

# *Cherbourg Aboriginal Shire Council*



## *Working Papers For Council Meeting*

*Held On  
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# Cherbourg Aboriginal Shire Council Local Law No. 2 (Animal Management) 2021

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## Part 1 Preliminary

### 1 Short title

This local law may be cited as *Local Law No. 2 (Animal Management) 2021*.

### 2 Purpose

- (1) The purpose of this subordinate local law is to supplement *Local Law No. 2 (Animal Management) 2021*, which regulates the keeping and control of animals within the local government area.
- (2) The purpose is achieved by providing for –
  - (a) The circumstances in which the keeping of animals is prohibited or requires approval; and
  - (b) The requirements for keeping animals, including minimum standards, mandatory desexing, proper enclosures and identification; and
  - (c) The control of animals in public places; and
  - (d) Matters regarding the impounding of animals and the sale or disposal of impounded animals; and
  - (e) The conditions to be complied with by persons who offer animals, or a particular species of animals, for sale; and
  - (f) The declaration of a species of animal as a declared dangerous animal and the criteria for declaration of a specific animal as a declared dangerous animal.

### 3 Definitions—the dictionary

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

### 4 Relationship with other laws<sup>1</sup>

- (1) This local law is—
  - (a) in addition to, and does not derogate from—
    - (i) laws regulating the use or development of land; and
    - (ii) other laws about the keeping, control or welfare of animals; and
  - (b) to be read with *Local Law No. 1 (Administration) 2021*.

## Part 2 Keeping of animals

### Division 1 Prohibition on keeping animals

#### 5 Prohibition on keeping animals in prescribed circumstances

- (1) The local government may, by subordinate local law, prohibit the keeping of animals in prescribed circumstances.
- (2) The circumstances in which the keeping of animals is prohibited may be specified by reference to 1 or more of the following factors—

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

restricted dog.<sup>6</sup>

## **Division 3            Animals for which desexing is required**

### **7        Requirement to desex an animal**

- (1) The local government may, by subordinate local law, require an animal of a particular species or breed to be desexed.
- (2) The subordinate local law may—
  - (a) specify when the requirement for desexing applies; and
  - (b) exempt animals under particular circumstances.

*Example for paragraph (b)—*

Exemption might be provided for an animal that is owned by a member of a recognised breeders' association for the purposes of breeding or showing.

- (3) A person must not keep an animal that is required to be desexed unless the animal has been desexed.

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

## **Division 4            Minimum standards**

### **8        Minimum standards for keeping animals**

- (1) The local government may, by subordinate local law, specify minimum standards for the keeping of animals or a particular species or breed of animal.
- (2) A person who keeps an animal must ensure that the relevant minimum standards prescribed by a subordinate local law are complied with.<sup>7</sup>

Maximum penalty for subsection (2)—20 penalty units.

- (3) If a person is required to hold an approval to keep an animal, the obligation to comply with the minimum standards prescribed by a subordinate local law is in addition to an obligation imposed by a condition of the approval.

## **Division 5            Identification of registered dogs**

### **9        Identification for dogs in certain circumstances**

The local government may, by subordinate local law, prescribe the identification required by the *Animal Management (Cats and Dogs) Act 2008* for a dog that is at a place other than the address stated in the registration notice for the dog.<sup>8</sup>

## **Part 3    Control of animals**

### **Division 1            Animals in public places**

<sup>6</sup> Section 71 of the *Animal Management (Cats and Dogs) Act 2008* requires a permit issued by the local government for a person to own or be responsible for a restricted dog. The processes for the granting of restricted dog permits are set out under chapter 4, part 3 of that Act.

<sup>7</sup> See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, sections 4 to 5, regarding the requirements about enclosures for declared dangerous dogs, declared menacing dogs and restricted dogs.

<sup>8</sup> Section 45 of the *Animal Management (Cats and Dogs) Act 2008* requires a person who keeps a cat or dog at a place other than the address in the registration notice to ensure it bears the identification prescribed by the local government under a local law.



- (i) is holding it by an appropriate leash, halter or rein;
  - (ii) has appropriately tethered it to an object fixed to a place from which the object cannot be moved by the animal and is continuously supervising the animal;
  - (iii) has corralled it in a temporary enclosure adequate to contain the animal and is continuously supervising the animal;
- (b) the animal is tethered in or on a vehicle and unable to reach beyond the vehicle extremities; or
- (c) the animal is a dog in a dog off-leash area and under the supervision of a person who is able to control the animal by voice command; or
- (d) the animal is participating in, or being exhibited or trained at, an exhibition or an obedience trial supervised by a body recognised for this section by the local government; or
- (e) the animal is a working animal actually engaged in moving livestock and under the supervision of a person who is able to control the animal by voice command.

### 13 Person in control of prescribed animal to clean up faeces

If an animal prescribed by subordinate local law defecates in a public place, the person who has control of the animal must immediately remove and dispose of the faeces in a sanitary way.

Maximum penalty—20 penalty units.

## Division 2 Restraint of animals

### 14 Duty to provide proper enclosure and prevent animal from wandering

- (1) The owner and responsible person for an animal must ensure a proper enclosure is maintained to prevent the animal from wandering or escaping from the person's land.<sup>11</sup>

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

- (2) The local government may, by subordinate local law, prescribe requirements for a proper enclosure for an animal or species or breed of animal.
- (3) The owner and responsible person for an animal must ensure that it is not wandering at large.<sup>12</sup>

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

- (4) It is a defence to a prosecution for an offence against subsection (3) for the defendant to prove that—
- (a) the defendant maintained a proper enclosure for the animal and could not, by the exercise of reasonable diligence, have prevented the escape of the animal; or
  - (b) the animal was wandering at large in circumstances authorised by the conditions of an approval granted under a local law.

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<sup>11</sup> See also *Animal Management (Cats and Dogs) Act 2008*, schedule 1, sections 4 to 5, regarding the requirements about enclosures for declared dangerous dogs, declared menacing dogs and restricted dogs. <sup>12</sup> See the definition of *wandering at large* in the Schedule 1.

It is a defence to a prosecution for an offence against section 16 for the defendant to prove that the animal attacked, or acted in a way that caused fear to, the person or other animal—

- (a) as a result of the animal being attacked, mistreated, teased, or provoked by the person or other animal, including a dog; or
- (b) to protect the responsible person, or a person accompanying the responsible person (the *accompanying person*), or the responsible person's or accompanying person's property.

## **Division 4 Dangerous animals other than dogs<sup>14</sup>**

### **18 Declaration of dangerous animal other than a dog**

- (1) A local government may, by subordinate local law, specify criteria for an authorised person to declare an animal other than a dog to be a declared dangerous animal.
- (2) An authorised person may declare an animal other than a dog to be a declared dangerous animal if the animal meets the criteria prescribed by subordinate local law.
- (3) A declaration under subsection (2) takes effect at the time the local government gives the responsible person for the animal an information notice<sup>15</sup> about the declaration.

### **19 Power to require responsible person for declared dangerous animal to take specified action**

An authorised person may, by giving a compliance notice,<sup>16</sup> require the responsible person for a declared dangerous animal to take specified action—

- (a) to warn persons who enter land on which the animal is kept of the presence of a declared dangerous animal on the land; and
- (b) to ensure that the animal remains in secure custody and is unable to attack or cause fear to persons or other animals or cause damage to another person's property.

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

### **Division 1 Seizure of animals**

#### **20 Seizure of animals**

- (1) An authorised person may seize<sup>17</sup> an animal, other than a dog,<sup>18</sup> in the following circumstances—
  - (a) the animal is found wandering at large; or
  - (b) the responsible person for the animal has not complied with a compliance notice that has been issued in relation to compliance with this local law; or

<sup>14</sup> Dangerous dogs are dealt with in the *Animal Management (Cats and Dogs) Act 2008*.

<sup>15</sup> See the definition of *information notice* in *Local Law No.1 (Administration) 2021*, schedule 1.

<sup>16</sup> See *Local Law No.1 (Administration) 2021*, section 22 regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

<sup>17</sup> See the *Local Government Act 2009*, chapter 5, part 2, division 1 in relation to authorised persons' enforcement powers, including entry to land.

<sup>18</sup> See the *Animal Management (Cats and Dogs) Act 2008*, section 125, for seizure of a dog.

- (1) This section applies where—
  - (a) an animal has been seized under section 20(1)(a) or section 20(2)(a); and
  - (b) the authorised person who seizes the animal knows, or can readily find out, the name and address of the owner or responsible person for the animal.
- (2) The authorised person may return the animal to the owner or responsible person.

## 23 Impounding of seized animal

An authorised person who seizes an animal under this local law or another law may impound the animal at a place of care for animals operated by the local government.

*Example—*

An animal pound.

## 24 What is a notice of impounding

- (1) A **notice of impounding** means a written notice, given to the owner or responsible person for an animal, stating that—
  - (a) the animal has been impounded; and
  - (b) the animal may be reclaimed within the prescribed period provided that—
    - (i) the cost-recovery fee is paid; and
    - (ii) if an approval or registration is required for the keeping of the animal and the owner or responsible person does not have the approval or registration— the approval or registration is obtained; and
    - (iii) if the animal has been seized under section 20(1)(b) or 20(2)(b)— the owner or responsible person has complied with the relevant compliance notice; and
    - (iv) continued retention of the animal is not needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; and
    - (v) no destruction order has been made for the animal.
- (2) In this section—

**relevant compliance notice** means the compliance notice mentioned in section 20(1)(b) or 20(2)(b).

## 25 Dealing with animal seized and impounded for wandering at large

- (1) Subsection (2) applies where—
  - (a) an authorised person has impounded an animal seized under section 20(1)(a) or 20(2)(a); and
  - (b) the animal was not a declared dangerous animal at the time of being seized; and
  - (c) the authorised person knows, or can readily find out, the name and address of the owner or responsible person for the animal.
- (2) The authorised person must give the owner or responsible person a notice of impounding.
- (3) Subsection (4) applies where—

- (d) if the responsible person has not complied with a current compliance notice that has been issued in relation to compliance with this local law—complies with the compliance notice.
- (3) However, the animal may not be reclaimed by an owner or responsible person if—
  - (a) continued retention of the animal is needed as evidence for a proceeding or proposed proceeding for an offence involving the animal; or
  - (b) a destruction order has been made for the animal.
- (4) The animal may be reclaimed by an owner or responsible person for the animal if an event as follows happens—
  - (a) if subsection (3)(a) applies—
    - (i) an authorised person advises the owner or responsible person that the animal's continued retention as evidence is no longer required; and
    - (ii) the owner or responsible person has satisfied subsection (2)(b)-(d);
  - (b) if subsection (3)(b) applies—
    - (i) an application for a review or an appeal is made relating to the destruction order and, as a result of the review or appeal, the order is no longer in force; and
    - (ii) the owner or responsible person has satisfied subsection (2)(b)-(d).

## **Division 4                      Destruction of animal following notice**

### **29    Destruction orders**

- (1) An authorised person may make an order (a *destruction order*) stating the person proposes to destroy an animal 14 days after the order is served.
- (2) A destruction order may only be made in 1 or more of the following circumstances—
  - (a) the animal has attacked, threatened to attack, or acted in a way that causes fear to, a person or another animal; or
  - (b) the animal is a declared dangerous animal and was found wandering at large; or
  - (c) the animal has been seized more than 3 times during a 12 month period.
- (3) The destruction order must—
  - (a) be served on a person who owns, or is a responsible person for, the animal; and
  - (b) include or be accompanied by an information notice.<sup>22</sup>
- (4) If a destruction order is made for the animal, the person may destroy the animal 14 days after the order is served if no review application has been made relating to the decision to make the order.
- (5) If an application for review has been made relating to the decision to make the order, the person may destroy the animal if—

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<sup>22</sup> See note 17.

- (1) The local government may—
  - (a) offer the animal for sale by public auction or by tender; or
  - (b) if the animal is an animal mentioned in section 26(2)(b) or is of a species, breed or class specified by subordinate local law for this paragraph—
    - (i) sell the animal by private agreement; or
    - (ii) dispose of the animal in some other way without destroying it; or
    - (iii) destroy the animal.

*Example for paragraph (b)—*

The subordinate local law might specify dogs, cats and other small domestic animals, for which a public auction or tender might not be practicable.

- (2) An animal may only be sold or disposed of under subsection (1) if the local government is satisfied that this will not result in the animal being kept in contravention of the requirements of this local law.

*Examples—*

- A pig that has been seized because it is being kept in an urban area in contravention of a prohibition under a subordinate local law could be sold to a person outside the urban area but not to another person in an urban area.
  - An animal that a subordinate local law has prohibited in any part of the local government area could not be sold to a person who resides within the local government area.
  - A declared dangerous animal could only be sold to a person who has complied with any specified requirements for keeping such an animal.
- (3) If an animal is to be offered for sale at a public auction under this section, notice of the time and place of the auction must be exhibited at the local government's public office for at least 2 days before the date of the auction.
  - (4) An amount realised on sale of an impounded animal must be applied—
    - (a) in accordance with section 38A of the Act if section 38A applies to the disposal of the animal; or
    - (b) if subsection (a) does not apply—
      - (i) first, towards the costs of the sale; and
      - (ii) second, towards the cost-recovery fee for impounding; and
      - (iii) third, in payment of the remainder to the former owner of the animal, unless the owner had surrendered the animal to the local government.
  - (5) If no person establishes a valid claim to the amount to which the former owner is entitled under subsection (4)(b)(iii) within 1 year of the date of the sale, the amount becomes the property of the local government.
  - (6) If an animal that is offered for sale by public auction or tender is not sold through the auction or tender process, the local government may dispose of the animal as it considers appropriate.

*Examples—*

- The local government may give the animal away.
- The local government may have the animal destroyed.

## Division 6

## Other impounding matters

## **Part 5 Appeals against destruction orders**

### **35 Who may appeal**

An owner or responsible person for an animal the subject of a destruction order may appeal to the Magistrates Court against the decision to make the destruction order.

### **36 Starting appeal**

- (1) An appeal must not be started unless a review of the decision to make the destruction order has been finally decided or otherwise ended.
- (2) An appeal is started by—
  - (a) filing notice of appeal with the Magistrates Court; and
  - (b) serving a copy of the notice of appeal on the local government; and
  - (c) complying with rules of court applicable to the appeal.
- (3) The notice of appeal must be filed within 14 days after the appellant is given notice by the local government about the finalisation of the review of the decision to make a destruction order.
- (4) However, the court may, at any time, extend the time for filing the notice of appeal.
- (5) The notice of appeal must state fully the grounds of the appeal and the facts relied on.

### **37 Stay of destruction order**

Upon filing the notice of appeal, the destruction order is stayed until the court decides the appeal.

### **38 Hearing procedures**

- (1) In deciding an appeal, the Magistrates Court—
  - (a) has the same powers as the local government; and
  - (b) is not bound by the rules of evidence; and
  - (c) must comply with natural justice.
- (2) An appeal is by way of rehearing, unaffected by the decision appealed against.

### **39 Court's powers on appeal**

- (1) In deciding an appeal, the Magistrates Court may—
  - (a) confirm the decision appealed against; or
  - (b) set aside the decision and substitute another decision; or
  - (c) set aside the decision and return the matter to the local government with directions the court considers appropriate.
- (2) If the court substitutes another decision, the substituted decision is, for the purposes of this local law, other than this part, taken to be the decision of the local government.
- (3) An order for the costs of an appeal may only be made against the local government if the court is satisfied that the animal was unlawfully seized or there was no reasonable basis for making the decision subject to the appeal.

- (k) the species, breed or class of animal that may be disposed of other than by public auction or tender;<sup>33</sup> or
- (l) the office at which the register of impounded animals is available for public inspection;<sup>34</sup> or
- (m) the conditions to be complied with by persons who offer animals, or a particular species of animal, for sale;<sup>35</sup> or
- (n) the exclusion of animals of a particular species from the application of this local law;<sup>36</sup> or
- (o) the declaration of a species of animal as a declared dangerous animal;<sup>37</sup> or
- (p) the period within which an impounded animal may be reclaimed.<sup>38</sup>

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<sup>33</sup> See section 31(1)(b).

<sup>34</sup> See section 32(3).

<sup>35</sup> See section 41(1).

<sup>36</sup> See the definition of *animal* in the schedule 1.

<sup>37</sup> See the definition of *declared dangerous animal* in the schedule 1.

<sup>38</sup> See the definition of *prescribed period* in the schedule 1.

the animal in a registry kept by a local government.

**responsible person**, for an animal, means—

- (a) the person, or the person's employee acting within the scope of the employment, who has immediate control or custody of the animal; or
- (b) the parent or guardian of a minor who has immediate control or custody of the animal; or
- (c) the person who occupies the place at which the animal is usually kept,

but does not include—

- (a) a person who occupies the place at which the animal is usually kept, if someone else who is an adult and lives at the place keeps the animal; or
- (b) a person who has the control or custody of or keeps the animal as an employee of someone else, if the person is acting within the scope of the employment.

**restricted dog** see *Animal Management (Cats and Dogs) Act 2008*, section 63.

**State planning instrument** has the meaning given to that term in the Planning Act 2016

**the Act** means the *Local Government Act 2009*.

**wandering at large** means—

- (a) the animal is not under the effective control of someone; and
- (b) the animal is in either—
  - (i) a public place; or
  - (ii) a private place without the consent of the occupier.



# **Cherbourg Aboriginal Shire Council Subordinate Local Law No. 2 (Animal Management) 2021**

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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) 2021*.

### 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) 2021*, which regulates the keeping and control of animals within the local government area.
- (2) The purpose is achieved by providing for –
  - (a) The circumstances in which the keeping of animals is prohibited or requires approval; and
  - (b) The requirements for keeping animals, including minimum standards, mandatory desexing, proper enclosures and identification; and
  - (c) The control of animals in public places; and
  - (d) Matters regarding the impounding of animals and the sale or disposal of impounded animals; and
  - (e) The conditions to be complied with by persons who offer animals, or a particular species of animals, for sale; and
  - (f) The declaration of a species of animal as a declared dangerous animal and the criteria for declaration of a specific animal as a declared dangerous animal.

### 3 Authorising local law

The making of the provisions in this subordinate local law is authorised by *Local Law No. 2 (Animal Management) 2021* (the **authorising local law**).

### 4 Definitions

- (1) Particular words used in this subordinate local law have—
  - (a) the same meaning as provided for in the authorising local law; or
  - (b) the definition in the dictionary in Schedule 1.

## 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 2 is prohibited in the circumstances described in column 2 of Schedule 2.

### 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 3 requires approval in the circumstances described in column 2 of schedule 3.

## Part 4 Seizure, impounding or destruction of animals

### 15 Animals that may be disposed of without auction or tender—Authorising local law, s 31(1)(b)

For section 31(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—

All animals.

### 16 Register of impounded animals—Authorising local law, s 32(3)

For section 32(3) of the authorising local law, the register of impounded animals will be kept at Cherbourg Aboriginal Shire Council, 22 Barambah Avenue, Cherbourg, Queensland.

## 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

### 17 Conditions regarding sale of animals—Authorising local law, s 41(1)

For the purposes of section 41(1) of the authorising local law, persons who offer for sale an animal of a species or breed mentioned in column 1 of schedule 11 must comply with the conditions set out in column 2 of schedule 11.

## Part 7 Dictionary

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

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

*This section has been intentionally left blank.*

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

For the purposes of the definition of “*declared dangerous animal*” in the schedule to the authorising local law, an animal of the following species is a declared dangerous animal—

*This section has been intentionally left blank.*

### 20 Prescribed period for reclaiming animals—Authorising local law, schedule

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

3 business days.

## Schedule 2 Prohibition on keeping animals

### Section 5

Paragraph	Column Animal	Column Circumstances in which keeping of animal or animals is prohibited
1.	Any animal	<ol style="list-style-type: none"> <li>Keeping an animal where the owner or responsible person for the animal has committed more than two offences against the authorising local law in any 12 month period in relation to the same species of animal.</li> <li>Keeping an animal on land if the animal makes a noise that constitutes a nuisance ("animal noise nuisance") in the reasonable opinion of an authorised person. An animal causes an animal noise nuisance if it makes a noise which— <ol style="list-style-type: none"> <li>occurs more than once; and</li> <li>disrupts or inhibits the reasonable enjoyment of an activity ordinarily carried out on adjoining or nearby residential premises.</li> </ol> <p><i>Example—</i></p> <p>The barking of a dog which disrupts a person—</p> <ul style="list-style-type: none"> <li>holding a conversation; or</li> <li>watching television; or</li> <li>listening to a radio or recorded material; or</li> <li>sleeping.</li> </ul> </li> </ol>
2.	Bees	<ol style="list-style-type: none"> <li>In the designated town area.</li> <li>Outside the designated town area, more than 1 hive.</li> </ol>
3.	Caged birds (budgerigar, canary, finch, lovebirds, parrots and	More than 5 birds.
4.	Cat	More than 2 cats over the age of 12 weeks.
5.	Cockatoo, galah, corella, cockatiel and the like	<ol style="list-style-type: none"> <li>In the designated town area.</li> <li>Outside the designated town area, more than 2 birds.</li> </ol>

## Schedule 3 Requirement for approval to keep animal

### Section 6

	<b>Column 1</b> <b>Species or breed</b> <b>of animal</b>	<b>Column 2</b> <b>Circumstances in which keeping of animal or animals requires</b> <b>approval<sup>1</sup></b>
	All animals	Where Schedule 2 prohibits animals over a certain number to be kept: animals in excess of that number.

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<sup>1</sup> See *Local Law No.1 (Administration) 2021* and *Subordinate Local Law No.1 (Administration) 2021* in relation to the requirements and processes for approvals (e.g. form of application for approval, documents and materials that must accompany applications, criteria for granting approval, conditions that must be imposed on approvals, conditions that will ordinarily be imposed on approvals, term of approval, third party certification of applications).

## **Schedule 5      Minimum standards for keeping animals generally**

### **Section 8(1)**

- (1) Waste waters from enclosures must be drained in a nuisance free manner or as otherwise directed by an authorised person so that run-off is kept off adjoining land.
- (2) Excreta, food scraps, and other material that is, or is likely to become, offensive must be collected at least once in each day and, if not immediately disposed of, be kept in a fly proof container of a kind approved by an authorised person.
- (3) Any enclosure in which the animal is kept must be in a clean and sanitary condition and free from dust and odour.
- (4) Any enclosure in which the animal is kept must be properly maintained in an aesthetically acceptable condition.
- (5) All reasonable steps must be taken to prevent the animals from making a noise or disturbance that causes a nuisance or disturbance to the occupiers of other land or premises.
- (6) The area available to the animal kept on the premises must be appropriately sized so that the animal can be effectively and comfortably kept.
- (7) Any animal food must be stored in an impervious fly proof and vermin proof receptacle or in an impervious fly proof and vermin proof storeroom facility and the receptacle or storeroom facility, as the case may be, must be maintained to the satisfaction of an authorised person.
- (8) All animals kept on the premises must be provided with and have access to adequate shelter, drinking water and appropriate food.
- (9) Any enclosure used for the purpose of keeping an animal must be thoroughly cleaned each week and effectively treated with an insecticide at least twice a year.
- (10) All reasonable directions given by an authorised person to ensure that the keeping of the animal does not result in nuisance to occupiers of other land or premises, must be complied with.
- (11) Any dead animals must be immediately disposed of by the owner or responsible person for the animal so as not to cause a nuisance. The remains must not be disposed of on or in a public place.

## Schedule 7 Prohibition of animals in public places

### Section 10

	<b>Column 1 Public place</b>	<b>Column 2 Species or breed of animals prohibited</b>
1.	All local government controlled areas	<p>All animals with the following exceptions—</p> <ol style="list-style-type: none"><li>1. Dog/s under effective control, except not in or within 15 metres of a designated children's playground, any playground equipment, barbeque, shelter or picnic table; or</li><li>2. Animals training for or participating in an organised event and where approval has been granted by the local government or an authorised person.</li></ol>

## Schedule 9 Requirements for proper enclosures for animals

### Section 13

	Column 1 Species or breed of animal	Column 2 Requirements for proper enclosures
1.	All animals	<ol style="list-style-type: none"> <li>1. The enclosure must, to the reasonable satisfaction of an authorised person—               <ol style="list-style-type: none"> <li>(a) must be suitably fenced to contain the animal; and</li> <li>(b) must be of a size appropriate to the species and breed of the animal to be enclosed; and</li> <li>(c) may be constructed such that parts of a building or structure can form part of the enclosure in lieu of fencing, provided the building or structure does not have openings through which the animal can escape; and</li> <li>(d) must contain adequate shelter for all animals kept in the enclosure.</li> </ol> </li> <li>2. The enclosure's gates must be closed and latched except when in actual immediate use.</li> <li>3. For the purpose of paragraph 1, "suitably fenced" means a fence constructed of strong materials and designed in such a way to prevent the animal from—               <ol style="list-style-type: none"> <li>(a) escaping over, under, through or around the fence; and</li> <li>(b) protruding over, under, through or around the fence; and</li> <li>(c) threatening to attack a person or animal over, under, through or around the fence; and</li> <li>(d) attacking a person or animal over, under, through or around the fence</li> </ol> </li> <li>4. Keeping an animal on a leash does not constitute a proper enclosure.</li> </ol>
2.	Caged birds (budgerigar, canary, finch, lovebirds, parrots and the like)	<p>The cages/enclosures must—</p> <ol style="list-style-type: none"> <li>(a) not be sited closer than 2 metres from the property boundaries; and</li> <li>(b) not, in combination with all buildings on site, exceed 50% of the area of the allotment; and</li> <li>(c) be located at the rear of the premises behind the residence (if any) situated on the premises.</li> </ol>
3.	Cockatoo, galah, corella and cockatiel and the like	<p>The cages/enclosures must—</p> <ol style="list-style-type: none"> <li>(a) not be sited within 25 metres of any residence on adjoining premises; and</li> </ol>



## **Schedule 10     Criteria for declared dangerous animals**

### Section 14

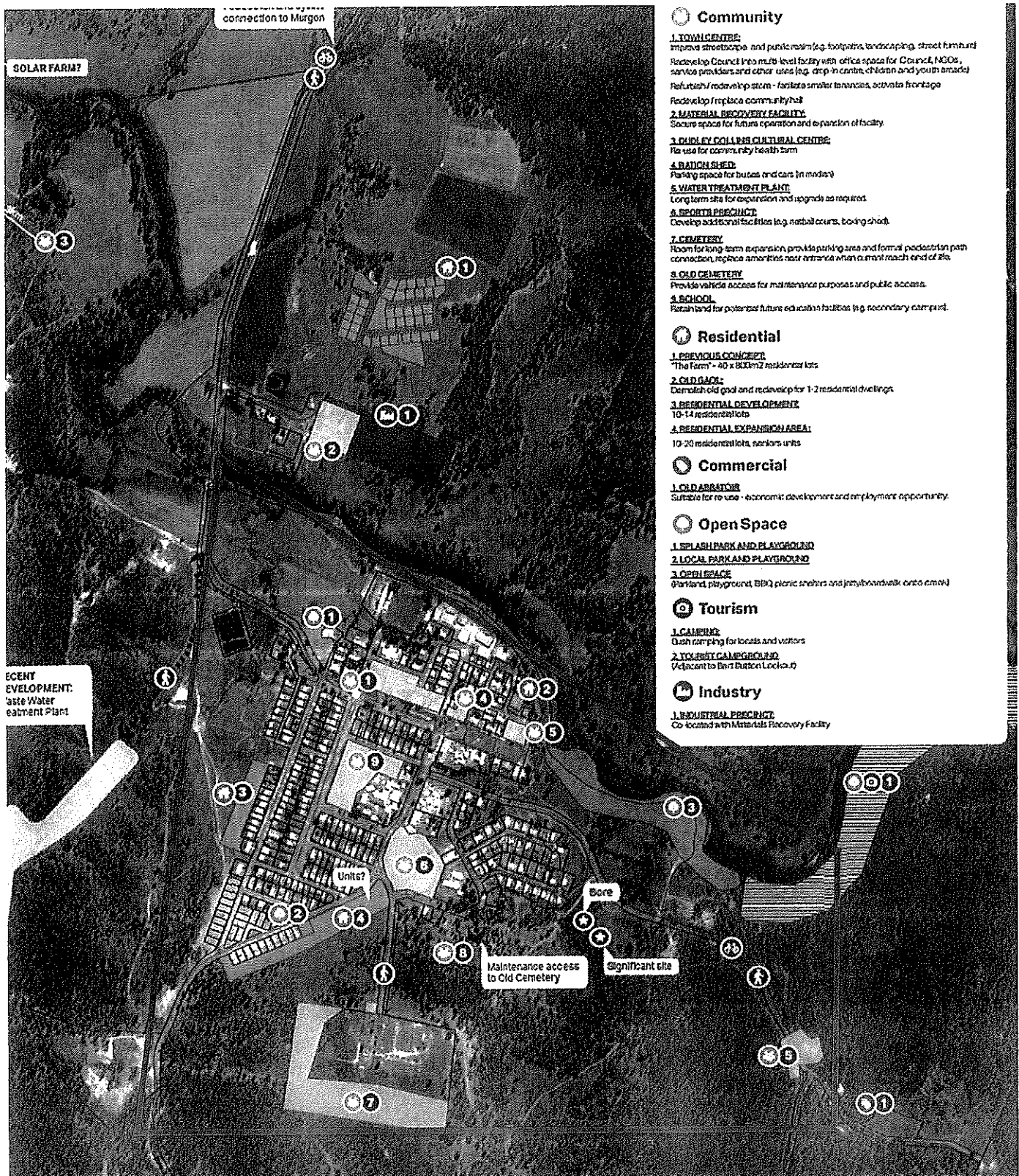
The following criteria will be considered prior to the declaration of an animal, other than a dog, being declared dangerous—

- whether the animal has attacked a person;
- whether the animal has attacked another animal;
- whether the animal has caused fear of attack in a person;
- whether the animal has exhibited behaviour that, in the reasonable opinion of an authorised person, gives rise to concern that it is likely to either attack a person or animal or cause fear to a person.

## Schedule 12 Designated town area

### Section 18

The designated town area is outlined in red on the map.



## Schedule 1 Dictionary

### Section 3

***allotment*** means an individual parcel or piece of land.

***animal*** means an organism (other than a human being) that is not a plant and includes eggs and semen.

***compliance notice*** means a compliance notice mentioned in *Local Law No.1 (Administration) 2021*, section 27.

***declared local pest*** means a plant or animal declared to be a pest under section 6 or 7.

***plant*** means vegetation of any type, including its flowers, roots, seeds and other parts.

***reasonable written notice*** means a written notice given at least 7 days before a property is to be entered, that informs the owner and the occupier of the property of—

- (a) the local government's intention to enter the property; and
- (b) the reason for entering the property; and
- (c) the days and times when the property is to be entered.

***responsible person*** means the person who has control or management of the place and includes an owner or lessee of the premises.

***the Act*** means the *Local Government Act 2009*.

- (1) The local government may, by subordinate local law, prescribe requirements that must be met by responsible persons relating to specified types of community safety hazards located on the owner's land.

*Example of prescribed requirements—*

- A requirement to place signs on electric fences or barbed wire fences adjoining public land to warn persons of the risk of injury.
  - A requirement to install and maintain an electric fence in accordance with appropriate standards.
- (2) A responsible person must comply with requirements prescribed under this section.
- Maximum penalty for subsection (2)—50 penalty units.

## Part 6 Noise standards

### 21 Prescribed noise standards

- (1) This section applies if the local government is the administering authority for the *Environmental Protection Act 1994*, chapter 8, part 3B.<sup>11</sup>
- (2) The local government may, by subordinate local law, prescribe a noise standard in the whole, or designated parts, of the local government's area by—
  - (a) prohibiting the making of a stated noise (for example, by reference to the activity making the noise and the time at which the noise is made);<sup>12</sup> and
  - (b) stating the section, in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3, for which the subordinate local law provision is prescribing a noise standard.<sup>13</sup>

## Part 7 Liability for Party Houses

### 22 Owner's liability for party houses

- (1) For the purpose of this section, the following words have the following meanings:
 

*owner* means the person who:

  - (a) for the time being, is entitled to receive the rent for the residential property or would be entitled to receive the rent for the residential property if it were let to tenant at a rent; and
  - (b) includes a tenant of the residential property, if the tenant has a right of exclusive occupation of the property under a lease.

*residential property* means a property of a type that would ordinarily be used, or intended to be used, as a place of residence or mainly as a place of residence.

<sup>11</sup> See the *Environmental Protection Act 1994*, section 514, for the making of a regulation to devolve the administration and enforcement of parts of the Act to local governments as the administering authority. The *Environmental Protection Regulation 2008*, section 99, devolves the administration and enforcement of noise standards to local governments. Section 109 of the Regulation declares local government authorised persons to be authorised persons under the *Environmental Protection Act 1994*, section 445(1)(c). Chapter 9 of that Act provides for the investigation and enforcement powers of authorised persons.

<sup>12</sup> See, however, *Local Law No.1 (Administration) 2021*, section 10(4)(a), regarding conditions of approvals that may authorise an act or omission that contravenes a noise standard.

<sup>13</sup> Section 440O(3) provides that a local law that prescribes a noise standard replaces the nominated default noise standard in the *Environmental Protection Act 1994*, chapter 8, part 3B, division 3.

open, unless 1 or more of the following conditions is met—

- the fire is contained in an approved incinerator;
- the fire is established in a specified way and specified precautions are taken to prevent the spread of fire;
- the fire is lit and extinguished within a specified time.

- (3) A person must comply with a prohibition or restriction imposed under this section.

Maximum penalty for subsection (3)—50 penalty units.

- (4) A person must not light or maintain a fire if the fire exposes property to the risk of damage or destruction by fire.

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

- (5) However, a person does not commit an offence under subsection (3) or (4) if the person is authorised or required to light or maintain the fire in the performance of duties under another Act.

## 16 Fire hazards

- (1) This section applies where an authorised person forms the opinion that a fire hazard exists on an allotment.

- (2) The authorised person may, by compliance notice<sup>8</sup> given to the responsible person for the allotment, require the responsible person to take specified action to reduce or remove the fire hazard.<sup>9</sup>

- (3) In this section—

*fire hazard* means—

- (a) anything that, because of its flammable nature, its position or its quantity, exposes property to significant risk of damage or destruction by fire; or
- (b) a thing that is declared to be a fire hazard under a subordinate local law for this paragraph.

*Examples of fire hazards for paragraph (a)—*

- Live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of cinders or ash.
- A substantial accumulation of grass clippings that is liable to spontaneous combustion.
- Dry vegetation that could be easily ignited or other flammable materials.

## Part 5 Community safety hazards

### 17 What is a community safety hazard

A *community safety hazard* is—

- (a) a fence or structure on land that, because of its nature or its position, poses a significant risk of causing injury to a person or damage to property; or
- (b) objects or materials on land that are likely to become airborne in periods of

<sup>8</sup> See *Local Law No.1 (Administration) 2021*, section 27, regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

<sup>9</sup> See also the *Fire and Rescue Service Act 1990*, section 69, under which the Fire Services Commissioner can publish a general notification in the gazette requiring occupiers of land to take measures to reduce the risk of fire occurring or the risk to persons, property or environment in the event of fire occurring.

## Division 4 Prohibition of sale and propagation

### 11 Prohibition on sale

A person must not—

- (a) sell or supply a declared local pest; or
- (b) offer or display a declared local pest for sale or supply.

Maximum penalty—50 penalty units.

### 12 Prohibition on introducing, propagating etc a declared local pest

(1) A person must not—

- (a) introduce, propagate or breed a declared local pest; or
- (b) provide harbour to a declared local pest.

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

(2) However, subsection (1) does not apply to a person who has been prescribed under a subordinate local law for this subsection as exempt from the offence in subsection (1) in relation to a specified pest.

*Example of persons that might be exempted from subsection (1) in relation to specified pests—*

- Staff of research organisations such as universities or the CSIRO who require a particular pest for research purposes.
- An employee of a circus using a particular pest to provide entertainment to the public.
- Staff of an organisation using a particular pest as part of an education program.
- An employee of a zoo that keeps a particular pest.

(3) In this section—

*introduce* means to introduce, or cause to introduce, into the local government's area.

## Part 3 Overgrown and unsightly allotments

### 13 Overgrown allotments

(1) This section applies where an authorised person forms the opinion that an allotment is overgrown with vegetation to such an extent that it—

- (a) has seriously affected the visual amenity of the allotment; or
- (b) is likely to attract or harbour reptiles.

(2) The authorised person may, by compliance notice<sup>3</sup> given to the responsible person for the allotment, require the responsible person to clear the vegetation to an extent specified in the notice.

(3) However, the notice cannot prevent a use of land authorised under the Planning Act<sup>4</sup> or the *Environmental Protection Act 1994*.

(4) In this section—

<sup>3</sup> See *Local Law No.1 (Administration) 2021*, section 27, regarding the requirements for compliance notices and the offence for not complying with a compliance notice.

<sup>4</sup> See definition of Planning Act in the Act, schedule 4.

## Division 2 Declaration of local pests

### 6 Declaration of local pests

- (1) The local government may, by subordinate local law, declare an animal or plant of a specified species to be a local pest.
- (2) Before the local government makes a declaration under this section, it must consult with the chief executive about the desirability of the declaration.
- (3) A declaration under this section—
  - (a) must be published in a newspaper circulating generally in the local government's area; and
  - (b) comes into force on the date of publication.
- (4) In this section—

*chief executive* means the chief executive of the department in which the *Biosecurity Act 2014* is administered.

### 7 Emergency declarations

- (1) This section applies if the local government is satisfied urgent action is needed to avoid or minimise an immediate risk of environmental harm posed by a plant or animal.
- (2) The local government may, by resolution, declare an animal or plant of the relevant species to be a local pest.
- (3) A declaration under this section—
  - (a) must be published in a newspaper circulating generally in the local government's area; and
  - (b) comes into force on the date of publication; and
  - (c) comes to an end three months after the date of publication.
- (4) In this section—

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

### 8 Application of declaration

A declaration may apply—

- (a) to the whole of the local government's area or in a specified part or parts of the area; and
- (b) generally or only in specified circumstances.

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# **Cherbourg Aboriginal Shire Council Subordinate Local Law No. 3 (Community and Environmental Management) 2021**

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## **Part 4 Fires and fire hazards**

### **7 Prohibition on lighting or maintaining fires—Authorising local law, s 15(2)**

- (1) This section applies to the following fires<sup>1</sup>—
- (a) a fire in which neither the height nor width nor length of the material to be consumed exceeds 2 metres;
  - (b) a fire lit for the purpose of burning the carcass of a beast;
  - (c) a fire lit at a sawmill for the purpose of burning sawdust or other residue resulting from the operation of a sawmill;
  - (d) a fire lit out-doors, if enclosed in a fireplace so constructed as to prevent the escape of fire or any burning material therefrom.
- (2) For section 15(2) of the authorising local law, lighting or maintaining a fire described in column 2 of schedule 3 is declared to be prohibited in the corresponding part of the local government's area mentioned in column 1 of schedule 3.

### **8 Fire hazards—Authorising local law, s 16(3)(b)**

- (1) For section 16(3)(b) of the authorising local law, the following are declared to be fire hazards—
- (a) live cinders or hot ash that is not enclosed in a fireplace so constructed as to prevent the escape of live cinders or hot ash;
  - (b) a substantial accumulation of grass clippings that is liable to spontaneous combustion;
  - (c) dry vegetation that could be easily ignited or other flammable materials.

## **Part 5 Community safety hazards**

### **9 Community safety hazards—Authorising local law, s 17(c)**

For section 17(c) of the authorising local law, the following are declared to be community safety hazards—

- (a) barbed wire fencing;
- (b) electric fencing;
- (c) wells (including disused wells);
- (d) uncovered drains.

### **10 Prescribed requirements for community safety hazards—Authorising local law, s 20(1)**

For section 20(1) of the authorising local law, a responsible person for a community safety hazard listed in column 1 of schedule 4 must meet the requirements prescribed in the corresponding part of column 2 of schedule 4.

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<sup>1</sup> Pursuant to a notification by the Fire and Rescue Services Commissioner published in the gazette on 6 August 2004 under section 63 of the *Fire and Rescue Service Act 1990*, the listed fires can generally be lit without a permit issued by a fire warden, provided adequate precautions are taken to prevent the spread of fire and the fire conforms with any local law. Local laws can therefore regulate these types of fire, which is the purpose of this subordinate local law.

## **Schedule 1      Declared local pests**

Section 5

<b>Column 1</b> <b>Applicable part of local government's area</b>	<b>Column 2</b> <b>Declared local pest</b>
<i>Intentionally left blank.</i>	

## **Schedule 3      Prohibited fires**

Section 7(2)

<b>Column 1</b> <b>Applicable part of local government's area</b>	<b>Column 2</b> <b>Prohibited fire</b>
<i>Intentionally left blank.</i>	

## **Schedule 5      Prescribed noise standards**

Section 11

<b>Column 1</b> <b>Section of the</b> <b><i>Environmental Protection</i></b> <b><i>Act 1994</i>, chapter 8, part</b> <b>3B, division 3</b>	<b>Column 2</b>  <b>Prescribed noise standard</b>	<b>Column 3</b>  <b>Applicable part of local</b> <b>government's area</b>
None prescribed	None prescribed	

# **Cherbourg Aboriginal Shire Council Local Law No. 4 (Indigenous Community Land Management) 2021**

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- (3) A person must comply with the specified conditions for an authorisation.

Maximum penalty for subsection (3)—35 penalty units.

## **6 Restricting access of individuals to parts of trust area**

- (1) An approval to enter a trust area under section 7 of *Local Law No. 1 (Administration) 2021* applies to the parts of the trust area specified by subordinate local law.<sup>4</sup>

## **Part 3 Camping sites**

### **7 Designation of camping sites**

- (1) The local government may, by resolution, designate a part of the trust area for the purposes of camping (a *camping site*).
- (2) However, a resolution under subsection (1) may only be made for a part of the trust area that is—
- (a) an accessible place; or
  - (b) a place that the local government has decided, by a resolution made under the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, section 50(1)(b), to be a place to which persons who are not residents of the trust area may have access.
- (3) A resolution may be made under subsection (1) for a place that is Aboriginal land only with the written consent of the grantee of the land.
- (4) In this section—

*accessible place* see the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, section 50(7).

### **8 Conditions on use of camping site**

- (1) The local government may, by subordinate local law, prescribe conditions regarding the use of a camping site, which may have regard to the traditional and cultural land uses of the residents of the trust area or persons who have a particular connection with the camping site under Aboriginal tradition and custom.
- (2) A person must not breach a condition prescribed under subsection (1) regarding the use of a camping site.

Maximum penalty for subsection (2)—20 penalty units.

### **9 Fee for camping approval**

Prescribed fees fixed by the local government for approvals for the prescribed activity of camping within a camping site in a trust area under *Local Law No. 1 (Administration) 2021* may differ for residents and non-residents of the local government's area.<sup>5</sup>

### **10 Temporary closures**

- (1) An authorised person may temporarily close the whole, or part, of a camping site—

<sup>4</sup> See footnote 3.

<sup>5</sup> See the Act, section 97, regarding the local government's power to fix cost-recovery fees.

the public regarding restricted activities declared for local government controlled areas or roads.

- (3) In this section—

*reasonable steps* may include the display of a notice at a prominent place within each local government controlled area for which a declaration under subsection (1)(b) has been made, stating—

- (a) if the declaration relates to the whole area—the restricted activities for the area; and
  - (b) if the declaration relates to a part of the area—the restricted activities and a description of the part of the area to which the declaration applies; and
  - (c) in general terms, the provisions of subsection (4).
- (4) A person must not engage in a prohibited activity or a restricted activity.

Maximum penalty - 20 penaltyunits

#### 14 Notice of motor vehicle access areas and prohibited vehicles

- (1) The local government must take reasonable steps to provide notice to members of the public regarding—
- (a) declarations of motor vehicle access areas for the purpose of the definition of *motor vehicle access area*; and
  - (b) declarations of prohibited vehicles for the purpose of the definition of *bringing or driving prohibited vehicles onto motor vehicle access areas*, *Local Law No. 1 (Administration) 2021*, Schedule 2.
- (2) *reasonable steps* include, as a minimum, the display of a notice at a prominent place within each declared motor vehicle access area, stating—
- (a) a description of the declared motor vehicle access area; and
  - (b) a description of prohibited vehicles for the area.

### Part 5 Miscellaneous

#### 15 Approval to be produced on request

- (1) Where an authorised person reasonably believes that a person present in the trust area is a person who requires approval to be in a place<sup>6</sup>, camp at a camping site<sup>7</sup> or conduct an activity,<sup>8</sup> the authorised person may request the person to produce the relevant approval for inspection.
- (2) A person must comply with a request under subsection (1).

Maximum penalty for subsection (2)—40 penalty units.

#### 16 Numbering of premises and allotments adjoining a road

- (1) An owner of land must not adopt a number for a building or allotment that is inconsistent with a numbering system adopted by the local government under this

<sup>6</sup> See section 7.

<sup>7</sup> See section 5 of *Local Law No. 1 (Administration) 2021* for the prescribed activity of *camping within a camping site within a trust area*.

<sup>8</sup> See section 5 of *Local Law No. 1 (Administration) 2021* for the prescribed activity of *undertaking scientific research in a trust area*.



## Schedule 1 Dictionary

### Section 3

*Aboriginal land* see the *Aboriginal Land Act 1991*, section 10.

*authorised person* see *Local Law No.1 (Administration) 2021*, schedule 1.

*camping site* see section 7.

*motor vehicle access area* see *Local Law No. 1 (Administration) 2021*, Schedule 1.

*park* includes part of a park.

*prescribed fee* see *Local Law No.1 (Administration) 2021*, schedule 1.

*reserve* includes part of a reserve.

*resident* means a member of the community residing in the trust area.

*trust area* means a part of the local government's area that is a trust area within the meaning of the *Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984*, section 48.

*the Act* means the *Local Government Act 2009*.

# **Cherbourg Aboriginal Shire Council Subordinate Local Law No. 4 (Indigenous Community Land Management) 2021**

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## **7 Conditions regarding the use of camping site, s 8**

For section 8 of the authorising local law, the conditions regarding the use of a camping site are—

- (a) all rubbish must be removed by the camper or placed in receptacles provided;
- (f) camping sites must be kept in a clean and tidy state;
- (g) fires must not be lit other than in the fireplaces provided;
- (h) total fire bans imposed by authorised persons must be observed;
- (i) any dogs brought into a camping site must be under effective control at all times;
- (j) no domestic animals, other than dogs must be brought into a camping site;
- (k) plants, animals and natural and cultural resources must not be disturbed or damaged;
- (l) fish must not be gutted or cleaned on the banks of any watercourse;
- (m) wildlife must not be fed, and food must not be left in a place where it can be scavenged;
- (n) watercourses must not be polluted with shampoos, soaps, detergents, sunscreens or other harmful substances;
- (o) any directions given by an authorised person must be complied with;
- (p) appliances such as axes must not be used other than to split firewood or drive tent pegs;
- (q) machetes must not be used;
- (r) noise must not be made as to disturb other visitors, particularly between 10 pm and 7 am;
- (s) electric generating equipment and compressors must not be used without approval;
- (t) if camping in an area without toilet facilities, all human waste and toilet paper must be buried at least 45 cm deep, at least 50 metres from any lakes, watercourses, walking tracks or campsites and covered with dirt;
- (u) soiled nappies and sanitary products must be removed from the campsite at the conclusion of the stay or placed in receptacles provided;
- (v) any licenced firearms must remain in vehicles.

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### **Section 4(1)(b)**

*cemetery* means the area set apart or used by the local government for the burial of human remains.

*public swimming pool* means the swimming pool open to the public and operated by the local government as a public swimming pool within the designated town area.

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(a) in relation to an aircraft—

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## Schedule 3 Prohibited activities for local government controlled areas and roads

Section 9(1)

Column 1 Park or reserve	Column 2 Prohibited activity
1. All local government controlled areas or roads within the local government area	<p>Engaging in conduct that in the reasonable opinion of an authorised person—</p> <ul style="list-style-type: none"> <li>• could cause annoyance, disturbance or offence to others; or</li> <li>• could obstruct or unreasonably interfere with the rights of use of others; or</li> <li>• creates a risk to the safety of others; or</li> <li>• constitutes a nuisance.</li> </ul>
	Depositing any rubbish other than in a receptacle provided by the local government for depositing rubbish.
	Positioning a vehicle or trailer for the primary purpose of advertising the vehicle or trailer for sale.
	Breaking, destroying, damaging, defacing, disfiguring or writing upon any structure or any notice, whether intentionally or unintentionally.
	<p>Participating in the following sports or activities or other sport or activity that in the reasonable opinion of an authorised person is likely to cause damage or a risk to the safety of any person—</p> <ul style="list-style-type: none"> <li>• golf; or</li> <li>• javelin; or</li> <li>• archery or any similar activity including the use of a cross bow, long bow or bow hunter; or</li> <li>• fire twirling; or</li> <li>• paint ball.</li> </ul> <p>Failing to comply with an authorised person's direction—</p> <ul style="list-style-type: none"> <li>• to remove an object to that, in the reasonable opinion of an authorised person may endanger the safety of others or cause damage to the park</li> </ul>

## Schedule 4 Restricted activities for local government controlled areas and roads

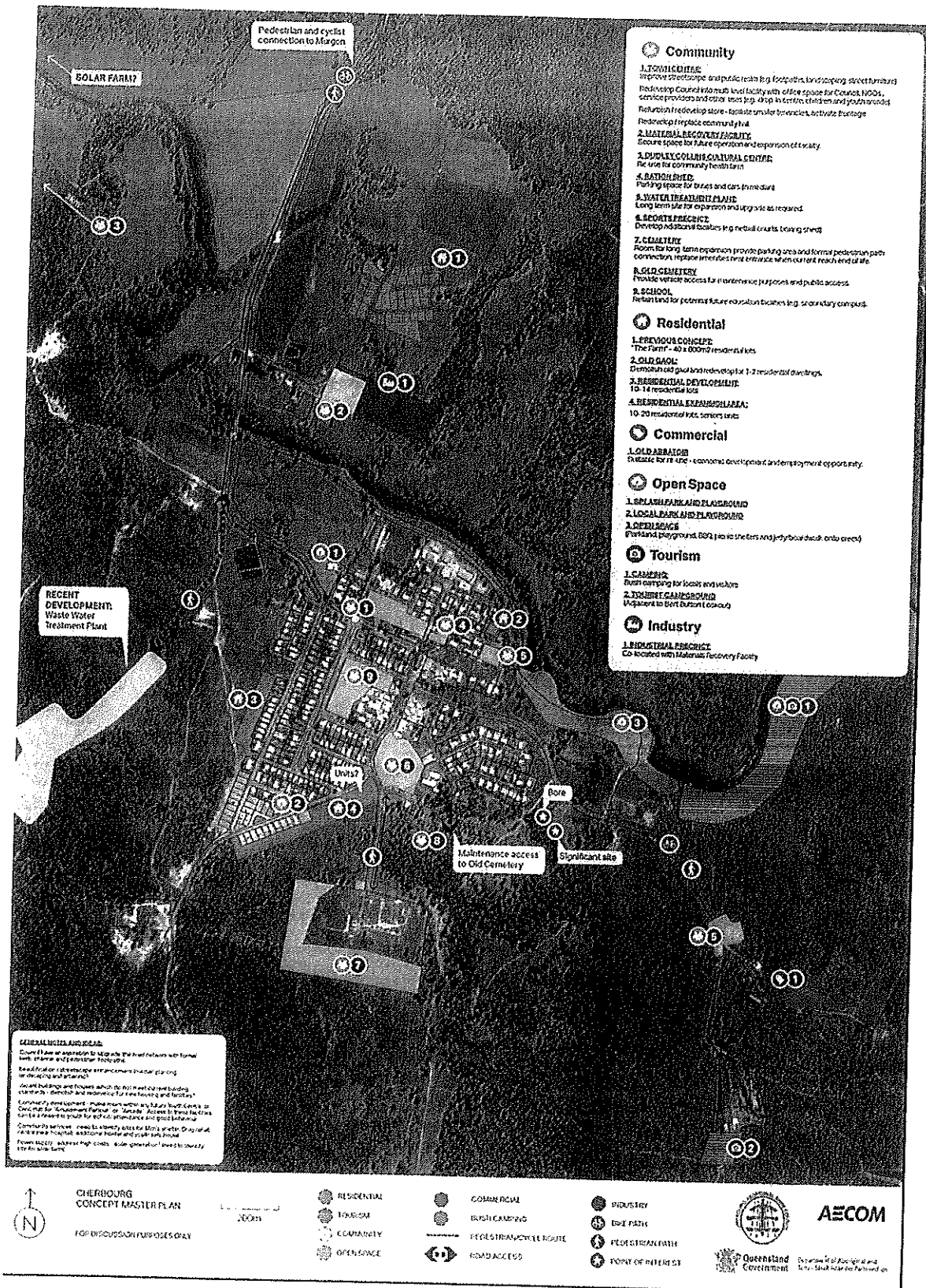
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Column 1	Column 2	Column 3
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1. All local government controlled areas	Alteration or improvement including planting or removal or, damage to or interfering with vegetation.	Permitted only if authorised by an approval under Local Law No. 1 (Administration) 2021.
	Lighting or maintaining a fire.	Permitted only where the fire is— <ul style="list-style-type: none"> <li>• in a designated fireplace provided by the local government; or</li> <li>• authorised under the <i>Fire and Rescue Service Act 1990</i>; or</li> <li>• authorised by an authorised person; or</li> <li>• authorised under a condition of an approval granted under Local Law No. 1 (Administration) 2021.</li> </ul>
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	Placing vases, bottles or containers for the holding of flowers, other than those which are installed as part of the monument and fixed permanently.	Permitted only where authorised by an authorised person.
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# Schedule 6 Parks

## Section 8(1)





# **Cherbourg Aboriginal Shire Council Subordinate Local Law No. 4 (Indigenous Community Land Management) 2021**

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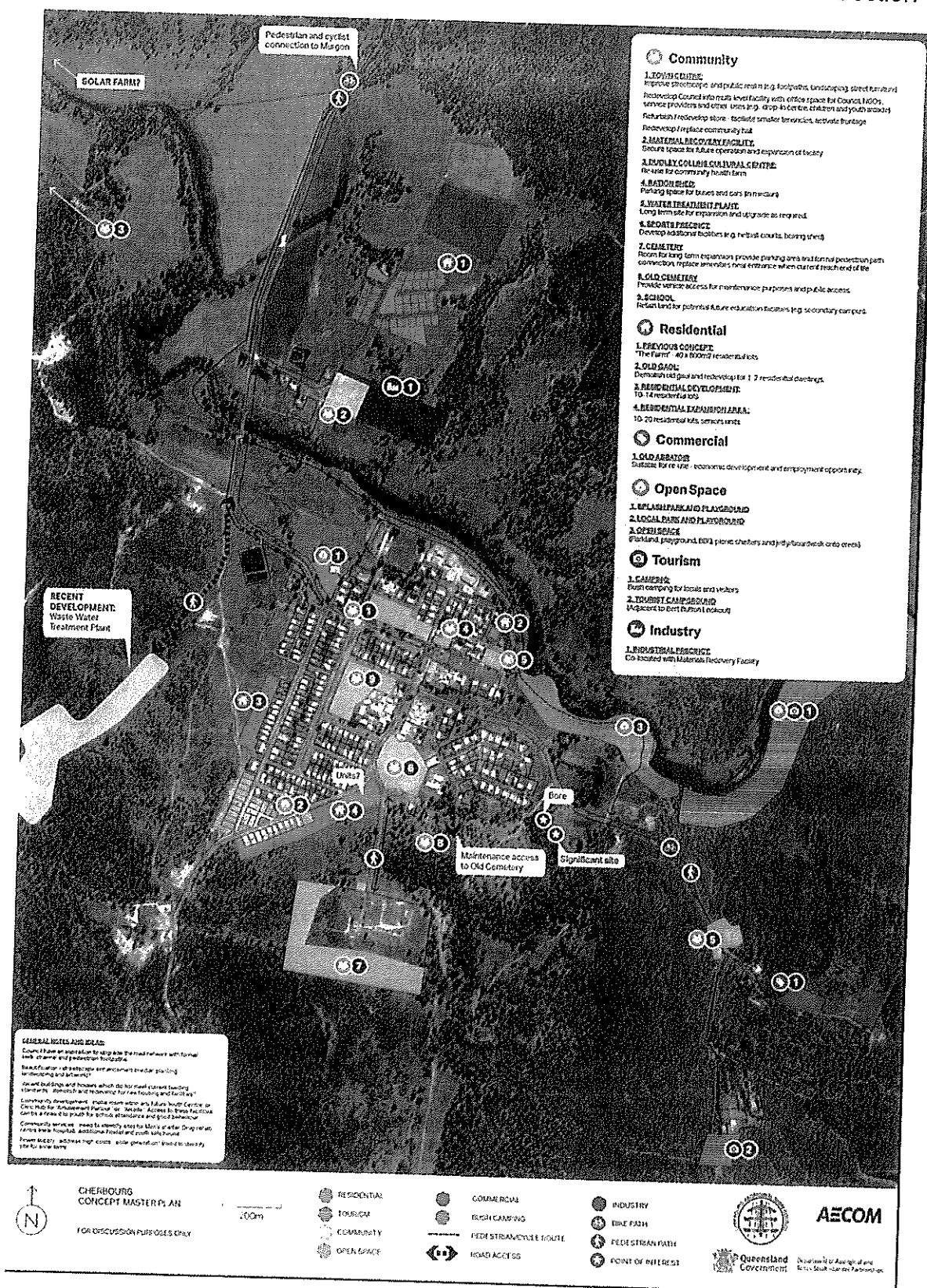
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## Section 8(1)



# Corporate Services Report September 2021





I submit this report as a general indicator of the month's duties as the Corporate Services Manager of the Cherbourg Aboriginal Shire Council. Thank you.

## **Meetings**

- **External Audit Status Update** meeting with KPMG, **28/09/2021**.
- **Risk register** meeting with all senior CASC Staff. Contractor and CEO Zala presented and meeting was well attended. We have been meeting with Auditors/ KPMG, over the last few weeks and this is good information for managers. Procurement best practices and budgeting according to risk frame work were also discussed. Meeting took place **29/09/2021** at the Council training rooms.
- Met **Local MP Llew O'Brien & Ministers Wyatt, Coleman and Gillespie 01/10/2021**. General discussion re: suicide prevention, community service delivery and funding options for new Council chambers discussed.

## **Finance**

CASC Accountant has submitted his report to Council.

- Senior finance in final preparations for CASC Audit with KPMG.
- Finance officer invoicing outstanding debts owed to CASC.
- Accounts Payable to undertake training in Practical in coming days. Payroll, awards – pay streams all up to date. Employee superannuation as well.

## **Housing**

Housing Officer has submitted Housing Report to Council.

- Housing Manager has approved leave on medical grounds. Both housing officers have done well in her absence. I have requested Department assistance in the meantime in areas where needed. We will monitor situation but apart from housing allocation meetings – none for last month – due to training and leave.

## **Human Resources**

HR Advisor has submitted his report to Council.

- Due to seasonal change, a snake handling course was put forward to all CASC staff. Response has been both great. The majority has been our female staff in different areas of our organisation, added skills and staff development.

## **Reception**

This concludes my report to Council and thank you for your time.

Sam Murray | Corporate Services Manager, Cherbourg Aboriginal Shire Council

2.



## CHERBOURG ABORIGINAL SHIRE COUNCIL

22 BARAMBAH AVENUE  
CHERBOURG QLD 4605

Phone: (07) 4168 1866  
Fax: (07) 4168 2727

23 September 2021

From: Chief Executive Officer Chatur Zala

To: Manager(s), Community Services, Corporate Services, Economic Development and Operations

Re: email from Sarah Webster, Executive Director, Local Government, 15 September 2021.

Dear, Edwina, Sam, Sean and Darren

I write to you in relation to the email from Sarah Webster, dated 15 September 2021, copy attached for your information. In her letter, Ms Webster advises Council will be required to provide a month by month cash flow forecast.

As you would appreciate, payroll is one of Council's biggest cost expenditures. An initiative I am implementing in order to comply with Ms Webster's request is; that I will supply each department with their upcoming months' wages forecast. I shall commence this for October 2021.

Furthermore, to ensure accurate reporting to the Local Government Division, any requests for overtime will now have to be approved first by the Department Manager and then by me.

I have also forwarded this letter to council for formal approval at the next Council meeting.

Should you have any questions about this matter, please feel free to discuss with me.

Regards

Zala

Attachment A

**From:** Sarah Webster [mailto:[Sarah.Webster@dsdilgp.qld.gov.au](mailto:Sarah.Webster@dsdilgp.qld.gov.au)]  
**Sent:** Wednesday, 15 September 2021 12:06 PM  
**To:** Chatur Zala; Eileen Jacobs  
**Cc:** Deanne Stewart  
**Subject:** Cash flow assistance

Hi Zala

Thank you for your time earlier this week and the financial information provided earlier this year.

This information has been analysed and the department has observed a negative earnings before interest, tax, depreciation and amortisation and cash expense cover appears low. The department (and a consultant we have engaged to support us) would like to work with your officers to understand council's cash position better. This includes the development of a month by month cash flow forecast and the proportion of restricted and unrestricted cash held. We are not seeking council to do a significant amount of additional work.

As discussed, would you please advise who the best people in your team are for us to reach out to directly to discuss this further. Please forward this email to relevant persons as required.

Please do not hesitate to call me if you have any questions or would like to discuss.

Kind regards

Sarah



**Sarah Webster**

Executive Director

**Local Government Division**

Department of State Development, Infrastructure,  
Local Government and Planning

*Microsoft teams – meet now*

M 0457 004 695

Level 12, 1 William Street, Brisbane QLD 4000

PO Box 15009, Brisbane QLD 4002

[statedevelopment.qld.gov.au](http://statedevelopment.qld.gov.au)



I acknowledge the traditional custodians of the lands and waters of Queensland.  
I offer my respect to elders past, present and emerging as we work towards a just,  
equitable and reconciled Australia.





- Housing Report –Sep / Oct 2021



## Cherbourg Aboriginal Shire Council Housing

### Summary

September/ October 2021 has been extremely busy for our Housing Department, with our Housing Manager being away due to health issues. Housing Officers have been working closely with Corporate Services Manager.

### Vacant Houses

There are roughly 5 vacant houses with 1 no longer able to be tenanted due to previous health concerns from past tenants. We have recently tenanted 5 houses:

- 56b Borcherts Hill Road
- 03 Allan Douglas Drive
- 17a Barambah Avenue
- 37 Barber Street
- 39a Barber Street

(With new dwellings still to be discussed and allocated)

### Meetings

Currently have not had any organisation meetings, just daily tenant inquiries.

### Complaints

Have not received any complaints for this period.

Chantelle Mackay | Housing Assistant Officer

# ECONOMIC & COMMUNITY DEVELOPMENT REPORT

October 2021

1. Executive Report
2. Joinery Report
3. Cherbourg MRF Report
4. Building Report



*New ramps for Skatepark CW4Q 2021*

**ECONOMIC & COMMUNITY DEVELOPMENT REPORT**



## **Executive Summary**

The work doesn't stop coming. We have had an admin heavy month with Audit and acquittals – new software, reviewing phone expenses etc. All business units are busy until Christmas, CRPs were a bit quiet but the last two weeks numbers have raised again.

### **Cattle & Farm**

Still trying to resolve MLA registration. Farm team have sprayed the scotch thistle in the paddocks – there were some delays as a pump was broken on our spray machine.

### **Recycling Facility**

The Kingaroy and pop-up depots are trading well – we will have to look at a pop-up in Murgon, Wondai and Goomeri in the future – just one day a week. Balers are both working well and compacting to a good standard.

### **Building Department**

New houses – progressing well, but lots of vandalism. School fields – not our project but we have solved a few issues there and kept the good soil for top dressing and earth fill in yards.

### **Joinery**

Progressing well – several new kitchens and bathroom cabinets under construction.

### **General Information**

Skatepark is waiting for drains to be completed – there is a cover to go over it to be determined and ordered – work will commence on site very soon.

Boxing shed is complete.

All W4Q (16 projects) reporting finalised and submitted. – All variations completed.

CW4Q – all projects complete except skatepark – variation sought to end Feb 2022 – because of the length of time to get a shed made.

LGAQ have linked us with Next Gen – a software to improve our procurement processes.

### **Current Grant Application & Grant Progress**

1. BOR 5 - 5 stages of project currently in progress.
  - a. Fuel Depot – 100% complete
  - b. Weighbridge – 100% complete
  - c. Vacuum extraction system 100% complete
  - d. Cardboard baler 100% - manufacture complete – to be shipped.
  - e. Infeed conveyor 35% complete
  - f. Viewing platform – 100% complete

### **Roads to Recovery**

LRCI 2 – Project commenced – stage 1 – filling in open drain near skatepark site.

### **Illegal Dumping Grant**

Acquittal submitted – unexpended funds to be put into another funding agreement.

### **Cultural Pathway**

In Progress – report due when SR returns from holiday – scheduled to break ground in Feb 2022.

### Innovation Funding – AI project

Project in progress. – trying to get school children involved.

By: Sean Nicholson

## **CHERBOURG JOINERY**

### Current Business

20 Bell St upgrade will be complete this month Floor coverings are being installed 18-19<sup>th</sup>. A job we are doing @ Woorenden should be complete tomorrow or 13<sup>th</sup> depending on weather, we also have a job at Byee wanted before Christmas as well as other upgrades when the approvals are forthcoming. Any repair requests will be in addition. I am waiting for pricing to come in for 6 Barber, 10 Barambah and 12 Cobbo St. The 2 Kitchens for 4 Fisher St. (new build) are almost complete and we should be able to begin the robes for 70 Barber and 30 Fisher shortly.

By Greg Tynan.

## **Cherbourg MRF and Recycling**

### Current Business

#### CRP Cherbourg

- Container numbers have slowly increased as we enter into the warmer season
- Casual workers are sent home when numbers are low
- Forklift trainees are doing well and gaining confidence
- AI Room painted and decorated, all electrical done – Staff have done a great job
- POS software updated
- WHS compliance is working well with no incidence reported
- Workplace tidy and clean – has been very consistent
- Investigate more opportunity to increase business revenue
- Counting machine awaiting New computer to arrive

#### MRF

- AI launch was successful with great positive feedback from those who attended
- All MRF/CRP staff done a great job in preparation and set up of the launch.
- Accounts set up with Cleanaway for cardboard pick-up from Murgon IGA
- Fortnight delivery of cardboard from Gympie to Cherbourg MRF. (Have tested two loads with mixed results. Can process 7-8 tons in 4-5 hours) Co-mingle material will be tested come January 2022.
- Gate fees will be incurred per ton. To be negotiated with Cleanaway. (Awaiting Gary Williamson Cleanaway Branch Manager)
- Cleanaway are transporting all baled contamination that was accumulated over the past in the MRF from Gympie co-mingle material processing. This is done on the cardboard delivery days which has been three now with only one or two



more load to go. We will continue to send contamination back to Gympie with Cleanaway whilst we process Gympie material.

- New fibre channel baler working very well
- Tree removal from MRF fence line – done
- Fuel cell concrete skirting – complete
- Earthworks and removal of waste – completed
- Have seen the New Front-End Loader. Tyres will be solid filled, bucket spillage modification and new blade to be installed before we take delivery.

#### Concerns

- The need for concrete work around CRP site for all weather operation. Forklift and machinery potentially get bogged and mud
- MRF concrete work needed for all weather operation particularly around weighbridge for truck to nose out and reverse into infeed hopper bunker
- Proper drainage is needed for heavy rain. Ag drain is in place but not 100% effective as water is still pooled and not able to drain.
- Larger trailer needed for continuous cardboard pick up as well as safer loading and transport for Kilkivan logistics pick up. (Matt has found one) just need approval to purchase.

By: Andrew Beckett.

### **Cherbourg Building Dept.**

#### **Current Business**

##### **Unscheduled maintenance:**

7 Barber Street vacant is one home we have on our list to demolish. This vacant will get handed back in early October as of concentrating on the easier ones first.

Along with 7 Barber St. there are five more homes that I have identified as homes with wall plates sitting on dirt. I have not had time enough to complete my suspicions of more homes.

- New housing is copping a flogging by young people lately. Kitchens destroyed and windows.
- Responsive maintenance is running smoothly and is full on but manpower holding us back a bit.
- Dismod at 64 Barber Street ramp Sellwood Constructions doing is completed.
- 1 Collins Road dismod will soon be completed. Handrails being made now by Remco Engineering.
- Clothes lines are starting to get back on track now as concreters have been so busy.
- Vacants are starting to move along well. Two homes at end of September are vacant now and one is handed back on the 1<sup>st</sup> October which leaves 7 Barber, This will be handed back on Friday 15<sup>th</sup> October, fingers crossed.
- 3A Oak Ave is vacant. This place will not take long to finish.

### **Damage Report**

37 Barber Street---men placed new front door and back door on during vacancy and now they have been smashed.

### **Workplace Health & Safety Incidents**

As Workplace Health and Safety is a real concern, I am looking at a Scissor Lift to add to our machinery list. Frequently needing one for glazing and board ups/painting and some electrical/plumbing works. (All Terrain) I'm sure will come in handy for other uses as well.

### **Next Month's Business Plans**

Some training with the men in plastering/painting.  
Vacants and general maintenance as usual.

By: Neil Ubergang

# Operations Department Report

## Sept 2021



By Darren Lonergan, Operations Manager

10<sup>th</sup> October 2021

[ops@cherbourg.qld.gov.au](mailto:ops@cherbourg.qld.gov.au)

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## Executive Summary

### Works, Roads, Parks and Gardens and Animal Control

- The parks and gardens crew are picking up rubbish and mowing where needed daily
- Shamus Cobbo is currently driving the rubbish truck runs which are carried out daily
- The dump pit and bins are being emptied weekly

### Workshop

#### Current Business

- 30 Jobs were completed for the month of September. This included services and repair work
- All 7 vehicles that had cracked windscreens were repaired. All trucks had 12 month machinery inspections. All passed.
- One of the buses had a 6 month inspection and passed
- The Front end loader tender for the MRF was awarded. The machine should be delivered next month
- 6 Vehicles received scheduled maintenance services
- Craig and Lowana engaged in general day to day repairs, puncture repairs etc.

### Water, Sewerage and Environmental Health

#### 1 Incident Open (DWI-7-146-00016 – THMs – August 2016)

- SWA started 29.07.2021, and passed the first month
- SWA completed 31.08.2021 – Results TBC

Illegal dumping surveillance / inspections / investigations / education and cleanups are ongoing.

Animal Census started 30 August

### General

CASC is continuing to provide and promote training as required to staff in order that works are performed more professionally and safely.

Monthly toolbox talks produced by the consultant WHSO continue to be delivered and recorded on time.

WTP Project 2: Site works have started on the following scope items:

Site works have started on the following scope items:

- Replacement of reservoir clear water tank(tank 2)
  - ❖ Approval of bulk concrete footings/foundations & skirting detailed design. Geotech. soil samples indicate
  - ❖ Rock removal for access around reservoir 2 site.
  - ❖ Bulk concrete pouring as infill to poor quality subgrade commencing in early October
- WTP fencing, earthworks and fire break works

Site works are currently on schedule and within budget.

The 2021 approved DWQMP needs to have Standard Operating Procedures (SOPs) included within it and resubmitted to the Regulator by 12th February, 2022. This work is underway.

## General

### Training Update

Elizabeth O'Chin, Jackson Cobbo and Clifton Bell are together enrolled in the Certificate 3 course in water Industry operations, course code NWP30219 offered by Simmonds and Bristow P/L.. They begin their first week long block training at the Nanango TAFE on 11 to 15 October. The course continues over 4 blocks with training at other centres and finishes on 16 June, 2022. This training is very significant since CASC have just had Lance Hill made redundant and Lesley Wragge may retire in the near future. This training is the minimum training required in order to run a plant. This work is an essential service to the community so these roles are very important.

ACW trainee, Daniel Weazel is continuing with Cert. 4 training and being assisted by Amanda Hutchins and Peter Bollard from the Qld Health Department.

Matthew Bock continues supervising two new apprentice mechanics, Lowana Leedie and Craig Renouf.

Brendon Roots (PC) continues to assist the water operators to operate the WTP and training them on the use of new and refurbished plant.

There is a need to have additional field staff trained to obtain licences in medium rigid truck driving. This realization has come after the recent redundancy of William Weazel, who drove the dump truck. This training will be planned soon.

Surepact have contacted Darren regarding future training of Darren and Gripfast in the use of their project management software for CASC integrations. A series of training sessions will be planned to ensure that Darren and Gripfast are able to confidently use the system to track information for projects so that authorized users can easily check the system themselves for dashboard reporting or other project related information.

### WHS & Monthly Toolbox Talks

Monthly toolbox talks produced by the consultant WHSO continue to be delivered and recorded. These are held together amongst the operations, building and joinery and farm workers, unless they hold their own meetings. The Works Department remains up to date with these important safety communication requirements. The September talk is on 'Vehicle Parking' but will be presented in October with the October talk.

### WTP Projects

**Project 1 Title:** Water Treatment Plant, Rising Main and Sewerage Pump Stations Upgrade.

This project is Practically Completed as of 1 April with the Defects Liability Period (DLP) started. The DLP will continue for 1 year when Final Completion is due. CASC holds 5% of the contract sum as security until final completion.

A.

The PC, WTF is assisting W&S staff to run the plant and train CASC operators in all aspects of this following the refurbishment works under stage 1.

**Project 2 Title:** Replace Two Reservoirs and Associated Works.

Contract Delivery Type

Design and construct

Work Scope Summary

This project includes the:

- upgrade of the intake pipework into the creek wet well pump station
- Replacement of the remaining section of rising main not yet replaced. Located on the upper part of the rising main connecting the WTP
- Provision of a generator set to the rising main control building
- Replacement of two reservoir clear water tanks
- Upgrade of two supernatant ponds
- Demolishment works of the old dosing pump and switchboard building (Costs only)

Possible variations (wish list) to the contract may be invoked dependent on funds left over as follows.

- Replacement of the filter media backwash supply pump and making the tanks redundant by installing two new pumps to supply backwash water directly from the CWT.
- Replacing parts of the damaged boundary security fence
- Providing a clear and accessible fire break around the site
- Provision of a reinforced concrete driveway at the top end of the WTP
- Provision of an Alum loading pump to easily and safely refill the storage tank
- Provision of a small pump well and associated plumbing at the discharge of both ponds in order to recycle settled backwash water into the WTP

Project Manager, Principal Contractor & Principal's Representative

Project Management (PM) (Superintendent): Gripfast Consulting

Principal Contractor (PC): Water Treatment & Filtration Solutions Pty Ltd (WTF) Brendon Roots

Principal's Representative (PR): CASC Operations Manager (Civil Eng.) Darren Lonergan

Contract awarded (signed): 14 April 2021

Project Program / Cost

Expected completion date: 21<sup>st</sup> January, 2022 on original works.

Works are currently on track for completion by Christmas day, however there are risks that may delay this ambition.



**Project Management (Gripfast Consulting) and other consultants Claim Summary (GST free)**

Claim #	Month	Total Paid (\$)	Total Paid Cumulative (\$)
1	April	4,277.28	4,277.28
2	May	1,050.00	5,327.28
3	June	27,144.78	32,472.06
4	July	12,124.56	44,596.62
5	August	15162.28	59,758.90

Progress Claim 6 received and being reviewed by Gripfast's Quantity Surveyor (QS) consultant. Claim value \$244,625 (excl. GST).

**Principal Contractor (WTF Solutions) Claim Summary (GST free)**

Contract Sum Inc. approved variations	Claim #	Total Paid as Approved including Security Retention	Approved Variations	Retention Held	Remaining
\$3 439 930.00	1	\$577 966	\$0	\$57 797	\$2.622m
	2	\$652,724.10	\$0	\$72,524.90	\$2,011,976.00
\$14,661.00	3	\$433,874.45	\$14,661.00	\$40,350.55	\$1,578,101.55
\$21,417.00	4	\$285,205.80	\$21,417.00	0	\$1,433,376.00

Total retention held \$171,996.50

Gripfast Consultants project management and associated costs \$375k

Demolishment works of the old dosing pump and switchboard building (Costs only) \$275k

Total costs as planned \$3.85m

Project Progress / Issues (refer Appendix A for photos)

Site works have started on the following scope items:

- Replacement of reservoir clear water tank(tank 2)
  - ❖ Approval of bulk concrete footings/foundations & skirting detailed design. Geotech soil samples indicate
  - ❖ Rock removal for access around reservoir 2 site.
  - ❖ Bulk concrete pouring as infill to poor quality subgrade commencing in early October
- WTP fencing, earthworks and fire break works

Project Works Completed

- The installation of concrete lining of supernatant pond (pond 2) was completed
- Ladders and stairs have been installed with the reservoir tank 1 now complete
- Imported fill was placed around reservoir 1 and compacted over the concrete skirt
- Formed and poured the RC Supernatant pump well chamber lids.

- Replacement boundary fencing has been installed at the bottom of the water treatment plant
- Top soil has been spread around the bottom of the completed mural ready for turf to be laid on it
- Formed and poured a stone pitched concrete outlet apron structure for the old reservoir scour and extended the scour pipe
- Profiling of the rock embankment at reservoir 2
- The installation of concrete lining to pond 2 along with handrails and signage.
- Testing of the integrity of the Reservoir 1 for water holding purpose
- 

#### Work Scope Variations (Omissions / Extras)

Money saved on credit items will be used to fund some variations in the wish list.

Item	Cost / Approval	Work Scope
1	Credit Approved	Divers have investigated the ~DN200 creek intake pipework and found that it is in place and in good condition. The filter at the end of the pipe is still intact and is off the bottom held down by a cable to the bottom of the creek. As a result no works will be done on the intake. The existing pontoon is redundant and therefore removed
2	Expend Approved	Investigate, design and construct a small sewerage transpiration trench. This is required at the WTP to adequately process the effluent from the sinks and toilet at the WTP office building. Previously, this effluent drained into the ponds.
3	Expend Approved	Investigate, design and construct a new small pump well and associated plumbing at the discharge of both ponds in order to recycle settled backwash water into the WTP. This will allow improved WTP electrical and water use efficiencies over that under current operations.
4	Expend Approved	Explore for the source of the pond 2 leakage ingress and repair as required
5	Expend Approved	Qleave - Additional cost of Qleave as amount of contact sum was Changed
6	Expend Approved	Works Insurance as this was requested post tender
7	Expend Approved	Excavation to explore where pond 2 seepage is coming from and installation of seepage drainage from around and under pond 2 to mitigate the negative affects of the seepage on the foundation material load bearing capacity.
8	Expend Approved in concept	Geotech survey identified poor subgrade for tank 2 that may require up to 100 cubic metres of bulk concrete fill – this will be quantified over the following week. VR expected in vicinity of \$50K.

9	Expend Under review	Rock Excavation for Res2
10	Expend Under review	Replace backwash pumps and infrastructure that have failed and are required for the system to operate
11	Expend Under review	Security Fencing & associated earthworks associated with WTP
12	Expend Under review	Fire break around WTP & Reservoirs
13	Expend Under review	Reservoir outlet valves
14	Expend Under review	Clarifier roof guttering

Refer (Appendix A part 2) for the latest Minutes - Project Coordination Group (PCG) NO. 6

#### Non-Contract Works Associated with the Upgrade

These works were completed by the PC include the following:

Work	Value (GST free)
Repair of the raw water leak at the rising main PSTN discharge pipe flange	\$1000 (estimated)
Replacement of the WTP backwash tank discharge valve to fix the leakage	\$1000 (estimated)
Repair of the treated water leak and replacement of a very small section of asbestos pipe on the delivery main pipe	\$1000 (estimated)

#### Drinking Water Quality Management Plan (DWQMP)

The 2021 approved DWQMP needs to have Standard Operating Procedures (SOPs) included within it and resubmitted to the Regulator by 12<sup>th</sup> February, 2022. Viridis Consulting will assist CASC in this task of producing these documents. QH are also assisting with this goal. This work is progressing well and on track.

By Darren Lonergan (Operations Manager & Civil Engineer)



## Works, Roads, Parks and Gardens

### Current Business

- The parks and gardens crew are picking up rubbish and mowing where needed daily
- Rubbish truck runs are carried out daily
- The dump pit and bins are being emptied weekly

### Damage Report

Nil

### Workplace Health & Safety Incidents

Nil

### Issues & Training Updates

Nil

### Next Month's Business Plans

- Continuation of day to day duties including rubbish pick up and mowing etc.

By Lindsay Bligh (Manager: Parks, Gardens, Roads, Drainage & Animal Control)

## Workshop

### Current Business

- 30 Jobs were completed for the month of September. This included services and repair work
- All 7 vehicles that had cracked windscreens were repaired. All trucks had 12 month machinery inspections. All passed.
- One of the buses had a 6 month inspection and passed
- The Front end loader tender for the MRF was awarded. The machine should be delivered next month
- 6 Vehicles received scheduled maintenance services
- Craig and Lowana engaged in general day to day repairs, puncture repairs etc.

### Issues

Nil

### Damage Report

Nil

#### Workplace Health & Safety Incidents

Nil

#### Training Updates

Nil

#### Next Month's Business Plan

- Continuation of normal workshop work
- Loader delivery

#### Other Information

Craig and Lowana performed extremely well while Matt was filling in for Darren.

By Matthew Bock

### Water, Sewerage, Environmental Health & Animal Control

#### Current Business

- Weekly water sampling.
- Monthly water sampling: SWA, THMs and BGA.
- Daily Checks for illegal dumping of waste.
- Weekly flush out of all main water valves.
- Daily checks for injured or deceased animals.
- Fortnightly catch up with south Burnett council
- Monthly raw water sampling
- Heavy Metal samples taken monthly from both Treated water(town water) and Raw (creek water)
- Fortnightly catch up with DDPHU.

#### Issues

- Need upgrades on water sampling points.

#### Animal Control

**Animal Census commenced 30<sup>th</sup> August 2021.** CASC now have 2 tablets to log data making the process much faster.

**Cherbourg Annual vet visit is from 25<sup>th</sup> to October-12<sup>th</sup> November 2021**

- Cherbourg annual vet visit will commence 25th October until the 12th November.
- 2x Dead dogs picked up in community for this period.

### Incidents

- 1 Incident Open (DWI-7-146-00016 – THMs – August 2016)
  - SWA started 29.07.2021, and passed the first month
  - SWA completed 31.08.2021 – Results TBC
- Incident occurred on 11 September at WTP and reported to the Water Regulator.
  - The backwash pump failed, which in turn via SCADA shut down the whole plant. SCADA SMS notifications were sent out to operators and key staff for action. These were not attended to quickly so that the water supply to town had run out. The replacement of the backwash pump and resetting of the plant was quickly reinstated such that the run out of water had a very low impact.
  - An investigation of the matter continues as to why there was a delay in responding to the notifications.

### Staffing

Lance Hill was made redundant and Les Wragge has been sick in September. Therefore, CASC have been relying on Justin Cobbo, the only other qualified water officer to fill in for lost hours of the other two. This will continue into October. Jackson and Elizabeth help him, but they are not qualified to run the plant by themselves. The principal contractor for the WTP refurbishment works is assisting still in the usual way for training and handover purposes, but he is sometimes away on other projects. Lance Hill's vacant position will not be reinstated.

### Damage Report

No damage to report.

### Workplace Health & Safety Incidents

Nil

### Training Updates

- Elizabeth, Jackson and Clifton are together enrolled to do their first block of training towards the Certificate 3 course towards being water officers. This will be a one week attendance at a training facility in Nanango. The course is from 11 to 15 October.

### Next Month's Business Plans

- Prepare for two community events being Cherbourg Day rodeo (October) and NAIDOC week celebrations (November)
- Deploy field cameras and commence compliance activities

### Other Information

- Water Treatment Plant and Supply Test Summary (Appendix B)
- Animal Control Summary (not available as Danial is on leave)

### Water Treatment Plant and Supply Network Verification and Daily Test Summaries

(Refer Appendix B).

By Jackson Cobbo, Daniel Weazel, Liz O'Chin and Justin Cobus

### Illegal Dumping / Waste Compliance Officer's (WCO) Report (Marina Gibson)

The WCO is a government funded position shared by 3 councils (North and South Burnett Regional C's and CASC) and is paid for through the SBRC.

Refer Appendix C - Illegal Dumping Incident and Investigation Tracking Register.

Notable achievements in September:

1. Conducted a school visit to Cherbourg State School, grades 4, 5 and 6

Plans for October:

1. Signs regarding illegal dumping are in development and will be completed
2. Prepare for NAIDOC week celebrations (November)
3. Deploy field cameras and commence compliance activities
4. Close out open investigations

By Marina Gibson WCO



## APPENDIX A (part 1) – Photos of WTP Stage 2 Works

Embankment trimming behind reservoir 2



Extended CWT scour outlet pipe and new valve pit



Backwash pipe installation underway



Earthwork re-profiling of the WTP ground





APPENDIX A (part 2) –Latest Minutes - Project Coordination Group (PCG) NO. 6



MINUTES - PROJECT COORDINATION GROUP (PCG) NO. 6

CHERBOURG ABORIGINAL SHIRE COUNCIL (CASC) RESERVOIRS & ASSOCIATED WORKS

1030HR, 29<sup>th</sup> September 2021

Location: CASC Council Works Depot or via Teams

Attendee	Company	Present / Apology
Chatur Zala	Cherbourg Aboriginal Shire Council	Apology
Darren Lonergan	Cherbourg Aboriginal Shire Council	Apology
David McGuire	Gripfast Consulting	Present
Nicole Wilson	Gripfast Consulting	Via Phone
Christine Edwards	Slattery	Apology
Martin Ma	Built Environment Collective	Via Phone
Rhys Kilpatrick	Built Environment Collective	Apology
Brendon Roots	Water Treatment & Filtration Solutions	Present

ITEM	TOPIC	MBR	Notes
1	<p>WTF Solutions overall update</p> <ul style="list-style-type: none"> <li>- Overall program (progress / delays)</li> <li>- Projects Update (time, cost, quality)                             <ul style="list-style-type: none"> <li>o Raw Water Inlet</li> <li>o New Generator</li> <li>o Rising Main</li> <li>o Supernatant Ponds</li> <li>o Reservoirs</li> </ul> </li> <li>- Activities coming up</li> </ul>	WTF	<p>1. Raw Water Inlet Works – Inlet point works complete. Engineering certification and 'as constructed' drawing pending.</p> <p>3. Demolitions – Control building and reservoir 1 demolished and invoiced. Reservoir 2 now demolished, and excavation works ongoing for footings. Invoice for Reservoir 2 submitted.</p> <p>Geotech survey identified poor subgrade that may require up to 100 cubic metres of bulk concrete fill – this will be quantified over the following week. VR expected in vicinity of \$50K.</p> <p>4. Raw water pump station generator – on order and enabling civil works complete – generator now due from USA early October due to shipping delays.</p> <p>5. Rising Main – 400m of rising main replacement works completed. No rock contingency used – to be recreated. Will be used on Reservoir 2 excavation.</p> <p>Road repair works to be completed next month as South Burnett Council's bitumen layer is unserviceable at present.</p> <p>6. Supernatant Ponds 1 &amp; 2 – complete &amp; operating. No issues. Awaiting construction of switchboard before it can all be commissioned.</p>



ITEM	TOPIC	MBR	Notes
			<p>7. Reservoir 2 – Current works program delayed by 2-weeks due to Geotech issues.</p> <p>8. Other works at WTP pending. Variations 3-8 submitted last week for repair works at WTP. Under review by QS.</p>
2	Site issues: - Geotech survey under older Reservoir 2	WTF	<p>1. Survey identified poor quality soil and deeper bedrock – currently getting design done by engineer. Most likely outcome will be bulk fill with concrete.</p> <p>Further detail TBA.</p>
3	Quality: - Issues raised by independent engineer	BEC	<p>1. Independent engineer's next visit will be to inspect the steel prior to pouring footings and base slab for Reservoir 2 – expect this to occur approx. 15 Oct 21.</p> <p>2. Reservoir 1 commissioned – all testing completed and being used as main storage for potable water.</p> <p>No other issues.</p>
4	Cost Update: - Draw down on build cost (EVM) - Variations - Outstanding invoices	QS	<p>1. Progress Claim 6 received and being reviewed by QS. Claim value \$244,625 (excl. GST).</p> <p>2. Approximately \$300K under claimed based on forecast cashflow. The underspend is due to delays in commencing Reservoir 2 concrete works.</p> <p>3. Summary of outstanding variations (VR003 – V008 submitted last week – being reviewed by QS):</p> <p>V003 – Rock Excavation for Res2 - \$14,780 (Excl. GST)</p> <p>V004 – Replace backwash pumps and infrastructure that have failed and are required for the system to operate - \$70,400 (Excl. GST)</p> <p>V005 – Security Fencing &amp; associated earthworks associated with WTP - \$45,600 (Excl. GST)</p> <p>V006 – Fire break around WTP &amp; Reservoirs - \$62,000 (Excl. GST)</p> <p>V007 – Reservoir outlet valves - \$6,200 (excl. GST)</p> <p>V008 – Clarifier roof guttering – \$12,500 (Excl. GST)</p> <p>Total Excl GST - \$211,480.00</p>

A handwritten signature in blue ink, appearing to be '15', is located in the bottom right corner of the page.



ITEM	TOPIC	MBR	Notes
5	Risk Update: - Wet weather - Rock delaying rising main works - Water Leak into Supernatant Pond 2 - COVID Delays - Supply delays - DSDILGP not releasing funds	PM - Gripfast	1. There is still sufficient contingency to cover wet weather (15 days). 2. No other notable supplier delays at this stage. 3. If variations approved there will be negligible contingency remaining.
6	Stakeholders: - Local CASC community	CASC PM	1. CASC engaging community through social media and radio station – no issues at this point in time.
7	Other General Business	Open	1. Gripfast to put together a bit of a media piece about the number of indigenous workers on the project (33%) - done 2. PC 21 Jan 22 (not incl. wet weather).
8	Next Meeting: - Site Inspection - PCG 5	PM	1. Meeting schedule has been adjusted around council meetings. 2. Next site inspection – 12 Oct 21 3. Next PCG – 27 Oct 21

Meeting Closed at 12.20pm

#### APPENDICES:

Appendix A – Quantity Surveyor's Monthly Report – Sep 21



# APPENDIX B - Water Treatment Plant and Supply Network Verification and Daily Test Summaries

## CASC WEEKLY WATER QUALITY LAB. VERIFICATION TEST RESULTS FOR SEPTEMBER 2021

Non-compliant values

Coliforms (mpn/100ml)												E.coli (mpn/100ml)											
Date	Weekly Tests														Summary								
	After treatment yard tap CHER T	STP yard tap CHER1	Training room kitchen tap CHER2	Day care kitchen tap CHER3	Bert Button lookout tap CHER4	WTP Reservoir 2 CHER5	Summary	After treatment yard tap CHER1	STP yard tap CHER1	Training room kitchen tap CHER2	Day care kitchen tap CHER3	Bert Button lookout tap CHER4	WTP Reservoir 2 CHER5	Summary									
6/09/2021	0	MD	0	MD	MD	0	PASS	0	MD	0	MD	MD	0	PASS									
8/09/2021	0	0	0	0	0	0	PASS	0	0	0	0	0	0	PASS									
15/09/2021	0	0	0	0	4	MD	PASS	0	0	0	0	0	MD	PASS									
22/09/2021	0	0	2	0	0	MD	PASS	0	0	0	0	0	MD	PASS									
29/09/2021	0	0	0	0	0	MD	PASS	0	0	0	0	0	MD	PASS									

Ecoli (mpn/100ml)

pH							
Date	Weekly Tests						
	After treatment yard tap CHER T	STP-yard tap CHER1	Training room kitchen tap CHER2	Day care kitchen tap CHER3	Bert Button lookout tap CHER4	WTP Reservoir 2 CHER5	Summary
6/09/2021	7.44	MD	7.31	MD	MD	MD	PASS
8/09/2021	7.44	7.53	7.54	7.44	7.5	MD	PASS
15/09/2021	7.58	7.61	7.64	7.55	7.69	MD	PASS
22/09/2021	7.45	7.62	7.54	7.52	7.2	MD	PASS
29/09/2021	7.49	7.53	7.45	7.67	7.4	MD	PASS

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### Operational Guidelines

After Water Treatment OERT			
Parameter	Acceptable Results Limits	Investigate Results Limits	Unacceptable & Reportable Limits
Turbidity	<1NTU	1-5NTU	>5NTU
pH	6.5-8.5		
Total Chlorine	<5mg/L		
Free Chlorine	1-2 mg/L	0.5-1.8'2-2.5 OK but improvement, >2.5 Too high	0-0.5 & >5mg/L
Coliforms	NA		
E.Coli	0mpn/100mL		
Total THMs	<200microg/L		

### At Reticulation System Sampling Points

Parameter	Acceptable Results Limits	Investigate Results Limits	Unacceptable & Reportable Limits
Turbidity	<1NTU	1.01-5NTU	>5NTU
pH	6.5-8.5		
Total Chlorine	<5mg/L		
Free Chlorine	0.5-1 mg/L	0.2-0.4 & 1.1-2 OK but improvement, >2 Too high	0-0.1 & >5mg/L
Coliforms	NA		
E.Coli	0mpn/100mL		
Total THMs	<200microg/L		

(THMs) - Trihalomethanes (compounds formed from the action of the chlorine demand on biological matter within the water)



# Daily Test Summaries

## FY2021 CASC DAILY WATER QUALITY FIELD RESULTS

XXXX NO access to turbidity meter										XXXX Data Not Recorded										XXXX Data entered into table																													
XXXX Data Entered by Op's Assistant										XXXX Data entered by Operations Manager																																							
WIP (CH-1)										STP (CH-2)										Depot (CH-3)										Daycare (CH-4)										Comments									
Date	Day	Results Recorder	pH	Water Turbidity (NTU)	Cl Total (mg/L)	Cl Free (mg/L)	Ph	Water Turbidity (NTU)	Cl Total (mg/L)	Cl Free (mg/L)	pH	Water Turbidity (NTU)	Cl Total (mg/L)	Cl Free (mg/L)	pH	Water Turbidity (NTU)	Cl Total (mg/L)	Cl Free (mg/L)	pH	Water Turbidity (NTU)	Cl Total (mg/L)	Cl Free (mg/L)	pH	Water Turbidity (NTU)	Cl Total (mg/L)	Cl Free (mg/L)	pH	Water Turbidity (NTU)	Cl Total (mg/L)	Cl Free (mg/L)	Comments																		
1/09/2021	WEDNESDAY																																																
2/09/2021	THURSDAY																																																
3/09/2021	FRIDAY																																																
4/09/2021	SATURDAY																																																
5/09/2021	SUNDAY																																																
6/09/2021	MONDAY																																																
7/09/2021	TUESDAY																																																
8/09/2021	WEDNESDAY		0.32	0.58	7.53	ND		0.32	0.58	7.54	ND									0.2	0.35	7.44	ND																										
9/09/2021	THURSDAY																																																
10/09/2021	FRIDAY																																																
11/09/2021	SATURDAY																																																
12/09/2021	SUNDAY	LANCE	0.3	0.4	7.6	1.3		0.44	0.7	MD	MD	0.7				MD	MD	MD	1.11	MD	MD	MD	MD																										
13/09/2021	MONDAY		0.23	0.33	ND	0.83		MD	MD	MD	MD	MD	MD	MD	MD	MD	MD	MD	MD	MD	MD	MD	MD																										
14/09/2021	TUESDAY		0.09	0.25	7.49	1.39		0.08	0.39	7.4	1.18					0.05	0.22	7.51	0.74	MD	MD	MD	MD																										
15/09/2021	WEDNESDAY		0.37	0.45	ND	1.05		0.31	0.49	MD	1.04					MD	MD	MD	MD	MD	MD	MD	MD																										
16/09/2021	THURSDAY		0.59	0.87	MD	1.27		0.79	1.27	MD	2.62					0.21	0.33	MD	0.54	MD	MD	MD	MD																										
17/09/2021	FRIDAY		0.19	0.24	7.6	3.86		0.2	0.28	7.6	1.21					MD	MD	MD	MD	MD	MD	MD	MD																										
18/09/2021	SATURDAY		0.05	0.09	7.4	2.31		0.16	0.29	7.6	3.72					MD	MD	MD	MD	MD	MD	MD	MD																										
19/09/2021	SUNDAY																																																
20/09/2021	MONDAY	JUSTIN	0.28	0.49	7.38	0.9		0.23	0.48	7.47	0.84					0.41	0.54	7.42	0.22	0.37	0.56	7.75	0.36																										
21/09/2021	TUESDAY	JUSTIN	0.3	0.53	7.34	0.64		0.47	0.55	7.35	0.79					0.51	0.7	7.38	0.73	0.17	0.27	7.48	0.42																										
22/09/2021	WEDNESDAY	JUSTIN	0.34	0.5	7.44	0.61		0.4	0.58	7.48	0.54					0.51	0.7	7.6	0.28	0.28	0.44	7.4	0.34																										
23/09/2021	THURSDAY	JUSTIN	0.39	0.49	7.24	0.22		0.46	0.61	7.38	0.84					0.52	0.64	7.41	0.65	MD	MD	MD	MD																										
24/09/2021	FRIDAY	JUSTIN	0.25	0.33	7.31	0.87		0.4	0.49	7.3	0.59					0.35	0.45	7.4	0.9	0.41	0.58	7.35	0.61																										
25/09/2021	SATURDAY	JUSTIN	0.37	0.56	7.38	0.43		0.32	0.49	7.38	0.85					MD	MD	MD	MD	MD	MD	MD	MD																										
26/09/2021	SUNDAY	JUSTIN	0.33	0.49	7.41	0.37		0.27	0.48	7.35	0.69					MD	MD	MD	MD	MD	MD	MD	MD																										
27/09/2021	MONDAY	JUSTIN	0.2	0.31	7.44	0.53		0.21	0.31	7.31	0.91					0.4	0.5	7.32	0.25	0.32	0.57	7.43	0.79																										
28/09/2021	TUESDAY	JUSTIN	0.22	0.29	7.42	1.17		0.2	0.38	7.73	1					0.32	0.44	7.46	1.1	MD	MD	MD	MD																										
29/09/2021	WEDNESDAY																																																
30/09/2021	THURSDAY																																																

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APPENDIX C – Illegal Dumping Incident and Investigation Tracking Register and Illegal Dumping Summary Results

**Illegal Dumping Incident and Investigation Tracking Register**

**Council: CASC**

Council Ref No	Date Reported	Address of Incident	Suburb of Incident	Location Description	Owner or Land Manager	Major Waste Type	Waste Description	Suspected Commercial Operator	Approx Waste Volume (Litres)	Latest Action/Outcome	Successful Compliance Outcome (i.e. PIN, Compliance Notice, clean-up after warning)
CASC-6	8/09/2021	Wondai Rd	Cherbourg	Other	Council	Household	general household	No	500	Ongoing investigation	No

Council Ref No	PIN Issued Yes/No	Waste Removed	Waste Removed By	Approx Volume of Waste Removed (Litres)	Surveillance Camera Installed At Site	Signage Installed	Status	Date Finalised	Site Details/Notes (optional)
CASC-6	No	Yes	Council	500 No		Yes	Closed	29/09/2021	JC found waste at waste station with alleged offenders name and address. AO was found within SERC system however number is disconnected



### CASC Illegal Dumping Summary Results

Reporting	Total	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21
Incidents reported	5	1	1	1	2	0	0
Successful compliance outcome	0	0	0	0	0	0	0
PIN issued	0	0	0	0	0	0	0
Number of PINs issued	0	0	0	0	0	0	0
Volume of waste reported (litrs)	263700	6000	200	2000	255000	0	500
Volume of waste removed (litrs)	134759	0	200	0	134059	0	500
Number of camera sites	0	0	0	0	0	0	0
Signage installed	1	0	0	0	0	0	1
Number of investigations closed	2	0	1	0	0	0	1
Number of investigations opened	4	1	0	1	2	0	0