



COMMUNITIES COMMITTEE MEETING

AGENDA

16 MAY 2023

Your attendance is required at a Communities Committee meeting of Council to be held in the Council Chambers, 232 Bolsover Street, Rockhampton on 16 May 2023 commencing at 9:00am for transaction of the enclosed business.

A handwritten signature in black ink, appearing to be "C. P.", written in a cursive style.

CHIEF EXECUTIVE OFFICER
12 May 2023

Next Meeting Date: 20.06.23

Please note:

In accordance with the *Local Government Regulation 2012*, please be advised that all discussion held during the meeting is recorded for the purpose of verifying the minutes. This will include any discussion involving a Councillor, staff member or a member of the public.

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1 OPENING

1.1 Acknowledgement of Country

2 PRESENT

Members Present:

The Mayor, Councillor A P Williams (Chairperson)
Councillor S Latcham
Councillor C E Smith
Councillor M D Wickerson
Councillor D Kirkland
Councillor G D Mathers

In Attendance:

Mr E Pardon – Chief Executive Officer
Ms A Cutler – General Manager Community Services (Executive Officer)

3 APOLOGIES AND LEAVE OF ABSENCE

Councillor Cherie Rutherford has tendered her apology and will not be in attendance.
Councillor Neil Fisher previously approved leave of absence to attend LAWMAC meetings in Cooktown.

4 CONFIRMATION OF MINUTES

Minutes of the Communities Committee held 18 April 2023

5 DECLARATIONS OF INTEREST IN MATTERS ON THE AGENDA

6 BUSINESS OUTSTANDING

6.1 LIFTING MATTERS FROM THE TABLE

File No:	10097
Attachments:	Nil
Authorising Officer:	Alicia Cutler - General Manager Community Services
Author:	Alicia Cutler - General Manager Community Services

SUMMARY

This report is being presented in order for matters that have been laid on the table at previous meetings to be formally lifted from the table prior to being dealt with at this meeting.

OFFICER'S RECOMMENDATION

THAT the following matter be lifted from the table and dealt with accordingly.

- Amendments to Local Laws
- Berserker Masonic Lodge No. 407 – Freehold Lease Renewal

7 PUBLIC FORUMS/DEPUTATIONS

Nil

8 PRESENTATION OF PETITIONS

Nil

9 COUNCILLOR/DELEGATE REPORTS

Nil

10 OFFICERS' REPORTS

10.1 AMENDMENTS TO LOCAL LAWS

File No:	11698
Attachments:	1. Other Councils and States Current Minimum Standards in relation to Animal Nuisances ↓ 2. SLL 2 (Animal Management) 2011 - Track Changes ↓
Authorising Officer:	Doug Scott - Manager Planning and Regulatory Services Alicia Cutler - General Manager Community Services
Author:	Jon Buckenham - Coordinator Local Laws

SUMMARY

Amendments are proposed to two local laws to align with community expectations.

In 2020 Council endorsed to commence the Local Law making process in relation to Local Law 2 (Animal Management) and Local Law 5 (Parking) and their subordinates. Feedback from the community in regard to the current animal nuisance provisions under Subordinate Local Law 2 (Animal Management) has identified a difference in the community's expectation to the current provisions. Officers are seeking Council's endorsement in relation to the amended definition in relation to animal nuisance provisions.

The Minister for Transport and Main Roads has written to shopping centres within Queensland to highlight the possibility of entering into arrangements with Local Councils to enforce Disability Parking Misuse.

OFFICER'S RECOMMENDATION

THAT:

1. Council support the proposed additional amendments to Section (1)(e) of Schedule 4 of Subordinate Local Law 2 (Animal Management) being changing to the minimum standards for keeping of animals regarding animal noise nuisances to "*Ensure the keeping of the animal on the premises does not persistently make a noise or disturbance that, in the opinion of an authorised person, causes a nuisance to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience to occupiers of premises in the vicinity of the land on which the animal is ordinarily kept*"; and
2. Council do not include parking enforcement of disability bays within privately owned shopping centers in the Subordinate Local Law 5 (Parking).

COMMENTARY

Council formally endorsed to commence the Local Law-making process on 13 October 2020. Council Officers have reviewed requests from stakeholders and drafted a number of changes to align the Local Laws with the community's expectations and on 20 April 2021 presented possible amendments.

Subordinate Local Law No. 2 (Animal Management)

During this process it has been identified that animal nuisance provisions was a section that required review. Officers have reviewed a number of other Council's provisions across the state with each Council having a differing definition and standard for animal nuisances particularly around barking dogs.

Council Officers also reviewed the current investigation process and as a result identified a limitation within the definition of properties effected by an animal nuisance.

From this review, Council Officers have drafted changes to Schedule 4 of *Subordinate Local Law 2 (Animal Management)* which will enhance Council Officers ability to enforce compliance if required.

The proposed change will simplify the minimum standard by removing the definition of the effected properties from within the list of required minimum standards.

The proposed definition also provides a broader definition of a nuisance in relation to barking and hardens the stance on barking dogs by removing the section outlining “takes all reasonable steps”, which has the potential for interpretation that taking a number of steps would be what is defined as reasonable.

Schedule 4 Section (1)(e)

Ensure the keeping of the animal on the premises does not persistently make a noise or disturbance that, in the opinion of an authorised person, causes a nuisance to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience to occupiers of premises in the vicinity of the land on which the animal is ordinarily kept

Subordinate Local Law No. 5 (Parking)

The Minister for Transport and Main Roads has made contact with shopping center management to highlight the possibility of entering into arrangements with Local Councils to enforce Disability Parking misuse under Section 104 of the *Transport Operation (Road Use Management) Act 1995*.

To enable Council to enforce the disability bays within the shopping center grounds, Council must enter an arrangement with the shopping center management and then declare the area’s an Off-Street Parking Area and define the area under *Subordinate Local Law 5 (Parking)*.

Officers have identified the undertaking of parking enforcement on disability bays within shopping centers would place an unsustainable workload on current resourcing. Due to this it is recommended Council not amend *Subordinate Local Law 5 (Parking)*.

BACKGROUND

On 13 October 2020 Council endorsed the Local Law-making process. Identified changes were reviewed by Council on the 20 April 2021. Further investigations identified a gap in the community expectations and the current Local Laws. Draft changes have been put together for Councils consideration.

PREVIOUS DECISIONS

13 October 2020 – Council endorsed to commence the Local Law-Making Process.

20 April 2021 – Council reviewed possible amendments with no major changes.

21 March 2023 – Council laid on the table this report.

4 April 2023 – This report was discussed at a briefing session.

BUDGET IMPLICATIONS

The Local Laws are reviewed by solicitors to ensure compliance with the Law-making process which will be a cost to Council.

LEGISLATIVE CONTEXT

Under the Local Government Act 2009, Council has the authority to make and enforce any local law that is necessary or convenient for the good rule and local government of its local government area.

Council is empowered under the Transport Operation (Road Use Management) Act 1995 to undertake enforcement of minor offences including parking offences and enter into arrangements to define Off-Street Parking Areas.

LEGAL IMPLICATIONS

Requirements for creating a Local Law are defined under the Local Government Act and compliance with this act will be required.

Council will engage a legal firm or internal solicitors to review the amendments for legislative compliance.

STAFFING IMPLICATIONS

Local Laws staff will undertake the initial review and amendments of the Local Laws as well as management of the process for Legal review and community consultation.

RISK ASSESSMENT

There is minimal risk associated with the changes defined in this report.

CORPORATE/OPERATIONAL PLAN

There are no corporate or operational plan links to making these amendments.

CONCLUSION

Council officers are seeking Council's support for the identified amendments under *Local Law 2 (Animal Management)* and the status quo under *Local Law 5 (Parking)* as well as subordinates of these laws.

AMENDMENTS TO LOCAL LAWS

Other Councils and States Current Minimum Standards in relation to Animal Nuisances

Meeting Date: 16 May 2023

Attachment No: 1

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Queensland Councils

Brisbane City Council

20. Animal noise

- (1) A person must not keep an animal on land if the animal causes a noise nuisance.
- (2) An animal causes a noise nuisance if it makes noise which disrupts or inhibits an activity ordinarily carried out on adjoining land or nearby residential premises.
- (3) In considering whether an animal has caused a noise nuisance, an authorised person may have regard to any 1 or more of the following—
 - (a) whether complaints have been received from different persons all of whom occupy separate premises in the same or an adjoining street to the premises subject to the complaints;
 - (b) the frequency and intensity of the animal noise;
 - (c) the duration and time of the animal noise, in particular—
 - (i) whether it is made for more than a total of 6 minutes in any hour from 7am to 10pm on any day; or
 - (ii) whether it is made for more than a total of 3 minutes in any 30-minute period on any day after 10pm or before 7am.

Maximum penalty—20 penalty units.

Bundaberg Regional Council

- (e) take all reasonable steps to prevent the animal from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of—
 - (i) adjoining premises; or
 - (ii) premises in the vicinity of the land on which the animal is ordinarily kept; and
- 2. For the purposes of section 1(g), an animal causes an animal noise nuisance if it makes a noise which —
 - (a) occurs more than once; and
 - (b) disrupts or inhibits an activity ordinarily carried out on adjoining or nearby residential premises.

Example for section 2(b) —

A noise made by an animal which disrupts a person—

- (a) holding a conversation; or
- (b) watching television; or
- (c) listening to a radio or recorded material; or
- (d) sleeping.

In order for an animal noise nuisance under this section 2 to occur, it is not necessary that the

degree of interference from the noise is such as to be continuous, or to make it practically impossible to—

- (a) hold a conversation; or
- (b) watch television; or
- (c) listen to a radio or recorded material at ordinary volumes; or
- (d) fall or stay asleep.

Any occurrence by which a person is woken from sleep, or by which a person is distracted or annoyed during the course of carrying out some other ordinary activity, in a way which would not occur in the absence of the animal noise, is a disruption to or an inhibition of an activity ordinarily carried out on residential premises. It is not necessary that the animal noise totally drowns out the sound of the conversation, television, radio or recorded material. It is sufficient if attention is merely diverted from this sound by the noise which is being made by the animal. It is not necessary that the animal noise be a repeated or ongoing interruption of sleep or that the animal noise results in the total shattering of sleep.

Cairns Regional Council

- (j) ensure that an animal is kept so that it does not:
 - (i) cause an unreasonable nuisance; or
 - (ii) become injurious or prejudicial to health.
- (3) The following criteria must be considered to determine whether noise is a nuisance for the purpose of paragraph 11(2)(j)(i):
 - (a) a nuisance includes a noise made by an animal that disrupts or inhibits an activity ordinarily carried out on adjoining or nearby residential premises. It is a nuisance if a person's attention is merely diverted by the noise of the animal;
 - (b) it is not necessary that the degree of interference from the noise is such as to be continuous, or to make it practically impossible to:
 - (i) hold a conversation;
 - (ii) watch television;
 - (iii) listen to a radio or recorded material at ordinary volumes; or
 - (iv) fall or stay asleep; and
 - (c) any occurrence by which a person is woken from sleep is a nuisance. It is not necessary that it be a repeated or ongoing interruption of sleep or that it be the total shattering of sleep.
- (4) The following criteria must be considered when deciding whether a nuisance is unreasonable for the purpose of paragraph 11(2)(j)(i):
 - (a) has the local government received 3 complaints of a contravention of subsection 11(2)(j)(i) from 3 persons all of whom occupy separate premises in the same or an adjoining street to the premises the subject of the complaints;
 - (b) has the local government received 2 complaints of a contravention of subsection 11(2)(j)(i) in circumstances where the land the subject of the complaints is not located in an area occupied predominantly by residential premises;
 - (c) animal noise is made for more than a total of 5 minutes in any 30 minute period on any day after 10pm and before 7am; or
 - (d) animal noise is made for more than a total of 10 minutes in any hour from 7 am to 10pm on any day.

Fraser Coast Regional Council

- 7 The owner or responsible person must ensure that the animal does not—
- (a) cause a nuisance; or
 - (b) create a reasonable apprehension in the minds of other persons of a significant risk to the health and safety of persons or animals.

- 8 Animal noise is a nuisance if it—
- (a) is made by a domestic animal; and
 - (b) occurs more than once; and
 - (c) in the opinion of an authorised person unreasonably disrupts or inhibits an activity ordinarily carried out on a premise.

Example for paragraph (c)—

The barking of a dog, which disrupts a person—

- (i) *holding a conversation; or*
- (ii) *watching television; or*
- (iii) *listening to a radio or recorded material; or*
- (iv) *sleeping.*

Townsville Regional Council

- (e) take all reasonable steps to prevent the animal from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of—
 - (i) adjoining premises; or
 - (ii) premises in the vicinity of the land on which the animal is ordinarily kept; and
- (i) ensure that the animal does not make a noise that is excessive in all the circumstances, that is—
 - (i) noise that is made for more than a total of 6 minutes in any hour from 7a.m. to 10p.m on any day; or
 - (ii) noise that is made for more than a total of 3 minutes in any 30 minute period on any day after 10p.m. or before 7a.m..

Livingstone Shire Council

- (e) take all reasonable steps to prevent the animal from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of—
 - (i) adjoining premises; or
 - (ii) premises in the vicinity of the land on which the animal is ordinarily kept; and

Gold Coast City Council

- (e) take all reasonable steps to prevent the animal from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of—
 - (i) adjoining premises; or
 - (ii) premises in the vicinity of the land on which the animal is ordinarily kept; and

Gympie Regional Council

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

Mackay Regional Council

- (e) take all reasonable steps to prevent the animal from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of—
 - (i) adjoining premises; or
 - (ii) premises in the vicinity of the land on which the animal is ordinarily kept; and
 - (h) in the opinion of an authorised person ensure that the animal does not cause an animal noise nuisance.
- 2. In this section an animal noise nuisance is —
 - (a) a noise made by a domestic animal; and
 - (b) occurs more than once; and
 - (c) in the opinion of an authorised person it unreasonably disrupts or inhibits an activity ordinarily carried out on adjoining or nearby residential premises.

Domestic animal includes cat, dog and household pet.

Example for section 2 —

The animal noise nuisance which disrupts a person —

- (a) holding a conversation; or
- (b) watching television; or
- (c) listening to a radio or recorded material; or
- (d) sleeping.

Logan City Council

- (f) The keeper of a dog is to ensure that the barking, howling or whining of the dog is not excessive in all the circumstances; and
- (g) The keeper of a dog, where the dog has contravened subsection (f) on at least one occasion, is to:
- (i) ensure the dog undergoes training by an organisation or person accredited by the National Dog Trainers Federation or another accredited organisation or person recognised by the local government; and
 - (ii) ensure the dog is kept in accordance with a management plan developed by Council for the dog.
- Examples of requirements in a management plan—*
- fence screening
 - environmental enrichment for the dog.
- (2) Excessive barking, howling or whining under section 16(1)(f) (Prescribed criteria for a dog) occurs if an authorised person reasonably considers the barking, howling or whining to be excessive after considering:
- (a) the duration of the barking, howling or whining;
 - (b) the time when the barking, howling or whining occurs;
 - (c) the intensity of the barking, howling or whining;
 - (d) the rate at which the barking, howling or whining occurs; and
 - (e) the impact of the barking, howling or whining.
- (3) Without limiting subsection (2), the barking, howling or whining of the dog is excessive if:
- (a) there is barking, howling or whining, whether continuous or not, for more than a total of 6 minutes in any hour from 7 a.m. to 10 p.m. on any day; or
 - (b) there is barking, howling or whining, whether continuous or not, for more than a total of 3 minutes in any 30 minute period from 10 p.m. to 7 a.m. on any day.

Ipswich City Council

(f) animals are kept in a manner so as not to cause a nuisance including to the occupiers of adjoining premises or premises in the immediate vicinity of the place where the animal is kept;

Animal noise is a nuisance if it—

- (a) is made by a domestic animal; and
- (b) occurs more than once; and
- (c) in the opinion of an authorised person, unreasonably disrupts or inhibits an activity ordinarily carried out on a 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.*

Redlands City Council

- (e) take all reasonable steps to prevent the animal from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of—
 - (i) adjoining premises; or
 - (ii) premises in the vicinity of the land on which the animal is ordinarily kept; and
- (2) For the purposes of subsection (1)(e), the local government may consider a noise to be a nuisance or disturbance if—
 - (a) the noise is made for more than a total of 6 minutes in any hour from 7a.m. to 10p.m. on any day; or
 - (b) the noise is made for more than a total of 3 minutes in any 30 minute period on any day after 10p.m. or before 7a.m.

Sunshine Coast Regional Council

- 1 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.
- 2 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 a 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.

Toowoomba Regional Council

20A Duty to avoid animal noise nuisance

- (1) A person must not keep an animal if, in the opinion of an authorised person, that animal causes an animal noise nuisance.

Maximum penalty—20 penalty units.

- (2) In this section—

An animal noise nuisance is—

- (a) a noise made by a domestic animal; and,
(b) in the opinion of an authorised person—
(i) it unreasonably disrupts or inhibits an activity ordinarily carried out on residential premises; or
(ii) it is a disruptive noise made for more than a total of 6 minutes in any hour from 7 a.m. to 10 p.m. on any day; or
(iii) it is a disruptive noise made for more than a total of 3 minutes in any 30 minute period on any day after 10 p.m. or before 7 a.m.

domestic animal includes cat, dog and household pet.

20B Evidentiary provisions for animal noise nuisance

- (1) This section applies to a proceeding for an offence against section 20A in which more than one animal was present at the premises where the animal noise nuisance is alleged to have occurred.
- (2) An authorised person may give evidence of animal noise nuisance under section 20A without any requirement to prove which animal caused the noise, or whether the noise was caused by more than one animal.

Whitsunday Regional Council

- (a) An animal must be kept so that it does not in the opinion of an authorised person cause a nuisance or is injurious or prejudicial to health, including a nuisance from a dog or any animal that creates a noise which persistently occurs or continues to such a degree or extent that it unreasonable interferes with the peace, comfort or social well-being of a reasonable person.

New South Wales Councils

Companion Animals Act 1998

Part 5 Special provisions relating to control of dogs**Division 1A Nuisance dogs****32A Nuisance dogs**

- (1) For the purposes of this section, a dog is a nuisance if the dog—
 - (a) is habitually at large, or
 - (b) makes a noise, by barking or otherwise, that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises, or
 - (c) repeatedly defecates on property (other than a public place) outside the property on which it is ordinarily kept, or
 - (d) repeatedly runs at or chases any person, animal (other than vermin and, in relation to an animal, otherwise than in the course of droving, tending, working or protecting stock) or vehicle, or
 - (e) endangers the health of any person or animal (other than vermin and, in relation to an animal, otherwise than in the course of droving, tending, working or protecting stock), or
 - (f) repeatedly causes substantial damage to anything outside the property on which it is ordinarily kept.
- (2) If an authorised officer of a council is satisfied that a dog is a nuisance, the officer may, after complying with section 32B, issue an order in the approved form to the owner of the dog requiring the owner to prevent the behaviour that is alleged to constitute the nuisance.
- (3) The order must specify the behaviour of the dog that is required to be prevented. The order can specify more than one kind of behaviour.
- (4) An order remains in force for 6 months after it is issued.
- (5) The owner of a dog must comply with an order issued to the owner under this section and must continue to comply with it while it is in force.

Maximum penalty—8 penalty units for a first offence or 15 penalty units for a second or subsequent offence.
- (6) A council whose authorised officer issues an order under this section must notify the Departmental Chief Executive within 7 days after the order is issued.
- (7) An order under this section is final and is not subject to any appeal or review.

32B Procedure for issuing nuisance dog order

- (1) Before an authorised officer of a council issues an order under section 32A, the officer must give notice to the owner of the dog to which the proposed order relates of the officer's intention to issue the order.
- (2) The notice must set out—
 - (a) the requirements with which the owner will be required to comply if the order is issued, and
 - (b) the owner's right to object to the proposed order in writing to the authorised officer within 7 days after the date the notice is given.
- (3) The owner has 7 days after the date the notice is given in which to object to the proposed order.
- (4) If the owner does not object within that time, the authorised officer may proceed to issue the order after the 7 days have passed.
- (5) If the owner does object within that time, the authorised officer must consider the objection before deciding whether or not to issue the order.

NSW Government – Guide on the exercise of functions under the Companion Animals Act

13.3 Dealing with barking dogs

- 13.3.1 Councils should have established procedures for investigating complaints about barking dogs. In urban areas, councils will often require complaints from more than one resident before taking action in relation to a barking dog. Court action may result from issuing a penalty notice, so this ensures that council has an appropriate standard of evidence to prove a case in court, if required.
- 13.3.2 Many councils require a complainant to keep a diary noting when the dog is barking, as they may not have the resources to conduct high levels of surveillance on complaints they receive about this issue.

Victoria Councils

Domestic Animals Act 1994

32 Dogs or cats creating a nuisance

- (1) The occupier of any premises where a dog or cat is kept or permitted to remain must not allow that animal to be a nuisance.

Penalty: 1 penalty unit.

- (2) A dog or cat is to be regarded as a nuisance for the purposes of this section—
- (a) if it injures or endangers the health of any person; or
 - (b) if it creates a noise, by barking or otherwise, which persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises.

AMENDMENTS TO LOCAL LAWS

SLL 2 (Animal Management) 2011 - Track Changes

Meeting Date: 16 May 2023

Attachment No: 2

Subordinate Local Law No. 2 (Animal Management) 2011

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Part 1 Preliminary

1 Short title

This subordinate local law may be cited as *Subordinate Local Law No. 2 (Animal Management) 2011*.

2 Purpose and how it is to be achieved

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 2 (Animal Management) 2011*, which provides for regulation of the keeping and control of animals within the local government's area.
- (2) The purpose is to be achieved by providing for—
 - (a) the circumstances in which the keeping of animals is prohibited or requires approval; and
 - (b) requirements for keeping animals, including minimum standards, mandatory desexing, proper enclosures, koala conservation and identification; and
 - (c) the control of animals in public places; and
 - (d) matters regarding the impounding of animals and the sale or disposal of impounded animals; and
 - (e) the conditions to be complied with by persons who offer animals, or a particular species of animal, for sale; and
 - (f) the declaration of a species of animal as a declared dangerous animal and the criteria for declaration of a specific animal as a declared dangerous animal.

3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 2 (Animal Management) 2011* (the **authorising local law**).

4 Definitions

- (1) Particular words used in this subordinate local law have the same meaning as provided for in the authorising local law.
- (2) The dictionary in schedule 13 defines particular words used in this subordinate local law.

Part 2 Keeping of animals

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

For section 5(1) of the authorising local law, keeping an animal or animals mentioned in column 1 of schedule 1 is prohibited in the circumstances described in column 2 of schedule 1.

6 Circumstances in which keeping animals requires approval—Authorising local law, s 6(1)

For section 6(1) of the authorising local law, keeping an animal or animals of the species or breed mentioned in column 1 of schedule 2 requires approval in the circumstances described in column 2 of schedule 2.

7 Animals that must be desexed—Authorising local law, s 7

For section 7 of the authorising local law, an animal of the species or breed mentioned in column 1 of schedule 3 must be desexed once it reaches the age specified in column 2 of schedule 3 except in the circumstances described in column 3 of schedule 3.

8 Minimum standards for keeping animals—Authorising local law, s 8(1)

- (1) For section 8(1) of the authorising local law, the minimum standards for the keeping of animals are set out in schedule 4.
- (2) For section 8(1) of the authorising local law, column 2 of schedule 5 sets out the minimum standards for keeping an animal of the species or breed mentioned in column 1 of schedule 5.

9 Identification for cats and dogs in certain circumstances—Authorising local law, s 9

For section 9 of the authorising local law, the identification required for a cat or dog that is at a place other than the address stated in the registration notice for the cat or dog is the registration device mentioned in section 12(3) of the *Animal Management (Cats and Dogs) Act 2008*.

Part 3 Control of animals**10 Public places where animals are prohibited—Authorising local law, s 10(1)**

For section 10(1) of the authorising local law, the species or breeds of animals mentioned in column 2 of schedule 6 are prohibited in the public places described in column 1 of schedule 6.

11 Dog off-leash areas—Authorising local law, s 11(1)

For section 11(1) of the authorising local law, the areas described in schedule 7 are designated as dog off-leash areas.

12 Animal faeces in public places—Authorising local law, s 13

For section 13 of the authorising local law, no other species of animal is prescribed

as an animal whose faeces must be removed from a public place and disposed of in a sanitary way.

13 Requirements for proper enclosures for keeping animals—Authorising local law, s 14(2)

For section 14(2) of the authorising local law, column 2 of schedule 8 sets out the requirements for proper enclosures for an animal of the species or breed mentioned in column 1 of schedule 8.

14 Koala conservation—Authorising local law, s 15

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

15 Criteria for declared dangerous animals—Authorising local law, s 19(1)

For section 19(1) of the authorising local law, the criteria for declaring an animal as a declared dangerous animal are set out in schedule 11.

Part 4 Seizure, impounding or destruction of animals

16 Place of care for impounded animals—Authorising local law, s 24

For section 24 of the authorising local law, the place of care for animals impounded by the local government will be operated by the local government.

17 Animals that may be disposed of without auction or tender—Authorising local law, s 32(1)(b)

For section 32(1)(b) of the authorising local law, the species, breeds or classes of animal that may be sold by private agreement, destroyed or disposed of in some other way are the following—

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

18 Register of impounded animals—Authorising local law, s 33(3)

For section 33(3) of the authorising local law, the register of impounded animals will be kept at the local government's public office.

Part 5 Appeals against destruction orders

This part in the authorising local law does not contain any matters to be provided for by subordinate local law.

Part 6 Miscellaneous**19 Conditions regarding sale of animals—Authorising local law, s 42(1)**

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

20 Animals excluded from application of the local law—Authorising local law, schedule

For the purposes of the definition of “*animal*” in the schedule to the authorising local law, animals of the fish species are excluded from the application of the authorising local law.

21 Species that are declared dangerous animals—Authorising local law, schedule

For the purposes of the definition of “*declared dangerous animal*” in the schedule to the authorising local law, no species of animal is declared to be a declared dangerous animal.

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

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

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

Schedule 1 Prohibition on keeping animals

Section 5

	Column 1 Animal	Column 2 Circumstances in which keeping of animal or animals is prohibited
1	Dog	<p>(a) More than 2 dogs over the age of 12 weeks on premises unless the local government has granted, in respect of the keeping of the dogs on the premises—</p> <ul style="list-style-type: none"> (i) a multiple dog approval; or (ii) a kennel approval; or (iii) a pet shop approval. <p>(b) However, the prohibition in paragraph (a) does not apply to the keeping of a working dog on premises if the premises are rural land or are in the rural zone in the planning scheme of the local government.</p> <p>(c) Any of the following breeds, and a cross breed of any of the following breeds, anywhere in the local government area—</p> <ul style="list-style-type: none"> (i) American pit bull terrier or pit bull terrier; (ii) dogo Argentino; (iii) fila Brasileiro; (iv) Japanese tosa; (v) Perro de Presa Canario or Presa Canario.
2	Cat	<p>More than 2 cats over the age of 12 weeks on premises unless the local government has granted, in respect of the keeping of the cats on the premises—</p> <ul style="list-style-type: none"> (a) a multiple cat approval; or (b) a cattery approval; or (c) a pet shop approval.
3	Horse or donkey (other than a racehorse or a stallion)	A horse or donkey (other than a racehorse or a stallion) on premises with an area less than 2,000m ² .
4	Cow	A cow on premises with an area less than 2,000m ² .
5	Bull	A bull on premises with an area less than 10,000m ² .
6	Birds	(a) More than 20 birds of the same or different species on premises with an area less than 801m ² .

		(b) More than 40 birds of the same or different species on premises with an area between 801m ² and 2,500m ² .
7	Pig (including a miniature pig)	A pig (including a miniature pig) on premises with an area less than 8,000m ² .
8	Ostrich or emu	An ostrich or emu on premises with an area less than 4,000m ² .
9	Racing pigeons	1 or more racing pigeons on premises with an area less than 800m ² .
10	Bees	A hive on premises with an area less than 800m ² ; (see Code of Practice for Urban Bee Keeping in Queensland 1998).
11	Racing greyhound (including a whippet)	More than 2 racing greyhounds over the age of 12 weeks on premises with an area less than 800m ² .
12	Racehorse	A racehorse on premises with an area less than 800m ² .
13	Stallion	A stallion on premises with an area less than 40,000m ² .
14	European rabbit	A European rabbit on premises in the local government area.

- (1) A prohibition prescribed in this schedule does not apply to the keeping of an animal or animals (each an *exempt animal*) on premises if—
- (a) the animal or animals were kept on the premises before the commencement of *Animal Management (Amendment) Subordinate Local Law (No. 1) 2019*; and
 - (b) the keeping of the animal or animals on the premises immediately before the commencement of *Animal Management (Amendment) Subordinate Local Law (No. 1) 2019* did not contravene any provision of the authorising local law.
- (2) For the avoidance of doubt, if an exempt animal dies or is permanently removed from the premises, subsection (1) does not exempt, from the prohibition prescribed in this schedule, the keeping of any animal which is a replacement for the exempt animal.

Schedule 2 Requirement for approval to keep animal

Section 6

	Column 1 Species or breed of animal	Column 2 Circumstances in which keeping of animal or animals requires approval¹
1	Dog	<p>(a) 3 or more dogs over the age of 12 weeks (other than a working dog or a racing greyhound) —</p> <p>(i) are kept on premises; and</p> <p>(ii) the keeping of the dogs on the premises satisfies the criteria for the grant of a multiple dog approval.</p> <p>(b) 1 or more dogs on non-residential premises.</p> <p>(c) A guard dog on any premises.</p> <p>(d) A dog kept on residential premises—</p> <p>(i) temporarily; but</p> <p>(ii) for longer than 1 month.</p> <p>(e) 1 or more dogs kept in circumstances which require the grant of a kennel approval.</p> <p>(f) 1 or more dogs kept in circumstances which require the grant of a pet shop approval.</p>
2	Cat	<p>(a) 3 or more cats over the age of 12 weeks—</p> <p>(i) are kept on premises; and</p> <p>(ii) the keeping of the cats on the premises satisfies the criteria for the grant of a multiple cat approval.</p> <p>(b) 1 or more cats kept in circumstances which require the grant of a cattery approval.</p> <p>(c) 1 or more cats kept in circumstances which require the grant of a pet shop approval.</p>
3	Horse or donkey (other than a racehorse or a stallion)	<p>(a) More than 1 animal to which this item 3 applies on premises with an area less than 20,000m².</p>

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

		(b) Subject to paragraph (a), if the density of the animals to which this item 3 applies kept on the premises is greater than 1 animal per 2,000m ² .
4	Cow	More than 1 cow on premises, but excluding premises within an urban area, unless the density of the cows kept on the premises is less than 1 cow per 2,000m ² .
5	Bull	More than 1 bull on premises with an area not less than 10,000m ² .
6	Birds other than nuisance birds	(a) More than 10, but not more than 20, birds of the same or different species on premises with an area less than 801m ² . (b) More than 20, but not more than 40, birds of the same or different species on premises with an area between 801m ² and 2,500m ² .
7	Nuisance bird	1 or more nuisance birds on premises with an area less than 20,000m ² .
8	Pig (including a miniature pig)	(a) More than 1 pig on premises with an area less than 20,000m ² unless— (i) the keeping of the pigs on the premises is authorised by a development approval; or (ii) the premises are situated on rural land and the responsible person for the pigs is a primary producer. (b) Subject to paragraph (a), unless the density of the pigs kept on the premises is less than 1 pig per 4,000m ² .
9	Sheep, goat, or camelid	(a) More than 1 animal to which this item 9 applies on premises with an area less than 20,000m ² . (b) Subject to paragraph (a), if the density of the animals to which this item 9 applies kept on the premises is greater than 1 animal per 2,000m ² .
10	Racing pigeons	1 or more racing pigeons on premises with an area of 800m ² or more.
11	Bees	(a) More than 2 hives on premises with an area between 800m ² and 1,000m ² . (b) More than 5 hives on premises with an area between 1,001m ² and 2,000m ² (see Code of Practice for Urban Bee Keeping in Queensland 1998).

12	Racing greyhound (including a whippet)	(a) 3, 4 or 5 dogs to which this item 12 applies over the age of 12 weeks on premises with an area less than 10,000m ² . (b) 6,7 or 8 dogs to which this item 12 applies over the age of 12 weeks on premises with an area between 10,000m ² and 100,000m ² . (c) More than 8 dogs to which this item 12 applies over the age of 12 weeks on premises with an area of more than 100,000m ² .
13	Racehorse	1 or more racehorses on premises in an urban area.
14	Stallion	1 or more stallions on premises with an area not less than 40,000m ² .

Schedule 3 Requirement to desex animal

Section 7

	Column 1 Species or breed of animal	Column 2 Age at which animal must be desexed	Column 3 Exemptions to the requirement for desexing
1	Dog (other than a menacing dog).	Refer to the exemption in column 3.	The requirement for desexing of dogs does not apply if— (a) more than 2 dogs over the age of 12 weeks are kept on premises; and (b) the keeping of the dogs on the premises complies with the requirements of the authorising local law; and (c) the owner of the dogs is— (i) a registered breeder; or (i) a recognised animal carer; or (ii) a recognised show keeper.
2	Menacing dog.	The requirement for desexing applies once the menacing dog reaches 12 weeks of age.	No menacing dog is exempt from the requirement to be desexed.
3	Cat.	Refer to exemption in column 3.	The requirement for desexing of cats does not apply if— (a) more than 2 cats over the age of 12 weeks are kept on premises; and (b) the keeping of the cats on the premises complies with the requirements of the authorising local law; and (c) the owner of the cats is— (i) a recognised breeder; or (ii) a recognised animal carer; or

			(iii) a recognised show keeper.
4	An animal of a species or breed, if the animal is declared to be a dangerous animal under the authorising local law, section 19.	The animal must be desexed by whichever is the later of— (a) the age of 12 weeks; and (b) within 1 month after the animal is declared as a dangerous animal.	The requirement for desexing of the animal does not apply if— (a) desexing is likely to be a serious risk to the health of the animal; and (b) the owner of the animal delivers to the local government, a signed veterinary surgeon's certificate for the animal stating that desexing the animal is likely to be a serious risk to the health of the animal.

Schedule 4 Minimum standards for keeping animals generally

Section 8(1)

- (1) A person who keeps an animal on premises must —
- (a) ensure that the animal is adequately identified so that the owner's name, address and telephone number are readily ascertainable; and
 - (b) ensure that waste waters from enclosures are drained in a nuisance free manner and that run-off is kept off adjoining premises or as otherwise directed by an authorised person; and
 - (c) ensure that excreta, food scraps and other material that is, or is likely to become, offensive is collected at least daily and, if not immediately removed from the premises, is kept in a waste container of a kind approved by an authorised person; and
 - (d) ensure that any enclosure in which the animal is kept is properly maintained in—
 - (i) a clean and sanitary condition; and
 - (ii) an aesthetically acceptable condition; and
 - (e) Ensure the keeping of the animal on the premises does not persistently make a noise or disturbance that, in the opinion of an authorised person, causes a nuisance to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience to occupiers of premises in the vicinity of the land on which the animal is ordinarily kept; and
 - ~~(e) take all reasonable steps to prevent the keeping of the animal on the premises from making a noise or disturbance that, in the opinion of an authorised person, causes a nuisance to 3 or more persons each of whom occupy separate premises, but only if the separate premises are situated as follows—~~
 - ~~(i) the 3 premises directly opposite the premises on which the animal is ordinarily kept; or~~
 - ~~(ii) the 4 premises (2 premises on either side of the premises on which the animal is ordinarily kept) on the same road frontage as the premises on which the animal is ordinarily kept; or~~
 - ~~(iii) the 5 premises in a row which are directly or indirectly to the rear of, or behind, the premises on which the animal is ordinarily kept; and~~
 - (f) ensure that the area available to the animal kept on the premises is appropriately sized so that the animal can be effectively and comfortably kept; and
 - (g) if the animal is a cat or a dog and the animal is required to be implanted with a PPID—ensure that the cat or dog is implanted with a PPID as required by section 14 of the Animal Management Act; and
 - (h) if the animal is a dog and the dog is required to be registered by the person in the local government area of the local government—comply with section 46 of the Animal Management Act to register the dog in the local government area as required by section 44 of the Animal Management Act; and

- (i) if the animal is a dog and section 57 of the Animal Management Act applies to the person—comply with section 57(2) of the Animal Management Act to renew the registration for the dog.
- (2) A person who keeps a dog on premises must, if the dog is on heat, comply with the requirements for a proper enclosure for the dog mentioned in schedule 8, item 1, column 2.

Schedule 5 Minimum standards for keeping particular animals

Section 8(2)

	Column 1 Species or breed of animal	Column 2 Minimum standards for keeping animals
1	Racing greyhound (including a whippet)	Each owner of, and responsible person for, a racing greyhound must— <ul style="list-style-type: none"> (a) ensure that the racing greyhound is kept— <ul style="list-style-type: none"> (i) without nuisance; and (ii) if a code of practice for the keeping of racing greyhounds has been approved by the Greyhound Racing Authority of Queensland—in accordance with the requirements of the code of practice; and (b) not bring into, or permit the racing greyhound to be in, a public place unless the racing greyhound is muzzled so as to prevent the racing greyhound from biting.
2	Horse, donkey, cow, bull, ox, deer and other domesticated animals of a similar size and sheep, goat, camel, pig and other animals of a similar size or type	Each owner of, and responsible person for, an animal specified in column 1, item 2 which is kept on premises must ensure that any enclosure in which the animal is kept is not located within a radius of 10m of— <ul style="list-style-type: none"> (a) a residence on adjoining premises; or (b) a place used for the manufacture, preparation or storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the animal; or (c) a place used for the storage of food (other than food kept in hermetically sealed packages).
3	Budgerigar, canary cockatiel, galah and other birds of a similar size or type	Each owner of, and responsible person for, a bird specified in column 1, item 3 must ensure that— <ul style="list-style-type: none"> (a) the bird is kept without nuisance; and (b) the bird is contained within an enclosed cage or aviary; and (c) the bird's food is kept in a properly sealed, vermin proof container; and (d) the cage or aviary in which the bird is kept is thoroughly cleaned at least once each week; and (e) if a code of practice for the keeping of birds of a relevant species has been approved by the local

		<p>government—the bird is kept in accordance with the requirements of the code of practice; and</p> <p>(f) the enclosure in which the bird is kept is not located less than 2m from the side and rear boundaries of the premises.</p>
4	Racing pigeons	<p>Each owner of, and responsible person for, racing pigeons which are kept on premises must ensure that—</p> <p>(a) the racing pigeons are kept without nuisance; and</p> <p>(b) the racing pigeons are contained within an enclosed cage or aviary; and</p> <p>(c) the racing pigeon's food is kept in a properly sealed, vermin proof container; and</p> <p>(d) the cage or aviary in which the racing pigeons are kept is—</p> <p>(i) thoroughly cleaned at least once each week; and</p> <p>(ii) located at the rear of, and behind, any residence situated on the premises; and</p> <p>(e) if a code of practice for the keeping of racing pigeons has been approved by the local government—the racing pigeons are kept in accordance with the requirements of the code of practice; and</p> <p>(f) the enclosure in which the racing pigeons are kept is not located less than 2m from the side and rear boundaries of the premises.</p>
5	Bees	<p>Each owner of, and responsible person for, bees which are kept on premises must ensure that—</p> <p>(a) the bees are kept without nuisance; and</p> <p>(b) any beehive constructed for the purpose of keeping the bees is not located within a radius of 10m of—</p> <p>(i) a residence on adjoining premises; or</p> <p>(ii) a place used for the manufacture, preparation or storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the bees; or</p> <p>(iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and</p> <p>(c) each beehive constructed for the purpose of keeping bees is adequately identified so that the owner's name, address and telephone number are readily ascertainable; and</p>

		(d) if a code of practice for the keeping of bees has been approved by the local government — the bees are kept in accordance with the requirements of the code of practice.
6	Duck, drake, peahen, a nuisance bird, ostrich, emu, guinea fowl and poultry	<p>Each owner of, and responsible person for, a bird identified in column 1 item 6 which is kept on premises must ensure that—</p> <p>(a) the bird is kept without nuisance; and</p> <p>(b) the bird is contained within an enclosure; and</p> <p>(c) the bird's food is stored in a properly sealed, vermin proof container; and</p> <p>(d) the enclosure in which the bird is kept is—</p> <p>(i) thoroughly cleaned at least once each week; and</p> <p>(ii) if the bird is a domestic chicken, duck, drake, goose or turkey and the bird is kept on premises with an area less than 2,000m²—located at the rear of, and behind, any residence situated on the premises; and</p> <p>(e) the enclosure in which the bird is kept is not located within a radius of 10m of—</p> <p>(i) a residence on adjoining premises; or</p> <p>(ii) a place used for the manufacture, preparation or storage of food intended for human consumption other than a domestic kitchen used solely for domestic purposes by the owner or responsible person for the bird; or</p> <p>(iii) a place used for the storage of food (other than food kept in hermetically sealed packages); and</p> <p>(f) the enclosure in which the bird is kept is not located less than 2m from the side or rear boundaries of the premises.</p>

Schedule 6 Prohibition of animals in public places

Section 10

	Column 1 Public place	Column 2 Species or breed of animals prohibited
1	Within 5m of— (a) any playground apparatus which is provided for the use of minors in a public place which is a local government controlled area; or (b) a designated playground area in a public place which is a local government controlled area; or (c) a barbecue or other cooking facility in a public place which is a local government controlled area; or (d) a public place which is a botanical garden or a zoo.	Dogs

Schedule 7 Dog off-leash areas

Section 11

1. Ted Price Park, Gracemere (access via Breakspear Street and Holgate Close) but limited to the area designated as a dog off-leash area by signpost.
2. Duthie Park, North Rockhampton (access via Thozet Road, Marsh Avenue, Lawrence Avenue and Wigginton Street) but limited to the area and times designated by signpost and, in any event, not while the area is being used by animals participating in an obedience trial supervised by a body recognised for section 12(3)(d) of the authorising local law by the local government.
3. Rosel Park, 504 Quay Street, Depot Hill (access via Quay Street).
4. Victoria Park, 1A Lion Creek Road, Wandal (access via Sir Raymond Huish Drive) but limited to the area designated as a dog off-leash area by signpost.
5. Eddie Baker Park, North Rockhampton (access via Currawong Street and Rosella Court) but limited to the designated area.
6. Part of 291 Lakes Creek Road, Koongal, but limited to the designated area.
7. Part of Number 7 Dam, Byrnes Parade, Mount Morgan, but limited to the designated area.

Schedule 8 Requirements for proper enclosures for animals

Section 13

	<p>Column 1 Species or breed of animal</p>	<p>Column 2 Requirements for proper enclosures</p>
<p>1</p>	<p>All animals regardless of species or breed</p>	<p>(1) A proper enclosure is an area of the land on which the animal is kept, appropriately sized so as to be capable of effectively and comfortably housing the animal.</p> <p>(2) The area must be suitably fenced—</p> <ul style="list-style-type: none"> (a) appropriate to the species and breed of the animal to be enclosed; and (b) so as to effectively enclose the animal on the land on which it is kept at all times; and (c) so as to effectively enclose the animal on the land so that the animal cannot reach over or through the fence to adjoining land or any public place. <p>(3) Subsection (2)(c) does not apply to the fence of a proper enclosure on land if—</p> <ul style="list-style-type: none"> (a) the fence abuts a road; and (b) the land is rural land; and (c) the animal is kept by a primary producer on the land for primary production purposes. <p>(4) For the purposes of this item 1 <i>suitably fenced</i> means enclosed by a fence —</p> <ul style="list-style-type: none"> (a) constructed of materials which are of sufficient strength to prevent the animal from escaping over, under or through the fence; and (b) of a height which is sufficient to prevent the animal jumping or climbing over the fence; and (c) where the animal has the ability to dig — which includes a barrier installed directly below the fence to prevent the animal digging its way out; and (d) where the animal has the ability to climb — designed and constructed in such a way as to prevent the animal from climbing over the fence; and (e) of which all gates are kept closed and latched except when in immediate use by a person entering or leaving the land on which the animal is kept.

		<p>(5) For the purposes of this item 1, and the requirements for a proper enclosure for a dog (other than a dog which is the subject of a regulated dog declaration under the <i>Animal Management (Cats and Dogs) Act 2008</i>, section 89), suitably fenced includes an electric dog fence, but only if the electric dog fence—</p> <ul style="list-style-type: none"> (a) prevents the dog from escaping over, under or through, the electric dog fence; and (b) prevents the dog digging its way out of, or through, the electric dog fence; and (c) effectively encloses the dog on the land on which it is kept at all times; and (d) if a member of the public seeking access to the front entrance of a residence on the land is required to cross an area of the land (the frontage)— is situated so that the dog is prevented from accessing the frontage.
2	Horse	<p>(1) A proper enclosure for the keeping of a horse must, in addition to the requirements specified in item 1 —</p> <ul style="list-style-type: none"> (a) effectively enclose the horse so that the horse can not reach over or through the fence to adjoining land or any public place; and (b) where the animal is a stallion—the enclosure must be constructed within an additional or second suitable and adequate fence or enclosure that is provided at the land on which the stallion is kept to a standard approved by an authorised person.

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

Section 14(1)

No requirements prescribed.

Schedule 10 Koala areas²

Section 14(2)

No area designated.

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

Schedule 11 Criteria for declared dangerous animals

Section 15

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

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

Schedule 12 Conditions for sale of animals

Section 19

	<p align="center">Column 1 Species or breed of animal</p>	<p align="center">Column 2 Conditions that must be complied with when offering animal for sale</p>
<p>1</p>	<p>A dog or a cat</p>	<p>(1) A person who offers an animal of a species specified in column 1 item 1 for sale must keep and maintain a written register detailing —</p> <ul style="list-style-type: none"> (a) the particulars and description of each animal offered for sale including breed, name, date of birth, identifying tag and any other form of identification; and (b) a medical history for each animal listing vaccinations, inoculations and treatments that have been carried out; and (c) if the animal is sold or otherwise disposed of — the name and address of the new owner of the animal and the date of sale or disposal of the animal. <p>(2) If section 44 of the Animal Management Act applies to an animal which is offered for sale by the person—the person must comply with the requirements of the section before the sale of the animal by the person.</p> <p>(3) If section 44 of the Animal Management Act does not apply to the animal offered for sale by the person—the person must supply a register to the local government, at least monthly, giving full details of —</p> <ul style="list-style-type: none"> (a) all animals sold or otherwise disposed of including the name and address of the new owner of the animal; and (b) a full description of each animal sold or otherwise disposed of; and (c) the date of sale or disposal of each animal. <p>(4) A person must not offer an animal of a species specified in column 1 item 1 for sale unless the animal has received all necessary vaccinations, inoculations and treatments which are appropriate according to the age of the animal.</p>

Schedule 13 Dictionary

Section 4

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

animal welfare agency means—

- (a) the Royal Society for the Prevention of Cruelty to Animals Queensland Incorporated; and
- (b) the Animal Welfare League of Queensland Incorporated.

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

cat—

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

cattery—

- (a) means premises used for boarding, breeding or training cats; but
- (b) does not include the keeping of cats as domestic pets.

cattery approval means an approval required to operate a cattery on premises.

decommissioned greyhound has the meaning given in the Animal Management Act.

designated playground area means an area which is—

- (a) physically defined; and
- (b) constructed by the local government for recreational use by minors; and
- (c) provided with 1 or more items of playground apparatus.

Example—

A designated playground area may be an area which is—

- (a) enclosed by a fence or some other barrier; and
- (b) covered by bark chips or similar material; and
- (c) equipped with a swing, see-saw or similar playground apparatus.

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

dog—

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

domestic purposes means the purposes of—

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

environmental harm has the meaning given in the *Environmental Protection Act 1994*.

environmental nuisance has the meaning given in the *Environmental Protection Act 1994*.

exempt animal see schedule 1.

fence—

- (a) means a barrier enclosing an area, consisting of, for example, posts connected by wire or wood; but
- (b) if the animal to be enclosed in an area by a fence is a dog—does not include an electric fence, for example, a fence through which an electric current can be passed, giving an electric shock to any person or animal touching the fence.

guard dog—

- (a) means a dog which is released by a person on residential premises or non-residential premises in the area of the local government without a handler for the primary purpose of acting as a deterrent to intruders; and
- (b) includes a dog which has been released by a person on residential premises or non-residential premises in the area of the local government without a handler in circumstances where the dog has been trained to attack for the purpose of guarding either persons or property; and
- (c) in the absence of evidence in rebuttal thereof, if a person releases a dog on non-residential premises in the area of the local government without a handler, the person is presumed to have released the dog for the primary purpose of acting as a deterrent to intruders; but
- (d) does not include a police dog or a regulated dog.

horse includes a pony and a miniature horse.

identifiable animal means an animal—

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

keep (an animal)—

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

kennel—

- (a) means premises used for boarding, breeding or training dogs; but
- (b) does not include the keeping of dogs as domestic pets.

kennel approval means an approval required to operate a kennel on premises.

land has the meaning given in the *Planning Act 2016*.

multiple cat approval, for the keeping of cats on premises, means an approval to keep 3 or more cats over the age of 12 weeks on the premises.

multiple dog approval, for the keeping of dogs on premises, means an approval to keep 3 or

more dogs over the age of 12 weeks (other than a working dog or a racing greyhound) on the premises.

multi-residential premises means each of—

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

Examples of multi-residential premises —

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

non-residential premises means premises other than residential premises.

nuisance bird means—

- (a) a rooster, goose, cockatoo, galah or peacock; and
- (b) another bird kept on premises which makes an audible noise which causes environmental harm or environmental nuisance to an occupier of other premises.

occupier, of premises—

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

pet shop means a shop or a stall at a market at which animals are offered for sale.

pet shop approval means an approval required to operate a pet shop on premises.

PPID has the meaning given in the Animal Management Act.

premises means—

- (a) a building or other structure; or
- (b) land, whether or not a building or other structure is on the land.

primary producer has the meaning given in the Animal Management Act.

racehorse means a horse bred and trained for racing.

racing greyhound —

- (a) means a greyhound registered with the Queensland Racing Integrity Commission under the rules for racing, as enforced from time to time, of a control body for a code of racing, as required under the *Racing Act 2002*, or registered with a control body of another State responsible pursuant to the law of that State for the registration of racing greyhounds; and
- (b) for the avoidance of doubt, does not include a decommissioned greyhound; but
- (c) includes a whippet.

racing pigeon means a class of pigeon which is—

- (a) primarily kept for the purpose of racing or breeding for racing; and
- (b) kept by a person who is a registered member of the Queensland Racing Pigeon Federation Incorporated; and
- (c) kept in accordance with the terms of membership of the Queensland Racing Pigeon Federation Incorporated.

recognised animal carer means a person who holds a document or registration issued by an animal welfare agency in which the animal welfare agency approves the holder of the document or registration keeping 1 or more animals primarily to protect or preserve the health or welfare of the animal.

recognised breeder, of cats, means a person who—

- (a) breeds cats; and
- (b) is registered as a breeder of cats with—
 - (i) the Queensland Feline Association Inc; or
 - (ii) another association recognised by the local government for the purposes of this definition.

recognised show keeper, for an animal, means a person who—

- (a) if the animal is a cat—
 - (i) keeps the cat for show purposes; and
 - (ii) has registered the cat with—
 - (A) the Queensland Feline Association Inc; or
 - (B) another association recognised by the local government for the purposes of this definition; or
- (b) if the animal is a dog—
 - (iii) keeps the dog for show purposes; and
 - (iv) has registered the dog with—
 - (A) the Canine Control Council (Queensland); or
 - (B) another association recognised by the local government for the purposes of this definition.

registered has the meaning given in the Animal Management Act.

registered breeder, of dogs, has the meaning given in the Animal Management Act.

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

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

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

rural land has the meaning given in the Animal Management Act.

sale includes—

- (a) to sell; and
- (b) offer, or expose for sale; and
- (c) agree or attempt to sell; and
- (d) dispose of for negligible or no consideration; and
- (e) barter.

stallion means an uncastrated adult male horse.

stock has the meaning given in the Animal Management Act.

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

urban area—

- (a) means an area that is used for urban purposes; and
- (b) includes an area that is used for residential (other than rural residential), retail, commercial, industrial, community or government related purposes.

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

This and the preceding 29 pages bearing my initials is a certified copy of the consolidated version of *Subordinate Local Law No. 2 (Animal Management) 2011* adopted in accordance with the provisions of section 32 of the *Local Government Act 2009* by Rockhampton Regional Council by resolution dated the _____ day of _____ (*insert the date of the relevant resolution of Council*) 2019.

.....
Chief Executive Officer

727194_1

10.2 AUSTRALIA DAY COMMUNITY GRANTS PROGRAM

File No: 5095, 12534
Attachments: Nil
Authorising Officer: John Webb - Manager Communities and Culture
Alicia Cutler - General Manager Community Services
Author: Mark Millett - Coordinator Major Venues

SUMMARY

The Australia Day Community Grants program has been running since Australia Day 2014 until the present with little change. This model sees Council provide funding for Community events via an application process. Council is not involved in the delivery of events other than the Kershaw Gardens, Great Australian Bites main event.

This report seeks approval to continue the Australia Day Community Grants program under the banner of the Community Assistance program to allow for improved governance and decision making.

A separate report will be presented on the proposed 23/24 Community Assistance Program.

OFFICER'S RECOMMENDATION

THAT Council direct the General Manager Community Services (Manager Communities and Culture) to revise the Community Assistance Program to include the Australia Day Community Grants and present to Council for approval.

COMMENTARY

Since the program's inception there have been minimal changes.

The Grants program has had and continues to have the following objectives:

- Inspires national spirit and enriches the life of the nation.
- Embodies the Australia Day brand values of freedom, 'fair go', altruism, mateship, diversity, community, and humility.
- Acknowledges Australia Day for all Australians and reflects, encourages and enhances togetherness.
- Acknowledges and pays respect to the ancient traditions and history of Australia's indigenous community.
- Family, fun and free.
- Ensures community participation in the planning and/or end enjoyment of the event and activities planned for the day.

The current grants program is:

- Open to community groups and not-for-profit charity organisations registered and in operation within the boundaries of the Rockhampton Regional Council local government area.
- Funding to plan and host an Australia Day event that is open to residents and visitors, without restriction.
- Aimed at enhancing community participation and connectedness.
- About inspiring new and imaginative ways for your community to celebrate what makes being an Australian great; and
- About recognising that the communities of the Region have pride in their sense of identity.

The current grants program is not:

- Recurrent funding;
- Available to organisations operating or registered outside the Rockhampton Region.
- Available to any other group except registered community groups or not-for-profit charity organisations; or
- Available to schools or other educational institutions.

Preference is given to:

- Groups and organisations who demonstrate an ability to use the funding to seed their event as a permanent annual fixture within their community.
- Applications that demonstrate a commitment to ensuring equity for all residents; and
- Groups and organisations that show a commitment to promoting connectedness among the Region's communities and residents.

Key Selection Criteria

- Application must be completed in full;
- Activities must target the local community principally, involve community participation and increase participation in Australia Day;
- Applications must meet one or more of the Australia Day objectives (as per the Australia Day Community Event Grants Application Form);
- Activities must represent value for money;
- Activities should take place on Australia Day – 26 January; ideally at a time which complements any other planned activities;
- The event and activities must be not-for-profit;
- Applications must be accompanied by an event plan that clearly shows the activities planned for the day;
- Applicants must comply with all regulatory approvals as far as food and licensing is concerned, and
- Applicants must carry their own public liability and indemnity insurance.

Assessment

In 2022 and 2023 Australia day community events programs were assessed by council officers to ensure applications met eligibility criteria and one or more of the stated objectives. Further review of applications has not been required as the total value of grants has not exceeded the funding pool.

Challenges

Post-Covid and with an aging population, regional communities are struggling to find volunteers to run Australia Day events. In 2023, additional requests were made from Council for assistance outside the monetary grant submission. It is difficult to partially provide assistance to events due to risk and insurance coverage.

Turnover in Community organisations have seen some organisations miss key communications regarding funding.

Increasing cost of delivery means likelihood of ranked, partial or non-funding of applicants likely.

BACKGROUND

Prior to the local government amalgamation in 2008, each of the local government authorities in 'future Rockhampton' region celebrated Australia Day in differing manners. Rockhampton City Council celebrations centred around the Heritage Village with a citizenship ceremony held in the Shearing Shed; the Fitzroy Shire held a family fun day culminating with fireworks display in Cedric Archer Park at Gracemere; the Mount Morgan Shire Council held their celebration at the School of Arts building; and the Livingstone Shire

Council supported a large Australia Day celebration, the Great Australia Day Beach Party, on the beach front at Yeppoon.

After the 2008 amalgamation Council officers continued to have an active role in administration support for the events at Mount Morgan, Gracemere and Rockhampton, while the delivery of the event in Yeppoon was undertaken by Capricorn Coast Community Events with financial and in-kind support of the newly formed Rockhampton Regional Council.

Upon de-amalgamation in 2013 Rockhampton Regional Council resolved on 13 November 2013, to establish an Australia Day Community Grants Program providing local organisations funds to assist community-based Australia Day celebrations across the region. This was a response to Council budget constraints.

It was further resolved in November 2013 that Council officers would no longer take an active role in the co-ordination of the events beyond the central event but could if requested provide limited advice and preliminary assistance.

In its first year, 2014, applications were invited from only the communities of Mount Morgan and Gracemere, and from the Friends of the Heritage Village, with a total funding pool of \$10,000 made available. From 2015 the program was made available to the wider region with a total available funding pool of \$15,000.

Since 2018, Rockhampton Regional Council has collaborated with the Queensland Government to hold the Great Australian Bites program, annually on Australia Day. This is the event that is organized by the Advance Rockhampton team and that resides in the Kershaw Gardens each year.

PREVIOUS DECISIONS

Funding 2019 to present

Funding 2019 to present	2019	2020	2021	2022	2023
TOTAL POOL	\$15,000	\$15,000	\$15,000	\$15,000	\$15,000
Friends of the Heritage Village	\$0	\$3,000	\$0	\$0	\$0
Gracemere Lions Club	\$0	\$0	\$0	\$0	\$0
Gracemere Men's Shed	\$1,800.00	\$400 \$584.50*	\$750	\$0	\$1,500 \$1,249*
Rotary Club of Mount Morgan	\$3,500	\$3,500	\$0	\$3,500	\$0
Upper Ulam Recreation Grounds Inc.	\$0	\$0	\$0	\$0	\$800
Bouldercombe Progress Association	\$500	\$750	\$700	\$2,000	\$2,000
Stanwell Progress Association	\$0	\$0	\$0	\$0	\$5,000
Rockhampton Water Ski Club	\$0	\$0	\$0	\$0	\$1,000
Total \$ issued	\$5,800	\$7,650 \$584.50*	\$1,450	\$5,500	\$10,300 \$1,249*

Funds transferred to Advance Rockhampton	\$0	**\$7,350	**\$13,550	\$0	\$0
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* Additional funds added at direction of council to assist with Gracemere events.

** 2020 – under the direction of council - remaining funds transferred to Advanced Rockhampton to contribute with Australia day event. 2021 – Funds transferred to Advance Rockhampton to cater for a large free BBQ in Kershaw gardens

BUDGET IMPLICATIONS

Nil

LEGISLATIVE CONTEXT

Nil

LEGAL IMPLICATIONS

NIL

STAFFING IMPLICATIONS

NIL

RISK ASSESSMENT

N/A

CORPORATE/OPERATIONAL PLAN

Corporate plan =

We provide opportunities for people to contribute to their communities

We support our people and community groups through our programs and resources

CONCLUSION

Despite the challenges mentioned in commentary, the 2023 Program was our most popular to date, with five (5) community groups holding Australia Day events. It was the first time the program assisted with events in Stanwell and Alton Downs.

10.3 BERSERKER MASONIC LODGE NO. 407 - REVISED FREEHOLD LEASE RENEWAL

File No:	6424
Attachments:	Nil
Authorising Officer:	Alicia Cutler - General Manager Community Services
Author:	Justin Bulwinkel - Supervisor Business Support
Previous Items:	11.4 - Berserker Masonic Lodge No. 407 - Freehold Lease Renewal - Communities Committee Meeting - 21 Mar 2023 9:00am

SUMMARY

In accordance with Section 236(1)(c)(iii) of the Local Government Regulation 2012 (Qld) a Council resolution is sought to renew the existing Freehold Lease agreement by Berserker Masonic Lodge No 407 over 19 Larnach Street.

OFFICER'S RECOMMENDATION

THAT:

1. Pursuant to Section 236(1)(c)(iii) of the *Local Government Regulation 2012 (Qld)* Council approve the request to renew the Freehold Lease agreement as identified in the report.
2. Council authorises the Chief Executive Officer (Supervisor Business Support) to negotiate the terms and conditions of the agreements in the report in preparation for execution by the delegated officer.

COMMENTARY

Following the Council report in March 2023, Officers engaged with the Berserker Masonic Lodge Committee to discuss an alternative leasing structure while looking at opportunities that support a long-term residency at 19 Larnach St.

More broadly, discussions considered ways Council might seek an alternative leasing agreement to not only manage financial constraints with investing in the building, but continue to foster, support and value their organisations presence within the community.

The result of the discussion was that the committee acknowledged Councils current position and reason for change, and while in principle they accept the notion of change, their organisations interests, members and activities need to be safeguarded with any terms of the agreement set.

Therefore, their committee will consider a reduced leasing term providing there is no change to asset ownership and maintenance obligations. Council effectively will retain ownership of the asset consistent with the existing terms of the agreement along with the responsibility and risk imposed as maintainer. Their committee also accept that Council may place priority maintenance work on hold, subject to a structural review of the dwelling annually for the term of the lease.

Since expiry of the existing Lease (30 June 2022), the committee has continued to occupy the premises as a monthly tenant under clause 11 of the Lease. Pursuant to this clause, Council is entitled to terminate the tenancy by giving one month notice to the committee, thereby requiring the committee to vacate the premises and find an alternative facility.

Recognising efforts to establish an agreeable short-term solution, Officers seek council approval to renew Berserker Masonic Lodge No.407 Freehold Lease under the following conditions:

- Term: Three (3) years, effective from date of approval.

- Applicable fees will be set in accordance with Parks Sports & Rec adopted fees and charges schedule.
- Council acknowledges and accepts that under the existing lease Council is responsible for all maintenance to the building. Council could be found to be in breach of the Lease if Council does not carry out this obligation. If Council is found negligent by not carrying out its obligations under the Lease, Council may be at risk of a claim from the committee if damage occurs.
- Berserker Masonic Lodge demonstrate efforts to seek funding through external grants and programs to contribute to the maintenance and future improvement of the building where possible.
- Special Conditions:
 - Tenant must provide copies of the following documents on an annual basis:
 - Audited Financial Statements
 - Constitution
 - AGM Minutes
 - Player and Member numbers
 - As required/negotiated

BACKGROUND

As previously reported, The Berserker Lodge have held a Freehold Lease over Lot 2, RP6 10854, 19 Larnach Street, Allenstown since 2007. While their presence at Larnach Street dates back only 15 years, their conception within the region dates back to 1949, holding an unbroken presence in the community to this day.

Their application and request to Council remains firm and consistent with the desire to renew their existing Lease at 19 Lanarch Street to preserve their organisations station within the community.

PREVIOUS DECISIONS

A report was presented at the Communities Committee meeting 21 March 2023 and resolved as follows:

“THAT the matter lay on the table to enable further discussions with Berserker Masonic Lodge in regard to an alternative leasing structure and further consideration of building management strategies.”

Moved by: Councillor Wickerson

Seconded by: Councillor Rutherford

BUDGET IMPLICATIONS

Revenue: The Freehold Lease is subject to an annual fee set by Council’s adopted Fees and Charges schedule

Expense: For the duration of the lease Council reserves the right to place any existing maintenance work on hold subject to an annual asset condition report. Any identified maintenance items that implicate a risk to the occupant’s safety will actionable upon assessment.

Officers report the existing condition of the asset does not meet the criteria for disposal and validates a future financial investment subject to budget.

LEGISLATIVE CONTEXT

In accordance with Section 236(1)(c)(iii) of the Local Government Regulation 2012 (Qld) a Council resolution is required to renew a Freehold Lease.

LEGAL IMPLICATIONS

Under the existing lease Council is responsible for all maintenance to the building. Council could be found to be in breach of the Lease if Council does not carry out this obligations. Council is also at risk of a claim if damage occurs if Council is found to be negligent in not carrying out its obligation to maintain or if the tenant provides written notice for Council to comply with their obligations of maintenance and Council unreasonably fails to act.

STAFFING IMPLICATIONS

Existing resources within Parks and Property and Insurance can adequately manage the required legal documentation.

RISK ASSESSMENT

An annual risk assessment to monitor building safety and integrity will be completed by Community Assets and Facilities.

CORPORATE/OPERATIONAL PLAN

The proposal aligns with the following Corporate Plan objectives:

- 2.1 – Our places and spaces enhance the livability and diversity of our communities
- 2.2 – We support our communities through our activities and programs.
- 5.1 – Our Region has Infrastructure that meets current and future needs

CONCLUSION

Officers recommend Council approve the renewal of Freehold Lease identified in the report and that the Chief Executive Officer (Supervisor Business Support) negotiate the terms and conditions in preparation for the consideration and execution by the delegated officer.

10.4 MOUNT MORGAN ARTS AND CRAFTS GROUP INC - FREEHOLD LEASE RENEWAL

File No:	7409
Attachments:	Nil
Authorising Officer:	Alicia Cutler - General Manager Community Services
Author:	Jack Barnett - Sports and Recreation Advisor Justin Bulwinkel - Supervisor Business Support

SUMMARY

In accordance with Section 236(1)(c)(iii) of the Local Government Regulation 2012 (Qld) a Council resolution is sought to renew the existing Freehold Lease agreement by Mount Morgan Arts and Crafts Group Incorporated at Welfare House, Mount Morgan.

OFFICER'S RECOMMENDATION

THAT

1. Pursuant to Section 236(1)(c)(iii) of the *Local Government Regulation 2012 (Qld)* Council approve Option 1 as identified in the report to renew the Freehold Lease agreement.
2. Council authorises the Chief Executive Officer (Supervisor Business Support) to negotiate the terms and conditions of the agreements in the report in preparation for execution by the delegated officer.

COMMENTARY

Mount Morgan Arts and Crafts Group Incorporated currently hold a Freehold Lease over Welfare House at Mount Morgan (Part Lot 2 on RP613079 Lease A) for the purposes of recreation and/or community activities. Welfare House finished construction on 8 August 1936 and has existed as a community staple for nearly 90 years, with the original purpose to serve the region with proactive activities for miners upon the re-opening of the mine.

Mount Morgan Arts and Crafts have held a lease agreement with various local Councils for over 25 years, keeping the facility active and copacetic. In 2017 Council received \$153k from the Queensland Government's Works for Queensland program, this funding delivered a range of enhancements and maintenance work such as new guttering, veranda floors and full re-paint (both interior and exterior).

Acknowledging the Freehold Lease expired on 31st August 2022, Officers have continued to work with the committee to establish agreeable terms upon renewal. More specifically, the normal terms would impose increased fees and adversely impact their activities and ability to sustain a presence at Welfare House. The current discounted fee previously endorsed by Council directly support their ability to service the Mount Morgan community and limited members numbers.

Subject to Council's approval, Officers present two (2) options for Council to consider:

Option 1 (Officers Recommendation):

- Term: Six (6) years, effective from date of approval
 - Applicable fees and charges will remain unchanged for the term of the renewed Freehold Lease - \$1,472.73 pa
 - Special Conditions:
 - Lessee must provide copies of the following documents on an annual basis:
 - Audited Financial Statements
-

- Constitution
- AGM Minutes
- Player and Member numbers
- Lessee will consider reasonable requests from community and Council to access amenities (ground floor) to support adjacent community facilities (Tennis, Volleyball and Basketball).
- As required/negotiated

Option 2:

- Term: Six (6) years, effective from date of approval
- Applicable fees will be set in accordance with Parks Sports & Recreation adopted fees and charges schedule.
- Special Conditions:
 - Tenants must provide copies of the following documents on an annual basis:
 - Audited Financial Statements
 - Constitution
 - AGM Minutes
 - Player and Member numbers
 - Lessee will consider reasonable requests from community and Council to access amenities (ground floor) to support adjacent community facilities (Tennis, Volleyball and Basketball).
 - As required/negotiated

Officer note: The Mount Morgan Arts and Crafts Group Inc. Committee have advised, intention to renew will likely be withdrawn if Council imposes a fee increase.

BACKGROUND

Committee representatives have requested a commitment from Council to retain a discounted annual fee for their Freehold Lease agreement. Information that influenced or supported this decision has been difficult to attain by Officers as it was applied by Council many years ago.

The groups current rate is \$1,472.73 per annum in comparison to the current standard rate of \$2,060 per annum. Associated fees are set in accordance with a condition that stipulates Rockhampton Regional Council as the owners and maintainer of the asset. The group has expressed their concerns with the potential rising financial cost, as they believe if imposed they will be unable to sustain their activities and be at risk of folding as an incorporated body.

The group are active and utilising the facility up to three (3) days a week for several hours at a time. They have been enthusiastically attempting to locate another community group that can deliver programs using the pottery workshop downstairs in efforts to utilize the facility better, and support financially with fees and charges. The group has also been a strong advocate in supporting the surrounding sports and recreation precinct by offering their downstairs amenities to be unlocked during the days to allow for public access. This is to better support the area given the lack of publicly available amenities within the nearby area.

PREVIOUS DECISIONS

No previous decision relating to this matter.

BUDGET IMPLICATIONSOption 1:

Applied fee reduction equates to a 30% (\$3,521) discount over the life of the Lease.

Option 2:

Freehold Lease will be subject to an annual fee set by Council's adopted Fees and Charges schedule, no discount applied.

LEGISLATIVE CONTEXT

In accordance with Section 236(1)(c)(iii) of the Local Government Regulation 2012 (Qld) a Council resolution is required to renew a Freehold Lease.

LEGAL IMPLICATIONS

It is proposed that Council will entering into a Freehold Lease with the Tenant will satisfy the requirements of the Land Act 1994(Qld).

STAFFING IMPLICATIONS

Existing resources within Parks and Property and Insurance can adequately manage the required legal documentation.

RISK ASSESSMENT

No risk assessment was completed nor necessary in relation to this matter.

CORPORATE/OPERATIONAL PLAN

The proposal aligns with the following Corporate Plan objectives:

- 2.1 – Our places and spaces enhance the livability and diversity of our communities
- 2.2 – We support our communities through our activities and programs.
- 5.1 – Our Region has Infrastructure that meets current and future needs

CONCLUSION

Officers recommend Council approve the renewal of Freehold Lease identified in the report and that the Chief Executive Officer (Supervisor Business Support) negotiate the terms and conditions in preparation for the consideration and execution by the delegated officer.

10.5 TRANSFER OF MURRAY STREET BUILDING RESERVE LEASE - FROM ROCKHAMPTON KYOKUSHIN KARATE CLUB INC. TO CAPRICORN BOXING CLUB INC

File No: 4193
Attachments: 1. [Murray Street Building - Site Map](#)
Authorising Officer: Alicia Cutler - General Manager Community Services
Author: Jack Barnett - Sports and Recreation Advisor
Justin Bulwinkel - Supervisor Business Support

SUMMARY

Request for change of Lease over 256 Murray Street, Rockhampton City from Rockhampton Kyokushin Karate Club to Capricorn Boxing Club.

OFFICER'S RECOMMENDATION

THAT

1. Council accepts the surrender of the current lease held by Rockhampton Kyokushin Karate Club over 256 Murray Street, Rockhampton City to support the sale of their asset (Murray Street building) to Capricorn Boxing Club Inc;
2. Upon Rockhampton Kyokushin Karate Clubs sale of asset (Murray Street building) to Capricorn Boxing Club, Pursuant to Section 236(1)(c)(iii) of the *Local Government Regulation 2012* (Qld) Council approve a Reserve Lease as identified in the report; and
3. Council authorises the Chief Executive Officer (Sports and Recreation Advisor) to negotiate the terms and conditions of the agreement with Capricorn Boxing Club in preparation for execution by the delegated officer.

COMMENTARY

Rockhampton Kyokushin Karate Club currently hold a Reserve Lease over the land area occupied by the building at 256 Murray Street, Rockhampton City (Part Lot 12 on R26351) expiring 30 June 2026.

Rockhampton Kyokushin Karate Club has communicated with the recently formed committee of Capricorn Boxing Club, providing them with the first option to purchase the building considering their significant member reduction and cessation of the club.

Capricorn Boxing Club requires Council support by way of awarding a Reserve Lease over the land in which the building occupies to support the conditions of the sale.

Ownership and maintenance obligations will reside with Capricorn Boxing Club Inc as the owner of the asset.

BACKGROUND

Capricorn Boxing Club, a newly formed non-for-profit organization, are excited to have the opportunity to deliver boxing classes to a variety of enthusiasts, with the support of several grass-root sporting coaches and mentors. The club has been operating from a private premise but are thrilled at the opportunity to operate from a facility they can establish as a home and build upon to support the community.

Members of their committee have been fundamental within the local boxing community for decades across the region helping to train and mentor many competitors. Since inception, the Capricorn Boxing Club have delivered a range of programs to a diverse range of groups i.e., Cathedral College, Headspace, and other special populations. The following bodies are examples of who these activities could be delivered to more regularly with the added resource of 256 Murray Street:

- Schools

- Sporting and community groups
- Troubled at-risk youths
- The overall community

Capricorn Boxing Club is enthusiastic to offer these classes to the region and continue to improve general fitness along with self-confidence and awareness.

PREVIOUS DECISIONS

There are no previous Council decisions to refer to on this matter.

BUDGET IMPLICATIONS

No financial implications imposed on Council.

All Leases will be subject to annual fees set by Councils 2023/2024 Fees and Charges schedule.

LEGISLATIVE CONTEXT

Section 236(1)(b)(ii) of the *Local Government Regulation 2012 (Qld)* allows a Local Government to renew or enter into a Lease with a community organisation, provided that that Council has decided, by resolution, that the exception applies to the leasing of valuable non-current assets (i.e. land) other than by tender or auction.

LEGAL IMPLICATIONS

It is proposed that Council will enter a Reserve Lease with the Tenant which satisfies the requirements of the Land Act 1994 (Qld).

STAFFING IMPLICATIONS

Existing resources within Park and Property & Insurance can adequately manage the required legal documentation.

RISK ASSESSMENT

No reportable risk associated with this matter.

CORPORATE/OPERATIONAL PLAN

The proposal aligns with the following Corporate Plan objectives:

- 2.1 – Our places and spaces enhance the livability and diversity of our communities
- 2.2 – We support our communities through our activities and programs.
- 5.1 – Our Region has Infrastructure that meets current and future needs

CONCLUSION

It is recommended that Council approve the request for the Reserve Lease identified in the report in support of the Rockhampton Kyokushin Karate Club's sale of asset to Capricorn Boxing Club and that the Chief Executive Officer (Sports and Recreation Advisor) negotiate the terms and conditions in preparation for the consideration and execution by the delegated officer.

**TRANSFER OF MURRAY STREET
BUILDING RESERVE LEASE - FROM
ROCKHAMPTON KYOKUSHIN KARATE
CLUB INC. TO CAPRICORN BOXING
CLUB INC**

Murray Street Building - Site Map

Meeting Date: 16 May 2023

Attachment No: 1



10.6 ROCKHAMPTON REVIVAL FELLOWSHIP INCORPORATED'S REQUEST FOR RESERVE LEASE OF 86 WANDAL ROAD**File No:****Attachments:** 1. 86 Wandal Road Community Hall [↓](#)**Authorising Officer:** Alicia Cutler - General Manager Community Services**Author:** Jack Barnett - Sports and Recreation Advisor
Justin Bulwinkel - Supervisor Business Support

SUMMARY

In accordance with Section 236(1)(b)(ii) of the Local Government Regulation 2012 (Qld) a Council resolution is sought to enter a Reserve Lease with a community organisation over 86 Wandal Road.

OFFICER'S RECOMMENDATION

1. Pursuant to Section 236(1)(c)(iii) of the Local Government Regulation 2012 (Qld) Council approve the request for a Reserve Lease as identified in the report.
2. Council authorises the Chief Executive Officer (Sports and Recreation Advisor) to negotiate the terms and conditions of the agreements with the organisations listed in the report in preparation for execution by the delegated officer.

COMMENTARY

Over the years Queensland Country Women's Association (QCWA) have had tenure agreement over 86 Wandal Road (Lot 336 LN1345) with the Department of Resources (DOR). QCWA has recently surrendered their lease to DOR and offered their long-term tenant, Rockhampton Revival Fellowship Incorporated (RRFI) the opportunity to purchase the community hall.

This surrender of lease presented DOR an opportunity to seek comments from Council on a proposal to transfer of Lot 336 LN1345 to freehold. Officers identified the criticality of the area being a fundamental land area that directly supports the accessibility of the Jardine Park reserve.

Officers' comments initiated an offer to gazette Council as the Trustee that was accepted on 28 March 2023 under the following conditions:

1. The current Trustee (DOR), Queensland Country Women's Association, transfer ownership of the building and improvements to Rockhampton Revival Fellowship Inc.
2. The Purpose of the Reserve is Changed from 'Health' to "Parks and Recreation"
3. DOR are provided with a Council Resolution to enter into a lease with Rockhampton Revival Fellowship Inc.

For DOR to adhere to conditions 1 & 2, it's recommended Council provide a Reserve/Trustee Lease over 86 Wandal Road, Wandal to Rockhampton Revival Fellowship Inc under the following conditions:

- Term: Six (6) years, effective from date of building transfer
- Applicable fees will be set in accordance with Parks Sports & Recreation adopted fees and charges schedule.
- Special Conditions:
 - Tenants must provide copies of the following documents on an annual basis:
 - Audited Financial Statements
 - Constitution

- AGM Minutes
- Player and Member numbers

BACKGROUND

RRFI has been an established group within the region's community for over thirty (30) years and have been actively renting the community hall at 86 Wandal Road for the past seven (7) years.

By purchasing this hall their organisation strengthens and secures their longevity within the region and provides security for their programs. An example of RRFI programs considers local families who financially struggle to manage their welfare. The RRFI organisation then provides these families food packages and occasionally assist with bills & payments.

Once they retain ownership of the hall, they have plans to invest approximately \$100,000 to refurbish the facility.

RRFI have also committed to other organisations/groups that currently rent the hall through QCWA that usage agreements will remain unchanged. Some of the existing groups using this space include:

- Coin club
- Cake making & icing club
- Craft clubs

PREVIOUS DECISIONS

There have been no previous decisions regarding this matter.

BUDGET IMPLICATIONS

No financial implications imposed on Council.

All Leases will be subject to annual fees set by Council's 2023/2024 Fees and Charges schedule.

LEGISLATIVE CONTEXT

In accordance with Section 236(1)(c)(iii) of the Local Government Regulation 2012 (Qld) a Council resolution is required to issue a Reserve Lease.

LEGAL IMPLICATIONS

It is proposed that Council will enter into a Reserve Lease with the Tenant which satisfies the requirements of the *Land Act 1994(Qld)*.

STAFFING IMPLICATIONS

Existing resources within Parks and Property and Insurance can adequately manage the required legal documentation.

RISK ASSESSMENT

There is no reportable risk imposed on Council.

CORPORATE/OPERATIONAL PLAN

The proposal aligns with the following Corporate Plan objectives:

- 2.1 – Our places and spaces enhance the livability and diversity of our communities
- 2.2 – We support our communities through our activities and programs.
- 5.1 – Our Region has Infrastructure that meets current and future needs

CONCLUSION

It is recommended that Council approve the Reserve Lease and support the Chief Executive Officer (Sports and Recreation Advisor) to negotiate the terms and conditions of each in preparation for consideration and execution by the delegated officer.

**ROCKHAMPTON REVIVAL
FELLOWSHIP INCORPORATED'S
REQUEST FOR RESERVE LEASE OF
86 WANDAL ROAD**

86 Wandal Road Community Hall

Meeting Date: 16 May 2023

Attachment No: 1

86 Wandal Road



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11 NOTICES OF MOTION

Nil

12 QUESTIONS ON NOTICE

Nil

13 URGENT BUSINESS/QUESTIONS

Urgent Business is a provision in the Agenda for members to raise questions or matters of a genuinely urgent or emergent nature, that are not a change to Council Policy and can not be delayed until the next scheduled Council or Committee Meeting.

14 CLOSURE OF MEETING