in performing the work.

Division 3 Public pneumatic waste infrastructure

34 Regulation of use of public pneumatic waste infrastructure

(1) This section applies to pneumatic waste infrastructure located in a local government controlled area or road (**public pneumatic waste infrastructure**).

(2) The local government may erect or display a notice (a **regulatory notice**) at or near an inlet for public pneumatic waste infrastructure.

²⁰ See Local Law No.1 (Administration) 2011, section 27, regarding the requirements for compliance notices.

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- (3) A regulatory notice may specify requirements or instructions for the use of public pneumatic waste infrastructure by members of the public.
- (4) A regulatory notice must—
 - (a) be easily visible to users of the infrastructure; and
 - (b) convey, through words, pictures or symbols—
 - (i) the activity to which it applies and how the activity is regulated or prohibited; and
 - (ii) that a contravention of a requirement of the notice is an offence against this local law; and
 - (iii) the penalty for the offence.
- (5) A person must not contravene a regulatory notice.
Maximum penalty—20 penalty units.

Division 4 Waste unsuitable for pneumatic waste infrastructure

35 Management of waste unsuitable for pneumatic waste infrastructure

- (1) The local government may, by subordinate local law, declare waste that is unsuitable for disposal using pneumatic waste infrastructure (*Non-AWCS Waste*²¹).
- (2) The local government may, by subordinate local law, prescribe requirements applicable to premises equipped with pneumatic waste infrastructure about—
 - (a) disposal and handling of Non-AWCS Waste on the premises; and
 - (b) maintenance and operation of facilities and equipment used for the storage, processing or removal of Non-AWCS Waste on the premises.
- (3) The occupier of premises equipped with pneumatic waste infrastructure must ensure the requirements prescribed under subsection (2)(a) are complied with.
Maximum penalty—20 penalty units.
- (4) The owner of premises equipped with pneumatic waste infrastructure must ensure the requirements prescribed under subsection (2)(b) are complied with.
Maximum penalty—20 penalty units.

²¹ AWCS is an abbreviation for Automated Waste Collection System.

- (5) It is a defence in a proceeding against a person for an offence under subsections (3) or (4) for the person to prove the contravention was due to causes over which the person had no control.
- (6) For premises equipped with pneumatic waste infrastructure, the requirements prescribed under subsection (2) replace any inconsistent requirement in the *Environmental Protection Regulation 2019*, chapter 6, part 2, division 1 to the extent allowed by that division.

Division 5 Miscellaneous

36 Executive officers must ensure corporation's compliance

- (1) The executive officers of a corporation must ensure the corporation complies with this local law.
- (2) If a corporation commits an offence against a provision of this local law, each of the corporation's executive officers also commit an offence, namely, the offence of failing to ensure that the corporation complies with this local law.

Maximum penalty—the penalty for the contravention of the provision by an individual.

- (3) Evidence that the corporation committed an offence against a provision of this local law is evidence that each of the executive officers committed the offence of failing to ensure that the corporation complies with the provision.
- (4) However, it is a defence for an executive officer to prove—
 - (a) if the officer was in a position to influence the conduct of the corporation in relation to the offence—the officer took all reasonable steps to ensure the corporation complied with the provision; or
 - (b) the officer was not in a position to influence the conduct of the corporation in relation to the offence.
- (5) This section applies so as not to limit or affect in any way the liability of a corporation for an offence under this local law
- (6) In this section—

executive officer, of a corporation, means a person who is concerned with, or takes part in, the corporation's management, whether or not the person is a director or the person's position is given the name of executive officer.

Part 8 Miscellaneous

37 Subordinate local laws

The local government may make subordinate local laws about—

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- (a) declaring animals or plants of specified species to be local pests;²² and
- (b) persons exempted from the prohibition on introducing, propagating etc a declared local pest;²³ and
- (c) lighting and maintaining of fires in the open;²⁴ and
- (d) fire hazards;²⁵ and
- (e) community safety hazards;²⁶ and
- (f) prescribed requirements relating to community safety hazards;²⁷ and
- (g) prescribed noise standards for the *Environmental Protection Act 1994*;²⁸ and
- (h) prescribed requirements for operating pneumatic waste infrastructure;²⁹ and
- (i) waste that is unsuitable for disposal using pneumatic waste infrastructure;³⁰ and
- (j) prescribed requirements for the storage, processing and removal of Non-AWCS Waste;³¹ and
- (k) designating waste collection areas.³²

²² See section 6(1).

²³ See section 12(2).

²⁴ See section 15(2).

²⁵ See section 16(3)(b).

²⁶ See section 17(1)(i).

²⁷ See section 20(1).

²⁸ See section 25(2).

²⁹ See section 32(1).

³⁰ See section 35(1).

³¹ See section 35(2).

³² See section 25B.

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Endnotes

1 Date to which amendments incorporated

This consolidated version includes all amendments that commenced operation on or before 2 June 2023.

2 Table of consolidated versions

Consolidated Version No.	Amendments included	Effective	Notes
1	Amendment Local Law No. 1 (Miscellaneous) 2013	26 July 2013	
2	Amendment Local Law No. 1 (Miscellaneous) 2016	5 February 2016	
3	Amendment Local Law No. 1 (Community Health and Environmental Management) 2018	10 February 2020	Amendment Local Law No. 1 (Community Health and Environmental Management) 2020 amended the original commencement date
	Amendment Local Law No. 1 (Community Health and Environmental Management) 2019	22 November 2019	
	Amendment Local Law No. 2 (Miscellaneous) 2019	20 December 2019	
4	Amendment Local Law No. 1 (Miscellaneous) 2023	2 June 2023	

3 List of amending local laws

Amendment Local Law No. 1 (Miscellaneous) 2013

date of Council resolution 25 July 2013
date of gazettal 26 July 2013
commenced on date of gazettal

Amendment Local Law No. 1 (Miscellaneous) 2016

date of Council resolution 28 January 2016
date of gazettal 5 February 2016
commenced on date of gazettal

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Amendment Local Law No. 1 (Community Health and Environmental Management) 2018

date of Council resolution 17 May 2018
date of gazettal 25 May 2018
commenced on 10 February 2020

Amendment Local Law No. 1 (Community Health and Environmental Management) 2019

date of Council resolution 14 November 2019
date of gazettal 22 November 2019
commenced on date of gazettal

Amendment Local Law No. 2 (Miscellaneous) 2019

date of Council resolution 12 December 2019
date of gazettal 20 December 2019
commenced on date of gazettal

Amendment Local Law No. 1 (Miscellaneous) 2023

date of Council resolution 25 May 2023
date of gazettal 2 June 2023
commenced on date of gazettal

4 List of annotations

Purpose and how it is to be achieved

s2 amended by Amendment Local Law No. 1 (Community Health and Environmental Management) 2018 s4; Amendment Local Law No. 1 (Community Health and Environmental Management) 2019 s4

Application of part

s5 amended by Amendment Local Law No. 1 (Miscellaneous) 2016 s22

Declaration of local pests

s6 amended by Amendment Local Law No. 1 (Miscellaneous) 2016 s23

Local pest control notices

s10 amended by Amendment Local Law No. 1 (Miscellaneous) 2016 s24

PART 3—OVERGROWN AND UNSIGHTLY PROPERTIES

part heading amended by Amendment Local Law No. 1 (Animal Management) 2016 s25

Overgrown properties

s13 amended by Amendment Local Law No. 1 (Miscellaneous) 2016 s26

Accumulation of objects and materials on properties

s14 amended by Amendment Local Law No. 1 (Miscellaneous) 2016 s27

Regulation of lighting and maintaining fires in the open

s15 amended by Amendment Local Law No. 1 (Miscellaneous) 2016 s28

Fire hazards

s16 amended by Amendment Local Law No. 1 (Miscellaneous) 2016 s29

What is a community safety hazard

s17 amended by Amendment Local Law No. 1 (Miscellaneous) 2013 s10; Amendment Local Law No.1 (Miscellaneous) 2016 s30

Removal or reduction of community safety hazards

s19 amended by Amendment Local Law No. 1 (Miscellaneous) 2016 s31

Prescribed requirements

s20 amended by Amendment Local Law No. 1 (Miscellaneous) 2016 s32

Shop owners' responsibilities for shopping trolleys

s23 amended by Amendment Local Law No. 1 (Miscellaneous) 2016 s33

Prescribed noise standards for building work

s24A inserted by Amendment Local Law No. 2 (Miscellaneous) 2019 s19; amended by Amendment Local Law No. 1 (Miscellaneous) 2023 s18

PART 7A—WASTE MANAGEMENT

pt7A inserted by Amendment Local Law No. 1 (Community Health and Environmental Management) 2018 s5

PART 7B—PNEUMATIC WASTE INFRASTRUCTURE

pt7B inserted by Amendment Local Law No. 1 (Community Health and Environmental Management) 2019 s6

Subordinate local laws

s37 renumbered by Amendment Local Law No. 1 (Community Health and Environmental Management) 2019 s5; amended by Amendment Local Law No. 1 (Community Health and Environmental Management) 2019 s7; amended by Amendment Local Law No. 1 (Community Health and Environmental Management) 2018 s6

Sunshine Coast Regional Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011

CONSOLIDATED VERSION NO. 4

incorporating amendments up to 2 June 2023

adopted by Sunshine Coast Regional Council on 22 June 2023 pursuant to section
32 of the *Local Government Act 2009*

Sunshine Coast Regional Council Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No.4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011* in order to protect the health and safety of persons using local government controlled land, facilities, infrastructure and roads and preserve features of the natural and built environment and other aspects of the amenity of local government controlled land, facilities, infrastructure and roads.
- (2) The purpose is to be achieved by providing for—
 - (a) the regulation of access to local government controlled areas; and
 - (b) the prohibition or restriction of particular activities in local government controlled areas or roads.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in schedule 1 (Dictionary) of *Local Law No. 1 (Administration) 2011*.
- (2) Additionally, in this subordinate local law—

freestyle see the *Transport Infrastructure (Waterways Management) Regulation 2012*.

Parrearra Lake means the area of the Mooloolah River between—

 - (a) the lock and weir structure adjacent to Chelsea Crescent, Minyama; and
 - (b) the weir adjacent to Premier Circuit, Warana.

Pelican Waters North means the body of water between—

 - (a) the lock and weir structure adjacent to Columba Place, Pelican Waters; and
 - (b) the weir and footbridge adjacent to Tweddell Drive, Pelican Waters.

Twin Waters Residential Lake means the area of the Maroochy River between—

 - (a) the weir adjacent to Anchorage Circuit, Twin Waters; and

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(b) the bridge at Mudjimba Beach Rd.

waterski see the *Transport Infrastructure (Waterways Management) Regulation 2012*.

wave jump see the *Transport Infrastructure (Waterways Management) Regulation 2012*.

Part 2 Use of local government controlled areas, facilities, infrastructure and roads

5 Prohibited activities, restricted activities and prohibited conduct—Authorising local law, s 5(1)

- (1) For section 5(1)(a) of the authorising local law, the activities prescribed in column 2 of schedule 1 are declared to be prohibited in the corresponding local government controlled area, facilities, infrastructure or road (or part thereof) mentioned in column 1 of schedule 1.
- (2) For section 5(1)(b) of the authorising local law, the activities prescribed in column 2 of schedule 2 are declared to be restricted in the corresponding local government controlled area, facilities, infrastructure or road (or part thereof) mentioned in column 1 of schedule 2, to the extent described in column 3 of schedule 2.
- (3) For section 5(1)(c) of the authorising local law, the conduct prescribed in column 2 of schedule 3 is declared to be prohibited conduct in the corresponding local government controlled area, facilities, infrastructure or road (or part thereof) mentioned in column 1 of schedule 3.

6 Motor vehicle access in local government controlled areas—Authorising local law, s 6(1)(b)

For section 6(1)(b) of the authorising local law, the areas prescribed in column 1 of schedule 4 are declared to be motor vehicle access areas.

7 Prohibited vehicles—Authorising local law, s 6(3)

For section 6(3) of the authorising local law, the specific types of motor vehicle prescribed in column 2 of schedule 4 are declared to be prohibited vehicles in the corresponding specified motor vehicle access area in column 1 of schedule 4.

Part 3 Matters affecting roads

8 Notice requiring owner of land adjoining road to fence land—Authorising local law, s 13(3)

For section 13(3) of the authorising local law, the minimum standards for a fence that is the subject of a compliance notice under section 13(2) of the authorising local law are that the fence or enclosure provided for restraining an animal to the premises must be sufficient to prevent the animal escaping the owner's land.

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Part 4 Enforcement

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

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Schedule 1 Prohibited activities for local government controlled areas, facilities, infrastructure and roads

section 5(1)

Column 1 Local government controlled area or road	Column 2 Prohibited activity
all local government controlled areas and roads	1 interfere with any turf, sand, clay, soil or other material
	2 interfere with or wilfully misuse any asset
	3 interfere with an animal other than in the course of lawful activity
	4 contravene a sign prohibiting fishing, diving or jumping from, or on, a bridge, structure or building
	5 park or stand a vehicle that is advertised for sale
	6 paint, alter or maintain a vehicle
	7 exhibit a sign which indicates interference with a road
	8 contravene a sign imposing a time limit on the use of a public pontoon
all local government controlled areas	1 remove from the area any timber or wood provided by the local government for use as firewood
	2 cause, permit or allow a water tap to run water to waste
	3 contravene a sign temporarily closing the playing surface of a sporting facility to the public

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Schedule 2 Restricted activities for local government controlled areas, facilities, infrastructure or roads

section 5(2)

Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
all local government controlled areas and roads	interfere with a tree, flora or an indigenous organism	permitted only where authorised under a condition of an approval granted under <i>Local Law No. 1 (Administration) 2011</i>
all local government controlled areas and roads	camp	permitted only— (a) in a place designated by the local government as a camping ground; or (b) where the camping is authorised under a condition of an approval granted under <i>Local Law No.1 (Administration) 2011</i> ; or (c) where the camping is in a place where signage erected by the local government permits camping for a period of time, and the camping has not exceeded the period
all local government controlled areas and roads	abseiling	permitted only— (a) where signs erected by the local government authorise abseiling at the place; or (b) where abseiling is authorised under a condition of an approval granted under <i>Local Law No.1 (Administration) 2011</i> <i>Example for paragraph (b)—</i> An approval for a temporary entertainment event in a park might authorise abseiling.

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Column 1 Local government controlled area or road	Column 2 Restricted activity	Column 3 Extent of restriction
all local government controlled areas and roads	rock climbing	permitted only— (a) where signs erected by the local government authorise rock climbing at the place; or (b) where rock climbing is authorised under a condition of an approval granted under <i>Local Law No.1 (Administration) 2011</i> <i>Example for paragraph (b)—</i> An approval for a temporary entertainment event in a park might authorise rock climbing.
Parrearra Lake, Pelican Waters North and Twin Waters Residential Lake	use a powered vessel to— • waterski; or • wave jump; or • freestyle	permitted only where — (a) either— (i) signs erected by the local government authorise the activity at the place; or (ii) the activity is authorised under a condition of an approval granted under <i>Local Law No.1 (Administration) 2011</i> ; and (b) the activity is not prohibited under State legislation

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Schedule 3 Prohibited conduct in or on a local government controlled area, facility, infrastructure or road

section 5(3)

Column 1 Local government controlled area or road	Column 2 Prohibited conduct
all local government controlled areas and roads	1 introduce or release any exotic aquatic animal or poultry 2 feed a Class 2 pest animal 3 distribute a business advertising publication 4 tout for business
all local government controlled areas and roads except Maleny Golf Course	hit a golf ball except in the case of putting
all roads	repair a vehicle on a road or footpath, except in an emergency

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Schedule 4 Motor vehicle access areas in local government controlled areas

section 6

Column 1 Motor vehicle access areas	Column 2 Prohibited vehicles
<i>This schedule has been intentionally left blank</i>	

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Endnotes

1 Date to which amendments incorporated

This consolidated version includes all amendments that commenced operation on or before 2 June 2023.

2 Table of consolidated versions

Consolidated Version No.	Amendments included	Effective	Notes
1	Amendment Subordinate Local Law No.2 (Miscellaneous) 2013	26 July 2013	
2	Amendment Subordinate Local Law No.1 (Miscellaneous) 2016	5 February 2016	
3	Amendment Subordinate Local Law No.3 (Miscellaneous) 2019	20 December 2019	
4	Amendment Subordinate Local Law No.1 (Miscellaneous) 2023	2 June 2023	

3 List of amending local laws

Amendment Subordinate Local Law No.2 (Miscellaneous) 2013

date of Council resolution 25 July 2013
date of gazettal 26 July 2013
commenced on date of gazettal

Amendment Subordinate Local Law No.1 (Miscellaneous) 2016

date of Council resolution 28 January 2016
date of gazettal 5 February 2016
commenced on date of gazettal

Amendment Subordinate Local Law No.3 (Miscellaneous) 2019

date of Council resolution 12 December 2019
date of gazettal 20 December 2019
commenced on date of gazettal

Amendment Subordinate Local Law No.1 (Miscellaneous) 2023

date of Council resolution 25 May 2023
date of gazettal 2 June 2023
commenced on date of gazettal

4 List of annotations

Definitions

s4 amended by Amendment Subordinate Local Law No.3 (Miscellaneous) 2019 s19

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Sunshine Coast Regional Council

Subordinate Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011

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**SCHEDULE 1—PROHIBITED ACTIVITIES FOR LOCAL GOVERNMENT
CONTROLLED AREAS, FACILITIES AND ROADS**

amended by Amendment Subordinate Local Law No.2 (Miscellaneous) 2013 s13;
Amendment Subordinate Local Law No.3 (Miscellaneous) 2019 s20; Amendment
Subordinate Local Law No.1 (Miscellaneous) 2023 s22

**SCHEDULE 2—RESTRICTED ACTIVITIES FOR LOCAL GOVERNMENT
CONTROLLED AREAS, FACILITIES, INFRASTRUCTURE OR ROADS**

amended by Amendment Subordinate Local Law No.2 (Miscellaneous) 2013 s14;
Amendment Subordinate Local Law No.1 (Miscellaneous) 2016 s10; Amendment
Subordinate Local Law No.3 (Miscellaneous) 2019 s21

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Sunshine Coast Regional Council Subordinate Local Law No. 5 (Parking) 2011

CONSOLIDATED VERSION NO. 7

incorporating amendments up to 2 June 2023

adopted by Sunshine Coast Regional Council on 22 June 2023 pursuant to
section 32 of the *Local Government Act 2009*

Sunshine Coast Regional Council Subordinate Local Law No. 5 (Parking) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 5 (Parking) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 5 (Parking) 2011* which provides for the exercise of local government powers authorised under the TORUM Act.
- (2) The purpose is to be achieved by providing for—
 - (a) the establishment of traffic areas and off-street regulated parking areas; and
 - (b) the persons who may be issued with a permit to park a vehicle contrary to an indication on an official traffic sign; and
 - (c) the vehicles that can be issued with commercial vehicle identification labels; and
 - (d) regulating heavy vehicle parking in traffic areas and off-street regulated parking areas in the local government's area; and
 - (e) the infringement notice penalty amounts for minor traffic offences.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 5 (Parking) 2011* (the **authorising local law**).

4 Definitions

Particular words used in this subordinate local law have the same meaning as provided for in schedule 1 (Dictionary) of *Local Law No. 1 (Administration) 2011*.

Part 2 Declaration of parking areas for the TORUM Act

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

For section 5 of the authorising local law, the parts of the local government area within the boundaries indicated by bold lines on the maps in schedule 1 are declared to be traffic areas.

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

For section 6 of the authorising local law, the parts of the local government area within the boundaries indicated by bold lines on the maps in schedule 2 are specified as off-street regulated parking areas.¹

Part 3 Parking contrary to parking restriction

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

For section 7(2) of the authorising local law, the persons mentioned in column 2 of schedule 3 may be issued with the corresponding permit mentioned in column 1 of schedule 3.

8 Commercial vehicle identification labels—Authorising local law, s 8(2)

For section 8(2) of the authorising local law, the vehicles that may be issued² with a commercial vehicle identification label are any motor vehicle³ that is

- (a) owned by a person or company that is in the business of supplying goods and services; and
- (b) actually used in the course of the business of that person or company.

Part 4 Heavy vehicle parking on a road

This part has been intentionally left blank.

Part 5 Minor traffic offence infringement notice penalties

9 Amounts for infringement notice penalties—Authorising local law, s 11(1)

For section 11(1) of the authorising local law, the infringement notice penalty for an offence mentioned in column 1 of schedule 4 is the corresponding amount stated in column 2 of schedule 4.

¹ Before an area specified under this subordinate local law section has effect as an *off-street regulated parking area* for the TORUM Act it must also be ‘controlled by ... a local government’ pursuant to section 104(1)(a). Section 104(2) provides that land controlled by the local government includes land over which the local government may exercise control for the purposes of Part 6 (Regulated parking) under an arrangement with a person who owns, or has an interest in, the land.

² See *Subordinate Local Law No.1 (Administration) 2011* for relevant criteria and conditions regarding applications for a commercial vehicle identification label.

³ See definition of *motor vehicle* in the TORUM Act.

Schedule 1 Declaration of traffic area

section 5

This schedule has been intentionally left blank.

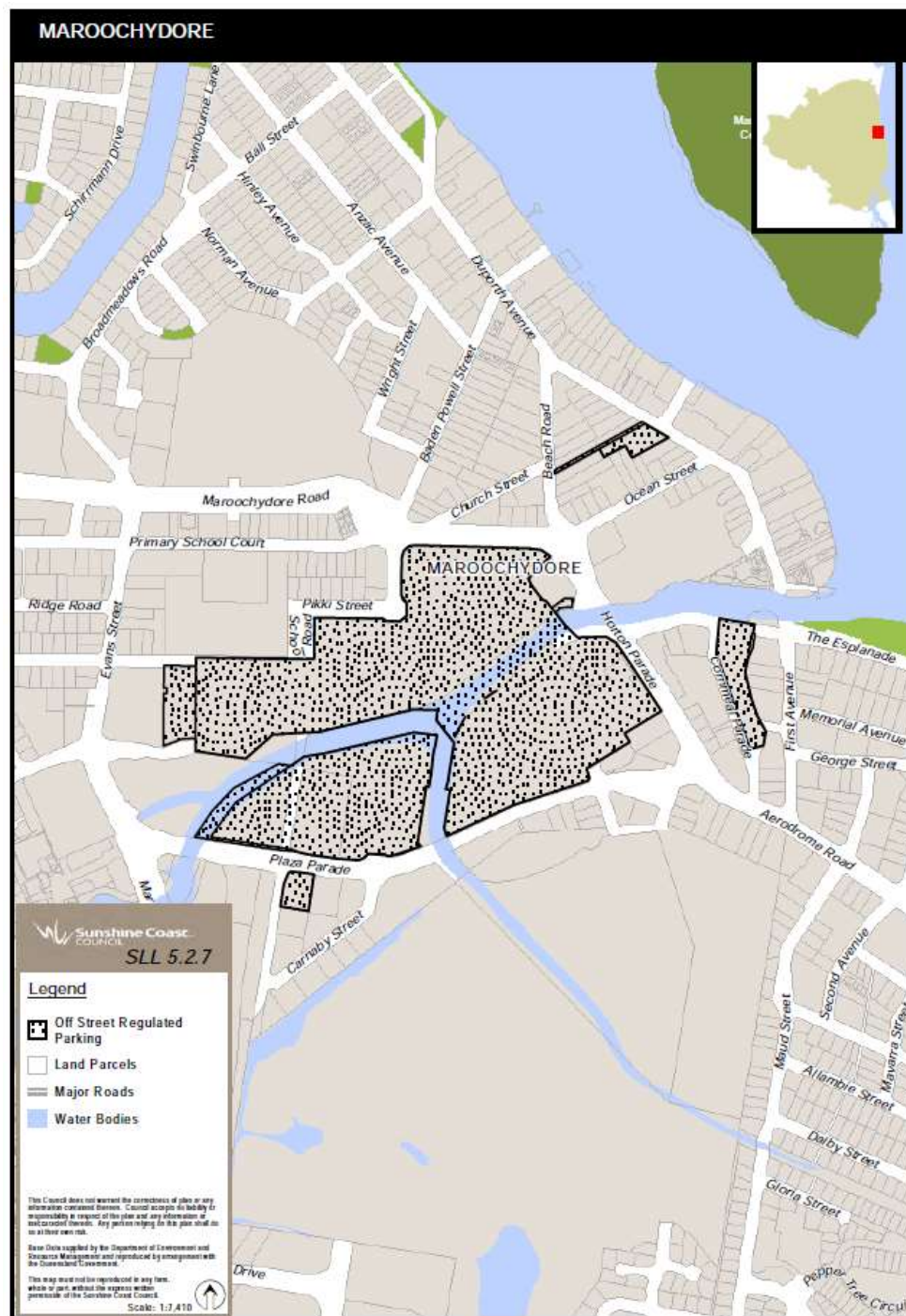
CONSOLIDATED VERSION – AS AT 2 JUNE 2023

Schedule 2 Declaration of off-street regulated parking areas

section 6



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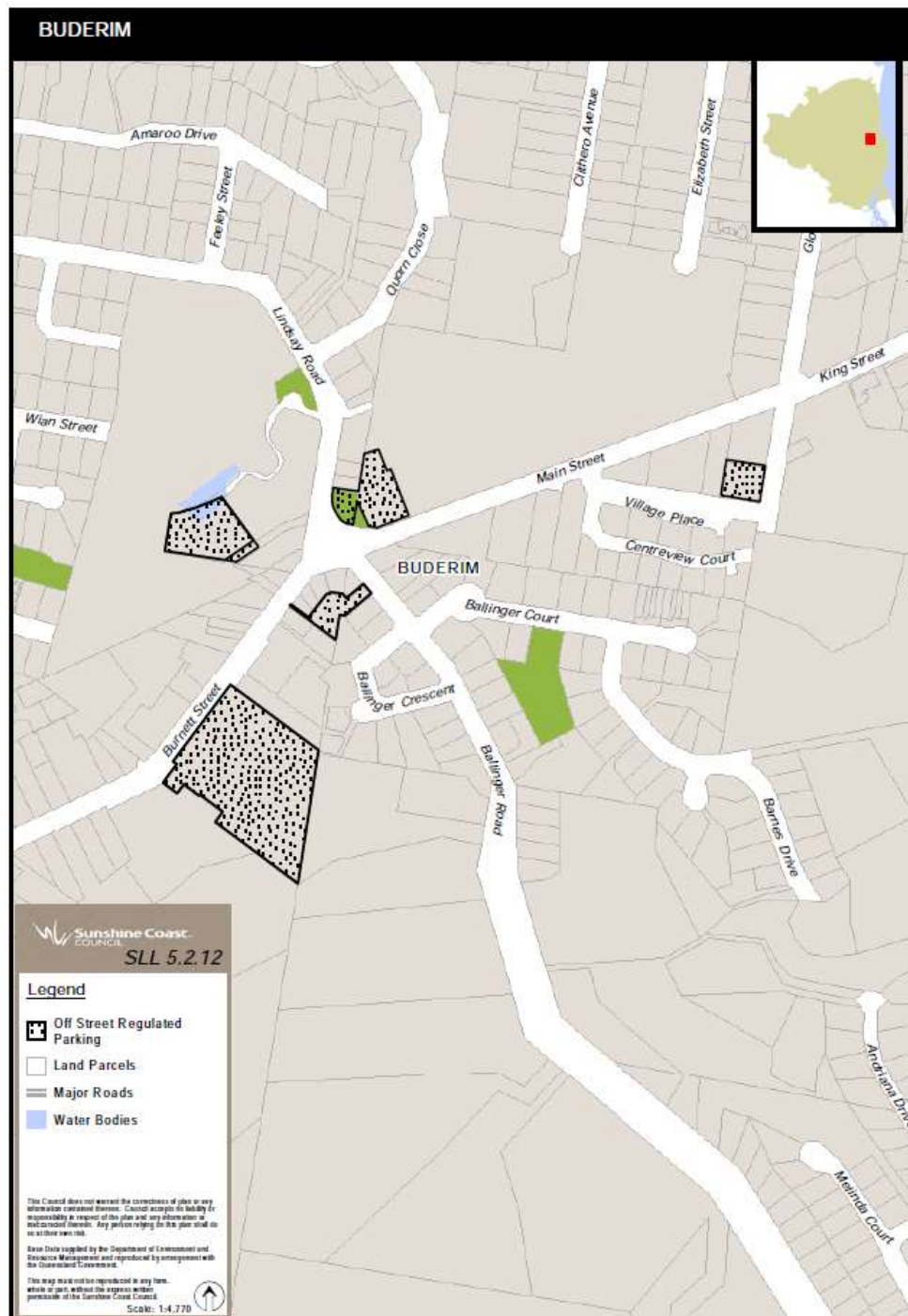
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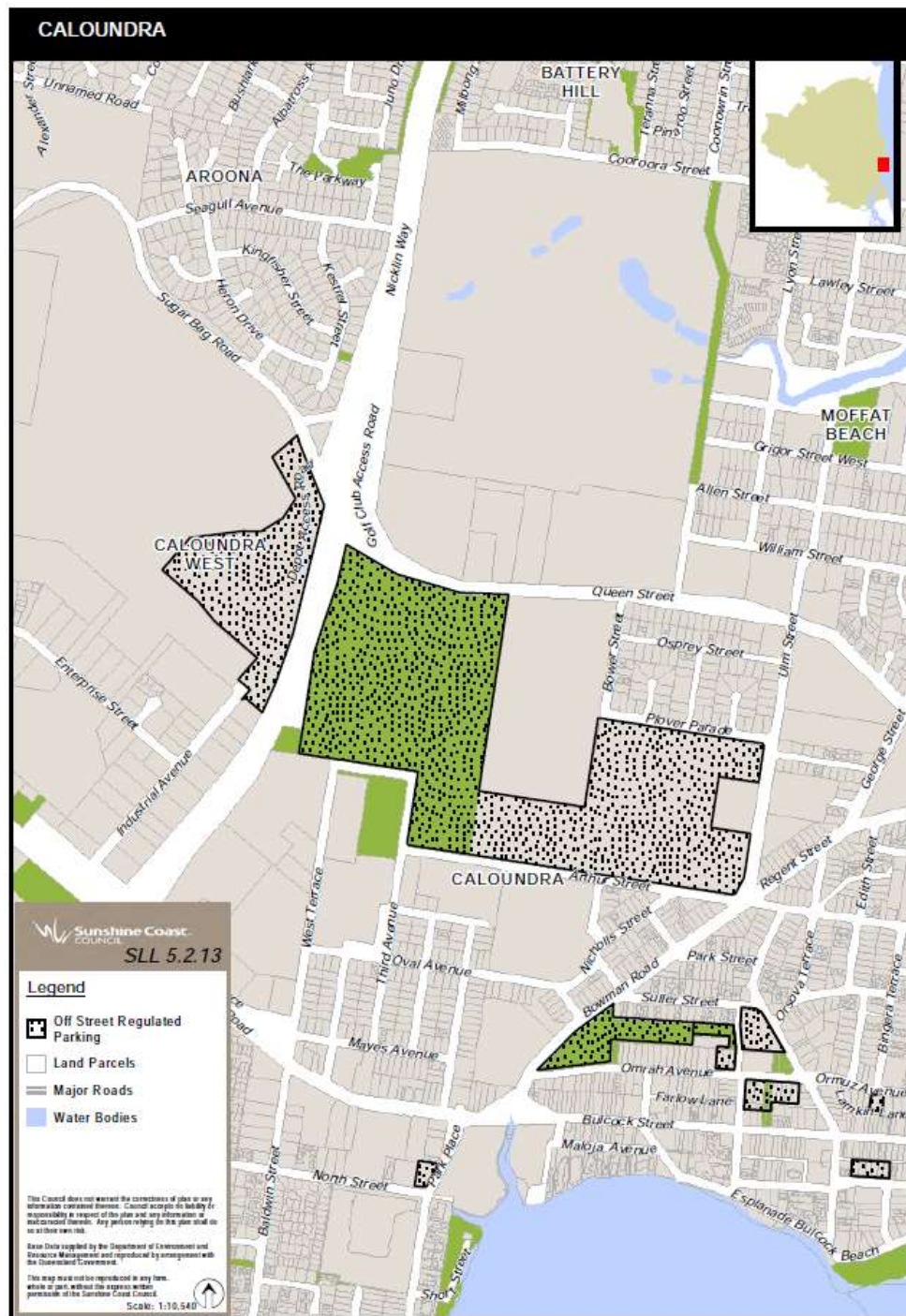
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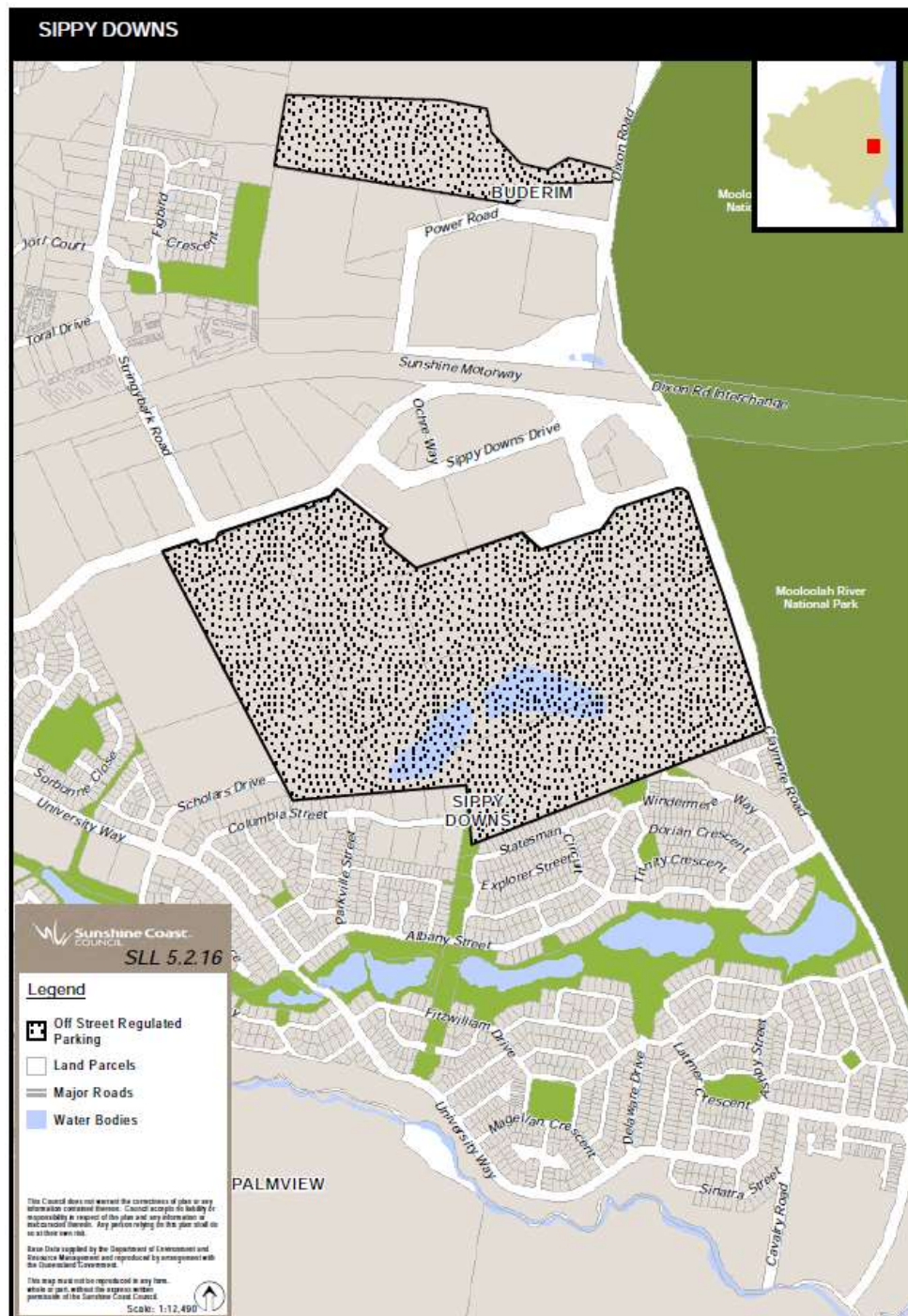


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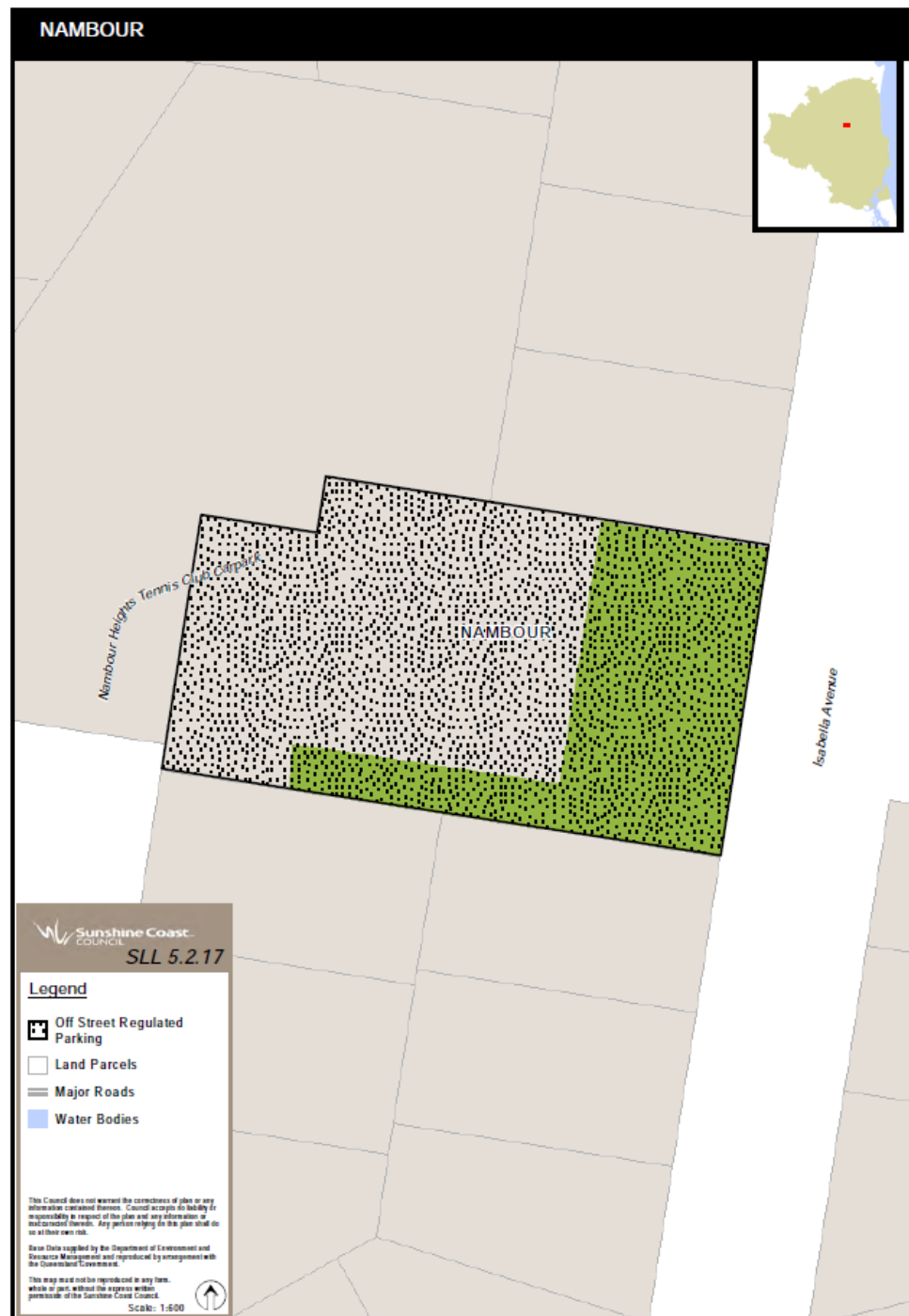


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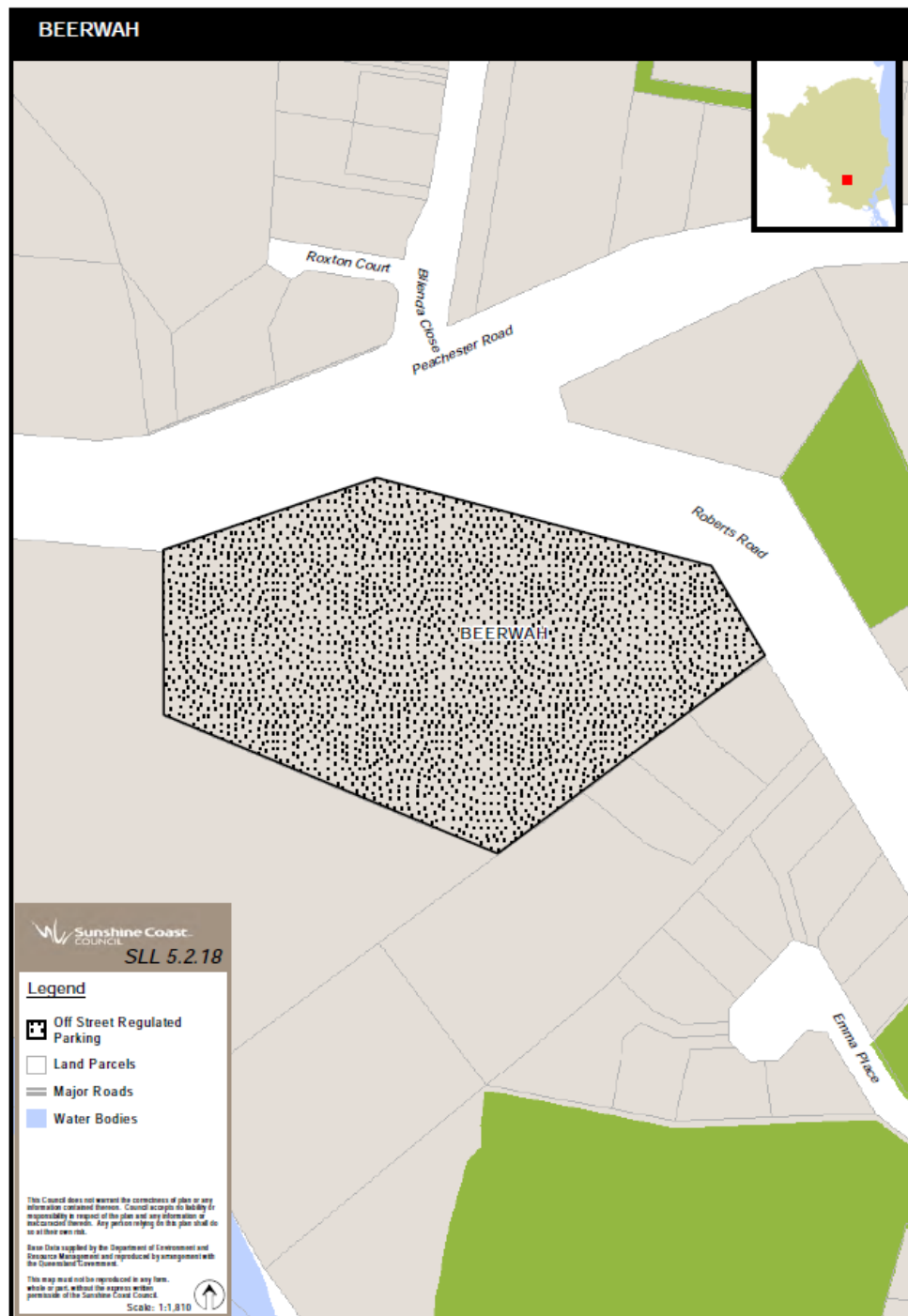




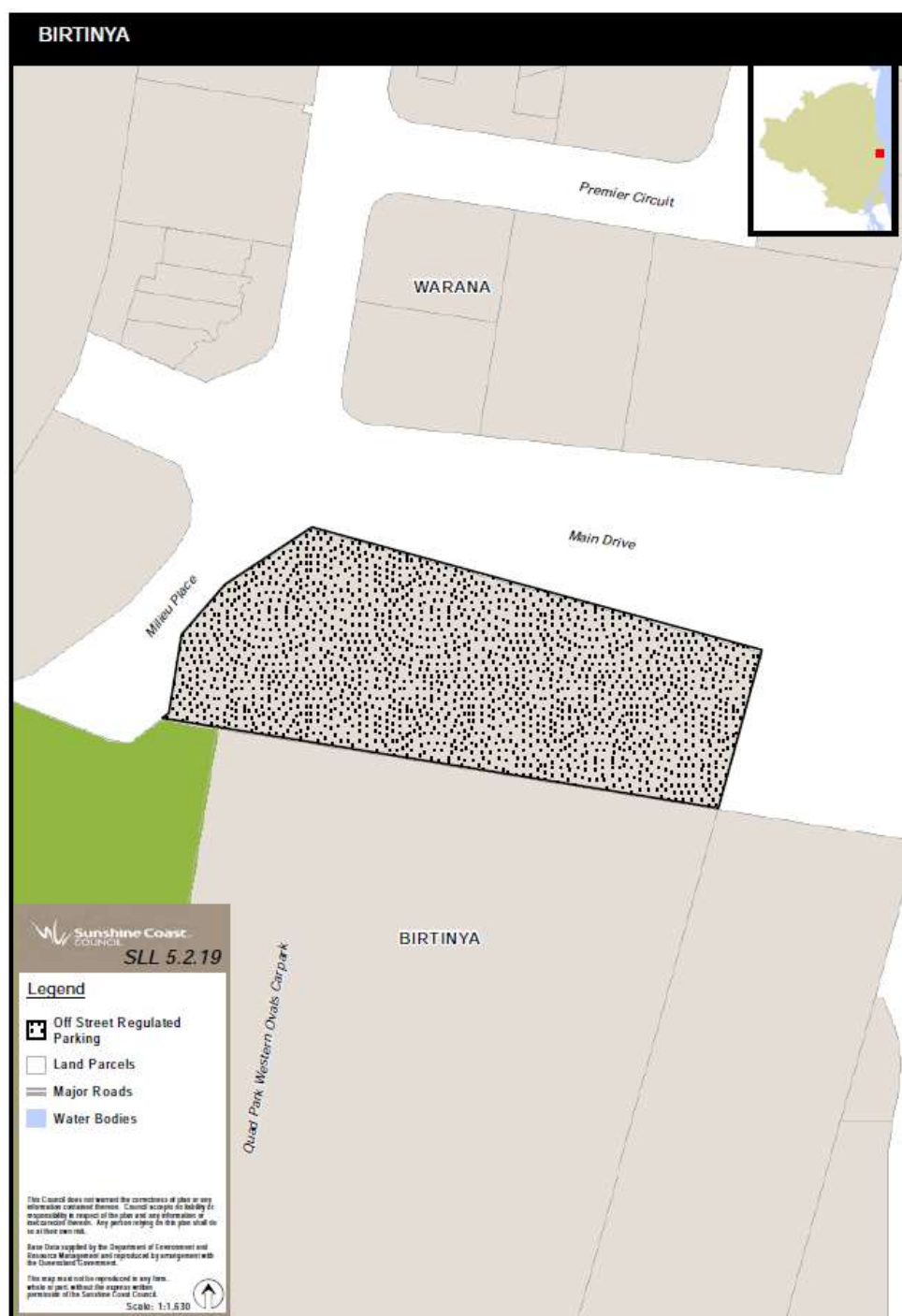
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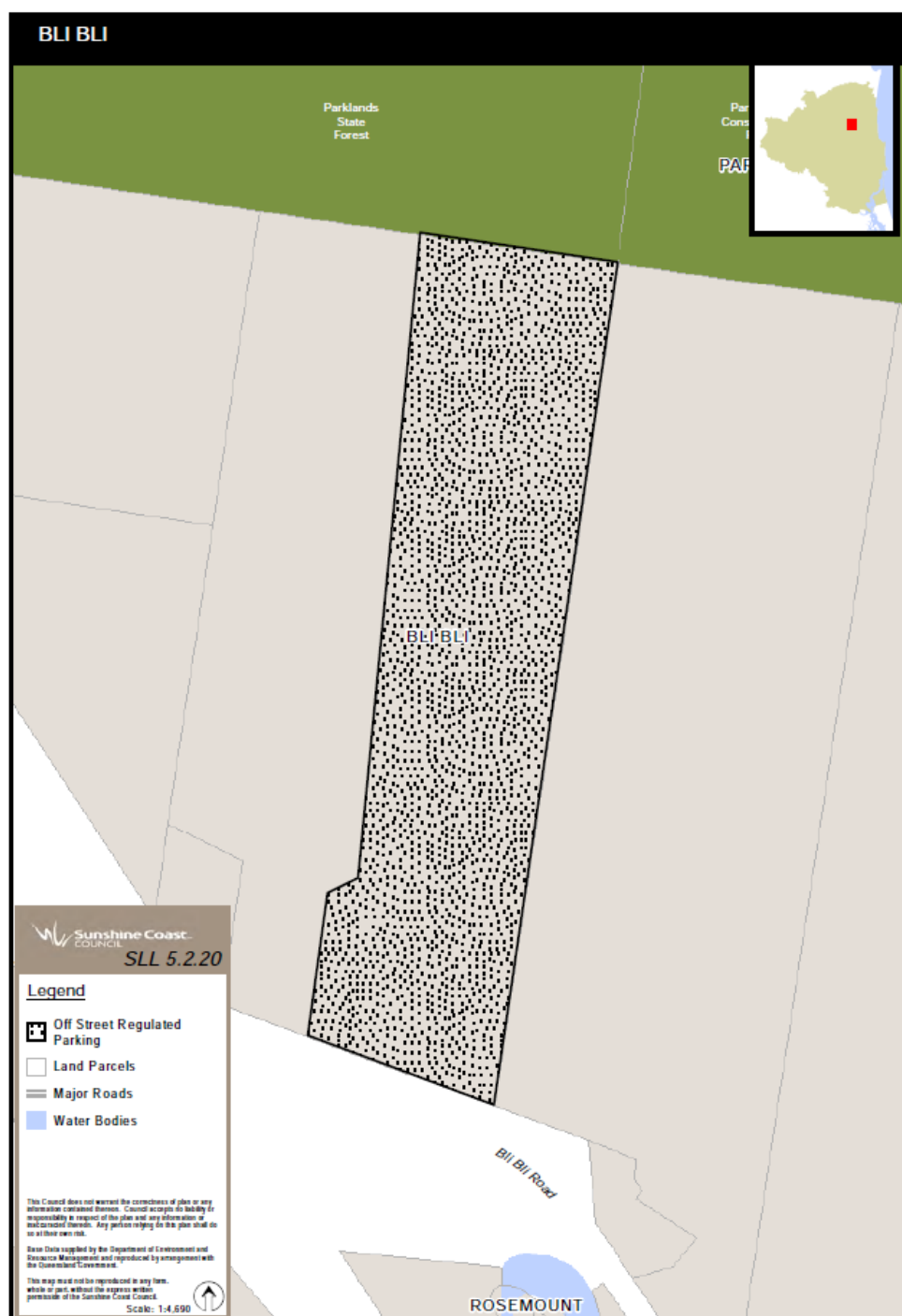
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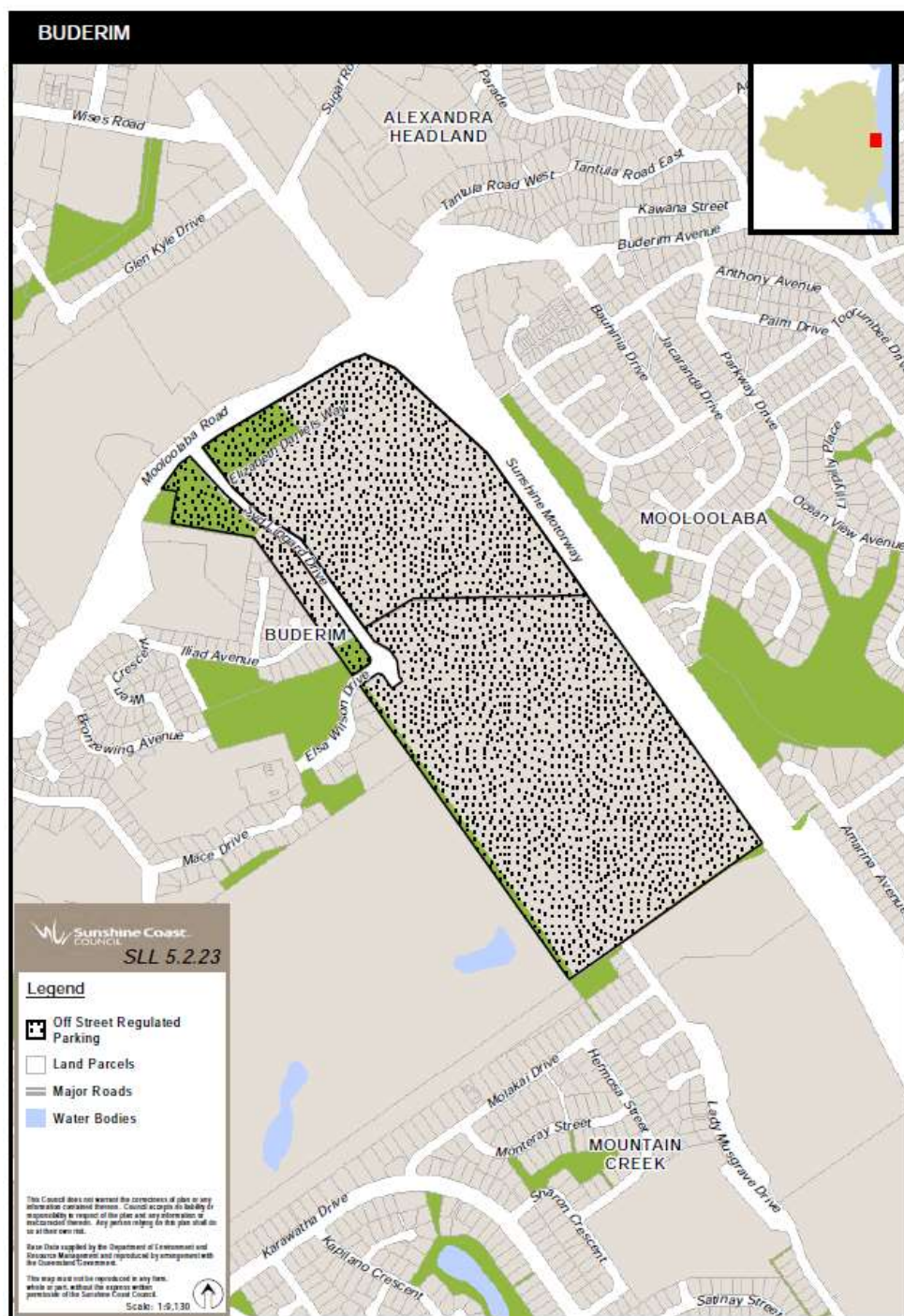


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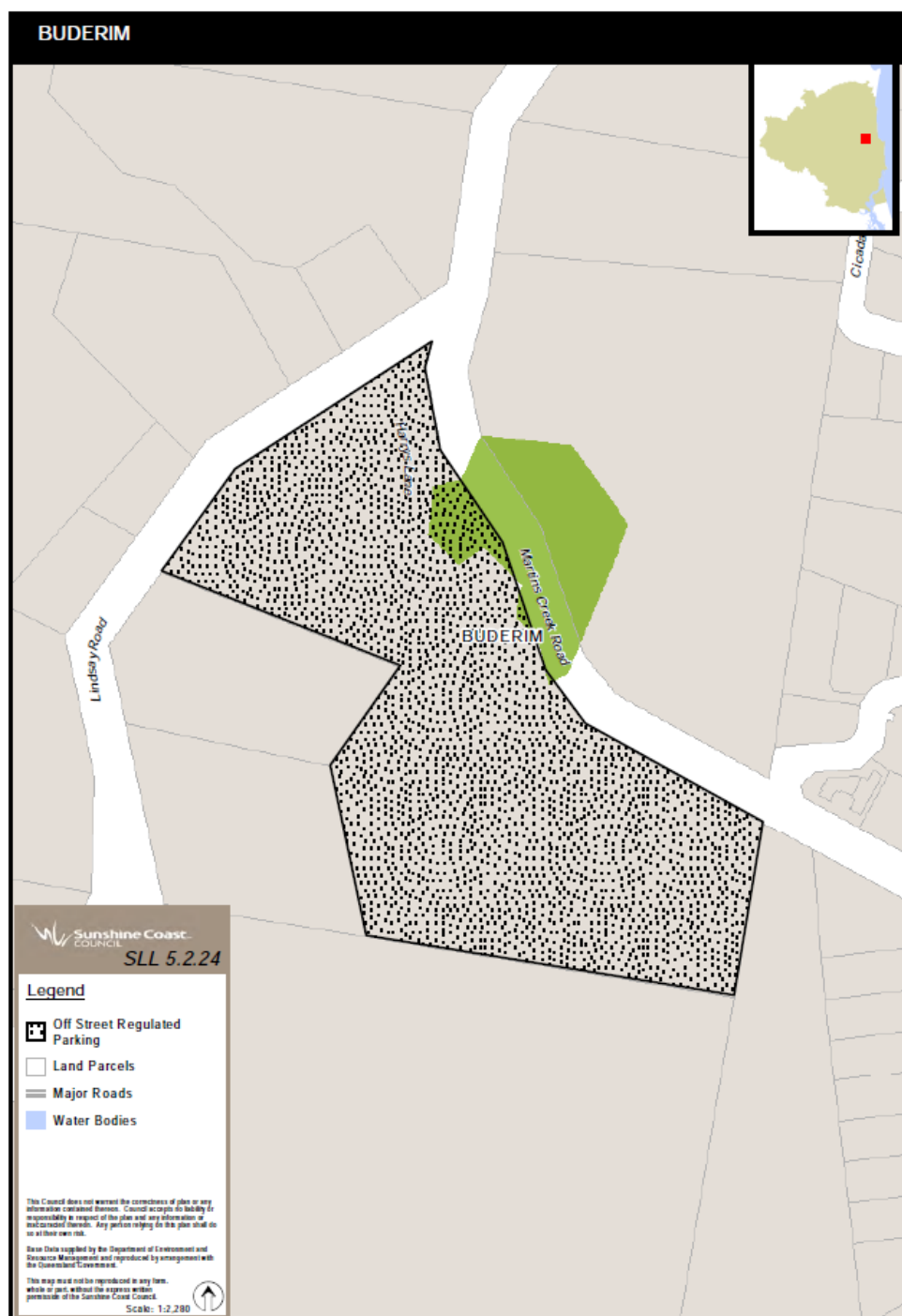


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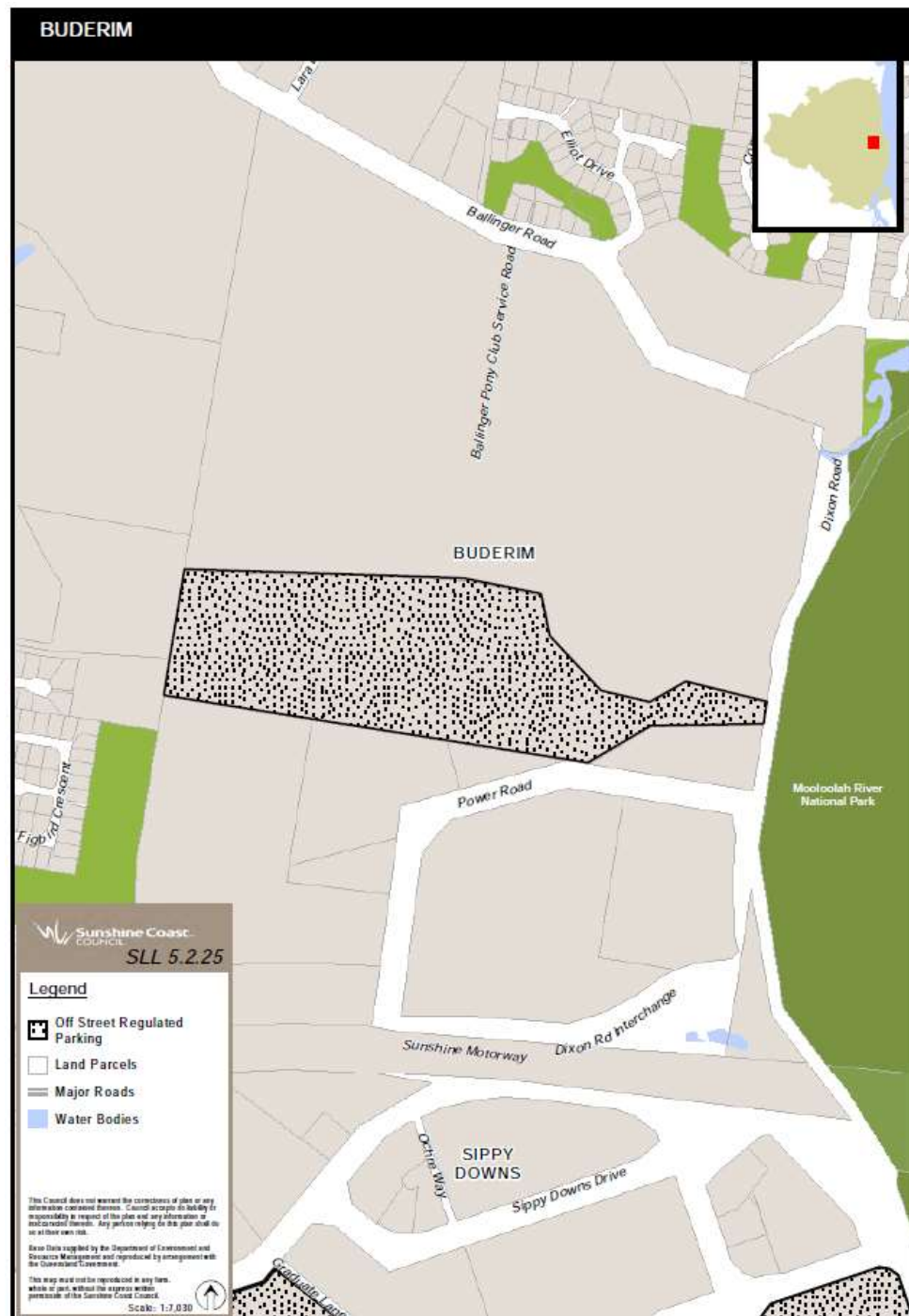




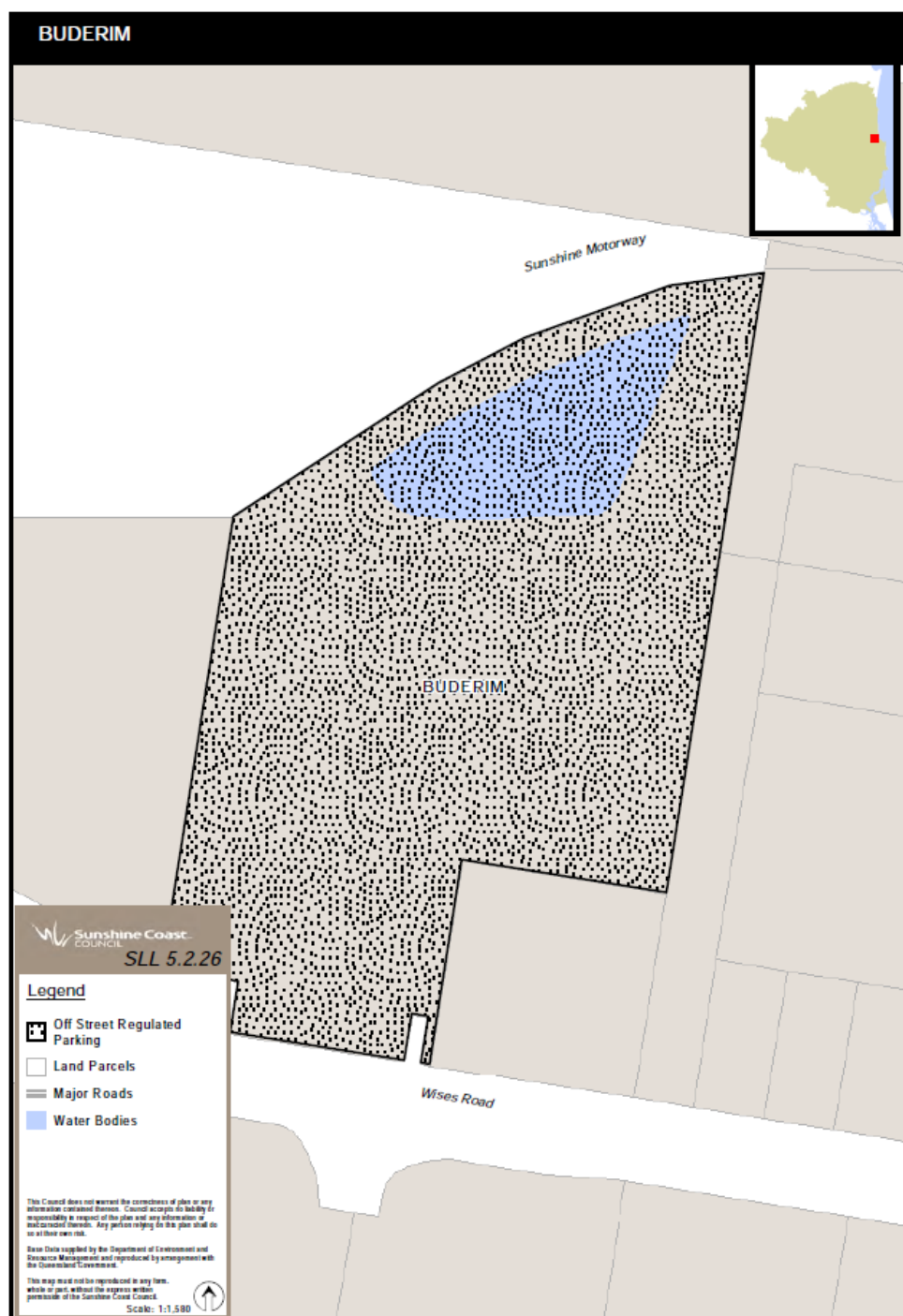
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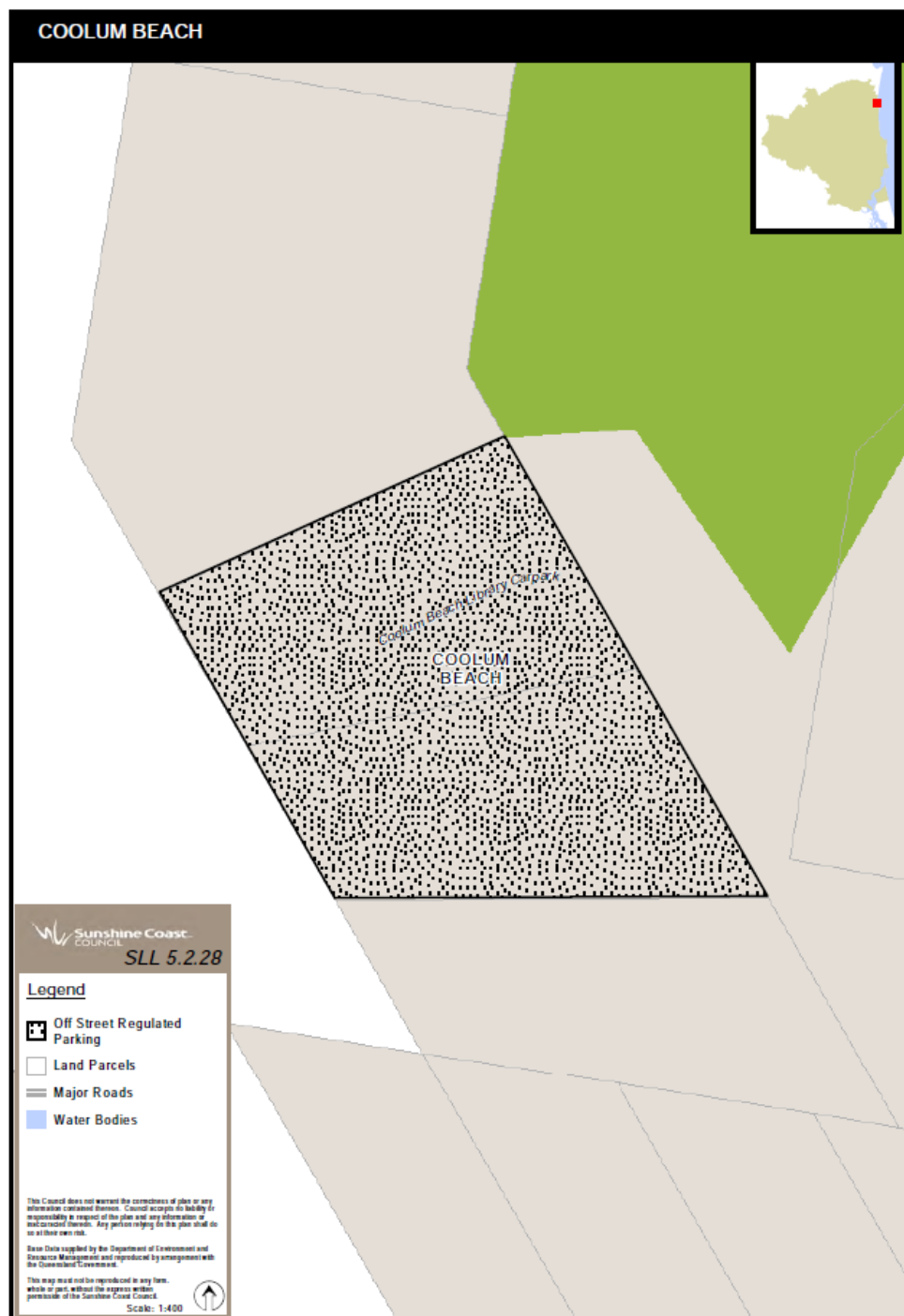
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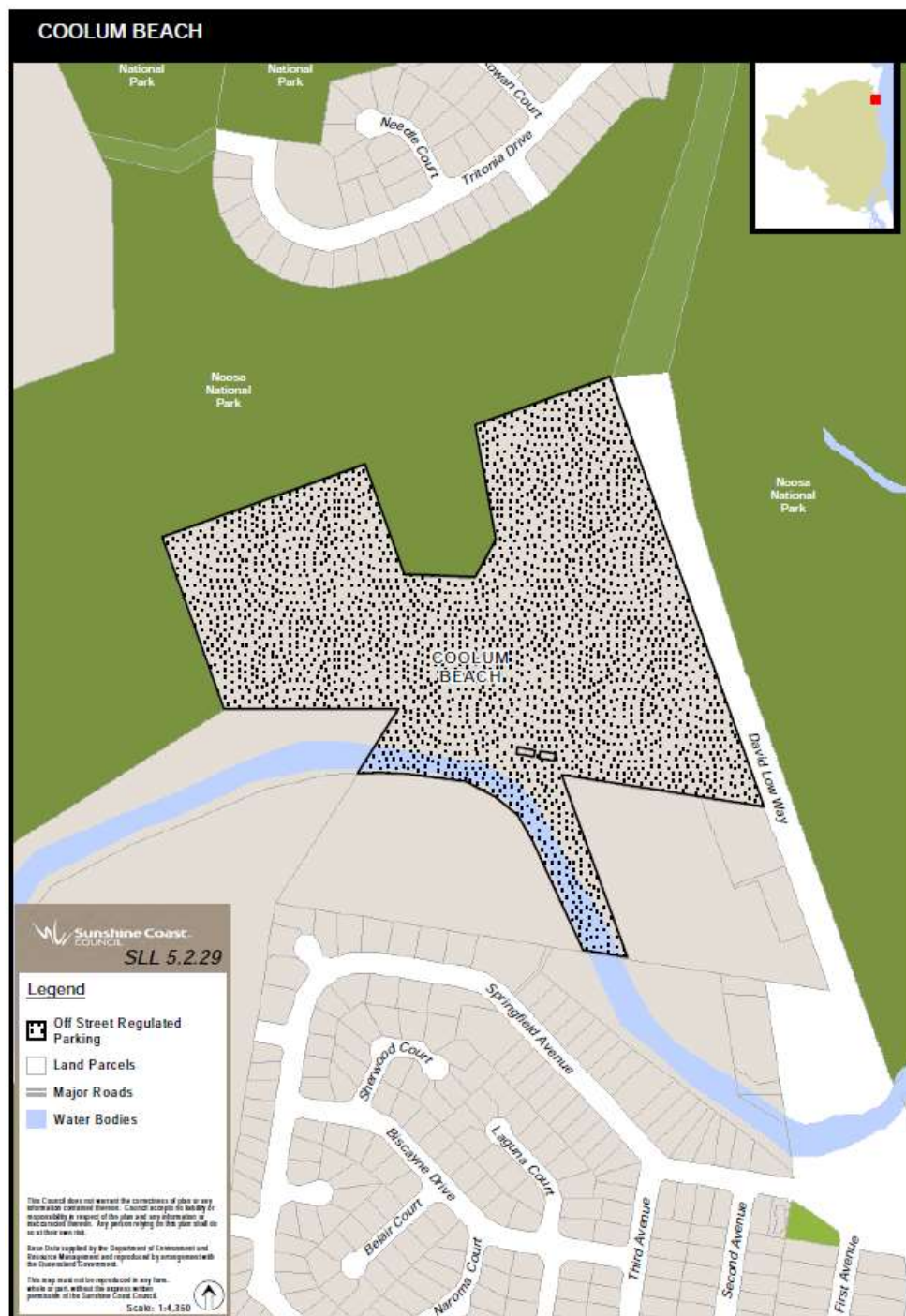
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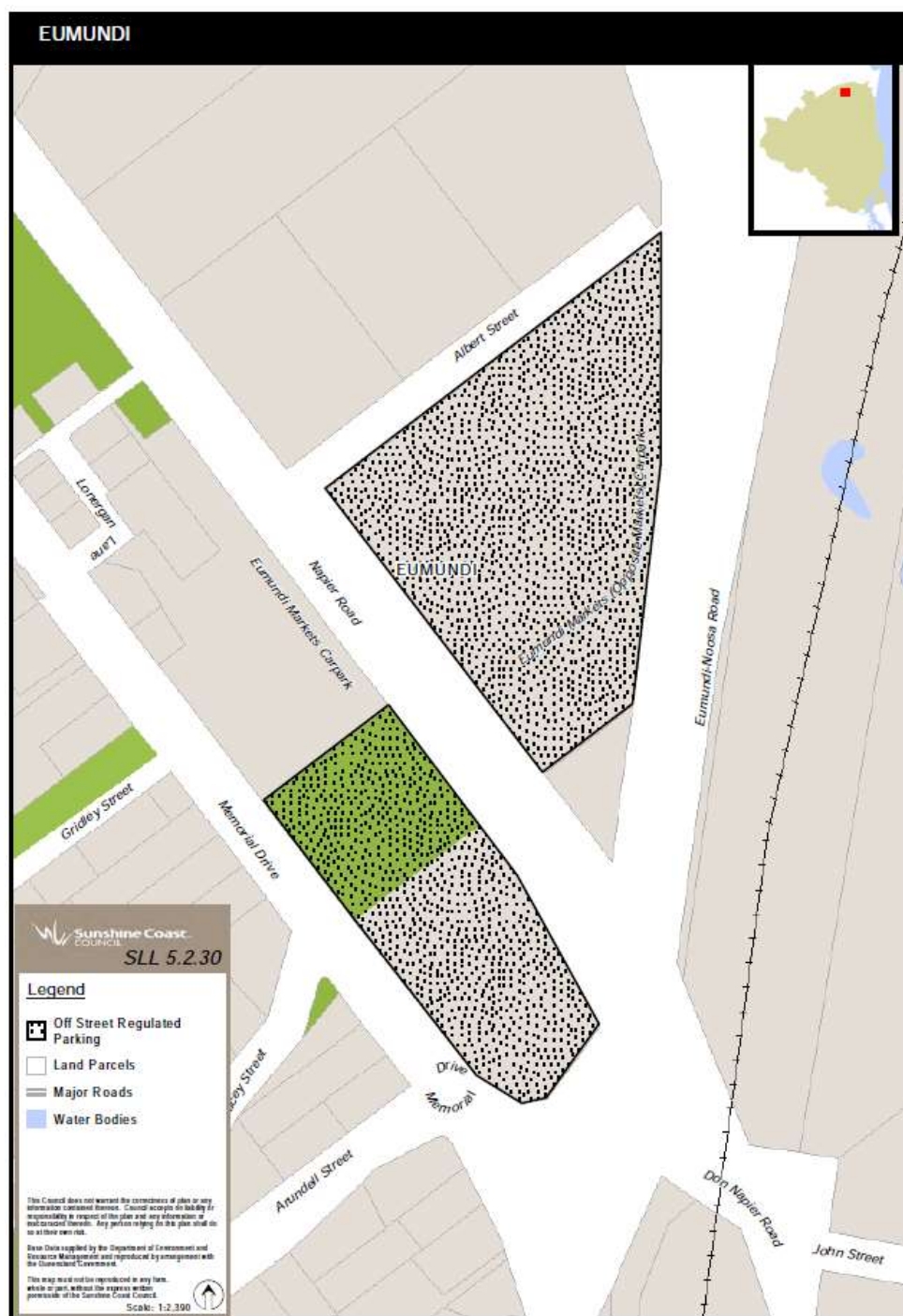
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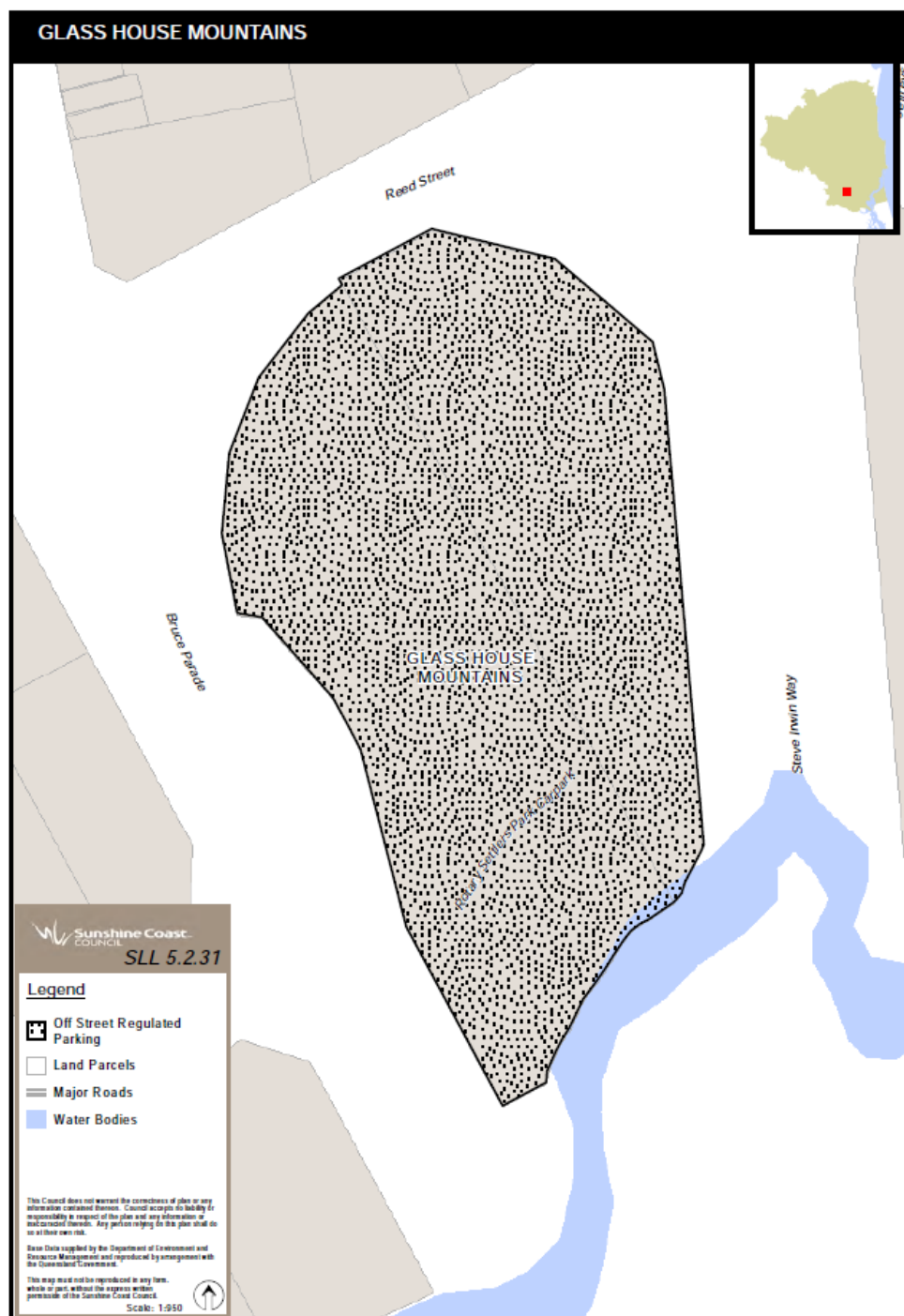
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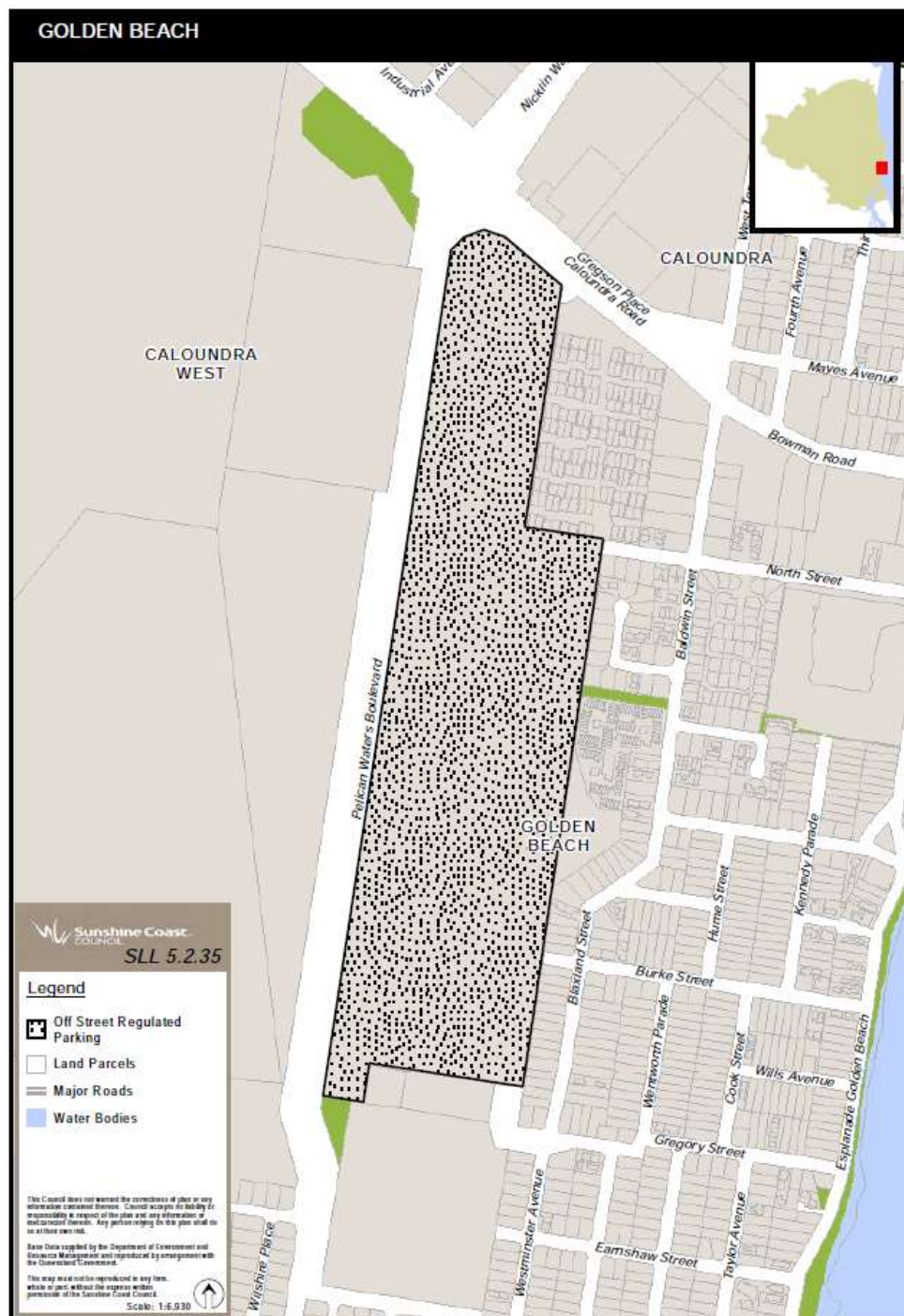
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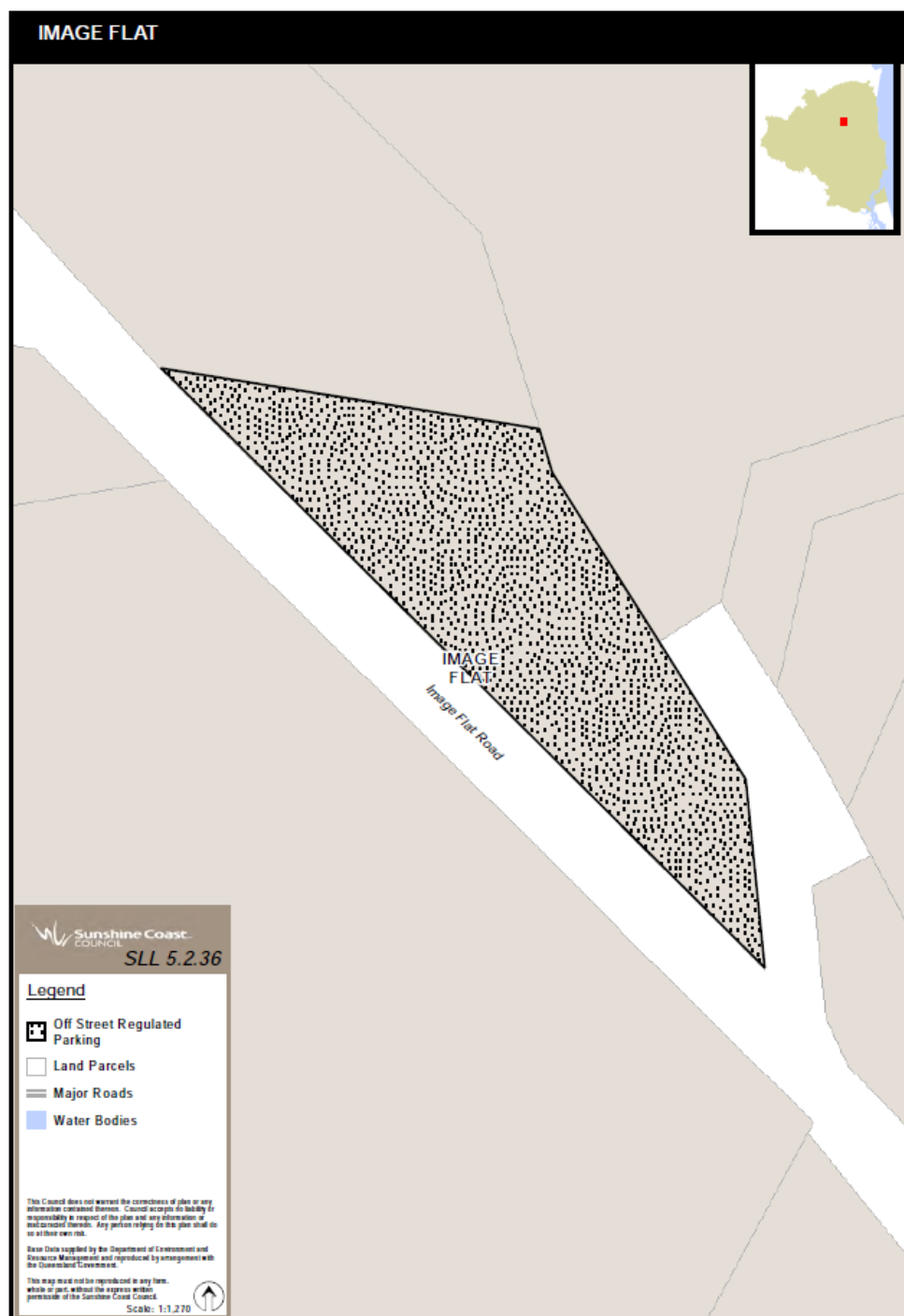
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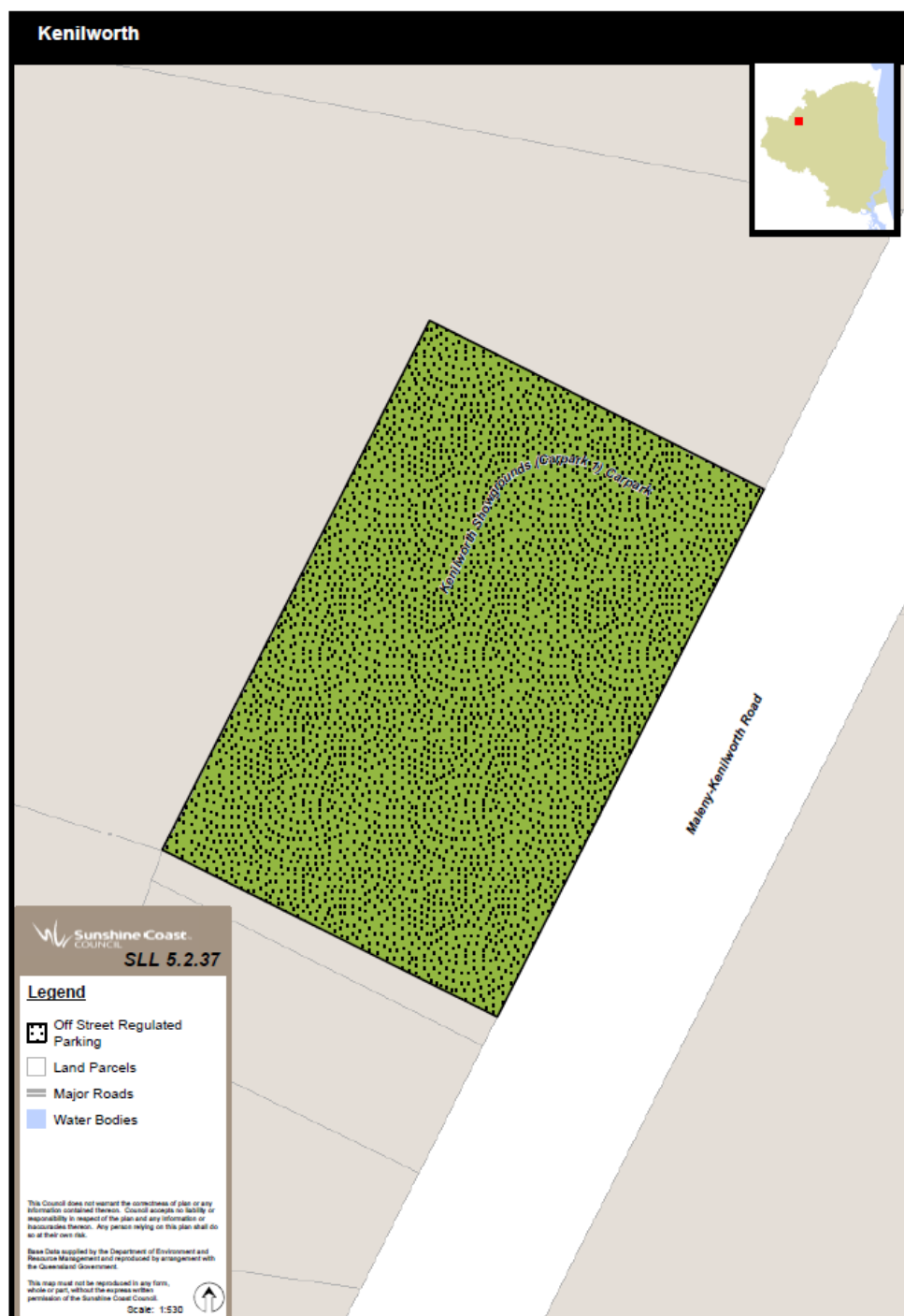
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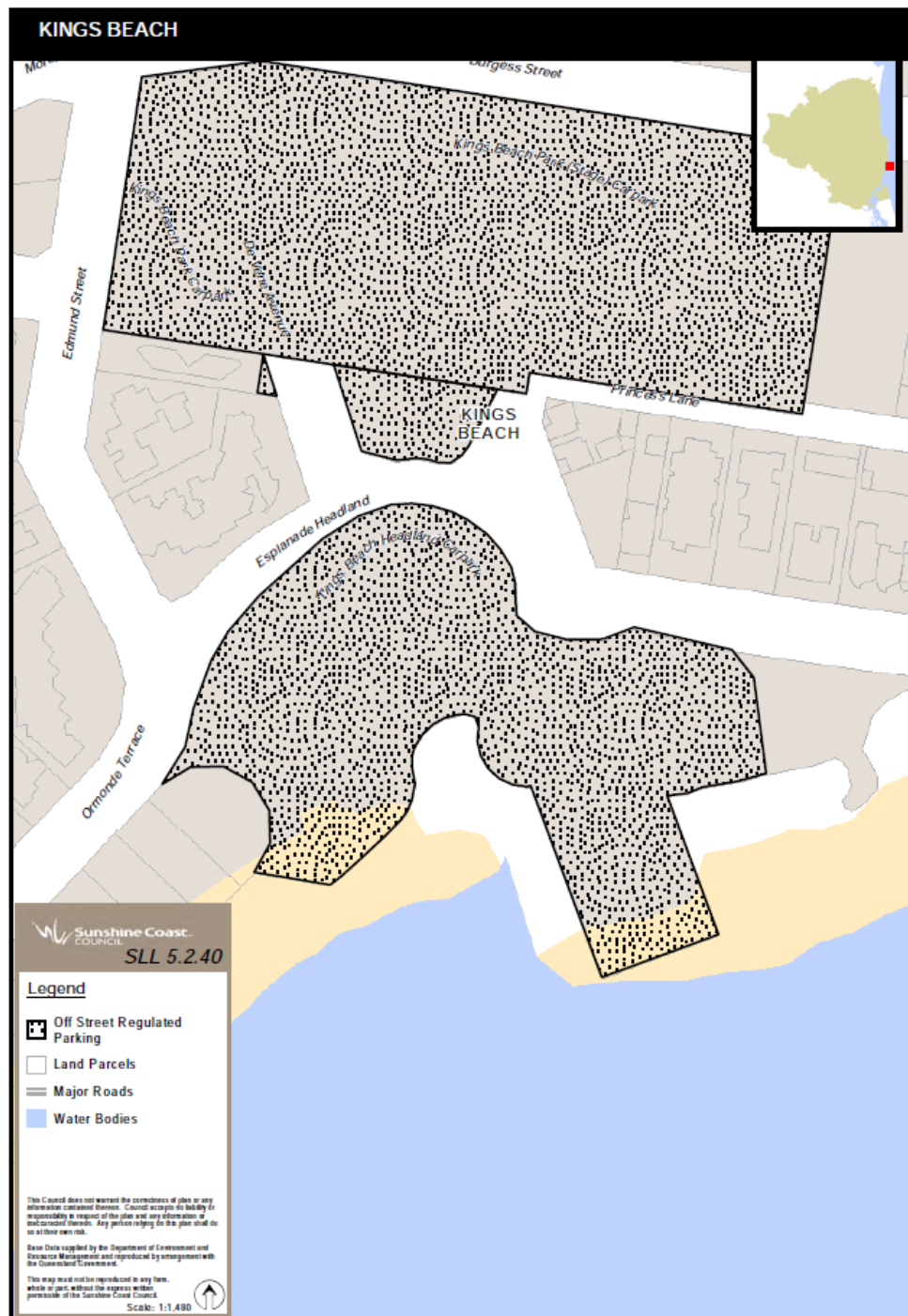


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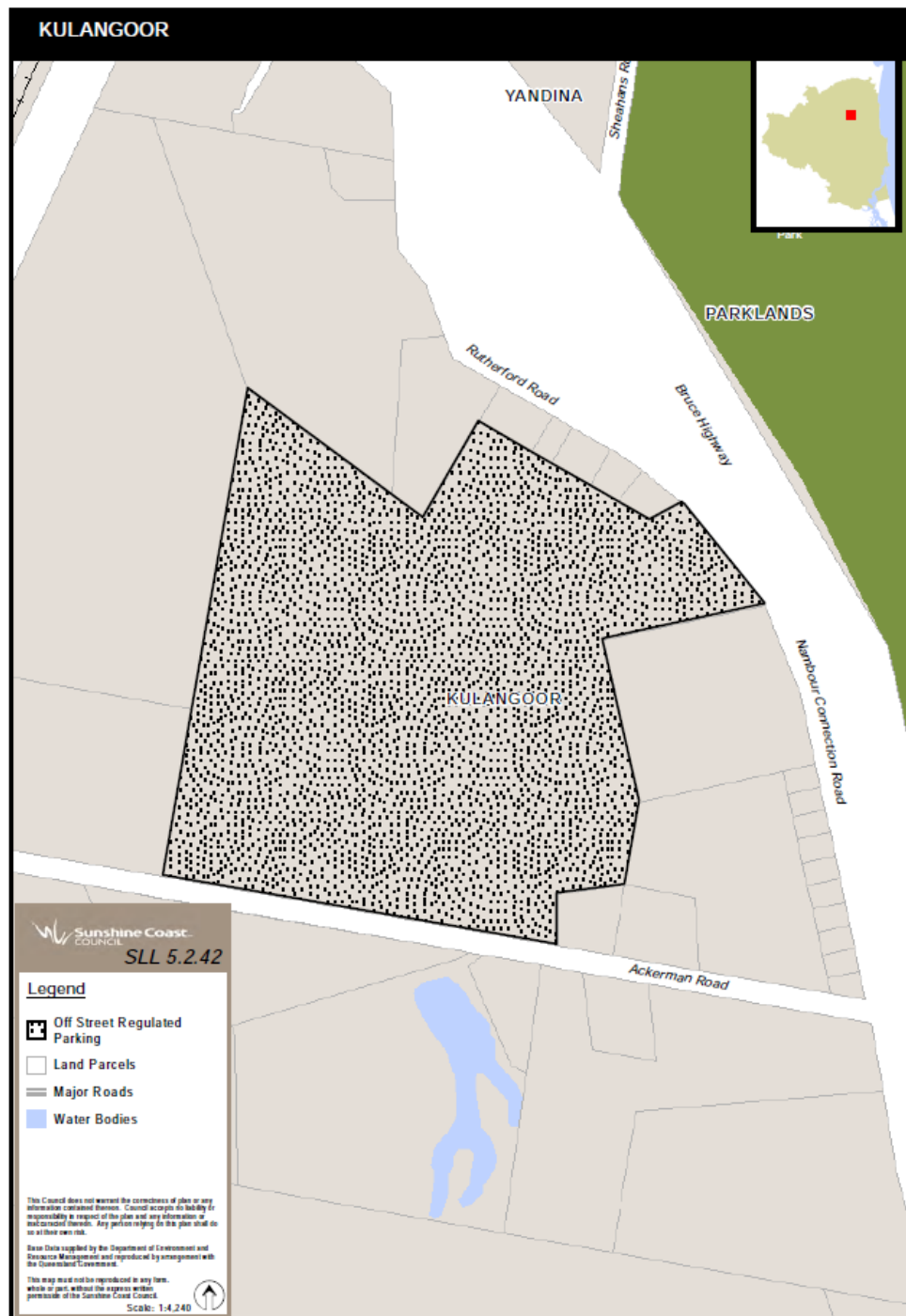




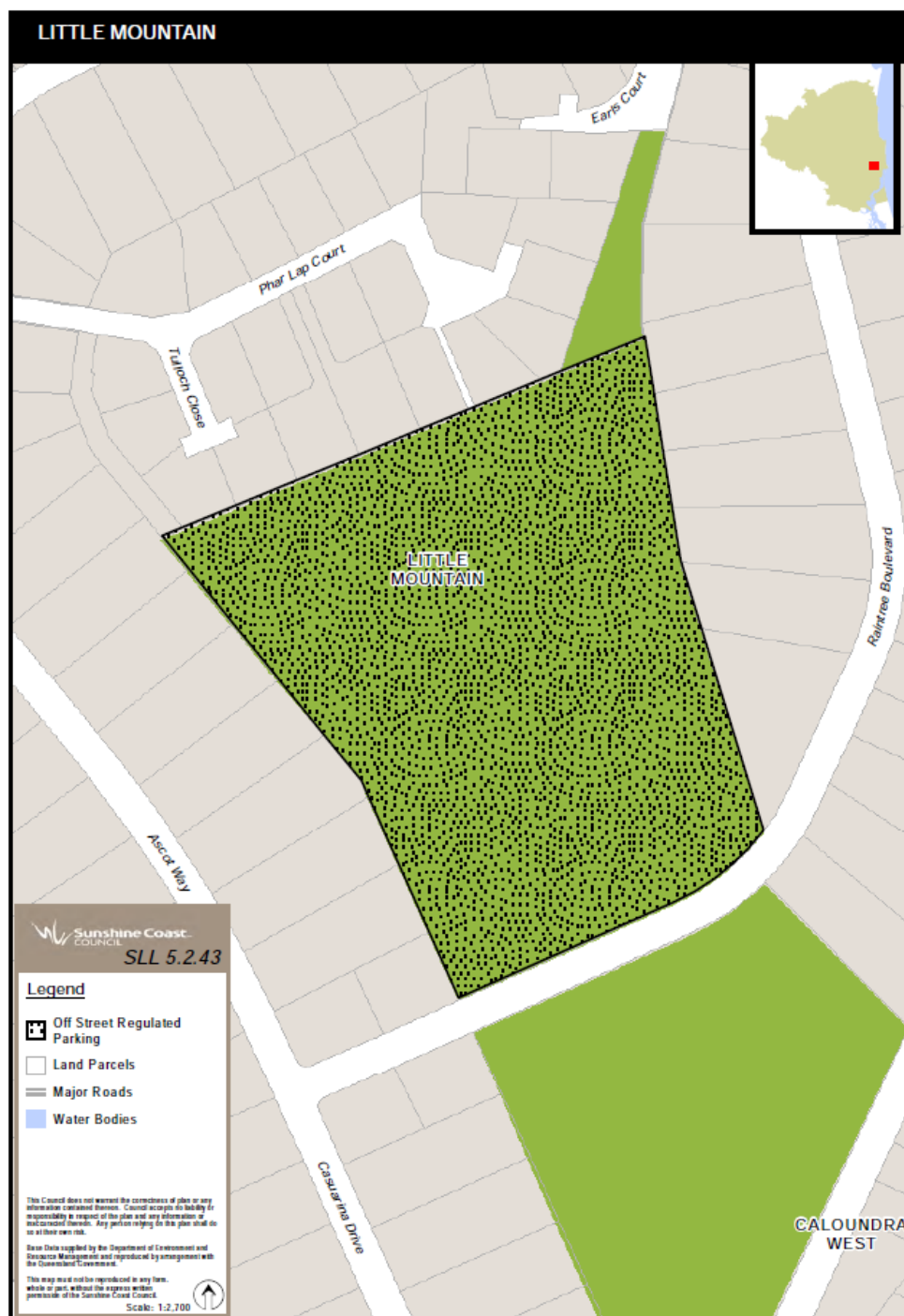
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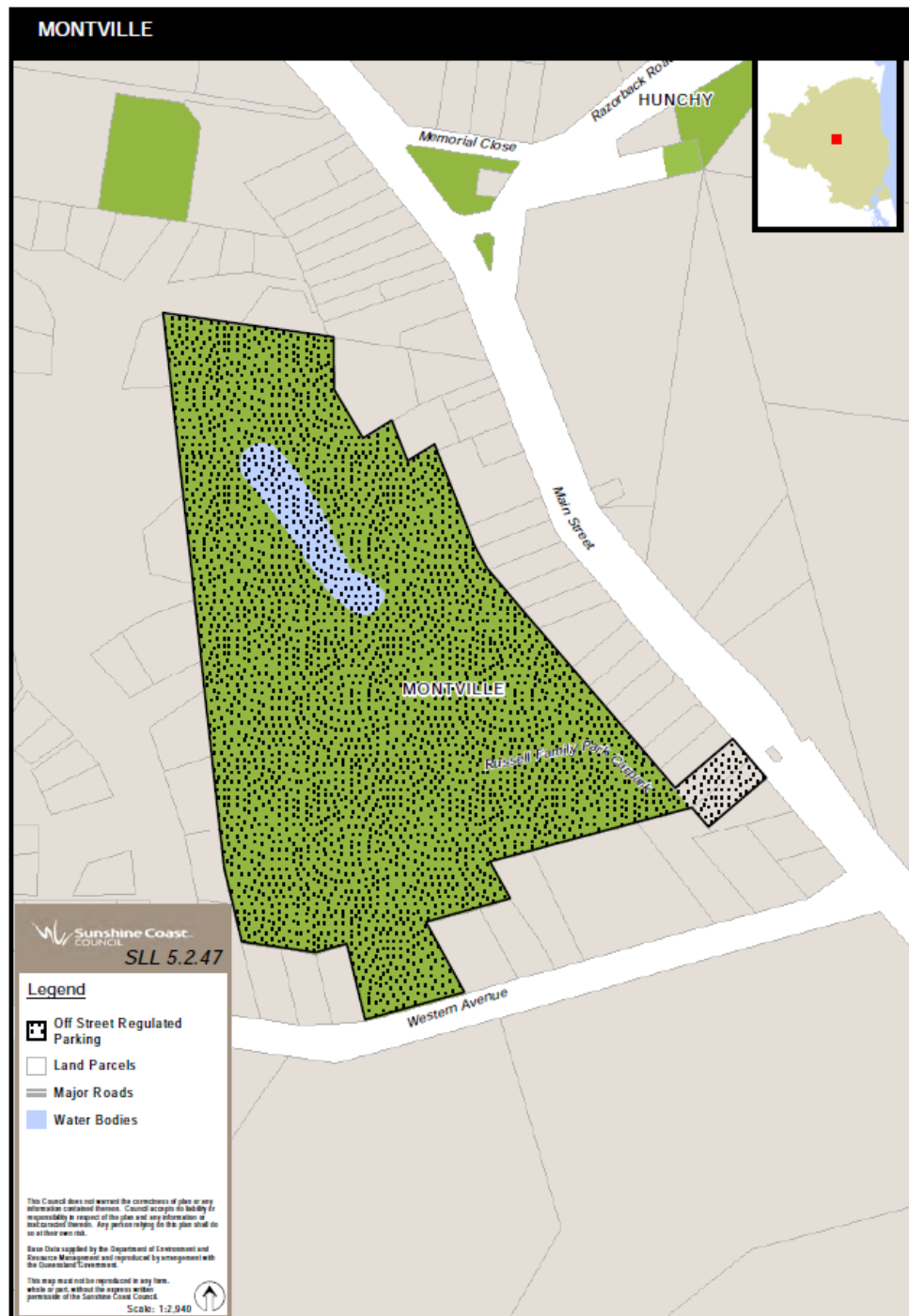
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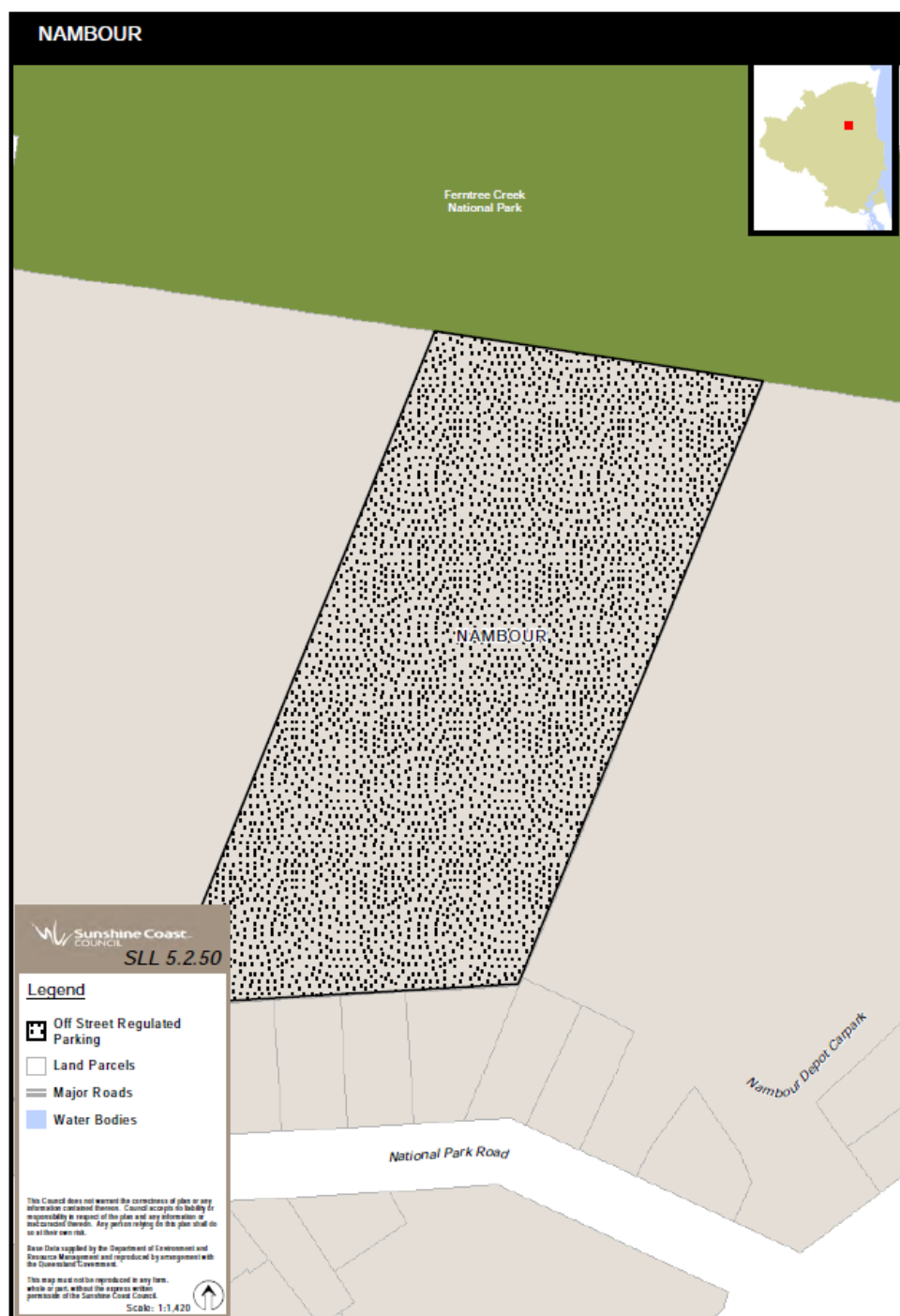
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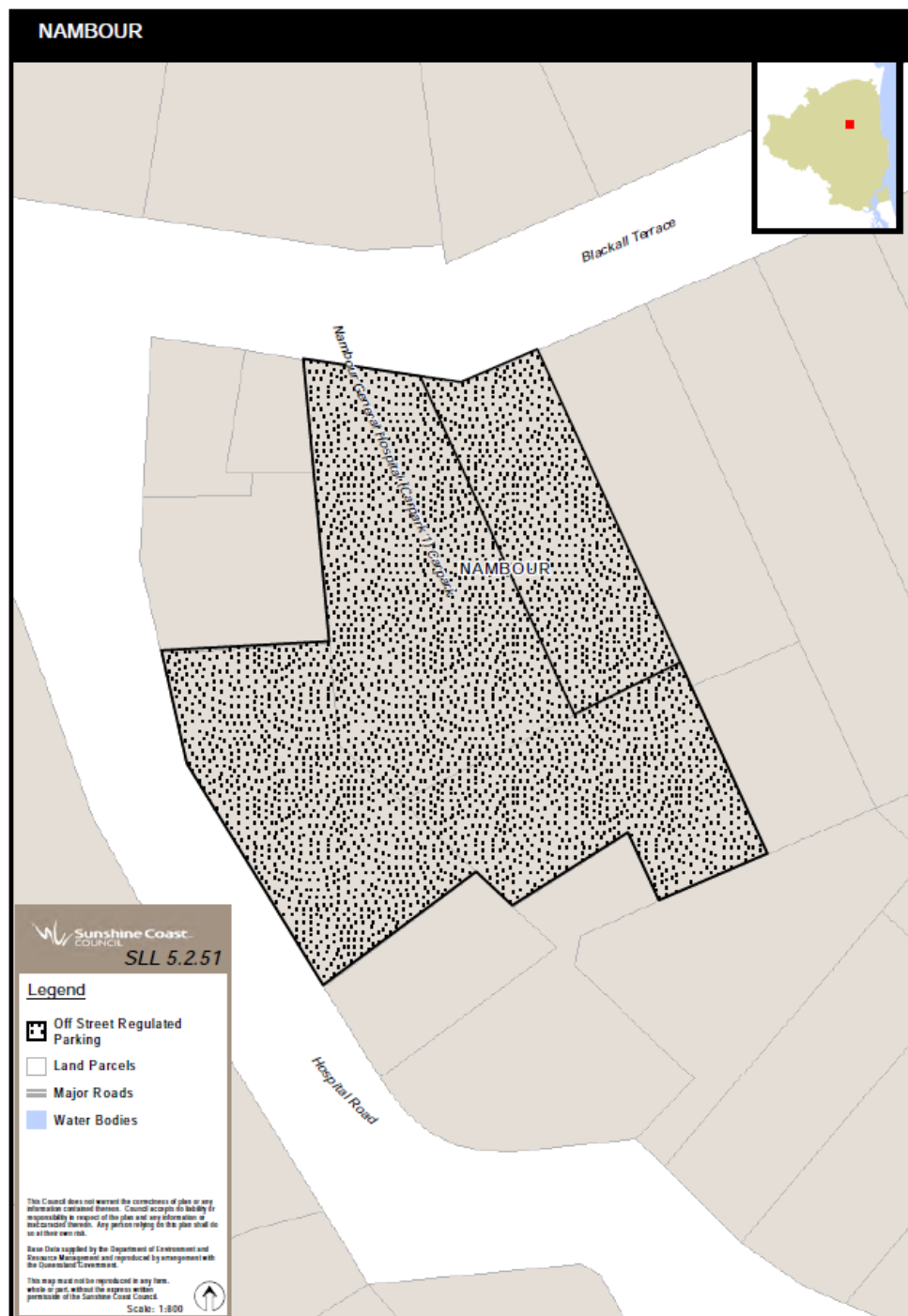
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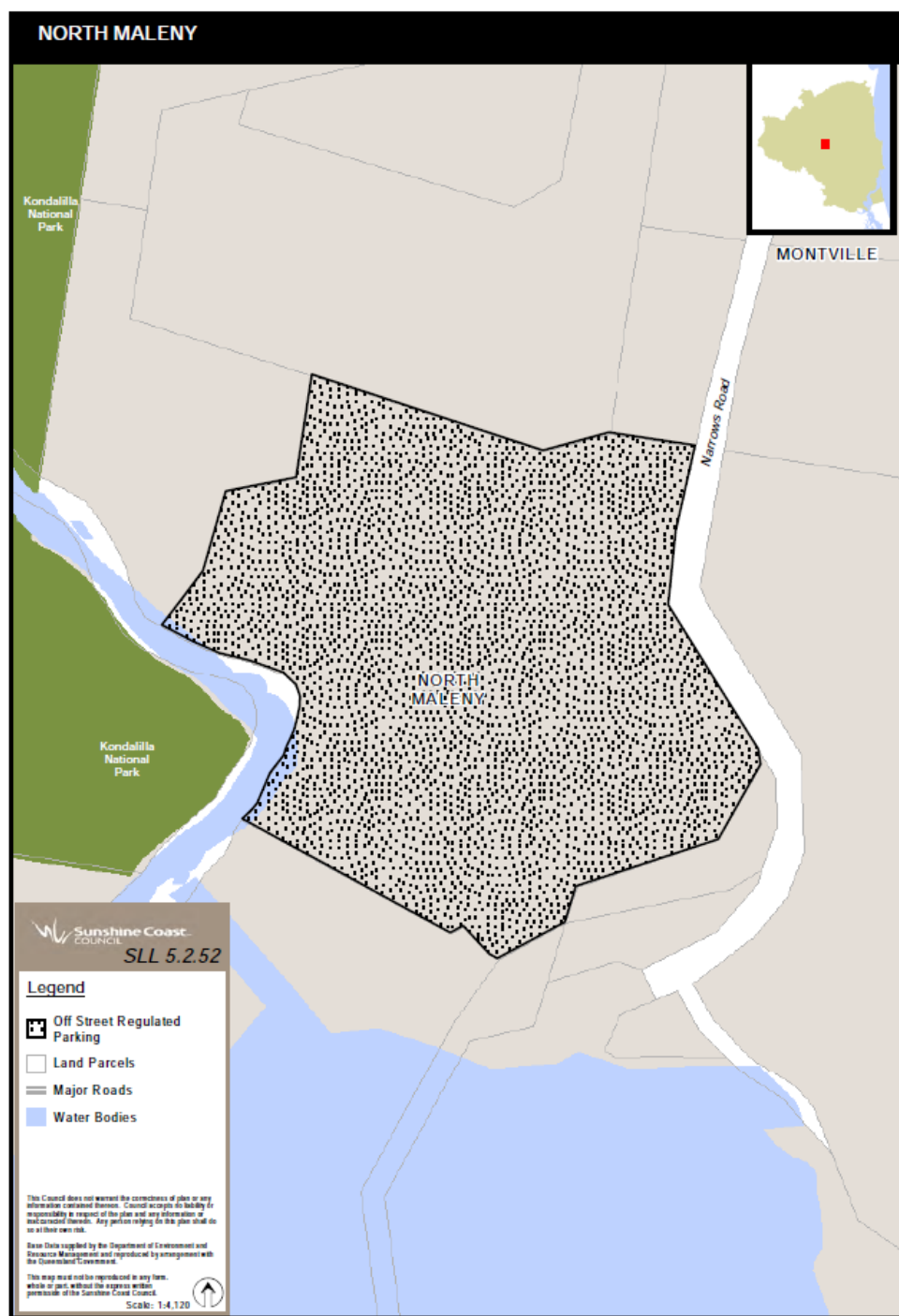
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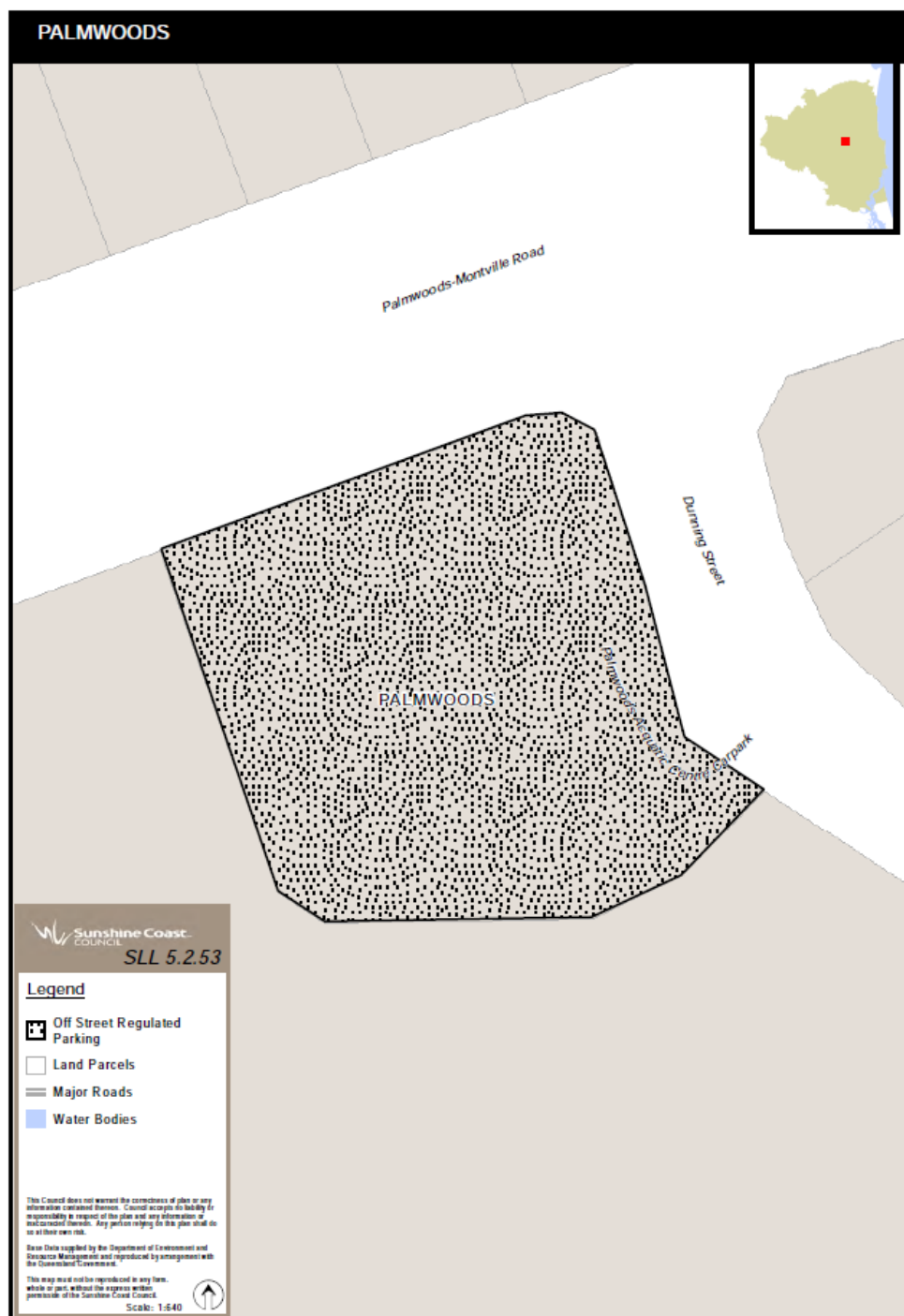
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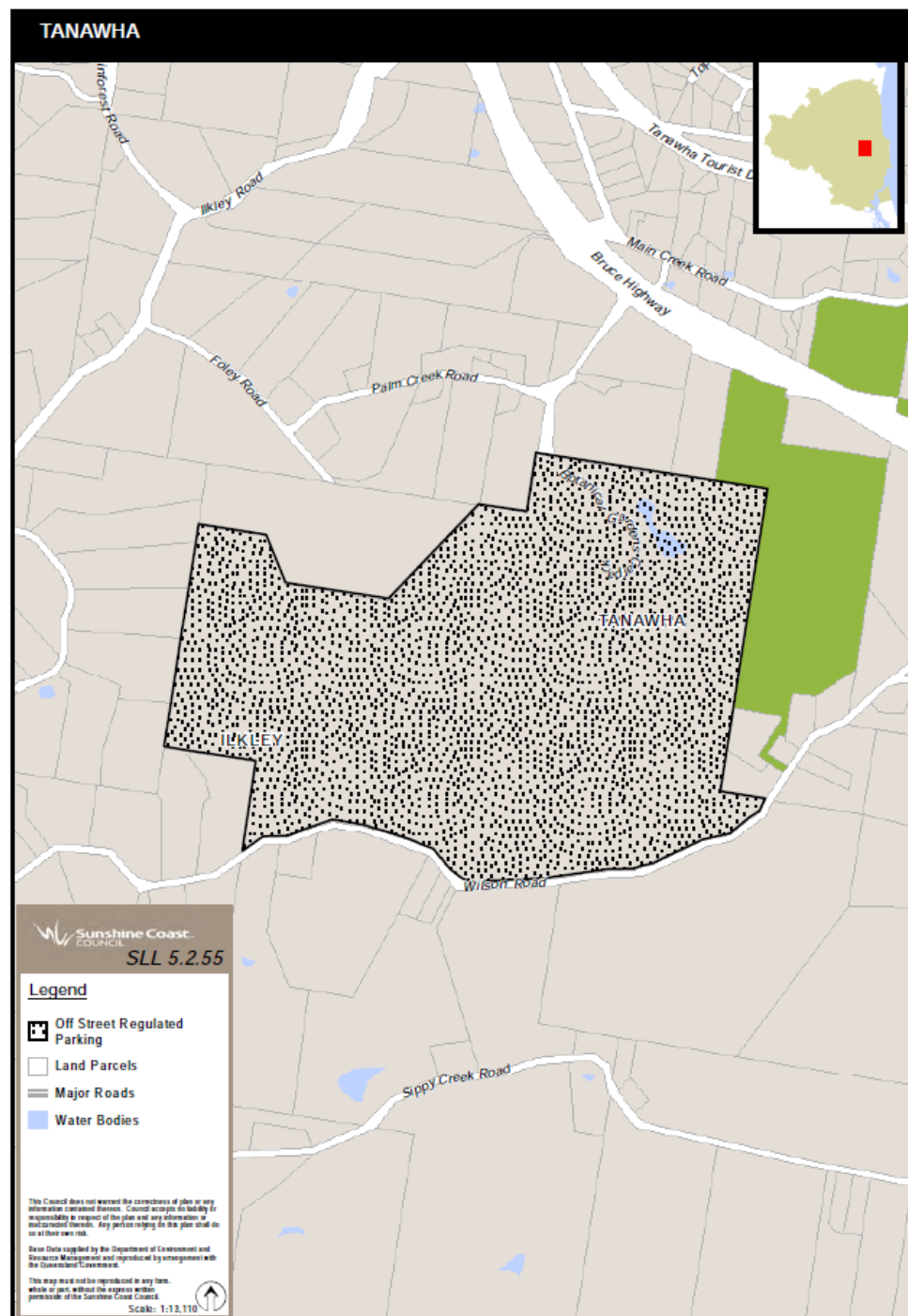
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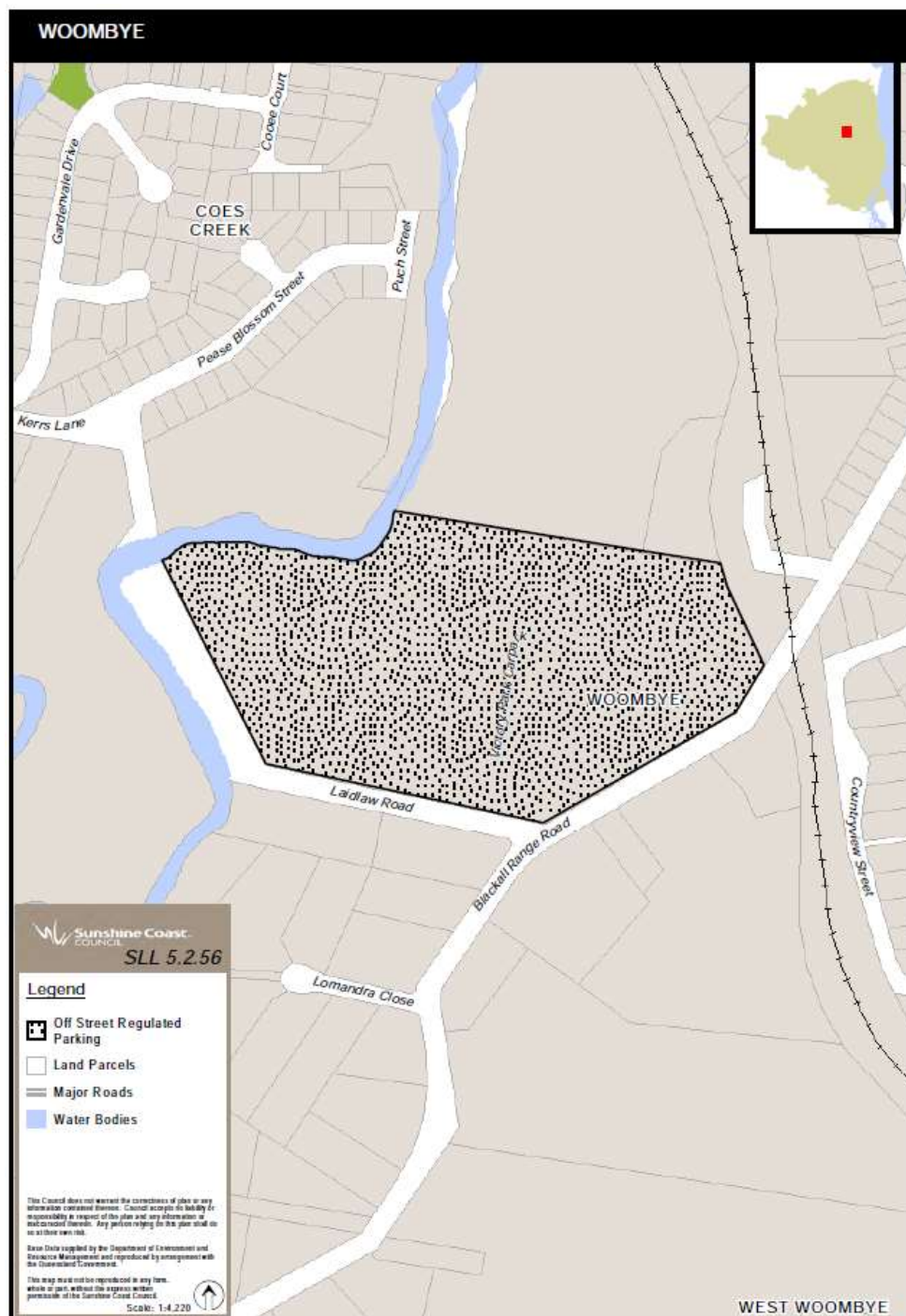
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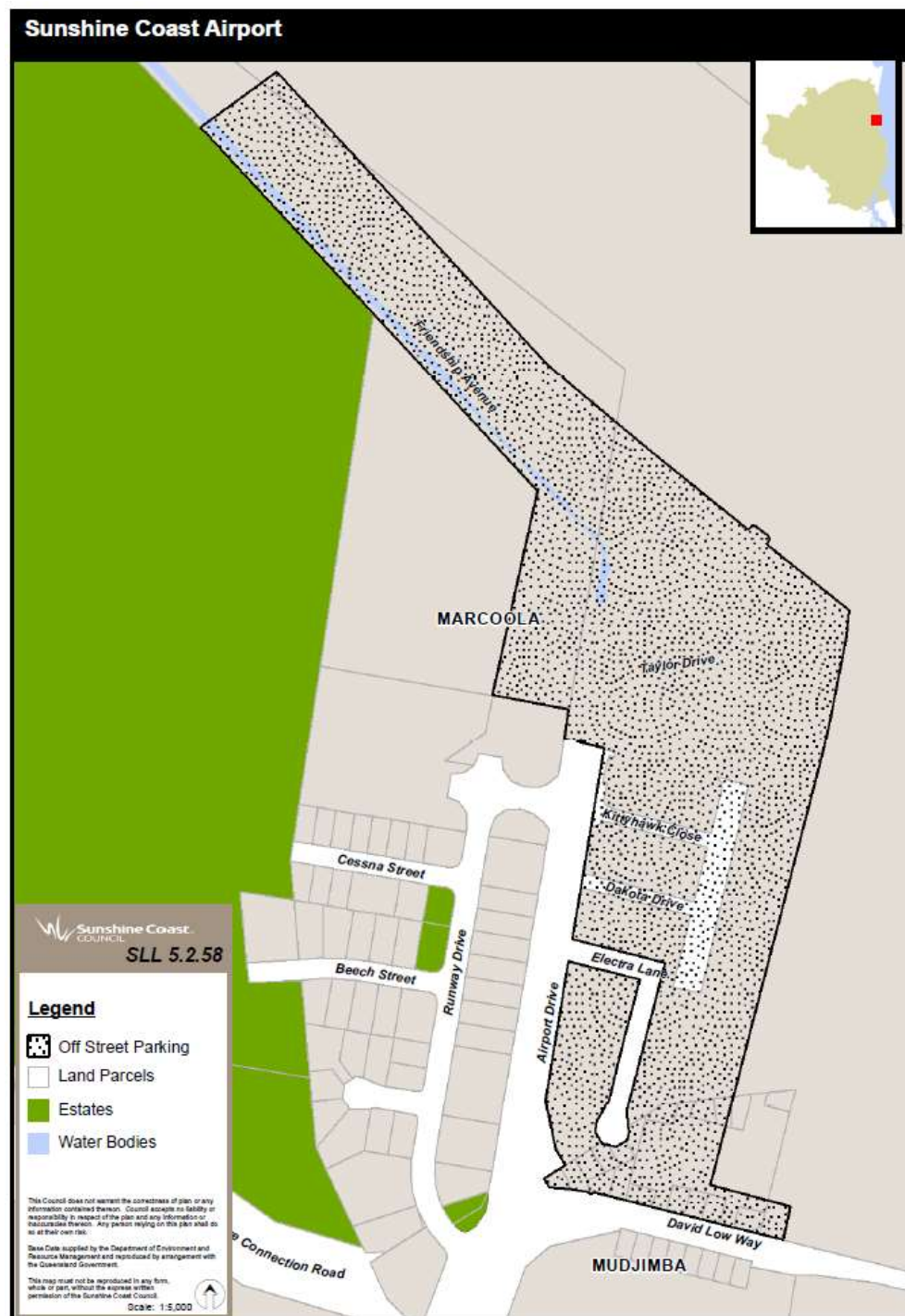
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Schedule 3 Persons who may be issued with a parking permit

section 7

Column 1 Parking permit	Column 2 Person who may be issued with a permit
residential parking permit	<ol style="list-style-type: none"> 1 residents of the Nambour Hospital 3P area 2 residents of Lady Musgrave Drive, Mountain Creek 3 residents within a residential parking permit area as delineated in a map on the local government's website, including residents of multi-unit complexes
works zone permit	a person requiring access to a designated parking space for construction or maintenance purposes
prepaid parking permit	<ol style="list-style-type: none"> 1 a person requiring access to a metered bay within the Caloundra Central Business District 2 a war veteran requiring access to a metered bay within either the Caloundra Central Business Direct or the Birtinya Regulated Parking Area
health and community services permit	<ol style="list-style-type: none"> 1 a health practitioner registered with the Australian Health Practitioner Regulation Agency 2 an organisation registered as a charity with the Australian Charities and Not-for-profits Commission

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Schedule 4 Infringement notice penalties for certain minor traffic offences

section 9

Column 1 Minor traffic offence	Column 2 Infringement notice penalty
paid parking offences provided for in section 106 (Paid parking offences) of the <i>Transport Operations (Road Use Management) Act 1995</i>	$\frac{3}{10}$ penalty unit
parking and stopping offences provided for in part 12 (Restrictions on stopping and parking) of the <i>Transport Operations (Road Use Management—Road Rules) Regulation 2009</i> except for— <ul style="list-style-type: none"> section 203 (Stopping in a parking area for people with disabilities); and section 205 (Parking for longer than indicated) 	$\frac{3}{4}$ penalty unit
the offence provided for in section 203 (Stopping in a parking area for people with disabilities) of the <i>Transport Operations (Road Use Management—Road Rules) Regulation 2009</i>	4 penalty units
the offence provided for in section 205 (Parking for longer than indicated) of the <i>Transport Operations (Road Use Management—Road Rules) Regulation 2009</i>	$\frac{1}{2}$ penalty unit
all other offences which relate to the parking or stopping of a vehicle as provided for in section 74 (Contravention of official traffic sign an offence) of the <i>Transport Operations (Road Use Management) Act 1995</i>	$\frac{1}{2}$ penalty unit

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Endnotes

1 Date to which amendments incorporated

This consolidated version includes all amendments that commenced operation on or before 2 June 2023.

2 Table of consolidated versions

Consolidated Version No.	Amendments included	Effective	Notes
1	Amendment Subordinate Local Law No.1 (Parking) 2012	24 February 2012	
2	Amendment Subordinate Local Law No.1 (Parking) 2013	5 April 2013	
	Amendment Subordinate Local Law No.1 (Miscellaneous) 2014	4 April 2014	
3	Amendment Subordinate Local Law No.1 (Miscellaneous) 2015	31 July 2015	
	Amendment Subordinate Local Law No.1 (Miscellaneous) 2016	5 February 2016	
4	Amendment Subordinate Local Law No.2 (Parking) 2017	25 August 2017	
5	Amendment Subordinate Local Law No.1 (Parking) 2018	21 September 2018	
6	Amendment Subordinate Local Law No.3 (Miscellaneous) 2019	20 December 2019	
7	Amendment Subordinate Local Law No.1 (Miscellaneous) 2023	2 June 2023	

3 List of amending subordinate local laws

Amendment Subordinate Local Law No.1 (Parking) 2012

date of Council resolution 22 February 2012

date of gazettal 24 February 2012

commenced on date of gazettal

Amendment Subordinate Local Law No.1 (Parking) 2013

date of Council resolution 28 March 2013

date of gazettal 5 April 2013

commenced on date of gazettal

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Amendment Subordinate Local Law No.1 (Miscellaneous) 2014

date of Council resolution 27 March 2014
date of gazettal 4 April 2014
commenced on date of gazettal

Amendment Subordinate Local Law No.1 (Miscellaneous) 2015

date of Council resolution 23 July 2015
date of gazettal 31 July 2015
commenced on date of gazettal

Amendment Subordinate Local Law No.1 (Miscellaneous) 2016

date of Council resolution 28 January 2016
date of gazettal 5 February 2016
commenced on date of gazettal

Amendment Subordinate Local Law No.2 (Parking) 2017

date of Council resolution 17 August 2017
date of gazettal 25 August 2017
commenced on date of gazettal

Amendment Subordinate Local Law No.1 (Parking) 2018

date of Council resolution 13 September 2018
date of gazettal 21 September 2018
commenced on date of gazettal

Amendment Subordinate Local Law No.3 (Miscellaneous) 2019

date of Council resolution 12 December 2019
date of gazettal 20 December 2019
commenced on date of gazettal

Amendment Subordinate Local Law No.1 (Miscellaneous) 2023

date of Council resolution 25 May 2023
date of gazettal 2 June 2023
commenced on date of gazettal

4 List of annotations

Declaration of off-street regulated parking areas

s6 amended by Amendment Subordinate Local Law No.1 (Parking) 2018 s4

Commercial vehicle identification labels

s8 amended by Amendment Subordinate Local Law No.3 (Miscellaneous) 2019 s23

SCHEDULE 2 – DECLARATION OF OFF-STREET REGULATED PARKING AREAS

amended by Amendment Subordinate Local Law No.1 (Parking) 2013 s3; Amendment Subordinate Local Law No.1 (Miscellaneous) 2014 s9; Amendment Subordinate Local Law No.1 (Miscellaneous) 2016 s12; Amendment Subordinate Local Law No.2 (Parking) 2017 s3; Amendment Subordinate Local Law No.1 (Parking) 2018

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s4; Amendment Subordinate Local Law No.3 (Miscellaneous) 2019 s24

SCHEDULE 3 – PERSONS WHO MAY BE ISSUED WITH A PARKING PERMIT

amended by Amendment Subordinate Local Law No.1 (Miscellaneous) 2014 s9; Amendment Subordinate Local Law No.1 (Miscellaneous) 2015 s6; Amendment Subordinate Local Law No.1 (Miscellaneous) 2016 s13; Amendment Subordinate Local Law No.3 (Miscellaneous) 2019 s25; Amendment Subordinate Local Law No.1 (Miscellaneous) 2023 s24

SCHEDULE 4 – INFRINGEMENT NOTICE PENALTIES FOR CERTAIN MINOR TRAFFIC OFFENCES

substituted by Amendment Subordinate Local Law No.1 (Parking) 2012 s3; amended by Amendment Subordinate Local Law No.1 (Miscellaneous) 2023 s25

CONSOLIDATED VERSION – AS AT 2 JUNE 2023



DELEGATION AUTHORITY

DELEGATION NO.	2016-73 (v8.0)
DELEGATION TITLE:	Delegation to the Chief Executive Officer
Delegation from Council to:	Chief Executive Officer
Date and Resolution No.	
Source of Authority: <i>Local Government Act 2009 (Qld)</i> <i>Refer Schedule 1</i> <i>Refer Schedule 2</i>	

Delegated Power:

Council resolves, pursuant to section 257(1)(b) of the *Local Government Act 2009 (Qld)*, to delegate to the Chief Executive Officer all of the powers of the local government conferred under:

- a) Council's Local Laws;
- b) the Acts and Subordinate Legislation listed in Schedule 1 of this delegation.

Interpretation:

1. To the extent that this delegation confers a power to take any action, including making a decision, the power extends to doing anything which is necessary or convenient to perform that action, make that decision or give effect to a decision made by the local government or the local government's delegate such as:
 - a) considering factual and legal matters and issues in order to:
 - i) form any belief which is required; and
 - ii) be satisfied about any matter or thing;
 - b) consulting with any person who is required to be consulted with;
 - c) issuing any notices including publishing any notice in the gazette, newspaper or on the local government's website;
 - d) approving any forms;
 - e) filing any document;
 - f) extending any period;
 - g) providing reasons; and
 - h) making or refunding any payment.

2. Under this delegation, the words used are to take their meaning from the Queensland legislation conferring the authority or to the extent that no meaning is prescribed, the words will take their ordinary meaning unless otherwise specified in this delegation.
3. Under this delegation, the words used have the meanings set out below:
 - a) 'Act' has the meaning given to that term under the *Acts Interpretation Act 1954* (Qld);
 - b) 'Queensland legislation' has the meaning given to that term under the *Acts Interpretation Act 1954* (Qld);
 - c) 'powers of the local government' means all powers conferred on the local government under Queensland legislation which is the subject of this delegation including any Subordinate Legislation and Statutory Instrument made under that legislation or which has taken effect under that legislation even if not expressly mentioned in this delegation;
 - d) 'Subordinate Legislation' has the meaning given to that term under the *Statutory Instruments Act 1992* (Qld);
 - e) 'Statutory Instrument' has the meaning given to that term under the *Statutory Instruments Act 1992* (Qld);
 - f) 'Local Law' has the meaning given to that term under the *Local Government Act 2009* (Qld) and a reference to a local law in this delegation includes a reference to:
 - i) an 'interim local law' as defined by the *Local Government Act 2009* (Qld);
 - ii) a 'subordinate local law' as defined by the *Local Government Act 2009* (Qld); and
 - iii) a local law that incorporates a 'model local law' as defined by the *Local Government Act 2009* (Qld).
4. To the extent of any inconsistency between the conferral of this delegation of powers and any earlier delegation of powers to the Chief Executive Officer, this delegation prevails.

Delegation Conditions

5. The powers conferred by this delegation must be exercised in accordance with the Queensland legislation conferring the authority, including any obligations which are imposed in exercising the power.
6. The powers conferred by this delegation must not be exercised in circumstances where the power is not capable of delegation (refer to schedule 2 of this delegation).
7. The delegated officer must make and keep a register of all instances of where this delegation has been exercised.
8. Unless compliance would be contrary to any law, the policies of the local government and codes of conduct must be complied with in exercising the powers conferred by this delegation.

Delegation Criteria - *Planning Act 2016*

9. The delegated officer may exercise the powers of the local government under the *Planning Act 2016* for an application other than the following:
 - a) an application where, in the opinion of the delegated officer, the estimated construction value of the proposed development exceeds \$100 million (excluding land content);
 - b) under the transitional provisions set out in Chapter 8 of the *Planning Act 2016*- an application for the approval of a master plan for a master planned area;
 - c) an application for a variation request as defined in the *Planning Act 2016*;

- d) an application for a proposed development where a substantial number of submissions have been received during the notification part objecting to the proposed development.
10. In exercising the powers delegated, where a development application has been decided by Council the delegated officer must give due consideration to the materiality of the changes sought through a negotiated decision notice and consult with the divisional councillor where those changes would have a material impact on the outcome of the original decision.
11. However, even if paragraph 9 a) above applies, the delegated officer may exercise the powers of the local government under the *Planning Act 2016* without that limitation for an application where the application has the potential for “deemed approval”.

Delegation Administration Procedure – *Planning Act 2016*:

12. The following procedure is to be undertaken for any powers exercised under the *Planning Act 2016* and *Planning Regulation 2017* unless compliance would be contrary to any law:
- a) The policies of the local government must be complied with and in particular any policy related to entering into an infrastructure agreement.
 - b) The policies and codes of conduct of the local government must be complied with and in particular:
 - i) a development application is to be referred to the Chief Executive Officer for decision where a councillor has a material personal interest in the development application.

Schedule 1

Acts

No.	Name of Act
1	<i>Aboriginal Cultural Heritage Act 2003 (Qld)</i>
2	<i>Acquisition of Land Act 1967 (Qld)</i>
3	<i>Acquisition of Land Regulation (2014) (Qld)</i>
4	<i>Animal Care and Protection Act 2001 (Qld)</i>
5	<i>Animal Care and Protection Regulation 2012 (Qld)</i>
6	<i>Animal Management (Cats and Dogs) Act 2008 (Qld)</i>
7	<i>Animal Management (Cats and Dogs) Regulation 2009 (Qld)</i>
8	<i>Anti-Discrimination Act 1991 (Qld)</i>
9	<i>Auditor-General Act 2009 (Qld)</i>
10	<i>Australia's Foreign Relations (State and Territory Arrangements) Act 2020 (Cth)</i>
11	<i>Biosecurity Act 2014 (Qld)</i>
12	<i>Biosecurity Regulation 2016 (Qld)</i>
13	<i>Body Corporate and Community Management (Accommodation Module) Regulation 2020 (Qld)</i>
14	<i>Body Corporate and Community Management (Commercial Module) Regulation 2020 (Qld)</i>
15	<i>Body Corporate and Community Management (Small Schemes Module) Regulation 2020 (Qld)</i>
16	<i>Body Corporate and Community Management (Specified Two-lot Schemes Module) Regulation 2011 (Qld)</i>
17	<i>Body Corporate and Community Management (Standard Module) Regulation 2020 (Qld)</i>
18	<i>Body Corporate and Community Management Act 1997 (Qld)</i>
19	<i>Building Act 1975 (Qld)</i>
20	<i>Building Fire Safety Regulation 2008 (Qld)</i>
21	<i>Building Regulation 2006 (Qld)</i>
22	<i>Building Regulation 2021 (Qld)</i>
23	<i>Coastal Protection and Management Act 1995 (Qld)</i>
24	<i>Crime and Corruption Act 2001 (Qld)</i>
25	<i>Development Assessment Rules (Qld)</i>
26	<i>Disaster Management Act 2003 (Qld)</i>
27	<i>Disaster Management Regulation 2014 (Qld)</i>
28	<i>Economic Development Act 2012 (Qld)</i>
29	<i>Electricity Act 1994 (Qld)</i>
30	<i>Electricity Regulation 2006 (Qld)</i>
31	<i>Electrical Safety Act 2002 (Qld)</i>
32	<i>Electrical Safety Regulation 2013 (Qld)</i>
33	<i>Environmental Offsets Act 2014 (Qld)</i>

No.	Name of Act
34	<i>Environmental Offsets Regulation 2014 (Qld)</i>
35	<i>Environmental Protection (Water and Wetland Biodiversity) Policy 2019 (Qld)</i>
36	<i>Environmental Protection Act 1994 (Qld)</i>
37	<i>Environmental Protection Regulation 2019 (Qld)</i>
38	<i>Evidence Act 1977 (Qld)</i>
39	<i>Fire and Emergency Service Act 1990 (Qld)</i>
40	<i>Fisheries Act 1994 (Qld)</i>
41	<i>Food Act 2006 (Qld)</i>
42	<i>Food Production (Safety) Act 2000 (Qld)</i>
43	<i>Forestry Act 1959 (Qld)</i>
44	<i>Fossicking Act 1994 (Qld)</i>
45	<i>Gaming Machine Act 1991 (Qld)</i>
46	<i>Geothermal Energy Act 2010 (Qld)</i>
47	<i>Greenhouse Gas Storage Act 2009 (Qld)</i>
48	<i>Heavy Vehicle (Mass, Dimension and Loading) National Regulation (Qld)</i>
49	<i>Heavy Vehicle National Law Act 2012 (Qld)</i>
50	<i>Heavy Vehicle National Law (Queensland)</i>
51	<i>Heavy Vehicle National Law Regulation 2014 (Qld)</i>
52	<i>Housing Act 2003 (Qld)</i>
53	<i>Housing Regulation 2015 (Qld)</i>
54	<i>Human Rights Act 2019 (Qld)</i>
55	<i>Industrial Relations Act 2016 (Qld)</i>
56	<i>Industrial Relations Regulation 2018 (Qld)</i>
57	<i>Information Privacy Act 2009 (Qld)</i>
58	<i>Instrument of Delegation and Direction – Economic Development Act 2012 (Minister for Economic Development Queensland) 17 October 2019</i>
59	<i>Integrity Act 2009 (Qld)</i>
60	<i>Integrated Planning Act 1997 (Qld)</i>
61	<i>Integrated Resort Development Act 1987 (Qld)</i>
62	<i>Judicial Review Act 1991 (Qld)</i>
63	<i>Labour Hire Licensing Act 2017 (Qld)</i>
64	<i>Land Access Ombudsman Act 2017 (Qld)</i>
65	<i>Land Act 1994 (Qld)</i>
66	<i>Land Regulation 2020</i>
67	<i>Land Title Act 1994 (Qld)</i>
68	<i>Land Valuation Act 2010 (Qld)</i>
69	<i>Libraries Act 1988 (Qld)</i>

No.	Name of Act
70	<i>Liquor Act 1992 (Qld)</i>
71	<i>Local Government Act 2009 (Qld)</i>
72	<i>Local Government Electoral Act 2011 (Qld)</i>
73	<i>Local Government Regulation 2012 (Qld)</i>
74	<i>Manufactured Homes (Residential Parks) Act 2003 (Qld)</i>
75	<i>Marine Parks Act 2004 (Qld)</i>
76	<i>Medicines and Poisons (Pest Management Activities) Regulation 2021 (Qld)</i>
77	<i>Medicines and Poisons (Poisons and Prohibited Substances) Regulation 2021 (Qld)</i>
78	<i>Medicines and Poisons Act 2019 (Qld)</i>
79	<i>Mineral & Energy Resources (Common Provisions) Act 2014 (Qld)</i>
80	<i>Mineral Resources Act 1989 (Qld)</i>
81	<i>Mining and Quarrying Safety and Health Act 2017 (Qld)</i>
82	<i>Mining and Quarrying Safety and Health Regulation 2017 (Qld)</i>
83	<i>Minister's Guidelines and Rules</i>
84	<i>Mixed Use Development Act 1993 (Qld)</i>
85	<i>Nature Conservation (Administration) Regulation 2017 (Qld)</i>
86	<i>Nature Conservation (Animals) Regulation 2020 (Qld)</i>
87	<i>Nature Conservation (Plants) Regulation 2020 (Qld)</i>
88	<i>Nature Conservation (Protected Areas Management) Regulation 2017 (Qld)</i>
89	<i>Nature Conservation (Wildlife Management) Regulation 2006 (Qld)</i>
90	<i>Nature Conservation Act 1992 (Qld)</i>
91	<i>Neighbourhood Disputes (Dividing Fences and Trees) Act 2011 (Qld)</i>
92	<i>Peaceful Assembly Act 1992 (Qld)</i>
93	<i>Planning Act 2016 (Qld)</i>
94	<i>Planning Regulation 2017 (Qld)</i>
95	<i>Planning Act 2016 – Development Assessment Rules</i>
96	<i>Planning and Environment Court Act 2016 (Qld)</i>
97	<i>Planning and Environment Court Rules 2018 (Qld)</i>
98	<i>Plumbing and Drainage Act 2002 (Qld)</i>
99	<i>Plumbing and Drainage Regulation 2003 (Qld)</i>
100	<i>Plumbing and Drainage Act 2018 (Qld)</i>
101	<i>Plumbing and Drainage Regulation 2019 (Qld)</i>
102	<i>Property Law Act 1974 (Qld)</i>
103	<i>Prostitution Act 1999 (Qld)</i>
104	<i>Public Health (Infection Control for Personal Appearance Services) Act 2003 (Qld)</i>
105	<i>Public Health Act 2005 (Qld)</i>
106	<i>Public Health Regulation 2018 (Qld)</i>

No.	Name of Act
107	<i>Public Interest Disclosure Act 2010 (Qld)</i>
108	<i>Public Records Act 2002 (Qld)</i>
109	<i>Public Sector Ethics Act 1994 (Qld)</i>
110	<i>Queensland Building and Construction Commission Act 1991 (Qld)</i>
111	<i>Queensland Heritage Act 1992 (Qld)</i>
112	<i>Queensland Reconstruction Authority Act 2011 (Qld)</i>
113	Rail Safety National Law
114	<i>Regional Planning Interests Act 2014 (Qld)</i>
115	<i>Residential Services (Accreditation) Act 2002 (Qld)</i>
116	<i>Residential Tenancies and Rooming Accommodation Act 2008 (Qld)</i>
117	<i>Residential Tenancies and Rooming Accommodation (COVID Emergency Response) Regulation 2020 (Qld)</i>
118	<i>Retail Shop Leases Act 1994 (Qld)</i>
119	<i>Retail Shop Leases Regulation 2016</i>
120	<i>Retail Shop Leases and Other Commercial Leases (COVID-19 Emergency Response) Regulation 2020 (Qld)</i>
121	<i>Right to Information Act 2009 (Qld)</i>
122	<i>River Improvement Trust Act 1940 (Qld)</i>
123	<i>Safety in Recreational Water Activities Act 2011 (Qld)</i>
124	<i>Soil Conservation Act 1986 (Qld)</i>
125	<i>South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 (Qld)</i> <i>Delegation by Northern SEQ Distributer Retailer Authority (Unitywater) to Moreton Bay Regional Council, Sunshine Coast Regional Council and Noosa Shire Council – 30 June 2014</i>
126	<i>Standard Plumbing and Drainage Regulation 2003 (Qld)</i>
127	<i>State Development and Public Works Organisation Act 1971 (Qld)</i>
128	<i>State Penalties Enforcement Act 1999 (Qld)</i>
129	<i>State Penalties Enforcement Regulation 2014 (Qld)</i>
130	<i>Statutory Bodies Financial Arrangements Act 1982 (Qld)</i>
131	<i>Stock Act 1915 (Qld)</i>
132	<i>Stock Route Management Act 2002 (Qld)</i>
133	<i>Stock Route Management Regulation 2003 (Qld)</i>
134	<i>Strong and Sustainable Resource Communities Act 2017 (Qld)</i>
135	<i>Summary Offences Act 2005 (Qld)</i>
136	<i>Summary Offences Regulation 2006 (Qld)</i>
137	<i>Survey and Mapping Infrastructure Act 2003 (Qld)</i>
138	<i>Sustainable Planning Act 2009 (Qld)</i>
139	<i>Sustainable Planning Regulation 2009 (Qld)</i>
140	<i>Telecommunications (Interception and Access) Act 1979 (Cth)</i>

No.	Name of Act
141	<i>Tobacco and Other Smoking Products Act 1998 (Qld)</i>
142	<i>Torres Strait Islander Cultural Heritage Act 2003 (Qld)</i>
143	<i>Transport Infrastructure (Busway) Regulation 2002 (Qld)</i>
144	<i>Transport Infrastructure (Public Marine Facilities) Regulation 2011 (Qld)</i>
145	<i>Transport Infrastructure (Rail) Regulation 2006 (Qld)</i>
146	<i>Transport Infrastructure (State Controlled Roads) Regulation 2017 (Qld)</i>
147	<i>Transport Infrastructure Act 1994 (Qld)</i>
148	<i>Transport Operations (Marine Pollution) Act 1995 (Qld)</i>
149	<i>Transport Operations (Marine Safety) Act 1994 (Qld)</i>
150	<i>Transport Operations (Marine Safety) Regulation 2016 (Qld)</i>
151	<i>Transport Operations (Passenger Transport) Act 1994 (Qld)</i>
152	<i>Transport Operations (Road Use Management) Act 1995 (Qld)</i>
153	<i>Transport Operations (Road Use Management – Accreditation and Other Provisions) Regulation 2015 (Qld)</i>
154	<i>Transport Operations (Road Use Management—Road Rules) Regulation 2009 2021 (Qld)</i>
155	<i>Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021 (Qld)</i>
156	<i>Transport Planning and Coordination Act 1994 (Qld)</i>
157	<i>Trusts Act 1973 (Qld)</i>
158	<i>Waste Reduction and Recycling Act 2011 (Qld)</i>
159	<i>Waste Reduction and Recycling Regulation 2011 (Qld)</i>
160	<i>The Waste Reduction and Recycling (Local Government) Delegation (No. 1) 2015</i>
161	<i>Water Act 2000 (Qld)</i>
162	<i>Water Regulation 2016 (Qld)</i>
163	<i>Water Supply (Safety and Reliability) Act 2008 (Qld)</i>
164	<i>Work Health and Safety Act 2011 (Qld)</i>
165	<i>Work Health and Safety Regulation 2011 (Qld)</i>
166	<i>Workers Compensation and Rehabilitation Act 2003 (Qld)</i>
167	<i>Workers Compensation and Rehabilitation Regulation 2014 (Qld)</i>
168	<i>Working with Children (Risk Management and Screening) Act 2000 (Qld)</i>

Schedule 2

Limitations on delegation of powers

The powers of Sunshine Coast Regional Council which are not able to be delegated are set out in the tables below.

Animal Management (Cats and Dogs) Act 2008 (Qld) (AMCDA)	
Section	Power not subject to delegation
12 – Identification devices under Act	Council may, by resolution, nominate a device to assist in identifying a dog.
50 – Duration of registration	Council may, by resolution, fix the period for registration of a dog.
113 – Approval of inspection program authorising entry	Council may, by resolution, approve a program (an approved inspection program) under which an authorised person may enter a place to monitor compliance with the AMCDA or an aspect of the AMCDA.

Biosecurity Act 2014	
Section	Power not subject to delegation
235 - Authorising and carrying out biosecurity program	A program authorisation must be authorised by a resolution of the local government.

Building Act 1975 (Qld)	
Section	Power not subject to delegation
32 - Local laws, local planning instruments and local government resolutions that may form part of the building assessment provisions	Council may make resolutions about an aspect of, or matter related or incidental to, building work prescribed under a regulation.

Building Regulation 2006 (Qld)	
Section	Power not subject to delegation
7 – Additional water saving targets	Council may, by resolution, impose a requirement (an additional requirement) for relevant work about the matters provided for under performance criteria 1 and 2 under the Queensland Development Code part 4.2.
13 – Land liable to flooding	Council may, by resolution: (a) designate part of its area as a flood hazard area; and (b) declare the following for all or part of a flood hazard area: (i) the defined flood level; (ii) the maximum flow velocity of water; (iii) an inactive flow or backwater area; (iv) a freeboard that is more than 300mm;

Building Regulation 2006 (Qld)	
Section	Power not subject to delegation
	(v) the finished floor level of class 1 buildings built in all or part of the flood hazard area.
25 – Local government's power to exempt particular assessable building work from particular stages of inspection	Council may, by resolution, declare localities and forms of buildings or structures in its area exempt from inspection at a stage of assessable building work if the work: <ul style="list-style-type: none"> (a) is, or is an alteration to, a single detached class 1a building or a class 10 building or structure; and (b) is not for a swimming pool or fencing around it.

Economic Development Act 2012 (Qld)	
Section	Power not subject to delegation
169 – Delegations	Council may not subdelegate a function or power of the Minister for Economic Development Queensland (MEDQ) delegated to it where MEDQ has, when delegating the function or power to Council, directed that the function or power cannot be subdelegated.

Environmental Protection Act 1994 (Qld) (EPA)	
Section	Power not subject to delegation
514 – Devolution of powers	Council may make a resolution about the fees payable to it for the administration and enforcement of a matter devolved to it by the Governor in Council, which may include: <ul style="list-style-type: none"> (a) the whole or part of an environmental protection policy; or (b) the issue of environmental authorities; (c) another matter under the EPA (other than Chapter 2 or Chapter 7, Part 8); or (d) a matter relating to an area below the high or low water mark forming the boundary of a local government's area.
518 – Delegation by administering authority	Where Council is an administering authority, it may, by resolution, delegate its powers under the Environmental Protection Act to an appropriately qualified entity.

Food Act 2006 (Qld) (Food Act)	
Section	Power not subject to delegation
31 – Fees payable to local governments	Council may make a resolution about the fees payable to it for providing a service or taking action under the Food Act.

Land Act 1994 (Qld)	
Section	Power not subject to delegation
56 – Model by-laws	Decide where the local government is trustee of trust land to adopt a model by-law.

Libraries Act 1988 (Qld)	
Section	Power not subject to delegation
55 – Library committees	Council may direct, by resolution, the functions, powers and duties to be fulfilled by a library committee.

Liquor Act 1992 (Qld)	
Section	Power not subject to delegation
173N – Suspension of designation	Council may, by resolution, suspend the designation of a public place as a public place where permitted liquor may be consumed for a period of not more than 10 days if it reasonably believes it is in the best interests of the residents of the area to do so.

Local Government Act 2009 (Qld) (Local Government Act)	
Section	Power not subject to delegation
25C – Establishment of joint local governments	A joint local government is established for an area if 2 or more local governments approve, by resolution, the constitution for the joint local government.
25H – Chairperson and deputy chairperson	A joint local government must appoint a chairperson and deputy chairperson from its members, by resolution.
25I - Disbursement from operating fund of joint local government for purposes other than exclusive jurisdiction	A joint local government may only make a disbursement from its operating fund if the joint local government has, by resolution, decided the amount of the disbursement is not required for exercising its exclusive jurisdiction.
25J – Winding up joint local governments	A joint local government may, by resolution, decide to wind up the joint local government.
29 – Local law making process	A local law must be made by resolution of Council.
32 – Consolidated versions of local laws	Council may prepare and adopt, by resolution, a consolidated version of a local law.
46 – Assessing the public benefit	A local government must conduct a public benefit assessment of any new significant business activity that is identified in the annual report of the local government. The local government must prepare a report on the public benefit assessment that contains its recommendations about the application of the competitive neutrality principle in relation to the significant business activity. At a meeting of the local government, the local government must consider the report and decide, by resolution, whether or not to apply the competitive neutrality principle in relation to the significant business activity.
47 – Code of competitive conduct	Council must decide each financial year, by resolution, whether to apply the code of competitive conduct to a business activity prescribed under regulation.
48 – Competitive neutrality complaints	Council must adopt, by resolution, a process for resolving competitive neutrality complaints. A competitive neutrality complaint is a complaint:

Local Government Act 2009 (Qld) (Local Government Act)	
Section	Power not subject to delegation
	<p>(a) relating to a failure of Council to conduct a business activity in accordance with the competitive neutrality principle; and</p> <p>(b) is made by an affected person as defined in section 48(3) of the Local Government Act.</p>
74 – Road register fees	Council may, by resolution or local law, fix a fee for a copy of a map or register of roads within the local government area.
80A – Malls	Council may decide by resolution to pay compensation to a person on account of injurious affection to any right or interest of a business, commercial or industrial nature because of the establishment, modification or closing of a mall by a local government.
93 – Land on which rates are levied	Land may be exempted from rating by resolution of Council.
94 – Power to levy rates and charges	The rates and charges to be levied in a financial year must be decided by resolution at Council's budget meeting for that financial year.
97 – Cost-recovery fees	<p>Council may, under a local law or a resolution, fix a cost-recovery fee.</p> <p>An application for the issue or renewal of a licence, permit, registration or other approval under a local government Act may also include a tax if Council decides, by resolution, that the purpose of the tax benefits its local government area.</p>
99 – Fees on occupiers of land below the high-water mark	Council may, by resolution, levy a fee on the occupier of land below the high-water mark for the use of Council's roads and other infrastructure.
107A – Approval of budget	Council must consider the budget presented by the mayor and, by resolution, adopt the budget with or without amendment. The budget must be adopted before 1 August in the financial year to which the budget relates.
110 – Councillors liable for improper disbursements	<p>Councillors will be liable in accordance with section 110 for any disbursement of Council funds which is:</p> <p>(a) not provided for in Council's budget; and</p> <p>(b) made without the approval, by resolution, of Council.</p>
118 Rates and Charges for 2020/21	Council is responsible for setting the 2020/2021 financial year, other than at a budget meeting for the financial year, what rates and charges are to be levied for the remainder of the financial year.
134 – Approving an inspection program	Council may, by resolution, approve a systematic or a selective inspection program allowing an authorised person to enter and inspect certain properties within Council's local government area.
150 Conduct of Councillors	<p>Adoption of the model procedures or other procedures for the conduct of the local government's meetings and meetings of its committees;</p> <p>Adoption of an investigation policy about dealing with suspected inappropriate conduct of councillors referred by the assessor to the local government;</p> <p>Decision to investigate a councillor's conduct in another way than as provided above;</p> <p>Decision, where a councillor has a declarable conflict of interest, to allow the Councillor to participate in a decision about the matter or to leave the place where the meeting is being held;</p> <p>Decision, where there is no quorum for deciding matter because of the prescribed conflicts of interest or declarable conflicts of interest, to defer the matter to a later meeting;</p>

Local Government Act 2009 (Qld) (Local Government Act)	
Section	Power not subject to delegation
	Decision, where there is no quorum for deciding matter because of the prescribed conflicts of interest or declarable conflicts of interest, not to decide the matter and take no further action in relation to the matter.
164 - Filling vacancy in office of mayor	Decision to appoint a councillor to the office of mayor if the office becomes vacant during the final part of the local government's term
165 – Acting mayor	Council may, by resolution, appoint an acting mayor from its councillors in certain circumstances. Council may also, by resolution, declare that the office of deputy mayor is vacant, in which case it must immediately appoint another deputy mayor from its councillors.
166 – Filling a vacancy in the office of another councillor (other than the Mayor)	If the office of a councillor who is not the mayor becomes vacant during the beginning of Council's term, Council must, by resolution, fill the vacant office by either: (a) a by-election; or (b) appointing the runner-up in the last election. If the former councillor's office becomes vacant during the final part of Council's term, the vacant office must be filled by Council appointing, by resolution, a person who is: (a) qualified to be a councillor; and (b) if the former councillor was elected or appointed to office as a political party's nominee—the political party's nominee.
170A – Requests for assistance or information	'Acceptable requests guidelines' are guidelines of Council regarding: (a) the way in which a councillor may ask a local government employee for advice to help the councillor carry out his or her responsibilities under the Local Government Act; and (b) reasonable limits on requests that a councillor may make. Acceptable requests guidelines must be adopted by resolution by Council.
175 – Post-election meetings	Council must, by resolution, appoint a deputy mayor from its councillors (other than the mayor) at: (a) a meeting held within 14 days after the conclusion of each quadrennial election and the conclusion of a fresh election of its councillors; and (b) at the first meeting after the office of the councillor who is the deputy mayor becomes vacant.
196 – Appointing other local government employees	Council must, by resolution, adopt an organisational structure that is appropriate to the performance of Council's responsibilities.
197 – Councillor advisor	Allowing a councillor to appoint one or more appropriately qualified persons (each a councillor advisor) to assist the councillor in performing responsibilities under the Act.
202 – Appointing authorised persons	A person is qualified to be an authorised person of Council if: (a) the person is an authorised person for another local government; and (b) Council has, by resolution, decided that authorised persons of the other local government may be appointed as authorised persons of Council.
257 – Delegation of local government powers	Council may only delegate certain powers under the Local Government Act or another Act by resolution. Council must not delegate a power that an Act states must be exercised by resolution.

Local Government Act 2009 (Qld) (Local Government Act)	
Section	Power not subject to delegation
257A – Delegation of joint local government's powers	A joint local government may, by resolution, delegate its powers to certain persons or bodies. However it must not delegate a power that an Act states must be exercised by resolution.
259 – Delegation of chief executive officer powers	Council's CEO must not delegate the following powers: (a) a power delegated by the local government, if the local government has directed the chief executive officer not to further delegate the power; and (b) a power to keep a register of interests.
268 – Process for administrative action complaints	Council must adopt, by resolution, a process for resolving complaints about an administrative action of Council by a person who is apparently directly affected by the administrative action.
276 – Local law continuation	Council may proceed in adopting or making a local law in accordance with the relevant process.
324 Investigating inappropriate conduct	Decision about the procedure for investigating a councillor's inappropriate conduct if an investigation policy has not been adopted under section 150AE; Decision to deal with a councillors inappropriate conduct in another way than as recommended by the assessor under Section 150AC(3)

Local Government Regulation 2012 (Qld) (Local Government Regulation)	
Section	Power not subject to delegation
29 – Converting a business unit to a commercial business unit	Council must make the decision to convert a business unit to a commercial business unit by resolution.
30 – Creating a commercial business unit	Council must make the decision to create a commercial business unit by resolution.
55 – Local government response to QCA's report	Council must decide, by resolution, whether to implement the recommendations in a report on the results of an investigation by the Queensland Competition Authority of a competitive neutrality complaint.
74 – Rateable value of land	When calculating the rateable value of land, Council may use the value of the land averaged over a number of financial years only if it decides, by resolution, to do so.
81 – Categorisation of land for differential general rates	Council must decide the different categories of rateable land in its local government area by resolution at its budget meeting, before Council levies differential general rates.
94 – Levying special rates or charges	Council may, by resolution, decide to levy special rates and charges. Council may amend an overall plan or an annual implementation plan regarding the special rates or charges at any time by resolution.
97 – Surplus special rates or charges after plan is cancelled	Where: (a) Council decides to cancel an overall plan before it is carried out; and (b) Council has not spent all the special rates or charges; and (c) the overall plan identifies the beneficiaries of the plan, Council may decide, by resolution, the proportions that it must pay the current owners of the land on which the special rates or charges were levied.
102 – Reading meters for utility charges	Council may, by resolution, decide a meter is taken to have been read during the period that starts 2 weeks before, and ends 2 weeks after, the day on which the meter is actually read.

Local Government Regulation 2012 (Qld) (Local Government Regulation)	
Section	Power not subject to delegation
116 – Limitation of increase in rates or charges levied	Council may resolve to limit the increase in rates or charges when it resolves to levy rates or charges.
118 – When rates or charges must be paid	Council must decide, by resolution at its budget meeting, the date by which, or the period within which, rates or charges must be paid.
122 – Resolutions for granting concession	Council may only grant a ratepayer a concession for rates or charges for land by resolution.
129 – Paying rates or charges by instalments	Council may decide, by resolution at its budget meeting, to allow ratepayers to pay rates or charges by instalments.
130 – Discount for prompt payment of rates or charges	Council may decide, by resolution at its budget meeting, to allow a discount for payment of rates or charges before the due date for payment. Council may change the due date for payment and the discount period to end on a later day by resolution.
133 - Interest payable on overdue rates or charges	Decision about the rate of interest payable on overdue rates or charges under 133 (3)(b)
140 – Notice of intention to sell land for overdue rates or charges	Council may, by resolution, decide to sell land on which there are overdue rates or charges in the circumstances set out in section 140 of the Local Government Regulation.
149 – Requirements for notice of intention to acquire land	Council may decide to acquire land by resolution for overdue rates or charges.
165 – Preparation of 5-year corporate plan	Council may amend its 5-year corporate plan at any time by resolution.
167 – Long term asset management plan	Council must prepare and adopt a long-term asset management plan.
170 – Adoption and amendment of budget	Council may amend the budget for a financial year by resolution any time before the end of the financial year.
173 – Unauthorised spending	Adopting an annual budget amended in compliance with Sect 173A. Council may spend money which is not authorised in its budget for genuine emergency or hardship if it makes a resolution about spending the money before, or as soon as practicable after, the money is spent.
174 – Preparation and adoption of annual operational plan	Council may, by resolution, amend its annual operational plan at any time before the end of the financial year.
182 – Annual report	Council must adopt its annual report within one month after the day the auditor-general gives their report about the local government's financial statement.
191- Investment policy	Council must adopt an investment policy.
192 – Debt policy	Council must adopt a debt policy for a financial year.
195 – Community grants policy	Council must adopt a policy about local government grants to community organisations (including eligibility criteria).
196 – Entertainment and hospitality policy	Council must adopt a policy about the local government's spending on entertainment or hospitality.

Local Government Regulation 2012 (Qld) (Local Government Regulation)	
Section	Power not subject to delegation
197 – Advertising spending policy	Council must adopt a policy about the local government’s spending on advertising.
198 – Procurement policy	Council must adopt a policy about procurement.
201- Trust fund transfers	Council may, by resolution, transfer money from the trust fund if the purpose for which it was credited to the fund no longer exists.
206 – Valuation of non-current physical assets	Council must, by resolution, set an amount for each different type of non-current physical asset below which the value of an asset of the same type must be treated as an expense.
218 – Power to choose strategic approach	Council may decide to apply Chapter 6, Part 2 of the Local Government Regulation (Strategic contracting procedures) to its contracts by resolution. Council may also decide that Chapter 6, Part 2 no longer applies to its contracts by a later resolution.
219 - Strategic Contracting	Decision that Chapter 6 Part 2 (strategic contracting procedures) no longer applies to local government contracts.
220 – Contracting plans	Council must make and adopt a contracting plan each financial year by resolution, but must not do so before it adopts an annual budget for a financial year. Council may, by resolution, amend a contracting plan at any time before the end of the financial year to which the plan relates.
221 – Significant contracting plans	Council may, by resolution, amend a significant contracting plan (as defined in section 221 of the Local Government Regulation) at any time before the end of the financial year to which the plan relates.
222 – Contracting manual	Council must make and adopt a contract manual.
228 – Tender process	Council may invite expressions of interest under section 228(5) only if it decides by resolution that it would be in the public interest to invite expressions of interest before inviting written tenders.
230 – Exception if quote or tender consideration plan prepared	Council may enter into a medium-sized or large-sized contractual arrangement without first inviting written quotes or tenders if it decides, by resolution, to prepare a quote or tender consideration plan and prepares and adopts the plan.
235 – Other exceptions	Council may enter into a medium-sized or large-sized contractual arrangement without first inviting written quotes or tenders if it decides, by resolution, that: (a) there is only one supplier who is reasonably available; or (b) because of the specialised or confidential nature of the services that are sought, it would be impractical or disadvantageous for the local government to invite quotes or tenders.
236 – Exceptions for valuable non-current asset contracts	Before disposing of a valuable non-current asset other than by tender or auction in accordance with section 236, Council must decide by resolution that the exceptions allowing such disposal apply to Council.
247 – Remuneration payable to councillors	Council may decide, by resolution, that the maximum amount of remuneration payable to a councillor under the remuneration schedule is not payable to the councillor. If this occurs, Council must also decide, by resolution, the amount of remuneration payable to the councillor.
250 – Requirement to adopt expenses reimbursement policy or amendment	Council may amend its expenses reimbursement policy at any time by resolution.

Local Government Regulation 2012 (Qld) (Local Government Regulation)	
Section	Power not subject to delegation
254 - Exemption of minutes and close a meeting	Council may exempt a committee from the requirement to take minutes of its proceedings by resolution. Council or a committee may decide by resolution that a meeting be closed to the public if the councillors or members of the committee consider it necessary to close the meeting to discuss certain matters.
257 – Frequency and place of meetings	Council must meet at least once in each month either at one of its public offices or at another place fixed by Council by resolution for the meeting.
306 – Complaints management process	Council must adopt a complaints management process and written policies and procedures supporting the process.

Minister's Guidelines and Rules	
Section	Power not subject to delegation
Chapter 2, Part 1, 3.1	For the purposes of section 20 of the Planning Act (amending planning schemes under Minister's rules), adoption of a proposed administrative amendment to a planning scheme.
Chapter 2, Part 2, 6.1	For the purposes of section 20 of the Planning Act (amending planning schemes under Minister's rules), adoption of a proposed minor amendment to a planning scheme.
Chapter 2, Part 3, 14.1	For the purposes of section 20 of the Planning Act (amending planning schemes under Minister's rules), adoption of a proposed qualified state interest amendment to a planning scheme approved and notified by the Minister under section 13.5.
Chapter 2, Part 4, 22.1	For the purposes of section 20 of the Planning Act (amending planning schemes under the Minister's rules), adoption of a proposed major amendment to a planning scheme approved and notified by the Minister under section 21.5.
Chapter 3, Part 1, 5.1	For the purposes of section 22 of the Planning Act (making or amending planning scheme policies), adoption of a proposed planning scheme policy or amendment.
Chapter 3, Part 2, 9.1	For the purposes of section 23 of the Planning Act (making or amending temporary local planning instruments), adoption of a proposed temporary local planning instrument or temporary local planning instrument amendment approved and notified by the Minister under section 8.5.
Chapter 5, Part 2, 10.1	For the purposes of section 25(3) and (4) of the Planning Act (reviewing a local government infrastructure plan) and making or amending an LGIP, or making an interim LGIP amendment, adoption of a proposed LGIP or amendment approved and notified by the Minister under section 9.7.

Planning Act 2016	
Section	Power not subject to delegation
9 – Temporary local planning instruments	Resolution that the local government give a temporary local planning instrument or amendment, and the request for an earlier effective day, to the Minister for approval.
24 – Repealing TLPIs or planning scheme policies	A local government may repeal a TLPI, or planning scheme policy, by resolution.

Planning Act 2016	
Section	Power not subject to delegation
9 – Temporary local planning instruments	Resolution that the local government give a temporary local planning instrument or amendment, and the request for an earlier effective day, to the Minister for approval.
113 – Adopting Charges Resolution	A local government may by resolution (a charges resolution) adopt charges (each an adopted charge) for providing trunk infrastructure for development.
175 – Proceedings brought in a representative capacity	A person may bring offence proceedings in a representative capacity if the person has the consent of the members of its controlling or governing body where the proceedings are being brought on behalf of a body of persons or a corporation (e.g. Council).
Schedule 2 – Required fee	Fixing of a fee for an application or referral to a local government.

Planning Regulation 2017	
Section	Power not subject to delegation
Part 1 - Division 3 – Superseded Planning Schemes – s 11(3)	A local government may by resolution set a fee for considering a superseded planning scheme request.
Schedule 6 Part 1 – Material change of use for particular buildings or structures – s 2(e)	For a class 1(a)(ii) building made up of not more than 2 attached dwellings – the local government for the local government area in which the premises are located may decide by resolution that this subsection will apply to that class of building.
Schedule 9 - Division 2 – Local Government as referral agency (Table 4)	Council may declare in its planning scheme or by resolution that building work for a building or structure is in a locality and of a form that may: <ul style="list-style-type: none"> (a) have an extremely adverse effect on the amenity or likely amenity of the locality; (b) or be in extreme conflict with the character of the locality.
68D - Provisions in relation to economic support instruments	Adopt an economic support instrument for its local government area
68G - Provisions in relation to economic support instruments	Revoke an economic support instrument for its local government area

Plumbing and Drainage Act 2002 (Qld)	
Section	Power not subject to delegation
83 – Compliance permit required for certain compliance assessable work	Council may decide, by resolution, that certain compliance assessable work does not require a compliance permit. This does not apply to compliance work that is on-site sewerage work.
86A – Process for assessing certain compliance assessable work in remote areas	Council may declare, by resolution, that it is satisfied that in the absence of assessment of compliance assessable work at the stages prescribed under a regulation by an inspector, the work will not adversely affect public health or safety.

Plumbing and Drainage Regulation 2019 (Qld)	
Section	Power not subject to delegation
39 – Fast-track work declaration for a local government area	Council may decide, by resolution, to declare permit work of a stated type to be fast-track permit work for its local government area (a fast-track work declaration).
40 - Fast-track opt-out declaration for local government area	Council may decide, by resolution, to declare that it will not deal with any applications relating to permits for work to be carried out in its local government area as fast-track applications (a fast-track opt-out declaration).
71 - Local government declarations about remote areas and eligible work	Council may decide, by resolution to declare part of its local government area to be a remote area because of the area's remoteness from the local government's public office (a remote area declaration).
71 - Local government declarations about remote areas and eligible work	Council may decide, by resolution, to declare particular permit work carried out in a remote area to be eligible work if the local government considers the work is of a type that, even if not inspected, will not be likely to adversely affect public health or safety, or the environment.

Public Health (Infection Control for Personal Appearance Services) Act 2003 (Qld) (PHICPASA)	
Section	Power not subject to delegation
9 – Local government to administer Act	Council may make a resolution about the fees payable to it for providing a service or taking action under the PHICPASA.

Queensland Heritage Act 1992 (Qld)	
Section	Power not subject to delegation
119 – Local government resolution to enter place in, or remove place from, local heritage register	Council may, by resolution, add or remove a place from its local heritage register in certain circumstances.

Residential Services (Accreditation) Act 2002 (Qld)	
Section	Power not subject to delegation
29 – Notice of compliance with prescribed building requirements	Council may, by resolution, prescribe a fixed fee for a written application to Council by a person conducting, or who proposes to conduct, a residential service for a notice stating whether the relevant premises comply with the prescribed building requirements.

South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 (Qld)	
Section	Power not subject to delegation
28 – Power to amend by agreement	If Council is a participant in a participation agreement for a distributor-retailer, Council may agree to an amendment of the agreement only if it has passed a resolution to that effect.

South-East Queensland Water (Distribution and Retail Restructuring) Act 2009 (Qld)	
Section	Power not subject to delegation
34 – Councillor members	A councillor-member's appointment to the board of a distributor-retailer ends if Council (and all other participating local governments) have agreed as such by resolution.

Stock Route Management Act 2002	
Section	Power not subject to delegation
110 – Adopting a stock route network management plan	If the Minister is satisfied of the matters mentioned in section 109(2), the Minister must advise the local government that it may, by resolution, adopt the plan.
114 – Amending a stock route management plan	After considering the amended plan the Minister must advise the local government that the local government may by resolution amend the plan.

Sunshine Coast Regional Council Local Law No. 1 (Administration) 2011	
Section	Power not subject to delegation
35 – Rewards	The amount of any reward offered for information leading to the conviction of a person for an offence and the conditions on which the reward is payable must be decided by resolution of Council.
42 – Fees	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 Chapter 4, Part 2 of the Local Government Act. Such resolution may provide for the reimbursement of the fee in certain circumstances.

Sunshine Coast Regional Council Local Law No. 2 (Animal Management) 2011	
Section	Power not subject to delegation
4A – Registration device	Council must decide, by resolution, registration devices to be used to assist in identifying a cat (e.g. collar tags).
4H – Duration of registration	Council must prescribe a fixed period, by resolution, for the registration of cats.

Sunshine Coast Regional Council Local Law No. 3 (Community Health and Environmental Management) 2011	
Section	Power not subject to delegation
7 – Emergency declarations	Council may, by resolution, declare an animal or plant to be a local pest if it is satisfied that urgent action is needed to avoid or minimise an immediate risk of environmental harm posed by the relevant plant or animal.

Sunshine Coast Regional Council Local Law No. 4 (Local Government Controlled Areas, Facilities, Infrastructure and Roads) 2011	
Section	Power not subject to delegation
9 – Power to close a local government controlled area, facility or infrastructure	Council may, by resolution, temporarily (and for a maximum of 6 months) close a Council controlled area or road to public access in certain circumstances.
11 – Protected areas	Council may, by resolution, delegate a Council controlled area or road or any part thereof as a protected area for the cultivation of vegetation or the protection of fauna or flora.

Sustainable Planning Act 2009	
Section	Power not subject to delegation
92 – Action local government may take after review	After reviewing its planning scheme, Council may, by resolution: (a) propose to prepare a new scheme; or (b) propose to amend the scheme; or (c) if Council is satisfied that the scheme is suitable to continue without amendment, decide to take no further action.
123 – Repealing temporary local planning instruments	Council may, by resolution, repeal a temporary local planning instrument.
124 – Repealing planning scheme policies	Council may, by resolution, repeal a planning scheme policy, other than a planning scheme policy that is replaced by another planning scheme policy.
399 – Who may carry out compliance assessment	Council may nominate, by resolution, a suitable qualified entity to carry out compliance assessment for Council.
590 – Giving enforcement notices	If Council is the assessing authority, it may not delegate its power to give an enforcement notice ordering the demolition of a building.
598 – Proceeding brought in a representative capacity	Where a proceeding is brought in the Magistrates Court to prosecute a person on behalf of Council, Council must first provide its consent by resolution to the commencement of proceedings on its behalf.
602 – Proceeding brought in a representative capacity	Where a proceeding is brought in the court in relation to an enforcement order or interim enforcement order on behalf of Council, Council must first provide its consent by resolution to the commencement of proceedings on its behalf.
630 – Power to adopt charges by resolution	Council may, by resolution, adopt charges for providing trunk infrastructure for development. This is defined as a 'charges resolution'.

Sustainable Planning Regulation 2009	
Section	Power not subject to delegation
Schedule 7 (Item 17) – Amenity and aesthetic impact of particular building work	Council may declare in its planning scheme or by resolution that building work for a building or structure is in a locality and of a form that may: (a) have an extremely adverse effect on the amenity, or likely amenity, of the locality; or (b) be in extreme conflict with the character of the locality.

Transport Operations (Road Use Management) Act 1995 (Qld)	
Section	Power not subject to delegation
103 – Examples of how parking may be regulated	Council may, by local law or resolution, specify parking fees for a place or traffic area of the fee for: (a) a disabled or other parking permit issued by Council; and (b) a commercial vehicle identification label allowing a vehicle to park in a loading zone.

Waste Reduction and Recycling Act 2011 (Qld)	
Section	Power not subject to delegation
125 – Adoption of plan following consultation	Council must adopt, by resolution, a waste reduction and recycling plan, or an amendment of a waste reduction and recycling plan, before the plan or amendment is implemented in its local government area.

Waste Reduction and Recycling Regulation 2011 (Qld)	
Section	Power not subject to delegation
7 – Designation of areas	Council may, by resolution, designate areas within its local government area in which Council may conduct general waste or green waste collection.

Water Supply (Safety and Reliability) Act 2008 (Qld) (Water Supply Act)	
Section	Power not subject to delegation
161 – Declaration of service area	Council may declare by resolution: (a) all or part of its local government area to be a service area for a retail water service or a sewerage service; and (b) the service provider for the service area. Council may also amend the declaration, by resolution, to add an area to, or remove an area from, the service area (with the written agreement of the service provider).
476 – Proceeding started in a representative capacity	Where a proceeding for an enforcement order is commenced by a person on behalf of Council, Council must first provide its consent by resolution to the commencement of proceedings on its behalf.
498 – Proceeding brought in a representative capacity	Where a proceeding for an offence against the Water Supply Act is commenced by a person on behalf of Council, Council must first provide its consent by resolution to the commencement of proceedings on its behalf.